



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD**  
**MINUTES OF THE JULY 25, 2024 REGULAR MEETING**  
*Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana*

**Present:** Mayor Gina Leichty, Mike Landis, Orv Myers, Mary Nichols and Barb Swartley  
**Absent:** 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 July 11, 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 5-0.

**REVIEW/APPROVE AGENDA:** Mayor Leichty presented the agenda with the addition of new agenda item #9, *Engineering Department request: Approve Denver Street road closure for repairs.* Board member Nichols moved to approve the agenda as amended. Board member Myers seconded the motion. The motion passed 5-0.

1) **Downtown Goshen Inc. request: Approve a street closure time change on First Friday, Aug. 2, 2024**  
Amanda Rose, Director of First Fridays for Eyedart Creative Studios, asked the Board to approve changes to the approved street closures on Aug. 2, 2024 for First Friday activities. She asked for earlier street closures. Rose said she was requesting the closure of Main Street, from Jefferson to Lincoln streets, and East Washington Street, from Main Street to the alley, for First Friday set up and activities. She asked to close Main Street from 8 a.m. to 11 p.m. and East Washington Street from noon to 11 p.m. She also requested street barricades and signs. Rose confirmed to Mayor Leichty that affected businesses have been informed of the earlier closures. Mayor Leichty mentioned that that the theme for Aug. 2 was pickleball. Nichols/Myers made a motion to approve the requested street closures for First Friday, Aug. 2, 2024. The motion passed 5-0.

2) **Legal Department request: Award bid for purchase of 2024 Street Sweeper and approve purchase agreement with Hoosier Equipment, LLC**  
City Attorney Bodie Stegelmann told the Board that the City solicited sealed bids for the purchase of a 2024 or newer street sweeper for the Goshen Street Department. The bid tabulation was as follows:

Bidder	Total bid purchase price
Hoosier Equipment, LLC, Plymouth, Indiana	\$356,980
Jack Doheny Company, Northville, Michigan	\$363,710

Although Hoosier Equipment, LLC had several exceptions listed in their bid, it has been determined that these exceptions do not have a material impact on Hoosier Equipment being the lowest responsive bidder. Therefore, Stegelmann recommended that that Hoosier Equipment, LLC be awarded the bid, and that the Board authorize Mayor Leichty to execute the attached purchase agreement in the total cost of \$356,980. Nichols/Myers made a motion award the bid for the purchase of a 2024 street sweeper to Hoosier Equipment, LLC 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 \$356,980. The motion passed 5-0.



**3) Legal Department request: Approve Resolution 2024-17, Interlocal Agreement with the County of Elkhart for the Establishment of the Marion Branch Quiet Zone**

**City Attorney Bodie Stegelmann** said the Board previously approved the terms and conditions and authorized execution of the Interlocal Agreement with the County for the establishment of the Marion Branch Quiet Zone.

**Stegelmann** said under the agreement, the County is approving the establishment of the new quiet zone and delegating to the City the authority to take all such actions as required by the federal regulations to establish the new train quiet zone. This specifically includes the County Road 42 grade crossing as well as at the location of the closed County Road 40 crossing that are outside the City limits.

**Stegelmann** said the City Redevelopment Commission has agreed to provide the funding for the implementation of one or more safety measures required for the establishment of the new quiet zone. He said the City and County have negotiated revisions to the agreement, including the establishment of a joint board to facilitate decision making under for the project. He asked the Board to approve the terms and conditions of the revised Interlocal Agreement, and again authorize Mayor Leichty to execute the Interlocal Agreement on behalf of the Board and the City.

**Nichols/Myers made a motion to adopt Resolution 2024-17, Interlocal Agreement with the County of Elkhart for the Establishment of the Marion Branch Quiet Zone. The motion passed 5-0.**

**4) Environmental Resilience Department request: Authorize Mayor Leichty to accept the terms of a Phragmites Adaptive Management Program Grant**

**Theresa Sailor, the Grant Writer and Educator for the City Environmental Resilience Department,** told the Board that the City has received a grant of \$12,145.18 from the Great Lakes Commission to participate in removal research for phragmites, an invasive plant species that is quickly spreading in Northern Indiana and has a foothold in the Goshen area.

**Sailor** said this research is intended to develop best management standards for phragmites removal and the information from the outcomes will give Goshen managers the tools to work at keeping phragmites in check on City properties and to provide information and public education for land owners in our area.

**Sailor** said properties that are a part of this research include parks properties and two stormwater retention basins, including Fidler Pond, Abshire Park, and stormwater retention basins at 828 East Lincoln Ave. and 2427 Kercher Road. Both the Parks and Stormwater departments were consulted for developing this grant request.

**Sailor** said the phragmites removal will be contracted and that work is out for bid. The contract for that work will come through the Board at a later date. There are no match requirements for this grant.

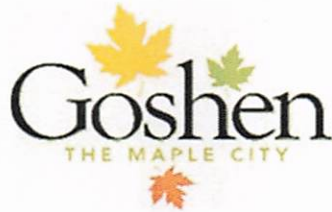
**Nichols/Myers made a motion to authorize Mayor Leichty to accept the terms of a Phragmites Adaptive Management Program Grant. The motion passed 5-0.**

**5) Water & Sewer Office request: Move \$6,894.23 in uncollected finalized accounts from active to collection, sewer liens and write offs for the period through May 10, 2024**

**Kelly Saenz, Manager of the Goshen City Utilities Office,** told the Board that the original amount of unpaid final Water/Sewer accounts, for the period through May 10, 2024, was \$7,021.49. Collection letters were sent out and payments of \$127.26 were collected.

The uncollected amount was \$6,894.23. So, **Saenz** asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs for the period. Of the uncollected amounts, \$2,787.82 came from water accounts and \$4,106.41 from sewer accounts.

**Saenz** said since the request was filed an additional \$1,100 was collected. The new amount of uncollected finalized accounts as of today was \$5,773.28. In response to a question from the **Mayor, City Attorney Stegelmann** confirmed that the Board could amend the amount of the uncollected finalized accounts in its action today.



**Saenz** also confirmed, in response to questions from **Board member Landis**, that the amount of uncollected finalized accounts was larger than usual and that the time frame covered can vary. She also explained the payment process. **Nichols/Myers** made a motion to move the Goshen Water and Sewer Office's \$5,773.28 in uncollected finalized accounts for this period from active to Collection, Sewer Liens and Write offs. Motion passed 5-0.

**6) Engineering Department request: Approve and authorize the Mayor to sign the agreement with Abonmarche for \$57,500 to provide potholing services for the U.S. Environmental Protection Agency lead and copper project**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that attached to the agenda packet was an agreement with Abonmarche Consultants to provide Hydro-Excavation "Potholing" services for the final 100 of 400 representative locations throughout the City of Goshen to identify piping materials on the customer and City side of the curb-stop valve.

**Sailor** said this work will complete development of a piping material inventory to be submitted to the Indiana Department of Environmental Management by Oct. 16, 2024, as part of a nationwide mandate of the Environmental Protection Agency Lead and Copper Rule. The first 300 locations were funded under a grant from IDEM.

**Nichols/Myers** made a motion to approve and authorize the Mayor to sign the agreement with Abonmarche for \$57,500 to provide potholing services for the EPA lead and copper project. The motion passed 5-0.

**7) Engineering Department request: Approve and authorize the Mayor to sign the Financial Commitment Letter to be submitted to the Indiana Department of Transportation for the Community Crossings Matching Grant Fund application process**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the City is preparing to apply for the Community Crossings Matching Grant Fund through the Indiana Department of Transportation in which the City can be awarded up to \$1,500,000.

In order to be eligible for application, **Sailor** said a Financial Commitment Letter must be signed by **Mayor Leichty** and submitted during time of application stating that Goshen will meet the financial match requested in the amount of \$1,500,000.

**Nichols/Myers** made a motion to approve and authorize the Mayor to sign the Financial Commitment Letter to be submitted to INDOT during CCMG application. The motion passed 5-0.

**8) Engineering Department request: Approve Change Order No. 2 for Niblock to take control of the County Courts Consolidation Roadway Improvements project MOT (Maintenance of Traffic) from the Indiana Department of Transportation for an increase of \$24,966**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that attached to the agenda packet was Change Order No. 2 for the County Courts Consolidation Roadway Improvements project.

Due to unforeseen circumstances, **Sailor** said the Maintenance of Traffic (MOT) between the Indiana Department of Transportation multi-use path project and the City's project conflicted.

**Sailor** said all parties met and agreed upon the MOT for the INDOT project, would remain in place, effectively closing the intersection for Reliance Road and U.S. 33. This allowed for safe conditions for the general public and the utility relocation efforts on Reliance Road.

**Sailor** said all parties also agreed that Niblock would take control of that portion of the MOT once it was not needed for the INDOT phasing. On July 3, 2024, Niblock took down this MOT and installed the contract MOT for the current phase of this project.



**Sailor** said the original contract amount was \$4,165,762.30. Niblock taking control of the MOT from INDOT will increase the contract by \$24,966.00, for a revised contract amount of \$4,193,995.06, an increase of 0.68%. **Nichols/Myers made a motion to approve Change Order No. 2 for Niblock to take control of the project Maintenance of Traffic from the Indiana Department of Transportation for an increase of \$24,966.00. The motion passed 5-0.**

**ADDED AGENDA ITEM:**

**9) Engineering Department request: Approve closure of Denver Street for repairs**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that earlier this afternoon a vehicle hit and sheared off a fire hydrant on Denver Street, west of the Kroger supermarket adjacent to Pike Street. He said the impact jarred the connected water main causing it to break in multiple locations.

**Sailor** said City Utilities was working to restore water service to connected customers and also will need to assemble materials for a larger water main repair in the coming days. He also said the damage to the roadway was significant and staff estimated that 180 feet of the southbound lane of Denver Street will need to be repaired.

With repairs and restoration, **Sailor** said City employees anticipate the road will not be restored until Friday, Aug. 9. He added that road closures will occur as necessary to facilitate different phases of the work.

In response to a question from **Mayor Leichty**, **Sailor** said Kroger's operations will not be affected. He said Kroger will continue to be accessible from Denver Street, south of Pike Street. He said six customers were without water.

**Nichols/Myers made a motion to approve the closure of Denver Street, from 213 Denver Street to 115 Denver Street, and to Pike Street as required for the replacement of the damaged water main and the restoration of Denver Street. Motion passed 5-0.**

**NOTE:** Before the meeting, City Director of Public Works & Utilities Dustin Sailor distributed to Board members a memorandum, dated July 25, 2024, formally requesting closure of Denver Street for the repairs (**EXHIBIT #1**).

**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. There were no public comments.

**Mayor Leichty** closed Privilege of the Floor at 4:19 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., July 25, 2024**

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

**Members:** Mayor Leichty, Mike Landis and Mary Nichols

**10) Accept the post-construction stormwater management plan for the Ancon Construction Office Relocation project**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the developer of the Ancon Construction Office Relocation project, affecting one (1) or more acres of land and located at 2121 W Wilden Avenue, has submitted a sufficient postconstruction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post Construction Stormwater Management."



The Stormwater Department requested that the Stormwater Board accept the plan.

**Nichols/Landis made a motion to accept the post-construction stormwater management plan for the Ancon Construction Office Relocation project as it has been found to meet the requirements of City Ordinance 4329. The motion passed 5-0.**

**11) Accept the post-construction stormwater management plan for the Bethany Christian Schools expansion project**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the developer of the Bethany Christian Schools Expansion project, affecting one (1) or more acres of land and located at 2904 South Main Street, has submitted a sufficient postconstruction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post Construction Stormwater Management."

The Stormwater Department requested that the Stormwater Board accept the plan.

**Nichols/Landis made a motion to accept the post-construction stormwater management plan for the Bethany Christian Schools Expansion project as it has been found to meet the requirements of City Ordinance 4329. The motion passed 5-0.**

**Mayor Leichty closed the City Stormwater Board meeting at 4:21 p.m. and opened a review hearing for a prior unsafe building order for 425 N. 9th Street (Christopher D. Jones, property owner).**

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

**4:00 p.m., July 25, 2024**

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

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

**12) Review of the Order of the City of Goshen Building Commissioner for 425 N. 9th Street (Christopher D. Jones, property owner)**

**At 4:21 p.m., Mayor Leichty convened a hearing to review the Order of the City of Goshen Building Commissioner for 425 N. 9th Street (Christopher D. Jones, property owner).**

**BACKGROUND:**

In a July 22, 2024 memo to the Board, **Assistant City Attorney Don Shuler** wrote that on March 28, 2024, the Board issued a Record of Action and Continuous Enforcement Order for the property at 425 N. 9th Street, Goshen. **Shuler** wrote that the Board's Order found the building at the property to be an unsafe building warranting of demolition, but that it could be repaired. Thus, the Board provided an opportunity for repair, permitting 90 days to complete repairs necessary to address all violations at the property. The Board's Order also set the matter for further review on July 25, 2024.

**The motion made to approve the Board's Order was subject to the following:**

1. The exterior of the property remaining clean and mowed.
2. The driveway to be taken to the approved dimensions of 25 x 50 feet or approval obtained from City Zoning for a larger space.
3. And that Christopher Jones take steps to clear title to the underlying real estate.

**Shuler** wrote that the Board had continuing jurisdiction over the enforcement of its Order. Therefore, the Board should receive any additional information and evidence concerning the property and its status.



**At the conclusion of the hearing, Shuler wrote that the Board could take any of the following actions:**

1. Continue the matter for further review at a future date.
2. Modify the Order in any of the following ways:
  - a. Provide additional time to make repairs
  - b. Order demolition of the unsafe building
  - c. Find completion of repairs and rescind the Order
3. Upon a finding of willful failure to comply, impose a civil penalty up to \$5,000.
  - a. The effective date of the civil penalty may be postponed for a reasonable period to permit repairs to be made.

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

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

The original Order of the City of Goshen Building Commissioner, dated April 13, 2023, required: **Demolition of the unsafe buildings at the Real Estate and removal of all demolition remains, trash, and debris on the Real Estate and return the site to natural grade, all of said work to be completed on or before May 19, 2023.** The Order cited six violations of Goshen City Code Title 6, Article 3, Chapter 1. The Order also noted the structure was filled with trash, debris, materials, and other materials, and generally had not been kept in a clean and sanitary condition that would permit human habitation, occupancy, or use under City Code.

#### **DISCUSSION AND OUTCOME OF CONTINUED BOARD HEARING ON JULY 25, 2024:**

**At 4:21 p.m., Mayor Leichty** convened the review hearing.

**Present were: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler; City Building Inspector Travis Eash; Building Commissioner Myron Grise, Christopher Jones (property owner) and his attorney, Don Berger.**

**Assistant City attorney Don Shuler provided the background of the case and the reason for the review hearing. He also discussed actions the Board could take after considering evidence presented today. After being sworn in by the Mayor to provide truthful testimony, City Building Inspector Travis Eash provided an update on the property at 425 North 9<sup>th</sup> Street. Eash distributed to Board members a memorandum, dated July 25, 2024, and two pages of color photographs showing the current condition of 425 North 9<sup>th</sup> Street. (EXHIBIT #1), Reading from his memo, Eash said that at the Board's last hearing, Jones was ordered to bring the exterior of the property into compliance with all City ordinances and maintain the exterior of the property in that manner as well. Eash said, 'Mr. Jones has achieved that for the most part ... Mr. Jones has communicated to me that he is still attempting to collect from a previous judgment and is doing his best at maintaining the exterior of the property.'**



**Eash** said, "Mr. Jones has not provided the City proof of a clean title of the house at 425 N 9th Street, which is something else that was previously ordered." He thanked Jones and his representatives for their continued work and communication with the City.

**Eash** concluded by stating, "The house is still in an uninhabitable state, which is something I want to remind everybody, which is the main reason we're still here. We want to get this property in a habitable state."

**Mayor Leichty swore in Christopher Jones and his attorney, Don Berger of South Bend, to give truthful testimony.**

**Berger** said he has been working to resolve the title issue and has been in contact with **Eash** and **Shuler**. He said he has drafted a quiet title action, a procedure to resolve the ownership issue which will require publishing a notification in a local newspaper three times and, if there is no response, seeking a judgment for Jones to gain the title.

**Berger** said the newspaper notification will be published starting in mid-August and should be completed in mid-September. He thanked **Eash** for his cooperation.

Asked by the **Mayor** to provide an update, **Christopher Jones** said he has kept the lawns mowed, sometimes doing so twice a week. He said he has also refrained from accumulating more items outside the home and has kept things in order. He said a bus parked outside is now licensed and insured and he still plans to renovate it.

**Mayor Leichty** told **Jones** that she appreciated his efforts and for keeping City staff informed about his work. She expressed the hope the progress will continue and that the home someday will be restored.

**Jones** also discussed his lawsuit seeking the return of funds he paid to a contractor to renovate the home; the work was never done. He said he expected an update on the lawsuit in August or September.

**Assistant City Attorney Shuler** confirmed that he was informed by Jones' attorney that he expected to receive more information about a judgment.

**Mayor Leichty** asked **City Attorney Bodie Stegelmann** to clarify the appropriate action by the Board today.

**Stegelmann** said the Board was being asked to determine whether Jones was making adequate progress. If so, he said the Board could grant a continuance of the matter.

**Board members** and staff briefly discussed a future date for another review hearing.

**Nichols/Myers** then made a motion that the hearing be continued to Oct. 31. The motion passed 5-0.

At 4:37 p.m., **Mayor Leichty** adjourned the hearing 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 4:37 p.m.

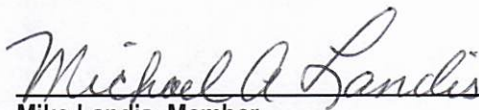



**EXHIBIT #1:** *Before the meeting, City Director of Public Works & Utilities Dustin Sailor distributed to Board members a memorandum, dated July 25, 2024, formally requesting closure of Denver Street for repairs of a water main, a hydrant and 180 feet of roadway. This request was approved by the Board as added agenda item #9.*


**EXHIBIT #2:** *A July 25, 2024 memorandum written by City Building Inspector Travis Eash and two pages of color photographs showing the present condition of 425 North 9th Street. This information was submitted during and for consideration of agenda item #12) Review of the Order of the City of Goshen Building Commissioner for 425 N. 9th Street (Christopher D. Jones, property owner)*

**APPROVED:**

  
\_\_\_\_\_  
Mayor Gina Leichthy


  
\_\_\_\_\_  
Mike Landis, Member

  
\_\_\_\_\_  
Orv Myers, Member

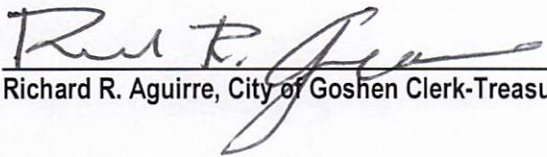
  
\_\_\_\_\_  
Mary Nichols, Member





  
Barb Swartley, Member

ATTEST:

  
Richard R. Aguirre, City of Goshen Clerk-Treasurer



**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  
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## Memorandum

To: Board of Works & Safety

From: Dustin K. Sailor, Director of Public Works

RE: **DENVER STREET ROAD CLOSURE  
(JN: STREETS)**

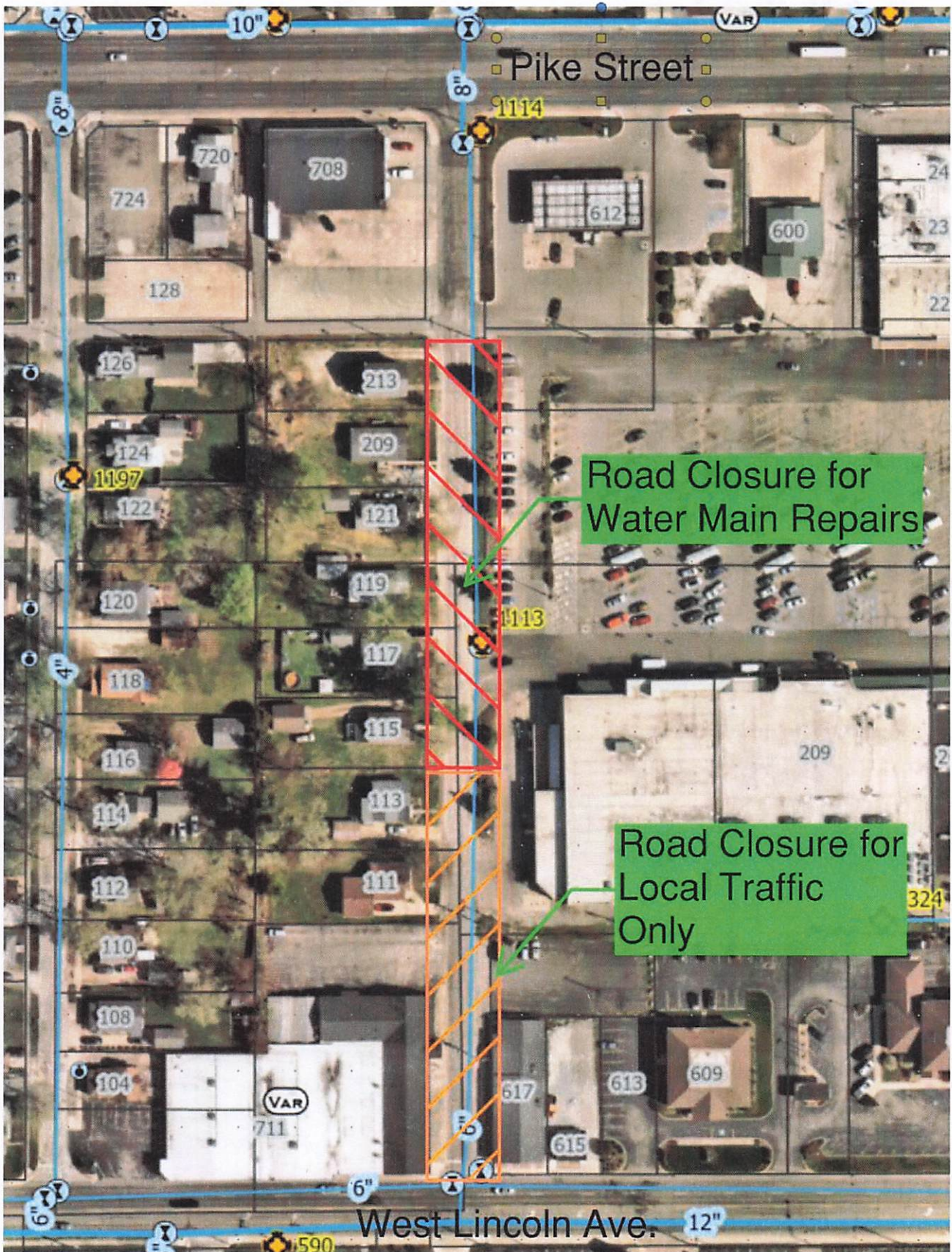
Date: July 25, 2024

This Thursday afternoon, a fire hydrant along Denver Street, west of Kroger's drive, was sheared off by a vehicle. The impact to the hydrant jarred the connected water main causing it to break in multiple locations. Goshen Utilities is currently working to restore water service to connected customers and will need to assemble materials for a larger water main repair in the coming days.

The damage to the roadway was significant and staff is currently estimating 180 feet of the south bound lane of Denver Street will need to be replaced. With repairs and restoration, Goshen Utilities anticipates full reuse of the road will not be restored until Friday, August 9. Road closures will occur as necessary in the coming weeks to facilitate the different phase of work.

***Suggested Motion: Move to approve the closure of Denver Street from 213 Denver Street to 115 Denver Street, and to Pike Street as required for the replacement of the damaged water main and restoration of Denver Street.***

<See the back for map>





**Building Department  
CITY OF GOSHEN**

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

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## MEMORANDUM

**TO: BOARD OF PUBLIC WORKS**

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

**Date: JULY 25, 2024**

**Subject: 425 N 9TH STREET**

This is just a quick update from the Building Department on the property at 425 N 9<sup>th</sup> Street. Mr. Jones was Ordered in the last Hearing on this property to bring the exterior of the property into compliance with all City Ordinances and maintain the exterior of the property in that manner as well. Mr. Jones has achieved that for the most part.

I have attached pictures of the exterior of the property that I took this morning for the Board to see. Mr. Jones has communicated to me that he is still attempting to collect from a previous judgement and is doing his best at maintaining the exterior of the property.

Mr. Jones has not provided the city proof a clean Title of the house at 425 N 9<sup>th</sup> Street which is something else from the previous Order. He is here along with a couple of representatives that might want to speak to this or have information to provide. I would like to thank all of his representatives for their continued work and communication.

The house is still in an uninhabitable state that is unsafe and needs a lot of work, which we all know but I don't want it to get over looked

Thank you,

Travis Eash

