



Goshen Common Council

Regular Meeting Agenda

7:00 p.m. January 7, 2020

Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Please silence electronic devices and take conversations outside the meeting room

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

City Councilors' Oaths of Office:

Julia King, At-large

Brett Weddell, At-large

Jim McKee, District 1

Doug Nisley, District 2

Matt Schrock, District 3

Megan Eichorn, District 4

Gilberto Pérez, Jr., District 5

Roll Call

Election of Common Council President for 2020

Approval of Minutes for Dec. 27

Approval of Meeting Agenda

Privilege of the Floor

Council Committee, Liaison, Mayoral Reports

- I. Resolution 2020-01:** Declaring the Designation of the Benteler III Economic Revitalization Area to Authorize a Tax Phase-In for Benteler Automotive Corporation

Staff Memo & Recommendation

Financial Analysis (Baker Tilly)

Application, Etc.

Ordinance 4736: Tax Phase-In Policy

Benteler Score Sheet

[Indiana Code §6-1.1-12.1 et seq.](#)

- II. Resolution 2020-02:** Interlocal Agreement with Elkhart County for the County Road 40 Connector Road Project



- III. **Ordinance 5030:** An Ordinance to Amend Ordinance No. 3011, Known as the Zoning and Use Regulations Ordinance for the City of Goshen, Indiana, by Rezoning the Area of Real Estate Hereinafter Described from Commercial B-1 District and Residential R-1 District to Commercial B-2 District (Commonly known as 301 W Pike St., 307 N. 2nd St., 306 New St.)

Plan Commission Memo
Staff Analysis & Recommendation
Map & Site Plan

- IV. **Ordinance 5031 (First Reading):** Amend Park Rules and Regulations to Allow for the Possession and Consumption of Alcohol During Rentals of Park Pavilions and Facilities

Goshen City Code: Title 7, Article 1, Chapter 1
Ordinance 4294: Rules and Regulations for Parks and Other Recreational Areas in the City of Goshen, Indiana
Ordinance 4699 (Not Adopted): An Amendment to City of Goshen Ordinance 4294 to Allow for the Possession and Consumption of Alcohol During Rentals of Park Pavilions and Facilities
4 Sept 2012 Common Council meeting minutes for Ord. 4699

- V. **Resolution 2020-03:** Acquisition of Real Estate in the 1500-Block of East Monroe Street

- VI. Approval of 2020 Common Council Meeting Calendar

- VII. Appointments to Boards and Commissions (Councilor Weddell)

- i. Economic Development Commission (One Appointment)

Applications Received (1): Zack Bontrager

- VIII. **Discussion Items:**

- i. Goshen Central Fire Station Remodel Funding (Chief Sink)

- ii. Appointment of Minority contact for Common Council meeting cancellations

According to Common Council Rules and Procedures (Ordinances 4897 and 4925)

Adjournment



**Department of Community Development
CITY OF GOSHEN**

204 East Jefferson Street, Suite 6 • Goshen, IN 46528-3405

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Memo

To: Goshen City Council
From: Mark Brinson
Subject: Benteler Automotive Tax Phase-in Application
Date: December 27, 2019

Benteler Automotive Overview

Benteler Automotive is an international company that manufactures parts for the automotive industry. The company provides automotive stampings, progressive dies, axles, and tubular steel components, as well as offers chassis components, aluminum forgings, structural safety components, exhaust manifolds, pipes, modules, and systems. Benteler Automotive is headquartered in Salzburg, Austria and operates globally, with 74 manufacturing operations in 24 countries. There are 9 manufacturing facilities in the U.S., most of which are concentrated in northern Indiana (Goshen and Fort Wayne) and Michigan. In total, Benteler Automotive employs 26,000 people. The Goshen facility, located at 910 Eisenhower Drive South, produces components for most of the major automotive manufacturers in North America.

Proposed Project

The proposed project will result in the addition of a new hot line into the Goshen facility. This production technology is used to produce high strength automotive components that are more lightweight. This results in vehicle components that are safer and also help reduce emissions. The hot line manufacturing process is highly automated and requires a significant capital investment. The proposed project will require the installation of press equipment, lasers, weld cells and other related equipment. The total investment in the hot line will be \$26,064,506. The Goshen facility is the only hot line that Benteler operates in the United States.

The hot line project is expected to occur in 2020. No new jobs will be created as a result of the investment. Benteler currently employs 272 people in Goshen, paying an average wage of \$26.07 per hour. The median wage for the 160 production workers at Benteler is \$21.15 per hour, compared to Elkhart County's median wage of \$17.33 per hour.

Previous Benteler Phase-in Approvals

Benteler was awarded two previous phase-ins. The first was a 10-year phase-in in 2005 for an investment of \$33 million in personal property and \$8 million in real property. The second was also for a ten year period, but was for a \$32.2 million investment in personal property only.

Phase-in Policy

As part of a county-wide initiative to create a consistent and uniform phase-in policy, the Goshen Council adopted Ordinance 4736 in 2013. Included in the policy was a limitation of 5 years for personal property phase-ins and a restriction on approving phase-ins in Tax Incremental Finance (TIF) districts. However, the policy includes the following exceptions:

Section 7. Exceptions

- (a) The Common Council may grant specific exceptions to the stated policies above if the Common Council determines a project will do any of the following:
 - 1. *Diversify the current economic base by attracting high technology or knowledge-based jobs which are likely to be resistant to the normal business cycle;*
 - 2. Encourage entrepreneurial activity; or
 - 3. Produce jobs at a time when the Elkhart County unemployment rate exceeds ten percent (10%).
- (b) *In addition, the Common Council must find that the City of Goshen will be best served by granting a variance.*

Abatement Analysis

In a typical abatement, assessed value is phase-in over a period of time, depending on the abatement schedule set forth in the Council resolution. The Council has the flexibility to determine the number of years for the abatement period, as well as the percentage for each year. The standard abatement schedule for five years would be the following percentages: 100%, 80%, 60%, 40% and 20%. However, this schedule sometimes needs to be adjusted to protect the existing assessed value from decreasing, due to complex tax formulas related to depreciation rules. The City's financial advisor, Baker Tilly, was asked to evaluate the impact a five-year abatement would have on the existing assessed value using the standard abatement percentages. As a result of their analysis, Baker Tilly has recommended using a modified abatement schedule using the following abatement percentages: 60%, 50%, 50%, 50% and 45%.

Staff Recommendation

Based on tax phase-in score sheet, the Benteler project would qualify for the maximum 5-year phase in period. Staff recommends that the Council make an exception to the policy and award a 5-year phase in for this project. This recommendation is based on the following:

- 1. The project serves the automotive sector and therefore brings diversification to Goshen's manufacturing base, which is heavily dependent on the recreational vehicle industry. The RV industry has reputation for more pronounced swings in production compared to the automotive industry. For example, for the first 10 months of 2019, RV shipments dropped by 17.4%. During this same time period, the automotive industry remained relatively flat, with a decline of only 1.1%.
- 2. The jobs that are retained pay wages that are significantly higher than the current median wage in Elkhart County.
- 3. The project will result in a significant increase to the property tax base.

RESOLUTION 2020-01

Declaring the Designation of the Benteler III Economic Revitalization Area to Authorize a Tax Phase-In for Benteler Automotive Corporation

WHEREAS Indiana Code § 6-1.1-12.1 et seq. authorizes the establishment of an economic revitalization area ("ERA") within the corporate limits of a city for the purpose of phasing-in certain property taxes in connection with the redevelopment or rehabilitation of real estate or the installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment within an ERA; and

WHEREAS Goshen City Ordinance 4630, as amended by Ordinance 4736, and Indiana Code § 6-1.1-12.1 et seq. set forth the procedures and standards for the establishment of an ERA; and

WHEREAS Benteler Automotive Corporation ("Benteler") contacted the City of Goshen's Community Development Director on or about November 6, 2019 to request that an area be designated as an ERA, and submitted the formal application and completed Statement of Benefits to the City of Goshen requesting the Common Council to allow a deduction in the assessed valuation and determine the number of years that Benteler is entitled to claim a deduction in the assessed valuation for certain personal property taxes in connection with the installation of new manufacturing equipment as defined by Indiana Code § 6-1.1-12.1-1(3), hereinafter referred to as the "Project".

After consideration of the designation application with regards to declaring the designation of an ERA at 910 Eisenhower Drive South, Goshen, Indiana, the Goshen Common Council NOW FINDS the following:

- (a) The area is where a facility or group of facilities are technologically, economically, or energy obsolete and such obsolescence may lead to a decline in employment and tax revenues.
- (b) Benteler estimates the cost of the new manufacturing equipment to be Twenty-six Million Sixty-four Thousand Five Hundred Six Dollars (\$26,064,506). The cost estimate is reasonable for equipment of the type proposed to be installed.
- (c) Benteler estimates to retain 272 individuals as a result of the proposed Project. The estimated number of individuals to be retained can be reasonably expected to result from the proposed Project.
- (d) Benteler estimates the total annual compensation (wages and benefits) to be paid to those individuals to be retained to be Nineteen Million Eight Hundred Thirty-six Thousand One Hundred Ten Dollars (\$19,836,110) as a result of the proposed Project. The estimated total annual compensation to be paid can be reasonably expected to result from the proposed Project.
- (e) Any benefit to the community upon which the application depends can be reasonably expected to result from the proposed Project.
- (f) The total benefit is sufficient to justify the tax phase-in.

- (g) The area will not contain a facility that is primarily used for:
- (1) Private or commercial golf course.
 - (2) Country club.
 - (3) Massage parlor.
 - (4) Tennis club.
 - (5) Skating facility (including roller skating, skateboarding, or ice skating).
 - (6) Racquet sport facility (including any handball or racquetball court).
 - (7) Hot tub facility.
 - (8) Suntan facility.
 - (9) Racetrack.
 - (10) Any facility the primary purpose of which is:
 - (A) retail food and beverage service;
 - (B) automobile sales or service; or
 - (C) other retail;unless the facility is located in an economic development target area established under Indiana Code § 6-1.1-12.1-7.
 - (11) Residential, unless:
 - (A) the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals;
 - (B) the facility is located in an economic development target area established under Indiana Code § 6-1.1-12.1-7; or
 - (C) the area is designated as a residentially distressed area.
 - (12) A package liquor store that holds a liquor dealer's permit under Indiana Code § 7.1-3-10 or any other entity that is required to operate under a license issued under Indiana Code § 7.1.
- (h) The proposed Project is permitted under the zoning regulations for the area.
- (i) The proposed Project is located in the Southeast Allocation Area, and the granting of the tax phase-in will not negatively impact the financial obligations of the tax increment financing district or the purposes for which the tax increment financing district was created.
- (j) The City of Goshen will be best served by granting a variance to the Tax Phase-In Policy as:
- (1) The proposed Project serves the automobile industry, and therefore, diversifies Goshen's current manufacturing base which is heavily dependent on the RV industry.
 - (2) The jobs retained by the proposed Project pay wages significantly higher than the current median wage in Elkhart County.
 - (3) The proposed Project will result in a significant increase to the property tax base.
- (k) The City of Goshen will impose a fee equal to fifteen percent (15%) of the reduction in property taxes to which Benteler or its successors in interest are entitled to in each year in which Benteler or its successors in interest's property taxes are reduced by a deduction approved by this Common Council. Benteler has consented to the imposition of this fee. The fee imposed shall be distributed to public or nonprofit entities which are established to promote economic development within the City of Goshen. The relative portions of the distribution are designated under the section with the heading Fee Imposed.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Goshen, Indiana DECLARES the designation of the Benteler III Economic Revitalization Area to authorize a tax phase-in of certain personal property taxes for Benteler Automotive Corporation as follows:

Approval of Statement of Benefits

Since the property in the Benteler III Economic Revitalization Area is also located in the Southeast Allocation Area, pursuant to Indiana Code § 6-1.1-12.1-2(I), the Common Council approves Benteler's Statement of Benefits for Personal Property.

Description of Economic Revitalization Area

- (a) The Common Council FINDS, DECLARES and DESIGNATES the area more commonly known as 910 Eisenhower Drive South, Goshen, Indiana to be an ERA. The ERA is more particularly described as follows:

A part of the Southwest Quarter of Section 22, Township 36 North, Range 6 East, Elkhart Township, Elkhart County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 22; thence North 89°00'00" West (recorded bearing), along the South line of said Southwest Quarter and centerline of County Road #38, a distance of 460.51 feet to the Southwest corner of a 5.949 acre parcel of land described as dedication of public highway known as Eisenhower Drive, in the office of the recorder of Elkhart County, in deed record volume 347, page 663; thence North 01°00'00" East, along the West line of said Eisenhower Drive, a distance of 543.50 feet to the point of beginning of this description; thence North 89°00'00" West parallel with the South line of said Southwest Quarter, a distance of 1,419.46 feet to the East right of way line of the CCC & St. Louis Railroad (the Big Four); thence North 00°01'25" West along said East right of way line, a distance of 481.68 feet to the Southwest corner of a 7.85 acre parcel of land conveyed from Greater Goshen Association, Inc. to Ivy Terrace, Inc., described and recorded in the Elkhart County Recorder's Office in deed record volume 254, page 328; thence South 89°00'00" East along the South line of said Ivy Terrace, Inc. land, a distance of 500.00 feet; thence North 55°00'00" East along the Southeasterly line of said Ivy Terrace, Inc. land, a distance of 210.68 feet to a point on the Southwesterly line of aforesaid Eisenhower Drive (deed record volume 347, page 663) said point being on a curve concave to the Northeast, the radius point of said curve being North 50°54'04" East, a distance of 332.44 feet from said point; thence Southeasterly along the arc of said curve to the left, also being the Southerly line of said Eisenhower Drive, a distance of 289.54 feet to the point of tangency of said curve, thence South 89°00'00" East along the South line of said Eisenhower Drive, a distance of 503.33 feet; thence South 01°00'00" West along the West line of said Eisenhower Drive, a distance of 487.11 feet to the point of beginning of this description. Containing 16.29 acres, more or less, and subject to all easements, restrictions and public rights of way recorded prior to this description.

Parcel Number 20-11-22-376-001.000-015

- (b) The map attached to this resolution as Exhibit A identifies the ERA.
- (c) The ERA shall be known as the "Benteler III Economic Revitalization Area."
- (d) This designation is subject to final confirmation by the Common Council after a public hearing.

Type and Duration of Tax Phase-In

- (a) The designation of the Benteler III Economic Revitalization Area shall be limited to a period of **five (5) years**. This designation expires in **2026**.
- (b) The tax phase-in is contingent upon Benteler contributing **fifteen percent (15%)** of its tax savings to the City.
- (c) **Personal Property Taxes.** The deduction within the Benteler III Economic Revitalization Area shall be limited to the following personal property taxes for the installation of the new manufacturing equipment listed in Exhibit B that meets the following definition:

Any tangible personal property the deduction applicant:

(A) installs on or before December 31, 2021 in an area that is declared an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) uses in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including but not limited to use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products;

(C) acquires for use as described in clause (B):

(i) in an arms length transaction from an entity that is not an affiliate of the deduction applicant, if the tangible personal property has been previously used in Indiana before the installation described in clause (A); or

(ii) in any manner, if the tangible personal property has never been previously used in Indiana before the installation described in clause (A); and

(D) has never used for any purpose in Indiana before the installation described in clause (A).

Once the new manufacturing equipment listed in Exhibit B and meeting the above definition has been installed, Benteler is entitled to make application for a deduction from the assessed value of the personal property applicable to the new manufacturing equipment in an amount not to exceed a cost of **Twenty-six Million Sixty-four Thousand Five Hundred Six Dollars (\$26,064,506)** for each year during the period the Benteler III Economic Revitalization Area is in effect. The initial deduction application must be made in the year in which the new manufacturing equipment is installed and will continue for **five (5) consecutive years** following the installation pursuant to the following deduction schedule:

Year of Deduction	Percentage
1st	60%
2nd	50%
3rd	50%
4th	50%
5th	45%

Fee Imposed

Pursuant to Indiana Code § 6-1.1-12.1-14, a fee equal to **fifteen percent (15%)** of the reduction in property taxes resulting from the deduction granted by this process is imposed upon Benteler for each year Benteler's property taxes are reduced. The fee imposed shall be distributed entirely to the City of Goshen for deposit into the Redevelopment Non-Reverting Operating Fund. The amount of the fee shall be calculated in accordance with Indiana Code § 6-1.1-12.1-14(c).

Benteler to File with County

In order to receive a deduction in the assessed valuation, it shall be Benteler's responsibility to file State of Indiana forms prescribed by the Department of Local Government Finance (i.e., Certified Deduction Application, Certified Deduction Schedule, and/or Compliance with Statement of Benefits) with the appropriate Elkhart County Offices as required by Indiana statutes each year during the period the Benteler III Economic Revitalization Area is in effect.

Transfer of Title to or Relocation of Equipment

The tax phase-in granted will terminate upon transfer of title or any interest (excluding security interest) in the new equipment unless the new owner complies with Indiana Code § 6-1.1-12.1-5.4(f). The tax phase-in will terminate if any of the new equipment is moved to another location.

Cessation of Operations

In compliance with Indiana Code § 6-1.1-12.1-12, the Common Council declares that if Benteler ceases operations at the facility for which a deduction is granted or if the Common Council later finds that Benteler obtained the deductions by intentionally providing false information concerning Benteler's plans to continue operations at the facility, Benteler shall pay the amount due under the formula established by Indiana Code § 6-1.1-12.1-12(e) to the Elkhart County Treasurer. This paragraph is intended to incorporate the provisions of Indiana Code § 6-1.1-12.1-12.

Affidavit of Compliance

Each year Benteler shall file with the City of Goshen an annual report for the previous calendar year which includes the following information:

- (a) The number of employees employed at the facility receiving a tax phase-in as reported on the Statement of Benefits form (current number, number retained, and number additional), and the current number, number retained, and number additional as of January 1 and December 31 of the calendar year that the annual report covers.
- (b) The total annual compensation (wages and benefits) of the employees employed at the facility receiving a tax phase-in as reported on the Statement of Benefits form (salaries of current employees, employees retained and additional employees), and the salaries of current employees, employees retained and additional employees as of January 1 and December 31 of the calendar year that the annual report covers.
- (c) A detailed description of the progress made in the completion of the Project, including cost and increased value, for which the tax phase-in was granted during the calendar year that the annual report covers. Also include a description and value of any real property or personal property, as applicable, that was replaced.

- (d) The completed Compliance with Statement of Benefits (State of Indiana form).

The annual report must be filed with the Goshen Community Development Director by February 28 of each year. This information is in addition to the required filings (i.e., State of Indiana forms, including Certified Deduction Application, Certified Deduction Schedule, and/or Compliance with Statement of Benefits) which must be filed with the appropriate Elkhart County Office by Benteler in accordance with Indiana statutes.

PASSED by the Goshen Common Council on January 7, 2020.

Presiding Officer

Attest:

Adam C. Scharf, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on January ____, 2020 at ____ a.m./p.m.

Adam C. Scharf, Clerk-Treasurer

APPROVED and ADOPTED on January ____, 2020.

Jeremy P. Stutsman, Mayor

EXHIBIT A

**Benteler III Economic Revitalization Area
910 Eisenhower Drive South, Goshen, Indiana**



EXHIBIT B

Benteler III Economic Revitalization Area List of New Manufacturing Equipment

Description of Equipment	Description	Estimated Cost
WBS 1-0446-17-208-2-001 Additional CMM Capac	Computer Measurement Machine - QC	80,000
WBS 1-0446-18-201-2-001 Forklifts	Forklifts	815,561
WBS 1-0446-18-105-2-001 New HFL #9	Hot Form Line w Furnace	7,601,560
WBS 1-0446-19-202-2-001 New HFL-General Inve	Hot Form Line w Furnace	1,356,000
WBS 1-0446-17-101-2-001 STR Ford C482/3 430	Hot Stamp Weld Cells	2,589,795
WBS 1-0446-17-101-2-002 Ford C482/483 HF Par	Hot Stamp Weld Cells	228,364
WBS 1-0446-17-102-2-001 STR Ford C483 HF Upp	Hot Stamp Weld Cells	636,000
WBS 1-0446-17-102-2-002 Ford C482/483 HF par	Hot Stamp Weld Cells	285,736
WBS 1-0446-18-100-2-001 Ford C520 Bumper FG	Hot Stamp Weld Cells	113,000
WBS 1-0446-18-101-2-001 Addendum Ford P375 H	Hot Stamp Weld Cells	431,749
WBS 1-0446-18-103-2-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151
WBS 1-0446-18-103-4-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151
WBS 1-0446-18-103-5-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151
WBS 1-0446-18-103-6-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151
WBS 1-0446-18-103-7-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151
WBS 1-0446-18-104-2-001 Ford C482/C483 HF Wo	Hot Stamp Weld Cells	1,087,587
WBS 1-0446-18-104-2-002 Ford C482/C483 HF Co	Hot Stamp Weld Cells	488,850
WBS 1-0446-19-100-2-001 Ford C482 Door Beams	Hot Stamp Weld Cells	240,000
WBS 1-0446-19-101-2-001 Ford C483 Door Beams	Hot Stamp Weld Cells	137,500
WBS 1-0446-17-100-2-001 Ford P375 HF ST	Hot Stamp Weld Cells	2,221,581
WBS 1-0446-18-105-2-002 Trumpf Laser Cell 16	Laser	787,610
WBS 1-0446-18-105-2-003 Trumpf Laser Cell 17	Laser	787,610
WBS 1-0446-18-105-2-004 Trumpf Laser Cell 18	Laser	787,610
WBS 1-0446-18-105-2-005 Trumpf Laser Cell 19	Laser	787,610
WBS 1-0446-18-203-2-001 SPDP Pilot Program	Machinery	11,200
WBS 1-0446-19-200-2-001 Nitrogen High Pressu	Nitrogen Production for Hot Stamp	234,456
WBS 1-0446-18-205-2-001 VGV (Visually Guided	Robotic Fork Lift	166,000
Total Machinery & Equipment		25,915,934
WBS 1-0446-16-104-2-004 G01 CMS Rear - Adden	Tooling	133,000
WBS 1-0446-18-101-2-003 Pin Pallets	Tooling	2,196
WBS 1-0446-17-100-2-003 Pin Pallets	Tooling	13,376
Total Tooling		148,572
Total Investment		26,064,506

December 9, 2019



MUNICIPAL ADVISORS

now joined with
Springsted and Umbaugh

Mr. Mark Brinson, Director of Community Development
City of Goshen
204 East Jefferson Street
Goshen, Indiana 46528

Baker Tilly Municipal Advisors, LLC
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Re: Proposed Abatement Analysis - Benteler Automotive Corporation

Dear Mr. Brinson:

Per your request, we have prepared this illustrative personal property assessed value analysis for Benteler Automotive Corporation to assist you in the discussion and consideration of the impact of the investment in personal property. The attached schedule (listed below) presents unaudited and limited information. The use of this schedule should be restricted to this purpose, for internal use only, as the information is subject to future revision and final report.

Pages

Represents current personal property investment information

- 2 Estimated Personal Property Assessed Values
- 3 Estimated Personal Property Assessed Values After Abatements

Assumes \$26 million of personal property is invested for taxes payable 2022

- 4 Estimated Personal Property Assessed Values
- 5 Estimated Personal Property Assessed Values After Abatements

- 6 Estimated Personal Property Assessed Values - *Proposed new investment is shown independently of existing personal property*

- 7 Estimated Personal Property Assessed Values

In the preparation of this schedule, certain assumptions were made as noted regarding certain future events. As is the case with such assumptions regarding future events and transactions, some or all may not occur as expected and the resulting differences could be material. We have not examined the underlying assumptions, nor have we audited or reviewed the historical data. Consequently, we express no opinion thereon nor do we have a responsibility to prepare subsequent reports.

We would appreciate your questions or comments on this information and would provide additional information upon request.

Very truly yours,

BAKER TILLY MUNICIPAL ADVISORS, LLC

A handwritten signature in black ink, appearing to read "Jason G. Semler".

Jason G. Semler, Partner

CITY OF GOSHEN, INDIANA

Benteler Automotive Corporation

ESTIMATED PERSONAL PROPERTY ASSESSED VALUES

Represents current personal property investment information for taxes payable 2020

<u>Year</u>	<u>Adjusted Cost (1)</u>	<u>Depreciation Percent (2)</u>	<u>True Tax Value</u>
<u>Pool 1</u>			
4	\$23,074	20%	\$4,615
<u>Pool 2</u>			
1	3,253,092	40%	1,301,237
2	465,885	56%	260,896
3	2,622,233	42%	1,101,338
4	1,890,991	32%	605,117
5	86,315	24%	20,716
6	18,031,130	18%	3,245,603
7	44,800,909	15%	6,720,136
Totals	<u>\$71,173,629</u>		<u>\$13,259,658</u>
Total True Tax Value			\$13,259,658
30% of Total Adjusted Cost			<u>21,352,089</u>
Greater of Total True Tax Value and 30% of Adjusted Cost			\$21,352,089
Equipment Not Placed in Service			687,535
Tools, Dies, Jigs, Fixtures, Etc.			<u>194,640</u>
Total True Tax Value of Existing Personal Property			<u><u>\$22,234,264</u></u>
Minimum Value Ratio (30% of Adjusted Cost / Total True Tax Value)			<u><u>1.61030</u></u>

- (1) Based on the Business Tangible Personal Property Assessment Return completed by Benteler Automotive Corporation for January 1, 2019 taxes payable 2020.
- (2) Represents the true tax value depreciation percentages that are required by the State of Indiana's Business Tangible Personal Property Assessment Return Form 103-Long.

(Subject to the attached letter dated December 9, 2019)
(Preliminary - Subject to Change)
(For Internal Use Only)

CITY OF GOSHEN, INDIANA

Benteler Automotive Corporation

ESTIMATED PERSONAL PROPERTY ASSESSED VALUES AFTER ABATEMENTS
Represents current personal property investment information for taxes payable 2020

<u>Year</u>	<u>Adjusted Cost</u>	<u>Depreciation Percent</u>	<u>True Tax Value</u>	<u>Abatement Percent</u>	<u>True Tax Value After Abatement</u>	<u>Minimum Value Ratio</u>	<u>True Tax Value After Abatement</u>
	(1)	(2)		(3)			
<u><i>Pool 2</i></u>							
6	\$16,479,204	18%	\$2,966,257	50%	\$1,483,129	1.6103	\$2,388,282
7	5,871,695	15%	880,754	40%	352,302	1.6103	567,311
8	3,395,667	15%	509,350	30%	152,805	1.6103	246,062
<u><i>Special Tooling</i></u>							
6	2,492,600	3%	74,778	50%	37,389	N/A (4)	37,389
7	282,521	3%	8,476	40%	3,390	N/A (4)	3,390
Totals	<u><u>\$28,521,687</u></u>		<u><u>\$4,439,615</u></u>		<u><u>\$2,029,015</u></u>		<u><u>\$3,242,434</u></u>

- (1) Based on the Business Tangible Personal Property Assessment Return completed by Benteler Automotive Corporation for January 1, 2019 taxes payable 2020.
- (2) Represents the true tax value depreciation percentages that are required by the State of Indiana's Business Tangible Personal Property Assessment Return Form 103-Long.
- (3) Assumes the existing investment receives a traditional 10-year abatement with the following percentages: 100%, 90%, 80%, 70%, 60%, 50%, 40%, 30%, 20%, and 10%.
- (4) The Minimum Value Ratio is not applicable to Special Tooling.

(Subject to the attached letter dated December 9, 2019)
(Preliminary - Subject to Change)
(For Internal Use Only)

CITY OF GOSHEN, INDIANA

Benteler Automotive Corporation

ESTIMATED PERSONAL PROPERTY ASSESSED VALUES

Assumes \$26 million of personal property is invested for taxes payable 2022

<u>Year</u>	<u>Adjusted Cost (1)</u>	<u>Depreciation Percent (2)</u>	<u>True Tax Value</u>
<u>Pool 1</u>			
6	\$23,074	20%	\$4,615
<u>Pool 2</u>			
1	26,000,000 (3)	40%	10,400,000
2	0	56%	0
3	3,253,092	42%	1,366,299
4	465,885	32%	149,083
5	2,622,233	24%	629,336
6	1,890,991	18%	340,378
7	62,918,354	15%	9,437,753
Totals	<u>\$97,173,629</u>		<u>\$22,327,464</u>
Total True Tax Value			\$22,327,464
30% of Total Adjusted Cost			<u>29,152,089</u>
Greater of Total True Tax Value and 30% of Adjusted Cost			\$29,152,089
Tools, Dies, Jigs, Fixtures, Etc.			<u>194,640</u>
Total True Tax Value of Existing Personal Property			<u>\$29,346,729</u>
Minimum Value Ratio (30% of Adjusted Cost / Total True Tax Value)			<u>1.30566</u>

- (1) Based on the Business Tangible Personal Property Assessment Return completed by Benteler Automotive Corporation for January 1, 2019 taxes payable 2020.
- (2) Represents the true tax value depreciation percentages that are required by the State of Indiana's Business Tangible Personal Property Assessment Return Form 103-Long.
- (3) Assumes the proposed \$26,000,000 personal property investment will be assessed January 1, 2021 for taxes payable in 2022.

(Subject to the attached letter dated December 9, 2019)
(Preliminary - Subject to Change)
(For Internal Use Only)

CITY OF GOSHEN, INDIANA

Benteler Automotive Corporation

ESTIMATED PERSONAL PROPERTY ASSESSED VALUES AFTER ABATEMENTS

Represents current personal property investment information

<u>Year</u>	<u>Adjusted Cost</u>	<u>Depreciation Percent</u>	<u>True Tax Value</u>	<u>Abatement Percent</u>		<u>True Tax Value After Abatement</u>	<u>Minimum Value Ratio</u>	<u>True Tax Value After Abatement</u>
	(1)	(2)		(3)				
<u><i>Pool 2</i></u>								
1	\$26,000,000	40%	\$10,400,000	100%	(4)	\$10,400,000	1.30566	\$13,578,864
8	16,479,204	15%	2,471,881	30%		741,564	1.30566	968,231
9	5,871,695	15%	880,754	20%		176,151	1.30566	229,993
10	3,395,667	15%	509,350	10%		50,935	1.30566	66,504
<u><i>Special Tooling</i></u>								
8	2,492,600	3%	74,778	30%		22,433	N/A (5)	22,433
9	282,521	3%	8,476	20%		1,695	N/A (5)	1,695
Totals	<u>\$54,521,687</u>		<u>\$14,345,239</u>			<u>\$11,392,778</u>		<u>\$14,867,720</u>

- (1) Based on the Business Tangible Personal Property Assessment Return completed by Benteler Automotive Corporation for January 1, 2019 taxes payable 2020.
- (2) Represents the true tax value depreciation percentages that are required by the State of Indiana's Business Tangible Personal Property Assessment Return Form 103-Long.
- (3) Assumes the existing investment receives a traditional 10-year abatement with the following percentages: 100%, 90%, 80%, 70%, 60%, 50%, 40%, 30%, 20%, and 10%.
- (4) Assumes the proposed investment receives a traditional 5-year abatement with the following percentages: 100%, 80%, 60%, 40% and 20%.
- (5) The Minimum Value Ratio is not applicable to Special Tooling.

(Subject to the attached letter dated December 9, 2019)
(Preliminary - Subject to Change)
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CITY OF GOSHEN, INDIANA

Benteler Automotive Corporation

ESTIMATED PERSONAL PROPERTY ASSESSED VALUES

Proposed new investment is shown independently of existing personal property

Taxes Payable Year	Assumes a 5-Year Traditional Personal Property Tax Abatement for the Proposed \$26,000,000 Investment		
	<u>Estimated Assessed Value</u>		
	Total	Abated	Net
	<u>Assessed Value</u>	<u>Assessed Value</u>	<u>Assessed Value</u>
	(1)	(2)	
2020			
2021			
2022	\$10,400,000	(\$10,400,000)	\$0
2023	14,560,000	(11,648,000)	2,912,000
2024	10,920,000	(6,552,000)	4,368,000
2025	8,320,000	(3,328,000)	4,992,000
2026	7,800,000	(1,560,000)	6,240,000
2027	7,800,000		7,800,000
Totals		<u>(\$33,488,000)</u>	

- (1) Assumes the proposed \$26,000,000 personal property investment will be assessed January 1, 2021 for taxes payable in 2022. Assumes the new investment is considered independent of the existing personal property.
- (2) Assumes the proposed investment receives a traditional 5-year abatement with the following percentages: 100%, 80%, 60%, 40% and 20%.

(Subject to the attached letter dated December 9, 2019)
(Preliminary - Subject to Change)
(For Internal Use Only)

CITY OF GOSHEN, INDIANA

Benteler Automotive Corporation

ESTIMATED PERSONAL PROPERTY ASSESSED VALUES

Taxes Payable Year	Current			Assumes a 5-Year Traditional Personal Property Tax Abatement for the Proposed \$26,000,000 Investment			Net Assessed Value Variance	Assumes a 5-Year Modified Personal Property Tax Abatement for the Proposed \$26,000,000 Investment			Net Assessed Value Variance
	Estimated Assessed Value			Estimated Assessed Value				Estimated Assessed Value			
	Total	Abated	Net	Total	Abated	Net		Total	Abated	Net	
	Assessed Value	Assessed Value	Assessed Value	Assessed Value	Assessed Value	Assessed Value		Assessed Value	Assessed Value	Assessed Value	
	(1)	(1)		(1) (2)	(3)			(1) (2)	(4)		
2020	\$22,234,264	(\$3,242,434)	\$18,991,830	\$22,234,264	(\$3,242,434)	\$18,991,830	\$0	\$22,234,264	(\$3,242,434)	\$18,991,830	\$0
2021	21,546,729	(2,300,442)	19,246,287	21,546,729	(2,300,442)	19,246,287	0	21,546,729	(2,300,442)	19,246,287	0
2022	21,546,729	(1,758,167)	19,788,562	29,346,729	(14,867,720)	14,479,009	(5,309,553)	29,346,729	(9,436,174)	19,910,555	121,993
2023	21,546,729	(1,111,460)	20,435,269	29,346,729	(13,776,163)	15,570,566	(4,864,703)	29,346,729	(8,861,770)	20,484,959	49,690
2024	21,546,729	(487,994)	21,058,735	29,346,729	(9,056,585)	20,290,144	(768,591)	29,346,729	(7,603,232)	21,743,498	684,763
2025	21,546,729		21,546,729	29,346,729	(5,080,858)	24,265,871	2,719,142	29,346,729	(6,351,072)	22,995,657	1,448,928
2026	21,546,729		21,546,729	29,346,729	(2,150,579)	27,196,150	5,649,421	29,346,729	(4,838,802)	24,507,927	2,961,198
2027	21,546,729		21,546,729	29,346,729		29,346,729	7,800,000	29,346,729		29,346,729	7,800,000
Totals		(\$8,900,497)			(\$50,474,781)				(\$42,633,926)		
Additional Abatement					\$41,574,284				\$33,733,429		

(1) Based on the Business Tangible Personal Property Assessment Return completed by Benteler Automotive Corporation for January 1, 2019 taxes payable 2020.

(2) Assumes the proposed \$26,000,000 personal property investment will be assessed January 1, 2021 for taxes payable in 2022.

(3) Assumes the proposed investment receives a traditional 5-year abatement with the following percentages: 100%, 80%, 60%, 40% and 20%.

(4) Assumes the proposed investment receives a modified 5-year abatement with the following percentages: 60%, 50%, 50%, 50% and 45%.

(Subject to the attached letter dated December 9, 2019)

(Preliminary - Subject to Change)

(For Internal Use Only)



This application is to request the designation of an Economic Revitalization Area (ERA) for the purpose of obtaining a property tax phase-in (tax abatement). The application is to be completed and signed by the owner of the property where the real property improvements, the installation of personal property, and/or the occupancy of an eligible vacant building is to occur. The designating body will review this application to determine whether a particular area should be designated as an ERA in accordance with Indiana Code (I.C.) 6-1.1-12.1 and all subsequent amendments made thereafter. The designating body makes no representation as to the effect of a designation granted by it for purposes of any further applications or approvals required under I.C. 6-1.1-12.1 and makes no representation to any applicant concerning the validity of any benefit conferred.

Application is to offset: (check all that apply)

- ☐ Real Property Improvements (e.g. new building, addition and/or modification)
☒ Personal Property (e.g. Equipment for manufacturing; research and development, logistics and distribution; or information technology.)
☐ Vacant Building

There is a non-refundable filing fee of \$750 for each category. This filing fee is used to defray the costs incurred in processing the application pursuant to I.C. 6-1.1-12.1-2(h). A check payable to Elkhart county must be included with the application.

General Information			
Company Name		BENTELER AUTOMOTIVE CORPORATION	
Federal Employer I.D. (FEIN)	31-0965787	NAICS Code	381200
Website		Year Company founded	1980
Company Business (Brief Description)			
THE PLANT MANUFACTURES STRUCTURAL COMPONENTS FOR ALMOST ALL MAJOR OEM IN NORTH AMERICA. IT OPERATES EIGHT HOT FORMING LINES. CORE COMPETENCIES AND TECHNOLOGIES ARE FORMING, WELDING, SURFACE COATING, AND INSPECTION TECHNOLOGIES.			
Project Contact Person/Representative		SEE ATTACHED	Title
Address			
Phone		Email	
Senior Company Official		COREY STRINGER	Title SECRETARY
Address		2850 N OPDYKE ROAD, SUITE B, AUBURN HILLS MI 48326	
Phone	248-377-9999	Email	COREY.STRINGER@BENTELER.COM
Proposed Project Site Information N/A - THIS APPLICATION IS FOR PERSONAL PROPERTY			
Property Owner(s)		Benteler Industries, Inc.	
Address		910 Eisenhower Dr. S., Goshen, IN 46526	
Parcel Number(s)		20-11-22-378-001.000-015	
Legal Description of property (attach if necessary)		PT SW1/4 SEC 22 16.08 (TIF 138)	
Does Company currently do business at this site?			
		Yes	x No
If no, how is site currently being used?			
What buildings are on the site?		One Industrial Facility	
What is the condition of the buildings?		Average Condition	
Have the buildings at this site been vacant for more than a year?		Yes	No x
Are the buildings at this site more than 25 years old?		Yes x	No
Will the proposed project be used for a national or regional headquarters?		Yes	No x
Is this a blighted or mitigated Brownfield site?		Yes	No x
Current assessed value of real estate		Land	594,200 Improvements 8,980,000

Proposed Project Information					
Description of proposed improvements (Attach additional project details, if needed) Addition of new Hot Line into facility					
Structures:					
Manufacturing equipment: New Hot Line and related equipment, including press, lasers, weld cell, and other related equipment					
Research and Development equipment:					
Logistics and Distribution equipment:					
Information Technology equipment:					
Proposed start date for project		12/18/2019	Proposed end date for project		12/31/2020
Proposed start date for operations		12/18/2019			
Has the new equipment associated with this project been used by the owner/taxpayer (or related entity) in the state of Indiana?					
Yes			N/A		
No		x			
If yes, provide details including where the equipment will come from and how it will be acquired:					
Will the new equipment associated with this project be leased?					
Yes			N/A		
No		x			
If yes, provide details including from whom and for what term					
Will this project require approval of rezoning, plat, development plan, vacation, variance, special exemption, or contingent use?					
Yes			No		X
If yes, list:					
Proposed Investment					
Calendar Year	2017	2018	2019	2020	Total
Land acquisition					
New building construction					
Existing building improvements					
Manufacturing equipment			20,809,510	5,254,996	26,064,506
Research and Development equipment					
Logistics and Distribution equipment					
Information Technology equipment					
On-site rail infrastructure					
On-site fiber infrastructure					
Grand Total					
Statutory Findings					
Indiana Code 6-1.1-12.1-1 requires that the designating body make specific findings to justify the designation of the property as an Economic Revitalization Area. One finding is that the subject property is either in an area: "Which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property" or "Where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues."					
Are improvements on project site and/or the surrounding area obsolete?		Yes		No	x
If yes, describe the obsolescence:					
Are buildings at project site substandard for normal use and development?		Yes		No	x
If yes, explain what is substandard so as to prevent normal use and development:					
Has project site and/or surrounding area declined in value in last 10 years?		Yes		No	x
If yes, explain what caused the decline in value:					
Has project site and/or surrounding area failed to develop for last 10 years?		Yes		No	x
If yes, explain what characteristics make this site difficult to develop:					
Are any facilities at project site technologically, economically or energy obsolete?		Yes	X	No	
If yes, describe how the facilities are obsolete: Upgrade efficiency of Hot Line, allowing plant to increase production and be more competitive.					

Community Benefits

Explain how this proposed project will benefit the community: This project will help to retain employment at this plant and will upskill these employees. Additionally, these employees will receive a pay increase due to the training they will be receiving. This project helps to keep the community diversified, because it is in the Automotive Industry and is less cyclical than RV.

Impacts and status

Will any additional public utilities, services or other public infrastructure be required by this project?

Yes No ☒ x

If yes, explain the type required and the amount the applicant will be contributing toward the public infrastructure.

Employment

Will all current employees be retained at Project Site as a result of this project?

Yes ☒ X No

If no, explain:

Current Full-Time Employment at Project Site

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management	14	50.59	106236.81	94,000 - 142,000	119,000
Professional/Technical	42	31.81	65,753.18	52,000 - 78,000	65,000
Sales	1	47.88	99,546.00	80,000 - 120,000	100,000
Office/Administrative Support	9	21.87	45,498.65	38,000 - 58,000	48,000
Production Supervision	5	37.14	77,254.80	58,000 - 87,000	72,000
Production	180	21.30	44,310.32	35,000 - 52,000	44,000
Maintenance	41	30.02	62,437.44	47,000 - 70,000	59,000
Other					
Total	272				

Full-time jobs to be created as a result of this project

	Number of Jobs	Average Hourly Wage*	Average Annual Wage*	Salary Range*	Median Annual Wage**
Management	THIS INVESTMENT WILL HELP TO RETAIN EMPLOYMENT. THERE ARE NO NEW JOBS TO BE ADDED AT THIS POINT.				
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production					
Maintenance					
Other					
Total					

*Do NOT include costs of any benefits

** Median Annual Wage: The middle (midpoint) salary of all positions rather than the average (mean) salary

Additional financial compensation (attach additional pages, if needed)

Explain in detail, by job category, any additional financial compensation earned. (Examples may include commission, bonus, overtime, piece rate, attendance, etc.)

Projected Phasing of new jobs

Calendar Year	2018	2019	2020	2021	Total
Management					
Professional/Technical					
Sales					
Office/Administrative Support					
Production Supervision					
Production					
Maintenance					
Other					
Total					

Company Benefits

Check all of the benefits listed below that the company provides to workers who have been employed for 6 months or longer. The company must pay at least 70% of the benefit cost.

		X		X	Comments
Health Insurance	Yes	x	No		
Dental Insurance	Yes	x	No		
Vision Insurance	Yes	x	No		
Life Insurance	Yes	x	No		
Disability Insurance	Yes	x	No		
Sick Leave (Paid)	Yes	x	No		
Vacation (Paid)	Yes	x	No		
Holidays (Paid)	Yes	x	No		
Personal Days (Paid)	Yes		No	x	
Employee Training	Yes	x	No		
Tuition Reimbursement	Yes	x	No		
401K/Pension	Yes	x	No		
ESOP/Profit Sharing	Yes		No	x	
Uniforms	Yes	x	No		
Other (List)					

Benefits Package:

What percentage of your employee's total compensation package are fringe benefits?

45%

Signature

Indiana Code 6-1.1-12.1-14 provides that the designating body for the tax phase-in requested, may impose a fee not exceeding 15% of the reduction in property taxes to which the undersigned applicant is entitled in each year in which the undersigned applicant's property tax liability is reduced by a deduction approved pursuant to this application.

The undersigned applicant consents to the following:

- Imposition of this fee provided that such fee is not more than fifteen percent (15%) of the reduction of property taxes for any tax year. These fees will be used for future Economic Development efforts.
- The current assessed tax base for this property will not be appealed over the tax phase-in period unless one of the exceptions in the tax phase-in policy applies.
- Filing this application constitutes a request for Economic Revitalization Area designation only and does not constitute an automatic reduction of property taxes. I understand it is the responsibility of property owners to file the appropriate forms on an annual basis with the Elkhart County Auditor and other governing bodies, as required, to receive any reduction of property taxes.
- I certify the information and representations of this application are true and complete.
- I further certify that I am the owner/taxpayer or have the authority of the owner/taxpayer to make this application and to consent to the fee as described above.

Signature			
Printed	Mark W. Rittenhouse		
Title	Agent	Date	11/6/2019

ATTACHMENTS: Include all relevant Statement of Benefits (SB-1) forms

Benteler Automotive Corporation
910 S Eisenhower Drive, Goshen IN 46526
Listing of Contacts

	Tax Department	Plant Contact	Plant Controller	Tax Agent
Name	Wendy Monty	Noel Bergeron	Tomas Pokas	Mark Rittenhouse
Title	Tax Manager	Plant Operations Manager	Plant Controller	Tax Agent - Baden Tax Management, LLC
Address	2650 N. Opdyke Road, Suite B Auburn Hills, MI 48326	910 S. Eisenhower Goshen, IN 46526	910 S. Eisenhower Goshen, IN 46526	6920 Pointe Inverness Way, Suite 300 Fort Wayne, IN 46804
Phone	248-364-7047	574-537-2851	574-537-2861	260-969-2599
Email	wendy.monty@benteler.com	noel.bergeron@benteler.com	tomas.pokas@benteler.com	mrrittenhouse@badentax.com

Benteler Automotive Corporation
910 S Eisenhower Drive, Goshen IN 46526
2019 SB-1 Attachment

Description of Equipment	Description	Estimated Cost	Anticipated Capitalization
WBS 1-0446-17-208-2-001	Additional CMM Capax	Computer Measurement Machine - QC	60,000 2019
WBS 1-0446-18-201-2-001	Forklifts	Forklifts	815,581 2019
WBS 1-0446-18-105-2-001	New HFL #9	Hot Form Line w Furnace	7,601,560 2019
WBS 1-0446-19-202-2-001	New HFL-General Inve	Hot Form Line w Furnace	1,356,000 2020
WBS 1-0446-17-101-2-001	STR Ford C482/3 430	Hot Stamp Weld Cells	2,589,795 2019
WBS 1-0446-17-101-2-002	Ford C482/483 HF Par	Hot Stamp Weld Cells	228,384 2020
WBS 1-0446-17-102-2-001	STR Ford C483 HF Upp	Hot Stamp Weld Cells	636,000 2019
WBS 1-0446-17-102-2-002	Ford C482/483 HF par	Hot Stamp Weld Cells	285,736 2020
WBS 1-0446-18-100-2-001	Ford C520 Bumper FG	Hot Stamp Weld Cells	113,000 2019
WBS 1-0446-18-101-2-001	Addendum Ford P375 H	Hot Stamp Weld Cells	431,748 2019
WBS 1-0446-18-103-2-001	Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151 2019
WBS 1-0446-18-103-4-001	Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151 2019
WBS 1-0446-18-103-5-001	Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151 2019
WBS 1-0446-18-103-6-001	Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151 2019
WBS 1-0446-18-103-7-001	Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151 2019
WBS 1-0446-18-104-2-001	Ford C482/C483 HF Ws	Hot Stamp Weld Cells	1,087,587 2019
WBS 1-0446-18-104-2-002	Ford C482/C483 HF Co	Hot Stamp Weld Cells	488,650 2019
WBS 1-0446-19-100-2-001	Ford C482 Door Beams	Hot Stamp Weld Cells	240,000 2019
WBS 1-0446-19-101-2-001	Ford C483 Door Beams	Hot Stamp Weld Cells	137,600 2019
WBS 1-0446-17-100-2-001	Ford P375 HF ST	Hot Stamp Weld Cells	2,221,581 2019
WBS 1-0446-18-105-2-002	Trumpf Laser Cell 16	Laser	787,610 2020
WBS 1-0446-18-105-2-003	Trumpf Laser Cell 17	Laser	787,610 2020
WBS 1-0446-18-105-2-004	Trumpf Laser Cell 18	Laser	787,610 2020
WBS 1-0446-18-105-2-005	Trumpf Laser Cell 19	Laser	787,610 2020
WBS 1-0446-18-203-2-001	SPDP Pilot Program	Machinery	11,200 2019
WBS 1-0446-19-200-2-001	Nitrogen High Pressu	Nitrogen Production for Hot Stamp	234,456 2020
WBS 1-0446-18-205-2-001	VG/V (Visually Guided	Robotic Fork Lift	166,000 2019
Total Machinery & Equipment		25,916,934	
WBS 1-0446-18-104-2-004	G01 CMS Rear - Adden	Tooling	133,000 2019
WBS 1-0446-18-101-2-003	Pin Pallets	Tooling	2,198 2019
WBS 1-0446-17-100-2-003	Pin Pallets	Tooling	13,376 2019
Total Tooling		148,572	
Total Investment		26,064,506	



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R4 / 11-15)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION	
Name of taxpayer	BENTELER AUTOMOTIVE CORPORATION		Name of contact person
		SEE ATTACHED	
Address of taxpayer (number and street, city, state, and ZIP code)		Telephone number	
910 S EISENHOWER DRIVE, GOSHEN IN 46526		()	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT	
Name of designating body	GOSHEN COMMON COUNCIL		Resolution number (s)
Location of property		County	DLGF taxing district number
910 S EISENHOWER DRIVE, GOSHEN IN 46526		ELKHART	30 GOSHEN 15
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) SEE ATTACHED		ESTIMATED	
		START DATE	COMPLETION DATE
		Manufacturing Equipment	12/18/2019 12/31/2020
		R & D Equipment	
		Logist Dist Equipment	
IT Equipment			
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT	
Current number	Salaries	Number retained	Salaries
272	19,836,110	272	19,836,110
		Number additional	Salaries
		0	0
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT	
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT
	COST	ASSESSED VALUE	COST
Current values	77,661,827	23,298,488	
Plus estimated values of proposed project	26,064,506	18,245,154	
Less values of any property being replaced			
Net estimated values upon completion of project	103,726,133	41,543,642	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)	
Other benefits:			
SECTION 6		TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.			
Signature of authorized representative		Date signed (month, day, year)	
Mark W. Rittenhouse		11/6/19	
Printed name of authorized representative		Title	
Mark W. Rittenhouse		Agent	

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

- | | | |
|--|--|---|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
Check box if an enhanced abatement was approved for one or more of these types. |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|--|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: _____
(Enter one to twenty (1-20) years; may not exceed twenty (20) years.) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 | |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Benteler Automotive Corporation
910 S Eisenhower Drive, Goshen IN 46526
Listing of Contacts

	Tax Department	Plant Contact	Plant Controller	Tax Agent
Name	Wendy Monty	Noel Bergeron	Tomas Pokas	Mark Rittenhouse
Title	Tax Manager	Plant Operations Manager	Plant Controller	Tax Agent - Baden Tax Management, LLC
Address	2650 N. Opdyke Road, Suite B Auburn Hills, MI 48326	910 S. Eisenhower Goshen, IN 46526	910 S. Eisenhower Goshen, IN 46526	6920 Pointe Inverness Way, Suite 300 Fort Wayne, IN 46804
Phone	248-364-7047	574-537-2851	574-537-2861	260-969-2599
Email	wendy.monty@benteler.com	noel.bergeron@benteler.com	tomas.pokas@benteler.com	mrrittenhouse@badentax.com

Benteler Automotive Corporation
910 S Eisenhower Drive, Goshen IN 46526
2019 SB-1 Attachment

Description of Equipment	Description	Estimated Cost	Anticipated Capitalization
WBS 1-0446-17-206-2-001 Additional CMM Capax	Computer Measurement Machine - QC	60,000	2019
WBS 1-0446-18-201-2-001 Forklifts	Forklifts	815,561	2019
WBS 1-0446-18-105-2-001 New HFL #9	Hot Form Line w Furnace	7,601,560	2019
WBS 1-0446-19-202-2-001 New HFL-General Inve	Hot Form Line w Furnace	1,356,000	2020
WBS 1-0446-17-101-2-001 STR Ford C482/3 430	Hot Stamp Weld Cells	2,569,795	2019
WBS 1-0446-17-101-2-002 Ford C482/483 HF Par	Hot Stamp Weld Cells	228,364	2020
WBS 1-0446-17-102-2-001 STR Ford C483 HF Upp	Hot Stamp Weld Cells	636,000	2019
WBS 1-0446-17-102-2-002 Ford C482/483 HF par	Hot Stamp Weld Cells	285,736	2020
WBS 1-0446-18-100-2-001 Ford C520 Bumper FG	Hot Stamp Weld Cells	113,000	2019
WBS 1-0446-18-101-2-001 Addendum Ford P375 H	Hot Stamp Weld Cells	431,749	2019
WBS 1-0446-18-103-2-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151	2019
WBS 1-0446-18-103-4-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151	2019
WBS 1-0446-18-103-5-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151	2019
WBS 1-0446-18-103-6-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151	2019
WBS 1-0446-18-103-7-001 Ford C482/483 HF Las	Hot Stamp Weld Cells	816,151	2019
WBS 1-0446-18-104-2-001 Ford C482/C483 HF We	Hot Stamp Weld Cells	1,087,587	2019
WBS 1-0446-18-104-2-002 Ford C482/C483 HF Co	Hot Stamp Weld Cells	488,659	2019
WBS 1-0446-19-100-2-001 Ford C482 Door Beams	Hot Stamp Weld Cells	240,000	2019
WBS 1-0446-19-101-2-001 Ford C483 Door Beams	Hot Stamp Weld Cells	137,500	2019
WBS 1-0446-17-100-2-001 Ford P375 HF ST	Hot Stamp Weld Cells	2,221,581	2019
WBS 1-0446-18-105-2-002 Trumpf Laser Cell 16	Laser	787,610	2020
WBS 1-0446-18-105-2-003 Trumpf Laser Cell 17	Laser	787,610	2020
WBS 1-0446-18-105-2-004 Trumpf Laser Cell 18	Laser	787,610	2020
WBS 1-0446-18-105-2-005 Trumpf Laser Cell 19	Laser	787,610	2020
WBS 1-0446-18-203-2-001 SPDP Pilot Program	Machinery	11,200	2019
WBS 1-0446-19-200-2-001 Nitrogen High Pressu	Nitrogen Production for Hot Stamp	234,456	2020
WBS 1-0446-18-205-2-001 VGV (Visually Guided	Robotic Fork Lift	166,000	2019
Total Machinery & Equipment		25,915,934	
WBS 1-0446-18-104-2-004 G01 CMS Rear - Adden	Tooling	133,000	2019
WBS 1-0446-18-101-2-003 Pin Pallets	Tooling	2,196	2019
WBS 1-0446-17-100-2-003 Pin Pallets	Tooling	13,378	2019
Total Tooling		148,572	
Total Investment		26,064,506	

ORDINANCE 4736

Tax Phase-In Policy

WHEREAS the designating bodies of the governmental entities in Elkhart County, Indiana have adopted various policies, procedures, and standards for the establishment of economic revitalization areas and the approval of economic development projects for property tax deductions, known as "property tax abatements," pursuant to Indiana Code § 6-1.1-12.1, hereinafter referred to as "tax phase-ins;"

WHEREAS the Elkhart County Intergovernmental Forum has recommended that the designating bodies of the governmental entities in Elkhart County, Indiana establish certain uniform policies governing the approval of property tax phase-ins or tax abatements so as to facilitate the process for site selectors and enhance the marketability of available economic development sites in Elkhart County, Indiana; and

WHEREAS it is anticipated that Elkhart County and the cities and towns in Elkhart County will adopt substantially similar policies for approving and administering tax phase-ins within their respective jurisdictions.

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

Section 1. Application Fees

All property tax phase-in applicants shall pay a non-refundable filing fee of Seven Hundred Fifty Dollars (\$750) for each real property, personal property, or vacant building tax phase-in application filed.

Section 2. Application Form

Each applicant shall file the uniform tax phase-in application used by Elkhart County governmental entities to receive, process, review, and approve property tax phase-ins. Depending on the nature of the requested tax phase-in, additional information may be *required* of the applicant by the Goshen city staff member(s) who evaluates the tax phase-in applications.

Section 3. Wages

Property tax phase-ins will not be approved nor found to be in substantial compliance with a Statement of Benefits approved after June 1, 2013 unless at least seventy percent (70%) of the new jobs created by the economic development project are above the Elkhart County median wage benchmarked for Total, All Occupations from the most current Indiana Department of Workforce Development Occupational Employment Statistics and assuming an annual salary based upon two thousand eighty (2,080) working hours per year to compute an hourly rate. The median wage shall be computed without considering any other employment benefits, including, but not limited to health, dental, vision, life or disability insurance or pension or profit sharing contributions.

Section 4. Equipment

Property tax phase-ins will not be approved for equipment with a deduction schedule greater than five (5) years.

Section 5. TIF Districts

Property tax phase-ins will not be approved in an established Tax Incremental Finance (TIF) District, unless such a district has been specifically targeted for redevelopment due to the presence of brownfield sites, obsolete buildings, or other significant barriers to development.

Section 6. Assessment Appeals

Each property tax phase-in applicant is required to agree for itself and its successors and assigns to forego appealing any property tax assessment during the time periods for which property tax phase-ins are received unless:

- 1) the original assessment for the economic development project is in excess of the economic development project cost;
- 2) the original assessment of real estate is in excess of the purchase price paid for the real estate provided the purchase was an arm's length transaction; or
- 3) a trending assessment or a reassessment increases the assessment for the economic development project more than fifteen percent (15%) for any year-to-year change or more than an average of ten percent (10%) per year over two (2) or more years.

Section 7. Exceptions

(a) The Common Council may grant specific exceptions to the stated policies above if the Common Council determines a project will do any of the following:

- 1) Diversify the current economic base by attracting high technology or knowledge based jobs which are likely to be resistant to the normal business cycle;
- 2) Encourage entrepreneurial activity; or
- 3) Produce jobs at a time when the Elkhart County unemployment rate exceeds ten percent (10%).

(b) In addition, the Common Council must find that the City of Goshen will be best served by granting a variance.

Section 8. Economic Incentive Rebate

Each property tax phase-in applicant is required to enter into an agreement for itself and its successors and assigns committing to rebate each year to the City of Goshen Redevelopment Commission an amount equal to fifteen percent (15%) of the property tax savings generated by the property tax deductions approved for the economic development project.

Section 9. Repeal

This ordinance does not repeal Ordinance 4630 except Section Four, paragraph C or to the extent that Ordinance 4630 is otherwise specifically in conflict with this ordinance.

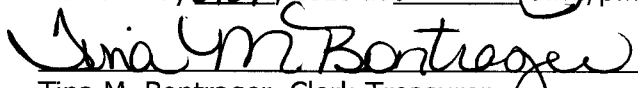
PASSED by the Goshen Common Council on May 21, 2013.


Allan Kauffman, Presiding Officer

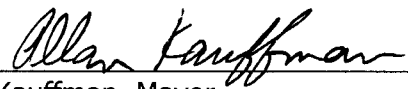
Attest:


Tina M. Bontrager, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on May 22, 2013 at 11:00 (a.m./p.m.).


Tina M. Bontrager, Clerk-Treasurer

APPROVED and ADOPTED on May 23, 2013.


Allan Kauffman, Mayor

PERSONAL PROPERTY TAX PHASE-IN POINT SYSTEM

Company Name: Benteler **Date:** 10/30/19

Projects will be considered for Phase-In if:

1. The company/project meets all of the criteria set forth under I.C. 6-1.1 1-12.1 et seq in the form of deductions from assessed valuation
2. The proposed new investment includes at least \$500,000 of Real Property that qualifies for Tax Phase-In
3. Construction has not begun and/or equipment has not been ordered or the equipment will be new to Indiana
4. In addition, if the applicant is not the company, authorization of the application must be obtained from the company

TAX BASE BENEFITS		<u>Points Possible</u>	<u>Points Assigned</u>
A.	Total new investment in business personal property (or relocation of equipment from out of State):		
	▫ \$20,000,000 and above	25	25
	▫ \$10,000,000 to \$19,999,999	20	
	▫ \$5,000,000 to \$9,999,999	15	
	▫ \$2,500,000 to \$4,999,999	10	
	▫ \$500,000 to \$2,499,999	5	
JOB BENEFITS			
A.	Total number of jobs created at facility of proposed project:		
	▫ 250 or more	25	
	▫ 100 to 249	20	
	▫ 50 to 99	15	
	▫ 25 to 49	10	
	▫ 10 to 24	5	
B.	Total number of existing jobs at facility of proposed project:		
	▫ 250 or more	5	5
	▫ 100 to 249	4	
	▫ 50 to 99	3	
	▫ 25 to 49	2	
	▫ 10 to 24	1	
C.	Median employee salary (including existing and new employees)		
	▫ \$65,000 and above	25	
	▫ \$55,000 to \$64,999	20	
	▫ \$45,000 to \$54,999	10	10
	▫ \$40,000 to \$44,999	5	
	▫ Less than \$40,000	0	
D.	Median employee percentage of total compensation are fringe benefits		
	▫ 30% and above	10	10
	▫ 25% to 29%	8	
	▫ 20% to 24%	6	
	▫ 15% to 19%	4	
	▫ 10% to 14%	2	
REDEVELOPMENT BENEFITS			
A.	Project redevelops a brownfield site.	20	
B.	Project utilizes a obsolete facility that has been vacant for at least one (1) year.	10	
C.	Project utilizes a obsolete facility that is at least twenty-five (25) years old.	10	
D.	Project develops in a Qualified Census Tract as designated by US Housing & Urban Development	10	

ECONOMIC DEVELOPMENT BENEFITS			
	The project will be used for a national or regional headquarters.	10	
INFRASTRUCTURE BENEFITS			
	The applicant pays for the installation of public infrastructure in the following amount:		
	▫ \$750,000 or more	10	
	▫ \$400,000 to \$749,999	6	
	▫ \$200,000 to \$399,999	3	
TARGETED INDUSTRY			
	The project is an industry targeted by the Elkhart County Economic Development Corporation Strategic Plan	20	
	▫ Agribusiness		
	▫ Advanced Recycling		
	▫ Automotive Tier I / Tier II Production		20
	▫ Electronics		
	▫ Financial and Professional Services		
	▫ Health Care		
	▫ Robotics		
	The project is an industry targeted by the Indiana Economic Development Corporation	10	
	▫ Aerospace & Aviation		
	▫ Advanced Manufacturing		
	▫ Cybersecurity		
	▫ Defense & National Security		
	▫ Energy		
	▫ Information Technology (IT)		
	▫ Life Sciences		
	▫ Logistics & Transportation		
	▫ Motorsports		
TOTAL POINTS (190 points possible)			70
OPTIONAL ECONOMIC HEALTH INDICATOR			
<u>Unemployment Rate</u>		<u>Multiplier</u>	
0.0% - 3.4%		90%	63
3.5% - 5.0%		95%	66.5
5.1% - 8.5%		100%	70
8.6% and Above		105%	73.5
TERM RECOMMENDATION			
<input type="checkbox"/>	Over 51 Points 5-Year Tax Phase-In		
<input type="checkbox"/>	30 to 50 Points 3-Year Tax Phase-In		

RESOLUTION 2020-02

**Interlocal Agreement
with Elkhart County
for the County Road 40 Connector Road Project**

WHEREAS the City of Goshen and Elkhart County have negotiated an interlocal agreement for the design and construction of the County Road 40 Connector Road Project.

WHEREAS pursuant to Indiana Code § 36-1-7 et seq., a power that may be exercised by one governmental entity may be exercised by one entity on behalf of another entity if the entities enter into a written agreement.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council approves the terms and conditions of the Interlocal Agreement with Elkhart County for the County Road 40 Connector Road Project attached to and made a part of this resolution.

PASSED by the Goshen Common Council on _____, 2020.

Presiding Officer

ATTEST:

Adam C. Scharf, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2020, at _____ a.m./p.m.

Adam C. Scharf, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2020.

Jeremy P. Stutsman, Mayor

INTERLOCAL AGREEMENT
FOR THE DESIGN AND CONSTRUCTION OF (1) A
COUNTY ROAD 40 CONNECTOR ROAD AND (2)
A COUNTY ROAD 40 CONNECTOR ROAD AND STATE
ROAD 15 INTERSECTION ON THE SOUTH SIDE OF GOSHEN

THIS AGREEMENT is made and entered into effective as of the last date of signature hereon by and between the CITY OF GOSHEN, INDIANA (hereinafter referred to as “City”) and the COUNTY OF ELKHART, INDIANA (hereinafter referred to as “County”).

RECITALS:

WHEREAS City and County acknowledge that the area of the intersections of State Road 15 (also known as South Main Street in the corporate limits of Goshen) and County Road 40 on the south side of Goshen is ineffective;

WHEREAS Goshen has constructed significant improvements to County Road 27 (approximately two [2] miles east of South Main Street and State Road 15) and has constructed the “Waterford Mills Parkway,” currently running westerly from County Road 27, to State Road 15;

WHEREAS City and County have heretofore completed the design and construction of County Road 40 from Dierdorff Road to U.S. 33 with Dierdorff Road also being known as County Road 27, with the stretch from Dierdorff Road, easterly to U.S. 33 connecting to and further servicing the Waterford Mills Parkway, and enhancing the flow of traffic on the south side of Goshen;

WHEREAS designing and constructing a County Road 40 connector road and aligning its intersection at State Road 15 with the Waterford Mills Parkway would be beneficial to enhance traffic movement on the south side of Goshen;

WHEREAS City and County enter into this Agreement to identify the duties and responsibilities of City and County in regard to the desired “County Road 40 Connector Road Project,” also herein labeled the “Project;”

NOW, THEREFORE, in consideration of the following terms, conditions, and commitments, the parties agree as follows:

PROJECT

This Agreement defines the initially planned “Project” for design and construction. The Project includes the following:

- a. The design and construction of a County Road 40 Connector Road from the Waterford Mills Parkway intersection at State Road 15 northwesterly to the bridge over the Elkhart River on County Road 40 west of State Road 15; and
- b. The improvement of the State Road 15 intersection at Waterford Mills Parkway.

LEAD AGENCY

County shall serve as the Lead Agency for the Project. County agrees to be responsible for the overall administration of the Project including but not necessarily limited to the following:

- a. Bidding the Project in compliance with governmental requirements applicable to City and County.
- b. Obtaining any governmental permits or approvals required to construct the Project.
- c. Administering any contract or contracts awarded to a successful bidder or bidders on the Project.
- d. Providing or contracting for engineering review and construction inspection services for the Project to the extent that such are not the responsibility of the successful bidder or bidders.

e. Maintaining the documents, contracts, notices, and other records connected with the Project.

f. Providing the City with a financial summary of all funds needed for the Project, all funds received for the Project, and all funds ultimately expended on the Project, including the reconciliation of the funding provided by the City and County.

g. Providing or contracting for right-of-way acquisition services needed for the Project.

h. Paying all costs and expenses associated with serving as the Lead Agency, and for all engineering services and right-of-way acquisition services, as such shall be incurred in connection with the Project.

DESIGN CONSULTANT

a. County shall provide or contract for an engineer to serve as the “Design Consultant” on the Project. The Design Consultant will furnish engineering and design work necessary for the Project, including survey and geotechnical services, it being acknowledged by City and County that such engineering and design work for the State Road 15 Intersection must comply with the standards of the Indiana Department of Transportation, which has ultimate jurisdiction over the intersection of the County Road 40 Connector Road at State Road 15.

b. The preliminary engineering and design work for the Project shall identify the real estate and expanded right-of-way needed for such, and share such with City for review and with INDOT for review with respect to the intersection of the County Road 40 connector road at State Road 15.

c. The ultimate engineering and design standards for the Project shall be subject to the approval of the County, City, and INDOT (as to the State Road 15 Intersection).

CITY PARTICIPATION

While County shall serve as the Lead Agency, City and County acknowledge that such is tied largely to the County providing the administrative and oversight services contemplated

under “Lead Agency” above. City shall be significantly involved with the Project. City’s participation shall include, but not necessarily be limited to, the following:

a. City shall review and approve the Project engineering and design, though such engineering and design shall be obtained or provided by County as part of the Lead Agency role set forth above.

b. City shall pay its share of all costs and expenses associated with the engineering, right-of-way, land acquisition, and construction needed for the Project, to include necessary appraisals and review appraisals, and shall cooperate with County on the right-of-way acquisition for the Project.

c. City’s participation shall include its share of all direct and indirect costs associated with the Project. Direct and indirect costs associated with the Project shall include utility relocation, change orders, and compaction and materials testing.

d. City shall appropriate and have available for use by County all funds required of City for its share of the direct or indirect costs, it being acknowledged that the transfer of such funds to County must occur essentially simultaneous with the bidding, or even in advance thereof, as County is not in a position to advance the funds for all costs associated with the Project.

APPROVALS AND FUNDING PARTICIPATION

a. This Agreement is subject to the approval of the Mayor and the Common Council of the City of Goshen and the Board of Commissioners and County Council for the County of Elkhart, Indiana.

b. After design engineering has been completed, the County shall provide written notice of design engineering completion to the City and the County pursuant to the Notice provisions of this Agreement. For a period of thirty (30) days after receipt of the Notice that design engineering is complete, both the City and the County shall have the right to withdraw from further participation in the Project in its discretion by providing written notice to the other party. In the event that neither party withdraws, then both parties agree to complete the Project in accordance with the terms and provisions of this Agreement.

c. Pending the completion of design engineering, City and County each agree to pay and be responsible for one-half (1/2) of the costs of the Project incurred prior to any withdrawal from the Project and any unpaid amounts for which County and City are contractually obligated to pay. Project costs and expenses will be paid by the County and one-half (1/2) of those costs and expenses invoiced by the County to the City.

d. In the event that neither party withdraws from participating in the Project after completion of design engineering, the City and County will each be responsible for and agree to pay one-half (1/2) of the costs and expenses of the Project. If any right-of-way previously acquired by the City or the County is utilized for the Project, the party dedicating the right-of-way to the Project shall receive a credit equal to the purchase price paid towards the party's share of the Project costs.

TIME IS OF THE ESSENCE; DURATION OF PROJECT

a. City and County agree to cooperate so that the engineering and design, right of way acquisitions, and preliminary bidding process can be completed in time to accept bids for the Project by March 31, 2021.

b. The parties contemplate that all construction shall commence and be completed during the calendar year 2021; however, should unexpected difficulties or delays occur, the Project may extend the completion by written acknowledgement executed by the parties hereto.

c. Time is of the essence with regard to constructing the Project. City and County agree to communicate with each other in establishing a construction schedule that will allow the Project to be completed in a timely fashion consistent with subparagraphs a and b above.

d. This Agreement shall be in effect through December 31, 2021 and shall thereafter automatically renew on a year-to-year calendar basis unless either party shall give written notice of termination to the other party at least ninety (90) days prior to the end of the initial term of this Agreement or any renewal year of this Agreement. Once construction has started or the construction agreement has been fully executed, neither party may terminate the Agreement until the Project is completed.

OWNER OF PROJECT

The Project, or respective portions thereof, shall be owned by the entity with jurisdiction over the Project, or those respective portions for which it has jurisdiction.

FILING REQUIREMENTS

Within thirty (30) days after the approval and execution of this Agreement, County shall have this Agreement recorded and filed with the appropriate governmental offices and agencies as required by Indiana Code.

SUPPLEMENTAL DOCUMENTS

City and County agree to execute and all supplementary documents and to take any and all supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this Agreement.

LIMITATIONS OF LIABILITY

a. City acknowledges that County shall not be liable to City for completion of or the failure to complete any activities which are an obligation of City to perform pursuant to this Agreement, and City agrees to defend, indemnify, and hold harmless County and its agents, officers, and employees from all claims and suits of any nature whatsoever arising from City's performance of this Agreement, from all judgments therefore, and for all expenses in defending or appealing any such claims or judgments, including without limitation court costs, attorney's fees, and other expenses.

b. County acknowledges that City shall not be liable to County for completion of or the failure to complete any activities which are an obligation of County to perform pursuant to this Agreement, and County agrees to defend, indemnify, and hold harmless City and its agents, officers, and employees from all claims and suits of any nature whatsoever arising from County's

performance of this Agreement, from all judgments therefore, and for all expenses in defending or appealing any such claim or judgments, including without limitation court costs, attorney's fees, and other expenses.

NON-DISCRIMINATION

Pursuant to Indiana Code 22-9-1-10, neither City nor County, nor any of their contractors or subcontractors, shall discriminate against any employee or applicant for employment, to be employed in the performance of any work under this Agreement with respect to hire, tenure, terms or conditions or privileges of employment, or any matter directly or indirectly related to employment because of race, color, religion, sex, disability, national origin, ancestry, or veteran status. Breach of this covenant may be regarded as a material breach of this Agreement.

MISCELLANEOUS

a. Amendment. This Agreement, and any exhibits attached, may be amended only by the mutual written consent of the parties, by the adoption of a resolution approving said amendment as provided by law, and by the execution of an amendment by the parties.

b. No Other Agreement. Except as otherwise expressly provided, this Agreement supersedes all prior agreements, negotiations, and discussions relative to the subject matter and is a full integration of the agreement of the parties.

c. Severability. If any provision, covenant, agreement, or portion of this Agreement or its application to any person, entity, or property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements, or portions of this Agreement, and to that end, any provisions, covenants, agreements, or portions of this Agreement are declared to be severable.

d. Indiana Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana.

e. Notice. Any notices required or permitted under this Agreement shall be given to the parties at their respective mailing addresses provided below by deposit in the United States mail:

County: Board of Commissioners of the County of Elkhart, Indiana
c/o Jeff Taylor, County Administrator
Elkhart County Administration Building
117 North Second Street
Goshen, IN 46526
Fax: (574) 535-6747
Email: jaylor@elkhartcounty.com

City: City of Goshen, Indiana
Board of Public Works
c/o Mayor Jeremy Stutsman
202 South Fifth Street
Goshen, IN 46526
Fax: (574) 533-3074
Email: mayor@goshencity.com

with copies to:

Bodie J. Stegelmann
Goshen City Legal Department
Municipal Annex Building
204 East Jefferson Street
Goshen, IN 46528
Fax: (574) 537-3817
Email: bodiestegelmann@goshencity.com

and

Craig M. Buche
Elkhart County Attorney
Yoder Ainlay Ulmer & Buckingham, LLP
130 North Main Street
Goshen, IN 46526
Fax: (574) 534-4174

Email: cbuche@yaub.com

The parties may change their respective mailing addresses by providing written notice of the new address in accordance with the terms and provisions of this paragraph.

BINDING EFFECT

This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns; provided, however, that this Agreement may not be assigned without the express written consent of the non-assigning party.

IN WITNESS WHEREOF, the parties have duly executed this Agreement pursuant to all requisite authorizations effective as of the date first above written.

[signatures on separate sheet]

Date: _____, 2020

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: _____
Mike Yoder, President

By: _____
Frank Lucchese

By: _____
Suzanne Weirick

ATTEST:

Patricia A. Pickens
Elkhart County Auditor

Date: _____, 2020

CITY OF GOSHEN, INDIANA

By: _____
Jeremy Stutsman, Mayor

ATTEST:

Adam Scharf
Clerk-Treasurer

APPROVAL

The Common Council of the City of Goshen, Indiana hereby approves of the above and foregoing Interlocal Agreement this _____ day of _____, 2020.

COMMON COUNCIL OF THE CITY OF
GOSHEN, INDIANA

By: _____
Jeremy Stutsman, Presiding Officer

ATTEST:

Adam Scharf
Clerk-Treasurer

APPROVAL

The Elkhart County Council hereby approves of the above and foregoing Interlocal Agreement this _____ day of _____, 2020.

ELKHART COUNTY COUNCIL

By: _____
John K. Letherman, President

ATTEST:

Patricia A. Pickens
Elkhart County Auditor

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this ____ day of _____, 2020, personally appeared Mike Yoder, Frank Lucchese, and Suzanne Weirick of the Board of Commissioners of the County of Elkhart, Indiana and Patricia A. Pickens, Elkhart County Auditor, and acknowledged that as said Commissioners and Auditor, they respectively executed the foregoing Interlocal Agreement for and on behalf of, and in the name of Elkhart County, for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

Notary Public

(printed or typed name)

Residing in Elkhart County, Indiana

My Commission Expires:

Commission No. NP0 _____

STATE OF INDIANA)

) SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this ____ day of _____, 2020, personally appeared Jeremy Stutsman and Adam Scharf, the Mayor and Clerk-Treasurer, respectively, of the City of Goshen, Indiana, and acknowledged that they respectively executed the foregoing Interlocal Agreement for and on behalf of, and in the name of the City of Goshen, Indiana, for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

Notary Public

(printed or typed name)

Residing in Elkhart County, Indiana

My Commission Expires:

Commission No. NP0_____

Prepared by Craig M. Buche, Yoder, Ainlay, Ulmer & Buckingham, LLP
130 North Main Street, Goshen, IN 46526

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Craig M. Buche, 130 N. Main St., , Goshen, IN 46526



Rhonda L. Yoder, AICP
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185
rhondayoder@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Common Council

FROM: Rhonda L. Yoder, City Planner

DATE: January 7, 2020

RE: Ordinance 5030

The Goshen Plan Commission met on December 17, 2019, in regular session and considered a request for a rezoning from Commercial B-1 to Commercial B-2 for 301 W Pike Street (six tax parcels), and from Residential R-1 to Commercial B-2 for 307 N 2nd Street and 306 New Street, with the following outcome:

Forwarded to the Goshen City Council with a favorable recommendation by a vote of 8-0.

Approval is based upon the following, and with the following commitments:

1. The rezoning is consistent with the existing zoning and land use in the area.
2. With the recommended commitments, the rezoning will minimize long-term impacts on adjacent residential properties, while providing a commercial use that will benefit the surrounding neighborhood.
3. The rezoning is consistent with the Comprehensive Plan, including:
 - Land Use, Goal L-1: Prioritize the reuse and redevelopment of existing land and structures.
 - Land Use, Goal L-7: Encourage small-scale, neighborhood commercial development.
4. The B-2 District requirements will be met.
5. Commitments to be adopted as a condition of the rezoning include:
 - Continuous screening shall be provided along the west and north property lines, adjacent to residential land use, with a combination of a 6' privacy fence and landscaping
 - On-site lighting shall not extend beyond the west, north and east property lines, and light shall be directed downward, with light sources shielded
 - Current and future uses will provide on-site parking meeting the Zoning Ordinance requirement
 - Drive-through uses shall be prohibited

Ordinance 5030

An Ordinance to Amend Ordinance No. 3011, Known as the Zoning and Use Regulations Ordinance for the City of Goshen, Indiana, by Rezoning the Area of Real Estate Hereinafter Described from Commercial B-1 District and Residential R-1 District to Commercial B-2 District

WHEREAS Eash Holdings, LLC, Marbach, Brady & Weaver, and NRG Holdings, LLC, submitted an application on the 27th day of November 2019 to rezone the real estate hereinafter described from Commercial B-1 District and Residential R-1 District to Commercial B-2 District, and the Goshen City Plan Commission did after proper legal notice conduct a hearing on said Petition as provided by the Law on the 17th day of December 2019, and recommended the adoption of this Ordinance by a vote of 8-0.

NOW, THEREFORE be it ordained by the Common Council of the City of Goshen, Indiana, that:

Properties generally located at 301 W Pike Street, currently zoned Commercial B-1 District, and 307 N 2nd Street and 306 New Street, currently zoned Residential R-1 District, and more particularly described as follows:

Lots 238 and 239 in the Original Plat of the Town, now City of Goshen, Indiana; said Plat being recorded in Deed Record 1, pages 16-38, in the Office of the Recorder of Elkhart County, Indiana, less and excepting public right of way.

All of the above shall be rezoned from Commercial B-1 District and Residential R-1 District to Commercial B-2 District, and the zone maps designated and referred to in Ordinance No. 3011 shall hereby be amended and ordered amended to reflect such classification and rezoning of said real estate.

PASSED by the Common Council of the City of Goshen on _____, 2020.

Presiding Officer

Attest:

Adam Scharf, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2020 at _____ a.m./p.m.

Adam Scharf, Clerk-Treasurer

APPROVED AND ADOPTED by the Mayor of the City of Goshen on _____, 2020.

Jeremy P. Stutsman, Mayor

To: Goshen City Plan Commission/Goshen Common Council

From: Rhonda L. Yoder, Planning & Zoning Administrator

Subject: 19-05R – Rezoning
301 W Pike Street (six tax parcels), Commercial B-1 to Commercial B-2
307 N 2nd Street & 306 New Street, Residential R-1 to Commercial B-2

Date: December 17, 2019

ANALYSIS

Eash Holdings, LLC, Marbach, Brady & Weaver, and Subway request a rezoning from Commercial B-1 to Commercial B-2 for 301 W Pike Street (six tax parcels), and from Residential R-1 to Commercial B-2 for 307 N 2nd Street and 306 New Street, for development of a restaurant.

The subject property is currently eight tax parcels, with the six vacant parcels at 301 W Pike Street zoned B-1, and the two parcels adjacent north zoned R-1 (307 N 2nd and 306 New Street). The parcels are under single ownership, to be developed as one zoning lot. The rezoning is being requested to allow for restaurant development and associated parking. The 301 W Pike Street property is currently vacant, but the prior use on the property included a restaurant and several residential uses.

The historic zoning of the subject property was B-1 since the adoption of Goshen's first Zoning Ordinance in 1961. In 2007, the single family properties at 307 N 2nd and 306 New Street were rezoned to R-1 as part of a neighborhood rezoning (Ordinance 4410).

Although the original B-1 zoning would have permitted a restaurant use, the existing B-1 zoning does not allow restaurant use, so a rezoning or use variance is required for redevelopment as a restaurant. Because of the small size of the property, the two R-1 properties to the north are proposed to be added, which will allow one access from N 2nd Street, along with on-site parking and maneuvering for truck deliveries.

A rezoning to B-2 (Central Business District) is requested, which matches the adjacent B-2 zoning on the south side of Pike Street. The B-2 District allows development with minimal setbacks, which is consistent with existing area neighborhood commercial development.

Because this B-2 location is on the periphery of the downtown Central Business District, several commitments are recommended as a condition of the rezoning, to ensure impacts on the adjacent residential neighborhood are kept to a minimum. Recommended commitments include:

- Continuous screening shall be provided along the west and north property lines, adjacent to residential land use, with a combination of a 6' privacy fence and landscaping
- On-site lighting shall not extend beyond the west, north and east property lines, and light shall be directed downward, with light sources shielded
- Current and future uses will provide on-site parking meeting the Zoning Ordinance requirement
- Drive-through uses shall be prohibited

With the proposed commitments, the rezoning will minimize long-term impacts on adjacent residential properties, while providing a commercial use that will benefit the surrounding neighborhood.

The site plan submitted with the rezoning is not part of the rezoning and is not being reviewed by the Plan Commission or Council, but demonstrates that B-2 requirements are able to be met for the area to be rezoned.

RECOMMENDATIONS

Staff recommends the Plan Commission forward a favorable recommendation to Goshen Common Council for the rezoning from Commercial B-1 to Commercial B-2 for 301 W Pike Street (six tax parcels), and from

Residential R-1 to Commercial B-2 for 307 N 2nd Street and 306 New Street, based upon the following, and with the following commitments:

1. The rezoning is consistent with the existing zoning and land use in the area.
2. With the recommended commitments, the rezoning will minimize long-term impacts on adjacent residential properties, while providing a commercial use that will benefit the surrounding neighborhood.
3. The rezoning is consistent with the Comprehensive Plan, including:
 - Land Use, Goal L-1: Prioritize the reuse and redevelopment of existing land and structures.
 - Land Use, Goal L-7: Encourage small-scale, neighborhood commercial development.
4. The B-2 District requirements will be met.
5. Commitments to be adopted as a condition of the rezoning include:
 - Continuous screening shall be provided along the west and north property lines, adjacent to residential land use, with a combination of a 6' privacy fence and landscaping
 - On-site lighting shall not extend beyond the west, north and east property lines, and light shall be directed downward, with light sources shielded
 - Current and future uses will provide on-site parking meeting the Zoning Ordinance requirement
 - Drive-through uses shall be prohibited

WRITTEN COMMITMENT

Date: December 17, 2019

Grantor:

Eash Holdings, LLC
1202 Westbrooke Court
Goshen, IN 46528

Grantee:

Goshen City Advisory Plan Commission
204 E Jefferson Street, Suite 4
Goshen, IN 46528

The following shall be referred to as "the Real Estate":

Common Street Addresses: 301 W Pike Street, 307 N 2nd Street, and 306 New Street

Current Tax Code #: 20-11-09-257-013.000-015; 20-11-09-257-014.000-015; 20-11-09-257-015.000-015; 20-11-09-257-016.000-015; 20-11-09-257-012.000-015; 20-11-09-257-009.000-015 20-11-09-257-008.000-015; and 20-11-09-257-011.000-015.

Legal Description: Lots 238 and 239 in the Original Plat of the Town, now City of Goshen, Indiana; said Plat being recorded in Deed Record 1, pages 16-38, in the Office of the Recorder of Elkhart County, Indiana, less and excepting public right of way.

The Grantor, jointly and severally, agree to abide by these commitments concerning the use and/or development of the Real Estate:

1. Continuous screening shall be provided along the west and north property lines, adjacent to residential land use, with a combination of a 6' privacy fence and landscaping.
2. On-site lighting shall not extend beyond the west, north and east property lines, and light shall be directed downward, with light sources shielded.
3. Current and future uses will provide on-site parking meeting the Zoning Ordinance requirement.
4. Drive-through uses shall be prohibited.

Further, the Grantor, jointly and severally, agree to the following concerning the procedures associated with maintenance and enforcement of this Written Commitment:

1. That this Written Commitment shall be recorded in the Elkhart County Recorder's Office, and a copy of the recorded commitment delivered to Plan Commission Staff within ten (10) days after recording.
2. That the Grantor shall give notice of this Written Commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate.
3. That the Grantor and any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate shall be bound by the terms of this Written Commitment.
4. That the Goshen City Advisory Plan Commission and/or the Goshen City Zoning Administrator are authorized to enforce the terms of this Written Commitment.
5. That any property owner adjacent to the Real Estate or any specifically affected persons listed below are also entitled to enforce the terms of this Written Commitment separately and independently from the Goshen City Advisory Plan Commission and/or the Goshen City Zoning Administrator; specifically affected persons are: None
6. This Written Commitment does not automatically terminate upon a legislative body's adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the Real Estate, or a change in the land use on the Real Estate to which this Written Commitment relates.
7. This Written Commitment may be modified or terminated only by a decision of the Goshen City Advisory Plan Commission after public hearing, except as otherwise stated herein.
8. That any and all signatories to this document as a Grantor warrant, jointly and severally, to the Goshen City Advisory Plan Commission that all persons having interest in the Real Estate have reviewed this Written Commitment and have signed this document.
9. This Written Commitment shall be effective immediately upon execution by the Grantor.
10. No zoning clearance form associated with the Real Estate will be signed by Plan Commission Staff until the recorded Written Commitment has been delivered to the Goshen City Advisory Plan Commission Staff.

Agreed this the _____ day of _____ 20__ by the following Grantor (collectively the owner(s) of the Real Estate):

Eash Holdings, LLC

Printed Name: _____ Title: _____

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

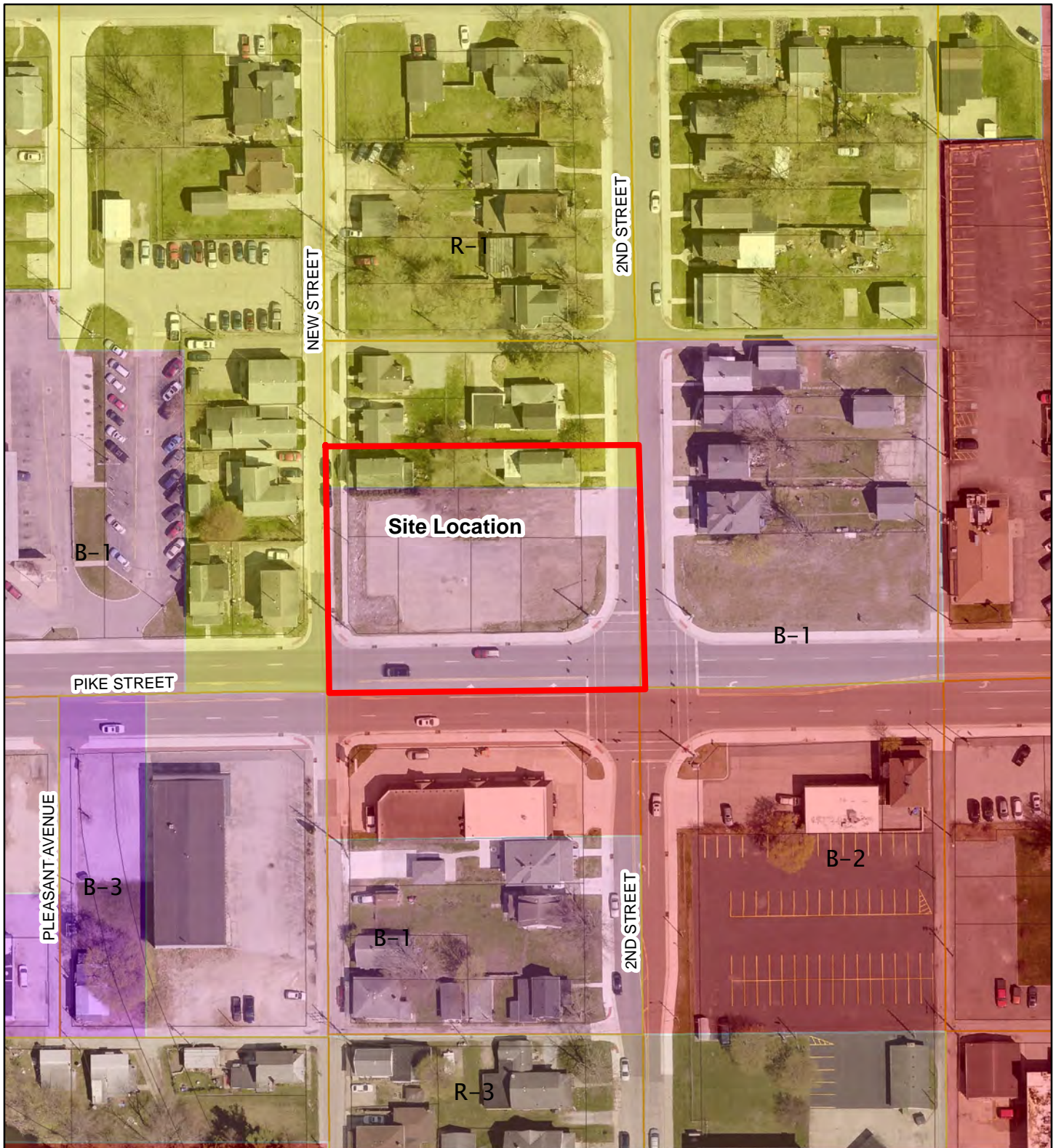
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, by _____, its _____ and acknowledged the execution of the foregoing instrument this ____ day of _____, 20__.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

_____, Notary Public
Resident of Elkhart County, Indiana

I, Rhonda Yoder, did prepare this document and do affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

301 W Pike Street, 306 New Street & 307 N 2nd Street

Zoning Map & 2019 Aerial
Printed November 26, 2019



0 25 50 100
1 inch = 100 feet

The City of Goshen
Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626

ORDINANCE 5031

Amend Park Rules and Regulations To Allow for the Possession and Consumption of Alcohol During Rentals of Park Pavilions and Facilities

WHEREAS, the Goshen Common Council passed Ordinance 4294 to establish the rules and regulations for parks and other recreational areas in the City of Goshen. Ordinance 4294 is codified in the Goshen City Code at Title 7, Article 1, Chapter 1.

WHEREAS, the Goshen Parks and Recreation Board from time to time finds it necessary to amend the park rules and regulations, and did recommend the adoption of amendment to the City Code by a vote of 4-0.

WHEREAS, the proposed amendment furthers the purposes of the Goshen Parks and Recreation system.

WHEREAS, the proposed amendment is intended to allow for the possession and consumption of alcohol during rentals of park pavilions and facilities.

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

SECTION 1. Possession and Consumption of Alcoholic Beverages

Goshen City Code Title 7, Article 1, Chapter 1, Section 10 shall be amended to read as follows:

7.1.1.10 Possession and Consumption of Alcoholic Beverages

A person may only possess and consume any alcoholic beverage within a park pavilion or facility pursuant to the rental of said pavilion or facility from the Goshen Parks and Recreation Department and in compliance with the Goshen Parks and Recreation's Department Facility Usage Policy, as amended. Such possession and consumption are strictly limited to the premises or footprint of the pavilion or facility rented, unless otherwise noted in the rental agreement for said pavilion or facility. Otherwise, no

person shall possess or consume any alcoholic beverage in any park or other recreational area. All persons must comply with all State of Indiana Alcohol & Tobacco Commission rules and regulations. The term "alcoholic beverage" means a liquid or solid that is, or contains, one-half percent (0.5%) or more alcohol by volume; is fit for human consumption; and is reasonably likely, or intended, to be used as a beverage.

SECTION 2. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

PASSED by the Goshen Common Council on _____, 2020.

Presiding Officer

ATTEST:

Adam C. Scharf, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2020,
at _____ a.m./p.m.

Adam C. Scharf, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2020.

Jeremy P. Stutsman, Mayor

ORDINANCE 4294

RULES AND REGULATIONS FOR PARKS AND OTHER RECREATIONAL AREAS IN THE CITY OF GOSHEN, INDIANA

WHEREAS, it has become necessary to revise the rules and regulations for parks and other recreational areas in the City of Goshen, Indiana.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that:

Section One. Park and Other Recreational Area Defined

The words "park and other recreational area" shall include, but not be limited to, any lands, buildings, structures, waters, paths, trails, drives and roadways in the City of Goshen that are within jurisdiction and control of the City of Goshen through the Goshen Parks and Recreation Department.

Section Two. Park Hours

No person shall enter or remain in any park or other recreational area after the location is closed to the public. Parks and other recreational areas are open to the public from dawn until 11:00 p.m. or until the conclusion of a park approved activity, if later.

Section Three. Vehicles Left in Parks After Closing Prohibited

No person shall leave a vehicle within any park or other recreational area after the location has closed to the public, except in cases of an emergency or with the consent of the Goshen Parks and Recreation Department. The City of Goshen will consider the registered owner of a vehicle to be the person who left the vehicle within any park or other recreational area after the location has closed to the public unless such presumption is properly rebutted by the owner.

Section Four.**Altering or Removing Signs, Structures, Fixtures and Other Improvements Prohibited**

No person shall damage, deface, remove or otherwise alter any sign, structure, fixture or other improvement in any park or other recreational area. The signs, structures, fixtures or other improvements shall include, but not be limited to, any drive, roadway, walk, path, trail, bridge, wall, monument, statue, fountain, grill, table, bench, fence, gate, building, pool and recreational equipment.

Section Five.**Disturbing, Injuring or Removing Wildlife and Vegetation Prohibited**

- A. No person shall harass, hunt, trap, injure, remove or otherwise disturb any wildlife located in any park or other recreational area without the express written permission of the Parks Superintendent or the Superintendent's designee. The term "wildlife" shall mean any wild mammal, bird, reptile, amphibian, mollusk, crustacean, or other wild animal; or any part, product, egg, offspring, or the dead body or parts of the wild animal.
- B. No person shall harvest, cut, break, set afire, injure, remove or otherwise disturb any plant, flower, bush, tree or other vegetation growing in any park or other recreational area. No person shall attach any rope, cable or other component to any such vegetation.

Section Six.**Swimming Prohibited**

No person shall swim, wade, or bathe in any waters that are within any park or other recreational area unless a lifeguard is on duty at the particular site. Wading in such waters as part of entering or exiting from a boat or canoe is not prohibited.

Section Seven.**Pet Supervision Required**

No person shall bring any pet into a park or other recreational area unless the person continuously supervises such pet, including preventing or promptly repairing any damages caused by the pet, and properly disposing of any excrement left by the pet upon any park property.

Section Eight. **Camping Prohibited**

No person shall erect or maintain a tent or other shelter, or otherwise camp within any park or other recreational area without the express written permission of the Parks Superintendent or the Superintendent's designee. The person must conspicuously post such permission at the campsite.

Section Nine. **Fires Prohibited**

No person shall build, kindle, maintain or use a fire within any park or other recreational area unless the person properly contains such fire in facilities designed for that purpose. Any fire shall be continuously monitored and under the care and direction of a person who is at least eighteen (18) years of age from the time the fire is kindled until the fire is extinguished.

Section Ten. **Possession, Consumption and Sale of Alcoholic Beverages Prohibited**

No person shall possess, consume, sell, offer for sale, barter or exchange any alcoholic beverage in any park or other recreational area. The term "alcoholic beverage" means a liquid or solid that is, or contains, one-half percent (0.5%) or more alcohol by volume; is fit for human consumption; and is reasonably likely, or intended, to be used as a beverage.

Section Eleven. **Possession or Use of Weapons Prohibited**

No person shall possess or use a weapon in any park or other recreational area. The term "weapon" means any device, firearm, equipment, or other material that in the manner it is used or is ordinarily used, is readily capable of causing serious bodily injury. The term "firearm" means any weapon that is capable of, designed to or that may readily be converted to expel a projectile by means of an explosion.

Section Twelve. **Solicitations, Commercial Sales and Commercial Photography Prohibited**

No person shall solicit, advertise, sell, photograph or promote for sale any commercial product or commercial event within any park or other recreational area without the express written permission of the Goshen Board of Parks and Recreation. The person must conspicuously post such permission at the site of such activity.

Section Thirteen. Speed Limits

No person shall operate any vehicle or bicycle upon roadways within a park or other recreational area in excess of the speed limit as posted, which in any event, shall not exceed fifteen (15) miles per hour.

Section Fourteen. Bicycle/Pedestrian Trail Restrictions

- A. No person shall operate any motorized vehicle, motorized bicycle or other similar device upon any trail designed for bicycle/pedestrian use in the City of Goshen, except if a person with a disability, as defined by the Americans with Disabilities Act, operates the device.
- B. No person shall ride or allow any horse upon any trail designed for bicycle/pedestrian use in the City of Goshen.
- C. No person shall ride a bicycle at an excessive speed or engage in any racing activity upon any trail designed for bicycle/pedestrian use in the City of Goshen.

Section Fifteen. Skate Park Equipment

The skate park shall be used only by persons operating skateboards, roller skates and inline skates. No person shall operate any other equipment or wheeled devices inside the skate park.

Section Sixteen. Enforcement

- A. Any person violating any provision of this ordinance shall be fined an amount not to exceed Two Hundred Fifty Dollars (\$250), in addition to any court costs, including reasonable attorneys' fees. A separate offense shall be deemed committed each day that a violation occurs or continues to occur.
- B. The City of Goshen may bring action to enforce the provisions of this ordinance by filing a complaint in any court of competent jurisdiction within Elkhart County, Indiana.

Section Seventeen. Other Ordinances

- A. All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict.
- B. This ordinance specifically repeals Ordinance 3730.

Section Eighteen. Severability Clause

The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section Nineteen. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana.

This ordinance is duly passed by the Common Council of the City of Goshen, Indiana on the 7th day of June, 2005.

Allan Kauffman
Allan Kauffman, Presiding Officer

Attest:

Tina M. Bontrager
Tina M. Bontrager, Clerk-Treasurer

This ordinance, having been passed by the Common Council, is presented by me to the Mayor for his approval on the 7th day of June, 2005.

Tina M. Bontrager
Tina M. Bontrager, Clerk-Treasurer

This ordinance, having been passed by the Common Council and presented to me is approved by me and duly adopted on the 7th day of June, 2005.

Allan Kauffman
Allan Kauffman, Mayor

ORDINANCE 4699

An Amendment to City of Goshen Ordinance 4294 to Allow for the Possession and Consumption of Alcohol During Rentals of Park Pavilions and Facilities

WHEREAS the City of Goshen Parks and Recreation Board from time to time finds it necessary to request an amendment of City of Goshen Ordinance No. 4294, and did recommend the adoption of an amendment to City of Goshen Ordinance No. 4294;

WHEREAS the proposed amendment furthers the purposes of the Goshen Parks and Recreation system;

WHEREAS the proposed amendment is intended to allow for the possession and consumption of alcohol during rentals of park pavilions and facilities.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that the current text of Ordinance 4294, Section Ten and Goshen City Code Section 7.1.1.10 shall be repealed and replaced in its entirety as follows:

Possession and Consumption of Alcoholic Beverages

A person may only possess and consume alcoholic beverages within a park pavilion or facility pursuant to the rental of said pavilion or facility from the Goshen Parks and Recreation Department and in compliance with the rules and regulations of the Goshen Parks and Recreation Department and its facility usage policy. Such possession and consumption is strictly limited to the premises of the pavilion or facility rented. Otherwise, no person shall possess or consume any alcoholic beverage in any park or other recreational area. All persons must comply with all State of Indiana Alcohol & Tobacco Commission rules and regulations. The term "alcoholic beverage" means a liquid or solid that is, or contains, one-half percent (0.5%) of more alcohol by volume; is fit for human consumption; and is reasonably likely, or intended to be used as a beverage.

[Clerk's Note, 5 Jan 2020: Below are archived minutes from Council Proceedings, 4 Sept 2012. ~AS]

ORDINANCE NUMBER 4699

Council President Stump introduced Ordinance Number 4699 entitled "AN AMENDMENT TO CITY OF GOSHEN ORDINANCE 4294 TO ALLOW FOR THE POSSESSION AND CONSUMPTION OF ALCOHOL DURING RENTALS OF PARK PAVILIONS AND FACILITIES."

Council President Stump asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilman Thomas.

Mayor Kauffman started the discussion by saying this was driven by the same needs as the Solid Waste User Fee proposal, although on a much smaller scale than a user fee. He opened discussion to the audience, clarifying this was restricted to closed pavilions with the alcohol staying inside the pavilion.

Lyman Hug, 404 Maple Court, asked a couple of questions. First, he questioned if this was supposed to raise revenue for the City. Mayor Kauffman responded that is the intention. Mr. Hug asked how it would help. Mayor Kauffman responded the hope was that more people would rent pavilions if they were allowed to bring alcohol. Mr. Hug stated he feels the City can get along without that funding because he feels the parks we have in this City shouldn't be open to alcohol. You're going to have kids around the alcohol whether it is a close permit or not. There will be parties and there will be people driving after those parties. What kind of enforcement are we going to have? Every bar in town has a sign on the door saying you must be 21 to be admitted. If you change that and let kids into things like that, they're going to get in trouble. They're going to drink alcohol and there will be fights. Also, and this isn't something the City can do anything about, they're talking about opening up the parks to allow packing guns. Mr. Hug thinks it's a dangerous situation that is only going to create problems down the road and he doesn't think we need it. He feels it is something we can do without. If you want to drink at your parties, you don't need to come to a City park that's public for children. He would not send young children to the parks if there was drinking going on. When you have alcohol in a public situation like that you're asking for trouble. There has got to be other ways to make money for the City. Mr. Hug thought the City could benefit from Red Light Cams. He thinks it would pay for the trash. Mayor Kauffman said this cannot be done without special permission from the State and they won't give it to Warsaw. Mr. Hug feels we should at least try for it. All it's going to catch is violators, those who already aren't doing what they should be doing. Anything that can be made off of those the City should be open to.

Manley Rohn, 614 S 6th St stated he was appalled at this idea of letting alcohol into the parks. He stated he is 67 years old and was born and raised in the City and just doesn't understand what is happening to it. He doesn't understand it. He thinks we are just asking for a can of worms. Alcohol shouldn't be allowed in parks. What do you do when people leave the parties drunk? It will happen, no matter how hard we try to oversee it.

Glenn Null, 319 Dewey Ave, stated he sees an enforcement issue more than anything. He sees people going outside for a smoke, taking their can of beer with them. Individuals in the park itself see that and think, well, if they have a can of beer, why can't I? Plus, the Fair Board has promoted drinking in some of their pavilions and that has led to drive by shootings, violence, things like that. He doesn't feel we need this in our parks. How many other Cities allow it in their parks? Some big cities don't even let you smoke in their parks. He is not in favor of this at all. He thinks there is a time and place for alcohol and this is not it.

Joe Dervin, 1701 Woodward Place, asked if this was going to be timed. Would there be a trial period and if it didn't work out it would be yanked? Mayor Kauffman responded that he was sure if it was approved and there started to be problems, the Park board would decide to change it.

Wilma Harder, 119 Canal, stated she has worked in 3 different park departments over the last many years and Elkhart City parks allows alcohol in their closed pavilions and sometimes her job was to go in and clean up after these parties. Sometimes they were spotless and other times completely trashed. Her concern would be, is there something in the budget for overtime required to clean up after these parties. She also wondered how many people *don't* rent because they can't have alcohol. She stated it doesn't stop people. She pulls bottles of alcohol and wine out of the trash in Middlebury parks all the time. Also, park staff can't police constantly. She is ambivalent about this Ordinance.

Mayor Kauffman stated discussion at the Park board had been that if rules were violated, renters would lose their deposit and currently they lose their deposit if they don't clean up after themselves. They have to obey all the laws of the State of Indiana or they can be arrested, and if they don't obey the rules of the Park, they can lose their deposit.

Paul Scott, 417 Hackett Road, questioned who would watch over this and he anticipates needing someone there to ensure those under 21 don't have access to the alcohol. Mayor Kauffman responded currently we have Park staff checking back from time to time but we don't have someone actually sitting there "babysitting" the renters. He doesn't anticipate Police staff cruising through the park more frequently.

Ed Bradford, 1816 Woodgate Drive, has mixed emotions on alcohol in parks, but stated he would rather pick up empty beer cans behind his property than dirty diapers, referencing concerns voiced earlier with the Solid Waste User Fee.

Fred Buttle, 825 Wilden stated he is adamantly opposed to this Ordinance. He stated there are other venues in the City for that kind of activity. He feels the parks are a wholesome place for families without that kind of activity interfering. The newspaper is full everyday of people arrested for DUIs. He doesn't think it is a good idea to allow alcohol in the parks and can see it

causing all kinds of problems. He stated he can't believe the City of Goshen is *this* desperate for revenues.

Doug Nisley, 1929 W. Lincoln, asked what liability the City would have with this Ordinance. For example, is someone is drunk and drowns in a pond or pool. City Attorney Larry Barkes responded permitting alcohol in City parks would not increase liability and would only pose a problem if the City had been made aware of situations and did not react. Such as the City being made aware there was a fight among drunken people and took no action.

Darren Bickel, 711 8th St, stated he feels the revenues from trash pickup would be meeting the problem head on, but something like this is just a quick grab for revenue. He feels you're just asking for difficulty with this. We're trying to build a high-quality infrastructure piece through the heart of the City and when you introduce alcohol into the parks in that area you change the nature of what people are looking to go to those venues for. He feels that any fees generated from this will get eaten up with enforcements from Police calls and additional patrols in the area. He thinks keeping alcohol out of the parks is just a small part of the fabric that makes Goshen great. He is opposed to this Ordinance.

Barb Swartley, 119 Canal, is on the Park Board and voted to pass this along to the Council. She has lived in Milwaukee and it is perfectly fine there, and a normal part of life, to be able to take your can of beer into a City park. She doesn't feel family values in Milwaukee are any less than family values here in Goshen. She doesn't have a strong opinion on this but feels we cannot reject any possibility for revenue. She doesn't feel it would necessarily change who we are as a City.

Mark Huser, 315 Gorham Drive, stated he cannot support this and feels it will not enhance the City whatsoever. He feels we have incredibly gorgeous parks and there are plenty of other places people can rent where they can have alcohol. He stated there are not any of us, in our adult years that have not attended a party where alcohol was served and someone got intoxicated. What makes the parks and pavilions more desirable than other rental places? The atmosphere? If people consume alcohol are they just going to stand there or is the park part of the ambiance of being there? Are they going to venture out for pictures somewhere? Are there going to be wedding parties taking fun pictures at Tommy's Kids Castle? Or the Pool? He again stated he is very much against this Ordinance. He doesn't feel it will generate the revenues the City is looking for. He doesn't feel there will be a huge increase in rentals if this is allowed.

Jessica Whitaker, 808 Middlebury, stated she also does not have an opinion for or against the Ordinance but instead questioned if this was a way to attract more rentals, to which Mayor Kauffman responded it was the intention. Ms. Whitaker then asked if they would be charged the same rental fee, or if there would be an additional fee for those who wanted alcohol. Mayor Kauffman responded it would be up to the Park board what fee was assessed for rentals with alcohol. Sheri Howland, Superintendant of Parks spoke saying the Board had decided they would review it after it had been presented to Council but if she remembered right, they were not in favor of imposing any additional fee. Ms. Whitaker asked if they rented to any group, or would there be a situation in which they wouldn't rent to a specific group. Sheri answered if they paid the fee and submitted the waiver they would rent to the group. They don't discriminate.

Angie McKee, 2359 Redspire (wife of Councilman McKee and co-owner of Boscoe's Place) stated what sets her place aside from what the parks is asking for, or even the Spohn building, or any place holding a liquor license, we control how much they consume and they must show a photo id.

Councilman McKee stated all his people have been trained and that he has the experience of 14 years handling and serving alcohol. Any time alcohol is around, sooner or later you're going to have a problem. Personal problems arise and before you know it you've consumed too much. There will be problems, you can't escape it. He doesn't feel the City will raise the money they are hoping to. Even if they added extra security they will still have problems. He still feels there could be a big expense of possible litigation.

Councilman Ahlersmeyer feels security would be a big concern. If we have a standard fee now, would those not serving alcohol still be mandated to pay the fee someone serving alcohol would have to pay. We should mandate security to make sure there is no illegal drinking. We should increase our fee to provide an officer. At what point would these fee increases make our parks less desirable. Mayor Kauffman stated he didn't think it was the Park Board's suggestion that security be required. Councilman Ahlersmeyer stated *he* would require it as part of passing the Ordinance.

Councilman Thomas agreed. He could only support the Ordinance if there was a requirement that a vendor or caterer accepted the responsibility for the amount of consumption, checked IDs, and also accepted liability. He stated he couldn't support it without that kind of third party assurance.

Councilman Stutsman stated as we're going through the budgets here and trying to find money to make sure we can continue our services that we have all been accustomed to, he really appreciates the fact that Mayor Kauffman is always looking for efficiencies. He went on to say he's gotten to know the Mayor well over the past 5 years and he really respects and applauds him for looking outside the box and bringing this Ordinance to the Council. He has received a lot of phone calls about this Ordinance and is one of the families that are always at Tommy's Kids Castle and although the phone calls have not been overly negative, this would still be a tough Ordinance for him to support. He told the Council he would listen to all their comments before he made a decision.

Councilwoman Robinson has had people come up to her at church, at the grocery store, and even on the street to voice their opinions on this Ordinance. Just before she came to the meeting she had someone stop her on the golf course. All of the comments have been that we don't need alcohol in our parks. She feels that the parks belong to our citizens and it seems pretty clear that they aren't in favor of this Ordinance. She feels we need to listen to them.

Councilwoman Gautsche stated it has also been pretty tough for her as she realizes the City needs to find new avenues of revenue. However, she doesn't feel that for the small amount of money this would raise there will be many more problems. In particular because Shanklin Park Pavilion will be the most likely rental and it is so close to Tommy's Kids Castle it does not seem like the best thing to raise money. She stated she will be voting no.

Councilman Stutsman stated the Park Board had voted unanimously for this Ordinance.

Mayor Kauffman responded the Council should not “shoot” Sheri, as this was not her idea. He stated he was the one that went to Sheri and asked her to take it to the Park Board again. She had taken it to the Park Board several years ago and they voted no on it at that time. There was no mention that it had been the Mayors idea. She ran it through as if it were her idea. As this is not entirely dissimilar from the proposed trash Ordinance, and a possible source of additional revenues, he stated he asked Sheri if she would once again present it to the Park Board. The Park Board didn’t take this lightly and with some reservation decided to vote it on to the City Council. So, yes, despite their own reservations the Park Board did vote unanimously to pass it on to Council, leaving the ultimate decision up to them.

Councilwoman Gautsche stated that like Councilman Stutsman, she appreciated that it is the Mayor’s nature to look for any place to raise revenue.

By a 0-7 unanimous vote of the Council the Ordinance failed.

[Clerk’s Note, 5 Jan 2020: End archived minutes segment for Ordinance 4699. ~AS]

RESOLUTION 2020-03

**Acquisition of Real Estate
in 1500-Block of East Monroe Street**

WHEREAS the City of Goshen plans to acquire property generally located in the 1500-Block of East Monroe Street to preserve the floodplain along Rock Run Creek.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Common Council that:

- (1) The City of Goshen is authorized to acquire certain real estate generally located in the 1500-Block of East Monroe Street identified as parcel numbers 20-11-15-226-102.000-015 and 20-11-15-226-013.000-015 as depicted on the map attached as Exhibit A.
- (2) The acquisition of the real estate shall be subject to the terms and conditions of a written agreement agreed upon by the City and Seller and approved by the Goshen Board of Public Works and Safety.

PASSED by the Goshen Common Council on January ____, 2020.

Presiding Officer

Attest:

Adam C. Scharf, Clerk-Treasurer

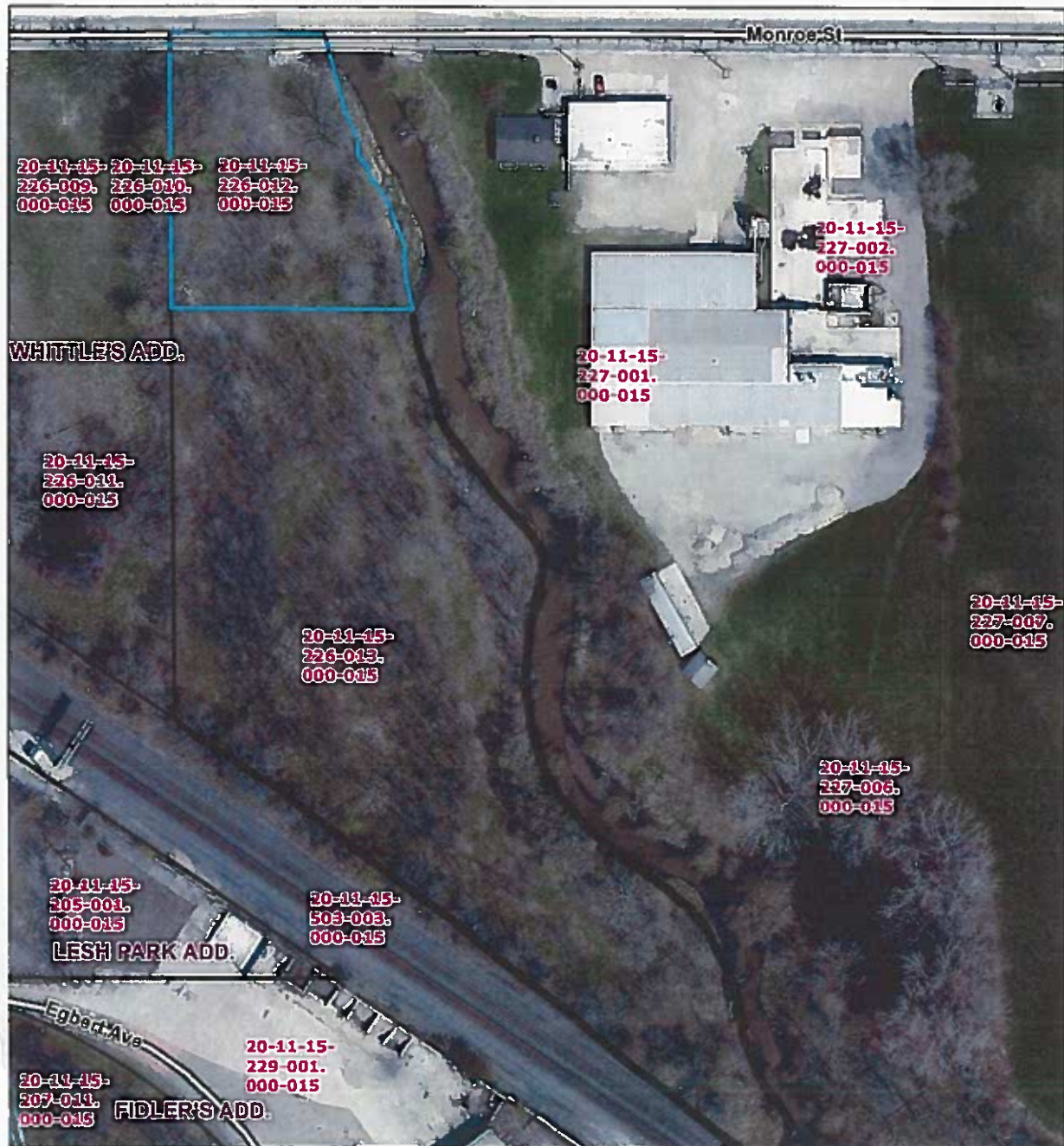
PRESENTED to the Mayor of the City of Goshen on January ____, 2020 at ____ a.m./p.m.

Adam C. Scharf, Clerk-Treasurer

APPROVED and ADOPTED on January ____, 2020.

Jeremy P. Stutsman, Mayor

Exhibit A



2020–Goshen City Council Calendar

◊ All meetings are conducted in the Council Chambers, Police & Court Building, 111 E. Jefferson St. and are at 7 p.m. unless stated otherwise.

January

S	M	T	W	T	F	S
			Hol.	2	3	4
5	6	Reg.	8	9	10	11
12	13	14	15	16	17	18
19	Hol.	Reg.	22	23	24	25
26	27	28	29	30	31	

February

S	M	T	W	T	F	S
						1
2	3	Reg.	5	6	7	8
9	10	11	12	13	14	15
16	17	Reg.	19	20	21	22
23	24	GCS	25	26	27	28
				29		

March

S	M	T	W	T	F	S
1	2	Reg.	4	5	Re-treat	7
8	9	10	11	12	13	14
15	16	Reg.	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April

S	M	T	W	T	F	S
			Spring Break			4
5		Reg.	Spring Break			11
12	13	14	15	16	17	18
19	20	Reg.	22	23	24	25
26	27	28	29	30		

May

S	M	T	W	T	F	S
					1	2
3	4	Reg.	6	7	8	9
10	11	12	13	14	15	16
17	18	Reg.	20	21	22	23
24	Hol.	26	27	28	29	30
31						

June

S	M	T	W	T	F	S
	1	Reg.	3	4	5	6
7	8	9	10	11	12	13
14	15	Reg.	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July

S	M	T	W	T	F	S
			1	2	Hol.	4
5	6	Reg.	8	9	10	11
12	13	14	15	16	17	18
19	20	Reg.	22	23	24	25
26	27	28	29	30	31	

August

S	M	T	W	T	F	S
						1
2	3	Reg.	5	6	7	8
9	10	11	12	13	14	15
16	17	Reg.	19	20	21	22
23	24	25	26	27	28	29
30	31					

September

S	M	T	W	T	F	S
		Reg.	2		4	5
6	Hol.	8	9	10	11	12
13	14	Reg.	15	17	18	19
20	21	22	23	24	25	26
27	28	Reg.	30			

October

S	M	T	W	T	F	S
				1	2	3
4	5	Reg.	Aim Idea Summit		9	10
11	12	Reg.	14	15	16	17
18	19	Reg.	Fall Break		24	
25	26	Reg.	28	29	30	31

November

S	M	T	W	T	F	S
1	2	Reg.	4	5	6	7
8	9	10	Hol.	12	13	14
15	16	Reg.	18	19	20	21
22	23	24	25	Holiday		28
29	30					

December

S	M	T	W	T	F	S
		Reg.	2	3	4	5
6	7	8	9	10	11	12
13	14	Reg.	16	17	18	19
20	21	22	23	Holiday		26
27	28	\$	30	31		

Budget–
1st
Reading

Budget–
2nd
Reading

Additional
Budget
Meeting

- 1/7 regular meeting and swearings-in
- 1/21 cancel due to Aim Newly Elected Officials Training
- 2/18 joint meeting with School Board at GCS Admin. Bldg.
- 3/6 Retreat, 2-5 p.m. at Rieth Interpretive Center
- 4/7 cancel due to spring break

- 10/6 & 20 reset both October meetings to 10/13 & 27
due to the Aim Idea Summit and fall break
- 10/27 may be cancelled if budget passed on 10/13
- 11/3 cancelled due to General Election
- 12/29 additional meeting for year-end category
transfers, at 5:45 p.m.

Date: 11/18/2019

First Name: Zack

Last Name: Bontrager

Address-1: 1506 Berkey Ave

Address-2:

City: Goshen

State: IN

Zip: 46526

Email: zrbontrager@gmail.com

Board/Commission interested in: Economic Development Commission

Explain related background, interest, or experience. I have served the past two years on the EDC, having been appointed when Doug Nisley joined the Common Council. Beyond that I have been a project manager for the past four years; this gives me a unique experience of collaboration, problem solving, and communication.

Describe any interest or experience you have in collaborative decision-making.: As a Project Manager I routinely collaborate with people from different groups and backgrounds to work towards a common goal.

Describe why you are interested in participating in this board or commission. Having lived in Goshen my entire life, I enjoy seeing my home grow and prosper and I want to do my part to help that continue.



Danny C. Sink, Chief
FIRE DEPARTMENT, CITY OF GOSHEN
209 North Third Street • Goshen, IN 46526-3201

Phone (574) 533-7878 • Fax (574) 534-2804 • TDD (574) 534-3185
dannysink@goshencity.com • www.goshenindiana.org

January 2, 2020

To: Mayor Stutsman
Council President Weddell

RE: Goshen Central Fire Station Remodel Funding

From: Chief Dan Sink

In 2019 the Mayor and Council appropriated \$150,000 for remodeling Central Fire Station. Following the appropriation we suffered substantial storm damage to Central Fire Station. From October 2019 to December 2019 Asst. Chief Mike Happer and Sgt. Jeremy Johnson have been working on both the remodel and storm damage which resulted in multiple scheduling conflicts and many of the projects ended up waiting on one or the other to get done before we could move ahead.

The scheduling issues resulted in \$117,661.51 of the additional appropriation not being spent for remodeling and was returned to the general fund at year end.

The Goshen Fire Department is respectfully requesting \$117,661.51 be appropriated for our continued remodeling of Central Fire Station. I will be happy to answer any questions you may have regarding this request.

Respectfully,

ORDINANCE 4897

Goshen Common Council Rules of Order

WHEREAS the Goshen Common Council adopts rules of order to facilitate the orderly transaction of business and provide a basis for resolving questions of procedure that may arise.

NOW THEREFORE, BE IT ORDAINED that Goshen Common Council adopts the following rules of order:

Section 1. APPLICATION OF SPECIAL RULES

- A. The rules of order of the Goshen Common Council do not apply whenever the United States Constitution, State of Indiana Constitution, or applicable federal or state laws or regulations provide or require different requirements or procedures. If the United States Constitution, State of Indiana Constitution, applicable federal or state laws or regulations, or the Common Council special rules do not apply, Robert's Rules of Order, most current edition, shall govern proceedings.
- B. This ordinance specifically repeals Ordinance 4207.

Section 2. COMMON COUNCIL POWERS AND DUTIES

- A. The legislative powers of the City of Goshen are vested in the Common Council which permits the Common Council to pass ordinances and resolutions.
- B. The Common Council may manage the finances of the City and control the City's property to the extent that such power is not vested in the executive branch.
- C. The Common Council has the power to appropriate money, fix the rate of taxation, and establish budgets for the City and its departments in the manner prescribed by the laws of the State of Indiana.
- D. The Common Council has the authority to issue short term loans and bonds in accordance with the limitations established by the laws of the State of Indiana.
- E. The Common Council has the investigative powers set forth in Indiana Code § 36-4-6-1.

Section 3. COMMON COUNCIL PRESIDENT ROLE

- A. The Common Council President presides at Common Council meetings whenever the Mayor is absent.
- B. The Common Council President shall act as a liaison between the Common Council and the Mayor.

- C. Under certain circumstances, the Common Council President serves as acting Mayor as provided by the laws of the State of Indiana.

Section 4 COMMON COUNCIL PRESIDING OFFICER POWERS AND DUTIES

- A. The Presiding Officer shall conduct the meetings of the Common Council.
- B. The Presiding Officer shall call for a vote on any motion, resolution or ordinance.
- C. The Presiding Officer shall sign any ordinance, order or resolution properly passed by the Common Council and shall provide such executed documents to the Clerk-Treasurer to be approved by the Mayor.

Section 5. MOTIONS

- A. Amendments.
 - 1. Only one resolution or ordinance can be on the floor at a time.
 - 2. Only one amendment to a resolution or ordinance can be offered at a time. However, multiple versions of a pending amendment to a resolution or ordinance may be considered or discussed.
- B. Motion to Postpone. An ordinance or resolution may be postponed indefinitely or to a date certain.

Section 6. DEBATE

- A. Debate must be limited to the resolution, ordinance, motion or amendment under consideration. Debate may not begin until the resolution, ordinance, motion or amendment has been introduced or made by one Common Council member and seconded by another Common Council member.
- B. The following motions are not debatable:
 - 1. Motion to adjourn if made after the completion of the agenda.
 - 2. Motion to close debate.
 - 3. Motion to call the question.
- C. Any Common Council member may request a call for vote, but only the Presiding Officer can call for the vote.
- D. Public comment will be permitted on a resolution or on the first and second reading of an ordinance.

- E. Public comment on an issue may be limited to individuals that own real estate in the City of Goshen, to individuals that represent a business located in the City of Goshen, and to residents of the City of Goshen by the Presiding Officer unless objected to by a majority of the Common Council.
- F. Any comment made by the public must be made to the Common Council and not to other members of the public.
- G. Public comment on any issue before the Common Council may be limited to no more than three (3) minutes per person by the Presiding Officer. If a majority of the Common Council determines at the beginning of public comment on an issue, that the length of time for comment by individual members of the public needs to be further limited, the Common Council may so limit. However, each member of the public must be afforded at least two (2) minutes.
- H. The Presiding Officer may request that public comments address new information, arguments or insight rather merely reiterate comments previously made by other persons. This request may not be made if the public is commenting during a statutorily required public hearing on an issue.
- I. The public may not comment on a procedural motion.
- J. The public may not comment on a motion to amend unless permitted by a majority of the Common Council.

Section 7. OPTION FOR WRITTEN VOTE

- A. Upon the request of any Common Council member on the final vote on any ordinance or on the vote on any resolution, a written vote shall be conducted.
- B. If a written vote is conducted, each Common Council member shall submit their vote on a piece of paper to the Presiding Officer who shall read the votes aloud, publically identifying the vote of each Common Council member. After the written vote is read the Presiding Officer shall provide the members of the Common Council an opportunity to orally change their vote.

Section 8. PRIVILEGE OF THE FLOOR

- A. Any member of the public commenting during privilege of the floor may be limited to three (3) minutes by the Presiding Officer.
- B. Common Council members may comment or request future action on subjects which were not on the Common Council's agenda during the Common Council's portion of privilege of the floor. The Common Council's portion of privilege of the floor will be held after the public has been given an opportunity to comment on subjects over which the Common Council has authority and were not on the Common Council's agenda.

Section 9. PROHIBITED CONDUCT

- A. No Common Council member or a member of the public may attack the character or other attribute of the person or persons making an argument rather than attacking the argument itself.

- B. No Common Council member or a member of the public shall make threatening remarks about Common Council members or any member of the public.

Section 10. AGENDA ITEMS

- A. The Presiding Officer has the authority to set the agenda of the Common Council. The agenda as presented may be amended by a majority vote of the Common Council to add items, delete items, or change the order of agenda items.
- B. Two (2) or more Common Council members may submit a request in writing to the Clerk-Treasurer that an issue over which the Common Council has authority be placed on the agenda of a future Common Council meeting. Two (2) or more Common Council members may request during privilege of the floor of a Common Council meeting that an issue over which the Common Council has authority be placed on the agenda of a future meeting.
- C. The Presiding Officer will determine the appropriate Common Council meeting that the item will be placed on the agenda at the earliest possibility taking into consideration City staff's need to properly review and comment on the issue and the number of other items that need to be addressed in upcoming meetings. A requested agenda item will be placed on the Common Council agenda within ninety (90) days unless a greater time period is agreed to by the Common Council.
- D. Agenda items must be received by the Clerk-Treasurer by noon the Wednesday preceding a Common Council meeting. Any agenda items received later than the Wednesday before the Common Council meeting can only be added to the agenda by the consent of a majority of the Common Council members at the beginning of the Common Council meeting.
- E. Agenda items shall be posted on the City's website at least seventy-two (72) hours before any regularly scheduled Common Council meeting.

Section 11. COMMON COUNCIL SEATING

Common Council members shall be seated in alphabetical order by last name unless the Council establishes a different seating order for the annual term.

Section 12. CANCELLED COMMON COUNCIL MEETINGS

- A. Before a Common Council meeting is canceled due to lack of agenda items or lack of a quorum, the Presiding Officer shall discuss the cancellation with the Common Council President and a designee annually selected by the Council members that are not of the same party as the Council President. After the discussion, the meeting shall be canceled if the Mayor, Council President, and the annual designee all agree.
- B. The meeting can be canceled by the Presiding Officer if there is an emergency such as a natural disaster or weather emergency.

Section 13. MINUTES

- A. The meeting minutes of the Common Council shall be prepared by the City Clerk-Treasurer or the Clerk-Treasurer's designee. The Common Council strongly encourages that the minutes be prepared in time to be approved at the Common Council's next regularly scheduled meeting.
- B. The meeting minutes shall be posted on the City's website within seven (7) days of the Common Council's approval of the minutes.

Section 14. APPOINTMENTS OF COMMON COUNCIL

- A. Whenever the Common Council has an appointment to a Board or Commission, the Board or Commission opening will be announced at a Common Council meeting and will then be posted on the City's website for at least twenty-eight (28) days before the Common Council makes the appointment. The notice of the opening will also be posted on the City's social media to refer interested residents to the City's website.
- B. The City's website shall include a list of Common Council appointments and when the term of those appointments end.
- C. Anyone interested in a particular appointment shall submit a letter of interest or an application to the Mayor's Office who will forward any application or letter of interest to each Common Council member within seven (7) days of receiving the application or letter of interest. The City shall provide a form of application that may be submitted by any interested party.
- D. There shall be at least seven (7) days between the time all Common Council members receive an application for a vacancy on a City Council appointed seat and the time at which the Council votes on that applicant.

PASSED by the Goshen Common Council on April 11, 2017.


Jeremy P. Stutsman, Presiding Officer

Attest:


Angie McKee, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on April 13, 2017 at 11:33 a.m/p.m.


Angie McKee, Clerk-Treasurer

APPROVED and ADOPTED on April 13, 2017.


Jeremy P. Stutsman, Mayor

ORDINANCE 4925

Amend Ordinance 4897, Goshen Common Council Rules of Order

WHEREAS, the Goshen Common Council adopted Ordinance 4897, Goshen Common Council Rules of Order on April 11, 2017;

WHEREAS, the Goshen Common Council seeks to embrace certain principles as it conducts business in the best interests of the City of Goshen;

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that Ordinance 4897, Goshen Common Council Rules of Order, be amended as follows:

Section 1. Guiding Principles

Ordinance 4897, Goshen Common Council Rules of Order, shall be amended by adding the following new recital to the preamble of Ordinance 4897:

WHEREAS, the Goshen Common Council embraces the following principles as important in facilitating the orderly transaction of its business and in promoting the best interests of the City of Goshen:

- Respect for each other and for each other's rights;
- Open communication and engagement;
- Honesty;
- A safe community;
- Acceptance that change has positive and negative consequences;
- Tolerance of differences;
- Support for equality and freedom from discrimination.

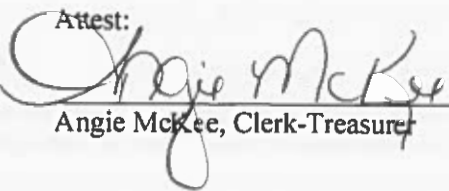
Section 2. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

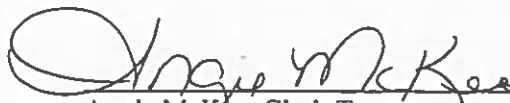
PASSED by the Goshen Common Council on November 6, 2017.


Jim McKee, Presiding Officer


Attest:


Angie McKee, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on November 9, 2017 at 10:05 a.m./p.m.


Angie McKee, Clerk-Treasurer

APPROVED and ADOPTED on November 9, 2017.


Jeremy P. Shutsman, Mayor

SCANNED