

**REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF GOSHEN,
TO BE HELD JUNE 19, 2018 AT 7:00 P.M. AT THE COUNCIL CHAMBERS
111 EAST JEFFERSON STREET, GOSHEN, INDIANA**

.....
OUT OF RESPECT TO OTHERS IN THIS MEETING, PLEASE TURN ELECTRONIC DEVICES OFF OR TO SILENT MODE. IF A CONVERSATION IS NECESSARY, PLEASE STEP OUTSIDE OF THE MEETING ROOM. THANK YOU.

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll Call of Council: Councilwoman Gautsche _____ Councilwoman King _____
Councilman McKee _____ Councilman Nisley _____
Councilman Orgill _____ Councilman Scharf _____
Council President Weddell _____
Youth Advisor Perez-Diener _____

Approval of Agenda and Changes to Agenda

Approval of Minutes

June 5th

Agenda Items:

PRIVILEGE OF FLOOR

- 1. TAX PHASE-IN DETERMINATION OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR LIPPERT COMPONENTS MANUFACTURING, INC.**

2. RESOLUTION 2018-36

A RESOLUTION OF GOSHEN, INDIANA CITY COUNCIL APPROVING AND RATIFYING THE PURCHASE OF A BUILDING FOR PARKS DEPARTMENT OFFICE USE

3. PUBLIC HEARING ON ORDINANCE 4947 COUNTY ROAD 28 ANNEXATION

4. PUBLIC HEARING ON ORDINANCE 4948 THE GARDENS SIXTH ANNEXATION

5. PUBLIC HEARING ON ORDINANCE 4949 WESTORIA ANNEXATION

6. PUBLIC HEARING ON ORDINANCE 4950 THE CROSSING ANNEXATION

7. PUBLIC HEARING ON ORDINANCE 4951 CLOVER TRAILS ANNEXATION

8. PUBLIC HEARING ON ORDINANCE 4952 RIDGEWOOD SUBDIVISION ANNEXATION

9. PUBLIC HEARING ON ORDINANCE 4953 MONROE STREET ANNEXATION

10. PUBLIC HEARING ON ORDINANCE 4954 EAST LINCOLN AVENUE ANNEXATION

Next Council Meeting: July 3, 2018 (Regular Council Meeting)

ADJOURNMENT OF MEETING



CITY OF GOSHEN LEGAL DEPARTMENT

204 East Jefferson Street, Suite 2
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
www.goshenindiana.org

June 5, 2018

To: Goshen Common Council

From: Shannon Marks, Legal Compliance Administrator

Subject: Tax Phase-In Determination of Compliance with Statement of Benefits

Attached to this memo is a letter and Compliance with Statement of Benefits form (CF-1) submitted by Lippert Components Manufacturing, Inc. related to a previously approved tax phase-in. In 2013, the Common Council designated the real estate at 2703 College Avenue, 1701 Century Drive, and 2475 Kercher Road as the "Lippert II Economic Revitalization Area" by Resolution 2013-16 and Resolution 2013-19. The designation is limited to a period seven years expiring in 2024. The tax phase-in is limited to personal property taxes for certain new manufacturing equipment not exceeding a cost of \$10,000,000 installed within the Lippert II Economic Revitalization Area. (Please note that the cost of the project on the CF-1 has been redacted as that information is confidential.)

The Common Council is asked to make a preliminary determination for the CF-1, based on the information that is presented to the Council, whether the property owner has substantially complied with the Statement of Benefits and the commitments made to the City to receive the tax phase-in. The Council's options for findings are the following:

- (1) The property owner is in substantial compliance with the Statement of Benefits.
- (2) The property owner has made reasonable efforts to substantially comply with the Statement of Benefits, and the property owner's failure to substantially comply was caused by factors beyond the control of the property owner. Therefore, the property owner is to be treated as if in substantial compliance with the Statement of Benefits.
- (3) The property owner has not made reasonable efforts to substantially comply with the Statement of Benefits and the failure to substantially comply was not caused by factors beyond the control of the property owner. Therefore, the property owner IS NOT considered to be in substantial compliance with the Statement of Benefits.

If the Council determines that the property owner is in substantial compliance with the Statement of Benefits under options (1) or (2), the property owner is entitled to apply for the deduction in assessed valuation of the property and no further action is required by the Common Council.

If the Council determines that the property owner IS NOT considered to be in substantial compliance with the Statement of Benefits under option (3), the property owner will be given notice of a hearing before the Common Council. At the hearing, the property owner and other interested parties may present testimony and other evidence on the issues of whether the property owner is in substantial compliance with the Statement of Benefits and whether any failure to be in substantial compliance was caused by factors outside the control of the property owner. If, after the hearing, the Council determines that the property owner has not made reasonable efforts to comply with the Statement of Benefits, the Council may adopt a resolution to terminate the property owner's tax phase-in.



**LIPPERT
COMPONENTS**

May 17, 2018

To the Goshen City Common Council:

The purpose of this letter is to support the Lippert Components Mfg., Inc. (LCI) CF-1 related to the property tax abatement approved by Resolution 2013-19.

Although the numbers presented this year are improved over last year, we recognize that the number of employees is still short of our original goal. However, higher wages have allowed us to exceed the total salaries goal and capital investment has exceeded as well. As noted in a letter to the Council last year some of our operations were moved to other locations that are not in the Resolution. There are 389 employees still in Goshen that were originally a part of the addresses for this abatement, but are now at different Goshen addresses which when added in would exceed the original SB-1 estimate.

If we were to complete an updated CF-1 as of May 2018 versus December 2017 our current number would be 1,196, an increase of 41 over the 1,155 presented on the CF-1 as of 12/31/17. Additionally, LCI is currently employing over 4,100 individuals in the City of Goshen.

Based on the above, we respectfully ask that you approve the current year CF-1 as you have in previous years.

Sincerely,

Troy Wuthrich
Group Controller
574-312-6055



**COMPLIANCE WITH STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51785 (R4 / 11-16)
Prescribed by the Department of Local Government Finance

FORM 51785 (R4)

PRIVACY NOTICE
This form contains information confidential pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
 2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15 of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
 3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer Lippert Components Manufacturing, Inc.						County Elkhart		
Address of taxpayer (number and street, city, state, and ZIP code) P. O. Box 2888, Elkhart, IN 46515						DLGF taxing district number 015		
Name of contact person Troy Wuthrich						Telephone number (574) 312-6055		
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY								
Name of designating body Goshen Common Council				Resolution number 2013-19, 16, 19		Estimated start date (month, day, year) 04/01/2013		
Location of property 2703 College Ave., 1701 Century, & 2475 Kercher Road, Goshen, IN 46528						Actual start date (month, day, year) 04/01/2013		
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. Equipment is primarily painting equipment, lathes and dust						Estimated completion date (month, day, year) 12/31/2016		
						Actual completion date (month, day, year) 12/31/2016		
SECTION 3 EMPLOYEES AND SALARIES								
EMPLOYEES AND SALARIES						AS ESTIMATED ON SB-1		ACTUAL
Current number of employees						1078		1155
Salaries						35,315.00		59,697,698.00
Number of employees retained						1078		1078
Salaries						35,315,000.00		35,515,000.00
Number of additional employees						378		77
Salaries						10,206,144.00		24,382,698.00
SECTION 4 COST AND VALUES								
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project		7,205,803.00						
Plus: Values of proposed project		10,000,000.00						
Less: Values of any property being replaced								
Net values upon completion of project		17,205,803.00						
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project		7,205,803.00						
Plus: Values of proposed project		7,880,812.00						
Less: Values of any property being replaced								
Net values upon completion of project		15,086,615.00						
NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
WASTE CONVERTED AND OTHER BENEFITS						AS ESTIMATED ON SB-1		ACTUAL
Amount of solid waste converted								
Amount of hazardous waste converted								
Other benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of authorized representative <i>[Signature]</i>				Title Controller			Date signed (month, day, year) 05/10/2018	

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.
2. Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.
3. If the property owner is found NOT to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the County Assessor and the County Auditor.
4. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
5. If the designating body determines that the property owner has NOT made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the County Assessor.

We have reviewed the CF-1 and find that:		
<input type="checkbox"/> the property owner IS in substantial compliance <input type="checkbox"/> the property owner IS NOT in substantial compliance <input type="checkbox"/> other (specify) _____		
Reasons for the determination (attach additional sheets if necessary)		
Signature of authorized member		Date signed (month, day, year)
Attested by:	Designating body	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.		
Time of hearing <input type="checkbox"/> AM <input type="checkbox"/> PM	Date of hearing (month, day, year)	Location of hearing
HEARING RESULTS (to be completed after the hearing)		
<input type="checkbox"/> Approved <input type="checkbox"/> Denied (see instruction 5 above)		
Reasons for determination (attach additional sheets if necessary)		
Signature of authorized member		Date signed (month, day, year)
Attested by:	Designating body	
APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]		
A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.		

RESOLUTION 2018-36
A Resolution of Goshen, Indiana City Council Approving
And Ratifying the Purchase Contract for the Purchase of
A Building for Parks Department Office Use

WHEREAS, the offices of the City of Goshen Parks Department were damaged beyond repair as a result of flooding that occurred on or about February 21, 2018, and thereafter in the City of Goshen;

WHEREAS, the City of Goshen Parks Department is in need of a building for office space to effectively carry out its purposes due to the damages caused by such flooding;

WHEREAS, the City of Goshen became aware of the listing for sale of real property and improvements located at 524 E. Jackson, within the City of Goshen owned by Real Partners I, previously occupied by Modern Educational Systems, Inc.;

WHEREAS, agents of the City of Goshen negotiated a Purchase Contract dated May 29, 2018, for the purchase of the subject real property and improvements at a cost of One-Hundred Eighty Five Thousand Dollars (\$185,000), which amount includes certain personal property located within the improvements found on the subject real property;

WHEREAS, the City of Goshen is interested in purchasing the subject real property and improvements pursuant to the terms of the Purchase Contract dated May 29, 2018;

WHEREAS, physical inspections, environmental studies, and surveys are being conducted on the subject real property and, so long as no material defects are found on the subject real property that would adversely affect the potential purchase of such property, such real property would be suitable for Parks Department office use; and

WHEREAS, the subject real property and improvements located thereon must appraise (the average of two appraisals) at a value that is greater than the contract purchase price of the subject real property.

NOW THEREFORE, BE IT RESOLVED by the City of Goshen Common Council that the Purchase Contract by and between Real Partners I and The City of Goshen, Indiana, dated May 29, 2018, for the purchase of a certain real property and improvements, and personal property within such improvements, all located at 524 E. Jackson Street, within the City of Goshen, Indiana, is hereby approved and ratified;

BE IT FURTHER RESOLVED that Closing on said Purchase Contract is contingent on all conditions found in the Purchase Contract dated May 29, 2018, being fulfilled to the satisfaction of the City of Goshen prior to Closing occurring;

BE IT FURTHER RESOLVED that the Board of Public Works and Safety, or its appointee, is hereby appointed and authorized to act on behalf of the City of Goshen City Council to carry out the purposes of this Resolution, including signing any documents reasonably necessary to purchase the subject real property, improvements found thereon, and personal property found within the improvements, so long as all conditions found in the Purchase Contract dated May 29, 2018, are fulfilled satisfactorily.

PASSED by the Goshen Common Council on June 19, 2018.

Presiding Officer

ATTEST:

Angie McKee, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on June _____, 2018 at _____ a.m./p.m.

Angie McKee, Clerk-Treasurer

APPROVED and ADOPTED on June _____, 2018.

Jeremy P. Stutsman, Mayor