



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE NOVEMBER 7, 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 AGENDA: Mayor Leichty presented for Board consideration the minutes of the Oct. 31 Regular Meeting as prepared by Clerk-Treasurer Aguirre. Board member Mary Nichols made a motion to approve the minutes as presented. Board member Barb Swartley seconded the motion. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer with the suggested deletion of agenda item #7, *Legal/Fire Departments: Approve the Memorandum of Understanding (MOU) between the City, Joseph Cestone, and Goshen Firefighters Association Local No. 1443 and authorize the Mayor to execute the MOU.* Board member Nichols made a motion to approve the agenda as amended. Board member Swartley seconded the motion. The motion passed 5-0.

1) Open Sealed Bids: For the services of a Construction Manager as Constructor for preconstruction and construction services required for the renovation of and improvements to the City Annex Building

In a Nov. 4, 2024 memorandum to the Board, Assistant City Attorney Don Shuler reported that the City solicited sealed proposals for the services of a Construction Manager as Constructor for preconstruction and construction services required for the renovation of and improvements to the City Annex Building.

Shuler wrote that all sealed proposals were due by 3:45 p.m. on Nov. 7 to the Clerk-Treasurer's Office or by 4 p.m. at the Board's meeting. He asked that the Board open all sealed bids submitted, identify the bidders, and return all proposals to the Legal Department for review.

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

- DJ Construction, Goshen, IN
- Shawnee Construction and Engineering, Inc., Fort Wayne, IN
- Shiel Sexton Co., Indianapolis, IN
- Tonn and Blank Construction, Michigan City, IN
- Ziolkowski Construction, Inc., South Bend, IN

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

2) Fire Department request: Approve the promotion of Garrett Sheline to Captain

Assistant Fire Chief Anthony Powell asked the Board to approve the promotion of Lieutenant Garrett Sheline to the rank of Captain within the Goshen Fire Department.

Chief Powell said Lieutenant Sheline "has exemplified dedication and professionalism throughout his service, consistently upholding the department's mission and values. His proven leadership abilities and commitment to excellence make him an outstanding candidate for this promotion. I am confident that Lieutenant Sheline's promotion to Captain will further enhance our department's capabilities and service to the community."



Nichols/Swartley made a motion to approve the promotion of Lieutenant Garrett Sheline to the rank of Captain with the Goshen Fire Department. The motion passed 5-0.

After the Board's action, Mayor Leichty swore in Garrett Sheline as a Goshen Fire Captain.

3) Fire Department request: Approve the promotion of Matt Stamm to Lieutenant

Assistant Fire Chief Anthony Powell asked the Board to approve the promotion of Sergeant Matthew Stamm to the rank of Lieutenant within the Goshen Fire Department.

Chief Powell said Sergeant Stamm "has exemplified dedication and professionalism throughout his service, consistently upholding the department's mission and values. His proven leadership abilities and commitment to excellence make him an outstanding candidate for this promotion. I am confident that Sergeant Stamm's promotion to Lieutenant will further enhance our department's capabilities and service to the community."

Nichols/Swartley made a motion to approve the promotion of Sergeant Matthew Stamm to the rank of Lieutenant with the Goshen Fire Department, effective Nov. 9, 2024. The motion passed 5-0.

After the Board's action, Mayor Leichty swore in Matthew Stamm as a Goshen Fire Lieutenant.

4) Fire Department request: Approve the promotion of Charles Stevens to Sergeant

Assistant Fire Chief Anthony Powell asked the Board to approve the promotion of Firefighter Charles Stevens to the rank of Sergeant within the Goshen Fire Department.

Chief Powell said Firefighter/Paramedic Stevens "has exemplified dedication and professionalism throughout his service, consistently upholding the department's mission and values. His proven leadership abilities and commitment to excellence make him an outstanding candidate for this promotion. I am confident that Firefighter/Paramedic Stevens' promotion to Sergeant will further enhance our department's capabilities and service to the community."

Nichols/Swartley made a motion to approve the promotion of Firefighter Paramedic Charles Stevens to the rank of Sergeant with the Goshen Fire Department. The motion passed 5-0.

After the Board's action, Mayor Leichty swore in Charles Stevens as a Goshen Fire Sergeant.

5) Fire Department request: Approve the hiring of John Kauffman as a Probationary Firefighter/Paramedic

Assistant Fire Chief Anthony Powell asked the Board to approve the hiring of John Kauffman as a Probationary Firefighter/Paramedic the Goshen Fire Department, effective Nov. 8, 2024.

Chief Powell said Kauffman "brings valuable skills and a strong commitment to serving our community, which will be an asset to our department. His qualifications align well with the high standards we uphold, and I am confident he will make a positive impact as part of our team."

Nichols/Swartley made a motion to approve the hiring of John Kauffman as a Probationary

Firefighter/Paramedic with the Goshen Fire Department, effective Nov. 8, 2024. The motion passed 5-0.

After the Board's action, Mayor Leichty swore in John Kauffman as a Probationary Firefighter/Paramedic.

6) Fire Department request: Approve the promotion of Captain Phil Schrock to Assistant Chief of Administration

Assistant Fire Chief Anthony Powell asked the Board to approve the promotion of Captain Phil Schrock to the rank of Assistant Chief of Administration.

Chief Powell said Captain Schrock "has consistently demonstrated unwavering dedication to our department's mission and values. His leadership and commitment to fostering positive change have made a significant impact on our team, and his deep understanding of our operations uniquely qualifies him for this role.

"Captain Schrock's success in his previous roles showcases his ability to adapt and innovate, ensuring that he brings both experience and a forward-thinking perspective to this essential position.



"I am confident that his promotion will further strengthen our administrative leadership and enhance our department's service to the community."

Nichols/Swartley made a motion to approve the promotion of Captain Phil Schrock to the rank of Assistant Chief of Administration, effective Nov. 9, 2024. The motion passed 5-0.

After the Board's action, Mayor Leichty swore in Phil Schrock as Assistant Chief of Administration.

8) Legal & Fire Departments request: Approve the agreement between Brycer, LLC and the City, for the benefit of the Fire Department, for the provision of "The Compliance Engine" software, and authorize the Mayor to execute the agreement

In a Nov. 4 memorandum to the Board, **Assistant City Attorney Don Shuler** wrote that an agreement attached to the Board's agenda packet proposed a collaboration between the Goshen Fire Department and Brycer, LLC to implement "The Compliance Engine" solution for the Department. This solution is intended to streamline the tracking and management of fire inspection reports.

Shuler recommended that the Board approve and authorize the Mayor to execute the agreement. Under the agreement, Brycer will provide the Goshen Fire Department with access to The Compliance Engine at no direct cost. **Shuler** said Brycer will handle fees associated with third-party inspectors, who will submit fire inspection reports into the system for oversight and follow-up. The agreement includes safeguards on data ownership, system uptime, and client support, ensuring Brycer's responsibilities align with the Department's operational needs.

In response to a question from **Board member Landis**, **Shuler** clarified the costs of the agreement. **Mayor Leichty** asked that the City's Technology staff check the software for security purposes before it is implemented.

Nichols/Swartley made a motion to approve the agreement between Brycer, LLC and the City, for the benefit of the Fire Department, for the provision of "The Compliance Engine" software, and authorize the Mayor to execute the agreement. The motion passed 5-0.

9) Legal & Fire Departments request: Approve and authorize Mayor Leichty to execute the Agency Designated Endowment Fund Agreement with the Community Foundation of Elkhart County to support the Goshen Fire Department Danny Sink Regional Training Facility

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the attached Agency Designated Endowment Fund Agreement with the Community Foundation of Elkhart County that would establish an endowment fund to support the Goshen Fire Department Danny Sink Regional Training Facility.

Stegelmann added that the required signature on the agreement was changed from **Chief Powell** to **Mayor Leichty**.

Nichols/Swartley made a motion approve and authorize Chief Anthony Powell to execute an attached Agency Designated Endowment Fund Agreement with the Community Foundation of Elkhart County to support the Goshen Fire Department Danny Sink Regional Training Facility. The motion passed 5-0.

10) Legal Department request: Approve and authorize the Mayor to execute the agreement with Barkes, Kolbus, Rife & Shuler, LLP for the provision of legal services

City Attorney Bodie Stegelmann recommended that the Board approve and authorize the Mayor to execute the attached agreement with Barkes, Kolbus, Rife & Shuler, LLP for the provision of legal services in 2025.

Stegelmann said for 2025, the bi-weekly salary paid to **Jim Kolbus** to act as Planning and Zoning Attorney is \$358.45, and the hourly rate paid to **Don Shuler** to act as Assistant City Attorney is \$54.57 (as provided in Ordinance 5198 for 2025 Compensation for Civil City and Utilities Employees). He's expected to work 20 hours per week.

Stegelmann said the firm will be paid \$222 per hour for all other services rendered on behalf of the City or its departments, provided such services are not covered by the compensation paid to Jim Kolbus as Planning and Zoning Attorney, or the compensation paid to Don Shuler as Assistant City Attorney.



The firm will be compensated \$276 per hour for projects where City's legal fees are paid from a non-City funding source.

Nichols/Swartley made a motion approve and authorize the Mayor to execute the agreement with Barkes, Kolbus, Rife & Shuler, LLP for the provision of legal services. The motion passed 5-0.

11) Legal Department request: Approve and ratify the Mayor's execution of Amendment No. 1 to the contract for Solid Waste Collection Services with Waste Management of Indiana, L.L.C., which would approve a 3.8% increase in unit rates effective Oct. 9, 2024

City Attorney Bodie Stegelmann recommended that the Board approve and ratify the Mayor's execution of Amendment No. 1 to the Aug.10, 2022 Contract for Solid Waste Collection Services with Waste Management of Indiana, L.L.C. The contract provides for an adjustment in rates that may not exceed the annual percentage change for the previous calendar year as set forth in the Consumer Price Index. An adjustment could be requested beginning April 1, 2024.

Stegelmann said the original contract language states that an adjustment may be made no more frequently than once every April 1st. The amendment revises this language so that a rate adjustment may be made no more frequently than once every 12 months.

Stegelmann said Waste Management requested a rate adjustment on Oct. 9, 2024. The annual percentage change for 2023 as set forth in the Consumer Price Index was 3.8%. Amendment No. 1 is to approve in writing a 3.8% increase in the unit rates. The adjusted unit rates shall be effective for services provided by Waste Management beginning Oct. 9, 2024.

Nichols/Swartley made a motion to approve and ratify the Mayor's execution of Amendment No. 1 to the Contract for Solid Waste Collection Services with Waste Management of Indiana, L.L.C. The motion passed 5-0.

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

Mayor Leichthy opened Privilege of the Floor at 4:24 p.m. There were no public comments.

However, **Mayor Leichthy** said that Friday, Nov. 8 would be **Fire Department Chief Dan Sink's** last day of service for the City of Goshen. She extended her heartfelt thanks to Chief Sink for his many years of service and wished him well on his "next adventures.". The Mayor also invited all those present to attend the change of command service on Friday at 5:30 p.m. at the Goshen Theater.

Chief Sink thanked **Mayor Leichthy** for her comments.

Mayor Leichthy recessed the Board of Public Works & Safety meeting at 4:25 p.m. and opened a review hearing for 208 Queen Street (Artisan Investment Group, LLC, property owner).

CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARING:

4:00 p.m., Nov. 7, 2024

Members present: Mayor Leichthy, Mike Landis, Orv Myers, Mary Nichols and Barb Swartley

12) Review hearing for the Order of the City of Goshen Building Commissioner for 208 Queen Street (Artisan Investment Group, LLC, property owner)



At 4:25 p.m., Mayor Leichty convened a hearing to review the Order of the City of Goshen Building Commissioner for 208 Queen Street (Artisan Investment Group, LLC, property owner).

BACKGROUND:

In an Nov. 4, 2024 memorandum, Assistant City Attorney Don Shuler reminded Board members that the Board last held a hearing for this property on Sept. 5, 2024.

Shuler wrote that at the conclusion of the hearing, the Board tabled further action to Oct. 10, 2024, but ordered then property owner, Leopoldo Mendoza, to submit to the Board at its next hearing a detailed scope of work for the property with estimated completion dates and contracts with subcontractors, as well as sufficient documentation to demonstrate financial solvency and the ability to complete the necessary repairs. A copy of the Board's Sept. 5, 2024 Tabling Order was attached to the Board's agenda packet.

Prior to Oct. 10, 2024, the property was transferred, from Leopoldo Mendoza to Artisan Investment Group, LLC. The Board's Oct. 10, 2024 hearing was rescheduled due to the Board's meeting schedule, and reset for Nov. 7, 2024. A copy of the Notice of Reschedule Hearing provided to Artisan Investment Group, LLC was also provided to the Board in the agenda packet.

Shuler wrote that currently, the property is subject to a demolition order but the Board has given the option of repair based on representations of the prior owner, Leopoldo Mendoza. He wrote that the purpose of the Board's Nov. 7 hearing, ultimately, was to determine if there have been reasonable attempts to comply with the Board's prior orders seeking substantial progress on repairs.

Shuler indicated that the Board has continuing jurisdiction over the enforcement of its Orders. Therefore, he wrote that 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. Or, upon a finding of willful failure to comply, impose a civil penalty up to \$5,000.

- a. The effective date of the civil penalty could be postponed for a reasonable period to permit repairs to be made.

DISCUSSION AND OUTCOME OF CONTINUED BOARD REVIEW HEARING ON NOV. 7, 2024:

At 4:25 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; and Marlin Schwartz (a representative of the property owner, Artisan Investment Group, LLC).

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 as outlined in his Nov. 4, 2024 memorandum to the Board.

Mayor Leichty thanked Shuler for his presentation and swore in two witnesses to give truthful and complete testimony. The witnesses: City Building Inspector Travis Eash and Marlin Schwartz (a representative of the property owner, Artisan Investment Group, LLC).

Before the meeting Eash distributed to Board members a one-page memorandum, dated Nov. 7, 2024, about the current condition of the property. (EXHIBIT #1), He then gave a brief update on the property at 208 Queen Street.



Reading from his memo, **Eash** said, "This property has changed hands a couple of times over the last year. Since the last hearing the property again was sold. The new owners have already obtained a remodel permit. I haven't been inside the property since the last hearing but can confirm through the new owners that not much has changed to this point and it's relatively in the same condition."

Eash continued, "When speaking with the new owners, they believe that they can get started in two to three weeks and they are here to elaborate on what they want to do and their time frame to get the complete remodel done.

"From a Building Department standpoint, we understand the volume of projects that the new owners have and are willing to work with them on a time frame. We would like the Demolition Order to remain in place but allow for all permits to be pulled, work to be done and all required inspections completed throughout the process. At the appropriate time the Building Commissioner can rescind the Order to a Repair Order," **Eash** concluded.

Mayor Leichty asked **Eash** if he had list of all of Artisan's pending renovation projects in the City. **Eash** said he did not, but noted that **Marlin Schwartz** could provide that information.

Mayor Leichty then invited **Schwartz** to provide an update to the Board.

Schwartz said Artisan has completed 95% of the outstanding repair orders that it inherited on 22 properties determined by the City to be unsafe. He said the company has to only complete one more inspection before all repairs have been completed. He said repairs are pending on four properties outside Goshen, in Elkhart County.

Schwartz, who oversees projects for Artisan, said the company is seeking state funding to renovate its properties. However, he said framing and electrical work would still begin on 208 Queen Street within two weeks with completion of renovations in about 90 days. He said Artisan hopes to rent the home after it is renovated.

Mayor Leichty provided Board members with the background of the state economic development grant Artisan is seeking. **Swartz** said he was unsure how much Artisan could receive from the \$9 million it was seeking from the state.

Schwartz said he appreciated the City's patience, noting that Artisan recently acquired a total of 98 homes in Elkhart County, some of them deemed unsafe, including about 45 in the City of Goshen. He stressed that Artisan has been moving forward to renovate all properties, but would need time to work on 208 Queen Street. He asked for 120 days to complete those repairs.

Asked by the **Mayor** if he had a recommendation for the Board, **Assistant City Attorney Shuler** said the Board could keep the demolition order in place and continue the review hearing to March 6 or March 13, 2024

Board members discussed the history of 208 Queen Street and past efforts to address its status as an unsafe property. They then agreed to provide Artisan with more time to make the required repairs.

Nichols/Swartley made a motion maintain the demolition order for 208 Queen Street, but allow for all permits to be pulled and to order work to continue along with all required inspections and for the review hearing to be continued to March 6, 2025. The motion passed 5-0.

At 4:41 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

Mayor Leichty/Board member Swartley then moved to approve Civil City and Utility claims and adjourn the meeting. The motion passed 5-0.



Adjournment

Mayor Leichthy adjourned the meeting at 4:41 p.m.

EXHIBIT #1: A Nov. 7, 2024 one-page memorandum written by City Building Inspector Travis Eash about the status of 208 Queen Street. This memo was submitted during and for consideration of agenda item #12, Review hearing for the Order of the City of Goshen Building Commissioner for 208 Queen Street (Artisan Investment Group, LLC, property owner).

APPROVED:

A blue ink signature of Gina Leichthy, written in a cursive style, is positioned above a horizontal line.

Mayor Gina Leichthy

A black ink signature of Mike Landis, written in a cursive style, is positioned above a horizontal line.

Mike Landis, Member

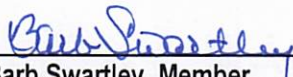
A black ink signature of Orv Myers, written in a cursive style, is positioned above a horizontal line.

Orv Myers, Member

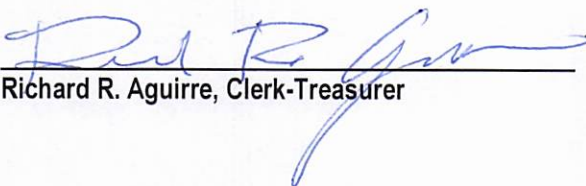
A black ink signature of Mary Nichols, written in a cursive style, is positioned above a horizontal line.

Mary Nichols, Member




Barb Swartley, Member

ATTEST:


Richard R. Aguirre, Clerk-Treasurer



Building Department
CITY OF GOSHEN

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

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

Exhibit #1

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: NOVEMBER 7, 2024

Subject: 208 QUEEN ST

This property has changed hands a couple of times over the last year. Since the last hearing the property again was sold. The new owners have already obtained a remodel permit. I haven't been inside the property since the last hearing but can confirm through the new owners that not much has changed to this point and it's relatively in the same condition.

When speaking with the new owners, they believe that they can get started in two to three weeks and they are here to elaborate on what they want to do and their time frame to get the complete remodel done.

From a building department stand point we understand the volume of projects that the new owners have and are willing to work with the them on a time frame. We would like the Demolition Order to remain in place but allow for all permits to be pulled, work to be done and all required inspections completed throughout the process. At the appropriate time the Building Commissioner can rescind the Order to a Repair Order.

Thank you,

Travis Eash