

## **GOSHEN COMMON COUNCIL**

### **Minutes for the Regular Meeting of March 6, 2018**

The Common Council of the City of Goshen, Indiana met in a regular meeting on March 6, 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 Ahlersmeyer, McKee, Orgill, Scharf, Weddell  
Councilwoman Gautsche, King  
Youth Advisor Barahona

**ABSENT:** None

### **CHANGES TO THE AGENDA**

Mayor Stutsman called for any changes to the Agenda or a motion to approve the Agenda as presented. Motion to approve the Agenda as presented made by Councilwoman Gautsche. Motion seconded by Councilman McKee.

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

### **APPROVAL OF MINUTES**

Mayor Stutsman called for a motion regarding the Minutes from February 6, 2018. Motion to approve the Minutes as presented made by Councilwoman Gautsche. Motion seconded by Council President Weddell.

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

### **PRESENTATIONS**

Economic Improvement District Treasurer Scott Woldruff presented the Annual Report at 10 minutes and 06 seconds of the audio recording.

### **DISCUSSION ITEM—AMENDMENTS TO GOSHEN ZONING ORDINANCE 3011**

Councilman Orgill opened the discussion at 13:34 seconds of the audio recording.

City Planning and Zoning Administrator Rhonda Yoder spoke at 27 minutes and 52 seconds of the audio recording.

Public comments occur at 37 minutes and 14 seconds of the audio recording.

### **DISCUSSION ITEM—FULL-TIME RECEPTIONIST FOR CITY HALL**

Mayor Stutsman opened the discussion at 51 minutes and 51 seconds of the audio recording.

### **ORDINANCE #4935**

Council President Weddell introduced Ordinance #4935 entitled "LIPPERT ANNEXATION."

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.

**PUBLIC COMMENTS ON ORDINANCE #4935**

Mayor Stutsman opened public comments. Public comments begin at 56 minutes and 52 seconds and end at 1 hour, 11 minutes, and 43 seconds of the audio recording. Public comments resume at 1 hour, 18 minutes, and 45 seconds and end at 1 hour, 20 minutes, and 35 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4935**

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 11 minutes, and 59 seconds and end at 1 hour, 18 minutes, and 31 seconds of the audio recording. Council comments resume at 1 hour, 20 minutes, and 37 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 Ordinance passed.

(ORDINANCE #4935 DULY PASSED AND ADOPTED THIS DAY OF MARCH 6, 2018)

**RESOLUTION 2018-11**

Council President Weddell introduced Resolution 2018-11 entitled "APPROVING THE INTERLOCAL AGREEMENT WITH THE STATE OF INDIANA DEPARTMENT OF TRANSPORTATION FOR STREET SWEEPING SERVICES."

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

Mayor Stutsman spoke about the Resolution at 1 hour, 32 minutes, and 52 seconds of the audio recording.

**COUNCIL COMMENTS ON RESOLUTION 2018-11**

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 33 minutes, and 59 seconds of the audio recording.

**PUBLIC COMMENTS ON RESOLUTION 2018-11**

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

By a 7-0 unanimous vote the Resolution passed.

(RESOLUTION 2018-11 DULY PASSED AND ADOPTED THIS DAY OF MARCH 6, 2018)

**ORDINANCE #4940**

Council President Weddell introduced Ordinance #4940 entitled "MOTION TO AMEND ORDINANCE 4940."

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.

City Attorney Larry Barkes requested a motion to add the following language to the Ordinance at 1 hour, 35 minutes, and 56 seconds of the audio recording:

1. Remove Section 1.01 and replace with "This ordinance establishes the schedule of rates and charges for certain services rendered by the Goshen Sewer Utility. This ordinance repeals any provision of a prior ordinance which conflicts with the terms, conditions, rates, and charges established by this ordinance."
2. Remove Section 1.02 and replace with "Terms, conditions, rates, and charges of prior ordinances which are not in conflict with this ordinance shall remain in full force and effect."
3. To include at the end of Section 3.01 (A)(2), "If there is a compound meter, only the larger meter will pay a service charge."
4. Remove Section 5.02 in its entirety.
5. Add to Section 6.01, "The provisions set forth in this ordinance shall be in full force and effect from and after its passage and adoption as required by law."

Motion to include the above language made by Councilman Ahlersmeyer. Motion seconded by Councilman Scharf.

**COUNCIL COMMENTS ON ORDINANCE #4940**

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 37 minutes, and 45 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4940**

Mayor Stutsman opened public comments. Public comments begin at 1 hour, 39 minutes, and 24 seconds of the audio recording.

By a 7-0 unanimous vote the Amendment passed.

**ORDINANCE #4941**

Council President Weddell introduced Ordinance #4941 entitled "AMEND ORDINANCE 4625, PRETREATMENT REQUIREMENTS AND STANDARDS, TO REGULATE THE DISCHARGE OF MERCURY BY DENTAL PRACTICES."

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.

Wastewater Superintendent Jim Kerezman spoke about the Ordinance at 1 hour, 44 minutes, and 44 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4941**

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

**PUBLIC COMMENTS ON ORDINANCE #4941**

Mayor Stutsman opened public comments. Public comments begin at 1 hour, 46 minutes, and 48 seconds of the audio recording.

By a 7-0 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 #4941**

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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 Ahlersmeyer.

**COUNCIL COMMENTS ON ORDINANCE #4941**

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 54 minutes, and 51 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4941**

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, Orgill, Scharf, Weddell

NAYS:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4941 DULY PASSED AND ADOPTED THIS DAY OF MARCH 6, 2018)

**ORDINANCE #4942**

Council President Weddell introduced Ordinance #4942 entitled "AN ORDINANCE TO AMEND ORDINANCE 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 Planned Unit Development (PUD) DISTRICT TO RESIDENTIAL R-3 WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT, AND AN ORDINANCE TO AMEND ORDINANCE 2954 OF THE PICKWICK VILLAGE PLANNED UNIT DEVELOPMENT (PUD)."

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 Planning and Zoning Administrator Rhonda Yoder spoke about the Ordinance at 1 hour, 56 minutes, and 33 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4942**

Mayor Stutsman opened Council comments. Council comments begin at 1 hour, 58 minutes, and 22 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4942**

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

By a 7-0 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 #4942**

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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 #4942**

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

**PUBLIC COMMENTS ON ORDINANCE #4942**

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, Orgill, Scharf, Weddell

NAYS:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4942 DULY PASSED AND ADOPTED THIS DAY OF MARCH 6, 2018)

**ORDINANCE #4943**

Council President Weddell introduced Ordinance #4943 entitled "RELIEF FROM BUILDING DEPARTMENT FEES."

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 Ahlersmeyer.

Mayor Stutsman spoke about the Ordinance at 2 hours, 06 minutes, and 13 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4943**

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 08 minutes, and 34 seconds of the audio recording.

Motion to amend the Ordinance to remove the geographic area requirement and all references to it made by Councilman Orgill. Motion seconded by Councilman Scharf.

**COUNCIL COMMENTS ON AMENDMENT**

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 10 minutes, and 53 seconds of the audio recording.

Community Development Director Mark Brinson spoke to the Amendment at 2 hours, 11 minutes, and 58 seconds of the audio recording.

**PUBLIC COMMENTS ON AMENDMENT**

Mayor Stutsman opened public comments. Public comments begin at 2 hours, 13 minutes, and 05 seconds of the audio recording.

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

AYES: Orgill, Scharf

NAYS: Ahlersmeyer, Gautsche, King, McKee, Weddell

By a 2-5 vote the Amendment failed.

**COUNCIL COMMENTS ON ORDINANCE #4943**

Mayor Stutsman opened Council Comments. Council comments begin at 2 hours, 15 minutes, and 33 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4943**

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

By a 7-0 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 #4943**

Council President Weddell introduced Ordinance #4943 entitled "RELIEF FROM BUILDING DEPARTMENT FEES."

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 #4943**

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

**PUBLIC COMMENTS ON ORDINANCE #4943**

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, Orgill Scharf, Weddell

NAYS:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4943 DULY PASSED AND ADOPTED THIS DAY OF MARCH 6, 2018)

**ORDINANCE #4944**

Council President Weddell introduced Ordinance #4944 entitled "CITY OF GOSHEN AMBULANCE USER FEE SCHEDULE."

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.

Chief Sink spoke about the Ordinance at 2 hours, 20 minutes, and 00 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4944**

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 21 minutes, and 04 seconds of the audio recording.

Motion to amend the effective date of the Ordinance to July 1, 2018 made by Councilwoman Gautsche. Motion seconded by Councilwoman King.

**COUNCIL COMMENTS ON AMENDMENT**

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 21 minutes, and 54 seconds of the audio recording.

Councilwoman Gautsche withdrew her motion and Councilwoman King withdrew her second.

Motion to Table made by Council President Weddell. 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 was Tabled.

**ORDINANCE #4945**

Council President Weddell introduced Ordinance #4945 entitled "ESTABLISH THE ANNUAL TAX RATE OF THE CITY OF GOSHEN CUMULATIVE BUILDING OR REMODELING, FIREFIGHTING, AND POLICE RADIO EQUIPMENT 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 Councilman Ahlersmeyer.

Mayor Stutsman spoke about the Ordinance at 2 hours, 27 minutes, and 23 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4945**

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

**PUBLIC COMMENTS ON ORDINANCE #4945**

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

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

**RESOLUTION 2018-13**

Council President Weddell introduced Resolution 2018-13 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 Councilwoman King.

**COUNCIL COMMENTS ON RESOLUTION 2018-13**

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 28 minutes, and 46 seconds of the audio recording.

**PUBLIC COMMENTS ON RESOLUTION 2018-13**

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

By a 7-0 unanimous vote the Resolution passed.

(RESOLUTION 2018-13 DULY PASSED AND ADOPTED THIS DAY OF MARCH 6, 2018)



**ORDINANCE #4946**

Council President Weddell introduced Ordinance #4946 entitled "ESTABLISHING A FLOOD RELIEF 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.

Mayor Stutsman spoke about the Ordinance at 2 hours, 29 minutes, and 35 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4946**

Mayor Stutsman opened Council comments. Council comments begin at 2 hours, 33 minutes, and 14 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4946**

Mayor Stutsman opened public comments. Public comments begin at 2 hours, 51 minutes, and 33 seconds of the audio recording.

Motion to amend Section 3 of the Ordinance to specify that only owner-occupied homes would qualify for funds made by Councilman Scharf. Motion seconded by Councilwoman King.

**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 6-1 vote the Amendment passed.

**COUNCIL COMMENTS ON ORDINANCE #4946**

Mayor Stutsman opened Council Comments. Council comments begin at 2 hours, 57 minutes, and 56 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE #4946**

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

By a 7-0 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 #4946**

Council President Weddell introduced Ordinance #4946 entitled "ESTABLISHING A FLOOD RELIEF 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 Councilman Ahlersmeyer.

**COUNCIL COMMENTS ON ORDINANCE #4946**

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

**PUBLIC COMMENTS ON ORDINANCE #4946**

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, Orgill Scharf, Weddell

NAYS:

By a 7-0 unanimous vote the Ordinance passed.

(ORDINANCE #4946 DULY PASSED AND ADOPTED THIS DAY OF MARCH 6, 2018)

**PRIVILEGE OF THE FLOOR**

City Firefighter Matt Whitford spoke about the Fire Ops 101 class at 3 hours, 01 minutes, and 36 seconds of the audio recording.

Glenn Null (Goshen) spoke about the fast response to the flood at 3 hours, 04 minutes, and 13 seconds of the audio recording.

Benjamin Rogers (Goshen) spoke about the fast response to the flood and the speed of communication at 3 hours, 06 minutes, and 49 seconds of the audio recording.

Mayor Stutsman spoke about the training facilities for Fire and Police and moving \$100,000 from the Rainy Day Fund for matching flood donations at 3 hours, 07 minutes, and 38 seconds of the audio recording.

Councilman Scharf spoke about the Annex renovation, the Goshen Theater, the ice rink, and the Parks & Recreation Department capital projects and the State of the City address at 3 hours, 13 minutes, and 35 seconds of the audio recording.

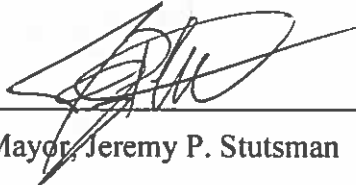
Councilwoman Gautsche spoke about ambulance fees at 3 hours, 22 minutes, and 03 seconds of the audio recording.

Clerk-Treasurer McKee spoke about how to make flood donations at 3 hours, 22 minutes, and 58 seconds of the audio recording.

Mayor Stutsman spoke about Maple Indian Cuisine's lunch offer at 3 hours, 23 minutes, and 56 seconds of the audio recording.

Councilwoman King moved to adjourn. Motion seconded by Councilman Orgill and the meeting adjourned at 10:18 P.M.

APPROVED: \_\_\_\_\_

  
Mayor, Jeremy P. Stutsman  
Goshen, Indiana

ATTEST: \_\_\_\_\_

  
Angie McKee  
City Clerk-Treasurer