



**CITY OF GOSHEN BOARD OF PUBLIC WORKS & SAFETY
MINUTES OF THE AUGUST 28, 2025 REGULAR MEETING**

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

Present: Mayor Gina Leichty, Mike Landis, Mary Nichols, Orv Myers 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 July 31 and Aug. 7 regular meetings and the August 21 claims-only meeting as prepared by Clerk-Treasurer Aguirre. Board member Mike Landis made a motion to approve the minutes as presented. Board member Barb Swartley seconded the motion. The motion passed 5-0.

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

1) Presentation of City Fire Department Life Saving Awards to Michael Hamby, Hannah Estes, Jon Weishaupt, Jordan Hunter, Jerod Erb and Shane McKerchie

At the Aug. 28, 2025 Common Council meeting, City Fire Chief Anthony Powell said he bestowed City Fire Department Life Saving Awards to six firefighters. He repeated the honor at the Board meeting.

First, Chief Powell described the heroic actions of Division Chief Michael Hamby.

Chief Powell said, "On the morning of June 26, 2025, at approximately 9:10 a.m., Division Chief Michael Hamby, while off duty and at his residence ... heard a call for help in his neighborhood. Without hesitation, Chief Hamby immediately responded and discovered a man lying on the ground in full cardiac arrest.

"Assessing the situation with speed and clarity, he initiated lifesaving chest compressions and began CPR with no equipment or support crew at his side. Thanks to his prompt and decisive actions, by the time EMS arrived and the patient was transported to the hospital, a pulse had been restored – a direct result of Chief Hamby's intervention."

Chief Powell said, "This remarkable act of service was witnessed by neighbors, including Jason Gour, Division Chief of Operations for Elkhart Fire Department, who personally commended Hamby for his actions and later submitted a formal letter of praise. Chief Gour stated: 'Hamby's actions this morning saved that man's life.'

"Support for Chief Hamby's heroism was further echoed by Battalion Chief Ken Miller of Clay Fire Territory, who wrote: 'This act exemplifies the highest standards of courage, professionalism, and commitment to public service... Chief Hamby's quick thinking, training, and unwavering dedication to the safety of others are a testament to the values we uphold."

Chief Powell concluded that Chief Hamby "is a shining example of the courage, skill, and selflessness that define the Goshen Fire Department. His quick response saved a life and strengthened the bond between our department and the community we are sworn to protect."

The audience responded with applause for Chief Hamby.

Next, Chief Powell described life-saving actions of firefighters Jonathan Weishaupt, Shane McKerchie, Jordan Hunter, and Jerod Erb and Hannah Estes (who was unable to be present due to a scheduling conflict). The Chief said their "decisive efforts directly contributed to saving a life in our community."



Describing the incident, **Chief Powell** said, "On the evening of Feb. 1, 2023, Goshen Medic 921 and Rescue 961 were dispatched to a residence in Goshen for a report of a patient in cardiac arrest. The patient, a 67-year-old male, had collapsed suddenly in his home. His wife and family were present and had already initiated CPR with the assistance of a GPD officer when our crews arrived.

"Upon entering the scene, the Goshen Fire Department crew took over care and immediately began a highly coordinated resuscitation effort. The patient had no carotid pulse and showed signs of agonal respirations. What followed was an exceptional display of teamwork and professionalism:

- "Manual and mechanical CPR were administered promptly.
- "Multiple defibrillations were performed to address ventricular fibrillation.
- "Advanced airway management was initiated, including successful intubation under difficult conditions.
- "Medications including Fentanyl, Lidocaine, and Etomidate were administered to support resuscitation and patient comfort.
- "A 12-lead ECG, spinal motion restriction, and oxygen therapy were also conducted with precision and care."

Chief Powell continued, "After five minutes of intense effort, the crew successfully achieved Return of Spontaneous Circulation. The patient's condition stabilized enough for safe transport, and he arrived at Goshen Hospital with improved vital signs and intact neurological status.

"These actions not only exemplify technical excellence and calm under pressure, but more importantly, they reflect the compassion, courage, and commitment our paramedics and EMTs bring to work every single day. Because of their swift and heroic response, a life was saved and a family was given another day with their loved one."

After the Chief's presentation, the audience again responded with applause.

2) Presentation: Lifetime Achievement Award to Scott McDowell, Indiana Association of Arson Investigators
City Fire Chief Anthony Powell said **Battalion Chief Scott E. McDowell**, IAAI-CFI, CFEI, CVFI, FIT, has dedicated more than three decades to the Goshen Fire Department since joining in 1993, serving as a paramedic, investigator, and leader in fire operations.

Widely recognized as one of Indiana's foremost fire investigation experts, **Chief Powell** said **McDowell** has conducted and supervised hundreds of fire and explosion investigations involving multimillion-dollar losses, fatalities, and high-profile criminal cases. Among these was a landmark arson investigation involving the deliberate torching of a brand-new double-wide trailer off U.S. 33 at Paul's Mobile Home Park, which exposed a volunteer firefighter responsible for numerous other fires across the county in a dangerous "hero complex" scheme.

Chief Powell said **McDowell's** "tenacity secured justice, full restitution, and the prevention of further community harm."

The Chief said **McDowell's** credentials include multiple national certifications, leadership as Director of the Certified Fire Investigator Program for the Indiana Chapter of the International Association of Arson Investigators, and extensive training and teaching in arson detection, evidence collection, and forensic fire analysis. Honored previously as Indiana's Fire Investigator of the Year, **McDowell's** service has also extended to law enforcement, tactical medical response, and emergency air medical care.

Chief Powell said due to **McDowell's** dedication, investigative excellence, and commitment to public safety, he was awarded the prestigious Lifetime Achievement Award at the Indiana Chapter of the International Association of Arson Investigators Conference.

The audience responded with applause.



3) Fire Department request: Ratify the conditional offer of employment for Matthew Yutzy as a probationary firefighter with the Goshen Fire Department, retroactive to Aug. 21 and approve his hiring as a probationary firefighter, effective Aug. 25, 2025

City Fire Chief Anthony Powell asked the Board to ratify the conditional offer of employment for Matthew Yutzy as a probationary firefighter with the Goshen Fire Department, retroactive to Aug. 21.

Chief Powell said Yutzy has successfully completed all required testing and met the necessary standards for employment under the Indiana Public Retirement System (INPRS). He also has fulfilled all internal requirements and qualifications mandated by the Goshen Fire Department.

Chief Powell requested that this ratification be made retroactive to Aug. 21, 2025, which reflects the effective date of his conditional offer. He said the Board's approval will allow the department to proceed with finalizing the onboarding process and ensure appropriate benefits and administrative tracking as of the stated date.

Landis/Swartley made a motion to ratify the conditional offer of employment for Matthew Yutzy as a probationary firefighter with the Goshen Fire Department, retroactive to Aug. 21. The motion passed 5-0.

Chief Powell also said Yutzy has completed all required testing and met the standards set forth by the Indiana Public Retirement System (INPRS), as well as all internal standards of the Goshen Fire Department. His successful completion of both state and department-level requirements makes him fully qualified for probationary status.

Chief Powell added that this appointment marks the beginning of his probationary period, during which Yutzy will continue to receive training and performance evaluations in accordance with department policy and civil service regulations.

Landis/Swartley made a motion to approve the hiring of Matthew Yutzy as a probationary firefighter for the Goshen Fire Department, effective Aug. 25, 2025. The motion passed 5-0.

After the Board's approval, Mayor Leichty swore Matthew Yutzy into office as a probationary firefighter.

4) Police Department request: Approve the promotion of Lieutenant Mark D. Clere from the position of Patrol Lieutenant to the rank of Detective, retroactive to Aug. 8, 2025

City Police Chief José Miller asked the Board to approve the promotion of Lieutenant Mark D. Clere from the position of Patrol Lieutenant to the rank of Detective, retroactive to Aug. 8, 2025.

Chief Miller said Lt. Clere has served with the Goshen Police Department for more than 13 years. Throughout his tenure, Chief Miller said Lt. Clere "has consistently demonstrated exceptional dedication, professionalism, and commitment to both this department and the Goshen community."

Chief Miller said Lt. Clere's experience in law enforcement and investigations will be extremely beneficial in his new role as Detective, strengthening the department's investigative capabilities and enhancing the department's service to the community. For these reasons, he recommend Lt. Clere's promotion to Detective.

Landis/Swartley made a motion to approve the promotion of Lieutenant Mark D. Clere from the position of Patrol Lieutenant to the rank of Detective, retroactive to Aug. 8, 2025. The motion passed 5-0.

5) Police Department request: Approve resignation of Officer Manuel Torres, retroactive to Aug. 25, 2025

City Police Chief José Miller asked the Board to approve the resignation of Officer Manuel Torres #240 retroactive to Aug. 25, 2025. Officer Torres' last day was August 24.

Chief Miller said Officer Torres accepted a position at his previous employer in the private sector. The Chief thanked Officer Torres for his service to the Goshen community and wished him the best in his path moving forward.



In his letter of resignation, Torres expressed appreciation for the opportunity to serve as a patrolman . He added, "Over the past several months, I have acquired invaluable knowledge and skills. This role transcends the conventional definition of employment; it truly embodies a calling. I hold immense respect for the dedicated officers who uphold the law and have paved the way for future generations of law enforcement professionals."

Landis/Swartley made a motion to approve the resignation of Officer Manuel Torres #240 retroactive to Aug. 25, 2025. Officer Torres' last day was August 24 The motion passed 5-0.

6) Arts on the Millrace request: Approval to use two parking spaces and receive City services for the annual event, Sept. 5 & 6, 2025

Adrienne Nesbitt, director of the Arts on the Millrace festival, asked the Board to designate the two parking spaces closest to the north side of Powerhouse Park as closed to public parking on Sept. 5 and Sept. 6 for the festival. She said these parking spots would be used to load-in and load-out for set up and then for bands throughout the festival.

Nesbitt also requested the use of the tall orange cones and fencing (as much as is available), blue trash cans (12), and a trailer from Goshen Street Department for the same time frame. She said she had requested those items from the City Street Department.

At the Mayor's request, Nesbitt described the Arts on the Millrace Festival as an annual fine arts festival, with bands and food trucks, that allows regional artists to show and sell their products.

Landis/Swartley made a motion to approve the use two parking spots on the north side of the powerhouse on Sept. 5 and Sept. 6 for the Arts on the Millrace Festival. The motion passed 5-0.

7) St. John the Evangelist Catholic Church request: To safely allow parishioners to enjoy the festival, approve the partial closure of Third Street, from noon until 10 p.m. on Saturday, Sept. 6 during the annual parish festival

Jonathan Evangelista, Pastoral Associate for St. John the Evangelista Catholic Church, asked the Board to approve a street closure for the church's annual parish festival in its parking lot on Saturday Sept. 6, 2025.

Evangelista asked the Board's permission to block part of 3rd Street from noon until 10 p.m. He said he requested barricades from the Street Department.

Mayor Leichty and other Board members discussed the closure of 3rd Street vs. closing Monroe Street and the resulting impact on traffic, especially since the church's festival will take place during Arts on the Millrace. The Mayor said she preferred that 3rd Street remain open. Evangelista discussed the closure options with the Board and said an alternative would be partially closing Monroe Street.

Mayor Leichty/Board member Landis then made a motion to close Monroe Street, from 3rd Street east to the alleyway, from noon to 10 p.m. on Saturday, Sept. 6 for the St. John Parish Festival.

8) Goshen High School Band Boosters request: Street closures, barricades and parking for the Goshen High School Marching Band Invitational, Sept. 6, 2025

Jason Kauffman, a representative of the Goshen High School Band Boosters, asked the Board to approve the closure of several public streets for the upcoming Goshen Marching Band Invitational, which will be held at Goshen High School on Saturday, Sept. 6, 2025.

He said boosters were making the request for the safety of the students and volunteers attending the event. Since the high school utilizes the entire campus for this event, students' movement across these streets is necessary.



Kauffman said 24 marching bands from around the region will begin performing in the mid-afternoon. Preparations for the Invitational and the arrival of each participating school will begin in the morning, so the Boosters requested street closures no later than 10 a.m. and the event will conclude shortly after 9:30 pm, with all participants leaving no later than 11 p.m. and clean-up completed no later than midnight.

The streets the Boosters requested for closure were as follows: East Purl Street from 9th Street east to the school campus and 10th Street from the intersection of 10th and Madison Street south to East Reynolds Street. Landis/Swartley made a motion to approve the requested street closures from 10 a.m. until 11 p.m. on Sept. 6, 2025. The motion passed 5-0.

9) Artisan Builders request for 601 N. 5th Street: Approve a developmental width variance to install an asphalt parking area for three vehicles

Marlin Schwartz, representing Artisan Investment Group, requested a developmental variance to install an asphalt parking area for three vehicles at its property located at 601 North Fifth Street. He said the parking would be moved to the alley, providing necessary space for vehicles and maintaining the surrounding area's character.

City Assistant Planning & Zoning Administrator Rossa Deegan said the setbacks along Garden Street were approved Tuesday by the Board of Zoning Appeals for this parking area. He said what was prompting this request is that the applicant is remodeling the property to a degree to that the property needs to come into compliance with the zoning ordinance requirements for onsite parking.

Deegan said Artisan received approval to have three parking spaces instead of three for a non-conforming three-unit property. He said what this will do is take what has been some scant gravel coming off of Garden Street, and allow the property to be accessed from the alleyway with asphalt-paved parking.

City Director of Public Works & Utilities Dustin Sailor said the variance is for the proposed width of the driveway. He said a standard width driveway is 24 feet, and Artisan was asking for a larger width. Sailor said the Engineering Department supports the request for drainage and safety reasons.

Landis/Swartley made a motion to approve a 30-foot driveway approach off of the alley and behind 601 North 5th Street. The motion passed 5-0.

10) Koehn Construction request: Approve the blocking of parking spaces and the sidewalk at North Main and East Clinton Streets for four or five days during the initial two weeks of October for a window-painting project at the Spohn Building, 109 East Clinton Street

Vaughn Koehn of Koehn Construction, LLC, said his company needs to paint the second and third floors windows on the Spohn Building, 109 East Clinton Street, at the corner of North Main and East Clinton Street.

Koehn said this project will require parking spaces and sidewalk use, and his company will be using a lift. He asked that the sidewalk and parking spaces be closed in front of this building for the work. He requested doing the work for four or five days during the initial two weeks in October. He would supply the barricades.

Mayor Leichty asked about Koehn leaving the Main Street sidewalk open for the Oct. 3 First Friday activities. Koehn said he would avoid closing the sidewalk on that date. He requested work on four or five days, Sept. 29 to Oct. 10.

Board member Landis requested that Koehn minimize the extent of the sidewalk closure.

Landis/Swartley approved the closure of the sidewalks and parking spaces on East Clinton Street and Main Street for work on the Spohn Building, 109 East Clinton Street, for four or five days from Sept. 29 through Oct. 10, with the request that the sidewalks and parking spaces only be closed for the work when necessary.



11) Legal Department request: Accept the easement for Goshen City utility purposes at 64091 CR 31 from Daniel J. Yoder and Susan D. Yoder, and authorize the Mayor to execute the acceptance

Assistant City Attorney Don Shuler recommended that the Board accept the proposed easement from Daniel J. Yoder and Susan D. Yoder and authorize the Mayor to execute the acceptance. This easement is for Goshen City utility purposes at 64091 CR 31, Goshen, Indiana.

Landis/Swartley made a motion to accept the easement for Goshen City utility purposes at 64091 CR 31 from Daniel J. Yoder and Susan D. Yoder, and authorize the Mayor to execute the acceptance. The motion passed 5-0.

12) Legal Department request: Approve and authorize Mayor Leichty to execute the agreement with Baker Tilly Advisory Group, LP for City Utilities' Annual Accounting and Reporting Support, Gateway Annual Report, and Debt Management at an annual cost not to exceed \$18,300 with both parties understanding each has the right to terminate at any time after reasonable advance written notice

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the attached agreement with Baker Tilly Advisory Group, LP for City Utilities' Annual Accounting and Reporting Support, Gateway Annual Report, and Debt Management. Baker Tilly Advisory Group, LP's total annual compensation under this agreement will not exceed \$18,300 with both Parties understanding each has the right to terminate at any time after reasonable advance written notice.

Landis/Swartley made a motion to approve and authorize Mayor Leichty to execute the agreement with Baker Tilly Advisory Group, LP for City Utilities' Annual Accounting and Reporting Support, Gateway Annual Report, and Debt Management at an annual cost not to exceed \$18,300 with both parties understanding each has the right to terminate at any time after reasonable advance written notice. The motion passed 5-0.

13) Legal Department request: Approve and authorize Mayor Leichty to execute the agreement with Baker Tilly Advisory Group, LP Scope Appendix to their Engagement Letter dated April 11, 2025 as referenced herein with compensation for tasks A-C a lump sum of \$77,000 and compensation for tasks D-E not to exceed \$20,000 with both parties understanding each has the right to terminate at any time after reasonable advance written notice

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the attached Scope Appendix to their Engagement Letter dated April 11, 2025. Stegelmann said this Scope Appendix includes the following tasks:

- A. General municipal advisory services**
- B. Securities issuance**
- C. Assist with coordination of the financial portions of the 2026 State Revolving Fund application**
- D. A rate study regarding annual revenue requirements**
- E. Attendance of all necessary meetings and provide required reports.**

Stegelmann said Baker Tilly Advisory Group, LP's total annual compensation under this agreement for tasks A-C will be lump sum of \$77,000. Baker Tilly Advisory Group, LP's total annual compensation under this agreement for tasks D-E will not exceed \$20,000. Both parties understanding each has the right to terminate at any time after reasonable advance written notice.



Landis/Swartley to approve and authorize Mayor Leichty to execute the agreement with Baker Tilly Advisory Group, LP Scope Appendix to their Engagement Letter dated April 11, 2025 as referenced herein with compensation for tasks A-C a lump sum of \$77,000 and compensation for tasks D-E not to exceed \$20,000 with both parties understanding each has the right to terminate at any time after reasonable advance written notice. The motion passed 5-0.

14) Legal Department request: Approve and authorize Mayor Leichty to execute the agreement with Baker Tilly Advisory Group, LP Scope Appendix to Baker Tilly Advisory Group, LP's Engagement Letter dated April 11, 2025 for general municipal advisory services, securities issuance and 2025 state revolving fund applications for forgivable bond anticipation notes at an annual cost not to exceed \$40,000 with both Parties understanding each has the right to terminate at any time after reasonable advance written notice. City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the attached Scope Appendix to Baker Tilly Advisory Group, LP's Engagement Letter dated April 11, 2025.

Stegelmann said the Scope Appendix includes general municipal advisory services, securities issuance and 2025 state revolving fund applications for forgivable bond anticipation notes. Baker Tilly Advisory Group, LP's total annual compensation under this agreement will not exceed \$40,000 with both Parties understanding each has the right to terminate at any time after reasonable advance written notice.

Landis/Swartley made a motion to approve and authorize Mayor Leichty to execute the agreement with Baker Tilly Advisory Group, LP Scope Appendix to Baker Tilly Advisory Group, LP's Engagement Letter dated April 11, 2025 for general municipal advisory services, securities issuance and 2025 state revolving fund applications for forgivable bond anticipation notes at an annual cost not to exceed \$40,000 with both parties understanding each has the right to terminate at any time after reasonable advance written notice. The motion passed 5-0.

15) Legal Department request: Adopt Resolution 2025-17 - Contract with the Indiana Department of Transportation for Street Sweeping Services

City Attorney Bodie Stegelmann said the Indiana Department of Transportation wants to contract with the City of Goshen for the Street Department to sweep 20.6 curb miles of state highways within the City limits a minimum of two times each year. The term is for 48 months commencing July 1, 2025 through June 30, 2029.

Stegelmann said the State will pay the City \$360 per curb mile (based on sweeping twice per year) for a total of \$7,416 each year for this service. Passage of Resolution 2025-17 would approve the terms and conditions of the contract and authorize the Mayor to execute the contract on behalf of the City.

Landis/Swartley made a motion to adopt Resolution 2025-17, Contract with the Indiana Department of Transportation for Street Sweeping Services. The motion passed 5-0.

16) Legal Department request: Adopt Resolution 2025-24 - Declaring Surplus and Authorizing the Disposal of Park Department Equipment

City Attorney Bodie Stegelmann told the Board the Park Department wants to dispose of skate park equipment damaged after a 2008 flood that cannot be repaired and therefore is no longer needed or unfit for the purpose for which it was intended. The personal property is worthless or of no market value.

Stegelmann said Resolution 2025-24 is to declare the property as surplus and authorize its disposal in accordance with the provisions of Indiana Code § 5-22-22-8 by demolishing or junking property worthless or of no market value.



If the resolution was approved, the following skate park equipment would be declared as surplus property, hereinafter collectively referred to as "Surplus Property":

Rhino Skate Park System, including:

- 1) 5' Quarterpipe
- 1) 6' Quarterpipe
- 1) 16" Funbox Flat 16"
- 1) Large Street Pipe
- 1) Large Handrail
- 1) 3' stairs
- 1) Large Handrailbox
- 1) Large Pyramid
- 1) 5' Flat Bank
- 1) 4' Quarterpipe
- 1) 5' Halfpipe
- 1) Standard Grindrail
- 1) Kinked Grindrail

Aguirre asked if all of this property has been in storage all this time.

City Superintendent of Parks & Recreation Tanya Heyde said this is the current skate park equipment, including ramps, that are located at Rogers Park. They were repaired after the flooding event, but can no longer be repaired because of their current condition. She said the City hopes to someday relocate the skate park.

Landis/Swartley made a motion to pass Resolution 2025-24, Declaring Surplus and Authorizing the Disposal of Park Department Equipment. The motion passed 5-0.

17) Legal Department request: Adopt Resolution 2025-15, Approving New and Revised City of Goshen Police Department Policies and Repealing Certain Policies

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

Stegelmann said attached to Resolution 2025-15 were new policies and redlined existing policies to show the revisions suggested. If the Board approves Resolution 2025-15, the redlines will be removed and the policies will be inserted into the Policy Manual in final form.

If Resolution 2025-15 was approved, the following new and revised City of Goshen Police Department Policies, red-line versions of which are attached hereto and made a part hereof, were hereby approved, effective Sept. 2, 2025:

- NEW 104 – Code of Ethics
- NEW 208 – Law Enforcement Training Board Uniform Statewide Policy on Defensive Tactics Training Program
- 302 – Handcuffing and Restraints
- 320 – Information Technology Use
- 321 – Department Use of Social Media
- NEW 336 – Law Enforcement Training Board Uniform Statewide Policy on Deadly Force
- NEW 338 – ADA Compliance
- 410 – Emergency Detentions



- 423 – Mobile Data Terminal Use
- 426 – Homeless Persons
- 427 – Medical Aid and Response
- 703 – Vehicle Use
- 803 – Protected Information
- NEW 805 – CJIS Access, Maintenance, and Security
- 900 – Temporary Custody of Adults
- 901 – Temporary Custody of Juveniles
- 902 – Custodial Searches
- NEW 903 – Transporting Persons in Custody
- 1002 – Special Assignments and Promotions

Further, upon the approval of the above-described City of Goshen Police Department Policies, the Law Enforcement Code of Ethics currently located after the Chief's Preface would be removed from the City of Goshen Police Department Policies (from Policy Manual with copyright by Lexipol, LLC of 2025/02/28), effective Sept. 2, 2025.

Finally, upon the approval of the above-described City of Goshen Police Department Policies, the following current City of Goshen Police Department Policies (from Policy Manual with copyright by Lexipol, LLC of 2025/02/28) would be hereby repealed, effective Sept. 2, 2025:

- 302 – Handcuffing and Restraints
- 320 – Information Technology Use
- 321 – Department Use of Social Media
- 330 – Communications with Persons with Disabilities
- 410 – Emergency Detentions
- 423 – Mobile Data Terminal Use
- 426 – Homeless Persons
- 427 – Medical Aid and Response
- 703 – Vehicle Use
- 803 – Protected Information
- 900 – Temporary Custody of Adults
- 901 – Temporary Custody of Juveniles
- 902 – Custodial Searches
- 1002 – Special Assignments and Promotions

Landis/Swartley made a motion to approve Resolution 2025-15, Approving New and Revised City of Goshen Police Department Policies and Repealing Certain Policies, effective Sept. 2, 2025. The motion passed 5-0.

NOTE: At this point, Mayor Leichty asked City Attorney Stegelmann if it would be appropriate to ask if anyone in the audience wanted to speak on any of the remaining agenda items, numbers 18 to 28. She said that given the length of the agenda, if nobody in the audience wanted to speak on any of those items, she wanted to proceed without asking for audience input on every single item. City Attorney Stegelmann responded, "I think that would be fine."

Mayor Leichty then asked, "Is there anybody in the audience who is here today to ask questions about any of the remaining items on our agenda?" No one responded.



Mayor Leichty then said, "All right. Then we will proceed with just, board motions and then votes. Unless the spirit moves you, please raise your hand. We will be happy to invite you to come and speak, but otherwise, we'll proceed with these, remaining items."

18) Legal Department request: Approve and authorize Mayor Leichty to execute the attached Agreement with Dixon Engineering, Inc. for professional services related to the Clinton Elevated Water Tank as described in Contractor's January 24, 2025 proposal attached to Agreement as Exhibit A and referenced herein with total compensation to Dixon Engineering, Inc. for said services not to exceed \$35,900, unless the City approves of any additional costs prior to said costs being incurred by Dixon

City Attorney Bodie Stegelmann recommended that the Board approve and authorize Mayor Leichty to execute the provided agreement with Dixon Engineering, Inc. for professional services including but not limited to the inspection and preparation of contract for bid proposal related to the Clinton Elevated Water Tank, which services are more particularly described in Contractor's Jan. 24, 2025 proposal attached to agreement as Exhibit A.

Stegelmann said the total compensation to Dixon Engineering, Inc. for these services is not to exceed \$35,900.

However, the parties agree that if for any reason it appears the cost will exceed this amount, Dixon will discuss the cost(s) with City and City shall approve prior to any further costs being incurred by Dixon.

Landis/Swartley made a motion to approve and authorize Mayor Leichty to execute the attached Agreement with Dixon Engineering, Inc. for professional services related to the Clinton Elevated Water Tank as described in Contractor's Jan.24, 2025 proposal attached to the agreement as Exhibit A and referenced herein with total compensation to Dixon Engineering, Inc. for said services not to exceed \$35,900, unless the City approves of additional costs prior to said costs being incurred by Dixon. The motion passed 5-0.

19) Legal Department request: approve Resolution 2025-23 and authorize City Attorney Bodie J. Stegelmann to execute and submit the City's ballot accepting the Thirteenth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and its affiliated debtors

City Attorney Bodie Stegelmann said that provided for the Board's consideration and approval was Resolution 2025-23 to Approve the Submission of the Ballot for Voting to Accept the Thirteenth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and its Affiliated Debtors.

Stegelmann said the Official Committee of Unsecured Creditors urges every creditor to vote in favor of the Thirteenth Amended Joint Chapter 11 Plan of Reorganization, and City staff requests the Board adopt Resolution 2025-23 to approve such plan and authorize City Attorney, Bodie J. Stegelmann to execute and submit the City's ballot accepting such plan.

Stegelmann said this matter is related to one of the national opioid settlements. Stegelmann said he was named as a creditor and submitted a claim in 2020 and the case has been litigation ever since. If the case is settled, the City will receive some of the opioid funds to provide public services.

Landis/Swartley made a motion to approve Resolution 2025-23 and authorize City Attorney Bodie J. Stegelmann to execute and submit the City's ballot accepting the Thirteenth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and its affiliated debtors. The motion passed 5-0.

20) Legal Department request: Approve the AquaResource Software as a Service Agreement and ratify Marv Shepherd's execution of said agreement



City Attorney Bodie Stegelmann said that in 2022, the Board approved a three-year agreement with AquaResource for software to track backflow devices for the Water and Sewer Department.

Stegelmann said provided for the Board's consideration and approval was an AquaResource Software as a Service Agreement to extend the current agreement for one additional year at a cost of \$7,380.

Due to the timing of the expiration the current agreement, **Stegelmann** said **Superintendent of the City Water Treatment and Sewer Department Marv Shepherd** needed to sign the renewal agreement and now seeks ratification of his signature.

Landis/Swartley made a motion to approve the AquaResource Software as a Service Agreement and ratify **Marv Shepherd's** execution of said agreement. The motion passed 5-0.

21) Water & Sewer Office request: Approve moving \$10,034.52 in uncollected finaled accounts from active to collection, sewer liens and write offs for the period through May 28, 2025

Kelly Saenz, Manager of the Goshen City Utilities Office, told the Board that the original amount of unpaid final Water/Sewer accounts, for the period through May 28, 2025 was \$12,993.35. Collection letters were sent out and payments of \$2,958.83 were collected.

The uncollected amount was \$10,034.52. So, **Saenz** asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs for the period. Of the uncollected amounts, \$8,830.55 came from water accounts and \$1,203.97 came from sewer accounts.

Board member Landis said the amount paid after collection letters were send seem typical, but the amount unpaid was not typical. He asked why this was the case.

Saenz said the total uncollected amount was much higher than normal. She said a community connected to the water and sewer system illegally – a total of five connections. Each illegal connection is assessed at \$500 according to the City's ordinance. So, she said the City attempted to collect \$2,500 in April, June and July, but no payments have been made and these accounts were being sent to collection.

Board member Landis asked if the Utilities Department communicates with those people or if they disappear.

Saenz said she has communicated with them, but they have refused to pay. She said the water may be turned off.

Landis/Swartley made a motion to move the Goshen Water and Sewer Office's \$10,034.52 in uncollected finaled accounts for this period from active to Collection, Sewer Liens and Write offs. Motion passed 5-0.

22) Engineering Department request: Approve Change Order No. 2 for box gutter reconstruction, 8 additional downspouts, and the removal of 114 feet of cornice reconstruction at a cost of \$21,551.40

City Director of Public Works & Utilities Dustin Sailor told the Board that as E. Lee Construction deconstructs the roof components, areas of deterioration have been exposed and have prompted change orders – increased costs.

Sailor said the wood making up the box gutters around the exterior of the roof was found to be in very poor condition, and E. Lee Construction has been rebuilding the box gutters as needed to support the new copper gutters.

Additionally, to properly drain the gutters it was determined that eight additional downspouts are needed. Finally, the cornice work that was identified was determined to be too complicated with the way the existing material is attached; therefore, the scope of work associated with cornice has been reduced.

Sailor said the City's architect, Kil Architecture, reviewed the change order items and recommended their approval.

With projects additions and subtractions taken into account, the total cost of the items included in Change Order No. 2 is \$21,551.40. The total cost increase to the project for this and previous change orders is \$35,441.40, which represents 2.61% increase to the project.



Landis/Swartley made a motion to approve Change Order No. 2 for box gutter reconstruction, eight additional downspouts, and the removal of 114 feet of cornice reconstruction at a cost of \$21,551.40. The motion passed 5-0.

23) Stormwater Management Department request: Accept the post-construction stormwater management plan for the Elkhart County Consolidated Courts projects

City Director of Public Works & Utilities Dustin Sailor told the Board that the developer of the Elkhart County Consolidated Courts project, affecting one or more acres of land and located at 1905 Reliance Road, has submitted a sufficient post-construction stormwater management plan that is compliant with Ordinance 5228, "Stormwater Management." Sailor said the Stormwater Management Department was requesting the Board's acceptance of the post-construction stormwater management plan.

Sailor indicated this post-construction stormwater management plan was prepared and accepted by the Stormwater Management Department prior to the passage of Ordinance 5227 where the control of the City of Goshen's stormwater facilities was transferred from the Board of Directors of the Department of Stormwater Management (Stormwater Board) to the Board of Public Works and Safety. So, the signatory pages are still in the previous format. Landis/Swartley made a motion to accept the post-construction stormwater management plan for the Elkhart County Consolidated Courts projects as it has been found to meet the requirements of City Ordinance 5228. The motion passed 5-0.

24) Stormwater Management Department request: Accept the post-construction stormwater management plan for the Goshen College Tennis Courts project

City Director of Public Works & Utilities Dustin Sailor told the Board that the developer of the Goshen College Tennis Courts project, affecting one or more acres of land and located at 1700 South Main Street, has submitted a sufficient post-construction stormwater management plan that is compliant with Ordinance 5228, "Stormwater Management." Sailor said the Stormwater Management Department was requesting the Board's acceptance of the post-construction stormwater management plan.

Sailor said this post-construction stormwater management plan was prepared and accepted by the Stormwater Management Department prior to the passage of Ordinance 5227 where the control of the City of Goshen's stormwater facilities was transferred from the Board of Directors of the Department of Stormwater Management (Stormwater Board) to the Board of Public Works and Safety. So, the signatory pages are still in the previous format. Landis/Swartley made a motion to accept the post-construction stormwater management plan for the Goshen College Tennis Courts project as it has been found to meet the requirements of City Ordinance 5228. The motion passed 5-0.

25) Engineering Department request: Approve the closure of Jefferson Street, from Fifth Street to the first alley east of Fifth Street, through Dec. 1, 2025

City Director of Public Works & Utilities Dustin Sailor said that on June 12, 2025, the original request for the closure of Jefferson Street was brought to the Board. Construction continues on the Annex Roof Replacement project, and so for the safety of the contractor and the public, Goshen Engineering was seeking permission to extend the closure of Jefferson Street, from Fifth Street to the first alley east of Fifth Street, through Dec. 1, 2025.

Landis/Swartley made a motion to approve the closure of Jefferson Street, from Fifth Street to the first alley east of Fifth Street, through Dec. 1, 2025. The motion passed 5-0.



26) Engineering Department notification: Norfolk Southern track closures

City Engineering Project Manager Andrew Lund told the Board that the City Engineering Department received notice that Norfolk Southern is planning to close railroad crossings over the next two weeks to install new rails. Each crossing is expected to be closed to traffic over one to four days.

Lund said Engineering staff have been in communication with the railroad's safety contractor and Norfolk Southern to emphasize the need to avoid more than two crossing closures at any one time. A more detailed schedule is expected by early next week and further details will be provided at the Board of Works meeting, if known.

Work will progress northwest (Elkhart) to southeast (Goshen) on the following crossings:

- Main St (Elkhart)
- Lusher Ave (Elkhart)
- Hively Ave (Elkhart)
- Sunnyside Ave (Elkhart)
- CR 13 / Lewis St.
- CR 15 / Ferndale Rd (Goshen)
- Peddlers Village Rd (Goshen)
- Green Rd (Goshen)

Lund said Norfolk Southern plans to begin the work after Labor Day with the Goshen crossing closed after Sept. 4.

27) Clerk-Treasurer's Office request: Approve and execute the agreement with former Deputy Clerk-Treasurer Jeffery L. Weaver for the provision of consulting services.

Clerk-Treasurer Richard R. Aguirre asked the Board to approve and execute an agreement with outgoing Deputy Clerk-Treasurer Jeffery L. Weaver to consult with Clerk-Treasurer Aguirre and Mayor Leichty relative to the ongoing work of the Clerk-Treasurer's Office, the City's 2026 budget as well as any other critical matters of which the outgoing Deputy Clerk-Treasurer has personal knowledge.

Aguirre said Weaver will be paid the rate of \$60 per hour for services rendered to the City. He said it was understood by the parties that Weaver customarily will work four hours per week, including to assist with Accounts Receivable, Accounts Payable and Payroll. He has agreed to work additional hours, between Dec. 22-31, 2025, to assist with Payroll and other year-end items.

Aguirre added that if acceptable to both parties, Weaver also may be available to work additional hours.

Landis/Swartley made a motion to approve and execute the agreement Jeffrey L. Weaver for the provision of consulting services. 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 5:13 p.m. There were no comments.

At 5:13 p.m., Mayor Leichty opened a public hearing on a proposed agreement for five unsafe buildings.



Unsafe Building Hearing Authority – Proposed Agreement
4:00 p.m., August 28, 2025
Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana
Members: Mayor Leichty, Mike Landis, Orv Myers, Mary Nichols, Barb Swartley

28) Building & Legal Departments request: Approve proposed agreement with Artisan Investment Group, LLC, for 105 Prospect Avenue and 423 / 511 / 513 / 601 North 5th Street

At 5:13 p.m., Mayor Leichty opened a hearing on a proposed agreement for previously unsafe buildings at 105 Prospect Avenue and 423, 511, 513 and 601 North 5th Street (Artisan Investment Group, property owner).

BACKGROUND:

In an Aug. 28, 2025 memorandum to the Board, Assistant City Attorney Don Shuler wrote that the Board previously held unsafe building hearings for 105 Prospect Avenue and 423, 511, 513 and 601 North 5th Street (Artisan Investment Group, property owner).

Shuler wrote that the Board authorized legal action for receivership for the North 5th Street properties, with that action being filed in March 2025; that action is still currently pending.

Shuler wrote that the Board affirmed a demolition order for 105 Prospect Avenue on June 5, 2025; the then property owner, Ronald E. Davidhizar, appealed that Order to court. Subsequent to those actions, each of these properties were sold and transferred to Artisan Investment Group, LLC ("Artisan"), via Warranty Deed on July 22, 2025.

Due to that recent change in ownership, Shuler wrote that City staff and Artisan have engaged in establishing a cooperating framework for remediation at each of the properties, which have resulted in the proposed agreement.

The Agreement, among other items, contains the following terms:

- 1. Artisan's acknowledgment of the unsafe conditions and existing orders;**
- 2. Artisan will be substituted as the party of record in the receivership case;**
- 3. Artisan consents to dismissal of the pending appeal of the demolition Order for 105 Prospect Avenue;**
- 4. Artisan will complete all necessary repairs to each of the properties to bring them to a habitable state per the following schedule:**

a. 423 / 511 / 513 N. 5th Street – Dec. 31, 2025

b. 601 N. 5th Street – April 30, 2026

c. 105 Prospect Ave – April 1, 2026

- 5. The City will pause enforcement action; should Artisan default on the terms of the Agreement, City will proceed with existing enforcement, including receivership for the 5th Street properties, without objection from Artisan.**

Shuler recommended that the Board approve the agreement with Artisan Investment Group, LLC, and authorize the Mayor to execute the agreement.

DISCUSSION AND DECISION ON AUG. 28, 2025 FOR FIVE PREVIOUSLY UNSAFE PROPERTIES:

Shuler said he was presenting a proposed agreement for five properties that have been before the Board in the past – 105 Prospect Avenue, for which the board issued a demolition order at the beginning of June, and several properties along South 5th Street – 601 North 5th Street, which the Board last heard in February 2024 and 423, 511 and 513 North 5th Street, which had all been in front of the Board in December 2024, and then again in March 2025. Shuler said the Board had authorized the Legal Department to seek a receivership for the North 5th Street properties, and that action is pending. For 105 Prospect Avenue, after the demolition order, the then-property owner filed a court appeal that was pending. As those matters were pending, and the City was pursuing its remedies in those cases, Shuler said an agreement was reached where the property owner of each of those properties – Ron Davidhizar – sold those and other properties to the Artisan Investment Group, LLC.



Shuler said the sale was effectuated via a warranty deed on July 22, 2025, and then recorded the first week of August 2025. So, as a result of that change in ownership and some discussions with Artisan and the City Building Department, Shuler said City staff was proposing an agreement that acknowledged the condition of the buildings as being unsafe and the pending actions that the City has, both with the demolition order for the Prospect Avenue property and the pending receivership for the North 5th Street properties. He said the City would also agree to pause the enforcement of those proceedings to allow Artisan the opportunity to make repairs pursuant to this agreement that 423, 511, and 513 North 5th Street would be made habitable by the end of this year and 601 North 5th would require more work.

Shuler said earlier in this meeting it was stated that 601 North 5th Street was a three-unit property that needed more work to restore that property by April 2026. Under the agreement, Shuler said 105 Prospect would be made habitable by April 1, 2026.

Shuler said that in return for allowing that work to take place, the City would pause its enforcement action. However, he said if for some reason the agreement was not complied with and the deadlines not met, the City could resume its enforcement actions and wouldn't have to refile the receivership action or start that process over. He said the appeal for the demolition order has been dismissed, so the City could at any time proceed with that demolition if repairs weren't made at Prospect Avenue.

Shuler said the proposed agreement protects the City's interests to continue its enforcement actions if Artisan doesn't meet its obligations. However, he said City staff is hopeful Artisan will honor the agreement because the company has proven to be effective at restoring its properties so far.

Mayor Leichty asked Shuler about the status of the City's efforts to seek compliance from the former property owner of the Prospect Avenue home. Shuler said the Prospect Avenue receivership case and the demolition order were dismissed, but the Board's \$5,000 civil penalty was certified. He said the City won't receive those funds until the December property tax distribution.

Mayor Leichty thanked the Board for its commitment to holding that previous owner accountable. He said this area of the City "is in need of serious investment and improvement, and we certainly want to see that continue."

The Mayor said she wanted to hear Artisan's plans for these properties.

Mayor Leichty swore in Marlin Schwartz of Artisan Investment Group, LLC to provide truthful and complete testimony. He provided an overview of the status of the properties and improvement plans.

Schwartz said the Prospect Avenue property "looks a lot worse on the outside than the actual structure of the building itself." He said its foundation was better than at other properties Schwartz said the plan was to provide new siding, new windows, a new roof, and a complete interior remodel.

Schwartz said the Prospect property has three meters and after the tenants leave, Artisan will determine whether it should have two or three living units. He added that property is structurally "fixable."

Schwartz said permits have been pulled for 423, 511, and 513 North 5th Street and renovations are underway. He provided additional details on the ongoing work on all three properties. He added that with today's approval of parking for 601 North 5th Street, Artisan will move forward with pulling permits to begin work.

Mayor Leichty responded, "Artisan has been in close communication with the Building Department and the City, and had shifted focus in part to this 5th Street area because this is one of the primary walking corridors for students who are walking to Chandler Elementary School. And we really wanted to make sure that we improved the overall safety of that primary walking path. And so, we appreciate your willingness to shift attention to that priority area, because it's been an area that has been not safe for kids to go to school for a long time."

Board member Landis said it was good there was communication and interaction to solve a problem that has been long and complicated. He added, "I'm certainly appreciative of your group working at making this better."

Schwartz responded, "Thanks for your support. I appreciate it."



Board member Swartley asked Schwartz how many people worked for Artisan. **Schwartz** said he and his brother had a four-member crew, but subcontract out a lot of its work.

Board member Myers said, "It's a great job. It's good to see this taking place. Like Mike (Landis) said, we've been fighting for this progress for years and nothing has been done. Two thumbs up."

Mayor Leichty asked for a response from **Building Commissioner Myron Grise** about the proposed agreement and his department's relationship with Artisan.

Grise said, "We've been working with Artisan quite a bit, and sometimes on a daily basis. Everything they've done so far has been really good. There's been a few minor issues here and there, but when we bring it to their attention, it's fixed, sometimes that day, if not the next day. So far, everything they've done has been really good for the City, and it's been good to work with them."

Grise said the repairs of some of Artisan's home also appear to have prompted three or four nearby property owners to fix their homes after years of neglect.

Mayor Leichty responded, "This Board does seem to be willing to do the hard things and hold people accountable, Myron. So, call us if you need us."

Mayor Leichty invited concluding comments from **Assistant City Attorney Shuler**.

Shuler said, "I think the main purpose of the agreement is just to kind of make it so that we don't have to start over if it does go south, and obviously nobody wants that to happen. And I think we have, as the Building Commissioner said, a pretty good working relationship with Artisan. I have complete faith that it will go forward, but trust but verify. With a smile **Shuler** added, "The joke is that we always get to have the unsafe building hearings last, and that's not just because it gives me an opportunity to speak last, since I never get to do that at home, so I appreciate it."

Landis/Swartley then made a motion to approve the agreement with Artisan Investment Group, LLC, and authorize the Mayor to execute the agreement. The motion passed 5-0.

Mayor Leichty concluded the hearing on the agreement at 5:28 p.m.

APPROVAL OF CIVIL & UTILITY CLAIMS

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

ADJOURNMENT

Mayor Leichty adjourned the meeting at 5:29 p.m.



APPROVED:

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

Mayor Gina Leichty

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

Mike Landis, Member

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

Orv Myers, Member

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

Mary Nichols, Member

A blue ink signature of Barb Swartley, written in a cursive style, above a horizontal line.

Barb Swartley, Member

ATTEST:

A blue ink signature of Richard R. Aguirre, written in a cursive style, above a horizontal line.

Richard R. Aguirre, City of Goshen Clerk-Treasurer