



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE FEBRUARY 27, 2025 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:

CALL TO ORDER: Mayor Leichty called the meeting to order at 4:00 p.m.

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the Jan. 23, Feb. 6 and Feb. 20, 2025 Regular Meetings as prepared by Clerk-Treasurer Aguirre. Board member Mary Nichols made a motion to approve the minutes as presented. Board member Orv Myers seconded the motion. The motion passed 5-0.

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

1) Fire Department request: Approve the promotion of Matthew Whitford to the rank of Fire Lieutenant, effective Feb. 15, 2025

City Fire Chief Anthony Powell asked the Board to promotion of Matthew Whitford to the rank of Fire Lieutenant for the Goshen Fire Department, effective Feb. 15, 2025.

The Chief said, "Matt has successfully met all the standards and testing requirements for this promotion. With over 21 years of dedicated service and experience, Matt brings a wealth of knowledge, leadership, and commitment to his new role. His expertise and dedication make him a valuable asset to the department and the community we serve."

Nichols/Myers made a motion to approve the promotion of Matthew Whitford to the rank of Fire Lieutenant for the Goshen Fire Department, effective Feb. 15, 2025. The motion passed 5-0.

Fire Lieutenant Whitford was unavailable, so his swearing was postponed to a later date.

2) Fire Department request: Approve the promotion of John Szuba to the rank of Fire Sergeant, effective Feb. 15, 2025

City Fire Chief Anthony Powell asked the Board to approve the promotion of John Szuba to the rank of Fire Sergeant within the Goshen Fire Department, effective Feb. 15, 2025.

Chief Powell said, "John has successfully met the required standards and testing for this promotion, demonstrating his dedication and capability. John has been a valued member of the Goshen Fire Department for nearly nine years, consistently exhibiting professionalism, leadership, and a strong commitment to serving the community. His experience and qualifications make him well-suited for this role."

Nichols/Myers made a motion to approve the promotion of John Szuba to the rank of Fire Sergeant within the Goshen Fire Department, effective Feb. 15, 2025. The motion passed 5-0.

After approval, Mayor Leichty swore into office John Szuba to the rank of Fire Sergeant.

3) Fire Department request: Accept resignation of Wesley White, effective Feb. 28, 2025

City Fire Chief Anthony Powell said Wesley White has submitted a letter of resignation from the Goshen Fire Department. He said White recently completed his nursing degree and has chosen to follow his passion for anesthesia by pursuing his Certified Registered Nurse Anesthetist (CRNA).

Chief Powell said, "We want to extend our heartfelt gratitude to Wes for his dedication and service to the City of Goshen and our department."



"His contributions have made a lasting impact, and we appreciate his commitment to our team and the community. We know this was not an easy decision for him or his family, but we fully support his pursuit of this new opportunity. We wish Wes the very best as he embarks on this next chapter of his life."

Chief Powell asked that White's resignation be effective Feb. 28, 2025.

Mayor Leichty commended White for completing his career goal and for his service to the City and wished him well.

Nichols/Myers made a motion to approve the resignation of Wesley White from the Goshen Fire Department, effective Feb. 28, 2025. The motion passed 5-0.

4) Police Department request: Approve the hiring of Wyatt R. Vicary #239 for the position of probationary patrol officer, effective Feb. 24, 2025

City Police Chief José Miller asked the Board to approve the hiring of Wyatt R. Vicary #239 for the position of probationary patrol officer, effective Feb. 24, 2025.

Chief Miller said, "Wyatt has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Wyatt as a new police officer serving our community."

Nichols/Myers made a motion to approve the promotion of Wyatt R. Vicary #239 for the position of probationary patrol officer, effective Feb. 24, 2025. The motion passed 5-0.

After approval, Mayor Leichty swore Wyatt R. Vicary into office as a probationary patrol officer.

5) Police Department request: Approve the hiring of Manuel Alejandro Torres #240 for the position of probationary patrol officer, effective Feb. 24, 2025

City Police Chief José Miller asked the Board to approve the hiring of Manuel Alejandro Torres #240 for the position of probationary patrol officer, effective Feb. 24, 2025.

Chief Miller said, "Manuel has passed all exams and has been approved by both the local and State pension boards. Manuel was a previous reserve police officer in Goshen for several years. We are thrilled to have Manuel return to Goshen as a full-time police officer serving our community."

Nichols/Myers made a motion to approve the promotion of Manuel Alejandro Torres #240 for the position of probationary patrol officer, effective Feb. 24, 2025. The motion passed 5-0.

After approval, Mayor Leichty swore Manuel Alejandro Torres into office as a probationary patrol officer.

6) Police Department request: Approve the hiring of Kody M. Rucker #241 for the position of probationary patrol officer, effective Feb. 24, 2025

City Police Chief José Miller asked the Board to approve the hiring of Kody M. Rucker #241 for the position of probationary patrol officer, effective Feb. 24, 2025.

Chief Miller said, "Kody has passed all exams and has been approved by both the local and State pension boards. We are thrilled to have Kody as a new police officer serving our community."

Nichols/Myers made a motion to approve the promotion of Kody M. Rucker #241 for the position of probationary patrol officer, effective Feb. 24, 2025. The motion passed 5-0.

After approval, Mayor Leichty swore Kody M. Rucker into office as a probationary patrol officer.

7) Downtown Goshen Inc. requests: Approval for multiple street closures and the provision of City resources and services for 2025 First Friday activities

Amanda Rose, Director of First Fridays for Eyedart Creative Studios, asked the Board to approve multiple street closures and related City services for 2025 First Friday activities.

In a memorandum to the Board, Rose made the following requests:

Taste of Goshen, March 7 (5-9 p.m.): Four parking spots in front of Goshen Theater, 216 South Main St., 2-9 p.m.



Goshen Gives Back, April 4 (5-9 p.m.): Four parking spots in front of Goshen Theater, 216 South Main St., 2-9 pm.

Green Day Celebration, May 2 (5-9 p.m.): Close Main Street between Clinton and Lincoln streets and the half block of Main Street from Lincoln to the alley South from 1- 11 pm. Four parking spots on the north side of Lincoln next to the Courthouse from 1 to 11 pm. Two police officers from 6 to 10 pm. Two sanitation crew members from 6:30-9:30 p.m. Trash trailer and blue cans in Lincoln Ave public parking lot.

Wheels and Deals, June 6 (5-9 p.m.): Close Main Street from Jefferson to Lincoln streets from 1-11 p.m. Orange fencing as indicated on map. Trash trailer behind Electric Brew with trash cans. Two police officers from 6-10 p.m. Two sanitation crew members from 6:30 to 9:30 p.m.

Stars & Stripes Social, July 4 (10 a.m-2 p.m.): Half of Goshen Brewing Company parking lot from 9 a.m. to 3 p.m.

Goshen Games, August 1 (5-9 p.m.): Close Main Street from Jefferson to Washington streets from 8 a.m. to 11 p.m. Main Street from Washington to Lincoln and East Washington from 5th to Main from 1-11 p.m. Orange fencing as indicated on map. Two police officers from 6 to 10 p.m. Two sanitation crew members from 6:30 to 9:30 p.m. Trash trailer behind Electric Brew with trash cans.

Bexbach Bash, September 5 (5-9 p.m.): Close Main Street between Clinton and Lincoln streets from 1-11 p.m. Two police officers from 6-10 p.m. Two sanitation crew from 6:30 to 9:30 pm. Trash trailer and blue cans in Lincoln Avenue public parking lot. Orange fencing as indicated on map.

Harvest Festival, October 3 (5-8 p.m.): Eight parking spots in front of Goshen Theater from 2-9 p.m.

Goshen Light Parade, November 7 (5-9 p.m.): Close East Washington Street from the alley to Main Street from 1 to 11 p.m. Parking lot next to City Hall for staging from 3 p.m. to 8 p.m. Parking lot behind YAUB for staging from 3 p.m. to 8 p.m. Parade route - 5th and Jefferson west to Main - north on Main to Clinton - east on Clinton to 5th - south on 5th to Jefferson. No parking along the parade route from 5 to 9 p.m. The parade route closes at 6:45 p.m. Also needed: Street, Police, and Fire departments help with traffic control and street reopening; four police officers from 6 to 10 p.m.; two sanitation crews from 6:30-9:30 p.m. and a trash trailer behind Electric Brew, with trash cans.

Hometown Holiday, December 5 (5-9 p.m.): Close West Washington Street, from the alley to Main Street, from 1 to 11 p.m. Trash trailer behind Electric Brew with trash cans. Two police officers from 6 p.m. to 10 p.m. Two sanitation crew from 6 to 9 p.m.

In response to questions from **Mayor Leichty, Rose** confirmed that she communicated the street closure requests with affected City departments and downtown businesses.

Nichols/Myers made a motion to approve the multiple street closures for 2025 First Friday activities as presented in the written request and accompanying street closure maps. Motion passed 5-0.

8) Premiere Signs request: Approval to close the alley between South 3rd Street and South Main Street at the First Source Bank building, for four hours on Feb. 28, 2025 to install a new lighted wall sign to identify the Boys and Girls Clubs of Elkhart County's corporate offices

Stacey Holdeman, Office Manager of Premiere Signs, said Premiere Signs has been granted a sign permit for a new lighted sign for the Boys and Girls Clubs of Elkhart County's corporate offices at 101 S. Main St. The sign is to be installed on the north end of the west elevation of the building.

Holdeman asked the Board to approve closure of the alley between Main Street and 3rd Street, just south of Lincoln Avenue, for no more than four hours Feb. 28, 2025. The alley would be closed at 8 a.m. and reopened at noon. She said the company planned to the alley to park a truck there to install the sign on the building. The alley area of work would be blocked off with safety cones around the truck.

In response to a question from **Mayor Leichty, City Director of Public Works & Utilities Dustin Sailor** said there are no vaults under the alley but the bank does have a tunnel under the alley.

Nichols/Myers made a motion to approve closure of the alley between South 3rd and South Main streets, at the 1st Source Bank Building, for four hours on Feb. 28, to install a new lighted. Motion passed 5-0.



9) Mayor's Office request: Approve agreement with Eyedart Creative Studio for City of Goshen 2025 marketing and communication services at a \$4,544.40 monthly cost

Michael Wanbaugh, City Director of Administrative Affairs, asked the Board to approve an agreement with Eyedart Creative Studio for the City's 2025 marketing and communication services at a monthly cost of \$4,544.40. The focus of Eyedart's work for the City, **Wanbaugh** said, will shift from the "Good of Goshen" campaign to web and social media management functions. He said the agreement is aimed at increasing the City's digital reach and more effectively informing the community through multifaceted communication channels.

As part of the City's broader strategic communications plan, **Wanbaugh** said Eyedart will provide website updates, social media management, photography, videography and graphic design. **Wanbaugh** said Eyedart will work closely with him and **City Communications Manager Amanda Guzman** to ensure the City's messaging remains vibrant, effective and accessible. He added that the contract totals are consistent with past agreements, and all materials produced with as part of the agreement, will remain the property of the City of Goshen.

Mayor Leichty said she and her husband, Ben, used to own Eyedart and last year sold it to **James Korn and Neil King**. She said in the past the City utilized for Eyedart for marketing services for the Good of Goshen campaign to promote the good things happening in the community.

Mayor Leichty said that with a one-person team in the City Communications Department and 22 City departments, "one of the things that we've observed in the Mayor's Office is it's very difficult to keep up with the multitude of things that are happening." So, she said the plan is to shift some of those dollars from that marketing campaign to using funds to expand the City's communication outreach.

In the interest of full disclosure, **Mayor Leichty** added, "I would receive no benefit, and I am not affiliated, and Ben is still employed by either. But we do not have any ownership stake in the company anymore."

Under the agreement, Eyedart will provide the City with photography, content creation and other website development services for marketing and communications on the City of Goshen website.

The City will compensate Eyedart on a monthly basis for performing the following:

Project Management	\$ 273.00
Content Management	\$2,025.00
Web Design & Maintenance	\$ 975.00
Photography	\$1,090.05
Graphic Design	\$ 181.35
Total Monthly cost	\$4,544.40

Nichols/Myers made a motion to approve the agreement with Eyedart Creative Studios for the City of Goshen's 2025 marketing communication services at a total monthly cost of \$4,544.40. Motion passed 5-0.

10) Legal Department request: Approve and authorize Mayor Leichty to execute the agreement with M&M Fire Protection and Security for fire and security monitoring services for City Municipal Buildings

City Attorney Bodie Stegelmann said the City has contracted with M&M Fire Protection and Security in past years to provide security equipment and monitoring services for various City Municipal Buildings.

Stegelmann said to better manage the billing and terms for individual buildings, the City and M&M Fire Protection and Security have agreed to consolidate the Municipal Buildings into one contract.

Under the agreement, the City will be invoiced for monitoring services for the Central Garage, Wastewater Treatment, and Utilities Business Office individually from March 1, 2025 through and including Sept. 30, 2025. Then, starting Oct. 1, 2025, Central Garage, Wastewater Treatment, Utilities Business Office, City Hall and the Street Department will all be on the same billing cycle and same term of service of five years.

M&M Fire Protection and Security will continue to bill for each building separately and on an annual basis. All relevant departments have previously reviewed and approved the agreement, prior to submission to this Board.



Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the attached agreement with M&M Fire Protection and Security for fire and security monitoring services for City Municipal Buildings.

Board member Landis asked about amount paid and whether this would be simply compiling all of the agreements into a single agreement. **Stegelmann** said that was the case. **City Water & Sewer Office Manager Kelly Saenz** said the only change for her office will be when the bill is paid.

Nichols/Myers made a motion to approve and authorize Mayor Leichty to execute the agreement with M&M Fire Protection and Security for fire and security monitoring services for City Municipal Buildings. The motion passed 5-0.

11) Legal Department request: Approve agreement with Beacon Occupational Health, LLC for state Department of Transportation drug and alcohol testing for the City's CDL drivers

City Attorney Bodie Stegelmann said the City is required by the US Department of Transportation (DOT) to have current and prospective employees that are required to possess a commercial driver's license (CDL) and operate a commercial motor vehicle to undergo testing for alcohol and controlled substances. The following tests are required under the DOT drug and alcohol testing program:

- (1) Pre-employment testing
- (2) Post-accident testing
- (3) Random testing
- (4) Reasonable suspicion testing
- (5) Return-to-duty testing
- (6) Follow-up testing

The City wants to continue to utilize Beacon Occupational Health, LLC to perform the DOT required drug and alcohol testing for CDL drivers. Beacon would also administer the required random testing with the City's CDL drivers being placed in a separate pool rather than the Beacon Occupational Health Group Consortium. In addition, the DOT also requires CDL drivers to undergo a medical examination at least every two years and the City covers the cost of this examination. Beacon's annual fee for administering the random testing is \$120 as the City currently has 54 CDL drivers. The pricing as of Jan. 2, 2025 for the other DOT tests are listed as follows:

Annual Fee

**Based 011 # of drivers as of January 1 **

1-50 employees ---	\$60
51-100 employees ---	\$120
101-250 employees ---	\$240
251-500 employees ---	\$360
500+ employees ---	\$420

Drug and Alcohol Testing

Send Out/Lab Urine Drug Screen (5, 8, 9, 10 panel)	\$52
Rapid Urine Drug Screen (5, 8, 10 panel)	\$50
<i>All non-negative rapids sent to lab for confirmation at no additional fee</i>	
Send Out/Lab Saliva Drug Screen (5 panel)	\$47
Rapid Saliva Drug Screen (5 panel)	\$36
<i>All non-negative rapids sent to lab for confirmation at no additional fee</i>	
Hair Test Drug Screen	\$100
Saliva Alcohol Test	\$20
SAT Confirmation	\$36
Breath Alcohol Test (confirmation included)	\$36

**DOT Services Price**

DOT Physical	\$120
DOT Drug Screen (Federal Split Specimen)	\$55
DOT Breath Alcohol Test	\$36
DOT Random Group Consortium	Please Call
DOT Reasonable Suspicion Supervisor Training	Please Call

Occupational Medicine Services:

Hearing Test	\$45
Vision Test	\$25
Respirator Wear Approval:	
Questionnaire Review	\$30
Respirator Fit Test	\$45 or \$75
Physical & Basic History (non-DOT)	\$90
Additional Physicals available (PAT, FFD, Workability)	Please Call
TB Test (Mantoux), includes reading	\$31
Hepatitis B Vaccinations (Series of three required)	\$100/per shot
Immigration Physicals	Starts at \$1,000

Nichols/Myers made a motion to utilize Beacon Occupational Health, LLC for the DOT required drug and alcohol testing and DOT physicals for the City's CDL drivers and approve and authorize the Mayor to execute the attached agreement with Beacon Occupational Health, LLC to administer the random DOT drug and alcohol testing. The motion passed 5-0.

12) Legal Department request: Approve Resolution 2025-03, Approving a Revised City of Goshen Police Department Policy and Repealing a Certain Policy, effective March 6, 2025

City Attorney Bodie Stegelmann said the Board of Public Works & Safety previously approved City Police Department Policies developed in coordination with Lexipol, LLC. The Police Department and Lexipol staff have now identified certain revisions to existing policies deemed appropriate due to legislative or other changed circumstances. Attached to **Resolution 2025-03** was a redlined existing policy to show the revisions suggested. If the Board approves Resolution 2025-03, the policy will be inserted into the Policy Manual in final form.

Resolution 2025-03 would make a slight change in Policy 311, Domestic or Family Violence, which provides "the guidelines necessary to deter, prevent and reduce domestic or family violence through vigorous enforcement and to address domestic or family violence as a serious crime against society. The policy specifically addresses the commitment of the Goshen Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic or family violence."

More specifically, the change states that "a person arrested for an offense or attempted offense involving the use of force or threatened use of a deadly weapon committed against a current or former spouse, parent, guardian, person with whom the person shared a child in common, or cohabitant shall **be kept in custody for at least 24 hours** from the time of the arrest even if the person provides bail pursuant to I.C. § 35-33-1 8-1 6.7 5 (I.C. § 35- 31.5- 2-78)" – **instead of the previous eight (8) hours in custody.**

Nichols/Myers made a motion to approve Resolution 2025-03, Approving a Revised City of Goshen Police Department Policy and Repealing a Certain Policy, effective March 6, 2025. The motion passed 5-0.

13) Legal Department request: Approve Resolution 2025-04, Interlocal Agreement with the County of Elkhart for Animal Control Services



City Attorney Bodie Stegelmann said Resolution 2025-04 would approve the terms and conditions and authorize the execution of an Interlocal Agreement with the County of Elkhart for Animal Control Services.

Stegelmann said the County has negotiated a contract with The Humane Society of Elkhart County, Inc. to provide animal shelter management and animal control services for 2025 for certain areas of the county, including within the Goshen city limits. Under this agreement, the City will contribute \$93,940 (the same amount as 2024) to reimburse the County for the cost of providing animal shelter management and animal control services within Goshen city limits. Pursuant to Indiana Code § 36-1-7 et seq., a power that may be exercised by one governmental entity may be exercised by one entity on behalf of another entity if the entities enter into a written agreement.

NOTE: The Goshen Common Council approved the same agreement at its meeting on Feb. 24, 2025.

Nichols/Myers made a motion to adopt Resolution 2025-04, Interlocal Agreement with the County of Elkhart for Animal Control Services. The motion passed 5-0.

14) Legal Department request: Approve and ratify the Ambulance Transport Agreement between the City and Goshen Hospital Association, Inc. to provide non-medically necessary ambulance transport services for Goshen Hospital for mental health patients

Assistant City Attorney Don Shuler recommended that the Board approve and authorize and ratify the Mayor's execution of the attached Ambulance Transport Agreement with Goshen Hospital Association, Inc.

Shuler said the agreement would establish the terms under which the City Fire Department will provide non-medically necessary ambulance transport services for Goshen Hospital for mental health patients from Goshen Hospital to outside in-patient specialty centers. Goshen Hospital will pay the Fire Department \$250 per transport to a facility located within Elkhart County and \$300 per transport to a facility within St. Joseph or Marshall counties.

Board member Landis asked if the City would be using off-duty firefighters to transport patients outside Elkhart County or whether an ambulance would be pulled out of service to do so. **Shuler** said patients only would be transported outside the county if an ambulance was available.

Nichols/Myers made a motion to approve and ratify the Ambulance Transport Agreement between the City and Goshen Hospital Association, Inc., and authorize and ratify the Mayor's execution of the same. The motion passed 5-0.

15) Engineering Department request: Approve/authorize the Board to execute agreement with Greencroft Goshen for the completion of project at 2087 Whispering Pines Court

City Director of Public Works & Utilities Dustin Sailor requested approval of an Agreement for the Completion of Construction for the home at 2087 Whispering Pines Court.

Sailor said this property has passed its final building inspection and the project is substantially complete except for; 2,500 square feet of stabilization on previously disturbed areas. This final requirement cannot be completed at this time due to weather conditions.

The Stormwater Department submitted this Agreement for the Completion of the Construction Project for approval and authorization for the Mayor and Board members to execute. Property owner Greencroft Goshen agrees to complete all work by June 15, 2025. The expected cost of the work is less than \$2,000 so there is no surety required.

Nichols/Myers made a motion to approve and authorize the Board to execute the Agreement with Greencroft Goshen for the Completion of the project at 2087 Whispering Pines Court. The motion passed 5-0.

16) Engineering Department request: Approve/authorize the Board to execute agreement with Greencroft Goshen for the completion of project at 2089 Whispering Pines Court

City Director of Public Works & Utilities Dustin Sailor told the Board that the Stormwater Department requested approval of an Agreement for the Completion of Construction for the home at 2089 Whispering Pines Court.



Sailor said this property has passed its final building inspection and the project is substantially complete except for; 2,950 square feet of stabilization on previously disturbed areas. This final requirement cannot be completed at this time due to weather conditions.

The Stormwater Department submitted this Agreement for the Completion of the Construction Project for approval and authorization for the Mayor and Board members to execute. Property owner Greencroft Goshen agrees to complete all work by June 15, 2025. The expected cost of the work is less than \$2,000 so there is no surety required.

Nichols/Myers made a motion to approve and authorize the Board to execute the Agreement with Greencroft Goshen for the Completion of the project at 2089 Whispering Pines Court. 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 4:32 p.m. There were no public comments.

At 4:32 p.m., **Mayor Leichty** recessed the Board of Public Works & Safety hearing to review the status of properties at 423 North 5th Street, 511 North 5th Street, 513 North 5th Street and 601 North 5th Street.

COMPLIANCE REVIEW HEARINGS FOR PRIOR CITY BUILDING COMMISSIONER ORDERS:

4:00 p.m., Feb. 27, 2024

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

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

17) Compliance review hearing for 423 North 5th Street (Ronald E. Davidhizar, property owner)

At 4:32 p.m., **Mayor Leichty** convened a compliance review hearing for the prior Order of the City of Goshen Building Commissioner for 423 North 5th Street (Ronald E. Davidhizar, property owner).

BACKGROUND:

In a Feb. 21, 2025 memorandum to the Board, **Assistant City Attorney Don Shuler** reminded the Board that it held a hearing on Dec. 5, 2024, affirming the Building Commissioner's Order that declared the property unsafe and required repairs. The Board also found that the property owner, Ronald Davidhizar, willfully failed to comply and imposed a \$5,000 civil penalty.

The matter was set for a future compliance hearing. A copy of the Board's December 5, 2024 Order was attached to the memorandum.

For the Feb. 24, 2025 compliance hearing, **Shuler** wrote that the Board could receive evidence and arguments from the Building Department, the property owner, City staff, and anyone else wishing to speak to the property. Based on findings the Board makes, he wrote that the Board could:

1. Continue the matter for further review.
2. Modify the Order (e.g., extend deadlines, require a performance bond, or strike/reduce the previously imposed civil penalty).
3. Rescind the Order
4. Affirm the Order and, if warranted, impose an additional civil penalty if compliance remains lacking and the property negatively impacts the community.
5. Take any other lawful action to address the unsafe premises, including authorizing legal action for penalties or receivership.



In taking any of these actions, **Shuler** advised the Board to make specific findings of fact to support to its action. **City Building Commissioner Myron Grise** wrote that the Order of the City of Goshen Building Commissioner, dated Oct. 8, 2024, came before the Hearing Authority (Board of Public Works & Safety) on Dec. 5, 2024, for a hearing and a decision as to whether the Order should be affirmed, rescinded, or modified, all in accordance with the provisions of the Indiana Unsafe Building Law and the City of Goshen Neighborhood Preservation Ordinance.

The Order concerned the property located at 423 N. 5th Street, Goshen. The Building Commissioner's Order determined that the vacant residential building was unsafe under LC. § 36-7-9-4(a)(5) and (6), due to the following conditions and code violations:

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 6.3.1.1(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 6.3.1.1(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 6.3.1.1(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 6.3.1.1(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 6.3.1.1(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 6.3.1.1(a). There is loose hanging duct work and rusted out duct work in need of repair or replacement.

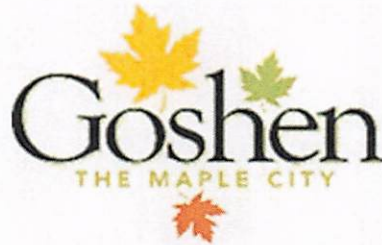
Grise wrote that proper notice of the Order was provided to **Ronald E. Davidhizar**, the Real Estate's owner by certified and regular United States mail in accord with I.C. § 36-7-9-25. Pursuant to the request of Owner, a review hearing was scheduled to review the Order. And during the hearing the Goshen Building Department presented evidence, testimony, and argument supporting the Order. Owner was given the opportunity to present testimony and evidence concerning the condition of the vacant residential building at the Real Estate and the Order.

Grise wrote that after consideration of the evidence and testimony presented, the Hearing Authority (**Board of Public Works & Safety**) found that the Building Commissioner's Order was supported by substantial evidence. The vacant residential structure at the Real Estate was determined to be an unsafe building under Indiana law. And the Board affirmed the Building Commissioner's order.

In addition, **Grise** wrote that the Board found that Owner has willfully failed to comply with the Building Commissioner's Order. Owner completed little to no work at the Real Estate to address the violations in the Building Commissioner's Order; Owner failed to apply for or obtain any permits for the work required. **Such willful failure to comply warranted the imposition of a civil penalty** under I. C. § 36-7-9-7(e).

The Order issued by the City of Goshen Building Commissioner was affirmed in its entirety except as modified below:

1. This order shall serve as a Continuous Enforcement Order pursuant to LC. § 36-7-9-2.
2. The vacant residential structure at the Real Estate is an unsafe building under the Indiana Unsafe Building Law.



3. This matter was set for further hearing to review compliance with the Order and whether said Order should be affirmed, further modified, or rescinded, before the Goshen Board of Public Works and Safety, on Thursday, **January 23, 2024 at 4:00 p.m. (local time).**

4. **Due to Owner's willful failure to comply with the Building Commissioner's Order, a civil penalty of \$5,000 was imposed against Owner, said penalty to be paid by December 16, 2024.**

5. This order constituted a final administrative decision, and Owner has the right to appeal these findings of fact and this Continuous Enforcement Order to the Elkhart Circuit or Superior Court by filing a verified complaint within ten (10) days of the date of this action; failure to file a verified complaint within the specified time forfeit any appeal rights.

6. Per I.C. § 36-7-9-27, if Owner transfers its interest or any portion of its interest in the vacant residential structure and/ or the Real Estate affected by this Continuous Enforcement Order to another person, Owner must supply the other person with full information regarding this Continuous Enforcement Order prior to transferring that interest or agreeing to transfer that interest. Further, within five (5) business days after transferring that interest or agreeing to transfer a substantial property interest in the vacant residential structure and/or the Real Estate, Owner must supply with the City of Goshen Building Commissioner with the full name, address, and telephone number of the other person taking a substantial property interest in the vacant residential structure and/ or the Real Estate, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Should the Owner fail to comply with these provisions, then Owner may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that a judgment is entered against it by the other person to whom the transfer is made.

DISCUSSION AND OUTCOME OF BOARD COMPLIANCE REVIEW HEARING ON FEB. 27, 2025:

At 4:32 p.m., Mayor Leichty convened a compliance review hearing for 423 North 5th Street.

Present: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler; City Building Commissioner Myron Grise; City Building Inspector Travis Eash, property owner Ronald E. Davidhizar and his attorney, John William Davis, Jr.

Assistant City Attorney Don Shuler provided the background of the case and the reason for the compliance review hearing. He said a Building Department representative and the property owner would present information about the condition of the building. He said the Building Department would then offer a recommendation to the Board.

Mayor Leichty swore in **City Building Inspector Travis Eash** to give truthful and complete testimony.

Eash said he and **Building Commissioner Myron Grise** visited 423 North 5th Street on Feb. 25, 2025 and determined that little to no repair work has been done there. He said the last significant water use at the property was in 2022.

Eash said the property owner pulled a gas service permit at the beginning of the month, but there has been no inspection by the City Building Department. He said the City has received some neighbor complaints about people going in and out of the house and throwing trash from that property into other properties.

Eash added that of the seven alleged deficiencies previously cited at the property, all seven remain and have not been addressed.

Asked by the **Mayor** if he wanted to discuss the City staff's recommendation on how to proceed, **Assistant City Attorney Shuler** said it would be appropriate to allow the property owner to address the Board.

John William Davis, Jr., an attorney representing property owner **Ronald E. Davidhizar**, said he had some written materials he wanted to present to the Board during the hearings for all four properties. He said Davidhizar went through the properties in the past two days and for each would be presenting the Board with two-page documents – the first page listing the alleged deficiencies of the properties and the second page with Davidhizar's responses. Davis said Davidhizar would present evidence about the properties in this manner.



Attorney Davis then presented to Board members and the Clerk-Treasurer with a typed two-page document about the City's alleged list of deficiencies for 423 North 5th Street and Davidhizar's response. (EXHIBIT #1).

Mayor Leichty swore in **Ronald E. Davidhizar** to provide truthful and complete testimony.

Davidhizar then provided the following written responses to the alleged cited deficiencies for the property:

1. Foundation – Michigan basement- plans is to install nylon or wire mesh & then reparge. Will also, if necessary, tuck point the actual foundation. Foundation is firmly supported, and no evidence in the floors or foundation problems. No collapse possible of Michigan basement.

2. Ceilings – "Weather tight" does not make sense, but there are places where the plaster has been taken down in preparation for drywall.

3. Walls – Workers other than Rick Wagner have chiseled out portions of the plaster over lathe in preparation for drywall patches. One room requires drywall on both the ceiling and the walls, an upstairs bedroom.

4. Floors – Floors in good shape, but no floor coverings. Floor joints have no termite damage evident. No termite damage on maybe 2 floor beams.

5. Painted surfaces – No issue about painting, but we say the house is weather tight. Cedar shake shingles over wood siding.

6. Electrical system – NIPSCO turned on the electric on 2/26.

7. Heating and Mechanical system – NIPSCO did pressure check and turned on the gas and lit the furnace 2/26. Using the document, **Davidhizar** provided a summary of the condition of the buildings, at times in response to comments or questions from Board members.

Mayor Leichty asked **Davidhizar** when the house was last occupied and whether he would recommend that his mother live in the house today. **Davidhizar** answered, "Unofficially last summer ... Sure. It's not beautiful. It's safe." The Mayor responded that the home has been unoccupied and was determined to be unsafe since last summer.

Mayor Leichty asked **Assistant City Attorney Shuler** if he had a recommendation for the Board.

Shuler first asked **Davis** if he had any questions for **City Building Inspector Eash**. **Davis** said he did not.

Shuler then provided the Board with a review of past City action related to the property, noting that the Board already determined that the home was unsafe. He said the City Building Commissioner's position is that "the property is not in compliance, and the administrative process has kind of reached a point where we have limited options of what we can do" because of previous orders affirmed by the Board.

Shuler said the Building Commissioner's recommendation was to "refer the matter to the Legal Department to determine the appropriate civil action take which, underneath unsafe building law include several remedies, including civil penalties, injunctive mandatory orders, receivership and other court orders available." He added that he was not asking for the Board to make additional findings or orders today, but to refer the matter to the Legal Department.

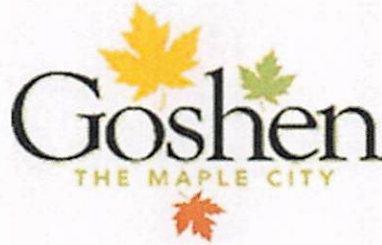
Mayor Leichty asked if **Davidhizar** complied with the Board's Dec. 5 order that **Davidhizar** pay a \$5,000 civil penalty by Dec. 16, 2024 for his failure to comply with the Building Commissioner's previous Order. **Shuler** said he is unaware the penalty was paid.

The **Mayor** asked if it was true that **Davidhizar** requested the Board's previous hearings but didn't attend them.

Shuler said he believed that was accurate. He suggested **Davis** be given the opportunity to make a final argument.

Clerk Treasurer Aguirre said that the Clerk-Treasurer's Office was unable to find any evidence that **Davidhizar** has paid the \$15,000 in fines assessed by the Board on Dec. 5 for three of the properties on today's agenda.

Davis began his closing argument by confirming that **Davidhizar** requested the prior review hearing, but was in Germany at the time of the last hearing and was unable to be present. While **Davidhizar** was notified of the last hearing, **Davis** said he hasn't found any evidence that he was notified. Still, **Davis** said he accepted responsibility for missing the hearing.



Davis said **Davidhizar** "can deal with whatever options you have, but what we're trying to point out today, with the evidence that we've presented, is that significant progress has been made."

Davis said it was "pretty significant" that electric and gas service have been restored to the property. He said, "There are still patches and paints and things like that that need to be done in order to bring this house into a sort of a situation where it can be rented again, but I would like you to take into consideration the fact that you know work's been done."

Davis continued, "We disagree, I think, with the appreciation or assessment made by **Mr. Eash** and **Mr. Grise** about all's that's been done. And, yeah, a lot of those things were done just yesterday or the day before ... but we're wanting to have you at least take that into consideration that we have done those kinds of things." He added that he and **Davidhizar** would "deal with whatever you do."

In response to the testimony and arguments, **Mayor Leichty** said, "Given the length of time that is passed without remedy, and while **Mr. Davis** and **Mr. Davidhizar** have attempted to make the case that significant work has been done, that does not correspond with what I understand from our Building Commissioner and Inspector. And I don't foresee a quick remedy forward as it has been presented, nor as experience has indicated, is likely to occur.

"Given that, it would be my recommendation, and I would make a motion, that we do pass this on to the Legal department for review for additional remedies at their recommendation."

The Mayor invited comments from Board members.

Board member **Landis** said "Looking at the list of (repairs) and knowing how incomplete things can be, it's hard on paper to write down the details. It just seems to me we have to take the Building Commissioner's opinion that nothing significant has been done, in spite of the fact that **Mr. Davidhizar** would like us to believe the opposite."

Mayor Leichty said, "That presents a great deal of risk to knowing that, and it's a safety risk, Iso, if there are people breaking into the house. And I'll just remind the Board members that these are a series of houses that are on the walking path to Chamberlain Elementary School and children have to walk past these houses every day. And if they are not kept in good condition, that's exposing kids to additional risk that I don't feel is a benefit to the neighborhood or the City as a whole. So, whatever we can do to accelerate the improvement of those houses, I believe, is imperative for this Board to do."

Board member **Nichols** seconded the Mayor's motion.

Clerk-Treasurer **Aguirre** asked if he could clarify the motion. He asked if the motion was refer the matter to the Legal Department to explore remedies. The Mayor said that was correct.

The motion by Mayor **Leichty**/Board member **Nichols** to refer the matter to the Legal Department to explore remedies was passed on a 5-0 vote.

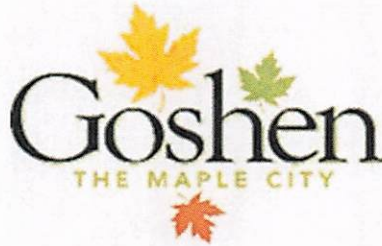
18) Compliance review hearing for 511 North 5th Street (Ronald E. **Davidhizar**, property owner)

At 4:57 p.m., Mayor **Leichty** convened a compliance review hearing for the prior Order of the City of Goshen Building Commissioner for 511 North 5th Street (Ronald E. **Davidhizar**, property owner).

BACKGROUND:

In a Feb. 21, 2025 memorandum to the Board, Assistant City Attorney **Don Shuler** reminded the Board that it held a hearing on Dec. 5, 2024, affirming the Building Commissioner's Order that declared the property unsafe and required repairs. The Board also found that the property owner, Ronald **Davidhizar**, willfully failed to comply and imposed a \$5,000 civil penalty.

The matter was set for a future compliance hearing. A copy of the Board's December 5, 2024 Order was attached to the memorandum.



For the Feb. 24, 2025 compliance hearing, Shuler wrote that the Board could receive evidence and arguments from the Building Department, the property owner, City staff, and anyone else wishing to speak to the property. Based on findings the Board makes, he wrote that the Board could:

1. Continue the matter for further review.
2. Modify the Order (e.g., extend deadlines, require a performance bond, or strike/reduce the previously imposed civil penalty).
3. Rescind the Order
4. Affirm the Order and, if warranted, impose an additional civil penalty if compliance remains lacking and the property negatively impacts the community.
5. Take any other lawful action to address the unsafe premises, including authorizing legal action for penalties or receivership.

In taking any of these actions, Shuler advised the Board to make specific findings of fact to support to its action.

City Building Commissioner Myron Grise wrote that the Order of the City of Goshen Building Commissioner, dated Oct. 8, 2024, came before the Hearing Authority (Board of Public Works & Safety) on Dec. 5, 2024, for a hearing and a decision as to whether the Order should be affirmed, rescinded, or modified, all in accordance with the provisions of the Indiana Unsafe Building Law and the City of Goshen Neighborhood Preservation Ordinance.

The Order concerned the property located at 511 N. 5th Street, Goshen. The Building Commissioner's Order determined that the vacant residential building was unsafe under LC. § 36-7-9-4(a)(5) and (6), due to the following conditions and code violations:

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 are plumbing pipes that have rusted out or not connected properly.

Grise wrote that proper notice of the Order was provided to **Ronald E. Davidhizar**, the Real Estate's owner by certified and regular United States mail in accord with I.C. § 36-7-9-25. Pursuant to the request of Owner, a review hearing was scheduled to review the Order. And during the hearing the Goshen Building Department presented evidence, testimony, and argument supporting the Order. Owner was given the opportunity to present testimony and evidence concerning the condition of the vacant residential building at the Real Estate and the Order.



Grise wrote that after consideration of the evidence and testimony presented, the Hearing Authority (the **Board of Public Works & Safety**) found that the **Building Commissioner's Order** was supported by substantial evidence.

The vacant residential structure at the Real Estate was determined to be an unsafe building under Indiana law. And the Board affirmed the Building Commissioner's order.

In addition, Grise wrote that the **Board found that Owner has willfully failed to comply with the Building Commissioner's Order.** Owner completed little to no work at the Real Estate to address the violations in the Building Commissioner's Order; Owner failed to apply for or obtain any permits for the work required. **Such willful failure to comply warranted the imposition of a civil penalty** under I. C. § 36-7-9-7(e).

The Order issued by the City of Goshen Building Commissioner was affirmed in its entirety except as modified below:

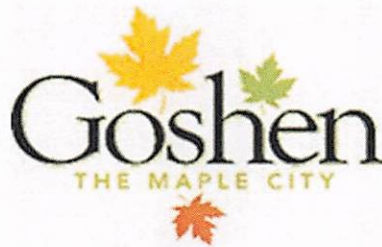
1. This order shall serve as a Continuous Enforcement Order pursuant to LC. § 36-7-9-2.
2. The vacant residential structure at the Real Estate is an unsafe building under the Indiana Unsafe Building Law.
3. The Owner shall immediately secure the premises so as to prevent squatters and other unauthorized individuals from entering the Unsafe Building
4. This matter was set for further hearing to review compliance with the Order and whether said Order should be affirmed, further modified, or rescinded, before the Goshen Board of Public Works and Safety, on **Thursday, January 23, 2024 at 4:00 p.m. (local time).**
5. **Due to Owner's willful failure to comply with the Building Commissioner's Order, a civil penalty of \$5,000 was imposed against Owner, said penalty to be paid by December 16, 2024.**
6. This order constituted a final administrative decision, and Owner has the right to appeal these findings of fact and this Continuous Enforcement Order to the Elkhart Circuit or Superior Court by filing a verified complaint within ten (10) days of the date of this action; failure to file a verified complaint within the specified time forfeit any appeal rights.
7. Per I.C. § 36-7-9-27, if Owner transfers its interest or any portion of its interest in the vacant residential structure and/ or the Real Estate affected by this Continuous Enforcement Order to another person, Owner must supply the other person with full information regarding this Continuous Enforcement Order prior to transferring that interest or agreeing to transfer that interest. Further, within five (5) business days after transferring that interest or agreeing to transfer a substantial property interest in the vacant residential structure and/or the Real Estate, Owner must supply with the City of Goshen Building Commissioner with the full name, address, and telephone number of the other person taking a substantial property interest in the vacant residential structure and/ or the Real Estate, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Should the Owner fail to comply with these provisions, then Owner may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that a judgment is entered against it by the other person to whom the transfer is made.

DISCUSSION AND OUTCOME OF BOARD COMPLIANCE REVIEW HEARING ON FEB. 27, 2025:

At 4:57 p.m., Mayor Leichty convened a compliance review hearing for 511 North 5th Street.

Present: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler; City Building Commissioner Myron Grise; City Building Inspector Travis Eash, property owner Ronald E. Davidhizar and his attorney, John William Davis, Jr.

Assistant City Attorney Don Shuler provided the background of the case and the reason for the compliance/review hearing. He said a Building Department representative and the property owner would present information about the condition of the building. He said the Board could then decide how to proceed.



Having previously been sworn in by Mayor Leichty, City Building Inspector Travis Eash provided a report on the previous and current condition of 511 North 5th Street. Eash said he and Building Commissioner Grise inspected the property on Feb. 25, 2025. They determined that roof permits were pulled before the Dec. 5, 2024 hearing, but no inspections were done.

Eash said Grise witnessed the garage installation, including the replacement of shingles. He said the back porch was partially installed, but no permits were pulled for it and no inspections were done. He said there has been no significant water usage at the house since 2006 and that items 1 through 4 and 6 and 7 on the City's list of deficiencies remain unchanged.

As he did during the day's first hearing (for 423 North 5th Street), John William Davis, Jr., an attorney representing property owner Ronald E. Davidhizar, presented to the Board a two-page document – the first page listing the alleged deficiencies of the property at 511 North 5th Street and the second page with Davidhizar's responses. Davis said Davidhizar would then present his evidence in this manner.

Attorney Davis then presented to Board members and the Clerk-Treasurer with a typed two-page document about the City's list of deficiencies for 511 North 5th Street and Davidhizar's response. (EXHIBIT #2).

Having previously been sworn in by the Mayor Leichty, sworn in Ronald E. Davidhizar then provided the following written responses to the alleged cited deficiencies for the property:

1. **Foundation** – Michigan basement - some corrective action as for 423 N. 5th - getting 2 quotes for this work.

Foundation is cement blocks on footers. and we're not aware of much tuck pointing required.

2. **Ceilings** – Ceiling tiles were deliberately removed on account of discoloration in various rooms. In the kitchen, new drywall ceiling was installed. Old plaster ceiling still up in all rooms where drop ceilings were installed.

3. **Floor and supports** – Rear porch has been torn out and new framing & new footers have been installed, but decking still required. Rear porch supports have been eliminated.

4. **Painted surfaces** – Painted surfaces are not seriously out of repair, but there may be some minor peeling here and there.

5. **Garage roof** -- Garage roof has been replaced/new decking and new shingles. The flat roof on portions of the house has been replaced.

6. **Electrical system** – Electrical system is operational, and it's been that way for years. There are old-fashioned glass fuses, but they work fine, and Romex wiring.

7. **Heating and mechanical system** – Gas just has to be turned on, but we know of no problem with the operation of the mechanical & heating system.

8. **Plumbing system** – There's a cast-iron elbow that needs to be replaced, but that's the only problem.

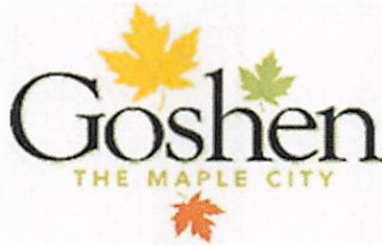
Davidhizar provided a summary of the condition of the building by reviewing his document. At times he conceded the Building Department's findings were accurate, but he also said the condition was not as poor as described. He added that all of the repairs could be completed "rather quickly."

Mayor Leichty responded, "Given that the house hasn't been occupied since 2006, I think we have different definitions of 'rather quickly.'" Davidhizar responded, "Well, I'm talking about for now forward." The Mayor replied, "Understood."

The Mayor asked Assistant City Attorney Shuler to comment on the next steps.

As he did during the previous hearing, for 423 North 5th Street, Shuler said the City Building Department's belief on this property is that "we've kind of reached the extent of what we could do from an administrative board perspective." Shuler said since this property has been vacant so many years, "we don't think that the property owner is going to be able to get repaired is to take the next step ... our recommendation is that you would just move to refer the matter to the Legal Department ... (and not) enter an additional order or any other action today."

Mayor Leichty asked if the Board could order a further fine for Davidhizar not paying the previous fine and missing the payment deadline. Shuler said he was unaware a late fee could be imposed.



Mayor Leichty asked if attorney **Davis** has a closing statement or argument. **Davis** said **Davidhizar** wanted to make some comments.

Davidhizar said, "This is a house that has not been occupied for living quarters, but it has been occupied by my crew and I. That's where we meet every morning to discuss what materials we need and what the plan for the day is. It is not going to be used as living quarters. We'll continue to meet there. It's near where I live, and so we take care of the lawn, keep the trash picked up, and all that sort of thing."

Mayor Leichty asked **Davidhizar** if had a zoning variance to use that property as a business. **Davidhizar** responded, "As I understand it, real estate is a business that can be operated from a home."

Assistant City Attorney Shuler said, "There is an existing court order, in effect, for that property from 2017 dealing with the use of the property in a zoning violation where an injunction was entered. I don't have a printed copy of it with me today, because I didn't know that that was going to come up."

"But I would think that to the extent that that's an issue that it's best not to get into it at today's hearing unless you really want to get into it. But I think there is an order that enjoins that property from being used in violation of the zoning ordinance; it was found to be in violation being used as a real estate leasing and rental business, backed by Elkhart Circuit Court in 2017."

Mayor Leichty said, "I felt like it was germane to our discussion, and that this is allegedly a residential property being used as a business. So, I just wanted to, for the record, make sure that clarification was noted."

Mayor Leichty asked if there were any Board comments or questions or a motion.

Nichols/Myers then made a motion to refer the matter to Legal Department to explore further action to take. The motion passed 5-0.

19) Compliance review hearing for 513 North 5th Street (Ronald E. Davidhizar, property owner)

At 5:11 p.m., **Mayor Leichty** convened a compliance review hearing for the prior Order of the City of Goshen Building Commissioner for 513 North 5th Street (Ronald E. Davidhizar, property owner).

BACKGROUND:

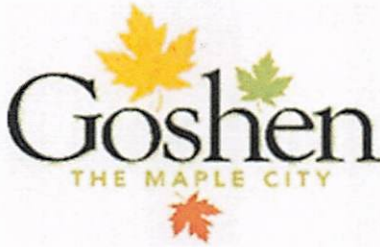
In a Feb. 21, 2025 memorandum to the Board, **Assistant City Attorney Don Shuler** reminded the Board that it held a hearing on Dec. 5, 2024, affirming the Building Commissioner's Order that declared the property unsafe and required repairs. The Board also found that the property owner, Ronald Davidhizar, willfully failed to comply and imposed a \$5,000 civil penalty.

The matter was set for a future compliance hearing. A copy of the Board's Dec. 5, 2024 Order was attached to the memorandum.

For the Feb. 24, 2025 compliance hearing, **Shuler** wrote that the Board could receive evidence and arguments from the Building Department, the property owner, City staff, and anyone else wishing to speak to the property. Based on findings the Board makes, he wrote that the Board could:

1. Continue the matter for further review.
2. Modify the Order (e.g., extend deadlines, require a performance bond, or strike/reduce the previously imposed civil penalty).
3. Rescind the Order
4. Affirm the Order and, if warranted, impose an additional civil penalty if compliance remains lacking and the property negatively impacts the community.
5. Take any other lawful action to address the unsafe premises, including authorizing legal action for penalties or receivership.

In taking any of these actions, **Shuler** advised the Board to make specific findings of fact to support to its action.



City Building Commissioner Myron Grise wrote that the Order of the City of Goshen Building Commissioner, dated Oct. 8, 2024, came before the Hearing Authority (Board of Public Works & Safety) on Dec. 5, 2024, for a hearing and a decision as to whether the Order should be affirmed, rescinded, or modified, all in accordance with the provisions of the Indiana Unsafe Building Law and the City of Goshen Neighborhood Preservation Ordinance. The Order concerned the property located at 513 N. 5th Street, Goshen. The Building Commissioner's Order determined that the vacant residential building was unsafe under LC. § 36-7-9-4(a)(5) and (6), due to the following conditions and code violations:

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. l(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.l(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. l(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. l(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. l(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. l(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. l(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. l(a). There is no water meter at the real estate and has been no water usage for at least two (2) years.

Grise wrote that proper notice of the Order was provided to Ronald E. Davidhizar, the Real Estate's owner by certified and regular United States mail in accord with I.C. § 36-7-9-25. Pursuant to the request of Owner, a review hearing was scheduled to review the Order. And during the hearing the Goshen Building Department presented evidence, testimony, and argument supporting the Order. Owner was given the opportunity to present testimony and evidence concerning the condition of the vacant residential building at the Real Estate and the Order.

Grise wrote that after consideration of the evidence and testimony presented, the Hearing Authority (the **Board of Public Works & Safety**) found that the **Building Commissioner's Order was supported by substantial evidence. The vacant residential structure at the Real Estate was determined to be an unsafe building under Indiana law. And the Board affirmed the Building Commissioner's order.**

In addition, Grise wrote that the **Board found that Owner has willfully failed to comply with the Building Commissioner's Order.** Owner completed little to no work at the Real Estate to address the violations in the Building Commissioner's Order; Owner failed to apply for or obtain any permits for the work required. **Such willful failure to comply warranted the imposition of a civil penalty under I. C. § 36-7-9-7(e).**

The Order issued by the City of Goshen Building Commissioner was affirmed in its entirety except as modified below:

1. This order shall serve as a Continuous Enforcement Order pursuant to LC. § 36-7-9-2.
2. The vacant residential structure at the Real Estate is an unsafe building under the Indiana Unsafe Building Law.



3. The Owner shall immediately secure the premises so as to prevent squatters and other unauthorized individuals from entering the Unsafe Building
4. This matter was set for further hearing to review compliance with the Order and whether said Order should be affirmed, further modified, or rescinded, before the Goshen Board of Public Works and Safety, on **Thursday, Jan. 23, 2024 at 4:00 p.m. (local time).**
5. **Due to Owner's willful failure to comply with the Building Commissioner's Order, a civil penalty of \$5,000 was imposed against Owner, said penalty to be paid by December 16, 2024.**
6. This order constituted a final administrative decision, and Owner has the right to appeal these findings of fact and this Continuous Enforcement Order to the Elkhart Circuit or Superior Court by filing a verified complaint within ten (10) days of the date of this action; failure to file a verified complaint within the specified time forfeit any appeal rights.
7. Per I.C. § 36-7-9-27, if Owner transfers its interest or any portion of its interest in the vacant residential structure and/ or the Real Estate affected by this Continuous Enforcement Order to another person, Owner must supply the other person with full information regarding this Continuous Enforcement Order prior to transferring that interest or agreeing to transfer that interest. Further, within five (5) business days after transferring that interest or agreeing to transfer a substantial property interest in the vacant residential structure and/ or the Real Estate, Owner must supply with the City of Goshen Building Commissioner with the full name, address, and telephone number of the other person taking a substantial property interest in the vacant residential structure and/ or the Real Estate, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Should the Owner fail to comply with these provisions, then Owner may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that a judgment is entered against it by the other person to whom the transfer is made.

DISCUSSION AND OUTCOME OF BOARD COMPLIANCE REVIEW HEARING ON FEB. 27, 2025:

At 5:11 p.m., Mayor Leichty convened a compliance review hearing for 511 North 5th Street.

Present: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler; City Building Commissioner Myron Grise; City Building Inspector Travis Eash, property owner Ronald E. Davidhizar and his attorney, John William Davis, Jr.

Assistant City Attorney Don Shuler provided the background of the case and the reason for the compliance/review hearing. He said a Building Department representative and the property owner would present information about the condition of the building. He said he would then make a recommendation on how the Board could proceed.

Having previously been sworn in by Mayor Leichty, City Building Inspector Travis Eash provided a report on the previous and current condition of 513 North 5th Street.

Eash said he there has been "little to no work" done on the property since the Board's Dec. 5, 2024 order. He said no permit have been pulled for the house for probably 20 years or more.

Eash said there has been no significant water use since 2022 and items 1 through 9 on the City's list of deficiencies remain unchanged.

Attorney Davis asked **Eash** a series of question about the finding that a portion of the floor near the basement door was sinking. Davis said he and **Davidhizar** were contending that there is only a 1-inch difference in the floors in that area. Eash said there was evidence that the floor in that area has pulled away from the walls and several joists in the basement have termite damage or some other decay.

As he did during prior hearings (for 423 North 5th Street and 511 North 5th Street), **John William Davis, Jr.**, an attorney representing property owner **Ronald E. Davidhizar**, presented the Board with a two-page document – the first page listing the City's alleged deficiencies of the property at 513 North 5th Street and the second page with Davidhizar's responses. Davis said Davidhizar would then present his evidence in this manner.



Attorney Davis then presented to Board members and the Clerk-Treasurer with a typed two-page document about the City's list of deficiencies for 513 North 5th Street and Davidhizar's response. (EXHIBIT #3).

Having previously been sworn in by the Mayor Leichty, sworn in **Ronald E. Davidhizar** then provided the following written responses to the alleged cited deficiencies for the property:

- 1. Foundation** – Bricks have some surface spalling - brick walls are 2 bricks thick - not a structural issue. No bricks have fallen out. No holes going through to the inside.
- 2. Walls** – The entire upstairs has been sheet-rocked & painted. Downstairs, there are a few minor repairs required (just patching).
- 3. Floor** – There is a 1" or 1-1/2" difference in floor levels between the kitchen & the utility room which leads to the basement. We disagree with the assessment of the strength of the joists. There may be one beam; if so, we are unaware of any damage to it.
- 4. Painted surfaces** – On the outside, the brick had been painted and has weathered. The plan is to repaint using brick color. The trim on the outside needs paint. Inside on the first floor, most of the paint on the trim has been stripped, & the trim will be refinished. Walls have been patched and painted. Some graffiti needs to be painted over, also small holes (as for pictures) need to be patched and the patches painted.
- 5. Missing upstairs guardrail** – A guardrail for the upstairs is being custom made by D.L. Moser, a custom furniture builder.
- 6. Electrical system** – The electrical system is on and working.
- 7. Heating and mechanical system** – Pressure test in process 2/26/25. However, the blower motor has been stolen, so we need a new motor. Pressure test is required before meter goes in.
- 8. Plumbing system** – New bathroom installed about five years ago. We need to get the heat fixed and then turn the water on. All fixtures and piping are there.

Asked by the **Mayor** to offer any comments about the home's current condition, **Davidhizar** said "The inspectors who came to look at the house were rather impressed with it. They pointed out that it's very close to being ready to rent. It is a safe house, as is.

"Only they said I probably would not want to rent it until I did some repainting, because there is graffiti on the inside. And I would not get very good tenants with the ugliness of the graffiti, and I agree with that."

Davidhizar then provided a summary of the condition of the buildings by reviewing his document. He also commented about work that needed to be done to improve the appearance of the home.

Mayor Leichty asked **Assistant City Attorney Shuler** if he wanted to respond to **Davidhizar's** testimony. Shuler said he wanted to ask **Building Commissioner Grise** to respond to Davidhizar's statement that City inspectors said the home was in good condition and almost ready to rent.

Mayor Leichty swore in Building Commissioner Grise to give truthful and complete testimony.

Grise testified, "The big difference from the wording that was said there that we're rather impressed because we definitely weren't. The big difference is, we did say that they had the least amount of work that need to be done of all (the homes) that we looked at. There's definitely some work to be done there ... I was not impressed."

Mayor Leichty asked if all of the junk in the home has been removed. **Grise** responded, "No; part of it. Ron was trying to convince us to see if we could accept closing off the front room, so we can leave all of his junk and tools and everything else that's up there, and rent the back half out, which I talked to Mr. Schuler about it, and we think that's a zoning violation. So, I mentioned that to Ron. But you know we didn't go any further with that."

Mayor Leichty said she wouldn't like that graffiti in her apartment, either. **Grise** added, "It's definitely the closest one to be repaired, but it's it definitely needs some work, too."

Mayor Leichty asked if Board members had any questions or comments.

Board member Landis commented about the time this case has been pending, but **Mayor Leichty** clarified that was for the next home on the agenda, at 601 North 5th Street.



Nichols/Myers then made a motion refer the matter to the Legal Department. The motion passed 5-0.

20) Compliance review hearing for 601 North 5th Street (Ronald E. Davidhizar, property owner)

At 5:26 p.m., Mayor Leichty convened a compliance review hearing for the prior Order of the City of Goshen Building Commissioner for 601 North 5th Street (Ronald E. Davidhizar, property owner).

BACKGROUND:

In a Feb. 21, 2025 memorandum to the Board, **Assistant City Attorney Don Shuler** reminded the **Board** that it held a hearing on Feb. 22, 2024 and affirmed the Building Commissioner's Order that **declared the property unsafe and required repairs. The Board also found that the property owner, Ronald Davidhizar, willfully failed to comply and imposed a \$5,000 civil penalty.**

A copy of the Board's Feb. 22, 2024 Order was attached. Also attached was the Building Commissioner's Order for Compliance Hearing, dated Jan. 23, 2025.

For the Feb. 24, 2025 compliance hearing, Shuler said the Board should receive evidence and arguments from the Building Department, the property owner, City staff, and anyone else wishing to speak to the property. Based on findings the Board makes, he said the Board could:

1. Continue the matter for further review.
2. Modify the Order (e.g., extend deadlines, require a performance bond, or strike/reduce the previously imposed civil penalty).
3. Rescind the Order
4. Affirm the Order and, if warranted, impose an additional civil penalty if compliance remains lacking and the property negatively impacts the community.
5. Take any other lawful action to address the unsafe premises, including authorizing legal action for penalties or receivership.

In taking any of these actions, Shuler advised the Board to make specific findings of fact to support to its action.

City Building Commissioner Myron Grise that the Order of the City of Goshen Building Commissioner, dated Jan. 10, 2024, came before the Hearing Authority (Board of Public Works & Safety) on Feb. 22, 2024, for a hearing and a decision as to whether the Order should be affirmed, rescinded, or modified, said order requiring:

Completion of the necessary actions and repairs to the residential structure at the Real Estate to bring the property into compliance with the minimum housing standards that permit human habitation, occupancy, or use under the Neighborhood Preservation Ordinance. Said actions and repairs, among other considerations, must include the following:

- **Removal of all trash, debris, and any fire hazardous material** from inside the unsafe building so the same permits human habitation, occupancy, or use under the Neighborhood Preservation Ordinance.
- **Extermination of insects and vermin** in and about the unsafe premises.
- **Repair and rehabilitation of damaged walls and ceilings** so that the same are reasonably weather tight and rodent proof, capable of providing privacy, and otherwise in good repair, as required by the Neighborhood Preservation Ordinance.
- **Installation of smoke detectors** in each dwelling unit as required by the Neighborhood Preservation Ordinance

All said work to be completed within thirty (30) days.

The Order identified the following violations at the Real Estate:

"The violation is the existence of a residential structure that is filled with trash, debris, materials, and insects that makes it uninhabitable.



"The dwelling units inside the structure have 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. Further, there are damaged ceilings and walls that constitute violations of the Neighborhood Preservation Ordinance."

Grise wrote that the hearing was held where evidence was presented and arguments heard. The Board of Public Works and Safety, as the City of Goshen's Unsafe Building Hearing Authority, being duly advised in the premises, made the following findings and determinations:

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

B. Violations – The time to complete the work and action by the Order has passed, and the following conditions and violations of Goshen City Code cited by the Building Commissioner still exist at the residential structure located on the Real Estate:

1. The residential structure is filled with trash, debris, materials, and insects that makes it uninhabitable.
2. The dwelling units have not been kept in a clean and sanitary condition that would permit human habitation, occupancy, or use under the City's Neighborhood Preservation Ordinance.
3. There are damaged ceilings and walls that constitute violations of the & Neighborhood Preservation Ordinance.

Grise wrote that these conditions render the residential structure at the Real Estate an unsafe building as the residential structure is:

- **A public nuisance**, due to the damaged and deteriorated condition of the structure, the accumulated trash and debris, the existence of an insect infestation, and the general disrepair of the structure.
- **Dangerous to person or property** because of a violation of a statute or ordinance concerning building condition or maintenance, due to violations of the City's Neighborhood Preservation Ordinance, particularly those provisions requiring clean and sanitary conditions for human habitation.
- **Vacant or blighted** and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.

Based on these findings, Grise wrote that the Board affirmed the Building Commissioner's Order. Further, the Board found that there had been a willful failure to comply with the Order based on the property owner's "Failure to respond to numerous inspection letters and failure to take any corrective action in response to the Building Department's efforts." And it ordered a \$5,000 civil penalty due by March 25, 2024.

DISCUSSION AND OUTCOME OF BOARD COMPLIANCE REVIEW HEARING ON FEB. 27, 2025:

At 5:26 p.m., Mayor Leichty convened a compliance review hearing for 601 North 5th Street.

Present: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; Assistant City Attorney Don Shuler; City Building Commissioner Myron Grise; City Building Inspector Travis Eash, property owner Ronald E. Davidhizar and his attorney, John William Davis, Jr.

Assistant City Attorney Don Shuler provided the background of the case and the reason for the review hearing. As with the prior three hearings, Shuler said "once you get to the point where you've issued an order from this Board, ordered repairs and issued a civil penalty, the administrative options kind of stall. And so internally, we've had discussions on what to do and kind of decided to bring it back along with these other properties."

Shuler said the Board could now take evidence from the Building Department and the property owner and then decide what action to take.

As he was previously sworn in to give truthful and complete testimony, City Building Inspector Travis Eash testified about the former and current condition of 601 North 5th Street.



Eash said plumbing, roof and remodeling permits were pulled for the property in April or May 2024, but no inspections were requested or conducted. However, he said he believed trash has been removed from the property. **Eash** said he believes a new roof was installed, but no inspection was requested or conducted. He said the last significant water usage at the home was in 2022. He added that he believes someone was living at the home since then, perhaps illegally, and had to be removed by **Davidhizar**.

Board member Myers asked if **Eash** inspected the property this week. **Eash** said he didn't get inside the home, but **Davidhizar** stated that "other than the cleanup, they hadn't really worked on much inside. And we looked, and you could tell it was cleaned up from what it was before, back in February, like a year ago."

Mayor Leichty asked **Davis** or **Davidhizar** if they had any questions for **Eash**. They did not.

However, **Davis** presented to Board members and the Clerk-Treasurer a typed two-page document about the City's list of alleged deficiencies for 611 North 5th Street and **Davidhizar**'s response. (EXHIBIT #4).

Having previously been sworn in by the **Mayor Leichty**, swore in **Ronald E. Davidhizar** then provided the following written responses to the alleged cited deficiencies for the property:

- **Remove trash/debris** – All trash, debris was removed in spring of 2024, and the house has since been secured.
- **Exterminate insects and vermin in and around the home** – Extermination has been done.
- **Repair and rehabilitate damaged walls and ceilings** – Some walls and ceilings have had plaster removed in preparation for drywall; will be 3 apartments.
- **Install smoke detectors in each dwelling unit** – Smoke detectors go in after painting.

In response to a question from **Board member Swartley**, **Davidhizar** confirmed the property has always had three apartments. **Davidhizar** also summarized some of the completed repair work, including the removal of trash and debris, the replacement of the roof and the prep work to install new drywall.

Mayor Leichty asked who completed the extermination. **Davidhizar** said he didn't remember the name of company.

Mayor Leichty asked if Board members had further questions or were prepared to make a motion.

Nichols/Myers then made a motion to refer the matter to the Legal Department. The motion passed 5-0.

A 5:33 p.m., **Mayor Leichty** closed the compliance review hearings for the four properties.

APPROVAL OF CIVIL & UTILITY CLAIMS

Mayor Leichty made a motion to approve Civil City and Utility claims and adjourn the meeting. Board member **Nichols** seconded the motion. The motion passed 5-0.

ADJOURNMENT

Mayor Leichty adjourned the meeting at 5:33 p.m.

EXHIBIT #1: An undated typed two-page document about the City Building Department's list of deficiencies for 423 North 5th Street and a response by **Ronald E. Davidhizar**, the property owner. The document was presented by **Davidhizar**'s attorney, **John William Davis, Jr.**, during the compliance/review hearing for 423 North 5th Street.

EXHIBIT #2: An undated typed two-page document about the City Building Department's list of deficiencies for 511 North 5th Street and a response by **Ronald E. Davidhizar**, the property owner. The document was presented by **Davidhizar**'s attorney, **John William Davis, Jr.**, during the compliance/review hearing for 511 North 5th Street.



EXHIBIT #3: *An undated typed two-page document about the City Building Department's list of deficiencies for 513 North 5th Street and a response by Ronald E. Davidhizar, the property owner. The document was presented by Davidhizar's attorney, John William Davis, Jr., during the compliance/review hearing for 513 North 5th Street.*

EXHIBIT #4: *An undated typed two-page document about the City Building Department's list of deficiencies for 601 North 5th Street and a response by Ronald E. Davidhizar, the property owner. The document was presented by Davidhizar's attorney, John William Davis, Jr., during the compliance/review hearing for 601 North 5th Street.*

APPROVED:

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

Mayor Gina Leichty

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

Mike Landis, Member


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

Orv Myers, Member

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

Mary Nichols, Member




Barb Swartley, Member

ATTEST:

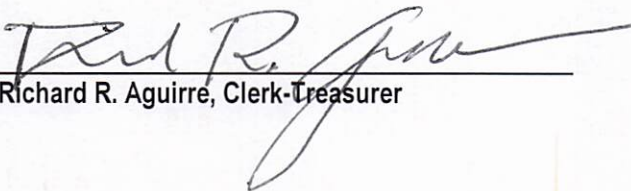

Richard R. Aguirre, Clerk-Treasurer

Exhibit #1

423 N. 5th Street
Order of 10/8/24

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 6.3.1.1(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 is has been removed.
3. The structure's walls have not been kept reasonably weather tight and in good repair, a violation of Section 6.3.1.1(b). There are walls with holes and walls that have been removed.
4. The structure's floors have not been kept in good repair, a violation of Section 6.3.1.1(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 6.3.1.1(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 6.3.1.1(a). The electrical panel has ben 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 6.3.1.1(a). There is loose hanging duct work and rusted out duct work in need of repair or replacement.

423 N. 5th St.
Conditions on 2/26/25

- (1) Michigan basement – plans is to install nylon or wire mesh & then reparse. Will also, if necessary, tuck point the actual foundation. Foundation is firmly supported, and no evidence in the floors of foundation problems. No collapse possible of Michigan basement.
- (2) “Weather tight” does not make sense, but there are places where the plaster has been taken down in preparation for drywall.
- (3) Workers other than Rick Wagner have chiseled out portions of the plaster over lathe in preparation for drywall patches. One room requires drywall on both the ceiling and the walls, an upstairs bedroom.
- (4) Floors in good shape, but no floor coverings. Floor joints have no termite damage evident. No termite damage on maybe 2 floor beams.
- (5) No issue about painting, but we say the house is weather tight. Cedar shake shingles over wood siding.
- (6) NIPSCO turned on the electric on 2/26.
- (7) NIPSCO did pressure check and turned on the gas and lit the furnace 2/26.

511 N. 5th Street
Order of 10/8/2024

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 6.3.1.1(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). Ceiling 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 its 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 operations, 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 Section 6.3.1.1(a). There are plumbing pipes that have rusted out or not connected properly.

511 N. 5th Street
Conditions on 2/26/25

- (1) Michigan basement – some corrective action as for 423 N. 5th – getting 2 quotes for this work. Foundation is cement blocks on footers. and we're not aware of much tuck pointing required.
- (2) Ceiling tiles were deliberately removed on account of discoloration in various rooms. In the kitchen, new drywall ceiling was installed. Old plaster ceiling still up in all rooms where drop ceilings were installed.
- (3) Rear porch has been torn out and new framing & new footers have been installed, but decking still required. Rear porch supports have been eliminated.
- (4) Painted surfaces are not seriously out of repair, but there may be some minor peeling here and there.
- (5) Garage roof has been replaced/new decking and new shingles. The flat roof on portions of the house has been replaced.
- (6) Electrical system is operational, and it's been that way for years. There are old-fashioned glass fuses, but they work fine, and Romex wiring.
- (7) Gas just has to be turned on, but we know of no problem with the operation of the mechanical & heating system.
- (8) There's a cast-iron elbow that needs to be replaced, but that's the only problem.

Exhibit #3

513 N. 5th Street
Order of 10/8/2024

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 6.3.1.1(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 6.3.1.1(b). Multiple walls throughout the residential structure have holes.
3. The floor has not been kept in good repair, a violation of Section 6.3.1.1(b). The floor outside the 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 6.3.1.1(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 6.3.1.1(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 6.3.1.1(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 6.3.1.1(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 6.3.1.1(a). There is no water meter at the real estate and has been no water usage for at least two (2) years.

513 N. 5th Street
Conditions on 2/26/25

- (1) Bricks have some surface spalling – brick walls are 2 bricks thick – not a structural issue. No bricks have fallen out. No holes going through to the inside.
- (2) The entire upstairs has been sheet-rocked & painted. Downstairs, there are a few minor repairs required (just patching).
- (3) There is a 1" or 1-1/2" difference in floor levels between the kitchen & the utility room which leads to the basement. We disagree with the assessment of the strength of the joists. There may be one beam; if so, we are unaware of any damage to it.
- (4) On the outside, the brick had been painted and has weathered. The plan is to repaint using brick color. The trim on the outside needs paint. Inside on the first floor, most of the paint on the trim has been stripped, & the trim will be refinished. Walls have been patched and painted. Some graffiti needs to be painted over, also small holes (as for pictures) need to be patched and the patches painted.
- (5) A guardrail for the upstairs is being custom made by D.L. Moser, a custom furniture builder.
- (6) The electrical system is on and working.
- (7) Pressure test in process 2/26/25. However, the blower motor has been stolen, so we need a new motor. Pressure test is required before meter goes in.
- (8) New bathroom installed about five years ago. We need to get the heat fixed and then turn the water on. All fixtures and piping are there.

Exhibit #4

601 N. 5th Street
Order on 1/10/2024

- Remove all trash, debris, and any fire hazardous material from inside the unsafe building so the same permits human habitation, occupancy, or use under the Neighborhood Preservation Ordinance;
- Extermination of insects and vermin in and about the unsafe premises;
- Repair and rehabilitation of damaged walls and ceilings so that the same are reasonably weather tight and rodent proof, capable of providing privacy, and otherwise in good repair, as required by Neighborhood Preservation Ordinance;
- Install smoke detectors in each dwelling unit as required by the Neighborhood Preservation Ordinance.

601 N. 5th Street
Conditions on 2/26/2025

- All trash, debris etc. was removed in spring of 2024, and the house has since been secured.
- Extermination has been done.
- Some walls and ceilings have had plaster removed in preparation for drywall – will be 3 apartments.
- Smoke detectors go in after painting.