

**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE APRIL 18, 2022 REGULAR MEETING**

Convened at 2 p.m. at Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Present: Mayor Jeremy Stutsman, Mike Landis, Mary Nichols, DeWayne Riouse and Barb Swartley

Absent: None

CALL TO ORDER: Mayor Stutsman called the meeting to order at 2:00 p.m.

REVIEW/APPROVE MINUTES: Minutes of the April 11, 2022 meeting of the Board of Works & Safety & Stormwater Board were presented. Board member Barb Swartley moved to approve the minutes as presented and the motion was seconded by Board member Mike Landis. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the agenda with an amendment to add a new agenda item #5, *Open bid for Genesis Products Plant 10 – Kercher Road Crossing*. Board member Swartley moved to approve the agenda as amended. Board member Landis seconded the motion. Motion passed 5-0.

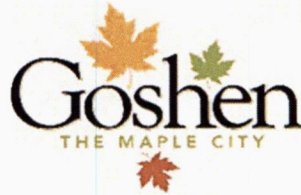
1) Police Department: Hiring and swearing in of Eduardo Osoria as a probationary patrol officer
Goshen Police Chief José Miller asked the Board to approve the hiring of Eduardo Osoria for the position of probationary patrol officer effective today, April 18, 2022. Chief Miller said Officer Osoria has passed all exams and has been approved by both the local and State pension boards. He said Officer Osoria will be a welcome addition to the Goshen Police Department.

Swartley/Landis moved to approve the hiring of Eduardo Osoria for the position of probationary patrol officer effective today, April 18, 2022. Motion passed 5-0. The Mayor then swore Officer Osoria into office.

2) Police Department: Hiring and swearing in of Huntley Davis as a probationary patrol officer
Goshen Police Chief José Miller asked the Board to approve the hiring of Huntley Davis for the position of probationary patrol officer effective today, April 18, 2022. Chief Miller said Officer Davis has passed all exams and has been approved by both the local and State pension boards. He said Officer Davis will be a welcome addition to the Goshen Police Department.

Swartley/Landis moved to approve the hiring of Huntley Davis for the position of probationary patrol officer effective today, April 18, 2022. Motion passed 5-0. Mayor Stutsman then swore Officer Davis into office.

3) Police Department: Hiring and swearing in of Tanner Warlick as a probationary patrol officer
Goshen Police Chief José Miller asked the Board to approve the hiring of Tanner Warlick for the position of probationary patrol officer effective today, April 18, 2022. Chief Miller said Officer Warlick has passed all exams and has been approved by both the local and State pension boards. He said Officer Warlick will be a welcome addition to the Goshen Police Department.



Swartley/Landis moved to approve the hiring of Tanner Warlick for the position of probationary patrol officer effective today, April 18, 2022. Motion passed 5-0. Mayor Stutsman then swore Officer Warlick into office.

4) Police Department: Hiring and swearing in of Max Harmon as a probationary patrol officer

Goshen Police Chief José Miller asked the Board to approve the hiring of Max Harmon for the position of probationary patrol officer effective today, April 18, 2022. Chief Miller said Officer Harmon has passed all exams and has been approved by both the local and State pension boards. He said Officer Harmon will be a welcome addition to the Goshen Police Department.

Swartley/Landis moved to approve the hiring of Max Harmon for the position of probationary patrol officer effective today, April 18, 2022. Motion passed 5-0. Mayor Stutsman then swore Officer Harmon into office.

5) Open Bid for Redevelopment Commission: Genesis Products Plant 10 – Kercher Road Crossing

Mayor Stutsman opened the only bid received for the Genesis Products Plant 10 – Kercher Road Crossing project by the bid deadline of 1:45 p.m. on April 18, 2022. The bid was from Niblock Excavating of Bristol, Indiana. Niblock's base bid was \$275,016.00.

Mayor Stutsman/Landis moved to refer the bid to the Redevelopment Commission, Motion passed 5-0.

6) AWARD BIDS: Award bids for City of Goshen surplus vehicles and equipment sales

City Clerk-Treasurer Richard R. Aguirre asked the Board to award to the highest qualified bidders the 31 Lots of Surplus Vehicles and Equipment made available to the public via sealed in March-April 2022 and, on behalf of the City of Goshen, authorize the Clerk-Treasurer to sign the bills of sale for the vehicles and equipment and transfer the titles to the new owners.

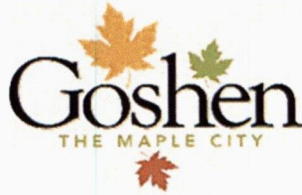
Background: On March 21, 2022, the Board of Works & Safety passed and adopted Resolution 2022-09, Declaring Surplus and Authorizing the Disposal of Personal Property. Resolution 2022-09 declared the property, primarily motor vehicles, as surplus and authorized its disposal in accordance with the provisions of Indiana Code § 5-22-22-5 by selling the property by sealed bids, with advertising.

Having been declared as surplus property, City staff initiated the sealed bid process for the following 31 motor vehicles and pieces of equipment: 2008 Ford Ranger; 2007 Chevy Impala; 2011 Chevy Impala; 2007 Chevy Impala; 2012 Chevy Impala; 2011 Chevy Impala; 2004 Dodge Stratus; 2010 Chevy Impala; 2003 Crown Victoria; 2015 Harley Davidson; 2007 Chevy Impala; 2009 Chevy Impala; 2010 Chevy Impala; 2007 Chevy Impala; 2009 Chevy Impala; 2002 Ford Explorer; 2007 Ford F250 with 2007 Boss V Plow 8'2"; 2002 Ford Excursion; 1992 Medtec Ambulance; 2005 Ford Escape; 2010 Ford Escape; 2010 Ford Escape; 2008 Ford Ranger; 2001 Ford F550; 11' landscape-style dump bed with engine driven hydraulic pump; 1996 Club Golf Cart; 2005 Spaulding Patcher; 1999 GMC T7500; 2012 Monroe Salt Spreader; 2004 Textron Golf Cart; and Simplicity Tractor.

Sealed bids for the surplus property were accepted at the Goshen Clerk-Treasurer's Office, 202 South Fifth Street, Goshen, IN 46528, until 1:45 p.m. (local time) on April 11, 2022.

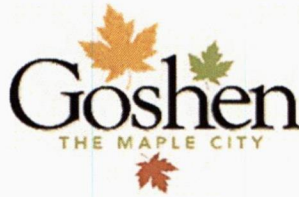
Aguirre said that at 2:16 p.m. on April 11, 2022, the bids were unsealed during a meeting of the Board of Works & Safety and read aloud by Mayor Jeremy Stutsman. There were a total of 685 bids by 152 bidders.

Aguirre said that attached to this memorandum was a list of the 31 Lots and the high bidders for each lot.



The Clerk-Treasurer's Office has been notifying the highest bidders to confirm that they plan to pay for the vehicles and equipment. If the listed highest bidder is unwilling or unable to complete the sale, the designated lot will go to the next highest bidder. **Aguirre** said if the Board of approves the suggested motion, the Clerk-Treasurer's Office will officially notify the highest bidders on Tuesday, April 19, 2022, so that the winners can pay for and retrieve their vehicles and equipment, starting later this week. The following were the highest bidders for each item:

Troy Eichelberger	1	\$3,800.00
Rafael Vargas	2	\$2,100.00
Dale B. Colville	3	\$2,317.80
Raines Auto Sales	4	\$2,000.00
Rafael Vargas	5	\$3,000.00
Brandon Smith	6	\$3,300.00
Amy Strycker	7	\$2,500.00
Dale B. Colville	8	\$2,081.80
Raines Auto Sales	9	\$1,350.00
Thomas Whitaker	10	\$10,151.00
Raines Auto Sales	11	\$1,500.00
James Hill	12	\$2,512.00
Michiana Lawn Equipment	13	\$2,150.00
Brandon Smith	14	\$1,750.00
Dale B. Colville	15	\$2,388.80
Austin Murphy	16	\$2,511.01
Danny Meyer	17	\$10,001.00
Justin Hartgrove	18	\$10,333.00
Antonio Rameriz	19	\$6,643.00
Judy Weaver	20	\$4,492.00
Sheldon Koehn	21	\$5,252.00
Michael Partin	22	\$4,801.00
Randy Paredes	23	\$2,495.00
Chris Dennig	24	\$4,500.00
Kris Green	25	\$674.00
David Willig	26	\$510.00
Bristol, Town of	27	\$450.00
Sam Bretchneider	28	\$7,615.00
Antonio Rameriz	29	\$321.00
John Coleman	30	\$1,219.74
Kelly Cupp	31	\$310.00



Swartley/Landis moved to award to the highest qualified bidders the 31 Lots of Surplus Vehicles and Equipment made available to the public via sealed in March-April 2022 and, on behalf of the City of Goshen, authorize the Clerk-Treasurer to sign the bills of sale for the vehicles and equipment and transfer the titles to the new owners. Mayor Stutsman said he will ask the City Council to put the proceeds from the sales into a Board of Works budget line for future equipment purchases. Motion passed 5-0.

6) Alley closure: Goshen Theater request for partial closure of two alleys for repair work

Jerry Peters, the Technical Director of the Goshen Theater, asked for the temporarily closure of the alleys to the east and south of the Goshen Theater during the week of June 6-10, 2022.

In his written request, Peters indicated that a contractor will be restoring the high brick work on the theater's fly tower (east wall) and along the top of the south wall. The closure would be daytime only (7 a.m-4 p.m.) and (for the east alley) only for the portion of alley from the north wall of its building to the south wall of its building (i.e. not the section that joins the parking lot between Electric Brew and Janus.) The alley to the south of the theater will be used to store the construction equipment during the construction time frame. As long as the work is not physically happening in the south alley, that alley could be open to pedestrian traffic. The theater would close the south alley to pedestrian traffic if work is occurring. NIPSCO has already been contacted to secure the power lines for the duration of the work.

Swartley/Landis moved to approve the closure of two alleys adjacent to the Goshen Theater, June 6-10, during daytime hours (7 a.m. to 4 p.m.) as requested and with any conditions requested by City staff. Mayor Stutsman requested that the north-south alley be kept open if there was no work happening so that trucks can pass through. Motion passed 5-0.

7) Parking lot use: Interra Credit Union request to use city parking lot for "Shred-It Days" event

Megan Simpson, the Community and Communications Specialist with Interra Credit Union, asked the Board to allow use of the City parking lot adjacent to the Powerhouse for "Shred-It Days" staging and the event from 7:30 a.m. to 4:30 p.m. on Friday, May 20, 2022 and 7:30 a.m. to noon on Saturday, May 21 and for the use of barricades from the City Street Department.

In her written request to the Board, **Simpson** indicated that "Shred-It Days" is a popular annual event that seeks to encourage ID theft prevention and recycling. Interra brings in Mountain High Shredding's mobile truck/shredder. Interra staff members will be present and involved – unloading, weighing, etc. Interra pays for the first 50 pounds, with a nominal fee charged thereafter. There will be directional signage to ensure the orderly entrance into and exit from the parking lot. As an example of the popularity, the total in 2021 collected was almost 20,000 pounds.

Mayor Stutsman said this is a long-time event that has been going very well.

Swartley/Landis moved to allow Interra Credit Union to use the City parking lot adjacent to the Powerhouse for "Shred-It Days" staging and the event from 7:30 a.m. to 4:30 p.m. on Friday, May 20, 2022 and 7:30 a.m. to noon on Saturday, May 21 and for the use of barricades from the City Street Department. Motion passed 5-0.

8) Parking space closure: Eyedart Creative Studio request for First Friday food trucks parking

Adrienne Nesbit, Director of Events for Eyedart Creative Studio, asked the Board to approve the closure of eight City parking spaces directly in front of 234 South Main Street, from the corner to the north, to allow the placement of food trucks for First Friday, May 6, 2022, from 4-10 p.m.



In her written request, Nesbitt indicated that the parking space closure will be during hours when most of the businesses in the surrounding areas are closed. She said she did contact the Chamber of Commerce to let staff know about the request. She said no barricades are needed; just the no parking signs.

Swartley/Landis moved to approve the closure of eight City parking spaces directly in front of 234 South Main Street, from the corner to the north, to allow the placement of food trucks for First Friday, May 6, 2022, from 4-10 p.m. Motion passed 5-0.

9) Legal Department: Agreement with Abonmarche Consultants, Inc. for the City Strategic Growth Plan
Brandy Henderson, a paralegal with the City Legal Department, asked the Board to approve, and authorize Mayor Stutsman to execute, an agreement with Abonmarche Consultants, Inc. for services regarding the City of Goshen's Strategic Growth Plan, with a total cost of \$99,000.

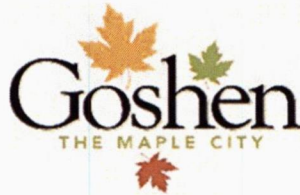
Henderson said the study will have phases: Phase 1, Engagement and Assessment, lump sum of \$50,000; Phase 2, Market Analysis, lump sum of \$29,000; and Phase 3, Development Strategy, lump sum of \$20,000.

Mayor Stutsman said he and **Deputy Mayor Mark Brinson** have been developing this concept and proposal for nearly a year. He said the City has done an excellent job with infill development and needs planning assistance to continue planning for future growth. He said experts from Ball State University will be engaged in this project. Asked by **Board member Landis** if the consultants will provide objective reasoning about whether the City should continue to grow, **Mayor Stutsman** said it will be an inclusive study with analysis of subjective issues and public hearings. According to a Scope of Work proposal by Abonmarche, the objectives of the plan are to: 1. To assess Goshen's current situation and potential opportunities related to growth and development through a review of existing conditions and a series of community engagement activities designed to determine general attitudes and perceptions about growth and development, but also, as needed, more targeted feedback to help guide specific strategies; 2. To provide technical analysis that will quantify the land area required to support the continued growth and development of the city; identify priority areas for future growth and the land uses that are the best fit for these areas; and 3. To recommend policies informed by the engagement activities and analysis which will promote the physical development of the community in a coordinated and consistent manner that improves the quality-of-life of Goshen residents. According to the proposal, a Steering Committee will be established to help review, finalize, and execute the engagement strategies, but also to provide guidance and feedback throughout the process. The Mayor will appoint a Steering Committee with broad expertise. In addition, a minimum of three community meetings will be used to share information, spark discussion, and seek input about where Goshen is now and where it could go next within the context of growth and development.

Swartley/Landis moved to approve and authorize Mayor Stutsman to execute, an agreement with Abonmarche Consultants, Inc. for services with Abonmarche regarding the City of Goshen's Strategic Growth Plan with a total cost of \$99,000. Motion passed 5-0.

10) Legal Department: Agreement with Vander Wey & Sons for repair of the City Hall vault

Carla Newcomer a paralegal with the City Legal Department, asked the Board to approve and execute the agreement with Vander Wey & Sons for the repair of the vault at City Hall. Newcomer said Vander Wey & Sons, which is based in Goshen, will be paid \$42,720 for labor and materials and all work will be completed by Sept. 1, 2022.



According to the agreement, the company will: (A) Remove the existing steps and stoop; (B) Block in opening and fill cavity; (C) Install concrete base to reset steps and stoop; (D) Replace deteriorated steps; (E) Install limestone panels and coping in window openings to match existing limestone; and (F) Reset handrails. The City will pay Vander Wey & Sons a lump sum of \$21,750 for this work, \$17,480 for materials and \$3,490 for equipment.

Swartley/Landis moved to approve and execute the agreement with Vander Wey & Sons Masons for the repair of the vault at City Hall. Motion passed 5-0.

11) Water & Sewer Office: Approval of unpaid final accounts (Kelly Saenz)

Goshen Water & Sewer Office Manager Kelly Saenz asked the Board to move the office's uncollected finaled accounts from active to Collection, Sewer Liens and Write offs. Saenz reported that the original amount of unpaid final Water/Sewer accounts for this period, through Jan. 6, 2022, was \$3,413.90. Collection letters were sent out and payments of \$1,006.33 had been collected. The uncollected amount equals \$2,407.57

Swartley/Landis moved to approve the Goshen Water and Sewer Office's request to move the uncollected finaled accounts from active to Collection, Sewer Liens and Write offs. Motion passed 5-0.

12) Engineering Department: Approve change order, extending the completion date to June 1, 2022, for the 16th Street reconstruction (JN: 2020-0038)

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve Change Order No. 1 to extend the completion date to June 1, 2022 for the 16th Street reconstruction (JN: 2020-0038).

Sailor said Niblock Excavating, Inc. has provided the City a letter with a revised completion date of June 1, 2022. The original substantial completion date of October 15, 2021, will be extended due to delays from existing utility relocations during the project (NIPSCO) and the poor weather conditions during the fall not allowing the proper application of an interior epoxy coating to storm structures. The City Engineering Department determined that the epoxy coating should be delayed until weather conditions would be within the manufacturer's suggested tolerances.

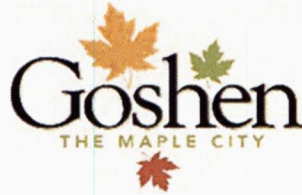
Swartley/Landis moved to approve Change Order No. 1 to extend the completion date to June 1, 2022 for the 16th Street reconstruction (JN: 2020-0038). Motion passed 5-0.

13) Engineering Department: Accept letter of credit for \$588,180 as performance surety for completion of public infrastructure within Westoria Subdivision Phase 8

City Director of Public Works & Utilities Dustin Sailor asked the Board to accept the Letter of Credit for \$588,180.00 as a performance surety for the completion of public infrastructure within Westoria Subdivision Phase 8. Sailor said Windshire Corp has provided a Letter of Credit as performance surety for the completion of public water main, sanitary sewer, storm sewer, roadway, and street lighting within the Westoria Subdivision Phase 8 expansion. The amount of \$588,180.00 of credit extended to the City represents estimated total costs for construction of the public infrastructure. The Letter of Credit expires on March 28, 2023.

Swartley/Landis moved to accept the Letter of Credit in the amount of \$588,180.00 as performance surety for the completion of public infrastructure within Westoria Subdivision Phase 8. Motion passed 5-0.

14) Engineering Department: Approve and ratify the execution of the INDOT-LPA agreement for the design phase (PE) of the College Avenue Phase II project (JN: 2021-0017)



City Engineer Josh Corwin asked the Board to approve and ratify the execution of the Indiana Department of Transportation-Local Public Agency (INDOT-LPA) agreement for the design phase (PE) of the College Avenue Phase II project.

Corwin said in March, the City Redevelopment Commission approved an agreement with Structurepoint for the design phase (PE) of the College Avenue Phase II LPA project. In order to meet the deadline to appropriate funds before the end of the fiscal year, INDOT asked that the City expedite execution of the subsequent INDOT-LPA Agreement. This is a standard agreement for LPA projects that outlines the relationship, roles, and responsibilities of INDOT and the City of Goshen (LPA) for this phase of the project. As the only pre-approved representative for the City of Goshen, Mayor Stutsman signed the agreement to allow INDOT to appropriate their portion of the project funds (80%). Corwin asked that the Board approve and ratify the execution of the INDOT-LPA Agreement for the design phase (PE) of the College Avenue Phase II project.

Swartley/Landis moved to approve and ratify the execution of the INDOT-LPA agreement for the design phase (PE) of the College Avenue Phase II project. Motion passed 5-0.

15) Engineering Department: Approve change order for Madison Street & College Avenue Reconstruction (JN: 2021-0016)

City Engineer Josh Corwin asked the Board to approve Change Order No. 1 in the amount of \$3,619.00, which is a 0.62% increase, to allow Niblock to complete the above work and generate a line item for the signal loop replacement for the Madison Street & College Avenue Reconstruction.

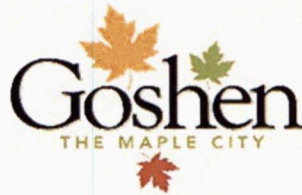
Corwin said that during the pre-construction meeting for the Madison Street and College Avenue Reconstruction Project, Niblock was informed that the City was extending the limits of milling and paving to include the eastern portion of the intersection of SR15 and Madison Street. Doing this will impact the existing signal loops. The contract has a lump sum line item for signal loops, but did not include the above mentioned at the time of bid. Because of this, Engineering submitted this request for change order to generate a line item for the signal loop replacement at the SR 15 and Madison Street intersection. The approval of Change Order No.1 is for \$3,619.00, which raises the total project cost to \$589,354.50 and is a 0.62% increase

Swartley/Landis moved to approve Change Order No. 1 in the amount of \$3,619.00, which is a 0.62% increase, to allow Niblock to complete the above work and generate a line item for the signal loop replacement. Motion passed 5-0.

16) Engineering Department: Approve a materials variance allowing a non-hard surface material for the new recycling drop-off site on Indiana Avenue (JN: 2021-0035)

City Director of Public Works & Utilities Dustin Sailor asked the Board to approve a materials variance allowing a non-hard surface material (limestone or recycled asphalt millings) for the lane and the new recycling drop-off site on Indiana Avenue.

Sailor said the City Engineering Department is requesting a materials variance for the new recycling drop-off site on Indiana Avenue, between Chicago Avenue and Wilden Avenue. The proposed plan would specify a concrete approach off of Indiana Avenue with a compacted limestone or recycled asphalt milling surface for the remaining drive lane and recycling bin location. The non-hard surface area will be maintained by the City of Goshen.



The site meets the Design Standards and Specifications for Parking and Driveway Surfaces variance requirements as stated below:3(a) the parking area is used for non-residential purposes and is infrequently used. The property is currently Zoned R-1 with no homes or businesses directly adjacent to the property. Wilden Avenue abuts the north side, railroad tracks abuts the south side, the cemetery abuts the east side and Indiana Ave. abuts the west side of the property. West of Indiana Avenue is the Wastewater Treatment Plant Zoned M-2. An earthen mound will be constructed along the east side and plantings along the west side to provide a wind break and obscure the bins from view. The concrete approach has been extended beyond the right of way and slopes towards the proposed retention basin to minimize issues along Indiana Avenue, including tracking of materials onto Indiana Avenue.

Mayor Stutsman said Goshen once had five recycling sites in Goshen, but Elkhart County cut funding, so now there are only two sites. He said the City was seeking to open this better recycling site, but it's not known if this will be a permanent location so that's why gravel will be used. **Asked by Board member Landis** if the drop-off location will occupy most of the site, Sailor said it will only occupy a small portion, with room for 10 drop-off containers. **Board member Swartley** said a paved surface would be better, but she understands why the City is opting for gravel.

Mayor Stutsman said the site will have lighting to discourage the dumping of trash.

Swartley/Landis moved to approve a materials variance allowing a non-hard surface material (limestone or recycled asphalt millings) for the lane and new Indiana Avenue recycling drop-off site. Motion passed 5-0.

17) Engineering Department: Agreement with Genesis Products Plant 10 for connection to the City storm sewer (JN 2022-2004)

Administrative City Engineer Bryce Gast asked the Board to authorize the Mayor to sign the agreement allowing Genesis Products Plant 10 to connect to the City storm sewer system.

Gast said as part of the ongoing development by Genesis Products at 1853 Eisenhower Drive South, the developer is responsible for managing stormwater generated onsite. Given the site's location within the City's wellhead protection area, the typical method of onsite retention and infiltration is not allowed. Therefore, he said the developer has proposed connection to the City owned storm sewer on Kercher Road with a controlled release rate of 0.22 cfs. The City Engineering Department has reviewed this proposal and finds it to be acceptable with the understanding that any future development of the site will need to be evaluated with the impact to the storm sewer kept in mind.

Swartley/Landis moved to authorize the Mayor to sign the agreement allowing Genesis Products Plant 10 to connect to the City storm sewer system. Motion passed 5-0.

CITY OF GOSHEN STORMWATER BOARD

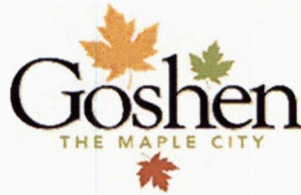
Minutes of the Regular Meeting

2:00 p.m., March 28, 2022

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

Members: Mayor Jeremy Stutsman, Mike Landis and Mary Nichols

18) Stormwater Department: Request to approve letter of support to Greater Elkhart County Stormwater Partnership Board for proposed stormwater utility rate study



Mayor Stutsman convened the Stormwater Board meeting at 2:33 p.m.

City Stormwater Coordinator Jason Kauffman asked the Stormwater Board to approve and sign the letter of support addressed to the Greater Elkhart County Stormwater Partnership Board for the proposed professional services contract with Baker Tilly to conduct a stormwater utility rate study.

Kauffman said the Stormwater Board was being asked to approve and sign a letter of support for the Greater Elkhart County Stormwater Partnership to move forward with a stormwater utility fee rate study as proposed in Baker Tilly's scope of work proposal. The Partnership includes the City of Elkhart, the City of Goshen, Elkhart County, and the Town of Bristol and is supported by an inter-local agreement.

Kauffman said the Partnership Stormwater Board established the stormwater user fee in 2006 which set a County-wide rate then adopted by the individual entities (Goshen's Stormwater Board). The stormwater user fee has seen little change since its establishment in 2006 to meet the requirements of the Partnership's Indiana Municipal Separate Storm Sewer System (MS4) permit. The fee was set at \$15 annually per residence and per equivalent residential unit (ERU) where an ERU is a measurement of hard surface square footage set by an average area of hard surface across residential properties.

Kauffman said the \$15 annual fee has never been adjusted since originally adopted, but the hard surface square footage of ERUs was adjusted in 2010 from 2,800 square feet to 3,600 square feet as stated in Ordinance 4624. This update more closely represented the average hard surface area found on residential properties throughout Elkhart County, but also resulted in a de facto lowering of the stormwater fee for non-residential properties.

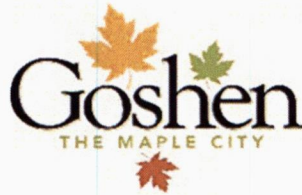
The stormwater fee is collected at the County level and distributed amongst the four distinct MS4 entities based on their respective total ERUs, which are reevaluated with each new aerial image taken of Elkhart County and updated as stated in Ordinance 4712 (adopted October 23, 2012). In 2021, the City of Goshen received \$542,985.44 in revenue out of the approximately \$2.6 million raised from the fee across the County.

While this funding has been sufficient for maintaining a program in Goshen that meets the minimum requirements of the City's MS4 permit, it has left little to no funding for capital investment in drainage and infrastructure projects. In addition, the Indiana MS4 permit was updated for the first time in nearly 20 years in December of 2021. As the permit update expands some minimum requirements, current funding may prove no longer sufficient to adequately meet Goshen's regulatory requirements.

Kauffman said the attached report by Christopher Burke Engineering in February 2021 determined that the Partnership's user fee is the third-lowest rate in the State at \$1.25 per month per ERU – a rate well below the State average of \$5.74 per month.

Kauffman said the purpose of the Baker Tilly rate study is to evaluate the stormwater utility fee based on the program needs of all partners and make recommendations. A fee adjustment would have to first be approved by the Greater Elkhart County Stormwater Partnership Board whose members include the Elkhart County Commissioners and the County Surveyor. The fee update would then need adopted by the individual partner entities.

In response to a question from **Mayor Stutsman**, **City Attorney Bodie Stegelmann** said a higher fee would have to be approved by the Stormwater Board and the City Council. **Stegelmann** also said that the Partnership Board would have to approve moving forward with the rate study.



Landis/Nichols moved to approve and sign the letter of support addressed to the Greater Elkhart County Stormwater Partnership Board for the proposed professional services contract with Baker Tilly to conduct a stormwater utility rate study. Motion passed 3-0.

With the agenda item completed, Mayor Stutsman closed the Stormwater Board meeting at 2:37 p.m.

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

Mayor Stutsman opened Privilege of the Floor at 2:37 p.m. There were no public comments, so the Mayor closed the public comment period at 2:37 p.m.

12) Board of Public Works and Safety Order: Continued hearing on 214 E. Clinton Street (Ron Davidhizar, property owner)

At 2:38 p.m., Mayor Stutsman opened a continued public hearing on the Board of Public Works and Safety Order for 214 E. Clinton Street (Ron Davidhizar, property owner). Mr. Davidhizar was present along with his attorney, William Davis. Also present was City Code Enforcement Officer Travis Eash.

BACKGROUND:

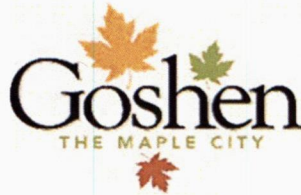
On Nov. 16, 2021, Ron Davidhizar, was notified via certified mail that his property at 214 E. Clinton St. was in violation of the Goshen City Code. He was informed that the Goshen Building Department inspected the property on Sept. 15, 2021 and cited violations of the Neighborhood Preservation Ordinance (Minimum Housing Ordinance). Davidhizar was advised that the property was deemed to be unsafe within the meaning of Indiana Code §36-7-9-4 in that one or more buildings or structures on the property was in an impaired structural condition that made it unsafe to a person or property a public health hazard dangerous to person or property because of a violation of Goshen City Code Title 6, Article 3, Chapter 1 concerning building condition or maintenance, vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of Goshen City Code Title 6, Article 3, Chapter 1.

These violations of Title 6, Article 3, Chapter 1 of the Goshen City Code were cited by the Building Department inspector and had not been satisfactorily repaired or remedied:

- 1. The structure was damaged in a fire on May 15, 2021 and the structural strength of the exterior walls of the property was insufficient (violation of Section 6.3.1.1 v).**
- 2. The property was vacant and not secured, with multiple areas that were accessible to people and animals to enter the property (violation of Section 6.3.1.1 ff).**

The Building Commissioner determined that these violations made the premises at 214 E. Clinton St. unsafe. Due to the unsafe nature of the building due to the fire, Davidhizar was ordered to demolish the building. He was advised that if he failed to comply with this Order, the City of Goshen would take action to demolish the building and would bill him for the costs of such work, including, the actual cost of the work performed and an amount equal to the average processing expense the City would incur in pursuing this matter. Such amounts could become a lien upon the real estate and could ultimately be enforced in the same manner as any other judgment.

Davidhizar was further notified that a hearing would be held before the Board of Public Works and Safety on Monday, Dec. 6, at 2 p.m., to review the Order of the City of Goshen Building Commissioner.



At 2:33 p.m. on Dec. 6, 2021, Mayor Stutsman opened a hearing on Board of Public Works and Safety Order: 214 E. Clinton St. (Ron Davidhizar, owner of the property).

City Code Enforcement Officer Travis Eash provided sworn testimony on the condition of the property based on an inspection of 214 E. Clinton St. on Nov. 30 and an exterior inspection of the property on Sept. 14 following a May 15, 2021 fire at the property. He said that the Building Department recommended demolition of the structure. Eash said that if the owner decides to do a full remodel, "the Building Department was requesting a structural engineer go through the property to determine which structural members would need to be replaced and all other repairs that would need to be done to the property to bring it into compliance with the 2020 Indiana Residential Code and the engineer's report be sent to the Building Department office."

Afterward, Mayor Stutsman swore in property owner Ron Davidhizar to provide truthful information. Responding to questions from his attorney, William Davis, and Board members, Ron Davidhizar provided detailed information about 214 E. Clinton St. Davidhizar said prior to the fire there was extensive remodeling of the apartment in the home. He said some damage to the home was caused by fire-fighting efforts. Davidhizar said the property is an older home. He described efforts he was making to improve it and work that was being done to repair fire damage. Davidhizar disputed Travis Eash's report on the condition of the property. He stated that he was making efforts to keep people out of the vacant property. Davidhizar said he wanted to restore the property as a duplex for new tenants.

Davidhizar said he would prefer to not have an engineer evaluate the condition of the property because of the expense. He said he would prefer to have a contractor evaluate the property and provide an estimate of repair and restoration costs. Davidhizar said he has worked on burned homes in the past and successfully restored them. Davidhizar also said he wanted a permit from the City so he could proceed with restoration of the property.

Eash reiterated the Building Department's recommendation to demolish the structure. Eash said if the property owner wanted to remodel the structure, the Building Department was first recommending a detailed inspection and report by a structural engineer.

Davidhizar said he didn't want the property to be unsafe, but would prefer a repair estimate from a contractor instead of a report by a structural engineer.

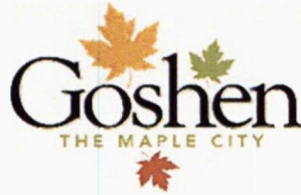
With testimony concluded, Board members had an extensive discussion about how to proceed.

Ultimately, Mayor Stutsman made a motion that the doors, windows and other openings at 214 E. Clinton St. be sealed by Dec. 21, that the hearing be continued to Jan. 24 on the condition that Mr. Davidhizar hire a licensed engineer for the remodeling project to move ahead, otherwise the Board on Jan. 24 would want to know why an engineer wasn't hired. Landis seconded the motion. Motion passed 5-0.

At 2:22 p.m. on Jan. 24, 2022, Mayor Stutsman opened a continued public hearing on Board of Public Works and Safety Order: Premises at 214 E. Clinton St.

Mayor Stutsman said that at the last hearing, the Board approved a motion that ordered Mr. Davidhizar to have a structural engineer conduct an evaluation of the property by this date and also seal the home. The Mayor noted that Mr. Davidhizar and his attorney, John William Davis Jr., were not present for today's hearing. He asked for an update on the situation.

Building Commissioner Myron Grise said he visited the home on 214 E. Clinton St. earlier on Jan. 24, 2022 and took some photographs, copies of which he distributed to the Board.



Grise said the bottom portion of the home had been secured with pieces of wood, but the upper portions were unsecured. He noted that the Board had directed that Mr. Davidhizar present an engineering report on Jan. 24 and also secure the premises.

Asked by **Mayor Stutsman** if he was aware a structural engineering report was in progress, **Commissioner Grise** said he was unaware of that happening. Grise said that during a conversation with Mr. Davidhizar about another property about three weeks ago, Mr. Davidhizar said he wasn't planning to hire a structural engineer for 214 E. Clinton Street because of the expense.

There was additional discussion by the Board and the staff about the condition of the property and how to proceed. **City Attorney Bodie Stegelmann** said Mr. Davidhizar was given notice about the date and time of the Jan. 24, 2022 hearing, but without his presence, it was not possible to get his perspective on the situation. Stegelmann said that at the last hearing, the Board affirmed the order from the Building Commissioner and allowed Mr. Davidhizar to hire a structural engineer to establish that the structure was sound and to also secure the building, but the Board held off on further orders on what should be done. Stegelmann said the Board could move forward and make that order on what needs to be done with the house or it could schedule another hearing for the explicit purpose of telling Mr. Davidhizar what needs to be done with the house.

After further discussion, **Board member Landis** made a motion that the property at 214 E. Clinton Street, which had been damaged by a fire, be ordered demolished by March 31, 2022 and that Mr. Davidhizar be notified in writing and that if he contests that action, he must respond by Feb. 7, 2022. Nichols seconded the motion. Motion passed 5-0.

On April 18, 2022, Mayor Stutsman asked City Code Enforcement Officer Travis Eash to provide an update on 214 E. Clinton Street.

Eash distributed to Board of Works & Safety members a written update on the property. (**EXHIBIT #1: Memorandum, with attachments, dated April 18, 2022, by Travis Eash regarding 214 E. Clinton Street**). Eash then verbally reported the following:

- The property at 214 E Clinton Street was subject to a fire on May 15, 2021 and the property was determined to be unsafe by this Board on Dec. 6, 2021. During that hearing, the owner was ordered to provide a detailed report from a structural engineer to the building department by Jan. 24, 2022.
- In the second hearing for this property, held on January 24, 2022, the owner was not present and no documentation had been provided to the Building Department.
- The Building Commissioner received a report from an architect via email on Feb. 18. That report was attached to the Board's April 18 packet as part of Eash's memorandum.
- (The report, dated Feb. 16, 2022, by Maust Architectural Services of Goshen, was an assessment of the property based on an inspection of 214 Clinton St. It described the fire damage and current condition of the home as well as recommendations for repairs. It included a two-page report and seven pages of photos.)
- Because the report was by an architect, and not a structural engineer as ordered, and the fact that it was submitted late, the Building Department did not endorse the acceptance of the report.
- With these facts in mind, and also the significant damage from the fire and current condition of the property, the Building Department's recommendation is still for demolition of the property.



Mayor Stutsman asked to hear from Ron Davidhizar and his attorney, William Davis.

William Davis advised the Board of Works & Safety that according to Indiana's Building Laws, there is an equivalence of architects and engineers in Indiana for building law purposes. He said certification by an architect is essentially the same as certification by an engineer. Davis presented the Board with a one-page document (**EXHIBIT #2**), which stated that statutes licensing architects say, among other things, that: "Any person licensed to practice architecture in the state or registered as an architect under this chapter, shall be exempt from the provisions of any and all statutes in force in this state regarding the practice of engineering ... (Indiana Code section 25-4 1-11). Although there are educational differences between an architect and an engineer, Davis said that both architects and engineers are able to attest to the structural integrity of buildings in Indiana.

Davis also presented the Board with a one-page listing of the qualifications of Michael A. Maust, president and owner of Maust Architectural Services. Maust inspected and provided a report on the fire damage, present condition and repairs needed at 214 E. Clinton Street (**EXHIBIT #3**).

Ron Davidhizar told the Board that after the May 2021 fire, he was advised that the structure had to be secured and it was. He said he doesn't know any engineers, so he asked Maust if he could assess the condition of the building and it was inspected by Maust. Because of his busy schedule, Davidhizar said Maust was unable to present his findings to the City Building Department until Feb. 18, which was two months ago.

Davidhizar said the only exterior wall that is damaged is the front, as indicated in a photograph presented to the Board. He said the wall will need to be strengthened, which he said he would be happy to do. Davidhizar said he sought a permit to do the work and was informed by City staff that since the architect was not an engineer, he would not be able to get a permit.

Davidhizar said that based on his attorney's research, an architect's assessment is as good as that of an engineer, so he would like to get the permit to complete the remodeling. He also stated that the back unit was already being remodeled and sustained little damage in the fire.

Asked by **Board member Landis** if there was an open door on the east side of the home, Davidhizar responded, "That could be. People keep breaking in and I keep closing it up." He said if the home is not secured now it's because people keep breaking in.

Landis noted that the front gable on the north side of the building has been open since the fire in May 2021 and asked whether it was accurate to say the building has been secured since then. **Davidhizar** said the gable end could be closed, but it would later have to be reopened for repairs and that seemed like a waste of time and material.

Mayor Stutsman responded, "I would argue that getting this far with this Board has been a waste of time."

Davidhizar said, "Indeed it has. When I stopped by to get the permit, I thought this would be nothing. I would just get the permit and be on my way, but it didn't turn out that way. Then the architect was not able to respond immediately, but did give you two months of notice before today. And, again, I'm asking for the permit. I'm ready to move ahead."

Asked by **Mayor Stutsman** how long it would take to completely close off the home if the City issued a permit today, **Davidhizar** said it would take 30 days. Asked what it would take to also improve the exterior appearance, including improving the siding, Davidhizar said it would take more like 60 days.

Asked by **Mayor Stutsman** how long it would take to completely renovate the home so that it could pass a City inspection, **Davidhizar** said it could be done "within a year."

Asked by **Board member Swartley** about his plans for the back unit, Davidhizar said he would like to restore it to a rentable state.



Mayor Stutsman asked **City Code Enforcement Officer Travis Eash** if he wanted to respond to Davidhizar's comments.

Eash said that the back unit has been in the same condition for five or six years – halfway done but not completed. He said it might be problematic to allow rental of the back unit because the odor of the fire was still prevalent. So, he said, that would need to be dealt with.

Board member Landis said he was concerned about what would happen if the City allowed renovations to take place by a certain date and the deadline was not met. He wondered if the building could then be demolished.

Landis said, "That's my biggest problem. Where do we get off the train because the history is that it takes five times longer than what the initial estimate was, if it ever gets there. But once we get to a certain point, now it doesn't make any sense because we're 75% of the way there. I don't know how to answer that question. I don't think anybody has the answer to that question. That's the dilemma of making a decision when we have a building that is in the condition that it is. That makes it hard for me."

Mayor Stutsman asked **City Attorney Bodie Stegelmann** if he agreed with William Davis' assessment that a report from an architect was equivalent to a report from a structural engineer. **Stegelmann** said he would like at least two weeks to research the legal authorities Davis cited and to confirm his conclusion.

Mayor Stutsman said that he has spoken to a neighbor who said he was reflecting the opinion of other neighbors. He said neighbors were hopeful the home would be demolished because it has been a blight on the neighborhood for some time. The Mayor said there are distinct issues involved in this case now, including the fact Davidhizar didn't meet the deadline for providing a report from a structural engineer and uncertainty about whether Maust's report was acceptable. Mayor Stutsman said he would still like the City Attorney's opinion on the matter.

Landis said he has also worked with Maust for engineering purposes and cannot dispute his opinion on the home. However, Landis said that at its Jan. 24 meeting, the Board ordered a demolition and the easy decision would be to move forward with it. So, Landis agreed with the value of giving the City Attorney time to research the issue.

Board member Swartley said she was concerned about how much longer the home will remain unrepaired and vacant. She said, "I think we have enough of a track record, not just with this property but with various other properties throughout our town and that is of concern to me." Swartley said she was concerned that if Davidhizar would make some repairs, that this would be an obstacle to a later demolition.

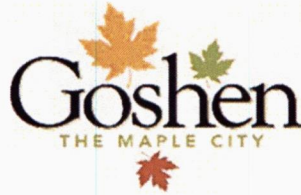
Board member Riouse agreed. He noted that Eash reported that the condition of the back unit had not been improved for five years. He said he expected some progress would have been made to improve it.

Landis said he appreciated Eash's report because he had been under the impression that the back unit was being rented at the time of the fire. Because of the demand for housing, Landis said it probably would have been occupied had it been in a rentable condition.

Mayor Stutsman said the best course appeared to be to table the matter for two weeks. He said in the meantime, no permit would be issued. Stegelmann suggested continuing the hearing to May 2.

Landis noted that he will not be present on May 2, but urged that the Board to proceed.

Davidhizar said Travis Eash is very busy and sometimes the Building Department is overwhelmed. He said when people are overwhelmed, they sometimes forget details. Davidhizar said the building has not been empty for five years. He said the front of the home was occupied at the time of the fire and the back unit has been empty about a year and a half. He asked if the back apartment could be rented if it was improved. He also stated that he had difficulties purchasing a needed electrical panel because of supply chain issues.



Ron Davidhizar said he has been told that it might take six months to receive the materials and equipment he needs to fix the home. Still, he said he can still work on the home and would like to do so. But, Davidhizar, said it takes even longer to complete improvements, "especially when I can't get approval. It takes longer."

Mayor Stutsman responded, "Ron, you can try to blame the City for this all you want ..." Talking over the Mayor, **Davidhizar** said, "I'm not trying to blame anybody. I'm simply stating how it is." **Mayor Stutsman** continued, "It sure sounds like you are."

Board member Riouse immediately said, "I guess if we didn't have a track record from you, man, you might have a point. But your track record suggests that you slow play and we end up having this cycle or going down this road with numerous houses you've had before us." **Davidhizar** responded, "This is another one and I'm ready to go and I can't get the permit. I won't say I can't get cooperation."

Mayor Stutsman thanked Davidhizar for his comments. There were no further comments from Travis Eash. The **Mayor** said that based on the information **William Davis** provided, it seemed that the Board should continue the hearing to May to allow **City Attorney Stegelmann** to research the issue Davis raised.

Mayor Stutsman/Landis moved to continue the hearing on the Board of Public Works and Safety Order for 214 E. Clinton Street (Ron Davidhizar, property owner) to May 2, 2022. The motion passed 5-0. The matter having been concluded for now, **Mayor Stutsman** closed the hearing at 3:01 p.m.

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

Mayor Stutsman adjourned the meeting at 3:02 p.m.

EXHIBIT #1: Memorandum, dated April 18, 2022, by Travis Eash regarding 214 E. Clinton Street

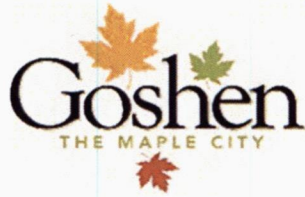
EXHIBIT #2: A one-page summary of Indiana building laws prepared by William Davis, attorney for Ron Davidhizar, describing the architect/engineer equivalence for building law purposes.

EXHIBIT #3: A one-page document presented by William Davis, attorney for Ron Davidhizar, listing the qualifications of Michael A. Maust, president and owner of Maust Architectural Services. Maust inspected and provided a report on the fire damage, present condition and repairs needed at 214 E. Clinton Street.

APPROVED



Jeremy Stutsman, Chair



Michael A Landis

Michael Landis, Member

Mary Nichols

Mary Nichols, Member

Barb Swartley

Barb Swartley, Member

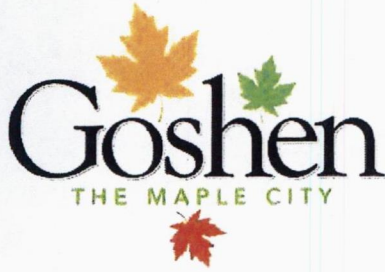
DeWayne Riouse

DeWayne Riouse, Member

ATTEST

Richard R. Aguirre

Richard R. Aguirre, Clerk/Treasurer



**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: APRIL 18, 2022

Subject: 214 E CLINTON STREET

The property at 214 E Clinton Street was subject to a fire on May 15, 2021 and the property was determined to be unsafe by this Board on December 6, 2021. In that Hearing the owner was ordered to provide a detailed report from a structural engineer to the building department by January 24, 2022.

In the second hearing for this property held on January 24, 2022 the owner was not present and no documentation had been provided to the building department.

The Building Commissioner received a report from an architect via email on February 18th. That report is attached in this packet.

Due to the report was conducted by an architect and not a structural engineer as ordered and not sufficient. The fact that it was submitted late to the building department is hesitant and do not endorse the acceptance of the report.

With these facts in mind and also the significant damage from the fire and current condition of the property the building department's recommendation is demolition.

Thank You,

Goshen Building Department

ORDER OF THE CITY OF GOSHEN BOARD OF PUBLIC WORKS AND SAFETY

January 26, 2022

To: Ron Davidhizar
203 Middlebury Street
Goshen, IN 46528

RE: Premises at 214 E. Clinton Street, Goshen, Indiana

As a person holding a substantial property interest in the real estate at 214 E. Clinton Street, Goshen, Indiana, you were served with an Order of the City of Goshen Board of Public Works dated December 7, 2021 by Paralegal, Carla Newcomer who mailed the Order by certified mail, return receipt requested and by first-class mail on December 7, 2021.

A hearing was held before the City of Goshen Board of Public Works and Safety on January 24, 2022 to review compliance with the December 7, 2021 Order of the City of Goshen Board of Public Works and Safety. The City of Goshen Building Department appears by Myron Grise, Building Department Director. Ron Davihizar fails to appear at the hearing.

An update was presented and arguments heard regarding the compliance by Mr. Davidhizar to the December 7, 2021 Order.

The Board of Public Works and Safety being duly advised in the condition of the building at 214 E. Clinton Street, Goshen, Indiana, now finds that the present condition of the building and/or premises are unsafe because the building and/or premises are vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or ordinance; are in an impaired structural condition that makes it unsafe to a person or property; and are a fire hazard.

In particular, the Board finds that the present condition of the building and/or premises is in violation of the following sections of Title 6, Article 3, Chapter 1 of the Goshen City Code:

1. The structure was damaged in a fire on May 15, 2021 and the structural strength of the exterior walls of the property is insufficient (violation of Section 6.3.1.1 v).
2. The property is vacant and not secured, with multiple areas that are accessible to people and animals to enter the property (violation of Section 6.3.1.1 ff).

You are ordered to seal the unsafe building against intrusion by unauthorized persons, or animals. Further, the Board of Public Works and Safety orders the demolition of the improvements located at 214 E. Clinton Street, Goshen on or before March 31, 2022, unless you deliver to the Building Department a writing contesting the Board's findings, including supporting documents, on or before the 7th of February, 2022.

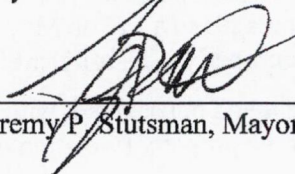
In the event that you fail to comply with this Order, the City of Goshen may take action to make the required corrections and will bill you for the costs of such work, including, the actual cost of the work performed and an amount equal to the average processing expense the City will incur in pursuing this matter. Such amounts can become a lien upon the real estate and can ultimately be enforced in the same manner as any other judgment.

You are entitled to appeal these findings of facts and this Order to the Elkhart Circuit Court or Elkhart Superior Court by filing a verified complaint within ten (10) days of the date of this notice. Should you fail to file a verified complaint within the specified period of time, then your right to appeal this action would be forfeited.

Indiana Code § 36-7-9-27 requires that if you transfer your interest or any portion of your interest in the unsafe building and/or premises affected by this Order to another person, you must supply the other person with full information regarding this Order prior to transferring that interest or agreeing to transfer that interest. Within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe building and/or premises, you must also supply City of Goshen Building Director Myron Grise with the full name, address and telephone number of the other person taking a substantial property interest in the unsafe building and/or premises, along with written copies of the agreement to transfer the interest or copies of the document actually transferring the interest. Mr. Grise's office is located at 204 East Jefferson Street, Goshen, Indiana 46528, or you may contact him at (574) 534-2104. Should you fail to comply with these provisions, then you may be liable to the City of Goshen for any damage that the City of Goshen may suffer in the event that judgment is entered against the City by the other person to whom the transfer was made.

This Order of the City of Goshen Board of Public Works and Safety is issued on January 28, 2022.

City of Goshen Board of Public Works and Safety



Jeremy P. Stutsman, Mayor

STATE OF INDIANA)
)
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public, appeared the City of Goshen Board of Public Works and Safety by Jeremy P. Stutsman, Mayor and acknowledged the execution of the foregoing Order on January 28, 2022

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My commission expires: June 22, 2025



Carla S. Newcomer
Printed: Carla S. Newcomer
Resident of Elkhart County, Indiana

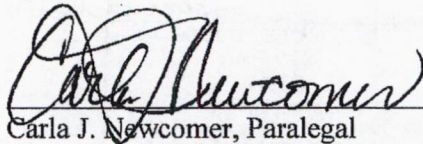
This instrument was prepared by Bodie J. Stegelmann, Goshen City Attorney, Attorney No. 18180-20, City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528, (574) 537-3820.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law (Bodie J. Stegelmann).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order of the City of Goshen Board of Public Works and Safety for the premises at 214 E. Clinton Street, Goshen, Indiana, was served by sending a copy by regular first-class mail to the last known addresses of the following persons to be notified on January 28, 2020

To: Ron Davidhizar
203 Middlebury Street
Goshen, IN 46528



Carla J. Newcomer, Paralegal
City of Goshen Legal Department
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528

M **Maust**
Architectural
Services, Inc.
A Division of L.E.M.

112 North Main Street
Goshen, IN 46526
Phone: (574) 537-8500
Fax: (574) 537-0808

Architects Planners Consultants Construction Management Rule 5 & Rule 13 Filing

February 16, 2022

Re: 214 E Clinton
Fire Damage

Myron Grise
Building Commissioner
City of Goshen Building Department
302 South 5th Street
Goshen, Indiana 46526

Dear Mr. Grise,

I have inspected the structure located at 214 East Clinton Street, Goshen, Indiana for the structural damage caused by a fire. The fire damage was mainly in the attic and front wall of the structure. The floor was not significantly affected by the fire. There are some interior wall studs that will need to be replaced or have new 2x4 stud placed next to them. The ceiling joists were not significantly affected by the fire. 45% of the roof rafters and collar ties were all affected by the fire and will need to be replaced or have new structure installed beside them. The roof sheathing at the peak in the front 1/3 of the structure will need to be replaced as it was charred badly. The front porch roof should be torn down and replaced as it sustained fire damage from both the top and bottom. The front wall should be reframed with new 2x4 material. In addition to the fire damage, I also inspected the basement area for damage that might have been caused from the water used to extinguish the fire. The basement was full of debris, not fire related, and I was not able to get around everything. I did observe that a section of the Michigan style basement wall appeared to have lost some of its earth support at one section. The area where the earth support appears to be washed out supports an interior floor beam. It was observed that there was a pile of dirt across the basement floor surrounding the water heater.

Repair Action:
Basement.

Remove debris from the area.

Remove washed out dirt

Repair washed out bank area of Michigan basement wall

- Layup CMU at front section of washed-out area to contain Concrete flowable fill
- Use Concrete flowable fill to establish solid base and re-establish bank
- One bank has been reestablished provide solid support to structure above

Repair Michigan basement banks with concrete coating to stabilize all earth banks

Roof.

Place new 2x6 roof rafters @ 16" O.C. in the front 14' of roof area.

Install new collar ties 3'-0" down from the ridge

Remove and replace the top 2' of the roof sheathing for the front 14' of the roof

Front Wall.

Replace or place beside existing wall framing new 2x4's.

Re-sheath the exterior with ½ OSB

Front Porch

Remove and replace roof structure. Columns and porch beam can be reused.

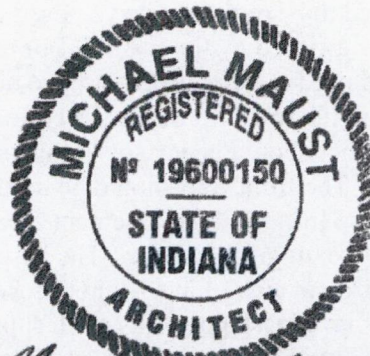
Interior Wall Framing.

Replace or place new 2s beside all wall studs with fire damage.

Please see the attached pictures. There was no lighting in the basement, and I was not able to get a good picture of the washed out area.

If you have any questions please feel free to contact me at (574) 537-8500 or the above address.

Sincerely,



A handwritten signature in cursive script that reads "Michael L. Maust".

A handwritten signature in cursive script that reads "Michael L. Maust".

Michael L. Maust, AIA
Maust Architectural Services, Inc.



Front Wall Damage



Ceiling Joist – not damaged



Rafter Damage



Back half more smoke damage than structural



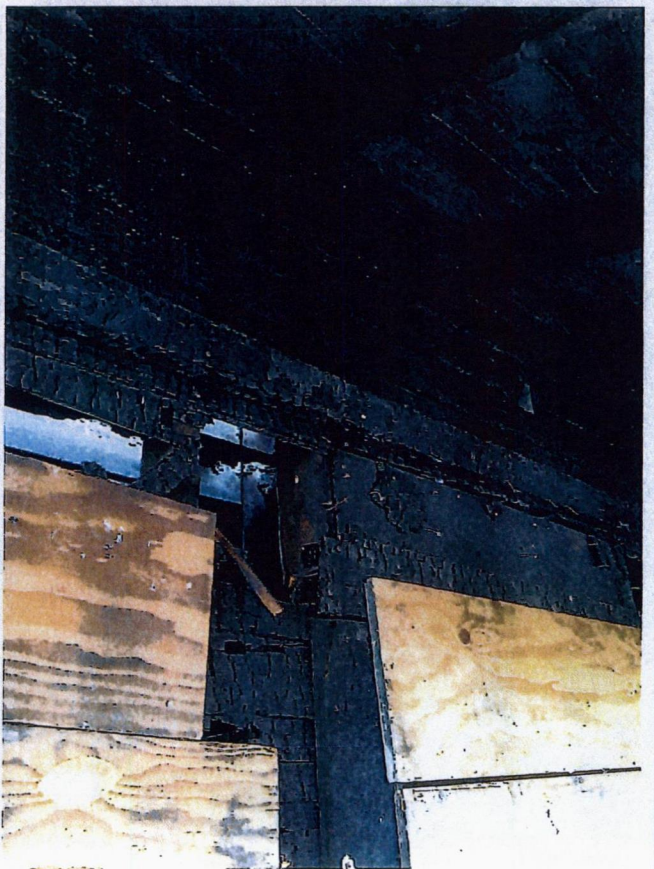
Sheathing more smoke damage than structural

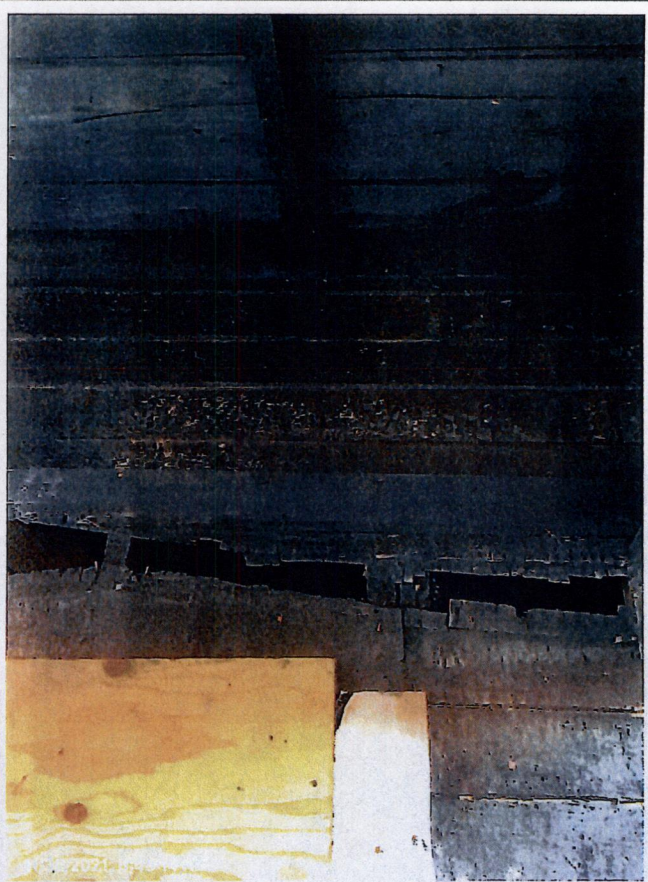
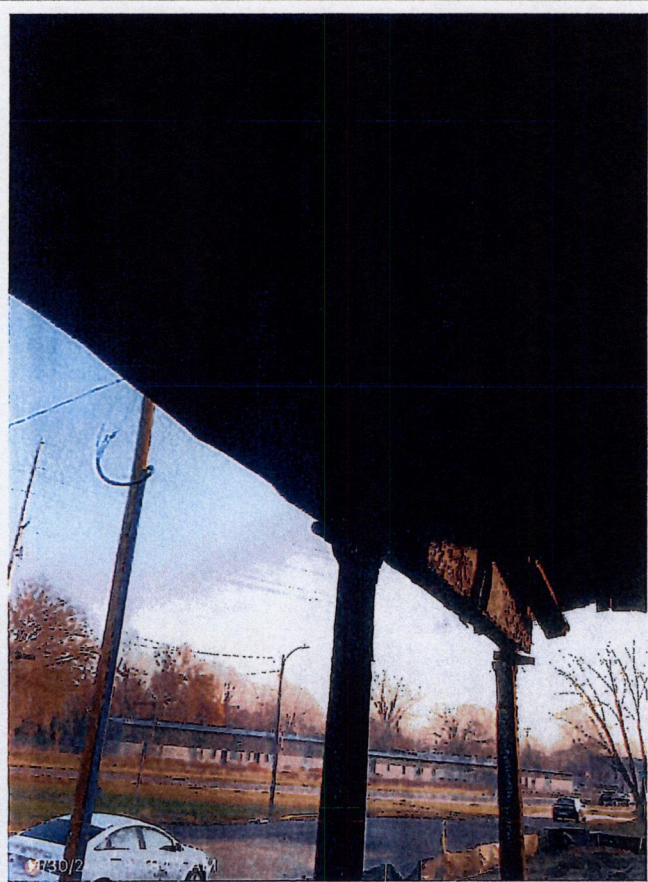


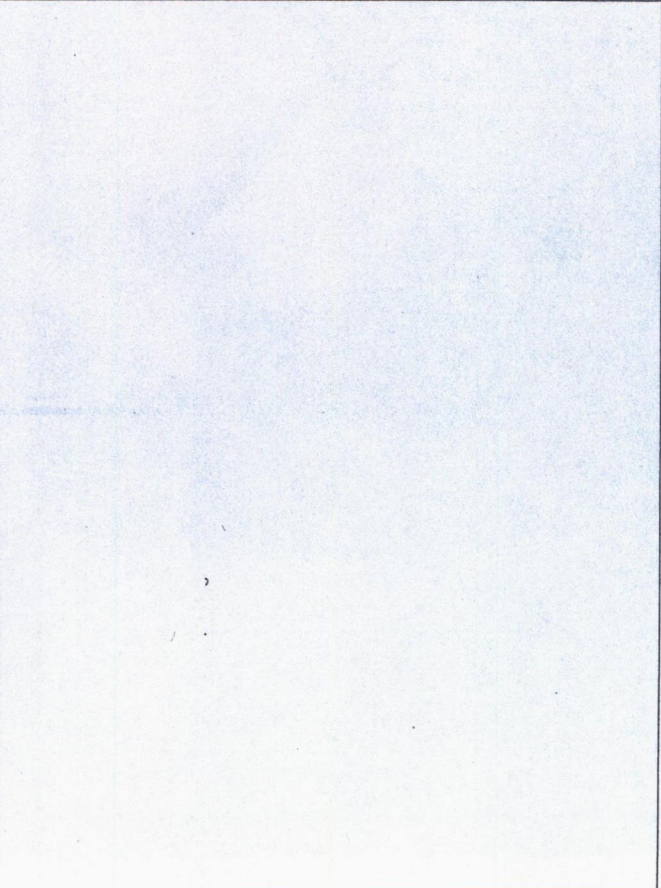
Sheathing damage at top 2'-0" front section



Porch Roof Damage









11/30/2021: 8:42:03 AM



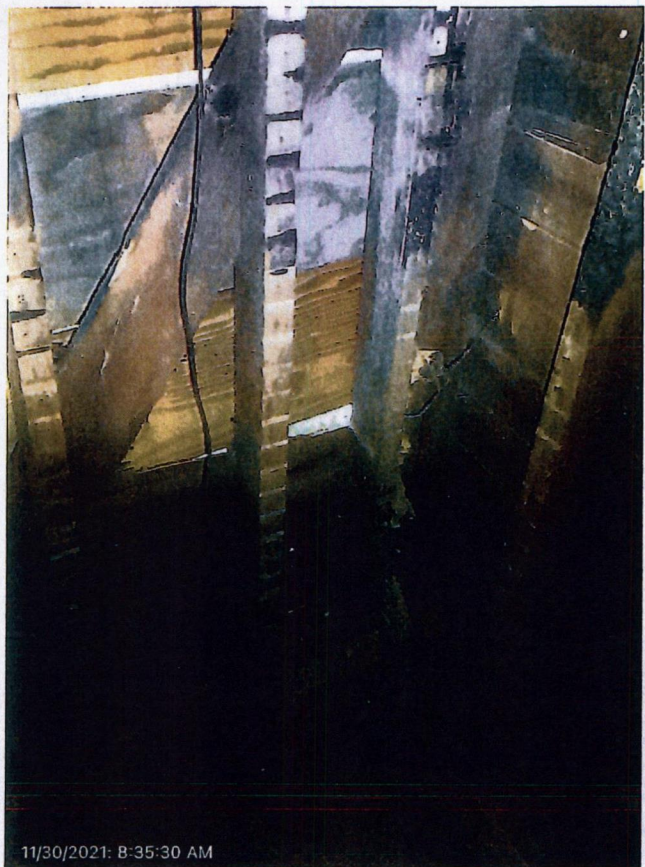
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11/30/2021: 8:42:24 AM



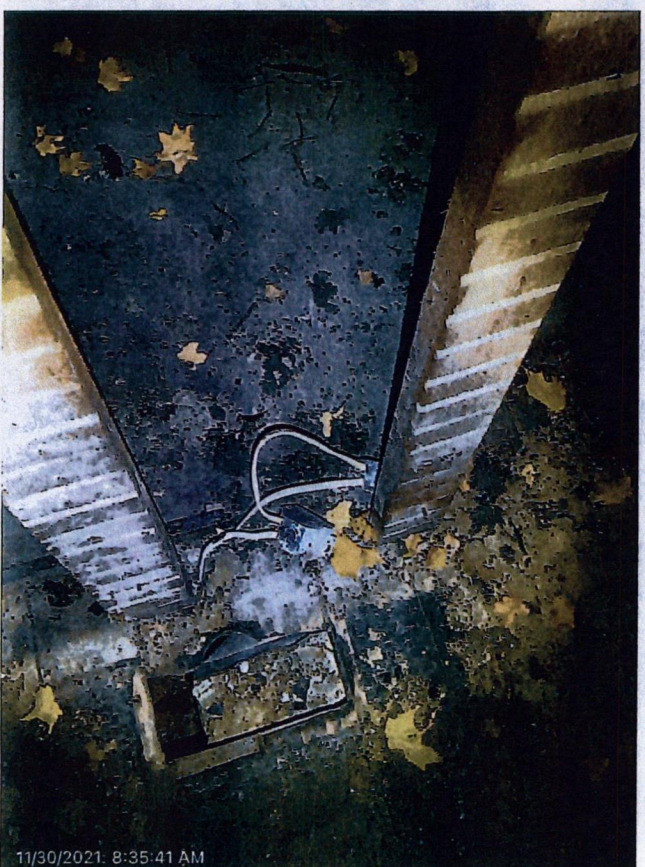
11/30/2021: 8:42:40 AM



11/30/2021: 8:35:30 AM



11/30/2021: 8:35:17 AM



11/30/2021: 8:35:41 AM



11/30/2021: 8:35:17 AM

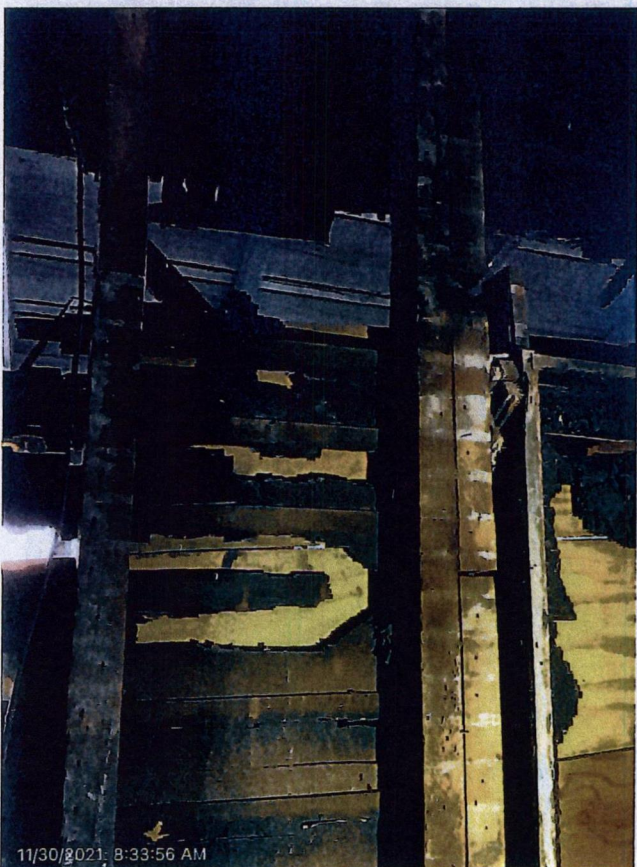




11/30/2021: 8:34:41 AM



11/30/2021: 8:34:42 AM



11/30/2021: 8:33:56 AM



11/30/2021: 8:35:09 AM



11/30/2021: 8:35:59 AM



11/30/2021: 8:36:21 AM



11/30/2021: 8:36:33 AM



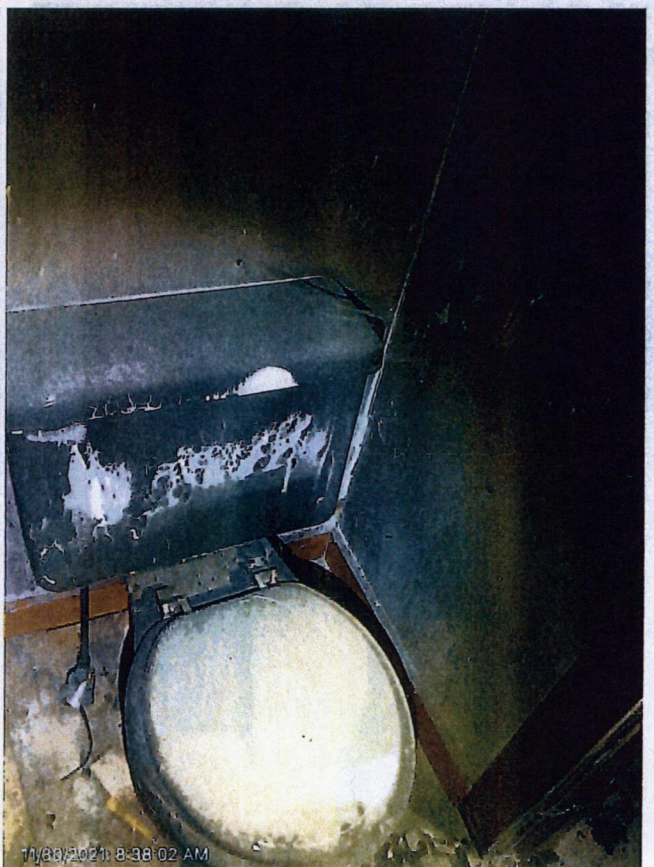
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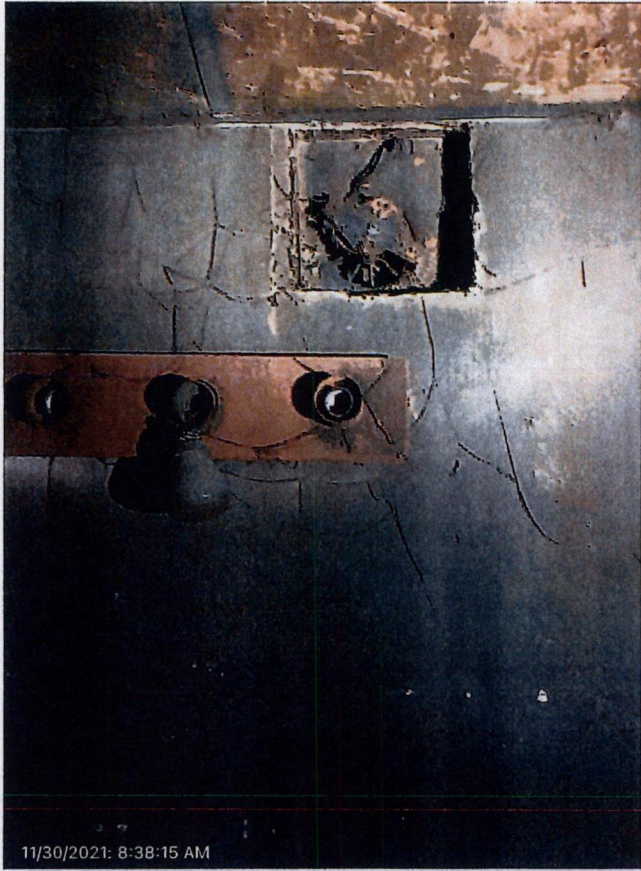
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11/30/2021: 8:37:39 AM



11/30/2021: 8:38:02 AM





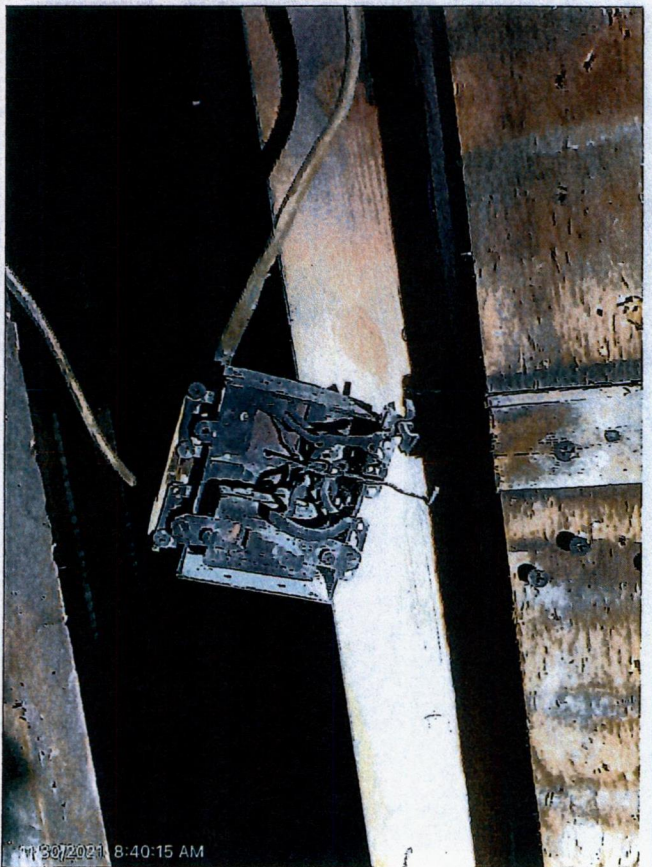
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11/30/2021: 8:39:31 AM



11/30/2021: 8:39:46 AM



11/30/2021: 8:40:15 AM



11/30/2021: 8:40:47 AM



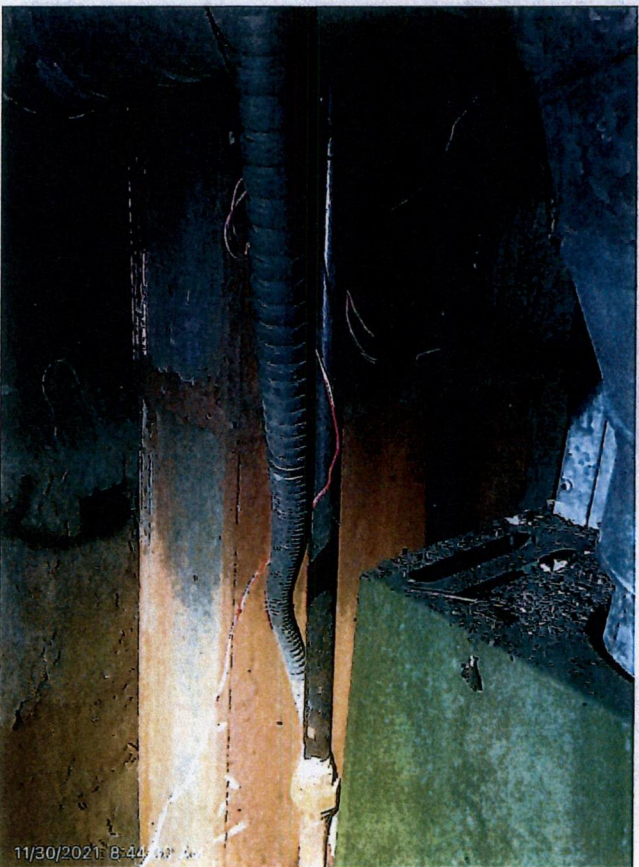
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11/30/2021: 8:41:17 AM



11/30/2021: 8:41:56 AM





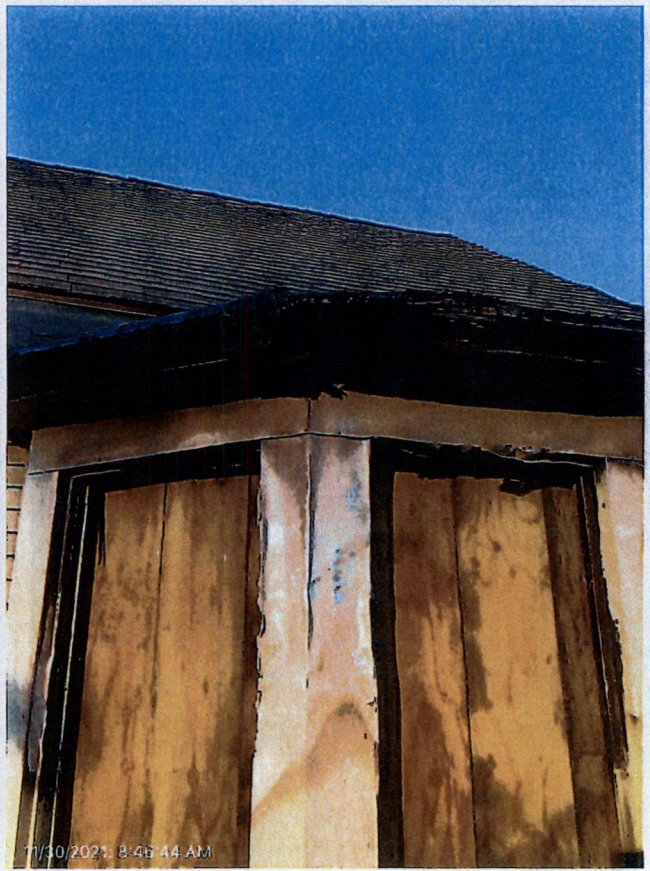
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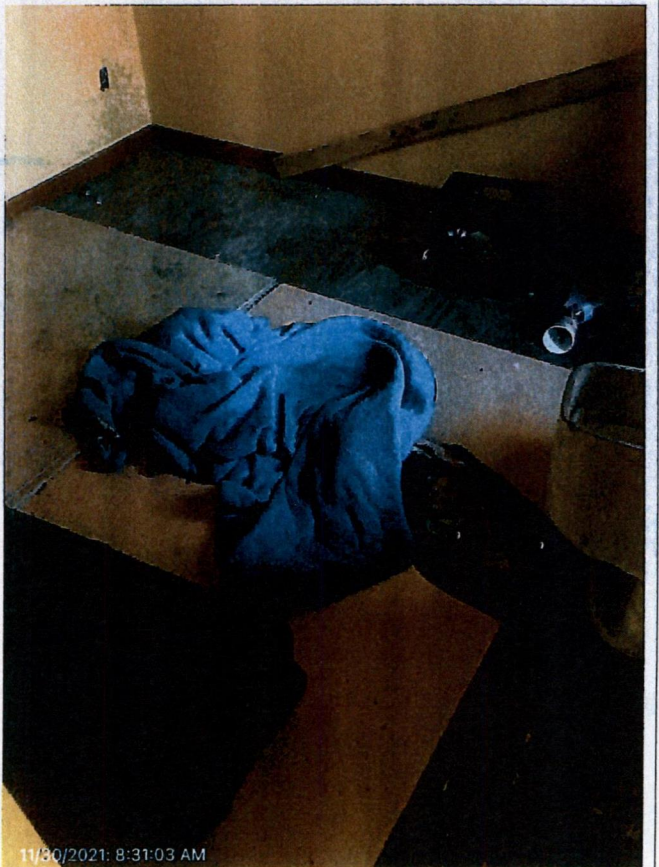
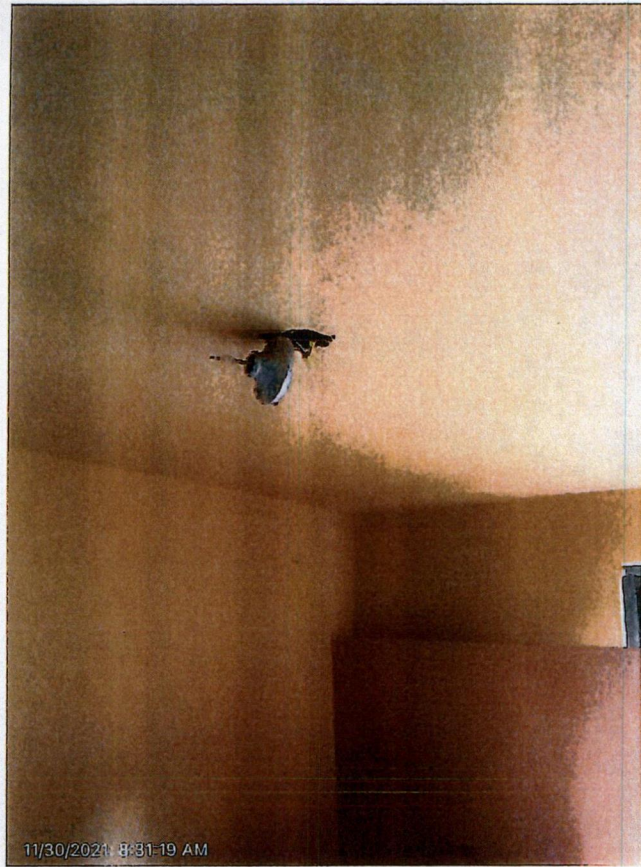
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11/30/2021: 8:45:31 AM



11/30/2021: 8:46:44 AM





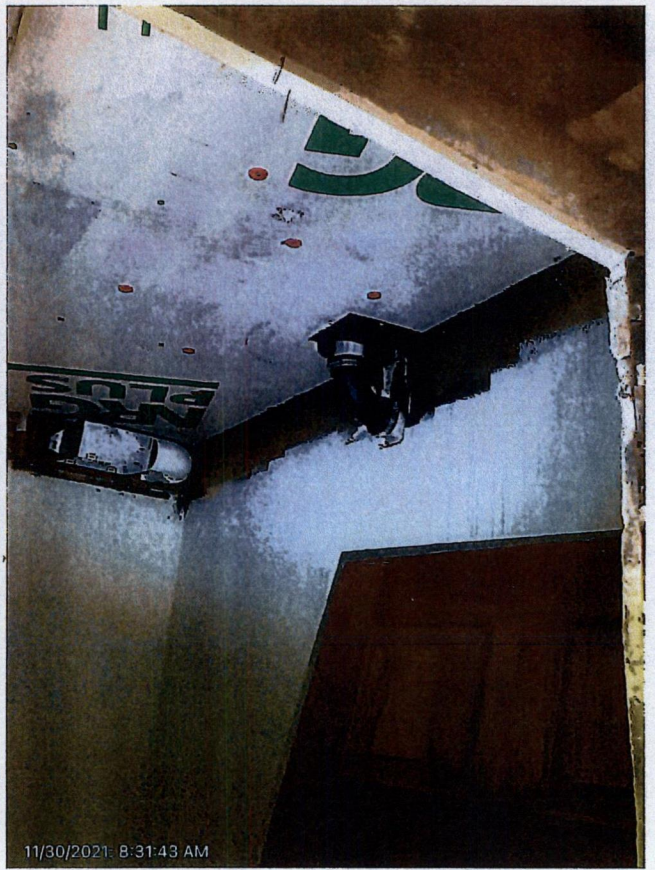
11/30/2021: 8:32:03 AM



11/30/2021: 8:31:50 AM



11/30/2021: 8:31:44 AM



11/30/2021: 8:31:43 AM

ARCHITECT/ENGINEER EQUIVALENCE
FOR BUILDING LAW PURPOSES

For purposes of Indiana's Building Laws, certification by an architect is essentially the same as certification by an engineer. The statutes licensing architects say, among other things: "Any person licensed to practice architecture in this state, or registered as an architect under this chapter, shall be exempt from the provisions of any and all statutes in force in this state regulating the practice of engineering " Ind. Code § 25-4-1-11. For purposes of the Building Laws, the term "design professional" means either "an architect registered under IC 25-4-1" or "a professional engineer registered under IC 25-31." Ind. Code § 22-15-3.2-3; the same definition appears in 675 IAC 12-6-2(d) for design releases by the state building commissioner and in 675 IAC 12-5-2(f) for regulation under the Fire Prevention and Building Safety Commission. The only state building regulation that calls for certification by a professional engineer rather than a design professional (that is, either an architect or an engineer) is a rule regulating an application for a variance concerning a regulated boiler or pressure vessel. 675 IAC 12-5-5(c)(9). Otherwise, an application for a variance must be certified by a design professional (that is, either an architect or an engineer), but only if the project requires a design release. 675 IAC 12-5-5(c)(12).

Michael L. Maust, AIA – President and Owner Maust Architectural Services, is a 1990 graduate of Ball State University with a Bachelor of Architecture from the College of Architecture and Planning, and a Bachelor of Science. Upon graduation he was employed by a local architect and worked construction until 1996 when he opened his own firm. He is a registered architect in the following States:

Indiana
Michigan
Illinois
Ohio
Pennsylvania
North Dakota
Wisconsin
Mississippi
Texas
Arkansas

Memberships and Affiliations:

AIA – American Institute of Architects
NCARB – National Council of Architectural Registration Boards
ICC – International Code Council