

**REGULAR MEETING OF THE COMMON COUNCIL (MAY 3, 2016)**  
**111 EAST JEFFERSON STREET, GOSHEN, INDIANA**

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**(Due to technical difficulties there is not an audio recording of this meeting)**

The Common Council of the City of Goshen, Indiana, met in the Council Chambers for a regular session on May 3, 2016 at 7:30 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

**PUBLIC HEARING ATTENDEES**

Attorney Barkes was in attendance at 7:00 p.m. at the Council Chambers for any persons that wanted to be in attendance at the public hearings that were advertised for this evening at 7:00 p.m. No one from the public appeared for the hearings.

**APPROVAL OF MINUTES**

Council President McKee moved to accept the minutes of the meetings held on March 1st and March 15, 2016. Motion seconded by Councilwoman King and motion passed unanimously.

**COMMUNITY RELATIONS 2015 ANNUAL REPORT**

CRC Chair Nate Mateer Remple presented the 2015 Annual Report for the Community Relations Commission and spoke on the following:

- CRC Mission
- CRC Origin and Background
- CRC Principles
- CRC Activity in 2015
  - Latino Neighborhood Outreach
  - Sundown Resolution
  - Taste of Goshen – May First Friday
  - Vision 2025
  - Neighbor to Neighbor Mediation
  - Other items of note
    1. Darin Short presented on Goshen’s Sundown Resolution process to the Indiana Consortium of State and Local Human Rights Agencies Conference in June
    2. The Commission was involved in discussions around extending civil rights protections to the LGBT community by City Council Ordinance, including understanding the legal role of the CRC
    3. The CRC continues to recognize the need for greater awareness of its presence, and began developing a marketing strategy in August
    4. Commissioners held a retreat in November to develop a timeline of next steps in adopting and pursuing the Vision 2025.

5. Revised the Memorandum of Understanding with Darin Short to more accurately reflect expected duties, and provide objective measures for evaluation
  6. Nathan Mateer Rempel, CRC chair presented on the Vision 2025 process at LaCasa's annual neighborhood leadership brunch
- Upcoming Initiatives
    - Diversity Events
    - Continuation of Community Project Support from CRC
    - Goshen Vision 2025
  - Financial Summary
    - Donation Fund January 1, 2015 balance      \$ 8,041.29
    - Public Funds 2015 expenses                      \$27,536.00
    - Public Funds returned to General Fund      \$ 4,478.00
  - Statistics
    - Average Commissioner attendance for 2015 was 73%
  - Incidence and Prevalence of Discrimination – The CRC is mandated by Ordinance 4201 to receive and process complaints of discrimination
  - Results – The Commission received no calls or emails related to specific incidents of discrimination in 2015. Calls were received related to tenant/landlord issues, wrongful termination and other miscellaneous inquiries that we were able to forward to the appropriate offices. One report of racist graffiti and one report of possible discrimination related to access to voting were received. The graffiti was abated and the voting access issue was one of poll worker training and not of discrimination.
  - Meetings – Monthly on the second Tuesday of each month, Goshen City Hall Conference Room, at 7:00 p.m.
  - Commission Members on December 31, 2015
    - Sandra MacMasters (2013-2015) – Ambassador at Large
    - Sreekala K. Rajagopalan (2013-2015) – Diversity Day Advisor
    - Ed Ahlersmeyer (2013-2015) - Secretary
    - Kelly Huffman (2015-2017)
    - Bryce Gast (2014-2016) – Treasurer – Ambassador at Large
    - Bob Rademaker (2014-2016) – resigned in March 2015
    - Anne H. Berry (2015-2017) – Ambassador at Large
    - George Smucker (2013-2015) – Vice-Chair
    - Nathan Mateer Rempel (2015-2017) – Chairperson
  - 2015 Volunteers and Donors
    - Beth Berry
    - Ignition Music Garage
    - Dos Hermanos
    - Los Ortega
    - The Dean's List
    - Honey's Frozen Desserts
    - David Lind
    - Twila Albrecht
    - Lee Roy Berry
    - Dan Shenk

The Mayor and Council expressed their appreciation to all of the Commission Members and volunteers.

**RESOLUTION 2016-16**

Council President McKee introduced Resolution 2016-16 entitled “RESOLUTION APPROVING THE USE OF A BANK CARD OR CREDIT CARD FOR PAYMENT TO COMMUNITY RELATIONS 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 Councilwoman Gautsche.

City Attorney Larry Barkes explained this Resolution is to allow the Community Relations Commission to accept payments at events by bank card or credit card. The statute allows the CRC to add an amount up to Three Dollars per transaction to cover the Commission’s expenses in accepting such transactions. The CRC would have to discuss and establish this fee which has not been done but the language regarding the possible fee was placed in the Ordinance according to Indiana Statute.

CRC Consultant Darin Short explained at last year’s event they had customers backed up at the central payment place for food and many wanted to pay with a credit or debit card. This will allow the line to move faster and allow people the convenience of using another form of payment rather than cash only.

By 6-1-0 (Ahlersmeyer – Abstain due to not being in attendance for entire conversation on Resolution) vote of the Council, Resolution 2016-16 was passed.

**PUBLIC HEARING ON ORDINANCE 4861**

Mayor Stutsman opened the Public Hearing.

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

**ORDINANCE 4861**

Council President McKee introduced Ordinance 4861 entitled “ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CUMULATIVE CAPITAL DEVELOPMENT FUND.”

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.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE 4861 DULY PASSED AND ADOPTED THIS 3<sup>RD</sup> DAY OF MAY 2016.)

**PUBLIC HEARING ON ORDINANCE 4862**

Mayor Stutsman opened the Public Hearing.

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

**ORDINANCE 4862**

Council President McKee introduced Ordinance 4862 entitled “ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CUMULATIVE BUILDING OR REMODELING, FIREFIGHTING AND POLICE RADIO EQUIPMENT FUND.”

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 4862 DULY PASSED AND ADOPTED THIS 3<sup>RD</sup> DAY OF MAY 2016.)

**PUBLIC HEARING ON ORDINANCE 4863**

Mayor Stutsman opened the Public Hearing

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

**ORDINANCE 4863**

Council President McKee introduced Ordinance 4863 entitled “ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CUMULATIVE BUILDING AND SINKING FUND FOR MUNICIPAL SEWERS.”

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 King.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE 4863 DULY PASSED AND ADOPTED THIS 3<sup>RD</sup> DAY OF MAY 2016.)

**ORDINANCE 4865**

Council President McKee introduced Ordinance 4865 entitled “AN AMENDMENT TO GOSHEN ZONING ORDINANCE 3011 TO MAKE CHANGES REQUIRED FOR WIRELESS

COMMUNICATIONS SERVICE AND TO ADD DATA COMMUNICATION TOWERS AS A NEW CONDITIONAL USE.”

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.

City Planner Rhonda Yoder explained the proposed amendment is intended to make changes as required by House Enrolled Act No. 1318, which established IC 8-1-32.3., Permits for Wireless Service Providers. The Plan Commission passed this to the Council with a favorable recommendation by a unanimous vote of 8-0.

The Council discussed the changes.

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 4865 DULY PASSED AND ADOPTED THIS 3<sup>RD</sup> DAY OF MAY 2016.)

#### **RESOLUTION 2016-14**

Council President McKee introduced Resolution 2016-14 entitled “APPROVING THE GOSHEN PLAN COMMISSION WRITTEN ORDER APPROVING THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED RIVER RACE/US 33 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 Councilwoman Gautsche.

Attorney Barkes explained this Resolution is to send an acknowledgement to the Redevelopment Commission that the Council agrees with the Plan Commission’s findings that the Declaratory Resolution and the Economic Development Plan for the Consolidated River Race/US 33 Economic Development Area conform to the City of Goshen’s Comprehensive Plan.

The Council discussed the Resolution in length, with item #6 being the primary focus. Discussion included the following:

- Councilwoman King questioned if the owners of the property addresses listed in the Resolution were notified. Attorney Barkes explained the property owners have not been notified as the list of addresses in the Resolution are possible parcels that could be acquired and would only be sought if they were needed for future redevelopment projects. Councilwoman King expressed her dislike for the parcels being listed in the Resolution and the property owners not being informed of the fact that the City is looking at their property; even possibly looking.
- Eminent domain actions by the City.
- Some projects residents have heard about many times and others are more problematic as residents have not heard them discussed.
- This Resolution does not add any geographical area; it just adds additional projects and possible additional properties.
- This plan would have to come back to the Council if any additional properties were added and this is why any possible parcel is identified in the Resolution.
- City staff correlated this with the City's comprehensive plan and the projects are general enough they fit within the comprehensive plan. Some Council Members questioned the staff findings and the process that led to them, including Redevelopment and Plan Commission meeting discussion or lack thereof.
- Councilman Scharf questioned the assertion that the City should be quick to act in acquiring property, especially homes; compared situation to S. 3<sup>rd</sup> St. Said that Pike Street corridor project by the State could change things dramatically. Pointed out that utilities are present in area in item #6, while plan calls for focus on areas without utilities.

Goshen Chamber President David Daughtery stated the areas in the Resolution make sense to be part of the River Race/US 33 Economic Development Area. Further the City, in his opinion, has been very conservative about eminent domain.

Glenn Null, Goshen, stated he has a problem with eminent domain and questioned the steps in the purchase offer process. Attorney Barkes stated two appraisals are conducted and the owner is offered the average of the two. If challenged the matter goes to court but the majority of the purchases do not reach that stage.

The Council discussed tabling/postponing the Resolution; Attorney Barkes and Community Development Director Mark Brinson confirmed delaying this will not hurt any current projects.

Councilwoman Gautsche moved to postpone the Resolution. Motion seconded by Councilman Scharf.

By 4-3 vote of the Council, Resolution 2016-14 was postponed.

The Council roll call vote was as follows:

AYES: GAUTSCHE, KING, ORGILL, SCHARF

NAYS: AHLERSMEYER, MCKEE, WEDDELL

### **RESOLUTION 2016-15**

Council President McKee introduced Resolution 2016-15 entitled “RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, APPROVING A LEASE BETWEEN THE GOSHEN REDEVELOPMENT AUTHORITY AND THE GOSHEN REDEVELOPMENT COMMISSION AND APPROVING THE ISSUANCE OF LEASE RENTAL BONDS BY THE REDEVELOPMENT AUTHORITY AND OTHER MATTERS RELATED THERETO.”

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.

Community Development Director Mark Brinson explained this bond is related to the Goshen Theater. The Redevelopment Commission is taking the initial steps to start the bond process. Funding requests through the Elkhart County Community Foundation, Regional Cities and a private donor campaign is also taking place.

Jason Semler of Umbaugh explained this is one step of many and if the Council approves this Resolution the Redevelopment Commission will hold a public hearing. The Redevelopment Authority will be the body issuing the bonds due to debt limits on the Commission. The bonds are anticipated to be issued in 2017 with parameters of a term not to exceed 18 years at a maximum interest rate of 6% and a maximum annual payment of \$700,000.

The Council discussed the following:

- Councilman Weddell explained this bond issue would not remove any current projects from the list and the bonds will not be issued if the other funding sources do not come through.
- After being questioned by Councilwoman King, Mr. Semler explained due to State regulations governmental units’ debt limits are so low that lease rental bonds are often used to fund large projects especially by school corporations.
- Regional Cities Rules came out today and Councilman Scharf would like to read those before voting on this.
- Councilman Orgill stated a community discussion on this would be merited. Further he questioned if property values will drop if City government does not help.
- The members of the Redevelopment Authority are appointed by the Mayor and include David Daughtery, Mike Landis and Mitch Day.
- Anticipated funding for the project includes:
  - \$5 Million grant from ECCF
  - \$4 Million from Redevelopment
  - \$2.5 Million from Private Donations
  - \$1.8 to 2 Million from Regional Cities

Glenn Null, Goshen received confirmation from Attorney Barkes that these are public bonds. Mr. Null stated he does not see the value of spending the four million on a property not worth four million.

Downtown Goshen, Inc representative, Gina Liechty, stated it would help their fundraising cause further to have affirmative documents on the funding from the City. DGI has hired a group to help with the community fundraising. Further this is a large piece of real estate in the downtown so it has the capacity to help or hurt the downtown. The goal is to bring more people into the downtown, maintain a vibrant community and keep talent committed to the community.

By 5-2 vote of the Council, Resolution 2016-15 was passed.

The Council roll call vote was as follows:

AYES: GAUTSCHE, KING, MCKEE, SCHARF, WEDDELL

NAYS: AHLERSMEYER, ORGILL

**RESOLUTION 2016-17**

Council President McKee introduced Resolution 2016-17 entitled “AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS.”

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 2016-17 was passed.

**PRIVILEGE OF FLOOR**

Glenn Null, Goshen, stated his appreciation for the pickup of leaves and brush by the City.

Mayor Stutsman stated there will be a US 33 North Connector Road groundbreaking on May 12<sup>th</sup> at 11:00 a.m. at Rogers Park. Mayor Stutsman asked the Council to consider if they want to continue to help fund the Celebrate America fireworks. Councilman Weddell stated this is obviously by the tremendous turnout, one event that so many people enjoy.

Councilwoman King pointed out there is not a complete list of City Boards and Commissions on the City’s website.

Councilman Scharf moved to adjourn. Motion seconded by Councilman Weddell and the meeting adjourned at 9:20 P.M.

APPROVED: \_\_\_\_\_  
Mayor, Jeremy Stutsman  
Goshen, Indiana

ATTEST: \_\_\_\_\_  
Tina M. Bontrager  
City Clerk-Treasurer