

GOSHEN COMMON COUNCIL

Minutes of the May 16, 2022 Regular Meeting

Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Mayor Stutsman called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance

Mayor Stutsman asked the Clerk-Treasurer to conduct the roll call.

Present: Megan Eichorn (District 4) Julia King (At-Large) Doug Nisley (District 2)
 Gilberto Pérez Jr. (District 5) Donald Riegsecker (District 1) Matt Schrock (District 3)
 Council President Brett Weddell (At-Large)
 Youth Advisor Adrian Mora (Non-voting)

Absent: None

Approval of Minutes: Mayor Stutsman asked the Council's wishes regarding the minutes of the May 2, 2022 Regular Meeting. Councilor Julia King moved to approve the minutes as submitted. Councilor Donald Riegsecker seconded the motion. The motion passed 7-0 on a voice vote.

Approval of Agenda: Mayor Stutsman asked the Council's wishes regarding the meeting agenda. Councilor Megan Eichorn moved to approve the agenda as submitted. Councilor King seconded the motion. The motion passed 7-0 on a voice vote.

Privilege of the Floor:

At 6:02 p.m., Mayor Stutsman invited public comments on matters not on the agenda.

There were no public comments, either from those in the Council chamber or via Zoom, so Mayor Stutsman closed the Privilege of the Floor at 6:02 p.m.

1) Stormwater Department presentation: Industrial trash in Goshen waterways

Mayor Stutsman invited City Stormwater Coordinator Jason Kauffman and City Stormwater Specialist Mattie Lehman to make a presentation about industrial trash in Goshen's waterways.

BACKGROUND:

In a memorandum to the Common Council, which was included in the Council agenda packet, the Stormwater Department reported the following:

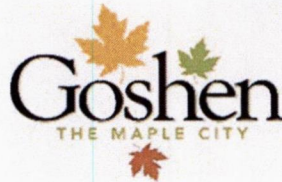
- On April 4, 2022, the Stormwater Department fielded a **resident complaint about a significant amount of Styrofoam and other trash accumulation in Horn Ditch**. The industrial trash issue has been observed by the Stormwater Department in the past, but **the amount in this case was striking**.
- **Horn Ditch runs through the heart of the industrial corridor in southeast Goshen with manufacturing being the primary land use on both its banks**. The waterway eventually flows through Fiddler Pond Park before meeting up with Rock Run Creek and, ultimately, the Elkhart River.
- The **Stormwater Department was able to identify a number of trash hot spots likely associated with this particular instance, but trash control has long been identified as an issue along the industrial corridor**.



- The **Stormwater Department** has begun conversations with **Plant Managers and Environmental Health and Safety professionals** at several businesses in this corridor and have received **enthusiastic support for joint clean-up efforts**.
- The **Stormwater Department** was making a presentation to bring greater community awareness to the issue and begin finding a path forward to lasting changes that better protect the City's waterways.

Using a PowerPoint presentation, which was included in the Council agenda packet, Kauffman and Lehman provided photographs and descriptions of the urban trash pollution discovered in April, the consequences of it and what was being done to prevent it from happening again. They reported the following:

- **Trash can have a major impact on the health of the City's waterways.** Sources can vary and comes from residential and industrial areas.
- In early April, **staff responded to the Spring Brooke neighborhood in response to accumulated trash in Horn Ditch.** Several areas had accumulations of Styrofoam and other trash.
- A team of several **City staff spent three hours removing some of the reachable material.** After a trailer full of removal, significant trash remained in the ditch.
- Unfortunately, **this wasn't an isolated issue for Horn Ditch or other waterways.** Trash routinely is reported from residential and industrial sources.
- In a broader watershed context, **trash from Horn Ditch flows into the Rock Run Creek,** which flows into the Elkhart River. Eventually, this trash flows into the St. Joseph River, into Lake Michigan, through the Great Lakes system and the trash **eventually makes its way into the North Atlantic Ocean.**
- This kind of trash matters because of its **detrimental impact on water quality and various species.** While not considered particularly harmful to humans, **Styrofoam and other plastics break down into smaller particles and never go away.** Wildlife and aquatic creatures consume the particles and can eventually starve because these plastics have no nutritional value.
- A report released in March by the Environmental Integrity Project revealed that **Indiana has the most polluted rivers and streams of any state.** Almost all Indiana's lakes and reservoirs sampled are unfit for drinking water, putting more pressure on the state's water utilities to remove harmful bacteria like E.coli and toxic algae, according to the report. **Agriculture** was cited as the source of most of the waterway pollution.
- Data compiled by a South Bend researcher showed that **pollution is a problem in the region.** Still, some waterways, including the Elkhart River, are still considered healthy and safe for recreational purposes.
- The **City Stormwater Department is working with industrial companies that operate adjacent to Horn Ditch to address the trash problem.** The department also is conducting a **rapid trash assessment** to determine the severity of the problem as well as trash sources and comparison data with other communities. The City also is deploying new equipment to more effectively gather trash.
- To increase public awareness, the **City will sponsor the Goshen Water Fest, on Saturday, June 11 (from 10 a.m. to 2 p.m.) at Mill Street Park, 212 Prospect Ave.** It will be a walk/bike event featuring a clean-up of Rock Run Creek, activities for children, food trucks, music and information.
- Finally, in a partnership with the City Environmental Resilience Department, **staff distributed at the Council meeting environment-friendly products,** including zero-waste washing machine tablets and 100% natural loofah scrubbing pads.



Council President Weddell asked if the City had determined the source of the Horn Ditch trash.

Mayor Stutsman said the city would not disclose that information during a public meeting because staff was seeking to work with the companies involved. He said some companies have been cooperative while others have not yet been as receptive. The Mayor said Councilors were free to talk about this with staff members after the Council meeting. He added that if the City doesn't make progress working with the companies, its approach may change.

Council President Weddell asked if the City has any enforcement authority if it determines the source of the pollution. **Stormwater Specialist Lehman** said the City Stormwater Ordinance does offer some ways to enforce an agreement with newer companies. She said other enforcement options were being explored.

Councilor King asked if the City could enforce an anti-littering ordinance. **City Attorney Bodie Stegelmann** said the City has a discharge, or Stormwater management, ordinance which prohibits discharges into waterways. He said it also requires companies located along waterways to maintain their properties in a manner that prevents pollution discharges into waterways. Stegelmann said the ordinance allows for fines, orders, injunctions and the collection of attorney fees if action is taken. However, Stegelmann said the challenge is to prove the source of the pollution.

Councilor Schrock asked if the ordinance applied to accidental as well as intentional water pollution. **Stegelmann** said it did, especially the requirement that companies prevent pollutants from entering waterways.

Mayor Stutsman said the City deals with many businesses who have open dumpsters and that Styrofoam and other material sometimes is blown out of them by the wind. He noted that the Goshen Chamber of Commerce has been working with some industrial companies to organize clean-up events.

Councilor King thanked City Stormwater Department staff for their work and for increasing public awareness of the pollution issue.

Councilor Pérez said he appreciated the City's work on the rapid trash assessment. He asked how long it had been happening and the type of data gathered to inform public education campaigns. **Lehman** said the work has just begun and that data would be collected for those purposes. **Pérez** asked if college students could help with the work. **Lehman** said that could be possible.

Councilor Schrock thanked Lehman and Kauffman for their work and for the efforts of volunteers. He said he was looking forward to the Water Fest and asked if a "dunk tank" had been considered. **Lehman** said it had.

Councilor Riegsecker said the responsibility for the pollution starts with those who have caused it. Still, he said he knows there are many county service projects and asked if one could be set up after pollution is detected this summer or fall. Riegsecker offered to make contacts to set this up. **Lehman** said there will be an upcoming clean up, but noted that it's sometimes difficult to schedule these efforts.

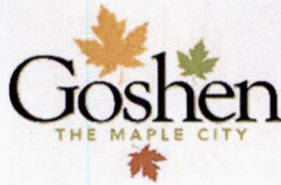
Mayor Stutsman said the City needs the cooperation of companies, which he said should be responsible for organizing the clean-up of industrial pollution. He said the City should not have to organize these efforts.

Councilor Pérez asked about the 14 stormwater treatment units, which are installed near pipes. He asked if there were other units that could be used. **Kauffman** said they were and noted that they capture trash and some harmful chemicals. **Council President Weddell** noted that City staff previously reported on other equipment to capture pollutants. **Councilor Perez** further discussed the issue with Kauffman and Lehman.

Mayor Stutsman thanked Kauffman and Lehman for their work and for the presentation.

2) Presentation: City of Goshen Redevelopment Commission Annual Report for 2021

City Redevelopment Director Becky Hutsell presented the Commission's report for 2021 to the Council.



Hutsell said the submission of the report is a State requirement, which stipulates the Redevelopment Commission must provide this report annually to the Council.

Included in the Council's agenda packet was the Commission's 32-page annual report, which included:

Exhibit A, an 11-page itemized expenditure report; **Exhibit B**, a one-page summary of funds on hand at the close of calendar year 2020; **Exhibit C**, a four-page 2021 resolution summary; **Exhibit D**, a one-page financial summary of the Consolidated River Race/US 33 Tax Increment Financing District; **Exhibit E**, a one-page financial summary of the Southeast Tax Increment Financing District; **Exhibit F**, a one-page financial summary of the Lippert/Dierdorff Tax Increment Financing District ; and **Exhibit G**, the Redevelopment Commission's two one-page summary of activity with four pages of supporting financial information.

Hutsell began a brief oral presentation to the Council by noting some highlights of the report, including financial information on the Tax Increment Finance Districts. She said the Commission is carrying healthy balances and was working hard to be good stewards of the City's resources.

Mayor Stutsman said the Commission's balances were in large part responsible for the large cash balances carried forward in the City's current-year budget. **Hutsell** said this is the second year of those large cash balances and the City hopes to move forward with projects soon.

Asked by **Councilor King** if there was anything he would like to add, **Council President Weddell** noted that the report had a lot of information. He said that at its last meeting, the Redevelopment Commission made a determination about its excess funds. **Hutsell** said the commission must detail the use of those funds or risk that the authority to levy the taxes that generated the funds would have to be returned to the taxing district.

In response to a question from **Councilor Pérez** about the status of the Lippert/Dierdorff Tax Increment Financing District, **Hutsell** said work had been held off, but plans are being made to resume work. She said funds are dedicated to making improvements to the Highway 33 and College Avenue intersection. She also clarified future work with state funding as well as the funds available in the Lippert/Dierdorff TIF.

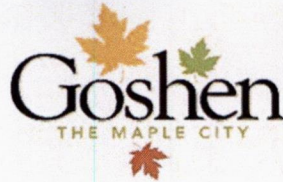
3) Council appointments to the Goshen Downtown Economic Improvement District Board

Mayor Stutsman said it was time for the Council to make appointments to the Goshen Downtown Economic Improvement District Board for three Board members for terms from June 1, 2022 through May 31, 2024.

In a memorandum accompanying the council agenda packet, **Carla Newcomer, a paralegal with the City Legal Department**, wrote that the Goshen Downtown Economic Improvement District (EID) Board consists of five (5) members appointed by the Goshen Common Council. Each Board member must be a real estate owner or a person directly involved in a business operating within the district. At least three members must own real estate within the district, and each member serves a two-year term. The terms of three (3) Board members, (all of whom are property owners) are scheduled to expire on May 31, 2022.

According to the memorandum, all real estate owners within the district were mailed a ballot with the names of three (3) candidates and an opportunity to write in individuals willing to serve on the EID Board. A total of 131 ballots were mailed (one ballot per parcel), and 30 ballots were returned which is approximately a 23% ballot return rate. Owners were asked to vote for up to three candidates. The results of this voting were as follows: Jonathan Wieand, 30; Scott Woldruff, 29; David Pottinger, 27; Aaron Nafiziger, 3 and Tyler Springer, 1.

Mayor Stutsman provided an overview of the Goshen Downtown Economic Improvement District Board and the selection process for Board members and this year's candidates.



Mayor Stutsman called on the Council to honor the results of the voting and reappoint Jonathan Wieand, Scott Woldruff and David Pottinger to the Board. In response to a questions from **Council President Weddell**, **Mayor Stutsman** said the terms of Wieand, Woldruf and Pottinger were all expiring and that all three have served on the Board for quite a while.

In response to a question from **Councilor Schrock** about the number of ballots returned, **City Attorney Bodie Stegelmann** said 30 ballots were returned for a 23% voter turnout. **Council President Weddell** that may have been a higher turnout than for the recent county election. **Councilor King** said that it was a much larger turnout. **Council President Weddell** said neither was a good turnout.

Councilor Riegsecker asked for clarification on the voting. **Mayor Stutsman** confirmed that all property owners received ballots listing Jonathan Wieand, Scott Woldruff and David Pottinger as candidates and that Aaron Nafiziger and Tyler Springer were write-in candidates.

Council President Weddell/Councilor Eichorn moved to approve the appointment of Jonathan Wieand, Scott Woldruff, and David Pottinger to the Goshen Downtown Economic Improvement District Board for terms from June 1, 2022 through May 31, 2024.

There was no Council discussion on the motion.

On a voice vote, Councilors approved the appointments of Jonathan Wieand, Scott Woldruff, and David Pottinger to the Goshen Downtown Economic Improvement District Board, for terms from June 1, 2022 through May 31, 2024, by a 7-0 margin, with all Councilors present voting "yes" at 6:37 p.m. Youth Adviser Mora also voted "yes."

4) ORDINANCE 5120: An ordinance amending Ordinance 3757, as amended by Ordinance 4702, to Allow Flexibility in Licensing and Registering of Electrical and Mechanical Contractors

Mayor Stutsman called for the introduction on first reading of **Ordinance 5120**, *An ordinance amending Ordinance 3757, as amended by Ordinance 4702, to Allow Flexibility in Licensing and Registering of Electrical and Mechanical Contractors*. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5120 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5120 on first reading.

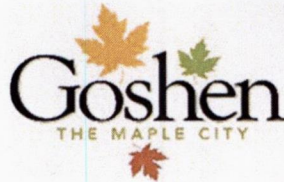
Mayor Stutsman said the idea for the ordinance came from **Clerk-Treasurer Richard R. Aguirre**. He said the City has had an increase in requests for electrical and mechanical licenses because of the growing volume of construction work in the City. He said the Board of Works and Safety has always approved these licenses after staff members have ensured through research that all information that was presented was correct. He said the ordinance was an attempt to speed the process for City staff while maintaining the quality of the license process. **The Mayor** invited comments from **Clerk-Treasurer Aguirre**.

Clerk-Treasurer Aguirre distributed a memorandum about Ordinance 5120 (**EXHIBIT #1**). In his comments, Aguirre:

- **Thanked the Council** for the opportunity to make some comments.
- Noted that he was **sworn in as Clerk-Treasurer last year, has been on the job about nine months** and after completing one year in office, will provide a report to the Council about his office's work.



- Said he would be providing the **one-year report both to share what the Clerk-Treasurer's Office is doing to support City staff and residents** and also to enhance public accountability since he gained the office through appointment.
- Commented that he believe it was **important that public official seek ways to better serve the public and make government more efficient and that Ordinance 5120 would do that.**
- He said to safeguard the life, health and public welfare of City of Goshen residents, **the work of electrical and mechanical contractors is regulated through inspections and the enforcement of building codes. Contractors** operating in the City of Goshen **also are required to show proof of their competency and qualifications by becoming licensed to perform such work in the City of Goshen.**
- **Contractors must register with the City and renew their registrations every three years. The Building Commissioner assesses the qualifications of applicants and brings recommendations to the Board of Works to approve electrical and mechanical licenses.**
- **Ordinance 5120 would change this procedure** in a small but important way that will improve the operations and efficiency of the City of Goshen while serving the public better and faster. Yet, this change also will maintain the integrity of our licensing system.
- **Applicants will still register and apply for licenses at the Building Department and provide proof of the required qualifications, including documentation of examination scores, training, experience and past work.** They will still pay a licensing fee. The **Building Commissioner will still assess the qualifications. But instead of going to the Board of Works, the Building Commissioner will approve the licenses** based on checks of the information submitted. This will save time for everyone.
- If, however, the Building Commissioner declines to grant or issue a license and register the applicant, the **individual whose application was denied may appeal to the Board of Works**, and a hearing would be held before the Board within fifteen (15) days.
- **Ordinance 5120 was suggested less than a month ago, which demonstrates that City government is responsive to public needs and can change things quickly for the better.**
- Over the past nine months, Aguirre said he noticed that **requests for City electrical and mechanical licenses were frequently on the Board's agenda.** These requests were put on the agenda by the Building Department and recommended for approval by Building Commissioner Myron Grise. They were always approved. Aguirre said he was **unaware any formal requests have been rejected by the Board**, although Grise said he has rejected some requests from unqualified and sometimes unscrupulous applicants.
- Especially in recent months, **license requests have increased as more outside contractors have taken on work in Goshen.** As mentioned at the last Council meeting, the Board of Works considered two license requests at its April 25 meeting and seven on May 2. And there were two more on the agenda on May 16.
- Building Department Office Assistant Jean Nisley and Building Commissioner Grise said that **as many as 50 license requests were pending.** Grise said that every applicant wanted approval as quickly as possible, which is not reasonable because of the verification that is necessary.
- So on **April 26, Aguirre said he asked Commissioner Grise this question: "Have we considered administrative approval of these (requests) and not approval by the Board of Works?"**
- Aguirre raised the same questions with **Mayor Stutsman**, and his response essentially was "Why not?" He raised the issue with **City Attorney Stegelmann**, who quickly prepared **Ordinance 5120.**



- Aguirre said he hoped Councilors would view this ordinance as a good idea. He said it will save staff the time and expense of preparing these routine requests for the Board, save the Board the time of reviewing and approving them and reduce the length of time from a license request to its approval.
- He thanked Councilors for their consideration of Ordinance 5120.

Mayor Stutsman said Ordinance 5120 will improve the efficiency of the Building Department while retaining an important back-up oversight role by the Board of Works and Safety. He asked if Councilors had any questions.

Youth Advisor Mora said he has noticed that many license requests have come from Allen County residents. He asked where most of the requests were coming from. **Mayor Stutsman** said the requests have come from all over the area; he said it depends where subcontractors live and who is being hired to fill gaps.

Clerk-Treasurer Aguirre said **Building Commissioner Grise** could provide more information about the increase in license requests. **Grise** said he has worked for the City for seven years and in his initial five years, the City received about eight to ten requests per year for licenses. He said now because of the volume of work and outsourcing, his office has received many more license requests.

Asked by **Councilor Pérez** if he supported Ordinance 5120, **Grise** said he was in favor of it because technically he could already approve the licenses after an applicant's qualifications have been reviewed and taking the requests to the Board of Works had been part of the process and a formality.

Council President Weddell said that **Grise** was better qualified than Board of Works members to determine who should or should not receive an electrical or mechanical license.

Asked by **Councilor Eichorn** about if the Board of Works has ever disagreed with **Grise's** recommendation about a license, **Mayor Stutsman** said that not happened since he has been mayor for the past seven years.

Councilor King asked if any resident has raised questions about the qualifications or work of a contractor after learning the contractor had been granted a City license following a public vote by the Board of Works. **Mayor Stutsman** if such a complaint was ever been made, it has never made its way to him.

Councilor Pérez said he liked the idea and that it seemed to be a good service to the public for contractors to get their licenses more quickly.

At 6:48 p.m., Mayor Stutsman opened a public hearing on Ordinance 5120, *An ordinance amending Ordinance 3757, as amended by Ordinance 4702, to Allow Flexibility in Licensing and Registering of Electrical and Mechanical Contractors.* No one asked to speak.

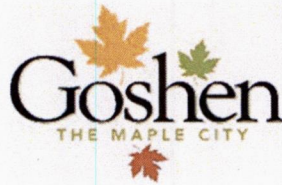
There were no other questions or comments from Councilors and they indicated they were ready to vote.

On a voice vote, Councilors approved Ordinance 5120 on first reading by a 7-0 margin, with all Councilors present voting "yes" at 6:49 p.m. Youth Adviser Mora also voted "yes."

Councilors gave unanimous consent to move to a second and final reading of Ordinance 5120.

Mayor Stutsman called for the introduction on second reading of Ordinance 5120, *An ordinance amending Ordinance 3757, as amended by Ordinance 4702, to Allow Flexibility in Licensing and Registering of Electrical and Mechanical Contractors.* **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5120 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5120 on second and final reading.



There were no other questions or comments from the public. Councilor Pérez expressed appreciation for Ordinance 5120. Councilors then indicated that they were ready to vote.

On a voice vote, Councilors approved Ordinance 5120 on second and final reading by a 7-0 margin, with all Councilors present voting “yes” at 6:49 p.m. Youth Adviser Mora also voted “yes.”

5) ORDINANCE 5121, *An ordinance to Establish Rules and Regulations for the Use of Electric Foot Scooters and Shared-Use Electric Foot Scooter Operators*

Mayor Stutsman called for the introduction on first reading of Ordinance 5121, *An ordinance to Establish Rules and Regulations for the Use of Electric Foot Scooters and Shared-Use Electric Foot Scooter Operators*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5121 by title only, which was done.

Weddell/ Pérez moved to approve Ordinance 5121 on first reading.

BACKGROUND:

Ordinance 5121 would establish rules and regulations for the use of Electric Foot Scooters and a licensing program for Shared-Use Electric Foot Scooter Operators the City of Goshen.

Electric Foot Scooters were described in the ordinance as devices that weigh no more than 100 pounds, which have no more than three wheels in contact with the ground, with handlebars and a floorboard that the rider uses to stand on during operation and which are powered by an electric motor capable of powering the device with or without human propulsion at a speed not more than 20 miles per hour on a paved level surface.

A Shared-use Electric Foot Scooter Operator was described in the ordinance as an individual or entity that leases, rents, or otherwise makes available Shared-Use Electric Foot Scooters, whether or not for profit. The term does not include individual, private owners of Electric Foot Scooters who are not engaged in the business or renting, leasing, or otherwise making Electric Foot Scooters available to members of the public at large.

Under the ordinance, it would be unlawful to operate as a Shared-Use Electric Foot Scooter Operator within the City of Goshen corporate boundaries without first obtaining a license from the City of Goshen Board of Public Works and Safety. The Board would be empowered to establish terms and conditions of licenses and charge a licensing fee. The ordinance included additional information about establishing a licensing program and issuing licenses, and the storage and use of electric foot scooters.

Mayor Stutsman said Ordinance 5121 has been under discussion for a while by staff in response to an entrepreneur who would like to operate a scooter rental business in the City of Goshen.

Deputy Mayor Mark Brinson provided the Council with a summary of what Ordinance 5121 would seek to accomplish. Key points:

- Ordinance 5121 would establish a scooter operation application process, which would prevent someone from coming to the City of Goshen and dumping hundreds of rental scooters downtown at one time, which has happened in other communities.
- The ordinance would allow the City to evaluate operators, check their backgrounds and performance records in other communities they have operated scooters and assess their plans for Goshen.
- Would allow the City to limit the number of operators and the number of scooters placed in the City.



- Would allow the City to limit the placement of the rental scooters and to specify where scooters would be stored when not in use.
- Would allow the City to establish safety regulations, including where scooters could and could not be operated, as well as such required safety equipment as working lights and brakes.
- Would allow the City to suspend an operator's license for violations of the ordinance.
- At a later point, the City could establish fees to assess scooter operators.
- Operators would require a license to operate, which would be issued by the Board of Works and Safety.
- Brinson said Ordinance 5121 was drafted because there has been a request to establish a scooter business in the City of Goshen. Under the ordinance, scooter operations would be limited to certain areas and the scooters tracked through a GPS system.

Mayor Stutsman said the ordinance was drafted in response to the possible opening of a scooter rental business.

Councilor Schrock asked if the scooter business owner would need to get a license as well as every renter.

Brinson clarified that only the operator would need to be licensed to rent scooters, but the ordinance would establish rules to be followed by everyone who used a scooter in the City.

Asked by **Councilor Schrock** if there would be limits on where scooters could be used, **Brinson** said the ordinance would require that rental scooters be stored in areas with docking stations downtown designated by the Board of Works. Brinson said City staff have learned that by using a GPS system, the operator can limit the areas of operation of rental scooters. He also said rental scooters can be slowed or disabled if they travel outside those areas.

Councilor Schrock said he read that the scooters will have kickstands so they won't be laid on their sides, which he said was a good idea. Schrock said he has seen scooters being operated in Fort Wayne and has seen many unused scooters laying on their sides.

Council President Weddell said he has seen rental scooters in Fort Wayne, Indianapolis and Nashville. He said "they are some of the most unsightly things I've seen around. They look like they've been through the dumpster a few times and thrown everywhere."

In response to a question from **Council President Weddell**, **Brinson** confirmed that scooter use would be prohibited on sidewalks and would have to be operated on streets. Brinson said that under state law, scooters essentially are regulated the same as bicycles.

In response to a question from **Council President Weddell**, Brinson said rental scooters could be operated on City trails unless prohibited, but pointed out that more electric bikes are being used on the City's trails. **Mayor Stutsman** said the City already posts speed limit signs on City trails. **Councilor King** said the limit was below 20 mph.

Councilor Schrock noted the speed of the scooters could be adjusted to lower speeds.

Council President Weddell said he liked the idea of an ordinance to prevent a large number of scooters from being placed downtown. At the same time, and with Goshen's limited downtown district, he said he believes scooter rentals will be a "big disaster" with limited business. Still, he said he was glad an ordinance was being proposed.

Brinson said the ordinance would set a one-year limit for operator licenses. After one year, he said, the City could review the program and if scooter rentals were not working, the City could decline to issue any more licenses.

Council President Weddell asked if the Board of Works & Safety would be empowered to determine key aspects of the licensing program if the Council passed Ordinance 5121. **Brinson** said that is the way the ordinance was written.

Mayor Stutsman said the City would issue licenses to rental operators under the auspices of the Board of Works.



Mayor Stutsman said the ordinance was being proposed to prevent rental scooters from being dumped in the City. He said he wasn't interested in having scooter rentals downtown until he learned about the plans of Goshen's proposed scooter operator.

Council President Weddell said he looked forward to hearing from the proposed scooter operator and wasn't meaning to suggest he would oversee them poorly in Goshen as have been operated in other cities. **Councilor King** said she also has seen how scooter rental programs are operated in other cities. **Councilor Eichorn** agreed.

In response to a question from **Councilor King** about the origins of Ordinance 5121, **Brinson** said it was drafted by the Legal Department based research of ordinances in other cities in Indiana and other states. Brinson said the ordinance was tailored for Goshen.

Councilor King said it didn't appear the ordinance addressed some important questions, such as the minimum age of scooter operators. **Councilor Schrock** said that would be the same age as bicycle riders. Schrock said he noticed young children operating scooters in Fort Wayne.

Mayor Stutsman invited the proposed scooter rental operator, John Bontrager, to discuss his plans.

John Bontrager said he was born in and grew up in Goshen and operates a small business, Two Wheel Rental LLC., which rents scooters in Fort Wayne and other cities. He said that since November he has rented about 40 scooters in Fort Wayne. He said he also launched a smart phone app in November for his business.

Bontrager said that in proposing a similar business in Goshen, a primary goal would be to not be a public disturbance or cause problems. He is proposing charging hubs to charge and store the scooters. Bontrager said he is proposing having up to three charging stations downtown and customers would have to return rental scooters to those locations or be charged an extra fee.

Bontrager said that through the app and the GPS system, his business would be able to limit where the scooters were driven. For example, they would not be able to operate near waterways or busy streets and sidewalks or other locations ruled off-limits by the City or they would be slowed down. He said he also would be able to limit speeds his rental scooters are operated.

Bontrager said the renting of scooters is a seasonal business, operating from about May to October. He said he is operating in Fort Wayne and Bourbon, Indiana and Sarasota, Florida.

Asked by **Councilor Eichorn** if there were any penalties for repeat offenders who refuse to return scooters to the designated locations, **Bontrager** said he can cancel scooter usage for those persons. Still, he said all his scooters have been returned and there is a \$50 fee if a scooter is not returned.

Councilor Pérez asked if the company kept any safety records, including the number of accidents and the types of injuries, **Bontrager** said during the two years of operations, there have been no broken bones or other incidents. He said detailed records haven't been kept, but customers are aware of safety risks as they would be if riding bicycles. In response to a question from **Councilor Eichorn**, **Bontrager** said the minimum rental age is 14 and that parental consent is requested. He said that riders are supposed to follow the same rules as for bicyclists, with no riding on sidewalks. He said his business respects local ordinances.

In response to a question from **Councilor Schrock**, **Bontrager** said the scooters have headlights, taillights and horns. He confirmed the horn was loud enough to attract attention. He also said the plan would be for the scooters to be operated during the day and at night.

Councilor Riegsecker noted that the draft ordinance would establish hours of operation for scooter rentals.

Bontrager acknowledged the proposed limits.



Asked by **Councilor King** how the rental system would work, **Bontrager** said renters would need to use the company's smart phone app and provide a credit card, which limits usage by children.

In response to a question from **Youth Advisor Mora**, **Bontrager** said the company doesn't require helmet usage.

Brinson said helmet usage was a requirement included in the ordinance – that the operator would recommend helmet usage to renters. **Council President Weddell** noted that provision would be different from a requirement.

Mayor Stutsman said he has rented scooters in Indianapolis and that users are required to affirm they have helmets for the scooters to turn on, but no one uses helmets. **Brinson** said that approach seems designed to protect operators from liability if someone is hurt. **Bontrager** said the helmet request could be included in the app.

Councilor Riegsecker asked where Bontrager would get the electricity for the charging stations. **Bontrager** said he is exploring the issue. **Brinson** said no charging locations have been approved, adding that would be part of the licensing process. Bontrager said one possible location could be outside Janus Motorcycles on Fifth Street.

Mayor Stutsman said he would consider this to be like the electrical vehicle charging station behind City Hall. Charging has been free, he said, but because of the increased usage, credit cards will eventually be required for charging. The Mayor noted that electrical power was installed in the parking lot beside Goshen Brewing Company and the City was assessing its usage and may begin to charge for access.

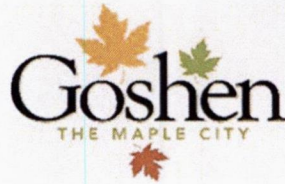
Council President Weddell asked the Mayor if there was a power outlet in the Mayor's Tesla. **Mayor Stutsman** responded that it was a City-owned vehicle. He said there was an outlet.

In response to a question from **Councilor Riegsecker** about usage of the scooters, **Bontrager** described the rental procedures and stated that records are maintained on the users. Riegsecker said that sounded better than a bicycle rental program in South Bend where bicycles were abandoned. Bontrager also said the scooters could be locked if a rider went into a store. He said the scooters must be returned or the rider will forfeit a \$50 deposit. And although one could be stolen, Bontrager said its location could be tracked.

Youth Advisor Mora suggested that perhaps the City could require that the scooters only be operated in well-lit areas. **Councilor Schrock** responded that the scooters will have headlights. **Mayor Stutsman** said the intent of the ordinance would be for the Board of Works to discuss and decide on such details.

Councilor Pérez raised concerns about the safety of the scooters and said it would be good to know the safety data, including head trauma and deaths. He said it would be good for the Council to know such information. **Mayor Stutsman** responded that there are two steps to the process facing the City – the creation of an ordinance and then the Board of Works will be evaluating the rental companies and establishing standards. **Brinson** said the City could require a licensee to compile injury data and provide a report to the City. **Mayor Stutsman** said such data could help the City determine how many scooter operators to allow and whether one company would have a better safety record than another.

Councilor Riegsecker asked that if the City requires a rental company to compile safety data and the City's is aware there have been many accidents and the City does nothing about it, does the City incur liability if it doesn't take action? **City Attorney Bodie Stegelmann** responded that the City could always be blamed, but the standard is "reasonableness." He said that the City would properly evaluate the operators and establish standards for scooter usage and operation. Stegelmann said if the City was aware that there were a lot of scooter injuries and the City still allowed scooter rentals, the City would need to consider whether to continue the program or even allow electric scooters. But if reasonable standards are in place and there is monitoring of the usage of scooters and the operators, Stegelmann said the City shouldn't be found liable, even if sued. Asked by **Councilor Schrock** if he carries liability insurance for scooter users. **Bontrager** said riders sign a waiver of liability and he may seek insurance.



Council President Weddell said it appeared Bontrager would be relying on riders to report any injuries. He said that that despite a waiver, he would assume the City would still be sued if there was a serious accident.

Councilor Pérez said he affirmed **City Attorney Stegelmann's** approach and the compiling of safety data. He also said the City Council should take reasonable steps to safeguard the City from liability.

Councilor Eichorn clarified that anyone could begin a rental business without any requirements and that the ordinance was proposed to establish some standards in advance. **Mayor Stutsman** confirmed Eichorn's understanding and said **Bontrager** has delayed bringing scooters to Goshen because he wanted to wait until the City had rules in place. **Councilor Schrock** thanked **Councilor Eichorn** for asking that question.

At 6:23 p.m., Mayor Stutsman opened a public hearing on Ordinance 5121, *An ordinance to Establish Rules and Regulations for the Use of Electric Foot Scooters and Shared-Use Electric Foot Scooter Operators.*

Pamela Weishaupt of Goshen said that after listening to the Council's discussion she had questions and didn't understand the target audience for the scooters and where they would be stored when not in use. She said there was no need to locate the scooters downtown, because the area is too small for usage. If they cannot go by the water, she asked why they would be used on City trails. Weishaupt said she knows other cities have scooters, but doesn't think they look good. She asked, "Who would be using these things? Why would we want them here?" She also raised a concern about the City's legal liability.

Theresa Sailor of the City of Goshen Environmental Resilience Department said the City has done some work on questions related to the scooter proposal. She said the department sought to assess the level of public interest in scooters through a February survey. She said 466 people participated in the survey and questions were asked about trail usage. She said trails are used for many purposes, including running and walking. Questions were asked about e-bike and scooter usage.

Of the 379 people who answered the scooter question, Sailor said 17 responded that they would use them often, 29 said they would sometimes use them, 94 people said they wanted to try them and 239 people said "no." She said most scooter usage likely would be recreational. Sailor added that some respondents raised concerns about increased use of the trails and the number of people using the trails while wearing headphones. She also said the department concluded that there is an interest in people using scooters on trails and that at least three business owners have indicated an interest in renting scooters in Goshen.

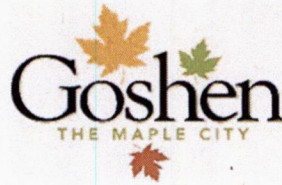
Mayor Stutsman said the City would attempt to limit the number of rental scooters in Goshen. He said **Bontrager** is proposing renting about 40 scooters in the City.

Bontrager said he wanted to add that there would be an age limit for use of his rental scooters. He also said most riders are between the ages of 14 and 41, although people of all ages ride scooters. **Councilor Schrock** said anyone can ride scooters, **Councilor King** said she objected to 41 being considered the top age of riders.

Councilor Pérez thanked Bontrager for his presentation and for prompting a City Council discussion about this issue.

At 7:29 p.m., Mayor Stutsman closed the public comment period for Ordinance 5121,

Councilor Nisley said he noticed that the City has posted "no motor vehicle" signs on City trails and assumed those signs would have to be removed, noting that electric bikes and scooters have motors. **Mayor Stutsman** said the issue would have to be considered.



Council President Weddell said he believed the city needed a scooter ordinance. He said he appreciated Bontrager's presentation, noting that he addressed some key questions. At the same time, the Council President said he still had huge reservations about allowing scooter rentals in the City. He also said he was not inclined to relinquish so much control of the scooter program details to the Board of Works and Safety. He said he would prefer the City Council retain control because he still isn't sure the City should allow scooters.

Councilor Nisley said that while the City may have a role in overseeing rental operators, it has no control over the private ownership and use of scooters. **Council President Weddell** agreed, but said that scooter use may be problematic. He also said that he cannot imagine extensive use of scooters downtown and predicted they will have little use. **Councilor Nisley** that when they were placed in downtown Elkhart, scooters were mostly just parked.

Councilor Eichorn reiterated that anyone could start renting scooters immediately and that the City needs the ordinance to provide some oversight.

Mayor Stutsman said the City could establish a trial period for scooter rentals through the ordinance. He also said he doesn't believe the Council should take over the approval of contracts with businesses.

Asked by **Councilor King** about the length of a pilot program, **Mayor Stutsman** suggested two or three years and said perhaps the City could later conduct an evaluation about whether to continue the program. **Councilor King** said that seemed like a good approach. **Council President Weddell** said he has no question the City needs this ordinance, because he doesn't want an operator to dump them in the City, but he still has concerns.

Mayor Stutsman agreed that large numbers of scooters would be problematic, but said he is open to the possibility people would enjoy using them outside downtown. He noted that he has a scooter and sometimes drives it to work.

Councilor Nisley said his son sometimes drives his scooter five miles to work.

Councilor Schrock said placing a charging station at The Chief would be a good idea. He said many people will be driving scooters to The Chief.

Councilor Pérez said if the Council passes the ordinance, he has no problem with the Board of Works taking the lead in working out the rental details. He said he would be open to a Councilor offering an amendment to establish a pilot program of two or three years. **Mayor Stutsman** reminded **Council President Weddell** that the City passed an ordinance allowing chickens to be kept in backyards and the issue was revisited by the Council after a few years.

Councilor King said that according to the ordinance, operator licenses would expire after one year. **Councilor Schrock** said he also noticed that.

Council President Weddell said he didn't want to sunset the ordinance, because he would rather keep rules in place. He said it should be left to the Board of Works to establish the rental program, the appropriateness of a given operator and conditions. **Mayor Stutsman** said the Board of Works already is responsible for helping spend \$70 million of the City's funds and is capable of administering a scooter rental program.

Councilor Nisley said it might be good to establish the maximum number of operators of scooter rentals. **Council President Weddell** said that could be up to the Board of Works to decide. **Nisley** said the Council could set the maximum number of operators.

Mayor Stutsman said he had thought that the City could allow one or two operators in a pilot program. He asked **City Attorney Bodie Stegelmann** to comment. **Stegelmann** said a limit on the number of operators would be appropriate and reminded Councilors that licenses would expire after one year. He also said the Council could revisit this issue at any time and make amendments, increase restrictions or reject license requests.

Councilor Nisley asked if the ordinance needed to be amended to establish a pilot program.



Mayor Stutsman said he didn't think that was necessary, but would be open to doing that if that was necessary to pass the ordinance. He said that he was comfortable with the Board of Works overseeing the pilot program.

Councilor Riegsecker said the ordinance is needed, but knows what can happen because he saw what happened with recycling in back of Martin's. He said some people will behave irresponsibly and will not care or pay attention. Riegsecker said he liked the idea of a pilot program and understands leaving the details to the Board of Works. He said he would be open to a limit on the number of rental scooters.

Councilor King asked about the number of scooters that John Bontrager would be bringing to Goshen. **Bontrager** said he is planning to bring about 25 scooters initially.

Mayor Stutsman said he believes the Board of Works would not authorize 200 scooters downtown. **Councilor Nisley** asked if the Council could bring back the issue and set limits on the number of scooters if the Board approved 200 or even 80 scooters. **Mayor Stutsman** said that could be done through a change in the ordinance.

Councilor Schrock said that regardless what the City does, it should not to penalize individual owners of scooters. Several Councilors agreed with Schrock. **Councilor King** asked a clarifying question about Schrock's perspective. **Several Councilors made light-heated comments about the issue and about riding scooters.**

There were no other questions or comments from Councilors and they indicated they were ready to vote.

On a voice vote, Councilors approved Ordinance 5121 on first reading by a 7-0 margin, with all Councilors present voting "yes" at 7:40 p.m. Youth Adviser Mora also voted "yes."

Mayor Stutsman called for the introduction on second reading of Ordinance 5121, *An ordinance to Establish Rules and Regulations for the Use of Electric Foot Scooters and Shared-Use Electric Foot Scooter Operators*. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5121 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5121 on second and final reading.

Mayor Stutsman said he appreciated the good Council discussion about the issue. He said he and City staff discussed many of these issues over the past few months. He said it appeared everyone was on the same page.

There were no other questions or comments from the public or Councilors, who also indicated that they were ready to vote.

On a voice vote, Councilors approved Ordinance 5121 on second and final reading by a 7-0 margin, with all Councilors present voting "yes" at 7:42 p.m. Youth Adviser Mora also voted "yes."

6) ORDINANCE 5122 - *An ordinance to amend Ordinance 5101, 2022 Compensation for Civil City and Utilities Employees to Alter Vacation Leave and Sick Leave Benefits*

Mayor Stutsman called for the introduction on first reading of Ordinance 5122, *An ordinance to amend Ordinance 5101, 2022 Compensation for Civil City and Utilities Employees to Alter Vacation Leave and Sick Leave Benefits*.

Council President Weddell asked the Clerk-Treasurer to read Ordinance 5122 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5122 on first reading.



BACKGROUND:

Ordinance 5122 would modify vacation and sick leave provisions currently applicable to City of Goshen employees and amend Ordinance 5110, which approved the 2022 minimum and maximum compensation, including wages and benefits, for Civil City and Utilities employees.

Ordinance 5122 specifies that upon being hired, full-time City employee (those working at least 2,080 hours each year) shall receive forty (40) hours of vacation leave that the employee may use only after the employee has been employed sixty (60) consecutive days. In addition:

- Upon completion of one (1) year of continuous service to the City, the employee shall receive forty (40) hours of vacation leave that the employee may use during the employee's second year of employment.
- Upon completion of two (2) years, three (3) years, and four (4) years of continuous service to the City, the employee shall receive eighty (80) hours of vacation leave that the employee may use during the employee's third (3rd), fourth (4th), and fifth (5th) years of employment, respectively.
- Upon completion of five (5) years, six (6) years, seven (7) years, eight (8) years, and nine (9) years of continuous service to the City, the employee shall receive one hundred twenty (120) hours of vacation leave that the employee may use during the employee's sixth (6th), seventh (7th), eighth (8th), ninth (9th), and tenth (10th) years of employment, respectively.
- And upon completion of ten (10) years of service, the employee shall receive one hundred sixty (160) hours of vacation leave that the employee may use during the employee's eleventh (11th) years of employment each subsequent year of employment.
- Each employee in a position scheduled to work at least one thousand forty (1,040) hours each year but less than two thousand eighty (2,080) hours each year shall receive prorated vacation leave beginning sixty (60) days after the employee's hire date and on the employee's anniversary date of continuous employment. The vacation leave shall be prorated based on the vacation leave schedule set forth in subsection (A) and the number of hours worked by the employee the previous anniversary year divided by two thousand eighty (2,080) hours, unless a higher amount is established by an agreement between the City and the employee at the time the employee is hired.
- An employee who has worked for the City for at least one hundred eighty (180) days shall receive payment for all unused vacation leave and all vacation leave accrued during the current anniversary year upon termination of employment if: the employee gives the City a minimum two (2) week written notice of the employee's intent to terminate employment and the employee is in good standing with the city at the time of termination; the employee is terminated by the City and the employee is in good standing with the City at the time of termination; or the termination is due to a health condition of the employee making it impracticable for the employee to perform the duties and responsibilities of the employee's position or the termination is due to the death of the employee.

Ordinance 5122 also specifies that each employee in a position scheduled to work at least 2,080 hours each year shall receive 24 hours of sick leave upon being hired, and earn 6 hours of sick leave on the first (1st) day of each month, starting on the first (1st) day of the month after the employee has completed at least 30 days of service to the City. In addition, each employee in a position scheduled to work at least 1,560 hours each year but less than 2,080 hours each year shall receive 12 hours of sick leave upon being hired, and earn 3 hours of sick leave on the first (1st) day of each month, starting on the first (1st) day of the month after the employee has completed at least 30 days of service to the City by making adjustment to vacation and sick leave policies.



Mayor Stutsman said Ordinance 5122 is the result of discussions with City department leaders and is aimed at helping the City remain competitive with the private sector. He said it would modify the sick leave and vacation policies so City employees could qualify for paid time off earlier. He said there also are provisions that require employees to work for at least 180 days and give two week's written notice and be an employee in good standing to receive a payment for unused vacation leave if employees decide to leave their positions. Mayor Stutsman said the latter provision was added to the version of the ordinance distributed to the council tonight (**EXHIBIT #2**).

City Attorney Bodie Stegelmann further explained the purpose of Ordinance 5122 and the changes made since the draft ordinance was circulated to the City Council by the Clerk-Treasurer last week. He said the issue was raised about how soon after being hired departing City employees could "sell back" vacation time earned but not taken. So, the ordinance was revised to require a minimum of 180 days of work before being able to sell back vacation time. Stegelmann said that to incorporate the changes, the Council would need to amend the draft ordinance and accept the latest revisions. He also noted that the sick leave policy was modified to allow newer employees to take paid time off after getting sick.

Council President Weddell/Councilor King made a motion to incorporate the new section C language suggested by the City Attorney into draft Ordinance 5122.

There were no comments from the Council or the public on the motion to amend Ordinance 5122. And Councilors confirmed that they were ready to vote on the amendment.

On a voice vote, Councilors approved the amendment to Ordinance 5122 suggested by the City Attorney by a 7-0 margin, with all Councilors present voting "yes" at 7:48 p.m. Youth Adviser Mora also voted "yes."

Mayor Stutsman said he believes the policy changes mandated by Ordinance 5122 will help the City of Goshen be more competitive in the job market. At a recent regional government meeting, the Mayor said he learned other communities are implementing these kinds of changes.

Councilor Eichorn asked if vacation or sick leave "roll over" from year to year. **Mayor Stutsman** responded that sick leave does carry over from year to year, but vacation time is lost if not taken by the end of the calendar year. He also said there is a maximum of how much sick time can be accrued.

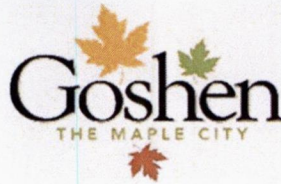
There were no other questions or comments from City Council members.

At 7:50 p.m., Mayor Stutsman invited public comments on Ordinance 5122, *An ordinance to amend Ordinance 5101, 2022 Compensation for Civil City and Utilities Employees to Alter Vacation Leave and Sick Leave Benefits*, but there were none. Councilors indicated they were ready to vote

On a voice call vote, Councilors approved Ordinance 5122 on first reading by a 7-0 margin, with all Councilors present voting "yes" at 7:50 p.m. Youth Adviser Mora also voted "yes."

Councilors gave unanimous consent to proceed with the second reading of Ordinance 5122.

Mayor Stutsman called for the introduction on second reading of Ordinance 5122, *An ordinance to amend Ordinance 5101, 2022 Compensation for Civil City and Utilities Employees to Alter Vacation Leave and Sick Leave Benefits*. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5122 by title only, which was done. **Weddell/Pérez** moved to approve Ordinance 5122, as amended, on second and final reading.



There were no other questions or comments from the public or Councilors, who also indicated that they were ready to vote.

On a voice vote, Councilors approved amended Ordinance 5122 on second and final reading by a 7-0 margin, with all Councilors present voting “yes” at 7:51 p.m. Youth Adviser Mora also voted “yes.”

7) COUNCIL DISCUSSION: The process, issues and ramifications of the City of Goshen considering a change from a Class 3 city classification to Class 2 (population above 34,000)

Mayor Stutsman said he wanted to discuss the process, issues and ramifications of the City of Goshen considering a change from a Class 3 city classification to Class 2 (population above 34,000. He noted that Councilor Nisley had raised this issue several weeks ago due to a new law on the issue.

Mayor Stutsman said the Legislative Assembly lowered the threshold – from 35,000 to 34,000 – for a city to qualify to become a Class 2 city. So, he said Goshen could now make the move from a Class 3 to a Class 2 city.

The Mayor said he isn't interested in making the switch, but if Councilors would like to do so, he would encourage them to begin the process as soon as possible because a council district redistricting is underway and City elections will be held next year. He said action would need to be taken soon to ensure there would be appropriate elections.

Mayor Stutsman said the following changes and consequences would occur if Goshen became a Class 2 city:

- **The Mayor would no longer run Council meetings;**
- There is **uncertainty about how a tie vote on the council would be broken** because the Mayor would not be able to vote to break ties;
- **The City would add two Council members – a sixth district member and a third at-large member;**
- **The Clerk-Treasurer would become the “Clerk”** and only oversee meeting agendas, minutes and records, but not the city's finances;
- **The Mayor would appoint a Controller**, who would assume the duties of the treasurer;
- If the Council voted to become a Class 2 city, nothing would happen this year; **there would be no changes until the next municipal election;**
- **And the City Attorney would receive a new title – Corporate Counsel.**

Mayor Stutsman said there could be some advantages to becoming a Class 2 city. However, he said he has heard that mayors and councilors of Class 2 cities don't get along as well as the councilors and mayor in Goshen. So, he said he would prefer to keep the current structure.

City Attorney Bodie Stegelmann said **Mayor Stutsman** outlined most of the changes involved in becoming a Class 2 city. However, he said the change could only happen following an affirmative vote by the Council; it's not an automatic change.

Mayor Stutsman said that on the plus side, a city such as Goshen could choose to remain a Class 3 City even though it has met the threshold to become a Class 2 city. **Councilor Eichorn** said that was good to hear.

Councilor Nisley said he asked about this issue not because he wants Goshen to become a Class 2 city. He said he doesn't want that to happen. Nisley said he asked because he didn't want the City to have to develop and approve a redistricting plan for 2023 now and then have to repeat the process and add another district in six months.

Nisley said that he and **Council President Weddell** received a communication from state **Rep. Joanna King** of Middlebury confirming **Mayor Stutsman's** understanding of the new law on Class 2 and Class 3 cities.



Council President Weddell said that via a text he learned cities “may” make the switch, but are not required to do so. **Mayor Stutsman** joked that when he first learned about the new state law, he was excited because he would no longer be required to attend Council meetings. **Youth Advisor Mora** said he would be interested in reading the communication from Rep. King. **Council President Weddell** said he could share it.

Mayor Stutsman said he wanted to raise this issue tonight to make sure Councilors were on the same page. He said if Councilors believe this is a good idea, the Council should start conversations immediately to work toward a decision without having to pay for a special council election.

Councilor King asked if the City Attorney would have new duties if he was designated as “Corporate Counsel.” **City Attorney Stegelmann** said that it appeared to be a “distinction without a difference.” He said the title would change, but not the role. **Mayor Stutsman** said that in some cities, councils hire their own attorneys to represent them. He said this usually happens when the council and the mayor start to fight.

Councilor Pérez said if Goshen became a Class 2 city, the Council President would run the meetings and bring ordinances and other agenda items to the City Council.

Councilor Eichorn said she didn’t see any benefit in Goshen becoming a Class 2 city. She said, “It would degrade what we have here. We don’t have a broken system. We have one that works really well and I’m glad we’re having this discussion publicly so that people will understand that while they may see these differences as a benefit, I don’t see them as a benefit at all.”

Councilor Pérez said he recalls attending a session at a conference of Accelerating Indiana Municipalities (AIM) that described the city classifications. He said he would “most likely lean toward” maintaining the status quo; but it would be good to invite the Elkhart City Council president and the Elkhart mayor to make presentations about what they view as the benefits of being a Class 2 city. He said it would be a learning opportunity.

Councilor Schrock said he remembered that session and a discussion about the City of East Chicago, which has had lawsuits between the mayor and the council. Schrock said, “They spoke at one of those work sessions and said, ‘We don’t get anything done.’ Absolutely nothing done when they changed to that.”

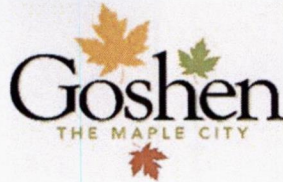
Councilor King said she wasn’t pushing to become a Class 2 city, but said the personalities of the councilors would stay the same if Goshen changed classifications. She said those who had problems before would still have problems and those who worked together might continue to work together constructively. She added that there might be some benefits from a stronger separation from the mayor and benefits from both sides coming together. **Mayor Stutsman** agreed.

Councilor Pérez said it would be good to have a council work session on the issue. He said perhaps Goshen could learn from other cities and perhaps explore making the switch in 10 years.

Mayor Stutsman said that perhaps he could invite representatives from cities that have made the switch from Class 3 to Class 2 in the past 10 years. He said representatives of Class 2 cities may not be as helpful because they have not functioned in a Class 3 structure. **Councilor Eichorn** affirmed the idea.

Council President Weddell said the Legislative Assembly made this change in the law because leaders want the City of Plainfield to become a Class 2 city. He said Plainfield would be a perfect example to learn from as well as they go through that process.

Councilor Pérez recommended that some research be done on this issue and then be shared with the Council through a presentation or at a work session. **Councilor Eichorn** agreed with the suggestion.



Elected Official Reports:

Mayor Stutsman thanked the involved City Departments, including Parks and Recreation, Engineering and Streets, for their help organizing successful **Bike to Work Week** activities. There was a bike ride with more than 75 participants and they all liked the new cycle track on Lincoln Avenue. While it has received mixed reviews, he said he believes the cycle track will be a successful trial. He applauded City staff members for their support and for gathering feedback on the cycle track.

Mayor Stutsman asked **Youth Advisor Mora** to talk about some of the activities involving the youth advisors in the coming weeks. **Mora** said he has been speaking with the middle school administrators about speaking to eighth-graders about youth leadership so students can be aware of what they can do in moving to the high school. **Mora** said he and the Mayor will speak with students. **Mayor Stutsman** said he also will be taking students on a tour of City Departments and facilities, including the sewer plant and the airport.

In response to a question from **Council President Weddell**, **Mora** said the next election for youth advisors for 2022-2023 will be on May 19. The **Mayor** said the election results will be announced a day later. **Council President Weddell** said he encouraged his son to run for a position and he replied, "No, thank you." **Mayor Stutsman** said the new youth advisors will be sworn in and take office on June 6. **Mora** joked that he received a message stating that his City internship had already been canceled.

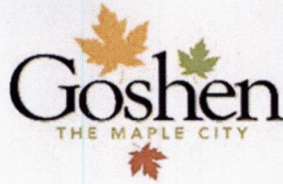
Council President Weddell said the Redevelopment Commission met last week and received a detailed report on the Fire Department's proposed new station. He said the Redevelopment Commission hired a group to conduct a thorough investigation on what the department's needs are. He said the report was given and it was very thorough. **Deputy Mayor Brinson** said he would ensure the report was distributed to Councilors.

Councilor Pérez said earlier in the day he spent time with researchers from Harvard University and the University of Notre Dame discussing a study on the mental health of Latino youth in Elkhart County. He said that since the City is spending American Rescue Plan Act funds on local organizations to improve mental health, he could offer the team as a resource to work with those organizations on additional training. **Pérez** said it would be a good opportunity to capitalize on the expertise from these two schools to help local organizations improve their work with youth. **Pérez** also said that Bethany Hartley, the president and chief executive officer of the South Bend-Elkhart Regional Partnership, helped him connect him with a gang prevention expert in South Bend. **Pérez** said he has connected with the expert and would like to bring him to the City to meet with the Mayor and Police about effective gang prevention strategies. **Mayor Stutsman** said he would be interested in this opportunity.

Councilor Schrock reported on today's meeting of the City Parks and Recreation Board, which discussed a new plan to begin renting picnic tables to individuals and small businesses. **Schrock** said he thought it was a good idea. He said the East Goshen Neighborhood Association met last Sunday and received a report about crime from a Goshen police officer. He said the officer mentioned that if residents see graffiti, they should call and have officers photograph it before it is cleaned.

Councilor Schrock also mentioned that MACOG representatives will soon return to Goshen and make presentations about increased trolley service. **Mayor Stutsman** said additional trolley routes will be proposed, but this will prompt major discussions on how much money the City can invest in increased trolley service.

Councilor Riegsecker said the police officers memorial service Sunday was good and he appreciated the comments made. **Riegsecker** said he did mention to **Clerk-Treasurer Aguirre** that the City should purchase for police a better sound system.



Councilor Riegsecker said the ceremony was great as was the singer. **Riegsecker** also praised **Police Chief José Miller** and his men and women. **Chief Miller** thanked Councilor Riegsecker for his comments.

Mayor Stutsman said that while driving on Saturday he noticed a lemonade stand being operated by some children. He texted some officers who were on duty and encouraged them to drop by if they had time so he could buy them some lemonade. He said the officers arrived within 15 minutes and spoke with the kids. Mayor Stutsman thanked the officers for all they do and he also thanked **Chief Miller**.

Councilor Pérez said this is a difficult time and there is a lot of pain in the country for some groups, including African-Americans, who have been unfairly targeted. He said this is a hard time and he believes leaders need to continue to build relationships across the community and to be a positive force and reach out to those who are struggling. **Councilor Riegsecker** said he agreed with **Councilor Pérez** and appreciates serving on the City Council and the work of the Mayor and City Departments. Riegsecker added, "We can be a force for good for this community. So, we're cordial. We're respectful. And we can talk."

Councilor King added her appreciation for City staff and for the mayor, and offered special praise for the Bike to Work Week activities. She said she appreciated the event and was proud of Goshen.

Clerk-Treasurer Aguirre said the AIM Idea Summit has been moved from October to November, so two fall Council meeting dates will need to be adjusted for that change. He said a revised meeting schedule will be presented.

There were no further comments by the Mayor or by Councilors.

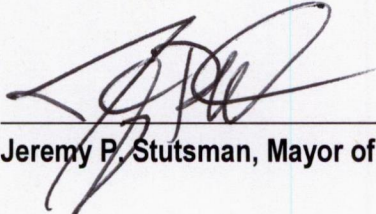
Councilor Nisley made a motion to adjourn the meeting, which was seconded by **Councilor Pérez**. On a voice vote, Councilors voted to adjourn the meeting by a 7-0 vote, with all members present voting "yes."

Mayor Stutsman adjourned the meeting at 8:17 p.m.

EXHIBIT #1: *Memorandum about Ordinance 5120 by Clerk-Treasurer Richard R. Aguirre*

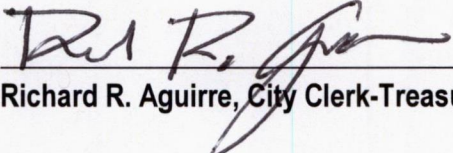
EXHIBIT #2: *Revised version of Ordinance 5122: An ordinance to amend Ordinance 5101, 2022 Compensation for Civil City and Utilities Employees to Alter Vacation Leave and Sick Leave Benefits*

APPROVED:

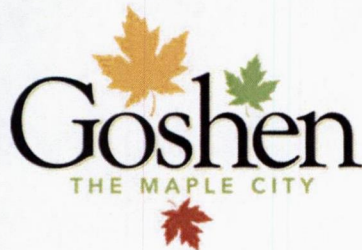


Jeremy P. Stutsman, Mayor of Goshen

ATTEST:



Richard R. Aguirre, City Clerk-Treasurer



Richard Aguirre, City Clerk-Treasurer
CITY OF GOSHEN
202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740
richardaguirre@goshencity.com • www.goshenindiana.org

EXHIBIT #1

To: Goshen Common Council
From: Clerk-Treasurer Richard R. Aguirre
Date: May 16, 2022
Subject: Ordinance 5120

Ordinance 5120 states that to safeguard the life, health and public welfare of City of Goshen residents, the work of **electrical and mechanical contractors** is regulated through inspections and the enforcement of building codes. **Contractors operating in the City of Goshen also are required to show proof of their competency and qualifications by becoming licensed to perform such work in the City of Goshen.** Contractors **must register with the City and renew their registrations every three years.** The Building Commissioner assesses the qualifications of applicants and brings recommendations to the Board of Works to approve electrical and mechanical licenses.

Ordinance 5120 will change this procedure in a small but important way that will improve the operations and efficiency of the City of Goshen while serving the public better and faster. Yet, this change also will maintain the integrity of our licensing system.

Applicants will still register and apply for licenses at the Building Department and provide proof of the required qualifications, including documentation of examination scores, training, experience and past work. They will still pay a licensing fee. The Building Commissioner will still assess the qualifications. But **instead of going to the Board of Works, the Building Commissioner will approve the licenses based on checks of the information submitted.**

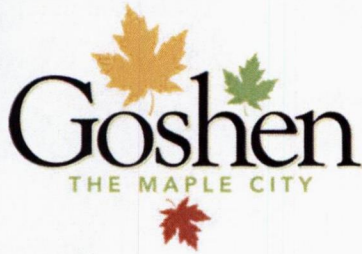
So, the Building Commissioner and staff won't have to prepare a report for the Board for each applicant, with supporting documentation. That information won't have to be forwarded to the Clerk-Treasurer and put on the Board agenda. License requests won't go to the Board for review and approval and then be recorded in the minutes. This will save time for everyone.

If, however, the Building Commissioner declines to grant or issue a license and register the applicant, the individual whose application was denied may appeal to the Board of Works, and a hearing will be held before the Board within fifteen (15) days.

That's what Ordinance 5120 will do.

Ordinance 5120 comes to you because our Mayor and our City Attorney have set as top priorities better service to the public and efficient government operations.

I believe it's important that public servants focus on those two goals: better service to the public and efficient government operations. I further believe we do that best when we keep an open mind, listen to others and use our education, work and life experience and consider new or different ways of doing things.



Richard Aguirre, City Clerk-Treasurer
CITY OF GOSHEN

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

richardaguirre@goshencity.com • www.goshenindiana.org

Ordinance 5120 was suggested less than a month ago, which demonstrates that City government is responsive to public needs and can change things quickly for the better.

As you know, I prepare agendas and minutes for the Council and the Board of Works & Safety. Doing so these past months has been a great education about how the City operates and the broad scope of how the City serves and helps residents.

I admit there's more I need to learn. So, I often find myself asking a lot of questions. Perhaps **the most important question is why? And that's what happened in this case.**

Over the past nine months, I noticed that requests for City electrical and mechanical licenses were frequently on the Board's agenda. These requests were put on the agenda by the Building Department and recommended for approval by Building Commissioner Myron Grise. They were always approved. I'm unaware any formal requests have been rejected by the Board, although Myron tells me he has rejected some from unqualified and sometimes unscrupulous people.

Especially in recent months, **license requests have increased as more outside contractors have taken on work in Goshen.** As I mentioned at the last Council meeting, the Board of Works considered two license requests at its April 25 meeting and seven on May 2.

Building Department Office Assistant Jean Nisley and Building Commissioner Grise told me that as many as 50 license requests were pending. I was further told that every applicant wanted approval as quickly as possible.

So on April 26, I asked Commissioner Grise this question: "Have we considered administrative approval of these (requests) and not approval by the Board of Works?"

In other words: Why does the Board of Works need to approve these requests? Why isn't this an administrative process or decision? Why take the City staff and Board time on these routine matters? And why risk delaying construction work?

I asked the same questions of **Mayor Stutsman**, and his response, to paraphrase him, was "Why not?" He immediately raised the issue with **City Attorney Stegelmann**, who quickly prepared the Ordinance before you tonight. **I appreciate the Mayor's receptiveness and the City Attorney's prompt and efficient work.**

I hope you will view this ordinance, as I do, as a good idea. Again, it will save staff the time and expense of preparing these routine requests for the Board, save the Board the time of reviewing and approving them and reduce the length of time from a license request to its approval.

Thanks for your consideration of Ordinance 5120. And thanks for showing that the City Council is committed to serving the public well by making government more efficient.

ORDINANCE 5122

AN ORDINANCE TO AMEND ORDINANCE 5101
2022 COMPENSATION FOR CIVIL CITY AND UTILITIES EMPLOYEES
TO ALTER VACATION LEAVE AND SICK LEAVE BENEFITS

WHEREAS Ordinance 5101, amended by Ordinance 5110, approved the 2022 minimum and maximum compensation, including wages and benefits, for Civil City and Utilities employees.

WHEREAS City Administration would like to modify vacation and sick leave provisions currently applicable to City of Goshen employees.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that Ordinance 5101, 2022 Compensation for Civil City and Utilities Employees, amended by Ordinance 5110, shall be amended to read as follows:

SECTION 1. Applicability –

- (A) This ordinance shall apply to all City of Goshen positions to which Ordinance 5101, 2022 Compensation for Civil City and Utilities Employees, applies.
- (B) This ordinance shall apply to all City of Goshen employees employed at the time of passage of this ordinance and hired thereafter.
- (C) To the extent that the provisions of this ordinance conflict with the provisions of an applicable collective bargaining agreement, the document providing the more generous benefits shall apply.

SECTION 2. Vacation Leave – Section 6, Vacation Leave, Paragraphs (A), (B), and (C) shall be amended to read as follows:

- (A) Each employee in a position scheduled to work at least two thousand eighty (2,080) hours each year shall receive the following vacation leave beginning sixty (60) days after the employee's first day of employment and on the anniversary dates of the employee's first day of employment, unless a higher amount is established by an agreement between city and the employee at the time the employee is hired:
 - (1) Upon hire, the employee shall receive forty (40) hours of vacation leave that the employee may use only after the employee has been employed sixty (60) consecutive days.
 - (2) Upon completion of one (1) year of continuous service to the City, the employee shall receive forty (40) hours of vacation leave that the employee may use during the employee's second year of employment.

- (3) Upon completion of two (2) years, three (3) years, and four (4) years of continuous service to the City, the employee shall receive eighty (80) hours of vacation leave that the employee may use during the employee's third (3rd), fourth (4th), and fifth (5th) years of employment, respectively.
 - (4) Upon completion of five (5) years, six (6) years, seven (7) years, eight (8) years, and nine (9) years of continuous service to the City, the employee shall receive one hundred twenty (120) hours of vacation leave that the employee may use during the employee's sixth (6th), seventh (7th), eighth (8th), ninth (9th), and tenth (10th) years of employment, respectively.
 - (5) Upon completion of ten (10) years of service, the employee shall receive one hundred sixty (160) hours of vacation leave that the employee may use during the employee's eleventh (11th) years of employment each subsequent year of employment.
- (B) Each employee in a position scheduled to work at least one thousand forty (1,040) hours each year but less than two thousand eighty (2,080) hours each year shall receive prorated vacation leave beginning sixty (60) days after the employee's hire date and on the employee's anniversary date of continuous employment. The vacation leave shall be prorated based on the vacation leave schedule set forth in subsection (A) and the number of hours worked by the employee the previous anniversary year divided by two thousand eighty (2,080) hours, unless a higher amount is established by an agreement between city and the employee at the time the employee is hired.
- (C) An employee who has worked for the City for at least one hundred eighty (180) days shall receive payment for all unused vacation leave and all vacation leave accrued during the current anniversary year upon termination of employment if:
- (1) The employee gives the city a minimum two (2) week written notice of the employee's intent to terminate employment and the employee is in good standing with the city at the time of termination;
 - (2) The employee is terminated by the city and the employee is in good standing with the city at the time of termination; or
 - (3) The termination is due to a health condition of the employee making it impracticable for the employee to perform the duties and responsibilities of the employee's position or the termination is due to the death of the employee

SECTION 3. Sick Leave – Section 7, Sick Leave, Paragraphs (A) and (B) shall be amended to read as follows:

- (A) Each employee in a position scheduled to work at least two thousand eighty (2,080) hours each year shall receive twenty-four (24) hours of sick leave upon hire, and earn six (6) hours of sick leave on the first (1st) day of each month, starting on the first (1st) day of

the month after the employee has completed at least thirty (30) days of service to the City.

- (B) Each employee in a position scheduled to work at least one thousand five hundred sixty (1,560) hours each year but less than two thousand eighty (2,080) hours each year shall receive twelve (12) hours of sick leave upon hire, and earn three (3) hours of sick leave on the first (1st) day of each month, starting on the first (1st) day of the month after the employee has completed at least thirty (30) days of service to the City.

SECTION 4. Repeal of Prior Ordinances

All provisions of Ordinance 5101, as amended by Ordinance 5110, not modified by this ordinance shall remain in full force and effect.

SECTION 5. Severability Clause

If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

SECTION 6. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

PASSED by the Goshen Common Council on May _____, 2022.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on May _____, 2022, at the hour of _____:_____m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on May _____, 2022.