



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE MARCH 7, 2024 REGULAR MEETING

Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana

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

Absent:

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. 29, 2024, Regular Meeting as prepared by Clerk-Treasurer Aguirre. Board Member Mary Nichols moved to approve the minutes as presented and the motion was seconded by Board Member Barb Swartley. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer. Board member Nichols moved to accept the agenda as presented. Board member Swartley seconded the motion. The motion passed 5-0.

1) Legal Department request: Approve and authorize Mayor Leichty to execute the Agreement with Cripe Design LLC for the design development phase of the City Annex Building at a cost of \$132,142.50
City Attorney Bodie Stegelmann told the Board that the City wants to enter into an agreement with Cripe Design LLC for the design development phase for the Goshen Annex renovations project. Cripe Design LLC will be compensated \$132,142.50 for the scope of work under this agreement.

Stegelmann requested that the Board approve and authorize Mayor Leichty to execute, this agreement with Cripe Design LLC at a cost of \$132,142.50.

Mayor Leichty said that this agreement had been in discussion since 2021, and this agreement moves the process into the preliminary design phase.

Nichols/Swartley made a motion to approve and authorize Mayor Leichty to execute the agreement with Cripe Design LLC for the design development phase of the City Annex Building at a cost of \$132,142.50. The motion passed 5-0.

2) Legal Department request: Pass Resolution 2024-09, Authorizing the special purchase of a 2024 Precept Class A Motorhome 36A by Jayco, Inc to be used as the City's portable command center for \$99,191
City Attorney Bodie Stegelmann summarized Resolution 2024-09, which would authorize the special purchase of a Jayco Command Vehicle. He said that a similar unit would cost close to \$180,000 while Jayco is offering the City substantial savings of \$80,608.02.

According to Resolution 2024-09:

- Indiana Code § 5-22-10-5 allows the City to make a special purchase without soliciting bids or proposals when there exists a unique opportunity to obtain equipment at a substantial savings to the Goshen Board of Public Works and Safety;
- The City was offered a 2024 Precept Class A Motorhome 36A by Jayco, Inc to be used as the City's portable command center at the cost of \$99,191.00, which is at a discounted savings of \$80,608.02;
- The total invoice price for a 2024 Precept Class A Motorhome 36A from Jayco, Inc. would cost \$179,799.01;
- City staff has researched costs of similar units and has been able to verify that the discounted price Jayco, Inc. is offering to the City to purchase this unit is at a substantial savings;
- Price of \$209,243.00;



- The 2024 Precept Class A Motorhome 36A is in its final stages of completion by the manufacturer's quality control team and the unit is almost ready for delivery.

Mayor Leichthy said that this motor home, in addition to first responders, would be available to utilities teams for coordinating responses in inclement weather, disasters and emergencies.

Board member Landis asked about the equipment in the vehicle available to first responders and utilities workers. **Fleet Manager Carl Gaines** said it includes computer workstations, work desks, a conference room, emergency lighting, and communications equipment. The vehicle was also designed to keep people warm in inclement weather. **Mayor Leichthy** said that the advantage to this vehicle is the ability for various department to collaborate in an emergency. It is a mobile office on an RV chassis.

Nichols/Swartley made a motion to pass and adopt Resolution 2024-09, Authorizing the special purchase of a 2024 Precept Class A Motorhome 36A by Jayco, Inc to be used as the City's portable command center at the cost of \$99,191. Before voting, **Mayor Leichthy** thanked Jayco for its generous contribution and that the City will hold a ribbon-cutting for the vehicle once it is completed. **The motion passed 5-0.**

3) Legal Department request: Approve and authorize Mayor Leichthy to execute the agreement with American Legal Publishing, LLC for codification and hosting on its website of the City Code and the City's Zoning and Subdivision Ordinances

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichthy to execute the agreement with American Legal Publishing, LLC for the codification and hosting on its website of the Goshen City Code and the City's Zoning and Subdivision Ordinances.

Stegelmann said for codification services, American Legal Publishing, LLC will be paid \$9,600.00 for the City Code and \$7,800.00 for the Zoning and Subdivision Ordinances. American Legal Publishing, LLC will be paid \$895.00 for establishing an online version of the code and the first year of hosting the Code on its website; \$495.00 per year after the first year; and a per page charge for revisions based on the volume of pages revised.

Mayor Leichthy said that she is very excited about this initiative because City employees and the public will have a searchable document that is up-to-date at all times. It will be helpful for the public to see if we are to hold them accountable for these laws.

Board member Landis said that he prefers to look things up on the City website when he's trying to get information at 9:00 at night, a time when he does not want to text any City employees to find his answers.

Stegelmann said that the last time the City's code was codified was in 2016. Once it is updated, he said City staff will need to keep up with the ordinances.

Nichols/Swartley made a motion to approve and authorize Mayor Leichthy to execute the agreement with American Legal Publishing, LLC for codification and hosting on its website of the City Code and the City's Zoning and Subdivision Ordinances.

Common Council Member Linda Gerber thanked the Legal Department for moving forward with this project and asked if there will be a public training session on how to use this system once it is rolled out. **Mayor Leichthy** said that she will provide web links so **Councilor Gerber** can see what other communities have done. She said the site is user friendly and can be searched with keywords. The site will be referenced on the City's website.

The motion passed 5-0.

4) Legal Department request: Pass Resolution 2024-10, the Special Purchase of Road Salt as part of the State of Indiana's 2024-2025 road salt bid

City Attorney Bodie Stegelmann told the Board that for several years, the City of Goshen has participated in the State of Indiana's Road Salt Program. The State is developing the 2024-2025 road salt bid, and political subdivisions that wish to participate in the program must provide the State the tonnage of road salt that it will commit to purchase.



Stegelmann said Resolution 2024-10 would authorize the City to make a special purchase by participating in the State's program and authorizes the City to request 1,400 tons of road salt thereby committing to purchase a minimum of 1,120 tons and up to 1,680 tons. After the State goes through the bidding process, the City will be notified who the contract is awarded to and the contract pricing. he agreement is to commit to volume, not a price.

Nichols/Swartley moved to adopt Resolution 2024-10, Special Purchase of Road Salt. Motion passed 5-0.

5) Engineering Department request: Approve NIPSCO's request to perform daytime road closures on West Pike Street, between Kansas Drive and Nebraska Drive, starting March 9 and extending through March 23 for reconstruction of electric utility service

City Director of Public Works & Utilities Dustin Sailor said that the City received a couple of small changes in the morning regarding which roads the closure extends to. NIPSCO has requested permission to close West Pike Street, between Riverside Boulevard and Pike Street, to reconstruct its electric utility service.

He said closures are anticipated to start March 9 and continue through March 23, 2024 during which time the lighting circuit will not be in operation. The daytime closures will occur between 8 a.m. and 5 p.m.

Nichols/Swartley made a motion to approve NIPSCO's request to perform daytime road closures on West Pike Street, between Riverside Boulevard and Pike Street, starting March 9 and extending through March 23, 2024. Motion passed 5-0.

6) Engineering Department request: Approve Niblock Excavating's request to close the intersection of 10th Street and Douglas Street, from March 8, 2024 until April 5, 2024, to complete the underground storm system for the 10th Street Reconstruction project

City Director of Public Works & Utilities Dustin Sailor said Niblock Excavating has requested permission to close the intersection at 10th Street and Douglas Street, starting on Friday, March 8, 2024 until Friday, April 5, 2024.

Sailor said Niblock is requesting this closure to complete the underground storm system for the Tenth Street Reconstruction project. All appropriate traffic control devices will be utilized. He said it is expected that the intersection will remain closed when Niblock Excavating closes 10th Street for construction, starting in April.

Nichols/Swartley made a motion to approve the closure of the intersection at 10th Street and Douglas Street from March 8, 2024 until April 5, 2024. The motion passed 5-0.

7) Engineering Department request: Approve and authorize the Board to execute the Agreement with Greencroft Goshen Inc for the completion of the project at 2082 Whispering Pines Court

City Director of Public Works & Utilities Dustin Sailor said the Stormwater Department was requesting the approval of an Agreement for the Completion of Construction for the home at 2082 Whispering Pines Court. The home has passed its final building inspection and the project is substantially complete except for 8,000 square feet of stabilization and the planting of a tree. These final requirement cannot be completed now due to weather conditions.

Sailor said the property owner Greencroft Goshen has agreed to complete all exterior work by June 15, 2024. The expected cost of work is \$2,665 and a surety check in that amount has been remitted to the Clerk-Treasurer's Office.

Nichols/Swartley made a motion to approve and authorize the Board to execute the agreement with Greencroft Goshen Inc for the Completion of the project at 2082 Whispering Pines Ct. Motion passed 5-0.

8) Engineering Department request: Approve and authorize the Board to execute the Agreement with Greencroft Goshen Inc for the completion of the project at 2121 Whispering Pines Court

City Director of Public Works & Utilities Dustin Sailor said the Stormwater Department was requesting the approval of an Agreement for the Completion of Construction for the home at 2121 Whispering Pines Court.



The home has passed its final building inspection and the project is substantially complete except for 8,000 square feet of stabilization and the planting of a tree. The final requirements cannot be completed now due to the weather. **Sailor** said the property owner Greencroft Goshen has agreed to complete all exterior work by June 15, 2024. The expected cost of work is \$2,665 and a surety check in that amount has been remitted to the Clerk-Treasurer's Office. **Nichols/Swartley** made a motion to approve and authorize the Board to execute the Agreement with Greencroft Goshen Inc for the Completion of the project at 2121 Whispering Pines Ct. Motion passed 5-0.

Privilege of the Floor (opportunity for public comment for matters not on the agenda):
Mayor Leichty opened Privilege of the Floor at 4:18 p.m.

City Fire Chief Dan Sink told the Board that the annual statewide test of communications systems will be Tuesday, March 12, 2024 at 10:15 a.m.

As background, the annual statewide tornado siren test is part of Severe Weather Preparedness Week as declared by Gov. Holcomb. The test will be delayed to March 13 if weather conditions warrant a delay. The week is a collaboration of many agencies, including the Indiana State Police, the Department of Homeland Security and the National Weather Service. Officials also were calling public attention to the growing problem of severe flooding.

Director of Public Works Dustin Sailor said that he was anticipating the presence of someone from NIPSCO to discuss traffic modifications they were making on Wilden Avenue without prior approval. Because nobody appeared from NIPSCO, **Sailor** requested a stop order from the Board of Works.

Landis asked about Indiana Avenue near the Junior High School where NIPSCO has flaggers. **Sailor** said that he was not aware of these flaggers.

Mayor Leichty said that she would support a stop order because NIPSCO should know the protocol and a stop order would send a reminder to NIPSCO. **Stegelmann** said that the Engineering Department is authorized to send stop orders without a vote, **Sailor** said that he is still required to follow up with Board of Works after issuing the order. **Leichty/Landis** made a motion to authorize **Sailor** to issue a stop work order to NIPSCO for non-compliance with Board protocol. Motion passed 5-0.

There were no further comments, so Mayor Leichty closed the public comment period at 4:20 p.m.

At 4:20 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., March 7, 2024

Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

9) Review of the Order of the City of Goshen Building Commissioner for 412 North 7th Street (Super Smash Brothers, LLC and Scott & Cynthia Rugg, property owner)



At 4:20 p.m., Mayor Leichty convened a hearing to review the Order of the City of Goshen Building Commissioner for 412 North 7th Street (Super Smash Brothers, LLC and Scott & Cynthia Rugg, property owner).

BACKGROUND:

In a memorandum to the Board of Works dated March 4, 2024, Assistant City Attorney Don Shuler wrote that an unsafe building review hearing by the Board was scheduled for the property located at 412 North Seventh Street, on March 7, 2024. Attached was the Order of the City of Goshen Building Commissioner and the Certificate of Service establishing service of the Order and the March 7 scheduled hearing.

Shuler wrote that the Board needed to conduct the hearing by receiving evidence and arguments from the Building Department, the property owner, and any other individual who wished to speak about the property. After receiving the evidence, the Board needed to determine if it would affirm, rescind, or modify the Building Commissioner's order, both as to the finding of code violations that make the building unsafe, and as to the required action to take.

Shuler attached a form of the Record of Action and Continuous Enforcement Order that the Board would issue following the hearing and that could be used as a guide in conducting the hearing.

On Jan. 30, 2024, through a written order, City Building Commissioner Myron Grise notified Super Smash Brothers, LLC, Unifund CCR, LLC and Scott Allan Rugg and Cynthia Kay Rugg, the owners of 412 N. 7th St., that this property was in violation of the Goshen City Code.

Grise reported that the City Building Department inspected the subject real estate and the vacant residential structure Oct. 18, 2023 and violations of the Neighborhood Preservation Ordinance (Minimum Housing Ordinance) were cited. And there have been "no significant improvements to the vacant residential structure at the real estate."

Grise reported that the following 12 violations of Goshen City Code Section 6, Title 3 were cited by the City Building Department inspector and have not been satisfactorily repaired or remedied:

1. The concrete steps leading to the basement at the residential structure are breaking, making them unsafe, a violation of Section 6.3.1. IU).
2. The heating and mechanical system at the residential structure is inoperable, a violation of Section 6.3.1. I(a). The duct system is not properly connected and is severely rusted and damaged. There is no active gas meter.
3. The plumbing system at the residential structure is inoperable, a violation of Section 6.3.1. I(a). There is no active water usage.
4. The residential structure's foundation has not been kept in good repair, a violation of Section 6.3.1.I(b). The foundation has cracked and holes, and an area of the foundation in the rear of the structure has been removed.
5. The residential structure's floors have not been kept in good repair, a violation of Section 6.3.1. I(b). The floor in the rear of the structure has a large hole and is not properly supported and therefore in danger of collapse.
6. The residential structure's ceilings have not been kept in good repair, a violation of Section 6.3.1. I(b). Areas of the ceiling have collapsed; other areas show signs of water damage, is sagging, and therefore in danger of collapse.
7. The residential structure's roof has not been kept in good repair and is not weather proof, a violation of Sections 6.3.1.I(b) and (c). The flat roof assembly at the rear of the structure is significantly water damaged and in danger of collapsing.
8. The residential structure's electrical system is inoperable, a violation of Section 6.3.1.I(a). There is exposed wiring throughout the structure, no electric meter, and evidence of tampering with exterior overhead wires.
9. An exterior door has been removed, there are multiple broken windows, and there is rotted window and door trim, all of which are violations of Section 6.3.1.I(d).
10. A large portion of the residential structure has missing siding and other areas are damaged siding, a violation of Section 6.3.1.I(bb).



11. The residential structure is not secured, a violation of Section 6.3.1.(fl). There is evidence of the structure being occupied by a squatter; the structure is full of trash, food, and furniture.

12. The residential structure has deteriorated due to neglect so that it is in danger of collapsing, a violation of Section 6.3.1.(r). Approximately 10 to 15 feet of foundation has been removed in the rear of the structure; a load bearing beam in the basement is not properly supported and has begun to sag; walls are starting to detach from the ceiling; the floor in the rear of the structure is in danger of collapse; and the roof assembly in the rear of the property has failed, which has caused the ceiling to start collapsing.

Grise wrote that these violations had made the premises at 412 N. 7th St. unsafe within the meaning of Indiana Code§ 36-7-9-4(a) (1), (2), (4), (5), and (6).

Grise further wrote that “the removed and failing foundation, sagging walls, floors, ceilings, and roof demonstrate the structure is in an impaired structural condition making it unsafe. The dilapidated nature of the residential structure, its deterioration due to neglect, the damaged mechanical and electrical systems, and its unsecured nature makes it a fire hazard. The unsecured nature of the residential structure, which has attracted a squatter as shown by the presence of food, trash, and furniture, makes it a public nuisance. The residential structure is dangerous to person or property because of violations of the Neighborhood Preservation Ordinance, particularly violations concerning the failing foundation, sagging roof, floors, and ceilings, and inoperable plumbing, electrical, and mechanical systems. The residential structure is vacant and not maintained in a manner that permits human habitation, occupancy, or use under the Neighborhood Preservation Ordinance.

“The leaking roof, collapsing floors, the fact that the walls are detaching from the ceiling, combined with holes in the foundation and parts of the foundation having been removed, and the sagging occurring to at least one load bearing beam, the result of deterioration due to neglect, makes the condition of the residential structure warranting of removal. In its present condition, the residential structure is unfit for human habitation, occupancy, or use, and the conditions exist to the extent that life, health, property, and safety of the public is threatened. The residential structure is an unsafe building and the tract of real property on which the unsafe building is located shall be considered the unsafe premises.”

Grise ordered the property owners to either substantially repair the unsafe buildings or to demolish them and remove all demolition remains, trash, and debris on the unsafe premises and return the site to natural grade, all of said work, either substantial repairs or demolition, to be completed on or before March 31, 2024. Grise further notified the property owners that a hearing would be held before the Board of Public Works and Safety on March 7, 2024 for the purpose of reviewing the Order of the City of Goshen Building Commissioner. They owners also were 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.

Before the March 7, 2024 hearing began, City Building Inspector Travis Eash distributed to Board members a memorandum and report, dated March 7, 2024, about 412 North 7th Street. The 17-page packet included an October 20, 2023 report and photos by Eash based on an October 18, 2023 inspection of the property (EXHIBIT #1). The memorandum and report were presented during consideration of agenda item #9.

DISCUSSION AND OUTCOME OF HEARING ON MARCH 7, 2024:

Assistant City Attorney Don Shuler provided the background of the property at 412 North 7th Street and referenced the March 7, 2024 memo from **Eash**, saying that the order requested the building be demolished or substantially repaired within a certain period of time. He said the Board needed to conduct the hearing where it will hear evidence from the inspector and property owner. He said after receiving evidence, the Board should determine whether to find the property unsafe, modify, affirm or rescind the action.



Shuler 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 **March 7, 2024 memo to the Board**, Eash said that the "initial inspection of the property at 412 N 7th Street was conducted on October 18, 2023. My photos and violation report from that inspection are attached."

Eash continued, "There was an ownership change around the same time as my initial inspection, so our office extended the time frame by 60 days for the new owners to address the violations in the report. There has been progress made with the heating system, electrical system, clean up and foundation work.

"Items that have been neglected and make the property unsafe are the plumbing system is not functional. The floors and ceilings are in poor condition. Also, there are still multiple doors and windows broken or not working properly and rotted trim around windows. The roof appears to have been replaced without a permit pulled or inspection.

"The stairs installed in the rear of the property do not have a proper landing and are not installed properly. A remodel permit was pulled, along with an electrical permit. A mechanical permit was pulled only after putting a stop work order on the job for doing that work without a proper permit."

Eash concluded, "The Building Department requests the property be declared unsafe and ordered to be demolished, or all repairs completed within 60 days.

Mayor Leichty asked if there are people living in the home, Eash said that a relative of the old owner was squatting in the house before the new owners purchased the house. The prior owner had "straight-piped" the water line, and the house was a mess.

Leichty asked about the owner's intention with the house, Eash said that he doesn't want to speak for the current owners. He said that in conversation with the owners, they intended to clean it up and quickly sell it. Once they found out about the report, they still considered repairing the house but were unhappy about the requirement to disclose the house upon sale.

Eash mentioned that the the property owner was not present in the hearing.

Board member Landis asked about the ownership change. Eash said that Smash Brothers purchased the house without understanding the property's condition. Their intention was to buy it, clean up the exterior and sell it without assessing the internals.

Mayor Leichty said that it appears necessary to maintain this order to assure that the repairs are completed. Eash said that they did some work but don't seem motivated to finish their work. Landis said that he's seen Smash Brothers work, which usually involves cosmetic changes but not a lot of deep work as this house needs.

Eash said that he did not address the missing siding in his report or that the foundation under the rear porch was almost nonexistent. The owners correctly installed a new porch foundation, the back door is not up to code and missing a railing. He believes the owners are aware of what needs to be done to the property because they got notice and signed for the reports.

Board member Myers said that it appears the Building Department has given the new owners a chance to complete their work but they also appear in over their heads with the property. It will turn into a bigger problem the longer they wait. Eash said that someone could still purchase and rehab the property, but the order would need to be disclosed to the new owner.

Board member Swartley asked what happens to the improvements if the building is demolished, Eash said that the owner can remove or have removed any object or fixture from the building at their own discretion.

Landis/Swartley made a motion to uphold the recommendation of the Building Commissioner order for the property at 412 North 7th Street to be demolished or all repairs completed within 60 days. Motion passed 5-0.



At 4:34 p.m. Mayor Leichty closed the public hearing and re-opened Privilege of the Floor.

West Wilden Avenue lane restrictions, between Beaver Lane and North Greene Road, March 11 to May 31

Phil Babin, a representative of NIPSCO, requested a traffic modification on an arterial street.

Babin explained that NIPSCO is building a substation at 1915 Hemlock Court, adding new transmission and distribution lines on West Wilden Avenue, and wished to speak about traffic control in this project. Traffic control will use TCS with a single-lane closure on the North side of the road. The north lane will be restricted when NIPSCO is extending lines to install new poles with transmission overbuild and distribution lines. The project will run through the end of May, and TCS will use flaggers at entry points and cones.

Babin said that lane restrictions on West Wilden will occur between Beaver Lane and North Greene Road.

Board member Landis said that the Beaver Lane intersection is really busy and that he wants to confirm that there is "stacking ability" for traffic headed west and that no traffic will be stopped on the railroad tracks. **Babin** said that the restrictions will go all the way to Beaver Lane and that northbound traffic may be problematic, so NIPSCO will submit a plan to resolve this issue.

Mayor Leichty asked if NIPSCO is aware of the need for submitting plans to the Board of Works and **Babin** said that they are. **Mayor Leichty** continued, saying that the Board has repeatedly seen NIPSCO violate this requirement and start work without proper permits. **Babin** said that he will make sure others at NIPSCO are aware of this requirement and do a better job.

Board member Landis said that earlier in the meeting he commented on flaggers on Indiana Avenue stopping traffic and the Board has no idea what they're doing.

Director of Public Works Dustin Sailor said that the motion will need to include the pedestrian path along Wilden Avenue that NIPSCO will work beside and over.

Babin stated that the work will begin March 11, 2024 and continue through May 31, 2024. During that time, lane restrictions will occur only from 8 a.m. to 4 p.m. He said the work will not be consecutive and lanes will only be restricted on the days work occurs at the location.

Nichols/Swartley made a motion to approve NIPSCO's request for lane restrictions on West Wilden Avenue between Beaver Lane and North Greene Road beginning March 11 through May 31, which will also include the closure on the pedestrian path. The motion passed 5-0.

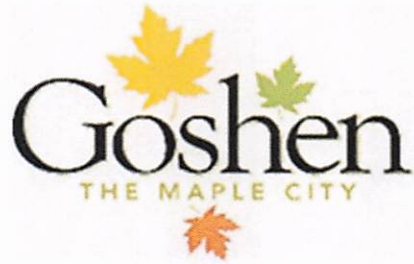
Approval of Civil City and Utility Claims

As all matters before the Board of Public Works & Safety were concluded, Mayor Leichty/Board member Swartley moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 5-0.

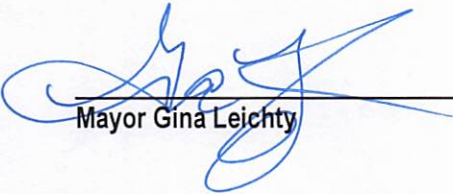
Adjournment

Mayor Leichty adjourned the Board of Works meeting at 4:43 p.m.

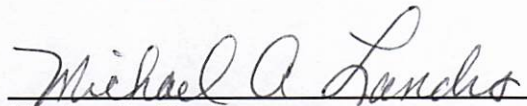
EXHIBIT #1: A memorandum and report by City Building Inspector Travis Eash, distributed to Board members and dated March 7, 2024, on the property at 412 North 7th Street. The 17-page packet included an October 20, 2023 report and photos by Eash based on an October 18, 2023 inspection of the property. The report was submitted during and for consideration of agenda item #9.




APPROVED:



Mayor Gina Leichty



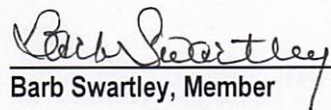
Mike Landis, Member



Orv Myers, Member



Mary Nichols, Member



Barb Swartley, Member

ATTEST:



Jeffery Weaver, City of Goshen Deputy 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: MARCH 7, 2024

Subject: 412 N 7TH ST

My initial inspection of the property at 412 N 7th Street was conducted on October 18, 2023. My photos and violation report from that inspection are attached.

There was an ownership change around the same time as my initial inspection, so our office extended the time frame by 60 days for the new owners to address the violations in the report. There has been progress made with the heating system, electrical system, clean up and foundation work.

Items that have been neglected and make the property unsafe are the plumbing system is not functional. The floors and ceilings are in poor condition. Also, there are still multiple doors and windows are broken or not working properly and rotted trim around windows. The roof appears to have been replaced without a permit pulled or inspection.

The stairs installed in the rear of the property do not have a proper land and are not installed properly. A remodel permit was pulled, along with an electrical permit. A mechanical permit was pulled only after putting a stop work order on the job for doing that work without the proper permit.

The building department requests that the property be declared unsafe and ordered to be demolished, or all repairs completed within 60 days.

Thank you,

Travis Eash



**Building Department
City of Goshen**

204 E Jefferson St • Goshen, Indiana 46528

Phone: 574-534-1811 • Fax:

building@goshencity.com • www.goshenindiana.org/building-department

October 20, 2023

Super Smash Brothers LLC
4000 E Bristol St. Suite 3
Elkhart, IN 46514

RE: Unsafe Vacant Property at 412 N 7th St

Dear Super Smash Brothers LLC (Matt Vukovich):

The City of Goshen inspected the vacant property at 412 N 7th St on 10/18/2023. As a result of the inspection, the building has been determined to be unsafe because it is not maintained in a manner that allows human habitation. The inspection identified numerous code violations that must be corrected to bring the property into compliance with the Goshen Neighborhood Preservation Ordinance.

The following repairs need to be completed by **November 1, 2023**.

6.3.1.6(b)(1)

Clean and Sanitary Dwelling Unit

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.

The interior and exterior of property are full of trash, debris and other items and has not been maintained in a sanitary manner.

6.3.1.1(j)

Concrete - Hazard

NPO

All concrete on the real estate shall be free of significant fractures, fissures, and exposed reinforcement that create a hazardous condition.

Concrete steps leading to basement are breaking and unsafe to walk

6.3.1.3(g)

Duct Systems

NPO

Duct systems shall be maintained free of obstruction and shall properly function.

Duct system is not properly connected and severely rusted and damaged

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.

No working heating system

No active gas meter

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 working plumbing system

No active water usage

6.3.1.1(b)

Privacy, Weather Tight, Good Repair - Exterior

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.

Foundation has areas where cracks and holes have formed

An area in the rear of the property where the foundation has been removed. Approximately 10 to 15 feet.

Floor in the rear of the property has a large hole and is not supported properly and the floor is in danger of collapse

Areas where the ceiling has collapsed and other areas where the ceiling shows signs of water damage and is sagging and in danger of possible collapse

The flat roof assembly in rear of property is significantly water damaged and has failed and in danger of collapse

The rubber roof installed in rear of property has not been installed correctly

A portion of the header above an interior door has 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.

No working electrical system

Exposed wiring throughout property

No electric meter

Evidence of tampering with exterior overhead wires

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.

Multiple broken windows

Exterior door has been removed

Rotted window and door trim

6.3.1.1(bb)

Siding/Masonry Joints

NPO

All siding and masonry joints, including the perimeter of all windows, doors and skylights must be in good repair and weathertight.

A large are of the house is missing siding.

Multiple areas where siding damaged

6.3.1.1(ff)

Vacant Property to be Secured

NPO

If a building, garage, accessory or structure is vacant, all exterior doors, exterior windows, exterior basement entrances and any other points of entry shall be locked and secured from intrusion by unauthorized persons.

House appears to be occupied by a squatter without any active water, electric or gas. House is full of trash, food and furniture. House not adequately secured

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.

An area in the rear of the property where approximately 10 to 15 feet of the foundation has been removed

Load bearing beam in basement is beginning to sag and not supported properly

Walls are starting to detach from the ceiling

Floor in rear of property is in danger of collapse

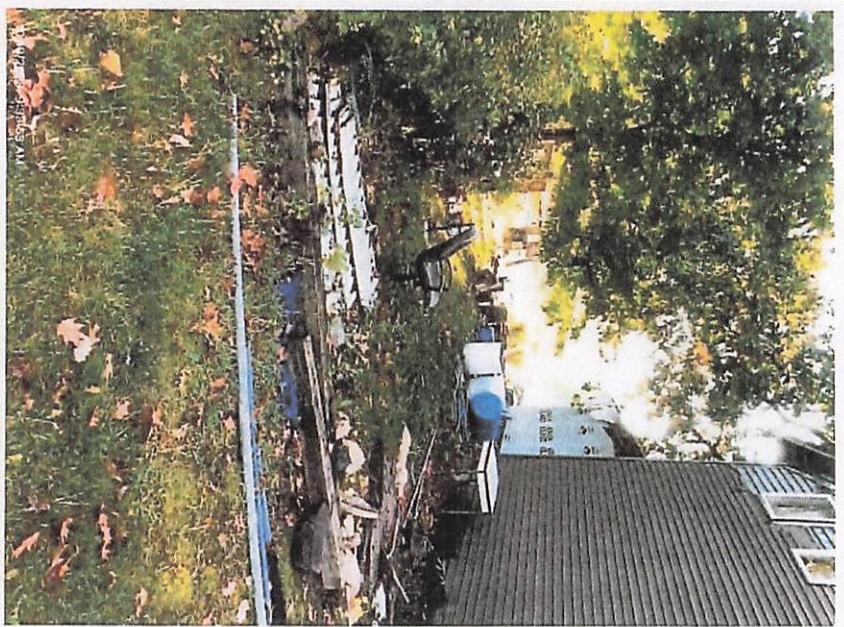
Roof assembly in rear of property has failed which has caused the ceiling to collapse

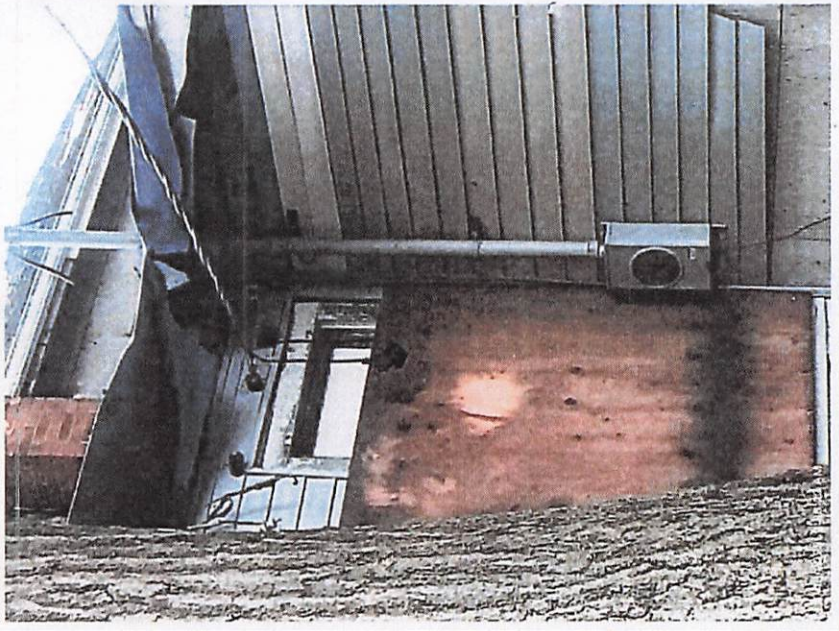
If addition, if the property is intended to be used as a rental, it will require registration with the Building Department.

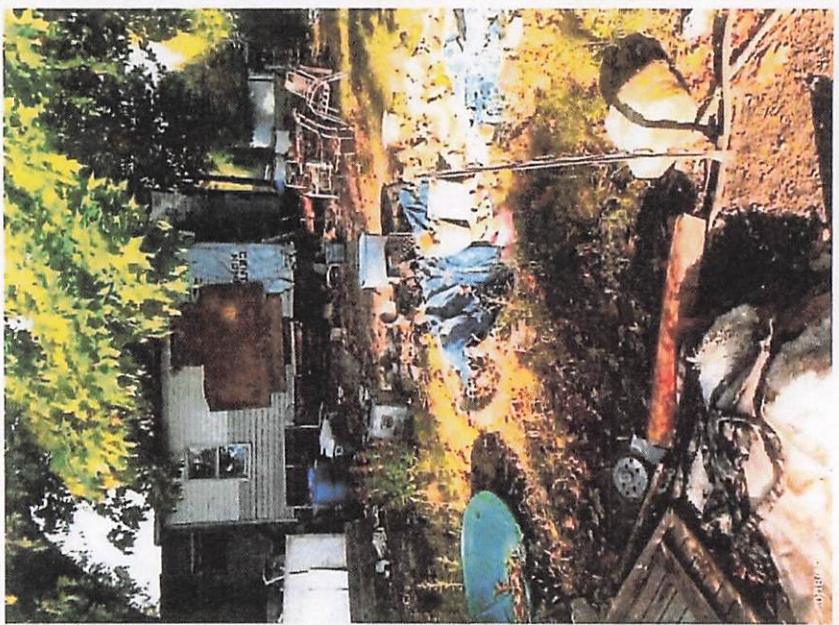
Thank you for your cooperation in allowing the City of Goshen to conduct this inspection.

Respectfully,

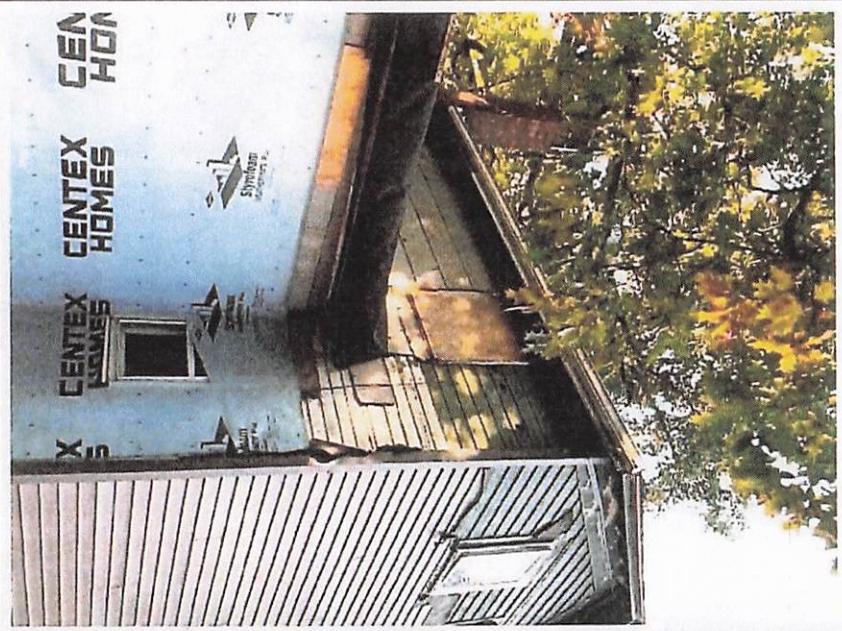

Travis East
Code Compliance Officer

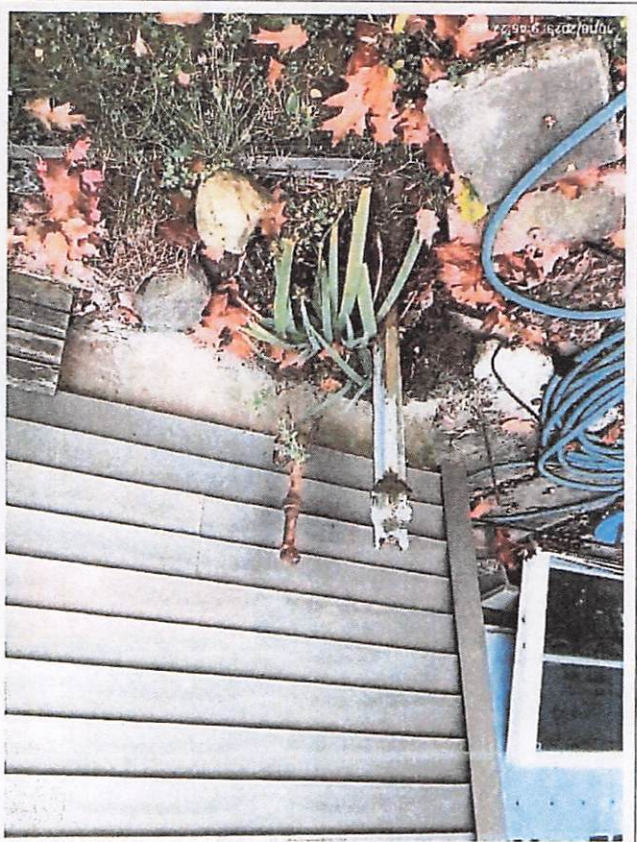
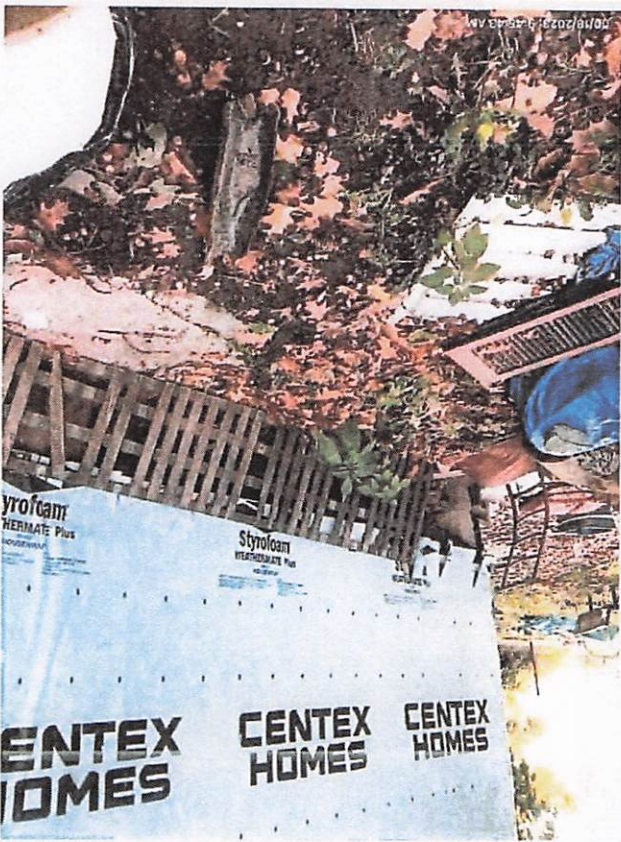
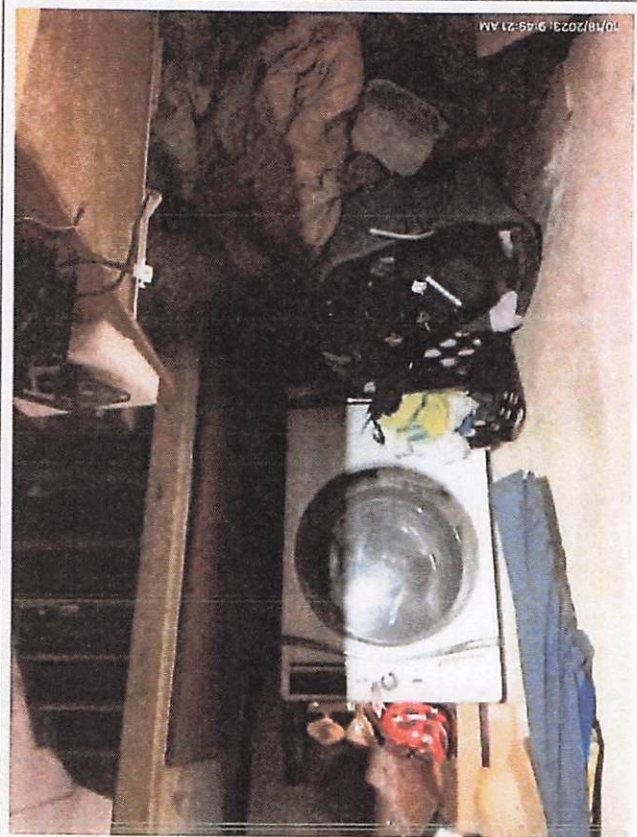


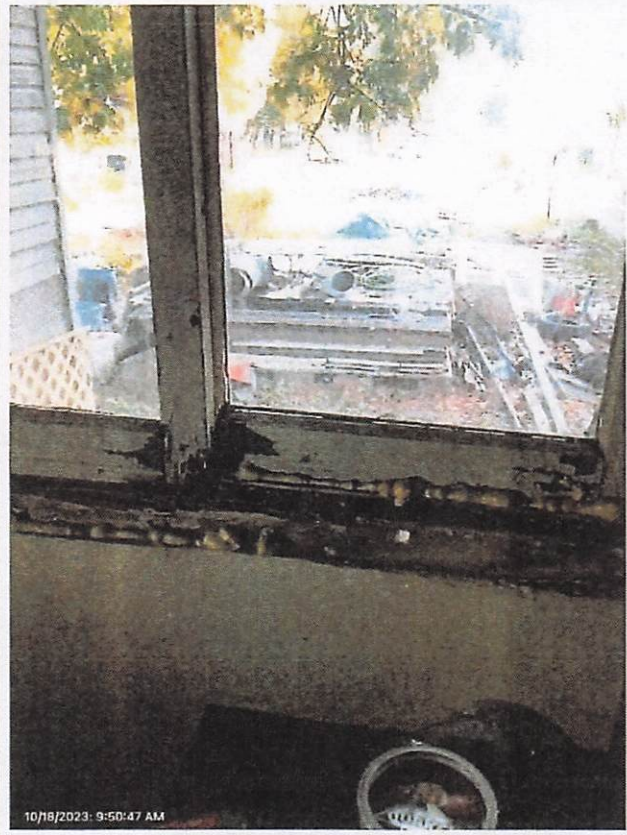
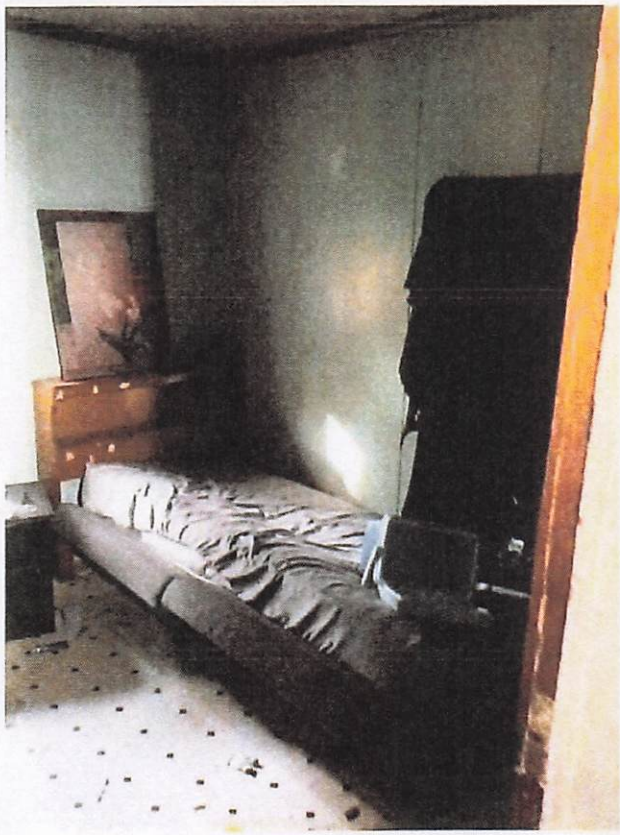
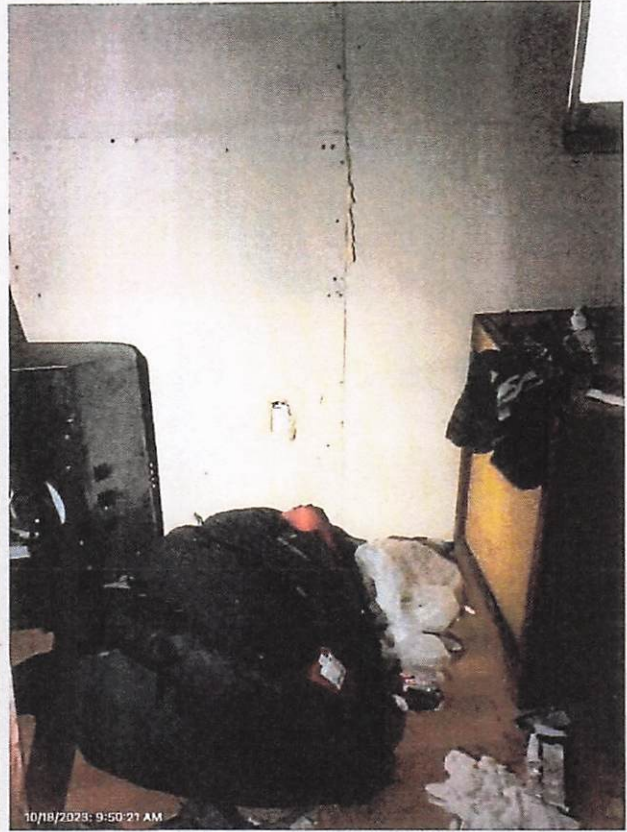
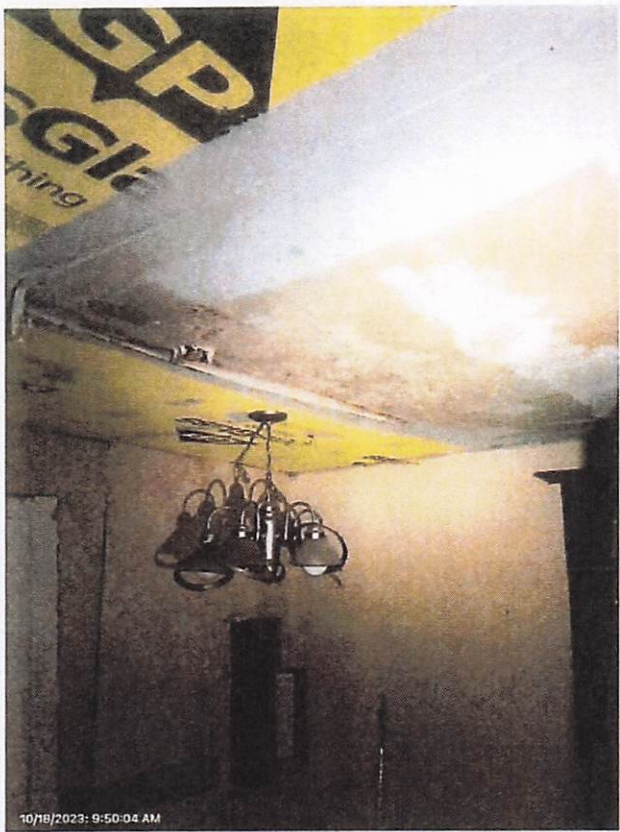


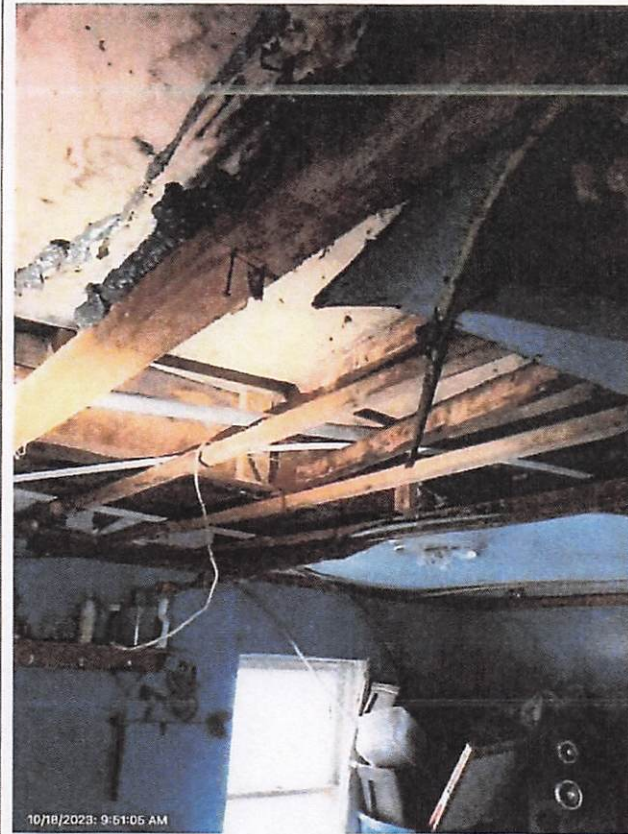












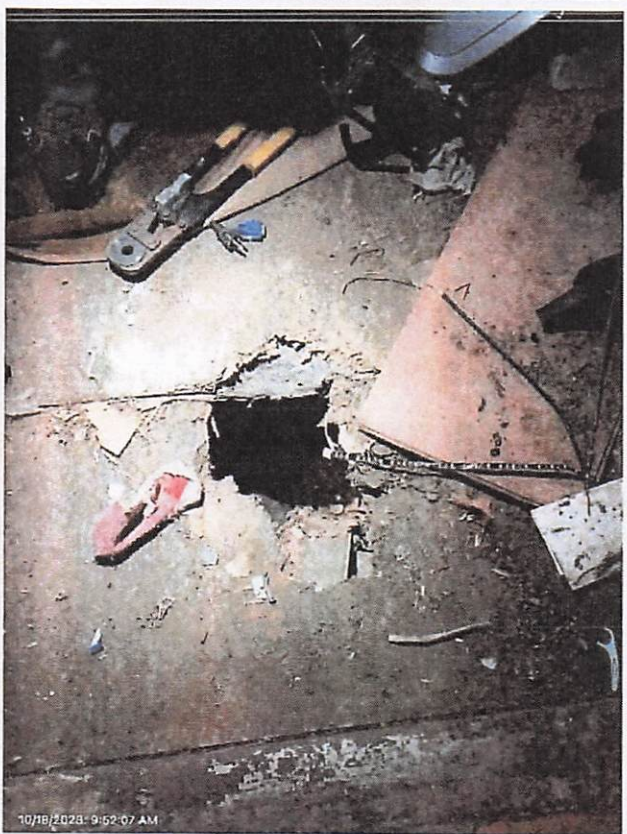
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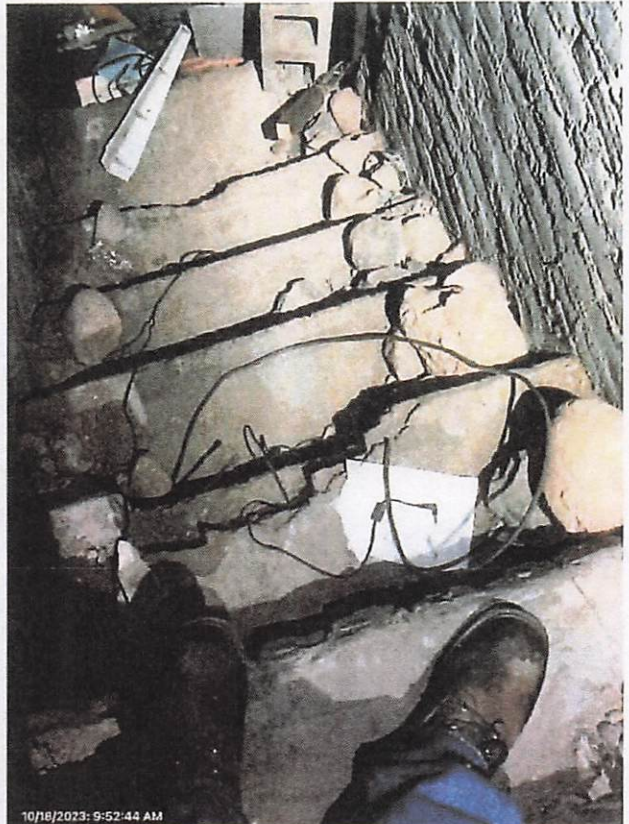
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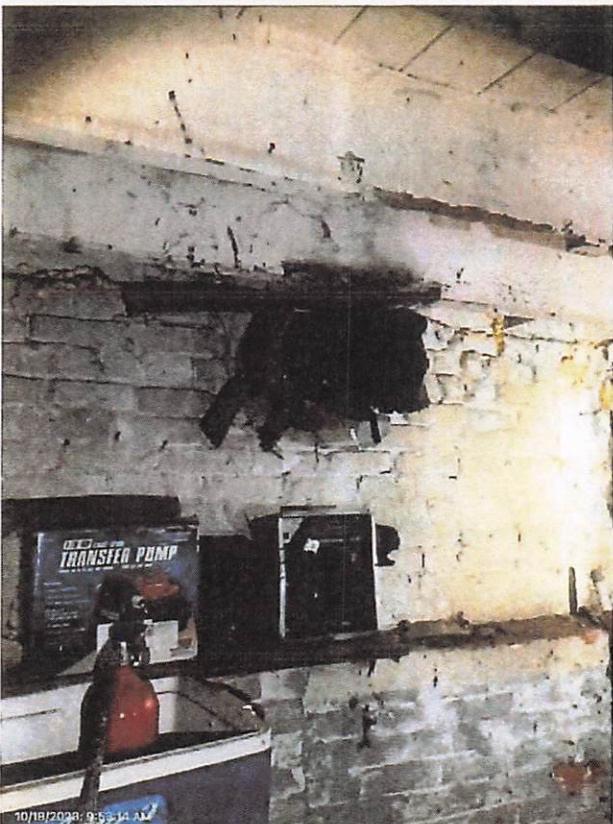
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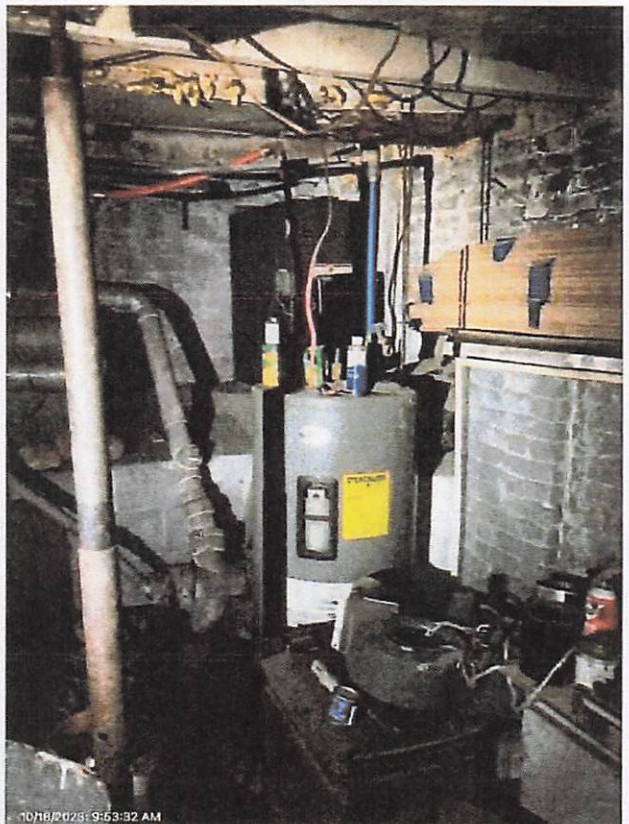
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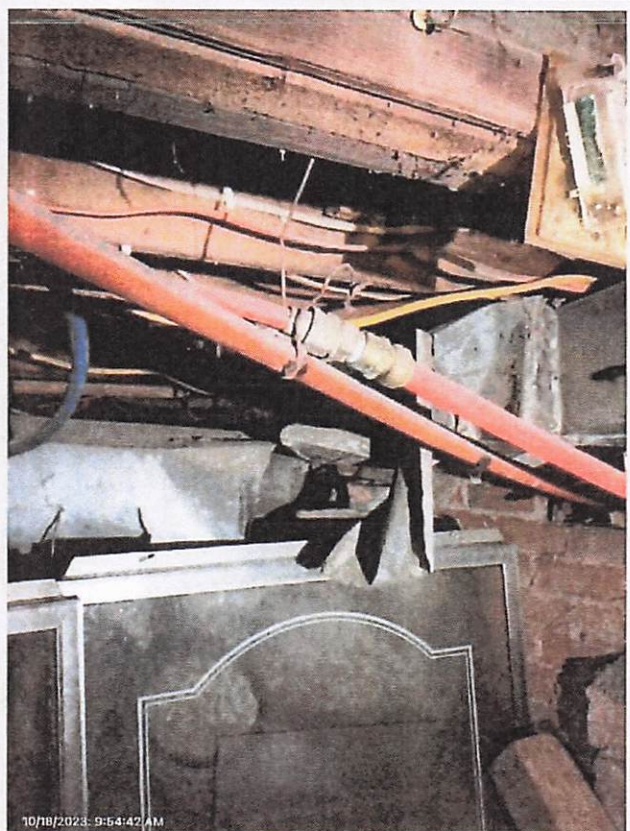
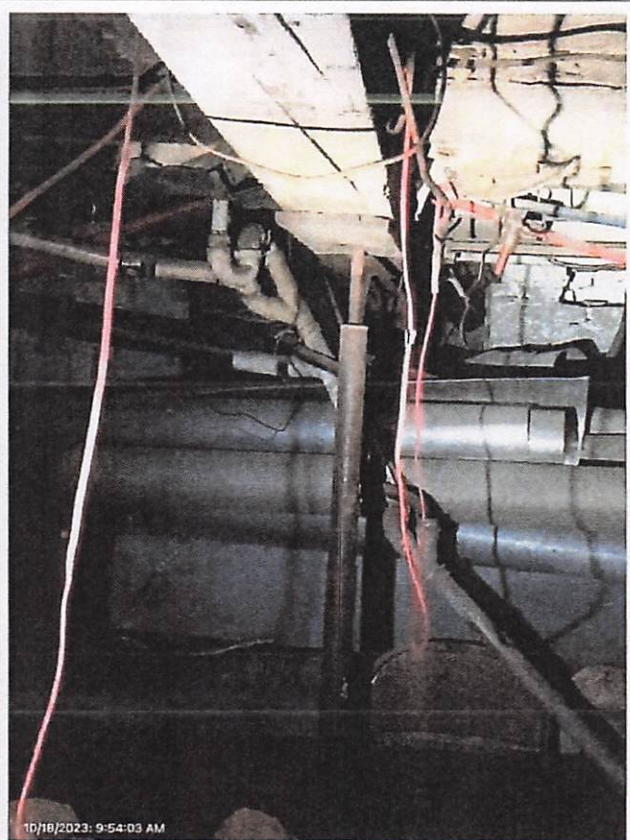
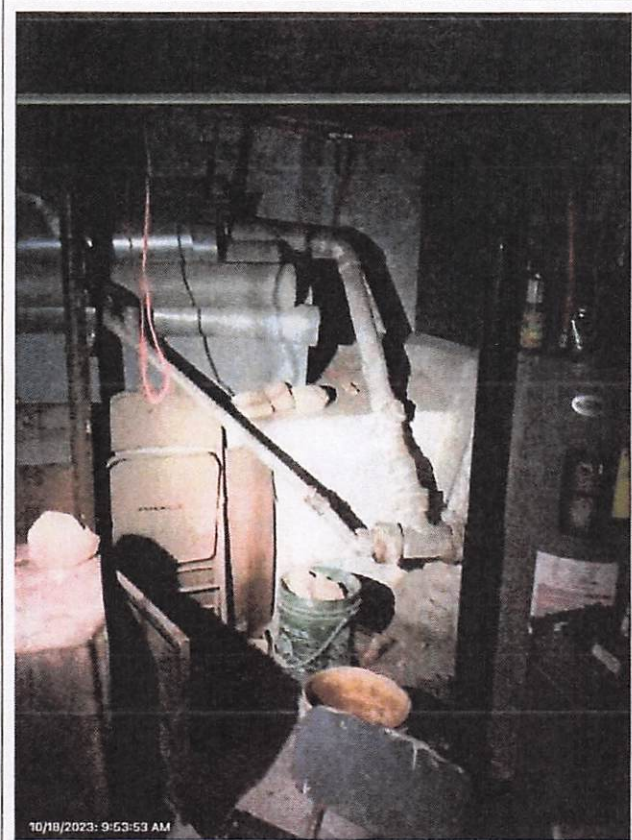
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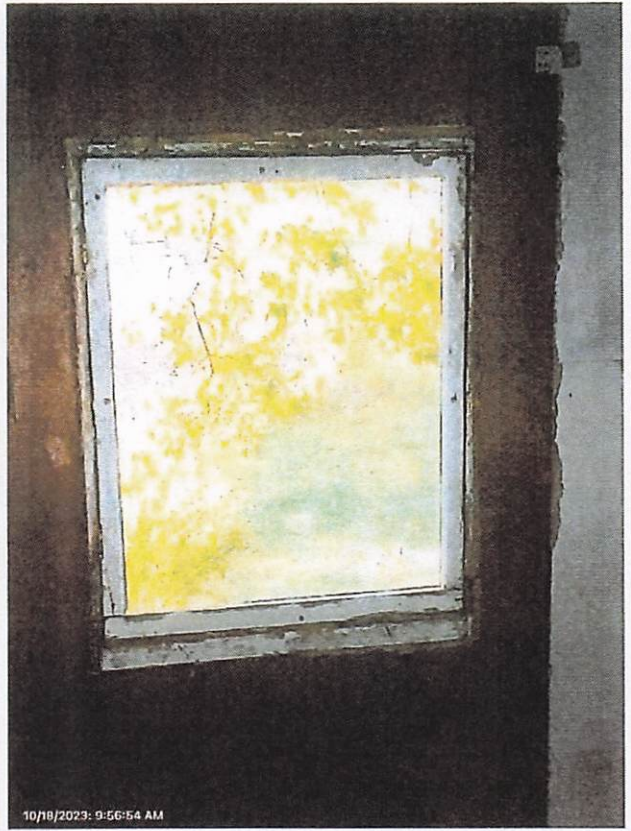


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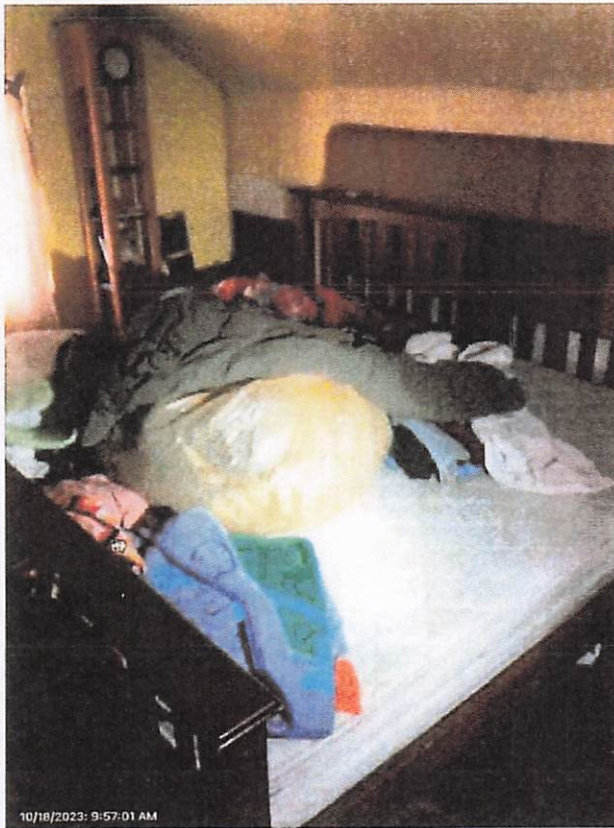




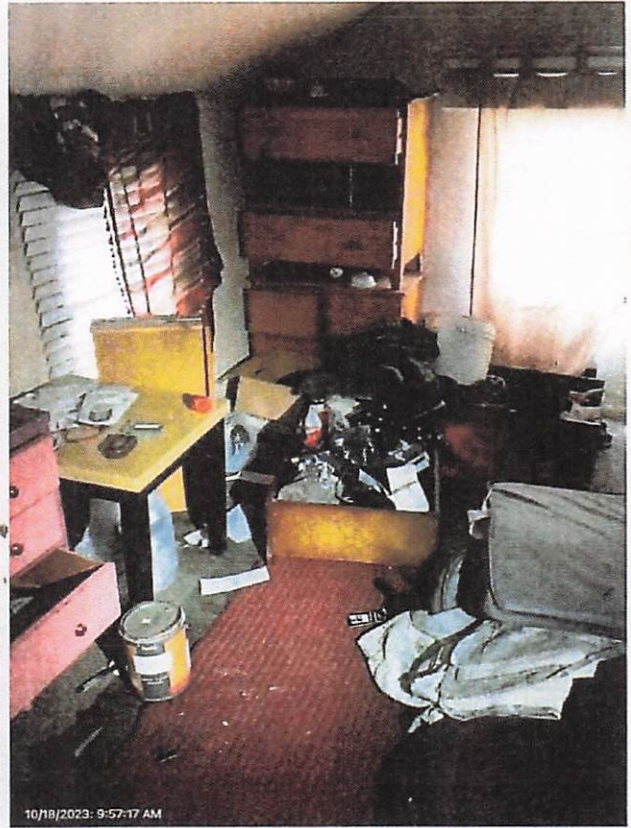
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