



## **Agenda for the Goshen Common Council**

**6:00 p.m., July 28, 2025 Regular Meeting**

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

**Call to Order by Mayor Gina Leichty**

**Pledge of Allegiance led by Finley Smith**

### **Roll Call:**

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

**Approval of Minutes:** May 19, 2025 Regular Meeting and June 13 Education/Work Session

**Approval of Meeting Agenda**

**Privilege of the Floor**

**1) Presentation:** Induction of the City of Goshen into the Ductile Iron Pipe Century Club

**2) City financial report and budget update** (Clerk-Treasurer's Office)

**3) Ordinance 5230** - Additional Appropriations

**4) Resolution 2025-15** - A Resolution Providing for the Transfer of Appropriations

**5) Ordinance 5226** - Approving the Financing for the Purchase of a Combination Sewer Jetter Rodder Truck through U.S. Bancorp Government Leasing and Finance, Inc.

**6) Ordinance 5224** - An Ordinance to Amend Ordinance PC 90-41, known as the Meijer PUD, Passed and Adopted by the Board of County Commissioners of Elkhart County, Indiana, on the 17th day of September 1990

**7) Resolution 2025-14** - A Resolution of the Goshen Common Council regarding approval of various revised allocation provisions and expansion of Southeast Housing Allocation Area and Consolidated River Race/US 33 Allocation Area



**8) Ordinance 5227-** Transfer Control of the City of Goshen's Storm Water Facilities to the Goshen Board of Public Works and Safety

**9) Ordinance 5228** - City of Goshen Stormwater Management Ordinance

**10) Ordinance 5229** - An Ordinance Imposing a Municipal Wheel Tax and Municipal Vehicle Excise Tax and Creating the City of Goshen Municipal Wheel Tax Fund and the City of Goshen Municipal Surtax Fund

### **Elected Official Reports**

### ***Adjournment***



## GOSHEN COMMON COUNCIL Minutes of the MAY 19, 2025 Regular Meeting

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

At 6:00 p.m., assisted by Mayor Gina Leichty, Addalyn Schlabach (a 2nd-grader at Prairie View Elementary School) and Allie Crocker, (a 5<sup>th</sup>-grader at Trinity Lutheran) 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), Donald Riegsecker (District 1) Matt Schrock (District 3)  
Council President Brett Weddell (At-Large) Youth Adviser Tageeya Galeb (non-voting)

**Absent:** None

### Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the March 14, 2025 Work Session and the March 24, 2025 Regular Meeting as prepared by Clerk-Treasurer Aguirre. Councilor Nisley moved to accept the minutes as presented. Councilor Riegsecker seconded the motion. **Motion passed 7-0 on a voice vote.**

### Approval of Meeting Agenda:

Mayor Leichty presented the agenda as prepared by the Clerk-Treasurer with the deletion of item #2, *Presentation: Induction of the City of Goshen into the Ductile Iron Pipe Century Club* and the addition of new agenda item #6, *Ordinance 5222, Amend 2025 Compensation Ordinance 5198 for Civil City and Utilities Employees to Add an Engineering Project Manager Position*. Councilor Peel moved to approve the agenda as amended. Councilor Riegsecker seconded the motion. **Motion passed 7-0 on a voice vote.**

### Privilege of the Floor:

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

**Eden Kuric of Goshen** talked about the amount of taxpayer funds used yearly to purchase weapons for Israel. She said those funds could instead be used to pay free rent, groceries or health care for needy people or to pay for elementary teacher salaries, or solar-produced electricity or for the forgiveness of college debt.

**Kuric** said the only way to change federal spending priorities is to elect different lawmakers. She said Indiana has nine members of the U.S. House of Representatives, including Rep. Rudy Yakym, who represents the Goshen area. Kuric said Rep. Yakym is "probably tired" of hearing from her, but he has nevertheless continued support for Israel.

**Kuric** urged Council members to use their positions and influence to persuade Rep. Yakym that his constituents don't want their tax dollars to pay for Israel's "ethnic cleansing and genocide" in Gaza. She cited statistics on the number killed and wounded in Gaza and encouraged donations to help the victims.

**River Norton of Goshen** said he was wearing a Kafiya, a head scarf from Palestine. He described its design and its meaning to the people of Palestine.

**Norton** then said, "When silence is the norm, expect disobedience."



**Norton** continued, "If you think it's not your responsibility, it is people like you, in higher positions, that have gotten us to where we are now. Your silence is complicity. Your silence will never, ever wash the blood from your hands. There has never been a better time to speak up. And, like, literally any of you please say something to (U.S. Rep.) Randy Yakym or (U.S. Sen.) Todd Young. Why is our money going to genocide?"

**John Stoltzfus of Goshen** thanked Councilors for their work in public and behind the scenes. He said he lives in Goshen with his spouse, one dog and five chickens and they all need water.

**Stoltzfus** said that at the last Council meet he learned about Goshen's water usage and the need for water system improvements. He said that got him think about how much water he consumes in an average day and how many people and creatures throughout the world rely on water. He recounted the story of a person who begged for water, but was refused. And he said many people in Gaza need water.

**Stoltzfus** called on the Mayor and Councilors to help those who need water and urged people to support Doctors Against Genocide (which can be contacted at [doctorsagainstgenocide.org](http://doctorsagainstgenocide.org)).

**Nancy Graber of Goshen** said she returned to Goshen the previous day from a trip to Palestine. She said that when she arrived back in the United States and went through customs in Philadelphia, the person didn't react positively when she told him she had just visited Palestine.

**Graber** said she was on a two-week learning tour and learned much but has much more to learn. She said that she learned that land taken from Palestinians that it now occupied by Israelis is lush with greenery and swimming pools while Palestine is dry. She said that is because "the settlers are stealing water from Palestine and it is heartbreaking to see that."

**Graber** thanked her friends who spoke earlier in the meeting and said, "And I add my voice. Thank you."

In response to the public comments about global issues, **Mayor Leichty** said, "My colleagues on the Council are a very open and willing group to sit and listen. They are your representatives and should you ever want to speak to one of the Councilors one on one, I assure you this is a group of folks who care deeply about our community.

"I'm appreciative that we have people in the City of Goshen who are passionate not only about their local neighbors but our global community as well. I will say, while we are the face of government in this room, there are also limits to our jurisdiction and so there are limits to the kinds of things that we can make decisions about and that limits us to our geographic boundaries."

The **Mayor** continued. "That doesn't mean that is the end of where our hearts or considerations are as we make decisions about our municipality. So, I encourage those of you who have come frequently over a number of months, certainly you are welcome to come and voice your opinions at Council, but if you also want to have a one-on-one conversation with your representative, the folks here might be an alternate place for you to share your thoughts and considerations as well.

"And if you don't know who your representative is, that information is available on our website, and we do have two representatives who represent the entire City. So, that's **Councilor Linda Gerber** and **Councilor Brett Weddell**.

And everyone else represents a specific district. So, there are a number of ways you can have these conversations and I just wanted to open that up to your thoughts and consideration before we move on tonight."

(The Mayor later added that people can also call her office and set up a time to meet with her.)

**At 6:17 p.m., Mayor Leichty closed the public comment period.**





**1) Presentation: Elkhart County Convention & Visitors Bureau update on the Quilt Garden and Elkhart County tourism (Jon Hunsberger, Executive Director, ECCVB)**

**Jon Hunsberger, Executive Director of the Elkhart County Convention & Visitors Bureau (CVB)**, gave an overview of Elkhart County tourism and the annual Quilt Garden. He referred to a brochure, "Tourism Matters in Elkhart County," which was included in the agenda packet for tonight's meeting.

**Hunsberger** said "We believe in here" is the Convention and Visitors Bureau brand, adding, "We believe in here. We believe in our communities. We believe in investing back into our communities."

**Hunsberger** said May is the traditional kick off to increased activities in the county. He said one of those special activities is the Quilt Garden, a nationally recognized program that for 17 years has communicated the county's history and culture through flowers and art. He said 200,000 people visit the Quilt Gardens every year.

**Hunsberger** said "when we have visitors here who are spending almost \$200 a day, that's significant. So, the economic impact that the gardens is not just because they're beautiful; they get people moving around our community. People also are spending their dollars here in our community, which is an investment into each of our places that we live, that we go, we shop and we eat at. So, it's important to remember that as well."

**Hunsberger** said this year there are 16 gardens, including three that are new. Two of those are in Shipshewana and one more is in Wakarusa. He concluded, "We are a supporter, again, of our communities through festivals and events, sponsorship and that type of thing. But we're also looking to support experience development in a wide variety of opportunities."

In response, **Mayor Leichty** said, "I see people occasionally pulling up, and they'll pull a ladder out of the back of their car and take pictures at the Courthouse. It's a big deal. People travel a long distance to visit all of the quilt gardens throughout the county. So, thank you for all the work that you do, and for all the volunteer coordination. It's a huge effort to keep all of these gardens looking really beautiful. It's among the many other ways in which the CVB is a good partner with our City and community. Thank you very much."

**2) City financial report and budget update (Clerk-Treasurer's Office)**

**Deputy Clerk-Treasurer Jeffery Weaver** delivered a financial and budget update to Councilors.

**BACKGROUND:**

In a May 19, 2025 memorandum to the Common Council, **Deputy Clerk-Treasurer Jeffery Weaver** wrote that he was attaching financial reports summarizing the budget and cash balance performance for Civil City funds included in the 2025 budget, which was approved by the Council in October 2024. These reports were intended to provide a reasonable understanding of the City's financial position. They were unaudited and may require some interpretation.

**Fund Balance Report**

**Weaver** wrote that this report showed the cash balance of budgeted funds through April 30, 2025 and illustrated the City's liquidity position across all funds demonstrating that each fund maintains a sufficient balance to support budgeted expenditures.

**Budget Report – Revenues**

**Weaver** wrote that the second page summarized revenue collections for each fund through April 30, 2025, showing progress toward projected revenue levels. He wrote that some funds receive a levy in two allotments in June and December (General, Debt Service, MVH, Cumulative Fire, Park & Recreation, Aviation, CCD, Cumulative Sewer).



### **Budget Report – Expenditures**

**Weaver** wrote that in order to save space, this report displayed expenditures incurred to date for each fund, allowing for an assessment of spending trends relative to annual appropriations, with an expected 66% of the budget remaining at this point in the year.

### **Budget Report – Expenditures in the General Fund**

**Weaver** wrote he was including this report on a separate page to streamline the presentation of information. It broke down the General Fund by department, providing a focused view of each department's budget performance to date.

### **SUMMARY OF APRIL 28, 2025 COUNCIL DISCUSSION OF CITY FINANCIAL REPORT:**

**Mayor Leichty invited a presentation from Deputy Clerk-Treasurer Jeffery Weaver.**

**Weaver** gave an overview of his City financial report and budget update as outlined in his memorandum. Key points:

- He was presenting a more condensed report, designed to be less messy.
- There was nothing remarkable about the report through April.
- He described the funds report as showing what was available in each fund category. Only the debt service fund had a negative balance, which will be funded by the end of June and then in December.
- He described the summary of revenue and what's been received.
- He described the expenditures by funds. Each fund still had about 66% of funds remaining.
- Finally, he said "Nothing seems particularly out of place."

### **Weaver invited questions from Councilors.**

In response to questions from **Councilor Riegsecker**, **Weaver** explained adjustments to the budget which include encumbrances – funds carried over from last year's budget to pay expenses this year. He stressed that the current approved budget was not increased by these encumbrances but that accumulated bills would be paid by them.

**Mayor Leichty invited a motion to approve the financial and budget report. Councilors Weddell/Riegsecker made a motion to approve the budget and financial report as presented.**

**On a voice vote, Councilors voted unanimously, by a 7-0 margin, to approve the financial and budget report as presented. The motion passed, 7-0, at 6:27 p.m.**

### **3) Ordinance 5220, An Ordinance to Provide for a Recruitment Incentive and Referral Bonus (Second Reading)**

**Mayor Leichty called for the introduction of Ordinance 5220, *An Ordinance to Provide for a Recruitment Incentive and Referral Bonus*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5220 by title only, which was done.**

**Weddell/Peel made a motion to approve Ordinance 5220 on Second Reading.**

### **BACKGROUND:**

Ordinance 5220 would provide a \$5,000 recruitment incentive to a new employee filling an eligible position and a \$2,000 bonus to a City employee who refers a candidate for employment to a position that the City has authorized the payment of a referral bonus.



**Full-time positions eligible for a bonus will be those difficult to fill in the absence of the recruitment incentives, that require special or unique competencies for the position, such as knowledge, skills, abilities, behaviors, and other characteristics an individual needs to perform the duties for a position and is assigned a Grade 20 (maximum annual salary of \$103,227) or above.**

**According to Ordinance 5220:**

- The City's administration wishes to provide a recruitment incentive to be offered for certain positions that are likely difficult to fill, along with a referral bonus to encourage current employees to refer qualified candidates for certain vacant positions.
- If approved, it would be ordained by Ordinance 5220 that the Common Council would authorize the payment of a recruitment incentive and a referral bonus as follows:

**SECTION 1 Recruitment Incentive** – The City may pay a recruitment incentive to a new employee filling an eligible position in accordance with the Recruitment Incentive Policy attached as *Exhibit A*, and in accordance with the terms and conditions of an agreement with the new employee. The total amount of the recruitment incentive to be paid to a new employee shall not exceed the sum of \$5,000.

**SECTION 2 Referral Bonus** – The City may pay a referral bonus to a referring employee that refers a candidate for employment to a position that the City has authorized the payment of a referral bonus in accordance with the Referral Bonus Policy attached as *Exhibit B*. The total amount of the referral bonus to be paid to a referring employee shall not exceed the sum of Two Thousand Dollars (\$2,000) for each referred candidate.

**Exhibit A** sets for the terms and conditions of the Recruitment Incentive Policy, which would be administered by the Mayor. The policy includes its purpose, the positions eligible for it and factors that would prompt the payment.

**Exhibit B** sets for the terms and conditions of the Referral Bonus Policy, which would be administered by the Mayor. The policy includes its purpose, the positions eligible for it and factors that would prompt the payment.

**At the April 28, 2025 meeting, Councilors approved Ordinance 5220 on First Reading by a 6-1 vote with Councilors Gerber, Lederach, Peel, Riegsecker, Schrock and Weddell voting "yes" and Nisley voting "no." Because there was not unanimous consent to proceed with the Second Reading of Ordinance 5220, the Second Reading of this ordinance was continued to the May 19, 2025 Common Council meeting.**

#### **SUMMARY OF MAY 19, 2025 COUNCIL CONSIDERATION & APPROVAL OF ORDINANCE 5220:**

**Mayor Leichty** summarized the consideration of Ordinance 5220 at the last Council meeting. She also discussed the purpose of the ordinance, which is to help hire employees for positions that are difficult to fill by providing incentive bonuses. She said similar incentives are provided for public safety (police and fire) employees.

**The Mayor** invited questions or comments from Councilors.

**Councilor Schrock** said he noticed a mistake on page 4, section E of the ordinance, which stated, "The Mayor and shall determine the amount of the referral bonus for each position." He said an extra "and" was in the sentence.

**Councilors Schrock/Nisley then made a motion to remove the word "and" from page 4, section E of the ordinance**

**On a voice vote, Councilors voted unanimously, by a 7-0 margin, to approve the motion to amend the ordinance by removing "and" from page 4, section E of the ordinance. The motion passed, 7-0, at 6:31 p.m.**



At 6:31 p.m., Mayor Leichty invited questions from members of the audience. There were none.

Mayor Leichty asked if Councilors were ready to vote. They indicated that they were. Councilor Nisley requested a roll call vote.

**On a roll call vote, Councilors passed Ordinance 5220, *An Ordinance to Provide for a Recruitment Incentive and Referral Bonus*, on Second Reading by a 6-1 margin, with Councilors Gerber, Lederach, Peel, Riegsecker Schrock and Weddell voting “yes” and Councilor Nisley voting “no”, at 6:32 p.m.**

**4) Resolution 2025-11, Resolution of the Goshen Common Council Adopting a Policy to Provide Public Notice of Meetings**

Mayor Leichty called for the introduction of Resolution 2025-11, *Resolution of the Goshen Common Council Adopting a Policy to Provide Public Notice of Meetings*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2025-11 by title only, which was done.

**Weddell/Schrock made a motion to approve Resolution 2025-11.**

**BACKGROUND:**

**Resolution 2025-11 would adopt a policy to provide public notice of meetings.**

**According to Resolution 2025-11:**

- Indiana Code #5-14-1.5-5 sets forth the requirements for a governing body to provide public notice of any meetings, executive sessions or of any rescheduled or reconvened meeting.
- Indiana Code #5-14-1.5-5(b)(2) provides that a governing body shall determine the method in which the governing body shall provide notice of meetings to all news media which deliver to the governing body an annual written request for notices not later than December 31 for the next succeeding calendar year.
- Indiana Code #5-14-1.5-5(b)(3) provides that a governing body may adopt a policy to determine the method in which the governing body shall provide notice of meetings to any person (other than news media) who delivers to the governing body an annual written request for notices not later than December 31 for the next succeeding calendar year.
- And the purpose of this policy is to state the methods in which the Goshen Common Council, as a governing body of the City of Goshen, shall provide public notice of meetings in accordance with Indiana Code #5-14-1.5-5.
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**If Resolution 2025-11 was approved by the Common Council, it would be resolved that the Goshen Common Council shall provide public notice of meetings as follows:**

A. Public notice of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and location of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda. This requirement also does not apply to a meeting called to deal with an emergency as provided under I.C. 5-14-1.5-5(d).



B. The public notice shall include the following information:

1. Governing body name.
2. Date of meeting.
3. Time of meeting.
4. Location of meeting.
5. Website address for live transmissions and archived copies of live transmissions of meetings, excluding an executive session.
6. If the meeting is an executive session, the public notice shall include the subject matter by specific reference to the enumerated instance or instances for which an executive session may be held under I.C. 5-14-1.5-6.1(b).

C. The public notice of meetings shall be given by:

1. Posting a copy of the notice at Goshen City Hall.
2. Publishing the notice on the City of Goshen's website at least forty-eight (48) hours in advance of the meeting shall serve as notice to any person (other than news media) who delivers to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.
3. Transmitting the notice by electronic mail to all news media which deliver to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.

D. Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or location of a regular meeting or meetings is changed. This does not apply to executive sessions.

E. If an agenda is utilized for a meeting, a copy of the agenda shall be posted at the entrance to the location of the meeting prior to the meeting.

F. This policy to provide public notice of meetings shall be effective immediately. Upon the effective date of this policy, all prior policies on providing public notice of meetings, specifically including the policy adopted March 5, 2013 by Resolution 2013-10, shall be repealed.

G. This policy shall apply to any meetings of the Goshen Common Council and all other governing bodies of the City of Goshen until such time as each governing body of the City of Goshen adopts a policy substantially similar to this policy.

H. This policy is intended to be consistent with the Indiana Open Door Law codified at I.C. 5-14-1.5 et seq. as in effect on April 25, 2025, and is incorporated hereto by reference. In the event that I.C. 5-14-1.5 et seq. is amended in such a way to conflict with any provision in this policy, then this policy shall be amended to comply with the statutory amendment.

#### **SUMMARY OF MAY 19, 2025 COUNCIL CONSIDERATION & APPROVAL OF RESOLUTION 2025-11:**

**Mayor Leichty stated the purpose of Resolution 2025-11 and invited a presentation on it.**

**City Attorney Bodie Stegelmann** this resolution "would align City policy with State statute, but specifically one additional point to make would be that this resolution would allow the City to post agendas and meeting minutes on the City's website, and it would constitute notice to the public of meeting agendas and the minutes from meetings."

**Mayor Leichty invited questions or comments from Councilors.**



**Councilor Gerber** said at the last meeting, during Privilege of the Floor, it was noted that the City calendar online was not current as far as the list of meetings was concerned. She said she checked today and it looked current, but she was unsure if meeting calendars were in multiple locations.

**Mayor Leichty** responded that it was “an ongoing journey quest for our department to find all of those places and make sure they are updated.” She asked **City Communications Manager Amanda Guzman** if they were up to date.

**Guzman** said there is an online events calendar for all the City websites which includes every single event the City has and that includes meetings and fun park events. There also is a link to videos of past meetings. She said the web pages for individual boards “are still a work in progress.”

**Mayor Leichty** added, “We did migrate our whole website to a new platform, and that happened at the end of February. We couldn't update all of our content before the migration, because everything was going to change and everything we had to freeze at the end of last year while they made that change.

“And so, there's been a delay in getting things updated and then getting some of the bugs worked out on the new system has taken a little while. So, thank you for your patience as we find our way through that. But we do recognize its importance, and we'll make every effort to make sure that that's kept up to date.”

**Councilor Riegsecker** asked the main intent of the Indiana Legislative Assembly in requiring this change of cities. He asked if the State was ending a requirement of Cities to advertise meetings in newspapers.

**City Attorney Stegelmann** said “the thrust of this, maybe, is to move us into the 21st century, and if we put the notice on the computer website that's one place where everybody can go” for meeting information.

**Mayor Leichty** said “some of the conversations that I've and been a participant in there's definitely the desire to see more accessibility. So, that's one of the reasons that we're live streaming and recording all of our meetings, so that if for some reason somebody cannot participate in person and can't be actively involved, as you can in the room, they can at least see what's happening, and hear the conversations verbatim. So, we're trying to make all of that available. It's important step in accessibility.”

**At 6:38 p.m., Mayor Leichty invited questions from members of the audience. There were none.**

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

**On a voice vote, Councilors unanimously passed Resolution 2025-11, Resolution of the Goshen Common Council Adopting a Policy to Provide Public Notice of Meetings, by a 7-0 margin, with all Councilors voting “yes,” at 6:38 p.m.**

**5) Ordinance 5221, Authorizing the Use of Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such**

**Mayor Leichty called for the introduction of Ordinance 5221, *Authorizing the Use of Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such.***

**Council President Weddell asked the Clerk-Treasurer to read Ordinance 5221 by title only, which was done.**

**Weddell/Nisley made a motion to approve Ordinance 5221 on First Reading.**





#### **BACKGROUND:**

**Ordinance 5221 would authorize the Use of Off-Road Vehicles on highways under the jurisdiction of the City of Goshen, Indiana and impose requirements for such.**

**The City Legal Department determined that it was necessary to make corrections and minor revisions to the previously approved City ordinance (5184) authorizing the use of off-road vehicles on City streets.**

**In particular, the current ordinance does not prohibit the operation of off-road vehicles on state highways which was clearly an error. Attached to the Council agenda packet was a redlined copy of the ordinance showing the corrections and revisions.**

**Ordinance 5221 would DELETE the following Whereas clause from the current off-road vehicle ordinance:**

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

**Ordinance 5221 would add the following Whereas clauses:**

**"WHEREAS the Goshen Common Council adopted Ordinance 5184 to authorize the use of Off-Road Vehicles on highways under the jurisdiction of the City of Goshen, Indiana, and set minimum requirements for the use thereof; and**

**"WHEREAS the City finds it necessary to make certain corrections and revisions to Ordinance 5184 by the adoption of a new ordinance."**

**Paragraph 2, Section (E) Highways under the jurisdiction of the City, the ordinance would be amended as follows:**

**"(2) Off-Road Vehicles shall not be allowed operated on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System, specifically S.R. 119 between Greene Rd. and US 33, S.R. 15 between Hackett Rd. and Egbert Rd., S.R. 4 to S. 29th St., and U.S. 33 between Glenmore Ave. and C.R. 138 currently State Road 119, State Road 15, and U.S. Highway 33."**

**Paragraph A of Section 5, Violations, Enforcement and Penalties would be amended as follows:**

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

**Finally, Section 6, Other Ordinance, would be amended as follows:**

**"All ordinances and parts of ordinances inconsistent or in conflict with the terms of this Ordinance are repealed to the extent of the inconsistency or conflict. This Ordinance specifically repeals Ordinance 5184."**

#### **SUMMARY OF MAY 19, 2025 COUNCIL CONSIDERATION & APPROVAL OF ORDINANCE 5221:**

**Mayor Leichty invited a presentation from City Attorney Bodie Stegelmann.**

**Stegelmann** said this was "a fairly straightforward clarification." He continued, "What happened is it came to our attention that we may have exceeded the City's authority by allowing off-road vehicles on State highways.

"The statute that allows the City to adopt an ordinance like this, talks about allowing off road vehicles on streets under the city's jurisdiction, and so by going beyond that and allowing vehicles on State highway system would exceed our authority under that statute."

**Stegelmann** said his staff prepared a redline version of the ordinance that was in the Council's agenda packet. He said the Council could adopt language similar to that version or just remove the paragraph in question.



**Councilor Nisley** asked for a clarification of the highways under the State's jurisdiction that are inside the City.

**Stegelmann** said any State highway is not under the City's jurisdiction. However, in response to a question from

**Council President Weddell**, **Stegelmann** said the City can enforce laws on those streets.

**Council President Weddell** said **Dan Emery**, a key proponent of the City's off-road vehicle ordinance, is seeking a change in state law to give cities authority over State highways within city limits. **Weddell** suggested removing the paragraph in question, noting it can be restored if the State changes the law.

After additional conversation by Councilors and the Mayor, **Council President Weddell** made a motion to amend the redline version of Ordinance 5221 by removing from "Section 3 Requirements for Operation of Off-Road Vehicles" Paragraph 2, "Section (E) Highways under the jurisdiction of the City," which now states:

*"(2) Off-Road Vehicles shall not be allowed operated on any highway within the corporate boundaries of the City that is designated as part of the Indiana State Highway System, specifically S.R. 119 between Greene Rd. and US 33, S.R. 15 between Hackett Rd. and Egbert Rd., S.R. 4 to S. 29th St., and U.S. 33 between Glenmore Ave. and C.R. 138 currently State Road 119, State Road 15, and U.S. Highway 33."*

**Councilor Nisley** seconded the motion.

**Councilor Gerber** asked if the Council would need to revisit the issue if the State changed the statute.

**City Attorney Stegelmann** said, "I think it would depend on how the statute is amended. If it gave the City authorization to allow it on State highways, we would have to come back. But if the State would allow these on the State highway system, we wouldn't have to."

**Mayor Leichty** clarified that the current state statute doesn't allow off-road vehicles on state highways, but they can cross them.

**Councilors** briefly discussed the motion and clarified that **Council President Weddell's** motion would simply amend "Section 3 Requirements for Operation of Off-Road Vehicles" by removing Paragraph 2, "Section (E) Highways under the jurisdiction of the City."

**On a voice vote, Councilors unanimously passed the motion by Councilors Weddell and Nisley to amend the redline version of draft Ordinance 5221 by changing "Section 3 Requirements for Operation of Off-Road Vehicles" by removing Paragraph 2, "Section (E) Highways under the jurisdiction of the City" in the redline version of the ordinance, by a 7-0 margin, with all Councilors voting "yes," at 6:48 p.m.**

**At 6:49 p.m., Mayor Leichty** invited questions from members of the audience. **On the amended and final version of Ordinance 5221.**

**Kyle Richardson of Goshen** said "understanding issues of legal authority can't be resolved, any transportation system, whether it's off-road vehicles or bicycles or trains, are only as valuable as the connectivity of the system. I know the streets that are legal for off-road vehicles already struggle with some connectivity issues. This will increase those. So, I just encourage the City to look for ways to increase the connectivity of the system as we deal with the State."

**Mayor Leichty** responded, "Great point. Thank you." **Council President Weddell** agreed.





Mayor Leichty asked if Councilors were ready to vote on amended Ordinance 5221. They indicated that they were.

**On a voice vote, Councilors unanimously passed amended version Ordinance 5221, *Authorizing the Use of Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such*, on First Reading by a 7-0 margin, with all Councilors voting “yes”, at 6:50 p.m.**

Councilors gave unanimous consent to proceed with a Second Reading of Ordinance 5221.

Mayor Leichty called for the introduction of Ordinance 5221, *Authorizing the Use of Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5221 by title only, which was done. **Weddell/Nisley made a motion to approve Ordinance 5221 on Second Reading.**

At 6:51, Mayor Leichty asked if there were additional questions or comments about the amended version of Ordinance 5221 from Councilors or the audience. There were not.

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

**On a voice vote, Councilors unanimously passed amended Ordinance 5221, *Authorizing the Use of Off-Road Vehicles on Highways under the Jurisdiction of the City of Goshen, Indiana and Imposing Requirements for Such* on Second Reading by a 7-0 margin, with all Councilors voting “yes”, at 6:51 p.m.**

**6) Ordinance 5222, Amend 2025 Compensation Ordinance 5198 for Civil City and Utilities Employees to Add an Engineering Project Manager Position (added agenda item)**

Mayor Leichty called for the introduction of Ordinance 5222, *Amend 2025 Compensation Ordinance 5198 for Civil City and Utilities Employees to Add an Engineering Project Manager Position*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5222 by title only, which was done.

**Weddell/Peel made a motion to approve Ordinance 5222 on First Reading.**

**BACKGROUND:**

Ordinance 5222 would amend 2025 Compensation Ordinance 5198 for Civil City and Utilities Employees to add an engineering project manager position.

According to Ordinance 5222:

- Ordinance 5198 approves the 2025 minimum and maximum compensation, including wages and benefits, for Civil City and Utilities employees.
- The City's Administration would like to add a second Engineering Project Manager position to the Engineering Department that the cost of wages and employment benefits is paid entirely from one fund or budget.



If approved, it would be ordained by the Goshen Common Council that Ordinance 5198, Exhibit A, 2025 Positions, Classifications and Grades, shall be amended to add a second Engineering Project Manager position under the Engineering Department. The classification of the position shall be covered, non-exempt (hourly), and the position shall be a Grade 16. The cost of wages and employment benefits for the position is paid entirely from one fund or budget.

**SUMMARY OF MAY 19, 2025 COUNCIL CONSIDERATION & APPROVAL OF ORDINANCE 5222:**

**Mayor Leichty invited a presentation from City Director of Public Works & Utilities Dustin Sailor about draft Ordinance 5221 (EXHIBIT #1), copies of which were provided to Councilors before tonight's meeting.**

**Sailor** described the purpose of Ordinance 5222, how the new position would be used, what it would cost and how much it would save the City for project inspection work.

**Sailor** said the Engineering Department has a project manager's position that is paid for by a 50-50 split with Civil City and Utilities funds. He said the City is about to close on the State loan for the Northside Neighborhood project, which will be roughly two years' worth of construction and is valued at roughly \$10 million.

**Sailor** said the City doesn't have staff available to monitor the project, and an evaluation showed that hiring out the inspection of the construction to an outside company – due to the value of the project – would cost about \$600,000 in engineering costs.

So, **Sailor** said the City wants to hire an in-house person to monitor the project and that would be a savings of about \$400,000, based upon the sequence of work on this project, and then with future work, including a sewer line project and a digester project and other utilities work.

**Councilor Peel** asked if there is someone on staff who can take the position. **Sailor** said the new position will be advertised, but there is a staff member available to fill the job. **Sailor** said if selected, the person's former job will need to be filled.

**Councilor Nisley** confirmed it would be a new position and asked how it would be financed. **Sailor** said it would be funded by Utilities, a 50-50 split by the Water and Wastewater departments. He said making this hire would save money that would have been spent on a contractor. He said the \$200,000 cost of the new person's pay and benefits would be over two years, and the job would be permanent addition.

In response to a question from **Councilor Riegsecker**, **Sailor** said funds for the position would come from the Utilities operating fund.

**Council President Weddell** said he is glad that \$400,000 will be saved and added, "This is something that that I'm excited about, because it's very similar to something I've been asking for through the Redevelopment Commission for years, but it just never worked out because we spend millions of dollars on firms for inspections.

"I've always wondered why we can't we hire someone in house to do it and save a fortune. Well, the problem is, it just never has worked out, because trying to find someone to hire is next to impossible. And the fact that Dustin has found someone that is available and qualified when we need them, I think, is a great opportunity."

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

**At 6:56 p.m., Mayor Leichty invited questions from members of the audience. There were none.**



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

**On a voice vote, Councilors unanimously passed Ordinance 5222, Amend 2025 Compensation Ordinance 5198 for Civil City and Utilities Employees to Add an Engineering Project Manager Position, on First Reading by a 7-0 margin, with all Councilors voting "yes", at 6:56 p.m.**

Councilors gave unanimous consent to proceed with a Second Reading of Ordinance 5222.

Mayor Leichty called for the introduction of Ordinance 5222, *Amend 2025 Compensation Ordinance 5198 for Civil City and Utilities Employees to Add an Engineering Project Manager Position*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5222 by title only, which was done.

**Weddell/Peel made a motion to approve Ordinance 5222 on Second Reading.**

At 6:57, Mayor Leichty asked if there were additional questions or comments about Ordinance 522 from Councilors or the audience. There were not.

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

**On a voice vote, Councilors unanimously passed Ordinance 5222, Amend 2025 Compensation Ordinance 5198 for Civil City and Utilities Employees to Add an Engineering Project Manager Position, on Second Reading by a 7-0 margin, with all Councilors voting "yes", at 6:57 p.m.**

#### **Elected Official Reports:**

**Mayor Leichty** said this was the next to last Council meeting for **Youth Adviser Tageeya Galeb**, who the Mayor said has been "exceptional." She said Galeb will attend the July Council meeting to provide some mentoring and onboarding for the new person. She asked Galeb if she had an update on the work of the **youth council**.

**Galeb** said **Goshen High School** had an election for new youth advisers on May 9, and it was the best turnout since the youth adviser program was started. More than 700 students voted and 16 students ran for seven positions. She added, "I loved seeing the competition, and I'm really proud of the students that got elected, and I know that they're going to be really good as leaders."

**Galeb** also said, "I really appreciate you guys including me in this, and it's been an amazing time. And I want to say, thank you to the Mayor for the Mayor's Day that we had. We all loved it. All the leaders really enjoyed getting to know you better and getting to see Goshen from a different perspective, which is really nice. Thank you so much."

In response to a question from **Council President Weddell**, **Galeb** said that seniors were allowed to vote in the election. The **Council President** noted that the high school had a higher voter turnout than in the last municipal election, by about 10 percent.

**Mayor Leichty** said, "I attribute that to **Councilor Galeb** for her efforts. She did an exceptional job of keeping meeting minutes and making sure that there were regular meetings that were facilitated and organizing the students as a whole, providing feedback and support for them. So, she's really done an outstanding job."



**The Mayor asked if Councilors had any other reports.**

**Councilor Peel** said the **Downtown Economic Improvement District Board** met. She said the board authorized the removal downtown of planters that were falling apart and beyond repair. Plans are being developed to put something in place of the planters. She also said there was discussion about new downtown restaurants, including The Fold, Topsy Biscuit the Cortado Café and possibly a cat café (perhaps just a rumor).

**Councilor Gerber** expressed appreciation for **City Stormwater Coordinator Jason Kauffman** and the Stormwater Department for its efficiency in managing the cleanup of the Millrace Trail "because it did need to shut down, and we were concerned that it might be quite a long time for people who are using the trail, and it was done ahead of schedule. And so, I thought that was something to appreciate."

**Council President Weddell** said the **City Redevelopment Commission** met last week and there is starting to be "some action with the Western Rubber property." He said the Cherry Creek project is also moving forward thanks to City staff and State legislators helping resolve issues with NIPSCO.

**Council President Weddell** said the City is also moving forward and rectifying a long standing issue with the vaults that are underneath the sidewalks downtown. He said **City Building Commissioner Myron Grise** and other city staff "are working really well to try and get those things finalized and cleaned up and resolved, so we don't have any safety issues downtown."

**Councilor Peel** asked the location of the remaining vaults. **Council President Weddell** responded, "I couldn't tell you the exact locations at this point ... No one's going to be dropping in anymore."

**Mayor Leichty** asked **City Director of Administrative Affairs Michael Wanbaugh** to report on an upcoming event by the **City Community Relations Commission (CRC)**.

**Wanbaugh** said there will be a **CRC walkabout in the Northside neighborhood district on June 3** at 4 p.m. He said participants will meet at Chamberlain School, which is where the two-mile walking tour will begin and end. He said there will be a number of stops, including at Maple City Health Clinic and parks. There will be staff presentations on the receivership program to repair dilapidated homes and on park improvements.

**Mayor Leichty** was a goal of the tour is to show the efforts to improve the neighborhood.

**Council President Weddell** thanked the Mayor's Office for **sponsoring lunches at City Hall for City employees celebrating birthdays**. He said he and **Councilor Gerber** attended the May birthday lunch. He added, "If you have not gone, it's a lot of fun because every department has someone there. It's just a good time. So, if you have a chance, I'd go."

**Mayor Leichty** said on May 31, the City will sponsor a **golf cart registration day**. She added, "If you have a golf cart already and you would like to get it registered, you can get it registered at the Central Fire Station from 9 a.m. until 2 p.m." She said some golf carts will be for sale.

**Mayor Leichty** also reminded Councilors about the **June 13 education work session** at the Chamber of Commerce, starting at 1:30 p.m., about the impact of Senate Bill 1 and water system needs and upgrades.



**Adjournment:**

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

Mayor Leichty adjourned the meeting at 7:07 p.m.

**EXHIBIT #1:** *A copy of Ordinance 5222, Amend 2025 Compensation Ordinance 5198 for Civil City and Utilities Employees to Add an Engineering Project Manager Position, which was distributed to Councilors before the meeting and added to the agenda as #6. Ordinance 5222 was considered and approved.*

**APPROVED:**

\_\_\_\_\_  
Gina Leichty, Mayor of Goshen

**ATTEST:**

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





- An engineering firm was hired to conduct a usability study and develop a preliminary engineering report;
- There has been testing of the South Wellfield water and it has proven to be equivalent to the Kercher Wellfield with no serious safety issues;
- In April, the City submitted a Preliminary Engineering Report to the State Revolving Fund for a grant or loan of \$3 million or \$4 million and the State is evaluating whether to provide that funding for the City;
- A decision on funding should be made in July and assuming it is provided (and that is looking positive), the City will begin the project design phase;
- The detailed design phase should be completed by June 2026, which will position the City to apply for more state funding and put the project out to bid in the fall 2026;
- Regarding the **North Wellfield**, the Preliminary Engineering Report showed three options on how to proceed;
- City staff selected the third option, which is to decommission the wellfield and cease water production but continue to use offices there and also store vehicles;
- This recommendation was accepted because the North Wellfield has water quality issues; PFAS have been detected in the water and the wellfield is on the EPA National Priority List;
- Goshen is an industrial community and there are resulting water quality issues in the ground water;
- While this is an issue in the North Wellfield, it is not an issue in the South Wellfield;
- It also was determined that the North Wellfield is in the flood plain and the City cannot build anything there that would impact the water level because of the flood risk;
- As a result, the City can only maintain the North Wellfield pumps, which is expected to cost \$60,000 and staff is proposing to pay another \$170,000 to decommission the wells, closing them down over time;
- The City needs to operate two wellfields to serve customers and maintain adequate water pressure for fire protection.
- The **Kercher Wellfield** is believed to have better water quality than the North Wellfield, but needs testing and upgrades that have not been funded;
- The City will complete a "3D Study" of the aquifer to make sure there are no water quality issues when the City increases pumping of the Kercher Wellfield;
- The City also needs to purchase additional property for a replacement well because the wellfield is in a confined space and there's not enough room to add another well on site without interfering with an existing well;
- Also, a filter screen on Well 12 failed in 2010 and was rescreened so it could be used again but has failed again, so Well 12 can only be used during a fire emergency;
- In addition, the City has to replace the generator at the Kercher Wellfield, which was purchased used from a hospital that was closing in Fort Wayne and is becoming too costly to maintain;
- There also is a need to upgrade flow meters which monitor all of the water that goes out of that plant; those would have to be upgraded;
- Another big obstacle for the Kercher Wellfield is that all of its filters are located outside, so in the winter the City has to run the plant constantly to keep the filters from freezing;





- Since the North Wellfield plant essentially doesn't run, the whole City is provided water from the Kercher Wellfield;
- In order to maintain a feasible cost for all of the water system upgrades, the project was split it into two pieces, so that is why some minimum maintenance has been recommended to keep the pumps at the Kercher Wellfield running until the City can purchase a property nearby
- Most of the needed upgrades at the Kercher Wellfield would not be completed until a future phase 2 of improvements;
- The **Hilltop Booster Station**, which on the north end of the City, needs a new pump house;
- The current pump house has two high-service pumps in the basement, which are difficult to maintain, and there's no room to add another pump;
- The booster station is adequately serving current customers and providing adequate fire protection, but there's no capacity in the pump house to serve any growth in that area;
- The City would like to add an extra pump, so the station could provide at least 3,000 gallons a minute to ensure adequate fire protection, but (again) there's no room to add another pump;
- New property is needed to expand the capacity of the pump station but the price will be significant;
- The City cannot use the full volume of one of the tanks because if it was filled to capacity, the tank could actually float because of the high groundwater level;
- A Preliminary Engineering Report estimated the costs of the **South Wellfield** to be:\$7.2 million for the Partial Buildout; \$1.5 million for the South Water Treatment Plant Bulk Sodium Hypochlorite Disinfection; \$630,000 for the Fluoride Treatment \$36 million for Operating at Partial Building with a total of \$45.3 million;
- However, with an added 10% contingency and the added costs for financing, engineering design, permitting, construction assistance and other costs, the estimated total would be \$68 million for Phase 1;
- For Phase 2, the costs are now estimated at \$19-\$20 million and there will be additional costs for other needed projects;
- The City of Goshen has been **adding Fluoride to the drinking water system** since 1980, but doing so is voluntary and a growing number of communities want to discontinue this practice;
- The City spend about \$12,000 a year to inject Fluoride in its drinking water;
- It's recommended that the City appoint a task force with Council and community members to study the issue and make a recommendation about whether this practice should continue;
- The City is currently launching **the Lead Service Line Replacement and Utility Upgrades Project** on the northside of the City;
- The process began because of a mandate from the Federal Environmental Protection Agency for communities to conduct inventories of piping to determine the number of potentially hazardous lead service water lines;
- The City conducted a comprehensive inventory and determined Goshen didn't have any fully lead lines;
- However, the City did have lead goosenecks, short pieces of flexible lead tubing used on galvanized service lines to connect the water main to the water meter that come off the main;
- So, in the designated areas, the City will be replacing lead goosenecks and the focal point of the work is in disadvantaged areas;





- The City was able to secure a \$2.5 million grant, a \$2.5 million 0% interest loan and a \$3 million low-interest loan and will be replacing 458 goosenecks, although that number will increase;
- Whenever workers go out and fix service lines that have been broken, and they find a new lead gooseneck, they replace the entire line going to residences;
- The City sent its inventory of lead service lines to the State on Oct. 16, 2024 and will provide updated information in 2027 and all work must be completed in 10 years;
- Finally, every three years, the **Indiana Department of Environmental Management requires testing to determine lead levels in water delivered to users of public drinking water;**
- The City tests samples at 30 different sites throughout the City;
- In 2023, the City conducted testing at homes with galvanized lines, because lead usually will leach into a galvanized line;
- The EPA's action level for lead in public drinking water systems is now 10 µg/L (microgram per liter), which is a reduction from the previous level of 15 µg/L;
- Overall, all of the homes tested in the City were below the EPA maximum (10 µg/L)

**After their detailed presentation, Utilities City Engineer Jamey Bontrager-Singer and Marvin Shepherd, Superintendent of the City Water and Sewer Department, answered questions about a wide range of issues from Councilors, who also offered relevant comments. Among subjects addressed:**

- The location of the new South Wellfield;
- Problems at the Hilltop Booster Station along with planned improvements and ongoing work;
- The costs of the water improvements and how to pay for them, including by increasing utility rates, and the formation of a task force to explore the options;
- The pros and cons of continuing to add Fluoride to City drinking water;
- The dire need for these water system upgrades to meet current and future needs;
- Options for increasing utility rates, which may rise as much as 70%, by phasing them in;
- The current costs of the average residential water bill (about \$30) and the average combined water and sewer bill (about \$85);
- The costs of previous water system improvements;
- The favorable State funding the City has obtained for current projects, the prospects of future State funding and the possibility of reduced federal funding for infrastructure projects;
- Current efforts by the City to address groundwater contamination;
- Even though Goshen has many water system needs and escalating costs, other communities face a similar situation and some face more severe problems and even higher projected costs;
- Water and sewer system improvements must be paid for by Utilities and not with Civil City funds;
- There are limits to how high water and sewer rates can be increased;
- It appears that many Goshen residents are struggling to pay their utility bills, there are many shutoffs and higher rates will intensify that problem;
- If water usage continues to increase without a greater supply, water usage restrictions may need to be imposed.



### 3) Break

At 2:21 p.m., Mayor Leichty called for a break in the meeting.

The work/education session resumed at 2:31 p.m.

### 4) Presentation: Understanding Senate Bill 1 – Financial impacts on Goshen

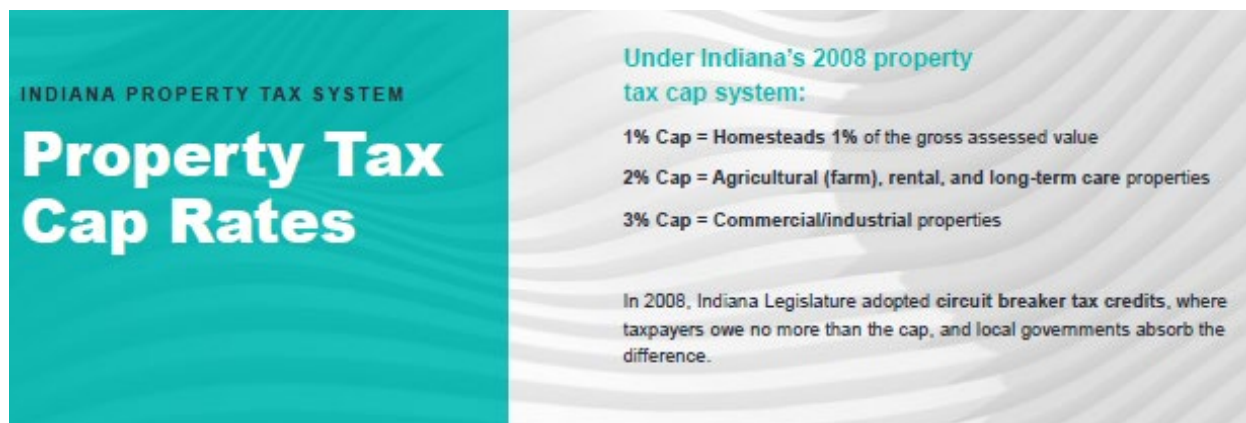
Using a 29-page PowerPoint (EXHIBIT #2), Amber Nielsen, a Manager at Baker Tilly Municipal Advisors, gave a comprehensive presentation on Indiana's tax system and changes mandated because of **Senate Bill 1, landmark legislation approved by the Indiana Legislative Assembly in April.**

When fully implemented over the next three years, **Senate Bill 1** will limit property taxes for homeowners, reduce the taxes businesses pay on their equipment, and require government finance reforms. For example, SB 1 limits how much local governments can raise their property taxes and allows most cities and towns to establish their own local income taxes. SB 1 is expected to cost local governments up to \$1.8 billion in revenue over the next three years.

**Nielsen said she would discuss the changes Senate Bill 1 is mandating, how it will affect the City of Goshen's finances and what the City can do to make up resulting funding shortfalls.**

**Nielsen** described Indiana's **property tax caps law – also known as the circuit breaker** -- that since 2010 has capped the amount of property taxes to 1 percent of the gross assessed value for homestead properties, 2 percent for other residential and agricultural land and 3 percent for other real and personal property.

**Nielsen** presented and summarized the following PowerPoint chart in discussing property tax caps and rates:



**Nielsen** said on an Indiana home with an assessed value of \$100,000, the maximum property tax would be \$1,000. She said if a homeowner's district tax rate resulted in a \$1,500 tax, the bill would be capped at \$1,000 and the \$500 difference turned into what is known as a "circuit breaker credit." The shortfall is lost revenue.

Next, **Nielsen** presented slides with the expected changes in property taxes due to the passage of Senate Bill 1.

The following chart outlines **changes to the property deductions and credits from 2025 through 2031**. She said these will be phased over the next six years, so effects will start to be seen in 2026, but they will not be full in effect until 2031. So, she said the **standard deduction filed through the county will phase out and go down to 0. It will cease to exist in 2031.**



As indicated on the chart, **Nielsen** said a new deduction called the **supplemental homestead deduction** will “phase up,” to 66.7% in 2031. At its maximum a deduction of 66.7% off the home’s assessed value will be applied rather than the current \$48,000 standard deduction.

**Nielsen** also described **three other new credits**. The first is the **supplemental homestead credit**, which will be about \$300 subtracted from property tax bills. It will be the lesser of \$300 or 10% of the net property tax bill. The second credit, taking effect in 2026, will provide a **\$150 credit for homeowners older than 65** and there is a new **\$125 credit for disabled homeowners**.

SB1 HIGHLIGHTS

### 1% Homestead Property Deductions and Credits Changes

	2025	2026	2027	2028	2029	2030	2031
Standard Deduction	\$48,000	\$48,000	\$40,000	<del>\$30,000</del>	<del>\$20,000</del>	\$10,000	\$0
Supplemental Homestead Deduction	37.5%	40%	46.0%	52.0%	57.0%	62.0%	66.7%
Supplemental Homestead Credit		Lesser of \$300 or 10.0% of net property tax bill	Lesser of \$300 or 10.0% of net property tax bill	Lesser of \$300 or 10.0% of net property tax bill	Lesser of \$300 or 10.0% of net property tax bill	Lesser of \$300 or 10.0% of net property tax bill	Lesser of \$300 or 10.0% of net property tax bill
65 & over (Credit)	MODIFIED	\$150	\$150	\$150	\$150	\$150	\$150
Disabled homeowner (Credit)	MODIFIED	\$125	\$125	\$125	\$125	\$125	\$125

“65 and Over” Credit Qualification Threshold:  
 •For a single filer, the adjusted gross income must not exceed \$60,000.  
 •For a joint filer, the adjusted gross income must not exceed \$70,000.  
 Income eligibility is based on the calendar year two years prior to the year in which the property taxes are due.

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**Nielsen** said the following chart shows the impact of **replacing the standard deduction with the supplemental homestead deduction**. When fully implemented in 2031, she said a home’s net assessed value will fall dramatically as will the tax base and the City’s total net assessed value. And property taxes collections will fall.

SB1 HIGHLIGHTS

### 1% Homestead Property Example

	2025	2026	2027	2028	2029	2030	2031
Home Value (1)	\$240,714	\$240,714	\$240,714	\$240,714	\$240,714	\$240,714	\$240,714
Standard Deduction	\$48,000	\$48,000	\$40,000	\$30,000	\$20,000	\$10,000	\$0
Supplemental Homestead Deduction	<u>\$72,267</u>	<u>\$77,086</u>	<u>\$92,328</u>	<u>\$109,571</u>	<u>\$125,807</u>	<u>\$143,043</u>	<u>\$160,556</u>
Net Assessed Value	\$120,446	\$115,628	\$108,386	\$101,143	\$94,907	\$87,671	\$80,158
Annual % +/-		-4.0%	-6.3%	-6.7%	-6.2%	-7.6%	-8.6%

(1) Indiana average home value per Zillow, Inc. [Indiana Housing Market: 2025 Home Prices & Trends | Zillow](#).



Nielsen said the following chart shows a **new standard deduction for the 2% properties** (agricultural, rental and long-term care facilities) that will be phased in, reaching a maximum of 33.4 in 2031 is the 33.4 percent. She said it will be a deduction applied to that assessed value at which then the tax rates will be calculated off of.

SB1 HIGHLIGHTS

## 2% Agricultural, rental, and long-term care Property assessment deduction changes

	2025	2026	2027	2028	2029	2030	2031
Standard Deduction	0%	6%	12%	18%	25%	30%	33.4%

2% properties include agricultural, non-homestead residential, and long-term care facilities.

Note: The agricultural land base rate changed and is anticipated to decrease land assessed value.

Nielsen said this next chart shows the **changes to business personal property taxes**. Senate Bill 1 will remove the 30% personal property floor for equipment placed in service after Jan. 1, 2025. She said this change will lower that tax base at which the tax rates are applied, resulting in lower property tax revenue for municipalities.

SB1 HIGHLIGHTS

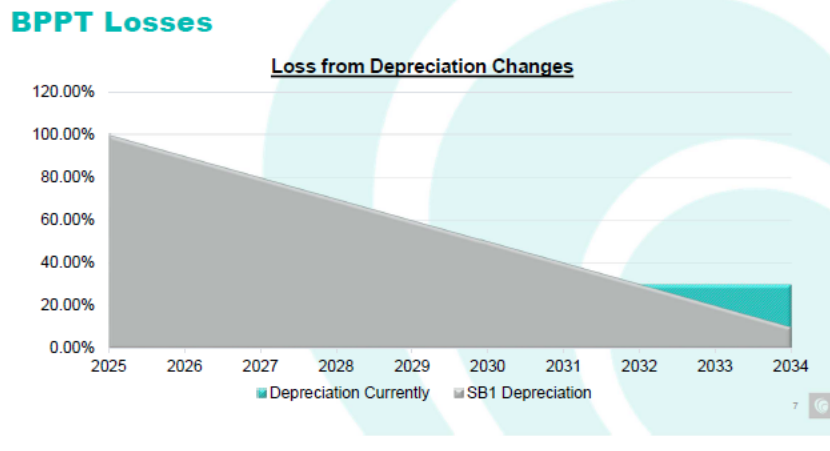
## 2% Business Personal Property

	2025	2026	2027
De minimis exemption	\$80,000	\$80,000	\$2,000,000

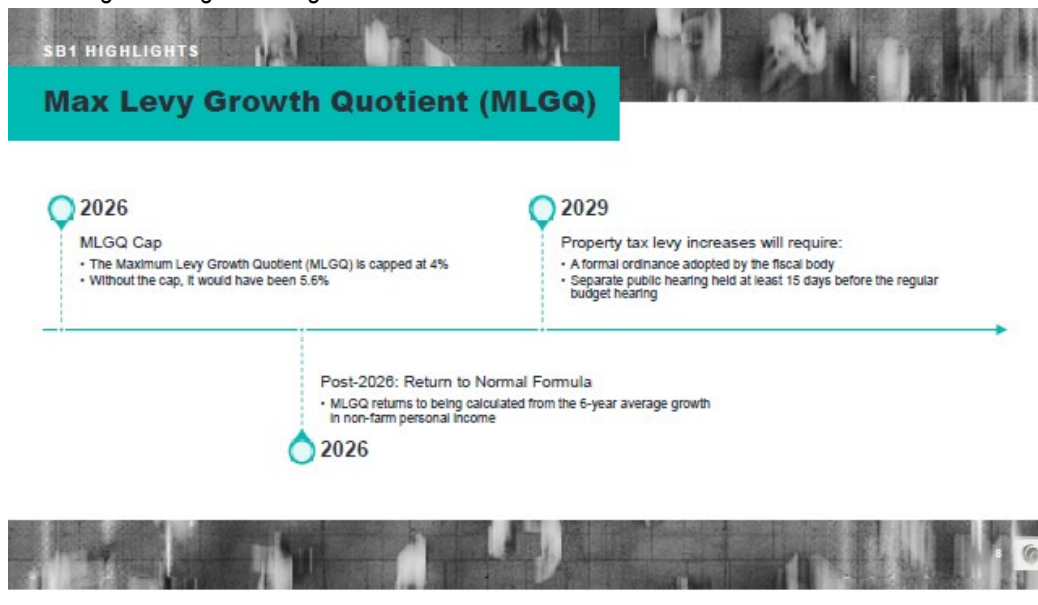
Removes 30% personal property floor for equipment placed in service after January 1, 2025. Except for taxpayers in a TIF allocation area established prior to January 1, 2025.



Nielsen said this next chart shows the resulting **impact of cuts to business personal property taxes**. The chart shows the 30% floor in relation to taxable business equipment with the depreciation currently that businesses are able to use for their business equipment and how it will eventually flatline. Nielsen said the “takeaway” is that it reduces that tax base at which property tax rates are applied.



Next, Nielsen explained how **Senate Bill 1 will change the Maximum Levy Growth Quotient (MLGQ)**, which is a cap on how much a local government’s property tax levy can increase each year. It is designed to limit the growth of property taxes while still allowing for some increase to account for factors like inflation and population growth. Nielsen said the MLGQ is calculated, based on a 6-year average of nonfarm income, and for the past two years has been capped at 4 percent and will remain at 4 percent in 2026, but it would have been 5.6% without the cap. Starting in 2029, property tax level increases will require adopt of a formal ordinance and a separate public hearing at least 15 days before the regular budget hearing.





In the next chart, **Nielsen** illustrated a breakdown of **Goshen's 2025 Property Tax Levies**. She said the total, gross certified levy before the circuit breaker for Goshen is \$24,896,883. That is the amount being billed to taxpayers and grossly collected and certified by the State Department of Local Government Finance. She said most of the funds listed are within the 4% MLGQ. **Nielsen** said it's possible to estimate the City's gross levy by taking the about \$16 million in the General Fund and apply it by 4 percent.

### 2025 Property Tax Levies

Fund Name	Certified Levy
General	\$16,151,832
Debt Service	350,585
Motor Vehicle Highway	2,584,008
Cumulative Fire Special	592,613
Park & Recreation	3,573,477
Aviation	161,945
Cumulative Capital Development	889,810
Cumulative Sewer	592,613
Totals	<u>\$24,896,883</u>

*Represents pay 2025 values per the Goshen Budget Order.*

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**Nielsen** said the next chart showed **Goshen's 2025 Net Assessed Value (NAV)** at about \$1.8 billion. She said all of the new deductions, changes and credits in Senate Bill 1 will affect the net assessed value at which Goshen can apply those tax rates and collect those property tax dollars. The chart showed the value of properties applied with property of 1%, 2% and 5% for homes, agricultural properties, business and commercial properties.

**Nielsen** said this included the percentage of the total net assessed values. Generally, she said homeowners are paying about 30% of all property taxes collected, 40% are paid on commercial properties, 17% for agricultural properties and 13% for business personal properties.

### 2025 Net Assessed Value ("NAV")

	NAV	% of total NAV
1%	\$704,318,604	30%
2%	389,987,660	17%
3%	934,683,090	40%
Business Personal Property	<u>299,561,660</u>	<u>13%</u>
Net Assessed Value	\$2,328,551,014	100%
Less: TIF AV	(502,698,884)	
Less: Withholding	<u>(46,232,080)</u>	
2025 Certified NAV	<b>\$1,779,620,050</b>	

*Represents pay 2025 values per the Goshen Budget Order.*

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**Nielsen** displayed a chart showing a breakdown of **Goshen's 2025 Circuit Breaker Loss**. She said the first column showed the gross levies – essentially what the City bills. Once those tax bills are generated every spring, she said the City gets “the horrible, sad news of what those circuit breakers come out to be, because again, it's dependent on how the property type on the tax rates shake out and the homes assessed value”.

So, for 2025 **Nielsen** said Goshen is losing about \$4.2 million to those circuit breakers – lost revenue that Goshen will never see and never collect, due to state legislation that was passed in 2008. She said the City's net property tax levy is about \$ 20 million, which is about what the City will collect.

#### CIRCUIT BREAKER CREDITS

### 2025 Circuit Breaker Loss

Fund Name	Certified Levy	Circuit Breaker	Net Levy	Circuit Breaker %
General	\$16,151,832	(\$2,785,920)	\$13,365,912	17.25%
Debt Service	350,585	(1,719)	348,866	0.49%
Motor Vehicle Highway	2,584,008	(445,608)	2,138,310	17.25%
Cumulative Fire Special	592,613	(102,216)	490,397	17.25%
Park & Recreation	3,573,477	(616,365)	2,957,112	17.25%
Aviation	161,945	(27,933)	134,012	17.25%
Cumulative Capital Development	889,810	(153,477)	736,333	17.25%
Cumulative Sewer	592,613	(102,216)	490,397	17.25%
Total	\$24,896,883	(\$4,235,544)	\$20,661,339	

Represents pay 2025 values per "2025 Elkhart County Circuit Breaker Report".

**Nielsen** showed a **Tax Bill Calculation Example** for a home valued at \$250,000 in 2025 and 2031, after Senate Bill 1 is fully implemented. The chart showed the new assessed value of \$126,250 in 2026 and \$83,250 in 2031.

Because of the lower valuation in 2031, the gross tax bill will fall from \$4,409 in 2025 to \$2,907 in 2031. Due to the credits and other changes under SB 1, the net tax bill will fall from \$3,131 in 2025 to \$2,625 in 2031. And, she said, there will be similar large property tax savings for property taxpayers – and losses for the City of Goshen.

**At this point, Councilors asked questions about the property tax loss to the City, how assessed property values have increased over the past six years, and property tax rates.**

#### CIRCUIT BREAKER CREDITS

### Tax Bill Calculation Example

Residential home value	2025 \$250,000	2031 (Illustrative) \$250,000
Net Assessed Value (after deductions)	\$126,250	\$83,250
Tax bill with \$3.4921 district tax rate (2025)	3.4921	3.4921
Gross tax bill with district tax rate	4,409	2,907
Credit due to 1% Circuit Breaker Tax Caps	(1,909)	(407)
Taxes Due to Property Tax Cap Exempt Tax Rates	631	416
Tax Bill	\$3,131	2,343
Supplemental Homestead Credit		(291)
Net Tax Bill	\$3,131	\$2,625
Difference		(\$479)



**Nielsen** said Senate Bill 1 will also cause a major overhaul of local income taxes. She discussed this by showing an **Elkhart County 2025 Local Income Tax** chart. She said every taxpayer in the county who pays local income taxes is charged the same rate. So, in Elkhart County in 2025, the chart shows every local income tax that a county can adopt. She briefly described the purposes of the various taxes and the totals they produce for Goshen. **Under Senate Bill 1, Nielsen said only one Local Income Tax will remain.**

#### ELKHART COUNTY

### 2025 Local Income Tax

Local Income Tax	Type	Maximum Rate	2025 Certified Rate - Elkhart County (2)	Rate Capacity
Certified Shares	Expenditure	N/A	1%	
Public Safety	Expenditure	N/A	.25%	
Economic Development	Expenditure	N/A	.25%	
LIT Correctional or Rehabilitation Facilities	Expenditure	.2%	0%	.2%
EMS	Expenditure	.2%	0%	.2%
Judicial System	Expenditure	.2%	0%	.2%
<b>Total - Expenditure LIT</b>		<b>2.5%</b>	<b>1.5%</b>	<b>1.05%</b>
Property Tax Relief	PTR	1.25%	.25%	1%
Special Purpose	Special Purpose	N/A	.25%	
<b>Grand Total - All LIT</b>			<b>2%</b>	

(1) Per the Indiana Department of Local Government Finance "2025 Local Income Tax Distributions".  
 (2) Per the Indiana State Budget Agency's "2025 Certification Calculations".

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**Nielsen** displayed a chart showing the **2025 Local Income Tax raised for the City of Goshen**. She said about \$8.5 million in Certified Shares was raised for public safety, another \$2.6 million for public safety and about \$2.6 million for economic development. A total of about \$13.7 million has been raised this year in these taxes. **Under Senate Bill 1, Nielsen said one Local Income Tax will remain.**







**Nielsen** discussed a chart showing **New County Income Tax Limits (Effective Beginning of 2028)**, which will apply to municipalities with a population over 3,500 people. So, in 2027, Elkhart County will no longer adopt a Local Income Tax (LIT) rate for the City of Goshen. Instead, she said the City Council will be responsible for adopting a Local Income Tax rate for Goshen. If the new rate is adopted in 2027, it will generate revenue in 2028. In addition, the rate will have to be adopted by Council every single year if the City wants that tax rate to remain in effect.

**Nielsen** said the tax base of this new Local Income Tax will be the adjusted gross income of anyone who lives in Goshen's city limits. At present, the county adopts the rate, applies it to every taxpayer in the county and then collects all the money and then the county does a calculation to determine how much cities get.

Going forward, **Nielsen** said Goshen can adopt a maximum rate of 1.2% Local Income Tax that is applied to only adjusted gross income on Goshen residents. And this will be the City's only Local Income Tax because the existing public safety and economic development local income taxes will be eliminated. She added that all local income tax revenue will go into the City's General Fund, and any budgets now funded out of economic development or public safety LIT will have to be rerouted to the General Fund or another fund.

**New County Income Tax Limits  
(Effective Beginning of 2028)**

Municipalities with a population of at least 3,500	
Max Rate	1.20%
Adopting Body	Municipalities
Tax Base	AGI of local taxpayers of the municipality
Uses	Same uses as the General Fund.
Distribution	Municipalities with a population of at least 3,500

Moving on, **Nielsen** discussed a chart showing the **Goshen Civil City Estimated Change in LIT Revenue**.

**Nielsen** said that it's not possible to say exactly how much a Local Income Tax the City of Goshen could produce because the Indiana Department of Revenue has not yet determined Goshen's adjusted gross income.

However, **Nielsen** said estimates were generated using data available today. The estimated median household income of Goshen is estimated at almost \$56,000, which is based on 2023 Census Bureau data. Multiplying that figure by the current number of households in Goshen, which is just over 12,000, households, result in an estimated adjusted gross income of that \$680 million. And multiplying that figure by the 1.2% maximum municipal Local Income Tax rate showed that City could generate \$8.1 million in Local Income Tax revenue in 2028.

**Nielsen** said that the City is currently getting about \$13.7 million in Local Income Tax revenue, so Goshen would have about a \$5.5 million shortfall. She said that while that calculation was not generated using data from Indiana Department of Revenue, these estimates show the approximate impact of Senate Bill 1 on Local Income Tax revenue. She added that the figures will be updated after the State provides additional information.



LOCAL INCOME TAX

**Goshen Civil City – Estimated Change in LIT Revenues**

Estimated Median Household Income in Goshen (1)	\$55,436
Times: Current Numbers of Households in Goshen (2)	12,280
Estimated Adjusted Gross Income	\$680,754,080
Times: Max Municipal LIT Rate (2028)	1.2%

<b>Estimated LIT Revenue (2028)</b>	<b>\$8,169,049</b>
Current LIT Revenue	\$13,732,059
<b>Shortfall</b>	<b>(\$5,563,010)</b>

(1) Based on the 2023 American Community Survey 5-Year Estimate.  
(2) Based on 2023 U.S. Census Bureau data.

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To provide Councilors will a sense of when changes of Senate Bill 1 will take effect, **Nielsen** showed a chart with the **Effective Date of Ordinances**. She said that by Oct. 1, 2027, the Goshen City Council would need to adopt a Local Income Tax rate for it to take effect in 2028.

LOCAL INCOME TAX

**Effective Date of Ordinances**

Deadline to Adopt	Effective	Year Received
October 31, 2025	January 1, 2026	2026
October 31, 2026	January 1, 2027	2027
October 1, 2027*	January 1, 2028	2028

\*SEA 1 changes the deadline from October 31 to October 1 beginning in 2027.

**Nielsen** presented a chart, **Road Funding – House Enrolled Act (HEA) 1461**, showing changes to the Community Crossings Matching Grant (CCMG), an Indiana Department of Transportation program that provides matching funds for road and bridge improvements throughout the state.

As passed, as companion legislation to Senate Bill 1, House Enrolled Act (HEA) 1461 does not require communities applying for Community Crossing Grants to adopt a local wheel tax. However, **Nielsen** said communities are incentivized to adopt a local wheel tax to qualify for an extra bucket CCMG match money.

HEA 1461

Road Funding – HEA 1461

Community Crossings Matching Grant (CCMG)

Decreases the local match from 25% to 20% for:  
-Counties with populations less than 50,000  
-Municipalities with populations less than 10,000  
When tax adoption is not required to receive CCMG funds; however, local units are incentivized to adopt the tax to qualify for an additional distribution based on total lane mileage.

Specifies that a municipality is responsible for a bridge within the corporate limits that is less than twenty (20) feet and not part of the state highway system. (Could increase City expenditures for bridge maintenance.)



**Nielsen** summarizing all of the money lost because of the passage of Senate Bill 1 using a chart titled **2026-2230 SB1 Loss Impact**. The chart showed the losses, from 2026 to 2028, of the SB1 Property Tax reduction, the SB1 Certified Shares LIT elimination, the SB1 Public Safety LIT elimination, the SB1 EDIT LIT elimination along with the total elimination loss. She said the impacts will ramp up until 2031, and continue past that time as long as the legislation stays in effect.

**Nielsen** said it's only possible to estimate the impacts because they must rely on Legislative Services Agency numbers and not final state numbers. However, **Baker-Tilly** is working on a huge database that will include every county and every single parcel and it should be ready in about two months.

**Nielsen** said the City of Goshen's Senate Bill 1 estimated total revenue loss for the 2026 budget will be \$807,740. The loss will be \$734,730 in the 2027 budget year. And the total estimated loss in 2028 is about \$13.2 million if the City of Goshen doesn't impose a replacement Local Income Tax.

2026-2030

### SB1 Loss Impact

Year	2026	2027	2028
SB1 Property Tax Loss*	-\$807,740	-\$734,730	-\$1,243,330
SB1 Certified Shares LIT Elimination			-\$6,737,995
SB1 Public Safety LIT Elimination			-\$2,624,406
SB1 EDIT LIT Elimination			-\$2,620,849
Total Estimated Loss	-\$807,740	-\$734,730	-\$13,226,580

\* Estimates per the Legislative Services Agency April 2025 Report. Revenue impacts will continue into 2031.

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To further illustrate the impact of that revenue loss, Nielsen compared the \$13.2 million loss with the combined \$34.2 million in total net property tax and Local Income Tax received by the City. As a result, the City of Goshen would experience a 38% reduction to revenue.

2026-2030

### SB1 Loss Impact

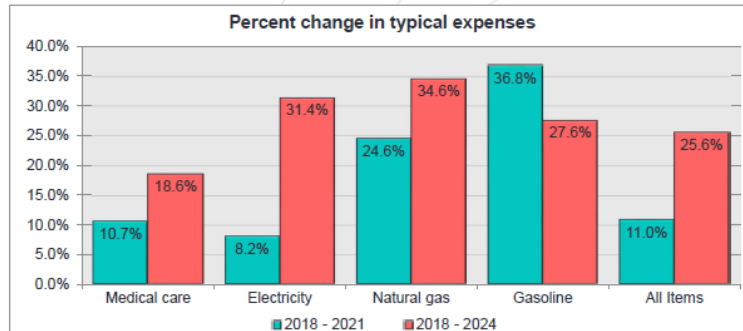
Total Estimated Revenue Impact due to SB1	\$13,226,580
Divided by: Total Net Property Tax + LIT received by the City	34,393,398

**Estimated Reduction to Revenues 38%**

Next, **Nielsen** displayed a chart, **Trends in expenses**, showing that even as the City will face revenue reductions, expenses for government services will not decrease by 38 percent. The figures in the chart, although only showing a sample of the percent change in typical expenses, was compiled for one of the City comparative water and sewer rate studies done every few years. The chart shows the difference between the percent change in these select type of expenses between 2018 and 2021 and between 2018 and 2024.



### Trends in expenses



Per the draft Baker Tilly Comparative Water and Sewer Rate Study dated May 2025.

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### 5) Continued presentation: SB1 Adaptation + Recovery Strategies

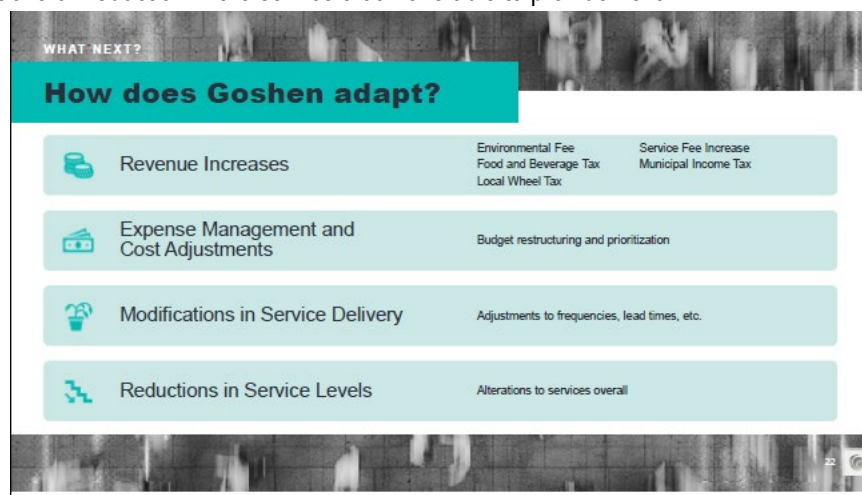
Still using her 29-page PowerPoint (EXHIBIT #2), Amber Nielsen, a Manager at Baker Tilly Municipal Advisors, outlined what the City of Goshen could do to adapt to the Senate Bill 1 revenue reductions. Mayor Leichty provided substantial additional details and context.

Mayor Leichty said she wanted Councilors to clearly understand that based on the current best available information, the City will experience a 38% loss in revenue by 2028 based on the loss of property tax and Local Income Tax reductions and that doesn't include additional business personal property tax losses that will take place after 2028. She said SB 1 may prove to be the most "catastrophic" revenue loss for local municipalities in 50 years.

Mayor Leichty said, "We're not talking about chump change here. It's 38% of our budget. Okay, on a happy note, how are we going to adapt? What are we going to do?"

The Mayor then previewed the next chart, "WHAT NEXT? How Does Goshen adapt?"

Because the City won't have enough money to continue the current level of services, the Mayor said the City must consider raising revenue including by a Local Income Tax, trash collection fees, a food and beverage tax, a local wheel tax and service fee increases. She said the City also is in the process of looking at "budget adjustments and restructuring and priorities. We may need to take a look at how we deliver our services, whether it's a frequency or lead times or just overall reduction in the service that we're able to provide next."





**Mayor Leichty** said that earlier in the year, Baker Tilly provided an environmental service fee assessment on what it would cost if the City were to charge for just trash and recycling pickup. She said this does not include any of the additional expenses that the City incurs for operating the environmental center, which processes the City's brush and yard waste. It also does not include the cost of the curbside brush recycling the City provides. The Mayor presented a chart showing **Environmental Services Potential Revenue** over three years.

THREE-YEAR PHASED

### Environmental Services Potential Revenue

Year	Total
2026	\$752,060
2027	\$1,530,640
2028	\$2,388,340

Note: This only includes trash and recycling pick up. This does not include fees related to the environmental center or brush pick up.

**Mayor Leichty** said about 10 years ago years ago, the Council considered asking the Legislative Assembly for permission to impose a 1% restaurant food and beverage tax. At that time, the Mayor said there was no legislator willing to advance the proposal to the Legislative Assembly for consideration. She said about 13 counties and 13 municipalities, most around Indianapolis, have food and beverage taxes.

**Mayor Leichty** said in order to impose the tax, the City would need to find a legislator who was willing to add this to a bill in 2026, but even if passed, the City would not be able to begin collecting food and beverage taxes until 2027. She also said the tax would need to be used for things like "quality of place" initiatives.

The Mayor presented a chart showing **Annual Estimated Revenue, Food and Beverage** (tax).

ANNUAL ESTIMATED REVENUE

### Food and Beverage

Year	Total
2026	\$0
2027	\$1,276,300
2028	\$1,298,000

**Mayor Leichty** said the City could also raise revenue through a local wheel tax, such as the one already imposed by Elkhart County. She said this would be a secondary wheel tax just for the City of Goshen with the funds collected used streets and sidewalks.



Mayor Leichty said it is estimated that a local wheel tax would generate about \$300,000 a year. The Mayor presented a chart showing **Annual Estimated Revenue Wheel Tax**.

ANNUAL ESTIMATED REVENUE  
**Wheel Tax**

Year	Total
2026	\$300,000
2027	\$300,000
2028	\$300,000

Finally, **Mayor Leichty** said the City could pass a 1.2% Local Income Tax, which could generate about \$8.1 million, starting in 2028. Mayor presented a chart showing **Annual Estimated Revenue Local Income Tax**.

ANNUAL ESTIMATED REVENUE  
**Local Income Tax**

Year	Total
2026	\$0
2027	\$0
2028	\$8,169,048

Mayor Leichty said even if all of those revenue-increasing options were implemented, “here’s where it gets tricky. Even if we were to do all of those things based on our current analysis in year 2028, we would still be a million dollars short. And that’s assuming that none of our expenses increase.”

2026-2028  
**SB1 Loss Recovery**

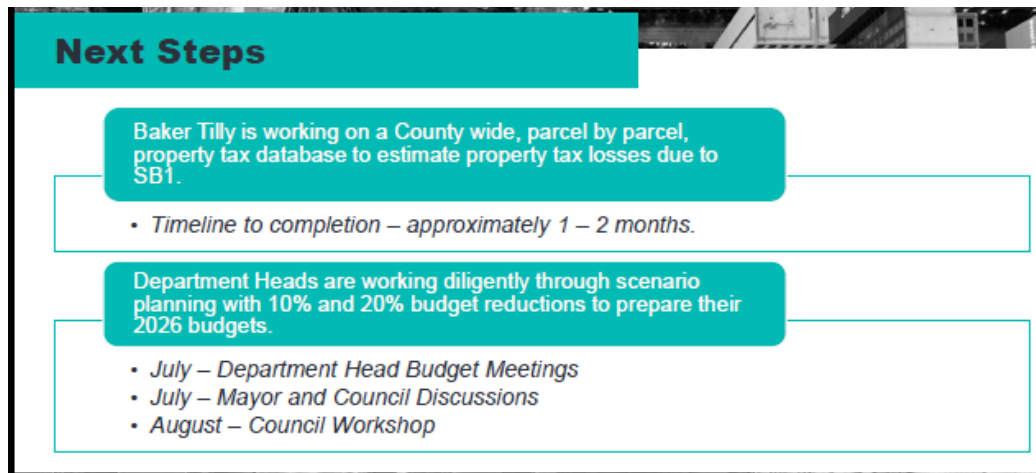
Year	2026	2027	2028
Total Estimated Loss	(\$807,740)	(\$734,730)	(\$13,226,580)
Environmental Services	\$752,060	\$1,530,640	\$2,388,340
Food and Beverage	\$0	\$1,276,300	\$1,298,000
Wheel Tax	\$300,000	\$300,000	\$300,000
Local Income Tax			\$8,169,048
Total	\$244,320	\$2,372,210	(\$1,071,191)





**Focusing on next steps, Mayor Leichty said,** “That’s part of the reason that we’re continuing to have the conversations with all of the Department Heads about what additional things can we do, whether it’s with fee increases in other areas or with expenditure reductions.

“And again, this is only through 2028. Those property tax phases go through 2031. So, the estimated loss would continue to ramp up through 2031 ... and that 1\$ million short in 2028 will be more in 2029, 2030, and 2031.”



**At the conclusion of the presentation, Councilors questioned Mayor Leichty and Amber Nielsen about the impacts of Senate Bill 1 and revenue options and engaged in a far-reaching conversation. Among the issues discussed and comments made were the following:**

- The estimated cost of a local wheel tax (not yet known);
- The impact of a County Local Income Tax in addition to a City Local Impact Tax (could be a total of 2.4% imposed on Goshen residents);
- Although sold as savings local taxpayers’ money, Senate Bill 1 will likely increase local taxes
- Even if there are increase in local taxes and fees, the City may still need to reduce services;
- Some state lawmakers seem to want to disincentivize people from living in cities where it’s most efficient to provide services, and yet people who live outside cities are utilizing such City services as Emergency Medical Services but not paying taxes to support them;
- Perhaps Senate Bill 1 should be renamed for the service fees that will need to be increased or after the state elected officials who voted for it;
- Gov. Braun made it explicitly clear that he was going to reduce revenue by a property tax mechanism, and he pushed hard for it even though Indiana has one of the best tax rates in the nation for both residential property as well as business property;
- The eventual bill was a “Frankenstein of several initiatives at the State House level cobbled together and passed at 2 in the morning”;
- Before passage, there was not a complete financial analysis of Senate Bill 1 and I may take months, if not years, to calculate its full impact;



- While there is talk among some state lawmakers about amending Senate Bill 1 to reduce the financial impact on cities, including Goshen, Councilors must act now because of its impact on the 2026 budget;
- The Legislative Assembly also passed a 4% cap on any new fire territories, which will end many merger conversations happening throughout the State as a way of paying for the resources that are desperately needed because 4% is inadequate to pay for services;
- Goshen elected officials will have “very difficult decisions to make, and difficult and very honest and frank conversations with our community members”;
- Most local residents “have zero idea that this bill is passed, or what the implications are, or that we’re looking at a 38% revenue cut in the City’s budget over the next few years”;
- Not only will Goshen Councilors be tasked with passing a Local Income Tax, but they will also have to do so every year to continue it, and the first one will need to be passed during a municipal election year;
- It seems possible that once state lawmakers hear complaints from local residents upset about increased local taxes, lawmakers will make it harder for Councilors to raise taxes and fees in the future;

**After this extended conversation, Amber Nielsen discussed next steps.**

**Nielsen** said Baker-Tilly will refining the revenue loss estimates over the next month or two. So, before Goshen Councilors consider the 2026 budget, there should be new loss estimates due to the Senate Bill 1 property tax and business personal property tax changes. There also will be some information about the impact of Senate Bill 1 on Tax Increment Finance districts and revenues.

**Nielsen** added that City Department Heads “are working diligently through some scenario planning to determine what does the 10% reduction in budget look like, what does a 20% reduction look like?”

**Councilors responded by saying it will be important to consider the ramifications of fee increases and services cuts and to discuss them with residents. They said this will be difficult because the Council will likely need to raise water and sewer rates to make necessary repairs and improvements.**

**Mayor Leichty** said she knows no Council member is excited about the possibility of raising taxes and fees. She said the City has done a good job living within its means, but service costs have escalated dramatically.

**The Mayor said she would be scheduling special meetings with Councilors in the coming months, including an August work session before the first budget hearing in September. And she said the Council will likely have to vote to increase revenue before the end of the year.**

**Councilors continued to discuss the options facing the City and the impact on the community. They also discussed the necessity of communicating to residents about the budget crisis and the revenue options and also appeal to state legislators for relief.**

**Mayor Leichty said there were concerted efforts during the legislative session to appeal to legislators to scale back the impact of Senate Bill 1, but those efforts were unsuccessful. So, she said the burden will be on local elected officials to find answers.**

**Mayor Leichty** said, “There was a day when every mayor in the State of Indiana was asked to come to the State House and we went down ... It didn’t matter. Politics didn’t matter. In this case, there has been a massive appeal to the State Legislature telling legislators how damaging this was going to be and it seems like there was a lack of appreciation or understanding of what this was going to look like.”





Regardless of the lobbying, **Mayor Leichty** said state legislators “voted on it in confidence that it wasn't as bad as people claimed it was. So, not to be grim but I want to be as transparent and honest with all of you as possible. We have a lot of work to do.”

**There were scattered jovial remarks among Councilors as the meeting concluded.**

**6) Adjournment:**

**Mayor Leichty adjourned the meeting at 3:42 p.m.**

**EXHIBIT #1:** *A 12-page PowerPoint presentation, dated June 13, 2025 and titled “Public Water System Operations Update,” about the City’s Water System Infrastructure Needs, which was presented and the source of discussion by the Mayor and Councilors during the education/work session.*

**EXHIBIT #2:** *A 29-page PowerPoint presentation, dated June 13, 2025 and titled “City of Goshen Legislative Updates,” about the financial implications of the just-passed Senate Bill 1 on City revenue and options for making up an expected budget shortfall. This PowerPoint also was presented during the education/work session and was discussed by the Mayor and Councilors.*

**APPROVED:**

\_\_\_\_\_  
**Gina Leichty, Mayor of Goshen**

**ATTEST:**

\_\_\_\_\_  
**Richard R. Aguirre, City Clerk-Treasurer**



**Engineering Department  
CITY OF GOSHEN**

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Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185  
engineering@goshencity.com • www.goshenindiana.org

## **Memorandum**

To: Goshen City Council

From: Dustin K. Sailor, Director of Public Works & Utilities

**RE: CITY OF GOSHEN BEING INDUCTED INTO THE DUCTILE IRON PIPE CENTURY CLUB  
(JN: UTILITIES)**

Date: May 13, 2025

---

Paul Hanson, with the Ductile Iron Pipe Research Association (DIPRA), will be at the City Council meeting on May 19, 2025, to provide the city with a plaque inducting into DIPRA's Century Club.

The Cast Iron Pipe Century Club was organized in 1947 to recognize the longevity of service of cast iron water mains. It is sponsored by the Ductile Iron Pipe Research Association, a 110-year-old trade association representing manufacturers of ductile iron pipe, which replaced cast iron pipe in 1978. From its headquarters in Birmingham, Alabama, the association provides a variety of services to utility and consulting engineers throughout the United States and Canada.

The City's submittal to DIPRA is attached.

## Century Club Submission Form

Date: January 3, 2025

What organization/utility has been elected: *(Please provide exactly as it should be printed on the certificate)*

City of Goshen Water Department

What award will they receive:

<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
-------------------------------------	--	--------------------------	--	--------------------------	---

Who is the contact at the organization/utility:

Name

Dustin K. Sailor

Title

Director of Public Works and Utilities

Where is this organization located:

Address

308 N. Fifth Street

Phone

574-534-5306

City

Goshen

State

Indiana

Zip

46528

Country

USA

**MEMBERSHIP ELIGIBILITY REQUIREMENTS:** To qualify for membership in the Cast Iron Pipe Century Club, you must be able to document the existence of cast iron pipe in continuous service in your system for a minimum of 100 years.

Cast Iron mains were originally installed in what year?

Goshen has article from 1895 (attached) showing 6 to 7 miles of CI pipe were installed as of the date of the article.

Is the original Cast Iron line still in service?

☒ Yes ☐ No

Please provide the following information regarding the qualifying pipe.

Location:

See the attached map showing the location of mapped cast iron pipe with more than 100 years of service.

Size:

Six Inch (6")

Date of Installation:

1895 or before

Date of removal from service (if applicable):

Identified water main is still in active service.

Please provide supporting documents such as records, minutes, historical information, maps, photographs, etc., for our files.

DIPRA Regional Engineer Name: *(Person submitting form)*

Please email pdf form to: Jennifer Wright, Administrative Assistant at [jwright@dipra.org](mailto:jwright@dipra.org)

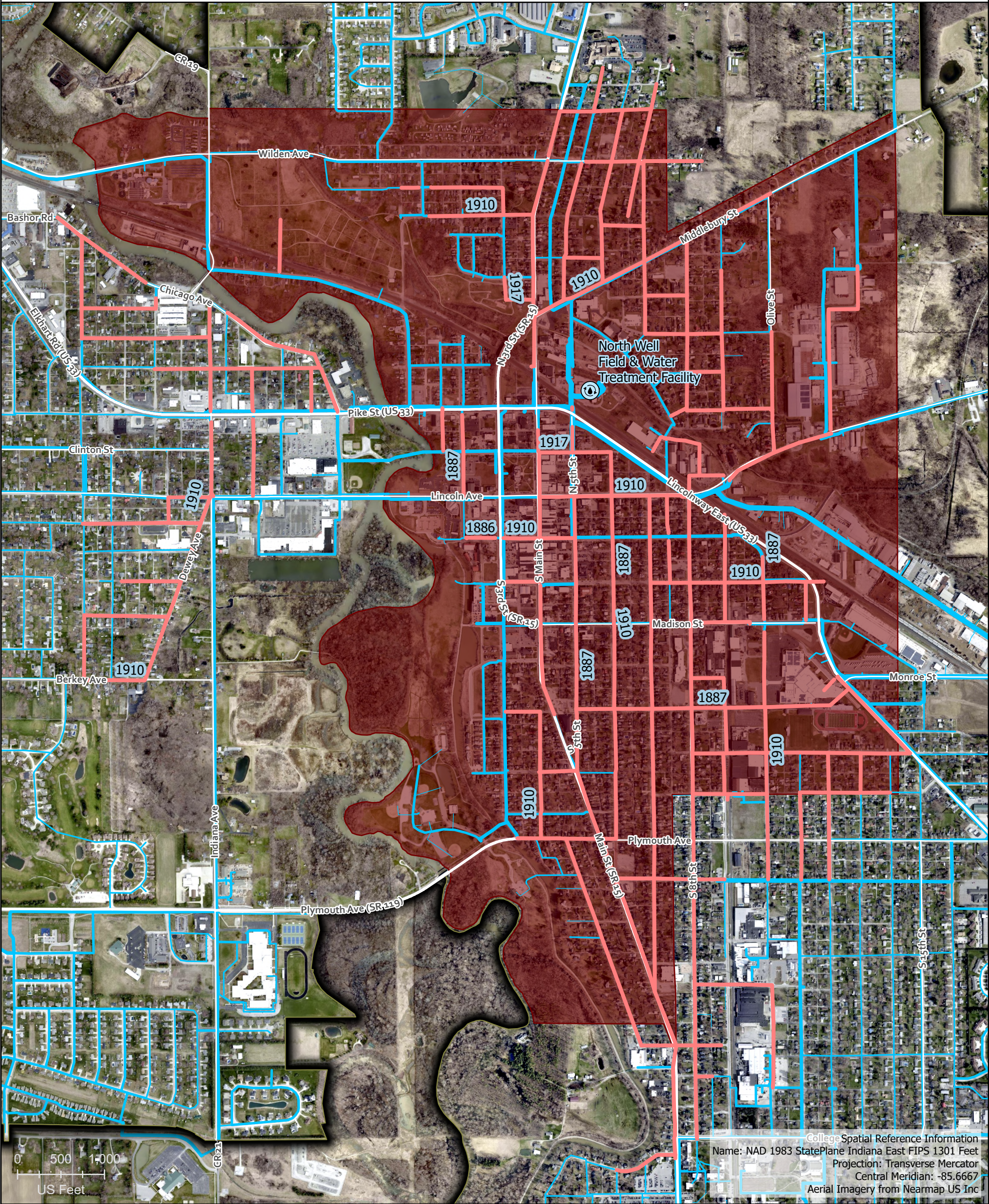




# City of Goshen Historic Water System



Printed 1/7/2025 by Mattie Lehman, GIS Coordinator



## Historic Water System

- 100 Year+ Water Mains
- Current Water Main Network
- 1877 Corporate Limits
- Current City Limits
- ≤ 3 in.
- 3 - 6 in.
- 6 - 8 in.
- 8 - 12 in.
- 12 - 24 in.

The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

The City of Goshen

Department of Public Works & Safety Office of Engineering

204 East Jefferson Street  
Goshen, Indiana 46528

Phone: 574-534-2201  
engineering@goshencity.com



Back

Rebecca's Post



Rebecca Akens

Jul 24

Charles E. Kutz, owner of 113 North Third Street in 1895. The house was an older house that he remodeled.

Attached:

- Photo of house, photo and biography of C.E. Kutz; Goshen Times, November 21, 1895
- 1896 Sanborn map ( house labeled 115)
- Google Street View from 2018

<https://goo.gl/maps/MgUSqRjhQaATGrJC7>

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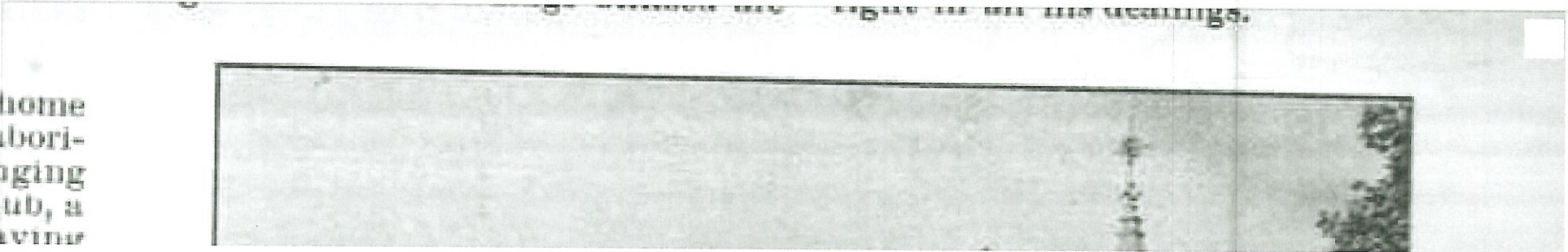
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Lois Miller

Wilma Harder

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C. E. KUTZ.

Mr. Kutz is a thorough and practical plumber and has worked in many of the larger cities before embarking in business for himself in Goshen. The first work of any note done by him in Goshen, was the introduction of the iron tubing for the water mains, to take the place of the fast decaying wooden ones already in. His proposition was accepted and he received the contract for putting in the first iron water mains in the city of Goshen, putting in at that time about one and a half miles of pipe in the center portion of the city. He has at different times since then, laid about six or seven miles besides, the connections to many of our business blocks and private residences. Mr. C. E. Kutz is a native of Pennsylvania born on a farm in 1855. He ran a sawmill engine when but 16 years old. He afterwards learned the plumber's trade. He owns his own private residence on third street opposite Court House, square valued at \$8,000.00. He is a member of the K. P., the K. O. T. M. and mason in good standing. He is a highly respected business man, and honorable and upright in all his dealings.

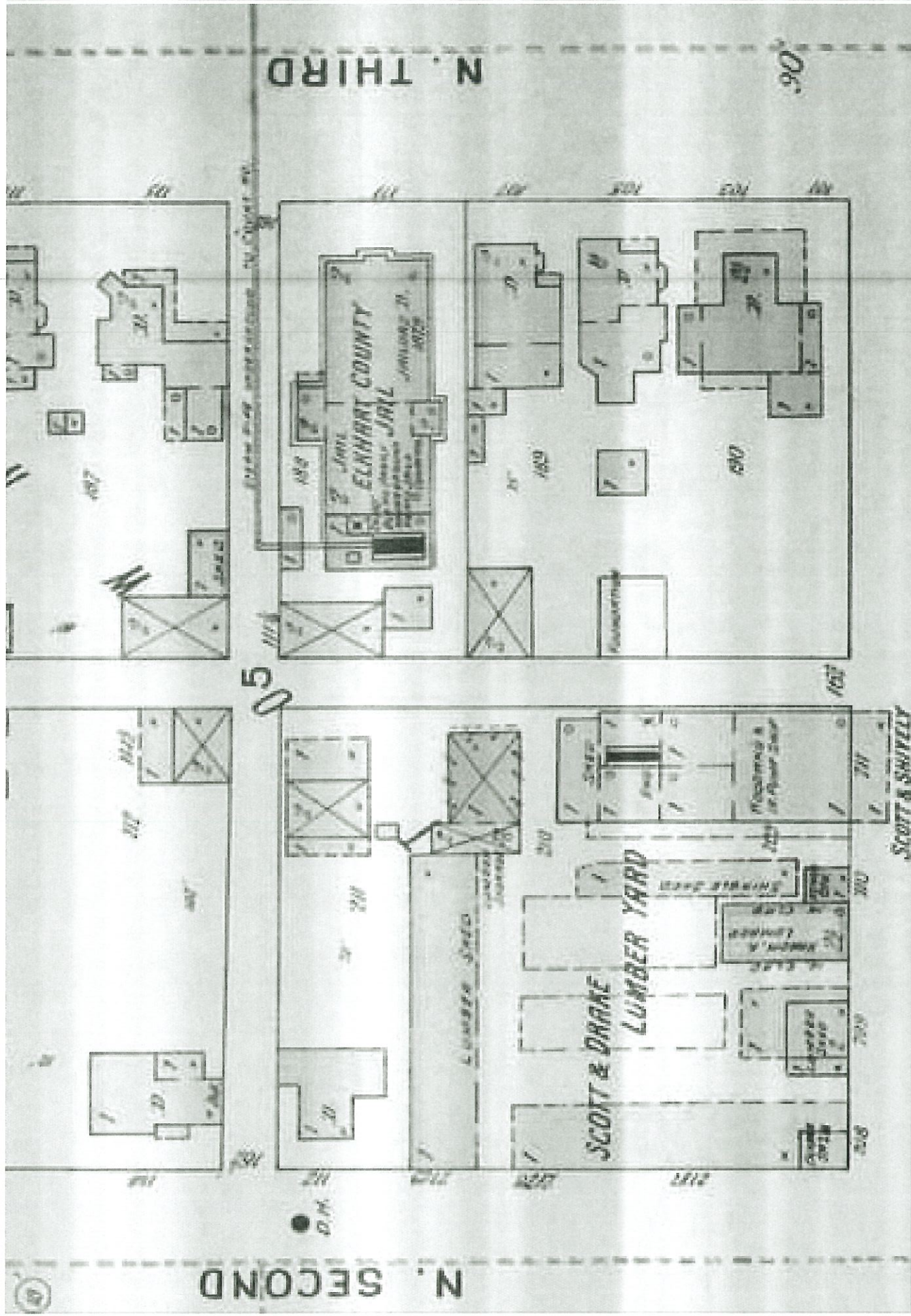


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RESIDENCE OF C. E. KUTZ.







City Clerk-Treasurer

**CITY OF GOSHEN**

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

[clerktreasurer@goshencity.com](mailto:clerktreasurer@goshencity.com) • [www.goshenindiana.org](http://www.goshenindiana.org)

TO: Mayor Gina Leichty and the Goshen Common Council

FROM: Jeffery Weaver, Deputy Clerk-Treasurer

RE: Budget Reports for June 2025

DATE: July 28, 2025

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Attached for the Council's review are financial reports summarizing the budget and cash balance performance for Civil City funds included in the 2025 budget, which was approved by the Council in October 2024. These reports are intended to provide a reasonable understanding of the City's financial position. They are unaudited and may require some interpretation.

**Fund Balance Report**

This report provides the reconciled cash balance of the budgeted funds for June 30, 2025, illustrating the City's liquidity position across all funds and demonstrating that each fund maintains a sufficient balance to support budgeted expenditures.

**Budget Report – Revenues**

This page summarizes revenue collections for each fund through June 30, 2025, showing progress toward projected revenue levels. Remember that some funds receive the levy in two allotments in June and December (General, Debt Service, MVH, Cumulative Fire, Park & Recreation, Aviation, CCD, Cumulative Sewer)

**Budget Report – Expenditures**

This report displays expenditures incurred to date for each fund, allowing for an assessment of spending trends relative to annual appropriations, with an expected 50% of the budget remaining at this point in the year.

**Budget Report – Expenditures in the General Fund**

The final page breaks down the General Fund by department, providing a focused view of each department's budget performance to date.



# Fund Balance Report

As Of 06/30/2025

Fund	Beginning Balance	Total Revenues	Total Expenses	Ending Balance
1101 - GENERAL FUND	21,528,877.25	16,994,436.99	15,410,719.66	23,112,594.58
2201 - MVH FUND	3,790,842.61	2,124,101.63	1,862,040.76	4,052,903.48
2202 - LOCAL ROAD & STREET	1,554,031.95	335,354.12	4,535.00	1,884,851.07
2203 - MVH-RESTRICTED	2,106,390.49	321,939.84	0.00	2,428,330.33
2204 - PARKS AND RECREATION	4,698,294.14	2,086,173.28	1,276,856.83	5,507,610.59
2206 - AVIATION FUND	549,459.52	239,296.16	225,143.98	563,611.70
2209 - LIT - ECONOMIC DEVELOPMENT	7,303,587.03	1,397,736.45	719,634.70	7,981,688.78
2214 - PROBATION FUND	126,474.02	50,952.42	56,394.66	121,031.78
2226 - REDEVELOPMENT OPERATING	486,877.76	232,293.80	128,701.27	590,470.29
2228 - LAW ENFORCEMENT CONTINUE EDUCATION	61,043.92	30,801.71	8,011.12	83,834.51
2234 - UNSAFE BUILDING FUND	218,015.68	7,098.11	83,200.00	141,913.79
2236 - RAINY DAY FUND	2,654,516.59	0.00	0.00	2,654,516.59
2240 - LIT - PUBLIC SAFETY	2,437,452.30	1,391,102.48	1,571,133.14	2,257,421.64
2256 - OPIOID SETTLEMENT UNRESTR	101,168.19	0.00	0.00	101,168.19
2257 - OPIOID SETTLEMENT RESTR	253,200.26	0.00	64,977.74	188,222.52
2258 - TOWNSHIP FIRE SUPPORT	416,352.31	350,000.00	66,389.95	699,962.36
2500 - COURT FEES	39,739.66	29,366.23	6,291.88	62,814.01
2501 - RESIDENTIAL LEASE FEES	59,283.57	30,983.00	25,477.56	64,789.01
2503 - ELECTRIC UTILITY SALE	2,867,655.75	89,695.41	0.00	2,957,351.16
2504 - OLD LAW ENFORCEMENT CONTINUE ED	18,108.66	0.00	18,108.66	0.00
2505 - STORM WATER MANAGEMNT	2,387,177.63	371,932.74	1,542,253.75	1,216,856.62
2506 - ECON IMPROVEMENT DISTRICT	30,637.77	37,710.74	7,078.21	61,270.30
2508 - REDHAWK ACADEMY	14,757.86	35,000.00	6,821.54	42,936.32
3301 - DEBT SERVICE	65,169.99	210,055.72	186,900.00	88,325.71
3311 - TIF BOND P & I PYMT FUND	571,219.28	1,038,283.75	816,718.75	792,784.28
3320 - BOND P&I EAST COLLEGE AVE	0.00	606,776.99	0.00	606,776.99
3321 - INDIANA AVE BOND P&I	0.00	73,326.25	0.00	73,326.25
3323 - CHERRY CREEK BOND P&I	1,475,173.57	30,811.55	90,821.25	1,415,163.87
3331 - TIF DEBT SERVICE RESERVE	217,393.75	0.00	217,393.75	0.00
3333 - DSR - CHERRY CREEK	282,220.21	1,062.24	0.00	283,282.45
4401 - CCI (CIGARETTE TAX) FUND	332,952.34	25,390.35	12,111.91	346,230.78
4402 - CUMULATIVE CAP DEVELOP	1,195,728.49	448,568.85	146,312.45	1,497,984.89
4425 - CCI FIRE STATION	601,395.79	298,462.20	213,984.25	685,873.74
4428 - CCI STORM SEWER FUND	3,290,057.69	321,158.70	46,692.09	3,564,524.30
4445 - TIF SOUTH EAST E.D.	22,706,136.70	4,575,452.14	2,365,292.28	24,916,296.56
4446 - TIF CONS RR/US 33/DT	9,914,318.15	2,142,329.48	1,709,339.17	10,347,308.46
4447 - TIF LIPPERT/DIERDORFF	770,577.43	135,549.23	388,438.11	517,688.55
4450 - TIF EAST COLL AVE	128,020.63	435,821.00	604,680.00	-40,838.37
4451 - TIF INDIANA AVENUE	32,443.02	53,337.02	58,000.00	27,780.04
4502 - ARP FISCAL RECOV FUND	5,557,302.92	0.00	488,727.65	5,068,575.27
4651 - CEMETERY CAPITAL IMPROV.	89,453.61	5,296.20	25,236.00	69,513.81
4660 - 2015 GOB PROCEEDS	849,472.25	0.00	0.00	849,472.25
4661 - 2021 GO BOND PROCEEDS	2,999,965.13	0.00	22,359.53	2,977,605.60
8801 - FIRE PENSION FUND	221,266.05	292,763.53	233,639.73	280,389.85
8802 - POLICE PENSION FUND	497,258.97	153,553.20	135,925.00	514,887.17
<b>Report Total:</b>	<b>105,501,470.89</b>	<b>37,003,973.51</b>	<b>30,846,342.33</b>	<b>111,659,102.07</b>





# Budget Report

## Group Summary

For Fiscal: 2025 Period Ending: 06/30/2025

Fun...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
<b>Revenue</b>						
1101 - GENERAL FUND	28,495,121.00	28,495,121.00	9,163,940.43	16,994,436.99	-11,500,684.01	40.36%
2201 - MVH FUND	4,560,312.00	4,560,312.00	1,369,413.56	2,124,101.63	-2,436,210.37	53.42%
2202 - LOCAL ROAD & STREET	589,328.00	589,328.00	59,034.79	335,354.12	-253,973.88	43.10%
2203 - MVH-RESTRICTED	1,366,292.00	1,366,292.00	62,891.68	321,939.84	-1,044,352.16	76.44%
2204 - PARKS AND RECREATION	3,755,106.00	3,755,106.00	1,771,848.53	2,086,173.28	-1,668,932.72	44.44%
2206 - AVIATION FUND	407,787.00	407,787.00	113,039.48	239,296.16	-168,490.84	41.32%
2209 - LIT - ECONOMIC DEVELOPMENT	2,637,406.00	2,637,406.00	218,700.50	1,397,736.45	-1,239,669.55	47.00%
2214 - PROBATION FUND	125,000.00	125,000.00	8,627.94	50,952.42	-74,047.58	59.24%
2226 - REDEVELOPMENT OPERATING	46,200.00	46,200.00	3,127.10	232,293.80	186,093.80	402.80%
2228 - LAW ENFORCEMENT CONTINUE EDUCATION	0.00	0.00	3,352.91	30,801.71	30,801.71	0.00%
2234 - UNSAFE BUILDING FUND	0.00	400,000.00	5,000.00	7,098.11	-392,901.89	98.23%
2236 - RAINY DAY FUND	0.00	0.00	0.00	0.00	0.00	0.00%
2240 - LIT - PUBLIC SAFETY	2,642,849.00	2,642,849.00	218,404.08	1,391,102.48	-1,251,746.52	47.36%
2256 - OPIOID SETTLEMENT UNRESTR	19,500.00	19,500.00	0.00	0.00	-19,500.00	100.00%
2257 - OPIOID SETTLEMENT RESTR	45,600.00	45,600.00	0.00	0.00	-45,600.00	100.00%
2258 - TOWNSHIP FIRE SUPPORT	350,000.00	350,000.00	0.00	350,000.00	0.00	0.00%
2500 - COURT FEES	20,700.00	20,700.00	4,918.69	29,366.23	8,666.23	41.87%
2501 - RESIDENTIAL LEASE FEES	64,430.00	64,430.00	7,075.00	30,983.00	-33,447.00	51.91%
2503 - ELECTRIC UTILITY SALE	0.00	0.00	11,035.88	89,695.41	89,695.41	0.00%
2505 - STORM WATER MANAGEMNT	607,827.00	607,827.00	350,367.27	371,932.74	-235,894.26	38.81%
2506 - ECON IMPROVEMENT DISTRICT	65,500.00	65,500.00	37,710.74	37,710.74	-27,789.26	42.43%
2508 - REDHAWK ACADEMY	46,500.00	46,500.00	0.00	35,000.00	-11,500.00	24.73%
3301 - DEBT SERVICE	381,432.00	381,432.00	200,920.28	210,055.72	-171,376.28	44.93%
3311 - TIF BOND P & I PYMT FUND	820,889.00	820,889.00	0.00	1,038,283.75	217,394.75	26.48%
3320 - BOND P&I EAST COLLEGE AVE	0.00	0.00	482,112.86	606,776.99	606,776.99	0.00%
3321 - INDIANA AVE BOND P&I	0.00	0.00	73,326.25	73,326.25	73,326.25	0.00%
3323 - CHERRY CREEK BOND P&I	0.00	0.00	5,017.52	30,811.55	30,811.55	0.00%
3333 - DSR - CHERRY CREEK	0.00	0.00	0.00	1,062.24	1,062.24	0.00%
4401 - CCI (CIGARETTE TAX) FUND	57,813.00	57,813.00	25,390.35	25,390.35	-32,422.65	56.08%
4402 - CUMULATIVE CAP DEVELOP	823,963.00	823,963.00	425,381.31	448,568.85	-375,394.15	45.56%
4425 - CCI FIRE STATION	565,937.00	565,937.00	283,019.35	298,462.20	-267,474.80	47.26%
4428 - CCI STORM SEWER FUND	586,504.00	586,504.00	283,019.35	321,158.70	-265,345.30	45.24%
4445 - TIF SOUTH EAST E.D.	9,367,200.00	9,367,200.00	4,431,156.96	4,575,452.14	-4,791,747.86	51.15%
4446 - TIF CONS RR/US 33/DT	3,822,700.00	3,822,700.00	2,119,419.48	2,142,329.48	-1,680,370.52	43.96%
4447 - TIF LIPPERT/DIERDORFF	261,350.00	261,350.00	135,549.23	135,549.23	-125,800.77	48.13%
4450 - TIF EAST COLL AVE	0.00	0.00	435,821.00	435,821.00	435,821.00	0.00%
4451 - TIF INDIANA AVENUE	0.00	0.00	53,337.02	53,337.02	53,337.02	0.00%
4502 - ARP FISCAL RECOV FUND	0.00	0.00	0.00	0.00	0.00	0.00%
4651 - CEMETERY CAPITAL IMPROV.	11,000.00	11,000.00	845.25	5,296.20	-5,703.80	51.85%
4661 - 2021 GO BOND PROCEEDS	0.00	0.00	0.00	0.00	0.00	0.00%
8801 - FIRE PENSION FUND	460,000.00	460,000.00	292,763.53	292,763.53	-167,236.47	36.36%
8802 - POLICE PENSION FUND	350,000.00	350,000.00	152,338.51	153,553.20	-196,446.80	56.13%
<b>Revenue Total:</b>	<b>63,354,246.00</b>	<b>63,754,246.00</b>	<b>22,807,906.83</b>	<b>37,003,973.51</b>	<b>-26,750,272.49</b>	<b>41.96%</b>

## Budget Report

For Fiscal: 2025 Period Ending: 06/30/2025

Fun...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
<b>Expense</b>						
1101 - GENERAL FUND	33,944,900.00	34,264,096.33	2,386,880.78	15,410,719.66	18,853,376.67	55.02%
2201 - MVH FUND	3,870,190.00	3,980,703.10	207,974.70	1,862,040.76	2,118,662.34	53.22%
2202 - LOCAL ROAD & STREET	1,000,000.00	1,539,147.00	0.00	4,535.00	1,534,612.00	99.71%
2203 - MVH-RESTRICTED	2,400,000.00	2,400,000.00	0.00	0.00	2,400,000.00	100.00%
2204 - PARKS AND RECREATION	3,331,500.00	4,055,500.00	231,454.78	1,276,856.83	2,778,643.17	68.52%
2206 - AVIATION FUND	711,400.00	711,400.00	44,977.45	225,143.98	486,256.02	68.35%
2209 - LIT - ECONOMIC DEVELOPMENT	4,325,000.00	7,100,223.28	338,540.81	719,634.70	6,380,588.58	89.86%
2214 - PROBATION FUND	113,650.00	113,650.00	9,197.58	56,394.66	57,255.34	50.38%
2226 - REDEVELOPMENT OPERATING	274,550.00	274,550.00	20,835.09	128,701.27	145,848.73	53.12%
2228 - LAW ENFORCEMENT CONTINUE EDUCATION	36,000.00	36,000.00	2,319.46	8,011.12	27,988.88	77.75%
2234 - UNSAFE BUILDING FUND	85,000.00	551,000.00	43,200.00	83,200.00	467,800.00	84.90%
2236 - RAINY DAY FUND	0.00	0.00	0.00	0.00	0.00	0.00%
2240 - LIT - PUBLIC SAFETY	3,049,000.00	3,377,347.50	194,671.82	1,571,133.14	1,806,214.36	53.48%
2257 - OPIOID SETTLEMENT RESTR	0.00	0.00	45,484.42	64,977.74	-64,977.74	0.00%
2258 - TOWNSHIP FIRE SUPPORT	378,000.00	378,000.00	10,289.70	66,389.95	311,610.05	82.44%
2500 - COURT FEES	54,700.00	54,700.00	2,168.80	6,291.88	48,408.12	88.50%
2501 - RESIDENTIAL LEASE FEES	48,975.00	48,975.00	4,709.19	25,477.56	23,497.44	47.98%
2503 - ELECTRIC UTILITY SALE	0.00	400,000.00	0.00	0.00	400,000.00	100.00%
2504 - OLD LAW ENFORCEMENT CONTINUE ED	18,109.00	18,109.00	0.00	18,108.66	0.34	0.00%
2505 - STORM WATER MANAGEMNT	1,937,885.00	1,940,885.00	1,022,653.58	1,542,253.75	398,631.25	20.54%
2506 - ECON IMPROVEMENT DISTRICT	81,000.00	81,000.00	2,357.00	7,078.21	73,921.79	91.26%
2508 - REDHAWK ACADEMY	12,500.00	12,500.00	385.15	6,821.54	5,678.46	45.43%
3301 - DEBT SERVICE	373,275.00	373,275.00	0.00	186,900.00	186,375.00	49.93%
3311 - TIF BOND P & I PYMT FUND	820,889.00	820,889.00	0.00	816,718.75	4,170.25	0.51%
3320 - BOND P&I EAST COLLEGE AVE	0.00	0.00	0.00	0.00	0.00	0.00%
3321 - INDIANA AVE BOND P&I	0.00	0.00	0.00	0.00	0.00	0.00%
3323 - CHERRY CREEK BOND P&I	0.00	0.00	0.00	90,821.25	-90,821.25	0.00%
3331 - TIF DEBT SERVICE RESERVE	0.00	217,393.75	0.00	217,393.75	0.00	0.00%
4401 - CCI (CIGARETTE TAX) FUND	80,000.00	80,000.00	1,681.89	12,111.91	67,888.09	84.86%
4402 - CUMULATIVE CAP DEVELOP	1,022,000.00	1,361,227.95	14,723.00	146,312.45	1,214,915.50	89.25%
4425 - CCI FIRE STATION	375,000.00	417,598.95	16,335.00	213,984.25	203,614.70	48.76%
4428 - CCI STORM SEWER FUND	2,700,000.00	2,700,000.00	10,032.47	46,692.09	2,653,307.91	98.27%
4445 - TIF SOUTH EAST E.D.	20,065,890.00	22,440,621.85	139,278.50	2,365,292.28	20,075,329.57	89.46%
4446 - TIF CONS RR/US 33/DT	4,075,000.00	8,586,861.94	530,198.07	1,709,339.17	6,877,522.77	80.09%
4447 - TIF LIPPERT/DIERDORFF	0.00	388,438.11	0.00	388,438.11	0.00	0.00%
4450 - TIF EAST COLL AVE	0.00	0.00	481,680.00	604,680.00	-604,680.00	0.00%
4451 - TIF INDIANA AVENUE	0.00	0.00	58,000.00	58,000.00	-58,000.00	0.00%
4502 - ARP FISCAL RECOV FUND	2,806,655.00	5,506,655.00	146,804.12	488,727.65	5,017,927.35	91.12%
4651 - CEMETERY CAPITAL IMPROV.	45,800.00	45,800.00	0.00	25,236.00	20,564.00	44.90%
4660 - 2015 GOB PROCEEDS	120,000.00	120,000.00	0.00	0.00	120,000.00	100.00%
4661 - 2021 GO BOND PROCEEDS	3,149,049.00	3,149,049.00	4,711.03	22,359.53	3,126,689.47	99.29%
8801 - FIRE PENSION FUND	551,320.00	551,320.00	43,961.67	233,639.73	317,680.27	57.62%
8802 - POLICE PENSION FUND	410,050.00	410,050.00	27,098.00	135,925.00	274,125.00	66.85%
<b>Expense Total:</b>	<b>92,267,287.00</b>	<b>108,506,966.76</b>	<b>6,042,604.06</b>	<b>30,846,342.33</b>	<b>77,660,624.43</b>	<b>71.57%</b>
<b>Report Surplus (Deficit):</b>	<b>-28,913,041.00</b>	<b>-44,752,720.76</b>	<b>16,765,302.77</b>	<b>6,157,631.18</b>	<b>50,910,351.94</b>	<b>113.76%</b>





# Budget Report Group Summary

For Fiscal: 2025 Period Ending: 06/30/2025

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
<b>Fund: 1101 - GENERAL FUND</b>						
<b>Expense</b>						
01 - COMMUNITY RELATIONS	206,050.00	206,050.00	6,649.75	53,245.09	152,804.91	74.16%
02 - COUNCIL	149,770.00	149,770.00	13,925.56	71,215.59	78,554.41	52.45%
03 - MAYOR	621,380.00	621,380.00	42,586.80	268,754.54	352,625.46	56.75%
04 - CLERK-TREASURER	868,070.00	868,070.00	67,182.87	388,398.05	479,671.95	55.26%
05 - LEGAL	960,625.00	962,587.89	57,144.79	359,196.54	603,391.35	62.68%
06 - COURT	582,200.00	582,200.00	39,050.08	273,455.37	308,744.63	53.03%
07 - BOARD OF WORKS	5,303,485.00	5,500,751.97	394,279.38	2,698,601.63	2,802,150.34	50.94%
08 - TECHNOLOGY	811,000.00	811,000.00	54,566.86	321,954.53	489,045.47	60.30%
09 - CEMETERY-GENERAL	483,070.00	483,070.00	42,677.60	245,200.80	237,869.20	49.24%
10 - ENGINEERING	1,265,650.00	1,266,712.00	83,643.24	474,553.11	792,158.89	62.54%
11 - POLICE DEPARTMENT	9,650,820.00	9,769,275.47	701,643.15	4,376,676.01	5,392,599.46	55.20%
12 - FIRE DEPARTMENT	8,639,800.00	8,639,800.00	569,285.00	4,049,619.15	4,590,180.85	53.13%
15 - BUILDING DEPARTMENT	669,425.00	669,874.00	51,265.02	296,899.15	372,974.85	55.68%
16 - PLANNING DEPARTMENT	599,015.00	599,015.00	34,559.97	213,153.94	385,861.06	64.42%
18 - CENTRAL GARAGE	1,953,130.00	1,953,130.00	119,979.67	808,218.93	1,144,911.07	58.62%
19 - BUILDINGS-GROUNDS	357,740.00	357,740.00	17,561.39	110,594.24	247,145.76	69.09%
46 - ENVIRONMENTAL RESILENCE	823,670.00	823,670.00	80,797.95	355,894.16	467,775.84	56.79%
90 - UNAPPROPRIATED	0.00	0.00	10,081.70	45,088.83	-45,088.83	0.00%
<b>Expense Total:</b>	<b>33,944,900.00</b>	<b>34,264,096.33</b>	<b>2,386,880.78</b>	<b>15,410,719.66</b>	<b>18,853,376.67</b>	<b>55.02%</b>
<b>Fund: 1101 - GENERAL FUND Total:</b>	<b>33,944,900.00</b>	<b>34,264,096.33</b>	<b>2,386,880.78</b>	<b>15,410,719.66</b>	<b>18,853,376.67</b>	<b>55.02%</b>
<b>Report Total:</b>	<b>33,944,900.00</b>	<b>34,264,096.33</b>	<b>2,386,880.78</b>	<b>15,410,719.66</b>	<b>18,853,376.67</b>	<b>55.02%</b>



**City Clerk-Treasurer  
CITY OF GOSHEN**

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

[clerktreasurer@goshencity.com](mailto:clerktreasurer@goshencity.com) • [www.goshenindiana.org](http://www.goshenindiana.org)

TO: Mayor Gina Leichty and the Goshen Common Council

FROM: Jeffery Weaver, Deputy Clerk-Treasurer

RE: Proposed Ordinance 5230, Additional Appropriations

DATE: July 28, 2025

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Thank you for considering Ordinance 5230, Additional Appropriations, which requests authorization from the Council and Mayor to spend additional and available money from various accounts. The Mayor and Clerk-Treasurer requested this ordinance because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

An appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. It is possible to get permission to move budgeted spending between accounts and categories, but sometimes the total appropriations within a fund is insufficient for the fund's total spending, due to emergencies, unforeseen circumstances, or budget errors. In this case, the Mayor and Clerk-Treasurer propose an additional appropriation if the expenditures are necessary and paying the expenditure might otherwise overspend the budgeted appropriation. After Council approval, the Clerk-Treasurer submits the additional appropriation to the Department of Local Government Finance ("DLGF") for final approval. The DLGF will only approve an additional appropriation if the Clerk-Treasurer proves that the City has cash available for the additional appropriation and the following year's budget.

The City plans to implement FASTER Asset Fleet Management software to enhance the efficiency and effectiveness of managing its vehicle and equipment assets. This new system will support the Central Garage by maintaining service records and work orders, managing parts and inventory, reporting on asset lifecycles and depreciation, and integrating seamlessly with the City's existing ERP system. The current system—a custom-built platform based on Microsoft Access—is no longer supported and limits the City's ability to maintain and upgrade operations. An appropriation of \$130,000 is requested to cover the installation of the new software, including the full migration of existing data into the new system.

Additional appropriations are needed for the Redevelopment Fund due to an error during the 2025 budget process. Although major expenditure lines were properly entered, the part-time and benefits categories were not correctly submitted to the State's budgeting system. As a result, the personnel costs for the Redevelopment Fund were underbudgeted. Appropriations of \$40,000 for part-time wages and \$34,400 for benefits are requested to fully fund these categories in the Redevelopment Operating Fund for the remainder of the year.

Common Council Resolution 2023-02 authorized a forgivable loan of up to \$250,000 to LaCasa, Inc. to support infrastructure improvements for permanent supportive housing owned by Oaklawn Psychiatric Center, Inc. However, the funds were not appropriated at the time the resolution was adopted. As LaCasa

has now submitted requests for reimbursement, an appropriation is necessary to fulfill the City's financial commitment outlined in the resolution.

The TIF Bond Payment Fund is used to make lease payments to the Bank of New York for the 2015 Redevelopment Authority Lease Rental Bonds. For 2025, the total lease obligation is \$388,000. However, the adopted budget only appropriated \$310,000, which covers the principal portion of the payment but did not include the remaining \$78,000 needed to cover interest or other required components. An additional appropriation of \$78,000 is therefore requested to authorize full payment of the lease obligation for 2025.

The City is now obligated to begin payments on the Indiana Avenue Bonds and the East College Avenue Bonds. For both bond issues, the City collects revenue in the appropriate TIF fund and transfers the necessary debt service amount to an account held by the Bank of New York, which serves as the bond trustee. The Bank of New York then disburses the principal and interest payments directly to the bondholders on the City's behalf.

In this instance, the Council is authorizing the Indiana Avenue TIF district to transfer \$58,000 to the Indiana Avenue Bond Payment Fund at the Bank of New York. This appropriation also authorizes the Bond Payment Fund to disburse the upcoming debt service payment. Similarly, the Council is appropriating \$604,680 from the East College Avenue TIF district to the corresponding Bond Payment Fund and authorizing \$481,680 of that amount to be used for the current debt service payment. These appropriations reflect current payment obligations. However, it is likely that an additional appropriation will be required near the end of the year to account for debt service transfers scheduled for December.

Each affected fund has sufficient cash balances to spend these appropriations. If the ordinance is approved by the Council, the Clerk-Treasurer's office will submit necessary information to the DLGF for final approval.

## **ORDINANCE 5230**

### **Additional Appropriations**

WHEREAS it has been determined that it is necessary to appropriate more money than the amount appropriated in the current year's annual budget,

WHEREAS pursuant to notice given, the Goshen Common Council conducted a public hearing on the proposed additional appropriation,

NOW THEREFORE, BE IT ORDAINED that Goshen Common Council makes the following additional appropriation of money in excess of the current year's budget for the fund(s) named:

#### GENERAL FUND

1101-5-08-4390300	TECHNOLOGY / Software	\$130,000.00
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#### REDEVELOPMENT OPERATING FUND

2226-5-00-4110140	REDEV OP / Part-Time Personnel	\$40,000.00
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2226-5-00-4130300	REDEV OP / Retirement	\$34,400.00
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#### OPIOID SETTLEMENT – RESTRICTED

2257-5-00-4430500	OPIOID RSTR / Building Construction	\$250,000.00
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#### TIF BOND PAYMENT FUND

3311-5-00-4380120	2015 EDLR BD / Lease Rental Payment	\$78,000.00
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#### TIF EAST COLLEGE AVE

4450-5-00-4520000	COLLEGE TIF / Transfer to Bond Payment	\$604,680.00
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#### COLLEGE AVE BOND PAYMENT FUND

3320-5-00-4380201	COLLAVE P&I / Interest	\$481,680.00
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#### TIF INDIANA AVE

4451-5-00-4520000	INDAVE TIF / Transfer to Bond Payment	\$58,000.00
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#### INDIANA AVE BOND PAYMENT FUND

3321-5-00-4380100	INDAVE P&I / Principal	\$58,000.00
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PASSED by the Goshen Common Council on \_\_\_\_\_, 2025.

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

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2025, at \_\_\_\_\_  
a.m./p.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on \_\_\_\_\_, 2025.

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



**Richard Aguirre, City Clerk-Treasurer**  
**CITY OF GOSHEN**

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**To:** Goshen City Common Council, Mayor Gina Leichty  
**From:** Jeffery Weaver, Deputy Clerk-Treasurer  
**Date:** July 28, 2025  
**Subject:** Resolution 2025–15: A Resolution Providing for the Transfer of Appropriations

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Resolution 2025-15 authorizes transfers of appropriations between major spending categories within specific City funds. These transfers are necessary to ensure that departments can meet their operational needs while staying within the legal appropriation limits set by the adopted budget. The transfers do not increase overall spending but instead reallocate existing budget authority between categories such as Personal Services, Supplies, Services & Charges, and Capital Outlays. This flexibility is essential to adapt to evolving departmental needs as actual expenditures vary throughout the year.

Under Indiana law and Department of Local Government Finance (DLGF) guidance, the Common Council must approve any transfers between major appropriation categories. This resolution formalizes those adjustments, allowing departments to continue essential services and maintain compliance with state reporting requirements. Once approved, the Clerk-Treasurer's Office will update the City's financial records and notify affected departments of the adjustments. These transfers are routine and help ensure that each fund remains properly aligned with the City's operational priorities.



**GOSHEN COMMON COUNCIL  
Resolution 2025–15**

**A Resolution Providing for the Transfer of Appropriations**

WHEREAS it is necessary to transfer funds budget categories to cover expenses.

WHEREAS certain existing budget appropriations have unobligated funds that are available for the category transfer.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council approves the transfer of funds between the following budget categories:

**GENERAL FUND CATEGORY TRANSFER FROM:**

Budget Category:	Personnel Services
Line Number:	1101-5-05-4110130
Line Name:	Legal / Full Time Personnel
Amount of the Transfer:	(\$4,660.00)

**GENERAL FUND CATEGORY TRANSFER TO:**

Budget Category:	Professional Services
Line Number:	1101-5-05-4310000
Line Name:	Legal / Other Services & Charges
Amount of the Transfer:	\$4,660.00
Purpose of Transfer:	To cover compensation due under amended agreement with Barks, Kolbus, Rife & Shuler, LLP.

**GENERAL FUND CATEGORY TRANSFER FROM:**

Budget Category:	Capital Projects
Line Number:	2206-5-00-4420001
Line Name:	Aviation / Capital Projects
Amount of the Transfer:	(\$27,300.00)

**GENERAL FUND CATEGORY TRANSFER TO:**

Budget Category:	Personnel Services
Line Number:	2206-5-00-4110130
Line Name:	Aviation / Full-Time Personnel
Amount of the Transfer:	\$25,000.00
Budget Category:	Personnel Services
Line Number:	2206-5-00-4110140
Line Name:	Aviation / Part-Time Personnel
Amount of the Transfer:	\$2,300.00
Purpose of Transfer:	To account for the hire of a new part-time employee earlier in the year than originally budgeted, and for a pay equity adjustment.

GENERAL FUND CATEGORY TRANSFER FROM:

Budget Category: Supplies  
Line Number: 1101-5-18-4220351  
Line Name: Central Garage / Small Tools  
Amount of the Transfer: (\$7,500.00)

GENERAL FUND CATEGORY TRANSFER TO:

Budget Category: Capital Projects  
Line Number: 1101-5-18-4450501  
Line Name: Central Garage / Machinery & Tools  
Amount of the Transfer: \$7,500.00  
Purpose of Transfer: To cover the full expense of a shop air compressor.

PASSED by the Goshen Common Council on July \_\_\_\_\_, 2025.

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

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on July \_\_\_\_\_, 2025, at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on November \_\_\_\_\_, 2025.

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

**Ordinance 5226**

**Approving the Financing for the Purchase of a Combination Sewer Jetter Rodder Truck through U.S. Bancorp Government Leasing and Finance, Inc.**

WHEREAS, the City's Water and Sewer Utility is purchasing a new combination sewer jetter rodder truck for a purchase price of Five Hundred Eighty-Five Thousand Nine Hundred Seventy-Seven Dollars (\$585,977.00);

WHEREAS, the City's Water and Sewer Utility wishes to make an initial down payment of One Hundred Twenty Thousand Dollars (\$120,000.00) due at closing and finance the amount of Three Hundred Thirty-Six Thousand Four Hundred Seventy-Seven Dollars (\$336,477.00) through U.S. Bancorp Government Leasing and Finance, Inc.; and

WHEREAS, the City's Water and Sewer Utility will be obligated under the terms of Property Schedule No.6 to a certain Master Tax-Exempt Lease/Purchase Agreement, attached hereto and made a part hereof, to make Five (5) annual payments of Seventy-Four Thousand Eight Hundred Thirty-Nine and 90/100 Dollars (\$74,839.90), at an interest rate of 4.41% with the first payment due January 30, 2026.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that the financing of the purchase of a combination sewer jetter rodder truck through U.S. Bancorp Government Leasing and Finance, Inc. pursuant to Property Schedule No.6 to a certain Master Tax-Exempt Lease/Purchase Agreement is approved.

PASSED by the Goshen Common Council on July 28, 2025.

\_\_\_\_\_  
Gina Leichty, Presiding Officer

Attest:

\_\_\_\_\_  
Richard Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on July \_\_\_\_, 2025 at \_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Richard Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on July \_\_\_\_, 2025.

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

# **Property Schedule No. 6**

## **Master Tax-Exempt Lease/Purchase Agreement**

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This **Property Schedule No. 6** is entered into as of the Commencement Date set forth below, pursuant to that certain Master Tax-Exempt Lease/Purchase Agreement (the "Master Agreement"), dated as of March 15, 2016, between U.S. Bancorp Government Leasing and Finance, Inc., and City of Goshen.

1. Entire Agreement; Interpretation. The terms and conditions of the Master Agreement are incorporated herein by reference as if fully set forth herein. The Master Agreement, this Property Schedule and the associated documents hereto constitute the entire agreement between Lessor and Lessee with respect to the Property and supersede any purchase order, invoice, request for proposal, response or other related document. Reference is made to the Master Agreement for all representations, covenants and warranties made by Lessee in the execution of this Property Schedule, unless specifically set forth herein. In the event of a conflict between the provisions of the Master Agreement and the provisions of this Property Schedule, the provisions of this Property Schedule shall control. All capitalized terms not otherwise defined herein shall have the meanings provided in the Master Agreement.
2. Commencement Date. The Commencement Date for this Property Schedule is July 30, 2025.
3. Property Description and Payment Schedule. The Property subject to this Property Schedule is described in Exhibit 1 hereto. Lessee shall not remove such property from the locations set forth therein without giving prior written notice to Lessor. The Lease Payment Schedule for this Property Schedule is set forth in Exhibit 1.
4. Opinion. The Opinion of Lessee's Counsel is attached as Exhibit 2.
5. Lessee's Certificate. The Lessee's Certificate is attached as Exhibit 3.
6. Proceeds. Exhibit 4 is intentionally omitted.
7. Acceptance Certificate. Exhibit 5 is intentionally omitted.
8. Additional Purchase Option Provisions. In addition to the Purchase Option provisions set forth in the Master Agreement, Lease Payments payable under this Property Schedule shall be subject to prepayment in whole at any time by payment of the applicable Termination Amount set forth in Exhibit 1 (Payment Schedule) and payment of all accrued and unpaid interest through the date of prepayment.
9. Private Activity Issue. Lessee understands that among other things, in order to maintain the exclusion of the interest component of Lease Payments from gross income for federal income tax purposes, it must limit and restrict the rights private businesses (including, for this purpose, the federal government and its agencies and organizations described in the Code § 501(c)(3)) have to use the Property. Each of these requirements will be applied beginning on the later of the Commencement Date or date each portion of the Property is placed in service and will continue to apply until earlier of the end of the economic useful life of the property or the date the Agreement or any tax-exempt obligation issued to refund the Property Schedule is retired (the "Measurement Period"). Lessee will comply with the requirements of Section 141 of the Code and the regulations thereunder which provide restrictions on special legal rights that users other than Lessee or a state or local government or an agency or instrumentality of a state or a local government (an "Eligible User") may have to use the Property. For this purpose, special legal rights may arise from a management or service agreement, lease, research agreement or other arrangement providing any entity except an Eligible User the right to use the Property. Any use of the Property by a user other than an Eligible User is referred to herein as "Non-Qualified Use". Throughout the Measurement Period, all of the Property is expected to be owned by Lessee. Throughout the Measurement Period, Lessee will not permit the Non-Qualified Use of the Property to exceed 10%.
10. Bank Qualification and Arbitrage Rebate. Attached as Exhibit 6.
11. Expiration. Lessor, at its sole determination, may choose not to accept this Property Schedule if the fully executed, original Master Agreement (including this Property Schedule and all ancillary documents) is not received by Lessor at its place of business by September 4, 2025.
12. Continuing Disclosure. Lessor acknowledges that, in connection with Lessee's compliance with any continuing disclosure undertakings (each, a "Continuing Disclosure Agreement") entered into by Lessee pursuant to SEC Rule 15c2-12 promulgated pursuant to the Securities and Exchange Act of 1934, as amended (the "Rule"), Lessee may be required to file with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access system, or its successor ("EMMA"), notice of its incurrence of its obligations under this Property Schedule and notice of any accommodation, waiver, amendment, modification of terms or other similar events reflecting financial difficulties in connection with this Property Schedule, in each case including a description of the material terms thereof (each such notice, an "EMMA Notice"). Lessee shall not file or submit or permit the filing or submission of any EMMA Notice that includes any of the following unredacted information regarding Lessor or the Escrow Agent: physical or mailing addresses, account information, e-mail addresses, telephone numbers, fax numbers, tax identification numbers, or titles or signatures of officers, employees or other signatories. Lessee acknowledges and agrees that Lessor is not responsible in connection with any EMMA Notice relating to this Property Schedule for Lessee's compliance or noncompliance (or any claims, losses or liabilities arising therefrom) with the Rule, any Continuing Disclosure Agreement or any applicable securities laws, including but not limited to those relating to the Rule.

*(Page Intentionally left blank. Signature page to follow)*

IN WITNESS WHEREOF, Lessor and Lessee have caused this Property Schedule to be executed in their names by their duly authorized representatives as of the Commencement Date above.

<b>Lessor: U.S. Bancorp Government Leasing and Finance, Inc.</b>
By:
Name:
Title:

<b>Lessee: City of Goshen</b>
By:
Name: Gina Leichty
Title: Mayor

Attest:
By
Name: Richard Aguirre
Title: Clerk-Treasurer

# EXHIBIT 1

## Property Description and Payment Schedule

Re: **Property Schedule No. 6** to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and City of Goshen.

THE PROPERTY IS AS FOLLOWS: The Property as more fully described in Exhibit A incorporated herein by reference and attached hereto. It includes all replacements, parts, repairs, additions, accessions and accessories incorporated therein or affixed or attached thereto and any and all proceeds of the foregoing, including, without limitation, insurance recoveries.

### PROPERTY LOCATION:

202 S 5th Street

Address

Goshen, IN 46528

City, State Zip Code

USE: Vac Truck - This use is essential to the proper, efficient and economic functioning of Lessee or to the services that Lessee provides; and Lessee has immediate need for and expects to make immediate use of substantially all of the Property, which need is not temporary or expected to diminish in the foreseeable future.

### Lease Payment Schedule

Total Principal Amount: \$336,477.00

Payment No.	Due Date	Lease Payment	Principal Portion	Interest Portion	Termination Amount (After Making Payment for said Due Date)
1	1/30/2026	74,839.90	67,420.59	7,419.32	277,128.11
2	1/30/2027	74,839.90	62,974.52	11,865.39	212,264.36
3	1/30/2028	74,839.90	65,751.69	9,088.21	144,540.11
4	1/30/2029	74,839.90	68,651.34	6,188.56	73,829.23
5	1/30/2030	74,839.90	71,678.87	3,161.04	0.00
<b>TOTAL</b>		<b>374,199.50</b>	<b>336,477.00</b>	<b>37,722.50</b>	

Interest Rate: 4.41%

**Lessee: City of Goshen**

By:

Name: Gina Leichty

Title: Mayor



EXHIBIT A

Property Description

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Vac Truck

VIN # To Be Determined



CITY OF GOSHEN LEGAL DEPARTMENT

City Annex

204 East Jefferson Street, Suite 2

Goshen, Indiana 46528-3405

July 30, 2025

U.S. Bancorp Government Leasing and Finance, Inc.  
13010 SW 68th Parkway, Suite 100  
Portland, OR 97223

RE: Property Schedule No. 6 dated as of July 30, 2025 to the Master Tax-Exempt Lease/Purchase Agreement dated March 15, 2016 between U.S. Bancorp Government Leasing and Finance, Inc. and City of Goshen.

Ladies and Gentlemen:

We have acted as counsel to City of Goshen ("Lessee"), in connection with the Master Tax-Exempt Lease/Purchase Agreement, dated as of March 15, 2016 (the "Master Agreement"), between City of Goshen, as lessee, and U.S. Bancorp Government Leasing and Finance, Inc. as lessor ("Lessor"), and the execution of Property Schedule No. 5 (the "Property Schedule") dated as of July 30, 2025, pursuant to the Master Agreement. We have examined the law and such certified proceedings and other papers as we deem necessary to render this opinion.

All capitalized terms not otherwise defined herein shall have the meanings provided in the Master Agreement and Property Schedule.

As to questions of fact material to our opinion, we have relied upon the representations of Lessee in the Master Agreement and the Property Schedule and in the certified proceedings and other certifications of public officials furnished to us without undertaking to verify the same by independent investigation.

Based upon the foregoing, we are of the opinion that, under existing law:

1. Lessee is a public body corporate and politic, duly organized and existing under the laws of the State, and has a substantial amount of one or more of the following sovereign powers: (a) the power to tax, (b) the power of eminent domain, and (c) the police power.

2. Lessee has all requisite power and authority to enter into the Master Agreement and the Property Schedule and to perform its obligations thereunder.

3. The execution, delivery and performance of the Master Agreement and the Property Schedule by Lessee has been duly authorized by all necessary action on the part of Lessee.

4. All proceedings of Lessee and its governing body relating to the authorization and approval of the Master Agreement and the Property Schedule, the execution thereof and the transactions contemplated thereby have been conducted in accordance with all applicable open meeting laws and all other applicable state and federal laws.

July 17, 2025

5. Lessee has acquired or has arranged for the acquisition of the Property subject to the Property Schedule, and has entered into the Master Agreement and the Property Schedule, in compliance with all applicable public bidding laws.

6. Lessee has obtained all consents and approvals of other governmental authorities or agencies which may be required for the execution, delivery and performance by Lessee of the Master Agreement and the Property Schedule.

7. The Master Agreement and the Property Schedule have been duly executed and delivered by Lessee and constitute legal, valid and binding obligations of Lessee, enforceable against Lessee in accordance with the terms thereof, except insofar as the enforcement thereof may be limited by any applicable bankruptcy, insolvency, moratorium, reorganization or other laws of equitable principles of general application, or of application to municipalities or political subdivisions such as the Lessee, affecting remedies or creditors' rights generally, and to the exercise of judicial discretion in appropriate cases.

8. As of the date hereof, based on such inquiry and investigation as we have deemed sufficient, no litigation is pending, (or, to our knowledge, threatened) against Lessee in any court (a) seeking to restrain or enjoin the delivery of the Master Agreement or the Property Schedule or of other agreements similar to the Master Agreement; (b) questioning the authority of Lessee to execute the Master Agreement or the Property Schedule, or the validity of the Master Agreement or the Property Schedule, or the payment of principal of or interest on, the Property Schedule; (c) questioning the constitutionality of any statute, or the validity of any proceedings, authorizing the execution of the Master Agreement and the Property Schedule; or (d) affecting the provisions made for the payment of or security for the Master Agreement and the Property Schedule.

This opinion may be relied upon by Lessor, its successors and assigns, and any other legal counsel who provides an opinion with respect to the Property Schedule.

Very truly yours,

---

Bodie J. Stegelmann, Goshen City Attorney

Dated: July 30, 2025

## EXHIBIT 3

### Lessee's General and Incumbency Certificate

#### GENERAL CERTIFICATE

Re: **Property Schedule No. 6** dated as of July 30, 2025 to the Master Tax-Exempt Lease/Purchase Agreement dated March 15, 2016 between U.S. Bancorp Government Leasing and Finance, Inc. and City of Goshen.

The undersigned, being the duly elected, qualified and acting Mayor  
(Title of Person to Execute Lease/Purchase Agreement)  
of the City of Goshen ("Lessee") does hereby certify, as of July 30, 2025, as follows:

1. Lessee did, at a meeting of the governing body of the Lessee, by resolution or ordinance duly enacted, in accordance with all requirements of law, approve and authorize the execution and delivery of the above-referenced Property Schedule (the "Property Schedule") and the Master Tax-Exempt Lease/Purchase Agreement (the "Master Agreement") by the undersigned.

2. The meeting(s) of the governing body of the Lessee at which the Master Agreement and the Property Schedule were approved and authorized to be executed was duly called, regularly convened and attended throughout by the requisite quorum of the members thereof, and the enactment approving the Master Agreement and the Property Schedule and authorizing the execution thereof has not been altered or rescinded. All meetings of the governing body of Lessee relating to the authorization and delivery of Master Agreement and the Property Schedule have been: (a) held within the geographic boundaries of the Lessee; (b) open to the public, allowing all people to attend; (c) conducted in accordance with internal procedures of the governing body; and (d) conducted in accordance with the charter of the Lessee, if any, and the laws of the State.

3. No event or condition that constitutes, or with the giving of notice or the lapse of time or both would constitute, an Event of Default or a Nonappropriation Event (as such terms are defined in the Master Agreement) exists at the date hereof with respect to this Property Schedule or any other Property Schedules under the Master Agreement.

4. The acquisition of all of the Property under the Property Schedule has been duly authorized by the governing body of Lessee.

5. Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current budget year to make the Lease Payments scheduled to come due during the current budget year under the Property Schedule and to meet its other obligations for the current budget year and such funds have not been expended for other purposes.

6. As of the date hereof, no litigation is pending, (or, to my knowledge, threatened) against Lessee in any court (a) seeking to restrain or enjoin the delivery of the Master Agreement or the Property Schedule or of other agreements similar to the Master Agreement; (b) questioning the authority of Lessee to execute the Master Agreement or the Property Schedule, or the validity of the Master Agreement or the Property Schedule, or the payment of principal of or interest on, the Property Schedule; (c) questioning the constitutionality of any statute, or the validity of any proceedings, authorizing the execution of the Master Agreement and the Property Schedule; or (d) affecting the provisions made for the payment of or security for the Master Agreement and the Property Schedule.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of July 30, 2025.

City of Goshen

By \_\_\_\_\_  
Signature of Person to Execute Lease/Purchase Agreement

Gina Leichty, Mayor  
\_\_\_\_\_  
Print Name and Title of Person to Execute Lease/Purchase Agreement

## INCUMBENCY CERTIFICATE

Re: **Property Schedule No. 6** dated as of July 30, 2025 to the Master Tax-Exempt Lease/Purchase Agreement dated as of March 15, 2016 between U.S. Bancorp Government Leasing and Finance, Inc. and City of Goshen.

The undersigned, being the duly elected, qualified and acting Secretary or Clerk of the City of Goshen ("Lessee") does hereby certify, as of July 30, 2025, as follows:

As of the date of the meeting(s) of the governing body of the Lessee at which the above-referenced Master Agreement and the Property Schedule were approved and authorized to be executed, and as of the date hereof, the below-named representative of the Lessee held and holds the office set forth below, and the signature set forth below is his/her true and correct signature.

\_\_\_\_\_  
(Signature of Person to Execute Lease/Purchase Agreement)

\_\_\_\_\_  
(Print Name and Title)

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of July 30, 2025.

\_\_\_\_\_  
Secretary/Clerk

Print Name  
and Title: Richard Aguirre, Clerk-Treasure

EXHIBIT 4

Payment of Proceeds Instructions

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Intentionally Omitted.

EXHIBIT 5

Acceptance Certificate

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Intentionally Omitted.



## EXHIBIT 6

### Bank Qualification And Arbitrage Rebate

U.S. Bancorp Government Leasing and Finance, Inc.  
1310 Madrid Street  
Marshall, MN 56258

Re: **Property Schedule No. 6** to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and City of Goshen

#### PLEASE CHECK EITHER:

##### **Bank Qualified Tax-Exempt Obligation under Section 265**

☒ Lessee hereby designates this Property Schedule as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the Code. Lessee reasonably anticipates issuing tax-exempt obligations (excluding private activity bonds other than qualified 501(c)(3) bonds and including all tax-exempt obligations of subordinate entities of the Lessee) during the calendar year in which the Commencement Date of this Property Schedule falls, in an amount not exceeding \$10,000,000.

or

☐ Not applicable.

##### **Arbitrage Rebate**

##### **Eighteen Month Exception:**

Pursuant to Treasury Regulations Section 1.148-7(d), the gross proceeds of this Property Schedule will be expended for the governmental purposes for which this Property Schedule was entered into, as follows: at least 15% within six months after the Commencement Date, at least 60% within 12 months after the Commencement Date, and 100% within 18 months after the Commencement Date. If Lessee is unable to comply with Section 1.148-7(d) of the Treasury Regulations, Lessee shall compute rebatable arbitrage on this Agreement and pay rebatable arbitrage to the United States at least once every five years, and within 60 days after payment of the final Lease Payment due under this Agreement.

***Consult tax counsel if there is any chance that the Eighteen Month Exception will not be met.***

<b>Lessee: City of Goshen</b>
By:
Name: Gina Leichty
Title: Mayor

**\*Please be sure to select ONE option above.**

## **Language for UCC Financing Statements**

### **Property Schedule No. 6**

SECURED PARTY: U.S. Bancorp Government Leasing and Finance, Inc.

DEBTOR: City of Goshen

This financing statement covers all of Debtor's right, title and interest, whether now owned or hereafter acquired, in and to the equipment leased to Debtor under Property Schedule No. 6 dated July 30, 2025 to that certain Master Tax-Exempt Lease Purchase Agreement dated as of March 15, 2016, in each case between Debtor, as Lessee, and Secured Party, as Lessor, together with all accessions, substitutions and replacements thereto and therefore, and proceeds (cash and non-cash), including, without limitation, insurance proceeds, thereof, including without limiting, all equipment described on Exhibit A attached hereto and made a part hereof.

Debtor has no right to dispose of the equipment.

This **Notification of Tax Treatment** is pursuant to the Master Tax-Exempt Lease/Purchase Agreement dated as of March 15, 2016 and the related Property Schedule No. 6 dated July 30, 2025, between Lessor and Lessee (the "Agreement").

\_\_\_\_ Lessee agrees that this Property Schedule SHOULD be subject to sales/use taxes

          X           Lessee agrees that this Property Schedule should NOT be subject to sales/use taxes and Lessee has included our tax-exemption certificate with this document package

\_\_\_\_ Lessee agrees that this Property Schedule should NOT be subject to sales/use taxes and no tax-exemption certificate is issued to us by the State

\_\_\_\_ Lessee agrees that this Property Schedule is a taxable transaction and subject to any/all taxes

\_\_\_\_ Lessee agrees that this Property Schedule is subject to sales/use taxes and will pay those taxes directly to the State or Vendor

IN WITNESS WHEREOF, Lessee has caused this Notification of Tax Treatment to be executed by their duly authorized representative.

<b>Lessee: City of Goshen</b>	
By:	
Name:	Gina Leichty
Title:	Mayor

**Information Return for Tax-Exempt Governmental Bonds**

► Under Internal Revenue Code section 149(e)

► See separate instructions.

**Caution:** If the issue price is under \$100,000, use Form 8038-GC.► Go to [www.irs.gov/F8038G](http://www.irs.gov/F8038G) for instructions and the latest information.

OMB No. 1545-0047

**Part I Reporting Authority**Check box if Amended Return ☐

<b>1</b> Issuer's name		<b>2</b> Issuer's employer identification number (EIN)
<b>3a</b> Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)		<b>3b</b> Telephone number of other person shown on 3a
<b>4</b> Number and street (or P.O. box if mail is not delivered to street address)	Room/suite	<b>5</b> Report number (For IRS Use Only) 3
<b>6</b> City, town, or post office, state, and ZIP code		<b>7</b> Date of issue
<b>8</b> Name of issue		<b>9</b> CUSIP number
<b>10a</b> Name and title of officer or other employee of the issuer whom the IRS may call for more information		<b>10b</b> Telephone number of officer or other employee shown on 10a

**Part II Type of Issue (Enter the issue price.)** See the instructions and attach schedule.

<b>11</b> Education . . . . .	<b>11</b>
<b>12</b> Health and hospital . . . . .	<b>12</b>
<b>13</b> Transportation . . . . .	<b>13</b>
<b>14</b> Public safety . . . . .	<b>14</b>
<b>15</b> Environment (including sewage bonds) . . . . .	<b>15</b>
<b>16</b> Housing . . . . .	<b>16</b>
<b>17</b> Utilities . . . . .	<b>17</b>
<b>18</b> Other. Describe ►	<b>18</b>
<b>19a</b> If bonds are TANs or RANs, check only box 19a . . . . . ► <input type="checkbox"/>	
<b>b</b> If bonds are BANs, check only box 19b . . . . . ► <input type="checkbox"/>	
<b>20</b> If bonds are in the form of a lease or installment sale, check box . . . . . ► <input type="checkbox"/>	

**Part III Description of Bonds.** Complete for the entire issue for which this form is being filed.

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
<b>21</b>		\$	\$	years	%

**Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)**

<b>22</b> Proceeds used for accrued interest . . . . .	<b>22</b>
<b>23</b> Issue price of entire issue (enter amount from line 21, column (b)) . . . . .	<b>23</b>
<b>24</b> Proceeds used for bond issuance costs (including underwriters' discount)	<b>24</b>
<b>25</b> Proceeds used for credit enhancement . . . . .	<b>25</b>
<b>26</b> Proceeds allocated to reasonably required reserve or replacement fund . . . . .	<b>26</b>
<b>27</b> Proceeds used to refund prior tax-exempt bonds. Complete Part V . . . . .	<b>27</b>
<b>28</b> Proceeds used to refund prior taxable bonds. Complete Part V . . . . .	<b>28</b>
<b>29</b> Total (add lines 24 through 28) . . . . .	<b>29</b>
<b>30</b> Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here) . . . . .	<b>30</b>

**Part V Description of Refunded Bonds.** Complete this part only for refunding bonds.

<b>31</b> Enter the remaining weighted average maturity of the tax-exempt bonds to be refunded . . . . . ►	years
<b>32</b> Enter the remaining weighted average maturity of the taxable bonds to be refunded . . . . . ►	years
<b>33</b> Enter the last date on which the refunded tax-exempt bonds will be called (MM/DD/YYYY) . . . . . ►	
<b>34</b> Enter the date(s) the refunded bonds were issued ► (MM/DD/YYYY)	

**Part VI Miscellaneous**

<b>35</b>	Enter the amount of the state volume cap allocated to the issue under section 141(b)(5) . . . . .	<b>35</b>	
<b>36a</b>	Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC). See instructions . . . . .	<b>36a</b>	
<b>b</b>	Enter the final maturity date of the GIC ► (MM/DD/YYYY) _____		
<b>c</b>	Enter the name of the GIC provider ► _____		
<b>37</b>	Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units . . . . .	<b>37</b>	
<b>38a</b>	If this issue is a loan made from the proceeds of another tax-exempt issue, check box ► <input type="checkbox"/> and enter the following information:		
<b>b</b>	Enter the date of the master pool bond ► (MM/DD/YYYY) _____		
<b>c</b>	Enter the EIN of the issuer of the master pool bond ► _____		
<b>d</b>	Enter the name of the issuer of the master pool bond ► _____		
<b>39</b>	If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box . . . . .		<input type="checkbox"/>
<b>40</b>	If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box . . . . .		<input type="checkbox"/>
<b>41a</b>	If the issuer has identified a hedge, check here ► <input type="checkbox"/> and enter the following information:		
<b>b</b>	Name of hedge provider ► _____		
<b>c</b>	Type of hedge ► _____		
<b>d</b>	Term of hedge ► _____		
<b>42</b>	If the issuer has superintegrated the hedge, check box . . . . .		<input type="checkbox"/>
<b>43</b>	If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box . . . . .		<input type="checkbox"/>
<b>44</b>	If the issuer has established written procedures to monitor the requirements of section 148, check box . . . . .		<input type="checkbox"/>
<b>45a</b>	If some portion of the proceeds was used to reimburse expenditures, check here ► <input type="checkbox"/> and enter the amount of reimbursement . . . . . ► _____		
<b>b</b>	Enter the date the official intent was adopted ► (MM/DD/YYYY) _____		

**Signature and Consent**

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.

Signature of issuer's authorized representative _____	Date _____	Type or print name and title _____
---	------------	------------------------------------

**Paid Preparer Use Only**

Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
Firm's name ► _____			Firm's EIN ► _____	
Firm's address ► _____			Phone no. _____	

# Instructions for Form 8038-G



Department of the Treasury  
Internal Revenue Service

(Rev. October 2021)

## Information Return for Tax-Exempt Governmental Bonds

Section references are to the Internal Revenue Code unless otherwise noted.

### Future Developments

For the latest information about developments related to Form 8038-G and its instructions, such as legislation enacted after they were published, go to [IRS.gov/Form8038G](https://www.irs.gov/Form8038G).

### General Instructions

#### Purpose of Form

Form 8038-G is used by issuers of tax-exempt governmental bonds to provide the IRS with the information required by section 149(e) and to monitor compliance with the requirements of sections 141 through 150.

#### Who Must File

IF the issue price (line 21, column (b)) is...	THEN, for tax-exempt governmental bonds issued after December 31, 1986, issuers must file...
\$100,000 or more	a <b>separate</b> Form 8038-G for <b>each</b> issue.
less than \$100,000	Form 8038-GC, Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales.

#### When To File

File Form 8038-G on or before the 15th day of the 2nd calendar month after the close of the calendar quarter in which the bond is issued. Form 8038-G may not be filed before the issue date and must be completed based on the facts as of the issue date.

**Late filing.** An issuer may be granted an extension of time to file Form 8038-G under section 3 of Rev. Proc. 2002-48, 2002-37 I.R.B. 531, if it is determined that the failure to file timely is not due to willful neglect. Type or print at the top of the form "Request for Relief under section 3 of Rev. Proc. 2002-48" and attach a letter explaining why Form 8038-G was not submitted to the IRS on time. Also indicate whether the bond issue in question is under examination by the IRS. Do not submit copies of the trust indenture or other bond documents. See *Where To File* next.

#### Where To File

File Form 8038-G and any attachments at the following address.

Department of the Treasury  
Internal Revenue Service Center  
Ogden, UT 84201

**Private delivery services.** You can use certain private delivery services (PDS) designated by the IRS to meet the "timely mailing as timely filing" rule for tax returns. Go to [IRS.gov/PDS](https://www.irs.gov/PDS) for the current list of designated services.

The PDS can tell you how to get written proof of the mailing date.

For the IRS mailing address to use if you're using PDS, go to [IRS.gov/PDSstreetAddresses](https://www.irs.gov/PDSstreetAddresses).



*PDS can't deliver items to P.O. boxes. You must use the U.S. Postal Service to mail any item to an IRS P.O. box address.*

#### Other Forms That May Be Required

For rebating arbitrage (or paying a penalty in lieu of arbitrage rebate) to the federal government, use Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate.

For private activity bonds, use Form 8038, Information Return for Tax-Exempt Private Activity Bond Issues.

#### Rounding to Whole Dollars

You may show the money items on this return as whole-dollar amounts. To round, drop amounts under 50 cents and increase amounts from 50 to 99 cents to the next dollar (for example, \$1.39 becomes \$1 and \$2.50 becomes \$3).

If two or more amounts must be added to figure the amount to enter on a line, include cents when adding the amounts and round off only the total.

#### Definitions

**Bond.** This is any obligation, including bond, note, commercial paper, installment purchase agreement, or financing lease.

**Taxable bond.** This is any bond the interest on which is not excludable from gross income under section 103. Taxable bonds include tax credit amounts and direct pay bonds.

**Tax-exempt bond.** This is any obligation, including a bond, installment purchase

agreement, or financial lease, on which the interest is excluded from income under section 103.

**Tax-exempt governmental bond.** A tax-exempt bond that is not a private activity bond (see next) is a tax-exempt governmental bond. This includes a bond issued by a qualified volunteer fire department under section 150(e).

**Private activity bond.** This includes a bond issued as part of an issue in which:

- More than 10% of the proceeds are to be used for any private activity business use; **and**
- More than 10% of the payment of principal or interest of the issue is **either (a)** secured by an interest in property to be used for a private business use (or payments for such property), **or (b)** to be derived from payments for property (or borrowed money) used for a private business use.

It also includes a bond, the proceeds of which **(a)** are to be used directly or indirectly to make or finance loans (other than loans described in section 141(c)(2)) to persons other than governmental units, and **(b)** exceeds the lesser of 5% of the proceeds **or** \$5 million.

**Issue price.** The issue price of bonds is generally determined under Regulations section 1.148-1(f). Thus, when issued for cash, the issue price is the first price at which a substantial amount of the bonds are sold to the public. To determine the issue price of a bond issued for property, see sections 1273 and 1274 and the related regulations.

**Issue.** Generally, bonds are treated as part of the same issue if they are issued by the same issuer, on the same date, and in a single transaction, or a series of related transactions (see Regulations section 1.149(e)-1(e)(2)). However, bonds issued during the same calendar year **(a)** under a loan agreement under which amounts are to be advanced periodically (a "draw-down loan"), or **(b)** with a term not exceeding 270 days, may be treated as part of the same issue if the bonds are equally and ratably secured under a single indenture or loan agreement and are issued under a common financing arrangement (for example, under the same official statement periodically updated to reflect changing factual circumstances). Also, for bonds issued under a draw-down loan that meet the requirements of the preceding

sentence, bonds issued during different calendar years may be treated as part of the same issue if all of the amounts to be advanced under the draw-down loan are reasonably expected to be advanced within 3 years of the date of issue of the first bond. Likewise, bonds (other than private activity bonds) issued under a single agreement that is in the form of a lease or installment sale may be treated as part of the same issue if all of the property covered by that agreement is reasonably expected to be delivered within 3 years of the date of issue of the first bond.

**Arbitrage rebate.** Generally, interest on a state or local bond is not tax exempt unless the issuer of the bond rebates to the United States arbitrage profits earned from investing proceeds of the bond in higher yielding nonpurpose investments. See section 148(f).

**Construction issue.** This is an issue of tax-exempt bonds that meets **both** of the following conditions.

1. At least 75% of the available construction proceeds are to be used for construction expenditures with respect to property to be owned by a governmental unit or a section 501(c)(3) organization.
2. All the bonds that are part of the issue are qualified 501(c)(3) bonds, bonds that are not private activity bonds, or private activity bonds issued to finance property to be owned by a governmental unit or a section 501(c)(3) organization.

In lieu of rebating any arbitrage that may be owed to the United States, the issuer of a construction issue may make an irrevocable election to pay a penalty. The penalty is equal to 1 $\frac{1}{2}$ % of the amount of the available construction proceeds of the issue that do not meet certain spending requirements as of the close of each 6-month period after the date the bonds were issued. See section 148(f)(4)(C) and the Instructions for Form 8038-T.

**Pooled financing issue.** This is an issue of tax-exempt bonds, the proceeds of which are to be used to finance purpose investments representing conduit loans to two or more conduit borrowers, unless those conduit loans are to be used to finance a single capital project.

## Specific Instructions

### Part I—Reporting Authority

**Amended return.** An issuer may file an amended return to change or add to the information reported on a previously filed return for the same date of issue. If you

are filing to correct errors or change a previously filed return, check the *Amended Return* box in the heading of the form.

The amended return must provide all the information reported on the original return, in addition to the new or corrected information. Attach an explanation of the reason for the amended return and write across the top, "Amended Return Explanation." Failure to attach an explanation may result in a delay in processing the form.

**Line 1.** The issuer's name is the name of the entity issuing the bonds, not the name of the entity receiving the benefit of the financing. For a lease or installment sale, the issuer is the lessee or the purchaser.

**Line 2.** An issuer that does not have an employer identification number (EIN) should apply online by visiting the IRS website at *IRS.gov/EIN*. The organization may also apply for an EIN by faxing or mailing Form SS-4 to the IRS.

**Line 3a.** If the issuer wishes to authorize a person other than an officer or other employee of the issuer (including a legal representative or paid preparer) to communicate with the IRS and whom the IRS may contact about this return (including in writing or by telephone), enter the name of such person here. The person listed on line 3a must be an individual. Do not enter the name and title of an officer or other employee of the issuer here (use line 10a for that purpose).

**Note.** By authorizing a person other than an authorized officer or other employee of the issuer to communicate with the IRS and whom the IRS may contact about this return, the issuer authorizes the IRS to communicate directly with the individual entered on line 3a and consents to disclose the issuer's return information to that individual, as necessary, to process this return.

**Lines 4 and 6.** If you listed an individual on line 3a to communicate with the IRS and whom the IRS may contact about this return, enter the number and street (or P.O. box if mail is not delivered to street address), city, town, or post office, state, and ZIP code of that person. Otherwise, enter the issuer's number and street (or P.O. box if mail is not delivered to street address), city, town, or post office, state, and ZIP code.

**Note.** The address entered on lines 4 and 6 is the address the IRS will use for all written communications regarding the processing of this return, including any notices.

**Line 5.** This line is for IRS use only. Do not make any entries in this box.

**Line 7.** The date of issue is generally the first date on which the issuer physically exchanges any bond included in the issue for the underwriter's (or other purchaser's) funds. For a lease or installment sale, enter the date interest starts to accrue in an MM/DD/YYYY format.

**Line 8.** If there is no name of the issue, please provide other identification of the issue.

**Line 9.** Enter the CUSIP (Committee on Uniform Securities Identification Procedures) number of the bond with the latest maturity. If the issue does not have a CUSIP number, write "None."

**Line 10a.** Enter the name and title of the officer or other employee of the issuer whom the IRS may call for more information. If the issuer wishes to designate a person other than an officer or other employee of the issuer (including a legal representative or paid preparer) whom the IRS may call for more information about the return, enter the name, title, and telephone number of such person on lines 3a and 3b.



*Complete lines 10a and 10b even if you complete lines 3a and 3b.*

### Part II—Type of Issue



*Elections referred to in Part II are made on the original bond documents, not on this form.*

Identify the type of bonds issued by entering the issue price in the box corresponding to the type of bond (see *Issue price* under *Definitions*, earlier). Attach a schedule listing names and EINs of organizations that are to use proceeds of these bonds, if different from those of the issuer, include a brief summary of the use and indicate whether or not such user is a governmental or nongovernmental entity.

**Line 18.** Enter a description of the issue in the space provided.

**Line 19.** If the bonds are short-term tax anticipation notes or warrants (TANs) or short-term revenue anticipation notes or warrants (RANs), check box 19a. If the bonds are short-term bond anticipation notes (BANs), issued with the expectation that they will be refunded with the proceeds of long-term bonds at some future date, check box 19b. **Do not** check both boxes.

**Line 20.** Check this box if property other than cash is exchanged for the bond, for example, acquiring a police car, a fire truck, or telephone equipment through a series of monthly payments. (This type of bond is sometimes referred to as a "municipal lease.") Also check this box if real property is directly acquired in



exchange for a bond to make periodic payments of interest and principal. **Do not** check this box if the proceeds of the bond are received in the form of cash, even if the term “lease” is used in the title of the issue.

### Part III—Description of Bonds

**Line 21.** For column (a), the final maturity date is the last date the issuer must redeem the entire issue.

For column (b), see *Issue price* under *Definitions*, earlier.

For column (c), the stated redemption price at maturity of the entire issue is the sum of the stated redemption prices at maturity of each bond issued as part of the issue. For a lease or installment sale, write “N/A” in column (c).

For column (d), the weighted average maturity is the sum of the products of the issue price of each maturity and the number of years to maturity (determined separately for each maturity and by taking into account mandatory redemptions), divided by the issue price of the entire issue (from line 21, column (b)). For a lease or installment sale, enter instead the total number of years the lease or installment sale will be outstanding.

For column (e), the yield, as defined in section 148(h), is the discount rate that, when used to figure the present value of all payments of principal and interest to be paid on the bond, produces an amount equal to the purchase price, including accrued interest. See Regulations section 1.148-4 for specific rules to figure the yield on an issue. If the issue is a variable rate issue, write “VR” as the yield of the issue. For other than variable rate issues, carry the yield out to four decimal places (for example, 5.3125%). If the issue is a lease or installment sale, enter the effective rate of interest being paid.

### Part IV—Uses of Proceeds of Bond Issue

For a lease or installment sale, write “N/A” in the space to the right of the title for Part IV.

**Line 22.** Enter the amount of proceeds that will be used to pay interest on the issue accruing prior to the date of issue. For definition of date of issue, see these instructions, line 7.

**Line 24.** Enter the amount of the proceeds that will be used to pay bond issuance costs, including fees for trustees and bond counsel. If no bond proceeds will be used to pay bond issuance costs, enter zero. Do not leave this line blank.

**Line 25.** Enter the amount of the proceeds that will be used to pay fees for credit enhancement that are taken into account in determining the yield on the issue for purposes of section 148(h) (for

example, bond insurance premiums and certain fees for letters of credit).

**Line 26.** Enter the amount of proceeds that will be allocated to such a fund.

**Line 27.** Enter the amount of the proceeds that will be used to pay principal, interest, or call premium on any tax-exempt bonds, including proceeds that will be used to fund an escrow account for this purpose.

**Line 28.** Enter the amount of the proceeds that will be used to pay principal, interest, or call premium on any taxable bonds, including proceeds that will be used to fund an escrow account for this purpose.

### Part V—Description of Refunded Bonds

Complete this part only if the bonds are to be used to refund a prior issue of tax-exempt bonds or taxable bonds. For a lease or installment sale, write “N/A” in the space to the right of the title for Part V.

**Lines 31 and 32.** The remaining weighted average maturity is determined without regard to the refunding. The weighted average maturity is determined in the same manner as on line 21, column (d).

**Line 34.** If more than a single issue of tax-exempt bonds or taxable bonds will be refunded, enter the date of issue for each refunded issue. Enter the date in an MM/DD/YYYY format.

### Part VI—Miscellaneous

**Line 35.** An allocation of volume cap is required if the nonqualified amount for the issue is more than \$15 million but is not more than the amount that would cause the issue to be private activity bonds.

**Line 36.** If any portion of the gross proceeds of the issue is or will be invested in a guaranteed investment contract (GIC), as defined in Regulations section 1.148-1(b), enter the amount of the gross proceeds so invested, as well as the final maturity date of the GIC and the name of the provider of such contract.

**Line 37.** If the issue is a pooled financing issue (as defined under *Pooled financing issue* in *Definitions*, earlier), enter the amount of the proceeds used to make loans to other governmental units, the interest on which is tax exempt.

**Line 38.** If the issue is a loan of proceeds from a pooled financing issue (as defined under *Pooled financing issue* in *Definitions*, earlier), check the box and where asked for the date of issue, EIN, and name of the issuer of the master pool bond, enter the date of issue, EIN, and name of the issuer of the pooled financing issue.

**Line 40.** Check this box if the issue is a construction issue and an irrevocable election to pay a penalty in lieu of arbitrage rebate has been made on or before the date the bonds were issued. The penalty is payable with a Form 8038-T for each 6-month period after the date the bonds are issued. Do not make any payment of penalty in lieu of arbitrage rebate with this form. See Rev. Proc. 92-22, 1992-1 C.B. 736, for rules regarding the “election document.”

**Line 41a.** Check this box if the issuer has identified a hedge on its books and records according to Regulations sections 1.148-4(h)(2)(viii) and 1.148-4(h)(5)(iv) that permit an issuer of tax-exempt bonds to identify a hedge for it to be included in yield calculations for figuring arbitrage.

**Line 42.** In determining if the issuer has super-integrated a hedge, apply the rules of Regulations section 1.148-4(h)(4). If the hedge is super-integrated, check the box.

**Line 43.** If the issuer takes a “deliberate action” after the issue date that causes the conditions of the private business tests or the private loan financing test to be met, then such issue is also an issue of private activity bonds. Regulations section 1.141-2(d)(3) defines a deliberate action as any action taken by the issuer that is within its control regardless of whether there is intent to violate such tests. Regulations section 1.141-12 explains the conditions to taking remedial action that prevent an action that causes an issue to meet the private business tests or private loan financing test from being treated as a deliberate action. Check the box if the issuer has established written procedures to ensure timely remedial action for all nonqualified bonds according to Regulations section 1.141-12 or other remedial actions authorized by the Commissioner under Regulations section 1.141-12(h).

**Line 44.** Check the box if the issuer has established written procedures to monitor compliance with the arbitrage, yield restriction, and rebate requirements of section 148.

**Line 45a.** Check the box if some part of the proceeds was used to reimburse expenditures. Figure and then enter the amount of proceeds that are used to reimburse the issuer for amounts paid for a qualified purpose prior to the issuance of the bonds. See Regulations section 1.150-2.

**Line 45b.** Subject to certain exceptions under Regulations section 1.150-2(f), an issuer must adopt an official intent, as described in Regulations section 1.150-2(e), to reimburse itself for preissuance expenditures within 60 days after payment of the original expenditure.

Enter the date the official intent was adopted.

## Signature and Consent

An authorized representative of the issuer must sign Form 8038-G and any applicable certification. Also print the name and title of the person signing Form 8038-G. The authorized representative of the issuer signing this form must have the authority to consent to the disclosure of the issuer's return information, as necessary to process this return, to the person(s) that have been designated in Form 8038-G.

**Note.** If the issuer in Part I, lines 3a and 3b, authorizes the IRS to communicate (including in writing and by telephone) with a person other than an officer or other employee of the issuer, by signing this form, the issuer's authorized representative consents to the disclosure of the issuer's return information, as necessary to process this return, to such person.

## Paid Preparer

If an authorized officer of the issuer filled in this return, the paid preparer's space should remain blank. Anyone who

prepares the return but does not charge the organization should not sign the return. Certain others who prepare the return should not sign. For example, a regular, full-time employee of the issuer, such as a clerk, secretary, etc., should not sign.

Generally, anyone who is paid to prepare a return must sign it and fill in the other blanks in the *Paid Preparer Use Only* area of the return.

The paid preparer must:

- Sign the return in the space provided for the preparer's signature (a facsimile signature is acceptable),
- Enter the preparer information, and
- Give a copy of the return to the issuer.

---

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating

to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on the individual circumstances. The estimated burden for tax-exempt organizations filing this form is approved under OMB control number 1545-0047 and is included in the estimates shown in the instructions for their information return.

If you have suggestions for making this form simpler, we would be happy to hear from you. You can send us comments through [IRS.gov/FormComments](https://www.irs.gov/FormComments).

Or you can write to:

Internal Revenue Service  
Tax Forms and Publications  
1111 Constitution Ave. NW, IR-6526  
Washington, DC 20224

**Do not** send the form to this address. Instead, see *Where To File*, earlier.

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## VEHICLE TITLING ADDENDUM

Master Tax-Exempt Lease/Purchase Agreement dated March 15, 2016 and related Property Schedule No. 6 dated July 30, 2025, between City of Goshen as Lessee and U.S. Bancorp Government Leasing and Finance, Inc. as Lessor.

1. Lessor and Lessee hereby agree to amend the above referenced Agreement to add additional terms and conditions as set forth below:

Lessee agrees that it will provide to Lessor the original title documentation to the Equipment. Lessee shall provide such title documentation to Lessor within 15 days of Lessee's receipt of such title documentation from the appropriate titling authority. Lessee's failure to provide Lessor with title documentation to the Equipment in a timely fashion shall be deemed a condition of Default as defined in the default paragraph herein subject to remedies available to Lessor pursuant to the remedies paragraph.

2. Location: Lessor agrees that in regard to the location of the equipment, Lessee must be responsible for maintaining records showing the location of each piece of Leased equipment. Lessee will report this location to Lessor upon written request by Lessor. Failure to do so shall constitute a breach of the Agreement, which default shall be governed by the terms and conditions specified in the default and/or remedies paragraph of the Agreement.

3. Lessee will complete the physical titling of the vehicle as required by the state of Lessee's residence and guarantee U.S. Bancorp Government Leasing and Finance, Inc. that U.S. Bancorp Government Leasing and Finance, Inc. will receive the original title to the leased vehicle in a timely manner. Lessee agrees to indemnify U.S. Bancorp Government Leasing and Finance, Inc. from any damage or loss it incurs, including legal fees, due to its failure to complete its agreement herein.

### THE APPLICATION FOR TITLE MUST INCLUDE THE FOLLOWING AS 1<sup>ST</sup> LIEN HOLDER:

**U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC.**  
**1310 MADRID STREET**  
**MARSHALL, MN 56258**

By signing this Addendum, Lessee acknowledges the above changes to the Agreement and authorizes Lessor to make such changes. In all other respects the terms and conditions of the Agreement remain in full force and effect.

<b>Lessor: U.S. Bancorp Government Leasing and Finance, Inc.</b>
By:
Name:
Title:
Date:

<b>Lessee: City of Goshen</b>
By:
Name: Gina Leichty
Title: Mayor
Date:

## ESCROW AGREEMENT

THIS ESCROW AGREEMENT ("*Escrow Agreement*") is made as of July 30, 2025 by and among U.S. Bancorp Government Leasing and Finance, Inc. ("*Lessor*"), City of Goshen ("*Lessee*") and U.S. BANK NATIONAL ASSOCIATION, as escrow agent ("*Escrow Agent*").

Lessor and Lessee have heretofore entered into that certain Master Tax-Exempt Lease/Purchase Agreement dated as of March 15, 2016 (the "*Master Agreement*") and a Property Schedule No. 6 thereto dated July 30, 2025 (the "*Schedule*") and, together with the terms and conditions of the Master Agreement incorporated therein, the "*Agreement*"). The Schedule contemplates that certain personal property described therein (the "*Equipment*") is to be acquired from the vendor(s) or manufacturer(s) thereof (the "*Vendor*"). After acceptance of the Equipment by Lessee, the Equipment is to be financed by Lessor to Lessee pursuant to the terms of the Agreement.

The Master Agreement further contemplates that Lessor will deposit an amount equal to the anticipated aggregate acquisition cost of the Equipment (the "*Purchase Price*"), being \$335,977.00, with Escrow Agent to be held in escrow and applied on the express terms set forth herein. Such deposit, together with all interest and other additions received with respect thereto (hereinafter the "*Escrow Fund*") is to be applied to pay the Vendor its invoice cost (a portion of which may, if required, be paid prior to final acceptance of the Equipment by Lessee); and, if applicable, to reimburse Lessee for progress payments already made by it to the Vendor of the Equipment.

The parties desire to set forth the terms on which the Escrow Fund is to be created and to establish the rights and responsibilities of the parties hereto.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Escrow Agent hereby agrees to serve as escrow agent upon the terms and conditions set forth herein. The moneys and investments held in the Escrow Fund are for the benefit of Lessee and Lessor, and such moneys, together with any income or interest earned thereon, shall be expended only as provided in this Escrow Agreement, and shall not be subject to levy or attachment or lien by or for the benefit of any creditor of either Lessee or Lessor. Lessor, Lessee and Escrow Agent intend that the Escrow Fund constitute an escrow account in which Lessee has no legal or equitable right, title or interest until satisfaction in full of all conditions contained herein for the disbursement of funds by the Escrow Agent therefrom. However, if the parties' intention that Lessee shall have no legal or equitable right, title or interest until all conditions for disbursement are satisfied in full is not respected in any legal proceeding, the parties hereto intend that Lessor have a security interest in the Escrow Fund, and such security interest is hereby granted by Lessee to secure payment of all sums due to Lessor under the Master Agreement. For such purpose, Escrow Agent hereby agrees to act as agent for Lessor in connection with the perfection of such security interest and agrees to note, or cause to be noted, on all books and records relating to the Escrow Fund, the Lessor's interest therein.

2. On such day as is determined to the mutual satisfaction of the parties (the "*Closing Date*"), Lessor shall deposit with Escrow Agent cash in the amount of the Purchase Price, to be held in escrow by Escrow Agent on the express terms and conditions set forth herein.

On the Closing Date, Escrow Agent agrees to accept the deposit of the Purchase Price by Lessor, and further agrees to hold the amount so deposited together with all interest and other additions received with respect thereto, as the Escrow Fund hereunder, in escrow on the express terms and conditions set forth herein.

3. Escrow Agent shall at all times segregate the Escrow Fund into an account maintained for that express purpose, which shall be clearly identified on the books and records of Escrow Agent as being held in its capacity as Escrow Agent. Securities and other negotiable instruments comprising the Escrow Fund from time to time shall be held or registered in the name of Escrow Agent (or its nominee). The Escrow Fund shall not, to the extent permitted by applicable law, be subject to levy or attachment or lien by or for the benefit of any creditor of any of the parties hereto (except with respect to the security interest therein held by Lessor).

4. The cash comprising the Escrow Fund from time to time shall be invested and reinvested by Escrow Agent in one or more investments as directed by Lessee. Absent written direction from Lessee, the cash will be invested in the U.S. Bank National Association Money Market Deposit Fund. See Exhibit 1 Investment Direction

Letter. Lessee represents and warrants to Escrow Agent and Lessor that the investments selected by Lessee for investment of the Escrow Fund are permitted investments for Lessee under all applicable laws. Escrow Agent will use due diligence to collect amounts payable under a check or other instrument for the payment of money comprising the Escrow Fund and shall promptly notify Lessee and Lessor in the event of dishonor of payment under any such check or other instruments. Interest or other amounts earned and received by Escrow Agent with respect to the Escrow Fund shall be deposited in and comprise a part of the Escrow Fund. Escrow Agent shall maintain accounting records sufficient to permit calculation of the income on investments and interest earned on deposit of amounts held in the Escrow Fund. The parties acknowledge that to the extent regulations of the Comptroller of Currency or other applicable regulatory entity grant a right to receive brokerage confirmations of security transactions of the escrow, the parties waive receipt of such confirmations, to the extent permitted by law. The Escrow Agent shall furnish a statement of security transactions on its regular monthly reports. Attached as Exhibit 6 is the Class Action Negative Consent Letter to be reviewed by Lessee.

5. Upon request by Lessee and Lessor, Escrow Agent shall send monthly statements of account to Lessee and Lessor, which statements shall set forth all withdrawals from and interest earnings on the Escrow Fund as well as the investments in which the Escrow Fund is invested.

6. Escrow Agent shall take the following actions with respect to the Escrow Fund:

(a) Upon Escrow Agent's acceptance of the deposit of the Purchase Price, an amount equal to Escrow Agent's acceptance fee, as set forth on Exhibit 2 hereto, shall be disbursed from the Escrow Fund to Escrow Agent in payment of such fee.

(b) Escrow Agent shall pay costs of the Equipment upon receipt of a duly executed Requisition Request (substantially in the format of Exhibit 3) signed by Lessor and Lessee. Lessee's authorized signatures are provided in Exhibit 5 attached hereto. Escrow Agent will use best efforts to process requests for payment within one (1) business day of receipt of requisitions received prior to 2:00 p.m. Central Time. The final Requisition shall be accompanied by a duly executed Final Acceptance Certificate form attached as Exhibit 4 hereto.

Escrow Agent is authorized but shall not be required to seek confirmation of such instructions by telephone call-back to any person designated by the instructing party on Exhibit 5 hereto, and Escrow Agent may rely upon the confirmation of anyone purporting to be a person so designated. The persons and telephone numbers for call-backs may be changed only in writing actually received and acknowledged by Escrow Agent and shall be effective only after Escrow Agent has a reasonable opportunity to act on such changes. If Escrow Agent is unable to contact any of the designated representatives identified in Exhibit 5, Escrow Agent is hereby authorized but shall be under no duty to seek confirmation of such instructions by telephone call-back to any one or more of Lessee's or Lessor's executive officers ("Executive Officers"), as Escrow Agent may select. Such Executive Officer shall deliver to Escrow Agent a fully executed incumbency certificate, and Escrow Agent may rely upon the confirmation of anyone purporting to be any such officer. Lessee and Lessor agree that Escrow Agent may at its option record any telephone calls made pursuant to this Section. Escrow Agent in any funds transfer may rely solely upon any account numbers or similar identifying numbers provided by Lessee and Lessor to identify (i) the beneficiary, (ii) the beneficiary's bank, or (iii) an intermediary bank, even when its use may result in a person other than the beneficiary being paid, or the transfer of funds to a bank other than the beneficiary's bank or an intermediary bank so designated. Lessee and Lessor acknowledge that these optional security procedures are commercially reasonable.

(c) Upon receipt by Escrow Agent of written notice from Lessor that an Event of Default or an Event of Nonappropriation (if provided for under the Master Agreement) has occurred under the Agreement, all funds then on deposit in the Escrow Fund shall be paid to Lessor for application in accordance with the Master Agreement, and this Escrow Agreement shall terminate.

(d) Upon receipt by Escrow Agent of written notice from Lessor that the purchase price of the Equipment has been paid in full, Escrow Agent shall pay the funds then on deposit in the Escrow Fund to Lessor to be applied first to the next Lease Payment due under the Master Agreement, and second, to prepayment of the principal component of Lease Payments in inverse order of maturity without premium. To the extent the Agreement is not subject to prepayment, Lessor consents to such prepayment to the extent of such prepayment amount from the Escrow Fund. Upon disbursement of all amounts in the Escrow Fund, this Escrow Agreement shall terminate.

(e) This Escrow Agreement shall terminate upon the distribution of all the amounts in the Escrow Fund pursuant to any applicable provision of this Agreement, and Escrow Agent will thereafter have no further obligation or liability whatsoever with respect to this Agreement.

7. The fees and expenses, including any legal fees, of Escrow Agent incurred in connection herewith shall be the responsibility of Lessee. The basic fees and expenses of Escrow Agent shall be as set forth on Exhibit 2 and Escrow Agent is hereby authorized to deduct such fees and expenses from the Escrow Fund as and when the same are incurred without any further authorization from Lessee or Lessor. Escrow Agent may employ legal counsel and other experts as it deems necessary for advice in connection with its obligations hereunder. Escrow Agent waives any claim against Lessor with respect to compensation hereunder.

8. Escrow Agent shall have no liability for acting upon any written instruction presented by Lessor in connection with this Escrow Agreement, which Escrow Agent in good faith believes to be genuine. Furthermore, Escrow Agent shall not be liable for any act or omission in connection with this Escrow Agreement except for its own negligence, willful misconduct or bad faith. Escrow Agent shall not be liable for any loss or diminution in value of the Escrow Fund as a result of the investments made by Escrow Agent.

9. Escrow Agent may resign at any time by giving thirty (30) days' prior written notice to Lessor and Lessee. Lessor may at any time remove Escrow Agent as Escrow Agent under this Escrow Agreement upon written notice to Lessee and Escrow Agent. Such removal or resignation shall be effective on the date set forth in the applicable notice. Upon the effective date of resignation or removal, Escrow Agent will transfer the Escrow Fund to the successor Escrow Agent selected by Lessor.

10. Lessee hereby represents, covenants and warrants that pursuant to Treasury Regulations Section 1.148-7(d), the gross proceeds of the Agreement will be expended for the governmental purposes for which the Agreement was entered into, as follows: at least 15% within six months after the Commencement Date, such date being the date of deposit of funds into the Escrow Fund, at least 60% within 12 months after the Commencement Date, and 100% within 18 months after the Commencement Date. If Lessee is unable to comply with Section 1.148-7(d) of the Treasury Regulations, Lessee shall, at its sole expense and cost, compute rebatable arbitrage on the Agreement and pay rebatable arbitrage to the United States at least once every five years, and within 60 days after payment of the final rental or Lease Payment due under the Agreement.

11. In the event of any disagreement between the undersigned or any of them, and/or any other person, resulting in adverse claims and demands being made in connection with or for any moneys involved herein or affected hereby, Escrow Agent shall be entitled at its option to refuse to comply with any such claim or demand, so long as such disagreement shall continue, and in so refusing Escrow Agent may refrain from making any delivery or other disposition of any moneys involved herein or affected hereby and in so doing Escrow Agent shall not be or become liable to the undersigned or any of them or to any person or party for its failure or refusal to comply with such conflicting or adverse demands, and Escrow Agent shall be entitled to continue so to refrain and refuse so to act until:

(a) the rights of the adverse claimants have been finally adjudicated in a court assuming and having jurisdiction of the parties and the moneys involved herein or affected hereby; or

(b) all differences shall have been adjusted by Master Agreement and Escrow Agent shall have been notified thereof in writing signed by all of the persons interested.

12. All notices (excluding billings and communications in the ordinary course of business) hereunder shall be in writing, and shall be sufficiently given and served upon the other party if delivered (a) personally, (b) by United States registered or certified mail, return receipt requested, postage prepaid, (c) by an overnight delivery by a service such as Federal Express or Express Mail from which written confirmation of overnight delivery is available, (d) by facsimile with a confirmed receipt or (e) by email by way of a PDF attachment thereto. Notice shall be effective upon receipt except for notice via email, which shall be effective only when the Recipient, by return email or notice delivered by other method provided for in this Section, acknowledges having received that email (with an automatically generated receipt or similar notice not constituting an acknowledgement of an email receipt for purposes of this Section).

Escrow Agent shall have the right to accept and act upon any notice, instruction, or other communication, including any funds transfer instruction, (each, a "Notice") received pursuant to this Agreement by electronic transmission (including by e-mail, facsimile transmission, web portal or other electronic methods) and shall not

have any duty to confirm that the person sending such Notice is, in fact, a person authorized to do so. Electronic signatures believed by Escrow Agent to comply with the ESIGN Act of 2000 or other applicable law (including electronic images of handwritten signatures and digital signatures provided by DocuSign, Orbit, Adobe Sign or any other digital signature provider identified by any other party hereto and acceptable to Escrow Agent) shall be deemed original signatures for all purposes. Each other party assumes all risks arising out of the use of electronic signatures and electronic methods to send Notices to Escrow Agent, including without limitation the risk of Escrow Agent acting on an unauthorized Notice, and the risk of interception or misuse by third parties. Notwithstanding the foregoing, Escrow Agent may in any instance and in its sole discretion require that a Notice in the form of an original document bearing a manual signature be delivered to Escrow Agent in lieu of, or in addition to, any such electronic Notice.

13. This Escrow Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns. No rights or obligations of Escrow Agent under this Escrow Agreement may be assigned without the prior written consent of Lessor.

14. This Escrow Agreement shall be governed by and construed in accordance with the laws in the state of the Escrow Agent's location. This Escrow Agreement constitutes the entire Agreement between the parties hereto with respect to the subject matter hereof, and no waiver, consent, modification or change of terms hereof shall bind any party unless in writing signed by all parties.

15. This Escrow Agreement and any written direction may be executed in two or more counterparts, which when so executed shall constitute one and the same agreement or direction.

IN WITNESS WHEREOF, the parties hereto have caused this Escrow Agreement to be duly executed as of the day and year first above set forth.

U.S. Bancorp Government Leasing and Finance, Inc., as Lessor
By:
Name:
Title:
Address: 1310 Madrid Street Marshall, MN 56258

City of Goshen, as Lessee
By:
Name: Gina Leichty
Title:
Address: 202 South 5th Street Goshen, IN 46528

U.S. BANK NATIONAL ASSOCIATION, as Escrow Agent
By:
Name:
Title:
Address: U.S. Bank National Association Global Corporate Trust 950 17 <sup>th</sup> Street, 5 <sup>th</sup> Floor Denver, CO 80202



**EXHIBIT 1**

**U.S. BANK NATIONAL ASSOCIATION  
MONEY MARKET ACCOUNT AUTHORIZATION FORM  
DESCRIPTION AND TERMS**

The U.S. Bank Money Market account is a U.S. Bank National Association ("U.S. Bank") interest-bearing money market deposit account designed to meet the needs of U.S. Bank's Corporate Trust Services Escrow Group and other Corporate Trust customers of U.S. Bank. Selection of this investment includes authorization to place funds on deposit and invest with U.S. Bank.

U.S. Bank uses the daily balance method to calculate interest on this account (actual/365 or 366). This method applies a daily periodic rate to the principal balance in the account each day. Interest is accrued daily and credited monthly to the account. Interest rates are determined at U.S. Bank's discretion, and may be tiered by customer deposit amount.

The owner of the account is U.S. Bank as Agent for its trust customers. U.S. Bank's trust department performs all account deposits and withdrawals. Deposit accounts are FDIC Insured per depositor, as determined under FDIC Regulations, up to applicable FDIC limits.

**AUTOMATIC AUTHORIZATION**

In the absence of specific written direction to the contrary, U.S. Bank is hereby directed to invest and reinvest proceeds and other available moneys in the U.S. Bank Money Market Account. The U.S. Bank Money Market Account is a permitted investment under the operative documents and this authorization is the permanent direction for investment of the moneys until notified in writing of alternate instructions.

City of Goshen

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Authorized Directing Party

\_\_\_\_\_  
Trust Account Number – includes existing and  
future sub-accounts unless otherwise directed

\_\_\_\_\_  
Mayor  
Title/Date

## EXHIBIT 2

### Schedule of Fees for Services as Escrow Agent Equipment Lease Purchase Escrow

CTS01010A	<b>Acceptance Fee</b> The acceptance fee includes the administrative review of documents, initial set-up of the account, and other reasonably required services up to and including the closing. This is a one-time, non-refundable fee, payable at closing.	WAIVED
CTS04460	<b>Escrow Agent</b> Annual fee for the standard escrow agent services associated with the administration of the account. Administration fees are payable in advance.	WAIVED
	<b>Direct Out of Pocket Expenses</b> Reimbursement of expenses associated with the performance of our duties, including but not limited to publications, legal counsel after the initial close, travel expenses and filing fees.	At Cost
	<b>Extraordinary Services</b> Extraordinary Services are duties or responsibilities of an unusual nature, including termination, but not provided for in the governing documents or otherwise set forth in this schedule. A reasonable charge will be assessed based on the nature of the services and the responsibility involved. At our option, these charges will be billed at a flat fee or at our hourly rate then in effect.	

Account approval is subject to review and qualification. Fees are subject to change at our discretion and upon written notice. Fees paid in advance will not be prorated. The fees set forth above and any subsequent modifications thereof are part of your agreement. Finalization of the transaction constitutes agreement to the above fee schedule, including agreement to any subsequent changes upon proper written notice. In the event your transaction is not finalized, any related out-of-pocket expenses will be billed to you directly. Absent your written instructions to sweep or otherwise invest, all sums in your account will remain uninvested and no accrued interest or other compensation will be credited to the account. Payment of fees constitutes acceptance of the terms and conditions set forth.

#### IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT:

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account.

For a non-individual person such as a business entity, a charity, a Trust or other legal entity we will ask for documentation to verify its formation and existence as a legal entity. We may also ask to see financial statements, licenses, identification and authorization documents from individuals claiming authority to represent the entity or other relevant documentation.

## Exhibit 5

Each of the following person(s) is a **Lessee Representative** authorized to execute escrow documents and direct Escrow Agent as to all matters, including fund transfers, address changes and contact information changes, on Recipient's behalf (only one signature required):

_____ Name	_____ Specimen signature	_____ Telephone No
_____ Name	_____ Specimen signature	_____ Telephone No
_____ Name	_____ Specimen signature	_____ Telephone No

*(Note: if only one person is identified above, please add the following language:)*

The following persons (not listed above) are authorized for call-back confirmations:

_____ Name	_____ Telephone Number
_____ Name	_____ Telephone Number
_____ Name	_____ Telephone Number

**Exhibit 6**

**Class Action Negative Consent Letter**

July 30, 2025

City of Goshen  
202 South 5th Street  
Goshen, IN 46528

RE: USBGLF/City of Goshen - - Class Action Litigation Claims

Dear Bodie Stegelmann:

U.S. Bank National Association ("U.S. Bank") has established its policies and procedures relative to class action litigation claims filed on behalf of its clients' accounts. This policy may impact future claims filed by U.S. Bank on behalf of the above-referenced account. Listed below are the policies regarding class action litigation claims:

1. U.S. Bank will file class action litigation claims, at no charge, on behalf of open, eligible agency or custody accounts upon receipt of proper documented authorization. This notice, with your ability to opt out as further described below, constitutes such documented authorization.
2. U.S. Bank will not file claims for agency or custody accounts that were open during the class action period but were closed prior to receipt of any notice of the class action litigation.
3. Assuming requisite information is provided by the payor to identify the applicable account, settlement proceeds of the class action litigation will be posted within a reasonable time following receipt of such proceeds to the entitled accounts that are open at such time. If entitled accounts are closed prior to distribution and receipt of settlement proceeds, they will be remitted to entitled beneficiaries or successors of the account net of any research and filing fees. Proceeds, less any research and filing fees, will be escheated if the entitled beneficiaries or successors of the account cannot be identified /located.

If you wish U.S. Bank to continue to file class action litigation proofs of claim on behalf of your account, you do not need to take any further action. However, if you do not wish U.S. Bank to file class action proofs of claim on behalf of your account, you may notify us of this election by returning this letter with your signature and date provided below within 30 days or by filing a separate authorization letter with your Account Manager by the same date.

The authorization and understanding contained in this communication constitutes an amendment of any applicable provisions of the account document for the above-referenced account.

If you have any questions, please contact me at the below number.

Sincerely,  
Mike McGuire  
Vice President  
303-585-4594

☐ No, U.S. Bank is not authorized to file class action litigation proofs of claim on behalf of the above-referenced account(s). By making this election, I acknowledge that U.S. Bank is not responsible for forwarding notices received on class action or litigation claims.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

## INSURANCE AUTHORIZATION AND VERIFICATION

Date: July 30, 2025

Property Schedule No. 6

To: City of Goshen (the "Lessee")

From: U.S. Bancorp Government Leasing and Finance, Inc. (the  
"Lessor")  
1310 Madrid Street  
Marshall, MN 56258

**TO THE LESSEE:** In connection with the above-referenced Property Schedule, Lessor requires proof in the form of this document, executed by both Lessee\* and Lessee's agent, that Lessee's insurable interest in the financed property (the "Property") meets Lessor's requirements as follows, with coverage including, but not limited to, fire, extended coverage, vandalism, and theft:

**Lessor, AND ITS SUCCESSORS AND ASSIGNS, shall be covered as both ADDITIONAL INSURED and LENDER'S LOSS PAYEE with regard to all equipment financed or leased by policy holder through or from Lessor. All such insurance shall contain a provision to the effect that such insurance shall not be canceled or modified without first giving written notice thereof to Lessor and Lessee at least thirty (30) days in advance of such cancellation or modification.**

**Lessee must carry GENERAL LIABILITY (and/or, for vehicles, Automobile Liability) in the amount of no less than \$1,000,000.00 (one million dollars).**

**Lessee must carry PROPERTY Insurance (or, for vehicles, Physical Damage Insurance) in an amount no less than the 'Insurable Value' \$336,477.00, with deductibles no more than \$25,000.00.**

*\*Lessee: Please execute this form and return with your document package. Please fax this form to your insurance agency for endorsement. In lieu of agent endorsement, Lessee's agency may submit insurance certificates demonstrating compliance with all requirements.*

**By signing, Lessee authorizes the Agent named below: 1) to complete and return this form as indicated; and 2) to endorse the policy and subsequent renewals to reflect the required coverage as outlined above.**

Agency/Agent:		
Address:		
Phone/Fax:		
Email:		

<b>Lessee: City of Goshen</b>	
By:	
Name:	Gina Leichty
Title:	Mayor

**TO THE AGENT:** *In lieu of providing a certificate, please execute this form in the space below and promptly send a PDF scan to Lessor at: [EFGLFDOCS@usbank.com](mailto:EFGLFDOCS@usbank.com) - This fully endorsed form shall serve as proof that Lessee's insurance meets the above requirements.*

**Agent hereby verifies that the above requirements have been met in regard to the Property listed below.**

Print Name of Agency: **X** \_\_\_\_\_

By: **X** \_\_\_\_\_  
(Agent's Signature)

Print Name: **X** \_\_\_\_\_

Date: **X** \_\_\_\_\_

**Insurable Value: \$336,477.00**

**ATTACHED: PROPERTY DESCRIPTION FOR PROPERTY SCHEDULE NO. 6**



Rhonda L. Yoder, AICP  
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN  
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185  
rhondayoder@goshencity.com • www.goshenindiana.org

## MEMORANDUM

TO: Goshen Common Council

FROM: Rhonda L. Yoder, City Planner

DATE: July 28, 2025

RE: Ordinance 5224

The Goshen Plan Commission met on June 17, 2025, in regular session and considered a request for a PUD major change and PUD preliminary site plan approval to permit a bank with drive-through on an undeclared outlot, with the outlot proposed without street frontage and with access via easements, for the subject property generally located at 4522 Elkhart Road, Lot 1 of Meijer Subdivision, and zoned Commercial B-3PUD (Planned Unit Development), part of the Meijer PUD, with the following outcome:

*Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 8-0.*

*The recommendation is based upon the following and with the following conditions:*

1. The proposed outlot development for a bank with drive-through is consistent with the overall Meijer PUD and prior outlot approvals.
2. The proposed outlot is approved without street frontage and with access via easements.
3. The approved preliminary site plan is *PUD Preliminary Site Plan, Amendment to Meijer PUD, Sheets 1 and 2*, prepared by Abonmarche and dated 6/01/25, subject to final review by all City departments.
4. Signs shall meet Zoning Ordinance requirements, with one freestanding monument sign permitted and with allowed wall sign area determined by the signable wall area on the building façade where each sign is located.
5. Landscaping shall meet Zoning Ordinance requirements, including landscaped area for the freestanding sign and street trees. The number of required street trees will be calculated using the lot line length adjacent to grass areas and spacing of 50 feet, with large species and diverse species (minimum of three different species) required.
6. Subdivision approval shall occur, with a recorded plat on file, before a zoning clearance/building permit is issued.
7. PUD final site plans, including a detailed landscape plan, shall be submitted for the outlot and for the modified Meijer site and approved before a zoning clearance form/building permit is issued, and may be reviewed by Staff on behalf of Plan Commission.
8. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.

Prior to the Plan Commission meeting the Planning office received no inquiries related to the request, and at the Plan Commission meeting, no comments/questions were received during the public hearing.

Ordinance 5224

An Ordinance to Amend Ordinance PC 90-41, known as the Meijer PUD, Passed and Adopted by the Board of County Commissioners of Elkhart County, Indiana, on the 17th day of September 1990

Whereas Meijer Stores Limited Partnership, First Federal Savings Bank, and Abonmarche submitted an application on the 28th day of May 2025 to allow a major change to a previously approved Planned Unit Development (Overlay) Ordinance and the Goshen City Plan Commission did after proper legal notice conduct a public hearing on said Petition as provided by the Law on the 17th day of June 2025 and recommended the adoption of this Ordinance, by a vote of 8-0.

NOW, THEREFORE be it ordained by the Common Council of the City of Goshen, Indiana, that:

For the property generally located on the south side of Elkhart Road and the west side of Ferndale Road, and more particularly described as follows:

LOT 1 OF MEIJER SUBDIVISION (PLAT BOOK 35, PAGE 88), A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 37 NORTH, RANGE 5 EAST, CITY OF GOSHEN, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA

To Amend Ordinance PC 90-41 as follows:

1. In addition to requirements established in Ordinance PC 90-41, additional requirements are established by this Ordinance.
2. That the Goshen Plan Commission did after a public hearing determine the amendment to be a major change.
3. The proposed outlot development for a bank with drive-through is consistent with the overall Meijer PUD and prior outlot approvals.
4. The proposed outlot is approved without street frontage and with access via easements.
5. The approved preliminary site plan is *PUD Preliminary Site Plan, Amendment to Meijer PUD, Sheets 1 and 2*, prepared by Abonmarche and dated 6/01/25, subject to final review by all City departments.
6. Signs shall meet Zoning Ordinance requirements, with one freestanding monument sign permitted and with allowed wall sign area determined by the signable wall area on the building façade where each sign is located.
7. Landscaping shall meet Zoning Ordinance requirements, including landscaped area for the freestanding sign and street trees. The number of required street trees will be calculated using the lot line length adjacent to grass areas and spacing of 50 feet, with large species and diverse species (minimum of three different species) required.
8. Subdivision approval shall occur, with a recorded plat on file, before a zoning clearance/building permit is issued.
9. PUD final site plans, including a detailed landscape plan, shall be submitted for the outlot and for the modified Meijer site and approved before a zoning clearance form/building permit is issued, and may be reviewed by Staff on behalf of Plan Commission.
10. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.

PASSED by the Common Council of the City of Goshen on \_\_\_\_\_, 2025.

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

Attest:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer



PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2025 at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED AND ADOPTED by the Mayor of the City of Goshen on \_\_\_\_\_, 2025.

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

**To:** Goshen City Plan Commission/Goshen Common Council  
**From:** Rhonda L. Yoder, Planning & Zoning Administrator  
**Subject:** 25-01MA, PUD Major Change & PUD Preliminary Site Plan Approval  
4522 Elkhart Road, Lot 1 of Meijer Subdivision, Meijer PUD  
**Date:** June 17, 2025

## **ANALYSIS**

Meijer Stores Limited Partnership, First Federal Savings Bank, and Abonmarche request a PUD major change and PUD preliminary site plan approval to permit a bank with drive-through on an undeclared outlot. The outlot is proposed without street frontage and with access via easements. The proposed outlot is part of the subject property generally located at 4522 Elkhart Road, Lot 1 of Meijer Subdivision, and is zoned Commercial B-3PUD (Planned Unit Development), part of the Meijer PUD.

The Meijer PUD was established in September 1990 by Ordinance PC 90-41, while under the jurisdiction of Elkhart County. The property was annexed into the City of Goshen in January 1996. The 1990 PUD plan (copy attached) did not include outlots, and all outlots (Wendy's, Goshen Village Shoppes, IHOP, and Taco Bell) have been approved as major changes to the PUD, in June 2003, January 2004, November 2004, and April 2015. The current request is to allow development of a bank with drive-through on an undeclared outlot.

When a PUD is developed, it contains specific use and developmental requirements that are in addition to, or in place of, the underlying zoning district requirements. A PUD is always tied to a site plan, with a PUD preliminary site plan adopted when a PUD is established or modified, and a detailed PUD final site plan reviewed as development occurs. Changes to a PUD are defined by the Zoning Ordinance and may be minor or major. Major changes include those that change use, character or intensity of the development, and those that increase traffic or utility issues, reduce parking, or encroach into required setbacks. Changing stated conditions of a PUD are also typically major changes. PUD major changes and PUD preliminary site plans require review to amend the PUD ordinance and site plan, as a public hearing at Plan Commission, with final approval by Council. As a PUD develops, the original PUD conditions remain in place unless specifically changed. A PUD is intended to provide unified development, streamline the review process, and provide flexibility based on specific site conditions.

### *Developmental Requirements*

**Frontage & Access.** The current outlot is proposed from within Lot 1 of Meijer Subdivision and is proposed without street frontage and with access via easements. As proposed, the outlot is consistent with a similar lot of Goshen Village Shoppes. The final design is subject to review by all City departments, to ensure safe access and maneuvering.

**Lot Size, Lot Width, Building Height, Building Coverage & Setbacks.** PUD districts do not require specific standards for lot size, lot width, building height, building coverage and setbacks, but there are practical factors which impact the location and size of structures, including the location of utilities, vehicle maneuvering, and space for landscaping. The proposed lot size, lot width, setbacks and building coverage must ensure adequate space to meet all other developmental requirements, such as landscaping and parking, and to maintain access for all services (fire protection, utilities, trash collection, for example).

**Parking.** According to preliminary plan General Notes, on-site parking will be provided to meet Zoning Ordinance requirements, with 26 spaces provided for the bank, where 13 are required, and with 902 spaces provided for the Meijer store, where 498 are required. The preliminary plan also shows the required five stacking spaces for each drive-through service for the bank.

**Signs.** According to preliminary plan General Notes, "the site will have one freestanding monument sign, one illuminated building sign above north entry, and one non-illuminated building sign on the east side of the building. The monument sign will be no taller than 7' and not longer than 8'. Both building signs will be 55 SFT in area." Based on the description, the monument sign appears to meet Zoning Ordinance requirements, but the wall signs cannot be evaluated as sign details

and building/façade details were not provided. All signs, including wall signs, should meet Zoning Ordinance requirements, and the allowed wall sign area will be determined by the signable wall area that is provided on the building façade where each sign is located.

**Landscaping.** According to preliminary plan General Notes, “landscaping to be in accordance with the City of Goshen Zoning Ordinance,” but no details were provided for review. Required landscaping will include landscaped area for the freestanding sign and street trees. Because there are no public streets, the required street trees should be calculated using the lot line length adjacent to grass areas, using spacing of 50 feet (to calculate the number of required trees), and with large species and diverse species (minimum of three different species) required. Based on the preliminary plan, street trees would be required as follows:

- North Lot Line – 1 large tree (apx 70’ lot line length adjacent to grass)
- East Lot Line – 4 large trees (apx 205’ lot line length adjacent to grass)
- South Lot Line – 2 large trees (apx 95’ lot line length adjacent to grass)
- West Lot Line – 6 large trees (apx 321’ lot line length adjacent to grass)

**Lighting.** According to preliminary plan General Notes, “the proposed site will have 20’ tall light poles with downward lighting,” which is consistent with typical PUD standards that require lighting to be designed and installed to be directed down and away from adjacent properties. In this case there are no adjacent residential properties, so no photometric plan will be required.

#### *PUD Preliminary Site Plan*

The PUD preliminary site plan submitted for Lot 1 of Meijer Subdivision is *PUD Preliminary Site Plan, Amendment to Meijer PUD, Sheets 1 and 2*, prepared by Abonmarche and dated 6/01/25. PUD preliminary site plan approval is a conceptual site plan approval, and PUD final site plan review, including a detailed landscape plan, is required, submitted as part of the City's administrative site plan review process, Technical Review, and may be reviewed by Staff on behalf of the Plan Commission. In this case, PUD final site plan review will require two site plans, one for the proposed outlot, and one for the modified Meijer site, including review of the relocated horse shelter, which was approved as a PUD minor change in November 2010.

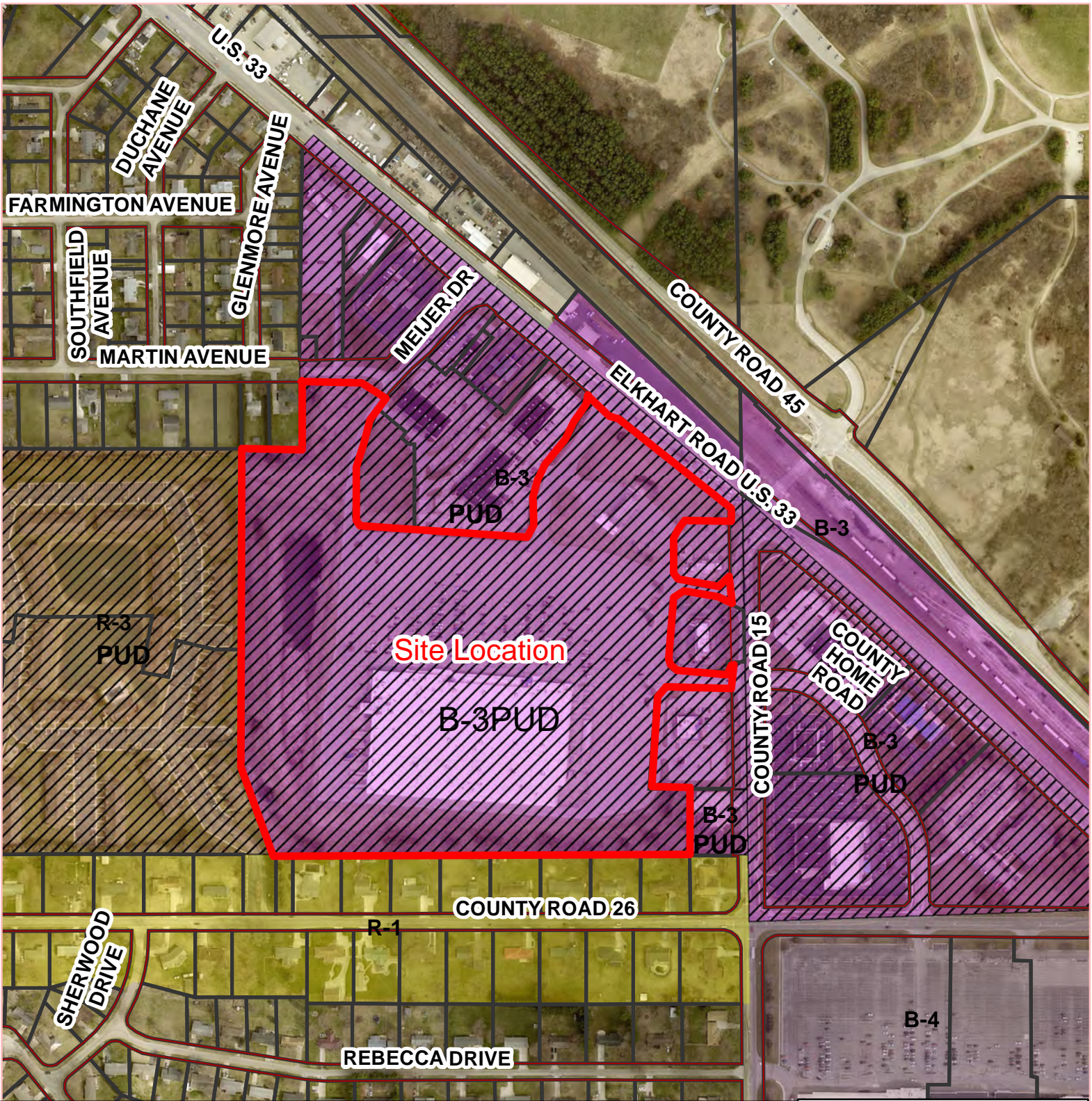
If the PUD major change is approved, subdivision approval will be required to create the outlot and establish the remainder of Lot 1 of Meijer Subdivision.

### **RECOMMENDATIONS**

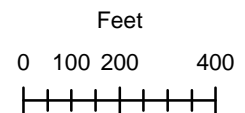
Staff recommends Plan Commission forward a favorable recommendation to Goshen Common Council, and Goshen Common Council approve a major change to a previously approved PUD (Planned Unit Development) to permit a bank with drive-through on an undeclared outlot, and to approve the PUD preliminary site plan, based upon the following and with the following conditions:

1. The proposed outlot development for a bank with drive-through is consistent with the overall Meijer PUD and prior outlot approvals.
2. The proposed outlot is approved without street frontage and with access via easements.
3. The approved preliminary site plan is *PUD Preliminary Site Plan, Amendment to Meijer PUD, Sheets 1 and 2*, prepared by Abonmarche and dated 6/01/25, subject to final review by all City departments.
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8. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued.





The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.



1 inch = 400 feet

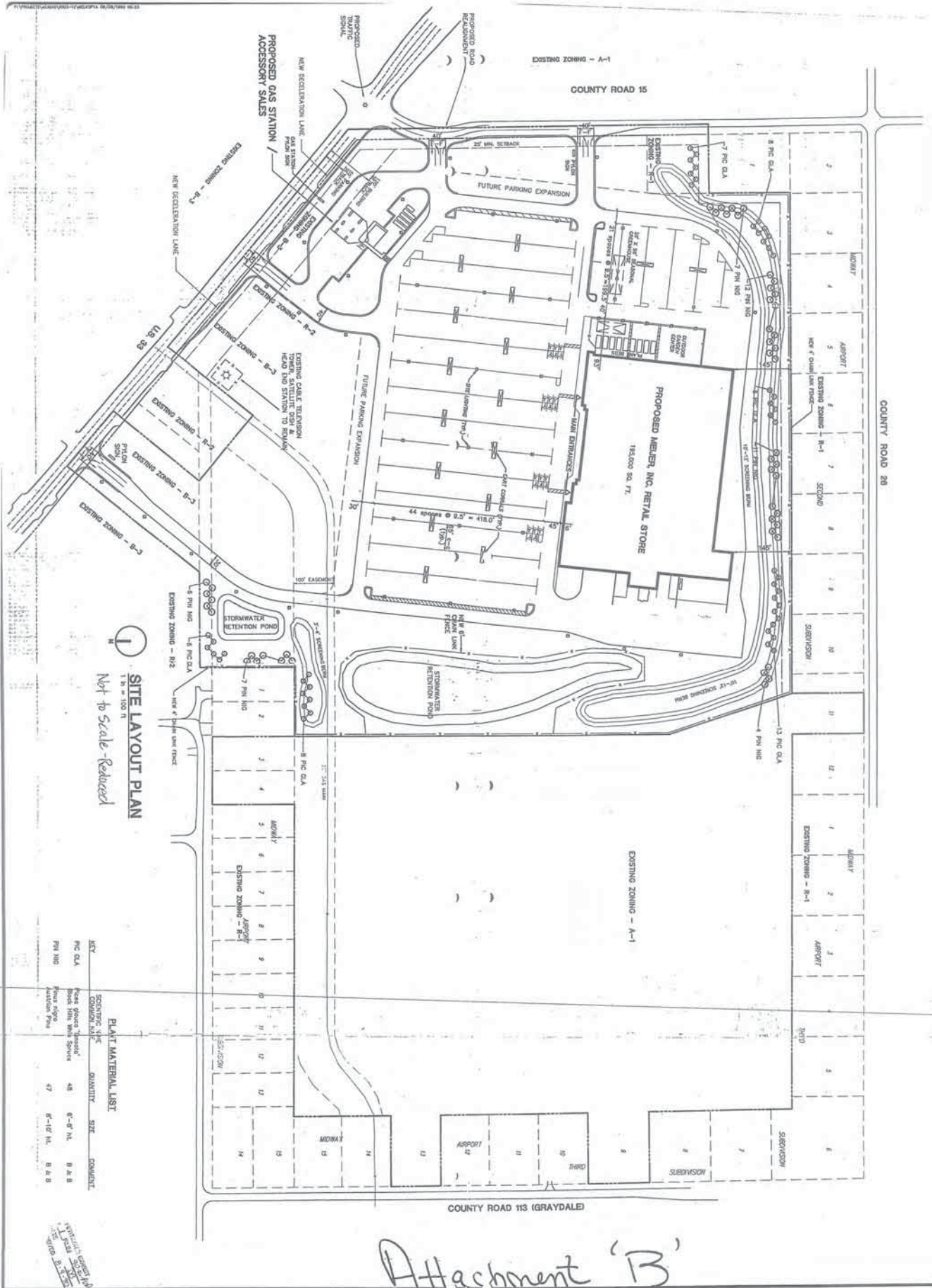
4522 Elkhart Road

2023 Aerial  
Printed May 30, 2025

The City of Goshen  
Department of  
Planning & Zoning

204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-3600 Fax: 574-533-8626





Attachment 'B'

<b>SP-1A</b> DRAWING NUMBER	DATE: 8-6-90 FILE NO: 9003-13 DRAWN BY: DCM CHECKED BY: CDS	<b>PROGRESSIVE</b> Architects Engineers Planners 2942 Fuller Avenue, NE Grand Rapids, MI 49505 616 361-2664 800 358-5300	<b>MEIJER</b> MEIJER, INC. 2929 WALKER AVE., N.W. GRAND RAPIDS, MICHIGAN 49504	DATE: 8-6-90 ISSUED TO: OWNER	DESCRIPTION: PROPOSED STORE MEIJER, INCORPORATED ELKHART COUNTY, INDIANA
				SITE LAYOUT PLAN	



**BASIS OF BEARING:**  
STATE PLANE GRID NORTH, NAD 83 (2011),  
GEOD 12A, INDIANA EAST ZONE.

TIED BY GPS TO I.D.O.T. VRS

**LEGEND:**

- EXISTING STONE R/W MARKER
- EXISTING IRON PIN FOUND AS NOTED
- EXISTING MAG NAIL FOUND AS NOTED
- ⊙ 5/8" X 30" REBAR WITH CAP "MULLANEY LS21100013" SET
- P/L — EXISTING PROPERTY LINE
- R/W — EXISTING RIGHT OF WAY LINE
- L/A R/W — EXISTING LIMITED ACCESS RIGHT OF WAY LINE
- C/L — EXISTING CENTER LINE
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

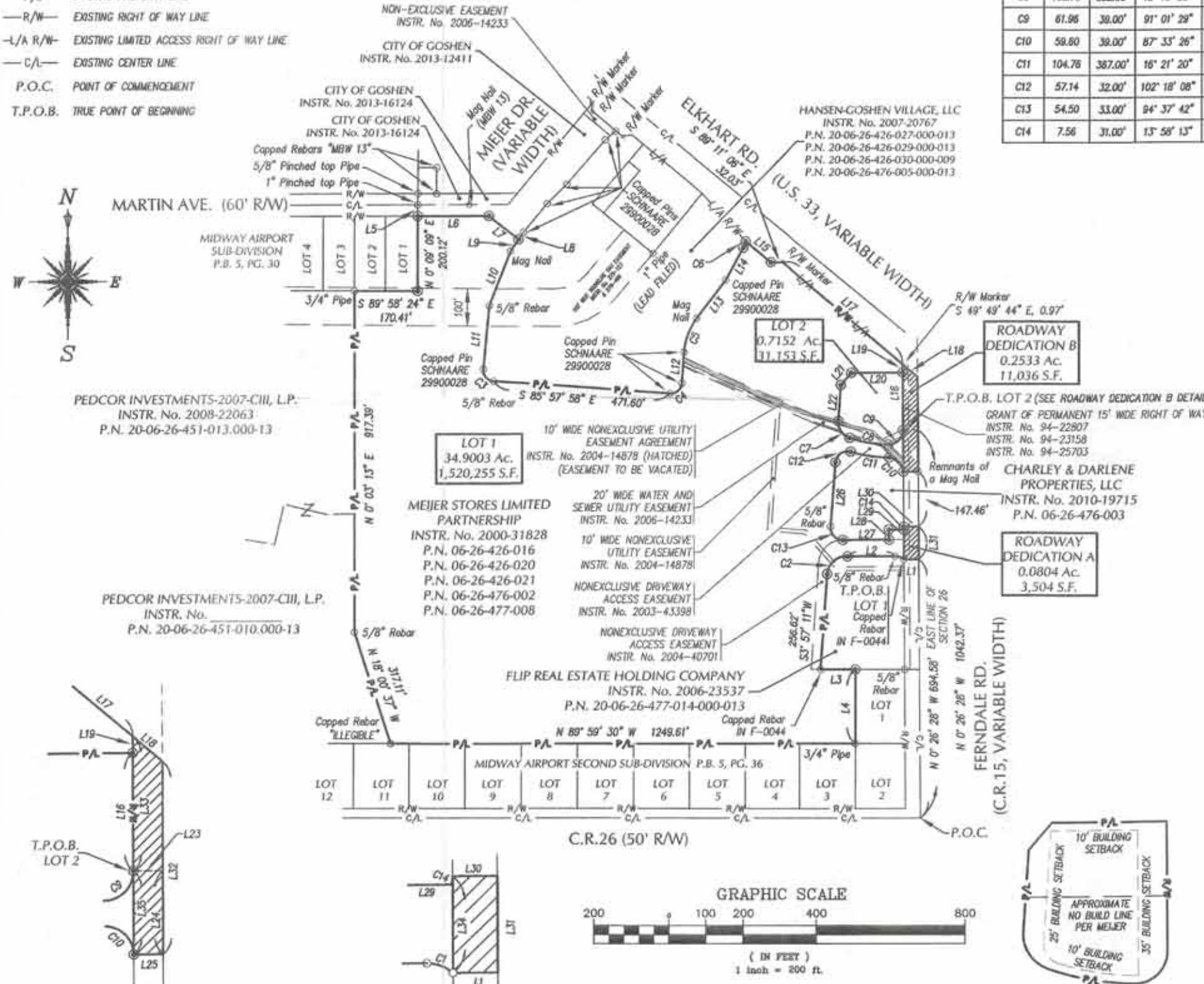
# MEIJER SUBDIVISION

## PART OF SECTION 26, T 37 N, R 5 E

### CITY OF GOSHEN

### COUNTY OF ELKHART

### STATE OF INDIANA



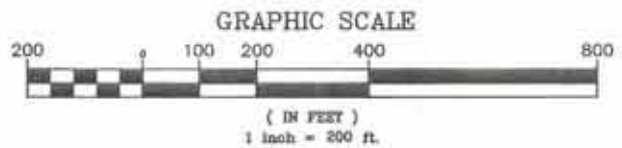
CURVE DATA						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD DIRECTION
C1	25.58	35.00'	41° 52' 36"	13.39'	25.02'	N 69° 28' 38" W
C2	80.03	50.00'	91° 42' 28"	51.51'	71.76'	S 49° 48' 25" W
C3	47.77	30.00'	91° 14' 28"	30.66'	42.88'	S 40° 21' 01" E
C4	47.13	30.00'	90° 00' 35"	30.01'	42.43'	N 49° 02' 06" E
C5	99.21	170.00'	33° 26' 16"	51.06'	97.81'	N 20° 45' 21" E
C6	18.14	64.02'	16° 14' 10"	8.13'	18.08'	N 20° 16' 52" E
C7	58.87	45.00'	74° 57' 22"	34.50'	54.76'	S 33° 40' 58" E
C8	105.78	332.00'	18° 15' 20"	53.34'	105.33'	S 80° 17' 19" E
C9	61.96	38.00'	91° 01' 29"	39.70'	55.65'	N 45° 04' 17" E
C10	58.80	38.00'	87° 33' 26"	37.37'	53.97'	N 44° 37' 00" W
C11	104.76	367.00'	16° 21' 20"	52.74'	104.41'	N 81° 39' 46" W
C12	57.14	32.00'	102° 18' 08"	39.73'	49.84'	S 55° 21' 50" W
C13	54.50	33.00'	94° 37' 42"	35.78'	48.52'	S 43° 06' 05" E
C14	7.56	31.00'	13° 58' 13"	3.80'	7.54'	N 8° 32' 49" E

LINE DATA		
LINE	LENGTH	DIRECTION
L1	40.00'	S 89° 35' 04" W
L2	127.54'	S 89° 35' 04" W
L3	93.89'	N 89° 57' 29" E
L4	200.29'	S 0° 01' 48" E
L5	30.00'	N 0° 09' 09" E
L6	190.93'	N 89° 49' 21" E
L7	101.48'	S 50° 58' 45" E
L8	23.70'	N 34° 41' 34" E
L9	37.62'	S 34° 41' 34" W
L10	155.78'	S 21° 26' 14" W
L11	172.15'	S 5° 16' 30" W
L12	83.55'	N 4° 02' 11" E
L13	128.40'	N 37° 28' 32" E
L14	98.85'	N 28° 24' 03" E
L15	88.02'	S 50° 30' 41" E
L16	157.71'	N 0° 26' 28" W
L17	422.62'	S 49° 56' 59" E
L18	52.89'	N 49° 49' 44" W
L19	22.59'	S 0° 26' 28" E
L20	138.05'	S 89° 33' 32" W
L21	42.96'	S 40° 10' 16" W
L22	100.00'	S 3° 47' 43" W
L23	40.00'	N 89° 33' 32" E
L24	112.73'	S 0° 26' 28" E
L25	40.00'	S 89° 33' 32" W
L26	173.60'	S 4° 12' 46" W
L27	123.75'	N 89° 35' 04" E
L28	27.19'	N 0° 26' 28" W
L29	38.56'	N 89° 33' 32" E
L30	40.00'	N 89° 33' 32" E
L31	87.60'	S 0° 26' 28" E
L32	258.74'	S 0° 26' 28" E
L33	180.31'	N 0° 26' 28" W
L34	87.58'	S 0° 26' 28" E
L35	112.73'	S 0° 26' 28" E

ROADWAY DEDICATION B DETAIL  
NOT SCALE

ROADWAY DEDICATION A DETAIL  
NOT SCALE

LOT 2 SETBACK DETAIL  
NOT SCALE



526 South Main Street, Suite 2533  
Akron OH 44311  
330.572.2100 Fax 330.572.2101

ELKHART RD. & FERNDAL RD.  
GOSHEN, INDIANA 46526

ISSUED FOR:	
PERMIT	-
BID	-
CONSTRUCTION	-
RECORD	-
PROJECT MANAGER	DESIGNER
SLM	JEK

JOB NO.  
2014088.72

Drawing Name: C:\2014\2014088.72 - Goshen, IN (Elkhart Rd) Survey\2014088.72 Lot Split And Dedication Pl.dwg  
February 21, 2012 - Jhaines



MARTIN AVE. (60' R/W)  
MIDWAY AIRPORT SUBDIVISION  
(PLAT BOOK 5, PG 30)

### AMENDMENT TO MEIJER PUD

LOT 1 OF MEIJER SUBDIVISION (PLAT BOOK 35, PAGE 88), A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 37 NORTH, RANGE 5 EAST, CITY OF GOSHEN, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA  
ADDRESS: 4522 ELKHART ROAD, ELKHART, IN 46517  
TAX ID#: 20-06-26-476-008.000-013

#### GENERAL NOTES

**ZONING**  
THE ZONING FOR THIS SITE IS PUD B-3.  
MINIMUM LOT SIZE FOR B-3 IS 8,000 SF AND MINIMUM LOT WIDTH IS 80 FEET AT THE ESTABLISHED FRONT LOT LINE.

**DENSITY**  
TOTAL PROJECT AREA = 34.9 ACRES±  
AREA WITHIN PROPOSED LOT #3 = 1.15 ACRES±  
AREA WITHIN REMAINDER OF LOT #1 = 33.75 ACRES±

**SOILS**  
THIS SITE CONSISTS OF BAINTER SANDY LOAM, 0 TO 1% SLOPES (BaaA); BaaA SOILS ARE A WELL DRAINED SOIL WITH A PERMEABILITY RATE OF 2.00-6.00 INCHES/HR AT A DEPTH OF 0-54 INCHES. SEASONAL HIGH WATER TABLE IS GREATER THAN 80 INCHES AND URBAN LAND-BRISTOL COMPLEX, 0-1% SLOPES (UpdA). UpdA SOILS ARE AN EXCESSIVELY DRAINED SOIL WITH A PERMEABILITY RATE OF 6.00-20.00 INCHES/HR AT A DEPTH OF 0-55 INCHES. SEASONAL HIGH WATER TABLE IS GREATER THAN 80 INCHES.

THIS INFORMATION IS OBTAINED FROM THE SOIL SURVEY OF ELKHART COUNTY, INDIANA.

**SANITARY SEWER AND WATER SUPPLY**  
EACH LOT TO HAVE SERVICE BY THE MUNICIPAL UTILITIES OF THE CITY OF GOSHEN.

**STREETS**  
NO NEW STREETS ARE PROPOSED.

**DRYWELLS**  
THIS PROJECT WILL NOT UTILIZE PROPOSED CLASS V INJECTIONS WELLS.

**RESTRICTIONS**  
ADDITIONAL RESTRICTIONS SHALL BE PREPARED AND RECORDED SEPARATELY BY THE OWNER.

**CONTOURS**  
CONTOURS ARE FROM SURVEY DATA AND BASED ON NAVD8S.

**WELLHEAD PROTECTION AREA**  
PROJECT SITE IS NOT WITHIN THE CITY OF GOSHEN WELLHEAD PROTECTION AREA.

**FLOOD NOTE**  
THE SUBJECT PARCEL DOES NOT LIE WITHIN 1% ANNUAL CHANCE FLOOD (SPECIAL FLOOD HAZARD AREA) AS SHOWN AND DEPICTED ON THE FEMA/FIRM COMMUNITY PANEL NUMBER 18039C0143D, EFFECTIVE MAP DATE: AUGUST 2, 2011.

**SETBACK NOTE**  
FRONT SETBACK - 120 FOOT BUILDING SETBACK FROM THE CENTERLINE OF ELKHART ROAD  
25 FOOT BUILDING SETBACK ADJACENT TO MEIJER DRIVE/INTERNAL MEIJER ACCESS DRIVE  
SIDE YARD SETBACK - 25 FEET  
REAR YARD SETBACK - 25 FEET

**PARKING & DRIVE AISLE SETBACKS**  
FRONT/CORNER SIDE YARDS - 35 FEET ALONG U.S. HWY 33;  
10' ALONG MEIJER ACCESS DRIVES  
SIDE AND REAR YARDS - 5'

#### PARKING CALCULATIONS:-

**BANK LOT:**  
1 SPACE PER 2 EMPLOYEES ON PEAK SHIFT  
12 EMPLOYEES x (1 SPACE PER 2 EMPLOYEES) = 6 SPACES  
1 SPACE PER 400 SFT OF OFFICE SPACE  
2,670 SFT OFFICE SPACE x (1 SPACE PER 400 SFT) = 7 SPACES

**PROVIDED PARKING:** 26 SPACES (INCLUDES 2 ADA SPACES)

**MEIJER LOT:**  
1 SPACE PER 2 EMPLOYEES ON PEAK SHIFT  
200 EMPLOYEES x (1 SPACE PER 2 EMPLOYEES) = 100 SPACES  
1 SPACE PER 400 SFT OF DISPLAY/SALES AREA  
159,200 SFT SALES AREA x (1 SPACE PER 400 SFT) = 398 SPACES

**PROVIDED PARKING:** 902 SPACES (INCLUDES 24 ADA SPACES) (MEIJER PARKING LOT)  
13 SPACES (INCLUDING 1 ADA SPACE) (MEIJER GAS STATION)

#### LIGHTING

THE PROPOSED SITE WILL HAVE 20' TALL LIGHT POLES WITH DOWNWARD LIGHTING

#### SIGNAGE

THE SITE WILL HAVE ONE FREESTANDING MONUMENT SIGN, ONE ILLUMINATED BUILDING SIGN ABOVE NORTH ENTRY, AND ONE NON-ILLUMINATED BUILDING SIGN ON THE EAST SIDE OF THE BUILDING. THE MONUMENT SIGN WILL BE NO TALLER THAN 7' AND NO LONGER 8'. BOTH BUILDING SIGNS WILL BE 55 SFT IN AREA.

#### LANDSCAPING

LANDSCAPING TO BE IN ACCORDANCE WITH THE CITY OF GOSHEN ZONING ORDINANCE.

#### BLANKET EASEMENTS & RESTRICTIONS AND/OR ORDINANCES

EASEMENTS, DECLARATION OF RESTRICTIONS AND/OR ORDINANCES ASSOCIATED WITH THE SUBJECT PARCEL THAT ARE BLANKET IN NATURE ARE AS FOLLOWS:

A) EASEMENT & ASSOCIATED RIGHTS GRANTED TO INDIANA & MICHIGAN ELECTRIC COMPANY BY MIDWAY MOTOR & AIRCRAFT, INC. IN DEED RECORD 198, PAGE 367.

B) TERMS AND PROVISIONS OF THE MUNICIPAL SANITARY SEWER & WATER SERVICES AGREEMENT BY AND AMONG THE CITY OF GOSHEN, INDIANA AND ITS BOARD OF PUBLIC WORKS AND SAFETY; MEIJER REALTY COMPANY AND THE COUNTY OF ELKHART IN INSTRUMENT #91-012498.

C) TERMS AND PROVISIONS OF DECLARATION OF RESTRICTIONS BY AND BETWEEN MEIJER STORES LIMITED PARTNERSHIP AND GOSHEN VILLAGE SHOPS, LLC IN INSTRUMENT #2004-14877; AS AMENDED BY FIRST AMENDMENT OF DECLARATION OF RESTRICTIONS IN INSTRUMENT #2007-17870.

D) TERMS AND PROVISIONS OF ORDINANCE NO. PC02-12 ADOPTED MARCH 18, 2002 BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA IN INSTRUMENT #2002-33140.

E) USE RESTRICTIONS CONTAINED IN CORPORATE WARRANTY DEED FROM MFB FINANCIAL TO GOSHEN VILLAGE SHOPS, LLC IN INSTRUMENT #2005-24766.

F) RESTRICTIONS AND ANY OTHER TERMS, COVENANTS AND CONDITIONS DISCLOSED BY DECLARATION OF RESTRICTIONS IN INSTRUMENT #96-013338.

G) TERMS AND PROVISIONS OF FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS IN INSTRUMENT #2007-22212.

H) RESTRICTIONS AND ANY OTHER TERMS, COVENANTS AND CONDITIONS DISCLOSED BY DECLARATION OF RESTRICTIONS IN INSTRUMENT #2004-40699.

I) TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 3677 ENTITLED (AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF GOSHEN, INDIANA) IN INSTRUMENT #96-002078.

J) TERMS, PROVISIONS, CONDITIONS, RESTRICTIONS AND CONDITIONS CONTAINED IN WARRANTY DEED FROM MEIJER STORES LIMITED PARTNERSHIP (GRANTOR) TO GOSHEN VILLAGE SHOPS, LLC (GRANTEE) IN INSTRUMENT #2004-14878 AND AMENDED BY FIRST AMENDMENT TO UTILITY EASEMENT IN INSTRUMENT #2006-34411.

**DRAINAGE AGREEMENT**  
DRAINAGE AGREEMENTS BETWEEN LOTS 1, 2 AND PROPOSED LOT 3 TO BE RECORDED BEFORE THE SECONDARY PLAT IS RECORDED.

**ACCESS AGREEMENT**  
ACCESS EASEMENTS AND RESTRICTIONS AGREEMENTS BETWEEN LOTS 1, 2 AND PROPOSED LOT 3 TO BE RECORDED BEFORE THE SECONDARY PLAT IS RECORDED.

**UTILITY AGREEMENT**  
UTILITY AGREEMENTS BETWEEN LOTS 1, 2 AND PROPOSED LOT 3 TO BE RECORDED BEFORE THE SECONDARY PLAT IS RECORDED.

#### LEGEND

CP#1	CONTROL POINT
TBM "A"	TEMPORARY BENCHMARK
FCI	FOUND CAPPED IRON
FP	FOUND IRON PIPE
FR	FOUND IRON ROD
FX	FOUND "X"
FPP	FOUND PINCHTOP IRON PIPE
RW	FOUND R/W MONUMENT
FMAG	FOUND MAG NAIL
	DECIDUOUS TREE
	BUSH
	TRAFFIC SIGN
	SIGN
LP	LIGHT POLE
PPID	POWER POLE W/ DROP
	GUY ANCHOR
UP/FM/R	UTILITY POLE W/ TRANSFORMER
CO	SANITARY CLEANOUT
CB	CATCH BASIN
CS	CURB CATCH BASIN
MH	MANHOLE
STMH	STORM MANHOLE
FDC	FIRE DEPARTMENT CONNECTION
CS	FIRE HYDRANT
W	WATER CURB STOP
RE	WATER VALVE
FO	BOLLARD
G	FIBER OPTIC MARKER
M	GAS MARKER
HH	GAS METER
HH	TELEPHONE PEDESTAL
SMH	HAND HOLE
	SANITARY MANHOLE
	ADA PARKING SPACE
TS	EXISTING GROUND CONTOURS
	BODY OF WATER
OHE	OVERHEAD ELECTRIC
EL	BURIED ELECTRIC
W	WATER MAIN
	CHAINLINK FENCE
	SANITARY SEWER LINE
	STORM SEWER
	PROPOSED NEW ASPH. PAVEMENT

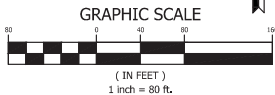
#### BENCHMARKS

No.	Description	Elevation
TBM "A"	"SQUARE" CUT W. SIDE OF LIGHT POLE BASE @ SW CORNER OF WENDY'S	783.47'
TBM "B"	"X" CUT IN NE BOLT OF FIRE HYDRANT ON S. SIDE OF GAS STATION	780.32'
TBM "C"	"SQUARE" CUT IN SW CORNER OF TRANSFORMER CONCRETE PAD	780.58'
TBM "D"	"X" CUT IN NW BOLT OF FIRE HYDRANT @ NW CORNER OF MEIJER BUILDING	780.79'
TBM "E"	"X" CUT IN NE BOLT OF FIRE HYDRANT ON SE SIDE OF MEIJER BUILDING	782.66'

**PREPARED BY**  
ABONMARCHÉ CONSULTANTS, INC.  
303 RIVER RACE DRIVE, UNIT 206  
GOSHEN, IN 46526  
PHONE: (574) 533-9913  
FAX: (574) 533-9911

**OWNER**  
MEIJER STORES LIMITED PARTNERSHIP  
2929 WALKER AVENUE NW  
GRAND RAPIDS, MI 49544-6402

**DEVELOPER**  
FIRST FEDERAL SAVINGS BANK  
301 EAST 9TH STREET  
ROCHESTER, IN 46975-1617



NO. 2	ADDED STACKING SPACES FOR DRIVE THROUGH & CORRECTED PARKING CALCULATIONS	TRM/RDM	6/01/25
NO. 1	ADDED TEXT TO IDENTIFY NEW PARKING LOT ISLANDS & ADJUSTED ADDL TEXT	TRM	5/29/25

### AMENDMENT TO MEIJER PUD

GOSHEN, INDIANA

### PUD PRELIMINARY SITE PLAN

SHEET TITLE:

DRAWN BY:

RDM

DESIGNED BY:

RDM

PM REVIEW:

BEM

QA/QC REVIEW:

BEM

DATE:

05-28-2025

SEAL:

SIGNATURE:

DATE:

SCALE:

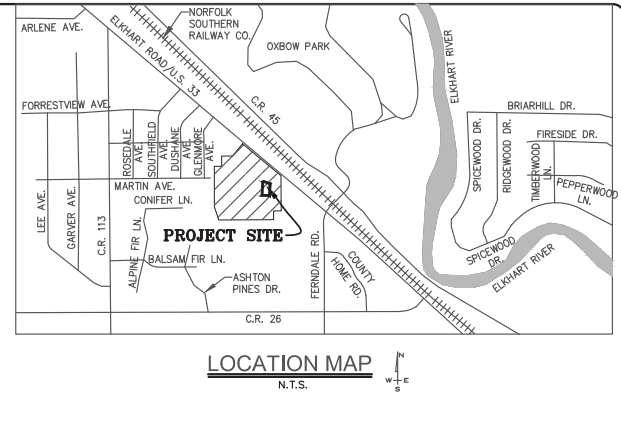
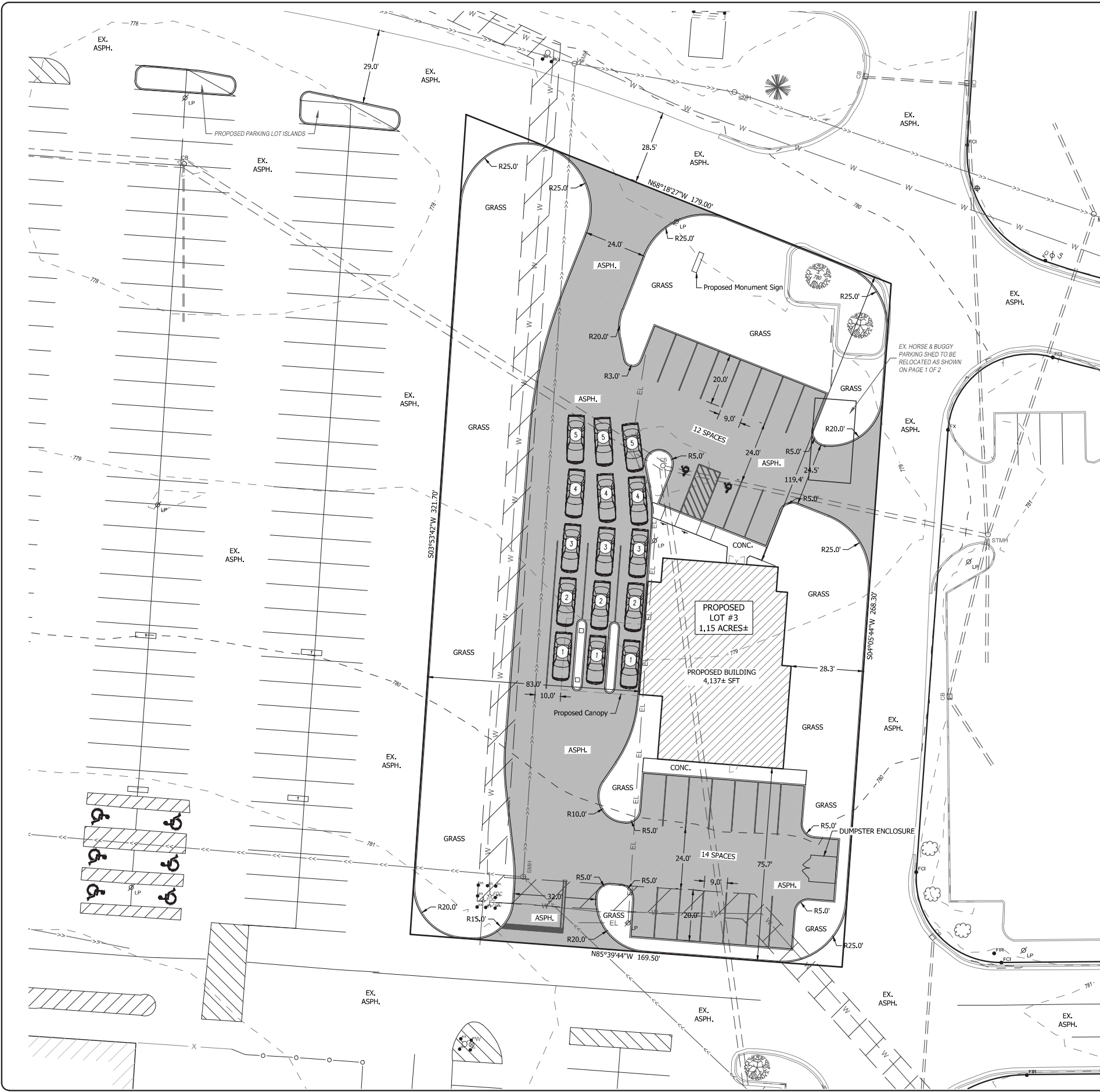
1" = 80'


ACT JOB #

25-0388

SHEET NO.

1 of 2



**ABONMARCHÉ**

Valparaiso  
Hobart  
South Bend  
Columbus  
Indianapolis  
Grand Rapids  
Lafayette

303 River Race Drive, Unit 206  
Goshen, IN 46526  
774.533.9113  
info@abonmarche.com  
abonmarche.com

Engineering Architecture Land Surveying

PROJECT:

# AMENDMENT TO MEIJER PUD

GOSHEN, INDIANA

SHEET TITLE:

## PUD PRELIMINARY SITE PLAN

DRAWN BY:

RDM

DESIGNED BY:

RDM

PM REVIEW:

BEM

QA/QC REVIEW:

BEM

DATE:

05-28-2025

SEAL:

SIGNATURE:

DATE:

SCALE:

1" = 20'

ACT JOB #

25-0388

SHEET NO.

2 of 2

NO. 2	ADDED STACKING SPACES FOR DRIVE THROUGH & CORRECTED PARKING CALCULATIONS	TRM/RDM	6/01/25
NO. 1	ADDED TEXT TO IDENTIFY NEW PARKING LOT ISLANDS & ADJUSTED ADD'L TEXT	TRM	5/29/25





**Department of Community Development  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 2 • Goshen, IN 46528-3405

Phone (574) 537-3824 • Fax (574) 533-8626 • TDD (574) 534-3185  
communitydevelopment@goshencity.com • www.goshenindiana.org

## MEMORANDUM

---

TO: Goshen Common Council

FROM: Becky Hutsell, Redevelopment Director

RE: **Resolution 2025-14 – Final Common Council Approval for Various Amendments to the Existing TIF Districts**

DATE: July 28, 2025

---

### Overview

This resolution formally approves several significant revisions and expansions relating to tax increment financing (TIF) allocation areas in the City of Goshen. These changes reflect updates to long-standing economic development areas and their associated plans, enabling the city to support infrastructure, public safety, and educational investments across designated redevelopment zones.

### Key Actions Approved by the Resolution

#### 1. Expansion of Allocation Areas

##### Southeast Housing Allocation Area

Three parcels are added to this TIF district:

- Parcel 20-11-27-426-038.000-015
- Parcel 20-11-27-426-039.000-015
- Parcel 20-11-27-326-008.000-015

These additions are intended to support housing development initiatives in the Southeast region.

##### Consolidated River Race/US 33 Allocation Area

This area is expanded by incorporating multiple parcels as listed in Exhibit A of Amending Declaratory Resolution No. 09-2025.

#### 2. Revisions to Allocation Provision Expiration Dates

Expiration dates for the following allocation areas have been revised:

- 2004 and 2007 Keystone I Expansion Allocation Areas
- 2004 and 2006 Century Drive Expansion Allocation Areas
- Southeast Allocation Area and Expanded Southeast Allocation Area
- 2004, 2005, and 2006 River Race Expansion Allocation Areas
- North US 33 Allocation Area
- Downtown Allocation Area
- Consolidated River Race/US 33 Allocation Area

- 2013 Consolidated Expansion I and II Allocation Areas
- Lippert/Dierdorff Allocation Area

### **3. Expanded Authorized Expenditures**

The amendments also allow for new categories of expenditures:

- Public Safety Services: Revenues may now be allocated toward both capital and operational expenses for police and fire departments, including the construction of a fire station.
- Educational and Training Programs: Funds may be directed to eligible entities for programs as outlined in Indiana Code 36-7-25-7.

### **Legal and Procedural Compliance**

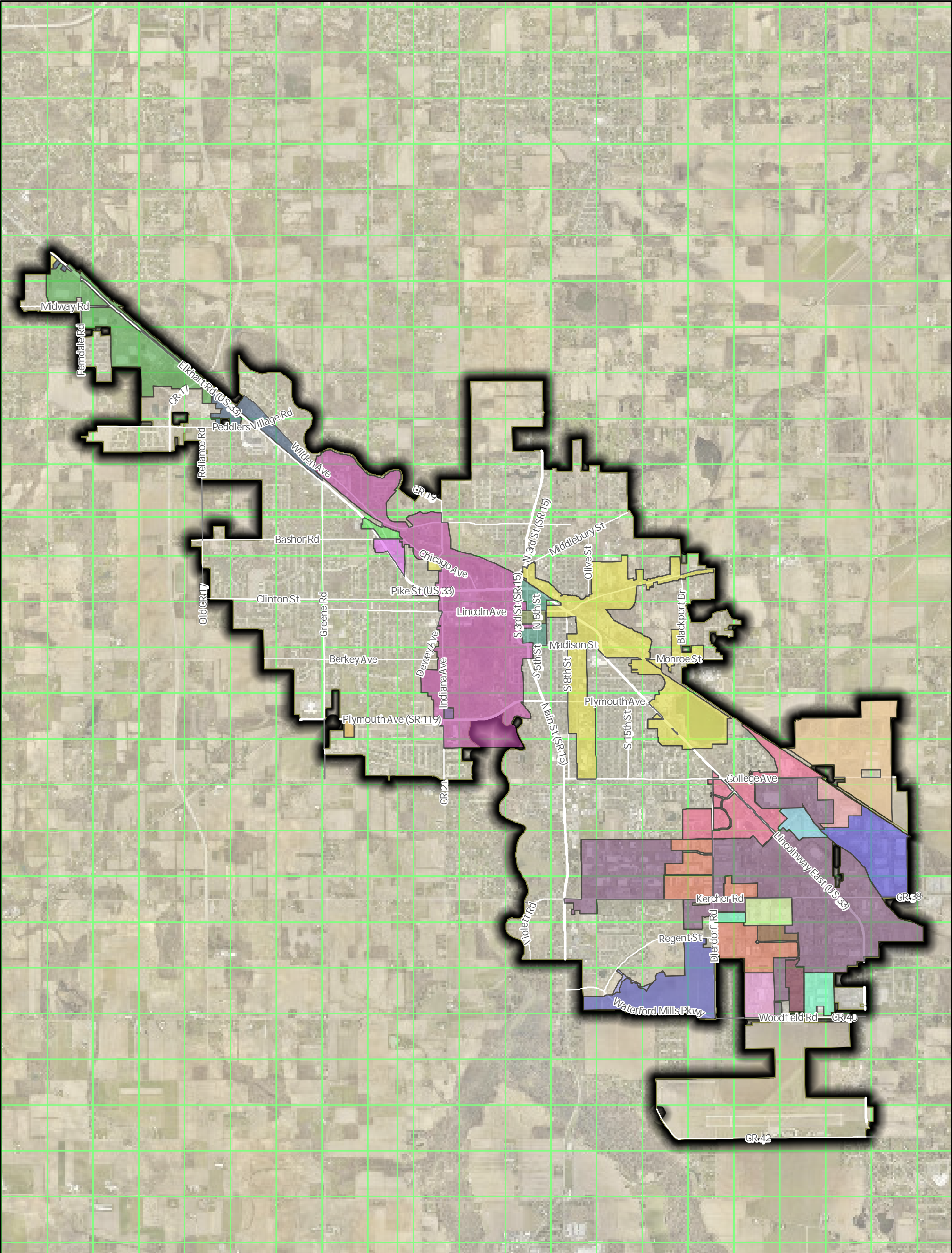
- The resolution aligns with IC 36-7-14-41(c), requiring Common Council approval for any expansion of economic development area boundaries.
- The Council's approval follows the recommendations of the Goshen Redevelopment Commission and Plan Commission and reflects amendments made through Declaratory Resolutions adopted between February and April 2025.

### **Conclusion**

Resolution No. 2025-14 represents a continued commitment by the City of Goshen to enhance its economic development strategies through careful expansion and modernization of existing TIF areas. These updates will support strategic infrastructure investments, affordable housing, public safety, and workforce development throughout key redevelopment zones in the city.

A map showing the various allocation areas is attached. Due to the scale, specific boundaries are a bit unclear but this layer will soon be visible on the GIS dashboard that is accessible to Council members.

We are requesting passage of Resolution No. 2025-14.

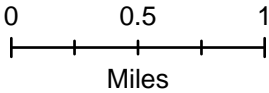


Legend

Allocation

- |  |                        |
|--|------------------------|
| 2004 Keystone I Expansion                    | College Avenue         |
| 2005 Century Drive Expansion                 | Downtown               |
| 2005 River Race Expansion                    | Indiana Avenue         |
| 2006 Century Drive Expansion                 | Keystone I             |
| 2007 Keystone I Expansion                    | Keystone II            |
| 2007 River Race Expansion                    | Lippert Dierdorff      |
| 2012 Consolidated River Race/US 33 Expansion | North U.S. 33          |
| 2013 Consolidated River Race/US 33 Expansion | Original Century Drive |
| 2013 Southeast Expansion                     | Original River Race    |
| 2016 Southeast Expansion                     | Plymouth Ave           |
| 2025 Consolidated River Race/US 33 Expansion | Southeast              |
| 2025 Southeast Housing TIF Expansion         | Southeast Housing TIF  |

# July 2025 TIF Amendment Allocation Areas



The City of Goshen  
Department of Public Works &  
Safety Office of Engineering  
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-2201 Fax: 574-533-8626

The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

## RESOLUTION NO. 2025-14

### RESOLUTION OF THE GOSHEN COMMON COUNCIL REGARDING APPROVAL OF VARIOUS REVISED ALLOCATION PROVISIONS AND EXPANSION OF SOUTHEAST HOUSING ALLOCATION AREA AND CONSOLIDATED RIVER RACE/US 33 ALLOCATION AREA

WHEREAS, the Goshen ("City") Redevelopment Commission ("Commission"), on February 10, 2003, adopted Declaratory Resolution No. 3-2003 as confirmed on May 12, 2003 (collectively, "Keystone I Area Resolution"), as amended to date, including by: (i) Amending Declaratory Resolution No. 8-2004 adopted on August 10, 2004 as confirmed on February 8, 2005 (collectively, "2004 Keystone I Expansion Area Resolution"); and (ii) Amending Declaratory Resolution No. 13-2007 adopted on February 13, 2007 as confirmed on March 13, 2007 (collectively, "2007 Keystone I Expansion Area Resolution"), each creating and expanding the Keystone Economic Development Area (Keystone I) ("Keystone I Area");

WHEREAS, the Commission, on February 25, 2003, adopted Declaratory Resolution No. 05-2003 as confirmed on May 12, 2003 (collectively, "Keystone II Area Resolution"), and as amended to date, creating the Keystone Economic Development Area (Keystone II) and Allocation Area (Keystone II) (collectively, "Keystone II Area");

WHEREAS, the Commission, on February 10, 2003, adopted Declaratory Resolution No. 2-2003 as confirmed on May 12, 2003 (collectively, "Century Drive Area Resolution"), as amended to date, including by: (i) Amending Declaratory Resolution No. 9-2004 adopted on July 13, 2004, as confirmed on February 8, 2005 (collectively, "2004 Century Drive Expansion Area Resolution"); and (ii) Amending Declaratory Resolution No. 12-2006 adopted on February 27, 2006, as confirmed on February 13, 2007 (collectively, "2006 Century Drive Expansion Area Resolution"), each creating and expanding the Century Drive Economic Development Area ("Century Drive Area");

WHEREAS, the Commission, on August 14, 2012, adopted Declaratory Resolution No. 69-2012 as confirmed on November 13, 2012 (collectively, "Consolidation Area Resolution"), as amended to date, including by Declaratory Resolution No. 87-2013 adopted on November 12, 2013 as confirmed on January 14, 2014 (collectively, "Southeast Expansion Area Resolution") each consolidating the Keystone I Area, the Keystone II Area and the Century Drive Area and creating and expanding the Southeast Economic Development Area (collectively, "Southeast Consolidated Area");

WHEREAS, the Allocation Area (Keystone I) was created by the Keystone I Area Resolution, as expanded by the 2004 Keystone I Expansion Area Resolution ("2004 Keystone I Expansion Allocation Area") and as expanded by the 2007 Keystone I Expansion Area Resolution ("2007 Keystone I Expansion Allocation Area");

WHEREAS, the Century Drive Allocation Area was created by the Century Drive Area Resolution, as expanded by the 2004 Century Drive Expansion Area Resolution ("2004 Century Drive Expansion Allocation Area") and as expanded by the 2006 Century Drive Expansion Area Resolution ("2006 Century Drive Expansion Allocation Area");

WHEREAS, the Southeast Allocation Area was created by the Consolidation Area Resolution ("Southeast Allocation Area"), as expanded by the Southeast Expansion Area Resolution ("Expanded Southeast Allocation Area");

WHEREAS, the Commission on December 13, 2022, adopted Declaratory Resolution No. 60-2022, as confirmed on February 14, 2023 (collectively, "Housing Area Resolution") creating the Southeast Housing TIF Allocation Area ("Southeast Housing Allocation Area");

WHEREAS, the Keystone I Area Resolution, the 2004 Keystone I Expansion Area Resolution, the 2007 Keystone I Expansion Area Resolution, the Keystone II Area Resolution, the Century Drive Area Resolution, the 2004 Century Drive Expansion Area Resolution, the 2006 Century Drive Expansion Area Resolution, the Consolidation Area Resolution, the Southeast Expansion Area Resolution and the Housing Area Resolution, are hereinafter collectively referred to as the "Southeast Consolidation Area Resolution;"

WHEREAS, the Southeast Consolidation Area Resolution approved the Economic Development Plans, as consolidated and amended (collectively, "Original Southeast Consolidated Area Plan"), which Original Southeast Consolidated Area Plan contained specific recommendations for economic development in the Southeast Consolidated Area;

WHEREAS, the Commission adopted Declaratory Resolution No. 01-2001 on February 13, 2001 as confirmed on May 8, 2001 (collectively, "River Race Area Resolution"), as amended to date, including by: (i) Amending Declaratory Resolution No. 01-2004 adopted on February 10, 2004 ("2004 River Race Expansion Area Resolution"); (ii) Amending Declaratory Resolution No. 01-2005 adopted on February 8, 2005 ("2005 River Race Expansion Area Resolution"); and (iii) Amending Declaratory Resolution No. 13-2006 adopted on February 27, 2006 as confirmed on February 13, 2007 (collectively, "2006 River Race Expansion Area Resolution"), each creating and expanding the River Race Corridor Economic Development Area (collectively, "River Race Area");

WHEREAS, the Commission adopted Declaratory Resolution No. 04-2005 on February 8, 2005, as confirmed after a public hearing (collectively, "North US 33 Area Resolution") creating the North US Corridor 33 Economic Development Area and North US 33 Corridor Allocation Area (collectively, "North US 33 Area");

WHEREAS, the Commission adopted Declaratory Resolution No. 39-2007 on September 11, 2007, as confirmed on October 9, 2007 (collectively, "Downtown Area Resolution") creating the Downtown Economic Development Area and Downtown Allocation Area (collectively, "Downtown Area");

WHEREAS, the Commission adopted Declaratory Resolution No. 02-2012 on January 10, 2012 as confirmed on March 13, 2012 (collectively, "River Race/US 33 Consolidation Area Resolution"), as amended to date, including by: (i) Amending Declaratory Resolution No. 06-2013 adopted on January 8, 2013 as confirmed on March 12, 2013 (collectively, "2013 Consolidated Expansion I Area Resolution"); and (ii) Amending Declaratory Resolution No. 66-2013 adopted on September 10, 2013 as confirmed on November 12, 2013 (collectively, "2013 Consolidated Expansion II Area Resolution"); each consolidating and expanding the River Race Area, the North US 33 Area and the Downtown Area, and creating and expanding the Consolidated River Race/US 33 Economic Development Area (collectively, "Consolidated River Race/US 33 Area");

WHEREAS, the Original River Race Allocation Area was created by the River Race Area Resolution, as expanded by the: (i) 2004 River Race Expansion Area Resolution ("2004 River Race Expansion Allocation Area"); (ii) 2005 River Race Expansion Area Resolution ("2005 River Race Expansion Allocation Area"); and (iii) 2006 River Race Expansion Area Resolution ("2006 River Race Expansion Allocation Area");

WHEREAS, the North US 33 Allocation Area was created by the North US 33 Area Resolution ("North US 33 Allocation Area");

WHEREAS, the Downtown Allocation Area was created by the Downtown Area Resolution ("Downtown Allocation Area");

WHEREAS, the Consolidated River Race/US 33 Allocation Area was created by the River Race/US 33 Consolidation Area Resolution ("Consolidated River Race/US 33 Allocation Area"), as expanded by the: (i) 2013 Consolidated Expansion I Area Resolution ("2013 Consolidated Expansion I Allocation Area"); and (ii) 2013 Consolidated Expansion II Area Resolution ("2013 Consolidated Expansion II Allocation Area");

WHEREAS, the River Race Area Resolution, the 2004 River Race Expansion Area Resolution, the 2005 River Race Expansion Area Resolution, the 2006 River Race Expansion Area Resolution, the North US 33 Area Resolution, the Downtown Area Resolution, the River Race/US 33 Consolidation Area Resolution, the 2013 Consolidated Expansion I Area Resolution and the 2013 Consolidated Expansion II Area Resolution are hereinafter collectively referred to as the "Consolidated River Race/US 33 Area Resolution;"

WHEREAS, the River Race/US 33 Consolidation Area Resolution approved the Economic Development Plans for the Consolidated River Race/US 33 Area, as consolidated and amended (collectively, "Original Consolidated River Race/US 33 Area Plan"), which Original Consolidated River Race/US 33 Area Plan contained specific recommendations for economic development in the Consolidated River Race/US 33 Area;

WHEREAS, the Commission adopted Declaratory Resolution No. 13-2008 on March 13, 2018, as confirmed on June 12, 2018 (collectively, "Lippert/Dierdorff Area Resolution"), creating the Lippert/Dierdorff Economic Development Area ("Lippert/Dierdorff Area");

WHEREAS, the Lippert/Dierdorff Allocation Area was created by the Lippert/Dierdorff Area Resolution ("Lippert/Dierdorff Allocation Area");

WHEREAS, the Lippert/Dierdorff Area Resolution approved the Economic Development Plan ("Original Lippert/Dierdorff Area Plan"), which Original Lippert/Dierdorff Area Plan contained specific recommendations for economic development in the Lippert/Dierdorff Area;

WHEREAS, the Southeast Consolidation Area Resolution, the River Race/US 33 Consolidated Area Resolution and the Lippert/Dierdorff Area Resolution are hereinafter collectively referred to as the "Area Resolutions;"

WHEREAS, the Original Southeast Consolidated Area Plan, the Original River Race/US 33 Consolidated Area Plan and the Original Lippert/Dierdorff Area Plan are hereinafter collectively referred to as the "Original Plans;"



WHEREAS, on: (A) February 11, 2025, the Commission adopted Amending Declaratory Resolution No. 04-2025 ("Southeast Amending Declaratory Resolution I") amending the Original Southeast Consolidated Area Plan to add the expenditure of revenues collected in the Southeast Consolidated Area for police and fire services for both capital expenditures and operating expenses, and the construction of a fire station, all in, serving or benefiting the Southeast Consolidated Area, to the Original Southeast Consolidated Area Plan; and (B) April 8, 2025, the Commission adopted Amending Declaratory Resolution No. 08-2025 (collectively, with the Southeast Amending Declaratory Resolution I, hereinafter the "Southeast Amending Declaratory Resolution") amending the Southeast Consolidation Area Resolution and Original Southeast Consolidated Area Plan to: (i) revise the expiration dates of the allocation provisions for the 2004 Keystone I Expansion Allocation Area and the 2007 Keystone I Expansion Allocation Area; (ii) revise the expiration dates of the allocation provisions for the 2004 Century Drive Expansion Allocation Area and the 2006 Century Drive Expansion Allocation Area; (iii) revise the expiration dates of the allocation provisions for the Southeast Allocation Area and the Expanded Southeast Allocation Area; (iv) add the expenditure of revenues collected in the Southeast Consolidated Area to eligible entities for eligible educational and training programs as set forth in IC 36-7-25-7, all in, serving or benefiting the Southeast Consolidated Area; and (v) expand the Southeast Housing Allocation Area by adding the following three parcels of property: (a) 20-11-27-426-038.000-015, (b) 20-11-27-426-039.000-015; and (c) 20-11-27-326-008.000-015 ("Southeast Expansion Parcels") to the Southeast Housing Allocation Area as set forth on the map attached to Amending Declaratory Resolution No. 08-2025 as Exhibit A.

WHEREAS, on April 8, 2025, the Commission adopted Amending Declaratory Resolution No. 09-2025 ("Consolidated River Race/US 33 Amending Declaratory Resolution") amending the Consolidated River Race/US 33 Area Resolution and the Original Consolidated River Race/US 33 Area Plan to: (i) revise the expiration dates of the allocation provisions for the 2004 River Race Expansion Allocation Area, the 2005 River Race Expansion Allocation Area and the 2006 River Race Expansion Allocation Area; (ii) revise the expiration date of the allocation provision for the North US 33 Allocation Area; (iii) revise the expiration date of the allocation provision for the Downtown Allocation Area; (iv) revise the expiration dates of the allocation provisions for the Consolidated River Race/US 33 Allocation Area, the 2013 Consolidated Expansion I Allocation Area and the 2013 Consolidated Expansion II Allocation Area; (v) add the expenditure of revenues collected in the Consolidated River Race/US 33 Area for Public Safety Services; (vi) add the expenditure of revenues collected in the Consolidated River Race/US 33 Area to eligible entities for Eligible Programs, all in, serving or benefiting the Consolidated River Race/US 33 Area; and (vii) expand the Consolidated River Race/US 33 Allocation Area by adding the parcels of property set forth on the parcel list attached to Amending Declaratory Resolution No. 09-2025 as Exhibit A ("Consolidated River Race/US 33 Expansion Parcels") to the Consolidated River Race/US 33 Allocation Area;

WHEREAS, on April 8, 2025, the Commission adopted Amending Declaratory Resolution No. 10-2025 amending the Lippert/Dierdorff Area Resolution and the Original Lippert/Dierdorff Area Plan to: (i) revise the expiration date of the allocation provision for the Lippert/Dierdorff Allocation Area; (ii) add the expenditure of revenues collected in the Lippert/Dierdorff Area for Public Safety Services; and (iii) add the expenditure of revenues collected in the Lippert/Dierdorff Area to eligible entities for Eligible Programs, all in, serving or benefiting the Lippert/Dierdorff Area;

WHEREAS, IC 36-7-14-41(c) requires that any enlargement of the boundaries of an economic development area be approved by the Common Council of the City; and

WHEREAS, the Common Council reviewed the Area Resolutions, as amended, and Original Plans, as amended, and previously approved the written order of the Goshen Plan Commission regarding the Area Resolutions, as amended, and Original Plans, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, THAT:

Section 1. The Common Council hereby finds and determines that it will be in the best interests of the City: (i) to expand the boundaries of the Southeast Housing Allocation Area by adding the Southeast Expansion Parcels as described in the Southeast Amending Declaratory Resolution; (ii) to expand the boundaries of the Consolidated River Race/US 33 Allocation Area by adding the Consolidated River Race/US 33 Expansion Parcels as described in the Consolidated River Race/US 33 Amending Declaratory Resolution; and (iii) approved the Original Plans, as amended.

Section 2. The (i) expansion of the Southeast Housing Allocation Area as described in the Southeast Amending Declaratory Resolution, (ii) expansion of the Consolidated River Race/US 33 Allocation Area as described in the Consolidated River Race/US 33 Amending Declaratory Resolution, and (iii) the Original Plans, as amended, are hereby approved.

Section 3. The revision of the expiration date of the allocation provisions for the 2004 Keystone I Expansion Allocation Area, the 2007 Keystone I Expansion Allocation Area, the 2004 Century Drive Expansion Allocation Area, the 2006 Century Drive Expansion Allocation Area, the Southeast Allocation Area, the Expanded Southeast Allocation Area, the 2004 River Race Expansion Allocation Area, the 2005 River Race Expansion Allocation Area, the 2006 River Race Expansion Allocation Area, the North US 33 Allocation Area, the Downtown Allocation Area, the Consolidated River Race/US 33 Allocation Area, the 2013 Consolidated Expansion I Allocation Area, the 2013 Consolidated Expansion II Area Resolution and the Lippert/Dierdorff Allocation Area are hereby approved.

Section 4. This resolution shall be effective from and after passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Goshen, Indiana, this 28th day of July, 2025, by a vote of ayes and nays.

COMMON COUNCIL OF THE CITY OF GOSHEN,  
INDIANA

---

Presiding Officer

ATTEST:

---

Clerk-Treasurer



Presented by me to the Mayor of the City of Goshen, Indiana, on the \_\_\_\_\_ day of July, 2025, at  
\_\_:\_\_\_.m.

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

Signed and approved by me, the Mayor of the City of Goshen, Indiana, this \_\_\_\_\_ day of July,  
2025, at \_\_:\_\_.m.

\_\_\_\_\_  
Mayor

## **ORDINANCE 5227**

### **Transfer Control of the City of Goshen's Storm Water Facilities to the Goshen Board of Public Works and Safety**

WHEREAS Ordinance 4295 established the Department of Stormwater Management which is controlled by a three-member Board of Directors.

WHEREAS Indiana Code § 8-1.5-3-3(a) provides that the Common Council may adopt an ordinance to provide for the control of the city's storm water facilities by the municipal works board, the board that controls the city's municipally owned utilities.

WHEREAS the board that controls the city's municipally owned utilities is the Goshen Board of Public Works and Safety.

WHEREAS, the City of Goshen seeks to transfer control of its Department of Stormwater Management to its Board of Public Works and Safety.

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

Section 1. The City of Goshen Department of Stormwater Management established under I.C. 8-1.5-5 and Ordinance 4295 is continued.

Section 2. In accordance with Indiana Code § 8-1.5-3-3(a) and (b), the control of the City of Goshen's storm water facilities shall be transferred from the three-member Board of Directors of the Department of Stormwater Management established under Ordinance 4295 to the Goshen Board of Public Works and Safety. The transition of control from the Board of Directors of the Department of Stormwater Management to the Board of Public Works and Safety shall be effective upon the adoption of this ordinance – no special procedure for transition is necessary, as three (3) members of the Board of Public Works and Safety comprised the Board of Directors of the Department of Stormwater Management at the time of consideration of this ordinance.

Section 3. The Board of Public Works and Safety has the powers and duties prescribed by Indiana Code § 8-1.5-3-4(a), and Indiana Code § 8-1.5-5-6, as amended from time to time.

Section 4. The provisions of Indiana Code 8-1.5-5, as amended from time to time, are hereby adopted by reference.

Section 5. All ordinances and parts of ordinances, specifically including Ordinance 4295, inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict.

Section 6. 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.

PASSED by the Goshen Common Council on July \_\_\_\_\_, 2025.

\_\_\_\_\_  
Gina M. Leichty, Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2025, at the hour  
of \_\_\_\_:\_\_\_\_ \_\_.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Gina M. Leichty, Mayor



## **CITY OF GOSHEN LEGAL DEPARTMENT**

City Annex  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185  
[www.goshenindiana.org](http://www.goshenindiana.org)

July 28, 2025

To: Goshen Common Council

From: Shannon Marks, Legal Compliance Administrator

Subject: Ordinance 5228, City of Goshen Stormwater Management Ordinance

With the transfer of control of the City's storm water facilities to the Goshen Board of Public Works and Safety under Ordinance 5227, it is also necessary to revise the City of Goshen Stormwater Management Ordinance so that reference is made to the correct governing board. All prior references to "City of Goshen's Stormwater Board," "City of Goshen Stormwater Board," "Goshen Stormwater Board," "Stormwater Board," "City of Goshen's Board of Public Works and Safety and Stormwater Board," "City of Goshen Board of Public Works and Safety and Stormwater Board," and "Goshen Board of Public Works and Safety and Stormwater Board" have been changed to "Goshen Board of Public Works and Safety" or "Board."

In addition, it is necessary to make corrections to some cross references, along with some other additions and deletions to language. Rather than providing the entire Stormwater Management Ordinance showing all changes, below is a summary of the changes, with the exception of corrections to spelling, capitalization, and punctuation:

Page 2 - Section 1(a), paragraph 2 – The following sentences are deleted since this is now covered in the body of the ordinance adopting the City of Goshen Stormwater Management Ordinance:

"Once adopted, all Ordinances, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. All Ordinances, or parts thereof, not inconsistent with this Ordinance shall remain in full force and effect."

Page 7 - Section 2(b),

Paragraph 1 - The first paragraph is a new paragraph.

Paragraph 2 - The words, "to be released" are added to the end of the first sentence.

Page 13 - Section 4(a), paragraph 1 – The reference made to "Section 4(c)" in next to last sentence is changed to "Subsection (c)."

Page 17 - Section 5(b), sub-item i. - The reference made to "Section 6(h)(1)" is corrected to "Section 6(f)(1)."

Page 19 - Section 5(d) - The reference made to "Section 3(c)" is corrected to "Section 4(c)."

Page 22 - Section 6(b)(1), paragraph 3 - The reference made to “Section 6(i)” is corrected to “Subsection (g).”

Page 24 - Section 6(c), paragraph 1 – The following sentences are deleted from the end of paragraph 1:

“This level of detailed information is not required from individual lots, disturbing less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section (d).”

Pages 25-26 - Section 6(e)(1), (2) and (3) – The language within each of the initial paragraphs for the fees, “...or as superseded and stated in the City of Goshen Fee Ordinance, as amended,” is deleted, and the language, “as amended from time to time,” is inserted. There is no “City of Goshen Fee Ordinance” at this time.

Page 29 - Section 7(a), first sentence – The phrase “under (b) following” is deleted, and the phrase “under Subsection (b)” is inserted.

Page 29 - Section 7(a)(1), sub-item iii. - The reference made to “Section (b)(3)” is corrected to “Subsection (b)(5).”

Pages 32 - Section 7(b)(5), paragraph 3 – The language “The City of Goshen Stormwater Board” is deleted, and the language “The Board of Directors of the City of Goshen Department of Stormwater Management” is inserted.

Pages 32 - Section 7(b)(5), paragraph 4 – The language “Ordinance 5171, on or about November 13, 2023” is changed to “Ordinance 5212, on or about January 27, 2025.”

Page 43 - Definition of Offense – The reference made to “Section 7(b)(3)” is corrected to “Section 7(b)(5).”

## **ORDINANCE 5228**

### **CITY OF GOSHEN STORMWATER MANAGEMENT ORDINANCE**

WHEREAS the City of Goshen Stormwater Management Ordinance was passed December 16, 2024, and adopted December 17, 2024, by Ordinance 5209.

WHEREAS the Goshen Common Council has passed an ordinance to transfer the control of the City of Goshen's stormwater facilities from the three-member Board of Directors of the Department of Stormwater Management and grant the control to the Goshen Board of Public Works and Safety by Ordinance 5227.

WHEREAS the transfer of control to the Goshen Board of Public Works and Safety has necessitated revisions to the City of Goshen Stormwater Management Ordinance.

WHEREAS additional revisions to the City of Goshen Stormwater Management Ordinance are also necessary.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

- (1) The attached City of Goshen Stormwater Management Ordinance is adopted in its entirety.
- (2) Ordinance 5209 is hereby repealed as of the effective date of this Ordinance. All other ordinances and parts of ordinances inconsistent or in conflict with the terms of this Ordinance are repealed to the extent of the inconsistency or conflict. All Ordinances, or parts thereof, not inconsistent or in conflict with this Ordinance shall remain in full force and effect.
- (3) The repeal by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued and penalties shall be imposed and enforced under such repealed ordinance as if this Ordinance had not been adopted.
- (4) The provisions of this Ordinance are severable, and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.
- (5) 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.

[Continued next page.]

PASSED by the Goshen Common Council on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Gina M. Leichty, Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2025, at the hour of  
\_\_\_\_\_:\_\_\_\_\_.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Gina M. Leichty, Mayor

**ORDINANCE 5228**

**CITY OF GOSHEN**

**STORMWATER MANAGEMENT ORDINANCE**



Adopted \_\_\_\_\_, 2025



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## **SECTION 1     General Information**

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### **(a)     AUTHORITY AND TITLE**

This Ordinance is adopted in accordance with statutory authority granted to City of Goshen under "Home Rule" and further is required by Phase II of the National Pollutant Discharge Elimination System Stormwater program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP). Based on this authority and these requirements, this Ordinance regulates:

- i.        Discharges of prohibited non-stormwater flow into the stormwater drainage system.
- ii.       Stormwater drainage improvements related to development of lands located within the corporate boundaries of the City of Goshen.
- iii.      Drainage control systems installed during new construction and grading of lots and other parcels of land.
- iv.       Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity or demolition activity that results in land disturbance.
- v.        Stormwater discharges from construction support activities directly related to construction sites or demolition sites subject to this ordinance.
- vi.       Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- vii.      The design, construction, and maintenance of stormwater drainage facilities and systems.
- viii.     The design, construction, and maintenance of stormwater quality facilities and systems.
- ix.       The design, construction, and maintenance of new dams.
- x.        The development downstream of existing dams.
- xi.       Development within floodplains, floodways, fluvial erosion hazard corridors, and bluff zones.

This Ordinance shall be known and may be cited as the City of Goshen Stormwater Management Ordinance.

### **(b)     APPLICABILITY AND EXEMPTIONS**

This Ordinance shall be applicable to all parcels of real estate within the jurisdiction of the City of Goshen unless exempt under this Ordinance. In addition, this Ordinance shall regulate all development and redevelopment occurring within the City of Goshen no matter what type of sewer (combined or separated) the property drains to. No zoning clearance, foundation permit, building permit, driveway permit, right-of-way permit, or other license or authorization for construction activities shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, until the plans required by this Ordinance for such construction have been reviewed and accepted in writing by the City of Goshen and a Stormwater Clearance has been issued. No person shall engage in a land disturbing activity affecting one (1) acre of land or more within the City of Goshen jurisdiction without having and maintaining in effect a Stormwater Clearance from the Department of Stormwater Management and the Elkhart County SWCD or the City's current plan review consultant. An application for a Stormwater

Clearance shall be filed with the Department of Stormwater Management on a form provided by the Department of Stormwater Management.

With the exception of the requirements of Section 2 of this Ordinance, single-family dwelling houses and duplexes in accepted subdivisions and land-disturbing activities affecting less than one (1) acre (43,560 square feet) of area shall be exempt from obtaining a permit under this Ordinance, however, all projects reviewed through the City of Goshen's Technical Review process will be assessed for compliance with stormwater drainage and quality. Also exempt from this Ordinance shall be agricultural land-disturbing activities, as defined in Appendix A.

In addition to the requirements of this Ordinance and its companion Stormwater Technical Standards Manual, compliance with all applicable ordinances of the City of Goshen as well as with applicable Federal, State of Indiana, and other Local statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. The City of Goshen capital improvement projects shall obtain all necessary state permits and are expected to meet all applicable technical requirements of this Ordinance and the City of Goshen Stormwater Technical Standards Manual. If the project site includes a part of an Elkhart County Regulated Drainage Easement, the applicant will need to check with the Elkhart County Surveyor's Office to learn if additional Surveyor's Office requirements specific to that regulated drain would apply to the site. In case there are conflicts between the requirements contained in this Ordinance and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

Any construction project which has had its final drainage plan accepted by the City of Goshen within a 1-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance that are in excess of the requirements of ordinances in effect at the time of acceptance. Such an exemption is not applicable to the requirements detailed in Section 2 of this Ordinance.

The City of Goshen has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated Technical Standards Manual. A pre-development meeting with the City of Goshen may be requested by the applicant to discuss the applicability of various provisions of the Ordinance and its associated Technical Standards Manual with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the City of Goshen that may be based on the review of more detailed information and plans.

### **(c) FINDINGS**

The City of Goshen finds that:

- i. Water bodies, roadways, structures, and other property within the City of Goshen or its planning jurisdiction boundary are at times subjected to flooding;
- ii. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
- iii. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
- iv. Soil erosion resulting from land-disturbing activities has the potential to cause a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
- v. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the City of Goshen will, absent

- reasonable regulation and control, adversely affect the City of Goshen's water bodies and water resources;
- vi. Pollutant contributions from illicit discharges within the City of Goshen will, absent reasonable regulation, monitoring, and enforcement, adversely affect the City of Goshen's water bodies and water resources;
  - vii. Stormwater runoff, soil erosion, nonpoint source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
  - viii. Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;
  - ix. Adopting this Ordinance is necessary for the preservation of public health, safety, and welfare, for the conservation of natural resources, and for compliance with State and Federal regulations.

**(d) PURPOSE**

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Goshen through the regulation of stormwater and non-stormwater discharges to the MS4 stormwater drainage system and to protect, conserve, and promote the orderly development of land and water resources within the City of Goshen. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the MS4 stormwater drainage system to comply with the requirements of a NPDES permit. The objectives of this Ordinance are:

- i. To prevent or reduce the harm caused by excessive stormwater runoff and periodic flooding, including loss of life and property and threats and inconveniences to public health, safety, and welfare.
- ii. To protect, conserve, and promote orderly economic development of water and land resources by implementing beneficial design features and conservation techniques.
- iii. To prevent or reduce additional disruption of the economy and governmental services due to stormwater and flood drainage.
- iv. To conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of watercourses, floodplains and wetlands.
- v. To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- vi. To regulate the contribution of pollutants to the stormwater drainage system from runoff from new development, redevelopment, and any other user.
- vii. To prohibit illicit connections and discharges into the stormwater drainage system, waters of the State, and waters of the United States.
- viii. To establish legal authority to carry out all plan review, inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.

**(e) INCORPORATION BY REFERENCE**

The latest version of the City of Goshen Technical Standards Manual, as edited, amended, or replaced from time to time, is hereby adopted as the technical manual of reference for the management of stormwater runoff for the City of Goshen.

The latest version of the state erosion and sediment control manual (currently known as the Indiana Stormwater Quality Manual), as edited, amended, or replaced from time to time, is hereby adopted as the technical manual of reference for the minimum control requirements for erosion and sediment control for the City of Goshen.

Copies of these documents are on file with the City of Goshen Clerk-Treasurer's Office and are available for public inspection.

**(f) ABBREVIATIONS AND DEFINITIONS**

For the purpose of this Ordinance, the abbreviations and definitions provided in Appendix A shall apply.

**(g) RESPONSIBILITY FOR ADMINISTRATION**

Except as otherwise provided, the superintendent of the Department of Stormwater Management shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the superintendent of the Department of Stormwater Management may be delegated in writing by the superintendent to qualified persons or entities acting in the beneficial interest of or in the employ of the City of Goshen.

**(h) INTERPRETATION**

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Appendix A, shall be construed according to the respective definitions given in that Section. Technical words and technical phrases that are not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings. Additionally, in their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

**(i) PROVISIONAL SEPARABILITY**

The provisions of this Ordinance are hereby deemed to be severable. If any part or provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application, so long as the remainder of these regulations promotes the purposes of this ordinance.

**(j) SEVERABILITY**

The provisions of this Ordinance are hereby deemed to be severable. In the event any provisions of this Ordinance are determined by a court of competent jurisdiction to be unenforceable, such determination shall not affect the remaining provisions of this Ordinance which shall remain in full force and effect.

**(k) DISCLAIMER OF LIABILITY**

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff

amounts may be increased by human-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of the City of Goshen or any officer, representative, or employee thereof, for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

The words "approve" and "accept", and their common derivations as used in this Ordinance in relation to plans, reports, calculations, and permits shall mean that the City of Goshen has reviewed the material produced and submitted by the applicant or their agents for general compliance with this Ordinance and the City of Goshen Stormwater Technical Standards Manual, and that such compliance would qualify the applicant to receive a stormwater management approval or permit. Such an "approval" or "acceptance" is based on the assumption that the project engineer has followed all appropriate engineering methods in the design. Any stormwater quantity (drainage) or water quality problems associated with the project caused by poor construction by the contractor and/or poor engineering design or judgment, either on-site or off-site, are the responsibility of the developer and the project engineer.

Consideration, design, construction, and maintenance of safety measures for proposed or existing stormwater facilities and infrastructure shall be the responsibility of the developer, applicant, and/or the property owner. The City of Goshen and its officials and representatives shall not be responsible for maintenance nor liability for any accidents.

#### **(I) COMPATABILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS**

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provisions of this ordinance impose restrictions different from those imposed by any other ordinance, rule or regulation, or other provisions of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

*[End of Section]*

## **SECTION 2     Prohibited Discharges and Connections**

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### **(a)     APPLICABILITY AND EXEMPTIONS**

This Section shall apply to all discharges, including illegal dumping, entering the stormwater drainage system under the control of the City of Goshen, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the stormwater drainage system, illegal dumping, and contaminated runoff.

Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this Section unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are not included in this exemption.

Any non-stormwater discharge permitted under a NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing nonpoint source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for the subject discharge to the stormwater drainage system, is also exempted from this Section.

### **(b)     PROHIBITED DISCHARGES AND CONNECTIONS**

No person shall dump, release, or discharge anything other than clean stormwater or an exempted discharge to a drain or conveyance connected to or directly to a MS4 conveyance, watercourse, or waterway. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater through the use of BMPs.

No person shall connect to or allow the continued connection of any drain or conveyance to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, which allows any substance other than stormwater or an exempted discharge to be released. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMPs).

No person may reinstate a MS4 access if that access has been suspended pursuant to this Ordinance until such time as the suspension is lifted by the Department of Stormwater Management, the Goshen Board of Public Works and Safety, or a court of competent jurisdiction.

No person subject to a NPDES stormwater discharge permit shall allow or permit any discharge to enter the MS4 conveyance, watercourse or waterbody without complete compliance with the terms and conditions of the NPDES permit.

No person subject to a NPDES stormwater discharge permit shall unreasonably delay the Department of Stormwater Management's access to a permitted facility.

No person owning a parcel of real estate, in possession of a parcel of real estate, in charge of any facility or operation, or responsible for the emergency response or the operation at any facility, shall fail to notify the Department of Stormwater Management as soon as practicable of any improper or unpermitted release of materials, discharges, or pollutants into stormwater, the stormwater drainage system, or any watercourse if such person has information that such discharge or release may have occurred.

No person owning a parcel of real estate, in possession of a parcel of real estate, in charge of any facility or operation or responsible for the emergency response at any facility or the operation, shall fail to take all reasonable steps to ensure the discovery, containment, and cleanup of any improper or unpermitted release or discharge.

Concrete washout material, cementitious wash water, or slurry created during cutting or demolition operations must be properly contained within an appropriate practice and any waste material properly disposed of regardless of the size of the project.

The City of Goshen is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Goshen's stormwater drainage system, and to require any pollutant discharge to be properly and fully cleaned up in a timely manner.

**(c) EXEMPTED DISCHARGES AND CONNECTIONS**

Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this Section:

- i. Water line flushing;
- ii. Landscape irrigation, lawn watering, and irrigation water;
- iii. Diverted streamflows;
- iv. Rising groundwaters;
- v. Uncontaminated groundwater infiltration;
- vi. Uncontaminated pumped groundwater;
- vii. Discharges from potable water sources;
- viii. Foundation or footing drains (not including active groundwater dewatering systems) but must be outside of the public right-of-way;
- ix. Air conditioning condensation;
- x. Springs;
- xi. Water from crawl space pumps;
- xii. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- xiii. Flows from riparian habitats and wetlands;
- xiv. Dechlorinated swimming pool discharges not including discharges from saltwater swimming pools;
- xv. Street wash water;
- xvi. Discharges from emergency firefighting activities;
- xvii. Discharge specified by an authorized enforcement agency as being necessary to protect public health or safety;



- xviii. Dye testing (verbal notification to the Department of Stormwater Management is required before the test);
- xix. Naturally introduced detritus (e.g., leaves and twigs);
- xx. Routine external building washdown water that does not use detergents.

**(d) STORAGE OF HAZARDOUS OR TOXIC MATERIAL**

Outside or open storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

**(e) PRIVATE PROPERTY MAINTENANCE DUTIES**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries free of trash, debris, excess vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**(f) SPILL REPORTING**

As soon as any person responsible for a facility or operation or responsible for the emergency response for a facility or operation has information of a known or suspected release of materials which may result in an illegal discharge into the stormwater, or storm drain system, such person shall take all necessary steps to contain and clean up the release.

Any person owning a parcel of real estate, in possession of a parcel of real estate, in charge of any facility or operation, or responsible for the emergency response or operation at any facility (the discharger) who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge or has information that such a discharge or release may have occurred shall immediately inform the City of Goshen concerning the discharge by contacting the Department of Stormwater Management if such a release occurs within normal business hours and if not occurring within normal business hours by informing emergency dispatch services. Additionally, the discharger shall contact IDEM Emergency Response 24-Hour Emergency Spill Line if the discharge is a reportable spill as defined by the Indiana Spill Rule (327 Indiana Administrative Code 2-6.1). A written report concerning the discharge shall be filed with the City of Goshen, the Elkhart County Health Department, and IDEM, by the dischargers, within five (5) days. The written report shall specify:

- i. The composition of the discharge and the cause thereof;
- ii. The date, time, and estimated volume of the discharge;
- iii. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
- iv. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action

brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this Section. This requirement does not relieve discharger from notifying other entities as required by state or federal regulations.

**(g) INSPECTIONS AND MONITORING**

**(1) Stormwater Drainage System**

The City of Goshen has the authority to periodically inspect the portion of the stormwater drainage system under the City of Goshen's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the stormwater drainage system. It could also include spot testing of waters contained in the stormwater drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

**(2) Potential Polluters**

If, as a result of the stormwater drainage system inspection, a discharger is suspected of an illicit discharge, the City of Goshen may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon notice, the discharger shall allow the City of Goshen's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Department of Stormwater Management.

Facility operators shall allow the City of Goshen ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of the records that must be kept under the conditions of a NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the superintendent of the Department of Stormwater Management or their designee and shall not be replaced if so requested. The costs of clearing such access shall be borne by the operator.

The City of Goshen or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Additionally, the City of Goshen or its properly identified representative has the right to require the discharger to install monitoring equipment at any commercial or industrial facility or any facility containing more than three (3) residential units. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy. Identified illicit connections or discharges shall be subject to enforcement action as described in Section 7 of this Ordinance.

**(3) New Development and Redevelopment**

Following the final completion of construction and the receipt of record drawings by the City of Goshen, the City of Goshen has the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the stormwater drainage system are in compliance with this Section.

*[End of Section]*

## **SECTION 3     Stormwater Quantity Management**

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### **(a)     APPLICABILITY AND EXEMPTIONS**

The storage of, and where applicable, approved controlled release of stormwater runoff shall be required for all new business, institutional developments, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within the City of Goshen. The City of Goshen, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional potential exemptions regarding the retention/detention requirements are provided under Subsection (b).

### **(b)     POLICY ON STORMWATER QUANTITY MANAGEMENT**

It is recognized that most streams and drainage channels flowing through the City of Goshen do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and, when allowed, controlled release of excess stormwater runoff shall be required for all developments and redevelopments (as defined in Appendix A) located within the City of Goshen. Release rate requirements, downstream restriction considerations, acceptable outlet, and adjoining property impact considerations are detailed in the City of Goshen Stormwater Technical Standards.

Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity management systems within a watershed, it is the policy of the City of Goshen to (1) that an engineered drainage plan shall be submitted to the City of Goshen via the Technical Review process for any new development, redevelopment, new construction, addition to existing construction, or other land-disturbing activity located within the City's jurisdiction which results in the addition of impervious surfaces or the redirection of the surface water runoff in pervious areas, and (2) encourage the retention of runoff from new development or redevelopment except where the detention of runoff is necessary. Other special circumstances when such a waiver may be considered by the City of Goshen include situations where the design of a regional stormwater basin/pond has already taken into account the provision of direct release in certain areas in the watershed. In which case, the project will at a minimum provide appropriate stormwater quality treatment before release to a regional stormwater drainage system, a public stormwater drainage system, or a waterway as explained in Section 5.

### **(c)     CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the City of Goshen Stormwater Technical Standards Manual. The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above.

### **(d)     DRAINAGE EASEMENT REQUIREMENTS**

All public stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the right-of-way shall be placed within a drainage easement. There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise accepted by the City of Goshen. Additional easement requirements along stormwater conveyance systems are contained in the City of Goshen Stormwater Technical Standards Manual. All drainage improvements performed relative to the conveyance of stormwater runoff and the perpetual maintenance thereof, within the latter easements, shall be the responsibility of the owner or homeowner association.

Any outlet to, crossing, and/or encroachment of a County Regulated Drainage Easement requires application and acceptance from the Elkhart County Drainage Board in accordance with the Indiana Drainage Code.

**(e) PLACEMENT OF UTILITIES**

No utility company may disturb existing public storm drainage facilities without the consent of the City of Goshen staff, whose decision may be appealed to the Goshen Board of Public Works and Safety. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Section 7 of this Ordinance.

**(f) STRUCTURES NEAR COUNTY REGULATED DRAINS**

For regulated drains not located in platted subdivisions, unless otherwise accepted by the Elkhart County Drainage Board, no permanent structure (including fences) shall be erected within seventy-five feet measured at right angles from a) the existing top edge of each bank of a regulated open drain, as determined by the Elkhart County Drainage Board; or b) the center line of a piped Regulated Drain. The Indiana Drainage Code may be consulted for further details.

**(g) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

After the acceptance of a project's site plan, SWPPP, and post-construction stormwater management plan (PCSMP) (Stormwater Clearance) by the City of Goshen and the City's current plan review consultant, the issuance of a construction stormwater general permit by the IDEM, and the commencement of construction activities, the City of Goshen and the City's current site inspection consultant have the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Section, the Stormwater Technical Standards Manual, Design and Construction Standards, and the terms and conditions of the approved permit.

The City of Goshen also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the designed and approved performance specifications for the facilities, in addition to any prescribed Operation & Maintenance procedures, and shall not be subsequently altered, revised or replaced except as approved by the City of Goshen. If deficiencies are found during the inspection, the owner of the facility will be notified by the City of Goshen and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the City of Goshen will undertake the work and collect from the owner using lien rights if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved.

*[End of Section]*

## **SECTION 4     Stormwater Pollution Prevention for Construction Sites**

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### **(a)     APPLICABILITY AND EXEMPTIONS**

The City of Goshen will require a Stormwater Pollution Prevention Plan (SWPPP or SWP3), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. Any project located within the corporate boundaries of the City of Goshen that includes clearing, grading, excavation, or other land disturbing activities resulting in the disturbance of one (1) acre (43,560 square feet) or more of total land area is subject to the requirements of this Section. This includes both new development and redevelopment. This Section also applies to disturbances of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more of total land area. Subsection (c) provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of IDEM's CSGP shall also comply with the requirements contained in that permit.

The requirements under this Section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion and sediment control measures:

- i.       Landfills that have been issued a certification of closure under 329 IAC 10.
- ii.      Coal mining activities permitted under IC 14-34.
- iii.     Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent (NOI) letter, apply for a stormwater permit from the City of Goshen, and ensure that a sufficient stormwater pollution prevention plan is completed and submitted in accordance with Section 6 of this Ordinance, regardless of whether the individual lot is part of a larger permitted project site. Details of the permitting process are contained in Section 6.

An individual lot located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient stormwater pollution prevention plan is completed and submitted to the City of Goshen and the Elkhart County SWCD or the City's current plan review consultant in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to notify the Elkhart County SWCD or the City's current plan review consultant and the City of Goshen upon completion of the project and permanent stabilization of the site, requesting a termination inspection to be performed by the Elkhart County SWCD or the City's current plan review consultant and the City of Goshen. However, all persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this Section and this Ordinance.

## **(b) POLICY ON STORMWATER POLLUTION PREVENTION**

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling.

For land disturbance of one (1) acre or more, the developer must submit to the Elkhart County SWCD or the City's current plan review consultant and the City of Goshen, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The SWPPP and the project management log must be retained for at least three (3) years from the date the project permit is terminated. For land disturbances totaling less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the City of Goshen Stormwater Technical Standards Manual must be designed and shown on the plans.

The required IDEM general and implementation requirements that apply to all land-disturbing activities are contained in the City of Goshen Stormwater Technical Standards Manual.

## **(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

In calculating the total area of land disturbance, for the purposes of determining applicability of this Section to a project, the following guidelines should be used:

- i. Off-site construction activities that provide services (for example, road extensions, sewer, water, offsite stockpiles, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
  - a. Projects under the control of a site owner but separated by a quarter of a mile will be considered separate projects unless the area falls under the requirements of Appendix 5(8) in the CSGP.
- ii. To determine if multi-lot project sites are regulated by this Section, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
  - a. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
  - b. For a single-family residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being disturbed.
  - c. To calculate lot disturbance on all other types of project sites, such as industrial and commercial, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.
- iii. Considerations for additions and expansions on non-residential project sites:
  - a. Additional development happening within one year of a project obtaining a permit termination from IDEM will be considered part of a larger common plan of development and will be required to obtain a permit no matter the area of disturbance.



- b. The area of disturbance for building additions, hard surface expansions, utility modifications, etc. will be calculated as the area being disturbed along with an appropriate buffer for the work to be done.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual, the City of Goshen Stormwater Technical Standards Manual, and the product guidance/specifications of the manufacturer. The methods and procedures included in these references are in keeping with the above stated policy and meet the requirements of the IDEM's CSGP. A Copy of the current version of the Indiana Stormwater Quality Manual, as amended or replaced from time to time, may be obtained online through IDEM's website.

The design requirements that would apply to all land-disturbing activities and shall be considered in the selection, design, and implementation of all stormwater quality and management measures contained in the SWPPP are contained in the City of Goshen Stormwater Technical Standards Manual.

#### **(d) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

Following acceptance of the project's site plan, SWPPP, and PCSMP by the City of Goshen and the City's current plan review consultant and commencement of construction activities, the City of Goshen and the City's current site inspection consultant has the authority to conduct inspections of the site to ensure full compliance with the provisions of this Section, the approved Stormwater Pollution Prevention Plan, the Stormwater Technical Standards Manual, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.

A self-monitoring program (SMP) must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. A trained individual, acceptable to the City of Goshen, shall monitor and manage project construction and stormwater activities. Details regarding the required monitoring activities are contained in the City of Goshen Stormwater Technical Standards Manual.

The SWPPP and PCSMP shall serve as a guideline for stormwater quality but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this Section, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality measures should be implemented.

A project management log must be maintained at the project site or in the possession of on-site individuals associated with the management and operations of the construction activities. Details regarding requirements related to the project management log are contained in the City of Goshen Stormwater Technical Standards Manual.

*[End of Section]*

## **SECTION 5     Stormwater Quality Management for Post-Construction**

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### **(a)     APPLICABILITY AND EXEMPTIONS**

In addition to the requirements of Section 4, the post-construction stormwater management plan (PCSMP), which describes a project's post-construction stormwater quality measures, is to be submitted to the City of Goshen as part of the City's Technical Review process. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the corporate boundaries of the City of Goshen that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of one (1) acre or more of total land area is subject to the requirements of this Section. This includes both new development, redevelopment, and disturbances of land less than one (1) acre of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more of total land area. In addition, regardless of the amount of disturbance, the City of Goshen reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance with provisions contained in the City of Goshen Stormwater Technical Standards Manual. Additionally, if a property contains an existing PCSMP and the property owner is planning to add a building addition, expand parking, add hard surface areas, or change drainage patterns then an amended PCSMP must be submitted to the City of Goshen for review, acceptance, and recording.

The requirements under this Section do not apply to the following activities:

- i.        Forest harvesting activities.
- ii.       Agricultural land distributing activities.
- iii.       Any real estate less than one (1) acre, which is not part of a larger common plan of development or sale; or individual building lots within a larger permitted project.
- iv.       Additions or modifications to existing single-family structures.
- v.        Repairs to any stormwater treatment practice deemed necessary by Goshen's Department of Stormwater Management.
- vi.       Demolition that conforms the real estate to the adjacent terrain at completion.
- vii.       Fill. Provided the fill is less than one foot (1') in depth placed on natural terrain with a slope flatter than four percent (4%), does not exceed one thousand (1,000) cubic yards per acre and does not obstruct the existing drainage pattern.

The requirements under this Section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

- i.        Landfills that have been issued a certification of closure under 329 IAC 10.
- ii.       Coal mining activities permitted under IC 14-34.
- iii.       Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a Stormwater Clearance application and ensure that a sufficient stormwater pollution prevention plan is completed and submitted to the City of Goshen in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs (especially, the protection of post-construction stormwater BMPs during the construction phase) in compliance with this Ordinance and with the approved Stormwater Clearance, to notify the City of Goshen and the City's current plan review consultant upon completion of the project and stabilization of the site to request a final termination inspection, and to submit a permit termination application to the IDEM. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this Section and this Ordinance.

**(b) CONDUCT PROHIBITED**

Any entity owning or operating non-exempt real estate shall not do any of the following:

- i. Discharges from new development and redevelopment sites will not be allowed directly into sensitive areas (as defined in Section 6(f)(1)) without pre-treatment measures in place.
- ii. Discharge stormwater in a manner that is inconsistent with applicable state or federal law.

**(c) STORMWATER QUALITY MANAGEMENT REQUIREMENTS**

The project site owner must prepare and submit to the Elkhart County SWCD or the City of Goshen's current plan review consultant a Stormwater Pollution Prevention Plan (SWPPP) that shows the placement of appropriate stormwater management Best Management Practices (BMPs). In addition, the project site owner must submit a Post-Construction Stormwater Management Plan (PCSMP), as part of the City of Goshen's Technical Review process, describing all post-construction BMPs included in the project. These BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the City of Goshen Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the City of Goshen Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the City of Goshen Stormwater Technical Standards Manual.

In addition, the PCSMP must include a notarized Post-Construction Stormwater Maintenance Agreement providing for the long-term maintenance of the proposed BMPs. The Maintenance Agreement must include the following:

- i. Maintenance of all stormwater management facilities in a development, redevelopment, or sale where parcels of real estate, units, or buildings are owned by different entities shall be insured through the creation of a formal maintenance covenant that must be approved by the Goshen Board of Public Works and Safety and recorded with the Elkhart County Recorder's Office prior to the issuance of the Certificate of Occupancy by the Building Department. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure the proper function of the stormwater management measures. The covenant shall also include plans for periodic inspections to ensure proper performance of the measures between scheduled cleanouts.
- ii. All stormwater management measures must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this Ordinance and the accomplishment of its purposes. These needs include the removal of silt, litter, and other debris from all storm sewer structures, drainage pipes, and stormwater storage facilities (above and below ground), grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed within sixty (60) days of the report.

- iii. In addition, once every five (5) years the property owner will hire a qualified professional (third-party agent) to complete an inspection of all stormwater management measures. A copy of the inspection report shall be filed with the City's Department of Stormwater Management. Any maintenance needs found must be addressed within sixty (60) days of the report.
- iv. All developers must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of the real estate served by on-site stormwater management measures.
- v. Any development, redevelopment, or sale consisting of two (2) or more lots (and totaling in the aggregate one (1) or more acres) shall execute an enforceable maintenance agreement that designates the parties responsible for the operation, maintenance, and repair of all stormwater management measures, and any other system, structure, or measure required by this ordinance. The agreement shall include provisions for funding all required maintenance.
- vi. The design and planning of all stormwater management measures shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management measure that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- vii. Parties responsible for the operation and maintenance of a property's stormwater management measures shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five (5) years. These records should be made available to the City of Goshen during an inspection of the facility and at other reasonable times upon request.
- viii. The developer of the real estate must establish a landscaping plan which provides for the maintenance of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

Once reviewed by the Goshen Stormwater Department and accepted by the Goshen Board of Public Works and Safety, the overall PCSMP document will be recorded with the Elkhart County Recorder's Office on the deed for the property on which the project is located.

Gasoline outlets and refueling areas must install appropriate practices (as noted under "Hot Spots" provision in the Technical Standards Manual) to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

All stormwater measures defined as a Class V injection well by the U.S. EPA must be registered with the U.S. EPA. Refer to the U.S. EPA Underground Injection Well Program for the definitions and complete registration process.

Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measures, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.

Further requirements include:

- i. Maintain all stormwater measures and practices identified in the construction plan that were intended to remain in place after construction activities have been completed.

- ii. Install and maintain each post-construction stormwater quality measure approved as part of the construction plan.
- iii. Maintain all drainage systems and stormwater storage facilities in good working order.
- iv. Maintain natural drainage for any portion of the real estate not served by a constructed drainage system.
- v. Maintain all erosion sediment control systems installed on the real estate or identified as part of the construction plan unless such systems were temporary measures only intended to be in place during construction.
- vi. Maintain all drainage channels and swales installed or identified as part of the construction plan so they do not cause erosion in the receiving channel or at the outlet.
- vii. Keep all natural features such as wetlands and sinkholes protected from stormwater run-off pollutants.
- viii. Annually inspect all stormwater management facilities to ensure compliance with this ordinance and provide for the removal of silt, litter, grass clippings, vegetation, and other debris from all catch basins, inlets, and stormwater retention/detention areas.
- ix. Annually inspect all landscaping to ensure compliance with provisions of the management plan.

**(d) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

Calculation of land disturbance should follow the guidelines discussed in Section 4(c). The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs, shall meet the design criteria, standards, and specifications outlined in the City of Goshen Stormwater Technical Standards Manual. The methods and procedures included in the referenced Standards are in keeping with the above stated policy and meet or exceed the requirements of IDEM's MS4 GP.

**(e) EASEMENT REQUIREMENTS**

All public stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures, and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities an adequate easement width beyond the actual footprint of the stormwater quality management facility as well as a sufficiently sized access easement from a public right-of-way to each stormwater facility shall be provided.

**(f) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

After the acceptance of a project's site plan, SWPPP, and PCSMP by the City of Goshen and the City's current plan review consultant and the commencement of construction activities, the City of Goshen and the City's current site inspection consultant have the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Section, the approved SWPPP and PCSMP, the City of Goshen Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

Stormwater quality facilities shall be maintained in good condition, in accordance with the Post-Construction Stormwater Management procedures listed in the City of Goshen Stormwater Technical Standards Manual, in addition to the designed and approved performance specifications for the facilities listed in the accepted PCSMP and shall not be subsequently altered, revised, or replaced except as approved by the City of Goshen.

The City of Goshen also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.

*[End of Section]*



## **SECTION 6     Permit Requirements and Procedures**

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### **(a)     PRELIMINARY DRAINAGE PLAN REVIEW**

In order to gain an understanding of the drainage requirements for a specific project, a developer may submit preliminary drainage plans for review by the City of Goshen as part of a pre-development meeting with City staff. The direction provided by the City of Goshen during such a review is based on preliminary data and shall not be construed as an acceptance or binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

- i.        A preliminary plan showing general project layout, including existing and proposed drainage systems.
- ii.       General description of the existing and proposed drainage systems in narrative form.

### **(b)     PERMIT PROCEDURES**

This Section applies to all development, or redevelopment of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre shall refer to Sections 4 and 5 and Subsection (d) below for plan review requirements and procedures.

#### **(1)     General Procedures**

The project site owner shall submit an application for a Stormwater Clearance to the City of Goshen per the City's Technical Review requirements, which includes following the Elkhart County SWCD's or the City's current plan review consultant's SWPPP submittal requirements. The application will include a completed application checklist; construction plan sheets; a description of the soils underlying the project and any limitations they may contain (e.g., a geotechnical report), stormwater drainage calculations and, where applicable, a stormwater drainage technical report; a stormwater pollution prevention plan; and any other necessary support information. Specific information to be included in the application can be found in Subsection (c) below. The City of Goshen requires one copy of the application be submitted to the Elkhart County SWCD or the City's current plan review consultant(s).

After the City of Goshen's receipt of the application, the applicant will be notified as to whether their application is sufficient or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by the City of Goshen according to the current year's Technical Review Calendar and guidelines and/or its plan review consultant(s)'s timeline and guidelines. Once all comments have been received and the review completed, the City of Goshen will either accept the project as sufficient or mark the project as insufficient and request modifications/revisions. If the applicant or an interested person who objects to or is dissatisfied with the review actions and decision of the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant in accepting or denying any application for a Stormwater Clearance may file an appeal with the Goshen Board of Public Works and Safety; provided such filing is made within fifteen (15) calendar days of the action of the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant in question. The action of the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant shall be final and conclusive after the appeal deadline has expired. Any appeal shall be filed on the forms required by the Board with a copy of the Stormwater Clearance. The Board shall conduct a public hearing on the appeal within forty-five (45) calendar days after receipt of the filing. After an appeal has been filed, no land disturbing activities may begin or continue unless in compliance with the Stormwater Clearance if one was issued. Prior to the scheduled hearing the City will provide the applicant with a complete list of comments and objects to the plans and accompanying data. Following the conclusion of the public hearing which may

adjourn from time to time, the Board shall render a decision on the appeal which decision may affirm, modify, or overturn the action of the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant or refer the matter back to the Department of Stormwater Management and/or the Elkhart County SWCD/City's current plan review consultant for further consideration.

The project site owner must notify the City of Goshen, the City's current plan review consultant, and IDEM before beginning construction. Notification to the City of Goshen and the City's current plan review consultant shall be in the form of an email or phone call while the notification to IDEM shall be in the form of an online IDEM NOI submittal. Once a permit has been issued and the pending construction notifications submitted to the City of Goshen, the City's current plan review consultant, and IDEM, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, record drawings containing the items listed in Subsection (g) must be submitted to the City of Goshen.

Once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed, a notification shall be sent to the City of Goshen and the City's current plan review consultant, requesting a termination inspection. The City of Goshen, or its representative, shall inspect the construction site to verify that the completed project is fully stabilized and meets the requirements of the City of Goshen's Stormwater Management Ordinance, its technical standards, and the terms and conditions of the permit. Once the applicant receives a signed copy of the final Termination Inspection Report confirming compliance, they must forward a copy to IDEM along with the required IDEM NOT form.

Permits issued by the City of Goshen or its plan review consultant under this scenario will expire on December 31 of the year which is one (1) year after the date the Stormwater Clearance application was submitted. If construction is not completed and permit termination requirements have not been achieved within this timeframe then renewal with the Elkhart County SWCD or the City's current plan review consultant is required annually until the following has occurred:

- a. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been permanently stabilized;
- b. All temporary erosion and sediment control measures have been removed; and
- c. A request for a final site inspection for permit termination consideration has been submitted to the Elkhart County SWCD or the City's current plan review consultant, and a final site inspection has determined the site meets termination requirements;
- d. A notice of termination application has been submitted and accepted by the IDEM.

The above requirements must be accomplished by the expiration of the Stormwater Clearance to avoid paying a permit renewal fee.

Permits issued by IDEM will expire five (5) years from the date of issuance and if termination requirements have not been met an updated NOI must be submitted to IDEM at least 90 days prior to expiration.

## **(2) SWPPP Review Time Limits**

Pursuant to IC 13-18-27-16, a MS4-designated entity or other review authority, such as a SWCD, must make a preliminary determination as to whether the construction plan associated with the SWPPP is substantially complete before the end of the tenth (10th) working day (for sites with less than 5 acres of land disturbance) after the day on which the SWPPP is submitted to the review authority or the fourteenth

(14th) working day (for sites with 5 acres or larger of land disturbance) after the day on which the SWPPP is submitted to the review authority. Depending on the outcome of the SWPPP review, the following scenarios may play out:

- a. No SWPPP review notification received: If the review authority does not notify the applicant of its preliminary determination as to whether the construction plan is substantially complete within either 10 or 14 days as noted above, the project site owner may submit a notice of intent letter to IDEM including the information required by this Ordinance and the City of Goshen Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.
- b. SWPPP not substantially complete: If the review authority notifies the applicant that the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter to IDEM until the review authority makes a conclusive favorable determination concerning the construction plan under this Ordinance and the City of Goshen Stormwater Technical Standards Manual.
- c. Unfavorable SWPPP: If the review authority notifies the applicant that the construction plan is substantially complete; and makes a conclusive unfavorable determination concerning the construction plan under this Ordinance and the City of Goshen Stormwater Technical Standards Manual, the project site owner may not submit a notice of intent letter to IDEM.
- d. Preliminary SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the City of Goshen Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project. The plan review authority reserves the right to perform a comprehensive review at a later date, and revisions may be required at that time.
- e. Conditional SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a conditional review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the City of Goshen Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project provided that the requirements included in the conditional review are fulfilled.
- f. Favorable SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the City of Goshen Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.

Note that the above time limits only apply to the SWPPP portion of the overall stormwater permit submittal and does not affect any official or non-official permit review timelines set by the entity for other aspects of the stormwater permit application.

## **(c) INFORMATION REQUIREMENTS**

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Sections 2 through 5. If a project or activity is exempt from any or all requirements of this Ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below.

The different elements of a permit submittal include an application checklist, construction plans, an existing soils report, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater management plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana who also meets the definition of a Trained Individual found in Appendix A.

### **(1) Application Checklist**

As part of the City of Goshen Stormwater Clearance application package, the City of Goshen Technical Review application checklist requirements must be followed.

### **(2) Construction Plans**

Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans must include items listed in the City of Goshen's Technical Review application checklist.

### **(3) Existing Soils Report**

A written soils report must include a description of the existing soil conditions, depth to groundwater, soil limitations, how those limitations will be cured or otherwise overcome, etc. Examples of a soils report include a geotechnical report, a report from the USDA NRCS Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov/>), or an equivalent source.

### **(4) Stormwater Drainage Technical Report**

A written stormwater drainage technical report must include an explanation of how the stormwater drainage system was designed. Note that to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include items listed in the City of Goshen Technical Review application checklist.

### **(5) Stormwater Pollution Prevention Plan for Construction Sites**

For sites with a total disturbance of one (1) acre or more, a stormwater pollution prevention plan (SWPPP) associated with construction activities must be designed to, at least, meet the requirements of this Ordinance. The SWPPP and construction plans must include the items listed in the IDEM CSGP SWPPP development guidance document or its successor. For land disturbances totaling 200 square feet or more of

land area but less than one (1) acre and not part of a larger common plan of development or sale, appropriate erosion and sediment control measures consistent with the City of Goshen Technical Standards must be shown on the plans.

**(6) Post-Construction Stormwater Management Plan**

For sites with total land disturbance of one (1) acre or more of total land area, a post-construction stormwater management plan must be designed to, at least, meet the requirements of this Ordinance and must include the information provided in the City of Goshen Stormwater Technical Standards Manual. The post-construction stormwater management plan must include items listed in the City of Goshen Technical Review application checklist.

**(d) CHANGES TO PLANS**

Any changes or deviations in the detailed site plans and specifications after acceptance of the Stormwater Clearance shall be filed with, and accepted by, the City of Goshen and the City's current plan review consultant prior to the land development involving the change. The modified plan sheets, if accepted, shall be attached to the original plans and specifications. A copy of the updated site plans and specifications will be provided to all reviewing entities.

**(e) FILING AND RENEWAL FEES FOR STORMWATER CLEARANCE**

**(1) Application Fee Amount**

As a condition of the submittal and the review of development plans by the City of Goshen and the City's current plan review consultant, the applicant shall agree to pay the applicable Stormwater Clearance fees as described below, as amended from time to time, with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data.

- a. The basic filing fee for a Stormwater Clearance under this ordinance will be determined by the following guidelines and will be due and payable at the time of application for the Stormwater Clearance:
  - i. For projects not required to submit a post-construction stormwater management plan a filling fee of One Hundred Fifty Dollars (\$150.00).
  - ii. For projects required to submit a post-construction stormwater management plan or an amendment to an existing post-construction stormwater management plan a filling fee of Three Hundred Twenty-five Dollars (\$325.00).
- b. For project sites that are required to obtain a construction stormwater general permit pursuant to this Ordinance, a supplemental filing fee in the amount of One Hundred Dollars (\$100.00) per disturbed acre and per fractional acre exceeding a whole acre for review of the stormwater pollution prevention plans shall be due and payable at the time of application to the City's current plan review consultant. Fee submittal will be per the consultant's guidelines.

**(2) Resubmittal Review Fee**

An additional fee in the amount of One Hundred Dollars (\$100.00), as amended from time to time, will be charged for additional reviews that are required when multiple changes are submitted after the first

resubmittal. The extra fee will only apply to resubmittals before issuing a zoning clearance and building permit. The additional fee will not be charged if the resubmittal is necessitated solely due to staff oversight.

### **(3) Stormwater Clearance Renewal Fee**

A Stormwater Clearance will expire on December 31st of the year which is one (1) year after the date the Stormwater Clearance application was submitted to the City's plan review consultant. A renewal fee in the amount of One Hundred Dollars (\$100.00), as amended from time to time, will be due and payable no later than January 31st of the year after the expiration of the Stormwater Clearance and each year thereafter until the following has occurred:

- a. All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized;
- b. All temporary erosion and sediment control measures have been removed; and
- c. IDEM CSGP termination requirements have been met as verified by the City of Goshen and the Elkhart County SWCD or the City's current plan review consultant and a notice of termination application has been submitted to and accepted by the IDEM.

### **(4) Indiana Department of Environmental Management Fee**

In addition to these charges, the Indiana Department of Environmental Management has their own separate and distinct fees.

## **(f) TERMS AND CONDITIONS OF PERMITS**

In granting a Stormwater Clearance, the City of Goshen may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Section 7.

The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Clearance and the schedule for proposed implementation.

In the event that a project site is determined to impact or discharge to a Sensitive Area (as described below) or is located in an Impact Drainage Area (as described below), the City of Goshen will require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the Indiana Stormwater Quality Manual, as amended or replaced from time to time.

### **(1) Determination of Sensitive Areas**

Sensitive Areas include highly erodible soils, wetlands, karst areas, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, surface drinking water sources, and groundwater drinking water sources (as defined by the Elkhart County Health Department and City of Goshen Wellhead Protection Areas). Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and be registered with the U.S. EPA as required by the IDEM. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (USACE). The need for the applicant to check for the presence of threatened or endangered species habitat will be determined on a



case-by-case basis. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the Stormwater Clearance.

## **(2) Determination of Impact Drainage Areas**

The following areas shall be designated as Impact Drainage Areas.

- a. A floodway or floodplain as designated by the most updated FEMA Code dealing with floodplain regulation and/or by the Best Available Data through the Indiana Department of Natural Resources (IN DNR).
- b. Flood Resilience Areas 1 through 4 as described in the July 2022 City of Goshen Flood Resilience Plan (and future updates).
- c. Land within 25 feet of each bank of any ditch within the City of Goshen's system.
- d. Land within drainage easements within the City of Goshen.
- e. Land within 75 feet of each bank of a county open regulated drain.
- f. Land within 50 feet of a natural drainageway.
- g. Land within 75 feet of the centerline of any tiled regulated drain.
- h. Land within the Fluvial Erosion Hazard (FEH) corridor.
- i. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.

The City of Goshen or City of Goshen Engineer is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the City of Goshen may consider such factors as topography, soil type, capacity of existing drains, distance from adequate drainage facility, groundwater tables, etc.

Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the City of Goshen. Special terms and conditions for development within any Impact Drainage Area shall be included in the terms and conditions of the Stormwater Clearance.

## **(g) CERTIFICATION OF RECORD DRAWINGS**

This Section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the City of Goshen or retained privately. After completion of the construction of the project and before the issuance of the Termination Inspection Report, a professionally prepared and certified set of record drawings will be submitted to the City of Goshen for review. These record drawings must be prepared and certified by the Engineer of Record, i.e., the company/engineer who originally prepared the construction plans. The record drawings and any finalized digital versions of all analyses, models, manuals, and reports that are consistent with the final project conditions is required to be submitted electronically in a format acceptable to the City of Goshen. These plans shall include all pertinent data relevant to the completed stormwater drainage system and stormwater management facilities, and will include:

- (1) Pipe size and pipe material

- (2) Invert elevations
- (3) Top rim elevations
- (4) Elevation of the emergency overflow (spillway) for stormwater basins/ponds, as applicable
- (5) Grades along the emergency flood routing path(s), as applicable
- (6) Pipe structure lengths
- (7) BMP types, dimensions, and boundaries/easements
- (8) "As-planted" plans for BMPs, as applicable
- (9) Data and calculations showing retention/detention basin storage volume
- (10) Data and calculations showing BMP treatment capacity

*[End of Section]*

## **SECTION 7     Compliance and Enforcement**

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### **(a)     COMPLIANCE WITH THIS ORDINANCE**

To secure compliance with the requirements of this Ordinance, violations thereof shall be subject to the enforcement provisions set forth under Subsection (b). Compliance with all applicable ordinances of the City of Goshen as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available.

#### **(1)     Definitions (more in Appendix A)**

- i.     Violation. Any action or inaction that violates the provisions of this Ordinance, the requirements of an accepted stormwater pollution prevention plan, the requirements of an accepted construction stormwater general permit, and/or the requirements of a recorded post-construction stormwater maintenance agreement within the corporate boundaries of the city of Goshen may be subject to the enforcement actions outlined in this Section. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief, in addition to and separate from the imposition of any of the enforcement actions described below.
- ii.    Compliance. The act of correcting a violation or violations within the time frame specified by the City of Goshen.
- iii.   Offense. Both a violation and a failure of compliance on a particular project constitute an "offense." If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate offense as further stated in Subsection (b)(5).

#### **(2)     Warning Notice**

When the City of Goshen finds that any person has violated, or continues to violate, any provision of this Ordinance, or any order issued hereunder, the City of Goshen may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this Subsection shall limit the authority of the City of Goshen to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

### **(b)     ENFORCEMENT OF THIS ORDINANCE**

#### **(1)     Notice of Violation/Citation**

- a.     If the City of Goshen Department of Stormwater Management determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater pollution prevention plan, a recorded post- construction stormwater maintenance agreement, or the provisions of this Ordinance, the superintendent

of the Department of Stormwater Management or the superintendent's designee may take one (1) or more of the following actions:

- i. Notify the person who committed the act or failed to meet the requirements of this ordinance by telephone and request compliance or cessation of the prohibited act.
  - ii. Notify the person who committed the act or failed to meet the requirements of this ordinance in writing and order compliance or cessation of the prohibited act.
  - iii. Enter into an agreed order with the approval of the Goshen Board of Public Works and Safety which order may include payment of a fine by the violator.
  - iv. Issue a stop work order until all corrective measures have been completed.
  - v. File a notice of violation before the Goshen Board of Public Works and Safety describing the violation of this ordinance found by the superintendent of the Department of Stormwater Management or their designee.
  - vi. File a complaint in a court of competent jurisdiction within Elkhart County seeking a judicial determination that this ordinance has been violated and requesting the imposition of fines.
- b. If the superintendent of the Department of Stormwater Management takes any authorized action and taking such action does not result in compliance with this ordinance, the superintendent may take any other authorized action to obtain compliance.
  - c. The superintendent of the Department of Stormwater Management may file a complaint with a court of competent jurisdiction to enforce the terms of an agreed order or an order of the Goshen Board of Public Works and Safety.
  - d. Filing a notice of violation is not a prerequisite to filing a complaint alleging a violation before a court of competent jurisdiction within Elkhart County.
  - e. Any written notice of violation shall be issued upon the responsible party by regular US mail or delivered personally to the responsible party unless the applicable ordinance or statute requires different written notice.
  - f. The Goshen Board of Public Works and Safety or any court may order the owner of the real estate or the responsible party for the operations on the real estate to take any and all actions necessary to comply with this ordinance.

**(2) Right to Enter Premises**

- a. The City of Goshen shall be granted at all reasonable terms the right to enter any premises for any of the following reasons:
  - i. Investigate: Any construction site to determine the need for a Stormwater Clearance or compliance with the terms of the clearance, IDEM's CSGP, State Stormwater Quality Manual, or a construction project's SWPPP;
  - ii. Compliance with a property's recorded PCSMP and to inspect any stormwater measure (structural or non-structural);

- iii. A suspected spill or discharge into a waterway or waterbody, a wetland, a private stormwater drainage system, or the City of Goshen's stormwater drainage system.
  - iv. To carry out routine inspections;
  - v. To carry out routine sampling;
  - vi. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City of Goshen the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter to correct a violation of this ordinance.
  - vii. To verify compliance with any agreed order, order of the Goshen Board of Public Works and Safety or order of any court of competent jurisdiction.
- b. If the City of Goshen has been refused access to any part of the premises from which stormwater is discharged and the City is able to reasonably demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect or sample as part of the City's routine inspections and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Department of Stormwater Management may seek issuance of a search warrant from any court of competent jurisdiction within Elkhart County.
  - c. The City of Goshen may enter upon private property and take any and all measures necessary to abate a violation, if a court of competent jurisdiction has found that a violation of this Ordinance has occurred and has approved the action to be taken by the City. The costs of such an abatement shall be assessed to the owner of the private property.
  - d. Any written notice of violation shall be issued upon the responsible party by regular US mail or delivered personally to the responsible party unless the applicable ordinance or statute requires different written notice.

**(3) Goshen Board of Public Works and Safety Hearing**

- a. Before any Goshen Board of Public Works and Safety hearing is held, a party alleged to have violated this Ordinance shall receive written notice of the violation including the nature of the violation and a summary of the facts that constitute that violation. In the event of an emergency hearing before the Goshen Board of Public Works and Safety, this information may be orally presented to the affected party and the affected party may elect to proceed or the affected party may insist on written notice and delay the hearing. The emergency action taken by the City shall continue until a hearing can be held.
- b. A party alleged to have violated this ordinance has the right to have an attorney present to cross examine witnesses and has the right to present evidence and have witnesses testify.
- c. A party found to have violated this Ordinance has a right to appeal the determination of the Goshen Board of Public Works and Safety to a court of competent jurisdiction within twenty (20) days of the action of the Board by filing a verified complaint. The court may

affirm, modify, or reverse the action taken by the Board. Any such appeal shall be heard de novo.

- d. Filing a notice of violation is not a prerequisite to filing a complaint alleging a violation before a court of competent jurisdiction within Elkhart County.

#### **(4) Compensatory Action**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City of Goshen may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, attendance at compliance/training workshops, waterway cleanup, public/employee education, etc.

#### **(5) Civil Penalties for Violations**

Any person who commits an offense under this Ordinance commits a civil infraction subject to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) for each offense, plus costs, damages, and expenses. Each day such violation occurs or continues without a compliance action that is satisfactory to the City of Goshen constitutes a new and separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this Section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

Any person who aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this Section.

The Board of Directors of the City of Goshen Department of Stormwater Management, by Resolution 2017-15 adopted May 1, 2017, established an Enforcement Matrix that standardizes the approach the City of Goshen may, in its discretion, employ in dealing with stormwater regulation offenses subject to this Ordinance and the associated Technical Standards document.

Likewise, in order to standardize the approach that the City of Goshen may, in its discretion, employ in the imposition of Administrative Penalties, the Common Council of the City of Goshen established an Ordinance Violation Bureau, most recently in Ordinance 5212, on or about January 27, 2025.

#### **(6) Stop Work Order**

In addition to the penalties listed above, if land disturbance activities or post-construction activities are conducted contrary to the provisions of IDEM's CSGP, the State Stormwater Quality Manual, this Ordinance, an accepted site plan, or an accepted post-construction stormwater management plan, the City of Goshen may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the City of Goshen to proceed with the work. A Stop Work Order will be posted on the site by the City of Goshen and it is unlawful for any person to remove the notice or continue any work on the site without permission from the City of Goshen. The City of Goshen may also undertake, or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

The City of Goshen may bring an action under IC 34-28-5-1(b), to be read together with IC 34-6-2-86(1)(8) and IC 13-21-3-12(4), to enforce a stop work order against any person who neglects or fails to comply with a stop work order.

For construction projects that are operating under a SWPPP approved by the City of Goshen, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The seventy-two (72) hour period to resolve identified inadequacies on a construction project does not apply if the Stop Work Order is issued to a construction project where the project site owner is creating a public health hazard or safety hazard.

#### **(7) Withhold Certificate of Occupancy**

The City of Goshen may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise satisfied the requirements of this Ordinance as determined by the City of Goshen.

#### **(8) Suspension, Revocation, or Modification of Permits**

The City of Goshen may suspend, revoke, or modify any existing permit that the violator may also have been previously granted. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the City of Goshen may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

#### **(9) Suspension of Access to the Stormwater Drainage System**

The City of Goshen may suspend MS4 discharge access to stop an actual or threatened discharge that presents an imminent and substantial danger to the environment, to the health or welfare of any person, to the MS4, or to the waters of the United States. This suspension may be without notice if an emergency exists, but a hearing will be held at the next Goshen Board of Public Works and Safety meeting after the owner of the real estate can be notified to determine the existence of an emergency and that there is a substantial and imminent danger.

#### **(10) Emergency Cease and Desist Orders**

When the City of Goshen finds that any person has violated, or continues to violate, any provision of this Ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the State or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City of Goshen may issue an emergency order to the violator directing it immediately to cease and desist all such violations and directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the City of Goshen may commence court action against such person under IC 34-28-5-1(b), to be read together with IC 34-6-2-86(1)(6) and IC 13-21-3-12(4), to enforce a stop work order, a temporary restraining order, or permanent injunction which restrains or requires specific compliance with this Ordinance.



The City of Goshen may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the City of Goshen that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the City of Goshen within five (5) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

#### **(11) Suspension Due to Illicit Discharges in Emergency Situations**

The City of Goshen may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the State or waters of the United States if the violator fails to comply with a suspension order issued in an emergency, the City of Goshen may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the State or waters of the United States, or to minimize danger to persons.

#### **(12) Suspension Due to the Detection of Illicit Discharge**

Any person discharging to the stormwater drainage system in violation of this Ordinance may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The City of Goshen will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition the City of Goshen for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this Section, without the prior approval of the City of Goshen.

### **(c) COST OF ABATEMENT OF THE VIOLATION**

In addition to any other remedies, should the violator, the owner of the real estate, or the responsible party for the operations on the real estate fail to comply with the provisions of this Ordinance, the City of Goshen may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the City of Goshen for all costs of such work.

Nothing herein contained shall prevent the City of Goshen from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the U.S. EPA or IDEM for violation of the City of Goshen's NPDES permit, land restoration costs, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses and the cost of actual damages incurred by the City.

If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of the City of Goshen or by the expiration of the time in which to file an appeal, the City of Goshen may establish a lien upon the property or commence a court action to recover the costs assessed under IC 34-28-5-1(b), to be read together with IC 34-6-2-86(1)(8) and IC 13-21-3-12(4).

### **(d) APPEALS**

#### **(1) Appeal of Notice of Violation**

Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 20 days after the action or decision being appealed from, to the Goshen Board of Public Works and Safety

the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Board shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Board may consider the recommendations of the City Staff and the comments of other persons having knowledge of the matter. In considering any such appeal, the Board may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- a. The application of the Ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and
- b. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.
- c. Any person who has appealed a violation to the Goshen Board of Public Works and Safety may appeal an adverse decision of the Board to a court of competent jurisdiction within twenty (20) days the Elkhart County court within 60 days of the Board's order, all pursuant to IC 36-1-6-9(e) & (f).

## **(2) Enforcement Measures After Appeal**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within five (5) days of the decision of the Goshen Board of Public Works and Safety upholding the decision of the City of Goshen, then representatives of the City of Goshen shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property, including the commencing of a court action under IC 34-28-5-1(b), to be read together with IC 34-6-2-86(1)(6) and IC 13-21-3-12(4), to enforce the order of the Board.

*[End of Section]*

## APPENDIX A - Abbreviations and Definitions

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### (a) ABBREVIATIONS

BMP	Best Management Practice
CSGP	Construction Stormwater General Permit (IDEM)
CWA	Clean Water Act
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
IN DNR	Indiana Department of Natural Resources
MS4	Municipal Separate Storm Sewer System
NRCS	USDA-Natural Resources Conservation Service
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
PCSMP	Post-Construction Stormwater Management Plan
POTW	Publicly Owned Treatment Works
SMP	Self-Monitoring Program
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevent Plan
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
US EPA	United States Environmental Protection Agency

### (b) DEFINITIONS

**Agricultural Land Disturbing Activity.** Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.

**As-Built Drawings.** Drawings are typically prepared by the contractor during the construction phase of the project. These drawings are based on information the contractor provides, typically through the contractor's mark-ups to the project engineer's original drawings. Primarily, these drawings are marked in red ink (or another method of identification) showing the on-site changes and/or deviations from the original contract documents.

**Base Flow.** Stream discharge derived from groundwater sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

**Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Buffer Strip.** An existing, variable width strip of vegetated land intended to protect water quality and habitat. See "Filter Strip".

**Capacity (of a Storm Drainage Facility).** The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

**Catch Basin.** A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

**Cementitious Wash Water.** Water that may contain a slurry of cement fines resulting from the cleaning of tools, and equipment used in the delivery, mixing, handling, and working of materials that contain cement and has the properties of cement such as high pH and containing toxic metals and is often associated with materials such as mortar, plaster, stucco, and grout.

**Channel.** A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

**Compliance.** The act of correcting a violation or violations within the time frame specified by the City of Goshen.

**Comprehensive Stormwater Management.** A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

**Concrete Washout.** The rinsing of chutes, pumps, curb and paving machines, hoppers, wheelbarrows, hand tools and any other equipment that are used to handle concrete, mortar, stucco, grout or other mixtures of cement. Concrete washout water is a wastewater slurry containing cementitious materials, metals and is caustic or corrosive, having a high pH.

**Constructed Wetland.** A human-made shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

**Construction Activity.** Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term includes the demolition of existing structures or utilities but does not include routine ditch or road maintenance or minor landscaping projects. See "Development."

**Construction Site Access.** A stabilized stone surface at all points of ingress or egress to a project site, to capture and detain sediment carried by tires of vehicles or other equipment entering or exiting the project site. Stone is the common material used to create a stabilized construction site access, however, there are other options available.

**Construction Support Activities.** Include, but are not limited to, the following: concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas. Such activities must not support multiple, unrelated projects, be a commercial/industrial operation, or continue to operate beyond the completion of the construction activity for the project it supports.

**Contiguous.** Adjoining or in actual contact with.

**Contour.** An imaginary line on the surface of the earth connecting points of the same elevation.

**Contour Line.** Line on a map which represents a contour or points of equal elevation.

**Contractor or Subcontractor.** An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

**Conveyance.** Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

**Cross Section.** A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

**Culvert.** A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

**Dechlorinated Swimming Pool Discharge.** Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

**Design Storm.** A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

**Detention.** Managing stormwater runoff by temporary holding and controlled release.

**Detention Basin.** A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

**Detention Storage.** The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

**Detention Time.** The theoretical time required to displace the contents of a stormwater basin, tank, or unit at a given rate of discharge (volume divided by rate of discharge).

**Detritus.** Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

**Developer.** Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

**Development.** Any human-made change to improved or unimproved real estate including but not limited to:

- i. Construction, reconstruction, conversion, structural alteration, enlargement, or placement of a building or any addition to a building;
- ii. Demolition of a building or structures in preparation for redevelopment or to return real estate to vegetation;
- iii. Any land disturbing activity that is, or that may be, associated with the preparation of a site for a new or intensified use;

- iv. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
- v. Construction or reconstruction of bridges or culverts;
- vi. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than one hundred eighty (180) days;
- vii. Installing utilities, erection of walls, construction of roads, or similar projects;
- viii. Mining, dredging, filling, grading, excavation, or drilling operations;
- ix. Storage of materials; or
- x. Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

**Discharge.** In the context of water quantity provisions, usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day. In the context of water quality provisions, the discharge means any addition of liquids or solids to a water body or a flow conveyance facility.

**Disposal.** The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including groundwater.

**Ditch.** A human-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

**Drain.** A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

**Drainage.** The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. See "Natural Drainage."

**Drainage Area.** The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area. See "Watershed."

**Dry Well.** A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface. Also known as a Class V stormwater drainage well or Class V injection well as defined in the UIC regulations (40 CFR144.3).

**Duration.** The time period of a rainfall event.

**Environment.** The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

**Erodibility Index (EI).** The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if

intensively cropped. It is defined to be the maximum of  $(R \cdot K \cdot LS)/T$  (from the Universal Soil Loss Equation) and  $(C \cdot I)/T$  (from the Wind Erosion Equation), where  $R$  is a measure of rainfall and runoff,  $K$  is a factor of the susceptibility of the soil to water erosion,  $LS$  is a measure of the combined effects of slope length and steepness,  $C$  is a climatic characterization of windspeed and surface soil moisture and  $I$  is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

**Erosion.** The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe distinct types of water erosion:

- i. Accelerated erosion - Erosion much more rapid than normal or geologic erosion, primarily because of the activities of humans.
- ii. Channel erosion - An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- iii. Gully erosion - An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 feet to as much as 75-100 feet.
- iv. Rill erosion - An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils.
- v. Sheet erosion - The gradual removal of a uniform soil layer from the land surface by runoff water.
- vi. Splash erosion - The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.

**Erosion & Sediment Control.** A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

**Filter Strip.** Usually a long, relatively narrow area (usually, 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties. See "Buffer Strip."

**Floatable.** Any solid waste that will float on the surface of the water.

**Flood (or Floodwaters).** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Floodplain.** The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 1% annual chance flood (100-year flood). Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

**Flood Prone Area.** Any land area acknowledged by a community as being susceptible to inundation by water from any source. See "Floodplain," and "Floodway," and "Floodway Fringe."

**Floodway.** The channel of a river or stream and those portions of the floodplains adjoining the channel which are required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.



**Floodway Fringe.** That portion of the floodplain lying outside the floodway, which is inundated by the regulatory flood.

**Fluvial Erosion Hazard (FEH) Corridor.** Fluvial Erosion Hazard corridors represent the areas along the streams (including the channel and immediate overbanks areas) thought to be subject to stream movement or streambank erosion. These corridors have been delineated for most actively migrating and relatively stationary streams in Indiana through an Indiana Silver Jackets initiative (<https://www.iwr.usace.army.mii/Silver-Jackets/State-Tearns/IndianaO>).

**Footing Drain.** A drainpipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

**Garbage.** All decayable animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials. See "Trash or Litter."

**Gasoline Outlet.** An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surface or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

**Geographical Information System (GIS).** A computer system capable of assembling, storing, manipulation, and displaying geographically referenced information. This technology can be used for resource management and development planning.

**Grade.** (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance (rise over run). (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

**Grading.** The cutting and filling of the land surface to a desired slope (grade) or elevation.

**Grass.** A member of the botanical family Gramineae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

**Groundwater.** Accumulation of underground water, natural or artificial. The term does not include human-made underground storage or conveyance structures.

**Habitat.** The environment in which the life needs of a plant or animal are supplied.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Highly Erodible Land (HEL).** Land that has an erodibility index of eight or more.

**Hot Spot Development.** Projects involving land uses considered to be high pollutant producers such as vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

**Hydrologic Unit Code (HUC).** A numeric (2 to 12 digit long) United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code. Example: 04050001 - St. Joseph River Watershed.

**Hydrology.** The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

**Illicit Connections.** Any drain or conveyance, whether on the surface or subsurface, which allows an illicit (or illegal) discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process waste water, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Illicit (or Illegal) Discharge.** Any discharge to a conveyance (human-made or natural) that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs, and those exempted discharges described in Section 2(c) of this Ordinance. Illicit discharges include polluted flows from direct and indirect connections to the MS4 conveyance, illegal dumping, and contaminated runoff.

**Impaired Waters.** Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters.

**Impervious Surface.** Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

**Individual Building Lot.** A single parcel of land within a multi-parcel development.

**Individual Lot Operator.** A contractor or subcontractor working on an individual lot.

**Individual Lot Owner.** A person who has financial control of construction activities for an individual lot.

**Infiltration.** Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of runoff through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

**Inlet.** An opening into a stormwater drainage system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

**Interested Person.** The applicant for a stormwater clearance, the MS4 operator, the MS4 entities in Elkhart County, Indiana including the City of Elkhart, the City of Goshen, the Town of Bristol, and the County of Elkhart, or any person adversely affected by a stormwater clearance.

**Land-Disturbing Activity.** Any human-made land surface change, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.

**Land Surveyor.** A person licensed under the laws of the State of Indiana to practice land surveying.

**Larger Common Plan of Development or Sale.** A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease: where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

**Manhole.** Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

**Measurable Storm Event.** A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

**Mulch.** A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

**Municipal Separate Storm Sewer Systems (MS4).** A MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the State or waters of the United States.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

**National Pollutant Discharge Elimination System (NPDES).** A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM (pursuant to 33 USC § 1342(b)). This permit authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis; in this case, it covers aspects of municipal stormwater quality.

**Natural Drainage.** The flow patterns of stormwater runoff over the land in its pre-development state.

**Nutrient(s).** (1) A substance necessary for the growth and reproduction of organisms. (2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

**Offense.** Both a violation and a failure of compliance on a particular project constitute an "offense." If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate offense as further stated in Section 7(b)(5) of this Ordinance.

**Open Drain.** A natural watercourse or constructed open channel that conveys drainage water.

**Open Space.** Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other human-made activities.

**Outfall.** The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

**Outlet.** The point of water disposal from a stream, river, lake, tidewater, or artificial drain to another body of water.

**Peak Discharge (or Peak Flow).** The maximum instantaneous flow from a given storm condition at a specific location.

**Percolation.** The movement of water through soil.

**Permanent Stabilization.** The establishment, at a uniform density of seventy percent (70%) across 100% of the disturbed area with no large bare spots (3" by 3") or signs of erosion, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement (e.g., wind).

**Person.** Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agents.

**Pervious.** Allowing movement of water through a material.

**Point Source.** Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged (Federal Water Pollution Control Act of 1972, being Public Law 92-500, Section 502[14]).

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinance and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Porous Pavement.** A type of infiltration practice to improve the quality and reduce the quantity of stormwater runoff via the use of human-made, pervious pavement which allows runoff to percolate through the pavement and into underlying soils.

**Premise.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Professional Engineer.** A person licensed under the laws of the State of Indiana to practice professional engineering.

**Project Site.** The entire area on which construction activity is to be performed.

**Project Site Owner.** The person required to submit a stormwater permit application and required to comply with the terms of this Ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

**Rain Barrel or Cistern.** A container of varying sizes used to catch rainwater or melting snow runoff from a roof that can be used to water non-edible plants and slow down the release of stormwater to nearby storm drains or waterways.

**Rain Garden.** A shallow depression filled with deep-rooted native plants that collects stormwater runoff and allows it to soak into the soil or slowly be released to a nearby storm drain and local waterway. A similar measure found in non-residential settings is called a bio-retention area.

**Receiving Stream, Receiving Channel, or Receiving Water.** The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

**Recharge.** Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

**Record Drawings.** A complete set of clean drawings typically prepared by the design professional at the project's completion. These drawings are meant to reflect the project in its completed state, including all design and construction changes. Consequently, these drawings are typically meant to capture the original drawings, issued sketches, approved change orders, addenda, on-site instruction, etc., and incorporate the "As-Built" drawings depicting the on-site changes and conditions provided by the contractor.

**Redevelopment.** Development occurring on a previously developed site.

**Refueling Area.** An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

**Regional Stormwater Basin/Pond.** A stormwater detention/retention basin or pond intended to serve multiple parcels and or developments, thus eliminating the need for individual on-site facilities. The basin or pond is sized to detain or retain the runoff for the entire upstream drainage area (watershed).

**Regulatory Flood.** The discharge or elevation associated with the 1% annual chance flood as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood" or "100-Year Flood."

**Regulatory Floodway.** See "Floodway ."

**Release Rate.** The amount of stormwater released from a stormwater control facility per unit of time.

**Reservoir.** A natural or artificially created pond, lake or other space used for storage, regulation, or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

**Retention.** The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

**Retention Basin.** A type of storage practice, that has no positive outlet, used to retain stormwater runoff for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

**Return Period.** The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent (1%) probability of being equaled or exceeded in any one year.

**Riparian Zone.** Of, on, or pertaining to the banks of a stream, river, or pond.

**Riparian Habitat.** A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

**Runoff.** The portion of rainwater or snowmelt (precipitation) that flows over the land surface, in open channels, or in stormwater conveyance systems, that does not soak into the soil. See "Surface Runoff."

**Runoff Coefficient.** A decimal fraction relating the amount of rain which appears as runoff and reaches the stormwater drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

**Sediment.** Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

**Sedimentation.** The process that deposits soils, debris, and other unconsolidated materials either on the ground surfaces, in bodies of water, or watercourses.

**Sensitive Water.** A waterbody needs priority protection or remediation based on its:

- i. Providing habitat for threatened or endangered species,
- ii. Usage as a public water supply intake,
- iii. Relevant community value,

- iv. Usage for full body contact recreation,
- v. Exceptional use classification as found in 327 IAC 2-1-11(b),
- vi. Outstanding state resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

**Silvicultural.** The practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.

- i. Nonpoint activities include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a CWA Section 404 permit and a 401 Water Quality Certification.
- ii. Point source activities include any discernible, confined, and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.

**Site.** The entire area included in the legal description of the parcel of land on which land disturbing activity has been proposed or is being conducted; or the controlled area where runoff originates.

**Slope.** Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise) - e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator - e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes- e.g., 2:1 with the metric presentation shown in parentheses - e.g., (1V:2H). Slopes can also be expressed in "percent". Slopes given in percent are always expressed as  $(100 \times V/H)$ - e.g., a 2:1 (1V:2H) slope is a 50% slope.

**Soil.** The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

**Soil and Water Conservation District (SWCD).** A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of state government with a local governing body, established under IC 14-32.

**Solid Waste.** Any garbage, refuse, debris, or other discarded material.

**Spill.** The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil unless it is not cleaned up in a proper and timely manner.

**Storm Duration.** The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

**Storm Event.** An estimate of the expected amount of precipitation within a given period of time. For example, a 10-year frequency, 24-hour duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hour period.

**Storm Sewer.** A closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a storm drain.

**Stormwater.** Water resulting from rain, melting or melted snow, hail, or sleet within a tributary basin, flowing over the surface of the ground or collected in channels or pipes.

**Stormwater Clearance.** The collection of the accepted site plan, SWPPP, and PCSMP for a given project that allows a project owner to proceed with the filing for a CSGP with IDEM.

**Stormwater Drainage System (also known as Storm Sewer System).** All methods, natural or human-made, used for conveying stormwater to, through, or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets, or pumping stations.

**Stormwater Management System.** A collection of structural and non-structural practices and infrastructure designed to manage stormwater on a site. This system may include but is not limited to erosion control measures, storm drainage infrastructure, detention/retention facilities, and stormwater quality BMPs.

**Stormwater Pollution Prevention Plan (SWPPP).** A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

**Stormwater Quality Management Plan.** A comprehensive written document that addresses stormwater runoff quality.

**Stormwater Quality Measure.** A practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.

**Stormwater Runoff.** The water derived from rain falling or snow melting within a tributary basin, flowing over the surface of the ground, or collected in channels or conduits.

**Strip Development.** A multi-lot project where building lots front on an existing road.

**Subdivision, Major.** Any land that is divided or proposed to be divided into four (4) or more lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

**Subdivision, Minor.** Any land that is divided or proposed to be divided into less than four (4) lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

**Subsurface Drain.** A pervious backfilled trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

**Surface Runoff.** Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

**Swale.** An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.



**Temporary Stabilization.** The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area with no large bare areas.

**Tile Drain.** Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

**Topographic Map.** Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

**Topography.** The representation of a portion of the earth's surface showing natural and human-made features of a given locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

**Trained Individual.** An individual who is trained and experienced in the principles of stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification (such as CESSWI and/or CPESC certification), or other documented and applicable experience or coursework as deemed sufficient by the City of Goshen that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

**Trash or Litter.** Organic or human-made materials discarded onto the land or water where they do not belong, which can clutter up storm drains, storm sewers, and natural areas like a forest or river. These materials are considered a pollutant that poses a risk to public health and the health of plants and wildlife. See "Garbage."

**Urban Drain.** A drain defined as "Urban Drain" in Indiana Drainage Code.

**Urbanization.** The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, or public utility purposes.

**Vegetated Swale.** A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

**Violation.** Any action or inaction that violates the provisions of this Ordinance or the Technical Standards Manual, the requirements of an accepted construction stormwater general permit, and/or the requirements of a recorded post-construction stormwater maintenance agreement within the corporate boundaries of the city of Goshen may be subject to the enforcement actions outlined in Section 7 of this Ordinance. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief in addition to, and separate from, the imposition of any of the enforcement actions described in Section 7 of this Ordinance.

**Water Quality.** A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

**Water Resources.** The supply of groundwater and surface water in a given area.

**Waterbody.** Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

**Watercourse.** Any river, stream, creek, brook, branch, natural or human-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

**Watershed.** The region of land drained by or contributing water to a specific point that could be along a stream, lake, or other stormwater facility. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

**Watershed Area.** All land and water within the confines of a drainage divide. See "Watershed."

**Wetlands.** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

## **ORDINANCE 5229**

### **An Ordinance Imposing a Municipal Wheel Tax and Municipal Vehicle Excise Tax and Creating the City of Goshen Municipal Wheel Tax Fund and the City of Goshen Municipal Surtax Fund**

WHEREAS, Indiana Code 6-3.5-11 (the “Wheel Tax Act”) authorizes the Common Council of the City of Goshen, Indiana (“Common Council”) to impose by ordinance an annual municipal wheel tax of not less than Five Dollars (\$5.00) and not more than Forty Dollars (\$40.00) on certain classes of vehicles registered within the City of Goshen;

WHEREAS, I.C. 6-3.5-10 (the “Excise Tax Act”) authorizes the Common Council to impose by ordinance an annual municipal vehicle excise tax (the “Surtax”) at a specific amount of at least Seven and 50/100 Dollars (\$7.50) and not more than Twenty-Five Dollars (\$25.00) on certain vehicles registered in the City;

WHEREAS, the Wheel Tax Act prohibits the Common Council from adopting an ordinance imposing a municipal wheel tax unless the Common Council concurrently adopts an ordinance under I.C. 6-3.5-10 to impose the annual municipal vehicle excise tax;

WHEREAS, the Excise Tax Act prohibits the Common Council from adopting an ordinance imposing a municipal vehicle excise tax unless the Common Council concurrently adopts an ordinance under I.C. 6-3.5-11 to impose the annual municipal wheel tax;

WHEREAS, City of Goshen seeks to concurrently adopt a municipal vehicle excise tax pursuant to I.C. 6-3.5-10 and a municipal wheel tax pursuant to I.C. 6-3.5-11;

WHEREAS, the City of Goshen will not be eligible for Community Crossings Lane Mile Direct Distributions unless it adopts a municipal wheel tax and a municipal vehicle excise tax;

WHEREAS, the City has developed a transportation asset management plan, approved by the Indiana Department of Transportation, that the City will send to the Indiana Bureau of Motor Vehicles and the Department of State Revenue, along with this ordinance, if adopted; and

WHEREAS, the Common Council deems it necessary to impose the annual municipal vehicle excise tax and the annual municipal wheel tax so that it may generate revenue to adequately construct, reconstruct, repair, and maintain the streets and roads under the jurisdiction of the City.

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

#### **Section 1. Municipal Wheel Tax and Municipal Wheel Tax Fund.**

- A. Definitions. The definitions set forth in Indiana Code § 6-3.5-11-1, as amended, are incorporated herein by reference and shall apply throughout this Section 1.

- B. Imposition and Rate of Municipal Wheel Tax. Effective January 1, 2026, a municipal wheel tax ("Wheel Tax") in the amount of Forty Dollars (\$40.00) shall be imposed on each of the following classes of vehicles registered in the City of Goshen pursuant to I.C. 6-3.5-11, as amended:
1. Buses.
  2. Recreational vehicles.
  3. Semitrailers.
  4. Trailers with a declared gross weight of more than nine thousand (9,000) pounds.
  5. Trucks and tractors with a declared gross weight or more than eleven thousand (11,000) pounds.
  6. Any other vehicle to which the Wheel Tax applies, pursuant to I.C. § 6-3.5-11-3, as amended.
- C. Exempt Vehicles. A vehicle is exempt from the Wheel Tax if the vehicle is:
1. owned by the State of Indiana;
  2. owned by a state agency of the State of Indiana;
  3. owned by a political subdivision of the State of Indiana;
  4. subject to the annual municipal vehicle excise tax imposed pursuant to I.C. 6-3.5-10;
  5. a bus owned and operated by a religious or non-profit youth organization and used to transport persons to religious services or for the benefit of its members;
  6. a school bus;
  7. a motor vehicle that is funeral equipment and that is used in the operation of funeral services as defined in I.C. § 25-15-2-17; or
  8. any other vehicle exempt from the Wheel Tax under I.C. § 6-3.5-11-4, as amended.
- D. Collection of Wheel Tax. The Wheel Tax is due and shall be collected by the Indiana Bureau of Motor Vehicles each year at the time the vehicle is registered.
- E. City of Goshen Municipal Wheel Tax Fund. The "City of Goshen Municipal Wheel Tax Fund" is hereby created and shall be a non-reverting fund. The Clerk-Treasurer shall deposit the Wheel Tax revenues received in the City of Goshen Municipal Wheel Tax Fund.
- F. Use of Municipal Wheel Tax Fund. The City may only use the Wheel Tax revenues in the Municipal Wheel Tax Fund for the following purposes:

1. to construct, reconstruct, repair, or maintain streets and roads that are under the jurisdiction of the City of Goshen;
  2. as a contribution to an authority established under I.C. § 36-7-23;
  3. for the City's contribution to obtain a grant from the local road and bridge matching grant fund under I.C. 8-23-30; and
  4. any other use allowed under I.C. 6-3.5-11, as amended.
- G. Accounting of Municipal Wheel Tax Fund. On or before October 1st of each year, the Clerk Treasurer shall provide the Mayor and the Common Council an estimate of the Wheel Tax revenues to be received by the City during the next calendar year. The City shall include the estimated Wheel Tax revenues in the City's budget estimate for the next calendar year.
- H. Transmittal of Ordinance. The Common Council authorizes the Mayor or the Mayor's designee to provide a copy of this Ordinance and a copy of a letter from the Department of Transportation approving the City of Goshen transportation asset management plan to the Indiana Department of Revenue and to the Indiana Bureau of Motor Vehicles, as required by I.C. § 6-3.5-11-8, as amended.

**Section 2. Municipal Vehicle Excise Tax and Municipal Surtax Fund.**

- A. Definitions. The definitions set forth in Indiana Code § 6-3.5-10-1, as amended, are incorporated herein by reference and shall apply throughout this Section 2.
- B. Imposition and Rate of Municipal Vehicle Excise Tax. Effective January 1, 2026, a municipal vehicle excise tax ("Surtax") in the amount of Twenty-five Dollars (\$25.00) shall be imposed on each of the following classes of vehicles registered in the City of Goshen pursuant to I.C. 6-3.5-10, as amended:
1. Passenger motor vehicles.
  2. Motorcycles.
  3. Motor driven cycles.
  4. Collector vehicles.
  5. Trailer vehicles with a declared gross weight of 9,000 pounds or less, except for a trailer described in I.C. 6-6-5-0.5(2).
  6. Trucks with a declared gross weight of 11,000 pounds or less.
  7. Mini-trucks.
  8. Military vehicles.

9. Any vehicle that is subject to the vehicle excise tax under I.C. 6-6-5, as amended.
- C. Collection of Surtax. The Surtax is due and shall be collected by the Indiana Bureau of Motor Vehicles each year at the time a vehicle is registered.
- D. City of Goshen Municipal Surtax Fund. The “City of Goshen Municipal Surtax Fund” is hereby created and shall be a non-reverting fund. The Clerk-Treasurer shall deposit the Surtax revenues received in the City of Goshen Municipal Surtax Fund.
- E. Use of Municipal Surtax Fund. The City may only use the Surtax revenues in the City of Goshen Municipal Surtax Fund for the following purposes:
1. to construct, reconstruct, repair, or maintain streets and roads under the jurisdiction of the City of Goshen;
  2. for the City’s contribution to obtain a grant from the local road and bridge matching grant fund under I.C. 8-23-30; or
  3. any other uses allowed under I.C. 6-3.5-10, as amended.
- F. Accounting of Municipal Surtax Tax Fund. On or before October 1st of each year, the Clerk Treasurer shall provide the Mayor and the Common Council an estimate of the Surtax revenues to be received by the City during the next calendar year. The City shall include the estimated Surtax revenues in the City’s budget estimate for the next calendar year.
- G. Transmittal of Ordinance. The Common Council authorizes the Mayor or the Mayor’s designee to provide a copy of this Ordinance and a copy of a letter from the Department of Transportation approving the City of Goshen transportation asset management plan to the Indiana Bureau of Motor Vehicles, as required by I.C. § 6-3.5-10-6, as amended.

**Section 3. Other Ordinances.**

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

**Section 4. Severability.**

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

**Section 5. Effective Date.**

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

PASSED by the Goshen Common Council on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Gina M. Leichty, Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2025, at the  
hour of \_\_\_\_: \_\_\_\_ \_\_. m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Gina M. Leichty, Mayor