



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE JULY 11, 2024 REGULAR MEETING**

Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana

Present: Mayor Gina Leichty, Mike Landis, Orv Myers, Mary Nichols and Barb Swartley

Absent: None

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

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the June 27, 2024 Regular Meeting as prepared by Clerk-Treasurer Richard R. Aguirre. Board member Barb Swartley moved to approve the minutes as presented. The motion was seconded by Board member Mike Landis. The motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda with the addition of new agenda item #9, Resolution 2024-16, Declaring Surplus and Authorizing the Disposal of Personal Property. Board member Swartley moved to approve the agenda as amended. Board member Landis seconded the motion. Motion passed 5-0.

1) Fire Department request: Approve the promotion of Joshua L. Hite to the rank of Private First Class for the Goshen Fire Department, retroactive to April 10, 2024

City Fire Chief Dan Sink told the Board that Joshua L. Hite completed his probationary year at the Goshen Fire Department on April 10, 2024. Based on his performance and recommendations from his shift Battalion Chief and Training Officer, he requested that Hite be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive April 10, 2024.

Swartley/Landis made a motion that Joshua L. Hite be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive April 10, 2024. The motion passed 5-0.

After his promotion was approved, Mayor Leichty swore Private First Class Hite into office.

2) Fire Department request: Approve promotion of Kevin A. Mann to the rank of Private First Class for the Goshen Fire Department, retroactive to April 10, 2024

City Fire Chief Dan Sink told the Board that Kevin A. Mann completed his probationary year at the Goshen Fire Department on April 10, 2024. Based on his performance and recommendations from his shift Battalion Chief and Training Officer, he requested that Hite be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive April 10, 2024.

Swartley/Landis made a motion that Kevin A. Mann be promoted to the rank of Private First Class for the Goshen Fire Department, retroactive to April 10, 2024. The motion passed 5-0.

Private First Class Mann was unavailable and will be sworn into office at another time.

3) Allison & Kyle Stiffney request: Approve replacing a fence within the right of way at 702 South 6th Street

Kyle Stiffney of 702 South 6th Street asked the Board for permission to replace an existing six-foot fence at his home within the right of way with an aluminum fence – six or four feet, depending on what is approved by the City Board of Zoning Appeals – to improve visibility and improve safety.

Stiffney indicated that ending the fence at the sidewalk would keep pedestrians from entering his yard or using it as a short cut. If the City needs to access that portion of the right way, Stiffney acknowledged any repair or replacement of the fence would be at the homeowner's expense.



In a written request to the Board, **Stiffney** indicated that there currently is a six-foot fence along the alley (east side) that runs the entire length of the property line, including through the City's right of way and terminates at the sidewalk. He wrote that the fence was in poor shape and needed to be replaced; he has already removed a portion of it that was falling over.

Stiffney wrote that he understood from the City that the original variance for the fence could not be located. He indicated there were two issues with the existing fence – it is in the City's right of way and the City specified a fence the height of no more than four-feet can be installed for the initial 25 feet, according to the zoning ordinance.

City Assistant Planning & Zoning Administrator Rossa Deegan said the City Board of Zoning Appeals will be deciding on the height of the fence in the coming weeks. He said the City Planning Department had no opinion on the proposed encroachment of the fence into the City's right of way, but to ensure visibility for motorists, it would recommend keeping the fence five feet back from the sidewalk.

Mayor Leichty said she was very familiar with this property and wanted to thank **Stiffney** for his "massive investment" in improving the property. She said the property was an asset to the neighborhood and that an aluminum fence would be an improvement because it would increase visibility. She said she would rely on the Planning Department for determining the best location for the fence.

City Project Inspector Andrew Lund said in general the **Engineering Department** opposes installations in the City's right of way in order to ensure future access to public utilities. If the Board would approve it, Lund recommended maintaining a minimum 10-foot site clearance behind the sidewalk on Douglas Street.

Board members Swartley and Landis further discussed the appropriate location of the fence and the recommended distance from the right of way with **Lund** and **Stiffney**, who requested a smaller setback. There was also discussion on the decision before the Board, which was determining the appropriate distance of the fence from the sidewalk and seeking a way to help **Stiffney** without setting a precedent for future such requests.

Mayor Leichty/Board member Landis made a motion to follow the **City Planning Department's** recommendation to approve placement of a fence with a five-foot setback from the edge of the sidewalk on the condition that the homeowner will provide the **City** access anywhere in the right of way and remove the fence as necessary for any access requirement at the owner's expense. The motion passed 5-0.

4) Goshen Theater request: Approve placement of tables and seating in the alley south of the theater for its Martinis & Music events on July 18, Aug. 15, Sept. 19 and Oct. 17, 2024

Adrienne Nesbitt, Program Director of the Goshen Theater, asked the Board for permission to temporarily set a few tables outside in the alley to the south of the theater, at 216 South Main St., during its Martinis and Music events. They will be held July 18, Aug. 15, Sept. 19 and Oct 17.

Nesbitt said she was requesting permission for all four events, with the space reserved from noon until 8 p.m. She said the area will be fenced in compliance with state excise law.

Nesbitt said she received approval from the City Planning Department and the City Fire Department.

Swartley/Landis made a motion to approve placement of tables and chairs in the alley south of 216 South Main Street for the Goshen Theater's Martinis and Music events from noon to 8 p.m. on July 18, Aug. 15, Sept. 19 and Oct 17. The motion passed 5-0.

5) Legal Department request: Approve and authorize Mayor Leichty to execute the supplementary amendment with Gregory A. Kil & Associates, Inc. for architectural services related to work at the City's Annex building

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the Supplementary Amendment with Gregory A. Kil & Associates, Inc.



On or about Feb. 23, 2024, **Stegelmann** said the City entered into an agreement with Kil to provide architectural services to the City relative to the renovation of the Annex building. He said the replacement of the roof will be removed from the scope of the Annex renovation because a grant was obtained by the City and Kil will prepare a scope of work for the roof replacement, assist the City during the bidding phase of the roof project, and provide construction administration. Gregory A. Kil & Associates, Inc. will be paid \$45,000.00 for these services.

Stegelmann indicated that he supplementary Amendment also contains an Alternate for the redesign of the HVAC and lighting systems on the first floor and in the basement of the Annex. Kil will prepare a scope of work for this work, assist the City during the bidding phase, and provide construction administration. He said Gregory A. Kil & Associates, Inc. will be paid \$25,750.00 for these services.

Board member Landis asked why there was a higher price if work was removed from the original agreement.

Deputy Mayor Brinson said the previous agreement was not for construction, but just for design work. He said this agreement would call for more extensive work that will go beyond the previous agreement.

Swartley/Landis made a motion to approve and authorize Mayor Leichthy to execute the Supplementary Amendment with Gregory A. Kil & Associates, Inc. for architectural services related to the Annex building roof replacement, and the redesign of the HVAC and lighting systems on the 1st floor and in the basement of the Annex. The motion passed 5-0.

6) Water & Sewer Department request: Approve the closure of 8th Street, just north of Franklin Street, in front of 1113 South 8th Street, to thru traffic starting at 7 a.m. on Thursday, July 18 until Friday evening, July 19, to replace a manhole structure

Marv Shepherd, Superintendent of the City Water Department, told the Board that the City Water and Sewer Department will be replacing a manhole structure on 8th Street which will require City workers to be at the center of the road. A crane will be used to remove the old structure and set the new one.

For the safety of the work crews and the public, **Shepherd** requested permission to close 8th Street, just north of Franklin Street, in front of 1113 South 8th St. to traffic starting at 7 a.m. on Thursday, July 18. The road would be reopened for traffic on Friday evening, July 19 after the replacement of the manhole structure.

Mayor Leichthy asked if the street closure would coincide with the upcoming closures of railroad crossings by Norfolk Southern. **Shepherd** he wasn't sure. **City Project Inspector Andrew Lund** said the railroad work would begin next week and could coincide with the City's work on South 8th Street.

Mayor Leichthy asked if the work could be advanced so as not to take place at the same time. **Shepherd** said he would check to see if that was possible, but that he wanted to complete the work before the start of the Elkhart County Fair. He said he would move up the work if possible.

At the **Mayor's** request, **City Attorney Bodie Stegelmann** suggested wording of the motion to provide some flexibility for when the work would be done.

Swartley/Landis made a motion to close 8th Street, just north of Franklin Street, in front of 1113 South 8th St. to through traffic sometime during the week of July 15 and reopening on Friday evening, July 19 for the replacement of a manhole structure. The motion passed 5-0.

7) Engineering Department request: Authorize the Mayor to sign a revised State permit's Hold Harmless indemnity form for the Elkhart County 4H Fair Parade

City Project Inspector Andrew Lund told the Board that the Elkhart County 4-H Fair Parade will involve the closure of various City streets, including a section of U.S. Highway 33, between Madison Street and Monroe Street, and a section of State Road 15, between Lincoln Avenue and Main Street, on Sunday, July 21, 2024.

In review of the INDOT permit application for the closure of US 33 and SR 15, **Lund** said it was discovered that the original Hold Harmless indemnity form did not include SR 15. In order to complete the State permit process, the Engineering Department asked the Board to authorize the Mayor to sign a revised Hold Harmless indemnity form.



Swartley/Landis made a motion to authorize the Mayor to sign a revised State permit's Hold Harmless indemnity form for the Elkhart County 4H Fair Parade. The motion passed 5-0.

8) Engineering Department request: Accept the drainage plan for the Zollinger Subdivision, which was prepared by the developer's Indiana licensed professional engineer

City Project Inspector Andrew Lund told the Board that in accordance with the City's Subdivision Control Ordinance No. 3196, Section 512 "Drainage Plan," the City's Engineering Department has reviewed the drainage plan for Zollinger Subdivision, located north of Middlebury Street and along the east side of Zollinger Road. **Lund** said the drainage plan addresses the drainage needs of Lots 1-3 with a combination of a drainage swale and a stormwater retention basin that will provide 0.42 acre-feet of storage. A drainage easement will be shared between Lots 1 and 2 for a drainage swale while another easement will be shared between all three lots for a retention basin. After due consideration of the proposed drainage plan, **Lund** said the Goshen Engineering Department recommends the Board of Public Works and Safety and Stormwater Board's acceptance of the development's drainage plan. **Lund** added that the record should show the City of Goshen in no way guarantees the proposed drainage improvements will adequately function as designed by the developer's licensed professional. Additionally, the City accepts no liability in conjunction with the acceptance of the drainage plan. If the drainage plan's piping and or stormwater impoundments are found to underperform following construction, the City will seek remedial action be taken by the developer.

At the request of **Board member Landis**, **City Attorney Stegelmann** clarified the City's authority to require remedial action if necessary.

Swartley/Landis made a motion to accept the drainage plan for the Zollinger Subdivision, which was prepared by the developer's Indiana licensed professional engineer, noting that the City does not warrant the drainage plan will function as intended and accepts no liability for any failure of the drainage design. The motion passed 5-0.

10) Legal Department: Approve Resolution 2024-16, Declaring Surplus and Authorizing the Disposal of Personal Property

Shannon Marks, the **Legal Compliance Administrator for the City Legal Department**, informed the Board that the City Technology Department wished to dispose of the personal property that is no longer needed or is unfit for the purpose for which it was intended. She said the estimated total value of the items is less than \$5,000, some items of which are worthless or of no market value.

Marks said Resolution 2024-16 would declare the property as surplus and authorize its disposal in accordance with the provisions of Indiana Code § 5-22-22-6 by selling the property at a public or private sale or transferring the property without advertising or, pursuant to Indiana Code § 5-22-22-8, by demolishing or junking property that is worthless or of no market value.

Mayor Leichty said these are all junk items, including outdated software and unusable computer equipment.

Matt Schrock of Goshen asked about the desks. The **Mayor** said the desks were also junk.

Swartley/Landis made a motion to pass Resolution 2024-16, Declaring Surplus and Authorizing the Disposal of Personal Property. The motion passed 5-0.

Before the meeting, **Marks** distributed to Board members a memorandum, dated July 11, 2024, about the agenda item, a copy of Resolution 2024-16 and a list of the discarded property (**EXHIBIT #1**).



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

Mayor Leichty opened Privilege of the Floor at 4:44 p.m.

Mayor Leichty said City Stormwater, Street and Engineering employees did a fantastic job preparing for the recent heavy rains. She said some employees worked overnight to make sure residents were safe. She expressed appreciation for the employees.

Mayor Leichty closed Privilege of the Floor at 4:45 p.m.

Mayor Leichty closed Privilege of the Floor at 4:45 p.m., recessed the meeting of the Board of Public Works and Safety and opened a review hearing for a prior unsafe building order for 407 Center Street (M&H Rentals LLC, property owner).

CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARINGS:

July 11, 2024

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

10) Review hearing for a prior unsafe building order of the City of Goshen Building Commissioner for 407 Center Street (M&H Rentals LLC, property owner)

At 4:45 p.m., Mayor Leichty convened a review hearing to review the Order of the City of Goshen Building Commissioner for 407 Center Street (M&H Rentals, LLC. property owner, by its representative, Michael Schmucker).

BACKGROUND:

In a July 5,, 2024 memorandum to the Board, **Assistant City Attorney Don Shuler** wrote that the Board last held an unsafe building hearing for this property on May 2, 2024. At the conclusion of that hearing, the Board modified the prior demolition order for the property and issued a new order, requiring repair of cited code violations within 60 days. **Shuler** wrote that the Board' order set the matter for a review hearing on July 11, 2024, and the Legal Department sent the order, with notice of the hearing, to the owners via regular mail.

The purpose of the Board's July 11 review, **Shuler** wrote, was to determine if there have been reasonable attempts to comply with the May 2, 2024 order. Depending on the Board's findings, it could take any of the following actions:

- If the Board finds there has been substantial progress made or that repairs have been completed, the Board could do any of the following:
 - o Issue no new order but continue the hearing until a later date;
 - o Issue a new order requiring the repairs to be completed by a certain date, with a review hearing; or
 - o Issue an order rescinding the prior order and finding the building to no longer be an unsafe building.
- If the Board finds there has not been substantial progress made and there has been a willful failure to comply, the Board may issue a civil penalty up to \$5,000.
 - o If the Board issues a civil penalty, it may hold the fine in abeyance and set a date for the owner to complete repairs/make progress to avoid entry of the penalty

An Order of the City of Goshen Building Commissioner requiring demolition was issued for this property on Nov. 8, 2023.



Shuler wrote that at that time, the property at 407 Center Street was owned by **Ron Davidhizar**. The property later was included in an auction on Dec. 16, 2023, and **M & H Rentals, LLC** was the successful bidder. At a Board of Public Works and Safety hearing on Dec. 18, 2023, the Board continued the matter due to the auction and the stated plans of M & H Rentals, LLC, by its representative **Michael Schmucker**, to rehabilitate the property once the closing had occurred. **Shuler** wrote that the closing of the sale of the property occurred on Jan. 24, 2024.

At a hearing on Jan. 25, 2024, **Schmucker** told the Board of the recent closing and noted that he had provided a scope of work plan to the Building Department. The Building Department advised the Board that it had accepted **Schmucker's** plans for rehabilitation but requested the matter be set for review in three months to ensure progress was being made. The Board then continued the hearing to May 2, 2024.

Shuler asked the Board to conduct the unsafe building hearing on May 2 by receiving evidence and arguments from the Building Department, the property owner, and anyone else who wished to speak to the property. After receiving evidence, the Board could continue the hearing, or affirm, rescind, or modify the Building Commissioner's Order. **Shuler** wrote that any action on the Building Commissioner's Order should include factual findings as to the condition of the property and any code violations, as well as the required action to take.

A form of the Record of Action and Continuous Enforcement Order that the Board would issue following the hearing was also attached to the memorandum, and **Shuler** wrote that it could be used as a guide in conducting the hearing. The form enclosed also provided options should the Board desire to modify the Building Commissioner's Order.

In the attached Unsafe Building Hearing Authority Record of Action and Continuous Enforcement Order, Shuler provided the background of the case, the legal authority for the City's action, the specific violations alleged by the City and the actions and options before the Board of Public Works and Safety.

Shuler also wrote that attached to his memorandum was the initial Nov.8, 2023 Order of the City of Goshen Building Commissioner for 407 Center Street.

In that document, Building Commissioner Myron Grise informed then-property owner Ron Davidhizar that his property was in violation of the City of Goshen Neighborhood Preservation Ordinance, codified at Goshen City Code § 6.3.1. He wrote that the property had 11 violations, including of the foundation, ceilings, floors, walls, the roof, the lack of operating a heating and mechanical system, plumbing, the electrical system, and other issues.

Grise ordered Davidhizar to demolish the unsafe buildings identified in Section 2 of this Order at the property identified in Section 1 of this Order and remove all demolition remains, trash, and debris on the unsafe premises and return the site to natural grade, all of said work to be completed on or before Dec. 31, 2023.

DISCUSSION AND OUTCOME OF BOARD OF PUBLIC WORKS & SAFETY HEARING ON JULY 11, 2024:

Mayor Leichty opened the hearing to review the Order of the City of Goshen Building Commissioner for 407 Center Street (M&H Rentals, LLC. property owner, by its representative, Michael Schmucker).

Present for the hearing were: Board members Leichty, Landis, Myers, Nichols and Swartley; City Attorney Bodie Stegelmann; City Building Inspector Travis Eash; and Michael Schmucker, representing M&H Rentals, LLC.

Mayor Leichty invited comments from City Building Inspector Eash, who distributed a packet of information about 407 Center Street (EXHIBIT #2). The packet included a one-page memo from Eash to the Board (dated July 5, 2024), Eash's three-page Oct. 24, 2023 property inspection report and eight pages of "before and after" color photos of the property.

Reading from his memorandum, **Eash** said this property has come to the Board of Works on a couple of times – on Jan. 25, 2024 at which the Board gave the new owner 90 days to complete repairs or demolish the property. He said a follow-up hearing occurred on May 2, 2024 to determine compliance of the Board of Works Order from January.



Eash said that at the May hearing it was determined that even though the repairs were not completed, there had been enough progress by the new owners to allow more time to finish the repairs and complete the remodeling and the demolition order was rescinded and the property was then put under a repair order.

"The new owners have continued to work hard and have made more significant progress," **Eash** said. "At this time the house is not completed. However, everything required in the original order has been repaired other than installing plumbing fixtures, which will be installed after the flooring has been laid down and as of right now the flooring is on order."

Eash provided the Board with photos showing the property before and during repairs as well as the current condition. **Eash** said, "The new owners are going beyond just fixing repairs and doing a total renovation and with that being said, the Building Department's recommendation to the Board is to take this out of a repair order on the condition that the entirety of the work is completed and a final inspection passed by Aug. 31. The owners are also aware that the property may not be occupied or listed for sale before a final inspection has passed."

Eash concluded, "On behalf of the Building Department, I would like to thank the owners of the property and everyone that has helped them get this property, which has been vacant for several years, into a habitable state."

Mayor Leichty asked **Michael Schmucker of M&H Rentals, LLC.**, to describe the photographs for the Board.

Schmucker said the home was "gutted," and extensive repairs were made throughout the home. The work included lowering the upstairs floors and downstairs ceilings and replacing all of the floor joists. He also said new insulation and drywall was installed along with a new electrical system.

Schmucker said in the coming week new flooring, cabinets and countertops will be installed, adding, "We're moving along; we're just not done today." He also said grass has been planted to improve the exterior of the home.

Board member Swartley said she drove past the property earlier today and said it looked "amazing. It's quite a difference from the outside." She asked about the number of bedrooms. **Schmucker** said it would have three bedrooms and two bathrooms.

On behalf of City, **Mayor Leichty** thanked **Schmucker** "for taking this project on and for the transformation and the positive impact that it's going to have on this neighborhood. We are very grateful for your investment and your hard work. I cannot imagine what state you found that property in."

Schmucker said neighbors are happy about the renovation and some have said, "Now you're making ours look bad."

Mayor Leichty said there is statistical evidence that shows that as people improve their properties, others are more likely to want to follow suit and take better care of their properties. She added, "So, we hope it is a positive influence and incentive for that neighborhood. We hope to see more of that happen."

Mayor Leichty asked if the Board and some Common Council members would be invited to a ribbon cutting. **Eash** said he would try to persuade the owner to agree to a walk-through when the work is completed.

Swartley/Landis then made a motion to accept the Building Department's recommendation to take the property at 407 Center Street out of a repair order on the condition that the entirety of the work is completed and a final inspection is passed by Aug. 31, 2024. The motion passed 5-0.

At 4:51 p.m., **Mayor Leichty** adjourned the hearing and reopened the meeting of the Board of Public Works and Safety.



Approval of Civil City and Utility Claims

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


Adjournment

Mayor Leichty adjourned the Board of Public Works and Safety meeting at 4:52 p.m.

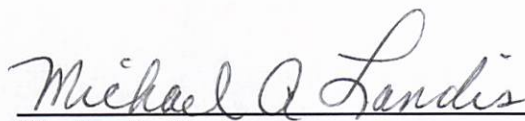
EXHIBIT #1: A memorandum to Board members, dated July 11, 2024, from City Legal Compliance Administrator Shannon Marks about agenda item #9, Legal Department: Approve Resolution 2024-16, Declaring Surplus and Authorizing the Disposal of Personal Property, along with a copy of Resolution 2024-16 and a one-page list of the discarded property.

EXHIBIT #2: A July 5, 2024 memorandum written by City Building Inspector Travis Eash and a packet of information distributed to Board members about the property at 407 Center Street. Besides the memo, the packet included Eash's three-page Oct. 24, 2023 property inspection report and eight pages of "before and after" color photographs of the property. This information was submitted during and for consideration of agenda item #10) Review hearing for a prior unsafe building order of the City of Goshen Building Commissioner for 407 Center Street (M&H Rentals LLC, property owner, by its representative, Michael Schmucker).


APPROVED:



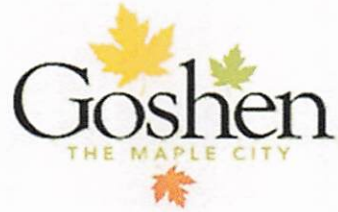
Mayor Gina Leichty




Mike Landis, Member

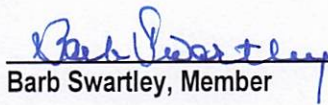


Orv Myers, Member



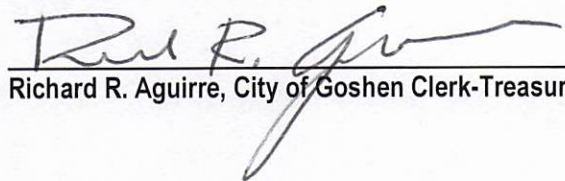


Mary Nichols, Member



Barb Swartley, Member

ATTEST:



Richard R. Aguirre, City of Goshen Clerk-Treasurer

EXHIBIT #1



CITY OF GOSHEN LEGAL DEPARTMENT

City Annex
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185
www.goshenindiana.org

July 11, 2024

To: Goshen Board of Public Works and Safety
From: Shannon Marks
Subject: Resolution 2024-16 - Declaring Surplus and Authorizing the Disposal of Personal Property

City departments and offices wish to dispose of personal property that is no longer needed or is unfit for the purpose for which it was intended. The estimated total value of the property is less than \$5,000, some items of which are worthless or of no market value.

Resolution 2024-16 is to declare the property as surplus and authorize its disposal in accordance with the provisions of Indiana Code § 5-22-22-6 by selling the property at a public or private sale or transferring the property without advertising, or Indiana Code § 5-22-22-8 by demolishing or junking property that is worthless or of no market value.

Suggested Motion:

Move to pass Resolution 2024-16 - Declaring Surplus and Authorizing the Disposal of Personal Property.

EXHIBIT A

Surplus Property (Resolution 2024-16)

Metal desk with return
Wooden desk
2 Computer cabinet/desk units
Pioneer tuner- TX-1070R
Pioneer cassette- CT-128WR
Pioneer amp- SA-1270
Speaker selector -Niles -SVL-6
8 Ski set no bindings, ASNES
5 Ski set no bindings, FT
3 Ski set no bindings, Fuji
1 Ski set no bindings, Haugen
3 Ski set no bindings, Elan
2 Ski set no bindings, Rossignol
6 Ski set no bindings, Bonia
1 Ski set no bindings, Valtonen
2 Ski set no bindings, Espoke
14 ski pole sets
13 Optical (DVD) Drives
14 Keyboards
20 Mice
1 Speakers
8 Routers/A.P.
14 sticks RAM
10 PC Towers (stripped of internal components)
14 Video Cards
1 Camera
4 boxes of Cables
1 box of software

**Goshen Board of Public Works and Safety
Resolution 2024-16**

Declaring Surplus and Authorizing the Disposal of Personal Property

WHEREAS various City of Goshen departments and offices have personal property that is no longer needed or is unfit for the purpose for which it was intended and wishes to dispose of the personal property.

WHEREAS the estimated total value of the personal property is less than \$5,000, some items of which are worthless or of no market value.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety that:

1. The personal property set forth in Exhibit A is declared as surplus property, hereinafter collectively referred to as "Surplus Property."
2. City staff is authorized to determine the best method(s) to dispose of the Surplus Property in accordance with Indiana Code § 5-22-22 et seq., based on the nature of the property, the number of items to be disposed, and the estimated total value of the property. Disposal may include:
 - a. Selling the Surplus Property at a public or private sale or transferring the Surplus Property without advertising in accordance with Indiana Code § 5-22-22-6, provided the estimated value of the Surplus Property is less than \$5,000. Income received from the sale of any Surplus Property shall be receipted into the general fund.
 - b. Demolishing or junking Surplus Property that is worthless or of no market value in accordance with Indiana Code § 5-22-22-8, including recycling components where possible.

PASSED by the Goshen Board of Public Works and Safety on July 11, 2024.

Gina M. Leichty, Mayor

Mary Nichols, Member

Orv Myers, Member

Michael A. Landis, Member

Barb Swartley, Member



Building Department
CITY OF GOSHEN

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

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

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: JULY 11, 2024

Subject: 407 CENTER STREET

This property has come to the Board of Works on a couple of times. First on January 25, 2024. In that hearing the Board gave 90 days to complete repairs or demolish the property. A follow up hearing occurred on May 2, 2024 to determine compliance of the Board of Works Order from January.

At the May hearing it was determined that even though the property was not completed, there had been enough progress by the new owners to allow more time to finish the repairs and complete remodel and the demolition order was rescinded and the property was then put under a repair order.

The owners have continued to work hard and have made more significant progress. At this time the house is not completed, however everything required in the original order is repaired other than installing plumbing fixtures which will be installed after the flooring has been installed. The flooring is ordered but has not arrived yet according to the owners.

I have attached pictures of before, during and after/current pictures for the Board. Also, the pictures will be displayed on screen to go over for any questions.

The new owners are going beyond just fixing repairs, and doing a total renovation and with that being said, the Building Departments recommendation to the Board is to take this out of a repair Order on the condition that the entirety of the work is completed and a final inspection passed by August 31, 2024. The owners are also aware that the property may not be occupied or listed for sale before the final inspection has passed.

On behalf of the Building Department, I would like to thank the owners of the property and everyone that has helped them get this property, which has been vacant for years habitable once again.

Thank you,

Travis Eash



Building Department

City of Goshen

204 E Jefferson St • Goshen, Indiana 46528

Phone: 574-534-1811 • Fax:

building@goshencity.com • www.goshenindiana.org/building-department

October 24, 2023

M & H Rentals, LLC
c/o Michael Schmucker
570 County Road 19
Goshen, IN 46526

RE: Unsafe Vacant Property at 407 Center St

Dear Ron Davidhizar:

The City of Goshen inspected the vacant property at 407 Center St on 10/24/2023. As a result of the inspection, the building has been determined to be unsafe because it is not maintained in a manner that allows human habitation. The inspection identified numerous code violations that must be corrected to bring the property into compliance with the Goshen Neighborhood Preservation Ordinance.

The following repairs need to be completed by **November 7, 2023**.

6.3.1.6(b)(1) NPO	Clean and Sanitary Dwelling Unit - Exterior Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls. <i>The interior and exterior of property has accumulation of trash and materials</i> <i>Evidence of animals and vagrants</i> <i>Carpet is saturated with urine and feces</i>
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6.3.1.3(g) NPO	Duct Systems Duct systems shall be maintained free of obstruction and shall properly function. <i>Ductwork is not connected properly</i>
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6.3.1.3(e) NPO	Heat Supply Every dwelling shall have heating facilities which are properly installed, maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and rooms in every dwelling unit located therein to a temperature of at least sixty-five (65) degrees Fahrenheit, and whenever the outside winter conditions are at least zero (0) degrees Fahrenheit. Unvented fuel burning space heaters shall not be used to provide primary heating. <i>No working heating system</i> <i>Ductwork not connected</i>

No operable furnace

6.3.1.7(a)

Plumbing

NPO

At least one flush toilet, bathroom sink, and bathtub or shower properly connected to the water and sewer systems of the City and in good working condition shall be supplied for every eight (8) persons, or fractions thereof, residing within a hotel or rooming house, including members of the operator's family whenever they share the use of such facilities; provided, that in a hotel or rooming house where rooms are let to males, flush urinals may be substituted for not more than one-half the required number of toilets. All other facilities shall be so located within the building as to be reasonably accessible from the common hall or passageway to all persons sharing such facilities. Every bathroom sink, and bathtub or shower shall be supplied with hot water at all times.

No active plumbing system

No operable water heater

6.3.1.1(b)

Privacy, Weather Tight, Good Repair - Exterior

NPO

Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight and rodent proof; shall be capable of affording privacy, and shall be kept in good repair. All foundation systems must be firmly supported and free from open cracks and breaks. All foundation systems must be capable of supporting all nominal loads and capable of resisting all load effects.

Areas around the foundation where large cracks and large gaps and holes have developed

Certain areas of the foundation are beginning to fail and in disrepair

Multiple ceilings have collapsed from an apparent roof leak, significant water damage to ceilings and floors throughout property.

Floor in kitchen is so damaged by water that it is in danger of collapse

Significant cracks and holes in ceilings and walls

Floor in main living area is detached from wall and has begun to sink.

Poorly constructed brick wall in main living area is in danger of collapse

6.3.1.4(g)

Properly and Safely Installed Electrical Equipment

NPO

All electrical equipment, wiring and appliances shall be properly and safely installed in accordance with the provisions of any applicable Building, Plumbing or Electric Code adopted by the City of Goshen or the State of Indiana and thereafter properly maintained.

Areas in house where the electrical wiring has been water damaged and is exposed to weather conditions

Electrical panel has been tampered with

No active electrical system

Multiple areas with exposed electrical wiring

6.3.1.1(c)**Roof**

NPO

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building. Roof drains, gutters, and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a hazard on the premises or adjacent property.

Rubber roof in rear of property was poorly installed and has multiple areas where it is allowing weather to enter property, doing significant damage to the structural integrity to the building

Areas where soffit and fascia are damaged or missing

Areas where shingles are damaged or loose

6.3.1.1(d)**Windows and Doors**

NPO

Every window, exterior door, and basement hatchway shall be reasonably weather tight and rodent proof, and shall be kept in sound working condition and good repair. All glazing materials shall be maintained free from cracks and holes.

Broken doors and broken windows

6.3.1.1(g)**Unpainted Surfaces - Exterior**

NPO

All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. All painted surfaces shall be properly coated and weather tight.

Chipping and peeling paint throughout property

6.3.1.1(p)**Unsafe Structure(s) - Interior**

NPO

Any portion, member or appurtenance of a building shall not be likely to fail, to become detached, dislodged or to collapse and thereby injure persons or damage property.

Areas around foundation where cracks, large gaps and holes have formed and begun to sink.

Multiple areas where ceiling have collapsed due to water damage, including next to electrical panel

Extensive water damage to kitchen floor has made the floor in danger of collapse.

Floor in main living area has detached from the wall and is sinking and in danger of collapse.

If addition, if the property is intended to be used as a rental, it will require registration with the Building Department.

Thank you for your cooperation in allowing the City of Goshen to conduct this inspection.

Respectfully,

