



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE JANUARY 25, 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 Jan. 11, 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 Barb Swartley. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda with the suggestion that agenda item #16, *Review of the Order of the City of Goshen Building Commissioner for 407 Center Street (Ronald E. Davidhizar and/or M&H Rentals, LLC, property owner)*, be heard after related agenda item #4, *Michael Schmucker request: Approve a gravel driveway at 407 Center Street*. Board member Landis moved to accept the agenda as amended. Board member Swartley seconded the motion. The motion passed 5-0.

1) Oath of Office: For Board of Public Works and Safety member Barb Swartley

Mayor Leichty said she had re-appointed Barb Swartley to the Board of Public Works and Safety. She then swore Board member Swartley into office. Board members Mike Landis, Mary Nichols and Orv Myers were sworn into office Jan. 11. Board member Swartley was unable to attend that meeting.

2) Police Department request: Accept the resignation of Officer Guadalupe Mendoza Rivera #229

Police Chief José Miller asked the Board to approve the resignation of Officer Guadalupe Mendoza- Rivera #229, effective Thursday Jan. 11, 2024.

Chief Miller said on Jan. 8, 2024, Officer Mendoza requested to meet with someone from the Administration. During this meeting, Officer Mendoza questioned his decision to become a police officer. He said the biggest hurdle for him was the safety concern for himself or others while functioning as a police officer.

Chief Miller said Officer Mendoza was given some time to think about the decision but ultimately chose to resign. He had just completed the pre-basic training required by the Indiana Law Enforcement Academy. Chief Miller added, "I wish Guadalupe the best in life for whatever career path he chooses in the future."

In a resignation note, Officer Mendoza wrote, "Thank you for giving me the opportunity for something better in life, but something mentally is holding me back and I can't get around it. This is my resignation note."

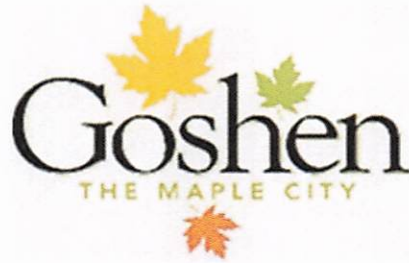
Landis/Swartley made a motion to approve the resignation of Officer Guadalupe Mendoza Rivera #229, effective Thursday Jan. 11, 2024. Motion passed 5-0.

3) Fire Department request: Accept the resignation of Firefighter Timothy Perry, effective Feb. 2, 2024

City Fire Chief Dan Sink told the Board that Firefighter Timothy Perry has submitted his resignation, effective Feb. 2, 2024. The Chief asked the Board to affirm Firefighter Perry's resignation.

Chief Sink added, "We have enjoyed our work with Tim at the Goshen Fire Department and would like to wish him the very best in his new endeavors with his family."

Landis/Swartley made a motion to accept Firefighter Tim Perry's resignation, effective Feb. 2, 2023. The motion passed 5-0.



4) Michael Schmucker request: Approve a gravel driveway at 407 Center Street

Michael Schmucker of M&H Rentals, LLC. said his company's purchase of 407 Center Street was finalized on Jan. 24, 2024 and he wanted to install a gravel parking area at the property beside the alley to keep cars off the street.

Schmucker said he had proposed the completed parking area would be roughly 28 feet by 17 feet, but **City Director of Public Works & Utilities Dustin Sailor** recommended that the driveway be 24 feet by 22 feet. He said if the proposed location is not acceptable, he would like to move it elsewhere because an extensive renovation is being proposed for the home, which has a pending City demolition order.

In a memorandum to the Board, **Schmucker** summarized the types of driveways in the neighborhood. He wrote that three houses have street parking; five houses have hard surface parking areas, and nine houses have gravel parking. He said the property to the east and the west both have gravel parking areas.

City Assistant Planning & Zoning Administrator Rossa Deegan told the Board that his department could have approved the parking area if it was planned to be concrete or asphalt, but Board approval is required for gravel. He said the department didn't object to the request. He added that the proposed location was not ideal but felt a location elsewhere would be better as long as setbacks were maintained.

In response to a question from **Board member Landis**, **Sailor** said his department would recommend that the driveway not be too close to the alley. He said the final dimensions would be negotiated after approval.

Landis/Swartley made a motion to allow **Michael Schmucker** of M&H Rentals, LLC to install a gravel driveway at 407 Center Street subject to approval of the location and dimensions of the driveway by the City Engineering Department. Motion passed 5-0.

Mayor Leichty asked **City Attorney Bodie Stegelmann** if the Board could take action now on the related agenda item, #16) *Review of the Order of the City of Goshen Building Commissioner for 407 Center Street (Ronald E. Davidhizar and/or M&H Rentals, LLC, property owner)*, rather than making **Mr. Schmucker** wait until the end of the meeting. **Stegelmann** said that would be appropriate

16) Review of the Order of the City of Goshen Building Commissioner for 407 Center Street (Ronald E. Davidhizar and/or M&H Rentals, LLC, property owner)

Mayor Leichty asked Assistant City Attorney Don Shuler to provide an update on the Order of the City of Goshen Building Commissioner for 407 Center Street (Ronald E. Davidhizar, property owner).

BACKGROUND:

An unsafe building review hearing on the Nov. 8, 2023 demolition Order of the City of Goshen Building Commissioner by the City Board of Public Works & Safety was scheduled Dec. 18, 2023 for the property located at 407 Center Street, Goshen (Ronald E. Davidhizar, property owner). The Board of Public Works and Safety needed to conduct the hearing and affirm, rescind, or modify the Building Commissioner's Order and determine what action to order concerning the property.

Along with hearing evidence, questioning witnesses, reviewing the record, and making findings, the **Board** had the option of affirming the Building Commissioner Order (if it agreed with demolition), rescinding the Order (if property violations had been fixed), or modifying the Order (if it believed that the property could be fixed). It could also postpone the hearing to a future date.

According to memorandum from the City Legal Department to the Board of Works, the Dec. 18 hearing was scheduled for the consideration of evidence and a decision on the Order requiring demolition.

The Building Commissioner identified 11 Goshen City Code violations that rendered the building and residential structure to be unsafe and ordered that it be demolished.



SUMMARY OF DEC. 18, 2023 HEARING ON THE ORDER OF THE CITY BUILDING COMMISSIONER FOR 407 CENTER STREET (RONALD E. DAVIDHIZAR, PROPERTY OWNER) AND THE BOARD'S ACTION:

Assistant City Attorney Don Shuler said the property at 407 Center Street was the subject of a Nov. 8, 2023 demolition order from the City of Goshen Building Commissioner. After the order was issued, Shuler said there was some discussion with the property owner and the property was included in auction and sold on Dec. 16, 2023, but not yet completed to **Michael Schmucker of M&H Rentals of Goshen**.

Schmucker told the Board that his company purchased the property on Dec. 16. He said he informed **Craig Blough of Bartel & Company** that M&H wants to close the sale as soon as possible and begin work on the property. Schmucker said he didn't yet have a plan in place for the property but planned to "gut" the interior and then assess what more needed to be done to make the building safe and bring everything up to code.

Craig B. Blough, a licensed real estate broker and auctioneer for Bartel & Company, confirmed that the property was auctioned Dec. 16, 2023. He said his company forwarded the title work for 407 Center Street in order to accelerate the closing so work could begin soon on the property.

Shuler said **City Building Commissioner Myron Grise** advised him today that he supported tabling this matter. Shuler said the Building Commissioner's demolition order has been recorded and remained in effect. If the matter were continued, Shuler said he and Grise would want the owner to return at that date with a scope of work and projected timeline for repairs that the Board could review and decide whether demolition was still warranted or if the property could be rehabilitated. He said at that time, the Board could then issue an order to the new property owner. **After discussion among Board members and consultation with City Attorney Bodie Stegelmann, Board members Swartley and Myers made a motion to delay the hearing on the City Building Commissioner's unsafe building order for 407 Center Street until Jan. 22, 2024 at which point the property would have conveyed to a new owner, who will come with a scope of work detailed plan for the rehabilitation of the building. Motion passed 5-0.**

In a Jan. 22, 2024 memorandum to the Board, **Assistant City Attorney Shuler** summarized what had occurred at the Dec. 18, 2023 hearing. He wrote that he didn't have any further information concerning the property or the status of the closing. As such, the unsafe building review hearing was still scheduled and needed to be conducted pursuant to the demolition Order of the City of Goshen Building Commissioner, dated Nov. 8, 2023.

Before the Jan. 25, 2024 meeting began, **City Building Inspector Travis Eash** distributed to Board members a memorandum and report, dated Jan. 25, on 407 Center Street, which included photographs of the property showing its condition as of an Oct. 24, 2023 inspection. The memorandum included the following update on the property. "This property was sold at an auction and the new owner has provided the Building Department with an initial scope of work that we have accepted and approved. The Building Department's recommendation is that we allow 90 days and delay the hearing for the new owner to make the proper repairs to bring the property into compliance."

SUMMARY OF JAN. 25, 2024 UPDATE ON THE ORDER OF THE CITY BUILDING COMMISSIONER FOR 407 CENTER STREET (M&H RENTALS, LLC, PROPERTY OWNER) AND THE BOARD'S ACTION:

Assistant City Attorney Don Shuler summarized what occurred at the Board's Dec. 18, 2023 hearing and the action the Board ordered because of its pending sale. He said the sale was finalized on Jan. 24, 2024.

Shuler said **City Building Inspector Travis Eash's** memo to the Board included a proposed scope of work summary and timeline by M&H Rentals for 407 Center Street, which was acceptable to the Building Department. He said the Building Department was recommending a 90-day continuance to allow the new owner to present a plan for the rehabilitation and repair of the property.

Michael Schmucker said the sale closed Jan. 24, which he said was longer than anticipated. He said the demolition has begun and the structure will be "gutted down to the studs" and it "will be a new house when done" with new siding, a new roof and other extensive repairs. He anticipated completion in eight or nine months.



Clerk-Treasurer Aguirre summarized the action taken by the Board on Dec. 18.

Landis/Swartley then made a motion to continue the hearing until May 2, 2024 to determine if the work at 407 Center Street has been done and if the property owner is complying with the Order of the Building Commissioner. Motion passed 5-0.

5) LaCasa request: For a few weeks, extend the placement of a construction materials dumpster in the street parking spaces in front of The Hattle Apartments, 210 E Lincoln Ave.

Brad Hunsberger, Vice President for Real Estate Development for LaCasa, asked the Board to extend the previously approved placement of a roll-off dumpster in the street parking in front of The Hattle Apartments at 210 E Lincoln Ave. He said LaCasa hasn't completed its demolition/reconstruction work in the basement.

Hunsberger said LaCasa removed the dumpster prior to a recent major snow event to allow City crews to clear the snow on Lincoln Avenue free of the dumpster in their way but wants it back to continue the work.

In a memorandum to the Board, LaCasa staff wrote that only one dumpster will be present in the street parking at a time and that two parking spots would be required for the dumpster to maintain visibility for cars turning into and out of the alley beside the building. LaCasa will close the dumpster each evening and clean up all debris/trash from the pathway between the dumpster and the basement stairway. Staff added that LaCasa has asked tenants to continue using the usual residential dumpster behind the building.

Landis/Swartley made a motion to approve placement of a dumpster in two parking spaces in front of 210 East Lincoln Avenue for 30 days. Motion passed 5-0.

6) Legal Department request: Approve and authorize Mayor Leichty to execute the agreement with Velocity EHS for the three-year term at a total cost of \$15,740.31

City Attorney Bodie Stegelmann said the City of Goshen is required to complete annual reporting to the Indiana Department of Environmental Management (IDEM) and the Local and Regional Emergency Planning Commissions regarding the chemical inventory maintained at several of the City's facilities.

Stegelmann said the continuing services provided by Velocity EHS will allow the City to track, compile all product safety information regarding of chemicals electronically, and generate all required reports. This would be a three (3) year term agreement with the cost per year as follows:

Term	Annual cost
February 17, 2024 to February 16, 2025	\$4,992.96
February 17, 2025 to February 16, 2026	\$5,242.61
February 17, 2026 to February 16, 2027	\$5,504.74

Stegelmann said the total cost for the three-year agreement is \$15,740.31. He recommended that the Board approve and authorize Mayor Leichty to execute the agreement with Velocity EHS at a total cost of \$15,740.31.

Landis/Swartley made a motion to approve and authorize Mayor Leichty to execute the agreement with VelocityEHS for the three-year term at a total cost of \$15,740.31. Motion passed 5-0.

7 & 8) Community Development Block Grant (CDBG) requests: Acknowledge Conflict of Interest Disclosures for Councilor Brett Weddell and Councilor Megan Peel

Theresa Cummings, Community Development Specialist, told the Board that Brett Weddell, an elected Common Council member, serves as Chair of LaCasa, Inc.'s Board of Directors.

Cummings said in the interest of full transparency, **Councilor Weddell** was disclosing his service relative to LaCasa, noting that it is a volunteer position. He has agreed that in his role as a Council member, he will recuse himself in all matters between the City CDBG program and LaCasa to avoid a perceived conflict of interest.



Cummings also said **Councilor Megan Peel** is employed by LaCasa as its Development and Communications Manager. She informed the Board that in her role as a Council member, Councilor Peel will recuse herself in all matters relative to LaCasa to avoid a perceived conflict of interest.

Cummings said LaCasa is also a subrecipient and CBDO of Community Development Block Grant (CDBG) funds for Program Year 2023. She said public disclosures and applications to HUD for a waiver are required under the regulations which govern the CDBG program.

Cummings said these disclosures will be done annually as long as Councilors Weddell and Peel are serving in their capacities as Council members and with LaCasa. The annual disclosures cover fiscal year 2024. The disclosures were attached to the agenda packet, to be acknowledged by the Board of Public Works and Safety.

Landis/Swartley made a motion to acknowledge the Conflict of Interest Disclosures for Councilors **Brett Weddell** and **Megan Peel**. Motion passed 5-0.

9) Water Department request: Approve the allocation of 0.40 cents to the Water Maintenance Fund and 0.70 cents to the Sewer Maintenance Fund for the 2024 billing year

Marvin Shepherd, the incoming Superintendent of the City Water Treatment and Sewer Department, asked the Board of Works & Safety to modify the allocations to the Residential Water and Sewer Line Maintenance Repair Fund for 2024 to \$0.40 cents to the Water Fund and \$0.70 cents to the Sewer Fund.

Pursuant to Ordinance No. 4531, the Board is required to annually review the Residential Water and Sewer Line Maintenance Repair Fund balances and decide on how the \$1.10 repair fee is to be divided and assessed per the monthly water and sewer bills.

In 2023, the total sewer repair expenditures were \$77,439.23, with a beginning balance of \$19,262.29 and an ending balance, on Dec. 31, 2023, of \$23,136.85. In contrast, the total water repair expenditure in 2023 were \$68,113.57, with a beginning balance of \$38,644.52 and an ending balance on Dec. 31, 2023 of \$8,568.40. **Shepherd** said this included a \$12,000 funds transfer because the water fund was in the negative \$3,431.60, so further adjustments may be necessary later this year.

City Water & Sewer Office Manager Kelly Saenz said the City can allocate about \$8,600 a month for water and sewer repairs and is always hoping both funds will break even, but that hasn't been working out. She said some repairs have been as high as \$10,000 a month, so the funds will need to be monitored.

Board member Landis asked if there was a better accounting method to make adjustments instead of having reallocations approved by the Board. **Kent Holdren**, the current Superintendent of the City Water Treatment and Sewer Department, said annual adjustments used to be adequate, but it's difficult to predict the costs and that repair costs have risen so allocations twice a year might be better.

Board member Landis, **Saenz** and **Mayor Leichty** briefly discussed different ways to adjust the allocations. **City Attorney Stegelmann** and **Holdren** also discussed the procedure for reallocations from the repair funds.

Landis/Swartley then made a motion to approve the recommendation of the Goshen Utility Department to allocate 0.40 cents to the Water Maintenance Fund and 0.70 cents to the Sewer Maintenance Fund for the 2024 billing year. Motion passed 5-0.

10) Engineering Department request: Authorize the Mayor to sign the County Road 42 Marion Line railroad crossing delegation letter as the delegatee, which with the County's signature will allow the City to file the Federal Railway Administration quiet zone application

City Director of Public Works & Utilities Dustin Sailor told the Board that the City of Goshen has worked on the implementation of a quiet zone along the Marion Line railroad tracks for many years.



Sailor said with a new application being submitted to the Federal Railroad Administration (FRA), the City will need Elkhart County to delegate responsibility for the application and improvements necessary at the County Road 42 Marion Line railroad crossing.

Sailor said the paperwork attached to the Board's agenda packet was in a suitable format for the FRA. Therefore, he asked that the Board authorize Mayor Leichty to sign the delegation letter as the delegatee.

Landis/Swartley made a motion to authorize Mayor Leichty to sign the County Road 42 Marion Line railroad crossing delegation letter as the delegatee, which with the County's signature will allow the City to file the Federal Railway Administration quiet zone application. Motion passed 5-0.

11) Engineering Department request: Approve and authorize the Mayor to sign the Financial Commitment Letter to be submitted to the Indiana Department of Transportation (INDOT) during the Community Crossings Matching Grant Fund application

City Director of Public Works & Utilities Dustin Sailor said the City of Goshen is preparing to apply for the Community Crossings Matching Grant Fund through INDOT for an award of up to \$1,500,000.

Sailor said in order to be eligible for application, a Financial Commitment Letter must be signed by Mayor Leichty and submitted during time of application stating that Goshen will meet the financial match requested in the amount of \$1,500,000. In response to a question from Mayor Leichty, he said the City has budgeted for this possible expense.

Landis/Swartley made a motion to approve and authorize the Mayor to sign the Financial Commitment Letter to be submitted to the Indiana Department of Transportation during the Community Crossings Matching Grant Fund application. Motion passed 5-0.

12) Engineering Department request: Approve the agreement with BlueConduit for \$51,000 of Consulting Services and Predictive Modeling to help identify probable locations of Lead Service Lines, minimizing the number of physical surveys required to complete the City's Lead Service Line Inventory

City Director of Public Works & Utilities Dustin Sailor told the Board that the City is required to complete a lead and copper service line inventory for about 11,589 services. So far, he said about 246 services have been verified, and the work must be completed by Oct. 16, 2024.

Sailor said one option to complete the work would be an artificial intelligence evaluation of service lines based on the City's data of building and water line ages along with pot holes and locations. The resulting data will be used to determine the type of lines. He said not using this approach would take more time and cost much more money.

So, **Sailor** said approval was sought for an expenditure of \$51,000 for Consulting and Predictive Computer Modeling support from Abernethy Schwartz Partners LLC, doing business as BlueConduit, toward the City's efforts to request a \$300,000 Tier III grant for developing the Lead Service Line inventory.

Mayor Leichty asked if the City would still need to physically verify BlueConduit's findings after it completes its predictive modeling work. **Sailor** said it appears the federal government will accept the findings after additional work by the City to help verify some of the findings. The **Mayor** said she hopes this work will accelerate the process.

Landis/Swartley made a motion to approve the agreement with BlueConduit for \$51,000 of Consulting Services and Predictive Modeling to help identify probable locations of Lead Service Lines, minimizing the number of physical surveys required to complete the City's Lead Service Line Inventory and increasing the City's chances of obtaining State grant funding for up to \$300,000 for the City's lead service line inventory. Motion passed 5-0.

13) Engineering Department request: Approve and authorize the Mayor to sign the agreement with Abonmarche Consulting for the evaluation of the Herman Street Sewer for a lump sum fee of \$7,500



City Director of Public Works & Utilities Dustin Sailor told the Board that Goshen Wastewater has had operational issues with a residential grinder station on Herman Street. Over the past couple of years, he said the grinder pump has been changed, an air release valve has been added, and the force sewer line has been flushed multiple times. With all of this, he said the grinder station still has run erratically.

Sailor said the next step is to have the original design evaluated and evaluate potential installation issues. To perform this evaluation, he said Goshen Waste Water would like to retain the services of Abonmarche Consulting for a lump sum fee of \$7,500.

Landis/Swartley made a motion to approve the agreement with Abonmarche Consulting for the evaluation of the Herman Street Sewer for a lump sum fee of \$7,500.00 Motion passed 5-0.

14) Engineering Department request: Approve the attached agreement with Central Industrial Contractors, Inc. for \$45,738 to replace the failed sewer control valve at the Goshen Waste Water Treatment Plant and increase the height of the valve structure in order to prevent flooding into the structure

City Director of Public Works & Utilities Dustin Sailor told the Board that approval was sought for an expenditure of \$45,738 for replacement of the failed 30-inch sanitary sewer control valve at the Goshen Waste Water Treatment Plant and increase the height of the valve structure to prevent flooding into the structure.

In response to a question from **Board member Landis**, **Sailor** explained the work needed to make the repairs.

Landis/Swartley made a motion to approve the agreement with Central Industrial Contractors, Inc. for \$45,738 to replace the failed 30-inch sanitary sewer control valve at the Waste Water Treatment Plant and increase the height of the valve structure in order to prevent flooding into the structure. Motion passed 5-0.

15) Engineering Department request: Approve and authorize the Agreement with Habitat for Humanity of Elkhart County, Inc. for the completion of the project at 803 Arehart Street

City Director of Public Works & Utilities Dustin Sailor told the Board that the City Stormwater Department requested the approval of an agreement for the Completion of Construction for the home at 803 Arehart Street, which has passed its final building inspection. He said the project is substantially complete except for the instillation of 330 square feet of sidewalk, planting one large shade tree, and stabilizing 7,224 square feet of disturbed area. He said these final requirements cannot be completed at this time due to weather conditions.

Sailor said the Stormwater Department submitted this agreement for the Completion of the Construction Project for approval and authorization for the Mayor and Board Members to execute. He also said the property owner, Habitat for Humanity of Elkhart County, Inc., agrees to complete all concrete and stabilization work by June 15, 2024. The expected cost of work is \$4,745 and a surety check in that amount has been remitted to the Clerk-Treasurer's Office.

Landis/Swartley made a motion to approve and authorize the Board to execute the agreement with Habitat for Humanity of Elkhart County for the Completion of the project at 803 Arehart Street. 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 4:39 p.m. There were no comments.

At 4:39 p.m. Mayor Leichty recessed the Board of Public Works and Safety meeting and opened public hearings to review orders of the City of Goshen Building Commissioner for two Goshen properties.



CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARINGS:

4:00 p.m., January 25, 2024

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

Members: Mayor Leichty, Mike Landis, Orv Myers, Mary Nichols, Barb Swartley

Mayor Leichty began the hearings by swearing in two witnesses to give complete and truthful testimony: City Building Inspector Travis Eash and Roman Navarro, the owner of 304 West Oakridge Avenue, which was a property subject to one of the two of the hearings on Jan. 25, 2024.

17) Review of the Order of the City of Goshen Building Commissioner for 205 Middlebury Street (Ronald E. Davidhizar, property owner)

At 4:40 p.m., Mayor Leichty convened a hearing to review the Order of the City of Goshen Building Commissioner for 205 Middlebury Street (Ronald E. Davidhizar, property owner).

BACKGROUND:

An unsafe building review hearing on the Nov. 21, 2023 demolition Order of the City of Goshen Building Commissioner by the City Board of Public Works & Safety was scheduled Jan. 25, 2024 for the property located at 205 Middlebury Street, Goshen (Ronald E. Davidhizar, property owner). The Board of Public Works and Safety needed to conduct the hearing and affirm, rescind, or modify the Building Commissioner's Order and determine what action to order concerning the property.

Along with hearing evidence, questioning witnesses, reviewing the record and making findings, the Board had the option of affirming the Building Commissioner Order (if it agreed with demolition), rescinding the Order (if property violations had been fixed), or modifying the Order (if it believed that the property could be fixed). It could also postpone the hearing to a future date.

According to a Jan. 25, 2024 memorandum from the City Legal Department to the Board of Works, the Jan. 25 hearing was scheduled for the consideration of evidence and a decision on the Order requiring:

"Demolition of the unsafe buildings at the Real Estate and removal of all demolition remains, trash, and debris on the Real Estate and return the site to natural grade, all of said work to be completed on or before Feb. 29, 2024."

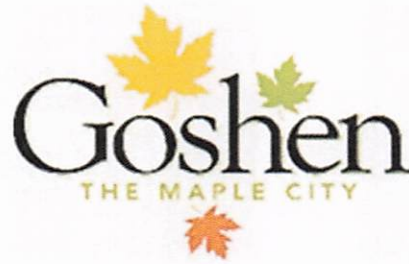
Building Commissioner Myron Grise identified the following City Code violations in his Nov. 21, 2023 Order:

1. The foundation of the structure has not been kept in good repair and has deteriorated to make the structure likely to partially or completely collapse, violations of Sections 6.3.1. l(b) and (r). Multiple areas around the foundation have significant cracks and holes that compromise the structural integrity of the foundation. Multiple areas where cinder blocks in block walls have been removed or fallen, thereby not allowing proper support. There are multiple areas where gaps permit small animals or rodents to enter the structure.

2. The ceilings inside the structure have not been kept in good repair, are collapsing or in danger of collapsing or failing, a violation of Sections 6.3.1. l(b), (r), and (p). Multiple ceilings inside the structure have collapsed. Multiple areas throughout the structure where the walls and ceilings have detached.

3. The floors inside the structure have not been kept in good repair, are collapsing or in danger of collapsing or failing, a violation of Sections 6.3.1. l(b), (r), and (p). Multiple floors throughout the structure have partially collapsed or are in danger of collapse due to dilapidation. Floor coverings are torn throughout the structure. Multiple areas throughout the structure the floors and walls have detached.

4. The walls inside the structure have not been kept in good repair, a violation of Section 6.3 .1.1 (b). There are multiple areas in the structure where the walls have detached from the ceilings and/ or floors, indicating structural failure and deterioration.



5. The windows and doors of the structure have not been kept in good repair, a violation of Section 6.3.1.l(d). There are multiple broken windows and doors at the structure.

6. There is no operable plumbing system at the structure, a violation of Section 6.3.1. l(a). All plumbing fixtures have not been maintained and are not properly connected.

7. There is no operable heating system at the structure, a violation of Section 6.3.1. l(a). The furnace does not work. The gas line is rusted out and cut. There is no duct system installed. There is no working water heater.

8. There is no working electrical system at the structure, a violation of Section 6.3.1. l(a). The electrical system does not work and there are loose, hanging, and exposed electrical wires throughout the structure.

9. The structure is vacant and not secure, a violation of Section 6.3.1. l(ff). The property is easily accessible to people and animals. The structure is full of trash and animal feces.

Building Commissioner Grise concluded in his report that the residential structure located at 205 Middlebury Street was unsafe within the meaning of Indiana Code § 36-7-9-4(a)(1), (2), (5), and (6). He wrote, "The deterioration to the foundation, the collapsing walls, floors, and ceilings, and the detaching of walls from the ceilings and floors renders the structure in an impaired structural condition that makes it unsafe to person or property. The loose, hanging, exposed electrical wires throughout the structure, coupled with its unsecured nature and accumulated trash and materials inside, renders it a fire hazard.

"The structure is dangerous to person or property because of violations of the Neighborhood Preservation Ordinance, particularly violations concerning damage and deterioration to the foundation, falling or missing cinder blocks, collapsing floors, ceilings, and walls, and its unsecured nature. The structure is vacant and not maintained in a manner that permits human habitation, occupancy, or use under the Neighborhood Preservation Ordinance."

Commissioner Grise further wrote, "Due to compromised structural integrity of the foundation due to significant cracks and holes, and evidence of structural failure present in the collapsing walls, ceilings, and floors, and the detaching of the walls of the ceilings and floors, along with the structure's continued deterioration due to neglect, the condition of the residential structure warrants removal. In its present condition, the 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 structure is an unsafe building and the tract of real property on which the unsafe building is located shall be considered the unsafe premises."

Commissioner Grise ordered the property owner to "demolish the unsafe buildings identified in Section 2 of this Order at the property identified in Section 1 of this Order and remove all demolition remains, trash, and debris on the unsafe premises and return the site to natural grade."

The Board hearing was scheduled because the time to complete the demolition required by the Building Commissioner's Order had passed and the conditions and violation cited in the Order still existed. The Building Commissioner determined the cited conditions rendered the building and residential structure to be unsafe and that it should be demolished.

Before the meeting began, **City Building Inspector Travis Eash** distributed to Board members a memorandum and report, dated Jan. 25, 2024, on 205 Middlebury Street, which included photographs of the property showing its condition as of a Nov. 1, 2023 inspection. The memorandum documented alleged code violations and the poor condition of the home that Eash wrote made it "uninhabitable and unsafe."

Eash wrote, "There have not been any permits pulled on this property for at least 20 years, there has been no water usage at this property since at least 2007 (which is how far back they were able to check). This property has never been registered as a rental property with the City of Goshen and no rental inspections were ever conducted."

Eash concluded: "Due to the multiple violations, current unsafe condition of the property and lack of motivation or initiative from the owner to do anything to bring the property into a habitable state the Building Department's recommendation is that the property be determined to be unsafe and the property demolished."



SUMMARY OF Jan. 25, 2024 HEARING ON THE ORDER OF THE CITY BUILDING COMMISSIONER FOR 205 MIDDLEBURY STREET (RONALD E. DAVIDHIZAR, PROPERTY OWNER) AND THE BOARD'S ACTION:

Assistant City Attorney Don Shuler said the first property to be reviewed was at 205 Middlebury Street, which was the subject of a Nov. 21, 2023 demolition order from the City of Goshen Building Commissioner.

Shuler said prior to today's hearing, the City received a request from Ronald Davidhizar's attorney concerning certain evidence from the inspection of the property on Nov. 1, 2023. So, **Shuler** said the City has given consideration to trying to resolve the issue outside of the Board of Works & Safety.

Before today's meeting, **Shuler** said there was a meeting involving City staff, Davidhizar and his attorney, an agreement was reached to conduct an inspection of the property next Friday, Feb. 2, 2024. As a result of the agreement, **Shuler** said today's hearing would be continued after the inspection if necessary.

Mayor Leichty asked **City Attorney Bodie Stegelmann** about the appropriate motion – whether to table the hearing or continue it to another date. **Stegelmann** said no date should be set.

Landis/Swartley made a motion to continue the hearing on the Order of the City of Goshen Building Commissioner for 205 Middlebury Street to whatever unspecified date requested by either City staff or the property owner. Motion passed 5-0.

18) Review of the Order of the City of Goshen Building Commissioner for 304 West Oakridge Avenue (Roman Navarro, Nationstar Mortgage, LLC and State of Indiana Gross Income Tax Division, property owners)

At 4:43 p.m., **Mayor Leichty** convened a hearing to review the Order of the City of Goshen Building Commissioner for 304 West Oakridge Avenue (Roman Navarro, Nationstar Mortgage, LLC and State of Indiana Gross Income Tax Division, property owners).

BACKGROUND:

An unsafe building review hearing on the Nov. 27, 2023 demolition Order of the City of Goshen Building Commissioner by the City Board of Public Works & Safety was scheduled Jan. 25, 2024 for the property located at 304 West Oakridge Avenue (Roman Navarro, property owner). The Board of Public Works and Safety needed to conduct the hearing and affirm, rescind, or modify the Building Commissioner's Order and determine what action to order concerning the property.

Along with hearing evidence, questioning witnesses, reviewing the record and making findings, the Board had the option of affirming the Building Commissioner Order (if it agreed with demolition), rescinding the Order (if property violations had been fixed), or modifying the Order (if it believed that the property could be fixed). It could also postpone the hearing to a future date.

According to a Jan. 25, 2024 memorandum from the City Legal Department to the Board of Works, the Jan. 25 hearing was scheduled for the consideration of evidence and a decision on the Order requiring:

"Demolition of the unsafe buildings at the Real Estate and removal of all demolition remains, trash, and debris on the Real Estate and return the site to natural grade, all of said work to be completed on or before Feb. 29, 2024."

Building Commissioner Myron Grise identified the following City Code violations in his Nov. 27, 2023 Order:

1. The foundation is failing, making the structure likely to collapse, a violation of Sections 6.3.1. l(b) and (r). The foundation wall on the west side of the structure has collapsed, and the earth beneath it has washed (away) causing the concrete to collapse into the basement. The collapsed foundation wall renders the entire structure in danger of collapse. The floor has started to sag as a result of the failing foundation.



2. **The structure has become so dilapidated and deteriorated that it has become freely accessible**, a violation of Section 6.3.1. l(w). The collapsed foundation wall and concrete makes the structure a danger to anyone who enters.

3. **The chimney is not structurally sound**, a violation of Section 6.3.1. l(z). Areas of the chimney are failing.

4. **There is no working heating and mechanical system** at the structure, a violation of Section 6.3.1. l(a).

5. **There is no working plumbing system** at the structure, a violation of Section 6.3.1. l(a).

6. **There is no working electrical system** at the structure, a violation of Section 6.3.1. l(a). There is also loose exposed electrical wiring throughout the structure.

7. **The windows have not been kept in good repair**, a violation of Section 6.3.1. l(d). There are multiple broken windows that have been boarded up.

Building Commissioner Grise concluded in his report that the residential structure located at 304 West Oakridge Avenue was unsafe within the meaning of Indiana Code § 36-7-9-4(a)(1), (2), (5), and (6). He wrote, "The collapsed foundation wall on the west side, permitting earth to wash into the basement and causing the floor to sag, renders the structure in an impaired structural condition that makes it unsafe to person or property. The dilapidated nature of the structure, its deterioration due to neglect, its loose exposed electrical wiring, and its unsecured nature makes it a fire hazard. The structure is dangerous to person or property because of violations of the Neighborhood Preservation Ordinance, particularly violations concerning the collapsed foundation wall, failing chimney, and unsecured nature. The structure is vacant and not maintained in a manner that permits human habitation, occupancy, or use under the Neighborhood Preservation Ordinance."

Commissioner Grise further wrote, "Due to the collapsed foundation wall and the failing chimney, combined with the unsecured nature of the structure and its continued deteriorated as a result of neglect, the structure warrants removal. In its present condition, the 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 structure is an unsafe building and the tract of real property on which the unsafe building is located shall be considered the unsafe premises."

Commissioner Grise ordered the property owner to "demolish the unsafe buildings identified in Section 2 of this Order at the property identified in Section 1 of this Order and remove all demolition remains, trash, and debris on the unsafe premises and return the site to natural grade."

The Board hearing was scheduled because the time to complete the demolition required by the Building Commissioner's Order had passed and the conditions and violation cited in the Order still existed. The Building Commissioner determined the cited conditions rendered the building and residential structure to be unsafe and that it should be demolished.

Before the meeting began, **City Building Inspector Travis Eash** distributed to Board members a memorandum and report, dated Jan. 25, 2024, on 304 West Oakridge Avenue which included photographs of the property showing its condition as of an Oct. 24, 2023 inspection.

SUMMARY OF JAN. 25, 2024 HEARING ON THE ORDER OF THE CITY BUILDING COMMISSIONER FOR 304 WEST OAKRIDGE AVENUE (ROMAN NAVARRO, PROPERTY OWNER) AND THE BOARD'S ACTION:

Assistant City Attorney Don Shuler said the property to be reviewed was at 304 West Oakridge Avenue, which was the subject of a Nov. 27, 2023 demolition order from the City of Goshen Building Commissioner. He provided brief background of the case.

Reading from his Jan. 25, 2024 report to the Board, **City Building Inspector Travis Eash** discussed the findings of his Oct. 24, 2023 inspection of the property.

Eash said, "While conducting my inspection I documented multiple violations but the most severe and most unsafe is there is a foundation wall on the west side of the structure that is 15 to 20 ft long that has completely collapsed, which has caused the ground to fail causing the sidewalk and driveway to collapse as well."



Eash also said, "The floor has begun to sag due to improper support and is unsafe to walk. This area has become a danger to anyone who walks the premises. This makes entering the structure unsafe. Some other violations are no working plumbing system, electrical system or heating system. There are broken windows on the property and the chimney is beginning to fail and has loose bricks."

Eash concluded, "Due to the severity and danger of the foundation wall collapse and the lack of structural integrity, the Building Department's recommendation is that the structure be determined unsafe and demolished."

Board member Landis asked if the inspection was the first time the property came to the attention of the City. **Eash** said a complaint was received last spring from a City staff member about the condition of the home.

Ramon Navarro, the owner of 304 West Oakridge Avenue, said he agreed with **Eash** that work needed to be done at the structure. Unfortunately, he said work has not been done because he has been in bankruptcy since before the inspection. He said, "It's not that I don't want to fix the stuff; is that I financially can't right now."

Since this was his first time before the Board of Works & Safety, **Navarro** said he wasn't sure about his options. He said he cannot afford to fix any of the problems. He said repairing the foundation would cost about \$64,000 and tearing it down would cost about \$32,000. So, he said he didn't know what options were available because anything recovered from the bankruptcy would be used to pay back creditors.

In response to a question from **Mayor Leichty**, **Navarro** said he left his home in Missouri, moved back to Goshen when his father became sick and obtained the home about 2012. Because of a lack of work, **Navarro** said he hasn't been able to make any payments, which is why the home went into bankruptcy.

Navarro said the property is an old grocery store that was originally opened in 1989. He said the store was moved to another location and the old building was later used for storage.

Mayor Leichty asked how long water and sewer service was disconnected to the structure. **City Water & Sewer Office Manager Kelly Saenz** said she wasn't sure because **Navarro's** parents live in an adjoining building that shared a water meter.

Mayor Leichty said part of the City's obligation is to address blight that contributes to the diminishment of neighboring properties. She asked **Navarro** what corrective action he could take at this time.

Navarro said he agreed with the City inspector's suggestion of demolishing the building. He said that is something he has wanted to do but can only commit to demolishing the structure in stages because doing so all at once would be impossible because of his financial situation. He said the City could demolish the building and send him a bill, but he didn't know how long before that could be paid because of the bankruptcy.

Board member Swartley asked if the mortgage on the property included all three building on the site. **Navarro** said it did – a home, the building pending demolition and a lot. **Navarro** said he tried to sell part of the property, but the mortgage company refused to allow that. He said he would still like to do that. He added that the mortgage was in default and subject to the bankruptcy.

City Attorney Bodie Stegelmann said he was concerned that the property was likely an asset of the bankruptcy estate. He said the City Legal Department was unaware the property was in bankruptcy. **Stegelmann** said before the Board takes any kind of action, time is needed to explore the issue and discuss options with **Navarro** before the Board further considers the matter in a few weeks.

Landis/Swartley made a motion to continue the hearing on the Order of the City of Goshen Building Commissioner for 304 Oakridge Avenue to Feb. 22, 2024 to explore the issues. Motion passed 5-0.



At 4:56 p.m., Mayor Leichty adjourned the hearings on the Orders of the City of Goshen Building Commissioner for two properties and reopened the Board of Public Works & Safety meeting.

Approval of Civil City and Utility Claims

As all matters before the Board of Public Works & Safety were concluded, Mayor Leichty/Board member Landis 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 4:56 p.m.

EXHIBIT #1: A memorandum and report by City Building Inspector Travis Eash, distributed to Board members and dated Jan. 25, 2024, on the property at 407 Center Street, which included photographs of the property showing its condition as of Oct. 24, 2023. The memorandum included an update on the status of the property. The report was submitted during and for consideration of agenda items #4 and \$16.

EXHIBIT #2: A memorandum and report by City Building Inspector Travis Eash, distributed to Board members and dated Jan. 25, 2024, on the property at 205 Middlebury Street, which included photographs of the property showing its condition as of Nov. 1, 2023. The memorandum documented alleged code violations and the poor condition of the home that Eash wrote made it "uninhabitable and unsafe." The report was submitted during and for consideration of agenda item #17.

EXHIBIT #3: A memorandum and report by City Building Inspector Travis Eash, distributed to Board members and dated Jan. 25, 2024, on the property at 304 West Oakridge Avenue, which included photographs of the property showing its condition as of Oct. 24, 2023. The report concluded that "Due to the severity and danger of the foundation wall collapse and the lack of structural integrity, the Building Department's recommendation is that the structure be determined unsafe and demolished." The report was submitted during and for consideration of agenda item #18.

APPROVED:



Mayor Gina Leichty



Mike Landis, Member

Orv Myers, Member

Mary Nichols, Member

Barb Swartley, Member

ATTEST:

Richard R. Aguirre, City of Goshen Clerk-Treasurer



**Building Department
CITY OF GOSHEN**

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EXHIBIT #1

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: January 25, 2024

Subject: 407 CENTER STREET

My initial inspection of the property at 407 Center Street was conducted on October 24, 2023. The photos from that inspection are attached. This property was sold at an auction and the new owner has provided the Building Department with an initial scope of work that we have accepted and approved.

The Building Departments recommendation is that we allow 90 days and delay the hearing for the new owner to make the proper repairs to bring the property into compliance

Thank you,

Travis Eash



Building Department

City of Goshen

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October 24, 2023

Ron Davidhizar
203 Middlebury St
Goshen, IN 46528

RE: Unsafe Vacant Property at 407 Center St

Dear Ron Davidhizar:

The City of Goshen inspected the vacant property at 407 Center St on 10/24/2023. 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 7, 2023**.

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.

The interior and exterior of property has accumulation of trash and materials

Evidence of animals and vagrants

Carpet is saturated with urine and feces

6.3.1.3(g)

Duct Systems

NPO

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

Ductwork is not connected properly

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

Ductwork not connected

No operable furnace

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 active plumbing system

No operable water heater

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.

Areas around the foundation where large cracks and large gaps and holes have developed

Certain areas of the foundation are beginning to fail and in disrepair

Multiple ceilings have collapsed from an apparent roof leak, significant water damage to ceilings and floors throughout property.

Floor in kitchen is so damaged by water that it is in danger of collapse

Significant cracks and holes in ceilings and walls

Floor in main living area is detached from wall and has begun to sink.

Poorly constructed brick wall in main living area is in danger of collapse

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.

Areas in house where the electrical wiring has been water damaged and is exposed to weather conditions

Electrical panel has been tampered with

No active electrical system

Multiple areas with exposed electrical wiring

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.

Rubber roof in rear of property was poorly installed and has multiple areas where it is allowing weather to enter property, doing significant damage to the structural integrity to the building

Areas where soffit and fascia are damaged or missing

Areas where shingles are damaged or loose

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.

Broken doors and broken windows

6.3.1.1(g)**Unpainted Surfaces - Exterior**

NPO

All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. All painted surfaces shall be properly coated and weather tight.

Chipping and peeling paint throughout property

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.

Areas around foundation where cracks, large gaps and holes have formed and begun to sink.

Multiple areas where ceiling ps have collapsed due to water damage, including next to electrical panel

Extensive water damage to kitchen floor has made the floor in danger of collapse.

Floor in main living area has detached from the wall and is sinking and in danger of 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.

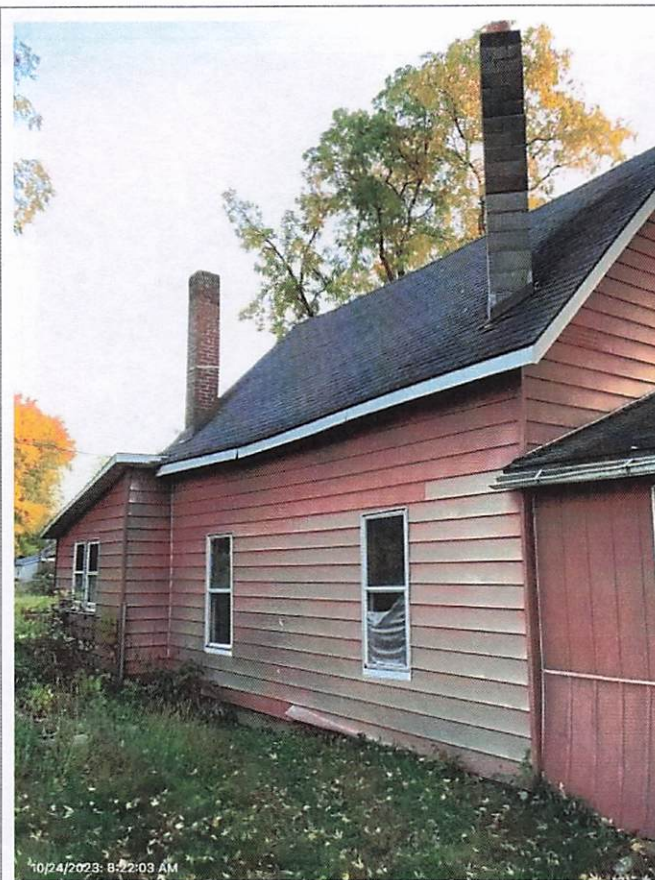
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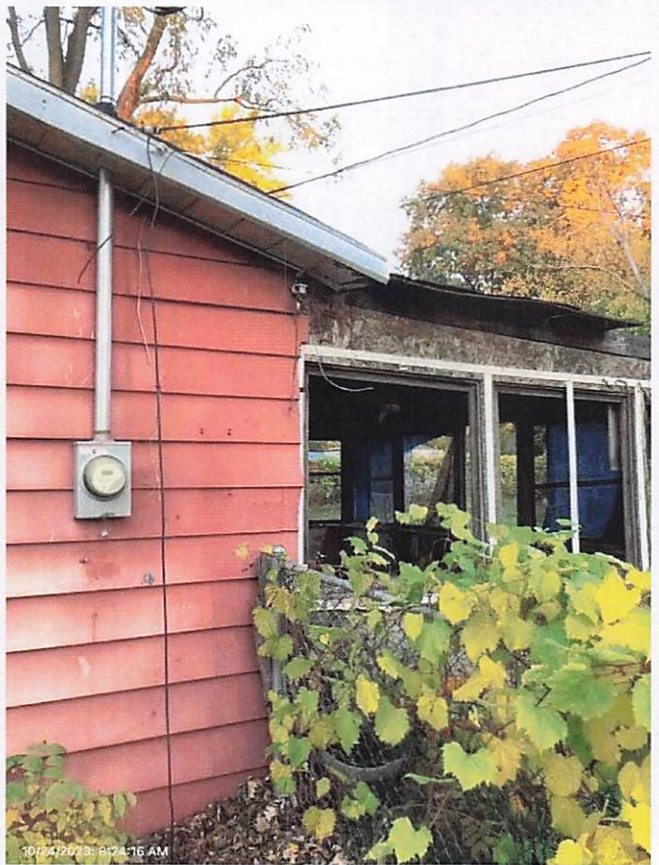
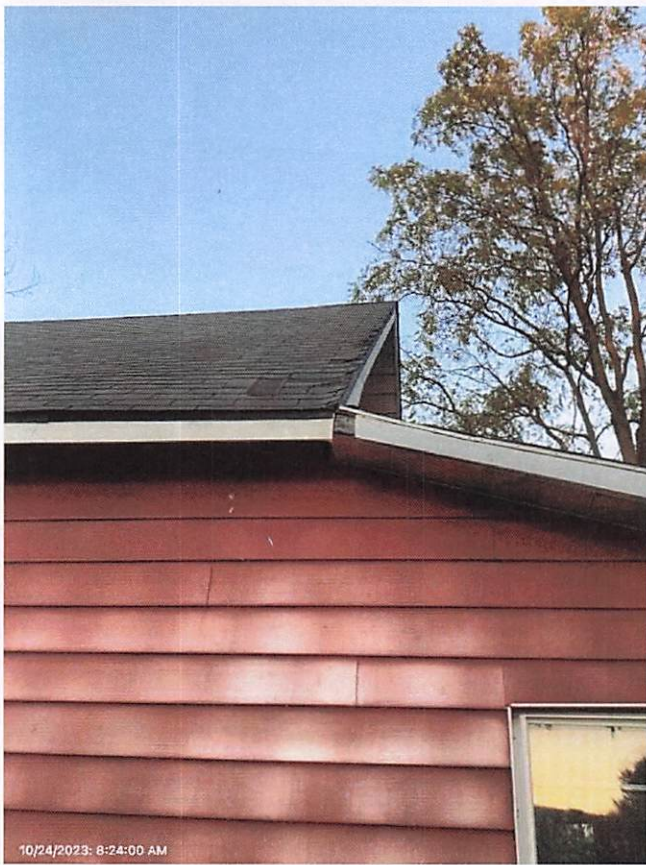
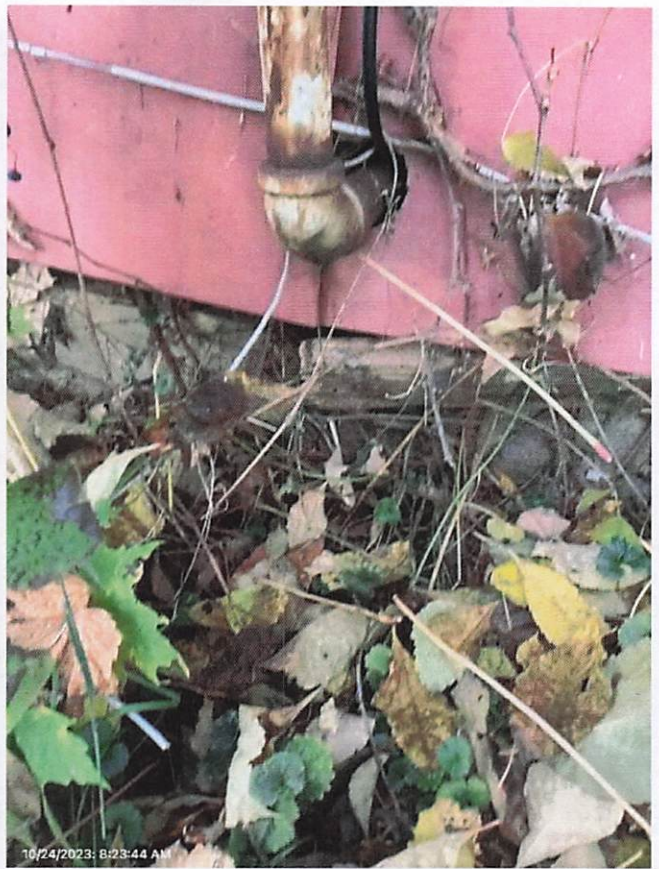

Travis Eash, Code Compliance Officer

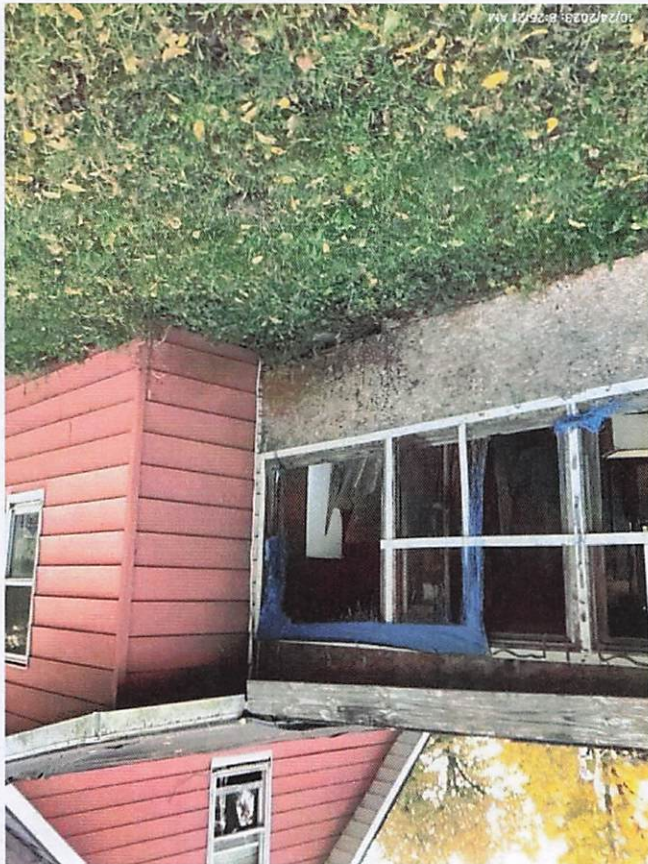
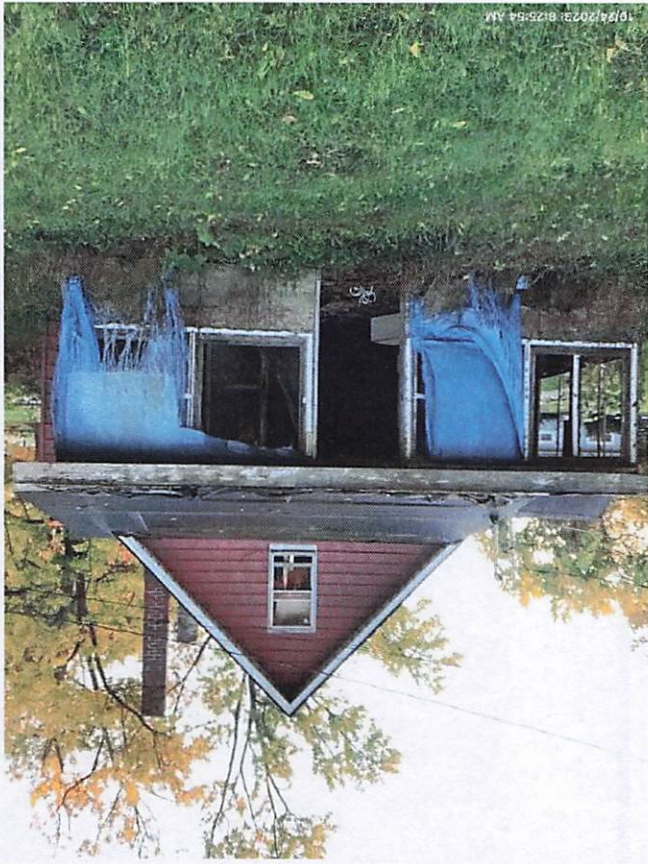
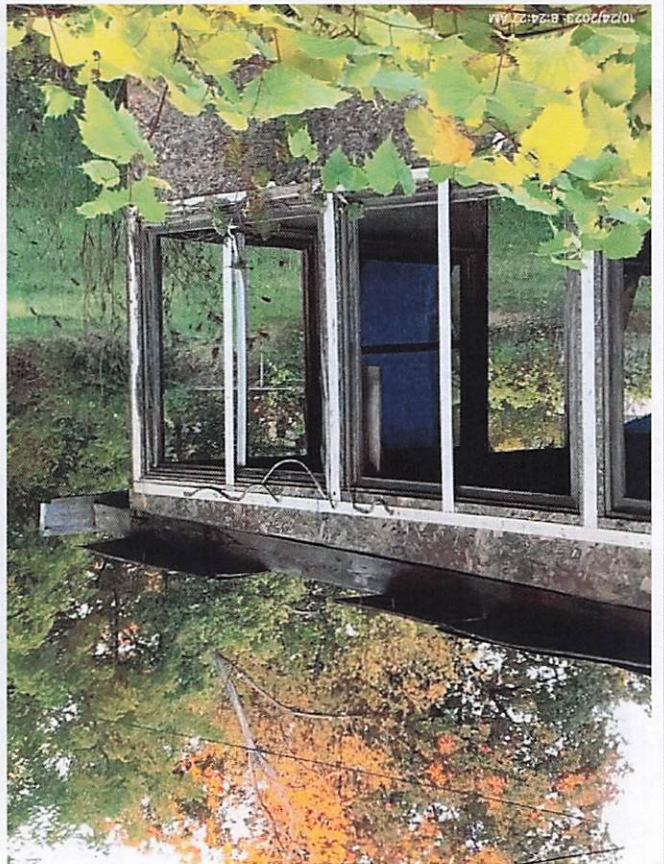
CASHFLOW STATEMENT

Scope of work for 407 Center St.

Gut the entire house down to studs and sub-floor
Tear down both masonry chimneys
Tear off back porch
Clean up fence and make repairs
Make all necessary framing changes and repairs
New exterior doors
New windows
New siding
New roof over kitchen area and repair other parts of the roof
New electrical
New plumbing
New HVAC
Insulation
Hang and finish drywall
Paint
Trim
Flooring
New cabinets
Add stone for parking on east side of the house









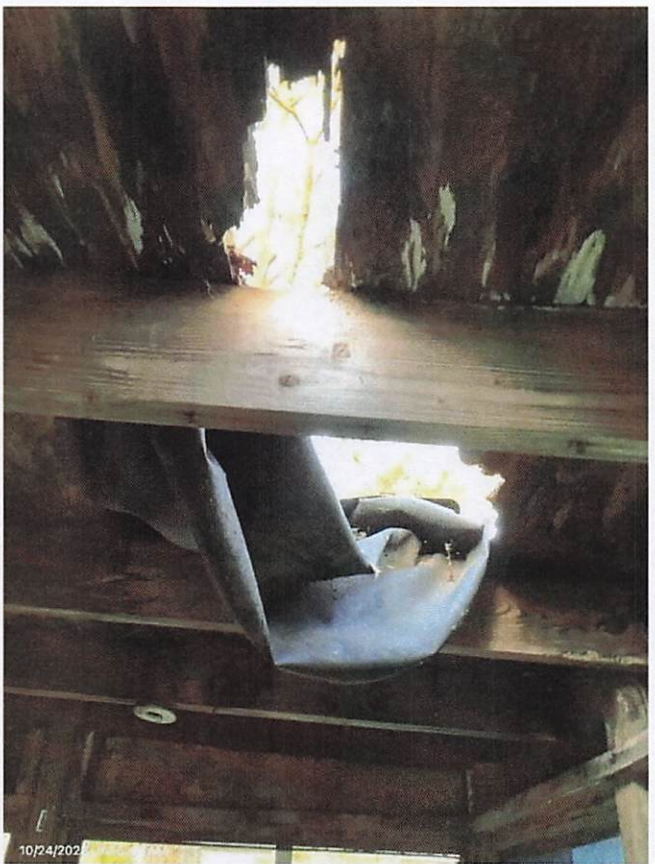
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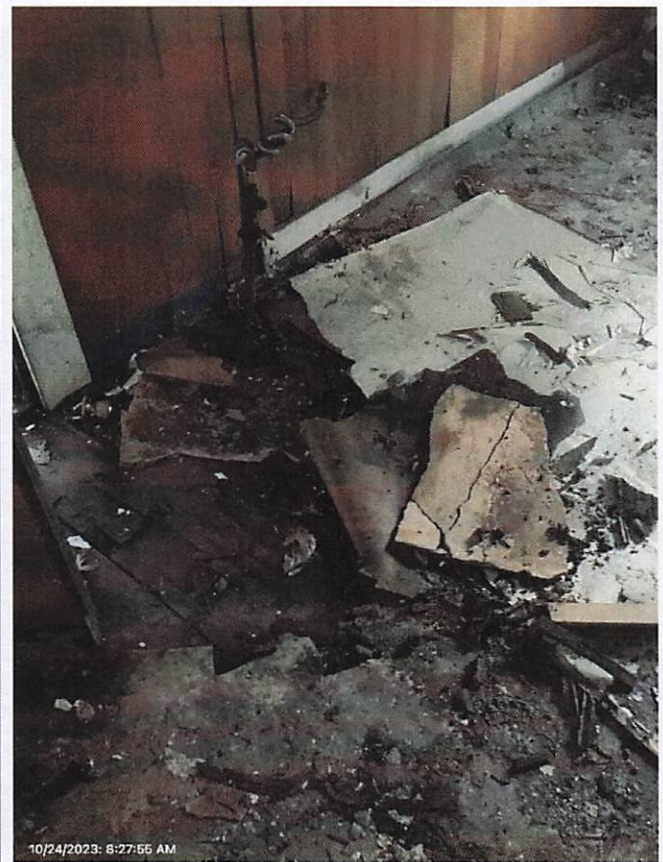
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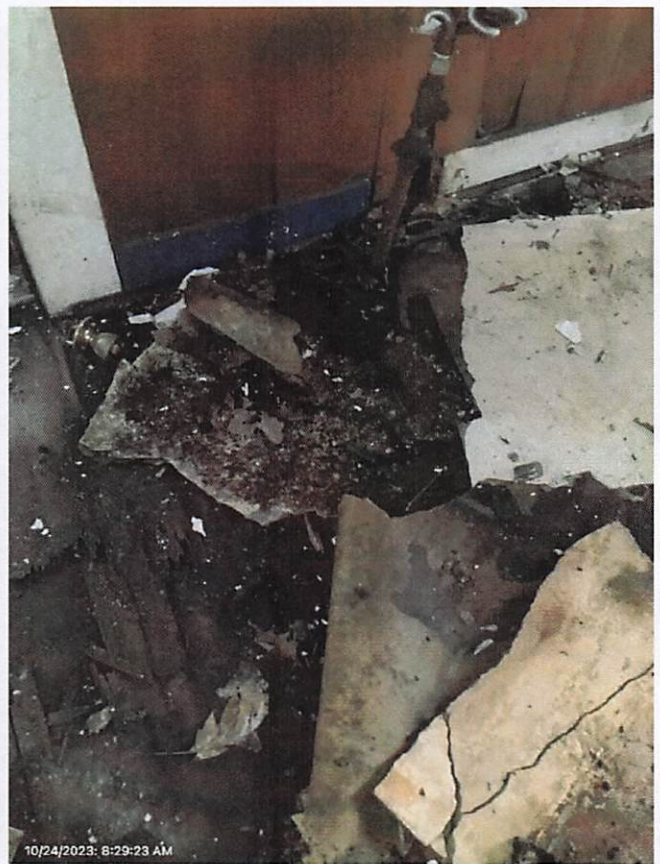
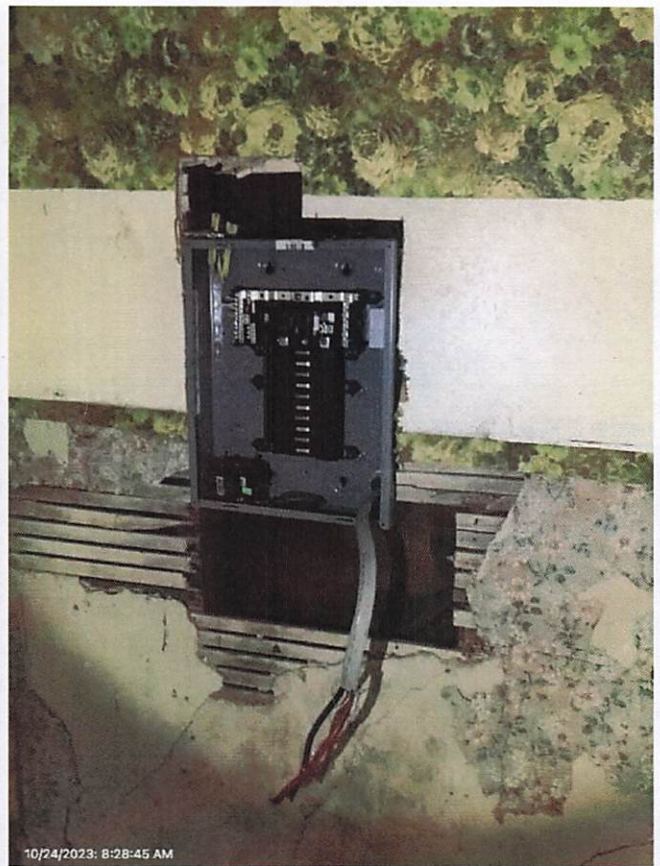


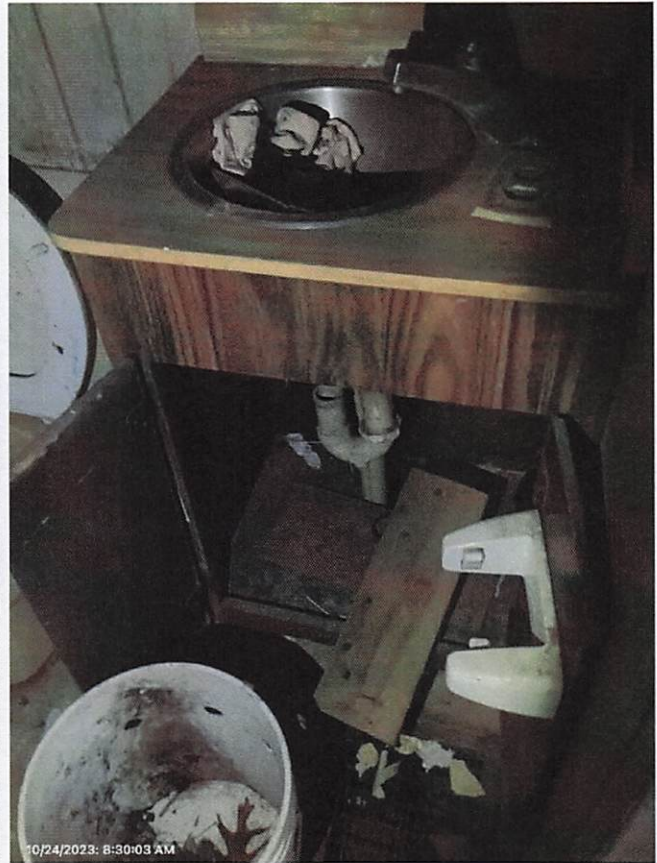
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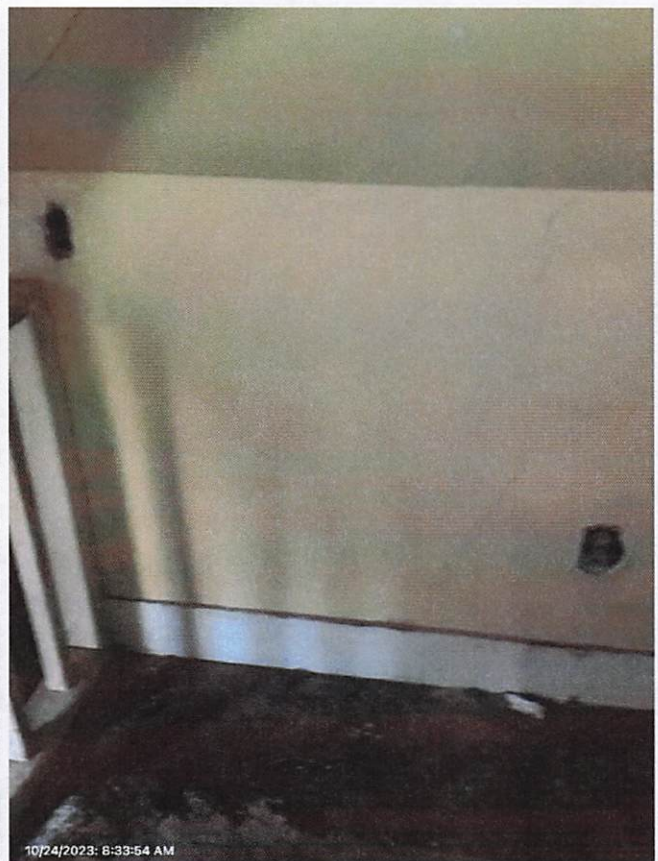
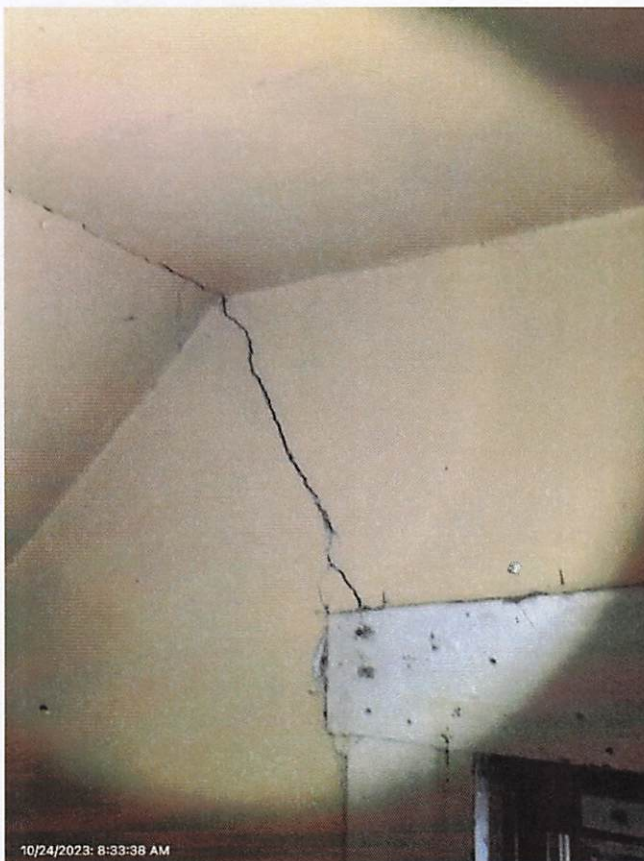
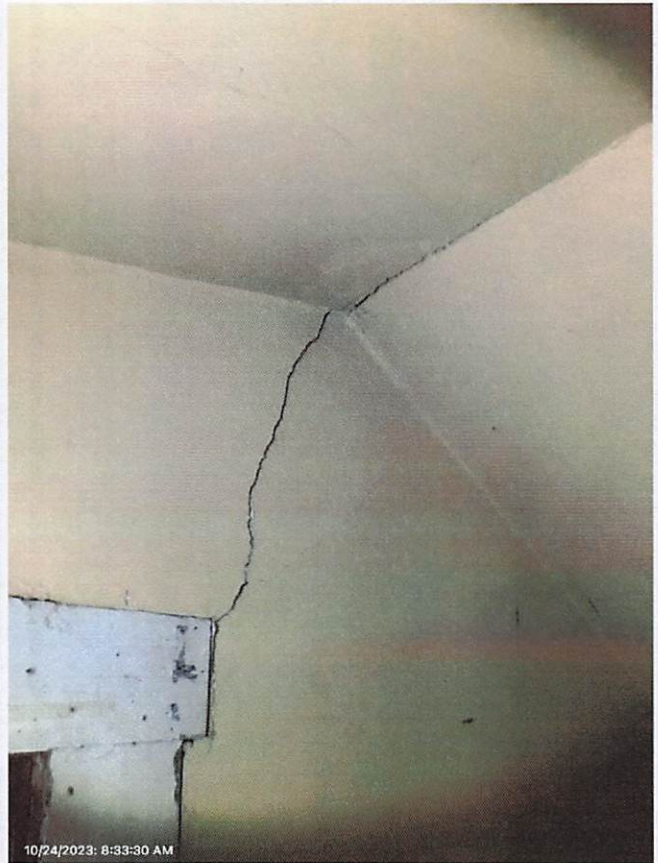
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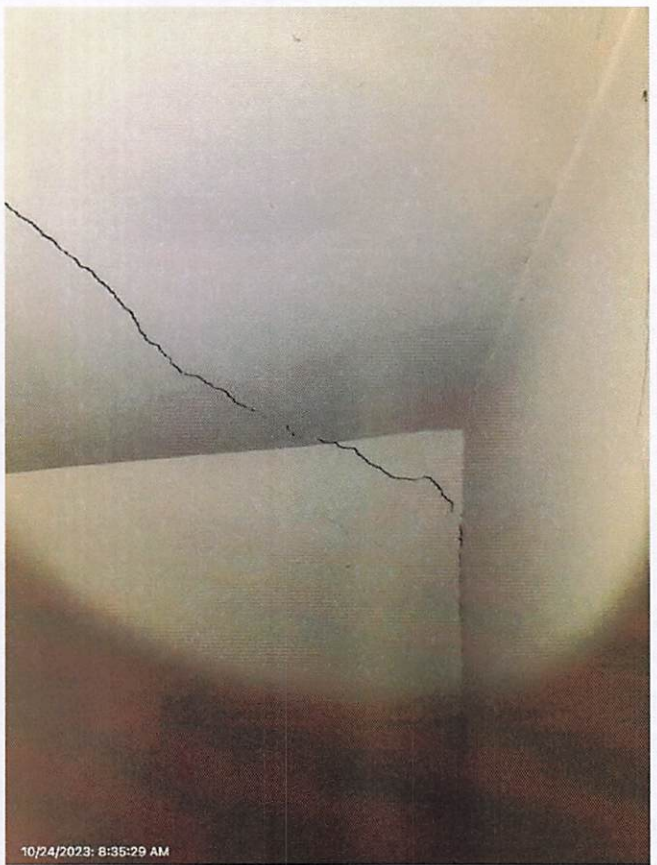
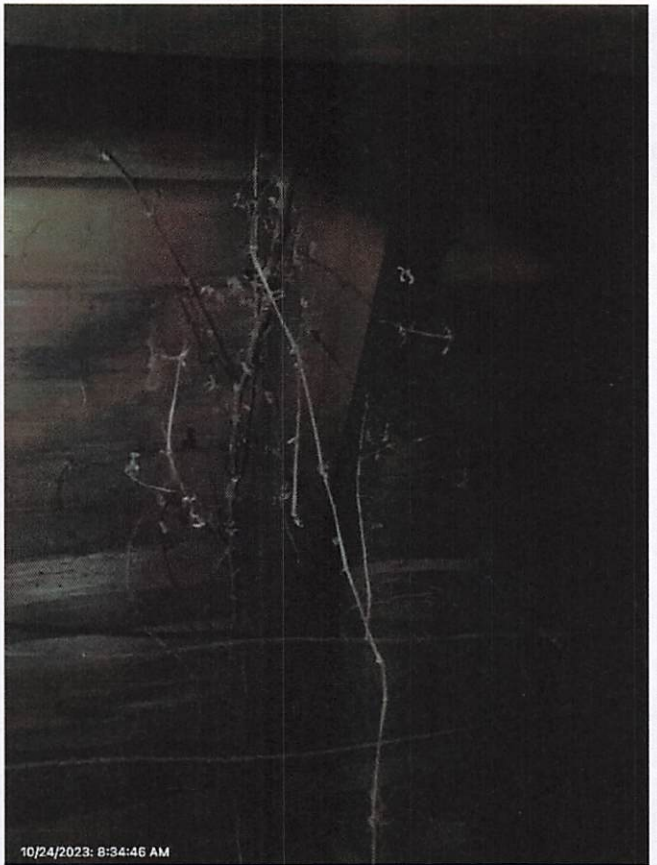
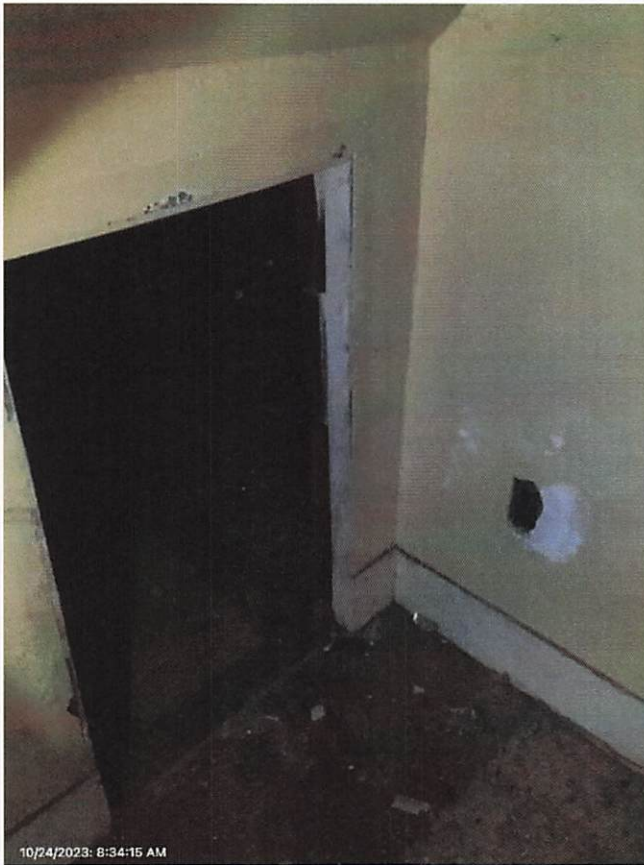


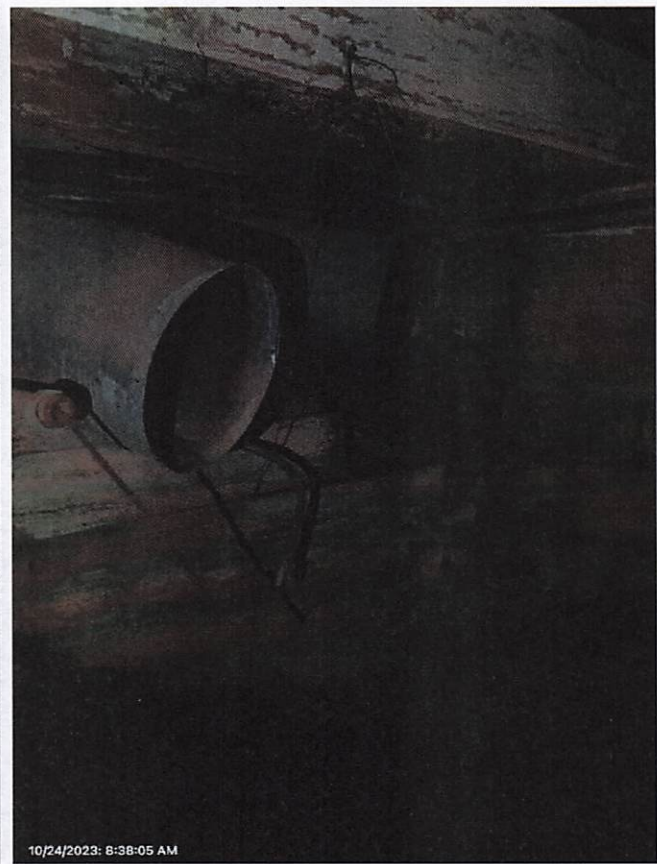
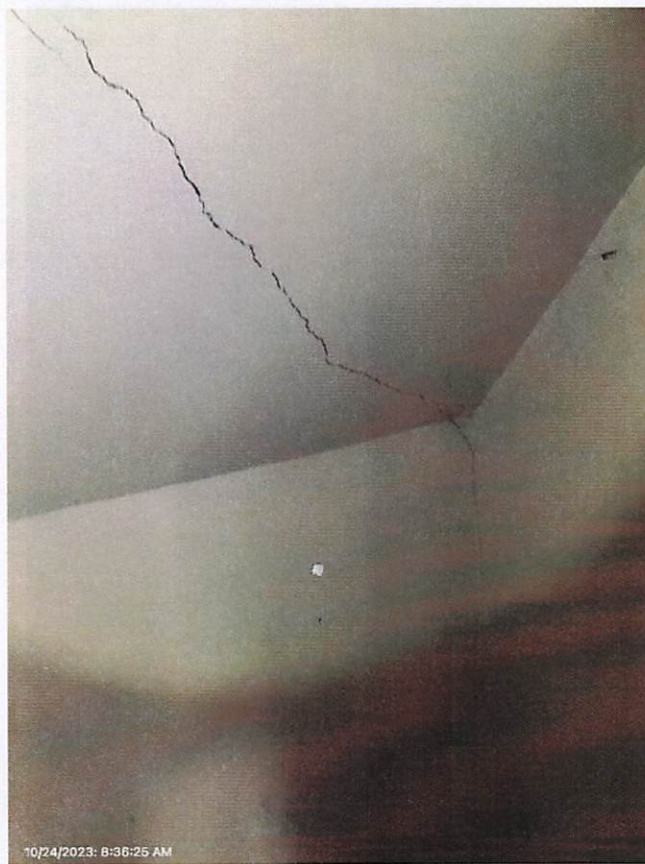
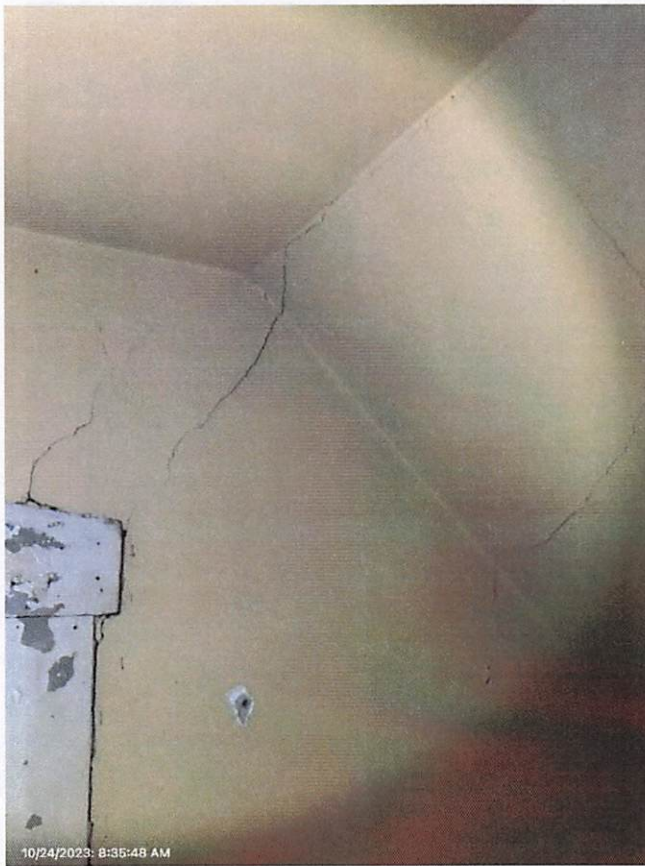






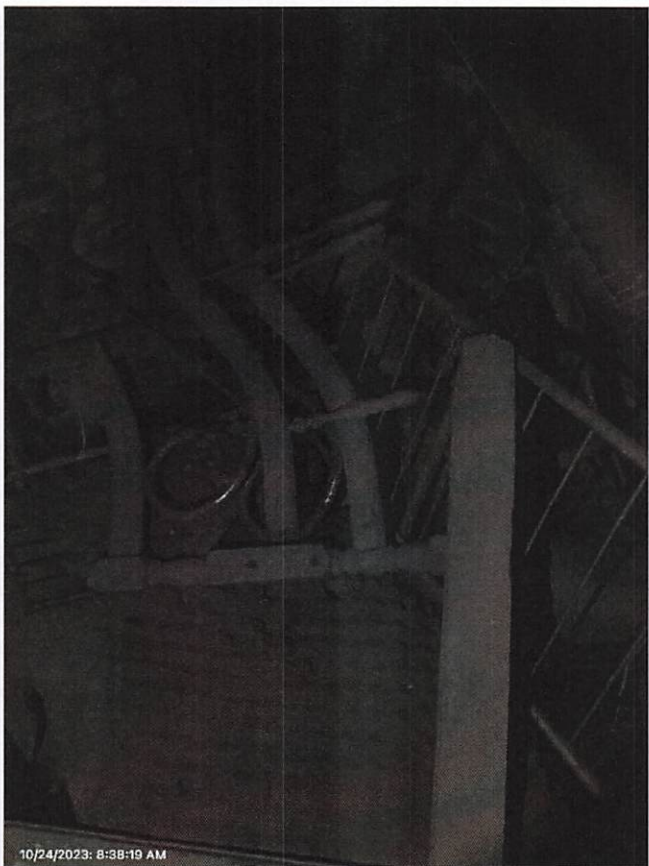








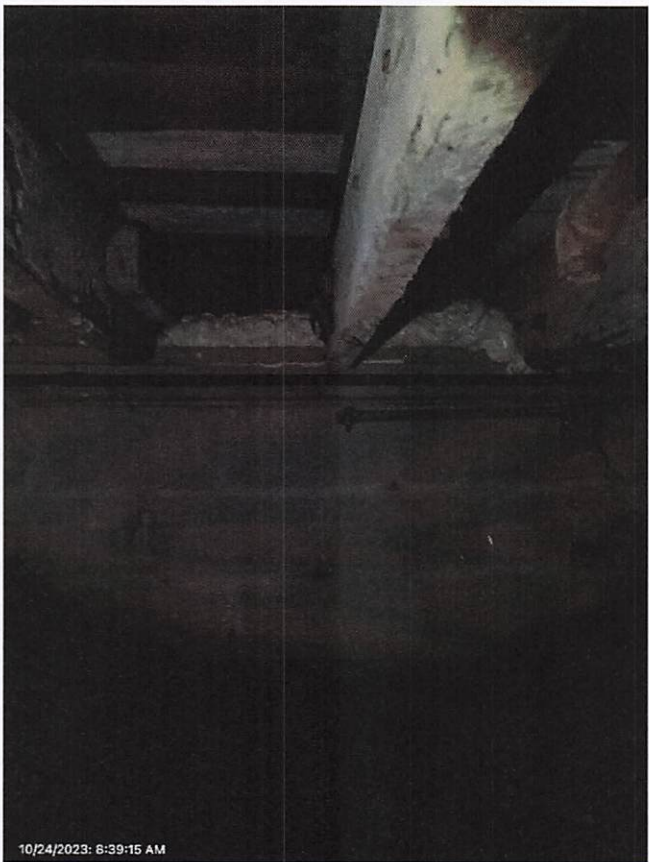
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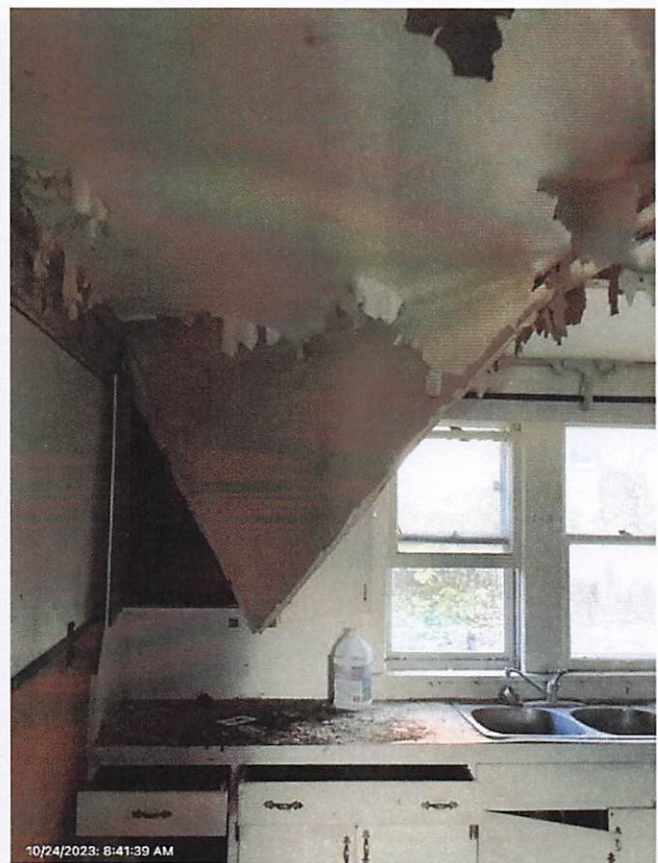
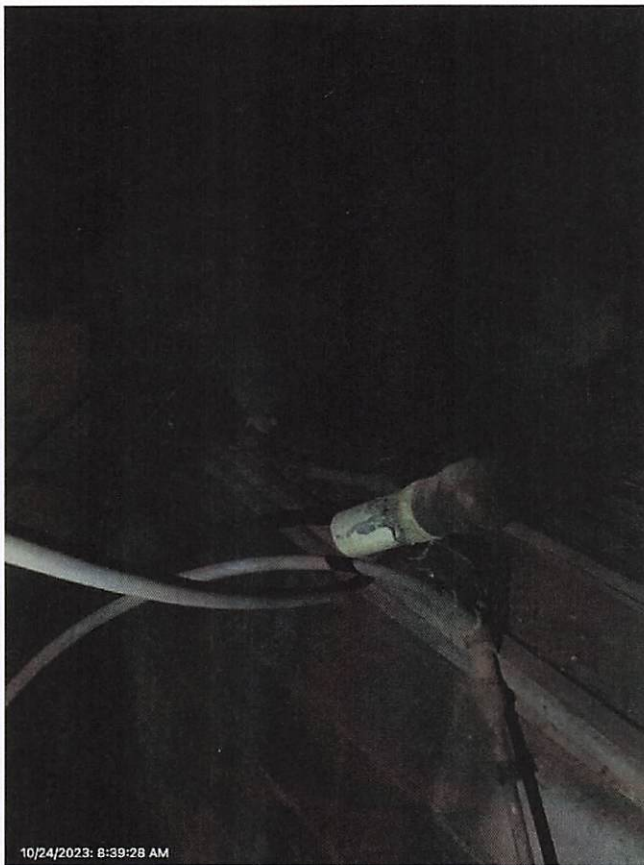


EXHIBIT #2



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CITY OF GOSHEN**

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MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: January 25, 2024

Subject: 205 MIDDLEBURY STREET

My initial inspection of the property at 205 Middlebury Street was conducted on November 1, 2023. The photos from that inspection are attached in the packet. During my inspection I documented several violations. Many of which are severe and make the property uninhabitable and unsafe.

The more severe violations include multiple area around the foundation where there are large cracks and holes, other areas where blocks are missing. So much so that the integrity of the foundation has been compromised. Also, there are ceilings and floors throughout the property that have partially collapsed or in danger of collapse. Walls are detaching from the ceiling and floors are sinking which is a sign of structural failure.

Other major noted violations are the property has no working heating system or installed duct work, no working plumbing system and no working electrical system and no water heater. The house is full of trash and feces from animals that have entered due to the property being unsecured and the many holes around the foundation. The property is also being used for storage and there are multiple broken doors and windows throughout the property.

There have not been any permits pulled on this property for at least 20 years, there has been no water usage at this property since at least 2007 (which is how far back they were able to check). This property has never been registered as a rental property with the City of Goshen and no rental inspections were ever conducted.

Due to the multiple violations, current unsafe condition of the property and lack of motivation or initiative from the owner to do anything to bring the property into a habitable state the Building Departments recommendation is that the property be determined to be unsafe and the property demolished.

Thank you,

Travis Eash



Building Department

City of Goshen

204 E Jefferson St • Goshen, Indiana 46528

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

November 1, 2023

Ron Davidhizar
203 Middlebury St
Goshen, IN 46528

RE: Unsafe Vacant Property at 205 Middlebury St

Dear Ron Davidhizar:

The City of Goshen inspected the vacant property at 205 Middlebury St on 11/1/2023. 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 15, 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.

Property is full of trash, animal feces and other accumulated items. It is unsafe to walk through.

6.3.1.3(g)

Duct Systems

NPO

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

No duct system installed

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 furnace

No working heating system

Gas line is rusted out and cut

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

All plumbing fixtures have not been maintained and are not properly connected

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.

Multiple areas around foundation where severe cracks and holes have formed compromising the foundation's structural integrity.

Multiple areas where cinder blocks in a block wall have been removed or have fallen, not allowing proper support

Multiple areas of entry for small animals and rodents

Multiple ceilings have collapsed throughout property

Multiple floors have partially collapsed or are in danger of collapse due to dilapidation

Multiple areas where the ceiling and walls are detaching, which is a sign of structural failure, or the loads imposed are too significant

Floor coverings are torn throughout property

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

Loose, hanging, exposed electrical wires throughout property

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.

Broken doors and windows throughout property.

Property is not secured and easily accessible to people and animals

6.3.1.2(f)**Water Heater**

NPO

Every dwelling shall have supplied water-heating facilities which are properly installed, maintained in a safe and good working condition, properly connected with the hot water lines required under Subsection (e) and are capable of heating water to such temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, bathroom sink, bathtub or shower at a temperature of not less than one hundred (100) degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this Subsection when the dwelling unit heating facilities required under Code Section 6.3.1.3(f) are not in operation.

No working water heater

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.

Multiple areas around foundation where significant cracks and holes have formed which compromised the structural integrity of the foundation and its purpose

Cinder blocks have been removed or have failed

Multiple ceilings have collapsed throughout property

Multiple floors are in danger of collapse or are partially collapsed

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.

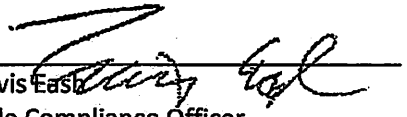
Multiple areas where walls have detached from the ceiling and/or the floor and showing signs of structural failure

Multiple collapsed ceilings and partially collapsed floors

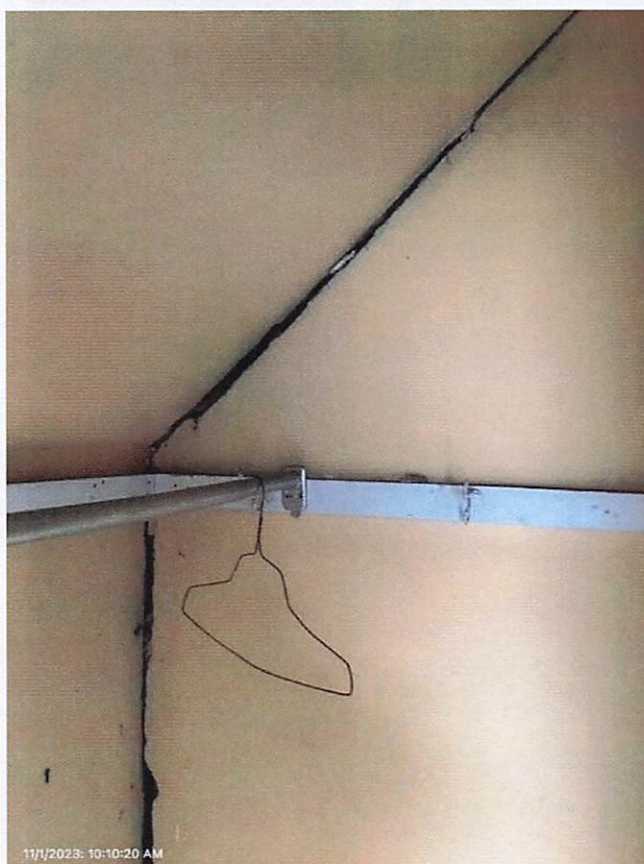
If addition, if the property is intended to be used as a rental, it will require registration with the Building Department.

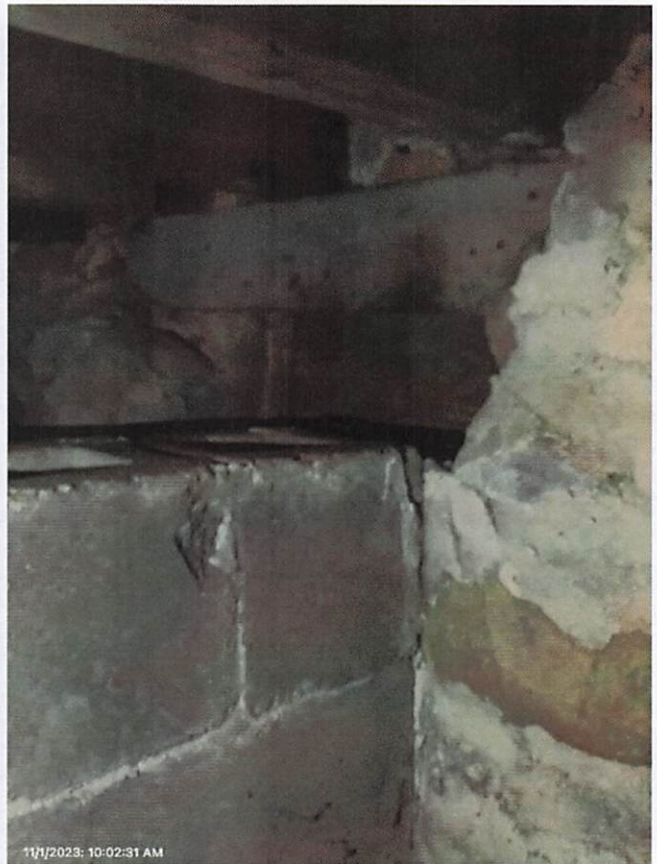
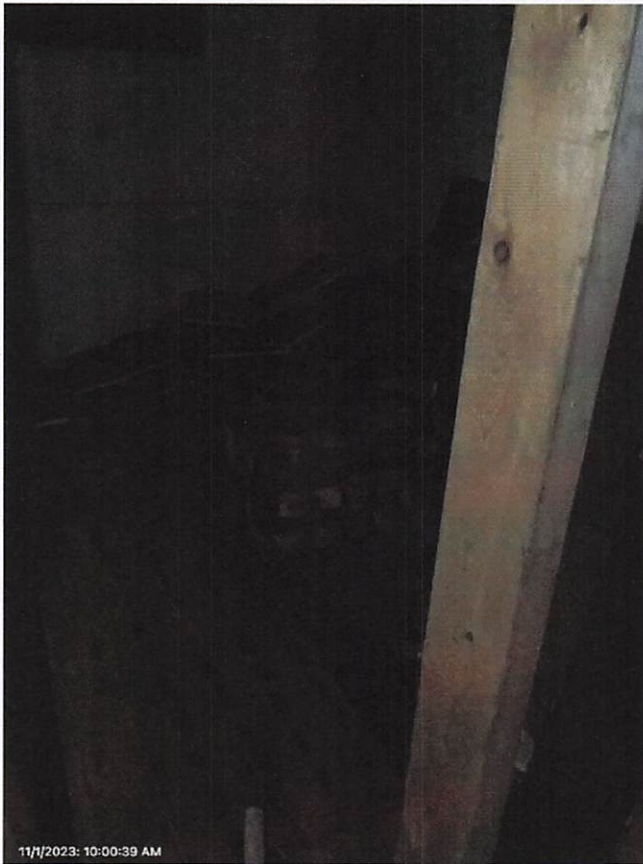
Thank you for your cooperation in allowing the City of Goshen to conduct this inspection.

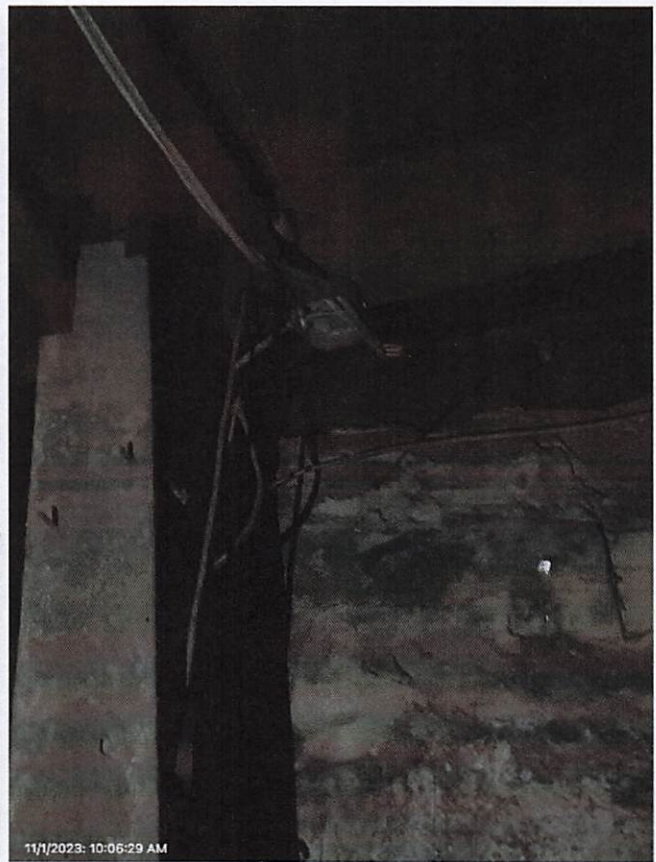
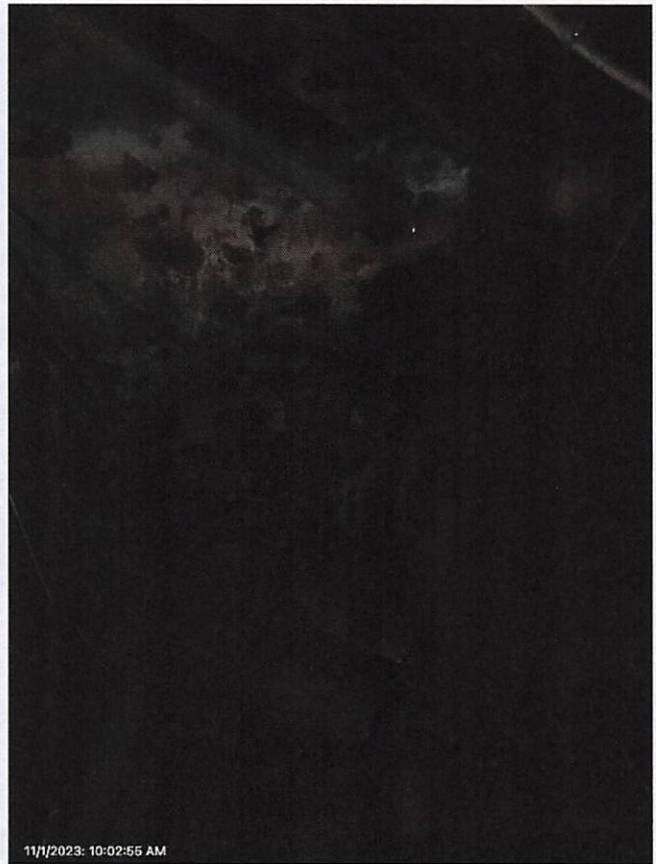
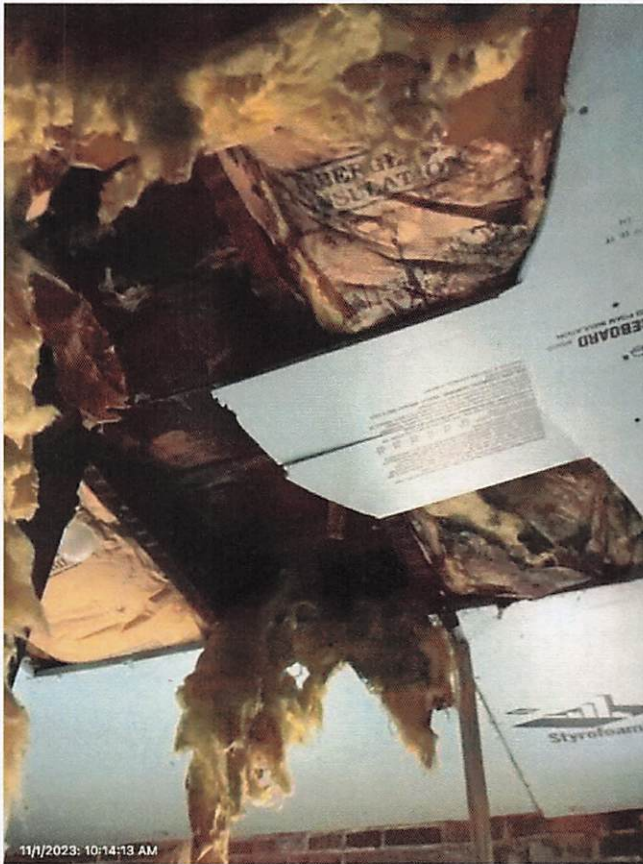
Respectfully.

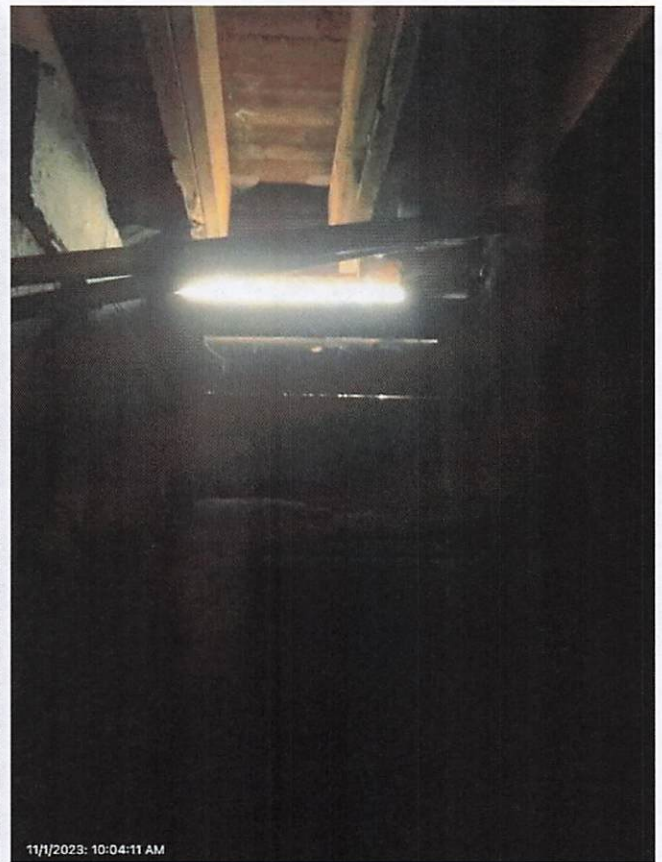
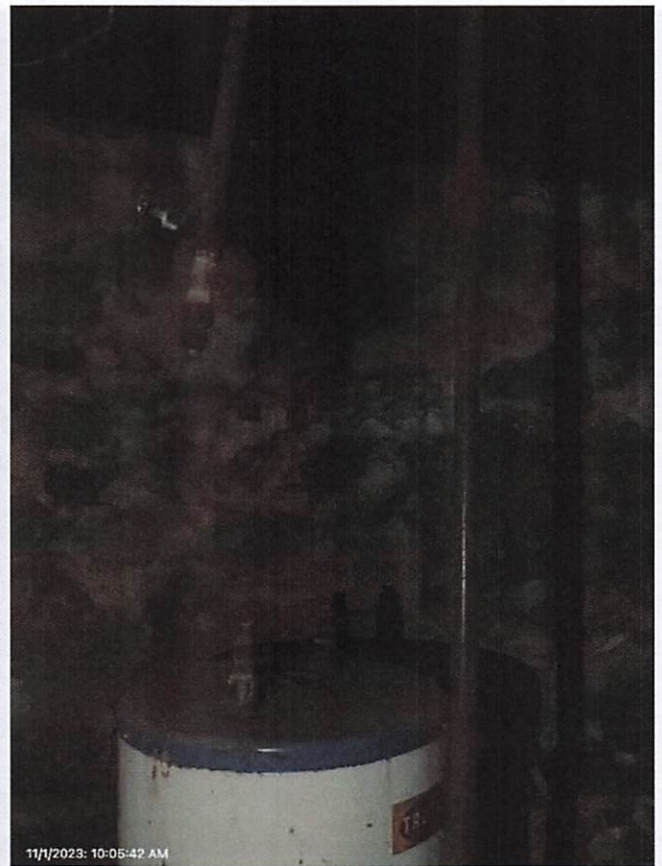


Travis East
Code Compliance Officer

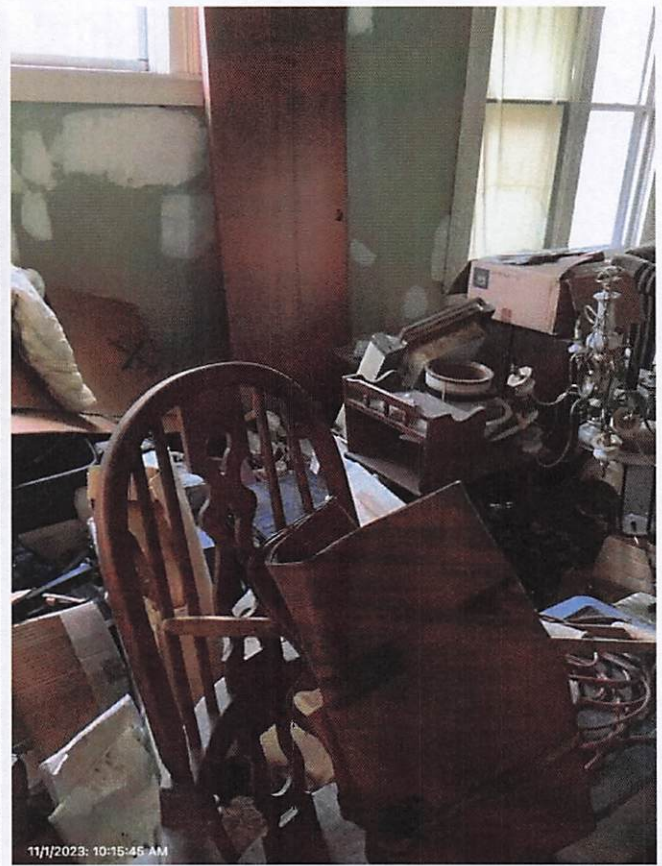


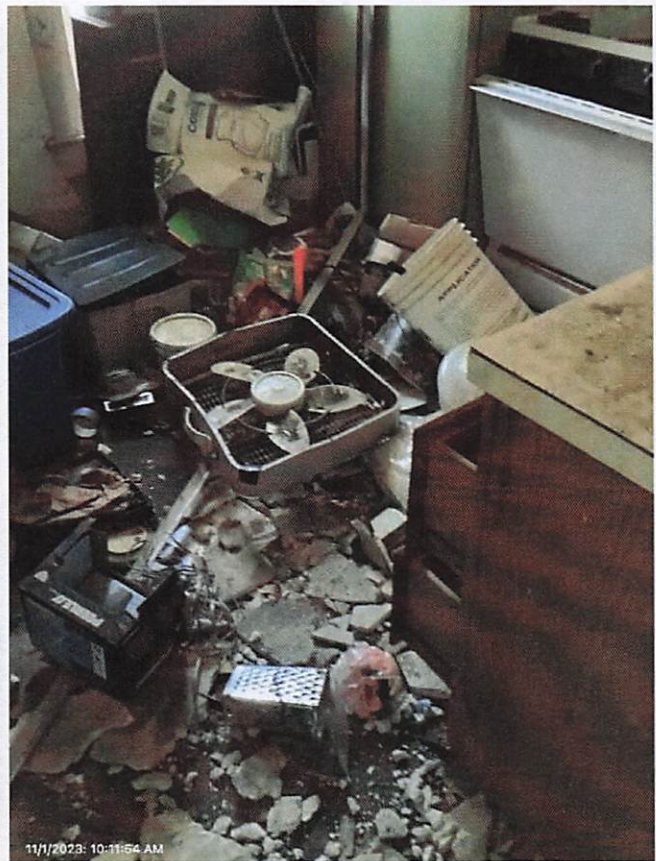
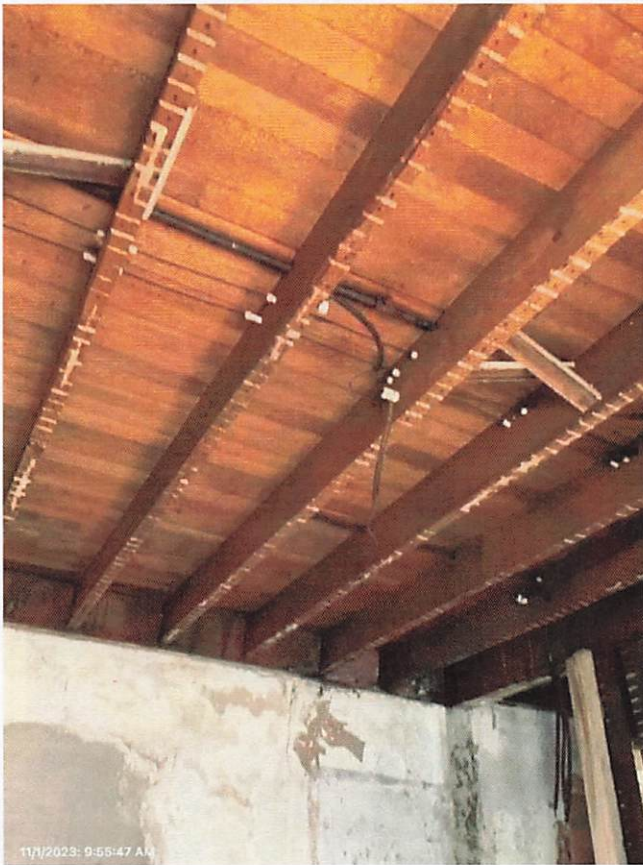


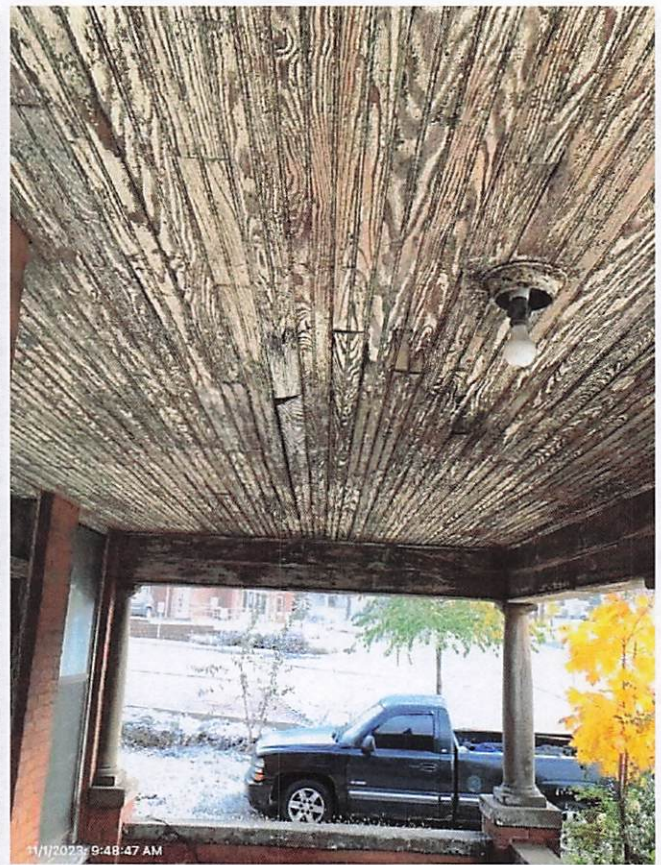
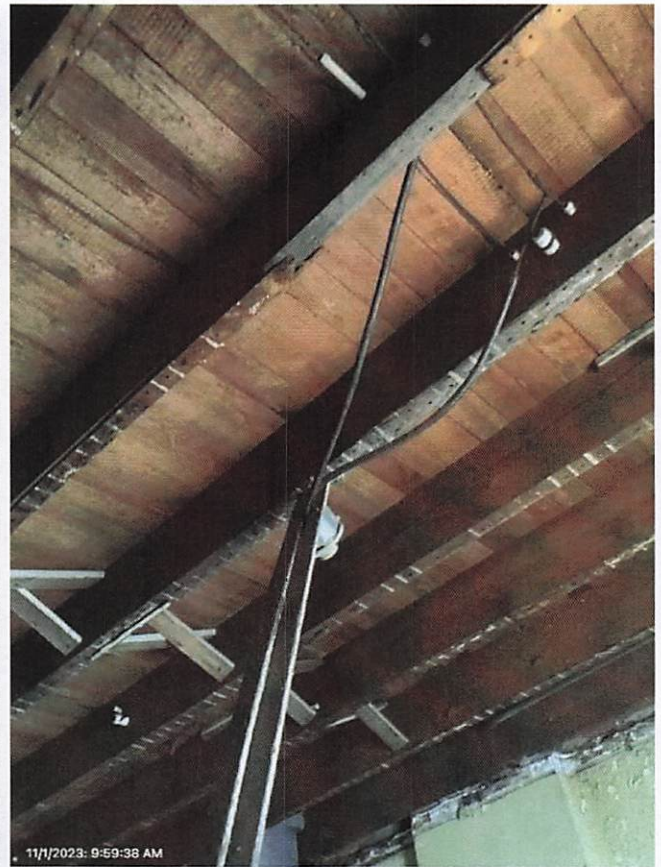


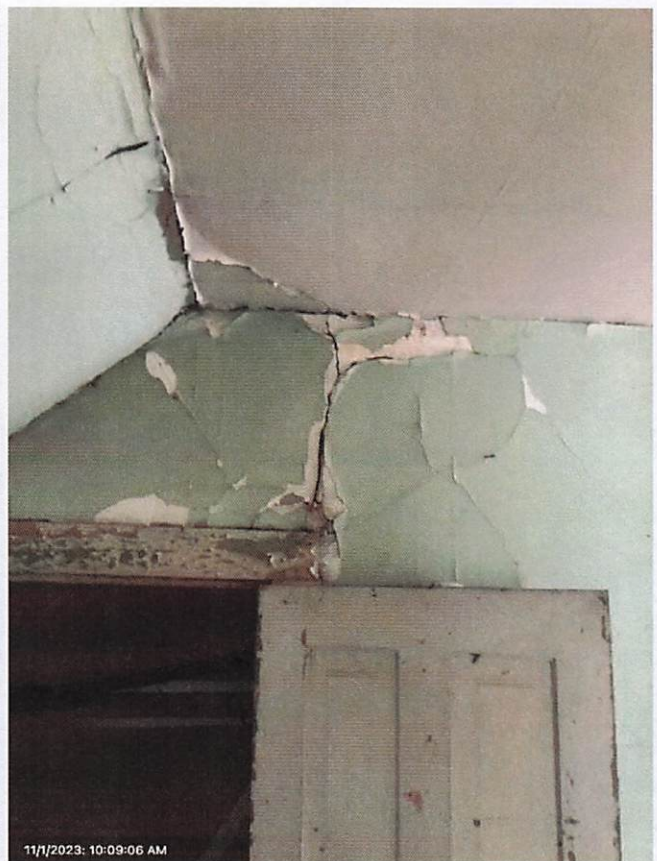
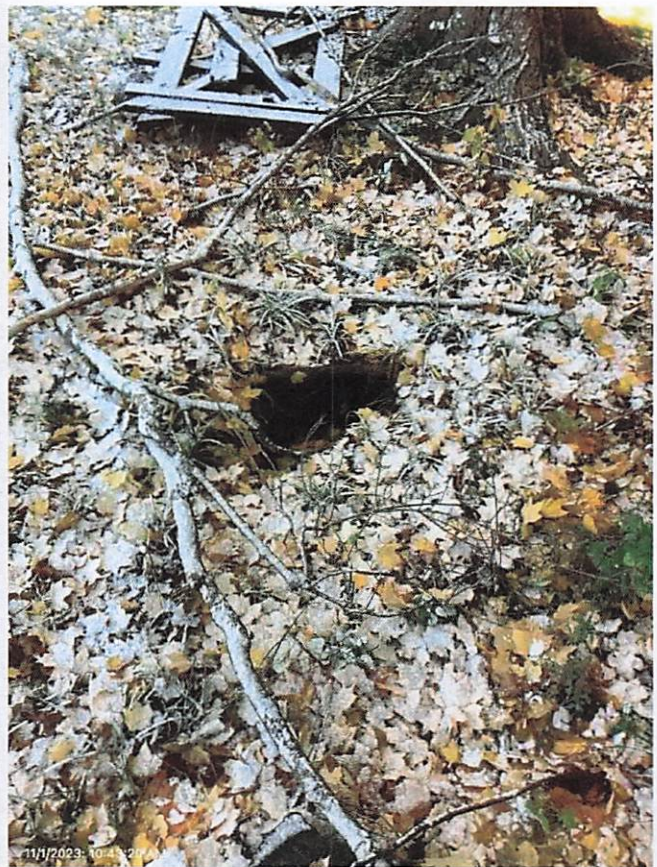


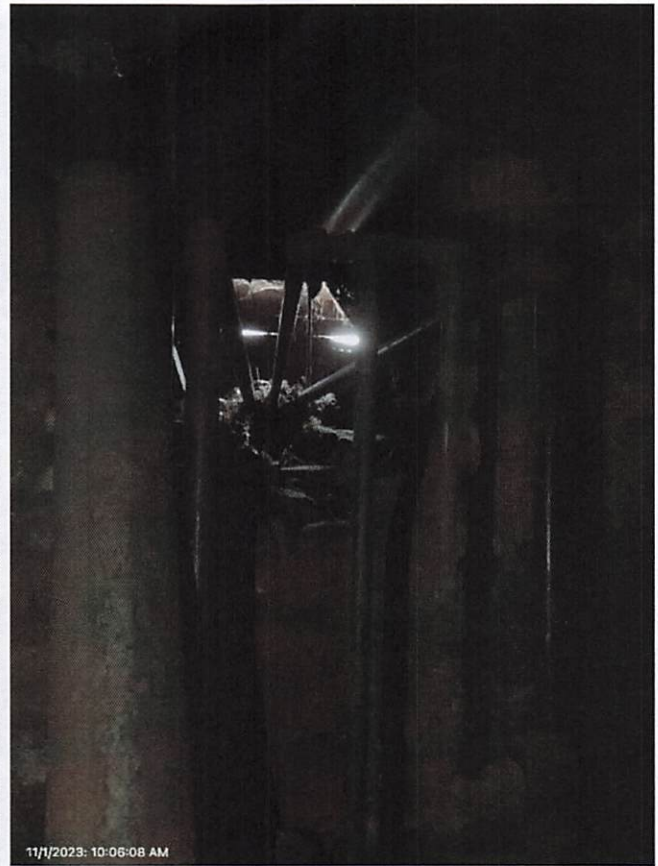




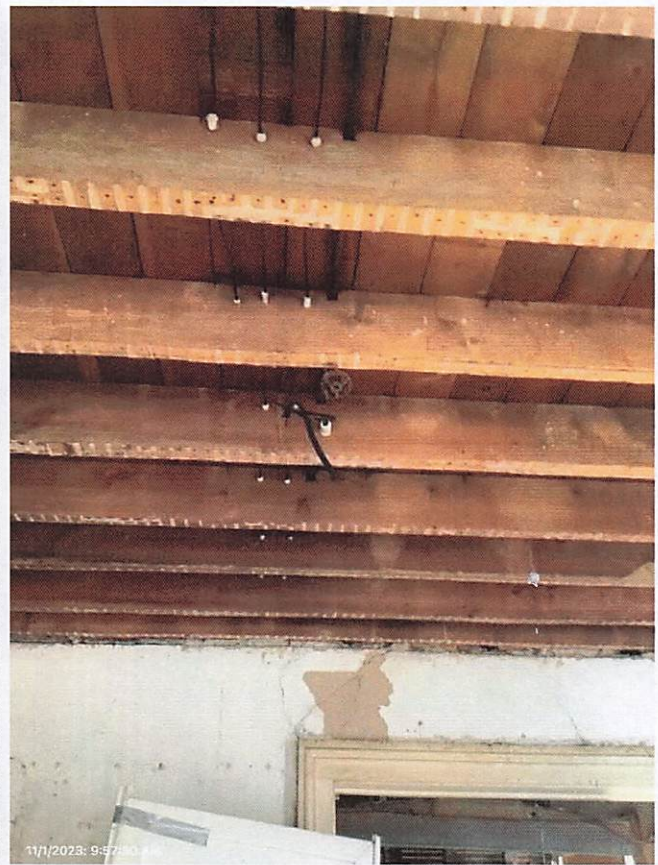
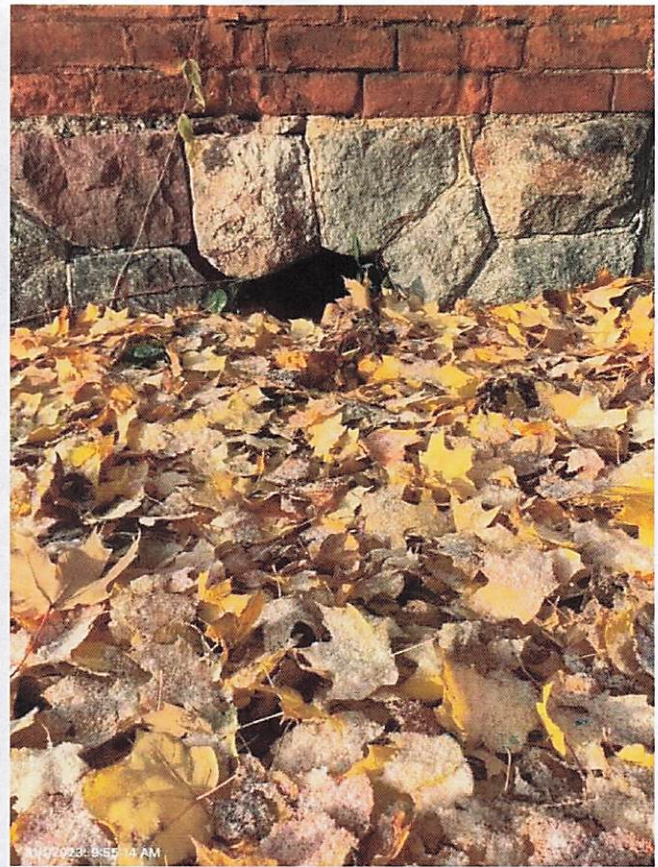


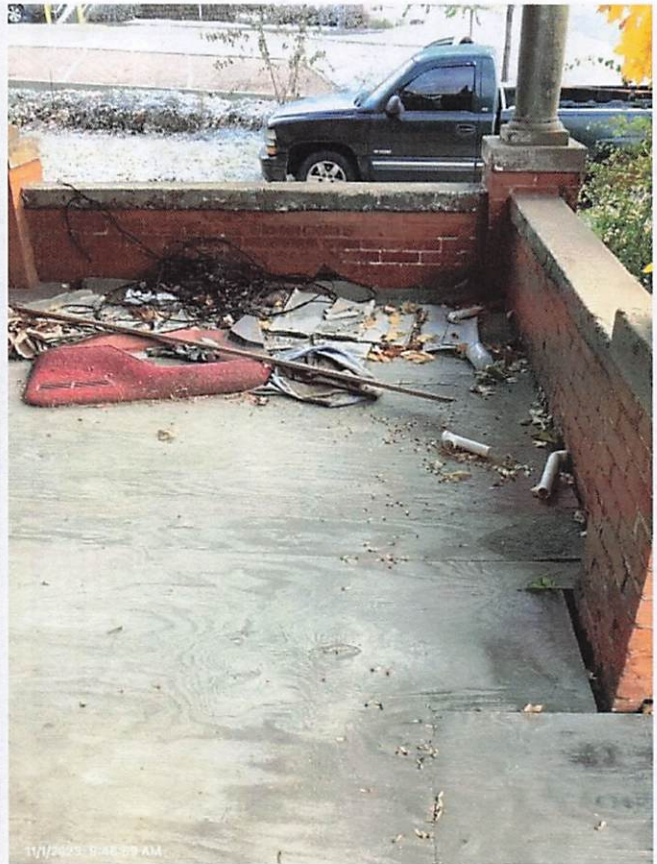


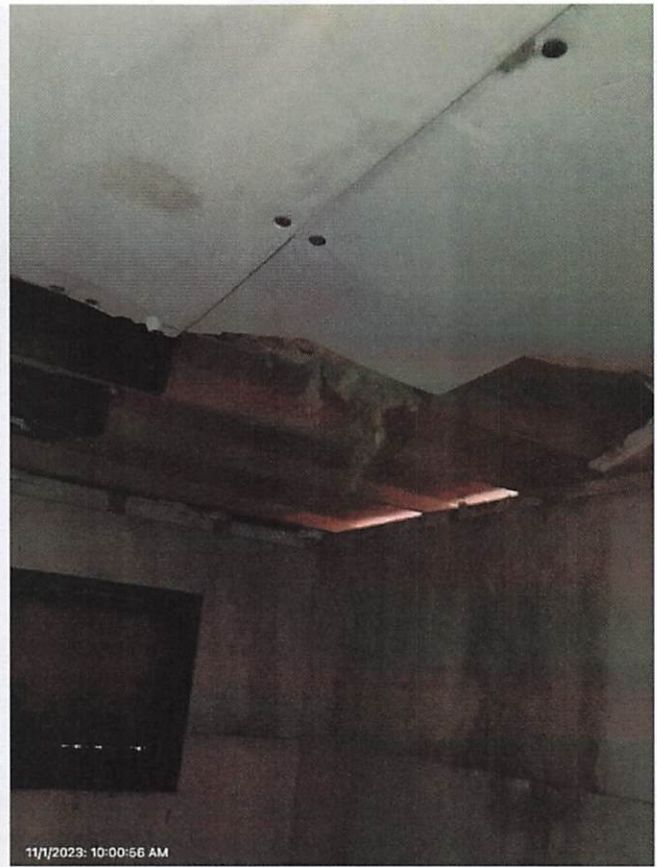


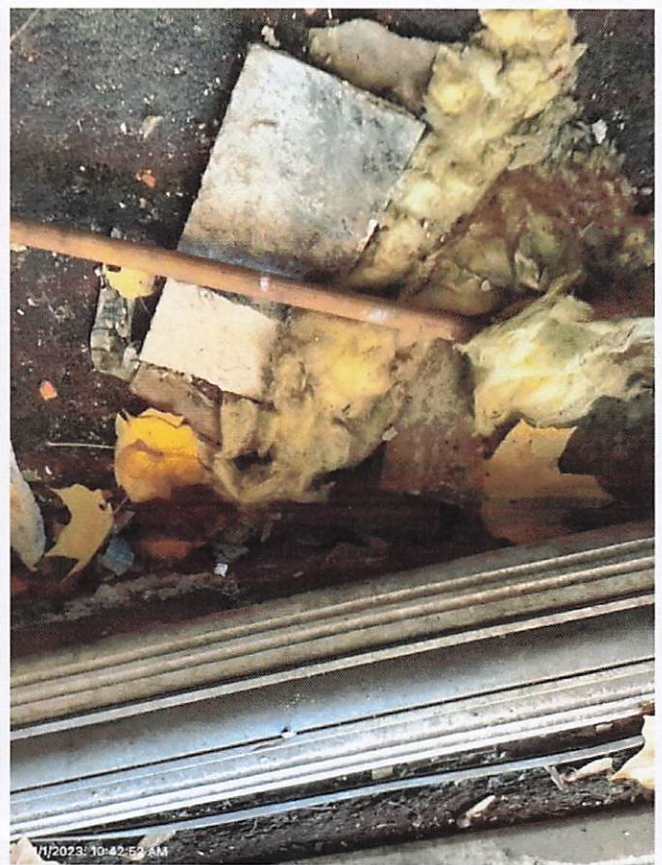
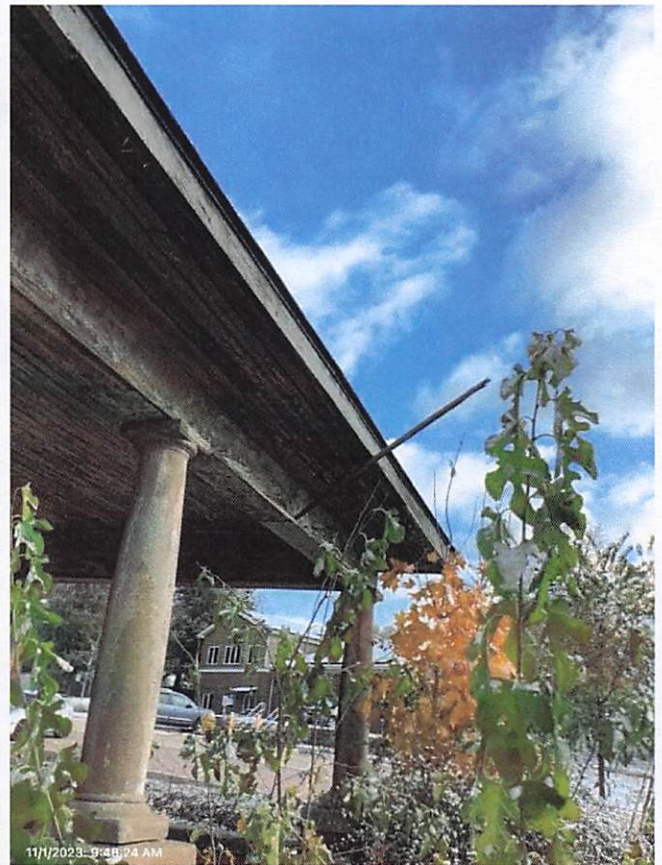














**Building Department
CITY OF GOSHEN**

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

EXHIBIT #3

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: January 25, 2024

Subject: 304 W OAKRIDGE AVENUE

My initial inspection of the property at 304 W Oakridge was conducted on October 24, 2023. The photos from that inspection are attached.

While conducting my inspection I documented multiple violations but the most severe and most unsafe is there is a foundation wall on the west side of the structure that is 15 to 20 ft long that has completely collapsed, which has caused the ground to fail causing the sidewalk and driveway to collapse as well. The floor has begun to sag due to improper support and is unsafe to walk. This area has become a danger to anyone who walks the premises. This makes entering the structure unsafe.

Some other violations are no working plumbing system, electrical system or heating system. There are broken windows on the property and the chimney is beginning to fail and has loose bricks.

Due to the severity and danger of the foundation wall collapse and the lack of structural integrity, the Building Departments recommendation is that the structure be determined unsafe and demolished

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 25, 2023

Ramon Navarro
306 W Oakridge Ave
Goshen, IN 46528-2652

RE: Unsafe Vacant Property at 304 W Oakridge Ave

Dear Ramon Navarro:

The City of Goshen inspected the vacant property at 304 W Oakridge Ave on 10/24/2023. 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 7, 2023**.

6.3.1.1(z)

Chimneys, Cooling Towers, and Smoke Stacks

NPO

Chimneys, cooling towers, smoke stacks and similar appurtenances must be structurally sound, properly anchored, support all nominal loads, and properly resist all load effects.

Areas of the chimney are beginning to fail

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 that have been boarded up

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

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

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

Loose exposed electrical wiring throughout property

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 structure has become freely accessible due to the collapsed foundation wall and concrete and is a severe danger to anyone who enters

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:

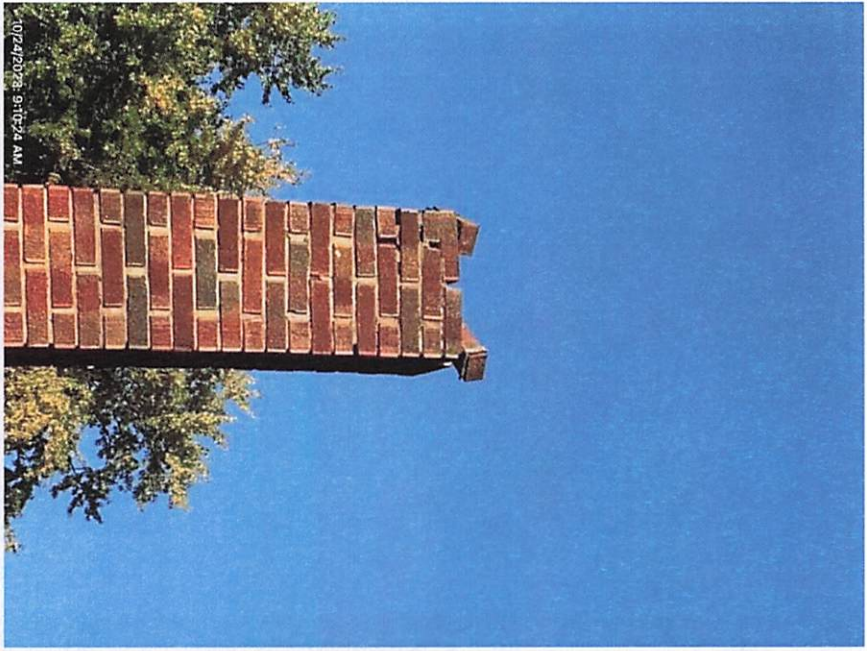
- (1) dilapidation, deterioration, or decay;
- (2) faulty construction;
- (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or
- (4) the deterioration, decay or inadequacy of its foundation.

The foundation wall on the west side has collapsed, and the earth beneath it has washed causing the concrete to collapsing into the basement.

The entire structure is in danger of collapse due to the collapsed foundation wall

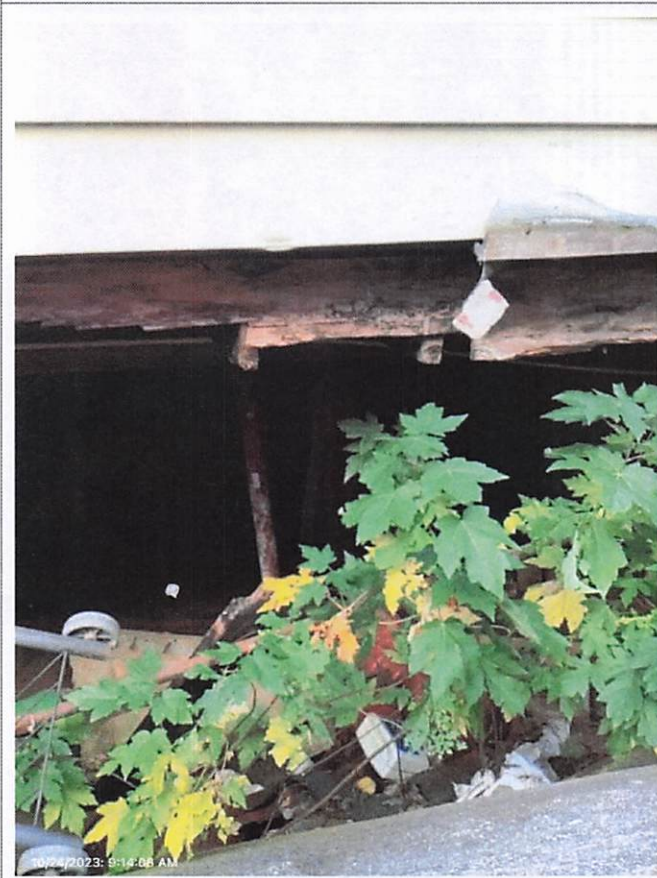
Without the foundation wall the structural strength of the foundation has been compromised and the floor is starting to sag and in danger of collapse

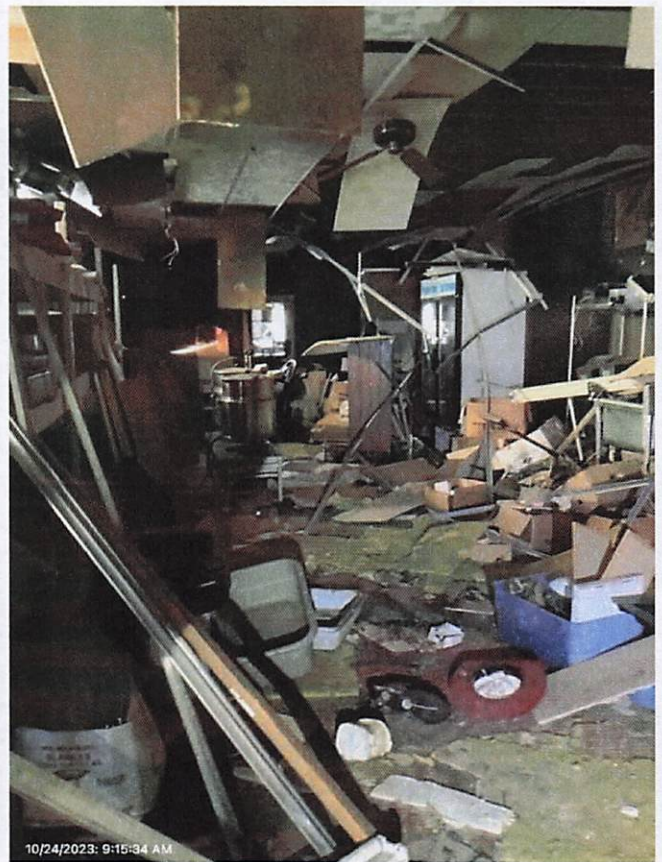
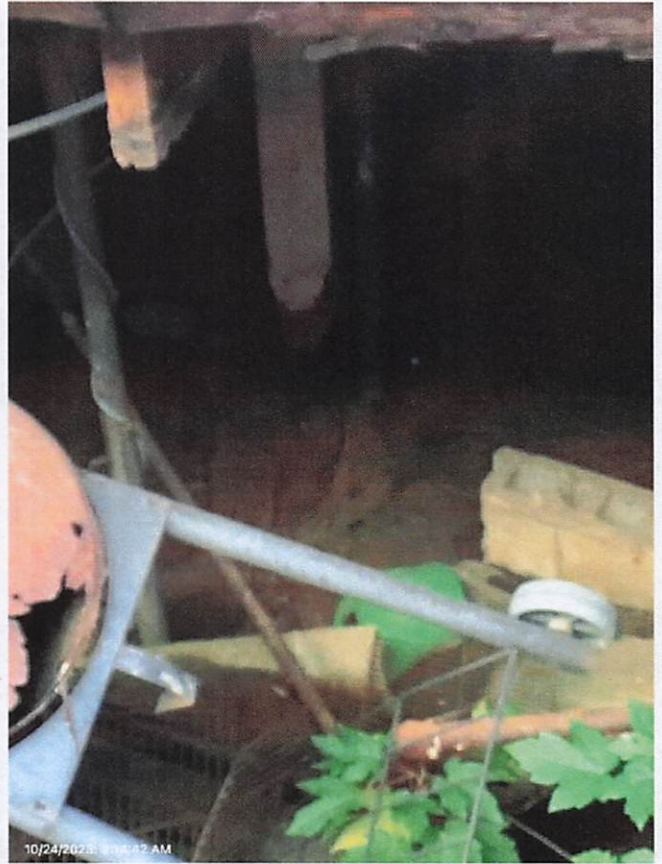
If addition, if the property is intended to be used as a rental, it will require registration with the Building Department.

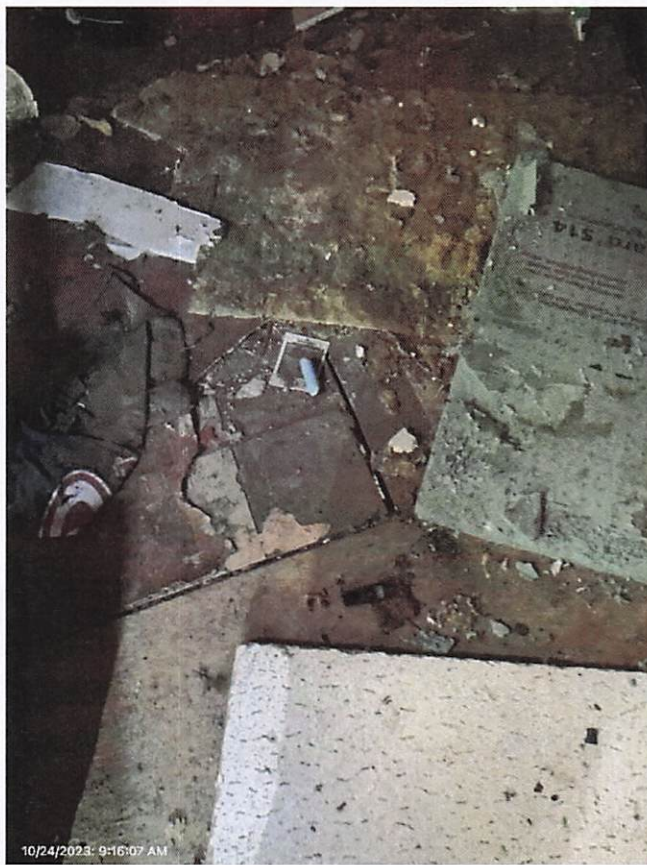
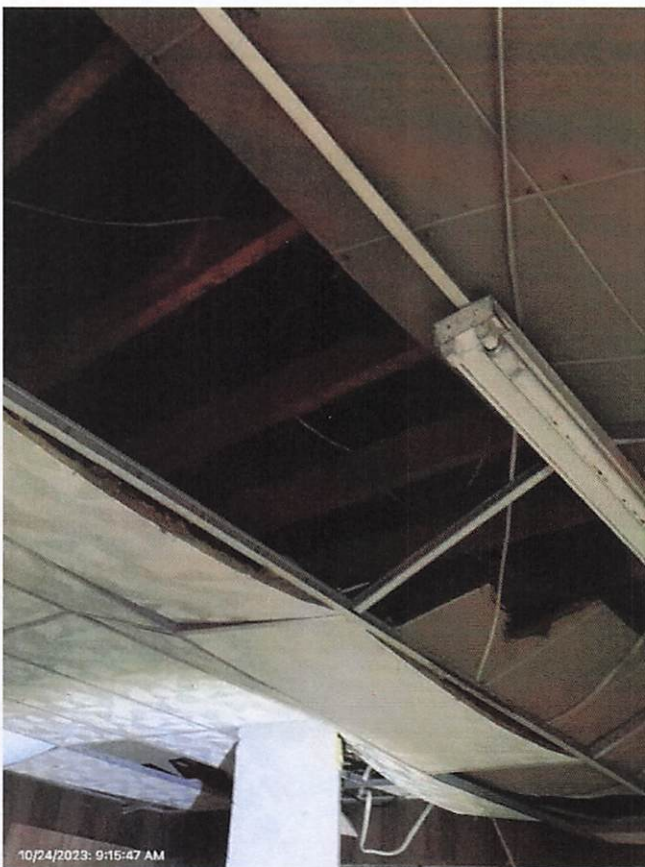


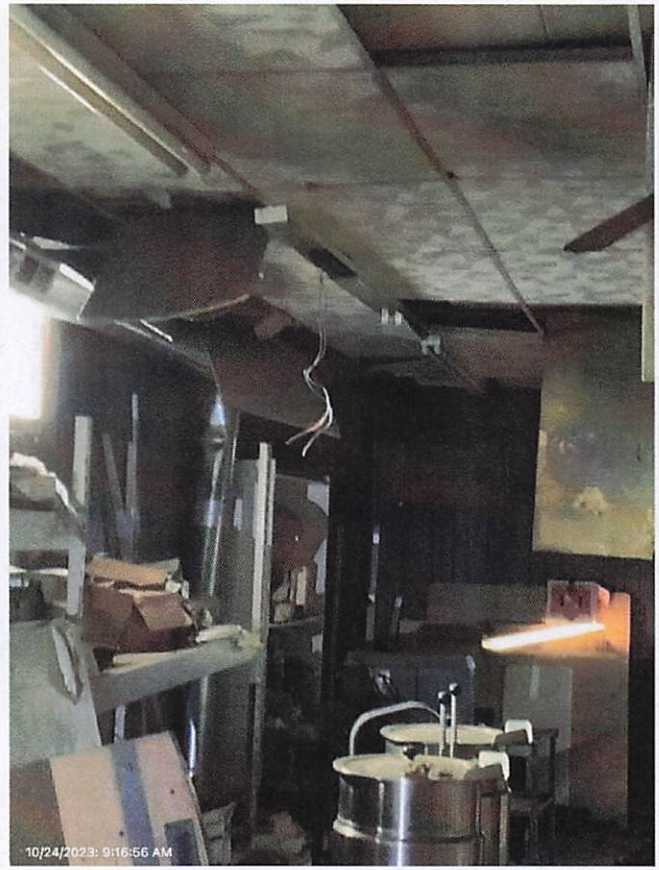








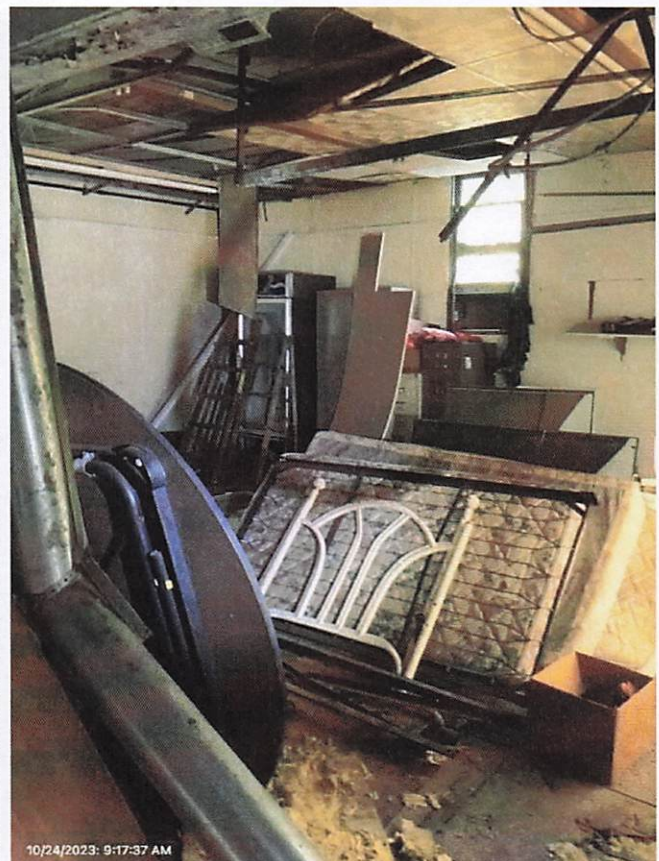




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