



Goshen Common Council

6:00 p.m., February 6, 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 – Jan. 23, 2023 Regular Meeting

Approval of Meeting Agenda

Privilege of the Floor

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

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

Elected Official Reports

Adjournment



GOSHEN COMMON COUNCIL

Minutes of the JANUARY 23, 2023 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) 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) – *arrived at 6:06 p.m.*

Absent:

Approval of Minutes: Mayor Stutsman asked the Council's wishes regarding the minutes of the Dec. 19, 2022 and Dec. 27, 2022 Regular Meetings. Councilor King made a motion to approve the minutes as submitted. Councilor Pérez seconded the motion. The motion passed 7-0 on a voice vote.

Approval of Meeting Agenda: Mayor Stutsman presented the meeting agenda for approval. Councilor Eichorn moved to approve the agenda as submitted. Council President Weddell seconded the motion. The motion passed 7-0 on a voice vote.

Privilege of the Floor:

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

Michael B. Burk of Goshen expressed a concern about a road repair project at Douglas and Reynolds streets. He said NIPSCO "screwed it up continuously" and he submitted a repair bill to Mayor Stutsman and the City Engineering Department for \$491.22 for fill dirt because NIPSCO would not advance the project and he would like the City to reimburse expenses by Burk and his neighbor. Burk said they hired a front-end loader and did the work themselves. Burk said NIPSCO workers would come back for a few weeks and then go away and then come back for a week. He said there were people who planted grass seed and it was torn out again. He said NIPSCO workers were not communicative and neighbors heard nothing from the City. Once completed, he said the road was raised 16 inches, so his driveway angles down and then up to the road. He said some neighbors lost flowers, plants, trees and grass.

Mayor Stutsman apologized to Burk and said Councilor Pérez contacted him last week about Burk's issues. He said he consulted with the Engineering and Legal departments and it appears the City can reimburse Burk.

Burk said residents had no control over what NIPSCO did and they didn't know who they could go to for help. He said that there may be additional neighbors with claims for damage. He said other neighbors had damage and there was little information provided by NIPSCO or the City.

Mayor Stutsman said that the City cannot control NIPSCO's work and often deals with these situations.

City Director of Public Works & Utilities Dustin Sailor said he wanted to state for the record that the Engineering Department's project was well managed, but the City has no control over what NIPSCO and its subcontractors do.



Mayor Stutsman said he believe the City will be able to reimburse Burk for the cost of his fill dirt.

Burk asked if NIPSCO “can do whatever it wants.”

Mayor Stutsman said that’s partially true. He said utility companies have a right to access and work in the City’s right-of-way and the City cannot stop them. He said that includes fiber optic, telephone and cable companies.

Burk said on three consecutive days, NIPSCO workers were outside his home wasting time, so he called NIPSCO and complained. He said the next day, a NIPSCO supervisor showed up and workers parked in his front yard.

Mayor Stutsman asked **City Attorney Bodie Stegelmann** to address the issue that the City cannot control the work of companies such as NIPSCO. Before he could answer, **Councilor King** said there should be some penalties if a company is misusing a resident’s property. **Stegelmann** said that if a company is working in the right-of-way, the City has almost no control over it. He said that if workers intrude on private property, that’s another issue.

Burk asked if NIPSCO can take 10 feet of his property. **Mayor Stutsman** said NIPSCO cannot, but pointed out that part of Burk’s property may be in the right-of-way and NIPSCO can operate in that area. **Stegelmann** said NIPSCO can only access the defined right-of-way. **Mayor Stutsman** said he shared Burk’s frustrations.

Councilor Pérez asked the procedure for Burk to contact the Engineering Department to seek reimbursement for property damage. **Mayor Stutsman** said City staff would contact Burk to discuss the issue.

In response to a question from **Councilor King**, **Mayor Stutsman** said any claims for damages by property owners would be reviewed and approved by the Board of Works and Safety.

Glenn Null of Goshen said hadn’t planned to say anything at this point, but wanted to address the work in the City right-of-way. Last year, he said some of his neighbors were upset that a fiber optic company installed cable and didn’t restore yards afterward. This year he said someone drilled under the sidewalk by his home. He said a wire was run from a little box above the grass and created a trip hazard. He also said it may be cut by his lawnmower. Null said some utility companies appear to be doing whatever they want and nothing can be done about it.

There were no further comments, so the Mayor closed Privilege of the Floor at 6:12 p.m.

1) Election of Council President

Mayor Stutsman noted that **Councilor Brett Weddell** was the current Council President. The Mayor said he would preside over the election of a Council President for 2023. He opened nominations for the position.

Councilor Pérez nominated **Councilor King** to be Council President. **Councilor King** seconded the nomination.

Councilor Nisley nominated **Councilor Weddell**. **Councilor Schrock** seconded the nomination.

Councilor King nominated **Councilor Riegsecker**. **Councilor Riegsecker** asked to withdraw his nomination.

Neither **Councilor King** nor **Councilor Weddell** chose to offer comments in support of their nominations.

Mayor Stutsman asked the Clerk-Treasurer to conduct a roll call vote for Council President. Councilors voted as follows: Councilor Eichorn voted for King; Councilor King passed; Councilor Nisley voted for Weddell; Councilor Pérez voted for King; Councilor Riegsecker voted for Weddell; Councilor Schrock voted for Weddell; Councilor Weddell voted for Weddell and Youth Adviser Velazquez Valdes voted for King. Results: Four votes for Weddell, two votes for King; and one pass. Councilor King declined to change her “pass.” Mayor Stutsman declared that Council President Weddell had prevailed.



2) Designation of Minority (Party) Cancellation Contact

Mayor Stutsman said that it was now time to designate the Minority Cancellation Contact for 2023. He said this Councilor would be contacted if there was the need to discuss the cancellation of Council meetings.

Councilors King and Eichorn said Councilor Perez would serve as Minority Cancellation Contact.

3) Council appointments to City Board and Commissions

Mayor Stutsman turned the meeting over to Council President Weddell to preside over the Council appointments to City Board and Commissions.

Council President Weddell said he sent emails to all people whose terms were concluding on City Boards and Commissions, inviting them to re-apply. He also sent emails to all applicants for Boards and Commissions.

As noted in his memorandum to the Council, which was included in the agenda packet, **Council President Weddell** said he had thought that there would also be an opening on the **Goshen Public Library Board of Trustees.**

However, he said **Library Director Ann Margret Rice** informed him that the State has set the term at four years, and not the three years as he had assumed. As a result, he said the Council will not be making any Library Board appointments at this time even though there were many excellent candidates. He said he emailed the applicants, thanked them, and encouraged them to apply next year and to seek appointment to the Board by another entity.

Council President Weddell listed the Board and Commission vacancies and those who applied:

1. Two positions to the **Redevelopment Commission.** Each appointment is for a one-year term. **Applicants:** Adam Knott; Andrea Johnson (incumbent); Jonathan Graber; Eusebio Pantoja; and Brett Weddell (incumbent).
2. One position to the **Shade Tree Board.** 3-year term. **Applicants:** Ryan Smith (incumbent); Nathaniel Klink; and Eusebio Pantoja.
3. One position to the **Community Relations Commission.** 3-year term. **Applicants:** Sharon Beechy (incumbent); Kyle Richardson; and Ana Zamora
4. Two positions to the **Board of Building Appeals.** 2-year term. **Applicants:** Pete Weddell (incumbent); Joshua Barba; and Joshua Munson.

Council President Weddell asked if Councilors had any questions of the applicants.

Councilor King thanked all who applied for positions and said that those who aren't appointed should try again.

Councilor Eichorn said there were many great candidates this time.

Council President Weddell said it's challenging for the Council when Boards and Commissions have excellent members who have been serving and are up for another term and there are also excellent new applicants.

Council President Weddell nominated Andrea Johnson for the Redevelopment Commission. Councilor Eichorn seconded the motion. Nominations were closed for the first open position.

On a voice vote, Councilors, by a 7-0 margin, approved the motion to appoint Andrea Johnson to a second term on the Redevelopment Commission.

For the second position on the Redevelopment Commission, Councilor Riegsecker nominated Council President Brett Weddell. Councilor Nisley seconded the motion. Nominations were then closed.

On a voice vote, Councilors, by a 7-0 margin, approved the motion to appoint Council President Brett Weddell to another term on the Redevelopment Commission.



Council President Weddell said he would send emails to all applicants informing them of the outcome tonight. **Council President Weddell then** opened nominations for the one open position on the **Shade Tree Board**. He said the applicants were Ryan Smith (incumbent), Nathaniel Klink and Eusebio Pantoja.

Councilor King nominated Ryan Smith for the Shade Tree Board. Councilor Riegsecker seconded the motion. Nominations were closed for the position.

On a voice vote, Councilors, by a 7-0 margin, approved the motion to appoint Ryan Smith to a second term on the Shade Tree Board.

Council President Weddell said the Council next had to appoint a member to the Community Relations Commission. Although Sharon Beechy (incumbent), Kyle Richardson and Ana Zamora had applied, he said he understood that **Mayor Stutsman** already appointed two of the applicants to the commission.

Mayor Stutsman said **CRC Director AJ Delgadillo** contacted him last week and recommended that the Mayor use his two available appointments to name **Kyle Richardson** and **Ana Zamora** to the commission. The Mayor said he did so. **Council President Weddell** and **Councilor King** said they were glad the Mayor did so.

Council President Weddell said this left the Council with just one applicant – **Sharon Beechy** – for the open position and she has been serving on the CRC. **Councilor Eichorn** said **Beechy** is doing a good job.

Councilor King nominated Sharon Beechy for the Community Relations Commission. Councilor Riegsecker seconded the motion. Nominations were closed for the position.

On a voice vote, Councilors, by a 7-0 margin, approved the motion to appoint Sharon Beechy to a full term on the Community Relations Commission.

Finally, **Council President Weddell** said the Council had to appoint two members to the Board of Building Appeals. He said there were three applicants: **Pete Weddell** (incumbent), who has been on the board since it was created 30-plus years ago, **Joshua Barba** and **Joshua Munson**.

Council President Weddell said this Board has only met once since it was created. He said the Board's purpose isn't to change or dispute state code, but to consider appeals of any ruling by a City inspector who is alleged to have misread the state code. **Mayor Stutsman** said the Board hasn't met because when disputes have arisen, City staff members have met with the contractor or homeowner and have been able to resolve any disputes. **Council President Weddell** said he distinctly recalls that the Board met when he was in high school.

Councilor Eichorn asked who else is currently serving on the Board besides Peter Weddell, **Council President Weddell** said Tim Short is also serving on the Board.

Councilor Schrock nominated Pete Weddell for the Board of Building Appeals. Councilor Nisley seconded the motion.

Councilor King nominated Joshua Barba for the Board. Councilor Pérez seconded the motion.

Councilor Eichorn nominated Joshua Munson for the Board. Councilor King seconded the motion.

On a voice vote, Councilors, by a 6-1 margin, approved the motion to appoint Joshua Munson to a full term on the Board of Building Appeals with Councilors Eichorn, King, Pérez, Riegsecker, Schrock and Weddell voting for Munson and Councilor Nisley voting for Weddell.

On a second vote, Councilors, by a 4-2 margin, approved the motion to appoint Pete Weddell to another term on the Board of Building Appeals with Councilors Eichorn, Nisley, Riegsecker and Schrock voting for Weddell, Councilors King and Pérez voting for Barba and Council President Weddell voting "pass."



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

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

BACKGROUND:

In a Dec. 19, 2022 memorandum to the Council, City Stormwater Coordinator Jason Kauffman explained that earlier in 2022, 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 fee 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 Dec. 19. On Dec. 19, 2022, Ordinance 5144 was discussed and the Council passed the Ordinance on first reading. The second reading of Ordinance 5144 was tabled until the Council's Jan. 23, 2023 meeting. 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.

DISCUSSION AND COUNCIL ACTION ON ORDINANCE 5144 ON JAN. 23, 2023:

Mayor Stutsman called on Council President Weddell to comment on the second reading of Ordinance 5144. Council President Weddell said that he tried checking with City and County staff, but was unable to confirm exactly when the higher stormwater fee would take effect and reflected on property tax bills if was passed by all the entities. Because of that uncertainty, he said he didn't want to proceed with a final vote on Ordinance 5144. In addition, he said the Elkhart County Council has decided to delay a vote until the other entities vote on it.

City Stormwater Coordinator Kauffman said that it is his understanding that as long as the City, as well as City of Elkhart, the City of Goshen, Elkhart County, and the Town of Bristol, approve the fee increase by the end of February, the higher fee will be reflected on the property tax bills that will arrive in May.

Mayor Stutsman clarified the timeline.

Council President Weddell said that it appeared others were unclear on the timeline.

Councilor Eichorn asked Weddell his thoughts about how to proceed.



Council President Weddell said he believes other Councilors have concerns and would not like the fee increase to take effect until 2024.

Councilor Riegsecker said a delay until 2024 was also his suggestion. He said that if Ordinance 5144 would require a fee increase this year, he would recommend not passing it until 2024.

Council President Weddell clarified that it was his understanding that this wasn't because **Councilor Riegsecker** didn't favor the fee increase; he just didn't want it to take effect until 2024. **Councilor Riegsecker** responded: "Correct. I think it's a good idea. I think it's a good plan. I think we need it, but I think that the timing is not right."

Councilor Pérez asked **Councilor Riegsecker** to say more about the timing and explain his concerns.

Before he could begin his explanation, **Council President Weddell** said Councilors might reflect on **Mayor Stutsman's** recent recommendation to delay consideration of the imposition of a food and beverage tax because the timing was not right. **Councilor Pérez** said he was aware of that decision. **Councilor Riegsecker** said that would be one point he agreed with.

Councilor Riegsecker said he had additional reasons and he then provided a detailed explanation of why he believe the stormwater fee increase should be delayed.

Councilor Riegsecker said that although the fee increase may be considered "minor" by some, he has heard from people who have discussed how inflation is affecting them and the strain of higher prices for eggs, butter and other items. He said he is sympathetic about that.

Councilor Riegsecker said the first-year stormwater fee increase for homeowners would be \$7 and he is sympathetic, but noted that the increase could be covered by the cost of two Big Macs or a 50-cent decrease in the price of a gallon of gas and one fill up of an empty tank.

However, **Councilor Riegsecker** said he checked on the new property tax assessments and confirmed they will go up this year. He said he reviewed some assessments and tax rates and calculated the increases for homes in a variety of price ranges. He also reviewed the assessments and increases for manufacturing companies.

Councilor Riegsecker said he concluded that some manufacturers would face substantial increases if the stormwater fee took effect. So, he said he concluded now was not the time to hit manufacturers – one of the City's largest tax providers – with a large fee increase.

Councilor King said she always appreciates the information **Councilor Riegsecker** provides and his efforts to help educate Councilors. She asked **Councilor Riegsecker** if his analysis included a consideration of the profits manufacturers have made over the past few years. **Councilor Riegsecker** said he didn't consider that information.

Councilor King said profits should also be considered when discussing the proposed fee increase.

Councilor Riegsecker said he also analyzed data for non-profit organizations, which don't pay property taxes. However, he noted that they do pay stormwater fees, and those fees would increase if Ordinance 5144 was approved. He said non-profits also would be facing modest fee increases at a difficult time.

In summary, **Councilor Riegsecker** said, "It's a good idea. It's a good plan. We need it, because we need to handle our stormwater. I'm just saying I don't like the timing. And I know that we had the same issue with the food and beverage tax. It's just a timing issue and sometimes there's just a time not to do it." He added, "If we can change the date, I'm all in."

Council President Weddell said that it's his understanding that even if the Goshen Council approved the fee increase, the Elkhart City Council hasn't voted on it and Bristol has only voted on the current fee. He said the Elkhart County Council also hasn't taken action, "other than trying to pressure us because they don't want to vote on it, but that's another story altogether."



So, **Council President Weddell** said, even if the Goshen Council voted on Ordinance 5144 this week or next month, if none of the other entities take action the proposal would be delayed until 2024 anyway. He asked for confirmation of that.

City Stormwater Coordinator Kauffman said that unless all of the entities approve the stormwater fee increase, the proposal goes away and would need to be re-started.

Council President Weddell asked Kauffman to clarify what would happen if the proposal was not approved by March 1. **Kauffman** said the proposal would need to be rewritten to change the effective date. If all the parties agreed to the amendment, he said the proposal could move forward. But, he said, unless approved by all parties, the proposal would go away and would have to come back as another proposal.

Councilor Eichorn asked how feasible it would be for the Goshen Council to change the effective date since no parties have approved it. **Council President Weddell** said no entity has approved the higher fees; only the Goshen Council has taken the first step toward approval.

Mayor Stutsman said in situations like this, when representatives of the entities are working together, he would "highly suggest" that the Council not change any aspects because that could cause the proposal to fail. The Mayor said he believes the Council just needs to vote up or down on the proposal. He said he assumes that if all agree that the proposal should be delayed a year, the parties could agree to propose it again in 2024. Mayor Stutsman asked how long it took to develop the current proposal.

Kauffman said work started on the proposal the middle of 2021 if not before – probably 10 months.

Councilor King told Kauffman he has done an excellent job of making his case and much work has gone into the proposal and explaining it to people. She said the City has been willing to lead and nudge others on this issue although that has not been easy. Councilor King said she viewed this issue differently than the proposed food and beverage tax because stormwater affects everyone.

Mayor Stutsman asked **Kauffman** when the Elkhart Council and the County Council might be voting on the proposal. **Kauffman** said he wasn't sure. He said the issue hasn't been before the Elkhart Council and he hasn't been told when it could be before the County Council.

Council President Weddell said he was told the issue isn't on the County Council's "radar." **Mayor Stutsman** asked if the County Council intended to not vote before the March deadline, which would essentially kill the proposal.

Council President Weddell said he didn't know.

Councilor Pérez said it appeared that the fee increase was on the County Council's radar, but the Council hasn't made it a priority. He asked Kauffman why the issue has been delayed.

Kauffman said his understanding is that some elected officials view the stormwater fee issue as an "unfunded mandate," because the federal government requires that counties and cities have stormwater programs, but has not provided funding for programs. **Council President Weddell** said it's a mandate, but the federal government didn't provide funding, so counties and cities have had to provide the funding. **Kauffman** said this dynamic isn't unique to Indiana and that this is happening throughout the country.

Councilor Eichorn said Goshen clearly has a problem with stormwater and needs to do something about it, but the funding has been inadequate. She said the fee needs to be raised, adding that "I'm getting tired of just the little shenanigans that are going on and I think we need to just vote."

Councilor Nisley said he favored tabling Ordinance 5144 tonight. He said he agreed with **Councilor Riegsecker** that this wasn't the right time to move forward with another fee increase. He said there may be a better time to consider an increase down the road, so tonight he would make a motion to table Ordinance 5144.



Mayor Stutsman asked **Councilors Nisley** to clarify to what date he wanted to table Ordinance 5144. After brief discussion, the Mayor suggested the options of tabling the matter indefinitely or to the Feb. 6 Council meeting. **Councilor Nisley** said he would suggested Feb. 6.

Nisley/Riegsecker then 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 Feb. 6, 2023 meeting.

On a roll call vote, Councilors tabled the Second Reading of Ordinance 5144, *Revision of Stormwater User Fees for the Goshen Department of Stormwater Management*, to the Feb. 6, 2023 Council meeting by a 4-3 margin, with Councilors Nisley, Riegsecker, Schrock and Weddell voting "yes" and Councilors Eichorn, King and Pérez voting "no" at 6:48 p.m. Youth Advisor Velasquez Valdes voted "pass."

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)

Mayor Stutsman called for the introduction of Resolution 2023-01, *Resolution of the Common Council of the City of Goshen approving the order of the Goshen Plan Commission*. Council President **Weddell** asked the Clerk-Treasurer to read Resolution 2023-01 by title only, which he did.

Weddell/Eichorn moved to approve Resolution 2023-01.

BACKGROUND:

In a memorandum included the Council's meeting packet, **City Redevelopment Director Becky Hutsell** reported that on Dec. 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 (Tax Increment Financing) area. 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.

Hutsell said 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:

1. 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;
2. Increasing the property tax base; and
3. 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.



Hutsell reported that on Dec. 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. **Hutsell requested 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.**

A public hearing was to be held before the Redevelopment Commission on Tuesday, Jan. 10, 2023, regarding this matter prior to adoption of a Confirmatory Resolution finalizing the establishment of the new housing allocation area.

DISCUSSION OF RESOLUTION 2023-01 ON JAN. 23, 2023:

City Redevelopment Director Hutsell summarized her memorandum to the Council. She noted that the Goshen Community Schools Board passed a resolution approving the project.

Hutsell said if Resolution 2023-01 was passed tonight, the Redevelopment Commission would be asked to adopt a Confirmatory Resolution finalizing the establishment of the new housing allocation area. After commission approval, **Hutsell** said that the matter would return to the Council on March 6 for final approval to establish the Residential TIF.

Mayor Stutsman said basically the City wants the developer to finance the project infrastructure needs up front with a bond. He said the TIF revenue would repay the bond over time. He said if the TIF revenue is not enough to make the bond payments, the City would have zero liability for the repayment. So, he said the developer is acting as the funding source to complete the public infrastructure. He said only 75 percent of the funds will go for the repayment; 25 percent will stay with the City to pay for other needs that might arise in the area.

Councilor Riegsecker said he didn't see those provisions in Resolution 2023-01, so he was a little confused.

Hutsell said they were not included because Resolution 23-01 is not the development agreement or bond ordinance. She said; those provisions will come to the Council later.

Mayor Stutsman said approval of Resolution 2023-01 would allow the project to move forward, adding, "I think it's very safe to say that without this TIF, there is no 1,400-plus housing units that will be built because there's no other way to finance that infrastructure."

Councilor King asked when the school board took action on the TIF. **Hutsell** said the school board approved it on Jan. 9 – the same night the Council originally was to have considered Resolution 2023-01. She said the resolution was continued until tonight for Council consideration.

Mayor Stutsman added that the school board vote was unanimous and he and City staff attended. **Council**

President Weddell said he also was present and that **Superintendent Steve Hope** made a presentation about it.

There were no additional questions or comments from Councilors, so at 6:52 p.m., Mayor Stutsman invited public comments on Resolution 2023-01. There were none, so Mayor Stutsman closed the comment period.

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

On a voice vote, Councilors unanimously approved Resolution 2023-01, Resolution of the Common Council of the City of Goshen approving the order of the Goshen Plan Commission, by a 7-0 margin.



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

Mayor Stutsman called for the introduction of Resolution 2023-02, *Approving a Loan to LaCasa of Goshen, Inc. from the Local Major Moves Construction Fund*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2023-02 by title only, which he did. Weddell/Pérez moved to approve Resolution 2023-02.

BACKGROUND:

Resolution 2023-02 set forth the rationale for and terms of a proposed forgivable City of Goshen loan of \$500,000 to LaCasa of Goshen, Inc. for the construction of permanent supportive housing on property owned by the Oaklawn Psychiatric Center, Inc. at 302 Lakeview Drive.

According to the resolution:

- The City of Goshen has established a fund known as the Local Major Moves Construction Fund;
- The Local Major Moves Construction Fund currently has a balance of \$4,561,537.34;
- 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;
- The same statute 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);
- 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 six, 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. at 302 Lakeview Drive;
- The cost of the water and sewer utility infrastructure improvements contemplated is expected to exceed \$500,000;
- 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;
- 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 six, 8-unit buildings for permanent supportive housing in an amount not to exceed \$500,000.

Therefore, if passed Resolution 2023-02 would resolve 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 \$500,000.
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 \$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.

DISCUSSION OF RESOLUTION 2023-02 ON JAN. 23, 2023:

Mayor Stutsman provided brief background and context of Resolution 2023-02. He stated that:

- At the end of December 2022, the City sought repayment of a \$500,000 loan to LaCasa that was 15 years old and had been extended several times.
- The City requested repayment and LaCasa did so.
- During that time period, the Mayor spoke to **Brad Hunsberger**, LaCasa's vice president for real estate development, and stated that he would be open to another loan for the development of housing in Goshen.
- The Mayor didn't know when a new proposal would come before the Council, but LaCasa quickly advanced a proposal, which was sooner than anticipated.
- The Mayor met with Hunsberger and he discussed the present proposal to develop permanent supportive housing. He thought this would be a good project for the City.
- There is some uncertainty about when the loan must be approved by the Council to help LaCasa secure needed additional project funding, including federal support.
- He said a vote can be delayed to the Feb. 6 Council meeting.
- He has proposed issuing the loan from the Major Moves Fund, which came from Goshen's allotment of the 2006 sale of the Indiana Toll road to a private company.
- He said previous City leaders decided that loans could be made from the Major Moves Fund, but it should always be replaced, adding that this policy remains in effect.
- The terms of the proposed loan are being presented through Resolution 2023-02. If approved tonight, he said the actual loan will be presented to the Board of Works and Safety for review and approval.

Council President Weddell asked if the previous \$500,000 loan to LaCasa was from the Major Moves Fund. **Mayor Stutsman** said it was. The **Mayor** confirmed that when the loan was repaid, the funds were returned to the Major Moves Fund. He added that the Redevelopment Commission also took loans for projects from this fund, but they have been repaid. He said he believed the fund has about \$4.9 million.

City Attorney Bodie Stegelmann clarified that the prior \$500,000 loan to LaCasa was from the electric utility fund. **Mayor Stutsman** apologized for his error and said that the new LaCasa loan could come from either the Major Moves Fund or the electric utility fund.

Mayor Stutsman invited **Brad Hunsberger**, LaCasa's vice president for real estate development, and **Mary Bales**, Oaklawn's Manager of Housing Support Services, to make a presentation about the project.

Hunsberger and **Bales** made a presentation about the project using PowerPoint slides (**EXHIBIT #1**). Highlights of their presentation.

- LaCasa and Oaklawn have had a partnership for 10 years and currently manage 31 units in Goshen and 44 total units of permanent supportive housing in Elkhart County, but more units are needed in Goshen.



- LaCasa and Oaklawn are proposing a project on Oaklawn’s Goshen campus – 8 units in the initial phase and 48 units total across six phases. This site has been selected due to its proximity to Oaklawn’s services and it would be consistent with existing land use and similar housing in the area.
- The site was selected in September 2022. Moving forward, the timeline would be: the filing of an application for state funding in February 2023, starting the project in December 2023; completing the initial 8-unit building in December 2024; and completing phase 6 in December 2034.
- LaCasa and Oaklawn were seeking the forgivable loan because this has been determined to be the best site for the project, there has been an extensive buildout of water and sewer needed for the selected site; the applicants are facing a 48% increase in construction costs; and the plan is consistent with City planning documents.
- Permanent Supportive Housing (PSH) is just as its name indicates – housing that is permanent, supportive and affordable. It is for the community’s most vulnerable people and provides them with housing stability. It stems from a housing-first model as opposed to a treatment-first model. Each PSH project fills a gap, so the initial eight units won’t serve those who qualify as homeless, but those with mental health or substance abuse disorders.
- Permanent Supportive Housing (PSH) is beneficial because it improves housing stability and health outcomes. It also lowers public costs of emergency shelters, hospitalizations and involvement in the legal system because the rates of recidivism drop.
- The current need is for PSH for 70 Oaklawn families. For the broader region, 270 individuals and families need PSH. And more than 500 children are experiencing housing instability.
- Those living in Oaklawn’s Permanent Supportive Housing are eligible for voluntary services, which are also known as Assertive Support Services. Those services include connecting individuals and families to case management, certified recovery coaching and access through proximity to services.
- Goshen’s current PSH has been very successful, as evidenced by its 70% retention rate, service engagement, 630-plus annual documented case management hours as well as relationship building.

After the Hunsberger-Bales presentation, **Mayor Stutsman** thanked LaCasa and Oaklawn for joining to develop and present the proposal. He said joining with the City would produce a great project for the “betterment of our community.”

Mayor Stutsman said there is no TIF (Tax Increment Financing) area to help pay for the needed infrastructure, but several million dollars are being spent at two apartment complexes under development that will produce market rate and workforce housing. He estimated that the major proposed housing development west of Dierdorff Road will require as much as \$20 million in infrastructure improvements.

Mayor Stutsman said those investments are necessary because Goshen needs more housing. However, the City is not meeting affordable housing needs, and the LaCasa-Oaklawn project would help in that regard for a forgivable loan of only \$500,000.

Mayor Stutsman reviewed the terms of the proposed loan and how the funds would be dispersed and when portions of the loans would be forgiven. He said the City in the past made loans to La Casa that have been forgiven and others repaid. Regardless, the Mayor said he would want to make sure the Major Moves Fund would eventually be repaid for the LaCasa loan. He emphasized that some of the terms could be revised.

Mayor Stutsman invited questions and comments from Councilors.



Council President Weddell said he met last week with **Brad Hunsberger and interim LaCasa Director Heidi Stoltzfus McHugh** for about an hour and they answered many of his questions. He thanked them for their time. He asked if the purpose of the loan was for the water-sewer main. **Mayor Stutsman** confirmed that was the case.

Council President Weddell asked what would happen with the loan if the project build out was not completed.

Mayor Stutsman said the remaining portion of the loan would not be forgivable and would need to be repaid. And he said the interest paid would go to the Major Moves Fund.

Council President Weddell said he learned from **Hunsberger** that the complete project build out would be a \$12 million investment. He said that should be noted.

Mayor Stutsman said someone asked him today why the City would be loaning money to another entity when the City also has been exploring the need for a food and beverage taxes and higher stormwater fees. He said that's a good question, but the funds that would be loaned are not used to pay everyday expenses. The funds are designed for projects like this, and if ever used for everyday expenses, there would be no remaining funds for projects like this.

Councilor Eichorn said it was important to recognize that whenever the Council discusses the need for housing, people ask if the housing will be affordable. She said it is difficult to get anyone to invest in affordable housing, especially when it is so difficult to get federal grants, She said this project will help meet community needs, was a good investment by the City and she supported LaCasa and Oaklawn.

Councilor Pérez said he liked the project. He asked if there would be an enrollment process for families to receive wraparound services. He asked if Oaklawn's could provide families services and receive some state reimbursements.

Mary Bales of Oaklawn explained how services currently are provided and said Oaklawn would be able to bill for some services. **Councilor King** asked Bales to clarify. **Councilor Pérez** explained how services are paid. **Bales** added that the families would be able to seek services. She also clarified the various type of services available.

Councilor Schrock asked if the project would provide transitional housing. **Bales** said transitional housing is available in Elkhart, but the proposed project would not serve the homeless population.

Councilor Schrock said he has learned that a group is developing transitional housing in Goshen. **Bales** said she was unaware of that development.

Councilor Nisley said he understood the \$500,000 loan would be forgivable and asked if it would be used for above or below ground infrastructure. **Mayor Stutsman** said it would be for water and sewer and would not be for sidewalks and driveways.

Council President Weddell said when he met with LaCasa officials he was shown a site plan that indicated that the water main had to extend to the north point of the development, so lines could go off to each building. He said running such a long water main would be a sizable expense. He asked for more details on the types of housing.

Brad Hunsberger of LaCasa said one- and two-bedroom apartments would be provided. He said LaCasa has learned of the importance for individuals to reunite with their families, so more two-bedroom options will be offered.

Councilor Nisley said he would like the resolution to include how the \$500,000 loan will be repaid. **Mayor Stutsman** said there could be various repayment options, including the General Fund or the Edit Fund. The Mayor said he was committed to ensuring the Major Moves Fund remained intact. **Councilor King** pointed out that the resolution currently would require repayment from the General Fund.

Councilor Riegsecker said he liked the project and the concept and appreciates LaCasa and Oaklawn, but wanted to get a few questions cleared up. He asked if the proposed federal grant was contingent on the City of Goshen providing some funds. **Hunsberger** said building the project was contingent in funding assistance from the City due to rising construction costs, but not in receiving federal assistance because not enough funding is available.



Councilor Riegsecker asked if the water and sewer lines were being extended north on State Road 15.

Hunsberger said yes, but through an easement from Oaklawn so as not to interfere with the state's right-of-way.

Councilor Riegsecker asked if service could be extended further north if needed. **City Director of Public Works & Utilities Dustin Sailor** said the City's water and sewer lines now end at Oaklawn's south property line and then extend through the campus all the way to the main building. **Hunsberger** said the public utility ends at the southeast corner and beyond that is reserved for private use by Oaklawn.

Councilor Schrock asked if the water and sewer lines to be constructed would be able to meet the needs of future development. **Sailor** said that would be possible. **Council President Weddell** asked who would be responsible for paying for future water and sewer services past Oaklawn. **Sailor** said the future developer would need to pay.

Councilor Pérez said it appeared that this discussion was getting too deep in the weeds.

Hunsberger said the proposed extension would meet Oaklawn's future water and sewer needs. He also clarified the finances of the project, how LaCasa and Oaklawn came to request the \$500,000 forgivable loan and the various phases of the project.

Councilor Pérez commended LaCasa and Oaklawn for trying to make the project work and proposing a partnership with the City. He said he supported the project.

Mayor Stutsman said he originally wanted the Council to vote on the loan tonight, but has learned that a vote can be delayed until Feb. 6. He added that he would like to invite public comment tonight.

Councilor Nisley said he knows the City has problems with water pressure on the east side of the City. He asked if that could be a problem with the LaCasa-Oaklawn project. **Sailor** said not at this point, but it could be a problem with development further north unless a return for the water is constructed.

Mayor Stutsman said he was encouraging the Council to support this only recent affordable housing development.

At 7:35 p.m., Mayor Stutsman invited public comments on Resolution 2023-02.

Council President Weddell stepped away from his seat among Councilors and addressed the Council as a member of the public. He said that he currently serves as LaCasa's Board chair. He said the housing proposal was presented to the Board in the fall as a partnership with Oaklawn. He said the Board was excited about the proposal. He said both organizations share a mindset for serving the community. Weddell said the Board gave unanimous consent to proceed with the partnership. He said as a LaCasa Board member, he believes the project is a great opportunity for individuals in the community who have not been served until now. He stressed that he was speaking as a Goshen resident and LaCasa Board member.

Glenn Null of Goshen introduced himself as a taxpayer and voter. He said the Council should impose a "claw back" in case LaCasa and Oaklawn default on the loan. He said neither LaCasa nor Oaklawn pay taxes and he will not benefit from the project. He objected to the loan being forgivable and said repaying it from the General Fund would be taking money from taxpayers. Null said he objected to this approach. He cited the current impact of inflation on residents and said the City should not be asked to pay for the project.

There were no further comments, so Mayor Stutsman closed the public comment period at 7:39 p.m.



In response to a question from the **Mayor, City Attorney Bodie Stegelmann** confirmed that the Mayor Moves Fund wasn't created with tax dollars.

Mayor Stutsman said he supports a forgivable loan because he believes the project will benefit the community. He added that he was willing to consider changes in the loan and repayment options and those can be explored over the coming weeks. He said that he was grateful to LaCasa and Oaklawn. And he added that part of the "claw back" for this proposal is that the loan would have to be repaid if the project was not fully built.

Mayor Stutsman reopened the public comment period because a member of the audience wanted to speak.

Michael B. Burk of Goshen said he has heard tonight that the project will be for the community. He asked who will decide who can use the housing – someone from the city or a private entity.

Mayor Stutsman said it would either be someone from LaCasa or Oaklawn. **Hunsberger** said those selected for the housing would be current Oaklawn clients who need this housing and who most likely are already living in the community. He said the housing could also reduce homelessness.

Mayor Stutsman invited Councilors to suggest any changes.

Councilor Eichorn asked if the resolution needed to include interest rate options for the repayment.

Mayor Stutsman said that could be added. He said interest could be calculated in various ways and established by the Board of Works. **Councilor King** said the resolution sets forth that procedure.

Council President Weddell asked the interest the City was paid by LaCasa for the recent \$500,000 loan. He said he believed it was set at 1 percent above the City's average investments. **Clerk-Treasurer Aguirre** confirmed that understanding.

Councilor Riegsecker said he wasn't concerned about the City extending the loan because LaCasa has been a reliable partner and said it would be easy to negotiate the interest rate. However, he said he was struggling with the City providing a forgivable loan. So, he said he was in favor of tabling Resolution 2003-02. Councilor Riegsecker discussed the terms of the proposed loan and the continuing request for more funding services to pay for City services. He said he was struggling to reconcile that need and this request to approve a forgivable loan.

Mayor Stutsman said that if **Councilor Riegsecker** opposed the LaCasa loan, would he approve of using the Major Moves funds to pay for stormwater system needs or police services, thus depleting it. **Councilor Riegsecker** responded that he doesn't want to deplete the Major Moves Fund at all. **Mayor Stutsman** said the fund is not designed to pay for everyday expenses.

Councilor Riegsecker said the City needs to send a consistent message. He asked if the City needs more money for stormwater needs or does it have enough money to provide a \$500,000 forgivable loan. So, he said he would like to table the resolution to think about it and talk to more people. Councilor Riegsecker said Councilors only received this proposal on Thursday and he would like more time to consider it.

The **Mayor and Councilors** talked about the timing of the information and the LaCasa-Oaklawn presentation, which was only available today.

Councilor King said a number of people have asked how the proposal would benefit the community. She said it helps the entire community when the population is stable. She said everyone suffers when there is chaos.



Councilor Nisley asked if Councilor Riegsecker wanted to make a motion.

Council President Weddell said it was good to allow Councilors to discuss how to proceed. **Councilor Riegsecker** agreed and said it was important for Councilors to express their concerns.

Mayor Stutsman said he wanted to add that this project would be good for the community. He said that when cities have a hole in the community, a legitimate need, cities are expected to step up and fix it. He said the City always needs to pursue opportunities and this is a good one. And, he said, the City should invest in the community.

Councilor Riegsecker said he believed this is a good project, but he wants to take some more time to consider it. **Councilor Riegsecker then made a motion to take Resolution 2023-02 until the next City Council meeting.** **Councilor Nisley** seconded the motion

On a voice vote, Councilors voted unanimously to table Resolution 2023-02, Approving a Loan to LaCasa of Goshen, Inc. from the Local Major Moves Construction Fund, to the Feb. 6, 2023 Council meeting at 7:49 p.m.

Mayor Stutsman asked that Councilors to reach out to him with any proposed revisions to the resolution and proposed agreement so he can reach out to LaCasa and Oaklawn.

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

Mayor Stutsman called for the introduction of Resolution 2023-03, *Acquisition of Real Estate at 1402 West Wilden Avenue*. **Council President Weddell** asked the Clerk-Treasurer to read Resolution 2023-03 by title only, which he did.

Weddell/Eichorn moved to approve Resolution 2023-03.

BACKGROUND:

Resolution 2023-03 would authorize the City to acquire real estate more commonly known as 1402 West Wilden Avenue for use by the Waste Water Treatment Plant.

The resolution further specified that the purchase price 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 City Board of Public Works and Safety. Earlier on Jan. 23, the Board adopted Resolution 2023-01, *Acquisition of Real Estate at 1402 West Wilden Avenue*, which approved the terms and conditions of a purchase agreement with LDM Investments, LLC for the City's acquisition of the real estate and ratified the Mayor's execution of the purchase agreement on Dec. 22, 2022. The resolution further authorized the Mayor to execute any other documents on behalf of the Board and the City of Goshen necessary to effectuate the City's acquisition of the property.

Under the terms of the agreement, the City will pay LDM Investments, LLC \$345,000 for the real estate and the closing will take place on or before March 31, 2023.

The property, which currently houses Teledata Inc., has approximately 3,000 square feet of office space and 4,500 square feet of floor or storage space. A 14-foot overhead door gives access to warehouse space. The office space has a reception area, six offices, a common work area, a conference room and a break area. The lot size is 37,462 square feet.



DISCUSSION OF RESOLUTION 2023-03 ON JAN. 23, 2023:

Mayor Stutsman said he apologized for another matter moving so quickly to the Council.

Mayor Stutsman said that during the most recent upgrades to the treatment plant, the City had planned to construct a building for storage and seasonal equipment. That building would have cost \$600,000, but there were flood plain issues and the proposed cost increased. So, the Mayor said the proposed building was cut from the project.

Mayor Stutsman said that in December, Utilities staff informed him that the Teledata property, which is directly across the river from the City wastewater treatment plant, was available. The Mayor said he and City staff inspected the building, which has a front office section and a large pole barn garage area.

Mayor Stutsman said the garage is perfect for the Utility needs. He said the building purchase will be paid by Utilities. The garage will be able to store a wide range of equipment, some of which is only used seasonally.

Mayor Stutsman said the office space will also fill another need. He said City records are being stored all over the City in different buildings, including rental facilities. He said the Teledata building purchase will allow for the consolidation of the storage of all of the City's records in a secure location. Staff will be on site almost daily. He also noted the area has a good conference room.

Councilor Riegsecker asked if the new site could ever be used to treat sewage or would it remain for storage and office space. **City Director of Public Works & Utilities Dustin Sailor** said this property is outside the flood plain and will be ideal location to store critical assets in case of a flood. **Councilor Riegsecker** said he liked the location.

Council President Weddell asked if the appraisals have already been completed. **City Attorney Bodie Stegelmann** said not yet. Asked what would happen if the appraisals came out low, **Stegelmann** said, "We'll have to cross that bridge when we get to it." **Council President Weddell** said it was a good location and that he also supported the purchase, noting that the original building would have cost \$600,000.

Councilor Schrock asked if the owner was asking \$345,000. **Stegelmann** said that was the purchase price. **Mayor Stutsman** said the owner expressed a willingness to work with the City, even if the appraisals are not right.

Councilor Riegsecker asked if the location was large enough to add another pole barn. **Mayor Stutsman** said "not really," but that the Central Garage could temporarily store some vehicles there, in a protected and secure area.

At 7:55 p.m., Mayor Stutsman invited public comments on Resolution 2023-03. There were none, so Mayor Stutsman closed the public comment period.

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

On a voice vote, Councilors unanimously approved Resolution 2023-03, Acquisition of Real Estate at 1402 West Wilden Avenue, by a 7-0 margin, at 7:55 p.m.

Elected Official Reports:

Mayor Stutsman said **Communications Coordinator Sharon Hernandez** had refrigerator magnets showing the City garbage and recycling pickup dates. He said the magnets were available for the Councilors to distribute to constituents. He said people are gradually learning the pick-up schedule. Still, the Mayor said people can contact the City and find out their recycling pickup week.



Mayor Stutsman reminded Councilors that the City will be sponsoring an open house to for the proposed growth strategy planning project will take place from 3-7 p.m. on Jan. 24, at the City Public Library.

Councilor Eichorn gave a brief report on last week's meeting of the Community Relations Commission. She said Goshen College students made a movie about the City's sundown ordinance. The movie had a preview showing at the college on Jan. 15. She said it be shown again at the Goshen Theater on March 22, and the public is invited.

Councilor Riegsecker said a resident contacted him today about the City's recycling program and the closure of the county recycling stations. He said it appeared just one site was open and a business owners needs a place to take cardboard. He asked about the status of the City's new site.

Mayor Stutsman said he understands that the county plans to leave open its recycling site at Martin's until the end of March. The Mayor said the City hopes to open its new recycling site by then. He said the City will be taking steps, including the installation of cameras, to discourage the dumping of non-recyclable items. He said staff may be requesting that the Council impose a fine for illegal dumping. He said the county is closing its sites because people continue dumping non-recyclable items. And, he said, there may come a day in the future when the City will have to close this new site for the same reason.

City Director of Public Works & Utilities Dustin Sailor said the City will be seeking a bid for a company to provide the containers and pick them up and transfer the recyclable items to the recycling facility.

Because the county will end the pickup of recyclables, **Mayor Stutsman** said the county plans to provide the City with \$50,000 or \$60,000 over five years to help pay for the recycling. He added that he hopes people will follow the rules at the new City site. **Sailor** added that the site will not be fenced. However, **Mayor Stutsman** said City wastewater staff will be checking the site regularly and will report any illegal dumping, so that the cameras can immediately be checked and the offenders identified.

Councilor Riegsecker said he appreciated that **City Director of Environmental Resilience Aaron Sawatsky Kingsley** responded quickly to his questions about recycling and got additional information from **Sailor**.

Asked by **Councilor Schrock** when the new City recycling site will be open, **Mayor Stutsman** said bids will soon open for a vendor to provide the containers and the pickup service. **City Attorney Stegelmann** said the City hopes to have the new site opened in March.

Councilor Riegsecker said another constituent asked him about a burned out street light on a pole in his yard. He said he checked and was able to go to a NIPSCO website and report the problem. Councilor Riegsecker said he contacted City staff and was referred to NIPSCO. **Mayor Stutsman** said it is still important to report street light problems to the City, because the City pays for the street lights, whether they are on or off. **Sailor** said Engineering Department staff can also report to NIPSCO when street lights are out.

Councilor Pérez said **Goshen College Assistant Professor of Social Work Robin Ebright Zehr** may be reaching out to Councilors to ask about their work and what they do. He said some of her social work students also attended tonight's meeting.

Councilor Pérez thanked **Michael Burk** for attending tonight's meeting. He said he had visited Burk's home to discuss his problems with NIPSCO. He said he invited Burk to attend the Council meeting and share his concerns with the Council and is glad he did so.

Mayor Stutsman told Burk that City staff will be in touch with him soon.

Councilor Schrock said everyone is at NIPSCO's "mercy."



Clerk-Treasurer Aguirre said that on Wednesday, Goshen College officials will announce that the college has achieved a long-sought goal – the federal designation of being a Hispanic-Serving Institution. He said those are colleges that have an enrollment that is at least 25 percent Latino and have a certain portion of students receiving federal financial assistance.

Aguirre said this has been a long time in coming – a goal set by **President Jim Brenneman** when he came to the college in 2006 and is a reflection of the growing Latino population in Elkhart County and especially the City of Goshen. He said the college has been working on this goal for many years and **Aguirre** said he worked on this during the 14 years he worked at the college. He said **Councilor Pérez** also worked on this. **Aguirre** said his makes Goshen College the state’s third Hispanic-Serving Institution, and it’s a “big deal;”

There were no further comments by elected officials.

Councilor Nisley made a motion to adjourn the meeting. **Councilor Riegsecker** and **Schrock** seconded the motion. **Councilors** unanimously approved the motion to adjourn the meeting.

Mayor Stutsman adjourned the meeting at 8:07 p.m.

EXHIBIT #1: PowerPoint slides, titled “Permanent Supportive Housing; Toward Health and Wholeness,” which were presented to the Council on Jan. 23, 2022 by Brad Hunsberger, LaCasa’s Vice President for Real Estate Development, and Mary Bales, Oaklawn’s Manager of Housing Support Services. This presentation was in support of Council agenda item #6. Resolution 2023-02, Approving a Loan to LaCasa of Goshen, Inc. from the Local Major Moves Construction Fund.

APPROVED:

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer



**STORMWATER DEPARTMENT
CITY OF GOSHEN**

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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 January _____, 2023.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

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

Richard R. Aguirre, Clerk-Treasurer,

APPROVED and ADOPTED on the _____ day of _____ 2023.

Jeremy P. Stutsman, Mayor

**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