



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE June 27, 2022 REGULAR MEETING

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

Present: Mayor Jeremy Stutsman and members Mike Landis, Mary Nichols, DeWayne Riouse & Barb Swartley
Absent: None

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

REVIEW/APPROVE MINUTES: Mayor Stutsman presented the minutes of the June 13, 2022 regular meeting and June 22, 2022 special meeting of the Board of Works & Safety. Board member Riouse moved to approve the minutes as presented and the motion was seconded by Board member Nichols. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the meeting agenda. Board member Riouse moved to approve the agenda as submitted. Board member Nichols seconded the motion. Motion passed 5-0.

1) Legal Department: Resolution 2022-19 – Approve and ratify execution of Amendment to the Agreement for the Development of Stormwater Facilities with MR Realty IV, LLC

Shannon Marks, a paralegal with the City Legal Department, asked the Board to move and adopt Resolution 2022-19 - *Approve and Ratify Execution of Amendment to the Agreement for the Development of Stormwater Facilities with MR Realty IV, LLC.* **Marks** said the City and MR Realty IV, LLC entered into an Agreement for the Development of Stormwater Facilities on Jan. 9, 2020. This Agreement concerned the stormwater facilities to be constructed on MR Realty IV, LLC's real estate by the City, the use of the real estate during the construction project, and the maintenance of the facilities. While the project was in design stage, additional modifications were necessary. **Marks** said these modifications are set forth in the Amendment to the Agreement for the Development of Stormwater Facilities. Resolution 2022-19 approves the terms and conditions of the Amendment to the Agreement, and ratifies the Mayor's execution of the Amendment to the Agreement on June 21, 2022.

Riouse/Nichols moved to adopt Resolution 2022-19 - Approve and Ratify Execution of Amendment to the Agreement for the Development of Stormwater Facilities with MR Realty IV, LLC. Motion passed 5-0.

2) Legal Department: Ratify acceptance of easements from MR Realty IV, LLC

Shannon Marks, a paralegal with the City Legal Department, asked the Board move to ratify the Mayor's acceptance on June 17, 2022 of the three easements from MR Realty IV, LLC, an Indiana limited liability company. **Marks** said these easements are for Goshen City stormwater utility and drainage, ingress and egress, and temporary construction purposes, all which are needed for The Crossing Subdivision Drainage Project that is generally located south of Plymouth Avenue and east of County Road 19. **Marks** said it was necessary to record the easements prior to today's meeting so the City's contractor could begin work at the site.



Riouse/Nichols moved to ratify the Mayor's acceptance on June 17, 2022 of the three easements from MR Realty IV, LLC, an Indiana limited liability company. Motion passed 5-0.

3) Legal Department: Approve agreement with Abonmarche Consultants, Inc. for the Cherry Creek Drainage Study

Brandy Henderson, a paralegal with the City Legal Department, asked the Board to approve and execute the agreement with Abonmarche Consultants, Inc. for the Cherry Creek Drainage Study. Abonmarche will be paid a lump sum amount of \$18,800 for a survey, study and report on the Keaffaber property, which is located between Berkey Avenue and State Route 119, and adjacent to Westoria Subdivision and Goshen Intermediate School. The subject 75-acre property consists of four (4) parcels containing open farmland and woods. The property is proposed to include a mixed-use residential development tentatively called "Cherry Creek, Goshen."

Riouse/Nichols moved to approve and execute the agreement with Abonmarche Consultants, Inc. for the Cherry Creek Drainage Study. Motion passed 5-0.

4) Engineering Department: Approve closure of Reliance Road, between Peddlers Village and U.S. 33, from June 28-30, 2022 for sewer main installation

City Director of Public Works Dustin Sailor asked the Board to approve the closure of Reliance Road between Peddlers Village and U.S. 33, June 28-30, 2022, for the installation of water main. Selge Construction has requested the closure of a portion of Reliance Road, June 28-30, 2022, for the installation of water main to the new Elkhart County Courthouse site. Access for local traffic will be maintained. In response to a question from **Mayor Stutsman, City Fire Department Chief Danny Sinks** said the closure will not negatively impact the Fire Department.

Riouse/Nichols moved to approve the closure of Reliance Road, between Peddlers Village and U.S. 33, June 28-30, 2022, for the installation of water main. Motion passed 5-0.

5) Engineering Department: Approve closure of Cottage Avenue Bridge, June 30, 2022, for road sealing
City Director of Public Works Dustin Sailor asked the Board to approve the closure of the Cottage Avenue Bridge, June 30, 2022, for road sealing. Young Services, Inc., working for Elkhart County, will be sealing the road on the Cottage Avenue Bridge on Thursday, June 30, 2022, which will require full closure. The company will be opening it later the same day after completion.

Riouse/Nichols moved to approve the closure of Cottage Avenue Bridge, June 30, 2022, for road sealing. Motion passed 5-0.

6) Engineering Department: Approve partial lane restrictions on Dykstra Street, June 27-Aug. 1, 2022, for asphalt paving reconstruction and replacement of a storm structure

City Director of Public Works Dustin Sailor asked the Board to approve Dykstra Street asphalt paving lane restrictions from June 27 thru August 1, 2022. Niblock Excavating will be performing work to remove full-depth asphalt, install new asphalt pavement and remove and replace a storm structure on Dykstra Street. Workers will be starting on the west side of Blackport Drive and then working their way east on Dykstra Street. The work will require partial lane restrictions along Dykstra Street, with Niblock providing traffic control.



Niblock will maintain open access for the church and residents on Dykstra Street. The partial lane restrictions will occur from June 27 thru August 1, 2022.

Riouse/Nichols moved to approve the Dykstra Street asphalt paving lane restrictions from June 27 thru August 1, 2022. Motion passed 5-0.

7) Engineering Department: Approve Change Order No. 2 for \$128,863.85, a 22.62% increase, and extend completion date to Aug. 26, 2022 for the Madison Street and College Avenue Reconstruction (JN: 2021-0016)
City Civil Traffic Engineer Josh Corwin asked the Board to approve Change Order No. 2 for \$128,863.85, a 22.62% increase, and extend completion date to Aug. 26, 2022 for the Madison Street and College Avenue Reconstruction (JN: 2021-0016).

Corwin said the Madison Street and College Avenue Reconstruction project was bid last fall and included the mill and overlay of College Avenue. He said last winter was exceptionally hard on the roads and College Avenue broke up badly in the area of the proposed mill and overlay. Once the pavement was examined after winter, it was determined a significantly larger portion of the road would need full-depth patching than was originally anticipated, having only three inches in asphalt in some areas.

Due to Norfolk Southern moving into the city and closing several crossings at the same time, Niblock was instructed by the City of Goshen to halt work on College Avenue to provide traffic relief in the corridor. This created conflicts in Niblock's schedule and mill availability and would not allow workers to return until July. It was agreed upon by Niblock and the Engineering Department that it would be best to wait until after the Elkhart County 4H Fair to schedule any work. The work will be scheduled for early August. Change Order No. 2, which was in the Board packet, was for an additional \$128,863.85, a 22.62% increase, and makes the total contract amount \$718,218.35.

In response to a question from **Mayor Stutsman**, Corwin said the majority of the cost increase is to address the road damage from the winter.

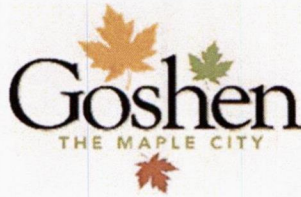
Riouse/Nichols moved to approve Change Order No. 2 for \$128,863.85, a 22.62% increase, and extend completion date to Aug. 26, 2022 for the Madison Street/College Avenue Reconstruction. Motion passed 5-0.

8) Stormwater Department: Completion Agreement Policy – Year in Review

City Stormwater Specialist Mattie Lehman provided the Board with a Year in Review report on the status of Completion Agreement related action take since November. The report was included in the Board packet. Before she began her presentation, Lehman distributed to the Board an updated table/chart showing the status of the status of Completion Agreements executed by the Stormwater Department for 20 properties from November 2021 to March 2022 (**EXHIBIT #1**):

BACKGROUND:

Resolution 2021-29 *A Policy for the Issuance of Certificate of Occupancy Prior to the Completion of Construction Project* passed the BOW on Nov. 1, 2021 and replaced a similar policy with the terminology switching from "Occupancy Permit Agreement" to "Completion Agreement" (CA). This past winter marked the first application of the Completion Agreement (CA) Policy to projects where some of the usual requirements for the issuance of a Certificate of Occupancy were delayed due to winter weather conditions. The Stormwater Department acted as lead staff to coordinate inspections and communications for involved Departments including Planning/Zoning, Engineering, and Building. Lehman reported Builders initially were resistant to the process, but have come to understand its utility.



This winter, CAs were executed for 20 properties between the months of November and March. All but two CAs listed a completion deadline of June 15. The status of the 18 CAs with a passed deadline were listed in an attached table (included in agenda packet).

All properties have initiated the required work, but eight properties have not finished all the items listed within their executed CA. A surety amount was required and processed for seven of these eight properties. Reasons for CAs not being closed varied from concrete work in the right-of-way not meeting ADA standards to trees not being planted before hot weather made survival difficult.

All outstanding requirements have been communicated to the parties included in the CAs. A deadline reminder letter was mailed to all parties on May 19 and a deadline passed letter was sent June 17 alerting parties that their CA status would be reported to the BOW.

A few options have been discussed at an inter-departmental meeting for moving forward. All Completion Agreements include the ability by the City to hire or complete the work and retain the surety in an amount equal to the cost of work. As another option for CAs with outstanding tree requirements, in particular a deadline extension appeal made by the Agreement parties at BOW, is being pursued. The Stormwater Department is working with the Legal Department to have a CA extension addendum prepared. The department is continuing to discuss the course of action for outstanding Completion Agreements on a case-by-case basis.

In her brief presentation, Lehman provided the highlights of the report and the Completion Agreement process. She also discussed some of the open cases. She responded to questions from **Board member Landis** about the reasons for the lack of ADA compliance for some sidewalk work. **Mayor Stutsman** also commented on the situation. There also was brief discussion by the Board about enforcing the provisions of Completion Agreements.

No action was required by the Board because this was an information-only agenda item.

CITY OF GOSHEN STORMWATER BOARD

Regular Meeting Agenda

2:00 p.m., June 27, 2022

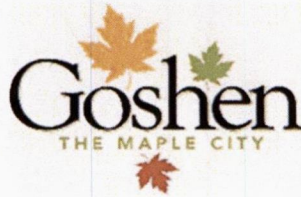
Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Members: Mayor Jeremy Stutsman, Mike Landis and Mary Nichols

At 2:18 p.m., Mayor Stutsman opened a meeting of the City of Goshen Stormwater Board for consideration of the following item:

9) Stormwater Department: Approve the execution by the Mayor of the Notice of Intent for permit coverage under the Municipal Separate Storm Sewer System General Permit

City Stormwater Specialist Mattie Lehman asked the Board to allow the Mayor to execute the Notice of Intent for permit coverage under the Municipal Separate Storm Sewer System General Permit. She reported that in December 2021, the Indiana Department of Environmental Management (IDEM) repealed "Rule 13" authorizing the discharge of storm water to Indiana-receiving waters by Municipal Separate Storm Sewer (MS4) communities.



Lehman said IDEM has transitioned to a Municipal Separate Storm Sewer General Permit (MS4GP) and the Notice of Intent for permit coverage is due July 5, 2022. She said the Notice of Intent (NOI) process requires public notice, which will be published June 29, 2022 in the **Goshen News**. It also requires filling and signing of the form, attached to the Board packet, identifying responsible parties, applicable agreements, and basic receiving waters information. **Lehman** said in years past, the City of Goshen has been an official co-permittee with its partners in the Greater Elkhart County Stormwater Partnership, including Elkhart County, the City of Elkhart, and the Town of Bristol. Partnership members decided to file separately for the MS4GP, but will retain the interlocal agreement that supports the County-wide stormwater utility fee and designates shared responsibility for several duties of minimum control measures with the Elkhart County Soil and Water Conservation District. These partners are named in the NOI and copies of applicable documents will be included.

Lehman said the Mayor is listed as the Primary MS4 Operator and is the required signatory for the Notice of Intent. **Mayor Stutsman** asked if he was the right person to be designated as the MS4 Operator. **City Attorney Bodie Stegelmann** said legally that was the case. **Board member Landis** asked if there were any other state-required changes, which **Lehman** briefly summarized.

Nichols/Landis moved to approve for the Mayor to execute the Notice of Intent for permit coverage under the Municipal Separate Storm Sewer System General Permit. Motion passed 5-0.

At 2:23 p.m., Mayor Stutsman closed the meeting of the City of Goshen Stormwater Board and reopened the City of Goshen Board of Public Works & Safety meeting for consideration of additional agenda items:

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

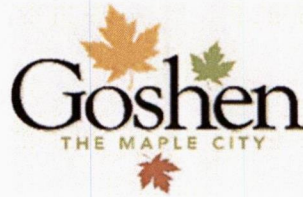
Mayor Stutsman opened Privilege of the Floor at 2:23 p.m.

City Assistant Fire Chief Anthony Powell advised Board members that on July 11, the Fire Department will be asking the Board to pass a Resolution approving the departmental policies which have been updated by Lexipol. In response to a question from the Mayor, Powell said the policies were emailed to Board members several weeks ago. **Mayor Stutsman** asked Board members to forward any questions about the policies to **Chief Dan Sink**, Assistant **Chief Powell** or to him.

There were no further comments, so Mayor Stutsman closed Privilege of the Floor at 2:23 p.m.

10) Board of Public Works and Safety Order: Building Commissioner Order for 110 S. 7th Street – B (Samuel & Gloria Ascencio, property owners)

At 2:24 p.m., Mayor Stutsman opened a public hearing on the Order of the City of Goshen Building Commissioner for the property at 110 S. 7th Street, owned by Samuel & Gloria Ascencio of Goshen.



BACKGROUND:

On May 24, 2022, City Building Commissioner Myron Grise notified Samuel & Gloria Ascencio, the owners of 110 S. 7th Street – B, that their property was in violation of Goshen City Code.

Grise reported that the Goshen Building Department inspected 110 S. 7th Street – B on Nov. 10, 2021. Violations of the Neighborhood Preservation Ordinance (Minimum Housing Ordinance) were cited. The property was re-inspected on Dec. 16, 2021, Feb. 16, 2022, and May 12, 2022 which showed no significant improvement to the real estate.

The property was deemed unsafe within the meaning of Indiana Code § 36-7-9-4 in that one or more buildings or structures were in an impaired structural condition that made it unsafe and dangerous to person or property because of a violation of Goshen City Code Title 6, Article 3, Chapter I concerning building condition or maintenance.

The following violations of Section 6, Article 3, Chapter I of the Goshen City Code were cited by the Goshen Building Department inspector and have not been satisfactorily repaired or remedied:

- 1. The roof and flashing on the building are not sound and have defects that admit rain. There are loose and damaged shingles. This is causing one or more of the rooms in the building to have leaks in the ceilings. (violation of Section 6.3.1.1 (c)).**
- 2. The gutters on the side and rear of the building do not have downspouts attached. (violation of Section 6.3.1.1 (c)).**

Grise reported that these violations made the premises at 110 7th Street -B, Goshen unsafe.

According to Grise's report, the Ascencios were ordered to repair or rehabilitate the unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy or use or to demolish and remove a part of the unsafe building so that the buildings and structures are in compliance with Title 6, Article 3, Chapter I of the Goshen City Code by June 24, 2022.

In particular, the Ascencios were ordered to make the following corrections:

- 1. Repair or replace the roof and flashing so that it does not admit rain into the interior of the building.**
- 2. Attach gutters and downspouts so that the roof water is discharged in a manner that does not create a hazard on the premises or adjacent property.**

Grise advised the Ascencios that In the event they failed to comply with this Order, the City of Goshen might take action to make the required corrections and bill them for the costs of the work, including, the actual cost of the work performed and an amount equal to the average processing expense the City incurred in pursuing this matter. Such amounts could become a lien upon the property and ultimately be enforced as any other judgment.

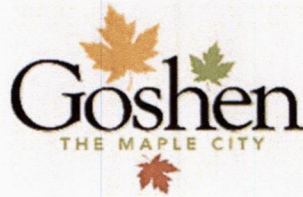
The Ascencios were notified that a hearing would be held before the Board of Public Works and Safety on June 27, 2022 to review the Order of the City of Goshen Building Commissioner. The Ascencios were further notified that they had the right to appear at the hearing, with or without counsel, to present evidence, cross-examine opposing witnesses and present arguments.

JUNE 27, 2022 HEARING TESTIMONY, DISCUSSION AND OUTCOME:

Mayor Stutsman asked for a report from Rental Inspector Ryan Conrad of the City Building Department.

Conrad distributed a memorandum to the Board, with photos, (EXHIBIT #2) and reported the following:

- On Nov. 10, 2021, Conrad said he conducted an inspection of the property at 110 S. 7th St. and determined that several property maintenance violations existed. He notified the property owner, Sam Ascencio, in writing, that he would have 30 days to correct the violations.



- On Dec. 12, 2021, Conrad again inspected the property and determined that some of the violations had been satisfactorily completed. He again notified the property owner to correct any remaining violations.
- Conrad conducted a re-inspection of the property on Feb. 16, 2022 and determined that additional repairs had been made. The only remaining code violation that needed to be resolved was for a roof that needed repair. During my re-inspection, Conrad said he observed that the asphalt shingles were extremely worn and some shingles were loose and were falling from the roof. A neighbor also reported that cats were seen entering holes in the roof above the porch.
- Following his re-inspection, Conrad again mailed a notice to the property owner advising him to make repairs to the roof within 60 days. On April 13, Conrad re-inspected the property and found that no repairs to the roof had been made. A final Notice of Violation was mailed to the property owner at that time.
- On May 13, Conrad made contact with a tenant who resides at the property and she stated that the ceiling was leaking in her apartment. Conrad advised the property owner of this and he stated that he had obtained quotes for the roof repairs. On June 27, when Conrad inspected the property, it did not appear that any repairs had been made to the asphalt shingles. There are also downspouts that needed repairs.
- Conrad said he received a message from the property owner on June 27 that stated he hoped to have a signed agreement for repairs sometime during the week. Conrad recommended that this matter be referred to the Legal Department for enforcement at this time. He added that the property owner informed Conrad that he was out of the country and would not be able to attend the June 27 hearing.

Asked by **Mayor Stutsman** for his recommendation on how to proceed, **Conrad** said that if the property owner does provide a copy of a signed agreement this week, he should be given 30-60 days to ensure the repairs are made. **City Attorney Stegelmann** recommended the Board make a formal finding about the Building Commissioner's order and then give the property owner 60 days to make the repairs.

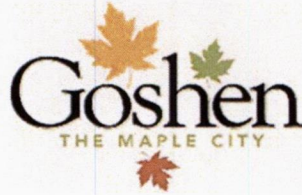
Mayor Stutsman said he didn't feel comfortable enforcing an order at a first hearing when the property owner wasn't present. **Stegelmann** said it should be noted for the record that both property owners were sent the building commissioner's order by certified mail and signed receipts acknowledging that the hearing would be held but chose not to be present.

Board member Riouse asked when the property owners might be back in town. **Conrad** said he didn't know, adding that the property owner frequently travels and isn't in Goshen. Conrad said the property owner did show him a work contract that still needs to be signed. Riouse said he was concerned that the property owner will seek more time for repairs if only given 30 days. **Mayor Stutsman** said that 30 days might not be enough time for the repairs to be completed.

There was further Board discussion with Conrad about the work that needed to be done and about the tenants of the property as well as the entry of cats into the building.

Mayor Stutsman made a motion that the Board affirm the findings of the City Building Commissioner's order for 110 S. 7th Street – B. Landis seconded the motion. Motion passed 5-0.

Mayor Stutsman then made a motion to continue the hearing to Aug. 29, 2022 to give the property owner time to make the necessary repairs. Landis seconded the motion. Motion passed 5-0.



At 2:33 p.m., Mayor Stutsman closed the public hearing on the Order of the City of Goshen Building Commissioner for the property at 110 S. 7th Street.

As all matters before the Board of Public Works & Safety 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 2:33 p.m.

EXHIBIT #1: Updated table distributed by City Stormwater Specialist Mattie Lehman to the Board during its consideration of agenda item #8 showing the status of the status of Completion Agreements executed by the Stormwater Department for 20 properties from November 2021 to March 2022 (EXHIBIT #1).

EXHIBIT #2: Memorandum by Rental Inspector Ryan Conrad of the City Building Department distributed to the Board during consideration of agenda item #10, Building Commissioner Order for 110 S. 7th Street – B (Samuel & Gloria Ascencio, property owners). Attached to Conrad's memorandum were a series of color photographs of the property, a text message from the property owner and the Building Commissioner's order for 110 S. 7th Street – B.

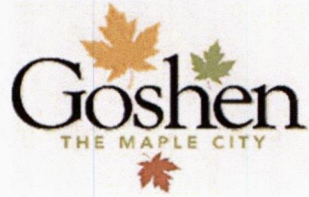
APPROVED

A handwritten signature in black ink, appearing to be "J. Stutsman", written over a horizontal line.

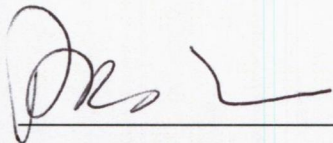
Jeremy Stutsman, Chair

A handwritten signature in blue ink, appearing to be "Michael A. Landis", written over a horizontal line.

Michael Landis, Member




Mary Nichols, Member


DeWayne Riouse, Member

Absent
Barb Swartley, Member

ATTEST

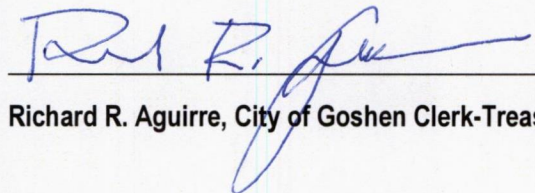
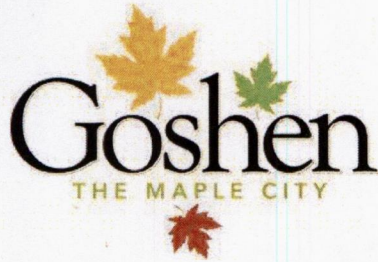

Richard R. Aguirre, City of Goshen Clerk-Treasurer

Exhibit #1

Site Address	Project Name & Job Number	Property Owner	Builder	Complete (Y/N)	Outstanding Requirement(s)	Surety
1933 Whispering Pines	Greencroft (2017-2035)	Greencroft Goshen, Inc.	na	Y		
1931 Whispering Pines	Greencroft (2017-2035)	Greencroft Goshen, Inc.	na	Y		
2094 Whispering Pines	Greencroft (2020-2017)	Greencroft Goshen, Inc.	na	Y		
2096 Whispering Pines	Greencroft (2020-2017)	Greencroft Goshen, Inc.	na	Y		
2093 Whispering Pines	Greencroft (2020-2017)	Greencroft Goshen, Inc.	na	Y		
2095 Whispering Pines	Greencroft (2020-2017)	Greencroft Goshen, Inc.	na	Y		
1471 Firestar Drive	Maplewood Estates (2006-2010)	Joachim and Amy Landes	Freedom Builders	N	sidewalk*	\$945
1516 Firestar Drive	Maplewood Estates (2006-2010)	Sunrise Home Builders, Inc.	Sunrise Home Builders	Y		\$23,245
1211 Camelot Drive	Northbrook (2021-2045)	Kadd Acquisitions LLC (Schrock Stephen Nault and Jacklin Beard)	Schrock Homes	Y		
1611 Hay Parkway	Northbrook (2021-2045)	Beard	Schrock Homes	N	stabilization, tree	\$3,025
2005 Wakefield Rd	Pickwick Village (2017-2047)	Spring Run Partners LLC	Spring Run Partners, LLC	Y		
2007 Wakefield Rd	Pickwick Village (2017-2047)	Spring Run Partners LLC	Spring Run Partners, LLC	Y		
837 Ridgeview Dr.	Ridgewood Place (2005-2070)	Saulo and Kaitlyn Degado	Team Construction	N	stabilization, sidewalk	\$5,945
502 River Race Drive	Single home	Roland Weaver	Owner	N	tree	\$9,930
123 N. 6th St.	Single home	Habitat for Humanity	Habitat for Humanity	Y		\$1,550
217 W Willden Avenue	Single Home	Habitat for Humanity	Habitat for Humanity	N	tree, stabilization, parking pad, sidewalk	\$11,860
1936 Lighthouse Lane	The Crossing (2006-2057)	Sharon Price	Granite Ridge	N	tree**	\$6,790
1824 Lighthouse Lane	The Crossing (2006-2057)	Brian Moore for The Crossing Development LLC	Lehman Development Inc.	Y		\$6,990

* two agreements were made at the same address because of differing responsibilities. The Agreement for landscaping is closed. The Agreement with sidewalk and a surety amount is not.
 ** two agreements were made at the same address because of differing responsibilities. The Agreement with the Builder is closed. The Agreement with the homeowner for the tree planting remains open.

Statutes as of 6/27/2022



**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: RYAN CONRAD, BUILDING DEPARTMENT

DATE: JUNE 27, 2022

SUBJECT: 110-112 S. 7TH ST.

On November 10, 2021, I conducted an inspection of the property at 110 S. 7th St. and determined that several property maintenance violations existed. I notified the property owner, Sam Ascencio, in writing, that he would have 30 days to correct the violations. On December 12, 2021 I again inspected the property and determined that some of the violations had been satisfactorily completed. The property owner was again notified, in writing, to correct any remaining violations.

I conducted a re-inspection of the property on February 16 of this year and determined that additional repairs had been made. The only remaining code violation that needed to be resolved was for a roof that needed repair. During my re-inspection, I observed that the asphalt shingles were extremely worn and some shingles were loose and were falling from the roof. A neighbor also reported that cats were seen entering holes in the roof above the porch.

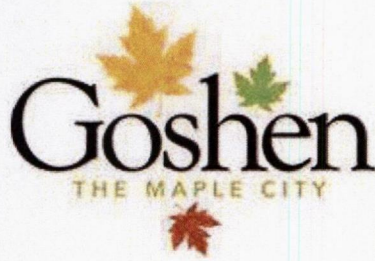
Following my re-inspection, I again mailed a notice to the property owner advising him to make repairs to the roof within 60 days. On April 13, I re-inspected the property and found that no repairs to the roof had been made. A final Notice of Violation was mailed to the property owner at that time.

On May 13, I made contact with a tenant who resides at the property and she stated that the ceiling was leaking in her apartment. I advised the property owner of this and he stated that he had obtained quotes for the roof repairs. This morning when I inspected the property, it did not appear that any repairs had been made to the asphalt shingles. There are also downspouts that need repairs.

I did receive a message from the property owner this morning that stated he hopes to have a signed agreement for repairs sometime during the week. I am recommending that this matter be referred to the Legal Department for enforcement at this time.

Respectfully,

Ryan Conrad
Rental Housing Inspector
Building Department



Code Enforcement

City of Goshen

204 E Jefferson St • Goshen, Indiana 46528

574-534-1811 • • building@goshencity.com

www.goshenindiana.org/building-department

FINAL NOTICE

June 6, 2022

Samuel & Glenda Ascencio
64848 McIntosh Ln
Goshen, IN 46526

RE: 112 S 7th St B, Violation # 21-1515-NHP
201109432005000015

Dear Property Owner:

Our latest inspection revealed that there has been little or no compliance to our first letter dated 5/18/2022 requesting that you make repairs to the above-referenced property.

Therefore, we have no alternative but to turn this matter over to our Legal Department. However, you may still contact me to discuss what more can be done to prevent legal action taken against you.

For your review, the table below shows outstanding violation(s) and the specific code, as set out in the Neighborhood Preservation Ordinance.

6.3.1.1(c)

Roof

NPO

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

- 1.) The roof and flashing on the building are not sound, tight and have defects that admit rain. There were loose, damaged shingles. The roofing needs to be repaired so no leaks are present.
- 2.) There were gutters at the side and rear of the dwelling that did not have downspouts attached. Downspouts needs to be attached or gutters removed.

6.1.1.7(a)

Building Permit Required

GCCO

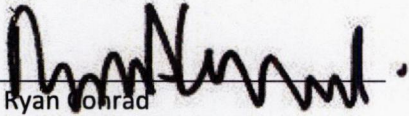
A permit shall be obtained before a person begins to construct, alter, remodel, rehabilitate, or add to any building or structure, or the placement of a mobile home. A permit shall be obtained before a person begins work on new or altered electrical, mechanical or plumbing systems. The required permits and fees are set forth in the current Building Department Fee Ordinance.

Must apply for, obtain, and final all permits for work being done but not limited to electric and

roofing.

If you are not the owner or manager of this property, please contact us at (574) 534-1811 as soon as possible to correct our records. Thank you for your cooperation in this matter.

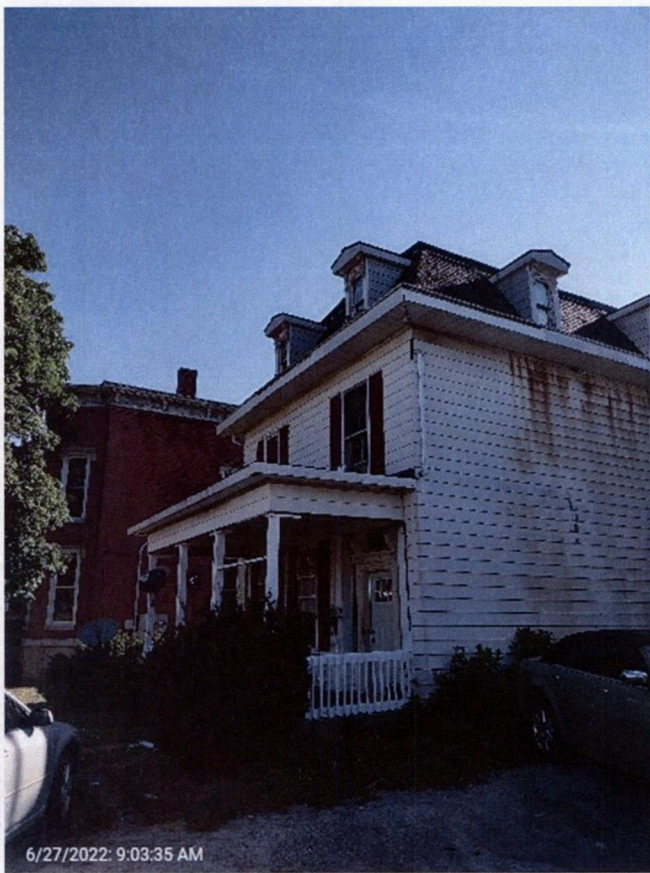
Sincerely,

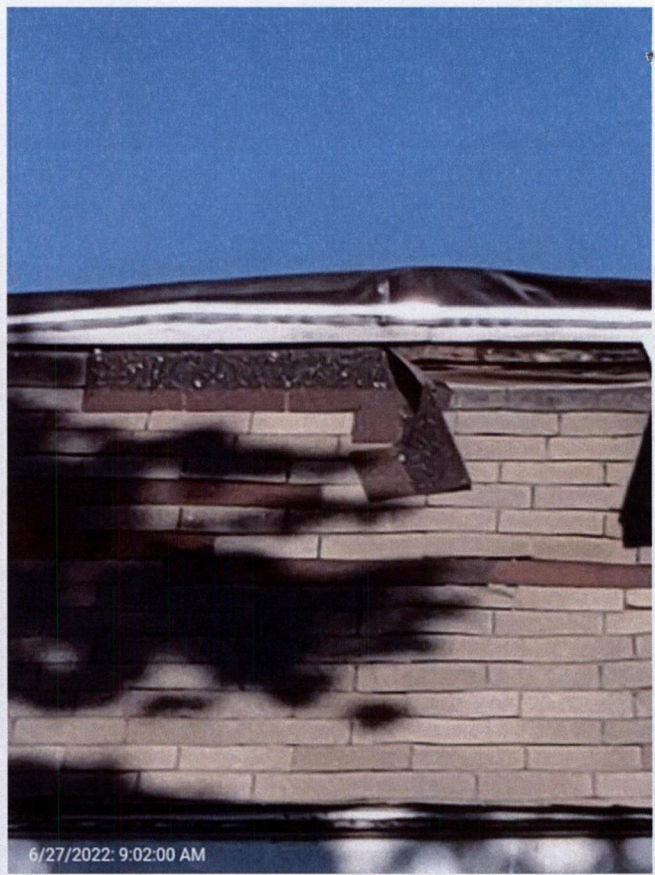
A handwritten signature in black ink, appearing to read "Ryan Conrad", written over a horizontal line.

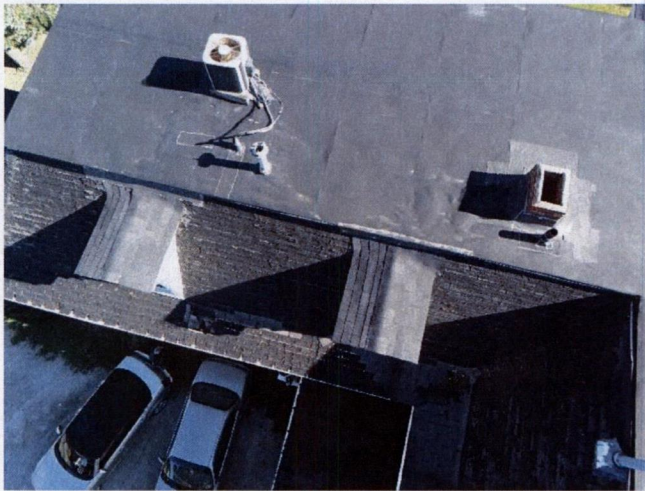
Ryan Conrad
Rental Inspector

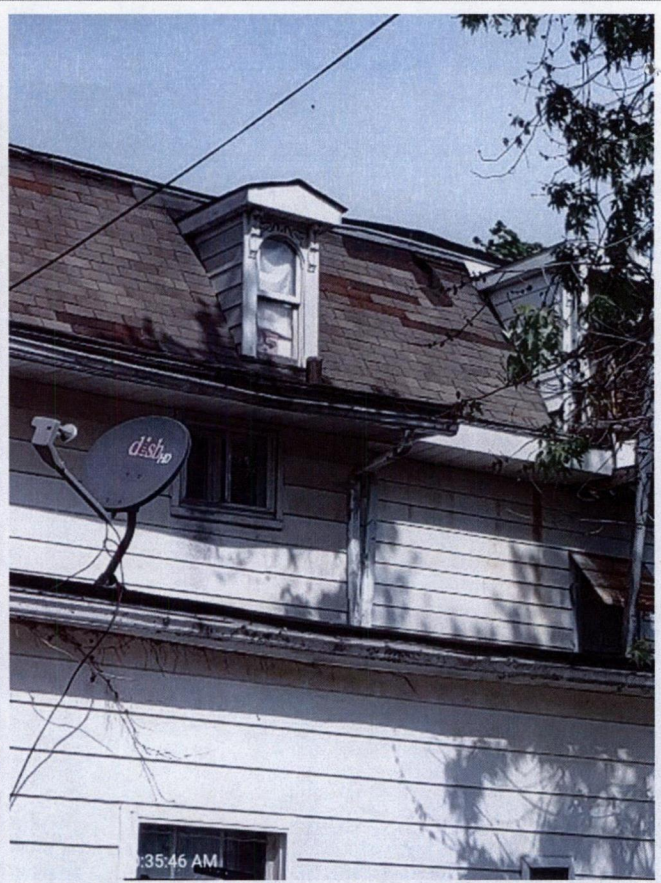
5745373822

ryanconrad@goshencity.com









stop by 9th Street and
check the pressure
gauge please let me
know thanks

Today 08:01

Good morning Myron,
Thanks for your good
intentions helping me
with 7th street
unfortunately don't have
anything agreement
signed hopefully
sometime during the
week and when I have it
I'll make sure you have it.
Thanks

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

May 24, 2022

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: Samuel Ascencio
64848 McIntosh Lane
Goshen, IN 46526

Glenda Ascencio
64848 McIntosh Lane
Goshen, In 46526

RE: Premises at 110 S. 7th -B, Goshen, Indiana

You are notified as a person holding a substantial property interest in the real estate at 110 S. 7th Street -B, Goshen, Indiana, that the building at this location is in violation of the Goshen City Code as set forth in more detail below.

The Goshen Building Department inspected the subject real estate on November 10, 2021. Violations of the Neighborhood Preservation Ordinance (Minimum Housing Ordinance) were cited. The real estate was reinspected on December 16, 2021, February 16, 2022, and May 12, 2022 which showed no significant improvement to the real estate.

The real estate is unsafe within the meaning of Indiana Code § 36-7-9-4 in that one or more buildings or structures on the real estate are in an impaired structural condition that makes it unsafe and dangerous to person or property because of a violation of Goshen City Code Title 6, Article 3, Chapter 1 concerning building condition or maintenance.

The following violations of Section 6, Article 3, Chapter 1 of the Goshen City Code were cited by the Goshen Building Department inspector and have not been satisfactorily repaired or remedied:

1. The roof and flashing on the building are not sound and have defects that admit rain. There are loose and damaged shingles. This is causing one or more of the rooms in the building to have leaks in the ceilings. (violation of Section 6.3.1.1 (c)).
2. The gutters on the side and rear of the building do not have downspouts attached. (violation of Section 6.3.1.1 (c)).

These violations make the premises at 110 7th Street -B, Goshen unsafe.

You are ordered to repair or rehabilitate the unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy or use demolish and remove a part of the unsafe building so that the buildings and structures are in compliance with Title 6, Article 3, Chapter 1 of the Goshen City Code by June 24, 2022. In particular, you are ordered to make the following corrections:

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

Page 2

1. Repair or replace the roof and flashing so that it does not admit rain into the interior of the building.
2. Attach gutters and downspouts so that the roof water is discharged in a manner that does not create a hazard on the premises or adjacent property.

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 further notified that a hearing will be held before the Goshen Board of Public Works and Safety on Monday, June 27, 2022 at 2:00 p.m. (local time), or soon thereafter, for the purpose of reviewing the Order of the City of Goshen Building Commissioner. This hearing will be held at the Goshen Police & Court Building in the Court Room/Council Chambers at 111 East Jefferson Street, Goshen, Indiana.

You have the right to appear at this hearing with or without counsel, to present evidence, cross-examine opposing witnesses and present arguments. Should you fail to appear at the time set for the hearing, the hearing will be conducted in your absence. The Goshen Board of Public Works and Safety will have the right to affirm, rescind or modify this Order.

Indiana Code § 36-7-9-27 requires that if you transfer your interest or any portion of your interest in the unsafe building 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, you must also supply Goshen Building Commissioner, 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 Building Commissioner is issued on May 24, 2022

City of Goshen Building Department


Myron Grise
Building Commissioner

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

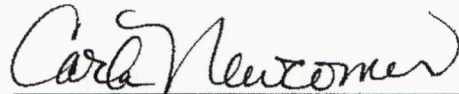
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order of the City of Goshen Building Commissioner for the premises at 110 S. 7th Street -B, Goshen, Indiana, was served by sending a copy by certified mail, return receipt requested and by regular first-class mail to the last known address of the following persons to be notified on May 24, 2022:

To: Samuel Ascencio
64848 McIntosh Lane
Goshen, IN 46526

Glenda Ascencio
64848 McIntosh Lane
Goshen, IN 46526



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