

**REGULAR MEETING OF THE COMMON COUNCIL (DECEMBER 6, 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 December 6, 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,
YOUTH ADVISOR BILLER

ABSENT: NONE

CHANGES TO AGENDA

No changes to the agenda.

Moved to accept agenda by Councilman Ahlersmeyer Motion seconded by Councilman McKee and motion passed unanimously.

APPROVAL OF MINUTES

No minutes to approve at this time.

ORDINANCE 4880

Council President McKee introduced Ordinance 4880 entitled "ORDINANCE 4880 LIPPERT/KEYSTONE ANNEXATION."

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for its second and final reading and moved its passage. Motion seconded by Councilman Weddell. Councilman Ahlersmeyer recused himself from this discussion.

Planning Administrator Rhonda Yoder I don't really have anything to say I just wanted to include in the packet that we did have a public hearing for the rezoning at the Planning Commission meeting because when the zoning is including in the annexation ordinance then we hold a public hearing at the Planning Commission like we would and even though there is no separate rezoning ordinance the rezoning is part of the annexation. So just to make sure that everyone is aware of what is going on. It received a unanimous favorable recommendation and no one spoke at the public hearing.

Mayor Stutsman stated that there have been 2 evenings of public input from the neighbors and even though they are not being annexed they expressed their feelings and answered their concerns.

Councilman Scharf stated that he attended these meeting and would commend Mayor Stutsman, Dustin Sailor and Mark Brinson on handling quiet professionally the meetings sometimes with some challenging questions and circumstances there. I don't think I might be mistaken that these were required just simply a public outreach. I think most folks really appreciated that and I thank those of you that coordinated and ran those meetings.

Councilman Weddell asked if the meetings were advertised. I don't recall getting any notification that you were holding those meetings. I heard about it after the fact.

Mayor Stutsman responded by saying that we have done outreach to the residents but I don't know how less it was done. Was it e-mailed around?

City Engineer Dustin Sailor stated that postcards were sent out.

Councilman Scharf stated that he thinks it went out on the city notices for the first one.

Councilman Weddell asked that in the future the Council be notified.

Mayor Stutsman asked if there were any other questions. Are you prepared to vote? We have a motion and second to pass Ordinance 4880 on a second and final reading. Will the Clerk-Treasurer please call the roll?

The Council roll call vote was as follows:

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

NAYS: NONE

RECUSED: AHLERSMEYER

AYES: YOUTH ADVISOR BILLER

By a 6-0-1 unanimous vote of the Council the motion passed

(ORDINANCE 4880 DULY PASSED AND ADOPTED THIS 6TH DAY OF DECEMBER 2016.)

ORDINANCE 4883

Council President McKee introduced Ordinance 4883 entitled "ORDINANCE 4883 2017 ANNUAL COMPENSATION FOR THE CITY GOSHEN ELECTED OFFICIAL."

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.

Mayor Stutsman stated that this is a 3.5% that the employees are getting next year. So that is how it was figured.

Councilman Weddell asked if this was a 3.5% increase for the Council also.

Mayor Stutsman said yes and since he forgot to go to the audience on the last one let's make sure to do that now.

PUBLIC HEARING ON ORDINANCE 4883

Mayor Stutsman opened the Public Hearing

Everett Thomas (Goshen) stated that he has been trying years to increase the Mayor's salary. I am here today to ask you to freeze your salary increase and give your increase to the Mayor's salary. We now have 5 maybe 6 city employees that are paid more than the Mayor. Larry Barkes City Attorney, both chief's fire and police, both engineers and soon Mark Brinson. Now think about this; we current have 5 city employees that are paid more than the Mayor so if you are worried about the bottom line forego your increase and contribute it to the Mayor. So just a little history if you would permit me, when I started on the Council in 1991 we were paid \$800. I thought that was pretty good. And some point in the late 90's, I was not at the meeting because it happened at one of those 11th hour meetings on like December 30 or 31. The City Council decided to add themselves to the health insurance plan. Which surprised me because that was the 3rd health insurance plan that I had. I had my own from full time work, my wife's as a Goshen Community Schools employee and now this one. And several years later when health insurance began to really escalate the City Council said aw that is just too much money let's just take that as cash so we went from \$800 to \$7,000 or \$8,000. And over the years the increase has just continued to increase to the \$13,000 or \$14,000 for you work and how many hours a month is that? So I appeal to you to reject your increase and add it to the Mayor's salary this year and next year I should say and the next 4 years to try and bring the Mayor's salary to a level that I think is a bit more respectable. It is at least more than the city engineers and the chiefs. Can't argue with the City Attorney because we know what attorney's are worth. That is my appeal to you this evening and if you don't pass it this year then you will be hearing from me again next year. Thank you!

Mayor Stutsman said just to be clear I didn't ask Councilman Thomas to do that. But feel free to speak anytime.

David Daugherty as a citizen spoke in favor of former Councilman Thomas' words. The buck stops on the Mayor's desk. The Mayor should make more than any city employee. Even if it is just a dollar more.

Glenn Null Goshen – One thing that Everett Thomas didn't talk about is that skilled labor is paid more than what elected officials are because of what they do. You got to look at it that way. So if someone is making more because of what they are I remember I am not sure how many years ago that there were people not making a lot of money and all of a sudden because of a study of other cities of our size and they all of a sudden they jumped 4 or 5 pay grades. And jumped right up there and the Mayor use to make more. But because of this study the Mayor now pays less. Always keep in mind that you can be replaced.

Public hearing now closed as no one else wanted to speak.

Councilman Ahlersmeyer we started having that argument the last couple of years with Mayor Kauffman's term because we see the Mayor as the CEO of the city. We talk a lot about running government like a business it would be more efficient so the Mayor would be the CEO. I think I have every year I moved to reduce or not extend the salaries for elected officials. I just believe that we are servants I like that perspective I am not in it for the money I am in it to serve the community and obviously we are compensated for our time. I do disagree however about the Mayor position being that more deserved of financial compensation compared to other positions in the city that require a certain level of education, certifications and other details that aren't required of the Mayor at this time as other elected officials. Don't have that same standard of qualifications. I am not in favor of raising the Mayor's salary just to make him the highest paid officials. I have a hard time relating to that argument.

Councilwoman King stated that she is not interested in freezing or reducing the Council's salary because I do believe in being an active Council and I believe that if you make the compensation so small then people have to have high paying jobs in order to take on the extra work. I do appreciate the input from out there and yes it is an important role that the Mayor plays and I know that he has a lot of responsibilities but I do agree with a lot that Ed just said.

Councilman Scharf I appreciate former Councilman Thomas' comments I appreciated his timing last year in bringing it up when there was an uncertainty about who was going to be the Mayor and I thought that it was a timely opportunity and it would have been a good time to do it but that is neither here nor there at this point. I haven't actually considered this but I can actually kind of see both sides of the coin on the Mayor's salary. Maybe it is something that we can use as a queue to talk about it in a more serious fashion for next year. And as far as the Council salary I haven't been keeping track of my hour by hour but I spend quiet of bit of time on this and I understand that the numbers were small when Mr. Thomas began but he also mentioned that he had 3 options for health insurance. As a self employed person with an immigrant wife buying my own private insurance is pretty but I would prefer to have the 3/5% just like everybody else to be honest with you.

Mayor Stutsman I would like just to make a couple of comments; I appreciate what you guys have said and appreciate how you are looking I don't believe that the Mayor's position should be the highest paid but I think that there is a better set up for it and I am not saying that we need to we need to do it this year or any other time. Last year I didn't vote on it because Mary Cripe and I were running for the position so I wanted to stay out of it. The last 2 years I did vote on it

saying that we should have bumped Allen a little bit. If anything was to happen it should be in little bits not all at once. I am not suggesting that tonight I am leaving that up to Council.

Councilman McKee stated that I appreciate Councilman Thomas' and have a lot of respect of him and what he is saying is true. We are getting down here to the end but I think we should personally move forward but we should take what Mr. Thomas has told us and I do think that we should look at it. I don't think that the Mayor needs to be the highest paid person because attorney's and other people are qualified. But I think that if our finances seem stable and the LOIT money is coming in then I think we should look at it.

Councilwoman Gautsche I think we have talked about this every year and it's always something difficult and that we pass it off to the next year it seems like. My perspective is that I feel that the Mayor is paid enough less than many other people in the city that I think now is the time to increase it just a little bit. I would be in favor of freezing our salaries for 1 year to increase that a little bit this year. I think that the money that we make is very significant for the work that we do and we have been raising it very consistently over the years, so I would support a freeze in the Councils salary for this year and add it to the Mayor's to make up some of that difference. I don't sense strong support around the table for that this evening. So I would welcome your feedback on that.

Councilman Weddell this is a question for Clerk-Treasurer Bontrager. Have we not frozen the Councils salary for the last 4 years? Because I believe that Councilman Ahlersmeyer has made the motion each year not to accept the proposed raise. To my knowledge that has been passed.

Councilman Ahlersmeyer stated that there was one time that I didn't get a second in the last 4 years.

Mayor Stutsman stated that his recollection on his first 3 years on the Council that they didn't receive a raise. The other years that Council took the raise. We talked about freezing it but did not.

Councilwoman Gautsche stated that she does know that when the city employees didn't get their raises the Council didn't take theirs. But city employees have been getting raises the Council has been getting raises also.

Councilman Weddell stated that he was pretty sure that the Council didn't get raises last year.

Clerk-Treasurer Bontrager stated that she is pretty sure that the Council did get raises last year because of the numbers.

Councilwoman Gautsche said she will test the waters and just say that motion that the Council salary and add that to the Mayor's salary for 2017

Motion died for a lack of a second.

Councilman McKee called for the vote and he thinks everyone has decided what they are doing. To use an Everett Thomas term.

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

PUBLIC HEARING ON ORDINANCE 4883

Mayor Stutsman opened the Public Hearing

Everett Thomas stated that he appreciated you taking up my arguments. All of the decisions land on the Mayor's desk. I will be back next year and make the same arguments. Maybe I will lobby each one of you individually.

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

PRESENT: MCKEE

NAYS: NONE

AYES: YOUTH ADVISOR BILLER

By a 6-0 vote of the Council the motion passed.

(ORDINANCE 4883 DULY PASSED AND ADOPTED THIS 6TH DAY DECEMBER OF 2016.)

ORDINANCE 4890

Council President McKee introduced Ordinance entitled "ORDINANCE 4890 AMEND 2017 SALARY ORDINANCE 4884."

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 King.

Mayor Stutsman so these are some clean ups that we had when we did the grading. Mayor Kauffman for several years in a row had never raised the minimal wage you could be paid by the same amount that you raised the midgrade and the maximum. So we wanted to clean that up so

we got our spread back. Our midgrade was no longer midgrade and our maximum was no longer the maximum because of that. We found that there were just a couple of employees in some departments that are going to be getting significant raises because of the grading.

City Attorney Barks stated that will not include the permanent part time positions we have established a schedule for them. For most of the people they will fall under the schedule attached.

PUBLIC HEARING ON ORDINANCE 4890

Mayor Stutsman opened the public hearing.

Mayor Stutsman closed the public hearing as no one wished to speak.

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.

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

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 4890 DULY PASSED AND ADOPTED THIS 6TH DAY DECEMBER OF 2016.)

ORDINANCE 4891

Council President McKee introduced Ordinance 4891 entitled "ORDINANCE 4891 APPROVING AND ADOPTING THE GOSHEN CITY CODE."

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.

Mayor Stutsman this is the codification that we have been working on and finally got it back. We have been going through it to make sure everything is correct. What we are asking for tonight is to pass it as is and then if you notice a substantial mistake then they can be changed with an ordinance. Over the next 2 to 3 months the legal department is going to be going completely through this and anything that is a small grammar fix they will take care of any other changes will be brought to the Council for approval. The plan is to wait for 2 to 3 months before we print this and bind it for each Council member to make sure we have gotten through the

mistakes so that we don't have to pay for it a second time. And then this will be placed as a searchable PDF on the website.

City Attorney Barkes it is actually going to be placed as a searchable PDF right away so that we can catch mistakes and correct them before we print the hard copy.

Councilman Ahlersmeyer what a great tool and for making it available online for everyone to have access too. It answers a lot of questions up front.

Councilman Scharf one additional development I think that Mr. Sailor mentioned as part of this that there are some removable standards. The removable of some of the construction related things some the actual code and the advantages there.

City Engineer Dustin Sailor said that our last city standards for construction were revised in 2000 and they had not been revised since. Engineering is going through them and getting ready to update those and has been doing that for the last month now. My hope is that by the beginning of the year we will have a new standard to present for people's review and then by construction season be ready to have the BOW approve that as the city standard.

Councilman Scharf so we don't have to go through the process as a Council of changing that.

City Engineer Dustin Sailor said that during the course of the year the standards are tested, It is tested by the application with the contractors because they are a smart group and find loop holes that we have in our standards so what a lot of communities do it look at it and go okay what didn't work this past year and they bring it back to the BOW and say we would like to update the standards for this reason.

Councilman McKee as we let these contracts for all of these different road projects, do we put a time limit in there that they have to have the projects completed by? It seems like so many of them go over. Do we fine them if they go over?

City Engineer Dustin Sailor every contract has a completion deadline. There are things that are outside the contractor's ability. Usually what we do is change orders throughout the process so as things are added to the contract we look at it and say did this modify your time complete prior to the change order. They are given a monetary increase as well as a time increase. There are situations to that when you get done to the end we go down to the legal department and say it this actually something that apply the liberty of damage. Were we damaged in the process of this contractor being applied? I usually go to Larry on this.

City Attorney Barkes it is hard to apply but we look at the individual situation and determine if they are entitled to an extension.

City Attorney Barkes spoke about the city codes. If you see something that doesn't match up in the references let us know so we can get it changed.

Mayor Stutsman those are the type of things that we need to look for. I would like to make this at least an every other year process if not every year process that at the end of the year we put the code together. I need to talk to staff to find out what exactly that entails. It seems to me that if we keep up on this we should be fine it's just that we got a few years behind.

PUBLIC HEARING ON ORDINANCE 4891

Mayor Stutsman opened the public hearing.

David Daugherty stated that this is a rather large book and that there is no index so you don't know where to look for something. Would like to see an index

City Attorney Barkes said that once it's printed there will be an index.

Mayor Stutsman encourages the public as they are searching these documents to contact city government that's why we are here. So that they way you read it is the way is suppose to be.

Glenn Null Goshen – Article 2 Protect & Fire page 3-08 talks about if fire is a nuisance fire hazard or public health that is a pretty vague word. I don't know some of you were on the Council I had a visit from the fire department in the past and Larry said we were all on shaky ground because someone in the neighborhood had complained about the smoke because of their health and I said show me their health certificate that says they can't take the smoke. Bottom line is this recreation fire is a very vague and interpretable by both sides. And one of these days it is going to turn ugly and we don't want that. It's needs to be clarified recreational is recreational. The other issue is noise ordinance which is Article 3 should be 3-10 I am curious as to how many of our vehicles have meters. Cause I can remember we when first passed this ordinance I had a neighbor a block and a half away I didn't particularly like his music so I called and they came down and he turned it down; they no more left the neighborhood and he turned it right back up. If there are no meters then this ordinance doesn't count.

Mayor Stutsman we are looking for a way to re-write this ordinance because it is the bass that carries and you can't measure the bass with the meters. So you will see this ordinance come back to the Council eventually.

Councilwoman King I will just explain my facial expressions. We were not addressing content in that code. I was a little confused.

Mayor Stutsman what Glenn was doing was addressing things he thinks we need to change. It would be hard for the Council to take action tonight because we would have to open the actual ordinances.

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.

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

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for its second and final reading and moved its passage. Motion seconded by Councilman Ahlersmeyer .

PUBLIC HEARING ON ORDINANCE 4891

Mayor Stutsman opened the public hearing.

Glenn Null Goshen – I know I have missed some Council meetings I don't remember some of this being brought up like this. It kind of reminds me of vote on it and read it later. I have a problem with this and then like tonight everything that is in there is law. (Mayor Stutsman pointed out that it already is law). I do have a suggestion instead of binding these things where I work we buy manuals by the semi loads and if we change 3 words in it we don't scrap the semi load we change it on the website, we have PDF's that have our literature on it and it something goes outdates you can strip it and reload it. I would think that it could be most cost effective than printing them up each time.

Mayor Stutsman the last code was 2007 is that correct? So that is going to be most of the cost this year. The website from back then was next to nothing. Julia Gautsche and I were 2 of the first and I believe Councilman Thomas to use e-mail. Usually the only people that get the bound copies are the Council members and a few city employees. So we are not buying a bunch of copies for just handing out.

The Council roll call vote was as follows:

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

NAYS: NONE

AYES: YOUTH ADVISOR BILLER

(ORDINANCE 4891 DULY PASSED AND ADOPTED THIS 6TH DAY DECEMBER OF 2016.)

PUBLIC HEARING ON ORDINANCE 4892

Mayor Stutsman opened the public hearing.

Mayor Stutsman before we get started I want to point out that there was a typo it was advertised correctly but on this paper the amount says \$900 and it should be \$25,000. We did advertise it on the \$25,000 level just missed it on this paper and oddly enough I hate to admit this but I missed this and most of the staff missed this and I hate to admit this and realized it today but our student councilman asked me why it was different. At least we know who is reading this.

Mayor Stutsman closed the public hearing as no one wished to speak.

ORDINANCE 4892

Council President McKee introduced Ordinance 4892 entitled "ORDINANCE 4892 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 Weddell.

Motion made by Mayor Stutsman to amend the amount to \$25,000. Motion moved by Councilwoman Gautsche and seconded by Councilman Weddell.

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

Councilwoman Gautsche just to the chief again; I know we talked about this last year I just have a hard time understanding this is reimbursement from Medicare that we have overpaid them. It's nice to get the reimbursement back I don't quite understand.

Chief Sink I don't know if it is overcharged. They have a formula for reimbursement so I can't specifically say that this is from overcharge.

Mayor Stutsman I forget what the statute was but this was the amount that we had to pay and then they allow us to back bill them.

Chief Sink - This is from Medicare Advantage and not just regular Medicare. We have to pay x amount upfront so we pay 25 and receive 50 and whether it is overage or not I honestly don't know. It's available to us and we abide by their formula.

Councilman Weddell I thought from last year's discussion that they underpaid us they didn't reimburse us to the fullest and you were able to go back and re-bill and get reimbursed for the amount. That is how I recall it.

Chief Sink - on regular Medicare yes but this is Medicare Advantage and this just became available this year so I am really not clear if it underpaid or it is just some reimbursement formula based on your populations or demographics I am really not sure.

Councilman Scharf is there where you are hiring a service that is helping your navigate all of those the same as the regular Medicare.

Mayor Stutsman we did an additional appropriation to set this money up for this year to be able to get so we are putting it back.

Councilwoman Gautsche I don't have a problem with it I was just trying to understand it.

Mayor Stutsman – the central garage had an additional appropriation we are going to see these happening year after year and we are going to see Carl's budget go up, not because of inefficiencies or his work but because we are dealing with an aging fleet and it's just going to be a symptom of that fleet until we can get & continually replace these items. I appreciate all of Carl's hard work and all our department heads have done a good job of keeping us within our budgets.

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

Councilwoman Gautsche asked when the old Holiday Inn building was going to come down.

They are actively demolishing the building now and we are hoping by the end of this month to have everything down and taken away.

The Council roll call vote was as follows:

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

NAYS: NONE

AYES: YOUTH ADVISOR BILLER

(ORDINANCE 4892 DULY PASSED AND ADOPTED THIS 6TH DAY DECEMBER OF 2016.)

RESOLUTION 2016-44

Council President McKee introduced Resolution 2016- 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 Scharf.

Councilman Scharf this is not quite on the content but the word emergency there is always a fast and loose use of that word. Does that come from state statute?

Mayor Stutsman yes

Mayor Stutsman this one comes from the fuel lines that we came out way ahead on this year. Street department had less usage because we had less snow and Carl locked us in to a fantastic

price earlier in the year so we have been way ahead on the fuel lines from what we have been in the last few years.

By 7-0 unanimous vote of the Council, Resolution 2016-44 was passed.

COUNCIL APPOINTMENT TO LIBRARY BOARD OF TRUSTEE

Mayor Stutsman looks like we have 2 applications for this appointment. One came in back in August from Virginia Munoz and the other one recently from Bradley E. Mossness. Turn it over to Council for your discussion.

Councilwoman Gautsche can you let us know who is currently on the board of directors? I am trying to remember who they are currently. Because that would help me

Councilman Weddell stated that John Place was on it

Councilman McKee stated that John Place left because he felt that they might be a conflict of interest because I believe he is the Vice President of Ancon. The library board said they were looking for someone who had construction experience to help them save money.

Councilwoman King I also had discussions with someone on the board who said that not only were they looking for that but also someone who is bi-lingual. I have not spoken with either one of these applicants. This some stuff that we have talked about before that we are trying to get with our rules and procedures like what is our protocol how we do this. I would hate to put this other person when someone has applied in August and no one has communicated with her since August. How do you feel about just a pause and making sure that we touch base and that we kind of fully understand it.

Councilman Weddell I think that would be good so we can currently know who is on the board and the makeup unless it's urgent.

Mayor Stutsman it hasn't been urgent for the last 6 months.

Councilman Weddell I would like to know for sure who is on their board and what they feel their needs are.

Councilwoman King what is their priority because they have mentioned 2 things that they wanted.

Councilman Scharf I echo the sentiment about the process about not being clear and the window so we as individual council members reach out and speak with these folks in the interment time or how do we go about?

Mayor Stutsman I would suggest that you do but it's your appointment.

Councilwoman King would it be proper for you Councilman McKee to contact the board to know what their wishes are between these two.

Councilwoman Gautsche I would suggest that he contact the board. And I don't know if it makes sense for all of us to check in with both of these. I would say that we just appoint a couple of people to contact them and make sure that they are still interested especially this one that came in back in August. I would be glad to contact Miss Munoz.

Councilman McKee do you want to call Mike Rozelle because he is the one that called me? He might be able to give you some insight.

Councilwoman Gautsche I think you should contact him to find out what they are looking for.

Councilman Weddell I will contact Brad.

Councilman Scharf I might also ask a question just relaying the question about the construction experience on the board. Certainly these are all volunteer positions might there be a way to have your cake and eat it too? And have someone who has construction experience be available and offer their advice during the construction project and not necessarily be an ongoing board member.

Mayor Stutsman that would be up to the library board. I believe this is the only appointment that the city has. Is that correct Jo? Council is the only one that has an appointment to the board.

Councilman McKee and what I may need to do is ask Mike to be at the next meeting so we can ask some questions.

Mayor Stutsman so would you like us to make sure that this is on the next agenda or should staff wait until we hear from you.

General conscience is to have it on the next agenda.

Councilwoman King are we asking these 2 people both to come

General conscience is that it would be awkward to have them come.

Mayor Stutsman we are getting these applications through the Chamber and getting them online too. I got a couple for the BZA appointments that I had recently because I am making a change there. I had already asked 2 people on the applications that came in and I finally heard from those. Just because they fill out one of these doesn't mean that they get appointed to something but keep these and as we have appointments come up we keep pulling these out and see who the people are in the past that were interested. And then contact them again just a good resource.

Councilman Scharf just for clarification these are coming through the Chamber. I know that the Chamber was very helpful in getting these together. Are you saying that they actually apply at the Chamber?

Councilwoman King stated that it is on the city website.

Mayor Stutsman the Chamber actually started this process with Mayor Kauffman so people knew to go to the Chamber to fill these out so that is where people are still going but yeah we are getting the new ones on our website.

Councilwoman Gautsche so any organization theatrically could collect them.

Motion made by Councilman Scharf to table until the next Council meeting Motion was seconded by Councilman Weddell.

By a 7-0 unanimous vote the motion passed.

PRIVILEGE OF FLOOR - Council

Councilman Weddell I just have 2 quick things. On October 6, 2015 we voted 6-0 with at that time Councilman Stutsman abstaining to freeze our salary for this calendar year. Second I read in the paper where the City of Elkhart is having some legal trouble with their Facebook page and shut it down because they kept blocking an individuals negative comments on their Facebook page. I don't think we have that issue but I think it's something that we should keep in the back of our mind. It sounds like you can't have any policy for removing or deleting people unless...

Mayor Stutsman we have a policy not to allow any comments that way but if you allow them...Sharon and I keep a pretty close tab on them. There have been a few times that we have gotten some more negative comments so I have contacted them and said that that is really not the space for that.

Councilman Scharf somewhat related to that I don't think this has become an issue yet but these social media things move fast. Maybe even a policy about what a city likes might seem like a small thing but it might be something where since...there is a set collective process for determining what the city as a government body approves of and doesn't approve of there might be a place about being careful about the city itself presents as its preference in approval online.

City Attorney Barkes – stated that it's really difficult if not impossible to do. The First Amendment makes it difficult

Mayor Stutsman just for clarification are you saying that if the city likes a comment put on our page or if we go out and like other pages...other organizations?

Councilman Scharf – I don't know I am just throwing it out there right now I am not sure I really haven't thought it through.

Mayor Stutsman – Sharon is working on an official policy for our Facebook page. Sharon do you want to say anything about that?

Sharon Hernandez – So Larry, Shannon and I sat down and talked about it briefly and we went over some of these things that you have already mentioned. So yes we are working on policy that will like Councilman Scharf said that dictates or at least encourage city employees to post certain things that there are certain things that we should post & keep the public informed of. We just need to make sure that we are all same page of what message we are sending out and how we are sending it out and who in the city should be allowed to use these Facebook pages. Right now we have 3 official Facebook pages and want to make sure that everything is under control on them and that we are not just letting anyone post. So we will be working on that and Larry suggested that I start writing it so I will be working on that with him.

Councilman Ahlersmeyer why are there 3 Facebook pages?

Sharon – we have official City of Goshen Facebook page, a Goshen Police Department page and a Parks Department page.

Mayor Stutsman we had talked about combining the pages into 1 but there is too much going on the other 2 pages and the police department should have their own page.

Councilman Scharf – just a question I am very happy and supportive of hearing what Student Councilman Biller vote but he is a nonvoting member so are we not counting that.

Mayor Stutsman – yes it is legal for us to ask for his vote but by state statute his vote can never break a tie, never cause a win or a loss but we thought this way it makes him part of our Council. For years the Redevelopment Commission has had a school board member that is appointed by the school board but they are a nonvoting member I always thought that was ridiculous I always thought if you were on the board you should be voting. The Redevelopment Commission does not ask for that vote. It has been Kathy Cripe for many years.

Councilman Scharf that we actually part of my confusion, because that nonvoting member on the Redevelopment Commission doesn't actually cast a vote. I am glad we can do that.

Mayor Stutsman – if there is an issue we can change that but I thought it was a nice jester to make him more part of the process.

Councilman Weddell – I hope that Mr. Biller knows that if he is ever uncomfortable stating publically his vote then he should not vote.

Councilwoman King who on the Council needs a copy of this draft? This is a result of someone that came here from the public and asked that we make a statement as a Council and we had a little discussion here & our youth advisor also was included in that conversation and also said that he had witnessed some things that would make him feel supportive of some sort of a statement. Julia Gautsche and I had both expressed our interest in moving forward and so we have moved forward since then. Other statements have been made as stated here in this draft by the Mayor, community schools and the community relations commission. As I said I just put it out here not necessarily need to respond right this moment if they don't want too. But I think that it's a positive thing to find our collective voice and say something together.

Councilman Scharf – I'll just say that on the very first, last meeting my initial reaction was if the Council is going to take an action I'd prefer to have it be something that moves a concrete policy rather than just a statement. But enlght of some helpful conversations with Councilwoman King and a number of constituent request and input as well as hearing in the last several weeks about some pretty stressing kind of bullying and harassment incidents I have come around to thinking that something along these lines could be really helpful.

Councilwoman Gautsche – Thank you Julia for putting this together. I would probably make a few minor changes but I would hope too that the Council could come up with some kind of a statement to this effect. I think this is an issue which is very present and very real in our community currently and it's a way for us to tackle issues kind of in real time. A resolution is kind of a statement of what we believe. I think that people often look to the city Council to help with issues in the community. I was very pleased that the Community Relations Commission and the statement by Mayor Stutsman were very helpful and I think that a statement from us could be very helpful.

Councilman Weddell – I see this as a statement because a lot of people don't like the results of the election. That's what this came forward from. The gentleman who brought this idea first of all said he wanted us to become a sanctuary city. And I see this as a political maneuver because of the results of an election. And I think what we are suggesting is that there is discrimination and that there is a problem. I don't think that we can legislate people's behaviors. The superintendent put out a letter and Mr. Biller said that there had been some events at the school system and I think it was appropriate for her to do that. The CRC is a good avenue and Mayor Stutsman chose to put one out and I have no problem with that. But I don't think that we need to be looking for a situation to create a statement for. Now in the future if we see an issue with city employees, city government creating issues of hate speech, discrimination then by and large we need to call it out, denounce it and make a statement. But I would say that we don't have city employees or city officials making any of those statements. This is just purely a result to the election; an election that the voters came out and voted for. And I know you don't have any words but that is the way it's going to be an appearance of that this is just a result of the elections. I am very strongly against any discrimination and I will denounce it if and when I see it. I just don't think we need to participate in a solution to a problem that I am not sure exist right now. Now that doesn't say that the rhetoric from both political parties at the National level was appropriate because it absolutely wasn't, and we all pride ourselves by not participating in that in our elections and that is something to be proud of. I don't think we need to get into the pool of the national political rhetoric by making a statement that says otherwise. That is just my opinion. But thank you for taking the time to consider it.

Mayor Stutsman – I just want to say I didn't wake up Wednesday morning after the election and start writing my letter because Donald Trump won. It had nothing to do why I wrote my letter. I was reacting to what we were seeing happening in our community and some nationwide but what is happening here is much much less and I am so thankful for that. I do realize that this stemmed from that election some people are happy some people are not happy but I just wanted to make it clear that it's not why I wrote my letter. I was talking to our community and I was talking to what I was seeing happen. Now was that happening because of what they felt about the election yes it was. But it had nothing to do what with how I felt about the election. It is my greatest

hope that my vote will have been wrong and Donald Trump turns out to be a great President. But I was reacting to school officials had come to me, teachers had come to me, citizens had come to me and there was a lot going on.

Councilwoman King – it's the exact same thing though, I have heard from some people. The fact that you might not be hearing about it from people that I just wanted to make it clear that I am responding to what is happening in our own community and not at the national level.

Councilman Weddell – Passing this resolution unfortunately (like Councilman Scharf said earlier this body should legislate change in policy) this is a resolution that won't affect the minds and opinions of residents of Goshen. They are going to feel whether they like what is going on nationally or not they are going to have their feelings no matter what we say. We lead by example and I think we set that example by the election last year, by the joint venture with the LaCasa Help a House the things that we do, we demonstrate to the community how we get along outside of these Council chambers and I think that it through examples like that, that we set the bar. Making statements I personally just don't see it. I know Mr. Ahlersmeyer had sent out an e-mail I am not sure how anyone else feels but that is just my view point.

Councilwoman King – I don't understand what harm you think will come from it verses what I have heard from many people who feel it would feel healing to them; people who feel threatened locally and have had bad experiences. So I am trying to understand the down side to making a positive statement about what kind of community.

Councilman Weddell – There are lots of people what felt harm and concern over the last 8 years because they didn't like the results of the election.

Councilwoman King – What's the harm? I am asking you if you could help me understand the harm would be. So help me understand is there harm to come from this; I want a little help with that.

Councilman Ahlersmeyer – I am leaning more along the lines that it's unnecessary to pass a resolution with this terminology. I understand that people in our community are always going to be dealing with jerks/bullies okay and I think that what the harm is, is to have someone lean on the government to make them feel better or safer in a situation but because the Council has passed a resolution stating that we should treat each other well. I think the harm is that misleading, I think the whole premise is misleading. I think the adult in the room needs to let the jerks know that they are jerks and move on. But to have a city council pass a resolution saying we should treat each other well doesn't do anything for the situation. I think we as a community and as adults in the room can shape those behaviors and change those behaviors but I don't believe that a resolution in this case does that.

Councilman Scharf - Councilman Ahlersmeyer do you read this and get the message that it is telling people to be nice to each other? Because I believe that was a piece of feedback that was received and acknowledged that was our generally aspect.

Councilwoman King - And that is problematic to you? I don't read it the same way

Councilman Ahlersmeyer – I don't think it's necessary and that's where it starts.

Councilman Weddell – What if we used the last paragraph (Brett read the last paragraph)

Councilman McKee – I would be in favor of that, because we are the people of Goshen, not really the white people or the Hispanic people or black people we are just the people of Goshen. I like the last paragraph because it's not pointing out any one specific person

Councilwoman King – are you okay with the statement above that? The whereas statement right above the last paragraph.

Councilman McKee – I just personally like the last paragraph.

Councilwoman Gautsche – I think the last paragraph does sum it up. I am not sure what the last whereas adds to it?

Councilman Weddell – Are there specific examples that we are infringing upon peoples Constitutional rights?

Councilwoman King – That you and I are?

Councilman Weddell – No the city.

Councilwoman King – To me it just reiterates our role. You know you mentioned earlier that we don't legislate community but we actually do because you can't park your car etc...that's exactly what the Council does.

Councilman Weddell – Councilman Orgill do you have anything you want to say or just mull it over a little longer?

Councilman Orgill – At the end of the day it's just words on a piece of paper. It's not really a policy it's not going to change anybody so I am not going to get vested in it. Not sure how I will vote when it comes to it. Language wise it's not too bad.

Councilman Scharf – In that final paragraph I just scribbled in equality under the law within our city and our schools. I spoke with Councilman McKee earlier and I think it's really striking the contrast in feedback that those of us in different parties get from the community. And I think it is really hard to get in one another's shoes in that regard. I found that to be very influential in the past few weeks. Not necessarily having an initial default position of wanting to do something like this but I had people message me on my Council Facebook page and tell me about their experiences they are having with their daughters at school, it's significant and I found myself getting out of my head a little bit and into my representational role and being responsive to that kind of community input and I can see where that would be more difficult if you are only hearing negative input from the folks that contact you. We are both hearing not necessarily the full spectrum of things.

Councilman Weddell – Again I want to thank you for taking the time in one attempt a while ago trying to write a resolution is not easy. I don't know where go from here but I think we can talk after.

Councilwoman King – Can we hear from people?

Mayor Stutsman - We haven't had privilege of the floor yet so if anyone wants to speak on it they can at that time.

Councilwoman Gautsche – I would just like to make a statement because I have been thinking a lot about the safety of building especially enlight of the recent fire in California. It does us all good to remember that our building department can't inspect and don't inspect every public building. Now we have fire inspections done on every building and those are done yearly, and so our fire inspectors are our eyes and ears to tell us that buildings are safe or not safe and so to support them in that job. And just a word to us that we need to keep our eyes open I know that we became aware and could have had a situation very similar here in Goshen and some of us just saw it on the Facebook page. Thank you to our fire inspectors to make sure our buildings are safe.

Mayor Stutsman – Denny Long was hoping to be here tonight but unfortunately sprained his ankle. He just wanted to mention snow removal this year; we will be doing all we can there are still leaves out there and brush out there. So do all you can to get the word out. If they have brush it's on them we are done with brush pick up. We have offered the trailers for an additional length of time and done an additional 3 pickups which are very expensive for us to do so we need the piles to stop accumulating along the road. We will be setting a policy I believe 2 years ago for the odd/even plowing days if we have large pile of snow. So we will be talking to the public more trying to educate them ahead of time.

PRIVILEGE OF FLOOR - Audience

Glenn Null (Goshen) – I for one believe the city has done a great job with the leaves. They have always done an excellent job with snow too. Couple of things I remember when you had to be appointed to the school board. You had to come down here and be quizzed. I would like to see the library board to be elected because they raise taxes. About the draft not everybody interprets the same. It's important that you put something out but it needs to have something behind it.

David Daugherty about the applications those are not the Chambers those actually belong to the city. They are now online but we have them at the library and a few other places. On the draft that Julia handed out I feel like Brett and think that the last paragraph sums it up.

Richard Aguirre (Goshen) – Supports the resolutions.

Mayor Stutsman – I would just like to say that I had a recent conversation with one of our paint stores and they have experienced a 30% down turn in business. Not sure if that is normal or not

after a Presidential election. I would like to congratulate Angie McKee our soon to be Clerk-Treasurer. I have been so appreciative of Tina she has been a fantastic resource and good friend.

Councilman Weddell moved to adjourn. Motion seconded by Councilwoman Gautsche and the meeting adjourned at 8:50P.M.

APPROVED: _____
Mayor, Jeremy Stutsman
Goshen, Indiana

ATTEST: _____
Angie McKee
City Clerk-Treasurer