

BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE DECEMBER 5, 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 Nov. 7 and Nov. 14 Regular Meetings and the Nov. 21 Special Meeting as prepared by the Clerk-Treasurer's Office. Board member Mike Landis made a motion to approve the minutes as presented. Board member Barb Swartley seconded the motion. The motion passed 5-0.

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

1) Open Sealed Bids: 2024 Asphalt Paving Project and refer to the Engineering Department

The Clerk-Treasurer's Office received sealed bids from contractors for the 2024 Asphalt Paving project. All bids were due by 3:45 p.m. on Dec. 5 to the Clerk-Treasurer's Office or by 4 p.m. at the Board's meeting.

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:

- D.C. Construction Services, Pendleton, IN: \$1,486,375.53; alternate bid, \$641,585.71
- Niblock Excavating, Inc., Bristol, IN: \$1,427,328; alternate bid, \$628,321.00
- Phend & Brown, Inc., Milford, IN: \$1,419,195.00; alternate bid, \$751,288.40

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

2) Legal Departments request: 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

Assistant City Attorney Don Shuler said the Board extended a conditional offer of employment to and entered into a Conditional Offer of Employment Agreement with Joseph F. Cestone on Oct. 28, 2021.

Shuler said Cestone completed the paramedic training per the Conditional Offer of Employment, but did not otherwise become a certified paramedic. The Fire Department, the Fire Union, and Cestone have discussed retaining his employment as they discuss potential revisions to their ambulance run procedures, and wish to utilize the attached Memorandum of Understanding (MOU) to amend the prior Conditional Offer of Employment Agreement.

Shuler recommended that the Board approve and authorize the Mayor to execute the attached MOU. The MOU provides that Cestone will retain his employment with the City Fire Department, that he will continue to serve as an Emergency Medical Technician on ambulance runs, and is otherwise bound by all obligations consistent with the prior Conditional Offer of Employment Agreement and the Collective Bargaining Agreement between the City and the Fire Union.

Landis/Swartley made a motion to approve the Memorandum of Understanding between the City, Joseph Cestone and the Goshen Firefighters Association Local No. 1443 and authorize the Mayor to execute the MOU. The motion passed 5-0.



3) Clear Creek & Associates request: Approve the use two parking spaces on W. Washington Street, Dec. 13-Dec. 18, to place a dumpster for the disposal of items from The Famous building

David Gingerich of Clear Creek & Associates, said the structural engineering firm recently purchased The Famous building, 203 South Main Street in Goshen, and is relocating its offices from its current location at 212 West Washington Street.

As part of the move, **Gingerich** said Clear Creek needs to remove old furniture and miscellaneous debris that has been stored in the basement of the new location. To aid in removal, he asked that the Board allow the placement of a dumpster in the two parking spaces nearest the intersection of the rear alley and West Washington Street.

In his request to the Board, **Gingerich** wrote that the dumpster will be placed on Friday, Dec. 13 and removed between Monday, Dec. 16 and Wednesday, Dec. 18.

Clerk-Treasurer Aguirre pointed out that the company delayed placement of the dumpster until after First Friday. He also said it notified neighbors of the plans and none objected to the placement of the dumpster, which will be 8 feet wide, 22 feet long and 4 feet high.

In response to **Gingerich's** requests, **City Street Commissioner David Gibbs** said his staff would block off the parking spaces on the day of the dumpster delivery and **City Director of Public Works & Utilities Dustin Sailor** said he would provide a letter to **Gingerich** about the Board's approval so the company would deliver the dumpster.

Landis/Swartley made a motion to allow Clear Creek Associates to place a dumpster in the two parking spaces nearest the intersection of the rear alley and West Washington Street, starting Friday, Dec. 13 until Wednesday, Dec. 18. The motion passed 5-0.

4) Kauffman Construction requests: Approve the placement of building improvements in the City's right of way at 103 North Fifth Street, which was formerly Tony's Famous Grill

Nate Kauffman, the owner of **Kauffman Construction of Bremen**, asked the Board to approve use of the City's right of way for a number of planned improvements to the former Tony's Famous Grill building, 103 North 5th Street.

Kauffman said his company is planning the following:

- Tear out ADA ramp and porch cap and repour it so that there are no cracks;
- Install two black awnings on the south side of the building, adjacent to Lincoln Avenue, to match the existing awning next door at Giving Tree massage;
- Install 2 mini split units on the north porch next to the kitchen wall to provide A/C in the kitchen;
- Install a white vinyl privacy fence around the mini split units to keep the public away and safe.

Kauffman provided a site plan and pictures for the Board's review.

City Assistant Planning & Zoning Administrator Rossa Deegan said previously the owner was considering an application to allow outdoor seating but not at this time. **Deegan** said he had nothing to add about the request.

Mayor Leichty asked how soon before the new business might be opened. **Kauffman** said a few months.

In response to a question from **Board member Landis**, **Kauffman** said he plans to remove the current deteriorating handicap ramp and replace it, but it will be in the exact same location.

City Engineering Project Manager Andrew Lund Engineering gave staff feedback on **Kauffman's** request, which he detailed in a memorandum, dated Dec. 5, 2024, and which he distributed to the Board (**EXHIBIT #1**).

Summarizing the comments in the memo, Lund said:

- Engineering staff reviewed the proposed building alterations as part of a recent site plan review;
- All of the proposed alterations are already within the public right-of-way and the Engineering Department would not object to these requests as long as they remain within the current building footprint;
- The existing footprint of the ramp and porch area do not conflict with City utilities;
- The existing features do not overlap onto the pedestrian access route (ADA path);



- The proposed improvements do not increase the area already encroaching in the right-of-way;
- If the Board approves the ramp, it is recommended the Board make the distinction that all compliance with ADA requirements and maintenance are the responsibility of the owner;
- Staff sees no significant issue with the exterior placement of the mini splits and fence under the existing overhang as long as they conform with building and mechanical code requirements and that they are inspected by the City Building Department;
- The applicant should provide a minimum clearance of 8-feet under the awnings as approved by the City Planning Department;
- Though not part of this request, comments were issued as part of Engineering Department review requiring the removal of the large step at the northernmost entrance to the porch;
- Finally, if approved, it was recommended that the Board base approval on the condition that improvements are to be removed at the owner's expense if the City or another utility need access to this portion of the right-of-way, although Lund agreed that likelihood was very low.

Board member Landis, Mayor Leichty, Lund and Kauffman briefly discussed the new ramp and the requirement for the 8-foot clearance for awnings. In response to questions from **Mayor Leichty, City Attorney Bodie Stegelmann** recommended that the Board's motion require compliance with City codes and that the Board note the City's requirement that the owner remove any improvements in the right of way if that becomes necessary.

At the **Clerk-Treasurer's** request, **Kauffman** stated on the record that he "absolutely" agreed with the conditions. **Landis/Swartley** made a motion to approve the use of the City's right of way for the building improvements at 103 North 5th Street with the additional conditions that the applicant comply with all City building codes and that if the City were to need access to the right of way that the building owner would bear the expense for having to remove any improvements in the right of way. The motion passed 5-0.

5) Legal Department request: Approve and authorize the Mayor to execute agreements with Chamber of Commerce of Goshen, Downtown Goshen, Inc. for its administrative, façade and First Fridays programs, Goshen Theater, Inc., Lacasa, Inc., South Bend Elkhart Regional Partnership, and Warsaw Housing Authority for the services described in each agreement

City Attorney Bodie Stegelmann told the Board that many community service organizations provide services or programs to Goshen's residents in a manner more efficient than what the City could provide. He said the City has supported these organizations with funds in the past and wishes to continue to do so.

Stegelmann said these organizations were subject to an application process requiring specific documentation regarding their organization and a detailed description of how these funds will be used. The organizations will also have to account for how the funds were used. He asked the Board to approve the following Community Service Partnership Agreements.

Bodie clarified that the façade program would cost \$20,000 rather than the \$25,000 stated in the memo to the Board.

Organization	Grant amount
Chamber of Commerce of Goshen, Inc.	\$50,000
Downtown Goshen, Inc. – Administrative	\$ 5,000
Downtown Goshen, Inc. – Façade	\$20,000
Downtown Goshen, Inc. – First Fridays	\$50,000
Goshen Theater, Inc.	\$75,000
Lacasa, Inc.	\$25,000
South Bend Elkhart Regional Partnership	\$2,750
Warsaw Housing Authority	\$20,000



Landis/Swartley made a motion to approve and authorize Mayor Leichty to execute agreements with Chamber of Commerce of Goshen, IN, Inc., Downtown Goshen, Inc. for its Administrative, façade and First Fridays programs, Goshen Theater, Inc., Lacasa, Inc., South Bend Elkhart Regional Partnership, and Warsaw Housing Authority for the services described in each agreement. The motion passed 5-0.

6) Legal/Fire Departments request: Approve the agreement of the City and TouchPhrase Development, LLC, dba as Julota, and authorize the Mayor to execute the agreement

Assistant City Don Shuler told the Board that included in the agenda packet was a proposed agreement with TouchPhrase Development, LLC, doing business as Julota, to implement a Software as a Service (SaaS) solution tailored for the needs of the Goshen Fire Department. He said the platform, "Julota Reach," is designed to enhance the City's ability to track and coordinate services for patients between Fire, EMS, law enforcement, and potentially health care facilities.

Under the agreement, Shuler said Julota will provide Goshen with access to the hosted service and related modules. The service includes features for tracking patient interactions, managing resources, and generating reports, and contains data privacy measures compliant with HIPAA and other health privacy laws. The agreement outlines an initial term of one year, with options for annual renewal.

Shuler said the service is offered at an annual fee of \$39,474.50, which includes implementation, ongoing maintenance, and support. The agreement has been reviewed by the City's IT department to ensure proper integration with the City's servers and equipment.

Mayor Leichty said software would support the City's Mobile Integrated Health program.

The Mayor said the City currently has one police officer, a behavioral health specialist, who focuses his work on substance abuse, homelessness and addiction recovery issues. She said the City is expanding that work to include a Fire Department paramedic assigned to be part of this team. And the Common Council approved the hiring of a social worker for that team.

Mayor Leichty said this software will help that team as they are working with some of the most vulnerable folks in the community to communicate with community providers and assess any medical needs and to help them manage that caseload. She said the City looked at a number of software options, and this is one that's used by Noblesville and other cities within Indiana, and they highly recommended it for the City's team. She encouraged supported of the agreement on behalf of the team.

Landis/Swartley made a motion to approve the agreement between TouchPhrase Development, LLC, doing business as Julota, and authorize the Mayor to execute the agreement. The motion passed 5-0.

7) Legal/Police Departments request: Approve Resolution 2024-29, Approving Revised City of Goshen Police Department Policies and Repealing Certain Policies

City Attorney Bodie Stegelmann said the Board previously approved City of Goshen Police Department Policies developed in coordination with Lexipol, LLC. He said the Police Department and Lexipol LLC staff have identified certain revisions to existing policies deemed appropriate due to legislative or other changed circumstances.

Stegelmann said attached to Resolution 2024-29 were redlined versions of existing policies to show the revisions suggested. If the Board approves Resolution 2024-29, the redlines will be removed and the policies will be inserted into the Policy Manual in final form with an effective date of Dec. 12, 2024.

When passed, Resolution 2024-29 would approve the following revised policies and repeal the previously approved policies for the following:

- 300 – Response to Resistance
- 301 – Response to Resistance Review Boards
- 316 – Missing Persons



- 410 – Emergency Detentions
- 801 – Records Section
- 1021 – Temporary Modified-Duty Assignments
- 1024 – Wellness Program

Included in the agenda packet were the original and revised policies.

Landis/Swartley made a motion to approve Resolution 2024-29, *Approving Revised City of Goshen Police Department Policies and Repealing Certain Policies*, effective Dec. 12, 2024. The motion passed 5-0.

8) Legal Department request: Approve Resolution 2024-31, Declaring Surplus and Authorizing the Disposal of IT Equipment

City Attorney Bodie Stegelmann told the Board the City's Technology Department wants to dispose of personal property that is no longer needed or is unfit for the purpose for which it was intended. He said the items are worthless or of no market value.

Stegelmann said Resolution 2024-31 would declare the property as surplus and authorize its disposal in accordance with Indiana Code § 5-22-22-8 by demolishing or junking property that is worthless or of no market value.

The following surplus property would be discarded:

- Samsung R540 -Laptop; Samsung R530 -Laptop
- HP EliteDesk 800 G2 TWR -Tower; HP EliteDesk 800 G2 TWR -Tower
- HP Pro3500 Series -Tower; HP Pro3500 Series -Tower
- HP EliteDesk 800 G2 TWR -Tower; HP EliteDesk 800 G2 TWR -Tower; HP EliteDesk 800 G2 TWR -Tower
- HP ProBook 440 G2 -Laptop; HP ProBook 440 G2 -Laptop; HP ProBook 440 G2 -Laptop; HP ProBook 440 G2 -Laptop; HP ProBook 440 G2 -Laptop
- Toshiba Satellite C855D-S5100 -Laptop
- HP EliteBook 840 -Laptop
- HP 280 G1 -Tower; HP 280 G1 -Tower
- SYX IPMIP-GS -Tower
- AOC -JT085HA022328 – Flat Screen Monitor
- Acer - ETLDQ0C011851EAC534022 – Flat Screen Monitor
- Neovo - C1F15E0F53502825 – Flat Screen Monitor
- Acer- ETL480201780905172396L – Flat Screen Monitor
- HP – 803823001 - Keyboard
- Logitech – 820006477 – Keyboard
- 4 Custom Towers

Landis/Swartley made a motion to pass Resolution 2024-31, *Declaring Surplus and Authorizing the Disposal of Personal Property*. The motion passed 5-0.

9) Legal Department request: Approve Resolution 2024-30, Declaring Surplus and Authorizing the Disposal of Vehicles and Equipment

City Attorney Bodie Stegelmann told the Board that the City wants to dispose of personal property that is no longer needed or is unfit for the purpose for which it was intended.

Stegelmann said Resolution 2024-30 would declare the property as surplus and authorize its disposal in accordance with the provisions of Indiana Code § 5-22-22-4 by engaging an auctioneer to advertise the sale of the property and conduct a public auction.



Stegelmann said an agreement would be presented to the Board for approval with an auction company to sell the property. In addition, the City will give notice of the auction by publication of the date, time, place and terms of the sale at least 15 days before the date of the sale.

Board member Landis asked how long the surplus property has been accumulating. **City Fleet Manager Carl Gaines** said the property has been accumulating for about a year.

Resolution 2024-30 would declare the following to be surplus property:

1. 2011 5x8 Utility Trailer, VIN/Serial Number 457CA0B08B1022372 (Cemetery Asset #CM7791)
2. Coats Tire Changer Rim Clamp 7060 AX, VIN/Serial Number N/A (Central Garage Asset #N/A)
3. Whelltronic Hoist 15,000, VIN/Serial Number 205B-01831 (Central Garage Asset #N/A)
4. Coats Tire Balancer 1250, VIN/Serial Number N/A (Central Garage Asset #N/A)
5. 2003 Medtec Medic, VIN/Serial Number 1HTMNAAL63H563323 (Fire Asset #FD925)
6. 2010 Chevrolet Tahoe, VIN/Serial Number 1GNUKAE0XAR216470 (Fire Asset #F9071)
7. Poulan Push Mower, VIN/Serial Number 020300M 000622 (Fire Asset #F624)
8. 2014 Toro Timemaster Push Mower, VIN/Serial Number 314003513 (Fire Asset #F626)
9. Snapper P21507B Push Mower, VIN/Serial Number 16273954 (Fire Asset #F629)
10. Snapper Ninja Push Mower, VIN/Serial Number 2012816899 (Fire Asset #F633)
11. Toro SR4 Push Mower, VIN/Serial Number 8.0811570874e+11 (Fire Asset #F634)
12. Honda HR214 Push Mower, VIN/Serial Number 6258364 (Fire Asset #F637)
13. Lawnboy Push Mower, VIN/Serial Number 260002862 (Fire Asset #F649)
14. 2010 Chevrolet Tahoe, VIN/Serial Number 1GNUKAE05AR170434 (Fire Asset #F909)
15. 1993 Chevrolet K3500, VIN/Serial Number 1GCHK34K4PE185533 (Fire Asset #F017) with Boss Straight Plow, VIN/Serial Number A7746 (Fire Asset #F017AA)
16. Honda Push Mower, VIN/Serial Number MZBZ-6043088 (Parks Asset #PKD2212)
17. 2015 Chevrolet Impala, VIN/Serial Number 2G1WD5E32F1161227 (Police Asset #145)
18. 2014 Chevrolet Impala, VIN/Serial Number 2G1WD5E30E1179689 (Police Asset #124)
19. 2004 Ford Explorer, VIN/Serial Number 1FMZU72K14ZA76536 (Police Asset #1104)
20. Sander/Salt Spreader, VIN/Serial Number 2029234 (Street Asset #326C)
21. 2011 Boss V-Plow XT, VIN/Serial Number BC050045 (Street Asset #341A)
22. 2011 Boss V Plow, VIN/Serial Number BC074291 (Street Asset #383A)
23. 2014 Boss Snow Plow, VIN/Serial Number 223297 (Street Asset #ST342A)
24. 2015 Boss Plow 9'2", VIN/Serial Number 237412 (Street Asset #ST378A)
25. 2006 Chevrolet Truck Bed, VIN/Serial Number N/A (Street Asset #N/A)
26. Broce Sweeper, VIN/Serial Number 88347 (Street Asset #388)
27. Wacker Roller, VIN/Serial Number 5021579 (Street Asset #337)
28. Hydrotek Power Washer, VIN/Serial Number N/A (Wastewater Asset #N/A)
29. 2004 Trash Pump 8.0 Honda, VIN/Serial Number WAF008972 (Water & Sewer Asset #6611)
30. 2007 GMC Canyon, VIN/Serial Number 1GTD13E078144195 (Water & Sewer Asset #801)
31. 2007 Dynapac LT6000 Rammer, VIN/Serial Number 76103889 (Water & Sewer Asset #WS6607)

Landis/Swartzley made a motion to pass Resolution 2024-30, Declaring Surplus and Authorizing the Disposal of Vehicles and Equipment. The motion passed 5-0.

10) Legal Department request: Approve Consignment Agreement with Bright Star Realty and Auctions, LLC
City Attorney Bodie Stegelmann told the Board that Resolution 2024-30 would authorize the disposal of surplus property by engaging an auctioneer to advertise the sale of the property and conduct a public auction.



Stegelmann said the City Central Garage would like to consign the City's surplus property with Bright Star Realty and Auctions, LLC to be sold at Bright Star's upcoming consignment auction to be held on Dec. 30, 2024 at 11751 County Road 12, Middlebury.

Stegelmann recommended that the Board approve and ratify the Mayor's execution of the attached Consignment Agreement and Addendum with Bright Star Realty and Auctions, LLC to sell the City's surplus property at Bright Star's upcoming consignment auction. Bright Star's commission to sell the surplus property is \$25 per lot plus 5% of the gross proceeds from the sale of the surplus property.

Landis/Swartley made a motion to approve and ratify the Mayor's execution of the Consignment Agreement and Addendum with Bright Star Realty and Auctions, LLC to sell the City's surplus property at Bright Star's consignment auction. The motion passed 5-0.

11) Legal/Parks & Recreation Departments request: Approve the agreement with DJ Construction as presented, and authorize the Mayor to execute the agreement

Assistant City Attorney Don Shuler told the Board that the City previously solicited sealed proposals seeking proposals and qualifications for the services of a Construction Manager as Constructor for preconstruction and construction services required for the renovation of and improvements to Shanklin Pool.

Shuler said the proposals were received on Sept. 26, 2024. Following interviews with the prospective teams submitting proposals, a City review committee recommended that the City proceed with DJ Construction.

Shuler said the attached agreement with DJ Construction provides for the reconstruction and improvement of Shanklin Pool. It includes provisions for the demolition of existing pool facilities, the construction of a new pool and associated structures, project management responsibilities, and compliance with Indiana public works statutes. The agreement specifies that a guaranteed maximum price (GMP) will be established, with an appropriate contingency; and finalized upon execution of a GMP Amendment following the completion of pre-construction services. The City will pay DJ Construction a lump sum of \$20,000 for pre-construction services.

The Agreement requires completion of the Project by May 22, 2026. **Shuler** said the City Parks and Recreation Board approved the agreement at its Dec. 2 meeting.

Landis/Swartley made a motion to approve the Agreement with DJ Construction as presented and authorize the Mayor to execute the Agreement. The motion passed 5-0.

12) Legal Department request: Approve and authorize the Mayor to execute the agreement with Peerless Midwest, Inc. for Hydrogeologic Services to Drilling and Development for Well #TW-24F at a cost of \$162,665

City Attorney Bodie Stegelmann recommended that the Board approve and authorize the Mayor to execute the attached agreement with Peerless Midwest, Inc. for Hydrogeologic Services to Drilling and Development for Well #TW-24F. The contractor will be paid \$162,665 for the drilling and development of this test well.

Marvin Shepherd, Superintendent of the City Water Treatment and Sewer Department, distributed to Board members a two-page document showing the location of current two-inch test wells and the proposed 16-inch well in the City's South Wellfield Site and an illustration of hydrological samples (**EXHIBIT #2**).

Shepherd said the City has had a number of two-inch test wells drilled in the City's South Wellfield Site and now wants a 16-inch well drilled that will be 170 feet deep to verify the test results.

Landis/Swartley made a motion to execute the attached agreement with Peerless Midwest, Inc. for Hydrogeologic Services to Drilling and Development for Well #TW-24F at a cost of \$162,665. The motion passed 5-0.

13) Legal Department request: Accept the easement at 1304 East Lincoln Avenue



City Attorney Bodie Stegelmann recommended that the Board accept the attached Easement from Douglas Fearnow, Tony Griffin, and Thomas Nagle, Trustees of Goshen Church of God, as Trustees and constituting the Local Board of Trustees of the Church of God at Goshen, in Elkhart County, Indiana.

Stegelmann said this easement is for Goshen City public parking lot purposes and is part of the real estate at 1304 East Lincoln Avenue, beside Abshire Park. The easement area was depicted in Exhibit A of the attached Easement. As consideration for the easement, **Stegelmann** said the City is agreeing to install a split rail fence upon the City real estate adjacent to the Church's southern property line, and agreeing to spray the Church's gravel parking lot to control weeds in 2025, 2026, and 2027.

Landis/Swartley made a motion to accept the Easement at 1304 East Lincoln Avenue from Douglas Fearnow, Tony Griffin, and Thomas Nagle, Trustees of Goshen Church of God, as Trustees and constituting the Local Board of Trustees of the Church of God at Goshen, in Elkhart County, and authorize the Mayor to execute the acceptance. The motion passed 5-0.

14) Legal Department & Clerk-Treasurer's Office request: Approve and authorize the Mayor to execute the service agreement with Ricoh USA for the new copier for City Hall

City Attorney Bodie Stegelmann said staff is seeking to purchase a new copier from Ricoh, plus training and connection, for the cost of \$7,150 for City Hall and wished to enter into a service contract with Ricoh. The service agreement is for 60 months at a rate of \$0.0066 per B&W page and \$0.0400 per color page.

Stegelmann said the City Legal Department reviewed the service agreement and now recommended that the Board approve and authorize **Mayor Leichty** to execute the services agreement with Ricoh USA Inc.

Clerk-Treasure Aguirre said acquisition of a new printer was spearheaded by **Deputy Clerk-Treasurer Jeffery Weaver**, who received bids from three companies. He said the best bid was being selected. He also noted the invaluable assistance from **Brandy Toms, a paralegal with the City Legal Department.**

Landis/Swartley made a motion to approve and authorize **Mayor Leichty** to execute the service agreement with Ricoh USA for the new copier for City Hall. The motion passed 5-0.

15) Legal Department request: Approve and authorize the Mayor to execute the amendment agreement with Rowell Chemical Corporation to renew for one (1) year to purchase and supply of Sodium Hypochlorite

City Attorney Bodie Stegelmann recommended that the Board approve and authorize the Mayor to execute the attached amendment agreement with Rowell Chemical Corporation for the purchase and supply of the City's Sodium Hypochlorite, a necessary chemical for water treatment.

This amendment would renew the agreement for a one (1) year term and memorializes a cost reduction per gallon from \$1.79 to \$1.75.

Landis/Swartley made a motion to execute the amendment agreement with Rowell Chemical Corporation to renew for one (1) year to purchase and supply of Sodium Hypochlorite. The motion passed 5-0.

16) Legal Department request: Approve and authorize the Mayor to execute the amendment agreement with PVS Technologies, Inc. to renew for one (1) year to purchase and supply of Ferric Chloride

City Attorney Bodie Stegelmann recommended that the Board approve and authorize the Mayor to execute the attached amendment agreement with PVS Technologies for the purchase and supply of the City's Ferric Chloride, a necessary chemical for water treatment.

This amendment would renew the agreement for a one (1) year term without any changes.

Landis/Swartley made a motion to execute the amendment agreement with PVS Technologies, Inc. to renew for one (1) year to purchase and supply of Ferric Chloride. The motion passed 5-0.



17) Water & Sewer Office request: Move \$1,801.13 in uncollected finalized accounts from active to collection, sewer liens and write offs for the period through Aug. 12, 2024

Kelly Saenz, Manager of the Goshen City Utilities Office, told the Board that the original amount of unpaid final Water/Sewer accounts, for the period through Aug. 12, 2024, was \$3,177.70. Collection letters were sent out and payments of \$1,376.57 were collected.

The uncollected amount was \$1,801.13. So, **Saenz** asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs for the period. Of the uncollected amounts, \$1,132.64 came from water accounts and \$668.49 from sewer accounts.

Landis/Swartley made a motion to move the Goshen Water and Sewer Office's \$1,801.13 in uncollected finalized accounts for this period from active to Collection, Sewer Liens and Write offs. Motion passed 5-0.

18) Engineering Department information: The City Traffic Commission has asked Engineering staff to request that the Indiana Department of Transportation make pedestrian crossing safety improvements at Main Street and College Avenue

City Engineering Project Manager Andrew Lund told the Board that after the Indiana Department of Transportation's (INDOT's) recent signal replacements at the intersection of Main Street and College Avenue, **City Traffic Commissioner Brett Weddell** received a request from a resident at 1701 Woodward Place.

Lund said the resident asked the City to help petition INDOT to replace a "turning vehicles yield to pedestrians" sign, as well as alter the signal timing to allow for pedestrians to cross Main Street on the south side of the intersection before traffic is allowed to turn left from westbound College Avenue south onto Main Street. He said the left-turning vehicle moving signal is allowed concurrently with the pedestrian walk signal, and these conflict with one another. Before INDOT's recent signal work, there had been a sign to instruct College Avenue left-turning vehicles to yield. **Lund** said the resident had petitioned INDOT for the protected pedestrian signal previously. The request was brought to the Nov. 21 Traffic Commission meeting. The Commission voted unanimously for Engineering staff to contact INDOT with the request to reinstall the recently removed "turning vehicles yield to pedestrians" sign and an exclusive pedestrian crossing phase activated by the button.

Clerk-Treasurer Aguirre asked why work at the intersection took so many months to complete. **Lund** said he didn't know but perhaps separate work crews were involved and were waiting for a crew to set mast arms.

Mayor Leichty thanked **Lund** for the information.

This was an information-only item, so no action was required.

19) Engineering Department request: Approve the installation of three speed limit signs and the relocation of the curve ahead warning sign closer to the curve on Chicago Avenue

City Engineering Project Manager Andrew Lund said the Engineering Department received a concern from **Councilor Matt Schrock** regarding speeding along Chicago Avenue, between Indiana Avenue and Pike Street.

Lund said the current speed limit along Chicago Avenue from Bashor Road to Pike Street is 30 MPH. Upon examining the existing signage along Chicago Avenue, it was discovered that only one speed limit sign was posted, for eastbound traffic.

Lund said Indiana regulations require speed limit signs at points of change from one speed limit to another, as well as beyond major intersections and other areas where it is necessary to remind motorists of the speed limit. Higher speed limits are in effect nearby, with no notice of the lower speed limit for vehicles that turn off these roads: The speed limit is 35 mph on Pike Street / US 33 and 40 mph on Wilden Avenue, west of Indiana Avenue.

Lund said at its Oct. 17 meeting, Traffic Commission members recommended the City install three additional speed limit signs and the relocation of the curve ahead warning sign north, closer to the curve.



Landis/Swartley made a motion to approve the installation of three speed limit signs and relocation of the curve ahead warning sign closer to the curve. The motion passed 5-0.

20) Engineering Department request: Approve the release of the 1-year maintenance bond of \$213,424.68 posted by Niblock Excavating and accept the asphalt paving project for permanent maintenance
City Director of Public Works & Utilities Dustin Sailor said the final inspection of the 2023 Asphalt Paving Project has taken place. The infrastructure (asphalt) has been found to meet City standards and specifications. Sailor recommended that the City of Goshen release the one-year maintenance bond, which were posted by Niblock Excavating for asphalt pavement, in the amount of \$213,424.68, and accept this project for permanent maintenance. Landis/Swartley made a motion to approve the release of the 1-year maintenance bond in the amount of \$213,424.68 and accept the asphalt paving project for permanent maintenance. The motion passed 5-0.

21) Engineering Department request: Approve Agreement with Middlebury Electric for the 2025 Utilities Electrical Maintenance for \$47,270 per year for three years
City Director of Public Works & Utilities Dustin Sailor told the Board that Middlebury Electric has provided excellent electrical service for Goshen Utilities. He asked the Board to accept Middlebury Electric's quote of \$47,270 per year to continue maintenance and enter into an agreement with them. Landis/Swartley made a motion to approve Agreement with Middlebury Electric for the 2025 Utilities Electrical Maintenance in the amount of \$47,270.00 per year for three years. The motion passed 5-0.

22) Engineering Department request: Approve and authorize the Mayor to sign the agreement with Abonmarche Consultants for \$198,000 to provide design and bid support services for the Eisenhower Drive and Caragana Court Reconstruction project
City Director of Public Works & Utilities Dustin Sailor asked the Board to approve an agreement with Abonmarche Consultants for design services and the creation of project bid documents for the reconstruction of Eisenhower Drive and Caragana Court. Sailor said this project will include full pavement replacement for both roadways between Dierdorff Road and Lincolnway East / US Highway 33. Limited drainage improvements may also be necessary. The construction project is expected to begin in 2025. This project, including design services, will be funded by Goshen Redevelopment Commission, which selected Abonmarche Consultants' proposal and approved the amount of \$198,000.00 for design services. Landis/Swartley made a motion to approve and authorize the Mayor to sign the agreement with Abonmarche Consultants in the amount of \$198,000.00 to provide design and bid support services for the Eisenhower Drive and Caragana Court Reconstruction project. 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 4:50 p.m.

Goshen Theater Program Director Adrienne Nesbitt distributed to Board members a two-page memorandum in which she requested permission to block the east-west alley, located between 211 5th Street and the Goshen Police Department parking lot, from 10 a.m. to midnight on Dec. 6, 2024, to accommodate two tour buses and trailers of The Wizards of Winter band, which would be presenting a concert at the theater on Dec. 6. The memo included a written request and a map. (EXHIBIT #3)



Nesbitt said she had a last-minute request related to a large band arriving Friday for a concert at the Goshen Theater. She said theater staff just learned the band had two large tour buses with trailers that needed to be parked close to the theater.

Because parking in City lots was not an option, **Nesbitt** said one bus and trailer will be parked in alley right next to the theater. She asked that the Board allow the second bus and trailer to also be parked in the east-west alley between Janus Motorcycles and the Goshen Police Department parking lot. And to the east of the north-south alley She asked that the bus-trailer be allowed to park there from 10 a.m. to midnight on Friday, Dec. 6, 2024.

Mayor Leichty said she didn't have any problem with the request, but asked **Nesbitt** to inform Janus Motorcycles and the Police Department. **The Mayor, Nesbitt, Street Commissioner David Gibbs and City Director of Public Works & Utilities Dustin Sailor** discussed the logistics of the request as well as parking options. And eventually supported the request.

Landis/Swartley then made a motion to allow use of the east-west alley adjacent to the Goshen Theater, from 10 a.m. to midnight on Friday, Dec. 6, 2024, for the parking of two buses and trailers. The motion passed 5-0.

City Street Commissioner David Gibbs announced that the final City leaf collection of the year will begin on Monday, Dec. 9, 2024.

There were no further public comments, so Mayor Leichty closed the public comment period at 4:57 p.m.

At 4:57 p.m., Mayor Leichty recessed the Board of Public Works & Safety meeting and opened a meeting of the City Stormwater Board to consider one item.

CITY OF GOSHEN STORMWATER BOARD

4:00 p.m., Dec. 5, 2024

Members: Mayor Leichty, Mike Landis and Mary Nichols

23) Accept the post-construction stormwater management plan amendment: For Brinkley RV - Building #1 Additional Parking 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 developer of the Brinkley RV - Building #1 Additional Parking (East College Avenue Industrial Park Amendment #3) project, affecting one (1) or more acres of land and located south of 1655 Brinkley Way East, has submitted a sufficient post-construction plan amendment that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management." The Stormwater Department asked the Stormwater Board to accept the plan.

Landis/Nichols made a motion to accept the post-construction stormwater management plan amendment for Brinkley RV - Building #1 Additional Parking as it has been found to meet the requirements of City Ordinance 4329. The motion passed 3-0.

At 4:59 p.m., Mayor Leichty recessed the City Stormwater Board meeting and convened a Board of Public Works & Safety hearing to review the status of properties at 423 North 5th Street, 511 North 5th Street and 513 North 5th Street.



CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARING:

4:00 p.m., Dec. 5, 2024

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

24) Review of the Order of the City of Goshen Building Commissioner for 423 North 5th Street (Ronald E. Davidhizar, property owner)

At 4:59 p.m., Mayor Leichty convened a hearing to review the Order of the City of Goshen Building Commissioner for 423 North 5th Street (Ronald E. Davidhizar, property owner).

BACKGROUND:

In an Dec. 2, 2024 memorandum, **Assistant City Attorney Don Shuler** informed Board members that **an unsafe building hearing was scheduled for the property located at 423 N. 5th Street, Goshen, IN.** Attached to the memo was the Order of the City of Goshen Building Commissioner concerning the property.

Shuler wrote that the Board 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 and at the end of the hearing, he 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 by, for example, providing additional time to complete repairs.
 3. Rescind the Order
 4. Affirm the Order.
 - a. In addition to affirming the Order, if the Board found there had been a willful failure to comply with the Building Commissioner's Order, the Board could impose a civil penalty up to \$5,000.
 - b. The effective date of the civil penalty could be postponed for a reasonable period to permit repairs to be made.
- In taking any of these actions, **Shuler** wrote the Board should make specific findings of fact to support its action.

On Oct. 8, 2024, City Building Commissioner Myron Grise issued an order that notified Ronald E. Davidhizar that his property at 423 North 5th Street was in violation of the City of Goshen Neighborhood Preservation Ordinance, codified at Goshen City Code § 6.3.1.

Grise cited the following violations of Goshen City Code Title 6, Article 3, Chapter 1:

1. **The structure's foundation has not been kept reasonably weather tight and in good repair, nor is it firmly supported and free from open cracks and breaks,** a violation of Section 6.3.1. I(b). There are areas in the basement where the foundation is beginning to separate. **The basement wall is showing signs of failure and in danger of collapse.**
2. **The structure's ceilings have not been kept reasonably weather tight and in good repair,** a violation of Section 6.3.1.1 (b). There are multiple ceilings with holes or where it has been removed.
3. **The structure's walls have not been kept reasonably weather tight and in good repair,** a violation of Section 6.3 .1. I (b). There are walls with holes or walls that have been removed.
4. **The structure's floors have not been kept in good repair,** a violation of Section 6.3 .1.I(b). All floor beams are showing signs of possible termite damage or other forms of deterioration.
5. **The structure's painted surfaces are not properly coated and weather tight,** and metal and wood surfaces throughout, including window frames, doors, door frames, cornices, porches, and trim have not been maintained in good condition, a violation of Section 6.3 .1. I(g). There is chipping and peeling paint on multiple surfaces throughout the structure.
6. **The electrical system has not been maintained in a satisfactory working condition nor in a manner that will permit safe operation,** a violation of Section 6.3.1.I(a).



The electrical panel has been tampered with and the entire electrical system needs assessment due to current condition.

7. The heating and mechanical system has not been maintained in a satisfactory working condition, a violation of Section 6.3.1. I(a). There is loose hanging duct work and rusted out duct work in need of repair or replacement.

Grise wrote that the residential structure was unsafe within the meaning of I. C. § 36-7-9-4(a)(5) and (6). Goshen City Code Title 6, Article 3, Chapter I's requirements are the minimum standards for all structures for purposes of health and safety. Therefore, he wrote that the **structure was dangerous to person or property because of a violation of a statute or ordinance concerning building condition or maintenance**. Further, the **structure is vacant and not maintained in a manner that would permit human habitation, occupancy, or use** under Goshen City Code.

Grise ordered Davidhizar to complete the necessary actions and repairs to the residential structure to bring the property into compliance with the minimum housing standards that permit human habitation, occupancy, or use under the Neighborhood Preservation Ordinance. He wrote that the actions and repairs had to include the following:

- The structure's foundation needs to be properly repaired to remove all indications of failure; areas where the foundation is beginning to separate need to be properly tuck pointed and properly repaired to ensure the integrity of the structure.
- The holes in the walls and ceilings to need to be properly repaired with appropriate coverings installed.
- All floor beams showing termite damage and other forms of deterioration must be repaired/replaced.
- All painted surfaces need to be properly coated; chipped and peeling paint needs to be properly eliminated and surfaces repainted.
- The electrical panel needs to be replaced by licensed electrician and the entire electrical system needs assessment by a licensed electrician and repaired/upgraded as necessary.
- All rusted out duct work needs to be replaced and all loose hanging duct work needs to be repaired and/ or replaced to ensure proper and safe functioning of the heating and mechanical system.

Grise further ordered Davidhizar to complete all said work within thirty (30) days. He notified Davidhizar that failure to comply with this Order could result in the City taking action to complete the required demolition and to bill him for the costs of such work and for processing expenses.

Grise notified Davidhizar failure to comply with the Order could result in the City Building Commissioner issuing a civil penalty pursuant to I.C. § 36-7-9-7.5 or pursuing civil action remedies pursuant to I.C. § 36-7-9-17.

Grise notified Davidhizar that his Order would become final ten (10) days after notice was given, unless he requested a hearing in writing within 10 days of the issuance of the order.

Assistant City Attorney Don Shuler certified that the foregoing Order of the City of Goshen Building Commissioner for the premises at 423 N. 5th Street, Goshen, was served by sending a copy by certified mail, return receipt requested and by regular first-class mail, to Davidhizar's last known address on Oct. 9, 2024.

DISCUSSION AND OUTCOME OF BOARD REVIEW HEARING ON DEC. 5, 2024:

At 4:25 p.m., Mayor Leichty convened the review hearing for 423 North 5th Street.

Present were: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler; City Building Commissioner Myron Grise; and City Building Inspector Travis Eash. Property owner Ronald E. Davidhizar was not present.



Assistant City Attorney Don Shuler provided the background of the case and the reason for the review hearing. Though his attorney, Shuler said that Davidhizar requested a hearing on the City Building Commissioner's order. He said as a result of that request, a hearing was scheduled for Dec. 5, 2024.

Shuler said a Building Department representative would present information about the condition of the building. He said he would offer additional information and arguments afterward.

Clerk-Treasurer Aguirre asked Assistant City Attorney Shuler if it was important to acknowledge that the property owner was not present. Shuler said after the Building Department presentation he would address that issue by introducing an exhibit and testimony specific to the service issue.

Mayor Leichty then swore in City Building Inspector Travis Eash and City Building Commissioner Myron Grise to give truthful and complete testimony.

Before the meeting Eash distributed to Board members a one-page memorandum, dated Dec. 5, 2024, and 13 pages of color photographs, taken June 27 and Nov. 27, 2024, showing the condition of 423 North 5th Street. (EXHIBIT #4). He then gave a brief update on the property at 423 N. 5th Street.

Reading from his memo, Eash said, "My initial inspection of the property was conducted on June 27, 2024. My follow up inspection was conducted on Nov. 27, 2024. Photos from both inspections are in the package I handed to you. As you can tell from the photo evidence, little to no work has been completed.

Eash continued, "There is evidence of this being a house also being accessible to squatters. All items 1 thru 7 in the (Building Commissioner's) order still remain. There has been no water usage since December of 2022. The last permit pulled for this property was for electrical service restoration in 2020. No permits have been pulled or even applied for, for the work that is required.

Eash concluded, "To the Building Department, this demonstrates the lack of initiative from the owner to bring this property into compliance and to a habitable condition. With that being said, it is the Building Department's recommendation that the repair order be affirmed and that there be a \$5,000 civil penalty assessed to the owner."

Eash added that photographs taken on June 27 and Nov. 27 show there wasn't much difference in the condition.

Mayor Leichty asked Eash if he was seeking a demolition order. Eash said Assistant City Attorney Shuler would address the issue. He added that the building could be repaired and was not in danger of eminent collapse.

Board member Myers asked if the City has been in contact with Davidhizar about this house. Eash said Davidhizar was present during the Nov. 27, 2024 inspection and was aware of today's hearing as was his attorney.

Board member Landis said he was "perplexed" because there was evidence of the home's poor condition and that Davidhizar had been informed of today's hearing and that there were recommendations to affirm the repair order and impose a \$5,000 fine. He asked Shuler for a clarification of what was being recommended.

Shuler responded, "So, I think when the order ... was prepared for this property and in discussion with the Building Department, it was felt that this property was not in quite the same condition as some of the other properties that we've had here in the past, and the idea was that this property could be repaired.

Shuler continued, "There were some issues with the foundation, but not to the extent that there was in other properties, and that the majority of the issues at the property stem primarily from it being vacant for a period of time. But it also hadn't been vacant, for you know, 10, 15, 20 years, like some other properties, had.

"So, because of that, the decision at the time was kind of another group of properties that this was included in was to issue repairs orders underneath the unsafe building law, tell the Board of Works that generally those repair orders aren't required to come before the Board as a process and so a lot of times those orders are handled administratively through the Building Department, and if there are not repairs done, the Building Commissioner has the ability to issue civil penalties and do further enforcement action."



Shuler said in this case there was a request within the 10 days after the order was issued to have a review hearing before the Board. He said that was why the matter was before the Board today as was the case for the two other **Davidhizar** properties to be reviewed later today. He said the Building Department determined all three properties "weren't quite in that same level for demolition, and that's why the repair order was initially drafted."

Shuler said that as presented in his memorandum, the Board was tasked with reviewing the Building Commissioner's repair order and then either affirming or modifying the order or rescinding it if the Board found the repairs had been made. If the order was affirmed or modified, and among other options, **Shuler** said the Board could impose a civil penalty if the Board found there was a willful failure to comply, and payment could be required within 10 days.

Mayor Leichty asked if \$5,000 was the maximum fine allowable. **Shuler** said it was under the statute.

In response to questions from **Board member Landis**, **Shuler** confirmed that the hearing was being held today because **Davidhizar's** attorney requested it and typically these kind of cases wouldn't come to the Board.

Board member Landis then asked why **Davidhizar** and his attorney were not present.

Shuler said when the order was issued, **Davidhizar** was out of the country "and it is very likely that the hearing may have been requested by the attorney, just as a matter of course, to try to protect rights, so to speak." He reminded the Board that **Eash** testified that he inspected the property on Nov. 27, 2024 and that **Davidhizar** was present and they had a conversation about today's hearing.

Shuler then asked **Grise** to comment on this issue. Under **Shuler's** questioning, **Grise** testified that during the Nov. 27 inspection, he communicated with **Davidhizar** about the scheduled Dec. 5 hearing. At the time, **Grise** testified that **Davidhizar** said he would be present. **Grise** also testified that he called **Davidhizar** twice earlier today and left a message about the hearing. **Eash** said that **Davidhizar** contacted the Building Department, by phone, earlier today.

Shuler entered into the record proof of service of today's hearing. He provided a copy of the notice of the scheduled review hearing that was mailed on Oct. 28, 2024, via regular mail to **Davidhizar** and a certificate of service signed by **Shuler** (EXHIBIT #5).

Shuler noted, again, that the notice of the review hearing was mailed to **Davidhizar** on Oct. 28, 2024 and **Eash** and **Grise** spoke to **Davidhizar** on Nov. 27, 2024 during the inspection and mentioned today's hearing. Also, **Shuler** said **Grise** called **Davidhizar** twice this morning and left a message and that **Davidhizar** called the Building Department this afternoon. He said he wanted that testimony on the record for service purposes.

Shuler said **Eash's** photographs show no repairs have been carried out and no permits have been pulled. So, he asked that the Board affirm the Building Commissioner's order by adopt the Commissioner's order as its findings of fact. He also asked that the Board schedule an additional compliance hearing on Jan. 23, 2025 and find there has been a willful failure to comply "as shown by the fact that there's been no work done in the property in six months and no permits pulled and then impose a civil penalty of \$5,000, with payment due in 15 days."

Mayor Leichty responded, "Well, clearly, the case has been made from my perspective. I mean, there's willful noncompliance with what has been requested. Nothing has happened at this location, so I would support the Board's affirmation that the testimony that's been provided is correct, and we should adopt that and move forward with another hearing."

The **Mayor** continued, "My only question is whether, besides this fine, it feels like a very light touch. Given the magnitude of destruction in this neighborhood that has been inflicted by all of these blighted homes, and the extent to which our staff has gone to work with Mr. **Davidhizar**, and accommodate him and make sure that he is aware, and because this hearing was requested by his attorney, who didn't bother to show up today, is there any other recourse that the City or that this Board could adopt?"

Mayor Leichty asked, "Is there the capacity for receivership or some alternative to ensure that this is actually being converted into habitable living accommodations for people in our City?"



Shuler responded, There were other options available for enforcement – specific types of remedies – underneath unsafe building law.

Shuler said, “Generally speaking, a receivership or some type of order to rehabilitate would require or necessitate a court action unless you had the property owner’s agreement which I don’t anticipate we would have. So those are options available, but you’d have to go through legal proceedings in court to obtain those.”

Shuler said if the Board scheduled another compliance hearing, it would still have jurisdiction over the matter and would not be limited to a one-time civil penalty if it continued to find that there was noncompliance and the property was found to be detrimental to the neighborhood. And if there was continued noncompliance, **Shuler** said the Board could eventually issue a demolition order.

However, **Shuler** said because of a “quirk” in the statute, in order to increase enforcement at the Board’s level, **Davidhizar** would have to be present at the hearing for that to happen. Otherwise, **Shuler** said the Building Commissioner could modify his order, issue a demolition order and schedule another review hearing.

Mayor Leichty asked why **Shuler** recommended the next review hearing to be on Jan. 23. **Shuler** said he selected a date 30 days from today’s date, and looked for a Thursday where another hearing was not already scheduled. He said otherwise the hearing would be Jan. 9, but other unsafe building hearings already are scheduled.

Board member Swartley said she heard another property auction was coming up. **Shuler** said he learned that there is an auction next weekend involving at least two properties with existing demolition orders that recently were sold by **Davidhizar** to **Artisan Investments**. He said **Artisan** was hoping to sell the properties to someone who can repair them sooner than they can “based on the magnitude of the other properties they have.”

Mayor Leichty and Board member Landis discussed the motion to be made.

Mayor Liechty said she favored imposing a limited time for the payment of the fine and asked **Shuler** the minimum amount of time allowable. **Shuler** said the statute doesn’t specify one, so the Board could set one they deemed to be reasonable. **Board member Landis** suggested payment by Christmas. **Mayor Leichty** said 7 to 10 days would be her recommendation.

Landis/Nichols then made a motion to affirm the Building Commissioner’s repair order for the property at 423 North 5th Street, that the Board schedule another review hearing for Jan. 23, 2024 and that the Board impose a \$5,000 civil penalty due in 10 days from now, or Dec. 16, 2024. The motion passed 5-0.

25) Review of the Order of the City of Goshen Building Commissioner for 511 North 5th Street (Ronald E. Davidhizar, property owner)

At 5:19 p.m., Mayor Leichty convened a hearing to review the Order of the City of Goshen Building Commissioner for 511 North 5th Street (Ronald E. Davidhizar, property owner).

BACKGROUND:

In an Dec. 2, 2024 memorandum, Assistant City Attorney Don Shuler informed Board members that an unsafe building hearing was scheduled for the property located at 511 N. 5th Street, Goshen, IN. Attached to the memo was the Order of the City of Goshen Building Commissioner concerning the property.

Shuler wrote that the Board 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 and at the end of the hearing, he 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 by, for example, providing additional time to complete repairs.



3. Rescind the Order

4. Affirm the Order.

a. In addition to affirming the Order, if the Board found there had been a willful failure to comply with the Building Commissioner's Order, the Board could impose a civil penalty up to \$5,000.

b. The effective date of the civil penalty could be postponed for a reasonable period to permit repairs to be made. In taking any of these actions, **Shuler** wrote the Board should make specific findings of fact to support its action.

On Oct. 8, 2024, City Building Commissioner Myron Grise issued an order that notified Ronald E. Davidhizar that his property at 511 North 5th Street was in violation of violation of the City of Goshen Neighborhood Preservation Ordinance, codified at Goshen City Code § 6.3.1.

Grise cited the following violations of Goshen City Code Title 6, Article 3, Chapter 1:

1. The structure's foundation has not been kept in good repair, free from open cracks and breaks, capable of supporting all nominal loads and resisting all load effects, a violation of Section 6.3.1.1(b). The foundation wall in the basement has begun to collapse in areas causing wash out.

2. The ceilings have not been kept in good repair, a violation of Section 6.3.1.1 (b). Ceilings tiles have been removed throughout the property and there are other areas where the ceilings have or are collapsing.

3. The floor and supports for the rear porch have not been kept in good repair, a violation of Section 6.3.1.1(b). The rear porch supports are leaning and detaching. The rear porch floor has a large area where it's missing flooring.

4. The structure's painted surfaces are not properly coated and weather tight, and metal and wood surfaces throughout, including window frames, doors, door frames, cornices, porches, and trim have not been maintained in good condition, a violation of Section 6.3.1.1(g). There is chipping and peeling paint on multiple surfaces throughout the structure.

5. The roof of the garage on the real estate is not sound, tight, and free of defects that admit rain, a violation of Section 6.3.1.1(c). The garage roof has a large hole permitting weather and animals to enter the structure.

6. The electrical system has not been maintained in a satisfactory working condition nor in a manner that will permit safe operation, a violation of Section 6.3.1.1(a). There are exposed electrical wires hanging free throughout the structure.

7. The heating and mechanical system has not been maintained in a satisfactory working condition, a violation of Section 6.3.1.1(a). The furnace and mechanical system is in need of assessment.

8. The plumbing system has not been maintained in a satisfactory working condition nor in a manner that will permit safe operation, a violation of violation of Section 6.3.1.1(a). There plumbing pipes that have rusted out or not connected properly.

In addition, Grise wrote that the residential **structure is filled with trash, storage of accumulated materials, and debris that makes it uninhabitable in its current condition. The residential structure has not been kept in a clean and sanitary condition that would permit human habitation, occupancy, or use** under the City of Goshen's Neighborhood Preservation Ordinance.

Grise wrote that the residential structure was unsafe within the meaning of I. C. § 3 6-7-9- 4(a)(5) and (6).

Goshen City Code Title 6, Article 3, Chapter 1's requirements are the minimum standards for all structures for purposes of health and safety. Therefore, he wrote that the **structure was dangerous to person or property because of a violation of a statute or ordinance concerning building condition or maintenance.** Further, the **structure is vacant and not maintained in a manner that would permit human habitation, occupancy, or use** under Goshen City Code.



Grise ordered Davidhizar to complete the necessary actions and repairs to the residential structure to bring the property into compliance with the minimum housing standards that permit human habitation, occupancy, or use under the Neighborhood Preservation Ordinance. He wrote that the actions and repairs had to include the following:

- The residential structure's foundation needs to be properly repaired to remove all indications of failure and collapse, and to ensure the integrity of the structure.
- The residential structure's ceilings need to be properly repaired.
- The rear porch needs to be repaired properly to prevent possible collapse, both the supports and the floor.
- All painted surfaces need to be properly coated; chipped and peeling paint needs to be properly eliminated and surfaces repainted.
- The electrical system needs assessment by a licensed electrician and repaired/upgraded as necessary.
- The heating and mechanical system needs assessment by a licensed contractor and repaired/upgraded as necessary.
- The plumbing system needs assessment by a licensed plumber and repaired/upgraded as necessary, and all rusted out or improperly connected plumbing pipes need to be repaired and/ or replaced.
- The garage roof needs to be repaired.
- The interior of the residential structure shall have all trash, debris, and accumulated materials removed so that same permits human habitation, occupancy, or use under the Neighborhood Preservation Ordinance.

Grise further ordered Davidhizar to complete all said work within thirty (30) days. He notified Davidhizar that failure to comply with this Order could result in the City taking action to complete the required demolition and to bill him for the costs of such work and for processing expenses.

Grise notified Davidhizar failure to comply with the Order could result in the City Building Commissioner issuing a civil penalty pursuant to I.C. § 36-7-9-7.5 or pursuing civil action remedies pursuant to I.C. § 36-7-9-17. Grise notified Davidhizar that his Order would become final ten (10) days after notice was given, unless he requested a hearing in writing within 10 days of the issuance of the order.

Assistant City Attorney Don Shuler certified that the foregoing Order of the City of Goshen Building Commissioner for the premises at 511 N. 5th Street, Goshen, was served by sending a copy by certified mail, return receipt requested and by regular first-class mail, to Davidhizar's last known address on Oct. 9, 2024.

DISCUSSION AND OUTCOME OF BOARD HEARING ON DEC. 5, 2024:

At 5:19 p.m., Mayor Leichty convened the review hearing for 511 North 5th Street.

Present were: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler; City Building Commissioner Myron Grise; and City Building Inspector Travis Eash. Property owner Ronald E. Davidhizar was not present.

Assistant City Attorney Don Shuler said that for the sake of brevity, he asked that the Board "incorporate the testimony, and the evidence submitted, particularly as to the service issues," from the hearing on 423 North 5th Street into the record for this hearing on 511 North 5th Street. He said there were all the same dates for the notices, same dates, for the phone calls, inspections, and everything else.

Shuler also entered into the record a copy of the notice of the scheduled review hearing that was sent to Davidhizar for this property on Oct. 28, 2024 and a copy Shuler's certificate of service (EXHIBIT #6).



Shuler said **City Building Inspector Travis Eash** would testify on his inspection of this property and about the photographs provided to the Board.

Mayor Leichty asked if **Eash** needed to be sworn in again. **City Attorney Bodie Stegelmann** said **Eash** could testify under the oath he took in the last hearing.

Before the meeting **Eash** distributed to Board members a one-page memorandum, dated Dec. 2, 2024, and 18 pages of photographs, taken June 27 and Nov. 27, 2024, showing the condition of the property. (**EXHIBIT #7**). He then gave a brief update on the property at 511 N. 5th Street.

Reading from his memo, **Eash** said, "My initial inspection of the property was conducted on June 27, 2024. My follow-up inspection was conducted Nov. 27, 2024. Photos from both inspections are in the package I handed to you. "As you can tell from the photo evidence, little to no work has been completed. There is evidence of this house also being accessible to squatters. All items 1 thru 8 still remain."

Eash continued, "There has been no water usage since 2012 other than a significant leak in January of this year. The owner did pull roof permits for the house and garage this year earlier this year. However, no permits have been pulled or even applied for, for the work that is required inside the house."

Eash concluded, "To the building department, this demonstrates the lack of initiative from the owner to bring this property into compliance and into a habitable condition. With that being said, it is the Building Department's recommendation that the repair order be affirmed and that there be a \$5,000 Civil Penalty assessed to the owner."

Assistant City Attorney Shuler said the City Building Department and the Building Commissioner were asking for the same relief as in the prior case – that the Board affirm the Building Commissioner's order as its findings, set it for a compliance hearing, find that there's been a willful failure to comply and impose a civil penalty of \$5,000. He asked that the Board schedule the review hearing on Jan. 23, 2025. For consistency purposes, he also suggested that the payment be due by Dec. 16, 2024.

Mayor Leichty asked **Shuler** if it was permissible for the City to secure the house and charge **Davidhizar** for the cost of securing the house to ensure that it's not available for squatters.

Shuler said that if the Board believed there was an issue requiring emergency action for an imminent danger, that kind of cost can be justified under the statute. However, he said he didn't know whether a house being unsecured was sufficient to create that danger and justify that type of emergency action.

Mayor Leichty said Goshen Police have found vacant houses that have been occupied and those properties have been of concern. She said she would ask police to attend the January hearing and testify to that effect.

Clerk-Treasurer Aguirre said he wanted to provide historical context. He said several years ago during hearings on other **Davidhizar** properties, the Board included as a condition that **Davidhizar** secure them by boarding them up. He asked **Shuler** if that was correct.

Shuler said it was and that the Board you could add as a condition that the property be secured.

Landis/Swartley made a motion, that for the property at 511 North 5th Street, the Board affirm the Building Commissioner's repair order, order the house to be immediately secured so it cannot be occupied, set a new hearing on Jan. 23, 2025 and that due to the willful failure to comply with the Building Commissioner's Order, the Board imposes a \$5,000 civil penalty due Dec.16, 2024. The motion passed 5-0.

26) Review of the Order of the City of Goshen Building Commissioner for 513 North 5th Street (Ronald E. Davidhizar, property owner)

At 5:25 pm., **Mayor Leichty** convened a hearing to review the Order of the City of Goshen Building Commissioner for 513 North 5th Street (Ronald E. Davidhizar, property owner).



BACKGROUND:

In an Dec. 2, 2024 memorandum, **Assistant City Attorney Don Shuler** informed Board members that **an unsafe building hearing was scheduled for the property located at 513 N. 5th Street**, Goshen, IN. Attached to the memo was the Order of the City of Goshen Building Commissioner concerning the property.

Shuler wrote that the Board 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 and at the end of the hearing, he 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 by, for example, providing additional time to complete repairs.
 3. Rescind the Order
 4. Affirm the Order.
 - a. In addition to affirming the Order, if the Board found there had been a willful failure to comply with the Building Commissioner's Order, the Board could impose a civil penalty up to \$5,000.
 - b. The effective date of the civil penalty could be postponed for a reasonable period to permit repairs to be made.
- In taking any of these actions, **Shuler** wrote the Board should make specific findings of fact to support its action.

On Oct. 8, 2024, City Building Commissioner Myron Grise issued an order that notified Ronald E. Davidhizar that his property at 513 North 5th Street was in violation of violation of the City of Goshen Neighborhood Preservation Ordinance, codified at Goshen City Code § 6.3.1.

Grise cited the following violations of Goshen City Code Title 6, Article 3, Chapter 1:

1. The **structure's foundation has not been kept in good repair, free from cracks and breaks, capable of supporting all nominal loads and resisting all load effects**, a violation of Section 6.3.1. I(b). Areas of the foundation have formed holes; bricks around the exterior of the house are crumbling or have fallen.
2. The **walls have not been kept in good repair**, a violation of Section 6.3.1.I(b). Multiple walls throughout the residential structure have holes.
3. The **floor has not been kept in good repair**, a violation of Section 6.3.1. I(b). The floor outside of door to basement is sinking. Multiple floor beams show significant signs of decay and possible termite damage.
4. The **structure's painted surfaces are not properly coated and weather tight**, and metal and wood surfaces throughout, including window frames, doors, door frames, cornices, porches, and trim have not been maintained in good condition, a violation of Section 6.3.1. I(g). There is chipping and peeling paint on multiple surfaces throughout the structure.
5. There is **no guardrail installed upstairs around the stairway**, a violation of Section 6.3.1. I(f).
6. The **electrical system has not been maintained in a satisfactory working condition nor in a manner that will permit safe operation**, a violation of Section 6.3.1. I(a). The electrical panel has been tampered.
7. The **heating and mechanical system has not been maintained in a satisfactory working condition**, a violation of Section 6.3.1. I(a). There is no gas meter and the heating and mechanical system is in need of assessment.
8. The **plumbing system has not been maintained in a satisfactory working condition nor in a manner that will permit safe operation**, a violation of Section 6.3.1. I(a). There is no water meter at the real estate and has been no water usage for at least two (2) years.

In addition, **Grise** wrote that the **residential structure is filled with trash, storage of accumulated materials, and debris that makes it uninhabitable in its current condition**. The residential structure has not been kept in a **clean and sanitary condition that would permit human habitation, occupancy, or use** under the City of Goshen's Neighborhood Preservation Ordinance.



Grise wrote that the residential structure was unsafe within the meaning of I. C. § 36-7-9-4(a)(5) and (6). Goshen City Code Title 6, Article 3, Chapter I's requirements are the minimum standards for all structures for purposes of health and safety. Therefore, he wrote that the **structure was dangerous to person or property because of a violation of a statute or ordinance concerning building condition or maintenance**. Further, the structure is vacant and not maintained in a manner that would permit human habitation, occupancy, or use under Goshen City Code. Section 3.

Grise ordered Davidhizar to complete the necessary actions and repairs to the residential structure to bring the property into compliance with the minimum housing standards that permit human habitation, occupancy, or use under the Neighborhood Preservation Ordinance. He wrote that the actions and repairs had to include the following:

- The residential structure's foundation needs to be properly repaired, including tuck pointing, to make weather tight and to ensure the integrity of the structure.
- All crumbling or missing bricks need to be replaced.
- All holes in the walls need to be repaired.
- The floor outside the basement door must be assessed and properly repaired to prevent further collapse.
- Decaying and damaged floor beams need to be replaced.
- A proper guardrail needs to be installed.
- All painted surfaces need to be properly coated; chipped and peeling paint needs to be properly eliminated and surfaces repainted.
- The electrical system needs assessment by a licensed electrician and repaired/upgraded as necessary.
- The heating and mechanical system needs assessment by a licensed contractor and repaired/upgraded as necessary.
- The plumbing system needs assessment by a licensed plumber and repaired/upgraded as necessary.
- The interior of the residential structure shall have all trash, debris, and accumulated materials removed so that same permits human habitation, occupancy, or use under the Neighborhood Preservation Ordinance.

Grise further ordered Davidhizar to complete all said work within thirty (30) days. He notified Davidhizar that failure to comply with this Order could result in the City taking action to complete the required work and to bill him for the costs of such work and for processing expenses.

Grise notified Davidhizar failure to comply with the Order could result in the City Building Commissioner issuing a civil penalty pursuant to I.C. § 36-7-9-7.5 or pursuing civil action remedies pursuant to I.C. § 36-7-9-17.

Grise notified Davidhizar that his Order would become final ten (10) days after notice was given, unless he requested a hearing in writing within 10 days of the issuance of the order.

Assistant City Attorney Don Shuler certified that the foregoing Order of the City of Goshen Building Commissioner for the premises at 513 N. 5th Street, Goshen, was served by sending a copy by certified mail, return receipt requested and by regular first-class mail, to Davidhizar's last known address on Oct. 9, 2024.

DISCUSSION AND OUTCOME OF BOARD REVIEW HEARING ON DEC. 5, 2024:

At 5:25 p.m., Mayor Leichty convened the review hearing for 513 North 5th Street.

Present were: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler; City Building Commissioner Myron Grise; and City Building Inspector Travis Eash. Property owner Ronald E. Davidhizar was not present.



Assistant City Attorney Don Shuler asked that the Board, again, incorporate into the record of this hearing the discussion of the testimony from **City Building Commissioner Myron Grise** and **City Building Inspector Travis Eash** regarding service of, and notice of this hearing to Davidhizar that was offered at earlier hearings today. **Shuler** also submitted to the **Clerk-Treasurer** the notice of this scheduled review hearing that was sent to Davidhizar on Oct. 28, 2024 for this property (**EXHIBIT #8**). **Shuler** said he would ask **Eash** to testify about his inspection of the property and to discuss the photographs of it that were provided to the Board.

Before the meeting **Eash** distributed to Board members a one-page memorandum, dated Dec. 2, 2024, and 17 pages of photographs, taken June 27 and Nov. 27, 2024, showing the condition of the property. (**EXHIBIT #9**). He then gave a brief update on the property at 513 N. 5th Street. Reading from his memo, **Eash** said, "My initial inspection of the property was conducted on June 27, 2024. My follow up inspection was conducted last week, Nov. 27, 2024. Photos from both inspections are in the package I handed out. As you can tell from the photo evidence, little to no work has been completed. There is evidence this house has been accessible to squatters as well." **Eash** continued, "Items 1 thru 8 still remain. There has been no water usage since 2022. The last permit that was pulled was for restoration of gas service in 2019. No permits have been pulled or even applied for, for the work that is required to the house." **Eash** concluded, "To the Building Department, this again demonstrates the lack of initiative from the owner to bring this property into compliance and to a habitable condition. With that being said, it is the Building Department's recommendation is again that the repair order be affirmed and that there be a \$5,000 civil penalty assessed to the owner."

Assistant City Attorney Shuler said the Building Department requested that the Board affirm the repair order from the Building Commissioner, adopt his findings, schedule another review compliance hearing Jan. 23, 2025 and impose a civil penalty of \$5,000 due to the willful failure to comply as shown by not pulling any permits and not doing any work for multiple months.

Mayor Leichty extended her gratitude **Shuler** and to the **Building Department team** for all the additional work and the extensive steps taken to be in communication and work with the property owner. She said it was disappointing that **Davidhizar** has not been willing to take the necessary steps to preserve some of the houses he still owns. She added "it's clear that he's not willing to take any of the required steps to actually bring them up to code or provide safe habitation in the City of Goshen, so I would certainly offer my full support in continuing along the same vein in this property as we have with the others."

Noting the testimony about the presence of squatters, **Board member Landis** asked **Eash** if this property was secure. He asked if the Board needed to also order that this property be secured. **Eash** said all of these properties have doors that can shut, but he didn't know if they were locked. He said a squatter was found in 423 North 5th Street a week before the recent inspection and a squatter was found inside 513 North 5th Street a day before the inspection. **Board member Landis** said he would add securing the property to the motion.

Landis/Swartley then made a motion that the Board finds the property at 513 North 5th Street to be out of compliance, affirms the Building Commissioner's order for repairs, sets a Jan. 23, 2025 next hearing date, and that, due to the willful failure to comply with the Building Commissioner's earlier order, the Board imposes a civil penalty of \$5,000, due Dec. 16, 2024. He added to his motion that the Board orders that the property be secured so squatters can't be entering the house. The motion passed 5-0.



At 5:31 p.m., Mayor Leichty adjourned the final hearing and reopened the meeting of the Board of Public Works and Safety.

APPROVAL OF CIVIL & 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 Leichty adjourned the meeting at 5:31 p.m.

EXHIBIT #1: *A memorandum, dated Dec. 5, 2025, from City Engineering Project Manager Andrew Lund to the Board providing staff feedback on the right of way request from Kauffman Construction for planned renovations to the former Tony's Famous Grill building at 103 North Fifth Street, which was agenda item #4.*

EXHIBIT #2: *A two-page document, distributed to Board members, by Superintendent of the City Water Treatment and Sewer Department Marvin Shepherd showing the location of current two-inch test wells and the proposed 16-inch well in the City's South Wellfield Site and an illustration of hydrological samples. The information was submitted during the Board's consideration of agenda item #12, Legal Department request: Approve and authorize the Mayor to execute the agreement with Peerless Midwest, Inc. for Hydrogeologic Services to Drilling and Development for Well #TW-24F at a cost of \$162,665*

EXHIBIT #3: *A two-page memorandum, distributed to Board members, by Goshen Theater Program Director Adrienne Nesbitt requesting permission to block the east-west alley located between 211 5th Street and the Goshen Police Department parking lot to accommodate two tour buses and trailers of The Wizards of Winter band, who were presenting a concert at the theater on Dec. 6, 2024. The memo, which included a written request and a map, was presented by Nesbitt during Privilege of the Floor. The request was approved.*

EXHIBIT #4: *A Dec. 5, 2024 one-page memorandum and 13 pages of color photographs by City Building Inspector Travis Eash about the condition of 423 North 5th Street. The memo was submitted during and for consideration of agenda item #24, Review of the Order of the City of Goshen Building Commissioner for 423 North 5th Street (Ronald E. Davidhizar, property owner).*

EXHIBIT #5: *Two documents entered into the record on Dec. 5, 2024 by Assistant City Attorney Don Shuler during consideration of agenda item #24, Review of the Order of the City of Goshen Building Commissioner for 423 North 5th Street (Ronald E. Davidhizar, property owner). The documents were a copy of the notice of the scheduled review hearing that was mailed on Oct. 28, 2024, via regular mail, to Davidhizar and a certificate of service signed by Shuler.*

EXHIBIT #6: *Two documents entered into the record on Dec. 5, 2024 by Assistant City Attorney Don Shuler during consideration of agenda item #25, Review of the Order of the City of Goshen Building Commissioner for 511 North 5th Street (Ronald E. Davidhizar, property owner). The documents were a copy of the notice of the scheduled review hearing that was mailed on Oct. 28, 2024, via regular mail, to Davidhizar and a certificate of service signed by Shuler.*



EXHIBIT #7: A Dec. 5, 2024 one-page memorandum and 18 pages of color photographs by City Building Inspector Travis Eash about the condition of 511 North 5th Street. The memo was submitted during and for consideration of agenda item #25, Review of the Order of the City of Goshen Building Commissioner for 511 North 5th Street (Ronald E. Davidhizar, property owner).

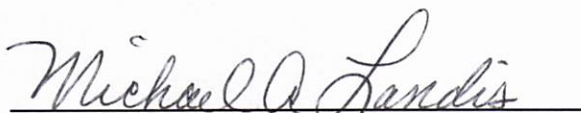
EXHIBIT #8: Two documents entered into the record on Dec. 5, 2024 by Assistant City Attorney Don Shuler during consideration of agenda item #26, Review of the Order of the City of Goshen Building Commissioner for 513 North 5th Street (Ronald E. Davidhizar, property owner). The documents were a copy of the notice of the scheduled review hearing that was mailed on Oct. 28, 2024, via regular mail, to Davidhizar and a certificate of service signed by Shuler.

EXHIBIT #9: A Dec. 5, 2024 one-page memorandum and 17 pages of color photographs by City Building Inspector Travis Eash about the condition of 513 North 5th Street. The memo was submitted during and for consideration of agenda item #26, Review of the Order of the City of Goshen Building Commissioner for 513 North 5th Street (Ronald E. Davidhizar, property owner).


APPROVED:




Mayor Gina Leichty



Mike Landis, Member




Orv Myers, Member

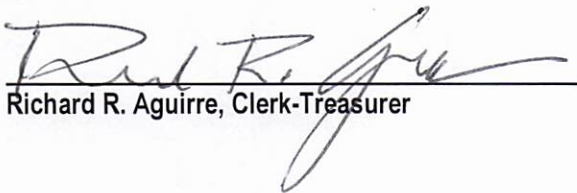


Mary Nichols, Member




Barb Swartley, Member

ATTEST:


Richard R. Aguirre, Clerk-Treasurer

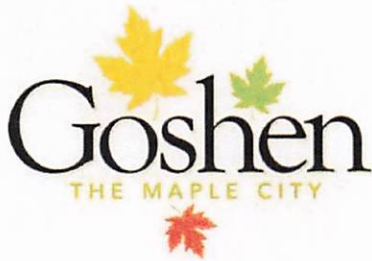


EXHIBIT #1

**Engineering Department
CITY OF GOSHEN**

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

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

Memorandum

To: Board of Work & Safety & Stormwater Board

From: Goshen Engineering

RE: **STAFF REPORT – REMODEL OF FORMER TONY'S GRILL – 103 N FIFTH STREET
BUILDING ELEMENTS IN THE RIGHT OF WAY REQUEST
(JN: 2024-2036)**

Date: December 5, 2024

As part of the remodel at 103 N 5th Street, Kauffman Construction has submitted a request to make alterations to the existing ramp and portions of the existing porch along the east side of the building, as well as add awnings along the south face of the building. Engineering staff has reviewed these elements as part of a recent site plan review and offers the following comments:

1. ADA Ramp, Porch Cap Replacement, Mini-Splits, and Fence – These are replacements or improvements that affect existing building features which already appear to be within the public right-of-way (see Figure 1). While having a pre-existing feature within the right-of-way does not automatically provide allowance for a continued encroachment, engineering would not find an objection to allowing these requests, in light of the following factors:
 - a. The finished floor elevation of 103 N 5th is almost 1 foot higher than the adjacent finished floor of 127 E Lincoln Avenue, which is internally connected and part of the proposed remodel. A ramp for an accessible entrance, per ADA standards, would normally be required as part of the building remodel.
 - b. The existing footprint of the ramp and porch area do not conflict with City utilities.
 - c. The existing features do not overlap onto the pedestrian access route (ADA path).
 - d. The proposed improvements do not increase the built area already encroaching in the right-of-way.
 - e. If an exterior ramp is to be allowed in the right-of-way, keeping the ramp location within the existing footprint of the encroachments on the east side of the building would be preferred; a ramp on the south face of the building would restrict the width of the ADA path on the sidewalk (see Figure 2).
2. ADA Ramp and Porch Cap Replacement – These are private building improvements in the public right-of-way. If approval is given, it is recommended the Board of Works make the distinction that all compliance with ADA requirements and maintenance are the responsibility of the owner.
3. Mini-Splits and Fence – Staff sees no significant issue with the exterior placement of the mini-splits and fence under the existing overhang with Board of Works approval. Conformance to building and mechanical code requirements are the responsibility of the owner, and these elements will be inspected by the Building Department.

- 4. Awnings – Provided a minimum clearance of 8-feet under the awnings, staff has no other comment regarding awnings. The minimum clearance was issued as a Planning Department comment during site plan review.

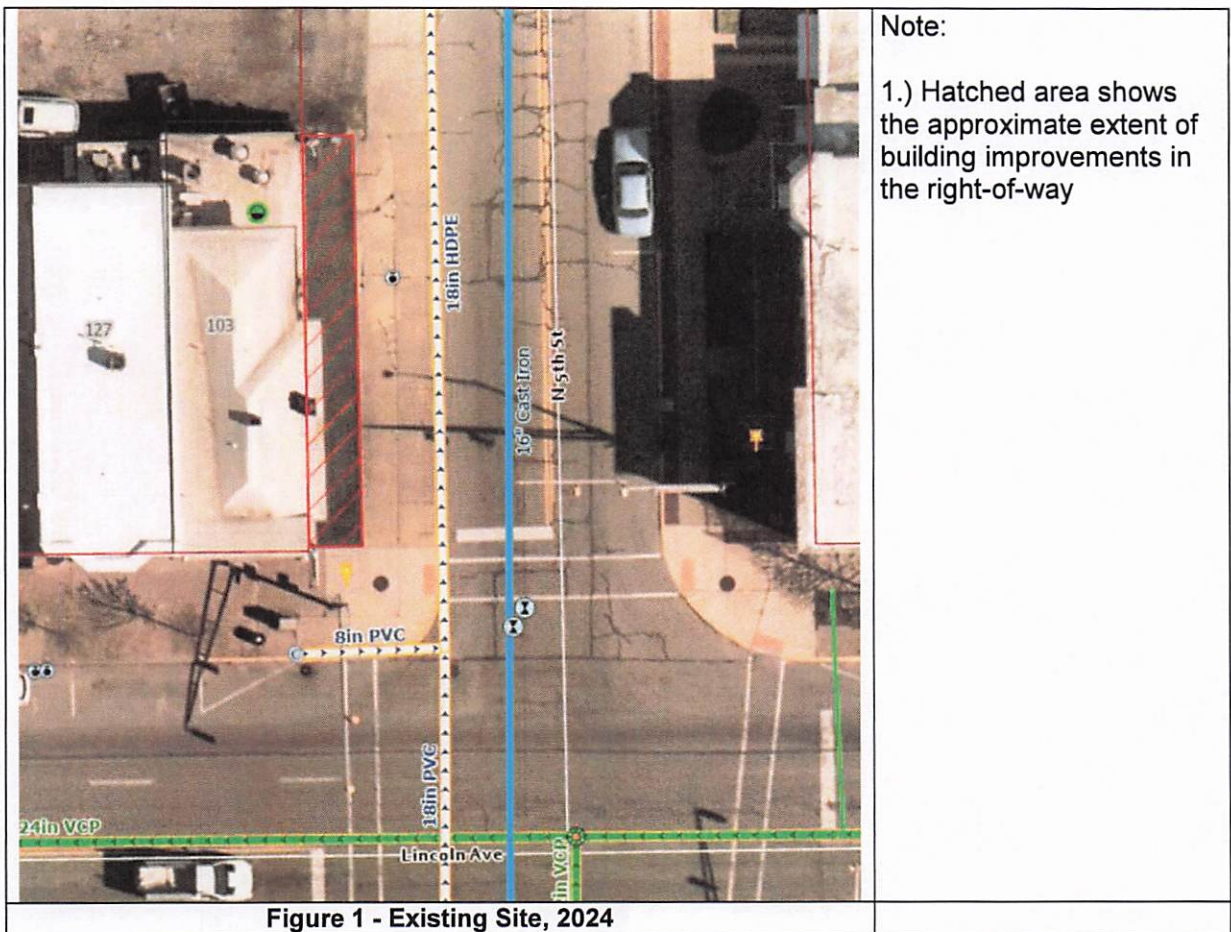


Figure 1 - Existing Site, 2024

- 5. Step / Landing – Though not part of this request, comments were issued as part of Engineering Department review requiring the removal of the large step at the northernmost entrance to the porch (see Figure 3).
- 6. Removal for Future Work in the Right-of-Way – If approved, it is recommended the Board of Works base approval on the condition that improvements are to be removed at the owner’s expense if the City or another utility needed access to this portion of the right-of-way.



Figure 2 – Existing Exterior Ramp and Porch

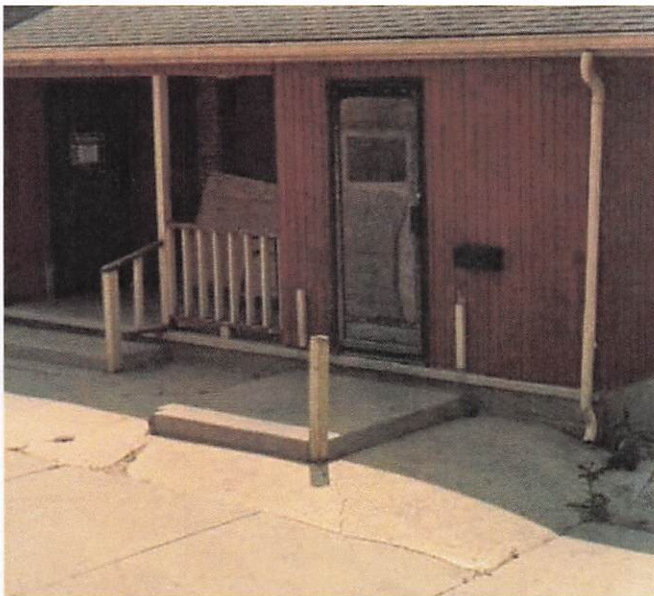
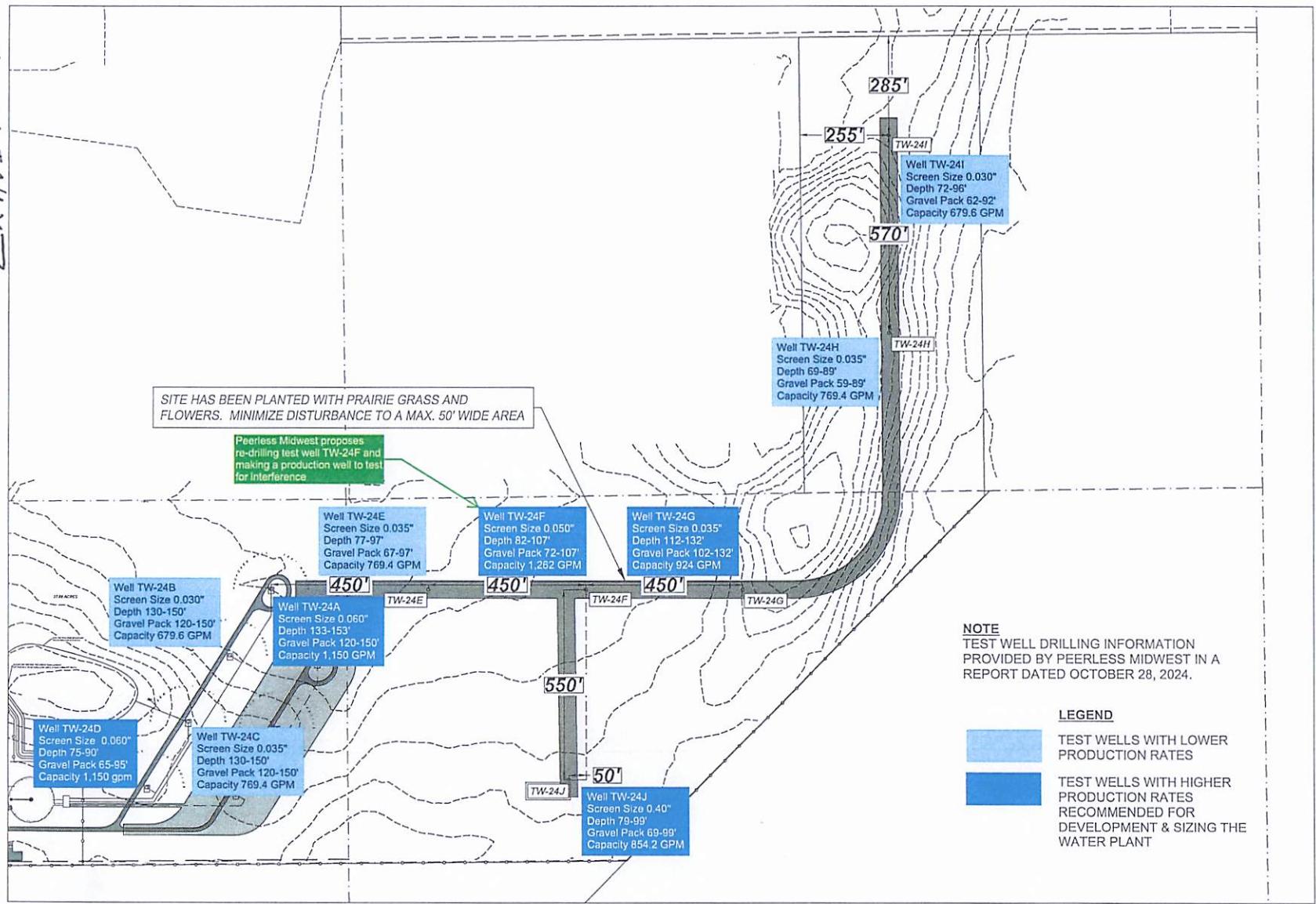


Figure 3 – Existing Step/Landing to be Removed

EXHIBIT #2



SITE HAS BEEN PLANTED WITH PRAIRIE GRASS AND FLOWERS. MINIMIZE DISTURBANCE TO A MAX. 50' WIDE AREA

Peerless Midwest proposes re-drilling test well TW-24F and making a production well to test for interference

NO.	DESCRIPTION	DATE

NOT FOR CONSTRUCTION

The City Of Goshen
 Department of Public Works & Safety
 Office of Engineering
 304 East Jefferson Street, Goshen, Indiana 46028
 Phone: 574-534-2701 Fax: 574-533-6626

City of Goshen, Indiana
 South Wellfield Site
 PROPOSED TEST WELL LOCATIONS

Project No:	2023-0040
Prepared By:	J. Hoffman
Checked By:	J. Hoffman
Approved By:	APPROVED BY
Date:	08/22/2024
Scale:	N.T.S.

Goshen Theater

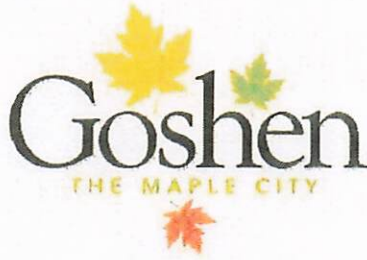
216 S Main St • goshentheater.org

Goshen Theater is requesting blocking off the alley running east to west located between 211 S 5th Street and Goshen Police Department's parking lot.

Goshen Theater is hosting The Wizards of Winter and they need parking for their two tour busses with trailers. These need to be parked close to the theater at 10 a.m. on Friday, December 6 and remain parked there until midnight.

We would like to park their other bus in the east/west alley directly south of the theater (216 S Main St).

Exhibit #7



**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

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: DECEMBER 5, 2024

Subject: 511 N 5TH ST

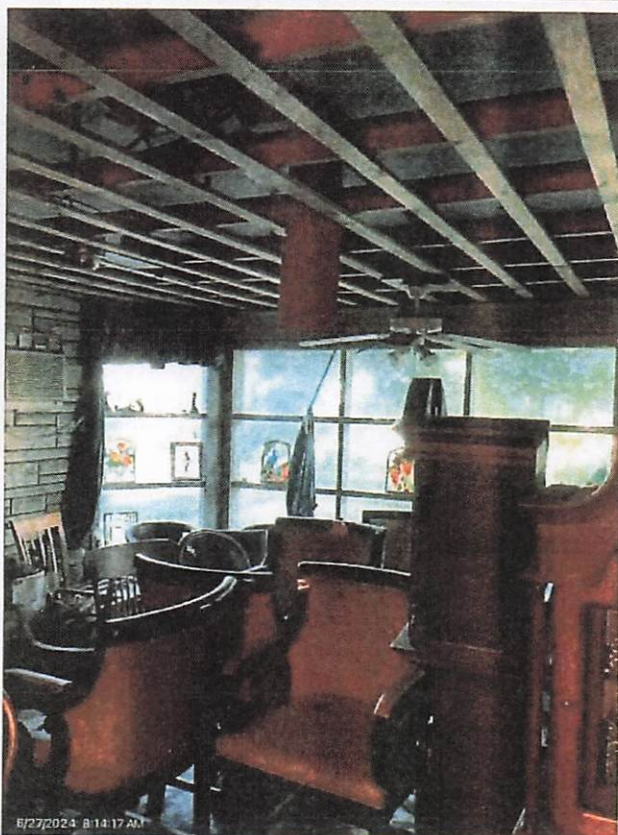
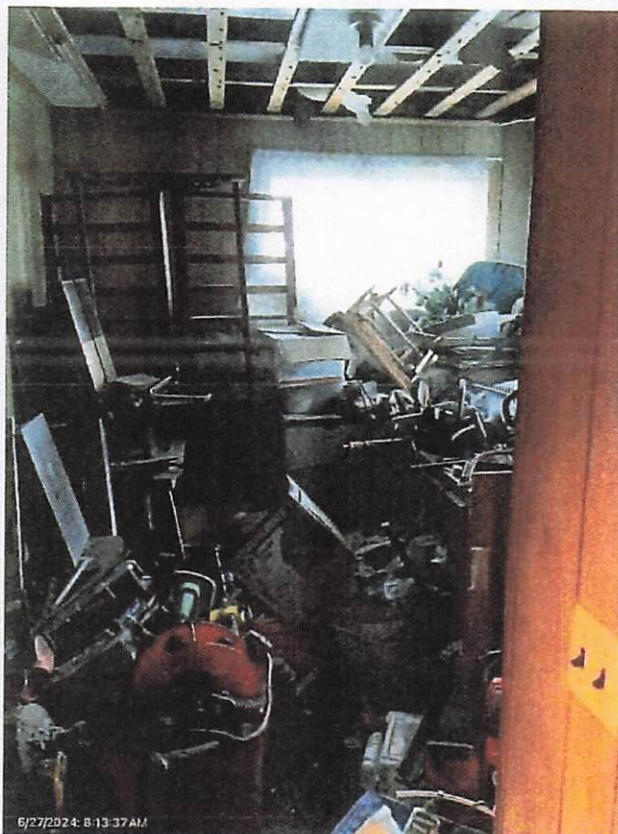
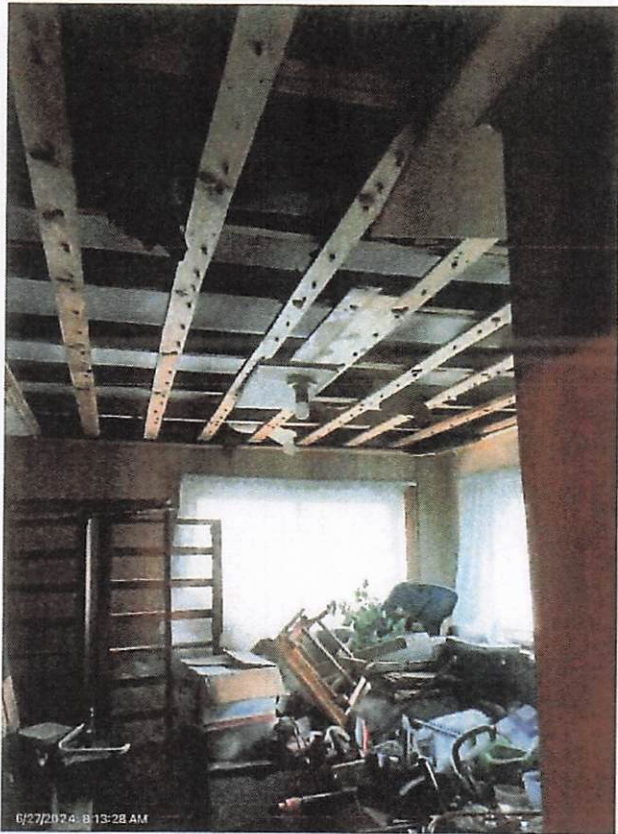
My initial inspection of the property was conducted on June 27, 2024. My follow up inspection was conducted on November 27, 2024. Photos from both inspections are in the package I handed to you. As you can tell from the photo evidence little to no work has been completed. There is evidence of this being a house that has been accessible to squatters.

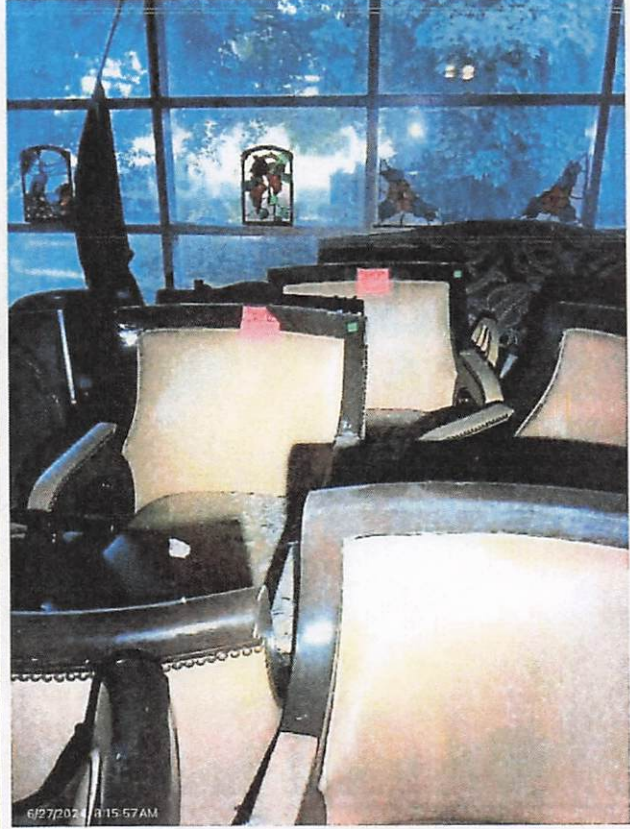
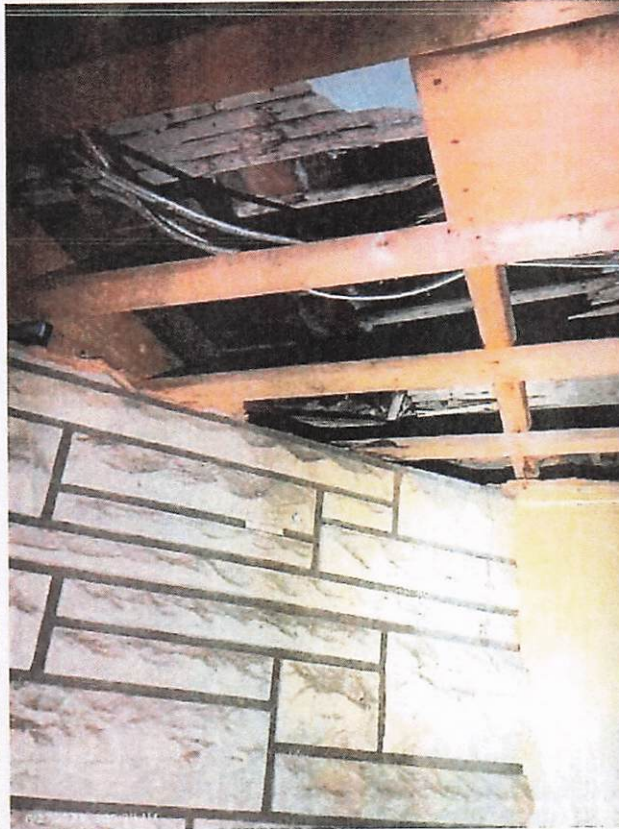
All items 1 thru 8 still remain. There has been no water usage since 2012 other than a significant leak in January of this year. The owner did pull roof permits for the house and garage this year, however no permits have been pulled or even applied for, for the work that is required inside the house. To the building department, this demonstrates the lack of initiative from the owner to bring this property into compliance and to a habitable condition.

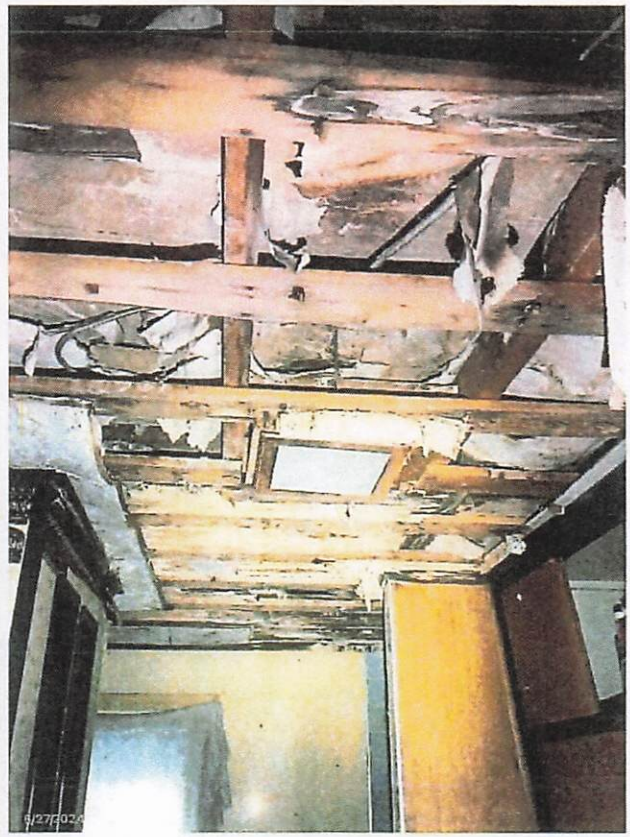
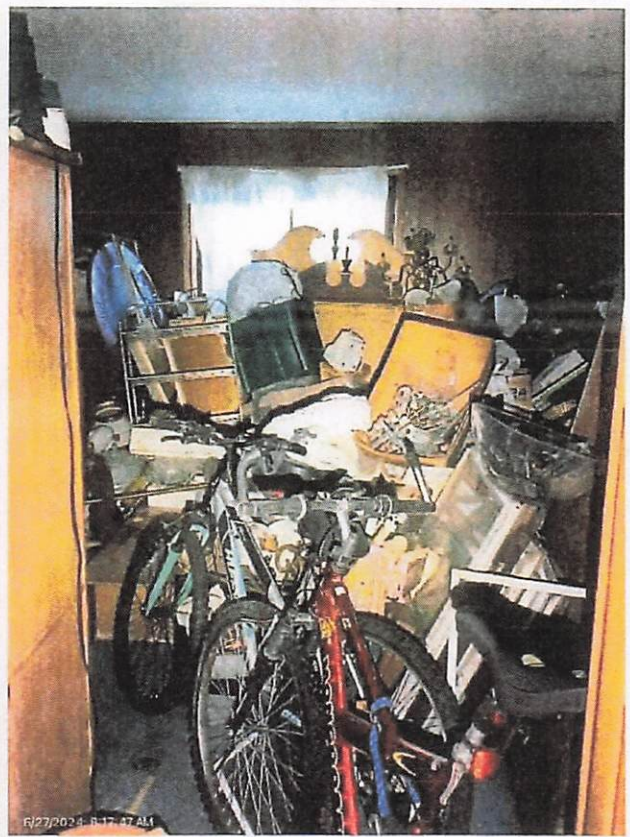
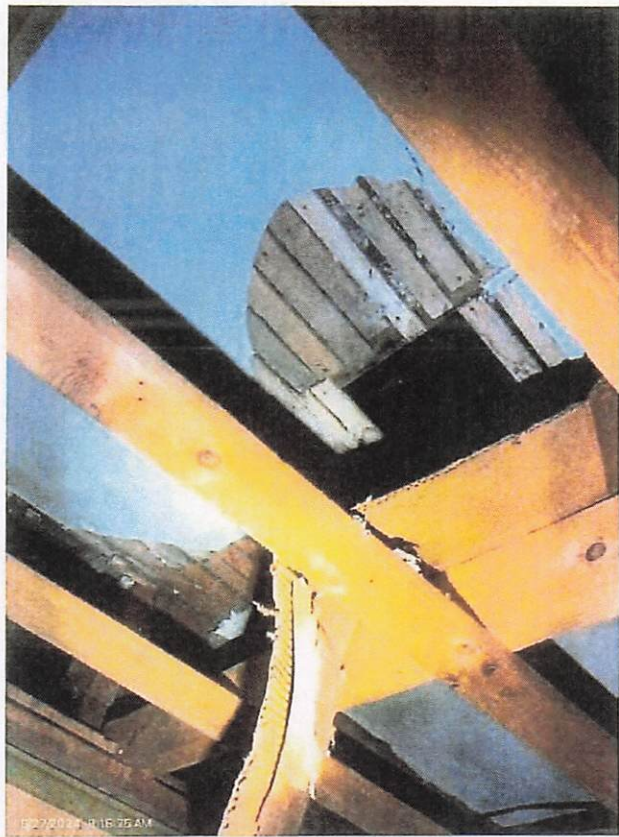
With that being said, it is the Building Departments recommendation that the Repair Order be affirmed and that there be a \$5,000 Civil Penalty be assessed to the owner.

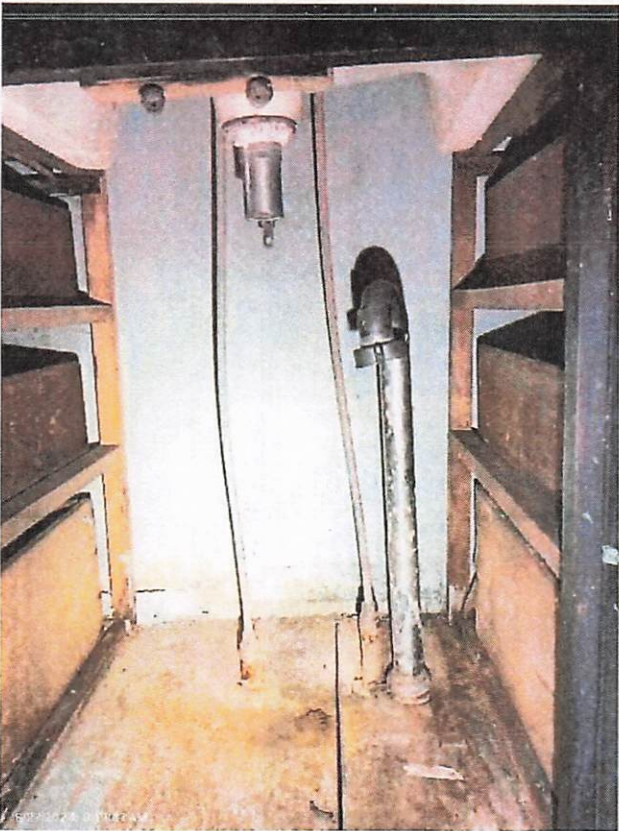
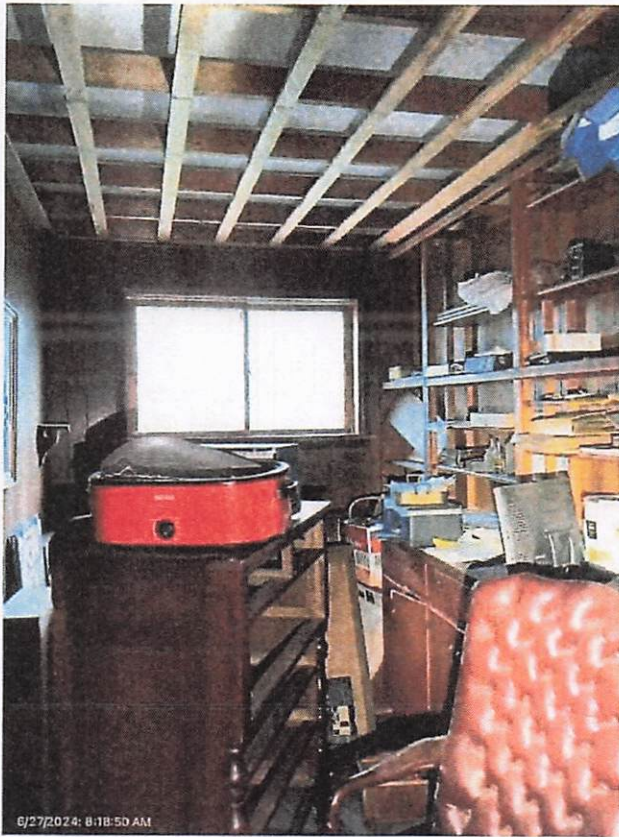
Thank you,

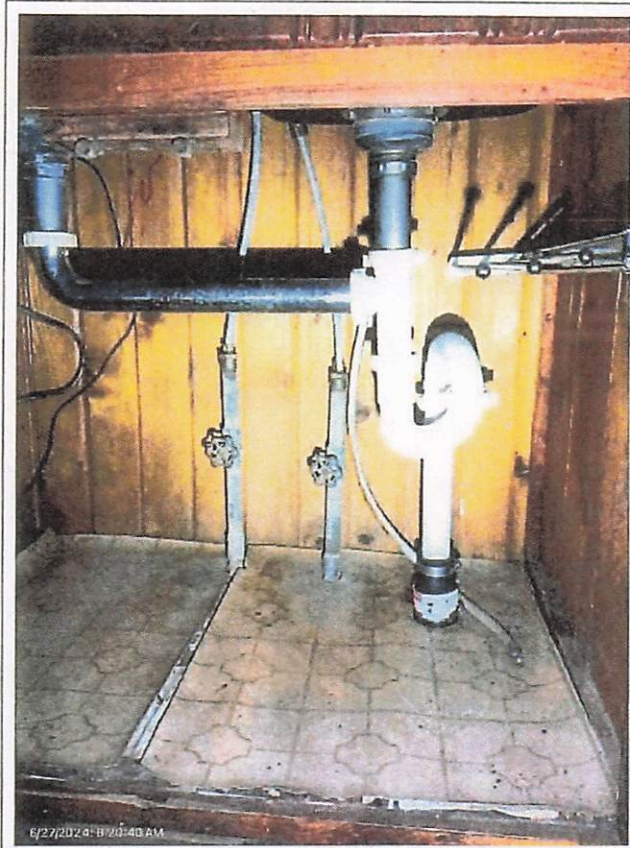
Travis Eash



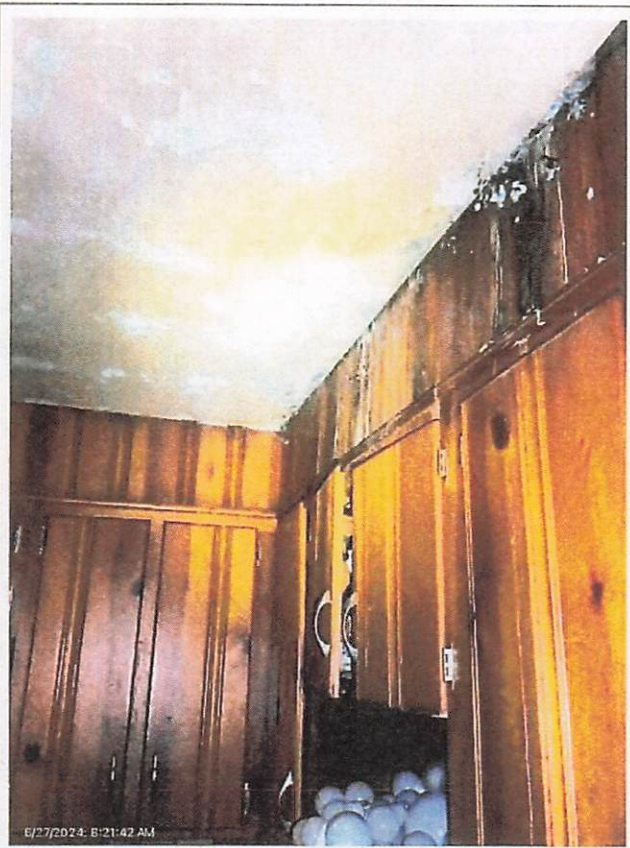




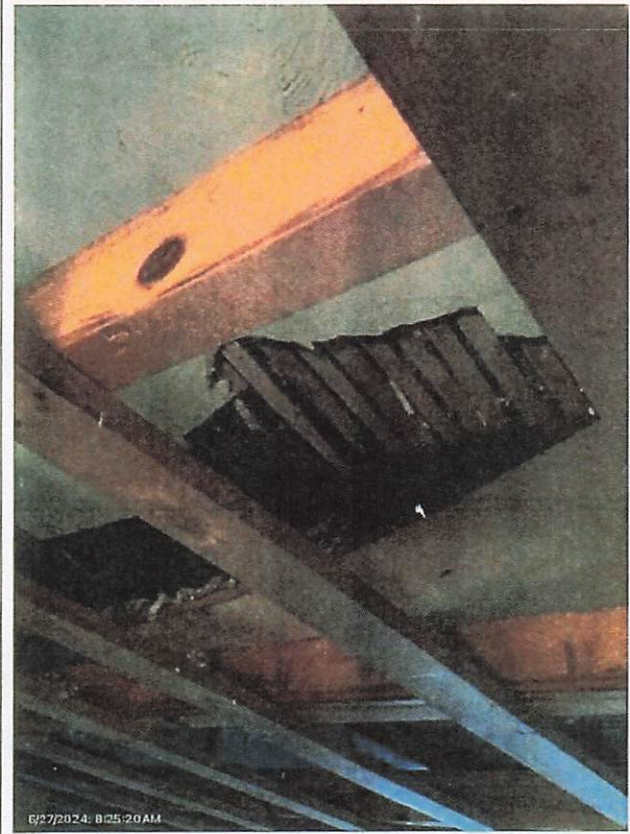




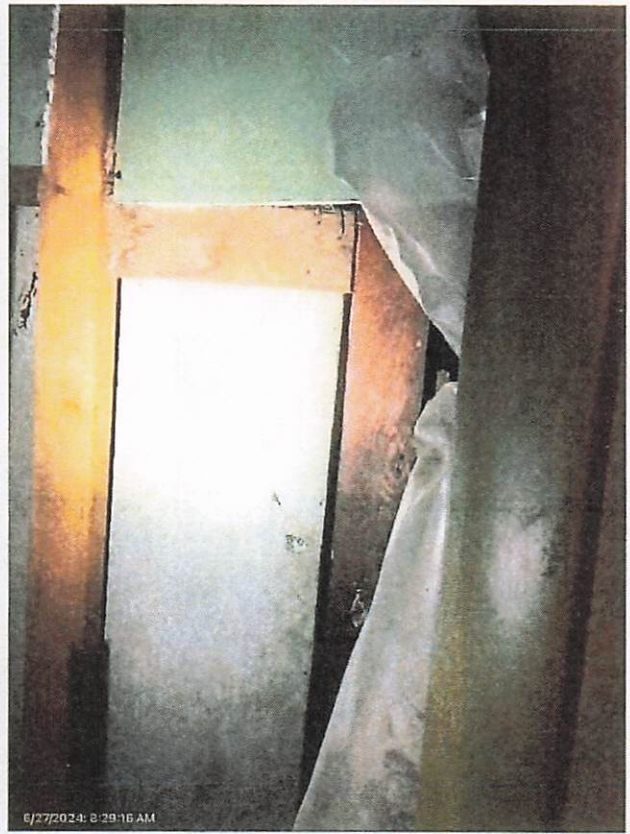
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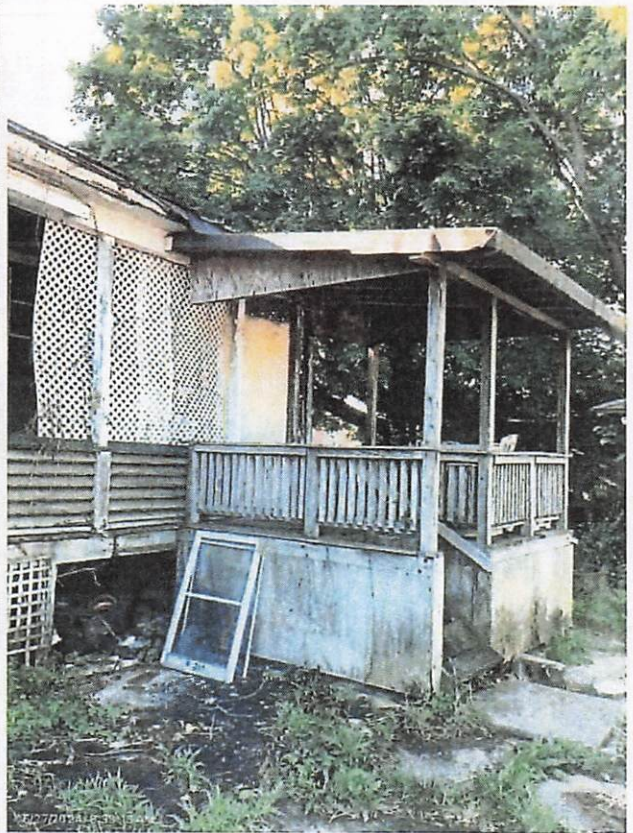
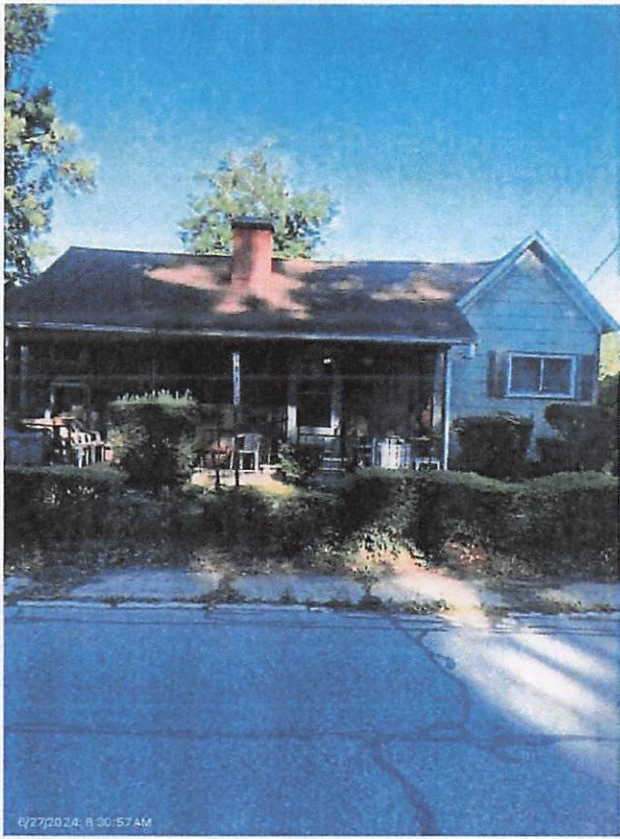
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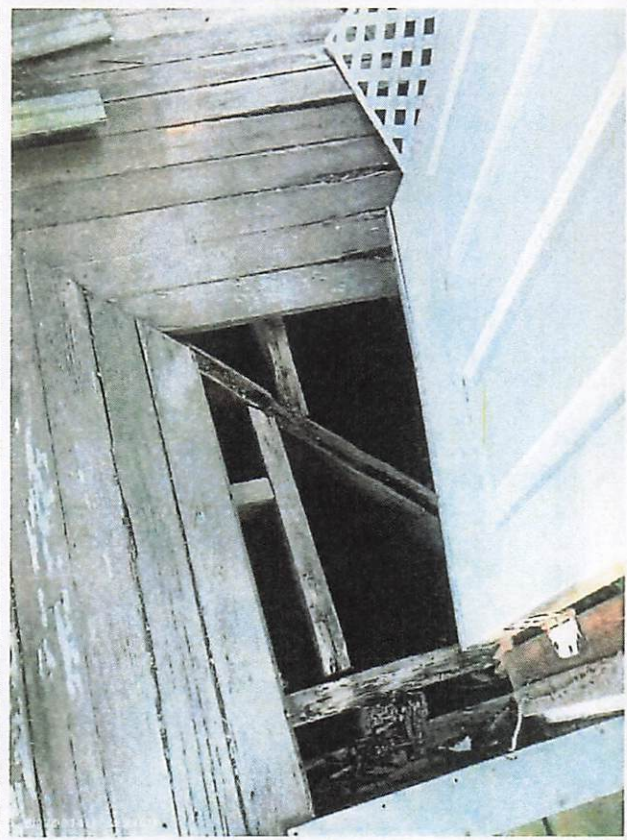


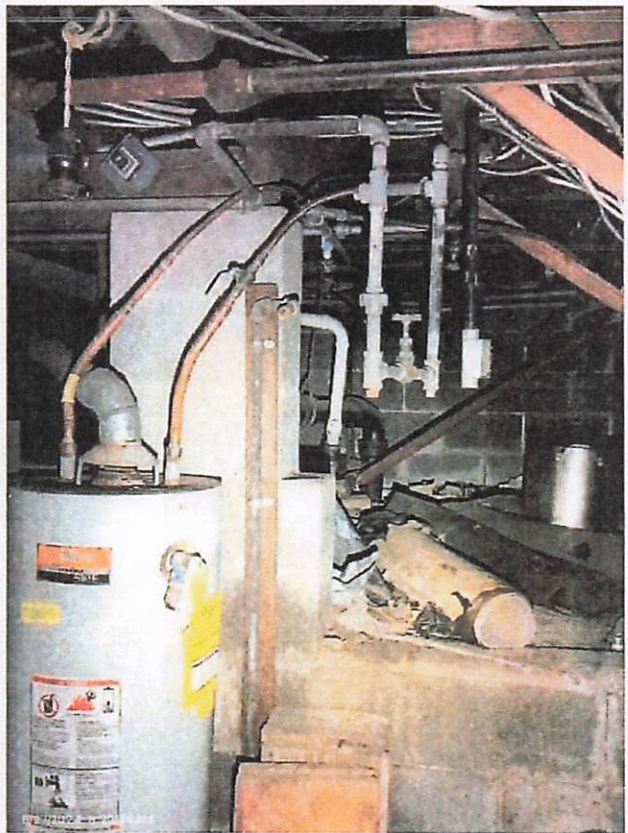
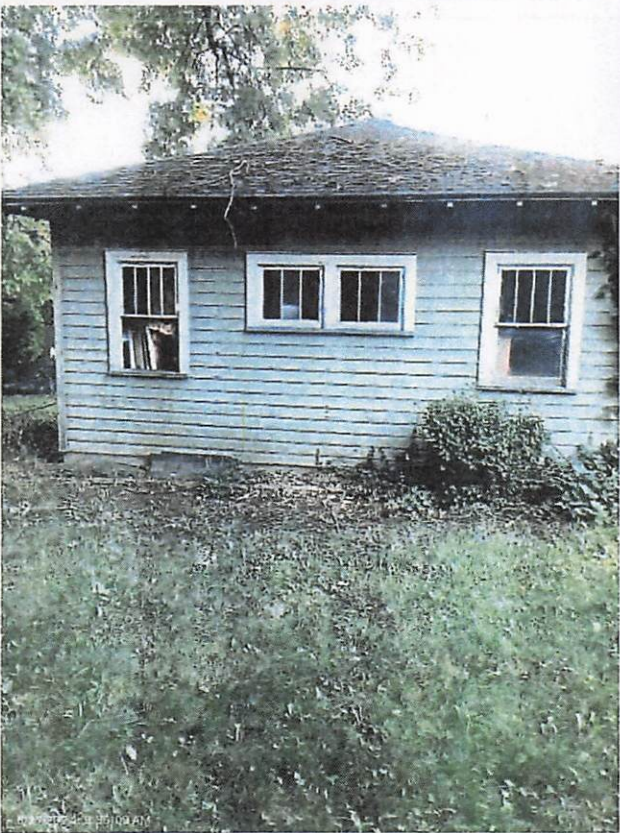
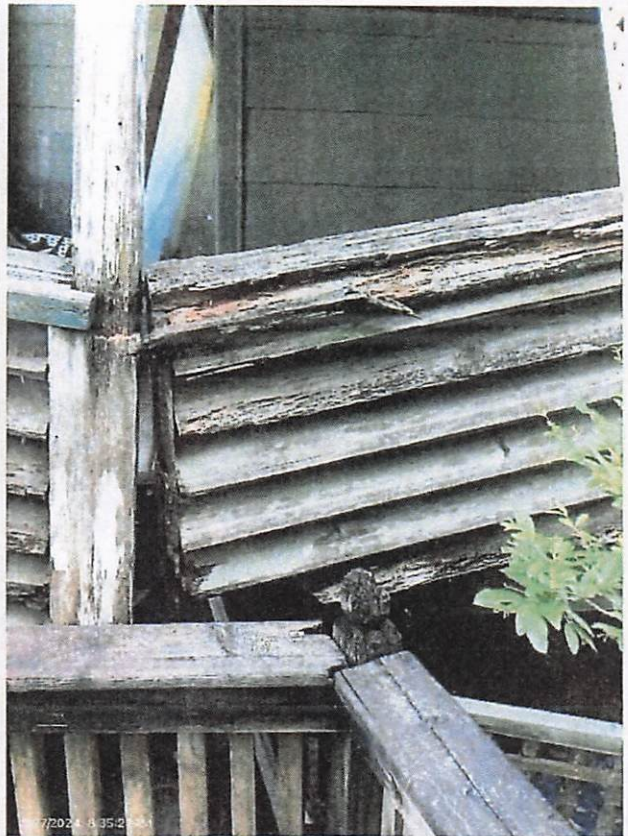
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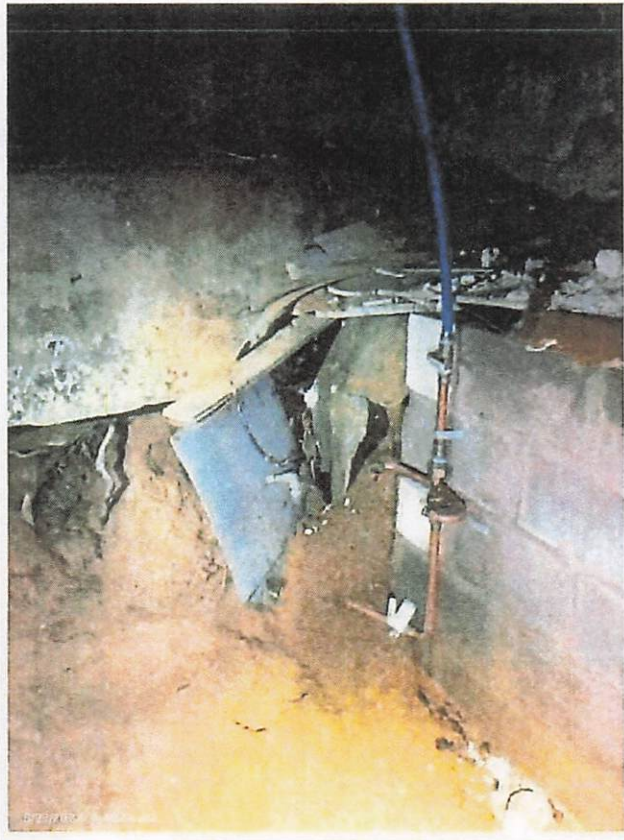
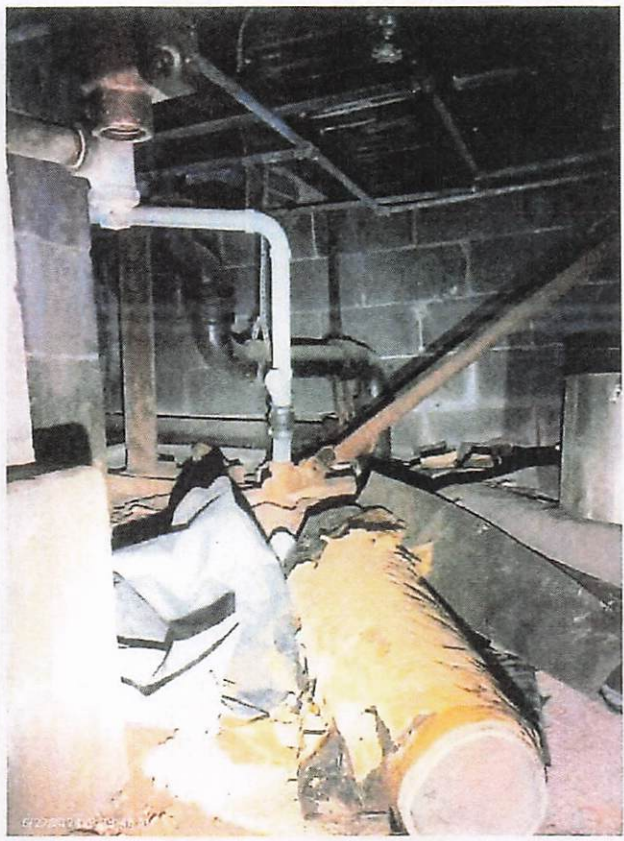
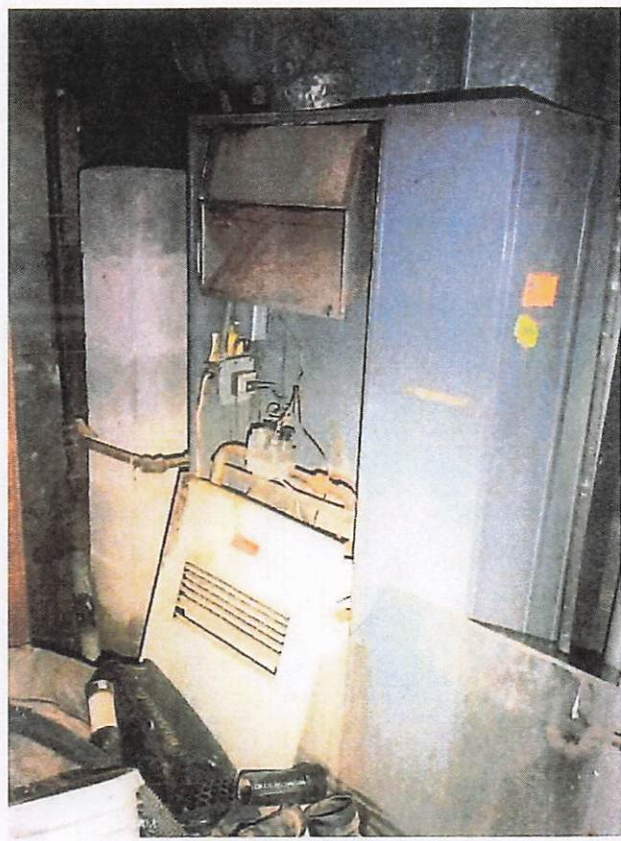


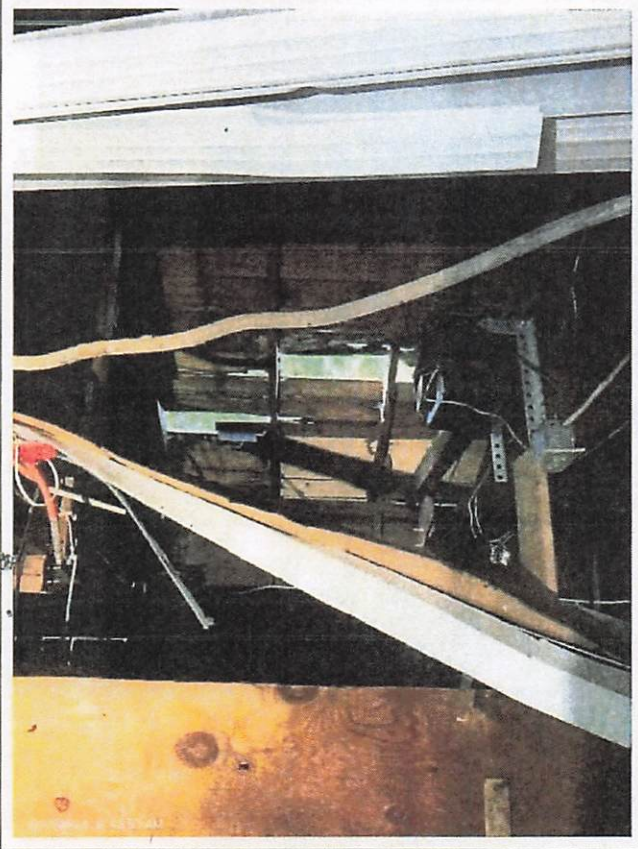
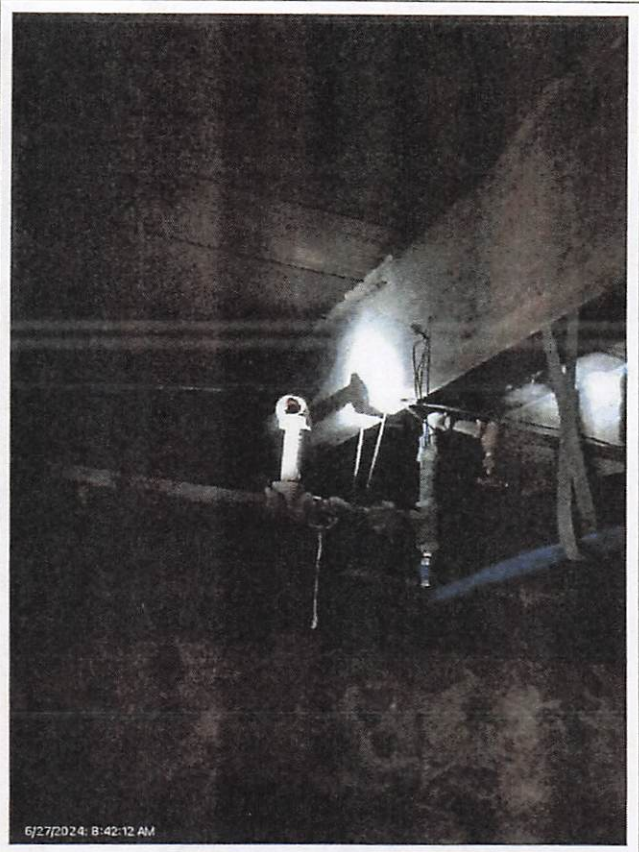
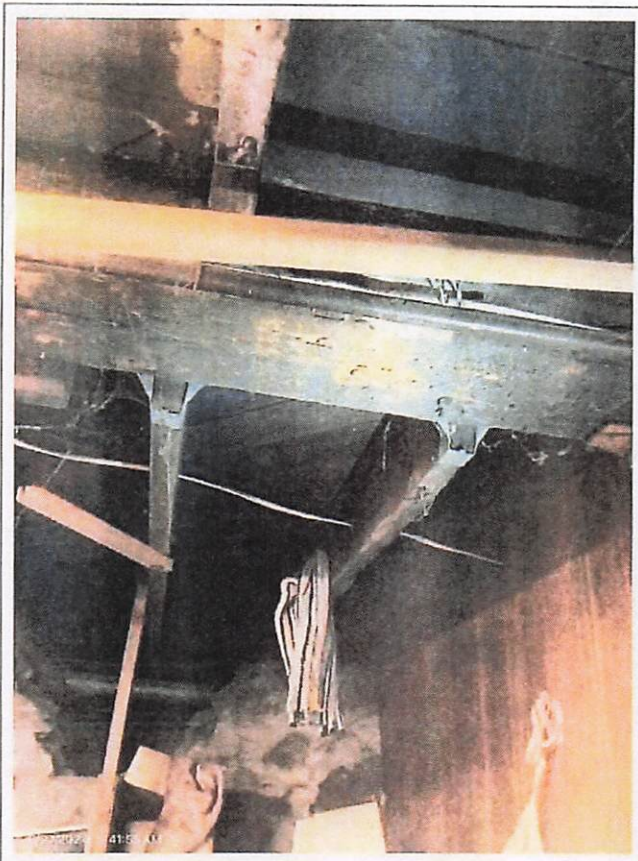
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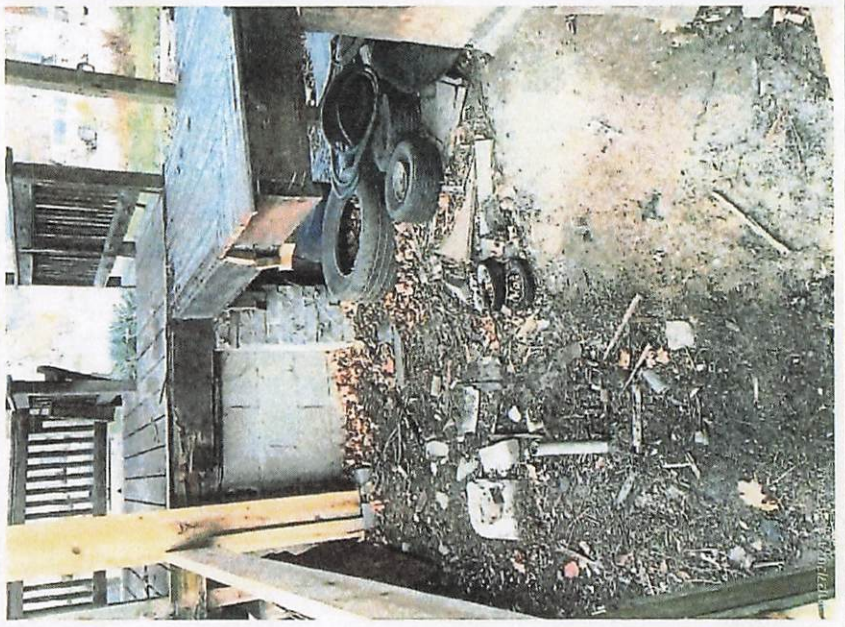
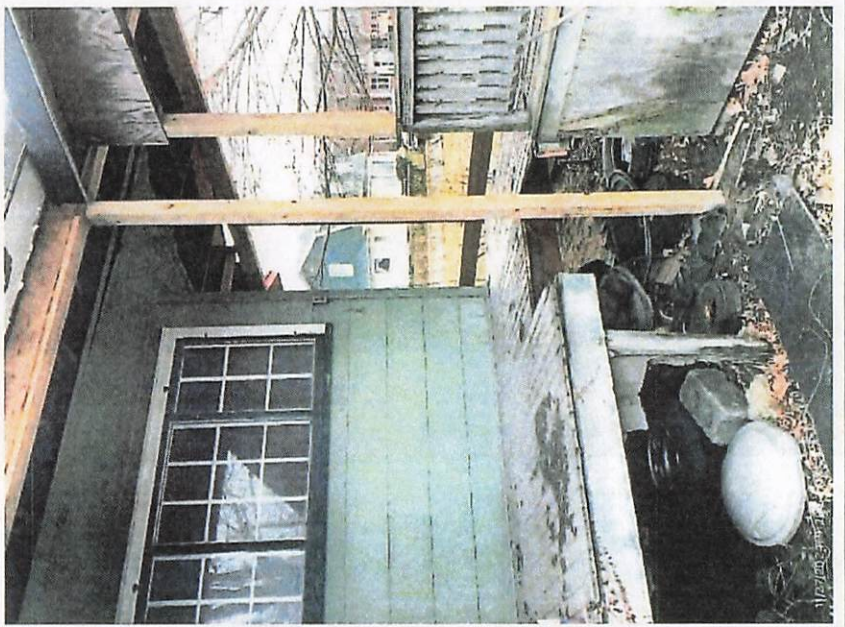


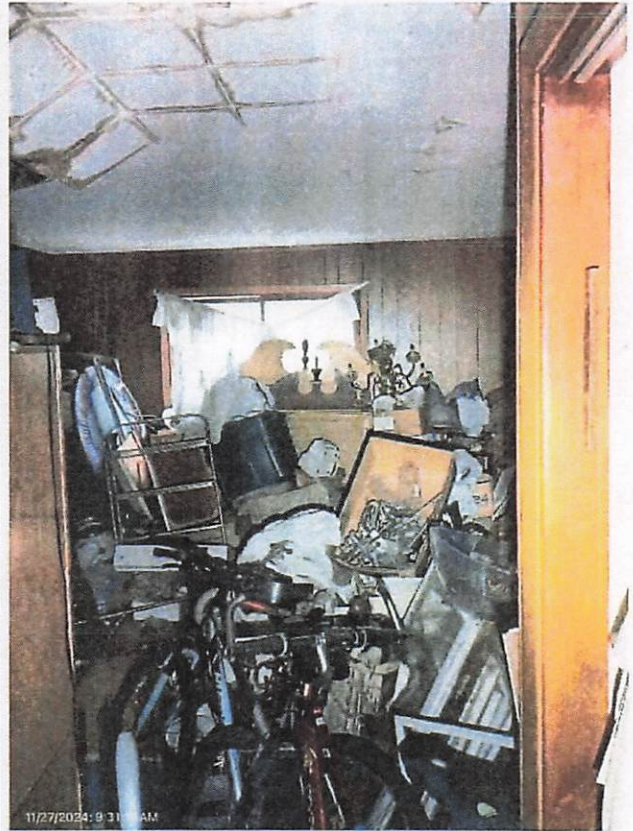
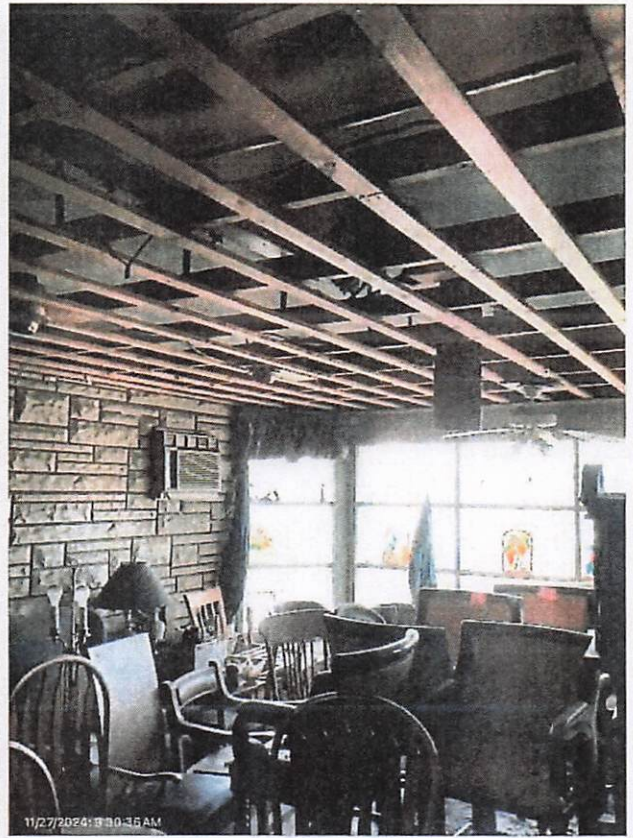
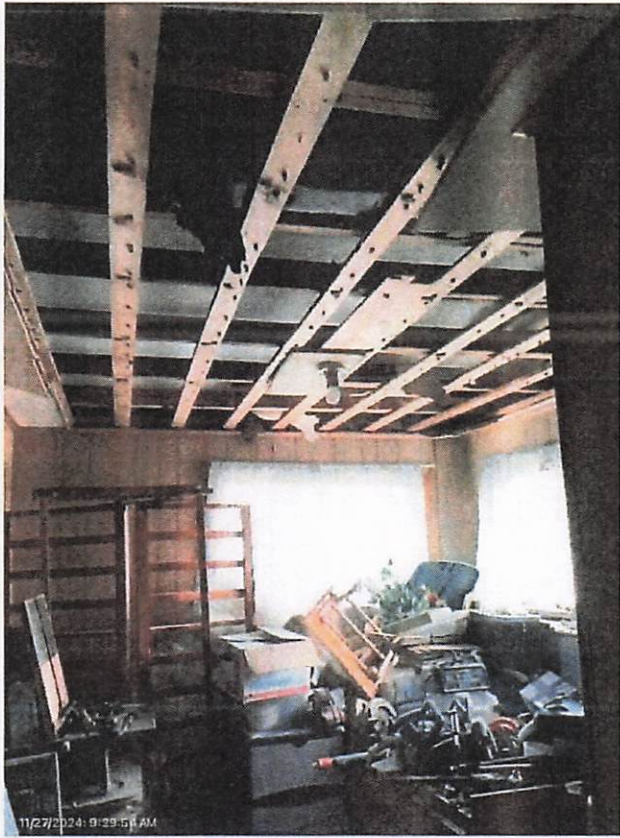


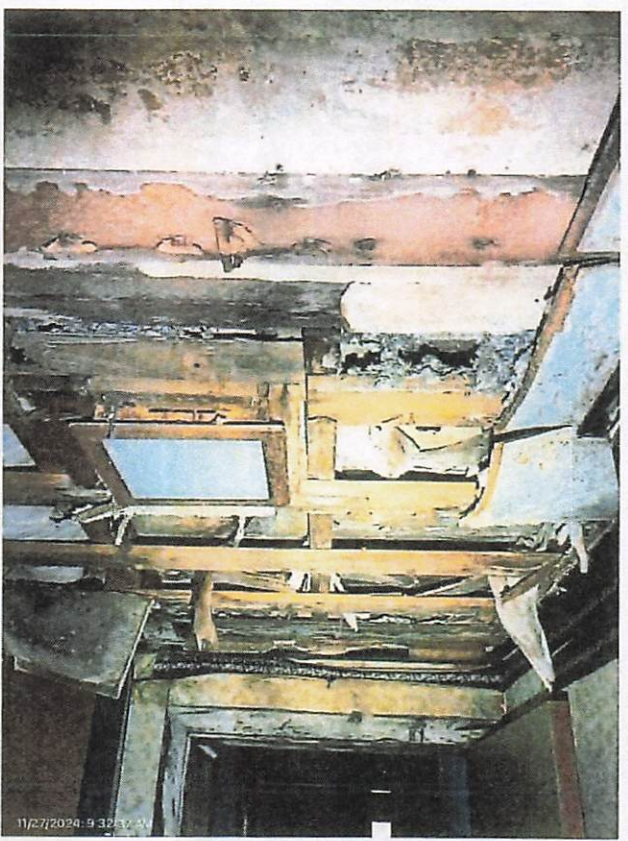
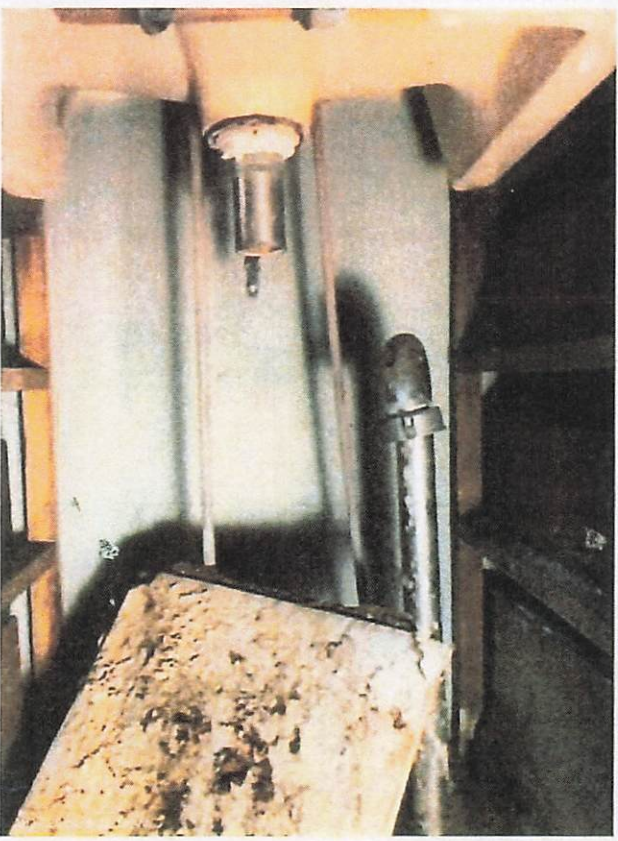
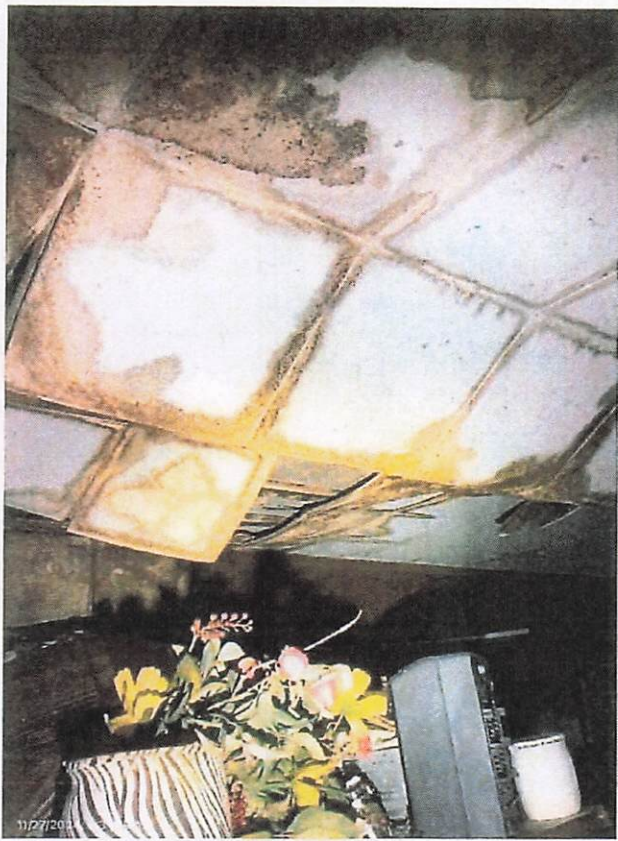


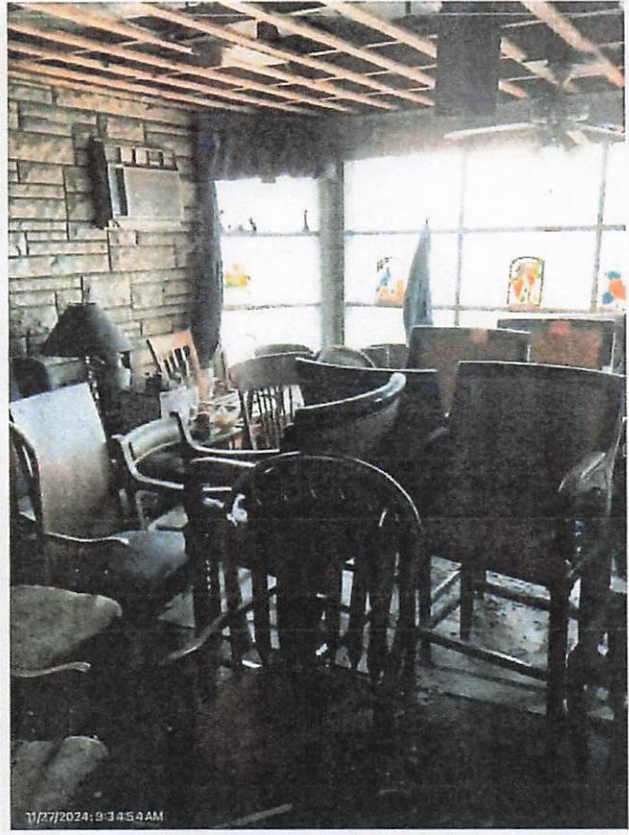
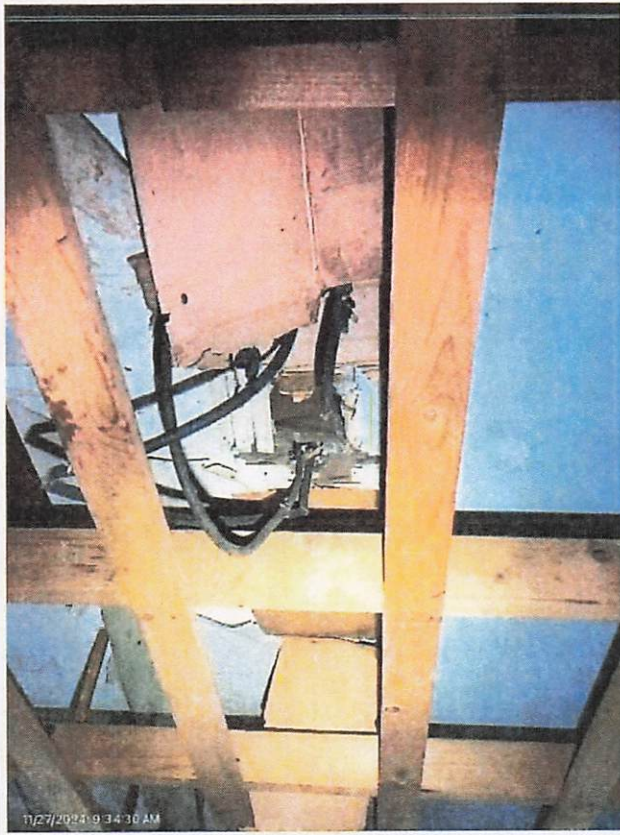
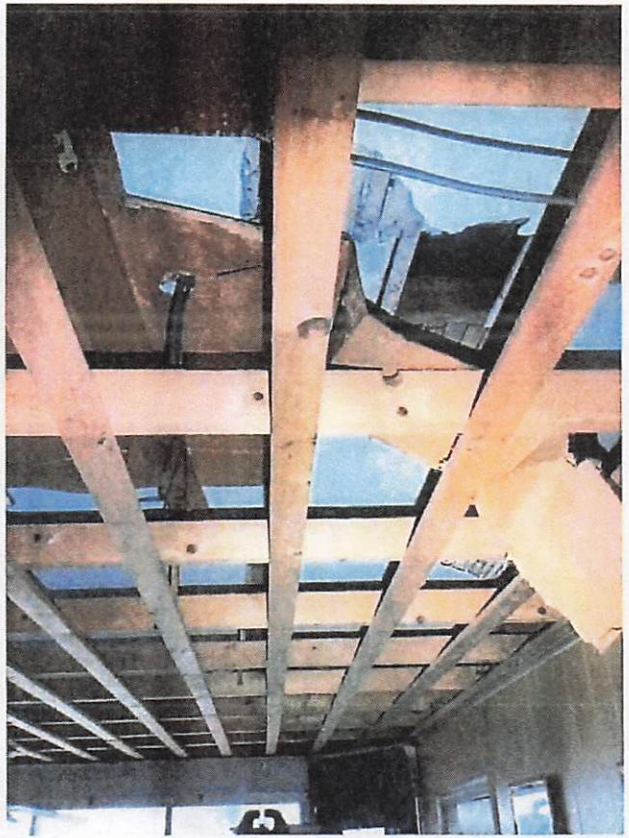
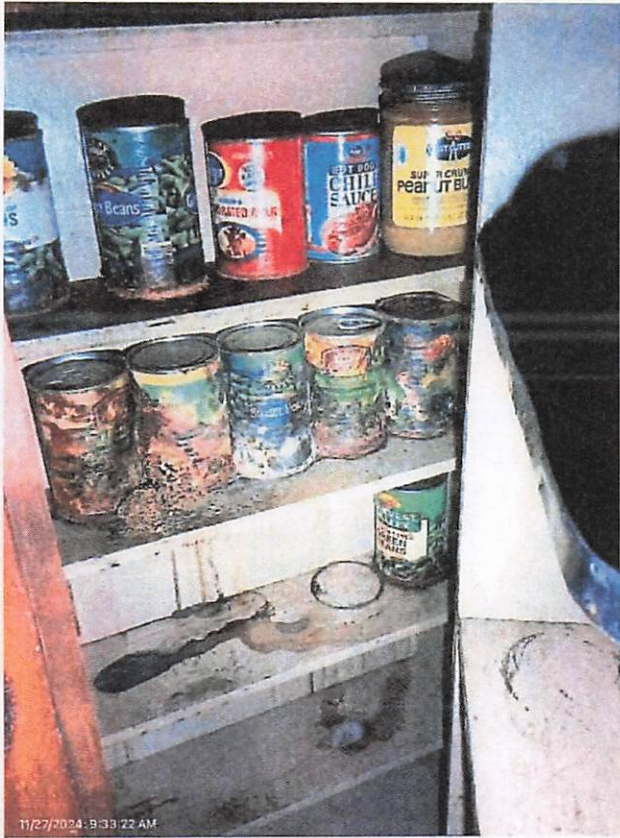


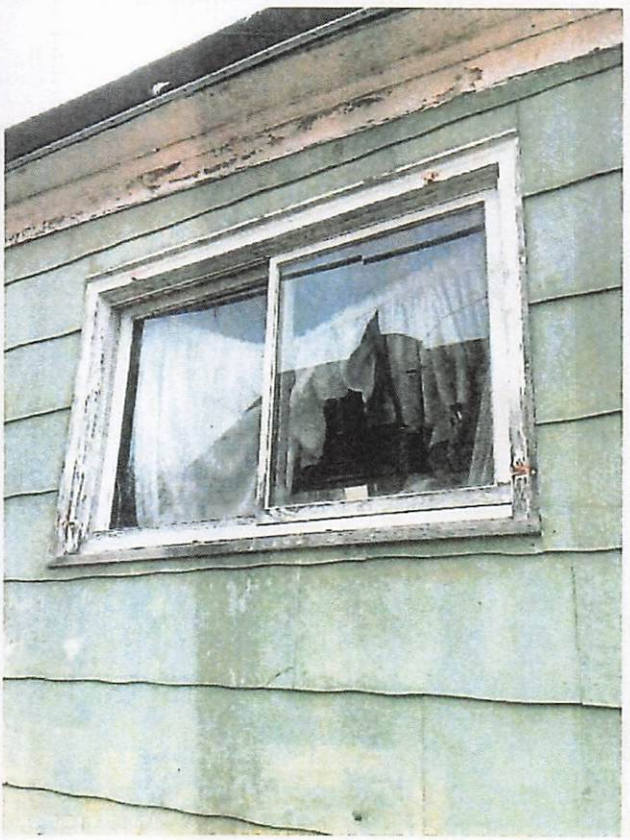
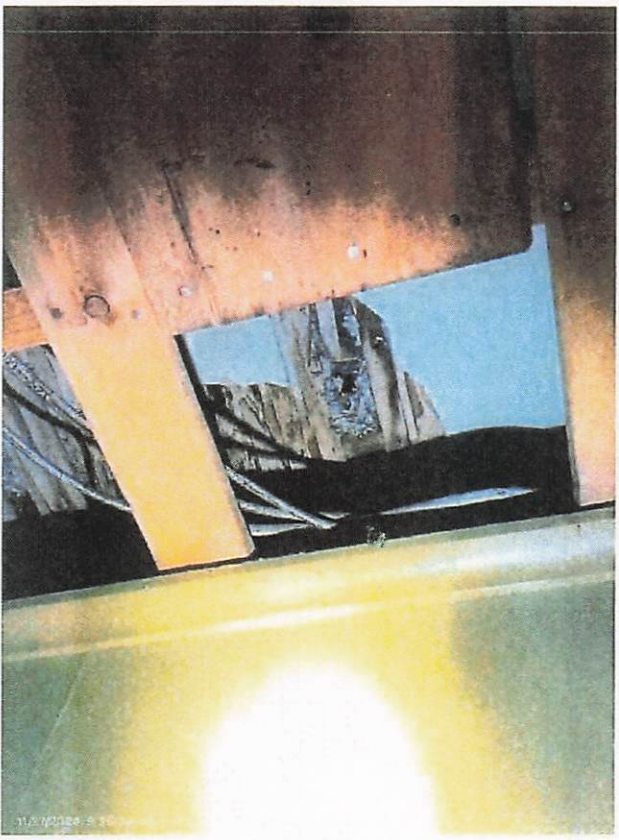
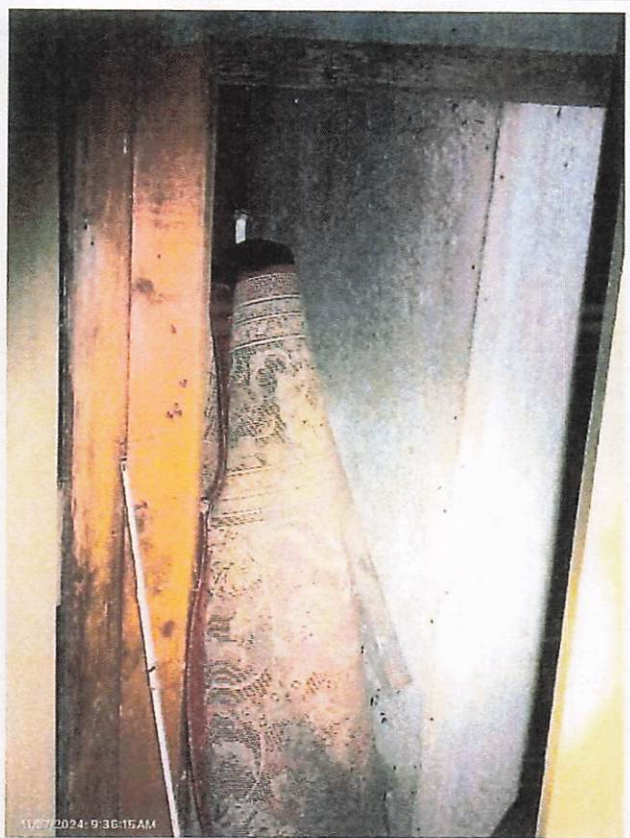
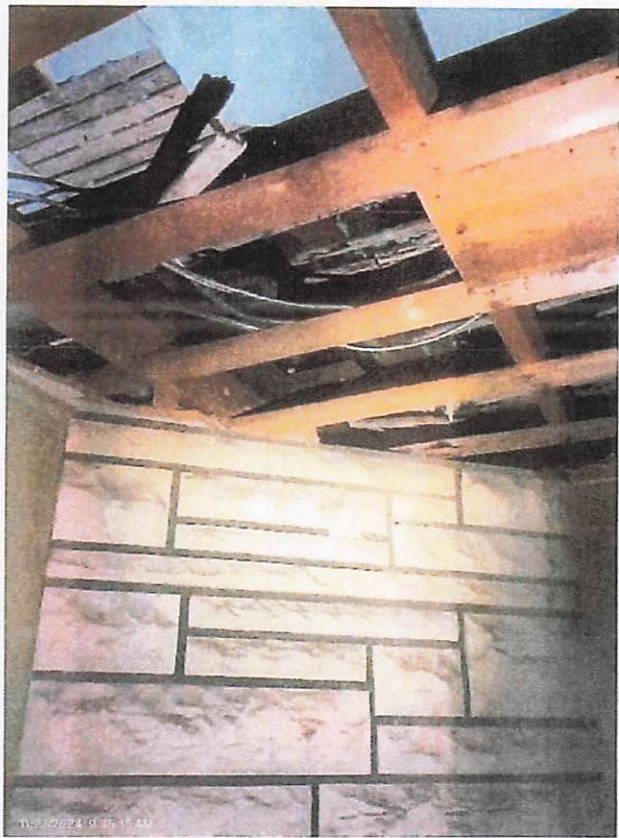


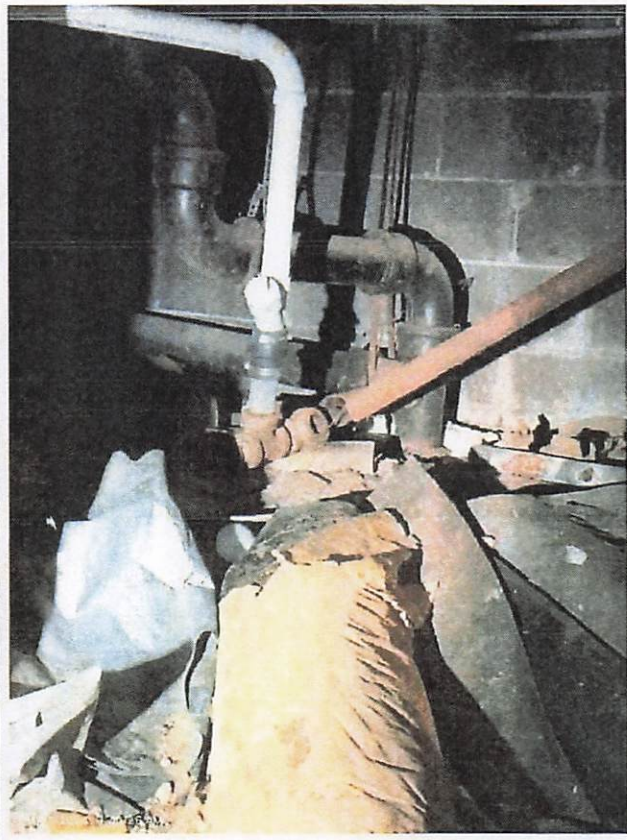
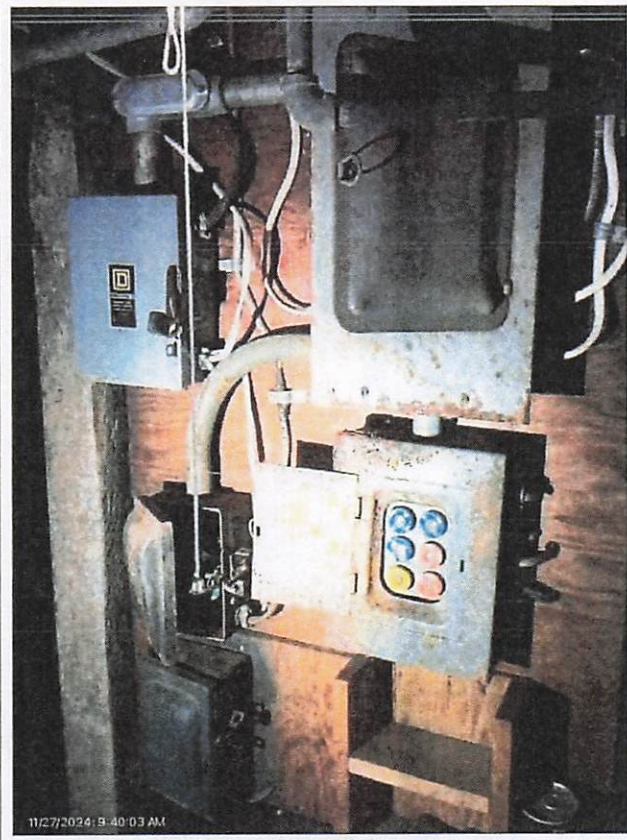
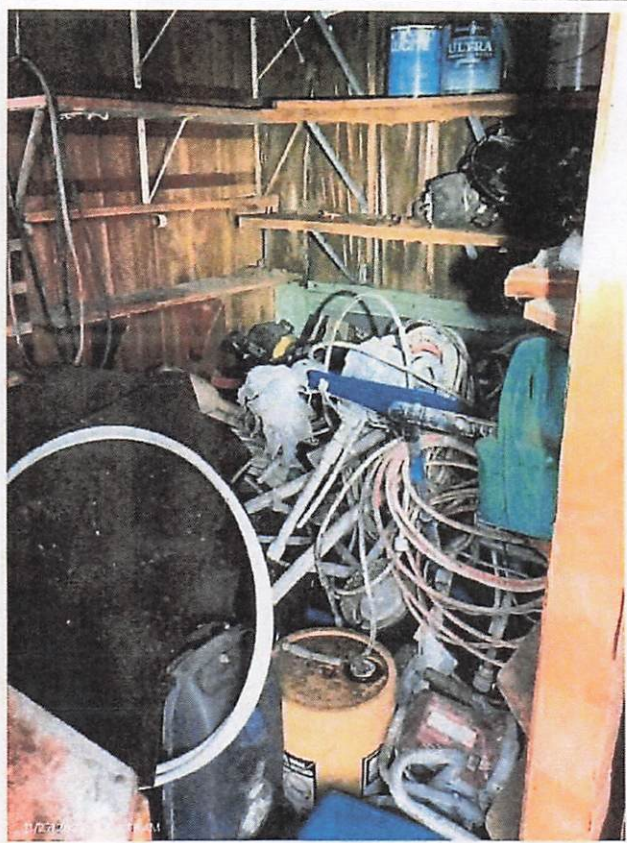


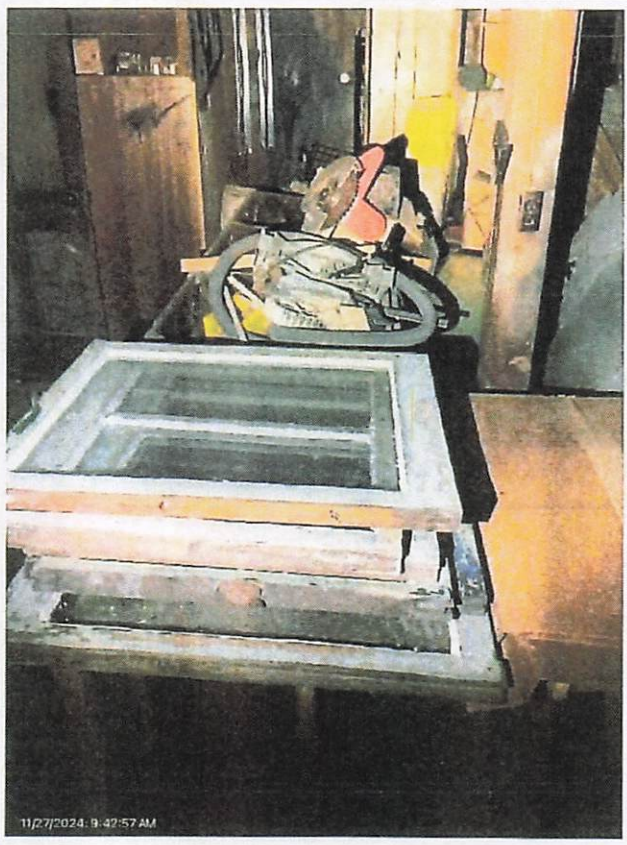
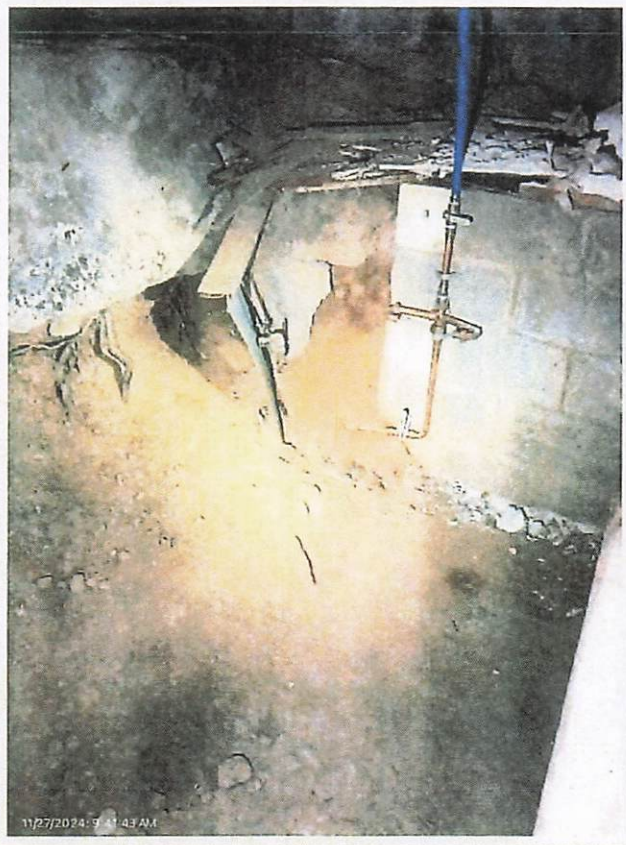
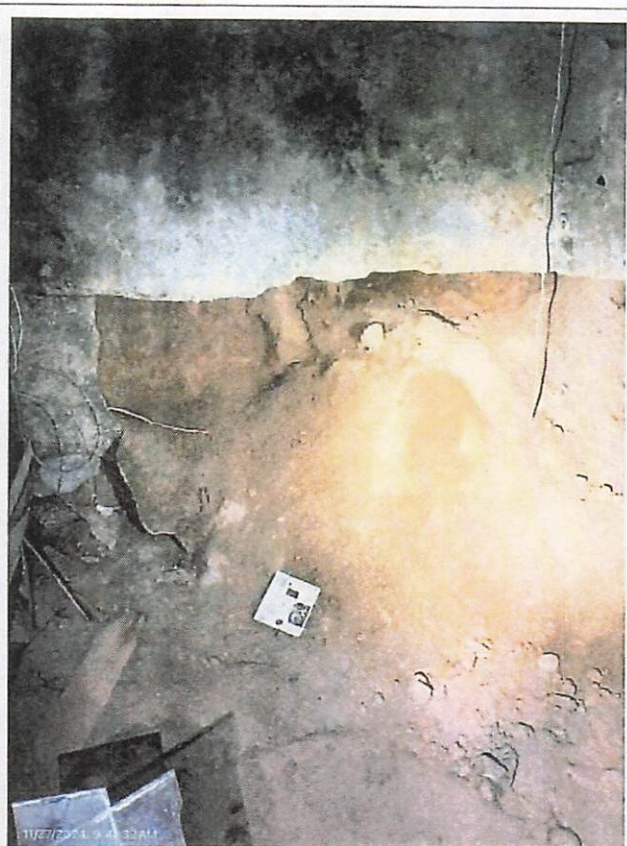
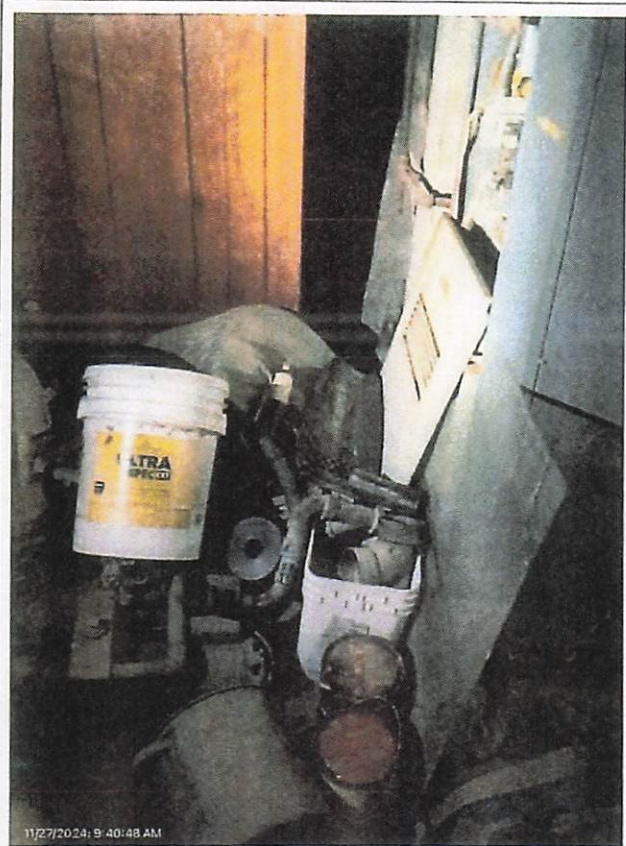












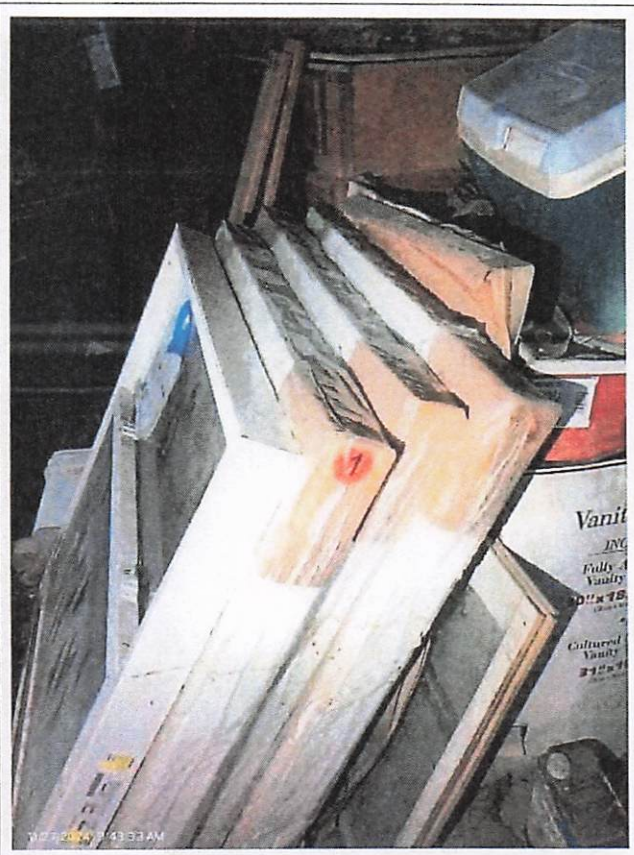
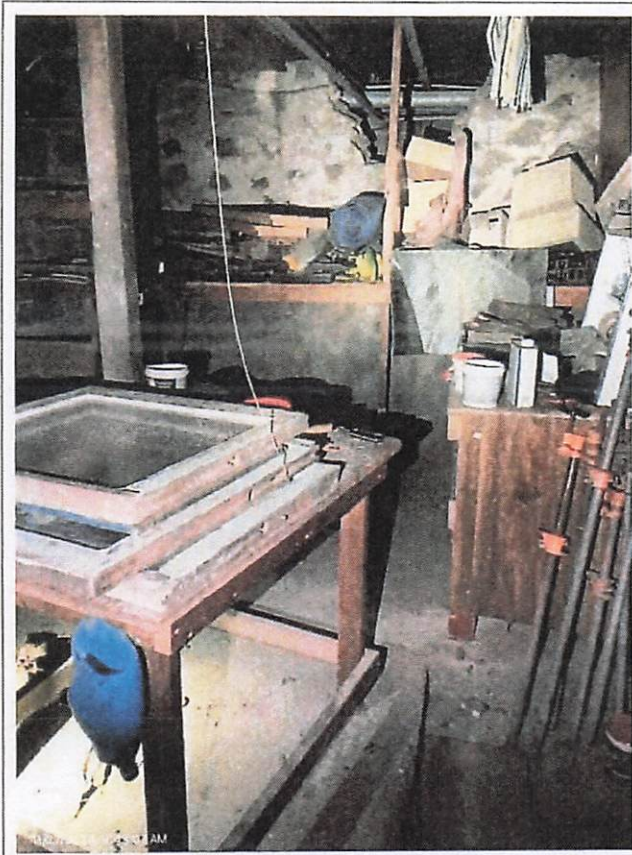


Exhibit #8

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

October 28, 2024

Via Regular Mail:

To: Ronald Davidhizar
203 Middlebury Street
Goshen, Indiana 46528

You are hereby notified that a hearing has been scheduled to review the enclosed Order of the City of Goshen Building Commissioner, dated October 8, 2024, for the unsafe building located at 513 N. 5th Street, Goshen, Indiana. Said hearing will take place **Thursday, December 5, 2024 at 4:00 p.m. (local time)**, or soon thereafter. This hearing will be held in the City Court Room / Council Chambers at 111 East Jefferson Street, Goshen, Indiana.



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

Certificate of Service

The undersigned hereby certifies that the foregoing Notice of Scheduled Review Hearing, with enclosed Order of the City of Goshen Building Commissioner, dated October 8, 2024, for the premises at 513 N. 5th Street, Goshen, Indiana, was served by sending a copy by regular first-class mail to the last known address of the following persons to be notified on October 28, 2024:

Ronald Davidhizar
203 Middlebury Street
Goshen, Indiana 46528

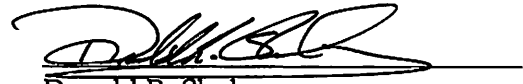
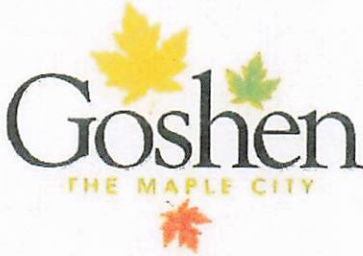

Donald R. Shuler

EXHIBIT #8



**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

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: DECEMBER 5, 2024

Subject: 513 N 5TH ST

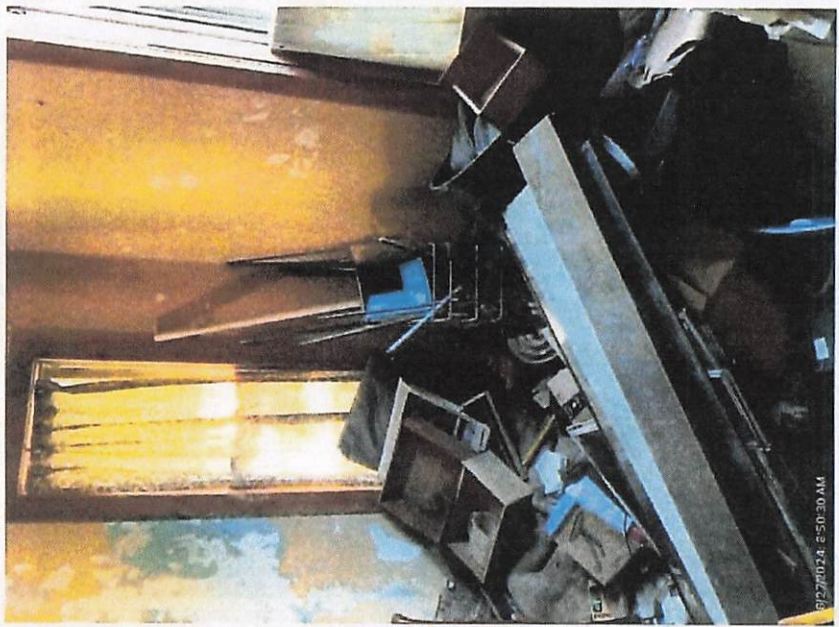
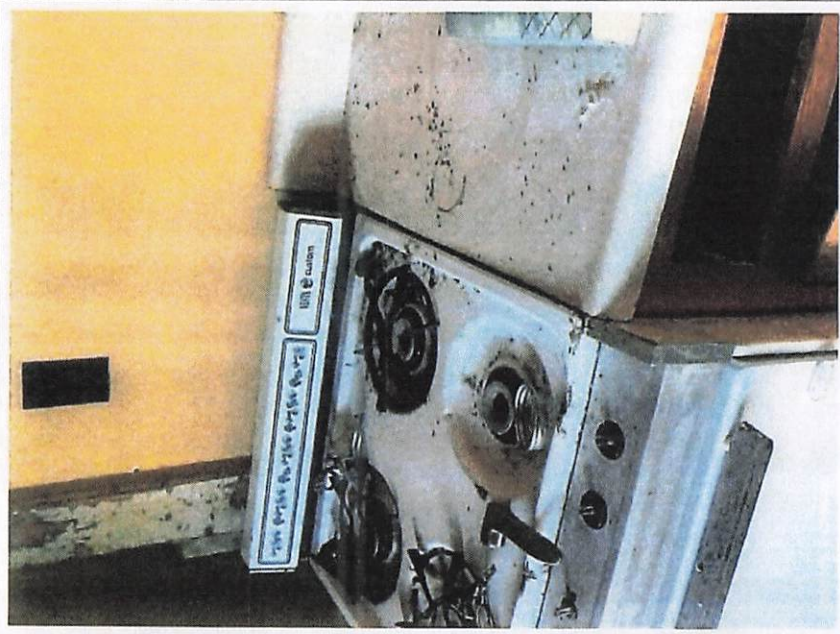
My initial inspection of the property was conducted on June 27, 2024. My follow up inspection was conducted on November 27, 2024. Photos from both inspections are in the package I handed to you. As you can tell from the photo evidence little to no work has been completed. There is evidence of this being a house that has been accessible to squatters.

All items 1 thru 8 still remain. There has been no water usage since 2022. The last permit that was pulled was for restoration of gas service in 2019. No permits have been pulled or even applied for, for the work that is required to the house. To the building department, this demonstrates the lack of initiative from the owner to bring this property into compliance and to a habitable condition.

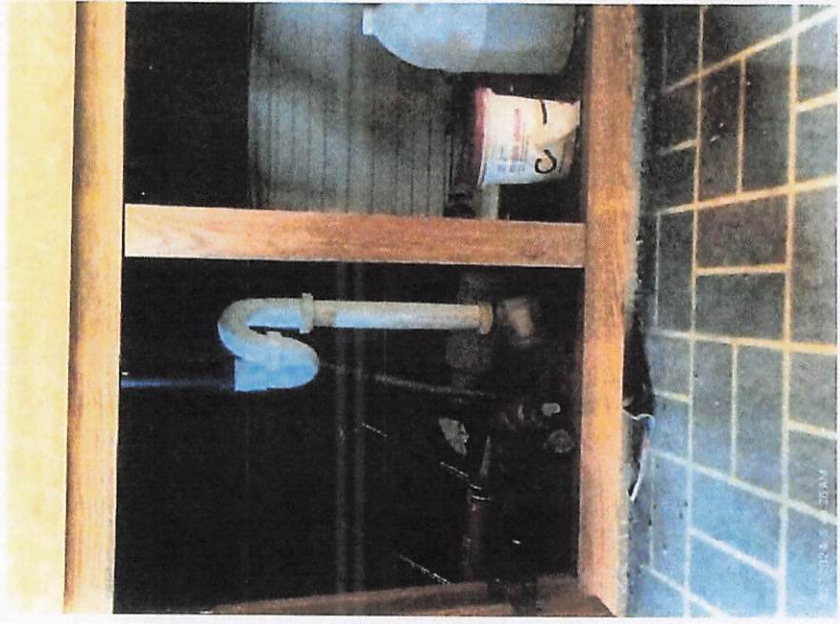
With that being said, it is the Building Departments recommendation that the Repair Order be affirmed and that there be a \$5,000 Civil Penalty be assessed to the owner.

Thank you,

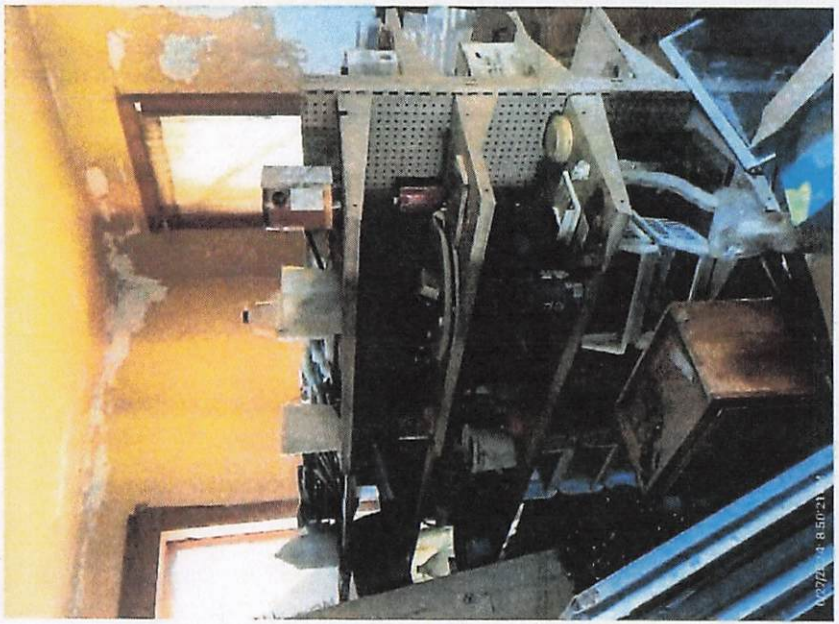
Travis Eash



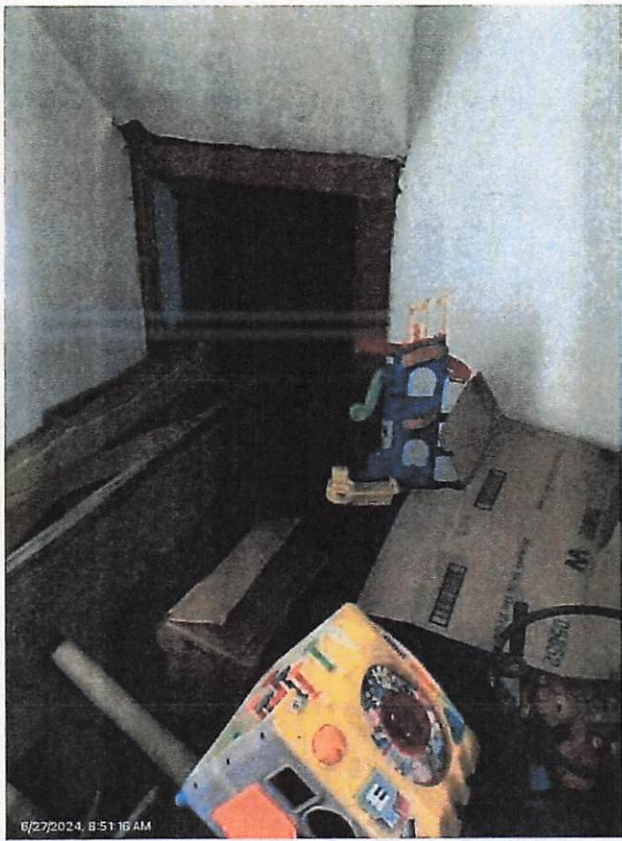
8/27/24 8:50:30 AM



8/27/24 8:50:21 AM



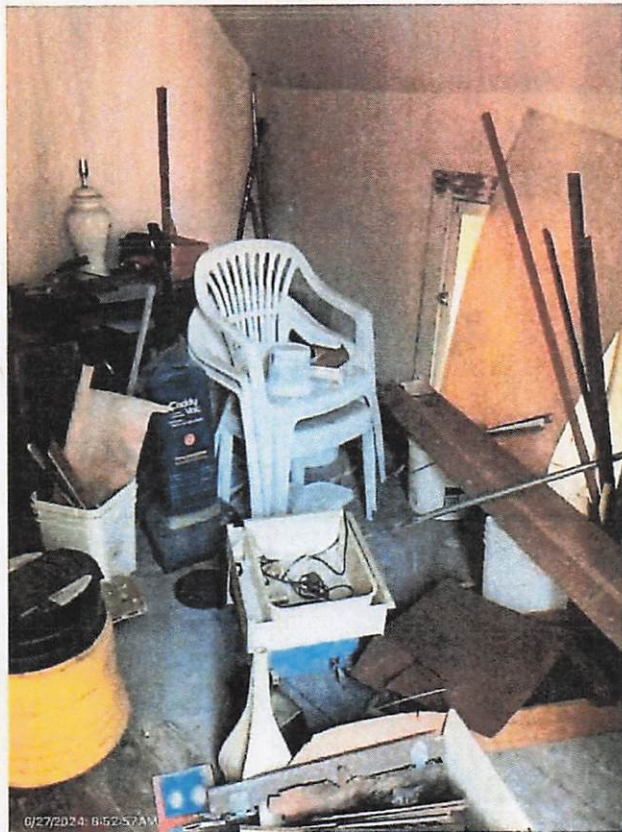
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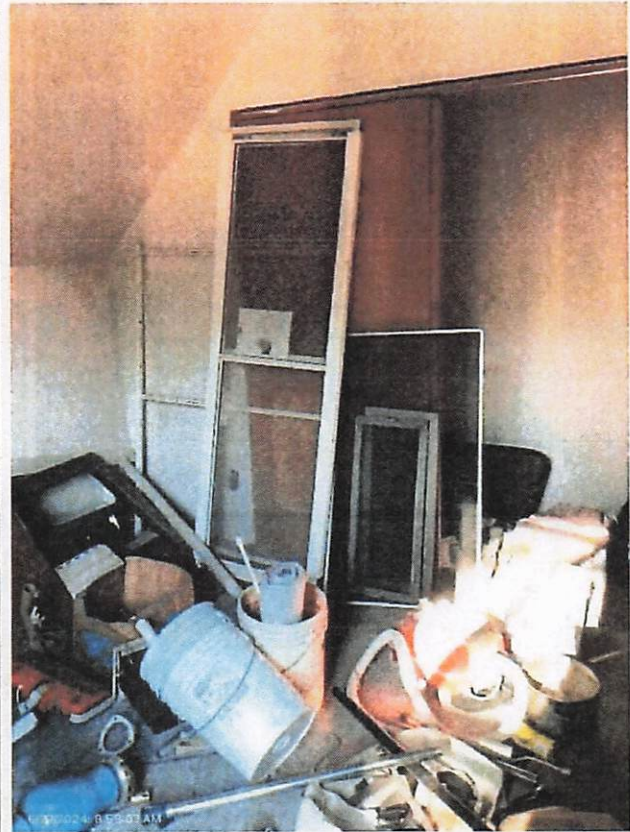
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6/27/2024, 8:51:27 AM



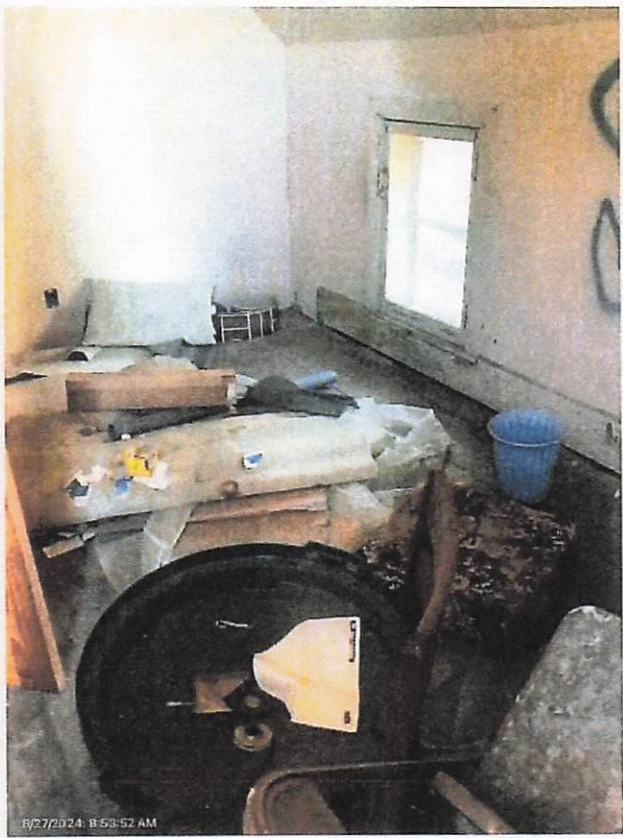
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6/27/2024, 8:53:07 AM



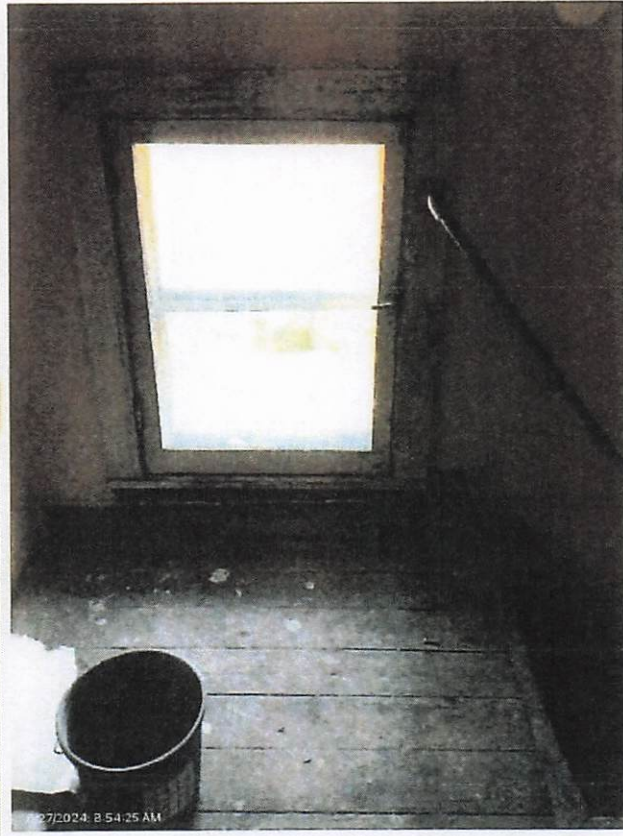
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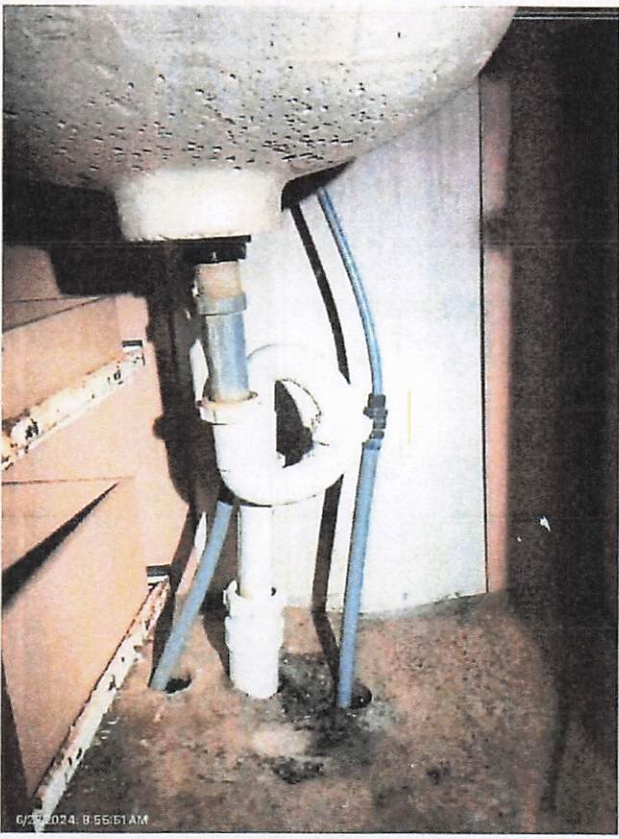
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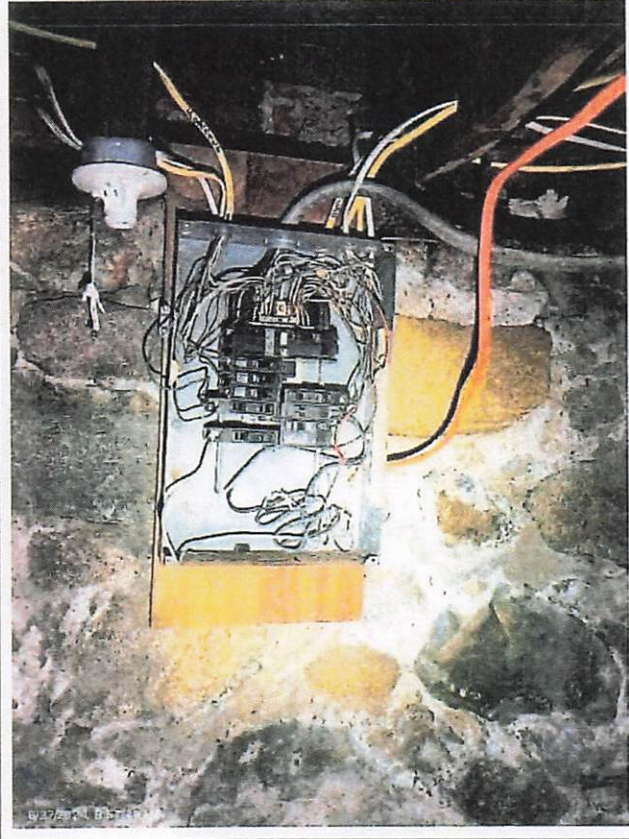
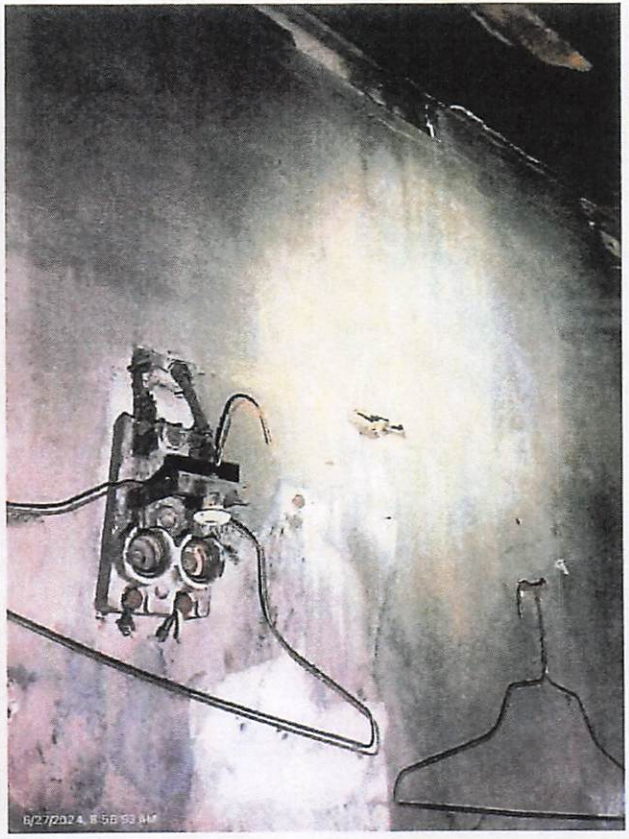


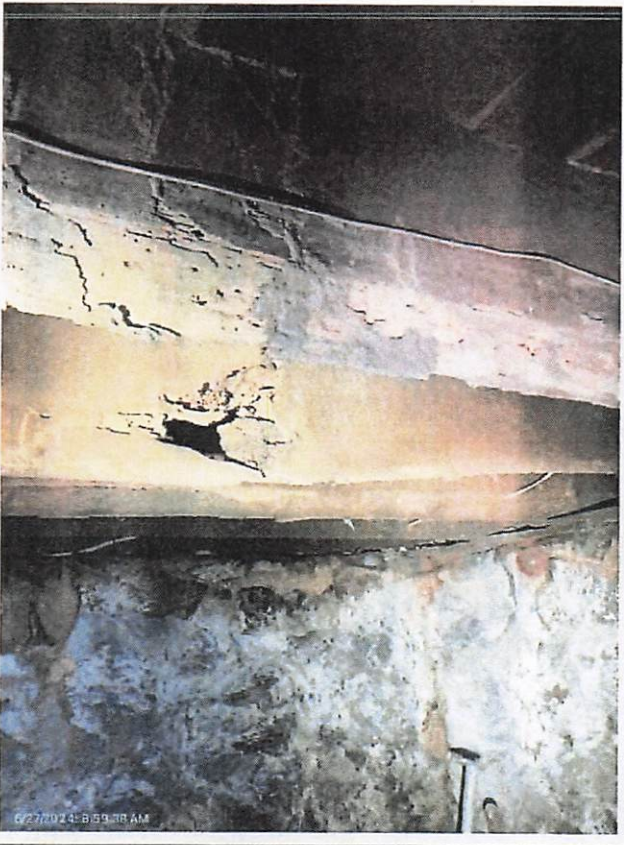
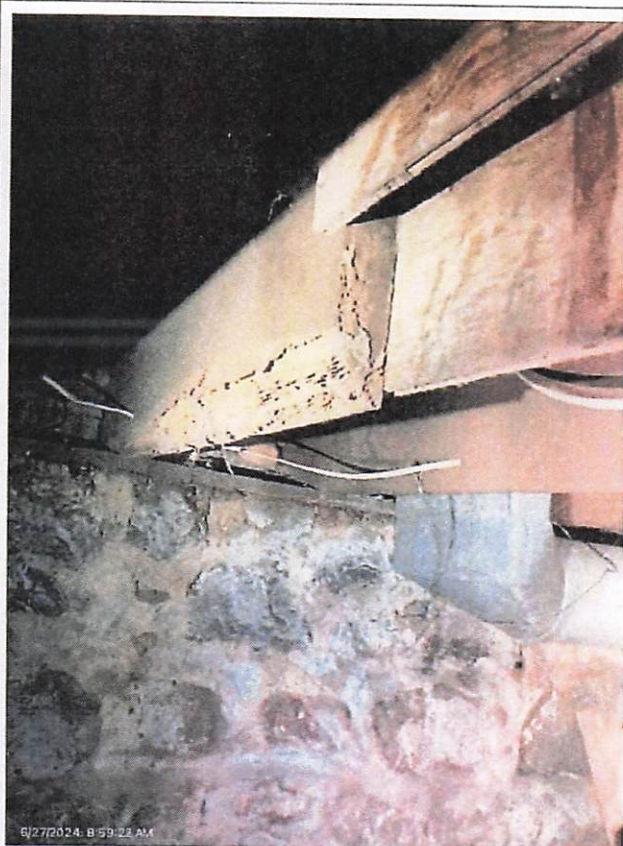
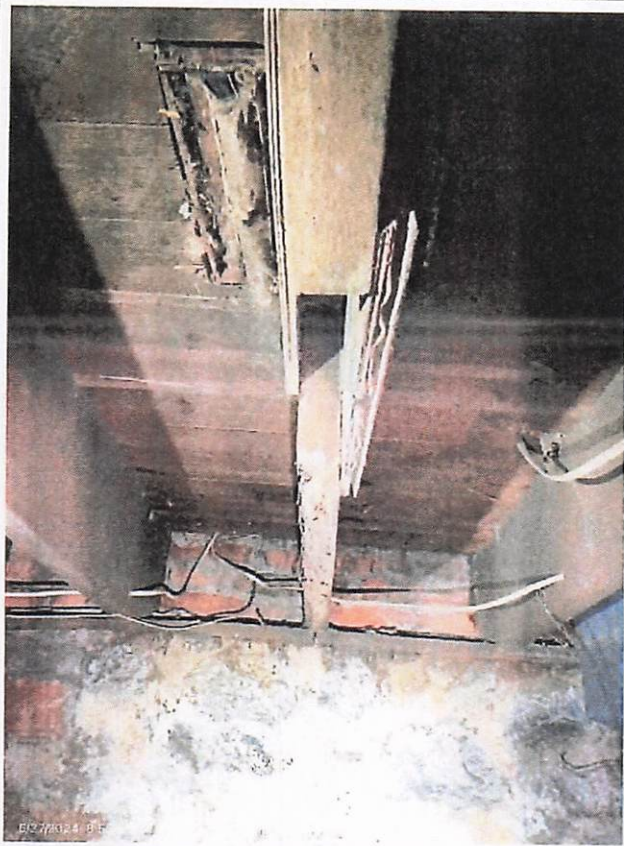
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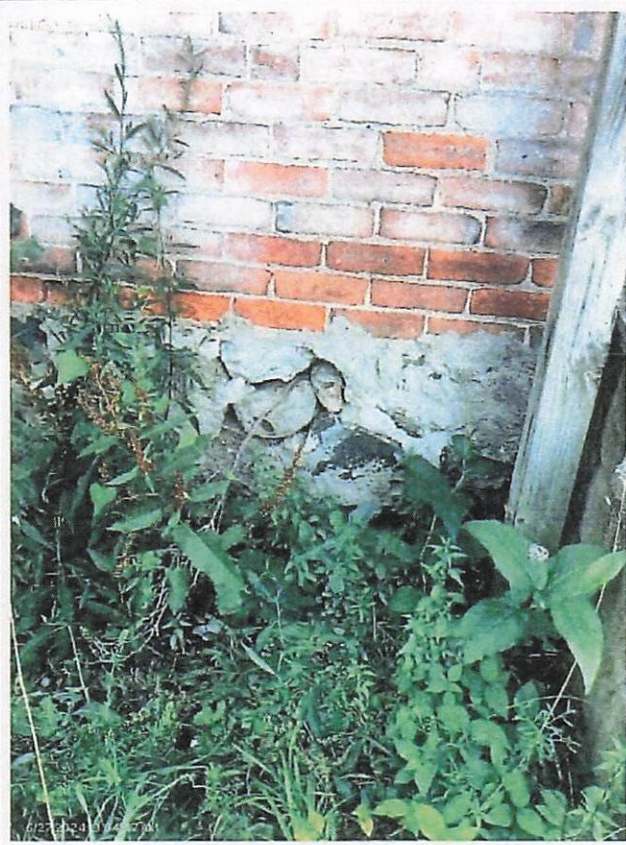
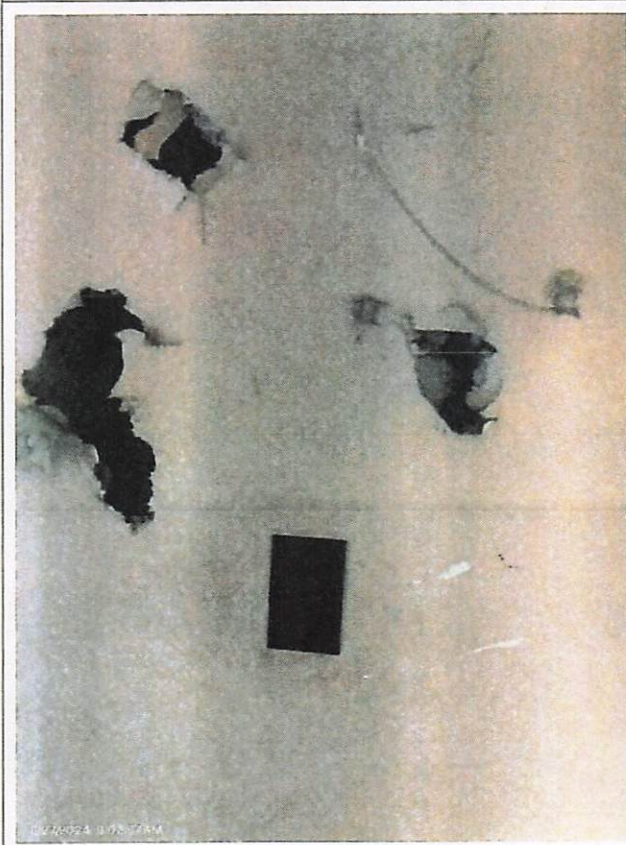
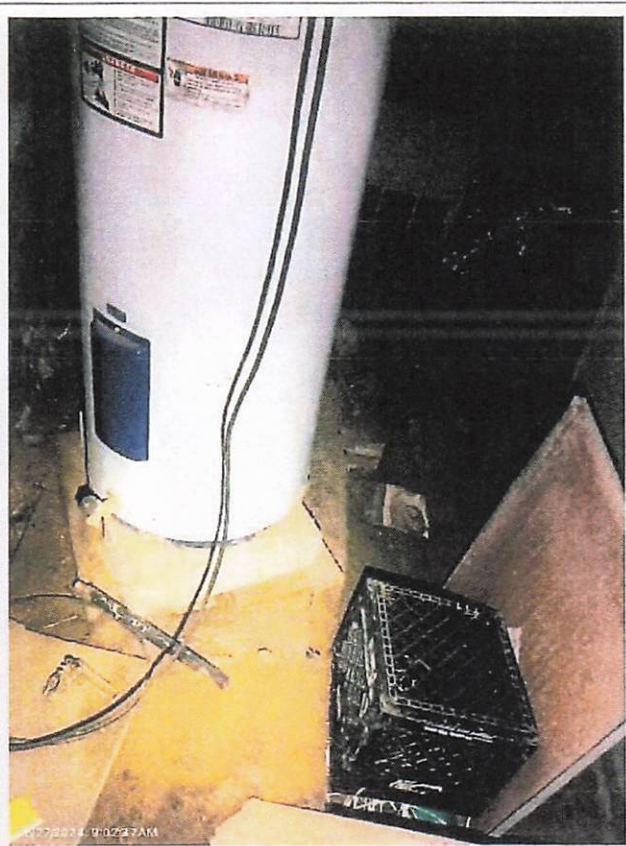
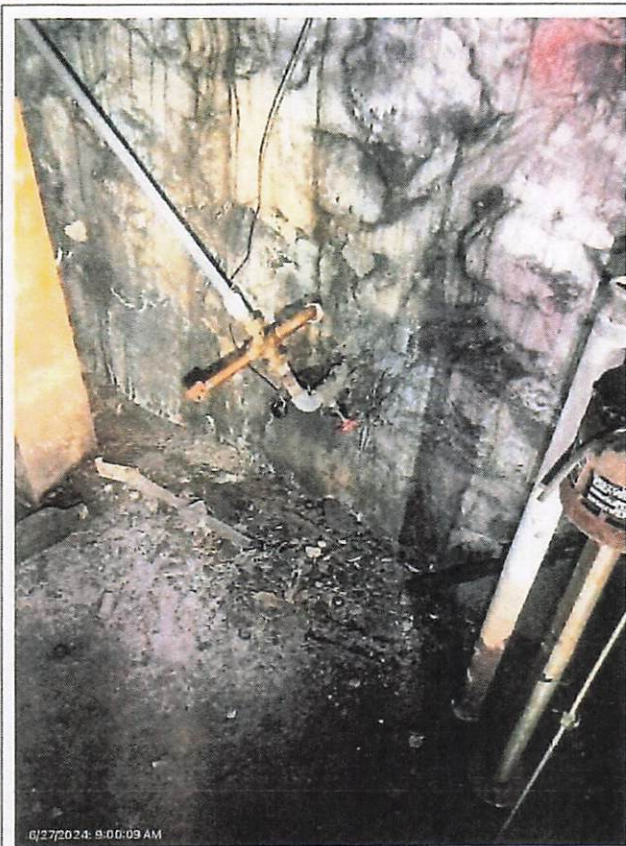


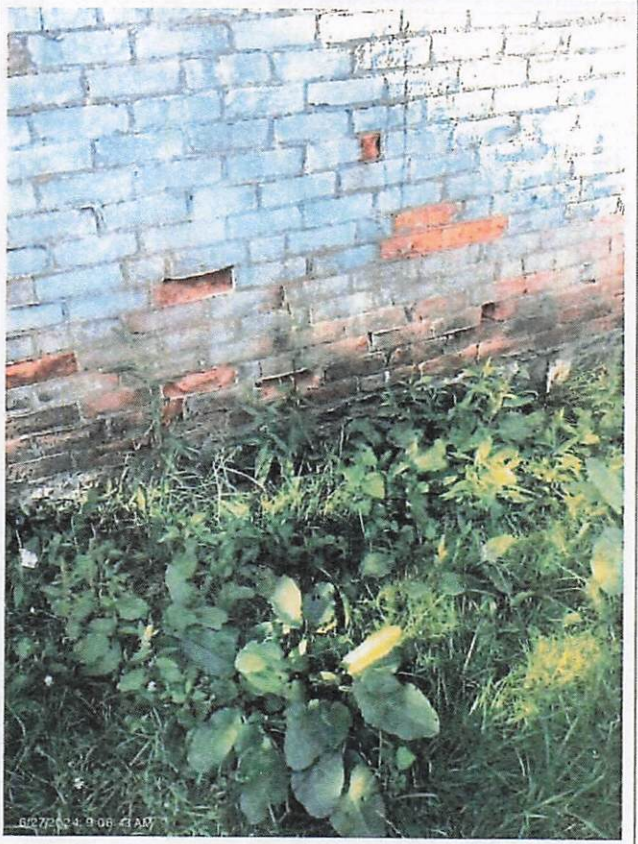
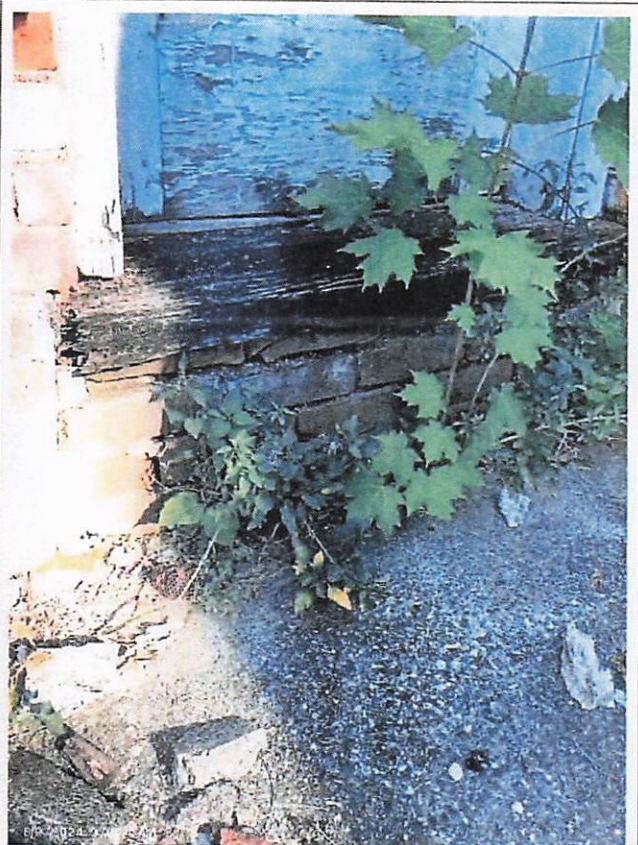
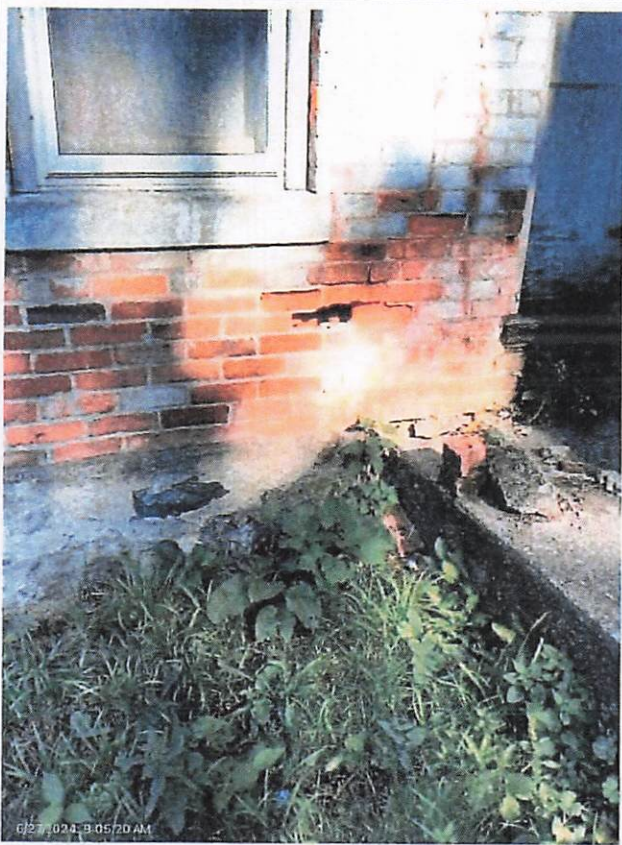
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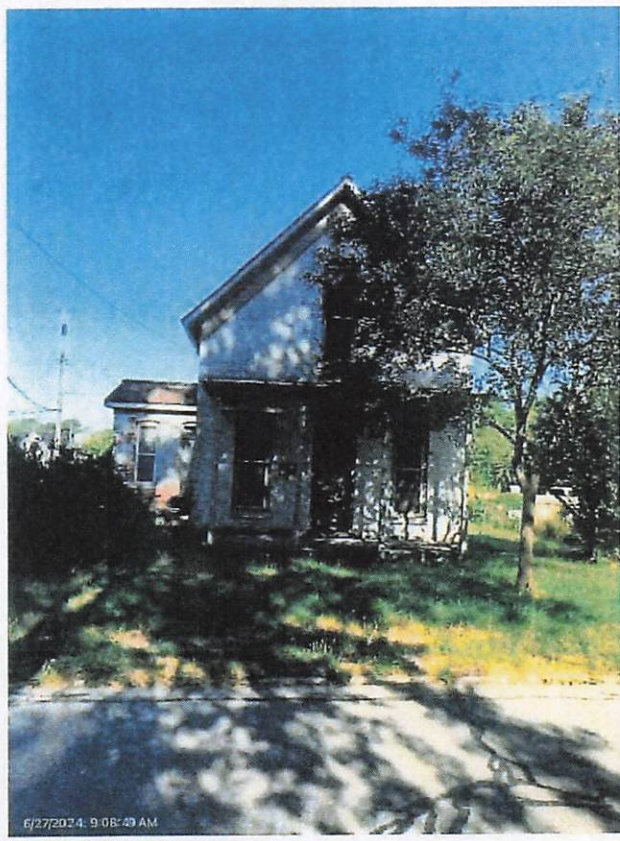
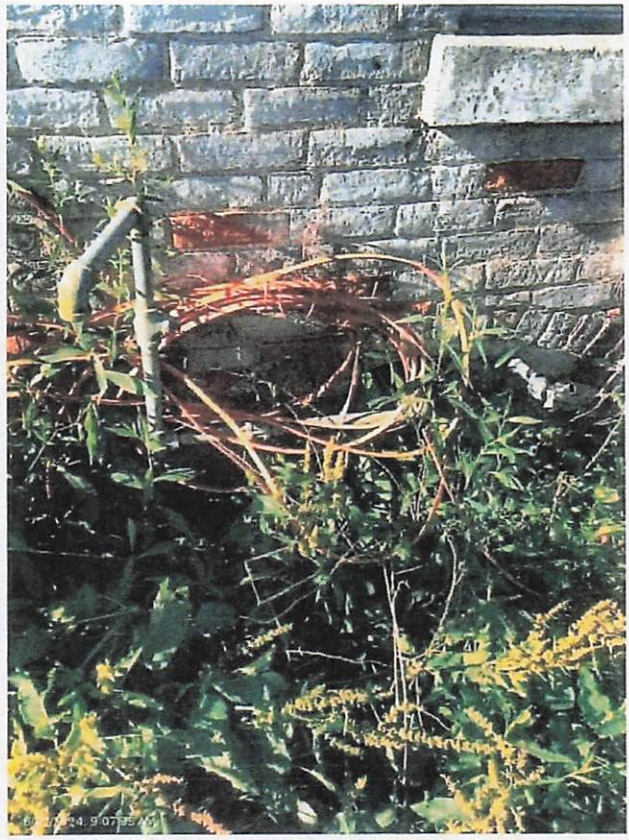
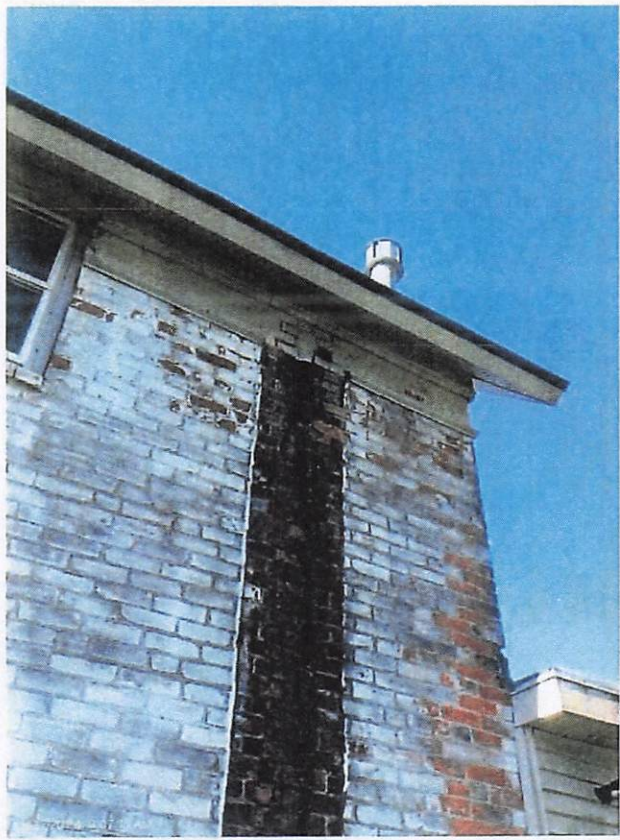




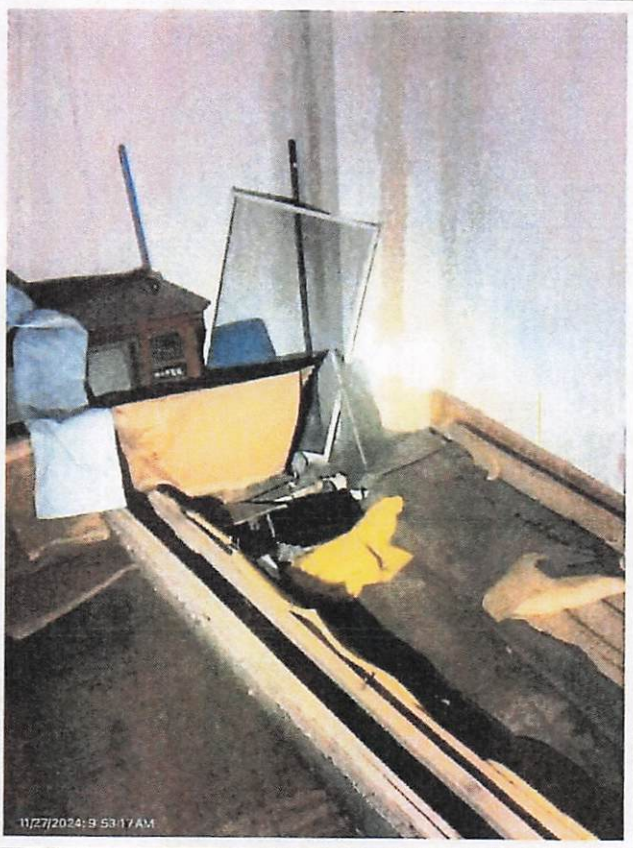
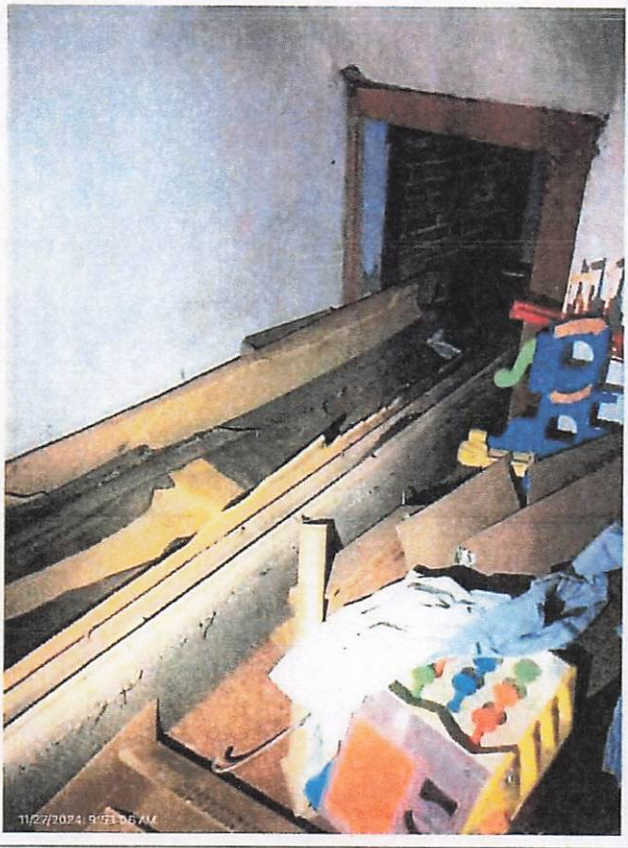
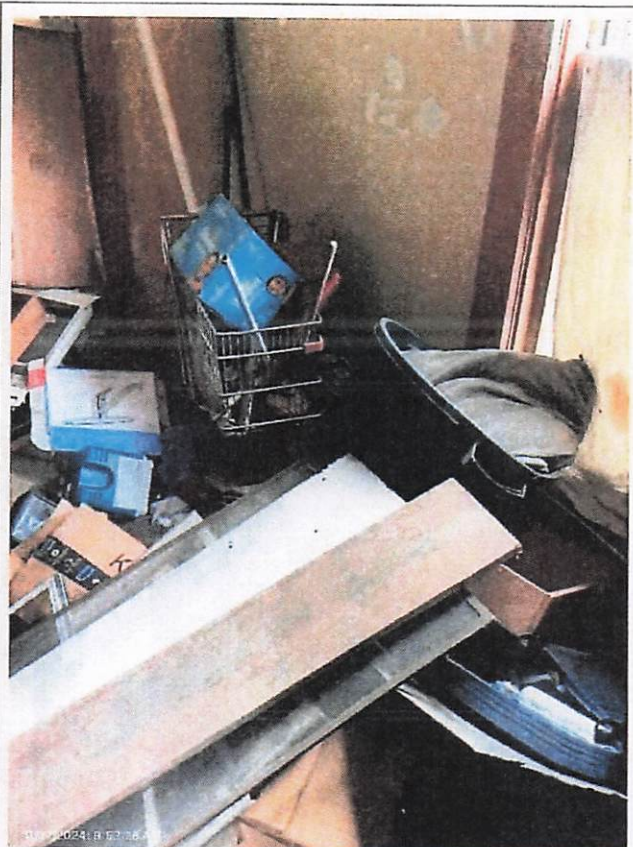


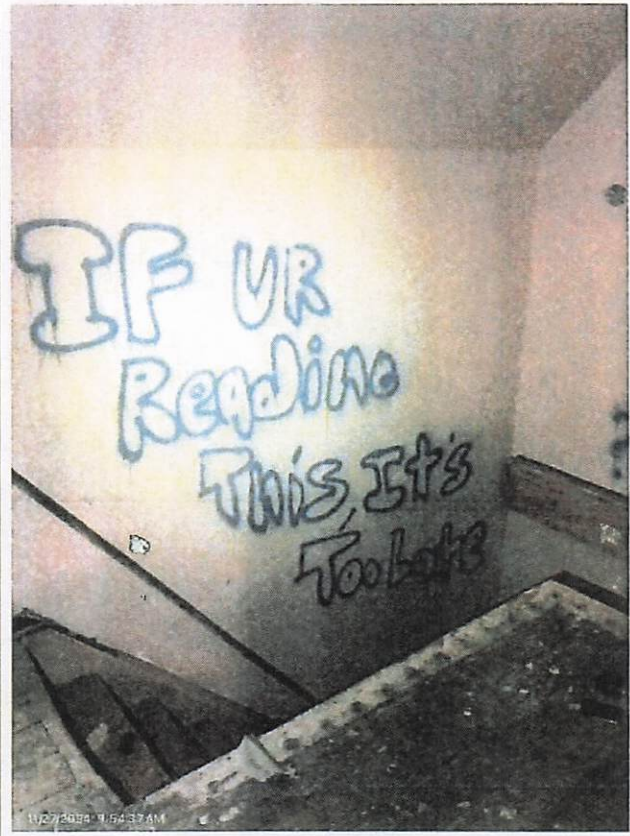
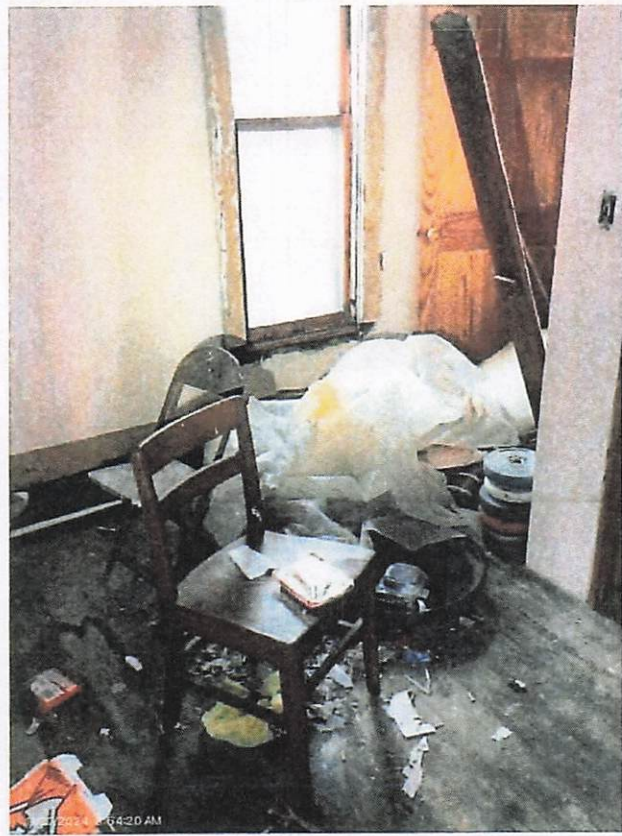
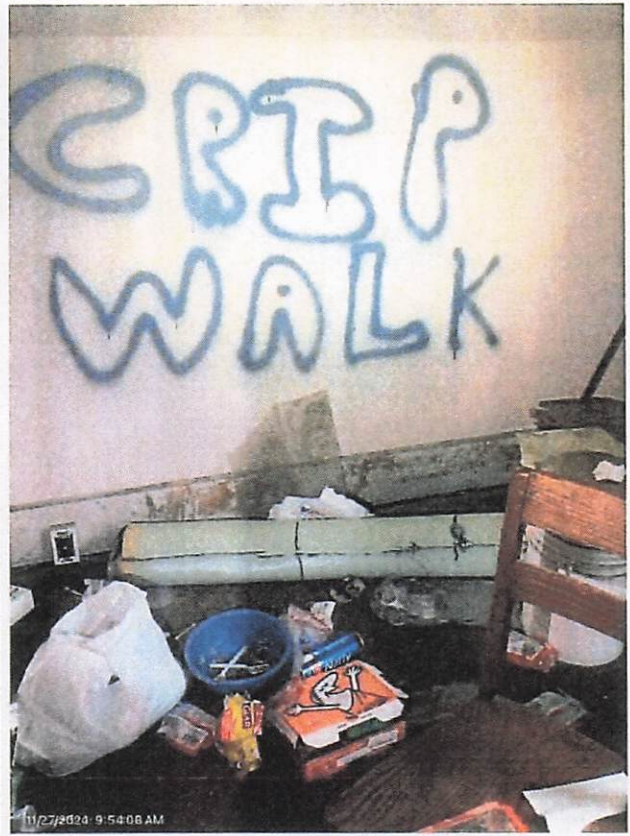
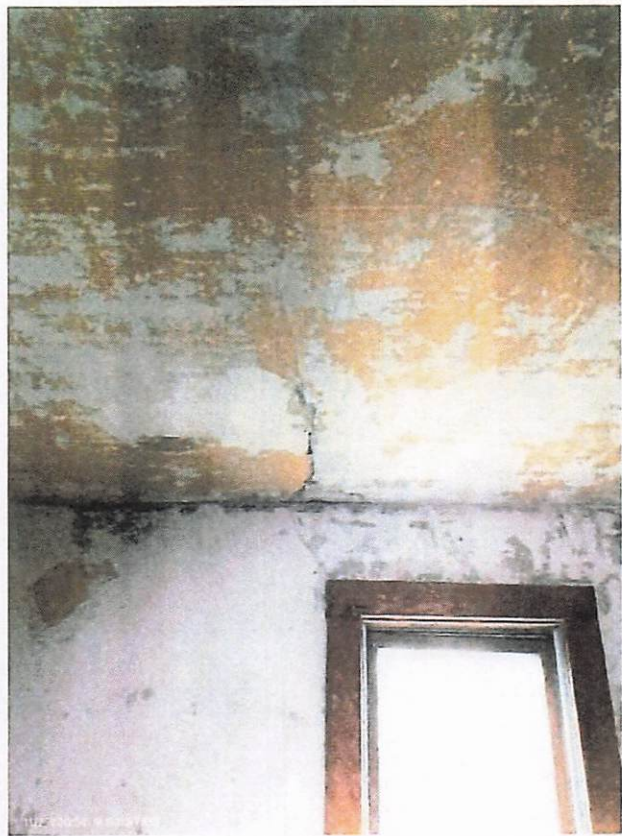


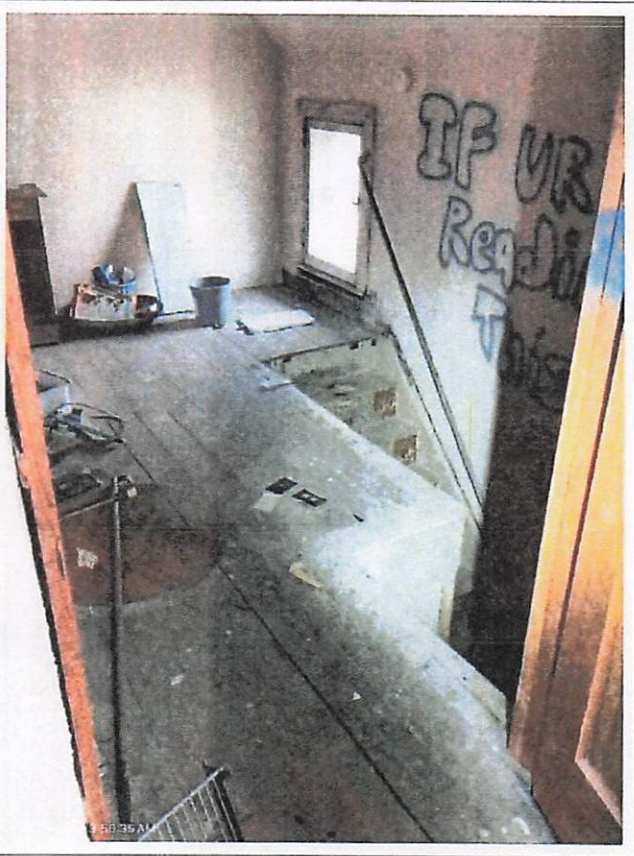
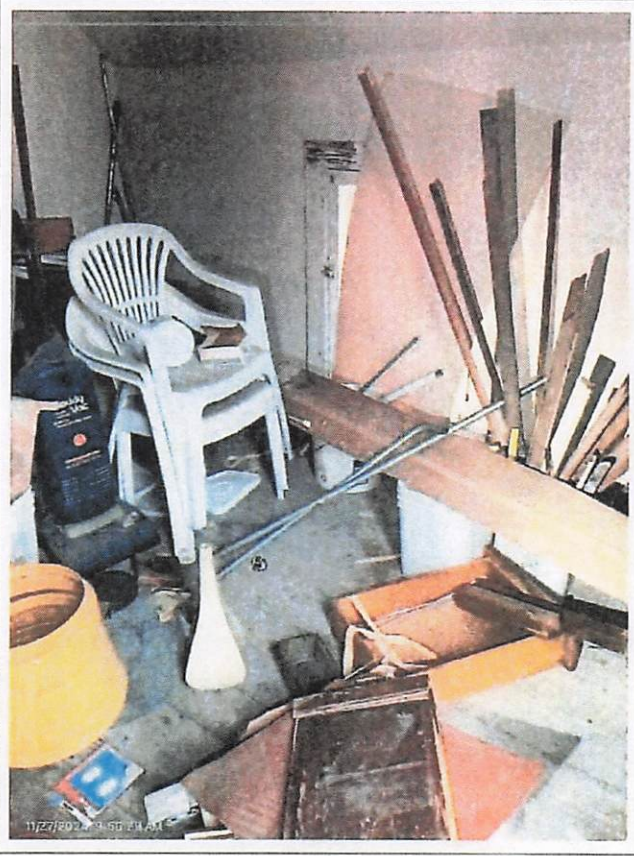
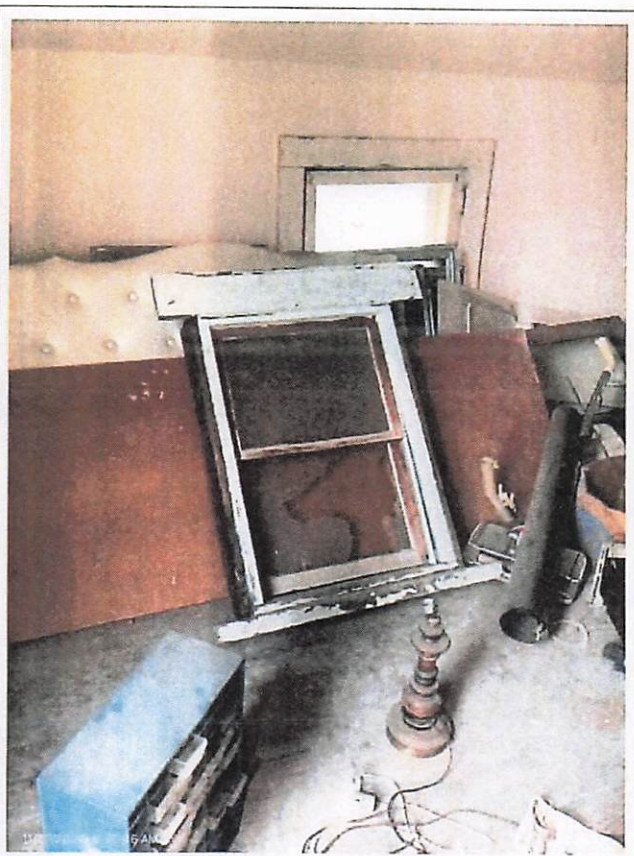
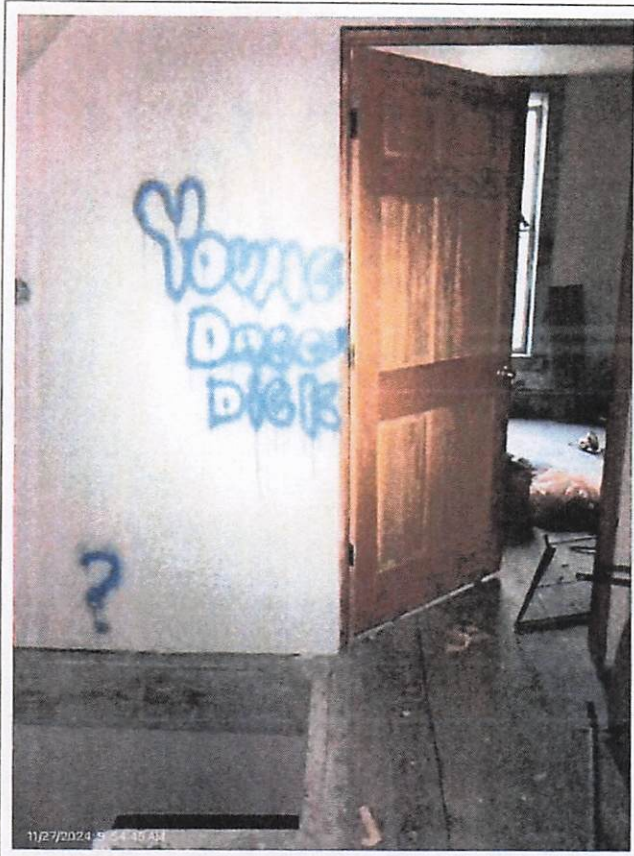


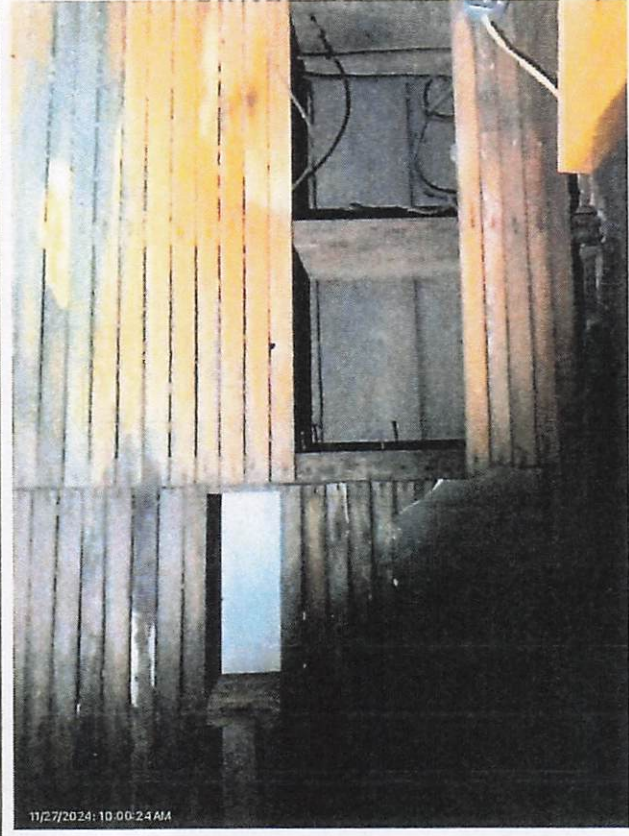
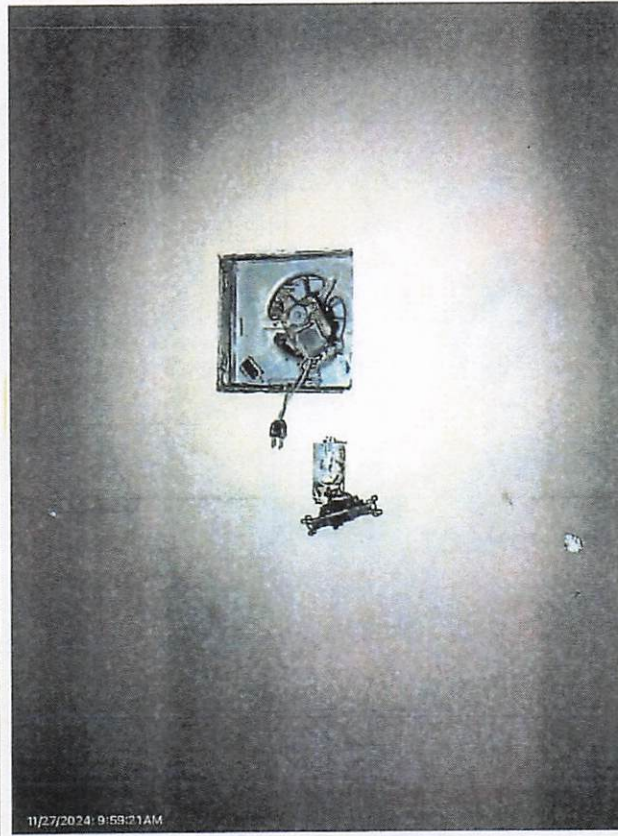
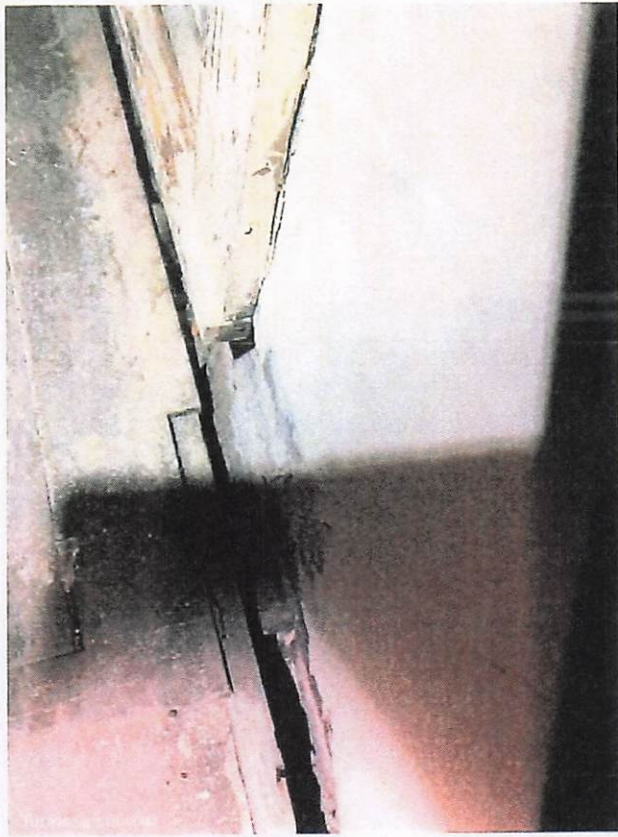


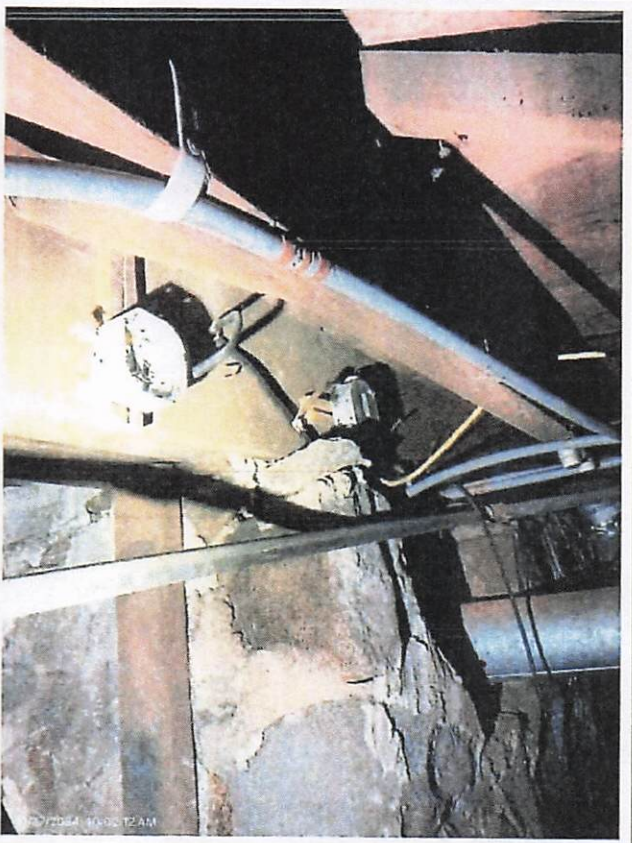
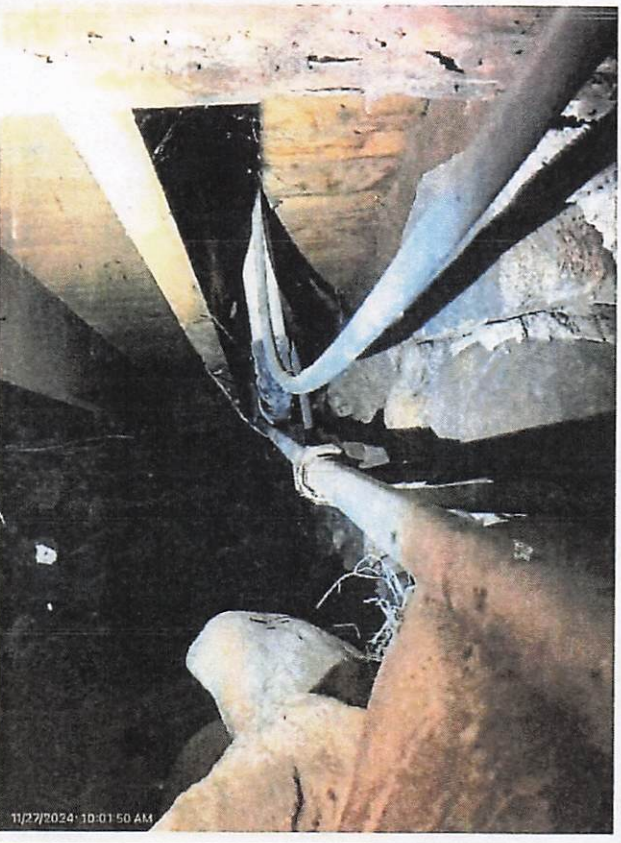
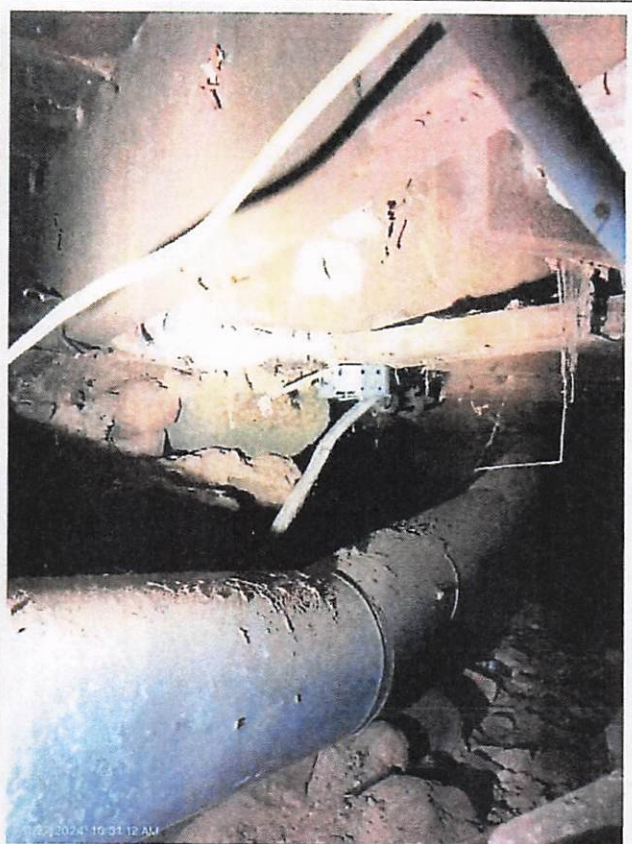
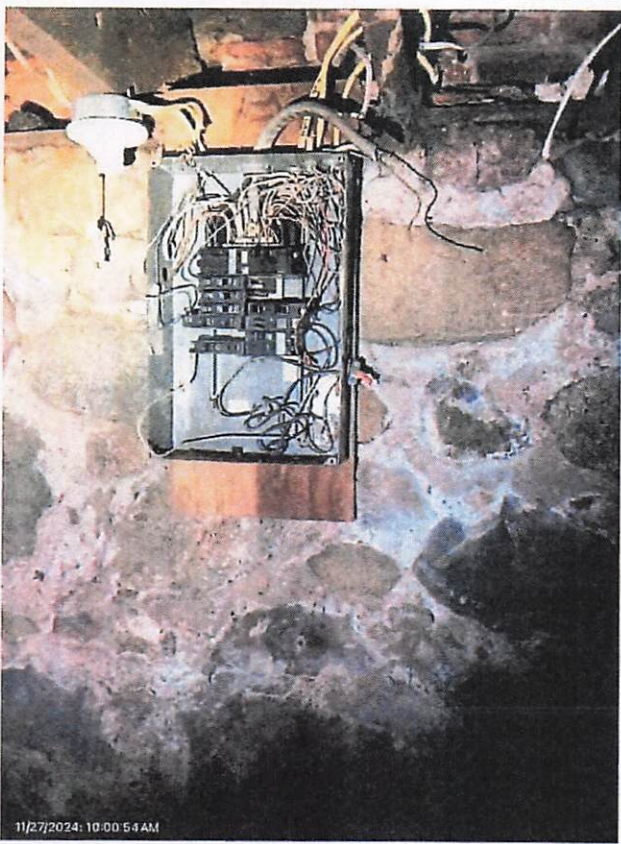
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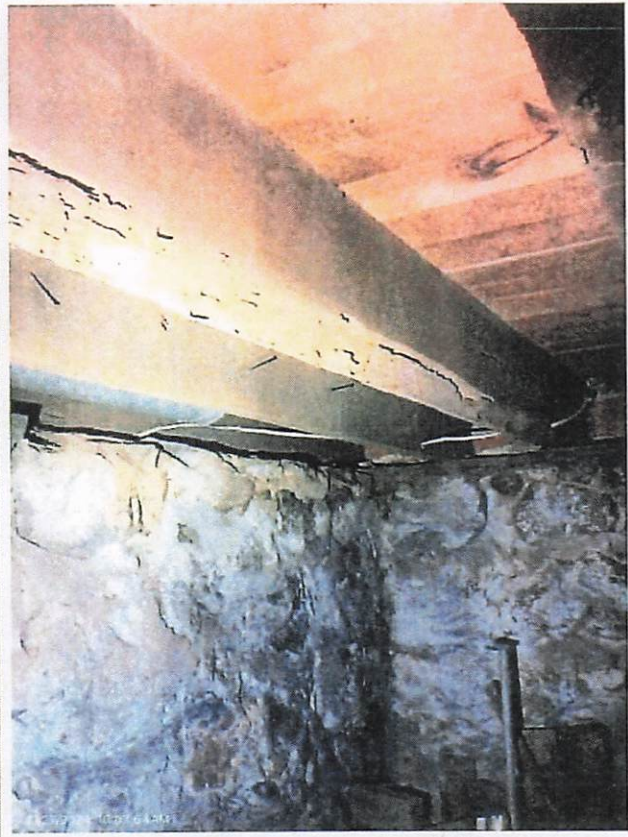
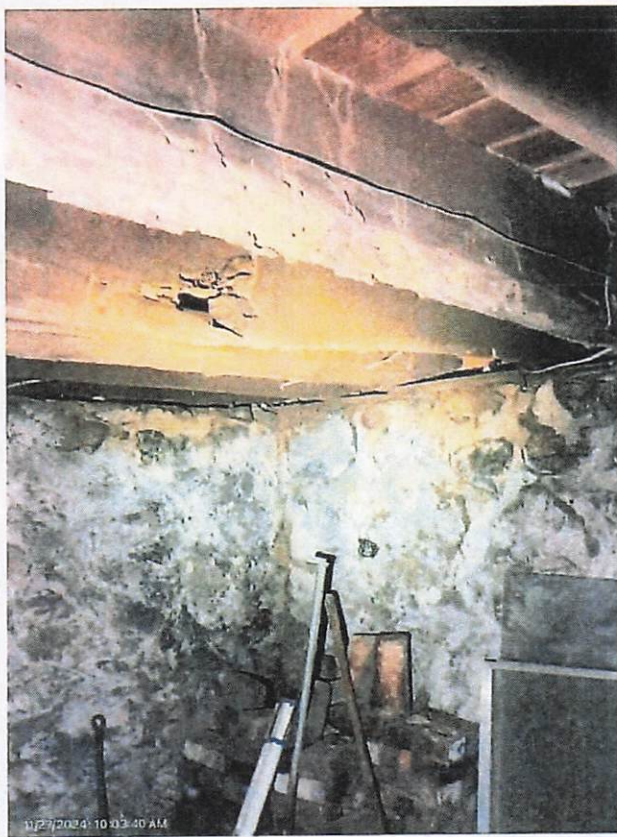
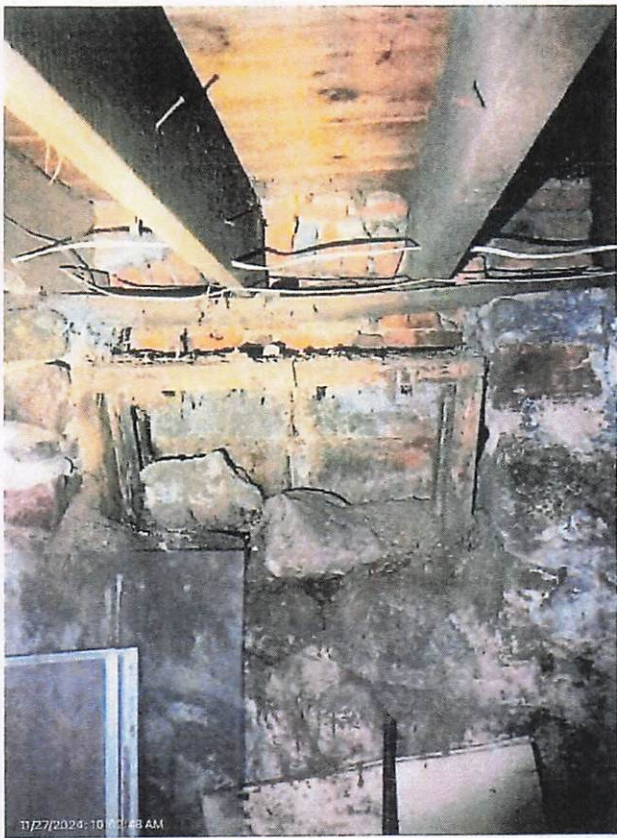


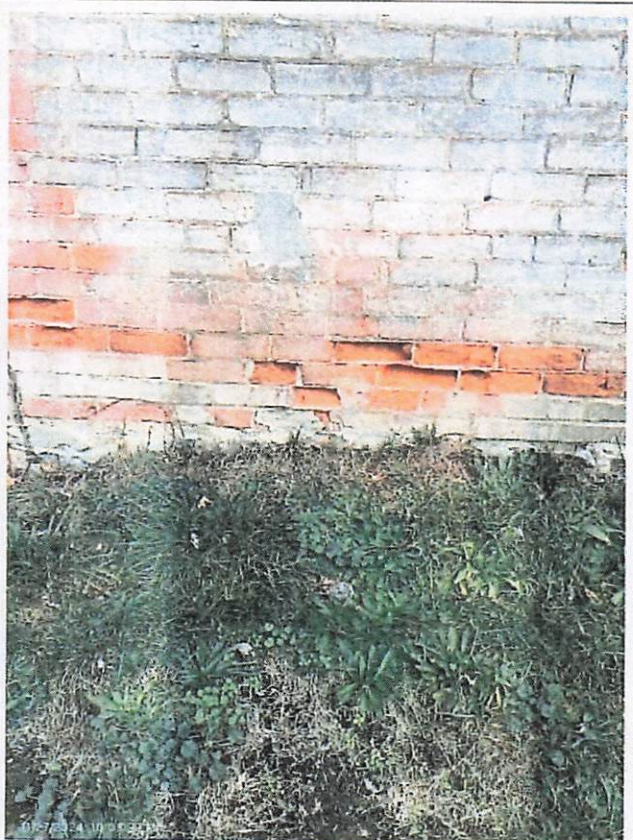


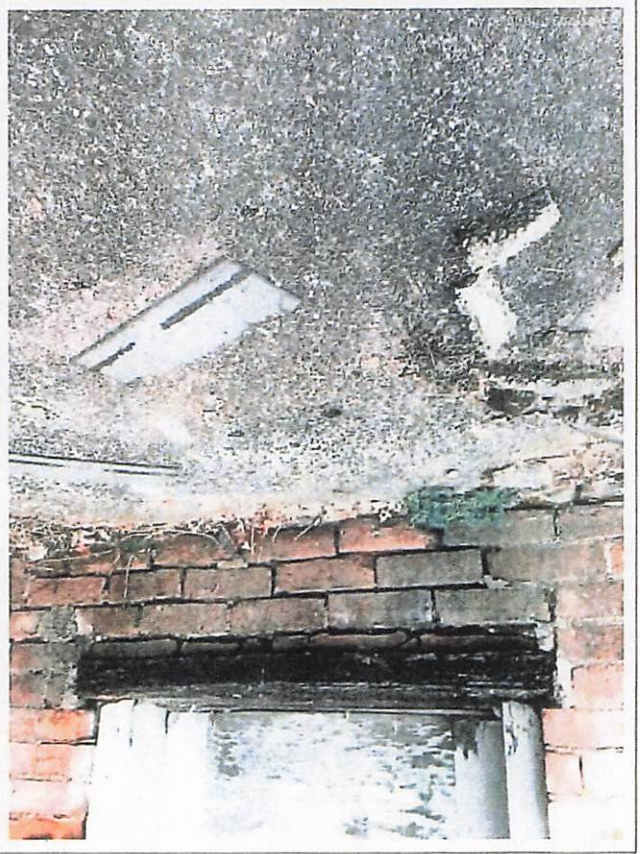
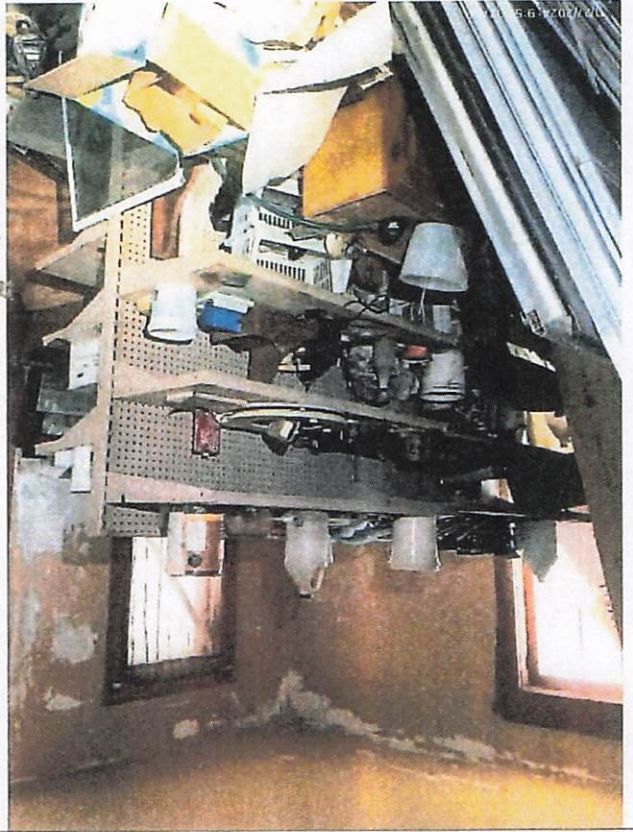












Jay Online

Way
g Recovery

THE LIVING
Brew-Downtown Goshen

206

208

210

212

214

Goshen Art House

GOSHEN THEATER

Janus Motorcycles
Motorcycle dealer

S Main St

BUS & TRAILER = 60'

BUS & TRAILER = 60'

Kruggel Lawton CPAs

222

Springer Design

226

Professional
Real Estate Services

5th St



**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

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: DECEMBER 5, 2024

Subject: 423 N 5TH ST

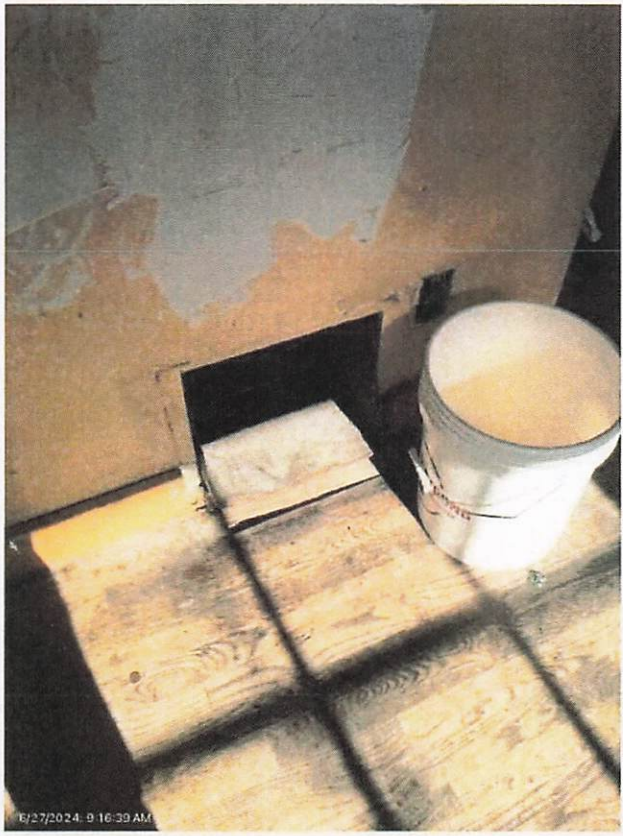
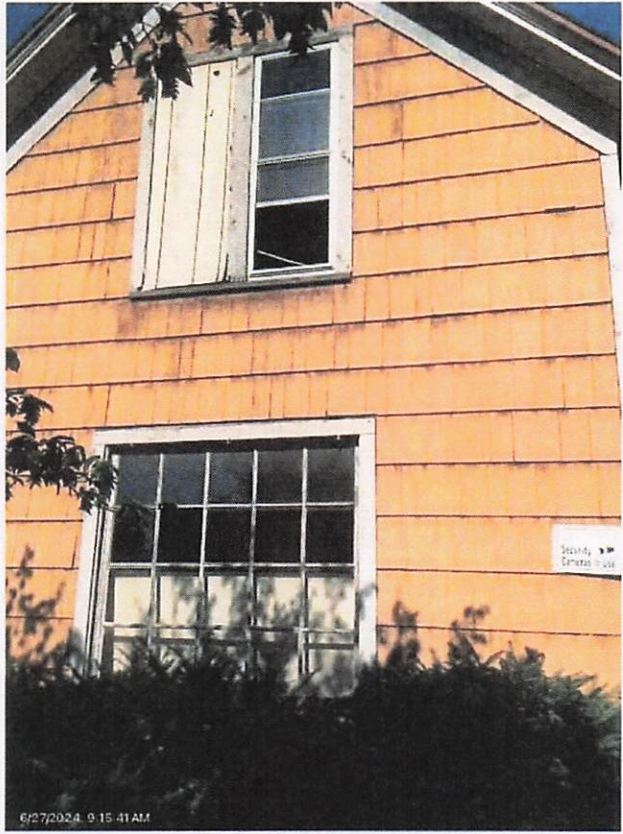
My initial inspection of the property was conducted on June 27, 2024. My follow up inspection was conducted on November 27, 2024. Photos from both inspections are in the package I handed to you. As you can tell from the photo evidence little to no work has been completed. There is evidence of this being a house that has been accessible to squatters.

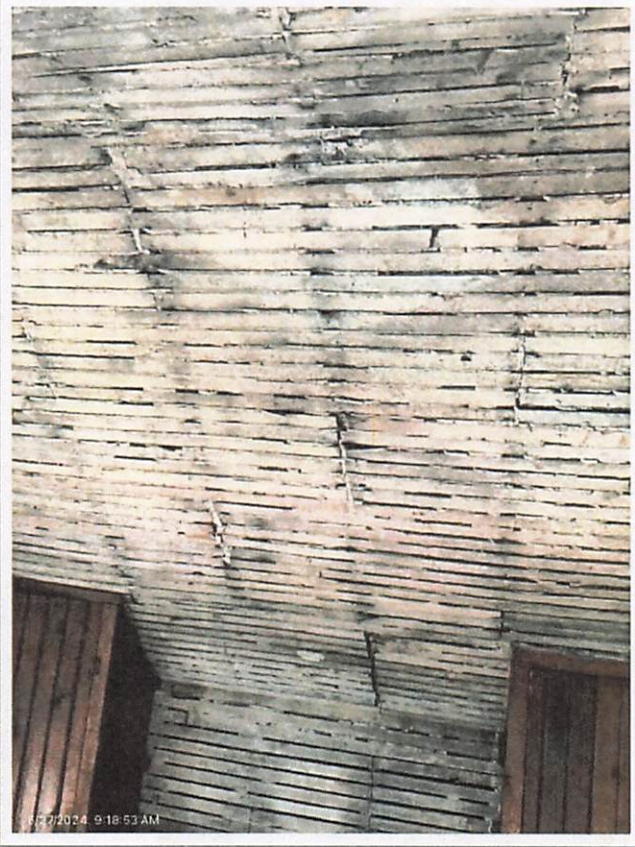
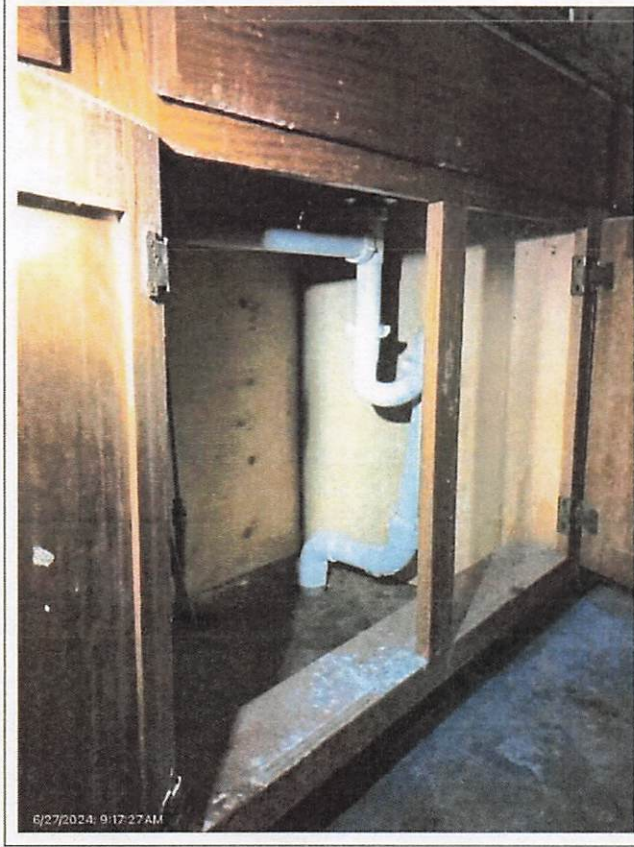
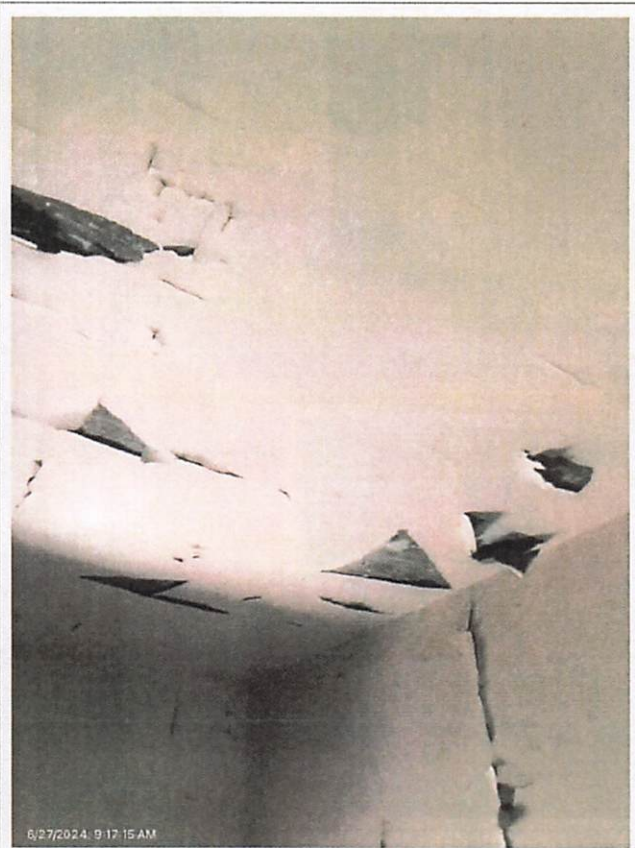
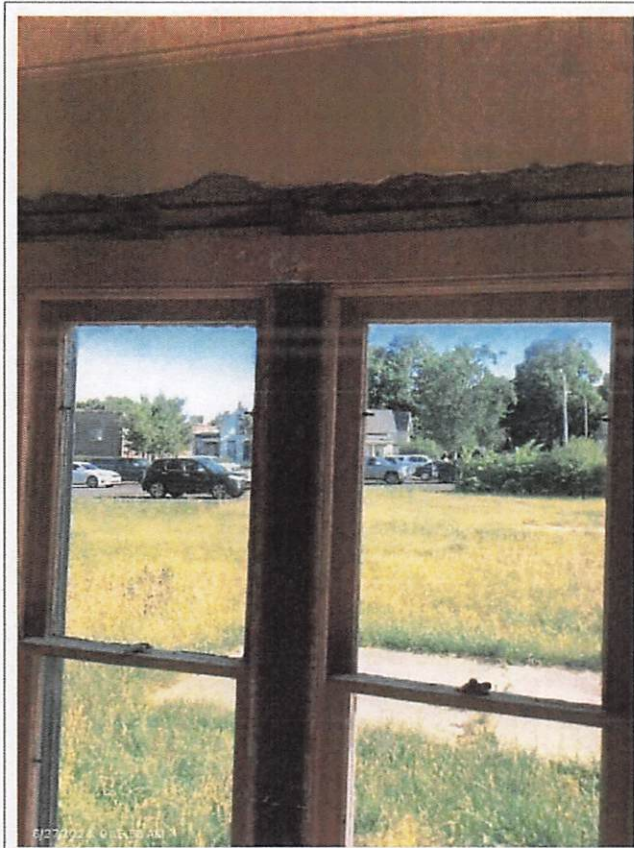
All items 1 thru 7 still remain. There has been no water usage since December of 2022. The last permit pulled for this property was for electrical service restoration in 2020. No permits have been pulled or even applied for, for the work that is required. To the building department, this demonstrates the lack of initiative from the owner to bring this property into compliance and to a habitable condition.

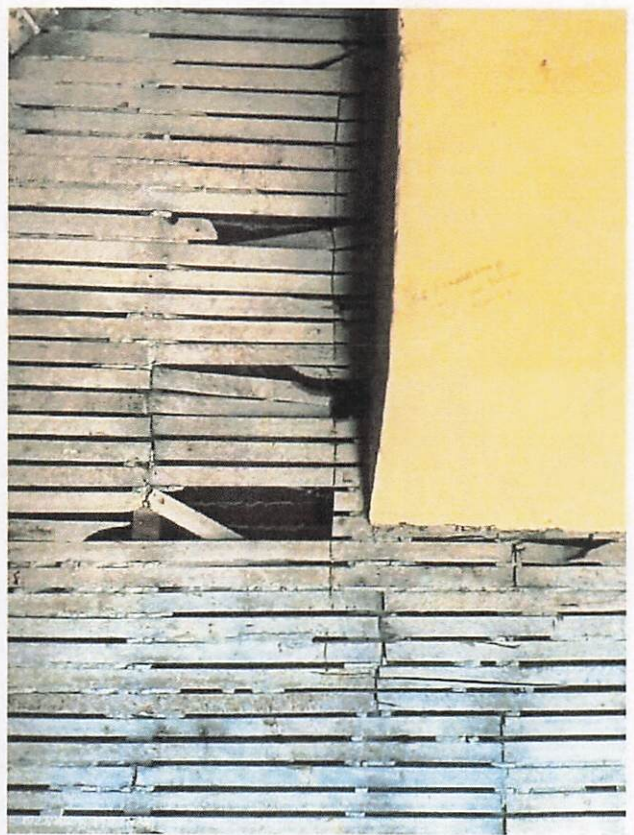
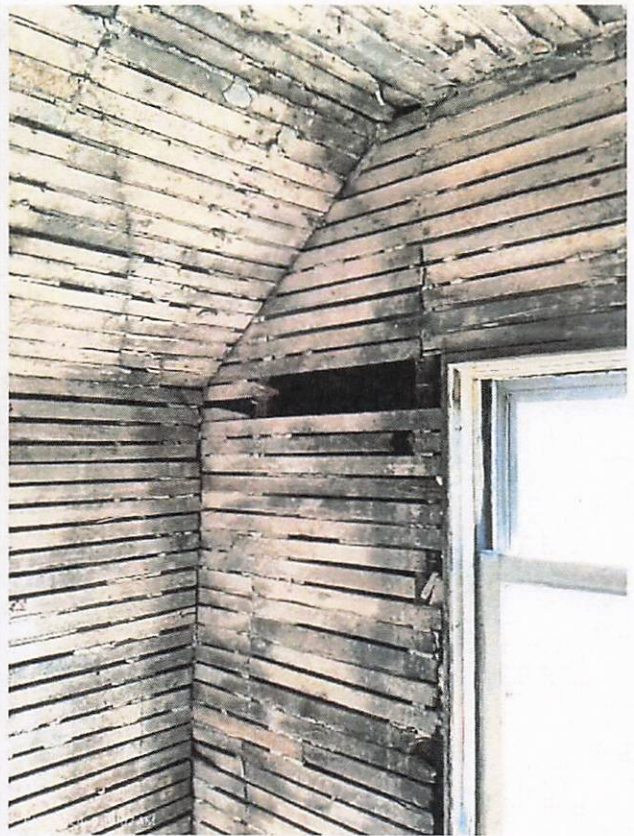
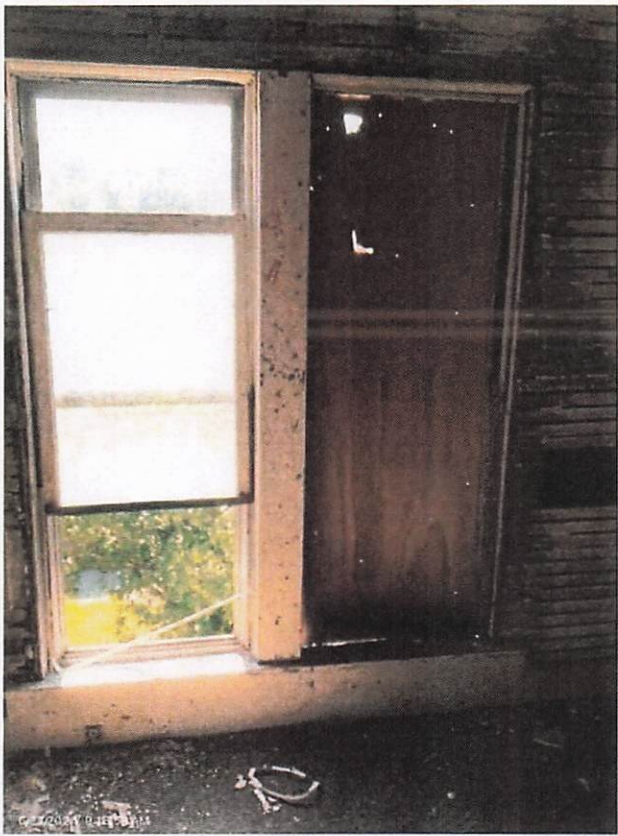
With that being said, it is the Building Departments recommendation that the Repair Order be affirmed and that there be a \$5,000 Civil Penalty be assessed to the owner.

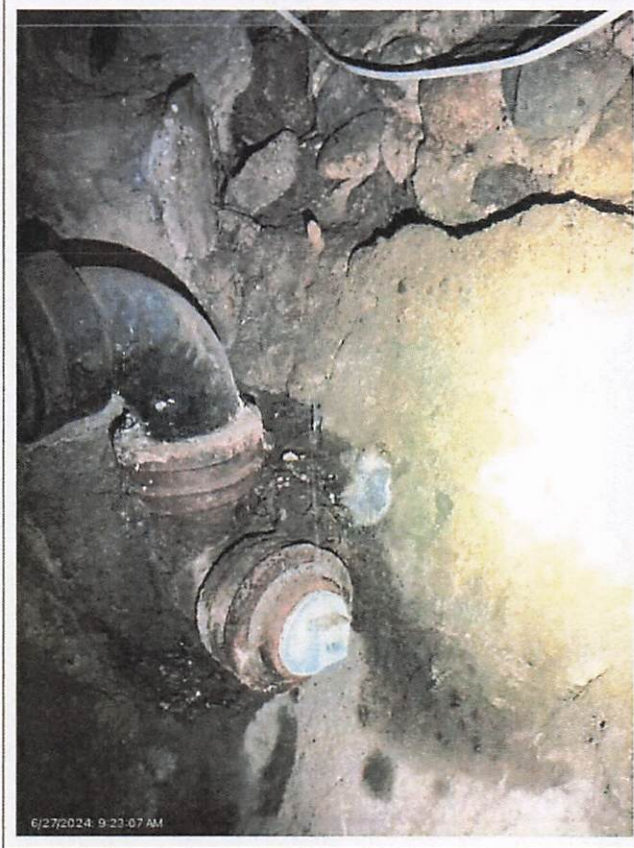
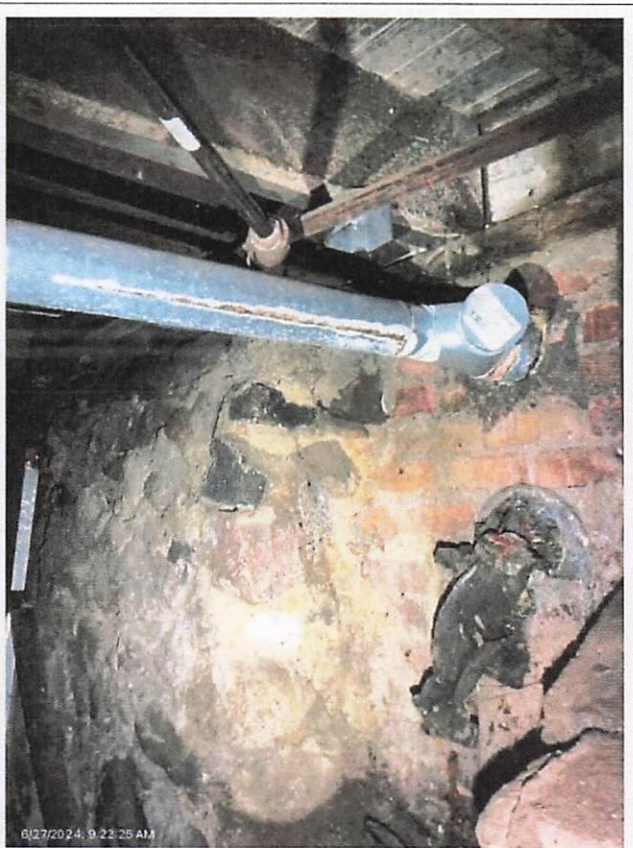
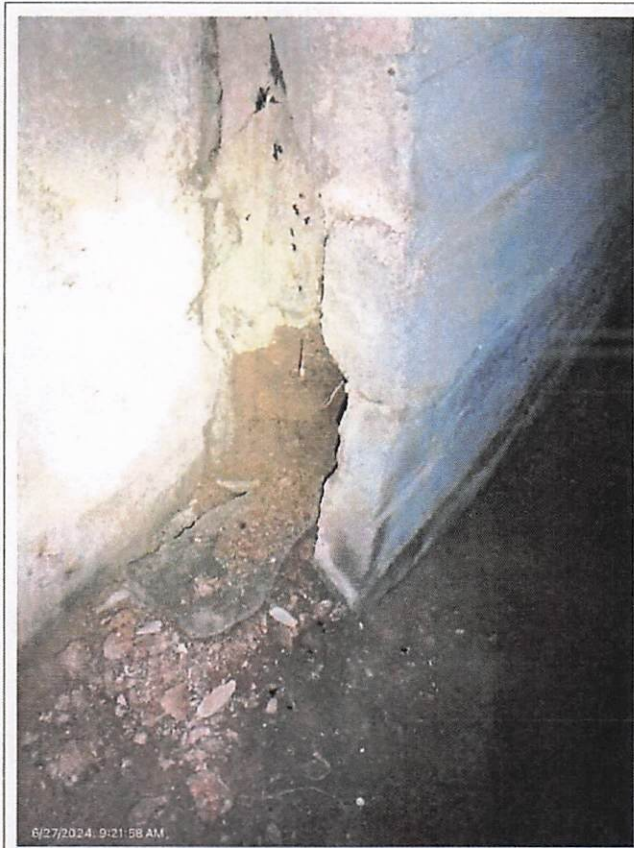
Thank you,

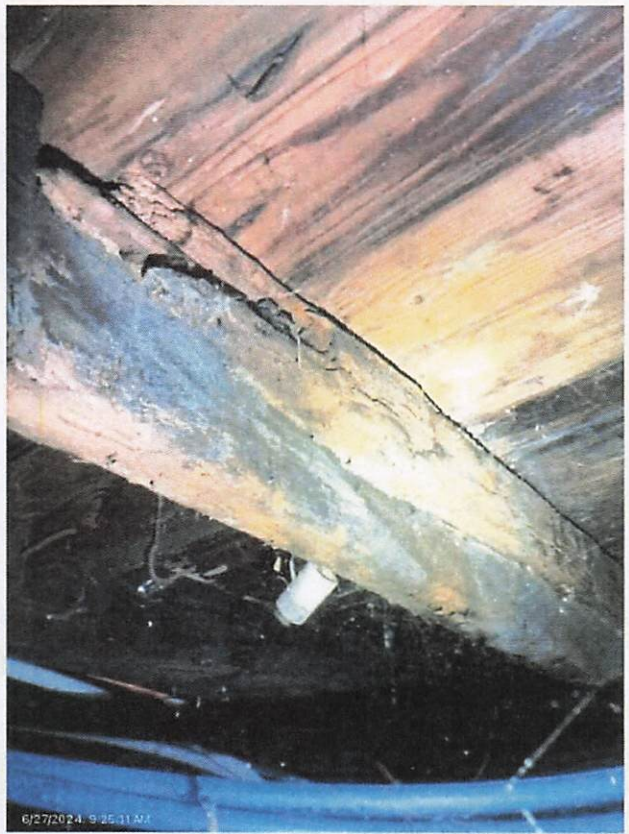
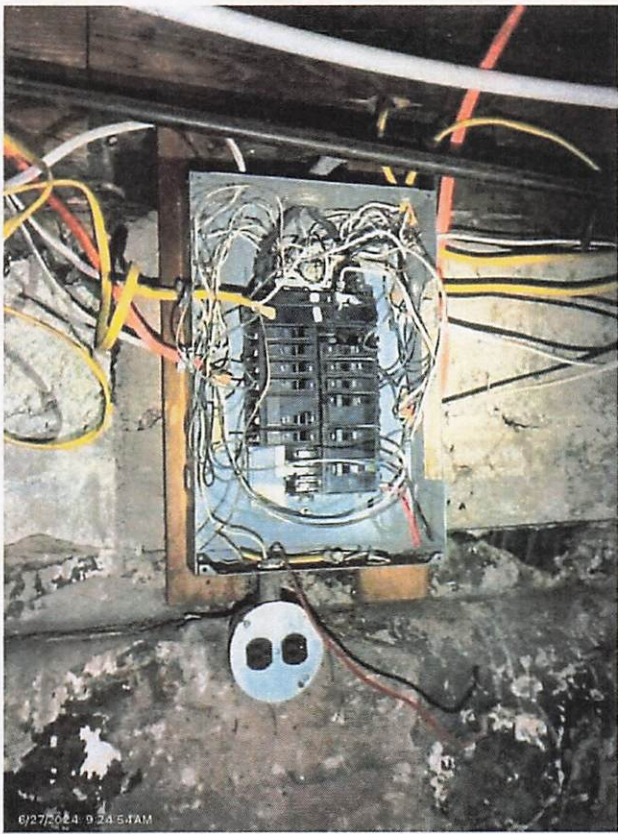
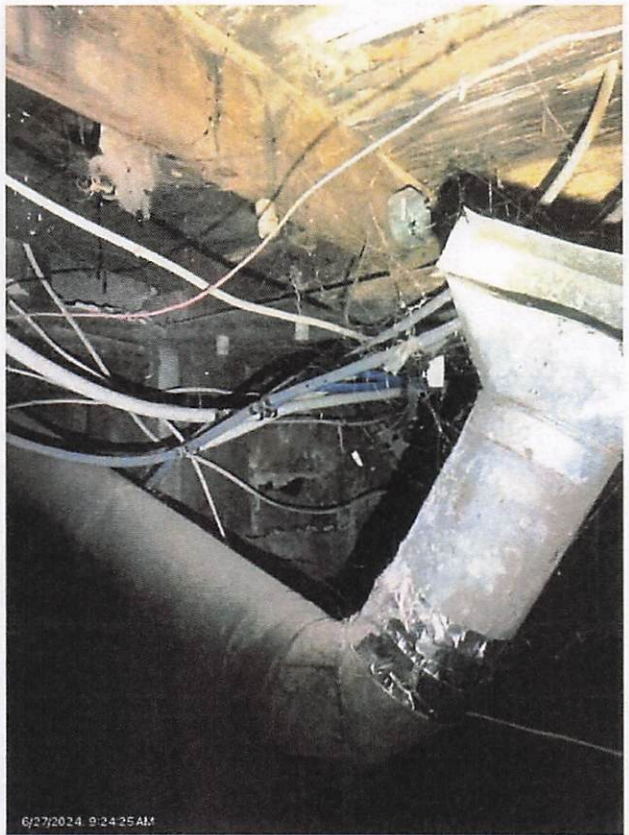
Travis Eash

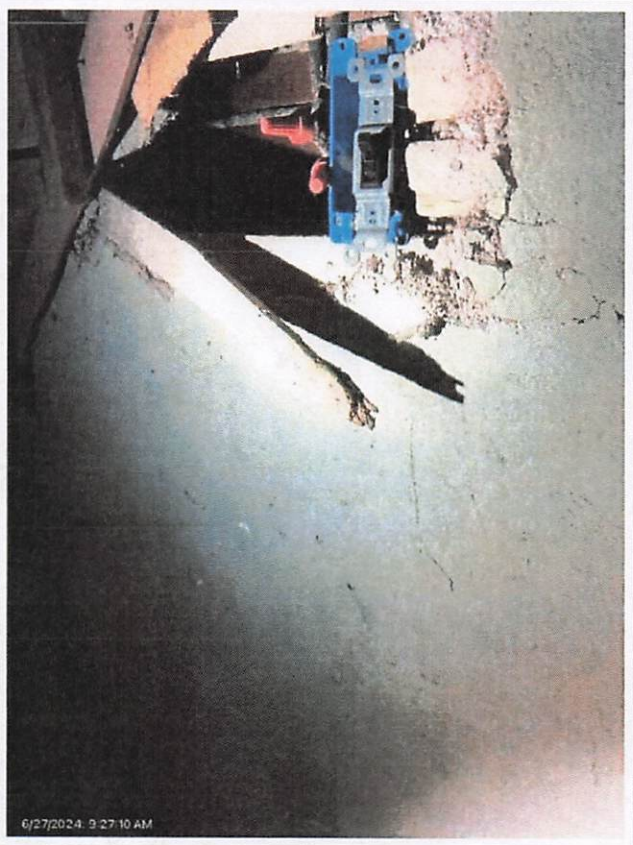
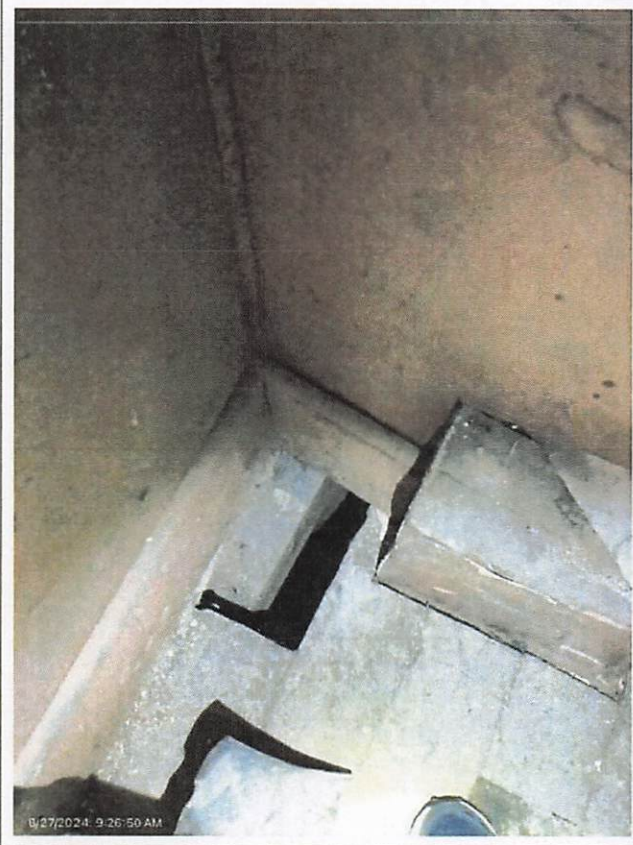
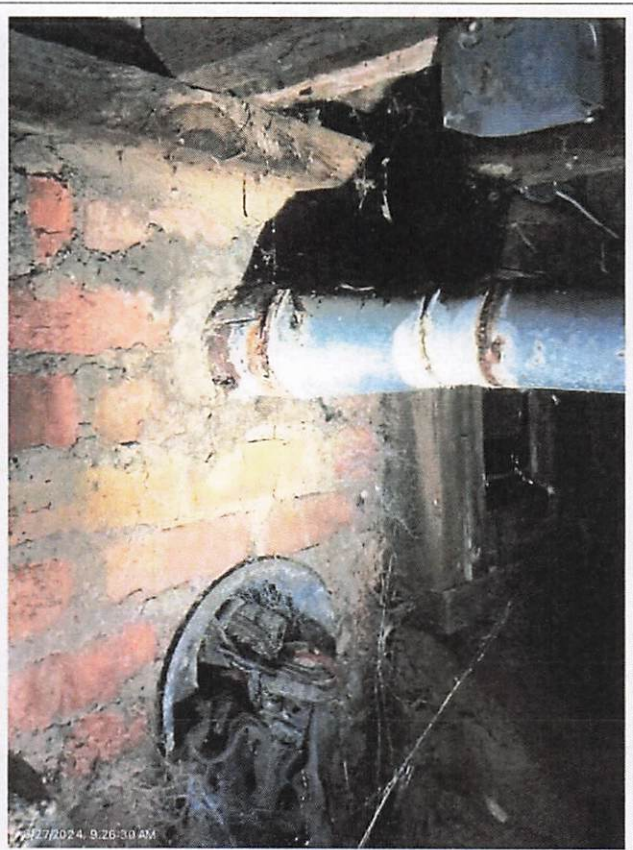
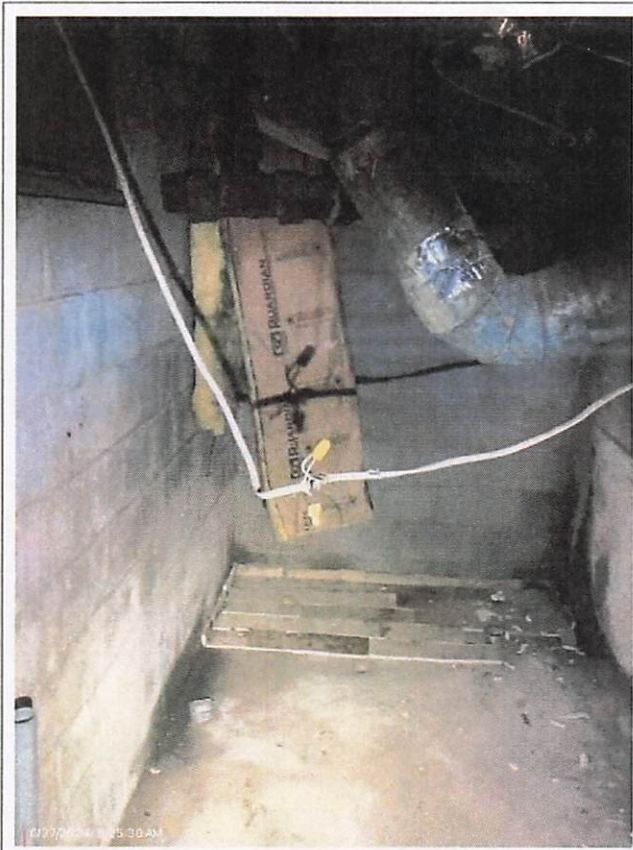


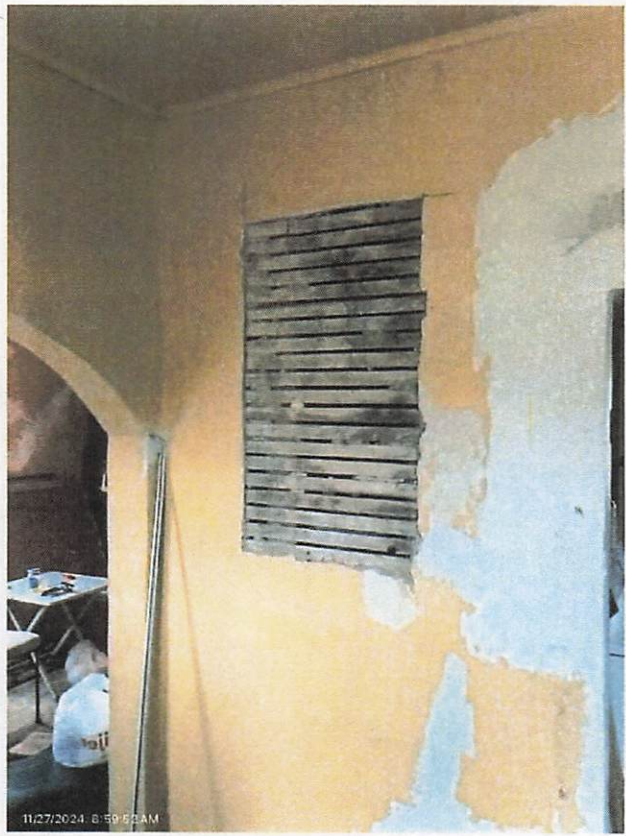


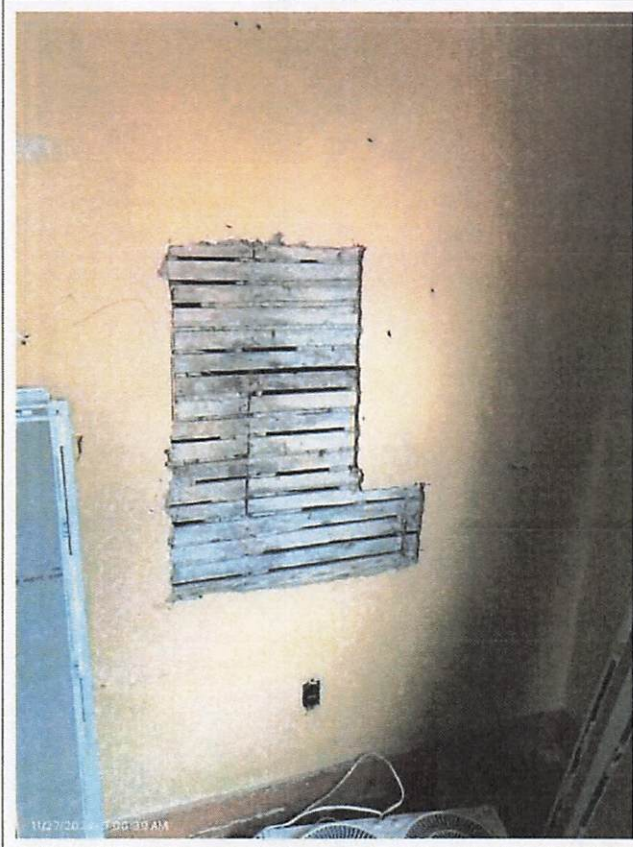
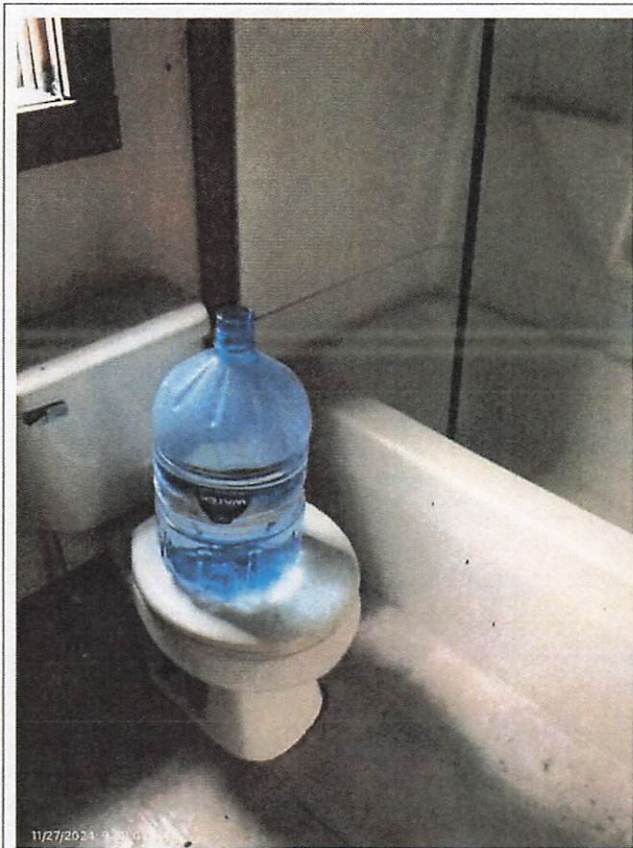


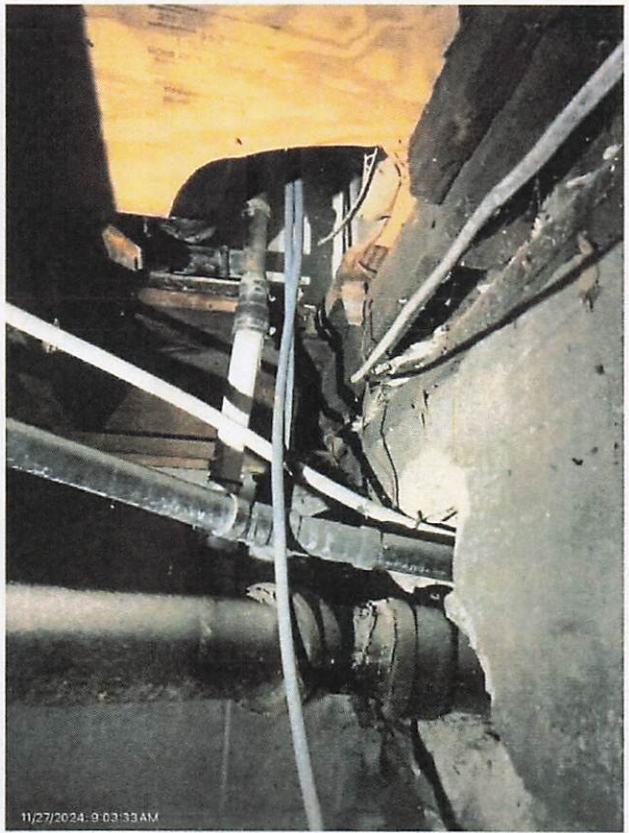
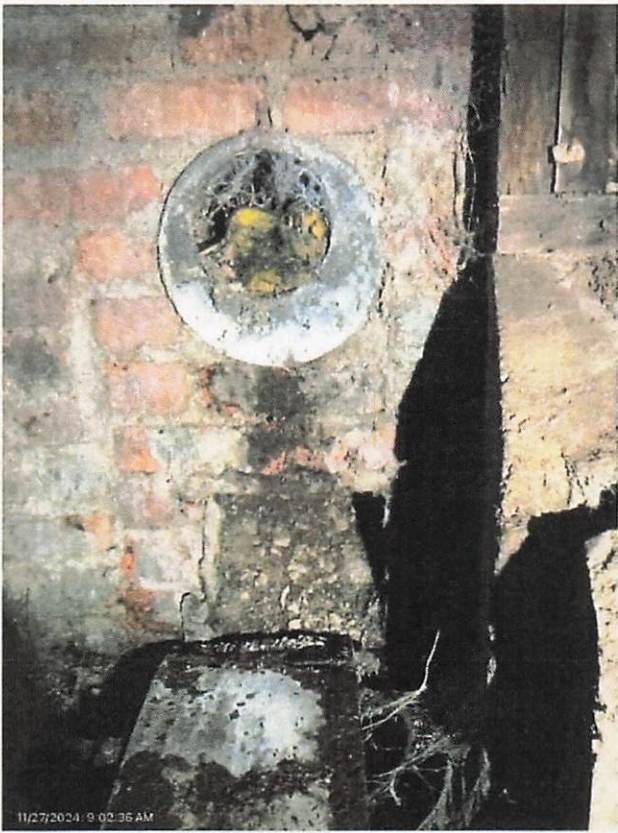
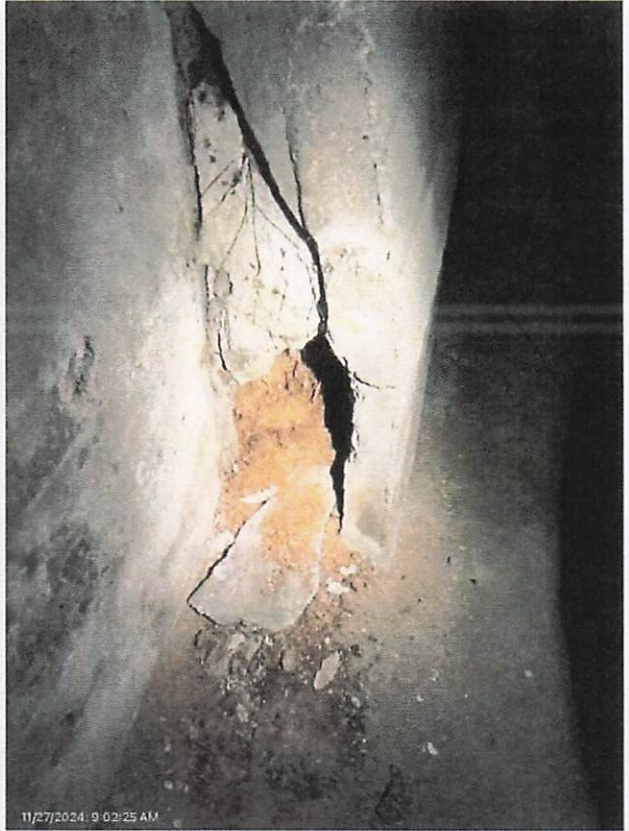
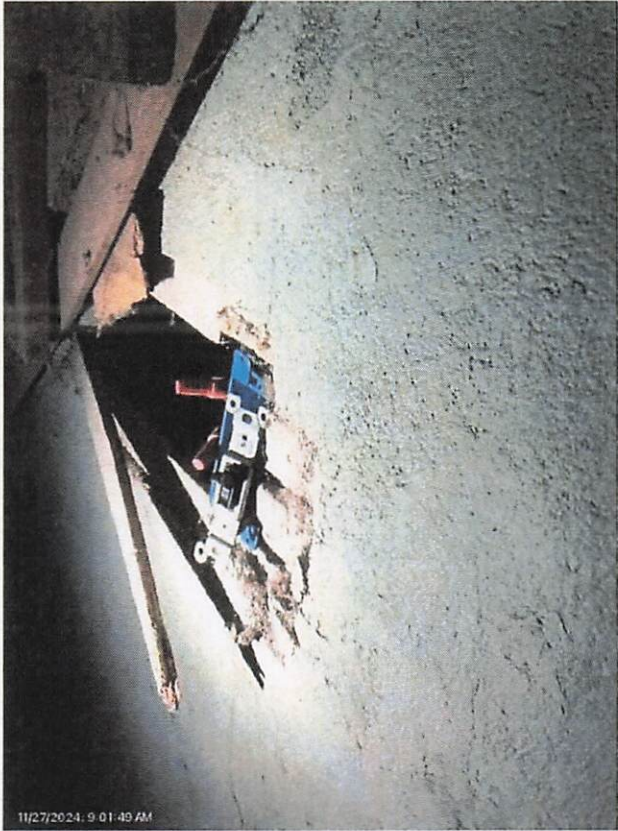


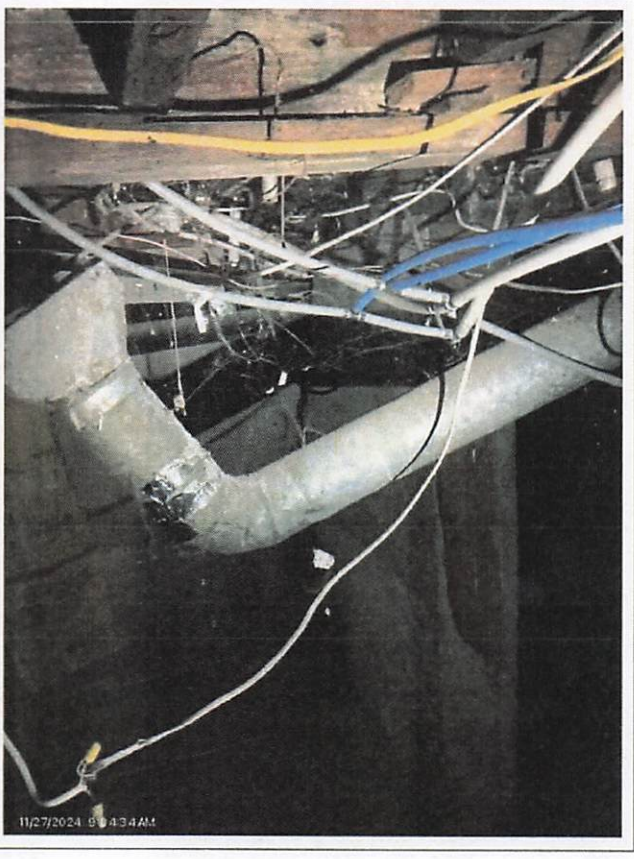
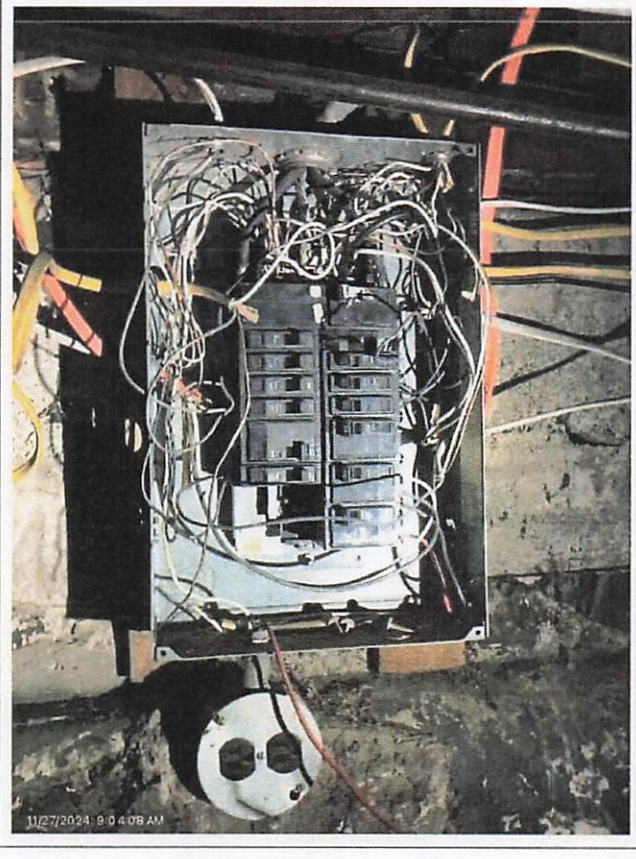
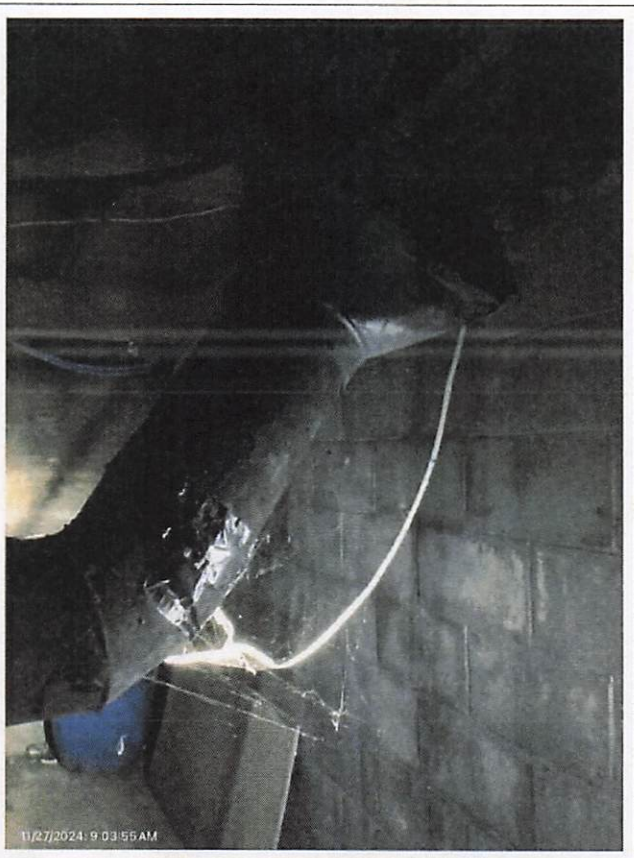
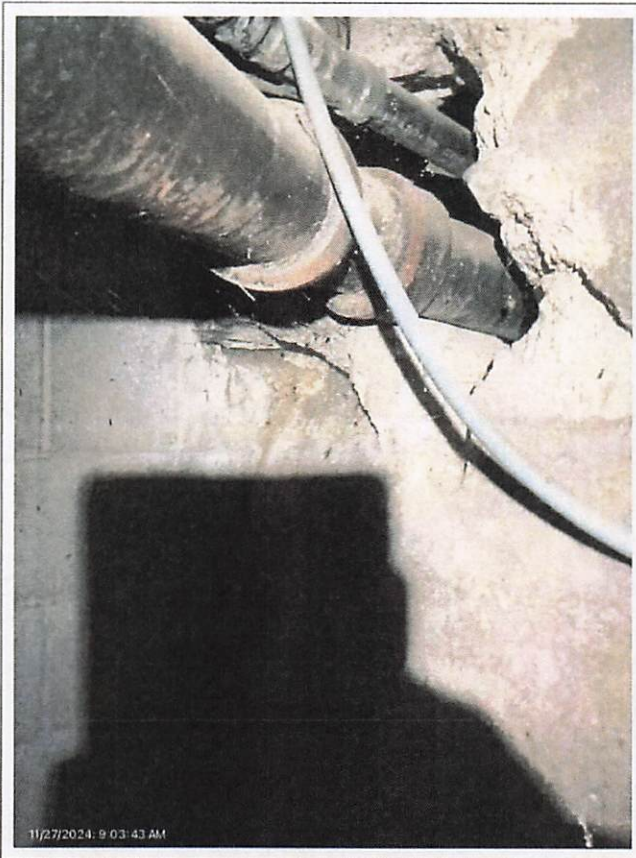


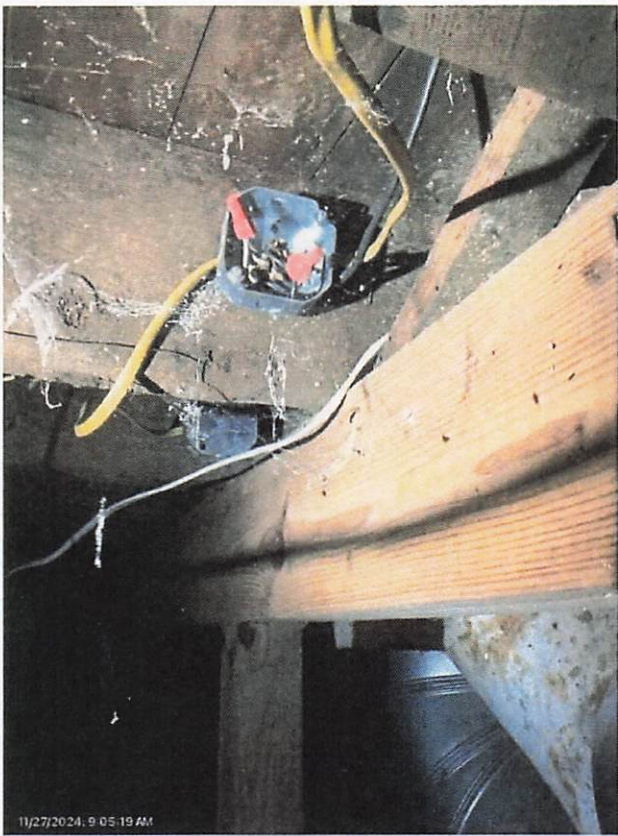




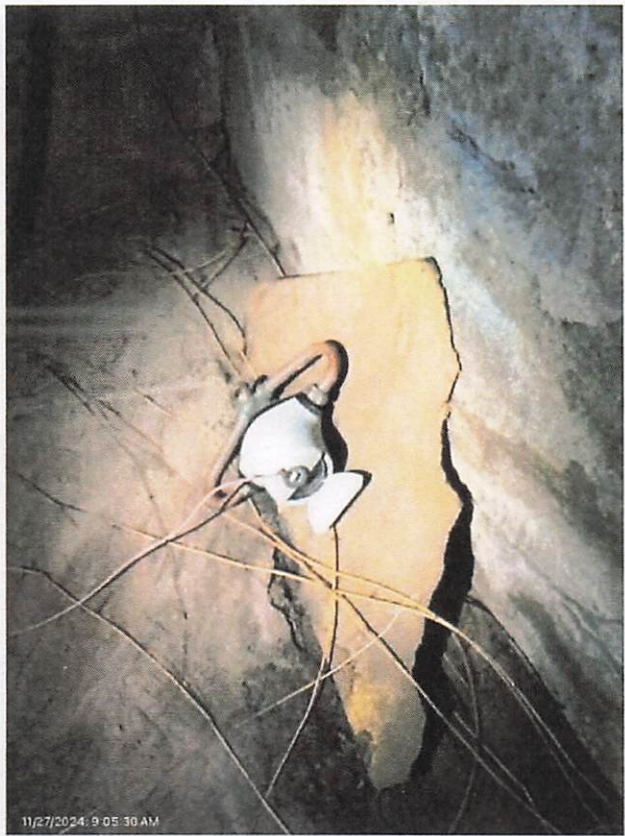




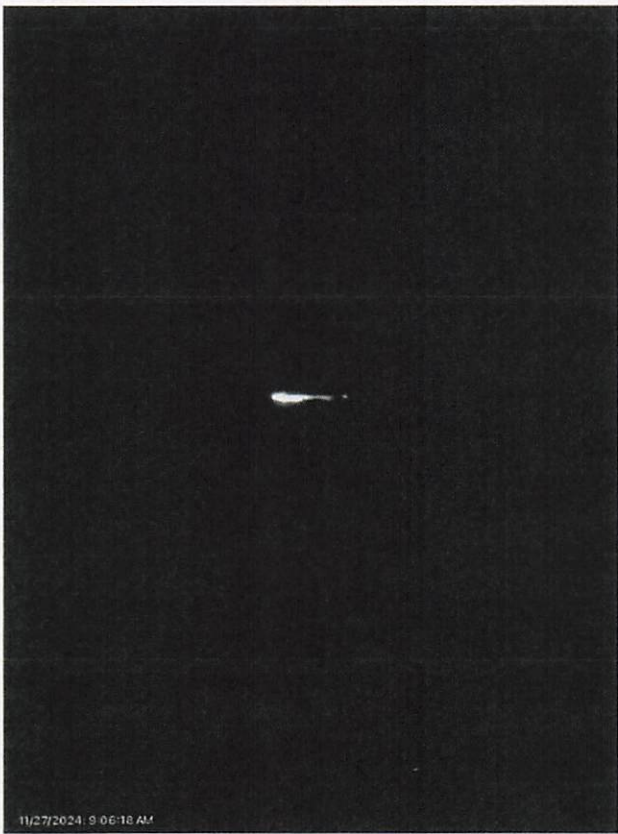




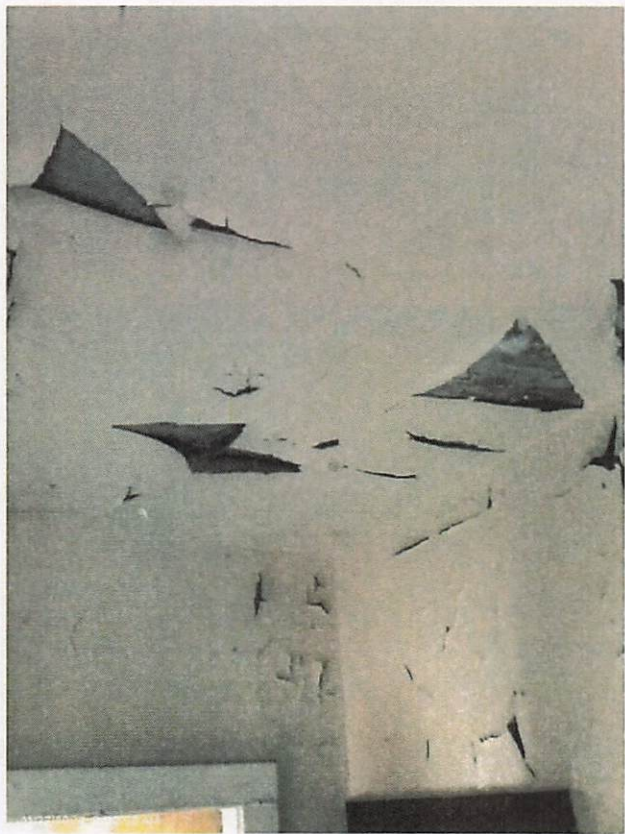
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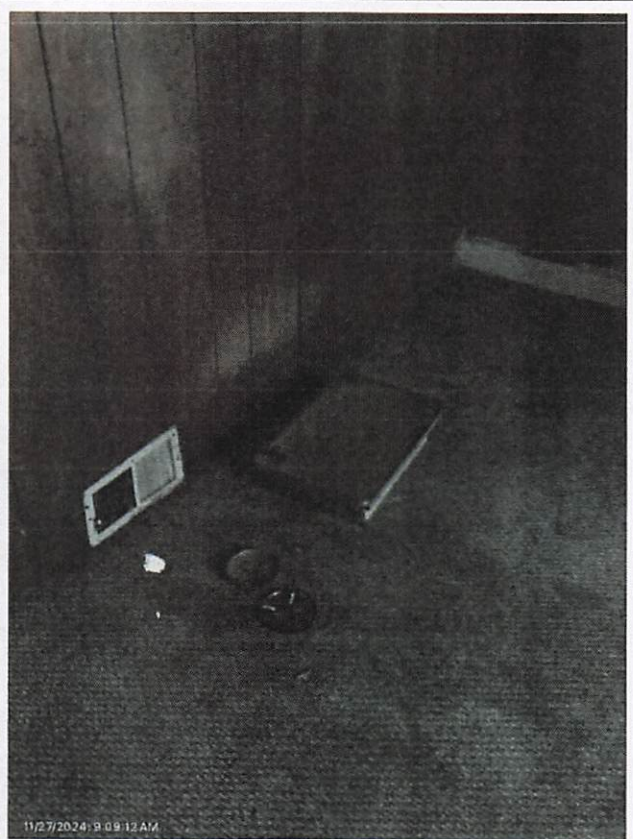
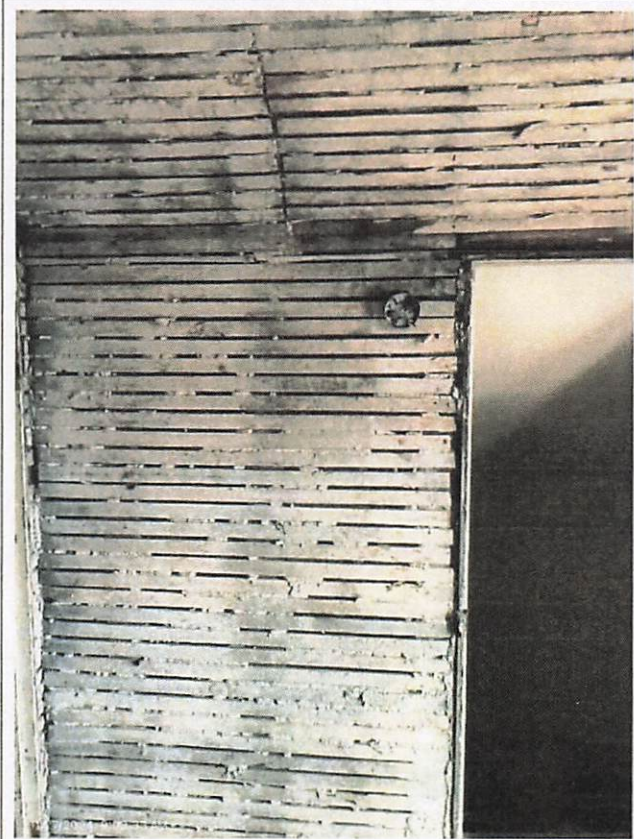
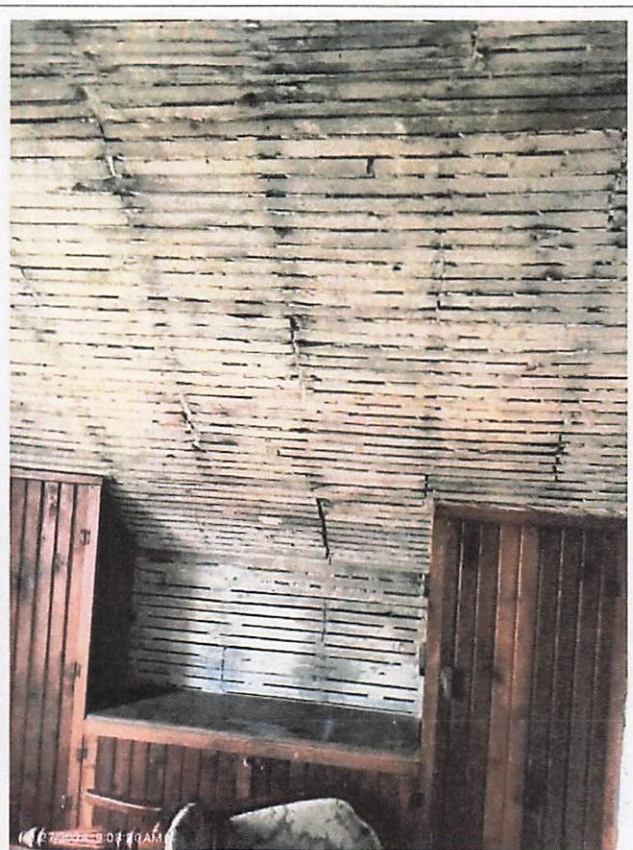
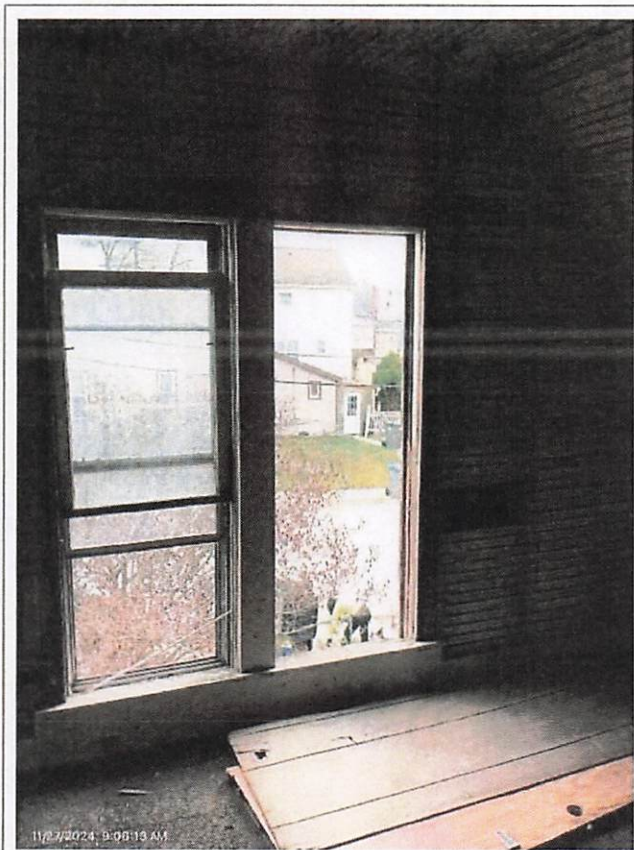
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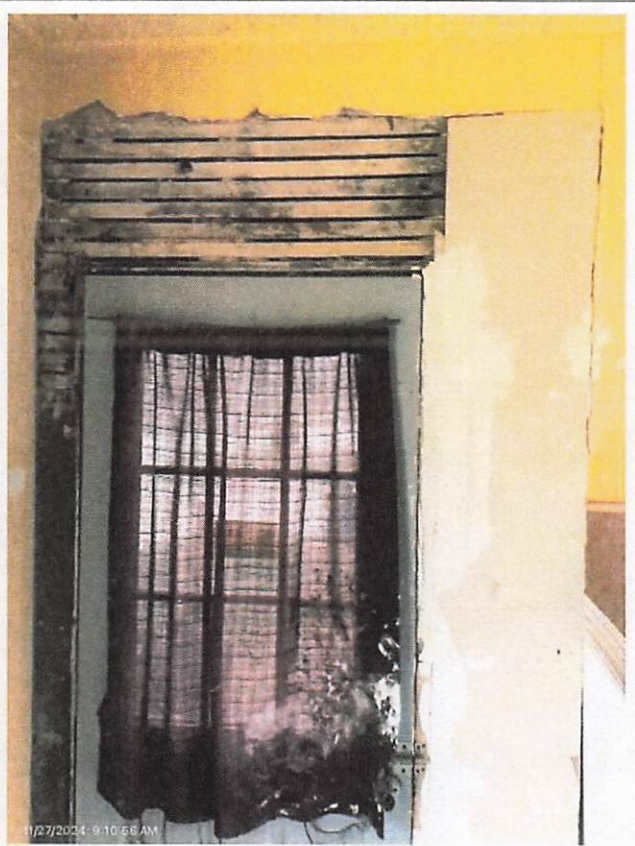


11/27/2024, 9:06:18 AM



11/27/2024, 9:06:30 AM





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Exhibit #5

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

October 28, 2024

Via Regular Mail:

To: Ronald Davidhizar
203 Middlebury Street
Goshen, Indiana 46528

You are hereby notified that a hearing has been scheduled to review the enclosed Order of the City of Goshen Building Commissioner, dated October 8, 2024, for the unsafe building located at 423 N. 5th Street, Goshen, Indiana. Said hearing will take place **Thursday, December 5, 2024 at 4:00 p.m. (local time)**, or soon thereafter. This hearing will be held in the City Court Room / Council Chambers at 111 East Jefferson Street, Goshen, Indiana.




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

Certificate of Service

The undersigned hereby certifies that the foregoing Notice of Scheduled Review Hearing, with enclosed Order of the City of Goshen Building Commissioner, dated October 8, 2024, for the premises at 423 N. 5th Street, Goshen, Indiana, was served by sending a copy by regular first-class mail to the last known address of the following persons to be notified on October 28, 2024:

Ronald Davidhizar
203 Middlebury Street
Goshen, Indiana 46528



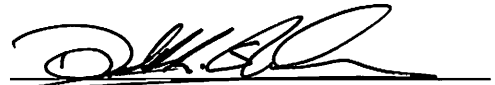
Donald R. Shuler

Exhibit #6

Certificate of Service

The undersigned hereby certifies that the foregoing Notice of Scheduled Review Hearing, with enclosed Order of the City of Goshen Building Commissioner, dated October 8, 2024, for the premises at 511 N. 5th Street, Goshen, Indiana, was served by sending a copy by regular first-class mail to the last known address of the following persons to be notified on October 28, 2024:

Ronald Davidhizar
203 Middlebury Street
Goshen, Indiana 46528


Donald R. Shuler

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

October 28, 2024

Via Regular Mail:

To: Ronald Davidhizar
203 Middlebury Street
Goshen, Indiana 46528

You are hereby notified that a hearing has been scheduled to review the enclosed Order of the City of Goshen Building Commissioner, dated October 8, 2024, for the unsafe building located at 511 N. 5th Street, Goshen, Indiana. Said hearing will take place **Thursday, December 5, 2024 at 4:00 p.m. (local time)**, or soon thereafter. This hearing will be held in the City Court Room / Council Chambers at 111 East Jefferson Street, Goshen, Indiana.



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