



Board of Public Works & Safety and Stormwater Board

Regular Meeting Agenda

4:00 p.m., June 13, 2024

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

To access online streaming of the meeting, go to <https://goshenindiana.org/calendar>

Call to Order by Mayor Gina Leichty

Approval of Minutes: June 6, 2024

Approval of Agenda

- 1) Police Department request:** Approve the hiring of **Aaron James Dolph #230** for the position of probationary patrol officer, retroactive to Monday, June 10th, 2024
- 2) Police Department request:** Approve the hiring of **Logan Jacob Wenger #231** for the position of probationary patrol officer, retroactive to Monday, June 10th, 2024
- 3) Police Department request:** Approve the hiring of **Luis Alberto Lopez #232** for the position of probationary patrol officer, retroactive to Monday, June 10th, 2024
- 4) Police Department request:** Approve the hiring of **Darrick Leighton Braun #233** for the position of probationary patrol officer, retroactive to Monday, June 10th, 2024
Quinten Allen Bland #234
- 5) Police Department request:** Approve the hiring of **Quinten Allen Bland #234** for the position of probationary patrol officer, retroactive to Monday, June 10th, 2024
- 6) Police Department request:** Approve the hiring of **Preston Ryan Lancour #235** for the position of probationary patrol officer, retroactive to Monday, June 10th, 2024
- 7) Police Department request:** Approve the hiring of **Rodger D. Wigent #236** for the position of probationary patrol officer, retroactive to Monday, June 10th, 2024
- 8) Police Department request:** Approve the resignation of **Reserve Officer Christopher Juroff**, retroactive to June 5th, 2024
- 9) Police & Legal departments request:** Withdraw the conditional offer of employment extended to **Kyle J. Hamood** as a probationary patrol officer on Feb. 22, 2024
- 10) Center for Healing & Hope request:** Approve use of parking lot for Festival of Hope



- 11) Planning Department request:** Accept Plat for Goshen Village Shoppes
- 12) Planning Department request:** Accept Plat for Red Oak Subdivision
- 13) Legal Department request:** Approve and authorize the Mayor to execute the Amendment Agreement with Peerless Midwest, Inc for additional testing needed for a potential new well field just north of Goshen Airport at a cost of \$16,740
- 14) Legal Department request:** Approve the easement to Cherry Creek, LLC for drainage on City-owned land at the southeast corner of Regent Street and Waterford Mills Parkway, and authorize the Mayor to execute the grant of easement
- 15) Water & Sewer Office request:** Move \$5,516.12 in uncollected finalized accounts from active to collection, sewer liens and write offs for the period through March 26, 2024
- 16) Engineering Department request:** Approve the closure of College Avenue from Century Drive east to City limits from Monday, June 17 through Friday, June 21, 2024
- 17) Engineering Department request:** Approve NIPSCO's request for a daytime lane restriction on College Avenue in front of Goshen College for one day the week of June 17, 2024
- 18) Engineering Department request:** Approve installation of No Parking signs and yellow paint on both sides of Lighthouse Lane west of the drives at 1935 and 1936 Lighthouse Lane
- 19) Engineering Department request:** Deny the request to restrict on-street parking within the Harrison Ridge subdivision

Privilege of the Floor

CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARINGS:

4:00 p.m., June 13, 2024

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

- 20) Consider a request for reconsideration of a prior unsafe building order for 205/207 Middlebury Street (Ronald E. Davidhizar, property owner)**

Approval of Civil City and Utility Claims

Adjournment



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE JUNE 6, 2024 REGULAR MEETING**

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

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

Absent: None

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

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the May 30, 2024 Regular Meeting with the requested change that (on page 13) Councilor Riegsecker be referred to as Mr. Riegsecker as he stated he was representing himself and not the Council. Board member Mary Nichols moved to approve the minutes as amended and the motion was seconded by Board member Orv Myers. The motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the meeting agenda. Board member Nichols moved to approve the agenda as presented. Board member Myers seconded the motion. Motion passed 5-0.

1) Fire Department request: Accept resignation of Matthew White, effective June 15, 2024

City Fire Chief Dan Sink told the Board that after serving the Goshen Fire Department and Goshen community since Aug. 19, 2019, Matthew White has submitted his resignation, effective June 15, 2024.

Chief Sink said, "We have enjoyed working with Matthew during his time at GFD and appreciate his service to our community. Our GFD family would like to wish Matthew and his family the very best in their new endeavors."

Chief Sink said White is leaving Goshen to become a flight paramedic with Good Samaritan Hospital. Still, he said his colleagues will see him every once in a while.

Mayor Leichty asked Chief Sink to pass on to White the gratitude of the Board and the City.

Nichols/Myers made a motion to accept the resignation of Matthew White, effective June 15, 2024. Motion passed 5-0.

2) Police & Legal departments request: Extend a conditional offer of employment to José Ascension Esqueda as a probationary patrol officer and authorize the Mayor to execute the agreement

On behalf of the Police Department, City Attorney Bodie Stegelmann recommended that the Board extend a conditional offer of employment to Jose Ascension Esqueda, as well as approve the Conditional Offer of Employment Agreement and authorize the Mayor to execute the agreement on behalf of the City and the Board.

Stegelmann said the agreement sets forth the conditions that Esqueda must meet prior to beginning employment with the Police Department as a probationary patrol officer which includes being approved by the board of trustees of the Indiana Public Retirement System for membership to the 1977 Police Officers' and Firefighters' Pension and Disability Fund. Once employed, Esqueda will be required to successfully complete all training requirements, including complete the Tier I basic training requirements and obtain certification with the Indiana Law Enforcement Training Board.

Stegelmann said the Police Department will request the Board to confirm the offer of employment when a position opening becomes available in the Police Department.

Nichols/Myers made a motion to extend a conditional offer of employment to Jose Ascension Esqueda as a probationary patrol officer, approve the Conditional Offer of Employment Agreement with Esqueda, and authorize the Mayor to execute the agreement. Motion passed 5-0.



3) Black Squirrel Golf Club request: Authorize a fireworks show and the provision of related City services on July 4, 2024, with a rain date of July 5, 2024

Grant Sassaman, the owner of the Black Squirrel Golf Club, asked the Board and City Departments to approve a fireworks show at the Black Squirrel Golf Course on July 4, 2024 with a rain date of July 5, 2024. He provided the Board with documents outlining the event plans, an event map, and a list of donor options.

Sassaman said organizers already reached out to all City Departments to confirm they could work with the plan. He met with the Fire Chief, the Chief of Police and the Street Department Commissioner on April 25, 2024. He said all Departments were on board and in agreement with the request.

In a letter to the Board, **Sassaman** wrote that food trucks will be set up in the West Goshen Cemetery and operating at 4 p.m. on July 4th with the event open to the public from 4 p.m. until 10:30 p.m.

Sassaman requested 10 police officers, using four of them for patrolling the event starting at 6:30 p.m. through 10:30 p.m. He said the City agreed to provide traffic control starting at 10 p.m. He also requested that the City Street Department provide signs stating, “One way”, “Do Not Enter” One Sided Parking Only” and “Residential Parking Only.” He also requested 30 traffic cones to place in various areas.

Mayor Leichty said she hopes it doesn’t rain on July 4th. She also commended **Sassaman** on his new branding for the golf course.

Nichols/Myers made a motion to approve a fireworks show at the Black Squirrel Golf Course on July 4, 2024 with a rain date of July 5, 2024. Motion passed 5-0.

4) Legal Department request: Award the bid for the purchase of replacement beds for single axle chassis and tandem axle chassis vehicles and approve purchase agreement to W. A. Jones Truck Bodies & Equipment at a cost to the City of \$91,667

City Attorney Bodie Stegelmann said the City solicited sealed bids for the purchase of replacement beds for single axle chassis and tandem axle chassis vehicles for the Street Department. The bid tabulation was as follows:

Bidder	Single-axle bed	Tandem-axle bid	Total bid
W.A. Jones Truck Bodies & Equipment	\$41,985	\$49,682	\$91,667
Viking-Cives-Lindco Equipment Sales	\$52,055	\$59,495	\$111,550

Stegelmann recommended that the City reject the bid from Biking-Cives-Lindco Equipment Sales, award the bid to W.A. Jones Truck Bodies & Equipment and authorize Mayor Leichty to execute the attached purchase agreement in the total cost of \$91,667.

Board member Landis said in the past the Board has awarded bids to the lowest responsive and responsible bidder, but now was also being asked to reject a bid. He asked if this was necessary. **Stegelmann** said it wasn’t necessary, but that **City Paralegal Brandy Toms** was just being thorough – a “belt and suspenders” approach.

Nichols/Myers made a motion to award the bid for the purchase of replacement beds for a single axle chassis and tandem axle chassis to W. A. Jones Truck Bodies & Equipment as the lowest responsive and responsible bidder and approve and authorize Mayor Leichty to execute the purchase agreement regarding the same at a cost to the City of \$91,667. Motion passed 5-0.

5) Legal Department request: Move to accept the Uniform Conflict of Interest Disclosure Statement filed by Matthew Whitford

City Attorney Bodie Stegelmann said Goshen Fire Department employee **Matthew Whitford** was submitting a Uniform Conflict of Interest Disclosure Statement to the Board for acceptance in a public meeting in accordance with Indiana Code § 35-44.1-1-4, Conflict of Interest. He said Whitford is the owner of Infinitus Computers LLC, dba INF Tech. The City purchases technology equipment (computers, monitors, digital displays, etc.) from INF Tech.

Nichols/Myers made a motion to accept the Uniform Conflict of Interest Disclosure Statement filed by Matthew Whitford. Motion passed 5-0.



6) Engineering Department request: Approve lane restrictions as part of the Asphalt Rejuvenation Package from Monday, June 10 to Wednesday, June 12, 2024

City Project Inspector Andrew Lund told the Board that Rejuvtec will be performing asphalt rejuvenation in the City of Goshen by treating roads with Reclamite. During the roadway treatment, Rejuvtec's work will require lane restrictions using traffic control with minimal disruption to traffic.

Lund said the project limits will be on Eisenhower Drive, from Dierdorff Road to Dierdorff Road, Westwood Road, from Gra-Roy Drive to South Main Street, East Douglas and East Reynolds streets, from US 33 to US 33, 16th Street, from Egbert Avenue to Douglas Street, 16th St, from Plymouth Avenue to College Avenue, Fescue Court, Mayfield Drive, from Greene Road to Bashor Road, and Indiana Avenue, from Plymouth Avenue to 500 feet north of Plymouth Avenue. The work is expected to take place from Monday, June 10 to Wednesday, June 12, 2024, weather permitting. Rejuvtec will maintain access for residents and businesses during time of restrictions.

Board member Landis asked if Douglas Street was just paved. **Lund** said that is correct and this will be a treatment designed to extend the life of the asphalt pavement. He said this will be one of the first large tests of this approach.

Mayor Leichy asked if the *Goshen News* had been informed of this work. **Lund** said a news release about the work would be circulated soon.

Nichols/Myers made a motion to approve the lane restrictions as part of the Asphalt Rejuvenation Package from Monday, June 10 to Wednesday, June 12, 2024. Motion passed 5-0.

7) Engineering Department request: Approve and authorize Change Order No. 4 for the 10th Street and Douglas Street Reconstruction project in the amount of \$33,160.00, bringing the total Contract to \$4,328,546.08, an increase of 1.88%

City Project Inspector Andrew Lund told the Board that attached to the Board's agenda packet was Change Order No. 4 for the 10th Street and Douglas Street Reconstruction project, which included costs related to epoxy coating four storm structures, as well as installing a new force main to two existing structures.

Lund said the original contract amount, plus additions from Change Order No. 3, was \$4,295,386.08. Change Order No. 4 would increase the total contract by \$33,160, for a revised contract amount of \$4,328,546.08, which would be an increase of 1.88% over the original contract amount. No days were being added to the project for this work.

Nichols/Myers made a motion to approve and authorize the Change Order No. 4 for the 10th Street and Douglas Street Reconstruction project in the amount of \$33,160., bringing the total contract to \$4,328,546.08, an increase of 1.88 percent. Motion passed 5-0.

8) Engineering Department request: Approve and authorize the Mayor to sign the attached agreement with Back Municipal Consulting for \$51,350 to provide design and construction support services for a CIPP lining project for select Sanitary Sewer piping and manhole rehabilitation

City Project Inspector Andrew Lund told the Board that approval was sought for an expenditure of \$51,350 for the analysis, design, creation of bid specifications, and construction support services from Back Municipal Consulting (BMC) of Cincinnati, Ohio. The project is to rehabilitate as much sanitary sewer piping and as many manholes as possible in areas of the City where the condition of the piping and manholes are at their worst.

Lund said BMC will develop a scope for the project that will meet the department's 2024 budget for rehabilitation. The rehabilitation will involve a Cured-in-Place-Pipe "CIPP" lining method for piping that does not require excavation but will extend the life of the piping by 50 years. CIPP lining uses a textile liner tube impregnated with resin and inserted into the piping. The liquid resin is cured in place by injecting steam into the tube to pressurize it against the existing piping. The process for manholes is similar.

Nichols/Myers made a motion to approve and authorize the Mayor to sign the agreement with Back Municipal Consulting for \$51,350 to provide design and construction support services for a CIPP lining project for select Sanitary Sewer piping and manhole rehabilitation. Motion passed 5-0.



9) Engineering Department request: Accept the drainage plan for the Goshen Village Shoppes, noting that the City of Goshen in no way guarantees the proposed drainage improvements will adequately function as designed by the developer's licensed professional and that the City accepts no liability in conjunction with the acceptance of the drainage plan

City Project Inspector Andrew Lund told the Board that in accordance with the City's Subdivision Control Ordinance No. 3196 Section 512 "Drainage Plan", the City's Engineering Department has reviewed the drainage plan for Goshen Village Shoppes, Replat, located southwest of U.S. Hwy. 33 (Elkhart Road) and southeast of Meijer Drive along Meijer's frontage.

Lund said the revised drainage plan amends the original drainage plan for the development. As designed, the development will continue to utilize off-site retention located on Meijer's property by agreement. A drainage easement has been added to the plat along Meijer Drive to allow the City to install a future drainage improvement to address standing water along the roadway.

Lund said that after due consideration of the proposed drainage plan, the Goshen Engineering Department recommends the Board of Public Works and Safety and Stormwater Board's acceptance of the development's drainage plan. He said the record should show the City of Goshen in no way guarantees the proposed drainage improvements will adequately function as designed by the developer's licensed professional. Additionally, the City accepts no liability in conjunction with the acceptance of the drainage plan. If the drainage plan's piping and/or stormwater impoundments are found to underperform following construction, the City will seek remedial action to be taken by the developer.

Nichols/Myers made a motion to accept the drainage plan for the Goshen Village Shoppes, noting that the City of Goshen in no way guarantees the proposed drainage improvements will adequately function as designed by the developer's licensed professional and that the City accepts no liability in conjunction with the acceptance of the drainage plan. Motion passed 5-0.

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

Mayor Leichty opened Privilege of the Floor at 4:19 p.m.

Adam Scharf of Rethinking Buildings, LLC of Goshen asked the Board to retroactively approve placement of a personnel lift – and the use of three parking spaces – for work on some window repairs, sheet metal work and painting on a building in the 100 block of East Lincoln Avenue until Monday, June 10, 2024. He said he would be happy to move the equipment for First Friday, June 7.

Board member Landis said he wondered about that. **Mayor Leichty** said that would be great.

Board member Swartley asked about the location of the work. **Scharf** said it was in front of Common Spirits, 111 E Lincoln Ave.

Board member Landis noted that this request hadn't been approved and said he noticed today that the lift was blocking a lane of traffic. He asked if that would continue. **Scharf** said that unfortunately it would; that he blocked it for safety reasons. He clarified the space being used, which included three parking spaces and a lane of traffic.

Street Commissioner David Gibbs said he observed the work today and recommended placement of "Men Working" signs before the lane closure to alert motorists. If requested, Gibbs said he could provide those caution signs on Friday morning.

Mayor Leichty said he presumed work would resume Friday, June 7 but asked if work could be suspended from 4 to 10 p.m. **Scharf** said that could be done.

After a brief discussion about where to relocate the equipment for First Friday activities, **Scharf** proposed it be placed in the City parking lot off Fifth Street and behind the First Presbyterian Church.



After **Board member Swartley** mentioned that there will be a downtown concert at the County Courthouse, **Gibbs** recommended parking the lift further east on Lincoln Avenue. **Scharf** said he would seek permission from a nearby property owner or put it behind a rental. **Mayor Leichty** recommended parking it as far as possible from Main Street.

Mayor Leichty/Myers moved that **Adam Scharf** be allowed to use three parking spaces on East Lincoln Avenue for the lift equipment, except for during the hours (4 to 8 p.m.) of First Friday, June 6, 2024, and that it then be moved out of the general parking vicinity and that he also be allowed to block a lane of traffic. The motion passed 5-0.

Mayor Leichty closed Privilege of the Floor at 4:28 p.m., recessed the meeting of the Board of Public Works and Safety and opened a meeting of the City Stormwater Board.

CITY OF GOSHEN STORMWATER BOARD

4:00 p.m., June 6, 2024

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

Members: Mayor Leichty, Mike Landis and Mary Nichols

10) Accept the amended post-construction stormwater management plan for East College Avenue Industrial Park Brinkley RV Private Drive and Buildings #4 & #5 as it has been found to meet the requirements of City Ordinance 4329

City Project Inspector Andrew Lund told the Board that on May 24, 2023, the Goshen Stormwater Board accepted the post-construction stormwater management plan (PCSMP) for the East College Avenue Industrial Park project (JN: 2021- 2050), which affected an area greater than one acre.

Lund said the developer, Last Dance, LLC, has now submitted an amendment to the accepted PCSMP for the East College Avenue Industrial Park Brinkley RV Private Drive and Buildings #4 & #5 project and it has been found to be compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

Lund requested the Stormwater Board's acceptance of the amended plan.

Nichols/Landis made a motion to accept the amended post-construction stormwater management plan for East College Avenue Industrial Park Brinkley RV Private Drive and Buildings #4 & #5 as it has been found to meet the requirements of City Ordinance 4329. Motion passed 3-0.

At 4:29 p.m., **Mayor Leichty** adjourned the meeting of the City Stormwater Board and reopened the meeting of the Board of Public Works and Safety.

Approval of Civil City and Utility Claims

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

Adjournment

Mayor Leichty adjourned the Board of Public Works and Safety meeting at 4:29 p.m.



APPROVED:

Mayor Gina Leichty

Mike Landis, Member

Orv Myers, Member

Mary Nichols, Member

Barb Swartley, Member

ATTEST:

Richard R. Aguirre, City of Goshen Clerk-Treasurer



Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety

Mayor Gina Leichty
Member Mary Nichols
Member Mike Landis
Member Barb Swartley
Member Orv Myers

Date: June 13th, 2024

From: Jose' Miller, Chief of Police

Reference: The hiring of Aaron James Dolph #230

I am requesting that the Board of Public Works and Safety approve the hiring of Aaron J. Dolph for the position of probationary patrol officer. Aaron has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Aaron as a new police officer serving our community. I would like this hiring to be retroactive to Monday June 10th, 2024.

Aaron will be present for the Board of Works Meeting

A handwritten signature in black ink, appearing to be "J. Miller".

Jose' Miller #116

Chief of Police

Goshen City Police Department
111 E. Jefferson Street
Goshen, IN. 46528

Telephone: (574) 533-8661

Hearing Impaired: (574) 533-1826

FAX: (574) 533-1826



Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety

Mayor Gina Leichty
Member Mary Nichols
Member Mike Landis
Member Barb Swartley
Member Orv Myers

Date: June 13th, 2024

From: Jose' Miller, Chief of Police

Reference: The hiring of Logan Jacob Wenger #231

I am requesting that the Board of Public Works and Safety approve the hiring of Logan J. Wenger for the position of probationary patrol officer. Logan has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Logan as a new police officer serving our community. I would like this hiring to be retroactive to Monday June 10th, 2024.

Logan will be present for the Board of Works Meeting

A handwritten signature in black ink, appearing to be "Jose' Miller".

Jose' Miller #116

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Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety

Mayor Gina Leichty
Member Mary Nichols
Member Mike Landis
Member Barb Swartley
Member Orv Myers

Date: June 13th, 2024

From: Jose' Miller, Chief of Police

Reference: The hiring of Luis Alberto Lopez #232

I am requesting that the Board of Public Works and Safety approve the hiring of Luis A. Lopez for the position of probationary patrol officer. Luis has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Luis as a new police officer serving our community. I would like this hiring to be retroactive to Monday June 10th, 2024.

Luis will be present for the Board of Works Meeting

Jose' Miller #116

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Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety

Mayor Gina Leichty
Member Mary Nichols
Member Mike Landis
Member Barb Swartley
Member Orv Myers

Date: June 13th, 2024

From: Jose' Miller, Chief of Police

Reference: The hiring of Darrick Leighton Braun #233

I am requesting that the Board of Public Works and Safety approve the hiring of Darrick L. Braun for the position of probationary patrol officer. Darrick has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Darrick as a new police officer serving our community. I would like this hiring to be retroactive to Monday June 10th, 2024.

Darrick will be present for the Board of Works Meeting

A handwritten signature in black ink, appearing to be "J. Miller".

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Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety

Mayor Gina Leichty
Member Mary Nichols
Member Mike Landis
Member Barb Swartley
Member Orv Myers

Date: June 13th, 2024

From: Jose' Miller, Chief of Police

Reference: The hiring of Quinten Allen Bland #234

I am requesting that the Board of Public Works and Safety approve the hiring of Quinten A. Bland for the position of probationary patrol officer. Quinten has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Quinten as a new police officer serving our community. I would like this hiring to be retroactive to Monday June 10th, 2024.

Quinten will be present for the Board of Works Meeting

A handwritten signature in black ink, appearing to be "Jose' Miller".

Jose' Miller #116

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Jose' D. Miller

Chief of Police

111 E Jefferson St
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TO: Goshen Board of Public Works & Safety

Mayor Gina Leichty
Member Mary Nichols
Member Mike Landis
Member Barb Swartley
Member Orv Myers

Date: June 13th, 2024

From: Jose' Miller, Chief of Police

Reference: The hiring of Preston Ryan Lancour #235

I am requesting that the Board of Public Works and Safety approve the hiring of Preston R. Lancour for the position of probationary patrol officer. Preston has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Preston as a new police officer serving our community. I would like this hiring to be retroactive to Monday June 10th, 2024.

Preston will be present for the Board of Works Meeting

A handwritten signature in black ink, appearing to be "J. Miller".

Jose' Miller #116

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Jose' D. Miller

Chief of Police

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TO: Goshen Board of Public Works & Safety

Mayor Gina Leichty
Member Mary Nichols
Member Mike Landis
Member Barb Swartley
Member Orv Myers

Date: June 13th, 2024

From: Jose' Miller, Chief of Police

Reference: The hiring of Rodger Dale Wigent #236

I am requesting that the Board of Public Works and Safety approve the hiring of Rodger D. Wigent for the position of probationary patrol officer. Rodger has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Rodger as a new police officer serving our community. I would like this hiring to be retroactive to Monday June 10th, 2024.

Rodger will be present for the Board of Works Meeting

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Jose' Miller #116

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Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety
Mayor Gina Leichty
Member Mike Landis
Member Mary Nichols
Member Barb Swartley
Member Orv Myers

Date: June 13th, 2024

From: Chief Jose' Miller

Reference: Resignation of Reserve Officer Chris Juroff

I am requesting that the Board of Public Works and Safety approve the resignation of Reserve Officer Christopher Juroff retroactive to June 5th, 2024.

Reserve Officer Juroff resigned from his full-time status in 2020. Since then, he has remained on the department as a reserve officer. As of now his obligations at his current job have forced him to make the choice of resigning as a reserve officer.

I would like to thank Reserve Officer Juroff for his dedication to this community both during his fulltime career, and as a reserve officer. I wish Chris the best in his future endeavors.

Respectfully,

A handwritten signature in black ink, appearing to be "Jose' Miller".

Jose' Miller #116

Chief of Police

Goshen City Police Department
111 E. Jefferson Street
Goshen, IN. 46528

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Hearing Impaired: (574) 533-1826

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Christopher C. Juroff

3206 E. Jackson Blvd.

Elkhart, In 46516

cjuroff@yahoo.com / cjuroff@utility.com

574-849-9072

6/5/2024

Chief Jose Miller

111 E. Jefferson St.

Goshen, In 46528

Dear Chief Miller,

I am writing to inform you of my decision to retire/resign from my position as Reserve Patrolman with the Goshen Police Department, effective at the earliest convenience. After much reflection and consideration, I believe this decision is in the best interests of both me and the department.

It has been an honor and a privilege to serve alongside you and the dedicated men and women of our department for 20 years. I am immensely proud of the work we have accomplished together in ensuring the safety and well-being of our community.

I am grateful for the opportunities for growth and development that I have received during my tenure with the department. The experiences and lessons learned will stay with me as I embark on the next chapter of my life.

Please accept my sincerest gratitude for your leadership, guidance, and support throughout my career. I am thankful for the camaraderie and friendships forged, and I will cherish the memories created during my time here.

Once again, thank you for the privilege of serving our community as a member of the Goshen Police Department. I wish you and the department continued success in all your future endeavors.

Sincerely,

Christopher C. Juroff



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

June 13, 2024

To: Goshen Board of Public Works and Safety
From: Shannon Marks, Legal Compliance Administrator
Subject: GPD Conditional Offer of Employment to Kyle J. Hamood

On February 22, 2024, the Board extended a conditional offer of employment with the Goshen Police Department to Kyle J. Hamood, as well as approved and authorized the Mayor to execute a Conditional Offer of Employment Agreement. At the end of May, Mr. Hamood informed the City that he decided to decline the position with the Goshen Police Department. It is therefore necessary to withdraw the conditional offer of employment previously extended and terminate the Conditional Offer of Employment Agreement.

Suggested motions:

- (1) Move to withdraw the conditional offer of employment extended to Kyle J. Hamood as a probationary patrol officer on February 22, 2024.
- (2) Move to terminate the Conditional Offer of Employment Agreement with Kyle J. Hamood dated February 22, 2024.

June 4th, 2023

To: Goshen Board of Public Works

From: Center for Healing & Hope

Request for use of portion of City Parking Lot at 315 W. Washington for Festival of Hope

To the Board of Works,

Center for Healing & Hope would like to submit a request to use the easternmost portion of the city parking lot located just north of Goshen Brewing Company at 315 W. Washington (map attached). Use of the lot is for Center for Healing & Hope's 4th annual Festival of Hope. We held this event in the same location last year with great success. I've attached a layout to show exactly what portion of the lot we are requesting use of. Additional details below:

Date of Event: Saturday, July 27th

Time of Event: 5pm-9pm

When do you want to start the lot closure? Saturday, July 27th at 12am (Goshen Brewing Company closes at 10pm, this should allow all patrons to exit the lot by then)

When do you want the lot closure to end? Saturday, July 27th at 11pm

Why do we want to close this portion of the lot? We intend to set up tents, tables, and chairs for nonprofits, children's activities, food vendors, and marketplace vendors and allow for foot traffic throughout this area of the parking lot.

Affected Groups: Goshen Brewing Company – they will be hosting the event and I'm working closely with Jesse Sensenig on the details; Interra – they are a sponsor of the event and have offered use of their parking lot for festival parking; Goshen Farmers Market – the event starts well after the Farmers Market is closed

Do we require any barricades? We would like to request barricades for the orange coned off areas on the attached layout to be put up and taken down per the closure start/end timeframe listed above. In addition, we would like to request "no parking" signs be staked at all parking spots in the requested area the night before.

Will we require use of city power? We would like to request the ability to access the city owned electrical outlets at the north end of the lot. Any necessary insurance documentation will be provided.

Are there any other events happening in the area on this date? None scheduled in the immediate vicinity

We are happy to answer any questions you may have. Thank you for your consideration.



Daniel Tackett – Director of Marketing and Development
dtackett@chhclinics.org | 574-534-4744 ext. 202



Rhonda L. Yoder, AICP
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405
Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185
rhodayoder@goshencity.com • www.goshenindiana.org

MEMORANDUM

To: Board of Public Works & Safety
From: Rhonda L. Yoder, Planning & Zoning Administrator
Date: June 13, 2024
RE: Acceptance of Plat for Goshen Village Shoppes

The secondary subdivision has been submitted for Goshen Village Shoppes, a three-lot major commercial subdivision.

The subject property is generally located at the southeast corner of Meijer Drive and Elkhart Road, with common addresses of 4536, 4542, 4568 and 4580 Elkhart Road, consisting of four tax parcels and containing ± 6.53 acres, zoned Commercial B-3PUD (Planned Unit Development), part of Goshen Village Shoppes PUD.

Subsequent to the original PUD approvals, the property was divided into four tax parcels and has remained under single ownership. The current owner wishes to create three individual lots so individual lots may be sold to separate owners, and to facilitate possible development of the proposed Lot 3.

The subdivision meets the Goshen Village Shoppes PUD and Zoning and Subdivision Ordinance requirements.

The subdivision drainage plan was accepted by the Board of Works on June 6, 2024.

No surety/performance bond is required, as all public infrastructure is existing and no new public infrastructure is proposed.

The plat does not include dedication of right of way, but does include a number of easements.

Please accept the Goshen Village Shoppes plat with easements and sign the plat.

Requested Motion: Move to accept the Goshen Village Shoppes plat with easements.

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	47.77'	30.00'	91°13'54"	S40°29'17"E	42.88'
C2	47.13'	30.00'	90°00'35"	N48°53'33"E	42.43'
C3	99.21'	170.00'	33°26'16"	S20°36'48"W	97.81'
C4	37.77'	80921.14'	0°01'36"	S50°14'05"E	37.77'
C5	17.99'	64.02'	16°06'01"	N20°12'24"E	17.93'
C6	1.10'	80921.14'	0°00'03"	S50°23'40"E	1.10'

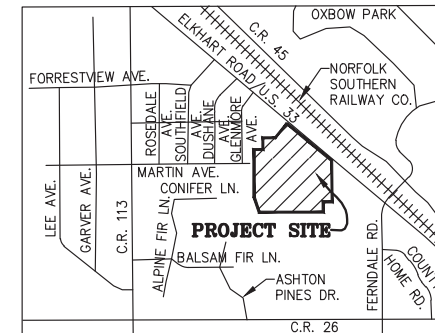
Line Table		
Line #	Bearing	Length
L1	N48°24'46"E	36.16'
L2	N50°09'21"W	23.18'
L3	S81°09'44"W	26.91'
L4	S39°57'37"W	61.58'
L5	S50°02'23"E	38.86'
L6	N50°47'46"W	42.35'
L7	S39°44'32"W	27.02'
L8	N50°15'28"W	85.15'
L9	S39°37'39"W	21.87'
L10	S50°22'21"E	27.90'
L11	S89°59'55"E	17.30'
L12	N61°27'35"E	1.26'

SURVEY LEGEND

- SCI SET REBAR W/YELLOW CAP "ABONMARCHÉ FIRM #0050"
- SMAG SET MAG NAIL
- FCI FOUND CAPPED IRON
- ⊕ FOUND MONUMENT
- FMAG FOUND MAG NAIL
- FIR FOUND REBAR
- FMON FOUND RIGHT OF WAY MONUMENT
- ⊙ GE GAS EASEMENT
- ⊙ DE DRIVE EASEMENT
- ⊙ SD STORMWATER DRAINAGE EASEMENT
- ⊙ CA 10'X20' GUY & ANCHOR EASEMENT
- ▨ UTILITY EASEMENTS (EXISTING)
- ▨ EASEMENTS—NOTED ON DRWG (NEW)

GOSHEN VILLAGE SHOPPES

A PART OF LOT 1 IN MFB FINANCIAL MIDWAY PLANNED UNIT DEVELOPMENT, AS DESCRIBED AND RECORDED IN PLAT BOOK 27, PAGE 96 AND A PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 37 NORTH, RANGE 5 EAST, CITY OF GOSHEN, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.



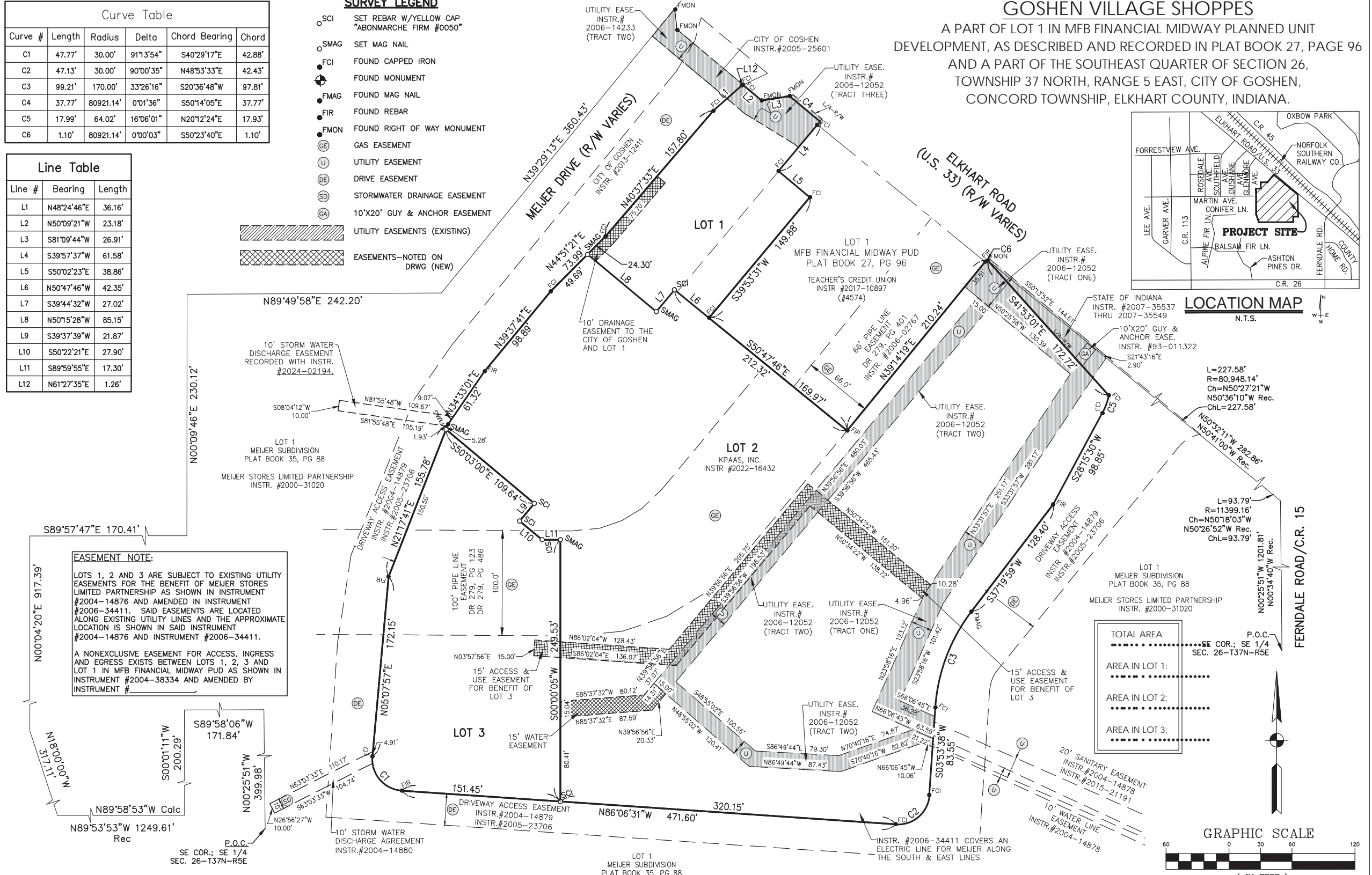
LOCATION MAP

N.T.S.

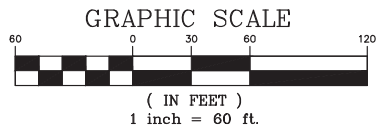
EASEMENT NOTE:
 LOTS 1, 2 AND 3 ARE SUBJECT TO EXISTING UTILITY EASEMENTS FOR THE BENEFIT OF MEIJER STORES LIMITED PARTNERSHIP AS SHOWN IN INSTRUMENT #2004-14876 AND AMENDED IN INSTRUMENT #2006-34411. SAID EASEMENTS ARE LOCATED ALONG EXISTING UTILITY LINES AND THE APPROXIMATE LOCATION IS SHOWN IN SAID INSTRUMENT #2004-14876 AND INSTRUMENT #2006-34411.
 A NONEXCLUSIVE EASEMENT FOR ACCESS, INGRESS AND EGRESS EXISTS BETWEEN LOTS 1, 2, 3 AND LOT 1 IN MFB FINANCIAL MIDWAY PUD AS SHOWN IN INSTRUMENT #2004-38334 AND AMENDED BY INSTRUMENT #

FLOOD NOTE
 THE SUBJECT PARCEL DOES NOT LIE WITHIN 1% ANNUAL CHANCE FLOOD (SPECIAL FLOOD HAZARD AREA) AS SCALED AND DEPICTED ON THE FEMA/FIRM COMMUNITY PANEL NUMBER 18039C0143D, EFFECTIVE MAP DATE: AUGUST 2, 2011.

MINIMUM SETBACKS NOTE:
 SETBACKS ARE REGULATED BY THE GOSHEN VILLAGE SHOPPES PUD
 120' BUILDING - ADJACENT TO ELKHART ROAD, MEASURED FROM THE CENTERLINE
 35' PARKING/AISLE - ADJACENT TO ELKHART ROAD, MEASURED FROM THE PROPERTY LINE
 25' BUILDING - ADJACENT TO MEIJER DRIVE/INTERNAL MEIJER ACCESS DRIVE
 10' PARKING/AISLE - ADJACENT TO MEIJER DRIVE/ INTERNAL MEIJER ACCESS DRIVE



TOTAL AREA	
AREA IN LOT 1:
AREA IN LOT 2:
AREA IN LOT 3:



JOB NO.: 22-1919
 DATE: APRIL 2024
 SHEET 1 OF 2

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 BENTON HARBOR
 GRAND HAVEN
 FORT WAYNE
 VALPARAISO
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MEMORANDUM

To: Board of Public Works & Safety
From: Rhonda L. Yoder, Planning & Zoning Administrator
Date: June 13, 2024
RE: Acceptance of Plat for Red Oak Subdivision

The secondary subdivision has been submitted for Red Oak, a two-lot major commercial subdivision, to create a lot for a permanent conservation easement/tree preserve. The subject property is generally located on the south side of Eisenhower Drive North, west of Caragana Court, with a common address of 2312 Eisenhower Drive North, containing ± 1.8 acres, zoned Commercial B-3.

The Red Oak subdivision meets the requirements of the Subdivision Ordinance and Zoning Ordinance, except as granted by the Board of Zoning Appeals on January 23, 2024, to allow a lot with no street frontage and no direct street access.

The Board of Works granted a wavier for the subdivision drainage plan on May 23, 2024.

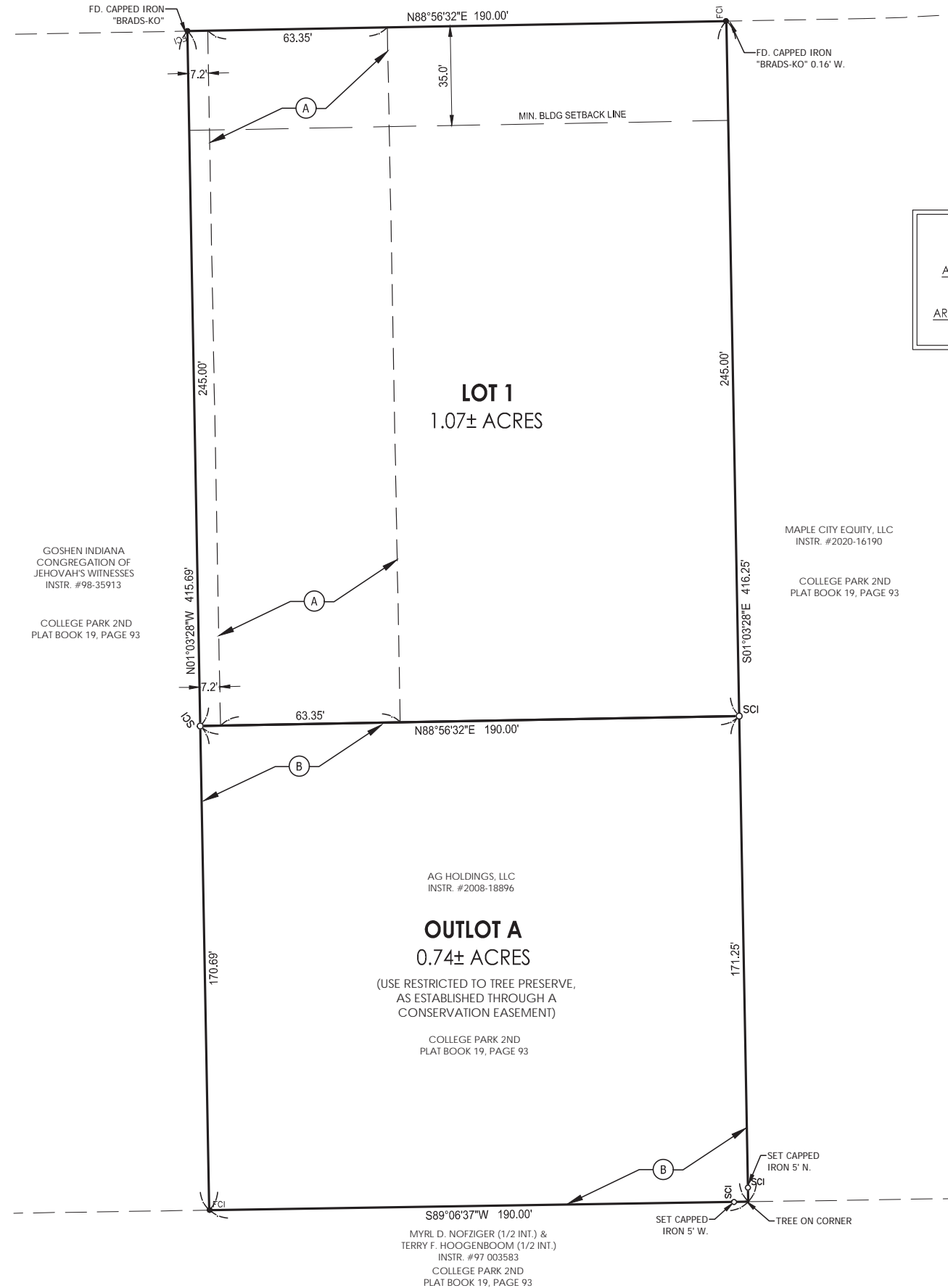
No surety/performance bond is required, as all public infrastructure is existing and no new public infrastructure is proposed.

The plat does not include dedication of right of way, but does include a number of easements.

Please accept the Red Oak plat with easements and sign the plat.

Requested Motion: Move to accept the Red Oak plat with easements.

EISENHOWER DRIVE NORTH 80' R/W



TOTAL AREA
1.81± ACRES
AREA IN LOT #1
1.07± ACRES
AREA IN OUTLOT A
0.74± ACRES

GOSHEN INDIANA
CONGREGATION OF
JEHOVAH'S WITNESSES
INSTR. #98-35913

COLLEGE PARK 2ND
PLAT BOOK 19, PAGE 93

MAPLE CITY EQUITY, LLC
INSTR. #2020-16190

COLLEGE PARK 2ND
PLAT BOOK 19, PAGE 93

AG HOLDINGS, LLC
INSTR. #2008-18896

OUTLOT A
0.74± ACRES
(USE RESTRICTED TO TREE PRESERVE,
AS ESTABLISHED THROUGH A
CONSERVATION EASEMENT)

COLLEGE PARK 2ND
PLAT BOOK 19, PAGE 93

MYRL D. NOFZIGER (1/2 INT.) &
TERRY F. HOOGENBOOM (1/2 INT.)
INSTR. #97 003583
COLLEGE PARK 2ND
PLAT BOOK 19, PAGE 93

RED OAK

A PART OF THE RECORDED PLAT OF COLLEGE PARK SECOND
(PLAT BOOK 19, PAGE 93), SAID PLAT BEING SITUATED IN
SECTION 23, TOWNSHIP 36 NORTH, RANGE 6 EAST,
CITY OF GOSHEN, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA

LEGAL DESCRIPTION-INSTR. #2008-18896

A PART OF THE RECORDED PLAT OF COLLEGE PARK SECOND AS RECORDED IN PLAT BOOK 19, PAGE 93 IN THE ELKHART COUNTY RECORDER'S OFFICE, BEING SITUATED IN A PART OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID RECORDED PLAT, ALSO BEING THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 00 DEGREES 08 MINUTES 16 SECONDS WEST ALONG THE WEST LINE OF SAID PLAT AND THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 625.19 FEET TO THE SOUTH RIGHT OF WAY LINE OF EISENHOWER DRIVE NORTH; THENCE NORTH 89 DEGREES 33 MINUTES 52 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 170.00 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89 DEGREES 33 MINUTES 52 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 190.00 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 08 SECONDS EAST, A DISTANCE OF 416.24 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 57 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID RECORDED PLAT, A DISTANCE OF 190.00 FEET; THENCE NORTH 00 DEGREES 26 MINUTES 08 SECONDS WEST, A DISTANCE OF 415.69 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND CONDITIONS OF RECORD.

LEGEND

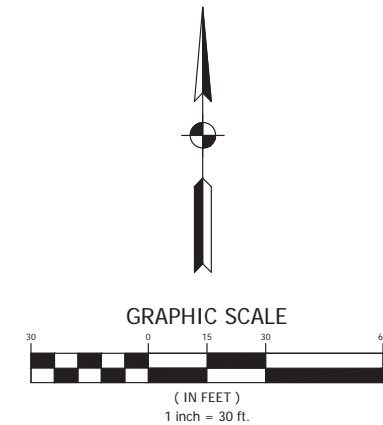
- SCI - SET 5/8" REBAR, 24" LONG WITH ID CAP "ABONMARCHÉ FIRM #50"
- FCI - FOUND CAPPED REBAR
- FIR - FOUND IRON REBAR OR ROD
- Ⓐ - PROPOSED CROSS ACCESS, PARKING AND DRAINAGE EASEMENT ACROSS LOT #1 FOR BENEFIT OF OUTLOT A.
- Ⓑ - PROPOSED DRAINAGE EASEMENT ACROSS ENTIRE OUTLOT A FOR BENEFIT OF LOT #1.

FLOOD NOTE

THIS PARCEL IS NOT WITHIN 1% ANNUAL CHANCE FLOOD (SPECIAL FLOOD HAZARD AREA) AS SCALED AND DEPICTED ON THE FEMA/FIRM COMMUNITY PANEL NUMBER 18039C0266D, EFFECTIVE MAP DATE: AUGUST 2, 2011.

OWNER

AG HOLDINGS, LLC
2312 EISENHOWER DRIVE NORTH
GOSHEN, IN 46526



ABONMARCHÉ

303 River Race Drive, Unit 206
Goshen, IN 46526
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Grand Haven
Fort Wayne
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Grand Rapids
Hobart
Lafayette
South Bend
Kalamazoo

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Engineering · Architecture · Land Surveying

JOB NO.: 23-1527
DATE: JUNE, 2024
SHEET 1 OF 2

C:\Projects\2023\23-1527 Eisenhower 2-Lot Major CAD\Survey Drawings\23-1527 Secondary.dwg

RED OAK

A PART OF THE RECORDED PLAT OF COLLEGE PARK SECOND
(PLAT BOOK 19, PAGE 93), SAID PLAT BEING SITUATED IN
SECTION 23, TOWNSHIP 36 NORTH, RANGE 6 EAST,
CITY OF GOSHEN, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA

STATEMENT OF UTILITIES

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF GOSHEN, ALL PUBLIC UTILITY COMPANIES INCLUDING COMMUNICATION COMPANIES, NORTHERN INDIANA PUBLIC SERVICE COMPANY, AND SEVERAL PRIVATE UTILITY COMPANIES WHERE THEY HAVE A CERTIFICATE OF TERRITORIAL AUTHORITY TO RENDER SERVICE AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, PLACE, AND MAINTAIN SEWERS, WATER MAINS, GAS MAINS, ELECTRIC LINES, CONDUITS, BRACES, GUYS, ANCHORS AND OTHER PUBLIC AND PRIVATE APPURTENANCES IN, UPON, ALONG AND OVER THE STRIPS OF LAND DESIGNATED ON THE PLAT MARKED "UTILITY EASEMENT" FOR THE PURPOSES OF SERVICING THE PUBLIC IN GENERAL WITH SEWER, WATER, GAS, ELECTRIC, AND COMMUNICATION SERVICE, AND OTHER PUBLIC AND PRIVATE UTILITIES, INCLUDING THE RIGHT TO USE THE STREETS, WHERE NECESSARY AND TO OVERHANG LOTS WITH AERIAL SERVICE WIRES TO SERVE LOTS ADJACENT TO EASEMENTS, TOGETHER WITH THE RIGHT TO ENTER UPON SAID EASEMENTS FOR PUBLIC UTILITIES AT ALL TIMES FOR ANY OF THE PURPOSES AFORESAID AND TO TRIM AND KEEP TRIMMED ANY TREES, SHRUBS, OR SAPLINGS THAT INTERFERE WITH ANY SUCH UTILITY EQUIPMENT. NO PERMANENT BUILDING OR IMPROVEMENT, SEMI-PERMANENT STRUCTURE, TREE, OR FENCE SHALL BE PLACED ON SAID EASEMENT, THE SAME MAY BE USED FOR GARDENS, SHRUBS, UNFIXED LANDSCAPING, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE USE OF SAID EASEMENT FOR SUCH PUBLIC UTILITY PURPOSES.

CITY OF GOSHEN, INDIANA DRAINAGE MAINTENANCE STATEMENT

THE CITY OF GOSHEN, INDIANA IS A MUNICIPAL SEPARATE STORM SEWER (MS4) COMMUNITY GOVERNED BY INDIANA'S MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT (INR040000). THE CITY OF GOSHEN'S POST CONSTRUCTION STORM WATER ORDINANCE REQUIRES THE OWNER AND ITS ASSIGNS TO EXECUTE A STORM WATER MAINTENANCE COVENANT FOR THE OPERATION, MAINTENANCE, AND REPAIR OF ALL STORM WATER MANAGEMENT FACILITIES, AS DESCRIBED IN THE DEVELOPMENT'S "POST CONSTRUCTION STORM WATER MANAGEMENT PLAN". TO ADMINISTER THE "POST CONSTRUCTION STORM WATER MANAGEMENT PLAN", THE OWNER AND ITS ASSIGNS SHALL MAINTAIN AN ACCESS AND MAINTENANCE EASEMENT OVER THE STORM WATER SYSTEM AND A FUNDING MECHANISM FOR THE MAINTENANCE OF SAID STORM WATER SYSTEM. ANY CHANGES TO THE MAINTENANCE AGREEMENT BY THE DEVELOPMENT AND/OR THE ASSIGNS SHALL BE APPROVED BY THE DEPARTMENT OF STORM WATER MANAGEMENT AND THEN RECORDED WITH THE ELKHART COUNTY RECORDER.

AT A MINIMUM, THE "STORM WATER MAINTENANCE POLLUTION PREVENTION PLAN" SHALL REQUIRE THE MAINTENANCE OF ALL DRAINAGE FACILITIES INCLUDING CULVERTS AND SWALES. NO OWNER OR ITS ASSIGN SHALL PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED, REMOVED OR IN ANY WAY IMPEDE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES. IN THE EVENT ANY SUCH FACILITIES BECOME DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE OWNER AND ITS ASSIGNS TO REPAIR SUCH FACILITIES AT THE COLLECTIVE'S EXPENSE.

THE CITY OF GOSHEN WILL ENFORCE THE "POST CONSTRUCTION STORM WATER MANAGEMENT PLAN," AND SHALL TAKE LEGAL ACTION, IF NECESSARY, AGAINST ANY PARTY IN NON-COMPLIANCE.

IN THE EVENT AN OWNER OR ITS ASSIGNS FAIL TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD WORKING ORDER AND REPAIR, THE CITY OF GOSHEN, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COSTS OF SUCH REPAIR TO THE OWNER AND ITS ASSIGNS. THE CITY OF GOSHEN, INDIANA, IS GRANTED AN EASEMENT ACROSS THE OWNER AND ASSIGNS' REAL ESTATE FOR THE PURPOSE OF REPAIRING AND INSPECTING ANY DRAINAGE FACILITIES ON SAID OWNER OR ASSIGNS' REAL ESTATE. THE AMOUNT OF ANY ASSESSMENT FOR THE COSTS OF REPAIR, AS ASSESSED BY THE CITY, SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE OF THE OWNER AND ASSIGNS, AND AN ENCUMBRANCE UPON THE TITLE TO SAID REAL ESTATE.

THE CITY OF GOSHEN, INDIANA, IS FURTHER GRANTED RIGHT OF ACTION FOR THE COLLECTION OF SAID INDEBTEDNESS FROM THE OWNER AND ASSIGNS, AND FOR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF SAID STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA, AND SHALL BE COMMENCED IN ELKHART COUNTY, INDIANA.

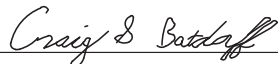
LAND SURVEYOR'S CERTIFICATE

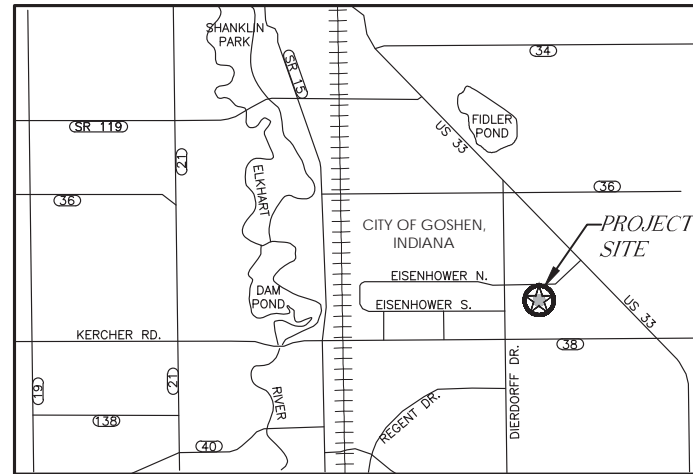
I, CRAIG S. BATDORFF, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAT CORRECTLY REPRESENTS A RETRACEMENT SURVEY COMPLETED BY GREGORY C. SHOCK, PS, BRADS-KO ENGINEERING & SURVEYING/ABONMARCHÉ; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE PLATTING ORDINANCE; AND THAT THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE ACCURATELY SHOWN.

THIS PLAT IS IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 29 OF THE INDIANA ADMINISTRATIVE CODE. THE BOUNDARY LINES OF THIS PLAT CONFORM TO A SURVEY MADE BY GREGORY C. SHOCK, PS, BRADS-KO ENGINEERING AND SURVEYING AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA IN INSTRUMENT #2006 32184, THE LINES OF THE PLAT OF THE CROSSING RECORDED IN PLAT BOOK 32, PAGE 37.

I, CRAIG S. BATDORFF, PS, AFFIRM, UNDER PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

DATED THIS 3rd DAY OF JUNE, 2024.


CRAIG S. BATDORFF, PS
PROFESSIONAL LAND SURVEYOR #21200006
STATE OF INDIANA



LOCATION MAP
N.T.S.

AUDITOR

DULY ENTERED FOR TAXATION THIS _____ DAY OF _____

20_____, _____ ELKHART COUNTY AUDITOR.
PATRICIA A. PICKENS

RECORDER

RECEIVED FOR RECORD THIS _____ DAY OF _____

20____ AT _____ AND RECORDED IN PLAT BOOK _____ PAGE _____

FEE: _____ ELKHART COUNTY RECORDER
KAALA BAKER

ACCEPTANCE OF DEDICATION

BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY, CITY OF GOSHEN, INDIANA THAT THE DEDICATIONS ON THIS PLAT ARE HEREBY APPROVED AND ACCEPTED THIS

_____ DAY OF _____, 20____.

MAYOR GINA LEICHTY

MICHAEL A. LANDIS

ORV MYERS

BARB SWARTLEY

MARY NICHOLS

PLAN COMMISSION STAFF APPROVAL

UNDER THE AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF GOSHEN, AS FOLLOWS:

APPROVED BY THE ZONING ADMINISTRATOR ON BEHALF OF THE CITY PLANNING COMMISSION ON THIS

_____ DAY OF _____, 20____.

RHONDA YODER
ZONING ADMINISTRATOR

CERTIFICATE OF OWNERSHIP

I (WE) THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED IN THE ABOVE CAPTIONED AND THAT AS SUCH OWNERS WE HAVE CAUSED THE ABOVE DESCRIBED TO BE SURVEYED AS SHOWN ON THE HERON DRAWN PLAT AS OUR FREE AND VOLUNTARY ACT AND DEED.

AG HOLDINGS, LLC

EVAN J. MILLER, VICE PRESIDENT

DEED OF DEDICATION

I (WE) THE UNDERSIGNED EVAN J. MILLER, VICE PRESIDENT OWNER(S) OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAY OFF, PLAT, AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS RED OAK.

ALL STREETS AND ALLEYS AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC.

THE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED "EASEMENT", RESERVED FOR THE USE OF THE PUBLIC UTILITIES FOR THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES AND WIRES AND DRAINAGE FACILITIES SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERRECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES, AND TO THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

AG HOLDINGS, LLC

EVAN J. MILLER, VICE PRESIDENT

NOTARY PUBLIC CERTIFICATE

STATE OF INDIANA) SS:
COUNTY OF ELKHART)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME EVAN J. MILLER, VICE PRESIDENT ON BEHALF OF AG HOLDINGS, LLC AND ACKNOWLEDGED THE EXECUTION OF THIS PLAT.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 20____.

MARCH 29, 2030

NOTARY SIGNATURE

MY COMMISSION EXPIRES

RESIDENT OF ELKHART COUNTY, INDIANA

TANYA R. MILLER

NP0740172

NOTARY PRINTED NAME

COMMISSION NUMBER



ABONMARCHÉ

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Goshen Benton Harbor Grand Rapids
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CITY OF GOSHEN LEGAL DEPARTMENT

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

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
www.goshenindiana.org

June 13, 2024

To: Board of Public Works and Safety

From: Brandy L. Toms

Subject: Agreement Amendment with Peerless Midwest, Inc for additional testing for a potential new well field just North of Goshen Airport

Attached for the Board's approval and to authorize Mayor Leichty to execute is an Amendment Agreement with Peerless Midwest, Inc. for additional testing for a potential new well field just north of Goshen Airport.

After initial testing was conducted by Peerless, the results determined that additional testing was necessary to account for drawdown interference associated with operating the proposed wells simultaneously. The cost of this additional necessary testing is \$16,740.

Suggested Motion:

Approve and authorize Mayor Leichty to execute the Amendment Agreement with Peerless Midwest, Inc for additional testing needed for a potential new well field just north of Goshen Airport at a cost of \$16,740.

AMENDMENT NO. 1

AGREEMENT WITH PEERLESS MIDWEST, INC. FOR TESTING FOR POTENTIAL NEW WELL

THIS AMENDMENT is entered into on _____, 2024, which is the last signature date set forth below, by and between **Peerless Midwest, Inc.** (“Peerless”), whose mailing address is 55860 Russell Industrial Parkway, Mishawaka, Indiana, and **City of Goshen, Indiana**, a municipal corporation and political subdivision of the State of Indiana acting through the Goshen Board of Public Works and Safety (“City”).

RECITALS

- (A) City and Peerless entered into an Agreement on April 19, 2024 for testing for a potential new well at City owned property known as Noel Farms.
- (B) Additional testing is needed to account for drawdown interference associated with operating the proposed wells simultaneously.
- (C) Any modification or amendment to the terms and conditions of the Agreement shall be made in writing and signed by both parties.

In consideration of the terms, conditions and mutual covenants to be kept and performed under the original Agreement, and under the terms, conditions and mutual covenants of this Amendment, the parties agree as follows:

SECTION 1. Scope of Services

1.01 The Agreement shall be amended by adding the following Services:

- (A) Peerless shall conduct a contact rate pumping test at TW-24B to determine the aquifer hydraulic parameters to determine if additional test drilling locations are needed. A detailed Scope of Services can be found in the proposal from Peerless attached hereto, marked at **Exhibit A**, and made a part herein.

SECTION 2. Effective Date; Term

- 2.01 The Amendment shall become effective on the day of execution and approval by both parties.
- 2.02 Peerless understands that time is of the essence and the scope of services included in this Amendment need to be completed as soon as possible.

SECTION 3. Compensation

- 3.01 City agrees to compensate Peerless the sum of Sixteen Thousand Seven Hundred Forty Dollars (\$16,740) for performing the Services under this Amendment.

SECTION 4. Original Agreement

In all respects, all other provisions of the original Agreement not affected by this Amendment shall remain in full force and effect.

SECTION 5. Authority to Execute

The undersigned affirm that all steps have been taken to authorize execution of this Amendment, and upon the undersigned's execution, bind their respective organizations to the terms of the Amendment.

IN WITNESS WHEREOF, the parties have executed this Amendment on the dates as set forth below.

City of Goshen, Indiana
Goshen Board of Public Works and Safety

Peerless Midwest, Inc.

Gina Leichy, Mayor

Adam L. Gersbauer, Project Manager

Date Signed: _____

Date Signed: _____



Mishawaka, IN / 574.254.9050
Tipton, IN / 317.896.2987
Ionia, MI / 616.527.0050
Fenton, MI / 810.215.1295
Lombard, IL / 630.708.3212
Boulder, CO / 574.286.0765
Littleton, CO / 303.968.7920

April 11, 2024

Mr. Marv Shepherd
City of Goshen
308 N. Fifth St.
Goshen, Indiana 46526

RE: Professional Services – Well Interference Testing

Dear Marv:

Peerless-Midwest, Inc. (PMI) appreciates this opportunity to provide professional hydrogeologic services to the Goshen Water Department (PWSID#IN5220009) for testing the possible interference effects in the potential new well field located just North of the Goshen Airport.

Following the recent test drilling, we can establish that the maximum total wellfield capacity is 3,749 GPM with a firm capacity of 2,599 GPM. These two numbers are assuming that each well will be able to be pumped at 100%. In the real world, we know that pumping a well at 100% creates a cone of depression. A cone of depression is a circular area surrounding a well where groundwater levels are reduced from pumping. In an unconfined aquifer, this is an actual depression of the water levels, which can affect the nearby wells. This depression of the water level can create interference between wells, ultimately reducing the productivity of the wells.

We are proposing performing an interference pump test to determine the level of interference we can expect in these wells. We hope this will give us a more realistic wellfield capacity.

If the City determines the wellfield capacity would be inadequate for the need, more wells may be needed. The interference test will help inform us how far away from the other wells we need to move to minimize interference effects.

Additionally, PMI recommends collecting water quality samples for general chemistry, metals, semi-volatile organic compounds, PFOS/PFOA, and volatile organic compounds to determine if the water quality is satisfactory for public consumption.

The cost to provide the labor and material to perform this interference test and water chemistry is \$16,740.00

We appreciate the opportunity to provide you with this service agreement and look forward to working with you on this project. If you have any questions or want to discuss this proposal further, please call (574) 254-9050.

Sincerely,



Adam L. Gerstbauer

Adam L. Gerstbauer

Project Manager

574.252.5896 (Direct)

574.254.9050 (Office)

574.276.6059 (Cell)

Adam.gerstbauer@peerlessmidwest.com

Cc Dustin Sailor/City of Goshen

Marv Shepherd/City of Goshen

PEERLESS-MIDWEST, INC.

55860 Russell Industrial Parkway
Mishawaka, IN 46545
574-254-9050



**PEERLESS
MIDWEST**
An Employee Owned Company

Goshen Water Department

308 North Fifth St.

Goshen, IN 46526

Attn: Mr. Marv Shepherd

Our No: ALG-05312024

Date: May 31, 2024

REFERENCE **New Wellfield Development Interference Pump Test**

QUANTITY	DESCRIPTION	PRICE
	<p>-To account for drawdown interference associated with operating the proposed wells simultaneously. To determine the potential groundwater withdrawal quantity at this property, PMI recommends conducting a constant rate pumping test at TW-24B to determine the aquifer hydraulic parameters. The aquifer hydraulic parameters will allow for use of an analytical groundwater model to calculate the drawdown interference effects associated with simultaneous operation of the four proposed wells and whether the design capacities can be maintained with minimal interference. If drawdown interference restricts the withdrawal capacities from the four proposed wells, the analytical groundwater model can be used to determine additional test drilling locations on the property that would result in minimal drawdown interference.</p> <p>-Additionally, PMI recommends collecting water quality samples for general chemistry, metals, semivolatile organic compounds, PFOS/PFOA, and volatile organic compounds to determine if the water quality is satisfactory for public consumption.</p> <p>Labor and Material to Preform the Test Described Above and Provide Report.</p> <p>STATE SALES TAX, IF APPLICABLE, IS NOT INCLUDED</p>	<p>\$16,740.00</p>

TERMS NET-30

Total \$16,740.00

START _____

COMPLETE _____

PEERLESS-MIDWEST, INC.

ACCEPTED BY _____

BY Adam L. Gerstbauer
Adam L. Gerstbauer



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

June 11, 2024

To: Board of Public Works and Safety

From: Don Shuler, Assistant City Attorney

Subject: Approval of Grant of Drainage Easement for Cherry Creek Development

It is recommended the Board approve the attached Drainage Easement granting an easement to Cherry Creek, LLC on city-owned land at the southeast corner of Regent Street and Waterford Mills Parkway. As part of the Economic Development Agreement with Cherry Creek, LLC, the City agreed to permit construction of a series of retention ponds on city-owned land, including the area described in the attached Easement document. The Easement grants Cherry Creek, LLC access to the land to complete construction of necessary facilities to permit drainage, while requiring Cherry Creek to maintain any installed facilities. Cherry Creek is also required to indemnify the City for its entry onto and use of the easement area.

Suggested Motion:

Move to approve the Easement to Cherry Creek, LLC for drainage on City-owned land at the southeast corner of Regent Street and Waterford Mills Parkway, and authorize the Mayor to execute the grant of Easement.

EASEMENT

City of Goshen, Indiana, a municipal corporation and political subdivision of the State of Indiana (“City”), whose mailing address is 202 South Fifth Street, Goshen, Indiana 46528, grants to **Cherry Creek, LLC**, an Indiana limited liability company (“Grantee”), whose mailing address is 1630 Timberline Drive, Goshen, Indiana 46526, for One Dollar (\$1.00) and other good and valuable consideration, an easement over, across, and through real property situated in Elkhart County, State of Indiana, described in Exhibit A attached hereto and made a part hereof, and depicted on the Easement Sketch attached hereto and made a part hereof as Exhibit B (hereinafter referred to as “Easement”).

The Easement is part of Parcel Number 20-11-27-377-001.000-015. Grantor obtained title to the real property on which the Easement is located by Warranty Deed dated January 10, 2008 and recorded January 11, 2008, in the Office of the Recorder of Elkhart County, Indiana, as Instrument No. 2008-00782.

The Easement is granted and conveyed to Grantee for drainage and storm water utility purposes. City grants Grantee access to the Easement for the purposes of accessing, installing, operating, and maintaining drainage and storm water utility facilities, including any appurtenances as may be required. Grantee shall construct a transport ditch or swale within the Easement. Grantee shall be maintain this transport ditch or swale, such maintenance to include all landscaping, mowing and maintenance of vegetation as well as removal of vegetation, trash or other obstacles that would impede the flow of stormwater. Repair required by changes of upstream flow or any future alteration of the transport ditch or swale to accommodate increased flow of stormwater shall be the Grantee’s responsibility, and the Grantee shall have access to the Easement for the purpose of performing those functions that are the Grantee’s responsibility.

City may use, occupy, and possess the Easement in a manner that is consistent with and does not interfere with Grantee’s rights contained in this Easement.

Grantee is responsible for maintaining all improvements made by Grantee to the Easement, specifically to any and all stormwater drainage facilities. Grantee shall promptly pay for or otherwise rectify any damage caused by Grantee to the Easement or to City’s adjoining real property caused by Grantee’s entry upon the Easement or adjoining real property.

Grantee agrees to indemnify and hold harmless Grantor from and against any and all claims, liabilities, losses, damages, penalties, fines, costs, and expenses, including reasonable attorney's fees, of whatsoever kind or nature arising out of or in any way connected with Grantee's use, maintenance, or repair of the Easement, or Grantee's violation of any of the terms of this Easement document. Grantee further agrees to maintain, at its sole cost and expense, general liability insurance naming City as an additional insured, with minimum limits of liability of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Grantee shall provide City with a certificate of insurance evidencing such coverage prior to the commencement of any use of the Easement and thereafter upon renewal.

The terms of this Easement shall run with the land and be binding upon and inure to the benefit of the heirs, assigns, and successors in interest of the parties. The undersigned represents and certifies that such person is a duly authorized representative of City and has been fully empowered to execute this Easement on behalf of City; that the City has full capacity to grant the Easement described; and that all necessary action for granting this Easement has been taken.

IN WITNESS WHEREOF, the undersigned has executed this Easement on June 13, 2024.

CITY OF GOSHEN, INDIANA

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 Gina M. Leichty, as Mayor of the City of Goshen, Indiana, and acknowledged that in said capacity she executed the foregoing Easement on June 13, 2024, for and on behalf and in the name of the City of Goshen, Indiana, for the uses and purposes therein mentioned, and that she was authorized to do so.

WITNESS my hand and notarial seal.

Notary Public

ACCEPTANCE

Cherry Creek, LLC, the Grantee under the above Easement, hereby acknowledges receipt of this Easement from the City of Goshen, Indiana, Department of Redevelopment, agrees to be bound by the terms thereof, and otherwise accepts the Easement on this _____, 2024.

The undersigned represents and warrants that she is a duly elected officer of the Grantee; that the Grantee is a limited liability company validly existing in the State of its origin and, where required, in the State where the Easement is situated; that the Grantee has full corporate capacity to accept the Easement herein described and agree to be bound by the terms thereof; and that she has full authority to accept this Easement and otherwise bind Grantee to the terms and conditions of this Easement.

CHERRY CREEK, LLC

By: _____
Tonya Detweiler, Member

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Tonya Detweiler, Member for Cherry Creek, LLC, the Grantee in the above Easement, and acknowledged the execution of the foregoing instrument on _____, 2024 as the person's voluntary act for the uses and purposes therein mentioned and that she was authorized to do so.

WITNESS my hand and notarial seal.

Notary Public

This instrument was prepared by Donald R. Shuler, Attorney No. 26587-71, City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, (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 (Donald R. Shuler).

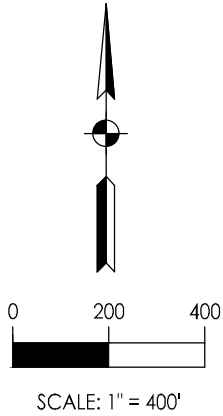
Exhibit A – Legal Description

EXHIBIT A

A PART OF SECTION 27, TOWNSHIP 36 NORTH,
RANGE 6 EAST, CITY OF GOSHEN, ELKHART TOWNSHIP,
ELKHART COUNTY, INDIANA

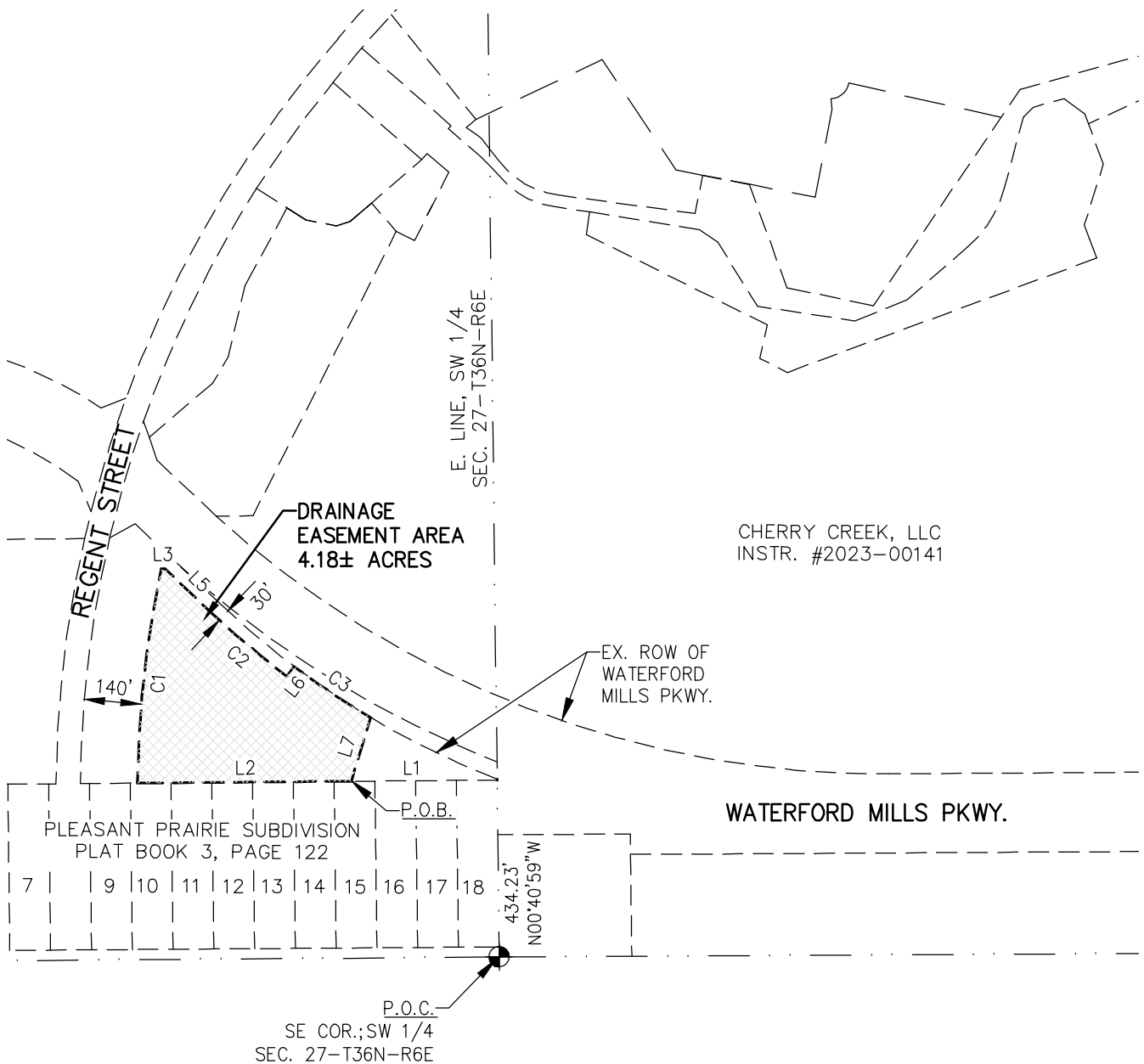
Line Table

Line #	Bearing	Length
L1	S89°30'26"W	357.79'
L2	S89°30'26"W	524.17'
L3	N89°35'08"E	8.81'
L4	S46°39'04"E	154.61'
L5	N36°53'21"E	30.00'
L6	S16°56'40"W	162.93'



Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	529.42'	2619.89'	11°34'41"	N6°20'52"E	528.52'
C2	243.50'	2105.00'	6°37'40"	S49°47'49"E	243.37'
C3	226.36'	2075.00'	6°15'01"	S56°14'09"E	226.24'



303 River Race Drive, Unit 206
Goshen, IN 46526
T 574.533.9913
F 574.533.9911
abonmarcche.com

Benton Harbor
Ft. Wayne
Goshen
Grand Haven
Hobart

Lafayette
Portage
South Bend
Valparaiso
South Haven

PREPARED FOR:

CITY OF GOSHEN

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SCALE: 1" = 400'

JOB #: 22-1784

SHEET 1 OF 2

Exhibit B – Easement Sketch

EXHIBIT B

A PART OF SECTION 27, TOWNSHIP 36 NORTH,
RANGE 6 EAST, CITY OF GOSHEN, ELKHART TOWNSHIP,
ELKHART COUNTY, INDIANA

DRAINAGE EASEMENT DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, AS DEPICTED ON THE ATTACHED PARCEL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHWEST QUARTER; THENCE NORTH 00°40'59" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 434.23 FEET TO THE NORTHEAST CORNER OF PLEASANT PRAIRIE SUBDIVISION (RECORDED IN RECORD 3, PAGE 122); THENCE SOUTH 89°30'26" WEST, ALONG THE NORTH LINE OF SAID PLEASANT PRAIRIE SUBDIVISION, 357.79 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 89°30'26" WEST ALONG THE SOUTH LINE OF SAID PLEASANT PRAIRIE SUBDIVISION, 524.17 FEET TO A POINT OF CURVATURE OF A 2619.89 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID CURVE, 529.42 FEET (CHORD BEARING NORTH 06°20'52" EAST, CHORD DISTANCE, 528.52 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 89°35'08" EAST, 8.81 FEET; THENCE SOUTH 46°39'04" EAST, PARALLEL WITH THE RIGHT OF WAY OF WATERFORD MILLS PARKWAY, 154.61 FEET TO THE POINT OF CURVATURE OF A 2105.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG SAID CURVE, 243.50 FEET (CHORD BEARING SOUTH 49°47'49" EAST, CHORD DISTANCE, 243.37 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 36°53'21" EAST, 30.00 FEET TO THE SOUTH RIGHT OF WAY OF WATERFORD MILLS PARKWAY; THENCE ALONG A 2075.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SOUTH LINE OF THE RIGHT OF WAY OF WATERFORD MILLS PARKWAY, 226.36 FEET (CHORD BEARING SOUTH 56°14'09" EAST, CHORD DISTANCE 226.24 FEET) TO A POINT ON THE SOUTH RIGHT OF WAY LINE; THENCE SOUTH 16°56'40" WEST, 162.93 FEET TO THE PLACE OF BEGINNING.

CONTAINING 4.18 ACRES, MORE OR LESS.



303 River Race Drive, Unit 206
Goshen, IN 46526
T 574.533.9913
F 574.533.9911
abonmarche.com

Benton Harbor
Ft. Wayne
Goshen
Grand Haven
Hobart

Lafayette
Portage
South Bend
Valparaiso
South Haven

PREPARED FOR:

CITY OF GOSHEN

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SCALE:

JOB #: 22-1784

SHEET 2 OF 2

*****REQUEST*****

DATE: Thursday, June 13, 2024

TO: GOSHEN BOARD OF WORKS

FROM: GOSHEN WATER & SEWER
KELLY SAENZ

RE: UNPAID FINAL ACCOUNTS

The original amount of unpaid final Water/Sewer accounts for this period was **\$6,699.85**
Collection letters were sent out and payments of **\$1,183.73** had been collected.

The uncollected amount equals **\$5,516.12**

Therefore I am requesting to move our uncollected finaied accounts from active to Collection,
Sewer Liens and Write offs.

These are accounts for the most part were finaied thru **Tuesday, March 26, 2024**

WATER: \$4,019.90
SEWER: \$1,496.22

TOTALS

REPORT TOTAL		\$6,699.85
BPS TOTAL	\$3,248.21	\$3,451.64
COUNTY TOTAL	\$1,391.17	\$2,060.47
W-WRITE OFF	\$264.72	\$1,795.75
S-WRITE OFF	\$612.02	\$1,183.73
PAYMENT TOTAL	\$1,183.73	\$0.00
AGREEMENT TOTAL		



**Engineering Department
CITY OF GOSHEN**

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

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Board of Public Works & Safety

FROM: Goshen Engineering

RE: **EAST COLLEGE AVENUE ROAD CLOSURE (JN: 2020-0036)**

DATE: June 13, 2024

Niblock Excavating has requested permission to close College Avenue from Century Drive east to City limits from Monday, June 17 through Friday, June 21, 2024. The closure is being requested in order to reconstruct the existing roadway following extensive construction traffic from the East College Avenue Development project. Access will be maintained for residents and businesses within the closure. All appropriate traffic control devices will be utilized. A detour map will be provided at the Board of Works meeting.

Requested Motion: Move to approve the closure of College Avenue from Century Drive east to City limits from Monday, June 17 through Friday, June 21, 2024.

**APPROVED:
BOARD OF PUBLIC WORKS & SAFETY
CITY OF GOSHEN, INDIANA**

Gina Leichty, Mayor

Barb Swartley, Member

Mary Nichols, Member

Orv Myers, Member

Michael Landis, Member



**Engineering Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Board of Public Works & Safety

FROM: Goshen Engineering

RE: **NIPSCO LANE RESTRICTION REQUEST – COLLEGE AVENUE
(JN: 2022-2030)**

DATE: June 13, 2024

NIPSCO has requested permission to restrict the south lane of College Avenue near Main Street to relocate their gas utility service for the Goshen College Westlawn renovations. The lane restrictions are anticipated to be completed within one day and to be scheduled sometime within the week of June 17, 2024.

Requested Motion: Move to approve NIPSCO's request to perform daytime lane restrictions on College Avenue in front of Goshen College for one day within the week of June 17, 2024.

**APPROVED:
BOARD OF PUBLIC WORKS & SAFETY
CITY OF GOSHEN, INDIANA**

Gina Leichty, Mayor

Barb Swartley, Member

Mary Nichols, Member

Orv Myers, Member

Michael Landis, Member



**Engineering Department
CITY OF GOSHEN**

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engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Board of Public Works & Safety

FROM: Goshen Engineering

RE: **REQUEST TO RESTRICT ON-STREET PARKING – LIGHTHOUSE LANE**

DATE: June 13, 2024

The Engineering Department received a request to restrict parking on Lighthouse Lane, off of County Road 19, in the The Crossing subdivision. The request was brought to the May 16, 2024, Traffic Commission meeting. In discussion with the requesting resident, who was also in attendance, the main issue was clarified as vehicles parking too close to the entrance to CR 19, making entry and exit difficult. By state statute, vehicles may not park within 30 feet of a stop sign and 20 feet of a crosswalk. The Commission voted unanimously with a positive recommendation to install No Parking signs and paint the curb yellow between CR 19 and the first residential drives on Lighthouse Lane.

Requested Motion: Move to approve the installation of No Parking signs and yellow paint on both sides of Lighthouse Lane west of the drives at 1935 and 1936 Lighthouse Lane.

**APPROVED:
BOARD OF PUBLIC WORKS & SAFETY
CITY OF GOSHEN, INDIANA**

Gina Leichty, Mayor

Barb Swartley, Member

Mary Nichols, Member

Orv Myers, Member

Michael Landis, Member



**Engineering Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

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engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Board of Public Works & Safety

FROM: Goshen Engineering

RE: **REQUEST TO RESTRICT ON-STREET PARKING –
HARRISON RIDGE SUBDIVISION**

DATE: June 13, 2024

The Engineering Department received a request to restrict on-street parking within the Harrison Ridge subdivision, due to a concern that emergency vehicles would not be able to navigate the subdivision. Engineering staff assessed the current conditions within the subdivision and determined that an 11-foot wide travel lane was available between parked vehicles. The request was brought to the May 16, 2024, Traffic Commission meeting. The Commission voted 5-1 to recommend against restricting on-street parking, with recommendation of further staff review of subdivision on-street parking policies.

Requested Motion: Move to deny the request to restrict on-street parking within the Harrison Ridge subdivision.

**APPROVED:
BOARD OF PUBLIC WORKS & SAFETY
CITY OF GOSHEN, INDIANA**

Gina Leichty, Mayor

Barb Swartley, Member

Mary Nichols, Member

Orv Myers, Member

Michael Landis, Member



CITY OF GOSHEN LEGAL DEPARTMENT

City Annex
204 East Jefferson Street, Suite 2
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June 11, 2024

To: Board of Public Works and Safety

From: Don Shuler, Assistant City Attorney

Subject: Building Commissioner Order – 205/207 Middlebury Street, Goshen, Indiana

On April 11, 2024, the Board held an unsafe building hearing for the property located at 205/207 Middlebury Street, Goshen, Indiana. Attached is the Record of Action and Continuous Enforcement Order issued by the Board following the hearing.

While the Board affirmed the Order of the Building Commissioner finding the structure on the property unsafe and requiring demolition, it specifically permitted the property owner, Ronald Davidhizar, to submit a request for reconsideration. Per the Board's Order, said request would include a detailed plan for rehabilitation and needed to be submitted prior to May 31, 2024.

On May 29, 2024, Mr. Davidhizar, via his attorney, submitted his Repair and Remodel Plan for the structures located at 205/207 Middlebury Street. That Plan is also attached.

The Board should consider the submitted Repair and Remodel Plan in light of its April 11, 2024 Order. Consideration of the matter does not require a new hearing with additional testimony or evidence, outside the submitted Plan. Rather, consistent with the April 11, 2024, the Board should determine if it wishes to reconsider the ordered action of demolition considering the submitted Repair and Remodel Plan.



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

April 12, 2024

To: Ronald E. Davidhizar
203 Middlebury Street
Goshen, Indiana 46528

IN RE: Violation of Goshen City Code

Property located at: 205/207 Middlebury Street, Goshen, Indiana

Property Tax Code: 20-11-09-227-013.000-015

Property Legal Description: see Attached Exhibit A

Property owner(s) of record: Ronald Davidhizar

Substantial property of interest of record: None

Section 1. Background

The Order of the City of Goshen Building Commissioner dated March 7, 2024 (hereinafter "Order") concerning the real estate located at 205/207 Middlebury Street, Goshen, Indiana and more particularly described in Exhibit A (hereinafter the "Real Estate") came before the Hearing Authority on April 11, 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 (residential structure and garage) 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 April 30, 2024.

The following specific violations of Goshen City Code and conditions at the Real Estate were identified in the Order:

1. The foundation of the structure has not been kept in good repair and has deteriorated to make the structure likely to partially or completely collapse, a violation of Section 6.3.1.1(b) and (r). Multiple areas around the foundation have significant cracks and holes that compromise the structural integrity of the foundation. Cinder blocks in

- block walls have been removed or have collapsed. There are multiple gaps in the foundation that permit small animals or rodents to enter the structure.
2. The ceilings inside the structure have not been kept in good repair, are collapsing or in danger of collapsing, a violation of Sections 6.3.1.1(b), (p), and (r). Multiple ceilings inside the structure have collapsed. Multiple areas throughout the structure have walls and ceilings that have detached from each other, a sign of disrepair and structural failure.
 3. The floors inside the structure have not been kept in good repair, are collapsing or in danger of collapsing or failing, a violation of Section 6.3.1.1(b), (p), and (r). Multiple floors throughout the structure have partially collapsed or are in danger of collapse due to dilapidation. Floor coverings are torn throughout the structure. Multiple areas throughout the structure have floors and walls that have detached from each other, a sign of disrepair and structural failure.
 4. The walls inside the structure have not been kept in good repair, a violation of Section 6.3.1.1(b). There are multiple areas in the structure where the walls have detached from the ceilings and/or floors, indicating structural failure and deterioration.
 5. The windows and doors of the structure have not been kept in good repair, a violation of Section 6.3.1.1(d). There are multiple broken windows and doors at the structure.
 6. There is no operable plumbing system at the structure, a violation of Section 6.3.1.1(a). All plumbing fixtures have not been maintained and are not properly connected.
 7. There is no working electrical system at the structure, a violation of Section 6.3.1.1(a). The electrical system does not work and there are loose, hanging, and exposed electrical wires throughout the structure.
 8. There is no operable heating system at the structure, a violation of Section 6.3.1.1(a). The furnace does not work. The gas line is rusted out and cut. There is no duct system installed. There is no working water heater.
 9. The structure is vacant and not secured, a violation of Section 6.3.1.1(ff). The property is easily accessible to people and animals. The structure is not maintained in a manner that would permit human habitation, occupancy, or use as it is full of trash, debris, and animal feces.

The accessory building/garage is in violation as follows:

10. The garage roof has a large hole permitting weather and animals to enter the garage causing water damage, a violation of Section 6.3.1.1(c) and (r). The garage is full of squirrels and other small animals. The garage is full of animal feces, trash, and debris.
11. The garage foundation has not been kept in good repair, a violation of Section 6.3.1.1(b) and (r). Multiple areas around the garage where bricks in the walls are crumbling and showing signs of decay. There are areas where there is no mortar between the bricks or it has crumbled due to dilapidation.

Section 2. Findings

A hearing was held where evidence was presented and arguments heard. The Board of Public Works and Safety, as the City of Goshen's Unsafe Building Hearing Authority, received evidence from Travis Eash, Goshen City Building Inspector; Myron Grise, Goshen City Building Commissioner; Ronald Davidhizar, property owner; and Kevin Finn, Professional Engineer. The Board of Public Works and Safety also heard argument from legal counsel. The Board, as the City's Unsafe Building Hearing Authority, upon consideration of the evidence and arguments, now makes the following findings and determinations:

- The Board affirms the Order of the City of Goshen Building Commissioner, based on the factual findings contained therein listing the conditions of the structures at the Real Estate and the corresponding violations of Goshen City Code.
- As a result, the Board affirms the Order's finding that the structures at the Real Estate are unsafe buildings as they are:
 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.
- In addition, the Board affirms the Order's finding that demolition of the unsafe structures is warranted based on the Order's listed violations and the evidence received at the hearing.

Section 3. Hearing Authority Order.

Based on these findings, the Hearing Authority now ORDERS that the Order is affirmed, with 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 31, 2024. The Hearing Authority will permit the property owner, Ronald Davidhizar, to submit a request for reconsideration, with such request including a detailed plan for rehabilitation of the unsafe structures at the Real Estate, prior to May 31, 2024, upon the filing of a written request with the Hearing Authority.

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.

EXHIBIT A

Beginning at the northeast corner of Fifth and Middlebury Streets in the City of Goshen; thence north on the east line of North Fifth Street 201 ½ feet; thence south 89 degrees 17 minutes east 112 ¼ feet; thence south 16 degrees 15 minutes east, 136 feet to an iron stake on the north line of Middlebury Street; thence south 63 degrees 14 minutes west on the north line of Middlebury Street, 165.2 feet to the place of beginning, EXCEPTING therefrom as follows: Beginning at a point 119 ½ feet north of the northeast corner of Middlebury and North Fifth Streets, aforesaid; thence angle right 83 degrees and 27 minutes 46 feet to an iron stake; thence angle right 106 degrees and 20 minutes (South 9 degrees 47 minutes West) 23 ½ feet to an iron stake; thence angle left 28 degrees and 33 minutes (South 19 degrees 26 minutes East) 72.8 feet to the north line of Middlebury Street; thence South 63 degrees and 14 minutes west on the north line of said Middlebury Street, 83.7 feet to the northeast corner of North Fifth and Middlebury Streets; thence north on the east line of North Fifth Street to the place of beginning, all in Section 9, Township 36 North, Range 6 East.

ALSO

Lot Numbered Three Hundred Twenty-five (325) in Mercer's Addition to the City of Goshen, Indiana, EXCEPTING Fifty (50) feet off the East end of said lot.

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 April 12, 2024, for the premises at 205/207 Middlebury 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 April 12, 2024:

Ronald Davidhizar
203 Middlebury Street
Goshen, Indiana 46528



Donald R. Shuler, #26587-71
Assistant City Attorney
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).

Before the Goshen Board
of
Public Works and Safety,
Hearing Authority

In the Matter of
205/207 Middlebury Street

Case No.

Goshen Building Commissioner Myron Grise,
Enforcement Authority

RESPONDENT'S
REPAIR AND REMODEL
PLAN

v.

Ronald E. Davidhizar,
Respondent

Ronald E. Davidhizar, Respondent in the above-captioned matter, proposes the following plan for the repair and remodeling of the duplex and garage at 205/207 Middlebury Street:

1. Because the 205 side of the duplex is in relatively good shape, the plan is to put that side of the duplex in rentable shape first and then proceed to rehabilitate the 207 side of the duplex.

2. However, removal of trash from both sides of the duplex and the garage, sealing modes of access for vermin and securing both buildings will be a first priority. Estimated completion date: June 30, 2024.

3. The next priority, and actually part of the project of sealing access to the buildings, will be repair of the roofs on the duplex and on the garage. The roof on the duplex presents a special problem because the shape of the roof causes rainwater and snowmelt to converge at a point unless somehow diverted. This problem has resulted in the need to patch the ceiling in the bathroom at 205. The repair of the roof on the duplex will take care of this problem. Estimated completion date: July 31, 2024.

4. The 205 side of the duplex has wiring for electrical service intact, plumbing fixtures have been installed, and it has a furnace. The next step will be to subscribe for utilities, electric service particularly being necessary for further work. Estimated completion date: August 31, 2024.

5. In the basement on the 205 side of the duplex, arrangements will be made for a third bedroom; an egress window has already been installed. The joists supporting the first floor will serve as the ceiling for that bedroom. Estimated completion date: August 31, 2024.

6. Cabinets for the kitchen and bathroom are installed and intact on the 205 side. The penultimate step before renting the 205 side will be cosmetic, painting and touch-up. Estimated completion date: September 30, 2024.

7. There are already satisfactory linoleum floor coverings in the kitchen and bathroom on the 205 side of the duplex, but the floor in the area of the backdoor on that side of the duplex requires repair, and the final step before renting will be carpeting or otherwise covering the hardwood floors. Estimated completion date: September 30, 2024.

8. After the 205 side is ready to rent, inside work will commence on the 207 side. (Recall that the repair of the roof covering both sides of the duplex is step 3 above.) Some of the wiring on the 207 side is in good shape, but rewiring to complete the system will be the first step in the inside work on the 207 side. The next step will be to subscribe for utilities, particularly electric service. Estimated completion date: November 30, 2024.

9. At the same time, steps will be taken to modernize the heating system. Estimated completion date: November 30, 2024.

10. The next priority will be repair of the upstairs bathroom, including the installation of new flooring and floor covering and the replacement of the stool. The existing sink and clawfoot bathtub will remain. Estimated completion date: November 30, 2024.

11. The plan for the 207 side includes an entirely new kitchen, all new cabinets, new sinks and countertops and niches -- for the stove and refrigerator. Estimated completion date: December 31, 2024.

12. Also, work will be required to separate the utility room from a downstairs bathroom

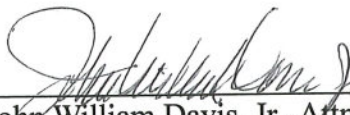
at the rear of the 207 side. Estimated completion date: December 31, 2024.

13. Plaster in places will be patched or removed if the inside brick wall can satisfactorily serve as part of the decoration. Estimated completion date: January 31, 2025.

14. The penultimate step before renting the 207 side will be cosmetic, painting and touch-up. Estimated completion date: February 28, 2025.

15. The final step before renting the 207 side will be downstairs floor work – reconstruction in some cases and the installation of floor coverings. Estimated completion date: February 28, 2025.

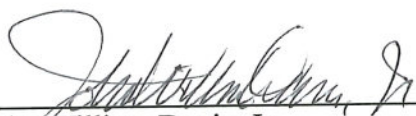
The estimated completion dates for work that must be performed by contractors and not Ronald E. Davidhizar's own forces are dependent upon the availability of contractors to do the work. Mr. Davidhizar can assure the Board of Works that he will have made a good faith effort to engage contractors to accommodate the foregoing schedule. Clearly, some steps in the foregoing schedule depend upon the completion of other steps.



John William Davis, Jr., Attny. #4413-20
DAVIS & ROOSE, Attorney for Respondent
116 E. Clinton St., Goshen, IN 46528
Telephone: (574) 534-1508
jwdavis@davisroose.com

CERTIFICATE OF SERVICE

John William Davis, Jr., hereby certifies that he has this 29th day of May, 2024, served a true and complete copy of the foregoing Respondent's Repair and Remodel Plan on Bodie J. Stegelmann, City Attorney and Donald R. Shuler, Assistant City Attorney.



John William Davis, Jr.