



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE APRIL 10, 2023 REGULAR MEETING**

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

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

Absent: none

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

REVIEW/APPROVE MINUTES: Mayor Stutsman presented the minutes of the March 27, 2023 Regular Meeting. Board Member Mike Landis moved to accept the March 27, 2023 minutes as presented and the motion was seconded by Board Member Mary Nichols. Motion passed 4-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the meeting agenda. Board member Landis moved to approve the agenda as submitted. Board member Nichols seconded the motion. Motion passed 4-0.

1) Police Department: Approve hiring Haylee L. Galloway as reserve police officer, retroactive to March 27, 2023.

City Police Chief José Miller asked the Board to approve the hiring of Haylee L. Galloway while providing some background to Galloway's credentials and asked that the hiring be retroactive to March 27, 2023.

Landis/Nichols moved to approve the hiring of Haylee L. Galloway for the position of reserve patrol officer, retroactive to March 27, 2023. Motion passed 4-0.

After the Board approved the promotion, Mayor Stutsman swore Officer Galloway into office.

2) Fire Department: Approve hiring of Joshua L. Hite as a probationary firefighter, effective April 10, 2023

City Assistant Fire Chief Steffen Schrock asked the Board to approve the hiring of Joshua L. Hite, effective today.

Landis/Nichols moved to approve the hiring of Joshua L. Hite for the position of probationary firefighter, effective April 10, 2023. Motion passed 4-0.

After the Board approval, Mayor Stutsman swore Joshua L. Hite into office as a probationary firefighter.

3) Fire Department: Approve hiring of Kevin A. Mann as a probationary firefighter effective April 10, 2023.

City Assistant Fire Chief Steffen Schrock asked the Board to approve the hiring of Kevin A. Mann, effective today.

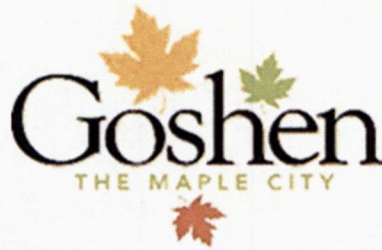
Landis/Nichols moved to approve the hiring of Kevin A. Mann for the position of probationary firefighter, effective April 10, 2023. Motion passed 4-0.

After the Board approval, Mayor Stutsman swore Kevin A. Mann into office as a probationary firefighter.

4) Resident request: Approve the temporary placement of moving POD in the street in front of 1502-3 South 16th Street when moving in between May 8 and May 15, 2023.

Craig Yoder of Goshen, on behalf of the requestor Karl Birky, asked the Board to approve the placement of two PODs on or near the Birkys' property while they move back to Goshen. One POD will be in the lane, the other will be in the street parking. Director of Public Works Dustin Sailor said that this section of the road had been paved in the past two years so he requested the POD be placed on boards to keep the pavement from sinking in.

Landis/Nichols moved to approve the request from Birky to place a POD container in the driveway of their home at 1502-3 S 16th St and place a second POD in the street in front of the home from May 8th and May 15 consistent with City of Goshen policy and direction, and to place a protective layer under the POD so it does not sink into the asphalt. Motion passed 4-0.



5) Resident request: Approve connecting an accessory structure to the primary structure's public sewer and water services.

Nate Kauffman, on behalf of the property owners **Bruce and Julie Bergdall**, described the home workshop with a sink that he is building for the Bergdalls. The sewer connection meets at the house and will not connect to the sewer main. **Goshen Public Works Director Sailor** noted that Goshen Engineering accepts the plan.

Landis/Nichols moved to approve the request to connect an accessory building to both water and sewer at 2610 Violet Road as presented to the City Engineering Department. Motion passed 4-0.

6) Ten Thousand Villages request: Reserve four parking spaces in the 200 block of South Main Street, May 9 from 2-5 p.m. and May 14 from 3-7 p.m.

Emma Eitzen requested a reservation of four parking spaces to unload rugs for their rug event on May 9 and May 14. There were no Board or City staff questions.

Landis/Nichols moved to approve a block of four spaces in front of Ten Thousand Villages on May 9 from 12 p.m. to 5 p.m. and May 14 from 3 p.m. to 7 p.m. Motion passed 4-0.

7) Legal Department: Approve agreement between the City, Oaklawn Psychiatric Center, Inc., Rest Haven, Inc., Horizons of Hope, Inc. and LaCasa of Goshen, Inc. for the connection to private water and sewer lines located on real property owned by Oaklawn

Mayor Stutsman said that since he will be working for LaCasa in a few months, he will recuse himself from voting on this agreement. **City Attorney Bodie Stegelmann** presented the agreement to connect private water and sewer lines due to public ordinance. **Board member Landis** asked if there is a contingency in the agreement for what happens to the connections if the buildings separate from Oaklawn. Stegelmann confirmed that the agreement addresses that.

Landis/Nichols moved to approve the agreement between the City of Goshen, Oaklawn Psychiatric Center, Inc., Rest Haven, Inc., Horizons of Hope, Inc. and LaCasa of Goshen, Inc. for the Connection to Private Water and Sewer Lines, and authorize Mayor Stutsman to execute the agreement. Motion passed 3-0.

8) Legal Department: Approve an agreement with I Fix Bricks for the completion of downtown brick and stone planter boxes at a total cost of \$23,100

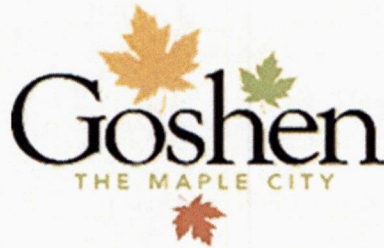
City Paralegal Brandy Toms presented an agreement with I Fix Bricks to complete six planters downtown. The foundations of the planters are already complete and all components of the planters are housed in a Water Utility building. **Mayor Stutsman** asked **City Public Works Director Dustin Sailor** if he was aware of the project and where they are to be placed, Sailor said he was unaware of the project.

Mayor Stutsman/Board member Nichols moved to table the agreement for a week so the Board can get more details from the Economic Improvement District. Motion passed 4-0.

9) Legal Department: Approve Resolution 2023-13, Authorizing the Special Purchase of Bar Screen Parts from Headworks International, Inc. at a cost of \$168,112.72.

City Paralegal Brandy Toms presented the Resolution agreement authorizing the special purchase of bar screen parts from Headworks International, Inc., costing \$168,112.72. **Board member Landis** asked **Wastewater Maintenance Manager Charlie Riggs** if the City is tied to certain vendors once the plant is completed. Riggs shared that parts are custom-built and proprietary to the vendor.

Landis/Nichols moved to pass and adopt Resolution 2023-13 authorizing the special purchase of bar screen parts from Headworks International, Inc. at a cost of \$168,112.72. Motion passed 4-0.



10) Legal Department: Approve agreement with the Abonmarche Consultants, Inc., in the amount of \$16,890, for professional surveying services associated with the South Well Field Boundary and Topographic Survey project

Assistant City Attorney Matt Lawson presented an agreement with Abonmarche Consultants, Inc. for surveying work. Board member Landis asked if this was related to money approved for water testing, and if Abonmarche will be surveying where the water will be drawn. City Public Works Director Dustin Sailor said the City purchased 79 acres and the surveying is to firm up the legal description of the property.

Landis/Nichols moved to approve and authorize the Mayor to execute the agreement with Abonmarche Consultants, Inc. in the amount of \$16,890 for professional surveying services associated with the South Well Field Boundary and Topographic Survey project. Motion passed 4-0.

11) Engineering Department: Accept the 10' x 10' utility easement dedicated by Goshen College for a fire hydrant to be placed approximately 118 feet south of the centerline of College Avenue, and authorize the Mayor to sign the easement acceptance

City Public Works Director Dustin Sailor presented the easement acceptance between Goshen College and the City, noting that the project is due to renovations in the College's Westlawn Hall where they will install a fire suppression system and a fire hydrant.

Landis/Nichols moved to accept the 10' x 10' utility easement dedicated by Goshen College for a fire hydrant to be placed approximately 118 feet south of the centerline of College Avenue, and authorize the Mayor to sign the easement acceptance. Motion passed 4-0.

12) Engineering Department: Authorize Mayor Stutsman to sign the Recommendation for Acceptance form for submission to the Indiana Department of Transportation for the Waterford Mills Parkway Project

City Civil Traffic Engineer Josh Corwin presented the Recommendation for Acceptance for submission to INDOT. Landis/Nichols moved to authorize Mayor Stutsman to sign the Recommendation for Acceptance form for submission to INDOT. Motion passed 4-0.

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

Mayor Stutsman opened Privilege of the Floor at 2:24 p.m. There were no comments from the floor so the Mayor closed Privilege of the Floor at 2:24 p.m.

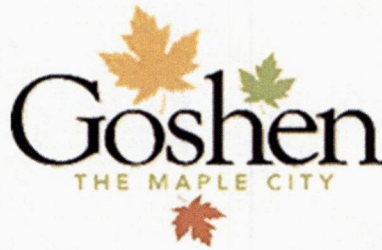
At 2:25 p.m., Mayor Stutsman temporarily adjourned the Board of Works & Safety meeting and convened the City of Goshen Stormwater Board to consider one agenda item.

CITY OF GOSHEN STORMWATER BOARD MINUTES OF THE APRIL 10, 2023 REGULAR MEETING

Convened at 2:25 p.m. at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Members Present: Mayor Stutsman, Mike Landis and Mary Nichols

Members Absent: none



13) Stormwater Department: Authorize Mayor Stutsman to sign the Indiana Department of Environmental Management stormwater annual report reflecting the work by the City Stormwater Department in 2022
City Stormwater Coordinator Jason Kauffman presented the two annual reports prepared by the Stormwater Department. The first report was a report prepared by the Stormwater Department for the public, and the second was to fulfill requirements for the City's municipal separate storm sewer system general permit.
Landis/Nichols moved for Mayor Stutsman to sign the IDEM stormwater annual report reflecting the work the Goshen Stormwater Department carried out in 2022. Motion passed 4-0.

Mayor Stutsman adjourned the Stormwater Board meeting and re-opened the Board of Works meeting at 2:27 p.m.

14) Board of Public Works & Safety public hearing: Review of the Order of the City of Goshen Building Commissioner for 907 ½ S. Main Street (Ron Davidhizar, property owner)
At 2:27 p.m. Mayor Stutsman opened a public hearing on the Order of the City of Goshen Building Commissioner for the property at 907 ½ S. Main Street, Ron Davidhizar, property owner.

Building Inspector Ryan Conrad provided a memo to the Board dated April 10, 2023 which included four pages of photographs and the three-page Building Commissioner Order, dated March 8, which outlined the alleged violations brought before the Board (Exhibit #1).

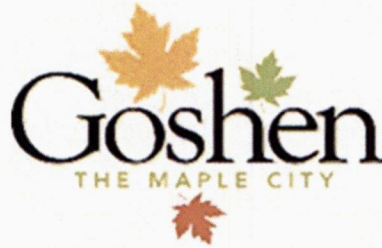
Conrad described building inspection he conducted on July 5, 2022 when he determined that maintenance violations existed on the property. He said he notified Davidhizar of the violations in writing to which Davidhizar responded that the tenants were being evicted and requested an extension to fix the problems. Conrad then re-inspected the building on November 7, December 22, and January 19 and did not see any significant improvements to the building. At this time, the City continued to receive complaints from neighbors about the property.

In early April, **Conrad** said he re-inspected the property and determined that these violations still exist:

- Damage to the roof at the rear of the structure
- Damage to exterior wall due to a fire that occurred in February 2022
- Leak in the bathroom
- Exterior light fixtures improperly covered with exposed wiring
- Exterior doors that are not properly secured, neighbors complain of transients regularly utilizing the space
- Multiple broken windows that need to be made weathertight

Conrad recommended the City move forward with repairs to the structure and to bill the property owner for the cost of said repairs. Conrad also requested the Board consider any civil penalty allowed under Indiana laws that the Board might consider appropriate for the property owner's willful violation of the order.

Board member Landis asked about Conrad's comment about "civil penalties." **Conrad** reminded Board members that they can impose a civil fine up to \$5,000 in addition to the cost of repairs. Discussion between **Mayor Stutsman**, **Landis** and **City Attorney Stegelmann** confirmed that the City has provided repairs for Davidhizar and then the City is reimbursed through liens on the repaired properties, but have not imposed any fines on Davidhizar to this date.



Mayor Stutsman noted that Davidhizar was not present in the meeting and **Conrad** confirmed that Davidhizar was notified of the meeting through the proper channels. Mayor Stutsman acknowledged that this is consistent with Davidhizar's behavior and said that the purpose of the meeting was not to condemn the property but to clarify what Davidhizar should fix. Conrad said that the outside of the building is the subject of the hearing but he would want to inspect the interior before the apartment is leased.

Landis/Nichols moved to affirm the findings of the Building Department, affirmed the order that the violations listed on the report for 907 ½ South Main Street are repaired by May 8, 2023, and affirmed that the Board will hold a hearing at the May 8, 2023 meeting where they will expect a report on the condition of the property and take further action if the issues are not resolved. Motion passed 4-0.

Mayor Stutsman then closed the hearing on the Ron Davidhizar property at 2:39 p.m.

Approval of Civil City and Utility Claims

As all matters before the Board of Public Works & Safety were concluded, Mayor Stutsman/Board member Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 4-0.

Adjournment

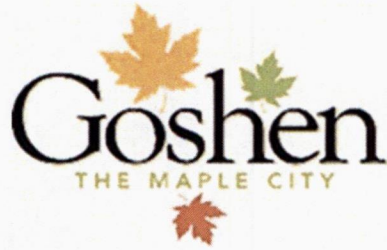
Mayor Stutsman adjourned the Board of Works meeting at 2:32 p.m.

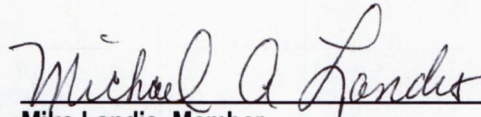
EXHIBIT #1: Memorandum, dated April 10, 2023, by City Rental Inspector Ryan Conrad on the current condition of 907½ South Main Street (Ron Davidhizar, property owner). The memorandum, which was distributed to the Board at the meeting, included four pages of color photographs and the Order of the City of Goshen Building Commissioner, dated March 8, 2023.

APPROVED:

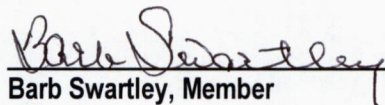
A blue ink signature of Mayor Jeremy P. Stutsman is written over a horizontal line.

Mayor Jeremy P. Stutsman

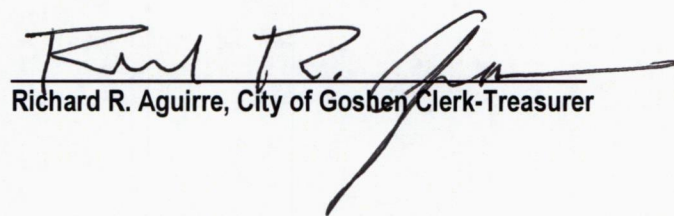


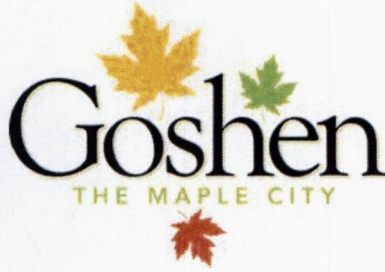

Mike Landis, Member


Mary Nichols, Member


Barb Swartley, Member

ATTEST:


Richard R. Aguirre, City of Goshen 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: RYAN CONRAD, BUILDING DEPARTMENT

DATE: APRIL 10, 2023

SUBJECT: 907 ½ S. MAIN ST.

On July 5, 2022, I conducted an inspection of the property at 907 S. Main St. and determined that several maintenance violations existed. I notified the property owner, Ron Davidhizar, in writing, that he would have 30 days to correct the violations. After receiving the Notice of Violation, I was informed by Mr. Davidhizar that the tenants were being evicted and he requested additional time to make repairs. I granted his request. After the tenants were evicted, I inspected the real estate again on November 7, December 22, and January 19. There was no significant improvement to correct the code violations. Since then, the City has received several complaints from neighbors about the condition of the property.

At a re-inspection of the property last week, I determined that the following violations still exist:

- There is damage to the roof at the rear of the structure. There is a section of exposed roof deck.
- There is damage to the exterior wall from a fire that occurred in February, 2022 at the rear of the dwelling that needs to be repaired.
- There was a leak in the bathroom that needs to be repaired.
- There were two exterior light fixtures that were not properly covered. The wiring needs to be concealed and globes installed for protection from the elements.
- The exterior doors need to be properly secured. The neighbors have reported that transients and squatters have been utilizing the interior space on a regular basis.
- There are numerous broken windows. All of the broken windows must be repaired or replaced to make weather tight and secure.

I am asking that the order be affirmed and the City move forward with repairs and bill the property owner for all repairs; or alternatively, issue fines for noncompliance.

Respectfully,

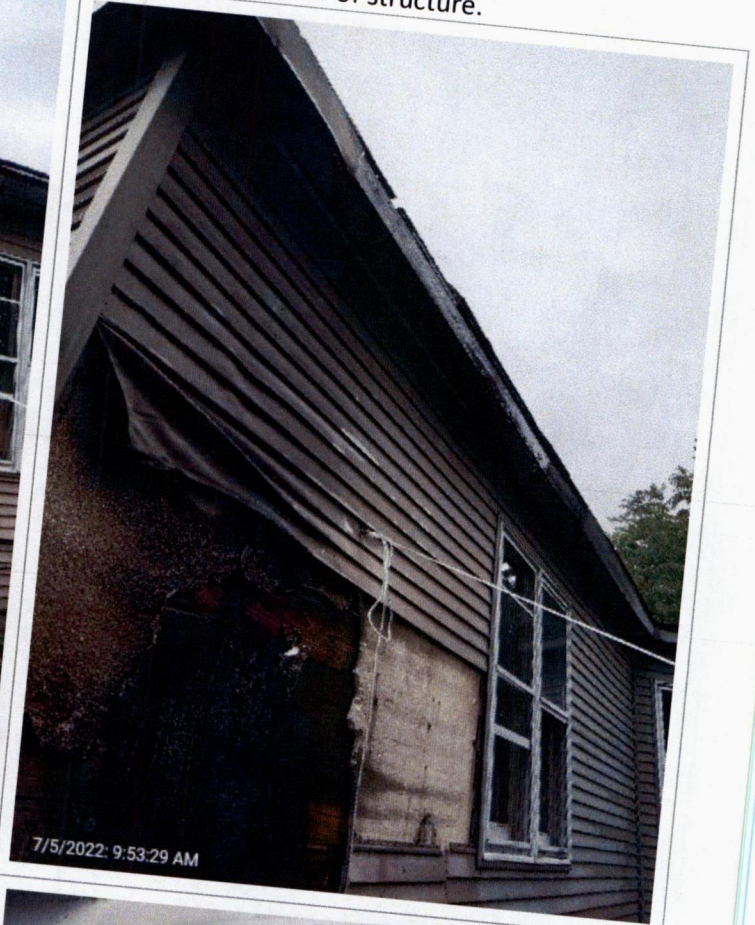
A handwritten signature in black ink, appearing to read "Ryan Conrad".

Ryan Conrad
Rental Housing Inspector
Building Department

Fire damage at rear of structure.



Fire damage at rear of structure.





Broken windows at rear of property.



Fire damage at rear of property.





Fire damage at rear of property.



Exposed exterior wiring.



Damaged roof at rear of property



Damaged roof at rear of property.



Damaged roof at rear of property.

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

March 8, 2023

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

TO: RON DAVIDHIZAR
203 Middlebury St.
Goshen, IN 46528

OCCUPANT
907 ½ S. Main St.
Goshen, IN 46528

RE: Premises at 907 ½ S. Main St., Goshen, Indiana 46528

You are notified as a person holding a substantial property interest in the real estate at **907 ½ S. Main St., Goshen, Indiana 46528**, that the building or structure 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 **July 5, 2022**. Violations of the Accumulation of Materials, Building Code, and Neighborhood Preservation Ordinance code sections were cited. The real estate was reinspected on **November 7, 2022, December 19, 2022**, and again on **January 19, 2023**, 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 the building or structure on the real estate is: (1) in an impaired structural condition that makes it unsafe to a person or property; (2) a fire hazard; (3) a public health hazard; (4) dangerous to person or property because of one or more violations of Goshen City Code Title 6 concerning building condition or maintenance; and/or (5) vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of Goshen City Code Title 6.

The following seven (7) violations of Title 6 of the Goshen City Code were cited by the Goshen Building Department inspector and have not been satisfactorily repaired or remedied:

VIOLATIONS & CORRECTIVE ACTION ORDERED			
#	DESCRIPTION	CODE SECTION VIOLATED	CORRECTIVE ACTION ORDERED
1	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.	6.3.1.1(c) Roof	1.) The roof and flashing on the building are not sound. There was damage to the roof at the rear of the structure from a previous storm. The roof needs to be assessed for damage and repaired or replaced. 2.) Roof drainage in the building is not adequate to prevent dampness or deterioration in the walls or interior portion of the building.
2	Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight and rodent proof; shall be capable of affording privacy, and shall be kept in good repair. All foundation systems must be firmly supported and free from open cracks and breaks. All foundation systems must be capable of supporting all nominal loads and capable of resisting all load effects.	6.3.1.1(b) Privacy, Weather Tight, Good Repair - Exterior	The building's walls have not been kept reasonably weather tight and rodent proof. The building has not been kept in good repair. There was damage to the siding at the rear of the dwelling that needs to be repaired.
3	Every dwelling unit, except as otherwise permitted under Subsection (d), shall contain a room which affords privacy to a person within said room, and which is equipped with a flush toilet and a bathroom sink in good working condition, properly connected to a water and sewer system if available; if no sewer is	6.3.1.2(b) Bathroom - Sink and Toilet	The dwelling unit at the above cited property does not contain a room which is equipped with a flush toilet and a bathroom sink in good working condition. 1.) The faucet on the bathroom sink was leaking. The plumbing needs to be assessed and faucet repaired or replaced.

ORDER OF THE CITY OF GOSHEN BUILDING COMMISSIONER

	available, to a septic system approved by the City of Goshen.		2.) The toilet was loose and needs to be firmly anchored to the floor.
4	Every supplied facility, piece of equipment, or utility which is required under this Code Article shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition. All electrical systems, fuel connections, mechanical systems or plumbing systems must be in property working order and maintained in a manner that the systems will work safely.	6.3.1.1(a) Safe and Satisfactory Condition of Facility, Equipment, Utility	There were two exterior light fixtures that were not properly covered. The wiring needs to be concealed and globes installed for protection from the elements.
5	Allow an accumulation of materials on real estate or on a residential porch or patio if the accumulation creates a harborage for rodents or insects. Such materials include, but are not limited to brush, metals, rubber, concrete, plastics, wood products, cardboard boxes, garbage, litter, trash, refuse and rubbish.	6.10.1.4(b)(2) Accumulation of Materials - Harborage for Rodents	An accumulation of materials, namely rubbish, on the real estate of the above cited property creates a harborage for rodents or insects. There was trash, junk, and debris at the side and rear of the property that needs to be removed.
6	If a building, garage, accessory or structure is vacant, all exterior doors, exterior windows, exterior basement entrances and any other points of entry shall be locked and secured from intrusion by unauthorized persons.	6.3.1.1(ff) Vacant Property to be Secured	The windows and exterior door on vacant unit need to be properly secured.
7	Every window, exterior door, and basement hatchway shall be reasonably weather tight and rodent proof, and shall be kept in sound working condition and good repair. All glazing materials shall be maintained free from cracks and holes.	6.3.1.1(d) Windows and Doors	The building has windows that have not been kept reasonably weather tight and in good repair. Glazing materials have not been maintained free from cracks and holes. All broken windows must be repaired or replaced to make weather tight.

These violations make the premises at 907 ½ S. Main St., Goshen, Indiana 46528 unsafe.

You are ordered to vacate the unsafe building and 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 by completing all repairs set forth in the “Corrective Action Ordered” section of the table, above so that the building and/or structure is in compliance with Title 6 of the Goshen City Code by **April 7, 2023**.

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, but not limited to, 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, April 10, 2023 at 2:00 p.m.**, 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 affected by this Order, 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 legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished. 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 **March 8, 2023**.

City of Goshen Building Department



MYRON GRISE
Building Commissioner

GOSHEN BUILDING DEPARTMENT
204 E. Jefferson St., Suite 5
Goshen, IN 46528
Website: building@goshencity.com

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing *Order of the City of Goshen Building Commissioner* for the premises at 907 ½ S. Main St., Goshen, Indiana 46528, was served by sending a copy via certified mail, return receipt requested, and via regular first-class mail to the last known address of the following persons to be notified on **March 8, 2023**.

RON DAVIDHIZAR
203 Middlebury St.
Goshen, IN 46528

OCCUPANT
907 ½ S. Main St.,
Goshen, Indiana 46528

A handwritten signature in black ink that reads "Matt Lawson".

MATT LAWSON
Asst. City Attorney
City of Goshen