



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE MARCH 6, 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: None

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

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the Feb. 27, 2025 Regular Meeting as prepared by Clerk-Treasurer Aguirre. Board member Orv Myers made a motion to approve the minutes as presented. Board member Mary Nichols seconded the motion. The motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda with the addition of item #9 *Announcement of Statewide Tornado Siren Test*. Board member Myers made a motion to approve the agenda as amended. Board member Nichols seconded the motion. The motion passed 5-0.

1) Open sealed proposals: For demolition of the unsafe building at 304 W. Oakridge Avenue

Assistant City Attorney Don Shuler said the City has solicited sealed proposals for the demolition and removal of the unsafe building at 304 West Oakridge Avenue, as well as sealing and restoration of the connection between the unsafe building and the garage located on the adjacent property at 306 West Oakridge Avenue.

All sealed bids were due by 3:45 p.m. on March 6 to the Clerk-Treasurer's Office or by 4 p.m. at the Board's meeting.

Shuler asked that the Board open any bids submitted and refer them to the Engineering Department for review.

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

- B&E Excavating, Nappanee, IN - \$22,900
- Dana A. Bontrager Excavating & Trucking, Inc., Middlebury, IN - \$23,897.50
- John Mast Construction, Inc., Nappanee, IN - \$23,500
- John Ward Concrete, Inc., Osceola, IN - \$24,870

Myers/Nichols made a motion to refer the proposals received to the Legal Department for review. The motion passed 5-0.

2) Police Department request: Approve the terms and conditions and ratify the execution of the Conditional Offer of Employment agreements with Wyatt Richard Vicary, dated Oct. 24, 2024, Manuel A. Torres, dated Nov. 25, 2024, and with Kody M. Rucker, dated Dec. 23, 2024

Police Investigations Division Chief Mario Mora said that on Feb. 27, 2025, the Board of Public Works and Safety approved the hiring of Kody M. Rucker, Manuel A. Torres, and Wyatt Richard Vicary. He said it also is necessary for the Board to approve the terms and conditions and ratify the execution of the attached Conditional Offer of Employment agreements with each of the new officers.

Myers/Nichols made a motion to approve the terms and conditions and ratify the execution of the Conditional Offer of Employment agreements with Kody M. Rucker dated Dec. 23, 2024, with Manuel A. Torres dated Nov. 25, 2024, and with Wyatt Richard Vicary dated Oct. 24, 2024. The motion passed 5-0.



3) Paul Stauffer & Jennifer Shell request: Allow a fence to be reinstalled on Wilden Avenue to intrude upon the City's right of way to preserve a large spruce tree. Note: A related second request sought Board approval for an intrusion into the City's right of way to replace a stone pillar

As he began, **Paul Stauffer of 811 Main Street**, said the second right-of-way request is no longer needed because it has been determined that there no longer is a right-of-way issue.

Stauffer said the property he owns with **Jennifer Shell** is located at the corner of North Main Street and West Wilden Avenue, on the southwest corner, and is part of a large block that also includes the Abshire Mansion. He said there's an iron fence that dates to the early part of the 20th century, so probably 100 years old, that goes around most of three sides of that block.

During the Wilden Avenue Construction Project, **Stauffer** said a section of that fence on the property needed to be removed for the construction easement, and changing of the right of way. At the time, **Stauffer** said he and **Shell** negotiated with the City, as part of the eminent domain process, for compensation for the cost of having the fence professionally removed, stored, and then reinstalled, following completion of the project. He said his request is related to the restoration process.

Stauffer said that as part of the construction project, the right-of-way line was changed, so it no longer just runs along the edge of the sidewalk. It now, at a certain point, turns and comes into his yard for a section, and it actually runs right through a very large spruce tree that he and Shell managed to preserve from the construction.

So as not remove half of that tree to reinstall the fence, **Stauffer** said he was requesting that he and Shell be allowed to intrude upon the right of way just enough so that that the reinstalled fence can skirt around the outside of the fence, and then proceed to a point closer to the corner. He said the goal is to have a continuous barrier, including the reinstalled fence and a restored stone wall.

Stauffer said that there are no line-of-sight issues because the fence will be located well back from the line of sight. He added that the request is motivated by aesthetics, to restore the historic look of the property to fit in with the rest of the block, as well as a desire to have a protective barrier to prevent vehicles from being driven into his yard as has happened several times over the past eight years.

Board member Landis said he drove by the property and saw wooden stakes with initials "RW" (right of way).

Stauffer said a City consultant placed the stakes to indicate the right of way and the location of the path of the reinstalled fence. He confirmed there no longer is an issue with the location of the reinstalled stone wall.

City Project Manager Andrew Lund said the Engineering Department in general urges the Board to not approve encroachments into the right of way because they are used for public improvements, such as utilities. Lund said the intent of the payments for the removal and reinstallation of the Stauffer-Shell fence and wall, was for them to be restored on the private property and outside the right of way. He said one option would be to stop the fence at the tree and then leave an open area beyond the tree.

However, **Lund** said if the Board allows this encroachment, he recommended it be with the condition that it would be the property owner's responsibility to remove the fence if the City would need to complete work at that location. He also suggested the stipulation that the grade not be built up for the fence, as there already is a slope down to the sidewalk, because that would present a long-term maintenance issue.

Mayor Leichty asked how many trees Stauffer and Shell lost during the Wilden Avenue project. **Stauffer** said they lost five large maple trees on Wilden Avenue and smaller ones and bushes in the yard.

Stauffer said that he and Shell understand that they will need to remove the fence if the City needs to do work at the site. He added that no grade changes were anticipated during the reinstallation of the fence.

Board member Swartley said that as beautiful as Wilden Avenue now is, she remembers driving down through a beautiful canopy of trees along Wilden Avenue and will miss them for a long time as will other people. She said she supported approving this request in order to preserve the spruce tree.



Mayor Leichty said she shared **Board member Swartley's** perspective: "Given that we've already taken such a large number of trees from this property, and it's on an extremely busy corner, whatever we could do to try to protect their privacy while understanding that there may be a need (to remove the fence), since it is in the right of way now," she said. "I don't know if it's equitable in the property owners' perspective, but a fair consideration for them to allow them to leave this tree under those circumstances."

Board member Landis said, "I don't like to cut trees down. This is the kind of a tree that doesn't grow that size, you know, in just a couple of years. So, I have no problem working around it. I would just say that based on my experience, I would say I can give permission as long as whoever is doing it is doing it as minimally as possible in the right of way, and not just saying, 'This is where I think it would look nice' and have that extend further into the right of way than is necessary."

Mayor Leichty asked **Stauffer** to comment on **Board member Landis'** request that the fence not extend any further into the right of way as necessary. **Stauffer** said he will work with the contractor to ensure the intrusion into the right of way is as small as possible.

Myers/Nichols made a motion to approve the request to have the reinstalled fence intrude upon the City's right of way only as much as needed to go around the tree and to note that the owners would be responsible to remove the fence if a right-of-way easement is needed. The motion passed 5-0.

4) Legal Department request: Approve the agreement with Goshen College, Inc. allowing a connection to the storm sewer system and authorize the Mayor to execute the agreement

Assistant City Attorney Don Shuler told the Board that attached to the agenda packet for the Board's approval and execution, was an "Agreement Allowing Connection to Storm Sewer."

Shuler said the agreement would permit Goshen College, as part of the renovations to its Westlawn building, permission to connect to the City's stormwater system. He said the college will be constructing and maintaining an underground storage facility as well as a private storm sewer line on-site, connecting to the City's storm sewer system for overflow. The college is responsible for maintaining the private storm sewer line and the connection.

Myers/Nichols made a motion approve the agreement with Goshen College, Inc., Allowing a Connection to the Storm Sewer, and authorize the Mayor to execute the agreement. The motion passed 5-0.

5) Legal Department request: Approve Resolution 2025-05, Special Purchase of Road Salt

City Attorney Bodie Stegelmann told the Board that for several years the City has participated in the State of Indiana's Road Salt Program. He said the State is currently developing the 2025-2026 road salt bid, and political subdivisions that wish to participate in the program must provide the State the tonnage of road salt that it will commit to purchase under the State's quantity purchase agreement.

If passed, **Resolution 2025-05** would authorize the City to make a special purchase by participating in the program, and authorizes the City to request 1,400 tons of road salt thereby committing to purchase a minimum of 1,120 tons and up to 1,680 tons. After the bidding process, the City will know the contractor and the contract pricing.

Myers/Nichols made a motion to adopt **Resolution 2025-05, Special Purchase of Road Salt**. The motion passed 5-0.

6) Legal Department request: Approve and authorize Mayor Leichty to execute the agreement with Baker Tilly Advisory Group, LP to conduct a solid waste service analysis at a cost not to exceed \$30,000

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the attached agreement with Baker Tilly Advisory Group, LP to conduct a solid waste service analysis and recommendations for the City. He said the City will compensate Baker Tilly Advisory Group, LP for time and expenses not to exceed \$30,000.



According to a scope of services appendix, Baker Tilly Advisory Group will provide the following services:

A. Trash Fee Analysis

1. Determine historical costs for trash collection and disposal services.
2. Working with representatives of the client, establish a multi-year budget.
3. Develop various options, including phase-in, for proposed user rates that will generate sufficient revenues to fund the proposed budget.
4. Meet with representatives of the client to present the financial analysis and rate recommendations.
5. Prepare a final report containing the financial analysis and final rates to be adopted.
6. Provide information to the City's attorney for the preparation of required ordinances, resolutions, and legal notices.
7. Assist the Client with implementation of the trash fee and guidance on collection and application procedures.
8. Assist the Client with fund accounting of receipts and payments for trash service and impact on other fund budgets.
9. Attend meetings and hearings before the City Council, as needed.

Board member Landis asked when the current trash contract will end. **The Mayor** said July 1 and added, "we need to figure some things out rather expeditiously."

Myers/Nichols made a motion approve and authorize **Mayor Leichty** to execute the agreement with **Baker Tilly Advisory Group, LP** to conduct a solid waste service analysis and recommendation at a cost not to exceed \$30,000. The motion passed 5-0.

7) Engineering Department request: Approve Change Order No. 5 for the force account claim to cover the loss of time on the job for an increase of \$1,480.80

City Director of Public Works & Utilities Dustin Sailor said attached to the meeting agenda was Change Order No. 5 for the County Courts Consolidation Roadway Improvements project.

Sailor said Niblock was delayed in activating the traffic signal at U.S. 33 and Reliance Road during good weather due to NIPSCO's failure to energize the electric service on time. After Jan. 1, 2025, due to the need to have the intersection open, Niblock was directed to schedule the work and activate the signal. This work required temporary pavement striping to be placed with less than desirable temperatures and weather conditions.

Sailor said Hawk Enterprises had mobilized to the job several times only to lose half a day each time waiting for work that was cancelled due to the striping equipment freezing up or High Star cancelling due to temperatures. As a result, Hawk Enterprises has submitted a force account claim to Niblock for the sum of \$1,480.80 to cover the loss of time on the job. Niblock is not requesting any markup but is only requesting to make their subcontractor whole.

Sailor said the original contract amount was \$4,165,762.30. The force account claim will increase the contract by \$1,480.80, for a revised contract amount of \$4,257,822.92, an increase of 2.21 percent.

Myers/Nichols made a motion to approve Change Order No. 5 for the force account claim to cover the loss of time on the job for an increase of \$1,480.80. The motion passed 5-0.

8) Engineering Department request: Approve the closure of one parking space on the north side of

Washington Street, in front of 121 West Washington Street, March 11, 2025 for access to a monitoring well

City Director of Public Works & Utilities Dustin Sailor told the Board that IWM Consulting requested the far west parking space on the north side of Washington Street directly in front of 121 W. Washington Street be blocked off on Tuesday, March 11th so they can access the monitoring well located in that parking space. In response to a question from the **Mayor**, **Sailor** said the parking space is in front of the The Energy Well.

Myers/Nichols made a motion to approve the closure of one parking space on the north side of Washington Street, in front of 121 W. Washington Street, on March 11, 2025, for access to a monitoring well. The motion passed 5-0.



9) Announcement of Statewide Tornado Siren Test

On behalf of Fire Chief Powell (who could not be present), Clerk-Treasurer Aguirre told the Board that he was making an important public service announcement: **The annual statewide test of communications systems will be Tuesday, March 11, 2025 at 10:15 a.m.**

He said the annual statewide tornado siren test is part of **Severe Weather Preparedness Week** as declared by Gov. Braun. The Governor also cited the danger of tornadoes and severe flooding and pointed out that:

- Indiana has recorded more than 1,400 tornadoes since 1950, resulting in more than 5,000 injuries and 300 deaths. Many local residents remember Indiana's Palm Sunday tornado outbreak in 1965 which hit near Goshen especially hard. Those tornadoes killed 271 people and injured more than 1,500 – the fourth deadliest outbreak in U.S. history and worst-ever in Indiana.
- Indiana also experienced 76 flooding or heavy rain events in 2022, and since 1994 Indiana has received 12 disaster declarations related to flooding. As you know, in February 2018, the City of Goshen experienced its largest flood event in recorded history. It caused major road closures and damage to homes and businesses and led to the development of the City's Flood Resilience Plan and flood mitigation efforts.

Because of this reality, Aguirre said it was important to increase public awareness of extreme weather events and plan and prepare so we can minimize injuries and deaths and reduce damage.

Tuesday's tornado siren test will be delayed to March 12 if weather conditions warrant a postponement. The week is a collaboration of many agencies, including the Indiana State Police, the Department of Homeland Security and the National Weather Service and local emergency responders, including the Goshen Fire Department.

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

Mayor Leichty opened Privilege of the Floor at 4:28 p.m. There were no public comments.

At 4:29 p.m., Mayor Leichty recessed the Board of Public Works & Safety meeting to convene a convene a compliance review hearing for 208 Queen Street.

COMPLIANCE REVIEW HEARING FOR PRIOR CITY BUILDING COMMISSIONER ORDER:

4:00 p.m., March 6, 2024

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

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

10) Compliance Review Hearing for the Nov. 7, 2024 Order for completion of substantial repairs and renovations for an unsafe building at 208 Queen Street (Artisan Investment Group, LLC, property owner)
At 4:29 p.m., Mayor Leichty convened a compliance review hearing for the prior Order of the City of Goshen Building Commissioner for 208 Queen Street (Artisan Investment Group, LLC, property owner).

BACKGROUND:

In a Feb. 28, 2025 memorandum to the Board, Assistant City Attorney Don Shuler reminded the Board that it last held a hearing on the 208 Queen Street property on Nov. 7, 2024.

Shuler wrote that the Board, noting recent change in ownership, issued an Order for completion of substantial repairs and renovations to the Unsafe Building at the property to bring the property into substantial compliance with Goshen City Code by Feb. 20, 2025.



The Board also set the matter for a compliance review hearing on March 6, 2025. The Board's Nov. 7, 2024 Order was attached to the Board's agenda meeting packet.

Shuler wrote that the Board has continuing jurisdiction over enforcement of its Orders. Therefore, for the hearing, the Board could receive reports, evidence, and arguments from the Building Department, the property owner, City staff, and anyone else wishing to speak to the property.

Shuler wrote that based on the findings the Board makes, the Board could on March 6, 2025:

1. Continue the matter for further review.
2. Modify the Order (e.g., formally remove the demolition order, extend deadlines, require a performance bond).
3. Rescind the Order.
4. Affirm the Order and, if warranted, impose a civil penalty if the Board specifically finds there has been a willful failure to comply.
5. Take any other action permitted by law to address the unsafe premises.

For any action resulting in an Order, Shuler advised the Board to make specific findings in support.

City officials have documented efforts to improve the condition of 208 Queen Street going back at least 16 years. Throughout that period and before, the property was owned by Ronald E. Davidhizar. According to City records, the last certified rental inspection of the property was in January 2008 and the last billed water usage was in April 2009. And the last time any permits were pulled on this property was in 2015.

When the home was inspected **Oct. 18, 2023**, **City Building Inspector Travis Eash** documented a wide range of deficiencies, including inoperable electrical, plumbing and heating and mechanical systems, collapsed ceilings, walls and floors and missing doors that allowed the property to be accessible to vagrants, squatters and vandals. On **Nov. 3, 2023**, the City Building Inspector issued an order declaring the structure to be unsafe and requiring demolition.

A Board hearing on the property was scheduled **Dec. 11, 2023** to confirm the order but it was delayed when the Board was informed that the property would be one of several to be included in an auction on **Jan. 27, 2024**. So, that Board hearing was delayed to **Jan. 29, 2024** and later to **Feb. 8, 2024**.

On **Feb. 8, 2024**, the Board held a hearing on the City Building Commissioner's demolition order. At that hearing, the Board learned that **Leopoldo Mendoza** had purchased 208 Queen Street during the Jan. 27, 2024 auction. Mendoza testified about his plans to repair the property.

At the conclusion of the hearing, the **Board** adopted the violations listed in the City Building Commissioner's Order for 208 Queen Street as the Board's findings, determined that those violations made the structure an unsafe building and that the general condition of the building warranted demolition, but that the property could be repaired, and gave Mendoza 90 days to either make substantial progress on the repairs to the unsafe building or demolish the unsafe building. Another hearing was scheduled for **March 28, 2024** to give an update on what's happening on the building. At the **March 28, 2024 hearing**, **Mendoza** reported on the progress made to repair the property and asked for more time to continue the work. With support from the City Building Department, the **Board** continued the compliance review hearing to **May 9, 2024**. It was later continued to **May 23, 2024**.

At the **May 23, 2024 hearing**, **City Building Inspector Travis Eash** reported that Mendoza had continued to make progress in repairing the home and recommended he be given more time. At the conclusion of the hearing, the Board affirmed the prior demolition order for the property, requiring demolition or completion of all repairs of cited violations within 90 days, and set the matter for another review hearing on **Sept. 5, 2024**.

At the **Sept. 5, 2024 hearing**, **City Building Inspector Travis Eash** testified that progress to repair the home had stalled. He said no permits were pulled for electrical, plumbing or HVAC work and the owner hadn't called for any inspections. He also said some work had been done without proper inspections and would not pass inspections. Eash concluded that the property was still unsafe and recommended that the demolition order remain in effect, but allow Mendoza 30 days to determine if he wanted to continue with repairs and bring an updated timeline to this Board or demolish the property.



Mendoza testified that the home was in worse condition than he anticipated and he asked for more time to make repairs. However, the Board concluded at the **Sept. 5** hearing that the property was still unsafe, that the repair work had stalled and that there are serious concerns about whether the property could be repaired by the property owner. They set the matter for a further hearing on **Oct. 10, 2024** and ordered Mendoza to submit a detailed scope of work and repairs to be done with estimated completion dates as well financial documentation to demonstrate he had the financial resources and capital to complete the repairs in a timely fashion. If Mendoza failed to meet those requirements at the next hearing, the Board would affirm demolition without the option of repair

However, prior to Oct. 10, 2024, the property was transferred, from Leopoldo Mendoza to Artisan Investment Group, LLC. The Board's Oct. 10, 2024 hearing was rescheduled for Nov. 7, 2024.

At the **Nov. 7, 2024** hearing, **City Building Inspector Travis Eash** testified that new owners had already obtained a remodel permit and hoped to start work in two or three weeks. The Building Department recommended that the Demolition Order remain in place but allow for all permits to be pulled, work to be done and all required inspections completed throughout the process.

Marlin Schwartz, a representative of Artisan Investment Group, LLC., said framing and electrical work would begin on 208 Queen Street within two weeks. He said Artisan recently acquired a total of 98 homes in Elkhart County, some of them deemed unsafe, including about 45 in the City of Goshen. Schwartz said he appreciated the City's patience and asked for 120 days to complete the repairs on 208 Queen Street.

After discussing the matter on Nov. 7, 2024, Board members passed a motion to maintain the demolition order for 208 Queen Street, but allow for all permits to be pulled and to order work to continue along with all required inspections and for the review hearing to be continued to March 6, 2025.

As a result of the **Nov. 7, 2024** hearing, the **Board of Public Works and Safety** issued a two-page **Review Order**, which was signed Dec. 4, 2024 by Mayor. The Order stated that the City Building Commissioner's Order for 208 Queen Street came before the Board on Nov. 7, 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 stated that the Board Hearing received testimony and evidence from the City Building Department, through City Building Inspector Travis Eash, as well as the property owner. Based on that testimony and evidence, the Hearing Authority made the following findings:

- 1. The Unsafe Building at the Real Estate is still unsafe, is still in a condition that warrants demolition, and has not been demolished.**
- 2. The current owner, Artisan Investment Group, LLC, recently purchased and obtained title to the Real Estate on Oct. 1, 2024.**
- 3. Artisan Investment Group, LLC applied for a Remodel Permit with the City Building Department on Oct. 4, 2024.**
- 4. No significant improvements to the Unsafe Building at the Real Estate have been made.**
- 5. The Unsafe Building at the Real Estate has not passed any inspections.**
- 6. The property owner, Artisan Investment Group, LLC, has a desire to repair and renovate the Unsafe Building at the Real Estate, with plans to get started within the next couple weeks. Specifically, Artisan Investment Group, LLC believes that in ninety (90) days they would make substantial progress on repairs to the point that all rough in inspections are completed.**

Considering these findings, the Board ordered that:

- 1. The current owner, Artisan Investment Group, LLC, is ordered to complete substantial repairs and renovations to the Unsafe Building on the Real Estate in order to bring the Unsafe Building into substantial compliance with the requirements of Goshen City Code, with substantial work and progress to be completed on or before Feb. 20, 2025.**



2. This **matter is set for further hearing** to review compliance with this Order and whether said Order should be affirmed, rescinded, or further modified, before the Board on **March 6, 2025** at 4 p.m., or as soon thereafter as this matter may be heard, in the Court Room/Council Chambers at 111 East Jefferson Street, Goshen.
3. The Property Owner, **Artisan Investment Group, LLC**, is **permitted to pull permits for the remodel work**, regardless of the existing demolition order, in coordination with the City Building Department.
4. **Should Property Owner fail to meet the above-stated requirements, the Board will affirm the Order requiring demolition without the option of repair of the Unsafe Building of the Real Estate at the next scheduled hearing.**

DISCUSSION AND OUTCOME OF BOARD COMPLIANCE REVIEW HEARING ON MARCH 6, 2025:

At 4:29 p.m., **Mayor Leichty** convened a compliance review hearing for 208 Queen 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**, and **Marlin Schwartz**, a representative of the property owner, **Artisan Investment Group, LLC**.

Assistant City Attorney Don Shuler provided the background of the property and the reason for the compliance review hearing on the prior demolition order. He said a Building Department representative and the property owner would present information about the condition of the property. He said the Building Department also would offer a recommendation to the Board about how to proceed.

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

Before the hearing, **Eash** presented to the Board and to the Clerk-Treasurer a two-page memorandum dated March 6, 2025. The memorandum, titled "UNSAFE BUILDING HEARING STAFF REPORT," included background information on 208 Queen Street, new inspection findings and a staff analysis and recommendation (**EXHIBIT #1**). Reading from a memo, **Eash** said "The property was inspected yesterday by myself and **Building Commissioner Myron Grise**. During the inspection we observed that most of the framing has been completed, and Artisan (Investment Group, LLC) had corrected areas of concern to help strengthen the structural security of the building." **Eash** continued, "Artisan acknowledged during the inspection that they are not as far along with the repair process as they intended. However, Artisan has pulled all required permits for the renovation in addition to the prior remodel permits pulled for roof, siding, plumbing, water, heater, and electrical. In addition, Artisan has completed more work and made more progress in the renovation of this house than prior owners."

Eash said Artisan believes the property should be ready for all "rough-in inspections within three months and that the property should be ready to be habitable and rented three months afterward, which means finishing it out."

Eash said the Building Department was hopeful that the project would be closer to being completed. However, the City is aware, **Eash** said, that Artisan is working on many additional projects in the City. And, as noted during this inspection, he said Artisan "has made more progress towards renovation than previous homeowners have. which is significant, considering the property has been vacant for at least 10 years."

Eash concluded, "Our recommendation is to acknowledge the progress that Artisan has made and permit continued work on the property in order that the property be ready for rough-in inspections within three months, with a review hearing, if the Board decides that there needs to be a review hearing at that time."

Mayor Leichty then swore in Marlin Schwartz, a representative of Artisan Investment Group, LLC., to give truthful and complete testimony.



Schwartz said all permits have been pulled for 208 Queen Street but there have been work delays because the property was acquired at the worst time of the year. "The roof is bad, everything's bad. It needs siding. It needs all that, it's leaking." **Schwartz** said the company needs three months "to have it all roughed in, ready for inspections, ready for drywall, and then three months past that is realistic to have it fully completed."

Schwartz said Artisan "has been working on a lot of other projects just because this property has no electric. It has nothing to work with. There's no water, sewer anything to the property, so there's just a lot of hurdles to overcome when you're starting from scratch. And on top of that, undoing what was not done correctly."

Schwartz said the framing and other repairs were done incorrectly and had to be redone. "So, we corrected 95 percent of that. We have some minor framing to finish yet, but spring is here, and so we are moving forward." He said that work would include electrical repairs.

Schwartz added that Artisan has lacked "manpower" because of required work on other unsafe properties.

Mayor Leichty asked **Schwartz** the number of concurrent projects underway in Goshen. **Schwartz** said Artisan has completed about 12 homes in Elkhart County since Oct. 30 and another 15 are in process, with permits already pulled. Asked the specific number of homes in Goshen, **Schwartz** said there were six to eight.

Board member Swartley told **Schwartz** that Artisan is renovating her parents' former home at 1413 South Main Street. She said the home used to be "pristine" and is glad it is being renovated.

Board member Myers thanked Artisan for its work, especially on 208 Queen Street, which has not had any repairs for more than 10 years. "Thank you for what you're doing." He added, "It's what we need in the City." **Schwartz** responded, "You're welcome. Thanks for working with us. We're trying to do our best."

Mayor Leichty said, "I know there's been a lot of work just cleaning up the exterior of a lot of the houses that you've obtained ownership of, and I appreciate that. And I guess that would be my only comment and request is just to make sure that as you're continuing to work on that just as a positive contribution in the neighborhood, keeping that exterior (maintained). I know that's not your primary focus, but we do appreciate it."

"Blight begets blight. So, keeping those lawns mowed and things looking trim and neat on the outside, is really helpful for the overall well-being of those neighborhoods. Beyond that, I believe there's capacity and intent, and the demonstrated ability to move forward with the project. So, I am inclined to grant the request for the additional three months of work before we would have our next (hearing)."

Board member Landis said, "I would just say that I believe there's many people that interact with the Building Department to work on their properties that we never see because they actually work with the Building Department. And so, the ones we get to see are the ones that there's a refusal to actually do that, so when there's progress being made, I have much less of an issue with the actual timing of it, because there is progress and there is an end game, and we're going to get there. So, thank you."

Addressing **Goshen News reporter Vanessa Padilla**, **Mayor Leichty** said, "I believe this was your first day on the job, Vanessa, wasn't it, when you came and reported on this particular house? I remember seeing it on the front page the very next day. So maybe you'll make the front page news again. She's here again. So, progress is being."

Mayor Leichty asked **Assistant City Attorney Shuler** if he had any concluding remarks. Echoing the Building Department request, **Shuler** recommended that the Board adopt the staff report, allow 90 days for repairs and schedule another compliance review hearing, if it wished, on June 12.

Myers/Nichols then made a motion to adopt the Building Department's Order for the house on 208 Queen Street and schedule a 90-day review on June 12, 2025. The motion passed 5-0.

At 4:41 p.m., **Mayor Leichty** closed the compliance review hearing for the property at 208 Queen Street.



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

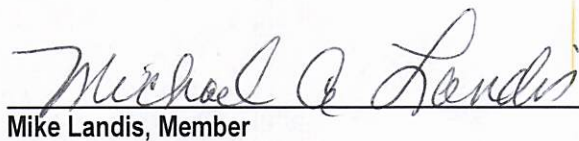
Mayor Leichty adjourned the meeting at 4:42 p.m.

EXHIBIT #1: *A two-page memorandum dated March 6, 2025 and prepared by City Building Inspector Travis Eash, which was distributed to the Board of Public Works & Safety before the compliance review hearing for 208 Queen Street. The memorandum, titled "UNSAFE BUILDING HEARING STAFF REPORT," included background information on 208 Queen Street, new inspection findings and a staff analysis and recommendation.*

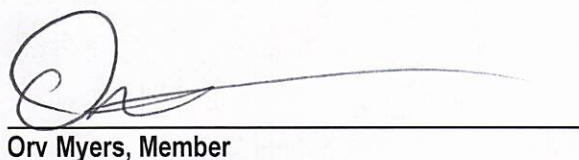
APPROVED:



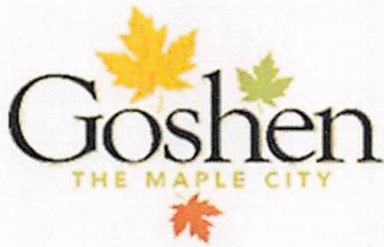
Mayor Gina Leichty



Mike Landis, Member

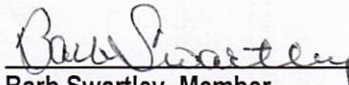


Orv Myers, Member



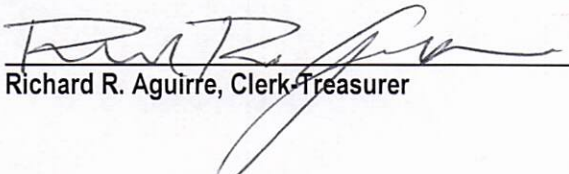


Mary Nichols, Member

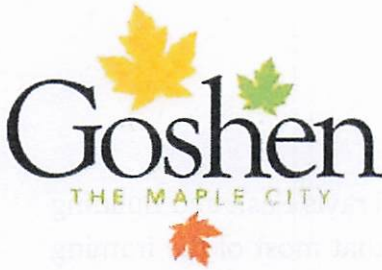


Barb Swartley, Member

ATTEST:



Richard R. Aguirre, Clerk-Treasurer



**Building Department
CITY OF GOSHEN**

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Exhibit #1

UNSAFE BUILDING HEARING – STAFF REPORT

Subject Property: 208 Queen Street, Goshen,
Property Owner: Artisan Investment Group, LLC
Date of Hearing: March 6, 2025

Background Summary:

An Order of the City of Goshen Building Commissioner requiring demolition of an unsafe building was issued for the property at 208 Queen Street, Goshen, Indiana (the “Property”) on November 3, 2023. The Hearing Authority held a hearing as to the Order on February 8, 2024; the Hearing Authority affirmed the Building Commissioner’s Order, but due to a change in ownership from Ronald Davidhizar to Leopoldo Mendoza, provided the opportunity to make repairs. The matter was reviewed again before the Hearing Authority on May 23, 2024; the Board found that there had been progress but not substantial progress for repairs, and set the matter for further review. That reviewing occurred on September 5, 2024; the Hearing Authority found that the repair work had stalled at the Property and gave the then owner of the property, Leopoldo Mendoza, thirty (30) days to submit documentation showing his capability and financial ability to complete the renovation of the unsafe building.

The Property was before the Hearing Authority again on November 7, 2024. Prior to the Hearing, Mendoza had sold the property to Artisan Investment Group, LLC (“Artisan”). Artisan had pulled a Remodel Permit for the Property but had yet to accomplish significant work. The Hearing Authority entered an Order requiring Artisan to complete substantial repairs and renovations to the Unsafe Building at the Property to bring it into substantial compliance with Goshen City Code by February 20, 2025, and set the matter for a compliance review hearing on March 6, 2025.

Inspection Findings:

The Property was inspected on March 5, 2025 by Inspector Travis Eash and Building Commissioner Myron Grise. During the inspection, staff observed that most of the framing had been completed and Artisan had corrected areas of concern to help strengthen the structural security of the building. Artisan acknowledged during the inspection that they are not as far along with the repair process as they intended. However, Artisan have pulled all required permits for the renovation – in addition to the prior Remodel Permit, permits have been pulled for Roof, Siding, Plumbing, Water Heater, and Electrical. In addition, Artisan has completed more work and made more progress in renovating this house than prior owners. Artisan advised they believed they would have the Property ready for all rough-in inspections within three (3) months, with the Property ready to be habitable and rented another three (3) after the rough-in inspections.

Staff Analysis & Recommendations:

Although the Building Department was hopeful the project would be closer to being completed, Staff is aware that Artisan is working on many additional projects with Goshen. As noted during the inspection, Artisan has made more progress towards renovation of this home than any prior owner, which is significant considering the Property has been vacant for at least ten (10) years, if not more.

Staff recommendation is to acknowledge the progress made by Artisan, permit continued work on the Property, Order that the Property be ready for rough-in inspections within three (3) months, with a review hearing if the Hearing Authority wishes to set one.