

GOSHEN COMMON COUNCIL

Minutes of the June 17, 2022 Special Meeting

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

At 3:00 p.m. on Friday, June 17, 2022, Mayor Jeremy P. Stutsman called the special meeting to order and led the Pledge of Allegiance.

Mayor Stutsman asked Deputy Clerk-Treasurer Jeffery Weaver 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 Karen C. Velazquez Valdes (Non-voting member)

Absent: None

Approval of Agenda: Mayor Stutsman asked the Council's wishes regarding the meeting agenda. Councilor Schrock made a motion to add an agenda item, *A Motion to Reconsider Ordinance 5123*, and approve the agenda as amended. Councilor Eichorn seconded the motion. The motion passed on a 7-0 voice vote.

1) Redevelopment Department: Resolution 2022-12: Amended Development Agreement with Last Dance, LLC (for the East College Avenue Industrial Development)

Mayor Stutsman called for the introduction of Resolution 2022-12 - Amended Development Agreement with Last Dance, LLC (for the East College Avenue Industrial Development). Council President Weddell asked the Deputy Clerk-Treasurer to read Resolution 2022-10 by title only, which was done.

Council President Weddell/Councilor Riegsecker moved to approve Resolution 2022-12.

At Mayor Stutsman's request, Redevelopment Director Becky Hutsell described the June 2021 agreement which covered infrastructure (water mains, internal public roadways, utilities and stormwater components) benefiting both the City and Elkhart County under the Development Agreement with Last Dance, LLC for the East College Avenue Industrial Development. She said the agreement required revision because contractor bids received were substantially higher than anticipated in the original agreement. The new agreement would increase the bond amount to \$24,084,000 over 25 years. If revenues fall short, Hutsell said the developer would be responsible for repaying the bond.

Mayor Stutsman asked for public comment on Resolution 2022-12. No one asked to speak.

At the Mayor's invitation, Ryan Thwaits, the developer and owner of Last Dance, LLC, discussed the amended agreement and requested that he be notified of any project change orders at least a week before the change-orders went before the Redevelopment Commission in order to voice his opinion. He also requested that the Council waive tap fees on the northern property on CR 36, projecting the fees as \$400,000.

Council President Weddell made a motion to amend Resolution 2022-12 by adding, "The City shall notify Last Dance, LLC of any change orders to contracts contemplated by the Amended Development Agreement at least one (1) week prior to a Board of Public Works and Safety meeting at which a change order will be considered." Councilor Nisley seconded the motion.

Council discussion ensued regarding change orders. There were no public comments on the motion.

On a voice vote, and by a 7-0 margin, Councilors approved the motion to amend Resolution 2022-12 by adding, "The City shall notify Last Dance, LLC of any change orders to contracts contemplated by the Amended Development Agreement at least one (1) week prior to a Board of Public Works and Safety meeting at which a change order will be considered."

Councilor Riegsecker asked questions about various aspects of the project, including the expansion of the City's water mains and the size of the retention ponds. Council President Weddell asked about the contingency amounts and construction material cost estimates. Councilor Nisley asked if tap fees could be delayed instead of waived. Ryan Thwaites agreed that delayed fees would work for him.

Council President Weddell made a motion to amend Resolution 2022-12 by adding, "The Common Council requests that the Board of Public Works and Safety approve the delayed payment of tap fees over a seven (7) year period." Councilor Nisley seconded the motion.

No members of the public asked to speak on the motion. There was council discussion on the motion.

By a 4-3 margin, Councilors approved the motion to amend Resolution 2022-12 by adding, "The Common Council requests that the Board of Public Works and Safety approve the delayed payment of tap fees over a seven (7) year period." Voting for the motion were Councilors Nisley, Schrock and Weddell. Voting against the motion were Councilors Eichorn, King and Pérez.

Council discussion ensued regarding the merits of a residential project instead of a commercial project, the nature of another manufacturing facility supporting the RV industry, automation in local industries, and compliance with development agreements. Councilors also discussed which businesses can be regulated or supported by City projects.

Mayor Stutsman invited public comment on Amended Resolution 2022-12.

Mike Stump from Forest River Inc. asked if the project will be set up as a stand-alone TIF or be consolidated into a current TIF. Mayor Stutsman said that the East College Avenue project will be a stand-alone TIF.

There were no further public comments, so Mayor Stutsman closed the public comment period.

On a roll call vote, Councilors approved Resolution 2022-12 by a 4-3 margin, with Councilors Nisley, Riegsecker, Schrock and Weddell voting "yes" and Councilors Eichorn, King and Pérez voting "no."

2) Redevelopment Department: Ordinance 5130: Amended and Restated Ordinance Authorizing the City of Goshen, Indiana to Issue its "Economic Development Revenue Bonds, Series 2022 (College Avenue Project)" and Approving Other Actions in Respect Thereto

Mayor Stutsman called for the introduction of Ordinance 5130 - *Amended and Restated Ordinance Authorizing the City of Goshen, Indiana to Issue its "Economic Development Revenue Bonds, Series 2022 (College Avenue Project)" and Approving Other Actions in Respect Thereto*. Council President Weddell asked the Deputy Clerk-Treasurer to read Ordinance 5130 by title only, which was done.

Council President Weddell/Councilor Nisley moved to approved Ordinance 5130 on first reading.

Redevelopment Director Becky Hutsell explained that due to the substantial increase in construction costs for the public infrastructure for the College Avenue project, it was necessary to amend the previously adopted Ordinance which authorized the issuance of economic development revenue bonds to finance economic development facilities of Last Dance, LLC.

Redevelopment Director Hutsell said Ordinance 5130 would increase the maximum amount of the bonds to an amount not to exceed \$24,084,000, would increase the term of the bonds to 25 years, and restate the previous terms. There was some discussion by Councilors.

On a roll call vote, Councilors approved Ordinance 5130 on first reading by a 4-3 margin, with Councilors Nisley, Riegsecker, Schrock and Weddell voting “yes” a and Councilors Eichorn, King and Pérez voting “no.”

At the request of Mayor Stutsman, Councilors gave their unanimous consent to immediately consider Ordinance 5130 on second and final reading.

Mayor Stutsman called for the introduction on second reading of Ordinance 5130 - Amended and Restated Ordinance Authorizing the City of Goshen, Indiana to Issue its “Economic Development Revenue Bonds, Series 2022 (College Avenue Project)” and Approving Other Actions in Respect Thereto. Council President Weddell asked the Deputy Clerk-Treasurer to read Ordinance 5130 by title only, which was done.

Council President Weddell/Councilor Nisley moved to approved Ordinance 5130 on second and final reading.

There was no further comments by members of the public or the Council.

On a roll call vote, Councilors approved Ordinance 5130 on a second and final reading by a 4-3 margin, with Councilors Nisley, Riegsecker, Schrock and Weddell voting “yes” a and Councilors Eichorn, King and Pérez voting “no.”

3) Motion to Reconsider Ordinance 5123 - Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described, and Commonly Known as 620 E Douglas Street, from Industrial M-1 District to Residential R-3 District with a Planned Unit Development (PUD) Overlay District, to be Known as the Ariel Cycleworks PUD

Mayor Stutsman said that because Councilor Schrock was on the prevailing side when the Council majority rejected Ordinance 5123 on June 6, 2022, his motion to reconsider meant the matter would be reconsidered by the Council on June 27, 2022.

Councilor Schrock said he was making a motion to reconsider Ordinance 5123 on the condition that the developer make some changes to the proposal, such as removing the maker space, reducing the size of the main building, increasing the setback adjacent to Plymouth Avenue and the Redevelopment Commission making a strong commitment to pursue improvements on 10th Street from Plymouth Avenue to Reynolds Street.

Mayor Stutsman respectfully asked Councilors to table the matter to the next Council meeting without further discussion at this time.

Councilor King made a motion to table further consideration of Ordinance 5123 to the Council’s next meeting on June 27, 2022. Council Member Eichorn seconded the motion.

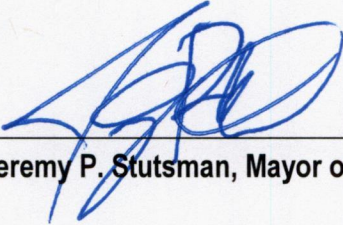
On a voice vote, Councilors approved the motion to table further consideration of Ordinance 5123 to the June 27, 2022 Council meeting, with a majority of Councilors present voting “yes.” After the vote, one councilor indicated that he intended to abstain and another said he did not vote.

There was no further business to come before the Common Council, so Councilor Nisley made a motion to adjourn the meeting. Councilor Pérez seconded the motion.

On a voice vote, Councilors voted to adjourn the meeting by a 7-0 vote, with all members present voting "aye"

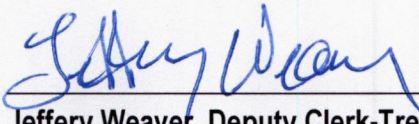
Mayor Stutsman adjourned the meeting at 4:14 p.m.

APPROVED:



Jeremy P. Stutsman, Mayor of Goshen

ATTEST:



Jeffery Weaver, Deputy Clerk-Treasurer