



Goshen Common Council

6:00 p.m., December 5, 2022 Regular Meeting

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

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll Call:

Megan Eichorn (District 4) **Julia King** (At-Large) **Doug Nisley** (District 2)
Gilberto Pérez, Jr. (District 5) **Donald Riegsecker** (District 1)
Matt Schrock (District 3) **Council President Brett Weddell** (At-Large)
Youth Advisor Karen C. Velazquez Valdes (Non-voting)

Approval of Minutes – Nov. 21, 2022 Regular Meeting

Approval of Meeting Agenda

Privilege of the Floor

- 1) Presentation:** Climate Action Plan update (Aaron Sawatsky Kingsley)
- 2) Public Hearing and Common Council consideration** of Ordinance 5145 – Vacation of Public Ways in the City of Goshen, Indiana
- 3) Public Hearing and Common Council consideration** of Ordinance 5146 – Vacation of Public Ways in the City of Goshen, Indiana
- 4) Ordinance No. 5147** – Establishing Various Fees and Parking Regulations Regarding City-Owned Electric Vehicle Charging Stations
- 5) Ordinance 5148** – Establishing a Water Quality Management Planning Grant Fund

Elected Official Reports

Adjournment



GOSHEN COMMON COUNCIL

Minutes of the November 21, 2022 Regular Meeting

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

Mayor Jeremy Stutsman called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Mayor Stutsman asked the Clerk-Treasurer to conduct the roll call.

Present: Megan Eichorn (District 4) Julia King (At-Large) Doug Nisley (District 2)
 Gilberto Pérez Jr. (District 5) Donald Riegsecker (District 1) Matt Schrock (District 3)
 Council President Brett Weddell (At-Large)
 Youth Advisor Karen C. Velazquez Valdes (Non-voting)

Absent: None

Approval of Minutes: Mayor Stutsman asked the Council's wishes regarding the minutes of the Oct. 24, 2022 Regular Meeting. **Councilor King made a motion to approve the minutes as presented. Councilor Pérez seconded the motion. The motion passed 7-0 on a voice vote.**

Approval of Meeting Agenda: Mayor Stutsman asked the Council's wishes regarding the meeting agenda. **Councilor Eichorn moved to approve the agenda as submitted. Councilor King seconded the motion. The motion passed 7-0 on a voice vote.**

Privilege of the Floor:

At 6:01 p.m., Mayor Stutsman invited public comments on matters not on the agenda.

There were no public comments, either from those in the Council chamber or via Zoom, so the Mayor closed Privilege of the Floor at 6:01 p.m.

1) Presentation: Announcement of Kid Mayor for 2022-2023

Mayor Stutsman invited Wendy Clark, a parent liaison at Model Elementary School and the coordinator of the Kid Mayor program, to describe the program and introduce the Kid Mayor candidates.

BACKGROUND:

The Kid Mayor program began in 2020 at Model Elementary and has expanded to all of the City's elementary schools. Fourth-graders participate in the program by completing an application and identifying an issue important to the Goshen community. The students then record and submit brief videos introducing themselves and their issues. The videos are reviewed by a selection committee and six finalists are selected.

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On Oct. 24, 2022, the candidates gave speeches to the Board of Works about the issues they would advance if elected Kid Mayor. Goshen's fourth-graders viewed the videos and voted on the candidates earlier today.



SUMMARY OF DISCUSSION AND ACTION ON NOV. 21, 2022:

Wendy Clark provided an overview the program and introduced the 2022-2023 candidates for Kids Mayor: **Eliza Bell**, Waterford Elementary School; **Paul Conner Gwaltney**, Prairie View Elementary; **Matthew Demott**, Waterford; **Zoey McDonald**, Chamberlain Elementary; **Avery McPhail**, Prairie View; and **Amelia Troyer**, Chamberlain.

Mayor Stutsman said that once the winner was announced tonight, the Kid Mayor would be sworn into office. Those not elected would serve on the Kid Council and participate in an event in the coming year. Last year, the Kid Council decided to participate in a trash pickup day in the parks. Kid Council members will also visit City Hall and some City Departments. The Mayor said the new Kid Mayor would help preside over a Council meeting and perhaps a Board of Works meeting. Mayor Stutsman added that he believes the program is getting more youth involved in the community and he is glad to see the program grow.

Mayor Stutsman asked if Council members had any questions. **Council President Weddell** jokingly asked if mail-in ballots were still being counted. **Clark** responded that no mail-in ballots were involved. **The Mayor** added that neither he nor Councilors got votes, either.

Mayor Stutsman then announced the Kid Mayor winner: Paul Conner Gwaltney of Prairie View Elementary. The Mayor then swore Paul into office. He also presented certificates to the Kid Councilors.

Councilor King asked if Councilors could have access to the videos prepared by the candidates. **Clark** said she would make them available on the Goshen Community Schools website.

Mayor Stutsman also mentioned that **Goshen College students** enrolled in the "Writing for the Media" class, taught by **Professor Duane Stoltzfus**, were present at the meeting.

2) Resolution 2022-21: *Category Transfer* (for the Police and Parks departments)

Mayor Stutsman called for the introduction of Resolution 2022-21, *Category Transfer*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2022-21 by title only, which was done.

Weddell/Schrock moved to approve Resolution 2022-21.

BACKGROUND:

Resolution 2022-21, *Category Transfer*, sought authorization from the Common Council and Mayor to move available resources between major categories within the City's funds. The Mayor and Clerk-Treasurer requested this resolution because the Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

In a memorandum that was included in the meeting packet, **Deputy Clerk-Treasurer Jeffery Weaver** explained that an appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. The Department of Local Government Finance ("DLGF") requires Council approval to move an appropriation from one category to another. The Council can approve this when a department needs additional room to spend in one category and has available appropriations in another category.

By moving an appropriation from one category to another, Weaver continued, the Council is only changing the category from which the City pays an expenditure. The Council is not approving any additional spending, so the fund's total appropriation remains the same.

For each requested category transfer, a City Department head recognized a need in a budget category, reported the need to the Mayor and Clerk-Treasurer, and asked that the Council approve the transfer to continue their operations.



City Department heads reported the following needs:

- Police Officers are required to pass exams before being admitted to the pension fund which the Police Department pays for. The first category transfer should cover the medical exams through the end of the year.
- The Police Department also requested a category transfer to cover fuel costs through the end of the year, necessitated by rising fuel costs.
- The Parks Department requested a category transfer to cover remaining water and sewer charges through the year end.

Deputy Clerk-Treasurer Weaver wrote that if the Council approved the proposed category transfers, the Clerk-Treasurer would then register the adjustments in the City's books and communicate the transfers to the departments. These category transfers are adjustments that only require Council approval to be final, and do not require notification to the Indiana Department of Local Government Finance (DLGF).

SUMMARY OF NOV. 21, 2022 DISCUSSION AND PASSAGE OF RESOLUTION 2022-21:

Mayor Stutsman asked Councilors if they had any questions about the proposed category transfers. There were none.

At 6:09 p.m., Mayor Stutsman invited public comments on Resolution 2022-21. No one asked to speak, so the Mayor closed the public comment period.

Councilor King explained, for the benefit of the Goshen College students, that the category transfers involved the City moving money between funds to cover expenses by City Departments.

Mayor Stutsman provided a further explanation and said that toward the end of the year such transfers are often made. He emphasized that additional funds were not being spent; just shifts within budgets.

There were no comments from Councilors, who also indicated they were ready to vote.

On a voice vote, Councilors approved Resolution 2022-21, Category Transfers, by a 7-0 margin, with all Councilors present voting "yes" at 6:11 p.m. Youth Advisor Velasquez Valdes also voted "yes."

3) Ordinance 5143: Establishing an Elkhart Township Fire Support Fund

Mayor Stutsman called for the introduction on First Reading of Ordinance 5143: *Establishing an Elkhart Township Fire Support Fund*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5143 by title only, which was done.

Weddell/Pérez moved to approve Ordinance 5143 on First Reading.

BACKGROUND

In 2021, the City of Goshen entered into an Interlocal Agreement with Elkhart Township to provide fire protection service and emergency medical service to the unincorporated areas of Elkhart Township. As part of the agreement, the City of Goshen will be receiving compensation. In order to have a clear record of the actual cost of the Township Agreement, the City Legal Department reported that it was necessary to establish a separate fund to account for all receipts and expenditures of funds associated with the services provided under the Agreement.



If Ordinance 5143 was approved, a Township Fire Support Fund would be established to:

1. Record receipts from Elkhart Township under the Interlocal Agreement between the City of Goshen and Elkhart Township for Fire and Ambulance Services, dated Dec. 21, 2021, and recorded with the Elkhart County Recorder as Instrument Number 2022-00858 ("Township Agreement"); and
2. Pay expenditures according to the Township Agreement

More specifically, The Township Fire Support Fund would be used to pay for eligible costs of the fire and emergency medical services provided to Elkhart Township as set forth in the Township Agreement, including payroll for an anticipated addition of new firefighters, and other expenses incurred by the City of Goshen in providing services to Elkhart Township

SUMMARY OF NOV. 21, 2022 DISCUSSION AND PASSAGE OF ORDINANCE 5143:

Mayor Stutsman explained the necessity of the Township Fire Support Fund. He said property and equipment was turned over to the City of Goshen last year as part of the agreement. He said that the Township will be transferring funds to the City over the next four years before an assessment of the finances of the agreement in year five. He also noted that funds from the Township will help pay for three new firefighters next year.

There were no comments or questions from Councilors. So at 6:12 p.m., Mayor Stutsman opened a public hearing on Ordinance 5143, which was before the Council for a First Reading.

There were no public comments, so Mayor Stutsman closed the public hearing on Ordinance 5143.

The Mayor asked if Councilors had any additional comments. There were none and councilors indicated they were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5143 on First Reading by a 7-0 margin, with all Councilors present voting "yes" at 6:12 p.m. Youth Adviser Velazquez Valdes also voted "yes."

Councilors gave unanimous consent to the Mayor to proceed with the Second Reading of Ordinance 5143.

Mayor Stutsman called for the introduction, on Second Reading, of Ordinance 5143: *Establishing an Elkhart Township Fire Support Fund*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5143 by title only, which was done.

Weddell/King moved to approve Ordinance 5143 on Second and Final Reading.

At 6:13 p.m., Mayor Stutsman invited additional public comment on Ordinance 5136, which was before the Council for a Second Reading. There were none.

There were no further comments or questions from members of the audience or Councilors, who also indicated they were ready to vote.

On a voice vote, Councilors unanimously approved Ordinance 5143 on Second and Final reading by a 7-0 margin, with all Councilors present voting "yes" at 6:13 p.m. Youth Adviser Velazquez Valdes also voted "yes."



4) **Resolution 2022-26: *Contract with the Indiana Department of Transportation for sweeping services***
Mayor Stutsman called for the introduction of Resolution 2022-26, *Contract with the Indiana Department of Transportation for sweeping services*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2022-26 by title only, which was done.
Weddell/Nisley moved to approve Resolution 2022-26.

BACKGROUND:

If passed by the Council, **Resolution 2022-26** would approve a contract with the Indiana Department of Transportation for Sweeping Services. The Indiana Department of Transportation wants to contract with the City of Goshen for the City to sweep the 20.6 curb miles of state highways within the City limits a minimum of two times each year. The contract term is for 48 months, commencing July 1, 2021 through June 30, 2025. The State will pay the City \$360/curb mile for a total of \$7,416 each year

SUMMARY OF NOV. 21, 2022 DISCUSSION AND PASSAGE OF RESOLUTION 2022-26:

Mayor Stutsman provided additional background on Resolution 2022-26. He said that if the Common Council did not approve the resolution and the contract, the City would not have to sweep the state roads that go through Goshen, but that state work crews only go through the City to sweep the roads once or twice per year. He also noted that the amount of reimbursement from the State doesn't cover all of the City's costs for the work.

There were no questions or comments from Councilors.

At 6:14 p.m., Mayor Stutsman invited public comments on Resolution 2022-26, but there were none.

Clerk-Treasurer Aguirre said that before the contract was recently approved by the Board of Works & Safety, board member **Mike Landis** asked how long the State has paid the City the same amount for sweeping. A member of the Legal Department responded that the same amount has been paid since 2013.

Mayor Stutsman said he has been seeking an increase for several years, but the State has yet to respond.

There were no questions or comments from Councilors, who also indicated they were ready to vote.

On a voice vote, Councilors approved Resolution 2022-26, *Contract with the Indiana Department of Transportation for sweeping services*, by a 7-0 margin, with all Councilors present voting "yes," at 6:15 p.m. Youth Advisor Velasquez Valdes also voted "yes."

Elected Official Reports:

Mayor Stutsman said that when he met with the **Goshen College students** earlier today he told them they had "lucked out" because it would be a quick meeting due to the light agenda.

Mayor Stutsman reported that tomorrow (Nov. 22, 2022), City officials would participate in an **Exit Conference** with **State Board of Accounts** staff members who have concluded their annual audit of the City of Goshen's financial statement for the prior year (Jan. 1, 2021 to Dec. 31, 2021) as well as an audit of federal grants.



Mayor Stutsman also said he wanted to “publicly applaud” **Clerk-Treasurer Aguirre** for his work since being appointed to the position in July 2021. He said Aguirre took office just as a state audit was launched and during the busiest period of City budget preparations, which was not the best time to assume the duties. The Mayor further said of Aguirre: “He’s done a phenomenal job and he’s got his staff that’s doing great work for us, too and I just really appreciate that. This is not any comment to any Clerk-Treasurer I’ve worked with, because I’ve enjoyed them all for different reasons, but Richard, I put in many hours, and it’s actually more frequent now that I come in (City Hall) and he’s already there. I just applaud him for his hard work.”

Councilor Riegsecker said he attended the City **Community Relations Commission (CRC)** meeting last Monday. He said Commissioners discussed Indigenous People’s Day. He said commissioners commented that the event had a good turnout, there were great speakers and there was good feedback from the community. He said next year current topics may be featured. He said the next CRC meeting will be Dec. 2, and meetings will be moved to the City Hall Annex. Next year, he said the meetings will be held the second Tuesday of the month and **Councilor Megan Eichorn** will resume as the Council’s liaison to the CRC for Riegsecker, who had filled in temporarily.

Councilor Riegsecker praised the Police and Fire Departments for leading a successful food collection drive Nov. 20 at Kroger. He said shoppers were encouraged to purchase specific items and many people contributed.

Councilor Pérez said some of his constituents have continued to praise the work of the **City Environmental Resilience Department**. Besides doing good work, staff have been responsive to the public.

Councilor Pérez also praised the **Goshen College students** who recently focused attention on the Indian Child Welfare Act. He said it was good to strengthen relationships with indigenous people.

Councilor Pérez also said he wanted to applaud **Council Youth Advisor Karen C. Velazquez Valdes**, who is developing a Spanish-language radio program to help people learn more about City services. He said he has met with her several times and the program will be launched on two radio stations in January. **Mayor Stutsman** responded that the Youth Adviser will start work as an intern in the Mayor’s Office in January, so she will be busy.

Councilor Riegsecker said he wanted to add that the First Responders food drive was for the Window, “which is another great organization in town.” **Mayor Stutsman** added that Kroger arranged and organized the food drive.

Council President Weddell said he and **Councilor King** have been working together with City staff on options for signage on properties that may be the subject of rezoning requests or are for sale. He said the goal is to improve the visibility of signage for neighboring residents.

Council President Weddell said the most recent Redevelopment Commission meeting featured an annual report from Baker Tilly municipal advisers. He said one thing he found interesting was the amount of money brought into the City by its redevelopment efforts, through Tax Increment Financing (TIF) revenue. He said Baker Tilly provided an analysis of what the outcome would be if the City had no TIF revenue. He said the Redevelopment Commission annually produces \$8.6 million through TIF income. If that was eliminated entirely, the Council President said, the City would instead be receiving \$165,000. So, he said the Redevelopment Commission brings in a lot of money that is put back into the City that wouldn’t be available in any other fashion. Council President Weddell said he or the Mayor or Baker Tilly could provide more information to Councilors.



Council President Weddell said the Baker Tilly analysis also showed that Tax Increment Finance districts do not negatively impact school districts, which is what he has always believed. He said he spoke with **Goshen Community Schools Superintendent Hope** about this and is looking forward to more conversations about this issue.

Council President Weddell also reported that the Redevelopment Commission canceled a contract with a developer for two properties on the Millrace. He said **City Redevelopment Director Becky Hutsell** is working diligently on a Request for Proposal in hopes a new project will get underway soon.

Councilor King said hopefully a sign will be posted on those properties soon to inform the community what is happening there.

Councilor Pérez asked if **Council President Weddell** might explain Tax Increment Financing (TIF) to the Goshen College students.

Council President Weddell provided a brief explanation of how Tax Increment Financing worked and how it was used to aid in development.

The **Council President's** explanation prompted responses and different perspectives on TIF by **Councilor King, Councilor Perez, Council President Weddell, Councilor Nisley** and **Councilor Schrock**. They also discussed the use of TIF for residential development.

Councilor King said that she and Councilor Schrock participated in a committee meeting that examined the condition of the City pool and what can be done to improve it. **Mayor Stutsman** responded that the Rotary Club helped pay for the City pool 50 years ago and helped pay for renovations it in the 1980s. He said the City will be making the club part of the current review process. Mayor Stutsman also said it appears the City will be building a new pool and a report about it will be coming to the Council soon.

Councilor Nisley said the Airport Board met with the Freedom Fest board and it appears the show will be held every other year.

Clerk-Treasurer Aguirre reminded Councilors of upcoming Council meetings scheduled for Dec. 5, Dec. 19 and Tuesday, Dec. 27, at 5:30 p.m. At the next meeting, Aguirre said he will be asking Councilors to sign statements affirming that they understand and follow the City's nepotism and contract policies. He said the statements will be notarized at the same time. **Mayor Stutsman** said the only subject of the Dec. 27 meeting will be year-end budget transfers. Aguirre added that a draft Council meeting schedule for 2023 will be discussed at a December meeting.

Mayor Stutsman informed Councilors that at the Dec. 5 or Dec. 19 Council meeting, Councilors will be asked to approve higher stormwater fees. He said the regional stormwater board, which represents Bristol, Elkhart, Goshen and Elkhart County government, are recommending a higher fee. All of the entities will need to approve the higher fee for it to take effect. He said that if approved, the fee would still be lower than the state average.

Asked by **Council President Weddell** if the higher fee would be proposed as an ordinance or resolution that could be approved at a single meeting, **Mayor Stutsman** said he believe it was an ordinance. He asked **City Attorney Bodie Stegelmann** to clarify the action that would be requested. **City Attorney Stegelmann** said the City would be approving a fee increase, which would be consistent with the fee approved by the other entities. **Stegelmann** said he would clarify if final action could be taken at a single meeting.



There were no further comments by the elected officials.

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

Mayor Stutsman adjourned the meeting at 6:34 p.m.

APPROVED:

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer



Department of Environmental Resilience

410 West Plymouth Avenue • Goshen, IN 46526
Phone (574) 534-0076 • www.goshenindiana.org
Aaron Sawatsky-Kingsley, Department Head



Memo

To: Common Council of the City of Goshen, In.
From: Aaron Sawatsky-Kingsley
Date: December 5, 2022
Subject: Presentation on Climate Action Plan Progress

In 2022, various City of Goshen Departments undertook important work toward some of the strategies outlined in our Government Operations Climate Action Plan (2021).

The report to City Council will highlight some of this ongoing work, such as planting of over 1,400 trees, energy efficiency upgrades, and new land management efforts. The new solid waste program, including curbside recycling, is another important highlight from 2022. Many individuals from across the City have played a part in these efforts.



Rhonda L. Yoder, AICP
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MEMORANDUM

TO: Goshen Common Council
FROM: Rhonda L. Yoder, City Planner
DATE: December 5, 2022
RE: Ordinance 5145

The Goshen Plan Commission met on November 15, 2022, in regular session and considered a request for the vacations of unimproved public right of way for Riverdale School, generally located at 801 W Wilkinson Street, zoned Residential R-2, for the east/west alley between Lots 98 and 99 in Hess Riverdale Addition; and the north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition, with the following outcome:

Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 7-0.

The recommendation is based upon the following:

1. The proposed vacations will not hinder the growth or orderly development of the neighborhood, as the right of way to be vacated has not functioned as public right of way for many years.
2. The proposed vacations will not make access difficult or inconvenient, as there is no existing public access.
3. The proposed vacations will not hinder access to a church, school or other public building or place, as the existing right of way does not provide any of the described access.
4. The proposed vacations will not hinder the use of the public way, as the area to be vacated has been assumed to have been vacated and has not been used as a public way for many years.
5. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities, and the City shall require and retain a general utility easement over the vacation of the north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition to provide continued access to the existing facilities within the vacated right of way.

No inquiries were received prior to Plan Commission, and at the Plan Commission meeting there were no public comments.

ORDINANCE 5145
VACATION OF PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA

A Petition having heretofore been filed with the Common Council of the City of Goshen, Indiana, on the 26th day of October 2022 by Goshen Community Schools requesting the vacation of certain public ways within the Corporate limits of the City of Goshen, Indiana, and more particularly described therein.

The public hearing before the Goshen City Plan Commission and public hearing before the Common Council of the City of Goshen, Indiana, having been scheduled as to said Petition with the hearing before the Goshen City Plan Commission having been held on the 15th day of November 2022, and with the hearing before the Common Council of the City of Goshen, Indiana, having been held on the 5th day of December 2022, and formal legal publication notice as to said hearings having been published in the Goshen News on the 5th day of November 2022, said legal notice having been published being in the words and figures following.

The Common Council of the City of Goshen having received a recommendation and/or report from the Goshen City Plan Commission and having conducted a public hearing on said Petition on the date set forth in said Notice and being duly advised in the premises now finds as follows:

1. The Petition heretofore filed is in proper order, and that proper legal notices of the public hearing conducted with regard to said Petition have been mailed and published.
2. The vacation of the public ways in question would not hinder the growth or orderly development of the City of Goshen, Indiana, or of the neighborhood in which it is located or to which it is contiguous.
3. The vacation of the public ways in question will not make access to the lands of any property owners within the City of Goshen, Indiana, by means of public way difficult or inconvenient.
4. The vacation of the public ways in question will not hinder the public's access to a church, school, or other public building or place.
5. The vacation of the public ways in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW THEREFORE, be it ordained, ordered, adjudged, and decreed by the Common Council of the City of Goshen, as follows:

1. That said Petition is hereby, in all respects approved and confirmed and the request therein made to vacate public ways is granted.
2. That the following described public ways situated in the City of Goshen, Indiana, are hereby vacated, said public ways being generally described as follows:

An east/west alley between Lots 98 and 99 in Hess Riverdale Addition;

And more particularly described as follows:

The east/west alley immediately north of and adjacent to Lot 98, and south of and adjacent to Lot 99, in the Plat of the Hess Riverdale Addition, Goshen, Indiana, which plat is recorded in Miscellaneous Record, Volume 44, Page 421, in the Office of the Recorder of Elkhart County, Indiana.

AND

A north/south alley extending north from Wilkinson Street between Denver Street and Huron Street;

And more particularly described as follows:

The north/south alley immediately west of and adjacent to Lots 63 and 65, and east of and adjacent to Lots 66, 68 and 69, in the Plat of the Hess Riverdale Addition, Goshen, Indiana, which plat is recorded in Miscellaneous Record, Volume 44, Page 421, in the Office of the Recorder of Elkhart County, Indiana, except that portion of the alley previously vacated by

Order of the Elkhart Circuit Court in Cause No. 29162, which order was recorded in Miscellaneous Record 44 at pages 495 ff. in the Office of the Recorder of Elkhart County on November 7, 1957.

3. That title in fee simple to the vacated right of way shall be transferred to the adjoining property owners in the above described real estate.
4. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities. Further, with these vacations the City shall require and retain a general utility easement over the vacation of the north/south alley, as particularly described above, to provide continued access to the existing facilities within the vacated right of way.
5. This Ordinance shall become effective upon passage by the Council, approved by the Mayor. The Planning office of the City of Goshen shall be responsible for the recording of this Ordinance. A copy of this Ordinance stamped by the County Recorder as having been filed in that office shall be provided to the petitioners by the Planning office of the City of Goshen, with the petitioner being responsible for the recording expenses.

PASSED by the Common Council of the City of Goshen on _____, 2022.

Presiding Officer

Attest:

Printed Name: _____
Title: _____

PRESENTED to the Mayor of the City of Goshen on _____, 2022 at _____ a.m./p.m.

Printed Name: _____
Title: _____

APPROVED AND ADOPTED by the Mayor of the City of Goshen on _____, 2022.

Jeremy P. Stutsman, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Rhonda Yoder

This instrument prepared by: Rhonda Yoder, Goshen City Planning, City of Goshen, Indiana

To: Goshen City Plan Commission/Goshen Common Council
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 22-02V, Vacations of Unimproved Alley Right of Way, 801 W Wilkinson Street, Riverdale School
Date: November 15, 2022

ANALYSIS

Goshen Community Schools requests vacations of unimproved public right of way for Riverdale School, generally located at 801 W Wilkinson Street, zoned Residential R-2, as follows:

- The east/west alley between Lots 98 and 99 in Hess Riverdale Addition; and
- The north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition.

Both alleys were assumed to have been vacated, are not shown as right of way, and have been incorporated within the existing tax parcel for the subject property. During a recent survey, references for the two alley vacations were not able to be located, and the vacations are being requested to confirm the vacations.

The vacation request includes two separate alleys, both of which were assumed to have been vacated. Because the vacation references were not able to be located during a recent survey, Goshen Community Schools is requesting the vacations to confirm approval. In the case of the north/south alley, a portion of the alley was vacated in 1957, extending approximately 99 feet south from Chicago Avenue along the west line of the alley.

The east/west alley is partially located under the primary building, so utility providers assume there are no utilities present and no easement is requested in this area.

There are existing utilities in the north/south alley right of way to be vacated, so a general utility easement is required for the vacated area of the north/south alley.

According to Indiana Code 36-7-3-13 remonstrance or objection to a vacation may only be filed on the following grounds:

- (1) *The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.*
- (2) *The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.*
- (3) *The vacation would hinder the public's access to a church, school, or other public building or place.*
- (4) *The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.*

Because the right of way is unimproved and does not currently provide access, the vacations will not impact access or use of the public way. The right of way has already been incorporated into the tax parcel owned by Goshen Community Schools, and the vacations will not impact land ownership.

RECOMMENDATIONS

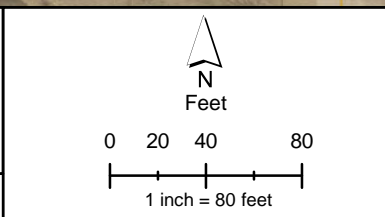
Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for, and the Common Council approve, the vacation of the east/west alley between Lots 98 and 99 in Hess Riverdale Addition, and the vacation of the north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition, based upon the following:

1. The proposed vacations will not hinder the growth or orderly development of the neighborhood, as the right of way to be vacated has not functioned as public right of way for many years.
2. The proposed vacations will not make access difficult or inconvenient, as there is no existing public access.
3. The proposed vacations will not hinder access to a church, school or other public building or place, as the existing right of way does not provide any of the described access.
4. The proposed vacations will not hinder the use of the public way, as the area to be vacated has been assumed to have been vacated and has not been used as a public way for many years.
5. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities, and the City shall require and retain a general utility easement over the vacation of the north/south alley east of and adjacent to Lots 68 and 69 in Hess Riverdale Addition to provide continued access to the existing facilities within the vacated right of way.



Approximate Location of Alley Vacations

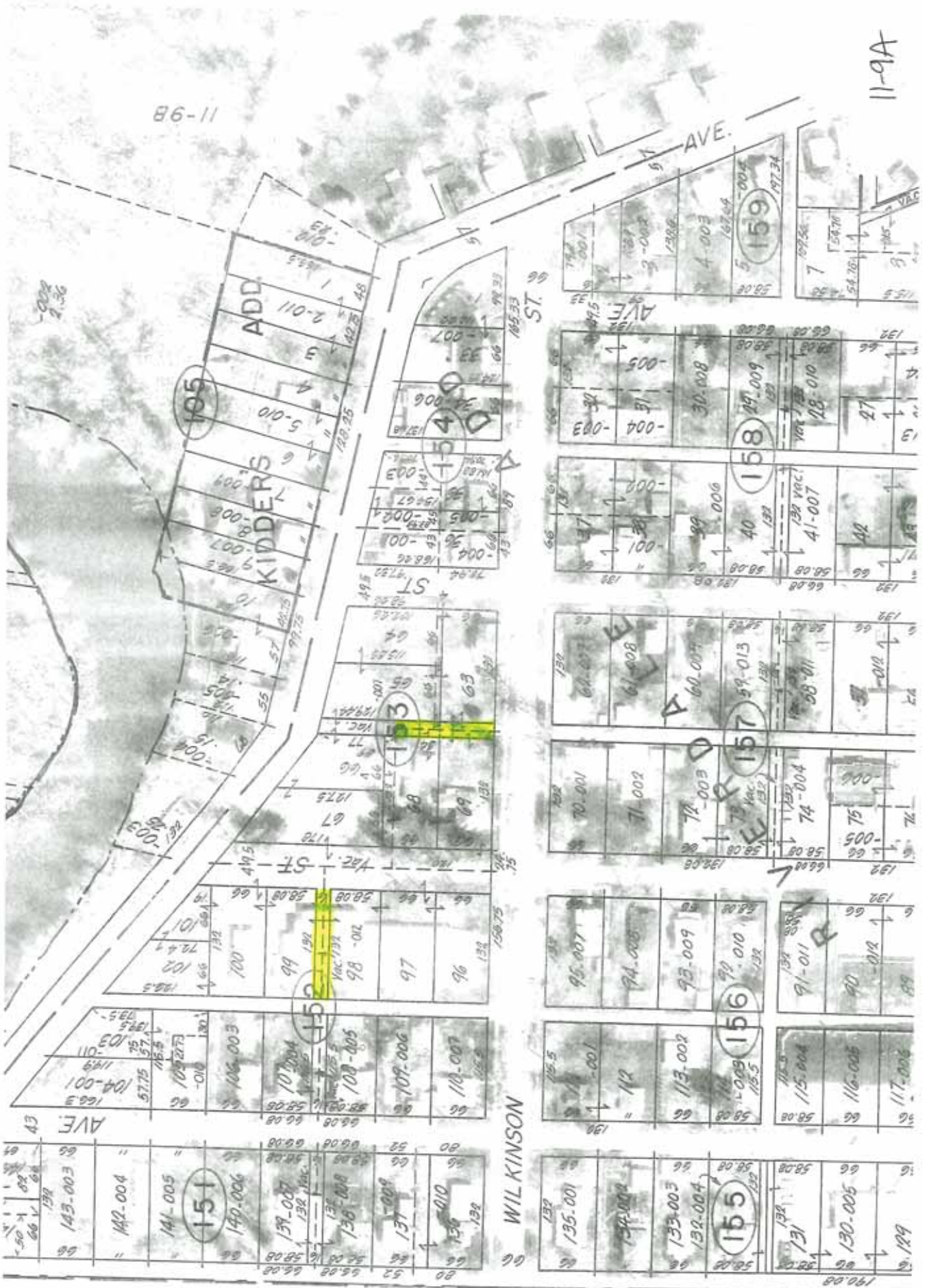
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801 W Wilkinson Street

Zoning Map & 2021 Aerial
Printed October 31, 2022

The City of Goshen
Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626



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

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

MEMORANDUM

TO: Goshen Common Council
FROM: Rhonda L. Yoder, City Planner
DATE: December 5, 2022
RE: Ordinance 5146

The Goshen Plan Commission met on November 15, 2022, in regular session and considered a request for the vacations of unimproved public right of way for Goshen High School, generally located at 501 Lincolnway East, zoned Residential R-1, for a north/south alley, extending north from Reynolds Street, between 11th and 12th Streets, and for a portion of Purl Street along the east boundary of Wurster's 3rd Addition, between the vacated north/south alley, to confirm a prior vacation; and a portion of 10th Street along the north boundary of Wurster's 3rd Addition, between the vacated east/west alley, to confirm a prior vacation, with the following outcome:

Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 7-0.

The recommendation is based upon the following:

1. The proposed vacations will not hinder the growth or orderly development of the neighborhood, as the right of way to be vacated has not functioned as public right of way for a number of years.
2. The proposed vacations will not make access difficult or inconvenient, as there will be no change to access.
3. The proposed vacations will not hinder access to a church, school or other public building or place, as the vacations will not impact any of the described access.
4. The proposed vacations will not hinder the use of the public way, as the areas to be vacated have not been used as a public way for a number of years.
5. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities, and the City shall require and retain a general utility easement over the vacations to provide continued access to the existing facilities within the vacated right of way.

No inquiries were received prior to Plan Commission, and at the Plan Commission meeting there were no public comments.

ORDINANCE 5146
VACATION OF PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA

A Petition having heretofore been filed with the Common Council of the City of Goshen, Indiana, on the 26th day of October 2022 by Goshen Community Schools requesting the vacation of certain public ways within the Corporate limits of the City of Goshen, Indiana, and more particularly described therein.

The public hearing before the Goshen City Plan Commission and public hearing before the Common Council of the City of Goshen, Indiana, having been scheduled as to said Petition with the hearing before the Goshen City Plan Commission having been held on the 15th day of November 2022, and with the hearing before the Common Council of the City of Goshen, Indiana, having been held on the 5th day of December 2022, and formal legal publication notice as to said hearings having been published in the Goshen News on the 5th day of November 2022, said legal notice having been published being in the words and figures following.

The Common Council of the City of Goshen having received a recommendation and/or report from the Goshen City Plan Commission and having conducted a public hearing on said Petition on the date set forth in said Notice and being duly advised in the premises now finds as follows:

1. The Petition heretofore filed is in proper order, and that proper legal notices of the public hearing conducted with regard to said Petition have been mailed and published.
2. The vacation of the public ways in question would not hinder the growth or orderly development of the City of Goshen, Indiana, or of the neighborhood in which it is located or to which it is contiguous.
3. The vacation of the public ways in question will not make access to the lands of any property owners within the City of Goshen, Indiana, by means of public way difficult or inconvenient.
4. The vacation of the public ways in question will not hinder the public's access to a church, school, or other public building or place.
5. The vacation of the public ways in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW THEREFORE, be it ordained, ordered, adjudged, and decreed by the Common Council of the City of Goshen, as follows:

1. That said Petition is hereby, in all respects approved and confirmed and the request therein made to vacate public ways is granted.
2. That the following described public ways situated in the City of Goshen, Indiana, are hereby vacated, said public ways being generally described as follows:

An unimproved north/south alley, extending north from Reynolds Street, between 11th and 12th Streets;

And more particularly described as follows:

The north/south alley immediately east of and adjacent to Lots 54, 55 and 56, and west of and adjacent to Lots 57, 58 and 59, in the Plat of Thomas' 2nd Addition, Goshen, Indiana, which plat is recorded in Deed Record Volume 82, Page 572, Office of the Recorder of Elkhart County, Indiana.

AND

A portion of Purl Street along the east boundary of Wurster's 3rd Addition, between the vacated north/south alley, to confirm a prior vacation;

And more particularly described as follows:

A portion of Purl Street in the City of Goshen, Indiana, beginning at the northeast corner of Lot 80 in the plat of Wurster's 3rd Addition, which plat is recorded in Deed Record 63, Page 323, Office of the Recorder of Elkhart County, Indiana; thence easterly along the south line of Purl Street to the east boundary of the plat of Wurster's 3rd Addition; thence northerly along the east boundary of the plat of Wurster's 3rd Addition to the intersection of the east boundary of the plat of Wurster's 3rd Addition

and the north line of Purl Street; thence westerly along the north line of Purl Street to the southeast corner of Lot 79 in the Plat of Wurster's 3rd Addition, Goshen, Indiana; then southerly to the point of beginning.

AND

A portion of 10th Street along the north boundary of Wurster's 3rd Addition, between the vacated east/west alley, to confirm a prior vacation;

And more particularly described as follows:

A portion of 10th Street in the City of Goshen, Indiana, beginning at the northeast corner of Lot 95 in the plat of Wurster's 3rd Addition, which plat is recorded in Deed Record 63, Page 323, Office of the Recorder of Elkhart County, Indiana; thence easterly to the northwest corner of Lot 74 in Wurster's 3rd Addition; thence northerly along the east line of 10th Street to the southwest corner of Lot 21 in the plat of Rowell's Addition, Goshen, Indiana, which plat is recorded in Deed Record 42, Page 213, Office of the Recorder of Elkhart County, Indiana; thence westerly to the southeast corner of Lot 4 in Rowell's Addition; thence southerly along the west line of 10th Street to the point of beginning.

3. That title in fee simple to the vacated right of way shall be transferred to the adjoining property owners in the above described real estate.
4. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities. Further, with these vacations the City shall require and retain a general utility easement over the entire area of each of the three described vacations.
5. This Ordinance shall become effective upon passage by the Council, approved by the Mayor. The Planning office of the City of Goshen shall be responsible for the recording of this Ordinance. A copy of this Ordinance stamped by the County Recorder as having been filed in that office shall be provided to the petitioners by the Planning office of the City of Goshen, with the petitioner being responsible for the recording expenses.

PASSED by the Common Council of the City of Goshen on _____, 2022.

Presiding Officer

Attest:

Printed Name: _____
Title: _____

PRESENTED to the Mayor of the City of Goshen on _____, 2022 at _____ a.m./p.m.

Printed Name: _____
Title: _____

APPROVED AND ADOPTED by the Mayor of the City of Goshen on _____, 2022.

Jeremy P. Stutsman, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Rhonda Yoder

This instrument prepared by: Rhonda Yoder, Goshen City Planning, City of Goshen, Indiana

To: Goshen City Plan Commission/Goshen Common Council
From: Rhonda L. Yoder, Planning & Zoning Administrator
Subject: 22-03V, Vacations of Unimproved Right of Way, 501 Lincolnway East, Goshen High School
Date: November 15, 2022

ANALYSIS

Goshen Community Schools requests vacations of unimproved public right of way for Goshen High School, generally located at 501 Lincolnway East, zoned Residential R-1, as follows:

- A north/south alley, extending north from Reynolds Street, between 11th and 12th Streets, west of and adjacent to Lots 57, 58 and 59 in Thomas' 2nd Addition;
- A portion of Purl Street along the east boundary of Wurster's 3rd Addition, between the vacated north/south alley, to confirm a prior vacation; and
- A portion of 10th Street along the north boundary of Wurster's 3rd Addition, between the vacated east/west alley, to confirm a prior vacation.

The request includes a new alley vacation, for a north/south alley extending north from Reynolds Street, and affirmation of a portion of two prior vacations (Purl Street and 10th Street), based on possible ambiguity in the descriptions, so the entire vacation of each area is confirmed.

There are existing utilities in the new area to be vacated, and utility easements were required and established as part of the prior vacations of Purl Street and 10th Street, so a general utility easement is required for the new vacated area, and the vacated areas of Purl Street and 10th Street being affirmed will retain utility easements.

According to Indiana Code 36-7-3-13 remonstrance or objection to a vacation may only be filed on the following grounds:

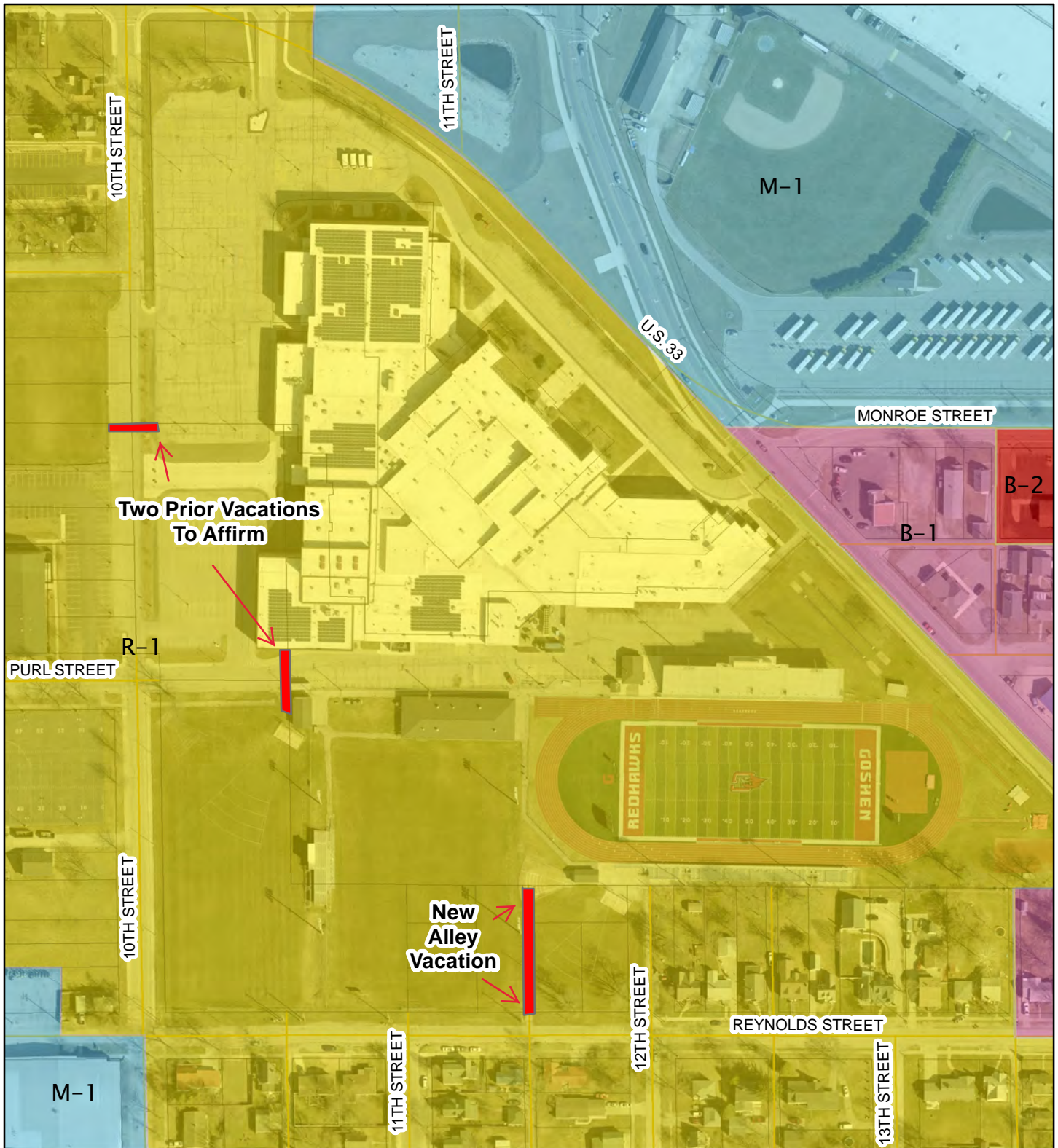
- (1) *The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.*
- (2) *The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.*
- (3) *The vacation would hinder the public's access to a church, school, or other public building or place.*
- (4) *The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.*

The north/south alley right of way is currently unimproved and does not provide access, and the two vacations to be affirmed are already functioning as vacated areas, so the vacations will not impact access or use of the public way. Following the vacation, the vacated north/south alley will be transferred to the adjoining property owner, Goshen Community Schools, and for the two vacations to be affirmed the property has already been transferred to Goshen Community Schools.

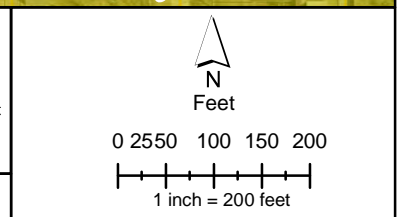
RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for, and the Common Council approve, the vacation of a north/south alley, extending north from Reynolds Street, between 11th and 12th Streets, and affirmation of portions of two prior vacations of Purl Street and 10th Street, based upon the following:

1. The proposed vacations will not hinder the growth or orderly development of the neighborhood, as the right of way to be vacated has not functioned as public right of way for a number of years.
2. The proposed vacations will not make access difficult or inconvenient, as there will be no change to access.
3. The proposed vacations will not hinder access to a church, school or other public building or place, as the vacations will not impact any of the described access.
4. The proposed vacations will not hinder the use of the public way, as the areas to be vacated have not been used as a public way for a number of years.
5. That these proceedings shall not deprive any public utility of the use of all or part of the public ways herein being vacated if, at the time these proceedings were initiated, the utility was occupying and using all or part of that public way for the location and operation of its facilities, and the City shall require and retain a general utility easement over the vacations to provide continued access to the existing facilities within the vacated right of way.



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501 Lincolnway East - Goshen High School

Zoning Map & 2021 Aerial
 Printed October 31, 2022

The City of Goshen
 Department of
 Planning & Zoning
 204 East Jefferson Street, Goshen, Indiana 46528
 Phone: 574-534-3600 Fax: 574-533-8626

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AVE

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11-10E

See Detail On Pg 11-10E



11-15A



Department of Environmental Resilience

410 West Plymouth Avenue • Goshen, IN 46526
Phone (574) 534-0076 • www.goshenindiana.org
Aaron Sawatsky-Kingsley, Department Head



Charging Stations Fee Ordinance Background

EV sales history

In the U.S., it took eight years to sell one million electric vehicles and fewer than three years to sell the next million. The Edison Electric Institute (EEI) projects the next one million will be sold by the end of 2022. Annual sales of EVs will be nearly 5.6 million in 2030, reaching more than 32% of annual light-duty sales. This estimate is up from previous estimates made in 2018. There is a projected need for 12.9 million charge ports to support the projected 26.4 million EVs that will be on U.S. roads in 2030. (Edison Electric Institute. June 21, 2022. <https://www.eei.org/News/news/All/eei-projects-26-million-electric-vehicles-will-be-on-us-roads-in-2030>)

Providing charging when and where people need it

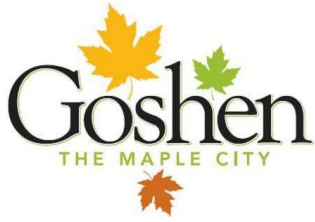
As more people purchase electrical vehicles, the need will grow for destination, neighborhood and workplace charging. In the early adoption phase, the City of Goshen recognized that the City had the opportunity to share charging resources with the public as the City builds stations to support the City's fleet. The community shared approach also allows the City to utilize grant and partner funding to bring additional resources to Goshen that support travelers and residents as the community's infrastructure grows to accommodate electric vehicle transportation options. *Currently public charging is only available in Goshen at City Hall, the Goshen Public Library, Goshen College, and the newly installed station in the parking lot south of Lincoln and east of Water Street.*

The City's first charging station was installed in January 2020 behind City Hall. It was installed as the primary charger for the City's Tesla Model 3. It has also served as a downtown area destination charger as well as a workplace and neighborhood charging station. It has been free for use since installation. The utility data for this charger has shown increased use over the last three years. In 2020, the monthly average number of hours the charging station was used was 44 hours. In 2021, it doubled to 103 hours and in 2022 it was up to 162 hours. *(This is based on the maximum output of the charger. Some EVs cannot charge at that output which would increase the number of average hours.)* This station's utility costs related to charging were on average \$69/month in 2020, \$146/month in 2021, and \$234/month in 2022. This data includes fleet charging.

In November of this year the City installed an EV Charging Station in the City owned parking lot between south of Lincoln Avenue and east of Water Street. This was grant, public, and private funded project. The requirement of the grant was 2 hours of free charging for two years after activation. This site was chosen because it was near the downtown, commercial, retail, and restaurant businesses and also provided access to the Millrace Trail. It is a destination charging station that will provide needed charging for travelers. It could also be a workplace charging station for the many people who work in that area.

In 2023, the Environmental Resilience Department will be adding an additional station at City Hall and one at Rieth Interpretative Center. Both will support the City fleet and be available for public charging.

Jeremy Stutsman
Mayor of Goshen



Department of Environmental Resilience

410 West Plymouth Avenue • Goshen, IN 46526
Phone (574) 534-0076 • www.goshenindiana.org
Aaron Sawatsky-Kingsley, Department Head



All of the current and planned (2023) stations are Level 2 charging stations where a vehicle can charge for approximately 25 miles of battery life for each hour of charging. Most vehicles take 8-12 hours to charge at a level 2 charging station, depending on the battery specifications. MACOG has approved funding for a Level 3 *fast* charging station to be built in 2026 or 2027. The fast charging station would be priced at a different level as the electric consumption is 10 times or more depending on the EV and the battery.

Proposed Rates

Leah Thill, Senior Environmental Planner at MACOG provided technical guidance in determining a rate that evaluated expenses and City expectations for use of the charging stations. The rate of \$1.17 per hour was calculated to cover utility charges for the electricity used. City purchased charging stations the user would pay the electricity charge of \$1.17 per hour for the first four hours. At the start of the fifth hour the user would be charged an additional \$3.83 per hour to encourage turnover and allow availability for multiple users given the limited number of charging stations in Goshen. It also reduces the number of users who leave their vehicle to just top off their battery because the charge is too small. Travelers who need the extended time charging to get to their next destination will find the fee acceptable and continue charging. If the user stays five hours, the cost is \$10.85.

The charging station south of Lincoln Avenue is grant supported. It requires 2 hours free charging for users during the first two years of operation. The hourly rate would be \$1.17 per hour beginning at the third hour with an additional parking fee of \$1.83 per hour (\$3.00 total). The parking fee would be less per hour as it is starting earlier. If a user stays five hours the cost is

11/29/2022

Jeremy Stutsman
Mayor of Goshen



CITY OF GOSHEN LEGAL DEPARTMENT
Matt Lawson, Assistant City Attorney

City Annex
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MEMO

TO: Common Council of the City of Goshen, IN
FROM: Matt Lawson, Asst. City Attorney
DATE: November 28, 2022
SUBJECT: Ordinance No. 5147 Establishing Various Fees and Parking Regulations Regarding City-Owned Electric Vehicle Charging Stations

The Legal Department has been working with the Michiana Area Council of Governments (“MACOG”) and the Goshen Department of Environmental Resilience to evaluate and determine the appropriate time limitations, fee structures, and regulations applicable to the use of City-owned electric vehicle charging stations and associated parking spaces as set forth in Ordinance No. 5147 Establishing Various Fees and Parking Regulations Regarding City-Owned Electric Vehicle Charging Stations which is attached for the Council’s consideration (hereafter the “Ordinance”).

Section 1 of the Ordinance deals with the “**Spaces Designated for Electric Vehicle Charging**” and amends the current parking prohibitions set forth in Goshen City Code §4.4.1.1 by adding a seventh item to the current list providing:

(7) In a parking space designated for electric vehicle charging unless the vehicle is capable of be charged by the charging equipment available for such parking space and the vehicle is engaged in the charging process.

§4.4.1.1(7) can be enforced through the existing structure for parking violations.

Section 2 of the Ordinance adds an entirely new section (§4.4.1.12) to Goshen’s current parking code and establishes a “**Fee for Use of City-Owned Electric Vehicle Charging Stations**”. Section 2 establishes a flat hourly rate of \$1.17 per hour for the first four (4) hours of active charging at a City-owned charging station and creates an additional parking fee of \$3.83 per hour, in addition to the \$1.17 (for a total of \$5 per hour) after the first four (4) hours. A four (4) hour timeframe has been established to facilitate the turnover needed for greater access and usage of City-owned charging stations.

As a condition of the City’s application for the grant funding that was used to obtain the City’s electric vehicle charging station located in the City of Goshen parking lot south of Lincoln Avenue and east of Water Street, the City agreed to provide the first 2 hours of charging at this grant supported charging station (only) at no cost to users for the first 2 years after its installation. As such, Section 2 of the Ordinance also establishes a separate fee for the one grant funded charging station located in the City of Goshen. Specifically, after the first two (2) hours of free charging, the Ordinance establishes a flat hourly rate of \$1.17 per hour plus an additional parking fee of \$1.83 (for a total of \$3 per hour) for each hour after the two (2) free hours. The fees established by the Ordinance comply with Indiana Code §36-1-3-8(a)(6) which requires any charge established by the City to be reasonably related to reasonable and just rates and charges for the electric vehicle charging services provided by the City of Goshen.

ORDINANCE NO. 5147

ESTABLISHING VARIOUS FEES AND PARKING REGULATIONS REGARDING CITY-OWNED ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the City of Goshen seeks to encourage greater ownership and use of electric vehicles to reduce automobile air pollution, energy consumption, and greenhouse gas emissions from the transportation sector.

WHEREAS, the installation and availability of sufficient public electric vehicle charging infrastructure supports the transition to electric vehicles and contributes to the City of Goshen's commitment to sustainability which is in the best interest of the public health, safety and welfare.

WHEREAS, to serve the needs of residents and the traveling public, and to provide convenience of service to those that use electric vehicles, the City of Goshen has installed and continues to invest in the installation of electric vehicle charging stations throughout the City.

WHEREAS, the City of Goshen will incur significant costs relating to the equipment and services required to provide greater access to public vehicle charging stations, including estimated costs associated with the purchase of supply equipment (approximately \$12,000, plus installation costs), maintenance (approximately \$500/year), network subscriptions (approximately \$528/year), ChargePoint service fees (approximately 10%), and ongoing electrical utility costs that continue to increase yearly (a 16.5% increase to NIPSCO's base rate is pending).

WHEREAS, The City's electric vehicle charging station located in the City of Goshen parking lot south of Lincoln Avenue and east of Water Street was obtained, in part, through grant funding from the Indiana Department of Environmental Management under VW Project Funding Agreement Number VWL2-013, and as a condition of the City's application for receipt of such grant funds the City agreed to provide the first 2 hours of each charging at this grant supported charging station at no cost to users for the first 2 years after its installation.

WHEREAS, in accordance with Indiana Code §36-1-3-8(a)(6), the City may impose a service charge or user fee that is reasonably related to reasonable and just rates and charges for such services.

WHEREAS, for financial stability and to facilitate the turnover needed for greater access and usage of charging stations, the Goshen Common Council determines it necessary to impose certain time limitation, various fees, and regulations applicable to the use of City-owned electric vehicle charging stations and associated parking spaces.

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

SECTION 1. Spaces Designated for Electric Vehicle Charging.

Goshen City Code Title 4, entitled "Motor Vehicles and Traffic," Article 4 entitled "Parking," Chapter 1 entitled "Generally," Section 1 shall be amended to read as follows:

4.4.1.1 Parking Prohibitions generally.

Sec. 1 No vehicle shall be parked:

- (1) Across the main line or marking of a parking space or in a position that the vehicle shall not be entirely within the area designated by the lines or markings.
- (2) In a road right-of-way in the opposite direction of oncoming traffic.
- (3) In any area where parking is prohibited.
- (4) In any city-owned parking lot in violation of the regulations posted for the lot.
- (5) For a period of time in excess of the posted time limitation.
- (6) In a parking space reserved in accordance with Indiana Code 5-16-9-2 for a vehicle of a person with a physical disability without displaying a placard issued under Indiana Code 9-14-5 or under the laws of another state, a registration plate of a person with a physical disability, or a registration plate of a disabled veteran.
- (7) In a parking space designated for electric vehicle charging unless the vehicle is capable of be charged by the charging equipment available for such parking space and the vehicle is engaged in the charging process.

SECTION 2. Fee for Use of City-Owned Electric Vehicle Charging Stations.

Goshen City Code Title 4, entitled “Motor Vehicles and Traffic,” Article 4 entitled “Parking,” Chapter 1 entitled “Generally,” shall be amended to add Section 12 to read as follows:

§ 4.4.1.12 Fee for Use of City-Owned Electric Vehicle Charging Stations

- (1) Any person using a City-owned electric vehicle charging station shall pay a flat hourly rate of \$1.17 per hour for the first four (4) hours of active charging.
- (2) Any person using a City-owned electric vehicle charging station beyond the first four (4) hours of active charging shall pay an additional parking fee of \$3.83 per hour, in addition to the charging fee paid under Section 4.4.1.12(1), which shall continue after the first four (4) hours.
- (3) Notwithstanding subsections (1) and (2), any person using the City’s electric vehicle charging station located in the City of Goshen parking lot south of Lincoln Avenue and east of Water Street shall not be charged a fee for the first two (2) hours of active charging. Any person using this City-owned electric vehicle charging station shall pay a flat hourly rate of \$1.17 per hour after the initial two (2) hours, plus an additional parking fee of \$1.83 per hour. Charges under this subsection (3) shall remain in effect through December 31, 2024, after which the use of the City’s electric vehicle charging station located in the City of Goshen parking lot south of Lincoln Avenue and east of Water Street shall be subject to the fees and charges under subsections (1) and (2).
- (4) Fees and charges under this Section shall be collected at the time of active charging at a City-owned charging station.

SECTION 4. Other Ordinances.

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

SECTION 5. Effective Date.

This ordinance shall become effective after passage, due attestation, and publication as required by law. Further, this ordinance shall remain in effect until amended or repealed by the Common Council.

PASSED by the Goshen Common Council on December ____, 2022.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on December ____, 2022, at the hour of _____:_____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and **ADOPTED** on December ____, 2022.

Jeremy P. Stutsman, Mayor

ORDINANCE 5148

ESTABLISHING A WATER QUALITY MANAGEMENT PLANNING GRANT FUND

WHEREAS, the City of Goshen, in partnership with the Elkhart River Restoration Association, has applied for and been awarded a Section 205j Water Quality Planning Program Grant for the Lower Elkhart River Watershed Management Plan (“Project”).

WHEREAS, it is necessary to establish a separate fund for each grant received to account for all receipts and disbursements of the grant funds, including any matching funds.

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

Section 1. Fund Established

A Water Quality Management Planning Grant Fund is established (“Fund”).

Section 2. Source of Funding

The source of Funding shall be from grant funds received pursuant to the Grant Agreement entered into by and between the Indiana Department of Environmental Management (“State”) and City of Goshen for the Water Quality Management Planning Grant awarded to the City of Goshen in the amount of \$154,725.00 as accepted and approved by the Goshen Board of Public Works & Safety on November 21, 2022 (“Grant Agreement”).

Section 3. Use of Fund

The Fund shall be used for Water Quality Management Planning and any other allowable Project costs as provided for and consistent with the Grant Agreement.

Section 4. Fiscal Year-End Balance; Termination

The Fund shall be non-reverting. Any balance remaining in the Fund at the end of a fiscal year shall be carried over in the Fund for the following year and shall not be transferred to any other fund. The Fund will terminate without further action of the Common Council once all funds have been expended in accordance with the terms of the Grant Agreement.

PASSED by the Goshen Common Council on _____, 2022.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2022, at the hour of ____:____ __.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2022.

Jeremy P. Stutsman, Mayor