



GOSHEN COMMON COUNCIL

Minutes of the DECEMBER 18, 2023 Regular Meeting

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

Mayor Gina Leichty called the meeting to order at 6:03 p.m. Assisted by the Mayor, Ainsley Keil led the Pledge of Allegiance. Ainsley is a fourth grade student at Woodland Elementary School in Elkhart.

At 6:04 p.m., Mayor Leichty asked Clerk-Treasurer Aguirre to conduct the roll call.

Present: 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: Megan Peel (District 4); Youth Adviser Jessica Velazquez Valdes (Non-voting)

Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the Nov. 13, 2023 Regular Meeting as submitted by the Clerk-Treasurer. Councilor Nisley moved to accept the minutes as submitted. Councilor Pérez seconded the motion. The motion passed 6-0 on a voice vote.

Approval of Meeting Agenda:

Mayor Leichty presented the agenda as submitted by the Clerk-Treasurer. Councilor King moved to accept the agenda as presented. Councilor Riegsecker seconded the motion. Motion passed 6-0 on a voice vote.

Privilege of the Floor:

At 6:06 p.m., Mayor Leichty invited public comment for matters not on the agenda.

Terry Hartman of Goshen said he appreciated the Christmas Light Parade at the First Friday in November. He said it was a great event to take grandchildren to, nothing that they enjoyed the candy tossed to them. He passed on his compliments to the organizers. He also said he hopes the event will be expanded next year.

Mayor Leichty said he would pass on Hartman's compliments to Downtown Goshen, Inc. and all of the City Departments that helped with the event.

There were no further comments, so Mayor closed comment period at 6:07 p.m.

1) Ordinance 5176, Additional Appropriations (Public Hearing and First & Second Reading)

Mayor Leichty called for the introduction of Ordinance 5176, *Additional Appropriations* on First Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5176 by title only, which was done. Weddell/Nisley moved to approve Ordinance 5176 on First Reading.



BACKGROUND:

Ordinance 5176, which was before the Common Council for approval, would authorize the Council and Mayor to spend additional and available money from various accounts. The Mayor and Clerk-Treasurer requested this ordinance because the Common Council is the City's fiscal body, which authorizes the City's budget and any budget adjustments.

If approved by the Common Council, Ordinance 5176 would authorize the following additional appropriations in excess of the current year's budget:

GENERAL FUND – 101-510-15-411.0130 BUILDING / Full Time Personnel, \$40,000.00

PUBLIC SAFETY LOIT 249-520-00-445.0200 249-520-00-445.0201

PS LOIT / Motor Vehicles, \$45,000.00PS LOIT / Equipment. \$15,000.00

REDEVELOPMENT OPERATING FUND 406-560-00-442.0000 REDEVELOPMENT/Capital Projects, \$160,260.00

In a memorandum to the Council, **Deputy Clerk-Treasurer Jeffery Weaver** wrote that an appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. It is possible to get permission to move budgeted spending between accounts and categories, but sometimes the total of appropriations within a fund is insufficient for the fund's total spending, due to emergencies, unforeseen circumstances, or budget errors.

Weaver wrote that in this case, the **Mayor and Clerk-Treasurer** propose an additional appropriation if the expenditures are necessary and paying the expenditure might otherwise overspend the budgeted appropriation. After Council approval, the Clerk-Treasurer submits the additional appropriation to the **Department of Local Government Finance (DLGF)** for final approval. The DLGF will only approve an additional appropriation if the Clerk-Treasurer proves that the City has cash available for the additional appropriation and the following year's budget.

Weaver wrote that the General Fund is the primary source of funding for much of the City's personnel costs, but some positions are paid from other "Special Revenue" Funds. In one example, the Rental Inspector wages are supported by the Residential Lease Fee Fund, which did not realize expected revenues in 2023. Board of Works Resolution 2022-36 determined that 50% of the Rental Inspector wages should be paid from the "Civil City" budget.

This additional appropriation adjusts 50% of Rental Inspector wages to be paid from the Building Department in the General Fund, allowing the Residential Lease Fee Fund to remain solvent.

The Public Safety – Local Option Income Tax Fund is primarily used for Police and Fire pensions and for public safety capital expenditures. **This additional appropriation is for a police vehicle and respective upfitting that became available at short notice but cost more than originally budgeted. It was ordered with the understanding that the fund has cash available for the purchase.**

Finally, the Redevelopment Operating Fund purchased land that will be reimbursed by a Tax Increment Financing (TIF) district fund. **The TIF district does not yet encompass the parcel but will be amended sometime in 2024, at which point the TIF will reimburse the Redevelopment Operating Fund**

Weaver wrote that each affected fund has sufficient cash balances to spend these appropriations. **If the ordinance is approved by the Council, he indicated that the Clerk-Treasurer's office will submit the necessary information to the DLGF for final approval.**



PUBLIC HEARING ON ORDINANCE 5176:

Mayor Leichty opened a public hearing on Ordinance 5176.

Before anyone could respond, **Council President Weddell** raised a point of order and made an inquiry to **City Attorney Bodie Stegelmann**. He asked about the appropriate procedures. He said he was raising the issue because **Councilor King** also seemed surprised about the procedure.

Councilor King agreed and said she thought it would be helpful for anyone testifying to first hear the staff presentation about Ordinance 5176 and not be asked to testify first.

Stegelmann said Ordinance 5176 had been presented, so at any point it was appropriate to hold a public hearing.

Council President Weddell asked if a public hearing was different than the normal public comments invited when the Council was considering ordinances and resolutions. He said in some instances, public comment was invited before staff and Council discussion.

Stegelmann said this was the correct procedure. He said members of the public have a right to speak during public hearings. However, when the Council opens up a period of public comment, **Stegelmann** said that is at the discretion of the Council and is being allowed beyond what the state statute requires.

Council President Weddell said he understood that because the Council was considering an additional appropriation, the Council was statutorily required to hold a public hearing. **Stegelmann** said that was correct and the Mayor should "gavel in and gavel out" a public hearing on Ordinance 5176.

Council President Weddell asked if the public hearing should be convened before or after Ordinance 5176 was formally introduced by the Council. **Stegelmann** said it didn't matter.

Council President Weddell and **Stegelmann** further discussed how to proceed. **Mayor Leichty** said she planned to convene a public hearing first and then invite the Council's consideration. **Stegelmann** said that was acceptable.

Mayor Leichty again opened a public hearing on Ordinance 5176. No one asked to speak, so Mayor Leichty closed the public hearing.

DEC. 18, 2023 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5176:

Mayor Leichty called on **Deputy Clerk-Treasurer Jeffery Weaver** to provide the background and context of Ordinance 5176.

Deputy Clerk Clerk-Treasurer Weaver provided an overview of the proposed appropriations as summarized in his memorandum to the Council. He said the three affected funds have sufficient balances to cover the requested appropriations.

Weaver further described the purposes of the requested appropriations for the Building Department to help pay the pages of the Rental Inspector; for the Police Department to purchase a new vehicle and its equipment; and for the Redevelopment Fund to pay for a property purchase that has already been made.

Councilor King asked how that purchase worked for the Redevelopment Department. She asked if it was essentially a loan and if the Council would need to eventually approve a TIF district change to authorize the purchase.

Council President Weddell said "yes" was the answer to both questions. He said the Redevelopment Department has the funds to make the purchase, but the funds were not appropriated, and because the property is not in the existing TIF, the money needed to be loaned from the Redevelopment Commission to make the purchase.



Council President Weddell said that assuming the property is placed into the TIF, the funds in that TIF will then reimburse the Redevelopment Operating Fund. He said the Council also will have to approve changing the boundaries of the TIF.

Councilor King said it seemed like this procedure was backward what it should be. She asked **City Attorney Stegelmann** for a further explanation about what was being proposed. **Stegelmann** said he was unfamiliar with this transaction, but said funds could be used from either fund to purchase the property, but because it wasn't in the TIF district, those funds could not be used to purchase the property.

Councilor King asked if this was related to the Cherry Creek housing project. **Council President Weddell** said it was not. He said the property was at 208 West Washington Street, near the alley that the City wants to develop into an extension of River Race Drive. He said about two years ago, the City purchased a building at 210 West Washington Street. He said the City now wants to purchase a house, at 208 West Washington Street, which is between the alley and a City parking lot. Since the property was offered, the City decided to proceed with a sale.

Councilor King said she wasn't objecting to the sale, but only the order of how this was being done. **Council President Weddell** said it was a timing issue because the property owner offered to sell the home at this time and that's why this procedure was sought.

Councilor Schrock asked what will happen to 208 West Washington Street and whether it would remain a rental. **Council President Weddell** said he didn't know and didn't know how it might be affected when River Race Drive is expanded to Washington Street. **City Public Works Director Dustin Sailor** said it was too early to tell what will happen with that property because it won't be affected by the River Race Drive project, but there also might be an interest in expanding the adjacent parking lot. He said there are several opportunities for this property.

Councilor King said he wanted assurance that this procedure was appropriate. She asked **Stegelmann** if he had any objection to proceeding. **Stegelmann** said he had no problem with moving forward. Councilor King thanked Stegelmann for his comments.

Councilor Riegsecker asked about the funds that would be used to pay the Rental Inspector's salary. He asked what funds were being used and whether they were carried over from last year's budget.

Weaver said half of the Rental Inspector's salary is supposed to be paid from the Residential Lease Fee Fund and half from the City's general fund. However, he said not enough was budgeted by the Building Department to pay these wages.

Councilor Riegsecker asked for a further explanation about the accounts that were being used and whether they were being debited or credited. **Weaver** said the Council is being asked to draw from its cash balances to pay for all three of these appropriations.

At the request of **Councilor Riegsecker**, **Weaver** provided a further explanation about the appropriations. He added that it was an error not to budget more for the Rental Inspector's salary. And Weaver further explained the other two proposed appropriations. **Councilor Riegsecker** said he just wanted to make sure he and other Councilors understood what was being requested.

Weaver said that at the next Council meeting he would be seeking approval of numerous budget category transfers. He said that wouldn't be increasing the budget, but just shifting funds. He said this request was to increase budgets.

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



On a voice vote, Councilors unanimously approved Ordinance 5176, *Additional Appropriations on First Reading*, by a 6-0 margin, with all Councilors present voting “yes,” at 6:23 p.m.

Councilors gave unanimous consent to the Mayor to proceed with the Second Reading of Ordinance 5176.

Mayor Leichty called for the introduction, on Second Reading, of Ordinance 5176, *Additional Appropriations*, Council President Weddell asked the Clerk-Treasurer to read Ordinance 5176 by title only, which was done. *Weddell/Pérez moved for passage of Ordinance 5176 on Second and Final Reading.*

Mayor Leichty invited further questions or comments from Councilors or the public. There were none. Council President Weddell said Councilors were ready to vote.

On a voice vote, Councilors approved Ordinance 5176, *Additional Appropriations*, on Second and Final Reading, by a 6-0 margin, with all Councilors present voting “yes,” at 6:24 p.m.

2) Presentations for service to the City of Goshen:

Mayor Leichty said it was now time for “the fun part of the evening” – awards to several individuals for their service to the City of Goshen. The Mayor presented awards to the following people:

Bethany Campbell, a member of the City Board of Zoning Appeals. Mayor Leichty said Campbell served on the Board from July 2021 through December 2023. The Mayor said Campbell “enjoyed getting to know her fellow Board members, gaining knowledge of City zoning ordinances, and having opportunities to meet and hear from members of our community. You’ve been proud to serve on the Board and you encourage more women to apply for appointment in years to come.” Campbell responded, “It was a great opportunity. I enjoyed my time.”

Mike Potuck, a member of the Board of Zoning Appeals. Mayor Leichty said Potuck served on the Board from January 2021 through December 2023 “during which time you gained a broader perspective of the effort and thoughtfulness that it takes to make a City safe, orderly and efficient for residents and businesses. You expressed gratitude for the opportunity to serve and would like to offer thanks to the Planning Department, fellow Board members, and members of the community.” Potuck responded that his 7-year-old son said it was “cool” he was receiving a plaque for his service.

Andrea Johnson, a member of the City Redevelopment Commission. Mayor Leichty said Johnson served on the Commission from January 2018 through December 2023. The Mayor said, “Over her time, Andrea actively engaged in understanding the variety of City projects the Commission is involved in and developed a passion for preserving quality of place in projects and in housing. Her dedication is greatly appreciated, and she will be missed.” Johnson could not be present to accept her award. Council President Weddell, who serves on the Commission, said Johnson has done an “excellent job.” He said he told Johnson that he may not have voted for her initial appointment, but happily did so subsequent times.



Fifth District Councilor Gilberto Pérez, Jr. Mayor Leichty thanked **Councilor Pérez** for his four years of service and presented him with a plaque and a key to the City. She honored Councilor Pérez for his leadership, for fostering a sense of community and unity, his dedication and serving with an open mind and a full heart. In response, **Councilor Pérez** thanked **members of the public** for attending Council meetings and for sharing their thoughts and opinions and helping the Council to be accountable to the public. He thanked **City Department heads** for their "amazing" work and their commitment to meeting the needs of their employees and Goshen residents. He thanked **Clerk-Treasurer Aguirre** for his work and also supporting his staff. He also thanked fellow **Councilors** for their work, adding, "We agreed a lot of times ... and we did really great work together" and also worked through disagreements. He also thanked the Mayor and wished her success over the next four years. **Councilor Pérez** also said he would now endeavor to help the public better understand the work of the Council and get more people involved in serving on City boards and commissions.

At-large Councilor Julia King. Mayor Leichty thanked **Councilor King** for her eight years of service on the Common Council and presented her with a plaque and a key to the City. She honored Councilor King for her leadership, for fostering a sense of community and unity, her dedication and serving with an open mind and a full heart. In response, **Councilor King** said serving the past eight years "has been an amazing adventure and I'm immensely grateful for the opportunity to serve Goshen. And like Gilberto (Pérez), I have learned something of value from everyone that comes into these chambers," whether a member of City staff or the public. She thanked her Council colleagues and the two mayors she has worked with. Councilor King added that she hopes to share what she learned with members of the public and help them better understand City government and how it relates to other levels of government.

Councilors expressed appreciation to Councilors Pérez and King.

Finally, Mayor Leichty said Larry Keil, the Pretreatment and Lab Coordinator for the City Wastewater Department, would be receiving an award for his 44 years of service to the City of Goshen.

Jim Kerezman, Superintendent of the City Wastewater Treatment Plant, said Keil began work for the City in 1979 and on Nov.19, he celebrated his 44th anniversary. He said Keil has the highest seniority of any City employee. Kerezman said Keil's final day with the City will be Dec.28, 2023, which translates to 16,110 days of employment. Employing a bit of Wastewater Department humor, **Kerezman** joked that the City wastewater employees often say that that they have to "take crap off everybody. And Dec. 28 is your last day, Larry, of taking crap off anybody ... so congratulations. We're going to miss you."

Charlie Riggs, the Maintenance Manager of the City Wastewater Treatment Plant, said it has been a privilege to work with **Keil**. Riggs said Keil has never complained about working six days a week to maintain the lab. He also said Keil's replacement has been hired and is doing a good job "and the City is in good hands."

Mayor Leichty then presented Keil with a key to the City in gratitude for his 44 years of service to the City Wastewater Department. The Mayor said "there is no greater commitment than ensuring the health and safety of our community. Thank you for your dedication and for serving with an open mind and a full heart."

Keil expressed his gratitude for allowing him to serve the City. He added, "I've tried my best and ... I'm going to miss being there. We've got a good group of guys at Wastewater. I appreciate all of you, and you folks keep doing the best that you can. And thank you all for this honor."



Councilor Nisley joked that he made sure that the City awarded **Keil** a key to the City "after changing the locks."

Councilor Riegsecker asked Keil what he did for his four years after graduating from high school. Keil said he worked for a car dealership, in the parts department

Mayor Leichty said she just learned that Keil, Kerezman and Riggs have given a combined 102 years of service to the City, "so we have an amazing Wastewater Department."

Elected Official Reports:

Council President Weddell said the Redevelopment Commission met last week and gave tentative approval to hiring a consulting firm to study the proposed extension of the Winona bike trail to the path behind Waterford Elementary School. He said Goshen Community Schools will still need to approve the use of the property. He also reported that the City sold a property at 417 South Third Street and approved change orders for work related to the Aerial Cycleworks housing project.

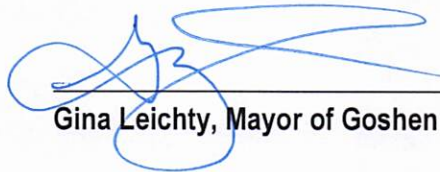
Councilor Perez encouraged Councilors to continue supporting the youth adviser and Kid Mayor programs, which has increased engagement by young people. He also noted that **Youth Adviser Jessica Velazquez Valdes** has been accepted to Yale University. **Council President Weddell** and **Mayor Leichty** said all of the City's past youth advisers have had successful college careers.

Council President Weddell congratulated **Jim Dubois** for being hired as the new superintendent of Goshen Community Schools. **Mayor Leichty** said this was fantastic news for the community.

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

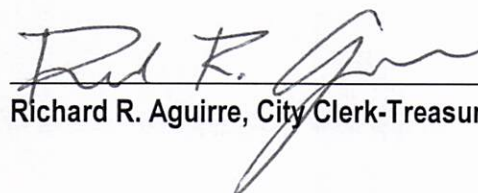
Mayor Leichty adjourned the meeting at 6:40 p.m.

APPROVED:



Gina Leichty, Mayor of Goshen

ATTEST:



Richard R. Aguirre, City Clerk-Treasurer