



GOSHEN COMMON COUNCIL

Minutes of the August 1, 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 all in reciting 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)

Absent: Youth Advisor Karen C. Velazquez Valdes (Non-voting)

Approval of Minutes: Mayor Stutsman asked the Council's wishes regarding the minutes of the June 27, 2022 Regular Meeting. Councilor King moved to approve the minutes as submitted. Councilor Eichorn 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 Nisley 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.

Jonathan Rhoades of 510 South Main Street in Goshen said he wanted to discuss the City's new trash and recycling policy, especially the decision to no longer pick up trash and recycling carts in alleys. Although he didn't object to this change, he said he lived somewhere that was overlooked and where street pick up will not work. He said he lives on the east side of Main Street, just north of the Goshen Public Library. To illustrate his point, Rhoades presented Councilors with two photocopies of photos showing the location of his Main Street residence. One showed an aerial view of the area and the second was a Google Maps photo with a street-level view. **(EXHIBIT 1)**.

Rhoades said that traffic is heavy in the area and that vehicle turns off the street are very difficult. He said children walk daily in the area, so safety is always a concern. He said he lives at a home that is on a blind curve for vehicles traveling north on Main Street, so it would be problematic for trash trucks to be parked in front of the homes at 506, 508 and 510 Main Street to pick up trash and recycling items. He also said it would be difficult to place trash and recycling carts in front of the home without blocking the sidewalk.

Rhoades also said he has a disabled neighbor who has placed her trash cart in the alley. During winter months, Rhodes said his neighbor would not be able to pull her cart through the snow to the street and he would not be able to clear a path through the snow to the street and would not always be available to help her move her trash cart. He said he was raising this issue because he knows it will be a problem for his neighbor and for other community members with physical limitations to move their carts to the street in front of their homes.



Mayor Stutsman responded that whenever there is a change in trash collections services, there are always issues that pop up. He said City staff have been taking phone calls from residents about the change in services and have been making adjustments as needed. He said the City is exploring ways to assist residents with physical limitations. The Mayor said City staff would explore the situation involving Rhoades' neighbor and see what can be done about it. **Mayor Stutsman** added that the City's trash collection company, and other such companies, are trying to shift from alley to street trash collection because their larger trucks cannot operate in alleys. He thanked Rhoades for helping his neighbor and said other members of the public should report their concerns about the new trash collection policy to the City. **Councilor Pérez** thanked Rhoades for reporting his concerns and caring for his neighbor.

Loren Slabaugh of Goshen said he wanted to address the Council, as he did last year, about the hazards of adding fluoride to City water. In particular, he said he was concerned about recent studies that show the neurotoxicity of current fluoridation levels. He asked if the City had taken any steps to investigate this or to inform Goshen residents "about the dangers associated with what's being put in the water." Slabaugh said he had not seen or heard anything about this.

Mayor Stutsman responded that he believed **Superintendent of City Water Treatment and Sewer Collection Kent Holdren** looked into the issue and that several state reports reached an opposite conclusion about concerns that fluoride was harmful. He asked **City Director of Public Works & Utilities Dustin Sailor** to respond.

Sailor said he wasn't sure the City had reports that stated an opposite conclusion about the alleged hazards of fluoride, but he did conduct a survey of other public water providers in Indiana and it showed that 95% of them were providing fluoridated water. So, he pretty much all are adding fluoride to their water.

Slabaugh responded that "the dental lobby has controlled this debate for far too long." He said that fluoride was causing long-term brain damage that could not be reversed. He said local communities have used "sleight of hand" to address concerns about adding fluoride in water. Slabaugh said there are studies showing the negative impact of fluoridated water on a variety of medical conditions, including cancer. Although there are studies showing that fluoride isn't harmful, Slabaugh said there also are studies that have reached a different conclusion. Slabaugh said the City should inform residents about the risks associated with fluoride and let them decide whether they want to add or exclude fluoride from their water after the weighing information.

Mayor Stutsman responded that he would appreciate Slabaugh forwarding these studies the City. He added that it was not the City's attend to conceal this information to residents, pointing out that officials are up front about the fluoride in water. **Councilor King** asked Slabaugh to also forward this information to Councilors.

There were no further public comments, either from those in the Council chamber or via Zoom, so Mayor Stutsman closed Privilege of the Floor at 6:12 p.m.

1) Presentation: Goshen Theater

Mayor Stutsman introduced **Susan Visser**, executive director of the Goshen Theater, who had asked for the opportunity to provide a report and update on the theater to the common Council.

Visser thanked **Mayor Stutsman** and **Councilors** for supporting the Goshen Theater and noted the presence of **former Goshen Councilor Julia Gautsche**, who is the chair of the Goshen Theater Board. Visser then delivered a report and update, using a PowerPoint presentation (**EXHIBIT 2**).



Susan Visser provided the following information to the City Council:

- The theater is now a private 501(c)(3) non-profit organization that has embraced the mission of becoming the arts hub for downtown Goshen and is increasing partnerships and stimulating interest in the arts while providing a venue for events.
- The theater was built and completed as the Jefferson Theater in 1905. It was destroyed by a fire in 1906, rebuilt a year later and in the following decades was used as a play house, a movie theater and a church.
- In 2012, Goshen Theater, Inc. (GTI) was established and with strong assistance from the City of Goshen and many donors, GTI acquired the theater and it underwent an extensive renovation, which was completed in 2021.
- Just as the renovation was completed, Elkhart County was shut down because of the COVID-19 pandemic, so during that time, the theater's board considered the programmatic future of the theater and its place in the community.
- As spaces began to open up as the pandemic eased, the Community Foundation of Elkhart County awarded the theater a grant to offer free movies twice a month, and this became a safe and welcome activity for families seeking to escape isolation.
- In 2022, the theater experienced brighter days as there were staff changes, including a new executive director (Susan Visser) in early January and a new program manager (Robert Tombari) in March.
- From January through July 2022, there were increased activities at the theater, including a focus on youth and community. Activities included a concert and after party, dance recitals, the Goshen High School Crimsonaire Spectacular, an art show, a fashion show, a drama camp and showcase, a cabaret-style performance by **Carrie Lee Kendall** and a performance of "All's Well that Ends Well" by the University of Notre Dame's Shakespeare touring company.
- As the board and staff have worked together, it has become clearer that the theater is all about community, creating partnerships and working to revitalize downtown Goshen.
- Later this summer, the theater will host "Satisfaction," a Rolling Stones touring show, and in October will host its first community theater production, "You're a Good Man Charlie Brown." That play will be sponsored by the Goshen News. And on Oct. 15, the theater will collaborate with Goshen College to sponsor a performance of the "Steel Wheels" band.
- Throughout the year, the board and staff have been working on a new strategic plan that will begin in early 2023. The plan will explain the theater's role in the community, its next phase of renovations and its direction for the next five years. The plan also will include expanded community conversations.

Mayor Stutsman thanked **Susan Visser** for what she and the board have been doing for the City. He noted that he is on the board and tries to attend meetings when he can. He said it's been exciting to see so many activities.

Councilor Eichorn said her niece and daughter have benefitted from theater programs and she thanked Visser.

Councilor Pérez also thanked Visser for her presentation. He also thanked Visser for the theater's partnership last year with Latinos Pro Education, which sponsored the first Hispanic Heritage Festival. Pérez said the theater "went above and beyond" in hosting Mariachi Herencia de Mexico, a large group of musicians. He said the theater's staff was very accommodating. **Visser** said she would be reaching out to Latinos Pro Education to offer the theater's assistance for this year's Hispanic Heritage Festival.

There were no further Council comments.



2) Ordinance 5131, An Ordinance Establishing Common Council Districts for the City of Goshen based on the 2020 Decennial Census

Mayor Stutsman called for the introduction of Ordinance 5131 - *An Ordinance Establishing Common Council Districts for the City of Goshen based on the 2020 Decennial Census*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5131 by title only, which was done.

Weddell/Eichorn moved to approve Ordinance 5131 on first reading.

BACKGROUND:

Indiana law requires that the City of Goshen be divided into five (5) council districts during the second year after a year in which a federal decennial census is conducted. State law also requires that these five districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, not have boundaries that cross precinct boundaries.

In January 2022, Mayor Stutsman proposed that the Council establish a non-partisan commission to help ensure that redistricting was not based on how the composition of districts affected political parties.

Working with City Attorney Bodie Stegelmann, Mayor Stutsman proposed Ordinance 5116, to establish a five-member Redistricting Advisory Commission to make recommendations to the Council regarding its redistricting ordinance. Commission members would serve until the Council adopted district boundaries.

The Mayor said that an independent redistricting commission would lend public legitimacy to the process and minimize conflicts of interest that might be present during conventional redistricting. He also said this method of redistricting could be conducted in an open manner with opportunities for public engagement.

As conceived by Mayor Stutsman, Ordinance 5131 would have imposed various qualifications for membership.

Membership would have been excluded to various categories of Goshen residents, such as: anyone who currently, or during the 10 years prior to the Commission's formation, held a public office or was a candidate for public office in the City or Elkhart County; an appointed public official; anyone who was currently an officer of any federal, state, county, or city-level political party, or who has been an officer or active member during the 10 years prior to the Commission's formation; a precinct committeeman; a member of a candidate's committee; anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within the five years prior to the Commission's formation; anyone registered as a lobbyist; and immediate family members of any excluded person.

Councilors considered Ordinance at their Feb. 7 meeting and again on March 7. At the March 7 meeting, Councilors approved 10 amendments to the ordinance, mostly broadening the qualifications of Commission membership, and rejected three other amendments. Councilors then unanimously approved Ordinance 5116.

Afterward, the Councilors representing single-member districts appointed the following individuals to the City of Goshen Redistricting Advisory Commission: Bradd Weddell (District 1); David B. Daugherty (District 2); Shawn Miller (District 3); Jenny Murto Clark (District 4); and Everett Thomas (District 5). Also serving on the Commission were five non-voting members: Mayor Jeremy Stutsman, Council President Brett Weddell and Councilor Julia King, both at-large Council members, City Attorney Bodie Stegelmann and Clerk-Treasurer Richard R. Aguirre.

The Redistricting Advisory Commission met on June 3, June 17, June 30 and July 15, 2022. Commissioners conducted extensive research and engaged in extensive discussions about possible redistricting plans.



Ultimately, Commissioners decided, by a 4-1 margin, to make Option 3 the Commission's number one redistricting recommendation to the City Council and Option 4 the secondary recommendation. Commissioners Clark, Daugherty, Miller, and Weddell voted "yes" and Commissioner Thomas voted "no." on this motion.

Ordinance 5131, which was before the Council on July 18, 2022, would have established Common Council districts for the City of Goshen based on population figures from the 2020 Decennial Census. Indiana Code § 36-4-6-4(b) and (g)(1) requires the Common Council to adopt an ordinance to divide the city into five (5) districts during the second year after a year in which a federal decennial census is conducted. The Redistricting Advisory Commission, which was established by Ordinance 5116, submitted a recommendation to the Council for the division of the city into five (5) districts, along with an accompanying map and report. If approved by the Common Council, all territory within the corporate limits of the City of Goshen would be divided into the five (5) districts. **The proposed districts were composed of contiguous territory; were reasonably compact; did not cross precinct boundary lines except as provided by 36-4-6-4 (c) or (d); and contained, as nearly as possible, equal populations.**

Reflecting the Commission's Option 3, each Council district would be composed of these precincts:

(1) DISTRICT ONE. District One shall consist of the following areas:

- (A) Elkhart Township Precinct 01;
- (B) Elkhart Township Precinct 05, Census Blocks 1014, 3006, 3007, 3008, 3009, 3010, and 3011;
- (C) Elkhart Township Precinct 06;
- (D) Concord Township Precincts 31 and 32;
- (E) Harrison Township Precinct 01.

(2) DISTRICT TWO. District Two shall consist of the following areas:

- (A) Elkhart Township Precinct 05, Census Blocks 2000, 2001, 2002, 2003, 2004, 2009, and 2010;
- (B) Elkhart Township Precinct 07, Census Blocks 2007, 2012, 2013, 2017, 2018, 2019, 2020, 2021, 2022, and 4000;
- (C) Elkhart Township Precinct 08, Census Blocks 1004, 1005, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1033, 1034, 1035, 1036, 1037, 1038, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 2023, 3002, 3003, 3004, and 3019;
- (D) Elkhart Township Precincts 09 and 10; and
- (E) Elkhart Township Precinct 11, Census Blocks 3001, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, and 3020.

(3) DISTRICT THREE. District Three shall consist of the following areas:

- (A) Elkhart Township Precincts 03 and 04;
- (B) Elkhart Township Precinct 07, Census Blocks 2001, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2022, 2023, 4008, 4009, 4010;
- (C) Elkhart Township Precinct 08, Census Blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 2000, 2006, 2026, and 2027;
- (D) Concord Township Precincts 27 and 33; and
- (E) Jefferson Township Precinct 02.



(4) DISTRICT FOUR. District Four shall consist of the following areas:

(A) Elkhart Township Precinct 04, Census Block 1009;

(B) Elkhart Township Precinct 08, Census Blocks 1028, 1029, 1030, 1031, 1032, 2000, 2001, 2002, 2003, 2004, 2005, 2009, 2010, 2011, and 2012;

(C) Elkhart Township Precinct 11, Census Blocks 2007, 2008, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2024, 2027, and 3000;

(D) Elkhart Township Precinct 12, Census Blocks 1029, 1030, 1031, 1032, 1039, 1040, 1041, 1042, 1043, 2020, 2021, 2022, 2023, 2025, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, and 2038;

(E) Elkhart Township Precinct 13;

(F) Elkhart Township Precinct 14, Census Blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 4006, 4007, 4008, 4009, and 4010; and

(G) Elkhart Township Precinct 15.

(5) DISTRICT FIVE. District Five shall consist of the following areas:

(A) Elkhart Township Precinct 12, Census Blocks 1004, 1005, 1006, 1007, 1008, 1016, 1017, 2000, 2001, 2002, 2004;

(B) Elkhart Township Precinct 14, Census Blocks 1000, 1001, 1002, 1003, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2016, 2018, 5007, 5008, 5011, and 5012; and

(C) Elkhart Township Precincts 17, 18, 19, 20, and 21.

For the purposes of this ordinance, the corporate limits of the City of Goshen and the precincts refer to the corporate boundary lines or precinct boundary lines as existed on the date of the adoption of this Ordinance.

Ordinance 5131 also specified that the Goshen Common Council would be composed of five (5) members elected from the districts established in Section 1, with one (1) member elected from each of the districts, as well as two (2) at-large members. Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides.

At the City Council's meeting on July 18, 2022:

- **Bradd Weddell**, the chairman of the Redistricting Advisory Commission, made a detailed presentation of the commission's work and its recommendations.
- **Weddell explained that the commission selected Option 3 because it had the lowest percentage difference (5.75 percent) between the largest and smallest Council district and it had seven split precincts – just one more than the current Council districting plan.**
- **Weddell also explained that the commission's alternative choice was Option 4, because it reduced the number of split precincts to two, which is important to consider, although it had a higher population deviation, 7.28 percent.**
- **Councilors engaged in extensive discussions about the redistricting process and the options developed by the commission.**
- **A public hearing was opened on Ordinance 5131, but there were no public comments.**
- **After considering various options, Councilors voted on two motions by Council President Weddell.**



- On a voice vote, Councilors approved amending Ordinance 5131, to add Option 4 for consideration in addition to Option 3, by a 6-0 margin, with all Councilors present voting “yes” at 6:31 p.m. Youth Adviser Karen C. Velazquez Valdes also voted “yes.” Councilor Pérez was ill and not present.
- On a second voice vote, Councilors voted to table Ordinance 5131, *An Ordinance Establishing Common Council Districts for the City of Goshen based on the 2020 Decennial Census*, by a 6-0 margin, with all Councilors present voting “yes” at 6:32 p.m. Youth Adviser Karen C. Velazquez Valdes also voted “yes.” Councilor Pérez was ill and not present.

After the July 18 meeting, City Attorney Bodie Stegelmann amended Ordinance 5131 to reflect the Common Council’s decision to add redistricting Option 4 for consideration. The following text was added:

SECTION 2. Division of City into Five Districts (“Option 4”)

(a) All territory within the corporate limits of the City of Goshen shall be divided into the following five (5) districts. The districts are composed of contiguous territory; are reasonably compact; do not cross precinct boundary lines except as provided by 36-4-6-4 (c) or (d); and contain, as nearly as possible, equal population. Each district is depicted on the map attached to this Ordinance.

(1) DISTRICT ONE. District One shall consist of the following areas:

(A) Elkhart Township Precincts 05, 06, 09 and 10; and

(B) Harrison Township Precinct 01, Census Block 1033.

(2) DISTRICT TWO. District Two shall consist of the following areas:

(A) Elkhart Township Precincts 01 and 07;

(B) Harrison Township Precinct 01, Census Blocks 1000, 1001, 1002 1003, 1004, 1005, 1006, 1007, 1008, and 1030; and

(C) Concord Township Precincts 27, 31, 32, and 33;

(3) DISTRICT THREE. District Three shall consist of the following areas:

(A) Elkhart Township Precinct 03;

(B) Elkhart Township Precinct 04, Census Blocks 1002, 1003, 1007, 1008 (GEOID 180390002021008), 1008 (GEOID 180390003021008), 1009 (GEOID 180390002021009), 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1032, 1033, 1034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, and 3017;

(C) Elkhart Township Precinct 08;

(D) Elkhart Township Precinct 13, Census Blocks 1001, 1001, 1002, 1003 (GEOID 180390001001003), 1004 (GEOID 180390001001004), 1005, and 1006 (GEOID 180390001001006); and

(E) Jefferson Township Precinct 02.

(4) DISTRICT FOUR. District Four shall consist of the following areas:

(A) Elkhart Township Precinct 04, Census Block 1009 (GEOID180390003021009);

(B) Elkhart Township Precincts 11 and 12;

(C) Elkhart Township Precinct 13, Census Blocks 1003 (GEOID 180390003021003), 1004 (GEOID 180390003021004), 1005, 1006 (GEOID 180390003021006), 1007 (GEOID 180390001001007), 1007 (GEOID 180390003021007), 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1033, 1034, 1035, 1036, 1037, 1038, 1044, 1045, 1046, 1047, 1048, 1049,



1050, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023; and

(D) Elkhart Township Precincts 15 and 17.

(5) DISTRICT FIVE. District Five shall consist of the following areas:

(A) Elkhart Township Precinct 14, 18, 19, 20, and 21.

AUGUST 1, 2022 DISCUSSION AND FIRST READING VOTE ON ORDINANCE 5131:

Mayor Stutsman reminded Councilors of the background and context of Ordinance 5131. He said that the last Council meeting, on July 18, Councilors were presented with four redistricting option by the Redistricting Advisory Commission. He said Councilors eliminated from consideration Options 1 and 2, leaving viable Options 3 and 4.

Mayor Stutsman said Councilors had indicated an interest in picking one option at tonight's meeting, approving it on first reading and then giving final approval in two weeks. He said the delay was necessary to ensure the final draft ordinance listed the correct census blocks for the five districts in the preferred redistricting option. He invited Councilors to comment on the two redistricting options before the Council.

Councilor Riegsecker pointed out an error on one of the diagrams showing the districts in Option 3. He said a smaller version of the map was correct.

Mayor Stutsman reminded Councilors that Options 3 and 4 were very similar in terms of the population deviation between the smallest and largest district. He said the biggest difference was the shape of District 4 and that Option 3 split seven precincts and Option 3 only split two precincts.

Mayor Stutsman said some community residents have asked that the Council not gerrymander districts as is common throughout the country, which is why he said the City created a commission to try to avoid that. He said that although District 4 has an odd shape, it is not a gerrymander and the district lines follow natural boundaries.

Mayor Stutsman said it was up to the Council to decide on which redistricting option to approve. He said that he preferred Option 4, because it would split fewer precincts, but that Option 3 was also very good.

Council President Weddell said that as a reminder, the appointed Redistricting Advisory Commission recommended Option 3.

Councilor King said she also leaned toward Option 3, noting that the reasons given for endorsing it were good.

Council President Weddell said it made no difference to **Councilor King** or him which option was approved because they are both elected at-large, although he said it's not known if either or both will seek re-election. Still, he said neither will gain an advantage or disadvantage from the redistricting option selected.

Councilor Eichorn said she preferred Option 3 because it would make her district (4) more compact "and it keeps the district in the downtown area, which feels better, but I'm not opposed to (Option) 4. I just think that 3 makes more sense as far as the area it covers." She said she understood the Mayor's preference to split as few a number of precincts as possible, but she still leaned toward Option 3.

Councilor King said community members have pointed out that residents cast ballots at voting centers, so split precincts don't matter as much as in the past.

Council President Weddell said that if anyone had worked as a poll worker prior to vote centers, they would know that split precincts were a "nightmare." He said that **Elkhart County Clerk Chris Anderson** told the Redistricting Advisory Commission that with vote centers, splitting precincts isn't much of an issue. But, he said, not all Indiana counties have vote centers, so that's why state law lists minimizing the number of split precincts as a goal of redistricting.



Councilor Nisley wondered if Councilors were ready to vote.

Mayor Stutsman said he wanted to make another comment in response to an email that he received. He said he wanted to publicly state that he has not and will not – before the Council's final vote on a redistricting plan – look at the Democratic and Republican registration numbers for either option and hasn't received any breakdowns for the districts. He also said he wanted to restate that he could support either Option 3 or Option 4.

Councilor Riegsecker said it was a close call for him on which redistricting option to support. He said: "I tossed a coin several different times between 3 and 4. I like the idea of 4 because of the less split precincts, but 4 has a little bit more disruption in constituents than 3 does. Three, even though we have more split precincts, it's divided nice — roads, highways, railroads, whatever. So, there was no gerrymandering, so to speak, in my opinion ... I'm comfortable with 3, less disruption I think and everything pretty much stays the way it was. We know that **councilman (Matt) Schrock** (of District 3) had to pick up some people because he was low (in population), **Councilman Eichorn** had to pick up some people because she was low, and I had 1,100 too many, so I had to give up something. ... I'm content with 3."

Councilor Schrock said, "I'm good with 3 as well."

Councilor Pérez thanked members of the Redistricting Advisory Commission, which developed the redistricting options. He said he has evaluated the options, and also would endorse Option 3.

Councilor Nisley made a motion to amend Ordinance 5131 by eliminating Option 4 from consideration. **Council President Weddell** seconded the motion.

Mayor Stutsman asked if Councilors wanted to make any comments.

Council President Weddell, commenting on the email **Mayor Stutsman** received about the partisan breakdown of the redistricting plans, said the Council's apparent consensus to embrace Option 3 "speaks volumes."

Mayor Stutsman said he agreed and told **Councilors** he appreciated their support for the ordinance that created the Redistricting Advisory Commission.

There were no further Council comments on Councilor Nisley's motion to eliminate Option 4 from consideration.

At 6:35 p.m., **Mayor Stutsman** invited public comment on Councilor Nisley's motion. No one asked to speak, so **Mayor Stutsman** closed the public comment period at 6:35 p.m.

Councilors indicated they were ready to vote.

On a voice vote, Councilors approved Councilor Nisley's motion (seconded by Council President Weddell) to amend Ordinance 5131 by eliminating Option 4 from consideration, by a 7-0 margin, with all Councilors voting "yes."

There was no further discussion by Councilors on the motion by Council President Weddell (seconded by Councilor Eichorn) to approve amended Ordinance 5131 on first reading.

At 6:36 p.m., **Mayor Stutsman** invited public comment on the motion to approve amended Ordinance 5131.



Former Goshen Councilor Julia Gautsche said Option 3 made a lot of sense to her. She said it might be OK for the Council to approve Option 4, but the resulting districts looked irregular. She said the way District 4 is drawn in Option 3 would make a lot more sense to the people in the district.

At 6:36 p.m., Mayor Stutsman closed the public hearing on Ordinance 5131.

There were no further questions or comments from Councilors, who also indicated they were ready to vote.

On a voice vote, Councilors approved the motion by Council President Weddell (seconded by Councilor Eichorn) to approve amended Ordinance 5131 on first reading, by a 7-0 margin, with all Councilors voting "yes."

Council President Weddell said there was not unanimous consent by Councilors to proceed with a second reading, so Mayor Stutsman said the second and final reading of Ordinance 5131 would take place at the next Council meeting, on Aug. 15, 2022.

3) Resolution 2022-18, Preliminary Finding Concerning Grouper Wild, LLC's Compliance with Statement of Benefits for Personal Property (Under Benteler II ERA)

Mayor Stutsman called for the introduction of Resolution 2022-18 - *Preliminary Finding Concerning Grouper Wild, LLC's Compliance with Statement of Benefits for Personal Property (Under Benteler II ERA)*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2022-18 by title only, which was done. Weddell/Nisley moved to approve Resolution 2022-18.

BACKGROUND:

In a memorandum to the Common Council, which was included in the meeting packet, City Legal Compliance Administrator Shannon Marks gave the background and context of the issue before Councilors. She reported: **The Common Council has designated various areas in the City as Economic Revitalization Areas and authorized a tax phase-in of certain real property and/or personal property for the property owners/taxpayers.**

Each year, a property owner/taxpayer receiving a deduction in their assessed valuation due to a tax phase-in must file with the Deputy Mayor an annual report for the previous calendar year which includes the Compliance with Statement of Benefits form (CF-1). Attached to Marks' memo was a memo from Mark Brinson and a CF-1 for Personal Property related to a previously approved tax phase-in that has been filed by Grouper Wild, LLC. In accordance with City Ordinance 4630, if the information provided by the property owner/taxpayer does not demonstrate substantial compliance, the Deputy Mayor is to forward the information to the Council to make a preliminary finding of whether the property owner/taxpayer has substantially complied with the Statement of Benefits and the commitments made to the City to receive the tax phase-in, or whether any failure to substantially comply was due to factors beyond the property owner/taxpayer's control.

Marks reported that included in meeting packet was a resolution which required the Council to make a preliminary finding based on either Option 1 or Option 2.



Option 1: The property owner/taxpayer is in substantial compliance with the Statement of Benefits, or that the failure to substantially comply was caused by factors beyond the control of the property owner/taxpayer, and therefore, the property owner/taxpayer is considered to be in substantial compliance.

Should the Council's finding be based on Option 1, the property owner/taxpayer is considered to be in substantial compliance with the Statement of Benefits. The City will then sign off on the CF-1 and the **property owner/taxpayer may file for the tax deduction. No further action is required by the Council.**

Option 2: The property owner/taxpayer HAS NOT made reasonable efforts to substantially comply with the Statement of Benefits and the failure to substantially comply WAS NOT caused by factors beyond the control of the property owner/taxpayer. Therefore, the property owner/taxpayer IS NOT considered to be in substantial compliance with the Statement of Benefits.

Should the Council's finding be based on Option 2, a notice must be given to the property owner/taxpayer that includes an explanation of the reason(s) for the Council's preliminary finding and a hearing is scheduled for an upcoming Council meeting.

Marks advised Councilors that at the future hearing, the property owner/taxpayer and other interested parties could present testimony and other evidence on the issues of whether the property owner/taxpayer was in substantial compliance with the Statement of Benefits and whether any failure to be in substantial compliance was caused by factors beyond the control of the property owner/taxpayer.

If, after the hearing, the Council determined the property owner/taxpayer to be in substantial compliance, then the City will then sign off on the CF-1 and property owner/taxpayer may file for the tax deduction. If the Council determines the property owner/taxpayer has not made reasonable efforts to comply with the Statement of Benefits, the Council may take action to terminate the property owner/taxpayer's tax phase-in.

In his memorandum to the Common Council, Deputy Mayor Mark Brinson reported that Resolution 2011-40 granted Benteler Automotive a tax phase-in for new manufacturing equipment. The project involved the investment of approximately \$32 million in new equipment to be installed at the Goshen facility located at 910 South Eisenhower Drive. In addition to the investment in equipment, Benteler committed to retain 304 jobs at the Goshen facility and add an additional 230 jobs.

In 2021, Benteler was purchased by Grouper Wild, LLC which is a subsidiary of Shiloh Industries. As reported by the new owner, the compliance with the Statement of Benefits was as follows:

Goal vs. Actual	Manufacturing Equipment Investment	Job Retention	New Employees
As estimated on SB-1	\$32,201,000	304	98
Actual (end of 2021)	\$24,864,584	230	0
Difference	(\$7,336,416)	74	98

Deputy Mayor Brinson reported that as explained in a memo from the Legal Department, the Council would need to review the CF-1 and determine whether Grouper Wild had substantially complied with the Statement of Benefits.

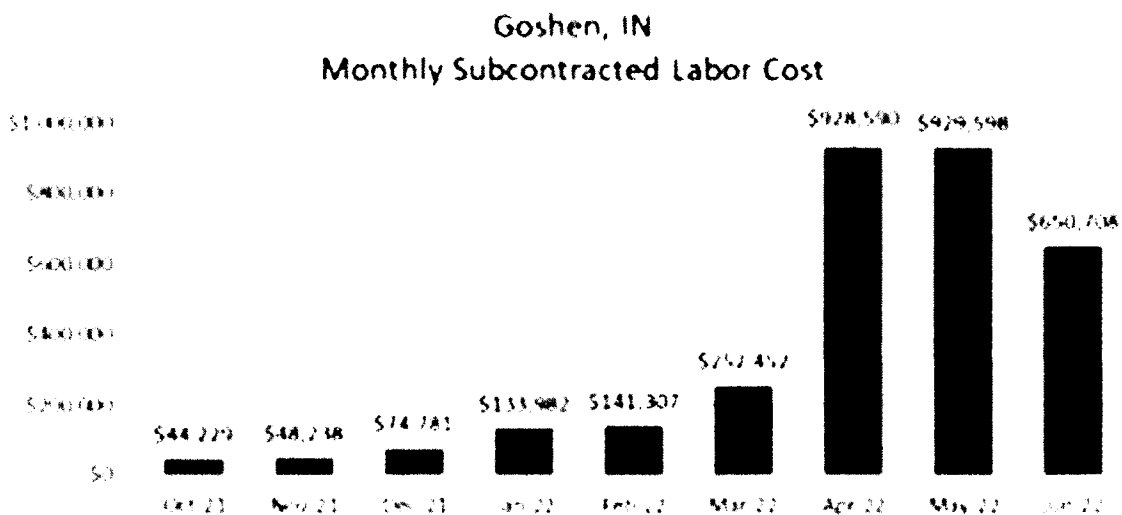


In a letter to the Common Council, dated July 27, 2022, Jennifer Pretzel, Vice President for Taxes for Grouper Acquisition Company, LLC (doing business as Shiloh Industries, LLC), formally requested the property tax abatement for operations located at 910 Eisenhower Drive. Pretzel reported:

"On Sept. 30, 2021, Grouper Acquisition Company (DBA Shiloh) acquired the plant at 910 Eisenhower Drive in Goshen, Indiana, from Benteler Automotive Company. Prior to Grouper's acquisition, the facility had experienced forced layoffs, due to COVID, and severe profitability losses due to inability to re-hire — the plant had been shut-down for nearly 50 days in 2020 and laid off about 90 percent of its workforce. Many of the employees went on to find work elsewhere and not return when the facility re-opened. The losses experienced by Benteler culminated with a sale of the plant to Grouper Acquisition Company. Grouper acquired the plant with a very optimistic view and a strategy to effectuate a turnaround.

"At the same time, the plant continued to struggle with profitability due to the continued pandemic related headwinds, including: 1) global shortages of semiconductors causing reduction in throughput at the OEMS and reducing demand for our products, 2) raw materials price increases, 3) supply chain disruptions resulting in expedited freight costs, and 4) paying premiums to buy up supply and hold inventory.

"We also have experienced increased labor-related costs as we have worked to ramp-up production. We now have a total of 350 full time employees and have made very significant progress to achieve targeted workforce level (Benteler, prior owner, reported 270 FTEs prior to pandemic). Still, this is below the level needed to support current production levels and we have been spending significant amounts in over-time pay for our employees. To achieve overtime reduction, we have brought in staffing agencies who are assisting with temporary labor support. Since Grouper's acquisition of the plant, we have spent over \$3 million on temporary labor (please refer to monthly temp labor spend chart below).



"The goal is to eliminate the temporary support by adequately staffing with an employed workforce. For this purpose, we are working with six staffing agencies to assist with recruiting.



"We have been diligently working through all the COVID-related challenges since we acquired the plant, and we ask for your consideration regarding the employment information reported on the CF-1 Forms. We have made very significant progress towards meeting our targeted level of employment since acquiring the plant from Benteler, but the plant continues to generate losses, and achieving the targeted employment levels has resulted in increased costs for the company. We ask that you consider these factors as you make your determination regarding the abatement for this year."

AUG. 1, 2022 STAFF PRESENTATION, COUNCIL DISCUSSION & VOTE ON RESOLUTION 2022-18:

Mayor Stutsman said Resolution 2022-18 concerned the tax abatement for the former Benteler plant now under new ownership. He said **Deputy Mayor Mark Brinson** would provide the background and context for Councilors and that company representative also would provide additional information.

Deputy Mayor Brinson said the new company was operating as Shiloh Industries, LLC, but its parent company was Grouper Acquisition Company, LLC. He said when the tax abatement was approved in 2011, a state-required statement of benefits was filed with the company's estimated investment in equipment as well as its employment projections.

At that time, **Brinson** said Benteler estimated it would spend \$32.2 million in manufacturing equipment, but as of the end of 2021, Shiloh had invested \$24.8 million, or \$7.3 million below the estimate. In terms of employment, he said the company estimated it would retain 304 jobs and add 98 jobs. However, they actually retained 230 jobs and didn't add any new jobs.

Brinson said it was up to the Council to decide on two possible options, as outlined by the City Legal Department:

- **Option 1** – Find that the property owner/taxpayer is in **substantial compliance** with the Statement of Benefits, or that the failure to substantially comply was caused by factors beyond the control of the property owner/taxpayer, and therefore, the property owner/taxpayer is considered to be in substantial compliance.
- **Option 2** – Find that the property owner/taxpayer has **not made reasonable efforts to substantially comply** with the Statement of Benefits and the failure to substantially comply was not caused by factors beyond the control of the property owner/taxpayer. Therefore, the property owner/taxpayer is not considered to be in substantial compliance with the Statement of Benefits.

Brinson said that included in the meeting packet was a letter from Shiloh Industries describing the acquisition process and challenges the company faced meeting the investment and employment targets. He said available to further explain were **three company representatives – Juli Donelson of Ryan LLC, tax consultants, Jennifer Pretzel, Vice President for Taxes for Grouper Acquisition Company, LLC., and Chris Otto, the plant manager.**

Council President Weddell asked if Brinson was now able to answer questions about the tax abatement raised earlier in the day. **Councilor King** said one question was about the amount of the tax abatement and the second was whether the abatement automatically was transferred to the new plant owner by state law or whether that was only part of Goshen's tax abatement process.

City Attorney Bodie Stegelmann said the tax abatement "travels with the property," so if the new owner seeks the abatement, they are entitled to it if the Council determines the new owner is in substantial compliance. And he said the abatement is based on the state statute and not a City ordinance.



Asked by **Councilor King** if it the state required that the tax abatement travel with the property to the new property owner, **City Attorney Stegelmann** said a buyer would be entitled to the abatement if the owner qualified for it.

Asked by **Council President Weddell** how many more years the tax abatement had left, **Deputy Mayor Brinson** said it was complicated and partly up to Elkhart County. He said the city just approved the abatement and established the area, but when a company applies for its deductions, they submit the equipment purchased on an annual basis and it may not go into service for several years after the area was established. Brinson said the tax abatement was still active even though it has been in effect 10 years, because the company still has equipment eligible for deductions. He said the tax abatement began in 2011.

Asked by **Councilor Pérez** how many more years the tax abatement remained in effect, **Brinson** said he didn't know because Elkhart County tracks that and receives the applications for deductions.

Juli Donelson of Ryan LLC, said two years remained for the tax abatement. Asked by **Council President Weddell** about the tax phase-in value for the coming year, Donelson estimated it to be about \$15,000.

Councilor King asked the company's plans for moving forward.

Chris Otto, the company's plant manager, provided an overview in which he discussed the plant's challenges and its improved prospects. Otto said: "As we all know, the automotive industry took a pretty significant hit with the supply chain issues that we've experienced in the last year and a half or so.

"We are now hitting our stride with the launch of two very significant pieces of business for us. One is the Ford Bronco, which is a significant portion of our portfolio we look forward to for the next five years as well as the (Ford) Escape. As we have launched our business, Ford is our primary customer — they're about 85% of our business here in Goshen, and we are basically held captive by their supply chain issues. For example, this week we've lost a significant portion of our volume for this week, however, we have substantially increased our full-time employees. We are now more than 400 (employees) and change."

With production requirements for the Ford Bronco specifically increasing to 700 units a day, **Otto** said the company is trying to meet the demand. To do that, Otto said the company has had to add almost 200 employees in the past four months and will continue to add more employees over the next two months.

Council President Weddell said that at the end of 2021, the company reported having 230 employees. He asked about the current number of employees.

Otto said the company had 421 employees and will reach 435 by the end of July and 450 by the end of September. He said at that point, the company will have the maximum number of employees for the next six months. Otto said some volume increases are planned by the company's customers in early 2023 and the plant plans to hire 25 more employees during the first quarter.

Jennifer Pretzel, Vice President for Taxes for Grouper Acquisition Company, LLC., said that because of the COVID pandemic and related supply issues, the company was unable to reach its employment goals in 2021, but is now positioned to reach full reach full employment and meet its tax abatement commitments moving forward.

Otto said the original launch date for the new Ford Bronco model was July 2021, but that didn't happen until six months later. He said that was caused by supply chain issues and difficulties hiring employees. But he said production by Ford is expected to reach maximum levels soon.

Council President Weddell asked if any company representative could explain the discrepancy in equipment purchases – that the company estimated it was going to spend \$32.2 million in manufacturing equipment, but as of the end of 2021, Shiloh had invested only \$24.8 million.



Otto said Benteler didn't receive the business anticipated and production was shifted elsewhere.

Councilor Pérez asks about the parts the plant produces for the Ford Bronco and the Ford Escape.

Otto said the Goshen plant is "the pre-eminent producer of hot stamping (steel) components" in the United States, which he said has given the plant a unique capability. He said the plant has seven hot stamp lines that produce hardened steel components or about 18% of the vehicles that makes them safer

Councilor Pérez said during prior consideration of another tax abatement, he had an opportunity to tour the Benteler plant and was impressed by the operations.

Council President Weddell said it was clear the company has exceeded its employment numbers and hasn't met the equipment investment goals. He said it is often the opposite case for companies seeking a City tax abatement. He said it's understandable that the employment goals weren't met because of the COVID pandemic and encouraging that the hiring has now increased.

Councilor Pérez said the company was spending a lot of money with temporary staffing agencies, but that the company plans to transition away from them and offer full-time employment. He commended the company for increasing employment and its plan to hire up to 450 employees, which was good for Goshen.

Asked by **Councilor Eichorn** what the company's secret was for hiring so many employees, **Otto** said the company has offered market rate wages and implemented initiatives to increase employment.

Asked by **Councilor King** if the company was committed to staying in Goshen, **Otto** said it was "absolutely."

Council President Weddell said it was a promising development that Deputy Mayor Brinson didn't bring a second tax phase-in for the company to the Council because the company was in full compliance.

Councilor Schrock confirmed that just two years remained on the tax abatement before the Council tonight.

Councilor King noted that the plant added to the City's diversity because it is not an RV-related business.

Council President Weddell made a motion that the Council finds that Shiloh (Grouper Wild, LLC) is in substantial compliance with the Statement of Benefits, or that its failure to be in full compliance was caused by factors beyond its control, and therefore, the property owner/taxpayer is in substantial compliance.

Councilor Nisley seconded the motion.

At 6:57 p.m. Mayor Stutsman opened a public hearing on Resolution 2022-18. There were no public comments, so Mayor Stutsman closed the public hearing at 6:57 p.m.

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

On a voice vote, Councilors approved Resolution 2022-18 - *Preliminary Finding Concerning Grouper Wild, LLC's Compliance with Statement of Benefits for Personal Property (Under Benteler II ERA)*, by a 7-0 margin, with all Councilors voting "yes." More specifically, the Common Council found that Shiloh (Grouper Wild, LLC) was in substantial compliance with the Statement of Benefits, or that its failure to be in full compliance was caused by factors beyond its control, and therefore, the property owner/taxpayer was in substantial compliance.



Elected Official Reports:

Councilor Schrock said that the annual East Goshen Neighborhood Association hillbilly hot dog sale will take place on Aug. 13. He said it would be held at his shop, Cycle Works of Goshen, at 1210 E Lincoln Ave. starting at 11 a.m.

Councilor King said her neighborhood association, the Historic Racemere Peninsula Neighborhood Association, which is also the home of **Clerk-Treasurer Aguirre**, just held a successful pickleball tournament. She thanked the Board of Works for approving a street closure that made the event possible. She said three courts were set up and the event went well. She added that Indiana is a good state for pickleball because so many of the streets are flat.

Councilor Pérez added that **Councilor King** was one of the champions of the tournament.

Councilor Pérez said earlier today he sent an email of thanks to leaders of the City Police Department for their engagement with residents on various complicated and difficult issues. He thanked officers for their work.

Mayor Stutsman expressed his sympathies to residents of Elwood, Indiana over the July 31 killing of Police Officer Noah Shahnava during a traffic stop. He said he appreciates the work of all police officers.

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

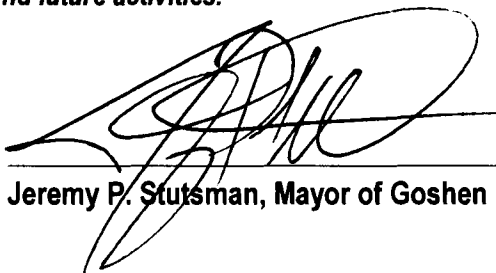
Councilor King made a motion to adjourn the meeting, which was seconded by **Councilor Nisley**. On a voice vote, Councilors voted to adjourn the meeting by a 7-0 vote, with all members voting "yes."

Mayor Stutsman adjourned the meeting at 7:00 p.m.

EXHIBIT #1: Two photocopies of photos showing the location of the Main Street residence occupied by Jonathan Rhoades of Goshen. One was an aerial view of the area and the second a Google Maps photo with a street-level view. Rhoades provided these photocopies to Council members on Aug. 1, 2022 to object to the City requiring that trash and recycling carts be placed on the street for pick up instead of from alleys.

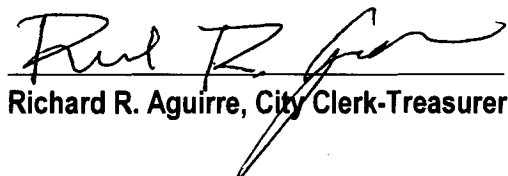
EXHIBIT #2: PowerPoint presentation delivered by Susan Visser, executive director of the Goshen Theater, to the City Council on Aug. 1, 2022. The presentation included information on the history of the theater, its renovation and current and future activities.

APPROVED:



Jeremy P. Stutsman, Mayor of Goshen

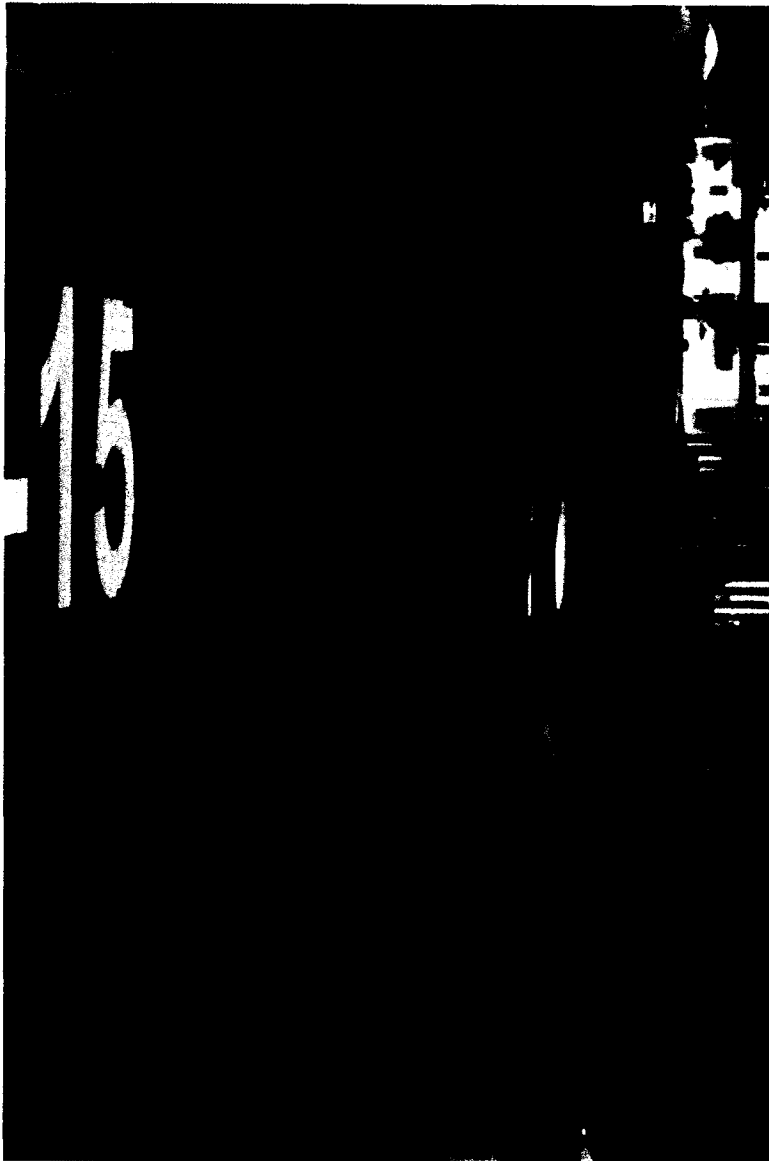
ATTEST:



Richard R. Aguirre, City Clerk-Treasurer

EXHIBIT #1

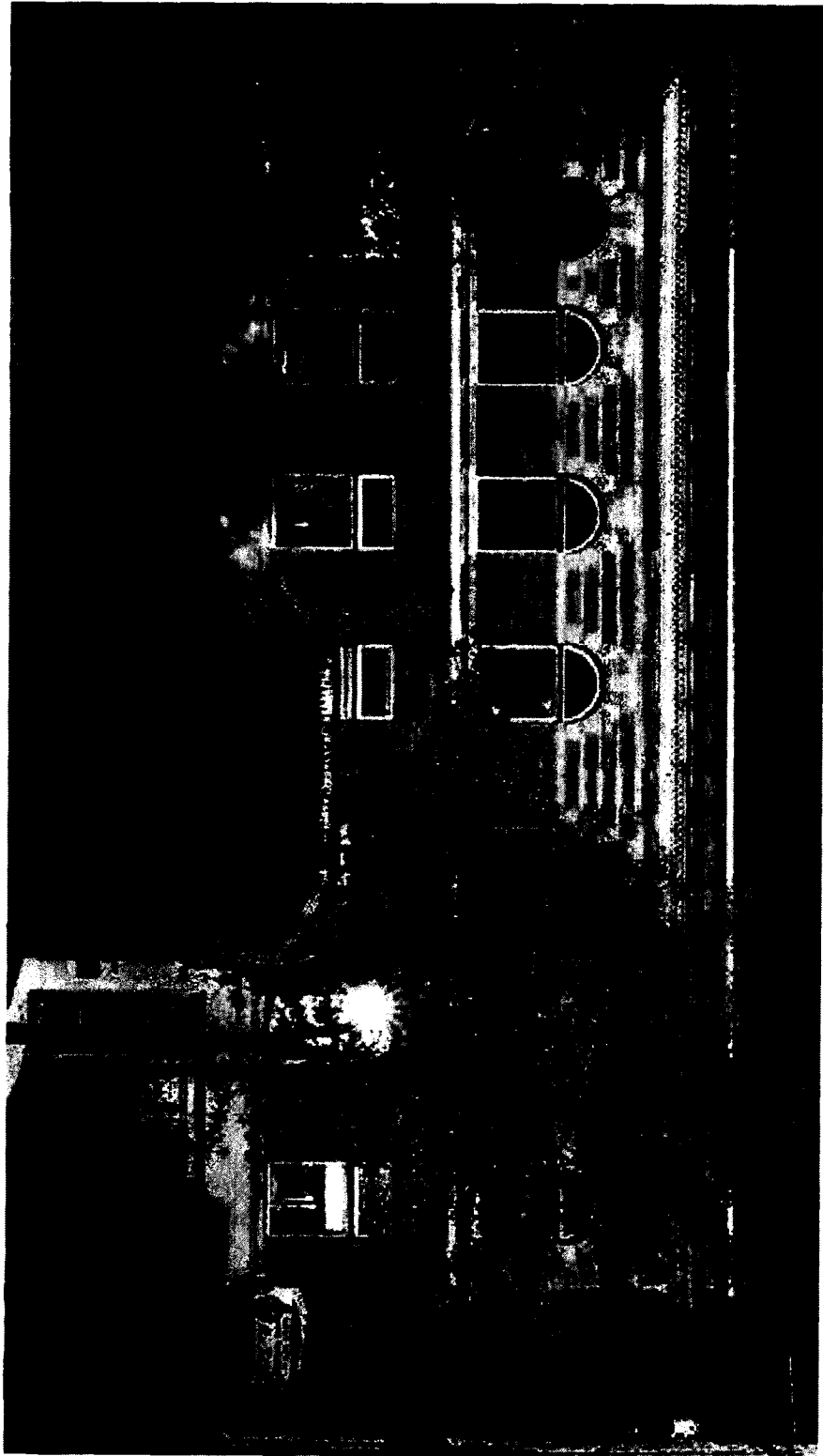


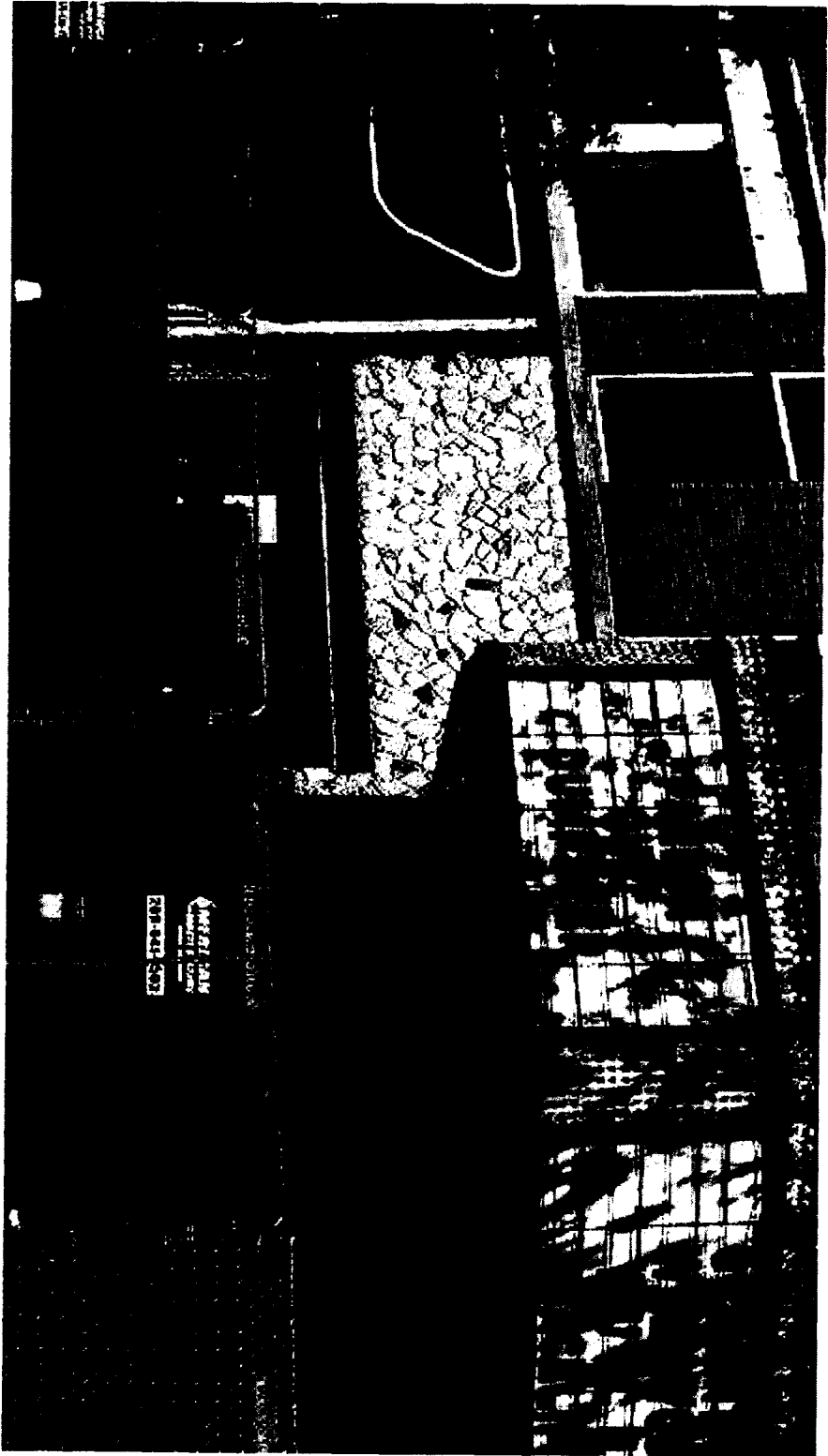


**A Beginning and a Fresh Start:
The Jefferson Theater &
The Goshen Theater**

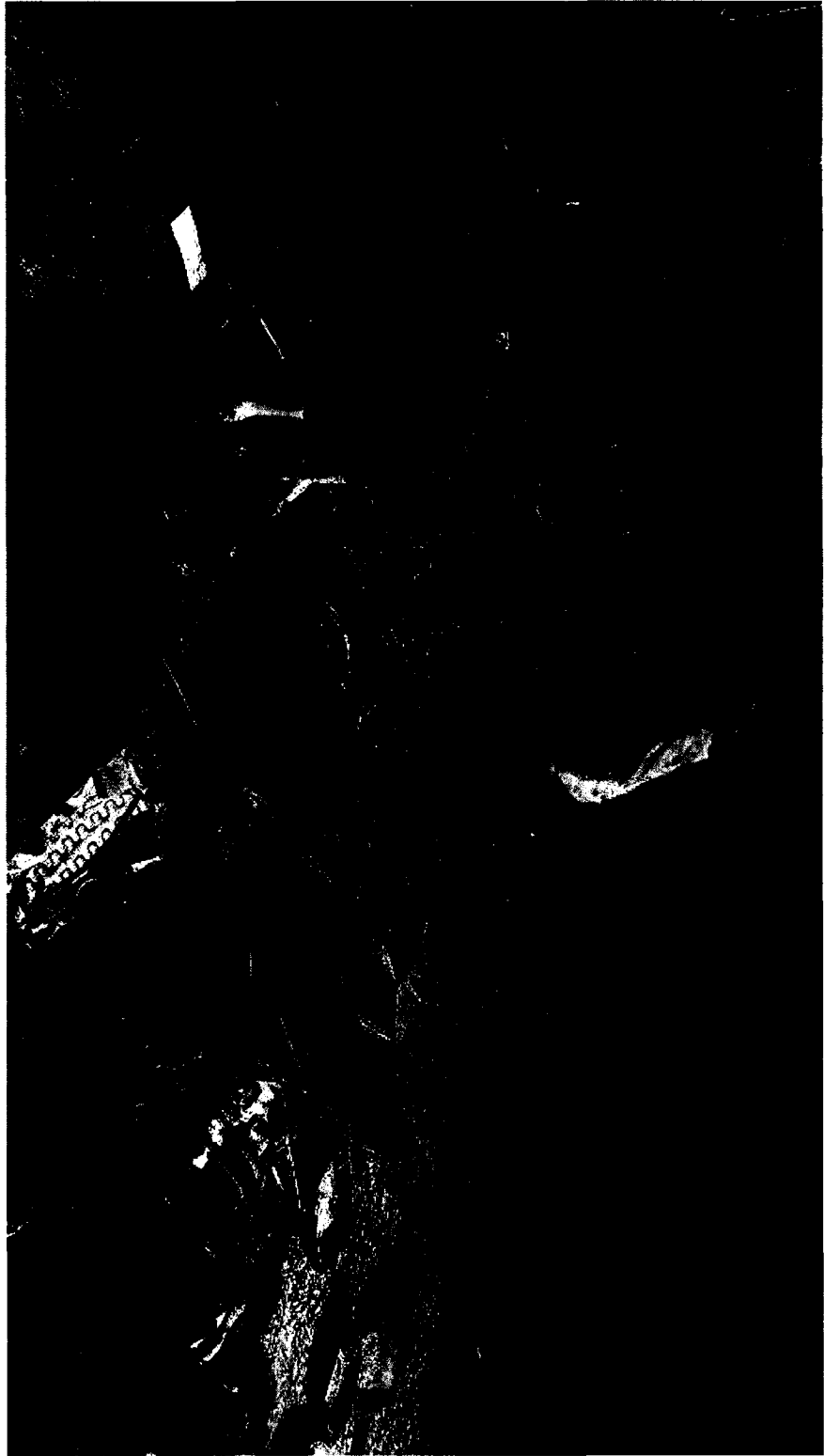






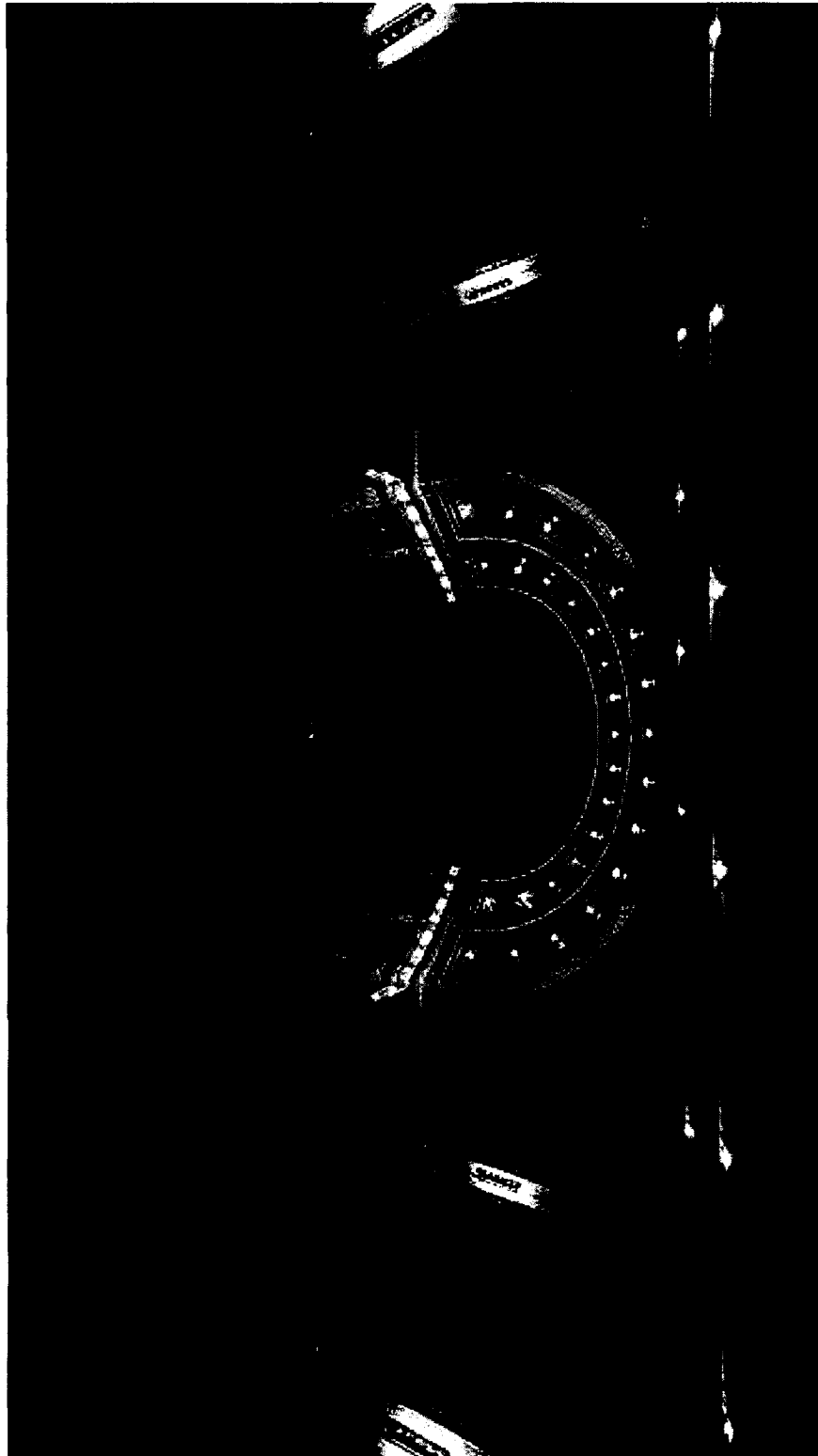






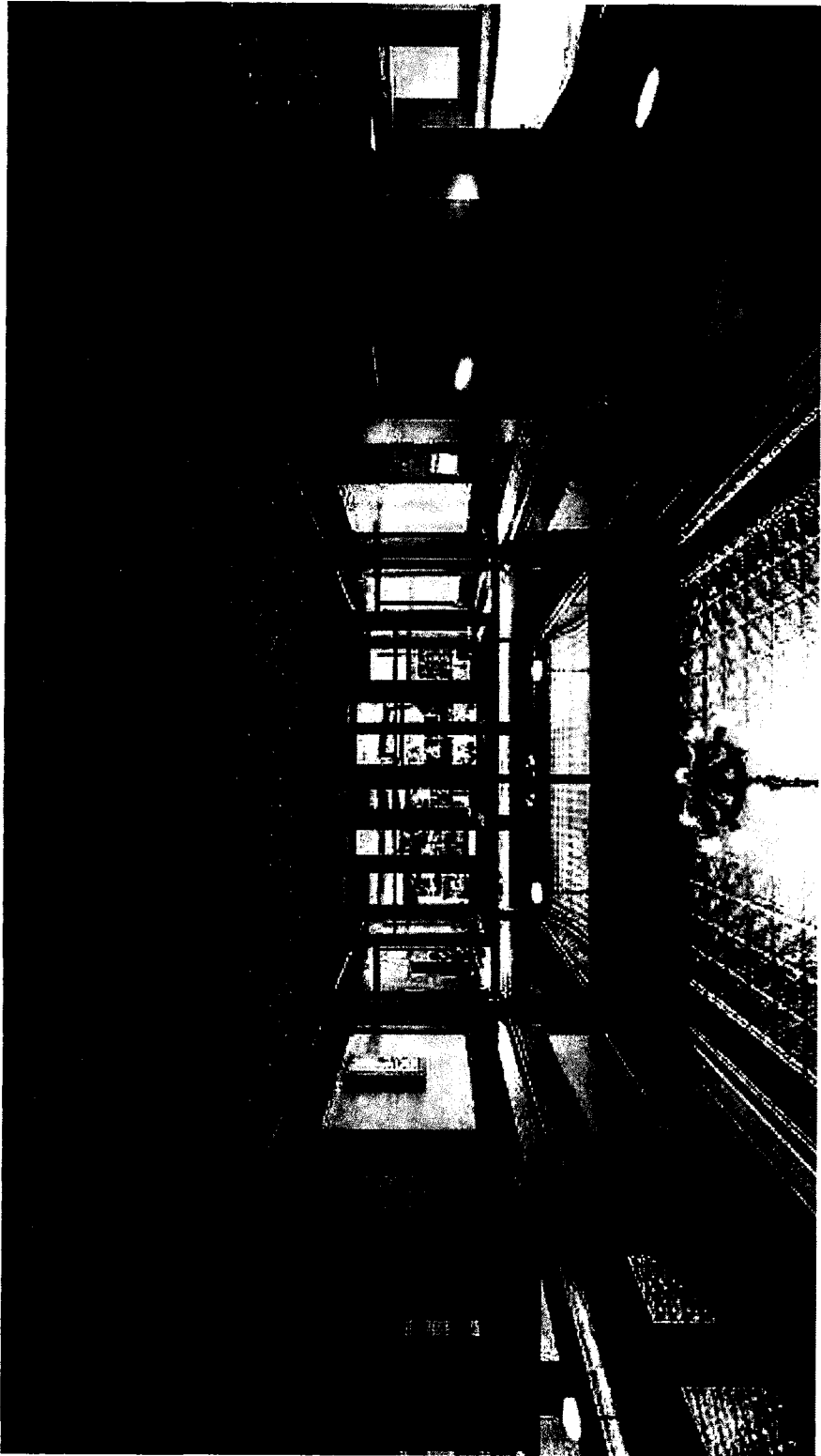
















January - July, 2022:

Spotlight

Meet the Artist

Thank you for your excellent support!
Please join us after the concert for an
after-party with Dave Bennett.

April 29, 2022

Immediately Following the Concert
Goshen Theater Ballroom

Enjoy complimentary food and beverage.

RSVP by April 15 to boxoffice@goshentheater.org
to reserve your complimentary ticket
to the after-party.

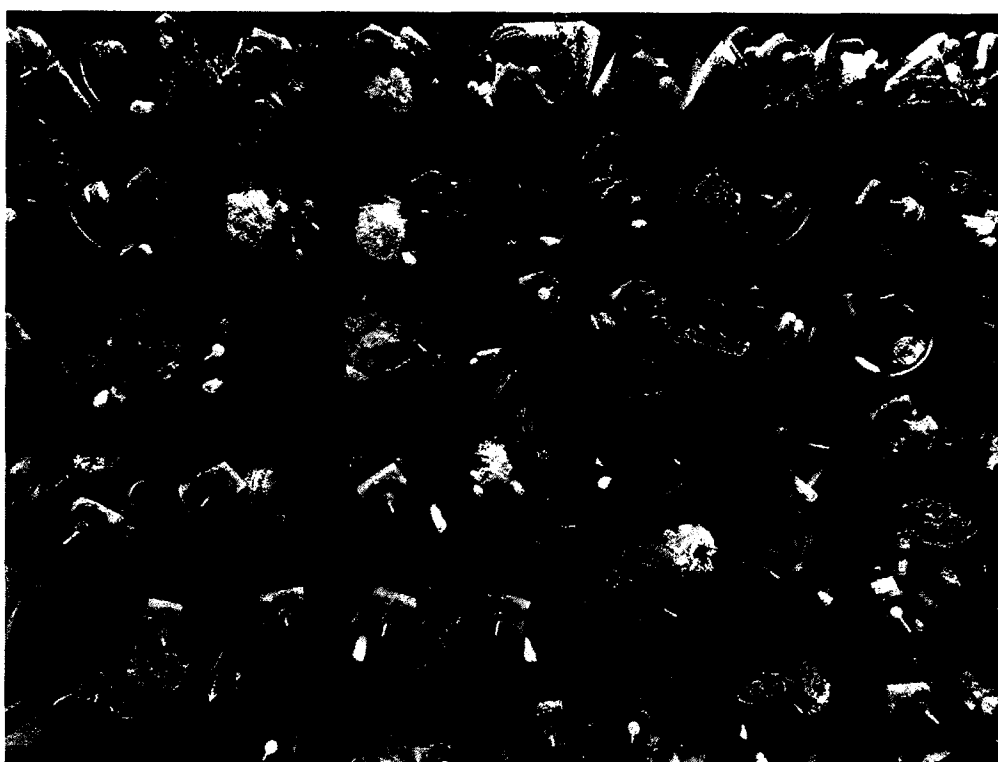
Goshen Theater
GoshenTheater.com

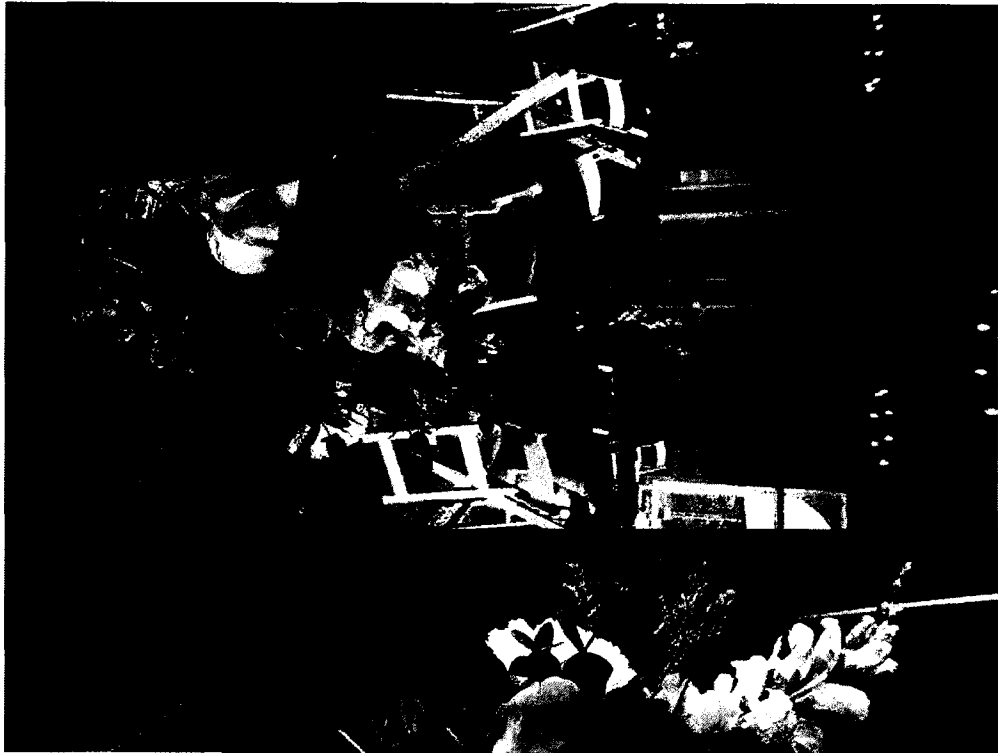


Support
the Arts
Goshen
Theater













From the Stage

CRIMSONAIRE SPECTACULAR 2022

CRIMSONAIRE SPECTACULAR
27 Highway

Saturday, May 14 at 7:30 PM

Sunday, May 15 at 2:30 PM

Tickets at GoshenTheater.com/events

Students/Seniors \$6 Adults \$8

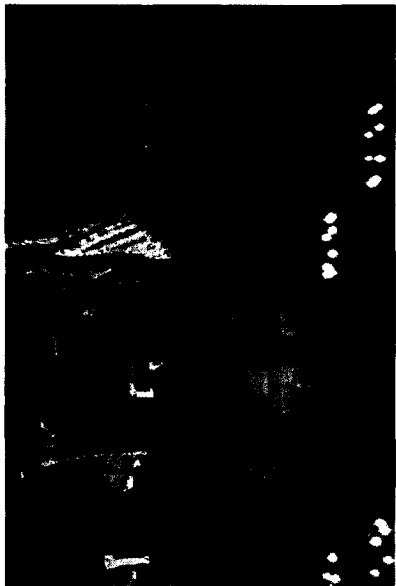


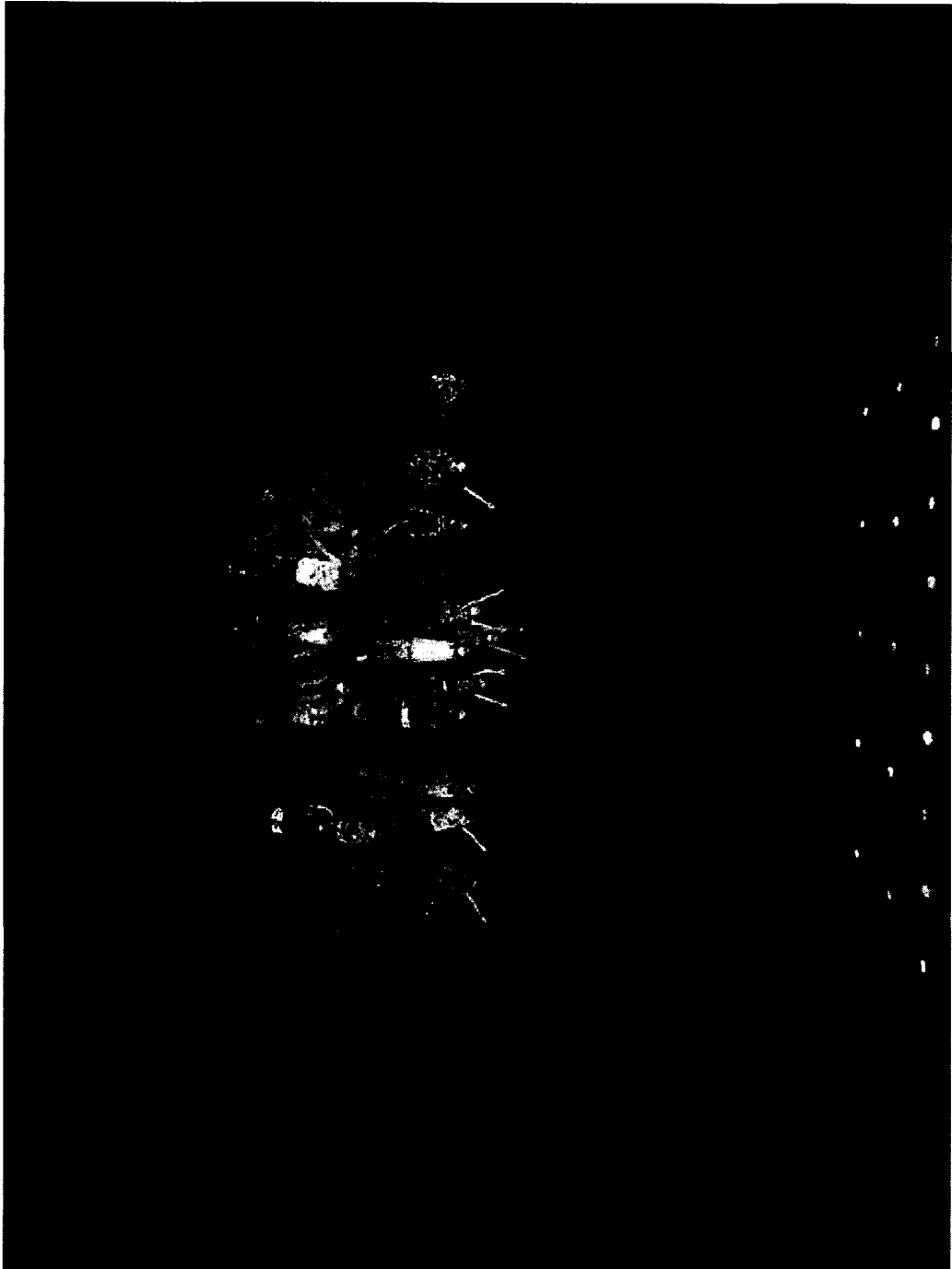
Join us downtown at the

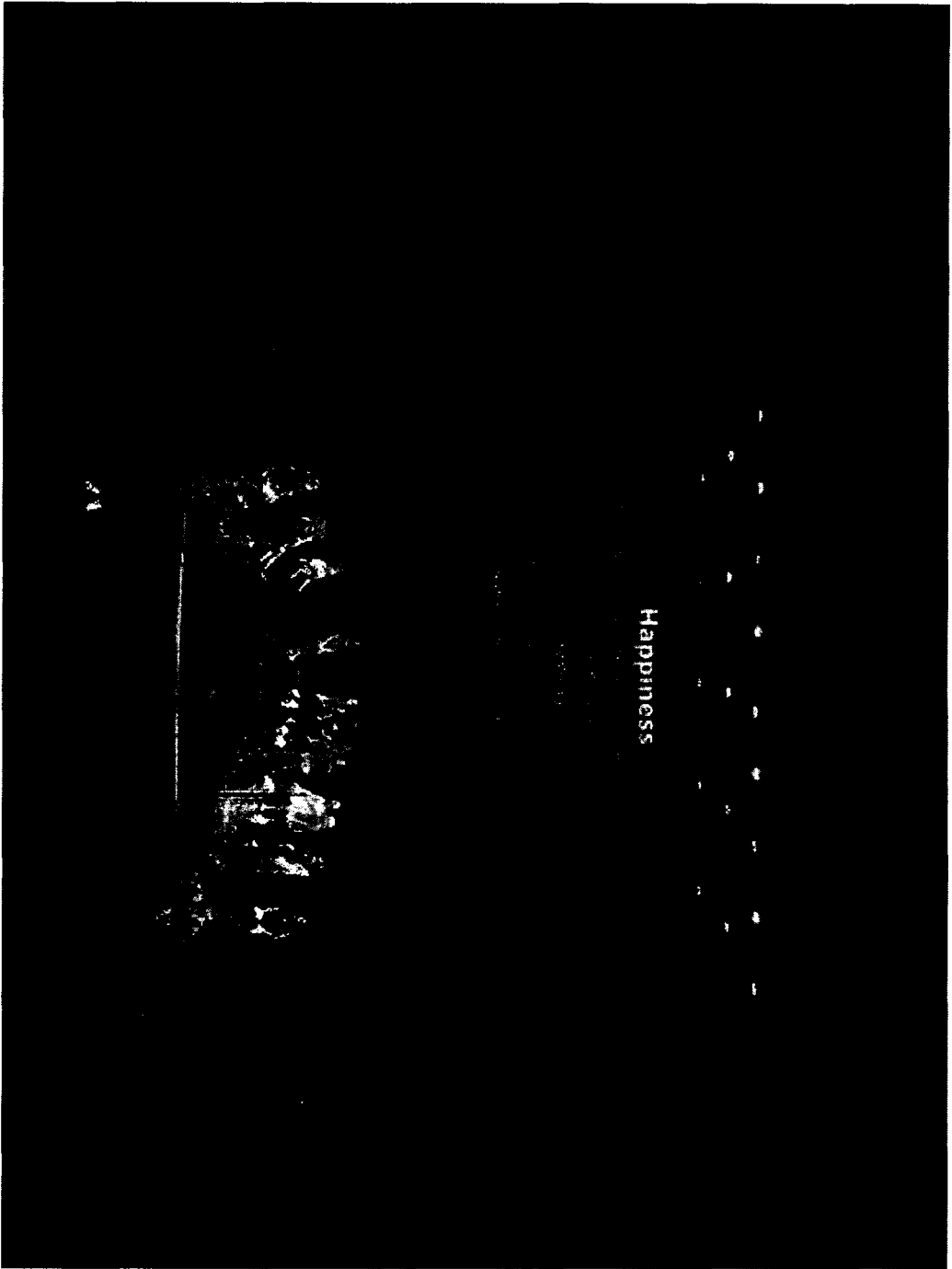
Goshen Theater, 216 S Main St.







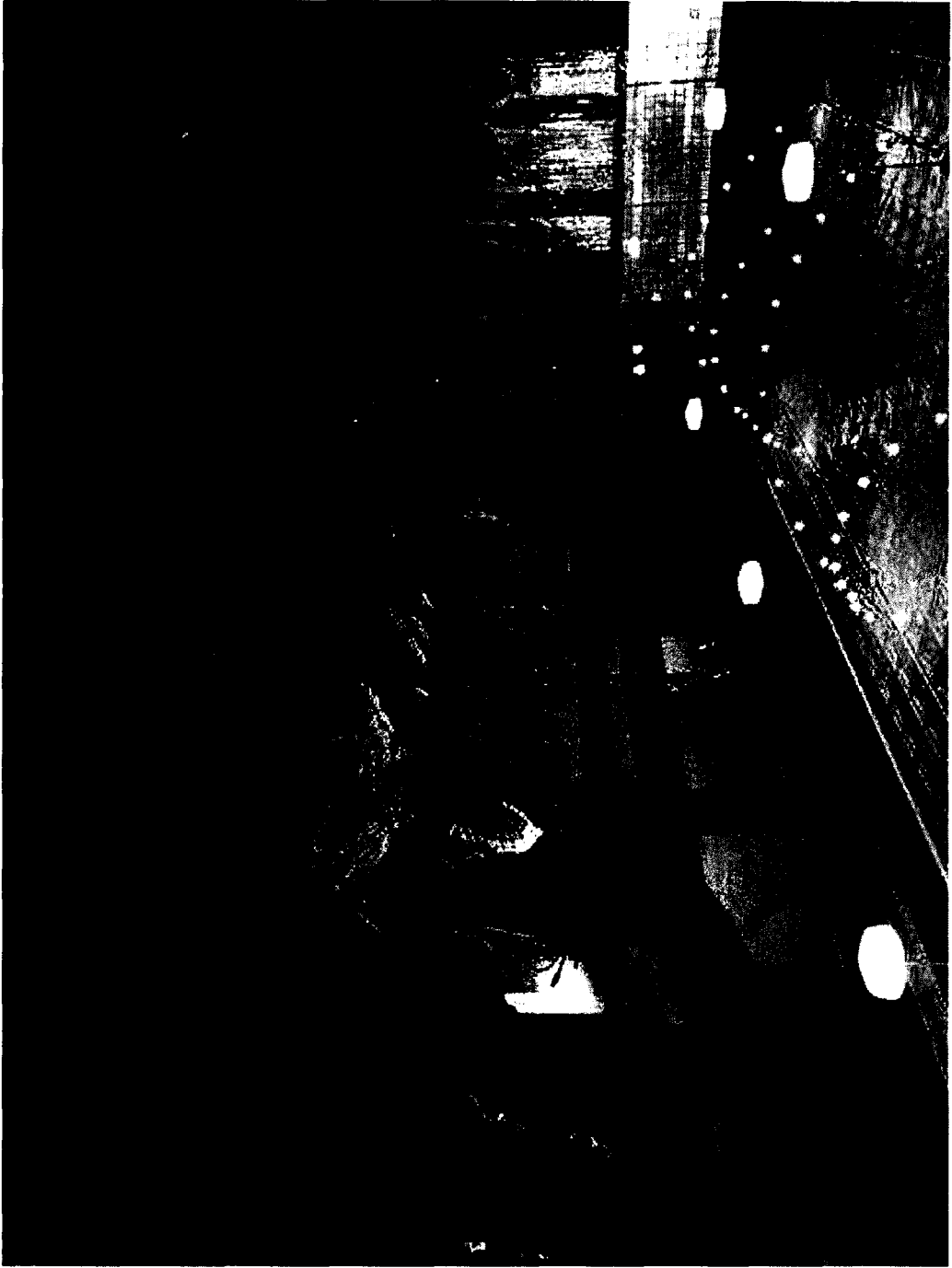










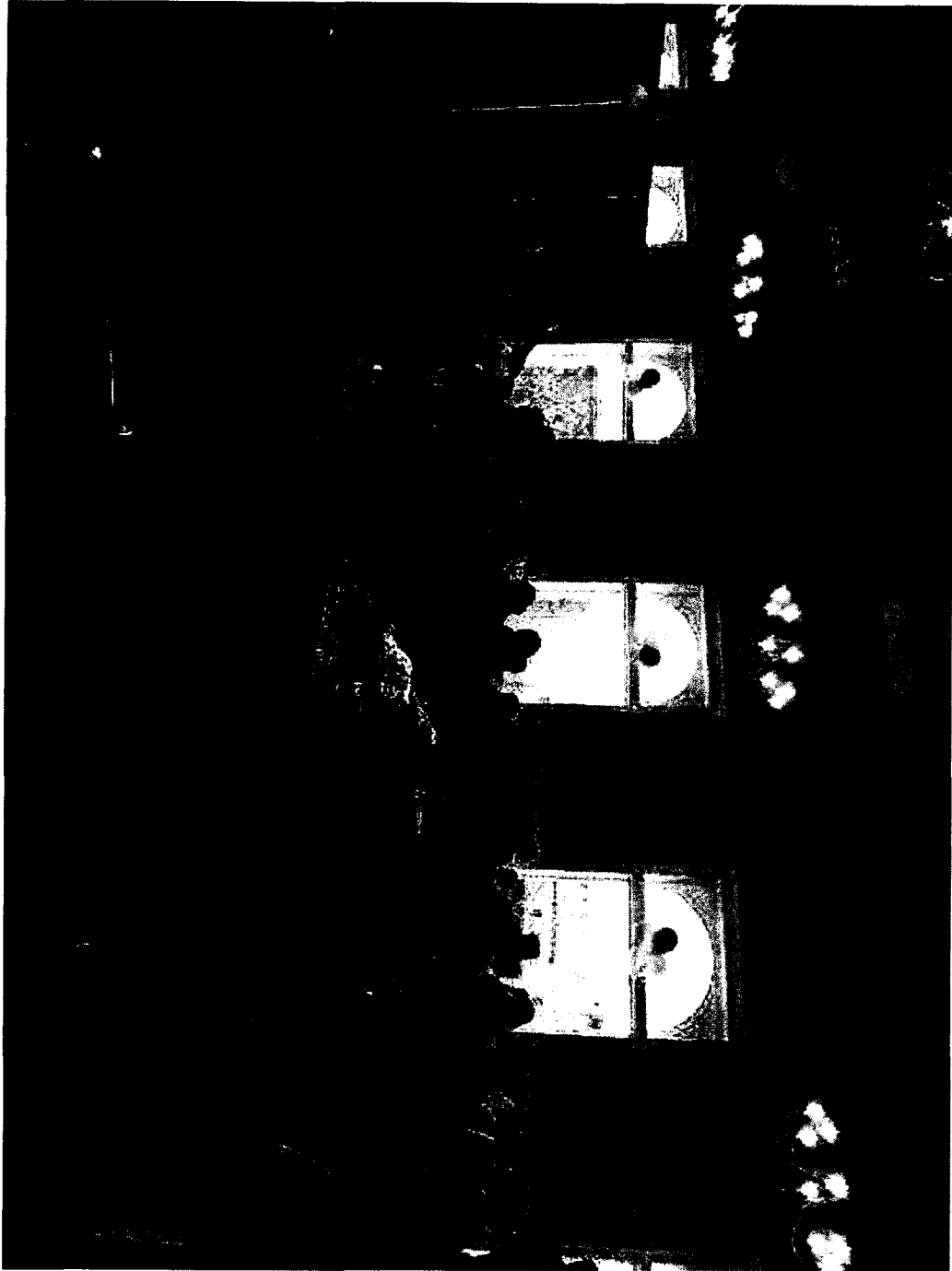


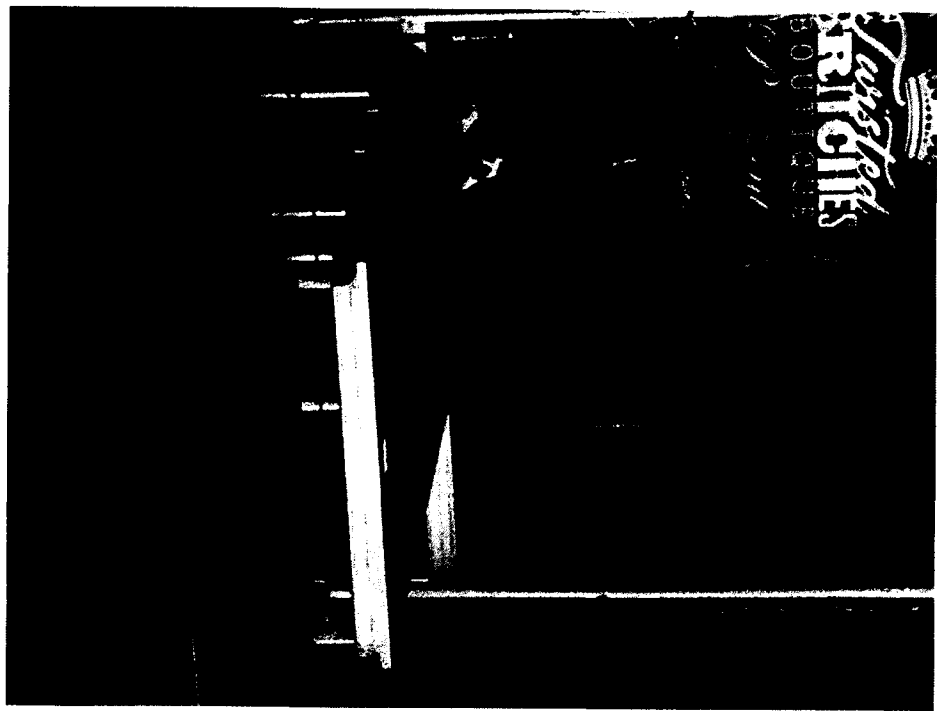


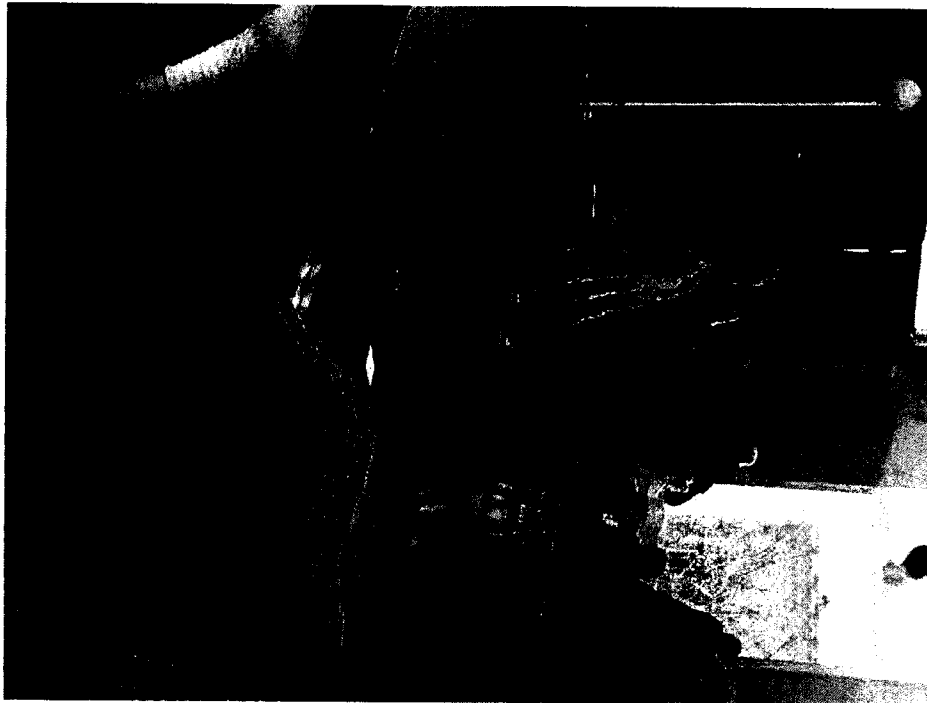
THE SWEET COMPANY

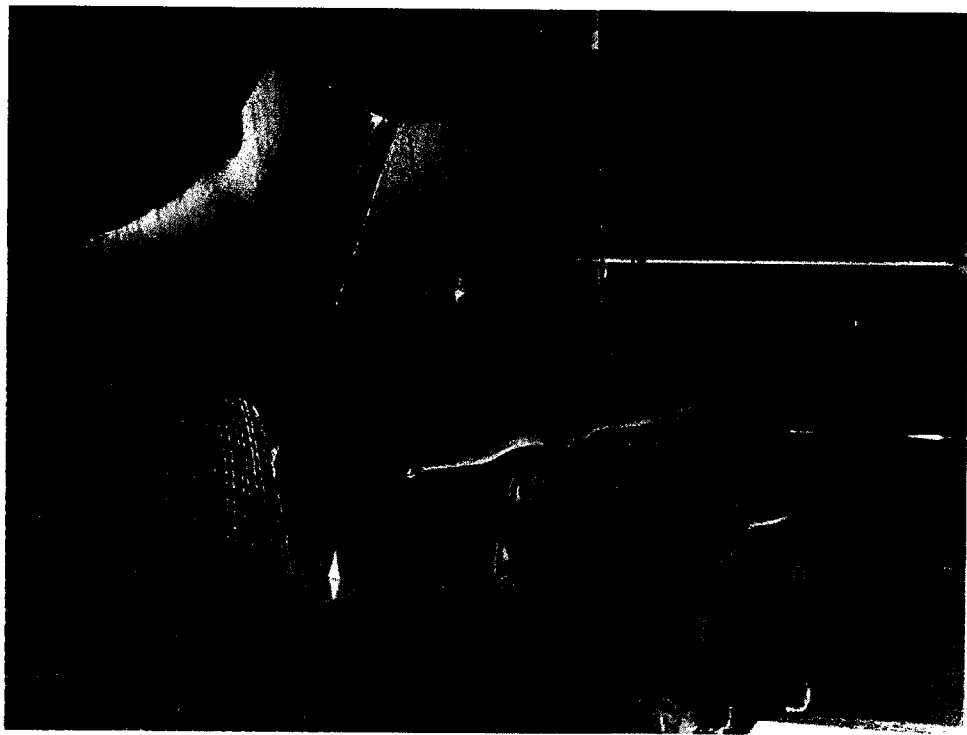
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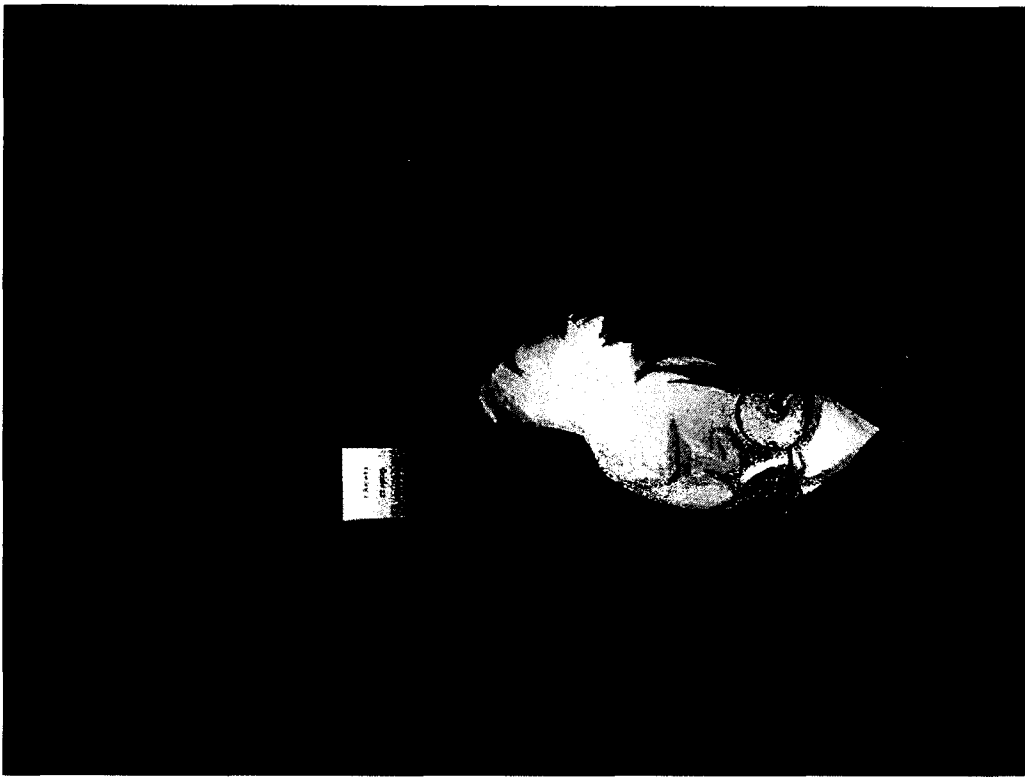
**Focus on Community
& Collaborations**

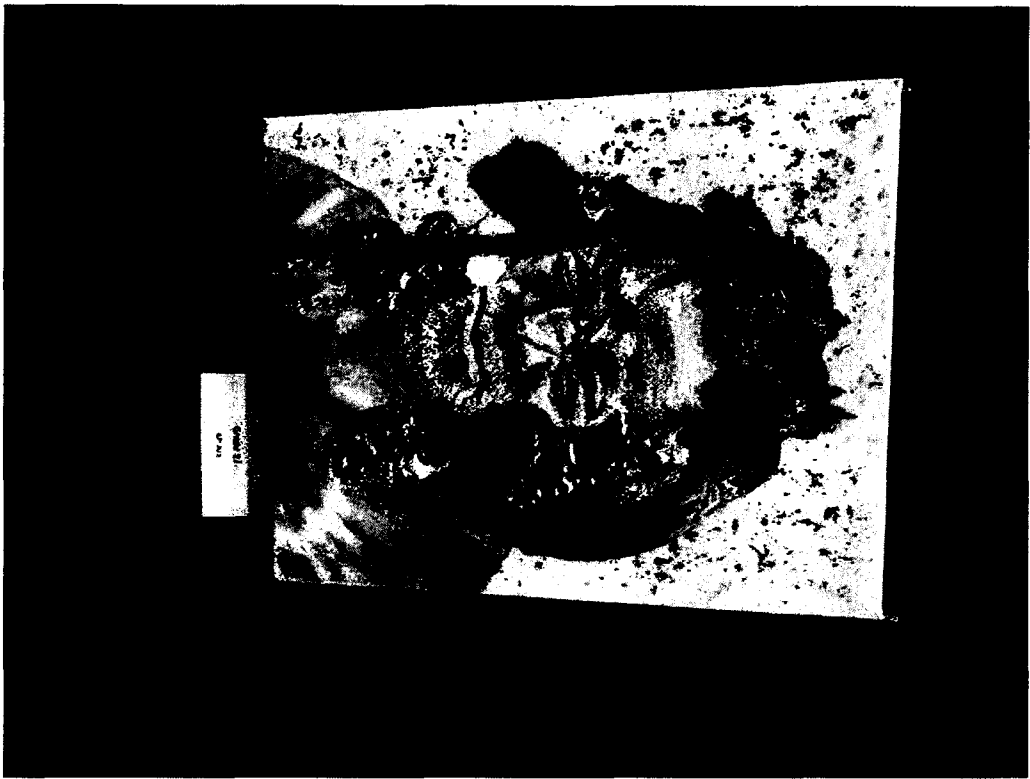


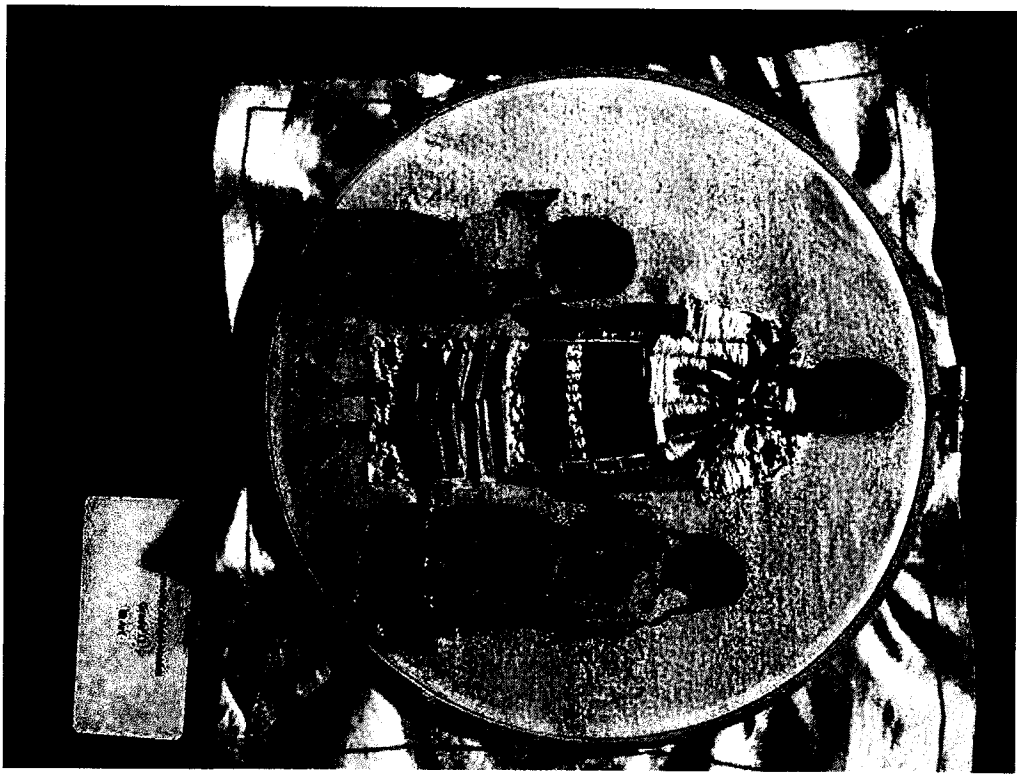




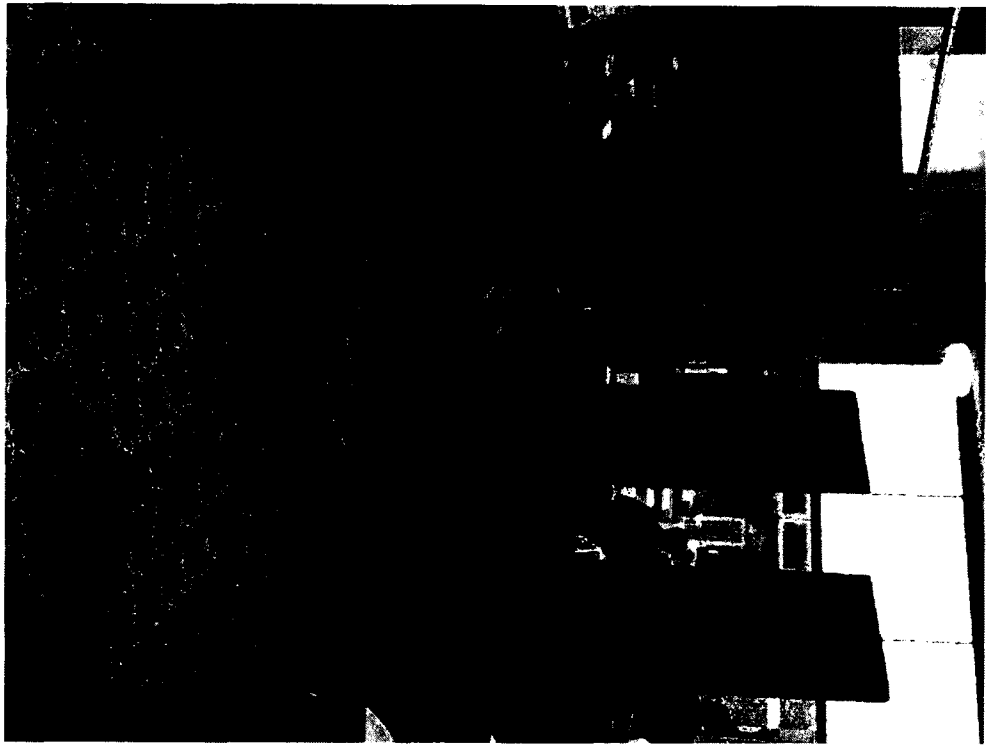




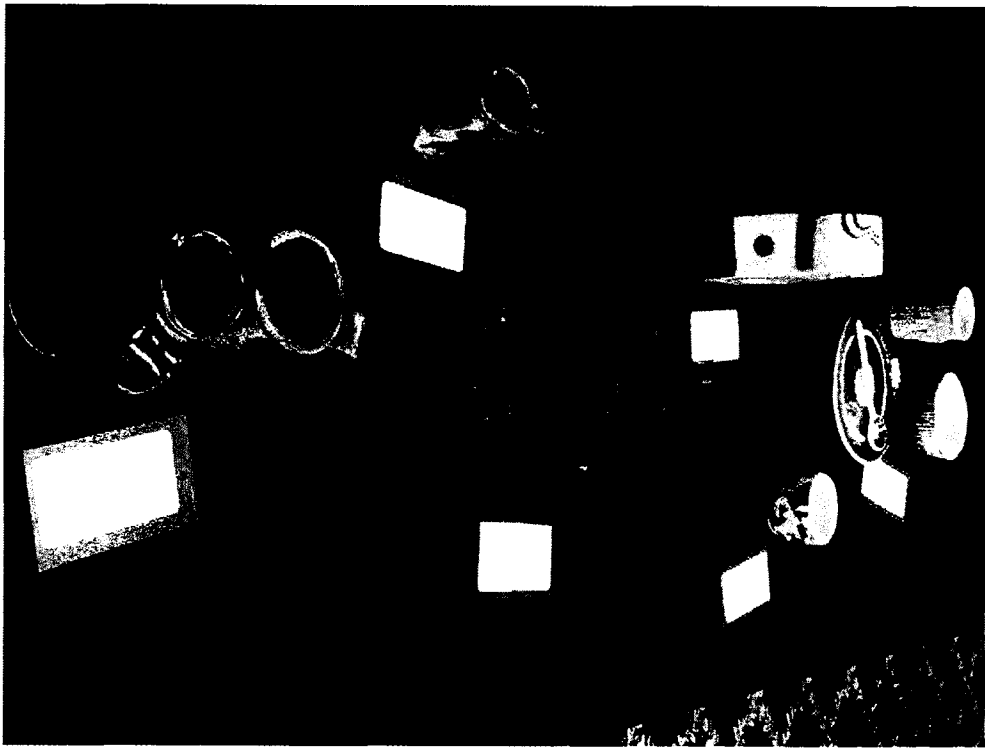


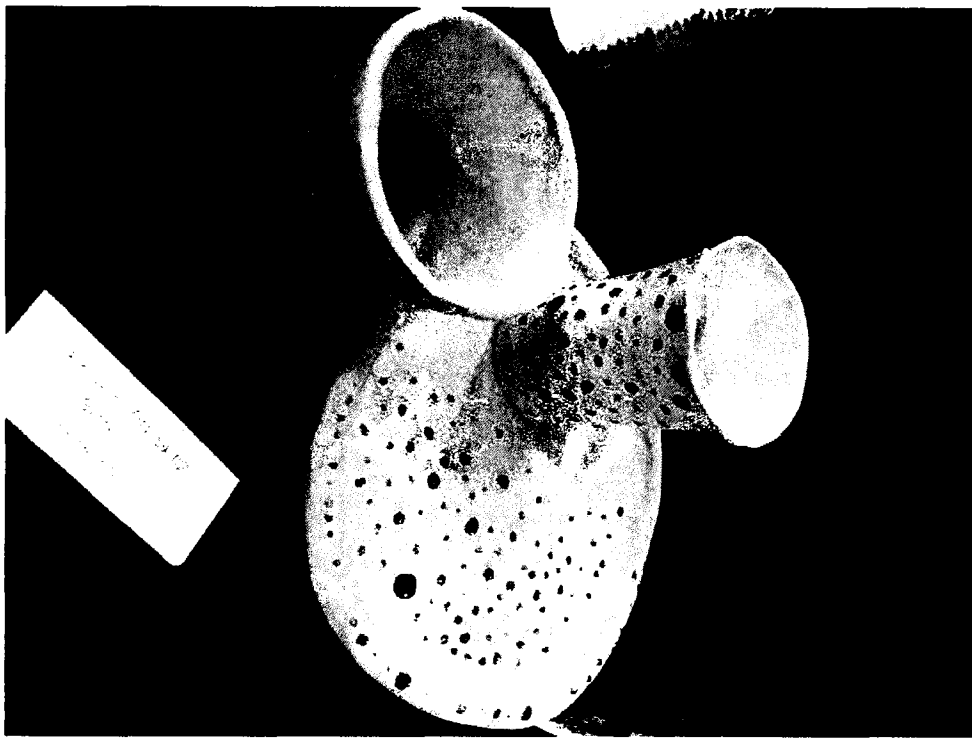




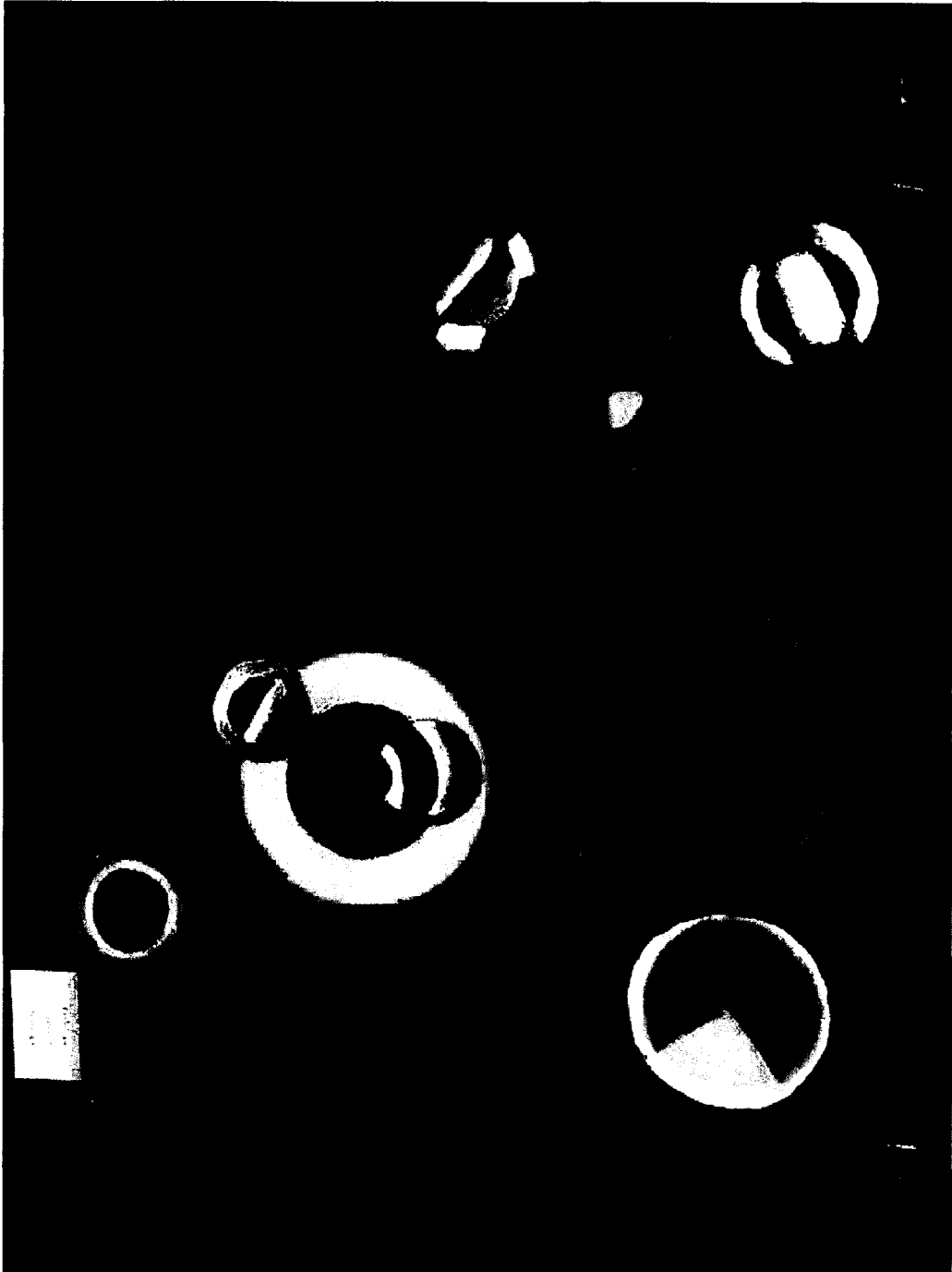








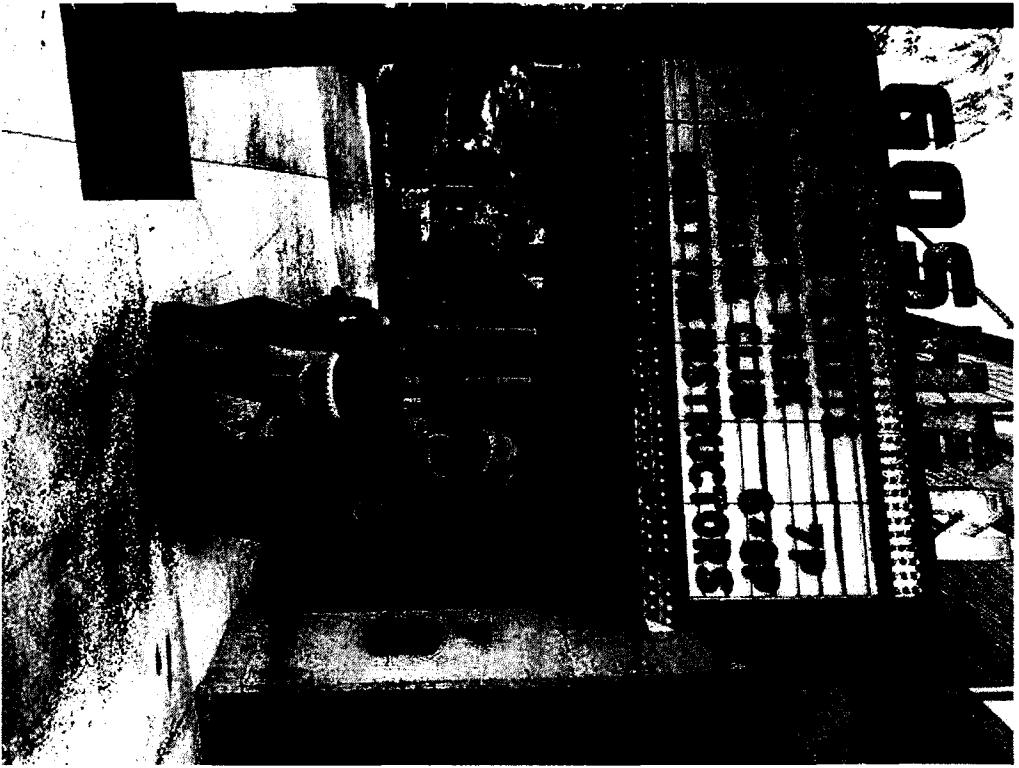








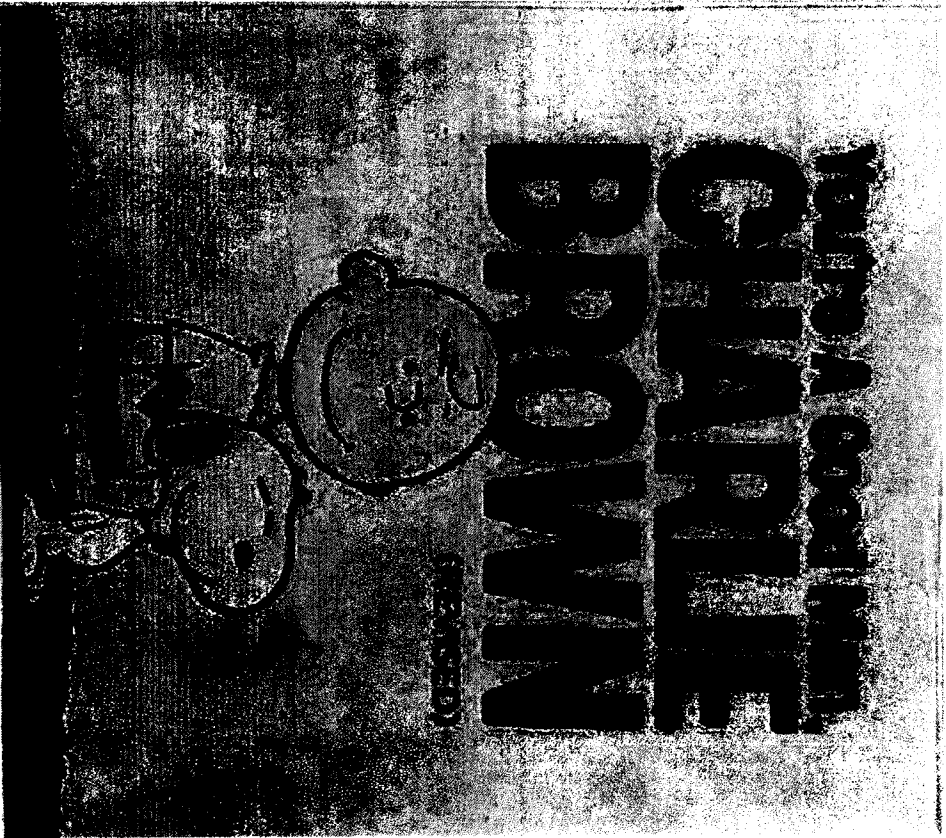
1. 2000
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Upcoming at the Theater







Strategic Planning

Thank You!