

Minutes of the Common Council – Regular Meeting of Sept. 7, 2021

6:00 p.m. Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Mayor Jeremy Stutsman called the meeting to order at 6 p.m. and led the Pledge of Allegiance

Present: Megan Eichorn (District 4), Julia King (At-Large), Jim McKee (District 1),
Doug Nisley (District 2), Matt Schrock (District 3), Council President Brett Weddell (At-Large), Youth Advisor Adrian Mora (Non-voting)

Absent: Gilberto Pérez, Jr. (District 5)

Council members Julia King/Jim McKee moved to approve the minutes of the Aug. 17, 2021 meeting as submitted. Motion passed 6-0.

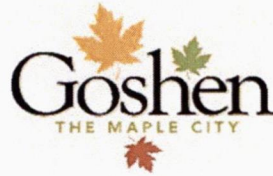
Council members Megan Eichorn/Julia King moved to approve the agenda as submitted. Passed 6-0.

Privilege of the Floor

Mayor Stutsman asked council members if they wanted to set a time limit for Privilege of the Floor. Noting that the council set a 30-minute time limit at the Aug. 17 meeting, **Council member Doug Nisley made a motion that the council set a 15-minute limit for this meeting with a further limit of three minutes per speaker.** Nisley said after 15 minutes the council could assess whether there was a need to accept further public comment. **Council member Eichorn seconded the motion. Motion passed 6-0.**

Council President Brett Weddell said he would keep track of time for the speakers and reminded them to state their names and also print their names and their cities of residence on the sign-in sheet.

Glenn Null of Goshen said that today Elkhart County Commissioners held an “ugly meeting” at which the participants showed no respect for one other, nor for taxpayers, and there was no civility. Null thanked council members for being civil to each other. Null said he has written council members about the county government’s request for the City of Goshen to pay for a new sidewalk on the south side of the County Courthouse. Null said the county’s request was accompanied by a photograph showing the city/county property line. Null said he looked up his own property line and discovered that the sidewalk he paid \$800 to install actually is on the city’s property. Null asked if he was entitled to repayment with interest because the sidewalk isn’t on his property. Null said city taxpayers will need to pay 60 percent of the cost of the new sidewalk. Null said the county is not a business, but provides legally mandated services. Null said the city should tell the county to pay for the new sidewalk because the city already has paid for two of the new sidewalks around the Courthouse.



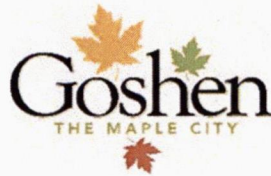
Theresa Sailor, a grant writer and educator with the city's Department of Environmental Resilience, informed council members that the department, in partnership with the public library, will be sponsoring a series of seven "zero waste" workshops this fall. Topics will include reducing the purchase of plastic materials and recycling. The workshop will include well-known authors. Sailor distributed cards promoting the workshops.

Robert Roeder of Goshen said he wanted to address a question, asked at the Aug. 17 council meeting, by Mayor Stutsman, about what some community members wanted the council to do about a youth drag show at a city park that had been canceled. Roeder said he spoke with Mayor Stutsman on Monday about the drag show, but no agreement was reached. Roeder said the council should have had a discussion in advance about Pride Week. Roeder also discussed the permit issued for the drag show. Roeder said the drag show proposal was outrageous. Roeder recalled the community's positive response when KKK members came to town. Roeder said perhaps there could be a similarly positive response now. Roeder said he has relatives who are police officers and he respects law enforcement, but he said Antifa is present in Goshen.

Loren Slabaugh of Goshen thanked council members for their service. Slabaugh said he was concerned about the "poison" being put into the city's drinking water in the form of fluoride. Slabaugh said the decision to add fluoride was made without the input of Goshen residents. Slabaugh said he was concerned about the neurological impacts of fluoride on people. Slabaugh said this isn't an issue of weighing health benefits vs. risks and then making a decision. Slabaugh said the city has no right to make such decisions and that the council should inform residents and let them decide whether they want to add or exclude fluoride from their water after weighing information.

Linda Hartman of Goshen said she wanted to address what the council should do about the canceled youth drag show. Hartman said that she wants the council to "protect the kinds," all those under 18. Hartman said there should be no more drag shows, nor other events encouraging children "to grow up faster." Hartman said she heard a "Satanic temple is coming to Goshen in February." Hartman said young people aren't capable of making decisions on complex issues and that their innocence should be protected. Hartman said she also wants the council to represent all people and not lift one group over another. Hartman said council members must decide whether they want to be social justice warriors or council members. Hartman said she would send the mayor information about making council meetings less volatile. Hartman also praised council member Jim McKee for his service. Hartman said she appreciates his ability to weigh all sides of issues. Hartman also said she was praying for McKee.

Jep Hostetler of Goshen said he lives at Greencroft and is 82 years old. Hostetler said he appreciates the opinions that have been expressed at council meetings, but said that there are other ways to view issues. Hostetler said he has seven grandchildren and two great-grandchildren. Hostetler said when they go to pre-school or school, he is delighted when they are required or asked to wear face masks because it protects them and he doesn't want them to get sick. Hostetler said when viewed from a Christian perspective, Scripture calls on people to protect each other. Hostetler said it is patriotic to care for one another. Hostetler said 45% of evangelicals – or 15% of the U.S. population – say they won't get vaccinated. Hostetler said that if these 45 million people were vaccinated, it would increase the country's herd immunity and reduce COVID-19. Hostetler said that is something all people should want. Hostetler said schools should encourage that face masks be used. Hostetler also said this shouldn't be a political issue. He said those not vaccinated are those suffering right now.



Mayor Stutsman asked about the time spent so far on Privilege of the Floor. Council President Weddell said 15 minutes had elapsed. Council member Nisley asked if anyone wanted to discuss something not previously discussed. Weddell said three audience members indicated an interest in speaking. Nisley said he would rather not hear more about critical race theory or gay pride. Three people still raised their hands.

Mayor Stutsman asked if it was OK to hear from the three speakers. Several council members agreed. Council member King reminded all that council rules state that individuals should not be singled out. King said that she has repeatedly spoken out against violence on the right and left. King repeated that she "condemns violence."

Ron Girardot of Goshen said he wanted to discuss an issue he knows the council cannot address, but he still would like to raise the issue. Girardot said that on Jan. 5, his wife had a child at Goshen Hospital. Girardot said he expected the birth to be expensive, but not \$16,000. Girardot said that his wife didn't have an epidural, only spent three hours from arrival at the hospital to birth and she only got a few stitches. Girardot said his wife was supposed to spend three nights at the hospital, but only stayed two nights. Girardot said the hospital sent a bill for \$16,000. Girardot said his insurance paid some of the bill, but he and his wife still owed \$9,000. Girardot said he would like the community to know about this bill and asked council members to tell others about this.

Mayor Stutsman congratulated Girardot on the birth of his daughter.

Jenna Crawford of Goshen shared with council members some quotes from primary and secondary sources challenging the statement that the United States has never been a Christian nation. Crawford said people have made this statement to the City Council and to the Goshen News. Crawford cited research by Professor Mark David Hall and quotes from Chief Justice John Marshall, John Adams, Jedidiah Morse, and Charles Carroll.

Pamela Weishaupt of Goshen said a recent storm toppled trees at two downtown homes. The yards have not been cleared of debris. She asked why the homeowner is not being required to correct these unsafe conditions.

She also asked why the homeowner is repeatedly allowed to maintain homes in such poor conditions. Weishaupt also said she would like to know if the city will continue to allow urban sprawl on agricultural land.

Mayor Stutsman said he is in the process of responding to Weishaupt. He apologized for the delay in his response about land use policies. The Mayor said that he has also reported the two homes Weishaupt mentioned, but explained that the process takes time.

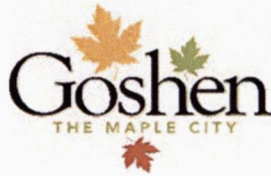
Council President Weddell asked if the city still sends staff to mow lawns at homes with neglect and then send bills for the mowing to the homeowners. Mayor Stutsman said this is still done, but that city staff members are so busy they cannot do this as frequently as in the past.

Weishaupt said she understands the homeowner in question has been a problem for the city for many years, but that many of his homes have many violations. She asked if the City will follow up.

Mayor Stutsman said city staff would do so.

Lori Arnold asked whether the video recordings of council meetings would be posted online.

Emily Bush-Pearson of the city Clerk-Treasurer's Office said the issue is still under consideration. She also said audio recordings of council meetings are posted online as well as the minutes.



Lori Arnold said she would appreciate the video being posted online. Arnold said she also wanted to respond to the Mayor's question about what recent speakers at council meetings wanted the council to do about the canceled youth drag show. Arnold said she wanted the council to do the following: 1. Listen, be attentive when people are speaking at council meetings and don't respond to comments with facial gestures; 2. Reach out and listen to the concerns of residents; 3. Be honest and transparent; and 4. Be honorable and learn the truth. Arnold said the mayor and council members have made negative statements about her. Arnold also said Antifa is active in Goshen and that some citizens have been threatened and are living in fear. Arnold concluded, "Wake up, get informed, then take the appropriate actions needed."

Mayor Stutsman responded that Lori Arnold had just made numerous misstatements. He added, "Just because you want a story to be told doesn't make it true. And you keep putting words in my mouth and I'm sure you're putting words in council members' mouths because I've never heard any of them say that, nor have I ever said any of that to any council member."

Mayor Stutsman closed the Privilege of the Floor at 6:37 p.m.

1. Presentation by Director of Environmental Resilience Aaron Sawatsky Kingsley about solid waste disposal

Director of Environmental Resilience Aaron Sawatsky Kingsley presented information on solid waste in the City of Goshen. As a part of implementing its Climate Action Plan, the Department of Environmental Resilience (DER) is exploring opportunities for the city to reduce emissions, reduce expenses and adapt to a changing economy.

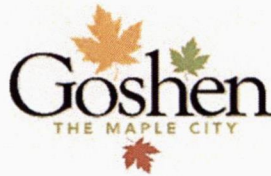
Using a PowerPoint presentation, Kingsley said solid waste is a growing problem in Goshen. Earlier this year, he said the city received a state grant for \$20,000 for an education program to increase public knowledge about recycling and waste reduction.

Kingsley said that solid waste costs are increasing for the city. In 2020, the city generated 12,694 tons of trash hauled to the landfill at a cost of \$1.4 million compared with 9,602 tons of waste generated and a \$783,450 disposal cost in 2014. He said the amount of trash generated per household also is increasing.

Kingsley said the current trash hauling services contract will end on April 30, 2022. If re-bid today under the same terms as present, Kingsley said the city's cost would be expected to increase between \$304,295 and \$623,490.

Kingsley said the city could increase the amount of its recycling, noting that about 1,140 households currently are paying for curbside recycling and that as much as half of waste generated could be recycled. However, he said Elkhart County government officials have indicated they no longer want to manage Goshen's five drop-off recycling locations.

Kingsley presented four options to reduce or slow the generation of solid waste and stabilize disposal costs: 1) Go to a metered trash service, such as one 96-gallon cart per household per week, which would reduce the quantity of trash collected and pick-up fees; 2) charge trash fees, although this would not reduce the costs or the volume of trash; 3) implement a tax-supported recycling program to reduce trash and help fill the gap for the loss of recycling drop-off sites; and 4) a combination of these, such as go to a metered trash service combined with a curbside recycling program. This option would reduce trash volume by collecting up to 48% of trash through recycling and provide needed and desired recycling for local residents.



Kingsley said all four options would generate savings for the City, but that the fourth is the best with the greatest benefits and the largest reduction of solid waste. He said action is needed because the city "is on an unsustainable trajectory, both financially and ecologically, because we're paying more and we're producing more trash."

Kingsley concluded, "This is the slow building issue and problem. It's not a disaster yet, but it's the kind of thing that becomes a disaster. And it would be better for us to have some of these conversations, difficult as they will be, sooner than later so we can save ourselves money and reduce the kind of degradation that we're participating in."

Council member Nisley asked Kingsley if the increased numbers of people staying home because of the pandemic prompted the increase in solid waste generated. Kingsley said it's not known how big a factor that might be.

Mayor Stutsman said more waste was being generated before COVID-19, which is why this issue is so important. The Mayor said he hopes a trash fee can be avoided, but even if it is enacted, he believes the city could heavily subsidize it. And if residents can increase recycling, the mayor said, that can slow solid waste increases and perhaps eliminate the need for trash collection fees. The Mayor said his family of four only generates one bag of trash per week because of good recycling and composting. The Mayor said even people who don't care much about recycling for environmental reasons can help the city save money by recycling.

Youth Advisory Mora asked how much city residents currently pay for recycling. Kingsley said they are paying between \$60 and \$120 per year. Council member King said many people pay just \$5 per month.

Mayor Stutsman said some council members previously asked what the cost would be if the city took over trash disposal. The mayor said the cost can be calculated, but the up-front costs would be considerable with each truck costing as much as \$350,000. The City would also have to pay staff and other expenses.

Council member Eichorn said that during a recent visit to the county recycling facility, staff indicated that Goshen recycles more than Elkhart. She said much of the volume comes from Goshen residents. Eichorn encouraged other council members to visit the facility. Among other things, Eichorn said she learned pizza boxes are recyclable.

Kingsley agreed that a trip to the facility would be worthwhile. He said many manufacturers in Elkhart County are using recyclable materials and it's great that Goshen residents are doing such a good job recycling.

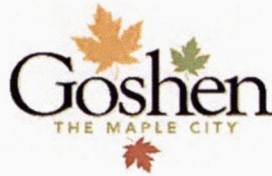
Council member King thanked Kingsley for the research and the education provided through his presentation. King said she believes local residents would consider it a worthwhile challenge to reduce their trash disposal rate and increase recycling. King said that she believes greater public education would be helpful.

Mayor Stutsman said that the upcoming city budget will include higher proposed expenditures for public education.

2. Public hearing on Ordinance 5094 (1st/2nd Reading): Additional Appropriations

Mayor Stutsman opened the public hearing on Ordinance 5094, briefly described its purpose and asked if anyone in the audience or participating via Zoom wanted to comment. No one asked to speak, so the Mayor closed the hearing and asked that the ordinance be introduced. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5094 by title only, which was done.

Weddell/Nisley moved for passage of Ordinance 5094 on a First Reading.



Ordinance 5094 would appropriate more money than the amount appropriated in the current year's budget. It would appropriate \$500,000 from the General Fund to the Rainy Day Fund (to be enacted by Council Resolution 2021-27) and appropriate \$30,000 from the Economic Development Income Tax Fund to the Goshen Chamber of Commerce.

Mayor Stutsman said many communities have rainy day funds, but don't build or protect them. The Mayor said Goshen is fortunate because it has multiple funds – savings accounts for rainy days.

The Mayor said that because of those good reserves, over the past six years, the City has not used its rainy day fund despite economic downturns, floods, extreme cold and even the COVID-19 pandemic. The Mayor said he told Council member McKee, a long-time proponent of the rainy day fund, that he would neither actively support nor oppose the proposed appropriation of \$500,000 for the rainy day fund.

Council member McKee said the city used to withdraw funds from the rainy day fund during past dips in revenue, but has not made it a practice to restore those funds. McKee said that now that the city's economic circumstances have improved, the council should rebuild the rainy day fund. McKee said the city once had \$3.1 million in the fund.

The Mayor said if the appropriation was approved, the rainy fund would increase to \$2.6 million.

McKee said the county has more than \$20 million in its rainy day fund.

King asked if council members would support lowering the appropriation to \$300,000. Eichorn said she would support that reduction. Nisley said he would not. Council President Weddell said he would support a \$500,000 appropriation, noting funds could be withdrawn if needed. King said she would not make a motion to reduce the appropriation.

Mayor Stutsman asked if anyone in the audience wanted to speak on the matter. No one did, so **Mayor Stutsman called the question. On a voice vote on First Reading, Ordinance 5094 passed 6-0.**

Council members granted Mayor Stutsman unanimous consent to proceed to the Second Reading of Ordinance 5094.

Mayor Stutsman asked that Ordinance be introduced on a Second Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5094 by title only, which was done.

Weddell/King then moved for passage of Ordinance 5094 on a Second (and final) Reading.

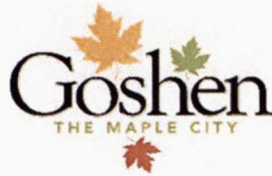
Mayor Stutsman asked if there were any questions or comments from the council or audience. No one asked to speak. Council members responded that they were ready to vote. **On a voice vote, Ordinance 5094 passed 6-0.**

3. Council Resolution 2021-27: Transfer of \$500,000 to the Rainy Day Fund

Mayor Stutsman called the agenda item and Council President Weddell asked the Clerk-Treasurer to read Council Resolution 2021-27 by title only, which was done.

Weddell/McKee moved for passage of Council Resolution 2021-27.

Council Resolution 2021-27 would transfer \$500,000 of the City of Goshen's unobligated cash balance from 2021 in the General Fund to the city's Rainy Day Fund.



The amount to be transferred does not exceed ten percent (10%) of the City's total annual budget adopted under Indiana Code § 6-1.1-17 for the current year, is not from a debt service fund, and the transfer is not otherwise prohibited by law. Upon approval of the resolution, the transfer to the Rainy Day Fund would be reported to the Department of Local Government Finance.

Asked by the Mayor, if there were any council comments on the resolution, Nisley thanked McKee for continuing to advocate for appropriations to the rainy day fund. Mayor Stutsman said that over the past year he asked council members if they wanted to appropriate additional funds to the rainy day fund and no one else asked to do so.

Mayor Stutsman asked if any member of the public cared to comment.

Glen Null of Goshen said he supports the "rat holing" of money. He said the rainy day fund has been beneficial to the city, especially when economic times are tough. Null said this can also be a good example for residents.

Mayor Stutsman said the council has done a good job managing its resources.

Hearing no further questions or comments, **Mayor Stutsman asked the Clerk-Treasurer for a roll call vote on the final passage of Council Resolution 2021-27. Council members Eichorn, King, McKee, Nisley, Schrock and Weddell all voted yes and the motion passed 6-0.**

4. Ordinance 5095 (1st/2nd Reading): Authorizing preapproved payments for certain expenses

Mayor Stutsman called the agenda item and Council President Weddell asked the Clerk-Treasurer to read Ordinance 5095 by title only, which was done.

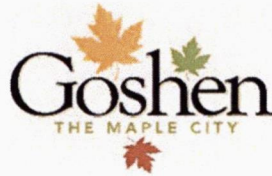
Weddell/Eichorn moved for passage of Ordinance 5095.

In accordance with Indiana Code § 36-4-8-14 and subject to subsequent City board approval, Ordinance 5095 would authorize the City's fiscal officer to pay claims, as invoices or bills for the expenses are received prior to allowance by the board, for 17 general categories of types of expenses. State law allows the City Council to adopt an ordinance to authorize the fiscal officer to make claim payments in advance of board allowance when necessary for certain general categories of types. Ordinance 5095 lists the 17 general categories of types of expenses. According to Ordinance 5095, each payment of expenses authorized pursuant to this ordinance must be supported by a fully itemized invoice or bill for the claim, and be audited and certified as true and correct by the fiscal officer. In addition, the City board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

City Deputy Clerk-Treasurer Jeffery Weaver provided a brief explanation of Ordinance 5095. In response to questions, Weaver explained that claims would only be paid after they were authorized and that the Board of Works or City Council would always be informed of the payments.

Mayor Stutsman asked if any member of the public wanted to comment on the ordinance. No one asked to speak, so **Mayor Stutsman called for a voice vote on the First Reading of Ordinance 5095. Motion passed 6-0.**

Council members granted Mayor Stutsman unanimous consent to proceed to the Second Reading of Ordinance 5095. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5095 by title only, which was done.



Weddell/Eichorn then moved for passage of Ordinance 5094 on a Second (and final) Reading.

Mayor Stutsman asked if there were any questions or comments from the council or audience. No one asked to speak. Council members responded that they were ready to vote.

On a voice vote on the Second Reading of Ordinance 5095, the motion passed 6-0.

5. Ordinance 5096 (1st Reading): An Ordinance of the City of Goshen, Indiana, authorizing the issuance and sale of bonds of the city

Mayor Stutsman called the agenda item and Council President Weddell asked the Clerk-Treasurer to read Ordinance 5096 by title only, which was done.

Weddell/Nisley moved for passage of Ordinance 5096.

Ordinance 5096 sets forth the background, rationale, terms and conditions for authorizing the issuance and sales of the City for the purpose of providing funds to be used for the costs of the acquisition, renovation and construction of City administration buildings, office space and infrastructure, together with all necessary appurtenances, related improvements, equipment and incidental expenses in connection therewith.

Based upon the advice of the consultants for the City on the Project, the council has determined that the estimated cost of the Project and the incidental expenses necessary to be incurred in connection with the Project and with the issuance of the bonds to finance the Project will be in an amount not to exceed \$3,500,000. The Project would be financed by the issuance of general obligation bonds in an amount not to exceed \$3,500,000.

Mayor Stutsman stated that a public hearing was required before passage of Ordinance 5096 and that it will be held at the council's next meeting, on Sept. 21. So, only the First Reading would be conducted now.

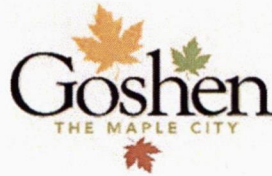
Jason G. Semler, a partner with BakerTilly, provided an overview, background and context of the proposed bond measure. Semler said the bond was for a maximum of \$3.5 million and would mature no later than 2033. It will replace a bond that matured earlier this year, so the new bond would replace it and there would be no increase in the tax rate. Semler said it's anticipated the bond would be paid in nine years.

Mayor Stutsman said city staff members are assessing the best way to move forward to meet the city's needs for office space as well as for the Police Department.

Council members discussed the purpose of the previous bond, and the Mayor said he would bring that information back to the council. The Mayor also stated that the council will eventually appropriate the funds and will be advised how the funds are used. In response to a question from King, Semler said BakerTilly will inform the council on the eventual impact of the new bond on the city's bond rating.

Hearing no further questions or comments, **Mayor Stutsman asked for a roll call vote on the First Reading of Ordinance 5096. Council members Eichorn, King, Nisley, Schrock and Weddell all voted yes. McKee voted present. The motion passed 5-0 with one council member voting present.**

6. Ordinance 5097 (1st Reading): An Ordinance of the City of Goshen Appropriating the Proceeds of the General Obligation Bonds of 2021



Mayor Stutsman called the agenda item and Council President Weddell asked the Clerk-Treasurer to read Ordinance 5097 by title only, which was done.

Weddell/McKee moved for passage of Ordinance 5097.

Ordinance 5097 would ordain and authorize an appropriation in an amount not to exceed \$3,500,000 to be applied on the costs of the Project and the incidental expenses incurred in connection therewith and on account of the issuance of bonds therefore. It also specifies that the funds to meet said appropriation be provided out of the proceeds of the Bonds in an amount not to exceed \$3,500,000 heretofore authorized; that said appropriation be in addition to all other appropriations provided for in the existing budget and tax levy for the current year. The bond issuance would be to provide for the cost of the acquisition, renovation and construction of City administrative buildings, office space and infrastructure, together with all necessary appurtenances, related improvements and equipment ("Project") and the incidental expenses in connection therewith.

King asked how the council can appropriate funds before the bond measure has been approved.

City Attorney Bodie Stegelmann stated this was the First Reading of Ordinance 5097 and that the Second Reading would take place after a public hearing on the bond ordinance. Stegelmann said Ordinance 5097 would only be considered after the passage of Ordinance 5096.

Jason G. Semler said that even if an appropriation was approved this year, state law would require that the council approve another appropriation in 2022.

Council members engaged in further conversation about moving forward with a First Reading tonight or delaying consideration. Ultimately, the council decided to proceed.

Mayor Stutsman asked if any member of the public cared to comment. No one asked to speak.

Hearing no further questions or comments, **Mayor Stutsman asked for a roll call vote on the First Reading of Ordinance 5097. Council members Eichorn, King, Nisley, Schrock and Weddell all voted yes. McKee voted present. The motion passed 5-0 with one council member voting present.**

7. Ordinance 5098 (1st/2nd Reading): Approving the Transaction of Lease/Purchase Agreement for a Combination Sewer Truck and Lease Document

Mayor Stutsman called the agenda item and Council President Weddell asked the Clerk-Treasurer to read Ordinance 5098 by title only, which was done.

Weddell/King moved for passage of Ordinance 5098.

Ordinance 5098 would authorize the financing of a new combination sewer truck through U.S. Bancorp Government Leasing and Finance, Inc. The city's Utilities Department is purchasing a new combination sewer truck for \$486,155.00 and wishes to finance \$401,755.00 through U.S. Bancorp Government Leasing and Finance, Inc. Under the terms of the Lease/Purchase Agreement attached to and made a part of this resolution, the city would make five annual payments of \$83,245.00 at an interest rate of 1.53% with the first payment due Jan. 9, 2022.



Council member Schrock asked if this was a lease or purchase. Director of Public Works and Utilities Dustin Sailor said the city would be entering into a lease agreement and make payments, but would own the truck at the end of the lease. Asked by Weddell about the delivery date, Sailor said it should arrive before the end of the year. Sailor said the new truck should last for 11 or 12 years.

Hearing no comments from the public or further questions or comments from the council, **Mayor Stutsman asked for a voice vote on the First Reading of Ordinance 5098. Motion passed 6-0.**

Council members granted Mayor Stutsman unanimous consent to proceed to the Second Reading of Ordinance 5098. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5098 by title only, which was done.

Weddell/Eichorn then moved for passage of Ordinance 5098 on a Second (and final) Reading.

Hearing no further comments from the public or the council, **Mayor Stutsman asked for a voice vote on the Second Reading of Ordinance 5098. Motion passed 6-0.**

8. Appointment of new Council member to Plan Commission

Council President Weddell said the council needed to appoint a new council member to the city Plan Commission to replace Council member Jim McKee who was stepping down from the council after tonight's meeting. The current Plan Commission term began January 2020 and ends December 2023. Weddell said two council members – King and Nisley – indicated an interest in serving on the commission and a third council member also indicated an interest if the Plan Commission meetings were held at a different time. Weddell opened the floor for nominations.

Council member Eichorn nominated Council member King to be appointed to serve on the Plan Commission. King accepted the nomination. Council member Schrock nominated Council member Nisley. Hearing no further nominations, Weddell closed the nominations.

Mayor Stutsman noted that in case of a tie vote, he would normally be the tie-breaker. But the Mayor indicated in case of a tie, he would rather wait for Council member Gilberto Perez to be present for the vote because the position is a council appointment and not a mayoral selection.

The Mayor asked City Attorney Bodie Stegelmann whether any state statutes required the council to have an appointee in place for the next Plan Commission meeting or if it would be acceptable to not have the council appointee present for the next meeting. City Attorney Stegelmann said he is unaware of any such statute. He said if McKee is no longer a council member, his appointment would terminate rather than continue. And if no council member was appointed tonight, the position would be vacant until a new appointment.

Mayor Stutsman asked council members if they would want him to break a tie or refrain from voting and delay a vote until the next council meeting. King and Weddell said it would be better for Stutsman to not break a tie.

Council members then welcomed statements about the candidates.

Eichorn said that while she appreciated what Nisley would bring to the position, and that both are qualified, she said the city has 84 people serving on boards and commissions and 22 – or 26% -- are women. Of those serving on economic development, planning and zoning, 16% are women.



Eichorn said that while both candidates are qualified, it would be nice to appoint a woman because the Plan Commission has just one female. Eichorn said two or three advisory boards have no females and it's been difficult to get women involved in local government. Eichorn said King has the time and wants to be involved. So, Eichorn said diversity should be considered by the council.

Weddell thanked Eichorn for her comments and noted that the council is responsible for 14 appointments and of those appointees, six are women.

Schrock said both candidates are qualified.

King and Nisley both said they would like to serve on the Plan Commission.

Council President Weddell asked the Clerk-Treasurer to conduct a roll call vote and ask each council member – King or Nisley – who they would prefer be appointed to the Plan Commission.

The Clerk-Treasurer called the roll: Eichorn voted for King, King voted for King, McKee voted for Nisley, Nisley voted for Nisley, Schrock voted for Nisley and Weddell voted for Nisley. Results: Nisley, 4 and King, 2. Nisley won the appointment to the Plan Commission.

Elected Official Reports

Council member King reported that Council member Nisley had just been appointed to the Plan Commission. Council member Nisley thanked King and thanked McKee for his service. McKee said both candidates were qualified.

Nisley thanked McKee for the time he put in for the city and for his wisdom, leadership and calm approach.

Mayor Stutsman told McKee he has appreciated McKee for his service and friendship. He wished McKee the best for his future and in dealing with his current medical issues.

Weddell said McKee has been "a rock" he has leaned on. Weddell offered his support to McKee and his spouse, Angie McKee.

McKee said he was unaware he had a health issue when he resigned. He said he has been diagnosed with a brain aneurism, but isn't too worried about it. McKee said, "If it's time for me to punch the clock, I'll do it."

Schrock thanked McKee for helping him adjust to the council.

King offered her thanks and appreciation to McKee for his service...

Eichorn also thanked McKee for his service and for the perspective he brought to the council.

The Mayor said a plaque and key to the city was being prepared and would be awarded to McKee at a later date.

McKee said that he appreciated the Mayor's friendship as well as his own family and noted he had only missed three Tuesday meetings in the past 10 years – twice because he was in the hospital. McKee said he appreciate his wife and family for their support.

Clerk-Treasurer Aguirre expressed his appreciation to McKee's spouse, former Clerk-Treasurer Angie McKee, for the support she has provided to Council member McKee over the years. Aguirre said he attended the Indiana Chamber of Commerce's banquet when Goshen was honored as city of the year and took a photo of Jim and Angie.



Aguirre said he posted the photo on Facebook and that it was one of the best-liked photos for the McKees that year. Aguirre also said he appreciated that Angie McKee congratulated him on his appointment as Clerk-Treasurer.

McKee/Nisley moved to adjourn the meeting.

Mayor Stutsman declared the meeting adjourned at 7:44 p.m.

APPROVED:

A blue ink signature of Jeremy P. Stutsman, written over a horizontal line.

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

A blue ink signature of Richard R. Aguirre, written over a horizontal line.

Richard R. Aguirre, City Clerk-Treasurer