



Agenda for the Goshen Common Council

6:00 p.m., July 8, 2024 Regular Meeting

Council Chamber, Police & Court Building, 111 East Jefferson Street, Goshen, IN

Call to Order by Mayor Gina Leichty

Pledge of Allegiance led by Audrina Martinez, who this fall will be a 7th-grader at Goshen Middle School

Roll Call:

Linda Gerber (At-Large) **Phil Lederach** (District 5) **Doug Nisley** (District 2)
Megan Peel (District 4) **Donald Riegsecker** (District 1) **Matt Schrock** (District 3)
Council President Brett Weddell (At-Large)
Youth Adviser Tageeya Galeb (Non-voting)

Approval of Minutes: May 13, 2024 and June 10, 2024 Regular Meetings

Approval of Meeting Agenda

Privilege of the Floor

1) Ordinance 5192 - Authorizing the Use of Golf Carts on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

2) Ordinance 5184 - Authorizing the Use of Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

3) Resolution 2024-A Resolution of the Common Council of the City of Goshen, Indiana, approving the issuance of General Obligation Bonds by the Goshen Public Library regarding the Construction and Equipping of a certain Library Capital Project

4) Ordinance 5186 - Vacation of Public Ways in the City of Goshen, Indiana (*tabled at the June 10, 2024, Council meeting*)

5) Ordinance 5191 - An Ordinance to Amend Ordinance 3384 and Ordinance 3970 of the Waterford Commons Planned Unit Development (PUD)



6) Resolution 2024-11: Declaration of Official Intent to Reimburse Expenditures *(to finance construction of a municipal pool facility)*

7) Resolution 2024-12: Resolution of the Common Council of the City of Goshen, Indiana, Determining a Need for Project and Intent to Proceed, Authorizing Circulation of Petition of Taxpayers and Two Appraisals *(for construction of a new municipal pool)*

Elected Official Reports

Adjournment



GOSHEN COMMON COUNCIL

Minutes of the May 13, 2024 Regular Meeting

Convened in the Council Chamber, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Assisted by Mayor Gina Leichty, Diego Quinteros called the meeting to order at 6:00 p.m. and then led the recitation of the Pledge of Allegiance. Diego is a first-grader at Model Elementary School.

Mayor Leichty asked Clerk-Treasurer Aguirre to conduct the roll call.

Present: Linda Gerber (At-Large) Phil Lederach (District 5) Doug Nisley (District 2)
Megan Peel (District 4) Donald Riegsecker (District 1) Matt Schrock (District 3)
Council President Brett Weddell (At-Large)

Absent: Youth Adviser Jessica Velazquez Valdes (Non-voting) – *Due to a conflicting school event*

Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the April 22, 2024 Regular Meeting as prepared by Clerk-Treasurer Aguirre. Councilor Nisley moved to accept the minutes as presented by the Clerk-Treasurer. Councilor Peel seconded the motion. **Motion passed 7-0 on a voice vote.**

Approval of Meeting Agenda:

Mayor Leichty presented the agenda. Councilor Nisley moved to approve the agenda as submitted. Councilor Peel seconded the motion. **Motion passed 7-0 on a voice vote.**

Privilege of the Floor:

At 6:03 p.m., Mayor Leichty invited public comments for matters not on the agenda. There were none.

1) Presentation: Quilt Gardens project update

Assistant Director Janis Logsdon, of the Elkhart County Convention & Visitors Bureau told the Council the bureau was excited to launch the Quilt Garden for the 17th year. She said there will be 13 gardens and 12 murals this year, with three gardens in Goshen at Abshire Park, the Elkhart County 4H Fairgrounds and the Elkhart County Courthouse, and a mural at the Goshen Chamber of Commerce.

In addition, Logsdon said next week was National Travel and Tourism Week (May 19-25, 2024). She summarized the vital role of tourism and travel in the Elkhart County economy – an estimated yearly economic impact of \$700 million and 7,000 jobs, which are supported by tourism.

Logsdon said the bureau valued the relationships it has with small businesses and entrepreneurs in Goshen and throughout the county. She also acknowledged cities, towns, park departments and the many volunteers who have made the award-winning Quilt Garden a success.

Logsdon invited questions from Councilors.

Councilor Peel asked about some of the groups that volunteer for the Quilt Garden. Logsdon said the Rotary is responsible for the Garden at the Courthouse. She also mentioned volunteers and groups in Nappanee. To volunteer, Logsdon suggested connecting with the bureau's visitor center through its phone number or website.



Mayor Leichty thanked the Convention & Visitors Bureau for its work on the Quilt Garden and its positive impact in Goshen in attracting visitors. And she thanked the bureau for its other contributions.

2) Appointments: Goshen Downtown Economic Improvement District Board

Mayor Leichty invited a presentation from City Attorney Bodie Stegelmann.

City Attorney Stegelmann said every year there are elections for the Goshen Downtown Economic Improvement District (EID) Board, which administers a taxing district made up of downtown business owners. He said three Board members – Dave Pottinger, Jonathan Wieand and Scott Woldruff – are leaving the Board at the end of May.

Stegelmann said every year for the election, mailings go out to all the business and property owners in the district and nominations are received back for Board members. He said this year, three names were submitted for the ballot and with three positions open, ballots were not mailed since there were sufficient nominations to fill the openings.

Stegelmann said the Common Council was obligated to appoint members of the Board and the three names have been submitted.

The current remaining members of the EID Board are Justin Bell and Rosie Singh. The new proposed members: Denise Davis, property owner at 130 North Main Street and involved in a business at Yoder, Ainlay, Ulmer & Buckingham at the same address Jason Oswald, property owner at 227 South Main Street and involved in a business at The Elephant Bar at the same address; and Miriam (Mim) Shirk, property owner and resident at 127 South Main Street, Suite 1. The terms of the new members would be from June 1, 2024 through May 31, 2026.

Council President Weddell said the three departing Board members, Dave Pottinger, Jonathan Wieand and Scott Woldruff, have served a long time on the Board and deserved thanks for their hard work.

Weddell/Riegsecker moved to appoint Denise Davis, Jason Oswald and Miriam Shirk to the Goshen Downtown Economic Improvement District Board.

Mayor Leichty invited Council or public comments on the proposed appointments. There were none.

On a voice vote, Councilors unanimously appointed Denise Davis, Jason Oswald and Miriam Shirk to the Goshen Downtown Economic Improvement District Board, with terms from June 1, 2024 through May 31, 2026, by a 7-0 margin, with all Councilors present voting yes, at 6:10 p.m.

3) Ordinance 5182: Establishing a Redhawk Academy Fund

Mayor Leichty called for the introduction of Ordinance 5182, *Establishing a Redhawk Academy Fund*.

Council President Weddell asked the Clerk-Treasurer to read Ordinance 5182 by title only, which was done.

Weddell/Peel made a motion to approve Ordinance 5182 on First Reading.

BACKGROUND:

Ordinance 5182 would establish a new City fund to maintain the Redhawk Academy, a cooperative program developed and operated by the Goshen Community Schools and the Goshen Fire Department, in which high-school students can receive training toward a Fire/EMT career.

In a May 13, 2024 memorandum to the Common Council, Deputy Clerk-Treasurer Jeffery Weaver wrote that the program would begin in Fall of 2024, but has already gathered funding from various sources, including:



- A start-up donation and endowment fund through the Floyd Bud Wortinger Jr. and Mable Wortinger Redhawk Fire Academy Endowment Fund, maintained by the Community Foundation of Elkhart County;
- A grant from Norfolk Southern Railroad; and
- A donation from Middlebury Electric.

Weaver wrote that the fund will also allow reimbursement for student supplies through the Indiana Treasurer of State's Career Scholarship Accounts. Fund expenditures will include uniforms, equipment and training materials for students as well as technology costs incurred by both students and instructors.

Weaver further wrote that the Redhawk Academy Fund was a piece of a larger project reflecting months of preparation and coordination between Goshen Fire Department and Goshen Community Schools.

SUMMARY OF MAY 13, 2024 COUNCIL CONSIDERATION AND APPROVAL OF ORDINANCE 5182:

Mayor Leichty invited a presentation about Ordinance 5182.

City Assistant Chief of Operations Anthony Powell said Ordinance 5182 would establish a fund for students in the fire and EMS programs. He said the fund would be used to pay the various expenses. He said it would be an active fund with money going in and out.

Powell said all of the students are applying for a state Career Scholarship Account through the Horizon Education Alliance, which should provide funding. If those funds don't come through, **Powell** said Goshen Community Schools will provide program funding.

Mayor Leichty said she was pleased and delighted that community members have stepped forward to contribute to the fund. She said not only has the City established a new program and partnership with Goshen Community, Schools, but people from the private sector are contributing because they believe so much in the program and educational partnerships. The Mayor also thanked the families who have donated funds to make the program possible and have shown support for the City Fire Department.

Councilor Peel asked how much has been donated.

Chief Inspector of Public Safety Education Travis M. Peak said a family donated \$20,000 through the Community Foundation of Elkhart County and made an additional \$5,000 donation. Norfolk Southern Railroad awarded a \$10,000 grant and Middlebury Electric donated \$5,000.

Mayor Leichty asked how many students have applied or indicated interest in enrolling this fall and what was the goal. **Peak** said 13 students have applied, two from another school and that he expects to have eight for sure. He said his goal for the fall was five students and no more than 10. The Mayor said eventually the program will have many more students in the future, adding that a simulated ambulance will be available for the students.

Mayor Leichty invited Council or audience questions or comments about Ordinance 5182.

Daniel Emery of Goshen said was excited about the program and asked if high school graduates could enroll. **Peak** said the program was for students still in high school.

At 6:17 Mayor Leichty closed the public comment period.

Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5182, Establishing a Redhawk Academy Fund, on First Reading by a 7-0 margin, with all Councilors present voting yes, at 6:17 p.m.



Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5182.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5182, *Establishing a Redhawk Academy Fund*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5182 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5182 on Second Reading.

Mayor Leichty invited further Council or comments on Ordinance 5182. There were none.

On a voice vote, Councilors unanimously passed Ordinance 5182, *Establishing a Redhawk Academy Fund*, on Second Reading by a 7-0 margin, with all Councilors present voting yes, at 6:18 p.m.

4) Ordinance 5183: Revisions to the Dial-A-Truck Program

Mayor Leichty called for the introduction of Ordinance 5183, *Revisions to the Dial-A-Truck Program*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5183 by title only, which was done.

Weddell/Peel made a motion to approve Ordinance 5183 on First Reading.

BACKGROUND:

Ordinance 5183 would make revisions to the City's Dial-A-Truck Program.

About the program:

- The Goshen Street Department operates a Dial-A-Truck Program from May 15 through September 15 of each year to help City of Goshen residents dispose of large quantities of solid waste or vegetative waste;
- The Common Council established a fee for the Dial-A-Truck Program in 2001, and increased the fee over time as expenses increased for operating the program;
- The Goshen Street Department no longer uses trucks as part of the Dial-A-Truck Program and wants to change the name of the program to accurately describe it; and
- The costs of operating the Dial-A-Truck Program continue to increase and City staff seeks to modify the fees charged for the program to be better aligned with the City's actual cost in providing this service.

Ordinance 5183 would establish the following:

- **The Dial-A-Truck Program shall hereinafter be called the Dial-A-Trailer Program.**
- The City of Goshen Dial-A-Trailer Program will be offered from May 15 through September 15 each year unless alternative dates are announced by the Goshen Board of Public Works and Safety.
- Upon scheduling a trailer, payment of any fees, and execution of a document acknowledging the terms and conditions of the Dial-A-Trailer program, the Goshen Street Department will deliver a trailer to a site within the corporate boundaries of the City of Goshen to be used for the disposal of large amounts of solid waste or vegetative waste.
- The Street Department will transport a trailer loaded with any solid waste to the Elkhart County Landfill for disposal, and a trailer loaded with only vegetative waste to the Goshen Environmental Center for disposal.
- The Board of Public Works and Safety shall establish rules for the Dial-A-Trailer program consistent with this Ordinance.



Pursuant to Ordinance 5183, the following fees shall be assessed for each trailer delivered to a site within the corporate boundaries of the City of Goshen, as well as the transportation to and disposal of solid waste at the Elkhart County Landfill:

1. A fee of \$150 per day shall be charged for a residential project.
2. A fee of \$75 per day shall be charged to a Neighborhood Association and Non-Profit Organization for a Neighborhood Association or Non-Profit Organization sponsored clean-up project, with the prior written approval of the Board of Public Works and Safety.

B. **Vegetative Waste Disposal.** If the waste to be disposed is entirely vegetative waste, there will be no fee for each trailer delivered, as well as the transportation to and disposal of vegetative waste at the Goshen Environmental Center.

The City may require a program participant to reimburse the City for the following costs:

1. City of Goshen employee time spent to reload, sort, and re-transport waste due to the resident, Neighborhood Association, or Non-Profit Organization violating disposing of waste prohibited by the disposal site. This shall include the attempted disposal of non-vegetative waste in a trailer delivered for the disposal of entirely vegetative waste.
 2. City of Goshen employee time to correct conditions created by resident, Neighborhood Association, or Non-Profit Organization that violate the rules established by the Street Department Commissioner, such as clearing debris from around a trailer or tires, or to make the trailer ready to transport to the disposal site.
 3. Costs to repair any damages caused to the City's trailer while the resident, Neighborhood Association, or Non-Profit Organization is in possession of the trailer. **City employee time will be assessed at a rate of \$42 per hour.**
- All fees collected for the Dial-A-Trailer Program shall be deposited into the City's Motor Vehicle Highway Fund.**

This ordinance shall be in full force and effect for new trailer reservations made from and after its passage, approval, and adoption according to the laws of the State of Indiana

SUMMARY OF MAY 13, 2024 COUNCIL CONSIDERATION AND APPROVAL OF ORDINANCE 5183:

Mayor Leichty invited a presentation about Ordinance 5183.

City Street Commissioner David Gibbs briefly provided the background of the program. He said there has been no fee adjustment since 2011. Gibbs said City staff members believed it was time for an increase, especially because of increases in landfill fees and the City's labor costs for the service.

Mayor Leichty thanked Gibbs and invited Council questions or comments about Ordinance 5183.

Council President Weddell asked what the fee had been. **Gibbs** said it has been \$75 for residents and \$37.50 for neighborhood associations. **Council President Weddell** asked if the new fee would include any of the increased landfill fees. **Gibbs** said that was correct.

Councilor Nisley asked if the \$75 fee would also cover the landfill fees. **Gibbs** said it would.

Councilor Nisley asked **Gibbs** the current landfill fees. **Gibbs** said it was \$23 a ton and \$41 for labor. He added that each trailer can hold about 10 tons.

In response to a question from **Council President Weddell**, **Gibbs** confirmed that the City's cost to dispose of a full trailer was about \$250.

In response to a question from **Councilor Schrock**, **Gibbs** said people often fill or overfill trailers.



Mayor Leichty said this was a great service that the City offers.

Councilor Schrock said it also seems people take advantage of the service. **Gibbs** responded, "Some do."

Councilor Nisley said he thought the City should charge a flat fee to everyone – residents and neighborhood associations. While he said it is a good service and the City isn't in business to make money, it also should not lose money on the service. He said even a \$100 flat fee would be "more fair" than two different fees.

Councilor Peel said this was the way it has always been and it's good to offer a discount to neighborhood associations because doing so encourages more people to clean up their properties. She said the discount also helps improve and keep neighborhoods cleaner.

Mayor Leichty said she agreed with **Councilor Peel** because she said sometimes the cost of the trash trailer can be prohibitive for an individual family than if shared by a neighborhood and many households participate in neighborhood cleanups. So, she said this service has been made available for neighborhood associations, some of whom don't have a lot of money.

Council President Weddell asked why the City was changing individuals more than neighborhood associations.

Councilor Peel said individuals often order a trailer for a home renovation while neighborhood association rentals encourage neighborhood cleanups. She said this approach benefits the community.

Councilor Nisley said that while four residents could split the cost of a trailer, it was unfair to ask individuals to pay more than a neighborhood association. He said "it should be fair across the board."

Councilor Schrock asked about the approval process for a discount for neighborhood associations. He said he wanted to make sure the neighborhood associations in his Council district were on the City's official list.

Mayor Leichty briefly described the process for neighborhood associations gaining City recognition. She added that the City is offering incentives to encourage neighborhoods to form associations.

Council President Weddell said it appeared the two-tiered pricing system has existed from the start.

Councilor Peel said it has and she said it has proven to be a good incentive for improving and cleaning up neighborhoods. She said this was a cost-effective program, especially because of the benefits it provides.

Council President Weddell asked if there were any concerns among Councilors about the cost – that it wasn't covering the full costs of providing the service. He asked if this service was heavily used. **Gibbs** said the City has seven trailers and they are booked every weekend, the majority filled with brush which doesn't cost to dump.

Councilors briefly discussed if the service was losing money or breaking even, the length of time they are used and their frequency of usage. **Gibbs** said most trailers are dropped off on Friday and picked up the following Monday.

Councilor Riegsecker said the trailer cost for an individual didn't seem unreasonable although he also wondered if it should be higher. However, he said if the fee was higher, people might not use the trailers. **Gibbs** said City staff also thought that might be the case. He added that the trailer program begins the week after the annual beautify week.

Councilor Nisley again stated that the fee should be \$100 or \$120 for individuals or neighborhood associations, adding that having the same cost would be fair to everyone.

Mayor Leichty said neighborhood associations seeking a discount must apply for it; it is not automatically given.

Councilor Schrock asked about the program. **Clerk-Treasurer Aguirre** said neighborhood associations apply for discounts to the Clerk-Treasurer's office, but only a few apply every year.

Councilor Peel said most of the trailers are used by individuals. **Mayor Leichty** said she would hate to lower the fee just because of a few anomalies. **Councilor Schrock** said it could be seen as unfair by an individual who isn't part of a neighborhood association.



Councilors Peel, Schrock and Nisley further discussed the appropriate cost for the trailer. Council President Weddell said it appeared to be time for the Council to take some action.

Councilor Nisley made a motion to establish a lower flat fee for all of \$120. Clerk-Treasurer Aguirre said there was already a pending motion – to approve Ordinance 5183 – on the floor. Mayor Leichty also said it was necessary to invite comments from the audience. She invited comments from the audience. There were none.

Council President Weddell said Councilor Nisley now had a pending motion to lower the trailer fee to \$120. The motion died for lack of a second.

Council President Weddell said Councilors were ready to vote. Mayor Leichty requested a roll call vote.

On a roll call vote, Councilors passed Ordinance 5183, *Revisions to the Dial-A-Truck Program*, on First Reading by a 6-1 margin, with Councilors Gerber, Lederach, Peel, Riegsecker, Schrock and Weddell voting "yes," and Councilor Nisley voting "no" at 6:38 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5183.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5183, *Revisions to the Dial-A-Truck Program*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5183 by title only, which was done.

Weddell/Peel moved to approve Ordinance 5183 on Second Reading.

Mayor Leichty invited further Council or public comments on Ordinance 5180. There were none.

Councilor Nisley said he just wanted to say that his vote was based on wanting there to be a flat fee for all and not because he thought the program was bad or good. There were no further comments.

On a roll call vote, Councilors passed Ordinance 5183, *Revisions to the Dial-A-Truck Program*, on Second Reading by a 6-1 margin, with Councilors Gerber, Lederach, Peel, Riegsecker, Schrock and Weddell voting "yes," and Councilor Nisley voting "no" at 6:39 p.m.

5) Ordinance 5184: Authorizing the Use of Golf Carts and Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

Mayor Leichty called for the introduction of Ordinance 5184 *Authorizing the Use of Golf Carts and Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5184 by title only, which was done.

Weddell/Nisley made a motion to approve Ordinance 5184 on First Reading.



BACKGROUND:

Ordinance 5184 would authorize the use of golf carts and off-road vehicles on highways under the jurisdiction of the City of Goshen and impose requirements for their usage.

Indiana law doesn't allow the use of golf carts or golf carts and off-road vehicles on highways under the jurisdiction of the City unless an ordinance is adopted allowing their usage.

If approved, Ordinance 5184 would specify the following:

Section 1. Operation of Golf Carts and Off-Road Vehicles.

A. The operation of a Golf Carts and Off-Road Vehicles upon highways under the jurisdiction of the City of Goshen is strictly prohibited unless the Golf Cart or Off-Road Vehicle is operated and equipped in full compliance with this Ordinance.

B. This ordinance does not restrict the use of municipally owned Golf Carts and Off-Road Vehicles used for maintenance, public safety, or special events.

Section 2. Requirements for Operation of Golf Carts and Off-Road Vehicles.

A. Rules.

1. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with all Federal, State, and Local traffic laws.
2. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with slow moving vehicle regulations under I.C. 9-21-9, as amended from time to time, including the requirement that such vehicle properly display a slow-moving vehicle emblem.
3. No Golf Cart or Off-Road Vehicle may be operated on a highway under the jurisdiction of the City of Goshen in excess of 25 miles per hour.
4. Operation of Golf Carts and Off-Road Vehicles on highways under the jurisdiction of the City of Goshen shall be limited to times between sunrise and sunset, when visibility is not limited by weather conditions, except that a Golf Cart or Off-Road Vehicle may be operated after sunset and before sunrise or in weather conditions limiting visibility, provided the Golf Cart or Off-Road Vehicle is equipped with and utilizes operational headlamps, tail lamps, turn signals, brake lights, and flashing lights under I.C. § 9-21-9-4, as amended from time to time
5. No person may operate a Golf Cart or Off-Road Vehicle on highways under the jurisdiction of the City of Goshen unless all passengers of said vehicle are seated in a factory installed seat attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.
6. A Golf Cart or Off-Road Vehicle may not be operated in a manner that unreasonably impedes the normal flow of traffic and may not be operated in a manner that endangers life or property.

B. Equipment.

1. Off-Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. 14-16-1, as amended from time to time, in order to be registered and operated on highways under the jurisdiction of the City of Goshen.
2. Unless otherwise exempted herein, all Golf Carts must be equipped with the following minimum safety equipment in order to be registered and operated on highways under the jurisdiction of the City of Goshen:
 - (a) A rear-view mirror;
 - (b) Head lights;
 - (c) Tail lights;
 - (d) Brake lights; and



(e) Turn signals (front and back).

3. All safety equipment must be maintained in good operating order. Lights must be used when time of day or weather conditions necessitate such use in order for the Golf Cart or Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this Ordinance.

C. Operator.

1. Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen.

2. The owner of a Golf Cart or Off-Road Vehicle may not cause or knowingly permit an individual to operate the Golf Cart on highways under the jurisdiction of the City of Goshen unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.

D. Financial Responsibility.

1. A person shall not operate a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen without current financial responsibility in effect on said vehicle in accordance with I.C. § 9-25-4-4, as amended from time to time.

2. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must, at all times, maintain the state required minimum amount of financial responsibility in accordance with I.C. § 9-25-4-5, as amended from time to time.

E. Highways under the jurisdiction of the City.

1. Golf Carts and Off-Road Vehicle shall not be operated on any bicycle path, trail, sidewalk, or any public property within the City that is not designated for vehicular traffic.

2. Golf Carts and Off-Road Vehicle shall not be operated on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System (e.g., S.R. 119, S.R. 15, S.R. 4, and U.S.33).

Section 3. Permit.

A. No Golf Cart or Off-Road Vehicle may be operated within the City unless the owner of such Golf Cart or Off-Road Vehicle shall have applied for and obtained a valid Golf Cart or Off-Road Vehicle permit from the City.

B. Application for such a permit must be made utilizing the application form as approved from time to time by the Board of Public Works and Safety.

C. The fee for such application shall be Fifty Dollars (\$50), payable to the City of Goshen.

D. Such permit shall be effective for the calendar year in which it is issued and expires on December 31 of the year in which it is issued.

E. Upon issuance of a permit, the Golf Cart or Off-Road Vehicle owner shall be provided a decal, which must be affixed to the left rear of the vehicle at all times so as to be visible from the rear of the vehicle and left front side quarter panel.

F. A person or entity may apply for a temporary permit for the use of a Golf Cart or Off-Road Vehicle during or in connection with an authorized parade or festival.

Any petition for a temporary permit must be presented to the Board of Public Works and Safety, which shall have the authority to determine if a temporary permit for specific use and limitations shall be issued; and to issue said temporary permit.



Any issuance of temporary permit with limitations approved by Board of Public Works and Safety will have an effective period not longer than five days from the effective start date of the temporary permit, as determined by the Board of Public Works and Safety.

Section 4. Definitions

A. "Golf Cart" shall have the definition prescribed in I.C. § 9-13-2-69.7, as amended.

B. "Off-Road Vehicle" shall have the definition prescribed in I.C. § 9-13-2-117.3 (I.C. § 14-8-2-185), as amended. The term Off-Road Vehicle refers to a vehicle manufactured with a standard steering wheel for operation, side-by-side seating arrangement for passengers, seat belts, and roll over protection in accordance with I.C. 9-13-2-94.5 (Low-Speed Vehicle) and I.C. 14-19-1-0.5 (Motorized Cart). The term Off-Road Vehicle does not include motorcycles, motor scooters, All Terrain Vehicles, snowmobiles, or any vehicle capable of being registered and licensed by the State.

Section 5. Violations, Enforcement, and Penalties.

A. Violation notices issued under this Ordinance may be issued by any sworn member of the Goshen Police Department, any City code enforcement officer, any designated parking enforcement officer, or any other duly authorized City inspector or designated code enforcement agent or assistant.

B. This Ordinance may be enforced in the City's Ordinance Violations Bureau. A person who violates this Ordinance shall on the first offense be ordered to pay a Civil Penalty in the amount of \$175.00. A person who violates this Ordinance a second time within a twelve (12) month period shall be ordered to pay a Civil Penalty of \$225.00, and a person will be ordered to pay \$250.00 for a third violation within that Twelve (12) month period.

C. The City may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed \$2,500.

D. A person who violates this Ordinance more than two (2) times in a 365-day period may be subject to the impoundment of the Golf Cart or Off-Road Vehicle and/or revocation of a permit issued under this Ordinance.

E. Each day of violating this Ordinance shall be construed as a separate violation.

F. All fines or civil penalties collected shall be deposited in the general fund of the City of Goshen

SUMMARY OF MAY 13, 2024 COUNCIL CONSIDERATION OF ORDINANCE 5184:

Mayor Leichty said "the impetus for this ordinance bubbled up because Elkhart County recently passed a similar ordinance allowing off-road vehicles on county roads. In anticipation that there may be public interest in having golf carts or off-road vehicles on City roads, City staff began working on this initiative to outline the construct and the way in which we would want to manage those vehicles entering our roadway."

Mayor Leichty said that the City already has a precedence for this usage because two neighborhoods – the Maple City Industrial Park and The Willows – already permit golf carts. She said the City also allows slow-moving vehicles, including buggies, mopeds and bicycles, to utilize roadways. She said the City wanted to add another option to consider – golf carts or off-road vehicles.

Mayor Leichty said City staff consulted with the Police and Fire departments to consider concerns they might have about this idea. She said **Police Chief José Miller** had some suggested changes for the Council to consider, such as requiring lights to be used at all times and not having to wait for a second violation to end the use of a vehicle.

Mayor Leichty also said that in order to allow adequate questions, comments and feedback from the community, she would recommend delaying final passage of Ordinance 5184 until at least June.



The Mayor invited Council questions or comments on Ordinance 5184.

Council President Brett Weddell said Elkhart County had two separate and distinct ordinances – one for off-road vehicles and one for golf carts. He said these aren't the same type of vehicles, so putting them together in the same ordinance would not be a wise decision.

Council President Brett Weddell said the County prohibits the use of golf carts on streets with a posted or assumed speed limit of 35 mph or faster, which he said he would support. He said he didn't think golf carts should be operated on College Avenue, Wilden Avenue, Lincoln Avenue, Indiana Avenue and some other streets. He said they should be restricted to residential streets with a speed limit of 30 mph or less, such as 8th Street, 9th Street and 10th Street.

Councilor Peel said she initially intended to push back on this argument because other slower-moving vehicles already are permitted on streets with streets higher speed limits. However, she learned that the state permits those vehicles on those streets and those slower vehicles must stay to the right of roadways when operating.

Council President Weddell said there should be some consistency because it can be confusing if people take their vehicles from one community to another. He said that he was glad when he reviewed the County's ordinance and pointed out that **Clerk-Treasurer Aguirre** provided copies to Council members (**EXHIBIT #1**).

Council President Weddell said Nappanee also has an ordinance which prohibits golf carts from operating on U.S. 6 and State Road 19 and also charges a one-time \$50 registration fee compared to Goshen's proposed fee of \$50 per year. He added that Goshen's proposed annual fee seemed excessive.

Councilor Nisley said his family members have many off-road vehicles and they pay a \$30 state fee for three years, so he said he would recommend eliminating Goshen's proposed \$50 fee for off-road vehicles.

Councilor Peel Asked **Councilor Nisley** to give an example of an off-road vehicle.

Councilor Nisley named several types of off-road vehicles. He said many have the same equipment as cars and some can go up to 100 mph. He said that is why they require registration. However, he said he has never had to register a golf cart but if they were registered, safety belts would need to be added. He said the \$50 fee was too high.

Councilor Nisley said only vehicles traveling at 25 mph or less should be required to have "Slow Moving Vehicle" signs. He also said some of the off-road vehicles are safe. So, he said he would like changes in Goshen's proposed ordinance to be consistent with Elkhart County's ordinance.

Regarding the proposed fee, **Councilor Gerber** asked if there would be added costs to the City for adding another type of vehicles to City roadways.

Mayor Leichty said she would anticipate additional costs for education and there would be a need for signage.

Councilor Lederach said that would be a key issue because it would be important to only authorize the appropriate vehicles to use the City's roadways. He asked if there would be a vehicle inspection process along with permitting.

Mayor Leichty said people would have to provide information about their vehicles to get permits.

Councilor Nisley said some people could assume their John Deere Gator is an off-road vehicle and it is not; it is a utility vehicle and would not be allowed. So, he said there would need to be an explanation for the public.

Councilor Peel said requiring a permit would be important for the operator to be handed a list of rules and responsibilities to be kept with the vehicle. She said all drivers should know the rules.

Councilor Peel also commented on the City vehicles that use the roads. **The Mayor and Council President Weddell** said City vehicles would be exempt under the ordinance.

Council Peel said she would like to hear from **Chief Miller**. **The Mayor invited comments from the Chief.**



Chief Miller said he didn't want to speak against any vehicle anyone has and often considers the harm things can do. Because of their speed and capabilities, he said there is a reason off-road vehicles aren't on roads now and don't have license plates. He said they fall under a different vehicle category.

Chief Miller said Goshen police sometimes deal with off-road vehicles on the south side of town and which lead to operators fleeing from police, which causes issues. He said the different types of vehicles will require increased monitoring to keep up with, which will be a problem given the present large demands for police service.

Chief Miller said allowing them could be a good thing in the future, but his preference would be starting by allowing golf carts, assess how that works and later allow off-road vehicles. He said golf cart operators tend to be more responsible adults, adding that young people could use off-road vehicles without permission from their parents.

Chief Miller said the vehicles should be required to have head lights on at all times to enhance safety. He also said the ordinance should be modified to allow greater enforcement and even impoundment of vehicles based on the circumstances. Above all, he said the department wants to enhance safety.

Councilor Schrock asked how the Police Department would enforce rules if the City began with allowing golf carts on a trial basis.

Chief Miller said it would be difficult and require a learning curve for the Police Department. He said the one good thing about golf carts is that most operate at a lower speed. And, he said, if a golf cart driver attempted to flee from a police officer, it would be a low-speed pursuit vs. 100 mph with an off-road vehicle cutting through yards. He added that radar guns could also monitor golf carts, and it would be easier to adjust to them.

Councilor Schrock asked if the Police Department would want golf carts on roads with higher speed limits.

Chief Miller said he would prefer no changes, but the department will adjust to whatever the Council approves.

Assistant Police Chief Shawn Turner said this could be a perception issue as people learn that these vehicles are allowed on roadways. He said some people will illegally operate vehicles and this will become an enforcement issue for police. He added that some people won't comply with requirements but will still drive on streets.

Councilor Lederach said that the police perspective was helpful. He also said he agreed with **Council President Weddell** that golf carts and off-road vehicles are very different and require different regulations. Further, he said he agreed with **Chief Miller** about starting by allowing golf carts to operate on City roadways. He added that there will need to be education about what is legal and illegal.

Councilor Schrock said he wondered about other municipalities close to the population of Goshen that allow golf carts. He pointed out that Nappanee and Wakarusa are smaller than Goshen.

Mayor Leichty said Noblesville, which is larger than Goshen, allows golf carts (but not off-road vehicles) on roads and has a well-developed education program. She said many other cities allow golf carts on their roads. She added that the Nappanee mayor said the city's fee has been working well.

Councilor Gerber asked if it would be helpful to include information about parking these vehicles.

Mayor Leichty said that could be done. She believes this ordinance could actually ease parking issues because multiple golf carts could fit into parking spaces.

Councilor Nisley asked if the City would have electric charging stations for golf carts. **Mayor Leichty** said there are no plans for that at this time. Councilor Nisley said that was good. He added that he didn't have a strong position on this ordinance.



Council President Weddell said the other day he saw an off-road vehicle parked at the Oasis Restaurant and afterward saw it driving away.

Councilor Nisley said these vehicles are safe and fun to drive. But he said he believes some won't read the ordinance but will use vehicles that may not be allowed on City streets.

Councilor Peel said it appeared that many amendments needed to be made and said she didn't know that this ordinance could be approved tonight. She asked if it would be appropriate to approve it on First Reading and then seek community input as well as information from other communities and then amend it.

Council President Weddell said he meant no offense to City staff, but the ordinance as drafted was "unpassable." He said he would like to hear comments from the public tonight and then table the ordinance. He suggested a three-member Councilor work group be formed to further develop the ordinance.

Councilor Peel said that sounded reasonable.

Mayor Leichty said she took no offense to **Council President Weddell's** comments and added, "And I appreciate the robust debate. This is how good decisions are made – through robust debate and consideration. So, thanks to the Council for all your comments."

There were no further Councilor comments or questions, so at 7:09 p.m., Mayor Leichty invited public comments on Ordinance 5184.

Daniel Emery of Goshen said he worked with Elkhart County Commissioners on its off-road ordinance for about a year. He said it is a good ordinance and is extremely strict compared with similar ordinances in nearby communities. **Emery** said Elkhart County is now 72nd among 93 counties in Indiana that allow this. He added that off-road drivers can now drive half way through Michigan and three-quarters of the way to Southern Indiana. Other key points:

- In response to **Chief Miller**, he acknowledged that 1% of drivers would cause problems, but that should not ruin things for the 99% of law-abiding drivers who will follow the rules;
- There will always be "bad apples," whether operating an off-road vehicle or a car;
- He "100%" agreed that golf carts and off-road vehicles are different and there should be two different ordinances;
- Permitting for off-road vehicles will be a problem, and he said he is now working on ordinances with Middlebury and Bristol;
- Off-road drivers want to visit Goshen, spend money here and buy gas here;
- Off-road drivers don't want different permits for every community in the region and want a "common" permit for the entire state and he objected to the City's proposed \$50 fee;
- He said rallies are drawing up to 100 off-road drivers who spend a "fortune" in places they visit;
- He said about 8,000 snowmobiles are registered in Indiana and about 90,000 off-road vehicles are registered in the state and they are becoming more popular;
- He said the Elkhart County ordinance has among the most punitive rules.

Emery said he would like to meet with Councilors to develop the City ordinance.

Mayor Leichty thanked **Emery** for his comments and his willingness to work with the City on an ordinance.



Deak Thornton of Goshen said good points were raised about off-road vehicles, especially about their capabilities. He said golf carts and off-road vehicles are completely different and should be regulated differently. He also said:

- Off-road vehicles using public roads must obey the same rules and regulations all motor vehicles must obey, which should make it easier for police to regulate them;
- Off-road vehicle operators should not fear law enforcement or have any reason to evade officers;
- Off-road vehicles are as safe as any other vehicle; many won't operate above 10 mph without a fastened seat belt;
- Drivers of off-road vehicles are more aware of their surroundings than drivers of regular motor vehicles;
- Not all off-road vehicles have turn signals or horns, but must have them to be street legal;
- There are 90,000 registered off-road vehicles in Indiana and most drivers are over 45 years old, so most are responsible drivers;
- Sometimes kids can ruin things for adults, because they don't appreciate the machine they are driving or respect the law;
- Kosciusko County was one of the first counties to allow off-road vehicles on roadways, followed by Warsaw;
- Councilors should remember that off-road vehicles are not golf carts, should follow the rules of roads and their drivers should be ticketed if they violate laws;
- And off-road drivers are trying to operate safely.

Lavon Bender of Goshen said he agreed with the previous two speakers. He said he goes to Menards every Saturday and loves driving his all-terrain vehicle (ATV). He asked the Council to pass the ordinance. He also displayed a map showing the many counties that allow off-road vehicles.

Marlin Groff of Goshen said he loves Goshen and appreciated everyone present tonight seeking to make the City safe and enjoyable. He said he favored the ordinance and said he was excited when he learned golf carts might be allowed on City streets. He said he also supports allowing ATVs.

Groff said he supports anything that is an alternative to motor vehicles, including bicycles and walking paths. He said today he saw a golf cart traveling on a sidewalk on 8th Street and said it would be better for it to be on the street.

Brandon Rhodes of Goshen said he had a concern that had not yet been mentioned and that is noise. He said some young people modify golf carts and increase their sounds. He said current residential streets are mostly quiet and he hopes the ordinance can regulate the sound of these new vehicles on City streets.

At 7:29 pm, Mayor Leichty closed the public comment period and acknowledged the good discussion. She asked the Council's will at this point.

Council President Weddell/Councilor Nisley made a motion to table Ordinance 5184 with the understanding that the Council will form a small work group with City staff to further develop the ordinance.

On a voice vote, Councilors unanimously passed the motion, by a 7-0 margin, at 7:30 p.m.



6) Ordinance 5185: An Ordinance of the Common Council of the City of Goshen to Establish a Process to Address Chronic Disorderly Properties

Mayor Leichty called for the introduction of Ordinance 5185, *An Ordinance of the Common Council of the City of Goshen to Establish a Process to Address Chronic Disorderly Properties*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5185 by title only, which was done.

Weddell/Peel made a motion to approve Ordinance 5185 on First Reading.

BACKGROUND:

Ordinance 5185 would establish a process to address chronic disorderly properties.

The following rationale was offered for the proposed new law:

- The Common Council of the City of Goshen has a substantial and compelling interest in protecting the health, safety, property, and welfare of its citizens and the neighborhoods affected by chronic unlawful or nuisance activity;
- Chronic unlawful or nuisance activity of various kinds within the City adversely affects the health, safety, and welfare of citizens and diminishes the quality of life in neighborhoods where this chronic activity occurs. Chronic unlawful or nuisance activity constitutes a public nuisance and is subject to abatement;
- Existing City ordinances and enforcement processes do not adequately control chronic unlawful or nuisance activity, or its detrimental effects on citizens and neighborhoods where such activity occurs;
- Time and resources of the Police Department and other City officials responsible for code enforcement are disproportionately allocated towards chronic unlawful and/or nuisance activity;
- Establishing a regulatory framework contained herein will help alleviate the problems created by chronic unlawful or nuisance activity through early intervention by the Police Department and/or other City officials responsible for code enforcement;
- Nothing in this ordinance shall limit any other civil and/or criminal action against the property owner and/or occupant;
- The City is aware of the potential punitive impact this ordinance could have on victims of criminal activities and individuals suffering from physical and mental impairments.

If approved, Ordinance 5185 would specify the following:

1. Title.

1.1. Ordinance No.5185 shall be known as the "Disorderly Property Ordinance."

2. Definitions.

2.1. "Disorderly Property" shall mean a building, dwelling, establishment, premises, or place (collectively "Property") where Prohibited Conduct occurs. It includes the outside area contiguous to and surrounding the Property such as a yard, parking lot or lot under the same ownership. If the Property has multiple dwelling units or residences, or is a hotel or motel, this definition applies to all dwelling units, rooms or suites of rooms in which Prohibited Conduct occurs. If the Property is part of a larger apartment complex, this definition applies collectively to all buildings connected to the apartment complex in which Prohibited Conduct occurs. This definition specifically includes both owner and nonowner occupied Properties.

2.2. "Occupant" shall mean any person(s) residing at or having actual possession of any Property.



2.3. "Ordinance Citation" shall mean any citation issued by a City of Goshen Code Enforcement Officer or other official charged with enforcement of city ordinances.

2.4. "Owner" shall mean the Owner of record of the Property, as identified by the records of the Elkhart County Auditor's Office.

2.5. "Prohibited Conduct" shall mean activities occurring in violation of the statutes or ordinances relating to any of the following:

2.5.1. Gambling, as defined in I.C. § 35-45-5-1;

2.5.2. Battery, as defined in I.C. § 35-42-2-1;

2.5.3. Contributing to the delinquency of a minor, as defined in I.C. § 35-46-1-8;

2.5.4. Resisting law enforcement, as defined in I.C. § 35-44.1-3-1;

2.5.5. Disorderly conduct, as defined in I.C. § 35-45-1-3;

2.5.6. Criminal recklessness, as defined in I.C. § 35-42-2-2;

2.5.7. Harassment as defined in I.C. § 35-42-2-2;

2.5.8. Violations of any of the following Indiana statutes governing:

2.5.8.1. Prostitution in violation of I.C. § 35-45-4-2;

2.5.8.2. Making an unlawful proposition in violation of I.C. § 35-43-4-3; or

2.5.8.3. Promoting prostitution or juvenile prostitution in violation of I.C. § 35-45-4-4;

2.5.9. Violations of any of the following Indiana statutes governing:

2.5.9.1. Criminal gang activity in violation of I.C. § 35-45-9-3;

2.5.9.2. Criminal gang intimidation in violation of I.C. § 35-45-9-4; or

2.5.9.3. Criminal gang recruitment in violation of I.C. § 35-45-9-5;

2.5.10. Violations of the following Indiana statutes governing:

2.5.10.1. Dealing in cocaine or a narcotic drug in violation of I.C. § 35-48-4-1;

2.5.10.2. Dealing in methamphetamine in violation of I.C. § 35-48-4-1.1 and/or manufacturing methamphetamine in violation of I.C. § 35-48-4-1.2;

2.5.10.3. Dealing in a schedule I, II, or III controlled substance or controlled substance analog in violation of I.C. § 35-48-4-2;

2.5.10.4. Dealing in a schedule IV controlled substance or controlled substance analog in violation of I.C. § 35-48-4-3;

2.5.10.5. Dealing in a schedule V controlled substance or controlled substance analog in violation of I.C. § 35-48-4-4;

2.5.10.6. Dealing in marijuana, hash oil, hashish, salvia, a synthetic drug, as defined by I.C. § 35-31.5-2-321 or I.C. § 25-26-13-4.1, as those statutes are from time to time amended, or a controlled substance analog, as defined in I.C. § 35-48-1-9.3 and/or I.C. § 35-48-4-10. The distribution of law THC hemp extract in full compliance with I.C. § 24-4-21-1 et seq. is excluded from this subpart.

2.5.10.7. Use of possession of any of the substances described in subsections

2.3.10.1 through and including 2.3.10.6 above, or the sale, use, or possession of any other illicit narcotics or dangerous controlled substances; or

2.5.10.8. Dealing in a controlled substance by a practitioner in violation of I.C. § 35-48-4-1.5.

2.5.11. Failure to keep vacant property secured against entry, in violation of I.C. § 36-7-9-1 et seq. and Goshen City Code § 6.3.1.1(ff);



2.5.12. Accumulation of Materials Creating a Fire, Health, or Safety Hazard, as prohibited by Goshen City Code § 6.10.1.1 et seq.;

2.5.13. Graffiti, as prohibited by Goshen City Code § 6.11.1.1 et seq.;

2.5.14. Excessive Noise and Sound, as prohibited by Goshen City Code § 3.3.1.1 et seq.;

2.5.15. Discharge of firearms, as prohibited by Goshen City Code § 3.5.1.1;

2.5.16. Use, discharge, or ignition of fireworks, as prohibited by Goshen City Code § 3.6.1.1

2.6. "Verified Complaint" shall mean a law enforcement documented call for service that an incident took place at a specific property address requiring sworn law enforcement personnel to be dispatched or caused to respond. The term does not include incidents involving an occupant of the premises who is the victim of the crime, or any ambulance or medical service response.

3. Public Nuisance.

3.1. For Property with less than four (4) separate residential units, whenever Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurs in or upon the Property on three (3) or more separate occasions during a sixty (60) day period, the City deems the Property to be a Disorderly Property and a public nuisance.

3.2. For a Property between four (4) and twenty (20) separate residential units, whenever Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurs in or upon the Property on four (4) or more separate occasions during a thirty (30) day period, the City deems the Property to be a Disorderly Property and a public nuisance.

3.3. For Property with twenty (20) or more separate residential units, whenever Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurs in or upon the Property on six (6) or more separate occasions during a thirty (30) day period, the City deems the Property to be a Disorderly Property and a public nuisance.

3.4. For Property used for commercial or industrial purposes, whether or not such property is zoned commercial or industrial pursuant to the Goshen City Zoning Ordinance, whenever Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurs in or upon the Property on six (6) or more separate occasions during a thirty (30) day period, the City deems the Property to be a Disorderly Property and a public nuisance.

4. Penalty, Injunctive Relief.

4.1. Whenever Prohibited Conduct constituting a public nuisance occurs at a property as specified in Section 3, the matter shall be referred to the City Attorney. If the City Attorney, after review, determines that sufficient and proper cause exists to deem the property a Disorderly Property and a public nuisance, and that enforcement will not be unduly punitive on victims of criminal activities or individuals suffering from physical and mental impairments, the City may file an action in any court of general jurisdiction against the Owner and/or occupants to enjoin the nuisance and to recover a fine. In the case of a rental property, apartment or multi-unit rental dwelling, enjoinder of the nuisance may include the suspension of all future rental activities, including revocation of a rental registration receipt under Goshen City Code.

4.2. The fine shall be Two Thousand Five Hundred Dollars (\$2,500.00) for the first violation (the applicable number of incidents of Prohibited Conduct within the period identified in Section 3.1, 3.2, or 3.3). For a second and each subsequent succeeding separate violation (the applicable number of incidents of Prohibited Conduct within the period identified in Section 3.1, 3.2, or 3.3 at the same Property subsequent to the date of the incident of Prohibited Conduct establishing a first violation), a fine of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be assessed to Owner and/or occupants.



5. Cooperation with Owner/Items Excluded from Definition of “Prohibited Conduct”.

5.1. An Owner of Property identified as a Disorderly Property is encouraged to communicate and cooperate with the Goshen Police Department and other City officials responsible for code enforcement.

5.2. It is not the intent of this Ordinance to discourage anyone from requesting police assistance – especially the victim of domestic violation and/or child abuse or neglect. Indiana Code § 35-31.5-2-78 (crime of domestic violation), Indiana Code § 31-33-1-1 (reporting of suspected or known incidents of child abuse or neglect), Indiana Code §35-46-1-4 (neglect of a dependent), and other related statutes are specifically excluded from Section 2.3. In addition, ambulance calls, welfare checks, routine traffic stops, and motor vehicle accidents are also specifically excluded from Section 2.3.

5.3. It is also not the intent of this Ordinance to resolve disagreements or disputes between neighbors. Rather, it is to alleviate the impact on City resources created by chronic unlawful or nuisance activity and minimize the detrimental effects on citizens and neighborhoods through early intervention.

6. Miscellaneous.

6.1. Nothing in this Ordinance shall limit the City's ability to otherwise declare any particular action or activity a public nuisance and/or pursue any other remedy allowed by law.

6.2. Any ordinance or provision of any ordinance of the City of Goshen, Indiana in conflict with the provisions of this Ordinance is hereby repealed.

6.3. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

6.4. This Ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

SUMMARY OF MAY 13, 2024 COUNCIL CONSIDERATION OF ORDINANCE 5185:

Mayor Leichty provided the background and context of the ordinance.

The **Mayor** said the ordinance, which she affectionately called “Caleb’s Law,” came about because of a property in the City that has had a number of serious issues. She said there are other City properties also with “highly problematic” issues as well as landlords who are not sufficiently monitoring the activities of their tenants and allowing them to “wreak havoc” on neighbors in the community.

Mayor Leichty said **Caleb Scott of Goshen** reached out to his Council representative, **Megan Peel**, with a plea for help after repeatedly seeking assistance from Police and asking about what could be done to provide an incentive for property owners to cooperate with the City. She said police have visited this property more than 80 times over two years for serious crimes. Scott asked if there was any recourse for dealing with such serious issues.

In this case, **Mayor Leichty**, said City police and other City staff visited with the property owner who was reluctant to do anything. She said he knew about the issues that were happening, including the serious crimes being committed by his tenants, but was unwilling to take action until later or to seek to evict the tenants.

So, the **Mayor** said the City started exploring the issue, through **Deputy Mayor Mark Brinson** and **City Attorney Bodie Stegelmann**, about the kind of policies other cities have adopted to help address highly problematic properties and provide a legal pathway for enforcing compliance with property owners with egregious issues that needed to be dealt with. And, she said, they drafted the ordinance before the Council tonight.

Mayor Leichty said **Caleb Scott** was present and was willing to share his experience and support for the ordinance.



Caleb Scott of Goshen, who lives in the 300 block of East Jefferson Street, said he appreciated the Council's consideration and the assistance of City staff. He said he reached out to **Councilor Peel** two months ago.

Scott said he moved into his home two years ago and it has been "miserable" living next to a neighboring property. He said tenants have stolen water from the spigot at the front of his house and allowed trash to accumulate next to his house, attracting flies. He said the tenants also linger outside and yell at all hours of the day and night, keeping neighbors awake. He said tenants also mistreated a dog.

Scott said he has asked the tenants to stop their behavior, but they have ignored him and treated him rudely and there are many people in and out of the property. He said he has contacted the landlord, who was also rude.

Scott said when he initially reached out to the City for help, he acknowledged that people should be allowed to do what they want to do, but they shouldn't infringe on his life. He said the landlord isn't being held accountable so he hasn't held his tenants accountable. So, **Scott** hopes landlords can be held accountable.

Councilor Peel thanked **Scott** for reaching out, noting that she said she lives a block away from the problematic property, which she said has been an eyesore for years. She said neighbors are grateful that the City is addressing the issue and some are at tonight's meeting.

Councilor Peel said the property has been in disrepair for many years and has had many intoxicated people moving in and out of the property. She agreed with **Scott** that people should be able to do what they want, but not when their behavior infringes on neighbors and jeopardizes safety. She called on the Council to hold the property owner responsible for this situation.

Mayor Leichty said she and City staff met with the owner of this property. Among those at the meeting was **Assistant Police Chief Shawn Turner**, who she said wanted to share his opinion with the Council.

Assistant Chief Turner, speaking from a "police department perspective," asked the Council to take Ordinance 5185 under consideration. He said there are a handful of nuisance properties throughout the City and most are rentals.

Assistant Chief Turner said some of those owners "operate with impunity" by allowing less reputable tenants with criminal records to move into poorly maintained properties that are neighborhood eyesores and become a threat to neighborhoods and a quality of life issue for residents. He said these properties are responsible for increased police calls for such issues as drug-related offenses, theft and disturbing the peace.

Even when police take enforcement action, **Assistant Chief Turner** said, it becomes a "perpetual issue" as the criminal activity continues. In some cases, he said those who are arrested are replaced by similar people choosing to live a criminal lifestyle. He added, "These types of properties attract those types of tenants."

Assistant Chief Turner said, "The burden is not just on the police. This quality of life issue for the neighborhood also means neighbors will be affected by crime. In many of these areas there's an increase in thefts from homes, thefts from motor vehicles, thefts of bicycles and so on.

"Upset neighbors call the police and many believe that once they make that phone call that we will be able to do something about that situation immediately and in most situations we cannot. It takes months of investigation and that's looking into the activities of those tenants. Our pro-active team has served multiple search warrants and conducted hours upon hours of surveillance to build cases and, again, only to find that it's a perpetual issue."

Assistant Chief Turner concluded, "We have felt for a long time that landlords should be held responsible. They keep their rentals in poor condition and have no issue collecting rent money at the cost of everyone else in the neighborhood. This ordinance will help us change the behavior and rental practices for the landlords who hold the power to clean up their properties and provide quality housing for Goshen residents seeking a good place to live."



Mayor Leichty thanked **Assistant Chief Turner** and invited Council questions or comments about Ordinance 5185. In response to a question from **Council President Weddell**, **Mayor Leichty** confirmed that this ordinance is not just directed at rentals properties. She said it was designed to hold property owners responsible.

Council President Weddell asked if this ordinance was prompted by increased police and fire calls or such code enforcement issues as trash accumulations. He said he was asking because there are already ordinances to deal with the latter issue.

Assistant Chief Turner said usually when a property comes to the attention of the Police Department, there are multiple issues including those covered by the draft ordinance. He said issues have also come to the attention of the City Building Department and blight has also become an issue as well as drug use.

City Attorney Bodie Stegelmann said the City has an accumulation of materials ordinance that would address trash in a yard or elsewhere on the property which can be enforced. He said what is under consideration now is an ordinance that can address properties that have been the subject of multiple complaints, including criminal activity and the accumulation of trash.

Council President Weddell expressed appreciation for that clarification.

Councilor Lederach mentioned a provision of Ordinance 5185 that would require enforcement by the City Attorney and asked if this would be a burden. **City Attorney Stegelmann** said the provisions were consistent with other City ordinances. He said that rather than the Police Department or a Department head making the decision to file a lawsuit, the case would be handled by the City Legal Department in consultation with the Mayor and City staff.

Councilor Gerber said she spoke with **Deputy Mayor Brinson** about the ordinance and he made some adjustments in the wording because she had concerns about "unintended consequences and perhaps neighbors using this against each other or misusing the ordinance in order to settle a dispute with a neighbor or get back at someone." She said she would be interested in seeking ways to strengthen that language or make it more clear of how the ordinance can or cannot be used. Still, Councilor Gerber said she felt for the people who have been suffering by living next to the problematic property in question and wants something done about this while ensuring there are no unintended consequences and that people are not unfairly victimized.

Mayor Leichty asked if **Councilor Gerber** was seeking the adjustment of specific language. **Councilor Gerber** pointed to Section 5.3, which stated it was "not the intent of this Ordinance to resolve disagreements or disputes between neighbors." She wondered if it would be possible to strengthen that wording.

Councilor Peel said there also was discussion about the possible legalization of marijuana. Although marijuana is still illegal in Indiana, she said its illegal use was mentioned in the ordinance among the list of violations, so she wanted to raise the issue. She asked if regular use of marijuana might trigger many calls to police.

Councilor Gerber said the ordinance mentions dealing as well as usage.

Councilor Schrock said he was glad the Police Department supports Ordinance 5185 because his district has some problem properties. He said he agreed with the idea of helping people who live near these properties while holding landlords responsible for what happens on their properties.



Mayor Leichty said that as the **City Attorney** indicated, the City already has an ordinance to address people who dump trash on properties. He said this ordinance would address broader issues that cannot now be remedied.

Council President Weddell said a difficult issue to deal with will be excessive noise and sounds. He said this issue has been discussed for years without a good solution. Still, he noted this ordinance would address repeated issues.

Mayor Leichty agreed and added this will be a way to address persistent problems that could not be resolved through other avenues.

There were no further Councilor comments or questions. So, at 7:51 p.m., **Mayor Leichty** invited additional public comments on Ordinance 5185.

Cory Martin of Goshen said he and his wife have lived for 15 years on North 5th Street within walking distance to one of the type of problematic homes discussed at the meeting. While he favors holding landlords accountable, he said he had questions and concerns about Ordinance 5185 because there already are many ordinances and laws that landlords already are ignoring, which is why these problems continue.

Martin asked about the enforcement mechanism for this ordinance and whether the suggested fines would have any impact. He said in the past 15 years there's been a lack of movement to address these problem homes in his neighborhood. While he said there's been some progress in the past year, it's frustrating that the problem persists.

Martin said he works for an organization that owns six homes in North Goshen and it only rents to convicted felons with past issues involving drugs and violence. Still, he said it has had no issues with these renters.

So, **Martin** said his large concern was whether the City was unfairly shifting blame for persistent problem to renters and not the landlords, adding, "if we can do it, they can do it."

Like **Councilor Gerber**, **Martin** also said he had concerns about people becoming "vigilantes," triggering situations in which neighbors would report on neighbors to police over trivial matters like loud parties.

Mayor Leichty responded that the City's intent is not to go after tenants but to hold property owners accountable. She said the goal is to incentivize property owners and put a stop to problems. The **Mayor** invited the **City Attorney** to respond to how this is a different approach to addressing problems at properties.

City Attorney Stegelmann said the City's existing ordinances are enforced through code enforcement and by police. He said tickets are written and normally go to the Ordinance Violations Bureau. He said the goal of that system is to encourage compliance.

The **City Attorney** said this proposed ordinance is one step beyond that because of the level of criminal activity and code violations being experienced. Due to a lack of compliance, he said this proposal would increase enforcement with more stringent penalties and fines for properties that are consuming an inordinate amount of City resources. One of the possible penalties could be the revocation of a landlord's ability to rent their property.

Jason Ropp of Goshen, who lives in the 300 block of East Jefferson Street, said he is excited about the proposed ordinance and has been frustrated about the problem property nearby. He said he knows some of the people who lives there and while some have made "bad choices," he said others are good.

Ropp said he also appreciated the concerns about potential unintended side effects. He asked Councilors to consider the impact on tenants and make sure they are not harmed by the proposed ordinance.



Lisa Jordan of Goshen said she lives on 6th Street near the East Jefferson Street property that has been discussed during the meeting. She said the property has greatly affected her quality of life. She said as a woman and mother she feels very unsafe living by this property.

Jordan said she has felt powerless fighting against it and would appreciate anything the Council can do to keep her family safe. Jordan said this issue isn't about loud music or trash, but about her not being able to allow her children to ride their bikes or be outside. She added that the property has changed the way she lives her life because of the crime at the property.

Sheldon Troyer of Goshen, who also lives on 6th Street, said he also supported the ordinance, which he said was desperately needed.

Brandon Rhodes of Goshen, who also lives on 6th Street, said neighbors were happy about the increased police presence at the property on East Jefferson Street with their flashing blue vehicle lights. He said neighbors have felt far less alone and supported since then, adding, "We fell asleep to blue lights flashing in the window because we knew that at least that night the property was being looked after." Rhodes also said he was happy about the proposed schedule of fines because landlords are not helping their tenants to get the help and structure they need.

There were no further public comments, so at 8:04 p.m., Mayor Leichty closed the public comment period.

Mayor Leichty thanked members of the public who spoke and said she was sensitive about the unintended consequences that could happen with any ordinance. She said she also understood the sensitivity when the City deals with neighbor disputes. She repeated the intent of the law and said she would work to make sure it is utilized properly if it is approved. The Mayor said it would be directed at owners of properties with safety issues.

Council President Weddell asked if this was a tenant problem or a landlord problem.

Mayor Leichty said landlords are aware of the issue. She also said the owner of the property on East Jefferson Street was aware of the problems his tenants were creating but appeared to be intimidated by some of them and unable or unwilling to do anything about the problems they were causing.

Councilor Nisley said it seemed the owner was perhaps afraid of what would happen if he evicted the tenants. He said it is hard to get people out of properties and can also be costly.

Mayor Leichty said in this case the landlord said he felt a responsibility to provide housing to his tenants but was ignoring his other responsibilities, perhaps out of his fear of some tenants.

Councilor Peel said that may have been the case, but this property has been a problem for years with different tenants. She said the landlord has been purposefully renting to people who have caused problems.

Councilor Schrock said he didn't think the landlord was really afraid of his tenants. **Council President Weddell** said he was glad the landlord was not being named.

Council President Weddell said he wanted to make sure the City was laying blame on the right people. He said any of the listed crimes in the ordinances would be reason enough to evict a tenant. And in that case, he said if a landlord refused to evict a tenant, the landlord should be held responsible for the consequences.

Councilor Nisley asked whether problems could be handled through the Board of Public Works and Safety. **Mayor Leichty** said that wasn't the case, which is why this ordinance was proposed.



Council President Weddell also commented on the purpose of the ordinance. **Councilor Nisley** asked follow-up questions about the City's current enforcement powers.

City Attorney Stegelmann said the Board of Works deals with unsafe property cases, which are different than what would be addressed in Ordinance 5185.

Councilor Schrock asked if it was true that under this ordinance, if there were serious enough violations a landlord would be unable to rent the property to other tenants. **City Attorney Stegelmann** said that was one of the remedies the City could seek in court. He said a judge could issue that order if a property was bad enough, although he confirmed that a landlord could appeal such an order.

Councilor Riegsecker said this was an interesting issue and he was considering all of the various codes being discussed. He said offenses like possession of marijuana and speeding might not seem serious but are subject to enforcement, and he was "OK with that."

Councilor Riegsecker said people who commit criminal offenses would still be responsible for their actions, but the City could also go after property owners. He also said this ordinance seemed like a good step forward.

Assistant Police Chief Turner noted that Councilors were discussing whether this was a tenant or landlord issue. He said there has also been a lot of discussion of the property in the 300 block of East Jefferson Street, but the people at that site have also been found at other problem properties elsewhere in the City.

Assistant Police Chief Turner said, "It is a landlord issue in my mind because they also own those properties in other parts of the City. So, we are commonly finding the same persons at these rental properties and dealing with them. So, if you're asking me where the blame lies, yes, it is with the tenant, but there is a landlord absolutely allowing this activity to continue throughout the City."

Mayor Leichty asked if there were further Council comments or questions or if anyone had a motion to offer.

Council President Weddell said Councilors were ready to vote on First Reading but had the option of delaying the Second and Final Reading. A number of Councilors supported that idea as did Mayor Leichty.

On a voice vote, Councilors unanimously passed Ordinance 5185 *An Ordinance of the Common Council of the City of Goshen to Establish a Process to Address Chronic Disorderly Properties*, on First Reading by a 7-0 margin, with all Councilors present voting yes, at 8:16p.m.

Mayor Leichty said the Second Reading of Ordinance 5185 would be delayed. She thanked everyone for participating in the discussion of the proposed ordinance.

Elected Official Reports

Mayor Leichty asked Councilors if they had any reports from the Boards and Commissions they serve on.

Councilor Nisley said he has received complaints regarding all kinds of signs all over the City.



Council President Weddell said the **City Redevelopment Commission** would meet at 3 p.m. on Tuesday, May 14. He said one of the agenda items would be a proposed economic development agreement for housing by Kosene & Kosene for the undeveloped 13 acres at the northwest corner of Plymouth Avenue and Greene Road. He said he had no idea how the commission would vote but expected it to be an interesting meeting.

Councilor Riegsecker said he and **Councilor Gerber** have attending **Board of Works meetings** as Council liaisons. He said it a well-run meeting and that staff time is used efficiently. He said he and Councilor Gerber were impressed about two properties subject to demolition orders that have now been remodeled.

Councilor Riegsecker also asked for an **update on the work on Reliance Road**.

City Director of Public Works & Utilities Dustin Sailor said utilities relocations are in progress. He said NIPSCO postponed some work because of storm-related outages. He said Peddlers Village Road would be closed for some of the work and traffic would be detoured to U.S. 33.

Councilor Riegsecker said he looked forward to the completion of the work.

Councilor Peel asked if it was possible to get a **speed reading device on 15th Street**, between Plymouth and College avenues. **City Director of Public Works & Utilities Dustin Sailor** said there is now one such device northbound on 15th Street but not southbound.

Councilor Peel said she will be attending the meeting of the **City Community Relations Commission (CRC)** tomorrow and would have a report at the next Council meeting.

Councilor Peel also said she was "very happily" attending board meetings of the **Economic Improvement District** and is glad to be the Council liaison because downtown Goshen is in her Council district. She expressed gratitude for the many downtown improvements and the good work of outgoing board members Dave Pottinger, Jonathan Wieand and Scott Woldruff. She also said she was excited about the three incoming Board members.

Councilor Nisley asked for an **update on the City's wage and compensation study**.

Mayor Leichty said that was a great question and that the City administration was still seeking some final information to incorporate into the 2025 budget. She said enough time had passed that there was no practical way to complete implementation of salary increases for 2024, so those would be incorporated into next year's budget.

Council President Weddell noted that the Council appropriated \$250,000 for specific employee raises and that those funds now won't be utilized in 2024.

Mayor Leichty said the \$250,000 was incorporated into a larger raise for City employees and a remaining portion was left to make some additional raises.

Council President Weddell said he would look forward to clarification of this at a later time.

Clerk-Treasurer Aguirre said that before tonight's meeting he distributed the **City's Monthly Expenditure Report** as of March 31, 2024 (**EXHIBIT #2**). He said the 2024 expenditures for the first quarter were quite similar to the spending levels for the same period in 2023.

Mayor Leichty noted that the April month-end figures were not yet available, but the Clerk-Treasurer's Office wanted to provide this update to the Council as requested.



Clerk-Treasurer Aguirre said at 3:30 p.m. on May 23, the Center for Healing & Hope will hold a ribbon-cutting ceremony to celebrate the successful completion of a \$3 million fund-raising campaign to buy the center's new building at 400 West Lincoln Avenue. He invited Councilors to attend the event.

Councilor Schrock praised City staff for a successful Arbor Day celebration on First Friday, May 3, 2024.

There were no further Council comments or questions.

Councilor Nisley made a motion to adjourn the meeting. Councilor Peel seconded the motion. By a voice vote, Councilors unanimously, by a 7-0 margin, approved the motion to adjourn the meeting.

Adjournment:

Mayor Leichty adjourned the meeting at 8:27 p.m.

EXHIBIT #1: Elkhart County Commissioner Ordinance No. CO-2018-02, An Ordinance Amending the Elkhart County Code In Chapter 70: Traffic Regulations of the Title VII Traffic Code. This ordinance regulating the use of golf carts and low-speed vehicles on roadways in the unincorporated area of Elkhart County was provided to Councilors by the Clerk-Treasurer during consideration of agenda item #5.

EXHIBIT #2: City of Goshen Monthly Expenditure Report as of March 31, 2024. The report, which was distributed to Council members, was prepared by Deputy Clerk-Treasurer Jeffery Weaver and presented by Clerk-Treasurer Richard R. Aguirre during the Elected Official Reports.

APPROVED:

Gina Leichty, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer



GOSHEN COMMON COUNCIL

Minutes of the June 10, 2024 Regular Meeting

Convened in the Council Chamber, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

At 6:03 p.m., Mayor Gina Leichty called the meeting to order and then led the Pledge of Allegiance.

Mayor Leichty asked Clerk-Treasurer Aguirre to conduct the roll call.

Present: Linda Gerber (At-Large) Phil Lederach (District 5) Doug Nisley (District 2)
Megan Peel (District 4) Donald Riegsecker (District 1) Matt Schrock (District 3)
Council President Brett Weddell (At-Large)
Youth Advisers Jessica Velazquez Valdes (outgoing) and Tageeya Galeb (incoming)

Absent: None

Approval of Minutes (delayed):

Clerk-Treasurer Aguirre informed the Council that the May 13, 2024 Regular Meeting minutes were not yet ready.

Approval of Meeting Agenda:

Mayor Leichty presented the agenda with proposed changes – the addition of three items at the start of the meeting: 1) Ordinance 5190, *Youth Adviser Positions to City of Goshen Boards and Commissions*; 2) Presentation of Certificates and Nameplates to Outgoing Youth Advisers; and 3) Introduction and Oaths of Office for Incoming Youth Advisers. Councilor Peel moved to approve the agenda as amended. Councilor Gerber seconded the motion.

Motion passed 7-0 on a voice vote.

Privilege of the Floor:

At 6:08 p.m., Mayor Leichty invited public comments for matters not on the agenda.

Matthew Lind of Goshen thanked City officials for their efforts to help keep neighborhoods neat, noting that asking people to put away their trash cans after trash collection day involves a lot of work and he appreciated that. However, he expressed a concern about how Borden Waste-Away Services (the City's trash and recycling company) picks up large items. Although the company initially explained the procedures, he said many people don't know them and sometimes large items sit outside homes for six weeks. He suggested an effort to improve the situation.

Mayor Leichty thanked Lind for his comment and closed Privilege of the Floor at 6:09 p.m.

1) Ordinance 5190: Youth Adviser Positions to City of Goshen Boards and Commissions (*Authorizes the Mayor to appoint one or more high school students to serve as youth advisers to various City of Goshen Boards and Commissions*)

Mayor Leichty called for the introduction of Ordinance 5190, *Youth Adviser Positions to City of Goshen Boards and Commissions*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5190 by title only, which was done (EXHIBIT #1).

Weddell/Nisley made a motion to approve Ordinance 5190 on First Reading.



BACKGROUND:

Ordinance 5190 would authorize the Mayor to appoint one or more high school students to serve as youth advisers to various City of Goshen Boards and Commissions.

According to Ordinance 5190, I.C. 36-4-13-1 authorizes the presiding officer of the legislative body to appoint an individual who is not more than 18 years of age to serve as an adviser to the legislative body on matters affecting youth in the community. Similar to the youth adviser to the Goshen Common Council under I.C. 36-4-13-1, and pursuant to home rule, the Mayor wishes to appoint individuals to serve as youth advisers to various City of Goshen Boards and Commissions.

If Ordinance 5190 was approved it would ordain that:

- (1) The Mayor may appoint one or more high school students to serve as youth advisers to various City of Goshen Boards and Commissions. An individual may not be more than 18 years of age when appointed to the Board or Commission.
- (2) An individual appointed as a youth adviser is not considered a member of the City of Goshen Board or Commission to which the youth adviser is appointed, is not counted for quorum purposes, is not entitled to vote, but is allowed to participate in and comment on any proceeding before the Board or Commission upon the request of the Board or Commission.

SUMMARY OF JUNE 10, 2024 COUNCIL CONSIDERATION & APPROVAL OF ORDINANCE 5190:

Before Privilege of the Floor, **Mayor Leichthy explained the background and rationale for Ordinance 5190.**

The **Mayor** said the ordinance outlines the practices already have in place as well as expands youth advisor positions to include some additional boards, including the Board of Zoning Appeals. The Mayor said she felt it was important to add some codification to the rules that guide the youth advisors. She added that the advisers can participate in meetings but aren't counted toward the quorum or entitled to vote.

Mayor Leichthy asked if there were any questions or comments about Ordinance 5190 from the Council or the audience. There were none.

Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5190, *Youth Adviser Positions to City of Goshen Boards and Commissions*, on First Reading by a 7-0 margin, with all Councilors voting yes, at 6:09 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5190.

Mayor Leichthy called for the introduction on Second Reading of Ordinance 5190, *Youth Adviser Positions to City of Goshen Boards and Commissions*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5190 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5190 on Second Reading.

At 6:10 p.m., Mayor Leichthy invited Council or audience comments on Ordinance 5190. There were none. Council President Weddell said Councilors were ready to vote.



On a voice vote, Councilors unanimously passed Ordinance 5177, *Youth Adviser Positions to City of Goshen Boards and Commissions*, on Second Reading by a 7-0 margin, with all Councilors present voting yes, at 6:10 p.m.

2) Presentation of Certificates and Nameplates to Outgoing Youth Advisers

Mayor Leichty said the City established a youth advisor program in 2016, which was an initiative of Mayor Jerry Jeremy Stutsman. She said that throughout Indiana, youth advisers engage directly in city governance and also provide a connection and feedback between the school system and students about what's happening in their cities. Mayor Leichty said the program began in Goshen with just one person serving on the Common Council and has been expanded, with eight youth advisers expected to serve on boards and commissions in the coming year.

Mayor Leichty thanked the youth advisers for their contributions, which included attending at least one meeting a month, as well as meeting preparation time, and related activities. She said she appreciated all of the students and their families who have supported the program.

To thank them for their service, Mayor Leichty awarded certificates and name plates to the following students, who were individually praised for their contributions:

- Antonio Perez, *Shade Tree Board*
- Skye Steury, *Mayor's Environmental Advisory Committee*
- Frida Luna-Gallegos, *Goshen Community Schools Board*
- Sara Lozano, *Community Relations Commission*
- Jessica Velazquez-Valdes, *City Council*
- Jennifer Olvera-Morgado, *Parks & Recreation Board* (was unable to attend the Council meeting)

Audience members responded with applause for the students.

3) Introduction and Oaths of Office for Incoming Youth Advisers

Mayor Leichty introduced and swore into office the following youth advisers for the coming year:

- Tageeya Galeb, *City Council*
- Magdalena Bridger-Ulloa, *Shade Tree Board*
- Katherine Orellana Pineda, *Parks & Recreation Board*
- Peter Moser, *Mayor's Environmental Advisory Committee*
- Kimberly Cazabal Gonzalez, *Board of Zoning Appeals*
- Brayden Wiese, *Traffic Commission*
- Adamaris Cortes, *Board of Aviation Commissioners*
- Savira Singh, *Goshen Community Schools Board*

Audience members responded with applause.

4) City of Goshen Financial Report (*Deputy Clerk-Treasurer Jeffery Weaver*)

Mayor Leichty invited Deputy Clerk-Treasurer Jeffery Weaver to provide the monthly City Financial Report, which is intended to help Councilors better oversee the City's budget and finances.



BACKGROUND:

As part of the agenda meeting packet, **Deputy Clerk-Treasurer Weaver** provided Councilors with a memo, dated June 10, 2024, which included 10 pages of data on the City's year-to-date cash balances, receipts and expenditures for general fund departments, special revenue funds, restricted funds and redevelopment restricted funds as well as a comparison of receipts and expenditures through April 2023 and April 2024.

Weaver wrote that the Clerk-Treasurer's Office produces these reports upon month-end closing and makes them available to the Common Council and City management for review.

Weaver cautioned that the attached reports were unaudited and may include immaterial variances to payroll accruals or month-end closing adjustments. He wrote that the attached reports also supplement, but do not replace, other financial reports prepared by the Clerk-Treasurer's Office such as departmental financial reports and the Annual Financial Report, which is published in Indiana's Gateway database.

Cash balances summary: The cash balance at the beginning of the year for Council-budgeted funds was \$87,716,180 and at the end of April was \$81,228,982.

Receipts summary: Receipts for Council-budgeted funds totaled \$10,311,564 so far in the budget year, which reflects 18.1% of the budgeted receipts.

Expenditures: Expenditures for Council-budgeted funds totaled \$16,798,762 so far in the 2024 budget year. This amount includes encumbrances, which are payments made in the current year but were approved as part of the prior-year budget. The original budget of \$75,559,462 and encumbrances of \$3,401,471 result in an effective budget of \$78,960,933. The City has spent 21.3% of this budget so far this year.

Year-Over-Year Comparisons: Also included was a comparison of 2024 and 2023 financials as of April 30.

DEPUTY CLERK-TREASURER WEAVER'S FINANCIAL REPORT TO THE COMMON COUNCIL:

Mayor Leichty invited comments from **Deputy Clerk-Treasurer Weaver**, whose report was included in the Council's agenda packet.

Weaver outlined his written report, which he said was a summary of financial information through April of 2024. He summarized the City's financial performance so far this year and explained why some funds had negative balances. He also said that in June the City will receive a fairly substantial cash increase and he explained why there have been higher expenditures this year compared with 2023.

Mayor Leichty invited question from the Council. There were none, but Council Peel thanked Weaver for presenting such an understandable report.

5) Ordinance 5187: Additional Appropriations (*To pay Police holiday pay, General Obligation Bond construction fund and the Greater Elkhart County Stormwater Partnership*)

Mayor Leichty called for the introduction of Ordinance 5187, *Additional Appropriations*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5187 by title only, which was done.

Weddell/Schrock made a motion to approve Ordinance 5187 on First Reading.

BACKGROUND:

Ordinance 5187 would make three additional appropriations of money in excess of the current year's budgets for three funds:



GENERAL FUND

101-520-11-411.0150 POLICE / Holiday Pay \$80,000.00

2021 GENERAL OBLIGATION BOND CONSTRUCTION FUND

485-510-00-431.0200 21 GOB / Professional Services \$50,000.00

STORMWATER MANAGEMENT FUND

439-530-00-431.0501 STORMWATER MGMT / ELK CO MS4 \$6,600.00

In a June 10, 2024 memorandum to the Common Council, Deputy Clerk-Treasurer Jeffery Weaver wrote that Ordinance 5187, Additional Appropriations, sought authorization from the Council and Mayor to spend additional and available money from various accounts. The Mayor and Clerk-Treasurer requested this ordinance because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

Weaver wrote that an appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. It is possible to get permission to move budgeted spending between accounts and categories, but sometimes the total appropriation within a fund is insufficient for the fund's total spending, due to emergencies, unforeseen circumstances, or budget errors.

In this case, Weaver wrote, the Mayor and Clerk-Treasurer propose an additional appropriation if the expenditures are necessary and paying the expenditure might otherwise overspend the budgeted appropriation. After Council approval, the Clerk-Treasurer submits the additional appropriation to the state Department of Local Government Finance (DLGF) for final approval. The DLGF will only approve an additional appropriation if the Clerk-Treasurer proves that the City has cash available for the additional appropriation and the following year's budget.

Weaver provided the following background on these additional appropriation requests:

- When the Police Department leaders prepared their 2024 budget, the 2024 holiday schedule had not yet been completed. The 2024 Salary Ordinance gives City employees two more holidays than originally planned, requiring additional holiday pay for the Police Department.
- The City's General Obligation Bonds were issued in 2021 to prepare, renovate, modernize, and construct additional office capacity for the City offices. The City contracted with a designer who is now reviewing current capacity issues, and his contract will be paid from the General Obligation Bond Construction Fund.
- Each year the City of Goshen reimburses the Elkhart County Government for approximately 20% of the expenses incurred in managing the Greater Elkhart County Stormwater Partnership. Goshen's Stormwater Department usually budgets \$25,000 each year, but the expense rose to \$31,530.60 for the 2023 calendar year (paid in arrears). To meet the City's obligations to the Partnership, the Stormwater Fund requires an additional appropriation to make the required payment this year.

Weaver wrote that these funds have sufficient cash balances for additional appropriations. If the ordinance was approved by the Council, the Clerk-Treasurer will submit necessary information to the DLGF for final approval.

SUMMARY OF JUNE 10, 2024 COUNCIL CONSIDERATION OF ORDINANCE 5187:

Deputy Clerk-Treasurer Weaver summarized his memorandum about Ordinance 5187. He explained the purpose of the ordinance as well as what it would accomplish – three additional appropriations.

At 6:30 p.m. Mayor Leichty invited questions or comments from the Common Council or from members of the public in attendance on Ordinance 5187. There were none.



Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5187, *Additional Appropriations*, on First Reading by a 7-0 margin, with all Councilors voting yes, at 6:30 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5187.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5187, *Additional Appropriations*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5187 by title only, which was done. Weddell/Nisley moved to approve Ordinance 5187 on Second Reading.

At 6:31 p.m., Mayor Leichty invited Council or audience comments on Ordinance 5187. There were none. The Mayor then conducted another vote on the ordinance.

On another voice vote, Councilors unanimously passed Ordinance 5187, *Additional Appropriations*, on Second Reading by a 7-0 margin, with all Councilors present voting yes, at 6:31 p.m.

6) Resolution 2024-10: A Resolution Providing for the Transfer Of Appropriations (*To fund increased medical exams for Police applicants and to move funds to a budget line more fitting for City employee recognition and appreciation initiatives*)

Mayor Leichty called for the introduction of Resolution 2024-10, *Providing for the Transfer Of Appropriations*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2024-10 by title only, which was done.

Weddell/Nisley made a motion to approve Resolution 2024-10.

BACKGROUND:

Resolution 2024-10 would approve the transfer of funds between the following budget categories:

GENERAL FUND CATEGORY TRANSFER FROM:

Budget Category: Personal Services

Line Number 101-520-11-413.1100 Line Name: Police / 2002 Benefit

Amount of the Transfer: (\$5,500)

GENERAL FUND CATEGORY TRANSFER TO:

Budget Category: Other Services & Charges

Line Number: 101-520-11-431.0501 Line Name: Police / Medical Expenses

Amount of the Transfer: \$5,500

Purpose of Transfer: To fund increased medical exams for applicants.

CCI (CIGARETTE TAX) FUND CATEGORY TRANSFER FROM:

Budget Category: Personal Services

Line Number: 401-510-00-413.0702 Line Name: CCI / Fitness

Amount of the Transfer: (\$20,000)



CCI (CIGARETTE TAX) FUND CATEGORY TRANSFER TO:

Budget Category: Other Services & Charges

Line Number: 401-510-00-439.0901

Line Name: CCI / Employee Initiatives

Amount of the Transfer: \$20,000

Purpose of Transfer: To move funds to a line more fitting for employee recognition and appreciation initiatives.

In a June 10, 2024 memorandum to the Common Council, Deputy Clerk-Treasurer Jeffery Weaver wrote that Resolution 2024-10 sought authorization from the Council and Mayor to move available resources between major categories within the City's funds. The Mayor and Clerk-Treasurer requested this resolution because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

Weaver explained that an appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. The state Department of Local Government Finance (DLGF) requires Council approval to move an appropriation from one category to another. The Council can approve this when a department needs additional room to spend in one category and has available appropriations in another category.

By moving an appropriation from one category to another, Weaver wrote that the Council will only change the category from which the City pays an expenditure. The Council is not approving any additional spending with this resolution, so the fund's total appropriation remains the same.

Weaver provided the following background on these requests:

- Due to the sharp increase in applicants this year, the Police Department is requesting a transfer to the Medical Exams line. These exams are required for new applicants to the police department.
- The 2024 budget included a line for "Fitness" in the Personal Services category with the intent of offering an additional benefit for employees. While the fitness initiative has not yet taken off, the Mayor's office has spearheaded some employee recognition and appreciation initiatives which can be paid from the same fund. These are expenses that fall under the "Other Services & Charges" category instead of the "Personal Services" (i.e. fringe benefit) category.

Weaver wrote that if the Council approves the proposed category transfer, the Clerk-Treasurer will then register the adjustments in the City's books and communicate the transfer to the departments. This category transfer is an adjustment that only requires Council approval to be final and does not require notification to the DLGF.

SUMMARY OF JUNE 10, 2024 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2024-10:

Deputy Clerk-Treasurer Weaver briefly explained the purpose of Resolution 2024-10 – the transfer of funds between budget categories. One request would transfer \$5,500 to pay for medical exams for new applicants to the Police Department. The second would transfer \$20,000 for City employee recognition and appreciation initiatives.

Councilor Schrock said the police transfer was great news because there has been an increase in applicants. There were no questions for Deputy Clerk-Treasurer Weaver.

At 6:34 p.m. Mayor Leichty invited questions or comments from the Common Council or from members of the public in attendance on Ordinance 5187.

Council President Weddell pointed out an error in the resolution. It was titled "Resolution 2024-02," but should have been titled "Resolution 2024-10."



Deputy Clerk-Treasurer Weaver agreed, saying it should have been titled Resolution 2024-10.

Council President Weddell/Councilor Lederach made a motion to amend the title of the resolution from Resolution 2024-02 to Resolution 2024-10.

On a voice vote, Councilors unanimously amended the title to Resolution 2024-10 by a 7-0 margin, with all Councilors voting yes, at 6:35 p.m.

Council President Weddell said Councilors were now prepared to vote on Resolution 2024-10.

On a voice vote, Councilors unanimously passed Resolution 2024-10, A Resolution Providing for the Transfer Of Appropriations, by a 7-0 margin, with all Councilors voting yes, at 6:36 p.m.

7) Public hearing and consideration of Ordinance 5186: Vacation of Public Ways in the City of Goshen, Indiana (*East/west alley located between 413 and 415 N. 1st Street*)

At 6:36 p.m., Mayor Leichty opened a public hearing on Ordinance 5186, *Vacation of Public Ways in the City of Goshen, Indiana*. There were no public comments on this ordinance.

Mayor Leichty then called for the introduction of Ordinance 5186, *Vacation of Public Ways in the City of Goshen*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5186 by title only, which was done.

Weddell/Schrock made a motion to approve Ordinance 5186 on First Reading.

BACKGROUND:

In a June 10, 2024 memorandum to the Council, City Planner Rhonda Yoder provided the background and context of Ordinance 5186.

Yoder wrote that the Goshen Plan Commission met on May 21, 2024, in regular session and considered a request for the vacation of an east/west alley located between 413 and 415 North First Street, with right of way 16.5 feet in width and approximately 276 feet in length, extending west of North First Street to the river, used as access for the two adjacent properties but otherwise unimproved, and with the owners requesting the entire vacated area to be added to the property at 415 North First Street, with the existing gravel to remain as their private driveway.

The Plan Commission reached the following outcome: Amended request forwarded to the Goshen Common Council with a favorable recommendation by a vote of 7-0.

The recommendation was based upon the following and included the following conditions:

1. The proposed vacation will not hinder the growth or orderly development of the neighborhood, provided the vacated area is split evenly along the centerline of the alley right of way so the water curb stop for 413 N 1st Street is maintained on the 413 N 1st Street parcel and an adequate building setback is provided for 413 N 1st Street, and provided continued access is provided for both adjacent properties.
2. The proposed vacation will not make access difficult or inconvenient, provided continued access is provided for both adjacent properties.
3. The proposed vacation will not hinder access to a church, school or other public building or place, as the alley right of way does not provide any of the described access.



4. The proposed vacation will not hinder the use of the public way, provided continued access is provided for both adjacent properties, and with a utility easement retained to provide continued access for existing utilities.
 5. That title in fee simple to the-vacated right of way of the east/west alley shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel line, to the centerline of the public way herein vacated.
 6. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities. Further, with this vacation the City shall require and retain a general utility easement over the entire vacation.
 7. At the time the first of the adjoining properties at 413 N 1st Street and 415 N 1st Street is transferred to a new owner, a cross-access easement shall be established over that portion of the vacation used to provide access to either adjoining property and a copy of the recorded cross-access easement shall be provided to the Planning office. **Yoder indicated that no inquiries were received prior to Plan Commission. At the Plan Commission meeting there was one public comment supporting the vacation.**
- The request was made by David A. and Michele L. Runge who own the two properties adjacent to the alley.

SUMMARY OF JUNE 10, 2024 PUBLIC HEARING AND DISCUSSION OF ORDINANCE 5186:

No one spoke at tonight's public hearing on Ordinance 5186, so the Mayor and Council proceeded with consideration of the ordinance.

City Planning & Zoning Administrator Rhonda Yoder said the Council had before it a recommendation from the City Plan Commission from its May 21 meeting for the vacation of an east-west alley located between 413 and 415 North First Street and extending from North First Street west to the river.

Yoder said the alley is used as access for the two adjacent properties but is otherwise unimproved. The original request from the single owners of both properties was that the entire vacation be transferred if approved to the property at 415 North First Street. However, she said that was not possible because there is a water curb stop in the alley, so the vacation needs to be split along the center line because the water curb stop for 413 North First St., which is in the alley, needs to be remain on the property for 413 North First Street.

Yoder said if the vacation is approved it needs to be split along the center line for that reason and also because the house at 413 North First Street is very close to the property line, and actually encroaches into the alley. She also said there also needs to be a general utility easement over the vacated area and a cross access easement to allow access for both properties when one of those properties transfers to a new owner.

Yoder said the owner of the two properties came into the City Planning Department today and brought the survey of 413 North First Street and wanted to discuss limiting the utility easement to the first 125 feet from North First Street and also asked that after the first 125 feet that the vacation not be split along the center line.

Yoder said that request could not be approved tonight because the utility companies must have an opportunity to review that request. So, after the property owner speaks, Yoder said the Council should consider delaying action and giving the Planning Department time to consider the requests and contact the utility companies.

David A. Runge, who owns 413 and 415 North First Street, distributed to Councilors a map that illustrated his requests (**EXHIBIT #2**). He explained his requests and the impact on both properties.



Runge said his primary reason for seeking the vacation is that people believe it's an alley and often walk through the area. He said he hopes to install a fence to provide privacy, improve safety and stop people from wandering back through his property. He said controlling the area would allow him to also park in his garage.

Mayor Leichty said she appreciated his presentation and asked him to address the concerns raised by **Planning & Zoning Administrator Yoder** and her recommendation that the Council table his request pending further evaluation.

Runge said he would address those issues, but first wanted to explain all of the reasons for his request.

Council President Weddell indicated that might not be necessary since his requests already were approved by the City Traffic Commission and the Plan Commission. He further clarified the steps ahead.

Yoder said the utility companies need to be presented with the new proposal to split the vacated area down the centerline to that 125 feet and there would be a utility easement over that portion. And then later, **Yoder** said, there would need to be a cross access easement over that or maybe some portion on his property. But then beyond that, **Yoder** said **Runge** was asking also for no easement and that that the whole property go to 415 North First Street.

Yoder said she neglected to mention that **Runge** would like to make some additional improvements behind the detached garage, which is in a regulatory floodplain. She said **Runge** was aware of that and had also talked about adding a fence, and if there was an easement there, the fence could not be placed across there.

Yoder said assuming the utility companies were agreeable to the 125 foot easement, the proposal would work. However, she said she needed time to contact them and then bring the matter back to the Council.

Council President Weddell said the Traffic Commission was in favor of giving **Runge** control of the alley.

Runge commented about the impact of City snow plowing of the area, which he said would no longer be necessary.

Councilor Nisley said there were no questions from the Plan Commission except the water shut off, which had to be taken care of.

At **Council President Weddell's** request, **City Attorney Bodie Stegelmann** clarified action the Council should take.

Councilor Nisley/Councilor Riegsecker then made a motion to table Ordinance 5186, *Vacation of Public Ways in the City of Goshen, Indiana*, with no specified Council return date.

On a voice vote, Councilors unanimously passed the motion to table Ordinance 5186, by a 7-0 margin, with all Councilors voting yes, at 6:54 p.m.

Mayor Leichty told **Runge** the Council would see him again and thanked him for his time and his thoroughness.

8) Ordinance 5188: Fire Prevention Ordinance of the City of Goshen, Indiana (*To update and modernize the fire prevention regulations for the City of Goshen to assist the Goshen Fire Department in their mission to protect life and property*)

Mayor Leichty called for the introduction of Ordinance 5188, *Fire Prevention Ordinance of the City of Goshen, Indiana*. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5188 by title only, which was done.

Weddell/Peel made a motion to approve Ordinance 5188 on First Reading.



BACKGROUND:

Ordinance 5188 would revise and update the City of Goshen's Fire Prevention Ordinance to assist the Goshen Fire Department in its mission to protect life and property. The 9-page ordinance consists of the following articles and sections:

Article I. General Requirements (*Sections 1 through Section 8*)

Article II. Administration and Enforcement (*Sections 1 through Section 12*)

Article III. Emergency Planning (*Sections 1 through Section 2*)

Article IV. Fire Service Features (*Sections 1 through Section 5*)

Article V. Emergency and Standby Power (*Sections 1 through Section 3*)

Article VI. Fire Protection Systems (*Sections 1 through Section 4*)

Article VII. Enforcement, Penalties. And Fees (*Sections 1 through Section 3*)

Article VIII. Miscellaneous (*Sections 1 through Section 3*)

SUMMARY OF JUNE 10, 2024 COUNCIL DISCUSSION & PASSAGE OF ORDINANCE 5188:

Goshen Chief Fire Inspector Scott Thomas said the City needed to update its fire prevention ordinance, which he said needed revisions. He said some provisions cannot be enforced any longer and the changes would conform to current state law.

Mayor Leichty asked Thomas to explain some of the circumstances and situations that prompted this update.

Thomas said the City generally has good voluntary compliance with the fire code in seeking to enhance life safety but has also had instances of people not wanting to comply with the fire code. Some have failed to comply, he said, despite being cited five years ago. And in one case, he said the City had to close a business down. He said the updated fire code should improve enforcement.

Mayor Leichty invited questions or comments from Council members. There were none.

At 6:56 p.m. Mayor Leichty invited questions or comments from the from members of the public in attendance on Ordinance 5188. There were none.

Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5188, *Fire Prevention Ordinance of the City of Goshen, Indiana*, on First Reading by a 7-0 margin, with all Councilors voting yes, at 6:56 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5188.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5188, *Fire Prevention Ordinance of the City of Goshen, Indiana*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5188 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5188 on Second Reading.



At 6:57 p.m., Mayor Leichty invited Council or audience comments on Ordinance 5188. There were none. The Mayor then conducted another vote on the ordinance.

On a voice vote, Councilors unanimously passed Ordinance 5188, *Fire Prevention Ordinance of the City of Goshen, Indiana, on Second Reading* by a 7-0 margin, with all Councilors present voting yes, at 6:57 p.m.

9) Ordinance 5189: An Ordinance Amending Rules for the Services of the Goshen Sewer Utility and Pretreatment Requirements and Standards (*Amendments to City ordinances governing Goshen Sewer Utility services to keep the operation in compliance with U.S. Environmental Protection Agency requirements, including modification to Pretreatment local limits, and consolidating all current ordinances relating to the City's Sewer Operation into one ordinance*)

Mayor Leichty called for the introduction of Ordinance 5189, *An Ordinance Amending Rules for the Services of the Goshen Sewer Utility and Pretreatment Requirements and Standards*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5189 by title only, which was done.

Weddell/Peel made a motion to approve Ordinance 5189 on First Reading.

BACKGROUND:

Ordinance 5189 would amend Rules for the Services of the Goshen Sewer Utility and Pretreatment Requirements and Standards.

According to the 54-page ordinance, "Goshen Sewer Utility staff has identified certain appropriate amendments to the ordinances governing Goshen Sewer Utility services to keep the operation in compliance with U.S. Environmental Protection Agency requirements, including modification to Pretreatment local limits, and staff seeks to consolidate all current ordinances relating to the City's Sewer Operation into one ordinance."

In a memorandum to the Council dated June 9, 2024, **City Wastewater Utility Environmental Compliance Administrator Mick Reese provided a one-page guide to simplify the changes brought about in Ordinance 5189 (EXHIBIT #3). He wrote that this ordinance change was brought about due to the pending EPA acceptance of the City of Goshen Local Limits documentation. He outlined the following:**

1. 3.04 B (1)(a)(b) Ceiling excess limits of 800 Mg/L and 1600 Mg/L accordingly. This is a maximum limit to be set for excessive Biochemical Oxygen Demand (BOD5). Upon entering this range, excess treatment is required at the wastewater Plant. (Reference advisory letter).
2. 3.04(B) Simple clarification from Phosphate to Total Phosphorus(P).
3. 3.01(U) Gray water discharge from a mobile food truck. Requires a food truck to discharge into a 1,000-gallon interceptor. Prevents A food service facility from overflowing a grease trap.
4. 3.06 (L) Food service permit duration. This extends food permits renewal period from 1 year for both classes to; 5 years for a Class A facility and 3 years for a Class B facility. This will cut back on the paperwork that seems to constantly tax a food service facility, while still maintaining monitoring through cleaning logs and/or receipts.
5. Exhibit A:(Last Page) Addition of 3 points each for a mobile food truck. This addition is taking into the consideration of food prep within a facility for a mobile food truck.



SUMMARY OF JUNE 10, 2024 DISCUSSION OF ORDINANCE 5189:

Mayor Leichty invited a presentation from **Jim Kerezman**, Superintendent of the City Wastewater Treatment Plant. He said **Ordinance 5189** would revise the City's sewer use ordinance.

Kerezman said there is language in the City's NPDES (National Pollutant Discharge Elimination System) permit that requires a local limit study every five years. He said this local limit study consists of sampling discharges from local industries, sewers throughout the City and the wastewater treatment plant.

Kerezman said the City compiles all its information and determines how much of the pollutants in the system that the City can allocate to industries. He said the City has some pollutants in its system like heavy metals, consisting of nickel copper and zinc, for instance, as well as conventional pollutants which are the ammonia and nitrogen and phosphorus that are useful to the wastewater treatment plant.

However, **Kerezman** said too much of it is bad for a wastewater treatment plant. So, he said the City conducts this study every five years and it compiles information to determine how much can be allocated to each industry.

Kerezman said **City Wastewater Utility Environmental Compliance Administrator Mick Reese** has been working with City Attorney **Bodie Stegelmann** on this ordinance for some time. He said it is past due and it was already approved by the U.S. Environmental Protection Agency and it's now pending Council approval.

City Attorney Stegelmann said a redline version of Ordinance 5189, showing the revisions made, was provided to Councilors earlier this evening. (**EXHIBIT #4**).

Councilor Gerber proposed an amendment to Ordinance 5189 on page 7, Section 3.06, paragraph 7, which referred to a "Grandfather Provision."

Councilor Gerber made a motion that the Council replace the word "Grandfather" with "pre-existing," or "legacy" or a "non-conforming" provision. She then suggested "non-conforming." **Councilor Peel** seconded the motion.

Council President Weddell asked if the change was acceptable from a legal standpoint. **City Attorney Stegelmann** said "grandfather" was used in the section heading and generally headings don't have legal effect. So, he said it's the language of the paragraph that governs and that the proposed change wouldn't have a legal effect. **Council President Weddell** confirmed with **Councilor Gerber** that she was just suggesting a change in the verbiage. **Mayor Leichty** said, "I'm OK with having gender neutral language."

At 7:03 p.m., **Mayor Leichty** invited public comments on the proposed amendment to Ordinance 5189. There were none.

Council President Weddell said Councilors were prepared to vote on the motion to amend Ordinance 5189.

On a voice vote, Councilors unanimously voted to amend Ordinance 5189 by substituting the word "Grandfather" with "Non-conforming" Ordinance 5189 on page 7, Section 3.06, paragraph 7 with all seven Councilors present voting yes, at 7:04 p.m.



Mayor Leichty then invited Council questions or comments on Ordinance 5189. There were none.

At 7:04 p.m., Mayor Leichty then invited public Comments on Ordinance 5189.

Barb Hassan of Goshen said she had a question about the five-year testing. She said that seemed like a very long period of time and wondered if that time frame was prescribed by the EPA or how that time frame was derived.

Superintendent of the City Wastewater Treatment Plant Kerezman said five years was not, specified in the permit. He said the permit states that when the permit is issued, the City has six months to complete the local study.

Kerezman said the study was started in 2021, so by the end of the year it should have been completed. However, the person who was working on the study died, so the matter went on the back burner.

Nevertheless, **Kerezman** said the City conducts continuous testing throughout the year. So, he said the City compiles all this information, not just six months' worth, but going back three years.

Mayor Leichty said she would encourage anybody in the audience who has not taken a tour of the city's water and wastewater treatment facilities to schedule a visit. She said the City has an entire lab that diligently tests what comes in and what goes out of the water system.

Mayor Leichty invited comments from **City Director of Public Works & Utilities Dustin Sailor**, who responded that he wanted **Kerezman** to speak about the five-day Biochemical Oxygen Demand (BOD5) and the limits that were set that also was a significant change to this ordinance.

Kerezman said the BOD is its Biochemical Oxygen Demand and it's basically the strength of the sewage coming into the City's facility. He said the City has an ordinance limit of 200 milligrams per liter, and anything above that incurs a surcharge. He said this allows industries free rein to dump whatever they want as long as they can afford those surcharges.

Kerezman said the City cannot afford much higher than 800 milligrams per liter if multiple industries are dumping high levels of sewage on the City. So, he said the local limit study pulled out that the 200 milligram per liter limit on a normal day was adequate for the design of the City's wastewater treatment plant, which is designed for 175 milligrams. and this is 200.

However, **Kerezman** said the City has some industries that "dump pretty heavy and can wipe our wastewater plant out," so the City's consultant proposed a 200 milligram limit, which is in the current ordinance with an upper limit of 800 for a daily maximum 1,600.

So, **Kerezman** said the City's plant can handle that kind of loading short term but not continuously and that's one of the changes being considered, but the City hasn't established the costs yet. He said a later ordinance would be presented to the Council on this issue.

Mayor Leichty invited questions or comments from Councilors.

Councilor Schrock endorsed the **Mayor's** recommendation to tour the wastewater treatment plant. She also complimented City staff members on their work.

Councilor Peel asked if City staff expected any pushback from local industries that have been dumping more regularly on the wastewater treatment plant with this new limit.



City Director of Public Works & Utilities Dustin Sailor said staff members have had multiple meetings with one business dating back six years and informed its officials that this ordinance would be coming before the Council. He added that the business is aware of the ordinance and planned to address the issue.

Mayor Leichty invited additional questions or comments from the audience. There were none.

Council President Weddell said Councilors were prepared to vote.

On a voice vote, Councilors unanimously passed Ordinance 5189, *An Ordinance Amending Rules for the Services of the Goshen Sewer Utility and Pretreatment Requirements and Standards*, on First Reading by a 7-0 margin, with all Councilors voting yes, at 7:09 p.m.

Mayor Leichty asked if there was unanimous consent from the Council to proceed with the Second Reading.

Before that could occur, Superintendent of the City Wastewater Treatment Plant Kerezman said that a 30-day comment period was required before the Second Reading of the ordinance.

Mayor Leichty thanked Kerezman for that correction.

City Wastewater Utility Environmental Compliance Administrator Mick Reese said a number of businesses, including food trucks, that will be affected by the ordinance and he has set up meetings with them to explain the ordinance.

Mayor Leichty thanked Reese and added, "The communication with our business community is essential. So, I think that's all the more reason to wait for Second Reading."

10) Ordinance 5185: An Ordinance of the Common Council of the City of Goshen to Establish a Process to Address Chronic Disorderly Properties *(Intended to establish a regulatory framework to help alleviate the problems created by chronic unlawful or nuisance activity through early intervention by the Police Department and/or other City officials responsible for code enforcement.)*

Mayor Leichty called for the introduction of Ordinance 5185, *An Ordinance of the Common Council of the City of Goshen to Establish a Process to Address Chronic Disorderly Properties*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5185 by title only, which was done.

Weddell/Peel made a motion to approve Ordinance 5185 on Second Reading.

BACKGROUND:

Ordinance 5185 would establish a process to address chronic disorderly properties.

The following rationale was offered for the proposed new law:

- The Common Council of the City of Goshen has a substantial and compelling interest in protecting the health, safety, property, and welfare of its citizens and the neighborhoods affected by chronic unlawful or nuisance activity;



- Chronic unlawful or nuisance activity of various kinds within the City adversely affects the health, safety, and welfare of citizens and diminishes the quality of life in neighborhoods where this chronic activity occurs. Chronic unlawful or nuisance activity constitutes a public nuisance and is subject to abatement;
- Existing City ordinances and enforcement processes do not adequately control chronic unlawful or nuisance activity, or its detrimental effects on citizens and neighborhoods where such activity occurs;
- Time and resources of the Police Department and other City officials responsible for code enforcement are disproportionately allocated towards chronic unlawful and/or nuisance activity;
- Establishing a regulatory framework contained herein will help alleviate the problems created by chronic unlawful or nuisance activity through early intervention by the Police Department and/or other City officials responsible for code enforcement;
- Nothing in this ordinance shall limit any other civil and/or criminal action against the property owner and/or occupant;
- The City is aware of the potential punitive impact this ordinance could have on victims of criminal activities and individuals suffering from physical and mental impairments.

The six-page ordinance, titled the "Disorderly Property Ordinance, contained a series of Whereas clauses, definitions, a Public Nuisance section, a Preventive Meeting section, a Penalty, Injunctive Relief section, a Cooperation with Owner/Items Excluded from Definition of "Prohibited Conduct" section, and a Miscellaneous section.

Ordinance 5185 was introduced and considered at the May 13, 2024 meeting of the Common Council. At that meeting:

- **Mayor Leichty** provided the background and context of Ordinance 5185, which he called "Caleb's Law," named after the Goshen resident who inspired the ordinance;
- **Caleb Scott**, who lives on East Jefferson Street, described criminal-related issues by the residents of a nearby property and his call for Councilors to hold property owners and landlords responsible for the misconduct of their tenants;
- **Assistant Police Chief Shawn Turner** discussed the police-related issues caused by tenants of disorderly properties and why the proposed ordinance could address the situation;
- **Councilors** discussed and clarified the rationale for the ordinance with the **Mayor** and **City Attorney Bodie Stegelmann** and they also considered possible amendments;
- **Members of the public** testified in favor of the ordinance, asked questions about it and a few raised concerns about unintended consequences;
- **On a voice vote, Councilors unanimously passed Ordinance 5185 on First Reading;**
- **Councilors delayed Second Reading of the ordinance to the June 10, 2024 Council meeting.**

SUMMARY OF JUNE 10, 2024 COUNCIL CONSIDERATION & PASSAGE OF ORDINANCE 5185:

Mayor Leichty provided an introduction and overview of Ordinance 5185. She said, "The origin of this ordinance came about because there are a limited number of properties within the City where the City has worked for a very long time to elicit cooperation from the property owners to rectify problems that are affecting entire neighborhoods."



Mayor Leichty continued, "And so this proposed ordinance is a means by which the City can take additional steps (through) a five-step process that includes a legal process to take actions to incur additional cooperation with property owners over specific properties around which we've had significant issues." She added, "And, again, this is a very rare case, but it's when we have exhausted all of our other efforts to elicit cooperation. We'd like to have some additional recourse for the City to consider."

The Mayor said neighbors who testified at the last Council meeting might want to make additional comments and that Police Chief Jose Miller may also want to speak. She first welcomed Council comments.

Councilor Riegsecker said over the past few weeks he has had many phone calls and conversations with landlords and property owners. Along with **Councilor Gerber**, he said he also attended several meetings with the **City Legal Department**, **Deputy Mayor Mark Brinson** and **Goshen Police**.

As a result of those discussions, Councilor Riegsecker and Councilor Gerber made a motion to amend Ordinance 5185 to the redline draft provided today by the City Attorney (EXHIBIT #5).

Mayor Leichty invited a presentation on the proposed changes to Ordinance 5185.

Councilor Riegsecker outlined the changes, which were as follows:

Page 1, first "Whereas" clause, the following was added to the end of the sentence, "and requires all housing within the City meet a minimum standard of habitability as defined in City ordinances and code;"

Page 3, Section 2.6, amended as follows: "'Verified Complaint'" shall mean an incident of Prohibited Conduct occurring at a specific property address as documented by sworn law enforcement personnel, or an incident of Prohibited Conduct giving rise to the issuance of a citation. The term does not include incidents resulting from calls by or on behalf of an individual who is the victim or potential victim of a crime or abuse or any emergency call for an ambulance or medical service response."

Page 3, Section 3.1, amended as follows: "For Property with less than four (4) separate residential units, whenever Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurs in or upon the Property on **five (5) or more incidents of Prohibited Conduct** during a thirty (30) day period, the City deems the Property to be a Disorderly Property and a public nuisance." Previous language: three (3) or more incidents.

Page 3, Section 3.2, amended as follows: "For a Property between four (4) and twenty (20) separate residential units, whenever Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurs in or upon the Property on **seven (7) or more incidents of Prohibited Conduct** during a thirty (30) day period, the City deems the Property to be a Disorderly Property and a public nuisance." Previous language: four (4) or more incidents.

Page 3, Section 3.3, amended as follows: "For Property with twenty (20) or more separate residential units, whenever Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurs in or upon the Property on **nine (9) or more incidents of Prohibited Conduct** during a thirty (30) day period, the City deems the Property to be a Disorderly Property and a public nuisance." Previous language: six (6) or more separate incidents.

Page 3, Section 3.4, amended as follows: "For Property used for commercial or industrial purposes, whether or not such property is zoned commercial or industrial pursuant to the Goshen City Zoning Ordinance, whenever Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurs in or upon the Property on **nine (9) or more incidents of Prohibited conduct** during a thirty (30) day period, the City deems the Property to be a Disorderly Property and a public nuisance." Previous language: six (6) or more separate incidents.



Page 4, Section 4, the following new section, Preventive Meeting, was added:

4.1. Whenever a Property has at least two (2) instances of Prohibited Conduct, as documented by Verified Complaint or Ordinance Citation, occurring in any thirty (30) day period, the City, through its Police Department, Code Enforcement Department, or other relevant City department, shall endeavor to notify the Property Owner that the Property is in danger of becoming a Disorderly Property and deemed a Public Nuisance. The Notice shall reference the instances of Prohibited Conduct and the underlying Verified Complaint or Ordinance Citation, and request the Property Owner to meet with the appropriate and relevant City departments.

4.2. The purpose of the meeting is to discuss and identify reasonable remedial measures that may be undertaken by the Property Owner to mitigate and prevent future Prohibited Conduct.

4.3. If a Property Owner refuses to attend such meeting, the Police Department, Code Enforcement Department, or other relevant City Department shall document the efforts made to schedule said meeting and the Property Owner's and/or tenant's refusal.

4.4. Issuance of the Notice and the holding of the meeting as contemplated herein shall not be a condition precedent to establishing a Disorderly Property and designating said Property as a Public Nuisance as certain conditions or violations may require the City to seek immediate injunctive relief.

4.5. Any notice provided to the Property Owner shall be in the manner provided by IC. § 36-7-9-25. For purposes of this Ordinance, the City deems the Owner responsible for any and all Prohibited Conduct.

Page 5, Section 5.1, amended by deleting a sole referral to the City attorney and adding the language in bold:

"Whenever Prohibited Conduct constituting a public nuisance occurs at a property as specified in Section 3, the **Police Department, Code Enforcement Officers, or other relevant City Department(s) shall file a report with the Legal Department describing and itemizing the instances of Prohibited Conduct, along with all supporting documentation. The report shall be reviewed by the City Attorney.** If the City Attorney, after review, determines that sufficient and proper cause exists to deem the property a Disorderly Property and a public nuisance, and that enforcement will not be unduly punitive on victims of criminal activities or individuals suffering from physical and mental impairments, the City may file an action in any court of general jurisdiction against the Owner and/or occupants to enjoin the nuisance and to recover a fine. In the case of a rental property, apartment or multi-unit rental dwelling, enjoinder of the nuisance may include the suspension of all future rental activities, including revocation of a rental registration receipt under Goshen City Code."

Councilor Riegsecker explained the rationale for the amendments, which he said were designed to strike a balance between the concerns of property owners and the City, including the Police Department.

Councilor Gerber said the requirement of a preventative meeting would include a discussion between City code enforcement and the property owner about steps that could be taken to improve the property.

Councilor Peel said this was an important step that had to happen because the meeting will provide an indication of whether the property owner is willing to work with the City to address neighborhood issues.

Councilor Riegsecker said this meeting provision will ease many concerns.

Councilor Schrock asked whether this was already being done through existing enforcement of ordinances.

Mayor Leichty said that was already happening, but Ordinance 5185 will provide additional ways to address neighborhood concerns.

Councilor Peel thanked all involved for improving Ordinance 5185.



Mayor Leichty asked if Councilors had additional questions or comments on the proposed amendments to Ordinance 5185. They did not. Councilors indicated they were ready to vote.

On a voice vote, Councilors voted unanimously to amend Ordinance 5185, as presented in the redline version of the ordinance provided today by the City Attorney and outlined by Councilor Riegsecker, with all seven Councilors present voting yes, at 7:20 p.m.

Mayor Leichty invited Council questions and comments on Ordinance 5185.

Council President Weddell said a representative of the renter's association sent an email expressing concerns about the ordinance and it was forwarded to those who amended the ordinance. He also said a state Representative called and expressed "major concerns" about the ordinance, said he expected the City to be sued over the ordinance and expected the renter's association to request state legislation to nullify Goshen's ordinances any similar ordinances elsewhere. He said he wanted the Council to be aware of what the City may be facing.

Mayor Leichty responded that her research indicated that such challenges have been to ordinances that did not contain the type of provisions included in Ordinance 5185. She said the City was making a concerted effort to protect people's rights in the community.

Council President Weddell said he didn't disagree with the Mayor but wanted Councilors to be aware that they may have to eventually decide how to respond to a legal challenge, which could be very costly, or legislative action.

Councilor Riegsecker said wanted to make another amendment. He made a motion to change Section 3 Public Nuisance, in 3.1. 3.2, 3.3. and 3.4 to remove the words "separate occasions" and to replace them with the words "incidents of Prohibited Conduct." Councilor Gerber seconded the motion.

City Attorned Stegelmann said the words "Prohibited Conduct" would be capitalized because those are defined terms in the ordinance.

Council President Weddell asked the following hypothetical question: If there was a party at **Councilor Riegsecker's** home and he was not there and minors were drinking and police arrested 10 people, would that be 10 incidents held against that property owner?

Councilor Riegsecker said he believed it would be 10 incidents, but asked **Police Chief José Miller** to comment.

Chief Miller said that would be the intent, but the more serious matter would be directed at the person who supplied alcoholic beverages to minors. So, if a person was supplying alcohol, that would be considered one offense. If the person supplied alcohol to 10 minors, the Chief said that would be considered multiple offenses.

Council President Weddell said in this example, there would be 10 incidents or strikes against the property.

Mayor Leichty said it appeared Councilors were combining two different things – the frequency of events and the severity. She said it appeared these were being combined. She said she wanted to make sure the Council was clear about the goal of the ordinance.

Councilor Lederach said the language of the ordinance referring to "Chronic disorderly properties" made clear that the City is seeking to address chronic problems, so one incident would not be described as "chronic."

Councilor Peel asked **Chief Miller** to describe a situation this amendment was seeking to address.



Police Chief Miller gave the example of a property with a large party with hundreds of people who began to shoot at each other, were taking narcotics and fleeing the scene and 10 officers had to be called to respond and additional officers were called to cover street patrols. He said he would view that situation differently than a complaint about a barking dog for which one officer would respond.

Chief Miller said the property with the large property would not necessarily trigger a nuisance property complaint unless it had been the site of continuous problems. He added that over the past year, with about 30,000 calls for service, there were only two or three properties that would meet the definition of disorderly properties.

Council President Weddell asked if the City was approaching the point of proposing a fee for service for those properties causing chronic issues.

Mayor Leichty said she understood that perspective, but there were broader implications than a fee for service. She said many people are bearing the expense of problem properties, whether in the decline of their property value or a loss of sleep or having to provide additional care for the children because they cannot go outside safely. She said there are other economic impacts to consider far beyond the maximum fine possible under Ordinance 5185.

Council President Weddell said a dollar amount cannot be placed on those neighborhood impacts.

Councilor Riegsecker asked if different wording should be used in the ordinance.

Assistant Chief Shawn Turner said this was a topic that would be easy to "get into the weeds" on. He said the goal of the ordinance was to address absentee landlords who are maximizing profits and inviting the "criminal element" into their properties. He said those are the properties that are subject to continual police and code enforcement visits and the goal is to put responsibility for those problems back on property owners to do something about that and change behavior. And he said there would be safeguards against targeting properties with isolated problems.

Mayor Leichty said the goal is to address the most severe cases that the City has not been able to address in other ways and which have adversely affected neighborhoods.

Councilor Peel asked **City Attorney Stegelmann** if he was comfortable with the proposed language in the amendment. **Stegelmann** said he was, especially considering the other amendments already approved. He also said the preventive meeting could help resolve issues without legal action by the City.

Mayor Leichty clarified the motion to amend Ordinance 5185. Councilors had no further questions or comments and said they were ready to vote.

On a voice vote, Councilors voted unanimously to further amend Ordinance 5185, by removing the words "separate occasions" and replacing them with the words "incidents of Prohibited Conduct." in Section 3 Public Nuisance, subsections 3.1. 3.2, 3.3. and 3.4, with all seven Councilors voting yes at 7:35 p.m.

Mayor Leichty invited further comments from Councilors.

Councilor Schrock said that when Ordinance 5185 was proposed he thought it was a good tool for the City to be able to remedy major issues in the City, including in his Third Council District, and still thinks that's the case. He also said he wanted to make sure that the ordinance wasn't focused on going after or upsetting renters or landlords or property owners that didn't pose any problems to their neighborhoods.



Councilor Schrock said that besides being a great tool for addressing police-related issues, the ordinance also could prompt stricter enforcement of such code-related issues as overgrown lawns, accumulated yard waste and other debris, old vehicles and junk in general. He asked if such violations would be treated as seriously under the ordinance as police-enforced crimes.

City Attorney Stegelmann said such violations can rise to the level of citations that could trigger an incident of prohibited conduct under the ordinance. He said citations for the accumulation of materials could lead to a property owner being invited to attend a meeting with City staff to discuss how the issue could be resolved.

Councilor Schrock said there are many issues in the City that he hopes can be addressed by the ordinance.

Councilor Riegsecker said none of the City's existing ordinances will go away and property owners will still be subject to fines for an accumulation of materials. He said prohibited conduct would need to take place over a 30-day period to lead to City action. He said the City would be keeping good records of code violations and crimes.

Council President Weddell said he was a little confused about the violations that could lead to a citation and what would trigger the nuisance property determination. **Councilor Riegsecker** said one violation could start the process under the ordinance. **City Attorney Stegelmann** agreed, adding that a citation would be an incident of prohibited conduct that would start the count toward the five incidents that would need to take place in a 30-day period for a determination that the property was a public nuisance.

At **Council President Weddell's** request, the **City Attorney** provided further clarification of how the process would work and the type of allowable violations. **Councilor Peel** said an accumulation of materials that caused a health issue wouldn't necessarily be a police issue but it could be dealt with by this ordinance.

Councilor Nisley said it appeared that unless there were five incidents of prohibited conduct in a 30-day period the City could not take action. **Mayor Leichty** said the City had a whole structure of procedures for dealing with issues.

Councilor Nisley mentioned the issue of domestic violence calls. **Mayor Leichty** said domestic violence would not be listed as an incident of prohibited conduct. She said, "This does not include incidents resulting from calls by or on behalf of an individual who's the victim or potential victim of a crime or abuse or any emergency call for ambulance or medical service ... I just want to make sure that the Council understands that we are not prohibiting people from making calls for emergency service or taking safety measures."

At 7:47 p.m., Mayor Leichty invited public comments on Ordinance 5185.

Edith Gray of Goshen said she was a Goshen property owner and landlord who has sold hundreds of properties in the City, personally owned 51 of them and owns six now. She said she cares about the City and has been part of it for a long time.

Gray said she believed Ordinance 5185 restates a lot of ordinances already on the books and would infringe on private property ownership rights by taking away the right to rent properties.

Gray also said she was concerned about the notification to landlords when something happens at their properties. She said police once broke down the front door of her rental property to arrest a tenant, leaving it open and the property accessible to people, animals and vermin and requiring the door's replacement, but she was never notified. She asked the Council to amend the ordinance or to pass a regulation that City employees must be required to inform property owners or landlords when something affecting their property occurs.



Mayor Leichty thanked **Gray** and acknowledged her comments about notifying property owners. She said there was a provision in this ordinance that relates to notification of landlords when there are a series of incidents. She also said she would be willing to discuss the issue further with Gray.

Gray added that she objected to the City holding landlords responsible when a vehicle on a property has been tagged, because they cannot legally do anything about that.

Council President Weddell told **Gray** that he would follow up on this issue with the City Legal Department.

Troy Scott of Goshen, whose son, **Caleb Scott**, helped initiate Ordinance 5185, said he knows that Councilors "have felt the heat of property owners communicating to you all their concerns about this." Despite that, he said the ordinance is about accountability.

Scott said, "As my son communicated to me on multiple occasions, in his frustration with the property owner that owns the home next to him, is that he's a teacher. If he fails to do his job adequately, there will be a significant level of accountability given to him by not only his principal but being held accountable by the state, for him improving, as a teacher. Ultimately, I think what we're asking here is for the City of Goshen to find a way to hold property owners accountable when they're inadequate as property owners."

Matthew Lind of Goshen said he believes the ordinance will only affect a very small percentage of property owners. He also expressed frustration with the length of time it takes to deal with problem properties.

"The last house that we dealt with records were brought back for 25 years ago when this house was initially condemned and then the person brings up some excuses," **Lind** said. "And it's those types of things that are really frustrating for us as, as homeowners in neighborhoods."

While glad action is now being taken, **Lind** said he wondered if Ordinance 5185 will change that situation "or is this something that we are again just going to have to slog through for years and years." Still, he expressed the "hope that whatever you do has some way of being able to make a real difference for the people that live in those communities and are trying to keep their properties up and trying to make it a good place to live."

Barb Hassan of Goshen said she had concerns about the long time frame needed to address problem properties. She discussed a home in the 500 block of South Main Street and another near her daughter's home that were in very poor condition despite her reporting both properties to the City.

Hassan said, "What can someone expect, you know, if there is a property that's really, really, out of balance with the rest of the properties? So, I appreciate, all the efforts that are being made to work on the ordinance and I'm just hoping that the enforcement part of it can also happen."

Brandon Rhodes of Goshen said the amendments to Ordinance 5185 were good and he thanked Councilors for their efforts. He said he hoped property owners would be notified about problems at their properties.

Rhodes also commented on the people who rent some of the properties at issue. He said, "I feel that there are a small number of landlords who in thinking that they are providing hospitality, wind up kind of preying on people that don't want to have to face sobriety. They don't want to have to go to the services, check into rehab and, and they are so desperate to avoid that, that they will live in filth, they will live in squalor, they will live in houses without in some cases working doors or windows, if only they can continue their lifestyle."



Rhodes continued, "And I simply wanted to say that some people I think fear that this would somehow limit Goshen's welcome – that we would not be helping vulnerable people as much if this housing wasn't available. And so, I just wanted to comment that I don't know if it's much of a welcome to trap people in addictions in housing situations like this in which the landlord winds up with their cash ... and where the Police Department has to be the social workers that come in and clean up the mess that happens with yelling and screaming on the streets of our neighborhood. These are people that need to find situations where they're taken care of and not where they live in their own debris."

Nat Jordan, who lives on South Sixth Street in Goshen, said the City has a beautiful downtown "and an old-town neighborhood around it that wants to thrive, but there are some houses that make it hard to do that. So, this ordinance seems like a step in the right direction."

At 8:04 p.m., Mayor Leichty closed the public comment period.

Council President Weddell repeated **Edith Gray's** concern that the City might penalize property owners who don't remove tagged vehicles even though they can't legally remove them. He asked if that would be enforced under the ordinance. **Assistant Police Chief Turner** said this would fall under the ordinance covering the accumulation of materials as well as laws dealing with abandoned vehicles. **City Attorney Stegelmann** said that violation would not be covered by the ordinance. **Council President Weddell** said he believed this could be a problem.

Councilor Nisley said he believed Police should notify property owners about severe damage to their properties and that this should be included in the ordinance. **Mayor Leichty** said this was "a totally appropriate recommendation" but didn't think it should be made part of Ordinance 5185.

Council Nisley said he didn't feel comfortable with Ordinance 5185 yet. He commented, "I'm not saying it's a bad ordinance, but I ... think we need to look at it more and, try to work out some of the stuff that people have said to us. And I just don't want to push something through just to be pushing it through."

Council President Weddell asked if either **Councilor Riegsecker** or **Councilor Gerber** could share some of the feedback about the ordinance that they heard from property owners.

Councilor Riegsecker said the concerns and comments from property owners included the following:

- Property owners felt Ordinance 5185 would unfairly hold them liable for the actions of others;
- There is a general distrust of government and fear of the abuse of power from City officials;
- Some believe there are already adequate rules and regulations in place to deal with this issue;
- Many don't totally understand what the City is trying to accomplish through the ordinance;
- Fair housing laws prohibit who can be excluded from leasing property and there is fear of getting into trouble for excluding some kinds of tenants;
- It takes a long time to evict problem tenants and the City might not acknowledge such efforts;
- There is a fear the City will implement rapid enforcement of the ordinance even if the City would be reasonable and work with property owners seeking to reduce tenant problems;
- Some property owners complained that they are not now notified when tenant crimes or damage occur at their properties;



- Some proposed federal regulations may make it harder to check the criminal background of people, so property owners could unknowingly rent to problem tenants.

Councilor Riegsecker said he tried to alleviate these concerns and assure people that the City would not go after property owners who are trying to rent to good tenants and provide decent housing.

Council President Weddell responded, "A lot of people I trust worked hard on this. A lot of people I trust support this ... This is an additional tool that brings everything together and it kind of connects the dots. Our Police Chief and Assistant Police Chief obviously fully support this and I trust them wholeheartedly. Our City Attorney, I trust wholeheartedly, who you know, he's been working on this." The Council President concluded, "I might have some reservations about this like some do, but I trust the work that's been done on this at this point."

Councilor Peel said she appreciated the landlords who provided input to the City and said she believed most property owners would not be affected by Ordinance 5185. She said the ordinance was needed because "neighbors and property owners have rights, too and they need to know that ... their house and their property and their right to a good life living is not upended" by problem tenants and property owners.

Councilor Peel said the "teeth" of the ordinance was the City's ability in the most severe cases to suspend a landlord's ability to rent property if there is repeated prohibited conduct. Councilor Peel added, "The issues that we have with some specific property owners in Goshen is they want to just keep renting to people that they can just keep taking money from and we have to be able to combat them with something that's going to hurt and it's fines and their ability to keep taking money ... (and) prevent them from continuing to do it."

Councilor Schrock said the discussion has focused on landlords and property owners but not owner-occupied properties that can remain in a dilapidated state for many years without City-ordered demolition. He said he often speaks to residents of his district who are upset that these properties can remain in that state for many years.

Councilor Schrock said Ordinance 5185 will be a tool to alleviate this problem. He added that he was "disappointed but not surprised" that this ordinance was prompted by a problem house near downtown when there are many more such problem homes in his Council district, but neighbors there "don't call the police over and over and over again and report it, so it doesn't get the same attention."

Councilor Schrock concluded, "I hope that this one little step forward will maybe fix this problem Goshen has. And I'm just going to say on the northeast side of town, it's even more of a problem than anywhere else in town."

Councilor Nisley asked if City officials met with property owners or landlords personally to get their feedback and ideas about Ordinance 5185. **Mayor Leichty** said she was involved in three meetings with property owners to discuss issues at specific properties.

Councilor Nisley said he would like City officials to meet with landlords to get their ideas and feedback before Ordinance 5185 is passed, adding, "I just don't want to see it just rammed through and then we come back and have to change something. I want to make sure what we put out there is something that's going to work ... I'm just not sold that this is the best product that can come out of this."



Councilor Lederach said: "We've heard from members of the community share what it's like to live next to these chronic nuisance properties and it seems pretty obvious that something has to be done." He said the amendments added safeguards to ensure due process for property owners.

Councilor Lederach concluded, "There's protections for domestic violence victims, so that addresses one of the concerns that I think was an early on concern for me. I'm comfortable with what we have and I think we need to do something."

Councilor Riegsecker said, "I'm comfortable with what we've come up with. I know there's still going to be concerns on pretty much every ordinance that we do."

Councilor Riegsecker asked the City Attorney for a clarification about the notifications to property owners about prohibited conduct at their properties and whether it would be adequate.

City Attorney Stegelmann said the ordinance provides for civil penalties, not criminal. So, he said property owners would be to be responsible for their properties and would be expected to have some control over what takes place on their properties. He further clarified the property owner's responsibility in response to questions from **Councilors Schrock and Nisley**.

There were no further questions or comments from Councilors.

Mayor Leichty said she wanted to add this final thought: "I'm a big believer in property rights and we are governed by all kinds of laws and ordinances that relate to property ownership. You are either contributing to the value of your property and your neighbor's property or you are detracting from that and we're dealing with severe cases where people are causing a detraction to not only individuals but sometimes entire neighborhoods.

"So, there's a lot of responsibility that comes with that; the more property you own, the more responsibility you assume. And so, I appreciated some of the comments earlier about accountability. And I hope the Council will consider voting in favor.

Mayor Leichty asked Clerk-Treasurer Aguirre to conduct a roll call vote on Ordinance 5185.

On a roll call vote, Councilors approved Ordinance 5185, An Ordinance of the Common Council of the City of Goshen to Establish a Process to Address Chronic Disorderly Properties, on Second (and final) Reading by a 6-0-1 vote with Councilors Gerber, Lederach, Peel, Riegsecker, Schrock and Weddell voting "yes" and Councilor Nisley voting "pass" at 8:33 p.m. Asked if he wanted to change his "pass" vote to either "yes" or "no," Councilor Nisley declined to do so.

Councilor Nisley described his "pass" vote as follows: "My reasoning is because I just feel that there could be something better done that could be worked on a little more and I would have rather seen it be tabled."

Elected Official Reports

Mayor Leichty asked Councilors if they had any reports from the Boards and Commissions they serve on.



Council President Weddell said that on May 14, the **City Redevelopment Commission**, by a 3-2 vote, approved a redevelopment agreement for housing at the northeast corner of Plymouth Avenue and Greene Road that was proposed by Kosene & Kosene. He said he voted "no" and would be happy to explain his vote individually. He encouraged Councilors to learn more about the proposal, speak to the developers and provide feedback about the project to **City Redevelopment Director Becky Hutsell**. He said neighbors have many concerns about the project. Council President Weddell said the **Redevelopment Commission** was scheduled to meet June 11 and **approve a development team for the new South Fire Station project** using the build-operate-transfer method for the first time in the City. He said he was part of a group of Commissioners and City staff who interviewed four developers for the project two weeks ago and it was a good experience.

Council President Weddell also offered **congratulations and gratitude to Council members for their good work the past five months**, which he said was "better than I've been part of in the last 12 years." He acknowledged **Councilors Riegsecker and Gerber** for working together on the nuisance property ordinance, **Councilors Nisley, Peel** and himself for working together on the golf cart and offroad vehicle ordinances, and **Councilors Riegsecker and Peel** for working together on the virtual meeting ordinance. He concluded, "I love how this is working. We're getting together in small groups and working. I think it's incredibly effective and it saves a lot of time and effort I think on the whole."

Councilor Riegsecker said **First Friday** on June 7 was "awesome" and he was looking forward to First Friday on July 5, with cars.

Repeating a concern expressed by **Councilor Nisley** at the May 14 Council meeting, **Councilor Riegsecker** said he has noticed a lot of **signs in the right of ways** these days. He said he hopes this problem can be addressed.

Councilor Riegsecker also said he got call complaining about **City-owned properties with weeds**. He said, "If we're requiring other people to do this, we better be taking care of some of these things ourselves, too."

Councilor Schrock said he wanted to state that "everything I said tonight, I said it with no disrespect to our **Goshen Police Department**. I have the utmost respect for all those guys and the ordinance (enforcement) guys and gals. It's a thankless job ... and I just want to make sure that nobody thinks I'm stepping on anybody's toes."

Council President Weddell responded, "Mr. **Schrock**, you speak from the heart and we appreciate that." Mayor **Leichty** said, "I'll second that."

Councilor **Lederach** said the **Board of Aviation Commission** is working on securing a new owner for the Goshen Air Center. He also said crack ceiling in the runway is complete and the commission is seeking quotes for a new maintenance building. He added, "So big change is out at the airport."

Since it was her last meeting, **Youth Adviser Jessica Velazquez Valdes** expressed gratitude for the experience and for all the new people she met and the opportunity to serve as youth advisor. She also said she had no doubt that **Tageeya Galeb** will be a great new youth adviser.

Mayor **Leichty** thanked **Youth Adviser Velazquez Valdes** for her contributions.

Clerk-Treasurer **Aguirre** announced that the Common Council and Parks and Recreation Board will hold a work session on plans for a new Shanklin Pool at 10 a.m. on Friday, June 14 at the Goshen Chamber of Commerce. He said the public can attend, but there will be no opportunities for public comments.

Councilor Nisley made a motion to adjourn the meeting. Councilor Peel seconded the motion. By a voice vote, Councilors unanimously approved the motion to adjourn the meeting.



Mayor Leichty adjourned the meeting at 8:41 p.m.

EXHIBIT #1: *Ordinance 5190, Youth Adviser Positions to City of Goshen Boards and Commissions, which was added to the meeting agenda and approved by the Common Council at the June 10, 2024 meeting (agenda item #1).*

EXHIBIT #2: *A color map provided to Councilors by David A. Runge, who owns properties at 413 and 415 North First Street, illustrating his requests during consideration of agenda item #7, Public hearing and consideration of Ordinance 5186: Vacation of Public Ways in the City of Goshen, Indiana.*

EXHIBIT #3: *A one-page memorandum from City Wastewater Utility Environmental Compliance Administrator Mick Reese on the changes proposed by Ordinance 5189 (agenda item #9).*

EXHIBIT #4: *A redline version, showing only the revisions made, to Ordinance 5189, An Ordinance Amending Rules for the Services of the Goshen Sewer Utility and Pretreatment Requirements and Standards. It was provided to Councilors earlier in the evening for consideration of agenda item #9.*

EXHIBIT #5: *A six-page redline draft of Ordinance 5185, which was provided at the Council meeting by the City Attorney and ultimately approved on Second Reading (agenda item #10).*

APPROVED:

Gina Leichty, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer

ORDINANCE 5192

Authorizing the Use of Golf Carts on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

WHEREAS, pursuant to Indiana Code § 9-21-8-57, a Golf Cart may not be operated on a highway under the jurisdiction of the City of Goshen, Indiana, except in accordance with an ordinance adopted under I.C. § 9-21-1-3(a)(14) and I.C. § 9-21-1-3.3(a), which authorize the operation of a Golf Cart on the highway; and

WHEREAS, the City of Goshen now wishes to allow the use of Golf Carts on highways under the jurisdiction of the City of Goshen, Indiana, and set minimum requirements for the use thereof.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

Section 1. Definitions.

- A. “Golf Cart” shall have the definition prescribed in I.C. § 9-13-2-69.7, as amended. The term Golf Cart means a motor vehicle designed and manufactured for operational on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 25 miles per hour.

Section 2. Operation of Golf Carts.

- A. The operation of a Golf Cart upon highways under the jurisdiction of the City of Goshen is strictly prohibited, unless the Golf Cart is operated and equipped in full compliance with this Ordinance.
- B. This Ordinance does not restrict the use of municipally owned Golf Carts used for maintenance, public safety, or special events.

Section 3. Requirements for Operation of Golf Carts.

- A. Rules.
 - 1. A person who operates a Golf Cart on a highway under the jurisdiction of the City of Goshen must comply with all federal, state, and local traffic laws.
 - 2. A person who operates a Golf Cart on a highway under the jurisdiction of the City of Goshen must comply with slow moving vehicle regulations under I.C. 9-21-9, as amended from time to time, including the requirement that such vehicle properly display a slow-moving vehicle emblem.
 - 3. No Golf Cart may be operated on a highway under the jurisdiction of the City of Goshen in excess of 25 miles per hour.
 - 4. Operation of Golf Carts on highways under the jurisdiction of the City of Goshen shall be limited to times between sunrise and sunset, when visibility is not limited by weather conditions, except that a Golf Cart may be operated after sunset and before sunrise or in weather conditions limiting

visibility, provided the Golf Cart is equipped with and utilizes operational headlights, tail lamps, turn signals, brake lights, and flashing lights under I.C. § 9-21-9-4, as amended from time to time.

5. No person may operate a Golf Cart on highways under the jurisdiction of the City of Goshen unless all passengers of said vehicle are seated in a factory installed seat position attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.
6. A Golf Cart may not be operated in a manner that unreasonably impedes the normal flow of traffic, and may not be operated in a manner that endangers life or property.

B. Equipment.

1. Unless otherwise exempted herein, all Golf Carts must be equipped with the following minimum safety equipment in order to be permitted and operated on highways under the jurisdiction of the City of Goshen:
 - (a) A rear-view mirror;
 - (b) Head lights;
 - (c) Tail lights;
 - (d) Brake lights;
 - (e) Turn signals (front and back);
 - (f) Factory installed seat belt restraints or DOT approved after- market installed belt restraints for ALL seating positions; and
 - (g) Have installed an ATV/UTV orange safety flag.
2. All safety equipment must be maintained in good operating order. Lights must be used at all times. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this Ordinance.

C. Operator.

1. Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate a Golf Cart on a highway under the jurisdiction of the City of Goshen.
2. The owner of a Golf Cart may not cause or knowingly permit an individual to operate the Golf Cart on highways under the jurisdiction of the City of Goshen unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.

D. Financial Responsibility.

1. A person shall not operate a Golf Cart on a highway under the jurisdiction of the City of Goshen without current financial responsibility in effect on said

vehicle in accordance with I.C. § 9-25-4-4, as amended from time to time.

2. A person who operates a Golf Cart on a highway under the jurisdiction of the City of Goshen must, at all times, maintain the state required minimum amount of financial responsibility in accordance with I.C. § 9-25-4-5, as amended from time to time.

E. Highways under the jurisdiction of the City.

1. Golf Carts shall not be operated on any bicycle path, trail, sidewalk, or any public property within the City that is not designated for vehicular traffic.
2. Golf Carts SHALL NOT be operated on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System (*e.g.*, S.R. 119, S.R. 15, S.R. 4, and U.S. 33). (*See* I.C. § 9-21-1-3.3).
3. Golf Carts MAY be operated on any highway within the corporate boundaries of the City that has a posted speed limit of 30 mph or less, and highways that do not have a posted speed limit, but have a speed limit of 30 mph or less as prescribed by Indiana State Statute.
4. Golf Carts SHALL NOT be operated on any highway within the corporate boundaries of the City that has a posted speed limit of 35 mph or more, and highways that DO NOT have a posted speed limit, but have a speed limit of 35 mph or more as prescribed by Indiana State Statute.
5. In addition, Golf Carts are permitted to cross highways, on which they are otherwise not permitted to operate, at right angles in order to travel from one highway to another highway when the operation can be done safely.

Section 4. Permit.

- A. No Golf Cart may be operated within the City, unless the owner of such Golf Cart shall have applied for and obtained a valid Golf Cart permit from the City.
 1. This excludes golf carts owned by golf courses, located within the City of Goshen, and utilized for operation on a golf course for sporting or recreational purposes.
- B. Application for such a permit must be made utilizing the application form as approved from time to time by the Board of Public Works and Safety.
- C. The fee for such application shall be Fifty Dollars (\$50), payable to the City of Goshen. Such permit shall have an effective length of the applicant's ownership of the vehicle.
- D. Issuance of said permit MUST INCLUDE visual inspection of the Golf Cart during normal business hours by a member of the Goshen Police Department to determine compliance.
- E. Upon issuance of a permit, the Golf Cart owner shall be provided a decal, which

must be affixed to the left rear of the vehicle at all times so as to be visible from the rear of the vehicle.

- F. A person or entity may apply for a temporary permit for the use of a Golf Cart during or in connection with an authorized parade or festival. Any petition for a temporary permit must be presented to the Board of Public Works and Safety, which shall have the authority to determine if a temporary permit for a specific use and limitations shall be issued, and to issue said temporary permit. Any issuance of temporary permit with limitations approved by Board of Public Works and Safety will have an effective period not longer than five days from the effective start date of the temporary permit, as determined by the Board of Public Works and Safety. The temporary permit and or paperwork must accompany the Golf Cart at all times of use.

Section 5. Violations, Enforcement, and Penalties.

- A. Violation notices issued under this Ordinance may be issued by any sworn member of the Goshen Police Department, any City code enforcement officer, any designated parking enforcement officer, or any other duly authorized City inspector or designated code enforcement agent, or assistant.
- B. This Ordinance may be enforced in the City's Ordinance Violations Bureau. A person who violates this Ordinance shall on the first offense be ordered to pay a Civil Penalty in the amount of \$175.00. A person who violates this Ordinance a second time within a Twelve (12) month period shall be ordered to pay a Civil Penalty of \$225.00, and a person will be ordered to pay \$250.00 for a third violation within that Twelve (12) month period.
- C. The City may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed \$2,500.00.
- D. A person who violates this ordinance may be subject to the impoundment of the Golf Cart and/or revocation of a permit issued under this Ordinance.
- E. All fines or civil penalties collected shall be deposited in the general fund of the City of Goshen.

Section 6. Other Ordinances.

All ordinances and parts of ordinances, inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict. Ordinance 4668 is hereby repealed upon the effective date of this ordinance.

Section 7. Severability

The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance

Section 8. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

ADOPTED, PASSED, AND ORDAINED by the Goshen Common Council this _____
day of July, 2024.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2024, at the hour of
____:____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor

ORDINANCE 5192

Authorizing the Use of Golf Carts ~~and Off-Road Vehicles~~ on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

WHEREAS, pursuant to Indiana Code § 9-21-8-57, a ~~golf cart or off-road vehicle~~Golf Cart may not be operated on a highway under the jurisdiction of the City of Goshen, Indiana, except in accordance with an ordinance adopted under I.C. § 9-21-1-3(a)(14) and I.C. § 9-21-1-3.3(a), which authorize the operation of a ~~golf cart or an off-road vehicle~~Golf Cart on the highway; and

WHEREAS, the City of Goshen now wishes to allow the use of ~~golf carts and off-road vehicles~~Golf Carts on highways under the jurisdiction of the City of Goshen, Indiana, and set minimum requirements for the use thereof.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

Section 1. Definitions.

- A. “Golf Cart” shall have the definition prescribed in I.C. § 9-13-2-69.7, as amended. The term Golf Cart means a motor vehicle designed and manufactured for operational on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 25 miles per hour.

Section 2. Operation of Golf Carts ~~and Off Road Vehicles~~.

- A. The operation of a Golf ~~Carts and Off Road Vehicles~~Cart upon highways under the jurisdiction of the City of Goshen is strictly prohibited, unless the Golf Cart ~~or Off Road Vehicle~~ is operated and equipped in full compliance with this Ordinance.
- B. This Ordinance does not restrict the use of municipally owned Golf Carts ~~and Off Road Vehicles~~ used for maintenance, public safety, or special events.

Section 3. Requirements for Operation of Golf Carts ~~and Off Road Vehicles~~.

- A. Rules.
 - 1. A person who operates a Golf Cart ~~or Off Road Vehicle~~ on a highway under the jurisdiction of the City of Goshen must comply with all federal, state, and local traffic laws.
 - 2. A person who operates a Golf Cart ~~or Off Road Vehicle~~ on a highway under the jurisdiction of the City of Goshen must comply with slow moving vehicle regulations under I.C. 9-21-9, as amended from time to time, including the requirement that such vehicle properly display a slow-moving vehicle emblem.
 - 3. No Golf Cart ~~or Off Road Vehicle~~ may be operated on a highway under the jurisdiction of the City of Goshen in excess of 25 miles per hour.
 - 4. Operation of Golf Carts ~~and Off Road Vehicles~~ on highways under the

jurisdiction of the City of Goshen shall be limited to times between sunrise and sunset, when visibility is not limited by weather conditions, except that a Golf Cart ~~or Off-Road Vehicle~~ may be operated after sunset and before sunrise or in weather conditions limiting visibility, provided the Golf Cart ~~or Off-Road Vehicle~~ is equipped with and utilizes operational headlights, tail lamps, turn signals, brake lights, and flashing lights under I.C. § 9-21-9-4, as amended from time to time.

5. No person may operate a Golf Cart ~~or Off-Road Vehicle~~ on highways under the jurisdiction of the City of Goshen unless all passengers of said vehicle are seated in a factory installed seat position attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.
6. A Golf Cart ~~or Off-Road Vehicle~~ may not be operated in a manner that unreasonably impedes the normal flow of traffic, and may not be operated in a manner that endangers life or property.

B. Equipment.

- ~~1. Off Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. 14-16-1, as amended from time to time, in order to be registered and operated on highways under the jurisdiction of the City of Goshen.~~
1. Unless otherwise exempted herein, all Golf Carts must be equipped with the following minimum safety equipment in order to be registered~~permitted~~ and operated on highways under the jurisdiction of the City of Goshen:
 - (a) A rear-view mirror;
 - (b) Head lights;
 - (c) Tail lights;
 - (d) Brake lights;~~and~~
 - (e) Turn signals (front and back);
 - (f) Factory installed seat belt restraints or DOT approved after-market installed belt restraints for ALL seating positions; and
 - (g) Have installed an ATV/UTV orange safety flag.
2. All safety equipment must be maintained in good operating order. Lights must be used ~~when time of day or weather conditions necessitate such use in order for the Golf Cart or Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet all times.~~ Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this Ordinance.

C. Operator.

1. Only individuals sixteen (16) years of age or older, who have been issued a

driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate a Golf Cart ~~or Off-Road Vehicle~~ on a highway under the jurisdiction of the City of Goshen.

2. The owner of a Golf Cart ~~or Off-Road Vehicle~~ may not cause or knowingly permit an individual to operate the Golf Cart on highways under the jurisdiction of the City of Goshen unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.

D. Financial Responsibility.

1. A person shall not operate a Golf Cart ~~or Off-Road Vehicle~~ on a highway under the jurisdiction of the City of Goshen without current financial responsibility in effect on said vehicle in accordance with I.C. § 9-25-4-4, as amended from time to time.
2. A person who operates a Golf Cart ~~or Off-Road Vehicle~~ on a highway under the jurisdiction of the City of Goshen must, at all times, maintain the state required minimum amount of financial responsibility in accordance with I.C. § 9-25-4-5, as amended from time to time.

E. Highways under the jurisdiction of the City.

1. Golf Carts ~~and Off-Road Vehicle~~ shall not be operated on any bicycle path, trail, sidewalk, or any public property within the City that is not designated for vehicular traffic.
2. Golf Carts ~~and Off-Road Vehicle shall not~~ **SHALL NOT** be operated on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System (e.g., S.R 119, S.R. 15, S.R. 4, and U.S. 33). (See I.C. § 9-21-1-3.3).
3. Golf Carts MAY be operated on any highway within the corporate boundaries of the City that has a posted speed limit of 30 mph or less, and highways that do not have a posted speed limit, but have a speed limit of 30 mph or less as prescribed by Indiana State Statute.
4. Golf Carts SHALL NOT be operated on any highway within the corporate boundaries of the City that has a posted speed limit of 35 mph or more, and highways that DO NOT have a posted speed limit, but have a speed limit of 35 mph or more as prescribed by Indiana State Statute.
5. In addition, Golf Carts are permitted to cross highways, on which they are otherwise not permitted to operate, at right angles in order to travel from one highway to another highway when the operation can be done safely.

Section 4. Permit.

- A. No Golf Cart ~~or Off-Road Vehicle~~ may be operated within the City, unless the owner of such Golf Cart ~~or Off-Road Vehicle~~ shall have applied for and obtained a valid

Golf Cart ~~or Off-Road Vehicle~~ permit from the City.

1. This excludes golf carts owned by golf courses, located within the City of Goshen, and utilized for operation on a golf course for sporting or recreational purposes.

- B. Application for such a permit must be made utilizing the application form as approved from time to time by the Board of Public Works and Safety.
- C. The fee for such application shall be Fifty Dollars (\$50), payable to the City of Goshen. Such permit shall have an effective length of the applicant's ownership of the vehicle.
- ~~B. Such permit shall be effective for the calendar year in which it is issued, and expires on December 31 of the year in which it is issued.~~
- D. Issuance of said permit MUST INCLUDE visual inspection of the Golf Cart during normal business hours by a member of the Goshen Police Department to determine compliance.
- ~~D.E.~~ Upon issuance of a permit, the Golf Cart ~~or Off-Road Vehicle~~ owner shall be provided a decal, which must be affixed to the left rear of the vehicle at all times so as to be visible from the rear of the vehicle ~~and left front side quarter panel.~~
- E.F. A person or entity may apply for a temporary permit for the use of a Golf Cart ~~or Off-Road Vehicle~~ during or in connection with an authorized parade or festival. Any petition for a temporary permit must be presented to the Board of Public Works and Safety, which shall have the authority to determine if a temporary permit for a specific use and limitations shall be issued, and to issue said temporary permit. Any issuance of temporary permit with limitations approved by Board of Public Works and Safety will have an effective period not longer than five days from the effective start date of the temporary permit, as determined by the Board of Public Works and Safety. The temporary permit and or paperwork must accompany the Golf Cart at all times of use.

Section 5. Violations, Enforcement, and Penalties.

- A. Violation notices issued under this Ordinance may be issued by any sworn member of the Goshen Police Department, any City code enforcement officer, any designated parking enforcement officer, or any other duly authorized City, inspector or designated code enforcement agent, or assistant.
- B. This Ordinance may be enforced in the City's Ordinance Violations Bureau. A person who violates this Ordinance shall on the first offense be ordered to pay a Civil Penalty in the amount of \$175.00. A person who violates this Ordinance a second time within a Twelve (12) month period shall be ordered to pay a Civil Penalty of \$225.00, and a person will be ordered to pay \$250.00 for a third violation within that Twelve (12) month period.
- C. The City may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed \$2,500.00.

D. A person who violates this ~~Ordinance more than two (2) times in a 365-day-period ordinance~~ may be subject to the impoundment of the Golf Cart ~~or Off-Road Vehicle~~ and/or revocation of a permit issued under this Ordinance.

~~C. Each day of violating this Ordinance shall be construed as a separate violation.~~

E. All fines or civil penalties collected shall be deposited in the general fund of the City of Goshen.

Section 6. Other Ordinances.

All ordinances and parts of ordinances, inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict. Ordinance 4668 is hereby repealed upon the effective date of this ordinance.

Section 7. Severability

The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance

Section 8. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

ADOPTED, PASSED, AND ORDAINED by the Goshen Common Council this _____ day of July, 2024.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2024, at the hour of _____:_____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor

ORDINANCE 5184

Authorizing the Use of Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

WHEREAS, pursuant to Indiana Code § 9-21-8-57, an Off-Road Vehicle may not be operated on a highway under the jurisdiction of the City of Goshen, Indiana, except in accordance with an ordinance adopted under I.C. § 9-21-1-3(a)(14) and I.C. § 9-21-1-3.3(a), which authorize the operation of an Off-Road Vehicle on the highway; and

WHEREAS, the City of Goshen now wishes to allow the use of Off-Road Vehicles on highways under the jurisdiction of the City of Goshen, Indiana, and set minimum requirements for the use thereof.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

Section 1. Definitions.

- A. “Off-Road Vehicle” shall have the definition prescribed in I.C. § 9-13-2-117.3 (I.C. § 8-2-185), as amended, and must be capable of registration under I.C. § 9-18.1-14. The term Off-Road Vehicle refers to a vehicle manufactured with a standard steering wheel for operation, side-by-side seating arrangement for passengers, seat belts, and roll over protection in accordance with I.C. § 14-19-1-0.5 (Motorized Cart). The term Off-Road Vehicle does not include motorcycles, motor scooters, All Terrain Vehicles, snowmobiles, or any vehicle capable of being registered and licensed by the State.

Section 2. Operation of Off-Road Vehicles.

- A. The operation of Off-Road Vehicles upon highways under the jurisdiction of the City of Goshen is strictly prohibited unless the Off-Road Vehicle is operated and equipped in full compliance with this Ordinance.
- B. This Ordinance does not restrict the use of municipally owned Off- Road Vehicles used for maintenance, public safety, or special events.

Section 3. Requirements for Operation of Off-Road Vehicles.

A. Rules.

- 1. A person who operates an Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with all federal, state, and local traffic laws as if the Off-Road Vehicle were a passenger motor vehicle as defined in I.C. § 9-13-2-123. Off-Road Vehicles may not be operated in a manner that that endangers life or property.
- 2. No person may operate an Off-Road Vehicle on highways under the jurisdiction of the City of Goshen unless all passengers of said vehicle are seated in a factory installed seat position attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.

3. An Off-Road Vehicle which is only operated at twenty-five (25) miles per hour or less shall display the slow-moving vehicle emblem described by I.C. § 9-21-9-2.
4. All occupants within the Off-Road Vehicle less than eighteen (18) years of age must wear a helmet per I.C. § 9-18.1-14-11, except as permitted by state law.

B. Equipment.

1. Off-Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. 14-16-1, as amended from time to time, in order to be registered and operated on highways under the jurisdiction of the City of Goshen.
2. All safety equipment must be maintained in good operating order. Lights must be used at all times in order for the Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet.
3. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this Ordinance.

C. Operator.

1. Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate an Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen.
2. The owner of a Off-Road Vehicle may not cause or knowingly permit an individual to operate the Off-Road Vehicle on highways under the jurisdiction of the City of Goshen unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.

D. Financial Responsibility.

1. A person shall not operate an Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen without current financial responsibility in effect on said vehicle in accordance with I.C. § 9-25-4-4, as amended from time to time.
2. A person who operates an Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must, at all times, maintain the state required minimum amount of financial responsibility in accordance with I.C. § 9-25-4-5, as amended from time to time.

E. Highways under the jurisdiction of the City.

1. Off-Road Vehicles shall not be operated on any bicycle path, trail, sidewalk, or any public property within the City that is not designated for vehicular traffic.

2. Off-Road Vehicles shall be allowed on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System specifically S.R. 119 between Greene Rd. and US 33, S.R. 15 between Hackett Rd. and Egbert Rd., S.R. 4 to S. 29th St., and U.S. 33 between Glenmore Ave and CR138.

Section 4. Permits.

- A. No Off-Road Vehicle may be operated within the City unless the owner of such Off-Road Vehicle shall have applied for and obtained a valid Off-Road Vehicle registration from the State of Indiana per I.C. 9-18.1-14.
- B. The Indiana Bureau of Motor Vehicles issues a certificate of registration and two decals for each Off-Road Vehicle and registration. The certificate of registration must accompany the Off-Road Vehicle and be made available for inspection upon demand by a police officer. The decals contain the Off-Road Vehicle's registration number and expiration date and must be attached on the forward half of the Off-Road Vehicle.
- C. No City of Goshen permit, decal, or inspection is required of Off-Road Vehicles registered through the State of Indiana Bureau of Motor Vehicles as prescribed by I.C. 9-18.1-14.

Section 5. Violations, Enforcement, and Penalties.

- A. Violation notices issued under this Ordinance may be issued by any sworn member of the Goshen Police Department, any City code enforcement officer, any designated parking enforcement officer, or any other duly authorized city inspector or designated code enforcement agent or assistant.
- B. This Ordinance may be enforced in the City's Ordinance Violations Bureau. A person who violates this Ordinance shall on the first offense be ordered to pay a Civil Penalty in the amount of \$175.00. A person who violates this Ordinance a second time within a Twelve (12) month period shall be ordered to pay a Civil Penalty of \$225.00, and a person will be ordered to pay \$250.00 for a third violation within that Twelve (12) month period.
- C. The City may enforce this Ordinance by filing an action in any court of general jurisdiction.
 1. Any person who violates Section3(A)(1) of this Ordinance will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. § 9-13-2-123, but in no case be fined more than a maximum of \$2,500.00.
 2. Any person who violates Section3(A)(3) of this Ordinance will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. § 9-21-9-2 but in no case be fined more than a maximum of \$2,500.00.
 3. Any person who violates Section3(D) of this Ordinance will be deemed to

have committed an ordinance violation and may be fined as if the person had violated I.C. § 9-25-8-2 but in no case be fined more than a maximum of \$2500.00.

4. Any person who violates any provision of the Ordinance for which a penalty is not otherwise provided will be deemed to have committed an ordinance violation and may be fined not more than \$500 for each offense.

D. A person who violates this Ordinance may be subject to the impoundment of the Off-Road Vehicle.

E. All fines or civil penalties collected shall be deposited in the general fund of the City of Goshen.

Section 6. Other Ordinances.

All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict.

Section 7. Severability.

The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 8. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

ADOPTED, PASSED, AND ORDAINED by the Goshen Common Council this _____ day of July, 2024.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2024, at the hour of _____:_____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor

ORDINANCE 5184

Authorizing the Use of ~~Golf Carts and Off~~Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

WHEREAS, pursuant to Indiana Code § 9-21-8-57, ~~a golf cart or off road vehicle~~an Off-Road Vehicle may not be operated on a highway under the jurisdiction of the City of Goshen, Indiana, except in accordance with an ordinance adopted under I.C. § 9-21-1-3(a)(14) and I.C. § 9-21-1-3.3(a), which authorize the operation of ~~a golf cart or~~ an Off-Road Vehicle on the highway; and

WHEREAS, the City of Goshen now wishes to allow the use of ~~golf carts and off road vehicles~~Off-Road Vehicles on highways under the jurisdiction of the City of Goshen, Indiana, and set minimum requirements for the use thereof.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

Section 1. Definitions.

- A. “Off-Road Vehicle” shall have the definition prescribed in I.C. § 9-13-2-117.3 (I.C. § 8-2-185), as amended, and must be capable of registration under I.C. § 9-18.1-14. The term Off-Road Vehicle refers to a vehicle manufactured with a standard steering wheel for operation, side-by-side seating arrangement for passengers, seat belts, and roll over protection in accordance with I.C. § 14-19-1-0.5 (Motorized Cart). The term Off-Road Vehicle does not include motorcycles, motor scooters, All Terrain Vehicles, snowmobiles, or any vehicle capable of being registered and licensed by the State.

Section 2. Operation of Off-Road Vehicles.

- A. The operation of Off-Road Vehicles upon highways under the jurisdiction of the City of Goshen is strictly prohibited unless the ~~Golf Cart or Off~~Off-Road Vehicle is operated and equipped in full compliance with this Ordinance.
- B. This Ordinance does not restrict the use of municipally owned ~~Golf Carts and Off~~Off-Road Vehicles used for maintenance, public safety, or special events.

Section 3. Requirements for Operation of ~~Golf Carts and Off~~Off-Road Vehicles.

A. Rules.

1. A person who operates ~~a Golf Cart or Off~~an Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with all federal, state, and local traffic laws as if the Off-Road Vehicle were a passenger motor vehicle as defined in I.C. § 9-13-2-123. Off-Road Vehicles may not be operated in a manner that that endangers life or -property.
2. ~~A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with slow moving vehicle regulations under I.C. 9-21-9, as amended from time to time, including the~~

~~requirement that such vehicle properly display a slow moving vehicle emblem.~~

~~3. No Golf Cart or Off Road Vehicle may be operated on a highway under the jurisdiction of the City of Goshen in excess of 25 miles per hour.~~

~~1. Operation of Golf Carts and Off13-2-123. Off Road Vehicles may not be operated in a manner that that endangers life or property.~~

1. No person may operate an Off-Road Vehicle on highways under the jurisdiction of the City of Goshen unless all passengers of said vehicle are seated in a factory installed seat position attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.

2. An Off-Road Vehicle which is only operated at twenty-five (25) miles per hour or less shall display the slow-moving vehicle emblem described by I.C. § 9-21-9-2.

3. All occupants within the Off-Road Vehicle less than eighteen (18) years of age must wear a helmet per I.C. § 9-18.1-14-11, except as permitted by state law.

B. Equipment.

1. Off-Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. 14-16-1, as amended from time to time, in order to be registered and operated on highways under the jurisdiction of the City of Goshen.

~~4. Unless otherwise exempted herein, all Golf Carts must be equipped with the following minimum safety equipment in order to be registered and operated on highways under the jurisdiction of the City of Goshen:~~

~~(a) A rear view mirror;~~

~~(b) Head lights;~~

~~(c) Tail lights;~~

~~(d) Brake lights; and~~

~~(e) Turn signals (front and back).~~

2. All safety equipment must be maintained in good operating order. Lights must be used ~~when time of day or weather conditions necessitate such use~~at all times in order for the ~~Golf Cart or Off~~Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet.

3. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this Ordinance.

C. Operator.

1. Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate ~~a Golf Cart or Off~~an Off-

Road Vehicle on a highway under the jurisdiction of the City of Goshen.

2. The owner of a ~~Golf Cart or Off~~Off-Road Vehicle may not cause or knowingly permit an individual to operate the ~~Golf Cart~~Off-Road Vehicle on highways under the jurisdiction of the City of Goshen unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.

D. Financial Responsibility.

1. A person shall not operate a ~~Golf Cart or Off~~an Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen without current financial responsibility in effect on said vehicle in accordance with I.C. § 9-25-4-4, as amended from time to time.
2. A person who operates a ~~Golf Cart or an~~ Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must, at all times, maintain the state required minimum amount of financial responsibility in accordance with I.C. § 9-25-4-5, as amended from time to time.

E. Highways under the jurisdiction of the City.

1. ~~Golf Carts and Off~~Off-Road Vehicles shall not be operated on any bicycle path, trail, sidewalk, or any public property within the City that is not designated for vehicular traffic.
2. ~~Golf Carts and Off~~Off-Road Vehicles shall ~~not~~ be ~~operated~~allowed on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System (~~e.g., specifically~~ S.R. 119- between Greene Rd. and US 33, S.R. 15- between Hackett Rd. and Egbert Rd., S.R. 4- to S. 29th St., and U.S. ~~33~~). (~~see I.C. § 9-21-1-3.3~~). 33 between Glenmore Ave and CR138.

Section 4. Permits.

- A. No ~~Golf Cart or Off~~Off-Road Vehicle may be operated within the City unless the owner of such ~~Golf Cart or Off~~Off-Road Vehicle shall have applied for and obtained a valid ~~Golf Cart or Off-Off-~~ Road Vehicle ~~permit~~registration from the ~~City~~State of Indiana per I.C. 9-18.1-14.
- B. The Indiana Bureau of Motor Vehicles issues a certificate of registration and two decals for each Off-Road Vehicle and registration. The certificate of registration must accompany the Off-Road Vehicle and be made available for inspection upon demand by a police officer. The decals contain the Off-Road Vehicle's registration number and expiration date and must be attached on the forward half of the Off-Road Vehicle.
- C. No City of Goshen permit, decal, or inspection is required of Off-Road Vehicles registered through the State of Indiana Bureau of Motor Vehicles as prescribed by I.C. 9-18.1-14.

- ~~B. Application for such a permit must be made utilizing the application form as approved from time to time by the Board of Public Works and Safety.~~
- ~~C. The fee for such application shall be Fifty Dollars (\$50), payable to the City of Goshen decal, which must be affixed to the left rear of the vehicle at all times so as to be visible from the rear of the vehicle and left front side quarter panel.~~
- ~~D. A person or entity may apply for a temporary permit for the use of a Golf Cart or Off-Road Vehicle during or in connection with an authorized parade or festival. Any petition for a temporary permit must be presented to the Board of Public Works and Safety, which shall have the authority to determine if a temporary permit for specific use and limitations shall be issued; and to issue said temporary permit. Any issuance of temporary permit with limitations approved by Board of Public Works and Safety will have an effective period not longer than five days from the effective start date of the temporary permit, as determined by the Board of Public Works and Safety.~~

~~E.D.~~ ~~Δ~~

Section 5. Violations, Enforcement, and Penalties.

- A. Violation notices issued under this Ordinance may be issued by any sworn member of the Goshen Police Department, any City code enforcement officer, any designated parking enforcement officer, or any other duly authorized city inspector or designated code enforcement agent or assistant.
- B. This Ordinance may be enforced in the City's Ordinance Violations Bureau. A person who violates this Ordinance shall on the first offense be ordered to pay a Civil Penalty in the amount of \$175.00. A person who violates this Ordinance a second time within a Twelve (12) month period shall be ordered to pay a Civil Penalty of \$225.00, and a person will be ordered to pay \$250.00 for a third violation within that Twelve (12) month period.
- C. The City may enforce this Ordinance by filing an action in any court of general jurisdiction ~~to recover a fine in a sum not to exceed \$2,500.~~
- ~~1. Any person who violates Section3(A)(1) of this Ordinance will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. § 9-13-2-123, but in no case be fined more than two (2) times in a 365 day period maximum of \$2,500.00.~~
 - ~~2. Any person who violates Section3(A)(3) of this Ordinance will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. § 9-21-9-2 but in no case be fined more than a maximum of \$2,500.00.~~
 - ~~3. Any person who violates Section3(D) of this Ordinance will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. § 9-25-8-2 but in no case be fined more than a maximum of \$2500.00.~~

4. Any person who violates any provision of the Ordinance for which a penalty is not otherwise provided will be deemed to have committed an ordinance violation and may be fined not more than \$500 for each offense.

~~F.D.~~ A person who violates this Ordinance may be subject to the impoundment of the Golf Cart or Off-Road Vehicle ~~and/or revocation of a permit issued under this Ordinance.~~

~~G.~~ Each day of violating this Ordinance shall be construed as a separate violation.

~~D.E.~~ All fines or civil penalties collected shall be deposited in the general fund of the City of Goshen.

Section 6. Other Ordinances.

All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict.

Section 7. Severability.

The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 8. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

ADOPTED, PASSED, AND ORDAINED by the Goshen Common Council this _____ day of July, 2024.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2024, at the hour of _____:_____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor

ORDINANCE 5184

Authorizing the Use of Golf Carts and Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such

WHEREAS, pursuant to Indiana Code § 9-21-8-57, a golf cart or off-road vehicle may not be operated on a highway under the jurisdiction of the City of Goshen, Indiana, except in accordance with an ordinance adopted under I.C. § 9-21-1-3(a)(14) and I.C. § 9-21-1-3.3(a) which authorizes the operation of a golf cart or an off-road vehicle on the highway; and

WHEREAS, the City of Goshen now wishes to allow the use of golf carts and off-road vehicles on highways under the jurisdiction of the City of Goshen, IN, and set minimum requirements for the use thereof.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

Section 1. Operation of Golf Carts and Off-Road Vehicles.

- A. The operation of a Golf Carts and Off-Road Vehicles upon highways under the jurisdiction of the City of Goshen is strictly prohibited unless the Golf Cart or Off-Road Vehicle is operated and equipped in full compliance with this Ordinance.
- B. This ordinance does not restrict the use of municipally owned Golf Carts and Off-Road Vehicles used for maintenance, public safety, or special events.

Section 2. Requirements for Operation of Golf Carts and Off-Road Vehicles.

- A. Rules.
 - 1. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with all Federal, State, and Local traffic laws.
 - 2. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must comply with slow moving vehicle regulations under I.C. 9-21-9, as amended from time to time, including the requirement that such vehicle properly display a slow-moving vehicle emblem.
 - 3. No Golf Cart or Off-Road Vehicle may be operated on a highway under the jurisdiction of the City of Goshen in excess of 25 miles per hour.
 - 4. Operation of Golf Carts and Off-Road Vehicles on highways under the jurisdiction of the City of Goshen shall be limited to times between sunrise and sunset, when visibility is not limited by weather conditions, except that a Golf Cart or Off-Road Vehicle may be operated after sunset and before sunrise or in weather conditions limiting visibility, provided the Golf Cart or Off-Road Vehicle is equipped with and utilizes operational headlamps, tail lamps, turn signals, brake lights, and flashing lights under I.C. § 9-21-9-4, as amended from time to time.

5. No person may operate a Golf Cart or Off-Road Vehicle on highways under the jurisdiction of the City of Goshen unless all passengers of said vehicle are seated in a factory installed seat attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.
6. A Golf Cart or Off-Road Vehicle may not be operated in a manner that unreasonably impedes the normal flow of traffic, and may not be operated in a manner that endangers life or property.

B. Equipment.

1. Off-Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. 14-16-1, as amended from time to time, in order to be registered and operated on highways under the jurisdiction of the City of Goshen.
2. Unless otherwise exempted herein, all Golf Carts must be equipped with the following minimum safety equipment in order to be registered and operated on highways under the jurisdiction of the City of Goshen:
 - (a) A rear-view mirror;
 - (b) Head lights;
 - (c) Tail lights;
 - (d) Brake lights; and
 - (e) Turn signals (front and back).
3. All safety equipment must be maintained in good operating order. Lights must be used when time of day or weather conditions necessitate such use in order for the Golf Cart or Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet. Failure to equip, maintain and use such equipment as required herein shall constitute a violation of this Ordinance.

C. Operator.

1. Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is not suspended or revoked, may operate a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen.
2. The owner of a Golf Cart or Off-Road Vehicle may not cause or knowingly permit an individual to operate the Golf Cart on highways under the jurisdiction of the City of Goshen unless the individual holds a valid driver's license from a State Bureau of Motor Vehicles, that is not suspended or revoked.

D. Financial Responsibility.

1. A person shall not operate a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen without current financial

responsibility in effect on said vehicle in accordance with I.C. § 9-25-4-4, as amended from time to time.

2. A person who operates a Golf Cart or Off-Road Vehicle on a highway under the jurisdiction of the City of Goshen must, at all times, maintain the state required minimum amount of financial responsibility in accordance with I.C. § 9-25-4-5, as amended from time to time.

E. Highways under the jurisdiction of the City.

1. Golf Carts and Off-Road Vehicle shall not be operated on any bicycle path, trail, sidewalk, or any public property within the City that is not designated for vehicular traffic.
2. Golf Carts and Off-Road Vehicle shall not be operated on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System (*e.g.*, S.R. 119, S.R. 15, S.R. 4, and U.S.33). (*see* I.C. § 9-21-1-3.3).

Section 3. Permit.

- A. No Golf Cart or Off-Road Vehicle may be operated within the City unless the owner of such Golf Cart or Off-Road Vehicle shall have applied for and obtained a valid Golf Cart or Off-Road Vehicle permit from the City.
- B. Application for such a permit must be made utilizing the application form as approved from time to time by the Board of Public Works and Safety.
- C. The fee for such application shall be Fifty Dollars (\$50), payable to the City of Goshen.
- D. Such permit shall be effective for the calendar year in which it is issued, and expires on December 31 of the year in which it is issued.
- E. Upon issuance of a permit, the Golf Cart or Off-Road Vehicle owner shall be provided a decal, which must be affixed to the left rear of the vehicle at all times so as to be visible from the rear of the vehicle and left front side quarter panel.
- F. A person or entity may apply for a temporary permit for the use of a Golf Cart or Off-Road Vehicle during or in connection with an authorized parade or festival. Any petition for a temporary permit must be presented to the Board of Public Works and Safety, which shall have the authority to determine if a temporary permit for specific use and limitations shall be issued; and to issue said temporary permit. Any issuance of temporary permit with limitations approved by Board of Public Works and Safety will have an effective period not longer than five days from the effective start date of the temporary permit, as determined by the Board of Public Works and Safety.

Section 4. Definitions

- A. “Golf Cart” shall have the definition prescribed in I.C. § 9-13-2-69.7, as amended.

- B. “Off-Road Vehicle” shall have the definition prescribed in I.C. § 9-13-2-117.3 (I.C. § 14-8-2-185), as amended. The term Off-Road Vehicle refers to a vehicle manufactured with a standard steering wheel for operation, side-by-side seating arrangement for passengers, seat belts, and roll over protection in accordance with I.C. 9-13-2-94.5 (Low-Speed Vehicle) and I.C. 14-19-1-0.5 (Motorized Cart). The term Off-Road Vehicle does not include motorcycles, motor scooters, All Terrain Vehicles, snowmobiles, or any vehicle capable of being registered and licensed by the State.

Section 5. Violations, Enforcement, and Penalties.

- A. Violation notices issued under this Ordinance may be issued by any sworn member of the Goshen Police Department, any City code enforcement officer, any designated parking enforcement officer, or any other duly authorized city inspector or designated code enforcement agent or assistant.
- B. This Ordinance may be enforced in the City’s Ordinance Violations Bureau. A person who violates this Ordinance shall on the first offense be ordered to pay a Civil Penalty in the amount of \$175.00. A person who violates this Ordinance a second time within a Twelve (12) month period shall be ordered to pay a Civil Penalty of \$225.00, and a person will be ordered to pay \$250.00 for a third violation within that Twelve (12) month period.
- C. The City may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed \$2,500.
- D. A person who violates this Ordinance more than two (2) times in a 365-day period may be subject to the impoundment of the Golf Cart or Off-Road Vehicle and/or revocation of a permit issued under this Ordinance.
- E. Each day of violating this Ordinance shall be construed as a separate violation.
- F. All fines or civil penalties collected shall be deposited in the general fund of the City of Goshen.

Section 6. Other Ordinances.

All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict.

Section 7. Severability.

The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 8. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

ADOPTED, PASSED, AND ORDAINED by the Goshen Common Council this _____ day of May, 2024.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2024, at the hour of
_____:_____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor





T (574) 533-9531
F (574) 537-1711

601 S Fifth St,
Goshen, IN 46526

July 1, 2024

Dear Members of the Common Council for the City of Goshen:

Thank you for considering our request for your approval of our bond resolution for \$3,990,000 to replace our aging HVAC infrastructure. As you may be aware, recent Indiana code mandates that you, being an elected body and our designated fiscal body under certain circumstances, review and approve any requests we have to issue debt and raise our budget beyond the allotted growth quotient. We come before you on July 8, 2024, with such a request.

Goshen Public Library, as the first designated Carnegie Library in the State of Indiana, has been a cornerstone in our community for 125 years. Currently, we serve approximately 38,000 residents living in Elkhart Township. The library's present building was constructed in 1968. Then, the library housed 50,989 materials and served a population of 19,000. A major renovation with an addition to the building was completed in 1994 with few significant updates since. Today, the Library makes available 180,000 physical items and offers a large collection of digital content to cardholders. In 2014 GPL entered a consortium agreement with neighboring Elkhart Public Library. This consortium gives patrons access to greater content and affords both libraries opportunities for budgetary savings through resource sharing.

Goshen Public Library has long been a place to pursue learning and satisfy curiosities. During 2023 we had more than 130,000 visitors to our building. Last year, we held more than 560 programs for all ages. Many programs and resources were designed to promote early childhood literacy. GPL is the primary service point for those wishing to access the Internet, copy, print, scan, and fax. The library is also a community partner to many organizations. We value our community partnership with the City of Goshen as we're often called upon to offer our building as a warming and cooling shelter during extreme temperatures.

During 2020 the library completed a comprehensive long-range plan to identify current and future needs. This sparked many initiatives including a feasibility study, which revealed the urgent need to replace aging infrastructure, particularly the library's Central Plant: heating and cooling systems, air handlers, and associated electrical panels. The boiler is original to the 1968 building. The cooling system has also outlasted its life by many years, is undersized for our needs, uses a refrigerant that has been sunset by the EPA, and has a design flaw that has led to expensive repair work over the years. The design flaw has meant the cooling system has operated at half

capacity for the last two summers. Additionally, the system, being so inefficient at this point, costs the library more than \$120,000 annually in heating/cooling bills. Today's lead times for manufacturing all types of equipment can be long, up to 22 months for some parts related to this project. We believe there is an urgent need to move forward with this project.

Our current cooling system condensers are located in the South staff parking lot of the library. We plan to relocate these condensers within the parking lot to eliminate the types of repairs we've suffered over the years due to their present location. The redesign of the parking lot also favors the installation of a small pavilion, which will be used for the enjoyment of staff while on breaks and also provides outdoor programming space for small groups. Our team has worked well with the City over the past several months to ensure the design of the parking lot meets both the City's interests and our own. All variance requests were passed at the June 25 meeting of the Board of Zoning Appeals.

The Public Library is a cornerstone in our community and vital to the health and well-being of our City. We are unique in that we serve all members of our diverse population; offering our services with dignity while prioritizing equity, all at little cost. Our resources support the pleasure, professional, educational, and emotional needs of all who seek them. We hope you value the public library as a community asset and will lend your support to ensure the Goshen Public Library building remains functional and at the heart of our vibrant community for many more years.

Sincerely,

Ann Margaret
Director
601 S 5th St
Goshen, IN 46526
(574) 533-9531, ext. 211
amrice@goshenpl.org

To: Common Council for the City of Goshen
From: Kathy Meyer Reimer, Goshen Public Library Board Chair
Re: Bond issue to replace the Goshen Public Library HVAC system
Date: July 1, 2024

The Goshen Public Library board is eager to move ahead with plans for updating the infrastructure, heating and cooling systems, in the library. We are currently functioning with a chiller running at half capacity which leaves us vulnerable in warm weather. The lines from the chiller run under a parking lot and when large trucks, such as the trash collector trucks, move through the parking lot, the lines are being damaged. We also are functioning with a boiler that was installed in 1968 and is ailing.

We are no longer able to get parts as the systems are so old and repairs have become more frequent, harder to do and more expensive. In order to be responsible with taxpayer dollars it is time to replace the system for efficiency and financial reasons and we are bringing this proposal forward after careful consideration, a number of years of work on planning an efficient and cost-effective system and the full support of the Goshen Public Library board.

To make these updates and replacements of old systems, we need to issue bonds in the name of the library and we are grateful for your attention and support of this pressing need to replace aging library infrastructure-

Kathy Meyer Reimer
Goshen Public Library board chair

Philip J. Faccenda, Jr.
(574) 237-1148
philip.faccenda@btlaw.com

June 20, 2024

VIA EMAIL ONLY

Richard R. Aguirre
Clerk-Treasurer
CITY OF GOSHEN, INDIANA
202 South 5th Street, Suite 2
Goshen, IN 46528
clerktreasurer@goshencity.com

Re: Goshen Public Library General Obligation Bonds, Series 2024 (the "Bonds")

Dear Mr. Aguirre:

Enclosed please find a proposed Resolution of the Goshen Common Council for filing with your office and for the consideration of the Common Council at its meeting on July 8, 2024 in connection with the above-referenced Bonds of the Goshen Public Library (the "Library"). The Resolution approves (i) the issuance of the Bonds by the Library and (ii) the appropriation of the proceeds of the Bonds by the Library, both of which were approved by the Library Board of the Library at its meeting on June 18, 2024. The Bonds are being issued to pay the costs of all or a portion of an HVAC improvement project and related improvements at the Library building located at 601 South 5th Street, Goshen, Indiana. Pursuant to the enclosed Resolution and prior resolutions adopted by the Library Board attached as exhibits to the Resolution, the Bonds are being issued in an amount not to exceed \$3,990,000, shall have a final maturity date not later than ten (10) years from the date of their issuance and shall bear interest at a maximum rate not to exceed five and one-half percent (5.50%).

Please let us know if you have any questions. Thank you for your assistance.

Sincerely,

BARNES & THORNBURG LLP


Philip J. Faccenda, Jr.

PJF/bej

Enclosures

cc: Bodie J. Stegelmann, Esq., City Attorney, City of Goshen, Indiana
J. William Davis Jr., Esq.
Ann-Margaret Rice, Director, Goshen Public Library

DMS 43559359

RESOLUTION NO. 2024-____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF GOSHEN,
INDIANA, APPROVING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY
THE GOSHEN PUBLIC LIBRARY REGARDING THE CONSTRUCTION AND
EQUIPPING OF A CERTAIN LIBRARY CAPITAL PROJECT**

WHEREAS, the Goshen Public Library (the “Public Library”), exists and operates under the provisions of Indiana Code 36-12, as amended from time to time (the “Act”); and

WHEREAS, the Public Library has determined to issue general obligation bonds (the “Public Library Bonds”) in an amount not to exceed Three Million Nine Hundred Ninety Thousand Dollars (\$3,990,000) to pay the costs of all or any portion of an HVAC improvement project at the Public Library building located at 601 South 5th Street, Goshen, Indiana 46526, including but not limited to (i) replacement of the boiler, chiller, air handling units, and temperature controls, (ii) related electrical and plumbing improvements, (iii) related parking lot improvements made necessary in connection with the foregoing improvements and replacements, (iv) outdoor landscaping improvements and the construction of a pavilion structure for the use of the Public Library and (v) any other related facility improvements (collectively, the “Project”), and all or a portion of the costs associated therewith, including the issuance of such general obligation bonds; and

WHEREAS, on June 18, 2024 the Board of Trustees of the Public Library adopted a Resolution (the “Public Library Bond Resolution”), which authorizes the issuance of the Public Library Bonds; and

WHEREAS, the issuance of the Public Library Bonds must be approved by the Common Council of the City of Goshen, Indiana (the “Common Council”), pursuant to IC 6-1.1-17-20.5; and

WHEREAS, on June 18, 2024 the Board of Trustees of the Public Library adopted a Resolution (the “Public Library Appropriation Resolution”), which makes an additional appropriation of the proceeds of the Public Library Bonds received by the Public Library in connection with the sale of the Public Library Bonds, together with all investment earnings thereon (the “Public Library Additional Appropriation”); and

WHEREAS, the Board of Trustees of the Public Library has requested the approval by this body, pursuant to IC 6-1.1-18-5, of the Public Library Additional Appropriation, for the use by the Public Library in paying for all or a portion of the costs of the Project; and

WHEREAS, notice of a hearing on the Public Library Additional Appropriation has been duly given by publication as required by law, and the hearing on the Public Library Additional Appropriation has been held by the Board of Trustees of the Public Library, at which all taxpayers had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now wishes to approve the issuance of the Public Library Bonds and approve the Public Library Additional Appropriation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, THAT:

Section 1. The Common Council hereby (i) approves the issuance of the Public Library Bonds by the Public Library; and (ii) approves the Public Library Bond Resolution attached hereto as Exhibit A.

Section 2. The Common Council hereby (i) approves the Public Library Additional Appropriation; and (ii) approves the Public Library Appropriation Resolution attached hereto as Exhibit B.

Section 3. Any officer of the City of Goshen, Indiana (the “City”) is hereby authorized and directed to take any and all actions as such officer deems necessary or desirable to effect this Resolution, and any and all actions previously taken by any officer of the City, be, and hereby are, ratified and approved.

Section 4. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor, according to procedures required by law.

PASSED AND ADOPTED the _____ day of _____, 2024.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor by me this _____ day of _____, 2024.

Richard R. Aguirre, Clerk-Treasurer

APPROVED by me this _____ day of _____, 2024.

Gina Leichty, Mayor

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

EXHIBIT A

**GOSHEN PUBLIC LIBRARY BOARD OF TRUSTEES
PUBLIC LIBRARY BOND RESOLUTION**

[SEE ATTACHED]

EXHIBIT B

**GOSHEN PUBLIC LIBRARY BOARD OF TRUSTEES
PUBLIC LIBRARY APPROPRIATION RESOLUTION**

[SEE ATTACHED]

RESOLUTION NO. 2024-_____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF GOSHEN,
INDIANA, APPROVING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY
THE GOSHEN PUBLIC LIBRARY REGARDING THE CONSTRUCTION AND
EQUIPPING OF A CERTAIN LIBRARY CAPITAL PROJECT**

WHEREAS, the Goshen Public Library (the “Public Library”), exists and operates under the provisions of Indiana Code 36-12, as amended from time to time (the “Act”); and

WHEREAS, the Public Library has determined to issue general obligation bonds (the “Public Library Bonds”) in an amount not to exceed Three Million Nine Hundred Ninety Thousand Dollars (\$3,990,000) to pay the costs of all or any portion of an HVAC improvement project at the Public Library building located at 601 South 5th Street, Goshen, Indiana 46526, including but not limited to (i) replacement of the boiler, chiller, air handling units, and temperature controls, (ii) related electrical and plumbing improvements, (iii) related parking lot improvements made necessary in connection with the foregoing improvements and replacements, (iv) outdoor landscaping improvements and the construction of a pavilion structure for the use of the Public Library and (v) any other related facility improvements (collectively, the “Project”), and all or a portion of the costs associated therewith, including the issuance of such general obligation bonds; and

WHEREAS, on June 18, 2024 the Board of Trustees of the Public Library adopted a Resolution (the “Public Library Bond Resolution”), which authorizes the issuance of the Public Library Bonds; and

WHEREAS, the issuance of the Public Library Bonds must be approved by the Common Council of the City of Goshen, Indiana (the “Common Council”), pursuant to IC 6-1.1-17-20.5; and

WHEREAS, on June 18, 2024 the Board of Trustees of the Public Library adopted a Resolution (the “Public Library Appropriation Resolution”), which makes an additional appropriation of the proceeds of the Public Library Bonds received by the Public Library in connection with the sale of the Public Library Bonds, together with all investment earnings thereon (the “Public Library Additional Appropriation”); and

WHEREAS, the Board of Trustees of the Public Library has requested the approval by this body, pursuant to IC 6-1.1-18-5, of the Public Library Additional Appropriation, for the use by the Public Library in paying for all or a portion of the costs of the Project; and

WHEREAS, notice of a hearing on the Public Library Additional Appropriation has been duly given by publication as required by law, and the hearing on the Public Library Additional Appropriation has been held by the Board of Trustees of the Public Library, at which all taxpayers had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now wishes to approve the issuance of the Public Library Bonds and approve the Public Library Additional Appropriation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, THAT:

Section 1. The Common Council hereby (i) approves the issuance of the Public Library Bonds by the Public Library; and (ii) approves the Public Library Bond Resolution attached hereto as Exhibit A.

Section 2. The Common Council hereby (i) approves the Public Library Additional Appropriation; and (ii) approves the Public Library Appropriation Resolution attached hereto as Exhibit B.

Section 3. Any officer of the City of Goshen, Indiana (the "City") is hereby authorized and directed to take any and all actions as such officer deems necessary or desirable to effect this Resolution, and any and all actions previously taken by any officer of the City, be, and hereby are, ratified and approved.

Section 4. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor, according to procedures required by law.

PASSED AND ADOPTED the _____ day of _____, 2024.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor by me this _____ day of _____, 2024.

Richard R. Aguirre, Clerk-Treasurer

APPROVED by me this _____ day of _____, 2024.

Gina Leichty, Mayor

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

EXHIBIT A

**GOSHEN PUBLIC LIBRARY BOARD OF TRUSTEES
PUBLIC LIBRARY BOND RESOLUTION**

[SEE ATTACHED]

**RESOLUTION OF THE GOSHEN PUBLIC LIBRARY AUTHORIZING
THE ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO BE
APPLIED TO PAY FOR THE CONSTRUCTION AND EQUIPPING OF A CERTAIN
LIBRARY CAPITAL PROJECT AND INCIDENTAL EXPENSES IN CONNECTION
THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS**

WHEREAS, the Goshen Public Library (the “Public Library”) is a municipal corporation of the State of Indiana; and

WHEREAS, it would be of public utility and benefit and in the best interests of the Public Library and its citizens to pay the costs of all or any portion of an HVAC improvement project at the Public Library building located at 601 South 5th Street, Goshen, Indiana 46526, including but not limited to (i) replacement of the boiler, chiller, air handling units, and temperature controls, (ii) related electrical and plumbing improvements, (iii) related parking lot improvements made necessary in connection with the foregoing improvements and replacements, (iv) outdoor landscaping improvements and the construction of a pavilion structure for the use of the Public Library and (v) any other related facility improvements (collectively, the “Project”); and

WHEREAS, based on the foregoing, the Library Board of the Public Library (the “Board”) deems it advisable to issue, pursuant to Indiana Code § 36-12-3-9 and other applicable provisions of the Indiana Code (collectively, the “Act”) and subject to the approval required by Indiana Code 6-1.1-17-20.5, the “Goshen Public Library General Obligation Bonds, Series 2024” (the “2024 Bonds”), in one (1) or more series (if issued in multiple series, a letter designation shall be added) and in an original aggregate principal amount not to exceed Three Million Nine Hundred Ninety Thousand Dollars (\$3,990,000) (the “Authorized Amount”), and for the purpose of providing for (i) the payment of all or a portion of the costs of the Project, (ii) the reimbursement of preliminary expenses related thereto and all incidental expenses incurred in connection therewith, including necessary engineering, design, and related activities (all of which are deemed to be a part of the Project), and (iii) the payment of the costs of selling and issuing the 2024 Bonds; and

WHEREAS, the original aggregate principal amount of the 2024 Bonds, together with the outstanding principal amount of previously issued bonds which constitute a debt of the Public Library, is no more than two percent (2%) of one-third of the total true tax value of the Public Library district; and

WHEREAS, the amount of proceeds of the 2024 Bonds allocated to pay costs of the Project, together with estimated investment earnings thereon, does not exceed the cost of the Project as estimated by the Board; and

WHEREAS, the Board expects to pay for certain costs relating to the Project (the “Expenditures”) prior to the issuance of the Bonds and to reimburse the Expenditures with proceeds of the Bonds; and

WHEREAS, the Board desires to declare its intent to reimburse the Expenditures pursuant to pursuant to Treas. Reg. §1.150-2 and Indiana Code § 5-1-14-6(c); and

WHEREAS, except for obtaining the approval required by Indiana Code § 6-1.1-17-20.5, all conditions precedent to the adoption of a resolution authorizing the issuance of the 2024 Bonds have been complied with in accordance with the applicable provisions of the Act;

WHEREAS, the Project will not constitute a “controlled project” as such term is defined in Indiana Code § 6-1.1-20-1.1 because each Project will not cost the Public Library more than \$6,350,000; and

NOW, THEREFORE, BE IT RESOLVED BY THE LIBRARY BOARD OF THE GOSHEN PUBLIC LIBRARY, AS FOLLOWS:

Section 1. Authorization for Bonds and Appropriation of Proceeds. In order to provide financing for all or a portion of the Project as described above and the costs of selling and issuing the 2024 Bonds, the Public Library shall borrow money, and shall issue the 2024 Bonds in one or more series as herein authorized. An appropriation in the amount not to exceed the Authorized Amount, together with all investment earnings thereon, has been made by this Board on the date hereof in a separate resolution to pay for the governmental purposes set forth herein to be financed by the 2024 Bonds, and the funds to meet said appropriation shall be provided out of the proceeds of the 2024 Bonds in the original principal amount not to exceed the Authorized Amount and such investment earnings. Said appropriation is in addition to all other appropriations provided for in the existing budget and tax levy. The Public Library covenants that the proceeds of the 2024 Bonds will not be used for any purpose except as described in this Resolution.

Section 2. General Terms of 2024 Bonds.

(a) **Issuance of 2024 Bonds.** In order to procure said loan for such purposes, the Public Library hereby authorizes the issuance of the 2024 Bonds, in one or more series, as described herein. The President of the Board (the “President”) is hereby authorized and directed to have prepared and to issue and sell the 2024 Bonds as negotiable, fully registered bonds of the Public Library in an amount not to exceed the Authorized Amount.

The 2024 Bonds shall be executed in the name of the Public Library by the manual or facsimile signature of the President and attested by the manual or facsimile signature of the Secretary of the Board (the “Secretary”). In case any officer whose signature appears on the 2024 Bonds shall cease to be such officer before the delivery of 2024 Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof. The 2024 Bonds also shall be, and will not be valid or become obligatory for any purpose or entitled to any benefit under this Resolution unless and until, authenticated by the manual signature of the Registrar (as defined in Section 4 hereof). Subject to the provisions of this Resolution regarding the registration of

the 2024 Bonds, the 2024 Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

The 2024 Bonds shall be numbered consecutively from 2024R-1 up (if the 2024 Bonds are issue in multiple series, a letter designation shall be added), shall be issued in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof or in a minimum denomination of One Hundred Thousand Dollars (\$100,000) and denominations of One Thousand Dollars (\$1,000) or any integral multiple thereof above such minimum denomination, as determined by the President at the time of issuance of the 2024 Bonds, shall be originally dated as of the first day or the fifteenth day of the month in which the 2024 Bonds are sold or delivered or the date of issuance, as determined by the President, based upon the recommendation of the Public Library's municipal advisor, and shall bear interest payable semi-annually on each January 15 and July 15, commencing not earlier than July 15, 2025, at a rate or rates not exceeding five and one-half percent (5.50%) per annum (the exact rate or rates to be determined by bidding pursuant to Section 6 of the Resolution), calculated on the basis of a 360-day year comprised of twelve 30-day months.

The 2024 Bonds shall mature on the dates and shall be issued in the principal amounts as determined by the President based upon the recommendation of the Public Library's municipal advisor, at the time of issuance of the 2024 Bonds; but shall have a final maturity no later than ten (10) years from the date of issuance of the 2024 Bonds.

(b) **Source of Payment.** The 2024 Bonds are as to all the principal thereof, and as to all interest due thereon, general obligations of the Public Library, payable from ad valorem property taxes on all taxable property within the Public Library, to be levied in or after 2024 for collection in or after 2025.

(c) **Payments.** All payments of interest on the 2024 Bonds shall be paid by wire transfer, or by check or draft mailed one business day prior to the interest payment date, to the registered owners thereof as of the first (1st) day of the month in which interest is payable (the "Record Date") at the addresses as they appear on the registration and transfer books of the Public Library kept for that purpose by the Registrar (the "Registration Record") or at such other address as is provided to the Paying Agent (as defined in Section 4 hereof) in writing by such registered owner. All principal payments on the 2024 Bonds shall be made upon surrender thereof at the principal office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

Interest on the 2024 Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof unless such 2024 Bonds are authenticated after the Record Date for an interest payment date and on or before such interest payment date in which case they shall

bear interest from such interest payment date, or unless authenticated on or before the Record Date for the first interest payment date, in which case they shall bear interest from the original date, until the principal shall be fully paid.

(d) **Transfer and Exchange.** Each 2024 Bond shall be transferable or exchangeable only upon the Registration Record, by the registered owner thereof in writing, or by the registered owner's attorney duly authorized in writing, upon surrender of such 2024 Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the Public Library. The Public Library, Registrar and Paying Agent may treat and consider the persons in whose name such 2024 Bonds are registered as the absolute owners thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

(e) **Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any 2024 Bond is mutilated, lost, stolen or destroyed, the Public Library may execute, and the Registrar may authenticate a new bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new bond shall be marked in a manner to distinguish it from the bond for which it was issued, provided that, in the case of any mutilated bond, such mutilated bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the Director of the Public Library (the "Director") and the Registrar, together with indemnity satisfactory to them. In the event any such bond shall have matured, instead of issuing a duplicate bond, the Public Library and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The Public Library and the Registrar may charge the owner of such 2024 Bond with their reasonable fees and expenses in this connection. Any 2024 Bond issued pursuant to this paragraph shall be deemed an original, substitute contractual obligation of the Public Library, whether or not the lost, stolen or destroyed 2024 Bond shall be found at any time, and shall be entitled to all the benefits of this Resolution, equally and proportionately with any and all other 2024 Bonds issued hereunder.

(f) **Book-Entry-Only Requirements.** The 2024 Bonds will initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the Corporation from time to time (the "Clearing Agency"), without physical distribution of 2024 Bonds to the public. The following provisions of this Section apply in such event.

One definitive 2024 Bond of each maturity shall be delivered to the Clearing Agency and held in its custody. The Public Library, the Registrar and the Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the 2024 Bonds as are necessary or appropriate to accomplish or recognize such book-entry form bonds.

So long as the 2024 Bonds remain and are held in book-entry form on the books of a Clearing Agency, then (1) any such 2024 Bond may be registered upon the registration record in the name of such Clearing Agency, or any nominee thereof, including Cede & Co.; (2) the Clearing Agency in whose name such Bond is so registered shall be, and the Public Library, the Registrar and the Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such 2024 Bond for all purposes of this Resolution, including, without limitation, receiving payment of the principal of and interest and premium, if any, on such 2024 Bond, the receiving of notice and the giving of consent; (3) neither the Public Library, the Registrar nor the Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any 2024 Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any 2024 Bond, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any 2024 Bond called for partial redemption, if any, prior to receiving payment so long as the Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

If the Public Library receives notice from the Clearing Agency which is currently the registered owner of the 2024 Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the 2024 Bonds or the Public Library elects to discontinue its use of such Clearing Agency as a Clearing Agency for the 2024 Bonds, then the Public Library, the Registrar and the Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the 2024 Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the 2024 Bonds and to transfer the ownership of each of the 2024 Bonds to such person or persons, including any other Clearing Agency, as the holders of the 2024 Bonds may direct in accordance with this Resolution. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the 2024 Bonds, shall be paid by the Public Library.

So long as the 2024 Bonds remain and are held in book-entry form on the books of a Clearing Agency, the Registrar and the Paying Agent shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of 2024 Bonds as of a record date selected by the Registrar or Paying Agent. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a 2024 Bonds has been obtained, the Registrar shall be entitled to treat the beneficial owners of the 2024 Bonds as the bondholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Resolution.

So long as the 2024 Bonds remain and are held in book-entry form on the books of the Clearing Agency, the provisions of its standard form of Letter of Representations, if executed in connection with the issuance of such 2024 Bonds, as amended and supplemented, or any successor agreement shall control on the matters set forth therein. Each of the Registrar and the Paying Agent agrees that it will (i) undertake the duties of agent set forth therein and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar and the Paying Agent, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, so long as the 2024 Bonds remain and are held in book-entry form, the provisions of Section 2(f) of this Resolution shall control over conflicting provisions in any other section of this Resolution.

Section 3. Terms of Redemption. The 2024 Bonds may be subject to optional redemption as determined by the President prior to the date of the sale of the 2024 Bonds upon the advice of the Public Library's municipal advisor.

Upon the election of the successful bidder and the determination of the President at the time of sale of the 2024 Bonds, any of the 2024 Bonds may be issued as term bonds subject to mandatory sinking fund redemption on January 15 and July 15 at 100% of the face value in accordance with schedules to be set forth in the 2024 Bonds. If any 2024 Bonds are subject to mandatory sinking fund redemption, the Paying Agent shall credit against the mandatory sinking fund requirement for any term bonds and corresponding mandatory redemption obligation, in the order determined by the Public Library, any term bonds maturing on the same date which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar or Paying Agent for cancellation or purchased for cancellation by the Registrar and not theretofore applied as a credit against any redemption obligation. Each term bond so delivered or canceled shall be credited by the Registrar or Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory obligations and the principal amount of that term bond to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Registrar and Paying Agent shall only credit such term bonds to the extent received on or before forty-five days preceding the applicable mandatory redemption date.

Notice of redemption shall be mailed by first-class mail or by registered or certified mail to the address of each registered owner of a 2024 Bond to be redeemed as shown on the Registration Record not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption except to the extent such redemption notice is waived by owners of 2024 Bonds to be redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of any proceedings for the redemption of any other 2024 Bonds. The notice shall specify the date and place of redemption, the redemption price and the CUSIP numbers of the 2024 Bonds called for redemption. The place of redemption may be determined by the President. Interest on the 2024 Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such 2024 Bonds shall no longer be protected by this Resolution and shall not be deemed to be outstanding hereunder, and the holders thereof shall have the right only to receive the redemption price.

All 2024 Bonds which have been redeemed shall be canceled and shall not be reissued; provided, however, that one or more new registered bonds shall be issued for the unredeemed portion of any 2024 Bond without charge to the holder thereof.

With respect to any optional redemption of any of the 2024 Bonds pursuant to this Section 3, unless moneys sufficient to pay the principal of, and premium, if any, and interest on the 2024 Bonds to be redeemed shall have been received by the Registrar and Paying Agent prior to the giving of such notice of redemption, such notice shall state that said redemption shall be conditional upon the receipt of such moneys by the Registrar and Paying Agent on or prior to the date fixed for redemption. If such moneys are not received by the redemption date, such notice shall be of no force and effect, the Registrar and Paying Agent shall not redeem such 2024 Bonds, the redemption price shall not be due and payable and the Registrar and Paying Agent shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that such 2024 Bonds will not be redeemed and that the failure to redeem such 2024 Bonds shall not constitute an Event of Default under this Resolution. Moneys need not be on deposit with the Registrar and Paying Agent prior to the mailing of the notice of redemption of the 2024 Bonds pursuant to the provisions of this Section 3.

No later than the date fixed for redemption, funds shall be deposited with the Paying Agent or another paying agent to pay, and such agent is hereby authorized and directed to apply such funds to the payment of, the 2024 Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made upon any Bond or portion thereof called for redemption until such bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this Resolution with respect to any mutilated, lost, stolen or destroyed bond.

Section 4. Appointment of Registrar and Paying Agent. The President shall appoint a financial institution or other person or entity to serve as registrar and paying agent for the 2024 Bonds (the “Registrar” or “Paying Agent”). The Registrar is hereby charged with the responsibility of authenticating the 2024 Bonds, and shall keep and maintain the Registration Record at its office. The President is hereby authorized to enter into such agreements or

understandings with any institution hereafter serving in such capacities as will enable the institution to perform the services required of the Registrar and Paying Agent. The President is authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice by first-class mail to the President and to each registered owner of the 2024 Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the President. Such notice to the President may be served personally or be sent by registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the President, in which event the President may appoint a successor Registrar and Paying Agent. The President shall notify each registered owner of the 2024 Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of the 2024 Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Registration Record. Any predecessor Registrar and Paying Agent shall deliver all the 2024 Bonds, cash related thereto in its possession and the Registration Record to the successor Registrar and Paying Agent. At all times, the same entity shall serve as Registrar and as Paying Agent.

Section 5. Form of 2024 Bonds. The form and tenor of the 2024 Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Bond)

No. 2024R-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF ELKHART

GOSHEN PUBLIC LIBRARY
GENERAL OBLIGATION BOND, SERIES 2024

Interest <u>Rate</u>	Maturity <u>Date</u>	Original <u>Date</u>	Authentication <u>Date</u>	<u>CUSIP</u>
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Registered Owner:

Principal Sum:

The Goshen Public Library (the “Public Library”), for value received, hereby promises to pay to the Registered Owner set forth above, the Principal Sum set forth above on the Maturity

Date set forth above (unless this bond is called for redemption prior to maturity as hereafter provided), and to pay interest thereon until the Principal Sum shall be fully paid at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the first day of the month in which interest is payable (the “Record Date”) and on or before such interest payment date in which case interest shall be paid from such interest payment date, or unless this bond is authenticated on or before [_____] 1, 20____], in which case it shall bear interest from the Original Date, which interest is payable semi-annually on January 15 and July 15 of each year, beginning on _____ 15, 202____. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of this bond is payable at the office of _____ (the “Registrar” or “Paying Agent”), in _____, Indiana. All payments of interest on this bond shall be paid by wire transfer, or by check or draft mailed one business day prior to the interest payment date, to the Registered Owner as of the Record Date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. All payments of principal of this bond shall be made upon surrender thereof at the principal office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the preparation and complete execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

This bond is one of an authorized issue of bonds of the Public Library of like original date, tenor and effect, except as to denominations, numbering, interest rates, and dates of maturity, in the total amount of _____ Dollars (\$ _____), numbered from 2024R-1 up, issued for the purpose of providing funds to pay for the costs of all or any portion of the Project at the Public Library, the reimbursement of preliminary expenses related thereto and for incidental expenses to be incurred in connection therewith and on account of the sale and issuance of bonds therefor, as further described in and authorized by a resolution adopted by the Board of Trustees of the Public Library on the _____ day of _____, 2024, entitled “Resolution of the Goshen Public Library Authorizing Issuance of Bonds for the Purpose of Providing Funds to be Applied to Pay for Construction and Equipping of a Certain Library Capital Project and Incidental Expenses in Connection Therewith and on Account of the Issuance of the Bonds” (the “Resolution”), and in strict compliance with Indiana Code § 36-12-3-9 and other applicable provisions of the Indiana Code, as amended (collectively, the “Act”), all as more particularly described in the Resolution. The owner of this bond, by the acceptance hereof, agrees to all the terms and provisions contained in the Resolution and the Act.

PURSUANT TO THE PROVISIONS OF THE ACT AND THE RESOLUTION, THE PRINCIPAL OF THIS BOND AND ALL OTHER BONDS OF SAID ISSUE AND THE

INTEREST DUE THEREON ARE PAYABLE AS A GENERAL OBLIGATION OF THE PUBLIC LIBRARY, FROM AN AD VALOREM PROPERTY TAX TO BE LEVIED ON ALL TAXABLE PROPERTY WITHIN THE PUBLIC LIBRARY.

[The Bonds maturing on or after _____ 15, 20__, are redeemable prior to maturity at the option of the Public Library, in whole or in part, in principal amounts selected by the Public Library and by lot within a maturity, on any date not earlier than _____, 20____, at face value plus accrued interest to the redemption date and without premium.]

[Insert Term Bond provisions, if applicable.]

[Notice of such redemption shall be mailed by first-class mail or by registered or certified mail not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption to the address of the registered owner of each bond to be redeemed as shown on the registration record of the Public Library except to the extent such redemption notice is waived by owners of the bond or bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any bond shall not affect the validity of any proceedings for the redemption of any other bonds. The notice shall specify the date and place of redemption, the redemption price and the CUSIP numbers, if any, of the bonds called for redemption. The place of redemption may be determined by the President of the Board of Trustees of the Public Library. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such bonds shall no longer be protected by the Resolution and shall not be deemed to be outstanding thereunder.]

[With respect to any optional redemption of the bonds of this issue, unless moneys sufficient to pay the principal of, and premium, if any, and interest on such bonds of this issue to be redeemed shall have been received by the Registrar and Paying Agent prior to the giving of such notice of redemption, such notice shall state that said redemption shall be conditional upon the receipt of such moneys by the Registrar and Paying Agent on or prior to the date fixed for redemption. If such moneys are not received by the redemption date, such notice shall be of no force and effect, the Registrar and Paying Agent shall not redeem such bonds of this issue, the redemption price shall not be due and payable and the Registrar and Paying Agent shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that such bonds of this issue will not be redeemed and that the failure to redeem such bonds of this issue shall not constitute an Event of Default under the Resolution. Moneys need not be on deposit with the Registrar and Paying Agent prior to the mailing of the notice of redemption of the bonds of this issue pursuant to the provisions of Section 3 of the Resolution.]

This bond is subject to defeasance prior to payment as provided in the Resolution.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the Public Library may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter

the Registered Owner shall look only to the funds so deposited in trust for payment and the Public Library shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the registration record kept for that purpose at the office of the Registrar by the Registered Owner in person, or by the Registered Owner's attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The Public Library, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The bonds maturing on any maturity date are issuable only in the [denomination of \$5,000 or any integral multiple thereof/minimum denomination of \$100,000 or any integral multiple of \$1,000 above such minimum denomination] not exceeding the aggregate principal amount of the bonds maturing on such date.

A Continuing Disclosure Contract from the Public Library to each registered owner or holder of any bonds of this issue, dated as of the date of initial issuance of the bonds of this issue (the "Contract"), has been executed by the Public Library, a copy of which is available from the Public Library and the terms of which are incorporated herein by this reference. The Contract contains certain promises of the Public Library to each registered owner or holder of any bonds of this issue, including a promise to provide certain continuing disclosure. By its payment for and acceptance of this bond, the registered owner or holder of this bond assents to the Contract and to the exchange of such payment and acceptance for such promises.

[The Public Library has designated this bond and the bonds of this issue as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.]

IN WITNESS WHEREOF, the Goshen Public Library, has caused this bond to be executed in the name of such Public Library, by the manual or facsimile signature of the president of the board of trustees of said Public Library, and attested by manual or facsimile signature by the secretary of the board of trustees of said Public Library.

GOSHEN PUBLIC LIBRARY

(please print or typewrite name and address of transferee)

(please insert social security or
other identifying number of assignee)

\$_____ in principal amount (must be a [multiple of \$5,000/minimum of \$100,000 or a multiple of \$1,000 above such minimum amount]) of the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

(End of Bond Form)

Section 6. Sale of Bonds. The Director shall cause to be published a notice of sale once each week for two consecutive weeks in accordance with Indiana Code § 5-3-1-2. The date fixed for the sale shall not be earlier than fifteen (15) days after the first of such publications and not earlier than three (3) days after the second of such publications. Said bond sale notice shall state the time and place of sale, the purpose for which the 2024 Bonds are being issued, the total amount thereof, the amount and date of each maturity, the maximum rate or rates of interest thereon, their denominations, the time and place of payment, the terms and conditions upon which bids will be received and the sale made and such other information as is required by law or as the President shall deem necessary.

As an alternative to the publication of a notice of sale, the Director may sell the 2024 Bonds through the publication of a notice of intent to sell the 2024 Bonds and compliance with related procedures, pursuant to Indiana Code § 5-1-11-2(b).

All bids for the 2024 Bonds shall be sealed and shall be presented to the Director in accord with the terms set forth in the bond sale notice. Bidders for the 2024 Bonds shall be required to name the rate or rates of interest which the 2024 Bonds are to bear, which shall be the same for all 2024 Bonds maturing on the same date and the interest rate bid on any maturity of 2024 Bonds must be no less than the interest rate bid on any and all prior maturities, not exceeding five and one-half percent (5.50%) per annum, and such interest rate or rates shall be in multiples of one eighth or one hundredth of one percent. The Director shall award the 2024

Bonds to the bidder who offers the lowest interest cost, to be determined by computing the total interest on all the 2024 Bonds to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount, if any. No bid for less than ninety-nine percent (99%) of the par value of the 2024 Bonds, plus accrued interest, shall be considered. The Director may require that the successful bidder provide to the Public Library a good faith deposit in the form of cash, certified or cashier's checks payable to the order of the Public Library, or wire transfer (as instructed by the Public Library) (the "Deposit"), in an amount not to exceed one percent (1%) of the aggregate principal amount of the 2024 Bonds as a guaranty of the performance of said bid. The successful bidder shall be required to submit to the Public Library the Deposit not later than 3:30 p.m. (local time) on the next business day following the award. In the event the successful bidder shall fail or refuse to accept delivery of the 2024 Bonds and pay for the same as soon as the 2024 Bonds are ready for delivery or at the time fixed in the notice of sale, then such Deposit and the proceeds thereof shall be the property of the Public Library and shall be considered as its liquidated damages on account of such default. In the event no satisfactory bids are received on the day named in the sale notice, the sale may be continued from day to day thereafter for a period of thirty (30) days without readvertisement; provided, however, that if said sale is continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for sale in the bond sale notice. The Director shall have full right to reject any and all bids.

The President is hereby authorized and directed to have the 2024 Bonds prepared, the President and Secretary are hereby authorized and directed to execute the 2024 Bonds in substantially the form and the manner herein provided. The President is hereby authorized and directed to deliver the 2024 Bonds to the purchaser; thereupon, the President shall be authorized to receive from the purchaser the purchase price and take the purchaser's receipt for the 2024 Bonds. The amount to be collected by the President shall be the full amount which the purchaser has agreed to pay therefor, which shall be not less than ninety-nine percent (99%) of the face value of the 2024 Bonds plus accrued interest to the date of delivery.

The proceeds from the sale of the 2024 Bonds shall be deposited in an account or accounts of the Public Library established by the Director and held or invested as permitted by law.

The President is hereby authorized and directed to obtain a legal opinion as to the validity of the 2024 Bonds from Barnes & Thornburg LLP, and to furnish such opinion to the purchasers of the 2024 Bonds or to cause a copy of said legal opinion to be printed on each Bond. The cost of such opinion shall be paid out of the proceeds of the 2024 Bonds.

Section 7. Defeasance. If, when the 2024 Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the 2024 Bonds or any portion thereof for redemption have been given, and the whole amount of the principal and the interest so due and payable upon such 2024 Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the

United States of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the 2024 Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Resolution.

Section 8. Tax Matters. In order to preserve the exclusion of interest on the 2024 Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the 2024 Bonds, the Public Library represents, covenants and agrees that:

(a) No person or entity, other than the Public Library or another state or local governmental unit, will use proceeds of the 2024 Bonds or property financed by the 2024 Bond proceeds other than as a member of the general public. No person or entity other than the Public Library or another state or local governmental unit will own property financed by 2024 Bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as a take-or-pay or output contract, or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

With respect to any management or service contracts with respect to the Project or any portion thereof, the Public Library will comply with Revenue Procedure 2017-13, as the same may be amended or superseded from time to time.

(b) No 2024 Bond proceeds will be loaned to any entity or person other than a state or local governmental unit. No 2024 Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the Bond proceeds.

(c) The Public Library will not take any action or fail to take any action with respect to the 2024 Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the 2024 Bonds pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations thereunder as applicable to the 2024 Bonds, including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on 2024 Bond proceeds or other monies treated as 2024 Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(d) The Public Library will file an information report on Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(e) The Public Library will not make any investment or do any other act or thing during the period that any 2024 Bond is outstanding hereunder which would cause any 2024 Bond to be an “arbitrage bond” within the meaning of Section 148 of the Code and the regulations thereunder as applicable to the 2024 Bonds.

Notwithstanding any other provisions of this Resolution, the foregoing covenants and authorizations (the “Tax Sections”) which are designed to preserve the exclusion of interest on the 2024 Bonds from gross income under federal income tax law (the “Tax Exemption”) need not be complied with if the Public Library receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 9. Amendments. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the 2024 Bonds then outstanding shall have the right, from time to time, anything contained in this Resolution to the contrary notwithstanding, to consent to and approve the adoption by the Public Library of such resolution or resolutions supplemental hereto as shall be deemed necessary or desirable by the Public Library for the purpose of amending in any particular manner any of the terms or provisions contained in this Resolution, or in any supplemental resolution; provided, however, that nothing herein contained shall permit or be construed as permitting without the consent of all affected owners of the 2024 Bonds:

(a) An extension of the maturity of the principal of or interest on any Bond without the consent of the holder of each 2024 Bond so affected; or

(b) A reduction in the principal amount of any 2024 Bond or the rate of interest thereon or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each 2024 Bond so affected; or

(c) A preference or priority of any 2024 Bond over any other 2024 Bond, without the consent of the holders of all 2024 Bonds then outstanding; or

(d) A reduction in the aggregate principal amount of the 2024 Bonds required for consent to such supplemental resolution, without the consent of the holders of all 2024 Bonds then outstanding.

If the Public Library shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the Registration Record. Such notice shall briefly set forth the nature of the proposed supplemental resolution and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the 2024 Bonds. The Registrar shall not, however, be subject to any liability to any owners of the 2024 Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental resolution when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the Public Library shall receive any instrument or instruments purporting to be executed by the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount

of the 2024 Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental resolution described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the Public Library may adopt such supplemental resolution in substantially such form, without liability or responsibility to any owners of the 2024 Bonds, whether or not such owners shall have consented thereto.

No owner of any 2024 Bond shall have any right to object to the adoption of such supplemental resolution or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Public Library or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental resolution pursuant to the provisions of this section, this Resolution shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution of the Public Library and all owners of 2024 Bonds then outstanding shall thereafter be determined, exercised and enforced in accordance with this Resolution, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Resolution, the rights, duties and obligations of the Public Library and of the owners of the 2024 Bonds, and the terms and provisions of the 2024 Bonds and this Resolution, or any supplemental resolution, may be modified or amended in any respect with the consent of the Public Library and the consent of the owners of all the 2024 Bonds then outstanding.

Without notice to or consent of the owners of the 2024 Bonds, the Public Library may, from time to time and at any time, adopt such resolutions supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental resolutions shall thereafter form a part hereof),

(a) to cure any ambiguity or formal defect or omission in this Resolution or in any supplemental resolution; or

(b) to grant to or confer upon the owners of the 2024 Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the 2024 Bonds; or

(c) to procure a rating on the 2024 Bonds from a nationally recognized securities rating agency designated in such supplemental resolution, if such supplemental resolution will not adversely affect the owners of the 2024 Bonds; or

(d) to provide for the refunding or advance refunding of the 2024 Bonds; or

(e) to make any other change which, in the determination of the Board in its sole discretion, is not to the prejudice of the owners of the 2024 Bonds.

Section 10. Continuing Disclosure Contract. The Continuing Disclosure Contract, dated as of the date the 2024 Bonds are issued (the “Undertaking”), executed by the Public Library, in the form and substance acceptable to the President and the Director, be, and hereby is, ratified and approved.

If necessary, the President or any other officer of the Board, be, and hereby is, authorized and directed to execute and deliver the Undertaking, with such changes to the form thereof as such officer deems necessary or advisable, in the name and on behalf of the Public Library, and the Secretary or any other officer of the Board be, and hereby is, authorized and directed to attest such execution, and any such execution and delivery and any such attestation heretofore effected be, and hereby are, ratified and approved.

Section 11. Official Statement. The President is hereby authorized and directed to approve the Preliminary Official Statement, in form and substance acceptable to the President and the Director (the “Preliminary Official Statement”), for the purposes of selling the 2024 Bonds, and the President is further authorized to deem and determine the Preliminary Official Statement as the near final Official Statement with respect to the 2024 Bonds for purposes of SEC Rule 15c2-12, subject to completion in accordance with such rule and in a manner acceptable to the President, and to place the Preliminary Official Statement into final form as the Final Official Statement of the Public Library. The President is authorized to sign the Final Official Statement and by such signature approve its distribution.

Section 12. Qualified Tax Exempt Obligations. The Public Library hereby represents that at least ninety-five percent (95%) of the proceeds of the 2024 Bonds shall be used for governmental activities of the Public Library. If the Director and the President determine that the tax-exempt bonds, warrants, and other evidences of indebtedness issued by or on behalf of the Public Library and any subordinate entity, during the calendar year in which any series of 2024 Bonds will be issued will be less than \$10,000,000 in principal amount, then the President is authorized to make that representation in the documents related to such series of the 2024 Bonds. If the President makes the foregoing representation, then the President is hereby authorized to designate such series of the 2024 Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, relating to the disallowance of one hundred percent (100%) of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

Section 13. Reimbursement. The Board hereby declares its official intent that to the extent permitted by law, to issue the 2024 Bonds in one or more series or issues, which Bonds will not exceed the Authorized Amount, and to reimburse costs of the Project consisting of the Expenditures from proceeds of the sale of such Bonds.

Section 14. Other Actions and Documents. The officers and the Director are hereby authorized and directed, for and on behalf of the Public Library, to execute, attest and seal all such documents, instruments, certificates, closing papers and other papers and do all such acts and things as may be necessary or desirable to carry out the intent of this Resolution.

Section 15. No Conflict. All resolutions and orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed. After the issuance of the 2024 Bonds authorized by this Resolution and so long as any of the 2024 Bonds or interest thereon remains unpaid, except as expressly provided herein, this Resolution shall not be repealed or amended in any respect which will adversely affect the rights of the holders of the 2024 Bonds, nor shall the Public Library adopt any law which in any way adversely affects the rights of such holders.

Section 16. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 17. Non-Business Days. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Resolution, shall be a legal holiday or a day on which banking institutions in the Public Library or the jurisdiction in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Resolution, and no interest shall accrue for the period after such nominal date.


Section 18. Interpretation. Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

Section 19. Effectiveness. This Resolution shall be in full force and effect from and after its passage. Upon payment in full of the principal and interest respecting the 2024 Bonds authorized hereby or upon deposit of an amount sufficient to pay when due such amounts in accord with the defeasance provisions herein, all pledges, covenants and other rights granted by this Resolution shall cease.

Adopted this 18th day of June, 2024.

BOARD OF TRUSTEES OF THE
GOSHEN PUBLIC LIBRARY

Kathryn Meyer Reimer
President


Vice President

Bulley E. Mason
Secretary

Member

Julia Miller
Member

Member

Member

EXHIBIT B

**GOSHEN PUBLIC LIBRARY BOARD OF TRUSTEES
PUBLIC LIBRARY APPROPRIATION RESOLUTION**

[SEE ATTACHED]

APPROPRIATION RESOLUTION OF THE GOSHEN PUBLIC LIBRARY IN CONNECTION WITH THE ISSUANCE OF BONDS

WHEREAS, the Library Board (the "Board") of the Goshen Public Library (the "Public Library"), has given consideration to undertaking all or any portion of an HVAC improvement project at the Public Library building located at 601 South 5th Street, Goshen, Indiana 46526, including but not limited to (i) replacement of the boiler, chiller, air handling units, and temperature controls, (ii) related electrical and plumbing improvements, (iii) related parking lot improvements made necessary in connection with the foregoing improvements and replacements, (iv) outdoor landscaping improvements and the construction of a pavilion structure for the use of the Public Library and (v) any other related facility improvements (collectively, the "Project"); and

WHEREAS, the Board, being duly advised, finds that it is in the best interests of the Public Library and its citizens, and now finds that it is necessary, to proceed with the Project and in connection therewith to take the steps necessary to issue its general obligation bonds in one or more series or issues, with the original aggregate principal amount of such general obligation bonds not to exceed Three Million Nine Hundred Ninety Thousand Dollars (\$3,990,000) (the "Bonds"), for the purpose of procuring funds to pay for all or a portion of the costs of the Project and all or a portion of the costs associated therewith, including the issuance of such general obligation bonds; and

WHEREAS, the Board did not include the proceeds of the Bonds in the regular budget for the year 2024; and

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the cost of the Project and the costs associated therewith, the issuance of the Bonds have been authorized to procure the necessary funds, and a necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the Director of the Public Library has caused notice of a hearing on said appropriation to be published as required by law; and

WHEREAS, such public hearing was held during this meeting in this meeting place on said appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views regarding such additional appropriation.

NOW, THEREFORE, BE IT RESOLVED BY THE LIBRARY BOARD OF THE GOSHEN PUBLIC LIBRARY, AS FOLLOWS:

Section 1. The Board shall appropriate a sum not to exceed Three Million Nine Hundred Ninety Thousand Dollars (\$3,990,000), out of the proceeds of the Bonds, together with all investment earnings thereon for the use of the Board in paying all or a portion of the costs of the Project and costs associated therewith.

Section 2. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy, and shall continue in effect until payment in full of the Project and all costs associated therewith. Any surplus of such proceeds shall be credited to the proper fund as provided by law.

Section 3. All actions previously taken by the Director of the Public Library and any staff of the Public Library as delegated by the Director of the Public Library in connection with such appropriation, including publication of the notice of the public hearing, be, and hereby are, ratified and approved.

Section 4. A certified copy of this resolution, together with such other proceedings and actions as may be necessary, shall be filed by the Director of the Public Library or any staff of the Public Library as delegated by the Director of the Public Library, along with a report of the appropriation, with the Indiana Department of Local Government Finance.

Adopted this 18th day of June, 2024.

BOARD OF TRUSTEES OF THE
GOSHEN PUBLIC LIBRARY

Kathryn Meyer Resmer
President

[Signature]
Vice President

Bridget E. Mon
Secretary

Julia Miller
Member

Ruth M. [Signature]
Member

Member

G. Meyer
Member



Proposed Financing Information

Goshen Public Library

July 8, 2024

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General Obligation Bonding Capacity

GOSHEN PUBLIC LIBRARY
CALCULATION OF GENERAL OBLIGATION BONDING CAPACITY

2024 Certified Net Assessed Value (1)	\$1,885,817,596
Divided by 3	3
Times: 2% general obligation debt issue limit	<u>2%</u>
General obligation debt issue limit	12,572,117
Less: Outstanding general obligation debt	<u>-</u>
Estimated general obligation debt capacity (2)	<u><u>\$12,572,117</u></u>

(1) 2024 Certified Net Assessed Value per the Department of Local Government Finance.

(2) As of the date of this report.

Note: The Library's Pay 2024 Gross Assessed Value is \$3,529,556,660.



The background of the slide features a series of overlapping circles in various shades of red, creating a layered, organic pattern.

Proposed Financing Information

GOSHEN PUBLIC LIBRARY

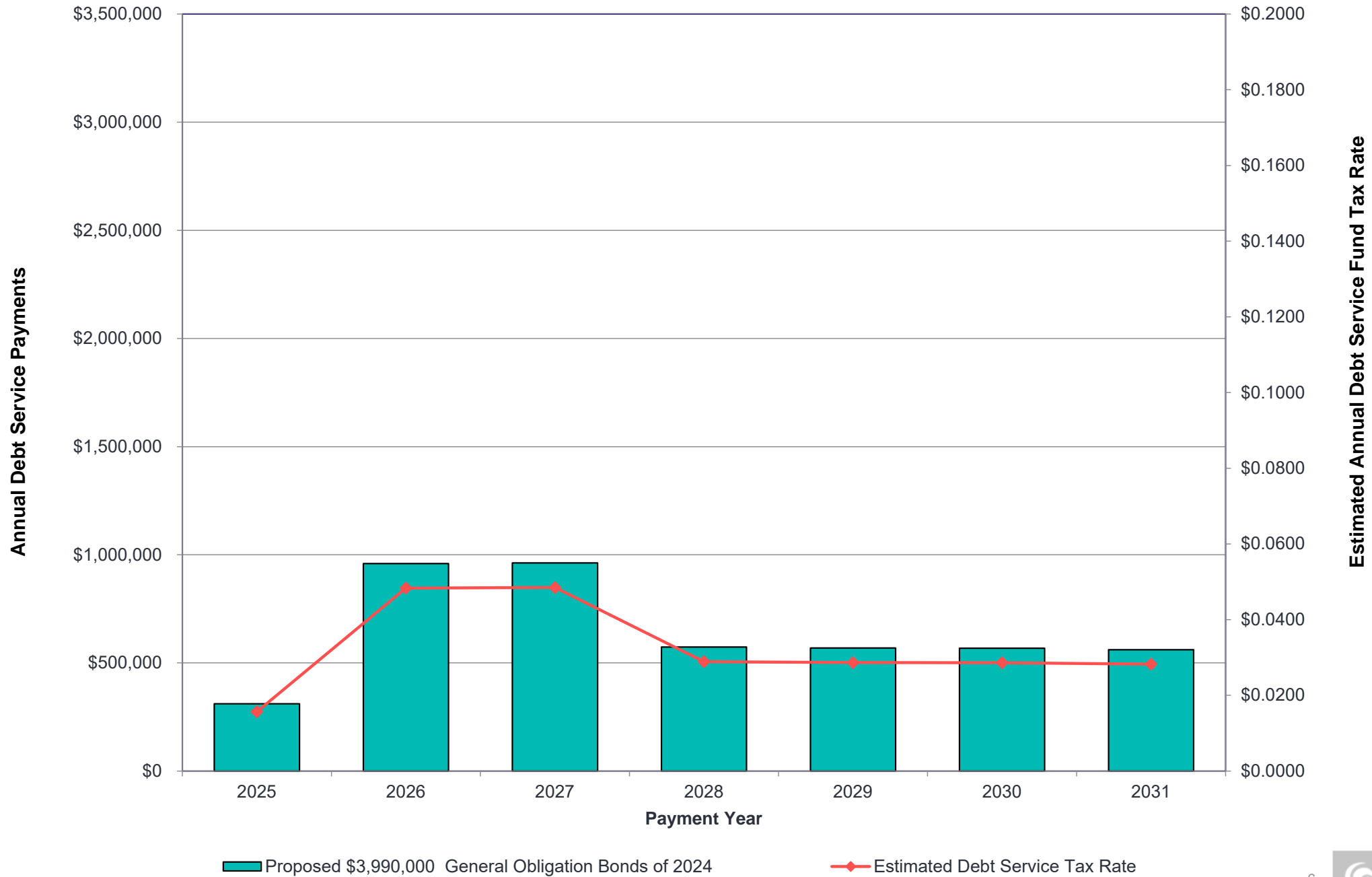
SUMMARY OF PROPOSED FINANCING INFORMATION

Proposed General Obligation Bonds of 2024	
Estimated Borrowing Amount:	\$3,990,000
Estimated Proceeds Available for the Project (1):	\$3,800,000
Assumed Repayment Term (2):	8 Years, 5 Months
Estimated Interest Expense (2) (3):	\$1,070,300
Estimated Debt Service Fund 2025 Tax Rate (4)	\$0.0200
Estimated Debt Service Fund 2026 Tax Rate (4)	\$0.0500

- (1) Preliminary, subject to change. Net of estimated issuance costs and underwriter's discount.
- (2) Assumes Bonds are dated August 15, 2024.
- (3) Based upon 5.50% interest rates. The actual interest rates received at the time of sale may vary materially for the rates assumed in this analysis.
- (4) Estimated tax rate based upon the 2024 certified net assessed value for the Library of \$1,885,817,596 with no growth assumed in 2025 and thereafter. Assumes a miscellaneous factor of 5.00%. Per \$100 of net assessed valuation.



GOSHEN PUBLIC LIBRARY CHART OF PROPOSED DEBT SERVICE



Supplemental Information

GOSHEN PUBLIC LIBRARY

SUMMARY OF ESTIMATED TAXPAYER IMPACT

Market Value of Property	Net Assessed Value (1)	2025 Tax Impact		2026 Tax Impact	
		Monthly	Annual	Monthly	Annual
\$100,000	\$33,800	\$0.56	\$6.76	\$1.41	\$16.90
150,000	66,300	1.11	13.26	2.76	33.15
163,700 (2)	75,205	1.25	15.04	3.13	37.60
200,000	98,800	1.65	19.76	4.12	49.40
300,000	163,800	2.73	32.76	6.83	81.90
Per 1 Acre Agricultural Land (3)		\$0.04	\$0.46	\$0.10	\$1.14
Per 100 Acres Agricultural Land (3)		3.80	46.60	9.50	114.00
Per \$100,000 Rental / Commercial Property		\$1.67	\$20.00	\$4.17	\$50.00
Estimated Debt Service Tax Rate (4)		\$0.0200		\$0.0500	

- (1) Tax impact based upon net assessed valuation of home, which includes the standard deduction and supplemental homestead deduction.
- (2) Median home value within the City of Goshen, per U.S. Census Bureau.
- (3) Per the Department of Local Government Finance, the base rate for agricultural land is \$2,280/acre for taxes payable in 2024. Actual value will vary based on productivity factors.
- (4) Based on 2024 Net Assessed Value of \$1,885,817,596 for the Library, with no growth assumed thereafter. Assumes a 5.00% license excise/financial institutions factor. The Library's 2024 Debt Service tax rate is \$0.0000.

Note: The above impacts assume properties are not hitting the circuit breaker tax cap. Actual impacts will vary depending upon where a taxpayer falls in relation to the tax cap. Debt Service/Lease Rental payments based on estimated interest rates of 5.50%. Final Debt Service payments may be materially different based upon actual interest rates.



GOSHEN PUBLIC LIBRARY
SUMMARY OF ESTIMATED CIRCUIT BREAKER TAX CREDITS
(Assumes proposed borrowing of \$3,990,000 repaid over 8 years)

Taxing Unit (1)	Circuit Breaker Tax Credits (2024)	<i><u>Estimates</u></i>		Estimated Increase in Circuit Breaker Tax Credits (2025)
		Estimated Circuit Breaker Tax Credits Without Debt (2025)	Estimated Circuit Breaker Tax Credits With Debt (2025)	
Goshen Public Library	\$229,463	\$275,151	\$384,515	\$109,364
Elkhart County	\$3,208,049	\$4,015,602	\$4,052,330	\$36,728
Elkhart Township	\$29,996	\$34,090	\$35,335	\$1,245
Goshen Civil City	\$3,125,541	\$3,804,430	\$3,923,996	\$119,566
Goshen Community School Corporation	\$2,138,668	\$2,465,758	\$2,551,966	\$86,208

Note: For 2024, circuit breaker tax credits per the DLGF. For 2025, circuit breaker tax credit projections per Policy Analytics, LLC as of June 2024.

(1) Assumes Goshen Public Library increases their debt service levy starting in budget year 2025, per Library officials. Other local unit tax rates and levies projected per Policy Analytics, LLC. Preliminary, subject to change.





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Principal

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Lisa Huntington
Manager

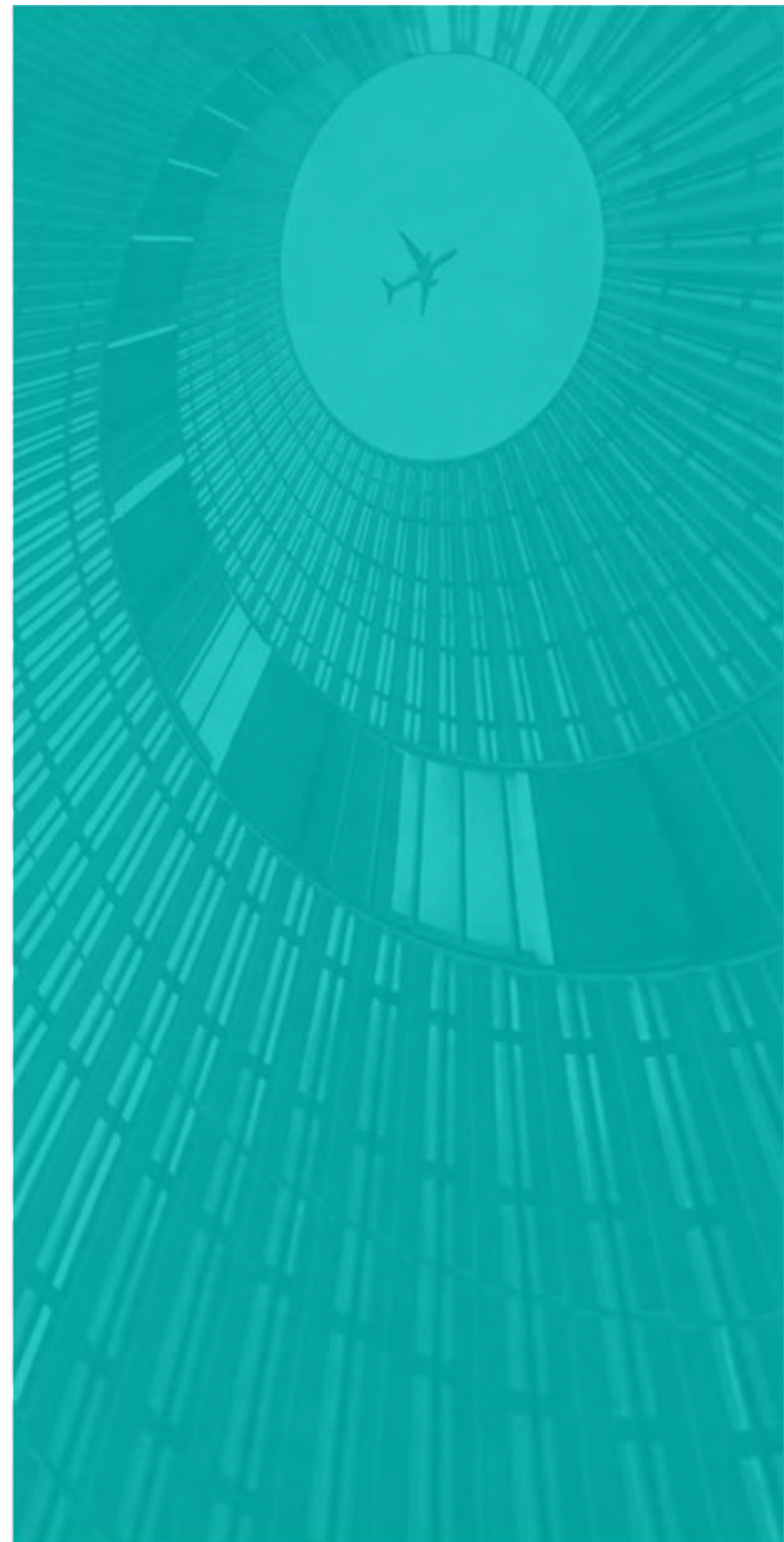
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PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN
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MEMORANDUM

TO: Goshen Common Council

FROM: Rhonda L. Yoder, City Planner

DATE: July 8, 2024

RE: Ordinance 5186

Ordinance 5186 was tabled at the June 10, 2024, Council meeting to provide time for review of the owner's proposal received June 10, 2024, to limit the utility easement to the first 125' of the vacated alley west of the N 1st Street right of way, and beyond the 125' easement to transfer all of the vacated alley to the north parcel.

Following the June 10, 2024, Council meeting, the Planning office contacted the entities who had identified facilities within the alley right of way, including Frontier, Comcast, NIPSCO, and City of Goshen, and all have agreed the proposed 125' easement would provide adequate access to their existing facilities.

An updated Ordinance 5186 (clean copy and red-line version) is provided that limits the utility easement to the first 125' of the vacated alley west of the N 1st Street right of way, and beyond the 125' easement transfers all of the vacated alley to the north parcel.

ORDINANCE 5186
VACATION OF PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA

A Petition having heretofore been filed with the Common Council of the City of Goshen, Indiana, on the 5th day of April 2024 by David A. Runge and Michele L. Runge, requesting the vacation of certain public ways within the Corporate limits of the City of Goshen, Indiana, and more particularly described therein.

The public hearing before the Goshen City Plan Commission and public hearing before the Common Council of the City of Goshen, Indiana, having been scheduled as to said Petition with the hearing before the Goshen City Plan Commission having been held on the 21st day of May 2024, and with the hearing before the Common Council of the City of Goshen, Indiana, having been held on the 10th day of June 2024, and formal legal publication notice as to said hearings having been published in the Goshen News on the 11th day of May 2024, said legal notice having been published being in the words and figures following.

The Common Council of the City of Goshen having received a recommendation and/or report from the Goshen City Plan Commission and having conducted a public hearing on said Petition on the date set forth in said Notice and being duly advised in the premises now finds as follows:

1. The Petition heretofore filed is in proper order, and that proper legal notices of the public hearing conducted with regard to said Petition have been mailed and published.
2. The vacation of the public ways in question would not hinder the growth or orderly development of the City of Goshen, Indiana, or of the neighborhood in which it is located or to which it is contiguous.
3. The vacation of the public ways in question will not make access to the lands of any property owners within the City of Goshen, Indiana, by means of public way difficult or inconvenient.
4. The vacation of the public ways in question will not hinder the public's access to a church, school, or other public building or place.
5. The vacation of the public ways in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW THEREFORE, be it ordained, ordered, adjudged, and decreed by the Common Council of the City of Goshen, as follows:

1. That said Petition is hereby, in all respects approved and confirmed and the request therein made to vacate public ways is granted.
2. That the following described public ways situated in the City of Goshen, Indiana, are hereby vacated, said public ways being generally described as follows:

An east/west alley, 16.5' in width, approximately 276' in length, extending west of N 1st Street to the river, located between
413 N 1st Street and 415 N 1st Street,
and more particularly described as follows:

In the plat of Hood and Britton's Addition to the City of Goshen, Indiana, the east/west alley right of way between Lots 312 and 313, extending west of the N 1st Street right of way, as found in Deed Record 1, Page 36, Office of the Recorder of Elkhart County, Indiana.

3. That title in fee simple to the-vacated right of way of the east/west alley shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel line, to the centerline of the public way herein vacated for the first 125' west of the west right of way line of N 1st Street, and beyond this point the entire vacated right of way of the east/west alley shall be transferred to the adjoining property owner to the north.
4. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities. Further, with this vacation the City shall require and retain a general utility easement over the vacated area for the first 125' west of the west right of way line of N 1st Street.

5. At the time the first of the adjoining properties at 413 N 1st Street and 415 N 1st Street is transferred to a new owner, a cross-access easement shall be established over that portion of the vacation used to provide access to either adjoining property, and a copy of the recorded cross-access easement shall be provided to the Planning office.
6. This Ordinance shall become effective upon passage by the Council, approved by the Mayor. The Planning office of the City of Goshen shall be responsible for the recording of this Ordinance. A copy of this Ordinance stamped by the County Recorder as having been filed in that office shall be provided to the petitioners by the Planning office of the City of Goshen, with the petitioner being responsible for the recording expenses.

PASSED by the Common Council of the City of Goshen on _____, 2024.

Presiding Officer

Printed Name: _____

Attest:

Printed Name: _____

Title: _____

PRESENTED to the Mayor of the City of Goshen on _____, 2024 at _____ a.m./p.m.

Printed Name: _____

Title: _____

APPROVED AND ADOPTED by the Mayor of the City of Goshen on _____, 2024.

Gina Leichty, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Rhonda Yoder

This instrument prepared by: Rhonda Yoder, Goshen City Planning, City of Goshen, Indiana

ORDINANCE 5186
VACATION OF PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA

A Petition having heretofore been filed with the Common Council of the City of Goshen, Indiana, on the 5th day of April 2024 by David A. Runge and Michele L. Runge, requesting the vacation of certain public ways within the Corporate limits of the City of Goshen, Indiana, and more particularly described therein.

The public hearing before the Goshen City Plan Commission and public hearing before the Common Council of the City of Goshen, Indiana, having been scheduled as to said Petition with the hearing before the Goshen City Plan Commission having been held on the 21st day of May 2024, and with the hearing before the Common Council of the City of Goshen, Indiana, having been held on the 10th day of June 2024, and formal legal publication notice as to said hearings having been published in the Goshen News on the 11th day of May 2024, said legal notice having been published being in the words and figures following.

The Common Council of the City of Goshen having received a recommendation and/or report from the Goshen City Plan Commission and having conducted a public hearing on said Petition on the date set forth in said Notice and being duly advised in the premises now finds as follows:

1. The Petition heretofore filed is in proper order, and that proper legal notices of the public hearing conducted with regard to said Petition have been mailed and published.
2. The vacation of the public ways in question would not hinder the growth or orderly development of the City of Goshen, Indiana, or of the neighborhood in which it is located or to which it is contiguous.
3. The vacation of the public ways in question will not make access to the lands of any property owners within the City of Goshen, Indiana, by means of public way difficult or inconvenient.
4. The vacation of the public ways in question will not hinder the public's access to a church, school, or other public building or place.
5. The vacation of the public ways in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW THEREFORE, be it ordained, ordered, adjudged, and decreed by the Common Council of the City of Goshen, as follows:

1. That said Petition is hereby, in all respects approved and confirmed and the request therein made to vacate public ways is granted.
2. That the following described public ways situated in the City of Goshen, Indiana, are hereby vacated, said public ways being generally described as follows:

An east/west alley, 16.5' in width, approximately 276' in length, extending west of N 1st Street to the river, located between 413 N 1st Street and 415 N 1st Street,
and more particularly described as follows:

In the plat of Hood and Britton's Addition to the City of Goshen, Indiana, the east/west alley right of way between Lots 312 and 313, extending west of the N 1st Street right of way, as found in Deed Record 1, Page 36, Office of the Recorder of Elkhart County, Indiana.

3. That title in fee simple to the-vacated right of way of the east/west alley shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel line, to the centerline of the public way herein vacated ~~for the first 125' west of the west right of way line of N 1st Street, and beyond this point the entire vacated right of way of the east/west alley shall be transferred to the adjoining property owner to the north.~~
4. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities. Further, with this vacation the City shall require and retain a general utility easement ~~over the entire vacation~~ ~~over the entire vacation~~ over the vacated area for the first 125' west of the west right of way line of N 1st Street.

5. At the time the first of the adjoining properties at 413 N 1st Street and 415 N 1st Street is transferred to a new owner, a cross-access easement shall be established over that portion of the vacation used to provide access to either adjoining property, and a copy of the recorded cross-access easement shall be provided to the Planning office.
6. This Ordinance shall become effective upon passage by the Council, approved by the Mayor. The Planning office of the City of Goshen shall be responsible for the recording of this Ordinance. A copy of this Ordinance stamped by the County Recorder as having been filed in that office shall be provided to the petitioners by the Planning office of the City of Goshen, with the petitioner being responsible for the recording expenses.

PASSED by the Common Council of the City of Goshen on _____, 2024.

Presiding Officer

Printed Name: _____

Attest:

Printed Name: _____

Title: _____

PRESENTED to the Mayor of the City of Goshen on _____, 2024 at _____ a.m./p.m.

Printed Name: _____

Title: _____

APPROVED AND ADOPTED by the Mayor of the City of Goshen on _____, 2024.

Gina Leichty, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Rhonda Yoder

This instrument prepared by: Rhonda Yoder, Goshen City Planning, City of Goshen, Indiana



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413 & 415 N 1st Street

2023 Aerial
Printed June 10, 2024



1 inch = 40 feet

The City of Goshen
Department of
Planning & Zoning

204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626

Rec'd 6/10/24 from David Runge



Rhonda L. Yoder, AICP
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185
rhondayoder@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Common Council

FROM: Rhonda L. Yoder, City Planner

DATE: June 10, 2024

RE: Ordinance 5186

The Goshen Plan Commission met on May 21, 2024, in regular session and considered a request for the vacation of an east/west alley located between 413 and 415 N 1st Street, with right of way 16.5' in width and approximately 276' in length, extending west of N 1st Street to the river, used as access for the two adjacent properties but otherwise unimproved, and with the owners requesting the entire vacated area to be added to the property at 415 N 1st Street, with the existing gravel to remain as their private driveway, with the following outcome:

Amended request forwarded to the Goshen Common Council with a favorable recommendation by a vote of 7-0.

The recommendation is based upon the following and includes the following conditions:

1. The proposed vacation will not hinder the growth or orderly development of the neighborhood, provided the vacated area is split evenly along the centerline of the alley right of way so the water curb stop for 413 N 1st Street is maintained on the 413 N 1st Street parcel and an adequate building setback is provided for 413 N 1st Street, and provided continued access is provided for both adjacent properties.
2. The proposed vacation will not make access difficult or inconvenient, provided continued access is provided for both adjacent properties.
3. The proposed vacation will not hinder access to a church, school or other public building or place, as the alley right of way does not provide any of the described access.
4. The proposed vacation will not hinder the use of the public way, provided continued access is provided for both adjacent properties, and with a utility easement retained to provide continued access for existing utilities.
5. That title in fee simple to the-vacated right of way of the east/west alley shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel line, to the centerline of the public way herein vacated.
6. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities. Further, with this vacation the City shall require and retain a general utility easement over the entire vacation.
7. At the time the first of the adjoining properties at 413 N 1st Street and 415 N 1st Street is transferred to a new owner, a cross-access easement shall be established over that portion of the vacation used to provide access to either adjoining property, and a copy of the recorded cross-access easement shall be provided to the Planning office.

No inquiries were received prior to Plan Commission. At the Plan Commission meeting there was one public comment supporting the vacation.

ORDINANCE 5186
VACATION OF PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA

A Petition having heretofore been filed with the Common Council of the City of Goshen, Indiana, on the 5th day of April 2024 by David A. Runge and Michele L. Runge, requesting the vacation of certain public ways within the Corporate limits of the City of Goshen, Indiana, and more particularly described therein.

The public hearing before the Goshen City Plan Commission and public hearing before the Common Council of the City of Goshen, Indiana, having been scheduled as to said Petition with the hearing before the Goshen City Plan Commission having been held on the 21st day of May 2024, and with the hearing before the Common Council of the City of Goshen, Indiana, having been held on the 10th day of June 2024, and formal legal publication notice as to said hearings having been published in the Goshen News on the 11th day of May 2024, said legal notice having been published being in the words and figures following.

The Common Council of the City of Goshen having received a recommendation and/or report from the Goshen City Plan Commission and having conducted a public hearing on said Petition on the date set forth in said Notice and being duly advised in the premises now finds as follows:

1. The Petition heretofore filed is in proper order, and that proper legal notices of the public hearing conducted with regard to said Petition have been mailed and published.
2. The vacation of the public ways in question would not hinder the growth or orderly development of the City of Goshen, Indiana, or of the neighborhood in which it is located or to which it is contiguous.
3. The vacation of the public ways in question will not make access to the lands of any property owners within the City of Goshen, Indiana, by means of public way difficult or inconvenient.
4. The vacation of the public ways in question will not hinder the public's access to a church, school, or other public building or place.
5. The vacation of the public ways in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW THEREFORE, be it ordained, ordered, adjudged, and decreed by the Common Council of the City of Goshen, as follows:

1. That said Petition is hereby, in all respects approved and confirmed and the request therein made to vacate public ways is granted.
2. That the following described public ways situated in the City of Goshen, Indiana, are hereby vacated, said public ways being generally described as follows:

An east/west alley, 16.5' in width, approximately 276' in length, extending west of N 1st Street to the river, located between
413 N 1st Street and 415 N 1st Street,
and more particularly described as follows:

In the plat of Hood and Britton's Addition to the City of Goshen, Indiana, the east/west alley right of way between Lots 312 and 313, extending west of the N 1st Street right of way, as found in Deed Record 1, Page 36, Office of the Recorder of Elkhart County, Indiana.

3. That title in fee simple to the-vacated right of way of the east/west alley shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel line, to the centerline of the public way herein vacated.
4. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities. Further, with this vacation the City shall require and retain a general utility easement over the entire vacation.
5. At the time the first of the adjoining properties at 413 N 1st Street and 415 N 1st Street is transferred to a new owner, a cross-access easement shall be established over that portion of the vacation used to provide access to either adjoining property, and a copy of the recorded cross-access easement shall be provided to the Planning office.

6. This Ordinance shall become effective upon passage by the Council, approved by the Mayor. The Planning office of the City of Goshen shall be responsible for the recording of this Ordinance. A copy of this Ordinance stamped by the County Recorder as having been filed in that office shall be provided to the petitioners by the Planning office of the City of Goshen, with the petitioner being responsible for the recording expenses.

PASSED by the Common Council of the City of Goshen on _____, 2024.

Presiding Officer

Printed Name: _____

Attest:

Printed Name: _____

Title: _____

PRESENTED to the Mayor of the City of Goshen on _____, 2024 at _____ a.m./p.m.

Printed Name: _____

Title: _____

APPROVED AND ADOPTED by the Mayor of the City of Goshen on _____, 2024.

Gina Leichty, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Rhonda Yoder

This instrument prepared by: Rhonda Yoder, Goshen City Planning, City of Goshen, Indiana

To: Goshen City Plan Commission/Goshen Common Council
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 24-02V, Vacation of East/West Alley Right of Way
413 & 415 N 1st Street
Date: May 21, 2024

ANALYSIS

David A. and Michele L. Runge request the vacation of an east/west alley located between 413 and 415 N 1st Street. The right of way is 16.5' in width, approximately 276' in length, extending west of N 1st Street to the river. The right of way is used as access for the two adjacent properties, but is otherwise unimproved. If the vacation is approved, the owners request the entire vacated area to be added to the property at 415 N 1st Street, with the existing gravel to remain as the private driveway for 415 N 1st Street.

The two properties adjacent to the alley are currently under single ownership, and the alley right of way to be vacated provides access for both properties. The west portion of the alley is unimproved, but the east portion is gravel where it provides access to the two adjacent properties.

According to Indiana Code 36-7-3-13 remonstrance or objection to a vacation may only be filed on the following grounds:

- (1) *The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.*
- (2) *The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.*
- (3) *The vacation would hinder the public's access to a church, school, or other public building or place.*
- (4) *The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.*

The Traffic Commission reviewed the proposed vacation on April 18, 2024, and recommended approval of the proposed alley vacation, but had concerns about ensuring vehicular access for both properties if the entire vacated area becomes part of 415 N 1st Street.

The Planning office has contacted NIPSCO, Frontier, Comcast, Goshen City Utilities, Goshen Fire Department, Community Fiber, and Waste-Away Group. There are existing utilities in the public right of way in the area of the proposed vacation, so a general utility easement is required to be retained over the entire vacation, as a vacation may not deprive a public utility of the use of the right of way. Access to the utility easement must be maintained and remain unobstructed, and no encroachments are permitted within the utility easement, including, for example, trees, fences and structures.

When public right of way is vacated, generally title for the vacated area goes to the adjacent property owners, usually split evenly along the centerline of the right of way if the vacated area was originally platted from the same subdivision. In this case, the single property owner has requested the entire vacated area be transferred to the property at 415 N 1st Street. There are several items to consider if the entire vacated area would be transferred to 415 N 1st Street:

- 413 N 1st Street water curb stop would be on 415 N 1st Street parcel (not allowed);
- Continuing an apparent 0' north building setback for the existing house at 413 N 1st Street; and
- Ensuring continued vehicular access for both properties.

Per the enclosed water service card, the water curb stop for 413 N 1st Street is located within the alley, and per Goshen Utilities if the alley is vacated the curb stop for 413 N 1st Street must remain located on the 413 N 1st Street parcel and may not be located on the 415 N 1st Street parcel.

Based on the following photo and enclosed aerial images, it appears the 16.5' alley extends very close to the north building wall of the existing house at 413 N 1st Street. In the absence of a site plan or survey that locates the alley in relation to the two adjacent properties, if the alley is vacated the vacated area should be split evenly along the centerline between the two adjacent properties so that a reasonable building setback is established for 413 N 1st Street, and to ensure no encroachment is created by the alley vacation (if the existing 413 N 1st Street structure extends into the alley, for example). With a 0' building setback, the north building wall of 413 N 1st Street is subject to more stringent building codes, and although the utility easement required by the alley vacation will not allow the structure at 413 N 1st Street to be extended into the vacated area, the vacation would increase the existing north building setback if the vacated area is split evenly along the centerline between the two adjacent properties.



Related to continued vehicular access, if the entire vacated area is transferred to 415 N 1st Street, then either a cross-access easement would be required over the vacated area to allow access for 413 N 1st Street, or a new driveway would need to be installed for 413 N 1st Street. If the vacated area is split between the two properties, a cross-access easement would also be needed to allow access for both properties. Because the two properties are under single ownership, a cross-access easement cannot be established until there are two separate owners.

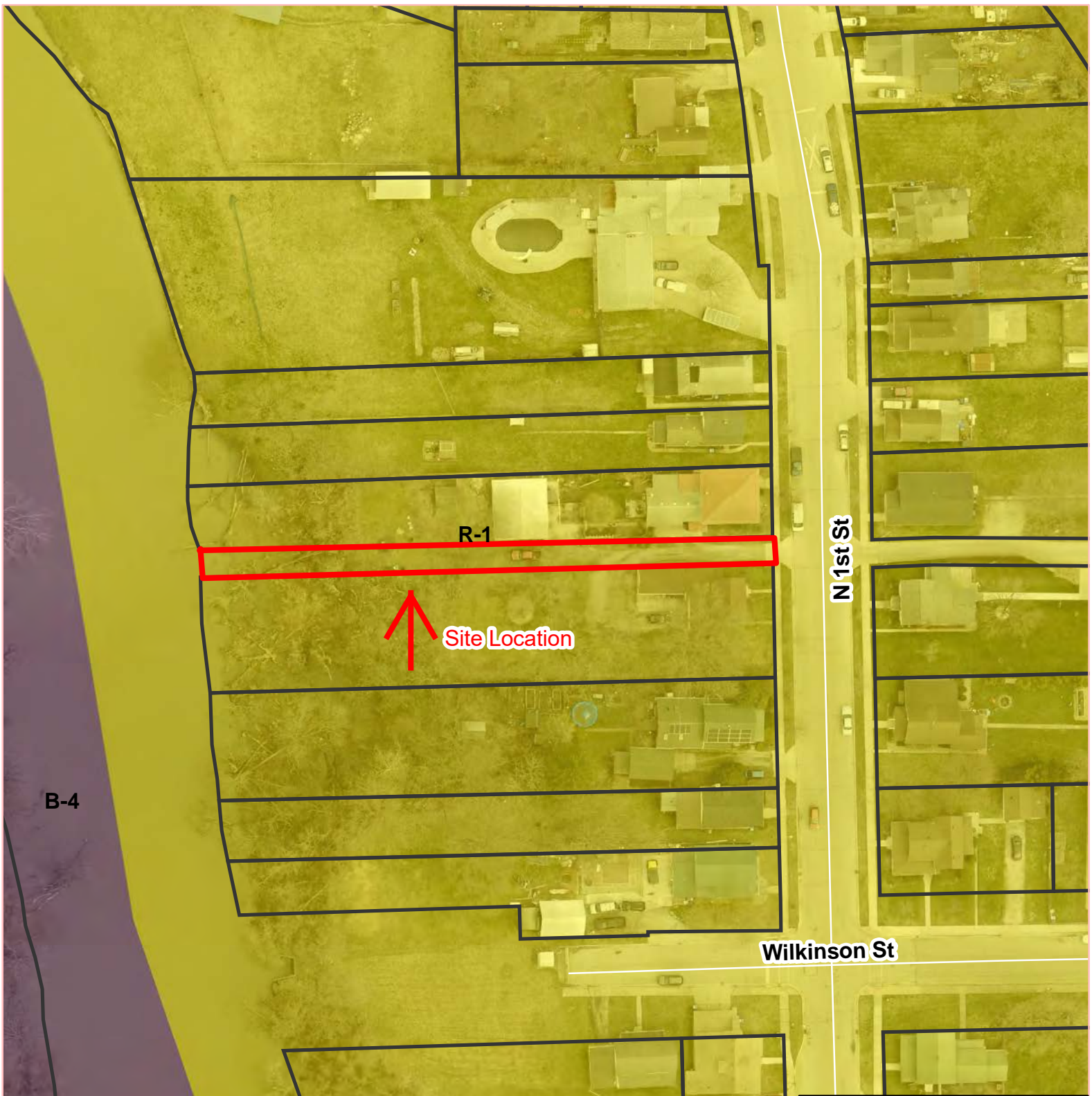
RECOMMENDATIONS

Staff recommends the Plan Commission grant a favorable recommendation and City Council grant approval of an amended request for the vacation of an east/west alley located between 413 and 415 N 1st Street, 16.5' in width, approximately 276' in length, extending west of N 1st Street to the river, to require the vacated area be split evenly along the centerline of the alley right of way, based upon the following and with the noted conditions:

1. The proposed vacation will not hinder the growth or orderly development of the neighborhood, provided the vacated area is split evenly along the centerline of the alley right of way so the water curb stop for 413 N 1st Street is maintained on the 413 N 1st Street parcel and an adequate building setback is provided for 413 N 1st Street, and provided continued access is provided for both adjacent properties.
2. The proposed vacation will not make access difficult or inconvenient, provided continued access is provided for both adjacent properties.
3. The proposed vacation will not hinder access to a church, school or other public building or place, as the alley right of way does not provide any of the described access.
4. The proposed vacation will not hinder the use of the public way, provided continued access is provided for both adjacent properties, and with a utility easement retained to provide continued access for existing utilities.

With approval, the following conditions shall apply:

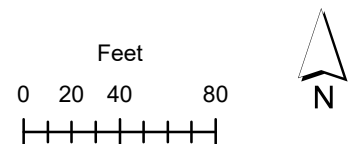
1. That title in fee simple to the-vacated right of way of the east/west alley shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel line, to the centerline of the public way herein vacated.
2. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities. Further, with this vacation the City shall require and retain a general utility easement over the entire vacation.
3. At the time the first of the adjoining properties at 413 N 1st Street and 415 N 1st Street is transferred to a new owner, a cross-access easement shall be established over that portion of the vacation used to provide access to either adjoining property, and a copy of the recorded cross-access easement shall be provided to the Planning office.



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E/W Alley between 413 & 415 N 1st St

2023 Aerial
Printed April 23, 2024



The City of Goshen
Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626



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1 inch = 30 feet

413 & 415 N 1st Street

2023 Aerial
Printed May 13, 2024

The City of Goshen
Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626



Copyright 1977
ELKHART COUNTY, INDIANA
SCALE 1" = 100'

ELKHART TWP.
SEC. 9 T.36N. R.6E.

11-9B

413
1st St

11'

sidewalk

85'

catch
Basin

1st st.





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413 & 415 N 1st Street

2023 Aerial with Approximate FIRM
Printed January 3, 2024



0 10 20 40 60
1 inch = 60 feet

The City of Goshen
Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626



Rhonda L. Yoder, AICP
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

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rhondayoder@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Common Council

FROM: Rhonda L. Yoder, City Planner

DATE: July 8, 2024

RE: Ordinance 5191

The Goshen Plan Commission met on June 18, 2024, in regular session and considered a request for a PUD major change for an alternative landscape plan to replace required full bufferyard landscaping with modified partial landscaping (west side) and parking lot screening and street trees (north side), to review required parking spaces per offices standard, and to allow a 10' west side driving aisle setback (where 25' is required), and PUD preliminary site plan approval for site development of an office use (Ryan's Place), for subject property containing \pm 9.6 acres, generally located on the south side of Regent Street, east of Weymouth Blvd, zoned Commercial B-4PUD, part of Waterford Commons PUD, with the following outcome:

Forwarded to the Goshen City Council with a favorable recommendation by a vote of 5-0.

Approval is based upon the following, with the following conditions:

1. The alternative landscape plan, parking based on office standards, and 10' west side driving aisle setback are consistent with the proposed office development and Waterford Commons PUD.
2. The PUD major change approves the following:
 - An alternative landscape plan to replace required full bufferyard landscaping with modified partial landscaping (west side) and parking lot screening and street trees (north side);
 - Required parking spaces per offices standard when the primary use on site is an office use; and
 - A 10' west side driving aisle setback, using the existing constructed curb cut aligned with Weymouth Blvd, and with the reduced setback allowed no farther than 200' south of the Regent Street property line.
3. The approved PUD preliminary site plan is *Ryan's Place PUD B-4, Proposed Site Plan, Sheet 1 of 1*, dated 06/04/2024, prepared by SAM.
4. The approved alternative landscape plan is *Ryan's Place, Inc., Landscape Plan, Sheet L1.0*, dated 5.29.24, prepared by Lehman & Lehman.
5. All landscaping on the approved alternative landscape plan shall be planted as part of the first phase of development, and is required to be maintained permanently.
6. Parking areas added in future phases of development will be required to include a compact row of plant screening along the edge of the parking lot to screen headlights from adjacent residential land use.
7. Lighting shall be directed down and away from adjacent residential properties, and shall prevent illumination, glare or reflection on adjacent properties, with a photometric plan required as part of the PUD final site plan submittal.
8. A PUD final site plan, including a final landscape plan and photometric plan, shall be submitted and approved prior to a zoning clearance form/building permit being issued, and may be reviewed by Staff on behalf of Plan Commission.
9. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.

Prior to the Plan Commission meeting, the Planning office received three letters of support (enclosed) and one inquiry asking for more details about the request.

There were no public comments at the Plan Commission meeting.

Ordinance 5191

An Ordinance to Amend Ordinance 3384 and Ordinance 3970 of the Waterford Commons Planned Unit Development (PUD)

WHEREAS Ryan's Place, Inc., Surveying and Mapping, and Ancon Construction, Inc., submitted an application on the 29th day of May 2024, for a Major Change to a previously approved Planned Unit Development (Overlay) Ordinance, and the Goshen City Plan Commission did after proper legal notice conduct a hearing on said Petition as provided by the Law on the 18th day of June 2024 and recommended the adoption of a PUD major change and this Ordinance by a vote of 5-0.

NOW, THEREFORE be it ordained by the Common Council of the City of Goshen, Indiana, that:

For the property generally located on the south side of Regent Street, east of Weymouth Blvd, zoned Commercial B-4PUD, and more particularly described as follows:

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 01 DEGREE 15 MINUTES 37 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, A DISTANCE OF 1754.09 FEET TO A 5/8 INCH REBAR WITH CAP STAMPED "BRADS-KO 0041" MONUMENTING THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO GOSHEN COMMUNITY SCHOOLS AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2004-24578; THENCE SOUTH 89 DEGREES 09 MINUTES 23 SECONDS WEST ALONG THE SOUTH RIGHT OF WAY LINE OF REGENT STREET, A SIXTY FOOT WIDE RIGHT OF WAY, A DISTANCE OF 830.52 FEET TO A REBAR WITH CAP STAMPED "ABONMARCHE FIRM #0050", THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 01 DEGREE 15 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF SAID GOSHEN COMMUNITY SCHOOLS PARCEL, A DISTANCE OF 619.17 FEET TO A REBAR WITH CAP STAMPED "ABONMARCHE FIRM #0050" ON THE NORTH LINE OF A PARCEL OF LAND CONVEYED TO GT PROPERTIES OF GOSHEN, LLC AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2008-25800; THENCE SOUTH 74 DEGREES 44 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE OF SAID GT PROPERTIES OF GOSHEN, LLC PARCEL, A DISTANCE OF 459.81 FEET TO A CORNER OF SAID GT PROPERTIES OF GOSHEN, LLC PARCEL; THENCE NORTHWESTERLY ALONG THE ARC OF A 648.12 FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE NORTHEAST, A DISTANCE OF 282.96 FEET (CHORD BEARING NORTH 43 DEGREES 36 MINUTES 27 SECONDS WEST, CHORD DISTANCE 280.71 FEET) TO A REBAR WITH CAP STAMPED "PCB #S0538" MARKING THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 31 DEGREES 06 MINUTES 03 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF SAID GT PROPERTIES OF GOSHEN, LLC PARCEL, A DISTANCE OF 249.73 FEET TO A REBAR WITH CAP STAMPED "PCB #S0538" MARKING THE POINT OF CURVATURE OF A 50.00 FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID GT PROPERTIES OF GOSHEN, LLC PARCEL BEING ON THE ARC OF SAID 50.00 FOOT RADIUS CURVE, A DISTANCE OF 78.67 FEET (CHORD BEARING NORTH 76 DEGREES 10 MINUTES 56 SECONDS WEST, CHORD DISTANCE 70.80 FEET) TO A REBAR WITH CAP STAMPED "PCB #0538" MARKING THE POINT OF CUSP OF SAID CURVE; THENCE NORTH 58 DEGREES 43 MINUTES 27 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID REGENT STREET, A DISTANCE OF 340.11 FEET TO THE POINT OF CURVATURE OF A 882.14 FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF SAID

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To amend Ordinances 3384 and 3970 as follows:

1. In addition to requirements established by Ordinance 3384 and Ordinance 3970, additional requirements are established by this Ordinance.
2. That the Goshen Plan Commission did after a public hearing determine the amendment to be a Major Change.
3. The alternative landscape plan, parking based on office standards, and 10' west side driving aisle setback are consistent with the proposed office development and the Waterford Commons PUD.
4. The PUD major change approves the following:
 - An alternative landscape plan to replace required full bufferyard landscaping with modified partial landscaping (west side) and parking lot screening and street trees (north side);
 - Required parking spaces per offices standard when the primary use on site is an office use; and
 - A 10' west side driving aisle setback, using the existing constructed curb cut aligned with Weymouth Blvd, and with the reduced setback allowed no farther than 200' south of the Regent Street property line.
5. The approved PUD preliminary site plan is *Ryan's Place PUD B-4, Proposed Site Plan, Sheet 1 of 1*, dated 06/04/2024, prepared by SAM.
6. The approved alternative landscape plan is *Ryan's Place, Inc., Landscape Plan, Sheet L1.0*, dated 5.29.24, prepared by Lehman & Lehman.
7. All landscaping on the approved alternative landscape plan shall be planted as part of the first phase of development, and is required to be maintained permanently.
8. Parking areas added in future phases of development will be required to include a compact row of plant screening along the edge of the parking lot to screen headlights from adjacent residential land use.
9. Lighting shall be directed down and away from adjacent residential properties, and shall prevent illumination, glare or reflection on adjacent properties, with a photometric plan required as part of the PUD final site plan submittal.
10. A PUD final site plan, including a final landscape plan and photometric plan, shall be submitted and approved prior to a zoning clearance form/building permit being issued, and may be reviewed by Staff on behalf of Plan Commission.
11. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.

PASSED by the Common Council of the City of Goshen on _____, 2024.

Presiding Officer

Attest:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2024 at _____ a.m./p.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED AND ADOPTED by the Mayor of the City of Goshen on _____, 2024.

Gina Leichty, Mayor



1212 Waterford Circle.
Condo Office
Goshen, IN 46526
574-534-3964
srisserrn@gmail.com

6/10/2024

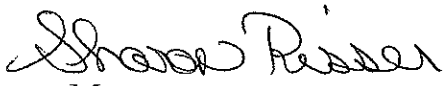
City of Goshen Planning and Zoning Department
Rhonda Yoder, Administrator
204 E. Jefferson St. Suite 4
Goshen IN 46528

Dear Leaders of Planning and Zoning

This letter represents the residents in the Waterford Crossing Condominium Association. We are anxiously awaiting the ground breaking of Ryan's Place. We look forward to the volunteer opportunities this program will give some of us who would love to help children in their time of need. We are also hopeful that there can be some grief support for people living here as they face loss of a spouse.

Whatever the City of Goshen can do to continue to move this project forward would be greatly appreciated.

Thank you for your past and future support

Sincerely 
Sharon Risser, Manager
Waterford Crossing Condominium Association
574-534-3964



June 12, 2024

City of Goshen Planning and Zoning Department

Rhonda Yoder, Administrator

204 E. Jefferson St. Suite 4

Goshen IN 46528

To Whom It May Concern:

It is my pleasure to write a letter in full support of Ryan's Place relocating to the south side of Goshen on Regent Street. As a Developer that has a goal of bringing a variety of activities to the south Goshen area, we believe that Ryan's Place will be a wonderful partner in creating meaningful opportunities to engage in our community.

Thank you for your support of the work that Ryan's Place offers our community. Their thoughtfulness in their design, layout, and the ways in which they will use their new space to foster meaningful healing and growth for many in our community is admirable.

Best,

Tonya Detweiler

CEO, Cherry Creek, LLC

Yoder, Rhonda

Subject: FW: Ryan's Place petition.

-----Original Message-----

From: gahoogenboom@aol.com <gahoogenboom@aol.com>

Sent: Friday, June 14, 2024 1:01 PM

To: Yoder, Rhonda <rhodayoder@goshencity.com>

Subject: Ryan's Place petition.

Good afternoon Rhonda: I am writing to express my support for the petition request for Ryan's Place. They provide a unique, very important service to the residents of Goshen and the surrounding areas. Our family has had occasion to use their services and the leadership and staff are first rate. Goshen is fortunate to have an organization such as this and the location they have chosen to locate is perfect.

Secondly as an owner and representative of the adjacent property in the name of G.T. Properties, we feel this would be a perfect fit for the neighborhood and ask that you look favorably upon their request.

Thanks, Greg and Charlotte Hoogenboom

To: Goshen City Plan Commission/Goshen Common Council
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 24-01MA, PUD Major Change & PUD Preliminary Site Plan Approval
Waterford Commons PUD, Regent Street B-4 Area
Date: June 18, 2024

ANALYSIS

Ryan's Place, Inc., Surveying and Mapping, and Ancon Construction, Inc., request a PUD major change for an alternative landscape plan to replace required full bufferyard landscaping with modified partial landscaping (west side) and parking lot screening and street trees (north side), to review required parking spaces per offices standard, and to allow a 10' west side driving aisle setback (where 25' is required), and PUD preliminary site plan approval for site development of an office use (Ryan's Place). The subject property is \pm 9.6 acres, generally located on the south side of Regent Street, east of Weymouth Blvd, zoned Commercial B-4PUD, part of Waterford Commons PUD.

The Waterford Commons PUD was established in December 1989 by Ordinance 3384, and included a range of residential zoning and two Commercial B-4 (Planned Shopping District) areas. Much of the residential land has been developed, but the two B-4 areas remain undeveloped. The original PUD allows uses permitted by the applicable zoning district.

When a PUD is developed, it contains specific use and developmental requirements that are in addition to, or in place of, the underlying zoning district requirements. A PUD is always tied to a site plan, with a PUD preliminary site plan adopted when a PUD is established or modified, and a detailed PUD final site plan reviewed as development occurs. Changes to a PUD are defined by the Zoning Ordinance, and may be minor or major. Major changes include those that change use, character or intensity of the development, and those that increase traffic or utility issues, reduce parking, or encroach into required setbacks. Changing stated conditions of a PUD are also typically major changes. PUD major changes and PUD preliminary site plans require review as a public hearing at Plan Commission, with final approval by Council. As a PUD develops, the original PUD conditions remain in place unless specifically changed, so major changes typically add to the original requirements. A PUD is intended to provide unified development, streamline the review process, and provide flexibility based on specific site conditions.

The subject property is an unplatted parcel on the south side of Regent Street, located between Regent Square Apartments on the west, and Prairieview School on the east. The current project proposes a single story office building and parking for Ryan's Place. The office use is permitted in the B-4 District.

The PUD major change is requested for the following items:

- To approve an alternative landscape plan to replace required full bufferyard landscaping with modified partial landscaping (west side) and parking lot screening and street trees (north side);
- To review required parking spaces per offices standard; and
- To allow a 10' west side driving aisle setback (where 25' is required).

Alternative Landscape Plan

The Goshen Zoning Ordinance requires full bufferyard landscaping (6' mound with landscaping) when the B-4 District is adjacent to residential land use. In this case there is residential land use to the west and to the north across Regent Street. The B-4 District is intended for retail and service uses and does not permit some of the more intense commercial uses (such as auto related uses). The B-3 District, which does permit auto related uses, does not require full bufferyard landscaping adjacent to residential land use. Because the B-4 District generally permits less intense commercial uses, as compared to the B-3 District, the full bufferyard landscaping requirement may not be warranted, but screening substantially similar to partial landscaping is recommended.

In the locations where landscaping screening is needed, the subject property has several barriers, including an easement along the Regent Street frontage for a buried gas line, and a new easement required along the west property line for existing public sanitary sewer and water lines. The alternative landscape plan proposes landscaping at the edge of both easements, with modified partial landscaping (west side) and parking lot screening and street trees (north side). As proposed, the alternative landscape plan provides adequate screening, noting that final locations will be determined based on complete site plan review, as other City departments will need to review the proposed screening locations related to utilities and retention, for example. If required by the requirements of other City departments, landscaping may need to be shifted.

All landscaping on the approved alternative landscape plan should be planted as part of the first phase of development, and is required to be maintained permanently. Parking areas added in future phases of development will be required to include a compact row of plant screening along the edge of the parking lot to screen headlights from adjacent residential land use.

Required Parking

The B-4 District contains a specific formula for off-street parking spaces, calculated at five spaces per 1,000 square feet of gross floor area, which is reasonable for retail uses which generate high traffic counts. For an office use, parking is required at one space per two employees plus one space per 400 square feet of office space. In this case, applying the B-4 parking standard would result in excessive required parking, and using office parking requirements for the office development provides a more appropriate standard. The office parking approval for this location should apply when the primary use on site is an office use.

Reduced Setback for West Side Driving Aisle

The subject property includes an existing constructed curb cut aligned with Weymouth Blvd that results in a 10' west side driving aisle setback, where the B-4 District requires a 25' side setback adjacent to residential zoning. The 10' west side setback will occur near the entrance only, and will widen to 25' approximately 160' south of the Regent Street property line. The entrance needs to be aligned with Weymouth Blvd and the 10' setback will provide adequate space between the drive and property line. The reduced setback should be approved to extend no farther than 200' south of the Regent Street property line, as there is adequate space beyond that point to meet the required 25' setback.

The *Ryan's Place Planned Unit Development Narrative* (enclosed) references building lighting and parking lot lighting, and states that lighting will be shielded to keep light on the subject property. The provision to maintain lighting on site will be incorporated with this approval, and a photometric plan will be required as part of the PUD final site plan submittal.

PUD preliminary site plan approval is requested as part of the PUD major change, to establish the preliminary site plan and the alternative landscape plan. Requirements of the B-4 District and Waterford Commons PUD are met, except as modified by the current request. PUD final site plan review, including a final landscape plan and photometric plan, will be submitted as part of the City's administrative site plan review process, Technical Review, and may be reviewed by Staff on behalf of Plan Commission.

RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the PUD major change and PUD preliminary site plan approval, based upon the following, and with the following conditions:

1. The alternative landscape plan, parking based on office standards, and 10' west side driving aisle setback are consistent with the proposed office development and Waterford Commons PUD.
2. The PUD major change approves the following:
 - An alternative landscape plan to replace required full bufferyard landscaping with modified partial landscaping (west side) and parking lot screening and street trees (north side);
 - Required parking spaces per offices standard when the primary use on site is an office use; and

- A 10' west side driving aisle setback, using the existing constructed curb cut aligned with Weymouth Blvd, and with the reduced setback allowed no farther than 200' south of the Regent Street property line.
3. The approved PUD preliminary site plan is *Ryan's Place PUD B-4, Proposed Site Plan, Sheet 1 of 1*, dated 06/04/2024, prepared by SAM.
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 7. Lighting shall be directed down and away from adjacent residential properties, and shall prevent illumination, glare or reflection on adjacent properties, with a photometric plan required as part of the PUD final site plan submittal.
 8. A PUD final site plan, including a final landscape plan and photometric plan, shall be submitted and approved prior to a zoning clearance form/building permit being issued, and may be reviewed by Staff on behalf of Plan Commission.
 9. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.

Ryan's Place Planned Unit Development Narrative

Property in the Northeast Quarter, Section 27,
Township 36 North, Range 6 East,
Elkhart Township, Elkhart County, Indiana

Tax ID Number: 20-11-27-276-003.000-015

Address: _____ Regent Street, Goshen IN 46526

Project Summary:

The property is currently owned by Ryan's Place, Inc. The proposed building will be used for offices and open areas for programs and staff. Ryan's Place is a nonprofit corporation that provides support services to families and children who have experienced the death of a child or sibling. This facility will consolidate their staff and programs into one location.

Relation of existing uses to surrounding land uses:

East: Residential, zoned R-3, Elementary School

West: Residential, zoned PUD and R-3

North: Residential, zoned PUD

South: Residential, zoned R-3

Proposed Land use:

Proposed land use is shown on the Site Plan. There is a proposed building with associated pavement, grading, and drainage improvements. There are future phases shown for main building expansion and for a future separate accessory building for offices. These would have associated pavement, grading, and drainage improvements.

Protections for surrounding residential uses against nuisances:

There will be outside lighting on the proposed building and in the proposed parking lot. Outdoor lighting will be shielded to avoid shedding light on adjoining properties. There will be no outdoor speakers on the property. Landscape buffers to be installed on west and north property lines for protection of adjacent residential uses. A proposed landscape plan is included with this application. There are several variances from City landscape standards due to site constraints. Approval of this alternative landscape plan is requested.

Development project details

One proposed building and one future building are proposed. The project will be completed in three phases. One new access driveway from Regent Street is proposed and will use the existing driveway approach opposite Weymouth Boulevard. Days of Operation are Monday to Friday, 9 am to 5 pm. One day a week they plan to be open from 6 to 9 pm.

Phase 3 includes an outdoor walking path, stage with roof, playground and other outdoor elements shown on the Site Plan. All elements will be privately owned. There are 6-7 employees for the facility at time of opening. Future employment is estimated to be 10-12 staff members. Client traffic is estimated to be 40 vehicles per day. Special events are estimated to be up to 60 vehicles once or twice a month. One or two box truck deliveries per week are estimated. No semi-trucks access is permitted.

Pedestrian access is provided by a sidewalk along the Regent Street frontage. There will be a sidewalk along the front of the building that connects to the Regent Street sidewalk for pedestrian access to the building. Pedestrian access ramps will be provided at appropriate locations.

Stormwater Management Plan

Stormwater drainage will flow across pavement areas and be collected in drainage swales and site retention basins. Stormwater will be retained on-site until it infiltrates into the soil.

Signage

There will be a proposed monument sign near the entrance. There will be additional signage on the building. The owner understands that a separate sign permit is required. Proposed signage design will be provided at time of sign permit submittal.

Water Supply and Sanitary Sewer Plan

The site is in the City of Goshen. The proposed building will be connected to City water and sanitary sewer facilities on site.

Deviations from Zoning Ordinance standards

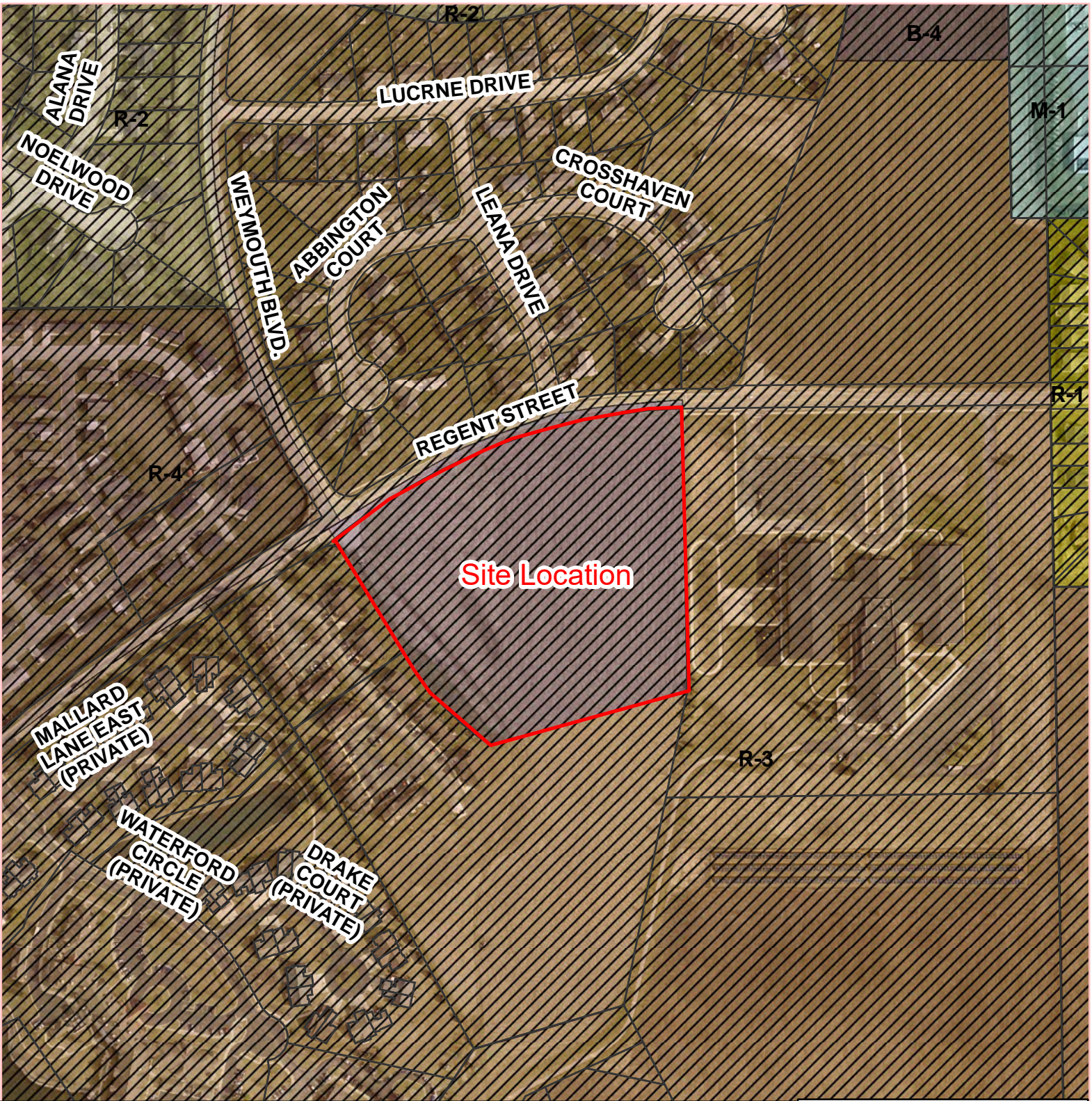
1. West side pavement setback: 10 ft.
2. Two parking lot islands on east side of parking lot to be 15 ft. wide.
3. Alternative landscape plan approval requested. Landscaping areas are limited due to existing NIPSCO gas easement on street frontage and proposed city utility easement along west property line. Proposed landscape plan is included with this submittal.

Prepared by: Surveying and Mapping, LLC, 2810 Dexter Drive, Elkhart, Indiana 46514
Phone 574.266.1010, Fax 574.262.3040

Debra S. Hughes, P.E., Indiana Professional Engineer 60880266,

Email: debra.hughes@sam.biz

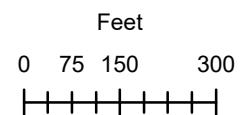
May 29, 2024



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any sumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

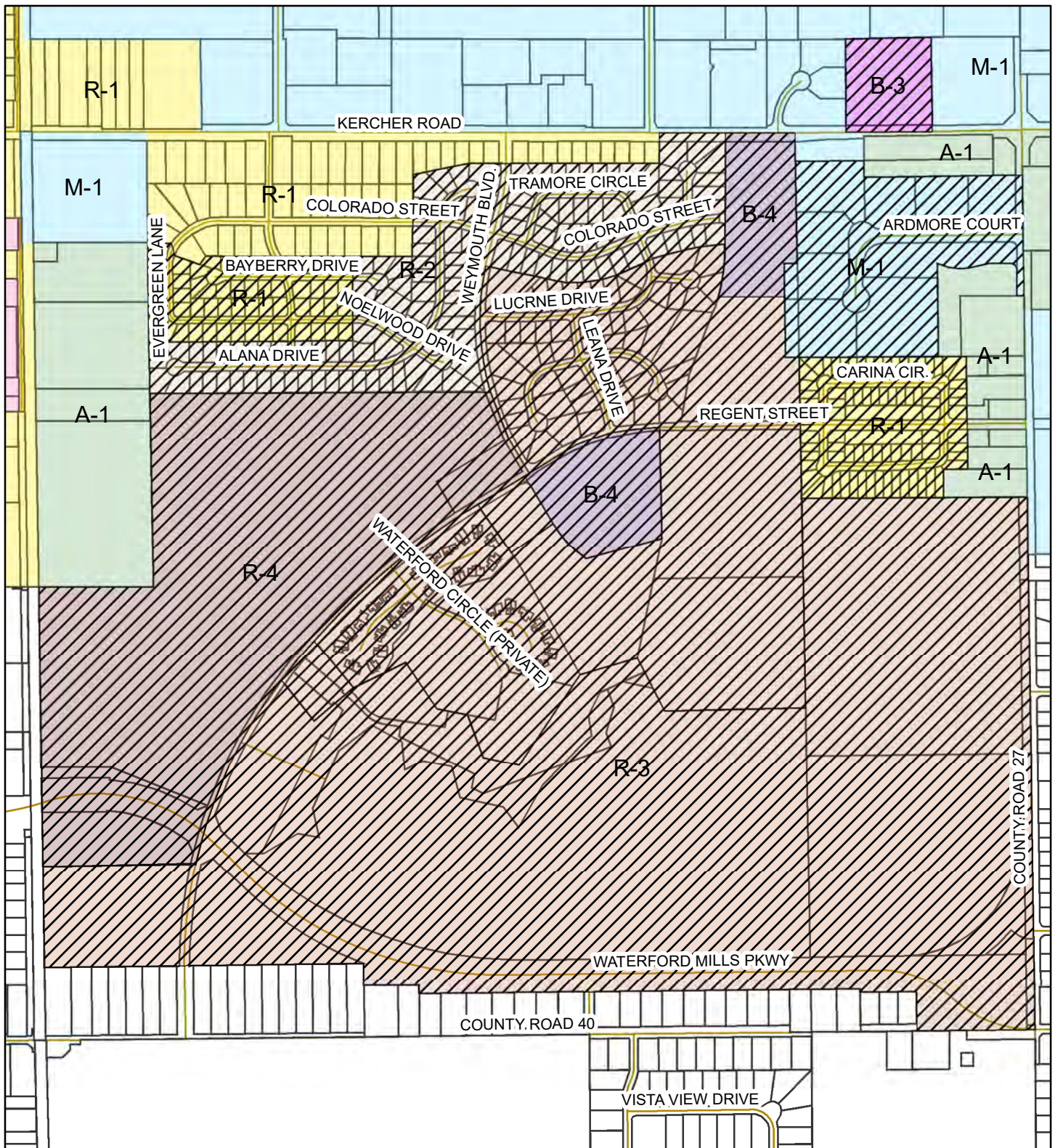
Ryans Place, Inc.

2023 Aerial
Printed May 31, 2024



The City of Goshen
Department of

Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626



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Waterford Commons PUD

Goshen Zoning Map
Printed June 3, 2024

The City of Goshen

Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PARCEL NO.: 20-11-27-276-003.000-015

BM-86349-1
TOP OF SOUTHWEST TOP FLANGE BOLT,
MARKED WITH CROSS IN PERMANENT
MARKER, OF HYDRANT NEAR SOUTHWEST
CORNER OF SUBJECT PARCEL,
APPROXIMATELY 600' SOUTHEAST OF
INTERSECTION REGENT STREET AND
WEYMOUTH BOULEVARD.
ELEV=815.54

BM-86349-2
TOP OF SOUTHWEST TOP FLANGE BOLT,
MARKED WITH CROSS IN PERMANENT
MARKER, OF HYDRANT NEAR NORTHEAST
CORNER OF SUBJECT PARCEL,
APPROXIMATELY 4' SOUTH OF SOUTH BACK
OF CURB OF REGENT STREET, AND
APPROXIMATELY 286' EAST OF THE
INTERSECTION OF REGENT STREET AND
LEANA DRIVE.
ELEV=814.97

BM-86349-3
TOP OF SOUTHWEST TOP FLANGE BOLT,
MARKED WITH CROSS IN PERMANENT
MARKER, OF HYDRANT, APPROXIMATELY 4'
NORTH OF NORTH BACK OF CURB OF
RECENT STREET, AND APPROXIMATELY 175'
SOUTHEASTERLY OF THE INTERSECTION OF
RECENT STREET AND LEANA DRIVE.
ELEV=814.13

Determination of Coefficient "C" for Proposed Site Watershed									
Watershed	Roof (sf)	Pavement (sf)	Pervious (sf)	Total Area (sf)	Roof x 1.0	Pavement x 0.95	Pervious x 0.3	Weighted total area (sf)	Average C
Proposed Site	20,927	48,580	347,620	471,127	20,927	46,151	104,286	171,364	0.41
Proposed Site + Future	27,902	72,240	316,905	417,127	27,902	68,628	95,066	191,626	0.46

Watershed	Area (sf)	Developed C (weighted)	Rainfall (ft)	Total Required Volume (cf)	Total Provided Volume (cf)	% Provided
Proposed Site:	417,127	0.41	0.25	42,841	59,415	139%
Proposed Site + Future	417,127	0.46	0.25	47,906	59,415	124%

Proposed North Basin Storage		
Elevation	Area	Frustum Volume
(ft.)	(sq. ft.)	(cu.ft.)
812.00	12600	27,617
808.00	2500	

Proposed South Basin Storage		
Elevation	Area	Frustum Volume
(ft.)	(sq. ft.)	(cu. ft.)
812.00	12000	31,798
808.00	4500	

Pavement / Sidewalk	73,171	18%
Building	30,115	7%
Greenspace	313,841	75%
Total	417,127	100%

PREPARED BY:
DEBRA S. HUGHES, P.E.
SURVEYING AND MAPPING LLC
2810 DEXTER DRIVE
ELKHART IN. 46514
EMAIL: DEBRA.HUGHES@SAM.BIZ
PHONE: 574-266-1010

1	ADD SIGN INFORMATION FOR CITY COMMENTS	DSH	05/30/2024
2	REVISE PARKING CALCULATIONS	DSH	06/04/2024
NO.	REVISIONS	BY	DATE



2810 Dexter Drive
Elkhart, IN 46514
Phone: 574-266-1010
Email: info@sam.biz

DRAWING FILE: 1024086349.DESIGN.DWG

CERTIFICATION DATE: 06/04/2024

HORIZONTAL SCALE: 1"=40'

VERTICAL SCALE: NONE

ENGINEER: Debra S. Hughes, P.E.

TECHNICIAN: AKM



PROPOSED SITE PLAN

RYAN'S PLACE, INC., --- REGENT ST., GOSHEN
PT. NE 1/4, SEC. 27, T36N, R6E,
ELKHART TWP., ELKHART CO., INDIANA

JOB NUMBER: 1024086349

SHEET 1
OF 1

LANDSCAPE NOTES

1. BEFORE COMMENCING ANY WORK, CONTRACTOR SHALL CONTACT "INDIANA 811" TO VERIFY LOCATIONS OF UNDERGROUND PUBLIC UTILITIES. CONTRACTOR SHALL ALSO VERIFY LOCATIONS OF UNDERGROUND PRIVATE UTILITIES.

2. ALL EXISTING UTILITY VALVES, MANHOLES, ETC. FOUND ON SITE AND NOT SHOWN ON THESE PLANS SHALL BE BROUGHT TO THE GENERAL CONTRACTOR'S ATTENTION. LANDSCAPE WORK SHALL ACCOMMODATE SUCH EXISTING STRUCTURES.

3. ALL EXISTING LAWN AREAS SHALL BE SCARIFIED AND OVER SEEDED WITH 60% PERENNIAL RYEGRASS, 40% KENTUCKY BLUEGRASS SEED BLEND. ENSURE GOOD SEED SOIL CONTACT WHEN SEEDING.

4. APPLY AN 18-24-12 FERTILIZER TO ALL LAWN AREAS.

5. ALL TREE AND SHRUBS SHALL RECEIVE COMMERCIAL FERTILIZER. COMPLETE FERTILIZER OF NEUTRAL CHARACTER, WITH SOME ELEMENTS DERIVED FROM ORGANIC SOURCES AND CONTAINING FOLLOWING PERCENTAGES OF AVAILABLE PLANT NUTRIENTS:
FOR TREES PROVIDE TWO FERTILIZER PACKETS PER 1" CALIPER AND FOR SHRUBS PROVIDE ONE PACKET PER 12" OF PLANT SPREAD OR HEIGHT. FERTILIZER PACKETS BY:

NUTRI-PAK
JRP INTERNATIONAL, INC.
244 WEST PIONEER ROAD
FOND DU LAC, WI 54935
(1-877-688-7472)
OR APPROVED EQUAL

6. LANDSCAPE CONTRACTOR SHALL USE ALL PRECAUTIONARY MEASURES WHEN PERFORMING WORK AROUND PAVEMENTS, WALKS, SIGNS, UTILITIES, FENCING, TREES, AND OTHER FEATURES IN ORDER TO PREVENT UNDERMINING OF WALKS AND PAVEMENTS, DISRUPTING UTILITY SERVICES, DISTURBING TREE ROOTS, AND DAMAGE IN GENERAL TO EXISTING OR RECENTLY INCORPORATED ITEMS. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING BUILT COMPONENTS.

7. ALL PLANTING LOCATIONS ARE TO BE FIELD STAKED BY THE LANDSCAPE CONTRACTOR AND APPROVED BY THE GENERAL CONTRACTOR AND OWNER PRIOR TO INSTALLATION. FAILURE TO REVIEW PLANTING LAYOUT PRIOR TO INSTALLATION MAY RESULT IN REJECTION OF THE LANDSCAPE INSTALLATION. LANDSCAPE CONTRACTOR TO MODIFY OR REVISE THE PLANTINGS AT NO ADDITIONAL COST TO THE OWNER.

8. ALL PROPOSED PLANT MATERIALS ARE SHOWN AT MATURE GROWTH. PLANTS SHALL BE SPACED AS NOTED OR TO PROPER HORTICULTURAL METHODS IF NOT STATED.

9. LANDSCAPE CONTRACTOR SHALL INFORM THE GENERAL CONTRACTOR AND OWNER IMMEDIATELY (IN WRITING) OF ANY SUBSTANCE ENCOUNTERED THAT MAY BE DAMAGING TO PLANT MATERIAL PRIOR TO INSTALLATION.

10. ALL TREES SHALL BE BALLED & BURLAPPED (B&B) UNLESS OTHERWISE NOTED IN PLANT MATERIAL LIST. NO BARE ROOT.

11. ALL TREES SHALL BE KEPT MOIST UNTIL INSTALLATION. IF PLANT MATERIAL CANNOT BE INSTALLED IMMEDIATELY, THEY ARE TO BE HEADED IN AND ROOTBALLS COVERED WITH MULCH.

12. LANDSCAPE CONTRACTOR SHALL INSTALL (4" DIA, 3" DEPTH) MULCHED SAUCER UNDER ALL TREES SHOWN IN LAWN AREAS. DO NOT MOUND MULCH AROUND TRUNK OF TREE.
13. PLANT STOCK MUST BE TRUE TO BOTANICAL NAME AND COMPLY WITH SIZING AND GRADING STANDARDS ACCORDING TO THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK".

14. ALL PLANTS ARE TO BE NURSERY GROWN AND BE FROM USDA PLANT HARDINESS ZONE 5 OR LOWER (4,3).

15. PLANTING BACKFILL SOIL SHALL BE OF ORIGINAL MATERIAL AUGMENTED WITH PEAT MOSS OR OTHER SOIL AMENDMENTS TO PROMOTE PROPER ESTABLISHMENT AND GROWTH.

16. ALL PLANT MATERIAL SHALL BE HEALTHY REPRESENTATIVES OF THEIR SPECIES OR VARIETY AS SPECIFIED.

17. GENERAL CONTRACTOR AND OWNER HAVE THE RIGHT TO INSPECT AND REJECT ANY TREE/PLANT. REJECTION OF ANY PLANT MATERIAL NOT MEETING SPECIFICATIONS SET FORTH SHALL BE REPLACED AT NO COST TO THE OWNER.

18. IF REQUESTED, LANDSCAPE CONTRACTOR SHALL PROVIDE GENERAL CONTRACTOR OR OWNER WITH A LIST OF STATE INSPECTED NURSERIES WHERE PLANT MATERIAL IS SELECTED FROM.

19. PLANT AND MATERIAL QUANTITIES HAVE ONLY BEEN SHOWN AS A REFERENCE AND TO AID THE LANDSCAPE CONTRACTOR DURING BIDDING. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING AND PROVIDING ALL PLANT AND MATERIAL QUANTITIES FOR A COMPLETE PROJECT. PLAN SYMBOLS SHALL GOVERN OVER PLANT QUANTITIES NOTED IN THE PLANT LIST.

20. ALL LAWN AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE REPAIRED AND SEEDED OR SODDED.

21. LANDSCAPE CONTRACTOR SHALL REVIEW FINAL GRADE AND ENSURE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS, PAVEMENTS AND WALKWAYS PRIOR TO PLANTING OPERATIONS.

22. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINE LANDSCAPE GRADING WORK OVER ALL DISTURBED AREAS AND FOR SPREADING TOPSOIL IN AREAS WHERE IT IS NECESSARY TO BRING UP GRADE AND PROMOTE PROPER PLANT GROWTH.

23. ALL LANDSCAPE BEDS SHALL BE MULCHED WITH MINIMUM 3" LAYER OF SHREDDED HARDWOOD MULCH, EXCEPT THE BED ON THE NORTH SIDE OF THE PARKING LOT. SHRUBS SHALL BE MULCHED IN A CONTINUOUS BED WITH LANDSCAPE EDGING AS NOTED ON THE PLAN.

24. LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL LANDSCAPING FOR A MINIMUM OF 90-DAYS, INCLUDING WATERING, FERTILIZING, TRIMMING, WEEDING, ETC. PROVIDE ONGOING MAINTENANCE PROGRAM TO THE OWNER AFTER 90-DAYS.

25. CONTRACTOR SHALL WARRANTY PLANT MATERIAL FOR MINIMUM OF ONE-YEAR PROVIDED THE OWNER CONTINUES THE MAINTENANCE PROGRAM ESTABLISHED BY THE CONTRACTOR.

26. LANDSCAPE CONTRACTOR SHALL INFORM THE GENERAL CONTRACTOR/OWNER IMMEDIATELY (IN WRITING) IF A CHANGE IN PLANTING MATERIALS IS REQUESTED DUE TO AVAILABLE QUANTITIES, SIZES, ETC., PRIOR TO CONSTRUCTION.

PLANT LIST

TREES					
CODE	QUANTITY	BOTANICAL NAME	COMMON NAME	MIN. SIZE	REMARKS
ACWF	15	ABIES CONCOLOR	WHITE FIR	6' TO 8' HT.	B&B
COCH	10	CELTIS OCCIDENTALIS	COMMON HACKBERRY	2" CAL.	B&B
CCCH	8	CRATAEGUS CRUSGALLI VAR. INERMIS	THORNLESS COCKSPUR HAWTHORN	2" CAL.	B&B
OVAH	12	OSTRYA VIRGINIANA	AMERICAN HOPHORNBEAM	2" CAL.	B&B
PFVP	18	PINUS FLEXILIS 'VANDERWOLF'S PYRAMID'	VANDERWOLF'S PYRAMID PINE	6' TO 8' HT.	B&B
QBRP	4	QUERCUS x BICOLOR 'LONG'	REGAL PRINCE OAK	1.5" CAL.	B&B
QRRO	3	QUERCUS RUBRA	RED OAK	2" CAL.	B&B
SHRUBS					
AMBC	34	ARONIA MELANOCARPA 'IROQUIS BEAUTY'	BLACK CHOKEBERRY	24"	
VDRT	34	VIBURNUM DENTATUM 'RASTZAM'	RASPBERRY TART VIBURNUM	24"	
MISC. LANDSCAPE MATERIALS					
EDGING	#980 LF 4" x 3/4" HEAVY DUTY STEEL EDGING WITH CORNER STAKES AT 90° TURNS				
SEED	±101,500 SF 60% PERENNIAL RYEGRASS 40% KENTUCKY BLUEGRASS WITH 18-24-12 FERTILIZER				
MULCH	±14 CY SHREDDED HARDWOOD LANDSCAPE MULCH, MIN. 3" THICK				
L-STONE	±50 TON 2" LANDSCAPE STONE MULCH, 1/4" THICK, WITH WEED BARRIER FILTER FABRIC UNDERLINING				

LANDSCAPE LEGEND

- 1

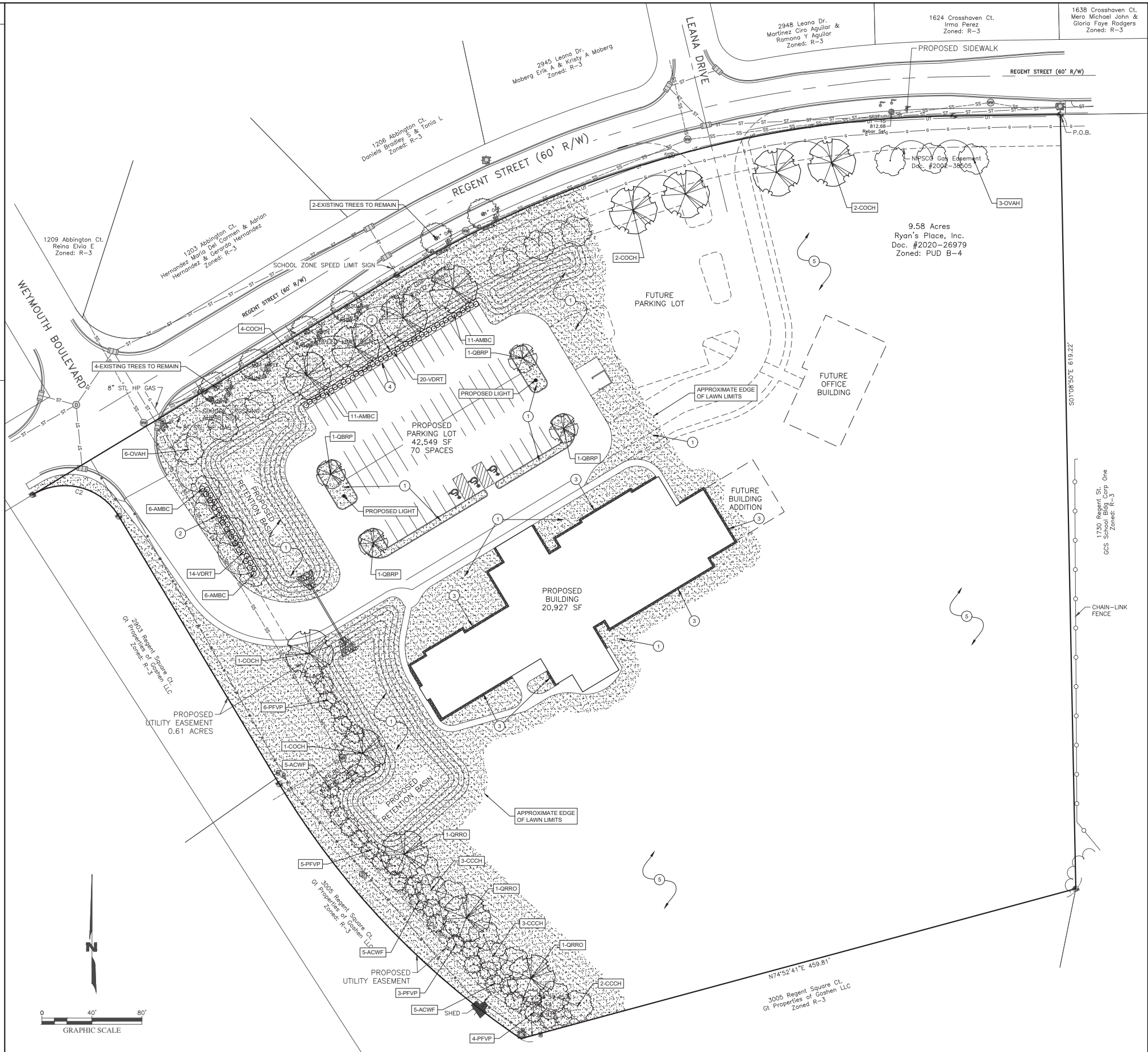
CONTRACTOR SHALL SCARIFY AND SEED NEW LAWN AREA WITH EXECUTIVE SUN MIX BY CISCO SEED OR APPROVED EQUAL. SEED AT 5 LBS PER 1000 SF AND APPLY 18-24-12 FERTILIZER TO ALL LAWN AREAS. PROTECT SEED ON SIDE SLOPES WITH EROSION CONTROL BLANKET
- 2

CONTRACTOR SHALL INSTALL HEAVY DUTY METAL EDGING. REFER TO DETAIL ON FOR ADDITIONAL INFORMATION
- 3


CONTRACTOR SHALL INSTALL ±18" WIDE STONE MOWSTRIP ALONG BUILDING EDGE. PLACE 4" THICK LANDSCAPE STONE IN THESE DESIGNATED AREAS WITH FILTER FABRIC WEED BARRIER UNDERLINING AND SEPARATE FROM LAWN AREAS WITH METAL LANDSCAPE EDGING
- 4


CONTRACTOR SHALL MULCH BED AT EDGE OF THE PARKING LOT WITH STONE. PLACE 4" THICK LANDSCAPE STONE IN THESE DESIGNATED AREAS WITH FILTER FABRIC WEED BARRIER UNDERLINING
- 5


EXISTING FIELD/OPEN SPACE TO REMAIN AS UNDISTURBED



LANDSCAPE ARCHITECT







5.29.24
DATE

RYAN'S PLACE, INC.

REGENT STREET
GOSHEN, INDIANA

LANDSCAPE
PLAN

REVISIONS

5.29.24 LANDSCAPE PLAN SUBMITTAL

DRAWN BY: MJB

CHECKED BY: MJB

PROJECT NUMBER

24-004

DATE

MAY 2024

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SHEET NO.

L1.0

DECLARATION OF OFFICIAL INTENT
TO REIMBURSE EXPENDITURES

RESOLUTION NO. 2024-11

WHEREAS, the City of Goshen, Indiana ("City") intends to finance the construction of a municipal pool facility, together with all necessary appurtenances, related improvements and equipment ("Project") pursuant to an ordinance or resolution to be adopted by the City; and

WHEREAS, the City expects to issue debt or enter into a lease financing for the Project and to use the proceeds to reimburse or pay costs of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, THAT:

Section 1. The City hereby declares its official intent to construct the Project and to reimburse itself for all or a portion of the costs of construction of the Project with proceeds of debt to be incurred by or on behalf of the City in an amount not expected to exceed \$11,750,000.00 for purposes of paying or reimbursing costs of the Project, and to issue debt, or to approve debt issued by a leasing entity that will lease the Project to the City.

Section 2. The City reasonably expects to reimburse itself from proceeds of obligations issued by or on behalf of the City for costs of the Project paid prior to the issuance of the obligations.

Section 3. This resolution shall be effective from and after passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Goshen, Indiana, this
8th day of July, 2024, by a vote of ____ ayes and ____ nays.

COMMON COUNCIL OF THE CITY OF
GOSHEN, INDIANA

Presiding Officer

ATTEST:

Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana, on the ____ day of July,
2024, at __: __ .m.

Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Goshen, Indiana, this ____ day of
July, 2024, at __: __ .m.

Mayor

RESOLUTION NO. 2024-12

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF GOSHEN,
INDIANA, DETERMINING A NEED FOR PROJECT AND INTENT TO
PROCEED, AUTHORIZING CIRCULATION OF PETITION OF TAXPAYERS
AND TWO APPRAISALS

WHEREAS, the Common Council ("Council") of the City of Goshen, Indiana ("City") has investigated the need for funding the construction of a new municipal pool, together with all necessary appurtenances, related improvements and equipment (collectively, "Project") to be located in the City; and

WHEREAS, by statute the Goshen Municipal Building Corporation ("Corporation") is required to own the real estate to be leased to the City, and the City is required to have the value of the land determined by two professional appraisers; and

WHEREAS, the Council has determined that it is in the best interest of the City and its residents to proceed with the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, THAT:

Section 1. The Council hereby determines, after investigation, that a need exists for the financing of the Project and that the Project cannot be financed from funds on hand available to the City, and that the Council proceed to take such steps as may be necessary to secure the financing and leasing of the Project as provided by the Indiana Code, Title 36, Article 1, Chapter 10.

Section 2. Providing for the financing of the construction of the Project by the Corporation and the leasing of same to the City is in the public interest of the citizens of the City and it is a proper public purpose for which the Council agrees to cooperate with the Corporation

and to assist it in fulfilling the requirements of all agencies of the federal, state and City governments.

Section 3. The Council hereby further determines that, in order to move forward with the Project, it intends to approve funding needed for the construction of the Project and/or support other governmental bodies or departments of the City in funding and constructing the Project.

Section 4. The Council hereby authorizes the circulation of the supporting petition of taxpayers requesting the acquisition, construction and leasing of the Project.

Section 5. The Council hereby ratifies the appointment of two independent appraisers to determine the fair market value of the real property upon which the Project is constructed.

Section 6. This resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Goshen, Indiana, this 8th day of July, 2024, by a vote of ____ ayes and ____ nays.

COMMON COUNCIL OF THE CITY OF
GOSHEN, INDIANA

Presiding Officer

ATTEST:

Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana, on the _____ day of July,
2024, at __: __ .m.

Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Goshen, Indiana, this _____ day of
July, 2024, at __: __ .m.

Mayor