

GOSHEN COMMON COUNCIL

Minutes for the Regular Meeting of December 3, 2019

The Common Council of the City of Goshen, Indiana met in a regular meeting on December 3, 2019 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 Jeremy Stutsman, with members of the Council present or absent as follows:

PRESENT: Councilman McKee, Nisley, Orgill, Weddell
Councilwoman Gautsche, King

ABSENT: Youth Advisor Eichorn

LATE: Let the record show that Councilman Scharf was a late arrival due to being in the newly elected officer training in Munster, Indiana. (Arrival 7:10pm)

CHANGES TO THE AGENDA

Mayor Stutsman asked if there were any changes to the agenda. Motion to approve the agenda as presented was made by Councilwoman Gautsche. Motion was seconded by Councilwoman King. By a 6-0 vote, the Agenda was approved as presented.

APPROVAL OF MINUTES

There were no minutes to be approved.

PRIVILEGE OF THE FLOOR

Dustin Sailor – In reference to the high water bill that was brought up at the last meeting, that bill is not from the City of Goshen. Also at the last meeting is was asked who sets the design standards and that answer is the Board of Works and Public Safety.

Council President Weddell – Sent out an email earlier today to the Council and the library appointment is a 4 year term and not a 3 year term.

ORDINANCE 5021

Council President Weddell introduced Ordinance 5021 entitled “AMEND PARK RULES AND REGULATIONS TO ALLOW ELECTRIC BICYCLES AND CHANGE PARK HOURS.”

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

COUNCIL COMMENTS ON ORDINANCE 5021

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON ORDINANCE 5021

Mayor Stutsman opened public comments. Public comments start at 11 minutes and 23 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE 5021

Mayor Stutsman brought the comments back to the Council. Council comments start at 13 minutes and 53 seconds of the audio recording.

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

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

NAYS:

By a 6-0 vote, the Ordinance passed on second reading.

☒ (ORDINANCE #5021 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER, 2019)

ORDINANCE 5024

☒ Council President Weddell introduced Ordinance 5024 entitled "ESTABLISH TECHNICAL REVIEW FEES."

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

Community Development Director Mark Brinson comments on the Ordinance starting at 16 minutes and 25 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE 5024

Mayor Stutsman opened Council comments. Council comments start at 16 minutes and 54 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE 5024

Mayor Stutsman opened public comments. Public comments start at 21 minutes and 32 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE 5024

Mayor Stutsman opened Council comments. Council comments start at 23 minutes and 28 seconds of the audio recording.

Councilwoman Gautsche makes a motion to amend the Ordinance with the language that was provided by city staff at 28 minutes and 57 seconds of the audio recording. Motion was seconded by Councilman Scharf.

COUNCIL COMMENTS ON THE AMENDMENT TO ORDINANCE 5024

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON THE AMENDMENT TO ORDINANCE 5024

Mayor Stutsman opened public comments. No public comments were made.

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

AYES: Gautsche, McKee, Nisley, Orgill, Scharf

NAYS: King, Weddell

By a 4-2 vote, the amendment passed.

COUNCIL COMMENTS ON ORDINANCE 5024

Mayor Stutsman opened Council comments. Council comments start at 29 minutes and 48 seconds of the audio recording.

Councilwoman King makes a motion to amend the Ordinance starting at 29 minutes and 49 seconds of the audio recording. Motion was seconded by Councilwoman Gautsche.

COUNCIL COMMENTS ON THE AMENDMENT TO ORDINANCE 5024

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON THE AMENDMENT TO ORDINANCE 5024

Mayor Stutsman opened public comments. No public comments were made.

By a 7-0 unanimous vote, the amendment passed.

COUNCIL COMMENTS ON ORDINANCE 5024

Mayor Stutsman opened Council comments. Council comments start at 31 minutes and 00 seconds of the audio recording.

Councilman Scharf makes a motion to amend the Ordinance starting at 32 minutes and 58 seconds of the audio recording. Motion was seconded by Councilman Orgill

COUNCIL COMMENTS ON THE AMENDMENT TO ORDINANCE 5024

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON THE AMENDMENT TO ORDINANCE 5024

Mayor Stutsman opened public comments. No public comments were made.

By a 7-0 unanimous vote, the amendment passed.

Mayor Stutsman asked the Council if there were any further comments or amendments. Seeing none, he asked if they were ready to vote.

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

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

ORDINANCE 5024

Council President Weddell introduced Ordinance 5024 entitled "ESTABLISH TECHNICAL REVIEW FEES."

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

COUNCIL COMMENTS ON ORDINANCE 5024

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON ORDINANCE 5024

Mayor Stutsman opened public comments. No public comments were made.

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

(ORDINANCE #5024 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER 2019)

ORDINANCE 5016

Council President Weddell introduced Ordinance 5016 entitled "DISSOLVING THE HOUSING AUTHORITY FOR THE CITY OF GOSHEN, INDIANA."

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

Mayor Stutsman comments on this Ordinance starting at 36 minutes and 20 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE 5016

Mayor Stutsman opened Council comments. Council comments start at 37 minutes and 51 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE 5016

Mayor Stutsman opened public comments. No public comments were made.

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

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

ORDINANCE 5016

Council President Weddell introduced Ordinance 5016 entitled "DISSOLVING THE HOUSING AUTHORITY FOR THE CITY OF GOSHEN, INDIANA."

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

COUNCIL COMMENTS ON ORDINANCE 5016

Mayor Stutsman opened Council comments. Council comments start at 41 minutes and 01 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE 5016

Mayor Stutsman opened public comments. No public comments were made.

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

(ORDINANCE #5016 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER 2019)

ORDINANCE 4983

Council President Weddell introduced Ordinance 4983 entitled "AN ORDINANCE VACATING PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA."

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

COUNCIL COMMENTS ON ORDINANCE 4983

Mayor Stutsman opened Council comments. Council comments start at 42 minutes and 44 seconds of the audio recording.

Planning and Zoning Administrator Rhonda Yoder responds to questions from the Council.

Council President Weddell makes a motion to amend the Ordinance starting at 43 minutes and 58 seconds of the audio recording. Motion was seconded by Councilwoman Gautsche.

COUNCIL COMMENTS ON THE AMENDMENT TO ORDINANCE 4983

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON THE AMENDMENT TO ORDINANCE 4983

Mayor Stutsman opened public comments. No public comments were made.

By a 7-0 unanimous vote, the amendment passed.

COUNCIL COMMENTS ON ORDINANCE 4983

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON ORDINANCE 4983

Mayor Stutsman opened public comments. No public comments were made.

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

(ORDINANCE #4983 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER, 2019)

PUBLIC HEARING ON ORDINANCE 5025

Mayor Stutsman opened the public hearing. Public comments start at 45 minutes and 22 seconds of the audio recording.

ORDINANCE 5025

Council President Weddell introduced Ordinance 5025 entitled "AN ORDINANCE VACATING PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA."

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

Planning and Zoning Administrator Rhonda Yoder comments on the Ordinance starting at 51 minutes and 08 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE 5025

Mayor Stutsman opened Council comments. Council comments start at 52 minutes and 18 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE 5025

Mayor Stutsman opened public comments. Public comments start at 1 hour, 02 minutes and 43 seconds of the audio recording.

Director of Public Safety Dustin Sailor comments on the Ordinance starting at 1 hour, 07 minutes and 58 seconds of the audio recording.

Council comments start at 1 hour, 09 minutes and 34 seconds of the audio recording.

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

Mayor Stutsman stated that since this is a zoning Ordinance, unanimous consent is not needed and declared that the Ordinance will be heard on second reading.

ORDINANCE 5025

Council President Weddell introduced Ordinance 5025 entitled "AN ORDINANCE VACATING PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA."

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

COUNCIL COMMENTS ON ORDINANCE 5025

Mayor Stutsman opened Council comments. Council comments start at 1 hour, 12 minutes and 42 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE 5025

Mayor Stutsman opened public comments. No public comments were made.

Council comments start at 1 hour, 14 minutes and 34 seconds of the audio recording.

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

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

NAYS:

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

(ORDINANCE #5025 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER, 2019)

ORDINANCE 5026

Council President Weddell introduced Ordinance 5026 entitled "AN ORDINANCE TO AMEND ORDINANCE 3011, KNOWN AS ZONING AND USE REGULATIONS ORDINANCE FOR THE CITY OF GOSHEN, INDIANA BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM COMMERCIAL B-3 AND RESIDENTIAL R-2 TO COMMERCIAL B-3 WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT TO BE KNOWN AS THE LASSUS PUD."

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

Planning and Zoning Administrator Rhonda Yoder comments on the Ordinance starting at 1 hour, 15 minutes and 42 seconds of the audio recording.

Attorney David Swihart from Yoder, Ainlay, Ulmer and Buckingham, LLP comments on the Ordinance starting at 1 hour, 18 minutes and 14 seconds of the audio recording.

Vice President of Real Estate & Development Sam Schenkel, from Lassus Brothers Oil, makes a presentation starting at 1 hour, 21 minutes and 59 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE 5026

Mayor Stutsman opened Council comments. Council comments start at 1 hour, 31 minutes and 46 seconds of the audio recording.

Planning and Zoning Administrator Rhonda Yoder responds to a question from the Council during this time.

Vice President of Real Estate and Development Sam Schenkel responds to a question from the Council during this time.

PUBLIC COMMENTS ON ORDINANCE 5026

Mayor Stutsman opened public comments. Public comments start at 1 hour, 37 minutes and 07 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE 5026

Mayor Stutsman brought the comments back to the Council. Council comments start at 1 hour, 39 minutes and 26 seconds of the audio recording.

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

ORDINANCE 5026

Council President Weddell introduced Ordinance 5026 entitled "AN ORDINANCE TO AMEND ORDINANCE 3011, KNOWN AS ZONING AND USE REGULATIONS ORDINANCE FOR THE CITY OF GOSHEN, INDIANA BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM COMMERCIAL B-3 AND RESIDENTIAL R-2 TO COMMERCIAL B-3 WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT TO BE KNOWN AS THE LASSUS PUD."

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

COUNCIL COMMENTS ON ORDINANCE 5026

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON ORDINANCE 5026

Mayor Stutsman opened public comments. No public comments were made.

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

(ORDINANCE #5026 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER, 2019)

PUBLIC HEARING ON ORDINANCE 5027

Mayor Stutsman opened the public hearing. Public hearing comments start at 1 hour, 43 minutes and 25 seconds of the audio recording.

ORDINANCE 5027

Council President Weddell introduced Ordinance 5027 entitled "AN ORDINANCE VACATING PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA."

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

COUNCIL COMMENTS ON ORDINANCE 5027

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON ORDINANCE 5027

Mayor Stutsman opened public comments. No public comments were made.

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

Mayor Stutsman stated that since this is a zoning Ordinance, unanimous consent is not needed and declared that the Ordinance will be heard on second reading.

ORDINANCE 5027

Council President Weddell introduced Ordinance 5027 entitled "AN ORDINANCE VACATING PUBLIC WAYS IN THE CITY OF GOSHEN, INDIANA."

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

COUNCIL COMMENTS ON ORDINANCE 5027

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON ORDINANCE 5027

Mayor Stutsman opened public comments. No public comments were made.

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

(ORDINANCE #5027 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER, 2019)

ORDINANCE 5028

Council President Weddell introduced Ordinance 5028 entitled "AMEND 2020 COMPENSATION ORDINANCE 5008 FOR CIVIL CITY AND UTILITIES EMPLOYEES."

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

Mayor Stutsman comments on the Ordinance starting at 1 hour, 45 minutes and 35 seconds of the audio recording.

COUNCIL COMMENTS ON ORDINANCE 5028

Mayor Stutsman opened Council comments. Council comments start at 1 hour, 52 minutes and 41 seconds of the audio recording.

Councilman Nisley makes a motion to amend the Ordinance starting at 1 hour, 53 minutes and 35 seconds of the audio recording. Motion was seconded by Councilwoman King.

COUNCIL COMMENTS ON THE AMENDMENT TO ORDINANCE 5028

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON THE AMENDMENT TO ORDINANCE 5028

Mayor Stutsman opened public comments. No public comments were made.

By a 7-0 unanimous vote, the amendment passed.

COUNCIL COMMENTS ON ORDINANCE 5028

Mayor Stutsman opened Council comments. Council comments start at 1 hour, 55 minutes and 02 seconds of the audio recording.

PUBLIC COMMENTS ON ORDINANCE 5028

Mayor Stutsman opened public comments. No public comments were made.

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

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

ORDINANCE 5028

Council President Weddell introduced Ordinance 5028 entitled "AMEND 2020 COMPENSATION ORDINANCE 5008 FOR CIVIL CITY AND UTILITIES EMPLOYEES."

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

COUNCIL COMMENTS ON ORDINANCE 5028

Mayor Stutsman opened Council comments. No Council comments were made.

PUBLIC COMMENTS ON ORDINANCE 5028

Mayor Stutsman opened public comments. No public comments were made.

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

(ORDINANCE #5028 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER, 2019)

RESOLUTION 2019-38

Council President Weddell introduced Resolution 2019-38 entitled "AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS.:

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

Mayor Stutsman comments on the Resolution starting at 2 hours, 05 minutes and 38 seconds of the audio recording.

COUNCIL COMMENTS ON RESOLUTION 2019-38

Mayor Stutsman opened Council comments. Council comments start at 2 hours, 05 minutes and 48 seconds of the audio recording.

PUBLIC COMMENTS ON RESOLUTION 2019-38

Mayor Stutsman opened public comments. No public comments were made.

By a 7-0 unanimous vote, the Resolution passed.

(RESOLUTION 2019-38 DULY PASSED AND ADOPTED THIS 3RD DAY OF DECEMBER, 2019)

Councilman Nisley makes a motion to adjourn. Motion was seconded by Councilwoman Gautsche. Meeting adjourned at 9:01pm

APPROVED: _____


Mayor, Jeremy P. Stutsman
Goshen, Indiana

ATTEST: _____


Angie McKee
City Clerk-Treasurer