

**REGULAR MEETING OF THE COMMON COUNCIL
MAY 15, 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 May 15, 2007 at 7:00 P.M. Presiding Officer was Mayor Kauffman with members of the Council present as follows:

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

ABSENT: COUNCILMAN LANTZ

PRIVILEGE OF FLOOR

No items were presented under privilege of the floor.

APPROVAL OF MINUTES

Council President Thomas moved to accept the Minutes of the Council meetings of April 17, 2007 and May 1, 2007 as presented. Motion seconded by Councilwoman Gautsche and motion carried unanimously.

COMMUNITY RELATIONS COMMISSION ANNUAL REPORT

Community Relations Commission Chairperson Sreekala Rajagopalan presented the Council with the written Annual Report of the Goshen Community Relations Commission and stated the following:

- The Commission is still waiting for the federal grant funds to hire a director;
- After waiting three years for the funding the Commission feels the chances seem slim on receiving the funds;
- The Commission was created by the Council with the passage of Ordinance 4201 on April 13, 2004;
- Ordinance 4201 states the Council will evaluate the Commission before funding additional activity. Therefore the Council needs to decide if the Commission is a benefit to Goshen, what action of the Commission is needed for the community and how much money will be appropriated in the Commission's budget;
- All of the work of the Commission is done by volunteers; and
- The Commission gave \$615.00 of their 2006 budget appropriations back to the General Fund.

Councilman Scott referred to the paragraph titled 'Complaints' on page 3 of the report and questioned what the Commission does when an undocumented person contacts them.

Mrs. Rajagopalan stated the Commission listens to the person and advises them of their options. Mrs. Rajagopalan also stated there has been some known discrimination against undocumented persons by their employer such as taking advantage by having long working hours for some

employees. Further many undocumented persons will not complain or seek advice in situations as they have a fear of deportation.

Council President Thomas referred to the paragraph titled 'Decline by doing good' on page 5 of the report and questioned what the steps are to avoid the scenario explained in the paragraph.

Mrs. Rajagopalan stated she could not completely answer the question but referred Council President Thomas to ask the Commission's Vice-Chair George Smucker. Mrs. Rajagopalan further stated the City has grown so much in the past 10 years highly due to new immigrants whether they are documented or undocumented.

Council President Thomas reminded everyone that at the April 17, 2007 meeting, the Council formed a sub-committee of Councilman Puro who did not vote for or against the Commission, Councilwoman Gautsche who voted for the Commission and Councilman Bloss who voted against the Commission in 2004. Therefore the Council is now relying on the three Council Members to evaluate the Commission and bring a recommendation back to the Council by September 1, 2007.

ORDINANCE NUMBER 4426

Council President Thomas introduced Ordinance Number 4426 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 AGRICULTURE A-1 (COUNTY) TO RESIDENTIAL R-3 WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT."

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.

Barry Pharis of Brads-Ko Engineering representing GRC Investment presented a site plan to the Council showing the location and plans for the construction. Mr. Pharis stated the following:

- The developer is requesting an R-3 zoning for three different types of housing to be built in the development;
- The three types of housing are Single Family, Single Family Attached and Four Plex Upscale Condominiums;
- The City bike path will be constructed and will continue across the property;
- This is GRC Investment's first project in Goshen: and
- Power lines on the property are 1200 feet long, 130 feet wide therefore nearly 3 ½ acres of the land cannot be developed and will be a greenspace area in the development.

Council President Thomas stated the Council previously had a bad experience when a developer did not inform the buyers that an in lieu of annexation agreement was in place and no remonstrance could take place if the City annexed the development. Council President Thomas

questioned what assurance the Council has that the buyers in this development will be aware of the agreement with the City.

Mr. Pharis stated the developer has agreed to inform each buyer of the agreement and further point out that the development does not receive City services currently such as trash pick-up which the buyer will have to pay for at their own expense. Mr. Pharis stated there is no guarantee that someone won't address the Council with the issue but the developer will attempt to take the proper steps in notifying the buyers.

Council President Thomas informed Mr. Pharis that it is important to the Council that the developer be assertive with the information to the buyers.

After being questioned by the Council and Mayor, Mr. Pharis further stated the following:

- The price range of the homes in the development will be from \$140,000 to \$200,000;
- There will be a homeowner's association established with enforcement of the rules and regulations;
- If the developer would want to change the number of lots for each type of housing a new petition would have to be filed and a public hearing would have to be held before the Plan Commission;
- Woodfield Village on C.R. 17 is one of GRC Investment's development;
- GRC Investments has discussed new urbanism developments which include housing, office and possibly retail: and
- Materials used for the housing will be vinyl, wood and brick and the houses will be stick built homes.

Councilwoman Gautsche questioned about the previous discussions of a City Park in the area of the development.

Councilman Grimes stated he has been concerned about the area as more athletic fields are needed in Goshen.

City Planner Joseph Hauflaire stated there is 5 acres by Grace Community Church and Clover Trails that is reserved for City Park land.

City Attorney Larry Barkes stated the property has been conveyed to the City but not by the correct owner of the property, therefore the conveyance is being corrected and the property is being given to the City.

Councilman Grimes stated he would like to receive an update on the area and further stated the fields at Pringle Park are highly used and with more developments the residents are going to need more available fields to use.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE 4426 DULY PASSED AND ADOPTED THIS 15TH DAY OF MAY 2007.)

RESOLUTION NUMBER 2007-23

Council President Thomas introduced Resolution Number 2007-23 entitled “A RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXTENSION OF CITY WATER AND SEWER UTILITIES AND APPROVING THE ANNEXATION AGREEMENT WITH LIPPERT COMPONENTS MANUFACTURING, INC.”

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

Attorney Gordon Lord 130 N. Main Street stated he is representing Lippert Components and the extension of the utilities and annexation is house cleaning as the petition is for 6 parcels of land which two parcels currently have the benefit of City Utilities.

Mayor Kauffman questioned if the annexation request and extension of utilities is going to cause a donut hole.

City Attorney Larry Barkes stated the Annexation Ordinance will cover all of the parcels but will have different effective dates therefore there will be a donut hole for a specified amount of time.

Council President Thomas stated it appears that tract 1A and 3 do not have any buildings on them and questioned isn't it more favorable for the City to wait to annex the property until after it is developed.

Attorney Lord stated tract 3 is underway regarding development and tract 1A needs to be included in the Resolution.

City Attorney Barkes stated ideally the City would want to wait. Although, the City is aware in this case that tract 3 is going to be developed to be contiguous.

Councilwoman Gautsche pointed out it is important the development has City Water and Sewer rather than a septic.

City Attorney Barkes stated the Council will probably have the Annexation Ordinance on the June 15, 2007 Council Agenda.

By 6-0 vote of the Council, Resolution Number 2007-23 was passed.

The Council roll call vote was as follows:

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

NAYS: NONE

ORDINANCE NUMBER 4427

Council President Thomas introduced Ordinance Number 4427 entitled “AMENDING ORDINANCE 4375 AND ORDINANCE 4387 TO ADD AN ASSISTANT FLEET MAINTENANCE MANAGER POSITION.”

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.

Mayor Kauffman stated Central Garage Supervisor Carl Gaines brought the issue to his attention and he told Carl he would support the position if the Council would approve it. Mayor Kauffman further stated the Ordinance allows someone currently in the department to be promoted into the position as the department’s budget does not allow a new hire. Mayor Kauffman also stated Councilman Chic Lantz sent a letter stating he supports the Ordinance.

Council President Thomas questioned Mayor Kauffman for clarification as usually these items come to the Council as a recommendation from him.

Mayor Kauffman stated he does approve of the position.

Council President Thomas stated he spoke with Carl and visited the garage and agreed to support the Ordinance.

Councilman Grimes stated it appears increased efficiency of the new department does reduce costs for outside services.

Councilman Scott stated he also spoke with Carl and agrees there is an overall savings to the City with the department but the savings are hard to show.

By a 6-0 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 Puro.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE 4427 DULY PASSED AND ADOPTED THIS 15TH DAY OF MAY 2007.)

**APPOINTMENTS TO THE GOSHEN DOWNTOWN ECONOMIC IMPROVEMENT
DISTRICT BOARD**

Council President Thomas moved to nominate Scott Woldruff, Jeremy Stutsman and Dan Boecher as the Council appointments to the EID Board. Motion seconded by Councilwoman Gautsche.

Council President Thomas stated he is pleased with the strong support of the downtown community Dan Boecher has received in a short amount of time.

Scott Woldruff, Jeremy Stutsman and Dan Boecher were appointed to the EID Board with terms to be effective from 6-1-07 to 5-31-09.

The Council roll call vote on the nominations was as follows:

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

NAYS: NONE

COUNCIL DISCUSSION

Mayor Kauffman stated he asked Police Chief Gary Penland to address the Council regarding his discussion held during the Town Meeting held at Greencroft Senior Center last Friday

Chief Penland stated the following:

- About the third week of January the Police Department decided to look into the Federal Immigration Program 287G to retrieve correct information to decide if the program would be a valuable quality program for the City of Goshen;
- Assistant Chief McCloughen contacted the Indianapolis office and received very little assistance for information;
- After being contacted by the Illinois office Chief Penland got in touch with a Ms. Murphy who is in charge of the Illinois office for some answers to questions he had before receiving any information;
- Ms. Murphy explained some of the program and stated it is labor intensive even after the officers receive the training;
- After the Chief and his immediate staff reviewed the copies from Ms. Murphy the view of the staff is the program would be a waste of Goshen tax payer money;
- The Memo of Agreement in the paperwork is the most important part and is 14 pages long;
- After two Goshen City Officers are trained they would be under federal supervision;
- When an arrest would be made by the officers they would have to file local, state and federal paperwork then call their supervisor who decides to detain or release the suspect all of which process would take 2 days to 3 weeks at which time the officers would be unavailable for other City Police work;
- The Federal Government is not interested in just undocumented individuals but only ones that commit serious specific crimes;
- He feels it is not good for the community to get involved in a federal program run by the Federal Government including providing office space to them at any time at no cost;

- The number of undocumented residents in Goshen is frustrating and affects lives but it is naïve to believe you just train two officers and the undocumented individuals can be taken into custody: and
- If the federal program improves in the future the Police Department may look into it again.

Council President Thomas moved to adjourn. Motion seconded by Councilman Grimes and the meeting adjourned at 8:40 P.M.