



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD**  
**MINUTES OF THE MARCH 28, 2024 REGULAR MEETING**  
*Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana*

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

**CALL TO ORDER:** Mayor Gina Leichty called the meeting to order at 4:01 p.m.

**REVIEW/APPROVE MINUTES:** Mayor Leichty presented the minutes of the March 14, 2024, Regular Meeting as prepared by Clerk-Treasurer Aguirre. Board Member Barb Swartley moved to approve the minutes as presented and the motion was seconded by Board Member Mike Landis. The motion passed 4-0.

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

**1) Open sealed proposals: Steury Avenue and Lincoln Avenue Roadway Reconstruction & Drainage Improvements**

On behalf of the City Engineering Department, the Board of Public Works & Safety was asked to open sealed proposals submitted to the City for the **Steury Avenue and Lincoln Avenue Roadway Reconstruction and Drainage Improvements project**. Mayor Leichty first asked if there were additional bids. There were not. This project includes but is not limited to approximately 3,500 linear feet of full pavement and sidewalk reconstruction and utility reconstruction including water main and storm sewer, and other related work as required by the detailed plans and specifications included in the specification and contract documents.

***All bids were due to be submitted to the Clerk-Treasurer's Office by 3:45 p.m. on March 28, 2024.***

Mayor Leichty announced that offers from three companies were received as follows:

- **HRP Construction, Inc. of South Bend, Indiana**, a base bid of \$10,327,000, a bid for Alternate #1 (GDC Semi-Trailer Parking lot) of \$197,059 and a **total bid of \$10,524,059**.
- **Niblock Excavating, Inc. of Bristol, Indiana**, a base bid of \$8,829,875.50, a bid for Alternate #1 (GDC Semi-Trailer Parking lot) of \$267,882.50 and a **total bid of \$9,097,758**.
- **Rieth-Riley Construction Co., Inc. of South Bend, Indiana**, a base bid of \$11,742,856.80, a bid for Alternate #1 (GDC Semi-Trailer Parking lot) of \$2577,157.50 and a **total bid of \$11,999,994.30**.

Swartley/Landis made a motion that the bids be referred to the City Engineering Department for further review. Motion passed 4-0.

**2) Downtown Goshen Inc. requests: Approve additional street and parking space closures for May 3rd and July 5th First Friday activities**

Amanda Rose of Eyedart Creative Studio and the director of First Fridays, told the Board that Downtown Goshen Inc. was requesting additional street and parking space closures for the First Friday activities on May 3 and July 5, 2024.



**Rose described the requests as follows:**

- **For May 3**, in addition to the original request, she asked to close Main Street, from Clinton to Pike streets from 2 to 10 p.m., four parking spots at the corner of Lincoln and Main streets (on the southwest side of the Courthouse lawn) from noon to 10 p.m., and the use of parking spots in the public parking lot behind the old Kline's building for a trash trailer.
- **For July 5**, in addition to the original request, she asked to close Main Street, from Jefferson to Madison streets, from 1 to 11 p.m.

In her written request, **Rose** wrote that the additional street closure on May 3 was for a First Fridays-endorsed car show (featuring electric vehicles and scooters) hosted by the Elks Lodge. The parking spots will be for a vendor who needs access to their trailer throughout the evening. And for July 5, Rose wrote that the additional street closure for Main Street was for additional car show parking.

**Rose** indicated that businesses on the street affected by the closure have been informed, with specific attention, to the gas station at the corner of Pike and Main streets in May. She added that First Fridays will need barricades and "no parking" signs.

In response to a question from **Mayor Leichty**, **Rose** said affected businesses have been informed of the closures. In response to a question from **Board member Landis**, Rose discussed the other street closures already planned for the May and July First Fridays.

**Swartley/Landis made a motion to approve the additional street closures, parking spaces and other resources as indicated in the proposal for First Fridays. Motion passed 4-0.**

**3) Goshen College request: Approve closure of Kenwood Place, from 4-9 p.m., on April 19, 2024 for a campus-wide block party**

**Ana Yoder, a Goshen College student**, asked the Board to approve the closure of Kenwood Place, between Main and 8<sup>th</sup> streets. on April 19, 2024 from 4 pm until 9 pm. The college is planning a campus-wide "block party" event between the college-owned Howell House and Kenwood House.

In a written request, **Yoder** wrote that as a coordinator of this event, she believed it would be in the best interests of students and community members if the road between the two houses were blocked off. She wrote that the street closure would also enhance a feeling of cohesion between the two houses, giving the event a true block party feel. **City staff** did not express any concerns about the request.

**Swartley/Landis made a motion to approve the closure of Kenwood Place, between Main and 8th streets. on April 19, 2024 from 4 pm until 9 pm., for a block party. Motion passed 4-0.**

**4) Borntrager, Inc. request: Approve the closure of four on-street parking spaces and adjacent sidewalk areas, from 7-10 a.m., on April 2, 2024 for a re-roofing at 127 E. Lincoln Ave.**

**Derick Yeoman, the owner and president of Borntrager, Inc. Roofing and Sheet Metal**, told the Board that his company is carrying out a re-roofing at 127 E. Lincoln Ave.

In order to load materials onto the roof, **Yeoman** asked for permission to block off four of the on-street parking spaces that are on East Lincoln Avenue, on the north side of the street, starting from the corner of 5th Street. He also asked permission to shut down the sidewalk in front of those parking spots.

In his written request to the Board, **Yeoman** indicated that neighbors have been notified about the work.

**Yeoman** indicated his company would like to block these parking spots and sidewalk on April 2, from 7 a.m. to 10 a.m. He wrote that this would allow workers to get materials onto the roof. As a back-up, he wrote that April 4 would be a make-up day in case weather does not allow for work on April 2.

**Yeoman** also indicated his company has barricades, flags and cones to block the parking spaces and sidewalk and they will be removed as soon as work is completed to get the areas reopened as soon as possible.



In response to an inquiry from **Clerk-Treasurer Aguirre, Yeoman** confirmed that the City Engineering Department had expressed a concern about the request, but the issue has been worked out.

**Swartley/Landis** made a motion to block off four of the on-street parking spaces on East Lincoln Avenue on the north side of the street, starting from the corner of 5th Street and to close the sidewalk in front of these parking spots on April 2, from 7 a.m. to 10 a.m., with a back-up date of April 4 in case the weather does not allow for work on April 2. Motion passed 4-0.

**5) Barecito request: Consider approving the extension of a patio at 114 West Jefferson Street into the City of Goshen's right of way**

**Martin Lopez of Barecito, 114 West Jefferson Street**, asked the Board to allow the business' recently installed concrete patio to remain as an encroachment in the City's right of way. Lopez said Barecito has an application for a patio fence pending before the City's Board of Zoning Appeals.

**Lopez** confirmed to **Mayor Leichty** that he has communicated about this matter with **Director of Public Works & Utilities Dustin Sailor**, who also confirmed there has been communication.

**Sailor** said Barecito's patio extends about two feet into the right of way. He said the City is developing plans to reconstruct Jefferson Street, between Main and Third streets, and may need to remove a portion of the patio to make improvements. Still, **Sailor** said the patio can remain in place for now.

**Swartley/Landis** made a motion to allow the concrete patio to remain at Barecito, 114 West Jefferson Street, in the City's right of way with the understanding that a portion may need to be removed at some point for City work. Motion passed 4-0.

**6) Engineering Department request: Approve the closure of 10th Street, from Jackson Street through Douglas Street, from April 2 until June 28, 2024**

**Director of Public Works & Utilities Dustin Sailor** told the Board that Niblock Excavating has requested permission to close 10th Street, from Jackson Street through Douglas Street, from April 2 until June 28, 2024.

**Sailor** said for the first two weeks, the initial closure will only involve 10th Street, between Plymouth Avenue and Douglas Street, with a lane closure at Plymouth Avenue, if necessary. The remainder of the closure will occur after this time, including closing Plymouth Avenue. A detour plan was attached to the Board's meeting packet.

**Sailor** said Niblock requested this closure to complete underground utility and road replacement for the Tenth Street Reconstruction project. Access will also be coordinated with Gleason Industrial Products. All appropriate traffic control devices will be utilized.

In response to a question from **Board member Landis**, **Sailor** confirmed that the project will require occasional Plymouth Avenue closures. He said he would return to the Board to make those closure requests.

**Swartley/Landis** made a motion to approve the closure of 10th Street, from Jackson Street through Douglas Street, from April 2 until June 28, 2024. Motion passed 4-0.

**7) Engineering Department request: Approve lowering the speed limit to 25 mph at the corners of Brinkley Way West and Brinkley Way East**

**Director of Public Works & Utilities Dustin Sailor** told the Board that by state statute, local city streets are to be 30 mph unless otherwise posted. With the newly constructed road, Brinkley Way, the City Engineering Department took a request to adjust the speed limit at the corners only to the March 21 2024, Traffic Commission meeting.

**Sailor** said City Engineering recommended the installation of 25 mph warning signs at the corners (four in total) with the 30 mph signs at the development entrances.



Sailor said City Traffic Commissioners voted unanimously with a positive recommendation to the Board of Public Works.

In response to a question from Board member Landis, Sailor discussed the speed signs that would be placed. Swartley/Landis made a motion to approve lowering the speed limit to 25 mph at the corners of Brinkley Way West and Brinkley Way East and placing appropriate signage. Motion passed 4-0.

**8) Engineering Department request: Approve and authorize the Mayor to sign the agreement with Cultivate Geospatial for Professional Engineering On-Call Consulting Services for the Geographic Information System (GIS) and authorize the Mayor to sign Task Orders**

Director of Public Works & Utilities Dustin Sailor told the Board that the City Engineering Department is seeking to enter an on-call services Agreement with Cultivate Geospatial for Geographic Information Systems (GIS) services. Sailor said this subscription-based service agreement would purchase 150 hours of service at a cost of \$25,000 with an option to renew with written notification 60 days prior to the end of the year-long term. Work will be directed primarily by the City GIS Coordinator using Task Orders authorized by the Mayor.

Sailor said the central project for 2024 will be upgrading the GIS Enterprise system. A smooth upgrade process will be essential to minimize disruptions to the approximately 50 users editing data, many more staff viewing data, and several dependent system integrations.

Sailor said Cultivate Geospatial has successfully conducted system upgrades for several larger and more complex local government GIS systems across the State in the last few months. Remaining service hours will be used for projects that could include: development of system health monitoring tools, creation of print services for the online platform, development of internal and public-facing mapping applications, and general advising on best practices.

In response to a question from Mayor Leichty, Sailor said the migration of data could begin within a month.

Swartley/Landis made a motion to approve and authorize the Mayor to sign the Agreement with Cultivate Geospatial for Professional Engineering On-Call Consulting Services for the Geographic Information System (GIS) and authorize the Mayor to sign Task Orders. Motion passed 4-0.

**9) Engineering Department request: Approve Amendment No. 1 with Abonmarche Group for completion of an additional survey for a cost of \$5,500 and authorize the Mayor to sign the agreement**

Director of Public Works & Utilities Dustin Sailor told the Board that the City Engineering Department would like to engage the Abonmarche Group to perform a topographical survey at 1107, 1109 and 1111 Sanders Avenue as an amendment to the original survey contract, Survey Packet No. 1, signed on Feb. 22, 2024.

Sailor said the survey will be utilized to design a new sewer system to replace the three sewer laterals failing at the above addresses. The survey and sewer lateral replacements are a high priority.

Quote amount received for Amendment No. 1: Abonmarche Group = \$5,500.

Swartley/Landis made a motion to approve Amendment No. 1 with Abonmarche Group for the completion of an additional survey for a cost of \$5,500 and authorize the Mayor to sign the agreement. Motion passed 4-0.

**10) Engineering Department request: Approve and authorize the Board to execute the agreement with the Windshire Corporation and Schrock Homes, Inc. for the completion of the project at 2247 Westoria Drive**

Director of Public Works & Utilities Dustin Sailor told the Board that the Stormwater Department was requesting the approval of an Agreement for the Completion of Construction for the home at 2247 Westoria Drive.



**Sailor** said the property has passed its final building inspection and the project is substantially complete except for 5,640 square feet of stabilization, one tree, installation of a hard surface driveway, and the installation of 300 square feet of concrete sidewalk adjacent to Westoria Drive. These final requirements cannot be completed now due to weather conditions.

**Sailor** said the Stormwater Department is submitting this Agreement for the Completion of the Construction Project for approval and authorization for the Mayor and Board Members to execute. The property owner Windshire Corporation and builder Schrock Homes agree to complete all work by June 15, 2024. The expected cost of work is \$10,000 and an irrevocable letter of credit in that amount has been remitted to the Clerk-Treasurer's Office.

**Swartley/Landis made a motion to approve and authorize the Board to execute the Agreement with The Windshire Corporation and Schrock Homes, Inc. for the Completion of the Project at 2247 Westoria Drive. Motion passed 4-0.**

**11) Engineering Department request: Approve and authorize the Board to execute the agreement with Schrock Homes for the Completion of the project at 1620 Sandlewood Drive**

**Director of Public Works & Utilities Dustin Sailor** told the Board that the Stormwater Department was requesting the approval of an Agreement for the Completion of Construction for the home at 1620 Sandlewood Drive.

**Sailor** said the property had its final building inspection scheduled for March 21 and the project is substantially complete except for 11,500 square feet to stabilize, one tree planted, 390 square feet of sidewalk to install around the home, 405 square feet of sidewalk along Sandlewood Drive, and 848 square feet of driveway installed. These final requirements cannot be completed now due to weather conditions.

**Sailor** said the Stormwater Department has submitted this Agreement for the Completion of the Construction Project for approval and authorization for the Mayor and Board Members to execute.

Property owner Ronald and Mary Stevens and builder Schrock Homes agree to complete all concrete and stabilization work by June 15, 2024. The expected cost of work is \$4,955 and a surety check in that amount has been remitted to the Clerk-Treasurer's Office.

**Swartley/Landis made a motion to approve and authorize the Board to execute the Agreement with Schrock Homes for the Completion of the project at 1620 Sandlewood Drive. Motion passed 4-0.**

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

**Mayor Leichty** opened Privilege of the Floor at 4:26 p.m. There were no comments.

At 4:27 p.m., Mayor Leichty recessed the Board of Public Works and Safety meeting and convened a meeting of the City Stormwater Board.

**CITY OF GOSHEN STORMWATER BOARD**

**4:00 p.m., March 28, 2024**

**Members: Mayor Leichty, Mike Landis and Mary Nichols (absent)**



**Approval of this item was required by both Boards:**

**12) Approve Mayor Leichty signing the 2023 Annual Report to comply with the State of Indiana MS4 General Permit requirements**

City Stormwater Coordinator Jason Kauffman told the Board that in compliance with the provisions of federal and state statutes, the Indiana Department of Environmental Management (IDEM) [issued] the National Pollutant Discharge Elimination System (NPDES) general permit to regulate discharges of stormwater from designated Municipal Separate Sewer System (MS4) entities into waters of the State of Indiana on December 18, 2021.

Kauffman said the City of Goshen is designated a MS4 entity and must comply with the MS4 General Permit, which requires the submittal of an annual report by April 1 of each year. The annual report includes information on how the City of Goshen implemented the six minimum control measures (MCMs) during the previous year.

Kauffman said the City Stormwater Department was requesting that the Board of Works and Safety approve of Mayor Leichty signing the 2023 Annual Report as the Mayor is the designated MS4 Operator for the City of Goshen. He said an electronic copy of the final report would be provided to the Board next week as the Stormwater Department continues to finalize the information.

Clerk-Treasurer Aguirre said there had been an indication that this request had to be approved by both the Stormwater Board and the Board of Works. Kauffman said he believed that was true. City Attorney Bodie Stegelmann suggested two separate votes.

Landis/Mayor Leichty made a motion to approve the 2023 Annual Report to comply with the State of Indiana MS4 General Permit requirements and approve Mayor Leichty signing the report. Motion passed 2-0.

At 4:30 p.m., Mayor Leichty adjourned the meeting of the City Stormwater Board and resumed the meeting of the the Board of Public Works and Safety meeting.

**13) Approve Mayor Leichty signing the 2023 Annual Report to comply with the State of Indiana MS4 General Permit requirements**

Mayor Leichty invited a motion to approve the request from City Stormwater Coordinator Jason Kauffman that the Board of Works and Safety approve the 2023 Annual Report and approve Mayor Leichty signing it as the designated MS4 Operator for the City of Goshen.

Swartley/Landis/Mayor Leichty made a motion to approve Mayor Leichty signing the 2023 Annual Report to comply with the State of Indiana MS4 General Permit requirements. Motion passed 4-0.

At 4:31 p.m. Mayor Leichty recessed the Board of Public Works and Safety meeting and opened public hearings to review the status of the Orders of the City of Goshen Building Commissioner for five Goshen properties.

**CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARINGS:**

**4:00 p.m., March 28, 2024**

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

**Members: Mayor Leichty, Mike Landis, Orv Myers, Barb Swartley and Mary Nichols (absent)**



14) Status hearings regarding the Orders of the City of Goshen Building Commissioner for:

- 702 N. 6th Street (Gabriel Camarena & Nicolas Camarena, property owners)
- 208 Queen Street (Leopoldo Mendoza, property owner)
- 321 W. Oakridge Avenue (Gabriel Alvarez, property owner) and
- 111 S. 29th Street (Eduardo Pizana, property owner)

**BACKGROUND:**

In a March 25, 2024 memorandum to the Board, Assistant City Attorney Don Shuler provided the background of the status hearings for these four properties.

Shuler wrote that the Board held unsafe building hearings for these properties on Feb. 8, 2024. At the conclusion of the hearings, the Board determined the buildings were unsafe and warranted demolition. However, because an auction/sale of the property had recently occurred and the new prospective owners demonstrated a willingness to make repairs, the Board ordered that the new property owners either make substantial progress on repairs or demolish the property within 90 days.

For reference, copies of the Record of Action and Continuous Enforcement Order issued by the Board for each property was included in the Board's agenda packet.

Shuler wrote that while these properties are set for a full review hearing on either May 9, 2024 (702 N. 6th; 111 S. 29th) or May 23, 2024 (208 Queen; 321 W. Oakridge), the Board requested that the new property owners appear before the Board approximately halfway through the 90-day time period to provide a status update, on March 28, 2024. The Legal Department sent Notices of the Status Hearings to the new property owners via certified mail and received confirmation of delivery.

The respective property owners for the property are as follows:

- 702 N. 6th Street, Gabriel Camarena and Nicolas Camarena
- 208 Queen Street, Leopoldo Mendoza
- 321 W. Oakridge Avenue, Gabriel Alvarez
- 111 S. 29th Street, Eduardo Pizana

Shuler concluded that the Board was only receiving updates as to the status of the repairs and/or demolition at each of the properties. There was no formal action for the Board to take.

**MARCH 28, 2024 DISCUSSION AND OUTCOME OF STATUS HEARINGS FOR THE PROPERTIES:**

At 4:31p.m., Mayor Leichty convened status hearings to review the Orders of the City of Goshen Building Commissioner for:

- 702 N. 6th Street (Gabriel Camarena & Nicolas Camarena, property owners)
- 208 Queen Street (Leopoldo Mendoza, property owner)
- 321 W. Oakridge Avenue (Gabriel Alvarez, property owner) and
- 111 S. 29th Street (Eduardo Pizana, property owner)

Mayor Leichty swore in City Building Inspector Travis Eash to give lawful and truthful updates on the properties. Eash said he would be inviting the property owners to give brief updates and might respond afterward.

Mayor Leichty asked City Attorney Bodie Stegelmann if she had to swear in the property owners. Stegelmann said that wouldn't be necessary since the owners would just be providing updates.

- 702 N. 6th Street (Gabriel Camarena & Nicolas Camarena, property owners)

Gabriel Camarena said shingles have been replaced and electrical work was in progress and will be completed next week. He said an inspector is expected to check on the completed work next week.



**Mayor Leichty** asked **Eash** if he had any feedback and if satisfactory progress had been made at the property. **Eash** said **Camarena** pulled a remodeling permit and must still pull an electrical permit and have it applied and paid for by a licensed electrician. He said the same condition would apply for any plumbing work. **Eash** said a Heating, Ventilation, and Air Conditioning (HVAC) permit also must be pulled by a licensed contractor. Still, **Eash** said the City Building Department didn't have any issues with the work and the progress was being made. He added that this property took a little longer to close, so work started later than anticipated "but was moving right along."

- **208 Queen Street (Leopoldo Mendoza, property owner)**

Through a translator, **Leopoldo Mendoza** said he has done four things: removed interior walls; cleaned the property inside and outside, all doors have been repaired and secured to prevent the entry of animals or insects and he is in the process of obtaining a remodeling permit from the City.

**Eash** said **Mendoza's** purchase of the property closed on March 11, which took longer than the other three properties. He said **Mendoza** has submitted his plans to the City Planning Department for review. **Eash** said **Mendoza** is requesting a gravel driveway, which first will need to be approved by the Board of Works and Safety. **Eash** added that **Mendoza** is not to blame for any delays and he expects to see progress on the home soon.

**Board member Landis** asked if work at the home will be delayed until the gravel driveway is approved. **Eash** responded that the City Planning and Zoning Department cannot sign off on a zoning clearance until the gravel driveway is approved and the Building Department cannot issue permits until the zoning clearance is approved. He added that **Mendoza** still has interior demolition work to do, so the driveway approval delay is not a problem.

- **321 W. Oakridge Avenue (Gabriel Alvarez, property owner)**

**Gabriel Alvarez** said he has replaced shingles, windows, doors and joists. He said the wooden floors also have been repaired and the damaged walls have been repaired and painted. **Alvarez** said the remodeling should be completed in two or three weeks and the home will then be ready for final inspections.

**Eash** agreed about the progress made so far and said he believes work at the property should be completed in about a month. He said he believes the home will soon be for sale, adding that it has passed all inspections held so far.

**Mayor Leichty** said it was exciting that this transition was happening.

- **111 S. 29th Street (Eduardo Pizana, property owner)**

**Eduardo Pizana** said he has pulled remodeling and plumbing permits and received quotes for electrical and Heating, Ventilation, and Air Conditioning (HVAC) work and hopes to get that started very soon. He said he has also stripped out all of the damaged drywall.

**Eash** said **Pizana's** report was accurate. He said he would be asking **Pizana** to keep in touch so City Building staff could visit the property.

#### 15) Continued hearing to review of the Order of the City of Goshen Building Commissioner for 425 North 9th Street (Christopher Jones, property owner)

At 4:41 p.m., **Mayor Leichty** convened a continued hearing to review the Order of the City of Goshen Building Commissioner for 425 North 9th Street (**Christopher D. Jones**, property owner).

#### BACKGROUND:

In a March 25, 2024 memorandum to the Board, Assistant City Attorney **Don Shuler** wrote that the Board held an unsafe building hearing for the property located at 425 N. 9th Street, Goshen on Feb. 29, 2024.





At that hearing, following the presentation of evidence and statements from the Goshen Building Department and the property owner, Christopher Jones, Shuler wrote that the Board tabled the matter and scheduled further review for March 28, 2024, with the following conditions:

- (1) That Mr. Jones or his attorney provide a written summary of the current status of his litigation and collection efforts in Cause No. 20D05-2012-PL-238. This summary was to include a summary of the collection efforts to date, a reasonable time table for collection, and a statement as to the reasonable likelihood of success of collection.
- (2) That Mr. Jones maintain the exterior of the property at 425 N. 9th Street, to include cleaning up the yard in compliance with City of Goshen ordinances. Specifically, this was to include the removal of accumulated materials outside the structure, such as lumber, appliances, cars, doors, books, tires, air conditioning parts, and other materials.
- (3) The Goshen Building Department will be permitted to inspect the structure on the property prior to the March 28, 2024 hearing.
- (4) Mr. Jones will appear at the March 28, 2024 hearing with his attorney or other representative.

Shuler wrote that the Board should continue to conduct the unsafe building hearing by receiving any additional evidence from the Building Department. He wrote that the Board then must determine if it will affirm, rescind, or modify the Order of the Building Commissioner, both as to the findings of code violations that make the building unsafe, and as to the required action to take.

Attached to the Board's agenda packet were a form of the Record of Action and a Continuous Enforcement Order that the Board could issue following the hearing. Also included for reference was the April 13, 2023 Order of the City of Goshen Building Commissioner and the March 1, 2024 letter from Shuler to Christopher Jones, which was a follow-up communication after the Board's Feb. 29, 2024 hearing. The letter included a summary of what occurred at the hearing and what information Jones was required to provide at the March 28, 2024 continued hearing.

**The March 28, 2024 Record of Action and a Continuous Enforcement Order included the following information about the property at 425 North 9<sup>th</sup> Street:**

**Background:**

The Order of the City of Goshen Building Commissioner dated April 13, 2023 (hereinafter "Order") concerning the real estate located at 425 North 9th Street, Goshen, Indiana and more particularly described in Exhibit A (hereinafter the "Real Estate") came before the Hearing Authority on Feb. 29, 2024, for a hearing and decision as to whether the Order should be affirmed, rescinded, or modified, said 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 May 19, 2023.**

**The following violations of Goshen City Code Title 6, Article 3, Chapter 1 were identified in the Order:**

1. The extensive damage from the fire has resulted in compromising the structure's integrity due to damaged rafters, floors, ceilings, and walls; there are no proper ceilings or floors throughout the structure; more than half the load bearing walls have been compromised by the fire; there is no fire separation between floors; and the structure has exposed wiring, space heaters, and lacks gas connection, rendering it a fire hazard; all of which constitute violations of §§ 6.3.1.1(b), (p), (r), (u), (w), and (x).
2. The roof assembly has been compromised from the fire damage; there are signs of deterioration, missing shingles, and a possible hole; the roof decking has been damaged by the fire and requires replacement; all of which are violations of §§ 6.3.1.1(c) and (t).
3. There is no working plumbing system at the structure, a violation of § 6.3.1.1(a).
4. There are fire damaged and exposed wires throughout the structure, and the electrical panel was installed without a permit or by a licensed electrician, a violation of § 6.3.1.1(a).



5. There are cracked and broken windows, a violation of § 6.3.1.1(d).

6. There are broken and missing doors, a violation of § 6.3.1.1(d).

The Order of the Building Commissioner also noted the structure was filled with trash, debris, materials, and other materials, and generally had not been kept in a clean and sanitary condition that would permit human habitation, occupancy, or use under City Code.

The Order was to be reviewed before the Hearing Authority on June 12, 2023. At that hearing, the City of Goshen Building Department presented to the Hearing Authority an agreed upon timeline for repairs to be made to the structure on the property. That timeline was as follows:

- June 26, 2023 – Most if not all framing complete
- July 11, 2023 – Complete all framing, plumbing complete, gas service and water turned on
- Aug. 1, 2023 – Electrical wiring complete
- Aug. 15, 2023 – Insulation
- Oct. 1, 2023 – Remodel complete and final inspection done

The Hearing Authority tabled the review hearing pending this Agreement. On Jan. 10, 2024, a Notice of Scheduled Hearing was sent to the property owner and published in the Goshen News, advising that the Hearing Authority would review the Order of the City of Goshen Building Commissioner on Feb. 29, 2024. A hearing was held on Feb. 29, 2024 where evidence was presented and arguments heard. Following the hearing, the Board tabled further review until March 28, 2024, on the following conditions and/or requirements from the Christopher Jones:

(1) That Mr. Jones or his attorney provide a written summary of the current status of his litigation and collection efforts in Cause No. 20D05-2012-PL-238. This summary was to include a summary of the collection efforts to date, a reasonable time table for collection, and a statement as to the reasonable likelihood of success of collection.

(2) That Mr. Jones maintain the exterior of the property at 425 N. 9th Street, to include cleaning up the yard in compliance with City of Goshen ordinances. Specifically, this was to include removal of accumulated materials outside the structure, such as lumber, appliances, cars, doors, books, tires, air conditioning parts, and other materials.

(3) The Building Department be permitted to inspect the property prior to the March 28, 2024 hearing.

(4) Mr. Jones to appear at the March 28, 2024 hearing with his attorney or other representative.

The City of Goshen Legal Department sent a letter to Mr. Jones on March 1, 2024, via regular and certified mail, with these requirements.

#### **DISCUSSION AND OUTCOME OF CONTINUED BOARD HEARING ON MARCH 28, 2024:**

Mayor Leichty swore in the following to give lawful and truthful testimony: **City Building Inspector Travis Eash, Christopher Jones (property owner) and Jim Kalka, president of CPR Claims and Jones' representative.**

Mayor Leichty invited a report from Eash, who distributed a packet of information (**EXHIBIT #1**) about 425 North 9th Street. The packet included: a one-page memo from Eash to the Board (dated March 28, 2024), Assistant City Attorney Don Shuler's one-page report to the Board (dated March 25, 2024), Shuler's two-page letter to Christopher Jones (dated March 1, 2024), Shuler's nine-page Record of Action and Continuous Enforcement Order (dated March 28, 2024), Shuler's six-page memo to the Board (dated Feb. 26, 2024), a one-page City memo describing the status of 425 North 9th Street with a 2023 timetable for repairs (undated), a nine-page report provided by Jim Kalka of CPR Claims from Keller Engineering, Inc. of Bremen, Indiana on the condition of 425 North 9th Street (dated June 11, 2023), a one-page email from Jim Kalka of CPR Claims to Eash (dated Oct. 20, 2023); a 20-page City inspection report with photographs (dated Feb. 16, 2022); two pages of photos showing the exterior of the home (dated March 28, 2024) and a one-page letter to the City of Goshen from Christopher Jones' attorney, Morgan A. Decker of Indianapolis, with an update on Jones' lawsuit against HomeWorks Restoration LLC (dated March 27, 2024).



**City Building Inspector Eash**, said he conducted his initial inspection of the property on Dec. 28, 2021. Attached to the packet of information he provided to the Board today were photographs from that inspection as well as photos taken of the exterior of the home earlier today.

"Mr. Jones provided the Building Department a letter from an attorney on the status of his case against the former contractor," **Eash** said. "The exterior of the property has been significantly improved from the time of the initial hearing. However, there are still issues that remain, having to do with the gravel (still on site). The Building Department has been allowed into the property and can confirm that little to no work has been done to the structure at this point within the last six months."

**Eash** also said, "All the violations from the original Building Commissioner's Order remain and the condition of the property warrants demolition. The Building Department's recommendation is that the property be determined to be unsafe but to amend the demolition Order to allow 90 days to complete the repairs and affirm that Order."

**Eash** said there are organizations and possible volunteers that have shown an interest in the rehabilitation of the property but only if the property gets a clean and clear title.

**Eash** noted that **Christopher Jones** and his representative were present and could give information.

**Mayor Leichty** asked **Eash** what would need to be done to make the driveway compliant with City codes.

**Eash** said the driveway is too large but deferred specific comment to the City Planning and Zoning Department.

**Mayor Leichty** swore in **City Assistant Planning & Zoning Administrator Rossa Deegan** to provide lawful and truthful testimony.

**Deegan** said zoning compliance on this property began quite a while ago and one of the first issues identified was vehicles parked on the grass, unimproved surfaces on the property. He said his department worked with **Jones** to install a driveway.

**Deegan** said part of the process was approval by the Board of Public Works and Safety for a driveway made up of asphalt millings. He said the plan **Jones** provided was for a driveway 50 feet long and 25 feet wide, and those dimensions were approved by the City last year.

However, **Deegan** said the driveway installed was substantially larger than was approved. He said that may have been because a larger amount of material than needed was ordered and installed. **Deegan** said the City Planning and Zoning Department would either like to have the size of the driveway reduced to what was approved or for **Jones** to get approval for a larger driveway.

**Mayor Leichty** invited comments from **Christopher Jones**, the property owner.

**Jones** said he and a neighbor worked together on the driveway, which he said he thought was approved to be 30 feet by 50 feet and not 25 feet by 50 feet. He said it isn't 50 feet and is closer to 42 feet. He said yesterday he reduced the width to 25 feet using railroad ties to mark its borders.

**Jones** said it is difficult to back a trailer into the driveway with a new adjacent fence. He also said a telephone pole is close to his driveway and he would like to have it moved to improve the driveway access.

**Mayor Leichty** said she appreciated **Jones'** efforts and asked him to discuss the progress made, including outside work, since the Board's last hearing on Feb. 29, 2024.

**Jones** said he got a lot of help from individuals and the City and was grateful for it. He said the City brought in five trailers and many volunteers. With that assistance, **Jones** said the outside of the home and some parts inside, were cleaned up within a few hours. So, he said, progress has been made since the last hearing.

**Mayor Leichty** said the Board also requested an update on the status of **Jones'** legal action against his previous contractor. The Mayor said the letter submitted by **Jones'** attorney provided the requested update and showed that the case remains in "limbo." So, she said it appeared **Jones** would need to explore alternatives to paying for the repairs of the home.



**Mayor Leichty** said City Building Inspector Eash mentioned today that community resources could be available to help repair the home if Jones had a clear title to the property. **Jones** responded that he was unaware he didn't have a clean title to the house. The Mayor said this issue needed to be addressed.

**Jones** explained his efforts he made to gain clear title to the property and said he was confused about this situation. **Board members and Jones** engaged in conversation about this issue. Jones said he had a deed to the property and has paid property taxes.

**Mayor Leichty** asked **City Attorney Bodie Stegelmann** if he could shed light on this issue. **Stegelmann** said he could not give legal advice to **Jones**, but provided an opinion of what may have happened in this case. He said it was possible relatives could still have a legal claim to the property. Stegelmann said there are ways to gain a clear title to the property and to verify that no one else has a legal claim to the property.

**Jones** commented again on the situation. **Stegelmann** said even though a deed may have been recorded, that doesn't necessarily mean it is correct. He added that Jones could go to court to seek a clear title. **Jones** said he previously paid an attorney to get this issue resolved.

There was continued conversation by **Jones, Stegelmann and Board members** about this issue.

**Mayor Leichty** said there remains ambiguity about the title issue and suggested that **Jones** seek a clear title to the property within the next 90 days. She also suggested that Jones narrow the driveway to the approved dimensions or seek City permission for a wider driveway. She also said the City had no way to control whether NIPSCO can or should remove the telephone pole on his property.

**Jim Kalka, president of CPR Claims and Jones' representative**, said he has never had a client like Jones, who he said has gotten a "bad deal" on the home renovations. He said he appreciated City staff being so kind to Jones. Kalka said he and Jones spoke to an attorney about the title issue. He asked if Jones should file a court action regarding this issue.

**City Attorney Stegelmann** said he cannot give legal advice.

**Mayor Leichty** said it would be tremendously helpful to have the title issue resolved.

**Kalka** said the home at 425 North 9th Street was Jones' childhood house and he was taken advantage of by others.

**Mayor Leichty** said she understood, adding that it was a tragic story. Kalka said he has helped Jones, adding that the City Building Department has been great. He also said that he has some volunteers who will donate materials and he will help Jones resolve the title issue. The **Mayor** thanked Kalka.

**Jones** added that he would like to give thank you cards to the volunteers. The Mayor said he could pass them on to **Travis Eash** or to the Mayor's Office so they can be delivered.

**Mayor Leichty** told Board members that the Board needed to determine whether Jones has made enough progress at 425 North 9th Street to support the City Building Department's recommendation to move from a building demolition to rehabilitation. If so, the Board would revisit the matter in 90 days.

**Mayor Leichty** said her recommendation, if the Board accepted the Building Commissioner's recommendation, would be that the Board add the following contingencies: that Jones demonstrate in the next 90 days that he's made good progress in gaining clear title to the property; that he make sure the yard continue to stay clean and mowed; and that he then make sure that the driveway is in compliance with the City's zoning requirements. She asked if Board members had any comments or recommendations.

**Board member Landis** said that when unsafe properties are brought back before the Board, the City's goal has always been that something has changed, no matter how the change occurred. When positive things are happening, he said he doesn't want to get in the way of that change continuing to happen. So, he said he would be happy to support a motion for the City to continue to monitor the situation and making additional requests to make the repairs happen more smoothly and more quickly for everyone's benefit.



**Board member Swartley** said she also would support this approach. She said it appeared **Jones** was trying to improve the situation and she supported rehabilitating homes and not demolishing them.

**Board member Myers** said he agreed with what other Board members said. He said **Jones** had made an effort to resolve the situation. He also said he agreed some progress was better than no progress,

**Board member Swartley** asked **City Building Inspector Eash** if the City Building Department was unable to issue permits without a clear title. **Eash** said "no"; **Jones** has active permits. However, he said the volunteers and an organization interested in helping Jones cannot legally do so until Jones has a clear title to the home.

**Eash** added that the home remains unsafe and that the Building Department would like the Board to affirm that finding today.

**Swartley/Landis** then made a motion that, regarding 425 North 9th Street, the Board affirms the City Building Commissioner's Order that the property is unsafe but that the demolition order be converted from a demolition order to a rehabilitation order in 90 days subject to the exterior of the property remaining clean and mowed, that the driveway either be taken to the approved dimensions of 25 feet by 50 feet or approval be obtained from the City Zoning Department for a larger space and that the owner take steps to obtain clear title to the property and that the hearing be continued to July 25, 2024. Motion passed 4-0.

#### Approval of Civil City and Utility Claims

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

#### Adjournment

Mayor Leichthy adjourned the Board of Works meeting at 5:12 p.m.

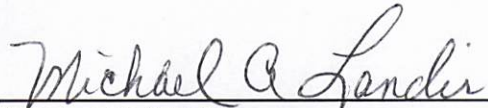
**EXHIBIT #1: A March 28, 2024 memorandum by City Building Inspector Travis Eash and an extensive packet of information distributed to Board members about the property at 425 North 9th Street. The information was submitted during and for consideration of agenda item #15) Continued hearing to review of the Order of the City of Goshen Building Commissioner for 425 North 9th Street (Christopher Jones, property owner).**


APPROVED:

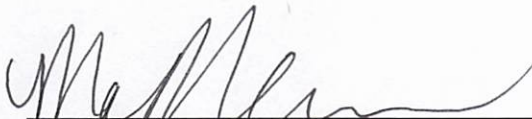
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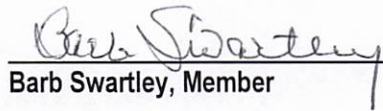
Mayor Gina Leichthy



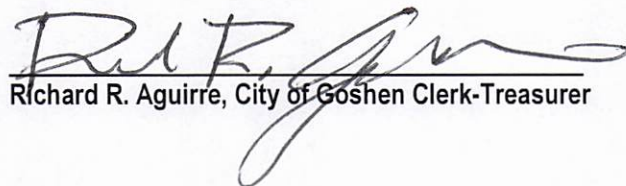
  
Mike Landis, Member

  
Orv Myers, Member

  
Mary Nichols, Member

  
Barb Swartley, Member

ATTEST:

  
Richard R. Aguirre, City of Goshen Clerk-Treasurer



**Building Department  
CITY OF GOSHEN**

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

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

## MEMORANDUM

**TO: BOARD OF PUBLIC WORKS**

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

**Date: MARCH 28, 2024**

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

My initial inspection of the property at 425 N 9<sup>th</sup> Street was conducted on December 28, 2021. Photos from that inspection are attached, along with the violation report. Also attached are photos I took this morning of the exterior of the property. This property first came before this Board on February 29<sup>th</sup>, 2024, where the hearing was continued until today with certain conditions.

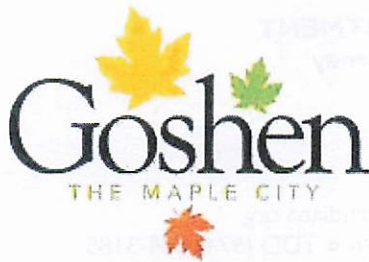
Mr. Jones has provided the building department a letter from an attorney for a status update in his case against a former contractor. That letter is the last page in your packet. The exterior of the property has been significantly improved from the time of the initial hearing. However, there are still issues that remain. The building department has been allowed into the property and can confirm that little to no structural work has been completed for the last 6 months.

All the violations from the original Building Commissioner's Order remain and that condition warrants demolition. The building departments recommendation is that the property be determined to be unsafe but to amend the demolition Order to allow 90 days to complete repairs and affirm the Order.

Mr. Jones should be here along with a representative.

Thank you,

Travis Eash



**CITY OF GOSHEN LEGAL DEPARTMENT**

City Annex  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185  
[www.goshenindiana.org](http://www.goshenindiana.org)

March 25, 2024

To: Board of Public Works and Safety

From: Don Shuler, Assistant City Attorney

Subject: Building Commissioner Order – 425 N. 9th Street

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The Board held an unsafe building hearing for the property located at 425 N. 9th Street, Goshen, Indiana, on February 29, 2024. At that hearing, following the presentation of evidence and statements from the Goshen Building Department and the property owner, Christopher Jones, the Board tabled the matter and further review to March 28, 2024, with the following conditions:

- (1) That Mr. Jones or his attorney provide a written summary of the current status of his litigation and collection efforts in Cause No. 20D05-2012-PL-238. This summary was to include a summary of the collection efforts to date, a reasonable time table for collection, and a statement as to the reasonable likelihood of success of collection.
- (2) That Mr. Jones maintain the exterior of the property at 425 N. 9th Street, to include cleaning up the yard in compliance with City of Goshen ordinances. Specifically, this was to include removal of accumulated materials outside the structure, such as lumber, appliances, cars, doors, books, tires, air conditioning parts, and other materials.
- (3) The Goshen Building Department be permitted to inspect the structure on the property prior to the March 28, 2024 hearing.
- (4) Mr. Jones to appear at the March 28, 2024 hearing with his attorney or other representative.

The Board should continue the conduct of the unsafe building hearing by receiving any additional evidence from the Building Department. The Board then must determine if it will affirm, rescind, or modify the Order of the Building Commissioner, both as to the findings of code violations that make the building unsafe, and as to the required action to take.

A form of the Record of Action and Continuous Enforcement Order that the Board may issue following the hearing is also attached, and may be used as a guide in conducting the hearing. Also included for reference is the April 13, 2023 Order of the City of Goshen Building Commissioner and the March 1, 2024 letter to Christopher Jones.





**CITY OF GOSHEN LEGAL DEPARTMENT**  
**Donald R. Shuler, Assistant City Attorney**

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204 East Jefferson Street, Suite 2  
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Phone (574) 537-3855 • Fax (574) 533-8626 • TDD (574) 534-3185

March 1, 2024

Christopher D. Jones  
425 North 9th Street  
Goshen, Indiana 46528

Via Regular & Certified Mail

RE: 425 North 9th Street  
Order of the City of Goshen Building Commissioner  
February 29, 2024 Board of Works Hearing

Dear Mr. Jones:

This letter is in follow up to unsafe building hearing held by the Goshen Board of Public Works and Safety held yesterday, February 29, 2024. As you know, the hearing was to review the prior Order of the City of Goshen Building Commissioner requesting demolition of the unsafe structure at 425 N. 9th Street. Following presentations by Travis Eash of the Goshen Building Department as well as yourself, the Board agreed to table its review until its meeting on **Thursday, March 28, 2024 at 4:00 p.m.** You will need to be present at this meeting or the Board may take further action in your absence. The Board tabled further review based on the following conditions:

- (1) You and your attorney provide a written summary of the current status of your litigation and collection efforts in the lawsuit you mentioned (Cause No. 20D05-2012-PL-238). This summary should include a summary of the collection efforts to date, a reasonable time table for collection, and a statement as to the reasonable likelihood of success of collection.
- (2) You should maintain the exterior of the property at 425 N. 9th Street, which will include cleaning up the yard in compliance with City of Goshen ordinances. Specifically, this will include removal of accumulated materials outside the structure, such as lumber, appliances, cars, doors, books, tires, air conditioning parts, and other materials.

The Board also discussed that it will be necessary for the Goshen Building Department to conduct an inspection of the building on the property prior to the March 28, 2024 hearing to determine its current status. Therefore, it will be helpful if you will work with the Goshen Building Department to permit this inspection. Finally, it was discussed that it would be

Christopher D. Jones  
March 1, 2024  
Page 2

helpful if your attorney or other representative can be available at the March 28, 2024 hearing.

If you have any questions or concerns regarding these requirements, please feel free to contact myself or the Goshen Building Department at 574-534-1811. The City appreciates your time and attention to these matters.

Best Regards,

A handwritten signature in black ink, appearing to read 'D. Shuler', with a horizontal line underneath.

Donald R. Shuler  
Assistant City Attorney

cc: Travis Eash, Goshen Building Department

**CITY OF GOSHEN BOARD OF PUBLIC WORKS AND SAFETY  
UNSAFE BUILDING HEARING AUTHORITY  
RECORD OF ACTION AND CONTINUOUS ENFORCEMENT ORDER**

March 28, 2024

To: Christopher D. Jones  
425 North 9th Street  
Goshen, Indiana 46528

IN RE: Violation of Goshen City Code

Property located at: 425 North 9th Street, Goshen, Indiana

Property Tax Code: 20-11-10-105-025.000-015

Property Legal Description: see Attached Exhibit A

Property owner(s) of record: Christopher D. Jones

Substantial property of interest of record:

Rebecca Curtis, Unknown Heirs and Devisees

Donald R. Curtis, Unknown Heirs and Devisees

Donna J. Veitenheimer, Unknown Heirs and Devisees

**Section 1. Background**

The Order of the City of Goshen Building Commissioner dated April 13, 2023 (hereinafter "Order") concerning the real estate located at 425 North 9th Street, Goshen, Indiana and more particularly described in Exhibit A (hereinafter the "Real Estate") came before the Hearing Authority on February 29, 2024, for a hearing and decision as to whether the Order should be affirmed, rescinded, or modified, said 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 May 19, 2023.

The following specific violations of Goshen City Code Title 6, Article 3, Chapter 1 were identified in the Order:

1. The extensive damage from the fire has resulted in compromising the structure's integrity due to damaged rafters, floors, ceilings, and walls; there are no proper ceilings or floors throughout the structure; more than half the load bearing walls have been compromised by the fire; there is no fire separation between floors; and the structure has exposed wiring, space heaters, and lacks gas connection, rendering it a fire hazard; all of which constitute violations of §§ 6.3.1.1(b), (p), (r), (u), (w), and (x).
2. The roof assembly has been compromised from the fire damage; there are signs of deterioration, missing shingles, and a possible hole; the roof decking has been damaged by the fire and requires replacement; all of which are violations of §§ 6.3.1.1(c) and (t).
3. There is no working plumbing system at the structure, a violation of § 6.3.1.1(a).
4. There are fire damaged and exposed wires throughout the structure, and the electrical panel was installed without a permit or by a licensed electrician, a violation of § 6.3.1.1(a).
5. There are cracked and broken windows, a violation of § 6.3.1.1(d).
6. There are broken and missing doors, a violation of § 6.3.1.1(d).

The Order of the Building Commissioner also noted the structure was filled with trash, debris, materials, and other materials, and generally had not been kept in a clean and sanitary condition that would permit human habitation, occupancy, or use under City Code.

The Order was to be reviewed before the Hearing Authority on June 12, 2023. At that hearing, the City of Goshen Building Department presented to the Hearing Authority an agreed upon timeline for repairs to be made to the structure on the property. That timeline was as follows:

- June 26, 2023 – most if not all framing complete
- July 11, 2023 – complete all framing, plumbing complete, gas service and water turned on
- August 1, 2023 – Electrical wiring complete
- August 15, 2023 – Insulation
- October 1, 2023 – Remodel complete and final inspection done

The Hearing Authority tabled the review hearing pending this Agreement. On January 10, 2024, a Notice of Schedule Hearing was sent to the property owner and published in the Goshen News, advising that the Hearing Authority would review the Order of the City of Goshen Building Commissioner on February 29, 2024.

A hearing was held on February 29, 2024 where evidence was presented and arguments heard. Following the hearing, the Board tabled further review until March 28, 2024, on the following conditions and/or requirements from the Christopher Jones:

- (1) That Mr. Jones or his attorney provide a written summary of the current status of his litigation and collection efforts in Cause No. 20D05-2012-PL-238. This summary was to include a summary of the collection efforts to date, a reasonable time table for collection, and a statement as to the reasonable likelihood of success of collection.
- (2) That Mr. Jones maintain the exterior of the property at 425 N. 9th Street, to include cleaning up the yard in compliance with City of Goshen ordinances. Specifically, this was to include removal of accumulated materials outside the structure, such as lumber, appliances, cars, doors, books, tires, air conditioning parts, and other materials.
- (3) The Goshen Building Department be permitted to inspect the structure on the property prior to the March 28, 2024 hearing.
- (4) Mr. Jones to appear at the March 28, 2024 hearing with his attorney or other representative.

The City of Goshen Legal Department sent a letter to Mr. Jones on March 1, 2024, via regular and certified mail, with these requirements.

## **Section 2. Findings**

A hearing was held on February 29, 2024, and a continued hearing on March 28, 2024 where evidence was presented and arguments heard. The Board of Public Works and Safety, as the City of Goshen's Unsafe Building Hearing Authority, being duly advised in the premises, now makes the following findings and determinations:

### **A. Service of Process**

- Proper notice of the Order, was given to all persons with a substantial property interest in the Real Estate. Notice was sent Certified Mail, return receipt requested, and regular mail, and proof of service is established by the Certificate of Issuance of Building Commissioner Order, provided to the Hearing Authority at its February 29, 2024 hearing.

### **B. Building Conditions / Violations**

- The Hearing Authority finds the evidence presented supports the facts contained in the order of the City of Goshen Building Commissioner, dated April 13, 2023, as to the condition of the structure at the Real Estate and the corresponding violations of Goshen City Code, and therefore adopts the same as its findings.
- The Hearing Authority finds the evidence presented partially supports the facts contained in the Order of the City of Goshen Building Commissioner, dated April, 13, 2023, as to the condition of the structure at the Real Estate and the corresponding violations of

Goshen City Code, and therefore adopts the same as its findings, with the following modifications and/or revisions:

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- The Hearing Authority finds the evidence presented does not support the facts contained in the Order of the City of Goshen Building Commissioner, dated April 13, 2023, and therefore makes the following factual findings concerning the condition of the structure at the Real Estate:

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**C. Unsafe Building**

These conditions render the residential structure at the Real Estate unsafe buildings as the structure is:

1.  In an impaired structural condition that makes it unsafe to person or property;
2.  A fire hazard;
3.  A hazard to public health;
4.  A public nuisance;
5.  Dangerous to person or property because of a violation of a statute or ordinance concerning building condition or maintenance;
6.  Vacant or blighted and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.

**D. Remedial Action.**

In addition, the general condition of the unsafe buildings at the Real Estate, based on the above findings from the evidence presented to the Hearing Authority:

1.  Warrant demolition of the unsafe buildings. In its present condition, the unsafe building at the Real Estate is unfit for human habitation, occupancy, or use, and conditions exist to the extent that life, property, and safety of the public is threatened.
2.  Cannot be repaired cost effectively and/or the property owner(s) of record and/or substantial property interest(s) of record have failed to demonstrate a willingness or intention to repair the unsafe buildings, therefore the option of repair will not effectively correct the conditions considered to be a danger to the public.
3.  Can be repaired cost effectively and the property owner(s) or record and/or the substantial property interest(s) of record have demonstrated a willingness or intention to repair the unsafe buildings, therefore the option of repair may effectively correct the conditions considered to be a danger to the public.

**Section 3. Hearing Authority Order.**

**A. Action on Building Commissioner Order**

Based on these findings, the Hearing Authority now ORDERS that the Order is

- Affirmed. The Unsafe Buildings at the Real Estate is ordered to be demolished within thirty (30) days.
- Rescinded
- Modified as follows:
  - The Hearing Authority, finding that the Unsafe Building at the Real Estate may be repaired, finds it appropriate to permit the opportunity for repairs to the Unsafe Buildings at the Real Estate and therefore gives the property owner, Christopher D. Jones, \_\_\_\_\_ days to complete repairs necessary to address all violations listed in the Order, with this matter set for further review by the Hearing Authority at its \_\_\_\_\_ meeting.
  - The Hearing Authority, finding that the Unsafe Building at the Real Estate may be repaired, directs the City of Goshen Legal Department to pursue civil action against the property owner pursuant to I.C. § 36-7-9-17 to seek appropriate remedies, specifically including civil penalties (I.C. § 36-7-9-19), the appointment of a receiver (I.C. § 36-7-9-20), and/or court order for performance of repair work (I.C. § 36-7-9-21).

**B. Civil Penalty**

The City of Goshen Board of Public Works and Safety further ORDERS:

- The Hearing Authority also finds that there has been a willful failure to comply with the Order, based on the following facts:

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and therefore now orders a civil penalty against the property owner, Christopher D. Jones, in the amount of: \_\_\_\_\_.

- The payment of said civil penalty is due in full on or before \_\_\_\_\_;
- The effective date of said civil penalty is postponed until \_\_\_\_\_ to allow all work necessary to comply with the Order to be completed;
- No findings or order for civil penalty at this time.

You are entitled to appeal these findings of facts and this Order to the Elkhart Circuit or 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 time, then your right to appeal will be forfeited.

I.C. § 36-7-9-27 requires that if you transfer your interest or any portion of your interest in the Building and/or the Real Estate affected by this Continuous Enforcement 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) business days after transferring that interest or agreeing to transfer a substantial property interest in the Building and/or the Real Estate, you must supply City of Goshen Building Commissioner Myron Grise with the full name, address, and telephone number of the other person taking a substantial property interest in the Building and/or the Real Estate, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Mr. Grise's office is located at 204 East Jefferson Street, Suite 5, Goshen, Indiana 46528, or you may contact him at 574-534-1811. 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 CONTINUOUS ENFORCEMENT ORDER of the City of Goshen Board of Public Works and Safety is issued on March 28, 2024.

City of Goshen Board of Public Work and Safety

By: \_\_\_\_\_  
Gina M. Leichty, Mayor



STATE OF INDIANA        )  
  ) SS:  
COUNTY OF ELKHART     )

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the City of Goshen Board of Public Works and Safety by Gina M. Leichty, Mayor, and acknowledged execution of the foregoing Order on March \_\_\_\_\_, 2024.

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

\_\_\_\_\_  
Notary Public

**EXHIBIT A**

Lot Number Thirty-seven (37) and Thirty-eight (38) in Wilson and Hawks Addition  
to the City of Goshen.

**Certificate of Service**

The undersigned hereby certifies that the foregoing Record of Action and Continuous Enforcement Order of the City of Goshen Board of Public Works and Safety dated March 28, 2024, for the premises at 425 North 9th Street, Goshen, Indiana, was served by sending a copy by certified mail, return receipt requested, and by regular first-class mail to the last known address of the following persons to be notified on \_\_\_\_\_, 2024:

Christopher D. Jones  
425 North 9th Street  
Goshen, Indiana 46528

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Gloria Hernandez  
City of Goshen Legal Department  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528

This instrument was prepared by Bodie J. Stegelmann, Attorney No. 18180-20, City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, Ph: 574.537.3820.

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 J. Stegelmann).



**CITY OF GOSHEN LEGAL DEPARTMENT**

City Annex  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185  
[www.goshenindiana.org](http://www.goshenindiana.org)

February 26, 2024

To: Board of Public Works and Safety

From: Don Shuler, Assistant City Attorney

Subject: Building Commissioner Order – 425 North 9th Street, Goshen, Indiana

An unsafe building review hearing was previously scheduled for the property located at 425 North 9th Street, Goshen, Indiana for June 12, 2023. At the hearing, the Goshen Building Department advised the Board of Works that an agreement for repairs had been reached with the property owner; said agreement called for repairs to be completed by October 1, 2023. The Board of Works tabled the matter based on the Agreement.

Attached is the Order of the City of Goshen Building Commissioner, the June 12, 2023 Building Department Memo to the Board of Works, and the Certificate of Service establishing service of notice of this hearing. The Board of Works needs to conduct the hearing, by receiving evidence and allowing arguments from the Building Department, the property owner, and any other individual who wishes to speak to the property. Following that presentation, the Board of Works needs to make findings as to the condition of the building at the property and either affirm, rescind, or modify the Order of the Building Commissioner. The Board of Works may also determine any further action it will order concerning the property and its owner, including the possibility of a civil penalty for a willful failure to comply.

**ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER**  
REGARDING THE PROPERTY LOCATED AT 425 N. 9<sup>TH</sup> ST., GOSHEN, INDIANA 46528

APRIL 13, 2023

VIA U.S. REGULAR & CERTIFIED MAIL, RETURN RECEIPT REQUESTED:

**TO: CHRISTOPHER JONES**  
425 N. 9<sup>th</sup> St.  
Goshen, IN 46528

**TO: OCCUPANT**  
425 N. 9<sup>th</sup> St.  
Goshen, IN 46528

VIA PUBLICATION IN THE GOSHEN NEWS TO ANY AND ALL HOLDERS OF SUBSTANTIAL INTEREST IN THE REAL ESTATE COMMONLY KNOWN AS 425 N. 9<sup>TH</sup> ST., GOSHEN, INDIANA 46528, INCLUDING, BUT NOT LIMITED TO, UNKNOWN HEIRS AND DEVISEES OF THE FOLLOWING DECEASED INDIVIDUALS:

**TO: REBECCA S. CURTIS, Deceased (DOD: 12/16/2009)**

**RONALD R. CURTIS, Deceased (DOD: 01/04/2009)**

**DONNA J. VEITENHEIMER, Deceased (DOD: 08/22/2019)**

**RE: Premises at 425 N. 9<sup>th</sup> St., Goshen, Indiana 46528**

You are notified as a person holding a substantial property interest in the real estate at **425 N. 9<sup>th</sup> St., Goshen, Indiana 46528**, that the building or structure at this location is in violation of the Goshen City Code as set forth in more detail below.

The Goshen Building Department inspected the subject real estate on **December 28, 2021**. Violations of the Accumulation of Materials, Building Code, and Neighborhood Preservation Ordinance code sections were cited. The real estate was reinspected on **February 16, 2022**, which showed no significant improvement to the real estate.

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

The following fifteen (15) violations of Title 6 of the Goshen City Code were cited by the Goshen Building Department inspector and have not been satisfactorily repaired or remedied:

VIOLATIONS OF TITLE 6, ARTICLE 3 - NEIGHBORHOOD PRESERVATION ORDINANCE ("NPO")		
NO.	DESCRIPTION	CORRECTIVE ACTION REQUIRED
1	The building or structure shall not, because of obsolescence, dilapidated condition, deterioration, damage, lack of sufficient fire resistive construction, electrical wiring, gas connection, or heating apparatus, become a fire hazard.	<p align="center">§6.3.1.1(x) Unsafe Structure(s) – Fire Hazard</p> <p>Due to the damage from the fire, all the exposed wiring, space heaters and lack of gas connection the property has become unsafe and in danger of another fire occurring</p>

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

<p>The building or structure shall not have less than sixty-six percent (66%) of the strength, fire resisting qualities or characteristics, or weather resisting qualities or characteristics required by law in the case of newly constructed building of like area, height or occupancy in the same location.</p>	<p>§6.3.1.1(u) Unsafe Structure(s) -- Less Than 66%</p>	<p>Due to extensive damage from the fire throughout the property the entire structure's strength has been compromised. The rafters, floors ceiling and wall construction have all been damaged and the structural integrity is severely compromised.</p> <p>The attempted construction being done on the property since the fire has been done without any permits or inspections prior to this inspection. The wrong materials have been used throughout including but not limited to structural members, nails and flooring and must all be removed.</p> <p>With the extent of damage from the fire and lack of resistive qualities it is the Building Department's recommendation that the structure be demolished. The cost of repair exceeds the value of the property.</p> <p>If choosing to repair all permits need to be pulled by licensed contractors and owner of the property, and proper inspections completed by the Building Department. If choosing to demolish a demolition permit will need to be pulled.</p>
<p>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.</p>	<p>§6.3.1.1(p) Unsafe Structure(s) -- Interior</p>	<p>Due to the extent of damage from the fire the structural integrity has been compromised and the structure is in danger of collapse.</p>
<p>The building or structure, exclusive of the foundation, shall not show thirty-three percent (33%) or more damage or deterioration of its supporting member or members or fifty percent (50%) damage or deterioration of its non-supporting members, enclosings, or outside walls or coverings.</p>	<p>§6.1.3.1(f) Unsafe Structure(s) -- 33% Support / 50% Non-Support</p>	<p>Entire roof assembly has been compromised from fire damage. More than half of the load bearing walls have been compromised from the fire and attempted repairs are wrong and add no structural strength.</p> <p>Multiple exterior walls have been stripped down to the studs, exposing fire/smoke damaged wood beams which will need to be replaced if choosing to repair.</p> <p>There is no fire separation between floors.</p>
<p>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.</p>	<p>§6.3.1.7(a) Plumbing</p>	<p>No running water at the property.</p> <p>No working plumbing system at the property. A tenet was living there prior to the fire with no running water or properly working plumbing system. If choosing to repair the plumbing system needs to be assessed and repaired/replaced by a licensed plumber, permits pulled and coinciding inspections completed.</p>
<p>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.</p>	<p>§6.3.1.1(b) Privacy, Weather Tight, Good Repair -- Interior</p>	<p>There are no proper ceilings and no proper floors throughout the property. All have been removed and replaced with loose plywood or other loose wood pieces. No doors to any bedrooms or bathroom to afford someone the proper privacy needed.</p> <p>All wall coverings have been removed.</p>
<p>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.</p>	<p>§6.3.1.4(g) Properly and Safely Installed Electrical Equipment</p>	<p>Fire damaged wires throughout property, exposed wires throughout property.</p> <p>An electrical panel has been installed without a permit or inspection. A permit will need to be pulled by a licensed electrician for the panel and also wiring if choosing to repair.</p>

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

8	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.	§6.3.1.3(e) Heat Supply	The only source of heat are from space heaters that are next to blankets and foam bedding.  The entire heating system from the furnace and duct work will need to be assessed by a licensed mechanical contractor.  Permits will need to be pulled by a licensed mechanical contractor for any duct work and any replacement of furnace/AC water heater.
9	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.	§6.3.1.3(c) Roof	The roof is showing signs of deterioration. Missing shingles, and possible hole in the roof.  Roof decking has all been damaged by fire and will need to be removed and replaced.
10	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.	§6.3.1.1(d) Windows and Doors	All cracked and broken windows need to be replaced.  All broken and missing doors need to be replaced.
11	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.	§6.3.1.6(b)(1) Clean and Sanitary Dwelling Unit – Exterior	All trash and debris and excess materials on the exterior and interior of property need to be removed and property maintained in a sanitary manner.  All outside storage needs to be removed and stored elsewhere
12	Every occupant of a dwelling or dwelling unit shall dispose of all his or her solid waste, appliances, furniture and bulky items in a sanitary manner. This provision does not relieve the owner of the responsibility to maintain his or her property in a clean and sanitary condition.	§6.3.1.6(b)(5) Furniture/Appliances/ Bulky Items	All bulky items, cars parked on grass, storage materials and appliances need to be removed from property.
13	Every dwelling unit shall be supplied with adequate solid waste disposal facilities and storage containers as required by the City's Accumulation of Materials ordinance as may be amended from time to time.	§6.3.1.2(g) Containers Supplied	Every dwelling unit shall be supplied with adequate solid waste disposal facilities and storage containers as required by the City's Accumulation of Materials ordinance as may be amended from time to time.
14	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.	§6.3.1.1(r) Unsafe Structure(s)	Due to extensive fire damage throughout entire property compromising the structural integrity and faulty construction the property is in danger of collapse.  The Building Department recommends that the structure be demolished.
15	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.	§6.3.1.1(w) Unsafe Structure(s) – Dilapidated/Deteriorated/ Free Access	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.

These violations make the premises at 425 N. 9<sup>th</sup> St., Goshen, Indiana 46528 unsafe and the general condition of the building warrants removal.

You are therefore **ORDERED** to demolish and remove the unsafe building to bring it into compliance with Title 6 of the Goshen City Code by **May 19, 2023**.

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

Page 4

In the event that you fail to comply with this Order, the City of Goshen may take action to demolish the property and will bill you for the costs of such work, including, but not limited to, 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.

You are further notified that a hearing will be held before the Goshen Board of Public Works and Safety on **Monday, May 22, 2023 at 2:00 p.m.**, or soon thereafter, for the purpose of reviewing the Order of the City of Goshen Building Commissioner. This hearing will be held at the Goshen Police & Court Building in the Court Room/Council Chambers at 111 East Jefferson Street, Goshen, Indiana.


You have the right to appear at this hearing with or without counsel, to present evidence, cross-examine opposing witnesses and present arguments. Should you fail to appear at the time set for the hearing, the hearing will be conducted in your absence. The Goshen Board of Public Works and Safety will have the right to affirm, rescind or modify 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 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 affected by this Order, you must also supply Goshen Building Commissioner, Myron Grise, 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 legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished. Mr. Grise's office is located at 204 East Jefferson Street, Goshen, Indiana 46528, or you may contact him at (574) 534-2104. 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 Building Commissioner is issued on **April 12, 2023.**

City of Goshen Building Department



  
\_\_\_\_\_  
MYRON GRISE  
Building Commissioner

**GOSHEN BUILDING DEPARTMENT**  
204 E. Jefferson St., Suite 5  
Goshen, IN 46528  
Website: [building@goshencity.com](mailto:building@goshencity.com)



**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing *Order of the City of Goshen Building Commissioner* for the premises at 425 N. 9<sup>th</sup> St., Goshen, Indiana 46528 was published in the Goshen News consistent with Indiana Code §36-7-9-28 and was served by sending a copy via certified mail, return receipt requested, via regular first-class mail to the last known address of the following persons to be notified on **April 13, 2023**.

**CHRISTOPHER JONES**  
425 N. 9<sup>th</sup> St.  
Goshen, IN 46528


**OCCUPANT**  
425 N. 9<sup>th</sup> St.  
Goshen, IN 46528

The undersigned further certifies that the foregoing *Order of the City of Goshen Building Commissioner* for the premises at 425 N. 9<sup>th</sup> St., Goshen, Indiana 46528 was published in the Goshen News consistent with Indiana Code §36-7-9-25 for notification and service on any and all holders of substantial interest in the real estate, including, but not limited to, unknown heirs and devisees of the following deceased individuals:

**REBECCA S. CURTIS** (*Deceased*, December 16, 2009)

**RONALD R. CURTIS** (*Deceased*, January 4, 2009)

**DONNA J. VETTENHEIMER** (*Deceased*, August 22, 2019)



---

**MATT LAWSON**  
Asst. City Attorney  
City of Goshen



**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

425 N 9<sup>th</sup> Street

The Building Department received a Structural Engineer's report regarding the property at 425 N 9<sup>th</sup> St, which addresses the structural deficiencies that are present on the house, due to fire, dilapidation and poor remodeling practices.

The owner has some of his own resources and also has people volunteering resources and time to help get this project done.

The acting owner and his representative have agreed to repair the structure to what is in the Engineer's report is requiring. The Building Department and the acting owner and his representative have come to an agreement on a timeline for repairs to be completed.

The timeline is as follows:

June 26, 2023 – Most if not all Framing complete

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

August 1, 2023 – Electrical Wiring complete

August 15, 2023 – Insulation

October 1, 2023 – Remodel complete and final inspection done

Barring any financial or personal setbacks this is the time frame that has been agreed upon between the Building Department and the owner.

Thank you,

Travis Eash  
Goshen Building Department

# KELLER

ENGINEERING, INC.

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June 11, 2023

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

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

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



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



**Keller Engineering, Inc.**

3908 West Shore Drive • Bremen, Indiana 46506 • P: (574) 272-3525 • F: (574) 247-6006  
[www.KellerEngineeringInc.com](http://www.KellerEngineeringInc.com)

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



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



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



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



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



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

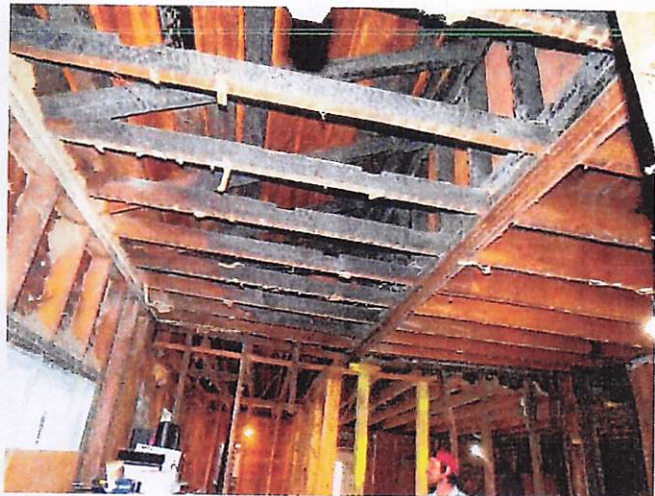


Because of the age of the house, the original framing members were full size 2" x 8" joists and beams. These have more capacity than modern 2 x 8s because of their overall dimensions, and the fact that they are old growth lumber. This lumber is typically stronger than modern lumber because of the length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



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

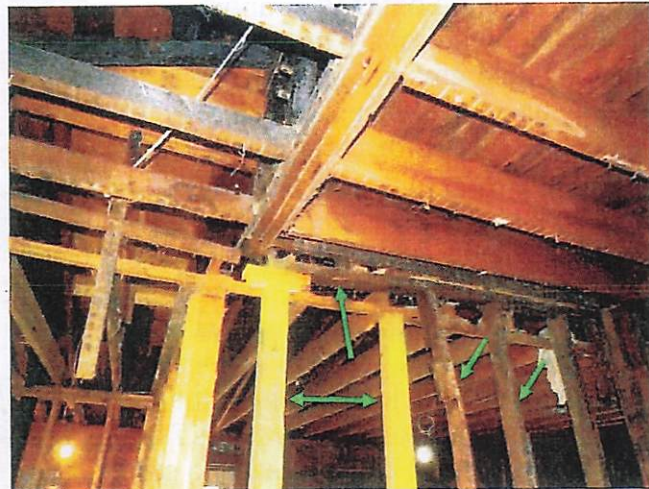
The beams supporting both ends of these joists also supported the roof and walls of the second floor. They consisted of two 2 x 8s with ledger boards on each side. The span length of the south beam was 12 feet 9 inches. Under the Code required loading, this beam was grossly overloaded. The other end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



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

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

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

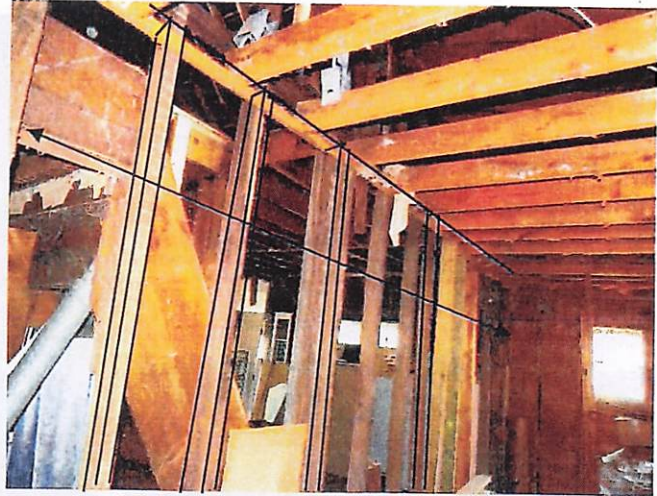


Several of the studs in the common wall between the original house and the shed roof were missing or had failed. They should be replaced with 2 x 4 studs spaced at 16-inch centers. The sagging top plate of this wall should be jacked back up to its original level position.

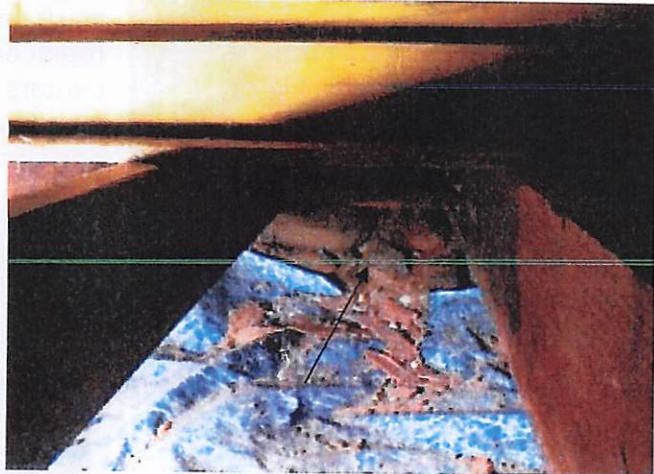
The 2 x 6 roof rafters of the shed roof were overstressed. They should be reinforced by adding an additional 2 x 6 to every other rafter.



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



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





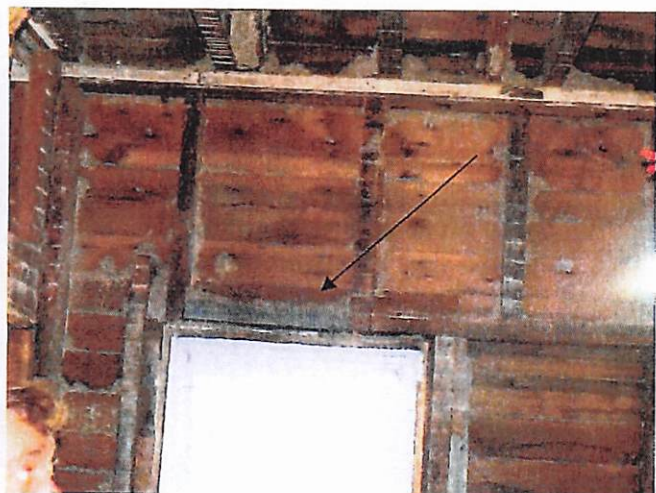
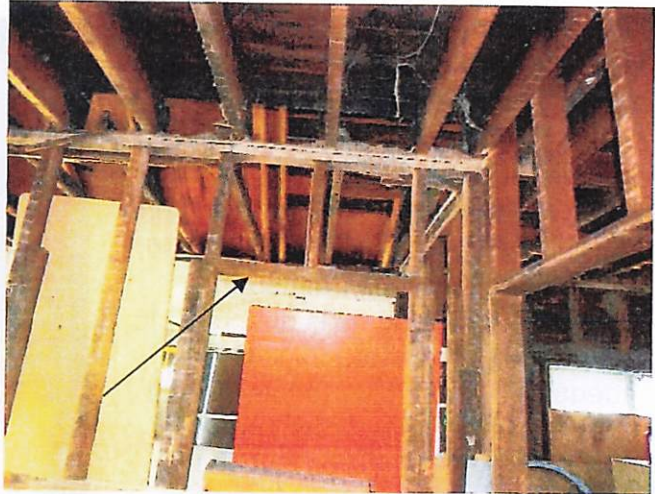
The previous fire caused significant charring in the part of the second floor roof above the collar ties. It was evident that repairs had been made after the fire that included replacing some of the roof decking and sistering badly charred rafters. This appeared to be an adequate repair although I recommend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



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



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



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



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

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

Sincerely,

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

Rick D. Keller P.E.

## Eash, Travis

---

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

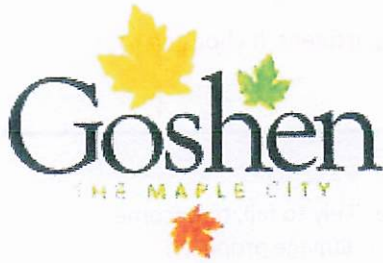
Hello,

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

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

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

Best,  
Jim Kalka Jr President  
Cpr Claims  
574 532 2285



## Code Enforcement

### City of Goshen

204 E Jefferson St • Goshen, Indiana 46528

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

www.goshenindiana.org/building-department

February 16, 2022

Christopher Jones  
425 N 9<sup>th</sup> St  
Goshen, IN 46528

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

Dear Property Owner:

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

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

NPO

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

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

---

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

NPO

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

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

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

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

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

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

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### 6.3.1.1(p)

#### Unsafe Structure(s) - Interior

NPO

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

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

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### 6.3.1.1(t)

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

NPO

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

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

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

There is no fire separation between floors.

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### 6.3.1.7(a)

#### Plumbing

NPO

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

No running water at the property.

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

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

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### 6.3.1.1(b)

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

NPO

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

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

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

All wall coverings have been removed.

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#### 6.3.1.4(g)

#### Properly and Safely Installed Electrical Equipment

NPO

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

Fire damaged wires throughout property, exposed wires throughout property.

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

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#### 6.3.1.3(e)

#### Heat Supply

NPO

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

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

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

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

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#### 6.3.1.1(c)

#### Roof

NPO

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

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

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

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#### 6.3.1.1(d)

#### Windows and Doors

NPO

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

All cracked and broken windows need to be replaced.

All broken and missing doors need to be replaced.

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#### 6.3.1.6(b)(1)

#### Clean and Sanitary Dwelling Unit - Exterior

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

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

All outside storage needs to be removed and stored elsewhere

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

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

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

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**6.3.1.2(g) Containers Supplied**

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

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

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

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

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

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

The Building Department recommends that the structure be demolished.

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

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

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

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



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

Sincerely,

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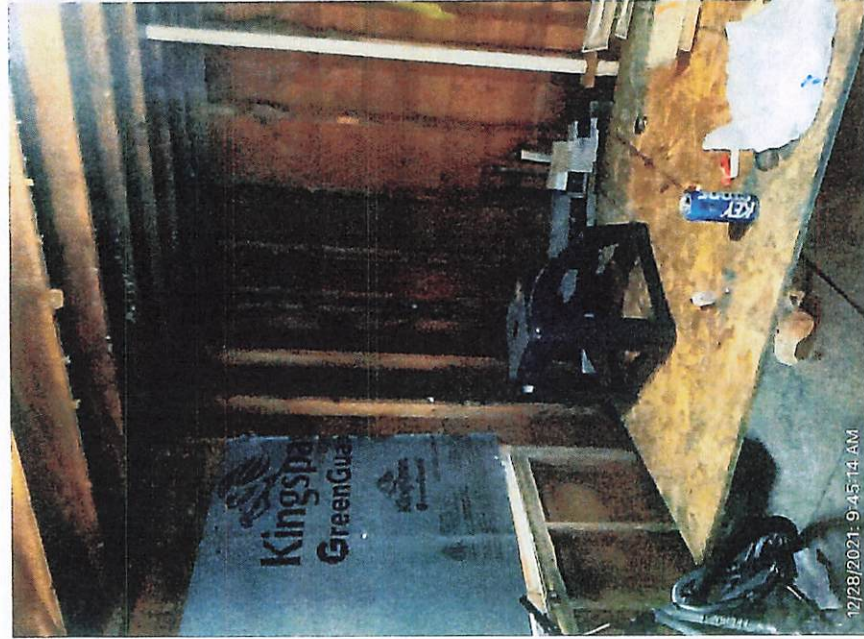
Travis Eash  
Code Compliance Officer



12/23/2021 9:45:21 AM



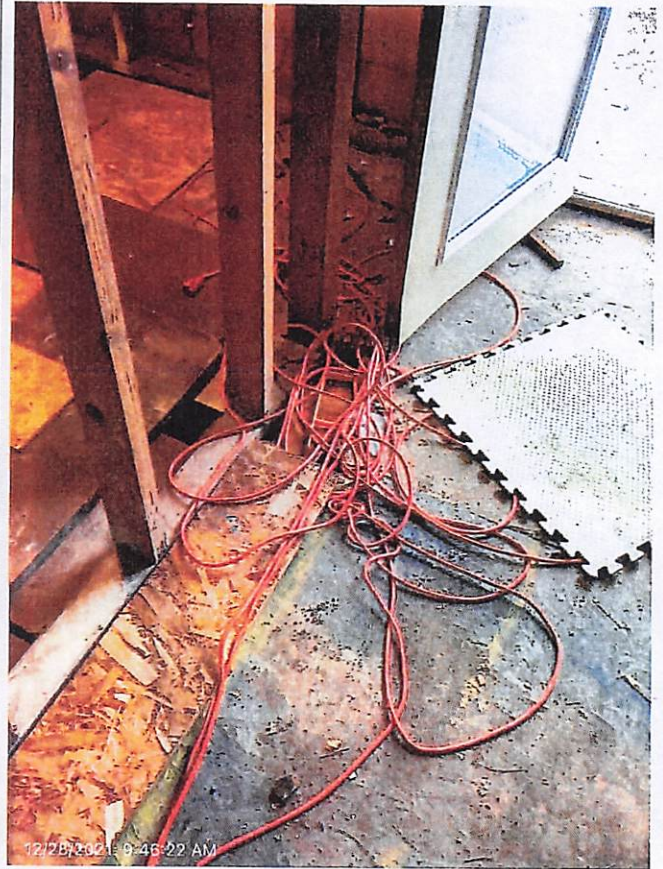
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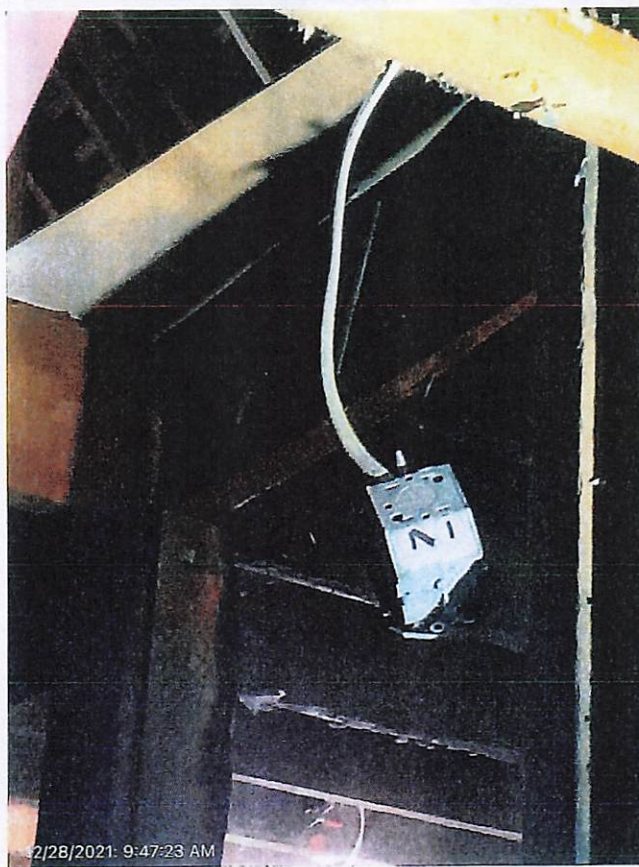




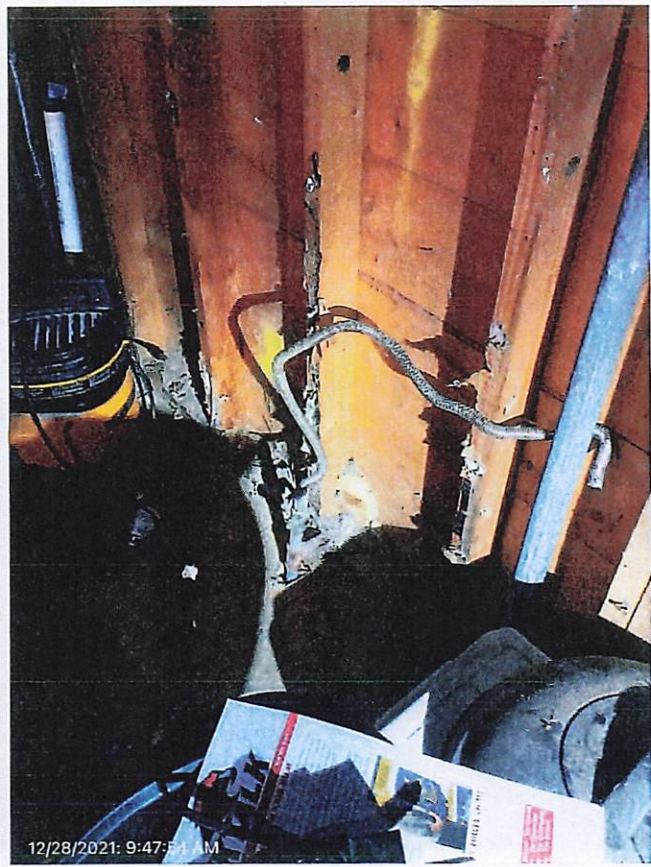
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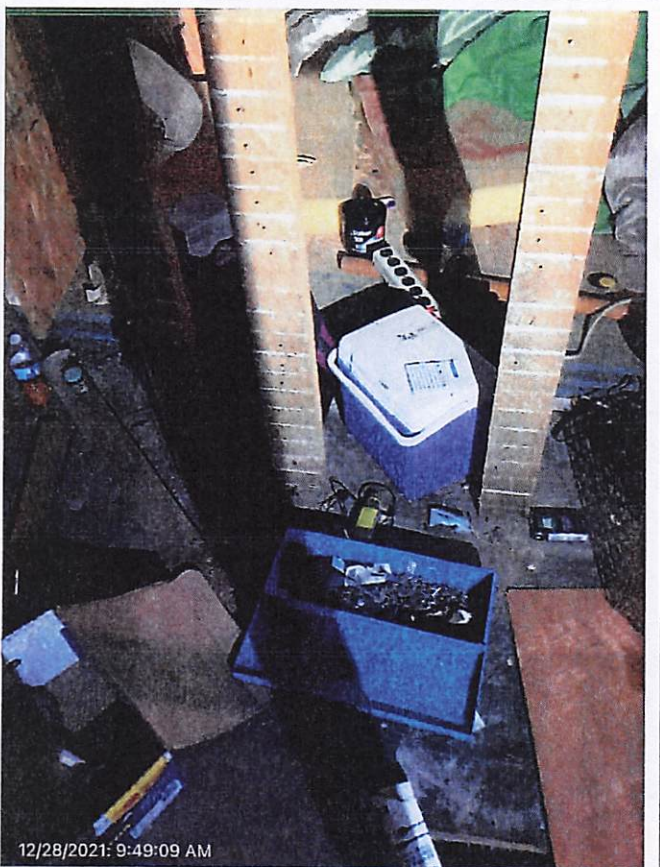
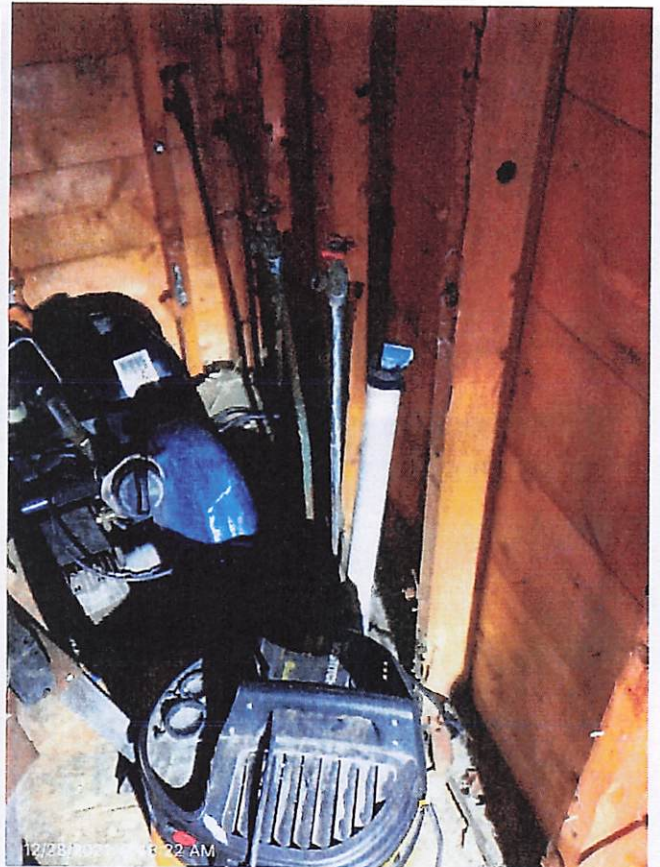
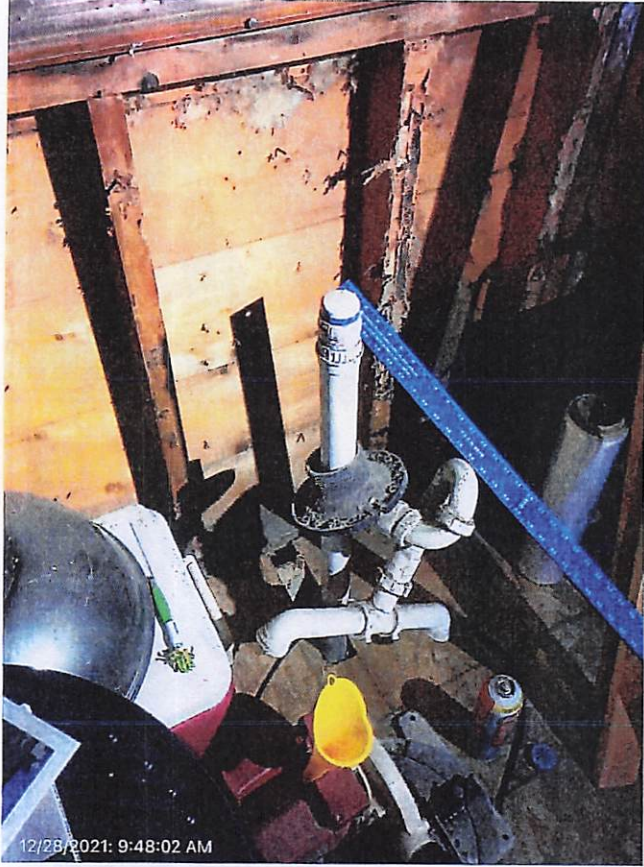
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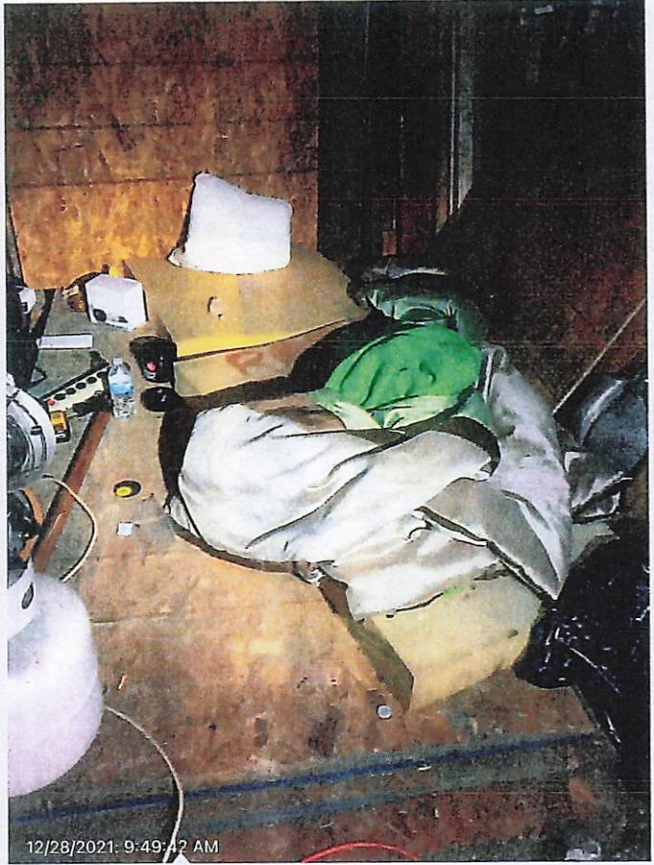


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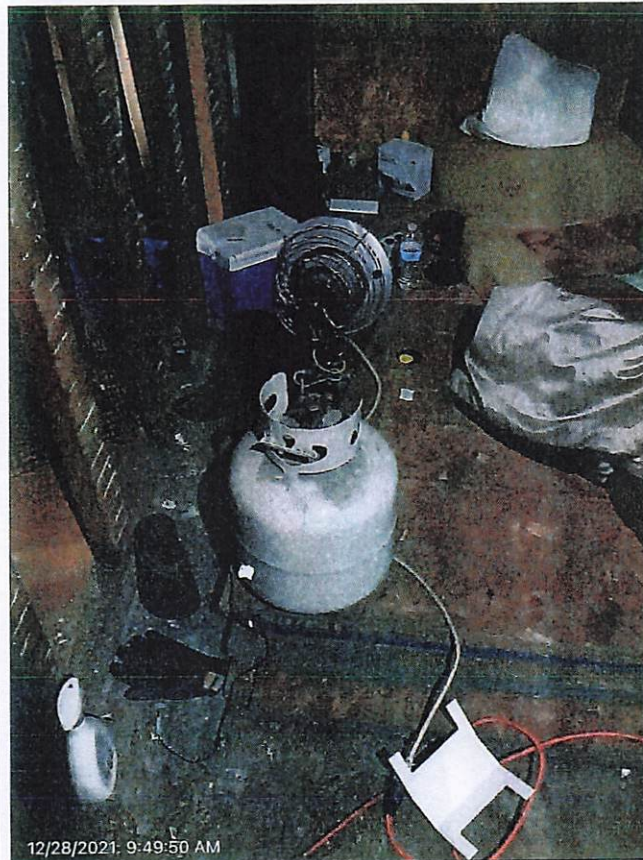




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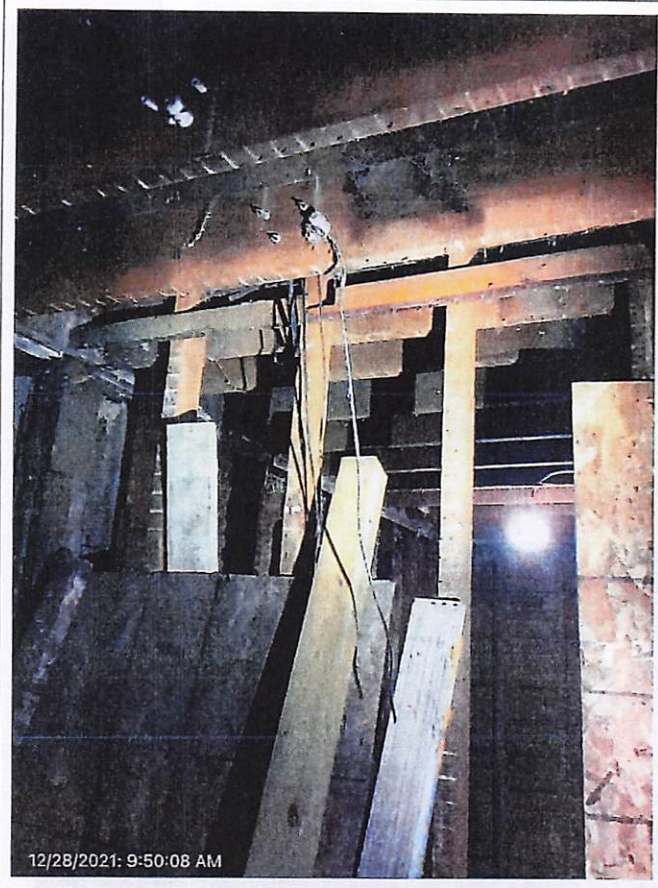
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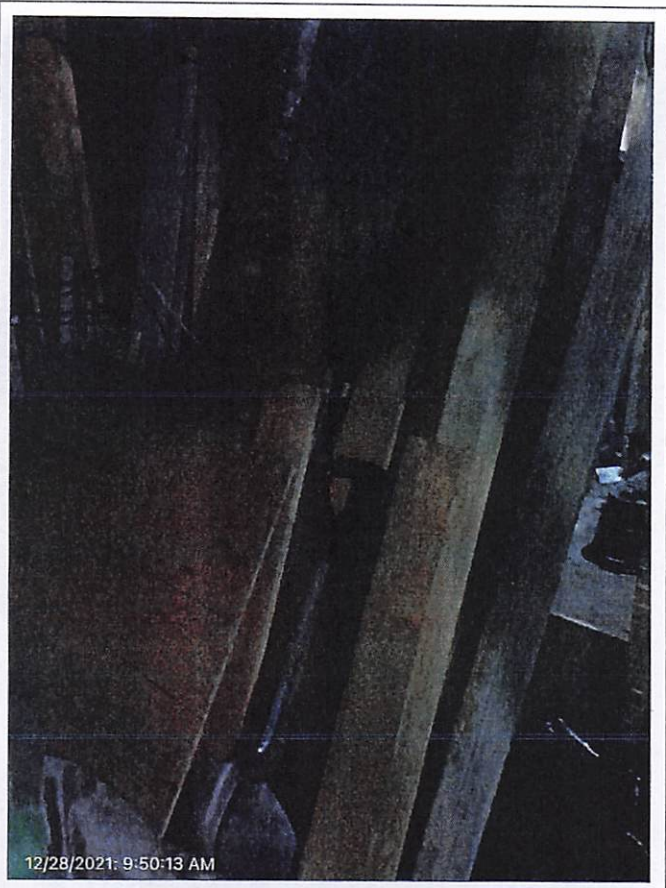
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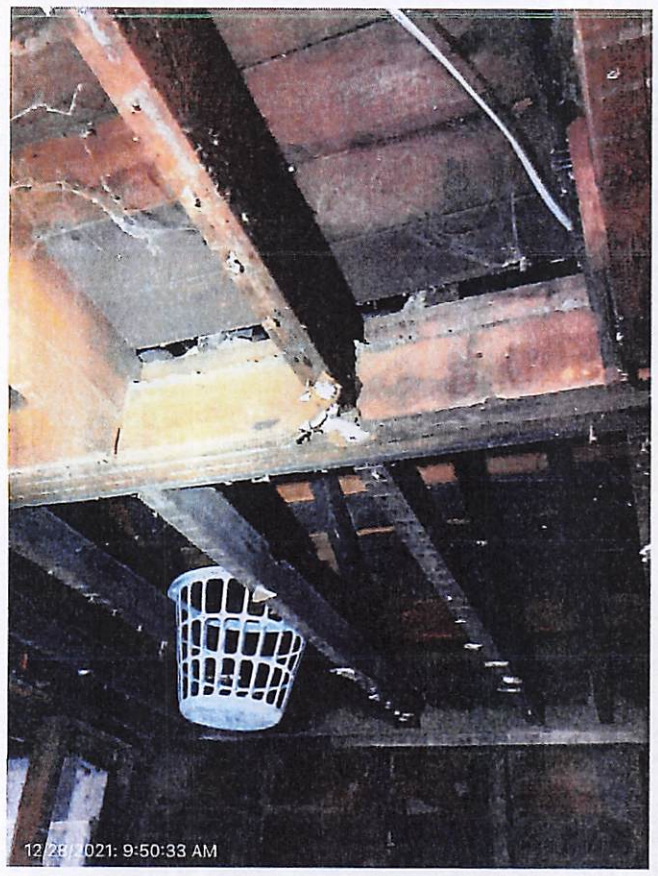
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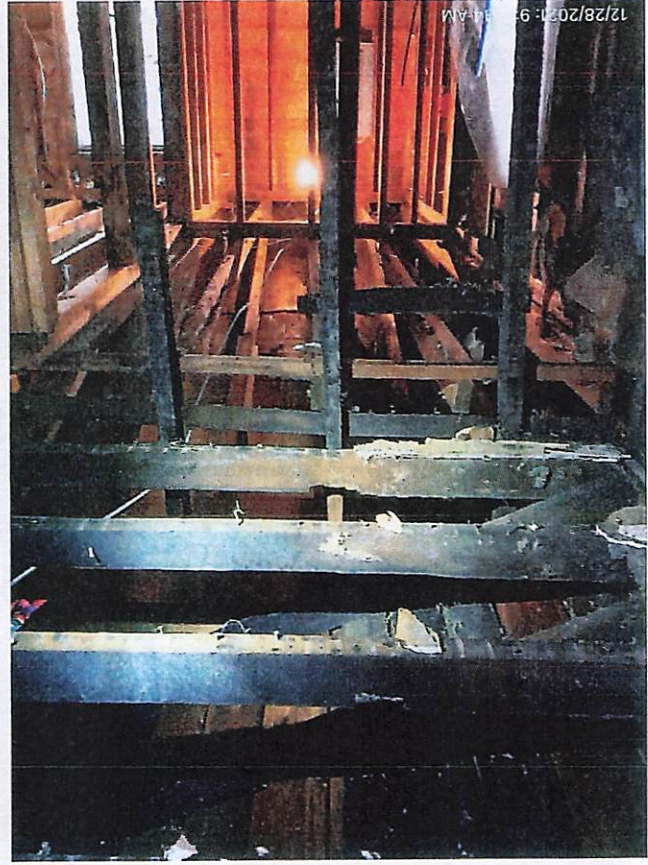
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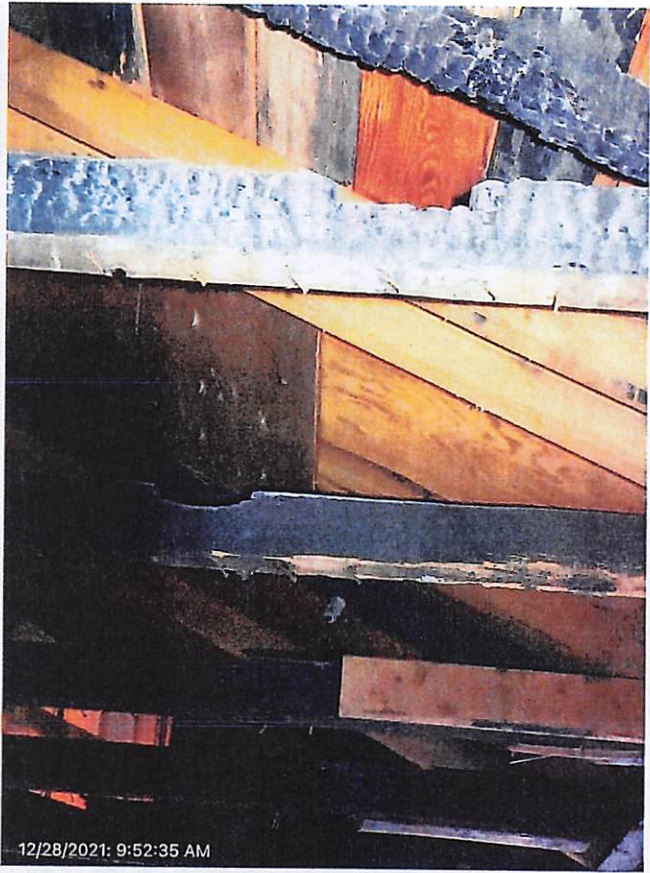
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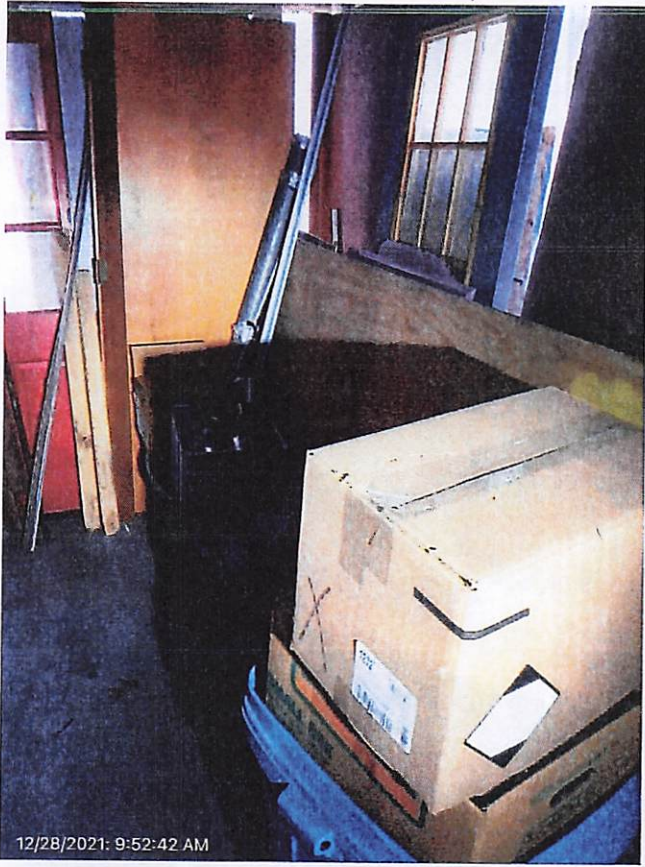




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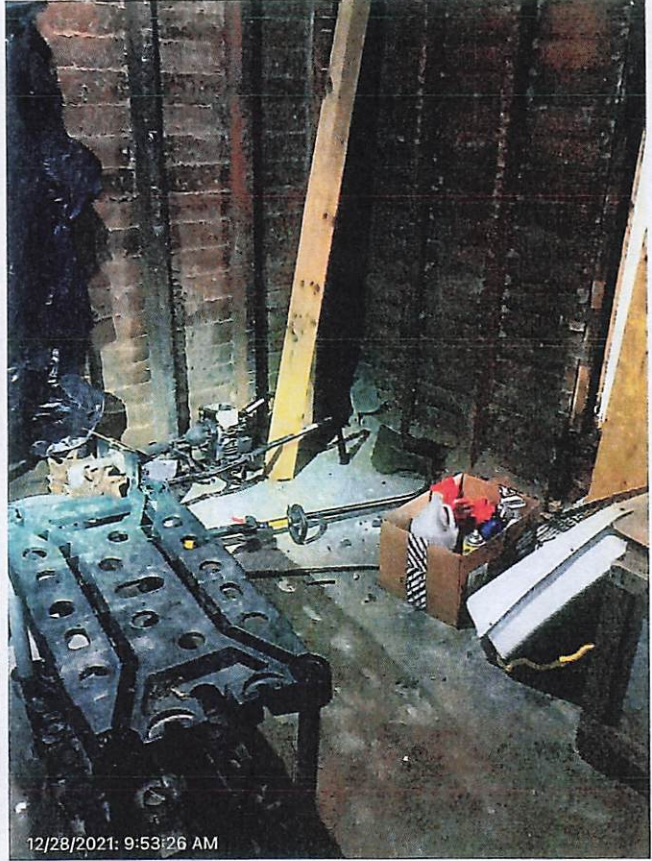
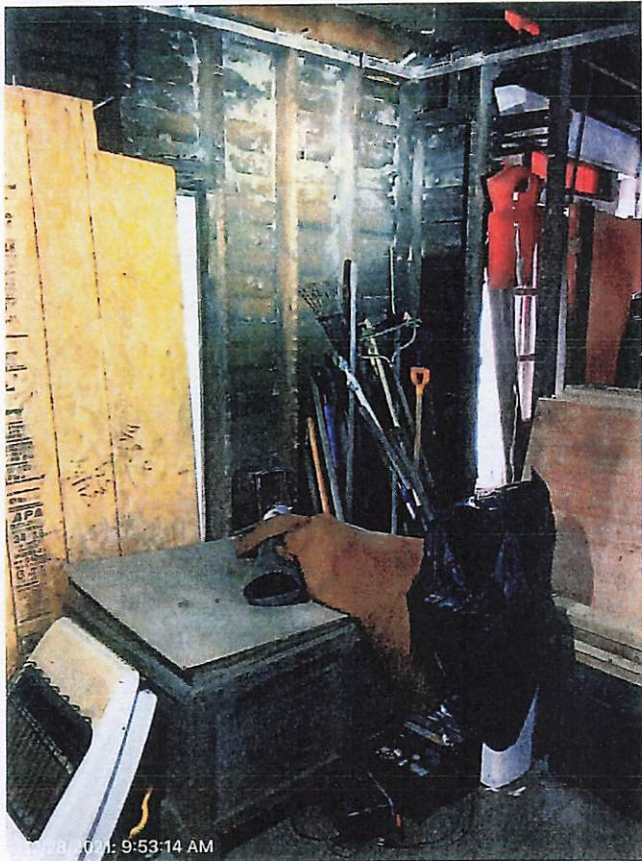
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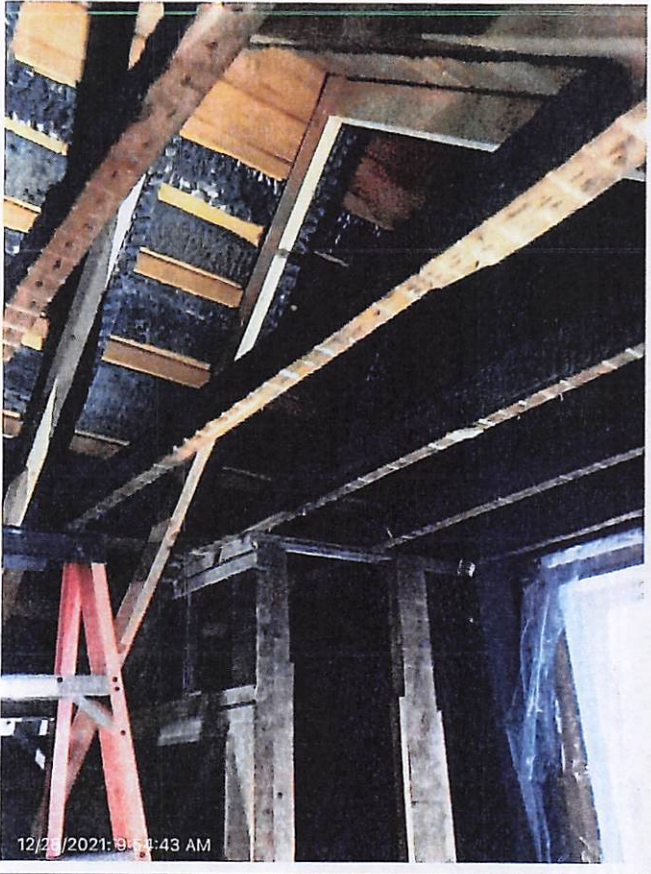
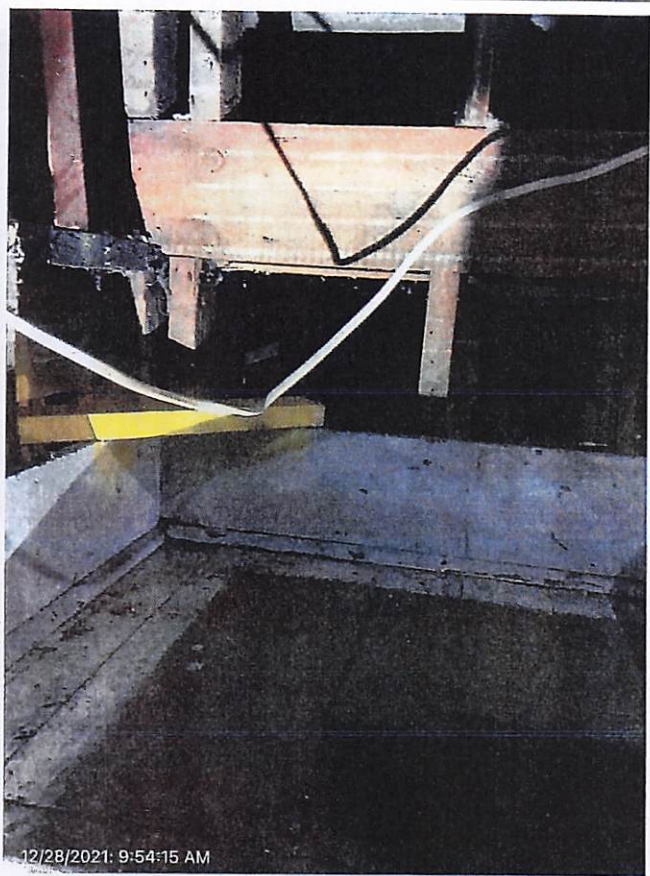


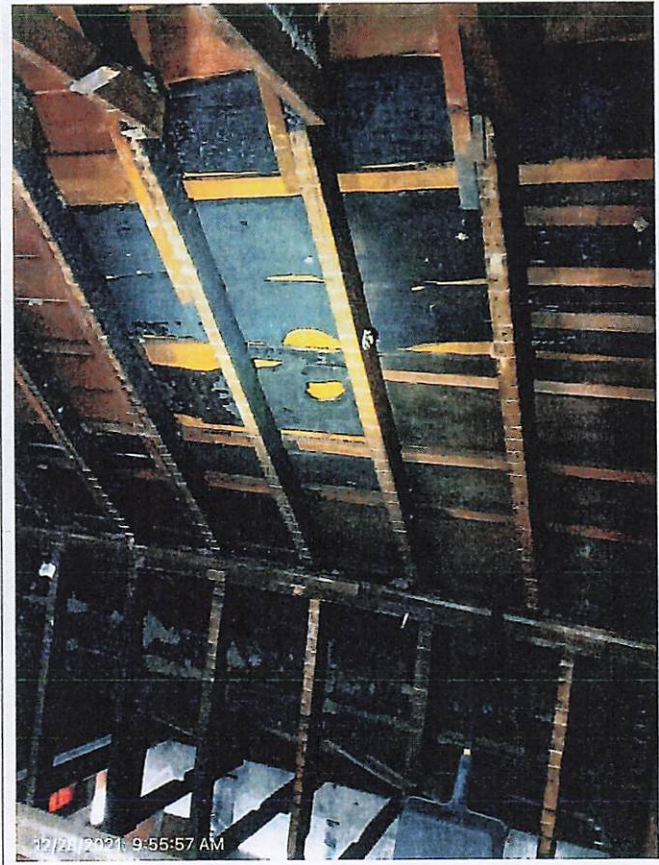
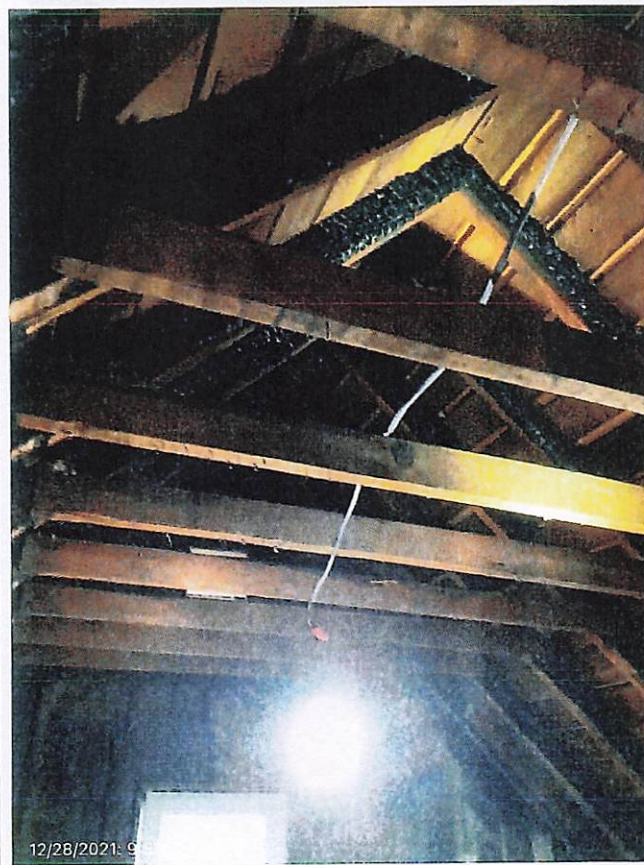
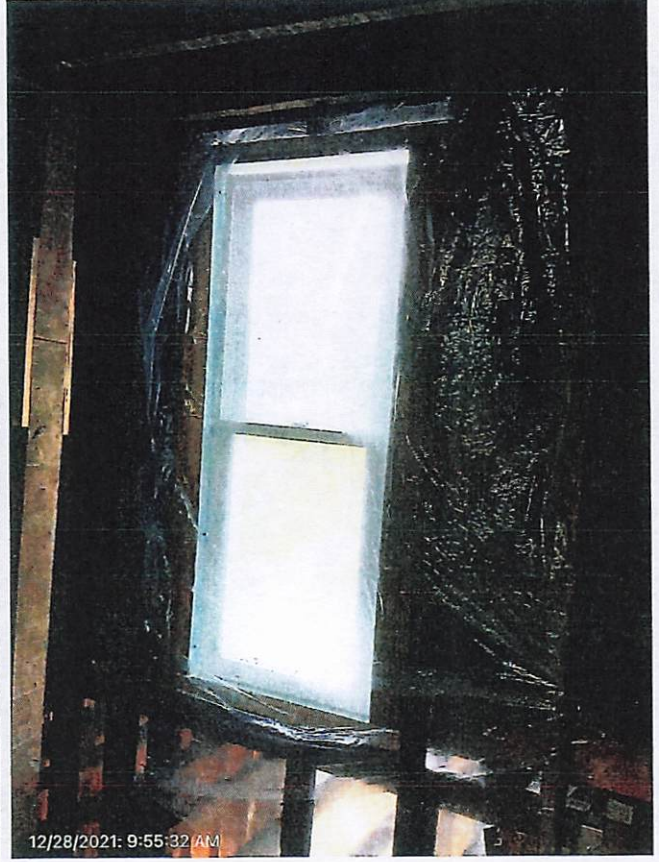
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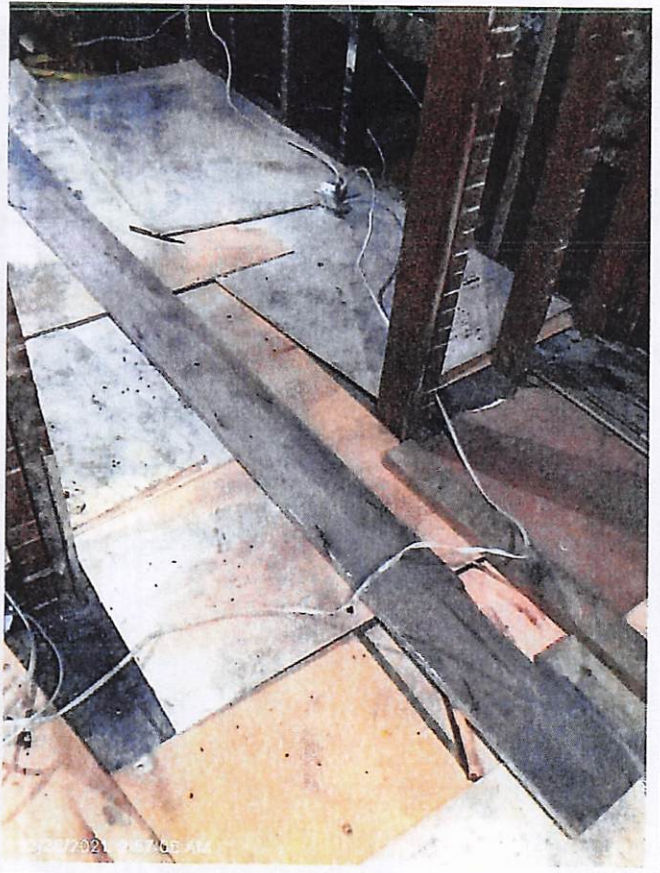
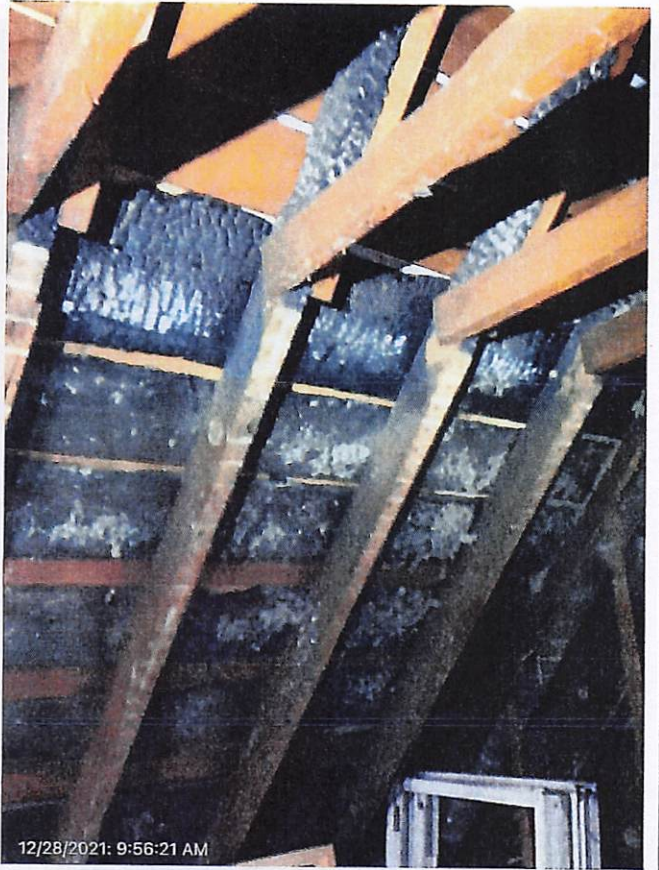


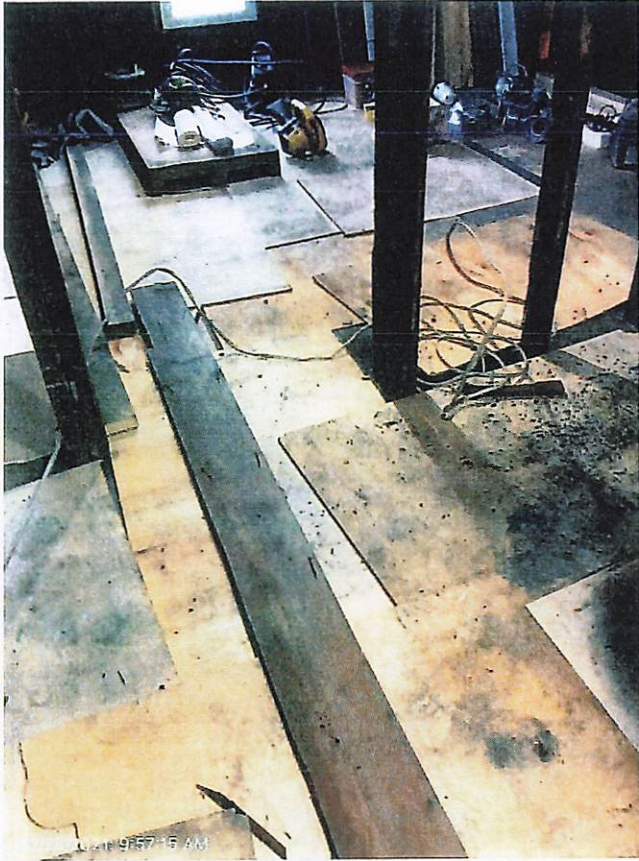
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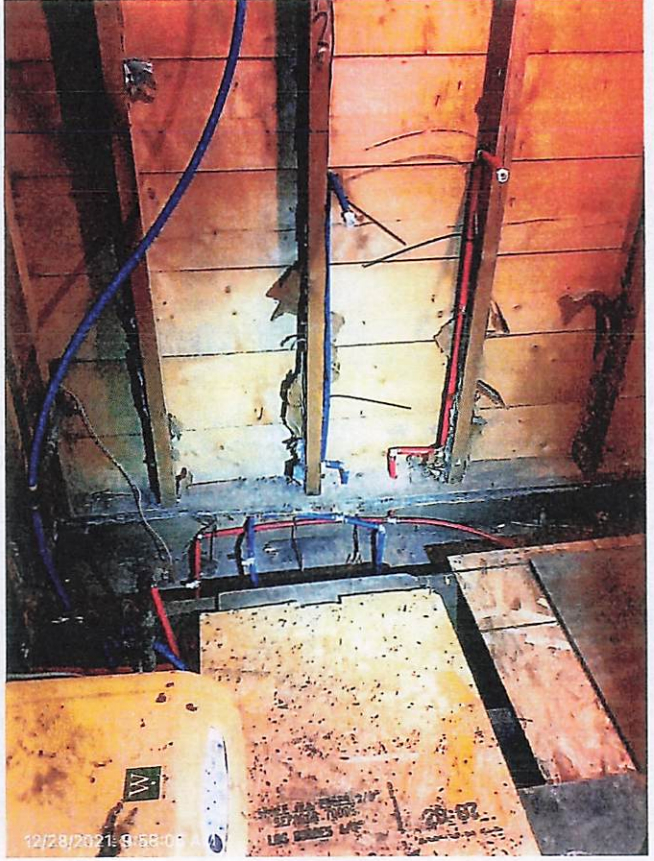








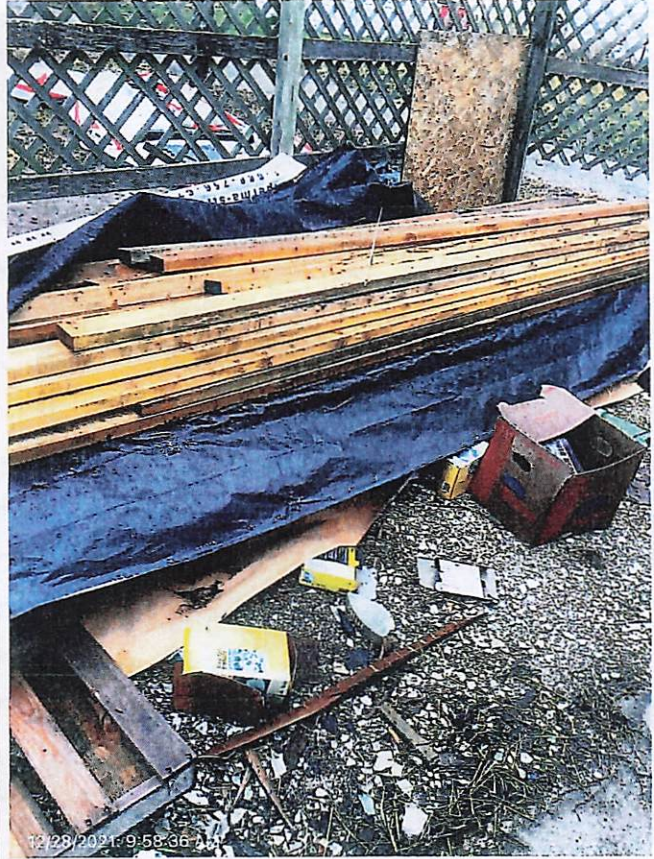
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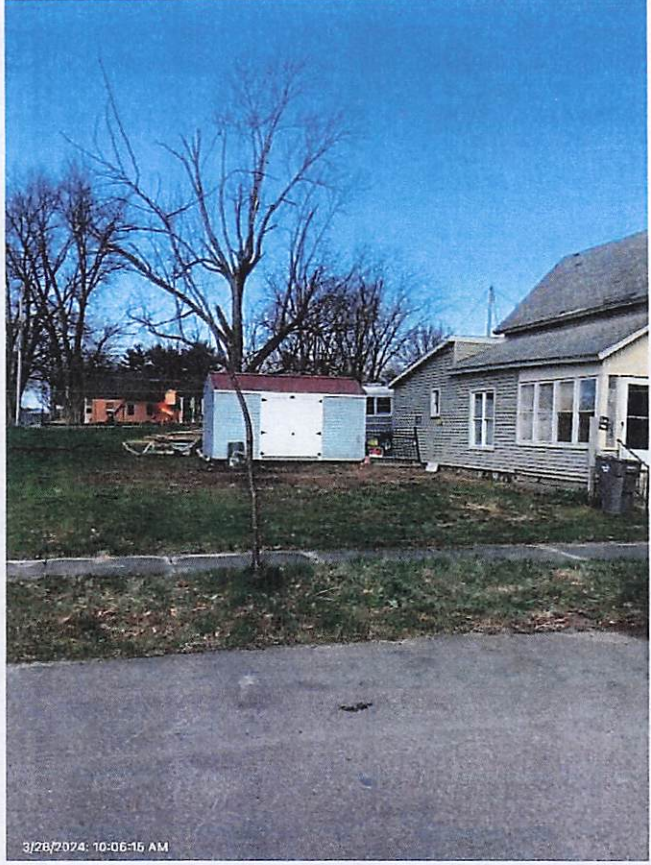
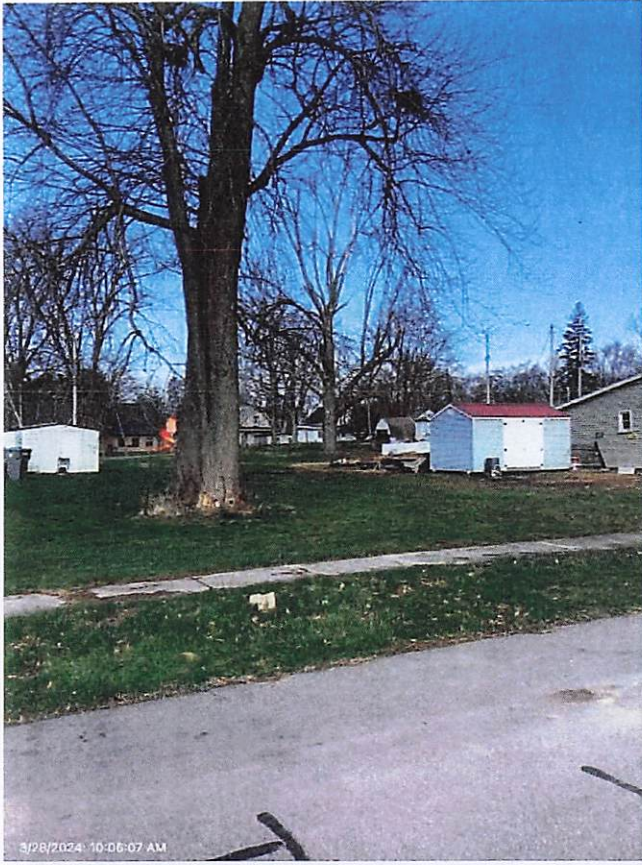
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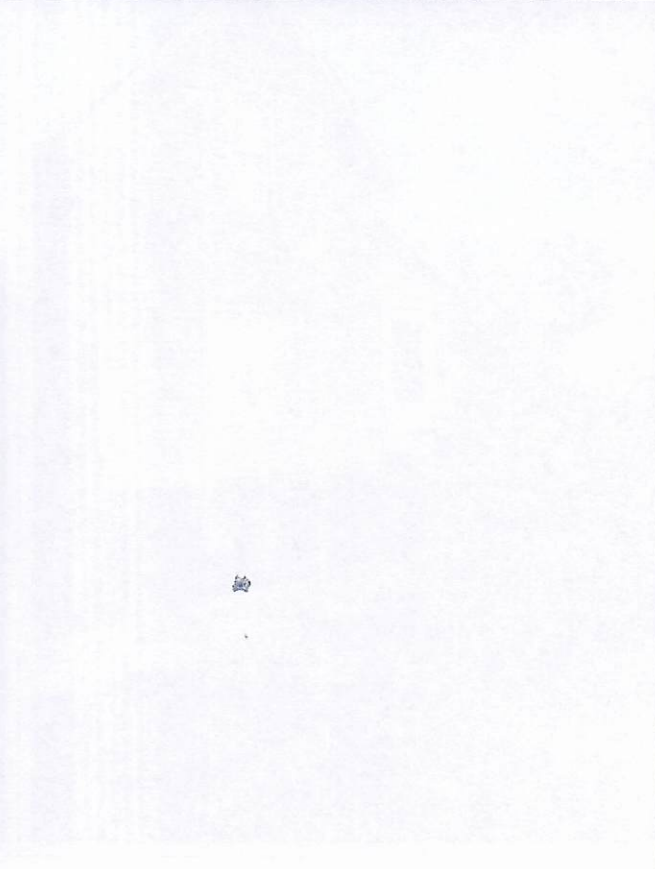
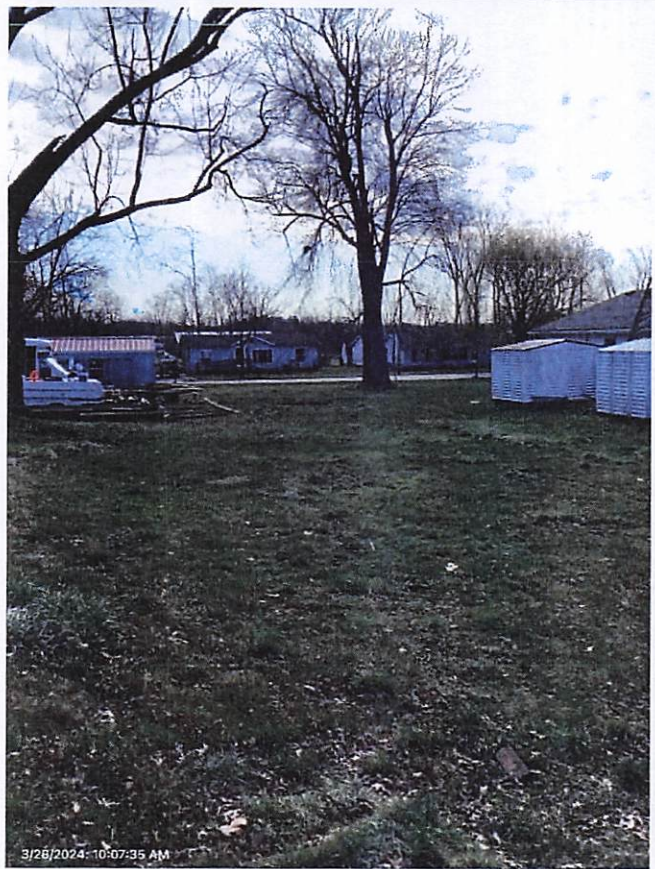
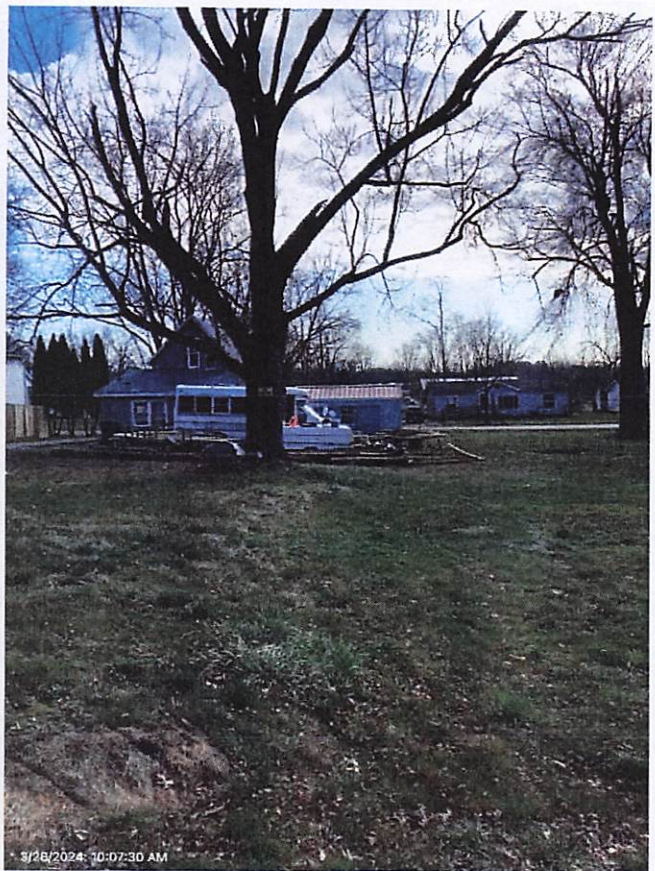
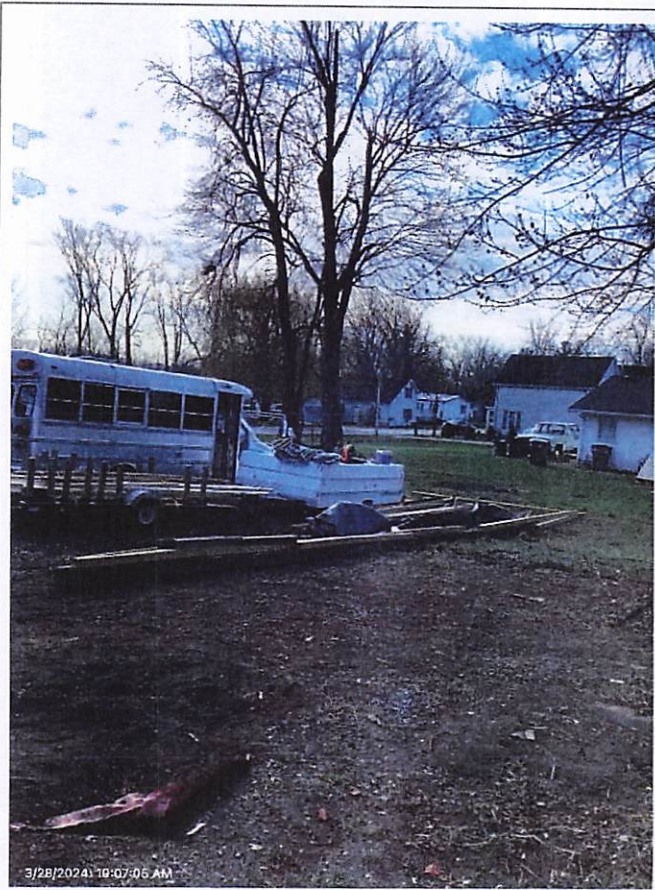






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Morgan A. Decker, Esq.  
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Direct Dial: (317) 860-2890  
Fax No. (317) 263-9411

March 27, 2024

Re: Christopher Jones  
Vs: Homeworks Restoration LLC  
Our File No.: 22309012

To whom it may concern:

Our firm represents Mr. Jones specifically as it concerns the collection of the judgment awarded in his favor against HomeWorks Restoration LLC under Cause No. 20D05-2012-PL-000238. We filed a motion for proceedings supplemental on November 2, 2023 and a hearing was held December 18, 2023.

The result of that hearing was some funds were garnished on or about December 6, 2023. Other potential garnishees which may owe money to defendant in the future are Stealth Enterprises LLC, Southbank Legal, LLC, Athora Law Group LLC, Dugan Wyatt & Czernik LLC, and Law Office of Katherine A. Sall-Matthews, LLC. These garnishee defendants currently have litigation pending between them and Homeworks Restoration and we do not have any idea if, or when, any resolution will occur between those parties. However, orders and liens have been sent to those parties so any recovery should come to Mr. Jones. We are preparing third-party discovery to see if any additional jobs are being completed by Homeworks Restoration and therefore, money will be owed to it that can be subject to garnishment. We must serve these requests and investigate all discovery responses before knowing if recovery of additional assets is possible.

We have enclosed a copy of the chronological case summary showing the time line and current status of the case for your information and records.

Sincerely,

RUBIN & LEVIN, P.C.

  
Morgan A. Decker

MAD/agm

Enclosure

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