

**REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF GOSHEN,
TO BE HELD JUNE 20, 2017 AT 7:00 P.M. AT THE COUNCIL CHAMBERS
111 EAST JEFFERSON STREET, GOSHEN, INDIANA**

.....
**OUT OF RESPECT TO OTHERS IN THIS MEETING, PLEASE TURN CELL PHONES,
BEEPERS AND PAGERS OFF OR TO SILENT MODE. IF A PHONE CONVERSATION
IS NECESSARY, PLEASE STEP OUTSIDE OF THE MEETING ROOM. THANK YOU.**

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll Call of Council: Mr. Ahlersmeyer _____ Youth Advisor Barahona _____
Ms. Gautsche _____ Ms. King _____ Mr. McKee _____ Mr. Orgill _____
Mr. Scharf _____ Mr. Weddell _____

Approval of Agenda and Changes to Agenda

Approval of Minutes

Minutes from June 6th

Agenda Items:

1. ORDINANCE 4910
(SECOND READING & FINAL READING)
ADDITIONAL APPROPRIATIONS

2. ORINANCE 4911
(FIRST READING ONLY)
AMEND THE LOCAL LIMITS FOR MERCURY

3. HEARING TO DETERMINE COMPLIANCE WITH STATEMENT OF BENEFITS BY LIPPERT COMPONENTS MANUFACTURING, INC.

4. RESOLUTION 2017-16

DETERMINATION CONCERNING LIPPERT COMPONENTS MANUFACTURING, INC'S COMPLIANCE WITH STATEMENT OF BENEFITS FOR PERSONAL PROPERTY AND TERMINATING THE DEDUCTION.

PRIVILEGE OF FLOOR

No Council Meeting on July 4, 2017 due to the Holiday.

Next Council Meeting: July 18, 2017 (Regular Council Meeting)

ADJOURNMENT OF MEETING

**ORDINANCE 4910
ADDITIONAL APPROPRIATION ORDINANCE**

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now therefore:

SECTION 1: Be it ordained by the Common Council of the City of Goshen, Elkhart County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out the funds named and for the purposes specified, subject to the laws governing the same:

**GENERAL FUND
LEGAL**

Full-Time Personnel.....\$50,000.00

PASSED AND ADOPTED, this 16th day of May, 2017, by the Common Council of the City of Goshen, Indiana.

Presiding Officer

ATTEST: _____
Angie McKee, Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana, on the ____ day of June 2017.

Angie McKee, Clerk-Treasurer

This Ordinance approved and signed by me on the ____ day of June 2017.

Jeremy Stutsman, Mayor

ORDINANCE 4911

Amend the Local Limits for Mercury

WHEREAS Title 5, Article 7, Chapter 3, Section 2, of the Goshen City Code sets forth supplementary limitations and local limits concerning the discharge of waste water containing certain pollutants;

WHEREAS upon evaluation of the local limits for the City of Goshen Wastewater Treatment Plant's pretreatment program, a reduction in the local limit for mercury from 430 to 370 nanograms per liter is recommended.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that the daily maximum for mercury set forth in Title 5, Article 7, Chapter 3, Section 2, Supplementary limitations, subsection (a), Local Limits, subdivision (7) of the Goshen City Code shall be amended to read as follows:

(7) Mercury 370 ng/l

PASSED by the Goshen Common Council on _____, 2017.

Presiding Officer

Attest:

Angie McKee, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen at _____ a.m./p.m. on _____, 2017.

Angie McKee, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2017.

Jeremy P. Stutsman, Mayor



**Legal Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite 2 • Goshen, IN 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
www.goshenindiana.org

June 20, 2017

To: Goshen Common Council
From: Shannon Marks, Legal Compliance Administrator
Subject: Determination Concerning Lippert Component's Manufacturing, Inc.'s Compliance with Statement of Benefits

The Goshen Common Council made a preliminary finding on June 6 that Lippert Components Manufacturing, Inc. has not made reasonable efforts to substantially comply with the Statement of Benefits and the failure to substantially comply was not caused by factors beyond the control of Lippert Components Manufacturing, Inc.

Therefore, a hearing will be held at the Common Council meeting on June 20 to provide Lippert Components Manufacturing, Inc. and other interested parties the opportunity to present information for the Council's consideration in determining whether or not Lippert Components Manufacturing, Inc. made reasonable efforts to substantially comply with the Statement of Benefits and whether any failure to substantially comply was due to factors beyond Lippert Component Manufacturing, Inc.'s control. A copy of the notice of hearing mailed to Lippert Components Manufacturing, Inc. is attached. Also attached for the Council's consideration are letters dated May 15, 2017 and June 13, 2017 from Troy Wuthrich, Group Controller of Lippert Components, Inc. to go with the CF-1.

After the hearing, if the Council determines that Lippert Components Manufacturing, Inc. has not made reasonable efforts to comply with the Statement of Benefits and the failure to substantially comply was not caused by factors beyond the control of Lippert Components Manufacturing, Inc., the Council shall adopt a resolution to terminate Lippert Components Manufacturing, Inc.'s deduction. Resolution 2017-16 is for this purpose should the Council make that determination.



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June 7, 2017

Troy Wuthrich
Lippert Components Manufacturing, Inc.
PO Box 2888
Elkhart, IN 46515

RE: Notice of Hearing to Determine Compliance with Statement of Benefits
by Lippert Components Manufacturing, Inc.

Lippert Components Manufacturing, Inc. filed on May 26, 2017 a Compliance with Statement of Benefits (CF-1) for the new manufacturing equipment installed at 2703 College Avenue, 1701 Century Drive, and 2475 Kercher Road, Goshen. The Goshen Common Council made a preliminary finding at its June 6, 2017 meeting that Lippert Components Manufacturing, Inc. has not made reasonable efforts to substantially comply with the Statement of Benefits and the failure to substantially comply was not caused by factors beyond the control of Lippert Components Manufacturing, Inc.

The CF-1 submitted to the Common Council shows that the 376 new jobs promised to be created by Lippert Components Manufacturing, Inc. were not realized, and that the 240 of the 1,078 jobs to be retained by the Lippert Components Manufacturing, Inc. were lost. On the Statement of Benefits filed with the City in 2013, Lippert Components Manufacturing, Inc. showed it would retain 1,078 employees with wages of \$35,315,000, and it estimated to add 376 new employees with wages of \$10,208,144. Lippert Components Manufacturing currently employs 838 employees with total wages of \$41,855,717 at 2703 College Avenue, 1701 Century Drive, and 2475 Kercher Road, Goshen.

A hearing before the Goshen Common Council is scheduled for the Common Council's regular meeting on **Tuesday, June 20, 2017 at 7:00 p.m.** This meeting will be held in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana. At this hearing, Lippert Components Manufacturing, Inc. and other interested parties will be given the opportunity to present information for the Council's consideration in determining whether or not Lippert Components Manufacturing, Inc. made reasonable efforts to substantially comply with the Statement of Benefits and whether any failure to substantially comply was due to factors beyond Lippert Components Manufacturing, Inc.'s control.

Any information that Lippert Components Manufacturing would like to be included in the meeting packet for distribution to the Common Council prior to the hearing may be forwarded to Shannon Marks at the address above or by email to shannonmarks@goshencity.com. The information must be received by Tuesday, June 13, 2017 in order for it to be included with the meeting packet.

cc: Elkhart County Auditor
Elkhart County Assessor



LIPPERT
COMPONENTS™

June 13, 2017

To the Goshen City Common Council:

The purpose of this letter is provide updated employee numbers for Lippert Components Mfg., Inc. (LCI) CF-1 related to the property tax abatement approved by Resolution 2013-19.

If we were to complete a CF-1 as of today our current number would be 988, an increase of 150 over the 838 presented on the CF-1 as of 12/31/16. Additionally, there are 369 employees still in Goshen that were originally a part of the addresses for this abatement but are now at different Goshen addresses. Overall gain of employees from these operations within the City of Goshen since the abatement began is 279.

Currently, LCI is employing over 3,800 Indiana residents in the City of Goshen.

Based on the above and the other letter dated 5/15/17, we respectfully ask that you approve the current year CF-1 as you have in previous years.

Sincerely,

Troy Wuthrich
Group Controller
574-312-6055

Lippert Components, Inc.
3501 County Road 6 East
Elkhart, IN 46514
www.LippertComponents.com



LIPPERT
COMPONENTS™

May 15, 2017

To the Goshen City Common Council:

The purpose of this letter is to explain in more detail the status of the Lippert Components Mfg., Inc. (LCI) CF-1 related to the property tax abatement approved by Resolution 2013-19. As you can see by the CF-1 submitted, our current headcount is below the starting point for these three locations, however overall wages has increased due to economic factors and a higher mix of management level jobs. Below are contributing factors:

- LCI transferred our Lamination production line from 2703 College Ave to a facility in Elkhart due to continued growth and the need for more productive space – the employee headcount reduction due to this was 192 which is a result of the initial transfer of 150 in 2015 and 42 transferred in the 2nd half of 2016.
- LCI transferred our Mattress production line in late 2015 from 2475 Kercher Road to our Goshen facility at 2602 College Ave (The former Cequent building). The headcount effect is 125 positions which are all still in Goshen but are no longer included in the Resolution 2013-19.
- During 2016 LCI transferred employees from 2703 College to 3325 Hackberry due to space needs and increased production. Those jobs remain in Goshen today and current Indiana resident employment at 3325 Hackberry is 231.
- Combined salaries have increased due to adding higher paying jobs in management and engineering as we've grown our R&D team, along with overall wages being up.
- Investment spending has greatly exceeded initial targets.
- LCI employs over 3,700 Indiana residents in the City of Goshen.

Based on the above, we respectfully ask that you approve the current year CF-1 as you have in previous years.

Sincerely,

Troy Wuthrich
Group Controller
574-312-6055

Lippert Components, Inc.
3501 County Road 6 East
Elkhart, IN 46514
www.LippertComponents.com



**COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51785 (R4 / 11-16)
Prescribed by the Department of Local Government Finance

FORM CF-1/IPP

PRIVACY NOTICE
This form contains information confidential pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
 2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15 of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
 3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).

SECTION 1		TAXPAYER INFORMATION	
Name of taxpayer	Lippert Components Manufacturing, Inc.		County
Address of taxpayer (number and street, city, state, and ZIP code)	PO Box 2888 Elkhart, IN 46515		Elkhart
Name of contact person	Troy Wuthrich	DLGF taxing district number	015-002-03984
		Telephone number	(574) 312-6055
SECTION 2		LOCATION AND DESCRIPTION OF PROPERTY	
Name of designating body	Goshen Common Council	Resolution number	2013-16 + 2013-19
Location of property	2475 E Ketcher Road, 1701 Century Dr Goshen, IN 46526	Estimated start date (month, day, year)	04/01/2013
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired.	2703 College Ave Equipment is primarily painting equipment, lathe and dust collectors	Actual start date (month, day, year)	04/01/2013
		Estimated completion date (month, day, year)	12/31/2016
		Actual completion date (month, day, year)	12/31/2016
SECTION 3		EMPLOYEES AND SALARIES	
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		1,078	838
Salaries		35,315,000	41,855,717
Number of employees retained		1,078	838
Salaries		35,315,000	35,315,000
Number of additional employees		376	
Salaries		10,208,144	6,540,717
SECTION 4		COST AND VALUES	
	MANUFACTURING EQUIPMENT	R & D EQUIPMENT	LOGIST DIST EQUIPMENT
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST
Values before project		7,205,803	
Plus: Values of proposed project		10,000,000	
Less: Values of any property being replaced			
Net values upon completion of project		17,205,803	
ACTUAL	COST	ASSESSED VALUE	COST
Values before project		7,205,803	
Plus: Values of proposed project		8,946,523	
Less: Values of any property being replaced			
Net values upon completion of project		16,152,326	
NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).			
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted			
Amount of hazardous waste converted			
Other benefits:			
SECTION 6		TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.			
Signature of authorized representative	<i>[Signature]</i>	Title	Controller
		Date signed (month, day, year)	5/16/17

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)
THAT WAS APPROVED AFTER JUNE 30, 1991.**

INSTRUCTIONS: (IC 6-1-12.1-5.9)

1. This page does not apply to a Statement of Benefits filed before July 1, 1991, that deduction may not be terminated for a failure to comply with the Statement of Benefits.
2. Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.
3. If the property owner is found NOT to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the County Assessor and the County Auditor.
4. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
5. If the designating body determines that the property owner has NOT made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner, (2) the County Auditor, and (3) the County Assessor.

We have reviewed the CF-1 and find that:			
<input type="checkbox"/> the property owner IS in substantial compliance <input type="checkbox"/> the property owner IS NOT in substantial compliance <input type="checkbox"/> other (specify) _____			
Reasons for the determination (attach additional sheets if necessary)			
Signature of authorized member		Date signed (month, day, year)	
Attested by:		Designating body	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.			
Time of hearing	<input type="checkbox"/> AM <input type="checkbox"/> PM	Date of hearing (month, day, year)	Location of hearing
HEARING RESULTS (to be completed after the hearing)			
<input type="checkbox"/> Approved		<input type="checkbox"/> Denied (see instruction 5 above)	
Reasons for the determination (attach additional sheets if necessary)			
Signature of authorized member		Date signed (month, day, year)	
Attested by:		Designating body	
APPEAL RIGHTS [IC 6-1-12.1-5.9(e)]			
A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the clerk of Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.			

RESOLUTION 2017-16

**Determination Concerning Lippert Components Manufacturing, Inc.'s
Compliance with Statement of Benefits for Personal Property
and Terminating the Deduction**

WHEREAS by Resolutions 2013-16 and 2013-19, the Goshen Common Council designated the area located at 2703 College Avenue, 1701 Century Drive, and 2475 Kercher Road in Goshen as the Lippert II Economic Revitalization Area and authorized a tax phase-in of certain personal property taxes for Lippert Components Manufacturing, Inc. (Property Owner/Taxpayer).

WHEREAS Property Owner/Taxpayer submitted the required annual Compliance with Statement of Benefits for Personal Property (CF-1).

WHEREAS the Common Council made a preliminary finding that Property Owner/Taxpayer has not made reasonable efforts to substantially comply with the Statement of Benefits and the failure to substantially comply was not caused by factors beyond the control of Property Owner/Taxpayer.

WHEREAS the Common Council conducted a hearing in which Property Owner/Taxpayer and other interested parties were given the opportunity to present information for the Council's consideration in determining whether or not Property Owner/Taxpayer made reasonable efforts to substantially comply with the Statement of Benefits and whether any failure to substantially comply was due to factors beyond Property Owner/Taxpayer's control.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council determines, after the hearing and review of the CF-1, that Property Owner/Taxpayer has not made reasonable efforts to substantially comply with the Statement of Benefits and the failure to substantially comply was not caused by factors beyond the control of Property Owner/Taxpayer. Therefore, Property Owner/Taxpayer IS NOT considered to be in substantial compliance with the Statement of Benefits.

BE IT FURTHER RESOLVED that, in accordance with Indiana Code 6-1.1-12.1-5.9(c), the Goshen Common Council terminates Property Owner/Taxpayer's deduction under Indiana Code 6-1.1-12.1-4.5. The deduction does not apply to the next installment of property taxes owed by Property Owner/Taxpayer or to any subsequent installment of property taxes.

PASSED by the Goshen Common Council on _____, 2017.

Presiding Officer

Attest:

Angie McKee, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2017 at _____ a.m./p.m.

Angie McKee, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2017.

Jeremy P. Stutsman, Mayor