

**REGULAR MEETING OF THE COMMON COUNCIL  
MAY 5, 2009  
111 EAST JEFFERSON STREET  
GOSHEN, INDIANA**

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The Common Council of the City of Goshen, Indiana, met in the Council Chambers for a regular session on May 5, 2009 at 7:00 P.M. Presiding Officer was Mayor Kauffman with members of the Council present as follows:

PRESENT: COUNCILMAN LANTZ, RIEGSECKER, STUMP, STUTSMAN  
COUNCILWOMAN GAUTSCHE, ROBINSON

ABSENT: COUNCILMAN THOMAS

**PRIVILEGE OF FLOOR**

Don Riegsecker 714 Reliance Road stated he is working with the First Friday representatives to bring cruising back to Goshen for one night on a First Friday hopefully in July.

The Council and Mayor responded positively to the idea and resident Bill Bloss, 605 Lexington Drive stated he started cruising Goshen in 1948.

**CHANGES TO AGENDA**

Mayor Kauffman recommended the Council amend the Agenda as follows:

Move item 3 to item 1, item 4 to item 2, item 5 to item 3 and item 2 to item 4. Hearing no objections the Agenda was amended as listed above.

**APPROVAL OF MINUTES**

Councilman Lantz moved to accept the Minutes of the Council meeting of April 7, 2009 and April 21, 2009 as presented. Motion seconded by Councilman Riegsecker and motion carried unanimously.

**RESOLUTION NUMBER 2009-12**

Council President Stump introduced Resolution Number 2009-12 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOSHEN, INDIANA AUTHORIZING THE FILING OF AN APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT."

Council President Stump asked the Clerk-Treasurer to read the Resolution by title only and moved its passage by roll call vote. Motion seconded by Councilwoman Gautsche.

CDBG Administrator Rhonda Yoder explained that after the Council packets were assembled on Friday, HUD released the 2009 program year formula allocations for the entitlement grant. Goshen will receive \$278,179 for program 2009 which is an increase of \$3,428 from program year 2008.

Total CDBG funding for 2009 will be:

• Entitlement Grant:	\$278,179	
• Program Income:	\$ 25,000	Money that comes back into the program
• De-obligated Funds:	<u>\$ 11,821</u>	Unused funds rolled over from year to year
Total	\$315,000	

2009 CDBG budget summary:

• Public Facilities & Improvements:	Crescent St. Phase II	\$115,000
• Public Service Grants:		\$ 42,226
• Owner-occupied Housing Rehabilitation:		\$102,774
• Program Planning & Administration:		<u>\$ 55,000</u>
Total		\$315,000

Councilman Lantz moved to amend the Resolution to insert the allocation amount of \$278,179 into the Resolution. Motion seconded by Council President Stump and motion passed unanimously.

By 6-0 vote of the Council, Resolution Number 2009-12 was passed.

### **ORDINANCE NUMBER 4533**

Council President Stump introduced Ordinance Number 4533 entitled “AN ORDINANCE TO AMEND ORDINANCE NO. 3011, KNOWN AS THE ZONING AND USE REGULATIONS ORDINANCE FOR THE CITY OF GOSHEN, INDIANA, BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM RESIDENTIAL R-1 TO COMMERCIAL B-3 WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.”

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilman Riegsecker.

City Planner Joseph Hauflaire stated the property is generally located south of IHOP. Currently the property is zoned residential and the petitioner is requesting a B3 zoning with a PUD overlay which the Plan Commission unanimously approved. There is some dedication of right-of-way requirements, a requirement that the property be connected to City water and a new parking lot north of the property with reduced setbacks on Ferndale Road.

Ken Jones of Wightman Petrie, 4703 Chester Dr, Elkhart, stated he is at the meeting representing the petitioner David Myers and will answer any questions. After being questioned by Councilwoman Gautsche as to if the retention ponds are rain gardens, Mr. Jones stated they are planning to implement some best management practices in accordance with the local standards and the facilities will be designed to store and treat stormwater so there will be some specific plantings with that. After being questioned by Councilwoman Gautsche as to the height of the sign at the proposed business, Mr. Jones stated the sign has not yet been proposed but when it is, they anticipate that it will meet the Sign Ordinance guidelines without question.

By a 6-0 vote of the Council the motion passed.

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilwoman Gautsche.

The Council roll call vote was as follows:

AYES: GAUTSCHE: LANTZ: RIEGSECKER: ROBINSON: STUMP: STUTSMAN

NAYS: NONE

(ORDINANCE 4533 DULY PASSED AND ADOPTED THIS 5<sup>TH</sup> DAY OF MAY 2009.)

**PUBLIC HEARING ON ORDINANCE 4534**

Mayor Kauffman opened the Public Hearing on Ordinance 4534 explaining the Ordinance is for a vacation of right-of-way at the northwest corner of N. 7<sup>th</sup> Street and Center Street.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**ORDINANCE NUMBER 4534**

Council President Stump introduced Ordinance Number 4534 entitled "AN ORDINANCE VACATING PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA."

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilman Riegsecker.

By a 6-0 vote of the Council the motion passed.

Mayor Kauffman asked for unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, the Mayor declared that the Ordinance would be heard on second reading.

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Riegsecker.

The Council roll call vote was as follows:

AYES: GAUTSCHE: LANTZ: RIEGSECKER: ROBINSON: STUMP: STUTSMAN

NAYS: NONE

(ORDINANCE 4534 DULY PASSED AND ADOPTED THIS 5<sup>TH</sup> DAY OF MAY 2009.)

### **RESOLUTION NUMBER 2009-09**

Council President Stump introduced Resolution Number 2009-09 entitled “APPROVING INTERLOCAL AGREEMENT BETWEEN THE CITY OF GOSHEN AND INDOT FOR PROJECT COORDINATION OF THE PLYMOUTH AVENUE PEDESTRIAN TUNNEL AND AUTHORIZING BOARD OF PUBLIC WORKS AND SAFETY’S EXECUTION OF THE INTERLOCAL AGREEMENT .”

Council President Stump asked the Clerk-Treasurer to read the Resolution by title only and moved its passage by roll call vote. Motion seconded by Councilman Stutsman.

The Council went to the audience first and the following people spoke in support of the Resolution:

1. Carolyn Schrock-Shenk, 305 Reservoir Place
2. Barb Swartley, 119 Canal Street
3. Evan Bontrager, 1118 S. 8<sup>th</sup> Street
4. Glen Gilbert, 1301 S. 15<sup>th</sup> Street
5. Dr. Ned Kauffman, 1205 Berkey Avenue
6. Jan Gleysteen, 1609 S. 13<sup>th</sup> Street
7. Dr. Max Mertz, 1511 S. 8<sup>th</sup> Street – Goshen Physician
8. Dave & Sam, 208 Murray Street
9. Dr. Bruce Stahly, 714 Bainbridge – Goshen Community Schools Superintendent
10. Adam Scharf, 1631 ½ S. Main Street
11. Stan Shetler, 208 River Vista Drive
12. John Yoder, 1212 Westwood Court
13. Eric Saner – Director of Chain Reaction
14. Phil, 714 S. 6<sup>th</sup> Street
15. Charles Mumaw, 65750 S.R. 15
16. Mark Huser, 315 Gorham Road
17. Paul Reimer, 618 S. 6<sup>th</sup> Street
18. Kim Kurtz, 912 S. 7<sup>th</sup> Street
19. Victoria Kaplan, 1631 ½ S. Main Street
20. Eric Kurtz, 202 W. Wilden
21. John Butcher, 216 Gra-Roy
22. Rhonda Yoder – Assistant City Planner
23. Stuart Meade, 312 River Vista Drive
24. David Schrock-Shenk, 305 Reservoir Place

The residents listed above gave the following reasons for supporting the Resolution:

1. Dangerous crossing as it is now
2. The City’s recreational facilities are the City’s greatest asset
3. More bikes on the street means less cars on streets
4. Their bike is the main mode of transportation for many
5. It is vital to improve the infrastructure for non-motorized vehicles and pedestrians
6. Emphasizes physical activity

7. Opens up the south side of S.R. 119 for children crossing before and after school
8. Lost opportunity if not constructed as the City will lose the grant funds
9. Delay other projects in the City due to cost restraints
10. If Goshen keeps growing in 10 years it will be about impossible to cross the street at the bike path
11. Children cycling have a more difficult time at the crossing as they are shorter with less visibility and they cannot judge the speed of the traffic coming as well as an adult
12. The City's investment is minor compared to a life
13. Good use of EDIT funds
14. The City has spent millions of dollars to support vehicle traffic with the paving of streets
15. Communities with greenways show the number one reason residents fail to use the greenways is due to stress with traffic
16. Investment in the economic future of Goshen

The following people for the following reasons spoke in opposition of the Resolution:

1. Bob Schrameyer, 901 Player Drive, stated he is concerned with safety in the tunnel especially at night, Elkhart's tunnels have graffiti on the sides with half of the lights broken and he is reluctant for the City to spend money on a luxury item at this time.
2. Dick Hooley, owner of two rental properties in Goshen, stated he is against the City spending the money during a recession and Atlanta and New York have high crime rates with tunnels such as this in their Cities.

Bill Bloss, 605 Lexington Drive, stated he is concerned about safety in the tunnel even with lights and questioned if the federal grant is a sure thing. Mr. Bloss questioned if local people will be put to work with the construction of the tunnel as the lowest bidder and workers may be from outside of the local area. Further he questioned if the City should pursue spending the money at this time.

City Administrative Engineer Mary Cripe confirmed the funding from the federal grant is a sure thing. After being questioned by Councilwoman Robinson regarding the water table, Mary Cripe stated the ground level table is lower than the tunnel and there will be a drain in the tunnel that runs to an abandoned CSO pipe for drainage into the river. Mrs. Cripe further stated there would have to be a serious fast melt of snow for the tunnel to have standing water.

Don Riegsecker, 714 Reliance Road, stated the Council is in a tough spot since there is free money from the federal government. Further he is opposed to the federal government giving away the money. Mr. Riegsecker also stated he is concerned with the City's bond rating being downgraded as it would cause a higher interest rate for the City due to the City's credit rating going down.

The Council and Mayor discussed the following:

- Any kind of stop light for the crossing would have to be approved by INDOT as it is on a state highway

- A lot of e-mails and phone calls have been received by Council Members with the majority of the e-mails and calls expressing support for the construction of the tunnel
- There is a chance that people in the community will have a job with the construction
- It would reflect poorly on the City to now refuse the grant after applying for and receiving approval for the grant in 2006
- If the bids for the project come in too high for the City to afford the 20% share, the bids could be rejected
- Bids for projects now are coming in lower than expected due to the economic situation
- The project would be an asset to the community but with expected lower revenue to the City in 2009 and 2010 the money may be needed elsewhere
- The economic development of the project helps build the community where businesses and people want to come
- The City would most likely spend the EDIT money on more street paving and other capital projects if this project is rejected
- The Council's concerns are due to being cautious with spending

The Council roll call vote was as follows:

AYES: GAUTSCHE: LANTZ: STUTSMAN

NAYS: RIEGSECKER, ROBINSON, STUMP

After a 3-3 tie vote of the Council, Mayor Kauffman broke the tie and voted in favor of the Resolution and it passed by a vote of 4-3.

### **Council Discussion**

After discussion of the Council, it was decided to welcome Anne Reel, Elkhart County Humane Society Director to present a report to the Council in person. Even though all of the Council Members have recently received a written report from the humane society it was further decided a presentation to the Council will allow for the Council and residents to have any questions they may have answered by the director.

### **ORDINANCE NUMBER 4535**

Council President Stump introduced Ordinance Number 4535 entitled "AMBULANCE USER FEE SCHEDULE."

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilwoman Robinson.

Mayor Kauffman stated the City's fees follow a format that when Medicare raises their rates the City adjusts the rates of the City to 150% of the Medicare rates for residents and 200% for non-residents.

By a 6-0 vote of the Council the motion passed.

Mayor Kauffman asked for unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, the Mayor declared that the Ordinance would be heard on second reading.

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Stutsman.

The Council roll call vote was as follows:

AYES: GAUTSCHE: LANTZ: RIEGSECKER: ROBINSON: STUMP: STUTSMAN

NAYS: NONE

(ORDINANCE 4535 DULY PASSED AND ADOPTED THIS 5<sup>TH</sup> DAY MAY OF 2009.)

**ORDINANCE NUMBER 4536**

Council President Stump introduced Ordinance Number 4536 entitled “AMEND 2009 SALARY ORDINANCE 4509 TO PROVIDE FOR EDUCATIONAL ASSISTANCE TO CERTAIN WATER AND SEWER UTILITIES EMPLOYEES.”

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilwoman Gautsche.

Water and Sewer Superintendent, Kent Holdren stated the Ordinance is a request to allow certain employees to voluntarily take classes at Ivy Tech to educate them on operating systems such as the SCADA system. The fact that Goshen’s SCADA system will be built while the employees are learning from the courses will be a big benefit to the City.

Mayor Kauffman stated the assistance is limited to the eight employees listed in the Ordinance and it is unlikely all of them will sign up for the courses. Further future Salary Ordinances will most likely include a SCADA technician.

Council President Stump encouraged the passage of the Ordinance as educating the employees to run the system benefits the City.

By a 6-0 vote of the Council the motion passed.

Mayor Kauffman asked for unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, the Mayor declared that the Ordinance would be heard on second reading.

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilwoman Robinson.

The Council roll call vote was as follows:

AYES: GAUTSCHE: LANTZ: RIEGSECKER: ROBINSON: STUMP: STUTSMAN

NAYS: NONE

(ORDINANCE 4536 DULY PASSED AND ADOPTED THIS 5<sup>TH</sup> DAY OF MAY 2009.)

**COUNCIL APPOINTMENTS TO THE ECONOMIC IMPROVEMENT  
DISTRICT BOARD**

Mayor Kauffman explained a ballot with a list of the candidates is sent to the property owners in the EID district as the EID Board has their own ballot process and the candidates are voted on by their peers. The Council is not bound to appoint the highest vote getters but State Statute does state the Council appoints the EID Board members.

Councilwoman Robinson moved to appoint Bob McCoige, Jeremy Stutsman and Scott Woldruff as the three candidates with the most votes to the EID Board. Motion seconded by Councilman Lantz and motion passed unanimously.

Councilman President Stump moved to adjourn. Motion seconded by Councilman Stutsman and the meeting adjourned at 8:55 P.M.