



## GOSHEN COMMON COUNCIL

### Minutes of the August 15, 2022 Regular Meeting

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

Council President Brett Weddell called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He announced that Mayor Stutsman had a family commitment and would not attend tonight's meeting.

**Council President Weddell asked the Clerk-Treasurer to conduct the roll call.**

**Present:** Megan Eichom (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:** Mayor Jeremy Stutsman and Youth Advisor Karen C. Velazquez Valdes (Non-voting)

**Approval of Minutes:** Council President Brett Weddell asked the Council's wishes regarding the minutes of the July 18, 2022 Regular Meeting. Councilor King moved to approve the minutes as submitted. Councilor Pérez seconded the motion. The motion passed 7-0 on a voice vote.

**Approval of Meeting Agenda:** Council President Brett Weddell asked the Council's wishes regarding the meeting agenda. Councilor 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., Council President Brett Weddell invited public comment on matters not on the agenda**

**Matthew Lind of Goshen** congratulated the City Council for starting its new home recycling program, which he said was a great thing and would be very positive once it takes full effect. However, he said he wanted to point out a few problems as seen in his neighborhood.

First, he said Borden Waste-Away, the City's contractor, has ignored non-compliant trash faster than expected, so trash in non-company containers or left in bags was ignored. He said that was problematic because next week there will be twice as much trash. He said some trash has now been scattered. As a result, Lind said that there was a second problem – two or three people have begun burning trash in their back yards. He said this needs to be addressed.

As far as solutions, Lind said there should be additional communication in addition to the information that already was provided by the City and Borden. He suggested a notice be affixed to trash left behind explaining why it wasn't collected and how to comply with new procedures. He said if Borden cannot do so, perhaps someone from the City could visit neighborhoods and disseminate this information.

Lind said that a third problem was that tags being sold to allow additional trash bags to be collected are only available at Martin's Super Markets. He suggested they also be available at places like Dollar General, Kroger or Walmart. He also suggested that more information be provided about the tag system.



**Councilor Eichorn** thanked Lind for his comments.

**Councilor Schrock** said he has been contacted by many people who have voiced the same concerns as Lind. He said many people don't know the rules for using the trash containers. He said some people didn't receive information mailed by the City and some don't read the newspaper, so they don't know how to use the trash and recycling containers. So, Schrock said more information should be provided.

Lind agreed, adding that more information would be helpful.

**Council President Weddell** said he and **Councilor King** recently were part of a phone conference with **City Director of Environmental Resilience Aaron Sawatsky Kingsley** and they expressed concerns about the availability of the tags. He said **Kingsley** told them that Martin's was asked to sell the tags because it was already doing so for the City of Elkhart. He said Martin's already had the process set up. Council President Weddell said he agreed with Lind that the tags needed to be more widely available and that Kingsley was seeking to do so.

Lind asked about the enforcement of the trash and recycling program, adding that he hoped it wasn't reliant on resident reports. **Council President Weddell** said it wasn't. He said last year that the City of Elkhart had a grant that paid for summer help to educate residents on how to recycle. He said it appeared that Lind was recommending a similar program for Goshen. He said the **Mayor** and **Kingsley** are aware of concerns and were addressing them.

**Council President Weddell** also said no one wants people to start burning trash or for people to report neighbors to City code enforcement officers, although he said that is how most cases arise. **Councilor King** said it's not the responsibility of residents to report problems, but she said it is good to report problems so City staff can better understand what's happening in neighborhoods.

Lind said neighbors can become hostile if they start reporting on one another to City staff. **Councilor King** responded, "It's not your job to police your neighbors."

**Council President Weddell** agreed. He said the City had anticipated some issues and not others and was working to address the problems. He said some people have complained about containers being so large they can never be filled, and Borden can replace them. **Councilor King** said the City's goal is to educate residents before enforcement.

**Council President Weddell** said that it's helpful for residents to address the Council and raise concerns. He noted that the same thing happened at the previous Council meeting when another neighbor expressed concerns about the trash collection process. Lind said he would be glad to provide future input.

**There were no further public comments, either from those in the Council chamber or via Zoom, so Council President Weddell closed Privilege of the Floor at 6:11 p.m.**

**Council President Weddell** said that he spoke to **Councilor Eichorn** earlier in the day and that she agreed to assume the Council President's normal role of introducing ordinances and resolutions.

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

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

**Eichorn/Pérez moved to approve Ordinance 5131 on second 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 presented to the Council on July 18, 2022, would establish 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 the 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 he 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.

At the City Council's meeting on Aug. 1, 2022:

- **Councilors discussed** the background and context of Ordinance 5131, the redistricting options and the process of narrowing them down to a final plan.
- **Councilors agreed to pass, on first reading, a plan tonight and give final approval at their next (Aug. 15) meeting.**
- After extensive discussion, **Councilors reached a consensus to approve Option 3**, which was the recommendation of the appointed Redistricting Advisory Commission.
- **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."**
- **During a public hearing period on Ordinance 5131, one member of the public – former Goshen Councilor Julia Gautsche – said Option 3 was the better choice.**
- **On a voice vote, Councilors then 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.**

#### **AUGUST 15, 2022 COUNCIL DISCUSSION AND SECOND READING & FINAL APPROVAL:**

**Council President Weddell** said a number of Councilors notified the Mayor, the City Attorney and the Clerk-Treasurer that a redistricting map that accompanied Ordinance 5131 was incorrect, but the written descriptions of the districts in the ordinance were correct. He said what was incorrect in the map were the boundaries of districts 3 and 4. Because of this inaccuracy, the **Council President** said the Council had two options. He said **City Attorney Bodie Stegelmann** could ask Elkhart County GIS Coordinator Marc Watson to provide a revised map and delay the Council vote on Ordinance 5131 until the next meeting. Or, he said, the Council could vote based on the written descriptions of the districts in the ordinance, knowing that the maps will be updated after the vote.

**Councilors Eichorn and King** affirmed the idea of moving forward with a vote of the ordinance and attaching an updated map later.

**City Attorney Stegelmann** suggested that the Council amend the ordinance to substitute the new drawing for the previous drawing.

**Councilor King** made a motion to amend Ordinance 5131 by substituting the current map of the districts with the new corrected map. **Councilor Nisley** seconded the motion.

There was no further discussion on the motion.

On a voice vote, Councilors then approved the motion by **Councilor King** (seconded by **Councilor Nisley**) to approve the amendment to Ordinance 5131, by a 7-0 margin, with all Councilors voting "yes."



**Council President Weddell** provided a brief overview of how the Common Council had reached this stage in the process – consideration of Ordinance 5131 on second and final reading. He mentioned the four options presented by the Redistricting Advisory Commission, the Council's decision to narrow the options to two and the decision on Aug. 1 to move forward with Option 3 by approving it on first reading. He said Option 3 was the top choice of the commission.

**Council President Weddell** asked if Councilors had any comments on Ordinance 5131.

**Councilor King** said she wanted to reiterate what was said at the last meeting – that there was a consensus that redistricting Option 3 made sense.

**Councilor Eichorn** said she hasn't had anyone reach out and comment on the redistricting options. **Councilor Schrock** agreed with Eichorn.

**At 6:15 p.m., Council President Weddell opened the public hearing on Ordinance 5131, which was before the Council for a second and final reading.**

**Former Goshen Councilor Everett Thomas** said he served on the Redistricting Advisory Commission, as an appointee of **Councilor Pérez**, and also served on the subcommittee that developed the redistricting options along with **Deputy Mayor Mark Brinson**, **City Attorney Bodie Stegelmann** and **Bradd Weddell**, the chair of the commission. He said before the process began, all commissioners took a pledge, at **Mayor Stutsman's** request, to not consider the Democratic and Republican registration of any district. And as he participated in the process, Thomas said he saw nobody asking about the Republican and Democratic balances of the districts.

**Thomas** recounted the process of developing the final options to meet the redistricting criteria.

He said: "I can assure you that although we do end up splitting one precinct more than we have currently, there is no partisan wrangling with these districts, and no gerrymandering. And I think we came up with the best number or deviation, deviation being the difference between the highest number of people in a district and the lowest number."

**Thomas** said he strongly supported Option 3, the commission's recommended plan. He said that **Councilors** and all citizens of Goshen should express gratitude to **Bradd Weddell** for his work on the commission. He also expressed his appreciation to **Council President Weddell** "for his persistence in making sure Bradd was there because I cannot imagine what it would have cost us to have the technical ability that Bradd helped us." He also said Weddell didn't develop the options; they were developed by the subcommittee.

In closing, **Thomas** said, "So, I recommend this to you with all confidence and hope that you will again — as you did two weeks ago — vote unanimously to support scenario number three." "

**There were no further public comments, so at 6:19 p.m., Council President Weddell closed the public hearing on Ordinance 5131. He asked if Councilors wanted to make additional comments.**

**Councilor King** said, "I'm going to make the same comment I made last time. I would not have chosen for a sitting council member's relative to be a part of that committee. But I experienced Bradd as professional, and personable, and was grateful for what he did."

**Former Councilor Thomas** approached the lectern to speak again. **Councilors Pérez and King** pointed out that the public comment period was closed. **Council President Weddell** asked if any Councilors objected to **Thomas** making additional comments. None objected, although **Councilor King** noted that this wasn't a time to debate.



**Council President Weddell** said he would have some comments before the end of the meeting, during the period for comments by elected officials.

**Thomas** then said, "I just want to know if **Councilwoman King** considers her latest comment an apology for posting what she did on her (social media)."

**Councilor King** responded, "No. It was an elaboration."

**Council President Weddell** thanked Commission members for their work. He said the group worked seamlessly together and he said he hoped no comments that were made undermined the work they did.

**Councilor Nisley** thanked **Everett Thomas** and the other commission members for the work they did and for developing the best redistricting plan that could have been developed.

**Councilor Riegsecker** said, "**Bradd Weddell** was my choice because of what he did with the Goshen school system ... This was simple enough that the City Council could have done this probably by themselves. So, Bradd really had no bearing being the brother of **Council President Brett Weddell**. And I chose him because of what I saw at the school. And if you're not taking D's and R's into consideration, it really doesn't matter."

**Councilor King** responded, "I understand why we chose him, having seen his work. I fully understand."

**Councilor Pérez** said Goshen is a small community and all Councilors have family members as well as connections in different places. "As we go forward, as we think about the different spaces that our family members are in, in terms of their contributions, and how we can ensure that we're not crossing a line where we are potentially creating a conflict of interest for different individuals in our community. So I appreciate the work that was done by all of the members of the committee. I'm not singling out one person, but just that we be mindful of how are connections are seen ... and how it influences the work that we on the Council do moving forward."

**Councilor Riegsecker** said, "I go back to the original list that was put together on who was excluded (from serving on the commission). We couldn't come up with anybody from that list so we had to amend that," Riegsecker said. "I've lived here most of my life and a couple of other people have, too. I pretty much know everybody or at least I used to. So, I think it just comes down to our ethics "

**Councilor Pérez** said, "But, again, in 20 years we're not going to be here potentially in these Council seats. So, it's possible that we may not be here. And it's just important to sort of keep that in front of us of how our families and our ethics, which I think you rightly name it; our ethics need to be a part of the work that we do."

**Councilor Riegsecker**, "I think we do have to be conscious (of that)." **Councilor Pérez** said, "Yes, I agree."

There were no further questions or comments from Councilors. Councilors also indicated they were ready to vote, so **Council President Weddell** asked the Clerk-Treasurer to conduct a roll call vote.

On a roll call vote, Councilors unanimously passed Ordinance 5131 on second and final reading by a 7-0 margin, with all present voting yes at 6:25 p.m. Youth Adviser Karen C. Velazquez Valdes also voted "yes."

2) Resolution 2022-19: Category Transfer (\$90,000 transfer within the Motor Vehicle Highway Fund from Capital Outlays to Supplies for street/alley/sewer maintenance)

**Council President Weddell** called for the introduction of Resolution 2022-19: *Category Transfer*. **Councilor Eichorn** asked the Clerk-Treasurer to read Resolution 2022-19 by title only, which was done.





Eichorn/Schrock moved to approve Resolution 2022-19.

**BACKGROUND:**

Resolution 2022-19 would authorize a transfer of fund budget categories to cover expenses of the City Street Department. More specifically, the resolution would authorize the transfer of \$90,000 of funds within the Motor Vehicle Highway Fund between the following budget categories: Category transfer from Capital Outlays (MVH/ Equipment, Motor Vehicles) to Supplies (MVH / Street, Alley and Sewer Maintenance).

**AUGUST 15, 2022 PRESENTATION & DISCUSSION OF RESOLUTION 2022-19:**

Council President Weddell invited comment on Resolution 2022-19 by City staff.

City Street Commissioner David Gibbs said the past winter was very hard on the City's roads and he was able to identify additional funds to make road repairs. He said funds had been identified to purchase a truck, but it won't be available this year. So to cover the needed maintenance materials for roads, Gibbs asked that the Council approve this category transfer.

Councilor Nisley asked if funds would need to be transferred when the truck can be purchased. Gibbs said, "No. It will be on next year's budget."

There were no further comments by Councilors.

At 6:26 p.m., Council President Weddell opened a public hearing on Resolution 2022-19.

There were no public comments, so at 6:26 p.m. Council President Weddell closed the public hearing on Resolution 2022-19.

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

On a voice vote, Councilors approved Resolution 2022-19, *Category Transfer*, by a 7-0 margin, with all Councilors present voting "yes" at 6:27 p.m. Youth Adviser Karen C. Velazquez Valdes also voted "yes."

**3) Resolution 2022-20, Resolution of the Common Council of the City of Goshen Approving the Order of the Goshen Plan Commission (Indiana Avenue Allocation Area)**

Council President Weddell called for the introduction of Resolution 2022-20 - *Resolution of the Common Council of the City of Goshen Approving the Order of the Goshen Plan Commission*. Councilor Eichorn asked the Clerk-Treasurer to read Resolution 2022-20 by title only, which was done.

Eichorn/Pérez moved to approve Resolution 2022-20.

**BACKGROUND:**

Resolution 2022-20 would give the Common Council's approval to the Goshen Plan Commission's July 19, 2022 order amend the Area Resolution to: (i) remove Parcel No. 20-11-16-151-026.000-015 and Parcel No. 20-11-16-151-027.000-015 from the Original Allocation Area (collectively, "Parcels"); (ii) designate the Parcels as a new tax allocation area to be identified as the Indiana Avenue Allocation Area.



**More specifically, the resolution stated and would establish that:**

- The City Redevelopment Commission has created, consolidated and enlarged the Consolidated River Race/US 33 Economic Development Area, and an allocation area coterminous with the Area known as the Consolidated River Race/US 33 Allocation Area in accordance with IC 36-7-14-39 for the purpose of capturing real property taxes generated from the incremental assessed value of real property located in the Original Allocation Area, and adopted an economic development plan, as amended, pursuant to Declaratory Resolution No. 02-2012 (as amended to date), as confirmed by Confirmatory Resolution No. 26-2012, following statutory public hearings;
- On June 14, 2022 the Commission adopted a resolution amending the Area Resolution ("Amending Declaratory Resolution") and the Original Plan to: (i) remove Parcel No. 20-11-16-151-026.000-015 and Parcel No. 20-11-16-151-027.000-015 from the Original Allocation Area (collectively, "Parcels"); (ii) designate the Parcels as a new tax allocation area to be identified as the Indiana Avenue Allocation Area as set forth on the map attached thereto as Exhibit A; and (iii) add the Projects defined therein to the Original Plan ("2022 Plan");
- The Goshen Plan Commission ("Plan Commission") adopted an order on July 19, 2022 finding that the Amending Declaratory Resolution and 2022 Plan conform to the plan of development for the City; and
- The Act requires approval of the action of the Plan Commission by the Common Council of the City prior to the Commission holding a public hearing on the amendments;
- The action of the Plan Commission on July 19, 2022 is hereby in all respects approved by the Common Council.
- The Amending Declaratory Resolution and 2022 Plan are hereby in all respects approved by the Common Council.
- The Clerk-Treasurer is hereby directed to file a copy of the Amending Declaratory Resolution, the 2022 Plan and the approving Order of the Plan Commission with the permanent minutes of this meeting.
- This resolution shall be effective from and after its passage.

**AUGUST 15, 2022 PRESENTATION & DISCUSSION OF RESOLUTION 2022-20:**

**Council President Weddell invited City Redevelopment Director Becky Hutsell to discuss the matter.**

**Hutsell** said last spring a redevelopment agreement was brought to the City Development Commission and the Common Council for the Indiana Avenue apartment project. She said as part of that agreement, it was agreed that the City would remove the two parcels that made up the apartment property from the existing Consolidated River Race/US 33 Allocation Area and use the two parcels to establish the new Indiana Avenue Allocation Area.

**Hutsell** said the proposal was reviewed by the Redevelopment Commission and approved by the Plan Commission and those actions were included in the Council's meeting packet. She said the Council's approval tonight was the last step in carrying out that aspect of the agreement.

**Hutsell** said that if the Council approved the new allocation area tonight, a public hearing would be held in September by the Redevelopment Commission. And if the commission gives its approval, she said the Council would be asked to issue a bond to allow the developers to finish the project.

**Council President Weddell** said he didn't know if any other Councilors had visited the apartment construction site recently, but concrete had been poured in various locations and the walls are being constructed off-site and then brought it, so it will go up quickly. He said there also has been related work on Indiana Avenue.



**Council President Weddell** asked if there were any comments from Councilors.

**Councilor King** said that she wanted to explain that she remained opposed to creating this allocation area because it didn't seem to be a situation in which the developer merited receiving this type of funding. She added that she believes the Council needs to clarify its criteria for deciding these types of cases. Still, she added that "reasonable people can disagree on what to do in this situation."

**At 6:30 p.m. Council President Weddell** opened a public hearing on Resolution 2022-20.

There were no public comments, so at 6:30 p.m., **Council President Weddell** closed the public hearing on Resolution 2022-20.

There were no further questions, comments or concerns and Councilors indicated they were ready to vote. **Council President Weddell** asked the Clerk-Treasurer to conduct a roll call vote.

On a roll call vote, Councilors approved Resolution 2022-20, *Resolution of the Common Council of the City of Goshen Approving the Order of the Goshen Plan Commission*, by a 6-1 margin, with Councilors Eichorn, Nisley, Pérez, Riegsecker, Schrock and Weddell voting "yes" and Councilor King voting "no" at 6:30 p.m. Youth Adviser Karen C. Velazquez Valdes voted "pass," effectively abstaining.

#### Elected Official Reports:

**Councilor Eichorn** said she wanted to make some comments about the Community Relations Commission (CRC). She said she is no longer able to attend CRC meetings because she must attend school board meetings the evening the CRC meets. She said CRC members would like to have a Council liaison who can attend meetings. Eichorn said she has spoken to **Councilor Riegsecker** and he has agreed to serve as the Council's CRC liaison.

**Councilors** engaged in a brief discussion about the process of selecting a new liaison to the CRC – whether it needed to be a formal action placed on a Council agenda, a decision by Council or a decision by the Mayor. **Council President Weddell** said he would research the issue and determine how the Council should proceed.

**Council President Weddell** said that regarding the Community Relations Commission, he was officially announcing that a vacancy now existed that would need to be filled by the Council. He said **CRC Director AJ Delgadillo** informed him that **Gladys Rosas**, who was appointed in January, has resigned because she is moving out of the City. He said he still has the applications from those who previously applied for City Boards and Commissions because those individuals would still be eligible for appointment if a vacancy arose. Council President Weddell asked **City Communications Coordinator Sharon Hernandez** to post on the City's website that there was a vacancy on the CRC (and to accept applications).

**Council President Weddell** asked **Councilor King** how long the position needed to be kept open before the Council appointed a new member. **Councilor King** said she believed it was 30 days.

**Council President Weddell** recommended that the Council fill the CRC vacancy at the Council's second meeting in September. **Clerk-Treasurer Aguirre** informed the Council President that the Council had only one scheduled meeting in September – on Sept. 19. The **Council President** said the appointment could be made Sep. 19.



**Aguirre** noted that it was possible the Mayor also would like to make two additional appointments to the CRC.

**Councilor Riegsecker** said he attended the CRC's last meeting. He presented a summary of upcoming activities the CRC is sponsoring or promoting, including: an Aug. 25 seminar on the historic Jewish community of Goshen, at the public library; the Hispanic Heritage Festival, 1-11 p.m. on Sept. 17; Oct. 6, the next CRC meeting; and on Oct. 11, Indigenous People's Day at the Goshen Theater. He also said the CRC also had a retreat last weekend.

**Councilor Riegsecker** also commented on the City's new trash and recycling services. He said he has been speaking with residents and providing information to help calm them down. He also said he contacted Borden and asked about the delay in delivering a new recycling cart and eventually received one. He said he's looking forward to the new service and believes it will all work out.

Other **Councilors** said the new service was a work in progress, but conditions were improving.

**Councilor Nisley** said he received two recycling carts. **Councilor Schrock** said there were five recycling carts in front of the City's police training facility. Other Councilors responded that people have dropped off unwanted carts to the training facility.

**Council President Weddell** said all of the carts have serial numbers that are linked to the addresses they were delivered to. He told Councilors they might tell people to return them to Borden because there may be an expense if they just dump them someplace.

**Councilor Nisley** expressed appreciation for U.S. Rep. Jackie Walorski, who died recently in a two-vehicle crash. He said many appreciated her service, which was evidenced by the respect shown her by both Republicans and Democrats. He said Walorski's funeral was beautiful and he believes she did a great job representing the district.

**Council President Weddell** said it was also important to remember the three others who died in the crash and that their lives were just as important. He said they and their families also should be remembered. **Councilor Nisley** said he worked with **Zachery Potts**, another of the crash victims, on a few veteran-related cases.

**Councilor Schrock** said he been hearing from residents upset that Borden is no longer picking up trash containers that they collected the past five or six years. He said they only pick up the new trash carts and he wondered if that was a mistake. **Councilor Eichorn** said people are only allowed to have trash collected in a Borden-provided cart.

**Council President Weddell** said every house was provided with one trash cart and one recycling cart and any additional trash must be bagged and have a special tag, which must be purchased.

**Councilor Riegsecker** further clarified the trash collection procedures and said that Borden is able to provide smaller trash cards if requested.

**Clerk-Treasurer Aguirre** said City staff members have received a few hundred calls from residents about the new trash and recycling procedures. He said staff members have been addressing issues and have disseminated additional information to address the issues. He suggested that perhaps the **City Attorney Bodie Stegelmann** might want to discuss the approach the City is taking to address another issue.

**Stegelmann** said a number of customers have called and said they are physically unable to move their trash and recycling carts from their homes to the street for collection. So, he said, the City is working on a policy that would allow someone in that situation to request that the City provide them walk-up service from Borden. He said the normal charge for this service is \$15, but anyone approved for hardship reasons would not have to pay.

**Council President Weddell** said he was glad this program was being developed.



**Councilor Pérez** said he attended a gathering of the College Farm Neighborhood association and some people asked if data was available on speeding motorists, He asked if a Police liaison could meet with neighbors and provide information.

**Chief José Miller** said only two of their devices are collecting data and that the others are just flashing signs. He said four more data-collecting devices have been ordered. He said the data has yet to be analyzed, but eventually it will be to allow more effective policing during times when speeding most often occurs.

Asked by **Councilor Perez** if police eventually could meet with neighbors, **Chief Miller** said the data collected will be beneficial and people can eventually call the Division Chief of Patrol and speak to him.

**Councilor Pérez** said he wanted to mention the "goodness of Goshen" in regards to the Goshen family members who were victims of a shooting earlier in the year. He said funds have been donated to provide housing for the family. He said Community Pro Education has coordinated some of the fund-raising efforts.

**Councilor Pérez** also said he had COVID-19 and was unable to be present at the last meeting when the Common Council passed a resolution calling on the Indiana Legislative Assembly to approved driver cards for undocumented people. Having worked with immigrants on mental health issues for about 20 years in four counties, Pérez said the inability to drive safely and within the law has been a common issue for immigrants. He thanked Councilors for approving the resolution and the efforts of Councilors. **Council President Weddell** credited **Mayor Stutsman, Sen. Blake Doriot, Councilor Perez and Clerk-Treasurer Aguirre** for their work on the issue.

**Council President Weddell** said Redevelopment Commission met last week. He said the City was in the process of purchasing some homes on West Washington Street to finish out the River Race Drive project.

**Council President Weddell** said he was also asked to mention that the City is conducting a growth survey that can be found on the City's website and social media sites. He said a number of Councilors have shared the survey on their social media sites and he would encourage people to take the survey. He also noted that some listening sessions were being held and those times also were listed on the City's website.

**Council President Weddell** said he wanted to make some additional comments. He, again, thanked the Redistricting Advisory Commission for its work. He said he also wanted everyone to take note of something former Councilor **Everett Thomas** said tonight – that all of the commission's voting members held to their commitment to not talk about the partisan composition of the proposed Council districts.

**Council President Weddell** said: "You should think about that very carefully – what he meant on that because he was in front with two other people when a non-voting member said they wanted to look at Rs and Ds (Republicans and Democrats). And if you have questions about that, you can address that with Mr. Thomas."

**King** said, "No."

**Council President Weddell** continued: "And next I want to review something that Mr. Pérez mentioned – ethics. Ethics are incredibly important and when you utilize your social media with City Council to question the ethics of any individual of this Council or any member of that group and give half-truths, your ethics come into question. And I do not appreciate my character or my brother's character or any other person of that group's character being questioned. I will not have that."



**Council President Weddell** continued: "This Council, the Mayor, has done everything to keep politics out of what we do. Let's not go into that. That is not the City of Goshen. We don't do that. And I'd encourage all of us to keep that in mind moving forward. Thank you."

**Councilor King** responded that she never pledged to not consider the Republican and Democratic makeup of the proposed Council districts, "Anyone who knows me knows I would not have taken a pledge of that nature."

**Councilor King** said that during the course of that meeting, she might have asked if the partisan makeup of the districts had been considered, "but to suggest that I went back on a pledge is definitely questioning my ethics, so I take issue with that because that is incorrect."

"Regarding my taking issue with your ethics, I never used the word ethics in my post. I mentioned that your brother had a role on the redistricting committee and that you had pushed for that. And I said if my sister did that, I would mention that as a level of transparency. And I never questioned ethics."

"And to shush someone who mentioned something that light should be shined on – there's a personal conflict of interest here. There's not a financial conflict of interest. But having one's sibling work in that role is technically a personal conflict of interest. I did not object to that ... but I put it on there so people could understand that was the situation. That's how you clean up ethics; is you shine lights on them."

**Councilor Nisley** said, "I would say that if you go back and look, that I was probably the one that pushed for **Bradd (Weddell)** to be on there more than he (**Council President**) did."

**Councilor King** responded: "I understand. As I said, I understand he was personable. He was intelligent. He was professional. I absolutely understand what it is about him that made you want to do that. And I do not question the merits of his work. I want that to be very clear."

"What I'm saying is we have to be careful ... You all know him personally. The whole community doesn't know him personally or know you personally. So, that's how we have to make decisions sometimes, too. But I absolutely see what you see in him. And I also respect the fact that you have so much respect for you brother. That says something good about you. Just don't put words in my mouth because I did not question your ethics."

**Council President Weddell** responded, "I used the word **Councilman Pérez**. He used the word ethics ..."

**Councilor King**: "So, I want it to be clear. Please don't put words in my mouth. You and I can talk further about this at another time."

**Council President Weddell** said, "No, we're not going to talk about this anymore."

**Councilor King** said, "Well ... I did not say what you accuse me of saying."

**Council President Weddell** said "I think the light will be shone. I'd encourage each of you to speak with **Everett Thomas**. I think he can fill you in with what was said. It wasn't said to me and it was said in front of the two Democratic appointees and the one Republican appointee. So, I think that will shine light among many other things."

**Councilor Nisley** made a motion to adjourn the meeting.

Before anyone could respond to Councilor Nisley motion, **Clerk-Treasurer Aguirre** asked if there could be discussion of a very positive development – approval by the Board of Works of a new Police Department Wellness Policy. He said it would be good if **Chief Miller** could briefly discuss the new policy;

**Chief Miller** briefly described the new policy, saying it was intended to enhance the mental health of police officers and to address PTSD (Post-traumatic stress disorder) situations before they worsen. He said officers will be able to contact a peer group for support. Starting in 2023, the Police Department also will contract with a service that will respond to critical incidents and the debriefing of those incidents with officers. Overall, he said the policy will focus more attention on mental health issues so officers can better serve the community.

**Council President Weddell** responded, "We appreciate the work your officers do."



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

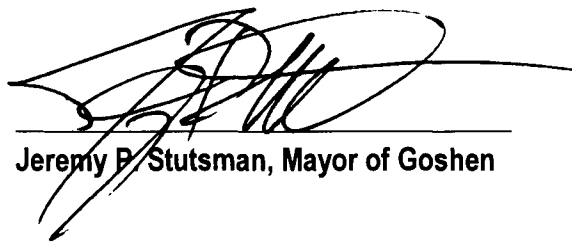
Councilor Nisley repeated his motion to adjourn the meeting, which was seconded by Councilor Pérez.

Council President Weddell adjourned the meeting at 6:58 p.m.

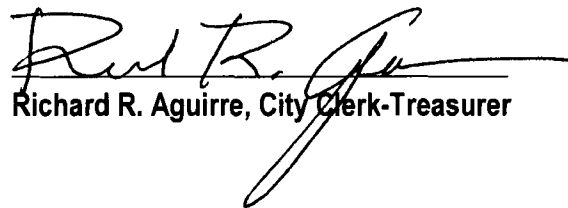
APPROVED:

  
Brett Weddell, Presiding Officer on Aug. 15, 2022

APPROVED:

  
Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

  
Richard R. Aguirre, City Clerk-Treasurer