



MINUTES of June 28, 2021 Regular Meeting

Board of Public Works & Safety and Stormwater Board

Held 2:00 p.m. Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Present: Chair Jeremy Stutsman, Member Mary Nichols, Member Mike Landis, Member Barb Swartley,
Member DeWayne Riouse

Absent: None

Minutes of May 24, June 1, June 7, June 14, and June 21, 2021 were presented.

Landis/Nichols moved to approve the minutes of May 24, June 1, June 7, June 14, and June 21, 2021 as presented. Passed 5-0

Landis/Nichols moved to approve the agenda with a date correction to Item #10 (Board of Works Rescheduled for July 5, 2021) July 4 should be July 5 and July 5 should be July 6. Passed 5-0

Police Department Hiring of Dana Hollar as a Special Police Officer

Chief of Police Jose' Miller presented the packet memo.

Landis/Nichols moved to approve the hiring of Dana Hollar as a Special Police Officer effective Monday, June 28, 2021. Passed 5-0

Dana Hollar was sworn in by Mayor Stutsman.

Police Department Hiring of Jonathon Gage Fannin as a Probationary Police Officer

Miller presented the packet memo.

Landis/Nichols moved to approve the hiring of Jonathon Gage Fannin as a Probationary Police Officer effective Monday, June 28, 2021. Passed 5-0

Jonathon Gage Fannin was sworn in by Mayor Stutsman.



Police Department Promotion of Justin T. Rayl from a Probationary Patrol Officer to a Patrol Officer

Miller presented the packet memo.

Landis/Nichols moved to approve the promotion of Justin T. Rayl from Probationary Patrol Officer to Patrol Officer retroactive June 18, 2021. Passed 5-0

Fire Department Retirement of Captain Gary Mast

Fire Chief Dan Sink presented the packet memo.

Landis/Nichols moved to approve with thanks the intent to retire of Captain Gary Mast effective July 12, 2021. Passed 5-0

Proposed Goshen Sensory Trail Grant – Contract with Mark Daniels

Environmental Resilience Director Aaron Sawatsky-Kingsley presented the packet memo.

Mayor Stutsman stated this is a project he still looks forward too.

Landis/Nichols moved to approve the proposed contract with Mark Daniel for professional services in the amount of \$9,200. Passed 5-0

Amendment No. 1: Agreement for Lawn Services with Colin Avila dba Yardshark

Legal Compliance Administrator Shannon Marks presented the packet memo.

Landis/Nichols moved to approve and authorize the Mayor to execute Amendment No. 1, Agreement for Lawn Services with Colin Avila dba Yardshark for \$250 per yard mowed and \$250 for fall cleanup. Passed 5-0

Change Order No. 1 – Revised: Asphalt Paving Project, JN: 2021-0002

Director of Public Works Dustin Sailor presented the packet memo.

Sailor stated this is a correction in the amount presented at last week's Board Meeting.

Landis/Nichols moved to approve Change Order No. 1 for the amount of \$82,554.00 which is a 9.76% increase to allow Niblock to complete the stated work, and to establish the project's final completion date as August 5, 2021. Which adds four additional work days. Passed 5-0



Lane Restriction on Greene Road: Fiber Optic Conduit Installation

Sailor presented the packet memo.

Landis/Nichols moved to approve the lane restriction on Greene Road beginning June 29 through July 2, 2021 for the Direct Line Communications on Green Road. Passed 5-0

"No Parking" Sign Request – Ninth Street

Sailor presented the packet memo.

Landis/Nichols moved to approve the addition of "No Parking" signs on Ninth Street between College Avenue and Jackson Street. Passed 5-0

Announcement: Board of Works for July 4 rescheduled to July 5, 2021

Mayor Stutsman announced the rescheduled date of the July 5 Board of Works meeting to Tuesday July 6, 2021.

No formal action.

Continuance of Hearing: 221 West Wilden Avenue

Mayor Stutsman stated that homeowner Ron Davidhizar requested a week extension due to personal reasons.

No formal action.

Privilege of the Floor

Goshen Resident at The Crossing Dallas Barkman shared his concerns related to the Post Construction Stormwater Management Plan related to the lot he lives on. Barkman stated he and other residents in the area are concerned with a statement in the plan that he believes allows the City to make entry into homes located on the lot; citing the wording on page 6 of the agreement. Added that he was not made aware of the plan until recently. Barkman also asked Landis why he had approved this plan. Barkman requested a curb cut be installed to ADA compliance on the sidewalk adjacent to 811 Greene Road due to his son almost having an accident while riding bikes.

Mayor Stutsman stated that City staff will look into the sidewalk curb cut request. Asked City Attorney Bodie Stegelmann what the agreement states regarding entering the premise.

Stegelmann stated that the wording regarding making entry onto the premise was specifically related to accessing the real estate, not the home, to repair any Stormwater related issues. Added that when the agreement was approved, there were no homes on the lot. Stated home owners would have been notified of the agreement at the point of sale.



Board of Public Works and Safety Order: 1602 South 12 Street

Building Department Planning and Zoning Inspector Travis Eash provided an updated report of the residence (*Attached as Exhibit A*). Eash claims that little to no repairs have been done to the home. Stated he has spent the last three months attempting to make contact with the owner with little to no success. Added that a friend of the homeowner requested a dumpster be placed on the property however Eash claims that the dumpster has not been used. Homeowner was at the residence as of the morning of June 28, 2021 as Eash confirmed the homeowner was aware of this hearing.

Utilities Billing Officer Manager Kelly Saenz stated a past due water bill of approximately \$700 was paid earlier this year, however there is still no water at the home and the homeowner is now two months behind.

Eash added that he was able to contact Adult Protective Services but due to the fact that the owner is able to retain a job, APS is limited in what they can do.

Mayor Stutsman/Landis stated the initial 90 days for cleanup was not effective to finalize the order. Passed 5-0

Discussion continued regarding how to proceed due to the home being a health hazard and lack of compliance from the homeowner. Followed by possible mental health related issues that may be discovered to which the City will work with.

Mayor Stutsman/Nichols moved to refer the order to the Legal Department for enforcement. Passed 5-0

Stutsman/Nichols moved to approve Civil City and Utility claims and adjourn. Passed 5-0

Adjournment at 2:35 p.m.

Exhibit A: Updated Report regarding property at 1602 South 12th Street. (10 pages)

APPROVED

A handwritten signature in black ink, appearing to read "J. Stutsman", is written over a horizontal line.

Jeremy Stutsman, Chair

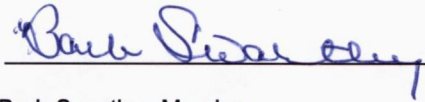
A handwritten signature in black ink, appearing to read "Michael A. Landis", is written over a horizontal line.



Michael Landis, Member

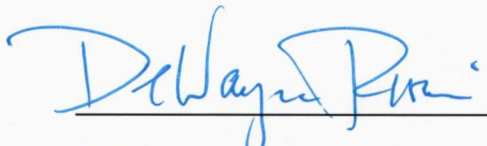


Mary Nichols, Member



Barb Swartley, Member

Barb Swartley, Member



DeWayne Riouse, Member

DeWayne Riouse, Member

ATTEST

Clerk-Treasurer



**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: JUNE 28, 2021

Subject: 1602 S 12TH STREET

This morning I inspected the property at 1602 s 12th Street to check the progress from the original Board Of Works Order on March 29 2021.

Little progress has been made since that order. The owner had contacted the Utilities Office to pay his balance which was applied to his account on April 19th. However at that time he didn't want the water on before making repairs to plumbing. As of this morning no repairs have been made and the water is still off.

A City dumpster was also requested by a friend of the owner and delivered to the property on June 18th and picked up on June 21st with not a lot of contents in it.

I have made several attempts over the last couple months to communicate with the owner with no response.

Thank You,

Goshen Building Department

ORDER OF THE CITY OF GOSHEN BOARD OF PUBLIC WORKS AND SAFETY

March 31, 2021

To: Gregory St. Germain
1602 S 12th Street
Goshen, IN 46526

RE: Premises at 1602 S. 12th Street, Goshen, Indiana

As a person holding a substantial property interest in the real estate at 1602 S. 12th Street, Goshen, Indiana, you were served with an Order of the City of Goshen Building Department dated March 1, 2021 by Carla Newcomer, Paralegal who mailed the Order by certified mail with return receipt requested and by first-class mail on March 1, 2021.

This comes for a hearing before the City of Goshen Board of Public Works and Safety on March 29, 2021 to review the March 1, 2021 Order of the City of Goshen Building Commissioner. The City of Goshen Building Department appears by Building Inspector Travis Eash and Gregory St. Germain failed to appear at the hearing.

Evidence was presented and arguments heard. The Board of Public Works and Safety being duly advised in the condition of the buildings and/or premises at 1602 S. 12th Street, Goshen, Indiana now finds that the present condition of the buildings and/or premises are (complete/modify as appropriate, include punctuation) unsafe because the buildings and/or premises are a hazard to the public health and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or ordinance.

In particular, the Board finds that the present condition of the buildings and/or premises are in violation of the following sections of Title 6, Article 3, Chapter 1 of the Goshen City Code:

1. Water heater is not working and needs to be replaced (violation of Section 6.3.1.2 (f)).
2. Plumbing system is not in working order and needs to be assessed and repaired. The Goshen City Utilities Office record's show there has been no water usage since 2014 (violation of Section 6.3.1.7(a)).
3. Interior of the property has accumulated trash, debris, containers of human waste, and animal feces. Carpets are stained and have embedded animal waste. (violation of Section 6.3.16(b)(1)).
4. Multiple egress out of the property is blocked due to accumulation of materials and needs to be cleaned so that there is a safe egress out of the property in case of emergency. (violation of Section 6.3.1.3(d)).
5. Furnace and duct work need to be assessed to see if they are working order so that an adequate amount of heat can be supplied to the property (violation of Section 6.3.1.3 (e)).
6. Utilities need to be turned back on and work properly (violation of Section 6.3.1.7 (a)).

The Board of Public Works and Safety AFFIRMS the original Order of the City of Goshen Building Department and enters the Order as follows:

You are ordered to repair or rehabilitate the building to bring it into compliance with the Neighborhood Preservation Ordinance by July 2, 2021. In particular, you are ordered to make the following corrections:

1. Replace broken water heater
2. Repair or replace broken plumbing.
3. Have water service turned on to the property.
4. Remove debris, human waste and animal feces from the property.
5. Remove materials blocking the egress out of the property.
6. Repair duct work so that adequate heat can be supplied to the property.

In the event that you fail to comply with this Order, the City of Goshen may take action to make the required corrections and will bill you for the costs of such work, including, the actual cost of the work performed and an amount equal to the average processing expense the City will incur in pursuing this matter. Such amounts can become a lien upon the real estate and can ultimately be enforced in the same manner as any other judgment.

In the event that you fail to comply with this Order, the City of Goshen may pursue action in a court in Elkhart County to seek fines and costs.

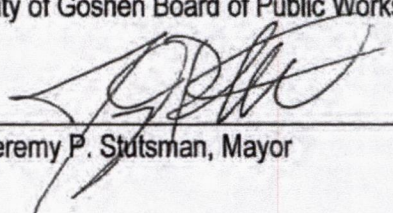
You are entitled to appeal these findings of facts and this Order to the Elkhart Circuit Court or Elkhart Superior Court by filing a verified complaint within ten (10) days of the date of this action. Should you fail to file a verified complaint within the specified period of time, then your right to appeal this action would be forfeited.

This matter is scheduled for further hearing on June 28, 2021 at 2:00 p.m. (local time) or soon thereafter, to judge compliance to this Order.

Indiana Code § 36-7-9-27 requires that if you transfer your interest or any portion of your interest in the unsafe building and/or premises affected by this Order to another person, you must supply the other person with full information regarding this Order prior to transferring that interest or agreeing to transfer that interest. Within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe building and/or premises, you must also supply City of Goshen Community Development Director Mark Brinson with the full name, address and telephone number of the other person taking a substantial property interest in the unsafe building and/or premises, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Mr. Brinson's office is located at 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, or you may contact him at (574) 537-3824. Should you fail to comply with these provisions, then you may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that judgment is entered against the City by the other person to whom the transfer was made.

This Order of the City of Goshen Board of Public Works and Safety is issued on 1st day of April 2021.

City of Goshen Board of Public Works and Safety

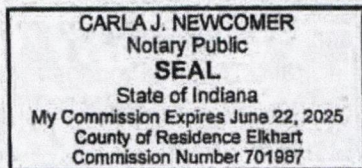


Jeremy P. Stutsman, Mayor

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public, appeared the City of Goshen Board of Public Works and Safety by Jeremy P. Stutsman, Mayor, and acknowledged the execution of the foregoing Order on April 1, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Carla J. Newcomer
Carla J. Newcomer
Notary Public
County of residence: Elkhart
My commission expires: June 22, 2025

This instrument was prepared by Bodie Stegelmann, Goshen City Attorney, Attorney No. 18180 City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, (574) 533-9536.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law (Bodie Stegelmann).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order of the City of Goshen Board of Public Works and Safety dated March 31, 2021 for the premises at 1602 S. 12th Street, Goshen, Indiana, was served upon:

Gregory St. Germain
1602 S 12th Street
Goshen, IN 46526

on April 1, 2021.

X Sending a copy by registered or certified mail to the residence, place of business, or employment of the person to be notified, with return receipt requested.

Carla Newcomer
Carla Newcomer, Paralegal
City of Goshen Legal Department
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528

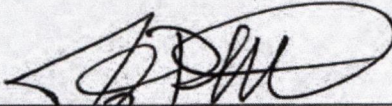
Findings from the Hearing on the Order of the Goshen Building Commissioner
Relative to property located at 1602 S. 12th Street.

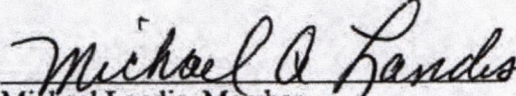
_____ The Board of Works and Safety finds the property located at 1602 S. 12th Street not to be unsafe.

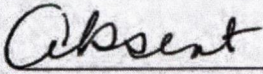
X The Board of Works and Safety finds that the property located at 1602 S. 12th Street is unsafe, and the following conditions found at 1602 S. 12th Street do not meet the standards of the Neighborhood Preservation Ordinance:

Items 1-6 found on page 1 of the
Order of the City of Goshen Building
Commissioner dated March 1, 2021,
attached hereto.

These findings made this 29th day of March, 2021


Jeremy P. Stutsman, Mayor


Michael Landis, Member

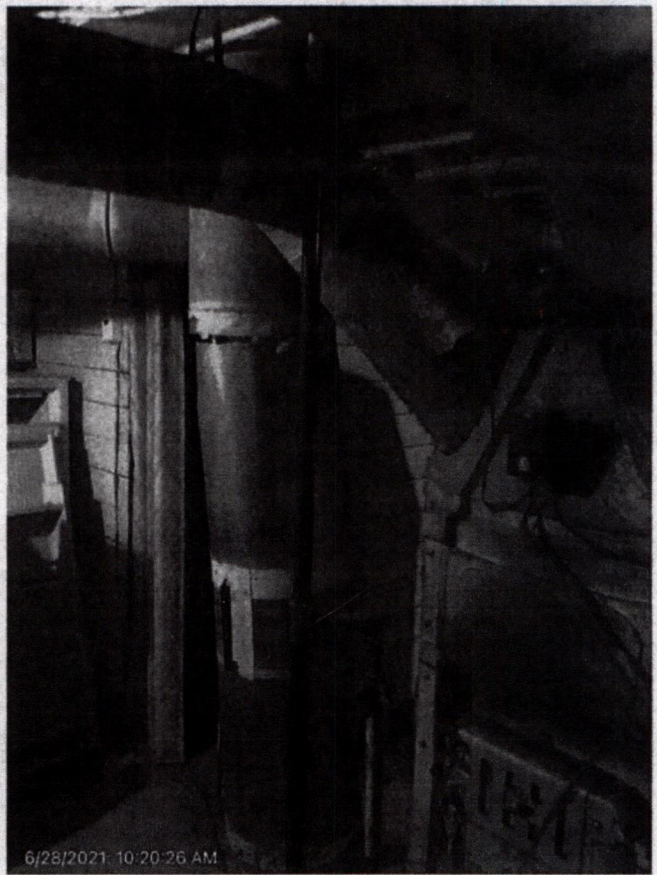

Mary Nichols, Member



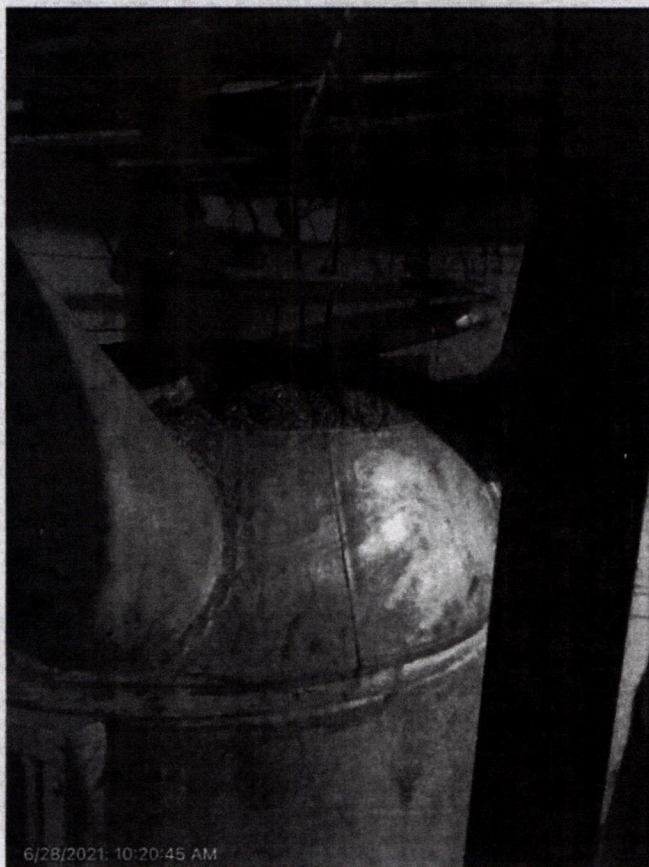
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