



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD
MINUTES OF THE DECEMBER 4, 2023 REGULAR MEETING
Convened in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana

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

Absent: None

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

REVIEW/APPROVE MINUTES: Mayor Leichty presented the minutes of the Nov. 20, 2023 Regular Meeting prepared by Clerk-Treasurer Aguirre. Board Member Mike Landis moved to approve the minutes as presented and the motion was seconded by Board Member Orv Myers. Motion passed 5-0.

REVIEW/APPROVE AGENDA: Mayor Leichty presented the agenda as submitted by the Clerk-Treasurer, but requested that agenda items #15 and #16 be moved ahead of agenda item #14. Board member Landis moved to adjust the agenda as suggested. Board member Myers seconded the motion. Motion passed 5-0.

1) Police Department request: Approve the resignation of Lt. Jared Ellison, effective Dec. 23, 2023

City Police Chief José Miller asked the Board to approve the resignation of Lt. Jared Ellison, effective Dec.23, 2023. Lt. Ellison's last day with the department would be Dec. 22, 2023.

Chief Miller said Lt. Ellison, who submitted his resignation on Nov. 9, has resigned to work full time for his personal business in the private sector. Lt. Ellison stated he wishes to remain with the department as a Reserve Officer if the Police Department continues with the program.

Chief Miller added, "Since his beginning here at the department starting in September 2017, Jared has moved up through the ranks as a Patrol Officer, Sergeant, and Lieutenant. He served on the Elkhart County SWAT Team as a member of the team and as a supervisor. Lt. Ellison has served this community with high integrity and was a great mentor and supervisor. Lt. Ellison will truly be missed by the Goshen Police Department. And I wish him on the best in his future endeavors."

Mayor Leichty asked Chief Miller to thank Lt. Ellison for his service.

Landis/Myers made a motion to approve the resignation of Lt. Jared Ellison, effective Dec.23, 2023. Motion passed 5-0.

2) Police Department request: Approve the promotion of Officer Warren C. O'Neal from the rank of Sergeant to the rank of Lieutenant, effective Dec. 1, 2023

City Police Chief José Miller asked that the Board approve the promotion of Officer Warren C. O'Neal from the rank of Sergeant to the rank of Lieutenant, retroactive to Dec. 1, 2023.

Chief Miller said Officer O'Neal received the highest score for the testing of this position. Chief Miller added, "Officer O'Neal has worked on the police department approximately 4½ years and has demonstrated he will be an asset to our department and leadership team."

Landis/Myers made a motion to approve the promotion of Officer Warren C. O'Neal from the rank of Sergeant to the rank of Lieutenant, retroactive to Dec. 1, 2023. Motion passed 5-0.

After the Board approved the promotion, Mayor Leichty swore Lieutenant O'Neal into office.



3) Police Department request: Approve the hiring of Austin Ray Whitford for the position of probationary patrol officer, effective Monday Dec. 4, 2023

City Police Chief José Miller asked the Board to approve the hiring of Austin Ray Whitford for the position of probationary patrol officer, effective Monday, Dec. 4, 2023.

Chief Miller said Officer Whitford has passed all exams and has been approved by both the local and State pension boards. The Chief added, "We are thrilled to have Austin as a new police officer serving our community."

Landis/Myers made a motion to approve the hiring of Austin Ray Whitford for the position of probationary patrol officer, effective Monday, Dec. 4, 2023. Motion passed 5-0.

After Board approval, Mayor Leichty swore Probationary Patrol Officer Austin Ray Whitford into office.

4) Police Department request: Approve the hiring of Guadalupe Mendoza-Rivera for the position of probationary patrol officer, effective Monday Dec. 4, 2023

City Police Chief José Miller asked the Board to approve the hiring of Guadalupe Mendoza-Rivera for the position of probationary patrol officer, effective Monday, Dec. 4, 2023.

Officer Mendoza-Rivera has passed all exams and has been approved by both the local and State pension boards. Chief Miller added, "We are thrilled to have Guadalupe as a new police officer serving our community."

Landis/Myers made a motion to approve the hiring of Guadalupe Mendoza-Rivera for the position of probationary patrol officer, effective Monday, Dec. 4, 2023. Motion passed 5-0.

After approval, Mayor Leichty swore Probationary Patrol Officer Guadalupe Mendoza-Rivera into office.

5) Resident request: Approve gravel driveway for 504½ Hackett Road (Adam & Elise Derstine)

Adam and Elise Derstine of Goshen asked the Board to approve an exception to the hard surface driveway requirement for their home building project at 504½ Hackett Road.

The Derstines said that due to the unusual length of the driveway, the large number of other gravel drives on Hackett Road and the unsuitability of other options, they believed gravel was the most appropriate option.

In their written request, Adam Derstine wrote that between 504 and 506 Hackett Drive there is a 200-foot gravel drive. "We want to extend this driveway with gravel 476 feet to the south for a total of 676 feet. We do not propose to connect new gravel to city street, but to connect to existing gravel drive, all of which is on property we own. This gravel will not even be visible from the road. Mail and deliveries will go to a box on Hackett, not to the residence."

Derstine also wrote that there are 39 driveways on Hackett Road and at least 11 of them are gravel. He added that he and Elise had three options for a driveway: "Concrete – Given the length of the driveway at nearly 700 feet, a concrete driveway would cost approximately \$100,000 and is not feasible; Reclaimed asphalt millings – An asphalt driveway would meet City requirements and is specified as an option in City documents, but has potential environmental drawbacks for water runoff; Gravel – Gravel is the best option. This gravel extension would be 200 feet from a city street, not visible from the road, is permeable and doesn't pose an undue cost burden."

Mayor Leichty asked if there were any questions comments on the request.

Clerk-Treasurer Aguirre said City Director of Public Works & Utilities Dustin Sailor indicated in an email that the Engineering Department did not object to the request.

Board member Landis said given the location and being surrounded by woods, he had no problem with the request.

Mayor Leichty commented on the high cost of a concrete driveway. Adam Derstine responded that a concrete driveway would cost more than \$100,000.

In response to a question from Board member Landis, City Attorney Stegelmann commented on the finding the Board's motion could include to allow a gravel driveway.

Landis/Myers made a motion that because of the unique attributes and the location of the driveway, the Board should approve an exemption for a hard surface driveway at 504 Hackett Road and that a gravel driveway would be permitted. Motion passed 5-0.



6) Legal Department request: Pass and adopt Resolution 2023-39, Ratifying the Special Purchase of Services for Uniforms, Floormats, and Facility Maintenance Supplies for the City of Goshen from Cintas Corp through the State of Indiana QPA #15709

Brandy Toms, a paralegal with the City Legal Department, said she was presenting Resolution 2023-39, Ratifying the Special Purchase of Services for uniform, floormat and facility maintenance supplies through the State of Indiana quantity purchase agreement (QPA) with Cintas Corp.

Toms said Indiana Code 5-22-10 allows the City to make a special purchase when the purchase is made from an entity that has a contract with a state agency and the contract with the state requires the entity to make the supplies available to political subdivisions. She said Cintas Corp has a quantity purchase agreement (#15709) with the State of Indiana for services of uniforms, floormats and facility maintenance supplies. The current contract for these services to the City of Goshen will expire at the end of 2023.

Toms said In order to provide a smooth transition of this service into the new year, Cintas Corp needed to begin coordinating with City Departments immediately to comply with the City employees' contract agreement regarding uniform provisions. **Mayor Leichty** was notified of the issue and authorized Cintas Corp. to proceed by execution of the acceptance agreement attached to the Resolution. She asked the Board to ratify this special purchase.

Board member Landis asked the name of the current provider. **Toms** responded that it is Wildman Business Group. She said it's contract with the City was expiring at the end of 2023 and no further extensions were allowed under its current contract with the City.

Board member Landis asked if the "special purchase" designation meant the agreement was exempt from competitive bidding requirements. **City Attorney Stegelmann** said the City is allowed to contract with any entity that has a State of Indiana quantity purchase agreement. **Stegelmann** and **Toms** added that this meant there would be a competitive price.

Landis/Myers made a motion to pass and adopt Resolution 2023-39, Ratifying the Special Purchase of Services for Uniforms, Floormats, and Facility Maintenance Supplies for the City of Goshen from Cintas Corp through the State of Indiana Quality Purchase Agreement (QPA) #15709. Motion passed 5-0.

7) Legal Department request: Ratify the execution of the lease agreement with JDC for the rental of a vactor truck necessary to repair filter 3 at the north well field

Brandy Toms, a paralegal with the City Legal Department, said on or about Nov. 22, 2023, an internal failure occurred in filter 3 at the north well field. To make the necessary repairs, the City had to lease a vactor truck to clean out the media within the filter.

Matt Beard, a supervisor at the City Water and Sewer Plant, indicated that City staff needed to rent a "guzzler vactor" truck from the Jack Doheny Company to clean media out of filter 3 at the north well field. He said there was an internal failure, and the filter plays an important part in supplying the City with water. The daily rental charge for the vactor was \$1,500 and the weekly rate was \$4,900.

Toms said that since the next Board of Public Works & Safety meeting was two weeks away and the City could not wait that long to make the repairs, **Mayor Leichty** was notified of the issue and authorized the City to rent the vactor so the City could proceed with making the timely repairs.

Mayor Leichty noted for the public that "flushable wipes are not flushable."

Board member Landis asked how long the vactor was rented. **Kent Holdren, Superintendent of the City Water Treatment and Sewer Department,** said the vactor was rented for three days and additional work was done. **Toms** said City staff informed the Legal Department of the length of the rental.

Landis/Myers made a motion to ratify the execution of the lease agreement with JDC for the rental of a vactor necessary to repair filter 3 at the north well field. Motion passed 5-0.



8) Legal Department request: Approve and authorize Mayor Leichty to execute the Agreement with Baker Tilly US, LLP for Municipal Water Utility Advisory Services at a cost of \$102,500 plus additional expenses and actual time spent billed

Brandy Toms, a paralegal with the City Legal Department, said attached to the agenda meeting packet for the Board's approval and to authorize Mayor Leichty to execute was a Scope Appendix with Baker Tilly US, for Municipal Water Utility Advisory Services to include the following services:

- A. General Municipal Advisory Services
- B. Securities issuance
- C. State Revolving Fund (SRF) Application
- D. Arbitrage Monitoring Services
- E. Continuing Disclosure Services
- F. Parity Report
- G. Asset Management Plan.

Toms said these services are necessary for City Utilities to be eligible for future State Revolving Fund loans and other grant funds related to the Lead Service Line Replacement program. The cost for these services will be:

Services covered in A-C will be \$72,000

Services covered in F will be \$5,500

Services covered in G will be \$25,000

Services covered in D-E will be billed based upon actual time and expenses incurred at the standard hourly rates below:

Title	2023 Hourly Rate
Partners/Principals/Directors	\$295-\$525
Managers	\$235-\$340
Consultants/Analysts	\$160-\$235
Support/Paraprofessionals	\$115-\$175
Interns	\$110-\$145

In response to a question from **Board member Landis,** **City Asset Manager Boston Snyder** provided a further explanation of the costs and said they were reasonable under the circumstances.

Mayor Leichty said the City is already doing extensive work to identify all of the City's lead service lines. She also encouraged members of the public to complete questionnaires distributed by City staff.

Toms said the agreement includes the cost of applying for loans.

Landis/Myers made a motion to approve and authorize Mayor Leichty to execute the agreement with Baker Tilly US, LLP for Municipal Water Utility Advisory Services at a cost of \$102,500, plus additional expenses and actual time spent billed at Baker Tilly's 2023 standard hourly rate as memorialized in the table included in the agreement. Motion passed 5-0.

9) Legal Department request: Approve and authorize Mayor Leichty to execute the Agreement with Baker Tilly US, LLP to conduct a Municipal Sewage Works Asset Management Plan at a cost of \$25,000

Brandy Toms, a paralegal with the City Legal Department, said attached to the agenda meeting packet for the Board's approval and to authorize Mayor Leichty to execute was a Scope Appendix with Baker Tilly US, for a multi-year capital asset financial plan for the City's Sewage Works.

According to the Scope Index, Baker Tilly will furnish and perform services with respect to the financial studies conducted for the Sewage Works and the development of a multi-year financial plan estimated to be adequate to provide for the future capital asset requirements as detailed in the asset management plan prepared by the Client and/or its consulting engineer. Baker Tilly will be paid \$25,000 for this work.



Landis/Myers made a motion to approve and authorize Mayor Leichty to execute the agreement with Baker Tilly US, LLP to conduct a Municipal Sewage Works Asset Management Plan at a cost of \$25,000. Motion passed 5-0.

10) Legal Department request: Approve Community Service Partnership Agreement with LaCasa of Goshen, Inc., providing \$27,250.00 to support its services and programs.

City Attorney Bodie Stegelmann said the City of Goshen supports various community service organizations that provide services or programs to City residents in a manner more efficient than what the City could provide. He said the City supports these organizations with funds and wishes to continue to do so, and these organizations are required to account for how the funds are used.

Stegelmann said LaCasa of Goshen, Inc. provides real estate and community development services and has requested \$27,250 to support its services and programs. He said an agreement provided with a Legal Department memorandum was now being brought to the Board for consideration and approval.

According to the agreement, LaCasa will provide the following services:

Real estate development projects, including:

- a. Purchasing and demolishing substandard houses in Goshen and returning some to homeownership opportunities for low-income Goshen homebuyers through new construction of single family for sale housing.
- b. Purchasing and rehabilitating multi-family buildings to create or rehabilitate affordable housing.

Operating a financial empowerment center and providing community building and engagement services, including:

- a. Financial literacy programs.
- b. Facilitating the investment of IDA funds in the community.
- c. Facilitating home purchases.

Community building and engagement activities in the East Lincoln Corridor

Mayor Leichty said this agreement has been in effect for some time, is now up for renewal and is an agreement for work that will be subject to a report at the end 2024.

Asked by the Mayor to comment, Brad Hunsberger, Vice President for Real Estate Development for LaCasa, said the agreement is for services LaCasa has been providing. He said it's a different kind of agreement than in the past and was provided for in a different form about 2017. The Mayor said she expects this agreement will continue in coming years.

Landis/Myers made a motion to approve the agreement with LaCasa of Goshen, Inc. to support the real estate and community development services and/or projects outlined in the agreement, and authorize Mayor Leichty to sign the agreement on behalf of the City. Motion passed 5-0.

11) Engineering Department request: Approve the closure of Douglas Street, west of 10th Street, from Dec. 11, 2023 until March 8, 2024

City Project Inspector Andrew Lund of the Engineering Department said Niblock Excavating has requested permission to close East Douglas Street, west of South 10th Street, from Dec. 11, 2023 until March 8, 2024. He said this is a dead-end street, and Niblock will coordinate access for necessary deliveries for Gleason Industries.

Lund said the work may require a lane restriction near the intersection of Douglas Street and 10th Street, which would be completed with flagging operations. Niblock Excavating is requesting this closure to complete planned water main relocation and underground storm system construction as part of the Tenth Street Reconstruction project.

Landis/Myers made a motion to approve the closure of Douglas Street west of 10th Street, from Dec. 11, 2023 until March 8, 2024. Motion passed 5-0.



12) Stormwater Department request: Approve and authorize the Board to execute the agreement with Green Oaks project

City Stormwater Coordinator Jason Kauffman requested the Board's approval of an agreement for the Completion of Construction for the Green Oaks Assisted Living project located at 282 Johnston Street.

Kauffman said the building has passed its final building inspection and the project is substantially completed except for the planting of one tree, the replacement of two dead arborvitae, and the installation of a permanent locking handle on the water service line bypass. These final requirements cannot be completed at this time due to weather conditions and a delay in the arrival of the locking handle.

Kauffman said the property owner, Green Oaks of Goshen, LLC, agrees to complete the planting of the trees by June 15, 2024, and the installation of the locking handle as soon as possible. The expected cost of the work is below \$2,000, so no surety bond is required.

Landis/Myers made a motion to approve and authorize the Board to execute the agreement with Green Oaks of Goshen, LLC for the completion of the construction project at 282 Johnston Street. Motion passed 5-0.

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

Mayor Leichty opened Privilege of the Floor at 2:32 p.m.

City Street Commissioner David Gibbs announced that the Street Department's final fall leaf pickup would take place throughout the City starting on Monday, Dec. 11, 2023.

Mayor Leichty thanked the Street Department for all of its work this fall.

There were no further comments, so Mayor Leichty closed the public comment period at 2:33 p.m.

At 2:33 p.m. Mayor Leichty recessed the Board of Public Works & Safety meeting and convened a meeting of the City of Goshen Stormwater Board to consider one request.

CITY OF GOSHEN STORMWATER BOARD

2:00 p.m., December 4, 2023

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

Members: Mayor Leichty, Mike Landis and Mary Nichols

13) Accept the post-construction stormwater management plan amendment for the Lippert Components Building Addition, 1206 Eisenhower Drive

City Stormwater Coordinator Jason Kauffman said the developer of the Lippert Components Building Addition, located at 1206 Eisenhower Drive, has submitted a sufficient post-construction stormwater management plan (PCSMP) amendment that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management." The original PCSMP was approved by the Stormwater Board in 2013.

Kauffman said the Stormwater Department was requesting that the Board accept the plan.

In response to a question from **Board member Landis**, **Kauffman** explained the additional work that was done on the project and said this was why an amendment was required.

Landis/Nichols made a motion to accept the post-construction stormwater management plan amendment for the Lippert Components Building Addition 1206 Eisenhower Drive project as it has been found to meet the requirements of City Ordinance 4329. Motion passed 5-0.



At 2:35 p.m. Mayor Leichty adjourned the meeting of the City of Goshen Stormwater Board and reconvened the Board of Public Works & Safety meeting. She then opened public hearings to review three orders of the City of Goshen Building Commissioner for three Goshen properties.

CITY BOARD OF PUBLIC WORKS & SAFETY PUBLIC HEARINGS:

2:00 p.m., December 4, 2023

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

Members: Mayor Leichty, Mike Landis, Orv Myers, Mary Nichols, Barb Swartley

14) Review of the Order of the City of Goshen Building Commissioner for 111 South 29th Street (Ronald E. Davidhizar, property owner)

AND

15) Review of the Order of the City of Goshen Building Commissioner for 702 North 6th Street (Ronald E. Davidhizar, property owner)

At 2:36 p.m., Mayor Leichty convened a hearing to consider both matters.

BACKGROUND – Order of the City of Goshen Building Commissioner for 111 South 29th Street (Ronald E. Davidhizar, property owner) :

An unsafe building review hearing on the Nov. 1, 2023 demolition Order of the City of Goshen Building Commissioner by the City Board of Public Works & Safety was scheduled Dec. 4, 2023 for the property located at 111 South 29th Street, Goshen (Ronald E. Davidhizar, property owner). The Board of Public Works and Safety needed to conduct the hearing and affirm, rescind, or modify the Building Commissioner Order and determine what action to order concerning the property.

Along with hearing evidence, questioning witnesses, reviewing the record and making findings, the Board had the option of affirming the Building Commissioner Order (if it agreed with demolition), rescinding the Order (if property violations had been fixed), or modifying the Order (if it believed that the property could be fixed). It could also postpone the hearing to a future date.

According to a Dec. 4, 2023 memorandum from the City Legal Department to the Board, City Building Commissioner Myron Grise issued an order on Nov. 1, 2023 concerning the property at 111 South 29th Street in Goshen. The Dec. 4 Board of Works hearing was scheduled for the consideration of evidence and a decision on the Order requiring:

“Demolition of the unsafe buildings at the Real Estate and removal of all demolition remains, trash, and debris on the Real Estate and return the site to natural grade, all of said work to be completed on or before December 1, 2023.”

The Building Commissioner identified the following Goshen City Code violations:

1. The residential structure is not secured from intrusion by unauthorized persons, a violation of Section 6.3.1.1(ff). There is no front door installed, missing windows, and large gaps in the foundation. The presence of animal and human feces, decaying animal carcasses, and accumulation of materials inside the structure demonstrate the residential structure’s accessibility.

2. The heating and mechanical system at the residential structure have been damaged due to neglect and lack of use, a violation of Section 6.3.1.1(a). The furnace has been tampered with and the existing duct work has rusted out and needs replacement.

3. Due to neglect and deterioration, the residential structure is in a condition where it is danger of collapsing, a violation of Sections 6.3.1.1(p) and (r). Areas of the roof are in danger of collapse from deterioration and leaks. Areas of the foundation are collapsing and have large gaps, permitting animals and weather to enter.



4. The residential structure has become a fire hazard, a violation of Section 6.3.1.1(x). Due to neglect and dilapidation, in addition to the residential structure's accessibility, the structure has lost most of its fire resistance qualities; the gas lines are busted, the electrical wiring has been cut, and the furnace has been tampered with.
5. The plumbing system at the residential structure is inoperable, a violation of Section 6.3.1.1(a). Most plumbing pipes have been cut or completely removed.
6. The electrical system at the residential structure is inoperable, a violation of Section 6.3.1.1(a). All the wiring has been cut and removed; the electrical panel is open and all wires have been cut from the panel.
7. The foundation of the residential structure is not weather tight, has not been kept in good repair, and is not firmly supported nor free of open cracks and breaks, a violation of Section 6.3.1.1(b). There are areas of the foundation that have large holes permitting animals and weather to enter, and areas of the foundation wall that have begun to collapse.
8. There are multiple missing windows and broken windows throughout the residential structure, a violation of Section 6.3.1.1(d).
9. The roof has not been kept in good repair, a violation of Section 6.3.1.1(b). The roof has deteriorated and has several leaks. Areas of the soffit have collapsed.
10. The ceiling has not been kept in good repair, a violation of Section 6.3.1.1(b). Ceiling panels throughout the residential structure have collapsed and several areas of the ceiling have holes.
11. The walls inside the house have not been kept in good repair, a violation of Section 6.3.1.1(b). Multiple walls have holes in them.
12. The floors have not been kept in good repair, a violation of Section 6.3.1.1(b). Several floors have holes in them and there are areas of the floor that have begun to collapse.
13. All painted surfaces in the residential structure are not properly coated and weather tight, a violation of Section 6.3.1.1(g). Areas through the interior and exterior have chipped and peeling paint.

The Board hearing was scheduled because the time to complete the demolition required by the Building Commissioner's Order had passed and the conditions and violation cited in the Order still existed. The Building Commissioner determined the cited conditions rendered the building and residential structure to be unsafe and that it should be demolished.

The property owner was given notice of the Dec. 4 hearing and notified of his right to appear at the hearing, present evidence, cross-examine opposing witnesses and present evidence. He also was advised of his right to appeal the findings of fact by the Board of Public Works & Safety and the Building Commissioner's Order to the Elkhart County Superior Court.

BACKGROUND – Order of the City of Goshen Building Commissioner for 702 North 6th Street (Ronald E. Davidhizar, property owner):

An unsafe building review hearing on the Nov. 1, 2023 demolition Order of the City of Goshen Building Commissioner by the City Board of Public Works & Safety was scheduled Dec. 4, 2023 for the property located at 702 North 6th Street, Goshen (Ronald E. Davidhizar, property owner). The Board of Public Works and Safety needed to conduct the hearing and affirm, rescind, or modify the Building Commissioner Order and determine what action to order concerning the property.

Along with hearing evidence, questioning witnesses, reviewing the record and making findings, the Board had the option of affirming the Building Commissioner Order (if it agreed with demolition), rescinding the Order (if property violations had been fixed), or modifying the Order (if it believed that the property could be fixed). It could also postpone the hearing to a future date.



According to a Dec. 4, 2023 memorandum from the City Legal Department to the Board, City Building Commissioner Myron Grise issued an order on Nov. 1, 2023 concerning the property at 702 North 6th Street in Goshen. The Dec. 4 Board of Works hearing was scheduled for the consideration of evidence and a decision on the Order requiring: *“Demolition of the unsafe buildings at the Real Estate and removal of all demolition remains, trash, and debris on the Real Estate and return the site to natural grade, all of said work to be completed on or before December 1, 2023.”*

The Building Commissioner identified the following Goshen City Code violations:

1. The residential structure is not secured from intrusion by unauthorized persons, a violation of Section 6.3.1.1(ff). The front door is open, the door to the basement is open, and the residential structure is freely accessible to vandals and squatters, in addition to animals.
2. The roof exhibits signs of deterioration and leaking, permitting water into the residential structure; ceiling plaster on the second floor has collapsed, exposing water damaged lath on walls and ceiling; the soffit at the rear of the property has begun to collapse; and the fascia around the residential structure is severely water damaged; all of which are violations of Section 6.3.1.1(c).
3. Multiple windows and doors are broken and not working properly, a violation of Section 6.3.1.1(d).
4. Multiple areas of the foundation have holes and cracks, permitting weather and animals to enter; areas of block foundation have failed and compromised the strength of the foundation; which are violations of Sections 6.3.1.1(b) and (j).
5. Portions of the second floor ceiling have collapsed; ceiling panels on the main floor have collapsed; walls throughout the residential structure have holes; several walls have collapsed or been removed, leaving only studs; all of which are violations of Section 6.3.1.1(b).
6. The interior of the residential structure has chipped and peeling paint throughout, a violation of Section 6.3.1.1(g).
7. The electrical system is damaged and likely needs replacement due to neglect, a violation of Section 6.3.1.1(a).
8. The plumbing system is damaged and likely needs replacement due to neglect, a violation of Section 6.3.1.1(a).
9. The mechanical system is damaged and likely needs replacement due to neglect, a violation of Section 6.3.1.1(a).
10. The residential structure, due to deterioration, damage, and its dilapidated condition, has become a fire hazard, a violation of Section 6.3.1.1(x)

The Board hearing was scheduled because the time to complete the demolition required by the Building Commissioner’s Order had passed and the conditions and violation cited in the Order still existed. The Building Commissioner determined the cited conditions rendered the building and residential structure to be unsafe and that it should be demolished.

The property owner was given notice of the Dec. 4 hearing and notified of his right to appear at the hearing, present evidence, cross-examine opposing witnesses and present evidence. He also was advised of his right to appeal the findings of fact by the Board of Public Works & Safety and the Building Commissioner’s Order to the Elkhart County Superior Court.

DEC. 4, 2023 HEARING ON THE ORDERS OF THE CITY BUILDING COMMISSIONER FOR 111 SOUTH 29th STREET & 702 NORTH 6th STREET (RONALD E. DAVIDHIZAR, PROPERTY OWNER):

After convening the hearing on both properties at 2:36 p.m., Mayor Leichty swore in two witnesses who were expected to testify today – City Building Inspector Travis Eash and Craig B. Blough, a licensed real estate broker and auctioneer for Bartel & Company.

Assistant City Attorney Donald R. Shuler said three hearings were scheduled to take place on Orders of the City Building Commissioner. He said hearings for two properties owned by Ronald E. Davidhizar would be considered before a hearing on a property owned by Cecil Bontreger. He said a representative of Davidhizar would be making a request to the Board.

Craig B. Blough, a licensed real estate broker and auctioneer for Bartel & Company, said pending before the Board were hearings on Davidhizar properties at 111 South 29th Street and 702 North 6th Street.



Blough said he and his colleague, **Brad B. Hooley**, have been in conversation with Davidhizar about these two properties as well as other properties – some with City Building Commissioner Orders and some without Orders. For several weeks, **Blough** said he and **Hooley** have been in conversation with **Assistant City Attorney Shuler** and other City staff members about these properties.

As a result, **Blough** said he and **Hooley** were proposing to auction off the properties at 111 South 29th Street and 702 North 6th Street. In addition, he said Davidhizar has also signed an agreement to auction off properties at 208 Queen Street, 321 West Oakridge Avenue, 115 North 22nd Street and 114 South 29th Street in a six-property auction on Jan. 27, 2024. He said it would be an "absolute auction," meaning that ownership of the properties would transition to people who provide the highest bids.

Similarly, on Dec. 16, **Blough** said his company will be auctioning two Davidhizar properties in Goshen at 407 Center Street and 416 North 8th Street. **Blough** said he company also will oversee and ensure that the building at 218 North 9th Street is demolished by the end of 2023.

Blough said he and **Hooley** have had discussions with **Assistant City Attorney Shuler** and **Deputy Mayor Mark Brinson** and are seeking to create a "win-win situation," including new owners for these properties "and take some off Mr. Davidhizar's plate."

In response to a question from **Board member Swartley**, **Blough** clarified the addresses of the properties that would be auctioned. He said his company reached an agreement with Davidhizar over the weekend.

Blough said his company oversaw an eight-property auction of Davidhizar properties in Elkhart County as well as some in Elkhart. They also auctioned a vacant lot. They also did a five-property auction on July 15, and all successfully closed and have either sold or are being remodeled.

Mayor Leichty said she assumed the demolition orders would remain in effect even if there were new property owners. **Blough** said they would, but he was asking for a pause in enforcement to allow time to auction the properties and allow the new property owners to take ownership and develop plans for the properties. He said the City could then work with the new property owns to develop plans and timelines for dealing with them. He said the sales will close 30 days after the auction, so there will be new property owners by the end of February.

Board member Swartley asked if the homes auctioned so far have been sold to multiple owners or just a few owners. **Blough** said of the five Milford properties, there were four owners. Of the eight Elkhart properties, three went to one owner and five went to individual owners.

Assistant City Attorney Shuler said **Blough** was seeking a continuance of the two Davidhizar property hearings scheduled for today. He said two of the properties **Blough** mentioned – at 208 Queen Street and 321 West Oakridge Avenue – had been scheduled for Board hearings on Orders by the City Building Commissioner on Dec. 11, 2023. He said **Blough** also was requesting a continuance of those hearings. **Shuler** said City staff met today and were recommending that the Board grant the four continuance requests to Jan. 29, 2024 to allow the auction process to play out.

Shuler said the City has City Building Commissioner orders in place for demolition of the four properties, which have been recorded with the Elkhart County Recorder's Office. He said anyone who takes title to the properties will be aware they are purchasing buildings that could be demolished.

Board member Landis asked if there would be four separate hearings on Jan. 29 for the four properties if four different people purchase the four properties or would the hearings be delayed until the sales are finalized in February. **Shuler** said City staff was recommending a continuance until after the Jan. 27 auction to learn the names of the new owners and what will happen to the properties.

Mayor Leichty said she wanted to make sure some of the buildings in poor condition are demolished. She also asked if a provision could be added to prohibit **Davidhizar** from purchasing any of the properties.

Shuler said he believes the auction contract prohibits Davidhizar from buying any of the properties. He said the City cannot order demolition until the Board holds a hearing, considers evidence and makes a decision.



Still, **Shuler** said the Building Commissioner's Order remains in effect and the City can always proceed toward demolition after a two-month delay.

Mayor Leichty said she was excited some Davidhizar properties may soon be sold, opening the possibility there will be new owners to create more housing in the City. As **Board member Landis** indicated, the Mayor said the City might soon have to now negotiate with multiple property owners, but she said they may be more motivated to making improvements to the properties.

Board member Landis agreed even though City action was being delayed for two months, Still, he said this seemed like progress was being made.

In response from an inquiry from the **Mayor** on how best to proceed, **City Attorney Stegelmann** suggested that a motion be made to continue the hearings to Jan. 29 on the two properties before the Board today and on the two properties scheduled to be considered Dec. 11, 2023.

Landis/Myers then made a motion to continue the hearings to Jan. 29, 2024, until after the absolute auction occurs, on the Building Commissioners Orders for the properties before the Board today at 111 South 29th Street and 702 North 6th Street and the two properties at 208 Queen Street and 321 West Oakridge Avenue that had been scheduled to be heard by the Board on Dec. 11, 2023. The motion passed 5-0.

Mayor Leichty asked Blough to provide a bill of sale to the Clerk-Treasurer.

16) Review of the Order of the City of Goshen Building Commissioner for 603 North 7th Street (Cecil Bontreger, property owner)

At 2:54 p.m., Mayor Leichty convened a hearing to consider the Order of the City of Goshen Building Commissioner for 603 North 7th Street (Cecil Bontreger, property owner).

BACKGROUND:

An unsafe building review hearing on the Nov. 1, 2023 demolition Order of the City of Goshen Building Commissioner by the City Board of Public Works & Safety was scheduled Dec. 4, 2023 for the property located at 603 North 7th Street, Goshen (Cecil Bontreger, property owner). The Board of Public Works and Safety needed to conduct the hearing and affirm, rescind, or modify the Building Commissioner Order and determine what action to order concerning the property.

Along with hearing evidence, questioning witnesses, reviewing the record and making findings, the Board had the option of affirming the Building Commissioner Order (if it agreed with demolition), rescinding the Order (if property violations had been fixed), or modifying the Order (if it believed that the property could be fixed). It could also postpone the hearing to a future date.

According to a Dec. 4, 2023 memorandum from the City Legal Department to the Board, City Building Commissioner Myron Grise issued an order on Nov. 1, 2023 concerning the property at 603 North 7th Street in Goshen. The Dec. 4 Board of Works hearing was scheduled for the consideration of evidence and a decision on the Order requiring:

"Demolition of the unsafe buildings at the Real Estate and removal of all demolition remains, trash, and debris on the Real Estate and return the site to natural grade, all of said work to be completed on or before December 1, 2023."

The Building Commissioner identified the following Goshen City Code violations:

1. The plumbing system at the residential structure is inoperable, a violation of Section 6.3.1.1(a). All plumbing lines have been cut or removed.

2. The windows and doors are not weather tight and rodent proof, and have not been kept in good repair, a violation of Section 6.3.1.1(d). There are broken windows throughout the residential structure, with broken glass everywhere. The window trim has rotted and is water soaked. The exterior doors do not shut.



3. The mechanical and heating system at the residential structure is inoperable, a violation of Section 6.3.1.1(a). The furnace is inoperable, and the gas meters have been pulled.
4. The electrical system at the residential structure is inoperable, a violation of Section 6.3.1.1(a). The electrical meters have been removed, the electrical panel has been tampered with, and there are multiple areas throughout the structure where the electrical wires have been cut or removed, or there is exposed wiring.
5. The floors in the residential structure have not been kept in good repair, a violation of Section 6.3.1.1(b). Floorboards throughout the residential structure have rotted.
6. The walls in the residential structure have not been kept in good repair, a violation of Section 6.3.1.1(b). Multiple walls in the residential structure have holes.
7. Interior and exterior painted surfaces have not been properly coated and are not weather tight, a violation of Section 6.3.1.1(g). Multiple areas throughout the residential structure have chipping and peeling paint.
8. The bathroom floor has not been kept in good repair and is likely to fail, a violation of Sections 6.3.1.1(b) and (p). The bathroom floor has become detached from the wall and is in danger of collapse due to deterioration.
9. The roof is not weatherproof nor been kept in good repair, and is likely to fail, a violation of Sections 6.3.1.1(b), (c), and (r). The rear roof has begun to sag, evidencing water damage and deterioration, and is in danger of collapse.
10. The residential structure has become a fire hazard due to neglect, a violation of Section 6.3.1.1(x). The residential structure has already sustained a fire and has become accessible to vandals and squatters. Gas pipes and water lines have been cut.
11. The residential structure is unsecured, a violation of Section 6.3.1.1(ff). There is evidence of vandals and squatters entering the residential structure, such as graffiti, food remnants, and property damage.
12. There is no second-floor guardrail or handrail, a violation of Section 6.3.1.1(f).

The Board hearing was scheduled because the time to complete the demolition required by the Building Commissioner's Order had passed and the conditions and violation cited in the Order still existed. The Building Commissioner determined the cited conditions rendered the building and residential structure to be unsafe and that it should be demolished.

The property owner was given notice of the Dec. 4 hearing and notified of his right to appear at the hearing, present evidence, cross-examine opposing witnesses and present evidence. He also was advised of his right to appeal the findings of fact by the Board of Public Works & Safety and the Building Commissioner's Order to the Elkhart County Superior Court.

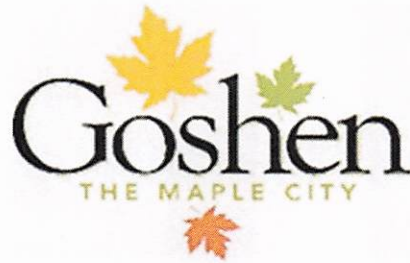
DEC. 4, 2023 HEARING ON THE ORDER OF THE CITY BUILDING COMMISSIONER FOR 603 NORTH 7th STREET (CECIL BONTREGER, PROPERTY OWNER) AND THE BOARD'S ACTION:

After the Mayor convened the hearing on the property at 603 North 7th Street at 2:54 p.m., Assistant City Attorney Donald Shuler provided a brief overview of the proceeding. He said the City Building Commissioner's Nov. 1 Order was sent by certified mail to the property owner and was signed for on the same date.

Shuler submitted a Certificate of Issuance of the Building Commissioner's Order for the premises at 603 North 7th Street, which was addressed to Cecil Bontreger, as well as a signed Certified Mail Receipt dated Nov. 1, 2023 (**EXHIBIT #1.**)

City Building Inspector Travis Eash then provided testimony based on a Dec. 4, 2023 memorandum he delivered to Board members at the meeting. His memorandum included a one-page summary, a four-page report (dated Oct. 16, 2023) with findings of an inspection of the vacant property at 603 North 7th Street, and 52 photos showing the condition of the property reproduced on 13, 8.5 X 11-inch pages (**EXHIBIT #2**)

Eash said that his initial inspection of the property was conducted on Oct. 16, 2023. He said the photographs attached to his memorandum were from that inspection.



Eash said he and **Building Commissioner Myron Grise** met with the property owner on Friday, Dec. 1 to confirm what, if any, work had been completed at 603 North 7th Street.

Eash said, "No work has been started on the property and no permits have been pulled. This is an indication to our department that there has been no effort from the owner of the property to bring the property to a habitable condition. There hasn't been any water usage on the property since February 2022. The house is sitting there vacant and accessible to vagrants and vandals which, by the photos, you can tell.

"The building departments main area of concern for the structure is that the bathroom floor has begun to collapse and has completely detached from the wall and is just sinking, along with rotted floorboards, The current condition of the roof, especially in the rear of the property, is really bad. It's in poor condition. All the gas lines, electrical lines and plumbing lines have been cut and a lot of them removed, along with multiple other violations like broken windows, torn flooring, trip hazards, graffiti all over the place, holes in the walls and holes in floors."

Eash concluded: "With this evidence and the lack of initiative from the owner and its current condition, the Building Department's recommendation is for the house to be determined unsafe and demolished."

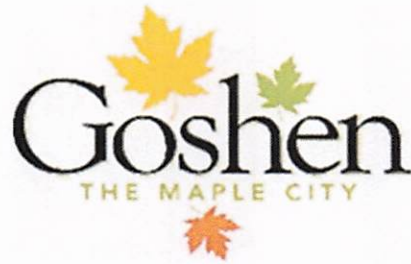
Eash invited questions from Board members on the condition of the property.

In response to a request from **Mayor Leichty**, **Eash** summarized the current code violations at the property found during his Oct. 16, 2023 inspection. They included:

1. The plumbing system at the residential structure is inoperable. All plumbing lines have been cut or removed.
2. The windows and doors are not weather tight and rodent proof, and have not been kept in good repair. There are broken windows throughout the residential structure, with broken glass everywhere. The window trim has rotted and is water soaked. The exterior doors do not shut.
3. The mechanical and heating system at the residential structure is inoperable. The furnace is inoperable, and the gas meters have been pulled.
4. The electrical system at the residential structure is inoperable. The electrical meters have been removed, the electrical panel has been tampered with, and there are multiple areas throughout the structure where the electrical wires have been cut or removed or there is exposed wiring.
5. The floors of the residential structure have not been kept in good repair. Floorboards throughout the residential structure have rotted.
6. The walls in the residential structure have not been kept in good repair. Multiple walls in the residential structure have holes.
7. Interior and exterior painted surfaces have not been properly coated and are not weather tight. Multiple areas throughout the residential structure have chipping and peeling paint.
8. The bathroom floor has not been kept in good repair and is likely to fail. The bathroom floor has become detached from the wall and is in danger of collapse due to deterioration.
9. The roof is not weatherproof nor been kept in good repair, and is likely to fail. The rear roof has begun to sag, evidencing water damage and deterioration, and is in danger of collapse.
10. The residential structure has become a fire hazard due to neglect. The residential structure has already sustained a fire and has become accessible to vandals and squatters. Gas pipes and water lines have been cut.
11. The residential structure is unsecured. There is evidence of vandals and squatters entering the residential structure, such as graffiti, food remnants, and property damage.
12. There is no second-floor guardrail or handrail.

In response to a question from **Assistant City Attorney Shuler**, **Eash** said the Building Department last issued a permit to the property in 2015. He added that the home was being rented until early 2022.

Board member Landis said it appeared the condition of the home had quickly deteriorated since early 2022. **Mayor Leichty** said the home may have been in poor condition since before 2022.



Mayor Leichty asked **Assistant City Attorney Shuler** if he had more information to present. Shuler said he did not, but that the property owner was present and might want to speak.

Cecil Bontreger was sworn in to give truthful testimony.

Bontreger said the property, which is divided into two apartments, was last rented about two years ago. He said most damage to the home has occurred since the summer of 2023 by drug-abusing people who broke into the home.

Bontreger said he only recently became aware of the City inspection report and the demolition order and didn't receive much notice about today's hearing. He said he knew he could not complete repairs before the hearing.

Bontreger said he conceded that the home "was not in good condition," but the B apartment can be repaired. He said there is damage, but repairs can be made. He said the roof is not leaking. He said he has repaired some of the damage done by vandals. Bontreger asked the Board for time to repair the building, stating "it can be brought to code," adding that he would keep his commitment to repair the building.

In response to comments and questions from **Board members**, **Bontreger** further discussed the condition of the property and the possibility of repairing it. Board members said it appeared the property had been in poor condition for many years. Bontreger responded that the property could still be repaired.

Bontreger said some tenants lived in one of the apartments for some time without access to City water. **Mayor Leichty** responded that was "distressing."

Mayor Leichty then swore in **City Water & Sewer Office Manager Kelly Saenz** and **City Police Officer Jim Ballard** to provide testimony.

Saenz said the home was divided into two apartments, 603 and 603½ North 7th Street, each of which had a City water meter. She said 603 North 7th Street had no use of water since August 2021 and water was shut off Oct. 5, 2021. Staff pulled the meter out of the home in February 2022. For 603½ North 7th Street, there was no water use after August 2021. She said the water was shut off in September 2021 and the meter was removed in February 2022.

Mayor Leichty asked **Officer Ballard** to discuss the implications and impact of vacant and deteriorating buildings on neighborhoods.

Officer Ballard, the department's behavioral response coordinator, said he works with people who are homeless or afflicted by substance abuse or mental illness.

Ballard said homes that are vacant and unsecured are used as shelters for homeless people who cannot or won't go to other shelters. He said illegal activities occur and these homes are unsafe for neighborhoods. Ballard said he is working to get these homes abated or boarded up, so they are safer.

Ballard said if a home is not boarded up, it's hard for him to know whether or not someone is inside, and it takes extra police personnel to go through these homes and make sure they are secure. Even after that, Ballard said he has to continue going back. Once vacant homes are boarded up, Ballard said he can then tell if someone has removed the boards and entered the homes.

In response to questions from the **Mayor**, **Ballard** said these vacant and unsecured homes require more police resources to monitor, they decrease neighborhood property values, and they are a nuisance and safety concern for neighbors.

Mayor Leichty said she had heard enough testimony to know where she would stand and the action the Board should take. She said the home has been in poor condition since 2021 and there have not been significant steps to improve its condition. Given the need for housing in the community, she said it would seem in the best interests of the City to move forward with demolition and have the property restored to a usable condition at some point through new construction or some other utilization.

Mayor Leichty said she could make a motion and also was open to further discussion by the Board. She said that it appeared the criteria had been met to make the required findings and order the property's demolition.

Board member Nichols and **Myers** said they agreed with the Mayor's assessment.



Board member Swartley said it is always painful when a home is demolished, “even one as lousy as this one.” She said she drove by this property and others with pending demolition orders. She said she saw newer nearby homes and found it “heartbreaking” when people with resources don’t fix homes. She said she agreed with the Mayor.

Board member Landis said he agreed with those comments, adding that “taking action to get action is what we have to do.” He said in some cases, there have been long delays to address vacant homes. He also said he agreed with taking action in this case.

Mayor Leichty said, “We owe it to the citizens of this community to make sure that their property values do not decline, and this (situation) is contrary to that goal.”

The Mayor invited Cecil Bontreger to make any further comments.

Bontreger said it appeared Board members had made up their minds. He asked for the chance to repair the property, adding that he would keep his word and remedy the situation. He said most of the damage was done over the summer by gang members, and said that the property wasn’t in the same condition a year ago.

Board member Swartley said if the property had been occupied, it would not have been damaged to its current extent. **Bontreger** responded that it’s possible some of the former tenants caused the damage, and that it was hard to evict them. Still, Bontreger insisted most of the damage occurred during the summer.

Board member Landis said the records indicated there was no water usage at the property since August 2021. He asked if Bontreger continued to collect rent money after that period.

Bontreger said he did, noting that this is a “tough situation.” He said he deals with this at several properties. He said he can’t force tenants to pay for utilities. He said when people don’t pay for water or electricity, their service is shut off and since they have no place else to go, they often stay. And with some federal housing programs where rent is paid in advance, Bontreger said he cannot evict tenants.

Bontreger asked for a chance to let him address the situation. He said if given a deadline to make repairs, he would make progress starting this week. He added that he was ready to replace windows and secure the premises.

Board member Swartley told **Bontreger** that if he made his properties attractive and habitable, he could rent to people who wouldn’t use drugs. She said she rented properties for many years and knows it’s difficult to manage tenants, but if an owner maintains the property, most tenants will treat the properties better. She added that the damage to the bathroom floor took place over a longer period of time than six months.

Bontreger disagreed and said the bathroom floor was not in bad condition. **Board member Swartley** said the damage took place over a longer period, adding that Bontreger could do a better job with his properties. **Bontreger** responded, “I’ll try.”

Mayor Leichty said the Board has now reviewed the code violations and heard evidence that all the code violations that were cited were continuing. She said there had been a review of the building conditions/violations checklist and that those still applied. She said the next step was to determine the City’s remedial action and whether it warranted demolition and whether it could be repaired cost effectively and whether the property owner was willing to move forward with the repairs.

In response to questions from **Board members**, **City Attorney Bodie Stegelmann** clarified the options facing the Board and well as the options facing the property owner.

Board member Landis said it was clear to him the home was in poor condition for a long time and he was comfortable moving forward with demolition.

Mayor Leichty said she appreciated **Bontreger’s** commitment to improving his properties, but it appeared to her that this property “is beyond salvaging at this point.” She said Bontreger had other properties worth investing in and making those improvements. She said the piece of land at 603 North 7th Street could be used for additional development in the future for suitable habitation.



Mayor Leichthy said that based on the evidence presented today, she made a motion that because of the condition of this property, it warranted demolition as it is an unsafe building in its present condition and unfit for habitation, occupancy or use and conditions exist to the extent that life, liberty and property and the safety of the public is threatened. Board member Landis seconded the motion. The motion passed on a 5-0 vote.

Mayor Leichthy then made a motion that the Order of the City Building Commissioner for the property at 603 North 7th Street be affirmed and that the unsafe building is ordered to be demolished within 30 days. Board member Landis seconded the motion. The motion passed on a 5-0 vote.

Mayor Leichthy said a final issue to be addressed would be a possible civil penalty. City Attorney Stegelmann said he would be reluctant to recommend a civil penalty since it must be based on a finding that there has been willful non-compliance with the Board's orders. He said there has only been one order in this case.

At 3:29 p.m., Mayor Leichthy adjourned the hearing on the Order of the City of Goshen Building Commissioner for 603 North 7th Street. She reopened the Board of Public Works & Safety meeting.

Approval of Civil City and Utility Claims

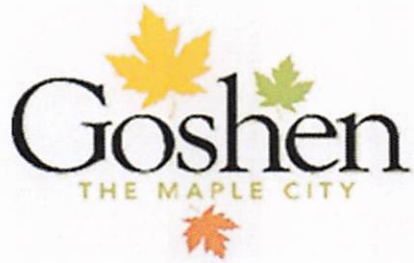
As all matters before the Board of Public Works & Safety were concluded, Mayor Leichthy/Board member Landis moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 5-0.

Adjournment

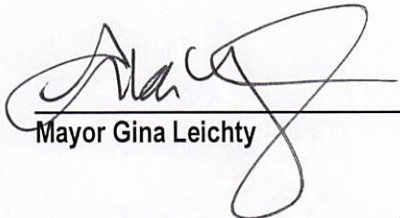
Mayor Leichthy adjourned the Board of Works meeting at 3:30 p.m.

EXHIBIT #1: A Certificate of Issuance of the Building Commissioner's Order for the premises at 603 North 7th Street, which was dated Nov. 1, 2023 and addressed to Cecil Bontreger, as well as a Certified Mail Receipt, which was also dated Nov. 1, 2023 and signed by June Bontreger (EXHIBIT #1.). These documents were submitted by Assistant City Attorney Donald Shuler during the Board's consideration of agenda item #16, Review of the Order of the City of Goshen Building Commissioner for 603 North 7th Street (Cecil Bontreger, property owner).

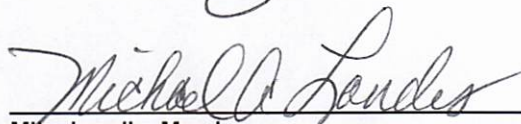
EXHIBIT #2: A memorandum prepared by City Building Inspector Travis Eash and delivered to Board members during consideration of agenda item #16, Review of the Order of the City of Goshen Building Commissioner for 603 North 7th Street (Cecil Bontreger, property owner). Eash's memorandum, dated Dec. 4, 2023, included a one-page summary, a four-page report (dated Oct. 16, 2023) with findings of an inspection of the vacant property at 603 North 7th Street, and 52 photos showing the condition of the property reproduced on 13, 8.5 X 11-inch pages.)




APPROVED:




Mayor Gina Leichy



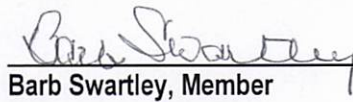
Mike Landis, Member



Orv Myers, Member

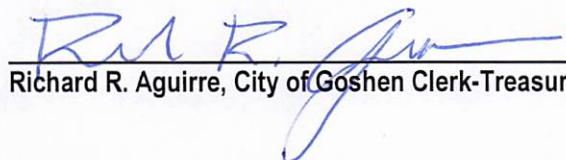


Mary Nichols, Member



Barb Swartley, Member

ATTEST:



Richard R. Aguirre, City of Goshen Clerk-Treasurer

EXHIBIT #1

Certificate of Issuance of Building Commissioner Order

RE: Premises at 603 North Seventh Street, Goshen, Indiana

The undersigned hereby certifies that the Order of the City of Goshen Building Commissioner dated November 1, 2023 for the above-referenced premises was issued to the following parties via Certified Mail on November 1, 2023, with the tracking and return showing signature and service of said Order as indicated:

Cecil Bontreger
61818 County Road 33
Goshen, Indiana 46526
Certified Mail # 7019 0160 0000 5623 6703
Delivered



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

7019 0160 0000 5623 6703

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Sent To **Cecil Bontreger**
 Street and Apt. No., or PO Box No. **61818 County Road 33**
 City, State, ZIP+4® **Goshen, Indiana 46526**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here
 NOV - 1 2023

603 N. 7th Street

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:
Cecil Bontreger
61818 County Road 33
Goshen, IN 46526

2. Article Number (Transfer from service label)
7019 0160 0000 5623 6703



9590 9402 4989 9063 1433 52

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 June Bontreger Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

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

3. Service Type

Adult Signature Priority Mail Express®

Adult Signature Restricted Delivery Registered Mail™

Certified Mail® Registered Mail Restricted Delivery

Certified Mail Restricted Delivery Return Receipt for Merchandise

Collect on Delivery Signature Confirmation™

Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)



**Building Department
CITY OF GOSHEN**

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

Phone (574) 534-1811 • Fax (574) 533-8626 • TDD (574) 534-3185
building@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

From: GOSHEN BUILDING DEPARTMENT (TRAVIS EASH)

Date: DECEMBER 4, 2023

Subject: 603 N 7TH ST

My initial inspection of the property was conducted on October 16, 2023. The attached photos are from that inspection. Myself and Building Commissioner Myron Grise met the owner on Friday (Dec. 1st) to confirm what (if any) work had been completed.

No work has been started on the property and no permits have been pulled. This is an indication to our department that there has been no effort from the owner to repair the property or bring it into a habitable state. There hasn't been any water usage on the property since February of 2022. The house is sitting there vacant and accessible to vagrants and vandals which, by the photos prove that.

The building departments main area of concern for the structure is that the bathroom floor has begun to collapse and has detached from the wall and is sinking, rotted floor boards, the current condition of the roof (especially in the rear of the property), all the gas lines, electrical lines and plumbing lines have been cut throughout the entire property, along with multiple other violations.

With this evidence and the lack of initiative from the owner and its current condition the Building Departments recommendation is for the house to be determined unsafe and demolished.

Thank you,

Travis Eash



Building Department

City of Goshen

204 E Jefferson St • Goshen, Indiana 46528

Phone: 574-534-1811 • Fax:

building@goshencity.com • www.goshenindiana.org/building-department

October 16, 2023

Cecil J Bontreger
61818 CR 33
Goshen, IN 46526

RE: Unsafe Vacant Property at 603 N 7th St

Dear Cecil J Bontreger:

The City of Goshen inspected the vacant property at 603 N 7th St on 10/16/2023. As a result of the inspection, the building has been determined to be unsafe because it is not maintained in a manner that allows human habitation. The inspection identified numerous code violations that must be corrected to bring the property into compliance with the Goshen Neighborhood Preservation Ordinance.

The following repairs need to be completed by **October 30, 2023**.

6.3.1.6(b)(1)

Clean and Sanitary Dwelling Unit

NPO

Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls.

Several items in the interior and exterior of property need to be removed and property maintained in a sanitary manner.

6.3.1.2(j)

Gas Water Heater

NPO

A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters

Water heater is inoperable, all gas lines have been cut and water li es have been cut.

6.3.1.7(a)

Plumbing

NPO

At least one flush toilet, bathroom sink, and bathtub or shower properly connected to the water and sewer systems of the City and in good working condition shall be supplied for every eight (8) persons, or fractions thereof, residing within a hotel or rooming house, including members of the operator's family whenever they share the use of such facilities; provided, that in a hotel or

rooming house where rooms are let to males, flush urinals may be substituted for not more than one-half the required number of toilets. All other facilities shall be so located within the building as to be reasonably accessible from the common hall or passageway to all persons sharing such facilities. Every bathroom sink, and bathtub or shower shall be supplied with hot water at all times.

No working plumbing system at property. All plumbing lines but cut or removed

6.3.1.1(d)

Windows and Doors

NPO

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.

Broken windows throughout property, broken glass everywhere.

Window trim is rotted and water soaked.

Exterior doors aren't working properly not shutting

6.3.1.3(e)

Heat Supply

NPO

Every dwelling shall have heating facilities which are properly installed, maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and rooms in every dwelling unit located therein to a temperature of at least sixty-five (65) degrees Fahrenheit, and whenever the outside winter conditions are at least zero (0) degrees Fahrenheit. Unvented fuel burning space heaters shall not be used to provide primary heating.

No working heating system in property. Furnace is inoperable. Gas meters have been pulled.

6.3.1.4(g)

Properly and Safely Installed Electrical Equipment

NPO

All electrical equipment, wiring and appliances shall be properly and safely installed in accordance with the provisions of any applicable Building, Plumbing or Electric Code adopted by the City of Goshen or the State of Indiana and thereafter properly maintained.

No working electrical system. Electrical meters have been removed.

Electrical panels do not have covers and have been tampered with.

Multiple areas where electrical wires have been cut and removed or have exposed wiring.

6.3.1.1(a)

Safe and Satisfactory Condition of Facility, Equipment, Utility

NPO

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.

Some floor boards are rotted.

All flooring is torn throughout property causing trip hazards.

Multiple areas where there are holes in the walls.

6.3.1.1(g)

Unpainted Surfaces - Exterior

NPO

All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. All painted surfaces shall be properly coated and weather tight.

Multiple areas throughout entire structure on the interior and exterior have chipping and peeling paint.

6.3.1.1(p)

Unsafe Structure(s) - Interior

NPO

Any portion, member or appurtenance of a building shall not be likely to fail, to become detached, dislodged or to collapse and thereby injure persons or damage property.

Bathroom floor has become detached from the wall and is in danger of collapse

Rear roof has begun to sag and in danger of collapse.

6.3.1.1(x)

Unsafe Structure(s) - Fire Hazard

NPO

The building or structure shall not, because of obsolescence, dilapidated condition, deterioration, damage, lack of sufficient fire resistive construction, electrical wiring, gas connection, or heating apparatus, become a fire hazard.

With the damage incurred on the electrical, plumbing and heating systems, and that there was already a fire at the property and it is accessible to vandals and squatters this property has become a fire hazard.

Gas pipes have been cut, water lines have been cut.

All fire damaged structural members need to be replaced.

6.3.1.1(ff)

Vacant Property to be Secured

NPO

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.

Evidence of vandals and squatters entering the property. Graffiti, food and property damage

6.3.1.1(f)

Handrail - Interior

NPO

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

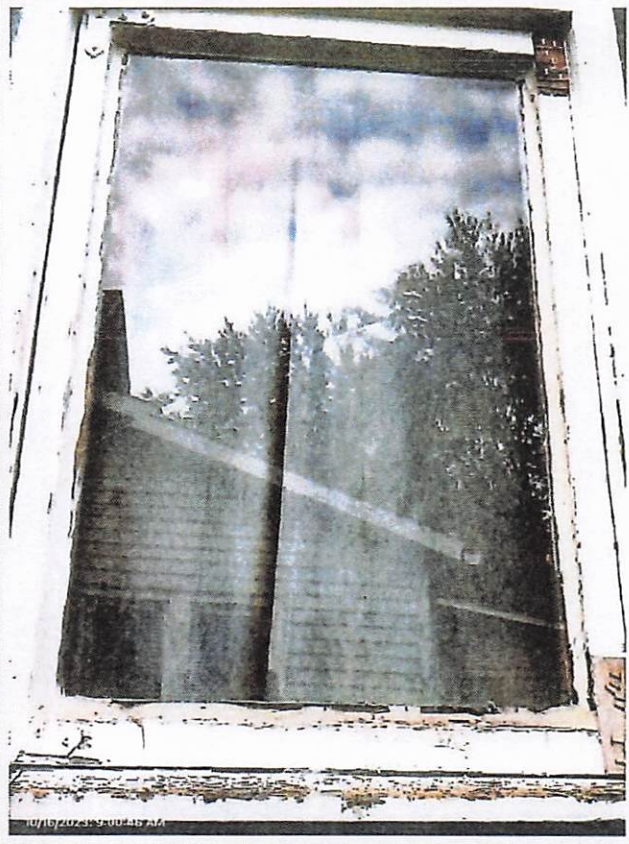
There is no guard or railing at top of 2nd story, making it very easy to fall down the steps which could cause sever injury or worse. It appears the banister had been removed.

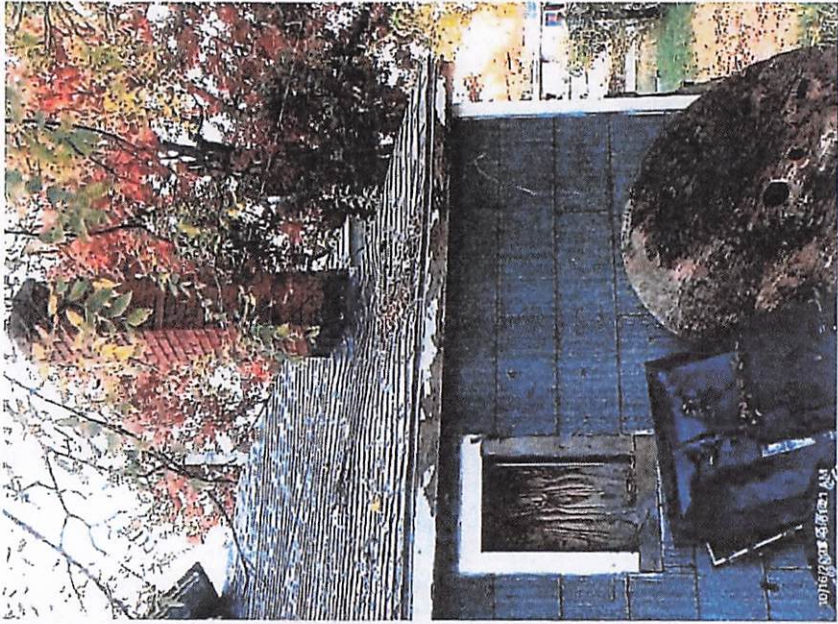
If addition, if the property is intended to be used as a rental, it will require registration with the Building Department.

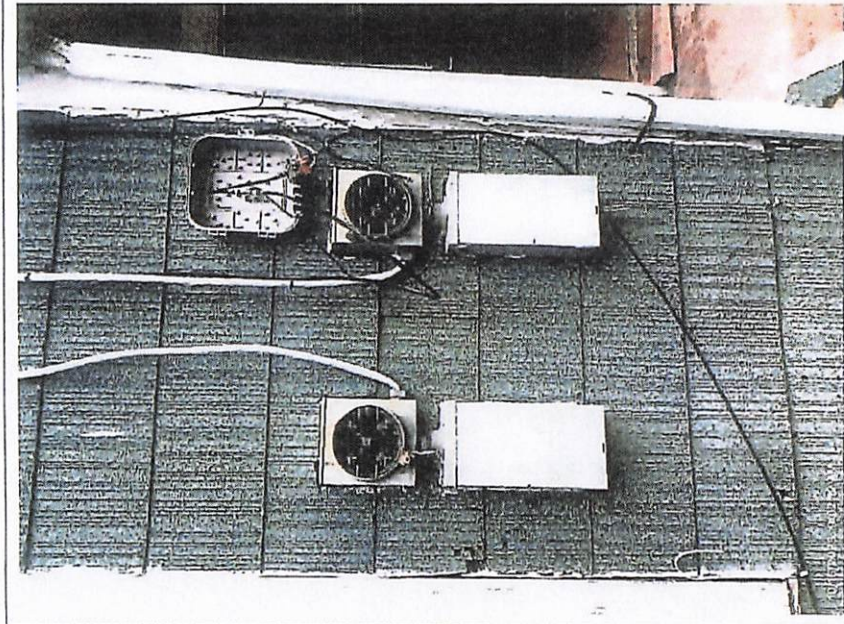
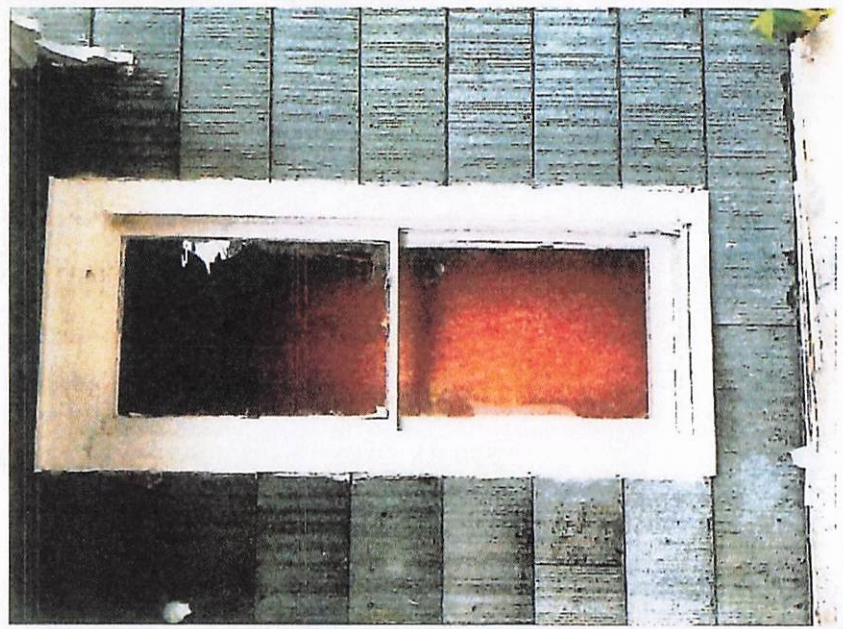
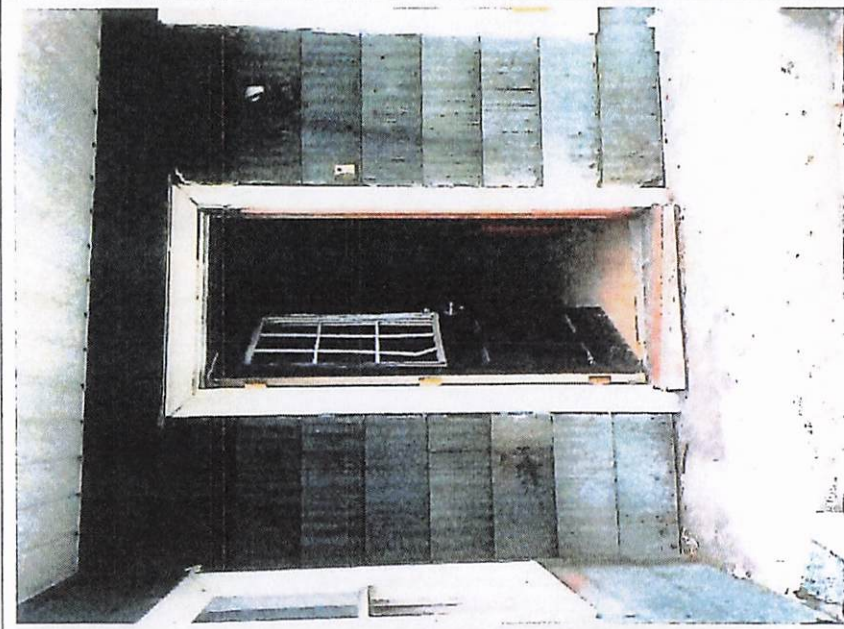
Thank you for your cooperation in allowing the City of Goshen to conduct this inspection.

Respectfully,

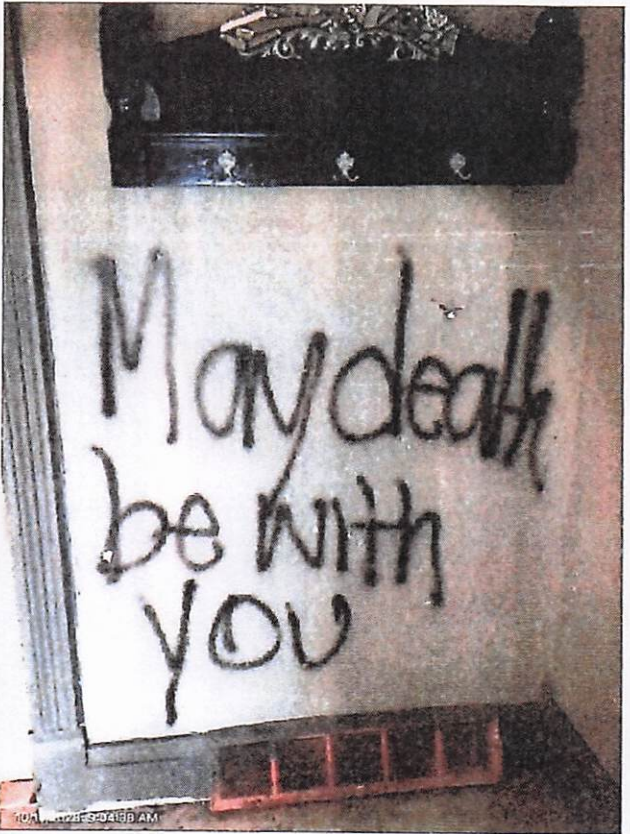
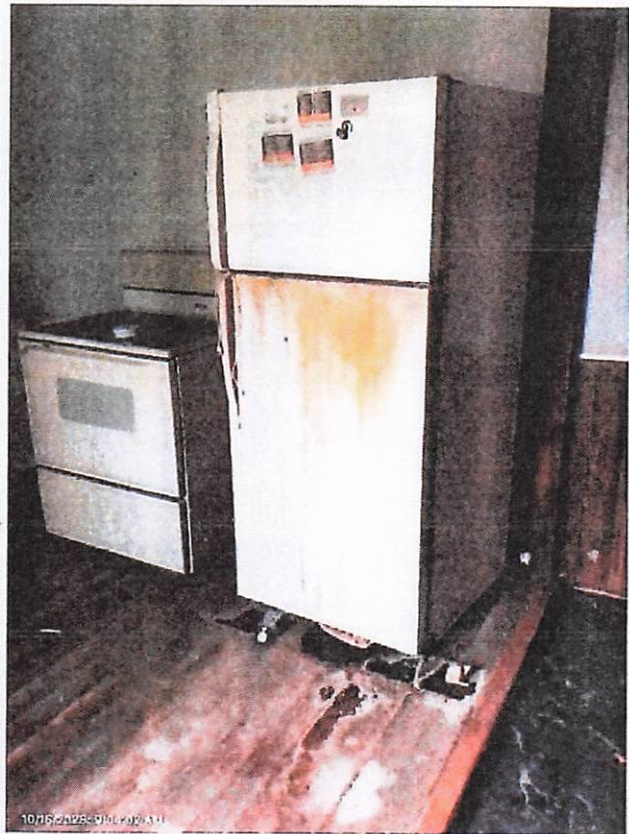
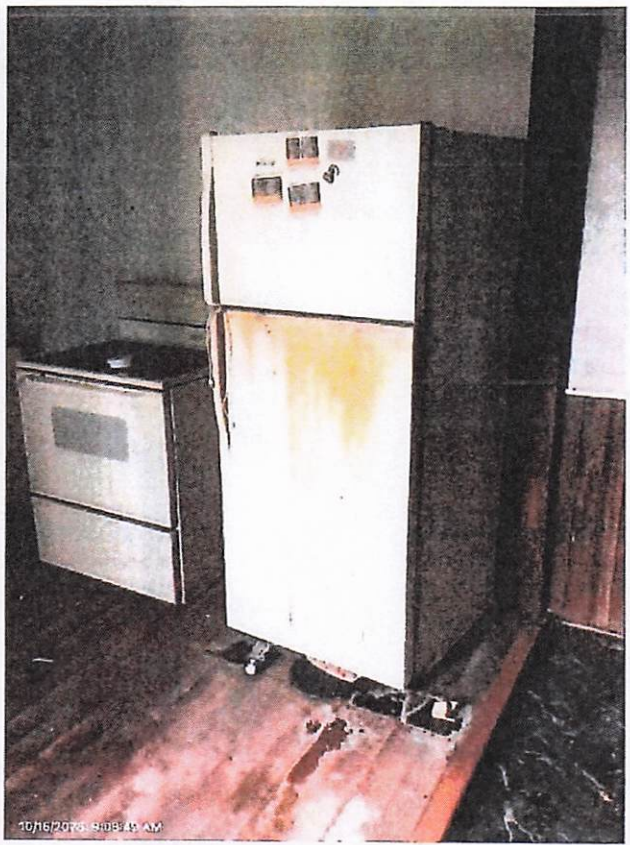
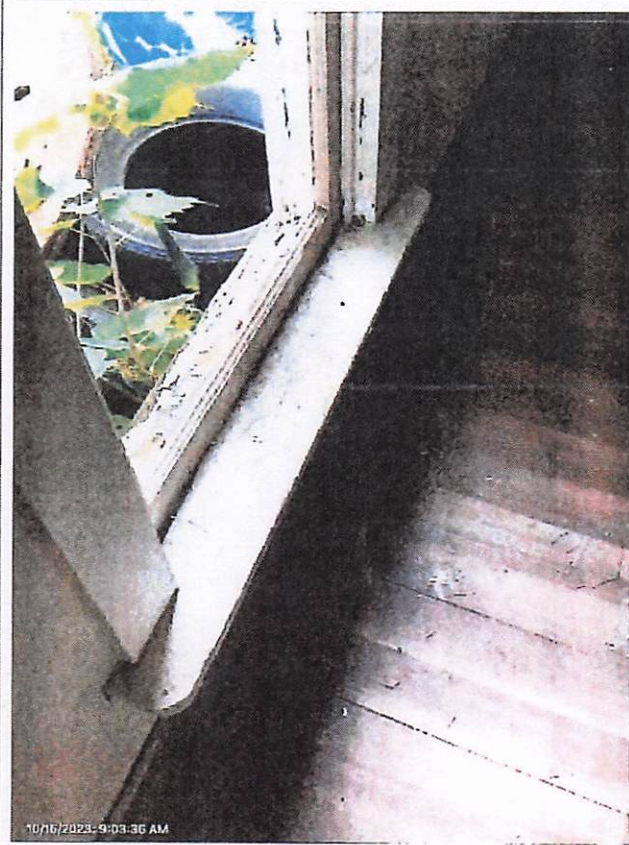

Travis East
Code Compliance Officer

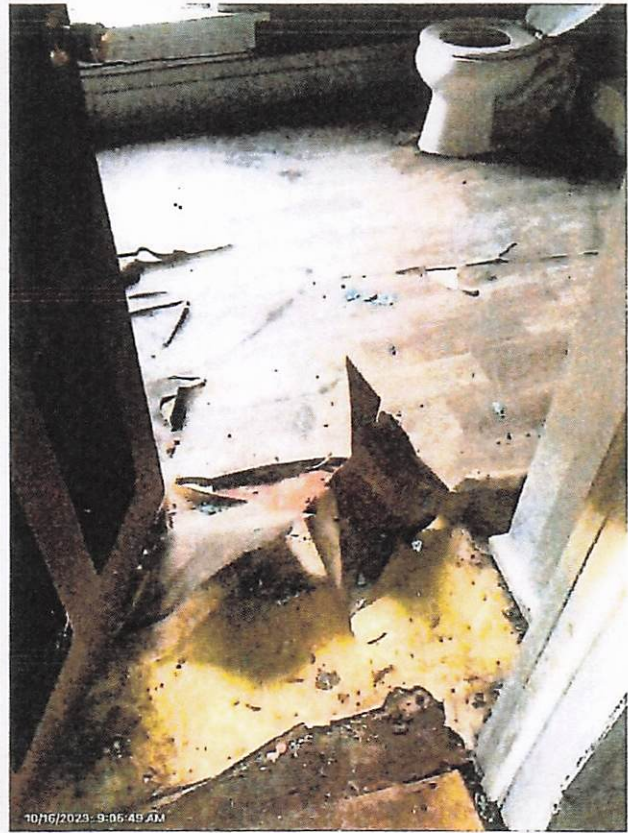
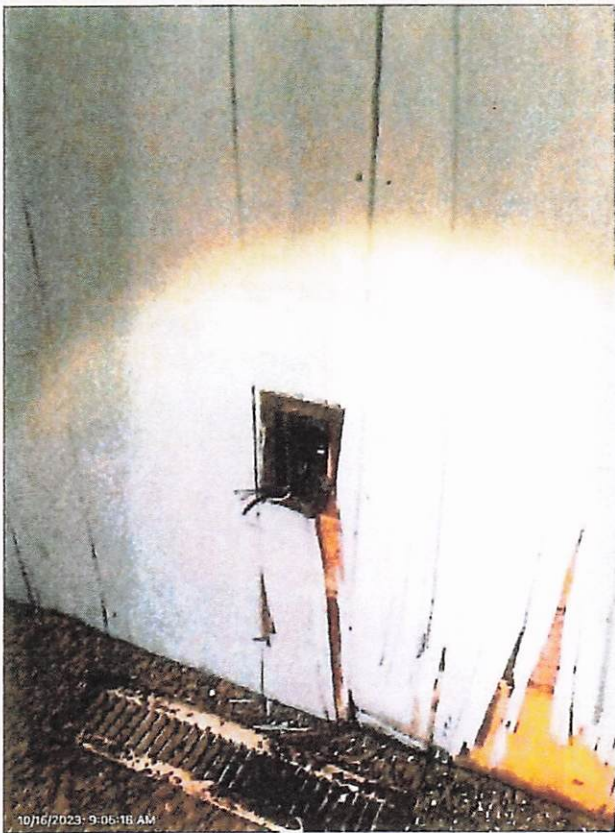
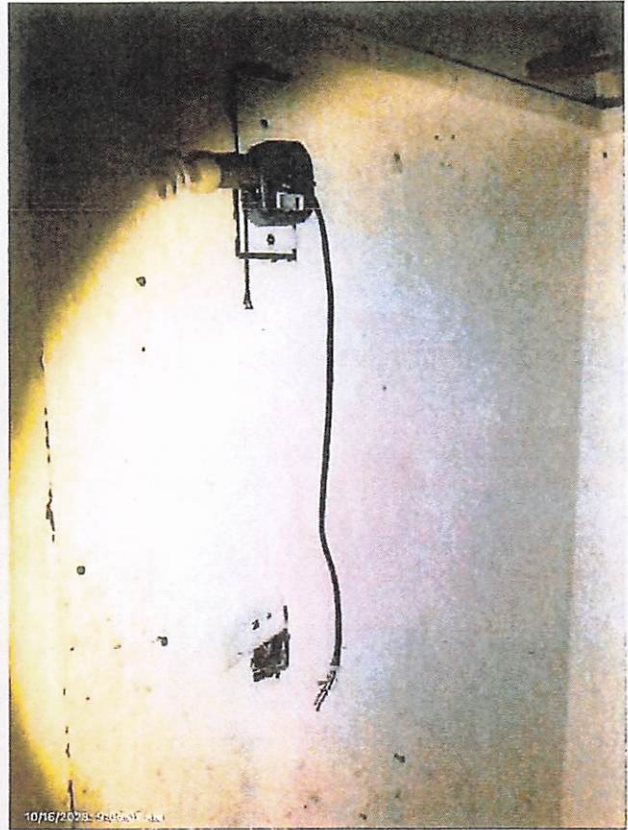


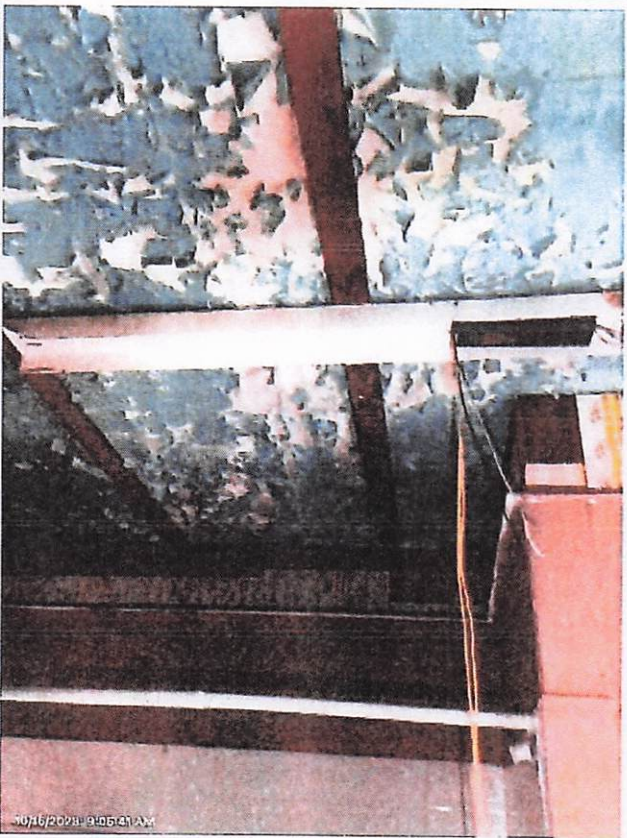
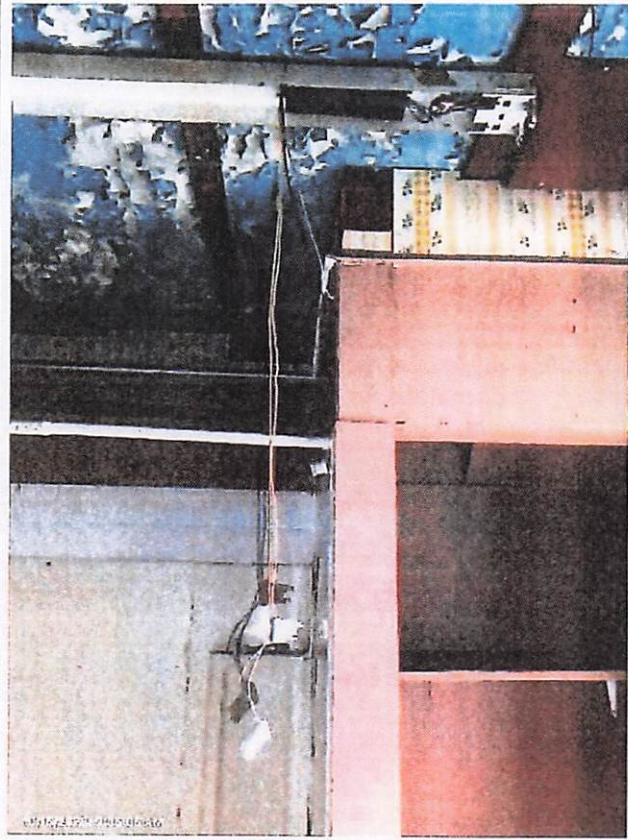


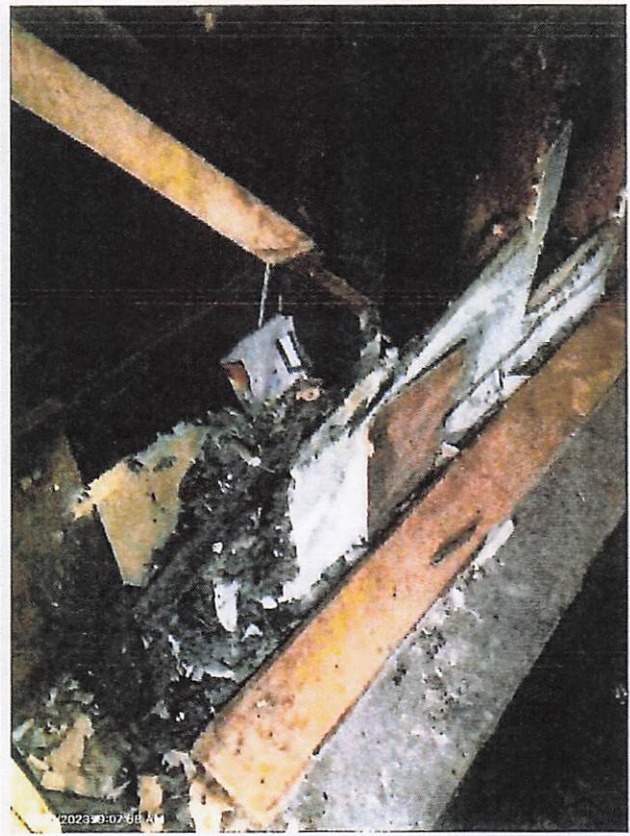
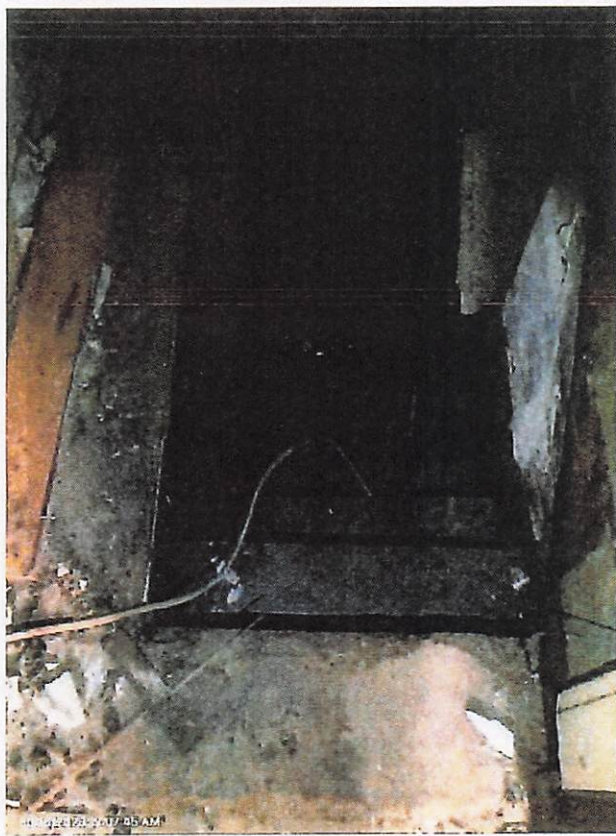
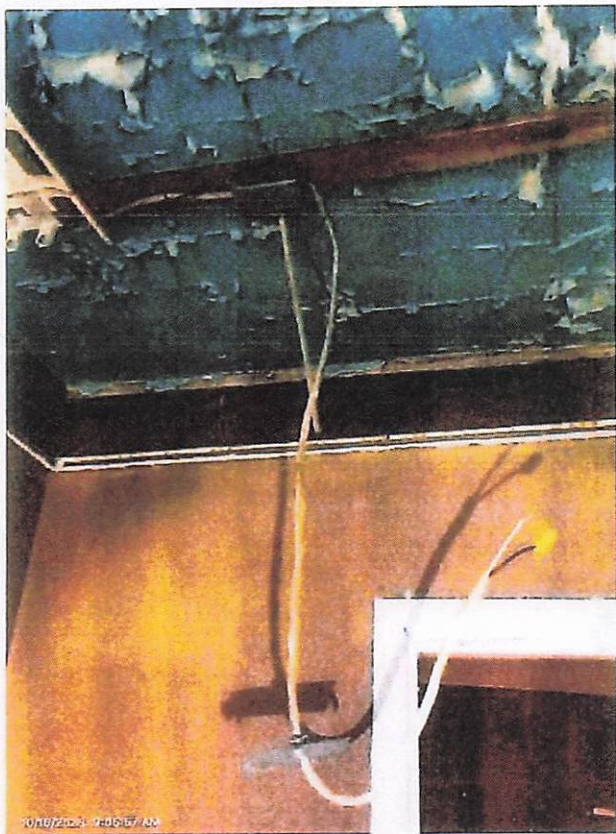


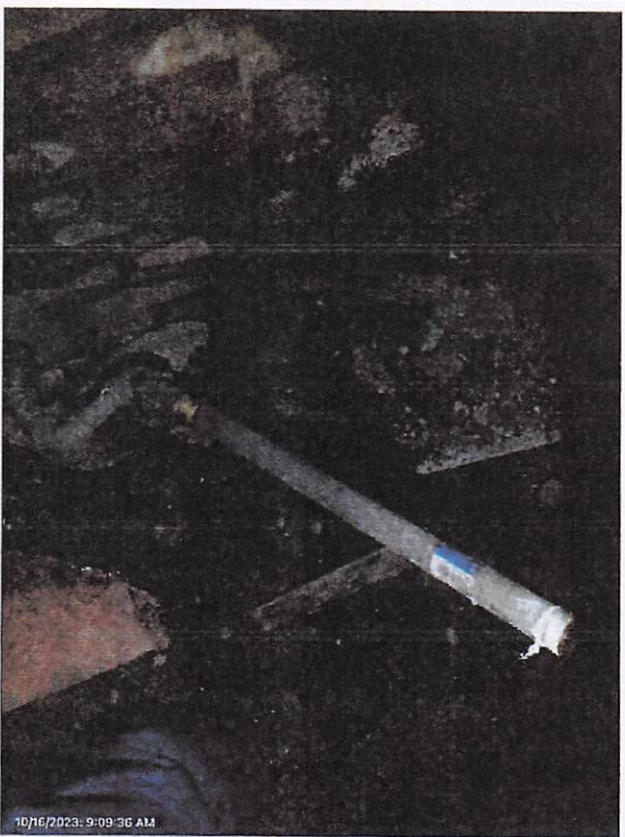
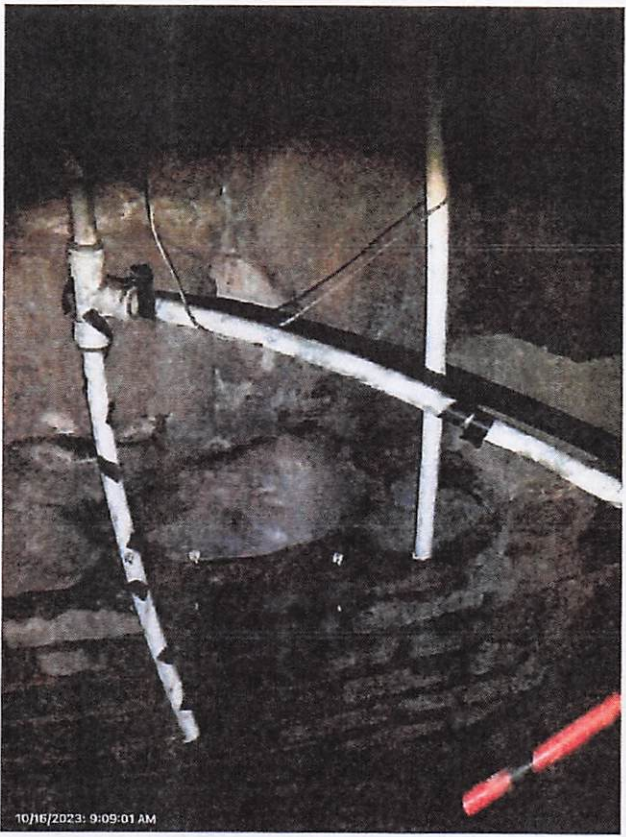
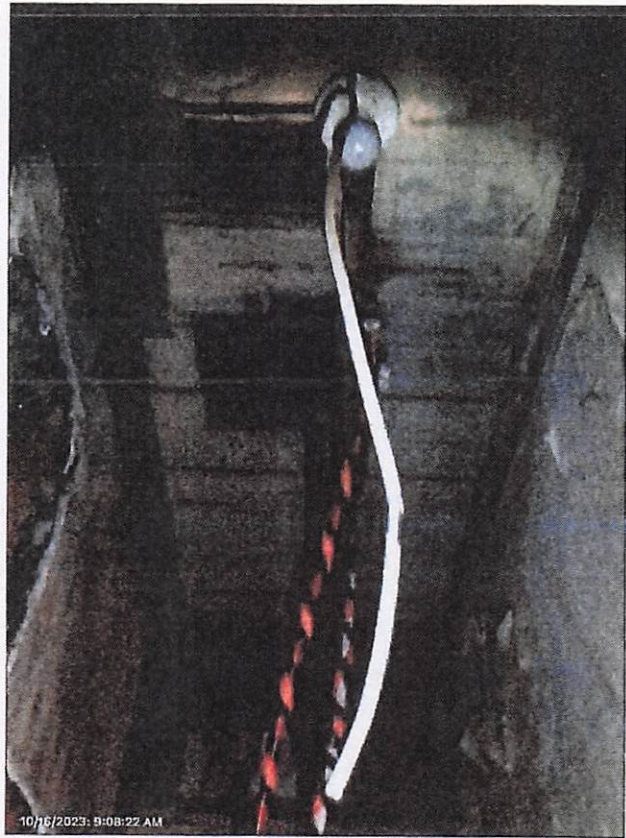
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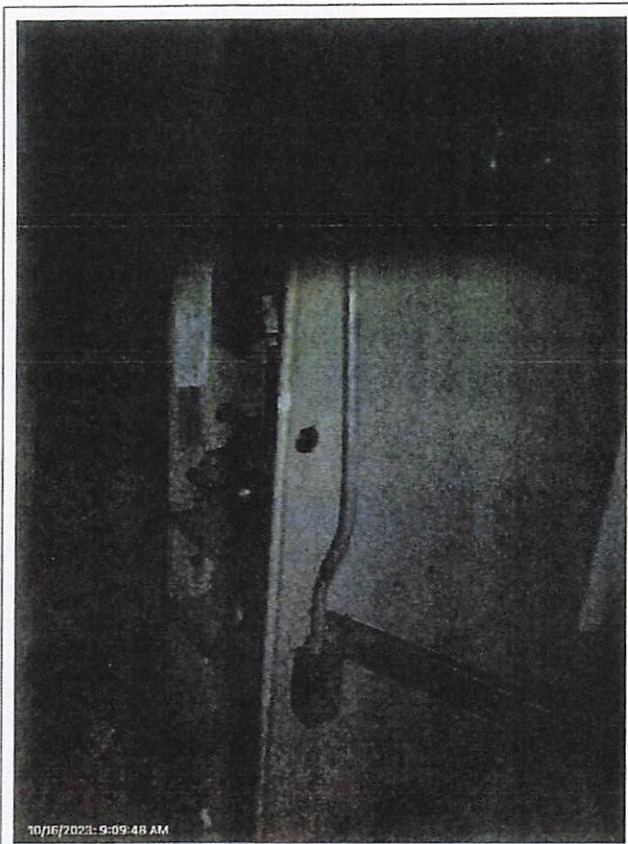




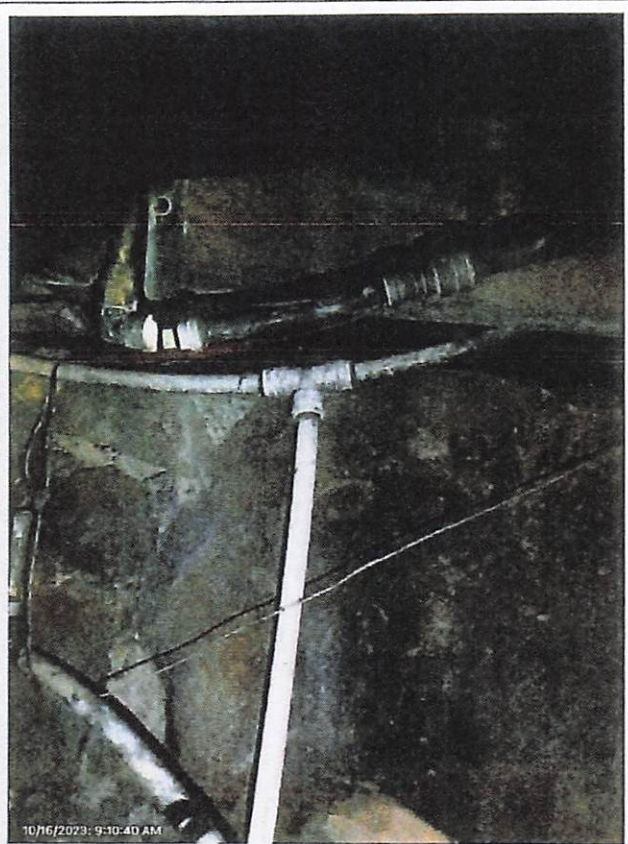




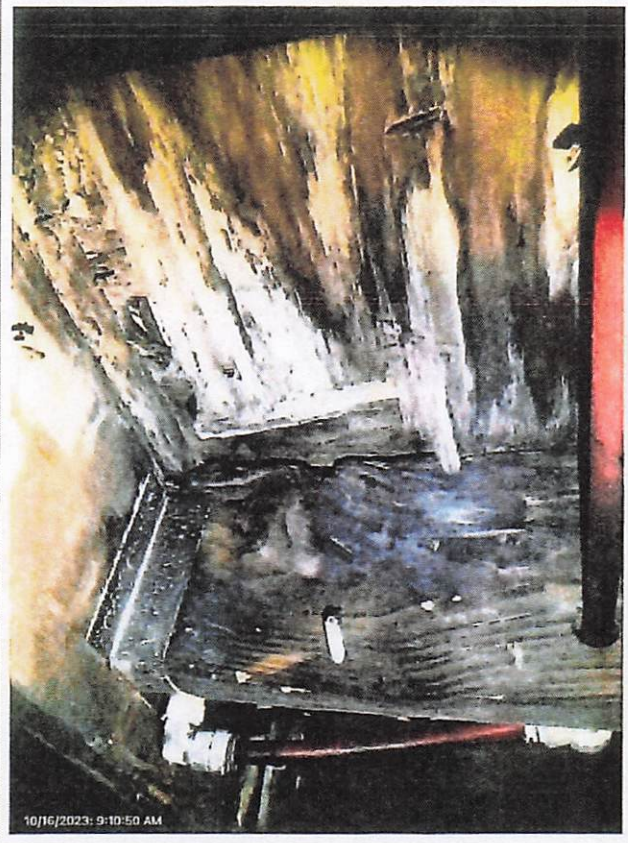




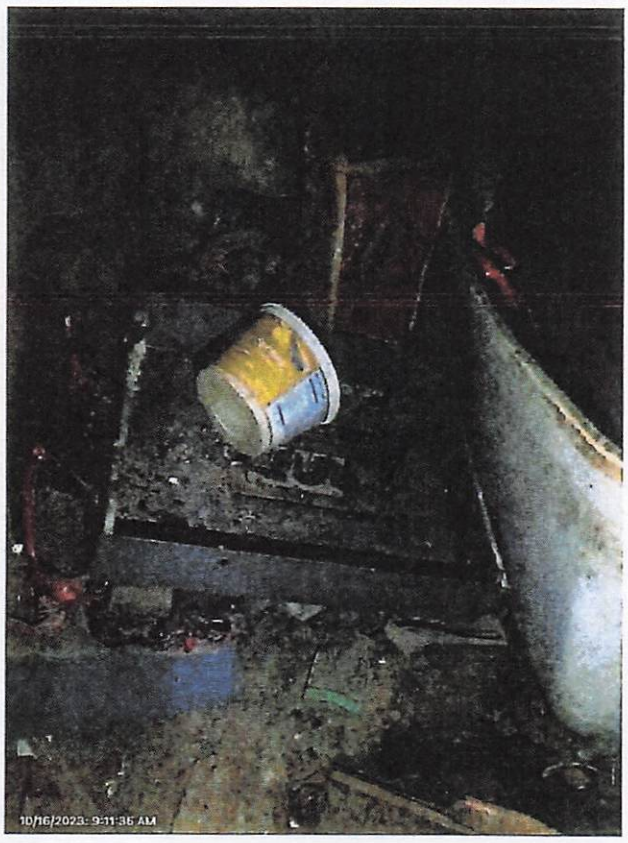
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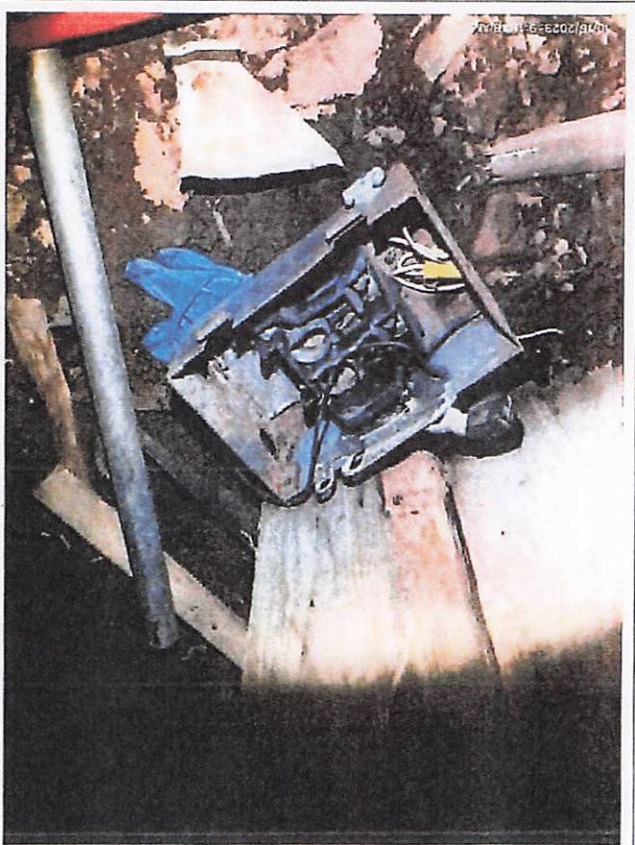
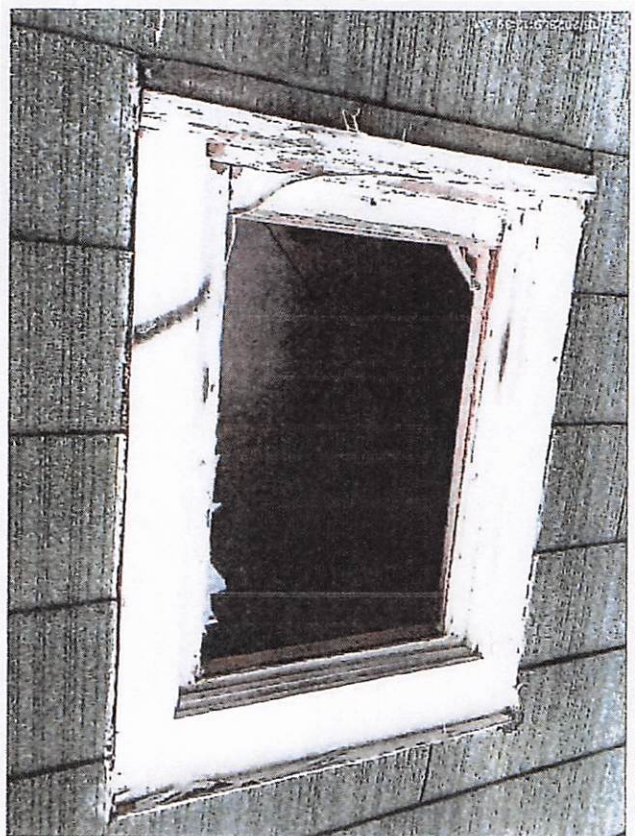
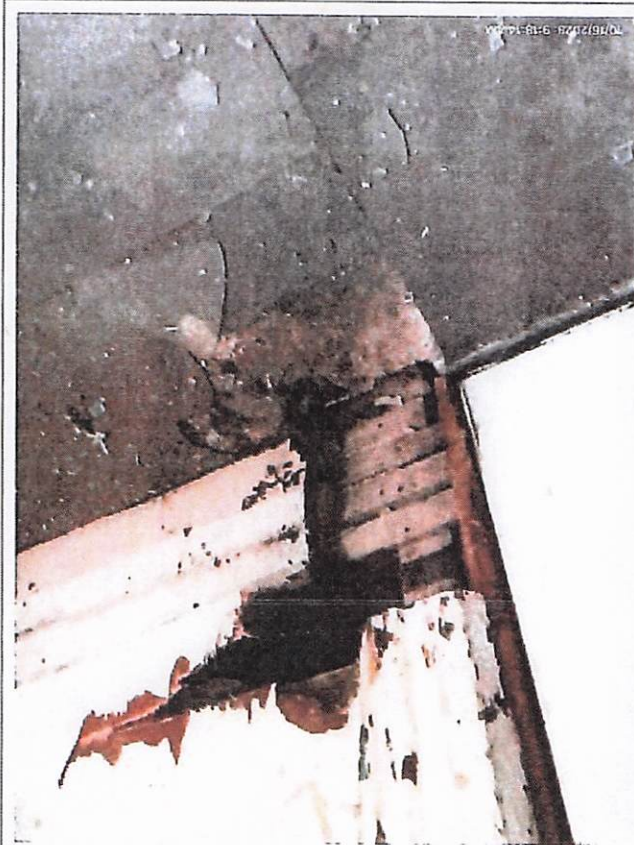
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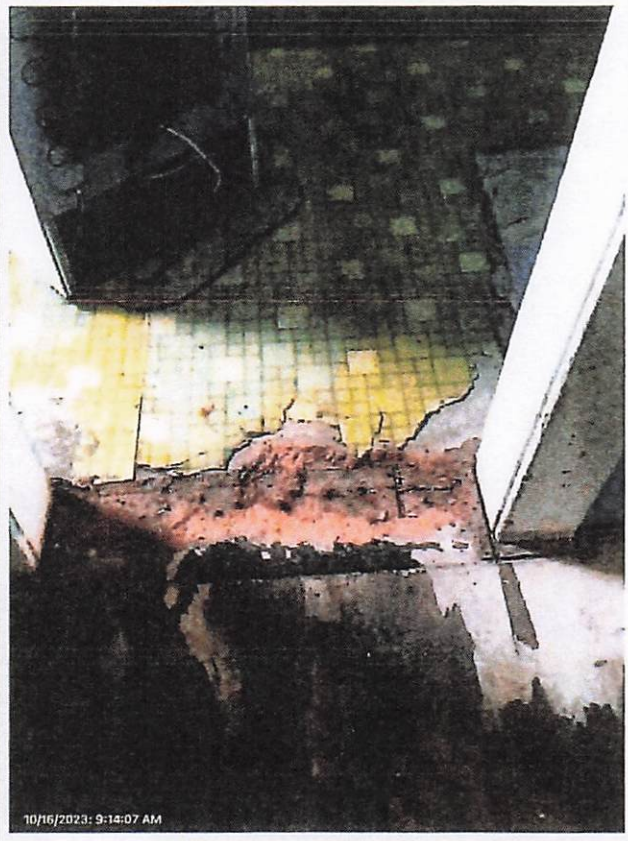
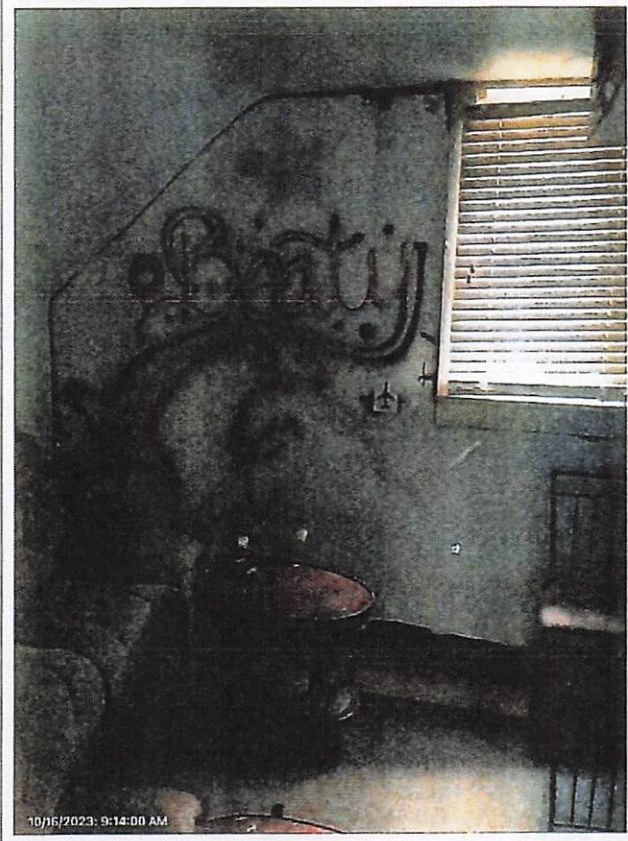
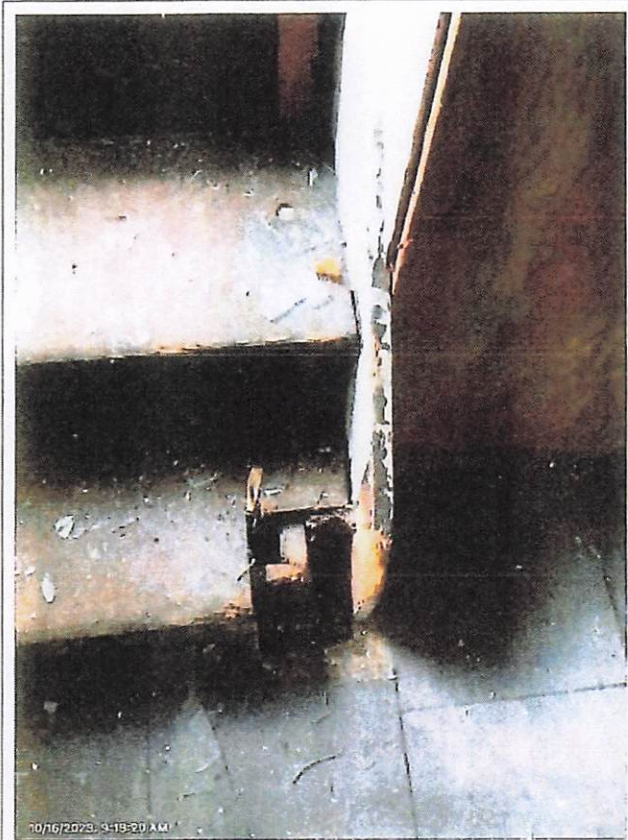


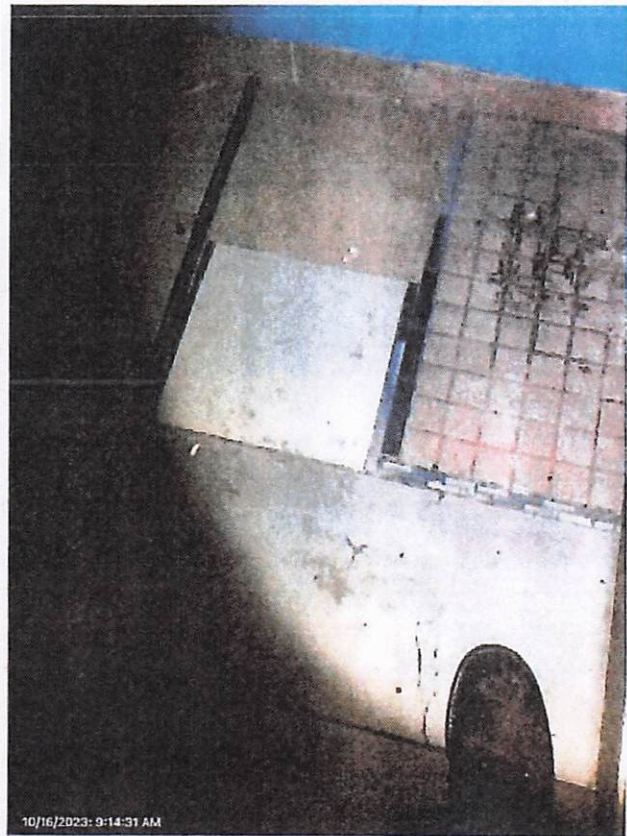
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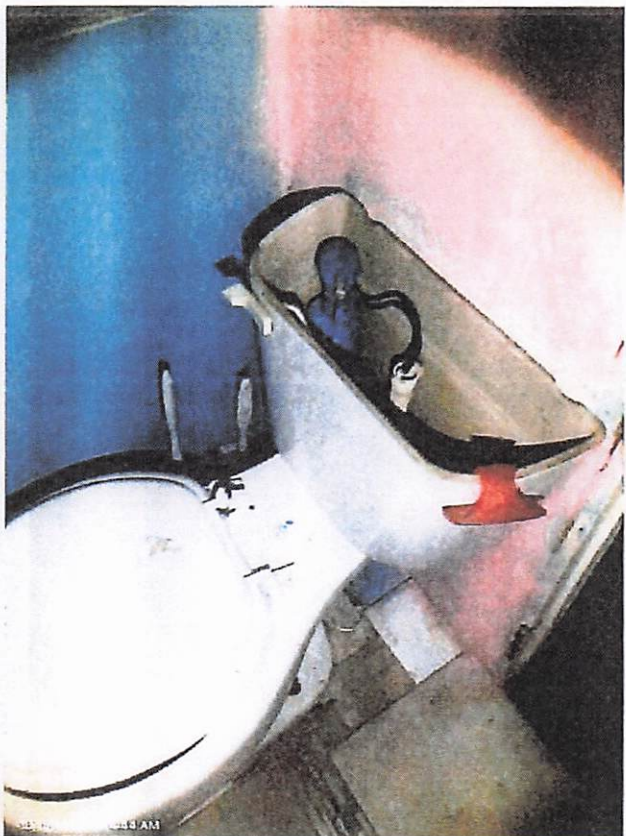
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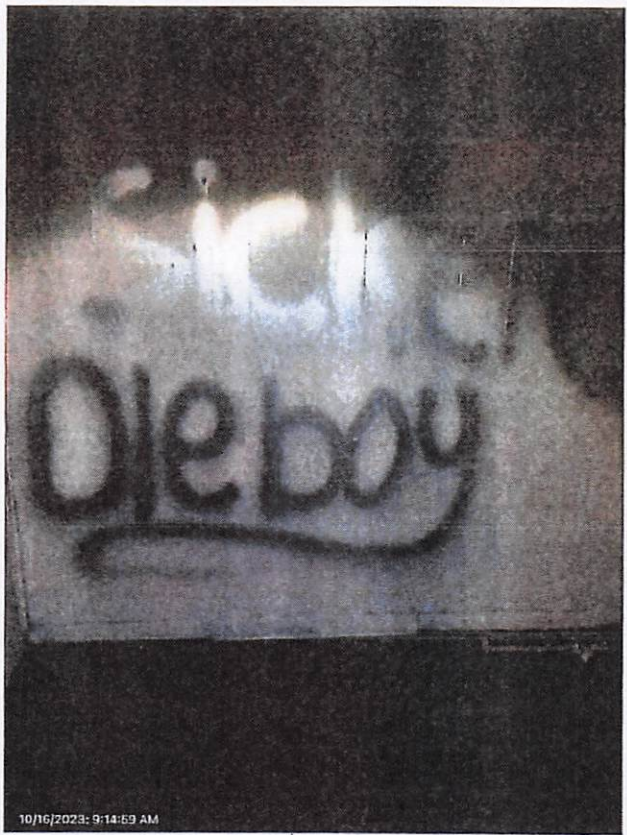




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