

GOSHEN COMMON COUNCIL

Minutes for the Regular Meeting of April 11, 2017

The Common Council of the City of Goshen, Indiana met in a regular meeting on April 11, 2017 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 Ahlersmeyer, McKee, Orgill, Scharf, Weddell
Councilwoman Gautsche, King
Youth Advisor Biller

ABSENT: None

CHANGES TO THE AGENDA

Mayor Stutsman informed the council that Mark Dobson of EDC of Elkhart County was unable to present at the meeting. Mayor Stutsman also requested that Privilege of the Floor for the public be held after the presentation for Vibrant Communities. Motion to approve changed made by Councilwoman King. Motion seconded by Council President McKee. Seeing no other changes to the agenda, Mayor Stutsman called for a vote to approve the Agenda as amended.

By a 6-1 vote the motion passed.

PRESENTATIONS

Diana Lawson of the Elkhart County Convention of Visitors Bureau opened the presentation for the Vibrant Communities project at 8 minutes and 08 seconds of the audio recording. Also speaking were Arvis Dawson and Suzie Weirich. Council questions regarding the presentation begin at 12 minutes and 58 seconds of the audio recording. There were no public comments.

APPROVAL OF MINUTES

Mayor Stutsman called for a motion regarding the Minutes from March 21, 2017. Motion made by Councilwoman Gautsche to amend the Minutes regarding Ordinance #4897 Section 14 to reflect that the second motion within Section 14 is to Item C instead of Item A. Motion seconded by Councilwoman King.

By a 7-0 unanimous vote the motion passed.

Mayor Stutsman called for a motion to approve the Minutes as amended. Motion made by Councilwoman Gautsche. Motion seconded by Councilwoman King.

By a 7-0 unanimous vote the motion passed.

PUBLIC HEARING

Mayor Stutsman opened the Public Hearing for the Community Development Block Grant Annual Action Plan Program Year 2017.

City Planner Rhonda Yoder spoke at 20 minutes and 41 seconds of the audio recording. There were no public comments.

Mayor Stutsman closed the Public Hearing.

PRIVILEGE OF THE FLOOR

Lois Nafzinger (Goshen) spoke about underemployment at 21 minutes and 58 seconds of the audio recording.

Councilman Weddell asked a question about the applicability of the new Council rules on board appointments and the flexibility of the Council meeting schedule at 2 hours, 30 minutes, and 22 seconds of the audio recording.

Councilman Weddell thanked the Goshen Police Department for its service to the City at 2 hours, 31 minutes and 02 seconds of the audio recording.

ORDINANCE #4897

Council President McKee introduced Ordinance #4897 entitled “GOSHEN COMMON COUNCIL RULES OF ORDER.”

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

COUNCIL COMMENTS ON ORDINANCE #4897

Mayor Stutsman opened Council comments. Council comments begin at 27 minutes and 58 seconds of the audio recording

Motion to amend Section 12 to read “Before a Common Council Meeting is cancelled 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 cancelled if the Mayor, Council President, and the annual designee all agree. The Presiding Officer has the authority to cancel a Common Council meeting in case of severe weather or other emergency circumstance.” made by Councilman Scharf, Motion seconded by Councilwoman King.

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

AYES: Gautsche, King, Orgill, Scharf

NAYES: Ahlersmeyer, McKee, Weddell

By a 4-3 vote the motion passed.

Motion to amend the amended Section 12 to read “After the discussion, the meeting shall be cancelled if two of the three (Mayor, Council President, and annual designee) agree” made by Councilman Weddell. Motion seconded by Councilman Ahlersmeyer.

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

AYES: Ahlersmeyer, McKee,

NAYS: Gautsche, King, Orgill, Scharf, Weddell

Motion to reconsider the previous vote made by Councilman Weddell. Motion seconded by Councilman Ahlersmeyer.

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

AYES: Ahlersmeyer, McKee, Weddell

NAYES: Gautsche, King, Orgill, Scharf

By a 3-4 vote the motion failed.

Mayor Stutsman asked the Clerk-Treasurer to call the roll for a vote on the Ordinance as amended. Roll Call was as follows:

AYES: Gautsche, King, Orgill, Scharf

NAYS: Ahlersmeyer, McKee, Weddell

By a 4-3 vote the Ordinance passed.

(ORDINANCE #4897 DULY PASSED AND ADOPTED THIS DAY OF April 11, 2017)

ORDINANCE #4898

Council President McKee introduced Ordinance #4898 entitled "GOSHEN ZONING ORDINANCE TAX AMENDMENT."

Council President McKee 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.

City Planner Rhonda Yoder outlined the Ordinance at 51 minutes and 48 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4898

Mayor Stutsman opened Council Comments. Council comments begin at 57 minutes and 27 seconds and end at 58 minutes and 26 seconds of the audio recording. Council comments resume at 59 minutes and 45 seconds of the audio recording.

PUBLIC HEARING ON ORDINANCE #4898

Mayor Stutsman opened Public comments. Public comments begin at 58 minutes and 39 seconds of the audio recording.

Motion to call the question and end the discussion made by Council President McKee. Motion seconded by Councilman Weddell.

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

AYES: Ahlersmeyer, McKee, Weddell

NAYES: Gautsche, King, Orgill, Scharf

By a vote of 3-4 the motion failed and Council discussion resumed at 1 hour, 17 minutes, and 45 seconds of the audio recording.

Mayor Stutsman stated that city staff is already committed to setting up a committee and the Council does not need to take any current action. 1 hour, 20 minutes, and 33 seconds of the audio recording.

Motion to amend Section 2110 pertaining to the definition of "Confined Feeding" made by Councilman Scharf. The motion died for lack of a second.

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

NAYES: Scharf

By a 6-1 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.

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

PUBLIC HEARING ON ORDINANCE #4898

Mayor Stutsman opened Public comments. Public comments begin at 1 hour, 24 minutes, and 50 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4898

Mayor Stutsman opened Council comments. Council offered no additional comments on this Ordinance.

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

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

NAYES:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4898 DULY PASSED AND ADOPTED THIS DAY OF April 11, 2017)

ORDINANCE #4899

Council President McKee introduced Ordinance #4899 entitled "BUILDING DEPARTMENT FEE ORDINANCE."

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

Brownfield Coordinator Mark Brinson outlined the Ordinance at 1 hour, 26 minutes, and 55 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE #4899

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 29 minutes, and 16 seconds and end at 1 hour, 53 minutes, and 50 seconds. Council comments resume at 1 hour, 57 minutes, and 29 seconds of the audio recording.

Motion to amend the Ordinance to remove the need for a permit for projects that cost less than one thousand dollars (\$1,000.00) made by Councilman Orgill. Motion seconded by Councilman Scharf.

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

AYES: King, Orgill, Scharf,

NAYES: Ahlersmeyer, Gautsche, McKee, Weddell

By a 3-4 vote the motion failed.

PUBLIC HEARING ON ORDINANCE #4899

Mayor Stutsman opened Public comments. Public comments begin at 1 hour, 53 minutes, and 58 seconds of the audio recording.

Mayor Stutsman called for a voice vote.

AYES: Ahlersmeyer, Gautsche, King, McKee, Weddell

NAYES: Orgill, Scharf

By a 5-2 vote the Ordinance passed on a first reading.

ORDINANCE #4900

Council President McKee introduced Ordinance #4900 entitled “ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CUMULATIVE CAPITAL DEVELOPMENT FUND.”

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

City Attorney Larry Barkes made a statement explaining the Ordinance at 2 hours, 00 minutes, and 03 seconds of the audio recording.

PUBLIC HEARING ON ORDINANCE #4900

Mayor Stutsman opened Public comments. There were no public comments.

COUNCIL COMMENTS ON ORDINANCE #4900

Mayor Stutsman opened Council Comments. There were no Council comments.

By a 7-0 unanimous vote the Ordinance passed on a first reading.

ORDINANCE #4901

Council President McKee introduced Ordinance #4901 entitled “ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CUMULATIVE BUILDING OR REMODLING, FIREFIGHTING, AND POLICE RADIO EQUIPMENT FUND.”

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

Mayor Stutsman informed the Council that the statement for the previous Ordinance also applied to the current Ordinance.

By a 7-0 unanimous vote the Ordinance passed on a first reading.

ORDINANCE #4902

Council President McKee introduced Ordinance #4902 entitled “ESTABLISH THE ANNUAL TAX RATE FOR THE CITY OF GOSHEN CULUATIVE BUILDING AND SINKING FUND FOR MUNICIPAL SEWERS.”

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

By a 7-0 unanimous vote the Ordinance passed on a first reading.

ORDINANCE #4903

Council President McKee introduced Ordinance #4903 entitled “ADDITIONAL APPROPRIATION ORDINANCE.”

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

Mayor Stutsman’s comments begin at 2 hours, 02 minutes, and 42 seconds of the audio recording.

PUBLIC HEARING ON ORDINANCE #4903

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

COUNCIL COMMENTS ON ORDINANCE #4903

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 05 minutes, and 26 seconds of the audio recording.

By a 7-0 unanimous vote the Ordinance passed on a 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.

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

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

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

NAYS:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4903 DULY PASSED AND ADOPTED THIS DAY OF April 11, 2017)

RESOLUTION #2017-08

Council President McKee introduced Resolution #2017-08 entitled “ACKNOWLEDGE THE FILING OF THE GOSHEN REDEVELOPMENT COMMISSION 2016 ANNUAL REPORT.”

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

PUBLIC HEARING ON RESOLUTION #2017-08

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

COUNCIL COMMENTS ON RESOLUTION #2017-08

Mayor Stutsman opened Council Comments. Council comments begin at 2 hours, 11 minutes, and 01 seconds of the audio recording.

Mayor Stutsman called for a vote to pass Resolution #2017-08.

By a 7-0 unanimous vote the Resolution passed.

RESOLUTION #2017-09

Council President McKee introduced Resolution #2017-09 entitled “ACKNOWLEDGE THE FILING OF THE GOSHEN REDEVELOPMENT AUTHORITY 2016 ANNUAL REPORT.”

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

PUBLIC HEARING ON RESOLUTION #2017-09

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

COUNCIL COMMENTS ON RESOLUTION #2017-09

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

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

Mayor Stutsman called for a vote to pass Resolution #2017-08.

By a 7-0 unanimous vote the Resolution passed.

RESOLUTION #2017-10

Council President McKee introduced Resolution #2017-10 entitled “ACKNOWLEDGE THE FILING OF THE GOSHEN ECONOMIC DEVELOPMENT COMMISSION 2016 ANNUAL REPORT.”

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

PUBLIC HEARING ON RESOLUTION #2017-10

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

COUNCIL COMMENTS ON RESOLUTION #2017-10

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

Mayor Stutsman called for a vote to pass Resolution #2017-10.

By a 7-0 unanimous vote the Resolution passed.

RESOLUTION #2017-11

Council President McKee introduced Resolution #2017-11 entitled “APPROVING THE AGREEMENT WITH STATE OF INDIANA AND NORFOLK SOUTHERN CORPORATION FOR THE RECONSTRUCTION OF RAILROAD-HIGHWAY GRADE CROSSING AND INSTALLATION OF GRADE CROSSING WARNING DEVICES BY FORCE ACCOUNT.”

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

Director of Public Works Dustin Sailor spoke on the Resolution at 2 hours, 20 minutes, and 44 seconds of the audio recording.

PUBLIC HEARING ON RESOLUTION #2017-11

Mayor Stutsman opened Public comments.

COUNCIL COMMENTS ON RESOLUTION #2017-11

Mayor Stutsman opened Council Comments.

Mayor Stutsman called for a vote to pass Resolution #2017-11.

By a 7-0 unanimous vote the Resolution passed.

RESOLUTION #2017-12

Council President McKee introduced Resolution #2017-12 entitled “AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS.”

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

Fire Chief Danny Sink spoke on the Resolution at 2 hours, 22 minutes, and 25 seconds of the audio recording.

PUBLIC HEARING ON RESOLUTION #2017-12

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

COUNCIL COMMENTS ON RESOLUTION #2017-12

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

Mayor Stutsman called for a vote to pass Resolution #2017-12.

By a 7-0 unanimous vote the Resolution passed.

BOARD AND COMMISSION (RE)APPOINTMENTS OF CITIZEN MEMBERS

Discussion of the board appointments begins at 2 hours, 23 minutes, and 41 seconds of the audio recording.

Elizabeth Diaz was the sole applicant for the Community Relations Commission.

By a 7-0 unanimous vote Elizabeth Diaz was appointed to the Community Relations Commission.

Motion to appoint Kare Anderson and Scott Woldruff to the Goshen Downtown Economic Improvement District made by Councilman Weddell. Motion Seconded by Councilwoman Gautsche.

By a 7-0 unanimous vote Kare Anderson and Scott Woldruff were appointed to the Goshen Downtown Economic Improvement District.

Motion to appoint Tim Short to the Board of Building Appeals made by Councilman Weddell. Motion seconded by Councilman Scharf.

By a 7-0 unanimous vote Tim Short was appointed to the Board of Building Appeals.

Councilman Weddell moved to adjourn. Motion seconded by Councilman Scharf and the meeting adjourned at 9:27 P.M.

APPROVED: _____

Mayor, Jeremy P. Stutsman

Goshen, Indiana

ATTEST: _____

Angie McKee

City Clerk-Treasurer