



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE SEPTEMBER 26, 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 Sept. 5, 2024 Regular Meeting as prepared by Clerk-Treasurer Richard R. Aguirre. Board member Mike Landis moved to approve the minutes as presented. The motion was seconded by Board member Barb Swartley. The motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer. Board member Landis moved to approve the agenda as presented. Board member Swartley seconded the motion. The motion passed 5-0.

1) Open Sealed Bids: Construction Manager as Constructor for Shanklin Pool

Assistant City Attorney Don Shuler told the Board that the City solicited sealed proposals for the services of a Construction Manager as Constructor for pre-construction and construction services required for the renovation of and improvements to Shanklin Pool. He said the proposals were due Sept. 26 and could be delivered to the Clerk-Treasurer's Office until 3:45 p.m. or until 4 p.m. to the City Court Room/Council Chambers.

Mayor Leichty asked if there are any additional proposals to be submitted to the Board. There were not. The Mayor then announced that the following bids were received:

- Berglund Construction Co., Chesterton, IN
- CORE Construction, Schererville, IN
- DJ Construction, Goshen, IN
- Meyer Najem Construction, Fishers, IN
- Michael Kinder & Sons, Fort Wayne, IN
- R.L. Turner Corp., Zionsville, IN
- Skillman Corp., Merrillville, IN

Landis/Swartley made a motion to forward all sealed proposals to the City Legal Department for review. The motion passed 5-0.

2) Mayor's Office: Swearing in Michael Wanbaugh as Director of Administrative Affairs

Mayor Leichty told the Board that Michael Wanbaugh has joined her office as the Director of Administrative Affairs. ***Mayor Leichty then swore Michael Wanbaugh into office as Director of Administrative Affairs.***

3) Police Department request: Approve the hiring of Nicholas R. Hess as a probationary patrol officer, with the terms listed in the Conditional Offer of Employment Agreement, retroactive to Sept. 16, 2024

City Police Chief José Miller asked the Board to approve the hiring of Nicholas R. Hess for the position of probationary patrol officer.

Chief Miller said Officer Hess previously was a police officer in South Bend and successfully completed the Indiana Law Enforcement Academy. The Chief asked the Board to approve the hiring with the terms listed in the Conditional Offer of Employment Agreement since Hess is a certified officer and will be receiving the sign-on bonus.



Chief Miller added, "We are thrilled that Nicholas wants to join the Goshen Police Department. I would like the hiring of Nicholas to be retroactive to Sept. 16th, 2024.

Landis/Swartley made a motion to approve the hiring of Nicholas R. Hess for the position of probationary patrol officer, retroactive to Sept. 16, 2024, with the terms listed in the Conditional Offer of Employment Agreement. The motion passed 5-0.

After approval of the hiring and agreement, Mayor Leichty swore Officer Hess into office as a patrol officer.

4) Fire Department: request: Approve the promotion of Noah P. Youngman to the rank of Private First Class, retroactive to Sept. 25, 2024

City Fire Chief Dan Sink told the Board that Noah P. Youngman completed his probationary year at the Goshen Fire Department on Sept. 25, 2024. Based on his performance and recommendations from his shift Battalion Chief and Training Officer; Chief Sink requested that Firefighter Youngman be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive to Sept. 25, 2024.

Landis/Swartley made a motion to approve the promotion of Noah P. Youngman to the rank of Private First Class for the Goshen Fire Department, retroactive to Sept. 25, 2024. The motion passed 5-0.

After approval, Mayor Leichty swore Noah P. Youngman into office as a Private First Class Firefighter for the Goshen Fire Department.

5) Fire Department request: Approve the promotion of Dakoda "Kody" L. Miller to the rank of Private First Class, retroactive to Sept. 25, 2024

City Fire Chief Dan Sink told the Board that Dakoda (Kody) L. Miller completed his probationary year at the Goshen Fire Department on Sept. 25, 2024. Based on his performance and recommendations from his shift Battalion Chief and Training Officer; Chief Sink requested that Firefighter Miller be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive to Sept. 25, 2024.

Landis/Swartley made a motion to approve the promotion of Dakoda (Kody) L. Miller to the rank of Private First Class for the Goshen Fire Department, retroactive to Sept. 25, 2024. The motion passed 5-0.

After approval, Mayor Leichty swore Dakoda (Kody) L. Miller into office as a Private First Class Firefighter for the Goshen Fire Department.

6) Fire Department request: Approve the promotion of John Z. Bacigal to the rank of Private First Class, retroactive to Sept. 25, 2024

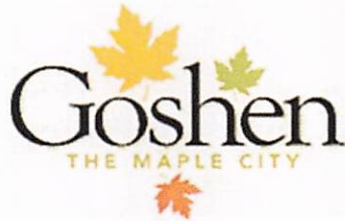
City Fire Chief Dan Sink told the Board that John Z. Bacigal completed his probationary year at the Goshen Fire Department on Sept. 25, 2024. Based on his performance and recommendations from his shift Battalion Chief and Training Officer; Chief Sink requested that Firefighter Bacigal be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive to Sept. 25, 2024.

Landis/Swartley made a motion to promote John Z. Bacigal to the rank of Private First Class for the Goshen Fire Department, retroactive to Sept. 25, 2024. The motion passed 5-0.

After approval, Mayor Leichty swore John Z. Bacigal into office as a Private First Class Firefighter for the Goshen Fire Department.

7) Fire Department request: Approve the promotion of Colin D. Loe to the rank of Private First Class, retroactive to Sept. 25, 2024

City Fire Chief Dan Sink told the Board that Colin D. Loe completed his probationary year at the Goshen Fire Department on Sept. 25, 2024.



Based on his performance and recommendations from his shift Battalion Chief and Training Officer; Chief Sink requested that Firefighter Loe be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive to Sept. 25, 2024.

Landis/Swartley made a motion to promote Colin D. Loe to the rank of Private First Class for the Goshen Fire Department, retroactive to Sept. 25, 2024. The motion passed 5-0.

After approval, Mayor Leichty swore Colin D. Loe into office as a Private First Class Firefighter for the Goshen Fire Department.

8) Dennis & Susan Mark Landis request: Allow an existing gravel driveway to remain and be extended to serve homes on both Lots 1 and 2 of the proposed Double Oak Subdivision

Dennis M. Landis asked the Board to allow the existing gravel driveway to remain and to be extended to serve homes on both Lots 1 and 2 of the proposed Double Oak Subdivision.

Landis said that after subdivision final approval, Lot 2 will be transferred to a third party for construction of a new single-family home. He said 10 years ago the City gave permission to install the gravel driveway that he now wants to extend to serve homes on two lots.

City Project Manager Andrew Lund said the Engineering Department reviewed the request and had no issue regarding the longer gravel driveway.

Landis/Swartley made a motion to allow an existing gravel driveway to remain and be extended to serve homes on both Lots 1 and 2 of the proposed Double Oak Subdivision. The motion passed 5-0.

9) Artisan Investment Group request: Approve a two-vehicle gravel parking area for its property at 205 Middlebury Street

Martin Schwartz of the Artisan Investment Group asked the Board to grant permission to install a gravel parking area for two vehicles at its new property at 205 Middlebury Street in Goshen.

Schwartz said as the company sought to enhance the functionality of its property while remaining in harmony with the neighborhood, staff observed that at least four neighboring properties currently feature gravel parking.

In his written request, **Schwartz** wrote that company representatives believe that establishing gravel parking at this location will provide the necessary space for vehicles and maintain the surrounding area's character. He also wrote that the company is committed to ensuring that the installation is done with care, adhering to any regulations and guidelines set by the City to preserve the integrity of the community.

City Project Manager Andrew Lund said the City Engineering Department recommends against granting this request. He said the driveway approach is on Middlebury Street and surrounding properties have either concrete or asphalt surfaces, with the only gravel driveway two blocks away.

Lund said the property already has a concrete driveway to its garage and it would be inconsistent to add a gravel driveway and added that onsite parking already is available. He added that the City Board of Zoning Appeals approved the location of the parking area with the condition that the second driveway approach along Middlebury Street, southwest of the existing porch, be removed with the remodeling of the home.

In response to a question from the **Mayor**, **Lund** confirmed that the Board of Zoning Appeals approved a zoning variance to return the property to a duplex. "I'm sorry to hear that," Mayor Leichty responded. Lund also confirmed that the primary vehicle approach for the property would be adjacent to the garage, on Fifth Street.

Schwartz clarified several issues in response to questions from the **Mayor** and **Board member Landis**. He said the garage would be used for parking by a tenant. He said the requested parking also would be used for tenant vehicles. He said the apartment above the garage is no longer able to be used.

Mayor Leichty said she wanted to have a conversation about this request with City Planning and Zoning staff members, who were not present today. She said she wanted to ensure a common understanding of the issues.

Schwartz asked if it would simplify matters if Artisan installed a hard parking surface instead of gravel.



Mayor Leichthy said she preferred that the matter be delayed..

Mayor Leichthy/Board member Swartley then made a motion to table the request for the installation of a gravel parking area at 205 Middlebury Street in Goshen until Oct. 3. The motion passed 5-0.

10) Trees For Goshen (TFG) request: Approve the use of about 60 feet of alleyway immediately west of the Electric Brew, 118 E. Washington St., on Oct. 4, 2024 to stage and give away trees during First Friday
On behalf of Trees for Goshen, Aaron Sawatsky Kingsley, Director of the City Department of Environmental Resilience, asked the Board for the use of approximately 60 feet of alleyway immediately west of the Electric Brew, 118 East Washington Street, on Oct. 4, 2024, from 3 p.m. to 8 p.m.

Sawatsky Kingsley this area was for participation with the First Friday event during that time, and in cooperation with the Electric Brew. He said Trees For Goshen will use the alley space as staging for giving away 200 trees to the public that evening. He said the Electric Brew has been contacted about this request.

In response to a question from the Mayor, **Sawatsky Kingsley** confirmed that the request was coordinated with First Friday organizers. He said the Electric Brew also approved the request.

Landis/Swartley made a motion to allow the use of approximately 60 feet of alleyway immediately west of the Electric Brew, 118 East Washington Street, on Oct. 4, 2024, from 3 p.m. to 8 p.m. The motion passed 5-0.

11) Downtown Goshen Inc. request: Approve the closure of various streets for the Nov. 1, 2024 Light Parade as an addendum to the original request

Amanda Rose, Director of First Fridays for Eyedart Creative Studios, asked the Board for permission to close various streets for the route of the parade during the Nov. 1 Light Parade as an addendum to the original request. She said organizers still need the use of the half block of East Washington Street.

Rose indicated the parade will kick off from the corner of 5th and Clinton streets and will head west to Main Street, head south on Main to Jefferson Street, head east on Jefferson, and end at the corner of 5th and Jefferson streets. She also requested the closure of the City parking lot behind the First Presbyterian Church, 215 E Lincoln Street, off of 5th Street as well as the City lot directly across the street for the use of staging floats.

Rose indicated that the parade route should be closed from 5:45 p.m. to 7:45 p.m. and for parking lots to be closed 1 p.m. to 10 p.m. She also said street barricades would be needed from the City Street Department.

Mayor Leichthy said the parade will be in reserve order from last year and the parade will not be on 5th Street.

Landis/Swartley made a motion to approve the closure of various streets and parking lots for the Nov. 1, 2024 Light Parade in downtown Goshen. The motion passed 5-0.

12) Goshen Christian Church: Approve sewer relief in the amount of \$1,476.54

Martin Yoder, representing Goshen Christian Church, requested sewer relief for the church's July and August bills due to an underground water line break that increased its water usage. He said no water went into the sewer. **Yoder** said the church was informed of the extra water usage after City staff read the water meter. He said the church immediately contracted with a backhoe operator and the water line was repaired.

City Water & Sewer Office Manager Kelly Saenz confirmed Yoder's information.

The leak occurred on July 13 to Aug. 16, 2024. The repair to the water line was made on Aug. 16, according to receipts from P&L Backhoe Service Inc.

The total amount of credit to the customer for this leak was as follows:

July 1-Aug. 1	Total sewer billed	\$861.75
Aug. 1-Sept. 1	Total sewer billed	\$1,182.75
Sewer average		\$33.98



Total amount of credit

July 1-Aug. 1	Total credit	\$827.77	
Aug. 1-Sept. 1	Total credit	\$1,148.77	
		\$500.00	Credit given per City policy
Total credit to be granted by the Board		\$1,476.54	

Saenz said the church was eligible for a total credit of \$1,476.54.

Landis/Swartley made a motion to grant Goshen Christian Church's request for sewer relief in the amount of \$1,476.54. The motion passed 5-0.

13) Legal Department request: Approve and authorize Mayor Leichty to execute an Agreement Amendment with Cathy's Cleaning Service to extend cleaning services to include the Goshen Police Department Training Center at an estimated yearly cost of \$5,460

City Attorney Bodie Stegelmann told the Board that the City solicited quotes for cleaning services of the Annex Building, City Hall and the Utilities Billing Office in accordance with Indiana Code § 5-22-8-3. Cathy's Cleaning was awarded the bid from the solicitation.

Stegelmann said Cathy's Cleaning and the City have now agreed to amend the current agreement to expand cleaning services to the Police Training Center. The table below outlines costs for this service.

Weekly Cost	Monthly Cost	Additional Cleaning Services (per hour)	Total Approximate Yearly Cost
\$105	\$455	\$40	\$5,460

Stegelmann said cleaning services with Cathy's Cleaning shall commence the first week after execution of the agreement by all parties. Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute an Agreement Amendment with Cathy's Cleaning Service to extend cleaning services to include the Police Training Center at an estimated yearly cost of \$5,460.

Mayor Leichty said the company "has been doing an excellent job."

Landis/Swartley made a motion to approve and authorize Mayor Leichty to execute an Agreement Amendment with Cathy's Cleaning Service to extend cleaning services to include the GPD Training Center at an estimated yearly cost of \$5,460. The motion passed 5-0.

14) Legal Department request: Award the bid for the purchase and installation of a diesel generator for the Hilltop Booster Station to L&M Electric, Inc. and approve and authorize Mayor Leichty to execute the purchase agreement with L& M Electric, Inc.

City Attorney Bodie Stegelmann told the Board that the City solicited sealed bids for the purchase and installation of a diesel generator for the Hilltop Booster Station in accordance with Indiana Code § 5-22-8-3. Sealed bids were opened by the Board of Public Works & Safety on Aug. 29, 2024. Below is a summary of the bids received:

Vendor	Per Unit Price	Trade-in Offer	Total bid
L&M Electric, Inc.	\$103,167.00	\$1,500	\$101,667.00
Elevated Power, Inc.	\$132,859.91	\$500	\$132,359.91
Michiana Contracting, Inc.	\$169,910.00	\$500	\$169,410.00
Buckeye Power Sales Co., Inc.	\$57,717.00	No offer made	\$57,717.00

Stegelmann said the City Water and Sewer Department requested awarding the bid to L&M Electric, Inc. for the purchase and installation of a diesel generator for the Hilltop Booster Station as the lowest responsive and responsible bidder.



Landis/Swartley made a motion to award the bid for the purchase and installation of a diesel generator for the Hilltop Booster Station to L&M Electric, Inc as the lowest responsive and responsible bidder and approve and authorize Mayor Leichty to execute the purchase agreement with L& M Electric, Inc. for the purchase and installation of a diesel generator for the Hilltop Booster Station. The motion passed 5-0.

15) Legal Department request: Approve the AmeriCorps at MACOG Service Site Organization Agreement providing four AmeriCorps Member Service Years for the 2024-2025 Service Year for \$60,000 and authorize Mayor Leichty to execute the agreement

City Attorney Bodie Stegelmann told the Board that attached to the agenda packet for the Board's approval and authorization for Mayor Leichty to execute was an agreement with MACOG (Michiana Council of Governments) for the placement of 4 MSY (member service year) AmeriCorps Members for the 2024-25 Program year to work in the City of Goshen.

The City will pay MACOG \$15,000 per MSY for the AmeriCorps Members assigned to the City

Landis/Swartley made a motion to approve the AmeriCorps at MACOG Service Site Organization Agreement with MACOG providing four AmeriCorps Member Service Years for the 2024-2025 Service Year in the amount of \$60,000 and authorize Mayor Leichty to execute the Agreement. The motion passed 5-0.

16) Legal Department request: Approve and authorize the authorize Mayor Leichty to execute the agreement with Thomas Tree Care, LLC as the Goshen City Forestry Liaison at a cost not to exceed \$40,140 from the remainder of 2024 through the end 2026 for these services

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the attached agreement with Thomas Tree Care, LLC as the Goshen City Forestry Liaison. Thomas Tree Care, LLC will be paid no more than \$40,140 from the remainder of 2024 through the end 2026 for these services.

Landis/Swartley made a motion to approve and authorize the authorize Mayor Leichty to execute the agreement with Thomas Tree Care, LLC as the Goshen City Forestry Liaison at a cost not to exceed \$40,140 from the remainder of 2024 through the end 2026 for these services. The motion passed 5-0.

17) Legal Department request: Approve and authorize Mayor Leichty to execute the agreement with Goshen Fiber Network for IT services necessary to connect Goshen Police Training Center to the City network at a cost of \$6,660 for the three-year term

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the attached agreement with Goshen Fiber Network for IT services necessary to connect Goshen Police Training Center to the City network. This agreement allows for a continuation of services for three years at a cost of \$6,660.

Landis/Swartley made a motion to approve and authorize Mayor Leichty to execute the agreement with Goshen Fiber Network for IT services necessary to connect Goshen Police Training Center to the City network at a cost of \$6,660 for the three-year term. The motion passed 5-0.

18) Planning & Zoning request: Approval and authorization for the Mayor to sign the CBDO and CBDG agreements for Planning, Public Service, and Housing Activities for Program Year 2024

Community Development Specialist Theresa Cummings asked the Board to approve and authorize the Mayor to sign CDBG (Community Development Block Grant) agreements and the CBDO (Community Based Development Organization) agreement for Program Year 2024. Cummings described them as follows:



Planning Grant (for neighborhood outreach):

Lacasa, Inc., \$7,000

Public Service Grants:

Boys and Girls Clubs of Elkhart County – Goshen Club, \$5,325

Council on Aging of Elkhart County, \$5,325

Elkhart County Clubhouse, \$4,325

Goshen Interfaith Hospitality Network, \$16,000

Maple City Health Care Center, Inc., \$5,325

Walnut Hill Early Childhood Center, \$13,325

Housing Grants:

Owner Occupied Rehab - Lacasa, Inc., \$43,500

Homeownership Assistance – Lacasa, Inc., \$49,500

Multi Family Rehab – Lacasa, Inc., (CBDO) \$135,363

Planning, Public Service, and Housing Grants Total: \$341,988

Cummings indicated the planning grant will be used for neighborhood outreach. The public service grants will be used to fund access to early childhood education, daily nutrition programs, mental health support, senior transportation, and primary healthcare. The housing grants will be used to fund the ongoing owner-occupied housing rehab program, homeownership assistance, and a CBDO project for rehabilitation of 16 affordable multi-family housing units. She attached to the board's agenda packet a sample public service agreement.

Landis/Swartley made a motion to approve and authorize the Mayor to sign the CBDO and CDBG agreements for Planning, Public Services and Housing activities for Program Year 2024. The motion passed 5-0.

19) Engineering Department request: Approve/authorize Change Order No. 5 for the 10th Street and Douglas Street Reconstruction project for \$4,117, bringing the total contract to \$4,332,663.08, an increase of 1.97% and extend project completion to Oct. 4, 2024

City Director of Public Works & Utilities Dustin Sailor told the Board that attached to the agenda packet was Change Order No. 5 for the 10th Street and Douglas Street Reconstruction project.

Sailor said Change Order No. 5 includes costs related to replacing an existing cast in place structure with a new precast structure and installing 2-10 inch Inserta "T"s. In addition, the project schedule will be extended four days. The original contract amount plus additions from Change Order No. 4 was \$4,328,546.08. Change Order No. 5 increases the total contract by \$4,117.00, for a revised contract amount of \$4,332,663.08, which is an increase of 1.97% over the original contract amount. Four days are being added to the project for the additional work.

Landis/Swartley made a motion to approve and authorize Change Order No. 5 for the 10th Street and Douglas Street Reconstruction project in the amount of \$4,117, bringing the total Contract to \$4,332,663.08, an increase of 1.97% and extend the project schedule four additional days making the final completion date Oct. 4, 2024. The motion passed 5-0.

20) Engineering Department request: Accept 150 linear feet of 6 inch HDPE sewer pipe and one manhole, with an estimated value of \$12,000, from the owners of 422 and 424 Johnston Street as a wastewater utility asset

City Director of Public Works & Utilities Dustin Sailor told the Board that the owners of 422 and 424 Johnston Street, who recently developed new townhomes, had an private sewer lateral crossing Johnston Street to serve an existing townhome.



To allow their new townhomes to connect to a public sewer main as required by Ordinance 4333, Goshen Utilities offered to accept the existing sewer lateral and manhole as public infrastructure if the sewer lateral was repaired. The owners repaired the sewer lateral and Goshen Utilities inspected the lateral and deemed the repair sufficient.

On behalf of the owners, **Sailor** asked the Board to accept 150 linear feet of 6 inch high density polyethylene (HDPE) sewer pipe and one manhole into the wastewater utility's assets. The estimated value of the asset is \$12,000.

Board member Landis asked if the new assets met the City's specifications. **Sailor** said not originally, but changes were made to meet the City's standards.

Landis/Swartley made a motion to accept 150 linear feet of 6 inch HDPE sewer pipe and one manhole, with an estimated value of \$12,000, from the owners of 422 and 424 Johnston Street as a wastewater utility asset. The motion passed 5-0.

21) Engineering Department request: Approve the relocation of the "No Outlet" sign on North 7th Street to a position closer to Hilltop Street

City Project Manager Andrew Lund told the Board that the Engineering Department received a request from a resident to install a "No Turnaround" or "Dead End" sign on North 7th Street, north of Hilltop Street, due to vehicles turning around in or driving over her yard.

Lund said Engineering staff noted an existing "No Outlet" sign that was positioned far enough north of the intersection with Hilltop Street that it may not have been visible to entering vehicles. Per Indiana MUTCD standard, **Lund** said No Outlet signs are to be posted as near as possible to the entry of a dead end or no outlet condition, to allow vehicles the opportunity to turn.

Lund said the request was brought to the Sept. 19 Traffic Commission meeting. The Commission voted unanimously with a positive recommendation to install the No Outlet sign closer to the intersection with Hilltop Street.

Landis/Swartley made a motion to approve the relocation of the No Outlet sign on N 7th Street to a position closer to Hilltop Street. The motion passed 5-0.

22) Engineering Department request: Approve the removal of the 30 MPH speed limit signs on East College Avenue, between Century Drive and eastern City limits, and temporarily return the speed limit to 45 MPH until future speed studies are completed

City Project Manager Andrew Lund told the Board that due to increased construction traffic during the East College Avenue Industrial Development, the Board of Works in May 2023, approved a temporary reduction of the speed limit to 30 MPH along East College Avenue, east of Century Drive to the City limits. Signs reading "Speed Limit 30 MPH" were posted and existing 45 MPH speed limit signs were bagged.

Lund said heavy construction is now complete. Engineering is requesting to remove the 30 MPH signs and temporarily re-establish a speed limit of 45 MPH until speed studies may be completed to determine an appropriate speed limit along this section of East College Avenue.

Lund said the request was brought to the Sept. 19 Traffic Commission meeting. The Commission voted unanimously with a positive recommendation to remove the 30 MPH signs.

Landis/Swartley made a motion to approve the removal of the 30 MPH speed limit signs on East College Avenue, between Century Drive and eastern City limits, and temporarily return the speed limit to 45 MPH until future speed studies are completed. The motion passed 5-0.

23) Engineering Department request: Deny the request to install a speed limit sign on Oak Lane



City Project Manager Andrew Lund said a Traffic Commission member received a request to install a speed limit sign on Oak Lane, due to vehicles speeding. Oak Lane is a dead-end street, and there is no speed limit currently posted. He said by Indiana State statute, the maximum speed limit for urban roads is 30 MPH, unless an engineering study determines a different speed limit is appropriate.

This request was brought to the Sept. 19 Traffic Commission meeting. It was brought up that Oak Lane had been resurfaced in 2023, after which, speeding is sometimes more common. There is a "No Outlet" sign and also another sign explaining there is no public access for vehicles to get to Fidler Pond.

Lund said the Commission voted unanimously with a positive recommendation to install a 30 MPH speed limit sign, but only if it could be mounted with one of the existing signs. After the meeting, Engineering staff confirmed that the 30 MPH speed limit sign would need to be on a separate post, per Indiana MUTCD guidance.

So, **Lund** said another sign wasn't deemed to be necessary and the Engineering Department was recommending the Board deny the speed limit sign.

Board members asked about the Engineering Department's rationale for its recommendation. **Lund** said perhaps the faster driving was because of the recent resurfacing of the street and it didn't seem the speed sign was needed.

Board member Swartley said she didn't think people generally knew the street speed limit was 30 mph.

Landis/Swartley the made a motion to deny the request to install a speed limit sign on Oak Lane. The motion passed 5-0.

24) Clerk-Treasurer's Office request: Approve/authorize the Clerk-Treasurer to sign the agreement with Peterson Consulting Services Inc. to assist the City with its financial reporting related to its capital assets for \$5,850, plus reimbursable expenses not to exceed \$250

Deputy Clerk-Treasurer Jeffery Weaver said the Clerk-Treasurer's Office wished to contract with Jon C. Peterson of Peterson Consulting Services, Inc., to assist the City with its financial reporting related to its capital assets as required by Government Accounting Standards Board Statement No. 34.

The agreement is for a fixed fee of \$5,850, plus reimbursable expenses not to exceed \$250. All work is expected to be completed within 90 days from receipt of a notice to proceed.

Weaver said he had expected at this point that the Clerk-Treasurer's Office would be further along with its financial software migration, and might not need Peterson's services this year. "But with further conversation with various people, we would like to have him compile it for us again this year to work with us that way. We have a solid benchmark to compare our capital assets list going forward," **Weaver** said.

Landis/Swartley made a motion to approve and authorize Clerk-Treasurer Aguirre to sign the agreement with Peterson Consulting Services Inc. to assist the City with financial reporting related to capital assets as required by the Government Accounting Standards Board Statement No. 34 for the fixed fee of \$5,850, plus reimbursable expenses not to exceed \$250. The motion passed 5-0.

25) Clerk-Treasurer's Office request: Authorize the Clerk-Treasurer to execute the banking services agreement renewal with 1st Source Bank, from Oct. 1, 2024 to Sept. 30, 2026

Clerk-Treasurer Richard R. Aguirre told the Board that attached for the Board's review, approval, and execution by the Clerk-Treasurer, was a banking services agreement renewal between the City of Goshen and 1st Source Bank for 2024-2026.

By way of background, **Aguirre** said that on Jan. 31, 2022 the Board of Public Works approved and authorized the Clerk-Treasurer to execute an engagement letter and agreement with **Baker Tilly Investment Services** for services related to the preparation, issuance, review, analysis and advice regarding a Request for Proposal (RFP) for banking services for the City of Goshen. The RFP was issued in February 2022 and proposals were received from **Campbell and Fetter Bank, 1st Source Bank, Key Bank, Lake City Bank, Teachers Credit Union and Interra Credit Union** (which provided baking services for the City from Jan. 2, 2018 until Sept. 30, 2022).



Aguirre said that with assistance and guidance from Baker Tilly, a committee consisting of **City Attorney Bodie Stegelmann, City Water & Sewer Utilities Business Office Manager Kelly Saenz, Deputy Clerk-Treasurer Jeffrey Weaver, Accounts Payable Clerk Rhonda Peacock and the Clerk-Treasurer** reviewed the proposals and selected two finalists: 1st Source Bank and Lake City Bank. After consideration of many factors, the committee selected **1st Source Bank in early May 2022.**

After three months of negotiations, Aguirre said the City and Bank agreed on a Treasury Master Services Agreement (TMSA) and an Addendum to the Treasury Master Services Agreement, which set forth additional terms and conditions (attached to his memo). **On Aug. 22, 2022, the Board of Works approved the agreement.**

Aguirre said that pursuant to the terms of the 2022 agreement, **on Sept. 18, 2024, 1st Source formally proposed a two-year extension of the City of Goshen's Treasury Master Services Agreement (TMSA) under the current terms and conditions (not a single change).** It also was attached to the Board's agenda packet.

Despite initial adjustment issues and a few concerns about strict security procedures, Aguirre said experience of City staff with 1st Source has been very good. The bank provides excellent customer service. Aguirre said the City also has benefitted from high interest rates on our accounts – more than \$4 million a year on its accounts, which is the most the City has ever received. Because of that, he said it was in the City's best interests to approve the renewal. **Aguirre added that in 2026 he would recommend that the City issue a new Request for Proposal (RFP) for banking services for the City of Goshen and accept bids from other institutions.**

Landis/Swartley made a motion to approve and authorize the Clerk-Treasurer to sign the agreement, extending for an additional 24 months, the existing terms and conditions of the City of Goshen's Treasury Master Services Agreement with 1st Source Bank for the period Oct. 1, 2024 to Sept. 30, 2026. The 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 5:08 p.m.

Vicky Haberstich of the East Goshen Neighborhood Association said that several years ago the City put up some planter holders on four light poles on East Lincoln Avenue. She said neighbors have filled those.

Haberstich said the neighborhood would now like to install some decorations for the upcoming holidays on the light poles, including Thanksgiving decorations and Christmas wreaths, possibly with solar-powered lights.

Mayor Leichty responded, "It sounds like a great idea to me. My recommendation would just be to consult with our Engineering Department ... just to make sure there's no ADA (Americans with Disabilities Act) or visual impediments that would be caused by any of the decor, and (staff) could provide you with the guidance to make sure that nothing's in the right of way that would affect drivers in an adverse way.

Haberstich said the poles have a "nice setback where the posts are at right now. ... but we certainly will check."

Mayor Leichty asked **City Attorney Bodie Stegelmann** if the Board needed to take an official action or just recommend that Haberstich consult with the Engineering Department.

Stegelmann said that since the light poles are in the City's right of way, "I think approval should be given subject to confirmation from the Engineering Department."

Mayor Leichty/Board member Swartley then made a motion that the Board approve the East Goshen Neighborhood Association's request to place holiday decorations on four light poles contingent on consultation with the Engineering Department and with the commitment from the neighborhood association that it will commit to maintain the site. The motion passed 5-0.

Mayor Leichty wished Haberstich good luck and thanked her for promoting neighborhood beautification.



There were no further public comments, so the Mayor closed the comment period at 5:12 p.m.

Mayor Leichty recessed the Board of Public Works meeting at 5:12 p.m. and opened a meeting of the City Stormwater Board to consider one agenda item.

CITY OF GOSHEN STORMWATER BOARD

Members: Mayor Leichty, Mike Landis and Mary Nichols

26) Accept the revised post-construction stormwater management plan for Lassus Fuel and Convenience Store as it has been found to meet the requirements of City Ordinance 4329

City Director of Public Works & Utilities Dustin Sailor told the Board that the post-construction stormwater management plan (PCSMP) for the Lassus Fuel and Convenience Store project was accepted by the Stormwater Board on April 12, 2021.

However, after acceptance and recording, the Stormwater Department discovered the submitted PCSMP did not match the final version accepted at the end of the City's Technical Review process. Sailor said the acceptance of this revised PCSMP document addresses those errors and will allow the correct document to be recorded with the Elkhart County Recorder's Office.

The Stormwater Department requested the Stormwater Board's acceptance of the revised PCSMP.

Landis/Nichols made a motion to accept the revised post-construction stormwater management plan for Lassus Fuel and Convenience Store as it has been found to meet the requirements of City Ordinance 4329. The motion passed 5-0.

Mayor Leichty recessed the City Stormwater Board at 5:13 p.m. and convened a hearing of the Board of Public Works & Safety to consider an unsafe building order by the City Building Commissioner.

CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARINGS:

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

27) Review of the Order of the City of Goshen Building Commissioner for 315 West Oakridge Avenue (Heirs and beneficiaries of Jerry and Georgie Perdue, property owners)

At 5:13 p.m., Mayor Leichty convened a hearing to review the Order of the City of Goshen Building Commissioner for 315 West Oakridge Avenue (Heirs and beneficiaries of Jerry and Georgie Perdue, property owners)

BACKGROUND:

In a Sept. 20, 2024 memorandum to the Board, Assistant City Attorney Don Shuler wrote that an unsafe building review hearing was scheduled Sept. 26 for the property located at 315 West Oakridge Avenue, Goshen, Indiana. Attached to the memo was the Order of the City of Goshen Building Commissioner. Shuler wrote that the Board of Works needed to conduct the hearing by receiving evidence and arguments from the Building Department, the property owner, and any other individual who wished to speak to the property. After receiving evidence, he wrote that the Board needed to affirm, rescind, or modify the Building Commissioner's Order, both as to the finding of code violations that make the building unsafe, and as to the required action to take.



If the Board found the evidence supported the Order of the Building Commissioner and wished to affirm, Shuler wrote that it should move to adopt the findings in the Building Commissioner's Order as its findings at the condition of the building at the real estate and the appropriateness of demolition, and, based on those findings, affirm the Order for demolition.

The Sept. 26 hearing was prompted by an Aug. 1, 2024 Order by City of Goshen Building Commissioner Myron Grise. In the order, Grise notified the unknown heirs and beneficiaries of Jerry T. Perdue and Georgie M. Perdue, that they were in violation of the City of Goshen Neighborhood Preservation Ordinance, codified at Goshen City Code § 6.3.1. He wrote that the violations existed at their property commonly known as 315 W. Oakridge Avenue, Goshen. The order was based on an Oct. 16, 2023 City inspection and a re-inspection on Oct. 31, 2023. Grise wrote that the violation was the existence of a **vacant residential structure and detached garage that has been vacant for several years, with no consistent water usage for over two (2) years.** He wrote there was "damage to the roof that would lead to leaks and water intrusion, which would contribute to the deterioration of the structure. There is evidence that animals have been living inside the structure, further compromising the safety and sanitary conditions of the property. The overall state of disrepair and neglect has resulted in the vacant structure becoming unfit for human habitation, occupancy, or use under the City of Goshen's Neighborhood Preservation Ordinance."

As a result, Grise wrote that "the residential structure and detached garage located at the real estate is unsafe within the meaning of Indiana Code § 36-7-9-4(a)(4), (5), and (6). The deteriorated and dilapidated condition of the building, the damage to the roof, the unsecured nature of the property, the unsanitary nature of the property, along with the general state of disrepair renders it a public nuisance; dangerous to persons due to violations of the Neighborhood Preservation Ordinance; and the structure is vacant or blighted and not maintained in a manner that would permit human habitation, occupancy, or use under the Neighborhood Preservation Ordinance."

Grise wrote that based on these findings concerning the condition of the vacant residential structure and the detached garage, the continued deterioration of the property, and the lack of any improvement to the property, **demolition of the vacant residential structure and detached garage is warranted."**

Grise ordered the property owners to **demolish the unsafe buildings** identified in Section 2 of this Order at the property identified in Section 1 of this Order and **remove all demolition remains, trash, and debris on the unsafe premises and return the site to natural grade, all of said work to be completed within sixty (60) days.**

Grise also notified the property owners that failure to comply with his Order could result in the City of Goshen taking action to complete the required demolition and billing them for the costs of such work, including, the actual costs of the work performed and an amount equal to the average processing expense the City will incur in pursuing this matter. Such amounts can become a lien upon the real estate and can ultimately be enforced in the same manner as any other judgment.

Grise further notified the property owners that a hearing would be held before the City Board of Public Works and Safety on Sept. 26, 2024 at 4 p.m. for the purpose of reviewing the Order of the City of Goshen Building Commissioner.

DISCUSSION AND OUTCOME OF BOARD OF PUBLIC WORKS & SAFETY HEARING ON SEPT. 26, 2024:

At 5:13 p.m., Mayor Leichty opened the hearing to review the Order of the City of Goshen Building Commissioner 315 West Oakridge Avenue (Heirs and beneficiaries of Jerry and Georgie Perdue, property owners).

Present for the hearing were: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler, and Building Commissioner Myron Grise. The property owners were not present but Dudley Beyler, a representative of a future owner, attended the hearing via Zoom.



Assistant City Attorney Don Shuler discussed the background of the property and the purpose of today's hearing. He said **City Building Commissioner Myron Grise** would report on the condition of the home as would the future property owner. Afterward, he said he would suggest that the Board affirm the Building Commissioner's unsafe property finding and then table the matter to give the property owner time to present a plan for the property.

Shuler began his detailed remarks by presenting to the Clerk-Treasurer six pages of documents about efforts made to establish that the property owners were notified of the hearing. (**EXHIBIT #1**). The documents showed that certified mail was made on everyone with a substantial property record of interest, which included a couple of lien holders, a tax sale purchaser and the title owners of the property. Documentation also was provided that showed that the Building Commissioner's Order was published in the *Goshen News* on Aug. 5 and Aug. 12, 2024.

Shuler summarized the Building Commissioner's report on the property, which has been vacant for several years with no consistent water usage for two years. He said the damage to the home and presence of animals inside made it unfit for human habitation, occupation, occupancy and use.

Shuler also said there was a tax sale purchaser – **NWI Res, LLC**. – that was one of the substantial property interest holders of the property. He said this company purchased this property at a tax sale in September of 2023. He said the minimum bid was around \$4,800, which was what was required by the auditor and the County to pay all the back taxes and special assessments, but **NWI Res, LLC**. bid about \$16,000. **Shuler** said this indicated that the purchaser intended to do something with the property.

Shuler said the "period of redemption for that property just expired last week, on Sept.20, which means that **NWI Res, LLC**. is able to move forward with the filing of a petition for a tax deed as of this week. **Shuler** said he spoke with both the primary representative of **NWI Res, LLC**, **Dudley Beyler**, as well as his attorney.

Shuler said the company has started filing the petitions for a tax deed, which he said could be a process of four or five months before **NWI Res, LLC**. can get a tax deed from the auditor's office that puts the title in its name. **Shuler** said, in effect, there currently is no party in control of the property.

Shuler said **Dudley Beyler** was attending today's hearing by Zoom and might be able to discuss the company's plans for the property. First, he suggested that **City Building Commissioner Myron Grise** report on the property.

City Building Commissioner Myron Grise distributed to the Board a one-page memorandum, dated Sept. 26, 2024, about the condition of 315 West Oakridge Avenue. The memo included four pages of color photos of the property (**EXHIBIT #2**).

Reading from his memorandum, **Grise** said, "In a follow up to the Order of the Building Commissioner issued on Aug. 1, 2024 for the property at 315 West Oakridge Avenue, I conducted an exterior inspection of the property on Sept. 25, 2024. During that inspection I obtained photographs of the exterior that have been attached for the Board's consideration.

"Prior to issuing the order, the Building Department attempted to inspect the interior of the house. While an inspection warrant was obtained, it was unable to be served due to safety concerns as there appeared to be several large dogs inside the house. From information from neighbors during the attempted inspection, there may be an individual squatting in the garage."

Grise continued, "From my inspection yesterday, nothing has changed or otherwise improved at the property since the Order was issued in early August. The building and garage at the property have had no water usage for at least two years, the house had sustained roof damage leading to potential leaks and water intrusion that will continue the deterioration of the house."

Grise concluded, "The Building Department requests that the Board affirm the finding of the property as unsafe, and take action as recommended by the counsel."

In response to a question from the **Mayor**, **Grise** said there were dogs inside the house and may have attacked him had he entered the home. He also said the house appeared to be in very bad condition.



Mayor Leichty asked **City Attorney Bodie Stegelmann** the procedure for taking testimony from a witness via Zoom. **Stegelmann** said the witness should be sworn in as if he was at the hearing in person.

Mayor Leichty then swore in Dudley Beyler of LaPorte County to provide truthful and complete testimony. The **Mayor** asked **Beyler** to discuss his intentions for 315 West Oakridge Avenue.

Beyler said he inspected the property about a week ago and agreed with the Building Commissioner about its external state. He said he didn't gain interior access because he is just a lien holder and he would be trespassing if he entered the property. **Beyler** said he hopes to attain a tax deed ownership to the property, which would then allow him to clean up the property and then develop a plan for the property going forward.

Mayor Leichty asked if **Beyler** was aware before today that someone was living on the property.

Beyler said he was unaware of that. He said a neighbor "indicated that someone may or may not be in the garage and comes by from time to time. I believe it's a child or descendant of the deceased property owners, and the only information I have is from that neighbor."

Board member Swartley said it was unfortunate how long it takes for a new owner to take possession. She asked if **Beyler** planned to do anything with the property until he obtained the deed. **Beyler** said that was correct, adding, "Legally, I don't have ownership until I get the order from the court and then process through auditor, etc., that produces the tax deed."

Board member Landis asked if **Beyler** had ever dealt with properties like this before and if he knew what he was getting himself into. **Beyler** responded, "I wish I could say this is my first, but using tax liens as a means to acquire properties is, is one of our businesses. We participate in many of the kind of north, west, and north central counties in Indiana, from Elkhart County as far west as Lake County ... I do several hundred of these a year resulting in typically a few dozen properties of which invariably there's a couple that have an issue like this."

Beyler added, "A lot of the inventory that we do get is through passing, and then properties falling in in disrepair. And hearing that and going through this is, it's just how titles get cleaned up and properties move on and get rehabilitated, and ideally eventually a family is living in there or it becomes a rental home."

Mayor Leichty thanked Beyler for his participation in the hearing.

Beyler responded, "I appreciate you allowing me to participate and, you know, we'll move forward on this and get it cured. And as the neighbor said, the dumping ground of the of the of the block, we'll make sure we cure that."

Mayor Leichty invited additional comments from Assistant City Attorney Shuler.

Shuler said that in reviewing court records it was clear NWI Res, LLC. has made multiple filings of tax petitions for tax deeds in Elkhart County. He said part of the challenge with this property is that no one is legally responsible, adding, "Technically, it's the heirs of Jerry and Georgie Perdue, but they're unidentified for the most part."

Shuler said it was not clear the City can do anything from a code enforcement perspective as to the exterior of the property. And he said settling the ownership issue through the tax lien process will take more time.

Shuler said the City Building Department was recommending that the Board enter an order affirming the finding that the property is unsafe in its current condition, "but otherwise table the matter for what remedy to impose, whether or not to further affirm or modify the order as to demolition or repair order," to Feb. 27, 2025. He said that at that point the Board could require NWI Res, LLC. to provide it with a detailed plan for the property.

Mayor Leichty asked if remedies were available for neighbors dealing with this nuisance property. She said, "We have no property owners, but we do have animals and potentially people living on this site, and a great deal of refuse. So, is there anything that we can do to lessen the burden of this property on the neighborhood?"

Shuler said there could be available actions through enforcement of the accumulation of materials ordinance. Based on how bad the property is, **Shuler** said the City could go on site and clean it up even without knowing to whom the work would eventually be charged.



The **Mayor** asked if this could become a lien on the future owner. **Shuler** said that was possible, but that is not known yet. He said he would need to research if a lien could be attached to a subsequent property owner. **Mayor Leichty** thanked **Shuler** for the information.

Landis/Swartzley then made a motion to find the property at 315 West Oakridge Avenue is unsafe for habitation today in its current condition, but to table further action to Feb. 27, 2025 due to the lack of clear title to any one property owner. The motion passed 5-0.

Mayor Leichty recessed the hearing on the City Building Commissioner's order for an unsafe building order and resumed the meeting of the Board of Public Works & Safety to consider a final agenda item.

CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARING
Members: Mayor Leichty, Mike Landis, Orv Myers, Mary Nichols, Barb Swartzley

28) October meetings and briefing to the Board of Public Works, Safety & Stormwater on Claims Approvals between Oct. 4 and Oct. 25, 2024

Clerk Treasurer Aguirre said he and **Deputy Clerk Treasurer Jeffery Weaver** wanted to discuss the Board's upcoming meeting schedule and the claims approval process.

Aguirre said the Board of Public Works and Safety has just two meetings scheduled in October – on Oct. 3 and Oct. 31. On behalf of City staff who have approached him about this, **Aguirre** asked if it would be possible for the Board to also meet during the week of October 17.

Aguirre said today's agenda is an example of what happens when the Board doesn't meet for a week – an agenda with 28 items. He said there could be a future way to regulate how many items come to the Board because there has recently been a pattern that when the Board doesn't meet for a week there are many more items in the following week and then the week after that it can drop to as few as five, six or seven agenda items.

"It doesn't seem from just a time management perspective it's the best way to have 27 or 28 items one week and five or six the next week," **Aguirre** said. "The other effect that it has is on our claims process, and we do have a tool that allows us to approve claims, but you end up in situations otherwise, like today, where you have a couple of baskets of claims and expecting you to give meaningful review (of them). It depends on your diligence, but it is harder."

Mayor Leichty asked if a meeting on the third week of October would work better on Wednesday than Thursday because of a conflicting meeting in the Council Chamber-Courtroom. She then suggested communicating with Board members about some options before the Oct. 3 and then settling on the time and date of an added meeting.

"We could potentially look at moving it up an hour, if that's available," **Mayor Leichty** said. "Maybe I'll come up with a couple of proposed times to present to you, and then we can make a decision at the next meeting. I agree with you. It's better to keep things moving. And so, we'll just find a date that works for all."

Aguirre responded, "And going forward, I will be looking into this and I'd like to talk to the Mayor about setting kind of a maximum like maybe 15 agenda items, unless there are emergency items that have to come, just so that we can have a more orderly flow to the Board."

Aguirre said that **Deputy Clerk-Treasurer Weaver** now wanted to discuss the claims process.

Weaver said adding a meeting in mid-October might actually address some of the claims issues. He provided the Board with a copy of the City ordinance that allows the Clerk-Treasurer's Office to pay certain claims between Board meetings with retroactive Board approval. **Weaver** added, "So, this is something that you want to be aware of. We do have a number of checks that could go out in between those meetings. Of course, the most common one being payroll and payroll benefits which we go ahead and make sure those get paid."



Deputy Clerk-Treasurer Weaver suggested that a work session be held with the Board to discuss the claims approval process. "What would help you out? What are some either training or perspectives that you would like to be provided?" Weaver said. "We did have a pretty massive system change here. Processes have changed. I get the feeling that you're wanting more input on some of the claims approvals."

Mayor Leichthy responded, "That sounds like a good idea, Jeffrey. We'll talk about a training session for the team and schedule that with you ... I don't think we need any additional action at this time."

Board member Landis requested that the meeting include a briefing on the Board's actual legal responsibility. **Mayor Leichthy** said that could be incorporated. **Weaver** said he has researched this issue.

Approval of Civil City and Utility Claims

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

Adjournment

Mayor Leichthy adjourned the Board of Public Works and Safety meeting at 5:39 p.m.

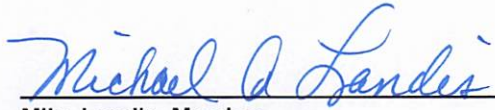
EXHIBIT #1: Six pages of documents about the City of Goshen's efforts to establish that the property owners were notified of the hearing for agenda item #27, Review of the Order of the City of Goshen Building Commissioner for 315 West Oakridge Avenue (Heirs and beneficiaries of Jerry and Georgie Perdue, property owners). The documents, presented by Assistant City Attorney Don Shuler, established that certified mail was made on everyone with a substantial property record of interest, which included a couple of lien holders, a tax sale purchaser and the title owners of the property. Documentation also was provided that the Building Commissioner's Order was published in the Goshen News on Aug. 5 and Aug. 12, 2024.

EXHIBIT #2: A one-page memorandum, dated Sept. 26, 2024, by City Building Commissioner Myron Grise about the condition of 315 West Oakridge Avenue. The memo included four pages of color photos of the home. Grise distributed the information to the Board during consideration of agenda item #27, Review of the Order of the City of Goshen Building Commissioner for 315 West Oakridge Avenue (Heirs and beneficiaries of Jerry and Georgie Perdue, property owners).


APPROVED:

Mayor Gina Leichthy





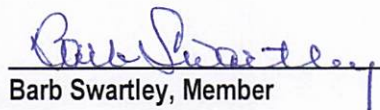
Mike Landis, Member



Orv Myers, Member

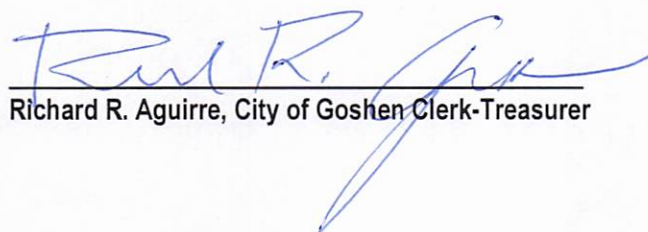


Mary Nichols, Member



Barb Swartley, Member

ATTEST:



Richard R. Aguirre, City of Goshen Clerk-Treasurer

Exhibit #1

**CITY OF GOSHEN BOARD OF PUBLIC WORKS AND SAFETY
UNSAFE BUILDING HEARING AUTHORITY**

IN RE: Violation of Goshen City Code

Property located at: 315 W. Oakridge Avenue, Goshen, IN

Property Tax Code: 20-11-04-385-008.000-015

Property Legal Description: see Attached Exhibit A

Property owner(s) of record: Jerry T. Perdue & Georgie M. Perdue

Substantial property of interest of record:

NWI RE5, LLC

Summit Account & Computer Services, Inc.

The Unknown Heirs and Beneficiaries of Jerry T. Perdue

The Unknown Heirs and Beneficiaries of Georgie M. Perdue

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Order of the City of Goshen Building Commissioner, dated August 1, 2024, for the above-referenced premises, said Order including notice of the proceedings before the Unsafe Building Hearing Authority, was issued to the following parties via the method and on the dates indicated, in compliance with I.C. § 36-7-9-25:

Jerry T. Perdue

Via Regular Mail, Certified Mail (returned) and Publication

Georgie M. Perdue

Via Regular Mail, Certified Mail (returned) and Publication

The Unknown Heirs and Beneficiaries of Jerry T. Perdue

The Unknown Heirs and Beneficiaries of Georgia M. Perdue

Via Publication in The Goshen News on August 5, 2024 and August 12, 2024

Proof of Publication Attached

Summit Account and Computer Services, Inc.

c/o Credit Service International

630 S. GreenBay Road

Neenah, Wisconsin 54956

Certified Mail: 7018 0360 0000 2818 4055

Delivered: August 5, 2024

Return Receipt Attached

NWI RE5, LLC
c/o Dudley Beyler
702 Lincolnway, Suite C
La Porte, Indiana 46350
Certified Mail: 7018 0360 0000 2818 4048
Delivered: August 5, 2024
Return Receipt Attached

NWI RE5, LLC
c/o Brad Adamsky, Registered Agent
820 Jefferson Avenue
La Porte, Indiana 46350
Certified Mail: 7018 0360 0000 2818 4062
Delivered: August 5, 2024
Return Receipt Attached

Signed this September 26, 2024.

Donald R. Shuler, #26587-71
Assistant City Attorney
City of Goshen Legal Department
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528

Proof of Publication

COPY

1354599

STATE OF INDIANA,

Eikhart County,

} ss:

NOTICE OF ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

To: Jerry T. Pendus, Unknown Heirs and Beneficiaries
Georgia M. Pendus, Unknown Heirs and Beneficiaries
Summit Account and Computer Services, Inc.
NWI RES, LLC
Any and All Holders of Substantial Interest in the Real Estate commonly known as
315 W. Oakridge Avenue, Goshen, Indiana

RE: 315 W. Oakridge Avenue, Goshen, Indiana

You are hereby notified that an Order of the City of Goshen Building Commissioner has been issued for the above referenced property. The Order, dated August 1, 2024, finds that the vacant residential structure and detached garage located at the above referenced property is unsafe and ordered the demolition of the unsafe structures located thereon. The demolition required by the Order is to be accomplished within sixty (60) days. The exact terms of and a copy of the Order may be obtained from the City of Goshen Building Commissioner. The Order will be reviewed before the City of Goshen Board of Public Works and Safety, the City of Goshen's Unsafe Building Hearing Authority, on ~~Thursday, September 26, 2024~~ at 4:00 p.m. (local time), or soon thereafter. This hearing will be held in the Court Room / Council Chambers at 111 East Jefferson Street, Goshen, Indiana. You have the right to appear at this hearing with or without counsel, to present evidence, cross-examine opposing witnesses, and present arguments. Should you fail to appear at the time set for the hearing, the hearing will be conducted in your absence. The Goshen Board of Public Works and Safety will have the right to affirm, rescind, or modify the August 1, 2024 Order of the City of Goshen Building Commissioner.

You are hereby notified that failure to comply with this Order may result in the City of Goshen taking action to complete the required demolition and bill you for the costs of such work, including, the actual costs of the work performed and an amount equal to the average processing expense the City will incur in pursuing the matter. Such amounts can become a lien upon the real estate and can ultimately be enforced in the same manner as any other judgment.

The Order of the City of Goshen Building Commissioner, dated August 1, 2024, being reviewed at the above-scheduled hearing, was issued by the City of Goshen Building Commissioner, Myron Grise, in accordance with the Indiana Unsafe Building Law and the City of Goshen Neighborhood Preservation Ordinance. The address of the Building Commissioner is 204 E. Jefferson Street, Suite 5, Goshen, Indiana 46528, and the telephone number is 574-534-1811.

This Notice of the Order of the City of Goshen Building Commissioner is issued on August 1, 2024.

August 5, 12 hspaxp

I oath say that THE GOSHEN NEWS is a daily

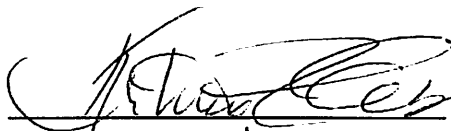
circulation, printed and published in the City of

and State of aforesaid; that the annexed true copy

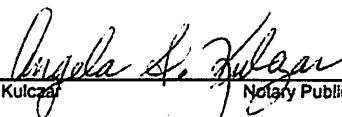
newspaper two consecutive weeks as follows:

On the day of August 5, 2024

On the day of August 12, 2024


Kristine F. Erb

Subscribed and sworn before me this day of August 12, 2024


Angela S. Kulczar Notary Public

\$86.40

My commission expires February 04, 2027

Commission # NP0718334

The Goshen News
114 S. Main St., Goshen, IN 46526
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 Neenah, Wisconsin 54956**

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 c/o Credit Service International
 630 S. Green Bay Road
 Neenah, Wisconsin 54956**

9590 9402 3503 7275 3678 60

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PS Form 3811, July 2015 PSN 7530-02-000-9053

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 [Signature] Agent Addressee

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 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____

Postage \$ _____
 Total Postage and Fees \$ _____

Sent To: NWI RE5, LLC
 Street and Apt: c/o Dudley Beyler
 City, State, ZIP: 702 Lincolnway, Suite C
 La Porte, Indiana 46350



315 W. Cambridge Ave

7018 0360 0000 2818 4048

PS Form 3804

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NWI RE5, LLC
 c/o Dudley Beyler
 702 Lincolnway, Suite C
 La Porte, Indiana 46350



9590 9402 3503 7275 3678 53

? Article Number (Transfer from service label)
 7018 0360 0000 2818 4048

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Dudley Beyler Addressee
 B. Received by (Printed Name) C. Date of Delivery
 8/5/2024

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation™
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

7018 0360 0000 2818 4062

Certified Mail Fee \$ _____
 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ _____
 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____
 Postage \$ _____
 Total Postage and Fees \$ _____



315 W. Overridge Ave.

Sent To: NWI RE5, LLC
 Street Address: c/o Brad Adamsky, Registered Agent
 City, State: 820 Jefferson Avenue
 La Porte, Indiana 46350

PS Form 3800, April 2015 PSN 7530-02-000-9053 See reverse for instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 NWI RE5, LLC
 c/o Brad Adamsky, Registered Agent
 820 Jefferson Avenue
 La Porte, Indiana 46350



9590 9402 3503 7275 3678 77

2. Article Number (Transfer from service label)
 7018 0360 0000 2818 4062

COMPLETE THIS SECTION ON DELIVERY

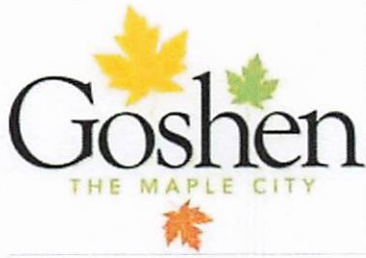
A. Signature
 Brad Adamsky Agent
 Addressee
 B. Received by (Printed Name) _____ C. Date of Delivery 8/5/2014
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation™
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery
 Insured Mail Signature Confirmation Restricted Delivery (over \$500)
 Insured Mail Restricted Delivery (over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Exhibit #2



**Building Department
CITY OF GOSHEN**

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

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

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

FROM: GOSHEN BUILDING DEPARTMENT (Myron Grise)

DATE: SEPTEMBER 26, 2024

SUBJECT: 315 W. OAKRIDGE AVENUE

In follow up to the Order of the Building Commissioner issued on August 1, 2024 for the property at 315 W. Oakridge Avenue, I conducted an exterior inspection of the property on September 25, 2024. During that inspection, I obtained photographs of the exterior that I have attached for the Board's consideration.

Prior to issuing the Order, the Building Department attempted to inspect the interior of the house. While an inspection warrant was obtained, it was unable to be served due to safety concerns as there appeared to be several large dogs inside the house. From information from neighbors during the attempted inspection, there may be an individual squatting in the garage.

From my inspection yesterday, nothing has changed or otherwise improved at the property since the Order was issued in early August. The building and garage at the property have had no water usage for at least two (2) years; the house had sustained roof damage, leading to potential leaks and water intrusion that will continue the deterioration of the house.

The Building Department requests the Board affirm the finding of the property as unsafe and take action as recommended by counsel.

