

**REGULAR MEETING OF THE COMMON COUNCIL (JUNE 7, 2016)**  
**111 EAST JEFFERSON STREET, GOSHEN, INDIANA**

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The Common Council of the City of Goshen, Indiana, met in the Council Chambers for a regular session on June 7, 2016 at 8:00 P.M. Presiding Officer was Mayor Stutsman with members of the Council present as follows:

PRESENT: COUNCILMAN AHLERSMEYER, MCKEE, SCHARF, WEDDELL  
COUNCILWOMAN GAUTSCHE, KING

ABSENT: COUNCILMAN ORGILL

**CHANGES TO AGENDA**

Councilwoman Gautsche moved to add 'Reconsider Resolution 2016-14' to the agenda. Motion seconded by Councilman Ahlersmeyer and motion passed unanimously.

**APPROVAL OF MINUTES**

Councilman Ahlersmeyer moved to accept the minutes of the meeting held on May 3, 2016. Motion seconded by Council President McKee. Councilman Scharf moved to add the following to the minutes in the discussion on Resolution 2016-14:

- Page 5 – (EDIT) The Council discussed the Resolution at length, with item #6 being the primary focus. Discussion included the following:
- Page 6 – (ADD) 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.
- Page 6 – (ADD additional bullet) Some council members questioned the staff findings and the process that led to them, including Redevelopment and Plan Commission meeting discussion or lack thereof.

Motion seconded by Councilwoman Gautsche and motion passed unanimously.

By 6-0 vote of the Council, the minutes were passed as amended.

**PUBLIC HEARING ON ORDINANCE**

Mayor Stutsman opened the Public Hearing explaining this is for an additional appropriation for the Fire Department.

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

**ORDINANCE 4867**

Council President McKee introduced Ordinance 4867 entitled “ADDITIONAL APPROPRIATION ORDINANCE.”

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.

Councilwoman Gautsche explained this is not appropriating additional money but rather appropriating a refund.

By a 6-0 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, SCHARF, WEDDELL

NAYS: NONE

(ORDINANCE 4867 DULY PASSED AND ADOPTED THIS 7<sup>TH</sup> DAY OF JUNE 2016.)

**RESOLUTION 2016-18**

Council President McKee introduced Resolution 2016-18 entitled “APPROVING THE INTERLOCAL AGREEMENT WITH GOSHEN COMMUNITY SCHOOLS FOR PLYMOUTH AVENUE BICYCLE/PEDESTRIAN PATH MODIFICATIONS.”

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.

Councilman Weddell stated the \$750,000 estimated cost of the project does not include engineering costs or property acquisition. Regarding the breakdown of responsibility on this project; \$86,000 of the costs is for sanitary sewer which is a City investment and even if you double that and take \$150,000 from the \$750,000; he questioned why when that estimation leaves \$600,000 is the City paying \$400,000 plus and the School Corporation is paying \$200,000 when this is a school project. Mayor Stutsman stated he believes this is a benefit to the City with the safety of the kids and the original costs of the path were estimated at \$400,000 when we negotiated this cost sharing with the School. Councilman Weddell agreed that the schools are

strapped for cash also but questioned if we couldn't go back to the School Corporation and request a bigger share of the expenses from them.

Discussion was on the following:

- Timing as postponing will almost surely delay the project being finalized before school starts.
- City Administrative Engineer Mary Cripe explained when the crosswalk was installed in the mid 1990's it was placed there as it appeared you could see traffic from both directions. Since then the traffic volume increased to about 10 to 12,000 cars per day. The school crossing guard is there daily and has voiced concerns to the School Board and State Legislators. With this design pedestrians will be able to have a safe place to wait after crossing the street halfway and with this located at the one exit from the school, traffic will be forced to turn right out of the school lot.
- The State is placing a new type of flashers called 'Rectangular Rapid Flash Beacons'.
- High cost project benefiting both the City and School.
- Councilman Scharf questioned the charge of the City to provide a general infrastructure that moves people about safely and questions if a 50/50 split is fair.
- Mayor Stutsman stated he is willing to go to the School Board to ask for additional help with the funding.
- Mrs. Cripe explained the additional costs are due to drainage problems, originally the sidewalk was going to be on school property but they are doing a parking lot expansion and the proposed sidewalk was going to interfere with that expansion. Mrs. Cripe confirmed for Councilman Ahlersmeyer that all of this work is specific to this project. Mrs. Cripe confirmed for Councilman Scharf that in her professional opinion none of the project items can be removed.
- After being questioned by Councilman Ahlersmeyer, Mrs. Cripe stated we have asked the State for help with funding on this project; the flashers and signage are the only expenses they are willing to help with.

Tom Stump, Goshen, received confirmation from Mrs. Cripe that the City is installing curbs and gutters on the roadway for drainage purposes.

By 6-0 vote of the Council, Resolution 2016-18 was passed.

#### **RESOLUTION 2016-19**

Council President McKee introduced Resolution 2016-19 entitled "AUTHORIZING THE EXTENSION OF CITY WATER UTILITIES AND SEWER UTILITIES TO REAL ESTATE AT 65880 COUNTY ROAD 27, GOSHEN."

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.

Councilman Scharf asked City Attorney Larry Barkes to speak on this regarding what has been done so Goshen doesn't get into long term trouble like Elkhart did with providing City water and sewer outside of City limits.

Attorney Barkes stated we are talking about a single lot which has had a septic failure and the County told them they have to fix the failure. We have water and sewer available for them and we do these on a case by case basis. If the request is from a developer we require the property is annexed. In this case we have one or two other lots in the same general area but still too spread out to annex as of yet. Mayor Stutsman confirmed that Elkhart City also was charging different fees for different areas.

By 6-0 vote of the Council, Resolution 2016-19 was passed.

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

Councilwoman Gautsche moved to reconsider and amend Resolution 2016-14. Motion seconded by Councilman Ahlersmeyer.

Councilman Weddell asked Attorney Barkes for clarification on procedures regarding this motion; Attorney Barkes stated it is permissible to reconsider the Resolution and make an additional amendment or it is permissible to reconsider the Resolution withdraw the previous amendment and then have a motion to amend the Resolution in its original form again. Councilman Weddell stated he prefers the latter choice of the two. Attorney Barkes stated there is a procedural issue as the Member reconsidering the Resolution has to have voted in the majority in the passage of the Resolution. Councilman Weddell stated he will not support anything that doesn't support 100% of those properties and after speaking with the majority of the Commission; they are of the opinion they will not accept anything that doesn't include the entirety of section 6. Therefore he wants this Council to reconsider including all of those properties rather than carving out small portions. In his opinion this Resolution was to agree or disagree on whether or not this agrees with the comprehensive plan. If this is sent to Redevelopment he is confident they will not accept this and the theatre is part of this plan.

Councilwoman Gautsche stated her request would be to leave Section 6 in the Resolution but remove letters P thru CC as those are the properties that were a surprise and the Council wasn't sure why they were in the Resolution.

Councilman Weddell stated all of the properties in Section 6 have been talked about for years. The Redevelopment Commission feels they are being micro-managed when this has been the process for years and the Commission has done an incredible job. This is the first step in the process and public hearings will be held where the residents will have plenty of opportunities to voice their opinions negatively or positively at that time.

After being questioned by Councilman Scharf as to why it is so important to have all of these parcels in the Resolution, Commission Member Tom Stump stated if the Commission has a chance to act on some of these properties, improving the area, sometimes we need to act quickly such as foreclosure homes. The Commission has discussed the possibility of that area becoming something nice which could take 20 years and we are not in the business of forcing someone to sell their homes to us but if something becomes available the Commission would have the opportunity to act on it. On the Riverrace the Commission took one garage other than that every other property was purchased or given to us. Mr. Stump urged the Council to pass the original draft of the Resolution and pass it as it was presented.

Discussion was held on the motion and the procedures that follow. Councilman Ahlersmeyer rescinded his second on Councilwoman Gautsche's motion to reconsider and amend the Resolution. Motion died for lack of a second.

Councilwoman Gautsche moved to reconsider Resolution 2016-14. Motion seconded by Councilman Weddell.

Councilman Scharf pointed out the outcome of the vote may be different since one member of the Council is not present that was present at the last meeting. Mayor Stutsman reminded everyone that this is the only meeting the Resolution could be reconsidered.

By a 4-2 (NAY-KING, SCHARF) vote of the Council, the motion to reconsider passed.

Attorney Barkes explained the Council is now looking at the version of the Resolution as it was passed at the last meeting.

Councilwoman Gautsche moved to add back parcels listed as a-o and dd-ff. Motion died for lack of a second.

Councilman Weddell moved to add Section 6 and all of the properties back into the Resolution. Motion seconded by Councilman Ahlersmeyer.

Councilwoman King explained her concern at the last meeting was there was eminent domain language in the Resolution and she discovered some of the residents of the parcels were not informed their property was on this list.

By a 5-1 (NAY-SCHARF) vote of the Council, the motion to amend passed.

Tom Stump stated the Redevelopment Commission cannot perform any eminent domain action without Council approval. Also the Commission cannot demand the owner of a property sell to the City.

Councilman Scharf wanted to focus on properties that are in the Resolution which includes the old jail site, properties on Lincoln Ave, County office building property, Disponet properties all of these are giving Redevelopment tools to capture all of the projects that are in the works.

Councilwoman Gautsche questioned why letters p thru cc needs to be in the Resolution and why we couldn't add those later. Community Development Director stated because of the way we have historically purchased properties we notified owners of interest and in so many cases it may be years before we acquire these properties but it gives the owners an opportunity to come to the Commission when they are ready to sell. Mr. Brinson stated since the last meeting all of the property owners have been notified they are on this list. About twenty of the thirty some properties have had contact with him and none of the callers expressed any objections to him.

Mayor Stutsman stated he will look into how he can get notice to property owners when a property is going to be part of Council discussion to avoid this in the future.

Goshen Chamber of Commerce President David Daughtery stated this vote should be on whether or not this meets the comprehensive plan. Attorney Barks clarified there are two parts to the Resolution; one is to agree or disagree if it complies with the comprehensive plan and to approve the plan. Mr. Daughtery stated his support of the amendment.

Councilman Scharf questioned if there is any property that could be listed that would not meet the comprehensive plan. Councilman Weddell stated he trusts the Plan Commission and staff and their recommendation and you would have to attend the Plan Commission meeting to answer that. Councilwoman King stated they also have a duty to question items.

Councilwoman Gautsche and Councilwoman King both stated they feel much more comfortable with the properties being listed since the owners have been notified.

Councilman Scharf stated the uncertainty can lead to stress and potential reduction in marketability in the home. Folks who lived on 3<sup>rd</sup> Street felt that uncertainty. These properties could be added later when a project is planned.

Councilman McKee stated your point is well taken and we can't eliminate that uncertainty completely but we are notifying the owner of the possibility.

Tom Stump stated he would be happy to know that someone wants his house and will pay the appraised price.

By 5-1 vote of the Council, Resolution 2016-14 was passed as reconsidered and amended.

The Council roll call vote was as follows:

AYES: AHLERSMEYER, GAUTSCHE, KING, MCKEE, WEDDELL

NAYS: SCHARF

### **PRIVILEGE OF FLOOR**

Rob Roeder, Goshen, spoke on several situations that he views as a strike against Christianity and he is looking for something we can agree upon such as the life of babies. He asked the Council to help him find a way to celebrate, promote and unify the community instead of having outrage and decisiveness with the LGBTQ issues.

Councilman Ahlersmeyer stated he appreciates the courage he has in speaking up. He always appreciates someone telling the Council what they think about the community and what the Council can do to help.

Councilman Weddell read two quotes of Richard Aguirre's that were in this day's newspaper regarding the community not being defined by differences. Mr. Aguirre is one of the appointees to the Mayor's Latino Advisory Committee.

Councilman Weddell pointed out in Robert's Rules of Order it states you can vote, pass or abstain but you are not allowed to explain your vote as that is considered as continuing the debate.

Councilwoman Gautsche stated she wants to start the discussion on Ferrell Cats and she is open for suggestions.

Councilman Ahlersmeyer moved to adjourn. Motion seconded by Councilwoman King and the meeting adjourned at 9:50 P.M.

APPROVED: \_\_\_\_\_

Mayor, Jeremy Stutsman  
Goshen, Indiana

ATTEST: \_\_\_\_\_

Tina M. Bontrager  
City Clerk-Treasurer