



Goshen Common Council

6:00 p.m., December 18, 2023 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 District 4 Kid Councilor Elyana Rojas Lopez

Roll Call:

Julia King (At-Large)

Doug Nisley (District 2)

Megan Peel (District 4)

Gilberto Pérez, Jr. (District 5)

Donald Riegsecker (District 1)

Matt Schrock (District 3)

Council President Brett Weddell (At-Large)

Youth Adviser Jessica Velazquez Valdes (Non-voting)

Approval of Minutes: November 13, 2023 Regular Meeting

Approval of Meeting Agenda

Privilege of the Floor

1) Public hearing and action on Ordinance 5176, Additional Appropriations

2) Presentations for service to the City of Goshen:

Bethany Campbell, Board of Zoning Appeals & **Mike Potuck**, Board of Zoning Appeals;
Andrea Johnson, Redevelopment Commission;

Gilberto Pérez, Jr., Common Council and **Julia King**, Common Council

Larry Keil, City Wastewater Department, with an introduction by Superintendent Jim Kerezman

Elected Official Reports

Adjournment



GOSHEN COMMON COUNCIL

Minutes of the NOVEMBER 13, 2023 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 6:02 p.m. Assisted by the Mayor, Philip Gingerich, a fourth grade student at Chamberlain Elementary School, led the Pledge of Allegiance.

At 6:04 p.m., Mayor Leichty asked Clerk-Treasurer Aguirre 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 Adviser Jessica Velazquez Valdes (Non-voting)

Absent: None

Approval of Minutes:

Mayor Leichty noted that the minutes of the Oct. 30, 2023 Regular Meeting were not ready.

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 King seconded the motion. Motion passed 7-0 on a voice vote.

Privilege of the Floor:

At 6:05 p.m., Mayor Leichty invited public comment for matters not on the agenda.

Michael Burk of Goshen said one of neighbors was approached by a man who said he was the new owner of the Fidler property. He said the man offered to buy the neighbor's property and showed plans that included a drainage map. Burk asked if the City had any information about this. **Mayor Leichty** said she had no information about this, but offered to do some research and get back to Burk.

Burk also asked about the status of the drain the City is supposed to install in his driveway. He asked if the City would assume liability if the drain is not installed until the spring and standing water freezes. **City Director of Public Works & Utilities Dustin Sailor** said the City now has a plan for the work and if Burk approves it, the work can proceed. **Burk** thanked Sailor.

There were no further comments, so Mayor closed comment period at 6:07 p.m.

1) Kid Mayor presentation and speeches by the finalists

Mayor Leichty said the six finalists for the 2024 City of Goshen Kid Mayor program would now give speeches to the City Council. **The fourth grade elementary school finalists were Amari Stoll of Chamberlain; Lincoln Tolin of Model; Christopher Budiardja of Chamberlain; Philip Gingerich of Chamberlain; Elyana Rojas Lopez of Parkside; and Ainsley McPhail of Prairie View.** The Mayor asked **Wendy Clark**, the parent liaison at Model Elementary School and the Kid Mayor coordinator, to provide an overview of the program.



Clark said the Kind Mayor program was started several years ago at Model Elementary and then expanded throughout the City. Any fourth grader with a City address can participate, including students enrolled in private schools or who are home schooled.

Clark said the program follows the state's academic standards for fourth graders and participants have to choose an issue that is pertinent to Goshen and is important to them. They also have to propose a solution that is feasible for a fourth grade student to accomplish.

Clark said participants must develop a video that is three minutes or less. They send the video to a committee that reviews and selects finalists. The finalists then campaign for the position of Kid Mayor and videos of the speeches from tonight as well as the students' platform videos will be shown to the City's fourth grade students, who will then vote. After the election, the runner-up candidates will serve as the Kids Council. The Kid Council members will meet over the following year and will develop a project they can complete.

Mayor Leichty said it was a wonderful program.

Councilor Eichorn asked for an update on plans to expand the program. **Clark** said the goal is to expand the program locally before expanding to other states. Councilor Eichorn said Clark does this on her own time, a comment that prompted audience applause.

Mayor Leichty read information about the students and then invited them to make brief speeches, in this order:

Amari Stoll of Chamberlain Elementary School enjoys academics, being outside, and joking around with her siblings. Amari says she would make a good Kid Mayor because she is good at being organized and professional. Amari, 9, said she is a compassionate and determined person who cares about and listens to others and dreams about doing something important and new for Goshen and the nation.

Lincoln Tolin of Model Elementary described himself as kind, helpful, responsible, respectful, and generous to all people in the world. Lincoln loves basketball, football, math, and spending time with his family and friends. Lincoln said he is caring, helpful and kind and wants to organize a coat drive so that no child in need is left without a coat this winter.

Christopher Budiardja of Chamberlain Elementary loves to play soccer during recess with his classmates. He plays violin and likes to help others. Christopher would like to become the Kid Mayor because he loves Goshen and wants it to be the best community it can be. Christopher said he would like to encourage restaurants to develop activities or games for families to play while waiting for their meals, so they aren't just looking at their phones.

Philip Gingerich of Chamberlain described himself as funny, smart, and creative. He enjoys spending time with his family. Philip would like to be elected Kid Mayor because he believes he could make a big impact on Goshen. Phillip said he would like to promote a cleaner Goshen by encouraging people to pick up trash.

Elyana Rojas Lopez serves as an ambassador at Parkside Elementary. She likes reading and can speak Spanish and English. She would like to be a marine biologist. Elyana would like to be Kid Mayor because she loves to help her community. Elyana said he wants to reduce waste and harm to wildlife caused by discarded plastic grocery bags.

Ainsley McPhail of Prairie View Elementary. loves to stay active and play volleyball. She is also a big Baby Yoda fan. Ainsley thinks she would be a good Kid Mayor because if she is elected, she will be responsible and kind. Ainsley said she would like to encourage greater recycling by adding containers downtown and in parks and educating people about recycling during downtown First Fridays.

Mayor Leichty facilitated a photograph of all of the Kid Mayor finalists with City Council members.

Mayor Leichty and **Council members** thanked the students for their ideas. The Mayor said the Kid Mayor winner and finalists will be announced at the Dec. 4 City Council meeting.



2) Declaration: Mayor Leichty proclaims Nov. 19, 2023 as Women Entrepreneurship Day

Mayor Leichty said she was contacted in April by members of Michiana Women Rise, an organization committed to promoting careers, entrepreneurship, leadership, and inspiration for women in business. She said about 8 percent of businesses in Elkhart County and 17 percent in Goshen are owned by women. She said a mayoral proclamation was an opportunity to recognize the contributions of women in the community.

Mayor Leichty asked women entrepreneurs present at the meeting to stand up and be recognized by introducing themselves and mentioning their businesses. Among those present were **Amanda Sensenig**, Goshen Brewing Company; **Annie Mininger**, Bodywork by Annie J; **Katharine Schrock** of Katharine Schrock Counseling; and **Stacey Black**, founder of Michiana Women Rise.

Mayor Leichty then read the proclamation, which she also distributed to the Council (EXHIBIT #1):

PROCLAMATION

WHEREAS, the City of Goshen, Indiana, is committed to celebrating and supporting the entrepreneurial spirit that drives our community's economic growth and prosperity, and

WHEREAS, women entrepreneurs have made significant contributions to our local economy by establishing and growing businesses that create jobs, foster innovation, and enhance the quality of life in our City, and

WHEREAS, women entrepreneurs play a crucial role in shaping the future of our community and continue to inspire future generations of business leaders, and

WHEREAS, Women Entrepreneurship Day is a global movement that seeks to celebrate, empower, and support women entrepreneurs, recognizing their achievements and advocating for gender equality in the world of business, and

WHEREAS, Women Entrepreneurship Day provides an opportunity to showcase the talent, creativity, and resilience of women entrepreneurs in Goshen, Indiana, and encourages all residents to support and patronize their businesses.

NOW, THEREFORE, I, Gina Leichty, Mayor of the City of Goshen, Indiana, do hereby proclaim November 19th as "Women Entrepreneurship Day" in our City.

I call upon all residents, business organizations, and community leaders to join me in recognizing and celebrating the contributions of women entrepreneurs to our local economy and supporting their continued success.

Mayor Leichty said Women Entrepreneurship Day is a holiday recognized by 144 countries. She said the proclamation was a way for Goshen to recognize this day and the contributions of women business leaders.

At **Councilor King's** request, the **Mayor** repeated the percentages of local women-owned businesses – 8 percent in Elkhart County and 17 percent in Goshen. Councilor King said she thought the percentages would be higher. She thanked Mayor Leichty for the proclamation.

Cindy Cohen, founder of the C2 Your Health Women's Initiative, discussed the importance of recognizing and supporting women in business. She said women play a pivotal role in businesses, noting that 37 percent of Indiana businesses are owned by women. Cohen challenged people to support women-owned businesses. She also thanked the Mayor for recognizing the role of women in businesses, The audience responded with applause.



3) Ordinance 5170 – Regulation of Open Burning in the City of Goshen and Providing Penalties for the Violations of Such Regulations

Mayor Leichty called for the introduction on First Reading of Ordinance 5170 – Regulation of Open Burning in the City of Goshen and Providing Penalties for the Violations of Such Regulations. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5170 by title only, which was done.

Weddell/Pérez moved to approve Ordinance 5170 on First Reading.

BACKGROUND:

Before the Council, for first reading, was Ordinance 5170, Regulation of Open Burning in the City of Goshen and Providing Penalties for the Violations of Such Regulations. Ordinance 5170 would establish that:

- The City of Goshen Common Council has the authority to adopt ordinances to improve the health and safety of its citizenry and real property;
- The burning of leaves and other rubbish was once tolerated as a means of trash disposal;
- Health, safety, and welfare concerns dictate that the City not allow burning as a means of leaf and trash disposal;
- The Common Council previously banned Open Burning as a means of leaf disposal; and
- The Common Council seeks to better define its ban on Open Burning, while allowing for recreational and ceremonial fires to continue.

If passed by the Council, Ordinance 5170 would prohibit Open Burning with the following conditions:

A. A person is prohibited from starting, kindling, causing, allowing, or maintaining any form of Open Burning of any materials on property in the City of Goshen, except as specifically authorized by this ordinance.

B. A person is prohibited from allowing the accumulation or existence of combustible material that constitutes or contributes to Open Burning on property under the ownership and/or control of the person.

Section 3. Exemptions. Ordinance 5170 would exempt the following types of Open Burning, which would be allowed:

A. The burning of charcoal, Clean Wood Products, and other cooking fuels customarily used in an outdoor grill, traditional food cooking devices, or campfires.

B. Fires used for recreational or ceremonial purposes, such as school pep rally fires or the celebration of scout activities. Recreational or ceremonial fires must meet the conditions set forth in Section 5 and the following conditions:

1. Only Clean Wood Products or charcoal may be used. Paper or clean petroleum products, as defined by 326 IAC 4-1-0.5(2), can be used for ignition purposes only.
2. The fire shall not be ignited more than two (2) hours before the recreational or ceremonial activity is to take place, and the fire shall be extinguished upon the conclusion of the activity.
3. The pile to be burned shall be less than one thousand (1,000) cubic feet (for example: 10 ft. x 10 ft. x 10 ft.), and only one (1) pile may be burned at a time.
4. The Goshen Fire Department and Elkhart County Health Department shall be notified at least 24 hours in advance if the size of the pile to be burned is more than 125 cubic feet (for example: 5 ft. x 5 ft. x 5 ft.).
5. The fire shall not be for disposal purposes.
6. The fire shall not be located within five hundred (500) feet of a pipeline or fuel storage area.



C. Private residential burning, where the building contains four (4) or fewer dwelling units. Private residential burning must meet the conditions set forth in Section 5 and the following conditions:

1. Burning shall be in a noncombustible container that is sufficiently vented to induce adequate primary combustion and has enclosed sides and a bottom.
2. Only Clean Wood Products and paper may be burned.

Burning is prohibited in apartment and condominium complexes, and in mobile home parks.

D. The types of burning exempted by Indiana Code 13-17-9, as amended from time to time.

Section 4. Variances. Other types of fires may be approved as follows:

A. Any other type of fire whereby a resident of Goshen has obtained a variance from the provisions of this ordinance by petitioning the Goshen Board of Public Works and Safety may be allowed. However, the Goshen Board of Public Works and Safety cannot grant a variance for burning that would otherwise violate the provisions of the 326 Indiana Administrative Code 4-1 et seq. and Indiana Code 13-17-9, as amended from time to time.

B. Any other types of fires exempted by 326 Indiana Administrative Code 4-1-3, or as approved by the Indiana Department of Environmental Management.

Section 5. Conditions for Open Burning. All Open Burning that is allowed as an exemption or variance under this ordinance must comply with the following conditions:

A. Burning shall be done during safe weather conditions. Burning shall not occur, during high winds, temperature inversions, air stagnation, or when a pollution alert or air quality or ozone action day has been declared.

B. Fires must be attended at all times during burning until completely extinguished.

C. Fires must be extinguished if the fire creates a fire hazard, nuisance, pollution problem, or threat to public health.

D. Firefighting equipment adequate for the size of the fire shall be on-site and nearby for extinguishing purposes during times of burning.

E. Any material containing asbestos may not be burned.

F. Burning may take place during daylight hours only, and all fires must be extinguished before sunset. This condition does not apply to recreational or ceremonial fires.

G. All burning shall comply with other federal, state, and local laws, rules, and ordinances.

Section 6. Enforcement; Penalty.

A. Any person found violating this ordinance must immediately extinguish the fire. Failure or refusal by a violator to immediately extinguish the fire in violation of this ordinance shall result in the Fire Department having the authority to go upon the property to extinguish said fire.

B. Any person found in violation of this ordinance shall be subject to enforcement in the City's Ordinance Violations Bureau and/or in accordance with Indiana Code § 34-28-5 et seq., as amended from time to time.

C. The court may enter a judgment for violation of this ordinance, including costs, in an amount not exceeding Two Thousand Five Hundred Dollars (\$2,500) for a first violation; and Seven Thousand Five Hundred Dollars (\$7,500) for a second or subsequent violation of this ordinance.

D. Each incident of Open Burning may be considered a separate offense



Section 9. Other Ordinances.

- A. This ordinance specifically repeals Ordinance 262, Ordinance 3569, Ordinance 4588 and Goshen City Code Title 3, Article 2, Chapter 1 in its entirety.
- B. 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 10. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

SUMMARY OF NOV. 13, 2023 COUNCIL DISCUSSION & APPROVAL OF ORDINANCE 5170:

Mayor Leichty asked City Attorney Bodie Stegelmann to provide an overview of Ordinance 5170.

Stegelmann said the City Fire Department encountered issues enforcing open burning and asked for some clarification of the language of the ordinance now in place. He said Ordinance 5170 isn't necessarily a new ordinance, but revises the language of the current ordinance.

Stegelmann said Ordinance 5170 would make the revisions consistent with Indiana statutes and regulations adopted by the State. He said there aren't wholesale or substantive changes in the ordinance. Among the changes is the definition of what can be burned in fire pits, such as clean wood products, and excludes leaves and leafy substances.

Stegelmann also said the current ordinance restricts any burning from 6 p.m. until 6 a.m., which causes problems when it comes to fire pits. The draft ordinance also specifies the allowable burning to include fire pits. He said the other changes were made to match state statutes.

Mayor Leichty invited Council comments on Ordinance 5170.

Councilor Pérez said it appeared no leafy burning would be allowed. **Stegelmann** agreed, adding that plants or shrubs trimmed also could not be burned. **Councilor King** said she was happy to see this change.

There were no further Council comments at this point, so at 6:38 p.m., Mayor Leichty invited public comments on Ordinance 5170, Regulation of Open Burning in the City of Goshen and Providing Penalties for the Violations of Such Regulations.

Glenn Null of Goshen asked about the definition of "recreational" fires, noting that his family often will prepare food and snacks outside and then perhaps drink beverages into the evening by a fire pit. He asked for a clarification of what would constitute recreational fires. **Stegelmann** responded that the activities **Null** described would fall under the definition of "private residential burning" and would be allowed.

Null also said the ordinance would specify that "fires must be extinguished if the fire creates a fire hazard, nuisance, pollution problem, or threat to public health." He said the Fire Department once asked him to extinguish one of his fires because a neighbor complained the smoke was affecting their health. He said the neighbor could have shut the home's windows or door to keep out the smoke. He said the provision was vague and that a "nuisance" for one person might not be a nuisance for another person.

Mayor Leichty asked if the City Attorney cared to comment. **Stegelmann** said the wording would be open to interpretation to the person enforcing the open burning ordinance, just like any ordinance. If a person disagreed with the enforcement, that would be up to a judge or jury to decide.



Null said the provision was vague and could just be a matter of opinion.

Null also asked about an ordinance provision that stated that “Firefighting equipment adequate for the size of the fire shall be on-site and nearby for extinguishing purposes during times of burning.” **Null** asked if a garden hose, shovel and rake would be adequate when he uses his fire pit. **Stegemann** said there’s an idea of “reasonableness” under the law and the equipment **Null** described probably would be considered adequate under the circumstances. **Null** also said he understood that leaves should not be burned, but asked whether pine needles could be burned. **Councilor Nisley** noted that **Null**’s time for speaking had expired. **Null** said he would ask more questions later.

Council President Weddell said he was present the last time **Null** talked to the Council about open fires. He said at that time, **Null** mentioned that he only had clean fires. **Null** agreed, but said he was playing the devil’s advocate by raising questions about this draft ordinance.

Councilors Nisley, Weddell and Mayor Leichy thanked **Null** for asking questions.

There were no further comments, so Mayor Leichy closed the public comment period at 6:46 p.m.

Mayor Leichy asked if there were further Council comments on Ordinance 5170.

Council President Weddell said he has a “solo stove,” which is designed for outdoor fires and is smokeless if used properly. He asked if using it would be a problem, including at night. **Councilors King and Eichorn** said it would not.

Council President Weddell asked if there was a redline version of Ordinance 5170. **Stegemann** said the Legal Department didn’t prepare a redline version because there were so many changes in the ordinance.

Councilor King said she agreed with the **City Attorney** that the intent of the ordinance was not to outlaw small backyard fires, but said she has heard from people upset about things being burned that are not allowed. She added that some people without air conditioning don’t have the option of closing windows to avoid smoke.

Councilor Nisley asked about burning parts of trees as long as they are small enough. **Stegemann** said that would be allowed as long as the fire took place “in a noncombustible container that is sufficiently vented to induce adequate primary combustion and has enclosed sides and a bottom,’ like a solo stove.

Councilor Nisley asked if it would be permitted to “feed a fire,” as in a bonfire. **Stegemann** said bonfires are allowed as long as they are recreational or ceremonial. In addition, the fire can be no larger than 5 feet. x 5 feet x 5 feet and the City Fire Department and Elkhart County Health Department must be notified in advance.

Mayor Leichy said it appeared there was a prohibition against fires at night. **Stegemann** agreed. However, **Councilor Riegsecker** said recreational or ceremonial fires are still allowed at night.

There were no further Council comments or questions. Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5170, Regulation of Open Burning in the City of Goshen and Providing Penalties for the Violations of Such Regulations, on First Reading by a 7-0 margin, with all Councilors present voting yes at 6:51 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5170.



Mayor Leichthy called for the introduction on Second Reading of Ordinance 5170 – *Regulation of Open Burning in the City of Goshen and Providing Penalties for the Violations of Such Regulations*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5170 by title only, which was done. **Weddell/Eichorn moved to approve Ordinance 5170 on Second Reading.**

Mayor Leichthy invited further Council comments on Ordinance 5170.

There were no further Council comments, so at 6:52 p.m., Mayor Leichthy invited additional public comments on Ordinance 5170, *Regulation of Open Burning in the City of Goshen and Providing Penalties for the Violations of Such Regulations*.

Glenn Null of Goshen said he understood the need for the ordinance, but said he was afraid of its vagueness and how it might be interpreted. Mayor Leichthy and Council President Weddell thanked Null for his comments. There were no further comments, so Mayor Leichthy closed the public comment period at 6:52 p.m.

Mayor Leichthy asked if there were further Council comments on Ordinance 5170.

Council President Weddell said he understood Null's concerns, but asked if the kind of terms used in the ordinance, and which so concerned Null, were common. Stegelmann said they were. Councilors King and Eichorn said the enforcement of ordinances usually requires some judgment and interpretation.

There were no further Council comments or questions. Council President Weddell said Councilors were ready to vote.

On a voice call vote, Councilors unanimously passed Ordinance 5170, *Regulation of Open Burning in the City of Goshen and Providing Penalties for the Violations of Such Regulations*, on Second Reading by a 7-0 margin, with all Councilors present voting yes at 6:53 p.m.

4) Ordinance 5171 – Amending the Ordinance Violations Bureau

Mayor Leichthy called for the introduction on First Reading of Ordinance 5171 – *Amendment to the Ordinance Violations Bureau*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5171 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5171 on First Reading.

BACKGROUND:

Before the Council, for First Reading, was Ordinance 5171, *Amending the Ordinance Violations Bureau*.

Ordinance 5171 would establish that:

- Indiana Code § 33-36-2-1 allows a municipal corporation to establish an ordinance violations bureau;
- Indiana Code § 36-1-6-3 allows municipal corporations to enforce ordinances through admission of violation before an ordinance violations bureau and allows that bureau to turn over to the municipal corporation all sums collected as civil penalties for ordinance violations; and



- The Common Council of the City of Goshen, Indiana established an ordinance violations bureau, which is codified in the Goshen City Code at §1.2.1.1;
- The Common Council of the City of Goshen, Indiana has revised the ordinance violations bureau from time to time, most recently in Ordinance 5159, on or about May 15, 2023, and
- The Common Council of the City of Goshen, Indiana wishes to further revise the provisions of the ordinance violations bureau by adding Goshen City Code violations that are subject to admission before the violations clerk, and define appropriate levels and amounts of civil penalties to be imposed for such violations.

If passed by the Common Council, Ordinance 5171 would create an Ordinance Violations Bureau that would continue to operate under the authority of I.C. § 33-36-2-1, as amended, and under the terms of this Ordinance.

Section 2. Violations Clerk; Duties (excerpts)

- **The Clerk of the City Court shall serve as the Violations Clerk, who shall administer the Bureau.**
- **The Violations Clerk shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties as set forth in Section 3 of this Ordinance, but not more than \$250.**
- **The Violations Clerk shall account for all payments received and deliver such penalty payments to the City of Goshen Clerk-Treasurer for all violations of the Goshen City Code, at such intervals as the City of Goshen Clerk-Treasurer determines, to be deposited in the general fund of the City of Goshen**
- The Violations Clerk shall account for all payments received on behalf of every municipal corporation for whom the Violations Clerk has accepted payment of civil penalties pursuant to an interlocal agreement described in I.C. 33-36-2-4, deliver such penalty payments to the appropriate municipal corporation as provided in the interlocal agreement, and deliver records related to such payments to the Clerk-Treasurer’s office or civil penalties attributable to the City of Goshen

Section 3. Schedule of Civil Penalties (excerpts): The Bureau Ordinances Schedule below assigns an appropriate Civil Penalty Tier to violations of each City of Goshen Bureau Ordinance.

City of Goshen

Bureau Ordinances Schedule

Goshen Code Section	Type of Violation	Penalty Tier
ANIMAL CONTROL		
3.1.1.1	Animals running at large	3
3.1.1.3	Keeping livestock, fowl or wild animals	3
3.1.1.4	Harboring vicious animal	2
3.1.1.5	Animals disturbing the peace	3
3.1.4.2	Keeping chickens	3
FIRE PRESENTION & PROTECTION		
Ordinance 5170	Open burning	3
NOISE CONTROL		
3.3.1.1	Excessive noise and sound	2



3.3.1.2	Noise level standards for motor vehicles and sound amplification on public property	2
FIREARMS WITHIN CITY LIMITS		
3.5.1.1	Discharge of firearms and detonation of explosives	1
FIREWORKS		
3.6.1.1	Use, discharge or ignition of consumer fireworks	2
CONTROLLED PARKING IN YARDS, SIDEWALKS		
4.4.1.1	General parking violations (except parking in designated handicapped space)	4
4.4.1.1	General parking violations- parking in handicapped space	3
4.4.2.1a	Parking in prohibited parking areas (in yards)	4
4.4.2.1b	Parking in prohibited parking areas (over sidewalks or curbs)	3
ABANDONED VEHICLES		
4.6.1.1	Removal and disposal of Abandoned Vehicles	2
PUBLIC WORKS AND UTILITIES		
5.1.2.1	Constructing sidewalks and driveways without permit	2
5.2.1.6	Connecting to the city water system without approval	2
BUILDINGS AND BUILDING REGULATIONS		
6.1.1.7	Building permit required	1
6.1.1.15	Stop work order	1
6.1.1.16	Certificate of occupancy	2
6.1.1.12	Inspection required	3
6.2.1.1	Mechanical and electrical licensing required	1
NEIGHBORHOOD PRESERVATION		
6.3.1.1	Minimum standards for all structures, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.2	Minimum standards for basic equipment and facilities, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.3	Minimum standards for light, ventilation, egress and heating, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.4	Safe and sanitary maintenance, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.5	Minimum space, use and location requirements, except as the ordinance applies to buildings deemed unsafe	1



6.3.1.6	Responsibility of owners and occupants, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.7	Hotels and rooming houses, except as the ordinance applies to buildings deemed unsafe	3
6.3.1.8	Smoke detectors, except as the ordinance applies to unsafe buildings	2
6.3.1.9	Minimum standards for commercial and industrial properties, except as the ordinance applies to buildings deemed unsafe	1
6.3.1.10	Application for registration receipt, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.11	Inspection, except as the ordinance applies to buildings deemed unsafe	2

REQUIREMENTS FOR STORMWATER MANAGEMENT ASSOCIATED WITH ILLICIT DISCHARGES

6.6.1.2	Discharge of any non-stormwater related materials or substances to stormwater drainage systems or any water course that violates applicable water quality standards	1
6.6.1.2	Any illicit connections to the stormwater drainage system or any water course that allows non-stormwater discharges to occur	1
6.6.1.2	Discharge of yard waste (e.g., grass clippings, leaves, etc.) to a stormwater drainage system or any water course	3
6.6.1.2	Failure to take all reasonable steps to ensure the discovery, containment, cleanup, and documentation of any improper or unpermitted release or discharge.	1

CONSTRUCTION SITE STORMWATER RUN-OFF CONTROL

6.6.2.1	Working without an approved Stormwater Pollution Prevention Plan or an expired stormwater clearance	1
6.6.2.1	Self-inspection report not performed, or the inspection forms are not provided when requested.	2
6.6.2.4	Concrete/mortar washout	2
6.6.2.4	Perimeter protection	2
6.6.2.4	Construction entrance/exit	2
6.6.2.4	Site stabilization	2
6.6.2.4	Inlet protection	2
6.6.2.4	Dewatering	2
6.6.2.4	Runoff control	2
6.6.2.4	Trash/litter	2
6.6.2.4	Spill control/containment issues	2
6.6.2.4	Direct discharge of pollutants to surface water	1



UNIFORM REQUIREMENTS FOR POST-CONSTRUCTION STORMWATER MANAGEMENT

6.6.3.2	Discharge of stormwater directly into a wetland or local waterway without adequate treatment or in violation of applicable state or federal laws	1
6.6.3.3	Failure to comply with Post-Construction Stormwater Management Plan inspection and maintenance of stormwater post-construction measures requirements.	2
6.6.3.3	Failure to maintain natural and constructed drainage systems.	2

RANK VEGETATION AND NOXIOUS WEEDS

6.9.1.1	Rank Vegetation and Noxious Weeds	3
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ACCUMULATION OF MATERIALS

Ord. 5156	Solid waste violations at public recycling drop-off site designated and operated by the City	1
Ord. 5156	Other solid waste violations without opportunity to correct violations	3
Ord. 5156	Solid waste violations requiring prior notice of violation	3

GRAFFITI

6.11.1.2	Failure to remove graffiti	3
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SIGNS IN RIGHT OF WAY

6.12.3.1	Placing signs in Right of Way	2
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PARKS

7.1.1.2	Park Hours - Curfew	4
7.1.1.10	Possession, Consumption, and Sale of Alcoholic Beverages	2

BRUSH

Ord. 5054	Improper Placement of Brush	3
Ord. 5054	Improper Placement of Leaves	3
Ord. 5054	Large Quantities of Brush, Commercial Services, or Non-Residential	1

CEMETERIES

Ord. 5114 §2	Cemetery Hours - Curfew	4
Ord. 5114 §3	Possession or Consumption of Alcoholic Beverages	2

CAMPING

Ordinance 5157	Camping and Storage of Camp Facilities & Camp Equipment	2
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ZONING ORDINANCE 3011

Expired plates/unlicensed vehicles in residential district	2
Trailer/RV/boat in front yard	2



Vehicles in excess of 1 ton capacity parked in residential area	2
Parking on unimproved surface/grass	2
Three or more inoperable vehicles, or parts thereof	2
Auto repair/body work/paint shop in residential area	2
RV used as residence	2
Structure/fence/sign/driveway expansion without permit	2
Development in regulatory floodplain without permit	2
Temporary/mobile signs without permits	2
Operating without a Conditional Use Permit	2
Storage of salvage materials on residential property	2

Notwithstanding any other enforcement procedures provided by applicable statute, rule, or ordinance, each Bureau Ordinance may be enforced through an admission of violation before the Violations Clerk to the full extent allowed under I.C. § 36-1-6-3(a)(1), as amended, and under the authority of I.C. § 33-36-2-1, as amended.

The Bureau Ordinances Schedule below assigns an appropriate Civil Penalty Tier to violations of each Elkhart County Bureau Ordinance.

Elkhart County Bureau Ordinances Schedule		
Elkhart County Code	Type of Violation	Penalty Tier
ZONING		
Chapter 158, Title XV	Land Usage	1
NUISANCE		
Chapter 92, Title IX	General Regulations	1

An admission of violation to a Bureau Ordinance shall cause to be imposed a civil penalty in the amount designated in the Civil Penalty Tiers schedule below that corresponds to the Tier level assigned to each Bureau Ordinance by the Bureau Ordinance Schedule. Second and subsequent admissions of violation of Bureau Ordinances occurring within a Twelve (12) month period will be subject to a greater civil penalty, as designated in the Civil Penalty Tiers schedule found in this Code Section.

Tier	Civil Penalty Tiers		
	First Offense	Second Offense	Third Offense
Tier 4	\$25	\$50	\$75
Tier 3	\$50	\$75	\$100
Tier 2	\$75	\$125	\$200
Tier 1	\$175	\$225	\$250



Section 4. Issuance of Citations. 4.1. Any City of Goshen official, employee, or agent authorized by the Goshen City Code or state law to enforce the provisions of the Goshen City Code may issue citations for the violation of Bureau Ordinances. The following City staff may issue citations for violations of Bureau Ordinances:

Goshen Code Section Type of Violation Enforcement Authority
ANIMAL CONTROL

Enforced by Ordinance Compliance Officers and Police Officers

- 3.1.1.1 Animals running at large
- 3.1.1.3 Keeping livestock, fowl or wild animals
- 3.1.1.4 Harboring vicious animal
- 3.1.1.5 Animals disturbing the peace
- 3.1.4.2 Keeping chickens

FIRE PRESERVATION AND PROTECTION

Enforced by Ordinance Compliance Officers, Police Officers and Fire Department

- Ordinance 5170 Open burning

NOISE CONTROL

Enforced by Ordinance Compliance Officers and Police Officers

- 3.3.1.1 Excessive noise and sound
- 3.3.1.2 Noise level standards for motor vehicles and sound amplification on public property

FIREARMS WITHIN CITY LIMITS

Enforced by Ordinance Compliance Officers and Police Officers

- 3.5.1.1 Discharge of Firearms and Detonation of Explosives Prohibited

FIREWORKS

Enforced by Ordinance Compliance Officers and Police Officers

- 3.6.1.1 Use, Discharge, or Ignition of Consumer Fireworks

CONTROLLED PARKING IN YARDS, SIDEWALKS

Enforced by Ordinance Compliance Officers and Police Officers

- 4.4.1.1 General parking violations (except parking in designated handicapped space)
- 4.4.1.1 General parking violations- parking in handicapped space
- 4.4.2.1a Parking in prohibited parking areas (in yards)
- 4.4.2.1b Parking in prohibited parking areas (over sidewalks or curbs)

ABANDONED VEHICLES

Enforced by Ordinance Compliance Officers and Police Officers

- 4.6.1.1 Removal and disposal of Abandoned Vehicles



PUBLIC WORKS AND UTILITIES

Enforced by Legal Department, Building Department, Police Department or Ordinance Compliance Officers

- 5.1.2.1 Constructing sidewalks and driveways without permit
- 5.2.1.6 Connecting to the city water system without approval

BUILDINGS AND BUILDING REGULATIONS

Enforced by the City Building Commissioner

- 6.1.1.7 Building permit required
- 6.1.1.15 Stop work order
- 6.1.1.16 Certificate of occupancy
- 6.1.1.12 Inspection required
- 6.2.1.1 Mechanical and electrical licensing required

NEIGHBORHOOD PRESERVATION

Enforced by the City Building Commissioner

- 6.3.1.1 Minimum standards for all structures, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.2 Minimum standards for basic equipment and facilities, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.3 Minimum standards for light, ventilation, egress and heating, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.4 Safe and sanitary maintenance, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.5 Minimum space, use and location requirements, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.6 Responsibility of owners and occupants, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.7 Hotels and rooming houses, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.8 Smoke detectors, except as the ordinance applies to unsafe buildings
- 6.3.1.9 Minimum standards for commercial and industrial properties, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.10 Application for registration receipt, except as the ordinance applies to buildings deemed unsafe
- 6.3.1.11 Inspection, except as the ordinance applies to buildings deemed unsafe

REQUIREMENTS FOR STORMWATER MANAGEMENT ASSOCIATED WITH ILLICIT DISCHARGES

Enforced by the Superintendent of the Department of Stormwater Management:

- 6.6.1.2 Discharge of any non-stormwater related materials or substances to stormwater drainage systems or any water course that violates applicable water quality standards
- 6.6.1.2 Any illicit connections to the stormwater drainage system or any water course that allows non-stormwater discharges to occur



- 6.6.1.2 Discharge of yard waste (e.g., grass clippings, leaves, etc.) to a stormwater drainage system or any water course
- 6.6.1.2 Failure to take all reasonable steps to ensure the discovery, containment, cleanup, and documentation of any improper or unpermitted release or discharge

CONSTRUCTION SITE STORMWATER RUN-OFF CONTROL

Enforced by the Superintendent of the Department of Stormwater Management:

- 6.6.2.1 Working without an approved Stormwater Pollution Prevention Plan or an expired stormwater clearance
- 6.6.2.1 Self-inspection report not performed, or the inspection forms are not provided when requested.
- 6.6.2.4 Concrete/mortar washout
- 6.6.2.4 Perimeter protection
- 6.6.2.4 Construction entrance/exit
- 6.6.2.4 Site stabilization
- 6.6.2.4 Inlet protection
- 6.6.2.4 Dewatering
- 6.6.2.4 Runoff control
- 6.6.2.4 Trash/litter
- 6.6.2.4 Spill control/containment issues
- 6.6.2.4 Direct discharge of pollutants to surface water

UNIFORM REQUIREMENTS FOR POST-CONSTRUCTION STORMWATER MANAGEMENT

Enforced by the Superintendent of the Department of Stormwater Management:

- 6.6.3.2 Discharge of stormwater directly into a wetland or local waterway without adequate treatment or in violation of applicable state or federal laws
- 6.6.3.3 Failure to comply with Post-Construction Stormwater Management Plan inspection and maintenance of stormwater post-construction measures requirements.
- 6.6.3.3 Failure to maintain natural and constructed drainage systems.

RANK VEGETATION AND NOXIOUS WEEDS

Enforced by Ordinance Compliance Officer, Police Officers or Legal Department

- 6.9.1.1 Rank Vegetation and Noxious Weeds

ACCUMULATION OF MATERIALS

Enforced by Legal Department, Building Department, Police Department or Ordinance Compliance Officers

- Ord. 5156 Solid waste violations at public recycling drop-off site designated and operated by the City
- Ord. 5156 Other solid waste violations without opportunity to correct violations
- Ord. 5156 Solid waste violations requiring prior notice of violation



GRAFFITI

Enforced by Ordinance Compliance Officers or Police Officers

6.11.1.2 Failure to remove graffiti

SIGNS IN RIGHT OF WAY

Enforced by Ordinance Compliance Officer, Police Officers or Legal Department

6.12.3.1 Placing signs in Right of Way

PARKS

Enforced by Ordinance Compliance Officers or Police Officers

7.1.1.2 Park Hours - Curfew

7.1.1.10 Possession, Consumption, and Sale of Alcoholic Beverages

BRUSH

Enforced by Legal Department, Building Department, Police Department or Ordinance Compliance Officers

Ord. 5054 Improper Placement of Brush

Ord. 5054 Improper Placement of Leaves

Ord. 5054 Large Quantities of Brush, Commercial Services, or Non-Residential

CEMETERIES

Enforced by Police Department or Ordinance Compliance Officers

Ord. 5114 §2 Cemetery Hours - Curfew

Ord. 5114 §3 Possession or Consumption of Alcoholic Beverages

CAMPING

Enforced by Legal Department, Building Department, Police Department or Ordinance Compliance Officers

Ordinance 5157 Camping and Storage of Camp Facilities & Camp Equipment

ZONING ORDINANCE 3011

Enforced by Planning & Zoning Administrator & Assistant Administrator, Building Commissioner, Ordinance Compliance Officers or Police Officers

- Expired plates/unlicensed vehicles in residential district
- Trailer/RV/boat in front yard
- Vehicles in excess of 1 ton capacity parked in residential area
- Parking on unimproved surface/grass
- Three or more inoperable vehicles, or parts thereof
- Auto repair/body work/paint shop in residential area
- RV used as residence
- Structure/fence/sign/driveway expansion without permit
- Development in regulatory floodplain without permit
- Temporary/mobile signs without permits



Operating without a Conditional Use Permit
Storage of salvage materials on residential property

Any official, employee, or agent from Elkhart County government authorized by Elkhart County ordinances or by state law to enforce Elkhart County's code may issue citations for the violation of Elkhart County Bureau Ordinances.

Citations issued under this ordinance shall include the following information:

- (a) The name of the responsible person;
- (b) A description of the alleged violation, including the date thereof, and the code section;
- (c) The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
- (d) The amount of the schedule civil penalty for the violation;
- (e) The methods by which the alleged violation may be admitted or denied;
- (f) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
- (g) The address of the Violations Clerk; and
- (h) The days and hours that the Ordinance Violations Bureau is open.

4.4. A copy of the citation shall be served by personally delivering the citation to the person alleged to have violated Bureau Ordinances, unless the alleged violation relates to the use or occupancy of land, a building, or other structure, in which case the citation may be posted on the property and a copy mailed by first class mail to the owner of such land, building, or other structure at the last known address of the alleged violator.

Section 5. Duty to Appear. Any person upon whom a citation is issued pursuant to this Ordinance shall, within 10 days of the issuance of the citation, appear at the Violations Clerk's office to either admit or deny the violation, enter a written denial, or deliver an admission with the corresponding penalty payment.

Section 6. Payment. Upon admission of a Bureau Ordinance before the Violations Clerk, the Violations Clerk shall assess civil penalties and accept payment from the violator in the amounts designated in the Bureau Ordinances Schedule and Civil Penalties Tiers.

Section 7. Right to Trial; Denial of Violation, Failure to Satisfy Civil Penalty Assessed.

7.1. Nothing in this Ordinance shall be construed to limit a person charged with an ordinance violation to that person's right to a trial on the allegations found in a citation, nor shall it be construed to limit any right the person might have to appeal, whether such appeal would be to the Goshen Board of Public Works and Safety or other authority. If a person charged with an ordinance violation wants to exercise the right to trial, the person shall appear before the Violations Clerk and deny the violation, or enter a written denial with the Violations Clerk.

7.2. If a person denies the allegations found in a citation, fails to satisfy a civil penalty assessed after having entered an admission of violation, or fails to deny or admit the violation, the Violations Clerk shall report this fact to the City of Goshen Legal Department or to legal counsel of a unit utilizing the Bureau under an interlocal agreement, who may then initiate proceedings in court against the person for the alleged ordinance violation.



Section 11. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana.

SUMMARY OF NOV. 13, 2023 COUNCIL DISCUSSION & APPROVAL OF ORDINANCE 5171:

Mayor Leichty invited staff comments on Ordinance 5171.

Deputy Mayor Brinson said it was good timing to consider Ordinance 5171, with the Council just having passed Ordinance 5170, the ordinance on open burning, because people often ask what happens if someone doesn't comply with an ordinance. He said this is why cities in Indiana have Ordinance Violations Bureaus.

Brinson said this is the way the City can issue citations that create penalties for people who don't comply. He said that's typically done after people have been warned repeatedly and have refused to comply with ordinances.

Brinson said this ordinance has been on the books for many years, but the City has only begun enforcing it in the past year or so. He said the City has created an automated process and five or six City departments have been working together to figure out ways to make the process work smoothly. The group has discovered "missing pieces" that need to be added, so there will be amendments from time to time.

Brinson said the just-passed Ordinance 5170 will be part of the City Ordinance Violations Bureau group of ordinances the City will enforce. He said this approach will not replace lawsuits initiated by the City. He said this is an administrative process to issue citations and is more for "nuisance-level violations" and not major violations.

Brinson said this is not intended to be a revenue source for the City, although it will generate revenue. He said the goal is to gain compliance.

Brinson also said there are various tiers representing the severity of the violations and the penalties are increased for repeat violations. He said Ordinance 5171 also doesn't create any new violations.

City Attorney Bodie Stegelmann said Ordinance 5171 "will be tool in the toolbox," that will help the City address relatively minor violations. He said the hope is that writing a citation and imposing a civil penalty will help the City gain compliance with more of its ordinances. He said for severe or repeat violations, the City can still use the process of going to court and seeking a larger fine.

Stegelmann said it had come to the attention of City staff that there are certain violations that are on the books and not available for this process. So, he said City staff have come back to the Council and added violations that can be part of this process, and that is what's being requested tonight.

Stegelmann said the violations being added to the Ordinance Violations Bureau for enforcement are: the discharge of firearms within the City limits, fireworks, abandoned cars, violations of disposing of trash at the City recycling center, graffiti, the violation of park hours or possession of alcoholic beverages in parks, and violations of the hours of operation in cemeteries, as well as the consumption of alcoholic beverages in cemeteries. He said adding these offenses to the ordinance would allow for enforcement through the Ordinance Violations Bureau.

Councilor Pérez asked Stegelmann to clarify how enforcement would be done. He asked if it would be by the Board of Public Works and Safety. **Stegelmann** said enforcement would be done through the City Court. He said City staff can write citations and they are submitted to the City Court, which will send out notices of where a person cited can pay a fine or can come in and dispute the offense. Councilor Pérez asked about the enforcement by the Board of Works. Stegelmann said some enforcement can go through the Board.

Councilor Schrock asked if enforcement by the Court was faster. **Stegelmann** said it would depend on the type of violations. At times, he said, enforcement through a court can take more time, but there is certainty of timing.



Councilor Nisley asked how an open burning dispute would be handled. He said if a person was ordered to extinguish a fire, and disagreed with the order, how could they file a grievance about that – or could they only appeal if there was a citation? **Brinson** said any citation could be contested in the City Court. **Stegelmann** said if a citation wasn't issued, the person could appeal to **Fire Chief Dan Sink, Mayor Leichty, the City Attorney** or an elected official. In response to a comment by **Councilor Schrock**, Stegelmann said a person could also contact a Councilor. **Councilor Riegsecker** said it would make sense for a person to appeal to those responsible for the enforcement of open burning, which would be Ordinance Compliance Officers, the Police Department and the Fire Department. **Stegelmann** said the Fire Department normally handles those kinds of calls. **Councilor Nisley** said in most case, Fire Department staff ask for fires to be extinguished.

Brinson said City staff who can issue citations would rather not do so. He said they would rather work with people and gain voluntary cooperation. He said hopefully through education, the City can accomplish its goals. Brinson said this ordinance is designed for people who refuse to comply and there needs to be some penalties. **Councilor Schrock** asked if this was sort of a last resort. **Brinson** answered, "Correct."

Council President Weddell said he appreciated the provisions that were added to address the dumping of trash at the City's new recycling center. He asked if prior to this ordinance, was the City able to enforce these types of violations. **Mayor Leichty** responded that it was much more difficult.

Council President Weddell said as a user of that facility, he knows that the rules about what can or cannot be disposed of are plainly posted, so there has been adequate education and if people ignore the rules, he hopes the ordinance is enforced. **Councilors Eichorn and Weddell** noted that cameras are being used to monitor the recycling center. **Council President Weddell** said without enforcement, the City won't have a recycling center because it will be ruined. **Councilor Eichorn and Mayor Leichty** agreed.

Stegelmann noted that the **Board of Public Works and Safety** earlier today adopted rules for the recycling center (**Resolution 2023-35, Establishing Rules for Use of the City's Public Recycle Drop-off Site**) to clarify what was allowed and not allowed to be disposed of.

Clerk-Treasurer Aguirre said the City seeks a balanced approach of seeking compliance with ordinances, but there are those who won't comply. As an example, he said there is a local property owner who has repeatedly been cited for allowing "rank vegetation and noxious weeds" on his properties. He said the Clerk-Treasurer's Office recently requested property tax liens for about 17 City properties, almost all of those from a single property owner. And because the maximum the City can charge is \$250, Aguirre said that property owner is regularly able to get City staff to help maintain his properties for just \$250. So, Aguirre said he would like to explore and possibly propose higher fines for those who have persistent violations.

There were no further Council comments at this point, so at 7:07 p.m., Mayor Leichty invited public comments on Ordinance 5171, Amending the Ordinance Violations Bureau.

Glenn Null of Goshen asked for a clarification about the references to some of the ordinances, which the city Attorney clarified. Null commented about the discharge of firearms, fireworks and the placement of leaves near streets, and he wondered about enforcement.



Overall, **Null** said that he liked the idea of an Ordinance Violations Bureau, but said he didn't know about some of the fines. He said clarifications are always important.

There were no further comments, so Mayor Leichthy closed the public comment period at 7:10 p.m.

Mayor Leichthy asked if there were further Council comments on Ordinance 5171. There were none. Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed the motion to approve Ordinance 5171, Amending the Ordinance Violations Bureau, on First Reading by a 7-0 margin, with all Councilors present voting yes at 7:10 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5171.

Mayor Leichthy called for the introduction on Second Reading of Ordinance 5171 – *Amendment to the Ordinance Violations Bureau*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5171 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5171 on Second Reading.

Mayor Leichthy invited further Council comments on Ordinance 5171.

There were no further Council comments, so at 7:11 p.m., Mayor Leichthy invited public comments on Ordinance 5171, *Amending the Ordinance Violations Bureau*. There were none. Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5171, Amending the Ordinance Violations Bureau, on Second Reading by a 7-0 margin, with all Councilors present voting yes at 7:11 p.m.

Elected Official Reports:

Councilor King congratulated all of the City candidates who were re-elected or elected last week.

Councilor Eichorn said her last name change is now official. So, she said starting tonight, she can be called **Councilor Peel**.

Council President Weddell said he has sent reminders to members of City boards and commissions whose terms are ending. He said hopefully people will apply and the Council can make appointments early next year.

Councilor Pérez thanked **Mayor Leichthy** for the proclamation of Women's Entrepreneurship Day. He said the Goshen Chamber of Commerce is seeking to increase the number of Latino members, and has scheduled a meeting tomorrow on this subject. He also said Latinas make up the fastest growing segment of U.S. businesses.



Council President Weddell and **Councilor King** said they were both surprised by the small number of women-owned businesses in Elkhart County and Goshen.

Councilor Schrock said Wilden Avenue will open later this week. He also said the 2023 Canadian Pacific Holiday Train is scheduled to go through Goshen between 7 p.m. on Nov. 24 to 6 a.m. on Nov. 25. Councilor Schrock also said the East Goshen Neighborhood Association will host a free chili supper 5 p.m. Sunday at Abshire Cabin.

Councilor Perez noted that the Goshen Police Department issued a new release earlier today about the death of Judith Gill, 83, of Elkhart in a vehicle vs. train accident at the Main Street railroad crossing, just north of Pike Street. He asked that people remember the family of the victim and take care when driving near railroad tracks.

Clerk-Treasurer Aguirre reminded Councilors that they are eligible to receive a \$500 stipend from the City to reimburse them for the cost of technology – cell phone usage or computers. He said the deadline to apply was Dec. 1 to the Clerk-Treasurer’s Office.

Mayor Leichty said she would be sending Councilors an invitation to training for elected officials sponsored by Accelerate Indiana Municipalities (AIM) in January.

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 7:17 p.m.

EXHIBIT #1: A mayoral proclamation, dated Nov. 13, 2023, by Mayor Gina M. Leichty that proclaimed Nov. 19 as National Women’s Entrepreneurship Day. This was presented as part of agenda item #2.

APPROVED:

Gina Leichty, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer



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 • www.goshenindiana.org

TO: Mayor Gina Leichty and the Goshen Common Council
FROM: Jeffery Weaver, Deputy Clerk-Treasurer
RE: Proposed Ordinance 5176, Additional Appropriations
DATE: December 18, 2023

Thank you for considering Ordinance 5176, 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 General Fund is the primary source of funding for much of the City's personnel costs, but some positions are paid from other "Special Revenue" Funds. In one example, the Rental Inspector wages are supported by the Residential Lease Fee Fund, which did not realize expected revenues in 2023. Board of Works Resolution 2022-36 determined that 50% of the Rental Inspector wages should be paid from the "Civil City" budget. This additional appropriation adjusts 50% of Rental Inspector wages to be paid from the Building Department in the General Fund, allowing the Residential Lease Fee Fund to remain solvent.

The Public Safety – Local Option Income Tax Fund is primarily used for Police and Fire pensions and for public safety capital expenditures. This additional appropriation is for a police vehicle and respective upfitting that became available at short notice but cost more than originally budgeted. It was ordered with the understanding that the fund has cash available for the purchase.

The Redevelopment Operating Fund purchased land that will be reimbursed by a TIF Fund. The TIF district does not yet encompass the parcel but will be amended sometime in 2024, at which point the TIF will reimburse the Redevelopment Operating Fund.

Again, 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 5176

Additional Appropriations

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

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

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

GENERAL FUND

101-510-15-411.0130 BUILDING / Full Time Personnel \$40,000.00

PUBLIC SAFETY LOIT

249-520-00-445.0200 PS LOIT / Motor Vehicles \$45,000.00

249-520-00-445.0201 PS LOIT / Equipment \$15,000.00

REDEVELOPMENT OPERATING FUND

406-560-00-442.0000 REDEVELOPMENT / Capital Projects \$160,260.00

PASSED by the Goshen Common Council on _____, 2023.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2023, at _____ a.m./p.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2023.

Gina Leichty, Mayor