



GOSHEN COMMON COUNCIL

Minutes of the NOVEMBER 17, 2025 Regular Meeting

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

Mayor Gina Leichty called the meeting to order at 6:00 p.m. Lily, Maverick, and Scarlett Mohler led the Pledge of Allegiance. The siblings are students in Goshen Community Schools.

Mayor Leichty asked Gregory Imbur of the Clerk-Treasurer's Office to conduct the roll call. The result:

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 Abril Reyes (Non-voting)	
Absent:	None		

Approval of Minutes:

No minutes were available to review/approve.

Approval of Meeting Agenda:

Mayor Leichty proposed an amendment for the agenda, adding item #5, *City financial report and budget update*. Councilor Nisley made a motion to approve the agenda as amended. Councilor Peel seconded the motion.

The motion passed 7-0 on a voice vote.

1) Ordinance 5240, Revisions to Ordinance 5211 Solid Waste Disposal and Public Nuisance

Mayor Leichty called for the introduction on First Reading of Ordinance 5240, *Revisions to Ordinance 5211 Solid Waste Disposal and Public Nuisance*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5240 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5240 on First Reading.

BACKGROUND:

Before the Council was Ordinance 5240, *Revisions to Ordinance 5211 Solid Waste Disposal and Public Nuisance*. Ordinance 5240, if approved by the Common Council, would give the City clearer guidelines and mechanisms to respond to public nuisances. A revised version was provided at the meeting (EXHIBIT #1).

NOV. 17, 2025 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5240:

Mayor Leichty invited comments from Assistant City Attorney Don Shuler and Council Members.

Assistant City Attorney Don Shuler explained that Ordinance 5240 would revise Ordinance 5211, which previously amended the accumulation of materials ordinance for the City of Goshen.

Shuler indicated that a tracked-changes version had been provided to show the new additions. Chapter 1, for example, had the elimination of two provisions, regarding the accumulation of materials on residential real properties. That standard detailed whether a solid waste disposal was a violation if it created a fire safety or health hazard or created a harborage for rodents or insects.



Shuler said with the deletion of that section from Chapter 1, the Legal Department created, in Chapter 2, provisions modeled on the Elkhart County Public Nuisance Ordinance. Some of the impetus behind this change was based on complaints that code enforcement officers have received from neighbors or people calling in about properties.

Shuler said this was seen as a potential change to allow code enforcement to address any chronic "problem properties," providing different enforcement mechanisms. Shuler said those mechanisms vary from sending a letter addressing ordinance violations, issuing citations and working with stakeholders, but then also having the ability to abate those violations if they are more extreme and/or non-responsive property owners.

Councilor Gerber asked for further clarification and explanation of Chapter 1, specifically Section 6.10.1.7 on page 5 of the ordinance, which relates to abatement and collection of costs of \$150 as an assessed fee. Then in Section 6.10.1.8, she noted there is a penalty of either \$2,500 or \$7,500. She asked how fines would be determined.

Shuler responded that these are two of the existing provisions that's not cleaning up the property, because the City removed that out of Chapter 1 and put it on Chapter 2, but these are related to violations and code enforcement and abatement costs. If the City goes in and clean it up, it can assess up to \$150 of its cost, or whatever its actual cost to abate it and recover the costs. As for the \$2,500, in Section 6.10.1.8, that is a fine only assessed if there's action taken in court and against the property owner. If there are significant repeat offenders, the City of Goshen "can go up the enforcement escalation ladder." As for the highest fine in there, Shuler said that penalty would be assessed by a court if the City of Goshen filed a lawsuit under a violation of Chapter 1 of the ordinance.

Councilor Peel asked City Building Commissioner Myron Griese if a certain situation she has been dealing with in her neighborhood in response to a resident's complaint could fall under this ordinance.

Griese said that this ordinance would give provide more stringent provisions to pursue offenders. At the very least, the new ordinance is better than the status quo because it is less vague.

Councilor Gerber had a question from a member of the public wondering about the references to the City recycling center that was closed. She asked if that had been left in the revised ordinance in case it is someday reopened.

Shuler responded that can be inferred. He said the ordinance is a revision, and this version was prepared before the closing of the recycling center. The delay of introducing this ordinance had more to do with scheduling to bring it to the Council after the budget season.

Mayor Leichty invited public comments on Ordinance 5240. There were none.

Councilors indicated they were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5240, *Revisions to Ordinance 5211 Solid Waste Disposal and Public Nuisance.*, on First Reading by a 7-0 margin, with all Councilors present voting yes at 6:11 p.m. Youth Adviser Reyes also voted "yes."

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5240.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5240, *Revisions to Ordinance 5211 Solid Waste Disposal and Public Nuisance.* Council President Weddell asked the Clerk-Treasurer to read Ordinance 5240 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5240 on Second Reading.



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

On a voice vote, Councilors passed Ordinance 5240, *Revisions to Ordinance 5211 Solid Waste Disposal and Public Nuisance*, on Second Reading by a 7-0 margin, with all voting "yes" at 6:12 p.m. Youth Adviser Reyes also voted "yes."

2) Ordinance 5241, Establishing the Bridge #410 County Contribution Fund (for purposes of receiving contributions from Elkhart County toward bridge work associated with the College Avenue reconstruction)
Mayor Leichty called for the introduction on First Reading of Ordinance 5241, *Establishing the Bridge #410 County Contribution Fund*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5241 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5241 on First Reading.

BACKGROUND:

Before the Council was Ordinance 5241, which would establish the Bridge #410 County Contribution Fund (for purposes of receiving contributions from Elkhart County toward bridge work associated with the College Avenue reconstruction project). A revised version was presented for the meeting (EXHIBIT #2)

NOV. 17, 2025 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5241:

Mayor Leichty invited comments from Assistant City Attorney Don Shuler.

Shuler said this was a straightforward request to establish new fund for accounting and tracking purposes. He said Ordinance 5241, if approved by the Common Council, would expedite the execution, completion and evaluation of the project and its appropriate funding.

Shuler said this ordinance was related to the third agenda item, an interlocal agreement for the College Avenue reconstruction project, and specifically the reconstruction of bridge number 410, which crosses the Horn Ditch. That agreement stipulates that Elkhart County will provide the funding for the bridge reconstruction, and it's being incorporated into the College Avenue reconstruction project, so it can be done all at once.

Shuler said there is one contractor on College Avenue who will coordinate the work. Given this situation, the ordinance would create a fund so that the county's appropriation of the funds for those costs will be deposited into that fund, and tracked in that fund, with expenses paid from that fund, thereby providing the paper trail for accounting at the end of that process.

Council President Weddell asked whether after the project is finished, once everything's closed out and any monies are returned, will that fund be eliminated and will the Council need be involved in the elimination.

Shuler confirmed that the fund would be eliminated, but said the Council would not need to take action because the fund will be terminated "upon everything being finalized."

Mayor Leichty opened a public hearing on Ordinance 5241. There were no public comments, so the Mayor closed the hearing.



On a voice vote, Councilors unanimously passed Ordinance 5241, *Establishing the Bridge #410 County Contribution Fund*, on First Reading by a 7-0 margin, with all Councilors present voting yes at 6:14 p.m. Youth Adviser Reyes also voted "yes."

Councilors gave unanimous consent to proceed with a Second Reading of Ordinance 5241.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5241, *Establishing the Bridge #410 County Contribution Fund*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5241 by title only, which was done.

Weddell/Nisley made a motion to approve Ordinance 5241 on Second Reading.

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

On a voice vote Councilors unanimously passed Ordinance 5241, *Establishing the Bridge #410 County Contribution Fund*, on Second Reading by a 7-0 margin, with all Councilors present voting yes at 6:15 p.m. Youth Adviser Reyes also voted "yes."

3) Interlocal Agreement and Resolution 2025-18 for Reconstruction of Elkhart County Bridge #410 on College Avenue crossing Horn Ditch

Mayor Leichty invited comments from Assistant City Attorney Don Shuler.

Shuler described the interlocal agreement and resolution as something of a "moving target," because the City of Goshen had been having discussions with the County throughout the day and was working to review a revised version of the interlocal. Shuler emailed that to Councilors despite the late notice, and had hard copies that tracked changes in the version handed out during the meeting (EXHIBIT #3).

Shuler said for the most part, those changes were insignificant. For example, the use of the word "will" instead of "shall," and so forth.

Council President Weddell asked that since there was an interlocal agreement, should it be listed as a resolution or an ordinance? Shuler conceded that point, however, there was also an attached resolution, numbered 2025-18, to approve this interlocal agreement.

Council President Weddell said he assumed the Council would need to substitute the amended resolution for the one included in the Council packet. Mayor Leichty said the Council first needed to introduce the original resolution.

Mayor Leichty called for the introduction of Resolution 2025-18, *Interlocal Agreement for Reconstruction of the Bridge on College Avenue Crossing Horn Ditch*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2025-18 by title only, which was done.

Weddell/Nisley made a motion to pass Resolution 2025-18.

Council President Weddell then made a motion to replace the just-introduced version of Resolution 2025-18 with the version provided at the meeting by the Legal Department. Councilor Nisley seconded the motion.

Council President asked Shuler if he objected to any of Elkhart County's changes to the interlocal agreement.



Shuler said no, and that the only change of any significance was on page 4, section 4.2, and that change just referenced about the timing for change orders, for the County to respond to try to keep the project moving forward. They adjusted that to state that if they did not need to do an additional appropriation, they would respond, but if they had to do an additional appropriation, they did not need more time. Shuler said beyond the change order amendment, the rest of the alterations seemed to only be "wordsmithing."

Council President Weddell/ requested a Council vote on the amendment to amend the resolution.

On a voice vote, Councilors unanimously approved the Weddell/Nisley motion to replace the just-introduced version of Resolution 2025-18 with the version provided at the meeting by the Legal Department.

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

On a voice vote Councilors unanimously passed the Resolution 2025-18, *Interlocal Agreement for Reconstruction of the Bridge on College Avenue Crossing Horn Ditch*, by a 7-0 margin, with all Councilors present voting "yes." Youth Adviser Reyes also voted "yes."

4) Ordinance 5242, Amending Goshen Common Council Rules of Order

Mayor Leichty invited comments from City Attorney Bodie Stegelmann.

Stegelmann began his presentation by stating that earlier in the day he had sent an email to Councilors with a copy of Ordinance 5242, Amending Goshen Common Council Rules of Order (EXHIBIT #4). He said that over the past 12-18 months there had been internal discussions among City staff about making changes to the Council's rules. He said those changes are included in the proposed ordinance.

Stegelmann said he emailed Councilors a clean copy and a redline version highlighting revisions as City staff and Mayor Leichty had suggested. Stegelmann suggested that Council introduce Ordinance 5242 and he would be happy to outline the proposed changes.

Mayor Leichty asked Council President Weddell to introduce Ordinance 5242, *Amending Goshen Common Council Rules of Order*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5242 by title only, which was done.

Weddell/Lederach made a motion to pass Ordinance 5242 on First Reading.

Mayor Leichty said one of the things reaffirmed in the proposed Rules of Order was that Robert's Rules of Order apply whenever federal-state statute law does not specify procedure, to ensure consistency in deliberations.

Mayor Leichty said there was also a change in Section 3 under the role of the Common Council President, as there was a conflict within this section where it said that if the Mayor is absent, then the Deputy Mayor may serve in place of the Mayor, and if the Deputy Mayor is also absent, then the Council President would serve as acting Mayor. So, the Mayor said it would also follow logically that the responsibilities for facilitating meetings would fall in the same order. If the Mayor is absent, then the Deputy Mayor would serve in that capacity, and if the Deputy Mayor is absent, then the Council President would serve in that capacity. So, the language has been changed for consistency. And the Mayor said she briefed the Council President about this change before today's meeting.



Mayor Leichty explained that in Section 9, under Prohibited Conduct, the City would now have an option for removing from the meeting a person who was ruled out of order, making it more explicit as a possibility to maintain order. In Section 10, the Mayor said there were some state statutory changes about public notice, and the City updated that section to be consistent with statutory requirements.

The Mayor said now included in Section 10 is an option for a public speaker sign-in sheet, just as a procedural mechanism to create order around having names and calling on people sequentially. Rather than as a requirement, or something that we would necessarily have to do. However, the Mayor said the Council could use a sign-up sheet in the event of a larger number of speakers, as it does aid in the efficiency of the meeting facilitation, both in knowing who is going to speak and when to call on people in order and keeping things moving forward.

In addition, **Mayor Leichty** said there was a clarification added that public speakers would have three minutes to address the Council unless the Council decided to reduce the speaking time to two minutes on a specific issue.

Mayor Leichty asked the Councilors if they had any questions about any of the proposed changes.

Council President Weddell said something was brought to his attention by **Councilor Nisley**, specifically that as Presiding Officer, in the event of a tie, the Mayor casts a deciding vote. However, **Deputy Mayor Mark Brinson** is not an elected official and does not reside within the Goshen City limits.

Council President Weddell expressed a need to have some consideration making sure that as Presiding Officer in that situation, that person should not be allowed to vote, especially if there is not a distinction in the State statute that would prevent the Deputy Mayor from casting a deciding vote in the event of a tie.

The Council President said this issue should be clarified.

Mayor Leichty agreed that statutory review would be helpful because the Deputy Mayor does on occasion serve in the Mayor's place on the Board of Public Works & Safety, and would be voting in that case as well. **Weddell** pointed out that Board of Works members aren't elected but that every Board of Works member appointed must be a resident of the City of Goshen. Still, he said that issue also should be explored.

Mayor Leichty said she would not want an exploration of the Deputy Mayor voting question to delay the approval of the rest of the proposed changes in rules. She asked the Council President if he wanted to amend that provision.

Council President Weddell said he didn't care who ran the meeting, but wanted to make sure there was no ambiguity about whether the current Deputy Mayor should cast votes.

Councilor Peel said she agreed and said she did not think there was unanimous consent to move to a Second Reading of Ordinance 5242 at this meeting. **Councilor Gerber** agreed that there was not unanimous consent for a Second Reading since the public did not have an opportunity to examine the proposed changes, including those that would affect the public's participation at meetings.

Council President Weddell pointed out that Ordinance 5242 was not included in the Common Council's meeting packet. He asked if the Council could even vote on this ordinance since it was not included in the packet.

Mayor Leichty and **City Attorney Stegelmann** said the public only needs to be notified about what's on the agenda.

Council President Weddell thanked them for that information.

Moving on to another issue, **Council President Weddell** said that regarding the meeting agendas, and going back to the last four Clerk-Treasurers, there have been concerns about not getting agendas and the packets in a timely manner. The Council's rules state that Councilors are supposed to receive agendas and packets by the Thursday before the Monday meeting so that they have time to contact city staff, ask questions, and investigate.



So, the Council President asked why the proposed rules would change that to 48 hours advance notification. City Attorney Stegelmann pointed out that in the past, there have been Friday meetings, and stating specific days of the week in ordinance language did not always align.

Council President Weddell conceded the point but said a complication is that Council meetings used to be on Tuesdays, so in theory, the Council could get agendas in advance. But the 48-hour notice is for "business days," and that it does not include holidays or Saturdays and Sundays.

Council President Weddell said that with meetings held at 6 o'clock on Mondays, the latest time that the Clerk Treasurer's Office would probably need to post the agenda would be Thursday at 6 p.m., which is not any different than at present. Councilor Peel said she believed the notice specified 48-hours covering business days.

Mayor Leichty said that some of the changes were statutory changes coming from accessibility laws, and from wanting to make it less expensive for cities to publish notices in newspapers, and allowing more electronic communication and more flexibility in the amount of time required for meeting announcements to the public.

To Councilor Peel's point, Council President Weddell said the times are stipulated in Section 10, Public Notice of Meetings, in Section A. It specifies that there must be 48 hours advance notice of Council meetings, excluding Saturdays, Sundays, and legal holidays. But that is just notice of the meeting, he said, and not the agenda.

Councilor Peel suggested "48 business hours" for the sake of clarity. The Mayor asked if there was a motion to amend. Councilors Peel and Weddell agreed there should be a motion.

Councilor Peel then made a motion to amend Section 11D to specify that the agenda shall be posted on the City's website at least 48 hours (excluding Saturdays, Sundays, and legal holidays) before any regularly scheduled Common Council meeting. Council President Weddell seconded the motion.

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

On a voice vote, Councilors unanimously approved the Peel/Weddell motion to amend Section 11D to specify that the agenda shall be posted on the City's website at least 48 hours (excluding Saturdays, Sundays, and legal holidays) before any regularly scheduled Common Council meeting.

Mayor Leichty invited additional questions or comments from the Council.

Councilor Riegsecker sought clarification on what he had just voted for—"Was that the agenda or the packet" going to be provided in advance? Councilors discussed the Council agenda and packet issue and expressed the desire to receive both well before the meeting. They agreed this happens most of the time, including for the Nov. 17 meeting, but draft Ordinance 5242 was not included in the packet.

Mayor Leichty acknowledged that the entire packet is usually provided before Council meetings, but that extraordinary circumstances can occur preventing that. She said City Departments are not able to get some of the details pulled together until much closer to the time of the meeting. Having said that, the Mayor reiterated that the intent is to get documents to Councilors and the public well before meetings.

Council President Weddell said that "99 percent of the time" the Council packet is received in a timely fashion, but he would not want this to become a problem. Councilor Peel said she wondered if this needed to be clarified and added to the ordinance.



Mayor Leichty said perhaps a statement of intent could be added to the ordinance. She offered the suggestion that "The Council requests that the Clerk-Treasurer provide a copy of the packet, at least 6-7 days in advance of the meeting." **Council President Weddell** and other Councilors clarified that they did not need the packet any sooner than the agenda, but that they did want the packet to come at the same time as the agenda, which is what has happened, but not for this meeting.

Councilor Gerber expressed concern that whatever the amendment may be, she does not set up a dynamic for a rule violation and naming someone who was responsible for it.

Mayor Leichty said she would appreciate that because there are cases where City staff is waiting for a developer to finalize an agreement that needs to come to the Council and the City Attorney is working on ordinance language that is predicated on a developer's agreement. She said, "There's a whole series of cascading things that have to happen to bring those things before you that are included in those packets."

Stegelmann agreed and shared the example of the interlocal agreement in today's agenda and packet for today's meeting: There was information that the Legal Department was waiting on until today, and for that reason a revised copy was brought to the Council meeting, replacing an earlier version that was included in the packet.

Addressing the notion of intention, **Council President Weddell** pointed to another provision of the Council rules for comparison – Section 15 which states that the Common Council strongly encourages the minutes to be prepared in time to be approved at the Common Council's next regularly scheduled meeting. He said that is a clear articulation of intent, but not a hard, fast rule.

Councilor Lederach agreed that it was important to keep "intent" language, versus something that does not "tie our hands" in case of something significant coming up where we have to add it last minute to the meeting.

Council President Weddell said City Redevelopment Commission members often don't receive final versions of measures that must be approved until meetings because of complications and this can be frustrating.

Councilor Peel suggested that perhaps the Council should add "intent" language to the end of Section 11D. **Mayor Leichty** agreed.

Council President Weddell then made a motion to amend Section 11 by adding point G stating that the Common Council strongly encourages that the packet be provided 48 hours prior to the meeting, excluding Saturdays, Sundays, and legal holidays. **Councilor Nisley** seconded the motion.

Mayor Leichty invited public comment on the proposed amendment. There were none.

On a voice vote, Councilors unanimously approved the Weddell/Nisley motion amend Section 11 by adding point G stating that the Common Council strongly encourages that the packet be provided 48 hours prior to the meeting, excluding Saturdays, Sundays, and legal holidays.

Mayor Leichty invited further Council questions or comments.

As a last possible clarification, **Council President Weddell** asked if the question about the Council's reconsideration of actions had been resolved by the agreement to follow the procedures outlined in Robert's Rule of Order. He asked if further changes or clarifications were needed.



City Attorney Stegelmann affirmed that this was addressed by the suggested changes in Section 1 where it states the Common Council shall endeavor to follow Robert's Rules of Order. Stegelmann said that amends the prior language that said Robert's Rules of Order shall govern proceedings. So, the new language is that "the Council will endeavor to follow the rules, and if there's a technical mistake, that won't hold up the proceedings."

After additional reflection from several Councilors, Stegelmann summed up that Council will do its best to follow the rules, but it may not follow every rule to the "T," especially if it hinders reasonable proceedings. There were additional brief comments about applying Robert's Rules of Orders.

Councilors then had no further questions or comments.

Mayor Leichty invited public comments.

Julia Gautsche of Goshen asked if there had been a reduction in the number of minutes that the public can speak from three to two minutes. Mayor Leichty said that there was no change. She said people can speak for three minutes unless the Council decides that they would like to reduce the number of minutes people are allowed to speak to two minutes for a particular meeting. Gautsche said she agreed with that approach.

Mayor Leichty closed the public comment period.

The Mayor asked if the Council was prepared to vote on the rules or if there were further amendments. Council President Weddell said he was uncomfortable voting on Ordinance 5242 until the question of voting by the Deputy Mayor as Presiding Officer is clarified. He said if the vote were to take place tonight, he would vote "no." He said he would prefer to table Ordinance 5242. He also said a delay would allow time for Ordinance 5242 to be circulated to the public and then he could support First and Second Readings of the ordinance at the next meeting. Councilor Peel said that would be a fair approach.

Council President Weddell made a motion to table Ordinance 5242. Councilor Nisley seconded the motion.

On a voice vote, Councilors unanimously approved the Weddell/Nisley motion to table Ordinance 5242 until the next Council meeting (Dec. 15, 2025).

5) City Financial Report and Budget Update

Mayor Leichty said former Deputy Clerk-Treasurer Jeffrey Weaver provided a financial report as part of his consulting agreement with the City. Since the Mayor had just received the report that afternoon, she prepared a summary to review with Councilors, who received a hard copy of the report at the meeting (EXHIBIT #5).

Mayor Leichty said beginning with the overall financial position, the City of Goshen started the year with a cash balance of \$105.5 million. Since then, it has received \$44.35 million in revenue, and spent \$54.14 million, with a current balance of \$95.7 million as of Oct. 31, 2025.

The Mayor noted that the October reconciliation is not complete yet, and regarding the revenue, there may be some deposits that need to be added, but that the expenses should all be accounted for.



Mayor Leichty said the reduction in fund balances is largely because the City of Goshen gets multiple distributions of its Local Income Tax (LIT) and property taxes, and some of those would come later in November and December of this year. But revenue collections stand at about 70% of the 2025 budgeted amount, and normally, the City would expect 80% to 83% if we got revenues at the same interval throughout the year, but it gets those in large distributions. So, she said in November is when the City will get its LIT distribution, and that affects the City's General Fund, the Public Safety LIT, and the Economic Development LIT.

Mayor Leichty said since property tax revenue arrives in June and late December, that also impacts the General Fund, Debt Service funds, TIF, and other property tax-supported funds. With those two major revenue events, the October reports often appear to be artificially low.

On the expenditure side, through October, **Mayor Leichty** said it looks like funds are about 50% of the annual budget, and most funds are within expended ranges, with a few notable exceptions in expenses. She said a few departments are entering tighter constraints in Quarter 4, such as the Cemetery Department, because there's so much mowing and activity in the summer, with less expenditure on personnel in the final months of the year.

Mayor Leichty said the Environmental Resilience Department's constraints are likely because grant monies need to be transferred into that fund. Also mentioned in this review were Police, Fire, and expenses relating to Infrastructure and Capital Funds.

The **Mayor** said Stormwater Management and the Unsafe Building Fund had higher than typical activity, and some TIF funds had lower spending due to project delays. But in general, she said overall fund health is strong, and the City has strong balances in the General Fund, Southeast TIF, Consolidated River Race TIF, and Rainy-Day Fund. Additional funds to watch, the **Mayor** said, include Debt Service funds and the Opioid Settlement Fund, which had some planned expenditures, through a loan with La Casa and Oaklawn for supportive housing and the new Outpatient Center for Oaklawn and the hospital. **Mayor Leichty** added that the College Avenue TIF is temporarily negative due to timing issues.

Mayor Leichty invited questions or comments.

Councilor Gerber said that the included budget narrative summary was very helpful. **Mayor Leichty** agreed and said she would pass that feedback along to the Clerk-Treasurer.

Hearing no other comments or questions, **Mayor Leichty** invited a motion from the Council to approve the report.

Council President Weddell made a motion to approve the City Financial Report and Budget Update. **Councilor Peel** seconded the motion.

On a voice vote, Councilors unanimously approved the City Financial Report and Budget Update.

Privilege of the Floor

Mayor Leichty invited public comments for issues not on the Council agenda.

Paul Stauffer of Goshen thanked members of City Council and the Mayor for facilitating the community conversation that was held at the Goshen Theater last Wednesday (Nov. 12).



Stauffer also thanked **Mayor Leichty**, who also helped organize and host the conversation. He said he was happy about the turnout and the questions asked. He said he was proud to see so many people show up on a weeknight.

There were no further comments, so **Mayor Leichty** closed the public comment period.

ELECTED OFFICIAL REPORTS:

Mayor Leichty asked if there were any reports from Councilors.

Citing contact from two City residents, **Councilor Schrock** asked why the City's recycling center had not been located to the Environmental Center. He said the center has staffing and could oversee recycling.

Mayor Leichty thanked **Councilor Schrock** for the question and explained that City staff looked at and evaluated multiple potential sites, including the Environmental Center, but the surface at the Environmental Center was not suitable to hold all the weight of the recycling containers or the trucks that would be using it regularly, so it would have required a major infrastructure investment from the City to make that relocation feasible.

City Director of Public Works Dustin Sailor echoed the Mayor's comments, then added that the previous **Mayor (Stutsman)** had the Mayor's Environmental Council looked at five different possible recycling sites, and the site on Indiana Avenue was selected as the best.

Council President Weddell asked how much the City would need to spend to make the Environmental Center suitable as a recycling site. **Sailor** said about \$120,000 was invested at the Indiana Avenue site, including labor, gravel and other costs, including all the fencing, all the security cameras, and the money that Elkhart County contributed. In theory, **Sailor** said the project could have been done at the Environmental Center, but it is in a historical landfill, so there was uncertainty about the possible costs.

Council President Weddell said in the future, this kind of decision should involve more City staff, with a final determination by others. **Mayor Leichty** agreed but also acknowledged that while it may have appeared to have been decided by a group, there had been extensive input from City engineers. And other factors were considered.

Mayor Leichty noted that in considering where people would be most likely to utilize the site, Indiana Avenue seemed accessible. She said there were also changes in circumstances with the County and other municipalities abandoning their recycling sites concurrent to the City setting up its site, and these countywide changes exacerbated problems for the City. She said there was active input in that process from City staff from that time, and all share in the disappointment but that the center was rightly closed because of the complications and problems.

Council President Weddell said that while he understands and supports the decision to close the Indiana Avenue recycling site, it was a great resource and he is sorry it could not have been used appropriately.

Mayor Leichty said the Environmental Center has space limitations. She also said there would have need to be renegotiation with the City's contractor out there, due to required setback areas. **Sailor** said the Environmental Center is also where the City places most of its winter snow and staff determined that they did not want to give up excess snow storage areas in the winter, since that's where all the downtown snow goes.

Mayor Leichty thanked **Councilor Schrock** for raising the issue and said she appreciated the conversation. She said if the City were to reopen a recycling center, there would need to be extensive conversations.

Mayor Leichty invited additional Council reports.



Council President Weddell thanked **Councilor Gerber** for working together with him on the community meeting at the Goshen Theater. He praised the presentations by **Elkhart County Council member Steven Clark** and **Mayor Leichty**. He said about 35 good questions were submitted.

Council President Weddell also said the community engagement and attendance reflected the importance of the subject discussed. He thanked the community "for showing that level of interest. It's refreshing to see that."

Councilor Peel reported on a meeting last week of the downtown Economic Improvement District board last week, explaining that it represents downtown businesses that voluntarily agree to a tax to make downtown improvements, such as seating on the sidewalks, snow plowing in the winter, and specifically banners that line the downtown streets. In the past, she said the banner program was a bit haphazard, and not necessarily organized or done through a clear process. The EID, along with Board of Works, was trying to improve that, and **Director of Public Works Dustin Sailor** has been trying to create a better process, so there will be a form that needs to be filled out, as well as guidelines so it will be clearer who is putting up what, when they're putting it up, when it is coming down, and so forth.

Council President Weddell thanked City Staff and **Signtech Sign Services** of Goshen for replacing all flags downtown in time for Veterans Day. He said that was very nice to see.

Mayor Leichty said that typically, the City Street Department replaces the flags throughout the year as they become worn, and they're very conscientious about it. However, because a City lift truck has been out of commission for several months, the Mayor said the Street Department could not do so and **Signtech** helped.

Youth Advisor Reyes encouraged people to attend Goshen High School's new play.

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

Adjournment:

Councilor Nisley made a motion to adjourn the meeting, which was seconded by **Councilor Gerber**.

On a voice vote, Councilors unanimously approved the motion to adjourn the meeting.

Mayor Leichty adjourned the meeting at 7:02 p.m.

EXHIBIT #1: A revised version of Ordinance 5240, Revisions to Ordinance 5211 Solid Waste Disposal and Public Nuisance.

EXHIBIT #2: A revised version of Ordinance 5241, Establishing the Bridge #410 County Contribution Fund.

EXHIBIT #3: A revised version of Interlocal Agreement and Resolution 2025-18.



EXHIBIT #4: Ordinance 5242, Amending Goshen Common Council Rules of Order, which was provided to Councilors shortly before the Nov. 17 meeting.

EXHIBIT #5: City of Goshen Fund Balance and Budget Report, through October 31, 2025.

APPROVED:


Gina Leichty, Mayor of Goshen

ATTEST:


Gregory Umbr, Clerk-Treasurer's Office

Exhibit #1

ORDINANCE 5240

Revisions to Ordinance 5211

Solid Waste Disposal and Public Nuisance

WHEREAS, the Common Council of the City of Goshen has the authority to establish regulations to promote and protect the public health, safety, and welfare, and this ordinance is declared to be an exercise of the city's police powers;

WHEREAS, Public Nuisances, when allowed to exist unregulated within the corporate limits of the City of Goshen, are unsightly, detrimental to property values, and a hazard to health and safety;

WHEREAS, this ordinance is intended to regulate and prohibit and require the abatement and/or removal of Public Nuisances on all parcels of real estate within the corporate limits of the City of Goshen;

WHEREAS, this ordinance is intended to promote the public health, safety, and welfare and to protect the interests of city residents by regulating the accumulation, storage, collection, removal, and disposal of solid waste so that conditions that create fire, health, or safety hazards; harbor undesirable pests; or impair the aesthetic appearance of neighborhoods are prevented and eradicated;

WHEREAS, the City of Goshen desires to operate an orderly and clean public recycling collection site but has experienced dumping of non-recyclable materials at its recycling collection site;

WHEREAS, the City of Goshen wishes to discourage illegal dumping of non-recyclable materials at its recycling collection site by increasing the maximum fine that may be imposed for such illegal dumping; and

WHEREAS, Indiana Code § 36-1-3-8 allows the City to prescribe a penalty of a fine of not more than Two Thousand Five hundred Dollars (\$2,500.00) for a first violation of an ordinance, and not more than Seven Thousand Five hundred Dollars (\$7,500.00) for a second or subsequent violation of an ordinance.

WHEREAS, this Ordinance is a restatement and revision of City of Goshen Ordinance 5211

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that Ordinance 5156, as amended by Ordinance 5211, also identified as Title 6, Article 10, Chapter 1 of the Goshen City Code, shall be amended to read as follows:

Chapter 1 Solid Waste Storage, Collection, and Disposal

6.10.1.1 Administration and Enforcement. The provisions of this Code Chapter (this ordinance) shall be enforced through Legal Department, Building Department, Police Department, or an Ordinance Compliance Officer who may make inspections, determine violations, and take action to enforce the provisions of this Code Chapter (this ordinance).

6.10.1.2 Solid Waste Violations Enforced without Opportunity to Correct the Violation.

Any violation of this Code Section (this Ordinance Section) may be enforced without providing the violator any prior opportunity to correct the violation. It shall be a violation of this Code Section (this Ordinance Section) for any Person to violate any of the following:

- (a)** No Person shall leave, place, throw, or deposit Solid Waste of any kind in or upon any street, alley, sidewalk, public place, public property, or private property of another Person.
- (b)** No Person shall cause or permit any other Person to leave, place, throw, or deposit Solid Waste of any kind in or upon any street, alley, sidewalk, public place, public property, or private property of another Person.
- (c)** No Person shall leave, place, throw, or deposit Solid Waste of any kind for the purpose of collection and disposal by the City or the City's agent when the Solid Waste is generated at a location outside the City limits or from a location where the City does not collect Solid Waste. This sub-section shall not apply to the public recycling drop-off site(s) designated and operated by the City.
- (d)** No Person shall cause or permit any other Person to leave, place, throw, or deposit Solid Waste of any kind for the purpose of collection and disposal by the City or the City's agent when the Solid Waste is generated at a location outside the City limits or from a location where the City does not collect Solid Waste. This sub-section shall not apply to the public recycling drop-off site(s) designated and operated by the City.
- (e)** No Person shall set out for Solid Waste collection and disposal by the City or its authorized agent any tires, electronic equipment, or any material, Solid Waste, chemical or substance determined to be hazardous by state or federal statutes or regulations, or that may be potentially hazardous to any Person, to property, or to the environment.
- (f)** No Person shall set out leaves, brush, or similar materials for collection by the City except in the manner designated by the Goshen Street Department for the Street Department's periodic collection.
- (g)** No Person shall bury Solid Waste.
- (h)** No Person shall locate Solid Waste containers for storage in the yard adjacent to a City Street unless the Board of Public Works and Safety approves the street side storage area location. The Board of Public Works and Safety shall approve a street side storage area location only if the Board determines that there is no other feasible alternative location.
- (i)** The Occupant of any premises shall keep the storage area and the area surrounding any Solid Waste container in a clean, orderly and sanitary manner. The Occupant of any premises shall secure all Solid Waste containers that are kept outside of a building. If waste is scattered by animals, wind or other means, the Occupant shall promptly clean up such scattered waste.
- (j)** The Occupant of a residence shall place Solid Waste generated from the residence into an allowable container at the collection site designated by the City for collection no sooner than the day before the regularly scheduled collection and shall retrieve all Solid Waste containers from the designated collection site and return the containers to the storage area by 10:00 p.m. on the day of collection.
- (k)** No Person shall leave, place, throw or deposit any vegetative matter resulting from landscaping and garden maintenance, including, but not limited to, leaves, grass clippings, branches, brush, shrubbery, trees and flowers, at the Goshen Environmental Center except

in accordance with rules and regulations as established by the entity managing the Goshen Environmental Center.

(l) No Person shall leave, place, throw, or deposit Solid Waste of any kind in, upon, or at any public recycling drop-off site designated and operated by the City, unless the Person reasonably believes that such Solid Waste is in fact a recyclable material and the Solid Waste is placed into containers provided by the City or the City's agent for collection of recyclable materials. All Persons depositing recyclable materials at any public recycling drop-off site designated and operated by the City shall follow all rules for use of the public facility adopted from time to time by the Goshen Board of Public Works and Safety.

(m) No Person shall cause or permit any other Person to leave, place, throw, or deposit Solid Waste of any kind in, upon, or at any public recycling drop-off site designated and operated by the City, unless the Person reasonably believes that such Solid Waste is in fact a recyclable material and the Solid Waste is placed into containers provided by the City or the City's agent for collection of recyclable materials. All Persons depositing recyclable materials at any public recycling drop-off site designated and operated by the City shall follow all rules for use of the public facility adopted from time to time by the Goshen Board of Public Works and Safety.

6.10.1.3 Enforcement Process. A Person who violates any provision of Code Section (Ordinance Section) 6.10.1.2, may face enforcement in the City's Ordinance Violations Bureau and/or cited into any court of competent jurisdiction in Elkhart County, Indiana for such violation and shall be subject to the penalties set forth in this Chapter. Nothing in this Chapter limits the City's authority to declare conditions a Public Nuisance under Chapter 2 of this Title.

6.10.1.4 Violations Requiring Prior Notice of Violation.

(a) Upon discovery of a violation of this Code Section (this Ordinance Section), a Person found in violation shall be given written notice of the violation and shall be given three (3) days, unless otherwise provided in Chapter 2, from the service of the notice to abate the violation.

(b) The following actions or inactions shall constitute a violation of this Code Section (this Ordinance Section):

- 1) Failure of the Owner or Occupant of any real estate used for commercial or industrial purposes to provide timely collection and disposal of Solid Waste generated at the location, and failure provide a sufficient number of containers to contain all Solid Waste generated from the location between collections
- 2) Failure of the Owner of a building containing five (5) or more residential dwelling units to collect and dispose of all Solid Waste generated from the location on at least a weekly basis, and failure to provide a sufficient number of containers to contain all Solid Waste generated between collections.
- 3) Failure of the Owner or Occupant of any premises to maintain all Solid Waste containers in good repair and to maintain the container and area around the container in a clean and sanitary manner.

- 4) Failure of the Owner or Occupant of a commercial or industrial building to store Solid Waste in a watertight, insect and rodent-proof container.
- 5) The use of a residential Solid Waste container with a capacity in excess of forty-five (45) gallons or that weighs in excess of fifty (50) pounds when full, unless such container is provided by the City or its authorized agent.
- 6) Use of wooden containers, screen or wire containers, or fifty-five (55) gallon drums for the storage and/or collection of Solid Waste.

6.10.1.5 Notice

(a) The notice of violation given under Code Section (Ordinance Section) 6.10.1.4(a) shall contain the following information:

- 1) Date;
- 2) Name of the Person(s) to whom the notice is given, however, if the name of the Occupant cannot reasonably be determined, it will be deemed sufficient for the notice to be given to "Occupant";
- 3) Address and/or parcel number of the real property that is subject to the notice;
- 4) Nature of violation and the action required, including the period of time in which the action is required to be accomplished measured from the time the notice is given or by a date certain;
- 5) Statement indicating the opportunity for a hearing and the manner by which a hearing may be requested;
- 6) Statement indicating what action can be taken by the City if the notice is not complied with; and
- 7) Name, address and telephone number of the Goshen City Department enforcing the violation.

(b) Service of this notice is deemed sufficient if given by:

- 1) Delivering a copy Personally to the Person(s) to be notified; or
- 2) Sending a copy by first-class mail to the Person(s) to be notified; and by
- 3) Leaving a copy at the location of the violation.

(c) It shall be the responsibility of the Occupant to abate the existing violation after receipt of a notice. If the notice is not complied with, the City may take appropriate action to abate the violation and the cost of the abatement may be assessed pursuant to Code Section (Ordinance Section) 6.10.1.7.

(d) If the original notice was issued to the Occupant of the real estate and the Occupant fails to take corrective action, the City may elect to notify the Owner of the premises of the violation and order the Owner to abate the violation. The Owner shall be entitled to the same notice and period of time to abate the violation that was originally given to the Occupant. If the Owner does not then abate the violation, the City may take appropriate

action to abate the violation and assess the costs of the abatement to either the Occupant or the Owner or both.

(e) This Code Chapter (this ordinance) shall not prohibit a landlord from including a provision in a lease agreement to collect any enforcement costs imposed by the City against the landlord due to the actions or inactions of a tenant.

6.10.1.6 Hearing.

(a) In the event that a Person receiving a notice seeking abatement of a violation does not believe that he or she is in violation of this Code Chapter (this ordinance), the Person may request a hearing before the Board of Public Works and Safety.

(b) The request for a hearing before the Board of Public Works and Safety must be in writing and delivered to the Clerk-Treasurer's Office within three (3) days after the date the notice is given.

(c) A hearing will be scheduled to be held within ten (10) days of receipt of the written request.

(d) At the hearing, the Person will be given the opportunity to appear, with or without counsel, to present such evidence to the Board of Public Works and Safety that reasonably relates to whether the presence of the Solid Waste on the real property is in violation of this Code Chapter (this ordinance). Each Person appearing will also be given the opportunity to cross-examine any opposing witnesses and present evidence and arguments.

6.10.1.7 Abatement of Violation by City; Collection of Costs.

(a) If the Owner of the real estate has not abated the violation or requested a hearing within three (3) days of receiving the notice required above, the City may initiate legal action requesting that the Court impose a fine upon the Owner of the real estate as provided in this Chapter and/or the City may elect to give all Persons holding a substantial interest in the real estate notice of the violation. If the violation is not abated within ten (10) days of all Persons holding a substantial interest in the real estate receiving notice of the violation, the City may enter onto the real estate and take appropriate action to bring the real estate into compliance. The expenses incurred by the City to bring the real estate into compliance constitute a lien against the property if the lien is perfected in the manner required by Indiana Code 36-1-6-2.

Notwithstanding the above paragraph, the City may initiate legal action to have a fine imposed on the Occupants of the real estate at any time at least three (3) days after the Occupants received notice of the violation.

(b) The Owner and Occupant of the real property shall be jointly and severally responsible for the City's cost for the abatement of the violation under this Section. The costs for abatement shall be One Hundred Fifty Dollars (\$150) or the actual cost of the work performed by a City department or contractor, whichever is greater.

(c) The Clerk-Treasurer shall send a bill to the Person violating this Code Chapter (this ordinance) for the City's cost for the abatement of the violation. Payment shall be due fifteen (15) days after the billing date.

(d) If the bill is not paid within forty-five (45) days of the due date, the City may file a civil action in a court of competent jurisdiction in Elkhart County against the violator to collect the costs for the abatement of the violation, including reasonable attorneys' fees.

6.10.1.8 Penalty.

(a) Any Person who violates a provision of this Code Chapter (this ordinance) may be subject to a fine in an amount not more than Two Thousand Five hundred Dollars (\$2,500.00) for a first violation of this ordinance. Any Person who violates a provision of this Code Chapter (this ordinance) more than once may be subject to a fine in an amount not more than Seven Thousand Five hundred Dollars (\$7,500.00) for a second or subsequent violation of this ordinance.

(b) If the violation is of a continuing nature, each day of failure to comply with the provisions of this Code Chapter (this ordinance) shall constitute a separate offense.

(c) A complaint for violation seeking the imposition of a fine may be filed with any court of competent jurisdiction in Elkhart County.

(d) Enforcement of this Code Chapter (this ordinance) against any Owner of record shall not in any manner diminish the ability of the City to enforce this Code Chapter (this ordinance) against an Occupant of the real property, and the enforcement of this Code Chapter (this ordinance) against any Occupant shall not in any manner diminish the ability of the City to enforce the Code Chapter against an Owner of record of the real property.

6.10.1.9 Definitions. For the purposes of this Code Chapter (this ordinance), the following words, terms and phrases shall have the meanings set forth:

(a) **OCCUPANT.** The Person in actual possession of the property, premises, building or dwelling unit, whether or not the Owner. It does not include anyone under eighteen (18) years old.

(b) **OWNER.** The legal or equitable owner of record who has a right to participate in controlling the property, premises, building, or dwelling unit, whether or not the Occupant.

(c) **PERSON.** Any individual, firm, association, or legal entity, including partnership, corporation, limited liability company, or similar entity.

(d) **SOLID WASTE.** All discarded solid and semisolid materials, garbage, litter, trash, refuse, and rubbish including, but not limited to brush, paper, food products, metals, rubber, concrete, glass, plastics, wood products, cardboard boxes, and similar materials.

(e) **RECYCLABLE MATERIALS.** Acceptable materials that have been recovered or diverted from the Solid Waste stream for use or reuse; conversion into raw materials; or use in the production of new products. Recyclable Materials shall include, at a minimum, cardboard, paperboard, newspaper, magazines/catalogs, copy paper, mail, other paper products, plastic products (#1 through #7), glass products (clear & colored), and metal products (aluminum, steel, tin, and bi-metal).

Chapter 2 Public Nuisance

6.10.2.1 Definitions. For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) DEPARTMENT. The City of Goshen Building Department, Planning and Zoning Department, Code Enforcement Department, Police Department, and Legal Department.

(b) DULY AUTHORIZED REPRESENTATIVES. All employees of the Department(s).

(c) PUBLIC NUISANCE. Any condition or action that is injurious to health, indecent, offensive to the senses or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property, as well as other conditions or actions that are otherwise known to the common law or to the statutes of the state as a nuisance, and shall include, but is not limited to, the following:

- 1) Litter;
- 2) Boxes, appliances, furniture, household items, unused building supplies, and items of a similar nature that have accumulated outside a storage structure;
- 3) Demolition remains;
- 4) Accumulated garbage or trash;
- 5) Automobile parts, tires, or scrap metal;
- 6) Structures defaced with paint or graffiti;
- 7) Any waste water, filth, offal, garbage, rubbish or human excrement, which is deposited, allowed, or caused to be upon any public or private property;
- 8) The construction of, or the placement of any structure or materials within the drainage way of any right-of-way or public utility easement that will prevent the natural flow of water and cause it to collect and pool upon any private or public property;
- 9) Any dead domestic or wild animal;
- 10) Any real or personal property that is infected with contagious disease or on which a condition exists that is likely to cause an immediate health hazard;
- 11) The placing or accumulating on or within any real or personal property, or the permitting of the same, of any matter that attracts or may attract rodents, insects, domestics or wild animals, in such a manner as to create a health hazard, unsanitary, or dangerous condition;
- 12) Trees, shrubbery, weeds, or other matter obstructing public ways, or causing visual barriers that create vehicular traffic or pedestrian safety hazards; or
- 13) The unauthorized placement of fences, signs, shrubbery, or barriers within city road rights-of-way.

(d) PUBLIC NUISANCE PREMISES. The tract of real property on which a public nuisance is located.

(e) ENFORCEMENT AUTHORITY. The City of Goshen Building Commissioner shall be the Enforcement Authority, as that term is understood in I.C. § 36-7-9-2, as amended.

(f) **HEARING AUTHORITY.** The City of Goshen Board of Public Works and Safety shall be the Hearing Authority, as that term is understood in I.C. § 36-7-9-2, as amended.

6.10.2.2 Administration and Enforcement. The Departments are authorized to administer the terms and provisions of this subchapter. The Enforcement Authority shall enforce the terms and provisions of this chapter. The Departments and the Enforcement Authority are hereby granted all powers reasonable and necessary for the performance of their responsibilities under this chapter.

6.10.2.3 Enforcement Discretion. The Departments shall have all rights and authorities as are provided under state law as the executive department authorized to administer and enforce this chapter. It is hereby acknowledged, understood, and declared by the City of Goshen Common Council that the Enforcement Authority is required to exercise and is vested with the authority to exercise his or her discretion and judgment in order to protect and preserve the public health, safety, and general welfare of the citizens of the City in administering and enforcing this chapter. The authority of the Enforcement Authority to issue or revoke, or fail or refuse to issue or revoke, any notice, approval, order, or similar action under this chapter is hereby declared to be discretionary.

6.10.2.4 Violation. It is a violation of this chapter to have, maintain, or allow a public nuisance on any parcel of real estate in the corporate limits of the City. All owners of parcels of real estate in the City are hereby required to abate and/or remove from such real estate all public nuisances created or existing thereon. All tenants, renters, occupants, or other possessors of real estate who allow, create, make, generate, produce, or otherwise establish a public nuisance on such real estate within the City are hereby required to abate and/or remove from such real estate the public nuisance created or existing thereon.

6.10.2.5 Order to Abate.

(a) If the Enforcement Authority determines after an inspection that a public nuisance exists, the Enforcement Authority may issue an order requiring action relative to the public nuisance, including the abatement and/or removal of the public nuisance. The ordered action must be reasonably related to the condition constituting the public nuisance. Notice of the order must be given in accordance with Section 6.10.2.7.

(b) The order must contain:

- 1) The name of the person to whom the order is issued;
- 2) The legal description or address of the public nuisance premises that is the subject of the order;
- 3) The action the order requires;
- 4) The period of time in which the action is required to be accomplished;
- 5) A statement briefly indicating what action can be taken by the Departments if the order is not complied with;
- 6) If the Enforcement Authority has scheduled a hearing before the Hearing Authority, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or

without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments.

7) If the Enforcement Authority has not scheduled a hearing before the Hearing Authority, a statement that the order becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in the subject real estate, and the request is delivered to the Enforcement Authority before the end of the ten (10) day period.

8) A statement, including the obligation created by Section 6.10.2.8 relating to notification of subsequent interest holders and the enforcement authority;

9) The name, address, and telephone number of the Enforcement Authority.

(c) The order must allow a sufficient time, of at least ten (10) days but not more than sixty (60) days, from the time when notice of the order is given, to accomplish the required action. If the order allows more than thirty (30) days to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within thirty (30) days.

(d) The Enforcement Authority may issue an order that modifies an order previously issued, or the Enforcement Authority may rescind an order previously issued, all within the discretion of the Enforcement Authority. The decision to schedule a hearing before the Hearing Authority as provided in Section 6.10.2.5(b)(6) is solely in the discretion of the Enforcement Authority, unless otherwise requested as provided in Section 6.10.2.5(b)(7).

6.10.2.6 Enforcement. In the event that the person or persons given notice of a public nuisance fails to perform the action required by an order issued in Section 6.10.2.5, the Enforcement Authority may:

(a) File a civil action in a court of competent jurisdiction to enjoin or abate the condition or action causing the public nuisance, and in such civil action may seek damages cause by such public nuisance. The Enforcement Authority may also seek an order from the court allowing the Departments or other City personnel, or a private contractor hired by the Departments, to perform work reasonably necessary to abate or remove the condition or action causing the public nuisance.

1) Damages that the Enforcement Authority may seek to collect in a civil action shall include reimbursement for all costs incurred by the City to abate or remove a public nuisance, including:

(a) The actual cost of the work performed by the Department or other City personnel, or a private contractor hired by the Department, reasonable charges for the equipment used, repair costs for damage to equipment used, mileage costs incurred in driving to and from the subject property, disposal costs, and other related expenses and/or the bid price of work accomplished by a contractor hired by the Department to perform work under court order; and

(b) Administrative costs incurred by the Department in abating or removing a public nuisance, including compensation for the time of the Enforcement

Authority and duly authorized representatives spent in enforcing this chapter, costs of sending notice under Section 6.10.2.5, postage charges, charges for office supplies incurred by the Enforcement Authority, reasonable attorney fees and court costs, and other related charges.

(b) Take administrative enforcement action to abate or remove the public nuisance as authorized by I.C. § 36-7-9-10 and I.C. § 36-7-9-11. Such action may include, but is not limited to, causing the abatement or remove work to be performed by the City or by a contractor engaged by the City. The costs of such action, together with administrative expenses, legal expenses, and attorney fees, may be collected and enforced as provided by the Indiana Unsafe Building Law, including the imposing of liens and the recovery of personal judgments against the responsible parties.

(c) All monies recovered under enforcement actions hereunder shall be made payable to and shall be deposited in the City Unsafe Building Fund.

6.10.2.7 Notice. Notice of orders shall be given in accordance with the provisions of I.C. § 36-7-9-25, as amended.

6.10.2.8 Transfers of Property.

(a) A person who has been issued and has received notice of an order relative to a public nuisance and has not complied with that order:

1) Must supply full information regarding the order to a person who takes or agrees to take a substantial property interest in the subject real estate before transferring or agreeing to transfer that interest; and

2) Must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the subject real estate, supply the Enforcement Authority with written copies of:

(a) The full name, address, and telephone number of the person taking a substantial property interest in the public nuisance premises; and

(b) The legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

(b) If a judgment is obtained against the Department, Enforcement Authority, or other government entity for the failure of that entity to provide notice to persons holding an interest in a subject real estate in an action taken by the entity under this chapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure to comply with the requirements of this section.

6.10.2.9 Penalty.

(a) Fines. Any person found to be in violation of this chapter shall be guilty of an ordinance violation and shall be subject to a civil penalty up to \$2,500 for each violation. Each day that a violation continues shall constitute a separate violation. Any failure to comply with any of the terms and provisions of this chapter shall constitute a violation. The

assessment of a civil penalty shall in no way limit the operation of any other enforcement remedies provided elsewhere in this chapter or other applicable law.

(b) Expenses. The Department may recover reasonable attorney fees, court costs, and other expenses associated with the enforcement of this chapter from any person found to be in violation of this chapter.

(c) Agreed Order. The Enforcement Authority may enter into an agreed order that may include the payment of a civil penalty and other expenses associated with the enforcement of this chapter.

(d) Suit for civil penalties. The Enforcement Authority may file a complaint in a court of competent jurisdiction within the county seeking a judicial determination that this chapter has been violated and requesting the imposition of civil penalties.

(e) Enforcement of Agreed Order. The Enforcement Authority may file a complaint in a court of competent jurisdiction within the county seeking to enforce the terms of an agreed order.

(f) Other action. Nothing contained herein shall prevent the Enforcement Authority from taking any other lawful action as is necessary to prevent or remedy any violation of this chapter.

6.10.2.10 Unsafe Building Law. This Code Chapter specifically adopts the provisions of the Indiana Unsafe Building Law that are included in Indiana Code §§ 36-7-9-1 through 36-7-9-28 inclusive, as amended, specifically noting that the existence of a public nuisance renders a parcel of real estate an unsafe premise under the Indiana Unsafe Building Law.

6.10.2.11 Repeal of Prior Ordinances. All provisions of ordinances and the City Code not modified by this ordinance shall remain in full force and effect.

6.10.2.12 Severability Clause. If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

6.10.2.13 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 November ____, 2025.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on November ____, 2025, at the hour of ____:____ m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on November ____, 2025.

Gina M. Leichty, Mayor

ORDINANCE 5240—5211

Revisions to Ordinance 5211~~5156~~

**Solid Waste Disposal and Public Nuisance Accumulation of Materials
To Increase the Maximum Fine that May be Imposed for a Violation**

WHEREAS, the Common Council of the City of Goshen has the authority to establish regulations to promote and protect the public health, safety, and welfare, and this ordinance is declared to be an exercise of the city's police powers;

WHEREAS, Public Nuisances, when allowed to exist unregulated within the corporate limits of the City of Goshen, are unsightly, detrimental to property values, and a hazard to health and safety;

WHEREAS, this ordinance is intended to regulate and prohibit and require the abatement and/or removal of Public Nuisances on all parcels of real estate within the corporate limits of the City of Goshen;

WHEREAS, this ordinance is intended to promote the public health, safety, and welfare and to protect the interests of city residents by regulating the accumulation, storage, collection, removal, and disposal of solid waste so that conditions that create fire, health, or safety hazards; harbor undesirable pests; or impair the aesthetic appearance of neighborhoods are prevented and eradicated;

WHEREAS, the City of Goshen desires to operate an orderly and clean public recycling collection site but has experienced dumping of non-recyclable materials at its recycling collection site;

WHEREAS, the City of Goshen wishes to discourage illegal dumping of non-recyclable materials at its recycling collection site by increasing the maximum fine that may be imposed for such illegal dumping; and

WHEREAS, Indiana Code § 36-1-3-8 allows the City to prescribe a penalty of a fine of not more than Two Thousand Five hundred Dollars (\$2,500.00) for a first violation of an ordinance, and not more than Seven Thousand Five hundred Dollars (\$7,500.00) for a second or subsequent violation of an ordinance.

WHEREAS, this Ordinance is a restatement and revision of City of Goshen Ordinance 5211

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that Ordinance 5156, as amended by Ordinance 5211, also identified as Title 6, Article 10, Chapter 1 of the Goshen City Code, shall be amended to read as follows:

Chapter 1 Solid Waste Storage, Collection, and Disposal Accumulation of Materials Creating a Fire, Health, or Safety Hazard

6.10.1.1 Administration and Enforcement. The provisions of this Code Chapter (this ordinance) shall be enforced through Legal Department, Building Department, Police Department, or an Ordinance Compliance Officer who may make inspections, determine violations, and take action to enforce the provisions of this Code Chapter (this ordinance).

6.10.1.2 Solid Waste Violations Enforced without Opportunity to Correct the Violation.

Any violation of this Code Section (this Ordinance Section) may be enforced without providing the violator any prior opportunity to correct the violation. It shall be a violation of this Code Section (this Ordinance Section) for any Person to violate any of the following:

- (a)** No Person shall leave, place, throw, or deposit Solid Waste of any kind in or upon any street, alley, sidewalk, public place, public property, or private property of another Person.
- (b)** No Person shall cause or permit any other Person to leave, place, throw, or deposit Solid Waste of any kind in or upon any street, alley, sidewalk, public place, public property, or private property of another Person.
- (c)** No Person shall leave, place, throw, or deposit Solid Waste of any kind for the purpose of collection and disposal by the City or the City's agent when the Solid Waste is generated at a location outside the City limits or from a location where the City does not collect Solid Waste. This sub-section shall not apply to the public recycling drop-off site(s) designated and operated by the City.
- (d)** No Person shall cause or permit any other Person to leave, place, throw, or deposit Solid Waste of any kind for the purpose of collection and disposal by the City or the City's agent when the Solid Waste is generated at a location outside the City limits or from a location where the City does not collect Solid Waste. This sub-section shall not apply to the public recycling drop-off site(s) designated and operated by the City.
- (e)** No Person shall set out for Solid Waste collection and disposal by the City or its authorized agent any tires, electronic equipment, or any material, Solid Waste, chemical or substance determined to be hazardous by state or federal statutes or regulations, or that may be potentially hazardous to any Person, to property, or to the environment.
- (f)** No Person shall set out leaves, brush, or similar materials for collection by the City except in the manner designated by the Goshen Street Department for the Street Department's periodic collection.
- (g)** No Person shall bury Solid Waste.
- (h)** No Person shall locate Solid Waste containers for storage in the yard adjacent to a City Street unless the Board of Public Works and Safety approves the street side storage area location. The Board of Public Works and Safety shall approve a street side storage area location only if the Board determines that there is no other feasible alternative location.
- (i)** The Occupant of any premises shall keep the storage area and the area surrounding any Solid Waste container in a clean, orderly and sanitary manner. The Occupant of any premises shall secure all Solid Waste containers that are kept outside of a building. If waste is scattered by animals, wind or other means, the Occupant shall promptly clean up such scattered waste.
- (j)** The Occupant of a residence shall place Solid Waste generated from the residence into an allowable container at the collection site designated by the City for collection no sooner than the day before the regularly scheduled collection and shall retrieve all Solid

Waste containers from the designated collection site and return the containers to the storage area by 10:00 p.m. on the day of collection.

(k) No Person shall leave, place, throw or deposit any vegetative matter resulting from landscaping and garden maintenance, including, but not limited to, leaves, grass clippings, branches, brush, shrubbery, trees and flowers, at the Goshen Environmental Center except in accordance with rules and regulations as established by the entity managing the Goshen Environmental Center.

(l) No Person shall leave, place, throw, or deposit Solid Waste of any kind in, upon, or at any public recycling drop-off site designated and operated by the City, unless the Person reasonably believes that such Solid Waste is in fact a recyclable material and the Solid Waste is placed into containers provided by the City or the City's agent for collection of recyclable materials. All Persons depositing recyclable materials at any public recycling drop-off site designated and operated by the City shall follow all rules for use of the public facility adopted from time to time by the Goshen Board of Public Works and Safety.

(m) No Person shall cause or permit any other Person to leave, place, throw, or deposit Solid Waste of any kind in, upon, or at any public recycling drop-off site designated and operated by the City, unless the Person reasonably believes that such Solid Waste is in fact a recyclable material and the Solid Waste is placed into containers provided by the City or the City's agent for collection of recyclable materials. All Persons depositing recyclable materials at any public recycling drop-off site designated and operated by the City shall follow all rules for use of the public facility adopted from time to time by the Goshen Board of Public Works and Safety.

6.10.1.3 Enforcement Process. A Person who violates any provision of Code Section (Ordinance Section) 6.10.1.2, may face enforcement in the City's Ordinance Violations Bureau and/or cited into any court of competent jurisdiction in Elkhart County, Indiana for such violation and shall be subject to the penalties set forth in this Chapter. Nothing in this Chapter limits the City's authority to declare conditions a Public Nuisance under Chapter 2 of this Title.

6.10.1.4 Violations Requiring Prior Notice of Violation.

(a) Upon discovery of a violation of this Code Section (this Ordinance Section), a Person found in violation shall be given written notice of the violation and shall be given three (3) days, unless otherwise provided in Chapter 2, from the service of the notice to abate the violation.

(b) The following actions or inactions shall constitute a violation of this Code Section (this Ordinance Section):

~~1) — Allow an accumulation of materials on real estate or on a residential porch or patio if the accumulation creates a fire, health, or safety hazard. Such materials include, but are not limited to brush, metals, rubber, concrete, plastics, wood products, cardboard boxes, garbage, litter, trash, refuse and rubbish.~~

~~2) — Allow an accumulation of materials on real estate or on a residential porch or patio if the accumulation creates a harborage for rodents or insects. Such~~

~~materials include, but are not limited to brush, metals, rubber, concrete, plastics, wood products, cardboard boxes, garbage, litter, trash, refuse and rubbish.~~

~~3)1)~~ Failure of the Owner or Occupant of any real estate used for commercial or industrial purposes to provide timely collection and disposal of Solid Waste generated at the location, and failure provide a sufficient number of containers to contain all Solid Waste generated from the location between collections

~~4)2)~~ Failure of the Owner of a building containing five (5) or more residential dwelling units to collect and dispose of all Solid Waste generated from the location on at least a weekly basis, and failure to provide a sufficient number of containers to contain all Solid Waste generated between collections.

~~5)3)~~ Failure of the Owner or Occupant of any premises to maintain all Solid Waste containers in good repair and to maintain the container and area around the container in a clean and sanitary manner.

~~6)4)~~ Failure ~~of the~~ Owner or Occupant of a commercial or industrial building to store Solid Waste in a watertight, insect and rodent-proof container.

~~7)5)~~ The use of a residential Solid Waste container with a capacity in excess of forty-five (45) gallons or that weighs in excess of fifty (50) pounds when full, unless such container is provided by the City or its authorized agent.

~~8)6)~~ Use of wooden containers, screen or wire containers, or fifty-five (55) gallon drums for the storage and/or collection of Solid Waste.

6.10.1.5 Notice

(a) The notice of violation given under Code Section (Ordinance Section) 6.10.1.4(a) shall contain the following information:

- 1) Date;
- 2) Name of the Person(s) to whom the notice is given, however, if the name of the Occupant cannot reasonably be determined, it will be deemed sufficient for the notice to be given to "Occupant";
- 3) Address and/or parcel number of the real property that is subject to the notice;
- 4) Nature of violation and the action required, including the period of time in which the action is required to be accomplished measured from the time the notice is given or by a date certain;
- 5) Statement indicating the opportunity for a hearing and the manner by which a hearing may be requested;
- 6) Statement indicating what action can be taken by the City if the notice is not complied with; and
- 7) Name, address and telephone number of the Goshen City Department enforcing the violation.

(b) Service of this notice is deemed sufficient if given by:

- 1) Delivering a copy Personally to the Person(s) to be notified; or
- 2) Sending a copy by first-class mail to the Person(s) to be notified; and by
- 3) Leaving a copy at the location of the violation.

(c) It shall be the responsibility of the Occupant to abate the existing violation after receipt of a notice. If the notice is not complied with, the City may take appropriate action to abate the violation and the cost of the abatement may be assessed pursuant to Code Section (Ordinance Section) 6.10.1.7.

(d) If the original notice was issued to the Occupant of the real estate and the Occupant fails to take corrective action, the City may elect to notify the Owner of the premises of the violation and order the Owner to abate the violation. The Owner shall be entitled to the same notice and period of time to abate the violation that was originally given to the Occupant. If the Owner does not then abate the violation, the City may take appropriate action to abate the violation and assess the costs of the abatement to either the Occupant or the Owner or both.

(e) This Code Chapter (this ordinance) shall not prohibit a landlord from including a provision in a lease agreement to collect any enforcement costs imposed by the City against the landlord due to the actions or inactions of a tenant.

6.10.1.6 Hearing.

(a) In the event that a Person receiving a notice seeking abatement of a violation does not believe that he or she is in violation of this Code Chapter (this ordinance), the Person may request a hearing before the Board of Public Works and Safety.

(b) The request for a hearing before the Board of Public Works and Safety must be in writing and delivered to the Clerk-Treasurer's Office within three (3) days after the date the notice is given.

(c) A hearing will be scheduled to be held within ten (10) days of receipt of the written request.

(d) At the hearing, the Person will be given the opportunity to appear, with or without counsel, to present such evidence to the Board of Public Works and Safety that reasonably relates to whether the presence of the Solid Waste on the real property is in violation of this Code Chapter (this ordinance). Each Person appearing will also be given the opportunity to cross-examine any opposing witnesses and present evidence and arguments.

6.10.1.7 Abatement of Violation by City; Collection of Costs.

(a) If the Owner of the real estate has not abated the violation or requested a hearing within three (3) days of receiving the notice required above, the City may initiate legal action requesting that the Court impose a fine upon the Owner of the real estate as provided in this Chapter and/or the City may elect to give all Persons holding a substantial interest in the real estate notice of the violation. If the violation is not abated within ten (10) days of all Persons holding a substantial interest in the real estate receiving notice of the violation, the City may enter onto the real estate and take appropriate action to bring the real estate into

compliance. The expenses incurred by the City to bring the real estate into compliance constitute a lien against the property if the lien is perfected in the manner required by Indiana Code 36-1-6-2.

Notwithstanding the above paragraph, the City may initiate legal action to have a fine imposed on the Occupants of the real estate at any time at least three (3) days after the Occupants received notice of the violation.

(b) The Owner and Occupant of the real property shall be jointly and severally responsible for the City's cost for the abatement of the violation under this Section. The costs for abatement shall be One Hundred Fifty Dollars (\$150) or the actual cost of the work performed by a City department or contractor, whichever is greater.

(c) The Clerk-Treasurer shall send a bill to the Person violating this Code Chapter (this ordinance) for the City's cost for the abatement of the violation. Payment shall be due fifteen (15) days after the billing date.

(d) If the bill is not paid within forty-five (45) days of the due date, the City may file a civil action in a court of competent jurisdiction in Elkhart County against the violator to collect the costs for the abatement of the violation, including reasonable attorneys' fees.

6.10.1.8 Penalty.

(a) Any Person who violates a provision of this Code Chapter (this ordinance) may be subject to a fine in an amount not more than Two Thousand Five hundred Dollars (\$2,500.00) for a first violation of this ordinance. Any Person who violates a provision of this Code Chapter (this ordinance) more than once may be subject to a fine in an amount not more than Seven Thousand Five hundred Dollars (\$7,500.00) for a second or subsequent violation of this ordinance.

(b) If the violation is of a continuing nature, each day of failure to comply with the provisions of this Code Chapter (this ordinance) shall constitute a separate offense.

(c) A complaint for violation seeking the imposition of a fine may be filed with any court of competent jurisdiction in Elkhart County.

(d) Enforcement of this Code Chapter (this ordinance) against any Owner of record shall not in any manner diminish the ability of the City to enforce this Code Chapter (this ordinance) against an Occupant of the real property, and the enforcement of this Code Chapter (this ordinance) against any Occupant shall not in any manner diminish the ability of the City to enforce the Code Chapter against an Owner of record of the real property.

6.10.1.9 Definitions. For the purposes of this Code Chapter (this ordinance), the following words, terms and phrases shall have the meanings set forth:

(a) **OCCUPANT.** The Person in actual possession of the property, premises, building or dwelling unit, whether or not the Owner. It does not include anyone under eighteen (18) years old.

(b) **OWNER.** The legal or equitable owner of record who has a right to participate in controlling the property, premises, building, or dwelling unit, whether or not the Occupant.

(c) PERSON. Any individual, firm, association, or legal entity, including partnership, corporation, limited liability company, or similar entity.

(d) SOLID WASTE. All discarded solid and semisolid materials, garbage, litter, trash, refuse, and rubbish including, but not limited to brush, paper, food products, metals, rubber, concrete, glass, plastics, wood products, cardboard boxes, and similar materials.

(e) RECYCLABLE MATERIALS. Acceptable materials that have been recovered or diverted from the Solid Waste stream for use or reuse; conversion into raw materials; or use in the production of new products. Recyclable Materials shall include, at a minimum, cardboard, paperboard, newspaper, magazines/catalogs, copy paper, mail, other paper products, plastic products (#1 through #7), glass products (clear & colored), and metal products (aluminum, steel, tin, and bi-metal).

Chapter 2 Public Nuisance

6.10.2.1 Definitions. For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) DEPARTMENT. The City of Goshen Building Department, Planning and Zoning Department, Code Enforcement Department, Police Department, and Legal Department.

(b) DULY AUTHORIZED REPRESENTATIVES. All employees of the Department(s).

(c) PUBLIC NUISANCE. Any condition or action that is injurious to health, indecent, offensive to the senses or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property, as well as other conditions or actions that are otherwise known to the common law or to the statutes of the state as a nuisance, and shall include, but is not limited to, the following:

1) Litter;

2) Boxes, appliances, furniture, household items, unused building supplies, and items of a similar nature that have accumulated outside a storage structure;

3) Demolition remains;

4) Accumulated garbage or trash;

5) Automobile parts, tires, or scrap metal;

6) Structures defaced with paint or graffiti;

7) Any waste water, filth, offal, garbage, rubbish or human excrement, which is deposited, allowed, or caused to be upon any public or private property;

8) The construction of, or the placement of any structure or materials within the drainage way of any right-of-way or public utility easement that will prevent the natural flow of water and cause it to collect and pool upon any private or public property;

9) Any dead domestic or wild animal;

10) Any real or personal property that is infected with contagious disease or on which a condition exists that is likely to cause an immediate health hazard;

11) The placing or accumulating on or within any real or personal property, or the permitting of the same, of any matter that attracts or may attract rodents, insects, domestics or wild animals, in such a manner as to create a health hazard, unsanitary, or dangerous condition;

12) Trees, shrubbery, weeds, or other matter obstructing public ways, or causing visual barriers that create vehicular traffic or pedestrian safety hazards; or

13) The unauthorized placement of fences, signs, shrubbery, or barriers within city road rights-of-way.

(d) PUBLIC NUISANCE PREMISES. The tract of real property on which a public nuisance is located.

(e) ENFORCEMENT AUTHORITY. The City of Goshen Building Commissioner shall be the Enforcement Authority, as that term is understood in I.C. § 36-7-9-2, as amended.

(f) HEARING AUTHORITY. The City of Goshen Board of Public Works and Safety shall be the Hearing Authority, as that term is understood in I.C. § 36-7-9-2, as amended.

6.10.2.2 Administration and Enforcement. The Departments are authorized to administer the terms and provisions of this subchapter. The Enforcement Authority shall enforce the terms and provisions of this chapter. The Departments and the Enforcement Authority are hereby granted all powers reasonable and necessary for the performance of their responsibilities under this chapter.

6.10.2.3 Enforcement Discretion. The Departments shall have all rights and authorities as are provided under state law as the executive department authorized to administer and enforce this chapter. It is hereby acknowledged, understood, and declared by the City of Goshen Common Council that the Enforcement Authority is required to exercise and is vested with the authority to exercise his or her discretion and judgment in order to protect and preserve the public health, safety, and general welfare of the citizens of the City in administering and enforcing this chapter. The authority of the Enforcement Authority to issue or revoke, or fail or refuse to issue or revoke, any notice, approval, order, or similar action under this chapter is hereby declared to be discretionary.

6.10.2.4 Violation. It is a violation of this chapter to have, maintain, or allow a public nuisance on any parcel of real estate in the corporate limits of the City. All owners of parcels of real estate in the City are hereby required to abate and/or remove from such real estate all public nuisances created or existing thereon. All tenants, renters, occupants, or other possessors of real estate who allow, create, make, generate, produce, or otherwise establish a public nuisance on such real estate within the City are hereby required to abate and/or remove from such real estate the public nuisance created or existing thereon.

6.10.2.5 Order to Abate.

(a) If the Enforcement Authority determines after an inspection that a public nuisance exists, the Enforcement Authority may issue an order requiring action relative to the public nuisance, including the abatement and/or removal of the public nuisance. The ordered action must be reasonably related to the condition constituting the public nuisance. Notice of the order must be given in accordance with Section 6.10.2.7.

(b) The order must contain:

- 1) The name of the person to whom the order is issued;**
- 2) The legal description or address of the public nuisance premises that is the subject of the order;**
- 3) The action the order requires;**
- 4) The period of time in which the action is required to be accomplished;**
- 5) A statement briefly indicating what action can be taken by the Departments if the order is not complied with;**
- 6) If the Enforcement Authority has scheduled a hearing before the Hearing Authority, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments;**
- 7) If the Enforcement Authority has not scheduled a hearing before the Hearing Authority, a statement that the order becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in the subject real estate, and the request is delivered to the Enforcement Authority before the end of the ten (10) day period;**
- 8) A statement, including the obligation created by Section 6.10.2.8 relating to notification of subsequent interest holders and the enforcement authority;**
- 9) The name, address, and telephone number of the Enforcement Authority;**

(c) The order must allow a sufficient time, of at least ten (10) days but not more than sixty (60) days, from the time when notice of the order is given, to accomplish the required action. If the order allows more than thirty (30) days to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within thirty (30) days.

(d) The Enforcement Authority may issue an order that modifies an order previously issued, or the Enforcement Authority may rescind an order previously issued, all within the discretion of the Enforcement Authority. The decision to schedule a hearing before the Hearing Authority as provided in Section 6.10.2.5(b)(6) is solely in the discretion of the Enforcement Authority, unless otherwise requested as provided in Section 6.10.2.5(b)(7).

6.10.2.6 Enforcement. In the event that the person or persons given notice of a public nuisance fails to perform the action required by an order issued in Section 6.10.2.5, the Enforcement Authority may:

(a) File a civil action in a court of competent jurisdiction to enjoin or abate the condition or action causing the public nuisance, and in such civil action may seek damages cause by such public nuisance. The Enforcement Authority may also seek an order from the court allowing the Departments or other City personnel, or a private contractor hired by the

Departments, to perform work reasonably necessary to abate or remove the condition or action causing the public nuisance.

1) Damages that the Enforcement Authority may seek to collect in a civil action shall include reimbursement for all costs incurred by the City to abate or remove a public nuisance, including:

(a) The actual cost of the work performed by the Department or other City personnel, or a private contractor hired by the Department, reasonable charges for the equipment used, repair costs for damage to equipment used, mileage costs incurred in driving to and from the subject property, disposal costs, and other related expenses and/or the bid price of work accomplished by a contractor hired by the Department to perform work under court order; and

(b) Administrative costs incurred by the Department in abating or removing a public nuisance, including compensation for the time of the Enforcement Authority and duly authorized representatives spent in enforcing this chapter, costs of sending notice under Section 6.10.2.5, postage charges, charges for office supplies incurred by the Enforcement Authority, reasonable attorney fees and court costs, and other related charges.

(b) Take administrative enforcement action to abate or remove the public nuisance as authorized by I.C. § 36-7-9-10 and I.C. § 36-7-9-11. Such action may include, but is not limited to, causing the abatement or remove work to be performed by the City or by a contractor engaged by the City. The costs of such action, together with administrative expenses, legal expenses, and attorney fees, may be collected and enforced as provided by the Indiana Unsafe Building Law, including the imposing of liens and the recovery of personal judgments against the responsible parties.

(c) All monies recovered under enforcement actions hereunder shall be made payable to and shall be deposited in the City Unsafe Building Fund.

6.10.2.7 Notice. Notice of orders shall be given in accordance with the provisions of I.C. § 36-7-9-25, as amended.

6.10.2.8 Transfers of Property.

(a) A person who has been issued and has received notice of an order relative to a public nuisance and has not complied with that order:

1) Must supply full information regarding the order to a person who takes or agrees to take a substantial property interest in the subject real estate before transferring or agreeing to transfer that interest; and

2) Must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the subject real estate, supply the Enforcement Authority with written copies of:

(a) The full name, address, and telephone number of the person taking a substantial property interest in the public nuisance premises; and

(b) The legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

(b) If a judgment is obtained against the Department, Enforcement Authority, or other government entity for the failure of that entity to provide notice to persons holding an interest in a subject real estate in an action taken by the entity under this chapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure to comply with the requirements of this section.

6.10.2.9 Penalty.

(a) Fines. Any person found to be in violation of this chapter shall be guilty of an ordinance violation and shall be subject to a civil penalty up to \$2,500 for each violation. Each day that a violation continues shall constitute a separate violation. Any failure to comply with any of the terms and provisions of this chapter shall constitute a violation. The assessment of a civil penalty shall in no way limit the operation of any other enforcement remedies provided elsewhere in this chapter or other applicable law.

(b) Expenses. The Department may recover reasonable attorney fees, court costs, and other expenses associated with the enforcement of this chapter from any person found to be in violation of this chapter.

(c) Agreed Order. The Enforcement Authority may enter into an agreed order that may include the payment of a civil penalty and other expenses associated with the enforcement of this chapter.

(d) Suit for civil penalties. The Enforcement Authority may file a complaint in a court of competent jurisdiction within the county seeking a judicial determination that this chapter has been violated and requesting the imposition of civil penalties.

(e) Enforcement of Agreed Order. The Enforcement Authority may file a complaint in a court of competent jurisdiction within the county seeking to enforce the terms of an agreed order.

(f) Other action. Nothing contained herein shall prevent the Enforcement Authority from taking any other lawful action as is necessary to prevent or remedy any violation of this chapter.

(e)6.10.2.10 Unsafe Building Law. This Code Chapter specifically adopts the provisions of the Indiana Unsafe Building Law that are included in Indiana Code §§ 36-7-9-1 through 36-7-9-28 inclusive, as amended, specifically noting that the existence of a public nuisance renders a parcel of real estate an unsafe premise under the Indiana Unsafe Building Law.

6.10.1.106.10.2.11 Repeal of Prior Ordinances. All provisions of ordinances and the City Code not modified by this ordinance shall remain in full force and effect.

6.10.1.116.10.2.12 Severability Clause. If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

~~6.10.1.126.10.2.13~~ **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 ~~November~~~~December~~ _____, 202~~54~~~~5~~.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on ~~November~~~~December~~ _____, 202~~45~~~~5~~, at the hour of _____:_____ m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on ~~November~~~~December~~ _____, 202~~45~~~~5~~.

Gina M. Leichty, Mayor

ORDINANCE NO. 5241

Establishing the Bridge #410 County Contribution Fund

WHEREAS, the City of Goshen ("City") is delivering a federal-aid roadway reconstruction project along College Avenue under INDOT Contract R-42000, which includes replacement of Elkhart County Bridge #410 (Designation No. 2501041) as a 100% locally funded component within INDOT Project Des. No. 1900739 (the "Project");

WHEREAS, the City and County of Elkhart ("County") intend to enter into an Interlocal Agreement allocating roles and responsibilities for the Bridge #410 work within the Project, including County funding to the City for eligible Bridge costs and City maintenance of segregated accounting for Bridge-related costs;

WHEREAS, the Interlocal Agreement will provide that County will appropriate and transfer Two Million Dollars (\$2,000,000.00) to City prior to the December 10, 2025 bid letting, that City will maintain separate accounting for Bridge costs, and that City will return any unused County funds within sixty (60) days after Project Closeout; and

WHEREAS, to ensure proper oversight, transparency, and management of the County's payments, the City desires to establish a dedicated, segregated fund on its general ledger for the Bridge #410 component of the Project;

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

1. Establishment of Fund: There is hereby established a special revenue fund of the City of Goshen to be known as the "Bridge #410 County Contribution Fund" (the "Fund") within the City's general ledger.
2. Purpose: The Fund is created solely to receive, hold, disburse, and account for Elkhart County's payments related to Bridge #410 work delivered within the Project, including eligible construction pay items, construction inspection services (CIS) for the Bridge, change-order items approved as required, and other Bridge-related costs.
3. Sources of Money: Monies deposited into the Fund shall be limited to transfers from County pursuant to the contemplated Interlocal Agreement.
4. Use of Money: Disbursements from the Fund shall be restricted to eligible Bridge #410 costs consistent with the contemplated Interlocal Agreement.

5. Administration: The City shall maintain a segregated accounting of receipts and disbursements from the Fund consistent with the contemplated Interlocal Agreement. The Fund shall be non-reverting, and, upon Project Closeout, the City shall return any unused County monies in the Fund to the County and the Fund shall terminate.

PASSED by the Goshen Common Council on November 17, 2025.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on November ____, 2025, at the hour of _____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on November ____, 2025.

Gina M. Leichty, Mayor

Exhibit #3

**GOSHEN COMMON COUNCIL
RESOLUTION 2025-18**


**Interlocal Agreement
with the County of Elkhart
for Reconstruction of the Bridge on College Avenue Crossing Horn Ditch**

WHEREAS the City of Goshen and the County of Elkhart have negotiated an interlocal agreement for the reconstruction of the Elkhart County Bridge #410 on College Avenue crossing the Horn Ditch.

WHEREAS pursuant to Indiana Code § 36-1-7 et seq., a power that may be exercised by one governmental entity may be exercised by one entity on behalf of another entity if the entities enter into a written agreement.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council approves the terms and conditions of the Interlocal Agreement with the County of Elkhart for Reconstruction of the Bridge on College Avenue Crossing Horn Ditch attached to and made a part of this resolution.

PASSED by the Goshen Common Council on November 17 2025.


Gina M. Leichty, Presiding Officer


ATTEST:


Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on November 17, 2025, at 7:22
a.m./p.m.


Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on November 17, 2025.


Gina M. Leichty, Mayor

Interlocal Agreement
For Reconstruction of the Bridge on College Avenue Crossing Horn Ditch

THIS AGREEMENT is made and entered into effective as of the last date of signature hereon by and between the City of Goshen, Indiana (hereinafter referred to as "City"), by and through the Goshen Board of Public Works and Safety and the Goshen Redevelopment Commission, and with the approval of the Goshen Common Council, and the County of Elkhart, Indiana (hereinafter referred to as "County"), by and through the Board of Commissioners of Elkhart County, Indiana.

Recitals:

WHEREAS, College Avenue is an east-west road, running from State Road 15 (also known as South Main Street in the corporate limits of Goshen) to the Norfolk Southern Railroad east of U.S. 33 (also known as Lincolnway East in the corporate limits of Goshen);

WHEREAS, City and County previously entered into an Interlocal Agreement dated April 8, 2019 and recorded April 16, 2019 as Document Number 2019-07001 in the Office of the Recorder of Elkhart County, Indiana, relating to the College Avenue Bridge over Horn ditch and certain City utility relocations;

WHEREAS, the City is delivering a federal-aid roadway reconstruction project along College Avenue under INDOT Contract R-42000 that includes the replacement of Elkhart County Bridge #410, having a Designation Number of 2501041 (the "Bridge"), as a 100% locally funded component within the INDOT-let contract, having a Lead Designation Number of 1900739 (the "Project")

WHEREAS, City and County enter into this Agreement to reflect the revised scope, roles, responsibilities, and funding for the Bridge and the Project herein described;

NOW, THEREFORE, in consideration of the following terms, conditions, and commitments, the parties agree as follows:

1. **Purpose.**

- 1.1. This sets forth the parties respective roles, responsibilities, and funding obligations for the Bridge work to be delivered within the INDOT-let Project.
- 1.2. The Bridge will be delivered within the INDOT-let Project described in the Recitals. This Agreement constitutes the complete and current understanding of the parties regarding roles, responsibilities, and funding for the Bridge within that Project.
- 1.3. The parties acknowledge the Bridge is delivered as a 100% locally funded component inside the INDOT-let Project and that no federal participation applies to Bridge pay items.

2. Lead Agency.

- 2.1. The City shall serve as the lead agency and designated Local Public Agency (LPA), coordinating with INDOT for the Project, which will bid, award, and administer the INDOT contract.
- 2.2. The City will coordinate and fulfill LPA responsibilities with INDOT for the Bridge work within the Project, including but not necessarily limited to the following:
 - 2.2.1. Coordination with INDOT on all contract-administration matters affecting the Bridge;
 - 2.2.2. Provide and oversee construction inspection services ("CIS") for the Bridge through a qualified Project Engineer / Supervisor (PE/S);
 - 2.2.3. Maintain complete Project documentation and a segregated accounting of Bridge-related costs consistent with INDOT requirements;
 - 2.2.4. Provide the County, upon request and following Project Closeout, a final Bridge construction cost accounting and as-built drawings for the Bridge reflecting authorized modifications; and
 - 2.2.5. Keep the County reasonably informed of material developments affecting the scope, cost, or schedule of the Bridge work.

2.3. The County's responsibilities include, but are not necessarily limited to, the following:

2.3.1. Designating a County Representative (CR) knowledgeable regarding the Bridge design to:

2.3.1.1. be available to answer, in a reasonable time, all requests for information or other informal questions related to the Bridge that require County input;

2.3.1.2. to review submittals and proposed Change Orders related to changes or additions in Bridge work and to acquire necessary approvals for said Change Orders in a timely manner;

2.3.1.3. to represent the County's interest during the pre-construction and construction phases; and

2.3.1.4. attend key meetings, including but not limited to:

2.3.1.4.1. Project Pre-Construction Conference;

2.3.1.4.2. All Project Progress meetings until such time as the Bridge is open to traffic and Countywide Bridge Inspections are complete;

2.3.1.4.3. Any additional virtual, in-person, and/or on-site meetings regarding the Bridge, provided a minimum notice of forty-eight (48) hours is given;

2.3.1.4.4. Project Pre-Final Inspection

2.3.1.4.5. Project Final Inspection.

2.3.2. Identifying in advance any hold points, submittals, or stages of Bridge work requiring County review to facilitate timely coordination;

2.3.3. Reviewing the punchlist items generated in relation to the Bridge and verifying those items have been satisfactorily completed; and

2.3.4. Performing the initial bridge inspection and load rating for the Countywide Bridge Inspection program in accordance with applicable standards within ninety (90) days after the Bridge opens to traffic and provide such reports to the City's PE/S, and to cover all costs associated with such inspections.

3. Funding.

- 3.1. County will appropriate and transfer Two Million Dollars (\$2,000,000.00) to City prior to December 10, 2025, which is the bid letting date for the Project. The City shall use these funds solely for eligible Bridge costs, including Bridge construction pay items, BridgeCIS, Bridge change order items, and other Bridge-related soft costs.
- 3.2. City shall reimburse County Two Hundred Twenty-Six Thousand Two Hundred Dollars (\$226,200.00) for additional Bridge design services necessary to incorporate the Bridge into the INDOT-let Project. Payment shall be made within sixty (60) days following the effective date of this Agreement and receipt of an invoice from the County.
- 3.3. City shall maintain a separate accounting for Bridge costs. City shall return any unused County funds within sixty (60) days after Project Closeout and Final Estimate procedures are complete.
- 3.4. If total Bridge costs exceed the funds provided, County shall remit the documented shortfall within forty-five (45) days after the County approves the related CO(s) or receives City's written request supported by reasonable documentation.

4. Change Orders.

- 4.1. County shall have authority over all proposed changes to the scope or design of the Bridge work. As the LPA, the City is also required to approve all Bridge Change Orders. INDOT approval is required for all Change Orders.
- 4.2. The CR shall provide written action on Change Order requests within seven (7) business days after receipt..
- 4.3. County funds Bridge Change Order items.

5. Ownership of Bridge.

5.1. Upon Final Acceptance, County shall own and maintain the Bridge and associated approaches within the Bridge limits. City shall deliver the Bridge as-built drawings and closeout accounting as provided in Section 2.2.4.

6. Filing Requirements.

6.1. Within thirty (30) days after approval and execution of this Agreement, City shall have this Agreement recorded and filed with the appropriate governmental offices and agencies as required by Indiana Code.

7. Supplemental Documents.

7.1. The Parties agree to execute any and all supplementary documents and to take any and all supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this Agreement.

8. Limitations of Liability.

8.1. City acknowledges that County shall not be liable to City for completion of or the failure to complete any activities that are an obligation of City to perform pursuant to this Agreement, and City agrees to defend, indemnify, and hold harmless County and its agents, officers, and employees from all claims and suits of any nature whatsoever arising from City's performance of this Agreement, from all judgments therefore, and for all expenses in defending or appealing any such claims or judgments, including without limitation court costs, attorney's fees, and other expenses.

8.2. County acknowledges that City shall not be liable to City for completion of or the failure to complete any activities that are an obligation of County to perform pursuant to this Agreement, and County agrees to defend, indemnify, and hold harmless City and its agents, officers, and employees from all claims and suits of any nature whatsoever arising from County's performance of this Agreement, from all judgments therefore, and for all expenses in defending or appealing any such claim or judgments, including without limitation court costs, attorney's fees, and other expenses.

9. Non-Discrimination.

9.1. Pursuant to Indiana Code § 22-9-1-10, neither City nor County, nor any of their respective contractors or subcontractors, shall discriminate against any employee or applicant for employment, to be employed in the performance of any work under this Agreement with respect to hire, tenure, terms, or conditions or privileges of employment, or any matter directly or indirectly related to employment because of race, color, religion, sex, disability, national origin, ancestry, or veteran status. Breach of this covenant may be regarded as a material breach of this Agreement.

10. Anti-Nepotism.

10.1. City is aware of the provisions under Indiana Code § 36-1-21 with respect to anti-nepotism in contractual relationships with governmental entities, and shall comply with such statute.

11. Investment Activity.

11.1. Pursuant to Indiana Code § 5-22-16.5, City certifies that it is not engaged in investment activities in Iran.

12. E-Verify Program.

12.1. Pursuant to Indiana Code § 22-5-1.7-11, City agrees to and shall enroll in and verify the work eligibility status of all newly hired employees of City after the date of the Agreement through the E-Verify Program as defined in Indiana Code § 22-5-1.7-3. City further represents and certifies subject to the pains and penalties of perjury that it does not knowingly employ an unauthorized alien.

13. Amendment.

13.1. This Agreement, and any exhibits attached hereto, may be amended only by the mutual written consent of the Parties, by the adoption of a resolution approving said amendment as provided by law, and by the execution of said amendment by the Parties.

14. No Other Agreement.

- 14.1. Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations, and discussions relative to the subject matter hereof and is a full integration of the agreement of the Parties.

15. Severability.

- 15.1. If any provision, covenant, agreement, or portion of this Agreement or its application to any person, entity, or property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements, or portions of this Agreements, and to that end, any provisions, covenants, agreements, or portions of this Agreement are declared to be severable.

16. Indiana Law.

- 16.1. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana.

17. Notice.

- 17.1. Any notices required or permitted under this Agreement shall be given to the parties at their respective mailing addresses provided below by deposit in the United States mail, certified mail, return receipt requested, with proper postage affixed thereto, and which notices shall be effective three (3) days after date of mailing:

County: County of Elkhart, Indiana
c/o Jeff Taylor, County Administrator
Elkhart County Administration Building
117 North Second Street
Goshen, Indiana 46526
Fax: 574.535.6747
Email: jtaylor@elkhartcounty.com

City: City of Goshen, Indiana

Board of Public Works and Safety
c/o Mayor Gina M. Leichty
202 South Fifth Street
Goshen, Indiana 46528
Fax: 574.533.3074
Email: mayor@goshencity.com

with required copies to:

Donald R. Shuler, Assistant City Attorney
City of Goshen Legal Department
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528
Fax: 574.537.3817
Email: donshuler@goshencity.com

and

Steven J. Olsen, Elkhart County Attorney
Yoder Ainlay Ulmer & Buckingham, LLP
130 North Main Street
Goshen, Indiana 46526
Fax: 574.534.4174
Email: steven.olsen@ya.law

The parties may change their respective mailing addresses by providing written notice of the new address in accordance with the terms and provisions of this paragraph.

18. Binding Effect.

- 18.1. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns; provided, however, that this Agreement may not be assigned without the express written consent of the non-assigning party.

19. Counterparts.

- 19.1. This Agreement may be executed in multiple counterparts with multiple but separate signature pages, with the multiple counterparts and multiple but separate signature pages constituting one single and unified Agreement when combined.

IN WITNESS WHEREOF, the parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

[Signatures start on the following page].

Goshen Board of Public Works and Safety
City of Goshen, Indiana

Gina M. Leichty

Michael A. Landis

Mary Nichols

Barb Swartley

Orv Myers

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned Notary Public in and for said County and State, this ____ day of _____, 2025, personally appeared Gina M. Leichty, Michael A. Landis, Mary Nichols, Barb Swartley, and Orv Myers of the Goshen Board of Public Works and Safety of the City of Goshen, Indiana, being known to me or whose identity have been authenticated by me to be the persons who acknowledged the execution of the foregoing Interlocal Agreement for and on behalf of the City of Goshen, Indiana for the purpose stated therein.

Witness my hand and Notarial Seal.

Printed Name: _____
Notary Public of _____ County, Indiana
My Commission Expires: _____
Commission Number: _____

Goshen Redevelopment Commission
City of Goshen, Indiana

Brian Garber, President

Jonathan Graber, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Brian Garber, President, and Jonathan Graber, Secretary, of the Goshen Redevelopment Commission of the City of Goshen, Indiana, being known to me or whose identity have been authenticated by me to be the persons who acknowledged the execution of the foregoing Interlocal Agreement for and on behalf of the City of Goshen, Indiana for the purpose stated therein.

Witness my hand and Notarial Seal this _____ day of _____, 2025.

Printed Name: _____
Notary Public of _____ County, Indiana
My Commission Expires: _____
Commission Number: _____

APPROVAL

The Goshen Common Council of the City of Goshen, Indiana hereby approves of the above and foregoing Interlocal Agreement this ____ day of _____, 2025.

Goshen Common Council
City of Goshen, Indiana

Gina M. Leichty, Mayor & Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer
City of Goshen, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this ____ day of _____, 2025, personally appeared Gina M. Leichty, Mayor and Presiding Officer of the Goshen Common Council of the City of Goshen, Indiana and Richard R. Aguirre, Clerk-Treasurer of the City of Goshen, Indiana, and acknowledged that as said representatives, they respectively executed the foregoing Interlocal Agreement for and on behalf of, and in the name of the City of Goshen, Indiana, for the uses and purposed therein mentioned, and that they were authorized so to do.

Witness my hand and Notarial Seal.

Printed Name: _____
Notary Public of _____ County, Indiana
My Commission Expires: _____
Commission Number: _____

Board of Commissioners of the
County of Elkhart, Indiana

Bradley D. Rogers

Suzanne M. Weirick

Bob Barnes

ATTEST:

Patricia A. Pickens, Auditor
County of Elkhart, Indiana

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me, the undersigned Notary Public in and for said County and State, this ____ day of _____, 2025, personally appeared Bradley D. Rogers, Suzanne M. Weirick, and Bob Barnes of the Board of Commissioners of the County of Elkhart, Indiana, and Patricia A. Pickens, Auditor of the County of Elkhart, Indiana, being known to me or whose identity have been authenticated by me to be the persons who acknowledged the execution of the foregoing Interlocal Agreement for and on behalf of the County of Elkhart, Indiana for the purpose stated therein.

Witness my hand and Notarial Seal.

Printed Name: _____
Notary Public of _____ County, Indiana
My Commission Expires: _____
Commission Number: _____

**GOSHEN COMMON COUNCIL
ORDINANCE 5242**

Amending Goshen Common Council Rules of Order

WHEREAS, the Goshen Common Council adopted Ordinance 4897, amended by Ordinance 4925, Ordinance 4998, and Ordinance 5036, which established Goshen Common Council Rules of Order;

WHEREAS the Goshen Common Council adopts rules of order to facilitate the orderly transaction of business and provide a basis for resolving questions of procedure that may arise;

WHEREAS, the Goshen Common Council embraces the following principles as important in facilitating the orderly transaction of its business and in promoting the best interests of the City of Goshen:

- Respect for each other and for each other's rights;
- Open communication and engagement;
- Honesty;
- A safe community;
- Acceptance that change has positive and negative consequences;
- Tolerance of differences;
- Support for equality and freedom from discrimination; and

WHEREAS the Goshen Common Council seeks to amend its Rules of Order by making appropriate revisions thereto.

NOW, THEREFORE, BE IT ORDAINED that the Goshen Common Council adopts the following amended Rules of Order:

Section 1. **Application of Rules.** The rules of order of the Goshen Common Council do not apply whenever the United States Constitution, State of Indiana Constitution, or applicable federal or state laws or regulations provide or require different requirements or procedures. If the United States Constitution, State of Indiana Constitution, applicable federal or state laws or regulations, or the Common Council rules do not apply, the Common Council shall endeavor to follow Robert's Rules of Order, most current edition, to govern proceedings.

Section 2. **Common Council Powers and Duties.**

A. The legislative powers of the City of Goshen are vested in the Common Council which permits the Common Council to pass ordinances and resolutions.

B. The Common Council may manage the finances of the City and control the City's property to the extent that such power is not vested in the executive branch.

C. The Common Council has the power to appropriate money, fix the rate of taxation, and establish budgets for the City and its departments in the manner prescribed by the laws of the State of Indiana.

D. The Common Council has the authority to issue short-term loans and bonds in accordance with the limitations established by the laws of the State of Indiana.

E. The Common Council has the investigative powers set forth in I.C. 36-4-6-1.

Section 3. Common Council President Role.

A. The Common Council President presides at Common Council meetings whenever the Mayor and the Deputy Mayor are both absent from the city, ill, or injured.

B. The Common Council President shall act as a liaison between the Common Council and the Mayor.

C. In the event that the Mayor and the Deputy Mayor are both absent from the city, ill, or injured, the Common Council President may serve as acting Mayor as provided by the laws of the State of Indiana.

Section 4. Common Council Presiding Officer Powers and Duties.

A. The Presiding Officer shall conduct the meetings of the Common Council.

B. The Presiding Officer shall call for a vote on any motion, resolution or ordinance.

C. The Presiding Officer shall sign any ordinance, order or resolution properly passed by the Common Council and shall provide such executed documents to the Clerk-Treasurer to be presented to the Mayor.

Section 5. Motions.

A. One Matter – Only one resolution or ordinance can be on the floor at a time.

B. Amendments - Only one amendment to a resolution or ordinance can be offered at a time. However, multiple versions of a pending amendment to a resolution or ordinance may be considered or discussed.

C. Motion to Postpone - An ordinance or resolution may be postponed indefinitely or to a date certain.

Section 6. Debate.

A. Debate must be limited to the resolution, ordinance, or motion under consideration. Debate may not begin until the resolution or ordinance has been introduced, or a motion has been made by one Common Council member and seconded by another Common Council member.

B. The following motions are not debatable:

1. Motion to adjourn if made after the completion of the agenda.
2. Motion to close debate.
3. Motion to call the question.

C. Any Common Council member may request a call for vote, but only the Presiding Officer can call for the vote.

D. Public comment will be permitted on a resolution or on the first and second reading of an ordinance.

E. Public comment on an issue may be limited to individuals that own real estate in the City of Goshen, to individuals that represent a business located in the City of Goshen, and to residents of the City of Goshen by the Presiding Officer unless objected to by a majority of the Common Council. This limitation shall not affect an individual's ability to comment during a public hearing.

F. Any comment made by the public must be made to the Common Council and not to other members of the public.

G. Public comment on any issue before the Common Council may be limited to no more than three (3) minutes per person by the Presiding Officer. If a majority of the Common Council determines at the beginning of public comment on an issue, that the length of time for comment by individual members of the public needs to be further limited, the Common Council may so limit. However, each member of the public must be afforded at least two (2) minutes.

H. The Presiding Officer may request that public comments address new information, arguments or insight rather than merely reiterating comments previously made by other persons. This request may not be made if the public is commenting during a statutorily required public hearing on an issue.

I. The public may not comment on a procedural motion.

J. The public may not comment on a motion to amend unless permitted by a majority of the Common Council.

Section 7. Option for Written Vote.

A. Upon the request of any Common Council member on the final vote on any ordinance or on the vote on any resolution, a written vote shall be conducted.

B. If a written vote is conducted, each Common Council member shall submit their vote on a piece of paper to the Presiding Officer who shall read the votes aloud, publicly identifying the vote of each Common Council member. After the written vote is read the Presiding Officer shall provide the members of the Common Council an opportunity to orally change their vote.

Section 8. Privilege of the Floor.

A. Any member of the public commenting during privilege of the floor may be limited to three (3) minutes by the Presiding Officer.

B. Common Council members may comment or request future action on subjects which were not on the Common Council's agenda during the Common Council's portion of privilege of the floor. The Common Council's portion of privilege of the floor will be held after the public has been given an opportunity to comment on subjects over which the Common Council has authority and were not on the Common Council's agenda.

Section 9. Prohibited Conduct

A. No Common Council member or a member of the public may engage in personal attacks or remarks concerning the character, motives, or personal attributes of any individual making an argument rather than attacking the argument itself.

B. No Common Council member or a member of the public shall make threatening remarks about Common Council members or any member of the public.

C. Any person who engages in prohibited conduct after being warned by the Presiding Officer may be ruled out of order and, if necessary, asked to leave the meeting room.

Section 10. Public Notice of Meetings. Public notice of meetings shall be provided as follows:

A. Public notice of the date, time, and place 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.

B. Public notice shall be given by posting a copy of the notice at the principal office of the City.

C. Public notice shall be given by delivering notice to all news media which deliver an annual written request for the notices not later than December 31 for the next succeeding calendar year to the Common Council or to the Goshen Clerk-Treasurer. Notice shall be given by one (1) of the following methods:

1. Depositing the notice in the United States mail with postage prepaid.
2. Transmitting the notice by electronic mail.
3. Transmitting the notice by facsimile (fax).

Proof of the manner in which notice was provided shall be retained by the Common Council.

D. Notice of regular meetings to the news media need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed.

E. Public notice shall be given by publishing the notice on the City of Goshen's Internet website at least forty-eight (48) hours in advance of the meeting. This notice will also serve as the notice to any person other than news media who has filed a written request for such notices.

Section 11. Agenda Items.

A. The Presiding Officer has the authority to set the agenda of the Common Council. The agenda as presented may be amended by a majority vote of the Common Council to add items, delete items, or change the order of agenda items.

B. Two (2) or more Common Council members may submit a request in writing to the Clerk-Treasurer that an issue over which the Common Council has authority be placed on the agenda of a future Common Council meeting. Two (2) or more Common Council members may request during privilege of the floor of a Common Council meeting that an issue over which the Common Council has authority be placed on the agenda of a future meeting.

C. The Presiding Officer will determine the appropriate Common Council meeting that the item will be placed on the agenda at the earliest possibility taking into consideration City staff's need to properly review and comment on the issue and the number of other items that need to be addressed in upcoming meetings. A requested agenda item will be placed on the Common Council agenda within ninety (90) days unless a greater time period is agreed to by the Common Council.

D. The Agenda shall be posted on the City's website at least forty-eight (48) hours before any regularly scheduled Common Council meeting.

E. The Common Council shall post a copy of its agenda at the entrance to the location of the meeting prior to the meeting.

F. In the event that there are no agenda items, the Clerk-Treasurer's Office is required to post that there is no agenda.

Section 12. Sign-In for Speakers. Individuals who wish to provide public comment during the meeting may be asked to sign in before the meeting begins on a speaker sheet provided at the entrance. The sign-in sheet is for speaking order and recordkeeping only and is not a condition of attendance at the meeting.

A. The sign-in sheet will request only the speaker's name and city of residence.

B. The Presiding Officer may call speakers in the order of sign-in and may group speakers by topic to promote efficiency.

C. Individuals who arrive after the meeting begins and did not sign in will be allowed to speak if time permits, after those who signed in.

D. All time limits and other rules for public comment in Sections 6 and 8 apply.

E. Reasonable accommodations will be made for persons with disabilities or language access needs.

Section 13. Common Council Seating. Common Council members shall be seated in alphabetical order by last name unless the Council establishes a different seating order for the annual term.

Section 14. Canceled Common Council Meetings.

A. Before a Common Council meeting is canceled due to lack of agenda items or known lack of a quorum, the Presiding Officer shall discuss the cancelation with the Common Council President and a designee annually selected by the Council members that are not of the same party as the Council President. After the discussion, the meeting shall be canceled if the Mayor, Council President, and the Minority Party Representative, annually designated by the Common Council, all agree.

B. The meeting can be canceled by the Presiding Officer if there is a declaration of emergency by the Federal government, State of Indiana, Elkhart County or City of Goshen that affects the City of Goshen.

Section 15. Minutes.

A. The meeting minutes of the Common Council shall be prepared by the City Clerk-Treasurer or the Clerk-Treasurer's designee. The Common Council strongly encourages that the

minutes be prepared in time to be approved at the Common Council's next regularly scheduled meeting.

B. The meeting minutes shall be posted on the City's website within seven (7) days of the Common Council's approval of the minutes.

Section 16. Appointments of the Common Council

A. The City's website shall include a list of the Common Council appointments and when the terms of those appointments end.

B. All vacancies on a board or commission to be appointed on January 1 by the Common Council shall be publicly announced in the first week of October by City email notice, on the City's website and on City's social media.

C. Applicants must reside within the Goshen city limits and be at least 18 years of age unless the enabling statute or ordinance for the particular board or commission states otherwise.

D. Anyone interested in a Council appointment to a board or commission shall submit an application via the City's website. Applications will then be distributed electronically. Council appointed board or commission members who want to be re-appointed to a seat they occupy shall also submit an application via the City's website expressing their desire to be re-appointed. Applications are subject to Indiana's Access to Public Records Act unless specifically excepted by Indiana statute.

E. Applications may be submitted at any time during the year, but they are actively solicited in October and November. Final appointments are made in December, except in years following a municipal general election when the appointments are made in January by the new Council.

F. All board or commission applications will be kept active for one year and can be considered for mid-year vacancies. Any mid-year vacancies due to resignations or removals shall be announced at the first possible Council meeting and filled at the following Council meeting.

G. The Council President, or his/her designee, shall contact applicants to let them know when appointments will appear on the Council agenda and to explain the appointment process. The Council President, or his/her designee, shall also contact applicants after the Council votes on appointments to inform the applicants of the outcome and to give new appointees basic information about the board or commission to which they have been appointed.

H. A board or commission member appointed by the Council resigning mid-term is encouraged to submit their resignation via the City's website or in writing to the Clerk-Treasurer and to the Council President.

NOW, THEREFORE, BE IT FURTHER ORDAINED that all Ordinances in conflict with the foregoing, including Ordinance 4897, Ordinance 4925, Ordinance 4998, and Ordinance 5036 are hereby repealed.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this ordinance shall be effective from and after adoption by this Council and compliance with I.C. 36-4-6-14.

PASSED by the Goshen Common Council on November ____, 2025.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard Aguirre, Clerk-Treasurer

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

Richard Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on November ____, 2025.

Gina M. Leichty, Mayor

Exhibit #5



City of Goshen, IN

Fund Balance Report

As Of 10/31/2025

Fund	Beginning Balance	Total Revenues	Total Expenses	Ending Balance
1101 - GENERAL FUND	21,528,877.25	21,334,287.85	24,887,124.58	17,976,040.52
2201 - MVH FUND	3,790,842.61	2,487,181.23	3,171,491.69	3,106,532.15
2202 - LOCAL ROAD & STREET	1,554,031.95	490,652.55	539,147.00	1,505,537.50
2203 - MVH-RESTRICTED	2,106,390.49	489,280.75	619,778.14	1,975,893.10
2204 - PARKS AND RECREATION	4,698,294.14	2,247,586.49	2,295,331.67	4,650,548.96
2206 - AVIATION FUND	549,459.52	314,394.77	360,441.98	503,412.31
2209 - LIT - ECONOMIC DEVELOPMENT	7,303,587.03	2,058,486.90	2,279,595.58	7,082,478.35
2214 - PROBATION FUND	126,474.02	73,938.37	92,320.96	108,091.43
2226 - REDEVELOPMENT OPERATING	486,877.76	236,459.60	210,384.30	512,953.06
2228 - LAW ENFORCEMENT CONTINUE EDUCATION	61,043.92	52,270.26	11,549.42	101,764.76
2234 - UNSAFE BUILDING FUND	218,015.68	17,198.11	125,939.74	109,274.05
2236 - RAINY DAY FUND	2,654,516.59	0.00	0.00	2,654,516.59
2240 - LIT - PUBLIC SAFETY	2,437,452.30	2,046,314.72	2,688,264.20	1,795,502.82
2256 - OPIOID SETTLEMENT UNRESTR	101,168.19	4,923.51	0.00	106,091.70
2257 - OPIOID SETTLEMENT RESTR	253,200.26	11,515.03	235,732.49	28,982.80
2258 - TOWNSHIP FIRE SUPPORT	416,352.31	350,000.00	134,951.98	631,400.33
2500 - COURT FEES	39,739.66	45,724.61	28,470.88	56,993.39
2501 - RESIDENTIAL LEASE FEES	59,283.57	52,680.00	43,592.86	68,370.71
2503 - ELECTRIC UTILITY SALE	2,867,655.75	128,686.84	0.00	2,996,342.59
2504 - OLD LAW ENFORCEMENT CONTINUE ED	18,108.66	0.00	18,108.66	0.00
2505 - STORM WATER MANAGEMNT	2,387,177.63	383,952.35	1,643,535.11	1,127,594.87
2506 - ECON IMPROVEMENT DISTRICT	30,637.77	37,710.74	9,125.11	59,223.40
2508 - REDHAWK ACADEMY	14,757.86	35,000.00	33,304.26	16,453.60
3301 - DEBT SERVICE	65,169.99	210,055.72	372,150.00	-96,924.29
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	607,413.68	481,680.00	125,733.68
3321 - INDIANA AVE BOND P&I	0.00	73,403.81	116,000.00	-42,596.19
3323 - CHERRY CREEK BOND P&I	1,475,173.57	30,811.55	327,746.25	1,178,238.87
3331 - TIF DEBT SERVICE RESERVE	217,393.75	0.00	217,393.75	0.00
3333 - DSR - CHERRY CREEK	282,220.21	7,131.47	0.00	289,351.68
4401 - CCI (CIGARETTE TAX) FUND	332,952.34	25,390.35	42,470.45	315,872.24
4402 - CUMULATIVE CAP DEVELOP	1,195,728.49	448,568.85	475,543.53	1,168,753.81
4425 - CCI FIRE STATION	601,395.79	298,462.20	409,013.24	490,844.75
4428 - CCI STORM SEWER FUND	3,290,057.69	335,396.66	125,128.31	3,500,326.04
4445 - TIF SOUTH EAST E.D.	22,706,136.70	4,707,663.74	3,714,787.79	23,699,012.65
4446 - TIF CONS RR/US 33/DT	9,914,318.15	2,146,623.20	3,562,675.47	8,498,265.88
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	605,930.00	-42,088.37
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	1,418,776.81	4,138,526.11
4651 - CEMETERY CAPITAL IMPROV.	89,453.61	7,489.95	29,842.77	67,100.79
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	898,353.28	2,101,611.85
8801 - FIRE PENSION FUND	221,266.05	585,527.06	403,490.32	403,302.79
8802 - POLICE PENSION FUND	497,258.97	306,915.78	245,622.00	558,552.75
Report Total:	105,501,470.89	44,352,089.70	54,137,951.44	95,715,609.15



Budget Report Group Summary

For Fiscal: 2025 Period Ending: 10/31/2025

Fun...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Revenue						
1101 - GENERAL FUND	28,495,121.00	28,495,121.00	1,732.50	21,334,287.85	-7,160,833.15	25.13%
2201 - MVH FUND	4,560,312.00	4,560,312.00	40.00	2,487,181.23	-2,073,130.77	45.46%
2202 - LOCAL ROAD & STREET	589,328.00	589,328.00	0.00	490,652.55	-98,675.45	16.74%
2203 - MVH-RESTRICTED	1,366,292.00	1,366,292.00	0.00	489,280.75	-877,011.25	64.19%
2204 - PARKS AND RECREATION	3,755,106.00	3,755,106.00	0.00	2,247,586.49	-1,507,519.51	40.15%
2206 - AVIATION FUND	407,787.00	407,787.00	4,118.61	314,394.77	-93,392.23	22.90%
2209 - LIT - ECONOMIC DEVELOPMENT	2,637,406.00	2,637,406.00	0.00	2,058,486.90	-578,919.10	21.95%
2214 - PROBATION FUND	125,000.00	125,000.00	0.00	73,938.37	-51,061.63	40.85%
2226 - REDEVELOPMENT OPERATING	46,200.00	46,200.00	0.00	236,459.60	190,259.60	411.82%
2228 - LAW ENFORCEMENT CONTINUE EDUCATION	0.00	0.00	131.00	52,270.26	52,270.26	0.00%
2234 - UNSAFE BUILDING FUND	0.00	400,000.00	0.00	17,198.11	-382,801.89	95.70%
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	0.00	2,046,314.72	-596,534.28	22.57%
2256 - OPIOID SETTLEMENT UNRESTR	19,500.00	19,500.00	0.00	4,923.51	-14,576.49	74.75%
2257 - OPIOID SETTLEMENT RESTR	45,600.00	45,600.00	0.00	11,515.03	-34,084.97	74.75%
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	592.50	45,724.61	25,024.61	120.89%
2501 - RESIDENTIAL LEASE FEES	64,430.00	64,430.00	330.00	52,680.00	-11,750.00	18.24%
2503 - ELECTRIC UTILITY SALE	0.00	0.00	0.00	128,686.84	128,686.84	0.00%
2505 - STORM WATER MANAGEMNT	607,827.00	607,827.00	0.00	383,952.35	-223,874.65	36.83%
2506 - ECON IMPROVEMENT DISTRICT	65,500.00	65,500.00	0.00	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	0.00	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	0.00	607,413.68	607,413.68	0.00%
3321 - INDIANA AVE BOND P&I	0.00	0.00	0.00	73,403.81	73,403.81	0.00%
3323 - CHERRY CREEK BOND P&I	0.00	0.00	0.00	30,811.55	30,811.55	0.00%
3333 - DSR - CHERRY CREEK	0.00	0.00	0.00	7,131.47	7,131.47	0.00%
4401 - CCI (CIGARETTE TAX) FUND	57,813.00	57,813.00	0.00	25,390.35	-32,422.65	56.08%
4402 - CUMULATIVE CAP DEVELOP	823,963.00	823,963.00	0.00	448,568.85	-375,394.15	45.56%
4425 - CCI FIRE STATION	565,937.00	565,937.00	0.00	298,462.20	-267,474.80	47.26%
4428 - CCI STORM SEWER FUND	586,504.00	586,504.00	0.00	335,396.66	-251,107.34	42.81%
4445 - TIF SOUTH EAST E.D.	9,367,200.00	9,367,200.00	0.00	4,707,663.74	-4,659,536.26	49.74%
4446 - TIF CONS RR/US 33/DT	3,822,700.00	3,822,700.00	0.00	2,146,623.20	-1,676,076.80	43.85%
4447 - TIF LIPPERT/DIERDORFF	261,350.00	261,350.00	0.00	135,549.23	-125,800.77	48.13%
4450 - TIF EAST COLL AVE	0.00	0.00	0.00	435,821.00	435,821.00	0.00%
4451 - TIF INDIANA AVENUE	0.00	0.00	0.00	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	89.75	7,489.95	-3,510.05	31.91%
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	0.00	585,527.06	125,527.06	27.29%
8802 - POLICE PENSION FUND	350,000.00	350,000.00	0.00	306,915.78	-43,084.22	12.31%
Revenue Total:	63,354,246.00	63,754,246.00	7,034.36	44,352,089.70	-19,402,156.30	30.43%



City of Goshen, IN

Budget Report Group Summary

For Fiscal: 2025 Period Ending: 11/30/2025

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 1101 - GENERAL FUND						
Expense						
01 - COMMUNITY RELATIONS	206,050.00	206,050.00	124.23	80,846.86	125,203.14	60.76%
02 - COUNCIL	149,770.00	149,770.00	5,048.78	121,703.39	28,066.61	18.74%
03 - MAYOR	621,380.00	621,380.00	23,877.25	470,570.01	150,809.99	24.27%
04 - CLERK-TREASURER	868,070.00	868,070.00	26,068.26	649,568.87	218,501.13	25.17%
05 - LEGAL	960,625.00	962,587.89	32,962.91	657,352.84	305,235.05	31.71%
06 - COURT	582,200.00	582,200.00	27,030.16	466,944.88	115,255.12	19.80%
07 - BOARD OF WORKS	5,303,485.00	5,500,751.97	90,300.41	4,173,897.09	1,326,854.88	24.12%
08 - TECHNOLOGY	811,000.00	941,000.00	31,181.48	542,351.86	398,648.14	42.36%
09 - CEMETERY-GENERAL	483,070.00	483,070.00	19,697.39	432,164.67	50,905.33	10.54%
10 - ENGINEERING	1,265,650.00	1,266,712.00	42,399.52	864,536.88	402,175.12	31.75%
11 - POLICE DEPARTMENT	9,650,820.00	9,769,275.47	694,040.29	8,043,171.46	1,726,104.01	17.67%
12 - FIRE DEPARTMENT	8,639,800.00	8,639,800.00	366,585.83	7,206,099.26	1,433,700.74	16.59%
15 - BUILDING DEPARTMENT	669,425.00	669,874.00	29,386.77	533,989.84	135,884.16	20.29%
16 - PLANNING DEPARTMENT	599,015.00	599,015.00	19,515.78	379,247.47	219,767.53	36.69%
18 - CENTRAL GARAGE	1,953,130.00	1,953,130.00	95,766.56	1,452,193.55	500,936.45	25.65%
19 - BUILDINGS- GROUND	357,740.00	357,740.00	9,673.23	198,165.20	159,574.80	44.61%
46 - ENVIRONMENTAL RESILIENCE	823,670.00	823,670.00	28,437.78	731,870.24	91,799.76	11.15%
90 - UNAPPROPRIATED	0.00	0.00	0.00	64,466.57	-64,466.57	0.00%
Expense Total:	33,944,900.00	34,394,096.33	1,542,096.63	27,069,140.94	7,324,955.39	21.30%
Fund: 1101 - GENERAL FUND Total:	33,944,900.00	34,394,096.33	1,542,096.63	27,069,140.94	7,324,955.39	21.30%
Report Total:	33,944,900.00	34,394,096.33	1,542,096.63	27,069,140.94	7,324,955.39	21.30%

Budget Report

For Fiscal: 2025 Period Ending: 10/31/2025

Fun...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Expense						
1101 - GENERAL FUND	33,944,900.00	34,394,096.33	2,282,183.93	25,527,044.31	8,867,052.02	25.78%
2201 - MVH FUND	3,870,190.00	3,980,703.10	369,235.41	3,226,347.04	754,356.06	18.95%
2202 - LOCAL ROAD & STREET	1,000,000.00	1,539,147.00	534,612.00	539,147.00	1,000,000.00	64.97%
2203 - MVH-RESTRICTED	2,400,000.00	2,400,000.00	0.00	619,778.14	1,780,221.86	74.18%
2204 - PARKS AND RECREATION	3,331,500.00	4,055,500.00	183,817.11	2,340,418.52	1,715,081.48	42.29%
2206 - AVIATION FUND	711,400.00	711,400.00	30,106.42	364,372.22	347,027.78	48.78%
2209 - LIT - ECONOMIC DEVELOPMENT	4,325,000.00	7,100,223.28	82,630.72	2,279,595.58	4,820,627.70	67.89%
2214 - PROBATION FUND	113,650.00	113,650.00	8,771.66	95,441.21	18,208.79	16.02%
2226 - REDEVELOPMENT OPERATING	274,550.00	348,950.00	19,841.68	217,454.09	131,495.91	37.68%
2228 - LAW ENFORCEMENT CONTINUE EDUCATION	36,000.00	36,000.00	999.85	11,549.42	24,450.58	67.92%
2234 - UNSAFE BUILDING FUND	85,000.00	551,000.00	22,900.00	125,939.74	425,060.26	77.14%
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	209,315.79	2,688,264.20	689,083.30	20.40%
2257 - OPIOID SETTLEMENT RESTR	0.00	250,000.00	0.00	235,732.49	14,267.51	5.71%
2258 - TOWNSHIP FIRE SUPPORT	378,000.00	378,000.00	7,081.01	134,951.98	243,048.02	64.30%
2500 - COURT FEES	54,700.00	54,700.00	11,095.49	28,470.88	26,229.12	47.95%
2501 - RESIDENTIAL LEASE FEES	48,975.00	48,975.00	4,356.38	44,760.72	4,214.28	8.60%
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	24,237.48	1,651,427.03	289,457.97	14.91%
2506 - ECON IMPROVEMENT DISTRICT	81,000.00	81,000.00	58.45	9,125.11	71,874.89	88.73%
2508 - REDHAWK ACADEMY	12,500.00	12,500.00	8,223.82	33,304.26	-20,804.26	-166.43%
3301 - DEBT SERVICE	373,275.00	373,275.00	0.00	372,150.00	1,125.00	0.30%
3311 - TIF BOND P & I PYMT FUND	820,889.00	898,889.00	0.00	816,718.75	82,170.25	9.14%
3320 - BOND P&I EAST COLLEGE AVE	0.00	481,680.00	0.00	481,680.00	0.00	0.00%
3321 - INDIANA AVE BOND P&I	0.00	58,000.00	0.00	116,000.00	-58,000.00	-100.00%
3323 - CHERRY CREEK BOND P&I	0.00	0.00	0.00	327,746.25	-327,746.25	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	4,616.39	42,470.45	37,529.55	46.91%
4402 - CUMULATIVE CAP DEVELOP	1,022,000.00	1,361,227.95	2,433.49	475,543.53	885,684.42	65.07%
4425 - CCI FIRE STATION	375,000.00	417,598.95	151,661.92	409,013.24	8,585.71	2.06%
4428 - CCI STORM SEWER FUND	2,700,000.00	2,700,000.00	15,736.36	125,128.31	2,574,871.69	95.37%
4445 - TIF SOUTH EAST E.D.	20,065,890.00	22,440,621.85	122,624.30	3,714,787.79	18,725,834.06	83.45%
4446 - TIF CONS RR/US 33/DT	4,075,000.00	8,586,861.94	190,930.02	3,562,675.47	5,024,186.47	58.51%
4447 - TIF LIPPERT/DIERDOORFF	0.00	388,438.11	0.00	388,438.11	0.00	0.00%
4450 - TIF EAST COLL AVE	0.00	604,680.00	0.00	605,930.00	-1,250.00	-0.21%
4451 - TIF INDIANA AVENUE	0.00	58,000.00	0.00	58,000.00	0.00	0.00%
4502 - ARP FISCAL RECOV FUND	2,806,655.00	5,506,655.00	267,166.79	1,424,561.17	4,082,093.83	74.13%
4651 - CEMETERY CAPITAL IMPROV.	45,800.00	45,800.00	0.00	29,842.77	15,957.23	34.84%
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	233,317.15	898,353.28	2,250,695.72	71.47%
8801 - FIRE PENSION FUND	551,320.00	551,320.00	41,648.60	403,635.32	147,684.68	26.79%
8802 - POLICE PENSION FUND	410,050.00	410,050.00	27,533.00	245,767.00	164,283.00	40.06%
Expense Total:	92,267,287.00	110,241,726.76	4,857,135.22	54,907,067.79	55,334,658.97	50.19%
Report Surplus (Deficit):	-28,913,041.00	-46,487,480.76	-4,850,100.86	-10,554,978.09	35,932,502.67	77.30%