

GOSHEN COMMON COUNCIL

Minutes for the Regular Meeting of November 21, 2017

The Common Council of the City of Goshen, Indiana met in a regular meeting on November 21, 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 Barahona

ABSENT: None

CHANGES TO THE AGENDA

Mayor Stutsman requested the addition of a special presentation to Street Commissioner Denny Long be added as the first presentation of the evening. Motion to add the special presentation to Street Commissioner Denny Long made by Councilwoman Gautsche. Motion seconded by Council President McKee.

By a 7-0 unanimous vote the special presentation to Street Commissioner Denny Long was added to the Agenda.

Mayor Stutsman asked for a motion to approve the Agenda as amended. Motion made by Councilman Weddell. Motion seconded by Councilman Ahlersmeyer.

By a 7-0 unanimous vote the Agenda was approved as amended.

APPROVAL OF MINUTES

Mayor Stutsman called for a motion regarding the Minutes from November 6, 2017. Motion to approve the Minutes as presented made by Councilwoman Gautsche. Motion seconded by Councilman Weddell.

By a 7-0 unanimous vote the Minutes were approved as presented.

PRESENTATIONS

Mayor Stutsman presented a Key to the City to Street Commissioner Denny Long at 9 minutes and 17 seconds of the audio recording.

Richard Geary and Bryan Mierau made a presentation on the Goshen Resident Identification Card at 11 minutes and 16 seconds of the audio recording. Council discussion follows the presentation.

Goshen Police Officer Nicolas Kauffman presented on noise meters at 27 minutes and 48 seconds of the audio recording. Council discussion follows the presentation.

RESOLUTION 2017-21

Council President McKee introduced Resolution 2017-21 entitled "CONFIRMING THE DESIGNATION OF THE GOSHEN ASSISTED LIVING ECONOMIC REVITALIZATION AREA TO AUTHORIZE A TAX PHASE-IN FOR GOSHEN ASSISTED LIVING, LLC."

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

Mayor Stutsman reviewed the chain of motions regarding the Resolution at 48 minutes and 22 seconds of the audio recording. Council received a red-line suggested amendments version of the ordinance from the Legal Department prior to the meeting.

City Attorney Larry Barkes commented on the suggested amendments at 48 minutes and 54 seconds of the audio recording.

Motion to amend the Resolution as presented by City Attorney Barkes made by Councilman Ahlersmeyer. Motion seconded by Councilman Weddell.

PUBLIC COMMENTS ON AMENDMENT

Mayor Stutsman opened Public comments. Public comments begin at 59 minutes and 31 seconds of the audio recording.

Attorney Matt Carr spoke on behalf of Goshen Assisted Living, LLC at 1 hour, 15 minutes, and 14 seconds of the audio recording.

COUNCIL COMMENTS ON AMENDMENT

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 23 minutes, and 34 seconds of the audio recording.

Motion to amend the amendment so that the years of deduction are 100 percent abatement for year one, 100 percent abatement for year two, 50 percent abatement for year 3, and 50 percent abatement for year four made by Councilwoman Gautsche. Motion seconded by Councilwoman King.

PUBLIC COMMENTS ON AMENDMENT TO THE AMENDMENT

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, Scharf

NAYS: Ahlersmeyer, McKee, Orgill, Weddell

By a 3-4 vote the amendment to the amendment failed.

Motion to amend the amendment to show that "Goshen Assisted Living, LLC agrees to not file for tax exemption status for ten years from the last year of deduction granted by this Resolution. If a tax exemption is filed, the total amount of this four year phase-in is due back to the City" made by Councilwoman Gautsche. Motion seconded by Councilwoman King.

PUBLIC COMMENTS ON AMENDMENT TO THE AMENDMENT

Mayor Stutsman opened public comments. Public comments begin at 1 hour, 47 minutes, and 29 seconds of the audio recording.

Friendly amendment to amend the amendment to the amendment to state that "If a tax exemption is filed, the total amount of this four year phase-in is due back to the taxing entities in this county." Motion seconded by Councilwoman King.

Attorney Matt Carr stated that the developer has no objection to the amendment at 1 hour, 48 minutes, and 27 seconds of the audio recording.

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

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

NAYS:

PRESENT: Ahlersmeyer

By a 6-0-1 vote the amendment to the amendment passed.

Motion to amend the "Affidavit of Compliance" section of the amendment to include "The abatement benefits shall be proportional to the percentage of affordable housing units achieved" made by Councilwoman King. After discussion with the City Attorney and the rest of the Council on the legality of the motion, the motion was withdrawn.

Motion to amend the amendment to include "If the percentage of Medicaid waivers is less than 60% after two years from the completion of construction, the abatement is ended" made by Councilwoman Gautsche. Motion seconded by Councilwoman King.

PUBLIC COMMENTS ON AMENDMENT TO THE AMENDMENT

Mayor Stutsman opened public comments. Public comments begin at 1 hour, 57 minutes, and 39 seconds of the audio recording.

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

AYES: Gautsche, King

NAYS: Ahlersmeyer, McKee, Orgill, Scharf, Weddell

By a 2-5 vote the amendment to the amendment failed.

Motion to amend the "Affidavit of Compliance" section Item C of the amendment to include "This shall include a breakdown of individual wages by job title and how many employees are earning each wage" made by Councilwoman King. Motion seconded by Councilman Weddell.

PUBLIC COMMENTS ON AMENDMENT TO THE AMENDMENT

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, Scharf, Weddell

NAYS: Orgill

PRESENT: Ahlersmeyer

By a 5-1-1 vote the amendment to the amendment passed.

Motion to amend the "Additional Considerations" section of the amendment to delete Section A. Motion seconded by Councilwoman Gautsche.

PUBLIC COMMENTS ON AMENDMENT TO THE AMENDMENT

Mayor Stutsman opened public comments. Public comments begin at 2 hours, 08 minutes, and 49 seconds of the audio recording.

Motion to amend the amendment to the amendment to remove subsections (1) and (2) from Section A made by Councilman Scharf. Motion seconded by Councilwoman Gautsche.

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

AYES: Gautsche, King, Scharf

NAYS: Ahlersmeyer, McKee, Orgill, Weddell

By a 3-4 vote the amendment to the amendment failed.

Motion to amend the years and deductions to the original seven year decreasing amount that was outline based on the policy rubric and to add Section C to the "Additional Considerations" section to include "At least 70% of the new jobs created by Goshen Assisted Living shall be above the Elkhart County median wage benchmark for total all occupations from the most current Indiana Department of Workforce Development Occupational Employment Statistics and assuming an annual salary based on 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 provisions" made by Councilman Scharf. Motion seconded by Councilwoman Gautsche.

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

AYES: Gautsche, King, Scharf

NAYS: Ahlersmeyer, McKee, Weddell

(Councilman Orgill was not present for the vote due to an emergency and was absent for the remainder of the meeting.)

Mayor Stutsman voted NAY to break the tie and by a 3-4 vote the amendment to the amendment failed.

PUBLIC COMMENTS ON AMENDMENT AS AMENDED

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: Ahlersmeyer, Gautsche, McKee, Weddell

NAYS: King, Scharf

By a vote of 4-2 the amendment to the amendment passed.

PUBLIC COMMENTS ON RESOLUTION AS AMENDED

Mayor Stutsman opened public comments. Public comments begin at 2 hours, 29 minutes, and 01 seconds of the audio recording.

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

AYES: Ahlersmeyer, McKee, Weddell

NAYS: Gautsche, King, Scharf

Mayor Stutsman voted AYE to break the tie and by a 4-3 vote the Resolution passed.

(RESOLUTION 2017-21 DULY PASSED AND ADOPTED THIS DAY OF NOVEMBER 21, 2017)

ORDINANCE #4932

Council President McKee introduced Ordinance #4932 entitled "ADDITIONAL APPROPRIATIONS."

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.

COUNCIL COMMENTS ON ORDINANCE #4932

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 41 minutes, and 47 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE #4932

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 #4932

Council President McKee introduced Ordinance #4932 entitled "ADDITIONAL APPROPRIATIONS."

Council President McKee 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 Ahlersmeyer.

COUNCIL COMMENTS ON ORDINANCE #4932

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

PUBLIC COMMENTS ON ORDINANCE #4932

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

NAYS:

By a 6-0 unanimous vote the Ordinance passed.

(ORDINANCE #4932 DULY PASSED AND ADOPTED THIS DAY OF NOVEMBER 21, 2017)

RESOLUTION 2017-27

Council President McKee introduced Resolution 2017-27 entitled "AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS."

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

COUNCIL COMMENTS ON RESOLUTION 2017-27

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

PUBLIC COMMENTS ON RESOLUTION 2017-27

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

(RESOLUTION 2017-27 DULY PASSED AND ADOPTED THIS DAY OF NOVEMBER 21, 2017)

PRIVILEGE OF THE FLOOR

Greg Cordy spoke about an application submission for the CRC at 2 hours, 46 minutes, and 28 seconds of the audio recording.

Glenn Null spoke about street paving and wished everyone a happy holiday season at 2 hours, 47 minutes, and 44 seconds of the audio recording.

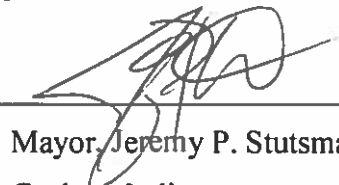
Dave Osterman spoke about kindness and generosity and the proposed ICE facility at 2 hours, 49 minutes, and 40 seconds of the audio recording.

Council President McKee spoke about selling City properties at 2 hours, 52 minutes, and 37 seconds of the audio recording.

Mayor Stutsman spoke about Rudy Stegelmann and wished everyone a happy Thanksgiving at 2 hours, 53 minutes, and 50 seconds of the audio recording.

Councilman Ahlersmeyer moved to adjourn. Motion seconded by Councilwoman Gautsche and the meeting adjourned at 9:48 P.M.

APPROVED: _____


Mayor, Jeremy P. Stutsman
Goshen, Indiana

ATTEST: _____


Angie McKee
City Clerk-Treasurer