

REGULAR MEETING OF THE COMMON COUNCIL (FEBRUARY 6, 2007)
111 EAST JEFFERSON STREET, GOSHEN, INDIANA

The Common Council of the City of Goshen, Indiana, met in the Council Chambers for a regular session on February 6, 2007 at 7:00 P.M. Presiding Officer was Mayor Kauffman with members of the Council present as follows:

PRESENT: COUNCILMAN BLOSS, GRIMES, LANTZ, PURO, SCOTT, THOMAS
COUNCILWOMAN GAUTSCHE

ABSENT: NONE

PRIVILEGE OF FLOOR

Glenn Null, 319 Dewey Ave, complimented the Street Department on the good job of cleaning the streets in Goshen.

Mr. Null stated the Council had previously discussed a natatorium at the January 16 Joint School Board meeting and it was also discussed how the Utilities Administrative Engineer created a preliminary design for the facility on the property. Mr. Null questioned whether the work of the engineer was performed on his time or utilities time and does the City reimburse the Utilities for work performed if not related to the utilities.

Mayor Kauffman stated he presumes the work was performed on the engineer's own time.

Director of Public Works Robert McCoige stated the Utilities Administrative Engineer performs a lot of work on his own time for the City and Utilities.

Mr. Null stated he would like a response from Mayor Kauffman when the Mayor finds out the answer.

APPROVAL OF MINUTES

Council President Thomas moved to accept the minutes of the Council meeting of December 19, 2006 as presented. Motion seconded by Councilman Grimes.

Councilwoman Gautsche reviewed the previously discussed changes to the minutes with the other Council Members.

Councilwoman Gautsche moved to amend page 5 by removing the words 'before proof of a' as they were mistakenly left in the first bullet point. Second by Councilman Grimes and the minutes passed unanimously as amended.

Council President Thomas moved to accept the minutes of the Council meeting of January 2, 2007 as presented. Second by Councilwoman Gautsche and motion passed unanimously.

Council President Thomas moved to accept the minutes of the Council Joint School Board meeting of January 16, 2007. Second by Councilman Scott and motion passed unanimously.

Council President Thomas moved to accept the minutes of the Council Retreat of January 24, 2007 as presented. Motion seconded by Councilwoman Gautsche.

Councilwoman Gautsche moved to amend the minutes on page 7 under the heading of Councilwoman Gautsche. Second by Council President Thomas and the motion passed unanimously.

Councilman Grimes moved to amend the minutes on page 9 under the heading of Councilman Grimes. Second by Council President Thomas and the minutes passed unanimously as amended.

PUBLIC HEARING ON ORDINANCE NUMBER 4408

Mayor Kauffman opened the Public Hearing on Ordinance Number 4408, An Additional Appropriation and Reduction Ordinance. Mayor Kauffman explained the appropriation to the Edit Fund is appropriating reimbursed funds and the reduction to the General Fund is reducing the Police Budget by the amount of increased costs to the Board of Works Budget by the hiring of a new police officer. Mayor Kauffman closed the Public Hearing as no person wished to speak.

ORDINANCE NUMBER 4408

Council President Thomas introduced Ordinance Number 4408 entitled "ADDITIONAL APPROPRIATION AND REDUCTION ORDINANCE."

Council President Thomas asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilman Bloss.

By a 7-0 unanimous vote of the Council the motion passed.

Mayor Kauffman asked for unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, the Mayor declared that the Ordinance would be heard on second reading.

Council President Thomas asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Scott.

The Council roll call vote was as follows:

AYES: BLOSS: GAUTSCHE: GRIMES: LANTZ: PURO: SCOTT: THOMAS

NAYS: NONE

(ORDINANCE 4408 DULY PASSED AND ADOPTED THIS 6TH DAY OF FEBRUARY 2007.)

ORDINANCE NUMBER 4410

Council President Thomas introduced Ordinance Number 4410 entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 3011, KNOWN AS THE ZONING AND USE REGULATIONS ORDINANCE FOR THE CITY OF GOSHEN, INDIANA BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM R-2 AND B-1 TO R-1."

Council President Thomas asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilman Grimes.

City Planner Joseph Hauflaire stated the Dickerson Landing Neighborhood is one of several neighborhoods that the Plan Commission has considered a petition for an amendment to the zoning ordinance to accurately reflect land use. Mr. Hauflaire explained the three color coded maps showing the current land use, the current zoning and the proposed zoning which is predominantly single family zoning.

Councilman Scott stated he has received concerns of having residential zoning on both sides of the post office and further questioned why the property on Pike Street would not be zoned as commercial.

Mr. Hauflaire stated the property east of the post office is a small lot with an apartment on it and is currently non-conforming.

Council President Thomas questioned if it is reasonable to have residential zoning on Pike Street due to such factors as traffic and noise.

Mr. Hauflaire stated currently any of the properties on Pike Street have limitations of B-1 and further he guesses someday packages of land will be assembled, redeveloped and rezoned to B-3.

Tom Riggs, 403 W. Wilkinson, stated the proposed zoning is to protect the neighborhood and the businesses for example regarding the overload of parking. Mr. Riggs also stated the older homes are cut up and made into apartments and this creates a parking problem as there is not ample street parking. Mr. Riggs further stated the Dickerson Landing Neighborhood Association is proud of their peaceful neighborhood including Oakridge Cemetery where the first 10 mayors of the City are buried.

Rose Marie Jorgenson, 307 New Street, stated she has lived in her house for 65 years and agrees the older homes are cut into apartments with street parking expected and further the house east of the post office on Pike Street is land locked with no parking.

Raymond Jorgenson, 307 New Street, stated the current zoning of R-2 has allowed duplex and triplex conversions of homes in the neighborhood and further he has viewed illegal conversions as construction changes have been performed without City permits.

Matthew Linn, 407 New Street, stated a lot of traffic leaves the post office and drives through the neighborhood and views the problems in the neighborhood and further this Ordinance is the next step to make the neighborhood a more presentable place for the City.

By a 7-0 unanimous vote of the Council the motion passed.

Council President Thomas asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Grimes.

Council President Thomas stated he is delighted the neighborhood association is taking a hold of this chunk of the City and further the Council wishes them well.

The Council roll call vote was as follows:

AYES: BLOSS: GAUTSCHE: GRIMES: LANTZ: PURO: SCOTT: THOMAS

NAYS: NONE

(ORDINANCE 4410 DULY PASSED AND ADOPTED THIS 6TH DAY OF FEBRUARY 2007.)

ORDINANCE NUMBER 4411

Council President Thomas introduced Ordinance Number 4411 entitled "ORDINANCE VIOLATIONS BUREAU."

Council President Thomas asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilman Grimes.

City Attorney Larry Barkes explained as of July 1, 2006 the City is allowed to increase Ordinance Violation Fines to \$250.00 and this Ordinance establishes a schedule of fines proposing penalties assessed for first, second and third offenses. Attorney Barkes stated the Ordinance includes an automatic increase in the fines of \$25.00 on January 1, 2009.

Councilman Grimes questioned if there is an estimate of the amount of proposed increased revenue from the fines.

Mayor Kauffman stated he does not have the previous numbers of violations of each kind.

Glenn Null, 319 Dewey Ave, questioned if the revenue from the fines stays with the City which will help defray the costs of the court.

Mayor Kauffman stated the full amount of the fine for an Ordinance Violation is revenue the City keeps.

By a 7-0 unanimous vote of the Council the motion passed.

Mayor Kauffman asked for unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, the Mayor declared that the Ordinance would be heard on second reading.

Council President Thomas asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Grimes.

The Council roll call vote was as follows:

AYES: BLOSS: GAUTSCHE: GRIMES: LANTZ: PURO: SCOTT: THOMAS

NAYS: NONE

(ORDINANCE 4411 DULY PASSED AND ADOPTED THIS 6TH DAY OF FEBRUARY 2007.)

ORDINANCE NUMBER 4412

Council President Thomas introduced Ordinance Number 4412 entitled "ORDINANCE RELATED TO A LOAN FROM THE ENVIRONMENTAL REMEDIATION REVOLVING LOAN FUND AND ISSUING BONDS RELATED THERETO."

Council President Thomas asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved its passage. Motion seconded by Councilman Grimes.

City Planner Joseph Hauflaire stated an application was submitted 18 months ago to the Indiana Finance Authority requesting a loan to demolish and clean up the Quality Drive Away property. The City received the approval for the loan of \$150,000 at a rate of 2.5% for a term of nine years. Mr. Hauflaire stated the funds can be used for the demolition, clean-up and environmental purposes such as having a consultant on site.

Councilman Scott questioned the plan for use of the property when the clean up is completed.

Mayor Kauffman stated when the Street Department was looking to relocate on the property; the neighborhood indicated their choice uses for the property would be first a park and a second choice of low density housing. Mayor Kauffman stated LaCasa is applying for a clean-up grant and eventually may partner with the City to build housing on the land.

Mayor Kauffman stated designs are being looked at to construct a barrier at the railroad tracks with bricks from the building and top soil from the property. Mayor Kauffman further stated a worse case scenario would be a cost of \$360,000 based on all of the contaminated soil being hauled to the landfill.

By a 7-0 unanimous vote of the Council the motion passed.

Mayor Kauffman asked for unanimous Council consent to consider the Ordinance for passage during one meeting. As there were no objections, the Mayor declared that the Ordinance would be heard on second reading.

Council President Thomas asked the Clerk-Treasurer to read the Ordinance by title only for second and final reading and moved its passage by roll call vote. Motion seconded by Councilman Grimes.

The Council roll call vote was as follows:

AYES: BLOSS: GAUTSCHE: GRIMES: LANTZ: PURO: SCOTT: THOMAS

NAYS: NONE

(ORDINANCE 4412 DULY PASSED AND ADOPTED THIS 6TH DAY OF FEBRUARY 2007.)

Council President Thomas moved to adjourn. Motion seconded by Councilwoman Gautsche and the meeting adjourned at 8:00 P.M.

APPROVED: _____
Mayor, Allan Kauffman
Goshen, Indiana

ATTEST: _____
Tina M. Bontrager
City Clerk-Treasurer