

**REGULAR MEETING OF THE COMMON COUNCIL (NOVEMBER 15, 2016)
111 EAST JEFFERSON STREET, GOSHEN, INDIANA**

The Common Council of the City of Goshen, Indiana, met in the Council Chambers for a regular session on November 15, 2016 at 7:00 P.M. Presiding Officer was Mayor Stutsman with members of the Council present as follows:

PRESENT: COUNCILMAN AHLERSMEYER MCKEE ORGILL SCHARF WEDDELL

COUNCILWOMAN GAUTSCHE KING

STUDENT COUNCILMAN BILLER

ABSENT: NONE

CHANGES TO AGENDA

Mark Dobson – EDC presentation as item 1 & Ordinance 4889 as item 5

Motion made by Councilman Ahlersmeyer Motion seconded by Councilwoman Gautsche

By a 7-0 unanimous vote of the Council the motion passed

PRESENTATION

Mark Dobson from the Economic Development Corporation of Elkhart County.

- President & CEO of the EDC of Elkhart County
- Facilitated \$1,345,891,029 Investment in Elkhart County since 2002
- Facilitated creation of 21,054 new jobs & facilitated retention of 18,742 jobs
- Goal is to diversify the economy
- 2015 2,456 new jobs were created
- 50% of the North Central Region (This region includes St. Joseph, Marshall, Fulton, Kosciusko & Elkhart Counties)
- 2013 Elkhart County lead the nation in job growth after the recession of 2008
- #1 in Economic Strength Indicator Factors & #1 in Economic Strength Factors

APPROVAL OF MINUTES

Councilman moved to accept the minutes of the meeting held on , 2016. Motion seconded by Councilman and motion passed unanimously. .

PUBLIC HEARING ON ORDINANCE

Mayor Stutsman opened the Public Hearing

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

RESOLUTION 2016-41

Council President McKee introduced Resolution 2016-41 entitled "A RESOLUTION FISCAL PLAN FOR LIPPERT/KEYSTONE ANNEXATION AREA ."

Council President McKee asked the Clerk-Treasurer to read the Resolution by title only and moved its passage by roll call vote. Motion seconded by Councilman Weddell . Councilman Ahlersmeyer recused himself from the discussion and vote since this is his employer.

By 6-0-1 unanimous vote of the Council, Resolution 2016-41 was passed.

The Council roll call vote was as follows:

AYES: GAUTSCHE, KING, MCKEE, ORGILL, SCHARF, WEDDELL

NAYS: NONE

RECUSED: AHLERSMEYER

RESOLUTION 2016- 42

Council President McKee introduced Resolution 2016-42 entitled "A RESOLUTION APPROVING A LOCAL MAJOR MOVES CONSTRUCTION FUND LOAN TO GOSHEN REDEVELOPMENT COMMISSION."

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

By 7-0 unanimous vote of the Council, Resolution 2016-42 was passed.

The Council roll call vote was as follows:

AYES: AHLERSMEYER, GAUTSCHE, KING, MCKEE, ORGILL, SCHARF, WEDDELL

NAYS: NONE

RESOLUTION 2016-43

Council President McKee introduced Resolution 2016- entitled "A RESOLUTION APPROVAL OF A PLAN COMMISSION ORDER REGARDING THE AMENDMENT OF THE BOUNDARIES OF THE SOUTHEAST ECONOMIC DEVELOPMENT AREA ."

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

Motion was made by Councilman Scharf regarding the "Declaratory Resolution for the Amendment to the Southeast Economic Development Area." Motion seconded by Councilman Orgill.

By 5-2 vote the amendment did not pass.

AYES: ORGILL, SCHARF

NAYS: AHLERSMEYER, GAUTSCHE, KING, MCKEE, WEDDELL

By 6-1 vote of the Council, Resolution 2016-43 was passed.

The Council roll call vote was as follows:

AYES: AHLERSMEYER, GAUTSCHE, KING, MCKEE, SCHARF, WEDDELL

NAYS: ORGILL

ORDINANCE 4889

Council President McKee introduced Ordinance 4889 entitled "AN ORDINANCE APPROVING THE TRANSACTION OF LEASE/PURCHASE AGREEMENT FOR A NEW PAINT & SIGN TRUCK AND TWO V-BOX SALT SANDERS."

Council President McKee asked the Clerk-Treasurer to read the Ordinance 4889 by title only for its first reading and moved its passage. Motion seconded by Councilman Ahlersmeyer.

Mayor stated that this is something we talked about quiet awhile ago about getting this equipment around.

Street Commissioner Denny Long this to update equipment and there is still more to come. In my mind we have had this discussion I really think the Council should approve this before we order it but unfortunately the V-Box Sanders were scheduled to be delivered on Friday and the truck will be here at the first of the month. So I kind of like need you to pass this. This is replacing the paint & sign truck which is a 2005 and also replacing an old sign truck which is a 1992. The V box sanders are replacing ones that are 10 years old. The new ones will be replacing sanders that are rusted away and the new ones will be stainless steel auger instead of chain which does 2 things one it cuts maintenance cost tremendously and two it creates a more even pattern which saves us on salt and sand material because we are able to the job more

efficiently with less material because we are getting pattern on the roadways. So it is an improvement in what we are trying to do we are trying to get rid of some of the old rusted equipment. The new paint and sign truck is equipped with an air compressor built on so we don't have to go out and borrow an air compressor if we are trying to remove graffiti. Also has a generator built into it as well which is why the cost is so high because it is self contained and it saves me time from running or trying to track down different equipment because now we can go out with 1 piece of equipment and do all the work.

Mayor Stutsman - Thank you Denny we did look at other options for paying for this but though this was the most cost effective option for the city.

Councilwoman Gautsche has 1 question regarding the cost. Does that include the interest or is it just the cost of the equipment?

Denny said the final tally includes the interest.

Mayor just to make sure everyone is on the same page when this ordinance went out originally it went out as Whereas the City's Utilities but there is a new copy that went out and the new copy says Whereas the Street Department. Just so everybody's clear on what we are voting on.

Councilman Weddell - I think Councilman Scharf answered this for me already but we are only doing this as a lease? Would this not already be in their budget?

Mayor Stutsman - We are adding to the loan we have for that lease payment. It's in the budget to make the payment.

Denny Long - There is actually \$200,000 a year that has been appropriated to us over the years for equipment. Due to problems getting vehicles and we couldn't get the chassis ordered in time so unfortunately it all came together separately.

Councilman McKee stated that he doesn't care for the interest rate too much but there is not much we can do about that. When we are bonding and charging interest we need to think about what we are paying because at 2.859 that is almost 3%.

Mayor Stutsman - Is there anyone in the audience that wishes to speak regarding this ordinance?
No one wished to speak

Mayor Stutsman 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 McKee 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 Ahlersmeyer.

The Council roll call vote was as follows:

AYES: AHLERSMEYER, GAUTSCHE, KING, MCKEE, ORGILL, SCHARF, WEDDELL

NAYS: NONE

By a 7-0 unanimous vote of the Council the motion passed.

(ORDINANCE 4889 DULY PASSED AND ADOPTED THIS 15TH DAY OF NOVEMBER 2016.)

PRIVILEGE OF FLOOR

David Ostergen 208 Murray St – Goshen

- Thank you Council for the opportunity to speak to you this evening
- Certain that everyone wants to be kind
- People have indicated that they feel insecure
- Concerned about their safety as well as their children's
- Children who are brown and black are concerned about being accosted by some group statements like bye bye or see you later. This includes students who are recent immigrants and students who have been here for generations.
- We want Goshen to be a kind city & welcoming to people of all backgrounds
- Need to state that as a community we are not tolerant of any hate speech and that we are not tolerant of accosting people because of their color, background, religion or faith
- Would like to see us become a sanctuary city.
- So 2 things that I ask of the City Council this evening – 1st to become a sanctuary city and 2nd to think about a statement that the City of Goshen can read publically about our kindness

Mayor Stutsman – I will say that I have been in several meetings in the week and a half with the school systems, college, The CRC, Latino advisory committee and there are some very unfortunate things that are happening in the grade schools especially and other areas of the grade schools. I don't believe that the kids making the comments and causing the issues understand what they are saying. The CRC had quite a long meeting the other night talking about what is happening so there is uncertainty and the unknown what might happen next year. As for a sanctuary city there is a lot more involved in that other than just saying about their status on a police stop.

Glenn Null Goshen, Indiana – Actually a couple of different things. I would like to thank the street department for finishing the leaf pick up. Between me and my neighbor they took 2 truck loads. They are doing a great and hopefully we get another round of pick up because the trees are still pretty heavy with leaves. And Ed I would like to thank you for leaving the room during the decision regarding Lippert/Keystone. That was the appropriate thing to do.

Councilman Scharf – I would like to make a follow up comment since Commissioner Long is here regarding the street department. They have a lot on their plate as it is but there is an alley that they cleaned up because a tree branch fell and even though it should have been the citizen that cleaned it up the street department went ahead and took care of it. The street department is not only busy taking care of their things but also babysitting the people.

Councilwoman King – I would just like to make a comment regarding the kindness. I would like to thank you for the input. I personally think it is a lovely idea if we can come up with a language that we embrace kindness in this community and that we encourage that. I don't see a downside to that particularly if that is happening and I have heard stories as well. I appreciate that nudge and entirely appropriate for us to consider such a thing here.

Councilman Scharf – In that spirit I know that at the CRC that the Mayor just mentioned I know that they are working on a statement from the CRC that would go out very shortly that we might also have an opportunity that we might be able to look at.

Councilwoman King – And I think that is lovely but I think that it is separate. I think we have stepped up here at council to be leaders as well I would hate to think that we always just let someone else. CRC has its role and I think that is appropriate as well. I just think that we also have a role for our own statement.

Councilwoman Gautsche – Maybe it could be a joint statement.

Mayor Stutsman – Listening to this back and forth. Would you like us to start working on a statement that I could sign and you could sign together? Is there interest from the Council?

Councilman Ahlersmeyer – I would not be in support of it. I don't think it is necessary. Ed shared a story of something he had witnessed. (Listen to recording for full story)

Mayor Stutsman – From what you just told us that sounds exactly what's being described that Goshen is not doing. It would be a resolution not a policy change.

Councilwoman King – From where I stand I don't see it as a left or a right quality of being kind.

Mayor Stutsman – If I am going to be part of the statement then there will be nothing about Trump or Clinton in the statement.

Councilman Scharf – Concerned that it would be a party line vote and that it could potentially exasperate rather than mend the situation.

Councilman Weddell – Echo's Councilman Scharf's statement. I don't want to see any action taken by this council that would be perceived anyway as a result of the outcome of the election. Let's be honest both candidates of both major parties said some awful things. And so I don't want to the CRC role to be diminished and I don't think it will be after talking and some e-mail chains. And I also feel that if we have some declaration that no matter how the vote turns that it could put someone in a bad position if they were to vote against it. I know that no one here is in

favor of hate speech. LaCasa Help a House day I mentioned that and how we all worked together on that and that we should continue to do that.

Councilwoman Gautsche – I would agree with that but also as parents we wish that our children would embrace our values that from time to time we need to reiterate our values. We don't have to say anything about the campaign but to reiterate our values about working together.

Councilman McKee – Is the CRC putting out a statement? And couldn't we say that the City Council supports that?

Councilman Orgill – that the statement regardless of the intent will absolutely be viewed in context about the election. We must understand that. You don't have to put their names on it; it will be about President-Elect Trump end of story. And the effect that would be desired that I think that you may also have a very negative effect no matter how we word it.

Councilman McKee – I would be interested I hearing Jake as a student his thought on this since he is in the school every day. Kind of help us out here a little.

Youth Advisor Biller – Well unfortunately I seen some of this hate speech it is from a vast minority from the student population. From what I see we are going to wait and see what happens but I have seen some examples unfortunate examples of people saying hurtful things to other without comments that didn't have any value or truth. I would be on board with a statement of kindness.

Mayor Stutsman – I would suggest that we work on statement. Okay I have only 2 things during the budget we out \$3,500 for travel for council. There has been some discussion on and off and I can't remember where it landed. It would be \$500 per council member. Would it be a Cap?

Councilman McKee – My understanding is that it was a Cap.

Councilwoman Gautsche – We should track expenses of the council because there are new people who may want to attend more conferences. But it should be capped.

Councilman Scharf – since being the new person was there clarity about this before or are we asking for clarification now?

Mayor Stutsman – if there was travel and it went over we just transferred from the BOW.

Mayor Stutsman – the second thing I want to bring up is a discussion about a loader in this town. As you know equipment was on a 4 or 5 year plan and it's pretty intense. We are trying to find ways to replace equipment. We bought 6 new trucks with a grant that we received but we will have to buy 6 every time. Will the council agree to pull from the Special LOIT that is meant for streets and equipment. The new loader is around \$150,000 which is an \$80,000 savings.

Commissioner Long – This is a great deal and has very low hours and comes with a warranty among other things.

Councilman McKee – Do we have any other pressing equipment needs greater than this? Is there anything else on the radar that is going to break down or need to be replaced?

Commissioner Long – To be honest with you Jim, I have a 1993 loader that has 20,000 hours on it. The transmission is ready to give out on it at any time. I have a 2001 that has 10,000 hours on it and a 2011 that has 4,000 hours on it.

Councilman Scharf – Sounds good to me. Just for clarification is this an allocated portion of the Special LOIT or an appropriation of the Special LOIT?

Mayor Stutsman – It is an appropriation and we need to do it this year.

Councilman Ahlersmeyer – I have a question about the rainy day fund? Is there an opportunity to make a contribution to that?

Mayor Stutsman – We are going to look at that in January. We have to see how the year closes out. We also talked about waiting until Spring to see where the property tax caps fall.

Councilman Scharf – Does the city get the money on property that is delinquent on taxes if it goes to tax sale and the property is located inside the city limits?

Attorney Barkes – We do to a certain extent because they are collecting taxes. Eventually they do distribute the money.

Councilwoman Gautsche – Congratulations to Tina. What do I say we are happy that you won but sad to see you go. You have done a great job for us.

Councilman Ahlersmeyer moved to adjourn. Motion seconded by Councilman King and the meeting adjourned at 9:05P.M.

APPROVED: _____
Mayor, Jeremy Stutsman
Goshen, Indiana

ATTEST: _____
Angie McKee
City Clerk-Treasurer