

REGULAR MEETING OF THE COMMON COUNCIL (MARCH 1, 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 March 1, 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

ABSENT: NONE

CHANGES TO AGENDA

Mayor Stutsman stated Ordinance 4855 is requested by the petitioner to be postponed due to the weather. Also Ordinance 4858 received by the Council tonight is identical to Resolution 2016-08 on the agenda but in Ordinance form and will replace Resolution 2016-08. Councilman Ahlersmeyer moved to accept the changes. Motion seconded by Councilwoman Gautsche and motion passed unanimously.

ORDINANCE 4857

Council President McKee introduced Ordinance 4857 entitled "AUTHORIZING A TEMPORARY LOAN BETWEEN THE GOSHEN SEWER UTILITY AND THE GOSHEN WATER UTILITY."

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

Utilities Administrative Engineer Dustin Sailor explained this is similar to the previous loan to the Water Utility from the Sewer Utility. The first loan a month or so ago was to help support the project timing for the Southlink Overpass. Tomorrow bids are opened by INDOT for the US 33 project and we have to have all of our construction projects bid before the Utilities can close on the SRF loan. We need to have some leeway if INDOT states they need a check from us so they can award the bid for the US 33 project. The intent after that is to close on our SRF loan and reimburse the Wastewater utility.

Mayor Stutsman explained this is written for a one year payback term but it is anticipated to be a quicker payback. Also we may not even need to touch this second loan as it is a precautionary measure if needed.

During Council discussion Mr. Sailor explained the following:

- This should not have any impact on the previous rate study or the potential upcoming rate study.

- We do not have any other outstanding projects like this. This really is due to timing with the State's bidding sequence; the City's bidding sequence and trying to close on the SRF loan.
- The Engineering Department is trying to keep costs down on the projects by doing the design in-house therefore it is a function of completing the in-house designs to be able to close on the SRF loan.

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

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 Orgill.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE 4857 DULY PASSED AND ADOPTED THIS 1ST DAY OF MARCH 2016.)

RESOLUTION 2016-07

Council President McKee introduced Resolution 2016-07 entitled "DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES."

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 Councilwoman Gautsche.

Attorney Barkes explained as a general rule when doing bond issues or other types of financing you are allowed to pay for expenses that occurred prior to the issuance of the bonds. This allows us to do that and without this Resolution, any expenses incurred prior to the issue would not be allowed to be paid out of the issue. This was requested by our bond counsel, Ice Miller so we don't have any gaps and everything we intended to be paid from the bond will be paid from the bond. Mr. Sailor stated we checked with SRF and they will allow us to pay for expenses incurred prior to the financing if this Resolution is in place. This ensures we will be able to reimburse the Wastewater utility.

By 7-0 unanimous vote of the Council, Resolution 2016-07 was passed.

ORDINANCE 4858

Council President McKee introduced Ordinance 4858 entitled “APPROVING THE TRANSACTION OF LEASE/PURCHASE AGREEMENT FOR A COMBINATION SEWER TRUCK.”

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

Attorney Barkes explained when reviewing the Lease/Purchase Statute it indicated this should be done by an Ordinance rather than a Resolution.

Mr. Sailor explained this is to fund a sewer vector truck and spread out the payments over a five year period. This is paid by an 80/20 split with the Wastewater Utility and the Water Utility. Further this replaces a previous vector truck.

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

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

(ORDINANCE 4858 DULY PASSED AND ADOPTED THIS 1ST DAY OF MARCH 2016.)

COMMUNITY DEVELOPMENT

Community Development Director Mark Brinson presented the Council with some handouts and stated he would like to first explain generally what the department does, how it is structured and highlight a couple of projects.

- This department was created in 2008 by combining three departments, Redevelopment, Building and Planning & Zoning. Redevelopment includes a Brownfield Coordinator and an Administrative Assistant. Building includes a Commercial Inspector, a Residential Inspector, a Rental Inspector, a NPO Inspector and an Administrative Assistant. Planning & Zoning includes a Planning & Zoning Administrator, an Assistant Administrator and an Administrative Assistant.
- Core Services – Day to day activities of each department explained:

A Building Department:

1. Rental registrations (4875 units)
2. Rental inspections (2711)
3. Contractor licensing (Electrical and HVAC – 375)
4. Building permits (Permit values - \$42 million, permits issued – 2735)
5. Building inspections (4918)
6. Property maintenance inspections (64)
7. Vacant building inventory (124 – not including INDOT and City-owned)

B Planning Department

1. Plan Commission staff support (35)
2. Board of Zoning Appeals staff support (63)
3. Site plan review
4. Issue zoning clearances
5. Manage CDBG (annual budget \$350,000)
6. Coordination with neighborhood associations
7. Zoning Ordinance enforcement (203)
8. Special planning projects

C Redevelopment

1. Manage brownfield grants (4 million)
2. Manage assessment grants
3. Assist City departments with hazardous materials issues
4. Financial management of TIF funds (4 million annual revenue)
5. Liaison with EPA and IDEM
6. Manage Tax Abatement Program

Mayor Stutsman asked Mr. Brinson to update the Council on the Johnson Controls property. Mr. Brinson stated the property is owned by a company that is bankrupt so it is being controlled by a bankruptcy trustee. The owner completed the demolition but did not remove all of the asbestos before starting the demolition. The EPA has reviewed the reports on the site and visited the site earlier this week. They are performing additional tests to verify what they found in the reports and unofficially it looks like they are going to be involved in the cleanup activity on the site. We expect the property to be fenced in to control access because of the number of people that are coming on and off of the site. We also expect them to tarp the site to control further spread of the contamination from the wind. Then the EPA process has to begin to approve the funding for the cleanup. After being questioned by Councilman Scharf regarding the future ownership of the property, Mr. Brinson stated the EPA will attempt to recover their costs from the property owner and whether or not the company has the assets to cover that is unknown. The good news is the EPA isn't going to try to get the money first then do the cleanup but eventually they may place a lien on the property which could result in some kind of acquisition of the property. After being questioned by Councilman Ahlersmeyer regarding the City's liability, Mr. Brinson stated they have not talked of any liability on the City and we are lucky they are willing to get involved as

this is going to be an expensive cleanup project. All of this is preliminary information and they do plan to have public meetings regarding the environmental hazards that are there in terms of risk if any. After being questioned by Councilwoman King as to why there had not been any action of this kind until someone hired an attorney, Mr. Brinson stated the property was not owned by the City therefore we did not have access to it and we relied on the information that IDEM had given us stating the asbestos had been removed and it was just a matter of removing debris. Attorney Barkes explained when it comes to environmental issues the City does not have authority; that is a Federal Statute administered by the Federal Government and the State of Indiana.

- Projects – Existing, Upcoming and Opportunities for Future:

- A. Existing Projects

1. Goshen Theater
2. Downtown Plan (DGI)
3. Upper Story Development Study
4. Downtown Fiber Loop
5. Steury Ave. Retention
6. Receivership Pilot Program
7. Kercher Road Retention
8. Sale of Western Rubber
9. Goshen Inn Redevelopment
10. Dam Pond Dredging
11. Hawks Phase 2/Parking lot
12. Millrace Developments (townhomes, co-housing)
13. New City website
14. Vibrant Communities
15. Regional Cities

- B. Upcoming Projects

1. Tech Review
2. Neighborhood Preservation Ordinance (NPO) update
3. Johnson Controls

- C. Opportunities for Future

1. Jail Site Development
2. Continuation of Receivership Program
3. Outdoor Amphitheater/ice rink
4. Upper Story Matching Grant
5. Complete Streets
6. Permitting Software
7. Canal maintenance – weed control/levee
8. Shell building program

9. Powerhouse Trailhead

Mr. Brinson explained the Technical Review Process handout stating Planning, Engineering and the Fire Departments have initiated regular plan review meetings to review development proposals. The intent of this meeting is to allow the developer to receive comments from each department at one meeting. A Site Plan Submittal Checklist was created to assist the developer in having a completed plan before submittal.

Councilman Scharf stated he has some concerns regarding small projects and thresholds levels and has hopes that we adapt accordingly with thresholds in place.

PRIVILEGE OF FLOOR

Doug Nisley, Goshen, stated he read in the newspaper a week ago that the City has given permission to use City land for a dog park. Mayor Stutsman stated he knows the group is working with the Park Department and the Board is excited at the potential of having a dog park but does not know for a fact that any land was approved. Mayor Stutsman further stated he believes the idea is to donate the money they have raised to the Park Department and then he assumes the dog park would be a part of the City Parks System. Discussion was held on charging to use the park, who will clean up the area, who will mow the land, etc. Attorney Barkes stated Mr. Nisley may be asking the wrong board as of yet this issue has not come before the Council. Mayor Stutsman stated there is excitement in the group and they are working hard to raise money for this park for the community.

Councilwoman Gautsche moved to adjourn. Motion seconded by Councilman Orgill and the meeting adjourned at 8:10 P.M.

APPROVED: _____
Mayor, Jeremy Stutsman
Goshen, Indiana

ATTEST: _____
Tina M. Bontrager
City Clerk-Treasurer