



## GOSHEN COMMON COUNCIL

### Minutes of the DECEMBER 16, 2024 Regular Meeting

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

At 6:01 p.m., assisted by Mayor Leichty, Lydia Jordan (a Chamberlain Elementary School student) called the meeting to order and 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)	Matt Schrock (District 3)	
	President Brett Weddell (At-Large)		
	Youth Adviser Tageeya Galeb (Non-voting)		
Absent:	Donald Riegsecker (District 1)		

#### Approval of Minutes:

There were no Council minutes available for review/approval.

#### Approval of Meeting Agenda:

Mayor Leichty presented the agenda as submitted by Clerk-Treasurer Aguirre with the recommendation to move agenda item #10, Ordinance 5210, to #2 on the agenda. Council President Weddell moved to approve the agenda as amended. Councilor Peel seconded the motion. **The motion passed 6-0 on a voice vote.**

#### Privilege of the Floor:

At 6:04 p.m., Mayor Leichty invited public comments regarding matters not on the agenda.

Nancy Graber of Goshen said today marks Day 437 since Oct. 7, 2023. She then said, "I continue to ask this City Council to consider having a ceasefire agreement as a City."

The Mayor thanked Graber for her comments.

There were no further public comments, so the Mayor closed Privilege of the Floor at 6:05 p.m.

#### 1) Results of the Kid Mayor and Kid Council election and swearing in students for service in 2025

Wendy Clark, the Parent Liaison at Model Elementary School and the Kid Mayor coordinator, said this year, 30 fourth-graders applied for Kid Council positions. The field was narrowed down to eight finalists. In the end, two candidates tied for the position of Kid Mayor in the citywide election.

Clark said the students did a fantastic job making their videos and their speeches. The videos were viewed by their classes before the students voted. Two will serve as Mayor and the six finalists will serve on the Kid Council.

Clark said the **2025 Kid Mayors** will be **Whitney Gwaltney** from Parkside, whose ran on a platform of providing for people who lost everything, and **Calla Hobbs** from Model, whose platform was reducing food waste.





The 2025 Kid Council members were announced as:

Lucas Graber from Model, whose platform was providing books for students' homes

Camila Gallardo Sandoval from Prairie View, whose platform was cleaning the Elkhart River

Victoria Serrano Muro from Prairie View, whose platform was reducing littering

Ezra Shenk from Waterford, whose platform was increasing bluebird habitats

Jones Lehman from Parkside, whose platform was reducing litter to beautify Goshen

Lydia Jordan from Chamberlain, whose platform was nutritious eating

Mayor Leichty then swore in the members of the Kids Council and the Kid Mayors.

2) Ordinance 5210, An ordinance of the City of Goshen authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said City, the issuance of revenue bonds to provide for the cost thereof, the collection, segregation and distribution of the revenues of said works, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith (First & Second Reading)

Mayor Leichty called for the introduction on First Reading of Ordinance 5210. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5210 by title only, which was done.

**Weddell/Nisley moved to approve Ordinance 5210 on First Reading.**

#### BACKGROUND:

Before the Council was Ordinance 5210, an ordinance of the City of Goshen authorizing the issuance of up to \$8.5 million of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks, the issuance of revenue bonds to provide for the cost thereof, the collection, segregation and distribution of the revenues of said works, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith.

The City previously issued certain "Waterworks Revenue Bonds of 2016," dated June 30, 2016, originally issued in the amount of \$6,599,000, now outstanding in the amount of \$4,198,000, and maturing semiannually over a period ending Jan. 1, 2036, which Outstanding Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the waterworks. Other than the Outstanding Bonds, there are no other bonds, pledges or obligations payable from the Net Revenues of the waterworks.

Upon approval, the City "shall proceed with the construction of the Project in accordance with the preliminary plans, specifications and cost estimates heretofore prepared and filed by consulting engineers employed by the City, which preliminary plans, specifications and cost estimates ... are hereby adopted and approved and by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein. The estimated cost of construction of the Project is expected not to exceed the sum of \$11,000,000, plus investment earnings on the BAN (bond anticipation notes) and bond proceeds, without further authorization from this Common Council."

Also, "the City shall issue, if necessary, use its BANs for the purpose of procuring interim financing to apply on the cost of the Project and to pay costs of issuance."





**DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5210:**

**City Utilities Engineer Jamey Bontrager-Singer** provided an overview of the project which will require the issuance of this bond through Ordinance 5210. He said the project came about while City staff was establishing an inventory of the piping materials in Goshen's water service lines as part of satisfying a nationwide mandate by the EPA to determine if water systems have lead piping and where it was, and ultimately how to remove it.

**Bontrager-Singer** said he presented a preliminary engineering report to the Council almost a year ago as well as to the State. He said the state responded by providing \$2.5 million in funding in the form of a 35-year loan at 0% interest with the opportunity to borrow an additional \$2.7 million dollars at a low-interest rate, which is currently around 2%. He said these funds can only be applied toward water service line replacements.

**Bontrager-Singer** said the City's project will involve funding for 458 service line replacements and the funding also can be applied toward water main replacements. He said City staff thought this was a good opportunity to combine the replacement of water mains and needed work in the City's northside neighborhoods that have very old water mains and sewer and sanitary sewer and storm sewer mains that need to be replaced. He added that the sanitary and storm mains were not eligible for the State funding, and those will be funded out of City Department funds.

**Bontrager-Singer** said the neighborhoods that are benefiting from this project include Northside, Wilden, Dickerson Landing, Riverside, and the Clinton and Berkey neighborhoods. He said the Clinton Berkey neighborhoods were added to provide some additional service line replacements and to ensure the City was replacing aging infrastructure.

**Bontrager-Singer** said the City contracted with Arcadis, an engineering firm that is currently in the process of designing a bid package for this project, which will bid in early February and close in late March. He said Arcadis is also assisting the City with community outreach to help the City get into the homes to replace service lines. He added that the project will result in replacements in disadvantaged neighborhoods, but at no cost to customers.

**Councilor Peel** asked if the project would only replace lead and not galvanized piping. **Bontrager-Singer** said no, the project will replace lead connectors as well as galvanized piping of a certain age.

**Mayor Leichty** clarified that that "lead could be released only if the Ph in the water is not at the levels it should be."

**Bontrager-Singer** agreed and said, "It would be the change in Ph that would potentially cause that."

**Mayor Leichty** invited a staff presentation on Ordinance 5210 from **Eric Walsh**, a principal with **Baker Tilly Municipal Advisers**.

**Walsh** said, "I won't reiterate everything other than this is a very attractive financing package, obviously getting a grant along with a 35 year 0% loan, and then the remainder being at a subsidized rate to the State Revolving Fund. We estimate right now that rate will be between 2 and 2.25% for the portion that does have interest associated with it. Probably the number one question is, your current water rates do support the repayment of both the 0% and the estimated 2%. There isn't an additional water rate increase or anything being requested to fund this."

**Mayor Leichty** invited questions from the Council. There were none.

At 6:21 p.m. **Mayor Leichty** invited questions from the audience. There were none.

**Clerk-Treasurer Aguirre** asked if it would be OK for **City Director of Public Works & Utilities Dustin Sailor** to comment on the results of the bond rating process.

**Sailor** said, "Before us is a water bond, and the bond rating we just had evaluated by Standard & Poor's (Global Ratings) was for wastewater, and we received an A+ rating, which was good for the City and good for the Utility."

**The Mayor conducted a voice vote. Councilors unanimously passed Ordinance 5210 on First Reading by a 6-0 margin, with all Councilors present voting yes at 6:21 p.m.**





**Councilors gave unanimous consent to proceed with Second Reading of Ordinance 5210**

**Clerk-Treasurer Aguirre** said **City Utilities Engineer Bontrager-Singer** had indicated that the Second Reading of Ordinance 5210 could not take place tonight. He asked if **City Attorney Bodie Stegelmann** could clarify the issue. **City Attorney Stegelmann** said "Speaking with bond counsel there was discussion that First Reading would be tonight, and then a second reading, if necessary, in January. I don't think there's any prohibition for going to Second reading if there's unanimous consent of the Council."

Since there were no Council objections to the Second Reading of Ordinance 5210, Council President **Weddell** asked the Clerk-Treasurer to read Ordinance 5210 by title only, which was done.

**Weddell/Schrock moved to approve Ordinance 5210 on Second Reading.**

At 6:23 p.m., Mayor **Leichty** asked if Councilors or members of the audience had additional questions or comments. They did not.

**On a voice vote, Councilors unanimously passed Ordinance 5210 on Second Reading by a 6-0 margin, with all Councilors present voting yes at 6:23 p.m.**

**3) Presentation and request for support: For Lacasa's development of Lot 3 of the Lincoln Avenue Subdivision into an eight-unit affordable income housing project**

**Mayor Leichty** called for a presentation on the request.

**BACKGROUND:**

Before the Common Council was a **request from Lacasa**, an Elkhart County non-profit organization that provides housing, education and community revitalization, **for the Common Council's support to develop a multi-family housing project on property owned by the City in the 700 block of East Lincoln Avenue.**

In a Dec. 16, 2024 memorandum to the Council, **City Redevelopment Director Becky Hutsell** wrote that In order to allow for the addition of a turn lane at Olive Street and Steury Avenue along Lincoln Avenue, Redevelopment purchased several homes in the 600 and 700 block of East Lincoln and completed demolition of the properties several years ago. Since that time, she wrote that the **City has created a three-lot subdivision, titled the Lincoln Avenue Subdivision, with Lot 3 identified as a potential development lot.**

**Hutsell** wrote that **Lacasa** approached the City with an interest in developing Lot 3 into an eight (8) unit **affordable income housing project.** She wrote that **Lacasa's** intent is to apply for two different types of state funding for this project and there is a deadline of March 1 for the application.

At the Dec. 16th City Council meeting, **Hutsell** said **Lacasa** staff members have been asked to present their vision for the project and the approvals that are necessary in advance of submitting their application. She indicated that if the Council is supportive of this project, **an agreement will be brought to the Dec. 30 Council meeting for approval,** allowing **Lacasa** to submit their application by Jan. 2 to the City Plan Commission.

**Hutsell** further wrote that all land within the Lincoln Avenue Subdivision was placed into the City of Goshen's name, instead of the Redevelopment Commission's name, which is why the request is coming before the Council.





In a Dec. 10, 2024 letter to the Council, **Brad Hunsberger**, Lacasa's Vice President of Real Estate Development, wrote that Lacasa has been working with **Becky Hutsell** and City staff on a development plan for the non-floodplain land in the 700 block of E. Lincoln. He wrote that Lacasa was proposing to build an 8-unit building on this parcel of land.

In order to facilitate its application to the Indiana Housing & Community Development Authority (IHCD) for HOME funds to build the building, **Hunsberger** wrote that Lacasa needs to achieve site control of the property and make necessary modifications to the existing situation to facilitate construction of the proposed building. He wrote that this process at this location more particularly includes the following: Partial vacation of platted setback and re-zoning the lot from R-1 to R-3. He indicated proposed site control would be a memorandum of intent to lease the land contingent on Lacasa receiving HOME funds from IHCD during the 2025 funding round.

**Hunsberger** also wrote that Lacasa intends to apply to the City Plan Commission by its Jan. 2 deadline for a Jan. 21 public hearing on the petition. After Plan commission, the petition will come back to the Council for action in the February meeting cycle. He wrote that the overall goal is to have this entire process completed by March 1 and for a submittal for HOME funding to IHCD by the due date of March 17, 2025.

**Hunsberger provided the following project schedule:**

December 2024	Site control with City Council
January 2025	Plan Commission hearing on rezoning and partial vacation of platted setback
February 2025	Approval by City Council of the vacation and rezoning
March 2025	Application to IHCD for HOME funds
June 2025	Award announcement from IHCD's board of directors
November 2025	Assuming award of the HOME funds we will get release of funds sometime in Nov. 2025
January 2026	Submittal of plan for technical review by city
April 2026	Break ground on project
December 2026	Completion of building and residents moving in

**Dec. 16, 2024 PRESENTATION TO COUNCIL & REQUEST FOR SUPPORT OF LACASA PROJECT:**

**Deputy Mayor Mark Brinson** summarized the memorandum to the Council from **City Redevelopment Director Becky Hutsell**, who could not be present. Brinson said:

"In order to allow for the addition of a turn lane at Olive and Surry Avenue, along Lincoln Avenue, Redevelopment, purchased several homes in the 600 and 700 block of East Lincoln, and completed the demolition of properties several years ago. Since that time, we have created a three-lot subdivision titled the Lincoln Avenue Subdivision with Lot 3 being identified as a potential development lot.

"Lacasa has approached the City with an interest in developing Lot 3 into an 8-unit affordable housing project. Their intent is to apply for two different types of State funding for this project and there is a deadline of March 1st for the application. At the Dec. 16 Council meeting, we have asked that they present their vision for the project and the approvals that are necessary in advance of submitting their application. If the Council is supportive of this project, an agreement will be brought to the Dec. 30 Council meeting for approval. allowing them to then submit their application by Jan. 2 for Plan commission."

**Brinson** added, "One important note is that all land within the Lincoln Avenue subdivision was placed into the City Goshen's name instead of the Redevelopment Commission's name, which is why this request is coming before the Council."





**Brinson** then introduced, **Brad Hunsberger**, **Lacasa's Vice President of Real Estate Development**, to make a presentation.

**Clerk-Treasurer Aguirre** asked if **Council President Weddell** and **Councilor Peel** had to declare a potential conflict of interest before the request for support was heard.

**Mayor Leichty** responded, "We're only hearing a presentation tonight. The Council isn't being asked to make a decision ... the request would come at the Dec. 30th meeting."

**Aguirre** said, "OK. It was my understanding that they were going to be asking for the Council's support." The **Mayor** said, "They are presenting that request, but there will not be an action item."

**Council President Weddell** said, "For what it's worth, I serve on the board of La Casa. It's an unpaid position and I get no benefits from it but the pleasure of being on the board."

**Councilor Peel** said, "And I do work for La Casa and I do get paid."

**Brad Hunsberger** then presented an overview of **Lacasa's** project. He said he was appearing before the Council to "describe the project, the process before us and ask for informal support for moving forward with the more formal approval at the meeting on the 30<sup>th</sup>."

**Hunsberger** said **Lacasa** wants to build four 2-bedroom and four 1-bedroom apartments. He said it would be a compact building that fits on narrow City lots because of the floodplain area. He added that **Lacasa** was proposing a 99-year lease from the City for the property in order to obtain the necessary funding. He invited questions from the Council.

**Councilor Schrock** said initially when the houses on the property were torn down, he was excited about this area being kept as green space. However, after having met with **Lacasa** and City staff, he said the project will be a great fit for that area. In addition to the road reconstruction and other improvements, **Councilor Schrock** said the project will make East Lincoln Avenue an even better looking main artery in the downtown Goshen. And he thanked those who developed this project.

**Council President Weddell** said there will still be a lot of green space because the area is in a floodplain. He added that Rock Run Creek runs through the area along with the Pumpkinvine Trail and the project will be a good addition.

**Councilor Nisley** asked if the vegetation in the flood plain will be kept trimmed. **Hunsberger** said that would be up to the City, it would not be **Lacasa's** responsibility.

At 6:31 p.m., **Mayor Leichty** invited comments from the audience.

**Brian Garber of Goshen** said he owns property on either side of the proposed complex and also is a member of City Redevelopment Commission, but was speaking tonight personally and wanted to express some concerns.

**Garber** said the area where the apartments will be built is now being used as a staging area for East Lincoln Avenue road work which will take two more years to complete. He said, "We will have to worry about where, if they want to do that at the same time, we've got to move the staging area somewhere."

**Garber** also said that if **Lacasa** gets the funding and moves forward with the project he hopes the road cut for the water and sewer connections will be coordinated so that there is no need to tear up brand new, totally rebuilt road afterwards. **Garber** added, "I think it's a fairly good plan. There was a little lack of communication with the Redevelopment Commission. I did not realize we did not still own this property, that we could bid it out. It's been put into the City of Goshen's name."

**Council President Weddell** asked **Deputy Mayor Brinson** to explain how that happened.





**Brinson** said, "I can't tell you exactly why it happened that way, but that's when it was subdivided and then re-titled. It was all put in in the City's name, I think, probably because quite a bit of that (area) will remain as stormwater detention, and that is definitely Civil City (jurisdiction), not Redevelopment."

**Council President Weddell** said, "I would agree ... and I'm sure there was some point in the process in the last couple of years. And to be honest with you, I don't remember that."

**Garber** said it "no big deal" and he said Lacasa's project would not adversely affect his plans.

**Mayor Leichty** thanked **Garber** for his comments.

Speaking as a Lacasa board member and not Council President, **Brett Weddell** said, "I think it's important to think about all of the projects that the Council has worked towards in the last number of years. We would say they're market rate projects, which I think are essential for our community. They're much needed."

**Weddell** continued, "This is another example of something that's a different demographic that's still needed in our community, more of workforce housing. So, I would encourage the Council to consider that we have been working towards market rate (housing), but now this is another essential form of housing that the City still needs."

Responding to **Brian Garber's** comments, **Hunsberger** said Niblock intends to stop using the property as a staging area this year and will find a new space to stage for the Steury Avenue portion of the overall project.

**Hunsberger** said Lacasa's doesn't want to tear apart a brand new road and is very much planning on the water and sewer connections to be part of the road project. He said it will a sidewalk along Lincoln Avenue, water and sewer both domestic and fire suppression, and the curb cuts off of what will be a new road.

**Mayor Leichty** said she appreciated the coordination. And she said that concluded discussion of this matter.

#### **4) Resolution 2024-21, A Resolution Condemning Hate Speech and the Distribution of Hate-Based Materials**

**Mayor Leichty** called for the introduction of Resolution 2024-21, *A Resolution Condemning Hate Speech and the Distribution of Hate-Based Materials*. Council President **Weddell** asked the Clerk-Treasurer to read Resolution 2024-21 by title only, which was done.

**Weddell/Lederach** made a motion to approve Resolution 2024-21.

#### **BACKGROUND:**

Before the Council was Resolution 2024-21, *A Resolution Condemning Hate Speech and the Distribution of Hate-Based Materials*. The "whereas" clauses of Resolution 2024-21 stated the following:

- Goshen is committed to fostering a community of respect, diversity, and inclusion for all residents;
- Recent incidents involving the dissemination of hate speech and hate-based materials, such as fliers promoting discriminatory ideologies and recruiting new members to their organization, have been reported in Goshen;
- These acts are inconsistent with the values of our city and contribute to a climate of fear, division, and intimidation, undermining the social fabric of our community;
- At the November 18, 2024, meeting of the Common Council Goshen Mayor Gina Leichty read a "Statement ... on Recent Hate-Organization Fliers Found by Residents" in response to the distribution of hate-based materials which included: "Goshen stands united against any form of discrimination, intimidation, or harassment ... Hate-filled messages like those distributed this weekend have no place in our community;"





- The Goshen Common Council previously pledged support for “non-discrimination and support for equality under the law within our City and our schools” and added its “voice and commitment to fostering and upholding an atmosphere of unity and non-discrimination in the City of Goshen” in Resolution 2016-45 passed on Dec. 29, 2016; and
- In 2009 the Community Relations Commission of Goshen developed core principles as a guide for relating in our City which were then updated in 2019.

**If the Resolution 2024-21 was passed, it would be resolved by the Common Council:**

- 1. Endorsement and Adoption:** The Goshen Common Council endorses and adopts Mayor Leichty's November 18, 2024, statement on “Recent Hate-Organization Fliers Found by Residents.”
- 2. Condemnation of Hate Speech:** The Goshen Common Council unequivocally condemns any form of hate speech, including the distribution of hate-based fliers, and strongly condemns all forms of hate speech, hate crimes, and the activities of hate groups operating within the City of Goshen.
- 3. Encouragement of Reporting:** The Goshen Common Council encourages residents to report any instances of hate speech or hate-based material to local law enforcement.
- 4. Education and Awareness:** The Goshen Common Council commits to supporting educational initiatives to combat hate and promote understanding among all community members.
- 5. Law Enforcement:** The Goshen Common Council will encourage local law enforcement to investigate and address the distribution of hate-based materials in accordance with state and federal laws.
- 6. Commitment to Inclusion:** The City of Goshen reaffirms its commitment to being a welcoming, inclusive community that respects and values diversity and reaffirms the core principles of the Community Relations Commission of Goshen and Resolution 2016-45.

#### **DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2024-21:**

**Mayor Leichty invited a presentation from Councilor Gerber, who drafted the resolution.**

**Councilor Gerber** began by stating that she wanted to introduce an amended version of Resolution 2024-21. In the fourth paragraph, she wrote that the Council last met on Nov. 19, 2024 when the actual Council meeting date was Nov. 18, 2024. She said the **Clerk-Treasurer** distributed a corrected version of the resolution (**EXHIBIT #1**).

**Councilors Gerber made a motion, seconded by Councilor Nisley, to substitute the amended version of Resolution 2024-21. The motion passed 6-0 on a voice vote.**

**Councilor Gerber** then discussed the genesis and rationale for Resolution 2024-21. She said the weekend prior to the Council's last meeting, on Nov. 18, “fliers from a known hate organization containing hate speech and recruiting new members were circulated in our community, which was met with an immediate outcry from the community, and a swift condemnation in the Mayor's response.”

Since that time, **Gerber** said she has worked with **Councilor Weddell** to come up with a statement “that both condemns the hate speech, and affirms what Goshen is a community and acknowledges the past work of the Council and the CRC's (Community Relations Commission) statement of principles, as well as the Mayor's statement.” She acknowledged the help from **Councilors Lederach and Peel**.





**Councilor Gerber** continued, "Since the draft resolution was published in the (Council) meeting packet we have received multiple letters of support from members of the community, all urging us to vote in favor of this resolution."

**Councilor Gerber** then read the operative (resolved) paragraphs of the resolution aloud, so that others in the room could hear these words as well. She asked other Council members to join her and **Councilor Weddell** in voting to affirm the resolution.

**Council President Weddell** said he appreciated working with **Councilor Gerber** on the resolution and said, "I agree with everything that's in this resolution." He credited **Councilor Gerber** for her work on the resolution.

**Councilor Lederach** said, "I don't think I'm under any illusion that a statement like this actually prevents further hate speech. It's going to happen, but I think it's important that as a body, we make a statement in support of those who are targeted by the hate speech, and for those of us who care deeply about those who are targeted. And as a personal note, I include that that's five of my children."

**Council President Weddell** responded, "It's a little too close to home." **Councilor Lederach** said, "Way too close."

**Youth Adviser Tageeya Galeb** said, "When these fliers were brought out, the high school was also kind of like nervous because of them and the Mayor coming out with your statement really calmed the nerves of some students at the high school. And I really appreciate you guys like actually coming up and like gathering and like notifying the City, that you guys don't agree with this because I feel like it was the concern for a lot of students, and it calmed their nerves of hearing, like their leaders in the city, like being on their side and defending them."

**Mayor Leichty** thanked the youth adviser for her comments.

At 6:43 p.m., **Mayor Leichty** invited comments from the public.

**Kyle Richardson of Goshen** thanked the Council for considering the resolution, adding, "I think it is important to speak out against this kind of hate speech and I appreciate that it sounds like it's going to have broad support. I hope we'll be unanimous in rejecting this kind of hatred in our City."

**John Dolezal of Goshen** thanked Councilors for the resolution, which he said was a first step in response to a "growing tide of hate activity." He added, "I've studied enough history to know that Indiana is not immune to marches through cities of some of these groups, and I don't know what the law is currently, that would prevent either distribution of fliers or marches ... I do believe in free speech and the ability of people to express their views, but these marches tend to be more for the purpose of intimidation or to incite violence. and I would like to see if there are some teeth that could be added to any motions to prevent that type of activity ever happening in our town."

**Council President Weddell** said, "I mentioned this at the last meeting that before my time on City Council ... some members of this group attended the Council meeting and Council at that point passed an ordinance prohibiting the wearing of masks and hoods in our Council meetings."

**Cathy Cripe of Goshen** said, "I just want to commend the Council for this and the main reason is because if we don't say something, it implies consent with what's going on. And so, I think it's great that you've made this stance."

**Glenn Null of Goshen** said the Council passed an ordinance in 1998 to ban the wearing of masks or hoods in public, but the statute was struck down by a federal court. He added, "If you're going to tell the whole story, tell the whole story, please." **Council President Weddell** responded, "I didn't know it, but thank you for letting me know."

**Null** continued, "I don't have a problem with the resolution, but I don't want people to keep pounding you guys to pass new ordinances that they (Klan members) can't come into town – that they can't be here, and they can't be there. That's the one thing they want you to do. They want you to ban them so that now they can drag you through the courts."





Null said, "Sometimes the best thing to do is ignore. I think, one of the last rallies they had at the Courthouse ... all the cities and towns that sent officers in the past said, 'Well, we'll have a token there. You're on your own for safety.' And that's what they did, they basically ignored them. The last time they were in town at the Courthouse the County had to allow them to use it, because if you don't and they'll sue you and they win again."

Null concluded, "Let people know that the odds of you actually passing something that will be effective and hold up in court is slim to none." Null also stated that it can be difficult to define hate speech because people don't always agree on what hate speech is.

**John Stoltzfus of Goshen** thanked the Councilors for engaging in difficult issues, "whether around the economics of the City or around the mood, the tone, and the values of the City. I am certain that it's not easy work." He said having seen three fliers, been part of some conversations about them and having neighbors and friends subject to such threats, "I'm delighted that there is robust work being done to redress these things."

**Stoltzfus** then read comments from **Sally Ahmed**, a friend and English teacher in Gaza. In her message to the Council, Ahmed wrote: "I would like to say to the Goshen City Council, real change begins when we put the well-being of the community at the heart of our decisions. It is important to listen to the needs of the people and encourage unity and cooperation among families and neighbors as this is the foundation for building a strong and thriving community. We hope you continue working to improve daily life for everyone and remain committed to the values that unite us."

At 6:51 p.m., Mayor Leichty closed the public comment period.

Mayor Leichty asked if Councilors were ready to vote. They indicated they were.

**On a voice vote, Councilors unanimously passed Resolution 2024-21, by a 6-0 margin, with all Councilors present voting yes at 6:51 p.m.**

**5) Ordinance 5207, Amend Title 2, Civil Rights, Article 1, Community Relations of the Goshen City Code**

Mayor Leichty called for the introduction on First Reading of Ordinance 5207, *Amend Title 2, Civil Rights, Article 1, Community Relations of the Goshen City Code*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5207 by title only, which was done.

**Weddell/Peel moved to approve Ordinance 5207 on First Reading.**

**BACKGROUND:**

Before the Council was **Ordinance 5207**, which would make changes in the ordinance that established the **City's Community Relations Commission**, which seeks to enhance Goshen's quality of life through programs and initiatives that serve all residents. The Commission strives to eliminate racism and discrimination, strengthen neighborhood bonds, address pressing issues, and advocate for health, safety, and wellness. The CRC fosters respectful interactions and inclusivity within Goshen's diverse community. It also helps direct those with potential discrimination concerns to the proper agencies for help.

**According to the "whereas" clauses of Ordinance 5207:**

- The Goshen Common Council created a Community Relations Commission in 2004 as part of Ordinance 4201, as amended by Ordinance 4339, Ordinance 4526, and Ordinance 5178.





- The Common Council seeks to amend and clarify the powers and duties of the Community Relations Commission.
- Ordinance 4201, as amended by Ordinance 4339, Ordinance 4526, and Ordinance 5178, are codified in Goshen City Code Title 2, Civil Rights, Article 1, Community Relations.

**If Ordinance 5207 was passed, it would be ordained by the Common Council that Goshen City Code Title 2, Article 1 would be substantially amended. Upon passage a number of current responsibilities of the CRC would be eliminated and a number of duties added and the Mayor no longer would be required to hire a CRC director who would be approved by the Commission. More specifically:**

- The CRC's authority to investigate housing discrimination would be eliminated.
- The CRC would be empowered to actively engage with and support neighborhood association groups within the City of Goshen to foster a sense of community through various strategies, facilitating communication among existing associations, serving as a resource for neighborhood groups address neighborhood-specific concerns and enhancing overall neighborhood well-being.
- The CRC would seek to foster overall community engagement within the City of Goshen through activities that would include identifying emerging community issues and proactively developing strategies to address them, organizing town hall meetings, public forums, and listening sessions, as well as creating task forces or working groups as needed to address specific community needs and build trust, strengthen connections between the City and its residents, and foster a culture of open communication and shared responsibility.
- The CRC could formulate policies to effectuate the purpose of this ordinance and make recommendations to the Common Council to effectuate such policies.
- The CRC would receive complaints alleging practices that are contrary to the public policy stated in this ordinance and upon receipt, the Commission, via the Mayor or the Mayor's designee, shall refer said complaints received hereunder to the Indiana Civil Rights Commission.
- Notwithstanding the provisions of I.C. § 22-9.5-4-8, the City of Goshen, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Article, would elect to refer all formal complaints of violation of sections of this Article by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to I.C. § 22-9.5-6.
- The Mayor would no longer be required to appoint a Community Relations Director "subject to the approval of the Community Relations Commission."
- The CRC would no longer receive and investigate practices alleging discrimination, and all such references to this prior role would be deleted from the ordinance.
- In addition, the CRC would no longer be required to submit to the Mayor and Council an annual report of the Commission's activities, including the number of complaints.

**DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL ON FIRST READING OF ORDINANCE 5207:**

**Mayor Leichty** gave an extensive overview of the former and current status of the Community Relations Commission, its operation and current focus as well as its the proposed changes set forth in Ordinance 5207. Her key points:

- Before **Mayor Leichty** took office in June 2023, the positions of Director of Administrative Affairs, Communications Director and Community Relations Manager in the Mayor's Office were all open, allowing the incoming mayor to fill the positions and shape their functions.





- As part of her commitment to making sure that the City of Goshen embraced and listened to the community at all levels, the **Mayor** reshaped staffing around community relations so that the Director of Administrative Affairs and Communications Director worked with and supported the Community Relations Manager.
- The **Mayor** attended and helped lead CRC meetings to ensure the CRC got off to a strong start. This included expanding the CRC's role and making it more proactive rather than reactive.
- To ensure the CRC was listening to the community, the **Mayor** ensured the CRC had monthly outreach activities facilitated by the Mayor's staff. This included involvement of children to lead the Pledge of Allegiance at Council meetings, coordinating Kid Council and Youth Council activities and developing a Neighborhood Mini Grant program to empower residents to organize gatherings.
- The **Mayor** said neighborhood association involvement and activities declined during and after the COVID-19 pandemic, so the Community Relations Manager engaged in outreach and engagement to current or potential association leaders and encouraged CRC members and mayoral staff to attend neighborhood association meetings and events to learn about issues and concerns.
- The CRC and Mayor's Office also collaborated in organizing the first International Women's Day Luncheon and essay writing contest, and CRC members and CRC members and the Kid and Youth councils participated in Memorial Day Parade and the Elkhart County Fair Parade. The CRC also sponsored the Indigenous People's Day event.
- One of the CRC's newest initiatives was neighborhood walkabouts, which enabled Commission members, Councilors, Redevelopment Commission members and City staff to learn about neighborhood concerns, including over road changes and blight.
- The CRC also was available to respond to residents, whether it was about a discrimination issue or access to City services and to guide people seeking help.
- In the process of evaluating how the CRC guides people who need resources, the **Mayor** said it became clear is that the CRC was structured to serve as a "quasi-judicial body" to hear and respond to concerns about discrimination. She said that role was "beyond what a city of our size would typically manage, and had not ever been practiced ... in the entire history of the CRC."
- In discussing this issue with the City Attorney, the **Mayor** said she became concerned "because we had never utilized that aspect, and because we didn't have a comprehensive body of trained people to manage such an important legal consideration for people that we could actually jeopardize people's cases if they had a legitimate discrimination case. We could actually cause more harm than good."
- The **Mayor** said that concern led to conversations about "what would it look like if we were to remove that component, and it's a big chunk". She said she also "wanted to make sure that we were pointing people in the direction where we knew that there was trained support to handle the discrimination case and not leaving them to the uncertainty."
- The **Mayor** said she also learned that there was duplication in the CRC ordinance and the City's Fair Housing ordinance. So, both were being brought to the Council tonight for consideration, adding, "Our intent is simply to clean up some language that has existed for a very long time."
- The Mayor said there would "continue to be, a dedicated staff person that's appointed by the Mayor to serve" as CRC manager along with support from others in the Mayor's Office.

**Mayor Leichty invited City Attorney Stegelmann to outline the changes proposed by Ordinance 5207.**





**Stegelmann** said that **Ordinance 5207** would require any discrimination claim received to be referred to the **Indiana Civil Rights Commission**. He said, "It's Legal Department's opinion that people would be best served by having their claims investigated and adjudicated in that body rather than the City trying to do that without a body that's properly trained, and with the experience to do that. So that's I guess the big picture; we want people that might have a claim to have their claim investigated in a proper manner."

**Councilor Peel** said there have been discussions for years about changing the ordinance that created the CRC. She said she has had discussions with CRC members, past and present, who believed "that the quasi-judicial parts of their responsibilities should not be a part of their responsibility; that they did not feel qualified. And I think that's important for people to understand who might be concerned about this being removed."

**Councilor Peel** said she would be happy to discuss this issue with people in the community, adding, "Once people understand that, they'll fully grasp the importance of removing this and making sure that we don't put anybody's case into jeopardy. That's the last thing we want to do, and we still want the CRC to be effective. We want them to have a clear purpose, and we want them to be able to help people with issues of discrimination by pointing them and being educated in the way that they can get help. And I think this is an important move."

**Council President Weddell** said, "I think one of the most important things that Mayor said is, as it's written it could do more harm than good. That is scary thought, and this has been a long process." He said he recalls a meeting five or six years ago with then-Mayor **Jeremy Stutsman**, then-Councilor **Julia King** and CRC consultant **Phil Thomas** about the value of amending the CRC ordinance to focus on community involvement and engagement.

**Councilor Peel** said, "I think it's important, too, that people understand in the community that the focus of civil rights is not going to be diminished. We are still talking about that. And if you read the roles and responsibilities in the ordinance, it's not just a neighborhood association focus."

"There are many different aspects of the role. And as you can tell by the long laundry list of things that the department has accomplished over the year, they have been getting out on the ground; boots on the ground to get to know the communities, get to know people in the community. In order to get people to trust you to even listen to your issues of civil rights or discrimination. They have to know who you are; they have to trust you."

**Peel** concluded, "They have to know that the Community Relations Commission are people that they can trust, the City are people that they can trust. And if you don't get out there and talk to people and get in the community, they won't be able to do that. They won't even know who the CRC is."

**Council President Weddell** said he understands that the CRC was established as a quasi-judicial body because it was expected that the City would receive grant funding to carry out those functions. **Council Peel** said that was correct.

**Councilor Lederach** said he had some comments, but first wanted to hear from the public.

**At 7:12 p.m., Mayor Leichty opened the public comment period.**

In response to the **Council President's** perspective, former Mayor **Jeremy Stutsman** said that the CRC was established with legal and judicial responsibilities in hopes of securing grants and because state law required that language to be included. And that language has been in place for decades. He said that while he and former Mayor **Allan Kauffman** promoted and tried to grow the CRC "neither of us had the money to actually hire a professional mediator to do these things properly. So, the City has never implemented this."

**Stutsman** said "only a handful of complaints" have come to the CRC, adding, "I always thought it was wrong that the only scenario we had set up for people to bring these types of complaints forward were in a public meeting. That's not business for a public meeting. People need privacy. People need to be feel protected when they bring these things forward."





**Stutsman** concluded, "So, I think that these changes are warranted. And I just think the value of the CRC, the value of the resolution you guys just passed shows where our community is and where we want to go, and we just need to keep heading in that direction."

**Councilor Gerber** said she appreciated the background and context of the CRC ordinance and the fact that its mandate was never truly fulfillable based on a lack of resources. "So, while it is very difficult for me to accept, I understand why a lot of that language you're recommending the removal."

However, **Councilor Gerber** said she wanted to add back language regarding the role of the CRC director so that future mayors will also hire a director. She called on **Mayor Leichty** to conduct "a robust search for a director" who understands civil rights and discrimination to guide the work of the CRC.

**Councilor Gerber called on Councilors to restore ordinance language that specified that:** "The Mayor may appoint a Community Relations Director subject to the approval of the Community Relations Commission. The Director shall serve at the pleasure of the Mayor, and may be dismissed with or without cause. Attorneys and other employees and agents may be hired by the city as authorized by the CRC. The Goshen Common Council must appropriate funds for the payment of the director, attorneys, or other employees or agents before such individuals may commence work for the Commission. All such attorneys, employees, and agents may be dismissed with or without cause."

**Councilor Gerber then made a motion to restore that language regarding the appointment of a CRC Director, with CRC approval, to Ordinance 5207. Councilor Lederach seconded the motion.**

**Mayor Leichty** responded that "the impetus for making that change is that this is the only departmental appointment that has a Board or Commission approval, and so in keeping with consistency with other departments, we wanted to clarify that language ... So, I would not be in favor of reintroducing that language." She also said that she didn't believe the Council wanted to eliminate the director position.

**Councilor Lederach** said it appeared that **Mayor Leichty** objected to the provision that a mayoral appointment was "subject to the approval of the Community Relations Commission." He said perhaps the motion could just state that "The Mayor may appoint a Community Relations Commission Director ... The director shall serve at the pleasure of the Mayor and may be dismissed without cause."

**Councilor Lederach** said that wording would address the concerns of **Councilor Gerber** that the CRC director be part of the ordinance and part of the structure and satisfy the **Mayor's** concerns. He said if the original motion failed, he would support this approach.

**Councilor Gerber then withdrew her motion and Councilor Lederach withdrew his second to the motion.**

**Councilor Lederach then made a motion to add the following language to Ordinance 5207: "The Mayor may appoint a Community Relations Commission director. The Director shall serve at the pleasure of the mayor, and may be dismissed without cause." Councilor Gerber seconded the motion.**

**Councilors and the Mayor** discussed the motion, noting that the Mayor already has the authority to fire any department head or director. **Councilor Peel** said, "I think that it's redundant. (But) I do feel like there's some compromises that may have to be made in order to relieve the fears of some people in the community, and if this is one that has to be made and brought back in, I agree with the amendment that Phil (Councilor Lederach) suggested."





**Councilors and the Mayor** also discussed the difference between a CRC director and manager. The Mayor said both were appointed positions; the only difference was that a manager reports to a director.

At 7:22 p.m., Mayor Leichty invited public comments on the amendment proposed by Councilors Lederach and Gerber.

**Glenn Null of Goshen** said he would prefer that the ordinance state that the Mayor "shall" or "will" hire a CRC manager and not "may" hire one. He said, "In the past a lot of promises have been made ... and it didn't happen." He said he would prefer the Mayor be compelled to hire a CRC manager.

In response to a Council question about the difference between "may" and "shall," **City Attorney Stegelmann** said, "I think Mr. Null is correct. It would tie the hands of the Mayor if the 'may' were to be changed to 'shall.' May is discretionary. Shall is a requirement."

**Marilyn Torres of Goshen** asked for a clarification regarding a CRC manager and director. The Mayor said it was just a change in the language. Torres asked about changing the amendment to "manager" instead of "director."

**Torres** said, "I think as a community member, it does feel like you are kind of taking the heart out of the CRC. I do understand why you're doing what you're doing, and I think you're trying to put heart back in, but I think perception is important in this process as well, and not everybody is here at this meeting understands the process that you all have already taken." She also recommended "shall" instead of "may" regarding the hiring of a CRC manager.

**Cathy Cripe of Goshen, the current chair of the CRC**, said commissioners discussed and agreed that the ordinance should be amended to eliminate duties that were never performed. She said only once has a person asked for help with a discrimination complaint.

**Cripe** asked for clarification about when a director was added. The **Mayor** said that happened when the CRC previously had a contract person helping coordinate the CRC, so a position was added. Cripe said she believed commissioners would feel better adding back this provision. **Cripe** also praised the work of City staff.

There were no further public comments.

**Councilors** briefly discussed the motion, including substituting "may" for "shall."

**Councilor Lederach** said his only concern about "shall" is that it could be interpreted to require the Mayor to fill the position immediately, which could be a mistake. He said, "I'd be a little concerned about the 'shall' dictating a timeframe because I think it getting the right person in the role is more important than somebody immediately."

**Councilor Peel** said she agreed with the comments by **Cathy Cripe**. She said, "It's important to have somebody in this position, and I think you know that we've seen it without a director and with a director, and I personally like it better with a director."

The **Mayor** clarified the purpose of the motion. **Council President Weddell** added, "The only way to prevent someone from being hired would be for us to change the salary ordinance and remove the position. We would have to, by legislative means, remove the position from the salary ordinance. As long as it's in the salary ordinance, the Mayor's office has the authority to hire that person."

**Councilor Nisley** asked Mayor Leichty how she felt about the motion. The Council President said that might soon be known.

**Mayor Leichty** asked the Clerk-Treasurer to conduct a roll call vote on the motion by Councilor Lederach/Councilor Gerber to add the following language to Ordinance 5207: "The Mayor may appoint a Community Relations Commission director. The Director shall serve at the pleasure of the mayor, and may be dismissed without cause."





The motion by the Councilor Lederach/Councilor Gerber to amend Ordinance 5207 failed on a 4-3 vote with Councilors Gerber, Lederach and Peel voting "yes," Councilors Nisley, Schrock and Weddell voting "no" and Mayor Leichty breaking the tie by voting "no" at 7:33 p.m.

Councilor Gerber then made a motion to restore the following language to Ordinance 5207: "The Commission shall submit to the Mayor and Common Council an annual report of the Commission's activities, including the number of complaints filed with respect to each type of alleged discrimination, the number of cases in each category disposed of, the number still pending, and such other information as may be requested by the Mayor or Common Council, or, as the Commission may see fit to include." Council President Weddell seconded the motion.

Mayor Leichty said, "because we're removing the language that this is a quasi-judicial body, the CRC staff would be referring inquiries to another body, so we would not necessarily be entering that information ourselves. So, we might know if somebody had inquired, and we'd made a referral. I just want to be clear."

Councilor Gerber responded, "I think that information is relevant to retain and report upon."

The Mayor said, "But I'm saying they wouldn't be filing a report of discrimination with us anymore. So, we would be referring those to the Indiana State Board, so we would not be receiving those. We would be assisting a resident in making a complaint, filing a formal complaint with another body, so those complaints would not be coming to us."

There were further discussions with the Mayor and Councilors about what records the City would maintain. Councilors generally indicated they wanted to know about the information desired, even if the information about them was general, such as the number and type of referrals and complaints.

Council President Weddell suggested that Councilor Gerber withdraw the motion and restate it.

Councilor Gerber then withdrew her motion to further amend Ordinance 5207. And Council President Weddell withdrew his second to the motion.

Councilor Gerber then made a motion to add the following language to Ordinance 5207: "The Commission shall submit to the Mayor and Common Council an annual report of the Commission's activities, including the number and type of complaints." Council President Weddell seconded the motion.

At 7:39 p.m., Mayor Leichty invited questions from the public about the motion.

Former Councilor Julia Gautsche said it was very important to include in the ordinance that the Commission will provide an annual report to the Council and Mayor. She said the report should include the number and type of complaints that came in, and what is still pending, and any other things that the Commission does. So, I just stand in support of bringing this back in to the ordinance."

Councilors indicated they were ready to vote on the amendment. Mayor Leichty asked the Clerk-Treasurer to conduct a roll call vote.

The motion by the Councilor Lederach/Council President Weddell to amend Ordinance 5207 to add back language requiring an annual report by the CRC passed unanimously with all Councilors present voting "yes" at 7:41 p.m.





At 7:42 p.m., Mayor Leichty invited general comments from the public about Ordinance 5207.

**Glenn Null of Goshen** said he served for 12 years on the CRC, making him the second-longest serving commissioner. He clarified that the CRC never directly hired a director, but did hire a consultant who facilitated the commission's work. He also clarified that the CRC never had power because the City failed to get grants; it wasn't the CRC's fault.

**Null** said when the CRC received complaints in the past, they were referred to the State. Still, he said the CRC acted independently without City control and spent its money as it saw fit. He added, "If you gut it too bad, you might as well fold the whole concept."

**Mayor Leichty** responded, "I just want to be clear and responding, there is no intention of gutting the CRC. We are trying to strengthen this organization by adding additional City staff resources and intention and responsibilities to the role of the people that are working with the Community Relations Commission."

"So, if anyone has that concern, I will assure you, in word and deed, that that is absolutely not the case. It is incredibly important that we're facilitating good communication throughout our City, and that we are not just waiting for cases to be brought to us. But we are out in the community soliciting input, building relationships and making sure that people feel comfortable and confident if they do have an issue, that there is a safe place for them to come."

**Mayor Leichty** many changes are being proposed, but this is an attempt to clarify the CRC's role.

**City Attorney Stegelmann** clarified that the proposed changes in the City's Fair Housing Ordinance would also require the referral of those cases to the State Civil Rights Commission. He said a City staff member would help facilitate that.

**Former councilor Julia Gautsche of Goshen** said even though Councilors already voted to exclude a reference to a CRC director, she felt it should still be mandated. She said, "I was on the Council before there was a director, and the Community Relations Commission often really struggled with direction because they're all volunteers. And so, I think it is very important that we have a director."

**Gautsche** also said when she was on the Council and a representative to the Community Relations Commission, the City collaborated with Lacasa for community outreach. She asked if this was still the case.

**Mayor Leichty** said the City continues to collaborate with Lacasa in that regard to build relationships to neighborhood organizations. However, she said the City has taken a lead to establishing and maintaining those relationships.

**Gautsche** said she agreed with that approach. She also encouraged meeting with leaders of all neighborhood associations at the same time to discuss shared issues. **Mayor Leichty** agreed, but said it has been "exceedingly difficult to get neighborhood leaders to respond to the invitations for those activities."

**John Dolezal of Goshen** said he supported the idea of having a director for the CRC. He also encouraged Councilors to lean into their microphones because "I kind of missed a lot of what was being said."

**Mayor Leichty** asked Councilors if they were ready to vote. They indicated that they were.

Although the Mayor conducted a voice vote, Council President Weddell asked for a roll call.

On a roll call vote, Councilors passed Ordinance 5207 on First Reading by a 4-2 margin, with Councilors Nisley, Peel, Schrock and Weddell voting "yes" and Councilors Gerber and Lederach voting "no," at 7:53 p.m.

There was not unanimous consent to proceed with Second Reading of Ordinance 5207, so the Mayor said Ordinance 5207 was tabled until the next Council meeting, now scheduled for Dec. 30, 2024.





Mayor Leichty called for a five-minute break. The meeting resumed at 7:59 p.m.

**6) Ordinance 5208, Amend Title 2, Civil Rights, Article 2, Fair Housing of the Goshen City Code**

Mayor Leichty called for the introduction on First Reading of Ordinance 5208, *Amend Title 2, Civil Rights, Article 2, Fair Housing of the Goshen City Code*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5208 by title only, which was done.

**Weddell/Nisley moved to approve Ordinance 5208 on First Reading.**

**BACKGROUND:**

Before the Council was Ordinance 5208, which would amend Title 2, Civil Rights, Article 2, Fair Housing of the Goshen City Code.

Essentially, it would remove sections of the City Code that designated the City Community Relations Commission as being responsible for investigating, conciliating, hearing, determining, ordering, certifying, or reporting on allegations of housing discrimination in the City.

Instead, and because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance, **all formal complaints of violation of this Article by complainants would be referred to the Indiana Civil Rights Commission for administrative enforcement actions** and the Mayor or Mayor's designee would refer all complaints to the Indiana Civil Rights Commission for purposes of investigation, resolution, and appropriate relief as provided for under I.C. § 22-9.5-6.

Ordinance 5208 also **would remove all language that outlined the policies and procedures for City enforcement of the Fair Housing Code**. It also would clarify language on the coverage of individuals and impairment due to a physical condition.

**DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5208:**

**Mayor Leichty said Ordinance 5208** would resolve the "overlap" between the Fair Housing ordinance and the Community Relations Commission ordinance. She said City **Community Development Specialist Theresa Cummings** "helped us identify some of the needs that are necessary to make improvements in this language."

**Cummings** said that because the City is a Community Development Block Grant entitlement, it has to "affirmatively further fair housing. That's part of our certification to get the grant. And so, we have a Fair Housing ordinance as part of that, and every five years we do something called a Fair Housing Plan, which is an analysis of impediments, and we have one due in 2025, and it explains how we handle fair housing complaints."

**Cummings** continued, "So now is the perfect time to make these changes, because we need to tell HUD (Housing and Urban Development) how we're going to handle them. When I was at training in Indianapolis, through HUD in September, they had a Fair Housing board up on stage, and they talked about how for smaller entitlements the best course of action would be to file our complaints with Indiana Civil Rights Commission and let them handle them for us, because we definitely just don't have the resources and the staff with the proper training to do these."

**Cummings** said she worked with the Mayor's staff to develop a fair housing complaint form which can allow complainants to check off what type of discrimination they're experiencing. Cummings said the fair housing complaints will be directed to her and she will make sure that the Indiana Civil Rights Commission can follow up on them.





**Cummings** said any complaints "would have to be reported back to HUD because they want to know, and that's like every five years in our Fair Housing Plan .... So, at this point we don't have any complaints to report, but we do want to report on the process and how we're handling this."

**Cummings** said she has sent the form to the City's HUD representative to make the person aware of the changes the City is making. She added, "So, I just want to make sure that we are covered legally across the board so that we can continue to get this grant."

Mayor Leichty invited questions or comments from Councilors There were none.

At 8:03 p.m., Mayor Leichty invited questions or comments from members of the audience. There were none.

Mayor Leichty asked if Councilors were ready to vote. They indicated they were.

*On a voice vote, Councilors unanimously passed Ordinance 5208, Amend Title 2, Civil Rights, Article 2, Fair Housing of the Goshen City Code, on First Reading by a 6-0 margin, with all Councilors present voting "yes" at 8:03 p.m.*

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5208.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5208, *Amend Title 2, Civil Rights, Article 2, Fair Housing of the Goshen City Code*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5208 by title only, which was done.

*Weddell/Schrock moved to approve Ordinance 5208 on Second Reading.*

Mayor Leichty asked if there were additional questions or comments from Councilors or anyone in the audience. There were none.

*On a voice vote, Councilors unanimously passed Ordinance 5208, Amend Title 2, Civil Rights, Article 2, Fair Housing of the Goshen City Code, on Second Reading by a 6-0 margin, with all Councilors present voting "yes," at 8:04 p.m.*

#### 7) Ordinance 5206, Amend Ordinance 4899, City of Goshen Building Department Fee Ordinance

Mayor Leichty called for the introduction on First Reading of Ordinance 5206, *Amend Ordinance 4899, City of Goshen Building Department Fee Ordinance*. President Weddell asked the Clerk-Treasurer to read Ordinance 5206 by title only, which was done.

*Weddell/Peel moved to approve Ordinance 5206 on First Reading.*

#### BACKGROUND:

Before the Council was Ordinance 5206, which would amend Ordinance 4899, the City of Goshen Building Department Fee Ordinance.





**Ordinance 5206 stated that:**

- Ordinance 4899, Building Department Fee Ordinance, as amended by Ordinance 4919 and Ordinance 5001, establishes the various fees for permits, inspections, certificates, registrations, licensing, and other services provided by the City of Goshen Building Department.
- City administration finds it necessary to increase the fees for the licensing and registration of electrical and mechanical contractors.

**If approved by the Common Council, it would be ordained that:**

Ordinance 4899, SECTION 6, Licensing and Registering of Contractors Ordinance, shall be amended to read as follows:

**6.01 Effective Jan. 1, 2025, the following fees shall be charged for the licensing and registering of contractors under the Licensing and Registering of Contractors Ordinance of the City of Goshen, Indiana, as amended from time to time:**

**(A) Annual Electrical/Mechanical Contractor Licensing and Registration ..... \$119**

**(B) Examination Administrative Fee ..... \$41**

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.

**DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5206:**

**Mayor Leichty** invited a presentation on Ordinance 5206 by City Building Commissioner **Myron Grise**.

**Grise** said the Building Department was requesting fee increases for annual electrical and mechanical contractor licensing and registration. He said, "For many years it would go up automatically, and then in 2024, it was not. It was null and void. So, last year none of the rates went up on anything that we had in the Building Department."

**Grise** said the department needed to increase the licensing fees before January for contractors to renew their licenses. He said, "We're requesting to have the mechanical and electrical licenses to go up with inflation automatically."

**Council President Weddell** asked the old fee was. **Grise** said it was about \$340 for a three-year renewal.

**Mayor Leichty** said, "The Council had built in an automatic increase which stopped. So, what the Commissioner is recommending is that we continue to have an automatic increase that adjusts with inflation."

**Council President Weddell** asked if that was included in Ordinance 5206.

**Deputy Mayor Mark Brinson** responded, "What you're looking at is just a one-year increase because we're looking comprehensively at fees throughout the City, including the Building Department. So, this is just (for one year) because we have to renew all these licenses."

**Council President Weddell** said he understood this would just be a one-year fix or adjustment.

**Councilor Gerber** asked if this adjustment was in line with the City's new fee structure.

**Brinson** said, "This has been increased, just based on the rate of inflation last year, from what it was previously."

**Councilor Gerber** asked if it was possible the fee would need to be amended again. **Mayor Leichty** responded, "It's possible, but I can't say That would be something for the Council to consider in 2025."

**Mayor Leichty** invited additional questions or comments from Councilors. There were none.

At 8:07 p.m. the Mayor invited questions from the audience on Ordinance 5206. There were none.

The Mayor asked if Councilors were ready to vote. They indicated that they were.





On a voice vote, Councilors unanimously passed Ordinance 5206, on First Reading by a 6-0 margin, with all Councilors present voting “yes,” at 8:07 p.m.

Councilors gave unanimous consent to proceed with Second Reading of Ordinance 5206.

President Weddell asked the Clerk-Treasurer to read Ordinance 5206, *Amend Ordinance 4899, City of Goshen Building Department Fee Ordinance*, by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5206 on Second Reading.

Mayor Leichty asked if Councilors or audience members had additional questions or comments. They did not.

On a voice vote, Councilors unanimously passed Ordinance 5206, *Amend Ordinance 4899, City of Goshen Building Department Fee Ordinance*, on Second Reading by a 6-0 margin, with all Councilors present voting “yes,” at 8:08 p.m.

8) Ordinance 5211, Revisions to Ordinance 5156 Accumulation of Materials To Increase the Maximum Fine that May be Imposed for a Violation

Mayor Leichty called for the introduction on First Reading of Ordinance 5211, *Revisions to Ordinance 5156 Accumulation of Materials To Increase the Maximum Fine that May be Imposed for a Violation*. President Weddell asked the Clerk-Treasurer to read Ordinance 5211 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5211 on First Reading.

**BACKGROUND:**

Before the Council was Ordinance 5211, *Revisions to Ordinance 5156 Accumulation of Materials To Increase the Maximum Fine that May be Imposed for a Violation*.

On April 17, 2023, the Common Council approved the underlying Ordinance 5156, *Revisions to Ordinance 4769 Accumulation of Materials*.

As an exercise of the City’s police powers, **Ordinance 5156** was designed “to promote the public health, safety, and welfare and to protect the interests of City residents by regulating the accumulation, storage, collection, removal and disposal of solid waste so that conditions that create fire, health or safety hazards, harbor undesirable pests, or impair the aesthetic appearance of neighborhoods are prevented and eradicated.”

**Ordinance 5156** also was designed to help the City “operate an orderly and clean public recycling collection site” and would expand Ordinance 4769, Accumulation of Materials, to apply to the operation of public recycling drop-off site(s) operated by the City.

**Ordinance 5156** was brought to the Council because of the establishment of the City’s new recycling drop-off center. A major goal of Ordinance 5156 was to give the City the ability to fine individuals who dumped inappropriate materials at the recycling center. The City wanted the new recycling center to be a resource for the community, but the City also wanted to control costs and ensure the center was used correctly and not used as a dumping ground for trash and non-recyclable material.





**Ordinance 5156** included provisions regulating the dumping of inappropriate materials at the recycling center as well as the disposal of material --- even if recyclable – outside designated bins when they were already full. Violations would be enforced by the City's Ordinance Violations Bureau and the ordinance would authorize fines for violations on first, second or third offenses with a maximum of \$500.

**Ordinance 5211** would change to **Ordinance 5156** by increasing the maximum fines that could be imposed for a violation. It would establish that: "Any Person who violates a provision of this Code Chapter (this ordinance) may be subject to a fine in an amount not more than Two Thousand Five hundred Dollars (\$2,500.00) for a first violation of this ordinance. Any Person who violates a provision of this Code Chapter (this ordinance) more than once may be subject to a fine in an amount not more than Seven Thousand Five hundred Dollars (\$7,500.00) for a second or subsequent violation of this ordinance.

#### **DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5211:**

When this agenda item was called, **City Communications Manager Amanda Guzman** displayed a PowerPoint presentation in the Council Chamber that showed trash and other non-recyclable material improperly dumped at the City's Indiana Avenue Recycling Center (**EXHIBIT #2**).

**Mayor Leichty** said, "The pictures that you see on your screen now are of the Goshen City recycling center which was the impetus for bringing this ordinance before you. About every week we get a report from our folks at the Wastewater Department who have been contributing their time to do cleanup at the recycling facility."

The **Mayor** explained that the City entered an agreement with Elkhart County to provide recycling services to the community, primarily to people who live outside the city. She said the City offers curbside recycling for everybody in the City who lives in a residence, but there are limited recycling opportunities outside the City.

The problem, **Mayor Leichty** said is that the costs associated with operating the center have not equaled what it is costing the City in staff time to go out and clean up the mess that's being brought to Goshen by other communities. "So, we have had all kinds of things dumped in the recycling, whether it's a pile of dead chickens, a mattress full of bed bugs, you name it, and it's disgusting." She said the City installed a fence around the center and is limiting hours of operation. However, people have now been dumping items outside the fence.

To address these issues, **Mayor Leichty** said City staff wants to increase the fine to the maximum allowable under State law, which would mean taking the current maximum fine of \$500 to \$2,500. **Mayor Leichty** acknowledged that was a significant increase but said it was justified "given the egregiousness of what has been happening at the recycling center and our need to cover the time and expense that the City has incurred, adding an additional fence, adding, staff time. I mean, it takes a lot of time just to write the tickets. We've had to add extra cameras in order to keep up with that. I think this fine is completely appropriate, and I hope that the Council will consider passing this."

**Councilor Nisley** asked how many \$500 fines have been imposed. **Mayor Leichty** said that was a good question, but added it was sometimes difficult to identify the violators.

**City Director of Public Works & Utilities Dustin Sailor** said he doesn't believe the City has issued any \$500 fines, but has issued numerous \$175 fines. He said many violators have been caught but not all are identified, so the City will be installing another camera to help with that issue. He added that people have evaded the cameras.

**Mayor Leichty** said that since Goshen signed a recycling agreement with Elkhart County, other municipalities in the county have closed their recycling centers. She said, "They all threw up their hands in frustration and said, 'We're not doing it anymore, because people's behavior was so egregious.' The City is willing to do this as long as we can cover the costs for cleaning up after people."





**Councilor Schrock** said people didn't throw trash outside the previous recycling containers at one location – behind the Mennonite Church in East Goshen "mostly because most people didn't know it was there."

**Mayor Leichty** said, "It presents a health hazard to our employees who are going to clean things up when there are things like bedbugs. I mean, they have to wear basically hazmat suits just to clean up after people."

**Council President Weddell** said, "I think the next step when this doesn't work, because I hate to say it, but it's not going to work, is to ... move it to the green dump, is what I call it, out on Indiana Avenue, because it's fenced in and it has someone manning a gate when you take brush out there."

**Mayor Leichty** said that possibility has been discussed, but establishing it there would require a major infrastructure investment that would cost the City more than the current expenses.

**Councilor Gerber** said, "I certainly hope these fees will serve as a deterrent." **Councilors Nisley and Schrock** said the City will need to catch the violators.

**Council President Weddell** suggested displaying photos of violators.

**Councilor Peel** said, "I think if this doesn't work, then we should just stop doing it. I'm all for recycling, but if we continue having this mess, I don't think our employees should have to fix it." **Mayor Leichty** said, "100% agree."

Responding to **Council President Weddell's** idea, **Councilor Nisley** said at his golf course "has a box that's attached to the inside my door that people drop money into." He said he has cameras, which he checks every morning, to see who didn't pay. He said he then prints a picture and posts it on the front window of the golf course, right out on the front, "and I will tell you I've gotten more people come back in and say, 'Sorry. Could you take my picture down? Here's my money.' I mean just by making a spectacle of somebody of doing that. It has worked."

**Council President Weddell** said, "As long as the public doesn't know we're catching people and fining them, they're not going to know." He added, "I was out there the other day because I had cardboard that wouldn't fit in my recycling box, and I had a bunch of Styrofoam, and I realized I wasn't allowed to put it in the bin, so I didn't."

**At 8:18 p.m., Mayor Leichty invited public comments on Ordinance 5211.**

**Glenn Null of Goshen** said any time he has a big item to dump he contacts the City's waste hauler and it is collected. But most times, some else will also take it because "one man's trash is another man's treasure."

**Null** also said that if the City hasn't imposed any \$500 fines, it should not increase it by so much more. He endorsed the idea of having a "wall of shame" to show photos of violators.

**Mayor Leichty** said the City won't necessarily impose the maximum fine. However, a higher fine would enable the City to launch a public relations campaign around the increased fee, and hopefully get the attention of people throughout our county, not just our Goshen residents, who might violate the ordinance. She added, "So that they will know if they want to come dump their dirty mattress in Goshen, there is a maximum allowable fine of \$2,500."

**Null** said he she thought the \$2,500 was still too high and that the City should impose more \$500 fines.

**Councilor Schrock** asked if there was signage at the center stating the maximum fine. The **Mayor** said there is a sign, but she favors a fine of \$2,500.

**Council President Weddell** responded, "If I'm going out there and I'm busted putting Styrofoam in there, I should get a \$200 or \$500 fine. If I'm going out there and dumping three nasty mattresses, four televisions, and a bunch of used tires and old paint, I deserve to get fined \$7,500." The **Mayor** said \$2,500 would be the fine. The **Council President** pointed out that the maximum would be \$7,500 for repeated offenses.

**Myron Yoder** of Goshen asked where the "wall of shame" would be located. He said this would be effective and a good idea, especially if was posted on the fence at the recycling center.





Councilors and the Mayor discussed different possibilities for displaying photos of violators, whether through social media or actually posted at the recycling site.

Yoder said he supported the City's efforts. He noted that Goshen College does some Styrofoam recycling, but didn't know if that was open to the public. He added that it might be good to post a sign at the recycling center on places where Styrofoam and electronics can be recycled.

Mayor Leichty asked if Councilors were ready to vote. They indicated they were.

On a voice vote, Councilors unanimously passed Ordinance 5211, *Revisions to Ordinance 5156 Accumulation of Materials To Increase the Maximum Fine that May be Imposed for a Violation*, on First Reading by a 6-0 margin, with all Councilors present voting "yes," at 8:23 p.m.

Councilors gave unanimous consent to proceed with Second Reading of Ordinance 5211.

President Weddell asked the Clerk-Treasurer to read Ordinance 5211, *Revisions to Ordinance 5156 Accumulation of Materials To Increase the Maximum Fine that May be Imposed for a Violation*, by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5211 on Second Reading.

Mayor Leichty asked if Councilors or audience members had questions or comments. They did not.

On a voice vote, Councilors unanimously passed Ordinance 5211, *Revisions to Ordinance 5156 Accumulation of Materials To Increase the Maximum Fine that May be Imposed for a Violation*, on Second Reading by a 6-0 margin, with all Councilors present voting "yes", at 8:24 p.m.

Mayor Leichty said, "And to the Goshen News, we appreciate you helping tell this story, so people will know that it's coming."

#### 9) Resolution 2024-22, A Resolution Declaring the Continued Need and Intent to Utilize American Rescue Plan Funding

Mayor Leichty called for the introduction of Resolution 2024-22, *A Resolution Declaring the Continued Need and Intent to Utilize American Rescue Plan Funding*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2024-22 by title only, which was done.

Weddell/Schrock made a motion to approve Resolution 2024-22.

#### **BACKGROUND:**

Before the Council was Resolution 2024-22, *A Resolution Declaring the Continued Need and Intent to Utilize American Rescue Plan Funding*.

Deputy Clerk Treasurer Jeffery Weaver explained the background and rationale for Resolution 2024-22 in a memorandum to the Common Council dated Dec. 16, 2024.





In his memorandum, **Weaver** wrote: "The City of Goshen received \$6,692,508 in federal assistance through the American Rescue Plan (ARP) Act of 2021 to address the fiscal impacts of the COVID-19 public health emergency. In response, the Common Council established a separate ARP fund and adopted a detailed plan for using these funds, guided by federal and state requirements.

"Past resolutions have set provisions for managing revenue loss and outlined priorities, including funding key positions, supporting local arts organizations, and undertaking infrastructure improvements. To date, \$1,135,575.19 of the funds have been spent, and federal guidelines require that all remaining funds be committed to specific projects or contracts by December 31, 2024 and to be completely paid out by December 31, 2026.

"To comply with federal audit requirements, which mandate contracts or resolutions to obligate funds for services and wages respectively, this resolution formalizes the allocation of ARP funds for ongoing commitments. The resolution dedicates \$460,000 to fund the salaries and benefits of the Behavioral Health Response Coordinator and Mobile Integrated Health Specialist through 2026, \$10,000 to continue support for Goshen Arts & Events, and \$5,086,932.81 for the contract with Niblock Excavating, Inc. for the Steury Avenue and Lincoln Avenue Reconstruction & Drainage Improvements project.

"These steps ensure compliance while enabling the City to fully utilize the ARP grant to address local needs effectively."

#### **DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL RESOLUTION 2024-22:**

**Mayor Leichty** asked if Councilors had questions or comments about Resolution 2024-22.

**Clerk-Treasurer Aguirre** offered the following comments: "As you know, the American Rescue Plan act provided funding for communities throughout the country to mitigate the effects of the pandemic and to help with infrastructure improvements. Since this went into effect, there have been changes that have been made that have complicated the reporting requirements as well as the compliance requirements."

**Aguirre** continued, "Because of guidance, we had to be very explicit in how we would use the money, or we would potentially lose it. This resolution has been brought forward, and efforts and steps have now been taken, to make sure that our remaining funds are committed appropriately ... We will be audited next year (by the State) on how we have used these funds and the funds that we have obligated. And it's our hope and expectation that this resolution, as well as other steps that will be taken, will resolve that issue, and that we will not have to potentially pay back any money that we received and that we would still like to use for worthy City priorities."

**Councilor Schrock** said some ARPA money will be used to make infrastructure improvements and, on behalf of people who live nearby, he wanted to offer his appreciation for the improvements. He asked for confirmation of this.

**City Director of Public Works & Utilities Dustin Sailor** said Redevelopment funds were going to pay for the project, but as costs escalated additional funds were needed. He said funds now will come from the ARPA grant.

At 8:27 p.m., Mayor Leichty invited questions or comments from members of the audience. There were none.

Mayor Leichty asked if Councilors were ready to vote. They indicated they were.

On a voice vote, Councilors unanimously passed Resolution 2024-22, by a 6-0 margin, with all Councilors present voting "yes," at 8:27 p.m.





10) Ordinance 5205, Amend Ordinance 5199, 2025 Compensation Ordinance for Fire Department Employees  
Mayor Leichty called for the introduction on First Reading of Ordinance 5205, *Amend Ordinance 5199, 2025 Compensation Ordinance for Fire Department Employees*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5205 by title only, which was done.

**Weddell/Lederach moved to approve Ordinance 5205 on First Reading.**

**BACKGROUND:**

Before the Council was Ordinance 5205, *Amend Ordinance 5199, 2025 Compensation Ordinance for Fire Department Employees*.

The underlying ordinance, Ordinance 5199, *2025 Compensation for Fire Department Employees*, was passed by the Goshen Common Council on Oct. 28, 2024. The Fire Department administration wants to add two new position titles and remove two existing position titles.

**If Ordinance 5205 was approved by the Council it would be ordained that:**

- (1) The position of Certified Chief Inspector shall be removed from, and the position of Division Chief shall be added to SECTION 1, Application of Ordinance, paragraph (B), item (3).
- (2) The position of Chief Inspector shall be removed from, and the position of EMS Supervisor shall be added to SECTION 1, Application of Ordinance, paragraph (B), item (4).
- (3) The positions of Certified Chief Inspector and Chief Inspector shall be removed from, and the positions of Division Chief and EMS Supervisor shall be added to SECTION 3, Wages, paragraph (C)
- (4) The positions of Certified Chief Inspector and Chief Inspector shall be removed from, and the positions of Division Chief and EMS Supervisor shall be added to SECTION 7, Vacation Leave, paragraph (A).
- (5) The positions of Certified Chief Inspector and Chief Inspector shall be removed from, and the positions of Division Chief and EMS Supervisor shall be added to SECTION 8, Sick Leave, paragraph (A).
- (6) The positions of Certified Chief Inspector and Chief Inspector shall be removed from, and the positions of Division Chief and EMS Supervisor shall be added to SECTION 9, Personal Leave, paragraph (A).
- (7) The position of Certified Chief Inspector with a base wage of \$39.65 per hour shall be removed from, and the position of Division Chief with a base wage of \$39.65 per hour shall be added to EXHIBIT A, 2025 Fire Department Base Wages.
- (8) The position of Chief Inspector with a base wage of \$36.76 per hour shall be removed from, and the position of EMS Supervisor with a base wage of \$36.76 per hour shall be added to EXHIBIT A, 2025 Fire Department Base Wages.
- (9) Ordinance 5199 in its entirety, as amended by paragraphs (1) through (8) above, is attached to this Ordinance.

**DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5205:**

**Mayor Leichty invited comments from Fire Chief Anthony Powell.**

**Chief Powell provided the following explanation:** "So, this is mainly just a language cleanup. It also helps to align our department organizationally, and then also align with the fire service as a whole. So, what it does is replace the Certified Chief Inspector with Division Chief position, and then the Chief Inspector with the EMS Supervisor position. EMS Supervisor will be our MIH (Mobile Integrated Health) coordinator. Then the Division Chief is what Travis Peak was sworn in to run the Red Hawk Academy program. So, the positions are there. No monetary changes. It's just a language change."





Mayor Leichty thanked Chief Powell and invited questions or comments from Councilors. There were none.

At 8:29 p.m., Mayor Leichty invited questions or comments from members of the audience. There were none.

Mayor Leichty asked if Councilors were ready to vote. They indicated they were.

On a voice vote, Councilors unanimously passed Ordinance 5205, *Amend Ordinance 5199, 2025 Compensation Ordinance for Fire Department Employees*, on First Reading by a 6-0 margin, with all Councilors present voting "yes," at 8:29 p.m.

Councilors gave unanimous consent to proceed with Second Reading of Ordinance 5205.

President Weddell asked the Clerk-Treasurer to read Ordinance 5205, Amend Ordinance 5199, 2025 Compensation Ordinance for Fire Department Employees, by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5205 on Second Reading.

Mayor Leichty asked if Councilors or audience members had questions or comments. They did not.

On a voice vote, Councilors unanimously passed Ordinance 5205, *Amend Ordinance 5199, 2025 Compensation Ordinance for Fire Department Employees*, on Second Reading by a 6-0 margin, with all Councilors present voting "yes," at 8:30 p.m.

#### 11) Ordinance 5209, City of Goshen Stormwater Management Ordinance

Mayor Leichty called for the introduction on First Reading of Ordinance 5209, *City of Goshen Stormwater Management Ordinance*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5209 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5209 on First Reading.

#### **BACKGROUND:**

Before the Council was Ordinance 5209, *City of Goshen Stormwater Management Ordinance*.

City Stormwater Coordinator Jason Kauffman outlined the background and purpose of Ordinance 5209 in a two-page memorandum to the Council dated Dec. 16, 2025. Kauffman wrote:

"In December 2021, the Indiana Department of Environmental Management (IDEM) formally transitioned the State's stormwater regulations from a permit by rule to a general permit. Thus, replacing 327 IAC 15-5 (Rule 5) with the new Construction Stormwater General Permit (CSGP) and 327 IAC 15-13 (Rule 13) with a new Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP).

"Since these permits had not been updated by the State since 2003, they incorporated several new or revised provisions that would impact how the stormwater construction and post-construction associated with new development or redevelopment would need to be reviewed and permitted, either by IDEM (through the CSGP) or by MS4 entities (through the MS4 GP).





"Regulated Indiana MS4 entities such as counties, cities, and towns are required to incorporate these new changes (in the MS4 GP) into their existing and required local ordinances. It is important to note that local jurisdictional and MS4 entities do not have the authority to directly implement or enforce IDEM's CSGP and MS4 GP. Instead, a local ordinance serves this purpose and is used to implement and enforce stormwater and erosion and sediment control requirements at a local level.

"To assist with promoting statewide consistency among these local ordinances the Indiana Local Technical Assistance Program (LTAP) was asked to develop a model stormwater management ordinance for MS4 communities to use. To complete this task, LTAP secured funding and retained the services of Christopher B. Burke Engineering, LLC (Burke) to assist with the development of a model stormwater management ordinance and an accompanying stormwater technical standards manual for use by Indiana counties and local communities.

"The Goshen Stormwater Department chose to take the provided model stormwater management ordinance and stormwater technical standards manual and modify them to fit the needs of the City of Goshen while being no more stringent than the requirements of the State of Indiana. In May of this year, the Goshen Stormwater Department convened a focus group of local elected officials and members of the development community to discuss the language in the model stormwater management ordinance. The focus group included Council representatives Linda Gerber and Don Riegsecker, Brad Mosness (Abonmarche), Dean Sprunger (Schrock Homes, Inc.), Doug VonGunten (Ancon Construction), and City staff Jason Kauffman, Dustin Sailor, and Don Shuler.

"The stormwater technical standards manual will be presented to the Goshen Board of Public Works and Safety and Stormwater Board for acceptance in the near future.

**"The following bullet points highlight several Key Points:**

- Proposed Ordinance 5209 incorporates and replaces existing Ordinances 4327, 4328, and 4329.
- The updated language in the Ordinance and Technical Standards Manual will memorialize the requirements the Goshen Engineering and Stormwater Departments have been implementing over the past few decades.
- Stormwater storage requirements are not changing for projects keeping their stormwater on-site (retention), while projects that will be detaining stormwater runoff on their property and then releasing it to a public storm sewer or a waterway have been updated.
  - o Retention Requirements = a 3" rain event over a 24-hour period
  - o Detention Requirements = a 6" rain event over a 24-hour period
- The area of disturbance threshold triggering the need to obtain a CSGP remains at one acre. A CSGP requires the preparation of a Stormwater Pollution Prevention Plan and the preparation of a Post-Construction Stormwater Management Plan.
- Projects disturbing less than one acre will continue to be reviewed for proper treatment and storage of stormwater runoff both during and after construction.
- Section 2. in Ordinance 4328 established the application fees for a stormwater clearance and the proposed stormwater management ordinance will update these fees as follows:
  - o The application fee will go from \$50 to \$150 for projects not required to submit a post-construction stormwater management plan
  - o \$325 for projects required to submit a new or amended post-construction stormwater management plan
  - o A new resubmittal fee of \$100 will be assessed on any project going through the City's Technical Review process if more than one resubmittal is required.





o No changes are proposed at this time to the following fees:

A stormwater clearance renewal is still \$100

For projects required to obtain a CSGP, a supplemental filing fee of \$100 per disturbed acre and fractional acre is due and payable at the time a stormwater pollution prevention plan is submitted to the Elkhart County Soil and Water Conservation District

o These fees are included in the proposed Ordinance 5209 but will be included in the next update to the City's Fee Ordinance.

**Kauffman** concluded, "Following the Council's discussion this evening, the Goshen Stormwater Department requests the Goshen City Council vote on the first reading of Ordinance 5209, Stormwater Management Ordinance."

#### **DEC. 16, 2024 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5202:**

Using a PowerPoint presentation, titled "Goshen Stormwater Management Ordinance 5209" (**EXHIBIT #3**), **City Stormwater Coordinator Jason Kauffman** provided an overview of the ordinance. Key points:

- Stormwater runoff is generated anytime it rains or snow melts as it runs across the ground and accumulates on roadways, sidewalks, rooftops and doesn't soak in the ground. As it runs across the ground, it picks up anything that's on the ground, such as sediment, trash, oil, and then goes into waterways, typically untreated.
- As hard surfaces increase, the amount of water that soaks into the ground decreases and more water runs off and that can negatively impact waterways.
- The Clean Water Act of 1972 was designed to reverse damage to waterways make them fishable and swimmable. Pollution point source was reduced or eliminated but waterways did not become fishable and swimmable. So, the enforcement emphasis shifted to non-point source pollution through the creation of the National Pollutant Discharge Elimination System. It focused on large urban areas and then started to focus on the smaller urban areas, which is where Goshen came in.
- On Aug. 6, 2003, the Indiana Department of Environmental Management (IDEM) passed a permit by rule, which was referred to as Rule 13, for stormwater with the municipal separate storm sewer system conveyances. Community MS4 is a municipal separate storm sewer system, and those communities had to manage their stormwater. So, after passage in 2003, any of those communities that were identified as MS4 had to pass their own ordinances. So, in late 2005 to early 2006, Goshen passed ordinances to create the Department of Stormwater and its stormwater regulations.
- State requirements for stormwater didn't change over the next decade and a half until 2021, when there was a switch from permit by rule to a general permit and a municipal separate storm sewer general permit was released. That also included a construction stormwater general permit which brings the City to the point where it had to update its ordinances and stormwater program for the City.
- State regulations require Goshen to implement six minimum control measures: public education and outreach; public participation and involvement; illicit discharge detection and elimination; construction site runoff control; post-construction runoff control; and pollution prevention and good housekeeping. Pollution prevention and good housekeeping is what is done at the City's own sites to make sure the City is not creating pollutants that are getting into our stormwater.
- There have been positive results from the City's stormwater program as depicted in photos shown to Councilors. Some have restored habitat and others have controlled runoff and the transmission of pollutants.





- Ordinance 5209 will replace the City's existing stormwater ordinances that dealt with illicit discharges, construction site, and post construction site. The updated language in the ordinance and technical standards, manual will memorialize the requirements that the Engineering and Stormwater departments have been implementing over the past few decades and the Technical Standards manual which will be going to the Board of Public Works for acceptance in the near future.
- Kauffman described the process for updating the ordinance as well as the actual changes, which were outlined in his memorandum to the Board and his PowerPoint presentation.

Mayor Leichty thanked Kauffman. She also thanked Councilors Gerber and Riegsecker for serving on the task force that reviewed and helped revise the City's stormwater ordinance.

Mayor Leichty invited questions or comments from Councilors.

Councilor Gerber thanked Kauffman for his work and for incorporating the task force's feedback.

At 8:42 p.m., Mayor Leichty invited questions or comments from members of the audience. There were none.

Mayor Leichty asked if Councilors were ready to vote. They indicated they were.

*On a voice vote, Councilors unanimously passed Ordinance 5209, City of Goshen Stormwater Management Ordinance, on First Reading by a 6-0 margin, with all Councilors present voting "yes," at 8:42 p.m.*

Mayor Leichty and Council President Weddell discussed whether Ordinance 5209 could go to a Second Reading. City Attorney Stegelmann said he believed that could be done.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5209.

President Weddell asked the Clerk-Treasurer to read Ordinance 5209, *City of Goshen Stormwater Management Ordinance*, by title only, which was done.

*Weddell/Peel moved to approve Ordinance 5209 on Second Reading.*

Mayor Leichty asked if Councilors or audience members had questions or comments. They did not.

*On a voice vote, Councilors unanimously passed Ordinance 5209, City of Goshen Stormwater Management Ordinance, on Second Reading by a 6-0 margin, with all Councilors present voting "yes," at 8:43 p.m.*

#### Elected Official Reports:

Mayor Leichty asked if there were any reports from Councilors about their work on City Boards or Commissions.





**Councilor Gerber** said, "I am the liaison, along with Council Riegsecker, to the Board of Works, and I would just like to call your attention to an item that was in the *Goshen News*. The Board of Works approved an agreement between the Restor Church and the City to help a homeowner rehabilitate his home that was on the demolition list."

**Gerber** continued, "This homeowner has been diligent, and coming back to the Board of Works and doing everything they've asked, and he had some issues with a previous contractor that took advantage of him. And through the Mayor's Office and the Building Department, they now have the Restor Church volunteering and donating time, but also doing some fundraising of their own to help come up with materials and help him restore his home so that it will be habitable for him and help improve the neighborhood."

**Council President Weddell** said he wanted to congratulate **Youth Adviser Tageeya Galeb** on recently receiving a Lilly endowment scholarship, but she decided to go home and study. She will receive full tuition for four years.

**Council President Weddell** also acknowledged that on Dec. 11 the Police Department honored the late **Officer Thomas Goodwin**. He added, "I'm sorry when he passed away in line of duty in 1998. So, I think that's an important date for the memory of all of our police officers."

**Councilor Peel** said, "I think you know what the CRC has been doing so I don't need to report on that."

**Councilor Lederach**, the Council liaison to the Board of Aviation Commission, reported that 96 pilot licenses were earned at the Goshen Airport this past year. He added Goshen again was the 7<sup>th</sup> busiest airport in Indiana, which he said was "pretty impressive."

There were no further comments by the Mayor or by Councilors.

**Councilor Nisley** made a motion to adjourn the meeting, which was seconded by **Councilor Lederach**. Councilors unanimously approved the motion to adjourn the meeting.

**Mayor Leichty** adjourned the meeting at 8:46 p.m.

**EXHIBIT #1:** *An amended version of Resolution 2024-21, which was accepted by the Council and ultimately approved. In the fourth paragraph, the ordinal version stated that the Council last met on Nov. 19, 2024 when the actual Council meeting date was Nov. 18, 2024. So, the date was corrected in the amended version of Resolution 2024-21 (agenda item #4)*

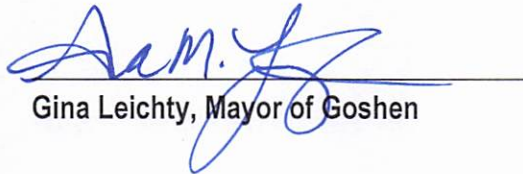
**EXHIBIT #2:** *A 10--page PowerPoint presentation showing photos of trash and other non-recyclable material improperly dumped at the City's Indiana Avenue Recycling Center. The photos were displayed during consideration of Ordinance 5211, (agenda item #8), Ordinance 5211, Revisions to Ordinance 5156 Accumulation of Materials To Increase the Maximum Fine that May be Imposed for a Violation.*

**EXHIBIT #3:** *A 10-page PowerPoint presentation, titled "Goshen Stormwater Management Ordinance 5209," that was prepared and presented by City Stormwater Coordinator Jason Kauffman during Council consideration of the ordinance (agenda item #11).*





APPROVED:

  
Gina Leichty, Mayor of Goshen

ATTEST:

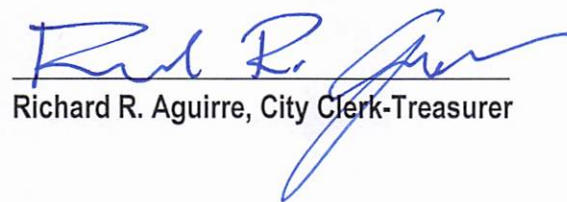
  
Richard R. Aguirre, City Clerk-Treasurer



Exhibit #1

**GOSHEN COMMON COUNCIL  
RESOLUTION 2024-21**

**A Resolution Condemning Hate Speech  
and the Distribution of Hate-Based Materials**

**WHEREAS**, Goshen is committed to fostering a community of respect, diversity, and inclusion for all residents;

**WHEREAS**, recent incidents involving the dissemination of hate speech and hate-based materials, such as fliers promoting discriminatory ideologies and recruiting new members to their organization, have been reported in Goshen;

**WHEREAS**, these acts are inconsistent with the values of our city and contribute to a climate of fear, division, and intimidation, undermining the social fabric of our community;

**WHEREAS**, at the November 18, 2024, meeting of the Common Council Goshen Mayor Gina Leichty read a "Statement ... on Recent Hate-Organization Fliers Found by Residents" in response to the distribution of hate-based materials which included: "Goshen stands united against any form of discrimination, intimidation, or harassment...Hate-filled messages like those distributed this weekend have no place in our community;"

**WHEREAS**, the Goshen Common Council previously pledged support for "non-discrimination and support for equality under the law within our City and our schools" and added its "voice and commitment to fostering and upholding an atmosphere of unity and non-discrimination in the City of Goshen" in Resolution 2016-45 passed on December 29, 2016; and

**WHEREAS**, in 2009 the Community Relations Commission of Goshen developed core principles as a guide for relating in our City which were then updated in 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Goshen Common Council:

1. Endorsement and Adoption: The Goshen Common Council endorses and adopts Mayor Leichty's November 18, 2024, statement on "Recent Hate-Organization Fliers Found by Residents."

2. Condemnation of Hate Speech: The Goshen Common Council unequivocally condemns any form of hate speech, including the distribution of hate-based fliers, and strongly condemns all forms of hate speech, hate crimes, and the activities of hate groups operating within the City of Goshen.

3. Encouragement of Reporting: The Goshen Common Council encourages residents to report any instances of hate speech or hate-based material to local law enforcement.

4. Education and Awareness: The Goshen Common Council commits to supporting educational initiatives to combat hate and promote understanding among all community members.

5. Law Enforcement: The Goshen Common Council will encourage local law enforcement to investigate and address the distribution of hate-based materials in accordance with state and federal laws.



6. Commitment to Inclusion: The City of Goshen reaffirms its commitment to being a welcoming, inclusive community that respects and values diversity and reaffirms the core principles of the Community Relations Commission of Goshen and Resolution 2016-45.

**BE IT FURTHER RESOLVED**, this resolution shall take effect immediately upon adoption.

**PASSED** by the Goshen Common Council on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2024, at \_\_\_\_\_  
a.m./p.m.

\_\_\_\_\_  
Clerk-Treasurer

APPROVED and ADOPTED on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor



# Indiana Ave Recycling Center

12- 14 Dead Chickens Dumped

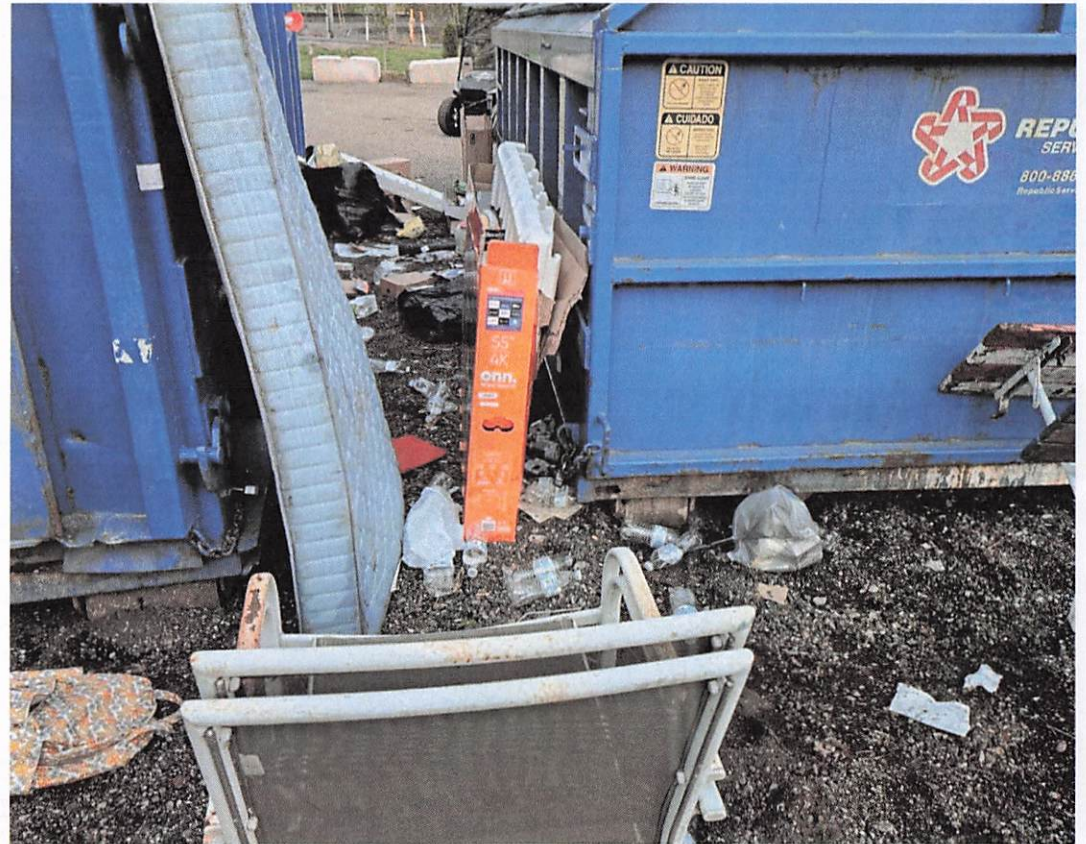


Exhibit #2



# Indiana Ave Recycling Center

Rusty metal and dirty mattress





# Indiana Ave Recycling Center

Overflown bins propped open so they could be overfilled





# Indiana Ave Recycling Center

Dumped bagged leaves and broken car seats





## Indiana Ave Recycling Center

Another case of overfilled bins that have been propped open, overflowing boxes left on the outside of dumpster





# Indiana Ave Recycling Center

Broken glass and loose pieces of broken metal – all dangerous for staff to move





## Indiana Ave Recycling Center





## Indiana Ave Recycling Center





# Indiana Ave Recycling Center

Another instance in which all three recycling bins were overflown



## Indiana Ave Recycling Center

Air mattresses, broken lights, broken chairs, and cardboard after snowfall.



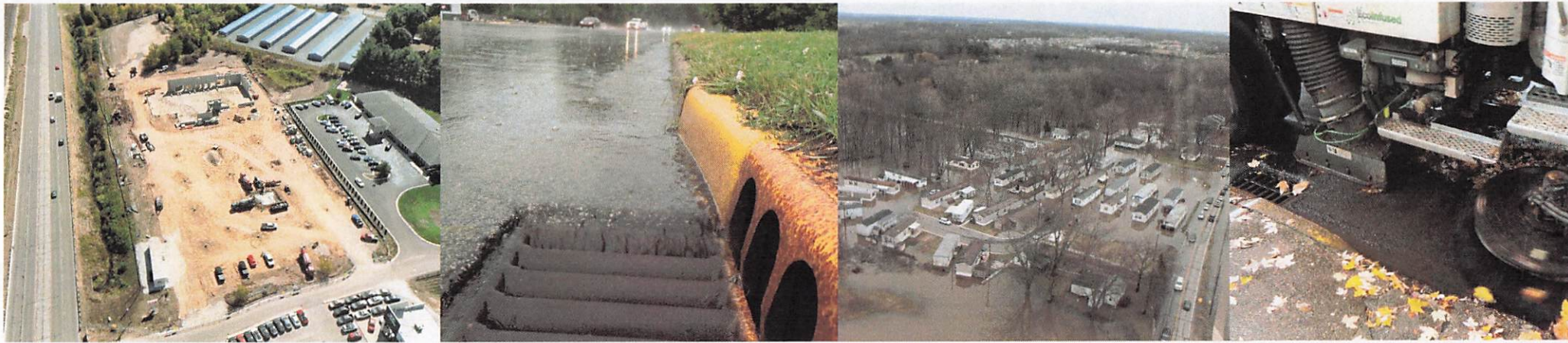


Exhibit  
#3



# Goshen Stormwater Management Ordinance 5209

*City of Goshen Stormwater Department*

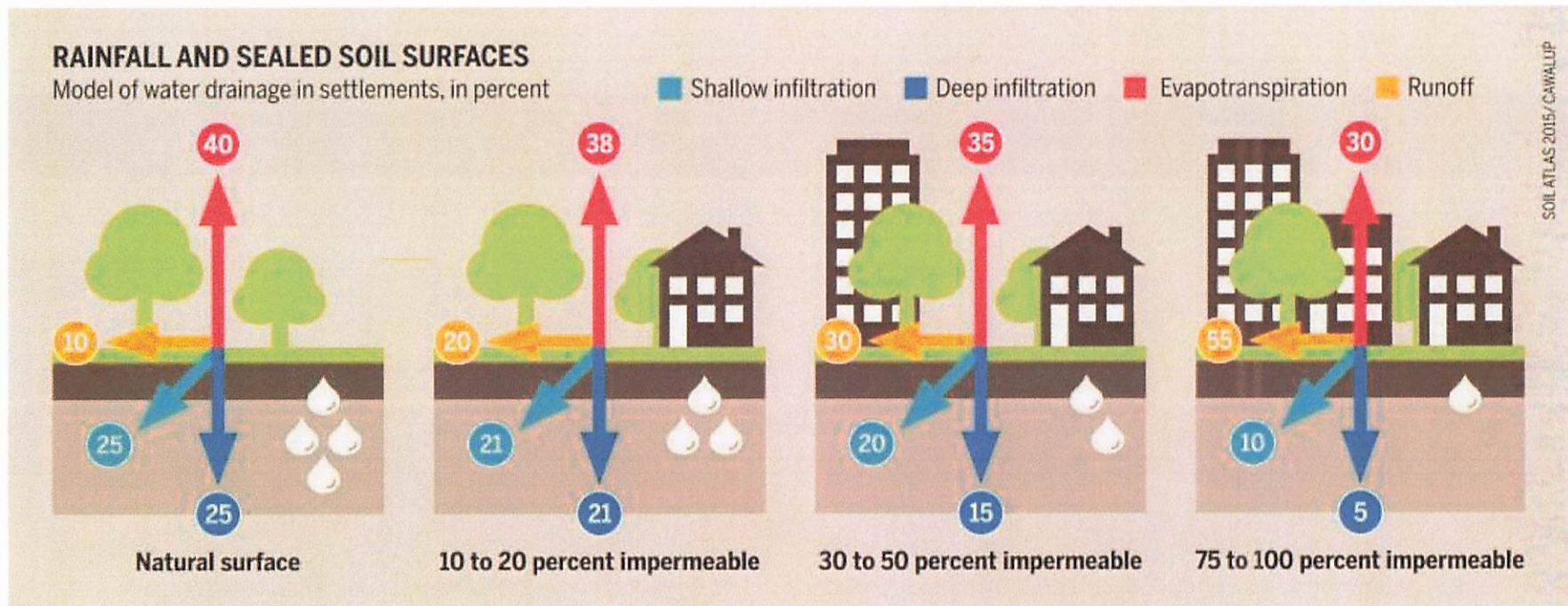


*December, 16, 2024 – Goshen Common Council Meeting*



# What is Stormwater?

“Stormwater runoff is generated when precipitation from rain and snowmelt events flows over land or impervious surfaces and does not percolate into the ground. As the runoff flows over the land or impervious surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment, or other pollutants that could adversely affect water quality if the runoff is discharged untreated.” (EPA definition)





# A Brief Overview of Indiana and Goshen Stormwater Regulations

- ❖ 327 IAC 15-13 (Rule 13) – Stormwater Run-Off Associated with Municipal Separate Storm Sewer System (MS4) Conveyances – *PERMIT BY RULE*
  - Became effective on **August 6, 2003**, as required by Phase II requirements of the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) program.
  - The City of Goshen passed several stormwater related ordinances in **late 2005 and early 2006** creating the Department of Stormwater Management and establishing local stormwater regulations.
- ❖ Municipal Separate Storm Sewer System General Permit (MS4 GP) (INR040000) – *GENERAL PERMIT*
  - Became effective on **December 18, 2021**, as required by the U.S. Environmental Protection Agency.
  - The City of Goshen is currently working to update the local stormwater ordinance as a requirement of the new MS4 GP.

An MS4, is defined by IDEM as “a conveyance or a system of conveyances owned by a state, city, town, or other public entity that discharges to waters of the United States and is designed or used for collecting or conveying [stormwater].” A stormwater conveyance has a broad definition and is not always just a system of underground pipes; a conveyance can include roads with drainage systems, gutters, and ditches.



# Stormwater Program Explanation

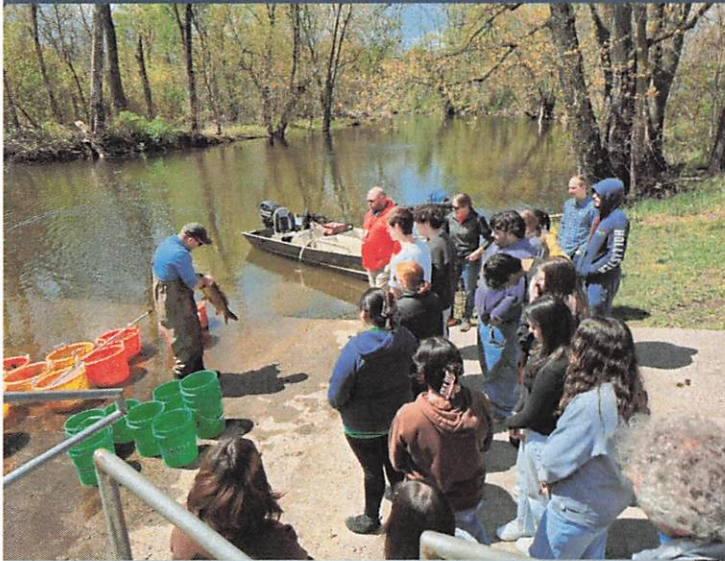
To maintain permit coverage and continue discharging stormwater runoff to the Elkhart River, Rock Run Creek, and other waterways, the City of Goshen must meet the requirements of our permit organized into six (6) "Minimum Control Measures." The Stormwater Department ensures the City manages our potential water pollutants by implementing the following minimum control measures:

- 1) Public Education & Outreach
- 2) Public Participation & Involvement
- 3) Illicit Discharge Detection & Elimination
- 4) Construction Site Runoff Control
- 5) Post-Construction Runoff Control
- 6) Pollution Prevention & Good Housekeeping





# What the Stormwater Program Accomplishes





# Stormwater Ordinance Update Process

- ❖ Local ordinances are used to implement and enforce stormwater and erosion and sediment control requirements.
- ❖ The Indiana Local Technical Assistance Program (LTAP) developed a model stormwater management ordinance and technical standards manual for MS4 communities to use as a way to promote statewide consistency in the implementation of regulations.
- ❖ Focus Group formed of local elected officials, members of the development community, and City staff:
  - Linda Gerber, Goshen Common Council
  - Don Riegsecker, Goshen Common Council
  - Brad Mosness, Abonmarche
  - Dean Sprunger, Schrock Homes, Inc.
  - Doug VonGunten, Ancon Construction
  - Jason Kauffman, Stormwater Coordinator
  - Dustin Sailor, Director of Public Works
  - Don Shuler, Assistant City Attorney



# Key Points of the Proposed Stormwater Management Ordinance 5209

- ❖ Proposed Ordinance 5209 incorporates and replaces existing Ordinances 4327, 4328, and 4329.
  - Ordinance 4327 – Stormwater Management Associated with Illicit Discharges
  - Ordinance 4328 – Construction Site Stormwater Run-Off Control
  - Ordinance 4329 – Uniform Requirements for Post-Construction Stormwater Management
- ❖ The updated language in the Ordinance and Technical Standards Manual will memorialize the requirements the Goshen Engineering and Stormwater Departments have been implementing over the past few decades.
- ❖ Stormwater storage requirements are not changing for projects keeping their stormwater on-site (retention), while projects that will be detaining stormwater runoff on their property and then releasing it to a public storm sewer or a waterway have been updated.
  - Retention Requirements = a 3" rain event over a 24-hour period
  - Detention Requirements = a 6" rain event over a 24-hour period



# Key Points of the Proposed Stormwater Management Ordinance 5209

- ❖ The area of disturbance threshold triggering the need to obtain a Construction Stormwater General Permit (CSGP) remains at one acre. A CSGP requires the preparation of a Stormwater Pollution Prevention Plan and the preparation of a Post-Construction Stormwater Management Plan.
- ❖ Projects disturbing less than one acre will continue to be reviewed for proper treatment and storage of stormwater runoff both during and after construction.
- ❖ Section 2 in Ordinance 4328 established the application fees for a stormwater clearance and the proposed stormwater management ordinance will update these fees as follows:
  - ❖ The application fee will go from \$50 to
    - ❖ \$150 for projects not required to submit a post-construction stormwater management plan
    - ❖ \$325 for projects required to submit a new or amended post-construction stormwater management plan



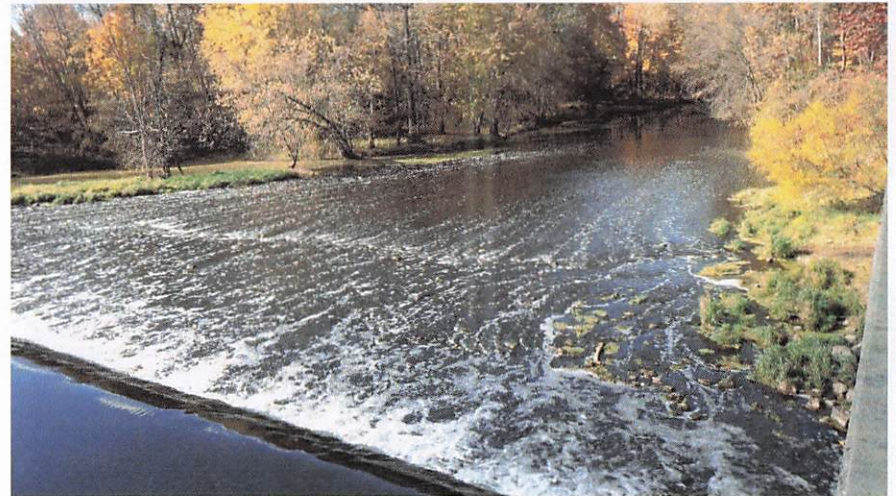
# Key Points of the Proposed Stormwater Management Ordinance 5209

- ❖ Section 2 in Ordinance 4328 established the application fees for a stormwater clearance and the proposed stormwater management ordinance will update these fees as follows:
  - A new resubmittal fee of \$100 will be assessed on any project going through the City's Technical Review process if more than one resubmittal is required.
  - No changes are proposed at this time to the following fees:
    - For projects required to obtain a CSGP, a supplemental filing fee of \$100 per disturbed acre and fractional acre is due and payable at the time a stormwater pollution prevention plan is submitted to the Elkhart County Soil and Water Conservation District
    - A stormwater clearance renewal is still \$100
  - These fees are included in proposed Ordinance 5209 but will be included in the next update to the City's Fee Ordinance.



# Questions & Discussion

Thank you for the opportunity to talk to you this evening about the important role the City plays in managing stormwater and its impact on our local water resources.



**“Water has a voice. It carries a message that tells those downstream who you are and how you care for the land.” — Bernie McGurl, Lackawanna River Association**