



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD**  
**MINUTES OF THE FEBRUARY 29, 2024 REGULAR MEETING**  
*Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana*

**Present:** Mayor Gina Leichty, Mike Landis, Orv Myers and Mary Nichols

**Absent:** Barb Swartley

**CALL TO ORDER:** Mayor Gina Leichty called the meeting to order at 4:00 p.m.

**REVIEW/APPROVE MINUTES:** Mayor Leichty presented the minutes of the Feb. 22, 2024, Regular Meeting as prepared by Clerk-Treasurer Aguirre. Board Member Mike Landis moved to approve the minutes as presented and the motion was seconded by Board Member Mary Nichols. Motion passed 4-0.

**REVIEW/APPROVE AGENDA:** Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer. Board member Landis moved to accept the agenda as presented. Board member Nichols seconded the motion. The motion passed 4-0.

**1) Fire Department request: Affirm resignation of John Kauffman, effective March 15, 2024**

City Fire Chief Dan Sink told the Board that Firefighter/Paramedic John Kauffman has submitted his resignation effective March 15, 2024. He asked the Board to affirm Kauffman's resignation.

Chief Sink added, "We have enjoyed our work with John and we would like to wish John and his family the very best in their new endeavors." He said Kauffman was transferring to the Plymouth Fire Department.

In a Feb. 24, 2024 email to Chief Sink, Kauffman wrote that he was transferring to Plymouth to live closer to and spend more time with his son. He added, "This was not an easy decision for me. This an amazing department."

Landis/Nichols made a motion to affirm the resignation of Firefighter/Paramedic John Kauffman from the Goshen Fire Department, effective March 15, 2024. The motion passed 4-0.

**2) Keith and Kim Yoder request: Approve gravel driveway at 416 Riverside Boulevard**

Keith Yoder of Syracuse told the Board that currently parking for 416 North Riverside Boulevard is gravel in the adjacent lot to the south. He said he is in the process of getting approval to develop the south lot. So, a new parking area will be required for 416 as it currently has no designated parking.

Yoder said the City's design standards and specifications for parking and driveway surfaces require a "durable, hard" surface of asphalt or concrete. He requested a variance to use gravel (slag) for this residence. The plan is to remove the topsoil, add two inches of diameter gravel, then top with ½ inches of gravel (slag).

Yoder indicated he was seeking a variance for a gravel driveway because multiple parking areas in the neighborhood are currently gravel. The home is existing and he said he believes drainage could be an issue if the parking area was an impermeable surface. He provided the Board with documents showing the proposed parking area and neighboring parking areas that currently are gravel.

City Assistant Planning & Zoning Administrator Rossa Deegan said Yoder accurately summarized the parking requirements. He said that at an upcoming meeting the City Board of Zoning Appeals will be considering Yoder's request for a developmental variance to allow a duplex at 412 and 414 North Riverside Boulevard. He said when that property is developed, it will eliminate the parking space, and another parking area will be required. Deegan said the Planning Department doesn't have an objection to the parking type proposed.

Board member Landis said he owns a property across the street and his daughter used to live there.



**Board member Landis** said he is rehabilitating a house in which he took three City lots that were 50-foot wide and made them “unbuildable” by building a garage and using half of one lot so there wouldn’t be infilling of duplexes or rental properties there. He said neighbors in the area don’t support a duplex on an under-width, undersized lot.

**Board member Landis** said that the house that will need a gravel parking area has a garage that faces the empty lot. He said once that is developed, unless there is an easement signed between the two properties, they will not be able to use the garage for their vehicles because the access will be over the neighbor’s property and the door faces south.

If the Board of Zoning Appeals had already approved the duplex, **Board members Landis** said there would be a need to do something about parking. He said there would be no need for Board of Works approval if the duplex was not approved.

**Board member Landis** said it is true that there are other gravel driveways in the neighborhood because there is no curbing and no street parking. However, he said several nearby streets have concrete driveways. He added that he didn’t know what position he would take on this gravel driveway request.

**Keith Yoder** said it was true that there is no need for a new gravel driveway if the duplex isn’t approved. As far as the garage, Yoder said there is an alley between the two properties. He added that the current garage is small and can barely accommodate a car.

**Board member Landis** said he wanted to provide this background on the case so his eventual position on the request was better understood. He said the neighbors he spoke to about the request to build a duplex don’t favor a duplex on an undersized lot. He did note that the Board makes exceptions for gravel driveways and he would be inclined to support the request contingent on the approval of the duplex. He added that 2-inches of gravel was insufficient and that four inches of gravel usually is required.

**Yoder** said he was proposing two inches of diameter gravel, then top with ½ inches of gravel (slag). **Board member Landis** said that should be OK if he adds the right material. Yoder said he had some concerns over drainage.

**Landis/Nichols made a motion to allow gravel to be used at 416 Riverside Boulevard for a new parking area off of the alley in the back if approval is granted by the City to use the current vacant lot as a duplex. Motion passed 5-0.**

### **3) Schrock Homes request: Approval for driveway wider than 24 feet at 834 Winslow Drive**

**Dean Sprunger of Schrock Homes, Inc.** told the Board that he was requesting a wider driveway at a home under construction at 834 Winslow Drive than currently is allowed by the City.

**Sprunger** said the main reason for this request is because the home will have a three-car garage and the 24-foot maximum driveway allowed at the right of way will not work. He said when a homeowner backs straight out of the third-car side, the driver will run over the grass area, turning it into a mix of mud and dirt which will wash onto the street. Typically, he said homeowners get frustrated with this type of driveway.

**Sprunger** said in other sub-divisions, his company has had to fill in this area beside the driveway with concrete per the homeowner’s request. Thus, he also asked for wider driveways for future three-car garages.

**Mayor Leichty** asked if any City staff had feedback on the request.

**City Director of Public Works & Utilities Dustin Sailor** said he reviewed this permit and recommended a denial to the Board of Works. He said the City standard is a driveway no more than 24 feet wide so that there are not streets with continual curb cuts. He said there are homes with wider driveways, including the 28 feet requested in this case, but said he has no record of how those were approved or whether they were reviewed by the Board of Works.

**Sprunger** said it makes sense for homeowners to have wider driveways and to be able to back up straight, not drive through mud to get it on the street.

**Board member Landis** asked if there was a reason why the top/throat of the driveway (toward the house) was designed to be shifted to the west. **Sprunger** said that was a normal design for a three-car garage.



**Board member Landis** and **Springer** discussed the driveway design issue further.

**Board member Landis** said that in the past when the Board has approved such driveway requests, it usually was for a hardship reason that the homeowner had no control over. He said he didn't recall an instance when the Board has approved a variance for a home that hasn't been built. He asked why the home couldn't be redesigned. **Springer** said there wasn't enough room on the lot to do so.

**Board member Landis** said if the Board approved this request, someone in authority also should tell the City Planning Department to eliminate the 24-foot standard because everyone will ask for a wider driveway. **Springer** said Schrock Homes would want a wider standard driveway for all homes with three-car garages. **Board member Landis** said those who park besides their garages might eventually also ask for wider driveways.

**Mayor Leichty** welcomed comments from the City Planning Department. **City Assistant Planning & Zoning Administrator Rossa Deegan** said he had no comments to offer.

**Mayor Leichty** said the precedent that could be established would be different than what was done in other cases.

**Board member Landis** said if this request is granted, it would be hard to reject others. The **Mayor** agreed.

In response to a question from **Clerk-Treasurer Aguirre**, **Springer** confirmed that he was requesting a 24-foot wide driveway. **Springer** said there are wider driveways, up to 30 feet, at nearby homes.

**Mayor Leichty** said she was aware that permeable pavers with grass have been used to widen some driveways and that could be an alternative for the homeowner. She mentioned this was done at a home on River Vista Drive.

**Springer** said that could be a possible option

**Board member Landis** said he wouldn't have an issue with that. In this case, he said the Board was being asked to make an exception for a driveway in which a different level of planning would have allowed it to follow the City code. He said he wasn't inclined to approve a blanket exception for everyone; all should come and argue their cases.

**Mayor Leichty/Board member Nichols** made a motion to honor the **City Engineering Department's** recommendation to decline the petition and encourage the developer to explore alternatives to the expansion of the width of the curb cut. **Motion passed 4-0.**

**Springer** asked about the next steps in getting approval for a different type of driveway. He asked if he would have to repeat this process. **Mayor Leichty** said she wasn't sure this was an automatically permitted use. She asked if **Springer** knew the home on River Vista she had mentioned.

**Clerk-Treasurer Aguirre** said it was the Nisley house on River Vista Drive. He said the current driveway type was approved by the Board of Works on a request by the homeowner. He said permeable pavers were used.

**Springer** said he understood that he would need to make a formal request. **Mayor Leichty** said she would send **Springer** the home's address.

#### **4) Engineering Department request: Approve Change Order No. 10 in the amount of \$29,070.82 and 26 days for the Wilden Avenue reconstruction**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that as the City Engineering Department is nearing the end of this project, there are some final needs, including Change Order No. 10 for a contract increase of \$29,070.82 and 26 days for the Wilden Avenue Reconstruction from Rock Run Creek to Fifth Street.

**Sailor** indicated the additional materials and work associated with this change order are deemed to be participating, and funding assistance will be requested from MACOG. The following matters were listed:

- **Grading issues** not identified during design resulted in areas where additional modular block retaining wall, modified steps, and new retaining curb were required. Additional line item costs for materials and erection, as well as for construction engineering are included. The contract change for associated line items will be \$28,413.43 with 14 additional contract days.



- **Twenty-one trees** could not be planted due to their proximity with underground utilities or concerns with blocking line-of-sight. These trees were inventoried and utilized by the City in other locations. The contractor provided a revised material-only cost for these trees. The contract change is a reduction of \$5,552.61.
- **The contract maintenance of traffic plan** called for road closure sign assemblies not reflected in the pay items. An additional line item includes costs for these signs. The contract change is \$6,210.
- During Phase 1 of construction, **delays occurred to critical path work** that were beyond the contractor's scope of responsibility. The initial request of 20 days was negotiated to 12 days.

**Sailor** said with this and previous change orders, representing a total contract increase of 6.21-percent, the amended contract price will be \$7,397,236.

**Board member Landis** asked the about the need for the additional road closure sign assemblies. **Sailor** said all those needs were detailed during the project.

**Landis/Nichols** made a motion to approve Change Order No. 10 in the amount of \$29,070.82 and an addition of 26 days and authorize the Mayor to sign the change order. Motion passed 4-0.

Privilege of the Floor (opportunity for public comment for matters not on the agenda):

**Mayor Leichty** opened Privilege of the Floor at 4:24 p.m. There were no comments.

At 4:25 p.m. **Mayor Leichty** recessed the Board of Public Works and Safety meeting and opened a public hearing to review the order of the City of Goshen Building Commissioner for one Goshen property.

**CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARING**  
4:00 p.m., February 29, 2024  
Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

5) Review of the Order of the City of Goshen Building Commissioner for 425 North 9th Street (Christopher D. Jones, property owner)

At 4:25 p.m., **Mayor Leichty** convened a hearing to review the Order of the City of Goshen Building Commissioner for 425 North 9th Street (Christopher D. Jones, property owner).

**BACKGROUND:**

In a memorandum to the Board dated Feb. 26, 2024, **Assistant City Attorney Don Shuler** wrote that an unsafe building review hearing was held for the property located at 425 North 9th Street, Goshen, on June 12, 2023. At the hearing, the Goshen Building Department advised the Board of Works that an agreement for repairs had been reached with the property owner. The agreement called for repairs to be completed by Oct. 1, 2023. The Board tabled the matter based on the agreement.

**Shuler** wrote that attached was the Order of the City of Goshen Building Commissioner, the June 12, 2023 Building Department memo to the Board, and the Certificate of Service establishing service of notice of this hearing.

**Shuler** wrote that the Board needed to conduct the hearing, by receiving evidence and allowing arguments from the Building Department, the property owner, and any other individual who wished to speak to the property.

**Following that presentation, the Board needed to make findings as to the condition of the building at the property and either affirm, rescind, or modify the Order of the Building Commissioner.**



The Board could also determine any further action to order concerning the property and its owner, including the possibility of a civil penalty for a willful failure to comply.

On April 13, 2023, through a written order, City Building Commissioner Myron Grise notified Christopher Jones, the occupant of 425 N. 9<sup>th</sup> St., that his property was in violation of the Goshen City Code.

Grise reported that the City Building Department inspected the subject real estate on Dec. 28, 2021 and violations of the Accumulation of Materials, Building Code, and Neighborhood Preservation Ordinance code sections were cited. The real estate was re-inspected on Feb. 16, 2022, and showed no significant improvement to the real estate.

Grise reported that the real estate was “unsafe within the meaning of Indiana Code § 36-7-9-4 in that one or more buildings or structures on the real estate are in an impaired structural condition that makes it unsafe to a person or property, is vacant, and is not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of Indiana’s Unsafe Building Law (“UBL”) (I.C. §36-7-9-1, et seq.) and the City’s Neighborhood Preservation Ordinance (“NPO”) (Goshen City Code §§6.1.1.1, et seq.).”

Grise reported that the following 15 violations of Title 6 of the Goshen City Code were cited by the City Building Department inspector and have not been satisfactorily repaired or remedied:

1. Unsafe Structure(s)-Fire Hazard;
2. Unsafe structure (structure has less than 66% of the strength of a newly constructed building);
3. Unsafe Structure(s)-Interior;
4. Unsafe Structure(s)-33% Support/50% Non-Support (more than 33% of the roof and load-bearing walls have been compromised);
5. Plumbing (no running water and no working plumbing system);
6. Privacy, Weather Tight, Good Repair – Interior (no proper ceilings or floors, no doors and no wall coverings);
7. Properly and Safely Installed Electrical Equipment (fire damaged wires and exposed wiring);
8. Heat Supply (the only heat is from space heaters);
9. Roof (deteriorating and roof deck damaged);
10. Windows and Doors (cracked and broken windows and no doors);
11. Clean and Sanitary Dwelling Unit-Exterior (trash, debris and excess materials outside);
12. Furniture/Appliances/ Bulky Items (bulky items, cars parked on grass and storage materials and appliances must be removed);
13. Containers Supplied (solid waste disposal facilities and containers must be provided); and
14. Unsafe Structure (due to extensive fire damage, the property is in danger of collapse); and
15. Unsafe Structure Dilapidated/Deteriorated/ Free Access (the property has become so dilapidated and deteriorated that it is freely accessible to persons).

Grise concluded that these violations had made the premises at 425 N. 9<sup>th</sup> St. unsafe and the general condition of the building warranted removal. He ordered Christopher Jones to “demolish and remove the unsafe building to bring it into compliance with Title 6 of the Goshen City Code by May 19, 2023.”

Grise further notified Christopher Jones that a hearing would be held before the Board of Public Works and Safety – originally scheduled for May 22 and later moved to June 12, 2023 – for the purpose of reviewing the Order of the City of Goshen Building Commissioner. Jones was advised that he had the right to appear at this hearing with or without counsel, to present evidence, cross-examine opposing witnesses and present arguments.

On June 12, 2023, Mayor Stutsman convened the hearing on the Order of the City of Goshen Building Commissioner for 425 N. 9<sup>th</sup> Street in Goshen (Christopher Jones, occupant) and invited comment from City Building Inspector Travis Eash.

Eash distributed a memorandum to the Board which provided an update on the status of 425 N. 9<sup>th</sup> Street. and said he had advised Jones not to attend the meeting because of a proposed agreement.



Reading from the memo, **Eash** said the City Building Department received a structural engineer's report regarding the property at 425 N. 9<sup>th</sup> Street which addressed the structural deficiencies present at the house due to fire, dilapidation and poor remodeling practices. Eash said the owner had some of his own resources and also had people volunteering resources and time to help get this project done. He said the owner and his representative agreed to repair the structure to what the engineer's report was requiring.

**So, Eash said the Building Department and the acting owner and his representative had reached an agreement on the following timeline for the repairs to be completed.**

June 26, 2023 – Most if not all framing complete

July 11, 2023 – Whatever framing was left, plumbing complete and gas service and water turned on

Aug. 1, 2023 – Electrical wiring complete

Aug. 15, 2023 – Insulation

Oct. 1, 2023 – Remodel complete and final inspection done

**Eash** concluded that barring any financial or personal setbacks, this was the time frame that had been agreed upon between the City Building Department and the property owner.

**Mayor Stutsman** thanked Eash and said this was the kind of outcome the City sought in these types of hearings and as the City seeks to have homes repaired. He said some landlords push the City toward court deliberations and the expenditure of more funds, so he appreciated this property owner taking action and working with the City.

The **Mayor** asked **City Attorney Bodie Stegelmann** for advice on how proceed. Stegelmann said that based on the agreement and timetable, the Board should allow **Eash** to follow up and if the conditions are not met, he could request another hearing if necessary. The Mayor asked about continuing the hearing and allowing Eash to pull the item if the matter was resolved. Stegelmann said that was another option and the matter could be tabled to October.

**Mayor Stutsman/Landis moved to table the matter to Oct. 23. Motion passed 4-0.**

**Before the Feb. 29, 2024 hearing began, City Building Inspector Travis Eash** distributed to Board members a memorandum and report, dated Feb. 29, 2024, about 425 North 9th Street. The 31-page packet included a Feb. 16, 2022 report and photos by Eash based on a Dec. 28, 2021 inspection of the property, a June 11, 2023 report (with photographs) by Rick D. Keller of Keller Engineering, Inc. and a Oct. 20, 2023 email to Eash from James K. Kalka Jr. of CPR Claims of Osceola with an update on work on the property. (**EXHIBIT #1**).

#### **DISCUSSION AND OUTCOME OF CONTINUED HEARING ON FEB. 29, 2024:**

**Assistant City Attorney Don Shuler** provided the background of the property at 425 North 9th Street. He said the Board needed to review the order of the City Building Commissioner, which was issued April 13, 2023.

**Shuler** said that before a scheduled hearing on June 12, 2023, an agreement was reached between the City and the property owner for a schedule of repairs. All repairs were supposed to have been completed by Oct. 1, 2023. The agreement was discussed at the June 12, 2023 meeting, and the matter was tabled.

**Shuler** said the matter was back before the Board today for a review of the status and possible action. He said **City Building Inspector Travis Eash** would outline the City's position.

**Mayor Leichty** swore in **City Building Inspector Travis Eash** to give lawful and truthful testimony.

**Reading from his Feb. 29, 2024 memo to the Board, Eash said:**

"My initial inspection of the property at 425 N 9th Street was conducted on Dec. 28, 2021. Photos from that inspection along with the related violation report are attached. Also attached is an engineer's report dated June 11, 2023, and an email from the owner's representative with a timeline for repairs from Oct. 20, 2023, which states six months until completion. That is actually the second agreement that they gave."



**Eash** continued, "A fire occurred at the property on June 4, 2020 causing extensive damage to the property. The main areas of concern for the Building Department are the structural integrity of the rafters, floor joists, ceiling joists and walls studs, and the property was in danger of collapse.

"Upon inspection the entire house was gutted and work was being done without any permits and the work that was being conducted was not compliant with the Indiana Residential Code and needed to be removed.

"Since my initial inspection, permits have been pulled for plumbing, electrical, remodel and gas service. A portion of the framing on the main level passed in July of last year. A gas service inspection passed in November. The owner requested water service for use during construction and it was connected in October of 2023 but there was still no usage, which indicates to us that the work has stopped.

"There has been no evidence that any more work has been done to the property. The owner denied our request for an inspection this week and stated that the house is being used as storage now. The exterior of the property is full of storage and has been written up by other departments within the last month."

**Eash** concluded, "Due to the damage from the fire, the lack of improvement to the property, the lack of cooperation from the owner and current condition of the property, it is the building department's recommendation that the house be demolished, debris from the demolition be removed and all accumulated items on the property also be removed."

**Eash** mentioned that **Christopher Jones**, the property owner, was present.

**Mayor Leichty** swore in **Christopher Jones** to give lawful and truthful testimony.

**Jones** said a fire in the home occurred in June 2020, and the home was insured. He said he hired a contractor, who he said pulled no permits and did no work but accepted \$88,000. Since then, **Jones** said he has had to hire an attorney and go through three years of litigation to recover his funds.

**Jones** said he won his lawsuit but had to hire another attorney to collect the insurance money for the repairs on his house. He said that process was continuing. He said the problem was that he doesn't know how long it will take to get that money back. He said his representative wasn't present and he wishes he was here. He also said he has taken many photos of the condition of the property.

**Jones** said he was called by **Travis Eash** two days ago requesting an inspection of the home, but he wasn't in town and couldn't allow **Eash** into the house.

**Jones** said he has many items stored inside and outside the house. He said he has been given some money by his attorney, but it isn't enough to finish the house. He said a six-month delay wouldn't even be enough because he has to recover all of the funds from the contractor to pay for all the repairs.

**Jones** said he knows he has a lot of work to do on the house but has "mental health issues" and has a representative because he has struggles. He said, "I struggle to understand all this. I'm willing to cooperate with the City. I don't want to bring the City problems and certainly I don't want any problems for me. And I do not want to lose my house. It's all I have."

**Mayor Leichty** thanked **Jones** and said one of the challenges that the City has had is communication with **Jones**. She asked **Jones** if he made available to the Building Department the information and evidence of the filing of the lawsuit or any documentation that it was in process. **Jones** said he dropped off two copies of the lawsuit.

**Mayor Leichty** said communication has been a challenge. She confirmed with **Jones** that he still had an attorney and asked if the attorney was **Jones'** representative or if it was someone else. **Jones** said his "advocate" was an adjuster who helped him get an engineer into the house to prepare a report and helped him get another contractor who did some repair work.

Although he said he was on a limited income, **Jones** said he has spent his own money for materials for the home. He said he needs a place to store materials and needs people to help him. **Jones** said he lives between Goshen and South Bend. He repeated that he needs help and doesn't want to lose his house.

**Board member Landis** asked how much he will have if he recovers funds from the first contractor. **Jones** said he would have "over \$143,000." **Jones** said that would be enough to make all the repairs.



**Board member Landis** said that at present, City staff didn't know enough about **Jones'** plans to repair the home. He said if Jones will have enough money for the repairs, there's no reason for the City to prematurely act, especially because homes that have been damaged by fire take a long time to be addressed and repaired. He asked what it would take to ensure the repairs are made.

**Mayor Leichty** said she would be curious to hear from **Jones'** attorney about the progress in the case and what the anticipated next steps are before the Board makes a decision. She said she understood Jones has been given "a fair bit of grace" from the City Building Department, but the City also needs to address blight and having a vacant home indefinitely attracts crime and other problems. She said the City cannot let the situation languish indefinitely.

**Board member Landis** asked if the Board could request a report from Jones' attorney.

**City Attorney Bodie Stegelmann** said if the Board delays entering an order, it would be perfectly reasonable to seek an update from **Jones'** attorney. He said many times in these lawsuits, it's easy to get a judgment that money is owed, but hard to collect the money.

So, **Stegelmann** said it would be fair to ask for a report from **Jones'** attorney on the status of litigation, collection and the reasonable likelihood of collection before an order from the Board is issued. In response to a question from **Board member Landis**, **Stegelmann** said a delay of a couple of weeks would be reasonable.

**Jones** said it wouldn't be an issue to get an update from his attorney and his representative. He said more information could be provided, including photographs. Jones said City staff members have visited the home and been "very gracious" to him.

**Jones** said the case needs to move forward and he doesn't want to be without a house. He said he would do whatever he could to expedite the reports and repairs but needed a list on what to do.

**Mayor Leichty** said that was a helpful response. The Mayor said that in order to table today's requested order, she would need there to be access to the property for a City inspection. She said the City would also need documentation on the status of **Jones'** lawsuit so the Board could make a more informed decision.

**City Building Inspector Eash** said the City Building Department would also recommend that the exterior of the property be cleaned and maintained in a manner that wasn't considered blight.

**Mayor Leichty** asked if there was a checklist of needed improvements, such as the removal of exterior debris and that the lawn be mowed and maintained. **Eash** responded that there was an accumulation of items. He said there have also been reports of vehicles not being moved. He said he also believed the City Planning Department had a concern about gravel on the property. With labor, he said all these issues could be addressed so that the property was no longer an eyesore.

**Mayor Leichty** asked **City Attorney Stegelmann** for his help crafting a motion to table the matter and also add requirements. She asked if that could all be included in one motion. **Stegelmann** responded that it could all be in one motion. He recommended tabling the matter to a date certain contingent on addressing the items identified and that they be completed before the next hearing.

**Mayor Leichty** asked **Jones** to help identify the items that needed to be cleaned up in the yard. Jones said some of the items included lumber, a washer, dryer, stove and dishwasher, which all need to be removed. He said he needed a dumpster for all the items. He asked about the availability of a trash trailer from the City.

In response to questions from **Mayor Leichty and Jones**, **Street Commissioner David Gibbs** discussed the trash disposal options that the City could offer and the time a trailer could be available.

**Board member Landis** said he might have some ideas for helping **Jones** but suggested a motion first. **Mayor Leichty** said she was seeking to develop a motion to address the situation with clear guidance.

**Jones** said he had other items that needed to be thrown away, adding that he "had a problem with organization."

**Mayor Leichty** said that was fine and was why this was all being discussed.

**Jones** said he has two pop-up campers on the site on a gravel surface. He said he would like to keep them but will remove them if required. He said there were other miscellaneous items, including books, that can be removed.





**Mayor Leichthy** said the books could be donated to Fables Books downtown. **Jones** said there were many other items that needed to be sorted through and then thrown away, He said it made life harder to live after “having accumulated way too much and you don’t have anywhere to put it.” **Mayor Leichthy** responded, “It is hard. Even the sorting process can be hard. I understand.”

**Jones** responded, “But I’ve got to do it. And it’s been cold. ...I don’t know if the pop-up campers need to go, but if I have to, it’s going to be a loss. I know that there’s a shed and in between the shed there are miscellaneous things like doors that are no good, air conditioner parts. Probably a lot of scrap can go. I put a pretty big dent into what I have last year, but I still have a lot to more. I need to work on all that.” He said he wished people could help him.

**Eash** said one “blanket” requirement that the Board could impose would be that **Jones** bring the exterior of the property into compliance with the Neighborhood Preservation Ordinance and City zoning ordinances.

**Board member Landis** asked if keeping lumber under a tarp for construction was allowed. **Eash** said he wasn’t sure, but it would depend on how long the material has been on the site.

**Mayor Leichthy/Board member Nichols** then made a motion to table consideration of the City Building Commissioner’s order to March 28, 2024 contingent on the Board receiving a report from Christopher Jones’ attorney on the state of litigation, and that ideally the attorney would appear before the Board, and that Jones clean up the yard in accordance with the Neighborhood Preservation and the zoning ordinance, specifically getting rid of accumulated items, including cars, lumber, appliances, books, doors, air conditioning parts, scrap, and any other things that would not be in compliance with the Neighborhood ordinance. Motion passed 4-0.

#### Approval of Civil City and Utility Claims

As all matters before the Board of Public Works & Safety were concluded, Mayor Leichthy/Board member Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 4-0.

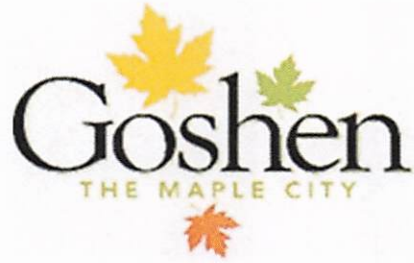
#### Adjournment

Mayor Leichthy adjourned the Board of Works meeting at 4:56 p.m.

**EXHIBIT #1: A memorandum and report by City Building Inspector Travis Eash, distributed to Board members and dated Feb. 29, 2024, on the property at 425 North 9th Street. The 31-page packet included a Feb. 16, 2022 report and photos by Eash based on a Dec. 28, 2021 inspection of the property, a June 11, 2023 report (with photographs) by Rick D. Keller of Keller Engineering, Inc. and a Oct. 20, 2023 email to Eash from James K. Kalka Jr. of CPR Claims of Osceola with an update on work on the property. The report was submitted during and for consideration of agenda item #5.**

APPROVED:

  
\_\_\_\_\_  
Mayor Gina Leichthy



Michael A Landis  
Mike Landis, Member

[Signature]  
Orv Myers, Member

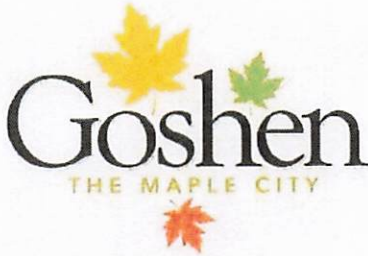
[Signature]  
Mary Nichols, Member

[Signature]  
Barb Swartley, Member

ATTEST:

[Signature]  
Richard R. Aguirre, City of Goshen Clerk-Treasurer

EXHIBIT #1



**Building Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 5 • Goshen, IN 46528-3405

Phone (574) 534-1811 • Fax (574) 533-8626 • TDD (574) 534-3185  
building@goshencity.com • www.goshenindiana.org

## MEMORANDUM

**TO: BOARD OF PUBLIC WORKS**

**From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)**

**Date: FEBRUARY 29, 2024**

**Subject: 425 N 9<sup>TH</sup> STREET**

My initial inspection of the property at 425 N 9<sup>th</sup> Street was conducted on December 28, 2021. Photos from that inspection along with the related violation report. Also attached is an engineer's report dated June 11, 2023, and an email from the owner's representative with a timeline for repairs from October 20, 2023 which states 6 months until completion.

A fire occurred at the property on June 4, 2020 causing extensive damage to the property. The main areas of concern for the building department is the structural integrity of the rafters, floor joists, ceiling joists and walls studs, and the property was in danger of collapse. Upon inspection the entire house was gutted and work was being done without any permits and the work that was being conducted was not compliant with the Indiana Residential Code, and needed to be removed.

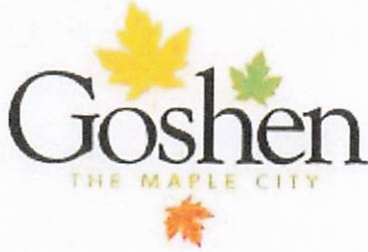
Since my initial inspection, permits have been pulled for plumbing, electric, remodel and gas service. A portion of the framing on the main level passed in July. A gas service inspection passed in November. The owner requested water service for use during construction and it was connected in October of 2023 but still no usage, which indicates that the work has stopped.

There has been no evidence that anymore work has been done to the property. The owner denied our request for an inspection this week and stated that the house is being used as storage now. The exterior of the property is full of storage and has been written up by other departments within the last month.

Due to the damage from the fire, the lack of improvement to the property, the lack of cooperation from the owner and current condition of the property it is the building departments recommendation that the house be demolished, debris from the demolition removed and all accumulated items on the property removed.

Thank you,

Travis Eash



Code Enforcement

City of Goshen

204 E Jefferson St • Goshen, Indiana 46528

574-534-1811 • • building@goshencity.com

www.goshenindiana.org/building-department

February 16, 2022

Christopher Jones
425 N 9th St
Goshen, IN 46528

RE: 425 N 9th St, Violation # 21-1784-VAP
201110105025000015

Dear Property Owner:

On 12/28/2021, a Goshen Code Inspector visited the site address noted above and found that one or more potential violations of the Goshen City Code (GCC) or Zoning Ordinance (ZO), as identified below, existed on the premises. Please correct violations by 5/16/2022.

6.3.1.1(x) Unsafe Structure(s) - Fire Hazard

NPO

The building or structure shall not, because of obsolescence, dilapidated condition, deterioration, damage, lack of sufficient fire resistive construction, electrical wiring, gas connection, or heating apparatus, become a fire hazard.

Due to the damage from the fire, all the exposed wiring, space heaters and lack of gas connection the property has become unsafe and in danger of another fire occurring

6.3.1.1(u) Unsafe Structure(s) - Less Than 66%

NPO

The building or structure shall not have less than sixty-six percent (66%) of the strength, fire resisting qualities or characteristics, or weather resisting qualities or characteristics required by law in the case of newly constructed building of like area, height or occupancy in the same location.

Due to extensive damage from the fire throughout the property the entire structure's strength has been compromised. The rafters, floors ceiling and wall construction have all been damaged and the structural integrity is severely compromised.

The attempted construction being done on the property since the fire has been done without any permits or inspections prior to this inspection. The wrong materials have been used throughout including but not limited to structural members, nails and flooring and must all be removed.

With the extent of damage from the fire and lack of resistive qualities it is the Building Department's recommendation that the structure be demolished. The cost of repair exceeds the value of the property.

If choosing to repair all permits need to be pulled by licensed contractors and owner of the

property, and proper inspections completed by the Building Department. If choosing to demolish a demolition permit will need to be pulled.

---

**6.3.1.1(p)**

**Unsafe Structure(s) - Interior**

NPO

Any portion, member or appurtenance of a building shall not be likely to fail, to become detached, dislodged or to collapse and thereby injure persons or damage property.

Due to the extent of damage from the fire the structural integrity has been compromised and the structure is in danger of collapse.

---

**6.3.1.1(t)**

**Unsafe Structure(s) 33% Support/50% Non-Support**

NPO

The building or structure, exclusive of the foundation, shall not show thirty-three percent (33%) or more damage or deterioration of its supporting member or members or fifty percent (50%) damage or deterioration of its non-supporting members, enclosings, or outside walls or coverings.

Entire roof assembly has been compromised from fire damage. More than half of the load bearing walls have been compromised from the fire and attempted repairs are wrong and add no structural strength.

Multiple exterior walls have been stripped down to the studs, exposing fire/smoke damaged wood beams which will need to be replaced if choosing to repair.

There is no fire separation between floors.

---

**6.3.1.7(a)**

**Plumbing**

NPO

At least one flush toilet, bathroom sink, and bathtub or shower properly connected to the water and sewer systems of the City and in good working condition shall be supplied for every eight (8) persons, or fractions thereof, residing within a hotel or rooming house, including members of the operator's family whenever they share the use of such facilities; provided, that in a hotel or rooming house where rooms are let to males, flush urinals may be substituted for not more than one-half the required number of toilets. All other facilities shall be so located within the building as to be reasonably accessible from the common hall or passageway to all persons sharing such facilities. Every bathroom sink, and bathtub or shower shall be supplied with hot water at all times.

No running water at the property.

No working plumbing system at the property. A tenet was living there prior to the fire with no running water or properly working plumbing system.

If choosing to repair the plumbing system needs to be assessed and repaired/replaced by a licensed plumber, permits pulled and coinciding inspections completed.

---

**6.3.1.1(b)**

**Privacy, Weather Tight, Good Repair - Interior**

NPO

Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight and rodent proof; shall be capable of affording privacy, and shall be kept in good repair. All foundation systems must be firmly supported and free from open cracks and breaks. All foundation systems must be capable of supporting all nominal loads and capable of resisting all load effects.

There are no proper ceilings and no proper floors throughout the property. All have been

---

removed and replaced with loose plywood or or other loose wood peices. No doors to any bedrooms or bathroom to afford someone the proper privacy needed.

All wall coverings have been removed.

---

**6.3.1.4(g)**

**Properly and Safely Installed Electrical Equipment**

NPO

All electrical equipment, wiring and appliances shall be properly and safely installed in accordance with the provisions of any applicable Building, Plumbing or Electric Code adopted by the City of Goshen or the State of Indiana and thereafter properly maintained.

Fire damaged wires throughout property, exposed wires throughout property.

An electrical panel has been installed without a permit or inspection. A permit will need to be pulled by a licensed electrician for the panel and also wiring if choosing to repair.

---

**6.3.1.3(e)**

**Heat Supply**

NPO

Every dwelling shall have heating facilities which are properly installed, maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and rooms in every dwelling unit located therein to a temperature of at least sixty-five (65) degrees Fahrenheit, and whenever the outside winter conditions are at least zero (0) degrees Fahrenheit. Unvented fuel burning space heaters shall not be used to provide primary heating.

The only source of heat are from space heaters that are next to blankets and foam bedding.

The entire heating system from the furnace and duct work will need to be assessed by a licensed mechanical contractor.

Permits will need to be pulled by a licensed mechanical contractor for any duct work and any replacement of furnace/AC water heater.

---

**6.3.1.1(c)**

**Roof**

NPO

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building. Roof drains, gutters, and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a hazard on the premises or adjacent property.

The roof is showing signs of deterioration. Missing shingles, and possible hole in the roof.

Roof decking has all been damaged by fire and will need to be removed and replaced.

---

**6.3.1.1(d)**

**Windows and Doors**

NPO

Every window, exterior door, and basement hatchway shall be reasonably weather tight and rodent proof, and shall be kept in sound working condition and good repair. All glazing materials shall be maintained free from cracks and holes.

All cracked and broken windows need to be replaced.

All broken and missing doors need to be replaced.

---

**6.3.1.6(b)(1)**

**Clean and Sanitary Dwelling Unit - Exterior**

NPO Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls.

All trash and debris and excess materials on the exterior and interior of property need to be removed and property maintained in a sanitary manner.

All outside storage needs to be removed and stored elsewhere

---

**6.3.1.6(b)(5) Furniture/Appliances/Bulky Items**

NPO Every occupant of a dwelling or dwelling unit shall dispose of all his or her solid waste, appliances, furniture and bulky items in a sanitary manner. This provision does not relieve the owner of the responsibility to maintain his or her property in a clean and sanitary condition.

All bulky items, cars parked on grass, storage materials and appliances need to be removed from property.

---

**6.3.1.2(g) Containers Supplied**

NPO Every dwelling unit shall be supplied with adequate solid waste disposal facilities and storage containers as required by the City's Accumulation of Materials ordinance as may be amended from time to time.

Every dwelling unit shall be supplied with adequate solid waste disposal facilities and storage containers as required by the City's Accumulation of Materials ordinance as may be amended from time to time.

---

**6.3.1.1(r) Unsafe Structure(s)**

NPO The building or structure shall not be in such a condition that it is likely to partially or completely collapse due to:

- (1) dilapidation, deterioration, or decay;
- (2) faulty construction;
- (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or
- (4) the deterioration, decay or inadequacy of its foundation.

Due to extensive fire damage throughout entire property compromising the structural integrity and faulty construction the property is in danger of collapse.

The Building Department recommends that the structure be demolished.

---

**6.3.1.1(w) Unsafe Structure(s) - Dilapidated/Deteriorated/Free Access**

NPO The building or structure shall not be so damaged by fire, wind, earthquake or flood that it has become so dilapidated and deteriorated as it becomes freely accessible to persons.

The building or structure shall not be so damaged by fire, wind, earthquake or flood that it has become so dilapidated and deteriorated as it becomes freely accessible to persons.

---

The City of Goshen strives to work cooperatively with residents and property owners to achieve a safe, attractive, healthy community. To that end, we ask you to help us by addressing and fixing the above situation by the compliance date noted above. Failure to address the violations could result in issuance of a citation(s) and having the matter turned over the City's Legal Department.

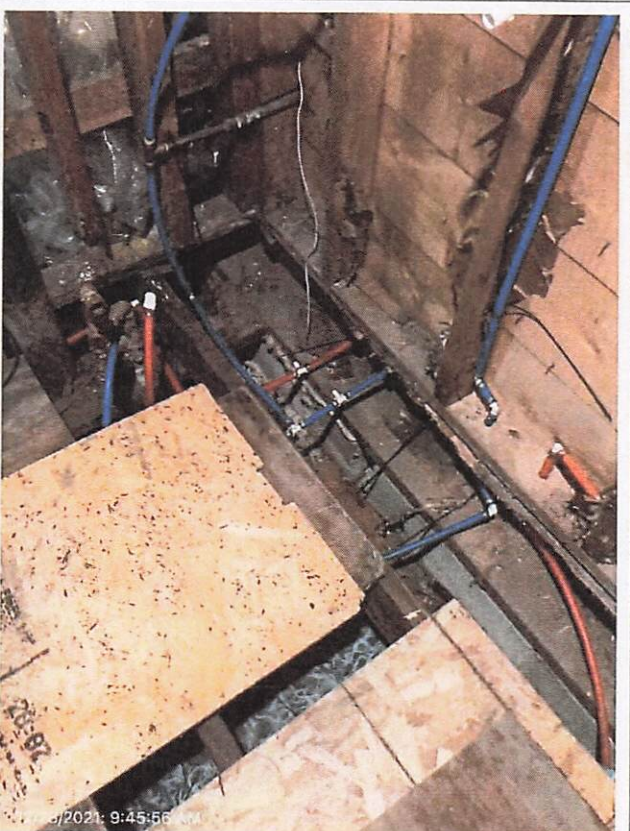
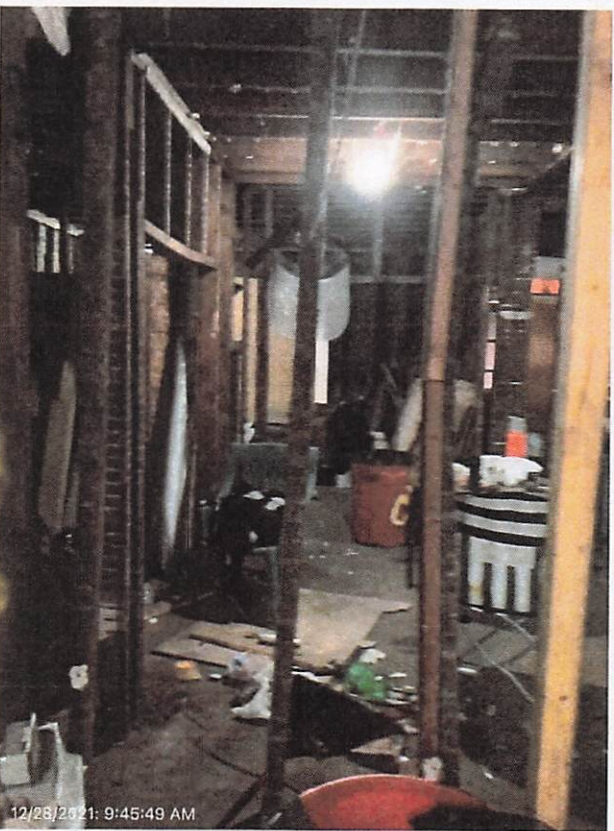
If you are not the owner or manager of this property, please contact us at 574-533-9857 as soon as possible to correct our records. Thank you for your cooperation in this matter.

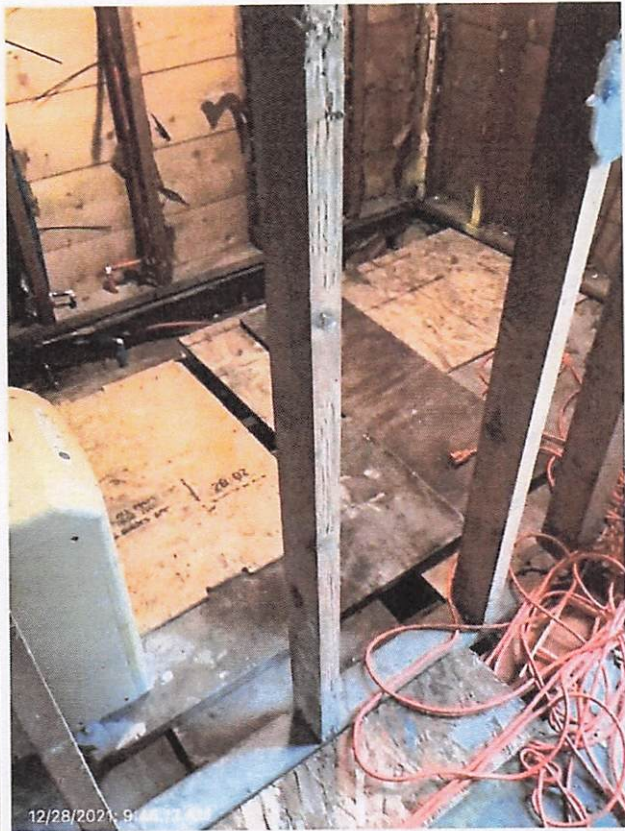
Sincerely,

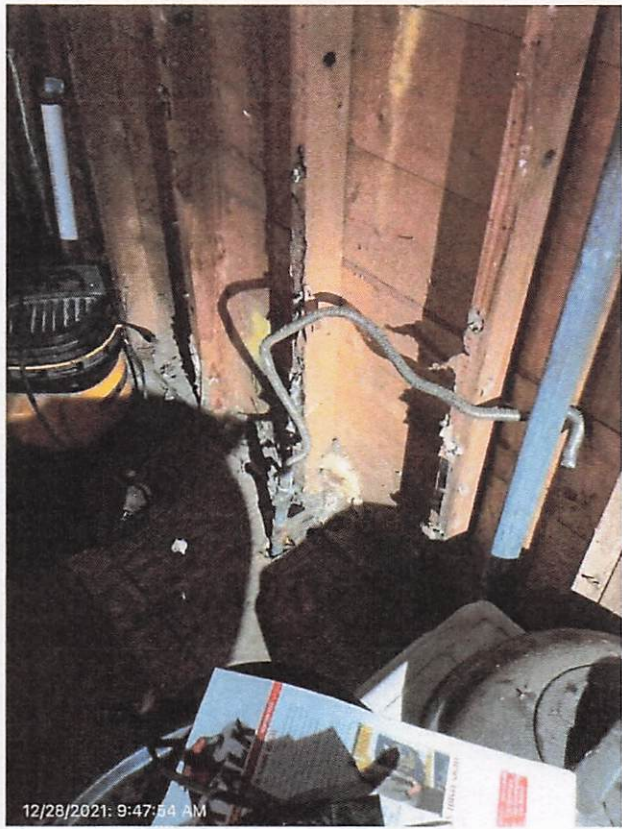
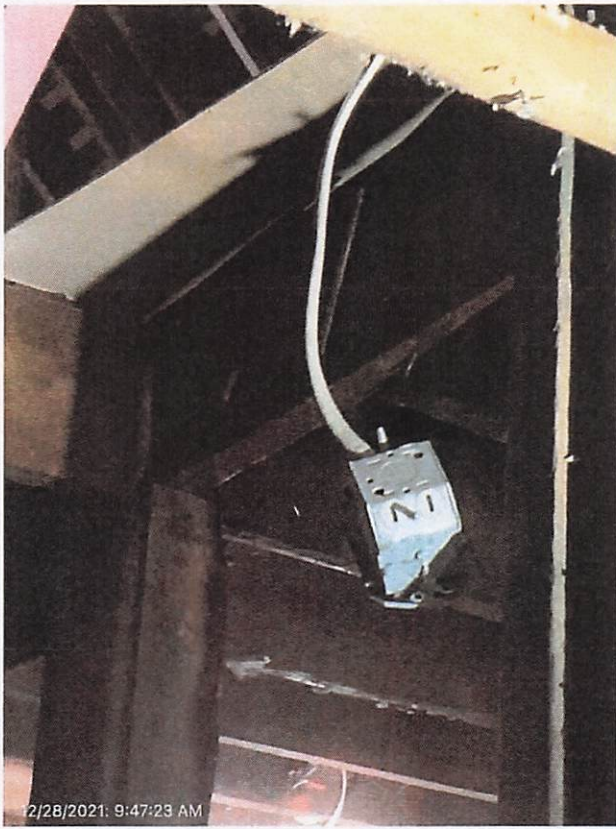
---

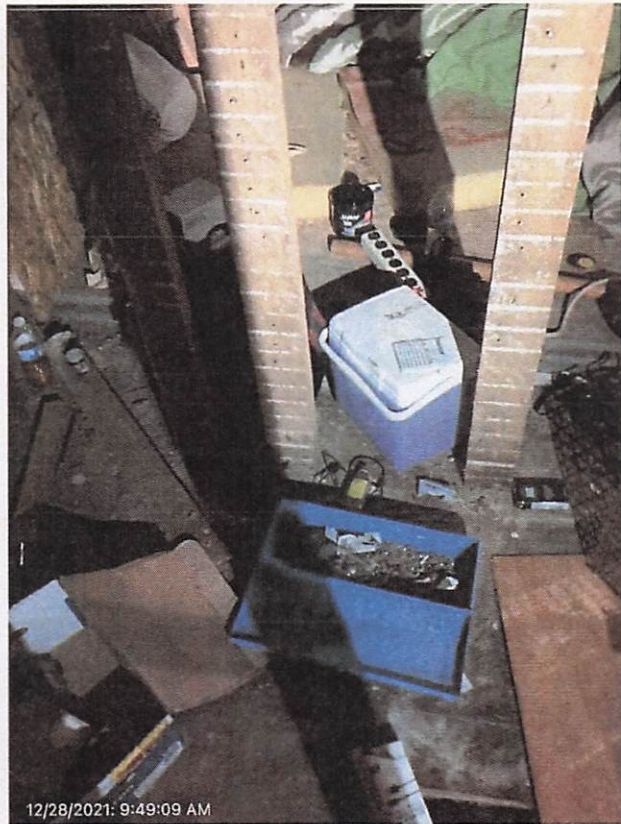
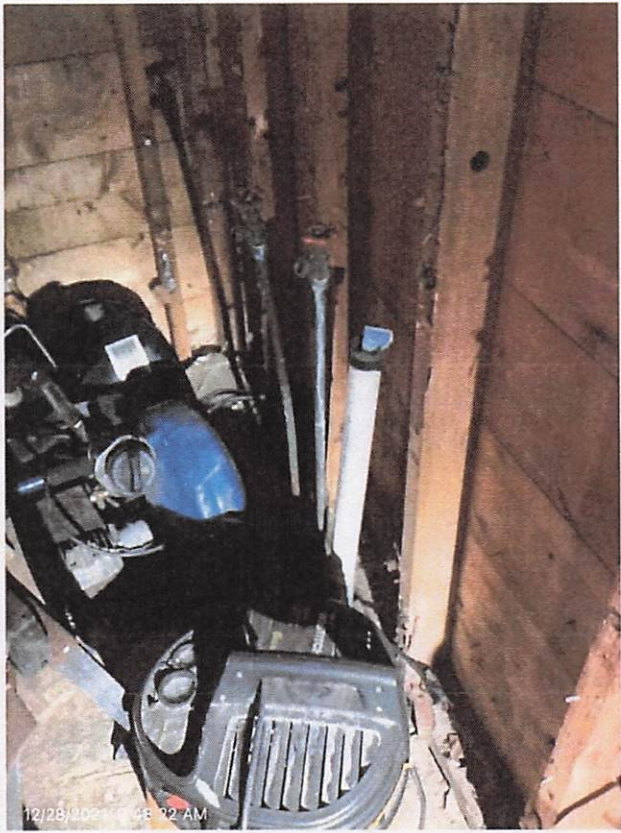
Travis Eash  
Code Compliance Officer

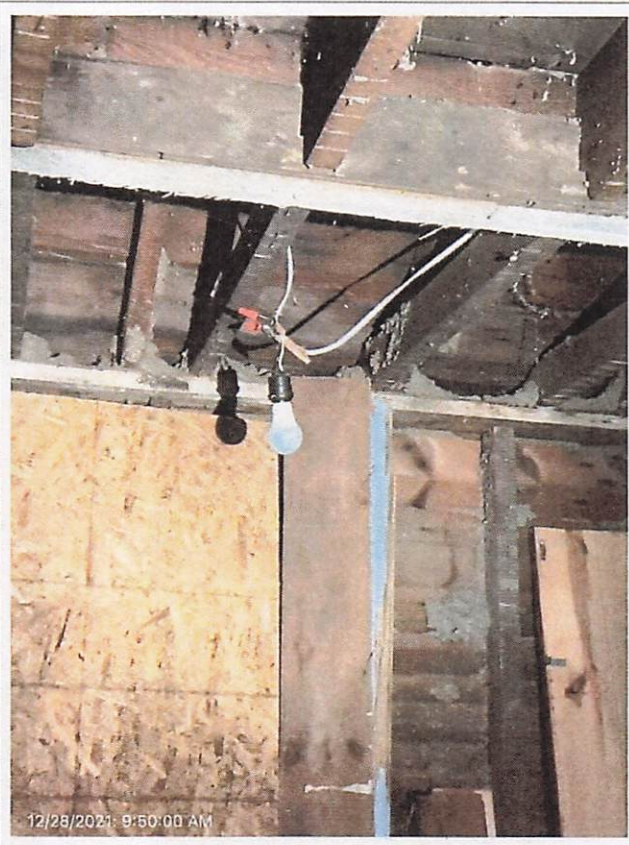
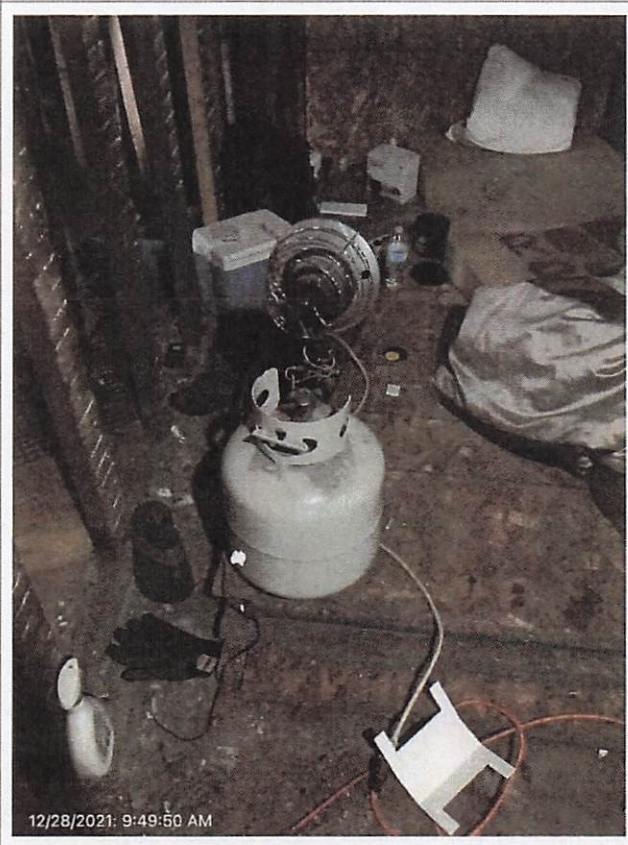
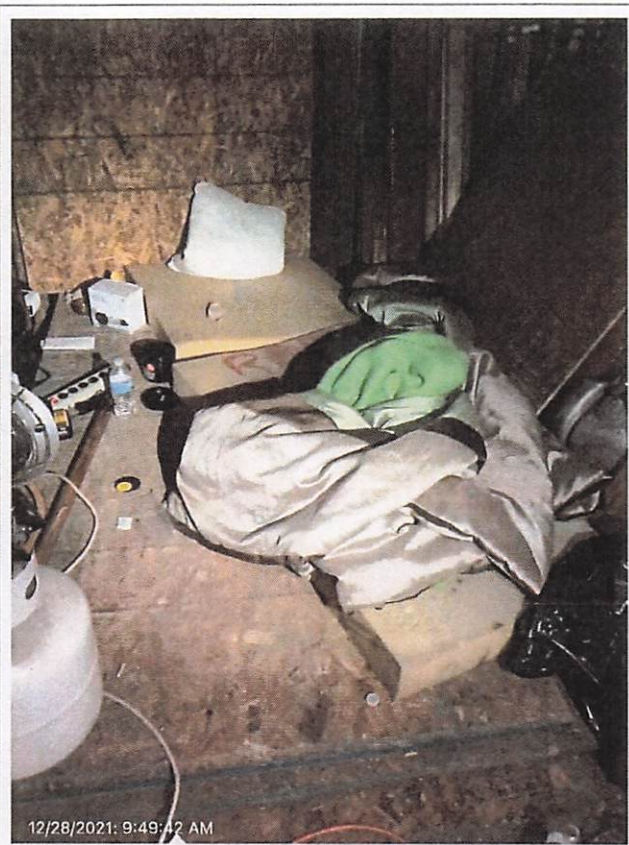
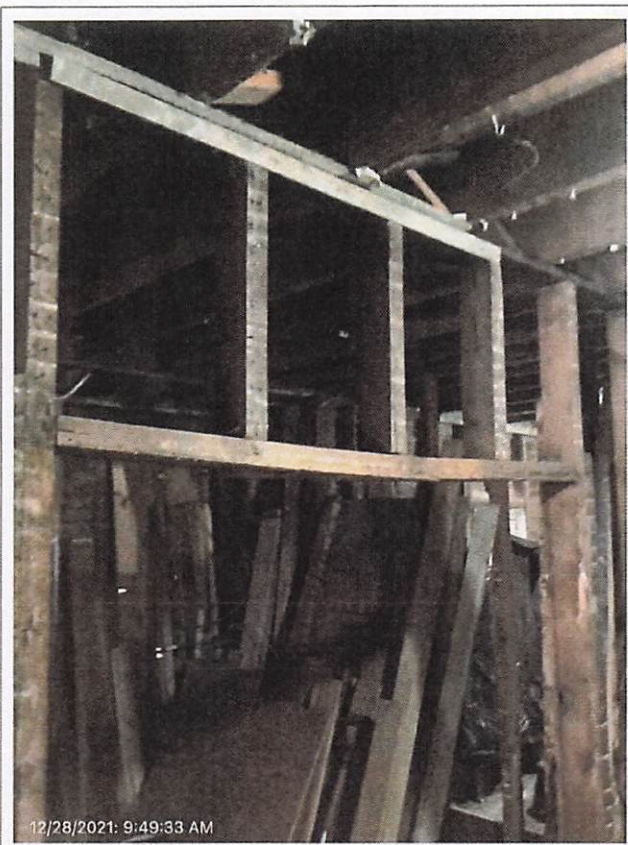


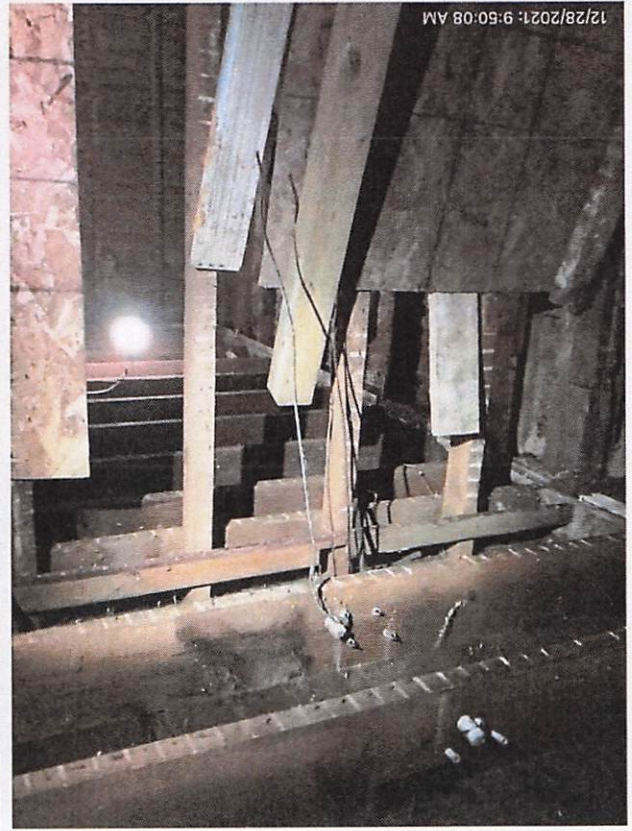
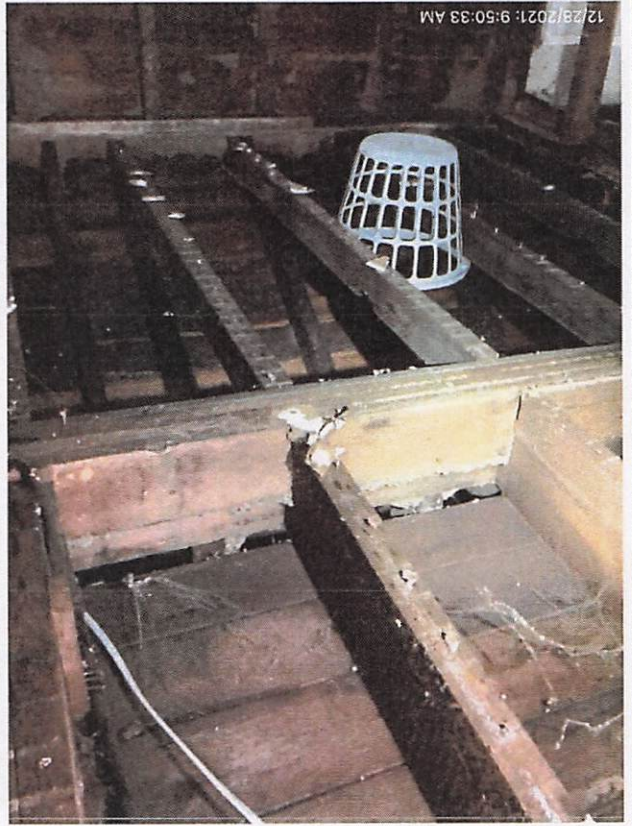
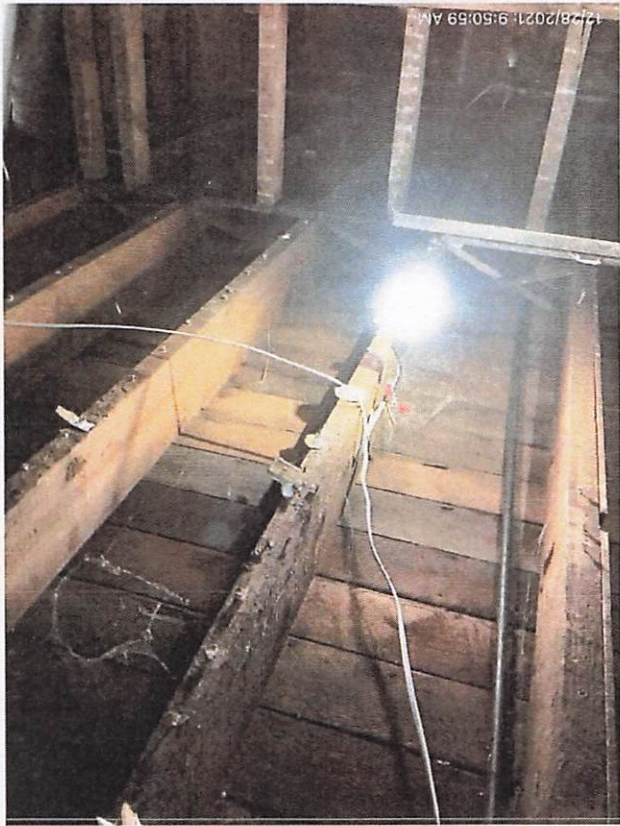


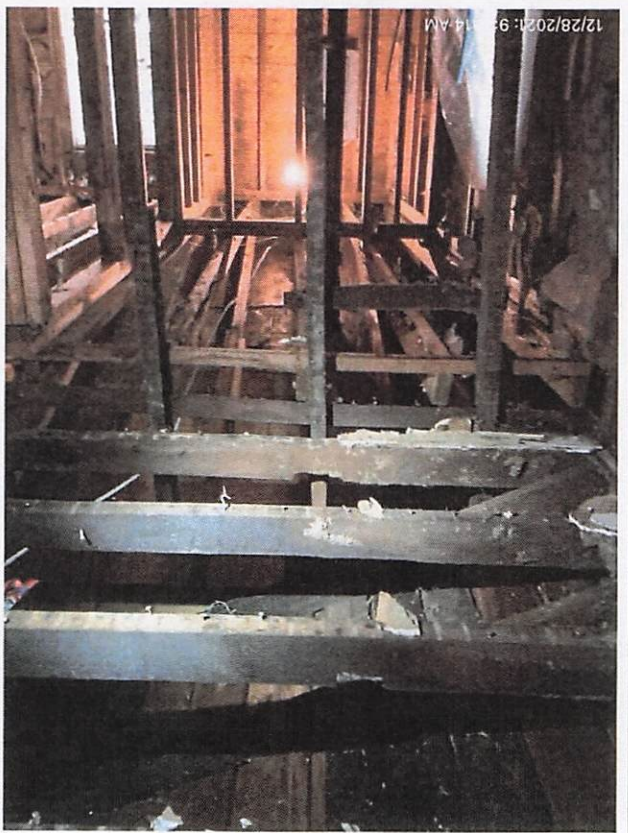
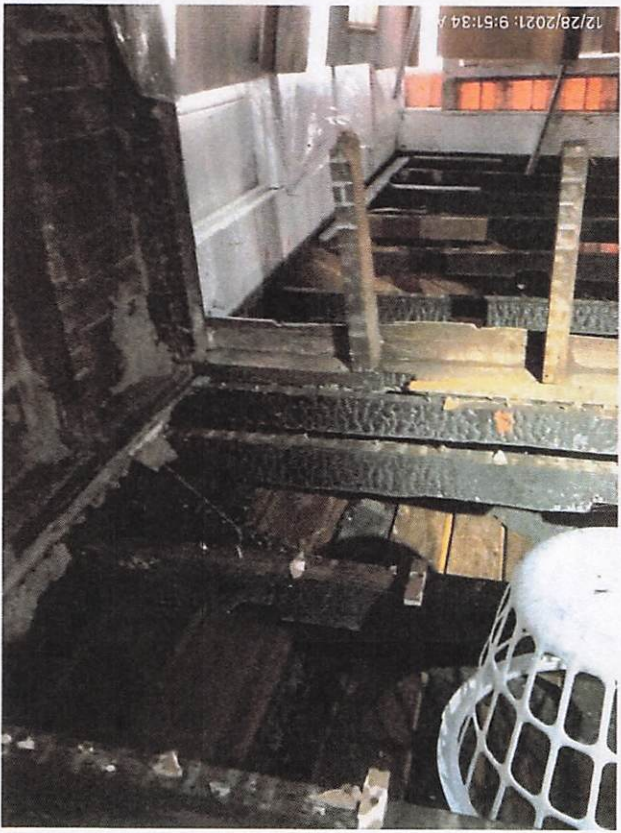
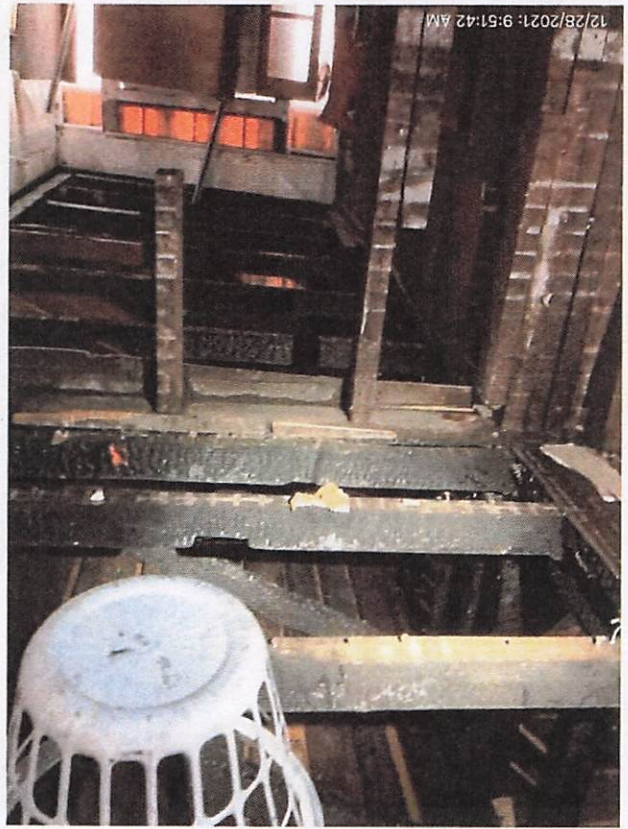


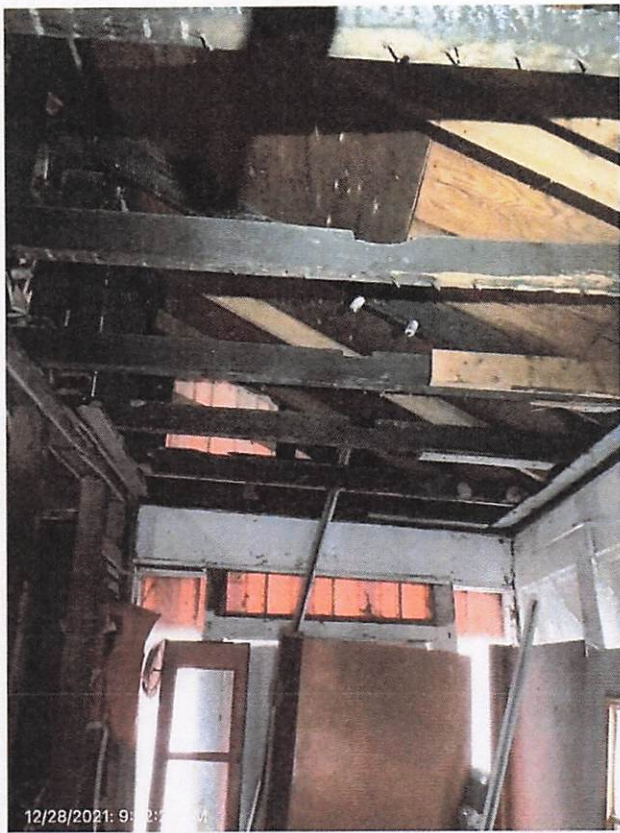




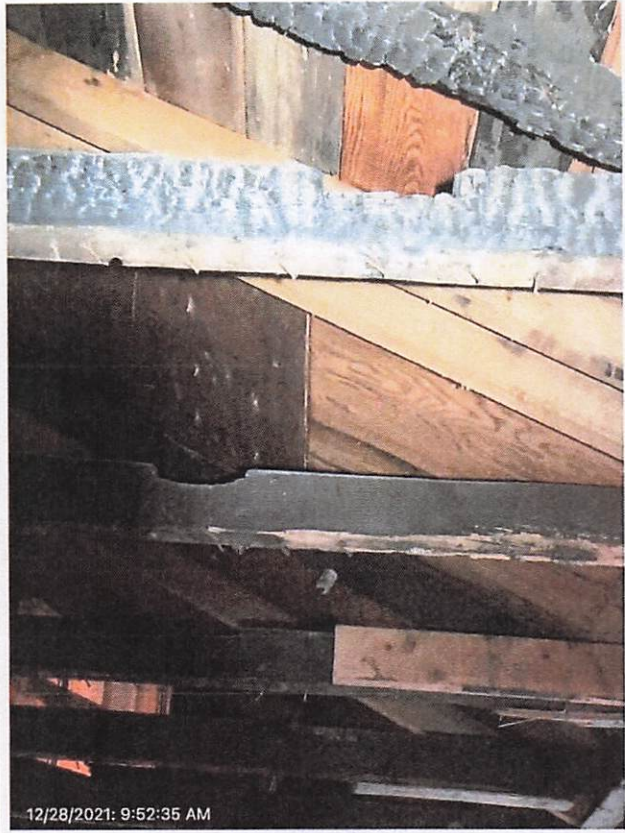




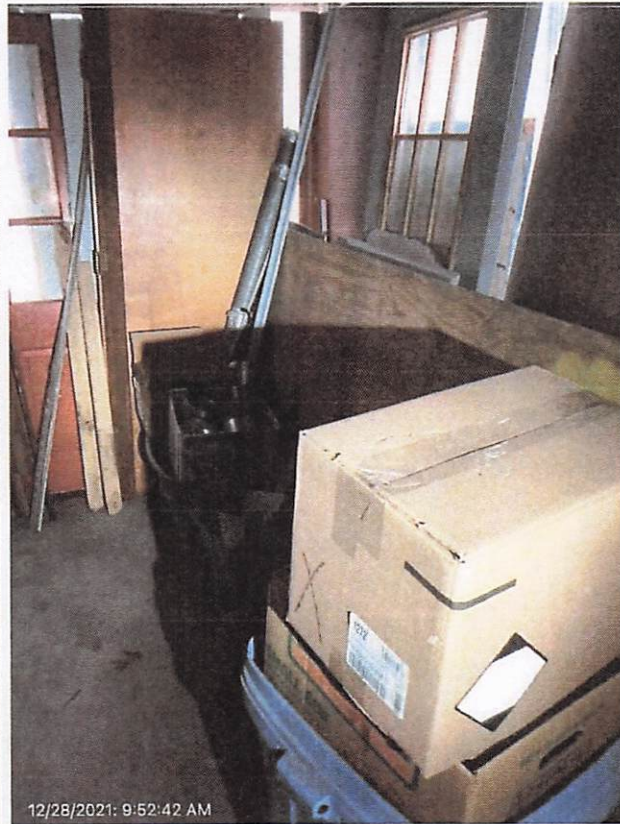




12/28/2021: 9:52:35 AM



12/28/2021: 9:52:35 AM

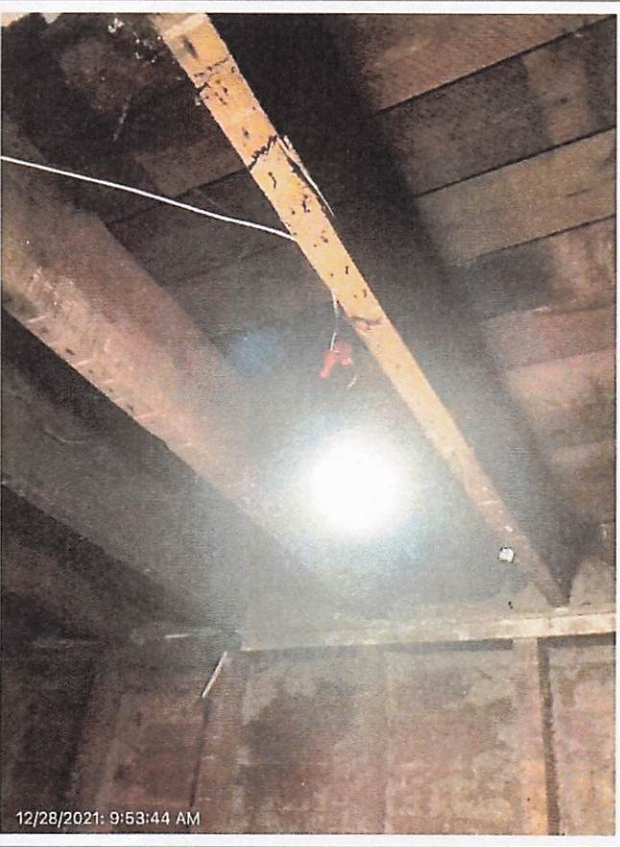
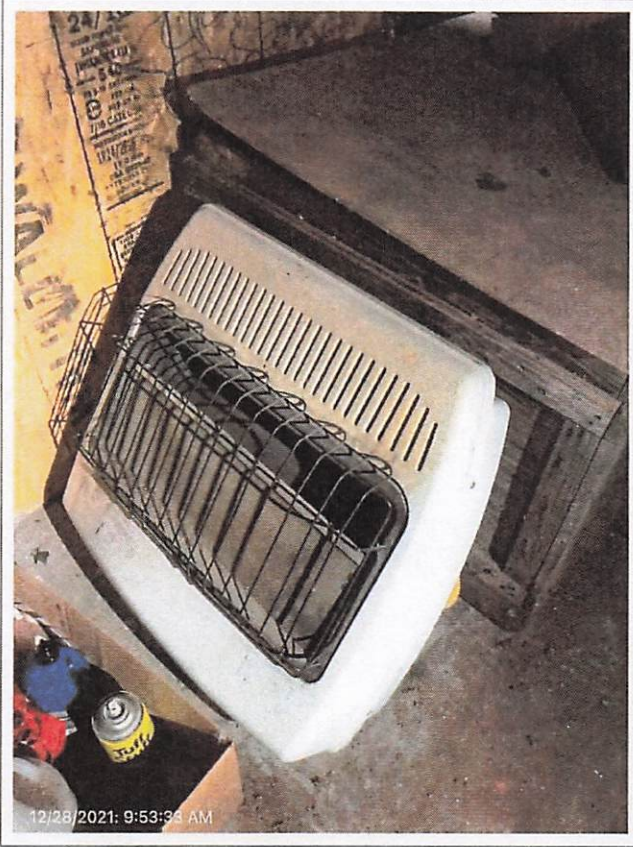
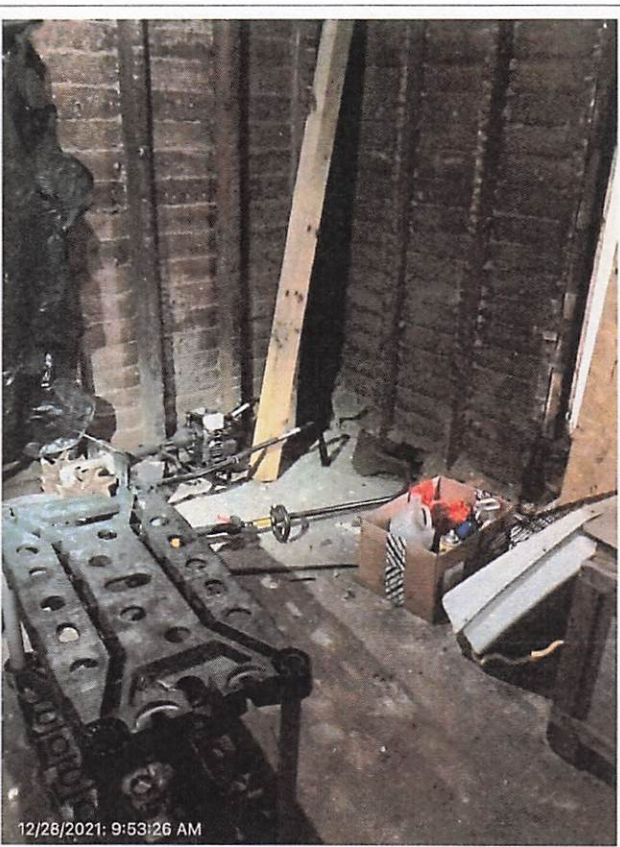
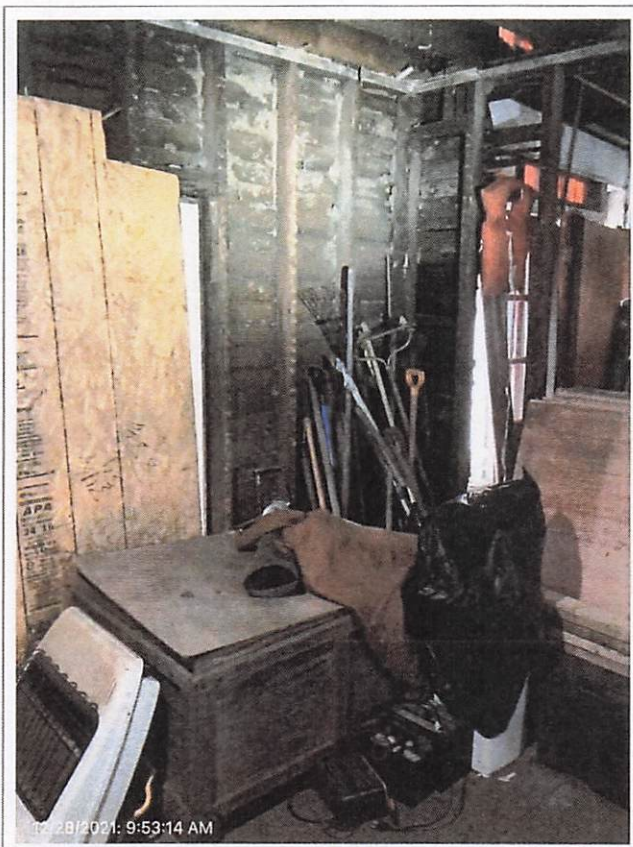


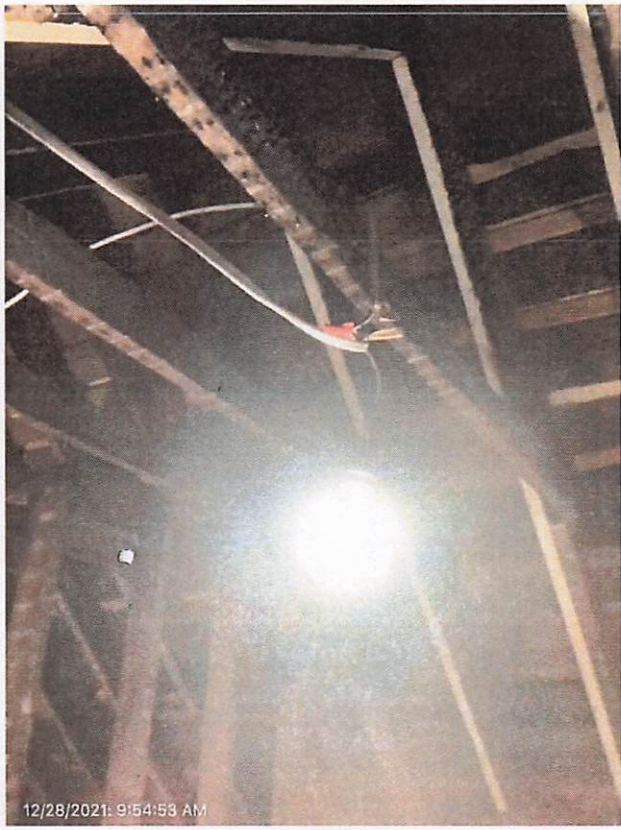
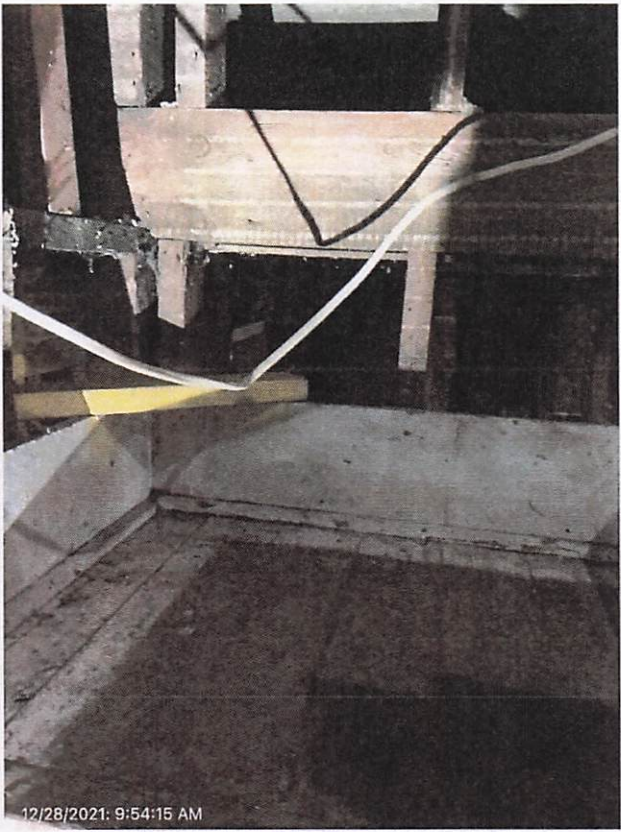
12/28/2021: 9:52:42 AM

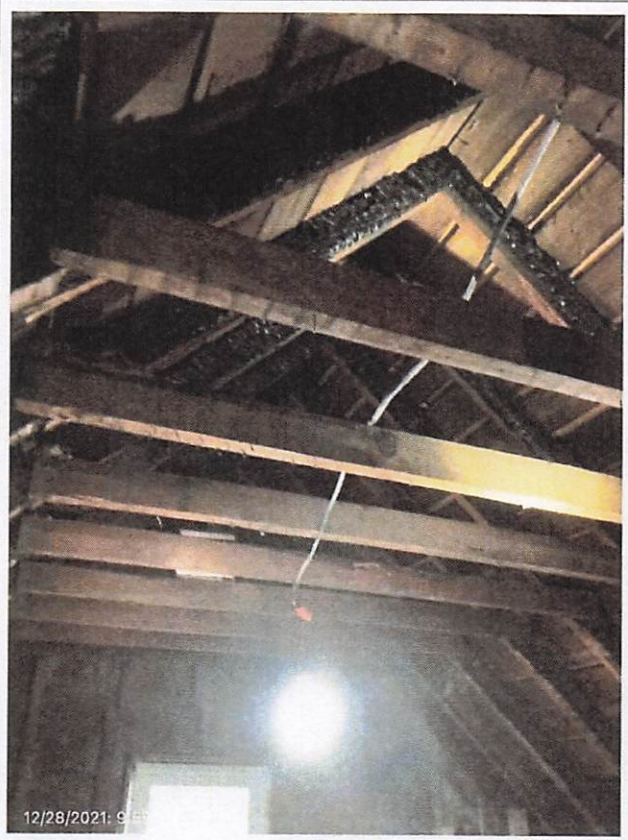
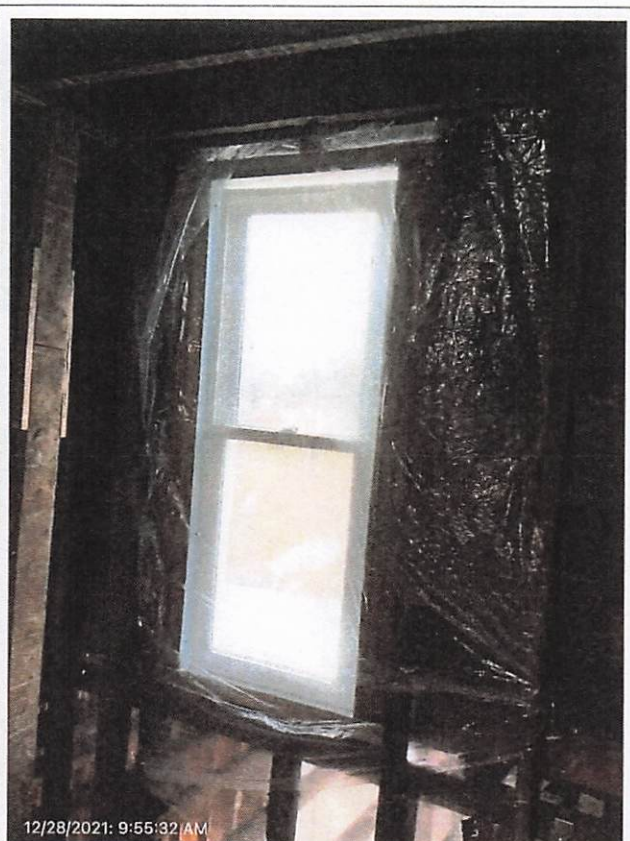
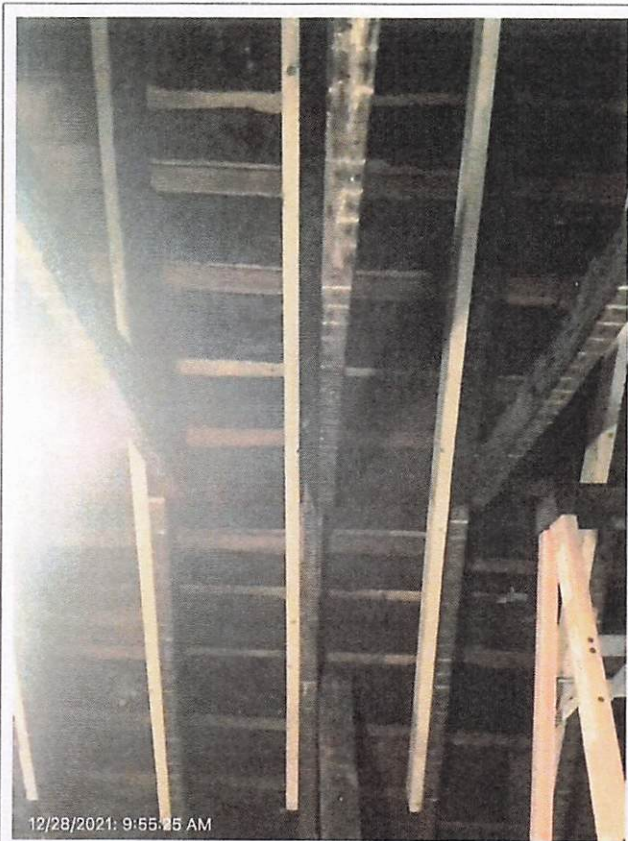


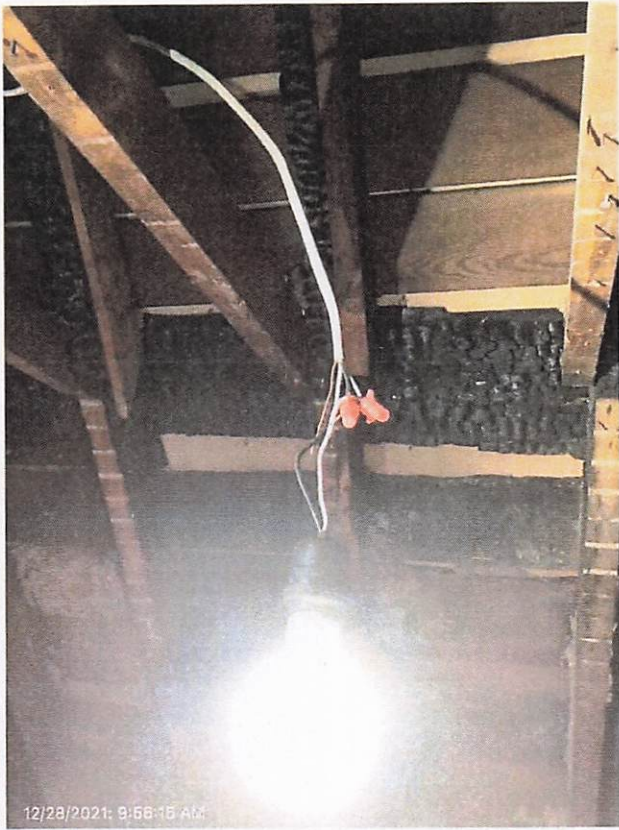
12/28/2021: 9:53:04 AM



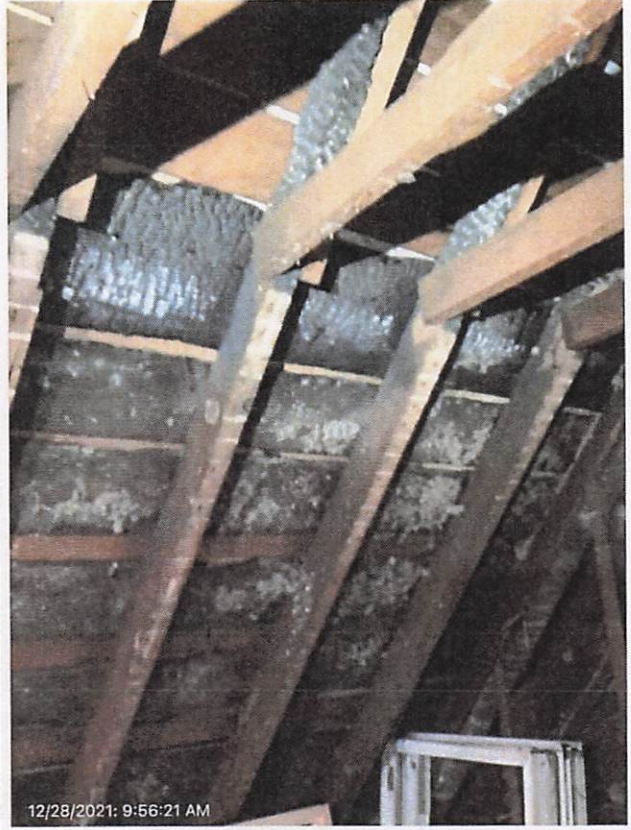








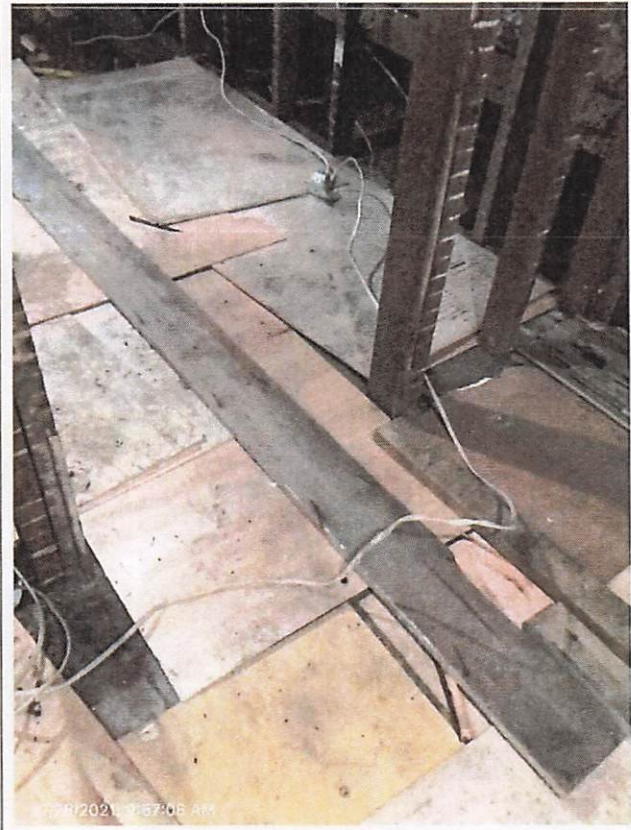
12/28/2021: 9:56:15 AM



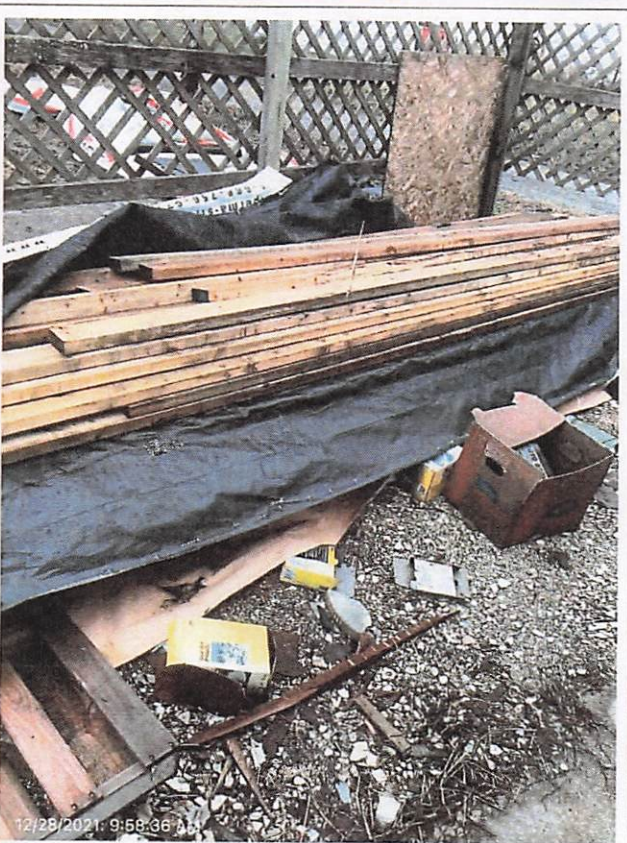
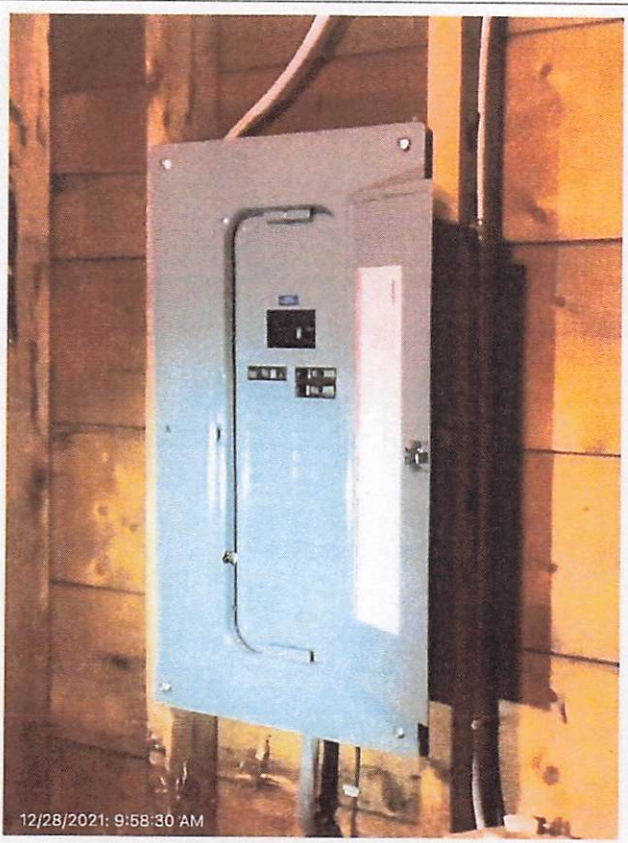
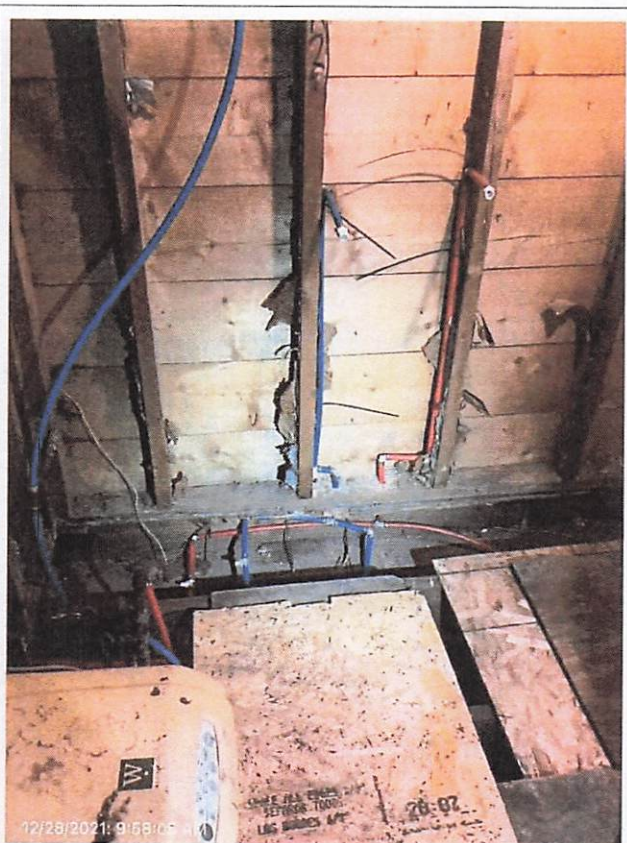
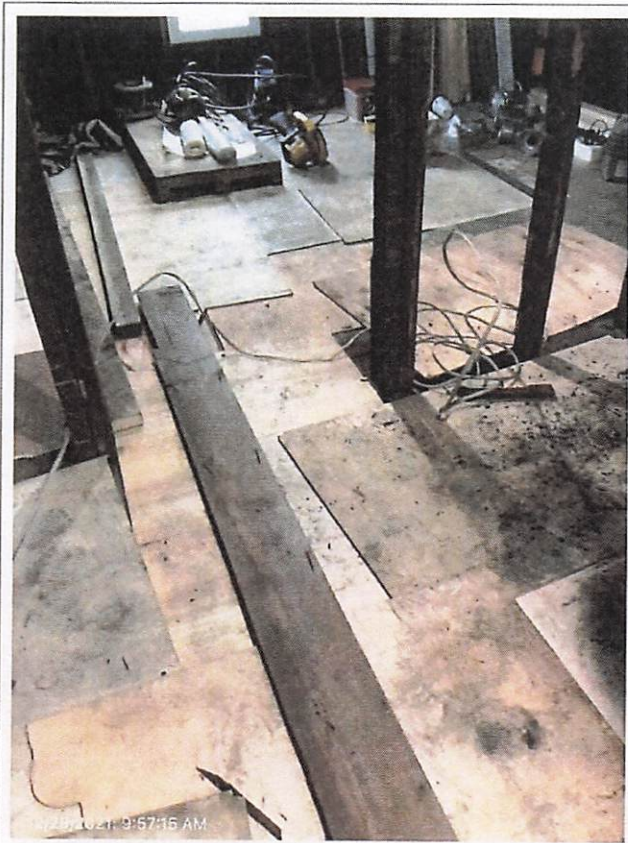
12/28/2021: 9:56:21 AM

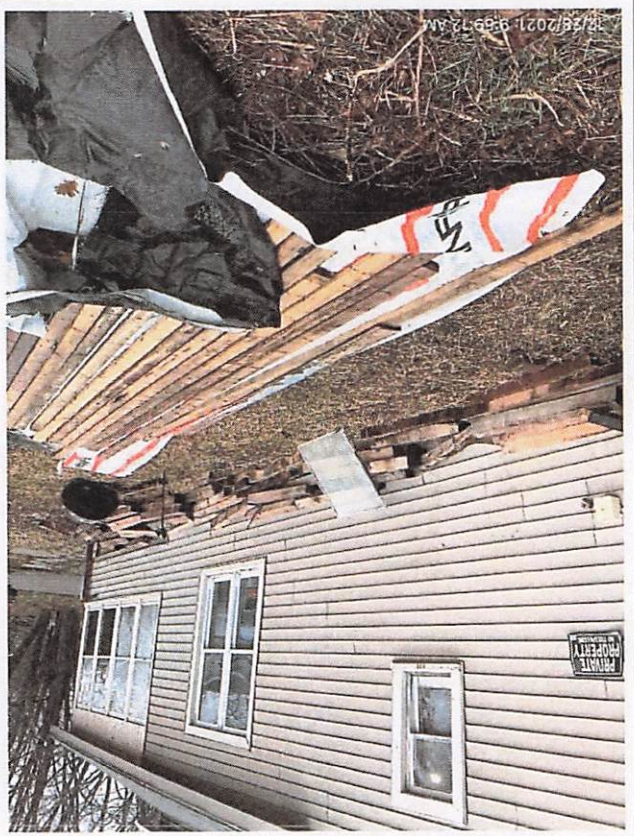


12/28/2021: 9:56:35 AM



12/28/2021: 9:57:08 AM







# *KELLER* ENGINEERING, INC.

---

June 11, 2023

Jim Kalka  
CPR Claims  
69001 M 62, Suite A  
Edwardsburg, MI 49112

**RE: 425 N. 9<sup>TH</sup> STREET, GOSHEN, INDIANA**  
**Project No. 2306-110**

On Thursday, June 8, 2023, Rick D. Keller P. E. inspected a house located at 425 N. 9th Street, Goshen, Indiana. The purpose of the inspection was to determine if the house was sound.



The house was a two-story wood framed structure built in 1901. It had a one-story shed roof addition on the rear. The roof of the addition was uneven.





Inside, the house had been stripped to the wood framing.



A fire had occurred in the distant past that had been repaired by sistering new framing on to the side of the charred members. It should be noted that the remaining wood that was not charred retains its original strength. The overall member's remaining strength depends on the amount of wood remaining.



The connection of joists and rafters to the side of beams and loadbearing walls was done using ledger boards nailed to the side of the main member. The joined wood was notched at the bottom to fit over the ledger board. The ledger boards in general did not appear to be adequate.



This 2x2 ledger board was supporting the full load from the 2x6 ceiling joists far from the supporting joists. This means that if the 2x2 breaks, the ceiling comes down.



The notches in the joined members reduced the shear capacity and resulted in splitting of some roof joists and floor joists.



This joist split resulting in one of the dips in the shed roof. It was propped up with a 2x2 to prevent a total failure.



Because of the age of the house, the original framing members were full size 2" x 8" joists and beams. These have more capacity than modern 2 x 8s because of their overall dimensions, and the fact that they are old growth lumber. This lumber is typically stronger than modern lumber because of the length of time it took to grow under natural untended trees. I was surprised to discover that the full-size 2 x 8 joists across the 14-foot span of the living room did not indicate that they are overstressed. The failure of two of these joists, however, was caused by the end bearing notches.



My first impression upon entering the space was to conclude that the partition between the living room and the adjacent room lacked a proper header. In fact, if the joists had proper end bearings, these joists would not have split and the joists would have been adequate without support at this internal partition.

The beams supporting both ends of these joists also supported the roof and walls of the second floor. They consisted of two 2 x 8s with ledger boards on each side. The span length of the south beam was 12 feet 9 inches. Under the Code required loading, this beam was grossly overloaded. The other end was shorter but was still overloaded.

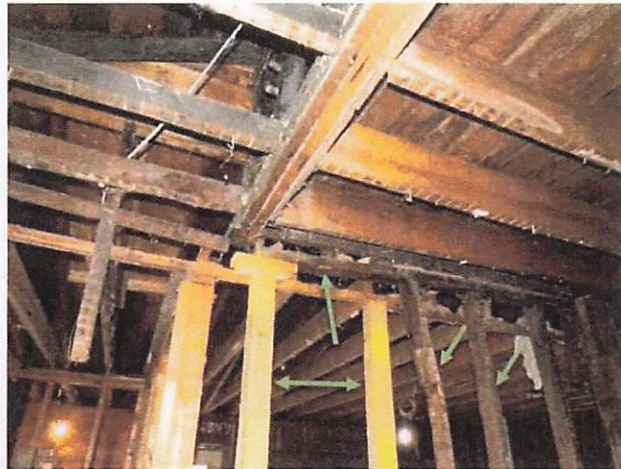


The overstress could be relieved by cutting off the short ceiling rafters and removing the outside ledger board.

Then, a 14-inch 1.9 E LVL would be inserted into the space above the ceiling nailed to the sides of the double 2x8 beams and each of the studs. This would relieve the added load from the roof and side walls. I also recommend adding joist hangers to each connected joist on the other side of the beams by cutting away the existing ledger boards and fastening the joist hangers directly to the side of the beams. The bearing seat on the joist hangers should be long enough to extend past the notch to provide support to the ends of the joists. The small pieces of the ledger boards can remain in the notches to provide full bearing for the joists.

**Keller Engineering, Inc.**

The west end of this header did not have proper support. A new column should be added directly under the existing double 2 x 8. This will require cutting off the end of the a double 2 x 4 wood capitol on top of the 4 x 4 that encroaches into the space needed.

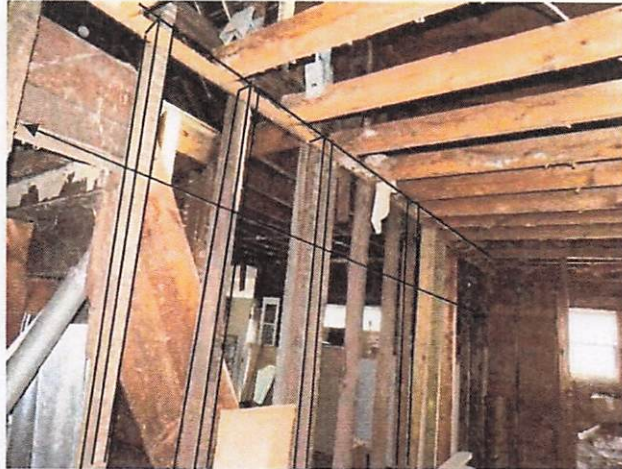


Several of the studs in the common wall between the original house and the shed roof were missing or had failed. They should be replaced with 2 x 4 studs spaced at 16-inch centers. The sagging top plate of this wall should be jacked back up to its original level position.

The 2 x 6 roof rafters of the shed roof were overstressed. They should be reinforced by adding an additional 2 x 6 to every other rafter.



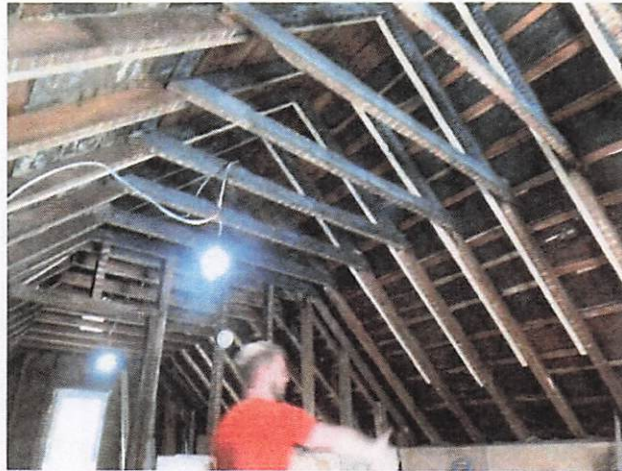
Because of the notched connections at the ends of the rafters and ceiling joists, I recommend adding a second stud wall on the west side of the existing wall to provide a better bearing for the ends of the rafters and ceiling joists. These studs should be aligned with the existing studs. I then recommend splicing the two studs together by adding pieces of plywood to the side of the two studs that will bridge across the joint between the studs. This will transfer any loads from the new stud wall into the existing stud wall which has a foundation wall under it.



The foundation wall under this stud wall was the original stone foundation wall. It appeared that the mortar in this wall should be repaired to assure that the wall is stable.



The previous fire caused significant charring in the part of the second floor roof above the collar ties. It was evident that repairs had been made after the fire that included replacing some of the roof decking and sistering badly charred rafters. This appeared to be an adequate repair although I recommend adding nails or screws to assure that the sistered 2 x 4s are adequately connected to the original rafters. These fasteners should be spaced no more than 12 inches on center.



The ends of the roof rafters of the shed roof were bearing on the toe of the cut of the rafter instead of the heel of the cut. This means that only part of the rafter was effective in shear. Fortunately, the ceiling joists were immediately adjacent to the rafters. This condition can be corrected by nailing the ceiling joists and the rafters together with at least two 16d nails at each rafter.

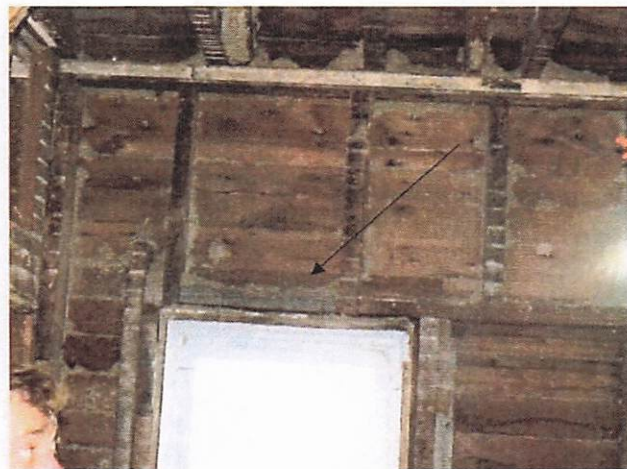


**Keller Engineering, Inc.**

3908 West Shore Drive • Bremen, Indiana 46506 • P: (574) 272-3525 • F: (574) 247-6006

[www.KellerEngineeringInc.com](http://www.KellerEngineeringInc.com)

There were a number of framing openings that were in a loadbearing condition that did not have proper headers. Each of these should be corrected by inserting a proper header.



**Keller Engineering, Inc.**

A missing stud should be re-inserted into the loadbearing wall next to the front door.



This is the conclusion of our structural review of the building. Other systems such as plumbing, electrical, and insulation will also be needed to complete the house.

It has been a pleasure to assist you with this. If you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick D. Keller". The signature is fluid and cursive.

Rick D. Keller P.E.



## **Eash, Travis**

---

**From:** JAMES KALKA JR <jkalkajr3@aol.com>  
**Sent:** Friday, October 20, 2023 12:04 PM  
**To:** Eash, Travis  
**Cc:** Christopher Jones  
**Subject:** 425 N. 9 th Goshen Indiana Progress Update

Hello,

This is Jim Kalka Jr. President of CPR Claims . I have been assisting Chris Jones over the past 2 years in navigating him through the insurance development, insurance negotiations and final settlement of his insurance claim.

I want to apologize to the City of Goshen for the delay in progress on this construction of this home I am personally helping Mr. Jones through this process. As everyone knows this has been a challenging process and we appreciate everyone's patience!

I have personally been to this home over the past 60 days meeting various individuals who have agreed to assist in moving this process to its completion We are in process of starting the electrical, reorganizing the plumbing, changing the insulation, and then focusing on the main level with installing ceiling and wall drywall as the very next step. We will let you know when we will need the appropriate mechanical inspections I am projecting 6 months until completion

Best,  
Jim Kalka Jr President  
Cpr Claims  
574 532 2285