

GOSHEN COMMON COUNCIL

Minutes for the Regular Meeting of April 17, 2018

The Common Council of the City of Goshen, Indiana met in a regular meeting on April 17, 2018 at 7:00 P.M. in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, IN. Presiding Officer was Mayor Stutsman, with members of the Council present or absent as follows:

PRESENT: Councilman McKee, Orgill, Scharf, Weddell
Councilwoman Gautsche, King
Youth Advisor Barahona

ABSENT: None

CHANGES TO THE AGENDA

Council President Weddell moved to change the title of Discussion Item #2 to include Councilman Ahlersmeyer's name and make Discussion Item #2 the first Agenda item following Privilege of the Floor. Motion seconded by Councilwoman Gautsche.

By a 6-0 unanimous vote the Agenda was amended.

By a 6-0 unanimous vote the Agenda was passed as amended.

APPROVAL OF MINUTES

Mayor Stutsman called for a motion regarding the Minutes from March 20, 2018. Motion to approve the Minutes as presented made by Councilman Orgill. Motion seconded by Councilman McKee.

By a 6-0 unanimous vote the Minutes were passed as presented.

PRESENTATIONS

There were no presentations.

PRIVILEGE OF THE FLOOR

Councilman Ahlersmeyer resigned from the Goshen Common Council and made a personal statement at 11 minutes and 50 seconds of the audio recording.

DISCUSSION ITEM #2—COMMUNITY RELATIONS COMMISSION AND FORMER COUNCILMAN AHLERSMEYER

Mayor Stutsman introduced Discussion Item #2 at 18 minutes and 39 seconds of the audio recording.

Public comments on Discussion Item #2 begin at 22 minutes and 54 seconds of the audio recording.

Mayor Stutsman's comments on Discussion Item #2 begin at 1 hour, 27 minutes, and 28 seconds of the audio recording.

Council comments on Discussion Item #2 begin at 1 hour, 33 minutes, and 12 seconds of the audio recording.

ORDINANCE #4961

Council President Weddell introduced Ordinance #4961 entitled “AN ORDINANCE CREATING THE GOSHEN ENVIRONMENTAL ADVISORY COMMISSION AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSION.”

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman King.

Mayor Stutsman spoke about the Ordinance at 1 hour, 59 minutes, and 10 seconds of the audio recording.

City Forester Aaron Sawatsky-Kingsley spoke about the Ordinance at 2 hours, 00 minutes, and 58 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4961

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 10 minutes, and 34 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4961

Mayor Stutsman opened public comments. Public comments begin at 2 hours, 29 minutes, and 55 seconds.

Motion to amend the Ordinance to change Section 4, Item C from six members to five members for a quorum, changes Section 5, Item A to “may provide input to the City of Goshen Administration,” changes Section 5, Item E to “may advise the City of Goshen Administration in the acquisition of property, both real and personal, which enhances or offers resources to the quality of Goshen’s environment,” and changes Section 5, Item G from “shall” to “may” made by Council President Weddell. Motion seconded by Councilman McKee.

By a 6-0 unanimous vote the Ordinance was amended.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Gautsche, King, McKee, Weddell

NAYS: Orgill

PRESENT: Scharf

By a 4-1-1 vote the Ordinance passed as amended on first reading.

Mayor Stutsman called for a unanimous Council consent to consider the Ordinance for passage during one meeting. As there were objections, Mayor Stutsman declared that the Ordinance would not be heard on a second reading.

**PUBLIC HEARING—COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ANNUAL ACTION PLAN PROGRAM YEAR 2018**

Mayor Stutsman opened the Public Hearing.

City Planning and Zoning Administrator Rhonda Yoder spoke about the Annual Action Plan for Program Year 2018 at 2 hours, 48 minutes, and 12 seconds of the audio recording.

No members of the public spoke.

PROPOSAL

Mayor Stutsman introduced a proposal entitled, "TEXT CHANGES TO FORWARD TO PLAN COMMISSION TO AMEND ZONING ORDINANCE 3011 REGARDING CHILD CARE HOME AND HOME OCCUPATIONS."

COUNCIL COMMENTS ON PROPOSAL

Mayor Stutsman opened Council Comments. Council comments begin at 2 hours, 49 minutes, and 49 seconds and end at 2 hours, 54 minutes, and 28 seconds of the audio recording. Council comments resume at 3 hours, 00 minutes, and 06 seconds of the audio recording.

PUBLIC COMMENTS ON PROPOSAL

Mayor Stutsman opened public comments. Public comments begin at 2 hours, 54 minutes, and 42 seconds of the audio recording.

Motion to adopt the changes to Child Care Home definition and conditional uses in Section 5200 and forward to the Plan Commission made by Councilwoman Gautsche. Second by Council President Weddell.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Gautsche, King, McKee, Orgill, Scharf, Weddell

NAYS:

By a 6-0 unanimous vote the Proposal was forwarded to the Plan Commission.

ORDINANCE #4947

Council President Weddell introduced Ordinance #4947 entitled "COUNTY ROAD 28 ANNEXATION AMENDMENT."

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

Mayor Stutsman spoke about the Ordinance at 3 hours, 07 minutes, and 02 seconds of the audio recording.

City Attorney Larry Barkes spoke about the Ordinance at 3 hours, 07 minutes, and 15 seconds of the audio recording.

Motion to amend the Ordinance as proposed by the Legal Department made by Councilman Scharf. Motion seconded by Council President Weddell.

COUNCIL COMMENTS ON AMENDMENT

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON AMENDMENT

Mayor Stutsman opened public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Ordinance was amended.

ORDINANCE #4949

Council President Weddell introduced Ordinance #4949 entitled "WESTORIA ANNEXATION AMENDMENT."

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

City Attorney Larry Barks spoke about the Ordinance at 3 hours, 09 minutes, and 12 seconds of the audio recording.

Motion to amend the Ordinance as proposed by the Legal Department made by Councilwoman Gautsche. Motion seconded by Council President Weddell.

COUNCIL COMMENTS ON ORDINANCE #4949

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4949

Mayor Stutsman opened public comments. Public comments begin at 3 hours, 10 minutes, and 19 seconds of the audio recording.

By a 6-0 unanimous vote the Ordinance was amended.

ORDINANCE #4951

Council President Weddell introduced Ordinance #4951 entitled "CLOVER TRAILS ANNEXATION AMENDMENT."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman King.

City Attorney Larry Barks spoke about the Ordinance at 3 hours, 13 minutes, and 16 seconds of the audio recording.

Motion to amend the Ordinance as proposed by the Legal Department made by Council President Weddell. Motion seconded by Councilman Scharf.

COUNCIL COMMENTS ON ORDINANCE #4951

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4951

Mayor Stutsman opened public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Ordinance was amended.

ORDINANCE #4957

Council President Weddell introduced Ordinance #4957 entitled "ESTABLISHING A CITYWIDE BROWNFIELD REVOLVING LOAN FUND."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman King.

City Attorney Larry Barks spoke about the Ordinance at 3 hours, 14 minutes, and 51 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4957

Mayor Stutsman opened Council comments. Council comments begin at 3 hours, 15 minutes, and 32 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4957

Mayor Stutsman opened public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Ordinance passed on first reading.

Mayor Stutsman called for a unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, Mayor Stutsman declared that the Ordinance would be heard on a second reading.

ORDINANCE #4957

Council President Weddell introduced Ordinance #4957 entitled "ESTABLISHING A CITYWIDE BROWNFIELD REVOLVING LOAN FUND."

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

COUNCIL COMMENTS ON ORDINANCE #4957

Mayor Stutsman opened Council comments. There were no additional comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4957

Mayor Stutsman opened public comments. There were no additional comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Gautsche, King, McKee, Orgill, Scharf, Weddell

NAYS:

BY a 6-0 unanimous vote the Ordinance passed.

(ORDINANCE #4957 DULY PASSED AND ADOPTED THIS DAY OF APRIL 17, 2018)

RESOLUTION 2018-26

Council President Weddell introduced Resolution 2018-26 entitled "LIPPERT/DIERDORFF ECONOMIC DEVELOPMENT AREA."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only for its and moved for its passage. Motion seconded by Councilwoman Gautsche.

Motion to amend the Resolution to include Exhibit C made by Council President Weddell. Motion seconded by Councilwoman Gautsche.

COUNCIL COMMENTS ON AMENDMENT

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON AMENDMENT

Mayor Stutsman opened public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Resolution was amended.

City Attorney Larry Barks spoke about the Resolution at 3 hours, 18 minutes, and 55 seconds of the audio recording.

Mayor Stutsman spoke about the Resolution at 3 hours, 19 minutes, and 36 seconds of the audio recording.

COUNCIL COMMENTS ON RESOLUTION

Mayor Stutsman opened Council comments. Council comments begin at 3 hours, 20 minutes, and 09 seconds of the audio recording.

Motion to Table made by Council President Weddell. Motion seconded by Councilman Sharf.

BY a 6-0 unanimous vote the Motion to Table passed.

RESOLUTION 2018-27

Council President Weddell introduced Resolution 2018-27 entitled "AUTHORIZING THE EXTENSION OF CITY SEWER UTILITIES AND WATER UTILITIES TO REAL ESTATE OUTSIDE THE CORPORATE BOUNDARIES, AND APPROVING THE ANNEXATION AGREEMENT WITH KIBBY EXCAVATING, INC."

Council President Weddell asked the Clerk-Treasurer to read the Resolution by title only and moved for its passage. Motion seconded by Councilwoman King.

City Attorney Larry Barks spoke about the Resolution at 3 hours, 41 minutes, and 47 seconds of the audio recording.

COUNCIL COMMENTS ON RESOLUTION 2018-27

Mayor Stutsman opened Council comments. Council comments begin at 3 hours, 42 minutes, and 53 seconds of the audio recording.

PUBLIC COMMENTS ON RESOLUTION 2018-27

Mayor Stutsman opened public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Resolution passed.

(RESOLUTION 2018-27 DULY PASSED AND ADOPTED THIS DAY OF APRIL 17, 2018)

ORDINANCE #4958

Council President Weddell introduced Ordinance #4958 entitled "KIBBY EXCAVATING ANNEXATION."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman Gautsche.

COUNCIL COMMENTS ON ORDINANCE #4958

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4958

Mayor Stutsman opened public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Ordinance passed on first reading.

RESOLUTION 2018-30

Council President Weddell introduced Resolution 2018-30 entitled "AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS."

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

COUNCIL COMMENTS ON RESOLUTION 2018-30

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON RESOLUTION 2018-30

Mayor Stutsman opened public comments. There were no comments made by the public.

By a 6-0 unanimous vote the Resolution passed.

(RESOLUTION 2018-30 DULY PASSED AND ADOPTED THIS DAY OF APRIL 17, 2018)

ORDINANCE #4955

Council President Weddell introduced Ordinance #4955 entitled "ADDITIONAL APPROPRIATION."

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

Director of Public Works Dustin Sailor spoke about the Ordinance at 3 hours, 46 minutes, and 57 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4955

Mayor Stutsman opened Council comments. There were no comments made by the Council.

PUBLIC COMMENTS ON ORDINANCE #4955

Mayor Stutsman opened public comments. There were no comments made by the public.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Gautsche, King, McKee, Orgill, Scharf, Weddell

NAYS:

By a 6-0 unanimous vote the Ordinance passed.

(ORDINANCE #4955 DULY PASSED AND ADOPTED THIS DAY OF APRIL 17, 2018)

ORDINANCE #4960

Council President Weddell introduced Ordinance #4960 entitled "USE OF E-CIGARETTES, VAPING, AND PUBLIC PARKS."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman King.

COUNCIL COMMENTS ON ORDINANCE #4960

Mayor Stutsman opened Council comments. Council comments begin at 3 hours, 48 minutes, and 17 seconds and end at 3 hours, 54 minutes, and 12 seconds of the audio recording. Council comments resume at 4 hours, 05 minutes, and 07 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4960

Mayor Stutsman opened public comments. Public comments begin at 3 hours, 54 minutes, and 19 seconds of the audio recording.

Motion to Table made by Councilwoman Gautsche. Motion seconded by Council President McKee.

By a 6-0 unanimous vote the Motion to Table passed.

DISCUSSION ITEM #1—CREATION OF COMMITTEES

Motion to Table the Discussion Item until the May 1, 2018 meeting made by Council President Weddell. Motion seconded by Councilman Scharf.

By a 6-0 unanimous vote the Motion to Table passed.

Councilman Scharf moved to adjourn. Motion seconded by Councilwoman Gautsche and the meeting adjourned at 10:59 P.M.

APPROVED:  _____

Mayor, Jeremy P. Stutsman
Goshen, Indiana

ATTEST:  _____

Angie McKee
City Clerk-Treasurer