



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

**6:00 p.m., February 26, 2024 Regular Meeting**

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

**Call to Order by Mayor Gina Leichty**

**Pledge of Allegiance led by Kid Councilor Amari Stoll**

### **Roll Call:**

**Linda Gerber** (At-Large)    **Phil Lederach** (District 5)    **Doug Nisley** (District 2)

**Megan Peel** (District 4)    **Donald Riegsecker** (District 1)    **Matt Schrock** (District 3)

**Council President Brett Weddell** (At-Large)

**Youth Adviser Jessica Velazquez Valdes** (Non-voting)

**Approval of Minutes:** January 29, 2024 Regular Meeting and Feb. 2, 2024 Work Session

**Approval of Meeting Agenda**

**Privilege of the Floor**

**1) City of Goshen Financial Report**

**2) Public hearing and consideration of Ordinance 5177, *Vacation of Public Ways in the City of Goshen, Indiana***

**3) Ordinance 5178, *Amend Membership of Goshen Community Relations Commission***

**4) Ordinance 5179, *Additional Appropriations***

**5) Resolution 2024-02, *A Resolution Providing for the Transfer of Appropriations***

**Elected Official Reports**

***Adjournment***



## GOSHEN COMMON COUNCIL

### Minutes of the JANUARY 29, 2024 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 6:03 p.m. Assisted by the Mayor, Council Youth Adviser Jessica Velazquez Valdes led the Pledge of Allegiance.

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

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

**Absent:** None

**Clerk-Treasurer Aguirre made the following announcement before any Council action was taken:**

"Immediately after the adjournment of the last Council meeting, on Jan. 8, 2024, the Common Council met in an Executive Session. The Executive Session was convened pursuant to the provisions of the Open Door Law and Indiana Code 5-14-1.5- 6.1(b), and as permitted by state statute: (10) When considering the appointment of a public official, to (B): Consider applications.

"More specifically, the Common Council reviewed and discussed the 2024 applicants for City Boards and Commissions. Appointments to City Boards and Commissions are scheduled to be made publicly at the Council's Regular Meeting today, Jan. 29, 2024. No other subject matter was discussed at the Jan. 8 Executive Session. The meeting was convened at 7:49 p.m. and adjourned at 8:42 p.m."

#### **Approval of Minutes:**

Mayor Leichty asked the Council's wishes regarding the minutes of the Jan. 8, 2024 Regular Meeting as prepared by Clerk-Treasurer Aguirre. Councilor Nisley moved to accept the minutes as presented by the Clerk-Treasurer. Councilor Riegsecker seconded the motion. The motion passed 7-0 on a voice vote.

#### **Approval of Meeting Agenda:**

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

#### **Privilege of the Floor:**

At 6:07 p.m., Mayor Leichty invited public comments for matters not on the agenda.

Matt Norment, the co-owner of The Energy Well in downtown Goshen, said he and his former wife began their business seven years ago after leaving their previous jobs, adding it was a "saving grace."



**Norment** said he has had previous conversations with **Councilors** and **former Mayor Jeremy Stutsman** about the parking situation downtown and, especially, the issue of downtown employees using on-street parking spaces (instead of City lots), rendering them unavailable to customers. He said this was an issue he and other downtown business owners have had and he receives weekly and sometimes daily complaints about this from his customers.

**Norment** said, "I tell them 'It's part of downtown business and downtown shopping, that you don't always get the best spot. Sometimes you have to take a walk.' But when they have limitations in their life, it makes it a lot harder for them and in turn, we lose business."

**Norment** said the problem is especially bad on Washington Street, near his business, because the employees of **EI Duranguense** catering services use seven to 10 parking spots a day on the street, which could be used by customers, instead of using the City parking lot behind the building. **Norment** said he tried to talk to the business owner about the issue but was turned away.

**Norment** also said that **Mayor Stutsman** declined to meet with him and address the problem. He said this situation has negatively affected his business. He estimated that for him, a six-customer per-day loss due to a lack of parking cost him \$1,800 per month, while 12 customers lost per day cost him about \$3,600.

"That's a lot of money for me and that affects my life in a negative way, and right now our business is on the outs because this has been impacting for so long — of course other circumstances, too — but this is not helping, and there's a simple solution to it, if we can just encourage business owners to utilize City parking so customers can have priority parking. Without customers, we don't have downtown businesses," he said.

**Norment** said he contacted **Mayor Leichty's** office and the person who answered declined to allow him to speak with the Mayor.

**Mayor Leichty** responded that there are no parking restrictions downtown, but business owners are encouraged to have their employees park in City lots behind their buildings.

The **Mayor** also said, "It's a complete honor system, so there are no required or reserved parking spaces for any particular business. It's a delicate balance that the City neighborhood of businesses have to navigate all the time to provide parking spaces both for their employees and for their customers. Every business that I know of downtown would love to have reserved parking in front of their business and that's not something that the City has identified as a necessity.

"There seems to be more than adequate parking downtown in aggregate, although sometimes for certain businesses that does require a bit of walking for people who are visiting businesses. And in Mr. **Norment's** case, being on the corner, there are some limitations on that. You would have to cross a busy street if you had to park in the City lot, which is generally open and available, and people aren't willing to do that. So that location is tricky."

**Councilor Schrock** asked if there was an ordinance requiring Main Street employees to park in City lots. **Mayor Leichty** said employees "are strongly encouraged to but there isn't any penalty I am aware of." **Councilor Schrock** said he thought there was an ordinance on this issue.

**Mayor Leichty** said the City used to have a ticketing system, but not anymore. She said "it was perceived as business unfriendly." Neighbors can be asked to use the City lots, she added, but can't be required to do so.

**Council President Brett Weddell**, the owner of Wellington & Weddell Eye Care, on the same block as **EI Duranguense** and the Energy Well, said there used a parking monitor who issued tickets to people whose vehicles remained in parking places for too long. However, he said that system was eliminated, and he was unaware of any prohibition on downtown employees using on-street parking spaces.



**Council President Brett Weddell** said he does prohibit his own employees from parking on the street in order to free up customer parking spaces. He added that he has a small private lot behind his business. He did confirm that the El Duranguense catering truck does park on the street.

**There were no further comments, so Mayor Leichty closed the public comment period at 6:16 p.m.**

### 1) City of Goshen Financial Report

**Mayor Leichty** said **Deputy Clerk-Treasurer Jeffery Weaver** would be providing a City financial overview. She said the purpose was to keep Council members informed monthly of City finances and numbers so they can better oversee the City's budget and finances.

#### **BACKGROUND:**

As part of the agenda meeting packet, **Deputy Clerk-Treasurer Weaver** provided Councilors with a memorandum, dated Jan. 29, 2024, and three pages of data on the City's prior year expenditures and 2024 spending budget for general fund departments, special revenue funds, restricted funds and redevelopment restricted funds as well as a summary cash activity report for the year ended Dec. 31, 2023. Before the meeting, Weaver distributed a corrected final page from the report (**EXHIBIT #1**)

In his memorandum, **Weaver** wrote that the Mayor and Clerk-Treasurer were collaborating to provide regular reports to keep the Common Council and community members better informed about the City of Goshen's financial position and budget and help Councilors "manage the finances of the City, appropriate money and establish budgets."

**Weaver** wrote that this report included generalized financial data for the year ended Dec. 31, 2023 and some preliminary discussion about the current budget year. He wrote that the Clerk-Treasurer's Office was in the process of completing its 2023 Annual Financial Report to the State Board of Accounts, as well as other required reports to the State Department of Local Government Finance and other state and local agencies, so the information presented to the Council on Jan. 29, 2024 should be considered a preliminary snapshot in time and did not necessarily reflect the final numbers that will be reported to state and local agencies.

#### **DEPUTY CLERK-TREASURER REPORT TO COUNCIL:**

To underscore his oral report, **Deputy Clerk-Treasurer Weaver** used a five-page PowerPoint presentation, titled "Treasury Report," which was an explanation of the City's prior year expenditures and 2024 spending budget for general fund departments, special revenue funds, restricted funds and redevelopment restricted funds as well as a summary cash activity report for the year ended Dec. 31, 2023 (**EXHIBIT #2**).

**Weaver** said that as part of a long-term goal of better informing the Council, he would be providing a high-level look at 2023 spending and how that compared to the 2024 budget. To aid in understanding, Weaver said he compiled a report with many of the City's 81 funds into different categories, including the 30 categories that the Council actively deals with. He said he also would talk about the City's cash balances.

**Weaver** began with a discussion of **General Fund** spending, which primarily is for payroll and day-to-day operating costs and includes most City departments, including the Council, Clerk-Treasurer, Cemeteries, Police, Fire, Building and Planning. In 2023, spending increased 4.1% over 2022 spending, which Weaver said was expected.



Total spending from the General Fund was \$20,041,967 in 2020, \$23,595,920 in 2021, \$25,780,232 in 2022 and \$26,837,943 in 2023. **The 2024 budget for the General Fund is \$31,430,835.**

**Councilor Peel** asked why the Common Council budget increased from \$121,089 in 2022 to \$185,889 in 2023. **Weaver** said that was because the primary and general municipal election costs were paid from that budget.

**Weaver** said the **Special Revenue Funds** category includes the “Big Four” funds – the General Fund, the Motor Vehicle Highway Fund (for streets) and the Motor Vehicle Highway Restricted Fund, Parks and the Public Safety Local Income Tax Fund. He said the Special Revenue Funds pay for payroll and operating costs. He said in 2023, Special Revenue Funds spending increased by 11.8% over 2022 spending.

**Council President Weddell** confirmed that the City’s Rainy Day Fund has a balance but had no expenditures in 2023. **Weaver** affirmed that understanding and noted that the Rainy Day Fund has a balance of about \$2.1 million. Total spending from Special Revenue Funds was \$11,148,686 in 2020, \$11,200,834 in 2021, \$11,292,053 in 2022 and \$12,622,906 in 2023. **The 2024 budget for Special Revenue Funds is \$15,834,360.**

**Weaver** said **Restricted Funds** are mostly used for capital projects, debt service and trust funds. He said most of its spending is for large capital purchases – construction projects and equipment – and there is very little payroll or supplies spending. In 2023, he said spending decreased 4.1% over 2022 spending.

Total spending from Restricted Funds was \$1,902,725 in 2020, \$3,180,919 in 2021, \$4,039,867 in 2022 and \$3,874,202 in 2023. **The 2024 budget for Restricted Funds is \$6,512,038.**

**Weaver** said **Redevelopment Restricted Funds** are from Tax Increment Financing (TIF) and the funds raised are used for capital projects, primarily construction projects in those districts. In 2023, spending in this category increased 95.5% over 2022 spending.

Total spending from Redevelopment Restricted Funds was \$3,647,616 in 2020, \$5,531,830 in 2021, \$6,781,056 in 2022 and \$13,259,792 in 2023. **The 2024 budget for Redevelopment Restricted Funds is \$21,282,229.**

**Weaver** also provided a **summary of cash activity for the year ended Dec. 31, 2023**. The City had a beginning cash balance on Jan. 1, 2023 of \$111,618,615, receipts of \$111,-518,802, expenditures of \$114,628,325 and an ending cash balance on Dec. 31, 2023 of \$108,509,092. The ending cash balance was composed of \$18,411,086 in the General Fund, \$21,017,822 in Special Revenue Funds, \$16,627,424 in Restricted Funds, \$26,811,886 in Redevelopment Funds, \$17,895,872 in Unappropriated Funds and \$7,745,022 in Utility Funds.

**Weaver** said next month the Clerk-Treasurer’s Office hopes to begin providing reports that compare the 2024 budget with how much is being spent monthly and quarterly. He said the goal is to provide Councilors with a clearer idea of revenue and expenditures to help with the yearly budgeting process.

**Council President Weddell** and **Councilor Nisley** thanked **Weaver** for his report and work. Council President Weddell also thanked **Mayor Leichty** for providing monthly reports. In turn, **Mayor Leichty** thanked **Deputy Clerk-Treasurer Weaver** and **Clerk-Treasurer Aguirre** for their work.

**Mayor Leichty** asked **City Attorney Bodie Stegelmann** if the Council needed to approve the report. Stegelmann said that since it was an information report, it didn’t need to be approved.



## **2) Council appointments to City Boards and Commissions**

**Mayor Leichty** said the next agenda item was Council appointments to City Board and Commissions.

**Council President Weddell** said the process should go smoothly. First, he said the Council needed to make an appointment to the **Goshen Public Library Board of Trustees** to a four-year term. He said **Brad Mosness**, the only applicant, has served two terms and wanted to be reappointed. He also has the support of **Library Director Ann Margaret Rice**.

**Councilors Nisley/Riegsecker** nominated **Brad Mosness** for appointment to the Library Board.

There were no further nominations.

**On a voice vote, Councilors unanimously appointed Brad Mosness to the Library Board, by a 7-0 margin, with all Councilors present voting for Mosness.**

**Mayor Leichty** requested a clarification on the facilitation of the nomination and voting process for the Council appointments. She said she had expected to oversee the process. **Council President Weddell** said in the past, he has done so. **Councilor Peel** said the Council has overseen the process. **Mayor Leichty** said that was fine; she just wanted a clarification, adding that she was happy to share the facilitation duties.

**Council President Weddell** said the Council next had to **appoint two members to the City Redevelopment Commission** to one-year terms. He said **four people applied: Council President Brett Weddell, Colin Yoder, James Loewen and Jonathan Graber**.

**Council President Weddell** said the **Mayor** informed him that she has **appointed Jonathan Graber to the Redevelopment Commission** and **James Loewen to the Board of Zoning Appeals**. He said that didn't mean **Loewen** couldn't still be appointed to the Redevelopment Commission. He also suggested that Councilors vote on each Redevelopment Commission appointee individually.

**Councilors Nisley/Riegsecker** nominated **Brett Weddell** for appointment to the Redevelopment Commission. There were no further nominations for the first position.

**On a voice vote, Councilors unanimously appointed Brett Weddell to a one-year term on the Redevelopment Commission, by a 7-0 margin, with all Councilors present voting for Weddell.**

**Council President Weddell** opened nominations for the **second opening on the Redevelopment Commission**.

**Councilors Nisley/Schrock** nominated **Colin Yoder** for appointment to the Redevelopment Commission.

**Councilors Gerber/Lederach** nominated **James Loewen** for appointment to the Redevelopment Commission.

**Council President Weddell** closed the nominations

**On a roll call vote, Councilors appointed Colin Yoder to a one-year term on the Redevelopment Commission, by a 5-2 margin. Councilors Nisley, Peel, Riegsecker, Schrock and Weddell voted for Yoder and Councilors Gerber and Lederach voted for Loewen.**

**Council President Weddell** said the Council also had to fill **three vacancies on the City Shade Tree Board**. He said two were full three-year terms and one was a partial term.





Council President Weddell said there were **four Shade Tree Board applicants: Emma Conrad (a current member), Phippen Roth, Natasha Kauffman and Jeremy Kyle Strain.**

**Council President Weddell** suggested each appointment be handled individually.

**Councilors Schrock/Gerber nominated Emma Conrad for appointment to the Shade Tree Board.**

There were no further nominations for the first position.

**On a voice vote, Councilors unanimously appointed Emma Conrad to a three-year term on the Shade Tree Board, by a 7-0 margin, with all Councilors present voting for Conrad.**

**Council President Weddell** invited nominations for the second position on the Shade Tree Board.

**Councilors Peel/Schrock nominated Phippen Roth for appointment to the Shade Tree Board.**

There were no further nominations for the second position.

**On a voice vote, Councilors unanimously appointed Phippen Roth to a three-year term on the Shade Tree Board, by a 7-0 margin, with all Councilors present voting for Roth**

Finally, **Council President Weddell** said the Council needed to fill a Shade Tree Board partial term, which will end on Dec. 31, 2025. He said there were two applicants remaining: **Natasha Kauffman and Jeremy Kyle Strain.**

**Councilors Schrock/Nisley nominated Jeremy Kyle Strain for appointment to the Shade Tree Board.**

There were no further nominations for the third position.

**On a voice vote, Councilors unanimously appointed Jeremy Kyle Strain to a two-year term on the Shade Tree Board, by a 7-0 margin, with all Councilors present voting for Strain.**

**Mayor Leichty** said she had distributed to Councilors a list of draft appointments of Council liaisons to City Departments and Board and Commissions. Before the appointments are finalized, the Mayor said she would welcome feedback from Councilors.

## **2) Resolution 2024-1, Grant Agreement for 2024 Edward Byrne Memorial JAG Program Funds**

**Mayor Leichty** called for the introduction of Resolution 2024-01, *Grant Agreement for 2024 Edward Byrne Memorial JAG Program Funds*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2024-01 by title only, which was done.

**Weddell/Schrock/Nisley made a motion to approve Resolution 2024-1.**

### **BACKGROUND:**

The City Police Department applied to and was awarded \$60,750 in grant funding from the Edward Byrne Memorial Justice Assistance Grant Program for fiscal year 2024 to be used for the purchase of in-car mount radios.

The City Legal Department asked the Council to approve Resolution 2024-01, which would approve the terms and conditions of the grant agreement between the Indiana Criminal Justice Institute and Goshen Police Department.



## **SUMMARY OF JAN. 29, 2024 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2024-01:**

**Mayor Leichty** asked if Councilors previously approved this grant agreement.

**Clerk-Treasurer Aguirre** said the Board of Works and Common Council approved a similar grant agreement last year and the Council was being asked to do so again. He said the Board of Public Works and Safety approved the same grant agreement two weeks ago.

**Mayor Leichty** said this agreement has already been reviewed. She asked if there were any comments or questions about the agreement. There were not.

**Mayor Leichty asked if Councilors were prepared to vote on Resolution 2024-01. Council President Weddell said Councilors were ready to vote.**

**On a voice vote, Councilors unanimously approved Resolution 2024-01, Grant Agreement for 2024 Edward Byrne Memorial JAG Program Funds, by a 7-0 margin, with all Councilors present voting “yes,” at 6:36 p.m.**

## **Elected Official Reports**

**Council President Weddell** said he appreciated the City updates on possible flooding by **City Stormwater Coordinator Jason Kauffman**

**Councilor Peel** said she also appreciated the thorough reports from the **Elkhart County Humane Society**.

**Councilor Nisley** asked for an update on the **City’s wage and compensation study**, which was prepared by Baker Tilly Municipal Advisers. He asked for an update on its status and when it will be presented to the Council.

**Mayor Leichty** responded that she and **Deputy Mayor Mark Brinson** will be meeting to discuss the report in the next week or two. She said they will discuss the final modifications in compensation, which then will be brought to the Council, possibly at the end of February. She said these will be the updated salary classifications that will need to be reviewed and approved. She confirmed the City now has all the data from Baker Tilly.

**Councilor Peel** said that at the last meeting of the **City Community Relations Commission (CRC)**, there was a discussion about potentially reducing the number of commissioners from nine to seven people. She said there was a good conversation and all those present favored the reduction. However, Councilor Peel said commissioners wanted to re-evaluate the issue at the end of the year because the Commission is undergoing a lot of change and Commissioners want to make sure there are enough members to do the Commission’s work. She added there is a good and cohesive commission that should work well with only seven members.

**Councilor Lederach** asked when the CRC will revisit the issue.

**Councilor Peel** said that would be up to the Common Council. **Mayor Leichty** said Board and Commission appointments start to be made in October. She said if Councilors want to make a change, it would be good to bring that proposal to the Council sometime between October and the end of the year.

**Councilor Schrock** said that after reading through the minutes of the Jan. 8 meeting, he was reminded of the reports by **City Department heads**. He said he wanted to thank them for their reports and their good work.





**Councilor Schrock** also said he wanted to thank the **City Street Department** for its recent snow removal work. **Mayor Leichty** agreed and also thanked Utility crews for their work repairing water mains. She also said she participated in a ride-along with a City snow-removal crew. She encouraged Councilors to do the same. **Clerk-Treasurer Aguirre** complimented **Mayor Leichty** for her excellent job coordinating the City's emergency response to the recent winter freeze. The **Mayor** said she appreciated the compliment.

There were no further Council comments or questions.

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

Mayor Leichty adjourned the meeting at 6:43 p.m.

**EXHIBIT #1: A corrected final page of a report by Deputy Clerk-Treasurer Jeffery Weaver, which included a memorandum, dated Jan. 29, 2024, and three pages of data on the City's prior year expenditures and 2024 spending budget for general fund departments, special revenue funds, restricted funds and redevelopment restricted funds as well as a summary cash activity report for the year ended Dec. 31, 2023 (corrected).**

**EXHIBIT #2: "Treasury Report," a five-page PowerPoint presentation prepared and presented to the Council by Deputy Clerk-Treasurer Weaver. The presentation was a comparison of the City's prior year expenditures and 2024 spending budget for general fund departments, special revenue funds, restricted funds and redevelopment restricted funds as well as a summary cash activity report for the year ended Dec. 31, 2023.**

APPROVED:

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

ATTEST:

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



## GOSHEN COMMON COUNCIL & REDEVELOPMENT COMMISSION

### Minutes of the February 2, 2024 Work Session on Housing Issues

*Convened in the Schrock Pavilion, Shanklin Park, 111 West Plymouth Avenue, Goshen, Indiana*

**Present: Mayor Gina Leichty**

**Common Council:**

**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)

**Redevelopment Commission:**

**Brianne Brenneman**

**Brian Garber**

**Jonathan Graber**

**Bradd Weddell** (School Liaison)

**Brett Weddell**

**Colin Yoder**

**City of Goshen staff present included:**

**Deputy Mayor Mark Brinson**

**City Redevelopment Director Becky Hutsell**

**City Director of Public Works & Utilities Dustin Sailor**

**City Fire Chief Dan Sink**

**City Attorney Bodie Stegelmann**

#### 1) Welcome and introduction by Mayor Leichty

**Mayor Leichty** convened the work session at 10:35 a.m. She offered a welcome and provided a brief overview.

#### 2) Introduction of City Council & Redevelopment Commission

Members of the Common Council and Redevelopment Commission introduced themselves.

**Councilors:** Linda Gerber; Phil Lederach, Doug Nisley, Megan Peel, Don Riegsecker, Matt Schrock & Brett Weddell.

**Commissioners:** Brianne Brenneman; Brian Garber, Jonathan Graber, Bradd Weddell and Colin Yoder.

**Mayor Leichty** also introduced **City Redevelopment Director Becky Hutsell**, who she said suggested holding this work session. The Mayor said today's presenters would provide perspectives on how to address a pressing need in many communities – how to increase housing.

#### 3. Background of Goshen housing issues by City Redevelopment Director Becky Hutsell

**Hutsell** said that before the work session, she sent out information she would now review. She then provided an overview of issues using a 21-slide PowerPoint presentation titled "City Council Work Session; Residential Project Updates and Discussion," and dated Feb. 2, 2024 (**EXHIBIT #1**)

##### a. 2022 Housing Study

**Hutsell** said the Redevelopment Commission hired American Structurepoint of Indianapolis to conduct a Housing Market Analysis in October 2022. Its 40-page study included a Goshen market rate housing demand analysis.



**Hutsell provided the following highlights of the study:**

- As of 2022, the City needed 4,537 new housing units to fill the City's demand by 2030;
- Of that total, there was a demand for 2,466 new rental units by 2030;
- There was a "pent-up" need for 1,042 units based on high-occupancy rates of existing apartments and the lack of units priced at "achievable costs" for households earning between \$35,000 and \$74,999 annually;
- There was an additional demand for 910 units for employees of Goshen businesses that have to commute 10 miles or farther;
- There was an additional demand of 514 rental units over eight years due to increased population and employee projects through 2030.

**In terms of Market Rate Owner-Occupied Housing, the study concluded:**

- There was a demand for an additional 2,076 housing units within the City of Goshen by 2030;
- Of those units, 1,299 units stemmed from an observed "pent-up" demand of Goshen residents and employers in 2022;
- And of those units, 985 were based on the internal resident market and 314 for employees of Goshen businesses who have to commute 10 miles or further for employment;
- The report also estimated a demand for 772 new owner-occupied units based on projected population and employment increased by 2030.

**Regarding pricing, availability and demand, the study determined:**

- The price of rentals ranged from \$1,250 to \$1,900 a month (rental range needed to fill unmet demand based on U.S. Bureau of Labor Statistics wage date);
- The unit absorption rate per year was 208 rental units and 247 owner-occupied units. which is far more than Goshen has ever provided;
- Of the 30,047 individuals employed by Goshen businesses in 2019, 23,704 did not live in the City, according to the Census Bureau's "On the Map" Tool, which means Goshen's population will continue to grow;

**Hutsell** said there was additional data in the study and that it was provided in the work session packet.

**b. History of using TIF (Tax Increment Financing) for housing projects**

**Hutsell also provided the following history of the use of Tax Increment Financing for housing in Goshen:**

**2005 – Traditional TIF Districts Established** – TIF Revenue generated from any growth or improvements in turn was utilized for public infrastructure projects, property acquisition and other traditional redevelopment uses. Revenue within each district was generated from all commercial and industrial growth for properties within the district.

**2021 – Goshen's First Project Specific TIF – East College Avenue Industrial Development.** A City-issued bond was purchased by the developer. 100% of the TIF revenue generated was to be utilized to repay the developer for the public infrastructure costs. The developer assumed all risk for the bond repayment.

**2022 – First two project-specific TIF's were established for residential (apartment) developments. – Copperleaf Cove and Ariel Cycleworks.** Eligible expenses included "infrastructure" costs, including private infrastructure. Same repayment model, except differences regarding percentage of repayment and repayment term.

**2023 – First residential TIF created – Cherry Creek Development.** Due to legislation changes, within this district even single-family property taxes are captured as TIF revenue. The TIF life set at a maximum of 20 years. The project was granted 100% TIF reimbursement to cover public infrastructure costs.



### **c. In-progress & completed housing projects**

**Hutsell** said one major housing project was completed and two more were underway.

#### ***Copperleaf Cove Apartments:***

- 60 apartments;
- Located at the northeast corner of Indiana Avenue & Plymouth Avenue;
- Market Rate pricing; completed Fall 2023;
- \$13,000,000 investment;
- 75% TIF reimbursement for 20 years.

#### ***Ariel Cycleworks Apartments:***

- 135 Apartments and a small coffee shop space;
- Located at the northwest corner of 10th Street & Plymouth Avenue (former Western Rubber site);
- Aiming to provide “workforce” housing (80-120% Average Median Income);
- To begin construction summer 2024;
- \$30,000,000 investment;
- 100% TIF reimbursement for 25 years.

#### ***Cherry Creek Development:***

- 1,200+ housing units, including single-family and condos;
- 10+ year build-out timeline;
- Construction to begin summer 2024;
- \$100,000,000 investment;
- 100% TIF reimbursement for 20 years; bond to cover only public infrastructure.

### **d. Potential READI 2.0 (Regional Economic Acceleration & Development Initiative) funding**

To accelerate the state’s economic growth, the state launched the Regional Economic Development Initiative (READI). The state is now launching READI 2.0, to stimulate continued economic development in three focus areas: Quality of Life, Quality of Place and Quality of Opportunity.

#### **Hutsell said the READI 2.0 funding will provide:**

- Up to \$75 million is available for our region and \$500 million to be awarded throughout Indiana;
- “Quality of Place” is a goal;
- Housing availability and affordability listed as a high priority.

#### **READI 2.0 application process:**

- Regions’ State applications due - Feb. 16, 2024;
- Regional awards to be made in April/May 2024;
- Applications open for project in our region summer 2024;
- Project awards to be made late Fall 2024;
- The City will be asking developers if there are projects that might qualify for READI 2.0 funding.

### **4. Panel discussion – Discussion of current challenges faced for new housing development projects**

**Becky Hutsell** invited comments from six housing experts doing business in Goshen.



**a. Brad Hunsberger, Vice President for Real Estate Development for Lacasa, Inc. of Goshen**

**Hunsberger** said the City has provided a lot of funding to increase market rate housing and that is great and needed, but there also is a need for more affordable housing. He said increasing the amount of affordable housing would increase the stability of the housing market because not everyone can afford market rate housing. He said lower wage workers need affordable housing.

**Hunsberger** also reminded attendees of the 2008 economic downturn. He said he hopes it doesn't happen again but noted that economic downturns are cyclical and tend to happen every 10 or 12 years. He added that Lacasa needs government support to create affordable housing.

**b. Jon Anderson, the President of AP Development, LLC of Brownsburg**

**Anderson**, whose company is developing the Aerial Cycleworks apartment complex, said the housing market has changed dramatically since he began his development company 14 years ago – or even three years ago. He said in February 2021, he closed a deal in South Carolina with a Housing and Urban Development interest rate of 2.9%. Last year, the rate rose to 7.25%, and this year it's more than 8% for the same type of project. Besides rising interest rates, **Anderson** said developers have also faced higher construction costs and supply chain issues, although both appear to be easing.

**Anderson** said all of his projects are public-private partnerships; He said the 100% TIF for the Aerial Cycleworks project was necessary for the apartments to be developed. He also expressed the hope that READI 2.0 will help spur more housing development.

**c. Chris Chabenne, a developer and real estate broker for Kosene & Kosene of Zionsville**

**Chabenne** also discussed the detrimental impact of interest rate and construction cost increases. He said developers used to be able to create housing projects without any government assistance, but those days are gone.

**d. Michael Kosene, a developer and real estate broker for Kosene & Kosene of Zionsville**

**Kosene** said higher interest rates and construction have created "a perfect storm" and that developers won't be able to create more housing without government support. More specifically, he said new housing would be nearly impossible without Tax Increment Financing and other subsidies.

**e. Mike Blosser, the Senior Vice President of Commercial Services for Interra Credit Union, Goshen**

**Blosser** said the higher interest rates over the past two years have made it more difficult for lenders to help develop housing. He said higher interest rates also push up the cost of completed housing, leading to higher rents and mortgage payments.

**Blosser** said there is hope that interest rates will start to decline by the summer and that could encourage more housing development.

**f. Doug VonGunten, the President of Ancon Construction, Goshen**

**VonGunten**, whose company developed the Copperleaf Cove Apartments, said multi-family building is a smaller part of his business but also has been affected by rising prices. He said the Copperleaf Cove Apartments project was delayed for two years and over that period, costs rose by 10% or about \$1 million.



**VanGunten** said construction costs increased during the COVID-19 pandemic, but have started to decline, although he said he doubted they will fall to pre-pandemic levels. He said the costs of some materials remain high and some are in short supply. He also said labor costs have risen and it's a struggle to hire workers. Despite the difficulties, **VanGunten** said Elkhart County is a good market and he welcomed the involvement of government in increasing the housing supply.

#### **5) Q&A session facilitated by Mayor Leichty**

**Mayor Leichty** noted that Councilors and Commissioners had heard some shocking statistics from the panelists today but said the City of Goshen is dedicated to promoting sustainable housing growth and creatively and effectively meeting challenges.

**Mayor Leichty invited comments and questions from Councilors and Commissioners, They were offered by Councilors Gerber, Lederach, Nisley, Weddell and Commissioners Brenneman, Graber and Weddell.**

**Responding to questions and comments from Councilors and Commissioners, panelists discussed the impact of high interest rates, rising construction costs, mortgage and rental rates and profit margins and what government can do in partnership with developers to create more housing. Among the remarks:**

- New housing, even offered at market rates, increases the supply of affordable housing in Goshen.
- There are varying definitions of "affordable" housing.
- New housing is being proposed at a 13-acre site at Greene Road and Plymouth Avenue.
- It's imperative that more high-quality rentals are developed in Goshen.
- Developing new housing is much more difficult than in the past and the profit margins are smaller.
- Because of rising interest and construction costs, it may be impossible to develop more affordable rentals.
- A growing number of people are paying 50% or more of their monthly income for housing. Many communities, including Lake and Marion counties, have a higher rent burden. Still, rental costs in Goshen are rising and the City is on a path to having a housing affordability problem.
- Goshen has good leadership and good policies and is following best practices to develop more housing.
- Goshen Community Schools can accommodate more students because of investments in facilities to increase the capacity for more students.
- Some units at the Aerial Cycleworks apartments will be set aside for teachers, which will be helpful because many of Goshen's teachers cannot afford housing in the City and must commute daily for their jobs.

#### **6) Draft Tax Increment Financing (TIF) Policy discussion**

**Mayor Leichty** invited **City Redevelopment Director Hutsell** to offer comments about the City's draft Tax Increment Financing (TIF) Funding Assistance Policy.

By way of background, when a TIF district is created, property owners within the district continue to pay the same property tax rates as those outside the district. However, tax collections, over and above the "base value" are placed into a special fund that is used to pay for project costs, including infrastructure.

After all costs incurred by the creation of the TIF district are recouped by the additional tax increment created, the district is terminated and the additional property taxes created are released to be shared by all taxing entities.





**The use of TIF varies from project to project and district to district, but all involve government partnerships with private developers to spur economic development.**

**Hutsell** said the City is committed to increasing housing and was grateful to everyone who participated in the work session today.

**Hutsell** outlined the draft TIF policy, which was developed two years ago by City staff and Council members. She discussed the policy goals and the varying characteristics of TIF districts. She also discussed the policy's "but for" requirement – that to qualify, a developer's must prove his/her project would not occur "but for" TIF assistance.

**Hutsell also mentioned the goals of the TIF draft policy:**

- Establishes a set of criteria to be used to evaluate new projects;
- Documents submission requirements for applicants;
- Provides flexibility to allow for each project to be evaluated on its own merits;
- Details eligible activities for use of TIF funds; and
- Ensures that TIF is only utilized if the "but for" test is met.

#### **7) Adjournment**

**Mayor Leichty** thanked participants and attendees and adjourned the work session at 11:52 a.m.

**EXHIBIT #1: PowerPoint slides, presented at the Feb. 2, 2024 work session by City Redevelopment Director Becky Hutsell. The PowerPoint had 21 slides and was titled "City Council Work Session; Residential Project Updates & Discussion."**

**APPROVED:**

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

**ATTEST:**

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



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

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TO: Goshen City Common Council

FROM: Jeffery Weaver, Deputy Clerk-Treasurer

RE: 2024 Monthly Expenditure Report as of January 31, 2024

DATE: February 26, 2024

The attached Monthly Financial Report provides financial information for the Civil City spending as of January month-end. The Clerk-Treasurer's Office produces this report upon month-end closing and plans to make it available to the Common Council and City Management. The attached report supplements, but does not replace, other financial reports prepared by the Clerk-Treasurer's Office such as monthly cash reports, departmental financial reports or the Annual Financial Report published in Indiana's Gateway database.

At the end of January, the Council-approved budget had spent \$3,945,502 of the \$75,059,462 budgeted for the 2024 calendar year. This amounts to 5.3% of the total 2024 budget. Encumbrances are holdovers from the prior year's budget which are included in the current budget. When accounting for encumbrances, the total spending was \$4,288,254 of the budgeted \$78,460,933.

**CITY OF GOSHEN, INDIANA**

**2024 MONTHLY EXPENDITURE REPORT**

<u>GENERAL FUND DEPARTMENT</u>	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>YEAR</u>	<u>BUDGET</u>	<u>% BUDGET</u>
Common Council	\$ 45,585	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,585	\$ 167,024	27.3% (1)
Mayor	43,980	-	-	-	-	-	-	-	-	-	-	-	43,980	588,050	7.5%
Clerk-Treasurer	58,660	-	-	-	-	-	-	-	-	-	-	-	58,660	765,100	7.7%
Legal	68,249	-	-	-	-	-	-	-	-	-	-	-	68,249	949,197	7.2%
City Court	34,752	-	-	-	-	-	-	-	-	-	-	-	34,752	469,840	7.4%
Board of Works	318,320	-	-	-	-	-	-	-	-	-	-	-	318,320	5,786,597	5.5%
Technology	19,013	-	-	-	-	-	-	-	-	-	-	-	19,013	712,750	2.7%
Cemeteries	31,386	-	-	-	-	-	-	-	-	-	-	-	31,386	519,840	6.0%
Community Relations Commission	6,853	-	-	-	-	-	-	-	-	-	-	-	6,853	104,840	6.5%
Engineering	68,303	-	-	-	-	-	-	-	-	-	-	-	68,303	1,064,930	6.4%
Police	657,932	-	-	-	-	-	-	-	-	-	-	-	657,932	9,469,328	6.9%
Fire	635,680	-	-	-	-	-	-	-	-	-	-	-	635,680	7,806,569	8.1%
Building	40,140	-	-	-	-	-	-	-	-	-	-	-	40,140	534,320	7.5%
Planning	32,781	-	-	-	-	-	-	-	-	-	-	-	32,781	427,300	7.7%
Central Garage	92,457	-	-	-	-	-	-	-	-	-	-	-	92,457	1,722,050	5.4%
Environmental Resilience	42,927	-	-	-	-	-	-	-	-	-	-	-	42,927	831,320	5.2%
<b>Total General Fund</b>	<b>\$ 2,197,018</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,197,018</b>	<b>\$ 31,919,055</b>	<b>6.9%</b>
<b><u>SPECIAL REVENUE FUNDS</u></b>															
Motor Vehicle Highway	\$ 176,012	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 176,012	\$ 3,601,473	4.9%
Local Roads and Streets	-	-	-	-	-	-	-	-	-	-	-	-	-	604,535	0.0%
Parks	146,037	-	-	-	-	-	-	-	-	-	-	-	146,037	3,910,878	3.7%
Aviation	23,548	-	-	-	-	-	-	-	-	-	-	-	23,548	388,454	6.1%
Probation	8,307	-	-	-	-	-	-	-	-	-	-	-	8,307	111,005	7.5%
EDIT	132,217	-	-	-	-	-	-	-	-	-	-	-	132,217	3,722,171	3.6%
Economic Improvement District	4,737	-	-	-	-	-	-	-	-	-	-	-	4,737	57,000	8.3%
Parking Lot Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	5,360	0.0%
Opioid Unrestricted Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Law Enforcement Continuing Ed	944	-	-	-	-	-	-	-	-	-	-	-	944	36,000	2.6%
Unsafe Building	-	-	-	-	-	-	-	-	-	-	-	-	-	85,000	0.0%
Township Fire Support	9,240	-	-	-	-	-	-	-	-	-	-	-	9,240	350,000	2.6%
Rainy Day	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Safety LOIT	171,654	-	-	-	-	-	-	-	-	-	-	-	171,654	2,882,400	6.0%
Residential Lease Fees	4,862	-	-	-	-	-	-	-	-	-	-	-	4,862	56,835	8.6%
Redevelopment Operating	15,931	-	-	-	-	-	-	-	-	-	-	-	15,931	243,820	6.5%
Stormwater Management	23,641	-	-	-	-	-	-	-	-	-	-	-	23,641	796,422	3.0%
<b>Total Special Revenue Funds</b>	<b>\$ 717,130</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 717,130</b>	<b>\$ 16,851,353</b>	<b>4.3%</b>

(Monthly Financial Report Prepared for the February 26, 2024 Goshen Common Council Meeting)

**CITY OF GOSHEN, INDIANA**

**2024 MONTHLY EXPENDITURE REPORT (Continued)**

<u>RESTRICTED FUNDS</u>	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>YEAR</u>	<u>BUDGET</u>	<u>% BUDGET</u>
American Rescue Plan Grant	\$ 7,455	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,455	\$ 2,878,300	0.3%
Motor Vehicle Highway Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	1,102,176	0.0%
Opioid Restricted Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Court Fees	8,189	-	-	-	-	-	-	-	-	-	-	-	8,189	57,250	14.3%
Debt Service	185,100	-	-	-	-	-	-	-	-	-	-	-	185,100	369,350	50.1% (2)
Cumulative Capital Improvemnet	-	-	-	-	-	-	-	-	-	-	-	-	-	87,000	0.0%
Cumulative Capital Development	14,791	-	-	-	-	-	-	-	-	-	-	-	14,791	750,191	2.0%
Cumulative Sewer	25,066	-	-	-	-	-	-	-	-	-	-	-	25,066	200,000	12.5%
Cumulative Fire	41,689	-	-	-	-	-	-	-	-	-	-	-	41,689	502,649	8.3%
Cumulative Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Capital Improvement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2021 GO Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2015 GO Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fire Pension	290	-	-	-	-	-	-	-	-	-	-	-	290	533,638	0.1%
Police Pension	290	-	-	-	-	-	-	-	-	-	-	-	290	439,500	0.1%
<b>Total Restricted Funds</b>	<b>\$ 282,870</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 282,870</b>	<b>\$ 6,920,054</b>	<b>4.1%</b>
<b><u>REDEVELOPMENT FUNDS</u></b>															
Bond Principal and Interest	\$ 814,221	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 814,221	\$ 823,114	98.9% (2)
SouthEast TIF	59,133	-	-	-	-	-	-	-	-	-	-	-	59,133	10,360,698	0.6%
Lippert/Dierdorff TIF	-	-	-	-	-	-	-	-	-	-	-	-	-	550,000	0.0%
Plymouth Avenue TIF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Consolidated RiverRace/US 33 TIF	217,882	-	-	-	-	-	-	-	-	-	-	-	217,882	11,036,659	2.0%
<b>Total Redevelopment Funds</b>	<b>\$ 1,091,236</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,091,236</b>	<b>\$ 22,770,471</b>	<b>4.8%</b>
<b>Total 2024 Spending</b>	<b>\$ 4,288,254</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,288,254</b>	<b>\$ 78,460,933</b>	<b>5.5%</b>
<b>Less Encumbrances</b>	<b>(342,752)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(342,752)</b>	<b>(3,401,471)</b>	<b>10.1% (3)</b>
<b>Total 2024 Budget Spending</b>	<b>\$ 3,945,502</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,945,502</b>	<b>\$ 75,059,462</b>	<b>5.3%</b>

Notes

- (1) Common Council encumbered \$30,833.77 from the 2023 budget to pay the County Treasurer for 2023 election costs. The City paid the County in January.
- (2) Debt Service funds pay debt in January and June of each year.
- (3) Encumbrances are portions of the 2023 budget that were extended into the 2024 budget. This is allowable for 2023 invoiced purchases, unexpired agreements from 2023 or before, or for purchase orders initiated in 2023 intended to be spent from the 2023 budget.



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## MEMORANDUM

TO: Goshen Common Council  
FROM: Rhonda L. Yoder, City Planner  
DATE: February 26, 2024  
RE: Ordinance 5177

The Goshen Plan Commission met on January 16, 2024, in regular session and considered a request for the vacation of ±0.79 acres of unimproved public right of way, generally located east of Regent Street and north of Waterford Mills Parkway, located within a City-owned retention area and an area to be developed as part of Cherry Creek subdivision, with the following outcome:

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

*The recommendation is based upon the following:*

1. The proposed vacation will not hinder the growth or orderly development of the neighborhood, as the right of way to be vacated has never functioned as public right of way.
2. The proposed vacation will not make access difficult or inconvenient, as the right of way to be vacated has never provided access.
3. The proposed vacation will not hinder access to a church, school or other public building or place, as the right of way to be vacated has never provided any of the described access.
4. The proposed vacation will not hinder the use of the public way, as the right of way to be vacated has never functioned as public right of way.
5. Because no existing utilities have been identified in the area to be vacated, the vacation may occur without a utility easement.

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

ORDINANCE 5177  
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 18th day of December 2023 by City of Goshen Department of Redevelopment and Cherry Creek LLC 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 16th day of January 2024, and with the hearing before the Common Council of the City of Goshen, Indiana, having been held on the 26th day of February 2024, and formal legal publication notice as to said hearings having been published in the Goshen News on the 6th day of January 2024 and on the 16th day of February 2024, said legal notice having been published being in the words and figures following.

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

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

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

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

Approximately 0.79 acres of unimproved public right of way generally located east of Regent Street and north of Waterford Mills Parkway;

And more particularly described as follows:

A PART OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 6 EAST, CITY OF GOSHEN, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL MARKING THE NORTHEAST CORNER OF SECTION 27; THENCE SOUTH 00°49'44" EAST, 2150.66 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 32°37'17" WEST 335.85 FEET; THENCE SOUTH 00°49'44" EAST, 2609.03 FEET; THENCE SOUTH 89°43'18" WEST 2123.32 FEET; THENCE NORTH 00°38'23" WEST, 50.00 FEET; THENCE SOUTH 89°43'18" WEST, 325.00 FEET; THENCE NORTH 00°38'23" WEST, 134.20 FEET; THENCE SOUTH 89°33'10" WEST, 1050.33 FEET; THENCE NORTHEASTERLY 592.03 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 2703.30 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 01°18'51" WEST AND



LENGTH OF 509.85 FEET; THENCE NORTH 60°38'23" EAST, 108.33 FEET; THENCE SOUTH 89°51'37" EAST, 270.00 FEET; THENCE NORTH 60°38'23" EAST, 235.00 FEET; THENCE SOUTH 79°21'37" EAST, 125.00 FEET; THENCE NORTH 11°52'37" EAST, 175.00 FEET; THENCE NORTH 24°23'23" EAST, 155.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 24°23'23" EAST, 60.00 FEET; THENCE NORTH 65°36'37" WEST, 574.51 FEET TO THE EAST RIGHT OF WAY OF REGENT STREET; THENCE SOUTHWESTERLY ALONG THE EAST RIGHT OF WAY OF REGENT STREET, 60.21 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 2759.89 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 29°09'51" WEST AND A LENGTH OF 60.21 FEET; THENCE SOUTH 65°36'37" EAST, 579.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.79 ACRES.

The public way was dedicated by Instrument Number 2006-25066 as recorded in the Office of the Recorder of Elkhart County on August 24, 2006. The public way to be vacated is shown in Exhibit A.

- 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. As no existing utilities were identified in the area to be vacated, no utility easement will be retained over the vacated area.
- 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 \_\_\_\_\_, 2024.

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

Attest:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

APPROVED AND ADOPTED by the Mayor of the City of Goshen on \_\_\_\_\_, 2024.

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

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

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

# EXHIBIT A

A PART OF SECTION 27, TOWNSHIP 36 NORTH,  
RANGE 6 EAST, CITY OF GOSHEN, ELKHART TOWNSHIP,  
ELKHART COUNTY, INDIANA

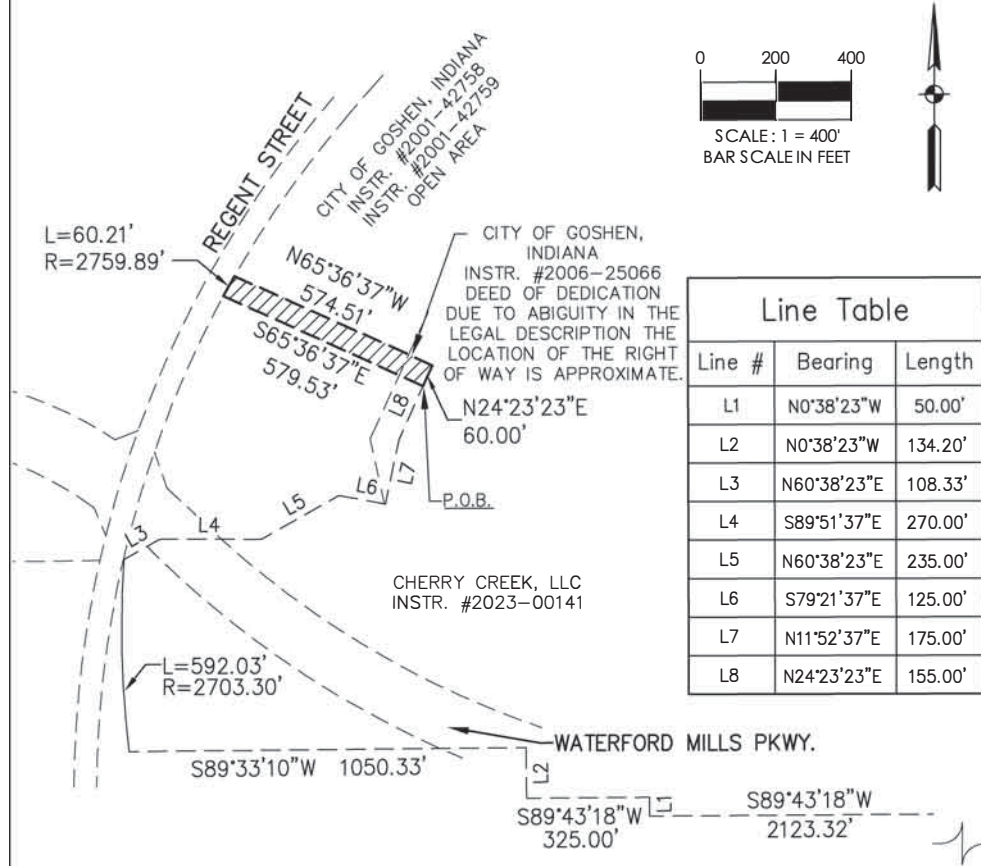
## LEGAL DESCRIPTION FROM INSTRUMENT 2006-25066

P.O.C.  
NE COR.: NE 1/4  
SEC. 27-T36N-R6E

A PART OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 6 EAST, CITY OF GOSHEN, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS :

COMMENCING AT A PK NAIL MARKING THE NORTHEAST CORNER OF SECTION 27; THENCE SOUTH 00°49'44" EAST, 2150.66 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 32°37'17" WEST 335.85 FEET; THENCE SOUTH 00°49'44" EAST, 2609.03 FEET; THENCE SOUTH 89°43'18" WEST 2123.32 FEET; THENCE NORTH 00°38'23" WEST, 50.00 FEET; THENCE SOUTH 89°43'18" WEST, 325.00 FEET; THENCE NORTH 00°38'23" WEST, 134.20 FEET; THENCE SOUTH 89°33'10" WEST, 1050.33 FEET; THENCE NORTHEASTERLY 592.03 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 2703.30 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 01°18'51" WEST AND LENGTH OF 509.85 FEET; THENCE NORTH 60°38'23" EAST, 108.33 FEET; THENCE SOUTH 89°51'37" EAST, 270.00 FEET; THENCE NORTH 60°38'23" EAST, 235.00 FEET; THENCE SOUTH 79°21'37" EAST, 125.00 FEET; THENCE NORTH 11°52'37" EAST, 175.00 FEET; THENCE NORTH 24°23'23" EAST, 155.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 24°23'23" EAST, 60.00 FEET; THENCE NORTH 65°36'37" WEST, 574.51 FEET TO THE EAST RIGHT OF WAY OF REGENT STREET; THENCE SOUTHWESTERLY ALONG THE EAST RIGHT OF WAY OF REGENT STREET, 60.21 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 2759.89 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 29°09'51" WEST AND A LENGTH OF 60.21 FEET; THENCE SOUTH 65°36'37" EAST, 579.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.79 ACRES.

E. LINE, NE 1/4 SEC. 27-T36N-R6E  
S00°49'44"E 2150.66'  
S32°37'17"W 335.85'  
S00°49'44"E 2609.03'



Line Table		
Line #	Bearing	Length
L1	N0°38'23"W	50.00'
L2	N0°38'23"W	134.20'
L3	N60°38'23"E	108.33'
L4	S89°51'37"E	270.00'
L5	N60°38'23"E	235.00'
L6	S79°21'37"E	125.00'
L7	N11°52'37"E	175.00'
L8	N24°23'23"E	155.00'

**ABONMARCHE**  
303 River Race Drive, Unit 206  
Goshen, IN 46526  
T 574.533.9913  
F 574.533.9911  
abonmarcche.com

Benton Harbor  
Fl. Wayne  
Goshen  
Grand Haven  
Hobart

Lafayette  
Portage  
South Bend  
Valparaiso  
South Haven

PREPARED FOR:  
**CITY OF GOSHEN  
R/W VACATION**

SCALE: 1" = 400'

JOB #: 22-1784

SHEET 1 OF 1

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**To:** Goshen City Plan Commission/Goshen Common Council  
**From:** Rhonda L. Yoder, Planning & Zoning Administrator  
**Subject:** 24-01V, Vacation of Unimproved Right of Way  
East of Regent Street, North of Waterford Mills Parkway  
**Date:** January 16, 2024

### **ANALYSIS**

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City of Goshen Department of Redevelopment, Cherry Creek, LLC, and Abonmarche Consultants request the vacation of unimproved public right of way generally located east of Regent Street, north of Waterford Mills Parkway. The right of way is ±0.79 acres and was dedicated in 2006 but has not been improved or used as right of way. It is within a City-owned retention area and an area to be developed as part of Cherry Creek subdivision.

No existing utilities have been identified in the area to be vacated, so the vacation may occur without a utility easement.

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 right of way to be vacated is unimproved and does not provide access, so the vacation will not impact access or use of the public way. Following the vacation, the vacated area will be transferred to the adjoining property owners, City of Goshen Department of Redevelopment and Cherry Creek, LLC.

### **RECOMMENDATIONS**

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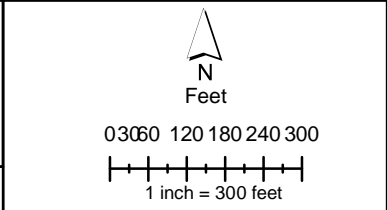
Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for, and the Common Council approve, the vacation of unimproved public right of way generally located east of Regent Street, north of Waterford Mills Parkway, based upon the following:

1. The proposed vacation will not hinder the growth or orderly development of the neighborhood, as the right of way to be vacated has never functioned as public right of way.
2. The proposed vacation will not make access difficult or inconvenient, as the right of way to be vacated has never provided access.
3. The proposed vacation will not hinder access to a church, school or other public building or place, as the right of way to be vacated has never provided any of the described access.
4. The proposed vacation will not hinder the use of the public way, as the right of way to be vacated has never functioned as public right of way.
5. Because no existing utilities have been identified in the area to be vacated, the vacation may occur without a utility easement.





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



Right of Way to be Vacated

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

2023 Aerial  
 Printed January 3, 2024

## ORDINANCE 5178

### Amend Membership of Goshen Community Relations Commission

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

WHEREAS, the Common Council seeks to amend the membership of the Community Relations Commission by reducing the number of members and adjusting the number of members to constitute a quorum.

WHEREAS, Ordinance 4201, as amended by Ordinance 4339 and Ordinance 4526, are codified in Goshen City Code Title 2, Civil Rights, Article 1, Community Relations.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that Goshen City Code Title 2, Article 1, Chapter 1, Section 3 and Section 4 shall be amended to read as follows:

#### **2.1.1.3 Membership of commission; appointment; term; vacancies; removal.**

Sec. 3 (a) The Goshen Community Relations Commission shall consist of a minimum of seven (7) members, and a maximum of nine (9) members, all who must be residents of the City of Goshen.

(b) The Mayor shall appoint up to five (5) members of the Commission, and the Goshen Common Council shall appoint up to four (4) members of the Commission. In making the appointments to the Commission, the appointing authority shall take into consideration all interests in the community's diversity.

(c) All members shall be appointed for a term of three (3) years. All terms expire on the first Monday in January, but a member continues in office until his or her successor is appointed; however, if the appointing authority provides written notice to the member whose term expires, and to the Community Relations Commission, that a successor will not be appointed, the member's term expires.

(d) If a vacancy occurs on the Commission during the term of an appointed member, then the appointing authority shall appoint a successor to serve the remainder of the unexpired term.

(e) The appointing authority may remove a member from the Commission for cause which shall include repeated failure to attend meetings of the Commission; failure or refusal to discharge duties as a Commissioner; commission of a felony; willful or repeated failure or refusal to follow lawful procedures in the conduct of office; or gross misconduct bringing the member, the City or the Commission into discredit. Commission members will automatically be removed for missing

in excess of four (4) scheduled meetings during a calendar year unless an exception is made for an excuse ruled acceptable by the appointing authority. In the event of such removal, the appointing authority shall certify in writing to the member and the Community Relations Director the cause for such removal.

**2.1.1.4 Meetings; officers; quorum.**

Sec. 4 (a) At the first meeting of every calendar year, the Commission shall elect from among its membership a Chairperson who shall serve until the first meeting of the following calendar year.

(b) The Commission shall hold one (1) regular meeting each month, and such called meetings as its Chairperson may deem to be necessary.

(c) A majority of the appointed members of the Commission (four (4) members if seven (7) members are appointed and five (5) members if either eight (8) or nine (9) members are appointed) must be present to constitute a quorum. It shall take the concurrence of a majority of the Commission membership present at a proper quorum to take official action.

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

\_\_\_\_\_  
Gina M. Leichty, Presiding Officer

ATTEST:

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

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

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

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

\_\_\_\_\_  
Gina M. Leichty, Mayor





**COMMUNITY  
RELATIONS  
COMMISSION**  
CITY OF GOSHEN

January 11, 2024

Dear Goshen City Council members,

At the request of the City Council, the Community Relations Commission considered changing our number of members from nine to seven during our January 9, 2024 meeting.

After much discussion, the members present decided to approve this change with the understanding that the number would be re-evaluated at the end of this year. We want to see how our commission's work goes with the reduced number of members, and with the changes put in place in how we operate as a commission.

Those at the meeting voted unanimously. One member was absent. When polled, the person indicated they would not have voted in favor of the change.

Thank you for your ongoing support of the Community Relations Commission.

Sincerely,

Sharon Beechy  
*Secretary*  
Community Relations Commission



City Clerk-Treasurer  
CITY OF GOSHEN

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

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

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

TO: Mayor Gina Leichty and the Goshen Common Council

FROM: Jeffery Weaver, Deputy Clerk-Treasurer

RE: Proposed Ordinance 5179, Additional Appropriations

DATE: February 26, 2024

---

Thank you for considering Ordinance 5179, Additional Appropriations, which requests authorization from the Council and Mayor to spend additional and available money from various accounts. The Mayor and Clerk-Treasurer requested this ordinance because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

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

The two appropriations in the attached ordinance allow for the \$250,000.00 loan to LaCasa. The City of Goshen designated the Major Moves Fund as the "loan fund" from which all loans to outside entities are paid. Upon approval of the Major Moves appropriation, LaCasa will be able to draw upon the available funds to pay for construction costs up to \$250,000.

To bring Major Moves back to its current balance, the Opioid Settlement Restricted Fund will be used to transfer the loan principal balance to the Major Moves Fund. Internal transfers, even when approved by the Common Council, still require an additional appropriation except when correcting an error.

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

**ORDINANCE 5179**

**Additional Appropriations**

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

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

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

OPIOID SETTLEMENT RESTRICTED FUND

228-520-00-452.0000 OPIOD RSTR / Transfer Out \$250,000.00

MAJOR MOVES

450-530-00-453.0495 MAJOR MOVES / Temporary Loan \$250,000.00

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

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

ATTEST:

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

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

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

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

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



City Clerk-Treasurer

**CITY OF GOSHEN**

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

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

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

TO: Mayor Gina Leichty and the Goshen Common Council

FROM: Jeffery Weaver, Deputy Clerk-Treasurer

RE: Proposed Council Resolution 2024-02, A Resolution Providing for the Transfer Of Appropriations

DATE: February 26, 2024

---

Thank you for considering Resolution 2024-02 which requests authorization from the Council and Mayor to move available resources between major categories within the City's funds. The Mayor and Clerk-Treasurer requested this resolution because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

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

For the transfer in Resolution 2024-02, the Central Garage unexpectedly needed to replace an above-ground hoist but there was not room in the Central Garage capital budget for this purchase. The request is to move \$7,731.00 from the Supplies budget to the Capital budget.

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

**GOSHEN COMMON COUNCIL**  
**Resolution 2024-02**

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

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

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

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

GENERAL FUND CATEGORY TRANSFER FROM:

Budget Category: Supplies  
Line Number: 101-510-18-422.0251  
Line Name: CG / Other Garage & Motor  
Amount of the Transfer: (\$7,731.00)

GENERAL FUND CATEGORY TRANSFER TO:

Budget Category: Capital Expenditures  
Line Number: 101-510-18-445.0501  
Line Name: CG / Machinery & Equipment  
Amount of the Transfer: \$7,731.00  
Purpose of Transfer: To fund unexpected purchase of an above ground hoist and installation

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

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

ATTEST:

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

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

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

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

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