



Goshen Common Council

6:00 p.m., January 23, 2023 Regular Meeting

Council Chamber, Police & Court Building, 111 East Jefferson Street, Goshen, IN

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll Call:

Megan Eichorn (District 4)

Julia King (At-Large)

Doug Nisley (District 2)

Gilberto Pérez, Jr. (District 5)

Donald Riegsecker (District 1)

Matt Schrock (District 3)

Council President Brett Weddell (At-Large)

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

Approval of Minutes – Regular meetings of Dec. 19, 2022 and Dec. 27, 2022

Approval of Meeting Agenda

Privilege of the Floor

1) Election of Council President

2) Designation of Minority Cancellation Contact

3) Council appointments to City Board and Commissions

4) Ordinance 5144: Revision of Stormwater User Fees for the Goshen Department of Stormwater Management (Second Reading)

5) Resolution 2023-01: Resolution of the Common Council of the City of Goshen approving the order of the Goshen Plan Commission (*related to the Creation of a New Housing Allocation Area within the Southeast Economic Development Area*)



6) Resolution 2023-02, Approving a Loan to LaCasa of Goshen, Inc. from the Local Major Moves Construction Fund

7) Resolution 2023-03, Acquisition of Real Estate at 1402 West Wilden Avenue

Elected Official Reports

Adjournment



GOSHEN COMMON COUNCIL

Minutes of the DECEMBER 19, 2022 Regular Meeting

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

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

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

Present: Megan Eichorn (District 4) Julia King (At-Large) – *arrived at 6:22 p.m.*
Doug Nisley (District 2) Donald Riegsecker (District 1) Matt Schrock (District 3)
Council President Brett Weddell (At-Large)
Youth Advisor Karen C. Velazquez Valdes (Non-voting)

Absent: Gilberto Pérez Jr. (District 5)

Approval of Minutes: Mayor Stutsman asked the Council's wishes regarding the minutes of the Dec. 5, 2022 Regular Meeting. Councilor Eichorn made a motion to approve the minutes of the Dec. 5, 2022 Regular Meeting as submitted. Councilor Schrock seconded the motion. The motion passed 5-0 on a voice vote.

Approval of Meeting Agenda: Mayor Stutsman presented the meeting agenda for approval. Councilor Nisley moved to approve the agenda as submitted. Councilor Riegsecker seconded the motion. The motion passed 5-0 on a voice vote.

Privilege of the Floor:

At 6:02 p.m., Mayor Stutsman invited public comments on matters not on the agenda. There were none, so the Mayor closed Privilege of the Floor.

1) Recognition of the City of Goshen Redistricting Advisory Commission

Mayor Stutsman said tonight the Council would honor members of 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). He provided the background of the Commission.

BACKGROUND:

Pursuant to Indiana law, the City of Goshen must 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 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. 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 the redistricting option approved by the Redistricting Commission. On July 18, Councilors held a public hearing on Ordinance 5131 and approved amending Ordinance 5131, to add Option 4 for consideration in addition to Option 3, by a 6-0 margin. On a second voice vote, Councilors tabled Ordinance 5131, with all Councilors present voting "yes." Councilor Perez was ill and not present.

At their Aug. 1 meeting, Common Council members extensively discussed and unanimously approved Option 3, which was the recommendation of the appointed Redistricting Advisory Commission on First Reading. There was not unanimous consent by Councilors to proceed with a second reading, so Mayor Stutsman said the Second Reading of Ordinance 5131 would take place at the next Council meeting, on Aug. 15, 2022.



On Aug. 15, 2022 Councilors voted unanimously to amend Ordinance 5131 by substituting the current map of the districts with the new corrected map. After further discussion and public comments, Councilors unanimously passed Ordinance 5131 on Second (and final) Reading by a 7-0 margin. Councilors also praised Commissioners for their work.

RECOGNITION OF REDISTRICTING ADVISORY COMMISSION ON DEC. 19, 2022:

Mayor Stutsman invited the Councilors who appointed the five Redistricting Advisory Commission members to present certificates of recognition and offer appropriate remarks.

Because **Councilor Pérez** was not present, **Mayor Stutsman** presented a certificate to **Everett Thomas** (District 5). He expressed his appreciation to Thomas, who served for 24 years as a Council member.

Councilor Eichorn said that her commission appointee, **Jenny Murto Clark** (District 4), could not attend the meeting. She said Clark works for Goshen Community Schools and was a great asset to the commission.

Councilor Nisley said that his appointee, **David B. Daugherty** (District 2), also could not be present. Council Nisley thanked Daugherty, who retired in 2017 as president of the Goshen Chamber of Commerce. He added that the entire commission did a great job.

Councilor Riegsecker presented a certificate of appreciation to his appointee, **Bradd Weddell** (District 1), the president of the Goshen Community Schools Board. Weddell served as chair of the commission and handled a lot of the software and spreadsheets that were used to create new district boundaries and did the same for the school board. He thanked Weddell. **Mayor Stutsman** added that Weddell invested a significant amount of time in the effort.

Councilor Schrock gave a certificate to **Shawn Miller**, a deputy fire chief for the Concord Township Fire Department. He said he appointed Miller "because he's a straight shooter and tells it like it is" and that he was a good choice.

Council President Weddell thanked commission members and City staff for their work and acknowledged the contribution of **Elkhart County Clerk Christopher Anderson**. He said the group's work will serve Goshen for the next decade, which is why it was an important group. He said that compared to the last redistricting process, the process this year was very smooth and commissioners worked together well. Council President Weddell said the Council approved the commission's redistricting recommendation with little discussion. He thanked the **Mayor** for suggesting the redistricting commission and to Councilors for their appointees.

Mayor Stutsman again thanked the commission members.

2) Presentation: Report on Clerk-Treasurer Office operations (Clerk-Treasurer Aguirre)

Clerk-Treasurer Aguirre said he was **providing Councilors with an overview of the activities and accomplishments of the Clerk-Treasurer's Office since he was sworn into office, July 8, 2021.** He said he was doing this because he believed it was important to be accountable to the public through periodic reporting.

Aguirre read from a four-page document (**EXHIBIT #1**)

Aguirre said in 2021 he became Goshen's fourth Clerk-Treasurer in five years. Tina Bontrager was Clerk-Treasurer for 13 years – from January 2004 to December 2016, when she left to become County Treasurer. **Angie McKee** was elected by the Republican Party caucus in January 2017 and served until December 2019. And former **Councilor Adam Scharf** was elected Clerk-Treasurer three years ago and served until he resigned, effective June 18, 2021. **Aguirre said that constituted a lot of change for the Clerk-Treasurer's Office.**



Aguirre said it was “challenging and rewarding to become part of a **government that puts residents first**. Following the example of Goshen’s many servant leaders, he said he has sought to deliver “excellent public service, increase accountability for public funds, improve operations and promote openness.”

Aguirre acknowledged the contributions of his staff: **Deputy Clerk-Treasurer Jeffery Weaver; Payroll Administrator Cindy Fee and Payroll Assistant Peggy Votava; Grants Manager Greg Imbur; Accounts Payable Clerk Rhonda Peacock; Accounts Payable Assistant and Records Clerk Jean Nisley and Accounts Receivable Clerk Erin Fowler**. He also thanked the other dedicated City employees who serve Goshen residents.

Aguirre said the **Clerk-Treasurer is the City’s chief fiscal and public records officer** and listed the C-T’s primary duties: manage financial accounts; process receipts and expenditures; prepare budgets and revenue estimates; make banking and investment decisions for the City; oversee payroll and the payment of employee benefits; manage and maintain records and documents of City operations; and staff the Common Council and the Board of Works & Safety. He explained what he does on a more practical basis.

He said his **lesser known duties** included: acting as the custodian of the official City Seal; serving on the Police Pension Board, which evaluates and hires police officers; overseeing audits by the State Board of Accounts; signing cemetery plot certificates; and having the authority to marry people, which he has done twice.

Aguirre cited the following as the major accomplishments of the office since July 2021:

- **Restored stability to the Clerk-Treasurer’s Office** after the abrupt departure of an elected Clerk-Treasurer. In addition, a beloved staff member died, there was another staff transition and two staff members have had long illnesses this year. Still, the staff has persevered and gotten the work done.
- Instead of hiring without any process or staff involvement, as some previous Clerk-Treasurers did, Aguirre said he worked closely with the Human Resource Manager and **established an orderly hiring process**. He established two hiring committees with staff to review applications, interview applicants, rank the candidates, check backgrounds and decide whom to employ. The outcome: Better hires and staff morale.
- Developed **superb working relationships with the Mayor, Councilors and City Departments**.
- Delivered **courteous and timely customer service to the public and City staff**. City Hall visitors are greeted warmly and helped. Calls are answered. And emails are returned, almost always the same day.
- Under the leadership of **Deputy Clerk-Treasurer Jeffery Weaver**, the Office **provides reliable information to help the Mayor and Department Heads develop the budget and manage day-to-day expenditures**. Aguirre said Weaver cheerfully gives advice, keeps the books, reconciles our bank accounts and provides City staff with the information needed for good decisions and accountability.
- Working with the Mayor, City Attorney and Building Commissioner, the Clerk-Treasurer **helped streamlined the process of contractors getting electrical/mechanical licenses**. That’s saved them time.
- In a weeks-long process that engaged hundreds of City residents, the office **helped coordinate the very successful sealed-bid auction for surplus vehicles and equipment**.
- **Improved our grants application and compliance processes**. This enabled the office to successfully close out a federal audit that lasted two years.
- **Contracted with a company that conducted a comprehensive review of City cell phone services**. Their recommendations are helping the City **save \$32,307 a year**.
- **Coordinated two successful audits by the State Board of Accounts**. Auditors reviewed records across the City and asked office staff seemingly endless questions. Both audits went very well.



- **Agendas and minutes of Council and Board of Works meetings are more detailed, helpful and promptly available online to the public.** The office is no longer months behind.
- In the coming year, the office **will be consolidating most of its City records in a single City building.** This will allow staff members to better access records, help ensure their security and make it easier to dispose of older unneeded records.
- Also in 2023, and building on the foundation laid by Adam Scharf, staff **will continue to implement a new time and attendance system for payroll that will be more accurate, efficient and save money.** Police, Fire and Parks and Recreation departments already use the Right Stuff payroll system.
- Finally, over the past year, Aguirre said he led a team, assisted by Baker Tilly, that **negotiated a new banking services agreement with a strong regional bank connected to the community.** Compared to the City's previous agreement with Interra Credit Union, the **two-year agreement with 1st Source Bank will provide better banking services with lower monthly fees.**

In addition, all accounts are earning an interest rate of the Federal Funds Effective Rate (H.15) plus 20 basis points. That's much higher than Interra offered. What does that mean? The current high federal interest rates inevitably will go down. But right now, they're quite favorable.

As of August 2022, on the roughly \$55.2 million the City maintain in our 1st Source bank accounts, **the City will have net monthly earnings of just under \$114,000 a month, which translates into net annualized earnings of about \$1.3 million.**

Because fed rates have increased a few times since August and are expected to rise some more in 2023, the City's return will be even higher. That's **compared to the \$30,000 Interra offered to renew the City's agreement a year ago.** While the federal interest rate is variable and it will eventually go down, until it does (and that could be another year), the City will have more money that can be invested or spent for City services to benefit residents.

Aguirre also said, "These are accomplishments of the Clerk-Treasurer's Office working as a team with support from Mayor Stutsman, the Council and City employees. And together, we've promoted financial accountability, efficiency, integrity and openness." He concluded by stating that he tries to live by and model the following words: "Keep calm and carry on."

Mayor Stutsman thanked Aguirre and asked if Councilors had any comments or questions.

Councilor Eichorn thanked Aguirre "for your detailed information on what you do every day and your great work. I'm glad you been brought in to do this job."

Council President Weddell asked how often the City renegotiates with banks and whether the City had been with the same bank for a long time. Aguirre said the City was with Chase and then with Interra for four years, with the last being a two-year renewal with the same terms.

Aguirre said the City was offered another two-year renewal by Interra a year ago, but he didn't feel good about the offer and didn't think Interra was offering enough flexibility or high enough interest rates on the City's funds. So, he said the City issued a Request for Proposals (RFP) and six banks responded. In response to a question from Council President Weddell, Aguirre said the City now has a two-year agreement with 1st Source Bank.



Aguirre also said that the City engaged in long and difficult negotiations with 1st Source Bank. He said that **City Attorney Bodie Stegelmann** was especially tenacious and resisted proposed terms that he didn't consider acceptable to the City. Aguirre said 1st Source officials stated that no entity had stuck to such a hard bargaining position as the City of Goshen. He added that Stegelmann held out for what he thought was fair to the City. **Councilor Matt Schrock** said, "I just want to say thanks, Richard, for all you've done and for your kind words of support in the time that you've been here, so nice job." **Aguirre** thanked **Councilor Schrock** for his comments. **Mayor Stutsman** thanked **Aguirre** and added, "I can vouch for the City staff that it has been great to work with him as he's done the job in the last year and a half."

Mayor Stutsman asked that the record reflect that Councilor King was now present, at 6:22 p.m.

3) Ordinance No. 5147: Establishing Various Fees and Parking Regulations Regarding City Owned Electric Vehicle Charging Station (Second Reading)

Mayor Stutsman called for the introduction of Ordinance 5147, *Establishing Various Fees and Parking Regulations Regarding City Owned Electric Vehicle Charging Stations on Second Reading*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5147 by title only, which was done. Weddell/Schrock moved to approve Ordinance 5147 on Second Reading.

BACKGROUND:

Ordinance 5147 would establish various fees and parking regulations regarding City-owned electric vehicle charging stations. According to a memorandum by Assistant City Attorney Matt Lawson:

"Section 1 of the Ordinance deals with the "**Spaces Designated for Electric Vehicle Charging**" and amends the current parking prohibitions set forth in Goshen City Code §4.4.1.1 by adding a seventh item to the current list providing: (7) In a parking space designated for electric vehicle charging unless the vehicle is capable of be charged by the charging equipment available for such parking space and the vehicle is engaged in the charging process.

§4.4.1.1(7) can be enforced through the existing structure for parking violations.

"Section 2 of the Ordinance adds an entirely new section (§4.4.1.12) to Goshen's current parking code and establishes a "**Fee for Use of City-Owned Electric Vehicle Charging Stations.**"

Section 2 establishes a flat hourly rate of \$1.17 per hour for the first four (4) hours of active charging at a City-owned charging station and creates an additional parking fee of \$3.83 per hour, in addition to the \$1.17 (for a total of \$5 per hour) after the first four (4) hours. A four (4) hour timeframe has been established to facilitate the turnover needed for greater access and usage of City-owned charging stations.

"As a condition of the City's application for the grant funding that was used to obtain the City's electric vehicle charging station located in the City of Goshen parking lot south of Lincoln Avenue and east of Water Street, the City agreed to provide the first 2 hours of charging at this grant-supported charging station (only) at no cost to users for the first 2 years after its installation.

"As such, Section 2 of the Ordinance also establishes a separate fee for the one grant funded charging station located in the City of Goshen. Specifically, after the first two (2) hours of free charging, the Ordinance establishes a flat hourly rate of \$1.17 per hour plus an additional parking fee of \$1.83 (for a total of \$3 per hour) for each hour after the two (2) free hours.



"The fees established by the Ordinance comply with Indiana Code §36-1-3-8(a)(6) which requires any charge established by the City to be reasonably related to reasonable and just rates and charges for the electric vehicle charging services provided by the City of Goshen."

On Dec. 5, the Common Council convened a public hearing on Ordinance 5147 and engaged in extensive discussion about the ordinance. Mayor Stutsman and all Councilors commented about the ordinance and heard from City Director of Environmental Resilience Aaron Sawatsky Kingsley and Leah Thill of South Bend, a senior environmental planner for the Michiana Area Council of Governments (MACOG) and Myron Yoder, a member of the audience.

Eventually, Councilors approved Ordinance 5147, *Establishing Various Fees and Parking Regulations Regarding City Owned Electric Vehicle Charging Stations* on First Reading, on First Reading by a 7-0 margin, with all Councilors voting "yes." Because there was not unanimous Council consent to proceed, Mayor Stutsman tabled the Second Reading of Ordinance 5147 to the Council's next scheduled meeting, on Dec. 19, 2022.

SUMMARY OF DISCUSSION AND FINAL PASSAGE OF ORDINANCE 5147 ON DEC. 19, 2022:

Mayor Stutsman briefly provided the background of Ordinance 5147, including the council's First Reading approval of it on Dec. 5. He noted that Councilor Nisley declined to give unanimous consent to proceed to Second Reading of the ordinance on Dec. 5 and asked if he had met with staff and resolved the questions he had with the ordinance.

Councilor Nisley said he didn't as much have questions as he wanted to express his concern about making sure people who used the EV stations would be charged appropriately and that the Council would eventually re-examine the issue.

Mayor Stutsman said he understood. He noted that City Director of Environmental Resilience Aaron Sawatsky Kingsley and Theresa Sailor, Grant Writer and Educator for the City Environmental Resilience Department, were present along with Leah Thill of South Bend, a senior environmental planner for the Michiana Area Council of Governments (MACOG).

There were no further Council questions or comments, so Mayor Stutsman asked, at 6:24 p.m., if there were any public comments on Ordinance 5147. There were none.

There was no further Council discussion and Council President Weddell indicated that Councilors were ready to vote.

On a voice vote, Councilors approved 5147, *Establishing Various Fees and Parking Regulations Regarding City Owned Electric Vehicle Charging Stations*, on Second (and final) Reading by a 6-0 margin, with all Councilors present voting "yes" at 6:24 p.m. Youth Advisor Velasquez Valdes also voted "yes."

4) Ordinance 5144: *Revision of Stormwater User Fees for the Goshen Department of Stormwater Management* (Public hearing and First, Second Reading)

At 6:25 p.m., Mayor Stutsman convened a public hearing on Ordinance 5144: *Revision of Stormwater User Fees for the Goshen Department of Stormwater Management*.

He invited public comments. There were none, so the Mayor closed the public hearing.



Mayor Stutsman then called for the introduction of Ordinance 5144, *Revision of Stormwater User Fees for the Goshen Department of Stormwater Management*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5144 by title only, which was done.

Weddell/Eichorn moved to approve Ordinance 5144 on First Reading.

BACKGROUND:

In a memorandum to the Council, City Stormwater Coordinator Jason Kauffman explained that earlier this year, the Greater Elkhart County Stormwater Partnership, composed of the City of Elkhart, the City of Goshen, Elkhart County, and the Town of Bristol (the partners), agreed that a review of the stormwater user fee was necessary. Baker Tilly US, LLP was retained to perform a rate analysis to determine whether the minimum funding amount necessary for the operation and maintenance of the stormwater system was being collected since the stormwater user fee was established in 2006 and had not been increased.

Upon completion of the rate study, Baker Tilly concluded the minimum rate should be increased from \$15 per equivalent residential unit (ERU) to \$36.10 per ERU annually. The Partnership's Municipal Separate Storm Sewer System (MS4) Advisory Board met on Nov. 17, 2022, and agreed to recommend that the user fee be increased over three phases as follows: \$22.05 per year per ERU starting with billing in calendar year 2023; \$29.10 per year per ERU starting with billing in calendar year 2026; and \$36.10 per year per ERU starting with billing in calendar year 2029.

On Nov. 21, 2022, the City Stormwater Board held a public hearing on the proposed rate increase and then unanimously approved Resolution 2022-01, allowing for and recommending the current stormwater user fee to be revised to the proposed rate over three phases. After adoption of Resolution 2022-01 an amended ordinance was prepared to be taken to the Goshen Common Council for discussion and a vote on either Dec. 19. If passed, Ordinance 5144 would take effect Feb. 1, 2023 as long as similar ordinances with the same rate increase were approved by the Elkhart County Commissioners, Elkhart County Council, the Town of Bristol and the City of Elkhart.

SUMMARY OF DISCUSSION AND PASSAGE OF ORDINANCE 5144 ON DEC. 19, 2022:

Mayor Stutsman said the City of Goshen is part of a regional stormwater group that has maintained stormwater user fees at the same rate. He invited comments from City Stormwater Coordinator Jason Kauffman, who thanked Councilors for the opportunity to discuss the proposed stormwater fee ordinance.

Kauffman said Goshen is a "stormwater community" as classified through legislation that came out of the federal Clean Water Act and the National Pollution Discharge Elimination System Program. He said under phase 2, Goshen became a Municipal Separate Storm Sewer System (MS4) community, which required the City to manage stormwater runoff. He said through that program, Goshen is tasked with implementing six minimal control measures, which are: public education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater runoff control, and municipal operations pollution prevention and good housekeeping.

Kauffman continued his remarks with the use of a 22-slide PowerPoint titled presentation titled "Stormwater User Fee Ordinance" and dated Dec. 19, 2022. (EXHIBIT #2). The PowerPoint presentation provided the background, context and justification for the proposed stormwater fee increase. Kauffman also distributed to Councilors a four-page memorandum and five pages of supplemental information (EXHIBIT #3).



City Stormwater Coordinator Kauffman said the more hard surfaces are created in Goshen with, for example, streets, sidewalks and parking lots, the more stormwater runoff occurs. In Goshen, he said 30-50% of the City has impermeable surfaces. As rainwater falls and snow melts, he said the water falling on hard surfaces cannot sink into the soil and flows into the stormwater system and into local waterways.

The greater the stormwater runoff, Kauffman said, the more the City must find ways to control it and deal with its consequences. For example, he said stormwater runoff is the only growing source of water pollution today in the form of street runoff containing soils, trash, and pet and yard waste. He displayed photos showing trash and debris that had flowed into local waterways.

Kauffman said the City Stormwater Department and a stormwater user fee were established in 2006 to pay for system improvements. He said the current rate is \$1.25 a month or \$15 a year per equivalent residential unit (ERU) of 3,600 square feet. He said the fee in Elkhart County is well below the state average stormwater fee of \$5.74 per month or \$68.88 a year. He said the fee brought in \$551,561.39 to the City of Goshen, for 2022 ERUs of 36,480.60 (4.71 square miles of Goshen's 17.58 square miles of hard surface).

Kauffman said over the years the City has been able to hire staff as well as fund the six minimal control measures, including public education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater runoff control, and municipal operations pollution prevention and good housekeeping.

Kauffman said the City also has been able to implement a number of projects to improve stormwater drainage, although not all with stormwater fees. He said many funds for stormwater improvements have come from the Redevelopment Commission and from the City budget. These projects have included the two-stage Horn Ditch improvement, which reduced potential flood damage to RV plants. He said this improvement was funded by redevelopment funds and private contributions – and no stormwater user fees.

Another project moving forward with redevelopment funds, and no stormwater user fees, are stormwater infrastructure improvements in the East College Avenue Industrial Park. Kauffman said this work will help manage runoff coming across that area and into Rock Run Creek. He also said the Steury and Lincoln Avenue Detention Basin, which was installed several years ago, is helping manage runoff before it reaches Rock Run Creek and harms those who live downstream.

Kauffman introduced Jeffrey P. Rowe, a partner with Baker Tilly Municipal Advisors, who helped complete a rate study of the stormwater fees and who provided Councilors with an overview of the findings.

Rowe said Baker Tilly was contracted by the Greater Elkhart County Stormwater Partnership to prepare a rate study. He said the process involved a review of the history of the fees and their performance in terms of revenue and expenditures, as well as the cash position of the partners and future operating expenses and capital projects.

Rowe said that when the partnership was created, the decision was made to have the same stormwater fees for all of partners. He said it's been 16 years since the fee was adopted with no adjustment despite the increase in costs. He compared the revenue and expenditures for each of the partners in the past three years.

Rowe said as of the end of 2021, the City had \$1,871,926 in the stormwater fund, but the study concluded that the City faces a substantial funding shortfall in the coming years. Overall, Rowe said the partnership is generating about \$2.6 million in stormwater fees, but actually needs \$6.3 million to pay for annual operating costs and capital projects. So, an additional \$3.7 million is needed and a rate increase was recommended, he said.



Rowe said the partners decided to recommend increasing the fees three phases – \$22.05 per year per ERU starting with billing in calendar year 2023; \$29.10 per year per ERU starting with billing in calendar year 2026; and \$36.10 per year per ERU starting with billing in calendar year 2029.

At present, Rowe said the Greater Elkhart County Stormwater Partnership has one of the lowest stormwater fees in the state. Even if it was raised immediately to \$3 per month, Rowe said the local partnership would still be below the statewide average. He added that since the rate study was completed, several communities have already increased their stormwater fees.

Mayor Stutsman emphasized that the Greater Elkhart County Stormwater Partnership's proposed rate for 2029 would still be lower than the 2021 state average stormwater fee, and many fees will soon be increasing. He said the proposed rate increase was recommended by the partnership's advisory board, so all entities have supported the increase through their staff members or representatives. He said a "no" vote by Councilors tonight would kill the fee increase for the entire partnership while a "yes" vote would allow the approval process to continue.

Thus far, the Mayor said Elkhart County Commissioners approved the rate increase by a 2-1 vote and the Elkhart County Council has tabled the proposal pending action by the other entities. The Bristol Town Council approved the proposal, but with different rates pending approval by the county. Mayor Stutsman added that if the Goshen Council approved the higher fees, but the county voted them down, no further action would be necessary because approval by all partners is necessary for the higher fees to take effect.

Council President Weddell asked the status of action on the fees by the City of Elkhart. City Stormwater Coordinator Kauffman said the Elkhart Council is expected to consider the higher fees in early January.

Kauffman said additional funding would allow the City to pay for more projects, including maintenance for the stormwater conveyance system, employee and public education, new equipment (including new street sweepers) and investments to address drainage issues as well as provide for more water monitoring. He said the major priority will be more projects to improve drainage and prevent flooding, especially in areas of future construction.

Councilor King thanked Kauffman for his thorough work and explanations. She also asked why officials in Columbia City have been willing to increase the City's stormwater fee to \$9.15 a month. Rowe responded that Columbia City was an outlier and appeared to be repaying bond debt for projects through higher fees.

Mayor Stutsman said no elected official likes to raise fees; but the reality is that costs continue rising and projects need to be completed and project lists are growing longer. He said that's where the City of Goshen is at now.

Councilor Eichorn said flooding continues to get worse. Councilor King added, "And we can expect more rain and storm events."

Councilor Riegsecker told Kauffman he appreciated him and his team providing additional information to Councilors about the proposed fee increase. He said the rate study was "subjective." He said that a review of the project list included projects that couldn't be completed without funds from redevelopment.

City Director of Public Works & Utilities Dustin Sailor responded that the City identifies projects that are necessary and then figures out the funding for them. He said redevelopment has been the major contributor for stormwater improvements. He said the City also uses Civil City funds and the Council yearly approves a sewer capital fund. Also, Economic Development Income Tax funds are used to fund projects.

Sailor said the City has been unable to complete many capital projects without redevelopment funds. He added that projects that fall outside those eligible to be completed with redevelopment funds have "languished" for years.



Councilor Riegsecker said the point he was making was that when the City evaluates projects that are needed, certain ones are eliminated due to funding reasons. So the list, he said, doesn't reflect the actual projects that are needed.

Sailor said City's project list shows the projects that are "intended." However, without additional funding, major capital projects will continue to be delayed for years. **Riegsecker** said he understood and agreed with that assessment, adding if that additional funds were available, the project list would be longer.

Mayor Stutsman said if the City listed all of the projects it would like to do in the capital plan, it would change the rate study drastically. He said the City worked with the other partners to present a rate proposal that would be more reasonable for all the taxpayers.

Councilor Riegsecker, City Stormwater Coordinator Kauffman and Mayor Stutsman further commented on the City's need for stormwater funding and how those needs could be met while the City pursues unrelated projects.

Speaking as a Redevelopment Commission member, **Council President Weddell** said he is glad the commission has been able to be a partner on a significant number of stormwater projects. He said those projects have been vital for redevelopment in those areas. At the same time, if stormwater fees can pay for more projects, he said redevelopment funds can be freed up to use for other projects elsewhere.

Councilor King said she appreciated the "clarity" of paying for stormwater projects with stormwater funds rather than from various sources. She said that was easier for taxpayers to follow. **Councilor Eichorn** agreed.

Mayor Stutsman said the two-stage Horn Ditch improvement also was paid for with donations from some neighboring manufacturers. However, he said that option isn't always available.

Council President Weddell said that in regards to the breakdown that was provided of the stormwater funding from agricultural, commercial, residential and tax-exempt properties, many of the latter properties are not exempt from paying the stormwater fees. He said some of the property tax-exempt entities, such as the hospital, have some of the most paved surfaces, so if they are not paying property taxes, the stormwater fees are one way they can pay for the impact of having so many paved surfaces.

Mayor Stutsman asked Councilors if they had any other questions or comments about Ordinance 5144. There were none. So, at 7:15 p.m., **Mayor Stutsman** invited public comments on Ordinance 5144.

Glenn Null of Goshen discussed Ordinance 4624, which the Council adopted in 2010. He said the fee has been "progressing." He said he has been complaining about his situation for many years. Null said he is paying \$15 a year to have the City dump water on his property. He said he and every resident should appeal the fee, causing it to be discontinued. Null objected to the proposed stormwater fee increase, adding that smaller projects have been ignored.

Pamela Weishaupt of Goshen asked if residential water rates were higher than industrial rates.

Mayor Stutsman said the City had a tiered system of water rates. **City Director of Public Works & Utilities Sailor** said the City has a tiered system based on consumption, will all users paying the same rates for the first tier.

Weishaupt asked if stormwater fees would be treated differently with residential and industrial property owners paying the same fees. **Sailor** said all will pay the same equivalent fees based on their amount of paved surfaces.

Weishaupt asked if some entities that don't pay taxes also pay stormwater fees. **Council President Weddell** said that property tax-exempt properties, such as Greencroft Communities, Goshen High School and Goshen Hospital, don't pay property taxes, but are required to pay stormwater fees. **Weishaupt** said that was good.

There were no further requests to speak, so at 7:21 p.m., **Mayor Stutsman** closed the public comment period.



Councilor Schrock asked if it was true that no property owner is exempt from paying stormwater fees. **Mayor Stutsman** said that was correct.

Councilor Eichorn said over the past year Councilors have heard presentations from City staff about the increasing need for Councilors to look to the future and how the climate is changing and the increased flooding. She said the City needs to respond to this reality and the current fee needs to be raised. She also said she was sympathetic to Null and other residents who routinely deal with flooding, but the completion of more projects could alleviate those problems. Councilor Eichorn said she supported the increased fee and hoped residents didn't view it as just another way to tax them and instead viewed it as a way to take care of the City in a way that is necessary.

Mayor Stutsman said he understood Null's frustration. He said his home gets rain and water from Wilson and Jackson streets and that when there are heavy rainfall, it affects his basement. He said the City hoped to address the Wilson Avenue situation in 2023 or 2024, but because of rising costs, a solution likely will be delayed until 2026 or 2027. He said projects are being similarly affected throughout the City and more funds are needed.

Councilor Nisley said this was a hard issue for him and that he was probably on the other side from other Councilors on how to vote. He said he couldn't vote to raise stormwater fees because of current economic conditions. He said some constituents have spoken to him and told him they are having trouble paying for their groceries or utilities and they oppose a higher fee. Councilor Nisley said the higher fee likely wouldn't bother anyone in the Council Chamber, "but it is the small guy that we have to start looking after and making sure that we're taking care of them, too." He added the proposed projects were good, but this wasn't the time to raise the stormwater fees.

Mayor Stutsman asked if **Councilor Nisley** would have voted for higher stormwater fees during the summer when the economy was doing well and nobody anticipated a downturn. **Councilor Nisley** responded that some people believed the economy was in decline during the summer.

Mayor Stutsman asked if Councilor Nisley would have supported the fee increase before an economic slowdown was anticipated. **Councilor Nisley** said a few years ago perhaps he would have and maybe he could support an increase next year or the year if the economy improves and people are back at work and doing better. However, he said at this time, when people are struggling to buy groceries, "it's just hard for me to raise the fee."

Councilor King said she appreciated **Councilor Nisley's** concern about raising fees. However, she said she would also echo Councilor **Eichorn's** comments that the relatively modest stormwater fee increases "are intended to help everyone, including the little person who may have drainage issues and stormwater-related issues. So, that's why I'm just remembering that these are communal dollars to help a shared problem and that's kind of what we're here for. And, as well, economic issues also affect the City's ability to purchase equipment and pay people as well, so I feel like this is an appropriate fee."

Mayor Stutsman said, "I don't think any of us wants to do this. It's not about wanting to raise the fee, but it's about being in a position I think we've proven the case we need to."

Councilor Riegsecker said Councilors were provided a lot of information, so he wanted to speak for a while and provide his perspective. He said he would be speaking from his notes.

Councilor Riegsecker acknowledged the Mayor's comment that no one likes to raise fees and that some people are struggling because of the current economic conditions. He said that if one strictly examined the issue by evaluating the Consumer Price Index and inflation factor, the stormwater fee would be increased from \$15 to \$22.17 this year. He said the City didn't take into consideration all those years in which inflation increased, even without considering the cost of fuel increases and changes in the way the fee was determined that benefited some property owners.



Councilor Riegsecker said he examined the rates and determined that a \$15 annual fee works out to 4 cents a day. The next proposed fee increase, to \$22.05 per year, would work out to 6 cents a day. He said the next increase, to \$29.10 per year, would cost 8 cents a day and the final increase, to \$36.10 per year, would cost 10 cents a day. He said that wasn't a substantial increase and a small percentage of most property tax bills.

Councilor Riegsecker said stormwater fees are a way for local governments to collect fees for stormwater impacts on non-profit entities that are exempt from paying property taxes.

Councilor Riegsecker said he had a "problem" with the City Council rejecting the fee increase because that decision would preclude Elkhart County, the City of Elkhart and the Town of Bristol from raising their fees. "I don't be the one to kill that for three other entities when they haven't even had a chance to look at that yet," he said.

Councilor Riegsecker said he evaluated the increased fees for larger property owners and said it seemed appropriate given the impact of those properties on stormwater runoff. He also said he considered that the Greater Elkhart County Stormwater Partnership is charging much lower stormwater fees than the state average and that the City's cost for projects cannot be much less than for other communities.

Councilor King said she appreciated **Councilor Riegsecker's** process in analyzing the stormwater fees.

Council President Weddell said he didn't want to engage in a discussion about climate change or increased storms and rainfall, "but what is definitely a fact is that we continue to grow. We continue to build. We continue to have more hard surfaces." He said even if the weather patterns don't change, "I think you can't debate that we'll have increased hard surfaces, which means more stormwater to deal with. I think it makes some sense."

Councilor Nisley responded, "I'm not saying that we don't need to do something. I'm just saying that it's not the time in my opinion ... In my district, I donated to the school, to their food pantry multiple times, multiple times to make sure those kids have something to eat. And the thing of it is when they come to me and say they can't buy milk because it's \$5 a gallon ..."

Mayor Stutsman responded, "I don't want to argue with any of that. I applaud you for thinking in that way. Just so you know, that's why the partnership and the discussions that have happened to date wasn't 'Let's implement this today so we get all the money today.' It was, 'Let's do this by 2029 and phase it in so we're not hitting people with the full amount right away.' I do agree with what you're saying."

As to the process tonight, **Mayor Stutsman** said there would be more Council discussion, but after a roll call vote on First Reading and assuming Ordinance 5144 passed, unanimous consent would be necessary to proceed with the Second (and final) Reading. The Mayor said he spoke to a few Councilors and agreed that Second Reading would be tabled. He said normally that would mean that Ordinance 5144 would be heard at the next Council meeting, which would be Dec. 27, 2022. However, the Mayor said that since the agenda for the final meeting of the year is reserved for additional appropriations, he would ask the Council to postpone the Second Reading to another date certain.

Councilor Riegsecker said he had another point to make. He said the City is in a consortium of four entities and if the rate increase is approved by all, the higher rate will be in effect for a number of years. However, he also said it still can be changed. However, he asked if any of the entities could raise the fee if it is rejected this time.

Mayor Stutsman said any of the partners could approve a higher stormwater fee. However, he said Elkhart County government officials say they will only include the stormwater fee on the county's property tax bills if all four partners have the same rate. He said he didn't know if the City could negotiate with the County over this issue, but added it would be difficult for the City to charge the fee on its own.



City Director of Public Works & Utilities Sailor agreed with Mayor Stutsman's response that all four partners must approve the increase for it to take effect. He said the City works with the County on many projects, and breaking away from the County would make it more difficult to complete projects.

Mayor Stutsman said the City is in preliminary discussions with the County about jointly funding a new stormwater staff member. He said that possibility could be eliminated if the City imposed a different stormwater fee.

Councilor Riegsecker said he is concerned that if the City acted independently, it's difficult to know what the stormwater fee might be. He said he was more comfortable with all four partners working together,

There were no further Council questions or comments and Council President Weddell indicated that Councilors were ready to vote.

On a roll call vote, Councilors approved Ordinance 5144, Revision of Stormwater User Fees for the Goshen Department of Stormwater Management on First Reading, by a 5-1 margin, with Councilors Eichorn, King, Riegsecker, Schrock and Weddell voting "yes" and Councilor Nisley voting "no" at 7:38 p.m. Youth Advisor Velasquez Valdes also voted "yes." Councilor Pérez was absent.

Councilors gave unanimous consent to the Mayor to proceed with the Second Reading of Ordinance 5144.

Mayor Stutsman called for the introduction, on Second Reading, of Ordinance 5144, *Revision of Stormwater User Fees for the Goshen Department of Stormwater Management*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5144 by title only, which was done.

Weddell/King moved for passage of Ordinance 5144 on Second and Final Reading.

Mayor Stutsman asked Councilors to postpone the Second Reading of Ordinance 5144 to either the Jan. 9 or Jan. 23 Council meeting.

Weddell/Nisley moved to table the Second Reading of Ordinance 5144, *Revision of Stormwater User Fees for the Goshen Department of Stormwater Management*, to the Council's Jan. 23, 2023 meeting.

Mayor Stutsman asked if there were any public comments on the motion. There were none.

Council President Weddell said he liked this approach because the three other entities now knew where the Goshen Council stood on the proposed fee increase without Councilors having to make a final decision tonight.

Mayor Stutsman said this approach also would allow for more public comment on the proposed increase.

Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors unanimously approved the motion to table the Second Reading of Ordinance 5144, Revision of Stormwater User Fees for the Goshen Department of Stormwater Management, to the Council's Jan. 23, 2023 meeting at 7:39 p.m. with all Councilors present voting "yes."



5) Ordinance 5150: Additional Appropriations (Public hearing and First, Second Reading)

At 7:40 p.m., Mayor Stutsman briefly described the purpose of Ordinance 5150 and then opened a public hearing on it. There were no comments, so Mayor Stutsman closed the public hearing.

Mayor Stutsman then called for the introduction of Ordinance 5150, *Additional Appropriations*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5150 by title only, which was done. Weddell/Eichorn moved to approve Ordinance 5150 on First Reading.

BACKGROUND:

The Mayor and the Clerk-Treasurer's Office requested the passage of Ordinance 5150, *Additional Appropriations*, for authorization from the Council to spend additional and available money from various accounts. The Council is the City's fiscal body, which authorizes the City's budget and any budget adjustments. An appropriation is "permission to spend available money" and is tied to a specific fund.

According to Deputy Clerk-Treasurer Jeffery Weaver, "Within a fund there are four spending categories and multiple accounts. It is possible to get permission to move budgeted spending between accounts and categories, but sometimes the total appropriations within a fund is insufficient for the fund's total spending, due to emergencies, unforeseen circumstances, or budget errors. In this case, an additional appropriation was requested because the expenditures are necessary and paying for them might otherwise overspend the budgeted appropriation.

After Council approval, the Clerk-Treasurer submits the additional appropriations to the Department of Local Government Finance (DLGF) for final approval. The DLGF will only approve an additional appropriation if the Clerk-Treasurer proves that the City has cash available for the additional appropriation.

Pursuant to Ordinance 5150, the following additional appropriations were requested:

- **ECONOMIC IMPROVEMENT DISTRICT FUND**
219-570-00-431.0503 EID / Professional Services \$40,000
- **CUMULATIVE CAPITAL IMPROVEMENT – FIRE STATION**
433-510-00-445.0501 CCI FIRE / Other Equipment \$135,000
- **PLYMOUTH AVENUE TIF**
484-560-00-442.0000 TIF PLYMOUTH AVE / Capital Projects \$7,614.41

SUMMARY OF DISCUSSION AND PASSAGE OF ORDINANCE 5150 ON DEC. 19, 2022:

Mayor Stutsman provided a brief overview of Ordinance 5150 as well as its background and context.

At 7:41 p.m. Mayor Stutsman invited questions or comments from the Council and the audience. There were none. Council President Weddell indicated that Councilors were ready to vote.

On a voice vote, Councilors approved Ordinance 5150, *Additional Appropriations*, on First Reading, by a 6-0 margin, with all Councilors present voting "yes" at 7:42 p.m. Youth Advisor Velasquez Valdes also voted "yes."

Councilors gave unanimous consent to the Mayor to proceed with the Second Reading of Ordinance 5150.



Mayor Stutsman called for the introduction, on Second Reading, of Ordinance 5150, *Additional Appropriations*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5150 by title only, which was done. Weddell/Nisley moved to approve Ordinance 5150 on Second and Final Reading. Mayor Stutsman invited comments or questions from Councilors and the public about Ordinance 5150 There were none. Council President Weddell indicated that Councilors were ready to vote.

On a voice vote, Councilors approved Ordinance 5150, *Additional Appropriations on Second (and final) Reading*, by a 6-0 margin, with all Councilors present voting “yes” at 7:42 p.m. Youth Advisor Velasquez Valdes also voted “yes.”

6) Resolution 2022-28: Project Coordination Contract with the State of Indiana for the Preliminary Engineering for the Pavement Replacement Project on Blackport Drive
Mayor Stutsman called for the introduction of Resolution 2022-28, *Project Coordination Contract with the State of Indiana for the Preliminary Engineering for the Pavement Replacement Project on Blackport Drive*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2022-28 by title only, which he did. Weddell/Schrock moved to approve Resolution 2022-28.

BACKGROUND:

City Civil Traffic Engineer Josh Corwin provided the following information in a memorandum included in the Council's meeting packet: The Redevelopment Commission previously approved a **Local Public Agency/Consultant agreement with BLN (Beam, Longest, & Neff, the City of Goshen's engineering consulting firm) for the Blackport Drive Reconstruction for a maximum payable amount of \$936,200. The City is responsible for 20% of the contract amount, or \$187,240.** The current estimated construction cost for the project is \$4,901,000 and the estimate for right-of-way acquisition is \$1,300,000. While the \$936,200 design fee is a higher percentage of the construction estimate than what is typical, the higher fee is considered standard for projects with significant design complexities similar to what is expected with the proposed Blackport project. **On Dec. 13, by a 3-1 vote, the Redevelopment Commission approved the INDOT/LPA agreement for the Blackport project. The Engineering Department then requested the Council's approval and execution of the INDOT/LPA Agreement for the Blackport Drive Reconstruction.** The amount shown in the contract is \$480,000, which is the 80% of the original \$600,000 approved for PE (Preliminary Engineering) and the amount currently included in the Michiana Council of Government's (MACOG) TIP (Transportation Improvement Plan). However, language in the contract states that any amendment to the amount included in the TIP is considered an amendment to the contract amount. MACOG already has an amendment for the full amount (80% of \$936,200, or \$748,960) that is on the agenda for the December meeting of the Policy Board. While waiting for an updated contract is an option, staff reported it was not necessary and would likely delay progress on the project several months until MACOG's TIP and the contract can be processed and updated.

SUMMARY OF DISCUSSION AND PASSAGE OF RESOLUTION 2022-28 ON DEC. 19, 2022:

Mayor Stutsman said Resolution 2022-28 has prompted increasing attention the past few days and he met with several Councilors to discuss it. He invited comments from City Civil Traffic Engineer Corwin.



Reading from his Dec. 19, 2022 memorandum to the Council, **City Civil Traffic Engineer Corwin** provided a brief overview of Ordinance 5147 as well as its background and context.

Mayor Stutsman provided additional background. He said the project began during **Mayor Allan Kauffman's** administration, focused on discussions with neighbors about adding a sidewalk or boardwalk along the road. The Mayor said his understanding is that neighbors still want that, and it would be part of the current project.

Up to now, **Mayor Stutsman** said the City hasn't been able to provide funding for the sidewalk. He said the City also explored repairing the road's surface. During initial work, the Mayor said City staff discovered that many trees had been placed below the water-soaked ground to provide a base for the road to "float" on. Because of the way the road was built, the Mayor said truck traffic is not allowed on Blackport Drive.

Mayor Stutsman said that the hope is by bringing these two projects together, which are expensive because of the need to reconstruct the road, the project might be completed. The Mayor said he and City staff approached the Michiana Area Council of Government (MACOG) to seek approval of a Local Public Agency agreement, which would provide 80% of the funding, mostly from the federal government, for the project.

The **Mayor** said he hopes that the project will be completed because it would be a new truck route and alleviate traffic elsewhere as well as better connect East Goshen to the rest of community. He said such projects are expensive, which is why the City seeks partners to help provide funding.

Mayor Stutsman said although the proposed \$936,200 engineering design fee is expensive, the expenditures would come in phases. He said the initial two phases will cost about \$200,000. He said that when those two phases are completed, City and MACOG staff will be able to meet and have a better idea of the ultimate cost of the project and whether the City can afford for it to proceed.

While **Mayor Stutsman** said there is some risk to City because the project could then be called off by the City or MACOG, Still, he said the engineering design work will provide clear information on how to proceed in the future and the amount of funding that will be necessary. He said he viewed this as a necessary step forward.

Mayor Stutsman said that he briefed Elkhart County Fair officials about the project and how it would benefit the fair by providing an additional access route. He said the earliest construction could begin would be 2027, or more realistically 2030, because of the nature of delays in federal funding. The Mayor also complimented City staff for advancing a proposal that has long been discussed and for finding a way to pay for it.

Council President Weddell said he was the sole dissenting vote on the Redevelopment Commission's approval of the INDOT/LPA agreement for the Blackport Drive project. He said his opposition was not related to any of the points made by the Mayor. He also said he understood that neighbors have wanted the project for years. And even though the cost is "very prohibitive," he acknowledged City staff's efforts in seeking shared funding for the project.

Council President Weddell said his opposition to the project stems from his disagreement on who should be responsible for paying for it. He said: "It's my opinion this is not a redevelopment property. I'm of the mindset that a Redevelopment Commission project should involve actually redeveloping something or getting another property back on the tax rolls or a project that benefits the people or the entities that are generating the TIF (Tax-Increment Finance) revenue and I don't see that as the case in this particular project, which would be why I voted 'no.'"

Council President Weddell said that doesn't mean he doesn't think it's a viable project. He said he believes the project should move forward with another funding source using other City funds.



Council President Weddell said that several years ago he got a little upset when he believed the Council had begun micro-managing the work and decisions of the Redevelopment Commission. He said he stands by that position, because he doesn't think that the Council should micro-manage the Redevelopment Commission.

Council President Weddell said he voted no to the Blackport Drive project when it was before the Redevelopment Commission and will do so again tonight, not because it isn't a viable project, but because he doesn't think it's a redevelopment project. He added that the explanations and additional information he has received from City staff and the Mayor have eased some of his concerns about the project, but he objects to its funding source.

Mayor Stutsman responded that he served for eight years on the Council and Redevelopment Commission and the Blackport Drive project is the type he would have supported because of how it connects to other City priorities. He said if the City paid for this project without redevelopment funds, there would be other projects that the Redevelopment Commission would be asked to fund.

Mayor Stutsman said this was a good way to move forward with the project and it's a great one for the City and for East Goshen. He said the City has been spending a lot of funds to repave roads in East Goshen, will soon be adding another tornado siren and has made water system improvements. He added that he would hate to see a long-delayed project be derailed now that funding has been found for it.

Councilor Nisley said he is focused on the potential loss of matching funds if the project was to be stopped now.

Mayor Stutsman said that was a valid concern. He said that even if the project is stopped because of the high cost of it after the initial two stages of study, there will come a day when Blackport Drive will have to be rebuilt. And moving forward now won't be a loss, because a lot of information will have been generated.

Councilor Riegsecker asked if the City will have the kind of helpful information the **Mayor** just discussed after phase one. **City Civil Traffic Engineer Corwin** said that detailed information would be provided in phase one. He confirmed the cost of phase one would be \$200,000, that it would provide a clear estimate of the total cost to complete the project and that the City could cancel the project if it is determined to be too expensive.

Councilor Riegsecker said he believes it's necessary to know the total cost of the project before he can decide whether he will eventually support it. And he said that for \$200,000, the Council can get the information it needs.

Mayor Stutsman asked Corwin to discuss how long phase one would take. **Corwin** said it could take about two years followed by the environmental year process for several years.

Council President Weddell asked if the City's five year capital plan for the Redevelopment Commission included funding for construction of the actual project or just the engineering design and environmental phases. **Mayor Stutsman** said it just included the preliminary work.

Council President Weddell said that at some point the Council will have to discuss if it is reasonable to spend so much money on this project.

Mayor Stutsman said **Brian Garber, the president of the Redevelopment Commission**, was present in case there were any questions for him.

Council President Weddell said that until tonight, he didn't fully realize that phase one and the environmental assessment would only cost \$200,000 and that the City could withdraw from the project if that assessment uncovered major problems. **Corwin** confirmed that interpretation. He added that if the project is canceled, the City won't need to provide reimbursement for the funding it receives.

Councilor Schrock said a number of business owners he spoke with were excited about the project as well as stormwater system improvements. He also clarified that only a portion of Blackport Drive has logs underneath. **Mayor Stutsman** confirmed that understanding.



Councilor Riegsecker said that eventually the City will need to do something about Blackport Drive.

City Civil Traffic Engineer Corwin confirmed Mayor Stutsman's understanding that Blackport Drive needs pavement improvements now, but that would be a waste of money because of the road's underlying problems.

Councilor Schrock said the logs have help keep the road intact, adding that some trucks use the road.

Councilor Nisley asked if the study will need to be repeated if the project doesn't start for seven years. **Corwin** said much of the work would still be valid, but updates might be necessary.

Councilor Schrock said there are other issues on Blackport Drive besides those areas with logs underneath. He said there is a portion where water sometimes flows on both sides of the road, at Lincoln Avenue water flows over the sidewalk and street and at least one property floods. He said the project will be great and worth the wait.

Councilor King said he has spoken to East Goshen residents and they have been concerned about Blackport Drive for many years. She said she appreciated **Councilor Weddell's** perspective, but didn't share it in this particular case.

Councilor Schrock said he also understood **Councilor Weddell's** perspective.

Council President Weddell said he wasn't against the project; he just disagrees with paying for it with Redevelopment Commission funds.

Mayor Stutsman said the City applied several times for funds with MACOG for just the sidewalk and it was **Corwin's** idea to combine the sidewalk and road in a single project

At 8:04 p.m., Mayor Stutsman invited public comments on Resolution 2022-28.

Brian Garber, the president of the City Redevelopment Commission, said the commission has approved funding for the study in the amount of \$76,000 in 2023 and \$50,000 for property acquisition. He said he supported the project, adding it would help East Goshen and improve traffic. He added the project was consisted with the Redevelopment Commission's priorities.

Glenn Null of Goshen said the project site has many nearby swamp areas. He said it never made sense to build a road through a swamp. He said instead of spending millions of dollars, the City should abandon the through-road and not spend money to fix a road that should never have been built over a swamp.

There were no further comments, so **Mayor Stutsman** closed the public comment period at 8:08 p.m.

There were no further Council questions or comments. **Council President Weddell** indicated that Councilors were ready to vote.

On a roll call vote, Councilors approved Resolution 2022-28, Project Coordination Contract with the State of Indiana for the Preliminary Engineering for the Pavement Replacement Project on Blackport Drive, by a 4-2 margin, with Councilors Eichorn, King, Riegsecker and Schrock voting "yes" and Councilors Nisley and Weddell voting "no" at 8:09 p.m. Youth Advisor Velasquez Valdes also voted "yes."

7) Common Council calendar for 2023 (Clerk-Treasurer Richard R. Aguirre)

Mayor Stutsman said he and **Clerk-Treasurer Aguirre** met and developed a proposed 2023 Common Council calendar, which was included in Council's meeting packet. It listed Council meetings, holidays and special dates



Mayor Stutsman said during most of 2023, the Council would have two meetings per month, but on other months there would only be one meeting. He said normally, the Council meets on the first and third Mondays of the month, but not in 2023.

Mayor Stutsman provided the following explanation of the meeting calendar: in January, there would be meetings on the second and fourth Mondays because of holidays; in February, back-to-back meetings are scheduled on the first and second Mondays, but the second meeting would be a joint meeting with the Goshen Community Schools Board with no scheduled Council action; March is a return to the normal schedule, with meetings on the first and third Mondays of the month; in April, there would only be one meeting, on the third Monday, because of the Goshen Community Schools spring break; in May, there would only be one meeting, on the third Monday, because the first Monday of the month would be the day before the primary election and the fifth Monday is Memorial Day; in June, meetings would be on the first and fourth Mondays of the month because of the Juneteenth holiday; the July meeting would be on the third Monday; in August, because of the AIM Ideas Summit, there would be Council meetings on the first and fourth Mondays; in September, there would be only one meeting because of the Labor Day holiday; in October, meetings would be held on the first and fifth Mondays because of the Goshen Community Schools fall break; in November, there would be one meeting because of the general election the day after the first Monday; and in December, meetings would be held on first and third Mondays as well as on Tuesday, Dec. 27, for the approval of the final budget appropriations for 2023.

Aguirre said once approved, the calendar will be distributed to the news media, City Departments, and people on the Council's meeting distribution list. He said it also will be posted on the City's website.

Aguirre said that if there are instances when a meeting quorum will not be possible, adequate public notice will be given and meetings will be cancelled. He said advance notice also will be given for any special Council meetings. He added that it hasn't been decided if the Council retreat will be held on Friday, May 5 or cancelled.

Councilor Eichorn pointed out an error on the calendar (extra spring break days) and also noted that the dates of the Goshen Community Schools fall break have yet to be approved. Still, she said she didn't expect the dates to change from those indicated on the Council calendar.

Mayor Stutsman said if the dates of the fall break are changed, the Council can adjust the calendar and adjust the meeting dates.

Councilor Schrock said he had a question, but not about the Council calendar. He confirmed that the question would not affect the calendar, so **Mayor Stutsman** suggested **Councilor Schrock** ask his question later.

At 8:14 p.m. Mayor Stutsman invited public comments on the proposed Council calendar. There were none.

Councilors Nisley/Eichorn moved to approve the 2023 Common Council calendar.

On a voice vote, Councilors approved the 2023 Common Council calendar by a 6-0 margin, with all Councilors present voting "yes" at 8:15 p.m. Youth Advisor Velasquez Valdes also voted "yes."

Elected Official Reports:

Mayor Stutsman said county and City officials are monitoring weather forecasts very closely. He said he wished all a Merry Christmas, but said the upcoming weather was worrisome.



Mayor Stutsman said the forecast is calling for rain and snow starting Thursday evening (Dec. 22) followed by an abrupt drop in temperatures, with flash freezing, high winds and temperatures as low as minus 25 degrees. He said that the City Street Department would be doing its best to keep street safe, but this was a bad scenario for City crews. He reminded the public to stay safe and to monitor weather reports.

Councilor Schrock asked if Zoom was operating for tonight's meeting. He said his sister sent an email that she wanted to make a comment via Zoom on the Blackport Drive project, but was unable to do so.

Mayor Stutsman responded that an executive order allowed the City to accept public comments via Zoom, but the order expired months ago. So, the City still broadcasts audio and video of Council meetings; but public comments by Zoom haven't been accepted for about five months. The Mayor said the Council could change its rules and allow public comments via, Zoom, but for now Zoom comments cannot be accepted.

Councilor Schrock elicited laughter when he responded, "Then that means I accidentally lied to my sister."

"It's called an error," **Councilor King** replied with a smile. "It's not a lie."

Council President Weddell thanked the City Parks and Recreation Department for the holiday lights displays at Shanklin Park. He said it was "great."

Council President Weddell provided a recap of action at the Dec. 13 Redevelopment Commission meeting. He said that the commission had a major discussion on the Blackport Drive project, He said the Commission also approved a contract for the reconstruction of 10th Street adjacent to the former Western Rubber property, which is scheduled to be the site of an apartment complex. He said the commission also had a first vote on the City's residential TIF (Tax Increment Financing) proposal, but many more votes on that are ahead.

Finally, **Council President Weddell** said the commission approved the purchase of just under 70 acres of farmland just north of the Goshen Airport. He said this is important because the property has the potential to be a new City well head for the next 70 years. He thanked Board of Aviation members, because the land came to them as a potential property for sale, and they forwarded the opportunity to the City. "It's a big deal," he added.

Mayor Stutsman said the Board of Aviation obtained a first-right-of-refusal agreement for the property at a time the City was looking into adding another runway. The City had been talking to the owners about buying the property, but another party made an offer to buy the land, so the first right of refusal made it possible for the City to buy the property. The Mayor said the matter may come before the Council in January because Councilors must vote on any purchase of more than \$25,000. He said this may be the site of the City's next well field with a water treatment plant.

Councilor King said she, **Councilor Schrock** and the Mayor have continued to meet with staff from the City Parks and Recreation Department about the need for a new City pool. He said her grandson "pointed at all of the (pool) pictures and liked all of them."

Mayor Stutsman joked that it would be great if her grandson could help raise funds for the pool. He said City staff will be presenting updates to the Council in the near future, but he said it has become obvious that spending the money to fix such an old pool will not be money well spent. There are two estimates about what a new pool would cost, which are being studied to determine if the cost can be reduced.

Councilor Nisley provided a brief report on today's meeting of the Board of Aviation, including some equipment needs. He also said a new jet is now being housed at the airport, which was good news.

Councilor Riegsecker expressed appreciation to City staff who provided information on the stormwater fees



Council Riegsecker expressed appreciation for Clerk-Treasurer Aguirre's presentation, adding, "Thanks for all your hard work." He also thanked Deputy Clerk-Treasurer Jeffery Weaver for his contributions.

Mayor Stutsman thanked Councilors for approving the bonus for City employees at the last meeting. He said many staff members expressed their appreciation to the Council.

There were no further comments by elected officials.

Councilor Nisley made a motion to adjourn the meeting. Councilor King seconded the motion. Councilors unanimously approved the motion to adjourn the meeting.

Mayor Stutsman adjourned the meeting at 8:22 p.m.

EXHIBIT #1: A four-page memorandum, dated Dec. 19, 2022, and read to the Common Council in support of agenda item #2) 2) Presentation: Report on Clerk-Treasurer Office operations. Clerk-Treasurer Aguirre prepared the memorandum, which provided an overview of the activities and accomplishments of the Clerk-Treasurer's Office since Aguirre was sworn into office, July 8, 2021.

EXHIBIT #2: A printout of a 22-slide PowerPoint presentation, titled "Stormwater User Fee Ordinance," prepared and delivered Dec. 19, 2022 by City Stormwater Coordinator Jason Kauffman to Common Council members in support of agenda item 4) Ordinance 5144: Revision of Stormwater User Fees for the Goshen Department of Stormwater Management (Public hearing and First, Second Reading).

EXHIBIT #3: A four-page memorandum, dated December 19, 2022, and five pages of supplemental information prepared by City Stormwater Coordinator Jason Kauffman and distributed to Common Council members in support of agenda item 4) Ordinance 5144: Revision of Stormwater User Fees for the Goshen Department of Stormwater Management (Public hearing and First, Second Reading).

APPROVED:

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer



GOSHEN COMMON COUNCIL

Minutes of the DECEMBER 27, 2022 Regular Meeting

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

Mayor Jeremy Stutsman called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

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

Present: Julia King (At-Large) Doug Nisley (District 2) Donald Riegsecker (District 1)
Matt Schrock (District 3) Council President Brett Weddell (At-Large)
Youth Advisor Karen C. Velazquez Valdes (Non-voting) – *Arrived at 5:36 p.m.*

Absent: Megan Eichorn (District 4) and Gilberto Pérez Jr. (District 5)

Approval of Minutes: Mayor Stutsman said there were no minutes to review/approve.

Approval of Meeting Agenda: Mayor Stutsman presented the meeting agenda for approval. Councilor Nisley moved to approve the agenda as submitted. Councilor Schrock seconded the motion. The motion passed 5-0 on a voice vote.

Privilege of the Floor:

At 5:31 p.m., Mayor Stutsman invited public comments on matters not on the agenda. There were none, so the Mayor closed Privilege of the Floor.

1) Resolution 2022-29: An Emergency Resolution Providing for the Transfer of Appropriations

Mayor Stutsman called for the introduction of Resolution 2022-29, *An Emergency Resolution Providing for the Transfer of Appropriations*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2022-29 by title only, which he did.

Weddell/Nisley moved to approve Resolution 2022-29.

BACKGROUND:

Deputy Clerk-Treasurer Jeffery Weaver presented a memorandum, included in the Council meeting packet in which he explained the purpose and rationale for Resolution 2022-29, which requested authorization from the Council and Mayor to move available resources between major categories within the City's funds. The Clerk-Treasurer's Office presents appropriation category transfers to the Common Council at the last Council meeting each year to close the annual budget with all accounts within budget.

Weaver explained that an appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. The state Department of Local Government Finance (DLGF) requires Council approval to move an appropriation from one category to another. The Council can approve this transfer when a City Department has available appropriations in a category that can be transferred to a depleted category to meet Department expenses.



Weaver wrote that by moving an appropriation from one category to another, the Council is only changing the category from which the City pays an expenditure. The Council is not approving any additional spending, so the fund's total appropriation remains the same.

On behalf of the Clerk-Treasurer's Office, Weaver asked Councilors to approve Resolution 2022-29 because the Council is the City's fiscal body which authorizes the City's budget and any budget adjustments. State auditors require each appropriation to be a zero or positive dollar amount at the end of the year. The vast majority of the City's appropriations are underspent, and these adjustments reflect a small number of the 1,200+ appropriation lines the City maintains throughout the year.

Weaver said that if the Council approves the category transfers at the Dec. 27 meeting, the Clerk-Treasurer will then register the adjustments in the City's books and communicate the transfers to the affected City departments. These category transfers are adjustments that only require Council approval to be final, and do not require notification to the state Department of Local Government Finance.

Resolution 2022-29, *An Emergency Resolution Providing for the Transfer of Appropriations*, would authorize the Clerk-Treasurer's Office to transfer unobligated balances into different categories than was appropriated in the annual budget for the various functions of the several departments to meet emergencies (**EXHIBIT #1**):

GENERAL FUND - 101

FROM: Board of Works/Full Time Personnel 101-510-07-411.0130 (\$3,000)

TO: Mayor/Longevity 101-510-03-411.0152 \$3,000

FROM: Mayor/Other Office Expenses 101-510-03-421.0500 (\$1,000)

TO: Mayor/Subscriptions and Dues 101-510-03-439.0301 \$1,000

FROM: CT/Other Office Expenses 101-510-04-421.0501 (\$1,800)

TO: CT/Postage 101-510-04-432.0201 \$1,800

FROM: Court/Full Time Personnel 101-510-06-411.0130 (\$100)

TO: Court/Increment 101-510-06-411.0151 \$100

FROM: Bard of Works/Full Time Personnel 101-510-07-411.0130 (\$31,000)

TO: Fire/Full Time Personnel 101-520-12-411.0130 \$31,000

AMERICAN RESCUE PLAN FUND - 176

FROM: ARP/Services & Charges 176-510-00-431.0000 (\$36,000)

TO: ARP/Test Kits 176-510-00-422.0300 \$36,000

AVIATION FUND - 206

FROM: Aviation/Electricity 206-530-00-435.0101 (\$2,425)

TO: Aviation/Full Time Personnel 206-530-00-411.0130 \$2,150 and
Aviation/Building Materials 206-530-00-422.0400 \$ 275



PUBLIC SAFETY LOCAL OPTION INCOME TAX (LOIT) - 249
FROM: PS LOIT/Equipment 249-520-00-445.0201 (\$51,500.00)
TO: PS LOIT/Fire Retirement 249-520-00-413.0912 \$25,000.00 and
PS/Fire Gas Diesel Propane 249-520-00-422.0210 \$26,500.00

SUMMARY OF DISCUSSION AND PASSAGE OF RESOLUTION 2022-29 ON DEC. 27, 2022:

Mayor Stutsman said Resolution 2022-29 was the usual year-end measure to make sure all City budget lines were balanced. He asked if there were any questions from Councilors.

Councilor Nisley asked for an explanation of the proposed transfer of \$31,000 from Board of Works/Full Time Personnel to Fire/Full Time Personnel.

Mayor Stutsman responded that last year the City completed the 2022 budget before concluding negotiations with the Fire Department union over salaries. He said the City ended up concluding its negotiations with a 3.5 percent salary increase, instead of 3 percent.

To cover the expected salary increases, **Mayor Stutsman** said the City placed \$250,000 in the Board of Works/Full Time Personnel budget line so staff could shift it around as needed to cover salaries throughout the year. The Mayor said that's why there was so much money in the Board of Works/Full Time Personnel line. He added that \$31,000 was being transferred for full-time Fire Department personnel because the City decided to hire firefighters early to allow for several months of training to take place without the loss of personnel who would be training.

Deputy Clerk-Treasurer Jeffery Weaver said he was available to answer additional questions from Councilors. Referring to an earlier Council quip about whether he had included in the resolution a controversial proposal to regulate the raising chickens in the City, Weaver joked that the resolution also wouldn't regulate peacocks in the City "because I know that needs a separate ordinance because they're loud." Several Councilors laughed.

Council President Weddell asked about the shift of \$36,000 in the American Rescue Plan Fund to pay for test kits. **Mayor Stutsman** responded that the funds are being transferred to pay for the COVID-19 test kits that the City purchased in 2021.

Councilor Nisley asked about the transfer of \$2,425 from Aviation/Electricity to Aviation/Full Time Personnel (\$2,150) and Aviation/Building Materials (\$275).

Mayor Stutsman responded he believes not enough was budgeted in the two lines, so the transfer was proposed.

Councilor Nisley said that was good, but he would like to see more funds going to the Goshen Airport.

At 5:35 p.m., **Mayor Stutsman** invited public comments on Resolution 2022-29. There were none.

There were no further Council questions or comments. Council President Weddell indicated that Councilors were ready to vote.

On a roll call vote, Councilors approved Resolution 2022-29, An Emergency Resolution Providing for the Transfer of Appropriations, by a 5-0 margin, with all Councilors present voting "yes." Youth Advisor Velasquez Valdes also voted "yes."



Elected Official Reports:

Mayor Stutsman thanked City staff who worked over the Christmas holiday to clear snow and ice from streets and to keep residents safe. He said the Police Department was especially busy on Dec. 23 dealing with many calls for service, including reports of people, assumed to be homeless, outside during sub-zero temperatures. The Mayor said police reached out to those people and advised them there were many beds available in the Elkhart homeless shelter. Several people accepted the help, but some refused assistance. In those cases, the Mayor said police tried to keep track of the locations of those people and conducted "life safety checks" as possible.

Clerk-Treasurer Aguirre said he was aware that City Departments wisely prepared for an even worse weather emergency. He asked if extra staff time ended up being necessary to respond to the extreme weather.

Mayor Stutsman responded that affected City staff were able to mostly stick to their normal work schedules. He said the City experienced strong winds and low temperatures, but didn't receive the amount of snow that had been feared, which made conditions easier for the Street Department to handle. The Mayor said on Dec. 22, he met with various Department heads to hear reports on their planning to respond to the expected weather emergency.

Councilor King expressed appreciation for the planning and the City's response to the weather emergency.

Mayor Stutsman asked that the record reflect that Youth Advisor Velazquez Valdes had arrived at the meeting.

There were no further comments by elected officials.

Councilor Nisley made a motion to adjourn the meeting. Councilor Riegsecker seconded the motion. The Councilors present unanimously approved the motion to adjourn the meeting.

Mayor Stutsman adjourned the meeting at 5:38 p.m. and wished all a happy new year.

EXHIBIT #1: Resolution 2022-29, An Emergency Resolution Providing for the Transfer of Appropriations, which would authorize the Clerk-Treasurer's Office to transfer these unobligated balances into different categories than was appropriated in the annual budget for the various functions of the several departments to meet emergencies. A copy of the resolution was emailed to Councilors and the news media before the Dec. 27, 2022 meeting and also was distributed at the meeting.

APPROVED:

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer



**City Clerk-Treasurer
CITY OF GOSHEN**

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

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

clerktreasurer@goshencity.com • www.goshenindiana.org

Jan. 23, 2023

Memo from Council President Weddell to Common Council members:

As typically occurs each new calendar year, the Council is tasked with making appointments to the various City Boards and Commissions. Each year the appointments vary based upon the specified terms. This year we are tasked with appointing the following positions:

1. Two positions to the RDC. Each appointment is for a one-year term.
2. One position to the Shade Tree Board. 3-year term.
3. One position to the CRC. 3-year term.
4. Two positions to the Board of Building Appeals. 2-year term.

I had originally thought that there would also be an opening on the Goshen Public Library Board of Trustee. However, Library Director Ann Margret Rice determined that the State of Indiana has set the term at 4 years, and not the 3 that I assumed. As a result, we will not be making any Library Board appointments at this time.

Please review the attached applications provided by Communication Coordinator Sharon Hernandez prior the meeting and contact the applicants as needed.

Brett Weddell, OD

Wellington & Weddell Eye Care
Goshen City Council, At Large

Addendum from Clerk-Treasurer Richard R. Aguirre:

As of Jan. 17, 2023, the following individuals applied to serve on the four City Boards and Commissions and their applications are attached to this memo (I = incumbent):

Board of Building Appeals (2): Pete Weddell (I); Joshua Barba; Joshua Munson

Community Relations Commission (1): Sharon Beechy (I); Kyle Richardson; Ana Zamora

Shade Tree Board (1): Ryan Smith (I); Nathaniel Klink; Eusebio Pantoja

Redevelopment Commission (2): Adam Knott; Andrea Johnson (I); Jonathan Graber; Eusebio Pantoja; Brett Weddell (I)

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

10 / 04 / 2022

First name *

Sharon

Last name *

Beechy

Address *

1414 Canterbury Ct.

City *

Goshen

State *

IN

ZIP code *

46526

Phone number *

5748494608

Email *

sbeechy53@gmail.com

Board/Commission interested in *

Community Relations Commission

Explain related background, interest or experience *

I've spent this year on the Community Relations Commission to fill out someone else's term. It's been a positive experience for me. I'm excited by the goals of the CRC to make everyone in Goshen feel included and served.

Describe any interest or experience you have in collaborative decision-making *

As stated, I've been on CRC during 2022. I've also served on various boards and committees at church and as a public school teacher (I'm now retired). Clear, honest communication is the most important part of decision-making in a group setting.

Describe why you are interested in participating in this board or commission *

I've enjoyed this year on CRC! We have a great group of commissioners who work well with each other. I'd like to continue serving in order to learn more about ways of resolving issues and to help with planning for CRC-sponsored events. This is a way of continuing my personal growth, and contributing to the city of Goshen.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

10 / 27 / 2022

First name *

PETE

Last name *

Weddell

Address *

2809 South Main St

City *

Goshen

State *

Indiana

ZIP code *

46526-5418

Phone number *

15745360273

Email *

pfw71cu@hotmail.com

Board/Commission interested in *

Building Appeals Board

Explain related background, interest or experience *

Previous member since 1988. Background construction and an educator.

Describe any interest or experience you have in collaborative decision-making *

Willing to work with any group in collaborative decision-making issues, be it with city offices or the citizens of Goshen.

Describe why you are interested in participating in this board or commission *

Serve the city and the people of Goshen.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

10 / 29 / 2022

First name *

Ryan

Last name *

Smith

Address *

Sarcoguy@gmail.com

City *

Goshen

State *

IN

ZIP code *

46526

Phone number *

3474012746

Email *

sarcoguy@gmail.com

Board/Commission interested in *

Shade Tree Board

Explain related background, interest or experience *

Bachelor's in landscape architecture. Worked as a landscape designer at Linton's. Volunteered for Forestry Department (now Environmental Resilience) since 2010. Former director of Trees for Goshen (5 years) and current Shade Tree Board member (since 2020). While on the Board I have assisted with the design of the Canopy Calendar, helped facilitate a proposed planting project near US 33 and Madison, served on a joint marketing committee with Trees for Goshen, and offered input on other projects and monthly business.

Describe any interest or experience you have in collaborative decision-making *

I work with several boards and commissions through my work at the City of Elkhart, as well as my church. Formerly worked with the Trees for Goshen Board and others through past work experience.

Describe why you are interested in participating in this board or commission *

I think trees bring a plethora of benefits to the community and are a worthwhile investment. I'm interested in expanding Goshen's canopy, promoting the benefits of trees, enhancing quality of life, and improving our residents' knowledge base through education.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

11 / 15 / 2022

First name *

Adam

Last name *

Knott

Address *

705 S 8th street

City *

Goshen

State *

Indiana

ZIP code *

46526

Phone number *

4195167510

Email *

knott.adam232@gmail.com

Board/Commission interested in *

Redevelopment Commission

Explain related background, interest or experience *

My interests are pretty simple. I am an urban development and public transportation enthusiast, I love the city of Goshen ever since moving here, and I want to help the community grow and become more beautiful while being civically active as a resident.

Describe any interest or experience you have in collaborative decision-making *

My main experience in any collaboration come from my time at university where we did a months long process of understanding a local cities public transportation system, met with the director of the agency, and then wrote a report on how that agency affects the local area. Besides that I get vey excited at the idea of being able to work with others in the community to work on any plans or improvements for our home.

Describe why you are interested in participating in this board or commission *

I'm mainly interested in participating based on what I have already said about community improvement. I want to work for the community in any way shape or form to make Goshen a happier and healthier place to live and development is an important part of that goal.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

11 / 15 / 2022

First name *

Andrea

Last name *

Johnson

Address *

1011 Westwood Dr.

City *

Goshen

State *

IN

ZIP code *

46526

Phone number *

574-538-7970

Email *

andrea.foos.johnson@gmail.com

Board/Commission interested in *

Redevelopment Commission

Explain related background, interest or experience *

Current member of the Commission

Describe any interest or experience you have in collaborative decision-making *

Current member of the Commission

Describe why you are interested in participating in this board or commission *

My time on the Commission has been exciting and rewarding. I hope to continue serving my community as a member of the Redevelopment Commission.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

11 / 15 / 2020

First name *

Jonathan

Last name *

Graber

Address *

647 River Race Dr

City *

Goshen

State *

Indiana

ZIP code *

46526

Phone number *

5742380873

Email *

jonathan@blowoutpass.com

Board/Commission interested in *

Redevelopment Commission

Explain related background, interest or experience *

Have worked in leadership roles previously. Served on Fairfield School Board in 2000-2008 in which we were involved in a large building project. I also have been involved with Millrace Cohousing Project. I am currently the managing member of local investment group supporting a family in need of housing. I have interest in seeing the city of Goshen continue to redevelop the interior of the city and grow in a viable and sustainable manner.

Describe any interest or experience you have in collaborative decision-making *

Millrace Cohousing is a group of individuals by definition working together toward shared decision making. I also worked together with others to reach governmental decisions by membership and roles as VP and president of Fairfield School Board.

Describe why you are interested in participating in this board or commission *

This board had a direct role in providing opportunity for the development in which I live (Millrace Cohousing) and I am thankful for that. I have interest in volunteering to give back to the city in a role of leadership benefiting the community as a whole. Please note: I am currently involved in a group of individuals currently considering responding to an upcoming RFP for the Millrace Townhomes. Should there be interest in selecting me for the commission, I may need to recuse myself from being selected as a member if we move forward responding to the RFP. If timing is an issue because of this, I would be willing to defer participating for a year or more if that was suggested. To be clear, I do not have interest in volunteering for the commission in order to directly address this particular project nor would I want to appear to be requesting this participation as a result of my potential interest in the RFP.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

11 / 15 / 2022

First name *

Joshua

Last name *

Barba

Address *

1817 Lighthouse Lane

City *

Goshen

State *

IN

ZIP code *

46526

Phone number *

2602152714

Email *

josh_barba@yahoo.com

Board/Commission interested in *

Board of Building Appeals

Explain related background, interest or experience *

I am a Master Code Professional as issued by the International Code Council. My current job is to review buildings to ensure they are in conformance with the applicable codes prior to construction commencing.

Describe any interest or experience you have in collaborative decision-making *

I have a great interest in hearing appeals brought forth before the board and working with other members collaboratively that doesn't compromise life safety.

Describe why you are interested in participating in this board or commission *

I have wanted to get involved in the community and make an impact by putting my knowledge to use for the good of Goshen.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

11 / 15 / 2022

First name *

Joshua

Last name *

Munson

Address *

410 N Constitution

City *

Goshen

State *

IN

ZIP code *

46526

Phone number *

5748496622

Email *

munson.joshua@gmail.com

Board/Commission interested in *

Board of Building Appeals

Explain related background, interest or experience *

I am a licensed Professional Engineer and Structural Engineer in 22 states and have a extensive experience in design and restoration of a wide variety of building and industrial structures.

Describe any interest or experience you have in collaborative decision-making *

For the last couple of years I have been involved in an American Water Works Association committee tasked with developing a standard for the design of corrugated steel bolted tanks.

Describe why you are interested in participating in this board or commission *

I am interested in using my skill set to benefit the Goshen community.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

11 / 15 / 2022

First name *

Nathaniel

Last name *

Klink

Address *

2106 Marabou PI

City *

Goshen

State *

IN

ZIP code *

46528

Phone number *

717-491-6886

Email *

nathanielleeklink@gmail.com

Board/Commission interested in *

Shade Tree Board

Explain related background, interest or experience *

I am an arborist with a special interest in urban forestry. I have worked as a climbing arborist for several years and want to continue to learn and educate others about the importance of trees in our urban landscape. Being a part of the Shade Tree Board is something that I want to do to protect the trees we have, mitigate risk for hazard trees in our community, and find new planting opportunities.

Describe any interest or experience you have in collaborative decision-making *

I have always worked in a crew setting where decisions are made diplomatically and collectively. Being able to share and discuss ideas and issues with colleagues is the best recipe for informed decision making.

Describe why you are interested in participating in this board or commission *

I recently moved back to Goshen and have been attending the board meetings regularly. I would like to contribute my experience, ideas, and expertise to the board in a more official way. I care a great deal about our trees and understand the economic, aesthetic, and health benefits a community enjoys when they live amongst a working and well maintained urban canopy.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

12 / 02 / 2022

First name *

Eusebio

Last name *

Pantoja

Address *

62420 old cr 17

City *

Goshen

State *

in

ZIP code *

46526

Phone number *

57r3547660

Email *

Pantojaeusebio2@gmail.com

Board/Commission interested in *

Pantojaeusebio2@gmail.com

Explain related background, interest or experience *

I'm a business owner in the city of Goshen I'm interested in the openings for redevelopment commission and the tree sade board. I'm intrested in both of those positions because I have construction back ground masonry to be exact but not limited to it.

Describe any interest or experience you have in collaborative decision-making *

I would be a good fit for both redevelopment commission and the tree shade board.

With my masonry experience and background I could be of good help when it comes to older buildings and newer too as well as having energy and passion for improving things. And for the tree shade board I would be passionate about it I really enjoy nature so it would be a great fit.

Describe why you are interested in participating in this board or commission *

As a business owner I'm looking to give back to the community as well as develop relations with and city. Also looking to add a few things to my portfolio and really just open about the possibilities and opportunities that might come up.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

12 / 15 / 2022

First name *

Brett

Last name *

Weddell

Address *

916 Larimer Dr

City *

Goshen

State *

IN

ZIP code *

46526

Phone number *

574-849-8644

Email *

brettweddell@goshencity.com

Board/Commission interested in *

RDC

Explain related background, interest or experience *

I have been serving on the RDC for approximately 6 or 7 years. I have always, and still feel it is imperative to have a City Council (or 2) representatives on the RDC due to the amount of money collected via TIF and the projects that money is put towards. I have an excellent understanding of TIF revenue; municipal assessed value, tax rates, tax caps, and realized tax revenue. This complicated knowledge is necessary for anyone serving not only on council, but also the RDC so that proper decisions can be made on facts rather than "feel good decisions". Due to two recent members (one removed and the other no longer wanting to serve) I am now the most tenured member of the RDC. It would a detriment to lose any more historical experience as there are enormous decisions coming in the next years in relation to the RDC.

Describe any interest or experience you have in collaborative decision-making *

Goshen City Council 10 years, last 5 as president. Member of the RDC. Member of the Traffic Commission. Board Director of Lacasa.

Describe why you are interested in participating in this board or commission *

Please refer to question #1 response above.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

09 / 28 / 1990

First name *

Kyle

Last name *

Richardson

Address *

705 S 7th St

City *

Goshen

State *

IN

ZIP code *

46526

Phone number *

951-858-3367

Email *

richardsonkr2012@gmail.com

Board/Commission interested in *

CRC

Explain related background, interest or experience *

I am a community member, parent, and gay man living in Goshen and would like to help make my community more welcoming for everyone

Describe any interest or experience you have in collaborative decision-making *

I have experience in retail management, collaboratively managing investments with multiple owners, and in assisting in activism and Pride activities.

Describe why you are interested in participating in this board or commission *

I have attended events put on by the CRC before and would like to help contribute to its work.

This content is neither created nor endorsed by Google.

Google Forms

Boards and Commissions Application

Are you interested in being a member of a Goshen board or commission? Fill out this form to be considered a candidate. The City Council and Mayor appoint Goshen residents to be members of boards or commissions. If you need assistance, please contact us at 574-533-9322.

Date *

MM DD YYYY

01 / 09 / 2023

First name *

Ana

Last name *

Zamora

Address *

324 S 10th St

City *

Goshen

State *

IN

ZIP code *

46528

Phone number *

9162024254

Email *

anazamora32021@gmail.com

Board/Commission interested in *

CRC

Explain related background, interest or experience *

I have volunteered in my Goshen community ever since my parents brought me here at the age of 7, it started at church then helping Liliana Quintero and small things here and there. My favorite is helping my community one by one when they reach out to me for questions because I've gotten to know so many on personal levels and their kids, etc. As a community of Goshen I love that whenever I have questions or want to cook something from their country they will teach me. I am a proud Mexican raising a family here that loves this community and has seen it change so much through the years, but there's still so many things Goshen needs to hear from the people living in it, the people working for it, the people building Goshen I really hope that we can all work together and be able to be welcoming to different countries yet still feel at home.

Describe any interest or experience you have in collaborative decision-making *

Volunteering, ECS Adult & Community Education, Radio Station Host with Manny Cortez, Medical Interpreter experience, helping new immigrants with resources.

Describe why you are interested in participating in this board or commission *

I have not heard of this position, Lauro Zuniga is the one who recommended it to me. I emailed AJ Delgadillo several months ago but we lost communication. My only concern about CRC is how ethic can I be? Will I be able to express what my community has been concern with and if so will we help or is CRC is just for show? If not I will love to be able to be the voice of many people who come to me with questions, concerns, and anything related to this community.

This content is neither created nor endorsed by Google.

Google Forms



STORMWATER DEPARTMENT

CITY OF GOSHEN

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626

stormwater@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen City Council

FROM: Jason Kauffman, Stormwater Coordinator, Stormwater Department

RE: **SECOND READING OF ORDINANCE 5144 – REVISION OF STORMWATER USER FEE FOR THE GOSHEN DEPARTMENT OF STORMWATER MANAGEMENT (JN: 2002-0039)**

DATE: January 23, 2023

During the City Council's December 19, 2022, meeting Ordinance 5144 *Revision of Stormwater User Fee for the Goshen Department of Stormwater Management* was discussed and the Council passed the Ordinance on first reading. It was decided to hold the second reading of Ordinance 5144 until the City Council's January 23, 2023, meeting.

Following any further discussion by the Council this evening the Goshen Stormwater Department requests the City Council vote on the second reading of Ordinance 5144 *Revision of Stormwater User Fees for the Goshen Department of Stormwater Management*.

As a reminder the Greater Elkhart County Stormwater Partnership MS4 Advisory Board met on November 17, 2022, and resolved to recommend the user fee be increased over three phases as follows: \$22.05 per year per ERU starting with billing in calendar year 2023; \$29.10 per year per ERU starting with billing in calendar year 2026; and \$36.10 per year per ERU starting with billing in calendar year 2029. This phased fee increase reflects the recommendations from a rate study completed by Baker Tilly US, LLP.

In addition, on November 21, 2022, the Goshen Stormwater Board held a public hearing on proposed Resolution No. 2022-01 *Revision of Stormwater User Fees for the Goshen Department of Stormwater Management* and after hearing no public comment adopted the Resolution.

ORDINANCE 5144

REVISION OF STORMWATER USER FEES FOR THE GOSHEN DEPARTMENT OF STORMWATER MANAGEMENT

WHEREAS, Indiana Code ' 36-1-3-1 *et seq.* permits any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, the Goshen Common Council, by Ordinance 4295 adopted May 17, 2005, established the City of Goshen Department of Stormwater¹ Management;

WHEREAS, the City of Goshen Department of Stormwater Management is a utility pursuant to the provisions of Indiana Code 8-1.5-5 and authorized to establish stormwater user fees pursuant to said statutes;

WHEREAS, all of the territory located within the corporate boundaries of the City of Goshen is subject to the jurisdiction of the City of Goshen Department of Stormwater Management and constitutes a special taxing district for the purpose of providing for the collection and disposal of stormwater of the district in a manner that protects the public health and welfare;

WHEREAS, all of the territory in the district is considered to have received a special benefit from the stormwater collection and disposal facilities of the district, education, water quality monitoring, and National Pollution Discharge Elimination System program compliance equal to or greater than the utility fees imposed on the territory under Indiana Code 8-1.5-5 in order to pay all or part of the costs of such facilities and programs;

WHEREAS, the Municipal Separate Storm Sewer System (MS4) entities comprising the Greater Elkhart County MS4 Partnership — City of Elkhart, City of Goshen, Town of Bristol, and County of Elkhart — entered into an Interlocal Agreement, recorded with the Elkhart County Recorder's Office as Instrument No. 2006-04747 ("Interlocal Agreement") effective on October 8, 2005, which established a multi-jurisdiction advisory board to establish uniform rates across all MS4 Partnership entities;

WHEREAS, the Interlocal Agreement was approved by all MS4 entities and their respective legislative and executive bodies, including approval by the City of Goshen Common Council on August 3, 2005;

WHEREAS, Indiana Code § 8-1.5-5-7 requires that every Department of Stormwater Management charge a user fee equal to the minimum amount necessary for the operation and

¹ Stormwater is sometimes referred to as storm water, but for the purposes of this Ordinance, both terms will have the same meaning.

maintenance of the stormwater system;

WHEREAS, the Greater Elkhart County MS4 Partnership retained Baker Tilly US, LLP to perform a rate analysis to determine whether the minimum amount necessary for the operation and maintenance of the stormwater system has increased since 2006 and, if so, what is the current minimum amount necessary;

WHEREAS, the Board of the City of Goshen Department of Stormwater Management introduced Resolution 2022-01 with terms substantially identical to this Ordinance, advertised a public hearing in accordance with the provisions of Indiana Code 5-3-1 with publication in *The Goshen News* and has conducted a public hearing on November 21, 2022, with respect to the stormwater user fees to be assessed and collected pursuant to the terms and provisions of the Board's Resolution;

WHEREAS, the City of Goshen Department of Stormwater Management has reviewed the current costs of operating and maintaining the stormwater system along with the rate study prepared by Baker Tilly US, LLP and found that it is necessary to amend the City's rate structure and stormwater user fees;

WHEREAS the Board of the City of Goshen Department of Stormwater Management has found and determined that the user fees to be assessed and collected pursuant to the Board's Resolution 2022-01 are the minimum amount necessary for the operation and maintenance of the stormwater system within the City of Goshen, Indiana, and therefore adopted Resolution 2022-01 on November 21, 2022; and

WHEREAS pursuant to Indiana Code ' 8-1.5-5-7(b), the Goshen Common Council is required to approve the stormwater user fees to be assessed and collected pursuant to the Board's Resolution.

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED that the Goshen Common Council approves the stormwater user fees to be assessed and collected, and amends Ordinance 4624, as amended, to read as follows:

1. Stormwater User Fee.

A stormwater user fee shall be imposed on each and every tax parcel of real estate within the City of Goshen, Indiana which directly or indirectly contributes to the stormwater system of the City of Goshen, which charge shall be assessed against the owner, who shall be considered the user for purposes of the Resolution of the Board of the City of Goshen Department of Stormwater Management and this Ordinance. This charge is deemed to be reasonable and necessary to pay for the regulation, planning, operation, maintenance, repair, replacement, and improvement of the existing and future City of Goshen stormwater system.

2. Stormwater Rates.

Until December 31, 2022, the stormwater user fees will remain at the rate of Fifteen

Dollars (\$15.00) per year per ERU. Starting with billing in calendar year 2023, the stormwater user fees will be Twenty-Two and 05/100 Dollars (\$22.05) per year per ERU. Starting with billing in calendar year 2026, the stormwater user fees will be Twenty-Nine and 10/100 Dollars (\$29.10) per year per ERU. Starting with billing in calendar year 2029, the stormwater user fees will be Thirty-Six and 10/100 Dollars (\$36.10) per year per ERU. The above stormwater rates are designed to cover the cost of rendering stormwater service to the users of the City of Goshen stormwater system and will be the basis for the assessment of the stormwater user fee. The rates above are established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, variations in the requirements for providing such services, as well as future improvements and capital needs. These rates may be evaluated and adjusted, as necessary, with regard to their sufficiency to satisfy the needs of the City of Goshen Department of Stormwater Management; otherwise, these rates will remain in effect.

3. Fee Structure and Calculation.

- a. There is assessed a stormwater user fee to each owner of residential real estate and non-residential real estate located within the City of Goshen, Indiana which contain impervious area. The fee is based upon the assigned ERU as determined below. Such user fee shall be calculated and assessed each year on a tax parcel basis.
- b. All real estate having impervious area within the corporate boundaries of the City of Goshen, Indiana will be assigned an ERU in accordance with the following provisions:
 - i. Residential Real Estate. A residential tax parcel containing three (3) or less dwelling units shall be assigned one (1) ERU. Residential tax parcels containing more than three (3) dwelling units shall be assigned an ERU based upon the parcel's individually measured impervious area in square feet divided by three thousand six hundred (3,600) square feet. This division will be calculated and rounded to the first decimal place.
 - ii. Non-Residential Real Estate. Each tax parcel of non-residential real estate shall be assigned an ERU based upon the parcel's individually measured impervious area in square feet divided by three thousand six hundred (3,600) square feet. This division will be calculated and rounded to the first decimal place.
 - iii. The identification of real estate tax parcels and key numbers, the classification of primary use, the determination of whether a tax parcel contains a dwelling unit, the number of dwelling units a tax parcel contains, and the classification of the type of dwelling unit and type of real estate shall be based upon the existing data in the computerized

system used by the Elkhart County Auditor to generate tax assessment information for the respective determination date used for making the stormwater user fee assessments. The calculation of the individually measured impervious area on a tax parcel shall be computed using a scale of 1:600 based upon the existing data in the Elkhart County geographic information system (GIS) database for the respective determination date used for making the stormwater user fee assessments. If for any reason the calculation of the individually measured impervious area on a tax parcel cannot be accurately computed using a scale of 1:600 based upon the existing data in the Elkhart County GIS database for the respective determination date, the calculation of the individually measured impervious area on a tax parcel shall be computed in the following order of priority:

1. using a scale of 1:600, based upon the existing data in the most recent Elkhart County GIS database prior to the respective determination date used for making the stormwater user fee assessments; or
2. based upon the existing data in the Elkhart County Auditor's system database for the respective determination date used for making the stormwater user fee assessments.

The individually measured impervious area on a tax parcel computed in accordance with the provisions above may be adjusted based upon the data from any permitted construction, additions, demolitions, and other changes on a tax parcel which occur after the date of the aerial photography utilized in the Elkhart County GIS database or based upon the actual verified conditions on the tax parcel, or both.

- iv. For each current year stormwater user fee assessment, the determination date shall be March 1st of the prior year.
- c. The assessment for any tax parcel with a calculated stormwater user fee equal to or less than Two and 25/100 Dollars (\$2.25) will be waived. There shall be no other exceptions or exemptions from the assignment of ERUs and the assessment of a stormwater user fee for a particular type or classification of real estate tax parcel within the City of Goshen, Indiana.

4. Collection of User Fees.

- a. The collection of the stormwater user fees authorized by the Resolution of the Board of the City of Goshen Department of Stormwater Management and this Ordinance shall be effectuated through a charge appearing each year on the property tax statements of the affected property owner. One-half (2) of the

stormwater user fee charged each year for a real estate tax parcel shall be billed on each of the spring and fall property tax statements for that parcel. The user fee shall be due and payable at the same time as the property taxes appearing on the spring and fall property tax statements are due and payable. In the event only one (1) property tax statement is billed for a real estate tax parcel, the entire annual stormwater user fee for that parcel authorized by the Board's Resolution and this Ordinance shall be billed on that property tax statement which shall be due and payable at the same time as the property taxes appearing on the property tax statement are due and payable.

- b. If the user fee is not paid when due, the user shall be charged and assessed a late payment penalty by the Elkhart County Treasurer in the same way and in the same manner that delinquent property taxes are charged and assessed.
- c. If the user fee and penalty is not paid when due, they shall be collected by the Elkhart County Treasurer in the same way that delinquent property taxes are collected.

5. Appeals of ERU Determination.

- a. If, in the opinion of any user, the ERU assigned to the user's real estate tax parcel is inaccurate in light of the number of dwellings or amount of impervious area on the property, the user shall have the right to contest the ERU determination and thus the stormwater user fee assessed in accordance with the provisions contained in this section.
- b. The user shall obtain and complete a Petition to Appeal Stormwater Assessment Form which shall be filed with the City of Goshen Stormwater Department with verifiable documentation supporting the user's claim. To be timely for any current year stormwater user fee assessment, a Petition to Appeal must be filed no later than the date on which the spring installment of the user fee shall be due and payable. The City of Goshen Stormwater Coordinator shall refer the petition to the City of Goshen Stormwater Board.
- c. The City of Goshen Stormwater Department shall investigate the user's claim and, upon review, shall render a written determination that either the original ERU determination and assessment should be affirmed or that the user's rate should be adjusted and how much the adjustment should be.
- d. The determination made by the City of Goshen Stormwater Department shall be forwarded to the user by certified mail, return receipt requested. The user shall have fifteen (15) days from date of receipt to request reconsideration if dissatisfied with the decision from the City of Goshen Stormwater Department. Any additional facts concerning the dispute shall be reduced to writing and

submitted, along with a copy of the original petition and supporting documents, to the City of Goshen Stormwater Coordinator. The City of Goshen Stormwater Coordinator shall refer the matter to the Board of the City of Goshen Department of Stormwater Management. The City of Goshen Stormwater Coordinator shall submit a written report of the determination in the case, along with any documents used, in denying the user's claim or in recommending an adjustment.

- e. Thereafter, the Board of the City of Goshen Department of Stormwater Management shall review all documentation and conduct an informal hearing to determine and resolve the dispute based upon the documentation submitted and any oral testimony. The Board shall issue a determination which shall be binding upon the City of Goshen Department of Stormwater Management and the user. The hearing shall be recorded and the minutes of the hearing provided upon request at a cost per page as determined by the Secretary for the Board which rate shall be amended from time to time.
- f. Any user aggrieved by the final Board determination shall have the right to judicial review of such determination in accordance with Indiana law.
- g. If a user's stormwater user fee assessment is reduced or eliminated by the Board of the City of Goshen Department of Stormwater Management or court of law, the user shall be refunded accordingly for any overpayment made from the earlier of the date the stormwater user fee assessment was paid or was due and payable.
- h. A dispute or appeal of an ERU determination for stormwater user fee assessment shall not be a valid reason for non-payment of the originally assessed stormwater user fee.

6. Stormwater Utility Fund.

All stormwater user fees and penalties collected and interest earned thereon shall be deposited in the MS4 Stormwater Utility Fund.

7. Definitions.

For purposes of the Resolution of the Board of the City of Goshen Department of Stormwater Management and this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- a. Equivalent Residential Unit (ERU). The number of units, equal to the assumed average amount of impervious area of a single-family residential parcel of real estate within the City of Goshen, Indiana, which is established at three thousand six hundred (3,600) square feet of impervious area. The unit value, which will be carried out and rounded off to one (1) decimal place, being the equivalent of

one-tenth (0.1) of an ERU, is also the basis for calculating the assessment of stormwater user fees for the City of Goshen stormwater system.

- b. Impervious Area. Those areas which prevent or impede the infiltration of stormwater into the soil as it enters under natural conditions prior to development. Common impervious areas include, but are not limited to roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, gravel surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater run-off which existed prior to development.
- c. Non-Residential Real Estate. All real estate tax parcels which are not described by the definition of residential real estate shall be defined as non-residential. Non-residential real estate will include:
 - i. Agricultural real estate;
 - ii. Commercial real estate;
 - iii. Industrial real estate;
 - iv. Institutional real estate;
 - v. Church real estate;
 - vi. School real estate;
 - vii. Federal, state, and local government real estate;
 - viii. Utility real estate; and
 - ix. Any other real estate not mentioned in this list and which is not described by the definition of residential real estate.
- d. Residential Real Estate. A separate tax parcel of real estate which is primarily used for dwelling purposes on which a building is situated which building contains one (1) or more dwelling units which dwelling units are each used or are intended to be used primarily for living, sleeping, cooking, and eating. Residential real estate shall include all types of dwelling units including single-family homes, duplexes, triplexes, and row type homes. Residential real estate shall also include condominium dwellings, apartment dwellings, and mobile home parks.

8. Repeal of Prior Ordinances.

All resolutions, or parts thereof, that are inconsistent, or conflict, with the terms of this resolution are repealed to the extent of the inconsistency or conflict.

9. Severability.

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

10. Effective Date.

The Resolution of the Board of the City of Goshen Department of Stormwater Management and this Ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana. This Ordinance is effective on February 1, 2023, so long as (1) it is approved by the City of Goshen Common Council and (2) a similar ordinance applying the same rate increases outlined in Section 2 above is approved by the Elkhart County Commissioners and Elkhart County Council, as well as the Town of Bristol, and the City of Elkhart.

PASSED by the Common Council of the City of Goshen on December _____, 2022.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on the _____ day of _____, 2022, at the hour of ____:____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on the _____ day of _____, 2022.

Jeremy P. Stutsman, Mayor



**Department of Community Development
CITY OF GOSHEN**

204 East Jefferson Street, Suite 2 • Goshen, IN 46528-3405

Phone (574) 537-3824 • Fax (574) 533-8626 • TDD (574) 534-3185
communitydevelopment@goshencity.com • www.goshenindiana.org

Memorandum

TO: City Council

FROM: Becky Hutsell, Redevelopment Director

RE: Adoption of a Resolution Approving the Order of the Goshen Plan Commission related to the Creation of a New Housing Allocation Area within the Southeast Economic Development Area

DATE: January 9, 2023

On December 13, 2022, the Goshen Redevelopment Commission passed Resolution 60-2022, which was the first step in establishing the City of Goshen's first Residential TIF. The location includes approximately 170-acres south of Regent Street, west of Dierdorff Road and north of Waterford Mills Parkway. The land is currently farmland and has been slated for development for nearly 10 years. A recent rezoning from Industrial M-1 PUD to Residential R-3 has been completed to allow for the residential project to move forward.

Resolution 60-2022 confirmed that the Redevelopment Commission desires to remove these particular parcels from the existing Southeast Allocation Area and to then establish those parcels as a new Southeast Housing TIF Allocation Area. Because of outstanding debt within the Southeast TIF, the resolution also confirms that the alteration to the existing boundaries does not adversely affect the existing outstanding obligations. The resolution further states that the Commission finds that the public health and welfare will be benefited by the accomplishment of the Housing Program by:

- i. providing additional housing options to attract new residents to the community and retain existing residents that are looking for new housing options in their community;
- ii. increasing the property tax base; and
- iii. through the development of an approximately 170-acre area, to support residential development including single-family residential housing, along with townhomes, duplexes, condominiums and apartments, allowing more residents the opportunity to live and work within the City.

On December 20, 2022, the Goshen Plan Commission issued an order confirming that the Amending Declaratory Resolution and Housing Program conform to the City's Comprehensive Plan and approved both the resolution and the Housing Program. We're requesting that the City Council adopt Resolution 2023-01 approving the Order of the Goshen Plan Commission related to the creation of a new housing allocation area within the Southeast Economic Development Area.

If approved by the Council, a public hearing will be held before the Redevelopment Commission on Tuesday, January 10th, regarding this matter prior to adoption of a Confirmatory Resolution finalizing the establishment of the new housing allocation area.

RESOLUTION NO. 2023-01

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
GOSHEN APPROVING THE ORDER OF THE GOSHEN PLAN
COMMISSION

WHEREAS, the City of Goshen ("City") Redevelopment Commission ("Commission") adopted a declaratory resolution on August 14, 2012, as supplemented and amended to date (collectively, as amended "Declaratory Resolution"), as confirmed by a confirmatory resolution adopted on November 13, 2012, as supplemented and amended to date (collectively, as amended, "Confirmatory Resolution" and collectively with the Declaratory Resolution the "Area Resolution"), establishing, consolidating and expanding the Southeast Economic Development Area ("Original Area") and the Southeast Allocation Area in accordance with IC 36-7-14-39 ("Original Allocation Area"); and

WHEREAS, on December 13, 2022 the Commission adopted a resolution amending the Area Resolution ("Amending Declaratory Resolution") to: (i) reduce the Original Allocation Area by removing the area identified on the map in Exhibit A attached thereto and incorporated therein from the Original Allocation Area (as reduced, will continue to be known as the "Southeast Allocation Area") and designating such new area as the Southeast Housing TIF Allocation Area; and (ii) pursuant to IC 36-7-14-53 through -56, approve the residential Housing Program attached thereto as Exhibit B ("Housing Program"), including the construction of road infrastructure, utility infrastructure and sidewalks, together with all necessary appurtenances, related improvements and equipment, needed to support the proposed development in the Housing Program in, serving or benefiting the Original Area; and

WHEREAS, the Goshen Plan Commission ("Plan Commission") adopted an order on December 20, 2022 finding that the Amending Declaratory Resolution and Housing Program conform to the plan of development for the City; and

WHEREAS, 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;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, THAT:

Section 1. The action of the Plan Commission on December 20, 2023 is hereby in all respects approved by the Common Council.

Section 2. The Amending Declaratory Resolution and Housing Program are hereby in all respects approved by the Common Council.

Section 3. The Clerk-Treasurer is hereby directed to file a copy of the Amending Declaratory Resolution, the Housing Program and the approving Order of the Plan Commission with the permanent minutes of this meeting.

Section 4. This resolution shall be effective from and after its passage.

PASSED AND ADOPTED by the Common Council of the City of Goshen, Indiana, this 9th day of January, 2023.

COMMON COUNCIL OF THE CITY OF
GOSHEN, INDIANA

Presiding Officer

ATTEST:

Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana, on the ____ day of January, 2023, at __:__ .m.

Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Goshen, Indiana, this ____ day of January, 2023, at __:__ .m.

Mayor

ORDER OF THE GOSHEN PLAN COMMISSION
DETERMINING THAT AN AMENDING DECLARATORY
RESOLUTION AND HOUSING PROGRAM APPROVED AND
ADOPTED BY THE GOSHEN REDEVELOPMENT
COMMISSION CONFORM TO THE COMPREHENSIVE PLAN
AND APPROVING SAID RESOLUTION AND HOUSING
PROGRAM

WHEREAS, the Goshen ("City") Redevelopment Commission ("Commission") adopted a declaratory resolution on August 14, 2012, as supplemented and amended to date (collectively, as amended "Declaratory Resolution"), as confirmed by a confirmatory resolution adopted on November 13, 2012, as supplemented and amended to date (collectively, as amended, "Confirmatory Resolution"), establishing and consolidating the Southeast Economic Development Area ("Original Area");

WHEREAS, the Declaratory Resolution and the Confirmatory Resolution are hereinafter collectively referred to as the "Area Resolution;"

WHEREAS, the Area Resolution designated, consolidated and expanded the Southeast Allocation Area in accordance with IC 36-7-14-39 ("Original Allocation Area"), for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, on December 13, 2022 the Commission adopted a resolution amending the Area Resolution ("Amending Declaratory Resolution") to: (i) reduce the Original Allocation Area by removing the area identified on the map in Exhibit A attached thereto and incorporated therein from the Original Allocation Area (as reduced, will continue to be known as the "Southeast Allocation Area") and designating such new area as the Southeast Housing TIF Allocation Area; and (ii) pursuant to IC 36-7-14-53 through -56, approve the residential Housing Program attached thereto as Exhibit B ("Housing Program"), including the construction of road infrastructure, utility infrastructure and sidewalks, together with all necessary appurtenances, related improvements and equipment, needed to support the proposed development in the Housing Program in, serving or benefiting the Original Area; and

WHEREAS, the Act requires approval of the Amending Declaratory Resolution and the Housing Program by the Goshen Plan Commission ("Plan Commission");

NOW, THEREFORE, BE IT ORDERED BY THE GOSHEN PLAN COMMISSION, AS FOLLOWS:

1. The Amending Declaratory Resolution and Housing Program conform to the Comprehensive Plan of the City.
2. The Amending Declaratory Resolution and Housing Program are in all respects approved.

3. The Secretary of the Plan Commission is hereby directed to file a copy of the Amending Declaratory Resolution and Housing Program with the permanent minutes of this meeting.

Passed by the Goshen Plan Commission, this 20th day of December, 2022.

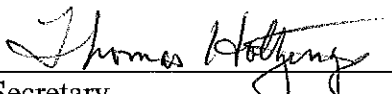
GOSHEN PLAN COMMISSION



President

Richard Worsham

ATTEST:



Secretary
Thomas Holtzinger

RESOLUTION NO. 60-2022

AMENDING DECLARATORY RESOLUTION OF THE GOSHEN REDEVELOPMENT COMMISSION CREATING A NEW HOUSING ALLOCATION AREA WITHIN THE SOUTHEAST ECONOMIC DEVELOPMENT AREA

WHEREAS, the Goshen ("City") Redevelopment Commission ("Commission") adopted a declaratory resolution on August 14, 2012, as supplemented and amended to date (collectively, as amended "Declaratory Resolution"), as confirmed by a confirmatory resolution adopted on November 13, 2012, as supplemented and amended to date (collectively, as amended, "Confirmatory Resolution"), establishing and consolidating the Southeast Economic Development Area ("Original Area");

WHEREAS, the Declaratory Resolution and the Confirmatory Resolution are hereinafter collectively referred to as the "Area Resolution;"

WHEREAS, the Area Resolution approved the Economic Development Plan, as amended (collectively, as amended, "Original Plan") which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Area Resolution designated, consolidated and expanded the Southeast Allocation Area in accordance with IC 36-7-14-39 ("Original Allocation Area"), for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission has certain outstanding: (i) Redevelopment District Refunding Bonds of 2015, dated February 26, 2015, now outstanding in the amount of \$1,255,000 and maturing annually on January 1 over a period ending January 1, 2025, as authorized by resolution ("2015 Resolution"), payable from tax increment collected in the Original Allocation Area ("Tax Increment"); and (ii) the pledge of the Tax Increment collected in the Original Allocation Area to the payment of lease rentals pursuant to a Lease Agreement, dated April 25, 2015, as amended by Amendment No. 1 to Lease, dated May 18, 2015 (collectively, as amended, "2015 Lease"), between the Goshen Redevelopment Authority ("Authority") and the Commission securing the Authority's Economic Development Lease Rental Refunding Bonds of 2015, dated June 19, 2015, now outstanding in the amount of \$3,440,000, and which 2015 Lease is payable semiannually on January 1 and July 1 over a period ending January 1, 2028 (collectively, "Outstanding Obligations");

WHEREAS, neither the 2015 Resolution nor the 2015 Lease, each authorizing the Outstanding Obligations, prohibit the alteration of the Original Allocation Area if, in the judgment of the Commission, the alteration does not adversely affect the owners of the Outstanding Obligations in any material way;

WHEREAS, the Commission now desires to amend the Area Resolution to: (i) reduce the Original Allocation Area by removing the area identified on the map in Exhibit A attached hereto and incorporated herein from the Original Allocation Area (as reduced, will continue to be known as the "Southeast Allocation Area") and designating such new area as the Southeast Housing TIF

Allocation Area; and (ii) pursuant to IC 36-7-14-53 through -56, approve the residential Housing Program attached hereto as Exhibit B ("Housing Program"), including the construction of road infrastructure, utility infrastructure and sidewalks, together with all necessary appurtenances, related improvements and equipment, needed to support the proposed development in the Housing Program ("Projects") in, serving or benefiting the Original Area;

WHEREAS, the Southeast Allocation Area shall maintain the same base assessment date as the Original Allocation Area;

WHEREAS, the Southeast Housing TIF Allocation Area shall have a base assessment date of January 1, 2023; and

WHEREAS, IC 36-7-14-17.5 authorizes the Commission to amend the Area Resolution after conducting a public hearing, if it finds that:

- (a) The amendments are reasonable and appropriate when considered in relation to the Original Area Resolution and the purposes of IC 36-7-14; and
- (b) The Original Area Resolution conforms to the comprehensive plan for the City;

NOW, THEREFORE, BE IT RESOLVED BY THE GOSHEN REDEVELOPMENT COMMISSION, THAT:

Section 1. The Area Resolution is hereby amended to: (i) reduce the Original Allocation Area by removing the area identified on the map in Exhibit A attached hereto and incorporated herein from the Original Area (as reduced, will continue to be known as the "Southeast Allocation Area") and designating such new area as the Southeast Housing TIF Allocation Area; and (ii) approve the Housing Program attached hereto as Exhibit B, including the construction of the Projects, in, serving or benefiting the Original Area

Section 2. The Commission hereby finds that: (i) the current assessed value in the proposed Southeast Housing TIF Allocation Area is \$172,700; (ii) the current estimated property tax revenue from the proposed Southeast Housing TIF Allocation Area is \$0.00; (iii) the Tax Increment estimated to be generated in the Original Allocation Area exceeds 773% of the debt service due on the Outstanding Obligations; and (iv) additional growth has occurred in the Original Allocation Area subsequent to issuance of the Outstanding Obligations and, therefore, the Commission further finds that altering the Original Allocation Area in the manner set forth herein will not adversely affect the owners of the Outstanding Obligations in any material way.

Section 3. The Commission finds that the Housing Program will be of public utility and benefit as measured by the provision of a variety of residential housing and an increase in the property tax base. The Commission further finds that the public health and welfare will be benefited by the accomplishment of the Housing Program by: (i) providing additional housing options to attract new residents to the community and retain existing residents that are looking for new housing options in their community; (ii) increasing the property tax base; and (iii) through the development of an approximately 170 acre area, in two phases, to support residential development

including single-family residential housing, along with townhomes, duplexes, condominiums and apartments, allowing more residents the opportunity to live and work within the City.

Section 4. The Commission now finds and determines that the amendments described in Section 1 above are reasonable and appropriate when considered in relation to the Area Resolution as amended by this amending resolution and to the economic development and redevelopment purposes set forth in IC 36-7-14. The Commission finds that the Projects constitute local public improvements and that the Area Resolution and the Housing Program conform to the comprehensive plan for the City.

Section 5. The Southeast Allocation Area shall maintain its original base assessment date and the Southeast Housing TIF Allocation Area shall have a base assessment date of January 1, 2023.

Section 6. The allocation provision in effect when the Southeast Allocation Area was designated as a part of the Original Allocation Area shall continue to apply to the reduced Southeast Allocation Area.

Section 7. This paragraph shall be considered the allocation provision for the Southeast Housing TIF Allocation Area for purposes of IC 36-7-14-39. The entire Southeast Housing TIF Allocation Area shall constitute an allocation area as defined in IC 36-7-14-39. Any property taxes levied on or after the effective date of this resolution by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Southeast Housing TIF Allocation Area shall be allocated and distributed in accordance with IC 36-7-14-39 or any applicable successor provision. This allocation provision shall expire no later than 25 years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenue generated in the Southeast Housing TIF Allocation Area.

Section 8. The Redevelopment Director is instructed to submit this resolution to the Goshen Plan Commission ("Plan Commission") for approval.

Section 9. The Commission also directs the Redevelopment Director, after receipt of the written order of approval of the Plan Commission which has been approved by the Common Council, to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the building commissioner and any other departments or agencies of the City concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed amendments to the Original Allocation Area and will determine the public utility and benefit of the proposed Projects and the amendments to the Original Allocation Area.

Section 10. The Commission also directs the Redevelopment Director to prepare or cause to be prepared a statement disclosing the impact of creating the Southeast Housing TIF Allocation Area including the following:

(a) The estimated economic benefits and costs incurred, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and

(b) The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the new Southeast Housing TIF Allocation Area.

A copy of this statement shall be filed with each such taxing unit with a copy of the notice required under Section 17 of the Act at least 10 days before the date of the hearing described in Section 9 of this Resolution.

Section 11. The Commission hereby finds that the creation of the Southeast Housing TIF Allocation Area will result in new property taxes that would not have been generated without this new allocation provision because the construction of road infrastructure, utility infrastructure and sidewalks needed to support the proposed development set forth in the Housing Program are required by the developer to construct new residential housing and the tax increment generated by the new residential housing is needed to fund construction of the Projects.

Section 12. The Commission hereby finds that the initial estimated costs of the Projects to be funded by the Commission through the pledge of tax increment from the Southeast Housing TIF Allocation Area is in the approximate amount of \$20,000,000.

Section 13. The Commission hereby finds that all property in the Southeast Housing TIF Allocation Area will positively benefit from the Projects.

Section 14. In all other respects the Area Resolution and the Original Plan are hereby ratified and confirmed.

Section 15. This resolution is effective upon passage.

Adopted at a meeting of the Commission held December 13, 2022 in Goshen, Indiana.

GOSHEN REDEVELOPMENT COMMISSION

Bryan Garbes
President

Chelsea Johnson
Vice President

Bu Bu
Secretary

[Signature]
Member

Absent
Member

Attest:

Bu Bu
Secretary

EXHIBIT A

Map of Southeast Economic Development Area and
Southeast Housing TIF Allocation Area

(Attached)

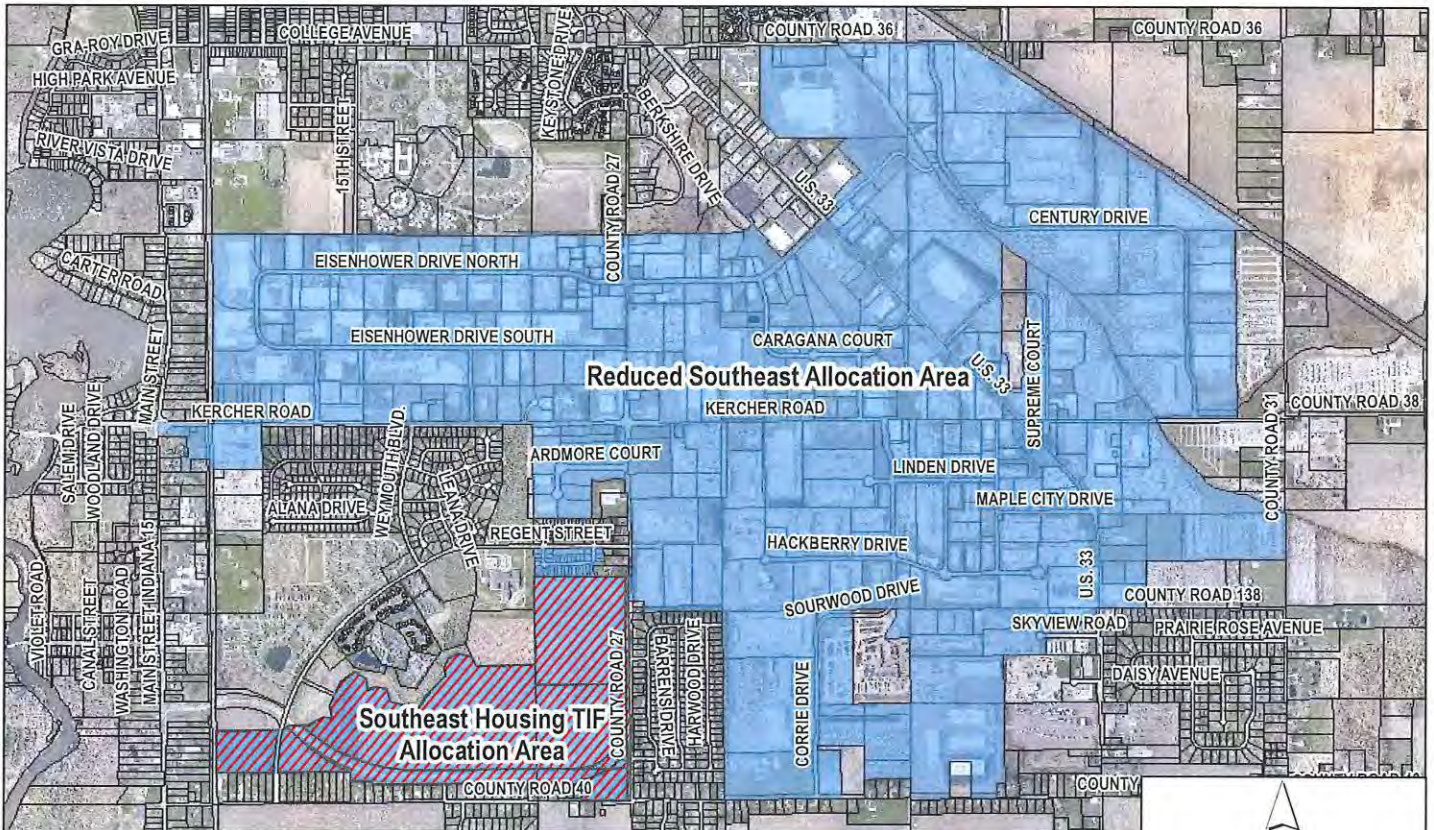
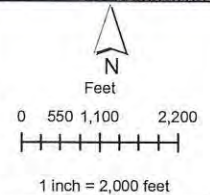


Exhibit A
 Reduced Southeast Allocation Area & New Southeast Housing TIF Allocation Area

Information as of
 December 13, 2022



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

The City of Goshen
 Department of Public Works & Safety
 Office of Engineering
 204 East Jefferson Street, Goshen, Indiana 46528
 Phone: 574-534-2201 Fax: 574-533-8626

EXHIBIT B

Housing Development Program Southeast Housing TIF Allocation Area Goshen Redevelopment Commission

Purpose and Introduction.

This document is the Housing Development Program required by IC 36-7-14-53(b) ("Program") for the Southeast Housing TIF Allocation Area ("Housing Allocation Area") for the City of Goshen, Indiana ("City") and is set forth as the basis for conducting a public meeting or meetings in the area or areas to be affected by the Program prior to formal submittal for approval. It is intended for approval by the Common Council of the City, the School Board of Goshen Community Schools and the Goshen Redevelopment Commission ("Commission") in conformance with IC 36-7-14-53.

Program Objectives.

The purposes of the Program are to: (i) benefit the public health and welfare of the citizens of the City by providing additional housing options to attract new residents to the community and retain existing residents that are looking for new housing options in their community; (ii) increase the property tax base; and (iii) through the development of an approximately 170 acre area, in two phases, to support residential development including single family residential housing along with townhomes, duplexes, condominiums and apartments, allowing more residents the opportunity to live and work within the City.

Program Criteria.

In the previous three (3) calendar years only 109 new single-family homes have been constructed in the City. No new neighborhood developments have been undertaken by private enterprise. Single family housing development has been stagnant in the City and in order to spur significant growth in this area it will require assistance with required infrastructure to encourage private development.

Phase I of the proposed development will include single-family and multi-family residential housing across approximately 75 acres.

Project Description.

The implementation of the Housing Program requires the construction of road improvements, utility improvements, sidewalks and any and all related public improvements and may include the capital improvements described as follows (collectively, "Projects"):

- (1) Construction or reconstruction of roads and bridges
- (2) Site preparation and excavation;
- (3) Construct or repair water towers;
- (4) Construction or reconstruction of water or sewer treatment system;
- (5) Construction, reconstruction or extension of sewer infrastructure;

- (6) Construction, reconstruction or extension of water infrastructure;
- (7) Construction or reconstruction of storm water drainage systems;
- (8) Utility relocation;
- (9) Construction or reconstruction of buffer zones/mounding;
- (10) Purchase or lease of public safety or public works equipment or facilities, which will serve the Area;
- (11) Parking facilities and lighting for parking areas;
- (12) Recreational facilities, including but not limited to, pedestrian trails and pedestrian bridges to improve the quality of place for citizens in the Area.

All Projects will be in or physically connected to the Southeast Economic Development Area and required to serve the Housing Allocation Area.

Acquisition of Property.

The Commission has no present plans to acquire any interests in real property.

The Commission may not exercise the power of eminent domain in implementing the Program.

Procedures with respect to the Projects.

All contracts for material or labor in the accomplishment of the Projects shall, to the extent required by law, be let under IC 36-1-12.

Any construction work required by the Commission in connection with the Projects may be carried out by the appropriate municipal department or agency. The Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the Projects or may agree to pay these assessments in installments as provided by statute in the case of private owners.

Financing of the Projects.

It is the intention of the Commission to issue bonds payable from incremental ad valorem property taxes allocated under IC 36-7-14-39 and -56 in order to raise money for completion of the Projects in the Housing Allocation Area. The amount of these bonds may not exceed the total, as estimated by the Commission of all expenses reasonably incurred in connection with the Projects, including:

- (a) The total cost of all land, rights-of-way, and other property to be acquired and developed;

(b) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Projects or the issuance of bonds;

(c) Capitalized interest on the bonds (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Commission determines that a reserve is reasonably required; and

(d) Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In the issuance of bonds the Commission will comply with IC 36-7-14-25.1.

As an alternative to bonds issued by the Commission, the Commission may pledge tax increment pursuant to IC 36-7-14-39(b)(2)(D) to any bonds issued by the City.

Amendment of the Program.

By following the procedures specified in IC 36-7-14-17.5, the Commission may amend the Program for the Housing Allocation Area. However, any enlargement of the boundaries of the Housing Allocation Area must be approved by the Common Council.

**GOSHEN COMMON COUNCIL
RESOLUTION 2023-02**

**Approving a Loan to LaCasa of Goshen, Inc.
from the Local Major Moves Construction Fund**

WHEREAS, the City of Goshen has established a fund known as the Local Major Moves Construction Fund;

WHEREAS, the Local Major Moves Construction Fund currently has a balance of Four Million Five Hundred Sixty-One Thousand Five Hundred Thirty-Seven and 34/100 Dollars (\$4,561,537.34);

WHEREAS, funds in the City's Local Major Moves Construction Fund may be expended as authorized by Indiana Code § 8-14-16-5, as amended from time to time;

WHEREAS, I.C. § 8-14-16-5 allows the City to expend funds in the Local Major Moves Construction Fund to provide funding for economic development projects defined in I.C. § 6-3.6-2-8(1) or I.C. § 6-3.6-2-8(2)(A)-(K);

WHEREAS, LaCasa of Goshen, Inc. ("LaCasa") seeks assistance from the City of Goshen in the form of partial funding of water and sewer utility infrastructure improvements that LaCasa will require during the construction of up to 6, 8-unit buildings for permanent supportive housing over the next ten (10) years to be located on real property owned by Oaklawn Psychiatric Center, Inc. ("Oaklawn") at 302 Lakeview Drive;

WHEREAS, the cost of the water and sewer utility infrastructure improvements contemplated is expected to exceed Five Hundred Thousand Dollars (\$500,000.00);

WHEREAS, the use of funds from the City's Local Major Moves Construction Fund to help pay for water and sewer utility infrastructure improvements at Oaklawn's real property for the benefit of the LaCasa construction project complies with the standard of I.C. § 8-14-16-5; and

WHEREAS, the Goshen Common Council seeks to now authorize a loan from the Local Major Moves Construction Fund to LaCasa to help pay for water and sewer Utility infrastructure improvements on real property owned by Oaklawn at 302 Lakeview Drive necessitated by LaCasa's construction of 6, 8-unit buildings for permanent supportive housing in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00).

NOW, THEREFORE, BE IT RESOLVED that:

1. The Goshen Common Council approves a loan to LaCasa of Goshen, Inc from the Local Major Moves Construction Fund in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00).
2. The Goshen Common Council approves the loan under the following conditions:

- a. No interest shall accrue during the first two (2) years of the loan, after which interest shall accrue;
- b. No payments shall be due until construction of the second 8-unit is complete, after which payments shall be made by LaCasa on a quarterly basis;
- c. Funds shall be disbursed to LaCasa upon presentment to the City of qualifying invoices from the construction of the water and sewer infrastructure facilities;
- d. Upon completion of each 8-unit building, the City shall forgive a principal amount of Eighty-Three Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$83,333.33).

3. The City of Goshen Board of Public Works and Safety and City staff are authorized to negotiate the terms of a final agreement with LaCasa, and the Board of Public Works and Safety is authorized to enter into a formal loan agreement with LaCasa, consistent with the terms of this resolution and negotiations that take place.

4. The City of Goshen commits to pay from its General Fund into the Local Major Moves Construction Fund amounts of the loan to LaCasa that are forgiven, beginning in the 2024 budget at the earliest.

The Resolution is PASSED by the Common Council of the City of Goshen, Indiana on the _____ day of January, 2023.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on January _____, 2023, at the hour of _____:_____ .m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on January _____, 2023.

Jeremy P. Stutsman, Mayor

**GOSHEN COMMON COUNCIL
RESOLUTION 2023-03**

**Acquisition of Real Estate at
1402 West Wilden Avenue**

WHEREAS the City of Goshen wishes to acquire certain real estate more commonly known as 1402 West Wilden Avenue, Goshen for use by the Waste Water Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Common Council that the City of Goshen is interested in purchasing certain real estate more commonly known as 1402 West Wilden Avenue, Goshen as depicted on the map below.



BE IT FURTHER RESOLVED that the purchase price for the real estate shall not be greater than the average of two appraisals of the fair market value of the real estate, and the acquisition shall be subject to the terms and conditions of a written agreement between the seller of the real estate and City as approved by the Goshen Board of Public Works and Safety.

PASSED by the Goshen Common Council on _____, 2023.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2023, at the hour of
_____:_____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2023.

Jeremy P. Stutsman, Mayor