GOSHEN COMMON COUNCIL

Minutes of the APRIL 27, 2026 Regular Meeting

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

Mayor Gina Leichty, assisted by Zulema Gaytan, called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance. Zulema is a student at Chamberlain Elementary School.

Mayor Leichty asked Clerk-Treasurer Richard R. Aguirre to conduct the roll call. The results:

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

Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the Dec. 29, 2025 and Jan. 26 and Feb. 23, 2026 Regular Meetings as prepared by the **Clerk-Treasurer. Councilor Peel moved to accept the minutes as presented. Councilor Lederach seconded the motion. Motion passed 7-0 on a voice vote.**

Approval of Meeting Agenda:

Mayor Leichty presented the agenda as prepared by the **Clerk-Treasurer. Councilor Peel moved to approve the agenda as presented. Councilor Riegsecker seconded the motion. Motion passed 7-0 on a voice vote.**

1) Presentation: City of Goshen leaf collection process and new program beginning in the Fall 2026

Street Commissioner David A. Gibbs and Director of the Department of Environmental Resilience Aaron Sawatsky-Kingsley gave a presentation on the City's current leaf collection program and a new program, beginning in the Fall of 2026.

Gibbs said the fall leaf collection is one of the most challenging services the City Street Department provides. So, he said there is a need to standardize and change that service to create less confusion for residents and provide efficiency on other areas.

Referring to a memorandum provided in the City Council's meeting packet, Gibbs said "weather events, varying season transitions, more essential service demands, and a growing tree canopy have presented the need to establish a standardized program that promotes community engagement.

"A standardized leaf collection program is essential to maintaining the cleanliness, safety, and environmental health of our neighborhoods. When leaves accumulate in streets and storm drains, they can contribute to flooding, create slippery conditions for pedestrians and motorists, and reduce overall air and water quality. By establishing a clear and consistent collection program, the City can ensure that all residents receive the same level of service, reduce confusion, and improve operational efficiency throughout the seasons"

Gibbs continued, "Equally important is the partnership between the City and the community. Successful leaf collection depends on residents following program guidelines – such as placing leaves correctly, avoiding contamination with debris, and observing scheduled pickup periods.

"When the City and residents work together, we can streamline collection routes, reduce costs, and minimize the environmental impact associated with repeated trips and excessive fuel use. A standardized program supported by community partnership strengthens our ability to manage resources effectively while preserving the beauty and function of our public spaces."

Gibbs said he and **Director of the City Department of Environmental Resilience Kingsley** would be presenting the guidelines and standards of the new standardized collection program, which will begin in the Fall of 2026.

Using a PowerPoint presentation, "Leaf Collection Standards," included in the Council packet, **Gibbs and Kingsley** explained changes in the leaf collection program and a summary of options the City provides to assist residents with removing their leaves.

Gibbs said the current program, outlined in Ordinance 5054 (established in 2020), dictates that the City "shall commence its annual collection of leaves when residents of Goshen begin placing leaves in piles for collection in the fall, and shall continue the collection of leaves as weather permits during the months of October, November, and December." A notification on the City Street Department website states that "Leaf collection begins on Oct. 6, 2025 and continues until mid-December, weather permitting. There is no set schedule."

Gibbs said under the proposed leaf policy changes:

Fall Collection – Round 1 would begin the first full week of November (taking approximately 2–3 weeks to complete citywide). Round 2 would begin the first full week of December (approximately 2–3 weeks to complete citywide).

Weather Delays –If weather delays a round of pickups, only unfinished areas would be collected as conditions allow.

Spring Collection – The Spring leaf pickup would continue during the Beautify Goshen program. This program runs for two weeks in April and May.

Gibbs said a change in the collection policy is needed because the City's population and tree canopy are growing and to save time; there have been varying season transitions, time-consuming transportation of collected leaves to final disposal locations (280 curb line miles),and a strain on equipment sharing across services.

Gibbs said the change in policy will:

- Increase the efficiency of the Street Department staff and services (seasonal help)
- 75% of Street Department budget is now dedicated to leaf collection)
- Maintain clean and clear streets, preventing stormwater pollution and infrastructure damage from flooding
- Educate residents about benefits of leaves in the landscape, and provide alternatives to leaf management

Gibbs said the City now collects 9,000 to 10,000 tons of leaves each year and the cost for labor and fuel is about $117,000. He estimated that the new policy will reduce the fuel and labor rate about 25 percent. He said the savings would allow the Street Department to expand services in other areas and keep up with the growing number of trees.

Aaron Sawatsky-Kingsley said the City is about 19 years away from its goal – adopted in 2021 – of the City having a 45% tree cover by 2045. He said at present, 22% to 24% of the City is covered with trees. In 2025, about 2,863 trees were planted or provided by the City.

Kingsley said the following were the benefits of planting more trees:

- **Lower energy bills:** Tree shade can cool neighborhoods by up to 25°F
- **Healthier residents:** Green spaces support physical and mental well-being, saving healthcare costs
- **Less flooding:** Trees already keep 1.18 million gallons of stormwater out of the sewer system
- **More vibrant neighborhoods and greater biodiversity:** Less mowing and more wildlife

- **Street trees raise home values** for neighborhoods. Homes on tree-lined streets sell for thousands more.

Returning to his discussion about leaf collection, **Gibbs** said that some equipment is shared between different City services. He said switching the equipment takes about 30 minutes and the process requires up to three employees, which entails significant labor costs. He added that the City has four pieces of equipment that need this changeover.

To inform residents about leaf collection, **Gibbs** said the City will use a map with zones, for citizens to reference and to understand the routing for leaf collection. Other resources will include: the Street Department website, the City's social media sites; the City newsletter, and information provided from calls to the Street Department.

Kingsley said there also will be efforts to educate residents about leaves, pointing out that they can produce benefits and are not a nuisance. He cited are following alternatives to having leaves collected:

1. COMPOST. Move leaves onto a garden, flower bed or small compost pile. Leaves will decompose and promote healthier soil biology for the following growing season.

2. MULCH BEDS. Create mulch beds with leaves to reduce mowing, promote biodiversity, and reintroduce native plant communities.

3. MOW. Mulch leaves into yards with mowers, promoting healthier soil and lawns and reducing fertilizer usage.

4. DUMP. City Environmental Site at 20100 CR19. This site is a free dump service to city residents

5. TRAILER. A free year-round program for all City residents. Residents can reserve a brush trailer (seven are available) through the Street Department. They are dropped off between 2-3 p.m. and picked up the next weekday.

Gibbs said under the current leaf collection ordinance (5054), residents are instructed to not mix leaves and brush, to avoid placing leaves around obstacles when possible; to not place leaves on streets and sidewalks and to not park on top of leaves.

In concluding his presentation, Gibbs asked Councilors to:

PLEASE INFORM residents about the updated program guidelines

ENCOURAGE residents to consider alternative options (mulch, trailer, compost, mow)

SUPPORT THE STREET DEPARTMENT REQUEST to revise Ordinance 5054 at a future Council meeting

SUPPORT SIMPLIFYING OPERATIONS through a standardized leaf collection schedule

AND RECOGNIZE that trees benefit the entire community

Kingsley reminded Councilors that as the Maple City, trees are an essential part of the City's identity. He cited a news article from 1847 which reported that a previous City Council took action to encourage tree planting and preservation. He also invited Councilors to attend the City's upcoming Arbor Day celebration.

Gibbs told Councilors he was willing to attend other public meetings, including homeowners' association meetings, to explain the new leaf collection program. He thanked the Mayor and City staff for their support.

After the presentation, **Councilor Schrock** asked if the City trailer could be requested to dump brush or if it could only be used for disposing of leaves. **Gibbs** said it can be used for both but must be separated – leaves and brush should not be disposed of in the same trailer.

Councilor Gerber asked about the environmental center and was informed that the material brought there by residents is turned into mulch, which residents are encourage to access.

Mayor Leichty said, "If there's a key takeaway today, and for the Councilors with all your districts, the main thing that we're trying to tell people ahead of time, and this may be forgotten by the time we actually get to leaf pickup, is that we're going to start a little bit later, but then there will be a more intensive time when we are picking things up. So, instead of starting in October, through this change, we would be starting a bit later, in November.

"So, you may hear questions from constituents, and we will revisit this several times before that time arrives, but just to make sure that you're prepared and communicating with your various districts, that with this change, we would not be starting the primary leaf pick up until the very beginning of November, where we typically had started a bit earlier."
Gibbs said, "We're still going to get all the leaves in these two rounds that the residents get to the curb line." The **Mayor** said, "But it will be more concentrated." **Gibbs** added, "They have the option to also get a trailer if they can't get them out there in that time frame or these use alternatives – compost in place or mulch."
Council President Weddell asked **Gibbs** to clarify the cost of leaf collection in relation to the Street Department budget. He noted that Gibbs stated that 75% of the Street Department's budget went to leaf pickup. **Gibbs** clarified that the figure was that 75% of the Street Department's part-time labor wage costs went for leaf collection.
There were no further Council questions. The Mayor thanked David Gibbs.

<u>2) Presentation: City Financial Report and Budget Update</u> (Clerk-Treasurer Richard Aguirre)
BACKGROUND:
In an April 16, 2026 memorandum to the Common Council, **Amber Nielsen, a senior manager for Baker Tilly Municipal Advisors, LLC**, wrote that she had prepared financial reports summarizing the budget and cash balance performance for Civil City funds included in the 2026 budget, which was approved by the Council in October 2025. She wrote that these reports were intended to provide a reasonable understanding of the City's financial position. They were unaudited and may have required some interpretation.
Fund Balance Report – **Nielsen** wrote that this report presented cash balances for all budgeted funds as of March 31, 2026, highlighting the City's overall liquidity. All funds currently maintain sufficient balances to support planned expenditures. Note that balances are unaudited and subject to reconciliation.
Budget Report – Revenues – Nielsen wrote that this page summarized revenue collections for each fund through March 31, 2026 showing progress toward projected revenue levels. She noted that some funds receive the levy in two allotments, in June and December (General, Debt Service, MVH, Cumulative Fire, Park & Recreation, Aviation, CCD, Cumulative Sewer).
Budget Report – Expenditures – Nielsen wrote that this report displayed that expenditures to date represented approximately 19.74% of the annual budget, leaving 80.26% remaining, which is consistent with expectations for this point in the fiscal year.
Budget Report – Expenditures in the General Fund – Nielsen wrote that the final page broke down the General Fund by department, providing a focused view of each department's budget performance to date.
Summary – The March 2026 report showed that the City remains in a generally stable financial position, with total cash balances of about $94.5 million across all funds after generating roughly $5.0 million in revenue and spending $17.1 million year-to-date. While expenditures currently exceed revenues, this is expected early in the year because many major revenue sources (like property tax levies) are received later, and overall, about 80% of the annual budget still remains unspent.
At the fund level, most accounts maintain positive balances (especially the General Fund, which still holds over $17.5 million) indicating strong liquidity, though a few funds (like Debt Service) temporarily show deficits. Overall, the numbers suggest the City is spending within expectations and maintaining sufficient reserves to support operations for the rest of the fiscal year.

SUMMARY OF APRIL 27, 2026 COUNCIL DISCUSSION OF CITY FINANCIAL REPORT & BUDGET UPDATE:
Clerk-Treasurer Aguirre provided an overview of his City's financial status and budget update.
Aguirre said, "This is a fun time of year for our budget reports, because things are going so wonderfully. The numbers are always fascinating to see, especially if you look at something like the percentage of budgets that have been spent by various departments; kind of an interesting range there. Part of that, of course, is seasonal. Some of the departments haven't spent that much but then the weather gets nicer and they're able to do more of the outdoor work, those numbers will change. And my office has been investing a lot in preparing for our annual (state) audit."
Other key points of the financial report and budget update:

- The report was straightforward and similar to reports from all of 2025, showing that the City is spending what needs to be spent and taking in what needs to be brought in as revenue.
- The City is in a stable financial position, with total cash balances of about $94.5 million across all funds.
- The City has generated roughly $5 million in revenue and has spent $17.1 million year-to-date.
- While expenditures currently exceed revenues, that was expected early in the year because many major revenue sources, such as property tax levies, are received later in the year.
- Overall, about 80% of the annual budget still remains unspent.
- Again, the City is spending within expectations and maintaining sufficient reserves to support operations for the rest of the fiscal year.

After delivering the monthly report, **Aguirre** told Councilors that **on April 2, the Board of Public Works & Safety approved an agreement with Baker Tilly Municipal Advisors to provide the City with Interim Deputy-Clerk-Treasurer services.** He said that over the next few months, as the City continues to seek a new Deputy Clerk-Treasurer, instead of having a variety of Baker Tilly consultants, the City will have a primary adviser – Don Rhoads.
Aguirre said that Rhoads, who is based in California, has extensive municipal finance experience and even taught a college course on municipal fund accounting and was also the chief financial officer for the cities of Monterey and Beverly Hills, Calif.
Aguirre said he provided Councilors will a copy of a memorandum about the agreement, the agreement itself and a copy of the minutes of the Board of Public Works & Safety meeting at which the agreement was approved.
Council President Weddell asked if there were any concerns raised about working with Rhoads because of the three-hour time deference between Indiana and California. **Aguirre** said there were no concerns because Rhoads will be available starting at 11 a.m. and that the Clerk-Treasurer tends to ork later hours.
Aguirre said **Rhoads** visited last week and met with some City Department Heads and Clerk-Treasurer staff members. He also said that Rhoads will be seeking to reduce the complexity of the payroll system by simplifying processing and addressing related issues.
Councilor Peel asked if there had been any recent applicants for Deputy Clerk-Treasurer. **Aguirre** said that there have been more applicants, "but sadly, nobody has the required experience."

There were no further questions or comments from Councilors about the report.
Mayor Leichty invited a motion to approve the financial and budget report.

Councilors Weddell and Peel made a motion to approve the budget and financial report as presented. On a voice vote, the motion passed unanimously, a by a 7-0 vote, at 6:36 pm.

3) Resolution 2026-02, A Resolution of the Common Council of the City of Goshen, Indiana, Authorizing the Filing of an Application for a Community Development Block Grant

Mayor Leichty called for the introduction of Resolution 2026-02, *Authorizing the Filing of an Application for a Community Development Block Grant.* Council President Weddell asked the Clerk-Treasurer to read Resolution 2026-02 by title only, which was done.

Weddell/Nisley made a motion to approve Resolution 2026-02, *Authorizing the Filing of an Application for a Community Development Block Grant.*

BACKGROUND:

Resolution 2026-02 would authorize the filing of the Community Development Block Grant (CDBG) application (annual plan) for Program Year 2026.

In an April 27, 2026 memorandum to the Board, **Community Development Specialist Theresa Cummings** wrote that the 2026 HUD allocation to Goshen has been released and the grant amount is $294,400. According to the plan, the final 2026 budget of proposed activities were proportionally increased from the estimated funding levels to match actual allocation amounts, subject to the required caps and maximum funding requests.

Cummings wrote that during the public comment period, no opposing comments were received, and the only changes made to the draft plan were in relation to finalizing the budget, which is outlined below .

Project/ Activity Name	**2026 Estimated**	**2026 Final**
Public Service Grants	$ 49,225.00	$ 49,930.00
Owner-occupied Housing Rehabilitation	$ 47,909.00	$ 47,909.00
Homeownership Assistance w/Housing Counseling	$ 51,750.00	$ 51,750.00
Energy Conservation Multi-family Housing Rehabilitation	$ 148,006.00	$ 160,411.00
Program Planning & Administration	$ 65,000.00	$ 65,000.00
TOTAL	**$ 361,890.00**	**$ 375,000.00**
Entitlement Grant	$ 272,525.00	$ 294,400.00
Program Income	$ 65,165.00	$ 65,212.00
Miscellaneous Income	$ 2,725.00	$ -
Prior Year Resources	$ 21,475.00	$ 15,388.00
Total	**$ 361,890.00**	**$ 375,000.00**

Cummings memo concluded her memo by writing, "Upon authorization of the resolution, the application for funding can be filed with HUD. The plan is available for review at http://goshen.in.gov/cdbg."

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & APPROVAL OF RESOLUTION 2026-2:

Council President Weddell said that he would be leaving the room because this was a Community Block Grant, which Lacasa has some association with and he is non-paid board member of Lacasa. **Councilor Peel**, who is employed by Lacasa, also left the room.

Mayor Leichty invited a presentation on the resolution.

Community Development Specialist Theresa Cummings said the U.S. Department of Housing and Urban Development released the City of Goshen's allocation, and it was more than what was expected – $294,400. **Cummings** said Resolution 2026-2 will let the City file its application. She said, "We followed what we had said we would do. When we got our allocation, we proportionally increased our estimated funding levels to match the actual allocation amount, and it's outlined in your memorandum. Our final budget will be $375,000 this year. So, once you guys authorize that, we can go ahead and file our paperwork."

Mayor Leichty invited questions or comments from Council members. There were none.

At 6:38 p.m., the Mayor invited questions or comments from the audience. There were none.

On a voice vote, Councilors unanimously passed Resolution 2026-02, *Authorizing the Filing of an Application for a Community Development Block Grant,* by a 5-0 margin, with the five present Councilors voting yes, at 6:39 p.m. Councilors Peel and Weddell were not present and did not vote.

4) Resolution 2026-03, Amendment 2 to the Project Coordination Contract with the State of Indiana for Auxiliary Lanes on College Avenue from US 33 to the Norfolk-Southern Railroad and Bicycle/Pedestrian Facilities for the Pedestrian Bridge Over Horn Ditch

Mayor Leichty called for the introduction of Resolution 2026-03, *Amendment 2 to the Project Coordination Contract with the State of Indiana for Auxiliary Lanes on College Avenue from US 33 to the Norfolk-Southern Railroad and Bicycle/Pedestrian Facilities for the Pedestrian Bridge Over Horn Ditch.* Council President Weddell asked the Clerk-Treasurer to read Resolution 2026-03 by title only, which was done.

Weddell/Nisley made a motion to approve Resolution 2026-03, *Amendment 2 to the Project Coordination Contract with the State of Indiana for Auxiliary Lanes on College Avenue from US 33 to the Norfolk-Southern Railroad and Bicycle/Pedestrian Facilities for the Pedestrian Bridge Over Horn Ditch.*

BACKGROUND:

Resolution 2026-03 would approve the terms and conditions of Amendment 2 to the Project Coordination Contract with the State of Indiana.

According to Resolution 2026-03:

- The City of Goshen and the State of Indiana entered into a Project Coordination Contract, dated March 9, 2020, hereinafter referred to as the "Original Contract";
- The Original Contract provided for the allocation of federal aid funds in an amount not to exceed $985,600 for preliminary engineering, right-of-way acquisition, and construction of auxiliary (two-way left turn) lanes on College Avenue from US 33 to the Norfolk-Southern Railroad, hereinafter referred to as the "Original Project;"
- The parties entered into an amendment to the Original Contract on May 29, 2025, hereinafter referred to as "Amendment 1";
- Amendment 1 expanded the Original Project to include bicycle/pedestrian facilities for a pedestrian bridge over Horn Ditch, hereinafter referred to as the "Expanded Project," and further increased the allocation of federal aid funds to an amount not to exceed $4,502,266.00 for the Original Project and the Expanded Project;

- It is now necessary to amend the Original Contract, as previously amended by Amendment 1, to reflect an increase in the allocation of federal aid funds to an amount not to exceed $6,002,265.82 for the Original Project and the Expanded Project, and to incorporate updated Employment Eligibility Verification requirements and revised Nondiscrimination terms, such amendment hereinafter referred to as "Amendment 2"; and
- Goshen Redevelopment Commission will continue to fund the City's share of cost for the Original Project and the Expanded Project, including any cost exceeding the City's 20% of eligible project costs which are not covered by federal funds.

If Resolution 2026-3 was approved by the Board, it would be resolved that the Goshen Common Council approves the terms and conditions of Amendment 2 to the Project Coordination Contract with the State of Indiana, a copy of which was attached to and made a part of the resolution.

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & APPROVAL OF RESOLUTION 2026-03:
Mayor Leichty invited a presentation on the resolution.
City Attorney Bodie Stegelmann said "Along the theme of receiving more money, this resolution is necessary because basically the City will be receiving about $1.5 million extra in funds that will help support the project at College Avenue. So, this resolution just approves the agreement that would provide that extra punch."
Mayor Leichty said, "Sadly, the costs for the project have not decreased, so I think it'll be about a wash, but we'll take it. I mean, I'm hoping that if the Council approves it, we'll take it."
Council President Weddell said the City Redevelopment Commission approved this matter last week.
Mayor Leichty invited additional comments or questions from Council members. There were none.
At 6:41 p.m., the Mayor invited questions or comments from the audience. There were none.

On a voice vote, Councilors unanimously passed Resolution 2026-03, *Amendment 2 to the Project Coordination Contract with the State of Indiana for Auxiliary Lanes on College Avenue from US 33 to the Norfolk-Southern Railroad and Bicycle/Pedestrian Facilities for the Pedestrian Bridge Over Horn Ditch,* by a 7-0 margin, with all Councilors voting yes, at 6:41p.m.

5) Resolution 2026-04, Interlocal Memorandum of Understanding for 2025 Edward Byrne Memorial Justice Assistance Grant Formula Program Award

Mayor Leichty called for the introduction of Resolution 2026-04, *Interlocal Memorandum of Understanding for 2025 Edward Byrne Memorial Justice Assistance Grant Formula Program Award.* Council President Weddell asked the Clerk-Treasurer to read Resolution 2026-04 by title only, which was done.
Weddell/Peel made a motion to approve Resolution 2026-04, *Interlocal Memorandum of Understanding for 2025 Edward Byrne Memorial Justice Assistance Grant Formula Program Award.*

BACKGROUND:
Resolution 2026-04 would approve the terms and conditions of the Interlocal Memorandum of Understanding for 2025 Edward Byrne Memorial Justice Assistance Grant Formula Program Award between County of Elkhart, the City of Elkhart, and the City of Goshen.

According to Resolution 2026-04:

- In accordance with the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, the County of Elkhart, the City of Elkhart and the City of Goshen have submitted a joint application for fiscal year 2025 JAG funding to be used for permissible criminal justice purposes;
- 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; and
- Attached to the resolution was an Interlocal Memorandum of Understanding between the three participating units of local government that identifies the County of Elkhart as the fiscal agent for the JAG funding and sets forth the amount of funding to be distributed to each unit.

If Resolution 2026-04 was approved, it would resolved that the Goshen Common Council approves the terms and conditions of the Interlocal Memorandum of Understanding for the 2025 Edward Byrne Memorial Justice Assistance Grant Formula Program Award between the County of Elkhart, the City of Elkhart, and the City of Goshen attached to and made a part of this resolution.

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & APPROVAL OF RESOLUTION 2026-04:
Mayor Leichty invited a presentation on the resolution.
City Attorney Bodie Stegelmann said Resolution 2026-04 was another grant agreement between the City of Goshen, Elkhart County and the City of Elkhart. He said they jointly applied for the grant and it was received. Under the agreement, the City of Goshen would receive $23,745.33 to be used by the Police Department.
Mayor Leichty invited questions or comments from Council members. There were none.
At 6:42 p.m., the Mayor invited questions or comments from the audience. There were none.

On a voice vote, Councilors unanimously passed Resolution 2026-04, *Interlocal Memorandum of Understanding for 2025 Edward Byrne Memorial Justice Assistance Grant Formula Program Award*, by a 7-0 margin, with all Councilors voting yes, at 6:42 p.m.

6) Resolution 2026-05, Interlocal Agreement with the County of Elkhart for Paving of County Road 40
Mayor Leichty called for the introduction of Resolution 2026-05, *Interlocal Agreement with the County of Elkhart for Paving of County Road 40.* Council President Weddell asked the Clerk-Treasurer to read Resolution 2026-05 by title only, which was done.
Weddell/Nisley made a motion to approve Resolution 2026-05, *Interlocal Agreement with the County of Elkhart for Paving of County Road 40.*

BACKGROUND:
Resolution 2026-05 would approve an Interlocal Agreement with Elkhart County government for the paving of County Road 40. According to Resolution 2026-05:

- The City of Goshen and the County of Elkhart have negotiated an interlocal agreement for the paving of County Road 40 from Dierdorff Road to U.S. Highway 33; and
- Pursuant to I.C. § 36-1-7-1 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;

If Resolution 2026-05 was approved, it would be resolved that the Goshen Common Council approves the terms and conditions of the Interlocal Agreement with the County of Elkhart For Paving of County Road 40 attached to and made a part of this resolution.
Based on the preliminary estimate dated Jan. 7, 2026, the estimated total project cost is $294,144.75. The cost allocation is as follows: City Share (48.00%) and County Share (52.00%).

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & APPROVAL OF RESOLUTION 2026-05:
Mayor Leichty invited a presentation on the resolution.
Assistant City Attorney Don Shuler said passage of Resolution 2026-05 would approve the terms and conditions of an interlocal agreement for the paving of County Road 40, from Dierdorff Road to U.S. Highway 33, in agreement with Elkhart County."
Shuler said under the agreement, the County would serve as the lead agency to bid, award, and administer the project, which involves milling and overlay of the roadway, some pavement markings, and related improvements. He said the project will be locally funded.
Shuler also said, "the costs are allocated at 48% to the City and 52% to the County, which is proportional to which part of the roadway is in the City versus part of the roadway that is in the County, and the City's contribution is capped at $170,000 under the agreement."
Council President Weddell said this interlocal agreement, was approved by the City Redevelopment Commission, which will be paying the City's portion of the work. He added, "There's a lot of industry in that TIF district that accesses County Road 40. That's why it's in need of desperate repair."
Councilor Gerber asked what would happen if the City's costs exceeded $170,000. **Shuler** said in that case, the Council would need to approve an additional appropriation. He said the City's costs are capped at $170,000.
Councilor Schrock asked if this project would have any impact to the corner of County Road 40 and U.S. 33. **City Director of Public Works & Utilities Dustin Sailor** said it would not have an impact and the timing was separate. Sailor also said this project would not make any improvements to the intersection of County Roads 27 and 40 other than surface replacement.

Mayor Leichty invited further questions or comments from Council members. There were none.
At 6:46 p.m., the Mayor invited questions or comments from the audience. There were none.
The Mayor asked if Councilors were ready to vote. They indicated they were.

On a voice vote, Councilors unanimously passed Resolution 2026-05, *Interlocal Agreement with the County of Elkhart for Paving of County Road 40,* by a 7-0 margin, with all Councilors voting yes, at 6:46 p.m.

7) Resolution 2026-06, Interlocal Agreement with the County of Elkhart for Paving of County Road 17
Mayor Leichty called for the introduction of Resolution 2026-06, *Interlocal Agreement with the County of Elkhart for Paving of County Road 17.* Council President Weddell asked the Clerk-Treasurer to read Resolution 2026-06 by title only, which was done.
Weddell/Riegsecker made a motion to approve Resolution 2026-06, *Interlocal Agreement with the County of Elkhart for Paving of County Road 17.*

BACKGROUND:

Resolution 2026-06 would approve an Interlocal Agreement with Elkhart County government for the paving of County Road 17. According to Resolution 2026-06:

- The City of Goshen and the County of Elkhart have negotiated an interlocal agreement for the paving of County Road 17 from County Road 28 (Peddler's Village Road) to County Road 30 (Bashor Road);
- Pursuant to I.C. § 36-1-7-1 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;

If Resolution 2026-06 was approved, it would be resolved that the Goshen Common Council approves the terms and conditions of the Interlocal Agreement with the County of Elkhart For Paving of County Road 17 attached to and made a part of this resolution.

Based on the preliminary project estimate dated Jan. 7, 2026, the estimated total Project cost is $1,840,501.52. The cost allocation based on the proportional Project length is as follows: City Share (25%), County Share (75%). The City will appropriate and transfer its share, up to a maximum of $550,000 to the County.

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & APPROVAL OF RESOLUTION 2026-06:

Mayor Leichty invited a presentation on the resolution.

Assistant City Attorney Don Shuler said "this is almost a mirror copy of the prior interlocal (agreement). This is for the paving of County Road 17 from County Road 28, or Peddler's Village Road, to County Road 30, Basher Road. **Shuler** said, "The County, again, underneath this agreement, is serving as the lead agency to bid, award, and administer. And it's, again, just involving milling and overlay of the roadway, pavement markings. The costs are allocated at 25% to the City, 75% to the County, which, again, is the proportional amount of the roadway that is in each jurisdiction, and the City's contribution is capped at $550,000."

In response to a question from **Council President Weddell, Shuler** said the City Redevelopment Commission has not agreed to pay the City's cost for this project.

In response to a question from **Councilor Riegsecker, City Director of Public Works & Utilities Dustin Sailor**, said the work is on the new County Road,17, which is within the City limits and not the old County Road 17

Mayor Leichty invited further questions or comments from Council members. There were none.

At 6:48 p.m., the Mayor invited questions or comments from the audience. There were none.

The Mayor asked if Councilors were ready to vote. They indicated they were.

On a voice vote, Councilors unanimously passed Resolution 2026-06, *Interlocal Agreement with the County of Elkhart for Paving of County Road 17,* by a 7-0 margin, with all Councilors voting yes, at 6:48 p.m.

<u>8) Ordinance 5257, Establishing a Development Fees Fund</u>

Mayor Leichty called for the introduction of Ordinance 5257, *Establishing a Development Fees Fund.* Council President Weddell asked the Clerk-Treasurer to read Ordinance 5257 by title only, which was done.

Weddell/Schrock made a motion to approve Ordinance 5257 on First Reading.

BACKGROUND:

Ordinance 5257 would establish a Development Fees Fund. According to Ordinance 5257:

The Indiana General Assembly adopted legislation to be codified at Indiana Code § 36-7-2.3 et seq., which requires that any fee assessed and collected by the city for approval of an application related to:

(1) construction or reconstruction of residential buildings, commercial buildings, industrial buildings, any other building or building space, or an appurtenance to a previously described building; or

(2) zoning, development, subdivision, classification or reclassification of land; including a fee designated as a permit fee, application fee, inspection fee, processing fee, or a fee by another name, must be maintained in a special fund dedicated solely to reimbursing costs actually incurred by the city relating to the imposition and amount of the fee.

If Ordinance 5257 was approved, it would be ordained by the Goshen Common Council that:

Section 1. Development Fees Fund Established

Pursuant to Indiana Code § 36-7-2.3, et seq., a special fund is established to be known as the Development Fees Fund.

Section 2. Sources of Funding

The sources of funding of the Development Fees Fund shall be from any fee assessed and collected for approval of an application related to:

(1) construction or reconstruction of residential buildings, commercial buildings, industrial buildings, any other building or building space, or an appurtenance to a previously described building; or

(2) zoning, development, subdivision, classification or reclassification of land;

including a fee designated as a permit fee, application fee, inspection fee, processing fee, or a fee by another name.

Section 3. Use of Fund

Upon appropriation, expenditures from the Development Fees Fund shall be dedicated solely to reimbursing the costs actually incurred by the city relating to the imposition and amount of the fees assessed and collected.

Section 4. Fiscal Year-End Balance

The Development Fees Fund shall be maintained as a separate line item in the city's budget. Money in the fund may not at any time revert to the General Fund or any other fund of the city.

Section 5. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana, but not before July 1, 2026.

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & APPROVAL OF ORDINANCE 5257:

Mayor Leichty invited comments on Ordinance 5257 from City staff.

Assistant City Attorney Shuler provided the background of Ordinance 5257 and how the development fees fund would function. He said this ordinance was in response to a new law passed by the Indiana General Assembly.

Shuler said the passage of House Enrolled Act 1001 created a new section of Indiana Code that "requires for municipalities that any fee that they impose for the approval of an application related to the construction or reconstruction of any residential, commercial, industrial building, or any other building or building space or any fee imposed for the approval of an application related to zoning, development, subdivision, classification, reclassification of land has to go into a special fund dedicated solely to reimbursing those costs that are actually incurred, by the municipality approving and administering those applications and associated inspections." He said that fund has to be maintained as a separate line item in the unit's budget, the City's budget, and it can't flow into the General Fund.

Shuler said the legislation becomes effective July 1, 2026 and requirement for that fund and the fees goes into place as of Jan. 1 of 2027. He added, "But as we were working on other matters related to that legislation, it just made sense to present this to Council now to kind of check one box off of the requirements."
Mayor Leichty said, "This is just an obligatory requirement established by the State."

Mayor Leichty invited questions or comments from Council members.
Council President Weddell asked if the City was changing any fees or just setting up a fund to put the fees into.
Shuler said that was correct; the City was just setting up a new fund. He added, "That may be something that happens in the future due to that legislation, but this is just to establish the fund. I believe a couple years ago, the City established a residential lease fund, for a similar purpose, and those fees have to go into that designated fund."
There were no additional questions or comments from Councilors.

At 6:51 p.m., the Mayor invited questions or comments from the audience. There were none.

On a voice vote, Councilors unanimously passed Ordinance 5257, *Establishing a Development Fees Fund,* on First Reading by a 7-0 margin, with all Councilors voting "yes" at 6:51 p.m.

Councilors gave unanimous consent to proceed with Second Reading of Ordinance 5257.

Mayor Leichty called for the introduction of Ordinance 5257, *Establishing a Development Fees Fund*, on Second Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5257 by title only, which was done.
Weddell/Peel and Peel made a motion to approve Ordinance 5257 on Second Reading.

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

On a voice vote, Councilors unanimously passed Ordinance 5257, *Establishing a Development Fees Fund,* on Second Reading by a 7-0 margin, with all Councilors voting "yes," at 6:53 p.m.

9) Ordinance 5260, An Ordinance to Provide a Recruitment Incentive and a Referral Bonus
Mayor Leichty called for the introduction of Ordinance 5260, *An Ordinance to Provide a Recruitment Incentive and a Referral Bonus.* Council President Weddell asked the Clerk-Treasurer to read Ordinance 5260 by title only, which was done.
Weddell/Peel made a motion to approve Ordinance 5260 on First Reading.

BACKGROUND:
Ordinance 5260 would make a minor change to Ordinance 5220 which provides a recruitment incentive and a referral bonus for certain City positions that have proven difficult to fill.
In an April 27 memorandum to the Council, **City Legal Compliance Administrator Shannon Marks**, wrote that he Council passed Ordinance 5220 last May, authorizing the City to offer both a recruitment incentive and a referral bonus to assist in filling vacant positions. Since then, the City continues to have difficulty filling certain positions.

To address this ongoing hiring challenge, **Marks** wrote, City administration proposed a minor change to the Recruitment Incentive Policy. Ordinance 5260 would revise Recruitment Incentive Policy in Exhibit A by removing the current item (C)(3) which limits eligibility for a recruitment incentive to positions assigned a Grade 20 or above. **Marks** wrote that all other provisions in the Recruitment Incentive Policy, as well as the Referral Bonus Policy, would remain unchanged.

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & APPROVAL OF ORDINANCE 5260:

Mayor Leichty invited a staff presentation on Ordinance 5260.

City Attorney Bodie Stegelmann said Ordinance 5260 would make only one change to the prior ordinance, Ordinance 5220. There would be no change to the ordinance, but just to the recruitment incentive policy.

Stegelmann said the recruitment incentive, which was approved by the Council, allows the **Mayor** to approve payments to prospective employees for positions that are difficult to fill.

After Ordinance 5220 took effect, **Stegelmann** said the City had a position – GIS Coordinator – that was difficult to fill. Staff had no luck filling the position locally but found a candidate from outside the area who was interested in the position but needed an incentive to accept the position.

However, **Stegelmann** said the City's policy under Ordinance 5220 only allowed an incentive to be paid for positions that were Grade 20 or higher. The GIS Coordinator is ranked at Grade 15.

Stegelmann said Ordinance 5260 would remove a subparagraph in Exhibit A of the ordinance that restricts incentive payments to positions ranked Grade 20 and above. This would allow such payments for positions that are ranked lower than Grade 20 but still are difficult to fill.

Mayor Leichty said another position ranked lower than Grade 20 is the Deputy Clerk-Treasurer, so changing the ordinance would make it possible to offer the incentive payment to someone willing to move to Goshen to accept the position. She added, "We're trying to just take our existing policy, but expand the flexibility."

Mayor Leichty invited questions from Councilors.

Council President Weddell said he recalls there was a lengthy conversation about Ordinance 5220 before it was approved by the Council. He recalled that there was discussion about the amount of the recruitment bonus and that it should not exceed $5,000, which Councilors agreed on.

"But the concern was, or the question was, not every position would be worthy of $5,000 … and that we would leave that discretion to you, as Chief Executive of the City, as Mayor," **Council President Weddell** said. "And so, I would assume that certain positions, just say Grade 20 or above would be great. I would assume that all positions can be hard to fulfill."

Mayor Leichty said, "Tech positions are really hard, tech and finance in particular, and so if we can convince somebody to move to Goshen," the incentive bonus would be helpful.

As an example, **Mayor Leichty** said the person who **Director of Innovation and Technology Mattie Lehman** is trying to hire as GIS Coordinator lives in Massachusetts and is a highly qualified candidate, "but as we all know, the cost of rent, even in Goshen, Indiana, can be prohibitive, and so in order to try to facilitate that transition here in that position, I would feel that it would be warranted to" offer an incentive bonus.

Council President Weddell said, "So you wouldn't be looking at it based upon grade level. You be looking at all the challenges and the difficulties of the technicality of the position?"

Mayor Leichty responded, "Right. So, there's a whole myriad of factors that I would consider – the urgency of trying to fill that position. Have we had other applicants? And is there a demonstrated need that the applicant has identified that they felt would be helpful in helping them make that need or help make that move. I would like the opportunity to take that on a case-by-case basis, rather than just saying, 'We're going to establish this at a certain amount but be able to have some nuance in making that decision."

The **Mayor** added that the amount of the incentive payment would vary based on the position and need.

In response to a question from **Councilor Riegsecker**, **Mayor Leichty** said the Council did not set a maximum amount for incentive payments per year. She said there would be a limit based on the available budget.

"What ends up happening is there's typically funds available, like, if that position has been opened, and we've budgeted for it, and it's been open for multiple months," the **Mayor** said. "There's plenty of money in that line."

Councilor Riegsecker said he wasn't worried about the **Mayor** seeking to pay a large number of incentive payments in a year. **Mayor Leichty** said, "I'm sorry if I sounded defensive. There are built-in constraints to running amok."

There were no further questions or comments from Councilors.

At 6:58 p.m., the Mayor invited questions or comments from the audience. There were none.

Councilors indicated they were ready to vote.

On a voice vote, Councilors unanimously passed Ordinance 5260, *An Ordinance to Provide a Recruitment Incentive and a Referral Bonus,* on First Reading by a 7-0 margin, with Councilors voting "yes" at 6:58 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5260.

Mayor Leichty called for the introduction of Ordinance 5260, *An Ordinance to Provide a Recruitment Incentive and a Referral Bonus*, on Second Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5260 by title only, which was done.

Weddell/Peel made a motion to approve Ordinance 5260 on Second Reading.

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

On a voice vote, Councilors passed Ordinance 5260, *An Ordinance to Provide a Recruitment Incentive and a Referral Bonus,* on Second Reading by a 7-0 margin, with all Councilors voting "yes," at 6:59 p.m.

<u>10) Ordinance 5261, Amend False Alarm Penalty</u>

Mayor Leichty called for the introduction of Ordinance 5261, *Amend False Alarm Penalty.* Council President Weddell asked the Clerk-Treasurer to read Ordinance 5261 by title only, which was done.

Weddell/Schrock made a motion to approve Ordinance 5261 on First Reading.

BACKGROUND:

Ordinance 5261 would amend the City's False Alarm Penalty.

According to Ordinance 5261:

- The City of Goshen Common Council adopted Ordinance 4754, amended by Ordinance 5012, to establish a penalty to be charged when the Goshen Police Department and/or Goshen Fire Department responds to False Alarms generated by private Alarm Systems;
- The cost of the Goshen Police Department and/or Goshen Fire Department responding to False Alarms has increased since the adoption of Ordinance 4754; and
- The City of Goshen seeks to increase the amount of penalties imposed when responding to False Alarms to more accurately reflect the City of Goshen's actual costs incurred in responding to False Alarms.

If Ordinance 5261 is approved by the Common Council, it would be ordained as follows:

Section 1. False Alarm Penalty.

A. The owner of real estate serviced by an Alarm System shall be subject to a False Alarm fine for each False Alarm occurring at an Alarm Site to which the Goshen Police Department and/or Goshen Fire Department responds occurring after the first two (2) False Alarms occurring within a calendar year.

1. The False Alarm fine shall be One Hundred Fifty Dollars ($150.00) for the third and fourth False Alarms occurring at an Alarm Site within a calendar year, and
2. The False Alarm fine shall be Two Hundred Dollars ($200.00) for the fifth and all subsequent False Alarms occurring at an Alarm Site within a calendar year.

B. If both the Goshen Police Department and Goshen Fire Department respond to the same False Alarm, the event shall be considered a single False Alarm.

Section 2. Notice.

A. The City shall provide the owner of the real estate with a written notice of each False Alarm occurring at an Alarm Site and any False Alarm fine assessed pursuant to Section 1.

B. The owner of the real estate shall be required to pay a False Alarm fine within thirty (30) days of the date of the notice.

C. The money collected from False Alarm fines assessed shall be deposited into the General Fund.

Section 3. Hearing; Appeal.

A. The person or entity receiving a written notice of a False Alarm or a notice of the assessment of any False Alarm fine may request a hearing before the Goshen Board of Public Works and Safety to dispute the existence of a False Alarm occurring at the Alarm Site or to otherwise dispute the accuracy of a False Alarm fine. The request for a hearing must be in writing and received by the Mayor's Office within fifteen (15) days of the date of the written notice.

B. The person or a representative of the entity will be given the opportunity to appear at the hearing before the Board of Public Works and Safety, with or without counsel, to present evidence to the Board to dispute the existence of a False Alarm occurring at the Alarm Site or to otherwise dispute the accuracy of a False Alarm fine.

Each person may cross-examine those persons presenting testimony to the Board and testify on their own behalf. The City will assist the person in obtaining witnesses, exhibits, and documentation to present at the hearing if such information is not otherwise available to the person requesting assistance and can be obtained by the City.

C. At the hearing, the Board of Public Works and Safety shall enter a finding determining whether a False Alarm occurred at the Alarm Site, and whether the False Alarm fine assessed is correct. The Board may affirm or modify the original notice consistent with the Board's findings.

D. Any appeal from the findings of the Board of Public Works and Safety shall be taken in accordance with the provisions of Indiana Code § 36-1-6-9, as amended.

Section 4. Definitions.

A. Alarm Site shall mean the location or address served by an Alarm System. Each location or address served by a separate Alarm System shall be considered a separate Alarm Site.

B. Alarm System shall mean any device or set of devices intended to detect and signal the occurrence of an activity requiring an emergency response to the Alarm Site at which the device or set of devices are installed and operated. For the purposes of this ordinance, an Alarm System installed on a motor vehicle or on someone's person is excluded.

C. False Alarm shall mean the activation of an Alarm System resulting in notification of the Goshen Police Department and/or Goshen Department which occurs as the result of mechanical or electronic failure, malfunction, improper installation, or the negligence or intentional conduct of the occupant of the Alarm Site or the occupant's employees, customers, or invitees. For the purposes of this ordinance, an alarm is false when, upon inspection by the Goshen Police Department and/or Goshen Fire Department, there is no evidence of criminal activity, fire, smoke, carbon monoxide, heat, or other threat of emergency of the kind for which the Alarm System is designed to give notice.

1. A False Alarm shall not include an alarm which can reasonably be determined to have been caused or activated by violent weather conditions.
2. An alarm activated during an Alarm System testing procedure shall not be considered a False Alarm if the owner of the real estate first notifies the Goshen Police Department and Goshen Fire Department.

Section 5. Effective Date.

A. This ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

B. The accrual of False Alarms shall be on a calendar year basis and the assessment of the False Alarm fine set forth in Section 1 shall go into effect from and after passage, approval, and adoption of this ordinance.

Section 6. Other Ordinances.

All ordinances and parts of ordinances inconsistent or in conflict with the terms of this Ordinance are repealed to the extent of the inconsistency or conflict, including Ordinances 4754 and 5012.

Section 7. Severability.

The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & INITIAL APPROVAL OF ORDINANCE 5261:

Mayor Leichty invited comments on Ordinance 5261 from City Attorney Bodie Stegelmann.

Stegelmann said Ordinance 5261 would amend the current false alarm penalty mandated by Ordinance 4754, which was approved in 2013. He said Ordinance 4754 set a penalty for false alarms at buildings to which the Police and/or Fire Department have to respond.

Stegelmann said Ordinance 4754 allows any property to have two false alarms during a calendar year, at no charge. He said for the third and fourth false alarm in a calendar year, there's currently a $100 penalty. For a fifth, and all subsequent false alarms at that same property, there's currently a $150 penalty.

"Over 13 years, the cost for Police and Fire to respond to these false alarms has increased," **Stegelmann** said. "So, this ordinance would increase the penalty for the third and fourth false alarms at a given property to $150, and fifth and subsequent penalties would be $200. Those amounts are $50 more than what's currently charged."

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Under questioning from **Council President Weddell**, **Stegelmann** clarified the new proposed penalties, saying that the first two false alarms are not charge, the third and fourth would be $150 and the fifth and additional false alarms would be $200 – penalties that would be $50 more than at present.

Mayor Leichty invited additional questions from the Council.

Councilor Peel asked the names of the biggest offenders.

Mayor Leichty said the City doesn't typically call out those parties.

City Fire Chief Anthony Powell said many false alarms would come from apartments. **Mayor Leichty** said City staff could compile a report with the full breakdown. **Councilor Peel** said that would be good. Chief Powell agreed.

Council President Weddell said, "So, are you indicating that somebody's smoke detector goes off because they burned something in the oven and it's connected to the apartment complex as a whole which then sets that off? Is that kind of what you're implying?

Chief Powell responded, "Yeah, so that happens numerous times through the year, and then what normally happens is the landlord passes that on to the tenant and they end up paying that. But you get into the situation where you have the apartments, and who gets the first two (false alarms) that are free for the year? Right. And then you have the $150 and the $200" charge."

Council President Weddell said, "It's been a while since I lived in an apartment, but in the time, my smoke detector went off, but it was only my smoke detector, which then I just unhooked, and then it was fine ... With new construction, I don't know, are they all connected now? So, if one goes off, even if it's just from the pizza burning in the oven, it's for the entire place?" **Chief Powell** said, "We run into that a lot, but one of the reasons to have this in effect is if we don't have anything (penalties), then nobody's going to fix it."

In response to a question from **Councilor Nisley, Chief Powell** said that typically alarm companies are notified of active alarms and they then contact the emergency dispatch center.

Councilor Nisley asked what happens if a home residential alarm goes off and the residents aren't home. He said alarm companies call residents first who then contact the Police or Fire Department. He asked how those calls are handled. **Chief Powell** said, "If the individual calls us, then it's just a dispatch. And we normally don't bill that."

Councilor Schrock said, "So, that would be the same as if somebody called 911, thinking there was an emergency, and then by the time you guys got there, there's no emergency. So, this would not qualify for them (for a fine)."

Councilor Powell confirmed that would be true and added, "And we do have the discretion, too, if a company is working on their system, they've notified dispatch, yet we still get called out to it. We can waive that. (penalty). So, there's fail-safes in there."

Councilor Gerber said, "So it isn't necessarily a problem with the way the policy is executed. It's just a matter of needing to collect a bit more?" **Chief Powell** said, "Yeah, a normal cost for us to go on a false alarm would be exceeding $500 an hour. It's usually going to take us anywhere from a half hour to an hour on those calls, depending on if we have to walk through the building or not. If we have to walk, some of these mega structures out in the industrial park, it's going to take a while."

Clerk-Treasurer Aguirre said, "I don't know if the Councilors were at all interested, but I went through and looked at the last year of how many (false alarm) reports we got. For February of last year, for example, we had $2,050 for police false alarms and $2,350 of fire false arms. We collected all of it.

"That is an extreme anomaly because most months, we don't," **Aguirre** said. "It's usually $2,000 to $3,000 and up to $4,000 for Police or Fire of false alarms." He said typically, the same company or apartment complex has multiple alarms the same month.

Aguirre continued, "I'll give you an example – Dollar General. They'll rack up four (false alarms) in a row because something is wrong with their alarm system. We have some 'frequent flyers.' We've got generally decent collection, but it really is hit or miss. On occasion, I have gone out and been the collections person.
"It's just relying on, to be really honest, kind of embarrassing them, saying, 'You've had five (false arms) now in two months. Can you please pay? And they usually will pay at that point," **Aguirre** said. "A couple will say, 'You have to contact my corporate headquarters.' And there's one company … that just doesn't want to pay.
"We can eventually send some of these (false arms) to collections, but it's a very time-consuming process to send things to collections. I don't think most of the people are wanting this to happen, but it happens frequently enough that I wonder if it's just cheaper to pay the false alarm penalty of $100 than to pay for an alarm service call."
Chief Powell said, "I would agree with that. And one of the reasons is that when they pass it (false alarm penalty) to their tenants, they're not seeing the effects of it. Some of these places need to update their systems. There's nothing in place for that to happen."
Councilor Peel asked if the numbers **Aguirre** provided were for just one month. **Council President Weddell** clarified his understanding of the numbers and then said, "This conversation reminds me to a certain extent that we used to have a fine for un-mowed yards. And the City would then send someone out to mow it and fine the homeowner, or the property owner. And I remember it being said one time it was cheaper to pay to have the City come out and mow it than to hire someone to mow it for them."
Mayor Leichty said that was no longer the case; that the fines were increased. **Council President Wedell** said, "No, we did for that exact reason. And so, this kind of sounds like that is a similar conversation we're having here."
Chief Powell said, "Yes, I would agree with that. The one thing that bothers me a little bit is, like Councilman Nisley said, was about people getting the (alarm) call and then not calling right away. We do have an organization or a company that currently does that and calls their security and then we don't get the call right away. There's a huge life safety factor that goes into play there."
Council President Weddell said, "Twenty-five-plus years ago, at my downtown business, we had a rash of false alarms. And we resolved that because it's just not fair to do that. And I've had false alarms at my personal residence, and fortunately, when you get those, I'm able to call quickly enough, in most cases, to let the dispatch know this was a false alarm; please don't send anybody. So yeah, it happens."
Mayor Leichty invited additional questions or comments from Councilors.
Council President Weddell asked for clarification of the number of false alarms charged to complexes with many housing units. **Chief Powell** provided a clarification that the charge is for each property.
Clerk-Treasurer Aguirre said, "I wanted to say also that this is a pretty modest increase, but if this continues to be as severe a problem as it is now, I think it would be worth the Council considering next year another increase."
Councilor Schrock agreed, saying, "You've got to show a little tough love once in a while."

At 7:11 p.m., the Mayor invited questions or comments from the audience.
Alan Greaser, Chief Operating Officer for Lacasa, which provides housing, said he is very familiar with this issue having managed properties ever since the false alarm ordinance was implemented. He said he has spoken to many police officers and firefighters dispatched for alarms. He expressed multiple concerns about the proposed increase.
Greaser said, "My understanding is that the initiation of this (ordinance) was that the big problem was the industrial park – big factories with sprinkler systems not well maintained would trigger these alarms. As someone who also pays for the maintenance of sprinkler systems, I know how expensive that is.

Greaser continued, "And $150 or $250 to force a big corporation to fix their sprinkler system, it doesn't mean anything, whereas the affordable housing tenant has no income, is on a fixed income, and you aren't identifying the problem. You're only identifying the building.

"You have the tenant who is a chronic offender who gets the first two free ones (false alarms), and the next two or three cheap ones. And then the poor soul, who hasn't done anything wrong for five years, is the one who gets socked with $250, who made a mistake," **Greaser** said.

"And if the system is sophisticated enough, when the fire department arrives, it tells them where in the building the problem is – the smoke detector in the bedroom of apartment 13. They know exactly where the problem was and that information could be used to actually identify the perpetrator and put the fine where it belongs. And each apartment could have their escalating fee schedule."

Greaser said another challenge of the proposed fee increase stems from the definition of a false alarm. He said, "We've had multiple fires in apartments. Thankfully, no one was hurt. But every one of them was caused by either cooking or smoking.

"Is it a false alarm until there's actually a fire? Because they have been called to apartments that took them 15-20 minutes with their large exhaust fans to get the smoke out of the building and out of the apartment before the system would reset. That could have been a fire. But how did they identify it if there wasn't a fire? And they've been to that building five times that week. It's a nuisance to them. So, it's probably a false alarm, because it's just somebody who burned their toast."

Greaser said he has spoken to many firefighters when there have been fire alarms and some did not know if it was a real alarm or a false alarm. He said, "It depended a little bit on who was there and how they interpreted the ordinance ... and what they saw or how they experienced it.

"I would rather have them (firefighters) come out when they're not needed than to have the expense and the potential danger," **Greaser** said. "We have properties that were built at different times that it doesn't call dispatch until two smoke detectors go off in an apartment. In a new construction building that could be okay, because the modern building technology is so much better. But in a building like the Shoots and Hattle (apartments), if there's a fire in there, it's going to go fast, with a sprinkler or not, and so, again, you don't want to risk lives because you don't want false alarms."

Greaser also said another concern is a provision allowing false alarm penalties to be appealed to the Board of Public Works and Safety. He said Lacasa sometimes receives false alarm reports two to six months after the fact and it's difficult at that point to determine the cause and who was responsible.

Greaser concluded by saying that big corporations can easily pay false alarm penalties but they can be a burden on those who cannot afford them.

In response to a question from **Councilor Nisley**, **Greaser** said there should be a distinction between residential and commercial properties and their false alarm penalties. He added, "And I think that because they can identify which apartment is the problem, that the escalating tier should be at the apartment level and not at the building level."

Council President Weddell, Mayor Leichty and **Councilor Gerber** responded that **Greaser** had provided helpful information. **Councilor Lederach** agreed and said, "It does feel like this ordinance is trying to be a one-size-fits-all, and they're really multiple problems that you've identified between the corporations, small apartments, a duplex, a residential unit and a residential building like the Hattle. And I don't know if we can answer those questions tonight, but this would certainly be worth revisiting in the future."

Mayor Leichty agreed and said, "I do think there are some considerations that the City has to make on what information we have access to, because we would not necessarily have information on individual occupants. And property owners could certainly disseminate those charges as they feel fit and is appropriate, where the City wouldn't necessarily know, even if they can identify the location, they would not necessarily know the occupants who live there or have their billing information. Only the property owner would have that information, so that presents a number of challenges for us." **The Mayor invited Fire Chief Powell to respond to Greaser's remarks.**

Chief Powell said, "As far as the smoke in the building, in the ordinance under Section 4. letter C, it does identify that anything that has to do with active criminal activity, fire, smoke, and carbon monoxide, heat, or any other threat is not considered a false alarm. So, that answers that. And then as far as the apartments go, we do, when we have the apartment number, put that on the bill to whoever the company is."

Mayor Leichty asked **Chief Powell** to talk about the criteria the Fire Department uses to establish what is a false alarm or not, "because there is specific technical requirements of what you're allowed because we had that conversation with our local college about how they can avoid those penalties."

Chief Powell said, "So, under the old rules, we had numbers and code systems. As of January 1, we switched to a federal government as a new system. So, we're still working things out with that. We've had three months now, getting into the fourth month of trying to figure out exactly how to code all that.

"But previously, there were two things that we would consider false alarm. If we're dispatched and we're out the door, that is a false alarm, and if we arrive on scene, that is a false alarm. Those were the two criteria and two codes. It's very distinct and very clear. If there's anything, smoke-related, carbon monoxide, it's coded differently in our system, so that will automatically pick up, and it won't even pull in the report that we pull ... So, if we do anything to mitigate anything, there is no charge."

Councilor Peel asked **Chief Powell** to address the suggestion there should be a tiered system to distinguish false alarm charges for a manufacturing plant versus a residential property or an apartment complex.

Mayor Leichty said, "We could look at that. The state has those tiers that consider apartments to be commercial properties. So, they would still qualify as commercial properties, even though we have a collective (of housing units) like in an apartment building. Those are commercial properties."

Councilor Peel pointed out that the City could create its own structure of how to charge false alarm penalties. The **Mayor** responded, "I would draw a distinction between an individual who's renting a home versus a complex that a landlord is profiting from. That's a commercial enterprise even though it has to do with housing."

Mayor Leichty acknowledged this has been a good conversation and said, "I get the sense that this ordinance may warrant additional conversation before the Council is prepared to move ahead with the vote." She asked if Councilors wanted to proceed with a vote on the proposed ordinance.

Council President Weddell said the Council could table the proposed ordinance and invite more discussion or could approve it on First Reading and not have the Second Reading until the Council's next meeting.

In response to a question from **Council President Weddell, Chief Powell** clarified incidents that would not be considered false alarms. In response to a question from **Councilor Lederach, Chief Powell** addressed whether the tenant or landlord bears the responsibility for alarms triggered by poor or malfunctioning equipment.

Chief Powell said the City has waived false alarm penalties for people who could not afford to pay them. The **Mayor** added that the City can also waive penalties if there is an appeal. She said, "The City's intent is not to be punitive, but to address those situations where somebody has not remedied a necessary situation."

Councilor Nisley said he saw no need to delay approving the ordinance on First Reading, because changes could always be made before final approval. **Council President Weddell** agreed.

Mayor Leichty asked if Councilors were prepared to move forward. Council President Weddell asked if any Councilor wanted to make a motion to table Ordinance 5261. No one did.

Council President Weddell said Councilors were ready to a vote on Ordinance 5261. Mayor Leichty asked the Clerk-Treasurer to conduct a roll call vote.

On a roll call vote, Councilors passed Ordinance 5261, *Amend False Alarm Penalty,* on First Reading by a 5-2 margin, with Councilors Lederach, Nisley, Riegsecker, Schrock and Weddell voting "yes" and Councilors Gerber and Peel voting "no" at 7:03 p.m.

Councilors declined to give unanimous consent to proceed with Second Reading of Ordinance 5261. So, Ordinance 5261 will be considered again at the Council's meeting on May 18, 2026.

11) Ordinance 5255, Establishing a Designated Outdoor Refreshment Area (in the City of Goshen's downtown, Thursdays, Fridays and Saturdays, afternoons and evenings)
Mayor Leichty called for the introduction of Ordinance 5255, *Establishing a Designated Outdoor Refreshment Area,* on Second Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5255 by title only, which was done.
Weddell/Peel made a motion to approve Ordinance 5255 on Second Reading.

BACKGROUND:
Ordinance 5255 would establish a Designated Outdoor Refreshment Area in downtown Goshen. If approved by the Common Council, Ordinance 5255 would:

- Authorize the establishment of a Designated Outdoor Refreshment Area
- And establish that Common Council believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area in the City's downtown, as authorized by Indiana Code § 7.1-3-31-1 et seq., which Area is shown on a provided Map identified as Exhibit A to the proposed ordinance.

If Ordinance 5255 was approved by the Council, the following would be ordained:
1. Definitions.
1.1. All definitions in Ind. Code § 7.1-3-31-1 et seq. will apply to this Ordinance.
2. Downtown DORA.
2.1. The Common Council hereby adopts the Map of the City of Goshen Downtown Designated Outdoor Refreshment Area attached hereto to as Exhibit A and incorporated herein by reference.
2.2. That the following area is designated as the Goshen Downtown Designated Outdoor Refreshment Area("Downtown DORA"):
Beginning at the southwest corner of North 5th Street and East Clinton Street (122 E. Clinton Street); then West along East Clinton Street to the southwest corner of North Main Street and West Clinton Street (201 N. Main Street);

then South along North Main Street and South Main Street to the southwest corner of South Main Street and West Washington Street (201 S. Main Street); then West along West Washington Street to a spot on the north side of 212 W. Washington Street due south of the southwest corner of 120 S. 2nd Street; thence North along South 2nd Street to the southeast corner of South 2nd Street and West Lincoln Avenue (212 W. Lincoln Avenue); then West along West Lincoln Avenue to the pedestrian path along the east bank of the Elkhart River (west of 412 W. Lincoln Avenue, at the northern intersection of parcels 20-11-09-329-007.000-015 and 20-11-09-329-018.000-015); then South and Southeast along the pedestrian path along the east bank of the Elkhart River to Powerhouse Park at 324 W. Washington Street; then Southerly along the western tree line of vacant park property and the western boundary of parcels 20-11-09-411-003.000-015, 20-11-09-411-001.000-015, 20-11-09-451-003.000-015, and 20-11-09-455-001.000-015 to the southwest corner of parcel 20-11-09-455-001.000-015; then East along the south line of parcel 20-11-09-455-001.000-015 to the southeast corner of said parcel and the Millrace Canal Trail; then Northerly along the Millrace Canal Trail to the southwest corner of the Bridge extending west of West Madison Street over the Elkhart River; then East across said Bridge and on West Madison Street to the southwest corner of West Madison Street and South 3rd Street (401 S. 3rd Street); then North across West Madison Street to the southeast corner of 321 S. 3rd Street; then northeasterly on South 3rd Street along the eastern border of 321 S. 3rd Street and parcel 20-11-09-452-016.000-015 across S. 3rd Street to the northwest corner of parcel 20-11-09-457-011.000-015; then South and East along the south line of West Madison Street and East Madison Street to the southwest corner of the East Madison Street and South 5th Street (401 S. 5th Street); thence North along the west line of South 5th Street and North 5th Street to the southwest corner of North 5th Street and East Clinton Street (122 E. Clinton Street), to the point of beginning.

Except all residential property is excluded.

3. <u>Designated Permittees and Temporary Vendors</u>.

3.1. The following retailer permittees have expressed interest in participating and in submitting an application to the City to participate in the Area as a Designated Permittee, as that term is defined by I.C. § 7.1-3-31-2, and the City finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol and Tobacco Commission (ATC) to issue a "refreshment area designation":

3.1.1. The Tipsy Biscuit – 103 N. 5th Street
3.1.2. Venturi – 123 E. Lincoln Avenue
3.1.3. Common Spirits – 111 E. Lincoln Avenue
3.1.4. Nova's – 109 E. Lincoln Avenue
3.1.5. The Table at 108 – 108 N. Main Street
3.1.6. Cortado – 132 S. Main Street
3.1.7. Midnight Social – 114 W. Jefferson Street
3.1.8. The Fold – 219 S. Main Street
3.1.9. Goshen Theater – 216 S. Main Street
3.1.10. The Elephant Bar – 227 S. Main Street
3.1.11. Goshen Brewing Company – 315 W. Washington Street
3.1.12. Temporary Event Vendor

3.2 The Common Council hereby authorizes the Board of Public Works and Safety to administer the approval of any and all requests for designated permittee status within the Downtown DORA, subject to the requirements of Indiana law.

This delegation of authority to the Board of Public Works and Safety shall include the approval of a request by a designated permittee to expand operations into an area with the Downtown DORA that is outside of a designated patio area and the approval of a request by a vendor, as that term is defined by I.C. § 7.1-3-31-5, holding a temporary vendor designation to participate in an event or festival held within the Downtown DORA. However, in no event shall the Board of Public Works and Safety approve a request by a temporary vendor to establish a permanent presence in the Downtown DORA until and unless the temporary vendor is able to meet the statutory requirements for consideration as a designated permittee.

4. <u>DORA Signage</u>.

4.1 The City shall post a minimum of one (1) sign at each public entry point to the Downtown DORA. The Common Council further recognizes that additional signage designating the Downtown DORA may be warranted and necessary. Therefore, the Council hereby grants the Board of Public Works and Safety full authority to increase the number, change the placement, or modify the type of signage as it deems necessary or appropriate for the proper operation of the Downtown DORA.

5. <u>Hours of Operation</u>.

5.1. The City of Goshen Downtown Designated Outdoor Refreshment Area will be in operation during the following hours:

5.1.1. Thursdays, between 4:00 p.m. and 10:00 p.m.

5.1.2. Fridays, between 4:00 p.m. and 11:00 p.m.

5.1.3. Saturdays, between 12:00 p.m. and 11:00 p.m.

5.1.4. Special events as approved by the City of Goshen Board of Public Works and Safety.

5.2 The Mayor of the City of Goshen, acting in conjunction with the Chief of Police, is authorized to further restrict days and hours of operation and/or to suspend the operation of the Downtown DORA on a temporary basis and as is necessary in order to preserve the public health and safety of the community, subject to the subsequent approval of the Common Council.

6. <u>DORA Regulations</u>.

6.1. Within the boundaries of the Downtown DORA established herein, a person may exit the licensed premises of a designated permittee or vendor with not more than two (2) open containers of an alcoholic beverage at a time and consume the alcoholic beverage within the Downtown DORA. The open container shall be non-breakable plastic bottles, plastic cups, or paper cups. The contents of an open container may not exceed the following:

6.1.1. Beer or flavored malt beverage of not more than sixteen (16) ounces.

6.1.2. Wine, hard cider, or hard seltzer of not more than twelve (12) ounces.

6.1.3. A mixed drink or not more than ten (10) ounces containing not more than two (2) ounces of liquor.

6.2. The container in which the alcoholic beverage is placed when exiting the premises of a designated permittee or vendor shall have affixed an official DORA logo sticker that shall be approved by the Board of Public Works and Safety. The City shall work to provide stickers to all designated permittees and vendors within the Downtown DORA and change the color of the approved sticker at appointed times each year.

6.3. A person may consume an alcoholic beverage purchased from a designated permittee or vendor anywhere within the refreshment area boundaries, subject to the right of any retailer permittee or business within the refreshment area to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage. A person may not enter any business or building with an alcoholic beverage unless the business expressly permits entry.

6.4. If a designated permittee in the Downtown DORA includes outdoor dining:
6.4.1. The designated permittee may serve alcoholic beverages in open containers during hours of operation and in the areas authorized by the retailer's permit.
6.4.2. Glass containers may be allowed in the outdoor dining areas but may not be removed from those areas in the Downtown DORA.
6.4.3. No fencing or other enclosure of the outdoor dining area is required.
6.5. The City of Goshen maintains full authority and control over the sidewalks and common areas within the Downtown DORA and no one may prohibit or limit open containers in accordance with I.C. § 7.1-3-31 within the Downtown DORA in those spaces except for the City of Goshen Police Department.
6.6. Nothing in this Ordinance prohibits a business, landlord, or other establishment within the Downtown DORA from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.
6.7. A person may not consume an alcoholic beverage within a DORA that was purchased outside of the DORA.
6.8. Each Designated Permittee and Vendor shall post signage at each public entry and public exit to their licensed premises that informs the public of the following:
6.8.1. Any open alcoholic beverage container purchased within the Downtown DORA must remain within the Downtown DORA.
6.8.2. Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under I.C. § 9-30-15.
6.8.3.The hours of operation of the Downtown DORA.
7. <u>Miscellaneous Provisions</u>.
7.1. Consistent with the general principles of Indiana law, the Common Council retains the general authority to terminate the operation of the Downtown DORA at any time following the passage of an appropriate ordinance.
7.2. The Common Council finds that the Goshen Downtown Outdoor Refreshment Area is consistent with the City of Goshen's Zoning Ordinance.
This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.
NOTE: After lengthy consideration, Councilors approved Ordinance 5255 on First Reading at their March 23, 2026 meeting.

SUMMARY OF APRIL 27, 2026 COUNCIL CONSIDERATION & APPROVAL OF ORDINANCE 5255:
Mayor Leichty invited comments on Ordinance 5255 from Assistant City Attorney Don Shuler.
Shuler said an amended version of Ordinance 5255 was included in the Council's meeting packet. He said the initial changes corrected typos in the legal description of the boundaries of the outdoor refreshment area. He said changes also were made in some of the boundaries. He also said a sentence was deleted that specified the content of signs the City would provide. And a sentence was corrected to specify that "Any open alcoholic beverage container purchased within the Downtown DORA must remain within the Downtown DORA."
Shuler asked that Councilors move forward with consideration of the amended version of Ordinance 5255.
Council President Weddell made a motion to amend the version of Ordinance 5255 approved on First Reading at the previous Council meeting to the redline version provided for tonight's meeting. Councilor Peel seconded the motion.

Mayor Leichty asked if Councilors had any questions about the motion.

Councilor Gerber asked if the term "open alcoholic beverage container" was a technical term or could that be changed in Section 6.8.1 **Council President Weddell** suggested that Councilors vote first on the amendment and then consider any additional amendments.

On a voice vote, Councilors unanimously passed the motion by Councilors Weddell and Peel to amend the version of Ordinance 5255 approved on First Reading at the previous Council meeting to the redline version provided by the Legal Department for tonight's meeting.

After the motion was approved, Mayor Leichty invited Councilor Gerber to continue her comments. **Councilor Gerber** said, "A few days ago, it seemed there was a possibility that there could be reusable cups that we could take home with us." **Mayor Leichty** responded, "That is not permissible. You can take a DORA cup out of a restaurant. You cannot take one in. It's a single use ... That is not permitted per the Health Department." **Councilors** further discussed the idea of reusing cups. The **Mayor** stressed that cups cannot be reused. She added, "That's off the table. "So, it's a single use. You can take it and drink it, and then have to dispose of it, but you can take it home as a keepsake and use it over and over and over again in your own home. I encourage you to do that."

Mayor Leichty invited Director of Administrative Affairs Michael Wanbaugh to give an update on steps to implement Ordinance 5255 since it was first considered at the Council's March 23, 2026 meeting. Wanbaugh gave an overview. Key points:

- The following tagline has been created to promote the City's Designated Outdoor Refreshment Area (DORA): "Responsible drinks, open community space, and no fencing required."
- The City has secured support from the seven churches within the boundaries of the DORA.
- The boundaries of the DORA have been minimally revised as reflected in the amended ordinance.
- The City's proposed DORA cups would hold 16 ounces, be clear and feature Goshen's skyline.
- The City will provide the graphics and vendors may charge extra to accommodate for the cost of the cup.
- The City will encourage that the cups be compostable as an eco-friendly measure.
- The DORA hours will be Thursdays, from 4 to 10 p.m.; Fridays, 4-11 p.m.; and Saturdays, noon to 11 p.m.; and then, if approved by the Board of Public Works and Safety, other special events.
- As part of the DORA, City police will remain in full control and the City will manage the public space.
- City staff is in the process of finalizing the safety and sanitation plan to meet State requirements.
- Staff will visit each business to make sure that they're administrating the DORA properly and that their employees are trained.
- The estimated DORA costs to the City total $6,500 and include $3,000 for aluminum signs, $3,00 for sign installation and $500 for window stickers.
- Businesses will need to invest about $500 each to be part of the DORA program and that includes the purchase of the DORA-branded cups (about $350 for 1,000 compostable cups) and an extra trash can for DORA days (up to $150).

- Benefits to the Goshen community of having a DORA are: people can move freely and sip and shop; there will be no fence and no hassle, people will stay longer downtown; there will be open streets that are open for business; it's good for guests; and it's good for merchants.

After the presentation, Councilors asked questions and commented on the proposed DORA. Highlights:
Councilor Peel said in previous conversations it was not stated that businesses had to use a specified DORA cup. She asked if that had changed. **Mayor Leichty** said an official cup design has been suggested, but businesses can choose their own cups with a graphic design provided by the City. She said, "We thought about the possibility of the City trying to make that investment. We just really don't have the staff to manage inventory and things like that, so we've designed and will provide those graphics to any of the participants, and then they can order what they need as they need them."
Council President Weddell asked if the cups would need a DORA design. The **Mayor** said, "Yes. If you want to walk outside an establishment into the DORA, with a 21 and older beverage, it would have to be in a branded cup."
Councilor Nisley asked if the cups had to be clear. **Mayor Leichty** said, "It technically doesn't have to be clear, because if you can see in the top and it's open, then that's what you want to see."
Councilor Schrock asked if there would be "people outside that will stop people if they try to do that?" **Mayor Leichty** said, "Not necessarily, because there's no fence ... I mean, there's like, 34 different places downtown where people could walk."
Councilor Schrock said, "So there's nobody to enforce it?" The **Mayor** said, "The police will be downtown during events, but they're not going to be at all 34 entrance and exit points."
Councilor Schrock asked if police would be present "every Thursday, Friday, and Saturday." **Mayor Leichty** responded, "Councilor, I'm not sure what you're suggesting, but the same rules that apply now (would apply in the DORA), and as we talked about last time, it's already permissible to do this behavior. This is just allowing our businesses to be able to sell that to people, and for them to be able to be downtown without having snow fencing.
"So, the law already exists. People are not misbehaving. It's just a way to equip our businesses to be able to sell the same beverages that people are already permitted to have. If we were running into lawlessness issues or public drunkenness issues at our events, then this would not be something that I would be advocating for, but I feel like Goshen is a pretty safe town, and that people are reasonably well-behaved at our community events."
Mayor Leichty added, "One of the important things that we want to do over time, you know, we've invited outside vendors to come and sell beverages at events. And what we want to do, and the whole purpose and design of First Fridays, was to really add strength to our local small businesses and be able to have people purchase from our local small businesses. So, this would allow us to do that again, instead of having a beer garden outside operated by somebody else."
Councilor Schrock said, "I apologize for the way I came across on that, but the question I had was you mentioned the rules with the cup, not being able to go in or out. My question was who is going to be out there making sure these people don't do this." **Councilor Nisley** said the question focused on people already downtown and not outsiders. **Councilor Schrock** said he was asking who would enforce the DORA rules.
Mayor Leichty said, "There would have to be a degree of self-governance and discipline. I mean, nobody is out there surveilling every mile of street that we have. There is a certain amount of personal responsibility that drivers take because they know they can get a ticket."

Mayor Leichty continued, "In the same way, as soon as you walk past the boundary of DORA, you can get a ticket and potentially get arrested if you were inebriated and behaving in such a way that you were demonstrating that you had been intoxicated in public. So, there's a certain risk factor if people choose to break the rules. There are potential consequences, but just as we don't surveil every mile of road all the time, we would not be surveilling every block of the downtown at all times."

Councilor Nisley said, "Legally, you can take the DORA cup out of the area." The **Mayor** said, "As long as it's empty." **Councilor Nisley** said, "In Indiana, you can walk in the street with a drink without being drunk." The **Mayor** said, "Then you have to have one from home. You can't have it in a DORA cup. You've got to pour it in your other cup."

In response to **Councilor Schrock's** question, **Councilor Peel** said, "There will be establishments allowing or not allowing (DORA cups). If you walk into Woldruff's (Footwear) and Woldruff's says, "No, I don't want any food or drinks in my building,' then that would be on them to say, "Please don't bring that in.' And they already do that, so I think that if it's another establishment, and they've got the sign out there, and people are ignoring the sign, then that establishment needs to incentivize people and say, 'Please don't come in here with that.' They need to talk with their employees to educate the people walking in that they can't do that. And I think we'll have some hiccups at the beginning, but overall, I think it's not going to be that difficult with the proper signage, which is being provided for the buildings, and whether or not it's a DORA-friendly establishment or not."

Council President Weddell asked if businesses would have access to stickers indicating whether or not they would allow DORA cups to be taken into their establishments. **Wanbaugh** said there would be such stickers.

Councilor Peel suggested that audience members be allowed to speak.

At 7:49 p.m., Mayor Leichty opened a public comment period on Ordinance 5255.

Amanda Rose, the Director of First Fridays in downtown Goshen, read a statement in support of DORA. She said, "I'm here tonight in strong support of the proposed designated outdoor refreshment area. First Fridays relies on a team of dedicated volunteers, and right now, at the end of many of our events, they're stuck tearing down fencing that was used to create our beer garden – an attraction that, while not the whole point, is an excuse that encourages folks to linger longer at our events and in our downtown.

"A DORA eliminates this fencing requirement, saving our volunteers time, and frankly, making their jobs safer at night when vendor traffic is at its peak. Additionally, I'd like to address a recurring concern. A DORA won't change anyone's drinking habits at our events and we don't anticipate any additional event trash."

Rose said that since businesses will be able to have their own DORA cups, First Fridays has now decided to have recycling at all its events. So, she said the DORA cups would be recycled.

Rose continued, "So essentially this will look like the same guests enjoying the same experience with the same rules, just without the need for the incredibly inconvenient temporary fencing infrastructure. And for our downtown businesses that choose to participate, this is a genuine opportunity for more exposure and foot traffic, longer visits, and the kind of lively pedestrian atmosphere that brings people back month after month.

"And to address your concern, **Councilor Schrock**, I do think part of what I know will happen, based on my trust in downtown businesses, is that they will be policing this as people go out their door, which I think is what your question was ...my experience is that our restaurant owners are very responsible in making sure that people are following the rules, because they don't want to be fined or found guilty of perpetrating something that is not proper."

Rose concluded, "Goshen's downtown is special, and First Fridays exists to celebrate that. A DORA helps us do it better, safer, and in a way that lifts up the businesses that make this community great. Thank you for your consideration of this ordinance, and for your continued support of downtown Goshen."

After her presentation, **Director of Administrative Affairs Michael Wanbaugh** showed Councilors the signage that the City will post as well as stickers that business will be able to use to inform customers of whether they will sell DORA cups and whether their businesses will permit entry by people with DORA cups or not allow them.
In response to Councilor questions, **Wanbaugh** further described the signage and where they would be posted.

Jon Hunsberger, Executive Director of the Elkhart County Convention and Visitors Bureau, said he also serves on the boards of the Goshen Theater and Downtown Goshen Inc. and was familiar with the planning that went into the establishment of the Elkhart DORA and the planning for the Goshen DORA.
Hunsberger said, "Essentially what the DORA does create is a downtown living room for your community. It does create some connectivity and continuity for an event. So, really, it's an outside living room. It's supposed to be where the family comes together. So, that's the intent."
Hunsberger said some of the questions asked by **Councilman Schrock** do need to be addressed. He said, "So there is the security and the safety and who's policing this? So, as you dig into the DORA regulations, anyone who is serving alcohol still has to maintain and uphold the laws of serving alcohol. So, there is a two-cup cups limit per person. There's all sorts of regulations to it. Anyone who's serving alcohol also has to make sure that whoever they're serving to is not impaired."
Hunsberger continued, "This doesn't remove any of the laws of the State of Indiana and the serving of alcohol in that sense. So, it does lower the barriers so to speak; the fences come down, but the invisible fences are still up, and so that does create some safety, given the regulations."
Hunsberger said the signage also will create awareness of the DORA regulations. He added that DORAs have been approved in other Indiana cities and they have been successful. He concluded, "I would say that as a board member for both of these (Goshen) organizations, that I would be in support of his passing of this."

Jesse Sensenig, the owner of Goshen Brewing Company and The Fold (restaurant), said he supported the proposed DORA. "I have a couple of businesses that are obviously impacted by it, but I don't see it as a way to sell a ton more alcohol. I don't really see it that way. I think it's going to enhance and improve First Fridays downtown. We do lots of events. We do fundraisers. We do things in the parking lot."
Sensenig added, "We have held our employees and our customers accountable for over 10 years. So, we'll be continuing to monitor that kind of stuff as far as who's drinking and leaving and all of that, using the proper cups, and everything ... I'm in full support of it and I think it's good for downtown Goshen, and that's good for me and my businesses."

Michael Stoddard, the Executive Director of the Goshen Theater, said he has only lived in Goshen four months but has spent time in communities with DORAs. He said he doubted downtown would become a haven for drunkenness. "It's just not true because everyone gets way more drunk sitting at one bar on a stool, and then they stand up and realize how drunk they really are. You know, it's about a group of friends or a group of family making downtown their destination for the evening. It's not about, like, 'We're going to go party.' I mean, it shuts down at 10 o'clock."

Stoddard said the DORA will put more responsibility on bartenders. He said, "They already can't serve someone who's intoxicated anyway, but now they also have to say, 'Hey, you can't come in here with liquid in that cup." He suggested that the City require clear DORA cups, which might help in beverage detection.
Stoddard said, "As a theater, we want people to come in and look at the art that we always have. But it was a mandate that we had to build a wall in front of the bar, for that reason. You know, people can't take their full cup of alcohol on that other side of the wall."
Stoddard concluded by saying that he believes the DORA can benefit downtown businesses.

Ryan Hawkins, the owner of Common Spirits (restaurant and bar), said, "Common Spirits fully supports the DORA. Thank you." The Mayor responded, "That was the quickest" comment.

No one else asked to speak, so at 8:02 p.m., Mayor Leichty closed the public comment period. And she invited further Council questions or comments.
Councilor Peel said, "I don't drink a lot, but I know that when our kids were little, we would come up to First Fridays. If one of us wanted to have a drink, one of us would have to sit in the designated area while we were drinking our beer, and the other parent had the two kids, and we would go wandering around or sit close to the edge of the boundary of the fence and wave to each other across the fence line, which seemed kind of silly. And so, being able to have your family down there, go get a beer and wander around – that would have been nice, back in the day when my kids were little."
Mayor Leichty said, "To illustrate your point, this happens to a City employee playing cornhole with his son while his mom is on the other side of the fence having a beverage. I'd like to take down the fences so people can hang out together and play some cornhole together."
Councilor Nisley said that he opposed the request for final approval of the DORA ordinance at the March 23 Council meeting because he wanted to talk to downtown business owners. He said he and Councilor Schrock did that.
"And most of the owners of the businesses that I talked to said, 'If I had a vote for this, I would vote against it.' It was because bringing alcohol into their place would be one thing and then having to clean up after people that left the cups in there was another. Some of them weren't going to be open, anyways, and they don't participate in First Friday because it costs them more to be open than they make in sales," **Councilor Nisley** said.
"I didn't talk to any business that's on the DORA vendor list, because I figured they were pretty much voicing their opinion that they wanted it. A couple of them told me that, 'I really don't want to say either way, because I would offend a lot of my customers. But you know how I really feel about it.'
"So, I don't think that the downtown merchants that I talked to, which was probably seven or eight, said they don't want to have it. But if it passes, they will live with it and do what they can."
Councilor Nisley continued, "A lot of them said that we don't believe this is going to enhance the downtown; that it's not going to bring more people in to shop. And if it's not enhancing the whole downtown business-wise, they don't believe that it should be going on to just enhance the drinking part of it, the bars, the restaurants.
"So, I also was told that when First Fridays was started, it was really pushed towards family. And they feel that this will slip away from that part of it. I kind of agree because I've talked to some of my people that live in my district who will not bring their kids back up and either drop them off or come to First Fridays if this is happening up there. They don't want to be around that. And with the beer garden, they could avoid that.
"So, I'm still on the 'no' side of it."

Councilor Schrock said, "Being a lifelong resident of Goshen, I've seen Goshen downtown make huge changes from back when we had four major department stores downtown and we had a lot more bars than we have today downtown. And I've done my fair share of bar hopping around town and the furthest thing from my mind was walking outside with my 'Jack and Coke' (Jack Daniel's Whiskey and Coca-Cola). That never even crossed my mind.
"I did speak to some people and one of them had a good point that just because other municipalities, cities, towns have DORA doesn't mean it's a fit-all type deal. Warsaw has it. Mishawaka has it. Valparaiso has it. Fort Wayne has three of them in different areas. But that doesn't necessarily mean it's a fit for Goshen.
"I've seen people have lots and lots and lots of fun downtown Goshen without walking around with a glass of alcohol. I'm 66 years old. I'm old; I get it. I'm going to be picked as one of those white guys, but I'm pretty old school."
Councilor Schrock continued, "Several people asked about who's liable, heaven forbid, if something does happen – something bad; somebody gets hit by a car, crossing the street, or whatever. Do the, sponsors or the people who are promoting this – the businesses – do they have to carry a liability insurance to cover that or does the City cover that? And I told him I didn't know the answer to that question."
Councilor Schrock said one business owner said the DORA won't benefit all downtown businesses. Another owner was concerned about trash. "One gentleman said every Saturday morning he has to go out and pick up trash from out in front of his store. After a First Friday, his concern is it will be worse with the plastic cups."
In conclusion, **Councilor Schrock** said, "I've been going downtown my whole life. I'm kind of really undecided, for sure, but I'm leaning toward not supporting this. But I don't know; I'm just speaking from the heart – that's all."
Councilor Nisley said, "Matt and I were downtown on a Saturday morning, talking to some of these people, and we were sitting in one of the stores and were just watching. Goshen is very vibrant. Saturday morning, going by this store, I don't know that there was a time that we sat there that you didn't have five or six people walking by the windows. And all the parking spots downtown were full and there was no alcohol being served. It was 10 o'clock in the morning. And, so, I don't believe that this is going bring more people downtown to walk around, to drink or to shop."
Councilor Nisley asked where a person could walk with a DORA cup. **Council President Weddell** commented about the impact and DORA-related activity at businesses that aren't part of the DORA.
Councilor Nisley said some downtown businesses were unclear of the purpose of the DORA, especially those who don't participate in First Friday. He added, "They've never, ever, heard or seen of a problem being solved with alcohol. And I guess I agree with that." **Councilor Nisley** said that is why he also opposes the DORA.
Mayor Leichty said, "Councilor (Nisley), I just want to say thank you for taking the time to do that."
Councilor Peel said, "I just wanted to respond to one thing that you (Councilor Nisley) said. The business owners downtown do have a vote in it. They can say 'no' to DORA, and they can say, 'No, I don't want drinks at all in my business.' And so, those that don't want any food or drink in their business, they can say 'no' to that.
"So, technically, they can say no to the DORA. I respect that choice, like I respect Brett's (Councilor Weddell) choice, saying, 'No, I don't want food or drink in my establishment.' If I had a business downtown that sold things that I did not want food and drink on, I would say 'no' to DORA – not for the fact that it's alcohol, but for the fact that I don't want food and drink in there. So, I'm glad that people are voicing their opinions and are feeling safe to do that."
Councilor Peel concluded, "I'm in support of this. I think it will do exactly what it needs to do, and I don't think it's going to cause any further problems than what might already occur that don't seem to happen that often anyways."
Councilor Nisley said, "One guy told me he was worried if he told a customer that he couldn't bring in his alcohol. He was worried about losing that customer by saying, 'We're not letting you come in as long as you're drinking.'"

Mayor Leichty said, "Well, if there's anything that's ever gotten the ire up of downtown businesses, it's putting a fence in front of their business ... so I hope that we can allay some of those concerns."

Mayor Leichty said it would be unlikely alcoholic beverages would be served downtown in the morning.

Councilor Riegsecker said, "I did not get one call, or one email or one of anything in regard to this, so I'm not sure how worried people really are. But like Jesse (Sensenig of Goshen Brewing Company) said, he's not planning on making a killing doing this. I think he's just planning on everybody just enjoying themselves.

"So, I see it more as an opportunity to not sit in a dark, dingy bar and go out and walk around town and talk to other people besides just the people you're sitting around there. I'm 70, Matt (Councilor Schrock), so I got your beat, buddy. But I don't even drink, and I still think that it's an okay thing."

Councilor Riegsecker continued, "It's a choice, right? And I don't picture anybody abusing it, and I'm just going to refer back to my cruising days, way back when. It was fun and it was clean until it became not fun and not clean, because people came in and abused it.

"So, I have trust in the Mayor and the administration and the City Council and the businesses to make sure that doesn't happen, or we can come back and look at it again, and just say, 'Well, this isn't working.' If it doesn't work, we just change it. We have that flexibility."

Councilor Riegsecker concluded, "We're spending too much time and money to get rid of some of the blight in town and doing some of this other stuff, so I don't think we're going to let this get out of control where that just turns all that other around. So, I'm not worried, and I think that will be okay."

Council President Weddell said, "The business owners I've spoken with ... are obviously in favor of it. And I would say that our business owners who will have establishments that will participate in DORA I find to be incredibly responsible business owners. And the last thing they want to see is a problem because that will be a reflection upon themselves and our town. So, I have full confidence in their ability to support that."

Council President Weddell said he remains disappointed that two businesses on the west side of Main Street won't be able to participate in the DORA (because of the objections to the DORA by a nearby church). He added, "But at the same time, that could change in the future.

"One thing I'm realizing is that my wife and I live within walking distance to downtown, if we use the Millrace (path), and it looks like now on a Thursday evening, we might be able to grab a drink and then walk part way home along the Millrace. And because it's part of the DORA, we can then toss it (cup) in the trash can at the end." He quickly added, "No. As long as there's a recycling can there. If not, we'll carry the empty glass home for recycling."

Council President Weddell said he supported **Councilor Gerber's** advocacy for allowing the reuse of DORA cups. However, he added, "But then I was thinking about the beer gardens when they had them fenced in. Well, they weren't using reusable cups there, either." He added that he was glad there would be recycling bins downtown.

Council President Weddell continued, "You know, I think we keep harping on First Fridays and that's the majority of the reason here, but I think there's a lot of other opportunities, and there aren't a lot of businesses open in these hours that are selling retail. Whether that changes or not, that's up to the business owner," he said. "In the end, I'm fully supportive of this, and I'm happy that we're going down this road.

Councilor Gerber said, "I want to say, to **(Councilors) Matt and Doug** that I appreciate the conversations you had, and I respect the concerns that those business owners voiced to you. And I also understand that there are people who are uncomfortable around alcohol and I just want to acknowledge that because I think that is an underlying concern here, and so while I am in support of this, I respect the conversations you had.

Councilor Gerber concluded, "I agree with Don. If it becomes problematic, I think we reconsider it, and I'm fully open to that. My major concern with it was about the generation of additional waste downtown, so I am thrilled with the announcement that there will be recycling at First Fridays. So, I'm very supportive of that, and I will be volunteering at the recycling booth this week, so come see me at First Fridays."
Councilor Lederach said, "I would echo the sentiments that we've just heard. I have nothing really new to add. I'm comfortable with what's happened." He thanked **Michael Wanbaugh** for his research on the issue. He added that he believes downtown property owners support the DORA. He added, ".If there are problems, we can revisit it. I will support it."

Councilor Nisley then proposed an amendment to Ordinance 5255 – the addition of a sunset clause that would take effect Jan. 1, 2027. Councilor Schrock seconded the motion.

Mayor Leichty, Councilors Weddell, Nisley and Schrock had extensive conversation about the proposed sunset clause and related issues. Highlights:

- If Ordinance 5255 passes the exact effective date is unknown. It would need to be submitted to the State for review and approval. However, it could take effect as early as July 2026.
- **Councilor Nisley** proposed, as part of his motion, that a public hearing be convened if his proposed sunset clause was added to the ordinance.
- **Councilor Nisley** also proposed that the Council be provided with reports from the Police and Fire departments on DORA-related service calls.
- **Councilors and the Mayor** discussed the information request and also suggested a report from Mayor's office on the impact of the DORA, including on downtown businesses.
- **Director of Administrative Affairs Michael Wanbaugh said that regardless of the vote on the amendment he would be prepared to provide a report on the DORA in six months.**

Councilor Nisley amended his motion. He moved that Ordinance 5255 be amended to add a provision to sunset (suspend) the ordinance on Jan. 1, 2027 followed by a Council public hearing and a comprehensive City staff report on the impact of DORA. Councilor Schrock seconded the amended motion.

Mayor Leichty asked the Clerk-Treasurer to take a roll call vote on the amendment.

On a roll call vote, the proposed amendment to Ordinance 5255 by Councilors Nisley and Schrock failed by a 2-5 margin, with Councilors Nisley and Schrock voting "yes" and Councilors Gerber, Lederach, Peel, Riegsecker and Weddell voting "no."

Mayor Leichty announced that the motion to further amend Ordinance 5255 failed.

Councilor Nisley asked if there was any interest in adding any sunset clause to the ordinance.
Councilor Peel said, "I don't support a sunset. I think we already have the ability to shut it down .. and I would like to see a report from Michael, and I think he's already agreed to it. I think that's a great idea."

Councilors and the **Mayor** discussed when a report on the DORA could or should be provided to the Council. Ultimately, the **Mayor** committed to providing a report at the end of the year or the beginning of 2027. All Councilors endorsed the preparation of a City report on the DORA.

Mayor Leichty asked if Councilors were ready to vote. They indicated they were.

Mayor Leichty asked the Clerk-Treasurer to take a roll call vote on the amended version of Ordinance 5255.

On a roll vote, Councilors passed the amended version of Ordinance 5255, *Establishing a Designated Outdoor Refreshment Area,* on Second and Final Reading by a 5-2 margin, with Councilors Gerber, Lederach, Peel, Riegsecker and Weddell voting "yes," and Councilors Nisley and Schrock voting "no" at 8:32 p.m.

Mayor Leichty responded, "Yes, and that passes 5 to 2 on second and final reading. Thank you all for robust discussion. I appreciate all of you."

Privilege of the Floor

At 8:32 p.m., Mayor Leichty invited public comments for issues not on the Council agenda. There were none.

Elected Official Reports:

Mayor Leichty asked if there were any reports from Councilors.

Council President Weddell said the **City Redevelopment Commission** met last week and considered some of the matters which the Council took action on tonight, which included "repaving some of our major ways for our TIF districts. The other one that we had a discussion on was the fact that Redevelopment Commission owns two lots outside of the City limits on State Road 15, close to Waterford Mills Parkway.

"We had purchased those in preparation for the possibility of an extension of the Maple City Parkway to the west, which is not going to happen. And so, we had some discussion on listing those for sale. They are, again, outside the City limits, so they do not have City services. But there's some question on whether or not they would be more marketable as commercial properties versus residential, so those are some conversations that we're having on those two properties. Beyond that, nothing else of note that was on that agenda."

Clerk-Treasurer Aguirre provided a report on an expenditure of City funds that was not scheduled and he said should be disclosed to the public He provided the details on the City payment in a memorandum he distributed to Councilors before he made his comments (**EXHIBIT #1**).

Aguirre said, "This expenditure has been approved. by the Board of Works and Safety. It is a testament to the fact that if you are involved in a situation with the IRS, they never forget. Now, what happened in this situation was we received notification that the City of Goshen had not made a payment during the COVID period.

"Essentially, during the period of COVID, a lot of municipalities, including Goshen, were having some financial difficulties. So, the federal government essentially said, 'You can delay your payment for a year.' We did.
"We repaid it, but we made a mistake. We paid a double payment when they wanted the payment paid over a year. We gave a larger payment. The Internal Revenue Service returned the money. And then it was only later that they said, 'You owe us the money with interest.'
Aguirre continued, "You may have heard something like that, but again, if you owe the IRS money, they will charge you it with interest. And this was for taxes for (employee) Medicare, Social Security.
"Now, the good thing about this is that money that they returned went into what's called a liability account. And what a liability account is, is the money flows in, and it can only be used for that purpose. And that purpose, in this case, is paying taxes to the federal government.
"So, over the time that the money was there, it accrued interest. And so, basically, we're going to be paying back the money that we owe to this IRS with interest, and then we're taking a portion of the money that's above that. on the interest that the IRS is charging from an account that the Clerk-Treasurer has, that we have the flexibility for that.
"Now, what we're not paying yet is a penalty that the federal government wants to pile on top of that. A non-payment penalty of about $6,600. In consultation with Baker Tilly, they think we have a case to make that we shouldn't have to pay that $6,600-plus penalty, because, in fact, again, we did pay it at one point. They just returned the money."
Aguirre said, "We have a consultant from Baker Tilly who contests these kinds of things. He says he's got five other municipalities who are in this exact same situation. Most of them have much more that they owe than we did. And again, fortunately, the bulk of the money we already had.
"I did a lot of research on this, worked with Baker Tilly, worked with (former Deputy Clerk-Treasurer) Jeffrey Weaver about this. And the period that this happened was a period right before I became Clerk-Treasurer. So, when that money came in, I don't think anybody thought to check it, because we didn't usually have a problem. Money came in, and it immediately went out.
"And it was only later that this money has been found that it's still been sitting there. And again, the IRS has not forgotten and has demanded the money, so we have now paid that money to the IRS. And we will, see, probably in a few months, whether the appeal for the penalty will be granted.
"According to Baker Tilly, it's just a total roll of the dice (whether the penalty will be forgiven). The IRS might say, 'Yes, it's granted' or 'No."
Councilor Schrock asked, "I was just going to ask, is the IRS good at giving money back? I didn't think so."
Aguirre said the IRS was not prone to give money back.
Aguirre concluded, "Again, this (report) is for purposes of transparency, to let the Council, know what happened, why it happened, and what we have done to remedy the situation. I'll report back on the fate of the appeal."

There were also no further Council comments on other matters.

Adjournment:
Councilor Nisley made a motion to adjourn the meeting, which was seconded by Councilor Peel.
On a voice vote, Councilors unanimously approved the motion to adjourn the meeting.

Mayor Leichty adjourned the meeting at 8:39 p.m.

Goshen
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EXHIBIT #1: *A two-page memorandum by Clerk-Treasurer Aguirre distributed to the Mayor and Councilors during the Elected Officials Reports. Aguirre also read a summary of the memorandum to Councilors and answered questions during the Elected Officials report period. The memorandum explained the background of the April 16, 2026 approval of a $72,120.06 payment to the Internal Revenue Service by the City Board of Public Works and Safety. On March 16, 2026, the Clerk-Treasurer's Office received a letter from the Internal Revenue Service demanding a payment of $78,486.39. The City was directed to pay $62,050.79 for taxes due on the City's Tax Form 941 (the IRS form that reports employee income and Social Security and Medicare taxes withheld from City employees' wages) for the tax period ending June 30, 2020 as well as interest charges of $10,069 on those unpaid taxes and a failure-to-pay penalty of $6,366.33. Aguirre's memorandum provided the background and context of the matter.*

APPROVED: Gina Leichty, Mayor of Goshen

ATTEST: Clerk-Treasurer Richard R. Aguirre

Exhibit #1

Engineering Department
CITY OF GOSHEN
204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Works and Safety and Stormwater Board

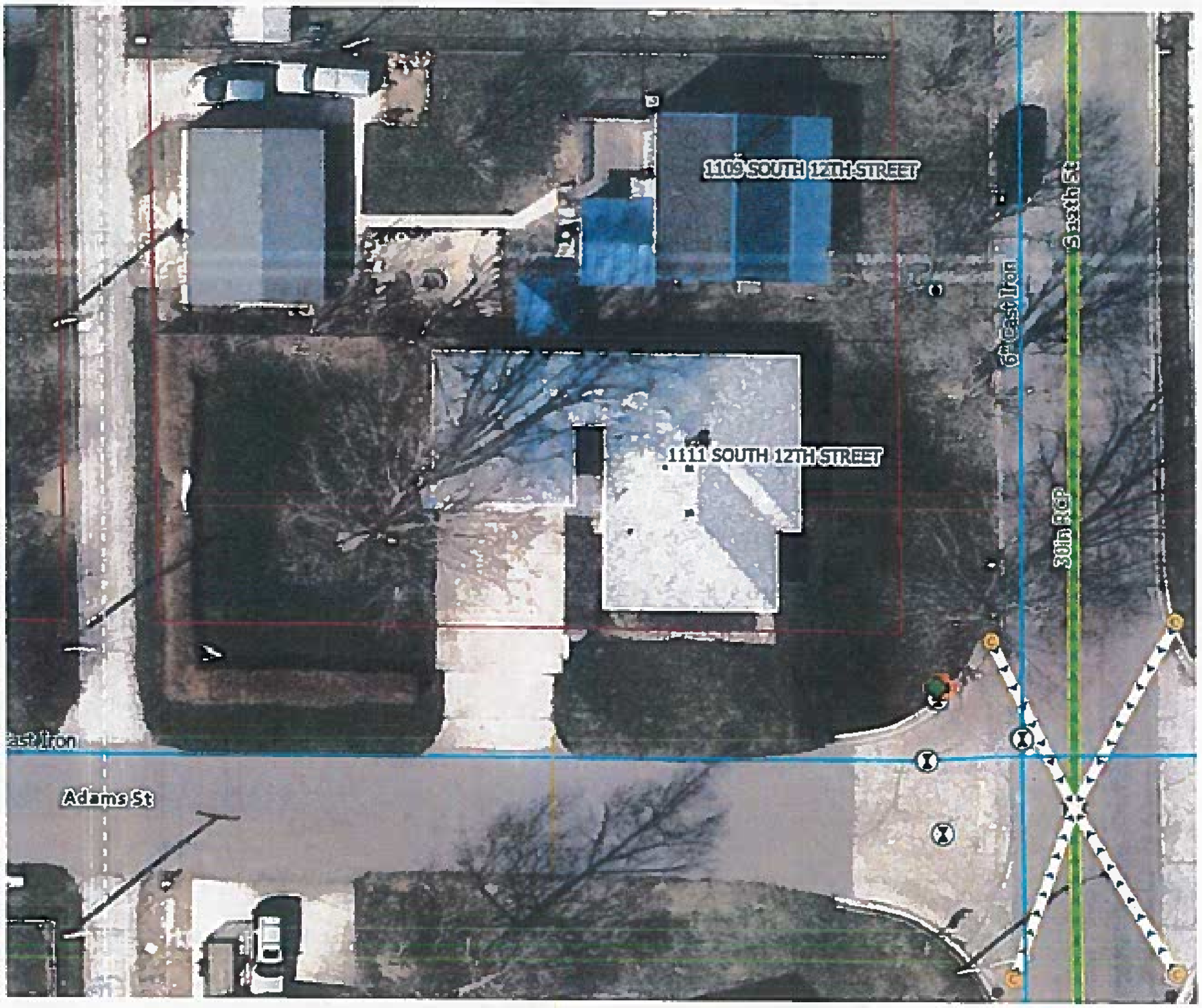
FROM: Dustin Sailor, P.E., Director of Public Works & Utilities

RE: **1111 S. 12TH STREET – FENCE ENCROACHMENT REQUEST (JN: STREETS)**

DATE: June 11, 2026

On the agenda for the June 11 Board of Works meeting is a request to place a fence within the right-of-way of Adams Street, which is associated with a residential corner lot at 1111 S. 12th Street. As proposed, the fence would be located 20' from the centerline of Adams Street.

Based on the City's records and a field locate on June 11, 2026, there is a public water main located on the northside of Adams Street, 10' from the centerline of the road which would be within 10' of the proposed fence where a minimum offset of 8' is required. The City does not have information on other private utilities that may be located within this right-of-way.



Goshen Engineering, serving as an agent of the Board of Works and Safety in the issuance of right-of-way permits, generally does not support private encroachments within the public right-of-way. With the existence of the water main within the treelawn, Goshen Engineering recommends the Board of Works and Safety deny the fence encroachment request.

Additionally, if the board were to entertain this request even with Goshen Engineering's recommendation, the item should be tabled until an 811 utility locate request is made to futher confirm there are no additional buried utilities that would be impacted by the proposed encroachment.