



Agenda for the Goshen Common Council

6:00 p.m., March 25, 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 Jazmin Roman

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: February 12, 2024 Joint Meeting with Goshen Community Schools Board and the February 26, 2024 Regular Meeting

Approval of Meeting Agenda

Privilege of the Floor

- 1) Presentation:** Presentation for service to the City of Goshen for Glenn Null, Community Relations Commission
- 2) Presentation:** Presentation of awards for the Community Relations Commission Essay Contest
- 3) City of Goshen Financial Report** (Jeffery Weaver, Deputy Clerk-Treasurer)
- 4) Public hearing:** Community Development Block Grant (CDBG) Program Year 2024 Annual Action Plan (Theresa Cummings, Community Development Specialist)
(in conjunction with required 30 day public comment period 3/19-4/17)
- 5) Public hearing and Council consideration of the following resolutions:**



- **Resolution 2024-05**, *State Revolving Fund Loan Program Preliminary Engineering Report Acceptance*
- **Resolution 2024-06**, *State Revolving Fund Loan Program Signatory Authorization Resolution* (Jamey Singer, Utilities Engineer)

6) Ordinance 5180 - Amend Ordinance 3011 By Authorizing the Following Changes Related to the Flood Control District (Overlay) Regulations (Rhonda Yoder, City Planner)

7) Resolution 2024-04, *Interlocal Agreement with the County of Elkhart for Animal Control Services* (Legal Department)

8) Resolution 2024-03, *Adopting an Electronic Meetings Policy to Allow Members of the Common Council to Participate in Meetings by Electronic Means of Communication* (Legal Department)

Elected Official Reports

Adjournment



GOSHEN COMMON COUNCIL

**Minutes of the Feb. 12, 2024 Joint Meeting with the Goshen Community Schools Board
Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana**

Assisted by Mayor Gina Leichty, Kid Mayor Lincoln Tolin called the meeting to order at 6:01 p.m. Lincoln helped help facilitate the meeting.

Accompanied by the Mayor and Kid Mayor, Shelby and Hudson Weddell, the children of Bradd and Kelsey Weddell, led the Pledge of Allegiance.

Kid Mayor Tolin asked Clerk-Treasurer Aguirre to conduct the roll call for all of the groups:

City Councilors:

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)
Absent: None

Youth Council

Jessica Velázquez-Valdes
Sara Lozano
Jennifer Olivera-Morgado
Antonio Perez
Skye Steury
Frida Luna Gallegos
Absent: None

School Board:

Jose Elizalde (District 3)
Mario Garber (At-Large)
Ryan Glick (District 1)
Maria Sanchez Schirch (District 2)
Bradd Weddell (At-Large)
Absent:
Board President Roger Nafziger (At-Large)
Allan Kauffman (District 4)

Kid Mayor & Council:

Lincoln Tolin (Mayor)
Christopher Budiardja
Phillip Gingerich
Ainsley McPhail
Absent:
Amari Stoll, Elyana Rojas-Lopez

City of Goshen employees present included:

Deputy Mayor Mark Brinson; Superintendent of Parks & Recreation Tanya Heyde; Chief of Police José Miller; Assistant Chief of Police Shawn C. Turner; Fire Chief Dan Sink; Assistant Fire Chief Anthony Powell; Director of Public Works & Utilities Director Dustin Sailor; City Attorney Bodie Stegelmann; and Kent Holdren and Marv Shepherd, the current and incoming Superintendent of the City Water Treatment and Sewer Department

Goshen Community Schools employees present included:

Superintendent Dr. Jim DuBois; Associate Superintendent Alan Metcalfe; Assistant Superintendent Tracey Noe; Assistant Superintendent Bob Evans, Goshen High School Principal Cathy DeMeyer; and Director of Transportation Donald Graves



1) Approval of Meeting Agenda:

Kid Mayor Tolin presented the meeting agenda for approval. **Councilor Nisley** moved to accept the agenda as submitted. **Councilor Peel** seconded the motion. **Motion passed 7-0 on a voice vote.**

2) Welcome from Superintendent Jim DuBois

Superintendent Jim DuBois welcomed students, parents, Board members and community members. He thanked **Mayor Leichty**, City Department heads and Council members for holding the joint meeting, which he said was a good learning experience for students. He said the meeting was a good opportunity to share the great work taking place between the City and the school district. He said it was “unique” for a City and a school district to be working together so well to benefit students on their journeys toward becoming contributing adults in the community.

3) Parks 2024 Programs for Kids and Families (City Parks and Recreation Superintendent Tanya Heyde)

City Superintendent of Parks & Recreation Tanya Heyde gave an overview of her department using an eight-page PowerPoint, “Goshen Parks and Recreation (**EXHIBIT #1**). Heyde discussed the following:

- **The 2024 Goshen Parks & Recreation Activity Guide.** She invited meeting attendees to take home copies of the provided department guide for the coming year. It includes a listing of facilities, activities, lessons, youth and adult programs and other events.
- **The organization of the department.** Heyde said the department has 13 full-time employees and four permanent part-time employees. The department also hires many part-time seasonal employees during the spring, summer and fall to help maintain and staff facilities, including the pool, as well as to operate programs. The department has a five-member board – four members appointed by the Mayor and one by the School Board.
- **An overview of parks, facilities and trails.** She said the City has 26 miles of trails which are open year round for community recreation purposes as well as for students to walk to and from schools.
- **Partnerships with Goshen Community Schools.** Besides sharing the trails system, Heyde said the City has other partnerships with Goshen Schools. These include the sharing of facilities, including Rogers Park for baseball and softball games and Shanklin Park for cross country meets. In turn, the City uses school facilities for indoor youth and adult basketball, volleyball games and pickleball.
- **The department’s five-year master plan.** Early last year, she said the Parks Department began work on a new five-year master plan. Heyde said a steering committee, including a Goshen schools faculty member, was formed and has been developing the plan. She said the “pillars” of the plan are inclusiveness, connectivity, engagement and sustainability.
- **The department’s new maintenance facility.** She said the new maintenance building, beside Plymouth Avenue and between 9th and 10th streets, is nearly completed and is expected to be open by the spring. She expressed appreciation for the support on the City administration, the Common Council and the Redevelopment Commission.
- **The proposed renovation of the Shanklin Pool.** Heyde said a master planning process has been completed to replace the pool, which was constructed in the 1960s. She said a design phase is underway and the City hopes to begin the construction in 2025 with the reopening of the pool in 2026.



Heyde thanked the school board for its support of the Parks and Recreation Department. And she invited questions. **Councilor Nisley** asked about the status of the East Lincoln-Westside Pavilion. **Heyde** said concrete work has started and the pavilion should be erected this spring. In response to a question from **Councilor Schrock** about the status of the Eastside pavilion, **Heyde** said the structure has been ordered and it should be installed next year.

4) Police Department Special Resource Officer presentation (Assistant Chief Shawn Turner)

Assistant Police Chief Shawn Turner provided an overview of the work of the Police Department's Special Resource Officers. He began by praising the strong relationship between the Police Department and Goshen Community Schools. He said **Goshen High School Principal Cathy DeMeyer** and **Goshen Middle School Principal Jan Baker** have been especially helpful.

Assistant Chief Turner said he believes it's reassuring to parents when they drop off their children at school and see a police car parked outside and an officer standing by. While some people might think of school resources officers as "kid cops," he said they are much more than that. He said they are intertwined with the school system and serve a wide variety of roles including as counselors, administrators, enforcers, friends, role models, legal experts and crime deterrence. He said these officers also are an important part of the Police Department;

Assistant Chief Turner briefly described the backgrounds of the Special Resource Officers, who include:

- **Officer Tommy Steele** has 20 years of law enforcement experience, including 14 at the junior high school level. He has completed advanced SRO training and is vice president of the Indiana School Resource Officer's Association, which has more than 400 members.
- **Officer Tara Powell** has 26 years of law enforcement experience, including 20 with the Goshen Police Department. She has been an SRO since 2015. She has completed advanced SRO training and is an advanced safety school specialist. She is assigned to Goshen Intermediate School and assists at Goshen High School. Officer Powell can help at elementary schools as needed and has great relationships with teachers. She also is a training officer and has helped train new School Resource Officers.
- **Officer Don Cramer** is the Police Department's newest SRO and the most senior officer. He has 39 years of law enforcement experience, primarily with the Elkhart County Sheriff's Office. He has been an SRO for seven years and a Drug Abuse Resistance Education (DARE) program officer for 10 years. He was hired to replace Officer Jeff Eaton and is assigned to Goshen High School.

Assistant Chief Turner discussed initiatives that the Police Department has been working on with Goshen Schools. These safety initiatives include:

Installing sliding barriers that would prohibit an intruder from being able to look into classrooms as a way to enhance safety. They have been installed at the middle school and the goal is to install them at all schools.

Camera systems at the schools that have been upgraded thanks to a grant. He said the Police Department relies on good video evidence to solve crimes, and that is being provided in Goshen.

Safety and Security window film is being installed at all ingress and egress points to keep broken windows intact and can help delay intruders from entering buildings.

All school doors are locked and have welcome centers with one entry point, which adds to the safety and security of each building.

Schools utilize the Raptor School Safety System to identify who is in the building and tracks attendance.



At Goshen High School, Goshen Police conduct random drug sweeps with trained drug detection canines. He said marijuana vaping has become a serious problem and random drug sweeps are an effective response.

SchoolGuard, a mobile panic button app, provides a more immediate response in extreme emergencies. He said the app quickly and directly connects school personnel with Goshen police.

Assistant Chief Turner also talked about how the School Resource Officers go beyond providing security by connecting with students, often in their free time.

For example, he said **Officer Steele** has volunteered as a 7th grade basketball coach and during the summer is an 8th grade basketball coach.

Every morning, **Officer Powell** greets all of the students who arrive at the intermediate school on 17 buses. He said Officer Powell does that to make all of the students feel safe. Officer Powell recently was given a live saving award for aiding a student in the cafeteria who began choking while eating.

Assistant Chief Turner said **Officer Cramer** is a head basketball coach for a Special Olympics team. He said some of the games take place at the high school. He has been coaching for 10 years.

Assistant Chief Turner concluded his presentation by saying, "This is just a snapshot of our Police Department SROs. We have been fortunate to have them in our school system. We are even more fortunate that they are completely dedicated to their schools, the administration, the kids, the educators and the community they serve."

5) Introduction of Kid Council and Kid Mayor (Wendy Clark)

Parent and Communication Liaison Wendy Clark provided an overview of the Kid Mayor and Kid Council program and this year's participants.

Clark said fourth-graders applied to be Kid Mayor and submitted brief videos about what they hoped to accomplish if elected. All fourth-graders had an opportunity to vote for the Kid Mayor. Lincoln Tolin was elected and represents all of the City's fourth-graders. The five runners-up serve as the City's Kid Council.

Clark said the students will soon begin meeting and will plan a project that they will complete this spring.

All of the students introduced themselves and their schools. Those present were:

- **Lincoln Tolin (Mayor) of Model Elementary**
- **Christopher Budiardja of Chandler Elementary**
- **Phillip Gingerich of Chamberlain Elementary**
- **Ainsley McPhail of Prairie View Elementary**

Elyana Rojas-Lopez of Parkside Elementary and Amari Stoll of Chamberlain Elementary were unable to attend. The audience responded with applause for the students.

Mayor Leichty thanked the students for being present and their parents for allowing them to attend.

6) Introduction of Youth Councilors (Mayor Leichty)

Mayor Leichty said that one of the initiatives that **Mayor Jeremy Stutsman** began was a youth adviser program, which was based on his belief that the City needed to listen to young people and involve them in City governance. Initially, a single youth adviser served on the Common Council. The program has now been expanded to six, with four high school students serving on City boards and commissions and one on the Goshen School Board.

Mayor Leichty invited the students to introduce themselves and say what has impressed them about their service.



- **Skye Steury** of the Mayor's Environmental Committee said the group meets monthly and he has enjoyed the opportunity. He said he enjoyed attending a sustainability conference in Indianapolis.
- **Jennifer Olvera-Morgado** of the Park and Recreation Board said she has been impressed by the way the board functions and the many details involved in managing the City's parks. She said she was thankful to be able to attend the meetings.
- **Antonio Perez** of the Shade Tree Board said he has enjoyed being a member of the Arbor Day Committee. He said he is helping plan the celebration on May 3.
- **Sara Lozano** of the Community Relations Commission said she has enjoyed learning about what Goshen is really like, learning more and informing her family and the Hispanic community.
- **Frida Luna Gallegos** of the Goshen Community School Board said she has been surprised by the team that is working to improve school safety. She said the team has welcomed her and taken her opinions seriously. She also said that she appreciated the opportunity to serve.
- **Jessica Velázquez-Valdes**, the Common Council youth adviser, said she has appreciated the opportunity to learn about new City projects and about the City. She said this has allowed her to inform her family and Goshen High School. As part of the Youth Caucus Club, she said the students have participated in projects, including a voter registration drive. She said she hopes to do more projects like that soon.

Mayor Leichty said this is an important project and a wonderful bridge between the Goshen schools and the City. She said she was honored to be able to continue the program. She said the students will continue their terms through the end of the school year and there will be an election for new advisers in the spring. The Mayor added that the new youth advisers will begin in June.

Mayor Leichty thanked the youth advisers and was joined by the audience in offering them a round of applause.

7) School Transportation update (Don Graves)

Goshen Schools Director of Transportation Donald Graves provided an overview of the district's transportation system using a PowerPoint presentation titled "GCS Transportation; Transporting GCS Students to their Future" (**EXHIBIT #2**)

Graves said he and his staff view transportation as a way to start students every morning in a positive way. Drivers are encouraged to greet each child and welcome each on the bus, adding, "We believe that we are the foundation in the beginning of their day and set them up for either failure or success and we want to choose success every day."

Graves said the beginning of the school year brought a few changes to GCS Transportation:

Goshen schools introduced the **BusQuest App**, which allows parents to register and make changes to their student's transportation and update addresses and pick-up areas. Parents can also receive an alert when the bus carrying their child is getting close to their home.

Students in grades 7-12 are now required to register for transportation so the district can determine how many buses are needed. This was new for 7th and 8th-graders, but high school students have always been required to register for transportation.

In another major change, **the schools instituted a one pick-up and one drop-off policy.** In the past, the schools accommodated multiple drop-off locations in the afternoon. However, he said it was felt this compromised student safety, so there is now a requirement for a single pick-up and drop-off location. He said there have been "some growing pains," but most parents are supportive of the change.



Graves provided the following statistics about the Goshen transportation system:

Number of students transported: 4,009 out of 6,100 total students

Elementary: 1,482

Intermediate: 868

Junior High School: 748

High school: 911, which has been an increase from last year

Routes/Buses/Trips

- 30 buses for the morning and afternoon routes
- 5 special needs buses
- 177 total trips per day (including a shuttle to Elkhart for homeless students)
- From Aug. 1 to Dec. 11, 240 athletic, music and school trips were taken, which will increase in the spring

Graves said a major technology upgrade has been providing bus drivers with navigation tablets, which were recently installed. He said the tablets provide drivers with:

- Turn-by-turn route instructions, which have replaced printed instructions
- The ability to track students by scanning their identification cards when they board and depart buses. Transportation staff can provide the location of students if parents call requesting that information. Staff will even be able to report when students board buses and when they leave them.
- Transportation staff will be able to monitor how drivers are progressing through their routes, where they stop along the way and can later make any adjustments.
- The new system will also help in creating routes each school year.

Graves said his department has 35 full-time drivers, four substitutes, two mechanics (who also drive when needed), one driver in training and three office staff members.

In conclusion, **Graves** said, “The GCS Transportation Department is continually striving to better the level of service we provide for our students, parents, and staff to enhance the education for our GCS students ... “We take our jobs very seriously ... and we hope that we can continue to serve the Goshen community the way we do.”

Youth Adviser Frida Luna Gallegos asked how long schools will be testing the new ID scan system. **Graves** said his department will be testing the new system at Model and Waterford elementary schools. He said after a few weeks, he hopes to fully implement the program by the end of the semester.

Board member Jose Elizalde asked if the card scanning will cause delays in the routes. **Graves** said at the start of the program there will be some delays and some bus adjustments may be necessary, but it should improve.

8) Goshen Community Schools Pathways Program (GHS Principal Cathy DeMeyer)

Goshen High School Principal Cathy DeMeyer began her presentation by thanking the **Goshen Police Department** and **Mayor Leichty** for the School Resource Officer program. She said **Officer Cramer** is kept busy every day. She also acknowledged Kid Council members and said she was proud of the youth advisers.

DeMeyer said she wanted to discuss some of the pathway programs that are growing the fastest at Goshen High School. She said all students have the opportunity to pursue any of the pathways but they can also earn an honors or a technical honors diploma and pursue whatever path they would like after high school. However, **DeMeyer** said pathways offer opportunities for students to gain “real world” work experience before leaving high school, which can be beneficial in helping determine a future career.



DeMeyer said a **leadership academy** is being developed as part of a business administration pathway. She said **President & CEO Nick Kieffer of the Goshen Chamber of Commerce** has helped develop the program, which will connect students with local businesses.

DeMeyer said the **Business Administration Pathway** will have pathways in accounting, marketing, entrepreneurship and supply chain logistics and many opportunities within that for dual credit. She said students will be able to earn credits through Ivy Tech Community College and within a few years, students will be able to graduate from the high school with associate degrees. She said the supply chain logistics pathway will be offered at the Goshen Alternative Program, which was formerly known as "Merit" and now is housed at the former Chandler Elementary School. She said that program will allow students to enter the work force early or transfer to college.

DeMeyer said the **Advanced Manufacturing Pathway** has received a significant donation of \$300,000 which has been used to purchase equipment. She said the school is offering instruction in hydraulics and pneumatics, laser and plasma cutting, Computer Numerical Control lathe, manual milling; robotic arms; plastics injection and basic electricity. She said some items produced are being sold in the school store. Welding is also being taught and students can earn up to 21 Ivy Tech credits in that program. She thanked the City for its \$100,000 contribution to the program.

DeMeyer said the high school was excited about the newest pathway for **Fire and Emergency Medical Services** at the former Chandler Elementary School. Students who complete the program will earn associate degrees and will graduate with the credentials needed to be hired as Goshen firefighters. She thanked **Mayor Leichty and former Mayor Jeremy Stutsman** for their partnership and support for this program and for paying the salary of an instructor.

The audience was then shown a brief video about the history, goals and benefits of the new Fire and Emergency Medical Services Pathway. It featured school and City officials. The video was produced by Goshen High School student Greta Miller and overseen by Goshen TV teacher Brian Sapp.

Speaking as a Goshen native and Goshen High School graduate, **City Fire Chief Dan Sink** said he was excited about this opportunity and collaboration. He thanked **Mayor Leichty** and **Principal DeMeyer**. He added that he's learned that it's important to get out of the way when a bright person advances a great idea.

City Assistant Chief of Operations Anthony Powell said the program could not have been created without the support of the City and the schools and the teams assembled for this project. He also announced that **Chief Inspector of Public Safety Education Travis Peak**, a 1995 Goshen High School graduate, will direct the program.

Mayor Leichty thanked Kid Mayor Tolin for leading the meeting. At 7:05 p.m., she declared a recess to allow children and parents to leave the meeting if they wanted to depart.

9) Discussion: How do we continue to strengthen the relationship between the City of Goshen and Goshen Community Schools? (All Council and Board members):

At 7:13 p.m., Mayor Leichty resumed the meeting. She thanked Board members and Councilors for engaging the students in such a meaningful way. She said this time had been set aside for Board members and Councilors for discussion – to make suggestions or ask questions or discuss ways to work together. She said no topics were off limits. The Mayor asked speakers to limit their comments to one minute each.



Councilor Gerber congratulated **Parent and Communication Liaison Wendy Clark** for developing the Kid Mayor and Kid Council program. She said it is impressive and has been done outside of her normal work. She said the students were fantastic and came up with great ideas. Gerber said Clark deserves great praise for her work.

Councilor Lederach said great cities need great schools and educational research is very clear in proving that putting outstanding teachers in front of students year after year will close the achievement gap. He said the problem is finding those qualified teachers and getting them to stay. Lederach said that people are doing innovative things across the nation to attract and retain teachers in cities and schools. He communities in Michigan and California offer housing subsidies for new teachers. California also offers housing incentives to retain teachers. He said in Goshen, Lacasa has a program for first-time homeowners that offers up to \$5,000 for a down payment. Lederach asked why Goshen isn't offering such incentives to attract and retain teachers. He said if Goshen has long-term, high-quality teachers, the schools will get better and the community will get better.

Mayor Leichty thanked **Councilor Lederach** and said she looked forward to conversations come budget time.

Councilor Nisley thanked the Goshen school system for helping kids who don't want to go to college or can't go to college so they can go on and do something.

Councilor Peel said it was her great pleasure to work for the Goshen Community Schools for eight years. She left in October and now works for Lacasa. She said it was a huge benefit to work for the schools and to simultaneously serve on the Council. She now works on housing issues at Lacasa and has believed that teachers should take Lacasa's housing education classes. Councilor Peel said she was "super excited" to learn about the new firefighter education program. She said Goshen needs to keep on the cutting edge of such great ideas.

Council President Weddell said he was impressed with the pathways programs. When he attended Goshen High School, he said there was an auto mechanics class and a metal shop, but they went away. He said when his brother, Bradd, ran for the school board, one of the things he promoted was bringing the trade programs back to the school. He said there has been a lot of work behind the scenes to make that happen. Council President Weddell said he was excited about the new Fire/EMS pathway. He also said he was excited that a younger Goshen High School classmate, Travis Peak, will be running the program. He said he is impressed whenever people who grew up in Goshen have stayed in the community and are working to make it a better place.

Youth Adviser Velazquez Valdes said she likes how the pathways programs are developing at the high school. She said she does feel said that some of the International Baccalaureate programs will be going away next year. Without them the school will not be as strong. Still, she said she appreciated there were multiple career options for students who don't want to go to college.

Councilor Schrock affirmed the comments of **Youth Adviser Velazquez**, **Councilor Nisley** and **Council President Weddell** about how good it is to provide opportunities for students who might not be able to go to college but still want to learn a profession. He said Goshen High School used to have a great vocation program and it appears to be coming back. He said the pathways program was a great benefit for the City. Councilor Schrock also asked if there were any youth programs scheduled for the new Riverdale Park.



City Superintendent of Parks & Recreation Tanya Heyde said nothing had been decided yet, but department staff members will go back to the neighborhood this season and develop plans for that park. She said City staff will be asking neighbors what activities they would like to see at that park.

Councilor Riegsecker said he agreed that college is not for everybody and that it is good to bring back some of the trade programs and teach young adults how to balance a checkbook and perhaps do their taxes. He said he has been surprised to learn that grown adults who worked with him have been unable to do fractions. Councilor Riegsecker also said the new Firefighter pathways program was excellent and exciting and he hoped there could be similar new programs designed to meet employment needs and keep people in Goshen.

Council President Weddell endorsed **Councilor Lederach's** comments about housing. He said the building trades program at Goshen High School used to have a history of building houses for teachers. He said hopefully this can happen again.

Superintendent DuBois said the construction program is still going strong. He said students are building a home, which he believes has already been sold.

Superintendent DuBois then introduced School Board members for their comments.

School Board member Weddell said it's rare for a school district in Indiana to be contained within a city's limits as it is in Goshen. He said the school district's partnership with the City is critical and has been taken seriously for a long time and makes the community better. He said **Councilor Lederach** said it best – "you can't have a good community without a good school system." He said it has been exciting to learn about the new housing being developed in the City because that will benefit everyone by bringing new families into the community and providing students with a world class education. He added that it has been an honor for him to be part of the school' district's partnership with the City the past eight years and he is excited about the future.

Youth adviser Sara Lozano said she was excited about the new Firefighter and EMT program. Although she will graduate this year, she said many underclassmen will utilize these pathway programs. She said these programs will give many students a reason to go to school and to be involved in the community.

School Board member Elizalde praised the pathways programs. He said when he was a community organizer at Lacas, he spoke to **Police Chief Miller** and **Assistant Chief Turner** about the importance of the Police Department and the Fire Department mirroring the makeup of the community. He said that makes a community stronger. He added that many jobs in the City could use more diversity, including bilingual inspectors and employees. He said the Firefighter/EMT program could be the beginning and there's more the schools and the City can do to make the community stronger.

Mayor Leichty responded that the City recently hired a bilingual building inspector, adding, "(It's) one and we have a ways to go but it's certainly a positive step in the right direction."

Youth Adviser Gallegos said that along with the building trades program, Goshen High School also has an architecture class that allows students to create blueprints for the houses that are being built. "Not only are we helping to build the houses, but we're creating a bright future for the students," she said.



Youth Adviser Gallegos asked if it would be possible for the City to create more GIS (Geographic Information System) resources.

City Director of Public Works & Utilities Dustin Sailor said that would be possible and the City has begun creating that. A meeting was held at the end of last year with school staff about setting up some mapping for effective walk zones. He said an interactive map will be available.

Mayor Leichty told **Youth Adviser Gallegos** that she didn't know of her future career path, but that fact she was excited about GIS excited the Mayor. "So, come see us when you're looking for a job someday," she said.

School Board member Garber said there are good opportunities being offered at Goshen High School for the City of Goshen. He also said the school should also continue to offer rigorous classes. He said Goshen needs to continue to distinguish itself from other high schools. He also said it's important to spread the word about all the good things happening in Goshen schools.

School Board member Glick thanked **Superintendent DuBois** for coordinating with the City and for his work connecting with others.

Youth Adviser Perez said that besides the new pathways programs, he wanted to thank **Principal DeMeyer** for her continued support for the other classes at Goshen High School. He singled out her support for the music and theater departments, which he said are programs that motivate many students.

Youth Adviser Steury thanked the **Goshen Police Department** and **Principal DeMeyer** for their responses to threats at the high school this year. "Some of the threats have not phased me, but there was one this year that really scared me and I really appreciate how fast you dealt with it overnight and how reassuring that was," he said. He also asked if it would be possible for the City to advertise its summer jobs for students at the Shanklin Pool.

City Superintendent of Parks & Recreation Heyde responded that she would love to do so through the school system. She said jobs are posted on the City's website; She said many youths have their first jobs at Shanklin Pool. She said **Youth Adviser Steury** has worked at the pool and she would love for others to have that opportunity.

School Board member Sanchez Schirch said this is the first meeting where she has felt more comfortable about the partnership of various City departments as well as the Council with Goshen Community Schools. "We cannot work alone. We have to work together," she said. "If the students are not successful, the community is not going to be successful." She said it has been positive to see the success of so many diverse students. She also thanked **Principal DeMeyer** for her work.

Mayor Leichty said she wanted to give **Council President Weddell** time to talk about an issue he wanted to raise and allow **City Director of Public Works & Utilities Dustin Sailor** an opportunity to respond with a presentation.

Council President Weddell said he had sent an email to **Mayor Leichty** and **Director of Public Works & Utilities Sailor** and others about walking and walk zones. He said he was seeking information on two specific areas.

Council President Weddell said one such area is the Berkey Avenue Hill, which has a dedicated crosswalk to the walk zone that runs along Indiana Avenue. However, he said if any pedestrian wants to walk along Berkey Hill, they have to walk in the middle of the road because there is no sidewalk there.



Council President Weddell said he also asked for information about a location across from Goshen Middle School and near the new apartment complex at Plymouth and Indiana avenues. More specifically, he referred to the mid-street crossing on Plymouth Avenue (Indiana 119) versus continuing the sidewalk 200 feet to connect with the current sidewalk that is by the apartments so that kids and pedestrians can cross at a dedicated intersection with a crosswalk vs. trying to cross in the mid-intersection area. He said while driving there, he has had people walk in front of him, not paying attention to traffic. He said it is one of the most dangerous places in the City.

Council President Weddell said he asked **Director of Public Works & Utilities Sailor** to discuss both situations.

Associate Superintendent Alan Metcalfe said the walk zone for the junior high school has been eliminated from the east, so students coming from the Shanklin Park area are not using an official walk zone. He said it was eliminated for the safety reasons that Council President Weddell raised.

Director of Public Works & Utilities Sailor discussed both locations with the aid of a seven-page PowerPoint presentation, titled "Goshen City Council and School Board Meeting," which concerned the Berkey Avenue and Plymouth Avenue locations and pedestrian safety issues (**EXHIBIT #3**).

Regarding Berkey Avenue, from Dewey Avenue to Indiana Avenue, **Sailor** said there have been many discussions about adding a sidewalk to that stretch of road. He said the roadway grade ranges from 10.7% to 7.4%, which is why it's called "Berkey Hill." He said Americans with Disabilities Act requirements only allow sidewalks when there is a slope grade of 8% or less, unless the sidewalk followed the existing grade, so one could be installed.

Sailor said that corridor was surveyed in 2021. He said there are four homes along that stretch of road, all without City water and sewer service. He said the road is at the lowest rating level of quality and needs improvement, but it's now a matter of funding.

Sailor said it would cost between \$700,000 and \$900,000 to repair the road. This year, the City expects to spend \$2.5 million to maintain roads throughout the City and the City has applied for \$1.5 million in state assistance for streets. So, to fund this street project he said would require restrictions on the 2025 paving program or allotments from another City fund to make that improvement.

Councilor Nisley asked if the \$700,000 and \$900,000 included the sewer and water improvements. **Sailor** said it would not, adding that homeowners would need to pay those costs. **Councilor Nisley** said if the City could still reduce the grade of the hill. **Sailor** said perhaps a little, but if that was done, it would affect other properties and the City might need to build a retaining wall to protect two properties.

Council President Weddell said this was one of the City's most challenging roads. **Sailor** agreed and said that may be why the situation hasn't been addressed. However, he said given the poor condition of the road, it now needs to be repaved or reconstructed.

Councilor Nisley asked if the home on the top of the hill, on Dewey Avenue, had water service. **Sailor** said it did and that there are now only three homes on that stretch of road without water service.

Regarding the Plymouth Avenue pedestrian path extension, **Sailor** said the City and the school district joined in a partnership in 2016 to install a crosswalk on Plymouth Avenue to the junior high school. He said there were multiple improvements in that area, including the widening of the road, the installation of a road haven (island) and there also were stormwater improvements. He said the project cost about \$980,000.

Now that apartments have been built at Plymouth and Indiana avenues, **Sailor** said what is now being proposed is connecting sidewalk segments on the west side of Plymouth Avenue. A multi-use path extension would bridge a 212-foot gap in front of 815 West Plymouth Avenue, so that students could more safely cross Plymouth Avenue, to and from the junior high school, at Indiana Avenue.



Sailor said the City would have to acquire a right-of-way or easement across 815 West Plymouth Avenue to extend the sidewalk and remove the mid-block pedestrian crossing. Since there is an existing Indiana Department of Transportation (INDOT) right-of-way, **Sailor** said the City would also need to work with INDOT to make that improvement. He the preliminary cost of the project was about \$100,000, which would involve filling in the crosswalk.

Council President Weddell thanked **Sailor** for his presentation and his work. He said these were good issues for the Council and School Board to discuss “because one entity making a decision on this makes no sense.” He said he was interested in knowing what School Board members and administrators thought about this because many children use these areas to walk to school and he had safety concerns.

Associate Superintendent Metcalfe said the school district would rather students cross the street at a dedicated stop. He said the pedestrian crossing on Plymouth Avenue was placed mid-block because it was better than the alternative at that time, but it does require students to push a button to activate lights and motorists stopping their vehicles to allow students to cross. Metcalfe said that doesn't always happen, so a dedicated path to the stop light at Plymouth and Indiana avenues would be in the best interests of the students.

School Board member Weddell said adults will always have to contend with the fact that “kids will be kids and they will go the shortest distance, and I think that is something we will always struggle with. We may be able to remove it (crosswalk), and kids will still ride their bikes right in the middle of the road.”

Council President Weddell recalled that when he attended Goshen High School, students would walk across U.S. 33 to get to the athletic fields. “It was the path of least resistance,” he said. “There was a big push later on to force everyone to cross at the intersection, at the crosswalk.”

Associate Superintendent Metcalfe commented on further ideas to enhance safety.

Council President Weddell said he wasn't expecting answers tonight, but just a conversation.

Mayor Leichy said she looked forward to more conversations come budget time.

Council President Weddell and **Mayor Leichy** thanked **Director of Public Works & Utilities Sailor** and **Associate Superintendent Metcalfe**.

Mayor Leichy said that concluded discussions for the evening.

10) Privilege of the Floor (opportunity for public comment):

At 7:48 p.m., **Mayor Leichy** asked **City Communications Manager Hannah Scott-Carter** if anyone had signed up to speak during Privilege of the Floor. She said no one had asked to speak.

11) Adjournment

There was no further business, so **Councilor Nisley** made a motion to adjourn the meeting. **Councilor Schrock** seconded the motion. By a 7-0 voice vote, **Councilors** unanimously approved the motion to adjourn the meeting.

Mayor Leichy adjourned the meeting at 7:48 p.m.



EXHIBIT #1 (8 pages): *A PowerPoint presentation by City Superintendent of Parks & Recreation Tanya Heyde. The presentation, “Goshen Parks and Recreation,” provided an overview of the department, parks, facilities and trails, partnerships with Goshen Community Schools; the department’s five-year master plan; the new maintenance facility and the proposed renovation of Shanklin Pool.*

EXHIBIT #2 (5 pages): *A PowerPoint presentation by Goshen Schools Director of Transportation Donald Graves. The presentation, “GCS Transportation; Transporting GCS Students to their Future,” provided an overview of the district’s transportation system.*

EXHIBIT #3 (7 pages): *A PowerPoint presentation by City Director of Public Works & Utilities Dustin Sailor. The presentation, “Goshen City Council & School Board Meeting,” provided information on traffic and pedestrian safety issues on Berkey Avenue and Plymouth Avenue.*

APPROVED:

Gina Leichthy, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer



GOSHEN COMMON COUNCIL

Minutes of the FEBRUARY 26, 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 6:02 p.m. Assisted by the Mayor, Kid Councilor Amari Stoll led the Pledge of Allegiance. Amari is a student at Chamberlain Elementary School.

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

Present: 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)
Absent: Linda Gerber (At-Large) and Youth Adviser Jessica Velazquez Valdes (Non-voting)

Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the Jan. 29, 2024 Regular Meeting and the Feb. 2, 2024 Work Session as prepared by Clerk-Treasurer Aguirre. Councilor Peel moved to accept the minutes as presented by the Clerk-Treasurer. Councilor Nisley seconded the motion. Motion passed 6-0 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 Riegsecker seconded the motion. Motion passed 6-0 on a voice vote.

Privilege of the Floor:

At 6:05 p.m., Mayor Leichty invited public comments for matters not on the agenda. There were none.

1) City of Goshen Monthly Expenditure Report

Mayor Leichty asked Deputy Clerk-Treasurer Jeffery Weaver to provide the monthly City Financial Report, which is intended to keep Council members informed of City finances and help them 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 Feb. 26, 2024, that included two pages of data on the City's year-to-date expenditures for general fund departments, special revenue funds, restricted funds and redevelopment restricted funds.

In his memorandum, Weaver wrote that the attached Monthly Financial Report provided 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 makes it available to the Common Council and City management.



Weaver wrote that the report supplemented, but did not replace, other financial reports prepared by the Clerk-Treasurer's Office such as monthly cash reports, departmental financial reports and the Annual Financial Report published in the State of Indiana's Gateway database.

Weaver wrote that 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 amounted 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.

DEPUTY CLERK-TREASURER REPORT TO COUNCIL:

Deputy Clerk-Treasurer Weaver summarized his written report of January City expenditures. He said a similar update was discussed last month during the report on the December financials from 2023. He said it showed the amounts spent in January from departments and funds that were approved as part of the 2024 budget last year, not including Utilities, which is a separate budget.

Weaver said the first category is payments made by City Departments from the general fund. He said most of the expenditures are for payroll, supplies and some services. **Weaver** also summarized the Special Revenue Funds, the Opioid Settlement Fund (which has not been spent), and Restricted funds, which are for capital projects. He also discussed grant and redevelopment funds.

Councilor Riegsecker asked about the encumbrances for the Common Council budget, noting that 27% of the Council's budget has been spent. **Weaver** the funds were encumbered because City staff knew about pending expenses for the Municipal election. He said the bill arrived in January and was paid.

Councilor Riegsecker also asked about the Opioid Settlement Fund. **Weaver** confirmed that none of those funds have been budgeted or spent, adding that an additional appropriation from the fund would be presented later in the meeting.

Councilor Nisley said his constituents asked him to tell **Weaver** that he is doing a great job and they are happy that **Weaver** is providing this financial information. **Weaver** said he appreciated the comment. **Mayor Leichty** said she appreciated the support from the Clerk-Treasurer's office in providing monthly financial reports to the Council and the public.

Mayor Leichty asked **City Attorney Bodie Stegelmann** if the Council needed to approve the report. **Stegelmann** said that wasn't necessary because this was just a report given for informational purposes.

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

Mayor Leichty called for the introduction of Ordinance 5177, *Vacation of Public Ways in the City of Goshen*. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5177 by title only, which was done. **Weddell/Peel** made a motion to approve Ordinance 5177 on First Reading.

BACKGROUND:

In a Feb. 26, 2024 memorandum to the Council, **City Planner Rhonda Yoder** provided the background and context of Ordinance 5177. She wrote that the Goshen Plan Commission met on Jan. 16, 2024, in regular session and considered a request for the vacation of ±0.79 acres of unimproved public right of way.



Yoder wrote that the proposed vacated property was 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 the Cherry Creek subdivision.

The Plan Commission reached the following outcome: Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 8-0.

Yoder wrote that the recommendation was 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.

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

If passed by the Council, Ordinance 5177 would grant the request to vacate approximately 0.79 acres of unimproved public right of way generally located east of Regent Street and north of Waterford Mills Parkway.

SUMMARY OF FEB. 26, 2024 PUBLIC HEARING AND COUNCIL APPROVAL OF ORDINANCE 5177:

Mayor Leichty asked **City Planning & Zoning Administrator Rhonda Yoder** if she had a presentation. Yoder said it was customary to first open a public hearing on Ordinance 5177.

Council President Weddell raised a point of order. He recommended that the **Mayor** gavel in, open a public hearing on Ordinance 5177, invite public comments, hear any comments, close the hearing and then proceed with the introduction of Ordinance 5177 and a presentation on it. **Mayor Leichty** acknowledged the recommendation and with a smile stated, "The continuing education of Mayor Leichty."

Mayor Leichty opened a public hearing on Ordinance 5177 and invited comments. There were none. The Mayor then closed the public hearing.

Council President Weddell noted for the record that he had made a motion to pass Ordinance 5177 on First Reading and that **Councilor Peel** seconded the motion. The **Clerk-Treasurer** acknowledged this took place.

City Planner Yoder provided the background of Ordinance 5177 as outlined in her Feb.26, 2024 memorandum to the Council. She discussed the Plan Commission's approval of the request and the reasons for it. She also said there was no public comments at the Plan Commission meeting.

Mayor Leichty asked if there were any other Council questions or comments about Ordinance 5177. There were none. Council President Weddell said Councilors were ready to vote.



On a voice vote, Councilors unanimously passed Ordinance 5177, *Vacation of Public Ways in the City of Goshen, Indiana*, on First Reading by a 6-0 margin, with all Councilors present voting yes, at 6:16 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5177.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5177, *Vacation of Public Ways in the City of Goshen, Indiana*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5177 by title only, which was done.

Weddell/Peel moved to approve Ordinance 5177 on Second Reading.

At 6:17 p.m., Mayor Leichty invited further Council comments on Ordinance 5177. There were none. Council President Weddell then said Councilors were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5177, *Vacation of Public Ways in the City of Goshen, Indiana*, on Second Reading by a 6-0 margin, with all Councilors present voting yes, at 6:17 p.m.

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

Mayor Leichty called for the introduction of Ordinance 5178, *Amend Membership of Goshen Community Relations Commission*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5178 by title only, which was done.

Weddell/Peel made a motion to approve Ordinance 5178 on First Reading.

BACKGROUND:

Ordinance 5178 would amend the membership of the City of Goshen Community Relations Commission. It would do so by establishing that the Community Relations Commission “shall consist of a minimum of seven members, and a maximum of nine members, all who must be residents of the City of Goshen.” Before passage, the Commission consisted of nine members.

Ordinance 5178 also would establish:

- The Mayor shall appoint up to five members of the Commission, and the Goshen Common Council shall appoint up to four 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.
- All members shall be appointed for a term of three 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.
- 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.



- 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 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.

Ordinance 5178 also would establish:

- 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.
- The Commission shall hold one (1) regular meeting each month, and such called meetings as its Chairperson may deem to be necessary.
- **A majority of the appointed members of the Commission (four members if seven members are appointed and five members if either eight or nine 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.

Accompanying a copy of Ordinance 5178 in the Council agenda packet was a letter addressed to Councilors from Sharon Beechy, the secretary of the Community Relations Commission. She wrote as follows:

“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.”

SUMMARY OF FEB. 26, 2024 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5178:

Mayor Leichty invited Council comments or questions on Ordinance 5178.

Councilor Peel said she thought it was important for everyone to understand that the ordinance would authorize as few as seven members of the Commission and as many as nine. She said this was a good compromise and would keep the Commission with its current seven members and that it is functioning well. She said that if Commission members decided they would like nine members, two more could be added. Councilor Peel thanked **Mayor Leichty** for coming up with the idea and **City Attorney Bodie Stegelmann** for stating that this could be done.

Mayor Leichty said a number of Community Relations Commission members were present. She asked if any wanted to comment on Ordinance 5178.



Cathie Cripe of Goshen, the chair of the Community Relations Commission (CRC), said the CRC members liked this idea. She said it would provide flexibility and would allow for a quorum to be present at meetings, especially because some members might not be able to attend every meeting. She thanked CRC members for their work. **CRC members Lori Copey and Sharon Beechy** introduced themselves.

Mayor Leichty asked if there were any other questions or comments about Ordinance 5178.

Council President Weddell said that ultimately it would be up to the Mayor and Council whether to appoint additional Commission members. **Mayor Leichty** agreed and said both could act on recommendations.

Council President Weddell said at the same time, in order to prevent an even number of CRC members, there would need to be a consensus among Councilors and the Mayor so that appropriate appointments are made. **Mayor Leichty** agreed.

Mayor Leichty asked if Councilors were prepared to vote. It appeared that they were, although there were no clearly audible responses.

On a voice vote, Councilors unanimously passed Ordinance 5178, Amend Membership of Goshen Community Relations Commission, on First Reading by a 6-0 margin, with all Councilors present voting yes, at 6:20 p.m.

Council President Weddell said Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5178.

Mayor Leichty called for the introduction on Second Reading of Ordinance 5178, Amend Membership of Goshen Community Relations Commission. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5178 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5178 on Second Reading.

At 6:21 p.m., Mayor Leichty invited further comments on Ordinance 5178.

Councilor Lederach said that it appeared the difference between seven and nine commission members has been posed as a question of efficiency vs. inclusiveness, adding: "That hasn't made complete sense to me." He said he did appreciate that the Commission will have the opportunity over the coming months of experimenting and deciding what is really the best number of members. He said he liked the compromise, but after some months he would like to hear back about the appropriate number of commissioners from CRC members.

Council President Weddell said **Councilor Peel** had said she had compiled some data on the makeup of the CRC. **Councilor Peel** said the CRC has five women and two men, three people of color and a good balance by age. She said the CRC could use more men in the future and more people of color. She also said what she likes most about the CRC's makeup is the willingness of members to work together.



Councilor Peel said it has been a pleasant experience to work with this group. She added: "They are there to get things done and to work with our new Mayor and our Community Relations Manager and the changes that are being made and how they want to go about the mission of the CRC."

Council President Weddell asked if this was **Councilor Peel's** third year of working with the CRC. **Councilor Peel** said it was, but noted she had a brief break.

Council President Weddell said **Councilor Peel's** "perspective was key to keeping us informed about the progress. Thank you." Councilor Peel responded, "You're welcome."

Mayor Leichty asked if Councilors were prepared to vote. It appeared that they were, although again there were no clearly audible responses.

On a voice vote, Councilors unanimously passed Ordinance 5178, Amend Membership of Goshen Community Relations Commission, on Second Reading by a 6-0 margin, with all Councilors present voting yes, at 6:24 p.m.

4) Ordinance 5179, Additional Appropriations

Mayor Leichty called for the introduction of Ordinance 5179, *Additional Appropriations*. Council President **Weddell** asked the Clerk-Treasurer to read Ordinance 5179 by title only, which was done.

Weddell/Nisley made a motion to approve Ordinance 5179 on First Reading.

BACKGROUND:

In a memorandum to the Mayor and Council, dated Feb. 26, 2024, **Deputy Clerk-Treasurer Jeffery Weaver** wrote that **Ordinance 5179, Additional Appropriations, was seeking authorization to spend additional and available money from various accounts.** He wrote that 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.

Weaver wrote that an appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. It is possible to get permission to move budgeted spending between accounts and categories, but sometimes the total appropriation within a fund is insufficient for the fund's total spending, due to emergencies, unforeseen circumstances, or budget errors.

In this case, **Weaver** wrote that the Mayor and Clerk-Treasurer were proposing an additional appropriation if the expenditures are necessary and paying the expenditure might otherwise overspend the budgeted appropriation. After Council approval, the Clerk-Treasurer would submit 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.

Weaver wrote that the two appropriations in the attached ordinance would allow for a \$250,000.00 loan to LaCasa. The City of Goshen designated the Major Moves Fund as the "loan fund" from which 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 infrastructure construction costs up to \$250,000.



Weaver further explained that to bring Major Moves back to its current balance, the Opioid Settlement Restricted Fund would 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. In conclusion, **Weaver** wrote that each affected fund has sufficient cash balances to spend these appropriations. If the ordinance was approved by the Council, the Clerk-Treasurer's office would submit the necessary information to the State Department of Local Government Finance for final approval.

If approved, Ordinance 5179 would make 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

SUMMARY OF FEB. 26, 2024 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5179:

Immediately after Ordinance 5179 was introduced, Councilor Peel said she would recuse herself from taking part in this matter. Councilor Peel is employed at LaCasa.

Mayor Leichty said Councilors Peel and Weddell would need to recuse themselves from some discussion and voting on this matter.

Council President Weddell said he did sign paperwork stating he should recuse himself from voting on Community Development Block Grant (CDBG) matters because LaCasa receives CDBG funds. However, he said he could vote on other matters. For full disclosure, though, Council President Weddell said he is a non-paid, non-compensated member of LaCasa's board of directors.

Councilor Schrock asked if this was the same \$250,000 loan that the Common Council approved last year for LaCasa and that it wasn't an additional \$25,000. **Mayor Leichty** said that was correct.

Mayor Leichty said Brad Hunsberger, LaCasa's Vice President of Real Estate Development, was present to make a presentation.

Deputy Clerk-Treasurer Jeffery Weaver said that Ordinance 5179 would require a public hearing.

At 6:26 p.m., Mayor Leichty opened a public hearing on Ordinance 5179. There were no comments, so the Mayor closed the public hearing.

Mayor Leichty invited **Brad Hunsberger** to provide an overview.

Hunsberger said that as **Councilor Schrock** noted, Ordinance 5179 was the culmination of the Council's award of funding in January 2023. He said the loan was for infrastructure improvements on Oaklawn's campus to provide additional affordable housing.

Hunsberger said in January 2024, the Board of Public Works and Safety set the interest rate for the loan. So, the appropriation in Ordinance 5179 "is the final piece of the puzzle to keep going, so I hope you consider it."



In response to a question from **Councilor Nisley**, **Hunsberger** said the work will involve the extension of water and sewer service to make this land available for development under a Planned Use Development approved in 1984.

Council President Weddell asked the interest rate that the Board of Public Works and Safety decided upon.

Hunsberger said the Board set the interest rate at 1% with forgiveness terms LaCasa will seek to meet.

Councilor Schrock asked if the project has started. **Hunsberger** said the project is in the final stages of the federal release of funds process. Once that is approved, he said LaCasa staff will contract with surveyors to start work. He added that LaCasa expects to begin drawing on the \$250,000 loan in May.

In response to a question from **Councilor Nisley**, **Hunsberger** said the \$250,000 loan will just be used for the Oaklawn project. He said it will not be public infrastructure.

Mayor Leichty asked **Hunsberger** to briefly discuss the purpose of the housing, who will benefit from the project and why the City is making these funds available.

Hunsberger said Oaklawn and LaCasa have been in a partnership about 12 years in providing permanent supportive housing in two locations in Goshen and one in Elkhart. He said this will be an extension of that program, with this funding being used to create housing for people who fit within the restricted uses of the federal Opioid Settlement Funds.

Hunsberger said these funds can be used to create supportive housing for those dealing with past opioid abuse and mental health issues. He said the \$250,000 will make up about a third of the restricted funds that the City is expecting to receive through the opioid settlement. He said the expected "hit" to the interest-bearing Major Moves Fund will be "almost negligible."

Mayor Leichty asked if there were any other Council questions or comments on Ordinance 5179. There were none.

At 6:30 p.m., Mayor Leichty invited public comments on Ordinance 5179.

Council President Weddell, speaking as a LaCasa board member, said this project came up last year and is very exciting. He said LaCasa had a loan from the City going back more than a decade for about \$500,000. He said LaCasa eventually paid off the loan when it was owed and this is an extension of the City's partnership with LaCasa.

Weddell related the story of a former Oaklawn patient who was successfully treated for her issues but was discharged and could not find a place to live and had a relapse. He said that person would have benefitted from the housing that will now be created. He also said that family units will be available in this project. He urged Councilors to approve Ordinance 5179 and said he loved the partnership of the City, LaCasa and Oaklawn.

Councilor Lederach said he appreciated those comments and said the partnership was "excellent synergy."

Mayor Leichty said she wanted to reiterate that the funds for the loan would come from the Major Moves Fund and not from the General Fund. She said once LaCasa has completed the project, the loan will be potentially forgiven and repaid with Opioid Settlement Funds, which are supposed to go to exactly this kind of project. So, she said the impact on the City's budget will be "negligible" because the funds will be coming from a source other than tax revenue. She said the funds will come from the Opioid Settlement.



Mayor Leichty asked **Deputy Clerk-Treasurer Weaver** if she had provided an accurate description. **Weaver** responded, "Yes."

Clerk-Treasurer Aguirre provided additional background and context. He said at the end of 2023, the Major Moves Fund had a balance just above \$4.7 million. He said the City's Opioid Settlement Funds were above what the City had anticipated receiving. At the end of December, he said the City was notified that it will receive more than the \$1.1 million that had been anticipated because more pharmaceutical companies are settling lawsuits with states.

Aguirre said that as soon as LaCasa starts drawing on the loan, City staff could immediately start replenishing the Major Moves Fund if the Council desired that. He said the reimbursement would not need to take place at the end.

Councilor Riegsecker said he had a question for **Deputy Clerk-Treasurer Weaver**. He said earlier there did not appear to be a balance in the Opioid Settlement Fund, so he asked how a transfer could now be made from the fund. **Weaver** said he previously reported on how much the Council had budgeted for 2024, but there is a cash balance in the Opioid fund. He said that as the Clerk-Treasurer mentioned, the Major Moves Fund has \$4.7 million. He said Ordinance 5179 would earmark \$250,000 from Major Moves that the Council would authorize be spent.

Weaver said that the City is not allowed to spend any of the \$4.7 million in the Major Moves Fund until the Council approves that spending in the form of an appropriation.

Councilor Riegsecker asked if City staff was recommending also taking \$250,000 out of the Opioid Settlement Fund and spending that also.

Mayor Leichty said the \$250,000 would be withdrawn from the Major Moves Fund and the City would replenish those funds with \$250,000 from the Opioid Settlement Fund.

Councilor Riegsecker said he understood that, but asked if the \$250,000 would be withdrawn, bypassing the budget process and deposited into the Major Moves Fund.

Weaver said this was an amendment to the 2024 budget in the form of an additional appropriation. **Councilor Riegsecker** said he was having trouble understanding that process from the documents provided, but did know what was being done.

Council President Weddell asked if there is roughly \$1.2 million in the Opioid Settlement Fund, why isn't the \$250,000 not just being taken out of that fund.

Mayor Leichty responded that it was a timing issue because there had been a question about when the settlement funds would be released and available to the City. So, she said the Major Moves Fund was a readily available source. **Clerk-Treasurer Aguirre** added that the Major Moves Fund has been used for these loans in the past.

Mayor Leichty asked if there were additional comments or questions or if Councilors were prepared to vote. **Council President Weddell** said Councilors were ready to vote.

On a roll call vote, Councilors passed Ordinance 5179, Additional Appropriations, on First Reading by a 5-0 margin, with Councilors Lederach, Nisley, Riegsecker, Schrock and Weddell voting yes, at 6:37 p.m. Councilor Peel recused herself from participating in the discussion and voting.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5179.



Mayor Leichthy called for the introduction on Second Reading of Ordinance 5179, *Additional Appropriations*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5179 by title only, which was done. **Weddell/Lederach moved to approve Ordinance 5179 on Second Reading.**

At 6:38 p.m., Mayor Leichthy invited further Council or public comments on Ordinance 5179.

Councilor Riegsecker said he was having trouble with the documents in understanding that the \$250,000 for the loan will come from the Opioid Settlement Fund when it wasn't in the budget to approve a transfer out of it. But he said he would trust the Clerk-Treasurer's Office that this will all work out or there will be a later request to move \$250,000 into the budget.

In response to further comments from **Councilors Riegsecker and Nisley** and **Mayor Leichthy, Deputy Clerk-Treasurer Weaver** said there will be the need for an additional appropriation of \$250,000 from the Opioid Settlement Fund because the City will be paying a different fund. He said this is where governmental finance becomes very complicated because money is being moved from one fund to another and auditors examine this very closely.

Weaver said when the Major Moves Fund is reimbursed, the Clerk-Treasurer's Office will file a claim, which will create a payment that will go out of the Opioid Settlement Fund and immediately into the Major Moves Fund. He said there have been times when checks have been cut, when filing a claim, from one City fund and immediately deposited into another City fund the same day. He said this may seem excessive, but this leaves a paper trail, which auditors love.

Councilor Riegsecker asked how \$250,000 could be transferred out of the Opioid Settlement Restricted Fund when it has a zero balance. **Clerk-Treasurer Aguirre** said it doesn't have a zero balance. It was about \$150,000.

Councilor Riegsecker said it isn't in an available budget line now. **Weaver** said it has a cash balance and some of those funds are being moved into a fund that can be spent. Eventually, he said \$250,000 will be transferred and receipted into the Major Moves Fund.

Councilor Riegsecker and **Weaver** engaged in further brief conversation about the budget and appropriations process.

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

On a voice vote, Councilors passed Ordinance 5179, Additional Appropriations, on Second Reading by a 5-0 margin, with Councilors Lederach, Nisley, Riegsecker, Schrock and Weddell voting yes, at 6:42 p.m. Councilor Peel recused herself from participating in the discussion and voting.

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

Mayor Leichthy called for the introduction of Resolution 2024-02, *A Resolution Providing for the Transfer of Appropriations*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2024-02 by title only, which was done.

Weddell/Schrock made a motion to approve Resolution 2024-2.



BACKGROUND:

In a memorandum to the Mayor and Council, dated Feb. 26, 2024, **Deputy Clerk-Treasurer Jeffery Weaver** wrote that **Resolution 2024, A Resolution Providing for the Transfer of Appropriations**, was seeking authorization to **move available resources between major categories within the City’s funds**. He wrote that 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.

Weaver wrote that an appropriation is “permission to spend available money” and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. The Department of Local Government Finance (“DLGF”) requires Council approval to move an appropriation from one category to another. The Council can approve this when a department needs additional room to spend in one category and has available appropriations in another category.

Weaver explained that 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, **Weaver wrote that 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 for the hoist.**

Weaver concluded that 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

If passed Resolution 2024-02 would approve 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 the unexpected purchase of an above ground hoist and installation

SUMMARY OF FEB. 26, 2024 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2024-02:

Mayor Leichy asked if Councilors had any questions or comments about Resolution 2024-02.

Council President Weddell said this appropriation made more sense because this was transferring money from one City fund to another. Given that, he said he could understand the confusion on the previous matter.

Clerk-Treasurer Aguirre said **City Fleet Manager Carl Gaines** was present if Councilors wanted an explanation.

Gaines said the garage was seeking a new hoist to make operations more functional.



Gaines said the garage has an older hoist that “is not very friendly and no one wants to use it. And now that we have a full crew, finally, productivity is our main concern and this hoist will allow us to be more efficient.”

Mayor Leichty thanked **Gaines**. **Council President Weddell** congratulated **Gains** for having a full crew.

Mayor Leichty asked if **Councilors** were prepared to vote on **Resolution 2024-02**. **Council President Weddell** said **Councilors** were ready to vote.

On a voice vote, Councilors unanimously approved Resolution 2024-02, A Resolution Providing for the Transfer of Appropriations, by a 6-0 margin, with all Councilors present voting “yes,” at 6:44 p.m.

Elected Official Reports

Councilor Peel said the City Community Relations Commission (CRC) met on Feb. 13. She said Commissioners had a great conversation about what’s happening in neighborhoods. She said **City Communications Manager Amanda Guzman** and **Community Relations Manager Hannah Scott-Carter** are doing a great job attending neighborhood meetings and reporting on what’s happening. Councilor Peel said the CRC also discussed the upcoming International Women’s Day Luncheon (on March 8).

Mayor Leichty said she was pleasantly surprised how well ticket sales went for the first International Women’s Day Luncheon. She said the Mayor’s Office wanted to execute the event well. She said 100 tickets were available and only one or two remain. She added, “We’re very excited about that.”

Council President Weddell said the City Redevelopment Commission met Feb. 13 and acted on a number of additional appropriations for various projects, including infrastructure near the Aerial Cycleworks apartment complex on 10th Street. He said this will benefit the surrounding neighborhood. He said other appropriations were intended to help complete the railroad Quiet Zone. He said American Structurepoint is being hired to help complete the final stages of the project. He said some of the work involves ensuring vehicles cannot cross the tracks.

City Director of Public Works & Utilities Dustin Sailor concurred with that description.

Council President Weddell said the Commission also approved some survey work on properties the City owns near the Waterford Parkway. He said the properties had been purchased for a possible a road extension, but are no longer needed and the City will be selling those properties. However, he said the City will be retaining right of ways on those properties, so the City doesn’t have to purchase them if needed in the future.

Council President Weddell said the Traffic Commission also met recently. He said it was “fun” meeting, adding that the Traffic Commission had its first 4-3 vote that he has experienced.

Councilor Schrock thanked the Mayor’s staff for providing water at the meeting for Councilors. **Mayor Leichty** said she would pass that gratitude on to **City Hall Administrative Assistant Tracy Eggleston**, who provided the water.

There were no further Council comments or questions.



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

Mayor Leichty adjourned the meeting at 6:49 p.m.

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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richardaguirre@goshencity.com • www.goshenindiana.org

TO: Goshen City Common Council

FROM: Jeffery Weaver, Deputy Clerk-Treasurer

RE: 2024 Monthly Expenditure Report as of February 29, 2024

DATE: March 25, 2024

The attached Monthly Financial Reports provide financial information for the Civil City spending as of February month-end. The Clerk-Treasurer's Office produces these reports upon month-end closing and plans to make them available to the Common Council and City Management. The attached reports are unaudited and may include immaterial variances to payroll accruals or month-end closing adjustments. The attached reports supplement, but do not replace, other financial reports prepared by the Clerk-Treasurer's Office such as departmental financial reports or the Annual Financial Report published in Indiana's Gateway database.

Cash Balances

Pages 2 and 3 summarize cash balances for council-budgeted funds from the beginning of the year to the end of February. The cash balance at the beginning of the year for these funds was \$83,013,315 and at the end of February was \$80,095,797.

Receipts

Pages 4 and 5 summarize receipts for council-budgeted funds so far in 2024. Receipts in these funds totaled \$4,847,472 so far in the budget year, which reflects 8.5% of the budgeted receipts.

Expenditures

Pages 6 and 7 reflect expenditures for council-budgeted funds so far in 2024. Expenditures in these funds totaled \$7,764,990 so far in the budget year. This amount includes encumbrances, which are payments made in the current year but were approved as part of the prior-year budget. The original budget of \$75,059,462 and encumbrances of \$3,401,471 result in an effective budget of \$78,460,933. The City has spent 9.9% of this budget so far this year.

CITY OF GOSHEN, INDIANA

2024 MONTHLY CASH BALANCE REPORT

	<u>Balance as of 1/1/2024</u>	<u>Receipts as of 2/29/2024</u>	<u>Expenditures as of 2/29/2024</u>	<u>Cash Balance as of 2/29/2024</u>
<u>GENERAL FUND</u>				
General Fund	\$ 18,414,450	\$ 2,727,504	\$ 4,454,497	\$ 16,687,457
 Total General Fund	 \$ 18,414,450	 \$ 2,727,504	 \$ 4,454,497	 \$ 16,687,457
 <u>SPECIAL REVENUE FUNDS</u>				
Motor Vehicle Highway	\$ 3,269,248	\$ 120,643	\$ 430,281	\$ 2,959,610
Local Roads and Streets	967,783	108,065	-	1,075,848
Parks	4,250,564	52,714	351,562	3,951,716
Aviation	498,815	21,473	53,477	466,811
Probation	136,392	16,209	16,340	136,261
EDIT	4,624,490	482,950	174,938	4,932,502
Economic Improvement District	20,196	93	8,707	11,582
Parking Lot Fund	5,360	-	-	5,360
Opioid Unrestricted Fund	45,315	-	-	45,315
Law Enforcement Continuing Ed	73,329	4,124	1,568	75,885
Unsafe Building	209,674	1,536	-	211,210
Township Fire Support	220,279	350,000	17,662	552,617
Rainy Day	2,654,517	-	-	2,654,517
Public Safety LOIT	1,454,174	455,381	337,623	1,571,932
Residential Lease Fees	43,305	7,830	8,437	42,698
Redevelopment Operating	447,432	16,158	33,184	430,406
Stormwater Management	2,124,154	7,563	47,709	2,084,008
 Total Special Revenue Funds	 \$ 21,045,027	 \$ 1,644,739	 \$ 1,481,488	 \$ 21,208,278

CITY OF GOSHEN, INDIANA

2024 MONTHLY CASH BALANCE REPORT (Continued)

	<u>Balance as of 1/1/2024</u>	<u>Receipts as of 2/29/2024</u>	<u>Expenditures as of 2/29/2024</u>	<u>Cash Balance as of 2/29/2024</u>
<u>RESTRICTED FUNDS</u>				
American Rescue Plan Grant	\$ 5,684,956	\$ -	\$ 39,636	\$ 5,645,320
Motor Vehicle Highway Restricted	1,486,695	118,625	-	1,605,320
Opioid Restricted Funds	114,544	-	-	114,544
Court Fees	46,549	14,556	9,699	51,406
Debt Service	75,554	-	185,100	(109,546)
Cumulative Capital Improvemet	331,715	-	-	331,715
Cumulative Capital Development	669,921	-	25,156	644,765
Cumulative Sewer	2,822,950	-	30,701	2,792,249
Cumulative Fire	494,081	-	46,614	447,467
Cumulative Cemetery	80,605	1,648	-	82,253
General Capital Improvement	136,746	-	-	136,746
2021 GO Bond Proceeds	3,170,223	-	-	3,170,223
2015 GO Bond Proceeds	849,472	-	-	849,472
Fire Pension	299,528	-	48,526	251,002
Police Pension	478,432	50	31,811	446,671
	<hr/>	<hr/>	<hr/>	<hr/>
Total Restricted Funds	\$ 16,741,971	\$ 134,879	\$ 417,243	\$ 16,459,607
<u>REDEVELOPMENT FUNDS</u>				
Bond Principal and Interest	\$ 574,542	\$ -	\$ 814,219	\$ (239,677)
SouthEast TIF	14,978,108	259,347	160,790	15,076,665
Lippert/Dierdorff TIF	612,445	-	65,160	547,285
Consolidated RiverRace/US 33 TIF	10,646,772	81,003	371,593	10,356,182
	<hr/>	<hr/>	<hr/>	<hr/>
Total Redevelopment Funds	\$ 26,811,867	\$ 340,350	\$ 1,411,762	\$ 25,740,455
Total Budgeted Fund Cash Balance	\$ 83,013,315	\$ 4,847,472	\$ 7,764,990	\$ 80,095,797

CITY OF GOSHEN, INDIANA

2024 MONTHLY RECEIPT/INCOME REPORT

<u>GENERAL FUND</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> (1)	<u>% BUDGET</u>
General Fund	\$ 1,347,985	\$ 1,379,519	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,727,504	\$ 25,315,806	10.8%
Total General Fund	\$ 1,347,985	\$ 1,379,519	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,727,504	\$ 25,315,806	10.8%
 <u>SPECIAL REVENUE FUNDS</u>															
Motor Vehicle Highway	\$ 59,811	\$ 60,832	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 120,643	\$ 4,130,424	2.9%
Local Roads and Streets	54,615	53,450	-	-	-	-	-	-	-	-	-	-	108,065	943,082	11.5%
Parks	25,144	27,570	-	-	-	-	-	-	-	-	-	-	52,714	3,409,479	1.5%
Aviation	13,304	8,169	-	-	-	-	-	-	-	-	-	-	21,473	391,342	5.5%
Probation	7,274	8,935	-	-	-	-	-	-	-	-	-	-	16,209	80,000	20.3%
EDIT	253,582	229,368	-	-	-	-	-	-	-	-	-	-	482,950	2,757,415	17.5%
Economic Improvement District	56	37	-	-	-	-	-	-	-	-	-	-	93	57,000	0.2%
Parking Lot Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Opioid Unrestricted Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Law Enforcement Continuing Ed	690	3,434	-	-	-	-	-	-	-	-	-	-	4,124	45,750	9.0%
Unsafe Building	796	740	-	-	-	-	-	-	-	-	-	-	1,536	-	-
Township Fire Support	350,000	-	-	-	-	-	-	-	-	-	-	-	350,000	350,000	100.0%
Rainy Day	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Safety LOIT	227,691	227,690	-	-	-	-	-	-	-	-	-	-	455,381	2,732,286	16.7%
Residential Lease Fees	2,405	5,425	-	-	-	-	-	-	-	-	-	-	7,830	77,700	10.1%
Redevelopment Operating	8,500	7,658	-	-	-	-	-	-	-	-	-	-	16,158	93,000	17.4%
Stormwater Management	2,495	5,068	-	-	-	-	-	-	-	-	-	-	7,563	597,320	1.3%
Total Special Revenue Funds	\$ 1,006,363	\$ 638,376	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,644,739	\$ 15,664,798	10.5%

See notes on next page.

CITY OF GOSHEN, INDIANA

2024 MONTHLY RECEIPT/INCOME 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> (1)	<u>% BUDGET</u>	
American Rescue Plan Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	
Motor Vehicle Highway Restricted	58,793	59,832	-	-	-	-	-	-	-	-	-	-	118,625	1,059,808	11.2%	
Opioid Restricted Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Court Fees	8,275	6,281	-	-	-	-	-	-	-	-	-	-	14,556	47,800	30.5%	
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-	360,335	0.0%	
Cumulative Capital Improvemet	-	-	-	-	-	-	-	-	-	-	-	-	-	62,648	0.0%	
Cumulative Capital Development	-	-	-	-	-	-	-	-	-	-	-	-	-	782,119	0.0%	
Cumulative Sewer	-	-	-	-	-	-	-	-	-	-	-	-	-	520,890	0.0%	
Cumulative Fire	-	-	-	-	-	-	-	-	-	-	-	-	-	520,890	0.0%	
Cumulative Cemetery	756	892	-	-	-	-	-	-	-	-	-	-	1,648	11,000	15.0%	
General Capital Improvement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
2021 GO Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
2015 GO Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fire Pension	-	-	-	-	-	-	-	-	-	-	-	-	-	550,000	0.0%	
Police Pension	10	40	-	-	-	-	-	-	-	-	-	-	50	340,000	0.0%	
Total Restricted Funds	\$ 67,834	\$ 67,045	\$ -	\$ 134,879	\$ 4,255,490	3.2%										
 REDEVELOPMENT FUNDS																
Bond Principal and Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	817,843	0.0%
SouthEast TIF	210,957	48,390	-	-	-	-	-	-	-	-	-	-	259,347	6,822,477	3.8%	
Lippert/Dierdorff TIF	-	-	-	-	-	-	-	-	-	-	-	-	-	248,600	0.0%	
Consolidated RiverRace/US 33 TIF	47,764	33,239	-	-	-	-	-	-	-	-	-	-	81,003	3,853,820	2.1%	
Total Redevelopment Funds	\$ 258,721	\$ 81,629	\$ -	\$ 340,350	\$ 11,742,740	2.9%										
Total 2024 Receipts	\$ 2,680,903	\$ 2,166,569	\$ -	\$ 4,847,472	\$ 56,978,834	8.5%										

(1) Receipt budgets are used only for DLGF calculations. Measurement and performance is not reviewed or restricted by DLGF and is primarily for City management purposes.

CITY OF GOSHEN, INDIANA

2024 MONTHLY EXPENDITURE/SPENDING 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>ENCUMBER</u> (1)	<u>% BUDGET</u>
Common Council	\$ 45,585	\$ 11,392	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 56,977	\$ 136,190	\$ 30,834	34.1% (2)
Mayor	43,980	43,701	-	-	-	-	-	-	-	-	-	-	87,681	588,050	-	14.9%
Clerk-Treasurer	58,660	55,801	-	-	-	-	-	-	-	-	-	-	114,461	765,100	-	15.0%
Legal	68,249	60,715	-	-	-	-	-	-	-	-	-	-	128,964	942,235	6,962	13.6%
City Court	34,752	34,149	-	-	-	-	-	-	-	-	-	-	68,901	469,840	-	14.7%
Board of Works	318,320	464,132	-	-	-	-	-	-	-	-	-	-	782,452	5,441,020	345,577	13.5%
Technology	19,013	32,239	-	-	-	-	-	-	-	-	-	-	51,252	712,750	-	7.2%
Cemeteries	31,386	22,857	-	-	-	-	-	-	-	-	-	-	54,243	519,840	-	10.4%
Community Relations Commission	6,853	8,106	-	-	-	-	-	-	-	-	-	-	14,959	104,840	-	14.3%
Engineering	68,303	66,013	-	-	-	-	-	-	-	-	-	-	134,316	1,064,930	-	12.6%
Police	657,932	630,382	-	-	-	-	-	-	-	-	-	-	1,288,314	9,420,700	48,628	13.6%
Fire	635,680	562,248	-	-	-	-	-	-	-	-	-	-	1,197,928	7,758,950	47,619	15.3%
Building	40,140	40,616	-	-	-	-	-	-	-	-	-	-	80,756	525,720	8,600	15.1%
Planning	32,781	32,272	-	-	-	-	-	-	-	-	-	-	65,053	427,300	-	15.2%
Central Garage	92,457	141,663	-	-	-	-	-	-	-	-	-	-	234,120	1,722,050	-	13.6%
Environmental Resilience	42,927	51,193	-	-	-	-	-	-	-	-	-	-	94,120	831,320	-	11.3%
Total General Fund	\$ 2,197,018	\$ 2,257,479	\$ -	\$ 4,454,497	\$ 31,430,835	\$ 488,220	14.0%									
<u>SPECIAL REVENUE FUNDS</u>																
Motor Vehicle Highway	\$ 176,012	\$ 254,269	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 430,281	\$ 3,597,125	\$ 4,348	11.9%
Local Roads and Streets	-	-	-	-	-	-	-	-	-	-	-	-	-	600,000	4,535	0.0%
Parks	146,037	205,525	-	-	-	-	-	-	-	-	-	-	351,562	3,418,950	491,928	9.0%
Aviation	23,548	29,929	-	-	-	-	-	-	-	-	-	-	53,477	385,940	2,514	13.8%
Probation	(37,278)	53,618	-	-	-	-	-	-	-	-	-	-	16,340	111,005	-	14.7%
EDIT	132,217	42,721	-	-	-	-	-	-	-	-	-	-	174,938	3,237,750	484,421	4.7%
Economic Improvement District	4,737	3,970	-	-	-	-	-	-	-	-	-	-	8,707	57,000	-	15.3%
Parking Lot Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	5,360	-	0.0%
Opioid Unrestricted Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Law Enforcement Continuing Ed	944	624	-	-	-	-	-	-	-	-	-	-	1,568	36,000	-	4.4%
Unsafe Building	-	-	-	-	-	-	-	-	-	-	-	-	-	85,000	-	0.0%
Township Fire Support	9,240	8,422	-	-	-	-	-	-	-	-	-	-	17,662	350,000	-	5.0%
Rainy Day	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Safety LOIT	171,654	165,969	-	-	-	-	-	-	-	-	-	-	337,623	2,882,400	-	11.7%
Residential Lease Fees	4,862	3,575	-	-	-	-	-	-	-	-	-	-	8,437	56,835	-	14.8%
Redevelopment Operating	15,931	17,253	-	-	-	-	-	-	-	-	-	-	33,184	243,820	-	13.6%
Stormwater Management	23,641	24,068	-	-	-	-	-	-	-	-	-	-	47,709	767,175	29,247	6.0%
Total Special Revenue Funds	\$ 671,545	\$ 809,943	\$ -	\$ 1,481,488	\$ 15,834,360	\$ 1,016,993	8.8%									

See notes on next page.

(Monthly Financial Report Prepared for the March 25, 2024 Goshen Common Council Meeting)

CITY OF GOSHEN, INDIANA

2024 MONTHLY EXPENDITURE/SPENDING 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>ENCUMBER</u> (1)	<u>% BUDGET</u>
American Rescue Plan Grant	\$ 7,455	\$ 32,181	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,636	\$ 2,878,300	\$ -	1.4%
Motor Vehicle Highway Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000,000	102,176	0.0%
Opioid Restricted Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Court Fees	8,189	1,510	-	-	-	-	-	-	-	-	-	-	9,699	57,250	-	16.9%
Debt Service	185,100	-	-	-	-	-	-	-	-	-	-	-	185,100	369,350	-	50.1% (3)
Cumulative Capital Improvemnet	-	-	-	-	-	-	-	-	-	-	-	-	-	87,000	-	0.0%
Cumulative Capital Development	14,791	10,365	-	-	-	-	-	-	-	-	-	-	25,156	697,000	53,191	3.4%
Cumulative Sewer	25,066	5,635	-	-	-	-	-	-	-	-	-	-	30,701	200,000	-	15.4%
Cumulative Fire	41,689	4,925	-	-	-	-	-	-	-	-	-	-	46,614	250,000	252,649	9.3%
Cumulative Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Capital Improvement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2021 GO Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2015 GO Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fire Pension	290	48,236	-	-	-	-	-	-	-	-	-	-	48,526	533,638	-	9.1%
Police Pension	1,608	30,203	-	-	-	-	-	-	-	-	-	-	31,811	439,500	-	7.2%
Total Restricted Funds	\$ 284,188	\$ 133,055	\$ -	\$ 417,243	\$ 6,512,038	\$ 408,016	6.0%									
<u>REDEVELOPMENT FUNDS</u>																
Bond Principal and Interest	\$ 814,219	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 814,219	\$ 823,114	\$ -	98.9% (3)
SouthEast TIF	59,133	101,657	-	-	-	-	-	-	-	-	-	-	160,790	9,205,115	1,155,583	1.6%
Lippert/Dierdorff TIF	-	65,160	-	-	-	-	-	-	-	-	-	-	65,160	550,000	-	11.8%
Consolidated RiverRace/US 33 TIF	217,882	153,711	-	-	-	-	-	-	-	-	-	-	371,593	10,704,000	332,659	3.4%
Total Redevelopment Funds	\$ 1,091,234	\$ 320,528	\$ -	\$ 1,411,762	\$ 21,282,229	\$ 1,488,242	6.2%									
Total 2024 Spending	\$ 4,243,985	\$ 3,521,005	\$ -	\$ 7,764,990	\$ 75,059,462	\$ 3,401,471	9.9%									

Notes

- (1) 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.
- (2) 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.
- (3) Debt Service funds pay debt in January and June of each year.



**COMMUNITY DEVELOPMENT BLOCK GRANT
CITY OF GOSHEN**

204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 533-9370 • Fax (574) 533-8626 • TDD (574) 534-3185
theresacummings@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Mayor, Goshen Common Council Members & Goshen City Department Heads

FROM: Theresa Cummings, Community Development Specialist

DATE: March 18, 2024

RE: Public Hearing & Notice of Availability of Draft Community Development Block Grant (CDBG) Program Year 2024 Annual Action Plan

The City of Goshen's CDBG Annual Action Plan for Program Year 2024 has been prepared and became available for public review and comment beginning March 14, 2024. A hard copy is available for review upon request at the Planning Office located at the City Annex Building, 204 E. Jefferson Street. The Plan is also available on the City website at <http://www.goshenindiana.org/cdbg>.

The City will hold a **public hearing on the proposed 2024 Annual Action Plan on Monday, March 25, 2024, at 6pm** during the City Council meeting in the City Council Chambers, at the Goshen Police and Courts Building, 111 E. Jefferson Street, Goshen. The Goshen Police and Courts Building is handicapped accessible. Non-English-speaking persons and others needing special assistance to participate in the hearing process should contact the City as soon as possible. A link to access this meeting will be posted on the City's website. The public hearing will include a review of the proposed 2024 Annual Action Plan, a review of the current 2023 program year and opportunity for citizen comment.

The following priorities were among those identified for community and neighborhood development in the City of Goshen in the 2020-2024 Consolidated Plan:

1) Housing Opportunities

- Improve owner-occupied housing through rehab
- Increase quality of rental housing
- Increase transitional housing options
- Reduce housing cost burden through higher wage job opportunities and job training
- Provide permanent supportive housing for chronically homeless
- Support affordable housing creation and preservation
- Provide emergency shelter for homeless individuals and families
- Expand housing options and assistance
- Maintain and facilitate use of Housing Choice voucher program

2) Access to Services

- Increase access to affordable healthcare
- Increase services for mentally ill
- Support programs for youth
- Increase access to affordable childcare and early childhood education
- Support services for elderly and the disabled
- Support public transportation
- Provide emergency shelter for homeless individuals and families
- Provide permanent supportive housing for chronically homeless
- Support counseling/advocacy for underserved populations

- Increase access to substance abuse prevention and treatment
- Support life skill development
- Support nutrition programs and food assistance

3) Neighborhood Revitalization

- Improve owner-occupied housing through rehab
- Remove blighted residential properties
- Address issue of vacant/foreclosed houses
- Increase quality of rental housing
- Support public infrastructure projects
- Repair/replace existing sidewalks
- Support neighborhood parks

Proposed 2024 Annual Action Plan

For program year 2024, the City of Goshen expects to receive an **estimated** entitlement allocation of \$270,000 in CDBG funds. This allocation will be combined with an **estimated** program income amount of \$47,175 and \$8,825 in **estimated** miscellaneous income for an **estimated** total budget of \$326,000.

The entitlement allocation has not yet been published as of the draft date, and the estimated amount represents an average of the last 5 years. HUD recommends proceeding with the jurisdiction’s normal timeline so as not to cause further delay, publishing estimated budgets and the plan for how the budget will be finalized once amounts are known. However, the plan cannot be submitted until an allocation is published. The final amount of program income will be based on the total calculated at the time the plan is submitted to HUD. The final 2024 budget will be revised upward or downward on an across the board percentage, based on the increase or decrease, subject to the required caps and maximum funding requests, with no public hearing or further public notice.

The proposed use of CDBG funds for program year 2024 is as follows:

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1. Public Service Grants - provision of services to low- and moderate-income households and persons
City-wide | est. \$48,000 |
| 2. Owner-occupied Rehabilitation of homes occupied by low- and moderate-income households through
loans, grants and deferred payment loans City-wide | est. \$43,500 |
| 3. Homeownership Assistance – down payment assistance to first time low- and moderate-income single
family homebuyers | est. \$49,500 |
| 4. Multi-family Housing Rehabilitation – a multi-unit project to create and preserve affordable housing | est. \$125,000 |
| 5. Planning, general administration, environmental reviews, and audit | est. \$60,000 |
| Estimated Total | = \$326,000 |

Comments may be submitted to Theresa Cummings, Goshen City Planning, 204 E. Jefferson Street, Suite 4, Goshen, IN, 46528; (574) 533-9370, theresacummings@goshencity.com on or before 30 days after March 14, 2024, and no later than April 12, 2024. A summary of comments and responses will be submitted to HUD.



**Community Development Block Grant (CDBG) – City of Goshen
Summary of Program Year 2023**

PY 2023 Budget- Traditional

CDBG Funds	\$267,010
Prior Year Resources	\$78,000
Misc. Income	\$7,000
Total	\$352,010

PY 2023 Activities & Expenditures as of 3/15/2024

Activity Category	Amount Allocated	Expended To-Date	Percentage
Administration & Planning	\$57,000	\$43,430.31	76%
Public Services	\$47,000	\$34,326.19	73%
**Single-Unit Housing Rehab	\$58,010	\$175	0%
**Multi-Unit Housing – Solar	\$190,000	\$0	0%
2023 Totals	\$352,010	\$77,931.50	22%

***Single-Unit Housing Rehab has one project almost completed and the Multi-Unit Housing Rehab Solar Array project is expected to begin this spring and complete this summer.*

Project Summary - Presentation at the Goshen Common Council
Monday, March 25, 2024, 6:00 pm

We have requested a time slot during the next meeting of the Goshen Common Council. The purpose of our presentation at this meeting is to explain the scope of the project to the Common Council in order to obtain approval signatures from key elected officials. Also, per the Indiana Finance Authority (IFA) requirements we must make a presentation to the public as part of our application for Domestic Water grants and loans from the State Revolving Fund (SRF.) Furthermore, we must submit a Preliminary Engineering Report (PER) and give public notice in a local newspaper that the report is available for review and provide the date and location of the public hearing.

SCOPE OF THE PROJECT:

The engineering and water departments are proactively working to ensure that our Water Utility is in compliance with the EPA's Lead and Copper Rule Revisions (LCRR) for drinking water systems. Although the exact details of the LCRR are still in revision there are two primary mandates which Indiana is currently funding: 1) Development of an accurate inventory of all drinking water service line materials, i.e. supply piping materials from our water main to each residence, and 2) Replacement of all lead service line piping by 2037.

We are well underway toward meeting Mandate #1 (Service Line Material Inventory.) We've built up our GIS database of piping materials through a combination of reviewing historical documents, customer self-reporting, and AmeriCorps volunteer's door knocking. Plus, we have a consultant, BlueConduit, under contract to perform "predictive modeling" of our system. This is a means of computer modeling our system to minimize the amount of physical verification (Pot-holing) we have to do to develop an accurate inventory. At the end of February, we applied for a \$300,000 grant from the State to perform enough physical verifications to confidently know where lead is located in our system.

We are also working with a consulting firm, Arcadis US, Inc., to establish a long-term Lead Service Line Replacement Plan (LSLR Plan,) Mandate #2 above. The focus of our current project is just the first step in a 12-year plan to remove all lead service lines from our system. The Preliminary Engineering Report (PER) we have completed for this first step is attached. The PER establishes the scope, budget, and cost of this first project. We will submit it on April 1st in order to request an SRF grant and low interest loan.

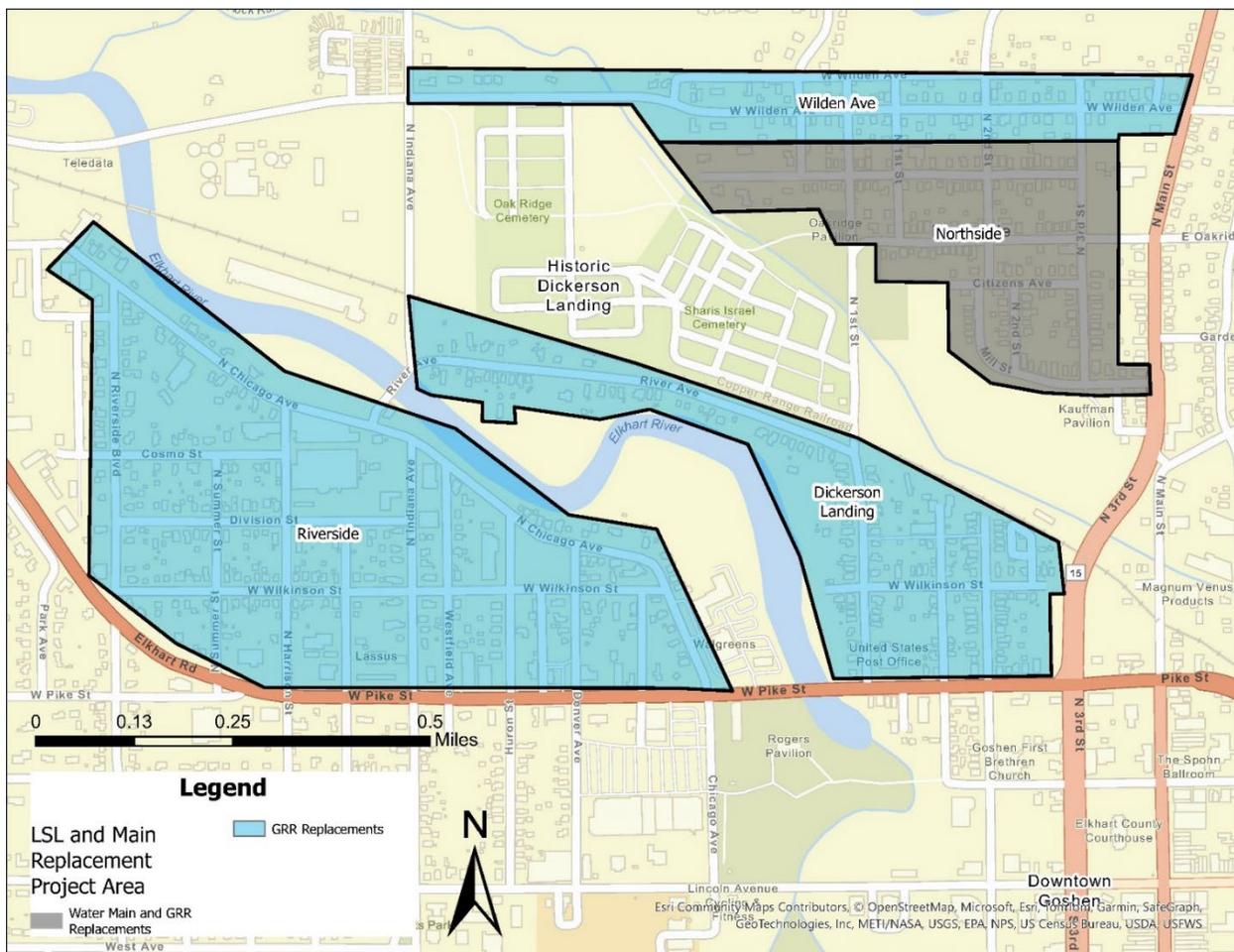
Based on the experience of long-term employees of the City, we believe there are no fully lead service lines like those found in Flint, Michigan and many other cities around the country. We do know, however, that many of our services installed before the 1970's likely include a ~2 ft. long flexible lead connector. This lead connector, also referred to as a "Lead Gooseneck" is located where the customer service line connects to the City main. The state is funding the removal of Lead Goosenecks this year although it is unclear whether they will in future years. Thus, we have identified an area of the city for this project that is considered by the state to be disadvantaged based on median household income. Therefore, we hope to leverage the City's investment with loans for service line removal that are eligible for a percentage of loan forgiveness. In order for this project to be feasible we need the state to offer approximately 50%

loan forgiveness. Based on past experience of our Consultant this is a reasonable expectation. We also chose this area of the city because it was already slated for replacing some very old Domestic Water mains. In addition, there is some future Sanitary and Storm Sewer separation work planned in the area. Coordinating all of this work in the same area at the same time offers efficiency and allows us to do the underground work before the roads are paved. A combination of forgivable loans for a portion of the lead service line replacements, low interest loans for the DW main replacements and departmental funds for the Storm, Sanitary, and Road work will allow us to do all of this work with minimal to no impact on the customer Utility Rates. Please refer to the project budget below and the image to see the three communities we will be working in.

Lead Service Line Replacement Project Budget:

LSLR-Related Cost (Eligible for a % of Principal Forgiveness)	\$5,762,000
Main-Related Cost (Presumed Not Eligible for Forgiveness)	\$1,275,000
Total Project Costs	\$7,037,000

Three Lead Service Line Replacement Areas



**GOSHEN COMMON COUNCIL
RESOLUTION 2024-05**

**SRF Loan Program
Preliminary Engineering Report Acceptance**

Whereas, the City of Goshen, Indiana, Water Utility has caused a Preliminary Engineering Report (“PER”), dated on or about March 15, 2024, prepared by the consulting firm of Arcadis U.S., Inc.; and

WHEREAS, said PER has been presented to the public at a public hearing held March 25, 2024, for their comments; and

WHEREAS, the City of Goshen, Indiana, Common Council finds that there was not sufficient evidence presented in objection to the recommended project in the Preliminary Engineering Report.

NOW, THEREFORE, BE IT RESOLVED by the City of Goshen, Indiana, Common Council, the governing body of the City of Goshen, Indiana, that:

1. The Arcadis U.S., Inc. Preliminary Engineering Report dated on or about March 15, 2024, be approved and adopted by the City of Goshen, Indiana Common Council; and
2. That said PER be submitted to the State Revolving Fund Loan Program for review and approval.

ADOPTED and PASSED by the City of Goshen, Indiana, Common Council, this _____ day of March, of 2024.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen, Indiana on _____, 2024,
at the hour of _____:_____ m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor

**GOSHEN COMMON COUNCIL
RESOLUTION 2024-06**

**SRF Loan Program
Signatory Authorization Resolution**

Whereas, the City of Goshen, Indiana, Water Utility (“City”) has plans for an infrastructure improvement project, which would include the replacement of certain customer drinking water service lines and some water mains in certain area of the City of Goshen, to meet State and Federal regulations and the City intends to proceed with the construction of such improvements.

NOW, THEREFORE, BE IT RESOLVED by the City of Goshen, Indiana, Common Council, the governing body of the City of Goshen, Indiana, that:

1. Mayor Gina M. Leichty is authorized to make application for a State Revolving Fund Loan (“SRF Loan”) and provide the SRF Loan Program such information, data and documents pertaining to the loan process as may be required, and otherwise act as the authorized representative of the City; and
2. The City agrees to comply with State and Federal requirements as they pertain to the SRF Loan Program; and
3. Two certified copies of this Resolution be prepared and submitted as part of the City’s Preliminary Engineering Report.

ADOPTED and PASSED by the City of Goshen, Indiana, Common Council, this _____ day of March, of 2024.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen, Indiana on _____, 2024,
at the hour of _____: _____ . m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor

City of Goshen, Indiana

**Preliminary Engineering Report for
Drinking Water State Revolving Fund
Funding**

**Service Line and Main Replacement
Project**

March 15, 2024

City of Goshen DWSRF PER

Preliminary Engineering Report (PER) for Drinking Water State Revolving Fund (DWSRF) Funding

**Service Line and Main Replacement Project
Goshen Project No. 2024-0010**

Prepared By:

Arcadis U.S., Inc.
55 Monument Circle, Suite 300B
Indianapolis, IN 46204
Phone: 317-236-2844

Prepared For:

Dustin Sailor
Director of Public Works & Utilities
City of Goshen
204 East Jefferson Avenue
Goshen, IN 46528
Phone: 574-534-2201

Our Ref:

30209873

Date:

March 15, 2024



Mr. David Murray, PE (IN11700355)

Project Engineer

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Appendix A: Resolutions

Appendix B: Financial Information Form

Appendix C: Asset Management Program Certification Form

Appendix D: Public Hearing Documentation

Appendix E: Natural Resources Conservation Service (NRCS) Determination

Acronyms and Abbreviations

CDC	Center for Disease Control
DAC	Disadvantaged Community
DWSRF	Drinking Water State Revolving Fund
GRR	Galvanized Requiring Replacement
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources
IFA	Indiana Finance Authority
LCRI	Lead and Copper Rule Improvements
LCRR	Lead and Copper Rule Revisions
LF	Linear Feet
LSL	Lead Service Line
LSLR	Lead Service Line Replacement
MHI	Median Household Income
MG	Million Gallons
MGD	Million Gallons Per Day
MOT	Maintenance of Traffic
PER	Preliminary Engineering Report
SRF	State Revolving Fund
SVI	Social Vulnerability Index

Executive Summary

The first water mains were installed in Goshen, Indiana in 1831, and since the early 1930s the Goshen Water Department (Goshen) has owned and operated their water system as a municipal water utility. They currently serve over 10,231 customer accounts with almost 35,000 residents within the City of Goshen (City), as well as some developments just outside of the City limits. They primarily serve residential and commercial customers – with industry on the outskirts of the service area. Growth is being experienced in all customer categories, and recent development is sprawling beyond City limits. Average day demand for 2023 was 3.50 million gallons per day (MGD), with a maximum day of 5.82 MGD.

Groundwater from two well fields supply water to Goshen's system. Property for a third has been purchased due to water quality and structural issues with the existing wells. A water treatment plant is in each wellfield; these are in need of updates, but no work will be done until the viability of the wellfields has been determined. There is one booster pumping station in the system and three storage tanks – one underground and two elevated.

The distribution system has over 209 miles of pipe ranging in size from 4" to 24." Approximately 12.5% of the pipes are over 75 years old. To prioritize capital improvements, system deficiencies are identified by ongoing water main deterioration modeling, regular master planning projects, capital planning, and implementation of the asset management program, as well as considering increasing demands and a growing service area.

Goshen prioritizes public health and effective utility management, and they began addressing lead well before the Lead and Copper Rule Revisions (LCRR) required them to do so. Since 2021, they have replaced service lines whenever lead connectors are encountered (approximately 60 have been replaced to date), and recently they have invested an exceptional amount of time and resources into developing and populating their service line inventory. This has included hiring part-time and now a full-time staff member dedicated to in-home material inspection, as well as investing \$51,000 with Blue Conduit to apply predictive modeling. To date, no lead lines have been found – but lead connectors and galvanized lines requiring replacement (GRR) are present as shown in the summary table on the next page.

Table ES-1: Existing Service Line Inventory

Service Line Material Category	Quantity
Known Lead	0
Known Lead Connector ¹	0
Galvanized Require Replacement (GRR)	1,154
Known Non-Lead	2,945
Unknown	7,521
Total Service Lines in the Distribution System	11,620

Goshen is motivated to identify and mitigate any potential public health impacts of lead as soon as possible. However, their goal to eliminate lead (which may cost up to \$55 million based on initial estimates from the Lead Service Line Replacement Plan) must be balanced with other utility priorities. Competing priorities for the City include maintaining affordable water rates for customers, maintaining aging assets, addressing a growing population, and constructing a new wellfield and water treatment plant (currently in preliminary design, estimated at \$45 million.) As such, the utility has developed this proposed project to leverage State Revolving Fund (SRF) loans that may potentially offer principal forgiveness along with their own funds to maximize lead service line removal within disadvantaged communities of the City while not causing a rate increase.

The proposed project will result in full replacement of 458 lead or GRR service lines in disadvantaged neighborhoods, at no cost to those customers. Some of these lines are connected to mains installed in 1933 or even earlier and the City is concerned that issues and additional costs may arise with the mains when disturbing these connections. Thus, some mains in the project area will be replaced concurrent to service line replacement. This will leverage SRF funding to support the City’s asset management program by replacing mains that are beyond their life expectancy. In addition, while no work was planned in these neighborhoods in the short term, the City will commit its own funds to complete sanitary sewer, stormwater, and roadway repairs in conjunction with this project. Thus, SRF funding would motivate investment and revitalization in these underserved neighborhoods.

¹Long serving utility staff have never encountered a lead connector that does not have an associated galvanized utility-side service line. Therefore, throughout this document, lines with lead connectors are included in the GRR total.

The City of Goshen as a whole meets Indiana Finance Authority's (IFA's) criteria for a disadvantaged community, with a Median Household Income (MHI) of \$52,233. In addition, 14.9% of residents in the City of Goshen fall below the poverty level, and 13.5% of residents are foreign-born - with 25.4% of these residents over the age of five speaking a language other than English at home. The two census tracts included in the proposed project area (5.02 and 2.01) are among the most disadvantaged and underserved in the service area, as summarized in the following table. Also, two childcare facilities fall within the project area.

Table ES-2: Overview of Census Tracts Included in Project Area

Economic & Social Indicators	Census Tract 5.02	Census Tract 2.01	State Average
Median Household Income	\$49,678	\$39,580	\$67,173
Below Poverty Level	15%	23%	13%
% Didn't Graduate High School 18-24 Years	22%	17%	14%
SVI Percentile Rank	69th (medium to high)	96th (high)	Not calculated on the state level
% Foreign Born	15%	21%	5%
% Lack Health Insurance	15%	12%	8%

The following figure summarizes the project area, which focuses on four neighborhoods within these disadvantaged census tracts. As noted, 458 full service lines replacements will be completed and 2,890 linear feet (LF) of drinking water mains over 90 years old will be replaced as part of this project. In coordination with this work, the City will fund approximately 2,530 LF of sanitary sewer, 3,540 LF of stormwater, and 6,100 LF of roadway improvements.

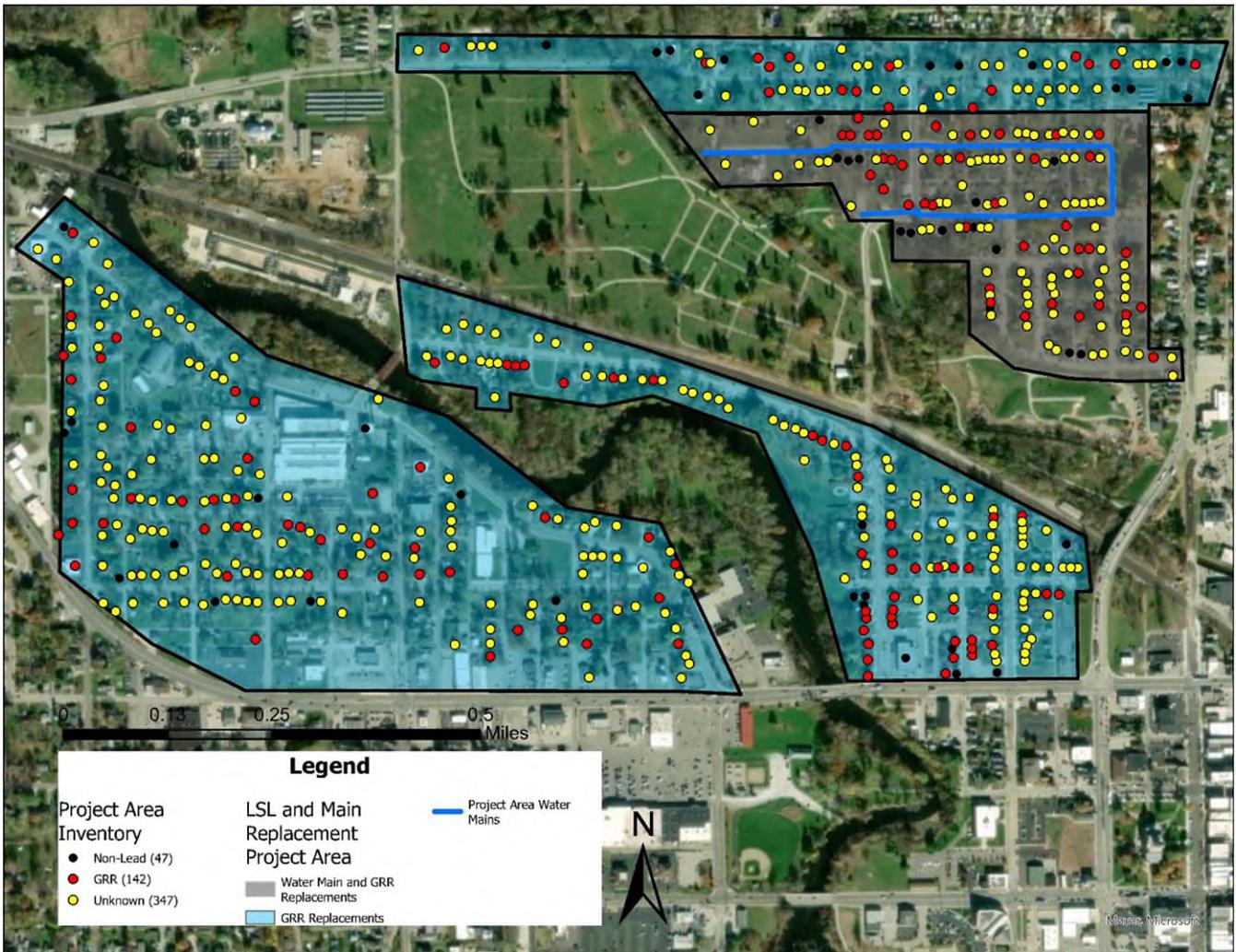


Figure ES-1: Project Overview

To achieve these replacements and upgrades, the City of Goshen submits this application for \$7,037,000 in DWSRF funds. \$5,762,000 of this is related to Lead Service Line Replacements (LSLR) and thus understood to be eligible for principal forgiveness. The remaining \$1,275,000 will be for main replacements and therefore not eligible for lead-specific principal forgiveness. The cost associated with the sewer, stormwater, and roadway upgrades to be performed concurrently with this project is estimated at \$3,299,000. The City will fund these improvements, not using SRF funding.

1 Current Conditions

1.1 Utility and Customer Overview

The first water mains were installed in Goshen, Indiana in 1831, and since the early 1930s the Goshen Water Department (Goshen) has owned and operated their water system as a municipal water utility. They currently serve over 10,231 customer accounts with almost 35,000 residents in the City of Goshen, as well as some developments just outside of the city limits. The utility's service area, shown in Figure 1-1, totals approximately 19 square miles.

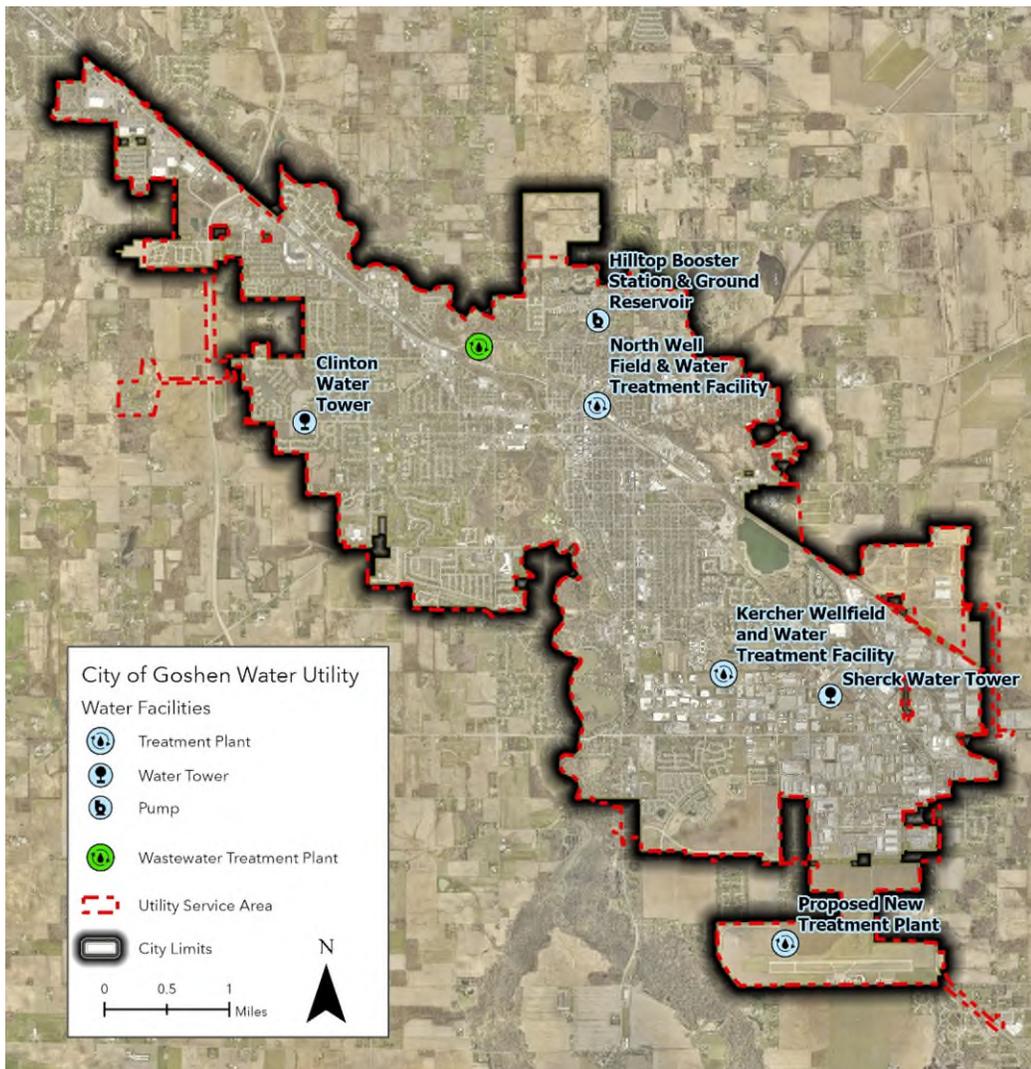


Figure 1-1: City of Goshen Utility Service Area and Facilities

Customers

Residential customers account for the majority of Goshen's water demand, with 89% of customer accounts being residential and accounting for 59% of usage in 2023. Commercial

customers make up 8.7% of accounts and 34% of 2023 usage. Only 2.2% of customers are classified as industrial, and in 2023 they accounted for 7% of system demand.

The utility’s largest water users are shown in Table 1-1. These ten users accounted for 22% of system demand in 2023.

Table 1-1: Large Water Users

Customer Name	Customer Type	2023 Usage (MG)
Brookside Manor	Mobile Home Park	33.81
Roxbury	Mobile Home Park	28.94
Greencroft Goshen	Retirement Community	24.82
Goshen Hospital	Medical Provider	23.14
Ashton Pines	Apartment Complex	14.99
Twin Pines	Mobile Home Park	13.87
Lippert Components Inc	Manufacturer	12.57
Goshen Community Schools (22 Accounts)	School	10.93
Stewarts Corp	Car Wash	10.54
Park 33	Apartment Complex	8.98

The City’s MHI of \$52,233 falls below the IFA’s threshold of \$53,800 for being considered disadvantaged. Of the 10 census tracts within Goshen’s service area, three are considered disadvantaged based on MHI, and five have a Social Vulnerability Index (SVI) over 75%, an indicator of stressors on human health calculated by the Center for Disease Control (CDC). Figure 1-2 shows the utility’s service area relative to these metrics.

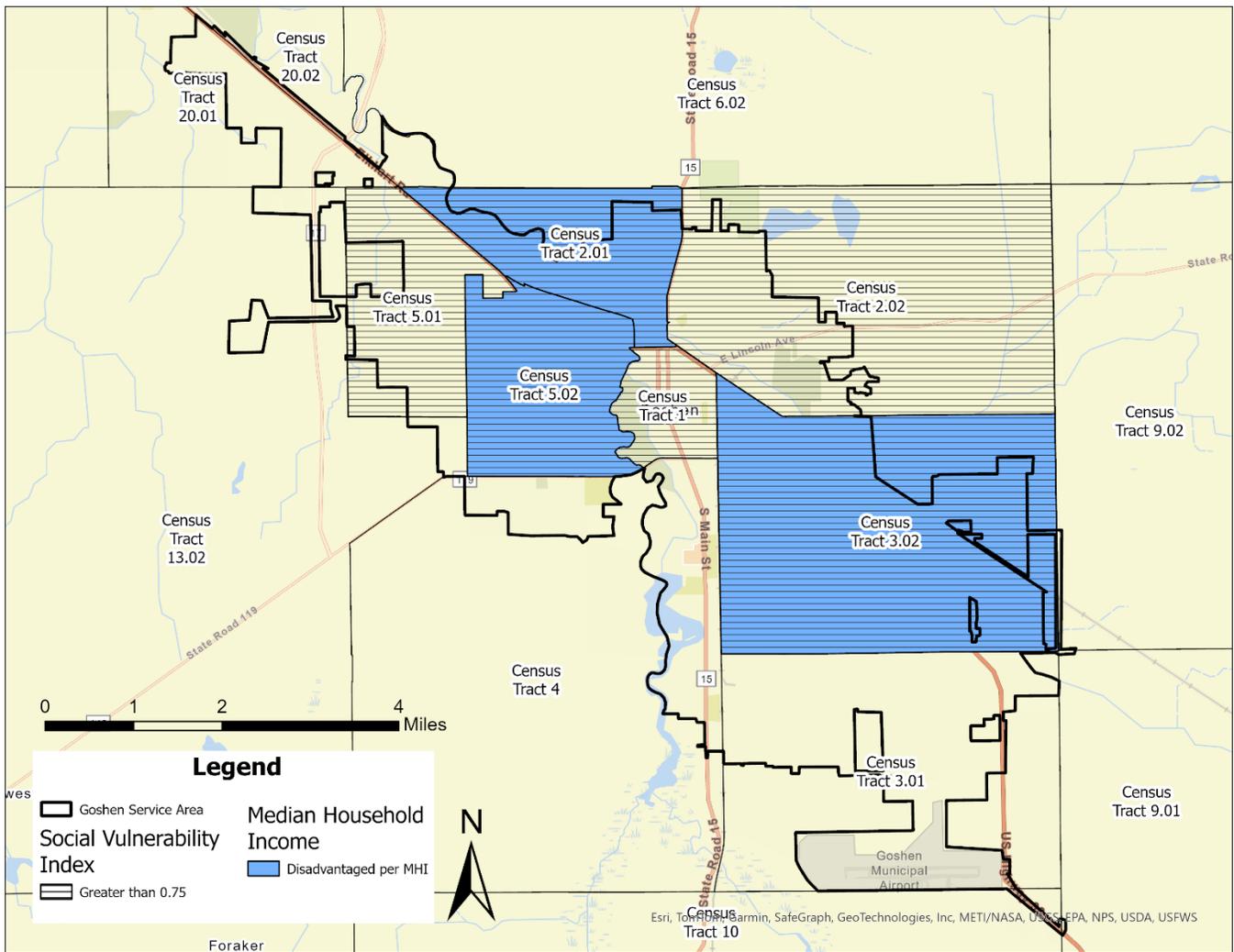


Figure 1-2: Customer Demographics

The following metrics further illustrate the needs of Goshen customers:

- 14.9% of residents in the City of Goshen are below the poverty level, compared to 12.5% statewide
- 13.5% of residents in the City of Goshen are foreign-born compared to 5.4% statewide, with a large percentage of these residents being non-native English speakers
- 12.5% of residents in the City of Goshen lack health insurance coverage compared to 7.97% statewide

Water Consumption

Table 1-2 shows the utility’s average day and maximum demand for the last 11 years. Over this period, the average daily demand ranged from 3.211 million gallons per day (MGD) to 4.187 MGD. Maximum day demand ranged from 3.053 to 7.481 MGD, with peaking factors

ranging from 1.2 to 2.2. Water loss has been between 21.1% and 23.6% for the years it was calculated.

Table 1-2: Historical Water Consumption

Year	Average Daily Demand (MGD)	Maximum Day Demand (MGD)
2013	3.466	6.000
2014	3.211	5.750
2015	3.326	5.290
2016	3.415	7.481
2017	3.503	6.000
2018	3.579	6.240
2019	3.411	6.490
2020	3.346	7.479
2021	3.263	4.998
2022	4.187	5.053
2023	3.502	5.821
AVERAGE	3.474	5.873

Table 1-3 summarizes consumption in 2023. The peak day demand was comfortably below (less than half of) the current system capacity of 12.2 MGD.

Table 1-3: 2023 Water Consumption

Domestic / Residential Demand (D) (annual total)	496.25 MG
Commercial / Institutional Demand (C) (annual total)	280.68 MG
Industrial Demand (I) (annual total)	61.66 MG
Total Demand (D+C+I) (annual total)	838.59 MG
Water Loss (annual total)	199.29 MG
Average Daily Demand	3.50 MG
Peak Day Demand	5.82 MG
Peak Hour Demand	0.61 MG

1.2 Supply

Groundwater from two well fields supply water to Goshen's system. Goshen is located on the Kankakee Outwash and Lacustrine Plain, which is the Northern Moraine Lake Aquifer Region. Per the Indiana Department of Natural Resources (IDNR), this system generally has good groundwater availability, and no concerns have been identified about the sustainability of this aquifer, and overdraft concerns have not been documented.

The North wellfield is the older and larger of the two wellfields, with a rated firm capacity of 6.73 MGD. It has six production wells installed between 1953 and 2006. It is considered the stronger of the two wellfields. The wells are operating satisfactorily, though it soon will be necessary to abandon and replace the largest production well due to a deteriorating casing. To replace this well, the City would need to lease or buy land from the Work Release Center located east of the wellfield. A new well must be located on their property due to well spacing requirements. Also, in 2021, the wellfield was listed on the EPA's National Priority List (NPL) because cis-1,2-dichloroethylene was detected nearby. Water quality is monitored regularly at this wellfield and the concentrations have been stable and below actionable levels under the Safe Drinking Water Act. However, although the EPA is investigating businesses around the wellfield, a source of the VOCs has not yet been determined.

Kercher wellfield is the newer and smaller of the two wellfields, with a rated firm capacity of 3.58 MGD. Kercher has three production wells, all installed in the early 1990s. It is on a landlocked parcel, and one of the wells is located on the adjoining property. There is concern with the viability of this wellfield. One well is shut down due to a failed screen and only used in a fire emergency, A second well operates satisfactorily and the third and largest well has had a rapid and significant drop in specific capacity twice over the past four years. As for water quality, when the City was considering expanding this site a Phase I investigation identified a partially delineated trichlorethylene groundwater contamination plume west of the wellfield. The plume is now registered with Indiana Department of Environmental Management (IDEM) under their Voluntary Remediation Program and further analysis is being performed.

As a result of these challenges, the City has purchased another wellfield property to the south. Of various sites considered, this was the one that showed the least potential sources of contamination, with no issues from unsewered properties or commercial and industrial development. Site planning has begun, including preliminary water sampling, site survey, topographical survey, and hydraulic analysis.

1.3 Facilities

Treatment

The utility currently operates two water treatment plants, as shown in Figure 1-1. They are nearly identical to one another to standardize the process and maximize efficiency.

The North Plant, built in 1935, serves the northern portion of the service area and has a firm capacity of 5.7 MGD. A filter building and clearwell were constructed in 1964. Most recently, updates to the filter process were completed; as a result, the four pressure filters are believed to be in good condition and have a life expectancy of 15-20 years. On average, 1.7 MGD are produced here. The capacity of the site is currently limited by the capacity of the filters.

The Kercher Plant is in the southern portion of the service area and has a firm capacity of 4.6 MGD, with 1.8 MGD produced on average. The Water Treatment Building, built in the 1980s, is in good condition. The filter media is nearing the end of its useful life, but the City is waiting to invest in the facility until the system plan for future operation is understood.

As noted in Section 1.2, the feasibility of a new wellfield is in consideration to address increasing system demands and challenges with the two existing wellfields. The hope is to have the wellfield and treatment facility operational by the fall of 2027.

Pumping

A total of seven high service pumps are located at the two treatment plants. In addition, Goshen operates one booster station, Hilltop Pump Station, with a rated capacity of 2,000 gallons per minute. As its name suggests, it is used to provide water and fire protection to northeast region of the system with higher elevation. It was built in 2002 and is in good condition – though it has been noted that some pumps could be replaced by newer and more efficient models. Also, capacity is a concern due to increased development in the area it serves.

Storage

The City of Goshen operates and maintains two elevated storage towers. Clinton Water Tower was constructed in 1972 and has a rated capacity of 0.5 million gallons (MG). The Sherck Water Tower was constructed in 2002 and has a rated capacity of 1.5 MG. Goshen also operates and maintains one underground storage tank, a 0.5 MG tank co-located with the Hilltop Pump Station. The tanks are in good condition, and there is no concern about capacity.

1.4 Distribution System

The water is distributed through approximately 209 miles of water main ranging in size from 4" to 24." The system contains mostly ductile iron (DIP) and cast iron (CAS) pipe; however, there

is a small percentage of high-density polyethylene (HDPE) and polyvinyl chloride (PVC). The oldest main identified is a cast iron main installed in 1855. It is estimated that over 25 miles of mains currently in service were installed in or before 1933, and that approximately 12.5% are over 75 years old. Goshen continues to add water mains to meet new developments; in 2023, approximately 20,647 LF of new mains were added.

The City is experiencing a low break rate, with approximately five breaks per year per 100 miles of pipe. However, based on an analysis completed in 2021, there are portions of the system – particularly in older and disadvantaged neighborhoods – where the system risk relative to likelihood and consequence of failure is high or very high. In general, the utility focuses their annual Renewal / Replacement budget on the mains in poorest condition or those with highest consequence of failure. In addition, looping is needed to address stagnation and lack of redundancy in a couple of outlying areas.

1.5 Service Lines

The City of Goshen has approximately 11,600 service lines. Ownership of the service lines is divided by the curb stop, with Goshen owning from the water main to the curb stop and the property owner owning from the curb stop to the meter - generally located within the home. Figure 1-3 illustrates this ownership split of water service lines in Goshen's system.

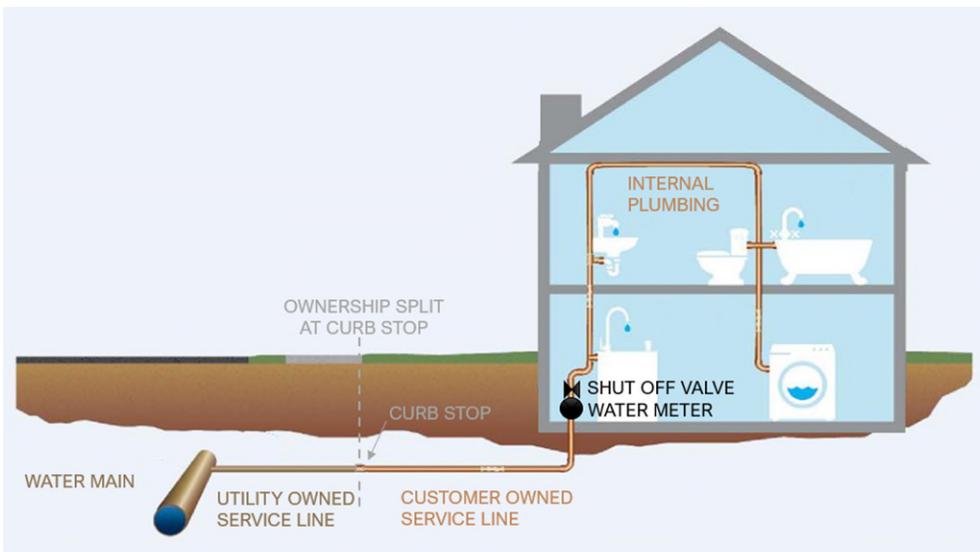


Figure 1-3: Service Line Ownership Graphic

The utility has spent significant time and resources on gathering information on service line material and developing the initial service line inventory. They have developed a GIS-based database to compile LCRR-related information, which has a user-friendly graphical interface which allows for the implementation of quality control practices by both field and office staff. They have populated this database using a variety of information sources including:

- Tap cards and other historic utility information sources
- Property information, including build dates
- Field data collection: field procedures have been updated so that meter technicians and field operation crews now document service line materials during their routine work (leak detection, meter replacements, repairs, etc.), and they can enter information and supporting photos through a mobile application
- Customer self-reporting via an online interface
- Point-of-entry inspections in which utility staff, volunteers, or consultants go door-to-door requesting to view the water line

Customer outreach efforts associated with this information collection has been extensive. Three rounds of targeted mailers were sent to areas most likely to have lead pipes – both in English and Spanish to reflect the demographic makeup of the City. Two temporary employees, three AmeriCorps volunteers, a contractor, and a new full-time employee have performed door knocking and left door hangers (currently they average 10-15 verifications per day). By now, every residence in the City has been visited one to three times. Press releases and social media have also been used, staff presented to the City Council, a dedicated website has been developed, booths are maintained at the Elkhart County Fair and other public events, and volunteers attend neighborhood association and HOA meetings. Many of these efforts have been targeted towards known disadvantaged communities in the City, which also tend to be the oldest areas most likely to have service lines containing lead.

In addition, Goshen has recently contracted with Blue Conduit for service line modeling. The model is currently being developed and will be used to strategically prioritize additional field investigation efforts in a way that supports strong model results.

Through these efforts, the City has field verified or found historic records for over 56% of its customer-side service lines and 13% of the utility-side service lines. As will be further discussed in Section 2.4, no lead has been identified. However, 1,149 service lines have been identified as GRR.

Goshen's approach to date has been to replace full service lines as lead connectors are discovered during routine work, maintenance, and repairs. Since beginning inventory field collection efforts in early 2023, Goshen has performed approximately 60 GRR replacements. In all instances, lead connectors had associated galvanized lines. Long serving utility staff have never encountered a utility-side galvanized line that was NOT connected to the water main with a lead connector. Goshen uses this assumption for replacement planning and setting policies.

2 Utility Needs

2.1 20-Year Service Population and Area Growth

Table 2-1 identifies the historical populations from the last 50 years for the City of Goshen, as well as projected populations through the year 2045. The data from 1970 to 2020 is from the United States Census Bureau. Goshen has grown tremendously in the last fifty years, doubling in size since 1970. Though the Great Recession of the 2008 affected Goshen and surrounding communities, the city has quickly rebounded and is currently experiencing growth in population, economic activity, and land area.

Table 2-1: 20-year Population Projections for Elkhart County and City of Goshen

Year	Goshen	Average Annual Population Change
1970	17,871	1.0%
1980	19,664	2.1%
1990	23,797	2.3%
2000	29,383	0.8%
2010	31,719	0.9%
2020	34,517	0.9%
2025 (projected)	36,070	0.9%
2030 (projected)	37,692	0.9%
2035 (projected)	39,388	0.9%
2040 (projected)	41,159	0.9%
2045 (projected)	43,011	0.9%

As part of their *2018 Water Master Plan and Capital Improvement Plan*, a variety of future population scenarios were considered. Data from City planning and STATS Indiana were considered, and historical growth was evaluated. These yielded a range of potential average yearly growth between 0.4% and 1.0%. The utility decided to use an intermediate value and align with the City of Goshen's Public Works Department projections, and a 0.88% annual increase was assumed. This is reflected in the population projects for 2025 – 2045 shown in

Table 2-1. Future commercial/institutional and industrial water use is anticipated to increase at the same pace as resident population.

Growth continues, with millennials and baby-boomers moving into the city and with significant investment in the downtown and in manufacturing areas. The area is also experiencing “sprawl”, with developments occurring on previously undeveloped properties. As such, there is the potential for the utility’s service area to grow outside of City limits over the next 20 years. Figure 2-1 shows potential growth areas identified as part of the *2018 Water Master Plan and Capital Improvement Plan*. This figure is not intended for detailed analysis, but instead to illustrate how residential growth (shown in yellow) and commercial development (shown in orange) are expected on all sides of the service area.

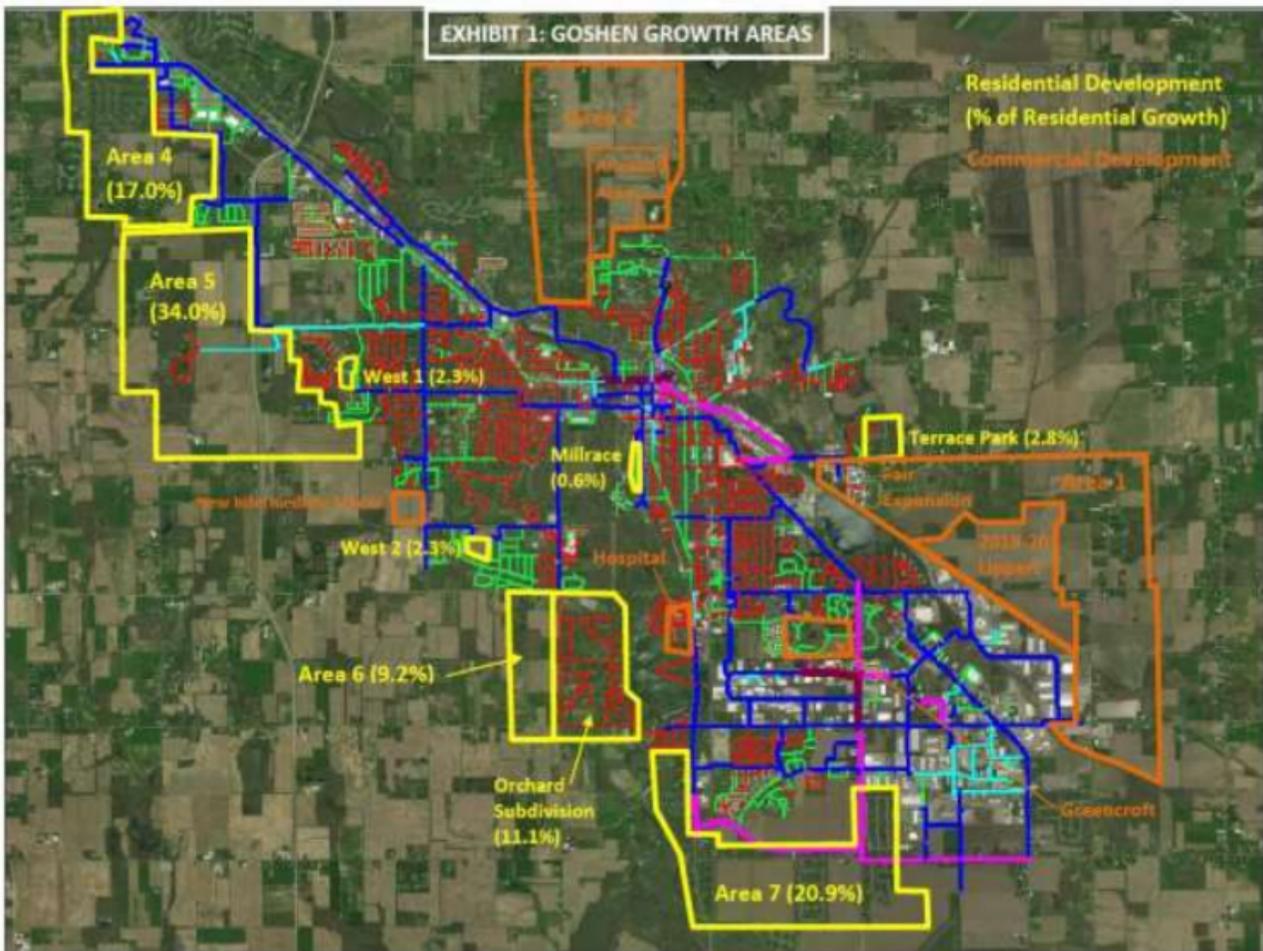


Figure 2-1: Potential Growth Areas Identified in the 2018 Water Master Plan and Capital Improvement Plan

2.2 20-Year Projected Capacity Needs

Goshen’s *2018 Water Master Plan and Capital Improvement Plan* also included a thorough analysis of future demand. This incorporated the population, commercial / institutional, and industrial growth projections along with two demand scenarios: one in which customers

continue to use the same amount of water per day, and another in which individual customers' average daily usage decreases. Statistical techniques were used to calculate a 20-year peaking factor of 2.22. This number was multiplied by the average day water demand projections to project maximum day water demand. As there was not enough information to reliably predict either an increase or decrease in water loss, it was assumed that the 2023 water loss percentage will remain constant. Table 2-2 summarizes the results of those analyses.

Table 2-2: 20-Year Capacity Needs

Measure	Low Projection	High Projection
Domestic Demand (D)	561.4 MG	591.8 MG
Commercial & Institutional Demand (C)	317.5 MG	334.7 MG
Industrial Demand (I)	69.8 MG	73.5 MG
Total Average Daily Demand (D+C+I)	948.7 MG	999.9 MG
Water Loss	225.7 MG	237.6 MG
Average Daily Demand	3.9 MG	4.2 MG
Peaking Factor	2.22	2.22
Peak Day Demand	8.7 MG	9.2 MG
Peak Hour Demand	0.9 MG	0.96 MG

2.3 System Needs: Capital Improvements

The *2018 Water Master Plan and Capital Improvement Plan* identified a variety of recommendations for addressing increasing demand, City sprawl, degrading assets, and source water issues. While many are operational or managerial in nature (e.g., valve exercising and treatment adjustments), over 30 capital projects were identified for the next 20 years. These include:

- A new wellfield and treatment plant to address water quality issues and increasing demands
- Filter replacements at both treatment plants
- Upgrades to chlorine systems at both treatment plants
- Updates to the clearwell at the North Plant
- Pump upgrades at all facilities
- General facility upgrades (e.g. roof replacements, painting)

- Main rehabilitation and replacement, prioritizing mains in poorest condition or those with highest consequence of failure
- New mains to improve pressure and water quality issues

The projects recommended for completion within five years totaled \$1.5 million dollars, and the projects in the 5- to 20-year timeframe exceeded \$18.4 million. These values have likely increased since that report was written with the purchase and planned construction of a new wellfield and associated treatment plant and pump station. Currently, their capital budget over the next five years includes the system upgrades noted above and construction of a new wellfield and water treatment plant estimated at \$45 million. On top of this annual maintenance projects are budgeted at \$1,000,000.

Goshen has implemented an asset management program that complies with IFA requirements and has a dedicated asset manager. They continue to gather and track information on utility infrastructure and assets, and they work across the utility, with Public Works, and with other local stakeholders to maximize efficiency and the return on their investments.

2.4 System Needs: Service Line Replacements

As detailed in Section 1.5, Goshen has developed a service line inventory for the 11,620 service lines in their system. To date, Goshen has not documented any lead service lines (LSLs) but has documented lead goosenecks and GRR. Goshen is taking a proactive approach replacing lead goosenecks throughout the service area and plans to continue this approach with the proposed and future projects. *Note that throughout this document, the standard term of lead service line (LSL) will be used to encompass all lines required to be replaced under LCRR – including lead service lines and GRRs.*

Table 2-3 summarizes the service line inventory at of the time of writing.

Table 2-3: Service Line Material Summary

Service Line Material Category	Quantity
Known Lead	0
Known Lead Connector	0
Galvanized Requiring Replacement (GRR)	1,154
Known Non-Lead	2,945
Unknown	7,521
Total Service Lines in the Distribution System	11,620

In partnership with Arcadis, Goshen is developing a LCRR- and LCRI-compliant Lead Service Line Replacement (LSLR) Plan. Topics considered to date include the service line inventory and associated replacement requirements; development of an overall approach for replacements – including prioritization of those replacements; development of replacement procedures including management, construction, customer communications, and required follow-up activities; estimation of project costs; and discussion of various funding options.

As part of this planning process, Arcadis developed a draft 10-year schedule (Figure 2-2) that complies with LCRI replacement requirements and assumes the current service line inventory. This applies a 6% inflation rate, which results in the annual cost for replacements reaching over \$7 million by the end of the 10-year period. While this is a worst-case scenario, as some of the unknowns will certainly be non-lead, this yields a total cost of \$55.2 million for LSLRs.

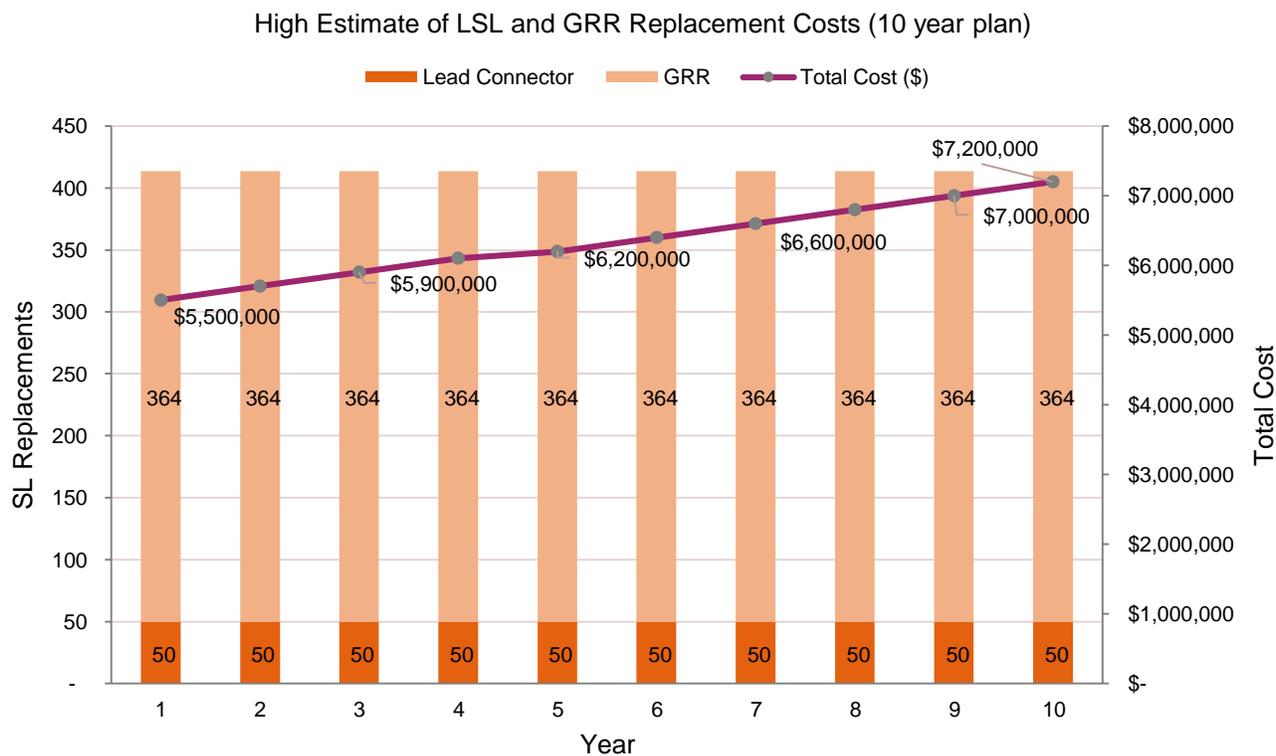


Figure 2-2: High Estimates for LSL and GRR Replacements, 10-Year Plan

In addition, the utility maintains costs associated with identification of unknown service line materials. As described in Section 1.5, they have a full-time employee doing door-to-door point of entry inspections and have Blue Conduit under contract for predictive modeling. In addition, they will be performing potholing and have applied for a \$300,000 IFA grant for a Type III Project to pothole.

3 Evaluation of Alternatives

3.1 Proposed Main and Service Line Replacement

Through development of the LSLR Plan, state loans and grants have been identified as an important funding mechanism for achieving LCRR and LCRI compliance. Therefore, Goshen has developed this proposed project to complete 458 full LSLRs in disadvantaged neighborhoods. This will address potential lead exposure for customers who could not afford to replace the service lines themselves and will help the utility begin achieving their internal and regulatory requirement to remove all lead from the system.

To optimize funding and streamline efforts, these LSLRs will be combined with select water main replacements (using SRF funding) and sanitary sewer rehabilitation and street projects (funded by the City). This would address infrastructure deficiencies at the same time as service line upgrades and revitalize outdated infrastructure in these neighborhoods. These additional projects (main replacements, sewer rehabilitation, and street projects) are not in the immediate capital plan, but combining them with this service line project and the associated potential for funding support would be a worthwhile investment in these disadvantaged neighborhoods.

3.2 No Action

As noted in Section 3.1, this project has been defined specifically to make use of potential principal forgiveness related to LSLR-related projects. While Goshen continues to demonstrate their dedication to identifying and resolving lead in their service area, the LSLR Plan does not include comprehensive utility-funded replacement for the customer side. Goshen's budget is committed to critical capital projects – particularly the new wellfield and treatment plant described in Section 2.3.

Thus, without principal forgiveness, the utility could not afford fund customer-side replacements for all of the customers in these disadvantaged neighborhoods. Also, completion of the replacements included in this project would certainly not happen within the two-year extent of this project, and thus these residents could experience lead exposure for a longer period of time. Likewise, associated main replacements, sanitary sewer rehabilitation, and street projects would be delayed – in some cases five years or more.

3.3 Regionalization

Regionalization is not applicable to this project.

4 Proposed Project

4.1 Project Location

The City of Goshen is proposing to complete full GRR service lines replacements in four different neighborhoods. To remain consistent across the application these four areas will be referred to as Northside, Dickerson Landing, Riverside, and Wilden Avenue. In addition to the service lines, Goshen would be replacing water mains in the Northside neighborhood.

- Northside: Service lines and select water mains located along Oakridge Avenue from SR 15 to 1st Street, Queen Street from Rock Run Creek to 3rd Street, 3rd Street from Queen Street to Mill Street, Mill Street from Citizens Avenue to SR 15, Citizens Avenue from west end of road to 3rd Street, and 2nd Street from Citizens Avenue to Mill Street.
- Dickerson Landing: Service lines located along River Avenue from 1st Street to Indiana Avenue, 1st Street from River Avenue to Pike Street, New Street from railroad tracks to Pike Street, 2nd Street from railroad tracks to Pike Street, and Wilkinson Street from the Elkhart River to the east end of the street.
- Riverside: Service lines located along Riverside Boulevard from Chicago Avenue to Wilkinson Street, Cosmo Street from Riverside Boulevard to Harrison Street, Division Street from Riverside Boulevard to Indiana Avenue, 311 and 414 Harrison Street, Westfield Avenue from Chicago to Pike, Huron Street from Wilkinson to Pike, Denver Avenue from Wilkinson to Pike, Chicago Avenue from Pike to Riverside, and Wilkinson Street from Riverside to Chicago.
- Wilden Avenue: Service lines located along Wilden Avenue from Main Street to Indiana Avenue.

As described in the next section, all four of these are considered disadvantaged communities based on the MHI-based IFA definition. In addition, there are two childcare facilities in the project area, and children are of particular concern for lead exposure.

An overview of the proposed project area is shown in Figure 4-1. Figure 4-2 through Figure 4-5 show aerial views of the neighborhoods in which work will be performed.

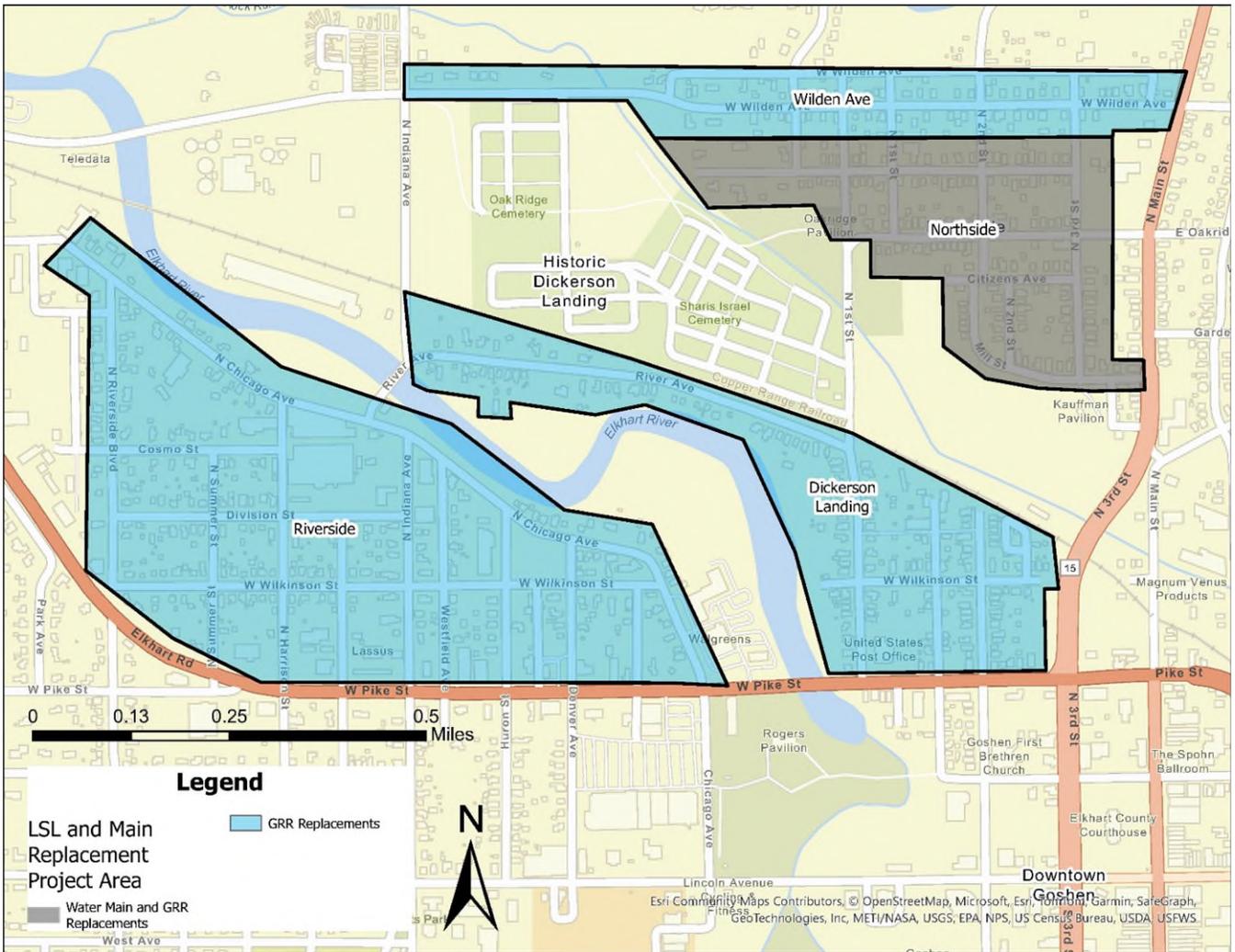


Figure 4-1: Project Location Overview Map

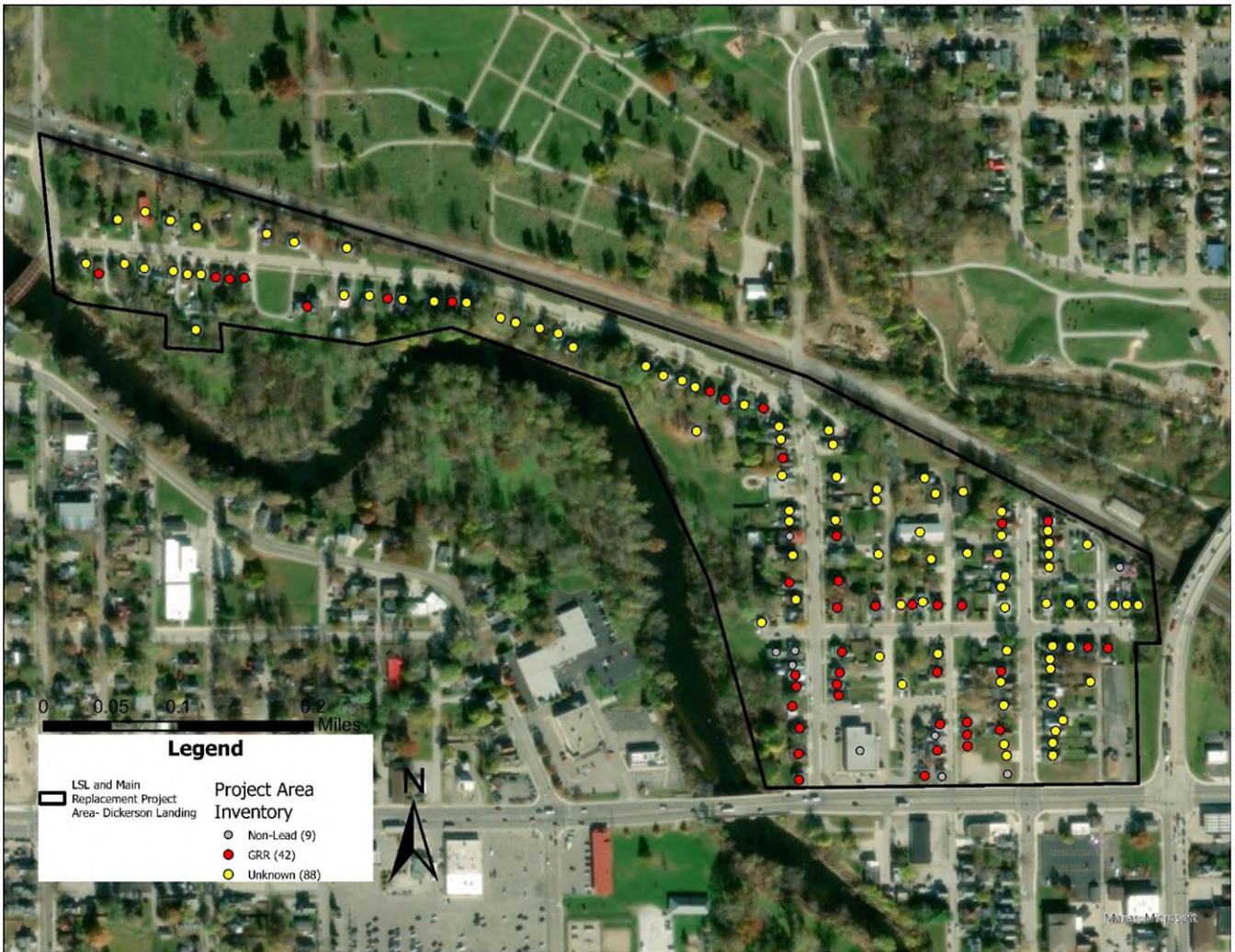


Figure 4-2: Project Location - Dickerson Landing Neighborhood

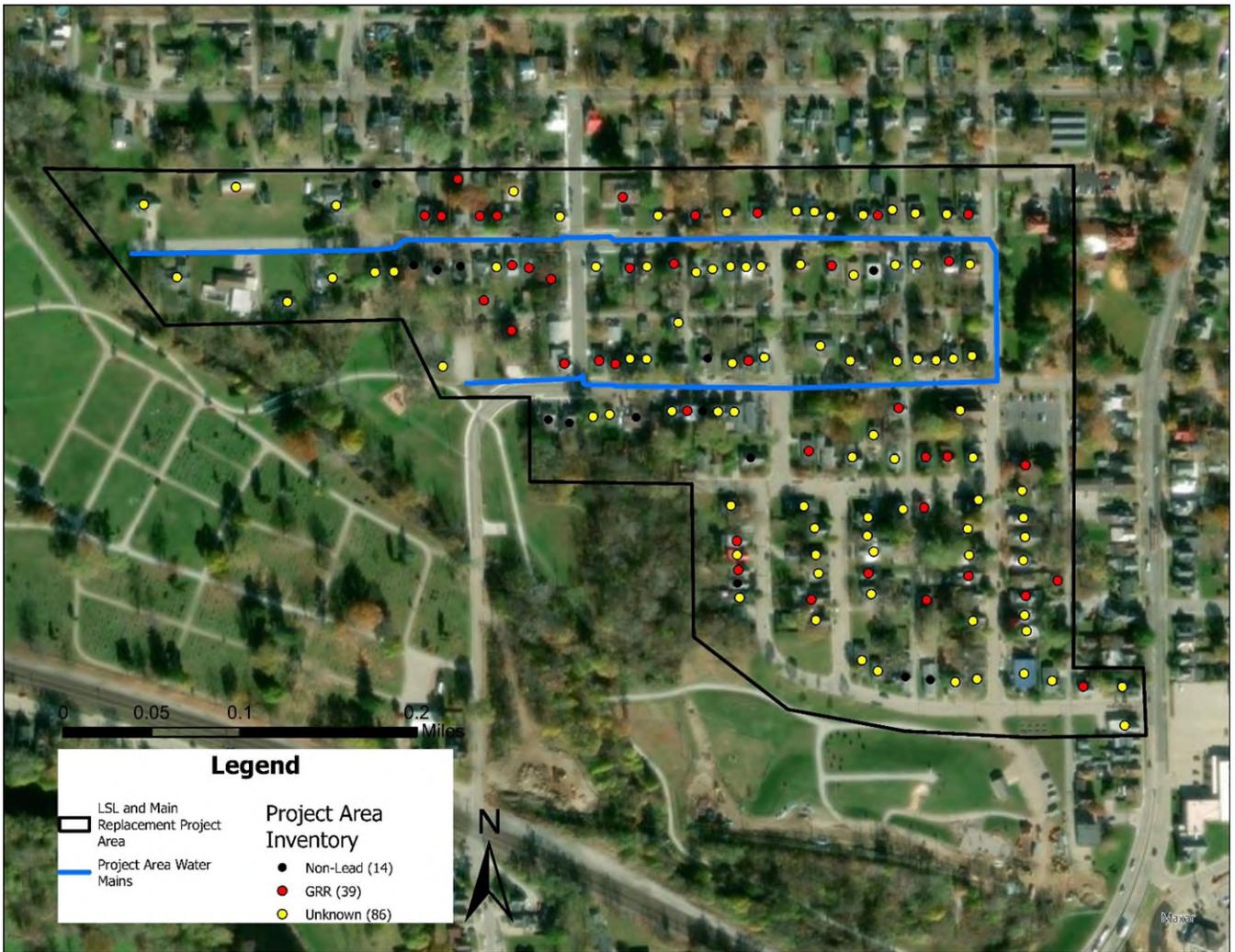


Figure 4-3: Project Location – Northside Neighborhood

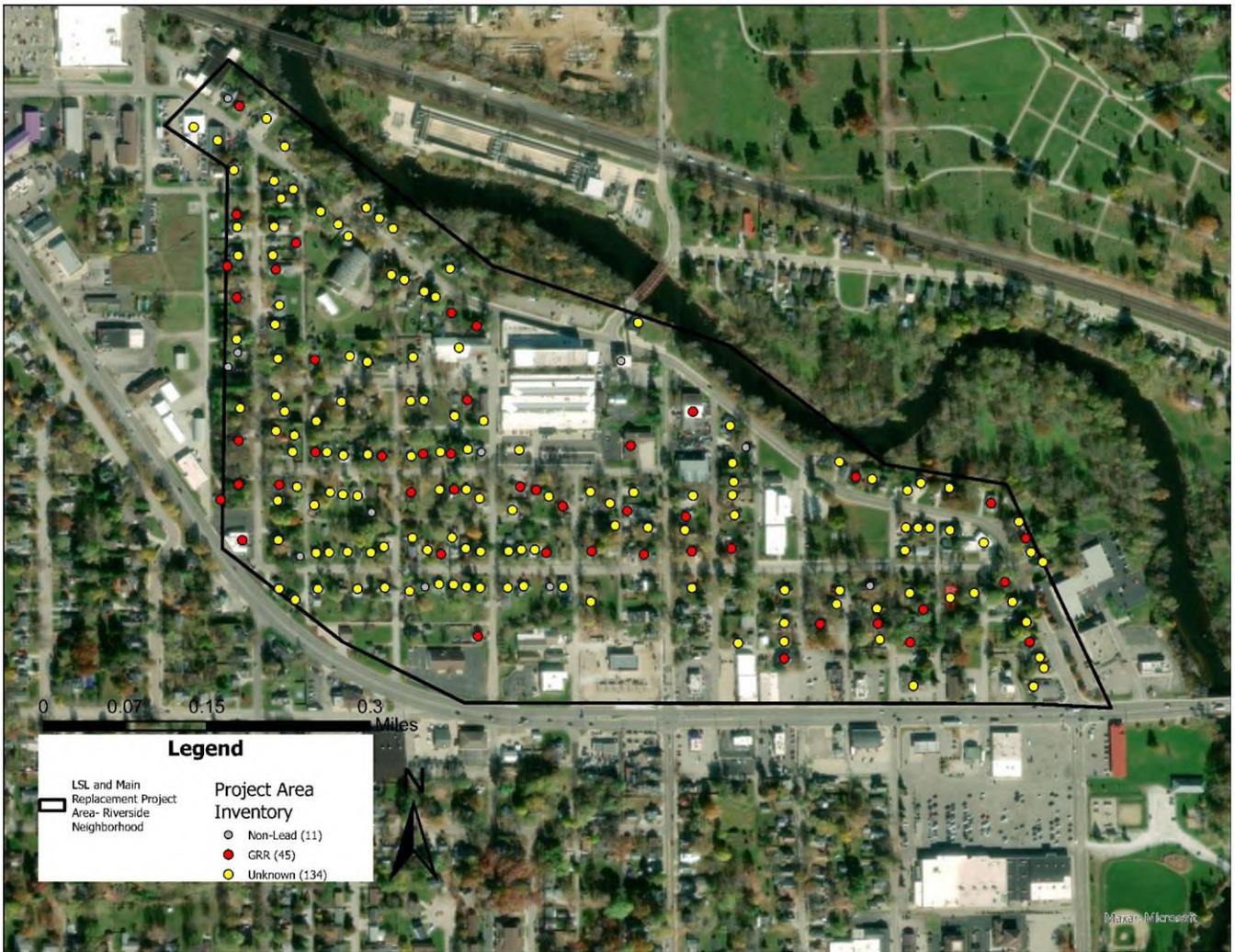


Figure 4-4: Project Location – Riverside Neighborhood



Figure 4-5: Project Location – Wilden Avenue

4.2 Disadvantaged Communities

The two census tracts within which the project is located are both considered disadvantaged according to IFA’s MHI criteria, as well as relative to other metrics including the CDC’s SVI. They are among the areas in Goshen with the lowest MHI and high social vulnerability. In addition, two childcare facilities are in the project area.

Table 4-1 provides an overview of the demographics in the project area. Every category emphasizes the challenges these neighborhoods face – especially compared to the state average. Additional detail is provided in the Disadvantaged Communities (DAC) Memo.

Table 4-1: Project Area - Disadvantaged Communities

Economic & Social Indicators	Census Tract 5.02²	Census Tract 2.01²	State Average
Median Household Income	\$49,678	\$39,580	\$67,173
Below Poverty Level	15%	23%	13%
Approx. Percent of Population over 65	15%	14%	16%
% Didn't Graduate High School 18-24 Years	22%	17%	14%
SVI Percentile Rank	69 th (medium to high)	96 th (high)	N/A
% Foreign Born	15%	21%	5%
% Lack Health Insurance	15%	12%	8%
% of Children under 5	7%	4%	6%

4.3 Project Description

Service Line Replacements

Through this project, Goshen will complete full replacements of all service lines requiring replacement within the defined project area. In general, both the utility and customer sides will be replaced, and replacements will run from the utility main to premise plumbing and include the service line connector / gooseneck. In some cases, the utility side was previously replaced but a customer-side GRR remains, and thus only the customer side will be replaced through this project. While no lead lines have been identified, there are lead connectors and galvanized lines requiring replacement.

Table 4-2 summarizes the service line materials specifically within the project area based on the current inventory. Figure 4-6 shows the service lines that do or may require replacement spatially.

² These census tracts are referred to as 18039000502 and 18039000201 in other contexts.

Table 4-2: Inventory of Service Lines within the Project Area

Service Line Material Category	Quantity
Known Lead	0
Known Lead Gooseneck	0
Galvanized Requirement Replacement (GRR)	142
Known Non-Lead	47
Unknown	347
Total Service Lines in Project Area	536

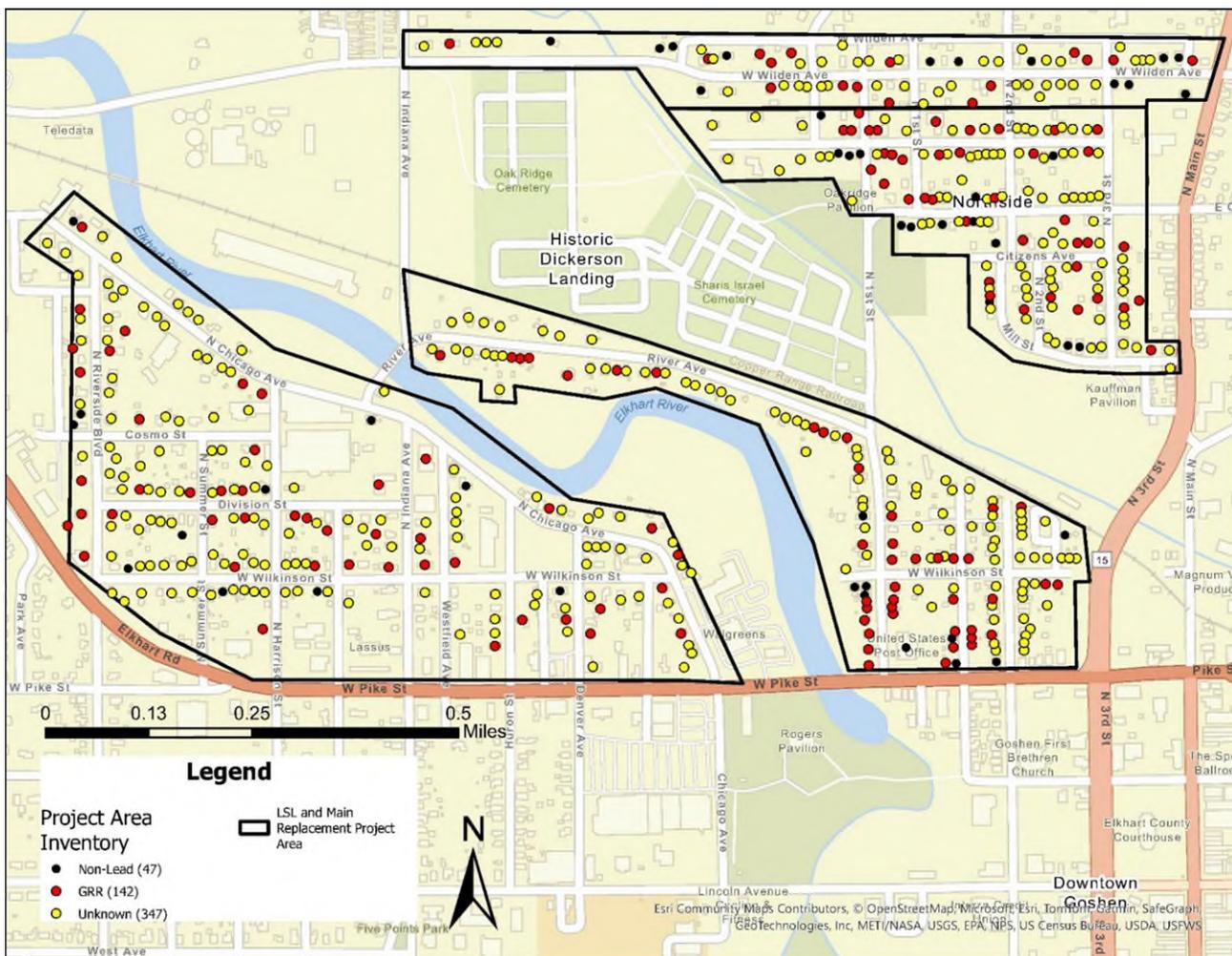


Figure 4-6: Map of Service Lines Within the Project Area

Based on the existing inventory, it is known that 142 service lines will need to be replaced. In addition, many of the service lines whose material is currently unknown will certainly require

replacement. Ninety-one percent of the service lines in the project area for which the material is known are known are GRR, and it is assumed that this high percentage will be encountered throughout the project area due to the age of the infrastructure and practices of the time. Therefore, cost estimates assume that this same percentage of 91% of the unknown service lines will need to be replaced.

The currently known GRRs (142) plus 91% of the unknowns (316) totals 458 service lines for which full replacements will be completed. Goshen has dedicated a staff member to identifying customer-side materials in the project areas, and so the list of required replacements will be known before construction begins. If fewer lines need replacing than are budgeted for, the utility will expand the boundaries of the project area to provide free full replacements to additional customers within these disadvantaged neighborhoods.

A contractor will complete construction engineering and perform the service line replacements using the trenching method. The project includes restoration of landscaping, sidewalks, curbs, and roads, and maintenance of traffic (MOT) when required. Goshen has been proactive and performed full service line replacements in the past when they have found a lead connector. Therefore, they have developed standard practices for LSLRs that will be applied for this project.

This project will obviously require work on customer property. Through previous work, Goshen has developed right-of-access forms for working on customer property. These forms and protocols will be used for this project.

There are a variety of communication and educational requirements when replacing service lines. Goshen has already developed and distributed many required educational materials including general information about lead and its potential health impacts and detailed flushing instructions, which will be used for this project. Additional needed notification and outreach materials have been identified through LSLR Plan development, including for notifying customer before and on the day of construction. These will be developed by Goshen outside of this proposed project. Goshen has also procured 400 pitcher filters that will be provided to customers after completion of the LSLRs.

Main Replacements

Many of the water mains in the Northside neighborhood were installed in or before 1933, and the City is concerned that issues and additional costs may arise when disturbing these connections. Thus, some mains in the project area will be replaced concurrent to service line replacement. This will leverage SRF funding to support the City's asset management program by replacing mains that are beyond their life expectancy. Table 4-3 summarizes the three segments of water main to be replaced. They total approximately 2,890 LF.

Table 4-3: Water Main Replacement Current Specifications

Pipe Location	Diameter (inches)	Material	Length (LF)	Installation Date
3rd Street - Queen St to Mill St	6	Cast Iron	330	1933 or Earlier
Oakridge Avenue - SR 15 to 1st St	6	Cast Iron	1,250	1933 or Earlier
Queen Street - Creek to 3rd St	6	Cast Iron/ Ductile Iron	1,310	1933 or Earlier

Main repair is a common practice for the utility, and the proposed water main work shall be completed in accordance with the utility standards of Goshen. The final design will include coordination with utilities and other City engineering departments.

The water main is expected to be installed by the open cut excavation method in a separate trench so that the existing mains can remain in service throughout construction. Abandonment of the existing water mains is also included but after the new water mains are installed, tested, and accepted by the City.

Other

To reduce costs and impact on customers, Goshen regularly coordinates with other City departments on project planning and execution. As such, the City has committed to completing approximately 2,530 LF of sanitary sewer, 3,540 LF of stormwater, and 6,100 LF of roadway improvements together with this project to address additional deficiencies in infrastructure in these neighborhoods. This additional work will be funded by the City, as it is understood it is not eligible for SRF funding. However, the SRF funding will be a catalyst to provide benefit beyond lead mitigation for these disadvantaged neighborhoods.

4.4 Project Costs

Project costs were developed by the City's asset manager and engineer. They incorporate costs and quotes from similar recent replacements and construction work.

Four tables summary project costs are provided:

- Table 4-4 summarizes project costs for service line replacements. These costs are eligible for principal forgiveness.

- Table 4-5 summarizes project costs for main replacements. These costs are eligible for SRF funding but not principal forgiveness.
- Table 4-6 presents total project costs, which include design, engineering, construction, construction management, and inspection.
- Table 4-7 summarizes costs for the co-located City work that is not eligible for SRF funding. These will be paid for by the City.

These costs correspond to a \$7,037,000 DWSRF loan request. \$5,762,000 of this is related to Service Line Replacements (LSLR) and thus understood to be eligible for principal forgiveness. The remaining \$1,275,000 will be for main replacements and therefore not eligible for lead-specific principal forgiveness.

Table 4-4: Construction Costs, Service Line Replacements

Item	Quantity	Unit Cost	Total Cost
Maintenance of Traffic	1	\$214,000	\$214,000
Water Service Line, 1.5" (LF)	12,700	\$80	\$1,016,000
Water Service Line, 1" (LF)	4,100	\$80	\$328,000
Water Service Connection Extension	458	\$1,500	\$687,000
Water Service Building Reconnection	458	\$5,000	\$2,289,000
Subtotal			\$4,534,000
Contingency 10%			\$453,000
Construction Totals			\$4,987,000
Construction Cost per Service Line			\$10,893

Table 4-5: Construction Costs, Main Replacements

Item	Quantity	Unit Cost	Total Cost
Maintenance of Traffic	1	\$42,000	\$42,000
Full Depth Pavement Removal	4,000	\$8	\$32,000
HMA, Type B, Surface, 9.5 mm	400	\$120	\$48,000
HMA, Type B, Intermediate, 12.5 mm	700	\$145	\$101,500
HMA, Type B, Base, 25.0 mm	1,000	\$90	\$90,000
Sidewalk, Concrete, 4"	800	\$65	\$52,000
Curb, Concrete	300	\$45	\$14,000
Temporary Erosion Control	1	\$45,000	\$45,000
Water Pipe, Remove	2,700	\$10	\$27,000
Compacted Aggregate, No. 53	1,300	\$50	\$65,000
Water Main, 8"	2,900	\$80	\$232,000
Gate Valve and Box, 8"	10	\$3,500	\$35,000
Water Main Fitting, Sleeve, 8"	4	\$3,000	\$12,000
Fire Hydrant Assembly	8	\$12,500	\$100,000
Subtotal			\$873,000
Contingency 10%			\$87,000
Construction Totals			\$960,000
Construction Cost per Linear Foot of Main			\$332

Table 4-6: Total Project Costs

Activity	LSLR-Related Cost (Eligible for Principal Forgiveness)	Main-Related Cost (Presumed Not Eligible for Forgiveness)	Total
Financial Advisor	\$25,000	\$35,000	\$60,000
Bond Counsel	\$35,000	\$45,000	\$80,000
Land & Right-of-Way Acquisition	N/A	N/A	\$0
Utility Relocation	Self-funded by Goshen	Self-funded by Goshen	\$0
AMP Preparation/Updates	Self-funded by Goshen	Self-funded by Goshen	\$0
Engineering Planning, Design, and Bidding Fee	\$260,000	\$80,000	\$340,000
Construction Management	\$130,000	\$30,000	\$160,000
Construction Inspection	\$130,000	\$80,000	\$210,000
Labor Standards Administration	\$25,000	\$15,000	\$40,000
Other (Public Outreach, Sampling, etc.)	Self-funded by Goshen	Self-funded by Goshen	\$0
Costs Related to Start Up	\$170,000	\$30,000	\$200,000
Non-Construction Costs Total	\$775,000	\$315,000	\$1,090,000
Construction Costs	\$4,987,000	\$960,000	\$5,947,000
Total Project Costs	\$5,762,000	\$1,275,000	\$7,037,000

Table 4-7: Costs Ineligible for SRF Financing that will be Funded by the City

Item	Total Cost
Sanitary Sewer Upgrades	\$810,000
Stormwater Upgrades	\$701,000
Roadway Repairs	\$827,000
Construction Total	\$2,338,000
Construction Contingency 10%	\$234,000
Non-Construction Costs	\$727,000
Total	\$3,299,000

4.5 Project Schedule

Table 4-8 describes the project milestones and estimated completion dates.

Table 4-8: Project Schedule

Project Milestone	Estimated Completion Date
SRF Application and PER Submittal	April 1, 2024
Anticipated PER Approval	August 30, 2024
Request for Proposals, Project Consultant	September 20, 2024
Consulting Contract Award and Notice to Proceed	October 15, 2024
Front End Document Certification Submittal to SRF	April 12, 2025
Bid Opening	April 25, 2025
Loan Closing	May 9, 2025
Construction Contract Award and Notice to Proceed	May 16, 2025
Begin Customer Communications	May 26, 2025
Initiation of Construction	June 2, 2025
Project Substantial Completion	July 31, 2026

4.6 Right-of-Way and Easements

The service line replacements included in this proposed project will occur on privately owned property. Therefore, property ownership or acquisition is not applicable. Instead, Goshen will obtain legal Right of Entry to perform the work. Goshen has right of way and/or easement for the main replacement work.

4.7 Green Project Reserve

The City of Goshen will not be pursuing the Green Project Reserve (GPR) Sustainability Incentive, therefore, no GPR checklist has been included with this report.

5 Environmental Impacts

5.1 Project Area

This chapter discusses the environmental impacts of this proposed infrastructure replacement project. Environmental impacts are expected to be minor, as these are established neighborhoods and no currently undeveloped land will be disturbed.

Section 4.1 includes aerial views of the project area. Figure 5-1 shows a topographic map of the project area. All work will be performed within the City of Goshen.

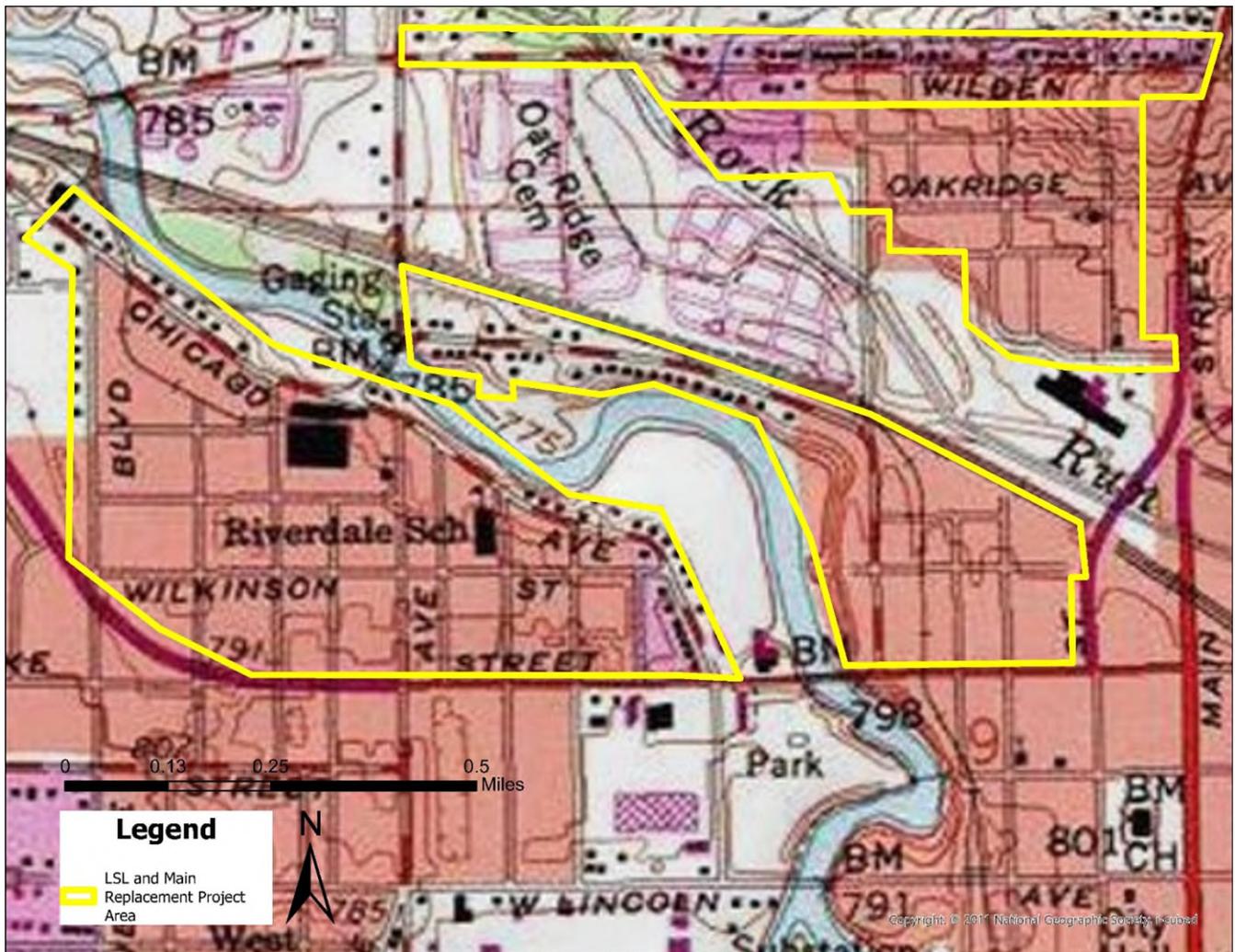


Figure 5-1: Topographic Map of Project Area

will not be completed during rain events, and so the duration and impact of disturbance will be minimized. Work will only be performed with the documented approval of the property owner.

The main replacements will take place in developed or previously disturbed land. As with all work on distribution mains, the utility will ensure all approvals and permits are in place before work begins. Erosion control will be used to minimize runoff.

Historical Properties

According to the National Register of Historic Places, there are nine historic properties in the City of Goshen. None of the historic properties are within the project area.

Portions of the Oakridge and Shearith Israel cemeteries are within the neighborhoods of the proposed project area. However, no work will be performed inside or within 250 feet and no disturbances will occur to the cemeteries.

Wetlands

According to the National Wetlands Inventory, small portions of the Northside and Wilden Avenue neighborhoods overlap a freshwater forested/shrub wetland, as shown in Figure 5-3. However, all service line work will be performed on existing properties – between the home and roadway, and all main replacements will occur within existing roadways. Therefore, this wetland will not be impacted. The Dickerson Landing and Riverside neighborhoods border a riverine area, but again no work will be performed within riverine boundaries.

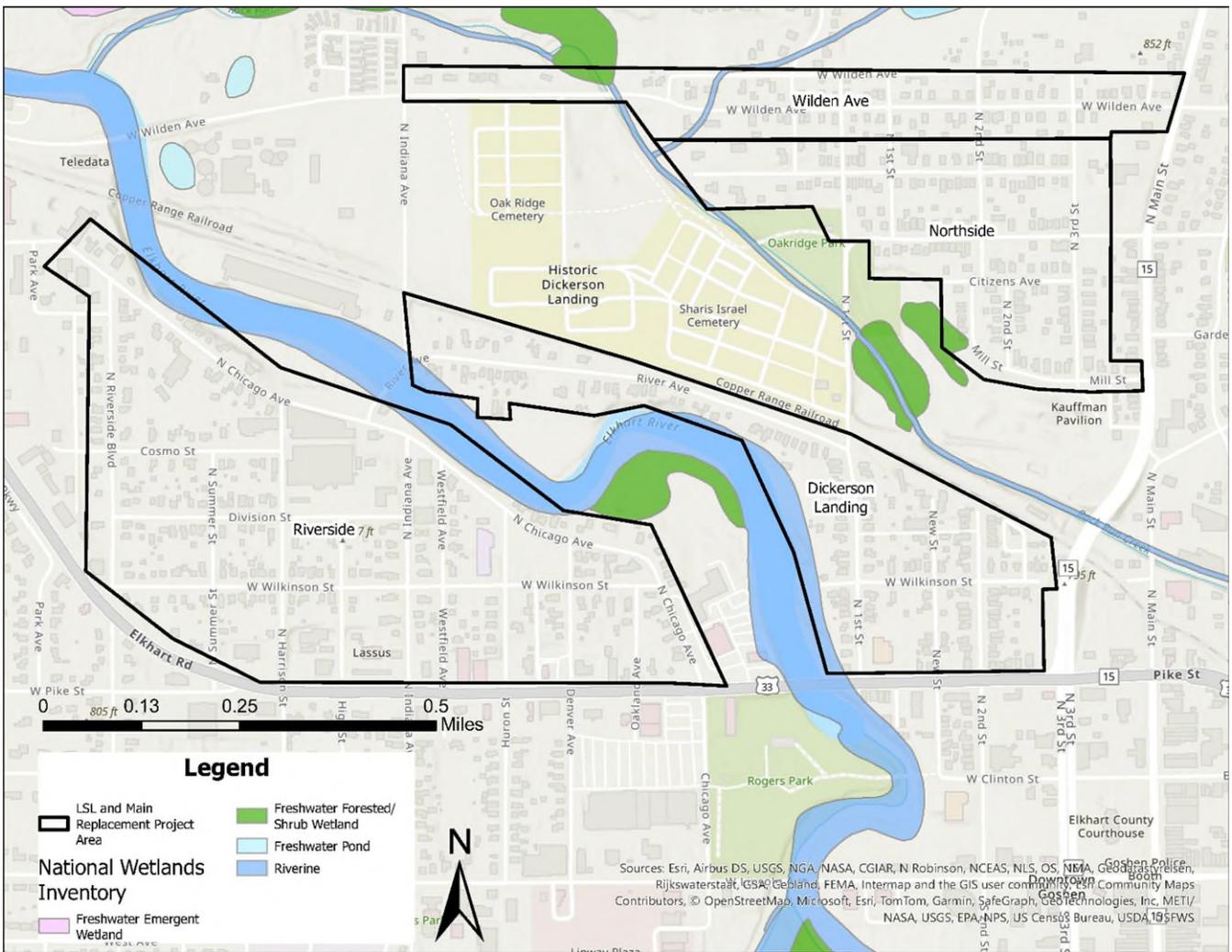


Figure 5-3: Wetlands Near the Project Area

Surface Waters

The project will not adversely affect waters of high quality listed in 327 IAC 2-1-2(3), exceptional use streams listed in 312 IAC 2-1-11 (b), Natural, Scenic and Recreational Rivers and Streams listed in 312 IAC 7-2, Salmonid Streams listed in 327 IAC 2-1.5-5(a)(3), or waters on the Outstanding Rivers list (Natural Resources Commission Non-rule Policy Document).

The Dickerson Landing neighborhood is adjacent to the Elkhart River, and the Riverside neighborhood is near the River. However, only service line replacements will occur in these neighborhoods. As noted, these replacements will have minor disturbance area and duration, will not occur during rain events, and all disturbed land will immediately be remediated. Therefore, no adverse impact on water quality is expected.

Rock Run Creek runs through the Wilden Avenue neighborhood, but again only service line replacements will be performed and so no negative impact is expected. The Northside

neighborhood, in which main replacements will occur, runs near the creek. However, there will be no creek crossings or work adjacent to the creek, and erosion control will be used to mitigate any potential runoff.

Groundwater

This project is within the area defined as the St. Joseph Sole Source Aquifer area, as shown in Figure 5-4. However, the proposed project will be near the surface – at most 8 feet below ground level, and thus should not impact groundwater in that way. Also, erosion control will be used to mitigate any potential runoff from project sites, and thus water quality should not be impacted.

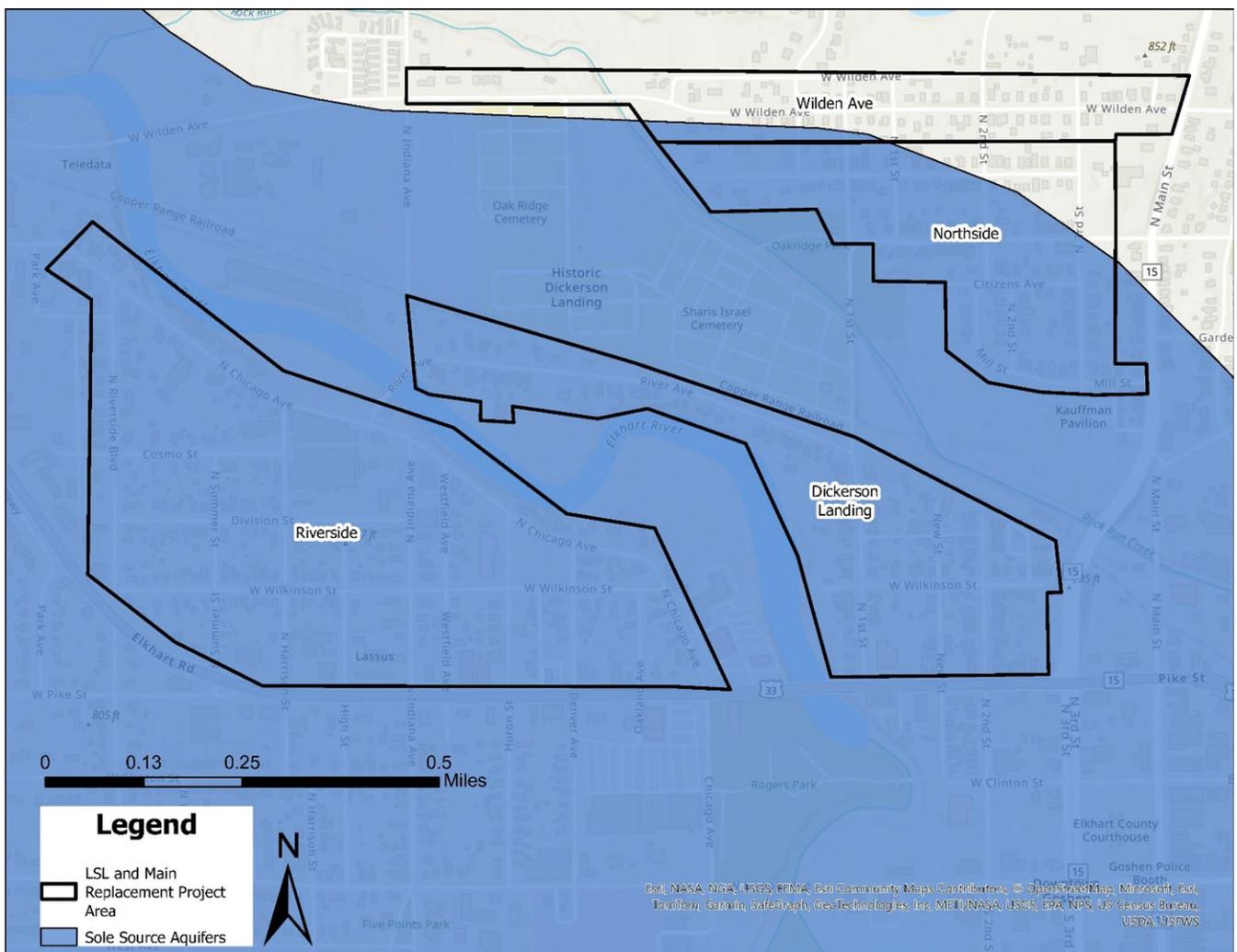


Figure 5-4: Groundwater Near the Project Area

There are no Karst landscapes near the project area.

100-Year Floodplain

Based on the Federal Emergency Management Agency Flood Map Service Center's FIRMette, portions of the Wilden Avenue project area are in the 100-year floodplain. The City of Goshen is aware of the hazards of locating structures in areas subject to the base flood. However, no new infrastructure will be built through this project. As the residences, roads, and water mains to be replaced are located in existing neighborhoods and in situ, it is not a reasonable alternative to relocate outside of the 100-year flood plain.

Plants and Animals

The service line portion of the proposed project will be within residents' yard and will primarily impact the resident's grass and landscaping. Disturbance of the lawn and plants will be minimized and mitigated upon completion of the LSL replacement. No known endangered species are present in the project areas. The main replacement will take place within existing roadways and easements largely without vegetation, and disturbance of vegetation will be minimized to the greatest extent possible.

Farmland

The proposed project area LSL replacements within this proposed project will not occur on or near any farmland. Confirmation by the National Resources Confirmation Service (NRCS) is provided in Appendix E.

Air Quality

This project may have limited short-term air quality impacts (e.g., noise, dust, odors, and airborne contaminants) during construction activity adjacent to the service line or main replacement work. It will be mitigated as feasible.

Open Space and Recreational Opportunities

The project's construction will be confined to residential property and easements and will neither create nor destroy open space or recreational opportunities.

Lake Michigan Coastal Management Zone Impacts

The proposed project is not within the Lake Michigan Coastal Management Zone.

National Natural Landmarks Impacts

The proposed project will not impact National Natural Landmarks.

5.3 Mitigation Measures

The City will follow policies and procedures for minimizing any potential environmental impacts. Erosion control will be applied for main replacements, and measures to reduce the creation of dust, odor, airborne contaminants, and other nuisances from construction activities will be applied as appropriate. Additionally, any disturbed land will be immediately restored. As noted, it is expected that these will be minimal due to the nature of the project (service line replacing primarily using a boring technique, and main replacements in existing easements).

5.4 Induced/Secondary Impacts

The City of Goshen, through local zoning laws, the authority of its council or planning commission, or other means, will ensure that future development and utility projects connecting to SRF-funded facilities will not adversely affect wetlands, wooded areas, steep slopes, archaeological/historical/structural resources, or other sensitive environmental resources. The City of Goshen will require new development and utility projects to be constructed within the guidelines of the United States Fish and Wildlife Service, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and other environmental review authorities.

6 Public Participation and Legal, Financial, and Managerial Capabilities

6.1 Public Participation

Public Hearing

A public hearing was held on March 25, 2024, as part of the Common Council meeting. Announcement of the hearing was provided in the newspaper, and the topic was included on the Council meeting agenda.

Newspaper Notice

The Public Hearing notice was publicized in the Goshen News using the template provided by IFA. This allowed for the 10-day review period before the Public Hearing. As required, it stated the time and location of the Public Hearing, stated that the PER was available for public review, provided information on how to obtain the PER, and stated how written comments could be submitted. The PER will be maintained at the Engineering Office. This notice is provided in Appendix C.

Public Hearing Documentation

The official meeting minutes will not be released by the time of this application submission. Goshen will provide IFA with the Public Hearing sign-in sheet and meeting minutes as soon as available.

Public Comments

Due to the timing of the Public Hearing, Goshen will not be able to compile and respond to written comments submitted by the public before the SRF application is submitted. All comments received and associated responses will be provided to IFA once available. If no comments are received, that will be conveyed to IFA.

6.2 Managerial Resolutions

The signed Signatory Authorization Resolution and the PER Acceptance Resolution, signed by the City Mayor, are provided in Appendix A.

6.3 Financial Information

The City of Goshen has completed a dedicated financial analysis and determined they have the managerial and financial capabilities to finance and manage this project. The SRF Financial Information Form is provided in Appendix B.

6.4 Utility Regional Planning Meetings

The City of Goshen last participated in a utility regional planning meeting on May 4, 2023 and will continue to attend regional planning meetings on an annual basis, pursuant to IC 5-1.2-11.5-6.

6.5 Asset Management Program

The City of Goshen has a Capital Asset Management Plan (AMP) that meets or exceeds the requirements in Senate Enrolled Act 362 and the guidelines required by the IFA. The AMP certification form is included as Appendix C.

6.6 Water Loss Audit

In accordance with IC 8-1-30.8-8, Indiana utilities are required to submit a validated water loss audit to IFA for compilation into a biennial report to the General Assembly in every even numbered year. The City of Goshen submitted the required audit in 2022. The water loss audit for 2024 has been completed and will be submitted by the regulatory deadline.

Appendix A

Resolutions

Signed resolutions will be added after approval at the March 25, 2024 City Council Meeting.

Appendix B

Financial Information Form

DRINKING WATER SRF PROJECT FINANCING INFORMATION

Proposed Project Costs

a.	Water Supply/Wells cost	<u>\$ 0</u>
b.	Treatment System cost	<u>\$ 0</u>
c.	Water Storage cost	<u>\$ 0</u>
d.	Transmission/Distribution System cost	<u>\$ 873,000</u>
e.	Lead Service Line Replacement cost	<u>\$ 4,534,000</u>
f.	Subtotal Construction Cost	<u>\$ 5,407,000</u>
g.	Contingencies (should not exceed 10% of construction cost)	<u>\$ 540,000</u>
h.	Non-construction cost e.g., engineering, legal, and financial services related to the project, land costs, start-up costs, and construction inspection	<u>\$ 1,090,000</u>
i.	Total Project Cost (lines f+g+h)	<u>\$ 7,037,000</u>

Ineligible costs (see below) \$ 0

Proposed Funding Information

a.	Requested SRF Financing	<u>\$ 7,037,000</u>
b.	Co-Source: _____	<u>\$ _____</u>
c.	Co-Source: _____	<u>\$ _____</u>
d.	Co-Source: _____	<u>\$ _____</u>
e.	Total Funding Sources	<u>\$ 7,037,000</u>

CALCULATIONS FOR INELIGIBLE COSTS

The following are not eligible for Drinking Water SRF reimbursements:

1.	Materials & work done on private property	<u>\$ N/A for LSLRs</u>
2.	Grant applications and income surveys completed for other agencies	<u>\$ 0</u>
3.	Project components with the primary intent of promoting economic development and growth	<u>\$ 0</u>
4.	Project components with the sole purpose of providing fire protection Expenses incurred as a part of forming RWDs, CDs, etc., or changing boundaries, or other non-SRF District activities	<u>\$ 0</u>
5.	Costs for preparing Wellhead Protection Plans and other tasks unrelated to the SRF project	<u>\$ 0</u>
6.	Cleaning of equipment or other routine operation and maintenance activities.	<u>\$ 0</u>
7.	Total Ineligible Costs	<u>\$ 0</u>

Appendix C

Asset Management Program Certification Form

**State Revolving Fund Loan Program
Asset Management Program Certification Form
Inclusive of
Fiscal Sustainability Plan Certification**

(To be submitted either at the time of loan closing or no later than the final disbursement of a Participant's loan proceeds)

Participant Name City of Goshen		
Street Address 204 E. Jefferson St		P. O. Box Number
City Goshen	State Indiana	Zip Code 46528

Indiana Code 5-1.2-10-16 requires a Participant that receives a loan or other financial assistance from the State Revolving Fund Loan Program (SRF) to certify that the Participant has documentation demonstrating it has the financial, managerial, technical and legal capability to operate and maintain its water or wastewater collection and treatment system. A Participant must demonstrate that it has developed an asset management program as defined in the Indiana Finance Authority's (Authority) Asset Management Program Guidelines.

Section 603(d)(1)(E) of the Federal Water Pollution Control Act (FWPCA) requires a recipient of a loan for a project that involves the repair, replacement, or expansion of a publicly owned treatment works to develop and implement a Fiscal Sustainability Plan (FSP). The requirement pertains to those portions of the treatment works paid for with Clean Water SRF Loan Funds.

The Asset Management Program (AMP) shall be inclusive of the requirements of the FSP for Wastewater and Drinking Water projects and shall include at a minimum the following: (1) A system map (2) An inventory and assessment of system assets (3) development of an infrastructure inspection, repair, and maintenance plan, including a plan for funding such activities (4) an evaluation and implementation of water and energy conservation efforts (5) An analysis of the customer rates necessary to support the AMP (6) Audit performed at least every two years (7) Demonstration of the technical, managerial, legal and financial capability to operate and maintain the system, per the guidelines established by the Authority.

I hereby certify that I am an authorized representative for the above listed Participant and pursuant to IC 5-1.2-10-16 and Section 603(d)(1)(E), the Participant has developed and is implementing an AMP (inclusive of the requirements of an FSP) that meets the requirements established by the Authority. Upon the request of the Environmental Protection Agency (EPA) or the Indiana SRF, the Participant agrees to make the AMP (which includes the FSP requirements) available for inspection and/or review.

Participant's estimated capital asset needs in the next 5 years: \$61,635,557.00

	3.15.24
Signature of Authorized Representative	Date
	574-534-2201 / dustinsailor@goshencity.com
Printed Name	Phone Number/Email Address

Appendix D

Public Hearing Documentation

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877)253-7755
Fax (765)648-4229

ORDER CONFIRMATION

Salesperson: ANGIE KULCZAR

Printed at 03/15/24 10:16 by akulc

Acct #: 180436

Ad #: 1875600

Status: New

CITY OF GOSHEN ENGINEERING DEPT
MELISSA MEADE
204 E JEFFERSON ST
GOSHEN IN 46528

Start: 03/16/2024 Stop: 03/16/2024
Times Ord: 1 Times Run: ***
LEG 2.00 X 28.00 Words: 256
Total LEG 56.00

Class: 105 PUBLIC NOTICES
Rate: LGOVT Cost: 31.15

Ad Descrpt: MARCH 25TH HEARING

Descr Cont: NOTICE OF PUBLIC HEARING

Given by: *

P.O. #:

Created: akulc 03/15/24 10:13

Last Changed: akulc 03/15/24 10:15

Contact:

Phone: (574)534-2201

Fax#:

Email: melissameade@goshencity.com

Agency:

PUB ZONE EDT TP RUN DATES
NEWS NEW 95 S 03/16
NEOL NEW 95 S 03/16

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

NOTICE OF PUBLIC HEARING

The City of Goshen has employed the services of Arcadis, U.S., Inc. to prepare a Preliminary Engineering Report (PER) to obtain financial assistance from the Drinking Water State Revolving Fund (DWSRF) Loan Program. A public hearing will be held at the Goshen Common Council's regular meeting on Monday, March 25, 2024, at 6:00 p.m. (local time) in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana. The City of Goshen's Engineering Department will present the recommended upgrades to Goshen's drinking water infrastructure in the North Goshen residential community bounded by SR 15 (East), Wilden Avenue (North), Riverside Blvd. (West), and Pike Street (South). The distribution system improvements will primarily focus on replacement of aging residential service-lines that are believed to have a short (approximately 2 ft.) flexible lead pipe connection to the main. The project will also replace select distribution mains due to age, as described in the PER. The project will be funded through a DWSRF loan.

At this hearing, there will be the opportunity for questions and comments from the public. Participation is welcomed and encouraged. Copies of the PER are available for public viewing from March 15, through March 30, 2024 at the Goshen Engineering Office, 204 East Jefferson Street, Suite 1, Goshen, Indiana 46528. Written comments regarding this project should be sent to City of Goshen Engineering, Attention: Jamey Bontrager-Singer, 204 East Jefferson Street, Suite 1, Goshen, Indiana 46528, or Jameybsinger@goshencity.com prior to March 31, 2024.

March 16 hspaxlp

Meeting minutes and agenda will be provided after the Common Council meeting on March 25, 2024 at which the PER will be discussed. A summary of public comments and responses will be provided after the comment period closes on March 30, 2024.

Appendix E

Natural Resources Conservation Service (NRCS) Determination

The Farmland Conversion Impact Rating Form will be inserted when the National Resources Confirmation Service provides signed confirmation of their decision.

SUBJECT

City of Goshen, Indiana
Disadvantaged Communities (DAC) Memo
DWSRF Funding Application: Service Line and Main Replacements

DATE

March 19, 2024

PREPARED BY

Arcadis U.S., Inc.
55 Monument Circle, Suite 300B
Indianapolis, IN 46204
Phone: 317-236-2844

PREPARED FOR

City of Goshen, IN
204 East Jefferson Avenue
Goshen, IN 46528
Phone: 574-534-2201

Introduction

The City of Goshen Water Utility prioritizes public health and effective utility management, and they began addressing lead well before the Lead and Copper Rule Revisions (LCRR) required them to do so. The proposed project will result in full replacement of 458 lead or galvanized requiring replacement (GRR) service lines in disadvantaged neighborhoods, at no cost to those customers. Some of these lines are connected to mains installed in 1933 or even earlier and the City is concerned that issues and additional costs may arise with the mains when disturbing these connections. Thus, 2,890 linear feet of distribution mains in the project area will be replaced concurrent to service line replacement. This will leverage SRF funding to support the City's asset management program by replacing mains that are beyond their life expectancy. In addition, while no work was planned in these neighborhoods in the short term, the City will commit its own funds to complete sanitary sewer, stormwater, and roadway repairs in conjunction with this project. Thus, SRF funding would motivate investment and revitalization in these underserved neighborhoods.

Census Area Impacted

The City’s median household income (MHI) of \$52,233 falls below the Indiana Finance Authority’s (IFA’s) threshold of \$53,800 for being considered disadvantaged, and three of the ten census tracts within Goshen’s service area are considered disadvantaged based on MHI. Looking beyond income to another marker of social vulnerability, five of the ten census tracts within the City of Goshen’s service area have a Social Vulnerability Index (SVI) over 75%, an indicator of stressors on human health calculated by the Center for Disease Control (CDC). Figure 1 shows the utility’s service area relative to these metrics.

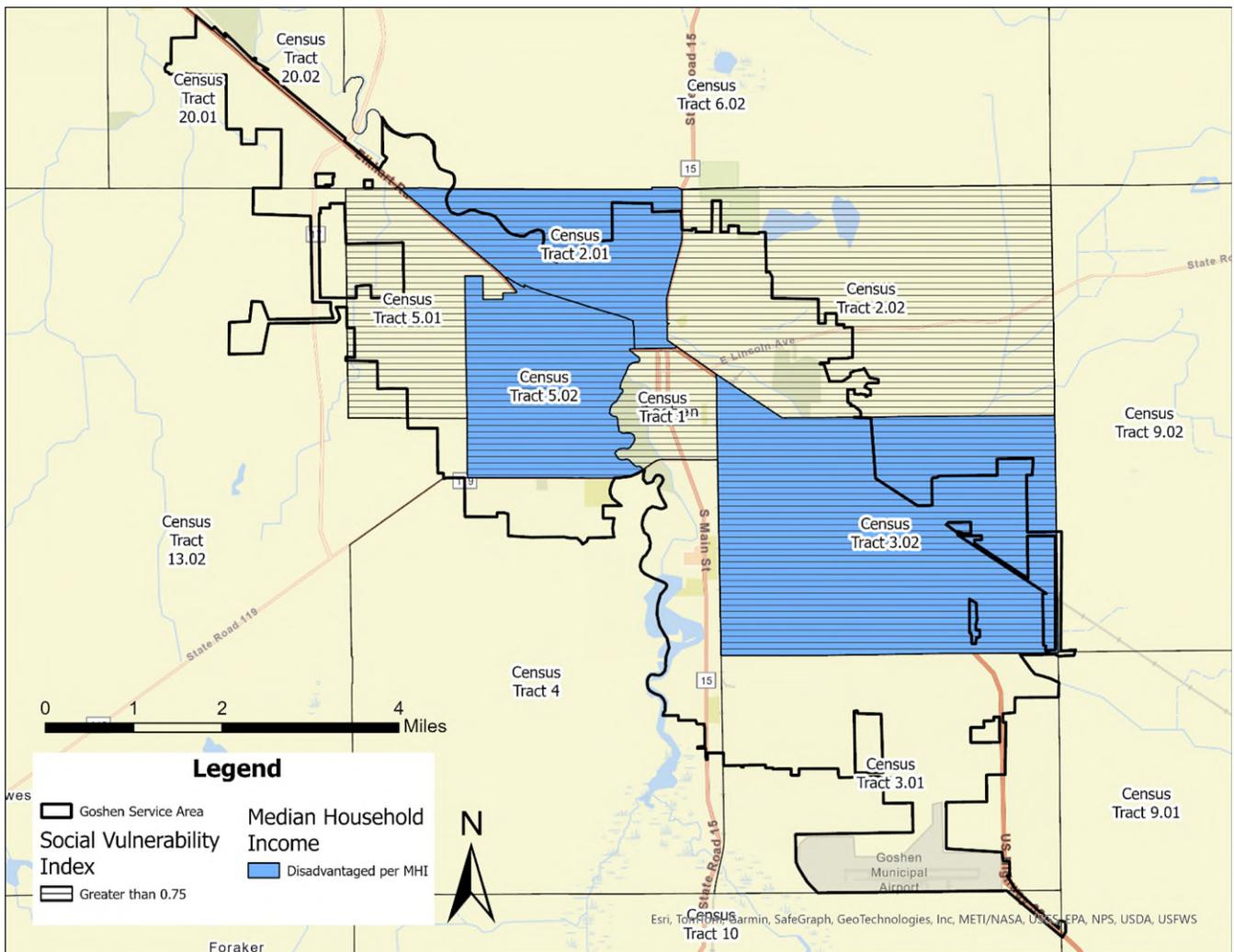


Figure 1: Census Tracts within Goshen’s Service Area

Figure 2 zooms into the census tracts considered disadvantaged according to one or more metric, with the various metrics indicated by patterns or blue coloring within the polygons. The figure also shows the service lines that Goshen knows will need to be replaced based on the existing inventory. Approximately 82% of known lines requiring replacement are within these underserved census tracts, which is common because disadvantaged communities are often located in older areas built before the ban on lead lines. Thus, while the number of service lines requiring replacement will increase as service line materials are identified for lines that are currently

unknown, the distribution of the most LSLs/GRRs located in disadvantaged areas is expected to remain the same.

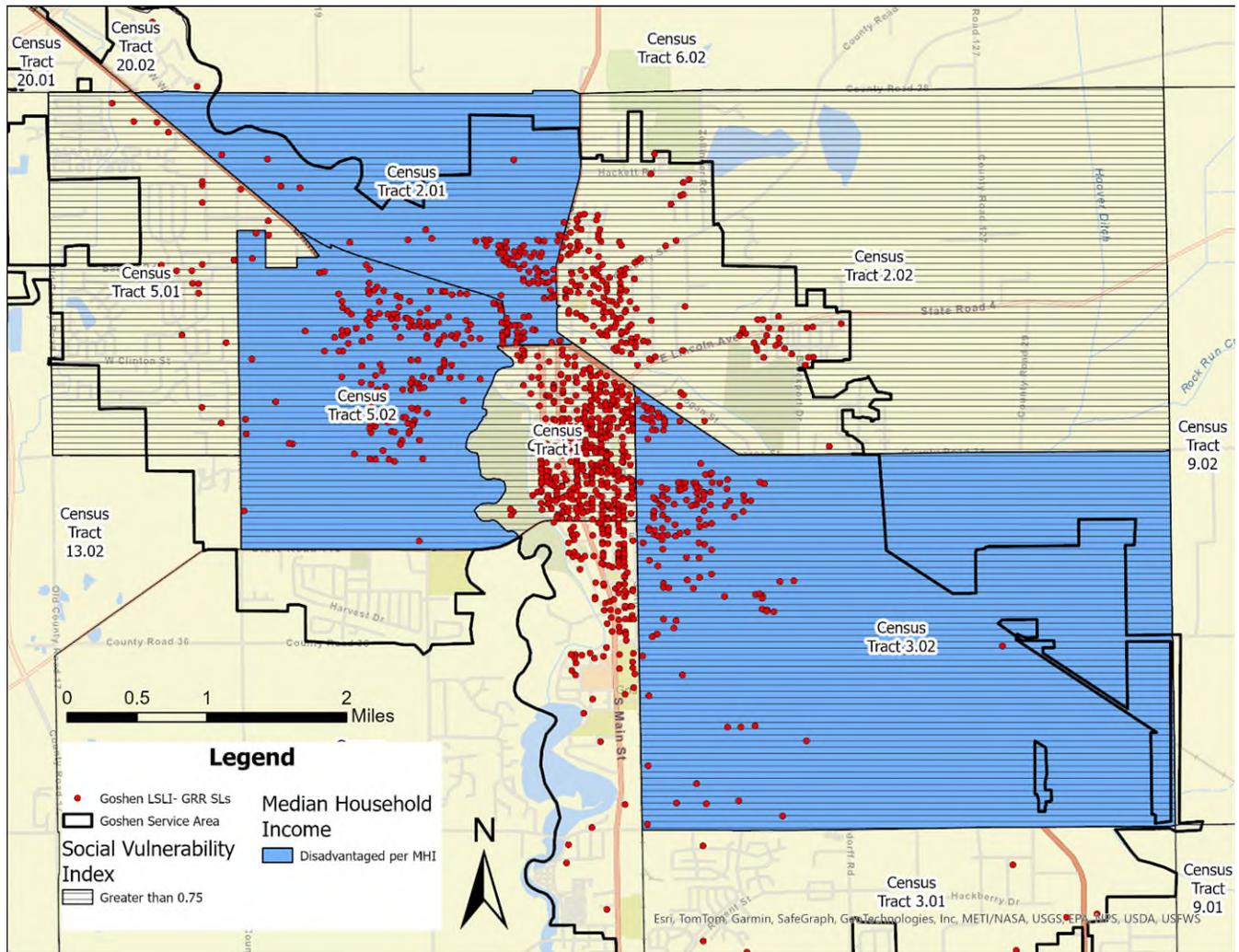


Figure 2: Galvanized Service Lines Requiring Replacement Relative to Disadvantaged Communities

All project work will be performed within the City of Goshen in two census tracts: 2.01 and 5.02. These are among the most disadvantaged in the service area. As shown in Table 1, these two census tracts are considered disadvantaged relative to MHI as well as other social vulnerability metrics including poverty level, education attainment, place of birth, age, and health care coverage. Census Tract 5.02 has a high percentage of children, and there are two childcare facilities in the project area. Children are of particular concern for lead exposure. All values are based on the U.S. Census Bureau’s American Community Survey.

Table 1: Social Vulnerability Measures for the Census Tracts included in this Project

Economic & Social Indicators	Census Tract 5.02 ¹	Census Tract 2.01 ¹	State of Indiana
Median Household Income	\$49,678	\$39,580	\$67,173
Below Poverty Level	15%	23%	13%
% Didn't Graduate High School 18-24 Years	22%	17%	14%
SVI Percentile Rank	69th (medium-high)	96 th (high)	N/A
% Foreign Born ²	15%	21%	5%
% Lack Health Insurance	15%	12%	8%
Approx. Percent of Children under 5	7%	4%	6%
Approx. Percent of Population over 65	15%	14%	16%
Approx. Percent of Goshen's/Service Area Population	15%	9%	N/A
Work being conducted	LSL & GRR replacements	LSL & GRR replacements Water main replacement Sewer, stormwater, and roadway repairs (funded by the City)	N/A

Table 1 also summarizes the work that will be performed in each census tract. Through this project, Goshen will complete full replacements of all service lines requiring replacement within the defined project area. To date, 91% of the service lines for which materials are known in these census tracts are GRRs. In addition, very old water mains (built in or before 1933) will be replaced in Census Tract 2.01, and the City has committed to completing and funding upgrades to sewer and stormwater infrastructure and roadways in Census Tract 2.01 in conjunction with this project. This will provide much needed revitalization to this underserved neighborhood.

Figure 3 shows the proposed project areas, indicated by hashing, relative to these two census tracts.

¹ These census tracts are referred to as 18039000502 and 18039000201 in other contexts.

² The City of Goshen has a large percentage of residents for whom English is not the primary language.

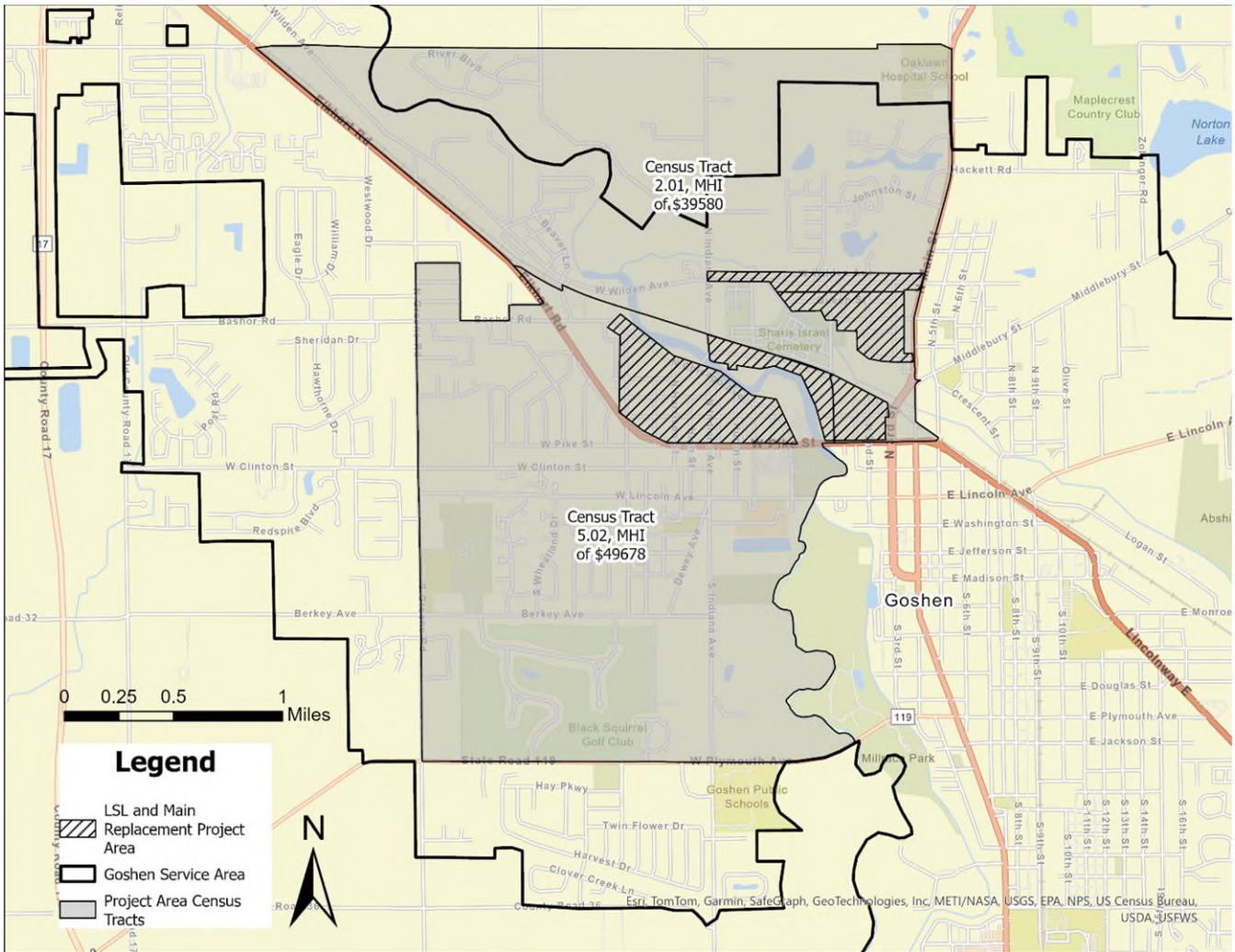


Figure 3: Project Area

Service Area Overlay

The utility's service area, shown in Figure 4, is largely aligned with the City boundaries, though a small number of developments outside of the City limits are served. The proposed project area, shown with hashing, is entirely within City limits.

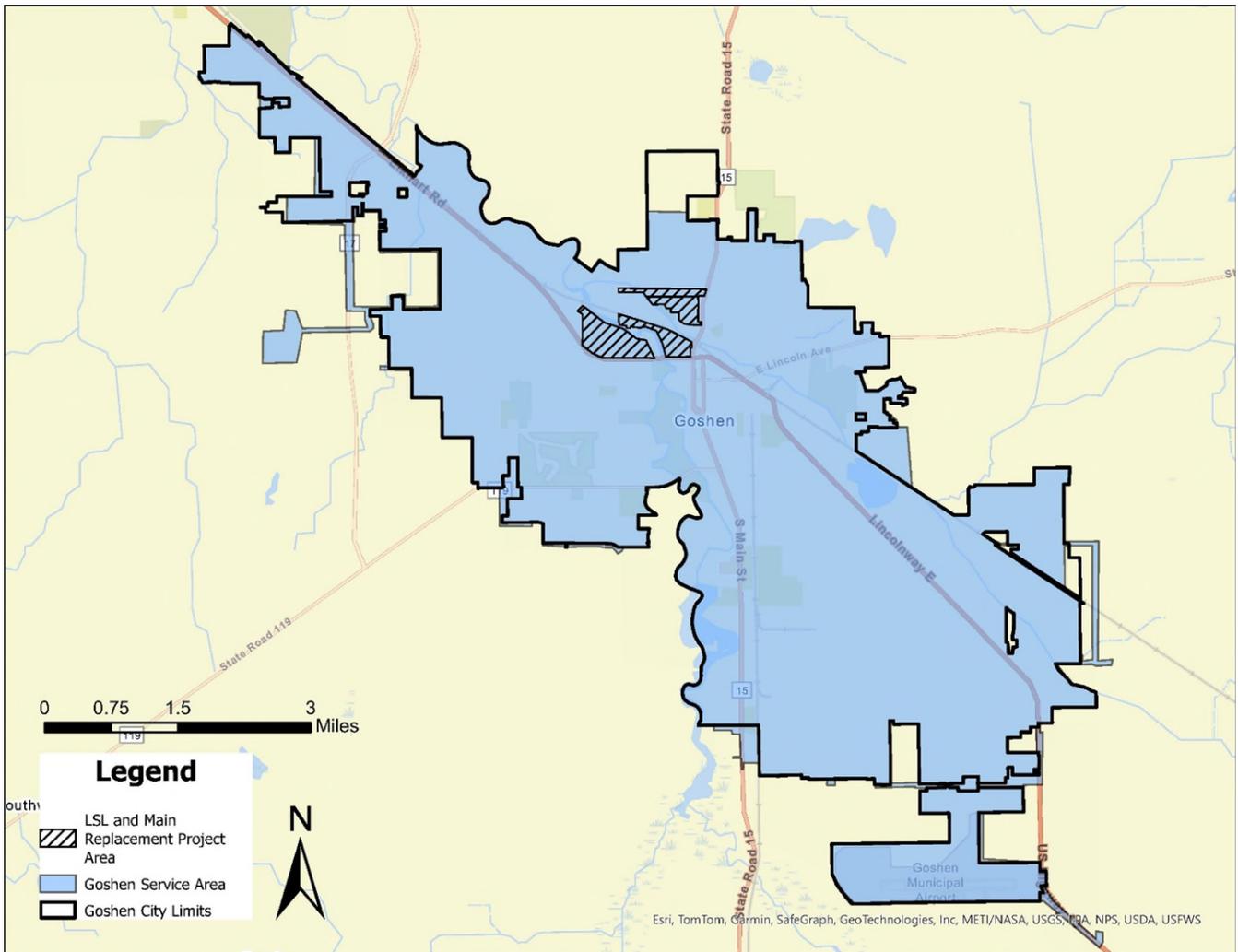


Figure 4: City Boundaries and Utility Service Area

Summary Table

Table 2 summarizes the construction costs for the various project elements. Only the first two rows (service line and main replacements) are included in the requested loan amount. The sewer, stormwater, and roadway improvements will be funded separately by the City.

Table 2: Construction Cost by Census Tract

Project Component	Location of Users Benefitting from Project Component	Component Construction Cost, including Construction Contingencies	Non-Construction Costs	Total
Service Line Replacements	Census Tracts 2.01 and 5.02, within City limits	\$4,987,000	\$775,000	\$5,762,000
Distribution System Improvements: Main Replacement	Census Tract 2.01, within City limits	\$960,000	\$960,000	\$1,275,000
Sanitary Sewer, Stormwater, and Roadway Improvements	Census Tract 2.01, within City limits	\$2,572,000 (Will be paid for by the City - not using SRF funding)	\$727,000	\$3,299,000



APPLICATION FORM

Drinking Water State Revolving Fund Loan Program (DWSRF)

Return completed form to:
DWSRF Administrator
100 North Senate Avenue, Rm. 1275
Indianapolis, IN 46204

Section I. APPLICANT and SYSTEM INFORMATION

1. Applicant Name (community or water system name): Goshen Water Utility
2. Type of Applicant (check one):

<input checked="" type="checkbox"/> Municipality (City, Town, County, Township)	<input type="checkbox"/> For-profit Utility
<input type="checkbox"/> Regional Water District	<input type="checkbox"/> School
<input type="checkbox"/> Non-profit Water Corporation	<input type="checkbox"/> Other _____
3. Public Water Supply ID Number: IN5220009
4. Location of the Proposed Project: City / Town: Goshen, IN
 County(ies): Elkhart Civil Township(s) : N/A
 State Representative District: 49, 21, 18 State Senate District: 12 Congressional District: 2
5. Population Served (<https://myweb.in.gov/IDEM/DWW>): 35,000
6. Population Trend (<http://data.census.gov>): Increasing Decreasing
7. Median Household Income for Service Area (<http://data.census.gov>): \$52,233
8. Unemployment Rate Data (<http://data.bls.gov>): 4.1 (January 2024) Elkhart-Goshen
9. Number of Connections (Current): 11,620 (Post-Project): 11,650
10. Current User Rate/4,000 gal.: \$34.23 Estimated Post-Project Rate/4,000 gal.: \$35.50
11. Average Residential User Bill for the last 12 months: \$30.15
12. Is the utility regulated by the Indiana Utility Regulatory Commission (IURC)?: Yes No
13. Applicant's Unique Entity Identifier¹: MNG6ZLPL6945
14. Does the Utility have any Interlocal agreements?: Yes No
 If yes, will they expire after final maturity of the SRF Loan?: Yes No
 If no, agreements will need to be renewed to ensure they expire after the final maturity of the SRF Loan.

Section II. CAPACITY DEVELOPMENT

Pursuant to the Safe Drinking Water Act, a DWSRF Loan Program Participant must certify that the Participant possesses the technical, managerial, and financial capacity to operate the water system or that the DWSRF Loan Program assistance will ensure compliance with the Safe Drinking Water Act (40 CFR 35.3520(d)(2)).

1. Does your system currently possess technical, managerial and financial capacity? Yes No
2. If no, will technical, managerial and financial capacity be achieved after the implementation of the water system's DWSRF project? Yes No

To assess the technical, managerial, and financial capacity of the water system, the Participant is encouraged to complete the "Indiana Department of the Environmental Management (IDEM) Capacity Development Self-Assessment", available at www.srf.in.gov.

¹ SRF Participants must register with the SAM.gov to secure a Unique Entity Identifier (UEI). For more information about how to obtain a UEI and register in SAM.gov, see www.srf.in.gov.

By submitting this form, the Community is applying to multiple funding sources administered by the Authority, including the state Water Infrastructure Assistance Program. The Authority will determine the fund source that best serves the proposed project.

Section III. CONTACT INFORMATION

Authorized Signatory (an official of the Community or water system that is authorized to contractually obligate the applicant with respect to the proposed project):

Name: Gina Leichty
Title: Mayor
Address: 202 S. 5th Street
City, State, Zip Code: Goshen, IN 46528
Telephone # (include area code): (574) 555-9322
E-mail: mayor@goshencity.com

Applicant Staff Contact (person to be contacted directly for information if different from authorized signatory):

Name: Jamey Bontrager-Singer
Title: Utilities City Engineer
Address: 204 E. Jefferson Street, Suite 1
City, State, Zip Code: Goshen, IN 46528
Telephone # (include area code): (574) 537-3830
E-mail: jameybsinger@goshencity.com

Certified Operator:

Name: Marv Shepherd
Telephone # (include area code): (574) 534-5306
E-mail: marvshepherd@goshencity.com

Grant Administrator (if applicable):

Contact: N/A
Firm: _____
Address: _____
City, State, Zip Code: _____
Telephone # (include area code): _____
E-mail: _____

Consulting Engineer:

Contact: Katie Umberg
Firm: Arcadis U.S., Inc.
Address: 312 South Fourth St., Suite 700
City, State, Zip Code: Louisville, KY 40202
Telephone # (include area code): (502) 203-7668
E-mail: katie.umberg@arcadis.com

Bond Counsel:

Contact: Lisa Lee, Partner.
Firm: Ice Miller, LLP
Address: 1 America Square, Suite 2000
City, State, Zip Code: Indianapolis, IN 46282
Telephone # (include area code): (317) 236-2268
E-mail: lisa.lee@icemiller.com

Financial Advisor:

Contact: Eric Walsh
Firm: Baker Tilly
Address: 112 Iron Works Avenue, Suite C
City, State, Zip Code: Mishawaka, IN 46544
Telephone # (include area code): (574) 935-5178
E-mail: eric.walsh@bakertilly.com

Local Counsel:

Contact: Bodie Stegelmann
Firm: City Attorney
Address: 202 S. 5th Street
City, State, Zip Code: Goshen, IN 46528
Telephone # (include area code): (574) 537-3854
E-mail: bodiestegelmann@goshencity.com

Section IV. PROJECT INFORMATION

1. **Project Need** - Describe the facility needs in terms of age, condition, date of most recent rehabilitation/replacement, and any public health or Safe Drinking Water Act compliance issues or violations (if applicable):

Goshen has developed a service line inventory for the 11,620 service lines in their system. Using property information, utility records, field data collection, point-of-entry inspections, and customer self reporting, materials have been identified for 35% of their service lines. No lead service lines (LSLs) have been identified to date, but 1,154 of the known service lines are galvanized requiring replacement (GRR).

In partnership with Arcadis, Goshen is developing a LCRR- and LCRI-compliant Lead Service Line Replacement (LSLR) Plan. As part of this planning process, Arcadis has developed a draft 10-year LSLR replacement schedule that complies with LCRI requirements. Based on the current inventory, a worst-case scenario would require over \$55.2 million for lead service line replacements over the next 10 years.

Goshen is motivated to identify and mitigate any potential public health impacts of lead as soon as possible. However, their goal to eliminate lead must be balanced with other utility priorities. Competing priorities for the City include maintaining affordable water rates for customers, maintaining aging assets, addressing a growing population, and constructing a new wellfield and water treatment plant (currently in preliminary design, estimated at \$45 million) to ensure customer demand can continue to be met.

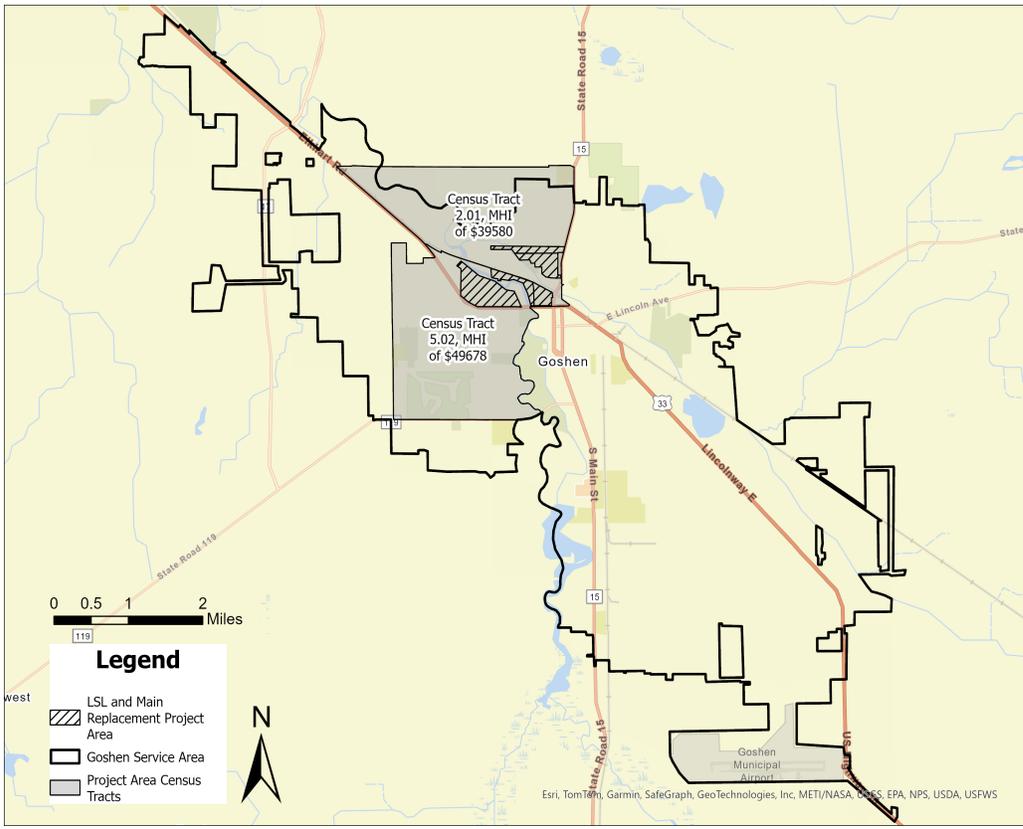
The City of Goshen as a whole meets Indiana Finance Authority's (IFA's) criteria for a disadvantaged community, with a Median Household Income (MHI) of \$52,233. In addition, 14.9% of residents in the City of Goshen fall below the poverty level and 13.5% of residents are foreign-born - with 25.4% of residents over the age of five speaking a language other than English at home. In the census tracts within the project area, the MHI is \$45,891, 18% of residents are below the poverty level, and 14% lack health insurance. Thus, self-funded service line replacements are likely infeasible for many of the utility's customers. However, without principal forgiveness, the utility could not afford fund customer-side replacements for all of the customers in these disadvantaged neighborhoods.

2. **Proposed Project** - Describe the scope of the proposed project and how it will address the applicant’s needs as enumerated above. Please provide a map showing proposed work areas, if possible. Note: Projects that are solely for fire suppression or economic development are not eligible for funding under the Safe Drinking Water Act.

The City of Goshen is proposing to complete full replacements of 458 lead and GRR service lines in four neighborhoods within the City of Goshen at no cost to the customers. All of these neighborhoods are considered disadvantaged based on IFA’s MHI-based threshold as well as other measures of underserved populations. This will address potential lead exposure for customers who could not afford to replace the service lines themselves and will help the utility achieve their internal and regulatory requirement to remove all lead from the system.

Some of these lines are connected to mains installed in or before 1933, and the City is concerned that issues and additional costs may arise with the mains when disturbing these connections. Thus, three segments of mains in the project area totaling 2,890 linear feet will be replaced concurrent to service line replacement. This will also support the City’s asset management program by replacing mains that are beyond their life expectancy.

In addition, while no work was planned in these neighborhoods in the short term, the City will commit its own funds to complete sanitary sewer, stormwater, and roadway repairs in conjunction with this project. Thus, SRF funding would motivate investment and revitalization in these underserved neighborhoods.



- Has a copy of the utility’s Asset Management Program Certification been attached?² Yes No
- What was the date of the last IFA Regional Planning Meeting attended by the utility?³ May 4, 2023
- What was the end date of the last full State Board of Accounts Audit? December 31, 2022
- What was the date of the utility’s last Non-Revenue Water Audit?⁴ February 18, 2022
 Was the last Non-Revenue Water Audit submitted to the IFA? Yes No
- Is land acquisition and/or easements needed for this project? Yes No
 If yes, have all land rights been acquired? Yes No

3. Project Cost Estimate:

Source (intake or wells)	\$ - _____
Treatment	\$ - _____
Storage	\$ - _____
Distribution/Transmission	\$ 873,000 _____
Other: <u>Lead Service Line Replacements</u>	\$ 4,534,000 _____
TOTAL CONSTRUCTION:	\$ 5,947,000 with contingencies _____
Non-construction Costs	\$ 1,090,000 _____
TOTAL ESTIMATED PROJECT COST:	\$ 7,037,000 _____

Other Funding Sources:

	Application Submittal (date)	Amount Requested (dollars)	Amount Awarded (if applicable)
Office of Community and Rural Affairs	N/A		
U.S. Dept. of Commerce Economic Development Administration	N/A		
U.S. Dept. of Agriculture Rural Development	N/A		
Local Funds	N/A for project as proposed.		
Other: _____	N/A		

4. Will this project proceed if other funding sources are not in place?: Yes No

5. Anticipated SRF Loan Amount (after other funding): \$ 7,037,000 _____

Section V. ADDITIONAL FINANCIAL QUESTIONS

Please confirm your answers with the utility’s legal and financial advisers prior to submitting your responses.

A. Will this SRF loan be repaid from net revenue of the applicant’s utility being improved by the SRF project?:

² Per IC 5-1.2-10-16, all PERs submitted to the IFA’s SRF Programs must include a completed Asset Management Program (AMP).

³ Per IC 5-1.2-11-5-7 and 5-1.2-11-8, the Applicant has or will participate in a cooperative/ regional activity (e.g., attend an IFA Regional Planning Meeting [www.in.gov/ifa/3035] or cooperative activity) acceptable to the Authority.

⁴ Per IC 8-1-30.8-8 and IC 5-1.2-11-8, for Drinking Water systems to apply to Authority programs a utility must demonstrate to the Authority that it has completed annual audits of non-revenue water, and submitted to the Authority as outlined in IC 8-1-30.8-6.

Yes No

Are there any other debt obligations of this utility (i.e., bank loans, guarantee savings contracts, installment payment contracts, bank or financing purchase leases, loans from other utilities of the applicant)?

Yes No

Is an estimated debt service coverage percentage currently available (coverage is computed by taking Net Revenues and dividing it by maximum annual debt service inclusive of both the planned new and any outstanding revenue bonds)?

Yes No

if available, the coverage estimate is 130 percent.

Please know that prior to any loan preclosing, a formal pro forma coverage showing of at least 125% is required by SRF.

B. Will net revenues be the sole source of repayment? Yes No

If “no” was marked in Questions A and B, then please answer the following additional questions:

- What is the planned source(s) to provide funds to make SRF loan repayments? Check below as applicable:

property taxes. If checked:

- Is a preliminary determination & remonstrance process under IC 6-1.1-20 required?

Yes No

- Has that preliminary determination & remonstrance process under IC 6-1.1-20 been completed?

Yes No

tax increment revenues. If checked:

- Has a TIF area already established?

Yes No

If already established:

- 1) Please provide history of tax increment revenues (at least five (5) years)
- 2) Provide a schedule of projected tax increment revenues, debt service (which includes existing obligations pledged with tax increment revenues) and a showing that the 125% coverage requirement is met.

other (describe: _____).

C. Will proceeds be used to payoff an existing BAN? Yes No

- if “yes”, provide amount of the payoff _____.
- And, provide the purpose for which the BAN was used: Construction Non-construction

If Construction is selected, the subject of the BAN will require SRF review prior to construction.

Section VI. SIGNATURE

I certify that I am legally authorized by the legislative body to sign this application. To the best of my knowledge and belief, the foregoing information is true and correct.

Signature of Authorized Signatory (Community Official)

Click or tap here to enter text.

Printed or Typed Name

Click or tap here to enter text.

Title of Authorized Signatory

Click or tap here to enter text.

Date



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

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

MEMORANDUM

TO: Goshen Common Council
FROM: Rhonda L. Yoder, City Planner
DATE: March 11, 2024
RE: Ordinance 5180

The Goshen Plan Commission met on February 20, 2024, in regular session and considered a request for a text amendment to the Goshen Zoning Ordinance, Ordinance 3011, Flood Control District (Overlay) Regulations and Definitions, based upon the State of Indiana Model Ordinance for Flood Hazard Areas, proposed in order to make changes based on recent updates to the Indiana Model Ordinance, to continue compliance with the minimum participating criteria of the National Flood Insurance Program (NFIP), with changes including new, amended and deleted definitions, and regulation updates with expanded language, to add clarity and detail for existing regulations, including more detailed and specific Floodway regulations, with the following outcome:

Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 6-0.

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



Rhonda L. Yoder, AICP
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN
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rhondayoder@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen City Plan Commission/Goshen Common Council

FROM: Rhonda L. Yoder, City Planner

DATE: February 20, 2024

RE: 24-010A, Goshen Zoning Ordinance Text Amendment:
Flood Control District (Overlay) Regulations & Definitions

The Goshen Plan Commission requests an amendment to the Goshen Zoning Ordinance, Ordinance 3011, Flood Control District (Overlay) Regulations and Definitions, based upon the State of Indiana Model Ordinance for Flood Hazard Areas. The amendment is proposed in order to make changes based on recent updates to the Indiana Model Ordinance, to continue compliance with the minimum participating criteria of the National Flood Insurance Program (NFIP). Changes include new, amended and deleted definitions, and regulation updates with expanded language, to add clarity and detail for existing regulations, including more detailed and specific Floodway regulations.

The existing Zoning Ordinance provisions redlined with the proposed changes are attached. The changes occur within Section 2110, Definitions of Words and Phrases, and in Section 4270, Flood Control District (Overlay) Regulations. When a definition applies only to the Flood Control District (Overlay) Regulations, this is indicated.

Goshen participates in the National Flood Insurance Program (NFIP), which is required in order to make flood insurance available to property owners within the City of Goshen. The participation and ordinance requirements are established by FEMA and the State of Indiana, administered by the Floodplain Management Section, Indiana Department of Natural Resources (IDNR), Division of Water.

In 1968, the National Flood Insurance Act was enacted, and in 1973 the Goshen Common Council through Resolution 73-3, indicated Goshen's "intent to qualify and participate in the National Flood Insurance Program." On July 31, 1979, Ordinance 2618 was adopted by Goshen Common Council, which amended the zoning ordinance to establish flood control requirements. The flood control requirements have been updated a number of times since 1979, in accordance with changes required by federal and state standards. The City's current FIS and FIRM are dated and effective August 2, 2011.

Since the most recent update to Goshen's Flood Control District (Overlay) Regulations in 2020, there have been changes to the State of Indiana Model Ordinance for Flood Hazard Areas, and on November 21, 2023, the Goshen Plan Commission authorized Staff to prepare updates to bring Goshen's regulations in line with the model ordinance. IDNR provided the State of Indiana Model Ordinance for Flood Hazard Areas, and has reviewed and approved the draft ordinance amendment.

A thorough comparison of Goshen's existing Flood Control District (Overlay) Regulations with the model ordinance was undertaken, and the updates are primarily expanded language, to add clarity and detail for existing regulations, including more detailed and specific Floodway regulations.

Ordinance 5180

Amend Ordinance 3011 By Authorizing the Following Changes Related to the Flood Control District (Overlay) Regulations

WHEREAS the Goshen City Plan Commission from time to time finds it necessary to amend the Goshen Zoning Ordinance and did after proper legal notice conduct a hearing on said Ordinance as provided by law on the 20th day of February 2024, and did recommend the adoption of an amendment to the Goshen Zoning Ordinance, by a vote of 6-0.

WHEREAS the Indiana Legislature has in IC 36-1-4-11, IC 36-7-4 and IC 14-28 granted the power to local government units to control land use within their jurisdictions; therefore, the Common Council of the City of Goshen does hereby adopt the following updates to the Goshen Zoning Ordinance floodplain management regulations.

In Section 2110, Definitions of Words and Phrases: Make the following additions, replacements, deletions, and updates:

Appeal. For purposes of Section 4270, Flood Control District (Overlay) Regulations, appeal means a request for a review of the floodplain administrator's interpretation of any provision of Section 4270, Flood Control District (Overlay) Regulations, a request for a variance from Section 4270, Flood Control District (Overlay) Regulations, or a challenge to a Board of Zoning Appeals decision.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

Base Flood Elevation (BFE). The water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

Best Available Flood Layer (BAFL). Floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazard areas identified by approximate studies on the currently effective FIRM (Zone A) and/or for watercourses where the flood hazard is not identified on available floodplain mapping.

Building, Prefabricated. A building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

Construction, New. For purposes of Section 4270, Flood Control District (Overlay) Regulations, new construction is any structure for which the "start of construction" commenced on or after the effective date of the community's first floodplain ordinance, and includes any subsequent improvements to such structures.

Development. *Keep existing definition, adding following new Point F, and reordering:*

F. Construction and/or reconstruction of boat lifts, docks, piers, and seawalls;

Elevation Certificate. A FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information, and that verifies a structure's elevation information. This certification must be signed and sealed by a land surveyor or engineer, authorized by law to certify elevation information.

Enclosed Area (Enclosure). An area of a structure enclosed by walls on all sides.

Enclosure Below the Lowest Floor. See "Lowest Floor" and "Enclosed Area."

Fill. For floodplain management purposes, any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation, or the runoff of surface waters from any source.
- C. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

~~**Flood Boundary and Floodway Map (FBFM).** An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.~~

Flood Hazard Area. Any floodplain, floodway or area subject to the one percent (1%) annual chance flood, or any combination thereof. See "Special Flood Hazard Area."

Flood Insurance Rate Map (FIRM). An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, and the water surface elevation of the base flood.

Flood Prone Area. Any land area acknowledged by a community as being susceptible to inundation by water from any source. See "Floodplain" and "Flood."

Flood Protection Grade (FPG). The elevation of the regulatory flood (Base Flood Elevation) plus two feet at any given location in the SFHA. See "Freeboard."

Floodplain. Any land area susceptible to being inundated by water from any source. See "Flood Prone Area" or "Flood."

Floodplain Management Regulations. The Flood Control District (Overlay) Regulations and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, or erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodway. The channel of a river, stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.

Grade, Natural. The vertical elevation of ground surface prior to excavation or filling. For floodplain management purposes, the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

Hydrologic and Hydraulic Engineering Analysis. Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana

Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

International Code Council-Evaluation Service (ICC-ES) Report. A document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Map Change (LOMC). A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include the following:

- A. **(CLOMR) Conditional Letter of Map Revision.** FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- B. **(CLOMR-F) Conditional Letter of Map Revision Based on Fill.** A letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
- C. **LOMA (Letter of Map Amendment).** An amendment by letter to the currently effective FEMA map that establishes that a building or area of land is not located in a Special Flood Hazard Area (SFHA) through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
- D. **(LOMA-OAS) Letter of Map Amendment Out as Shown.** An official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
- E. **LOMR (Letter of Map Revision).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.
- F. **LOMR-F (Letter of Map Revision Based on Fill).** FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest Floor. For floodplain management purposes, the lowest elevation described among the following:

- A. The lowest floor of a building;
- B. The basement floor;
- C. The garage floor, if the garage is connected to the building;
- D. The first floor of a structure elevated on pilings or pillars; or
- E. The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters;
 - 2. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; doorways and windows do not qualify as openings; and
 - 3. Such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured Home. *Keep entire existing definition, and add the following wording to the beginning of each sentence in Points A and C:*

- A. For purposes of Section 4270, Flood Control District (Overlay) Regulations, *(continue with existing sentence)*
- C. For purposes of Section 4270, Flood Control District (Overlay) Regulations, *(continue with existing sentence)*

Principally Above Ground. For purposes of Section 4270, Flood Control District (Overlay) Regulations, means at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Recreational Vehicle (RV). A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA). Synonymous with areas of special flood hazard and floodplain, those lands within the jurisdictions of the City of Goshen subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, A1-A30, AH, A99, or AO, or VE. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by, or approved by, the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include dwelling units, buildings, walls, fences and signs. For purposes of Section 4270, Flood Control District (Overlay) Regulations, a structure is a walled and roofed building, including a gas or liquid storage tank, which is principally above ground; the term includes a manufactured home, as well as a prefabricated building; the term also includes recreational vehicles installed on a site for more than 180 consecutive days.

Structure, Accessory. A structure located on the same lot as, but which is clearly incidental to and customarily found in connection with, the principal use. For purposes of Section 4270, Flood Control District (Overlay) Regulations, accessory structure means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation; and

- A. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- B. Examples of accessory structures include, but are not necessarily limited to, two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- C. The following may have uses that are incidental or accessory to the principal structure on a parcel, but are generally not considered to be accessory structures by the NFIP:
 1. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.
 2. Structures used by the public, such as a place of employment or entertainment.
 3. Development that does not meet the NFIP definition of a structure for floodplain management purposes, including, but not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Structure, Elevated. For purposes of Section 4270, Flood Control District (Overlay) Regulations, an elevated structure is a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Substantial Improvement. For purposes of Section 4270, Flood Control District (Overlay) Regulations, substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement; this term includes structures which have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed; the term does not include improvements of structures to correct existing violations of state or local health, sanitary or safety code requirements which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Use, Functionally Dependent. For purposes of Section 4270, Flood Control District (Overlay) Regulations, a functionally dependent use is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Variance. For purposes of Section 4270, Flood Control District (Overlay) Regulations, variance is a grant of relief from the requirements of Section 4270, consistent with the variance conditions of Section 4270.

Violation. For purposes of Section 4270, Flood Control District (Overlay) Regulations, violation means the failure of a structure or other development to be fully compliant with Section 4270 of this Ordinance.

Walled and Roofed. For purposes of Section 4270, Flood Control District (Overlay) Regulations, a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse, Alteration of. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

Section 4270, Flood Control District (Overlay) Regulations: Replace existing Section 4270 with new Section 4270 as follows:

Section 4270 **Flood Control District (Overlay) Regulations.**

The general intent of the Flood Control District (Overlay) Regulations are to guide development in areas where potential for damage from floodwater exists. The identification of these areas was made by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) and are shown on the Flood Insurance Rate Map (FIRM) dated August 2, 2011. For A Zones, or in the absence of a published FEMA map, or in the absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available (best available flood data/layer) as provided by the Indiana Department of Natural Resources. These maps, along with the Flood Insurance Study (FIS), dated August 2, 2011, are incorporated herein by reference and are made a part of this Ordinance.

The Floodplain, Floodway, and Floodway Fringe districts are intended to be "overlay" districts and will put forth additional requirements on top of the other zoning regulations placed on the land by the other sections of this Ordinance.

Section 4270.1 **Statutory Authorization.**

The Indiana Legislature has in IC 36-1-4-11, IC 36-7-4 and IC 14-28 granted the power to local government units to control land use within their jurisdictions.

Section 4270.2 **Findings of Fact.**

- A. The flood hazard areas of the City of Goshen are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands. Structures which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages also contribute to the flood loss.

- C. The Flood Control District (Overlay) Regulations are adopted in order to minimize the threat of flood damages and to achieve the purposes hereinafter set forth.

Section 4270.3 Statement of Purpose and Methods.

The purpose of these Flood Control District (Overlay) Regulations are to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, to reduce the potential for health and safety hazards, to reduce the potential for extraordinary public expenditures for flood protection and relief, to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions and methods designed to:

- A. Prevent unwise developments from increasing flood or drainage hazards to others;
- B. Protect new buildings and major improvements to buildings from flood damage;
- C. Protect human life and health from the hazards of flooding;
- D. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- E. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- F. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, in order to ensure the flood storage and conveyance functions of the floodplain are maintained;
- G. Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- H. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- I. Lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- J. Maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- K. Make federal flood insurance available for structures and their contents in the City of Goshen by fulfilling the requirements of the National Flood Insurance Program.

Section 4270.4 Objectives.

The objectives of the Flood Control District (Overlay) Regulations are:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- G. To ensure that potential homebuyers are notified that property is in a flood area.

Section 4270.5 Lands to Which the Flood Control District (Overlay) Regulations Apply.

The Flood Control District (Overlay) Regulations shall apply to all SFHAs within the jurisdiction of the City of Goshen, Indiana, as identified in Section 4270.6.

Section 4270.6 Basis for Establishing Special Flood Hazard Areas.

- A. The regulatory flood elevation, floodway, and floodway fringe limits for the studied SFHAs within the jurisdiction of the City of Goshen, delineated as an “AE Zone” on the Elkhart County, Indiana and Incorporated Areas Flood Insurance Rate Map dated August 2, 2011, shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Elkhart County, Indiana, and Incorporated Areas, and the corresponding Flood Insurance Rate Map (FIRM) dated August 2, 2011, as

well as any subsequent updates, amendments or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone," the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.

- B. The regulatory flood elevation, floodway, and floodway fringe limits for each of the SFHAs within the jurisdiction of the City of Goshen, delineated as an "A Zone" on the FIRM of Elkhart County, Indiana, and Incorporated Areas dated August 2, 2011, as well as any subsequent updates, amendments or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
- C. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
- D. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be used for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

Section 4270.7 Establishment of Floodplain Development Permit.

A floodplain development permit shall be required in conformance with the provisions of the Flood Control District (Overlay) Regulations prior to the commencement of any development activities in SFHAs.

Section 4270.8 Compliance.

- A. No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of the Flood Control District (Overlay) Regulations and other applicable regulations.
- B. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this Ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- C. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of the Flood Control District (Overlay) Regulations and other applicable regulations.

Section 4270.9 Abrogation and Greater Restrictions.

The Flood Control District (Overlay) Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 4270.10 Discrepancy between Mapped Floodplain and Actual Ground Elevations.

- A. In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
- B. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

- C. If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

Section 4270.11 Interpretation.

In the interpretation and application of the Flood Control District (Overlay) Regulations all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 4270.12 Warning and Disclaimer of Liability.

The degree of flood protection required by the Flood Control District (Overlay) Regulations is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, the Flood Control District (Overlay) Regulations does not create any liability on the part of the City of Goshen, the Plan Commission, the Board of Zoning Appeals, the Indiana Department of Natural Resources, or the State of Indiana, or any elected or appointed official or employee thereof, for any flood damage that result from reliance on the Flood Control District (Overlay) Regulations or any administrative decision made lawfully thereunder.

Section 4270.13 Penalties for Violation.

Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Ordinance for the City of Goshen. All violations shall be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500) for each offense.

- A. **Separate Offenses.** A separate offense shall be deemed to occur for each day the violation continues to exist.
- B. **Suspending of Insurance Policy.** The Goshen City Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by Standard Flood Insurance Policy to be suspended.
- C. **Other Lawful Action by City.** Nothing herein shall prevent the City of Goshen from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 4270.14 Designation of Administrator.

The Zoning Administrator is appointed to administer and implement the provisions of Section 4270, Flood Control District (Overlay) Regulations, and related provisions, and is herein referred to as the Floodplain Administrator.

Section 4270.15 Floodplain Development Permit and Certification Requirements.

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified SFHA. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction. Such applications shall include, but not be limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- A. Application Stage:
 - 1. A description of the proposed development.

2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
3. A legal description of the property site.
4. For the reconstruction, rehabilitation, or improvement of an existing non-conforming structure, or an addition to an existing non-conforming building, a detailed contractor cost estimate and description of the total work to be completed, including but not limited to interior work, exterior work, and labor, as well as a certified valuation of the existing (pre-improved or pre-damaged) structure.
5. A site development plan showing existing and proposed development locations and existing and proposed land grades.
6. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
7. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AH, and AE. Elevation should be in NAVD 88.
8. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.
9. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
10. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.
11. Plans showing how any proposed structure will be anchored to resist flotation or collapse.
12. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88.
13. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required and any watercourse changes submitted to Indiana Department of Natural Resources for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. See additional information in following sections.
14. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.
15. All provisions of Article VI, Section 6180, Improvement Location Permit.

B. Construction Stage

Upon placement of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the permit holder to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the elevation certificate or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the permit holder to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by the same. The Floodplain Administrator shall review the floodproofing certification submitted. The permit holder shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make required corrections shall be cause to issue a stop work order for the project.

C. Finished Construction

1. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the permit holder to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same.

2. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
3. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

Section 4270.16 Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of Section 4270, Flood Control District (Overlay) Regulations, and related provisions. The Floodplain Administrator is further authorized to render interpretations of Section 4270, Flood Control District (Overlay) Regulations, and related provisions, which are consistent with its spirit and purpose.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- A. Review all floodplain development permits to assure that the permit requirements of the Flood Control District (Overlay) Regulations have been satisfied.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Provide information and assistance to citizens upon request about floodplain development permit procedures.
- D. Issue floodplain development permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- E. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.
- F. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 4270.18.E.1 and Section 4270.18.E.3 of the Flood Control District (Overlay) Regulations, and maintain a record of such authorization, either copy of actual permit/authorization or floodplain analysis and regulatory assessment.
- G. Advise applicant that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- H. Maintain and track permit records involving additions and improvements to residences located in the floodway.
- I. For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
 1. Verify and document the market value of the pre-damaged or pre-improved structure.
 2. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community.
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement” for proposed work to repair damage caused by flood, and the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage.
 4. Notify the applicant if it is determined the work constitutes substantial improvement or repair of substantial damage, and that compliance with the applicable general and specific standards of the Flood Control District (Overlay) Regulations is required.

- J. Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if construction authorization by Indiana DNR is applicable.
- K. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to the Flood Control District (Overlay) Regulations.
- L. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- M. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- N. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- O. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with the permit procedures outlined in Section 4270.15.
- P. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with the permit procedures outlined in Section 4270.15.
- Q. Conduct on-site inspections of projects in accordance with Section 4270.17.
- R. Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
- S. Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- T. Provide information, testimony, or other evidence as needed during variance hearings.
- U. Serve notices of violations, issue stop work orders, revoke permits and take corrective actions in accordance with Flood Control District (Overlay) Regulations, and related provisions.
- V. Coordinate map maintenance activities and associated FEMA follow up in accordance with Section 4270.20.
- W. Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the Flood Control District (Overlay) Regulations.

Section 4270.17 Administrative Procedures.

- A. Inspections
 - 1. **Work in Progress Inspections.** As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure the work is being done according to the provisions of the Flood Control District (Overlay) Regulations and the terms of the floodplain development permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the City of Goshen at any reasonable hour for the purposes of inspection or other enforcement action.
 - 2. **Periodic Inspections.** Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the City of Goshen at any reasonable hour for the purposes of inspection or other enforcement action.
- B. Stop Work Orders
 - 1. Upon written notice from the Floodplain Administrator, the Building Commissioner shall issue a stop work order when work on any building, structure or premises is being done contrary to the Flood Control District (Overlay) Regulations.
 - 2. Upon notice from the Building Commissioner, work on any building, structure or premises that is being done contrary to the provisions of the Flood Control District (Overlay) Regulations shall immediately cease.

3. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- C. Revocation of Floodplain Development Permits
1. The Floodplain Administrator may revoke a floodplain development permit or approval issued under the provisions of the Flood Control District (Overlay) Regulations in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the floodplain development permit or approval was based.
 2. The Floodplain Administrator may revoke a floodplain development permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the floodplain development permit was issued is in violation of, or not in conformity with, the provisions of the Flood Control District (Overlay) Regulations.
- D. Floodplain Management Records
1. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of the Flood Control District (Overlay) Regulations shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include floodplain development permit applications, plans, certifications, Flood Insurance Rate Maps, Letters of Map Change, records of issuance of permits and denial of permits, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage, required design certifications and documentation of elevations, notifications to adjacent communities, FEMA, and the state related to alterations of watercourses, assurances that the flood carrying capacity of altered watercourses will be maintained, documentation related to appeals and variances including justification for issuance or denial, and records of enforcement actions taken pursuant to the Flood Control District (Overlay) Regulations.
 2. These records shall be available for public inspection at Goshen Plan Commission office, 204 East Jefferson Street, Suite 4, Goshen, Indiana 46528.

Section 4270.18 Provisions for Flood Hazard Reduction.

- A. **General Standards.** In all SFHAs the following provisions are required:
1. New construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
 4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
 5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
 6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of the Flood Control District (Overlay) Regulations shall meet the requirements of "new construction" as contained in this Ordinance.
10. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured homes parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser.
11. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of the Flood Control District (Overlay) Regulations, shall be undertaken only if said non-conformity is not further, extended, or replaced.
12. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the Flood Control District (Overlay) Regulations applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
13. Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 feet (3') horizontal to 1 foot (1') vertical.
14. Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in SFHAs.

B. Specific Standards. In all SFHAs where base flood elevation data or flood depths have been provided, as set forth in Section 4270.6, the following provisions are required:

1. **Building Protection Requirement.** In addition to the requirements of Section 4270.18.A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a. Construction or placement of any new structure having a floor area greater than 400 square feet.
 - b. Construction or placement of a residential structure.
 - c. Construction or placement of a non-residential structure.
 - d. Addition or improvement made to any existing non-conforming structure where the cost of the addition or improvement equals or exceeds 50% of the market value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes.
 - e. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred. The costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost.
 - f. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - g. Installing a manufactured home on a new site or a new manufactured home on an existing site. The Flood Control District (Overlay) Regulations do not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
 - h. Reconstruction or repairs made to a repetitive loss structure.
2. **Residential Construction.**
 - a. New construction or substantial improvement of any residential structures shall meet applicable standards of Section 4270.18.
 - b. In Zone A and Zone AE, new construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 4270.18.B.4. Should fill be used to elevate a structure, the standards of Section 4270.18.B.5 must be met.

- c. A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.
3. **Non-Residential Construction.**
- a. New construction or substantial improvement of any non-residential structures (excluding accessory structures) shall meet applicable standards of Section 4270.18.
 - b. In Zone A and Zone AE, new construction or substantial improvement of any commercial, industrial, or non-residential structure shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 4270.18.B.4. Should fill be used to elevate a structure, the standards of Section 4270.18.B.5 must be met.
 - c. A nonresidential structure may be floodproofed in accordance with the following:
 - i. A registered professional engineer or architect shall certify the structure has been designed so that below the FPG the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
 - ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
 - d. A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.
4. **Elevated Structures.** Residential and non-residential elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirements:
- a. Be designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - i. Provide a minimum of two openings located on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
 - ii. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
 - iii. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - iv. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
 - v. Doors and windows do not qualify as openings.
 - vi. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. The floor of such enclosed area must be at or above grade on at least one side.
5. **Structures Constructed on Fill.** A residential or non-residential structure may be constructed on fill in accordance with the following:

- a. The fill shall be placed in layers no greater than one (1) foot deep before compacting to 95 percent of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
 - b. The fill should extend at least ten feet beyond the foundation of the structure before sloping below the BFE.
 - c. The fill shall be protected against erosion and scour during the flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 feet horizontal to 1 foot vertical.
 - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e. Fill shall be composed of clean granular or earthen material.
6. **Standards for Manufactured Homes and Recreational Vehicles.**
- a. These requirements apply to all manufactured homes to be placed on a site in the SFHA:
 - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by the foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4270.18.B.4.
 - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 - a. Recreational vehicles placed on a site in the SFHA shall either:
 - i. Be on the site for less than 180 days; and;
 - ii. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the requirements for "manufactured homes" as stated earlier in this section.
7. **Accessory Structures.** Within SFHAs, new construction or placement of accessory structures shall meet the following standards:
- a. Shall have a floor area of 400 square feet or less.
 - b. Use shall be limited to parking of vehicles and limited storage.
 - c. Shall not be used for human habitation.
 - d. Shall be constructed of flood resistant materials.
 - e. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
 - f. Shall be firmly anchored to prevent flotation or lateral movement.
 - g. Service facilities such as electrical or heating equipment shall be elevated or floodproofed to or above the FPG.
 - h. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4270.18.B.4.
 - i. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.
8. **Above Ground Gas or Liquid Storage Tanks.** Within SFHAs, all newly placed above ground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Section 4270.18.B.3.
9. **Freestanding Pavilions, Gazebos, Decks, Carports, and Similar Development.** Within SFHAs, new construction or placement of freestanding pavilions, gazebos, decks, carports, and similar development must meet the following standards:
- a. Shall have open sides (having not more than one rigid wall).

- b. Shall be anchored to prevent flotation or lateral movement.
- c. Shall be constructed of flood resistant materials below the FPG.
- d. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.
- e. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

C. Standards for Subdivision Proposals.

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage.
- 2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage.
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 4. Developers shall record the elevation of the SFHA on all subdivision plats containing lands within the SFHA prior to submitting the plats for approval by the Plan Commission.
- 5. In all SFHAs where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals (including manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser.
- 6. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- 7. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

D. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

E. Floodplain Status Standards.

1. Floodways (Riverine)

Located within SFHAs, established in Section 4270.6, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1), a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving, undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- a. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).
- b. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act.
- c. After approval has been granted by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions of the Flood Control District (Overlay) Regulations have been met. The floodplain development permit

cannot be less restrictive than an approval for construction in a floodway issued by the Indiana Department of Natural Resources, or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.

- d. In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Section 4270.20. A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
- e. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- f. For all projects involving channel modifications or fill (including levees) the City of Goshen shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

2. Fringe (Riverine)

If the site is located in an identified floodway fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), then the Floodplain Administrator may issue the local floodplain development permit provided the provisions contained in Section 4270.18 of the Flood Control District (Overlay) Regulations have been met.

3. SFHAs Without Established Base Flood Elevation and/or Floodways/Floodway Fringes (Riverine)

a. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either written approval (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended FPG has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a floodplain development permit may be issued, provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

b. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in Section 4270.18 of the Flood Control District (Overlay) Regulations have been met.

4. **SFHAs not Identified on a Map**

- a. If a proposed development site is near a watercourse with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
- b. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- c. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a floodplain development permit may be issued, provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 4270.18 of the Flood Control District (Overlay) Regulations have been met.

Section 4270.19 Variance Procedures in Flood Districts.

- A. **Designation of Variance and Appeals Board.** The Board of Zoning Appeals as established by the Common Council of the City of Goshen shall hear and decide appeals and requests for variances from requirements of the Flood Control District (Overlay) Regulations.
- B. **Duties of Variance and Appeals Board.** The Board of Zoning Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of the Flood Control District (Overlay) Regulations. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to a court of competent jurisdiction.
- C. **Variance Procedures.** In considering such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 1. The danger of life and property due to flooding or erosion damage;
 2. The danger that materials may be swept onto other lands to the injury of others;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

A written report addressing each of the above factors shall be submitted by the applicant with the application for a variance.

D. Conditions for Variances.

1. Variances from the provisions of the Flood Control District (Overlay) Regulations shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
2. No variance for a residential use within a floodway subject to Section 4270.18.E.1, Section 4270.18.E.3.a or Section 4270.18.E.4 of the Flood Control District (Overlay) Regulations may be granted.
3. Any variance granted in a floodway subject to Section 4270.18.E.1, Section 4270.18.E.3.a or Section 4270.18.E.4 of the Flood Control District (Overlay) Regulations will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances to the provisions for flood hazard reduction of Section 4270.18 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the FPG.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances may be granted for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.
7. Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
8. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
9. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

E. Special Conditions. Upon the consideration of the factors listed in Section 4270.19, and the purposes of the Flood Control District (Overlay) Regulations, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of the Flood Control District (Overlay) Regulations.

Section 4270.20 Map Maintenance Activities.

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Goshen flood maps, studies and other data identified in Section 4270.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the City of Goshen shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

- a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area.
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and subdivision or large-scale development proposals requiring the establishment of base flood elevations.
2. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
 4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Goshen and may be submitted to FEMA at any time.

C. Annexation/Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Goshen have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Elkhart County and Incorporated Areas Flood Insurance Rate Map accurately represent the City of Goshen boundaries, include within such notification a copy of a map of the City of Goshen suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Goshen has assumed or relinquished floodplain management regulatory authority.

Section 4270.21 Severability.

If any section, subsection, clause, sentence, or phrase of the Flood Control District (Overlay) Regulations is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

This Ordinance shall take effect upon its passage by the Common Council.

PASSED by the Common Council of the City of Goshen 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 by the Mayor of the City of Goshen on _____, 2024.

Gina Leichty, Mayor

ARTICLE II. DEFINITIONS

Section 2110 Definitions of Words and Phrases.

For the purpose of this ordinance, certain words and terms are hereby defined. Words and terms not defined herein shall be as defined in a current dictionary of general use.

Addition (to an existing structure). Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. For purposes of Section 4270, Flood Control District (Overlay) Regulations, any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal. For purposes of Section 4270, Flood Control District (Overlay) Regulations, appeal means a request for a review of the floodplain administrator's interpretation of any provision of Section 4270, Flood Control District (Overlay) Regulations, ~~or~~ a request for a variance from Section 4270, Flood Control District (Overlay) Regulations, **or a challenge to a Board of Zoning Appeals decision.**

Area of Shallow Flooding. A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. **The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.**

Base Flood Elevation (BFE). The **water surface** elevation of the **base flood in relation to a specified datum, usually the North American Vertical Datum of 1988. ~~one-percent annual-chance flood.~~**

Basement. A portion of a building with at least two-thirds of its height below curb level or below the average grade of the adjoining ground. For purposes of Section 4270, Flood Control District (Overlay) Regulations, basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Best Available Flood Layer (BAFL). **Floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazard areas identified by approximate studies on the currently effective FIRM (Zone A) and/or for watercourses where the flood hazard is not identified on available floodplain mapping.**

Boundary River. The part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary River Floodway. The floodway of a boundary river.

Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property of any kind, and includes any structure.

Building, Prefabricated. **A building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.**

Community. Community is a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction, which for purposes of Section 4270, Flood Control District (Overlay) Regulations is the City of Goshen.

Community Rating System (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Construction. The placing of material in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed construction.

Construction, Existing. For purposes of Section 4270, Flood Control District (Overlay) Regulations, existing construction is any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Construction, New. For purposes of Section 4270, Flood Control District (Overlay) Regulations, new construction is any structure for which the "start of construction" commenced **on or after** the effective date of the community's first floodplain ordinance, **and includes any subsequent improvements to such structures.**

Construction, Post-FIRM. Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community, or after December 31, 1974, whichever is later.

Construction, Pre-FIRM. Construction or substantial improvement which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Construction, Start of. For purposes of Section 4270, Flood Control District (Overlay) Regulations, start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, addition, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For purposes of Section 4270, Flood Control District (Overlay) Regulations, permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as detached garages or sheds not occupied as dwelling units or not part of the main structure. For purposes of Section 4270, Flood Control District (Overlay) Regulations, for substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Development. Any human-made change to improved or unimproved real estate, including but not limited to:

- A. Construction, reconstruction or placement of a structure or any addition to a structure or any parking improvements;
- B. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- C. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- D. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- E. Mining, dredging, filling, grading, excavation, or drilling operations;
- F. Construction and/or reconstruction of boat lifts, docks, piers, and seawalls;**
- G. Construction and/or reconstruction of bridges or culverts;
- H. Storage of materials; or
- I. Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include activities such as:

- A. The maintenance of existing structures and facilities, such as painting and re-roofing;
- B. Resurfacing roads; or
- C. Gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevation Certificate. **A FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information, and ~~A certified statement~~ that verifies a structure's elevation information.** This certification

must be signed and sealed by a land surveyor or engineer, ~~or architect~~ authorized by law to certify elevation information.

Enclosed Area (Enclosure). An area of a structure enclosed by walls on all sides.

Enclosure Below the Lowest Floor. See “Lowest Floor” and “Enclosed Area.”

Encroachment. For purposes of Section 4270, Flood Control District (Overlay) Regulations, encroachment is the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Facility, Critical. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Facility, Functionally Dependent. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Federal Emergency Management Agency. FEMA

Federal Insurance Administration. FIA

Fill. For floodplain management purposes, any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Five-hundred Year Flood (500-year flood). The flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation, or the runoff of surface waters from any source.
- C. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

~~**Flood Boundary and Floodway Map (FBFM).** An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.~~

~~**Flood Hazard Area.** Any floodplain, floodway or area subject to the one percent (1%) annual chance flood floodway fringe district, or any combination thereof. See “Special Flood Hazard Area.”~~

~~**Flood Insurance Rate Map (FIRM).** An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).~~

~~**Flood Insurance Study (FIS).** The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, ~~FBFM (where applicable)~~, and the water surface elevation of the base flood.~~

Flood Profile, Regulatory. A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

Flood Prone Area. Any land area acknowledged by a community as being susceptible to inundation by water from any source. See “**Floodplain**” and “**Flood.**”

Flood Protection Grade (FPG). The elevation of the regulatory flood (**Base Flood Elevation**) plus two feet at any given location in the SFHA. See “**Freeboard.**”

Flood, Regulatory. The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 4270.6 of this Ordinance. The “**Regulatory Flood**” is also known by the term “**Base Flood,**” “**One-Percent Annual Chance Flood,**” and “**100-Year Flood.**”

~~**Floodplain.** The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts. Any land area susceptible to being inundated by water from any source. See “**Flood Prone Area**” or “**Flood.**”~~

Floodplain Development Permit. See “**Improvement Location Permit.**”

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations. The Flood Control District (Overlay) Regulations and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (**such as a floodplain ordinance, grading ordinance, or erosion control ordinance**), and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (Dry Floodproofing). A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate. A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

~~**Floodway.** The channel of a river, ~~or~~ stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.~~

Floodway Fringe. Those portions of the floodplain lying outside the floodway.

Freeboard. A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Grade. The average level of the finished surface of ground adjacent to the exterior walls of the building.

Grade, Finished. The average elevation or contours resulting from excavation or filling relative to the existing curb extending the width of the zoning lot or where no curb is established, the average elevation of the crown of the street adjacent to the front of the zoning lot.

Grade, Highest Adjacent. For purposes of Section 4270, Flood Control District (Overlay) Regulations, highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Grade, Lowest Adjacent. For purposes of Section 4270, Flood Control District (Overlay) Regulations, lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Grade, Natural. The vertical elevation of ground surface prior to excavation or filling. **For floodplain management purposes, the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.**

Hardship. Hardship means the exceptional hardship that would result from a failure to grant the requested variance. Hardship requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Historic Structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis. Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

IDNR. Indiana Department of Natural Resources.

Improvement Location Permit. A permit issued by the Zoning Administrator in accordance with the provisions of this Ordinance prior to the erection or alteration and use of a building or structure or the use of land, stating that the proposed building, structure and/or use comply with all applicable provisions of the Zoning Ordinance and authorizing the Building Commissioner to issue a building permit. For purposes of Section 4270, Flood Control District (Overlay) Regulations, also known as Floodplain Development Permit. Also known as "Zoning Clearance."

Increased Cost of Compliance (ICC). For purposes of Section 4270, Flood Control District (Overlay) Regulations, ICC means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance; acceptable mitigation measures are elevation, relocation, demolition, or any combination

thereof; all renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

International Code Council-Evaluation Service (ICC-ES) Report. A document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Final Determination (LFD). A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC). A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include ~~Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F),~~ per the following definitions:

- A. **(CLOMR) Conditional Letter of Map Revision.** FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- B. **(CLOMR-F) Conditional Letter of Map Revision Based on Fill.** A letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
- C. **LOMA (Letter of Map Amendment).** An amendment by letter to the currently effective FEMA map that establishes that a building or area of land property is not located in a Special Flood Hazard Area (SFHA) through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
- D. **(LOMA-OAS) Letter of Map Amendment Out as Shown.** An official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
- E. **LOMR (Letter of Map Revision).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.
- F. **LOMR-F (Letter of Map Revision Based on Fill).** FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway. ~~An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.~~

Lowest Floor. For floodplain management purposes, the lowest elevation described among the following:

- A. The lowest floor of a building; ~~top of the lowest level of the structure;~~
- B. The ~~top of the~~ basement floor;
- C. The ~~top of the~~ garage floor, if the garage is connected to the building; ~~the lowest level of the structure;~~
- D. The ~~top of the~~ first floor of a structure elevated on pilings or pillars; or
- E. The ~~top of the~~ floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters. **Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: unless:**
 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters; ~~by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;~~
 2. ~~The total net area of all openings shall be~~ At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; ~~doorways and windows do not qualify as openings; and~~
 3. Such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use, with or without a permanent foundation, when attached to the required utilities. The term "manufactured home" does not include "recreational vehicle." See "Dwelling Unit."

- A. **For purposes of Section 4270, Flood Control District (Overlay) Regulations,** existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.
- B. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- C. **For purposes of Section 4270, Flood Control District (Overlay) Regulations,** new manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear; market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation. Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

- A. Emergency Program. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.
- B. Regular Program. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

National Geodetic Vertical Datum (NGVD) of 1929. As corrected in 1929, NGVD is a vertical control used as a reference for establishing varying elevations within the floodplain.

Non-Boundary River Floodway. The floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88). As adopted in 1993, NAVD 88 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction. For purposes of Section 4270, Flood Control District (Overlay) Regulations, obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred Year Flood (100-year Flood). The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Flood, Regulatory."

One-percent Annual Chance Flood. The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Flood, Regulatory."

Participating Community. For purposes of Section 4270, Flood Control District (Overlay) Regulations, participating community means any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR). An official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Principally Above Ground. For purposes of Section 4270, Flood Control District (Overlay) Regulations, means at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Probation. For purposes of Section 4270, Flood Control District (Overlay) Regulations, probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public Safety and Nuisance. For purposes of Section 4270, Flood Control District (Overlay) Regulations, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle (RV). A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive Loss. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before such damage occurred.

Replacement Cost. The sum of money which would be required to re-erect a structure identical to the one in question.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Section 1316. That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Floodplain Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA). ~~Synonymous with areas of special flood hazard and floodplain, those lands within the jurisdictions of the City of Goshen subject to a one percent (1%) or greater chance of flooding in any given year. inundation by the regulatory flood. The SFHAs of the City of Goshen are generally identified as such on the Elkhart County, Indiana, and Incorporated Areas Flood Insurance Rate Map dated August 2, 2011, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of those parts of unincorporated Elkhart County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the~~

~~Elkhart County, Indiana, and Incorporated Areas Flood Insurance Rate Map dated August 2, 2011, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. These areas are shown on a FIRM as Zone Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, A1-A30, AH, AR, A99, or AO, or VE. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to ~~may also be identified by~~ best available flood layer ~~data regulatory data~~ maps provided by, or approved by, the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.~~

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include dwelling units, buildings, walls, fences and signs. For purposes of Section 4270, Flood Control District (Overlay) Regulations, a structure is ~~a walled and roofed building, including a gas or liquid storage tank, which is principally above ground; and is enclosed by walls and a roof;~~ the term includes ~~a gas or liquid storage tank,~~ a manufactured home, ~~or as well as~~ a prefabricated building; the term also includes recreational vehicles ~~to be~~ installed on a site for more than 180 consecutive days.

Structure, Accessory. A structure located on the same lot as, but which is clearly incidental to and customarily found in connection with, the principal use. For purposes of Section 4270, Flood Control District (Overlay) Regulations, accessory structure ~~(appurtenant structure)~~ means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure; ~~an accessory structure specifically excludes structures used for human habitation; and: accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential; examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.~~

- A. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- B. Examples of accessory structures include, but are not necessarily limited to, two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- C. The following may have uses that are incidental or accessory to the principal structure on a parcel, but are generally not considered to be accessory structures by the NFIP:
 1. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.
 2. Structures used by the public, such as a place of employment or entertainment.
 3. Development that does not meet the NFIP definition of a structure for floodplain management purposes, including, but not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Structure, Elevated. For purposes of Section 4270, Flood Control District (Overlay) Regulations, an elevated structure is a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Substantial Damage. For purposes of Section 4270, Flood Control District (Overlay) Regulations, substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. For purposes of Section 4270, Flood Control District (Overlay) Regulations, substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement; this term includes structures which have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed; the term does not include improvements of

structures to correct existing violations of state or local health, sanitary or safety code requirements **which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.**

Suspension. For purposes of Section 4270, Flood Control District (Overlay) Regulations, suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Use, Functionally Dependent. For purposes of Section 4270, Flood Control District (Overlay) Regulations, a functionally dependent use is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Variance. For purposes of Section 4270, Flood Control District (Overlay) Regulations, variance is a grant of relief from the requirements of Section 4270, **consistent with the variance conditions of which permits construction in a manner otherwise prohibited by Section 4270, where specific enforcement would result in unnecessary hardship.**

Violation. For purposes of Section 4270, Flood Control District (Overlay) Regulations, violation means the failure of a structure or other development to be fully compliant with Section 4270 of this Ordinance. **a structure or other development without the elevation, other certification, or other evidence of compliance required by Section 4270 of this Ordinance is presumed to be in violation until such time as that documentation is provided.**

Walled and Roofed. For purposes of Section 4270, Flood Control District (Overlay) Regulations, a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watercourse, Alteration of. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

Water Surface Elevation. The height, in relation to the NAVD 88 or NGVD (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Zone. For purposes of Section 4270, Flood Control District (Overlay) Regulations, zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A. For purposes of Section 4270, Flood Control District (Overlay) Regulations, Zone A means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both; in A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings; these areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

- A. **Zone A.** Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.
- B. **Zone AE and A1-A30.** Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)
- C. **Zone AO.** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

- D. **Zone AH.** Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
- E. **Zone AR.** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.
- F. **Zone A99.** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

Zone B, C and X. For purposes of Section 4270, Flood Control District (Overlay) Regulations, Zone B, C and X mean areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area; however, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems; flood insurance is available in participating communities but is not required by regulation in these zones. Zone X is used on new and revised maps in place of Zones B and C.

Zone D. For purposes of Section 4270, Flood Control District (Overlay) Regulations, Zone D means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities, but is not required by regulation in this zone.

Zone X. For purposes of Section 4270, Flood Control District (Overlay) Regulations, Zone X means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS

Section 4270 Flood Control District (Overlay) Regulations.

The general intent of the Flood Control District (Overlay) Regulations are to guide development in areas where potential for damage from floodwater exists. The identification of these areas was made by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) and are shown on the Flood Insurance Rate Map (FIRM) dated August 2, 2011. For A Zones, or in the absence of a published FEMA map, or in the absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available (best available flood data/layer) as provided by the Indiana Department of Natural Resources. These maps, along with the Flood Insurance Study (FIS), dated August 2, 2011, are incorporated herein by reference and are made a part of this Ordinance.

The Floodplain, Floodway, and Floodway Fringe districts are intended to be "overlay" districts and will put forth additional requirements on top of the other zoning regulations placed on the land by the other sections of this Ordinance.

Section 4270.1 Statutory Authorization.

The Indiana Legislature has in **IC 36-1-4-11**, IC 36-7-4 and **IC 14-28** ~~IC 14-28-4~~ granted the power to local government units to control land use within their jurisdictions.

Section 4270.2 Findings of Fact.

- A. The flood hazard areas of the City of Goshen are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands. **Structures** which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages **also contribute to the flood loss.**
- C. **The Flood Control District (Overlay) Regulations are adopted in order to minimize the threat of flood damages and to achieve the purposes hereinafter set forth.**

Section 4270.3 Statement of Purpose and Methods.

The purpose of these Flood Control District (Overlay) Regulations are to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, to reduce the potential for health and safety hazards, to reduce the potential for extraordinary public expenditures for flood protection and relief, to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions **and methods** designed to:

- A. Prevent unwise developments from increasing flood or drainage hazards to others;
- B. Protect new buildings and major improvements to buildings from flood damage;
- C. Protect human life and health from the hazards of flooding;
- D. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- E. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- F. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, **in order to ensure the flood storage and conveyance functions of the floodplain are maintained;**

- G. Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- H. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- I. Lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- J. Maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- K. Make federal flood insurance available for structures and their contents in the City of Goshen by fulfilling the requirements of the National Flood Insurance Program.

Section 4270.4 Objectives.

The objectives of the Flood Control District (Overlay) Regulations are:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- G. To ensure that potential homebuyers are notified that property is in a flood area.

Section 4270.5 Lands to Which the Flood Control District (Overlay) Regulations Apply.

The Flood Control District (Overlay) Regulations shall apply to all SFHAs ~~and known flood-prone areas~~ within the jurisdiction of ~~Goshen~~ the City of Goshen, Indiana, as identified in Section 4270.6.

Section 4270.6 Basis for Establishing Special Flood Hazard Areas. ~~Regulatory Flood Data.~~

~~The Flood Control District (Overlay) Regulations protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.~~

- A. The regulatory flood elevation, floodway, and floodway fringe limits for the studied SFHAs within the jurisdiction of the City of Goshen, ~~delineated as an "AE Zone" on the Elkhart County, Indiana and Incorporated Areas Flood Insurance Rate Map dated August 2, 2011, shall be determined from as delineated on~~ the one-percent annual chance flood profiles in the Flood Insurance Study of Elkhart County, Indiana, and Incorporated Areas, and the corresponding Flood Insurance Rate Map (FIRM) dated August 2, 2011, as well as any ~~subsequent future~~ updates, amendments or revisions, prepared by the Federal Emergency Management Agency with the most recent date. ~~Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone," the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.~~
- B. The regulatory flood elevation, floodway, and floodway fringe limits for each of the SFHAs within the jurisdiction of the City of Goshen, delineated as an "A Zone" on the FIRM of Elkhart County, Indiana, and Incorporated Areas dated August 2, 2011, as well as any ~~subsequent future~~ updates, amendments or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. ~~Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better~~

data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

- C. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer ~~data available (best available flood data/layer)~~ as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
- D. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be used for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

Section 4270.7 Establishment of Floodplain Development Permit.

A floodplain development permit shall be required in conformance with the provisions of the Flood Control District (Overlay) Regulations prior to the commencement of any development activities in SFHAs.

Section 4270.8 Compliance.

- A. No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of the Flood Control District (Overlay) Regulations and other applicable regulations.
- B. ~~Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this Ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.~~
- C. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of the Flood Control District (Overlay) Regulations and other applicable regulations.

Section 4270.9 Abrogation and Greater Restrictions.

The Flood Control District (Overlay) Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 4270.10 Discrepancy between Mapped Floodplain and Actual Ground Elevations.

- A. In cases where there is a discrepancy between the mapped floodplain (SFHA) ~~with base flood elevations provided (riverine or lacustrine Zone AE)~~ on the FIRM and the actual ground elevations, the elevation provided on the profiles ~~or table of still water elevations~~ shall govern.
- B. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- C. If the ~~natural grade~~ elevation ~~(natural grade)~~ of the site in question is ~~at or~~ above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated. ~~and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.~~

Section 4270.11 Interpretation.

In the interpretation and application of the Flood Control District (Overlay) Regulations all provisions shall be:

- A. Considered as minimum requirements;

- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 4270.12 Warning and Disclaimer of Liability.

The degree of flood protection required by the Flood Control District (Overlay) Regulations is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, the Flood Control District (Overlay) Regulations does not create any liability on the part of the City of Goshen, the Plan Commission, the Board of Zoning Appeals, the Indiana Department of Natural Resources, or the State of Indiana, or any elected or appointed official or employee thereof, for any flood damage that result from reliance on the Flood Control District (Overlay) Regulations or any administrative decision made lawfully thereunder.

Section 4270.13 Penalties for Violation.

Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Ordinance for the City of Goshen. All violations shall be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500) for each offense.

- A. **Separate Offenses.** A separate offense shall be deemed to occur for each day the violation continues to exist.
- B. **Suspending of Insurance Policy.** The Goshen City Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by Standard Flood Insurance Policy to be suspended.
- C. **Other Lawful Action by City.** Nothing herein shall prevent the City of Goshen from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

~~**Section 4270.14 Increased Cost of Compliance (ICC).**~~

~~In order for buildings to qualify for a claim payment under ICC coverage as a "repetitive loss structure," the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.~~

Section 4270.14 Designation of Administrator.

The Zoning Administrator is appointed to administer and implement the provisions of Section 4270, Flood Control District (Overlay) Regulations, and related provisions, and is herein referred to as the Floodplain Administrator.

Section 4270.15 Floodplain Development Permit and Certification Requirements. Procedures

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by the Floodplain Administrator ~~for all prior to any~~ development activities ~~located wholly within, partially within, or in contact with an identified SFHA. and may~~ Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction. Such applications shall include, but not be limited to, ~~the following:~~ plans ~~in duplicate~~ drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

A. Application Stage:

1. A description of the proposed development.
2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
3. A legal description of the property site.
4. For the reconstruction, rehabilitation, or improvement of an existing non-conforming structure, or an addition to an existing non-conforming building, a detailed contractor cost estimate and description of the total work to be completed, including but not limited to interior work, exterior work, and labor, as well as a certified valuation of the existing (pre-improved or pre-damaged) structure.
5. A site development plan showing existing and proposed development locations and existing and proposed land grades.
6. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
7. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AH, and AE. Elevation should be in ~~NGVD or~~ NAVD 88. ~~In either case, the conversion formula should be included.~~
8. Plans showing elevation (in NAVD 88 ~~or NGVD~~) to which any non-residential structure will be floodproofed.
9. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
10. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.
11. Plans showing how any proposed structure will be anchored to resist flotation or collapse.
12. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88.
13. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering ~~analysis study~~ is required and any watercourse changes submitted to Indiana Department of Natural Resources for approval. ~~Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. See additional information in following sections. and then to FEMA as a Letter of Map Revision. The Floodplain Administrator shall notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.~~
14. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.
15. All provisions of Article VI, Section 6180, Improvement Location Permit.

B. Construction Stage

Upon placement of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the permit holder to submit to the Floodplain Administrator ~~an elevation certificate for the building under construction. a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor, professional engineer, or architect and certified by the same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.~~ The Floodplain Administrator shall review the ~~elevation certificate. lowest floor elevation survey data submitted.~~ The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the ~~elevation certificate survey~~ or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the permit holder to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by the same. The Floodplain Administrator shall review the floodproofing certification submitted. The permit holder shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make required corrections shall be cause to issue a stop work order for the project.

C. Finished Construction

1. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate ~~certification (FEMA Elevation Certificate Form 086-0-33 or any future updates)~~ which depicts the “as-built” lowest floor elevation and other applicable elevation data is required to be submitted by the permit holder to the Floodplain Administrator. ~~The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same.~~
2. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
3. ~~If the project includes~~ Upon completion of construction of a floodproofing measure, a floodproofing certificate ~~certification on the current FEMA Floodproofing Certificate Form~~ is required to be submitted by the permit holder to the Floodplain Administrator. ~~The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.~~

Section 4270.16 Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of Section 4270, Flood Control District (Overlay) Regulations, and related provisions. The Floodplain Administrator is further authorized to render interpretations of Section 4270, Flood Control District (Overlay) Regulations, and related provisions, which are consistent with its spirit and purpose.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- A. Review all floodplain development permits to assure that the permit requirements of the Flood Control District (Overlay) Regulations have been satisfied.
- B. ~~Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.~~
- C. Provide information and assistance to citizens upon request about floodplain development permit procedures.
- D. ~~Issue floodplain development permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.~~
- E. ~~Inspect and inventory damaged structures in SFHA and complete~~ Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.
- F. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 4270.18.E.1 and Section 4270.18.E.3G.4 of the Flood Control District (Overlay) Regulations, and maintain a record of such authorization, either copy of actual permit/authorization or floodplain analysis and regulatory assessment.
- G. ~~Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit.~~ Advise applicant ~~permittee~~ that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and ~~are to be~~ maintained on file with the floodplain development permit.
- H. Maintain and track permit records involving additions and improvements to residences located in the floodway.

- I. For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
 1. Verify and document the market value of the pre-damaged or pre-improved structure.
 2. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community.
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood, and the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage.
 4. Notify the applicant if it is determined the work constitutes substantial improvement or repair of substantial damage, and that compliance with the applicable general and specific standards of the Flood Control District (Overlay) Regulations is required.
- J. Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if construction authorization by Indiana DNR is applicable.
- K. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to the Flood Control District (Overlay) Regulations.
- L. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- M. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA. (*moved*)
- N. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- O. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with the permit procedures outlined in Section 4270.15.46.
- P. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with the permit procedures outlined in Section 4270.15.46.
- Q. ~~Review certified plans and specifications for compliance.~~ Conduct on-site inspections of projects in accordance with Section 4270.17.
- R. Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
- S. Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- T. Provide information, testimony, or other evidence as needed during variance hearings.
- U. Serve notices of violations, issue stop work orders, revoke permits and take corrective actions in accordance with Flood Control District (Overlay) Regulations, and related provisions.
- V. Coordinate map maintenance activities and associated FEMA follow up in accordance with Section 4270.20.

- W. Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the Flood Control District (Overlay) Regulations.

Section 4270.17 Administrative Procedures.

A. Inspections

1. **Work in Progress Inspections.** As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure the work is being done according to the provisions of the Flood Control District (Overlay) Regulations and the terms of the floodplain development permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the City of Goshen at any reasonable hour for the purposes of inspection or other enforcement action.
2. **Periodic Inspections.** Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the City of Goshen at any reasonable hour for the purposes of inspection or other enforcement action.

B. Stop Work Orders

1. Upon written notice from the Floodplain Administrator, the Building Commissioner shall issue a stop work order when work on any building, structure or premises is being done contrary to the Flood Control District (Overlay) Regulations.
2. Upon notice from the Building Commissioner, work on any building, structure or premises that is being done contrary to the provisions of the Flood Control District (Overlay) Regulations shall immediately cease.
3. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

C. Revocation of Floodplain Development Permits

1. The Floodplain Administrator may revoke a floodplain development permit **or approval** issued under the provisions of the Flood Control District (Overlay) Regulations in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the floodplain development permit **or approval** was based.
2. The Floodplain Administrator may revoke a floodplain development permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the floodplain development permit was issued is in violation of, or not in conformity with, the provisions of the Flood Control District (Overlay) Regulations.

D. Floodplain Management Records

1. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of the Flood Control District (Overlay) Regulations shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include floodplain development permit applications, plans, certifications, Flood Insurance Rate Maps; Letters of Map Change, records of issuance of permits and denial of permits, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage, required design certifications and documentation of elevations, notifications to adjacent communities, FEMA, and the state related to alterations of watercourses, assurances that the flood carrying capacity of altered watercourses will be maintained, documentation related to appeals and variances including justification for issuance or denial, and records of enforcement actions taken pursuant to the Flood Control District (Overlay) Regulations.
2. These records shall be available for public inspection at Goshen Plan Commission office, 204 East Jefferson Street, Suite 4, Goshen, Indiana 46528.

Section 4270.18 **Provisions for Flood Hazard Reduction.**

- A. **General Standards.** In all SFHAs ~~and known flood prone areas~~ the following provisions are required:
1. New construction, ~~reconstruction or repairs made to a repetitive loss structure~~, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
 4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
 5. Electrical, heating, ventilation, plumbing, air conditioning equipment, ~~utility meters~~, and other service facilities shall be located at/above the FPG ~~for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG~~ or designed so as to prevent water from entering or accumulating within the components below the FPG ~~for non-residential structures~~. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
 6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of the Flood Control District (Overlay) Regulations shall meet the requirements of "new construction" as contained in this Ordinance.
 10. ~~Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured homes parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser.~~
 11. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of the Flood Control District (Overlay) Regulations, shall be undertaken only if said non-conformity is not further, extended, or replaced.
 12. ~~Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the Flood Control District (Overlay) Regulations applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.~~
 13. ~~Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 feet (3') horizontal to 1 foot (1') vertical.~~
 14. ~~Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in SFHAs.~~
- B. **Specific Standards.** In all SFHAs ~~where base flood elevation data or flood depths have been provided, as set forth in Section 4270.6~~, the following provisions are required:
1. **Building Protection Requirement.** In addition to the requirements of Section 4270.18.A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- a. Construction or placement of any new structure having a floor area greater than 400 square feet.
 - b. Construction or placement of a residential structure.
 - c. Construction or placement of a non-residential structure.
 - d. Addition or improvement made to any existing **non-conforming** structure where the cost of the addition or improvement equals or exceeds 50% of the market value of the existing structure (excluding the value of the land). **An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes.**
 - e. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred. **The costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost.**
 - f. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - g. Installing a manufactured home on a new site or a new manufactured home on an existing site. The Flood Control District (Overlay) Regulations do not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
 - h. Reconstruction or repairs made to a repetitive loss structure.
2. **Residential Construction.**
- a. **New construction or substantial improvement of any residential structures shall meet applicable standards of Section 4270.18.**
 - b. **In Zone A and Zone AE, new construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 4270.18.B.4. Should fill be used to elevate a structure, the standards of Section 4270.18.B.5 must be met.**
 - c. **A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.**
3. **Non-Residential Construction.**
- a. **New construction or substantial improvement of any non-residential structures (excluding accessory structures) shall meet applicable standards of Section 4270.18.**
 - b. **In Zone A and Zone AE, new construction or substantial improvement of any commercial, industrial, or non-residential structure ~~(or manufactured home)~~ shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 4270.18.B.4. Should fill be used to elevate a structure, the standards of Section 4270.18.B.5 must be met.**
 - c. **Structures located in all "A-Zones"—A nonresidential structure may be floodproofed ~~in lieu of being elevated if done~~ in accordance with the following:**
 - i. A registered professional engineer or architect shall certify the structure has been designed so that below the FPG the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator. **as set forth in the floodplain development permit procedures.**

- ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
 - d. A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.
4. **Elevated Structures.** ~~New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.~~ Residential and non-residential elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirements: ~~(crawlspaces or under floor spaces) shall~~
- a. Be designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings: ~~The opening requirement does not apply to back-filled stem wall foundations. Designs must meet the following minimum criteria:~~
 - i. Provide a minimum of two openings located on different sides of an enclosure. ~~in a minimum of two exterior walls~~ If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
 - ii. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening ~~exterior grade or the interior grade immediately beneath each opening, whichever is higher.~~
 - iii. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - iv. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
 - v. Doors and windows do not qualify as openings.
 - vi. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. The floor of such enclosed area must be at or above grade on at least one side.
 - ~~a. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).~~
 - ~~b. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~
 - ~~c. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.~~
5. **Structures Constructed on Fill.** A residential or non-residential **structure building** may be constructed on ~~a permanent land~~ fill in accordance with the following:
- a. The fill shall be placed in layers no greater than one (1) foot deep before compacting to 95 percent of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
 - b. The fill should extend at least ten feet beyond the foundation of the structure before sloping below the BFE.

- c. The fill shall be protected against erosion and scour during the flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 feet horizontal to 1 foot vertical.
 - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
~~The top of the lowest floor including basements shall be at or above the FPG.~~
 - e. Fill shall be composed of clean granular or earthen material.
6. **Standards for Manufactured Homes and Recreational Vehicles.** ~~Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:~~
- a. ~~These requirements apply to all manufactured homes to be placed on a site in the SFHA:~~
 - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by the foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4270.18.B.4. ~~These requirements apply to all manufactured homes to be placed on a site:~~
 - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 - ~~i. Outside a manufactured home park or subdivision;~~
 - ~~ii. In a new manufactured home park or subdivision;~~
 - ~~iii. In an expansion to an existing manufactured home park or subdivision; or~~
 - ~~iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.~~
 - ~~a. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Fully enclosed areas formed by the foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4270.18.B.4. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.~~
 - b. Recreational vehicles placed on a site in the SFHA shall either:
 - i. Be on the site for less than 180 days; and;
 - ii. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the requirements for "manufactured homes" as stated earlier in this section.
7. **Accessory Structures.** ~~Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such~~ Within SFHAs, new construction or placement of accessory structures shall meet the following standards:
- a. Shall have a floor area of 400 square feet or less.
 - b. Use shall be limited to parking of vehicles and limited storage.
 - c. Shall not be used for human habitation.
 - d. Shall be constructed of flood resistant materials.

- e. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- f. Shall be firmly anchored to prevent flotation or lateral movement.
- g. Service facilities such as electrical or heating equipment shall be elevated or floodproofed to or above the FPG.
- h. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 4270.18.B.4.
- i. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

8. **Above Ground Gas or Liquid Storage Tanks.** Within SFHAs, all newly placed above ground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Section 4270.18.B.3. ~~be anchored to prevent flotation or lateral movement~~

9. **Freestanding Pavilions, Gazebos, Decks, Carports, and Similar Development.** Within SFHAs, new construction or placement of freestanding pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- a. Shall have open sides (having not more than one rigid wall).
- b. Shall be anchored to prevent flotation or lateral movement.
- c. Shall be constructed of flood resistant materials below the FPG.
- d. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.
- e. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

C. **Standards for Subdivision Proposals.** ~~The Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in the SFHA as defined elsewhere by this Ordinance. If the Plan Commission finds the subdivision to be located in a floodway, the Plan Commission shall forward plans and materials to the IDNR for review and comment. The Plan Commission shall require appropriate changes and modifications in order to assure that:~~

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage.
- 2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage.
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards. ~~Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres. On-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.~~
- 4. Developers shall record the elevation of the SFHA on all subdivision plats containing lands within the SFHA prior to submitting the plats for approval by the Plan Commission.
- 5. In all SFHAs where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals (including manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser.
- 6. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- 7. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

D. **Critical Facility.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

E. **Floodplain Status Standards. ~~Standards for Identified Floodways.~~**

1. **Floodways (Riverine)**

Located within SFHAs, established in Section 4270.6, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of **the Flood Control Act (IC 14-28-1)**, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving ~~ete.~~, undertaken before the actual start of construction of the structure. ~~General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. IC 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.~~

- a. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for ~~approval a permit~~ for construction in a floodway, ~~provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).~~
- b. No action shall be taken by the Floodplain Administrator until ~~approval a permit or letter of authorization (when applicable)~~ has been ~~granted issued~~ by the Indiana Department of Natural Resources ~~granting approval~~ for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act.
- c. ~~Once a permit for construction in a floodway or letter of authorization~~ After approval has been ~~granted issued~~ by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions ~~contained in Section 4270.18~~ of the Flood Control District (Overlay) Regulations have been met. The floodplain development permit cannot be less restrictive than ~~an approval the permit~~ for construction in a floodway issued by the Indiana Department of Natural Resources, ~~or exemption to the Flood Control Act for a specific site/project.~~ However, a community's more restrictive regulations (if any) shall take precedence.
- d. ~~In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Section 4270.20. A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.~~
- e. ~~No development shall be allowed, which acting alone or in combination with existing or future development, that will~~ In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing

and anticipated development, shall not adversely affect the efficiency of or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

- f. For all projects involving channel modifications or fill (including levees) the City of Goshen shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

~~F.~~ **Standards for Identified Floodway Fringe.**

2. Fringe (Riverine)

If the site is located in an identified floodway fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), then the Floodplain Administrator may issue the local floodplain development permit provided the provisions contained in Section 4270.18 of the Flood Control District (Overlay) Regulations have been met. ~~The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.~~

~~G.~~

3. **Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Floodway Fringes (Riverine)**

~~1.~~

- a. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either ~~written approval (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) a permit for construction in a floodway (including letters of authorization)~~ or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended FPG has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper ~~written approval, evidence of general license qualification, permit for construction in a floodway (including letters of authorization)~~ or floodplain analysis/regulatory assessment approving the proposed development ~~from the Indiana Department of Natural Resources~~, a floodplain development permit may be issued, provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in ~~this section Section 4270.18 of the Flood Control District (Overlay) Regulations~~ have been met.

~~2.~~

- b. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in Section 4270.18 of the Flood Control District (Overlay) Regulations have been met.

4. **SFHAs not Identified on a Map**

- a. If a proposed development site is near a watercourse with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
- b. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- c. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a floodplain development permit may be issued, provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 4270.18 of the Flood Control District (Overlay) Regulations have been met.

~~3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre floodway condition as proven with hydraulic analyses.~~

~~H. **Standards for Flood Prone Areas.** All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Section 4270.18.~~

Section 4270.19 Variance Procedures in Flood Districts.

- A. **Designation of Variance and Appeals Board.** The Board of Zoning Appeals as established by the Common Council of the City of Goshen shall hear and decide appeals and requests for variances from requirements of the Flood Control District (Overlay) Regulations.
- B. **Duties of Variance and Appeals Board.** The Board of Zoning Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of the Flood Control District (Overlay) Regulations. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to a court of competent jurisdiction. ~~the Circuit or Superior Court of Elkhart County, Indiana.~~
- C. **Variance Procedures.** In ~~considering passing upon~~ such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 1. The danger of life and property due to flooding or erosion damage;
 2. The danger that materials may be swept onto other lands to the injury of others;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected height, velocity, duration, rate of rise, and sediment ~~of~~ transport of the floodwaters at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

A written report addressing each of the above factors shall be submitted by the applicant with the application for a variance.

D. Conditions for Variances.

1. Variances ~~from the provisions of the Flood Control District (Overlay) Regulations shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following: shall only be issued when there is:~~
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
2. No variance for a residential use within a floodway subject to Section 4270.18.E.1, **Section 4270.18.E.3.a** or Section 4270.18.E.4.G.1 of the Flood Control District (Overlay) Regulations may be granted.
3. Any variance granted in a floodway subject to Section 4270.18.E.1, **Section 4270.18.E.3.a** or Section 4270.18.E.4.G.1 of the Flood Control District (Overlay) Regulations will require a permit from the Indiana Department of Natural Resources. **Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.**
4. Variances to the provisions for flood hazard reduction of Section 4270.18.B may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the FPG.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. ~~and be such that the maximum practical flood protection will be given to the proposed construction.~~
6. Variances may be granted for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.
7. **Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.**

8. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. ~~See Section 4270.19.E.~~
9. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request. ~~See Section 4270.19.E.~~

~~E. **Variance Notification.**~~

~~Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the Flood Protection Grade shall be given written notice over the signature of the Floodplain Administrator that:~~

- ~~1. The issuance of a variance to construct a structure below the Flood Protection Grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and~~
- ~~2. Such construction below the Flood Protection Grade increases risks to life and property.~~

~~The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.~~

- E. **Special Conditions.** Upon the consideration of the factors listed in Section 4270.19, and the purposes of the Flood Control District (Overlay) Regulations, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of the Flood Control District (Overlay) Regulations.

Section 4270.20 Map Maintenance Activities.

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Goshen flood maps, studies and other data identified in Section 4270.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- A. Requirement to Submit New Technical Data
 1. For all development proposals that impact floodway delineations or base flood elevations, the City of Goshen shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area.
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and subdivision or large-scale development proposals requiring the establishment of base flood elevations.
 2. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
 4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.
- B. Right to Submit New Technical Data
The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Goshen and may be submitted to FEMA at any time.
- C. Annexation/Detachment
Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Goshen have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Elkhart County and Incorporated Areas Flood Insurance Rate Map accurately represent the City of Goshen boundaries, include within such notification a copy of a map of the City of Goshen suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Goshen has assumed or relinquished floodplain management regulatory authority.

Section 4270.21 **Severability.**

If any section, subsection, clause, sentence, or phrase of the Flood Control District (Overlay) Regulations is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect ~~effect~~ the validity of the remaining portions of this Ordinance.

**Goshen Common Council
Resolution 2024-04**

**Interlocal Agreement with the County of Elkhart
for Animal Control Services**

WHEREAS the County of Elkhart has negotiated a contract with The Humane Society of Elkhart County, Inc. to provide animal shelter management and animal control services for 2024 for certain areas of Elkhart County, including within the corporate boundaries of the City of Goshen.

WHEREAS the City of Goshen agrees to contribute \$93,940 to reimburse the County of Elkhart for the cost of providing animal shelter management and animal control services within the corporate boundaries of the City of Goshen.

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

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council approves the terms and conditions of the Interlocal Agreement between Elkhart County, Indiana and City of Goshen, Indiana for Animal Control Services, a copy of which is attached to and made a part of this resolution.

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 the hour of ____:____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2024.

Gina M. Leichty, Mayor

**INTERLOCAL AGREEMENT BETWEEN ELKHART COUNTY, INDIANA
AND CITY OF GOSHEN, INDIANA FOR ANIMAL
CONTROL SERVICES**

This Agreement is made and entered into this ____ day of _____, 2024, by and between the COUNTY OF ELKHART, INDIANA (hereinafter referred to as the "County"), and the CITY OF GOSHEN, INDIANA (hereinafter referred to as "Municipality"),

WITNESSETH:

WHEREAS County has negotiated with The Humane Society of Elkhart County, Inc. for animal shelter management and animal control services for 2024;

WHEREAS the Contract for Animal Shelter Management and Animal Control Services for 2024 includes the unincorporated areas of Elkhart County and may include the areas within the corporate limits of the Municipality;

WHEREAS the Contract for Animal Shelter Management and Animal Control Services for 2024 has been entered into by County in the form which is attached to as Exhibit A;

WHEREAS the County and Municipality desire to enter into this Agreement in order to provide for the Services within the Municipality and to facilitate the reimbursement to the County by the Municipality for the cost of providing the Services within the Municipality for calendar year 2024;

NOW, THEREFORE in consideration of the foregoing and of the promises and commitments herein contained, the parties hereby agree as follows:

1. Definition of Services. For purposes of this Agreement, the term "Services" shall refer to the animal shelter management and animal control services to be furnished by The Humane Society of Elkhart County, Inc. to the Municipality pursuant to the Contract attached hereto as Exhibit A.

2. Administration. The County shall serve as the lead agency for the Services and assumes and agrees to be responsible for the overall administration of the Services to include, but not be limited to, the following:

a. Contracting with The Humane Society of Elkhart County, Inc. as required by and in compliance with the applicable statutes governing the County and contracts for public services;

b. Administering the contract with The Humane Society of Elkhart County, Inc.;

c. Maintaining the documents, contracts, notices, and other records in connection with the Services, including the financial records and providing a financial summary to the Municipality for all funds expended and received in connection with the Services; and

d. Providing such other general administrative services as are necessary to complete the Services.

3. Municipality Participation.

Municipality shall be responsible for reimbursing and contributing to County the sum of Ninety Three Thousand Nine Hundred and Forty Dollars (\$93,940.00) for the Services which shall be paid in two (2) installments of Forty Six Thousand Nine Hundred and Seventy Dollars (\$46,970.00) each with the first installment becoming due and payable on or before April 1st 2024 and with the second installment being payable on or before August 1st 2024. The Municipality contribution, or changes in amounts thereto, for calendar year 2024 are subject to budget approvals and appropriations by the Municipality.

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

5. Supplemental Documents. The Municipality and County agree to execute any and all supplementary documents and to take any and all supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this Agreement.

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

7. Miscellaneous.

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

b. No Other Agreement. Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations, and discussions relative to the subject matter hereof and is a full integration of the agreement of the parties.

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

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

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

County: Board of Commissioners of the County of Elkhart, Indiana
Elkhart County Administration Building
117 North Second Street
Goshen, IN 46526

Municipality: City of Goshen
C/O Goshen Legal Department
204 East Jefferson Street, Suite 2
Goshen, IN 46528

With copies to: Craig Buche, Elkhart County Attorney
Yoder, Ainlay, Ulmer & Buckingham, LLP
P.O. Box 575
130 North Main Street
Goshen, IN 46527

And _____

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

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

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

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

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By _____
Bradley D. Rogers, President

By _____
Suzanne M. Weirick, Vice-President

By _____
Bob Barnes, Member

ATTEST:

Patricia A. Pickens, Elkhart County Auditor

CITY OF GOSHEN, INDIANA

By: _____
Gina M. Leichty, Mayor
City of Goshen, Indiana

ATTEST:

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

STATE OF INDIANA,)
) SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this _____ day of _____, 2024, personally appeared the Board of Commissioners of Elkhart County, Indiana and Patricia A. Pickens, Elkhart County Auditor, and acknowledged that as said Commissioners and Auditor, they respectively executed the foregoing Interlocal Agreement for and on behalf of, and in the name of Elkhart County, for the uses and purposed therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

Notary Public
Resident of Elkhart County, IN

My Commission Expires:

STATE OF INDIANA)
) SS:
COUNTY OF ELKAHRT)

Before me, a Notary Public in and for said County and State, this _____ day of _____, 2024, personally appeared Gina M. Leichty, Mayor, and Richard R. Aguirre, Clerk-Treasurer, and acknowledged that as said representatives, they respectively executed the foregoing Interlocal Agreement for and on behalf of, and in the name of the City of Goshen, Indiana, for the uses and purposed therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

Notary Public
Resident of Elkhart County, IN

My Commission Expires:

APPROVAL

The Elkhart County Council hereby approves of the above and foregoing Interlocal Agreement this _____ day of _____, 2024.

ELKHART COUNTY COUNCIL

By _____
Thomas Stump, President

ATTEST:

Patricia A. Pickens, Elkhart County Auditor

Exhibit A

CONTRACT FOR ANIMAL SHELTER MANAGEMENT AND ANIMAL CONTROL SERVICES

This contract made effective this 1st day of January, 2024 by and between the County of Elkhart, State of Indiana, hereinafter called the "County" and The Humane Society of Elkhart County, Inc., 54687 County Road 19, Bristol, Indiana, 46507, or its successors, executors, administrators and assignees, hereinafter called the "Contractor";

WITNESSETH:

WHEREAS, the Contractor is a not-for-profit corporation organized for the purpose of caring for and sheltering animals within Elkhart County, Indiana and has the personnel, facilities and equipment to aid the County with these services;

WHEREAS, the County desires to contract with the Contractor for animal control and shelter service, and the Contractor desires to provide the County with such services;

NOW, THEREFORE, in consideration of the premises and payments set forth in Section IV below, and the mutual promises herein, the parties agree as follows:

I. CONTRACT DOCUMENTS

The parties hereby agree to the following contract requirements. Where there is a conflict between the requirements of State and County law and the requirements set forth below, the requirements of State and County law shall take precedence and govern.

II CONTRACTOR WORK REQUIREMENT

It is agreed that the service to be performed under this Contract is to provide animal shelter management services and animal control services in accordance with the terms, conditions and specifications contained or referenced herein.

The Contractor agrees that all animal shelter management services and animal control performed for the County shall be performed in full compliance with the applicable Federal, State and County laws, regulations, and guidelines for such services.

The Contractor agrees that it shall provide the following animal shelter management services and animal control services:

A. Operation of the Animal Shelter

1. The Contractor shall operate and maintain the Animal Shelter located at 54687 County Road 19, Bristol, Indiana 46507 (the "Shelter").

2. The Contractor shall abide by all laws of the State of Indiana and all local ordinances designed to prevent cruelty to animals, and to enforce those laws and ordinances where it has the lawful authority to do so. The Contractor shall be entitled to rely in good faith upon the opinion of legal counsel as to whether it has such lawful authority.
3. Subject to paragraph IV (B) below but excluding the Town of Millersburg, the Contractor shall lawfully pick up, capture, impound, accept, care for, board, maintain and dispose of animals within the incorporated and unincorporated areas of Elkhart County, Indiana in the following instances: 1) the Contractor shall, during its regular business hours on Mondays through Fridays, pick up all observed or reported stray, confined, domestic animals; and 2) the Contractor shall, during other hours, pick up all observed or reported stray, confined, domestic animals where an animal is observed or reported as sick or injured, or where the animal is observed or reported to have bitten a human.
4. At a minimum, the Contractor shall operate the Shelter and keep the Shelter open to the public from 9 a.m. through 4 p.m. Monday through Saturday, except for Federal, State and County holidays when the Shelter may be closed to the public.
5. The Contractor shall provide an adequately trained animal technician staff of sufficient size to provide all the services required under this Contract.
6. The Contractor shall provide adequate food, water, shelter, space, care, treatment and transportation to all animals housed at the Shelter.
7. The Contractor shall provide a system to monitor medical and other information on each sheltered animal.
8. The Contractor shall be responsible for publicizing the hours of operation and the services of the Shelter.

B. Impoundment of Animals

1. The Contractor shall be responsible for enforcement of the quarantine for a 10 day period of any stray domestic animal which has bitten or is suspected to have bitten a person or as directed by the Elkhart County Health Department or County officials.
2. The Contractor shall be responsible for the humane euthanasia of any animal using methods approved by the State Veterinarian, if euthanasia is

required for reasons of public safety or welfare. The County acknowledges that nothing in this Contract shall be deemed to preclude the euthanasia of any animal by the Humane Society of Elkhart County, Inc. In the event the Humane Society of Elkhart County, Inc. performs euthanasia of any animal for reasons other than public safety or welfare, or other than in satisfaction of the County's legal obligations, if any, the Humane Society of Elkhart County, Inc., shall be responsible for, shall defend against and shall indemnify and hold the County harmless against any and all suits, claims, demands, losses or actions made against the County based upon, arising from, or incident to the performance of such euthanasia.

3. The Contractor shall not be responsible for the collection and disposal of the carcasses of dead animals.
4. The Contractor shall maintain all necessary records and reports of animals impounded at the Shelter.
5. The Contractor shall, upon request, furnish law enforcement agencies of Elkhart County and the Elkhart County Health Department all information in its possession about animals which have been impounded due to cruelty, neglect, bite cases or contagious diseases and shall cooperate with the said officials in the enforcement of laws prohibiting animal cruelty and supporting public safety.
6. Whenever the ownership of an impounded animal is ascertained, the Contractor shall make a reasonable effort to notify the owner of the animal's impoundment within the next business day after the animal is initially confined.
7. The Contractor shall collect, secure and deposit all fees, fines and costs due, including the cost of providing veterinary care for an animal, from owners of impounded animals in accordance with applicable laws. County shall not be responsible for such obligations.

C. Animal Control Officers

1. The Contractor shall employ individuals to enforce the provisions of, and to perform as animal control officers ("Animal Control Officers").
2. The Contractor shall be responsible for all continuing education training of Animal Control Officers to assure their continued compliance with State and local educational and training requirements.

D. Public Service Programs

In consideration of the award of this contract to the Contractor, the Contractor shall provide at its sole cost and expense, the following services:

1. A volunteer program to encourage support for the Contractor and its operations of the Shelter; provided that all volunteers shall execute, as a condition of their participation, a waiver of liability, in form and content acceptable to the Contractor;
2. Events designed to promote animal adoptions and to educate the public about animal welfare; and
3. The adoption program shall be conducted to ensure humane, permanent homes for animals. The Contractor must maintain a documented adoption procedure and maintain complete records of all adoption attempts and placements.

E. Cost of Operation, Expenses of Contractor and Expenses of County

1. The Contractor shall maintain at all times adequate supplies for the performance of its obligations under this Contract, including without limitation, the lawful duties of the Animal Control Officers.
2. All donations of any kind, made to the Humane Society of Elkhart County, Inc., will be considered the sole property of the Contractor, and if received by the County will be promptly forwarded to the Contractor.

F. Meetings and Other Requirements

The County shall appoint an individual to serve as liaison with the Contractor for the purpose of reviewing any matters relative to this Contract. To ensure adequate communication and coordination among all County agencies, the Contractor shall direct all notices required or permitted under this Contract through the contract administrator. In the case of an event requiring notification of County agencies other than the Sheriff Department, the Contractor shall inform the contract administrator or designee in a timely manner.

III. PERIOD OF CONTRACT PERFORMANCE

The term of this Contract is from January 1, 2024 through December 31, 2024. County may renew this Contract subject to the mutual agreement with the Contractor as to the Contract costs for said years.

IV. CONTRACT COSTS

- A. The Contractor at its own proper cost and expense shall do all the work necessary to carry out its obligations set forth in this Contract to the full extent as set forth herein and to the satisfaction of the County.

- B. For calendar year 2024, County shall pay the total sum of Two Hundred and Forty Two Thousand Dollars [\$242,000.00] to Contractor to perform all services under this Contract in accordance with the terms, conditions, and specifications contained or referenced herein with respect to the unincorporated areas in Elkhart County, Indiana. Said amount shall be payable by County to Contractor as follows: County shall pay One Hundred Twenty Two Thousand Dollars (\$122,000.00) to Contractor on or before February 29, 2024, the balance of One Hundred Twenty Thousand Dollars [\$120,000.00] shall be payable by County to Contractor in three (3) quarterly installments of Forty Thousand Dollars [\$40,000.00] on April 1, 2024, July 1, 2024 and October 1, 2024. In consideration of the advancement of the One Hundred Twenty Two Thousand Dollars (\$122,000.00) on or before February 29, 2024, Contractor agrees to provide all of the services to be performed under this Contract in accordance with the terms, conditions, and specifications contained or referenced herein both in the incorporated and unincorporated areas of Elkhart County, Indiana, but excluding the Town of Millersburg.

After March 31, 2024, Contractor shall not be required to provide the services to be performed under this Contract in the incorporated areas of Elkhart County, Indiana unless County agrees to pay an additional amount for any or all of the following incorporated areas respectively:

Municipality	Amount
City of Elkhart	\$153,065
City of Goshen	\$93,940
Town of Middlebury	\$6,534.
Town of Wakarusa	\$7,260
Town of Bristol	\$4,840
Town of Nappanee	\$12,688

County intends to seek Interlocal Agreements with each of these listed municipalities to cover the additional costs specified above for each municipality. If such Interlocal Agreements are entered, County shall give written notice to

Contractor on or before March 31, 2024 of which incorporated areas are to be covered by the services to be performed under this Contract by Contractor after March 31, 2024. County's notice may provide by its election to have Contractor provide the services under this Contract in any or all of the municipalities listed above. For each municipality to be provided the services under this Contract after March 31, 2024, County shall pay to Contractor the additional amount specified above for that municipality which amounts shall be payable in three (3) quarterly installments paid on April 1, 2024, July 1, 2024 and October 1, 2024. Should any of the municipalities increase or decrease the amounts specified above the County will adjust the quarterly obligation to reflect the increase or decrease in funding from the municipalities in 2024.

The parties reserve the right to negotiate mutually agreed rates for other future specified services. If the Contractor reasonably believes that any work it is requested to perform under this Contract is not, or may not be, within the scope of the Contract, or represents, or may represent a material change in the Contract, the Contractor shall immediately notify the Contract Administrator that the work is beyond the scope of the Contract or represents a material change in the Contract, and if the County desires the work to be undertaken, then the Contractor shall be fully compensated for performing the work; provided that a written change order to this Contract must have been made pursuant to Section V, B prior to the work being performed in order for such additional compensation to be paid to the Contractor.

V. PERSONNEL AUTHORIZED TO REPRESENT THE PARTIES

A. Authorized Contract Administrators

1. Contract Administrator for the County shall be:

T. Jeffery Taylor
Elkhart County Administrator
117 N. Second Street
Goshen, IN 46528-3298
574-534-3541 FAX 574-535-6747

2. Contract Administrator for the Contractor shall be:

Director
Humane Society of Elkhart County, Inc.
54687 County Road 19
Bristol, IN 46507
574-848-4225 FAX 574-848-5453

B. Contracting Officer

County and Contractor's Administrator must authorize changes made to this Contract throughout the Contract period in writing.

VI. STATE LAW CERTIFICATION PROVISIONS

- A. Pursuant to Indiana Code §22-9-1-10, Contractor and its subcontractors, if any, shall not discriminate against any employee or applicant for employment to be employed in the performance of this Contract with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment because of race, color, religion, sex, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of this Contract.
- B. Contractor certifies that, except for de minimis and non-systematic violations, it has not violated the terms of I.C. 24-4.7, I.C. 24-5-12, or I.C. 24-5-14 in the previous three hundred sixty-five (365) days, even if I.C. 24-4.7 is preempted by federal law and that Contractor will not violate the terms of I.C. 24-4.7 for the duration of this Contract, even if I.C. 24-4.7 is preempted by federal law. Contractor further certifies that any affiliate or principal of Contractor and any agent acting on behalf of Contractor or on behalf of any affiliate or principal of Contractor, except for de minimis and non-systematic violations, has not violated the terms of I.C. 24-4.7, in the previous three hundred sixty-five (365) days, even if I.C. 24-4.7 is preempted by federal law, and will not violate the terms of I.C. 24-4.7 for the duration of this Contract, even if I.C. 24-4.7 is preempted by federal law.
- C. Investment Activity. Pursuant to Indiana Code §5-22-16.5, Contractor certifies that Contractor is not engaged in investment activities in Iran.
- D. E-Verify Program. Pursuant to Indiana code §22-5-1.7-11 Contractor agrees to and shall enroll in and verify the work eligibility status of all newly hired employees of the Contractor after the date of the Agreement through the E-Verify Program as defined in Indiana Code §22-5-1.7-3; provided, however, Contractor is not required to verify the work eligibility status of all newly hired employees after the date of this Agreement through the E-Verify Program if the E-Verify Program no longer exists. Contractor further represents and certifies subject to pain and penalties of perjury that it does not knowingly employ an unauthorized alien.

VII. TAX REQUIREMENTS

By executing this Contract, the Contractor agrees to comply with the laws, regulations, and rulings of the United States Internal Revenue Service related to the requirements for filing information statements, including IRS Form 1099.

VIII. DEFAULT

- A. Upon Contractor's failure to cure a default (i.e., non-performance or violation of contract terms) within fifteen (15) days of written notice of such default from the County to the Contractor (provided, if such default cannot be cured within such 15 day period, and the Contractor commences the cure within such 15 day period, the cure period shall be extended to 30 days after the initial written notice of such default), this Contract may be canceled or annulled by the County or its designee in whole or in part by written notice of default to the Contractor. Upon default, an award may be made to another contractor and the Contractor shall be liable to the County for costs incurred in excess of the costs provided for in this Contract.
- B. Rights, obligations, or liabilities of both parties, which arise prior to the suspension or termination of this Contract shall survive the suspension or termination of this Contract.

IX. ASSIGNMENT

Contractor shall not assign, transfer, convey or otherwise dispose of any or all of its right, title or interest in this Contract, without the prior written consent of County.

X. GOVERNING LAW

This Contract shall be governed in all respects by the laws of the State of Indiana and the County of Elkhart.

XI. INDEMNIFICATION, LIMITATION OF LIABILITY, INSURANCE, AND NOTICE

- A. Contractor shall be responsible for, shall defend against, and shall indemnify and hold the County harmless from any, and all suits, claims, demands, losses, or actions made against the County based upon, arising from, or incident to the provision of services by the Contractor under this Contract, except those claims arising from the County's negligence, malfeasance, or breach of this Contract. This indemnification does not include indemnification for claims based upon the alleged unconstitutionality or invalidity of any provision of the state or county codes pursuant to which the Contractor acts or an alleged invalidity of the delegation, if any, to the Contractor under this Contract or the authority to enforce the state and county animal control laws and animal cruelty laws.

- B. The County shall be responsible for, shall defend against, and shall indemnify and hold the Contractor harmless from any, and all suits, claims, demands, losses, or actions made against the Contractor based upon or arising out of the County's negligence, malfeasance, or breach of this Contract.
- C. Contractor will obtain worker's compensation insurance and employer's liability insurance in such minimum amounts as required in the State of Indiana and comprehensive general and vehicular liability insurance in the minimum amounts of One Million Dollars (\$1,000,000) each, which insurance must name County as an additional insured. Contractor warrants that it shall maintain such insurance in effect during the term of this Agreement and maintain a current Certificate of such insurance in favor of County during the term of this Agreement.
- D. An indemnified party hereunder shall notify the indemnifying party of any suit, claim, demand, loss, or action made or filed against the indemnified party within ten days after the indemnified party's receipt or learning of it.

XII. WARRANTIES

Each party to this Contract warrants the following:

- A. This Contract constitutes a valid, binding and enforceable agreement of the party;
- B. The execution of this Contract and the performance of its obligations are within the party's powers; have been authorized by all necessary action on behalf of the party; do not constitute a breach by the party of any agreement with another party; and will not cause a breach by the party of any duty arising at law or in equity; and
- C. The party possesses the financial capacity to perform all of its obligations under this Contract.

The parties agree that the failure of any of the above representations and warranties to be true during the term of this Contract shall constitute a material breach of this Contract, and the non-breaching party shall have the right, upon notice to the breaching party, to immediately terminate this Contract. All amounts outstanding hereunder shall be immediately due and payable. Court costs and other costs and expenses, including reasonable attorney's fees incurred in the collection of any amounts due hereunder, may also be recovered by the non-breaching party.

XIII. SEVERABILITY

Should any provision of this Contract be declared invalid for any reason, such decision shall not affect the validity of any provisions, which other provisions shall remain in force and effect as if this Contract had been executed with the invalid provision(s) eliminated, and it is hereby declared the intention of the parties that they would have executed the other provisions of this Contract without including therein such provision(s) which may for any reason be hereafter declared invalid.

XIV. NON-WAIVER

The failure of the Contractor or the County to exercise any right, power or option arising under this Contract, or to insist upon strict compliance with the terms of this Contract, shall not constitute a waiver of the terms and conditions of this Contract with respect to any other or subsequent breach thereof, nor a waiver by Contractor or the County of their rights at any time thereafter to require exact and strict compliance with all the terms hereof

XV. SURVIVABILITY OF PAYMENT OBLIGATIONS, RIGHTS AND REMEDIES

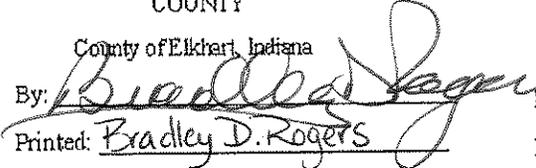
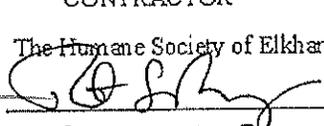
Provided the Contractor has not defaulted in the performance of its obligations.

XVI. RELATION TO COUNTY

In performing services under this Contract, the Contractor shall be an independent contractor for the County, and neither the Contractor nor its employees, shall under any circumstances be considered employees, servants or agents of the County. The County shall not be legally responsible for any negligence or other wrongdoing by the Contractor, its employees, servants or agents while performing under this Contract.

XVII. SIGNATORIES

Please type or print the following information, with the exception of the signature.

COUNTY	CONTRACTOR
County of Elkhart, Indiana	The Humane Society of Elkhart County
By: <u></u>	By: <u></u>
Printed: <u>Bradley D. Rogers</u>	Printed: <u>ROBERT LARoy</u>
Title: <u>President</u>	Title: <u>EXECUTIVE DIRECTOR</u>
Date: <u>2/12/2024</u>	Date: <u>2/23/2024</u>

**GOSHEN COMMON COUNCIL
RESOLUTION 2024-03**

**Adopting an Electronic Meetings Policy to Allow Members of the Common Council
to Participate in Meetings by Electronic Means of Communication**

WHEREAS I.C. 5-14-1.5-3.5 allows a member of the governing body of a political subdivision who is not physically present at a meeting of the governing body to participate in a meeting by any electronic means of communication that:

1. allows all participating members of the governing body to simultaneously communicate with each other; and
2. allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session;

WHEREAS the governing body must adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication, which may include procedures that are more restrictive than the procedures established by I.C. 5-14-1.5-3.5; and

WHEREAS the Goshen Common Council seeks to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council adopts the following Electronic Meetings Policy:

Section 1. Attendance at Meetings of the Common Council by Electronic Means of Communication

A. A member of the Common Council who is not physically present at a meeting of the Common Council may participate in the meeting of the Common Council by any electronic means of communication that:

1. allows all participating members of the Common Council to simultaneously communicate with each other; and
2. allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session.

B. The following conditions apply to a Common Council member not physically present at a meeting of the Common Council but participating in the meeting of the Common Council by an electronic means of communication:

1. At least fifty percent (50%) of the Common Council members must be physically present at a meeting at which a member may participate by an electronic means of communication.

2. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.

3. Subject to Section 2, paragraph C, a member who participates in a meeting by an electronic means of communication may participate in final action only if the member can be seen and heard.

4. Subject to Section 2, paragraph C, a member who participates by an electronic means of communication shall be considered present for purposes of establishing a quorum.

Section 2. Limitations

A. A member of the Common Council may not attend more than fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

1. military service;
2. illness or other medical condition;
3. death of a relative; or
4. an emergency involving actual or threatened injury to persons or property.

B. A member of the Common Council may attend two (2) consecutive meetings ("a Set of Meetings") by an electronic means of communication; however, a member must physically attend, in person, at least one (1) meeting between Sets of Meetings that the member attends by an electronic means of communication, unless the member's absence is due to:

1. military service;
2. illness or other medical condition;
3. death of a relative; or
4. an emergency involving actual or threatened injury to persons or property.

C. A member of the Common Council may not participate in a meeting by an electronic means of communication at which the Common Council may take final action to:

1. adopt a budget;
2. make a reduction in personnel;
3. initiate a referendum;

4. establish or increase a fee;
5. establish or increase a penalty;
6. exercise the Council's power of eminent domain; or
7. establish, raise or renew a tax.

Section 3. Technological Failure

A technological failure in an electronic means of communication that disrupts or prevents:

A. the simultaneous communication between a member who is not physically present at the meeting and the Common Council; or

B. a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the Common Council from conducting the meeting or affect the validity of an action taken by the Common Council at the meeting if the sum of the Common Council members physically present at the meeting and the Common Council members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the Common Council.

Section 4. Minutes or Memoranda

The minutes or memoranda of a meeting at which any member of the Common Council participates by an electronic means of communication must:

A. identify each member who:

1. was physically present at the meeting;
2. participated in the meeting by using any electronic means of communication; and
3. was absent; and

B. identify the electronic means of communication by which:

1. members participated in the meeting; and
2. members of the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. Declared Emergencies

A. Members are not required to be physically present for a meeting of the Common Council during such time when following authorities have declared a disaster emergency and the disaster emergency remains in effect:

1. the governor under I.C. 10-14-3-12; or
2. the mayor under I.C. 10-14-3-29,

to the extent allowed by I.C. 5-14-1.5-3.7.

B. Members may participate in a meeting during a declared emergency by an electronic means of communication provided that:

1. At least a quorum of the members participate in the meeting by an electronic means of communication or in person.
2. The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
3. The minutes or memoranda of the meeting must comply with requirements for meetings where members are allowed to attend by an electronic means of communication.

C. All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 6. Definitions

The definitions found in I.C. 5-14-1.5-2, as amended, shall apply to this policy.

Section 7. Application

The policy adopted by this resolution shall be known as the "Electronic Meetings Policy" of the Common Council and it shall apply to meetings of the Common Council and all other governing bodies of the City of Goshen, excluding the Goshen Board of Aviation Commissioners, until such time as such other governing bodies adopt policies substantially similar to this policy, in accordance with Indiana law.

Section 8. Intent of Policy

A. It is the intent of this policy to comply with the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time, to allow for a member of the Common Council who is not physically present at a meeting to participate by any electronic means of communication. In the event that I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7 are amended or repealed, then this policy shall be amended to comply with said amended statutory provisions.

B. This resolution incorporates by reference the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time.

Section 9. Effective Date

This resolution shall be effective from and after adoption.

PASSED by the Goshen Common Council on March _____, 2024.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard Aguirre, Clerk-Treasurer

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

Richard Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on March _____, 2024.

Gina M. Leichty, Mayor