

REGULAR MEETING OF THE COMMON COUNCIL (MARCH 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 March 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

ABSENT: NONE

GOSHEN REDEVELOPMENT COMMISSION 2015 ANNUAL REPORT

Community Development Director Mark Brinson stated it is a statutory requirement to present this to the Council. This report is mainly financial in nature including every expenditure made in 2015, all revenue, indebtedness and annual cash balances. No action is needed on this report.

RESOLUTION 2016-08

Council President McKee introduced Resolution 2016-08 entitled "A RESOLUTION IN RECOGNITION OF ALLAN J. KAUFFMAN – GOSHEN'S LONGEST-SERVING MAYOR."

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 King.

Councilwoman Gautsche read the Resolution in its entirety and presented it to former Mayor Kauffman. Mayor Kauffman stated he appreciates this gesture and over the years appreciated the support of some current and past Councilmembers, creative, dedicated and passionate department heads and employees, organizations within the community, and the volunteers who all worked together to make Goshen what it is. He hopes this continues to make Goshen even better.

By 7-0 unanimous vote of the Council, Resolution 2016-08 was passed.

PUBLIC HEARING ON CDBG ANNUAL ACTION PLAN FOR PROGRAM YEAR 2016

Mayor Stutsman opened the Public Hearing and explained this is the CDBG Annual Action Plan for Program Year 2016.

CDBG Administrator Rhonda Yoder stated this is an annual plan for the Community Development Block Grant. The fiscal year for the plan is July 1 thru June 30 so this is the time to create the annual plan and it is now available for a 30 day public comment period. We did receive notification of our allocation from HUD in the amount of \$263,381 in CDBG funds, \$15,000 in miscellaneous income and \$21,619 in prior year resources for a total of \$300,000. The proposed use of CDBG funds for program year 2016 are as follows:

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|--|------------------|
| 1. Public Service Grants – Provision of services to low and moderate income households and persons City-wide | \$ 43,000 |
| 2. Owner-occupied Rehabilitation of homes occupied by low and moderate income households through loans, grants and deferred payment loans City-wide | \$105,000 |
| 3. Public Facilities & Improvements in Dickerson Landing neighborhood | \$105,000 |
| 4. Planning, general administration, environmental reviews, and audit | \$ 47,000 |
| Total | \$300,000 |

Mayor Stutsman closed the public hearing as no person from the public spoke.

ORDINANCE 4855

Council President McKee introduced Ordinance 4855 entitled “AN ORDINANCE TO AMEND ORDINANCE PC 89-16, KNOWN AS THE MARKET CENTRE PUD, AND ALL ORDINANCES AMENDING THE MARKET CENTRE PUD, INCLUDING ORDINANCE PC 89-39, ORDINANCE 4279, ORDINANCE 4414, ORDINANCE 4594 AND ORDINANCE 4724.”

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 Councilman Ahlersmeyer.

Planning Administrator Rhonda Yoder explained this is a favorable recommendation from the Plan Commission with a vote of 8 to 1 from their February 21, 2016 meeting. This is to create four outlots for retail development within the existing parking lot. The reason this is a major change is the outlots were not proposed when the original PUD was approved.

Tim Reeber of Wolpert Civil Engineers and Jack of Brixmor Property Group spoke to the Council explaining revisions made to their original site plan regarding access, parking and landscaping and presented the current site plan to the Council.

Council President McKee stated he has concerns with drainage and wants to make sure they are aware of current standing water issues on the property. Mr. Reeber stated staff did bring that to their attention and they need to investigate the two existing ponds; clean them out and get them working correctly including making sure the downstream and upstream connections are working correctly. They are actually increasing the amount of pervious surface with this development.

Councilman Scharf pointed out number 12 under ‘Recommendations’ regarding the lighting plan and questioned if it would be advantageous to have taller and fewer light poles which are adequately shielded and downward pointing which could potentially reduce the number of light poles as obstacles in the parking lot. The two representatives agreed that would be favorable to them to have taller and fewer light poles.

Councilman Scharf moved to amend number 15 in the Ordinance to remove the last sentence stating 'New light poles shall not exceed 18' in height'. Motion seconded by Councilman Orgill and motion passed unanimously.

Councilman Ahlersmeyer questioned if the standing water is a City issue or the property owners'. Mr. Sailor stated the drainage on the development is private. We have seen some issues and when Chili's went in there was an attempt to modify that area and increase the capacity of the pond. It did provide some relief but not to the degree anticipated. Councilwoman Gautsche pointed out the Ordinance does state the Engineering Department will approve the plan for site drainage. Mr. Sailor stated the City's standard is to evaluate it for a 3 inch rainfall but in 2008 we had a 6 inch rainfall so in those circumstances we will probably be flooding there and everywhere. It would take a change by Council to increase that City standard of 3 inches.

Jack with Brixmor Property Group stated the drainage issue was discussed at the Plan Commission meeting and after that meeting he met with his property management team and they are aware of the issue and will take measures to use all proper grading/engineering methods.

After being questioned by Councilman Orgill, Council President McKee stated he was the one 'no' vote at the Plan Commission due to drainage and parking issues. Council President McKee questioned if the representatives knew if WalMart is building a new store and creating more parking spaces. Mr. Reeber stated they have made progress on the WalMart construction and are looking for a spring/summer break but without a signed closing he cannot comment too much on that. Further they would only build the outlots if they stay within the current parking requirements. Rhonda Yoder clarified for the Council that it is not a condition in the Ordinance that WalMart has to build and it is in the Ordinance that they can build meeting 90% parking capacity requirements.

Councilman Scharf requested as a potential customer and user that they place bike racks in that support the frame of the bicycle. The representatives stated they do have a bike parking area planned and will put in the type of bike racks requested.

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 Weddell.

Councilman Scharf stated not related to the site plan he would like to discuss the tax base implications of this project. The Market Centre is in one of the TIF district and the existing WalMart building has a current assessed value of about \$5.2 million dollars. Attorney Barkes explained the demolition will reduce the assessed value to the site and then they would have to

increase back to current assessed value before there would be any additional TIF captured. Presumably they will re-build and increase the assessed value but it is only that increase that will be captured. The tax base doesn't change. Councilman Scharf stated the new outlots and new construction will be fully going to TIF and not to the school system, library, county, etc. Mayor Stutsman stated none of those entities will be losing any dollars. Attorney Barkes stated the entire TIF district has to be neutral before any new TIF is captured. Councilman Orgill stated a point he would make is if the TIF district wasn't there all of that revenue would go to the entities. Councilman Weddell stated the State dictates what our collection will be which affects our tax rate so whether we have that construction or not we can still only collect so much it just means more people hit the caps. Councilman Weddell stated he reviewed an Umbaugh study to the County's Redevelopment Commission and stated it is actually pennies lost to other entities by having a TIF district and recommended they request a copy of that study as he had the same questions before reviewing it.

Mayor Stutsman stated we are discussing TIF districts rather than this Ordinance and questioned if the Council agreed. Further, passing this Ordinance will not determine if we have a TIF district there or not. This is a valuable discussion but should be discussed at a different time. It was clarified that the Council sets the boundaries of the TIF districts but does not manage the districts.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE 4855 DULY PASSED AND ADOPTED THIS 1ST DAY OF MARCH 2016.)

ORDINANCE 4859

Council President McKee introduced Ordinance 4859 entitled "APPROVING THE TRANSACTION OF LEASE/PURCHASE AGREEMENT FOR TWO NEW DUMP TRUCKS."

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.

Street Commissioner Denny Long confirmed this is in the budget and every five years they purchase two trucks. Further he is \$1 million dollars behind in equipment and on this schedule we are asking trucks to last for 25 years. Mayor Stutsman stated he has asked Fleet Manager Carl Gaines to create a master plan for equipment and he agrees we are behind on equipment.

Council President McKee reminded everyone that we all have projects that we would like to see and this might not be as fun but this needs to be addressed.

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 Councilwoman Gautsche.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE 4859 DULY PASSED AND ADOPTED THIS 1ST DAY OF MARCH 2016.)

RESOLUTION 2016-09

Council President McKee introduced Resolution 2016-09 entitled “APPROVING THE GOSHEN REDEVELOPMENT COMMISSION’S OBLIGATION UNDER THE AGREEMENT WITH BRIMAR PROPERTIES & INVESTMENTS, LLC.”

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.

This is an agreement for the extension of infrastructure where the Redevelopment Commission will reimburse BriMar strictly from new revenues generated by this construction.

Councilman Orgill stated he wants to keep Goshen ahead of the curve and he believes the way to do that is to use TIF districts less and less until we do not use them at all. He read some information from a study by Ball State University on the economic effects of TIF districts in Indiana including the negative impact on our schools and economy. Further he stated the State of California was the first state to have TIF districts and has more TIF districts than any other State and in 2012 California ended their use of TIF districts because of the financial mode on the State. So we can see what the academics say about TIF districts and how they in a very relevant way affect the State of Indiana to keep Goshen ahead of the curve. Attorney Barkes stated in reference to the Ball State study that there was a significant change in the effect on schools about two-thirds of the way through the period that the study included as the State legislature took action to minimize that effect which includes making schools less reliable on real estate tax. There were other portions of the legislation but that was the most major change.

By 6-1 (Nay – Orgill) vote of the Council, Resolution 2016-09 was passed.

RESOLUTION 2016-10

Council President McKee introduced Resolution 2016-10 entitled “APPROVING THE GOSHEN REDEVELOPMENT COMMISSION’S OBLIGATION UNDER THE AGREEMENT WITH GRC INVESTMENT, LLC.”

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.

Attorney Barkes stated this is an agreement similar to the last one except this is in the Plymouth Ave TIF and we are trying to address a drainage issue. This agreement and this TIF expire December 31, 2019 and the limits on our contribution are limited to the amount of money that would be raised between now and the end of the TIF district and limited by the cost of this particular project. The current cost estimate is \$350,000.

By 6-1 (Nay – Orgill) vote of the Council, Resolution 2016-10 was passed.

**APPOINTMENTS TO THE GOSHEN DOWNTOWN ECONOMIC
IMPROVEMENT DISTRICT BOARD**

2016 BALLOT TALLY

KARE ANDERSEN.....	27
FELIPE MERINO.....	32
DAVID POTTINGER.....	30
JONATHAN WIEAND.....	35

Mayor Stutsman explained the appointments are made by the City Council but it is the history of the Board to hold their own elections to pick their board members and it is the history of the Council to appoint the highest vote getters. Councilwoman King questioned how their process works. Mayor Stutsman explained their board is made up of 5 members and at least 3 of them have to be property owners. Attorney Barkes stated the Legal Department sends out the ballots to every parcel in the downtown and then collects and tallies the votes and submits the results to the Council. Councilman Scharf stated as a parcel owner in the downtown it is nice to know these are confidential and not mailed back to the board.

Councilman Ahlersmeyer moved to appoint Felipe Merino, David Pottinger and Jonathan Wieand to a two-year term on the EID Board. Motion seconded by Councilwoman Gautsche and motion passed unanimously. Councilwoman Gautsche stated her thanks to the downtown businesses for supporting the EID and to the Board Members for continuing to serve.

PRIVILEGE OF FLOOR

Jonathan Wieand, Goshen, stated he is a co-owner of ‘The Famous’ building downtown, he is on the EID Board and the Façade Committee. He wants to share a little information about ‘Central Park Goshen’ and hopefully this first pass at it will generate some discussion on new things happening in Goshen. Mr. Wieand gave the Council a handout explaining Central Park Goshen is a multi-purpose, open air, covered, all-season community activity center for entertainment and recreation. With the passage of the ‘Regional Cities’ funding, 3 projects were listed in the Goshen section of the application of which two of those were an amphitheater and one a

climbing gym and we believe this facility as proposed would take the place of those two and be a better use of funds because it is multi-use, it is all-season and not limited to a particular activity and/or performance. Michael Dickens of Apex Climbing stated he submitted the project for 'Apex Climbing & Fitness' and agrees this project would combine projects into one facility.

The Council discussed what has been heard about the Regional Cities funding. Mark Brinson stated the 5 member Regional Development Authority Board will ultimately be making the decisions on the projects.

Councilman Scharf stated he has a short statement of disclosure; he is a member of a team that is submitting a proposal to do work for the City on bicycle way finding and connectivity. Attorney Barkes advised Councilman Scharf to contact Shannon Marks in the Legal Department for a Conflict of Interest Statement form.

Councilman Weddell moved to adjourn. Motion seconded by Councilwoman King and the meeting adjourned at 8:12 P.M.

APPROVED: _____
Mayor, Jeremy Stutsman
Goshen, Indiana

ATTEST: _____
Tina M. Bontrager
City Clerk-Treasurer