



Board of Public Works & Safety and Stormwater Board

Regular Meeting Agenda

4:00 p.m., July 11, 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 27, 2024

Approval of Agenda

- 1) Fire Department request:** Approve the promotion of **Joshua L. Hite** to the rank of Private First Class for the Goshen Fire Department, retroactive to April 10, 2024
- 2) Fire Department request:** Approve promotion of **Kevin A. Mann** to the rank of Private First Class for the Goshen Fire Department, retroactive to April 10, 2024
- 3) Allison & Kyle Stiffney request:** Approve replacing a fence within the right of way at 702 South 6th Street
- 4) Goshen Theater request:** Approve placement of tables and seating in the alley south of the theater for its Martinis & Music events on July 18, Aug. 15, Sept. 19 and Oct. 17, 2024
- 5) Legal Department request:** Approve and authorize Mayor Leichty to execute the supplementary amendment with Gregory A. Kil & Associates, Inc. for architectural services related to work at the City's Annex building
- 6) Water & Sewer Department request:** Approve the closure of 8th Street, just north of Franklin Street, in front of 1113 South 8th Street, to thru traffic starting at 7 a.m. on Thursday, July 18 until Friday evening, July 19, to replace a manhole structure.
- 7) Engineering Department request:** Authorize the Mayor to sign a revised State permit's Hold Harmless indemnity form for the Elkhart County 4H Fair Parade
- 8) Engineering Department request:** Accept the drainage plan for the Zollinger Subdivision, which was prepared by the developer's Indiana licensed professional engineer



Privilege of the Floor

CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARINGS:

4:00 p.m., July 11, 2024

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

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

9) Review hearing for a prior unsafe building order of the City of Goshen Building Commissioner for 407 Center Street (M&H Rentals LLC, property owner)

Approval of Civil City and Utility Claims

Adjournment



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD MINUTES OF THE JUNE 27, 2024 REGULAR MEETING

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

Present: Mayor Gina Leichty, Orv Myers and Mary Nichols

Absent: Mike Landis and Barb Swartley

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 June 13, 2024 Regular Meeting as prepared by Clerk-Treasurer Richard R. Aguirre. **Board member Mary Nichols moved to approve the minutes as presented. The motion was seconded by Board member Orv Myers. The motion passed 3-0.**

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer. **Board member Nichols moved to approve the agenda as presented. Board member Myers seconded the motion. The motion passed 3-0.**

1) Open sealed bids: For the purchase of a 2024 or newer street sweeper for the City Street Department

On behalf of the City Street Department and City Fleet Manager, the Board was tasked with opening sealed bids submitted for the **purchase of a 2024 or newer street sweeper.**

All bids were due to be submitted to the Clerk-Treasurer's Office by 3:45 p.m. on June 27, 2024 or by 4 p.m. of the date of the meeting at the City Court Room/Council Chamber. **Mayor Leichty** announced the two bids received:

- **Hoosier Equipment, LLC of Plymouth, Indiana:** \$356,980.
- **Jack Doheny Company, Northville, Michigan:** \$363,710.

Nichols/Myers made a motion that the bids be referred to the City Legal Department for review. Motion passed 3-0.

2) College Farm Neighborhood request: Approve closure of the 1800 block of South 13th Street and use of street barricades on Aug. 3, 2023 for the neighborhood's annual block party

On behalf of the College Farm Neighborhood, consisting of the area South of College Avenue from 12th Street to 15th Street, **Clerk-Treasurer Richard R. Aguirre** requested permission to hold a Neighborhood Block Party in the 1800 block of South 13th Street, between Mervin Avenue and Leroy Street, on Saturday, Aug. 3, 2024, from 6:30 to 9 p.m. In a written request, **Craig Yoder** wrote that the College Farm Neighborhood Committee asked that this one block be closed during this time. The committee asked that street barricades be dropped off at 13th Street and Leroy Avenue and at 13th Street and Mervin Avenue for the event. Yoder also wrote that if the area police officer would be available to stop by the party, committee members would like to introduce the officer to residents and express their thanks.

City Street Commissioner David Gibbs said he would coordinate the use of barricades with neighborhood representatives. **Assistant Police Chief Shawn Turner** said he would forward the request for a police officer.

Nichols/Myers moved to approve the closure of the 1800 block of South 13th Street, between Mervin Avenue and Leroy Street, on Saturday Aug. 3, 2024 from 6:30 to 9 p.m., for the neighborhood block party and for the use of street barricades. Motion passed 3-0.

3) Goshen Soccer Academy request: Approve the closure of parking lot adjacent to Goshen Brewing Co. for a pickleball tournament on Aug. 23-24, 2024



Tavisak “Tavi” Mounsithiraj of Goshen, the owner and operator of the Goshen Soccer Academy, requested permission from the Board to again stage a pickleball tournament on a portion of a City parking lot in August. With the City’s approval, he said the 2023 tournament was successful and he is hoping to attract more people to participate in this year’s edition of the Cobblestone Pickleball Challenge.

In his written request, **Mounsithiraj** sought Board approval to partially close a portion of the City parking lot on West Washington Street, north of Goshen Brewing Company, on Friday August 23 and Saturday, August 24, 2024. He asked for permission to close and use that portion of the parking lot starting at 8 a.m. on Aug 23 and continuing until 8 p.m. on Saturday Aug 24.

Mounsithiraj further wrote that pickleball is a combination of tennis, badminton and ping pong and it is one of the fastest growing sports in the country. He added that sponsors are hosting this event on the cobblestone parking lot “because we want this to be the toughest pickleball tournament in the country.”

City Street Commissioner David Gibbs said he was aware of the request for the use of street barricades.

Nichols/Myers moved to allow Goshen Soccer Academy to close the center portion of the West Washington Street parking lot to stage a pickleball academy from 8 a.m. August 23, 2024 through 8 p.m. August 24, 2024. Motion passed 3-0.

4) Downtown Goshen, Inc. request: Approve the use of two parking spaces in front of Elephant Bar for over-the-weekend parking of a beer trailer for July-September First Fridays

Amanda Rose, the director and event coordinator of First Fridays, asked the Board for additional parking space closures for First Friday activities from July through September for use as a beer garden.

In addition to the organization’s original requests, **Rose** asked for the closure of two parking spaces in front of the Elephant Bar, 227 South Main Street, from 1 p.m. on the First Friday of each month to 11 a.m. the following Monday, July 8, Aug. 5 and Sept. 9, 2024. The spaces will be used for the over-the-weekend parking of a beer trailer.

Nichols/Myers moved to approve the closure of two parking spaces at 227 South Main Street, from 1 p.m. on Friday July 5, Aug. 2 and Sept. 6, 2024 and to 11 a.m. the following Mondays. Motion passed 3-0.

5) Elkhart County 4H Fair request: Approve street closures and traditional City support services for the annual fair parade on July 21, 2024

Boyd Smith, director of the Elkhart County 4-H Fair Parade, requested Board approval to stage the 2024 Fair Parade, along with traditional support services from the City. He said the parade is scheduled for July 21, 2024 with no changes to the traditional route.

In a written request, **Smith** asked the Board to have the City Police Department close streets as they deem appropriate for the staging and running of the parade. He also requested assistance from the City Street Department with street barricades and trash pickup. He noted that that the City has provided these services for over 20 years.

Smith also indicated that the staging areas will be Linway Plaza, Kroger Plaza and Rogers Park. Parade registration begins at 10:30 a.m. and the parade will step off promptly at 1:30 p.m.; some units will arrive as early as 9 a.m.

Mayor Leichty said she looked forward to another fun parade.

Nichols/Myers moved to approve the staging and street closures for the 2024 Fair Parade on July 21, 2024 Motion passed 3-0.

6) Legal Department request: Award the bid for the purchase of 2024 skid steer for the Water & Sewer Department to Bobcat of Michiana as the lowest responsive and responsible bidder and authorize Mayor Leichty to execute the purchase agreement for \$59,836.88



City Attorney Bodie Stegelmann told the Board that the City solicited sealed bids for the purchase of 2024 or newer skid steer for the Water & Sewer Department.

Stegelmann said the bid tabulation was as follows: Bobcat of Michiana, \$66,336.88 purchase price, \$6,000 trade-in value for Bobcat 763, \$500 trade-in value for Melroe Soil Conditioner, and a total bid purchase price of \$59,836.88.

Stegelmann recommended that Bobcat of Michiana be awarded the bid, and the Board authorize Mayor Leichty to execute the attached purchase agreement in the total cost of \$59,836.88.

Nichols/Myers made a motion to award the bid for the purchase of 2024 skid steer to Bobcat of Michiana 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 \$59,836.88. The motion passed 3-0.

7) Legal Department request: Approve and authorize Chief Jose Miller to execute the grant agreement with the Indiana Criminal Justice Institute for the SoToxa Instrument Program

City Attorney Bodie Stegelmann told the Board that attached to the Board's agenda packet for the Board's approval and authorization for Chief Jose Miller to execute was a Grant Agreement with the Indiana Criminal Justice Institute (ICJI) for the SoToxa Instrument Program.

The ICJI has purchased SoToxa Oral Fluid Testing Instruments with federal and state funds. Under this agreement, that is effective through Sept. 30, 2026, ICJI will provide the Goshen Police Department a minimum of one instrument and the test cartridges to conduct roadside screening tests to assist with the enforcement of impaired driving violations. There is no cost to the GPD for the instruments or test cartridges, but the GPD must ensure that at least one staff member is trained by the ICJI on the proper use and care of the instruments and the administration of tests in order to train other officers. The GPD must also complete monthly electronic reporting to the ICJI.

Assistant City Police Chief Shawn Turner said much like portable breath testing equipment for alcoholic beverages, the SoToxa Oral Fluid Testing Instrument tests for drugs that may have been ingested by a person and may be influencing the person's driving.

Nichols/Myers made a motion to approve and authorize Chief Jose Miller to execute the Grant Agreement with the Indiana Criminal Justice Institute for the SoToxa Instrument Program. The motion passed 3-0.

8) Legal Department request: Amend Agreement with Cathy's Cleaning to add Reith Interpretive Center

City Attorney Bodie Stegelmann told the Board that the City solicited quotes for cleaning of the Annex Building, City Hall and the Utilities Billing Office, and Cathy's Cleaning was awarded the bid.

Stegelmann said that at the time the City solicited quotes, the Legal Department was not aware that Cathy's Cleaning was also cleaning the Reith Interpretive Center and should have been included in that contract.

Cathy's Cleaning and the City have now agreed to amend the current agreement to expand cleaning services to Reith Interpretive Center. Under an agreement, which will take effect the first weekend of August 2024, Cathy's Cleaning will charge \$115 a week, \$498.34 a month and \$7,830 a year, including for window cleaning.

Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute an Agreement Amendment with Cathy's Cleaning Service to extend cleaning services for the Reith Interpretive Center with services to start the first weekend of August 2024 at an estimated yearly cost of \$7,830.00.

Mayor Leichty said she has heard that Cathy's Cleaning has been doing a great job at City buildings.

Nichols/Myers made a motion to approve and authorize Mayor Leichty to execute an Agreement Amendment with Cathy's Cleaning Service to extend cleaning services for the Reith Interpretive Center with services to start the first weekend of August 2024 at an estimated yearly cost of \$7,830. The motion passed 3-0.



9) Legal Department request: Resolution 2024-15: Ratify Agreement with Comcast for Internet Services at Fire Station #4, located at 1728 Reliance Road, Goshen, Indiana

City Attorney Bodie Stegelmann told the Board that in early May 2024, the internet and phone service equipment at City Fire Station #4 at 1728 Reliance Road failed and was determined to be too outdated to maintain or repair, leaving the station without phone and internet service and requiring an immediate replacement.

So, **Stegelmann** said the Goshen Fire Department entered into a one-year services agreement with Comcast Business Services, on an emergency basis, to provide internet and communication services until the Elkhart County Courts facility is completed and its fiber optic communications services became available. He asked the Board to ratify the Comcast agreement, which calls for a monthly service charge of \$276.90.

Nichols/Myers made a motion to ratify the agreement with Comcast for internet service at Fire Station #4, 1728 Reliance Road, thus passing and adopting Resolution 2024-15, Ratify Agreement with Comcast for Internet Services at Fire Station #4, located at 1728 Reliance Road, Goshen, Indiana. The motion passed 3-0.

10) Environmental Resilience Department request: Approve USDA Forest Service Grant

Theresa Sailor, the Grant Writer and Educator for the City Environmental Resilience Department, told the Board that approval was being sought for a U.S. Department of Agriculture Forest Service grant of \$1 million with no match required.

Sailor said the grant will provide resources to expand regional inventories of trees and plants to support urban forestry and food forests, deliver public and business education programs on arboriculture training topics, positive health aspects of trees, and classes focused on growing, preparing, and enjoying fresh locally grown foods.

Sailor said one of the methods for increasing local tree inventories is to provide resources to start arboriculture employment training programs focused on at-risk youth to increase the number of professionals who can support growing regional urban tree canopy programs.

So, as part of the program, **Sailor** said the City will partner with The Crossing School of Entrepreneurship, which will receive funding for a teacher for three years. The students will develop a tree nursery micro-business using private funds for supplies and materials and begin growing and selling trees locally.

Sailor said the City also will partner with Bushelcraft Farm, an after-school workforce development non-profit program. Bushelcraft will receive funding to develop a tree nursery and hire students for after-school employment. They will follow a three-year employment and training track and focus on developing a tree nursery and learning arboriculture and horticulture skills.

The City will support the two local arboriculture education programs by providing arborist professional knowledge and skills training to both The Crossing and Bushelcraft students. The City's professionals will teach tree biology, tree identification and selection, tree propagation, pruning, installation, the value of trees, insects and diseases, diagnosis and treatment, urban forestry, and other topics in line with the certified arborist curriculum.

Sailor said the big goal is to increase the tree canopy in the region, focusing on Goshen and Elkhart and helping disadvantaged communities. She asked the Board to authorize Mayor Leichty to sign and approve the agreement.

Nichols/Myers made a motion to authorize Mayor Leichty to sign the U.S. Forest Service Grant. The motion passed 3-0.

11) Engineering Department request: Authorize INDOT Road Closure Permit for 2024 4H Fair Parade

City Project Manager Andrew Lund said the Elkhart County 4H-Fair has requested the closure of various City streets, including a section of U.S. 33 between Madison and Monroe streets on July 21, 2024 for the Elkhart County Fair Parade.



Lund said the Engineering Department will submit the request to INDOT upon the Board of Public Works & Safety approval and ask the Board to authorize the Mayor to sign the State permit's Hold Harmless indemnity form.

Nichols/Myers made a motion to authorize the Mayor to sign the State permit's Hold Harmless Indemnity form for the Elkhart County 4H Fair Parade. The motion passed 3-0.

12) Engineering Department request: Approve Redesign of the Tenth Street Corridor, Design Agreement Amendment No. 1 (Job Number: 2022-0037)

City Director of Public Works & Utilities Dustin Sailor told the Board that the owner of a vacant lot on Reynolds Street has made a development inquiry about making sewer service available to the property.

Sailor said the lot does not have independent access to a sewer main but could if the new Tenth Street sewer were extended east along Reynolds Street from Tenth Street to the first alley east. He said this extension would also resolve an issue with multiple adjoining properties sharing a sewer lateral.

Sailor asked the Board to approve contract Amendment No. 1 with Jones Petrie Rafinski to design and permit a short sewer extension east on Reynold Street for a lump sum price of \$11,400.

Nichols/Myers made a motion to approve contract Amendment No. 1 with Jones Petrie Rafinski for the Redesign of the Tenth Street Corridor for a lump sum fee of \$11,400. The motion passed 3-0.

13) Engineering Department request: Approve SR 119 Street Closure for Kids & Teens Triathlon City Project Manager Andrew Lund

On behalf of the Parks Department, **City Project Manager Andrew Lund** asked the Board to approve the closure of State Route 119 on Saturday, July 6, 2024, from 7 a.m. to noon, for the Kids' & Teens' Triathlon event.

Lund said the closure of SR 119 will be from South 3rd Street to Indiana Avenue. The Goshen Street Department will be assisting in the set up and removal of the barricades. He said the Engineering Department has submitted a permit request to INDOT and will include the hold harmless form once it is signed by the Mayor.

Nichols/Myers made a motion to approve the road closures on Saturday, July 6, 2024, associated with the Kid's & Teens Triathlon and approve the Mayor to sign the State permit's Hold Harmless indemnity form. The motion passed 3-0.

14) Engineering Department request: Center Street Crosswalk – Traffic Commission Recommendation (Job Number: 2024-0007)

City Project Manager Andrew Lund told the Board that the Engineering Department received a request from the Boys and Girls Club to help improve the safety of the 300-plus students in attendance each day during the school year. A crosswalk was also requested from the parking lot to the front door area.

Lund said the request was brought to the June 20, 2024, Traffic Commission meeting, and Commissioners voted unanimously with a positive recommendation to make Center Street a one-way street between Summit Street and 7th Street, with striping to be worked out with the Boys and Girls Club.

The Commission also voted unanimously with a positive recommendation to install a crosswalk with pedestrian crosswalk warning signs, after the Boys and Girls Club installs an ADA-detectable warning panel. However, the location of warning signs depends on whether Center Street will be one way.

Lund said the City Engineering Department will follow up with residents in the area prior to seeking approval from the Board of Public Works and Safety for the designation of Center Street as a one-way road and the installation of crosswalk and signs. He added that additional information will be provided at the Aug. 8, 2024 Board meeting.



No Board action was requested or taken pending a final recommendation on the crosswalk and one-way street requests.

15) Engineering Department request: Request for Advance Warning Sign for Drive – 2120 Rieth Blvd (Goshen Family Medicine, Job Number: 2024-0007)

City Project Manager Andrew Lund said that the Engineering Department received a request to install a sign warning traffic of a driveway at 2120 Rieth Boulevard that is around a corner, hidden by trees, westbound on Rieth. **Lund** said Engineering staff assessed the necessary stopping distance and found that if brush was cleared from the side of the road, then a safe sight distance can be achieved for stopping. Although the "Blind Drive" and "Hidden Drive" signs have been installed previously, there is no sign currently at that location.

According to the 2003 Indiana Manual on Uniform Traffic Control Devices, the "Hidden Drive" sign was to be used on a "limited basis and only after a field investigation reveals the need."

Lund said the signage request was brought to the June 20, 2024 Traffic Commission meeting. The Commission voted unanimously to recommend against installing the advance warning sign. **Lund** said the Engineering Department will reach out to encourage the property owner to clear brush to improve sight distance.

Nichols/Myers made a motion to deny the request to install a sign warning of an obscured drive on Rieth Boulevard. The motion passed 3-0.

16) Engineering Department request: Violet Cemetery Subdivision, Phase II, Acceptance of Drainage Plan (JN: 2023-0021)

City Director of Public Works & Utilities Dustin Sailor 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 Violet Cemetery Subdivision, Phase II, located south of Kercher Road and north of Egbert Road. He said the drainage plan addresses the drainage needs with a combination of drywells, conveyance pipes, and a stormwater retention basin that will provide 1.05 acre-feet of storage.

After due consideration of the proposed drainage plan, **Sailor** said the City Engineering Department recommends the Board of Public Works and Safety and Stormwater Board's acceptance of the development's drainage plan.

Sailor 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. However, in this case he said the City is responsible for the property.

Nichols/Myers made a motion to accept the drainage plan for the Violet Cemetery Subdivision, Phase II. The motion passed 3-0.

17) Planning Department request: Acceptance of Violet Cemetery Phase Two Plat

City Planning & Zoning Administrator Rhonda Yoder told the Board that the secondary subdivision has been submitted and reviewed for Violet Cemetery Phase Two. The purpose of the subdivision is to plat another section of Violet Cemetery as required by State statute.

Yoder said the plat for Violet Cemetery Phase Two meets the requirements of the Subdivision and Zoning Ordinances and is consistent with the primary subdivision approved by the Plan Commission in September and October 2012.

The plat for Violet Cemetery Phase Two does not contain dedication of right of way or easements, and there are no improvements associated with the plat, so no bonds were required.

Yoder asked the Board to accept Violet Cemetery Phase Two and sign the plat.



Nichols/Myers made a motion to accept the Violett Cemetery Phase Two plat. The motion passed 3-0.

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

Mayor Leichty opened Privilege of the Floor at 4:29 p.m.

City Project Manager Andrew Lund said the Engineering Department received notice that Norfolk Southern Railroad is planning to close numerous crossings between approximately July 8 and July 31, 2024, for installation of new rails. Each crossing is expected to be closed to traffic over one to four days (**EXHIBIT #1**)

Lund said Engineering staff have been in communication with the railroad's safety contractor to emphasize the need to avoid simultaneous major crossing closures, limit crossing closure duration, and avoid impacting traffic for the Elkhart County 4H Fair.

A more detailed schedule is expected from Norfolk Southern in a few days, which **Lund** said would be communicated to Goshen residents and businesses via the City's website and social media. Closure schedule:

Crossing Closures Expected – Mainline Tracks

Ferndale Road / CR 15
Peddlers Village Road / CR 28
Greene Road
Beaver Lane
Indiana Avenue
1st Street
Main Street
Cottage Avenue
Lincoln Avenue
Monroe Street

Crossing Closures Expected – Marion Branch

Jefferson St
Purl St
Reynolds St
Plymouth Ave
Jackson St
Burdick St
New York St
College Ave
Kercher Rd

Mayor Leichty requested that a copy be provided to the *Goshen News*. She and **Lund** indicated the schedule may be modified to reduce the impact on the City.

Matt Schrock of Goshen thanked the Mayor for holding her ground and affirming a demolition order for a home and garage at 205/207 Middlebury Street at the Board's last meeting on June 13. Although he could not be present, **Schrock** said he read the minutes of the meeting and wanted to thank the Mayor "for doing what needed to be done." The **Mayor** thanked **Schrock** and said the outcome was part of a larger "team effort" by the Board and City staff to reduce the number of uninhabitable homes and that the City is making good progress.

Mayor Leichty closed Privilege of the Floor at 4:33 p.m.

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 3-0.

Adjournment

Mayor Leichty adjourned the Board of Public Works and Safety meeting at 4:34 p.m.



EXHIBIT #1: *Memorandum from City Project Manager Andrew Lund about planned railroad crossing closures by Norfolk Southern, between July 8-31, 2024, to install new rails. The memorandum was presented during Privilege of the Floor to inform the public of this scheduled traffic disruption.*

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



Danny C. Sink, Chief
FIRE DEPARTMENT, CITY OF GOSHEN

209 North Third Street • Goshen, IN 46526-3201

Phone (574) 533-7878 • Fax (574) 534-2804 • TDD (574) 534-3185
dannysink@goshencity.com • www.goshenindiana.org

June 26, 2024

To: Board of Works and Public safety

RE: Promotion of Joshua L. Hite to Private First Class

From: Fire Chief Danny Sink

Joshua L. Hite completed his probationary year at GFD on April 10, 2024. Based on his performance and recommendations from his shift Battalion Chief and Training Officer; it is my pleasure to request that Josh be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive April 10, 2024. Thank you.



Danny C. Sink, Chief
FIRE DEPARTMENT, CITY OF GOSHEN

209 North Third Street • Goshen, IN 46526-3201

Phone (574) 533-7878 • Fax (574) 534-2804 • TDD (574) 534-3185
dannysink@goshencity.com • www.goshenindiana.org

June 26, 2024

To: Board of Works and Public safety

RE: Promotion of Kevin A. Mann to Private First Class

From: Fire Chief Danny Sink

Kevin A. Mann completed his probationary year at GFD on April 10, 2024. Based on his performance and recommendations from his shift Battalion Chief and Training Officer; it is my pleasure to request that Kevin be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive April 10, 2024. Thank you.

Allison & Kyle Stiffney
702 s 6th St.
Goshen, IN 46526
July 2nd 2024

City of Goshen Board of Works
111 East Jefferson St.
Goshen, IN 46526

Board of Works,

We currently have an existing six-foot fence along the alley (east side) of our property line that runs the entire length of our property line including through the city's right of way and terminates at the sidewalk. The fence is in poor shape and needs to be replaced. We have already removed a portion of it that was falling over. We understand from the city that a variance from the BOW or BZA would not be necessary if the original variance for the fence could be located. We are unsure of the original installation date of the fence and the city cannot locate the variance for the original fence, thus the need to request a new variance for replacing an existing fence.

As has been explained to us, there are 2 issues with the existing fence. The first issue involves the fence existing in the city right of way. The second issue is the ability to have a 6-foot fence installed along the entire length instead of a 4 foot fence for the first 25 ft as specified by the zoning requirements. The issue of a 4 or 6 ft fence will be presented to the BZA in July. This request only applies to the existence of the fence in the right of way.

We humbly request the permission to replace the existing 6 ft fence within the right of way with an aluminum fence (6 or 4 ft depending on BZA) that will allow full visibility and improve safety. Additionally, by terminating the fence at the sidewalk it keeps pedestrians from entering our yard or using it as a short cut.

In the event the city needs to access that portion of the right way, the homeowner acknowledges any repair or replacement of the fence would be at the homeowner's expense.

Warm regards,

Allison & Kyle Stiffney

Included herein are photos for reference.

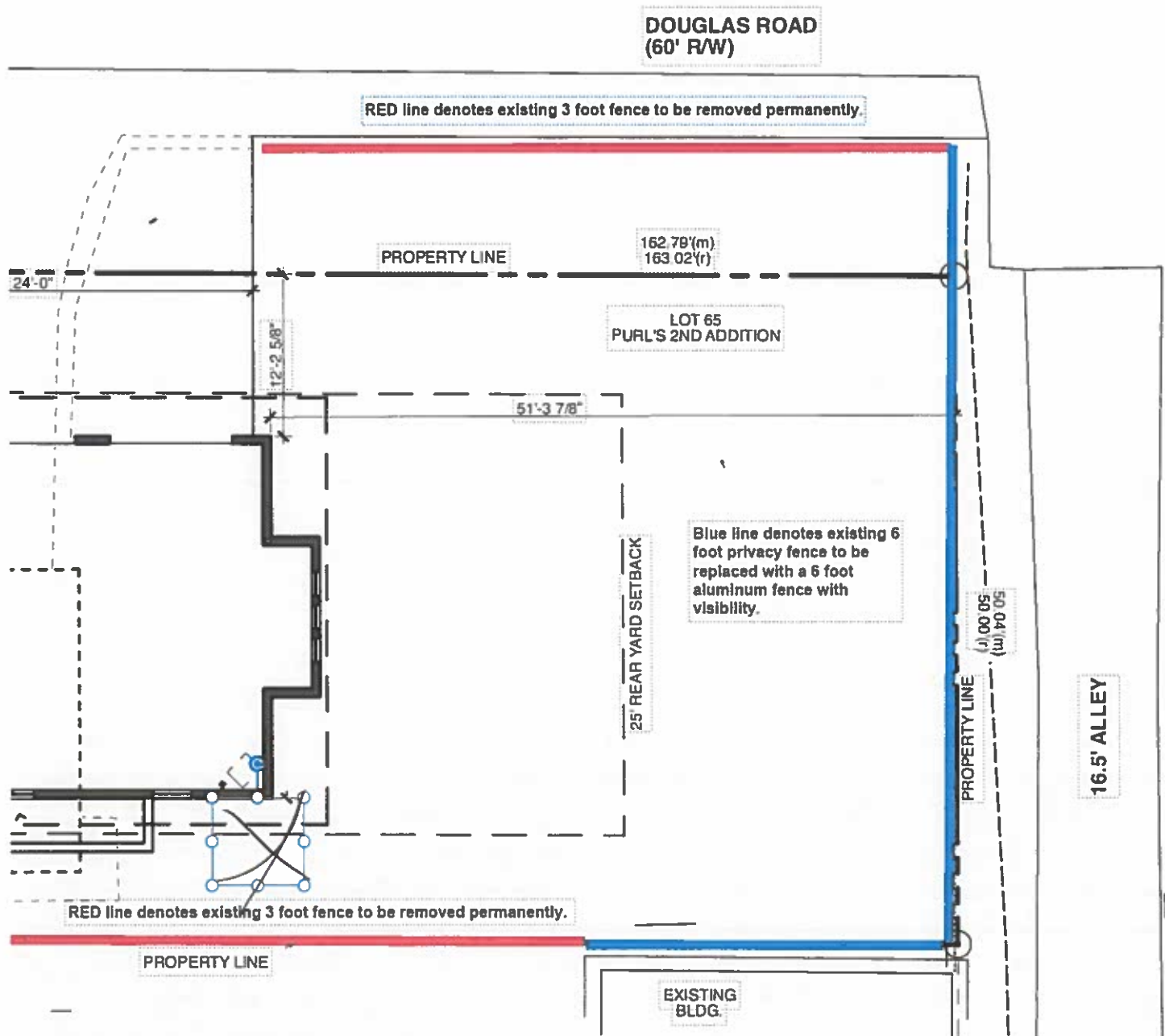


Allison & Kyle Stiffney

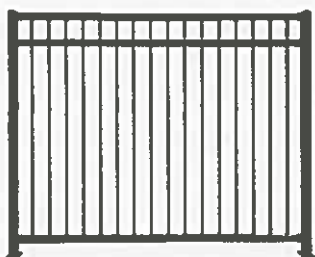
702 s 6th St.

Goshen, IN 46526

Site plan: looking at the north east corner of the property showing the alley, douglas street, property lines, and existing fence.



Example of new fence to improve visibility:



Allison & Kyle Stiffney
702 s 6th St.
Goshen, IN 46526

Street view: Fence running along douglas st. has been removed and will not be replaced.



Current view (white flag denotes northeast corner of property)



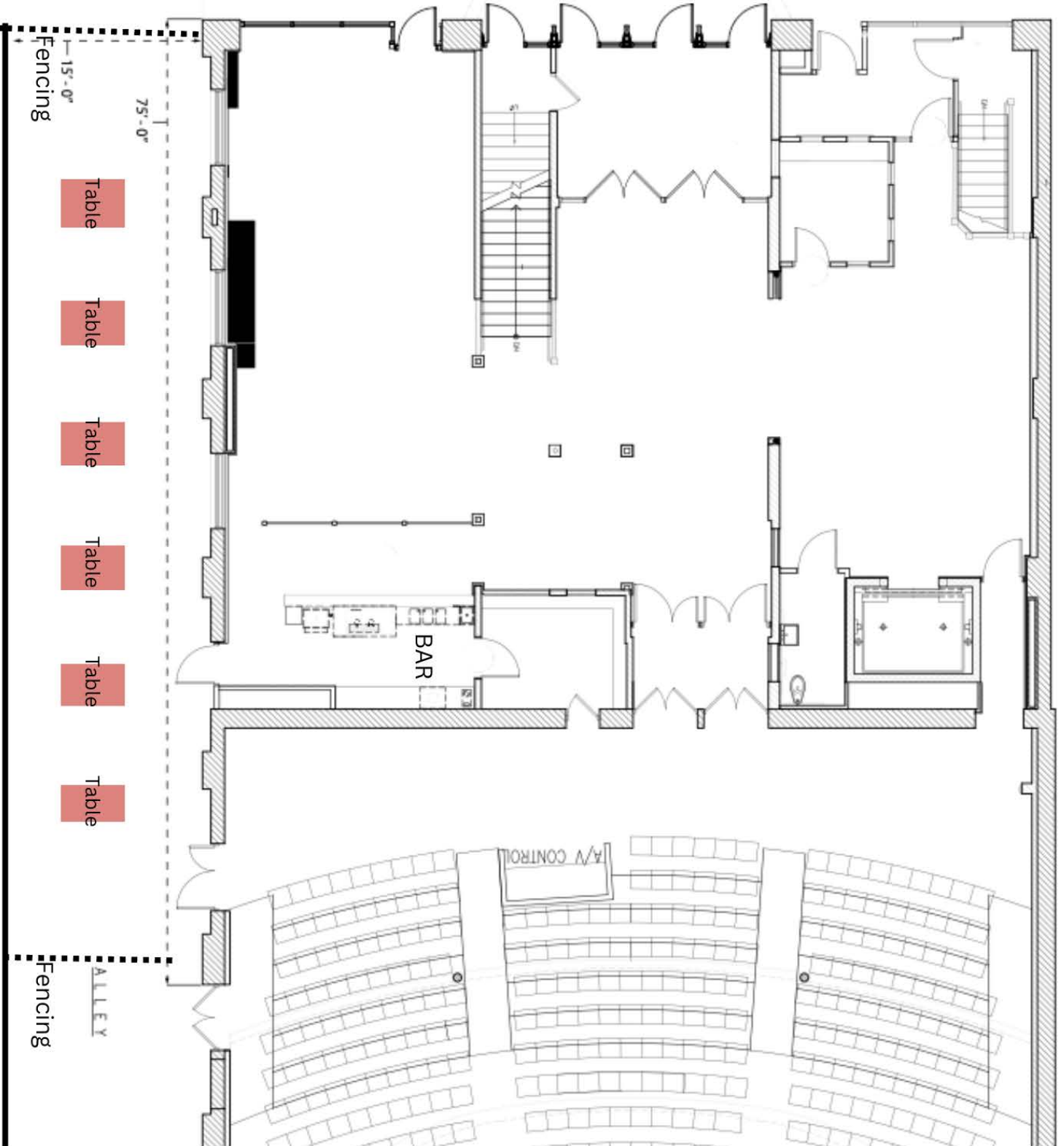
Goshen Theater

216 S Main St.
Goshen IN, 46526
goshentheater.org

Board of Works Request: The Goshen Theater is requesting permission to set a few tables outside in the alley to the south of our building (216 S Main St) during our Martinis and Music event. This event happens July 18, Aug 15, Sept 19, Oct 17. We are requesting permission for all 4 events. Our tables would be set up from noon until 8 p.m. The area will be fenced in in compliance with excise law. Attached is an approximate diagram of our plans.

Adrienne Nesbitt
Program Director
programdirector@goshentheater.org

216 S Main St





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

To: Board of Public Works and Safety

From: Bodie J. Stegelmann

Re: Agreement with Gregory A. Kil & Associates, Inc.

It is recommended that the Board approve and authorize Mayor Leichty to execute the attached Supplementary Amendment with Gregory A. Kil & Associates, Inc. On or about February 23, 2024, the City entered into an agreement with Kil to provide architectural services to the City relative to the renovation of the Annex building. The replacement of the roof will be removed from the scope of the Annex renovation due to a grant obtained by the City. Kil will prepare a scope of work for the roof replacement, assist the City during the bidding phase of the roof project, and provide construction administration. Gregory A. Kil & Associates, Inc. will be paid \$45,000.00 for these services.

The Supplementary Amendment also contains an Alternate for the redesign of the HVAC and lighting systems on the 1st floor and in the basement of the Annex. Kil will prepare a scope of work for this work, assist the City during the bidding phase, and provide construction administration. Gregory A. Kil & Associates, Inc. will be paid \$25,750.00 for these services.

Suggested Motion: Approve and authorize Mayor Leichty to execute the Supplementary Amendment with Gregory A. Kil & Associates, Inc. for architectural services related to the Annex building roof replacement, and the redesign of the HVAC and lighting systems on the 1st floor and in the basement of the Annex.

SUPPLEMENTARY AMENDMENT TO THE KIL ARCHITECTURAL PROPOSAL BETWEEN OWNER AND ARCHITECT BY AND BETWEEN:

THE CITY OF GOSHEN AND
GREGORY A. KIL & ASSOCIATES, INC. (d/b/a Kil Architecture/Planning)

Agreement Dated February 23, 2024

Article 4 SUPPLEMENTAL AND ADDITIONAL SERVICES:

4.1.2.1: Description of Supplemental Services: ADD THE FOLLOWING:

Alternate 4: Phase II for the Re-roof, Eave Repair, and Roof/Attic Insulation Portion of the Project

- A. Detailed Scope as Follows: This scope of work includes removal of existing terracotta roof tiles and salvage for replacement. Repair existing wood deck as required. Add additional insulation (provide blown cellulose insulation in sloped roof rafters and perimeter knee walls with insulation value R-30 minimum or higher) , installation of ice and water shield underlayment and insulation of salvaged and compatible new Terracotta roof tile and accessories, including metal flashing, internal gutters, and drainage system. Include associated contingent work which will include masonry repair and repointing, dormer window repair and reglazing and associated flashings along with internal low slope membrane removal and replacement for a complete warranted system.

Deliverables include:

1. Existing and Proposed Roof Plan
2. Eave Details
3. Sections through roof and attic space
4. Roof and Dormer Details
5. Structural modification of existing conditions as required, based on field conditions (see allowance indicated below)
6. Specifications

B. Bidding Phase:

The Architect can assist the Owner in advertising for and obtaining bids or proposals for the work. Architect to attend pre-bid meeting if required, issue addenda as appropriate and provide information or assistance needed by Owner during negotiations with prospective contractors. Architect to evaluate bids and recommend the award of contract.

C. Construction Administration:

During the course of construction of the project, the Architect will make intermittent visits to the sites (3 visits minimum recommended) to observe work in progress to ensure that the project is being built in accordance with plans and specifications. Architect to review shop drawings and examples from contractor. Architect to review and approve Pay applications from Contractor.

D. Compensation:

1. Detailed Bidding Permit and Construction Documents will be developed for a fee of \$45,000.00 (forty-five thousand dollars). This fee included an allowance of \$3,500.00 for Structural Engineering. If additional Structural Engineering is required due to unforeseen field conditions additional fees may apply.
2. Bidding Phase: will be performed on an hourly rate basis.

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Goshen Annex
Kil A/P # 22117
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SUPPLEMENTARY AMENDMENT TO THE KIL ARCHITECTURAL PROPOSAL BETWEEN OWNER AND ARCHITECT BY AND BETWEEN:

THE CITY OF GOSHEN AND
GREGORY A. KIL & ASSOCIATES, INC. (d/b/a Kil Architecture/Planning)

Agreement Dated February 23, 2024

3. Construction Administration Phase will be performed on an hourly rate basis for RFI's and shop drawing and submittal review, pay app review, Owner and Contractor questions. Construction Field visits will be performed for a fee of \$750.00 per site visit.

Alternate 5: HVAC Design:

A. Detailed Scope is as follows:

1. Provide Design Development and Construction Documents for the Redesign of the HVAC Heating Cooling System to replace existing at the basement and 1st Floor.
2. Provide Design Development and Construction Documents for the Redesign of the Electrical Lighting on the basement and 1st Floor.
3. Provide Architectural Coordination for modifications to ceiling conditions to accommodate Mechanical, Heating, Cooling, and Electrical Lighting.
4. Deliverables include:
 - a. Mechanical HVAC Plans and Specifications for heating and cooling systems.
 - b. Mechanical Schedules and Details
 - c. Electrical Lighting Plans and Schedules
 - d. Architectural Reflected Ceiling Plans
 - e. Associated Architectural Details to accommodate HVAC and Lighting

B. Bidding Phase:

The Architect can assist the Owner in advertising for and obtaining bids or proposals for the work. Architect to attend pre-bid meeting if required, issue addenda as appropriate and provide information or assistance needed by Owner during negotiations with prospective contractors. Architect to evaluate bids and recommend the award of contract.

C. Construction Administration:

During the course of construction of the project, the Architect will make intermittent visits to the sites (3 visits minimum recommended) to observe work in progress to ensure that the project is being built in accordance with plans and specifications. Architect to review shop drawings and examples from contractor. Architect to review and approve Pay applications from Contractor.

D. Compensation:

1. The fee for the redesign of the HVAC Systems and Lighting and associated work as per Alternate 5 will be performed for a fee of \$ 25,750.00 (twenty-seven thousand seven hundred fifty dollars). This fee includes an allowance of \$6,000.00 for Architectural Consultation. If additional time is required by Architect for Alternate 5 Scope of Work, this will be billed on a T&M basis.
2. Bidding Phase: will be performed on an hourly rate basis.
3. Construction Administration Phase will be performed on an hourly rate basis for RFI's and shop drawing and submittal review, pay app review, Owner and Contractor questions. Construction Field visits will be performed for a fee of \$750.00 per site visit.

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SUPPLEMENTARY AMENDMENT TO THE KIL ARCHITECTURAL PROPOSAL BETWEEN OWNER AND ARCHITECT BY AND BETWEEN:

THE CITY OF GOSHEN AND
GREGORY A. KIL & ASSOCIATES, INC. (d/b/a Kil Architecture/Planning)

Agreement Dated February 23, 2024

Please indicate your acceptance of each alternate by initialing below and signing at the end of this Amendment.

Alternate 4: Phase II for the Roof Portion of Project: _____

Alternate 5: HVAC Design Portion of Project: _____



Owner (Signature)

Architect (Signature)

Printed name and title

Gregory A Kil, Architect
Printed name and title

date

June 26, 2024
date

END OF AMENDMENT #1 TO 02.23.2024 AGREEMENT

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Goshen Annex
Kil A/P # 22117
Page 3



Marv Shepherd, Superintendent
Water Treatment & Sewer Collection Department
308 North Fifth Street • Goshen, IN 46528-2802

Phone (574) 534-5306 • TDD (574) 534-3185
marvshepherd@goshencity.com • www.goshenindiana.org

07/09/2024

Request for Road Closure at 8th Street between Franklin and Jackson

To the Board of Public Works, Safety, and Storm Water:

The City of Goshen Water and Sewer Department will be replacing a manhole structure on 8th Street.

The work will require city workers to be at the center of the road. A giant crane will be used to remove the old structure and set the new one.

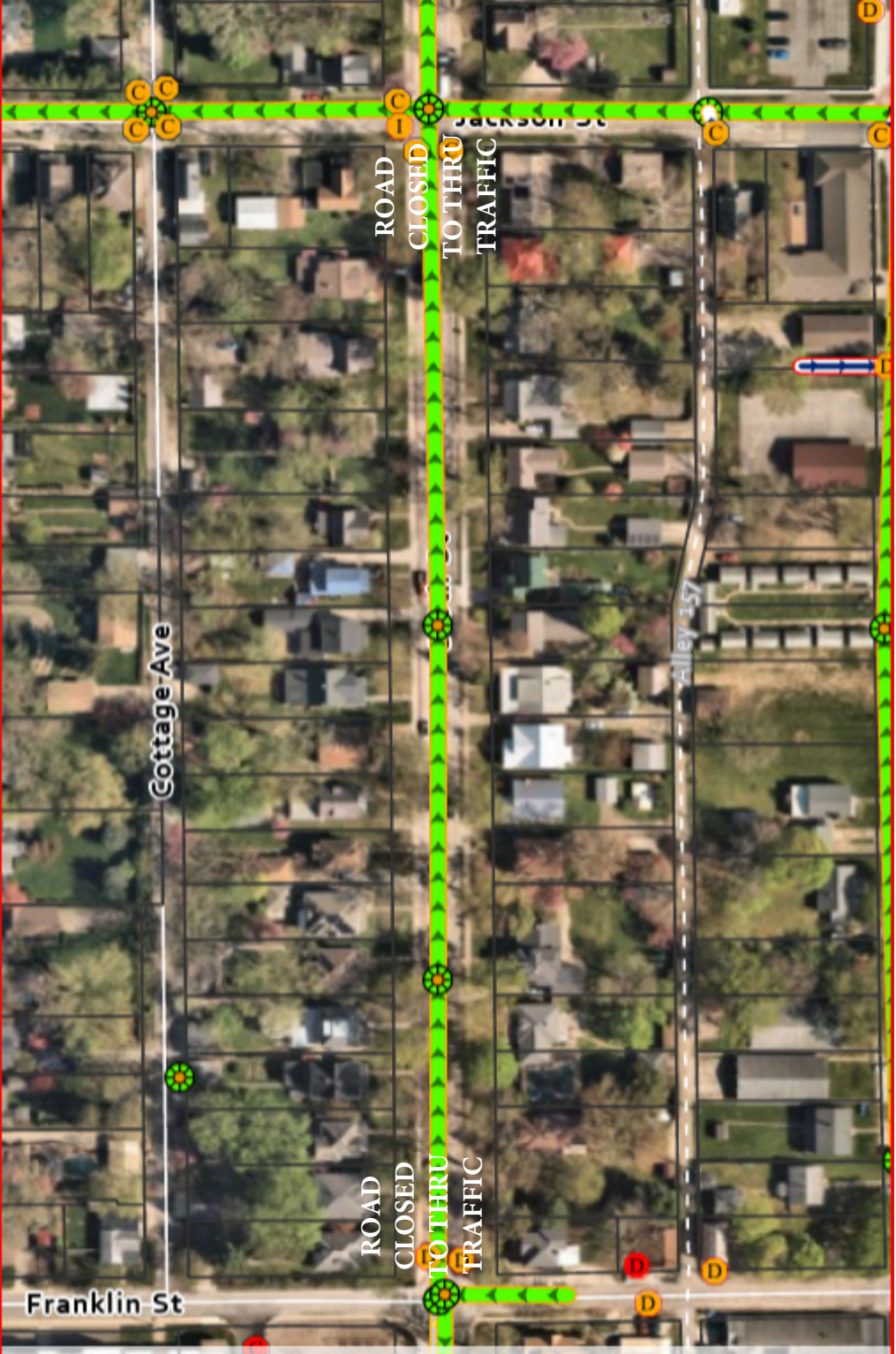
For the safety of the work crews and the public, the city requests permission to close 8th St just north of Franklin Street, in front of 1113 South 8th Street, to thru traffic starting at 7:00 A.M. on Thursday, 07/18/2024.

The road will be reopened for traffic on Friday evening, 07/19/2024, after replacing the manhole structure.

Regards,

A handwritten signature in black ink that reads "Marvin Shepherd". The signature is written in a cursive, flowing style.

Marv Shepherd
Superintendent of Goshen Water Department



Franklin St

Cottage-Ave

Jackson St

Alley 157

ROAD
CLOSED
TO THRU
TRAFFIC

ROAD
CLOSED
TO THRU
TRAFFIC



**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: Board of Public Works and Safety

FROM: Goshen Engineering Department

RE: **INDOT ROAD CLOSURE PERMIT FOR 2024 4H FAIR PARADE**

DATE: July 11, 2024

The Elkhart County 4-H Fair Parade will involve the closure of various City streets, including a section of US Highway 33 between Madison Street and Monroe Street and a section of State Road 15 between Lincoln Avenue and Main Street, on Sunday, July 21, 2024.

In review of the INDOT permit application for the closure of US 33 and SR 15, it was discovered that the original Hold Harmless indemnity form did not include SR 15. In order to complete the State permit process, the Engineering Department requests the Board to authorize the Mayor to sign a revised Hold Harmless indemnity form.

Requested Motion: Authorize the Mayor to sign a revised State permit's Hold Harmless indemnity form for the Elkhart County 4H Fair Parade.

CONCURRENCE FOR TEMPORARY USE OF CITY OR COUNTY STREETS OR ROADS

TO BE ATTACHED TO PERMIT APPLICATION

Detour of:

☒ SR 15
☒ US 33

For the Elkhart County 4-H Fair Parade
July 21, 2024

It is agreed that any damages to county roads, city streets, intersections, public, or private property and/or drainage caused by this road closing and/or detour will be the responsibility of the following:

- ☐ County Highway Commission
☐ City Street Department
☒ City Administration
☐ Town Board
☐ Others: _____

Signed by:

Mayor:

—OR—

Two (2) members of the Town Board:

—OR—

Two (2) members of the County Highway Department:

The applicant agrees to Indemnify, defend, exculpate, and hold harmless the State of Indiana, its officials and employees, from any liability due to loss, damage, injuries, or other casualties of whatsoever kind, or by whomsoever caused to the person or property of anyone on or off the right-of-way arising out of, or resulting from, the issuance of this permit or the work connected therewith, or from the installation, existence, use maintenance, condition, repairs, alteration, or removal of any equipment or material, whether due in whole or in part to the negligent acts or omissions of (1) the state, its officials, agents, or employees, or (2) of the applicant, his agents or employees or the persons engaged in the performance of the work, or (3) the joint negligence of any of them: including any claims arising out of the workmen's compensation act or any other law, ordinance, order, or decree. The applicant also agrees to pay all reasonable expenses and attorney's fees incurred or imposed on the State in connections herewith in the event that the applicant should default under the provisions of this paragraph.



**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: Board of Works and Safety and Stormwater Board

FROM: Dustin Sailor, P.E., Director of Public Works

RE: **ZOLLINGER SUBDIVISION - ACCEPTANCE OF DRAINAGE PLAN
(JN: 2024-2005)**

DATE: July 11, 2024

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 Zollinger Subdivision, located north of Middlebury Street and along the east side of Zollinger Road. The drainage plan addresses the drainage needs of Lots 1-3 with a combination of a drainage swale and a stormwater retention basin that will provide 0.42 acre-feet of storage. A drainage easement will be shared between Lots 1 and 2 for a drainage swale while another easement will be shared between all three lots for a retention basin.

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.

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 be taken by the developer.

Suggested Motion: Move to accept the drainage plan for the Zollinger Subdivision, which was prepared by the developer's Indiana licensed professional engineer. The City does not warrant the drainage plan will function as intended and accepts no liability for any failure of the drainage design.

**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
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185
www.goshenindiana.org

July 5, 2024

To: Board of Public Works and Safety

From: Don Shuler, Assistant City Attorney

Subject: Building Commissioner Order – 407 Center Street, Goshen, Indiana

The Board last held an unsafe building hearing for this property on May 2, 2024. At the conclusion of the hearing, the Board modified the prior demolition order for the property and issued a new order, requiring repair of cited code violations within sixty (60) days. A copy of the Board's Record of Action and Continuous Enforcement Order issued following the May 2, 2024 hearing is attached.

The Board's Order set the matter for a review hearing for July 11, 2024. The Legal Department sent the Order, with notice of the hearing, to the owners via regular mail.

The purpose of the Board's review is to determine if there have been reasonable attempts to comply with the May 2, 2024 Order. Depending on the Board's findings, it could take any of the following actions:

- If the Board finds there has been substantial progress made or that repairs have been completed, the Board could any of the following:
 - Issue no new order but continue the hearing until a later date;
 - Issue a new order requiring the repairs to be completed by a certain date, with a review hearing; or
 - Issue an order rescinding the prior order and finding the building to no longer be an unsafe building.
- If the Board finds there has not been substantial progress made and there has been a willful failure to comply, the Board may issue a civil penalty up to \$5,000.
 - If the Board issues a civil penalty, it may hold the fine in abeyance and set a date for the owner to complete repairs/make progress to avoid entry of the penalty.

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

May 2, 2024

To: M & H Rentals, LLC
c/o Michael Schmucker
64570 County Road 19
Goshen, Indiana 46526

IN RE: Violation of Goshen City Code
Property located at: 407 Center Street, Goshen, Indiana
Property Tax Code: 20-11-09-237-007.000-015
Property Legal Description: see Attached Exhibit A
Property owner(s) of record: M & H Rentals, LLC
Substantial property of interest of record: None

Section 1. Background

The Order of the City of Goshen Building Commissioner dated November 8, 2023 (hereinafter "Order") concerning the real estate located at 407 Center Street, Goshen, Indiana and more particularly described in Exhibit A (hereinafter the "Real Estate") came before the Hearing Authority on May 2, 2024, for a hearing and decision as to whether the Order should be affirmed, rescinded, or modified, said Order requiring:

Demolition of the unsafe buildings at the Real Estate and removal of all demolition remains, trash, and debris on the Real Estate and return the site to natural grade, all of said work to be completed on or before December 31, 2023.

The Real Estate and Order were previously before the Hearing Authority on December 18, 2023, and January 25, 2024; those hearings were continued to May 2, 2024 due a change in ownership of the Real Estate.

The following specific violations of Goshen City Code were identified in the Order:

1. The foundation of the residential structure has not been kept in good repair, is not capable of supporting all nominal loads, and is likely to fail, violations of Sections 6.3.1.1(b) and (p). Areas of the foundation have cracks, where large gaps and holes have formed; the foundation is beginning to sink; certain areas of the foundation are beginning to fail and are in disrepair.
2. The ceilings inside the residential structure have not been kept in good repair and are likely to fail, a violation of Sections 6.3.1.1(b) and (p). Multiple ceilings have collapsed due to significant water damage. Many ceilings have cracks and holes.
3. The floors inside the residential structure have not been kept in good repair and are likely to fail, a violation of Sections 6.3.1.1(b) and (p). The kitchen floor has become so damaged due to water that it is in danger of collapse. The floor in the main living areas has detached from the wall and begun to sink.
4. The walls inside the residential structure have not been kept in good repair, a violation of Section 6.3.1.1(b). Multiple walls have cracks and holes in them. A wall in the main living room is poorly constructed with brick and in danger of collapse.
5. The roof of the residential structure has not been kept in good repair and has defects permitting rain, violations of Sections 6.3.1.1(b) and (c). There is evidence of the roof leaking due to persistent water damage to floors, walls, and ceilings. The roof in the rear of the structure was poorly installed and has multiple areas where it permits weather to enter, impacting the structural integrity of the structure. There are areas where the soffit and fascia are missing, and places where the shingles are damaged or loose.
6. The heating and mechanical system at the residential structure is not operable, a violation of Section 6.3.1.1(a). The ductwork is not properly connected.
7. The plumbing system at the residential structure is not operable, a violation of Section 6.3.1.1(a).
8. The electrical system at the residential structure is not operable, a violation of Section 6.3.1.1(a). The electrical panel has been tampered with; there are multiple areas with exposed electrical wiring; areas of the residential structure's electrical wiring has been damaged by water and continues to be exposed to weather conditions.
9. The windows and doors have not been kept in good repair, a violation of Section 6.3.1.1(d). There are many broken windows and broken doors throughout the residential structure.
10. The painted surfaces inside the residential structure are not properly coated and weather tight, a violation of Section 6.3.1.1(g). There is chipping and peeling paint throughout the residential structure.
11. The residential structure is not secure from intrusion by unauthorized persons, a violation of Section 6.3.1.1(ff). There are accumulated materials inside the residential structure and other evidence of animals and vagrants. The carpet is saturated with urine and feces.

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, being duly advised in the premises, now makes the following findings and determinations:

A. Service of Process

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

B. Code Violations

- ☐ The Hearing Authority finds the evidence presented supports the facts contained in the Order of the City of Goshen Building Commissioner, dated November 8, 2023, as to the condition of the structure at the Real Estate and the corresponding violations of Goshen City Code, and therefore adopts the same as its findings herein.
- ☒ The Hearing Authority finds the evidence presented partially supports the facts contained in the Order of the City of Goshen Building Commissioner, dated November 8, 2023, as to the condition of the structure at the Real Estate and the corresponding violations of Goshen City Code, and therefore adopts the same as its findings herein, with the following modifications and/or revisions.

Repairs have been completed to the structure's siding, windows, roof, and framing.

Electrical and plumbing repair in progress and almost complete. Building still not in habitable condition but is making substantial progress.

- ☐ The Hearing Authority finds the evidence presented does not support the facts contained in the Order of the City of Goshen Building Commissioner, dated November 8, 2023, and therefore makes the following factual findings concerning the condition of the structure at the Real Estate:

C. Unsafe Building

These conditions render the residential structure and the garage at the Real Estate unsafe buildings as the structures 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.

D. Remedial Action.

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

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

Section 3. Hearing Authority Order.

A. Action on Building Commissioner Order

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

- ☐ Affirmed.
☐ Rescinded
☒ Modified as follows:

- ☒ The Hearing Authority, finding that the Unsafe Buildings at the Real Estate may be repaired finds it appropriate to permit the opportunity for repairs to the Unsafe Building at the Real Estate and therefore gives the property owner, M & H Rentals,

LLC, 60 days to complete repairs necessary to address all violations listed in the Order, with this matter set for further review by this Board following that period.

- ☐ The Hearing Authority, finding that the Unsafe Buildings at the Real Estate may be repaired, directs the City of Goshen Legal Department to pursue civil action against the property owner pursuant to I.C. § 36-7-9-17 to seek appropriate remedies, specifically including civil penalties (I.C. § 36-7-9-19), the appointment of a receiver (I.C. § 36-7-9-20), and/or court order for performance of repair work (I.C. § 36-7-9-21).

- ☐ The Hearing Authority further ORDERS that there will be a hearing to determine compliance with this Continuous Enforcement Order held before the Goshen Board of Public Works and Safety on Thursday, July 11, 2024

B. Civil Penalty

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

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

and therefore now orders a civil penalty against the property owner, Ronald Davidhizar, in the amount of: _____.

- ☐ The payment of said civil penalty is due in full on or before _____;
- ☐ The effective date of said civil penalty is postponed until _____, to allow all work necessary to comply with the Order to be completed;
- ☒ No findings or order for civil penalty.

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

I.C. § 36-7-9-27 requires that if you transfer your interest or any portion of your interest in the Building and/or the Real Estate affected by this Continuous Enforcement Order to another person, you must supply the other person with full information regarding this Order prior to

transferring that interest or agreeing to transfer that interest. Within five (5) business days after transferring that interest or agreeing to transfer a substantial property interest in the Building and/or the Real Estate, you must supply City of Goshen Building Commissioner Myron Grise with the full name, address, and telephone number of the other person taking a substantial property interest in the Building and/or the Real Estate, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Mr. Grise's office is located at 204 East Jefferson Street, Suite 5, Goshen, Indiana 46528, or you may contact him at 574-534-1811. Should you fail to comply with these provisions, then you may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that judgment is entered against the City by the other person to whom the transfer was made.

This CONTINUOUS ENFORCEMENT ORDER of the City of Goshen Board of Public Works and Safety is issued on May 2, 2024.

City of Goshen Board of Public Work and Safety

By:

Gina M. Leichty, Mayor

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the City of Goshen Board of Public Works and Safety by Gina M. Leichty, Mayor, and acknowledged execution of the foregoing Order on May 2, 2024.

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



Notary Public

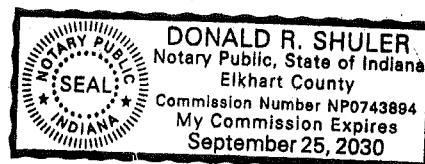


EXHIBIT A

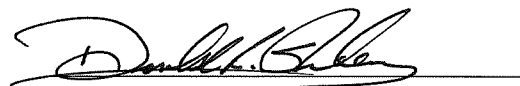
Lot Number Seventy (70) in Chamberlain's Second Addition to the City of Goshen, Indiana, as recorded in Deed Record 21, page 291, Elkhart County Records.

Subject to all easements and restrictions of record.

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 May 2, 2024, for the premises at 407 Center Street, Goshen, Indiana, was served by sending a copy by regular first-class mail to the last known address of the following persons to be notified on May 6, 2024:

M & H Rentals, LLC
c/o Michael Schmucker
64570 County Road 19
Goshen, Indiana 46526

A handwritten signature in black ink, appearing to read "Donald R. Shuler", is written over a horizontal line.

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).