



## **Goshen Common Council**

**6:00 p.m., March 20, 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** – Feb. 6 Regular Meeting, Feb. 13 joint meeting with School Board (included in Council packet) and March 6, 2023 Regular Meeting (to be emailed separately)

**Approval of Meeting Agenda**

**Privilege of the Floor**

**1) Public hearing:** Community Development Block Grant (CDBG) Program Year 2023 Annual Action Plan

**2) Interlocal agreement:** Between the City of Goshen and the city of Nappanee for completion of a joint federal aid project (electric vehicle charging infrastructure installation)

**3) Ordinance 5154:** Amend 2023 Compensation Ordinance 5140 for Police Department Employees Regarding the Hiring Bonus

**Elected Official Reports**

***Adjournment***



## GOSHEN COMMON COUNCIL

### Minutes of the FEBRUARY 6, 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 6:01 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)

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

**Approval of Minutes:** Mayor Stutsman asked the Council's wishes regarding the minutes of the Jan. 23, 2023 Regular Meeting. Councilor King made a motion to approve the Jan. 23 minutes as presented. Councilor Schrock 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. Councilor King seconded the motion. The motion passed 7-0 on a voice vote.

#### Privilege of the Floor:

At 6:03 p.m., Mayor Stutsman invited public comments on matters not on the agenda. There were none.

#### 1) 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/Eichorn 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**.

Baker Tilly recommended that the minimum rate 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 an increase in the user fee 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 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 take to the Goshen Common Council for discussion and a vote on Dec. 19.

If passed, Ordinance 5144 would take effect Feb. 1, 2023 as long as similar ordinances with the same rate increases were approved by the Elkhart County Commissioners, Elkhart County Council, the Town of Bristol and the City of Elkhart.

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.

On Jan. 23, 2023, Councilors engaged in an extensive discussion about Ordinance 5144 focused on whether to proceed with the second reading or delay a vote until later this year or 2024. A majority of Councilors indicated that they believed Ordinance 5144 had merit and that the City required more funds to address stormwater needs. However, there appeared to be an emerging majority of Councilors who wanted to delay implementation of the higher stormwater fee until 2024. Ultimately, Councilors Nisley and Riegsecker moved to table the Second Reading of Ordinance 5144 to the Council's Feb. 6, 2023 meeting.

On a roll call vote, Councilors tabled the Second Reading of Ordinance 5144 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." Youth Adviser Velasquez Valdes voted "pass."

#### **FEB. 6, 2023 DISCUSSION & PASSAGE OF ORDINANCE 5144:**

Mayor Stutsman said the Council was taking on Ordinance 5144 on the second reading for the third time. He invited City Stormwater Coordinator Jason Kauffman to provide an overview and update on the proposed ordinance.

Kauffman provided an update. He said that having checked with Elkhart County Attorney Steve Olson, he learned that even if all of the partners passed the higher uses fees in 2023, they would not take effect until 2024.

In response to questions from Councilor Riegsecker, Kauffman said that if the higher fees were approved, the City of Goshen and other partners would still have shortfalls in meeting stormwater management needs. He said the shortfall for Goshen would be about \$500,000 a year. Kauffman said a user fee of \$51 for the City of Goshen, would have met the City's needs without a shortfall, but the amount was reduced so other partners would support it.

Councilor Pérez noted that other cities and the County seemed unlikely to approve the higher fees. He asked Kauffman what would happen if the Goshen Council approved the increase and other partners did not.

Kauffman said Goshen's approval would be a step along the path to other partners approving the increase. He agreed that the other partners have not indicated much interest in approving higher fees, but said Goshen's approval could encourage others. He added that higher fees will not take effect unless all four partners approve them, but said if the increase failed, the City of Goshen could advance a proposal to raise the fees by itself.

Councilor Pérez asked about the next steps, including perhaps forming a task force of elected officials from the partners to pursue the increase. Kauffman said that possibility was discussed.

Mayor Stutsman pointed out that the partnership currently includes representatives of the cities and the County who are supposed to advance the views of the elected officials. He said before moving forward by itself, City staff would need to make sure the County would bill a higher fee for the City of Goshen. In the meantime, the Mayor said the City should move forward with needed stormwater projects.

Council President Weddell said he understood that if the partner cities and the County do not pass the fee increase by the end of March, the matter cannot take effect this year and the rate will not change.



**Kauffman** agreed with that understanding. He added that the partnership would not be dissolved and that members would continue working together.

**Councilor Riegsecker** thanked **Kauffman** for his thorough work and the information provided to the Council. He asked for clarification on how it was determined the fee should be raised to \$36 a month. **Kauffman** said that the \$36 fee worked best for all the partners. **Council President Weddell** also thanked **Kauffman** for his efforts.

**Councilor Schrock** said he supported a higher user fee, although preferably taking effect in 2024. He said that he wished he could get a commitment from the Engineering and Stormwater Management departments that the City would address the flooding problems on Olive Street and Blackport Drive. He said problems in those areas have gotten worse and should be fixed. **Kauffman** agreed and said the City plans to address related problems affecting Rock Run Creek. **Councilor Schrock** said it appears the City Goshen is ahead of other nearby communities in addressing wastewater treatment and stormwater issues.

**Councilor King** thanked **Kauffman** for the information he has provided and for making the case for a fee increase. She said she agreed with **Councilor Schrock** that real leaders “step out and do what needs to be done.”

**Councilor Pérez** asked if there was a role for Goshen Councilors to meet with elected officials from Bristol, Elkhart and Elkhart County and call on them to pass the higher fees.

**Mayor Stutsman** responded that he would support that effort. He said he has already contacted other elected officials to assess where they stand. He said Elkhart County Commissioners approved the fee increase last year, but others have not. The Mayor said he understands the reluctance to pass higher fees because it is an election year, “but I think it’s important that elected officials remember that they’re here to lead and not to win elections.” He said he would be willing to join Goshen Councilors in speaking with local elected officials.

**Council President Weddell** said he has personally discussed the fee increase with two Elkhart County Council members, and expressed his strong opinion. Asked by **Councilor Pérez** what they responded, **Council President Weddell** said, “You can only imagine.” **Mayor Stutsman** said he has not spoken to any county councilors, but has spoken to officials from other cities.

**Council President Weddell** said he recently spoke to a reporter for the *Goshen News* about the biggest issues facing the City. He said it is an election year, “but we still need to get work done and a lot of people are afraid to get work done in an election year. Let’s step up to the plate and let’s get the work done.” **Councilor Eichorn** responded, “Exactly.”

**Councilor Pérez** suggested that the Council President and Mayor and other Councilors meet with other elected officials and encourage passage of the higher fees. And if that effort fails, he said the City should pursue the imposition of higher fees by itself. **Mayor Stutsman** agreed and encouraged Councilors to reach out to their counterparts in other cities and the County while he said he and the Council President could also reach out.

**Council President Weddell** responded, “And if don’t want to vote for it, have them vote no. Take a vote so that we know how to proceed.” Other **Councilors and the Mayor** agreed.

**Councilor Nisley** said he has not felt comfortable increasing the fees now, although he said he supported continued stormwater management work. He said this was not the right time to impose higher fees because of the current economic situation, but it may be in a year or two.



**Mayor Stutsman** responded that he could respect that position, but any fee increase would not take effect for a year. He also said that ever since he served on the Council, he was told by other Councilors and people in the community that the City “needs to act more like a business. And the reality is every business is raising its rates right now because everybody’s costs are going up and we’re not exempt from that.” He said the City must make sure any increases are reasonable, but delaying necessary cost increases for too long can eventually result in huge increases. He said this happened six or seven years ago with large water rate increases. He said a balance is needed.

**Councilor Nisley** said it has alleviated some of his concerns that any fee increase would not take place until next year, but he said there’s no telling what economic conditions will be like in 2024. He said a few RV companies appear to be laying off people. He conceded that “it’s not a lot of money, but every nickel and dime adds up.”

**Mayor Stutsman** and **Councilor Schrock** asked for clarification on when the higher fees would take effect.

**Kauffman** said the higher payments would not take effect until 2024.

**Councilor Schrock** asked the action the Bristol Town Council took. **Mayor Stutsman** said it passed a resolution to increase the fees to the current level, because it was assessing lower fees than Goshen, Elkhart and Elkhart County. The Mayor said Bristol council members also voted that the council would take further action if other partners passed the higher fees. “Everybody is passing it safe,” he added.

**Councilor Nisley** commented that other parts of the City need stormwater work. **Councilor Schrock** said that when residents see work is being done they may support higher fees. **Councilor Nisley** said that could be true as long as work is being done near their neighborhoods.

**Councilor Pérez** asked if the City Engineering Department had timeline for completing stormwater projects on the east and west sides of the City.

**City Director of Public Works & Utilities Dustin Sailor** said if he had to choose it would be on the eastside, since the costs of the work would be lower. He said it would take a balance between the funding and the need. For example, Sailor said West Goshen has long been a flood study area, but to address flooding would require land purchases and the development of stormwater retention basins. And on the eastside, he said addressing flood issues will require cleaning our unregulated drainage ditches and other actions.

**Councilor Nisley** asked if the City is seeking additional funds for the work. **Mayor Stutsman** said the City is seeking additional funds wherever possible, whether through state or federal sources.

**Sailor** said even if the higher fees were approved, the City would still not have enough money to complete needed projects. **Mayor Stutsman** said he approved the higher fees even though they will not meet the City’s needs.

**Councilors** briefly discussed the impact of the fee increases, including on businesses.

**At 6:28 p.m., Mayor Stutsman invited public testimony on Ordinance 5144.**

**Glenn Null of Goshen** said he thought clearing drainage ditches was a County responsibility and the City should not need to pay for that work. Null said he has lived in Goshen for a long time and that the east and west portion of the City have always had flooding problems. He said the flood problems in his neighborhood began in 1994 due to a poor street paving project and still is a problem. While Null said he understands the need for big projects, he said small projects such the one on his street, also should be done. Null also said the County Council members are not going to approve this fee increase, so he didn’t know why the Goshen Council was spending so much time on this issue.



**There were no further public comments, so Mayor Stutsman closed the public comment period at 6:31 p.m.**

**Councilor Eichorn** said it was time for the Council to vote on the fee increase,

**Councilor Riegsecker** said he wanted to make a few comments. He said he already reviewed various scenarios at the past two Council meetings. He began by stating that the Council would not be voting on a new tax or fee, but on an existing fee. He said that when the rate of inflation was considered, from 2006 until this year, the rate should be \$22 already, compared with the current \$15 fee. He said that should be considered because everything costs more today.

**Councilor Riegsecker** said **Jason Kauffman** did a good job explaining the impact of the higher fees and the fact that the City of Goshen would continue to run a deficit in the funding necessary for stormwater management work. He said if any partner should be supporting a higher fee, it should be Goshen and if other partners oppose an increase, they should be voting "no." He also said there would be 16 months before the fee increase will take effect and everyone can figure out the impact on his or her properties and budget for the increase.

**Councilor Riegsecker** said the City Council has a duty to protect property from stormwater damage, which would cost residents much more money to remedy than the higher fees. Councilor Riegsecker said he did not want to raise the fees, but the City has many stormwater projects it needs to complete. He added that he has fewer concerns about the impact of the possible fee increase because it will not take effect until next year.

**There were no further comments from Councilors. Council President Weddell indicated Councilors were ready to vote.**

**On a roll call vote, Councilors unanimously passed, by a 7-0 vote, Ordinance 5144, Revision of Stormwater User Fees for the Goshen Department of Stormwater Management, on Second and Final Reading with all councilors present voting "yes" at 6:35 p.m.**

## **2) 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.**

**As originally introduced, the resolution stated that:**

- 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. 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.

**At the Jan. 23, 2023 Council meeting:**

**Mayor Stutsman provided brief background and context of Resolution 2023-02 as well as the rationale for passing it.**

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

**After the Hunsberger-Bales presentation, Mayor Stutsman and Councilors engaged in an extensive conversation about the proposal.**

**At 7:35 p.m., Mayor Stutsman invited public comments on Resolution 2023-02. Council President Weddell, addressing the Council as a member of the public, supported the loan. Glenn Null of Goshen opposed the loan.**

**Michael B. Burk of Goshen asked who would decide who could use the housing when completed.**



After the public testimony, Mayor Stutsman and Councilors further discussed the proposal.

Councilor Riegsecker said he believed this is a good project, but he wants to take some more time to consider it. So, Councilor Riegsecker made a motion to table 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.

#### **FEB. 6, 2023 DISCUSSION AND PASSAGE OF RESOLUTION 2023-02:**

Mayor Stutsman acknowledged that this housing proposal has come before the City Council somewhat abruptly, but said that was because LaCasa was trying to meet fund application deadlines. He said representatives of La Casa and the City would be addressing the Council tonight.

Mayor Stutsman said he had distributed to the Council and made available to the public at the meeting a proposed amended version of Resolution 2023, *Approving a Loan to LaCasa of Goshen, Inc. from the Local Major Moves Construction Fund (EXHIBIT #1)*.

Mayor Stutsman said because of good work by City staff, he now was proposing a reduction in the loan from \$500,000 to \$250,000. In addition, because of concerns from Councilors and the public about repaying the loan to the Major Moves Construction Fund from tax dollars, the Mayor said he was now proposing repaying the loan from Opioid Settlement funds. He invited **City Director of Public Works & Utilities Dustin Sailor** to discuss the reduced infrastructure costs, which was why the Mayor said the proposed loan could be reduced to \$250,000.

Sailor said that at the Council's last meeting, **Councilor Schrock** asked good questions about what kind of growth is anticipated north of Oaklawn, which is a good question because there is a lot of acreage that could be developed in various ways. He said before Christmas, during a meeting with LaCasa and Oaklawn staff, City staff members stated that a 16-inch water main should be installed at the proposed housing development site. Upon further consideration, Sailor said City staff determined that Oaklawn's water and sewer lines could be "right-sized" and future development would have to pay for any further expansion in the north.

**Council President Weddell** asked if the existing water and sewer lines could service the new buildings. In response to a follow-up question from **Councilor Schrock**, Sailor clarified the issue. In response to **Councilor King**, Sailor said there was no down side to proceeding as has now been recommended.

**Brad Hunsberger, LaCasa's vice president for real estate development**, distributed to Councilors revised site plans and LaCasa Goshen Utility Work Budget pricing for the proposed 8-unit permanent supportive housing development to be located on real property owned by Oaklawn Psychiatric Center, Inc. at 302 Lakeview Drive (**EXHIBIT #2**). He described the various phases of the project and the advantages of proceeding as recommended by Sailor and not expanding the water and sewer infrastructure for future growth until later.

In response to questions from **Council President Weddell**, Hunsberger said LaCasa and Oaklawn would have the water and sewer lines needed for phases one and two of the project and will then expand them for future phases.

**Council President Weddell** said he was glad this could work out in this manner.





**Deputy Mayor Mark Brinson** described how the City would use funds from the national Opioid Settlement to repay the LaCasa loan to the Mayor Moves Construction Fund. He said the City will receive about \$600,000 over 18 years as part of the nationwide settlement with pharmaceutical distributors. The City will receive funds that can be used for unrestricted and restricted purposes. He said one of the allowed uses for restricted funds is housing for people in drug treatment, which is exactly what LaCasa and Oaklawn are developing.

Asked by **Councilor Pérez** about how much of the spending is restricted and how much is unrestricted, **Brinson** said about \$424,000 is restricted and about \$181,000 is unrestricted.

**Mayor Stutsman** said the City would receive two large chunks of money for the initial two years of the settlement – \$178,000 this year in restricted funds. He said that entire amount could be used immediately to help pay down the \$250,000 loan to LaCasa. He said the remainder could be paid in later years.

**Mayor Stutsman** outlined the changes in the amended draft Resolution 2023-02. They were as follows:

- The amount of the proposed loan was decreased from \$250,000 to \$500,000;
- The City would forgive \$100,000 of the loan upon completion of the first of the eight-unit buildings. An additional \$100,000 would be forgiven after the completion of the third building. And upon completion of the 6<sup>th</sup> building, the City would forgive the remaining principal amount of \$50,000.
- The Oaklawn Psychiatric Center, Inc. would grant the City of Goshen an easement or dedicate sufficient land to the City to allow for future extension of public sewer and water facilities along the east boundary of Oaklawn, adjacent to State Road 15, from the southern to northern boundaries of the property.
- The City would commit to use its new Opioid Settlement Fund, using its restricted allotment, to replenish the Local Mayor Moves Construction Fund the full portion of the loan to LaCasa that is forgiven, beginning in the 2024 budget at the earliest. The restricted allotment of Opioid funds the City will receive total \$424,000.
- Finally, the dates of the proposed resolution have been updated.

**Mayor Stutsman** said he would be happy to discuss the proposed changes with Councilors. He said if there were no further changes, they could be made individually or a motion could be made to accept all of the proposed revisions.

**Weddell/Nisley made a motion to amend Resolution 2023-02 as highlighted in Mayor Stutsman's proposed revisions.**

**There was no further discussion by Councilors or the public on the revisions to Resolution 2023-02.**

**On a voice vote, Councilors unanimously approved, on a 7-0 vote, the proposed revisions to Resolution 2023-02, Approving a Loan to LaCasa of Goshen, Inc. from the Local Mayor Moves Construction Fund, as suggested by Mayor Stutsman, at 6:49 p.m.**

**Mayor Stutsman** asked if there was further discussion by the Council on the revised resolution.

**Council President Weddell** said he would prefer that the Council not be involved in negotiating the terms of the loan agreement. He suggested that the Board of Works be mindful of the terms of the last agreement with LaCasa, which he believed the interest charged was 1 percent over the average of the City's annual investments.



**Mayor Stutsman** said he understood the request and would consider the previous terms.

**Councilor Riegsecker** asked about the repayment of the loan, confirming that the loans would not be forgiven until the buildings were completed. **Mayor Stutsman** said the loans can be repaid sooner if the funds were needed.

**Councilor Riegsecker** said he would favor replenishing the Major Moved Fund quicker.

**Councilor Nisley** asked what would happen if the project isn't completed in its entirety. **Mayor Stutsman** said LaCasa would be responsible for paying back \$150,000 if only two buildings were completed unless another arrangement could be made. **Council President Weddell** said LaCasa has good record of repaying loans.

**Councilor Pérez** thanked the Engineering Department, La Casa, Oaklawn and the Mayor for coming together with a new and better proposal. He said this should expedite the development of additional buildings and the project fits within the spending priorities of the Opioid settlement funds. Councilor Pérez also said this was a good project that will benefit the community and people who need this housing assistance.

**At 6:55 p.m., Mayor Stutsman invited public testimony on Resolution 2023-02.**

**Glenn Null of Goshen** said he was glad the size of the loan to LaCasa was reduced. He said he believes the interest should start accruing immediately and be set at 1 percent above the prime lending rate. He cautioned that using Opioid settlement funds could be risky if the LaCasa fails to fully develop the housing or there is a change in the allowable uses of Opioid settlement funds. He said the City would be losing money by setting a low interest rate.

Testifying as a member of the public, **Council President Weddell** said LaCasa's Board met last week and unanimously agreed to pursue this proposal. He thanked City staff for working with LaCasa and said Oaklawn was an excellent partner. He also said that this project would benefit people in treatment who need housing. He also said this would be the only such project in Elkhart County that will accommodate families. And he thanked the Council, the Mayor and City staff for supporting this project.

**There were no further comments, so Mayor Stutsman closed public testimony at 7 p.m.**

**Mayor Stutsman** said he was excited about the project, noting that communities across the state are trying to increase all levels of funding. Assuming all funding for the LaCasa Oaklawn project comes through, he said the City would have added workforce and market rate housing at significant levels and now some affordable housing. He said it feels like the City is on the right track and ahead of where other communities would like to be.

**Councilor Pérez** also praised the partnership and this proposal. He said he hopes Councilors also will promote the project. **Councilor King** echoed the positive comments from others and thanked all who contributed to the project.

**Council President Weddell** pointed out that the last page of the resolution listed the approval date of 2022 and not 2023. **Mayor Stutsman** said that was a minor change that can be made in the resolution.

**Councilor Riegsecker** asked if loans from the Major Moves Fund have always been repaid with interest. **Mayor Stutsman** said that mostly has been the case, but not always.



**Councilor Riegsecker** asked if Glenn Null was correct in expressing a concern about changing federal regulations. **Mayor Stutsman** said that was a valid concern, nothing that there were multiple changes regarding expenditures and reporting of American Rescue Plan funds.

However, **City Attorney Bodie Stegelmann** said the National Opioid Settlement is not made up of federal funds but a settlement and there will be fewer reporting requirements.

**Council President Weddell** said he has fewer concerns because the loan now is only for the first two buildings, which should be developed quickly. He said everything beyond that would be paid by LaCasa.

**Councilor Eichorn and Mayor Stutsman** said that was a good point.

**Council President Weddell** asked **Clerk-Treasurer Aguirre** if the City collected the prime interest rate on any of its investments. **Aguirre** said the City did on the funds it had in the bank. However, up until recently the City collected very little because the prime rate was so low.

**Councilor Schrock** said, "It felt like a no-brainer" to support LaCasa and Oaklawn. **Mayor Stutsman** agreed that they have been great community partners for decades.

**Councilor Eichorn** thanked Councilor Schrock for asking questions that prompted City staff to more closely examine the proposal and develop a way to lower the loan amount. She said that this shows Council conversations can change proposals for the better. **Councilor Nisley** also thanked the Mayor and City staff for reducing the loan amount, which he said had been one of his concerns.

**Council President Weddell** noted that he has no financial interest in this project, so he has no conflict of interest. He added that he is not paid to serve on LaCasa's board. **Mayor Stutsman** said that this understanding – that **Council President Weddell** had no conflict of interest – was confirmed with the City Attorney before the LaCasa project came to the Council.

**There were no further amendments to Resolution 2023-02. There were also no further Council comments. And Council President Weddell indicated that Councilors were ready to vote.**

**On a voice vote, Councilors unanimously passed, by a 7-0 vote, Resolution 2023-02, Approving a Loan to LaCasa of Goshen, Inc. from the Local Major Moves Construction Fund, at 7:08 p.m.**

#### **Elected Official Reports:**

**Councilor Nisley** thanked **City Superintendent of Parks & Recreation Tanya Heyde** and the Parks and Recreation Department for agreeing to install pavilions at Baker Field and in East Goshen. He said he learned the pavilions will be installed at both parks and residents will appreciate having them for their annual picnics. **Mayor Stutsman** responded that the pavilions were ordered in the second half of 2021 and were delayed by backlogs in construction.



**Councilor Pérez** reminded Councilors that a few months ago they unanimously passed a resolution supporting driver cards for undocumented people in Indiana. He said a Senate committee will consider the proposal tomorrow and **Mayor Stutsman** and **Police Chief José Miller** will be testifying for the bill. He said such legislation matters and it's important to be involved in the process. Pérez said he hopes the legislation passes, because it will deliver many benefits, including enhanced public safety. He added that he will be attending a legislative breakfast in Indianapolis on Wednesday and will discuss the bill with legislators.

**Mayor Stutsman** said he, **Chief Miller**, and **Clerk-Treasurer Aguirre** would be attending the Senate hearing on the driver card bill. He said a positive vote in committee would send the bill to the Senate for a vote. He pointed out that the bill has bipartisan support, including the backing of 25 Republican mayors and 21 Democratic mayors.

**Clerk-Treasurer Aguirre** said the Council's next meeting, on Feb. 13, would be a joint meeting with the Goshen Community Schools Board in the Council chamber. He said there would mostly be reports from City and Schools staff. **Mayor Stutsman** noted that the Kid Mayor would help run the meeting and the Council and School Board youth advisers would be present.

**Aguirre** also said that **Councilor Nisley** went above the call of duty by attending the last Council meeting, on Jan. 23, when he had just undergone heart surgery. He noted that Councilor Nisley looked better tonight.

**Councilor Schrock** asked **Michael B. Burk of Goshen**, who was in the audience, if he had obtained reimbursement for utility work in front of his home. **Burk** said the matter has not been resolved yet. Mayor Stutsman said he was still trying to resolve the issue, but noted that he misunderstood who had caused the problem; he said it was NIPSCO and not the City. Still, the Mayor said he was seeking a resolution to Burk's problem.

**Councilor Nisley** said he heard complaints from two residents upset about problems caused by fiber optic installation. Other **Councilors** said they were aware of similar concerns. **Mayor Stutsman** said this has been a persistent issue for the City. The Mayor said City staff push the companies to correct any problems.

**There were no further comments by elected officials.**

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

**Mayor Stutsman adjourned the meeting at 7:16 p.m.**

**EXHIBIT #1: Mayor Stutsman's proposed amended version of Resolution 2023, Approving a Loan to LaCasa of Goshen, Inc. from the Local Major Moves Construction Fund. The Mayor distributed the amended version of the resolution to Councilors and made copies of available to the public at the Feb. 6 Council meeting.**

**EXHIBIT # 2: Revised site plans and LaCasa Goshen Utility Work Budget pricing for the proposed 8-unit permanent supportive housing development to be located on real property owned by Oaklawn Psychiatric Center, Inc. at 302 Lakeview Drive.**



**APPROVED:**

\_\_\_\_\_  
**Jeremy P. Stutsman, Mayor of Goshen**

**ATTEST:**

\_\_\_\_\_  
**Richard R. Aguirre, City Clerk-Treasurer**



## GOSHEN COMMON COUNCIL

**Minutes of the Feb. 13, 2023 Joint Meeting with the Goshen Community Schools Board  
Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana**

**Assisted by Mayor Jeremy Stutsman, Kid Mayor Paul Conner Gwaltney called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.**

**Present:**

**Council members:**

**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)      Kid Mayor Paul Conner Gwaltney**  
**Youth Adviser Karen C. Velazquez Valdes (Non-voting).**

**Present:**

**GCS School Board members:**

**Jose Elizalde (District 3)      Mario Garber (At-Large)      Ryan Glick (District 1)**  
**Allan Kauffman (District 4)      Board President Roger Nafziger (At-Large)**  
**Bradd Weddell (At-Large)      Youth Ambassador Lauren Grant**

**Absent:** Maria Sanchez Schirch (District 2)

**City of Goshen employees present included:**

Deputy Mayor Mark Brinson; Civil Traffic Engineer Josh Corwin; Superintendent of Parks & Recreation Tanya Heyde; Director of Environmental Resilience Aaron Sawatsky Kingsley; Chief of Police José Miller; Director of Public Works & Utilities Director Dustin Sailor; City Attorney Bodie Stegelmann; and Assistant Chief of Police Shawn C. Turner

**Goshen Community Schools employees present included:**

Superintendent Dr. Steve Hope  
Assistant Superintendent of Curriculum, Instruction & Assessment Tracey Noe;  
Goshen High School Principal Cathy DeMeyer; Goshen Junior High School Principal Jan Baker;  
Director of Facilities Don Ritter; Associate Superintendent Dr. Alan Metcalfe; Chief Financial Officer Dr. Bob Evans;  
Assistant Superintendent of Human Resources & Professional Development Dr. Lori Line; Director of Communication & Public Relations Lori Martin; Executive Assistant to the Superintendent Teri McCrindle

**Approval of Meeting Agenda:** Kid Mayor Gwaltney presented the meeting agenda for approval. In response to a question from Councilor Nisley, Mayor Stutsman explained the time change in the public comment period (two minutes instead of the normal three minutes per speaker), noting this was permissible because tonight was a special meeting and not a regular Council meeting. Councilor Nisley moved to approve the agenda as submitted. Councilor King seconded the motion. The motion passed 7-0 on a voice vote.



### **Privilege of the Floor:**

**At 6:03 p.m., Mayor Stutsman invited public comments on matters not on the agenda. (2 minutes maximum per speaker; 30 minutes overall)**

**AJ Delgadillo of Goshen** thanked Council and Board members for stepping up to be leaders of the community. He said “we are living in a strange time where people speak of danger where there is no risk. They talk about this danger to stoke fear, to stoke animosity.” He urged the officials “to all continue to lead disregarding impulses of fears, assumptions of the world, no matter how common or intuitive, and to lead out of your highest selves – to lead based on evidence, based on what can be known and can be verified and in the absence of evidence, to lead based on compassion for those in our community who are vulnerable and with love for all of our neighbors.” He concluded with what he said was one of his favorite quotes (from Dr. Cornel West, Professor of Philosophy at Union Theological Seminary and Professor Emeritus at Princeton University): “Justice is what love looks like in public.”

**There were no further comments, so the Mayor closed Privilege of the Floor at 6:04 p.m.**

### **1) City presentation: Goshen Parks & Recreation (Superintendent Tanya Heyde)**

**Kid Mayor Gwaltney invited the first presentation.**

**Using a PowerPoint presentation (EXHIBIT #1), Superintendent Heyde gave updates on joint Parks and Schools programs; the Neighborhood Park at the Riverdale site; Shanklin Public Pool Master Planning and the Park Department’s 5-year Master Planning. In her presentation, Heyde:**

- Expressed appreciation for the **collaborative programs with Goshen Community Schools**, which include the use of school gyms for pickleball and youth and adult sports and the use of City fields and parks for school activities, including cross country meets.
- Discussed the **coming transfer of the Riverdale property**, adjacent to Chicago Avenue, from the school district to the City for development of a new neighborhood park, adding that specific uses (such as pickleball courts and a dog park) were still being considered.
- Provided an **update on master planning to renovate the Shanklin Pool**. She said an engineering consultant is evaluating the current condition of the pool and the cost of needed upgrades.
- Also said the Parks and Recreation Department is in the process of **developing a new five-year master plan** and will be seeking community input, including from those connected to local schools.

### **2) City presentation: Goshen Environmental Resilience (Director Aaron Sawatsky Kingsley)**

**Kid Mayor Gwaltney invited the presentation from the Environmental Resilience Department.**

**Using a PowerPoint presentation (EXHIBIT #2) and a written summary included in the meeting packet, Director of Environmental Resilience Sawatsky Kingsley gave a report on some of the work which the Department of Environmental Resilience completed in 2022 and projects in place for 2023. In his presentation, Sawatsky Kingsley:**

- Thanked Goshen Community Schools for its **collaboration** with the Environmental Resilience Department.
- Discussed the City’s **new drop-off recycling facility**, on North Indiana Avenue, which will be open by April and will be the City’s sole drop-off recycling site. He said it will serve as a supplement to the City’s curbside recycling program, which was launched in August.



- Provided highlights of City statistics since residents were provided trash and recycling containers in hopes of reducing the amount of trash and increase recycling (**EXHIBIT #3**). The document, which was distributed to Councilors and Board members, showed that from August 2022 to January 2023, the City has reduced its trash tonnage, thus reducing costs. Recycling also has increased.
- A planted pocket-prairie at the Rieth Center was **control-burned** for the first time in the spring of 2022. This represents a more sustainable way to manage some landscapes. Controlled burns are planned for a portion of the Abshire Park prairie and again at the Rieth Center in 2023. The Rieth Center prairie burn will include a workshop open to the public.
- The City's annual **Arbor Day Celebration will take place May 5** at the County Courthouse, and will be in collaboration with First Fridays. The event will highlight the important economic, social and ecological benefits which trees provide, and will showcase sustainability practices important to residents.
- The Department is launching a **research project in partnership with Goshen College and high schools**. Two Goshen College interns are helping to create a long-term research project to measure growth in the Beachy Family Classified Forest. The project will be geared for high school students to collect growth and species data year by year, as a way to measure the effects of climate change.
- Two **AmeriCorps service members** (Shae Dirks and Acadia Imhoff) are working in the Department this year. Their work is focused primarily on building greater awareness about biking options in Goshen (a bike valet service at the Arbor Day event, and a women's bike ride and history tour in May), and enhancing the Public Orchard at Abshire Park, including a greater support network.
- The Goshen Shade Tree Board will again make **tree seedlings available to all Goshen High School and Bethany Christian High School graduates this year**. The trees will be made available to Goshen High grads on May 1; they will have an opportunity to select a preferred tree species. These trees are part of the **ongoing campaign to increase Goshen's tree canopy to 45% by 2045**.

**Councilor Riegsecker** asked about the City's current tree cover percentage. Sawatsky-Kingsley said it's at about 20%, which is a decline from the City's original 22% measurement in 2012. He said a new and more accurate measurement was taken in 2021, which reflected the annexation of land that was canopy free.

**School Board member Allan Kauffman** said **Sawatsky-Kingsley** has a big job and asked how the tree canopy was measured. **Sawatsky-Kingsley** said it is measured by airplane. He said photo technology that is sensitive to color can recognize the different kinds of land cover and distinguish between trees, lawns and buildings. He said various federal and state agencies collaborate to fund the surveys and create the maps.

**Kauffman** thanked **Sawatsky-Kingsley** for his work.

**Councilor Schrock** asked if the City's existing recycling facility – at Martin's Supermarket – will remain open until the Indiana Avenue facility is ready. **Sawatsky-Kingsley** said it will remain open until the new facility is opened. In response to a question from **Board member Allan Kauffman**, Sawatsky-Kingsley said the new facility will be monitored with cameras to try to discourage illegal dumping of non-recyclable items. **Mayor Stutsman** said the City will be closely monitoring the new site. He said the County was closing its recycling sites because of persistent illegal dumping. He added that if illegal dumping becomes a continuing problem, the City will close the new facility.

**Councilor Schrock** asked if **Sawatsky-Kingsley** wanted to discuss the City's flood resilience efforts.





**Sawatsky-Kingsley** said that in the wake of the City's approval last year of a flood resilience plan, the City will have an annual flood awareness event. This year he said it will be held March 16. Sawatsky-Kingsley said its goal is to better inform the public about the City's chronic flooding problem, which is likely to increase in the coming decades because of climate change, and to discuss what can be done to adapt to that reality and minimize the problem. He said the event will be held at the Schrock Pavilion at Shanklin Park, starting at 4:30 p.m. on March 16.

**3) City presentation: Goshen Engineering Department (Director of Public Works & Utilities Dustin Sailor & Civil Traffic Engineer Josh Corwin)**

**Kid Mayor Gwaltney invited the presentation from the Engineering Department.**

**Using a PowerPoint presentation (EXHIBIT #4), Civil Traffic Engineer Corwin and then Director of Public Works & Utilities Sailor and gave a report on highlights of significant public works projects that will be undertaken in 2023 and in the near future and their impact on schools. Key points:**

**Elkhart County Courts** – The County Courts are being consolidated in a new 170,000 square foot facility in Goshen at County Road 17 and U.S. Highway 33. It will have 200-plus employees initially, but could be expanded to accommodate 100 more employees, which will increase traffic in the area. In a joint City-County project, Reliance Road will be rebuilt from Highway 33 to Peddlers Village Road, and Peddlers Village Road from Reliance Road to County Road 17. The schedule for bid release is March 2023, with construction beginning during the summer and extending through the spring of 2024.

**Wilden Avenue** –The reconstruction of the intersection of State Road 15 and the eastern portion of Wilden Avenue, east of State Road 15, was completed in 2022. Starting in March 2023, the western portion of the project between Rock Run Creek and State Road 15 will be initiated and completed during this construction season. The roadway will be shut down for phased reconstruction from west to east. This project includes the reconstruction of the water, sanitary sewer, and storm sewer lines, along with new curb, sidewalk, and roadway pavement. This construction corridor is a primary bus route that will be impacted and needs to be adjusted during the spring and fall semesters

**Indiana Avenue reconstruction** – The City is developing plans to reconstruct Indiana Avenue between Pike Street and Chicago Avenue. Utility coordination is occurring now for needed utility relocations this summer. Reconstruction of this corridor is anticipated in 2024 and will include storm and water replacement and a multi-use path on the west side. Funding for the project is being sought from the state.

**2023 Pavement Maintenance** –The City has a 2023 pavement plan that will begin in late spring and continue into the summer. A work schedule has not been received from the contractor, but once received, it will be posted on the Goshen Engineering Department web page. This year, over \$2 million will be invested in road pavement in the City. The City also plans to install about 100 sidewalk ramps and 2,200 linear feet of sidewalk replacement.

**East Lincoln & Steury Avenue (Redevelopment Department project)** – This project involves the total reconstruction of East Lincoln Avenue between Rock Run Creek and the radio station 98.1. The scope of work also includes the reconstruction of Steury Avenue between East Lincoln Avenue and the north end of the S-curves. The project will go to bid in the spring of 2023, with material assembly anticipated in 2023 and construction planned for 2024. The road improvements will be completed in phases, with full road closures occurring with each phase.

**Tenth Street Reconstruction (Redevelopment & Utilities project)** – In conjunction with the reuse of the former Western Rubber property in the northwest corner of Plymouth Avenue and Tenth Street, the City will be reconstructing the Tenth Street right-of-way between Jackson Street and Reynolds Street. The water main will be replaced south of Plymouth Avenue, and infrastructure will be replaced north of Plymouth Avenue.



Reconstruction will include a new road cross-section with curb and pavement. The design is scheduled for completion in March 2023, with bids due in May. Construction will impact traffic routes to the school in the fall 2023.

**New Wellfield Site (Redevelopment & Utilities project)** – The City operates two wellfields with a combined capacity of 10 million gallons per day. Both wellfields sit on small parcels of land that do not allow for expansion of service. In planning for the City’s future, the City and Goshen Redevelopment recently closed on 79 acres of land south off of County Road 27 by the airport. The City Water Utility is vetting the property and the underlying aquifer for use as a public wellfield. The project outcome is for this property to serve the City as a wellfield for over 100 years.

#### **4) City presentation: Goshen Police Department (Assistant Chief Shawn Turner)**

**Kid Mayor Gwaltney asked for the report from the Police Department.**

**Using a PowerPoint presentation (EXHIBIT #5), Assistant Police Chief Turner reported on the partnership of the Goshen Police Department and Goshen Community Schools. He began by joking about the professionalism of the Police Department vs. the Fire Department. Chief Turner:**

- Expressed his **appreciation to schools** and the growing relationship and communication between the Police Department and school officials.
- He said **Jade Murphy** is the department’s newest School Resource Officer (SRO) and is assigned to the Goshen elementary schools. Murphy, who has a criminal justice degree from Indiana University South Bend, was hired in 2019, often volunteers for community events and is a neighborhood liaison.
- **Tara Powell**, who has spent the last seven years as an SRO and has mentored several prior SROs, will be assisting Murphy with the transition from patrol officer to SRO. Powell is well liked in the schools.
- **Tommy Steele**, who is well known at the middle school, has been serving as an SRO for the last 13 years. Steele is also the vice president of the Indiana School Resource Officers Association (INSROA).
- **Jeff Eaton** has served for approximately about a year at the high school as an SRO. He was recruited from retirement after serving 24 years with the Elkhart Police Department. During his time in Elkhart, Eaton served as an administrator, a homicide detective, and was in a specialized multi-jurisdictional task force.
- Assistant Chief Turner described the important **responsibilities of the School Resource Officers**, which go beyond their “security” role and include mentoring and spending time with at-risk students.
- He discussed **School Safety initiatives** since the “Covid-19 years” and said the school guard program works. He said it is an effective tool.
- **Jim (James) Ballard** is the department’s Behavioral Health Response Coordinator. This was a position created by the Mayor to provide more resources to community members who are dealing with some level of mental crisis/trauma. Ballard is Critical Incident Training (CIT) certified, and is a CIT Coordinator certified by the National Alliance of Mental Health. Ballard has made a name for himself in Elkhart County for developing and utilizing resources, and for his compassionate handling of vulnerable community members
- Turner ended by displaying a photo of Mayor Stutsman during training with firefighters, adding, “Not only little girls have dreams of becoming firefighters, but little boys sometimes have dreams of becoming firefighters, even as adults. Sometimes their dreams don’t come true and they just have to pretend.”

**Council Youth Adviser Karen C. Velazquez Valdes** asked how School Resource Officers are evaluated. **Assistant Chief Turner** said a yearly evaluation is conducted and includes input from school staff. He said he receives great feedback about Officers Powell and Steele. He said officers are also evaluated based on numerous categories.

**Youth Ambassador Lauren Grant** also commented positively about the SROs



**5) Schools presentation: Stop It! app (Principal Jan Baker, Goshen Junior High School)**

**Kid Mayor Gwaltney invited a presentation about the Stop It! app.**

**Principal and District School Safety Coordinator Baker summarized her written report, which was included in the meeting packet. Key points:**

- Goshen Community Schools (GCS) is constantly looking for **new and better ways to improve the safety and security** for students and staff, and the **Stop It! app** is part of those efforts.
- At the request of high school students, GCS will be launching the **anonymous reporting Stop It! app on student devices** Tuesday, Feb. 21 for grades 5-12.
- Stop It! **allows individuals to anonymously report safety, misconduct, or compliance concerns** to school officials and School Resource Officers via the app, website, or phone call.
- She showed a **video created a video to promote the app** and the “See Something, Say Something, Do Something” preventative concept for the school community. It can be viewed at: <https://www.youtube.com/watch?v=QJpXBBWon80>
- A student-focused video will be shown in the schools this week and the **app will be launched later in the week**. Elementary schools will be added later.

**Councilor Pérez** asked the number of staff members who will receive incident reports generated by students using the app. Baker said it will be the principals, assistant principals and School Resource Officers as needed. She said counselors will be informed as needed.

In response to a follow-up question from **Councilor Pérez**, **Baker** said that she expects a surge of initial reports, but expects the pace will slow down later. Still, Baker said she would much prefer to focus on preventative measures than respond after the fact because of a problem.

**6) Schools presentation: Demographic Report (Dr. Jerome McKibben, Senior Demographer, McKibben Demographic Research, LLC.)**

**Kid Mayor Gwaltney introduced the demographic report.**

**Using a PowerPoint presentation (EXHIBIT #6), Dr. Jerome McKibben gave a report on the demographics of Goshen Community Schools and the City of Goshen.**

**Dr. McKibben** began by stating that he would be providing a report on the joint population and enrollment forecast for the next 10 years. He cautioned that it was a forecast and not a projection. He said a forecast is more accurate.

**McKibben** said that although he lives in South Carolina, he was born and raised in Indiana and is familiar with Mishawaka and Goshen. He said he served as the state demographer for about six years and has studied about 125 Indiana school districts.

**Regarding the school enrollment forecast, McKibben** said a lack of housing will be the biggest factor reducing enrollment in the coming decade. He also said the district can expect to have a negative 500 student transfers per year over the next decade. He said Indiana is the only state allowing open enrollment, vouchers and charter schools at the same time, which is reducing public school enrollment.

**Key points regarding the enrollment forecast for Goshen Community Schools:**

1. The resident total fertility rate for the Goshen Community Schools over the life of the forecasts is below replacement level (1.98 versus the replacement level of 2.1).



2. Most in-migration to the district continues to occur in the 0-to-4 and 20-29-year-old age groups.
3. The local 18-to-24-year-old population continues to leave the district, going to college or moving to other urbanized areas. This population group accounts for the largest segment of the district's out migration flow and will increase steadily over the next 10 years. The second largest migration outflow is 30- to 44-year-old residents moving to suburban areas. The third largest migration outflow is in the 70+ age groups.
4. The primary factors causing the district's enrollment to decrease over the next eight years is the increase in empty nest households, the relatively low number of elderly housing units turning over coupled with a flat rate of in-migration of young families.
5. Changes in year-to-year enrollment over the next six years will primarily be due to small cohorts entering and moving through the school system in conjunction with larger cohorts leaving the system.
6. The elementary enrollment will slowly increase over the next 10 years school years.
7. The median age of the district's population will increase from 34.2 in 2020 to 35.2 in 2030.
8. Even if the district continues to have some amount of annual new housing unit construction over the next 10 years, the rate, magnitude, and price of existing home sales will become the increasingly dominant factor affecting the amount of population and enrollment change.
9. Total district enrollment is forecasted to decrease by 289 students, or -4.7%, between 2022-23 and 2027-28. Total enrollment will increase by 16 students, or 0.3%, from 2027-28 to 2032-33.

**McKibben** said Goshen's greatest out-migration is among those 18 to 22 years old. He said an increasing number of youths graduate from high school, leave the community and don't return. He said only about 15% are staying.

**Regarding the City population forecast, McKibben** said City will experience the same trends as for school enrollment. He also said most of Goshen's housing market is inside the City's boundaries with little additional home growth. As a result, population growth will be less in the next 10 years than in recent decades.

**Key points regarding the population forecast for the City of Goshen:**

1. The resident total fertility rate for the City of Goshen over the life of the forecasts is below replacement level. (2.08 vs. the replacement level of 2.1)
2. Most in-migration to the City occurs in the 0-to-4 and 20-29-year-old age groups.
3. The local 18-to-24-year-old population continues to leave the City, going to college or moving to other urbanized areas. This population group accounts for the largest segment of the city's out migration flow and will increase steadily over the next 10 years. The second largest migration outflow is 30- to 44-year-old residents moving to suburban areas. The third largest migration outflow is in the 70+ age groups.
4. The number of households in the City increased from 11,735 in 2010 to 12,720 in 2020.
5. The average household size of the City decreased from 2.68 persons per household in 2010 to 2.62 in 2020. Had the average household size stayed at the 2010 level, the City would have had 763 additional residents in 2020.
6. Total city population is forecasted to increase by 289 people, or 2.0%, between 2020 and 2025. The total population will increase by 510 people, or 1.4%, from 2025 to 2030.
7. The City population is forecasted to increase by 3.5% from 2020 to 2030. This compares to the growth rate of 4.9% for the period 2010 to 2020.
8. The median age of the City's population will increase from 34.8 in 2020 to 37.5 in 2030.



9. Even if the city continues to have some amount of annual new housing unit construction over the next 10 years, the rate, magnitude, and price of existing home sales will become the increasingly dominant factor affecting the amount of population and enrollment change.

10. The 65 and older age group will be the fastest growing age cohort in the city over the next 10 years

**McKibben** said as in other cities, Goshen is likely to experience a housing shortage for seniors. Instead of moving as may be assumed to warmer states, he said more elderly people will stay in Goshen, increasing the need for senior services, including transportation.

**Mayor Stutsman** thanked **McKibben** for his report and to Goshen community Schools **Superintendent Dr. Steve Hope** for commissioning McKibben's forecast, which was co-sponsored by the City.

**Clerk-Treasurer Richard R. Aguirre** asked McKibben if his population forecast assumptions would change if he knew the City of Goshen planned to add about 2,000 housing units in the next two years. **McKibben** said his forecast would not change "because you're not going to add 2,000 housing units in the next two years."

In response to a follow-up question from **McKibben**, **Mayor Stutsman** said the City would be adding apartments and single-family homes. McKibben responded that he was skeptical that would happen, adding, "You'll be the only city in the United States to pull that off, under 50,000 population."

Asked by **McKibben** if the 2,000 units were "platted, planned and approved," **Mayor Stutsman** said the 2,000 housing units were in process and the only obstacle would be how fast they could be built. McKibben said, "I'm skeptical of that. The apartments maybe because there's a shortage of that."

**McKibben** later said, "Good luck with that" and asked to be informed if that occurred. He cited supply chain issues and other factors, including high interest rates, but said building that many homes would be a big accomplishment. He ended by saying that such a large increase in homes would change his enrollment and population forecasts.

#### 7) Schools presentation: GCS Graduation Report (Principal Cathy DeMeyer, Goshen High School)

**Kid Mayor Gwaltney** asked for the Goshen Community Schools graduation report.

Using a PowerPoint presentation (EXHIBIT #6), **Principal DeMeyer** gave a report on the Goshen Community Schools graduation rate, including the current GCS graduation rate; the recent history of the graduation rate; and plans for graduation improvement. Key points:

- She thanked **Goshen Police** for its partnership.
- **The GHS graduation rate** has increased from 82% in 2018, 93% in 2019; 91% in 2020; 87% in 2021 and 92% in 2022. Except for 2018, those rates have exceeded the state average.
- **The graduation rates of local high schools in 2022** were 89% at Concord, 94% at Fairfield, 92% at Northfield, 92% at Goshen and 92% at Northridge.
- **Why increase the graduation rate:** "Compared to a high school dropout, a high school graduate yields a public benefit of over \$200,000 more in lower government spending and increased tax revenue. If the number of dropouts were cut in half, the government would realize a \$45 billion savings and revenue." (H. Levin, from *The Costs and Benefits of an Excellent Education for All of America's Children* (New York, NY: Center for Cost-Benefit Studies of Education Teachers College, Columbia University, 2007).
- **Why increase the graduation rate:** If the male graduation rate was increased by just 5%, we would likely see a savings of \$4.9 billion in crime-related costs. (*Alliance for Excellent Education, "Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings," Washington, DC: 2006*)



- **Cutting the dropout rate in half for just one year would likely support as many as 54,000 new jobs and increase the gross domestic product by as much as \$9.6 billion.** (*Alliance for Excellent Education, "Education and the Economy: Boosting the Nation's Economy by Improving High School Graduation Rates," Washington, DC: Author, 2011*). She noted that Goshen has many available jobs.
- **High school dropouts will earn \$260,000 less than their high school graduate peers over their lifetime.** (*JAG, 2022*)
- **Initiatives to increase the GHS graduation rate:** She outlined programs to increase the graduation rate, including Freshman Teams, Pathway Options, Early College, Dual Credit and Indiana Core Curriculum, Internships, Apprenticeships and Work Experience.

In response to a question from **School Board member José Elizalde**, **DeMeyer** said it eventually will be possible for high school students to graduate with an associate's degree in two years. He said 22 of 103 teachers are already prepared to teach dual-credit classes.

In response to a question from **Councilor Pérez**, **DeMeyer** said Goshen doesn't offer Advanced Placement (AP) courses. She also said Goshen is competing with Concord, Elkhart and Northridge, which also offer or will offer dual-credit courses, but Goshen is committed to keeping as many students as possible.

#### **8) Schools presentation: Model Drive/Traffic Report (Facilities Director Don Ritter)**

**Kid Mayor Gwaltney asked for the Model Drive/Traffic report.**

**Facilities Director Ritter gave a report using a PowerPoint presentation (EXHIBIT #7).**

**Ritter** said one of Goshen Community Schools' summer projects will be the Model Elementary School Driveway. This project is slated to begin at the end of May with substantial completion by the end of July.

He said the goal of this project is to solve traffic issues Model has at the beginning and end of each school day. The improvements are expected to provide safer conditions for Model students along with reducing congested City intersections. **Key points:**

- **Current issues:** Berkey Avenue and Greene Road congestion; safety concerns students and traffic; Model staff arrival is difficult due to traffic; and improve relationships between the school and the public.
- **Improved traffic and less congestion:** The Model Student count is currently 492; bus riders account for only 223 students; there are approximately 80-100 cars that stage for student pick up; some students walk; there are about 70 employees, including office, teachers, paraprofessional, kitchen, and custodial staff.
- **Improved student safety goals:** Separate the bus traffic and staff parking from parent drop off; promote timely staff arrival, allow staff to be available for student arrival; relieve congestion at the intersection of Greene and Berkey, reduce the risk of accidents and backup; and students will be safer at the intersection when they are crossing.
- **New parent driveway:** The new drive will focus traffic on the north side of the school. This should free up the congestion at the Berkey Avenue and Greene Road intersection. The drive will enter off the Pringle Drive on the east side of the solar field and run to the south side of the solar field and return to the west entering the parking lot. This should allow for nearly 100 cars to stage up waiting on student release.
- **Staff parking and bus area:** This will keep the bus traffic separate from parent traffic. Staff will have less trouble pulling into the parking driveway with less traffic at the intersection.



- **Timeline:** Bids were received at the end of January. The substantial completion date will be the end of July; Communication to parents will begin at the end of this school year. And parents will be given more detailed information prior to the start of the new school year.

**Councilor Nisley**, who represents the Council district that includes Model Elementary School, said he receives three to five complaints a month from constituents about traffic at the school. He asked if this project will eliminate the problem. **Ritter** said this should reduce the problem by allowing 80-100 vehicles to park on site while they wait to pick up children. In response to further questions from **Councilor Nisley**, **Ritter** and **School Board member Bradd Weddell** explained the steps that will be taken to address the problem.

**Councilor Nisley** said he has noticed another problem that has developed, this one at Goshen Middle School. He said parents are parking at the gas station on Indiana Avenue and waiting for their children to cross the street from the school. **Ritter** said the school will need to communicate with parents about that issue.

In response to questions from **Councilor Pérez**, **Ritter** clarified efforts that will be made to enhance safety at Model. He also said the school hopes to communicate with parents to address traffic issues now. In response to a question from **Councilor Nisley**, **Ritter** discussed signage that may need to be added to direct traffic.

**Councilor King** said she was glad this issue was being addressed at Model Elementary, but added that this isn't the only school with traffic problems. She said she has heard complaints about traffic at West Goshen, Chamberlain and Parkside elementary schools. She said there needs to be continuing communication between the City and schools.

## 9) Schools presentation: Kindergarten Registration (Assistant Superintendent Tracey Noe)

**Kid Mayor Gwaltney asked for the final report on kindergarten registration.**

**Assistant Superintendent Noe summarized her report, which was included in the meeting packet. Key points:**

- Goshen Community Schools (GCS) officially opened kindergarten registration starting on Feb. 6, 2023, which she described as the start of "celebration season."
- This year GCS are offering several options for parents to register their kindergarten students, including: scheduled appointments, a QR Code on the district website; three open evening hours of registration; online registration and open door registration (although a scheduled time is preferred during busy enrollment periods).
- Parents should be prepared to bring and/or submit online: the child's birth certificate, state-required immunization records, verification of residency (through a utility bill, cable bill or some form of correspondence) as required by state law, and any legal documents (such as custody paperwork).
- Goshen Community Schools are anticipating a smooth registration process as parents have a variety of options to enroll their students. Staff members are thrilled and eager to watch the City's youngest learners begin their public-school education at Goshen Community Schools.

**Councilor Pérez** asked about the start date. **Assistant Superintendent Noe** said registration began on Feb. 6 and has been very busy. She said many parents are using the QR code.



**10) Council/Goshen Community Schools Board closing conversation:**

**Kid Mayor Gwaltney introduced the final agenda item of the meeting. Mayor Stutsman invited conversation on the following questions:**

- 1. Are there other issues/matters the City and GCS can/should collaborate on?**
- 2. How can we continue to ensure a good working relationship?**
- 3. Any other discussion topics?**

**Councilor Nisley** offered his congratulations to the Bethany Christian girls basketball team for winning the regional championship over the weekend and he said the team now will play in the semi-state tournament. He noted this was Bethany's first-ever title. **Audience members responded with applause.**

**School Board President Roger Nafziger** said Goshen Community Schools has a great relationship with Bethany. He also said Goshen **Superintendent Steve Hope** and Bethany's **Head of School Tim Lehman** meet frequently.

**Councilor Nisley** said his grandchildren attend Bethany.

**Council Youth Adviser Karen Velazquez Valdes** said she was grateful for what Goshen Community Schools does for the community and for students. Still, she expressed a concern about the development of "rudimentary knowledge abilities" within elementary and secondary schools.

**Velazquez Valdes** said that last year she tutored a student who was a sophomore at Goshen High School and never learned long division. She said: "I know he's not the only one. And I think a lot of issues within students have been neglected." She added that her sister is a special needs student in fourth grade "and at her age she should be able to add, subtract, multiply and divide, but she can only add." Still, she continues to advance in grades.

**Velazquez Valdes** concluded: "I think it manifests in the way my sophomore peer couldn't do long division and I see that happening throughout. So, I would like to express that concern and encourage GCS to investigate more into why that sort of thing happens."

**Goshen Community Schools Youth Ambassador Lauren Grant** agreed with **Velasquez Valdes** and said, "I was a tutor as well and I had a couple students who struggled with addition, which was a little surprising but we worked through that." she said.

**Grant** also said that she has noticed that despite the community's demographics, there is still a low minority turnout at City and school meetings. She said, "I think that's a little bit of a problem considering it's a large amount of students in our school who are Latino or other minorities and they obviously have parents." She encouraged City and school officials to work to increase the minority turnout at public meetings.

**Velazquez Valdes** responded that she and **Councilor Pérez** are developing a radio program aimed at the Spanish-speaking community about Council affairs, although it would also be beneficial to include schools.

**Mayor Stutsman** said greater community outreach is always a goal and he welcomed new ideas for doing so.

**Councilor King** thanked the youth advisors for speaking up and giving their opinions.

**There were no further comments by Councilors or School Board members.**

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





Kid Mayor Gwaltney adjourned the meeting at 8:09 p.m.

**EXHIBIT #1 (5 pages): PowerPoint presentation by Superintendent of Parks & Recreation Tanya Heyde on programs and activities.**

**EXHIBIT #2 (7 pages): PowerPoint presentation by Director of the Department of Environmental Resilience Aaron Sawatsky-Kingsley on programs and activities.**

**EXHIBIT #3 (1 page): Written summary of City statistics since residents were all provided trash and recycling containers in August 2022 in hopes of reducing the amount of trash dumped and increasing recycling. This document was summarized at the meeting by Director Sawatsky-Kingsley and prepared by Theresa Sailor, Grant Writer and Educator for the City Environmental Resilience Department.**

**EXHIBIT #4 (10 pages): PowerPoint presentation by Director of Public Works & Utilities Dustin Sailor and City Civil Traffic Engineer Josh Corwin on significant Engineering Department programs and activities.**

**EXHIBIT #5 (16 pages): PowerPoint presentation by Assistant Police Chief Shawn Turner on police programs and activities affecting Goshen Community Schools.**

**EXHIBIT #6 (21 pages): PowerPoint presentation by Dr. Jerome McKibben, Senior Demographer, McKibben Demographic Research, LLC., on demographics of the Goshen Community Schools and the City of Goshen.**

**EXHIBIT #7 (8 pages): PowerPoint presentation by Goshen High School Principal Cathy DeMeyer on the Goshen Community Schools Graduation Report.**

**EXHIBIT #8 (7 pages): PowerPoint presentation by GCS Facilities Director Don Ritter on the Model Driveway/Traffic project**

**APPROVED:**

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor of Goshen

**ATTEST:**

\_\_\_\_\_  
Richard R. Aguirre, City Clerk-Treasurer



**COMMUNITY DEVELOPMENT BLOCK GRANT  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 533-9370 • Fax (574) 533-8626 • TDD (574) 534-3185  
theresacummings@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Mayor, Goshen Common Council Members & Goshen City Department Heads

FROM: Theresa Cummings, Community Development Specialist

DATE: March 20, 2023

RE: Public Hearing & Notice of Availability of Draft Community Development Block Grant (CDBG) Program Year 2023 Annual Action Plan

The City of Goshen's CDBG Annual Action Plan for Program Year 2023 has been prepared and is available for public review and comment beginning March 14, 2023. A hard copy is available for review upon request at the Planning Office located at the City Annex Building, 204 E. Jefferson Street. The Plan is also available on the City website at <http://www.goshenindiana.org/cdbg>.

The City will hold a **public hearing on the proposed 2023 Annual Action Plan on Monday, March 20, 2023, at 6 pm** during the City Council meeting in the City Council Chambers, at the Goshen Police and Courts Building, 111 E. Jefferson Street, Goshen. The Goshen Police and Courts Building is handicapped accessible. Non-English-speaking persons and others needing special assistance to participate in the hearing process should contact the City as soon as possible. A link to access this meeting will be posted on the City's website.

The public hearing will include a review of the proposed 2023 Annual Action Plan, a review of the current 2022 program year and opportunity for citizen comment.

The following priorities were among those identified for community and neighborhood development in the City of Goshen in the 2020-2024 Consolidated Plan:

1) Housing Opportunities

- Improve owner-occupied housing through rehab
- Increase quality of rental housing
- Increase transitional housing options
- Reduce housing cost burden through higher wage job opportunities and job training
- Provide permanent supportive housing for chronically homeless
- Support affordable housing creation and preservation
- Provide emergency shelter for homeless individuals and families
- Expand housing options and assistance
- Maintain and facilitate use of Housing Choice voucher program

*continued on page 2*

## 2) Access to Services

- Increase access to affordable healthcare
- Increase services for mentally ill
- Support programs for youth
- Increase access to affordable childcare and early childhood education
- Support services for elderly and the disabled
- Support public transportation
- Provide emergency shelter for homeless individuals and families
- Provide permanent supportive housing for chronically homeless
- Support counseling/advocacy for underserved populations
- Increase access to substance abuse prevention and treatment
- Support life skill development
- Support nutrition programs and food assistance

## 3) Neighborhood Revitalization

- Improve owner-occupied housing through rehab
- Remove blighted residential properties
- Address issue of vacant/foreclosed houses
- Increase quality of rental housing
- Support public infrastructure projects
- Repair/replace existing sidewalks
- Support neighborhood parks

### Proposed 2023 Annual Action Plan

For program year 2023, the City of Goshen expects to receive an entitlement allocation of \$267,010 in CDBG funds. This allocation will be combined with miscellaneous income in the amount of \$7,000 and \$78,000 in prior years' resources for a total budget of \$352,010.

The proposed use of CDBG funds for program year 2023 is as follows:

1. **Public Service Grants** – Provision of services to low- and moderate-income individuals and households City-wide = **\$47,000**
2. **Owner-Occupied, Single Unit Rehabilitation** of homes occupied by low- and moderate-income households through loans, grants and deferred payment loans City-wide = **\$58,010**
3. **Multi-family Housing Rehabilitation-** One multi-unit project to create and preserve affordable housing = **\$190,000**
4. **Planning, general administration, environmental reviews, and audit** = **\$57,000**

**Total Budget = \$352,010**

Comments may be submitted to Theresa Cummings, Goshen City Planning, 204 E. Jefferson Street, Suite 4, Goshen, IN, 46528; (574) 533-9370, [theresacummings@goshencity.com](mailto:theresacummings@goshencity.com) on or before 30 days after March 14, 2023, and no later than April 12, 2023. A summary of comments and responses will be submitted to HUD.

**Community Development Block Grant (CDBG) – City of Goshen  
Summary of Program Year 2022**

**PY 2022 Budget- Traditional**

CDBG Funds	\$267,673
Program Income	\$48,591
Prior Year Resources	\$20,000
Misc Income	\$1,061
<b>Total</b>	<b>\$337,325</b>

**PY 2022 Activities & Expenditures as of 3/10/2023**

<b>Activity Category</b>	<b>Amount Allocated</b>	<b>Expended To-Date</b>	<b>Percentage</b>
Administration & Planning	\$60,000	\$45,638.38	76%
Public Services	\$47,000	\$40,535.34	86.2%
**Single-Unit Housing Rehab	\$59,000	\$0	0%
**Multi-Unit Housing Rehab	\$130,000	\$0	0%
Homeownership Asst.	\$41,325	\$0	0%
<b>2022 Totals</b>	<b>\$337,325</b>	<b>\$86,173.72</b>	<b>25.5%</b>
<i>*[2021] Multi-Unit Rehab</i>	<i>\$141,597</i>	<i>\$134,965.41</i>	<i>95.3%</i>
<i>*[2020] Multi-Unit Housing</i>	<i>\$122,000</i>	<i>\$122,000</i>	<i>100%</i>

*\*\*Single-Unit Housing Rehab and Multi-Unit Housing Rehab projects are underway.*

**INTERLOCAL AGREEMENT**  
**BETWEEN THE CITY OF GOSHEN AND THE CITY OF NAPPANEE**  
**FOR COMPLETION OF A JOINT FEDERAL AID PROJECT**

This Agreement is made and entered into this \_\_\_\_ day of March, 2023, by and between the City of Goshen, Indiana (“Goshen”) and the City of Nappanee, Indiana (“Nappanee”) (both parties are collectively referred to as “Parties”).

WITNESSETH:

WHEREAS, the Michiana Area Council of Governments (“MACOG”) is a regional intergovernmental agency established to foster cooperative, coordinated and comprehensive planning activities in Elkhart, Kosciusko, Marshall and St. Joseph Counties;

WHEREAS, MACOG issued a Call for Projects to local public agencies within the South Bend and Elkhart-Goshen Urbanized Areas and deemed it necessary to combine multiple applications for federal Carbon Reduction Program (“CRP”) funding for electric vehicle charging stations (“EVCS”) into one project to reduce the administrative burden and address gaps in regional charging infrastructure;

WHEREAS, the lack of charging in any community in the MACOG region limits the ability of electric vehicles to travel and therefore limits the adoption of cleaner vehicles;

WHEREAS, Nappanee is the only city in the MACOG region that does not currently have any publicly available EVCS located downtown or plans in place to fund such projects through other public or private sources;

WHEREAS, Goshen has incorporated fully electric vehicles into its municipal fleet, is evaluating future opportunities for electrification, and has a need to quickly recharge these vehicles to prevent operational disruptions; and no other entities have known plans to install Level 3 Direct Current Fast Charging (“Level 3 DCFC”) EVCS near Goshen;

WHEREAS, Goshen and City of Nappanee agree to execute a joint project for electric vehicle charging infrastructure installation utilizing CRP funding through INDOT and MACOG;

WHEREAS, other identified potential sources of funding that would not require an interlocal agreement are unavailable to Goshen, or nationally competitive;

WHEREAS, the estimate cost of the project (including costs of preliminary engineering, design, construction and inspection) will be approximately \$260,700;

WHEREAS, the Level 3 DCFC EVCS located in downtown Goshen is estimated to cost \$212,800, with an 80% federal share of \$170,240 and 20% local match of \$42,560;

WHEREAS, the Level 2 EVCS located in downtown Nappanee is estimated to cost \$47,900 with an 80% federal share of \$38,320 and 20% local match of \$9,580;

WHEREAS, Indiana Code § 5-22-22-10 allows for the transfer of property between governmental bodies “upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of a substantially identical resolution by each entity . . . for any amount of property or cash as agreed upon by the governmental bodies;” and

WHEREAS, after due consideration the Goshen Board of Works and Nappanee Board of Public Works find and determine that it is in the best interests of both parties to confirm and approve the Interlocal Agreement.

NOW, THEREFORE in consideration of the foregoing and of the promises and commitments herein contained, the parties hereby agree as follows:

1. Recitals. The representations, covenants, and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement.
2. Purpose. Goshen enters into an interlocal agreement with Nappanee to purchase and install a Level 3 DCFC EVCS in a single location in downtown Goshen capable of charging at least two vehicles simultaneously at no less than 60 kW or one vehicle at 125 kW combined, and Level 2 EVCS in two locations in downtown Nappanee capable of charging a total of least 4 vehicles simultaneously at 7 kW or greater (“Project”).
3. Administration. Questions of administration of this Agreement shall be decided by a joint board comprised of the Goshen and Nappanee Mayors.
4. Goshen Responsibilities. Goshen shall be responsible to perform the following:
  - a. Consulting with representative of Nappanee designated by its Mayor on the following:
    - i. Selection of a consultant for preliminary engineering;
    - ii. Project scope, site selection, and electrical service to ensure that the cost and configuration are acceptable to Nappanee;
    - iii. Development of written specifications and the selection of hardware and software before any purchases are made; and

- iv. Design of all signage for EV Parking, Wayfinding, and pavement markings, as well as the placement of bollards, bumpers, or other measures to protect the station.
- b. Procurement of all hardware, software, warranties, subscriptions, necessary equipment, and utility upgrades utilizing standard public purchasing requirements and its internal policies;
- c. Requiring that all invoices are itemized to identify the portion of the expenses attributable to Nappanee's EVCS;
- d. Invoicing Nappanee for 20% of Nappanee's share of the project;
- e. Transferring all assets to Nappanee upon payment;
- f. Conducting all required reporting and invoicing with INDOT;
- g. Ensuring that the project complies with all current and future guidance and program requirements released by the U.S. Department of Transportation's Federal Highway Administration;
- h. Coordinating with the designated representative of Nappanee to confirm that sufficient local funding is available to cover the necessary share of the additional amount if the project cost for Nappanee exceeds the original estimate;
- i. Maintaining the documents, contracts, notices, and other records in connection with the Project, including the financial records and providing a financial summary to the Parties for all funds expended and received in connection with the Project;
- j. Providing such other general administrative services as are necessary to complete the Project; and
- k. Receiving, disbursing, and accounting for all monies of the joint undertaking through its Clerk-Treasurer.

5. Nappanee Responsibilities. Nappanee shall be responsible to perform the following:

- a. Consenting to Goshen entering into contracts as necessary on behalf of the project;
- b. Authorizing the payment of 20% of their share of the project;
- c. Reimbursing Goshen within 30 days of receipt of any invoices;
- d. Installing proper signage;

e. Owning and maintaining the Level 2 EVCS's located in Nappanee, including administrative accounts to manage the station operation and user fees and associated utility accounts.

6. Term. This Agreement shall be in effect for a term of

7. No Additional Duties or Standards Imposed. The parties specifically acknowledge that this Agreement does not address or impose upon Goshen any additional standards or duties which it does not specifically assume under the terms of this Agreement, and that no further understanding, commitments or agreements exist pertaining to the Purpose specified in this agreement.

8. Filing Requirements. Within thirty (30) days after the approval and execution of this Agreement, Goshen shall have this Agreement recorded and filed with the appropriate governmental offices and agencies as required by Indiana Code.

9. Supplemental Documents. The Parties agree to execute any and all supplementary documents and to take any and all supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this Agreement.

10. Non-Discrimination. Pursuant to I.C. § 22-9-1-10, neither Goshen nor Nappanee, nor any of their contractors or subcontractors, shall discriminate against any employee or applicant for employment, to be employed in the performance of any work under this Agreement with respect to hire, tenure, terms or conditions or privileges of employment, or any matter directly or indirectly related to employment because of race, color, religion, sex, disability, national origin, ancestry or veteran status. Breach of this covenant may be regarded as a material breach of this Agreement.

11. Anti-Nepotism. Goshen and Nappanee are aware of the provisions under I.C. § 36-1-21 with respect to anti-nepotism in contractual relationships with governmental entities, and shall comply with such statute.

12. Investment Activity. Pursuant to I.C. 5-22-16.5, Goshen certifies that it is not engaged in investment activities in Iran.

13. E-Verify Program. Pursuant to I.C. § 22-5-1.7-11, Goshen and Nappanee agree to and shall enroll in and verify the work eligibility status of all of its newly hired employees after the date of the Agreement through the E-Verify Program as defined in I.C. § 22-5-1.7-3. Goshen and Nappanee further both represent and certify, subject to the pains and penalties of perjury, that each does not knowingly employ an unauthorized alien.

14. Amendment. This Agreement, and any exhibits attached hereto, may be amended only by the mutual written consent of the parties, by the adoption of a resolution approving said amendment as provided by law, and by the execution of said amendment by the parties.



15. No Other Agreement. Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations, and discussions relative to the subject matter hereof and is a full integration of the agreement of the parties.

16. Severability. If any provision, covenant, agreement or portion of this Agreement or its application to any person, entity or property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements, or portions of this Agreement, and to that end, any provisions, covenants, agreements or portions of this Agreement are declared to be severable.

17. Indiana Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana.

18. Notice. Any notices required or permitted under this Agreement shall be given to the parties at their respective mailing addresses provided below by deposit in the United States mail, certified mail, return receipt requested, with proper postage affixed thereto, and which notices shall be effective three (3) days after date of mailing:

**Goshen:** City of Goshen  
c/o Goshen Legal Department  
204 East Jefferson Street, Suite 2  
Goshen, IN 46528

**Nappanee:** City of Nappanee  
c/o Phil Jenkins, Mayor  
300 West Lincoln St.  
Nappanee, IN 46550

The parties may change their respective mailing addresses by providing written notice of the new address in accordance with the terms and provisions of this paragraph.

19. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns; provided, however, that this Agreement may not be assigned without the express written consent of the non-assigning party.

20. Counterparts. This Agreement may be executed in multiple counterparts with multiple but separate signature pages, with the multiple counterparts and multiple but separate signature pages constituting one single and unified Agreement when combined.

IN WITNESS WHEREOF, the parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

*[Signature pages follow]*

**City of Goshen, Indiana**

By: \_\_\_\_\_  
Jeremy P. Stutsman, Mayor

ATTEST:

By: \_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF ELKHART        )

Before me, a Notary Public in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared Jeremy P. Stutsman, Mayor and Richard R. Aguirre, Clerk-Treasurer, and acknowledged that as said representatives, they respectively executed the foregoing Interlocal Agreement for and on behalf of, and in the name of the City of Goshen, Indiana, for the uses and purposed therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public of \_\_\_\_\_ County, IN  
My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

**City of Nappanee, Indiana**

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF INDIANA )

) SS:

COUNTY OF ELKHART )

Before me, a Notary Public in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared \_\_\_\_\_ (Name), \_\_\_\_\_ (Title) and \_\_\_\_\_ (Name), \_\_\_\_\_ (Title) and acknowledged that as said representatives executed the foregoing Interlocal Agreement for and on behalf of, and in the name of the City of Nappanee, Indiana, for the uses and purposed therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Notary Public of \_\_\_\_\_ County, IN

My Commission Expires: \_\_\_\_\_

Commission Number: \_\_\_\_\_

APPROVAL

The City of Goshen Common Council hereby approves of the above and foregoing Interlocal Agreement this \_\_\_\_day of \_\_\_\_\_, 2023.

City of Goshen Common Council

By: \_\_\_\_\_  
Jeremy P. Stutsman, Presiding Officer

ATTEST:

By: \_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF ELKHART        )

Before me, a Notary Public in and for said County and State, this \_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared Jeremy P. Stutsman, Mayor and Richard R. Aguirre, Clerk-Treasurer, and acknowledged that as said representatives, they respectively executed the foregoing Interlocal Agreement for and on behalf of, and in the name of the City of Goshen, Common Council, for the uses and purposed therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public of \_\_\_\_\_ County, IN  
My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

APPROVAL

The City of Nappanee Common Council hereby approves of the above and foregoing Interlocal Agreement this \_\_\_day of \_\_\_\_\_, 2023.

City of Nappanee Common Council

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF ELKHART    )

Before me, a Notary Public in and for said County and State, this \_\_\_ day of \_\_\_\_\_, 2023, personally appeared \_\_\_\_\_ (Name), \_\_\_\_\_ (Title) and \_\_\_\_\_ (Name), \_\_\_\_\_ (Title) and acknowledged that as said representatives, they respectively executed the foregoing Interlocal Agreement for and on behalf of, and in the name of the City of Nappanee Common Council for the uses and purposed therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public of \_\_\_\_\_ County, IN  
My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

This instrument was prepared by Matt Lawson, Atty. #31752-49, Asst. City Attorney, City of Goshen, Indiana, 204 E. Jefferson, Suite 2, Goshen, Indiana 46526.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Matt Lawson



**Jose' D. Miller**

**Chief of Police**

111 E Jefferson St  
Goshen, Indiana 46528

March 15, 2023

Jeremy Stutsman, Mayor of Goshen

Goshen Common Council members:

Megan Eichorn, Julia King, Doug Nisley, Gilberto Pérez, Jr., Donald Riegsecker, Matt Schrock, Council President Brett Weddell

Ref: Ordinance 5140

Good Morning,

Members of the Council and mayor, I am respectfully requesting you to consider a modification to Ordinance 5140, 2023 Compensation for Police Department Employees, particularly to Section 28 Hiring Bonus. Several years ago the City of Goshen approved a Hiring Bonus for those applicants Goshen hired who successfully completed the Indiana Law Enforcement Academy.

At the time it was noted that they would need to be hired by Goshen within twelve (12) months of leaving their previous law enforcement employment with the stipulation of becoming current on the In-Service State Mandate Training. I am requesting your consideration to modify Ordinance 5140 to allow for the FOP to agree to deviations from the eligibility requirements set forth in the collective bargaining agreement.

Respectfully,

Jose' Miller #116

Chief of Police

Goshen City Police Department  
111 E. Jefferson Street  
Goshen, IN. 46528

**Telephone: (574) 533-8661**

**Hearing Impaired: (574) 533-1826**

**FAX: (574) 533-1826**

**ORDINANCE 5154**

**Amend 2023 Compensation Ordinance 5140 for Police Department Employees  
Regarding the Hiring Bonus**

WHEREAS Ordinance 5140 approves the 2023 minimum and maximum compensation, including wages and benefits, for Police Department employees.

WHEREAS City Administration wishes to amend the language regarding a hiring bonus to be paid to certain new employees.

WHEREAS the eligibility requirements that a new employee must meet before beginning employment as a police officer with the Goshen Police Department to be eligible for the hiring bonus are set forth in the collective bargaining agreement between the City of Goshen and the Elkhart FOP Lodge 52, Inc.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that Ordinance 5140, 2023 Compensation Ordinance for Police Department Employees, Section 28, Hiring Bonus, shall be amended to read as follows:

**SECTION 28      Hiring Bonus**

A new employee meeting the eligibility prerequisites set forth in the collective bargaining agreement between the City of Goshen and Elkhart FOP Lodge 52, Inc. before beginning employment as a police officer with the Goshen Police Department is eligible to receive a hiring bonus. The prospective employee must enter an agreement with the City of Goshen consistent with the terms of the collective bargaining agreement, unless the eligibility prerequisites set forth in the collective bargaining agreement are formally waived by the Elkhart FOP Lodge 52, Inc. The amount of the hiring bonus and when it will be paid will be determined by the Board of Public Works and Safety. In addition, upon commencement of employment, the eligible police officer will receive a base wage equal to the base wage paid to a patrol officer as set forth in Exhibit A and the eligible police officer will receive forty-five (45) hours of paid sick leave.

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

**SECTION 26 Cell Phone Stipend**

- (A) For those employees who, for substantial business purposes, are regularly required to use a cell phone to perform the employee’s job duties and responsibilities, the city will pay the employee a cell phone stipend as reimbursement if the employee elects to use the employee’s personal cell phone for city business in lieu of the city providing the employee with a city-owned cell phone.
- (B) The cell phone stipend will be provided in accordance with city Cell Phone Policy. The amount of the stipend will not exceed the sum of Twenty-five Dollars (\$25) per month if the employee is required to have voice services only, or the stipend will not exceed the sum of Fifty Dollars (\$50) per month if the employee is required to have voice and data communication services.

**SECTION 27 Residency Bonus**

A police officer shall receive an annual residency bonus in the amount of One Thousand Dollars (\$1,000), or a prorated portion thereof, based on the period of time the police officer resides on a permanent basis in the Goshen city limits in accordance with the current Residency Bonus Policy.

**SECTION 28 Hiring Bonus**

- (A) A new employee meeting the eligibility prerequisites before beginning employment as a police officer with the Goshen Police Department is eligible to receive a hiring bonus in accordance with the terms of the collective bargaining agreement and the terms and conditions of an agreement to be executed between the City of Goshen and the employee. The amount of the hiring bonus and when it will be paid will be determined by the Board of Public Works and Safety. In addition, upon commencement of employment, the eligible police officer will receive a base wage equal to the base wage paid to a patrol officer as set forth in Exhibit A and the eligible police officer will receive forty-five (45) hours of paid sick leave.
- (B) The eligibility prerequisites include the police officer having completed the minimum Tier I basic training requirements and having an active certification with the Indiana Law Enforcement Training Board. The police officer must have served with another Indiana law enforcement agency a minimum of one year and have separated from the other agency within twelve (12) months of accepting first-time employment with the Goshen Police Department.

**SECTION 29 Local Pension Board Secretary**

An employee serving as the secretary to the Local Pension Board shall receive additional compensation of Three Thousand Seven Hundred Seventy Dollars (\$3,770) per year. The additional compensation shall be included in the employee’s regular bi-weekly paycheck while serving as secretary to the Local Pension Board.