



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD  
MINUTES OF THE JUNE 12, 2023 REGULAR MEETING**

*Convened at 2 p.m. in 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 June 5, 2023 Regular Meeting. Board Member Mike Landis moved to accept the minutes as presented and the motion was seconded by Board Member Barb Swartley. Motion passed 4-0.

**REVIEW/APPROVE AGENDA:** Mayor Stutsman presented the meeting agenda with an added item: *Water & Sewer Office: Request to move \$1,835.27 in uncollected finalized accounts from active to collection, sewer liens and write offs.* Board member Landis moved to approve the agenda as suggested. Board member Swartley seconded the motion. Motion passed 4-0.

**1) Opening of sealed bids for the 10th Street Reconstruction (Project No. 2022-0037) – Bids due 1:45 p.m., June 12, 2023**

The City of Goshen solicited offers for the 10th Street Reconstruction Project and opened the bids received by the deadline at the City Board of Works & Safety meeting. Mayor Stutsman announced the following bids:

- C&E Excavating, Inc. of Elkhart, Indiana: Base bid, \$4,548,255.00; Alternate No. 1, \$232,700.00.
- HRP Construction, Inc. of South Bend, Indiana: Base bid, \$4,621,492.55; Alternate No. 1, \$223,436.50.
- Niblock Excavating of Bristol, Indiana: Base bid, \$4,037,816.95; Alternate No. 1, \$210,987.00; Alternate No. 2, \$410,500.00.
- Rieth-Riley Construction Co., Inc. of South, Indiana: Base bid, \$5,863,328.72; Alternate No. 1, \$242,767.47; Alternate No. 2, \$390,549.70.

Mayor Stutsman/Board member Swartley moved that the four bids received be referred to the City Engineering Department for review. Motion passed 4-0.

**2) Organization request: Closure of parking lot adjacent to Goshen Brewing Co. for a pickleball tournament, Aug. 25-26, 2023**

Tavisak "Tavi" Mounsithiraj of Goshen, the owner and operator of the Goshen Soccer Academy and the Maple City Pickleball Club, requested permission from the Board of Works & Safety to again stage a pickleball tournament on a portion of the City parking lot in August. With the City's approval, he said the 2022 tournament was successful and he is hoping to attract more people to participate in this year's edition of the Cobblestone Pickleball Challenge. In his written request, Mounsithiraj sought Board approval to partially close a portion of the City parking lot on West Washington Street, north of Goshen Brewing Company, on Friday August 25 and Saturday, August 26, 2023. He asked permission to close and use that portion of the parking lot starting at 8 a.m. on Aug 25 and continuing until 8 p.m. on Saturday Aug 26. Mayor Stutsman said he attended a portion of the event last year and said it was fun to see the unpredictable play in the parking lot.



In a memorandum to the Board, **Mounsithiraj** said pickleball is a combination of tennis, badminton and ping pong and it is one of the fastest growing sports in the country. He added that sponsors are hosting this event on the cobblestone parking lot "because we want this to be the toughest pickleball tournament in the country."

**Landis/Swartley moved to allow Goshen Soccer Academy to close the center portion of the West Washington Street parking lot to stage a pickleball academy from 8 a.m. August 25, 2023 through 8 p.m. August 26, 2023. Motion passed 4-0.**

**3) Business Request: Close the alley north of Lincoln Avenue between Main and 5th streets June 24, 2023**  
**Ryan Hawkins**, owner of Common Spirits, 111 East Lincoln Ave. in downtown Goshen, asked the Board for permission to temporarily close the alley north of East Lincoln Avenue, between Main and 5th streets, on Saturday, June 24, 2023 between 3 p.m. and 11 p.m. to celebrate the 7th anniversary of the business.

**Landis/Swartley moved to approve closure of the alley north of Lincoln Avenue, between Main and 5th streets, from 3 p.m. to 11 p.m. on June 24, 2023. Motion passed 4-0.**

**4) Business Request: Sandwich Board advertising request from The Wholesome Tortilla**

**Rafael Chavez**, a co-owner of The Wholesome Tortilla, 121 East Lincoln Ave., asked for approval to place two sandwich boards (measuring 5 feet x 2 feet) and a floor decal (3 feet by 3 feet) to attract customers.

In a written request, **Chavez** explained that despite its best efforts, customers have shared their difficulty finding the business because of its location behind Lincoln Avenue, adjacent to the alley. He indicated that alley lights approved by the Board have helped at night, but more is needed during the day to make people aware of the business.

**Mayor Stutsman** said boards are allowed, but cannot block access to handicapped people and pedestrians.

**City Assistant Planning & Zoning Administrator Rossa Deegan** said this request came to his department and he informed the owners that sandwich boards are regulated under the City zoning ordinance and if placed in the City's right-of-way, they require Board approval. He said sandwich boards were requested at two locations, but the ordinance only allows one to be placed at a time. And boards can be no taller than 4 feet. In response to a question from **Board member Landis**, Deegan said the signs could only be placed during business hours but there didn't appear to be limits on the locations.

In response to a question from the **Mayor** about approving boards at two locations, **City Attorney Bodie Stegelmann** said the Board could approve placement at two locations, but only one at a time, and require that the restaurant follow the zoning law. Asked by **Board member Swartley** if the business could place a sandwich board in one location and a floor decal in another, **Deegan** said the zoning ordinance didn't regulate that. **Chavez** said the floor decal would be used in the alley to direct people to the business.

**After clarifying the proposed motion, Landis/Swartley moved to allow The Wholesome Tortilla to place floor decals, pending approval by the Engineering Department, and place one sandwich board at a time in two approved locations on East Lincoln Avenue and East Clinton Street. Motion passed 4-0.**

**5) Business Request: Black Squirrel Golf Course Fireworks for July 2, 2023**

**Grant Sassaman**, owner and operator of the Black Squirrel Golf Course in Goshen, asked the Board to approve a fireworks show at the Black Squirrel Golf Course on July 2, 2023. In response to a question from **Mayor Stutsman**, Sassaman said the show has received a state permit as well as Goshen Fire Department approval.

**In a written request, Sassaman reported that:**

- Fireworks will start at 10 p.m. and end at 10:30 p.m. and parking in various lots will begin at 3 p.m.
- Off-duty Goshen Police officers will be hired to provide traffic control and security.
- The Goshen Fire Department has signed off on the event. The Fire Department is planning to bring one truck to station near where the fireworks will be staged, on the 16th hole of the course.



- Permission has been secured to use parking lots at Goshen Junior High School, Goshen Intermediate School, First Baptist Church, Life Center and two unused portions of land in the housing addition and on the north side of the course on Plymouth Avenue.
- Parking will be allowed on the north side of Plymouth Avenue up against the golf course.
- Volunteers will clean all parking lots and the golf course grounds after the show.

**Sassaman made the following requests of the City:**

- Utilize police officers at various intersections as shown on the event map starting at 6:30 pm until the crowd is dispersed afterward (basically the two main intersections on either end of the golf course on Plymouth Avenue and other various intersecting roads).
- For security, deploy four police officers to roam the golf course starting at 6:30 pm until after the show.
- Provide "no parking" signs to place on one side of the streets of the subdivisions that go through the golf course so that emergency vehicles can still access those roads – Trenton Place, Foxbriar Lane, Amberwood Drive and Bainbridge Place.
- Place "no parking" signs on the south side of Plymouth Avenue, from Greene Road to Indiana Avenue.
- The use of 30 traffic cones and five "Residents Only" parking signs.

**Mayor Stutsman** thanked **Sassaman** for bringing a fireworks show back to the community.

In response to a question from **Board member Landis** about parking in the subdivision adjacent to the golf course, **Sassaman** said parking restrictions were being requested to prevent parking in that neighborhood. He asked if the City could supply "Residents Only Entry" signs.

**Mayor Stutsman** asked if the City could provide those signs and if access could be limited to residents only on public streets. **City Street Commissioner David Gibbs** said his department didn't have those type of signs; they would need to be made or purchased. Gibbs said the parking restrictions have increased from previous shows and that he couldn't provide signs along Plymouth Avenue. **City Attorney Bodie Stegelmann** said the City could order the temporary closure of streets. **Sassaman** further described where "Residents Only" signs were needed.

**City Fire Chief Dan Sink** said the department favored limiting street parking to allow access for emergency vehicles. He added that either the State or City would retain the option of canceling the show if the weather was especially dry.

**City Police Chief José Miller** said he understood that the show planned to hire 10 off-duty officers to provide assistance for the show. He said ending the show at 10:30 p.m. would come during a police shift change, so the department could provide traffic control at intersections between 10:30-11:30 p.m., but officers would need to leave if there were calls for service.

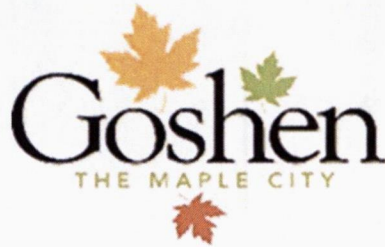
**Mayor Stutsman** asked if police or golf course staff would enforce "no parking" areas. **Chief Miller** said he didn't recall police responding in the past. **City Assistant Police Chief Shawn Turner** said in the past, people would be aware of the police presence and would obey the parking restrictions.

**Board member Landis** and **Sassaman** discussed efforts to limit non-resident parking in the surrounding neighborhood. **Sassaman** said sponsors were hoping their efforts would discourage non-resident parking.

**Sassaman** added that the golf course owners were starting their planning later than in the past, having just acquired the course two months ago. In light of the City's past sponsorship of the show, he said any help would be welcomed. In response to a question from **Chief Miller**, **Mayor Stutsman** said it was up to the sponsors to get approval for the parking areas. In response to a question from the Mayor, **Gibbs** said that it would be up to the sponsors to pay for the creation of the "Resident Only" parking signs.

**Landis/Swartley** moved to approve the requested residential area parking restrictions, signs that will indicated "Residents Only" parking on July 2 and that the City will provide other parking signs as requested for the Black Squirrel fireworks show. Motion passed 4-0.

**Mayor Stutsman** thanked **Sassaman** for taking over the golf course and providing another City fireworks show.



**6) Legal Department: Approve contract with Vanderwey and Sons Masons for tuckpoint repair and waterproofing the east wall of Utilities Department Building D at 308 North 5th Street**

**Brandy Toms, a paralegal with the City Legal Department,** presented an agreement with Vander Wey and Sons Masons for tuckpoint and waterproofing the east wall of Utilities Department Building D, 308 N. 5<sup>th</sup> Street, for a total cost not to exceed \$11,000, with all work to be completed on or before Sept. 15, 2023.

**Landis/Swartley moved to approve and authorize Mayor Stutsman to execute the agreement with Vander Wey and Sons Masons for tuckpointing and waterproofing the east wall of Building D located at 308 N. 5th Street at a cost not to exceed \$11,000. Motion passed 4-0.**

**7) Legal Department: Approve contract with Vanderwey and Sons Masons for tuckpoint repair and seal work at the Police and Court Building at 111 Jefferson Street**

**Brandy Toms, a paralegal with the City Legal Department,** presented an agreement with Vander Wey and Sons Masons for tuckpoint and seal work to be done at the Police and Courts Building, 111 E. Jefferson Street for a flat sum of \$2,280, with all work will be completed on or before Sept. 15, 2023.

**Landis/Swartley moved to approve and authorize the Mayor to execute the agreement with Vander Wey and Sons Masons for tuckpointing and seal work at 111 E. Jefferson Street, for \$2,280. Motion passed 4-0.**

**8) Legal Department: Agreement for services with Fire Catt for annual fire hose testing**

**Brandy Toms, a paralegal with the City Legal Department,** presented an agreement with Fire Catt of Troy, Michigan for annual fire hose testing for the years 2023-2025. The company will be paid approximately \$6,820.00 annually for these services. He said a provision was added in case the costs increase.

**Fire Catt's duties under the agreement include:**

- (A) Assign an Identification Number using a barcode label on each coupling for each length of hose
  - (B) Record the Identification Number on the hose jacket at each end of the hose using a permanent ink marker.
  - (C) Inspect each length of hose, both the outer jacket and inner liner.
  - (D) Inspect all couplings and threads.
  - (E) Inspect all gaskets and replace defective gaskets at no extra cost.
  - (F) Supply and apply hose manufacturer approved lubricant for coupling lubrication.
  - (G) Tag and removed from service all defective hose and mark, using permanent marker, the defect location on the hose. The tag shall be distinctive and state the reason for removal from service, date, and hose I.D. number. This information will also be documented within the test report.
  - (H) Supply and apply "Never Seize" lubricant for lubricating all apparatus connection points so as to reduce galvanic reaction associated with dissimilar metal contact.
  - (I) Accurately record all data that will be documented in the final report which shall include: Department I.D.; Station or Apparatus I.D.; Contractor's hose I.D.; Goshen Fire Department hose I.D.; Manufacturer; Date of Manufacture; Date in Service; Size; Length; Pressure; Pass/Fail; Reason for Failure; and Tread Type.
  - (J) Provide City a hard copy of the Test Report within one week of test completion.
  - (K) Provide internet web access to an electronic copy of the test record within one week of test completion.
- Information shall be protect using a unique login and password Access to the test records will be for a minimum of seven years from date of the most recent test.

**Landis/Swartley moved to approve and authorize Mayor Stutsman to execute the agreement with Fire Catt for annual fire hose testing for the years 2023, 2024 and 2025 at a cost of approximately \$6,820 per year. The motion passed 4-0.**



**9) Engineering Department: Abshire Park Parking Lot & Path Survey Agreement (JN: 2023-0028)**

**City Civil Traffic Engineer Josh Corwin** said on May 10, 2023, the City received quotes for an Abshire Park survey, including the existing parking lot, the proposed path location and a portion of the park around the cabin. The following quotes were received.

- A & Z Engineering – \$25,000
- The Abonmarche Group – \$19,500
- Jones Petrie Rafinski Corp. – No bid received

Corwin said the lowest responsive quoter was the Abonmarche Group with a quote of \$19,500.

**Landis/Swartley moved to approve Mayor Jeremy Stutsman signing the agreement with the Abonmarche Group for \$19,500 for the survey of Abshire Park. Motion passed 4-0.**

**10) Engineering Department: Request for Road Closure (West Park Drive)**

**City Civil Traffic Engineer Josh Corwin** said NIPSCO has requested the closure of West Park Drive, between Greene Road and Greenway Drive, on Monday, June 12, 2023 for work on a valve.

**Corwin** said the lane restrictions will follow MUTCD guidance. The proposed detour route was shown on an exhibit attached to the meeting agenda packet.

**Landis/Swartley moved to approve the road closure of West Park Drive on June 12, 2023 for NIPSCO to complete valve work. Motion passed 4-0.**

**11) Engineering Department: Wilson Avenue Asphalt Paving Reconstruction (JN: 2023-0002)**

**City Civil Traffic Engineer Josh Corwin** said Niblock Excavating will be performing work to remove full depth asphalt and install new asphalt pavement on Wilson Avenue and West Lafayette Street.

Corwin said while working in the area, Niblock will overlay the side streets including West Jackson Street., Burdick Street, and Murray Street. The work will require partial lane restrictions along Wilson Avenue and the side streets, with Niblock providing traffic control. Niblock will maintain open access for Janus Motorcycle and the residents in the neighborhood. He said the partial lane restrictions will occur June 19 through July 7, 2023.

**Landis/Swartley moved to approve the Wilson Avenue, W. Jackson Street, Burdick Street, Murray Street, and W. Lafayette Street asphalt paving lane restrictions from June 19 through July 7, 2023. Motion passed 4-0.**

**12) Water & Sewer Office: Move \$1,835.27 in uncollected finaled accounts from active to collection, sewer liens and write-offs**

**Kelly Saenz, Manager of the Goshen City Utilities Office**, said that the original amount of unpaid final Water/Sewer accounts for this period, through March 13, 2023, was \$3,531.94. She said collection letters were sent out and payments of \$1,696.67 were collected. The uncollected amount was \$1,835.27. So, Saenz asked the Board to move the office's uncollected final accounts from active to Collection, Sewer Liens and Write offs.

**Saenz provided a memorandum with her request that was distributed to the Board. (EXHIBIT #1).**

**Landis/Swartley made a motion to move the Goshen Water and Sewer Office's current \$1,835.27 in uncollected finaled accounts from active to collection, sewer liens and write-offs. 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 2:35 p.m. There was no comments from the public.**

**At 2:36 p.m., Mayor Stutsman temporarily closed the Board of Works & Safety meeting and convened the City of Goshen Stormwater Board to consider five Stormwater agenda items.**



**CITY OF GOSHEN STORMWATER BOARD  
MINUTES OF THE JUNE 5, 2023 REGULAR MEETING**

*Convened at 2:36 p.m. in the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana*

**Members Present:** Mayor Stutsman, Mike Landis and Mary Nichols

**Members Absent:** none

**13) Accept the post-construction stormwater management plan for Post-Construction Plan approval for 1773 Ardmore Court New Building (JN: 2018-2074)**

**City Stormwater Coordinator Jason Kauffman** said the developer of the 1773 Ardmore Court new building, affecting one of more acres of land, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management." He said the City Stormwater Department requested the Board's acceptance of the plan. Board members had no questions.

**Landis/Nichols moved to accept the post-construction stormwater management plan for the 1773 Ardmore Court new building as it meets the requirements of City Ordinance 4329. Motion passed 3-0.**

**14-17) Accept the post-construction stormwater management plans for the Bearcat Corporation Site Drainage Amendment #1 (JN: 2021-2047), Viewrail Realty Plant 6 – Metal Components (JN: 2021-2019), Lot #6 – Waterford Commons Business Park North PUD Tract 2 (JN: 2016-2037), and Lot #7 – Waterford Commons Business Park North PUD Tract 2 (JN: 2018-2059)**

**City Stormwater Coordinator Jason Kauffman** requested post-construction plan approval for the following properties, each affecting one or more acres of land, as compliant with City Ordinance 4329:

- Bearcat Corporation Site Drainage Amendment #1 (JN: 2021-2047); 2431 East Kercher Road.
- Viewrail Realty Plant 6 – Metal Components (JN: 2021-2019), 1815 Ardmore Court.
- Lot #6 – Waterford Commons Business Park North PUD Tract 2 (JN: 2016-2037), 1775 Ardmore Court.
- Lot #7 – Waterford Commons Business Park North PUD Tract 2 (JN: 2018-2059), 1725 Ardmore Court.

**Landis/Nichols moved to accept the post-construction stormwater management plans for Bearcat Corporation Site Drainage Amendment #1, Viewrail Realty Plant 6 – Metal Components, Lot #6 – Waterford Commons Business Park North PUD Tract 2 and Lot# 7 – Waterford Commons Business Park North PUD Tract 2 as all have been found to meet the requirements of City Ordinance 4329. Motion passed 3-0.**

**Mayor Stutsman adjourned the City of Goshen Stormwater Board and reconvened the Board of Works & Public Safety meeting at 2:40 p.m.**

**18) Board of Public Works & Safety public hearing: Review of the Order of the City of Goshen Building Commissioner for 425 N. 9th Street (Christopher Jones, occupant)**

At 2:40 p.m. Mayor Stutsman opened a public hearing on the Order of the City of Goshen Building Commissioner for the property at 425 N. 9th Street in Goshen (Chris Jones, occupant). The Board of Public Works and Safety needed to determine whether the house was unsafe and decide whether to affirm, modify, or rescind the Building Commissioner's Demolition Order.

**BACKGROUND:**

On April 13, 2023, through a written order, City Building Commissioner Myron Grise notified Christopher Jones, the occupant of the property at 425 N. 9<sup>th</sup> Street in Goshen that his property was in violation of the Goshen City Code.



**Grise** reported that the City Building Department inspected the subject real estate on Dec. 28, 2021 and violations of the Accumulation of Materials, Building Code, and Neighborhood Preservation Ordinance code sections were cited. The real estate was re-inspected on Feb. 16, 2022, which showed no significant improvement to the real estate.

**Grise reported that the real estate was “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 to a person or property, is vacant, and is not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of Indiana’s Unsafe Building Law (“UBL”) (I.C. §36-7-9-1, et seq.) and the City’s Neighborhood Preservation Ordinance (“NPO”) (Goshen City Code §§6.1.1.1, et seq.).”

**Due in large part because of a previous fire, Grise reported that the following fifteen (15) violations of Title 6 of the Goshen City Code were cited by the City Building Department inspector and have not been satisfactorily repaired or remedied:** Unsafe Structure(s)-Fire Hazard; Unsafe structure (structure has less than 66% of the strength of a newly constructed building); Unsafe Structure(s)-Interior; Unsafe Structure(s)-33% Support/50% Non-Support (more than 33% of the roof and load-bearing walls have been compromised); Plumbing (no running water and no working plumbing system); Privacy, Weather Tight, Good Repair – Interior (no proper ceilings or floors, no doors and no wall coverings); Properly and Safely Installed Electrical Equipment (fire damaged wires and exposed wiring); Heat Supply (the only heat is from space heaters); Roof (deteriorating and roof deck damaged); Windows and Doors (cracked and broken windows and no doors); Clean and Sanitary Dwelling Unit-Exterior (trash, debris and excess materials outside); Furniture/Appliances/ Bulky Items (bulky items, cars parked on grass and storage materials and appliances must be removed); Containers Supplied (solid waste disposal facilities and containers must be provided); Unsafe Structure (due to extensive fire damage, the property is in danger of collapse); and Unsafe Structure-Dilapidated/Deteriorated/ Free Access (the property has become so dilapidated and deteriorated that it is freely accessible to persons).

**Grise concluded that these violations have made the premises at 425 N. 9th St. unsafe and the general condition of the building warrants removal. He ordered Christopher Jones to “demolish and remove the unsafe building to bring it into compliance with Title 6 of the Goshen City Code by May 19, 2023.”**

**Grise further notified Christopher Jones that a hearing would be held before the Board of Public Works and Safety – originally scheduled for May 22 and later moved to June 12 – for the purpose of reviewing the Order of the City of Goshen Building Commissioner.** Jones was advised that he had the right to appear at this hearing with or without counsel, to present evidence, cross-examine opposing witnesses and present arguments.

#### **JUNE 12, 2023 PUBLIC HEARING DISCUSSION AND OUTCOME:**

**Mayor Stutsman convened the hearing on the Order of the City of Goshen Building Commissioner for 425 N. 9th Street in Goshen (Chris Jones, occupant) and invited comment from City Building Inspector Travis Eash.**

**Eash distributed a memorandum to the Board which provided an update on the status of 425 N. 9th Street. (EXHIBIT #1) and said he had advised Jones not to attend the meeting because of a proposed agreement.**

Reading from the memo, **Eash** said the Building Department received a structural engineer’s report regarding the property at 425 N. 9th Street which addressed the structural deficiencies present at the house due to fire, dilapidation and poor remodeling practices.

**Eash** said the owner has some of his own resources and also has people volunteering resources and time to help get this project done. He said the acting owner and his representative have agreed to repair the structure to what the engineer’s report is requiring.

**So, Eash said the Building Department and the acting owner and his representative have reached an agreement on the following timeline for repairs to be completed.**

June 26, 2023 – Most if not all framing complete.

July 11, 2023 – Whatever framing was left, plumbing complete and gas service and water turned on.



Aug. 1, 2023 – Electrical wiring complete.

Aug. 15, 2023 – Insulation

Oct. 1, 2023 – Remodel complete and final inspection done.

**Eash** concluded that barring any financial or personal setbacks, this was the time frame that had been agreed upon between the City Building Department and the property owner.

**Mayor Stutsman** thanked **Eash** and said this was the kind of outcome the City sought in these types of hearings and as the City seeks to have homes repaired. He said some landlords push the City toward court deliberations and the expenditure of more funds, so he appreciated this property owner taking action and working with the City.

The **Mayor** asked **City Attorney Bodie Stegelmann** for advice on how proceed. **Stegelmann** said that based on the agreement and timetable, the Board should allow **Eash** to follow up and if the conditions are not met, he can request another hearing if necessary. **Mayor Stutsman** asked about continuing the hearing and allowing **Eash** to pull the item if the matter is resolved. **Stegelmann** said that was another option and that the matter could be tabled to October.

**Mayor Stutsman/Landis** moved to table the matter to Oct. 23. Motion passed 4-0.

At 2:45 p.m., **Mayor Stutsman** closed the public hearing on the Order of the City of Goshen Building Commissioner for the property at 425 N. 9th Street in Goshen (**Chris Jones**, occupant).

19) Board of Public Works & Safety public hearing: Review of the Order of the City of Goshen Building Commissioner for 907½ South Main Street (**Ron Davidhizar**, property owner)

At 2:45 p.m. **Mayor Stutsman** opened a public hearing on the Orders of the City of Goshen Building Commissioner and the Board of Works and Safety for the property at 907½ South Main Street (**Ron Davidhizar**, property owner).

The Board of Public Works and Safety needed to determine whether the house was unsafe and decide whether to affirm, modify, or rescind the Building Commissioner's Order. The Board also needed to decide whether to move forward with repairs at the owner's expense.

#### BACKGROUND:

At a Board of Works and Safety hearing on April 10, 2023, **City Building Inspector Ryan Conrad** provided a memo to the Board (also 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 .

**Conrad** described building inspection he conducted on July 5, 2022 when he determined that maintenance violations existed on the property. He said he notified **Ron 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 Nov. 7 and Dec. 22, 2022 and Jan. 19, 2023 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 2023, **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 weather tight

**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.





**Conrad** advised Board members that they could impose a civil fine up to \$5,000 in addition to the cost of repairs. Discussion between **Mayor Stutsman**, **Board member 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 would hold a hearing at the May 8, 2023 meeting where they would expect a report on the condition of the property and take further action if the issues were not resolved. Motion passed 4-0.

The scheduled May 8, 2023 meeting was eventually continued until June 12, 2023.

#### **JUNE 12, 2023 PUBLIC HEARING DISCUSSION AND OUTCOME:**

**Mayor Stutsman** convened the hearing on 907½ South Main Street (Ron Davidhizar, property owner, who was not present) and invited comment from **City Building Inspector Travis Eash**.

**Eash** said he understood that **City Building Inspector Ryan Conrad** had pulled this item from the agenda earlier today. **City Attorney Bodie Stegelmann** confirmed Eash's representation and said that Conrad told him this morning that there was work that still needed to be done at the property and that Conrad was in contact with the property owner last week. Stegelmann said the required work was completed over the weekend and based on inspection this morning, the work was completed to his satisfaction.

**Mayor Stutsman** asked Stegelmann if the hearing was completed. **Stegelmann** confirmed that it was. **City Building Commissioner Myron Grise** said the required work was completed. Stegelmann said there was no need to continue the hearing and it could simply be closed without further Board action. The Mayor thanked Davidhizar.

At 2:46 p.m., **Mayor Stutsman** closed the public hearing on the Order of the City of Goshen Building Commissioner for the property at 907½ South Main Street (Ron Davidhizar, property owner).

#### **Approval of Civil City and Utility Claims**

As all matters before the Board of Public Works & Safety were concluded, **Mayor Stutsman/Board member Landis** 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 2:47 p.m. He noted this was his last Board of Works meeting as Mayor (because he is stepping down from office on June 16, 2023).

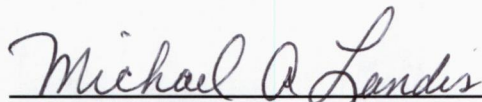
**EXHIBIT #1: Memorandum to the Goshen Board of Utilities, dated June 12, 2023, from City Water & Sewer Office Manager Kelly Saenz requesting that the Board of Works & Safety move \$1,835.27 in uncollected finaled accounts from active to collections, sewer liens and write-offs. This was added agenda item #12.**

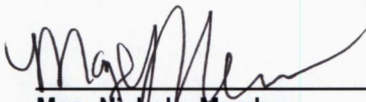


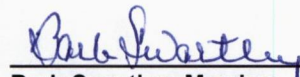
**EXHIBIT #2: Memorandum to the Board of Works & Safety from City Building Inspector Travis Eash on the status of 425 N. 9<sup>th</sup> Street (Christopher Jones, occupant). The memo, provided for agenda item #19, outlined an agreement between the City Building Department and acting owner for the repair of the property.**

APPROVED:

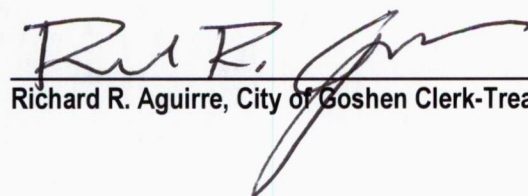
  
\_\_\_\_\_  
Mayor Gina Leichty

  
\_\_\_\_\_  
Mike Landis, Member

  
\_\_\_\_\_  
Mary Nichols, Member

  
\_\_\_\_\_  
Barb Swartley, Member

ATTEST:

  
\_\_\_\_\_  
Richard R. Aguirre, City of Goshen Clerk-Treasurer

**\*\*\*REQUEST\*\*\***

*EXHIBIT #1*

**DATE:** Monday, June 12, 2023

**TO:** GOSHEN BOARD OF WORKS

**FROM:** GOSHEN WATER & SEWER  
KELLY SAENZ

**RE:** UNPAID FINAL ACCOUNTS

The original amount of unpaid final Water/Sewer accounts for this period was **\$3,531.94**  
Collection letters were sent out and payments of **\$1,696.67** had been collected.

The uncollected amount equals **\$1,835.27**

Therefore I am requesting to move our uncollected finalized accounts from active to Collection,  
Sewer Liens and Write offs.

These are accounts for the most part were finalized thru **Monday, March 13, 2023**

**WATER:** \$878.48  
**SEWER:** \$956.79

**TOTALS**

REPORT TOTAL		\$3,531.94
BPS TOTAL	<b>\$841.81</b>	\$2,690.13
COUNTY TOTAL	<b>\$956.79</b>	\$1,733.34
W-WRITE OFF	<b>\$36.67</b>	\$1,696.67
S-WRITE OFF	<b>\$0.00</b>	\$1,696.67
PAYMENT TOTAL	<b>\$1,696.67</b>	\$0.00
AGREEMENT TOTAL	<b>\$0.00</b>	

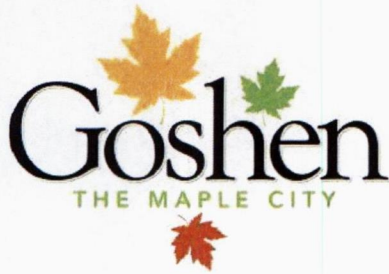


EXHIBIT #2

**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

425 N 9<sup>th</sup> Street

The Building Department received a Structural Engineer's report regarding the property at 425 N 9<sup>th</sup> St, which addresses the structural deficiencies that are present on the house, due to fire, dilapidation and poor remodeling practices.

The owner has some of his own resources and also has people volunteering resources and time to help get this project done.

The acting owner and his representative have agreed to repair the structure to what is in the Engineer's report is requiring. The Building Department and the acting owner and his representative have come to an agreement on a timeline for repairs to be completed.

The timeline is as follows:

June 26, 2023 – Most if not all Framing complete

July 11, 2023 – Whatever framing was left, plumbing complete and gas service and water turned on

August 1, 2023 – Electrical Wiring complete

August 15, 2023 – Insulation

October 1, 2023 – Remodel complete and final inspection done

Barring any financial or personal setbacks this is the time frame that has been agreed upon between the Building Department and the owner.

Thank you,

Travis Eash  
Goshen Building Department