



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD  
MINUTES OF THE OCTOBER 9, 2023 REGULAR MEETING**

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

**Present:** Mayor Gina Leichty, Mike Landis, Orv Myers and Barb Swartley

**Absent:** Mary Nichols

**CALL TO ORDER:** Mayor Gina Leichty called the meeting to order at 2:02 p.m.

**REVIEW/APPROVE MINUTES:** Mayor Leichty presented the minutes of the Oct. 2, 2023 Regular Meeting prepared by Clerk-Treasurer Aguirre. 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 Leichty presented the meeting agenda as submitted by the Clerk-Treasurer. Board member Landis moved to approve the agenda as presented. Board member Swartley seconded the motion. Motion passed 4-0.

**1) Downtown Goshen, Inc. request: Approve a time change to the street closures requested for the Holiday Light Parade route for First Friday on Nov. 3, 2023**

On behalf of Downtown Goshen Inc., Amanda McMahon, Event Coordinator for Eyedart Creative Studios, asked the Board to approve a time change for the street closures requested for the Nov. 3, 2023 First Friday parade. McMahon asked to change the time of the street closures for the Holiday Light Parade to 4 p.m. to 8 p.m. except for the intersections of Lincoln and Main streets and Main and Fifth streets, which will be closed starting at 6 p.m.

Mayor Leichty said McMahon had extensive conversations with City Department heads about this request.

In a memorandum to the Board, McMahon wrote that there are businesses on the street affected by the closure that will be informed of the closure. She wrote that the requested street closures can also be found online at downtowngoshen.org. She added that organizers will request barricades from the City Street Department.

Landis/Swartley moved to grant Downtown Goshen, Inc. permission for the requested street closures for all but the two intersections noted from 6 p.m. to 4 p.m. on Nov. 3, 2023 for the Holiday Light Parade. Motion passed 4-0.

**2) Legal Department request: Approve agreement with Elkhart Fraternal Order of Police Lodge 52, Inc**

City Attorney Bodie Stegelmann told for the Board that the City and the Elkhart Fraternal Order of Police (FOP) Lodge 52, Inc. have concluded negotiations for a new two-year collective bargaining agreement.

The City Attorney said a memorandum included in the Board's agenda packet had a summary of the changes in the contract. He said he wasn't involved in the negotiations, but that the Mayor and Police Chief José Miller were involved in the negotiations and would be able to answer questions about the agreement.

**The Legal Department provided the following summary of the contract changes:**

**Term** – The term of the new agreement is from January 1, 2024 through December 31, 2026. The parties agree to commence negotiations 120 days before August 1, 2026 to modify or amend the agreement.





**Wages – Wages for the covered positions will be as follows:**

POSITION	2024	2025	2026
Captain	\$77,557	\$79,884	\$82,281
Lieutenant	\$72,519	\$74,695	\$76,936
School Resource Officer**	\$72,519	\$74,695	\$76,936
Detective	\$72,519	\$74,695	\$76,936
Sergeant	\$70,471	\$72,585	\$74,763
Patrol Officer	\$68,045	\$70,086	\$72,189
Probationary Patrol Officer	\$60,386	\$62,198	\$64,064

If the City receives new revenue stream(s) that would make available revenues for public safety wages, either party may request to open only wages by providing written notice.

**Health Insurance** – The employee’s share of the weekly contribution for the health insurance premium is \$101.42 of \$507.08 in 2024; \$106.48 of \$532.40 in 2025; and not to exceed \$112.86 of not to exceed \$564.30 in 2026.

**Overtime/Compensatory Time/Hours of Employment and Days Off** – In the event that the regular workday is extended pursuant to Article XIX, the references made to 9 hours in a workday, 81 hours in a 14-day work period, and the number of workdays in a two-week rotation period, will be updated.

Under Article XIX, the Chief may propose an alternate shift schedule which will be presented to the Lodge for review, a trial period, and a vote.

**Department Strength** – The Chief may propose hiring part-time and/or civilians on a permanent basis which will also be presented to the Lodge for review and a vote.

**Holiday Compensation** – Employees will receive the regular daily wage multiplied by the number of holidays for the calendar year as established by the Common Council, but not less than 11 days.

**Funeral Leave** – In the event of a death in the employee’s immediate family, the employee will be granted three, 9-hour workdays off without loss of pay within the first calendar year immediately following the death. (This was previously within 14 days of the death.)

**Longevity Increase** – Language was clarified to match actual practice.

**Secondary Employment** – The suggested rate of pay for secondary employment is increased to \$40.00 per hour.

**Hiring Bonus** – To be eligible for a hiring bonus, an officer must have separated from another Indiana law enforcement agency as an active reserve officer or paid police officer within 24 months. (This was previously 12 months.)

**Mayor Leichty** said the negotiations were productive.

**Landis/Swartley** moved to approve and execute the agreement with the Elkhart FOP Lodge 52, Inc. for 2024 through 2026. Motion passed 4-0.

**3) Engineering Department request: Approve the partial closure of 10th Street, from Jackson to Reynolds streets, Oct. 16-31, 2023**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that Niblock Excavating has requested permission to close South 10th Street to through traffic from East Jackson Street to East Reynolds Street.

**Sailor** said intersections within the closure will remain open, but flaggers may need to direct traffic at times. The road will be closed from Monday, Oct. 16 until Tuesday, Oct. 31. On-street parking will be restricted during this time.

**Sailor** said Niblock Excavating is requesting this closure to complete planned tree removals in preparation for the Tenth Street Reconstruction project. A map of the closure area was attached to the Board’s meeting packet.

**Landis/Swartley** moved to approve the closure of 10th Street, from Jackson Street to Reynolds Street, from Oct. 16 to Oct. 31, 2023. Motion passed 4-0.





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

Mayor Leichty opened Privilege of the Floor at 2:07 p.m. There were no comments from the public.

At 2:07 p.m., Mayor Leichty temporarily closed the Board of Works & Safety meeting and convened the City of Goshen Stormwater Board to consider two agenda items.

## **CITY OF GOSHEN STORMWATER BOARD MINUTES OF THE Oct. 9, 2023 REGULAR MEETING**

*Convened at 2:07 p.m. in the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana*

**Members Present:** Mayor Leichty and Mike Landis

**Members Absent:** Mary Nichols

### **4) Accept post-construction stormwater management plan for the Lippert ICC Building Relocation project**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the developer of the Lippert ICC Building Relocation project, located at 3308 and 3340 Corrie Drive, has submitted a sufficient post-construction plan amendment that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

**Sailor** said this is the second amendment to an existing post-construction stormwater management plan that was accepted by the Stormwater Board on March 31, 2014, for the Lippert Components County Road 40 Site project (JN: 2012-2027) and the first amendment accepted by the Stormwater Board on April 16, 2018, for the Lippert Components Beamline Facility project (JN: 2017-2057).

The Stormwater Department requested the Stormwater Board's acceptance of the plan.

**Landis/Mayor Leichty** moved to accept the post-construction stormwater management plan for the Lippert ICC Building Relocation project as it has been found to meet the requirements of City Ordinance 4329 Motion passed 2-0.

### **5) Accept post-construction stormwater management plan for Lippert Components Corrie Drive Parking Lot**

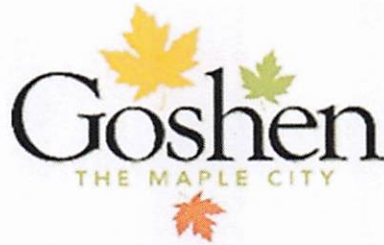
**City Director of Public Works & Utilities Dustin Sailor** told the Board that the developer of the Lippert Components Manufacturing, Inc. Corrie Drive Parking Lot, affecting one (1) or more acres of land and located south of at 3122 Sourwood Drive, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

The Stormwater Department requested the Stormwater Board's acceptance of the plan.

**Landis/Mayor Leichty** moved to accept the post-construction stormwater management plan for Lippert Components Corrie Drive Parking Lot as it has been found to meet the requirements of City Ordinance 4329. Motion passed 2-0.

Mayor Leichty adjourned the City of Goshen Stormwater Board and reconvened the Board of Works & Public Safety meeting at 2:10 p.m.





6) Board of Public Works & Safety public hearing: Review of the Order of the City of Goshen Building Commissioner for 419 North Fifth St. (Ronald E. Davidhizar, property owner)

At 2:11 p.m., Mayor Leichty opened a public hearing on the Order of the City of Goshen Building Commissioner for the property at 419 North Fifth St. (Ronald E. Davidhizar, property owner).

The Board of Public Works and Safety needed to determine whether the property was unsafe and decide whether to affirm, modify, or rescind the Building Commissioner's Order. and determine what action to order concerning the property.

#### BACKGROUND:

On Aug. 30, 2023, through a written order, City Building Commissioner Myron Grise notified Ronald E. Davidhizar, the owner, that his property at 419 N. 5th Street in Goshen was in violation of the Goshen City Code.

Grise reported that the Goshen Building Department first inspected the subject real estate on April 27, 2023. Violations of the Neighborhood Preservation Ordinance (Minimum Housing Ordinance) were cited. The real estate was re-inspected on June 23, 2023, July 19, 2023, and August 14, 2023, which showed no significant improvement to the building.

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

1. The **electric service panel** in the basement is not covered, requiring reinstallation of the cover, as required by Section 6.3.1.1(a).
2. **Wall in the upstairs bedroom is damaged and in disrepair**, requiring repair of the plaster and proper re-coating of the surface, as required by Section 6.3.1.1 (b).
3. The **building's foundation has gaps** that require sealing with mortar (no spray foam) to make rodent proof and weathertight, as required by Section 6.3.1.1(b).
4. **Ceiling in downstairs bedroom consists of loose ceiling tile and is in disrepair**, requiring re-attachment of ceiling tile to prevent from falling and/ or replacement of damaged ceiling tile, as required by Section 6.3.1.1(b).
5. The **roof is leaking at the rear of the property**, requiring repair/replacement, as required by Section 6.3.1.1 (c).
6. One or more **wood and metal surfaces, primarily the porches, are not maintained in good condition**, with the wood support post on the front porch deteriorating, requiring repair or replacement of the damaged wood, as required by Section 6.3.1.1(g).
7. The Building's **siding and masonry joints**, including the perimeter of all windows, doors, and skylights, are **not in good repair nor weathertight**, requiring repair as required by Section 6.3.1.1(bb).
8. The **toilet room and bathroom floor surface are not constructed nor maintained to be reasonably impervious to water** and thus easily kept in a clean and sanitary condition, requiring installation of appropriate floor coverings, as required by Section 6.3.1.4(b).
9. There is **no smoke detector** in the Building's living room and the smoke detector upstairs is outdated, requiring installation and replacement, as required by Section 6.3.1.8.

Grise reported that the building and real estate was unsafe within the meaning of Indiana Code§ 36-7-9-4(a)(2) and (a)(5) in that it is a fire hazard and dangerous to person or property because of the listed violations of Goshen City Code Title 6, Article 3, Chapter 1.

Grise ordered Davidhizar to complete all necessary actions and repairs to the real estate and the building to address the listed violations and otherwise bring the real estate and Building into compliance with Goshen City Code Title 6, Article 3, Chapter 1 by Oct. 6, 2023.





Grise wrote that if Davidhizar failed to comply with this Order, the City of Goshen could take action to make the required corrections and bill him for the costs of such work, including, the actual costs of the work performed and an amount equal to the average processing expense the City incurred in pursuing this matter. Grise wrote that such amounts could become a lien upon the real estate and ultimately be enforced in the same manner as any other judgment.

Grise further notified Davidhizar that a hearing would be held before the Goshen Board of Public Works and Safety on Monday, Oct. 9, 2023 at 2 p.m. for the purpose of reviewing the Order of the City of Goshen Building Commissioner.

#### OCT. 9, 2023 PUBLIC HEARING DISCUSSION AND OUTCOME:

Mayor Leichty convened the hearing on the Order of the City of Goshen Building Commissioner for 419 North Fifth St., Ronald E. Davidhizar, property owner, who was not present. She swore in potential witnesses to give truthful testimony. She then and invited comment from City Rental Inspector Ryan Conrad.

Before the hearing, **Conrad** distributed a memorandum to the Board which provided an update on the status of 419 North Fifth St. and included photocopies of color photographs (**EXHIBIT #1**).

Reading from the memo, **Conrad** said that on April 27, 2023, he conducted an inspection of the property at 419 N. 5th St. and determined that several property maintenance violations existed. He notified the property owner, Ron Davidhizar, in writing, that he would have 30 days to correct the violations. Conrad said he re-inspected the property again on June 23, July 19, and August 11 and found that no violations had been corrected.

At a re-inspection of the property two days ago, **Conrad** said the tenants stated that water was leaking into the bedroom when it rains.

Currently, **Conrad** said the following violations still exist:

1. The electric service panel in the basement is not covered, requiring reinstallation of the cover, as required by Section 6.3.1.1(a).
2. Wall in the upstairs bedroom is damaged and in disrepair, requiring repair of the plaster and proper re-coating of the surface, as required by Section 6.3.1.1(b).
3. The Building's foundation has gaps that require sealing with mortar (no spray foam) to make rodent proof and weathertight, as required by Section 6.3. 1.1(b).
4. Ceiling in downstairs bedroom consists of loose ceiling tile and is in disrepair, requiring re-attachment of ceiling tile to prevent from falling and/or replacement of damaged ceiling tile, as required by Section 6.3.1.1(b).
5. The roof is leaking at the rear of the property, requiring repair or replacement, as required by Section 6.3.1.1(c).
6. One or more wood and metal surfaces, primarily the porches, are not maintained in good condition, with the wood support post on the front porch deteriorating, requiring repair or replacement of the damaged wood, as required by Section 6.3. 1.1(g).
7. The Building's siding and masonry joints, including the perimeter of all windows, doors, and skylights, are not in good repair nor weathertight, requiring repair as required by Section 6.3.1.1(bb).
8. The toilet room and bathroom floor surface are not constructed nor maintained to be reasonably impervious to water and thus easily kept in a clean and sanitary condition, requiring installation of appropriate floor coverings, as required by Section 6.3. 1.4(b).

Conrad said, "I have made numerous attempts to reach out to the landlord. I have hand-delivered multiple inspection notices, performed multiple inspections, and have mailed the property owner numerous violation notices since my first inspection on April 27th. Yet, I have not received any response, nor has the property owner or a representative been present at any inspections."





Conrad added that due to the fact that the property owner has not made any effort in correcting the violations, he recommended that the Board order a civil penalty against the property owner, Ron Davidhizar, in the amount of \$1,000 and not to exceed \$2,500. In addition, Conrad requested another 30 days for abatement of all violations. If violations are not abated within 30 days, he recommended that the City appoint a receiver to complete the necessary repairs or deem the property unsafe for habitation.

Mayor Leichty asked why Conrad had not mentioned the smoke detector issue, which was detailed in the Aug. 30, 2023 written order by City Building Commissioner Myron Grise.

Conrad responded that the tenants replaced the smoke detectors, so that issue has been resolved.

Board member Landis asked how there could be tenants in this home in its present condition.

Conrad said he spoke to the tenants on Friday and they indicated they are afraid of losing their home because they have no place else to move. He said the tenants "have bent over backward to help with repairs." Conrad said the tenants have offered to purchase materials and do whatever possible to make repairs, but the landlord has not responded. Conrad said there were four tenants.

Board member Landis asked City Attorney Bodie Stegelmann if the Board had to wait 30 days before addressing the situation. He asked if the Board could appoint a receiver today to make the repairs.

City Attorney Stegelmann said the Board could do that.

Board member Landis said the situation was "ridiculous." Other Board members agreed. Landis said he was open to other ideas.

Mayor Leichty said she was "receptive to accelerating the process."

Board member Landis said Davidhizar has known about the violations since April and received multiple notices from the City. He said he understands that the tenants don't want to lose their home because it's so difficult to find housing and they don't want to be evicted.

Mayor Leichty asked the City Attorney how a receivership would affect the tenants.

City Attorney Stegelmann said he was pretty sure that if a receiver was appointed, the tenants would have to leave so the repairs could be completed. He said it would probably be 45 to 60 days before a receiver would be appointed. He said the tenants could be informed of the process and timeline so they could find a new home.

Board member Landis said if Davidhizar was allowed to repair the home, the tenants would be allowed to stay. So, Landis asked why that wouldn't be the case with a receiver.

City Attorney Stegelmann said he wasn't saying the tenants would have to leave, but only that the receiver would probably want them to leave so the work could be done. He said if the repairs were less extensive, the tenants could possibly stay, but perhaps not in this case.

Board member Landis said it appeared to him that much of the work could be done while the tenants stayed in the home. He said he would recommend the Board require that the receiver allow the tenants to stay in the home while the repairs were made.

Board member Swartley asked if the City had people lining up to serve as receivers.

City Attorney Stegelmann said he believed there were a "handful" or property owners and property managers who keep in touch with the City Building Department whenever the opportunity arises to serve as receiver.

Mayor Leichty asked if the Board could impose the condition that a receiver allow tenants to stay in the home.

City Attorney Stegelmann said that when the City goes to court and seeks the appointment of a receiver, that could be one of the conditions for the appointment of a receiver.

Mayor Leichty asked if this has ever been required in the past.





**City Attorney Stegelmann** asked **City Rental Inspector Ryan Conrad** if he was aware of this happening. **Conrad** said this was done for a home on South Main Street – that the tenants stayed while the work was done. He said that on Friday he informed the tenants of 419 North Fifth St. that they might have to vacate the premises, but he added that it wouldn't be immediate and that they would have some time if they had to leave.

**Board member Landis** said he would be open to not requiring a receiver to keep the tenants in the home during repairs, but only encouraging them to do so.

**City Building Commissioner Myron Grise** stepped forward to testify and was sworn in by the **Mayor**. Grise said that he believed it would be difficult to find a receiver willing to do this type of work if the receiver was required to keep the tenants in the home because of the potential liability of tenants claiming an injury during the work. He said it would be better for the home to be empty. Grise added that it may be difficult to find a receiver this time of year.

**Clerk-Treasurer Aguirre** asked **City Attorney Stegelmann** if it would be permissible to have a representative of the City Fire Department testify on the conditions of the home as a potential fire hazard. He added that with the weather becoming colder, the tenants might be operating space heaters, increasing the possible fire hazard.

**City Attorney Stegelmann** said that without a Fire Department employee having first-hand knowledge of the property, such testimony could not be relied upon by the Board. He said the Board's findings are subject to appeal and it's important to create a "clean record" and that the people who testify have first-hand knowledge of matters they are testifying to.

**Aguirre** asked if this could be done if a Fire Department employee had reviewed the inspection report.

**City Attorney Stegelmann** said **Conrad** could provide reliable testimony on that issue, but he would hesitate to have the Board rely on testimony from the Fire Department at this point.

**Conrad** said conditions in the home could pose a fire hazard. However, Conrad said the weather hasn't been very cold so far and he said hasn't seen the use of space heaters in the home. And, he said, to his knowledge the furnace is working properly and the tenants haven't said anything about it.

**Mayor Leichty** said it appeared the alleged property maintenance violations found during the April 27, 2023 inspection continue to exist except for the lack of smoke detectors, which have been replaced. She said the Board needed to determine if the home was an unsafe building and based on its structural condition if it was a fire hazard, a health hazard, a public nuisance, dangerous to persons and property or vacant and blighted. Based on her understanding, the Mayor said it appeared the home "was certainly dangerous to persons or property and certainly a violation of our statute."

**Mayor Leichty** asked if there was additional discussion by the Board.

**City Attorney Stegelmann** said before any decisions were made, he wanted to make part of the record the fact that neither the property owner nor his attorney appeared at the hearing today. The City Attorney said he also had a signed "Certificate of Issuance of Building Commissioner Order" regarding the premises at 419 N. 5<sup>th</sup> Street, signed by **Assistant City Attorney Don Shuler**, indicating that notice of today's hearing was sent by certified mail, with return receipt requested, and that both Mr. Davidhizar and the occupant of the house had signed receipts showing that they had received those mailings. City Attorney Stegelmann provided the certificate to **Clerk-Treasurer Aguirre** to make it part of the record. The certificate was recorded as **EXHIBIT #2**.

**Mayor Leichty** summarized the two issues before the Board: whether to affirm, rescind or modify the recommended Order of the City of Goshen Building Commissioner for 419 North Fifth St. and then determine if there will be any fine or penalty or whether the Board will move to civil action.





**Board member Landis** asked if there could still be fines if the Board also approved a receivership. **City Attorney Stegelmann** said the Board could still impose a fine, but to do so, the Board would need to find that there was a "willful failure of the property owner" to comply with the Building Commissioner's order.

**Mayor Leichthy** asked Conrad how many times he contacted **Ronald Davidhizar**.

**Ryan Conrad** said he sent **Davidhizar** three notices.

**Mayor Leichthy** said in addition, Davidhizar was sent a certified letter about today's hearing. She said, "That sounds fairly willful – a refusal to acknowledge the issues at hand."

**Mayor Leichthy** asked the **City Attorney** about how to proceed and whether the Board should consider two motions – one approving the Building Commissioner's order and another on any additional action.

**City Attorney Stegelmann** said action could be taken in two motions. The first, he said, would be to affirm, rescind or modify the Order of the City of Goshen Building Commissioner. He said it appeared the smoke detector issue has been corrected, so the order would need to be modified in that regard. In the second motion, he said the Board could address the resolution of the case or remedy, such as additional time for compliance or a referral to the Legal Department for civil action and then whether fines should be imposed.

**Board member Swartley** said she noticed from the photographs that a temporary post has been added to the front porch to provide support for the roof. She asked if that complied with the statute.

**Conrad** said it did not – that it was only a temporary fix and that it should not be allowed to become permanent.

**Mayor Leichthy** asked if there was additional discussion by the Board or a motion.

**Board member Landis** made a motion that the Board find that the Building Department's memorandum, dated Oct. 9, 2023, indicating eight items that have not been dealt with are still the condition of the property, making it unsafe, and that the Board accepts the memorandum and imposes a fine of \$1,000 not to exceed \$2,500. There was no immediate second to the motion.

**Mayor Leichthy** said the motion should include the modification acknowledging that the smoke detector deficiency was remedied.

**Board member Landis** said his motion only noted the eight violations and did not mention the ninth issue, which involved the smoke detectors. **City Attorney Stegelmann** said the motion didn't need to mention the smoke detector issue if he referred to numbers 1-8 of the Building Commissioner's order.

**Board member Landis** restated his motion, clarifying that the Board found that there were violations as stated in numbers 1-8 of the Building Commissioner's order, noting that No. 9 had been completed and imposing a fine of \$1,000. **Board member Swartley** seconded the motion. The motion passed 4-0.

**City Attorney Stegelmann** said the issue now before the Board was whether to give the property owner additional time to repair the home or to refer the matter to the Legal Department for civil action.

**Board member Swartley** asked if the Board had to give the property owner 30 days for repairs.

**There was no audible response.**

**Mayor Leichthy** asked if the Board wanted to give the property owner 30 days to make repairs or refer the matter to the Legal Department for civil action.





Board member Landis said the City Attorney indicated that it would take some time for legal action to take effect. He then asked, wouldn't this give time for the property owner to make the necessary repairs before any action if he wanted to do so?

City Attorney Stegelmann said a case can be filed quickly, but it would take some time for the court to schedule and then hold a hearing.

Board member Landis asked, "But if he finished everything before the hearing actually happened, then wouldn't we say, 'Well, there's no reason to have a hearing?'"

"That's correct," City Attorney Stegelmann responded.

Board member Landis then made a motion to refer the matter to the City Legal Department to pursue civil action. Board member Swartley seconded the motion. The motion passed 4-0.

Mayor Leichty asked if the Board needed to specify the date the penalty was due.

City Attorney Stegelmann said that would be a good idea. He further recommended the property owner be given 30 days to pay the fine.

Board member Landis then made a motion that the \$1,000 fine be due in 30 days. Board member Swartley seconded the motion. The motion passed 4-0.

With the matter concluded, at 2:33 p.m., Mayor Leichty closed the public hearing on the Order of the City of Goshen Building Commissioner for the property at 419 North Fifth St. (Ronald E. Davidhizar, property owner).

#### Approval of Civil City and Utility Claims

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

#### Adjournment

Mayor Leichty adjourned the Board of Works meeting at 2:34 p.m.


**EXHIBIT #1: Two-page memorandum and 10 pages of color photographs by City Rental Inspector Ryan Conrad on the status of 419 North Fifth St. The memorandum, dated Oct. 9, 2023, was presented during the hearing on the Order of the City of Goshen Building Commissioner for 419 North Fifth St. (Ronald E. Davidhizar, property owner), agenda item #6.**

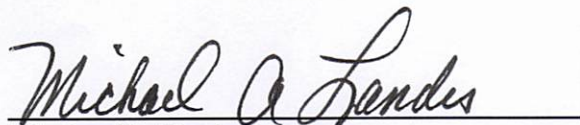
**EXHIBIT #2: A "Certificate of Issuance of Building Commissioner Order" regarding the premises at 419 N. 5th Street, signed by Assistant City Attorney Don Shuler, indicating that notice of the Oct. 9, 2023 hearing was sent by certified mail, with return receipt requested, and that both Mr. Davidhizar and the occupant of the house had signed receipts showing that they had received those mailings. City Attorney Stegelmann provided the certificate to Clerk-Treasurer Aguirre to make it part of the record.**




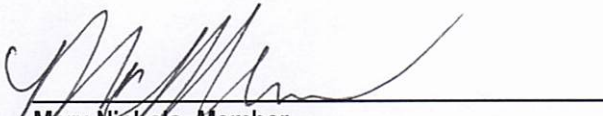


APPROVED:

  
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Mayor Gina Leichty

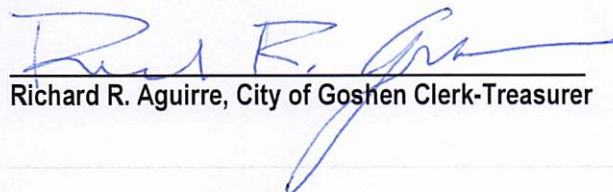
  
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Orv Myers, Member

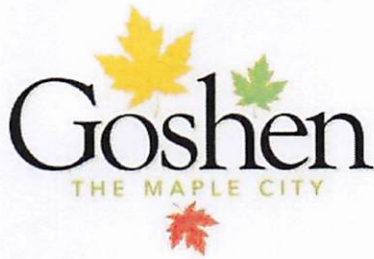
  
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Mary Nichols, Member

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Barb Swartley, Member

ATTEST:

  
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Richard R. Aguirre, City of Goshen Clerk-Treasurer





**Building Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 5 • Goshen, IN 46528-3405

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## **MEMORANDUM**

**TO: BOARD OF PUBLIC WORKS**

**FROM: RYAN CONRAD, BUILDING DEPARTMENT**

**DATE: OCTOBER 9, 2023**

**SUBJECT: 419 N. 5<sup>TH</sup> ST.**

On April 27, 2023, I conducted an inspection of the property at 419 N. 5<sup>th</sup> St. and determined that several property maintenance violations existed. I notified the property owner, Ron Davidhizar, in writing, that he would have 30 days to correct the violations. I re-inspected the property again on June 23, July 19, and August 11 and found that no violations had been corrected. At a re-inspection of the property two days ago, the tenants stated that water was leaking into the bedroom when it rains. Currently, the following violations still exist:

1. The electric service panel in the basement is not covered, requiring reinstallation of the cover, as required by Section 6.3.1.1(a).
2. Wall in the upstairs bedroom is damaged and in disrepair, requiring repair of the plaster and proper re-coating of the surface, as required by Section 6.3.1.1(b).
3. The Building's foundation have gaps that require sealing with mortar (no spray foam) to make rodent proof and weathertight, as required by Section 6.3.1.1(b).
4. Ceiling in downstairs bedroom consists of loose ceiling tile and is in disrepair, requiring re-attachment of ceiling tile to prevent from falling and/or replacement of damaged ceiling tile, as required by Section 6.3.1.1(b).
5. The roof is leaking at the rear of the property, requiring repair or replacement, as required by Section 6.3.1.1(c).
6. One or more wood and metal surfaces, primarily the porches, are not maintained in good condition, with the wood support post on the front porch deteriorating, requiring repair or replacement of the damaged wood, as required by Section 6.3.1.1(g).
7. The Building's siding and masonry joints, including the perimeter of all windows, doors, and skylights, are not in good repair nor weathertight, requiring repair as required by Section 6.3.1.1(bb).
8. The toilet room and bathroom floor surface are not constructed nor maintained to be reasonably impervious to water and thus easily kept in a clean and sanitary condition, requiring installation of appropriate floor coverings, as required by Section 6.3.1.4(b).



I have made numerous attempts to reach out to the landlord. I have hand-delivered multiple inspection notices, performed multiple inspections, and have mailed the property owner numerous violation notices since my first inspection on April 27<sup>th</sup>. Yet, I have not received any response nor has the property owner or a representative been present at any inspections.

Due to the fact that the property owner has not made any effort in correcting the violations, I am recommending the Board order a civil penalty against the property owner, Ron Davidhizar, in the amount of \$1,000 and not to exceed \$2,500. In addition, I am requesting another 30 days for abatement of all violations. If violations are not abated within 30 days the City may appoint a receiver to complete the necessary repairs or deem the property unsafe for habitation.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Ryan Conrad", with a period at the end.

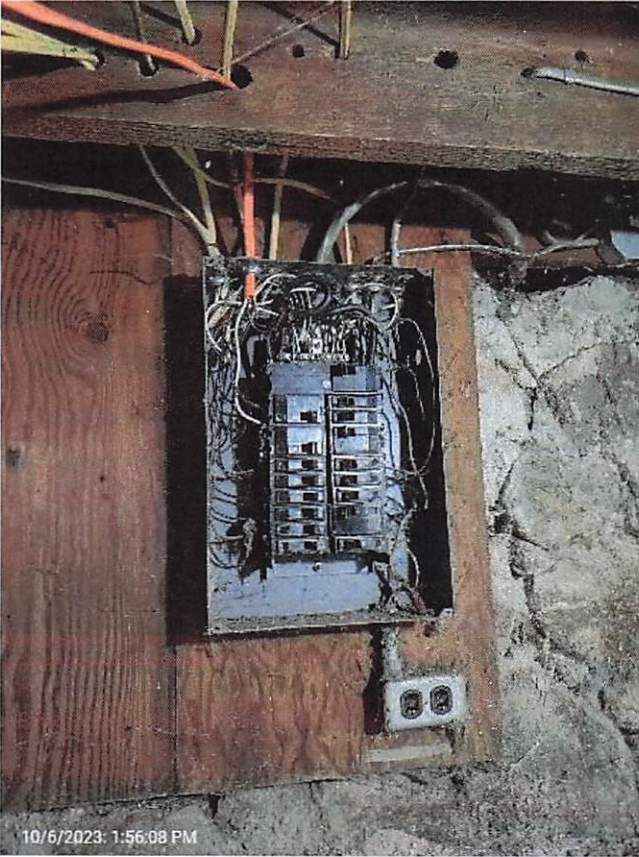
Ryan Conrad  
Rental Housing Inspector  
Building Department



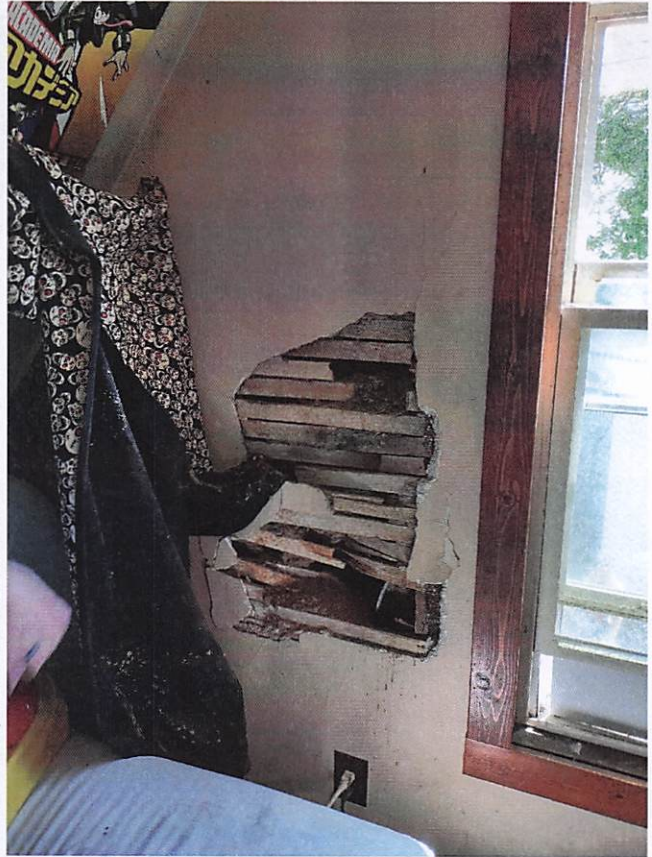
419 N. 5<sup>th</sup> St.



419 N. 5<sup>th</sup> St.

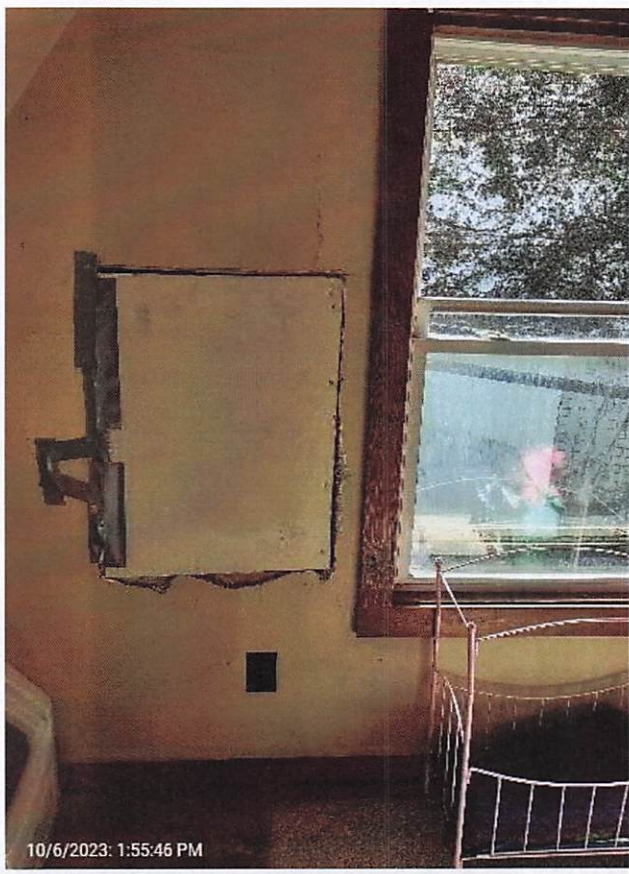


Electric service panel in basement not properly covered.



Damaged wall in bedroom.





Attempted repairs to damaged wall in bedroom.



Gaps in foundation.





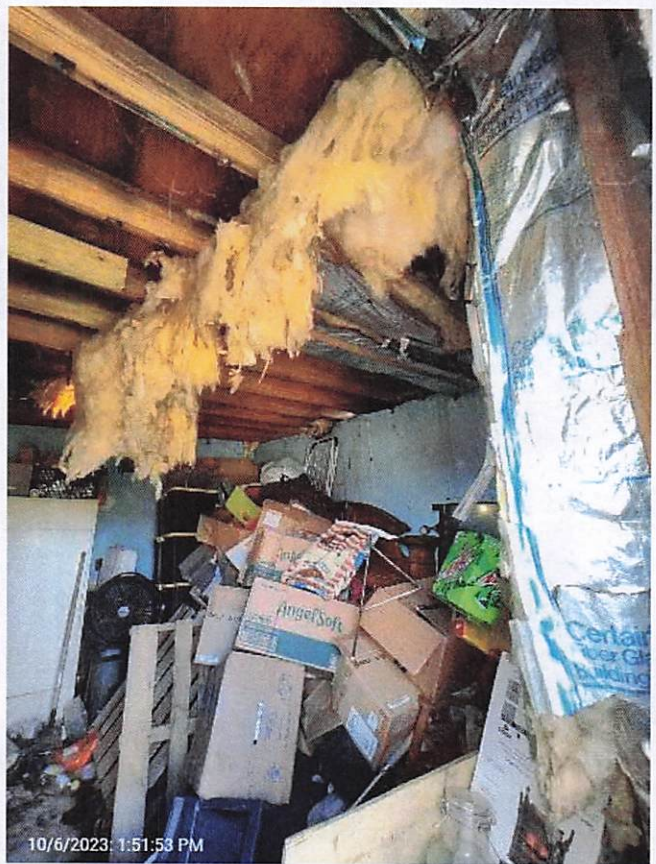
10/6/2023: 1:50:32 PM  
**Water damaged roof support.**



10/6/2023: 1:50:40 PM  
**Water damaged roof support.**



10/6/2023: 1:51:05 PM  
**Hole in roof in rear entryway.**

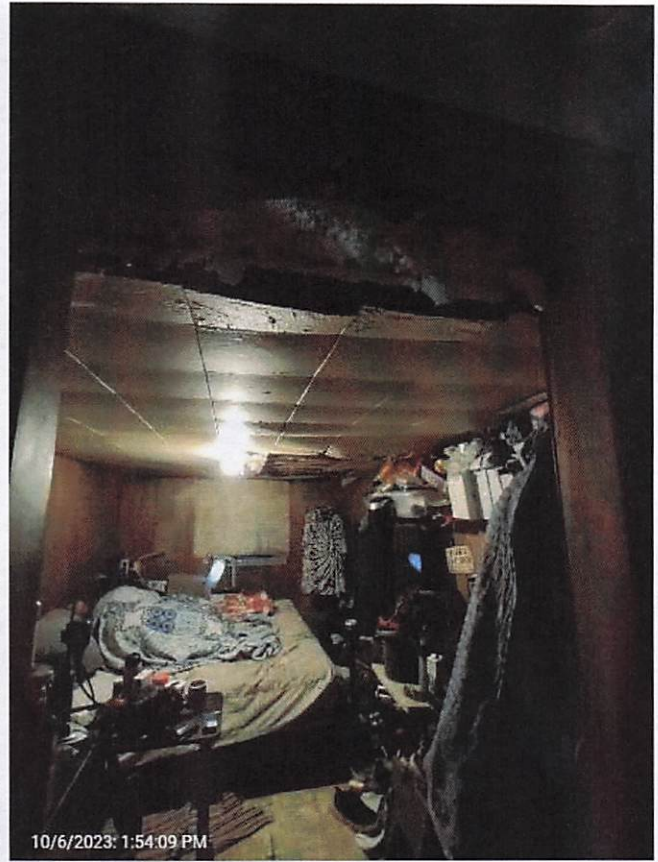


10/6/2023: 1:51:53 PM  
**Damaged ceiling at rear of property.**





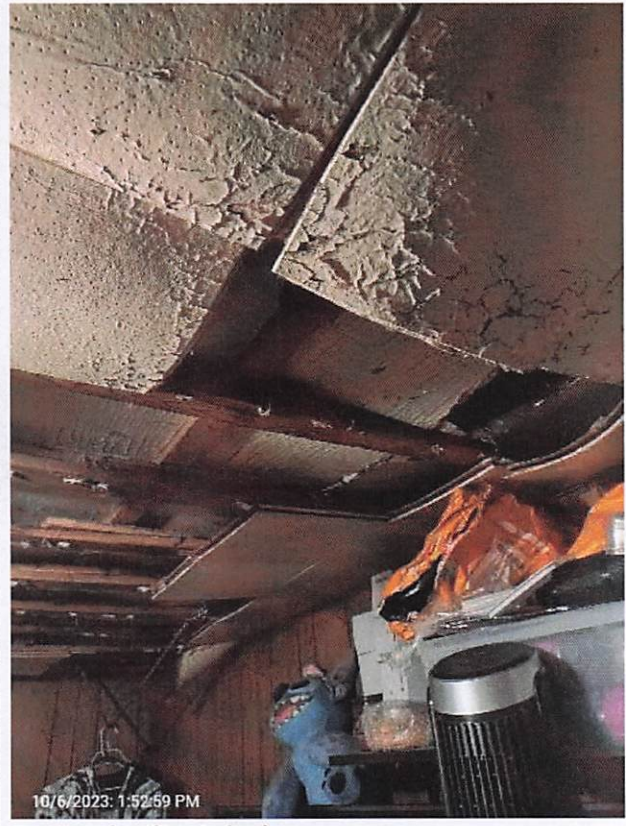
Damaged ceiling at rear of property.



Downstairs bedroom.



Damaged ceiling in bedroom.



Damaged ceiling in bedroom.





Damaged ceiling in bedroom.



Damaged ceiling in bedroom.



Damaged wall near back door.



Damaged wall near back door.





Plastic covering roof at rear of property.



Plastic covering roof at rear of property.



Damaged fascia at rear of property.



Overhead view of roof at rear of property.



Plastic covering roof at rear of property.

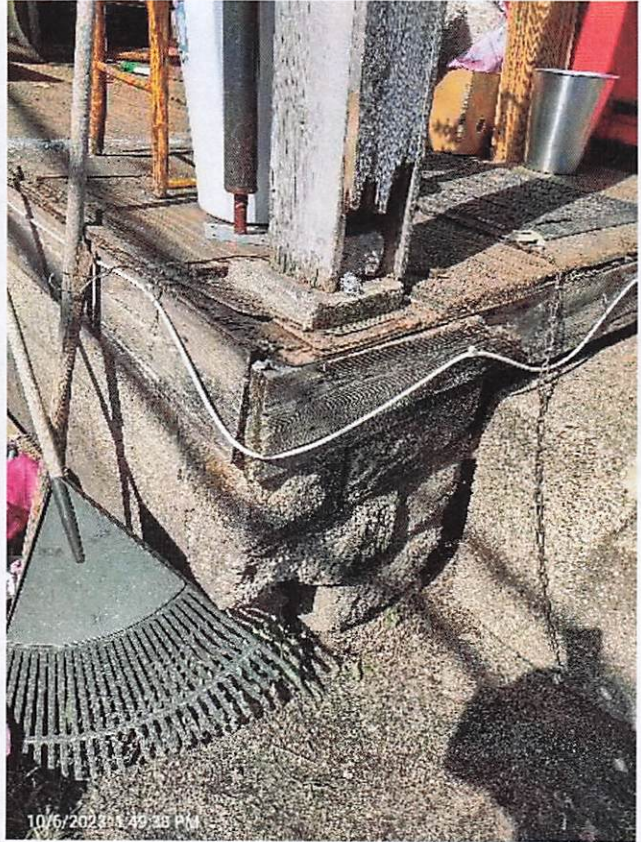


Plastic covering roof at rear of property.





Plastic covering roof at rear of property.



Damaged support post on porch.



Damaged support post on porch.



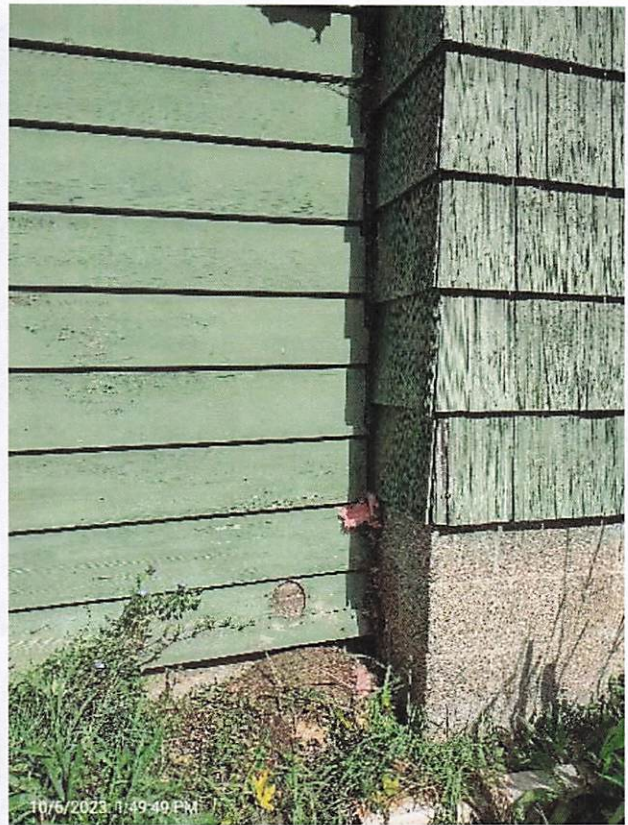
Temporary post added to provide support on porch.





10/6/2023: 1:49:23 PM

Gap in fascia board.



10/6/2023: 1:49:49 PM

Gap in wood siding at rear of property.



10/6/2023: 1:50:02 PM

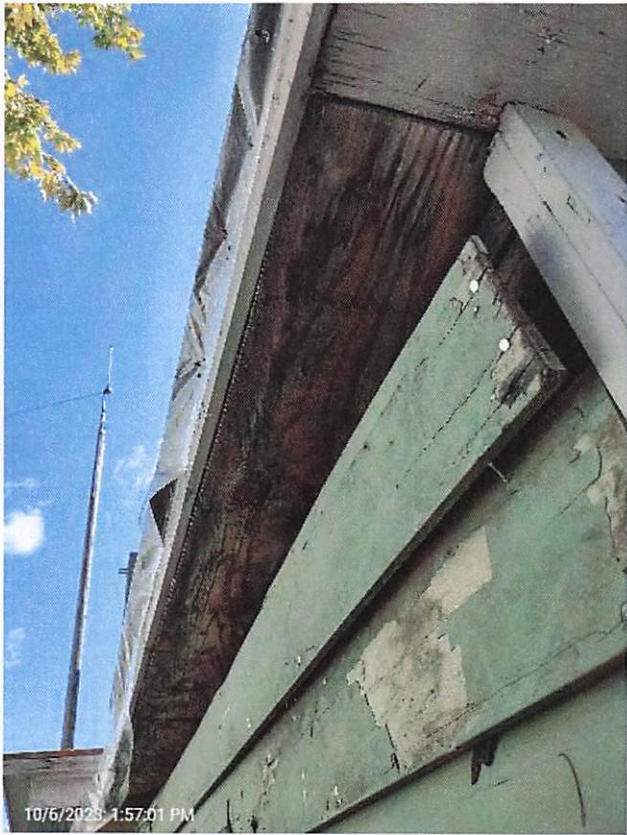
Gap in wood siding at rear of property.



10/6/2023: 1:56:49 PM

Loose siding at rear of property.





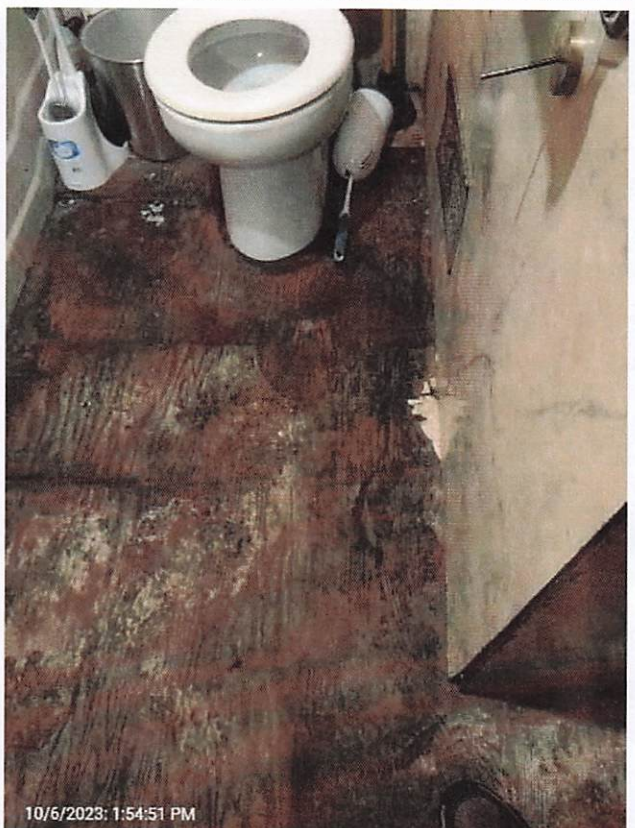
10/6/2023: 1:57:01 PM  
Loose siding at rear of property.



10/6/2023: 1:55:21 PM  
Damaged floor coverings in hallway near bathroom.



10/6/2023: 1:54:35 PM  
Wood flooring in bathroom.



10/6/2023: 1:54:51 PM  
Wood flooring in bathroom not impervious to water.







**Certificate of Issuance of Building Commissioner Order**

RE: Premises at 419 N. 5th Street, Goshen, Indiana

The undersigned hereby certifies that the Order of the City of Goshen Building Commissioner dated August 30, 2023 for the above-referenced premises were issued to the following parties via Certified Mail on August 30, 2023, with the tracking and return showing signature and service of said Order as indicated:

Ronald E. Davidhizar  
203 Middlebury Street  
Goshen, Indiana 46528  
**Certified Mail # 7019 0160 0000 5623 6635**  
**Delivered: September 1, 2023**

Occupant  
419 N. 5th Street  
Goshen, Indiana 46528  
**Certified Mail # 7019 0160 0000 5623 6642**  
**Delivered: August 31, 2023**



---

Donald R. Shuler, #26587-71  
Assistant City Attorney  
City of Goshen Legal Department  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Ron Davidhizar  
203 Middlebury Street  
Goshen, IN 46528



9590 9402 4989 9063 1434 20

## 2. Article Number (Transfer from service label)

7019 0160 0000 5623 6635

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

- 
- Agent
- 
- 
- Addressee

## B. Received by (Printed Name)

RON D

## C. Date of Delivery

9/1/23

- D. Is delivery address different from item 1?
- 
- Yes
- 
- If YES, enter delivery address below:
- 
- No

## 3. Service Type

- 
- Adult Signature
- 
- 
- Adult Signature Restricted Delivery
- 
- 
- Certified Mail®
- 
- 
- Certified Mail Restricted Delivery
- 
- 
- Collect on Delivery
- 
- 
- Collect on Delivery Restricted Delivery
- 
- 
- Insured Mail
- 
- 
- Insured Mail Restricted Delivery (over \$500)

- 
- Priority Mail Express®
- 
- 
- Registered Mail™
- 
- 
- Registered Mail Restricted Delivery
- 
- 
- Return Receipt for Merchandise
- 
- 
- Signature Confirmation™
- 
- 
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Occupant  
419 N. 5th Street  
Goshen, Indiana 46528



9590 9402 4989 9063 1434 13

## 2. Article Number (Transfer from service label)

7019 0160 0000 5623 6642

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

- 
- Agent
- 
- 
- Addressee

## B. Received by (Printed Name)

Kat Bryan

## C. Date of Delivery

8/31/23

- D. Is delivery address different from item 1?
- 
- Yes
- 
- If YES, enter delivery address below:
- 
- No

## 3. Service Type

- 
- Adult Signature
- 
- 
- Adult Signature Restricted Delivery
- 
- 
- Certified Mail®
- 
- 
- Certified Mail Restricted Delivery
- 
- 
- Collect on Delivery
- 
- 
- Collect on Delivery Restricted Delivery
- 
- 
- Insured Mail
- 
- 
- Insured Mail Restricted Delivery (over \$500)

- 
- Priority Mail Express®
- 
- 
- Registered Mail™
- 
- 
- Registered Mail Restricted Delivery
- 
- 
- Return Receipt for Merchandise
- 
- 
- Signature Confirmation™
- 
- 
- Signature Confirmation Restricted Delivery

Domestic Return Receipt