

GOSHEN COMMON COUNCIL

Minutes of the AUGUST 28, 2023 Regular Meeting

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

Mayor Gina M. Leichty called the meeting to order at 6:01 p.m. Mayor Leichty introduced Cohen and Keaton Weldy, whose parents are Cory and Lauren Weldy and whose grandfather is Councilor Don Riegsecker. Cohen and Keaton led the Pledge of Allegiance. The audience responded with applause for the brothers.

Mayor Leichty asked Clerk-Treasurer Aguirre to conduct the roll call.

Present: Megan Eichorn (District 4) Julia King (At-Large) Doug Nisley (District 2)
Gilberto Pérez Jr. (District 5) Donald Riegsecker (District 1)
Matt Schrock (District 3) Council President Brett Weddell (At-Large)
Youth Adviser Jessica Velazquez Valdes (Non-voting)

Absent: None

Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the August 7, 2023 Regular Meeting. Councilor King made a motion to accept the August 7, 2023 minutes as presented. Councilor Pérez seconded the motion. The motion passed 7-0 on a voice vote.

Approval of Meeting Agenda:

Mayor Leichty presented the agenda as submitted by the Clerk-Treasurer. Councilor Nisley moved to approve the agenda. Councilor Eichorn seconded the motion. The motion passed 7-0 on a voice vote.

Privilege of the Floor:

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

1) Ordinance 5163 - Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-2 District to Commercial B-3 District

Mayor Leichty called for the introduction of Ordinance 5163, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-2 District to Commercial B-3 District* on First Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5162 by title only, which was done.

Weddell/Nisley moved to approve Ordinance 5163 on First Reading.

BACKGROUND:

Ordinance 5163, which was before the Common Council for approval, would the rezoning of real estate, located on the west side of High Street, immediately south and adjacent to the parcel on the southwest corner of High Street and Pike Street, from Residential R-2 District to Commercial B-3 District. PRIMECO, Inc., Aby Mohamed of Aby Groups, and Woolpert submitted the rezoning application on July 26, 2023.



In an Aug. 28, 2023 memorandum to the Common Council, City Planning & Zoning Administrator Rhonda Yoder wrote that the Goshen Plan Commission met on Aug. 15, 2023, in regular session and considered a request for a rezoning from Residential R-2 District to Commercial B-3 District for property generally located on the west side of High Street, immediately south and adjacent to the parcel on the southwest corner of High Street and Pike Street, with the following outcome: Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 6-0.

The recommendation was based on the following:

1. The rezoning is consistent with the existing zoning and land use in the Pike Street B-3 District corridor.
2. The requirements of the B-3 District are able to be met if the parcel is included with existing B-3 parcels to the north.

Yoder wrote that prior to the Plan Commission meeting, the City Planning Office received three email inquiries asking what use was proposed for the site. No comments/questions were received at the Plan Commission meeting. In an Aug. 15, 2023 memorandum to the City Plan Commission, Yoder wrote that if the rezoning to Commercial B-3 is approved, **the developer intends to include the High Street parcel with 1102, 1106 and 1110 West Pike Street to be developed as one zoning lot with a restaurant.** The properties at 1102, 1106 and 1110 W Pike Street are already zoned B-3, so they are not part of the rezoning petition. She added that the High Street parcel will likely be used primarily for stormwater drainage.

AUGUST 28, 2023 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5163:

Mayor Leichty invited a staff presentation on Ordinance 5162.

City Assistant Planning & Zoning Administrator Rossa Deegan provided an overview of Ordinance 5163, which was before the Common Council for approval on First Reading. He explained the matter was coming to the Council from the Plan Commission with a unanimous recommendation of approval for a rezoning of the property from a Residential R-2 District to Commercial B-3 District.

Deegan, who was substituting for **City Planning & Zoning Administrator Rhonda Yoder**, said the proposed rezoning was consistent with the existing zoning and land use in the Pike Street B-3 District corridor and the requirements of the B-3 District are able to be met if the parcel is included with existing B-3 parcels to the north. In response to a question from **Councilor King**, **Deegan** said there were three public inquiries about the proposed rezoning, but no public comments at the Plan Commission meeting. The inquiries focused on the purpose of the rezoning.

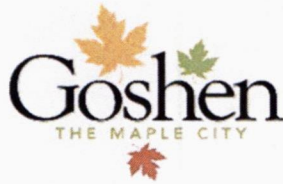
In response to a question from **Council President Weddell**, **Deegan** said the intent is to create a single zoning lot, adding it would be difficult to develop the site without combining all of the parcels.

Councilor King asked what restaurant would be built. **Deegan** said a representative of the developer was present and could respond.

Ryan Walter, a senior civil engineer at Woolpert Engineering, representing **Aby Mohamed of Aby Groups**, said the intent is to develop a Popeye's Restaurant on the site.

There were no other questions or comments from Councilors, so at 6:07 p.m., Mayor Leichty invited public comments on Ordinance 5163. There were none.

There were no further public or council comments. Councilors also indicated that they were ready to vote.



On a voice vote, Councilors unanimously approved Ordinance 5163, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-2 District to Commercial B-3 District on First Reading*, by a 7-0 margin, with all Councilors present voting “yes” at 6:07 p.m.

Councilors gave unanimous consent to proceed with the Second Reading of Ordinance 5163.

Mayor Leichy called for the introduction, on Second Reading, of Ordinance 5163, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-2 District to Commercial B-3 District*. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5163 by title only, which was done.

Weddell/Nisley moved for passage of Ordinance 5163 on Second and Final Reading.

Mayor Leichy invited further questions or comments from Councilors or the public. There were none. Councilors also indicated they were ready to vote.

On a voice vote, Councilors approved Ordinance 5163, *Amend Ordinance 3011 by Rezoning Real Estate Hereinafter Described from Residential R-2 District to Commercial B-3 District*, on Second and Final Reading, by a 7-0 margin, with all Councilors present voting “yes” at 6:08 p.m.

2) Ordinance 5161 – Ordinance Authorizing the City of Goshen, Indiana to issue its “[Taxable} Economic Development Revenue Bonds, Series 2023 (Ariel Project)” and Approving Other Actions in Respect Thereto (Second Reading)

Mayor Leichy called for the introduction of Ordinance 5161, *Ordinance Authorizing the City of Goshen, Indiana to issue its “[Taxable} Economic Development Revenue Bonds, Series 2023 (Ariel Project)” and Approving Other Actions in Respect Thereto* on Second Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5161 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5161 on Second Reading.

BACKGROUND:

Ordinance 5161, which was before the Common Council for final approval, would authorize the Council and Mayor to authorize the City of Goshen to issue “[Taxable} Economic Development Revenue Bonds, Series 2023 (Ariel Project)” and approve other actions in respect thereto.

In a memorandum to the Common Council, City Redevelopment Director Becky Hutsell wrote that Ordinance 5161 was being presented to the City Council on Aug. 28, 2023 for a second and final reading.

The Council's meeting packet for this agenda item was 98 pages and included a memorandum (dated Aug. 28, 2023), draft Ordinance 5161 and the financing document (trust indenture) and numerous exhibits.

Hutsell wrote that this ordinance would authorize the City to issue a taxable Economic Development Revenue bond specifically for the Ariel Cycleworks Apartment Project and the issued bonds would be purchased by the developer, or their bank, to fund infrastructure components for the project.

Hutsell wrote that an Economic Development Commission (EDC) meeting was held on Friday, August 18, 2023 and a favorable Project Report was forwarded to the Goshen Plan Commission.



Hutsell wrote that the issuance of this bond, and all terms associated with it, are in line with the Development Agreement that was approved by the City Redevelopment Commission, the City Council and Board of Works & Safety last summer, including the agreement to provide 100% TIF reimbursement for 25 years.

On July 17, 2023, the Common Council discussed and approved Ordinance 5161 on First Reading by a 7-0 vote. The matter was continued to Aug. 28, 2023 for a final Council vote.

AUGUST 28, 2023 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5161:

Mayor Leichty invited a staff presentation on Ordinance 5161.

City Redevelopment Director Becky Hutsell provided an overview of Ordinance 5161; which she noted was before the Common Council for approval on Second Reading. She said that since the Council approved Ordinance 5161 on First Reading on Aug. 7, 2023, the matter has been approved by City Economic Development Commission, with no public comments. She said a representative of the developer was present in case there were any Council questions. **Hutsell recommended adoption of Ordinance 5161.**

Council President Weddell asked **Hutsell** the names of the members of the City Economic Development Commission (EDC). **Hutsell** said the EDC members are **Aileac Deegan, Zack Bontrager and Jonathan Graber.**

There were no other questions or comments from Councilors, so at 6:10 p.m., Mayor Leichty invited public comments on Ordinance 5161. There were none.

There were no further Council comments or questions. Councilors also indicated that they were ready to vote.

On a voice vote, Councilors unanimously approved Ordinance 5161, Ordinance Authorizing the City of Goshen, Indiana to issue its “[Taxable] Economic Development Revenue Bonds, Series 2023 (Ariel Project)” and Approving Other Actions in Respect Thereto on Second (and final) Reading, by a 7-0 margin, with all Councilors present voting “yes” at 6:10 p.m.

3) Resolution 2023-17 – Interlocal Memorandum of Understanding for 2023 Edward Byrne Memorial Justice Assistance Grant Formula Program Award

Mayor Leichty called for the introduction of Resolution 2023-17, *Interlocal Memorandum of Understanding for 2023 Edward Byrne Memorial Justice Assistance Grant Formula Program Award*. Council President **Weddell** asked the Clerk-Treasurer to read Resolution 2023-17 by title only, which was done.

Weddell/Eichorn moved to approve Resolution 2023-16.

BACKGROUND:

Resolution 2023-17, would establish an interlocal memorandum of understanding between the City of Goshen, Elkhart County and the City of Elkhart in support of a pending joint application for 2023 Justice Assistance funding to be used for permissible criminal justice purposes.

By entering into a written interlocal agreement, a power that may be exercised by one governmental entity may be exercised by one entity on behalf of another entity.



Under the proposed interlocal agreement, the Elkhart County Sheriff's Office will serve as the fiscal agent for the Justice Assistance Grant funding, and it also sets forth the amount of funding to be distributed to each unit. Under the agreement, the City of Goshen will utilize a full individual allocation amount of \$33,960 of the aggregate JAG funds allocated for officer and community safety in activities of prevention and crime control.

AUGUST 28, 2023 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2023-17:

Mayor Leichty invited staff comment on Resolution 2023-17.

City Attorney Bodie Stegelmann said Resolution 2023-17 concerned a grant program the City of Goshen has participated in for 10 or more years. He said about \$33,000 would be allocated to Goshen.

Stegelmann said the Elkhart County Sheriff's Department does most of the work in applying for the grant and reporting back on it. He said the funds are used for the purchase of equipment by law enforcement. He added that Council approval was needed for the agreement to take effect with Elkhart County.

Councilor King asked if any specific equipment would be purchased with the funds this year. **Police Chief José Miller** said he would need to check with his assistant chief to answer the question.

Councilor Schrock asked why the City of Elkhart was not participating in the grant program. **Stegelmann** said he didn't know. **Mayor Leichty** said she wasn't informed why Elkhart chose not to participate.

There were no additional Council comments, so at 6:13 p.m., Mayor Leichty invited public comments on Resolution 2023-17. There were none.

On a voice vote, Councilors approved Resolution 2023-17, Interlocal Memorandum of Understanding for 2023 Edward Byrne Memorial Justice Assistance Grant Formula Program Award, by a 7-0 margin, with all Councilors present voting "yes" at 6:13 p.m.

4) Resolution 2023-18 – Interlocal Agreement with the County of Elkhart for East College Avenue / C.R. 36 Reconstruction from Fairgrounds to C.R. 31

Mayor Leichty called for the introduction of Resolution 2023-18, *Interlocal Agreement with the County of Elkhart for East College Avenue / C.R. 36 Reconstruction from Fairgrounds to C.R. 31*. Council President **Weddell** asked the Clerk-Treasurer to read Resolution 2023-18 by title only, which was done.

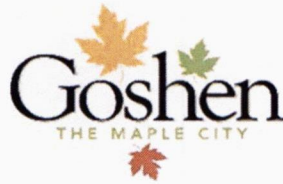
Weddell/Nisley moved to approve Resolution 2023-18.

BACKGROUND:

Resolution 2023-18, would establish an interlocal memorandum of understanding between the City of Goshen and Elkhart County for the East College Avenue/County Road 36 reconstruction from the back entrance of the Elkhart County 4-H Fairgrounds to County Road 31.

By entering into this written interlocal agreement, a power that may be exercised by one governmental entity may be exercised by one entity on behalf of another entity.

In this case, a substantial industrial construction project is underway along College Avenue, on the east side of the City of Goshen, that requires improvements to public roadways in the area of the construction project. The City has contracted with Niblock Excavating, Inc. for the industrial construction project.



The City plans to undertake a reconstruction and widening of College Avenue in 2027. East College Avenue and County Road 36, between the back entrance to the Elkhart County 4-H Fairgrounds and County Road 31, is in poor repair and is in need of repair prior to the City's 2027 reconstruction and widening.

Elkhart County has agreed to provide part of the funding for the road repair needed for County Road 36 to County Road 31.

The reconstruction project will include the full depth reclamation of the existing asphalt and subgrade and replacement of hot mix asphalt base and surface for 4,300 linear feet along East College Avenue and County Road 36. This project will be added to the existing scope of work being completed by Niblock Excavating, Inc. for the industrial construction project along East College Avenue.

Under the terms of the agreement, the City of Goshen will serve as the Lead Agency for the Project, including, but not limited to, the following duties:

- a. Awarding the Project in compliance with governmental requirements applicable to the City and County.
- b. Obtaining any permits or approvals required to construct the Project.
- c. Providing or contracting for engineering review and construction inspection services for the Project to the extent that such are not the responsibility of the contractor.
- d. Maintaining the documents, contractors, notes, and other records connected with the Project.
- e. Providing the County with a financial summary of all funds needed for the Project, all funds received for the Project, and all funds spent on the Project, including the reconciliation of the funding provided by the City and County.
- f. Paying all administrative costs and expenses associated with serving as the Lead Agency for the Project.

Niblock Excavating, Inc. has provided Change Order No.1, attached to the Agreement as Exhibit B, summarizing the costs of repair work for the Project, totaling \$260,709.00.

Elkhart County will pay a proportional share representing the 1,300 linear feet of roadway to be repaired located outside the corporate boundaries of the City of Goshen. This amount is equal to \$78,819. The County will pay its proportional share to City no later than March 31, 2024.

This interlocal agreement is subject to the approval of the Goshen Board of Public Works and Safety and the Goshen Common Council, the Elkhart County Board of Commissioners and the Elkhart County Council.

AUGUST 28, 2023 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2023-18:

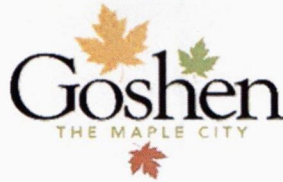
Mayor Leichty invited staff comment on Resolution 2023-18.

City Redevelopment Director Becky Hutsell provided the background and context of Resolution 2023-18. She explained the extent of the project, which is to repair the road prior to the City's 2027 major reconstruction and widening. Hutsell also outlined the financial contribution by Elkhart County for the project, which is based on the square footage of how much of the road is in the City and the County.

Councilor Schrock said asked if asphalt that will be installed will be the permanent surface. **Hutsell** said that the asphalt being placed will be completely removed as the road will be widened substantially and storm sewer pipes will be placed beneath the roadway and curb and gutter will be installed. She also said the ditch on the north side of the road also will be abandoned, which will make the road safer with the addition of shoulders on both sides of the road.

Council President Weddell said an example of how the road will look is Kercher Road. **Hutsell** said that was correct.

In response to a question from **Councilor Pérez**, **Hutsell** explained the costs to be paid by the City and County.



There were no additional Council comments, so at 6:17 p.m., Mayor Leichthy invited public comments on Resolution 2023-18.

Pamela Weishaupt of Goshen asked what would happen with the ditch when the road is widened. Hutsell said the ditch on the north side of the road will be made part of the Brinkley RV stormwater system, which will allow the road to be widened. In addition, a 42-inch pipe will be installed under the roadway to capture more stormwater.

There were no further public comments, so Mayor Leichthy closed the comment period at 6:18 pm

On a voice vote, Councilors approved Resolution 2023-18, *Interlocal Agreement with the County of Elkhart for East College Avenue / C.R. 36 Reconstruction from Fairgrounds to C.R. 31*, by a 7-0 margin, with all Councilors present voting “yes” at 6:18 p.m.

5) Resolution 2023-19 – Approving the Termination of the Goshen Dam Pond Interlocal Agreement

Mayor Leichthy called for the introduction of Resolution 2023-19, *Approving the Termination of the Goshen Dam Pond Interlocal Agreement*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2023-17 by title only, which was done.

Weddell/Riegsecker moved to approve Resolution 2023-19.

BACKGROUND:

Resolution 2023-19, would approve the termination of the Goshen Dam Pond Interlocal Agreement.

According to Resolution 2023-19, the City of Goshen, Elkhart County and the Goshen Dam Pond Economic Improvement District entered into an Interlocal Agreement, Dec. 28, 2015. The purpose of the agreement was to coordinate activities to pursue maintenance dredging of sediment from the Goshen Dam Pond.

However, the project was not completed, so the parties decided to terminate the interlocal agreement.

On Sept. 14, 2020, the Goshen Dam Pond Economic Improvement District (EID) approved termination of the Interlocal Agreement so long as the assessment funds received by the EID in or after calendar year 2020 were not considered as remaining funds held by the EID in their economic improvement funds for distribution under Section 8.1 of the Interlocal Agreement.

On Oct. 26, 2020, the Elkhart County Commissioners adopted Resolution CO 2020-29 Supporting Termination of the Goshen Dam Pond Interlocal Agreement, agreeing to terminate the Interlocal Agreement by executing this Termination and distribute any remaining funds as provided in Section VIII, paragraph 8.1 of the Interlocal Agreement, with the assessment fees received by the EID in 2020 and thereafter not being included in the funds available for distribution.

On Nov. 20, 2020, the Goshen Common Council passed and adopted Council Resolution 2020-24 Supporting Termination of the Goshen Dam Pond Interlocal Agreement, agreeing to terminate the Interlocal Agreement by executing this Termination and distribute any remaining funds as provided in Section VIII, paragraph 8.1 of the Interlocal Agreement, with the assessment fees received by the EID in 2020 and thereafter not being included in the funds available for distribution.

Resolution 2023-19 would formally terminate the City of Goshen participation in the agreement.

AUGUST 28, 2023 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2023-19:

Mayor Leichthy invited staff comment on Resolution 2023-19.



City Attorney Bodie Stegelmann gave the background of the Interlocal Agreement. He explained that the City reached an agreement with Elkhart County and the Goshen Dam Pond Economic Improvement District to raise money and eventually dredge the Goshen Dam pond.

However, **Stegelmann** said there were difficulties raising money for the project and other factors that prompted the parties to abandon the project. So, he said the parties agreed to terminate the agreement. In 2020, the Goshen Council passed a resolution terminating the agreement, but that termination called for a later written termination of the agreement. He said **Resolution 2023-19 was the last step needed to terminate the agreement.**

In response to a question from **Council President Weddell**, **Stegelmann** said the Council's 2020 action was an expression of its desire to terminate the agreement and Resolution 2023-19 was the final action.

Council President Weddell asked if the property owners would be reimbursed the funds they contributed to the dredging. **Stegelmann** said he was unsure, adding that the funds were controlled by the County and not the City.

Councilor King said she was part of the Economic Improvement District and her understanding is that the funds won't be returned to the property owners, but will be retained by the County. She said some property owners are seeking to agree on a proposed use of the funds and make a request. However, she said the funds won't be returned and must be used for a purpose related to the original goal of the Economic Improvement District.

In response to a question from **Councilor Eichorn**, **Councilor King** said she believes there is about \$100,000 in the fund. In response to a question from **Councilor Pérez**, **Councilor King** said she wasn't sure how residents would like to use the funds that were raised.

There were no additional Council comments, so at 6:22 p.m., Mayor Leichty invited public comments on Resolution 2023-19. There were none.

On a voice vote, Councilors approved Resolution 2023-19, Approving the Termination of the Goshen Dam Pond Interlocal Agreement, by a 7-0 margin, with all Councilors present voting "yes" at 6:22 p.m.

Elected Official Reports:

Councilor Schrock gave a reminder about the **community forum on the future of Goshen Parks** scheduled for **Aug. 29, 4-6 p.m.**, at the Shanklin Park Pavilion. Public feedback will be used to develop the City's five-year plan for parks and trails. Councilor Schrock said people can also access a **survey** via the city's Facebook page and website.

Councilor Schrock also announced that the **East Goshen Neighborhood Association's annual picnic will be held Sept. 9 at Dykstra Park, at 5 p.m.** He said all are welcome.

Councilor Eichorn said the **City Community Relations Commission** met recently and the Mayor participated. She said there was a **detailed discussion of the Juneteenth celebration and the Indigenous Day event on Oct. 9 at the Goshen Theater.** She said it is expected to be as good as last year's celebration.

Mayor Leichty said the City has hired a new leader for the Community Relations Commission. **Councilor Eichorn** also said a CRC member appointed by the Mayor has resigned.



Councilor President Weddell said the City Redevelopment Commission met on Aug. 8. He said the commission adopted its five-year comprehensive plan, which included a decision to help pay for some public service costs. Councilor President Weddell said the plan also included good information, including that Redevelopment will collect \$55 million and spend nearly \$70 million on projects and quality of life enhancements. He said without the commission's work, the City would look very different today.

Mayor Leichty affirmed **Council President Weddell's** sentiments and asked **City Redevelopment Director Becky Hutsell** to provide additional information. Hutsell commented on the Redevelopment work and plans, including expenditures for the Police and Fire Departments. She said a majority of funds are going for infrastructure, but there also will be quality of life improvements. **Council President Weddell** read a summary of some of the expenditures.

Councilor Riegsecker said the City Cemetery Board will meet at 2:30 p.m. Wednesday.

Councilor Riegsecker also said he received two resident comments. One concerned a chicken and possible rooster, which he assumed the City's Code Enforcement Officer would investigate. The second was about deteriorating asphalt in front of a home where its driveway meets Greenway Drive.

City Director of Public Works & Utilities Dustin Sailor said he can check into the matter, but the repair of an approach to a driveway usually would be the resident's responsibility.

Councilor Pérez said he met with a business owner and **Goshen Chamber President & CEO Nick Kieffer** to better understand regulations about starting a business in Goshen. Councilor Pérez said he appreciated that Kieffer agreed to help the business owner better understand City regulations.

Councilor Pérez also thanked **Goshen Fire Chief Dan Sink** for today circulating the department's second quarter operations report. The Councilor summarized some of the key findings, including a decline in emergency calls.

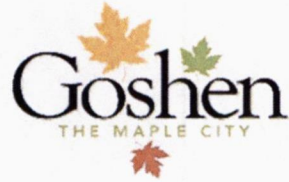
Mayor Leichty congratulated **Deputy Mayor Mark Brinson** for being presented with the **2023 Ivan H. Brinegar Municipal Management Award** from Accelerate Indiana Municipalities (AIM) during the 2023 Aim Ideas Summit in French Lick. The award is presented to an appointed municipal official with a minimum of 10 years of city or town service who displays strong leadership, contributions to the community, and serves as a role model to citizens and other municipal officials. The audience responded with applause for Deputy Mayor Brinson.

There were no further comments by elected officials.

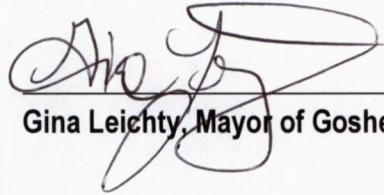
Adjournment:

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

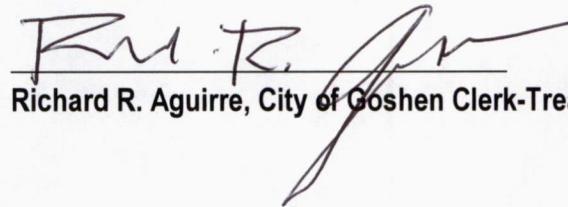
Mayor Leichty adjourned the meeting at 6:35 p.m.



APPROVED:


Gina Leichty, Mayor of Goshen

ATTEST:


Richard R. Aguirre, City of Goshen Clerk-Treasurer