

**REGULAR MEETING OF THE COMMON COUNCIL**  
**JUNE 5, 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 June 5, 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

ABSENT: COUNCILMAN LANTZ, THOMAS  
COUNCILWOMAN GAUTSCHE

**PRIVILEGE OF FLOOR**

Glenn Null, 319 Dewey Ave, stated he has pointed out to the Council at past meetings that there is a lot of debris around Linway Lake left by NIPSCO after trimming trees. Mr. Null has requested the City contact NIPSCO and requires them to remove the debris. Mr. Null further stated the Council is not being proactive by ignoring his request.

Councilman Scott asked Mr. Null if he has contacted NIPSCO about the debris.

Mr. Null stated he has contacted them in the past when the debris was on his property or the elementary school next to him. Mr. Null further stated he is waiting for a reaction from the Council and would like to see the issue taken care of by the next Council meeting.

Doug Nisley, 1929 W. Lincoln, stated the following:

- He recently talked with two ICE officers and one officer from Mecklingburg County, North Carolina regarding the Federal Immigration Program 287G;
- Mecklingburg County has ran 2000 illegal immigrants through the system since they began the program;
- Officers in the program are allowed to ask two questions which are ‘Were you born in the United States?’ and ‘Are you a United States citizen?’
- If the suspect does not answer the question of the ICE officers the officers can detain the person and run their fingerprints to look for any active charges;
- The program encourages municipalities to run the suspects through the local court for felony charges then if convicted ICE can then step in and deport the suspect;
- Regarding providing office space, the ICE officers questioned stated they have not had to come in and require any office space yet from any municipality. The Mecklingburg County Officer stated one time since they have been involved in the program an officer came in and worked an investigation with them;
- The packet sent to police departments has a lot of detail but they will assist the local departments in anyway possible;
- When asked if the program works, the Mecklingburg County Officer stated it is the best thing to stop the illegal persons and has helped them with gang activity.

After being questioned by the Mayor, Assistant Police Chief McCloughen stated in the past INS was notified when an illegal suspect was in custody but he cannot say to what extent action was taken. Assistant Chief McCloughen further stated ICE is notified if an illegal felon is in custody.

Mr. Nisley stated in the program you prosecute the suspect through the City Court and if the suspect gets a felony conviction, it is much easier for ICE to run the suspect through the Chicago court and then deport. Mr. Nisley stated the program is for deporting criminals.

Mayor Kauffman questioned if Mr. Nisley spoke with any Indiana officers running through the Indianapolis office.

Mr. Nisley stated the two ICE officers he spoke with were from Indianapolis and further one Indiana municipality is close to signing up with the program.

Mayor Kauffman requested Mr. Nisley give him the names and phone numbers of the officers he spoke with.

Mr. Nisley stated he would give Mayor Kauffman the information and also stated he is hoping the City will look into joining the program and keep an open mind.

#### **APPROVAL OF MINUTES**

Councilman Bloss moved to accept the Minutes of the Council meeting of May 15, 2007 as presented. Motion seconded by Councilman Grimes and motion carried unanimously.

#### **SPECIAL PRESENTATIONS**

Mayor Kauffman presented DARE Officer Mark Huser with a plaque after resigning from the DARE position after 15 years. Mayor Kauffman stated the position is a special kind of police work and the City is recognizing the commitment and dedication of Officer Huser for the kids and the program. Mayor Kauffman stated the performance of Officer Huser in the position was not just about drugs and violence but also about building relationships with the kids.

Officer Huser stated he appreciates the recognition and has always enjoyed the work.

Councilman Scott stated his appreciation for Officer Huser's good job performance.

#### **RESOLUTION NUMBER 2007-26**

Councilman Grimes introduced Resolution Number 2007-26 entitled "A RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXTENSION OF CITY WATER AND SEWER UTILITIES AND APPROVING THE ANNEXATION AGREEMENT WITH LIVING FAITH FELLOWSHIP AND OUTREACH MINISTRIES, INC."

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

Tim Faldo of DJ Construction was present to answer any questions of the Council.

By 4-0 vote of the Council, Resolution Number 2007-26 was passed.

The Council roll call vote was as follows:

AYES: BLOSS: GRIMES: PURO: SCOTT

NAYS: NONE

**RESOLUTION NUMBER 2007-28**

Councilman Grimes introduced Resolution Number 2007-28 entitled “ADOPTION OF THE FISCAL PLAN FOR THE LIPPERT COMPONENTS FIRST ANNEXATION AREA.”

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

City Attorney Larry Barkes stated this Resolution covers the same area as approved at the last meeting of the Council.

By 4-0 vote of the Council, Resolution Number 2007-28 was passed.

The Council roll call vote was as follows:

AYES: BLOSS: GRIMES: PURO: SCOTT:

NAYS: NONE

**ORDINANCE NUMBER 4430**

Councilman Grimes introduced Ordinance Number 4430 entitled “ANNEXATION OF REAL ESTATE INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE LIPPERT COMPONENTS FIRST ANNEXATION AREA.”

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

By a 4-0 vote of the Council the motion passed.

**A REPORT ON THE IMPACT OF CHANGING DEMOGRAPHICS AND GROWING DIVERSITY IN THE CITY OF GOSHEN: ISSUES, CHALLENGES AND OPPORTUNITIES**

Phil Thomas of D3 Consultants, 118 S. 5<sup>th</sup> St, created a study commissioned by the Community Relations Commission and gave a power point presentation to the Council and audience. Mr. Thomas stated 32 people were interviewed for the study which details the current situation and the changing demographics in Goshen. Mr. Thomas further stated the study brings out questions that merit conversation.

The contents of the study include the following sections and subsections:

- **Introduction: Mandate and Research Process**
- **Context**
  - Goshen: A Changing Community
  - National and Global Context
  - Recognizing Differences Within and Between Groups
  - Dealing with Our Differences
  - Rising Sense of Anxiety and Fear
- **Key Challenges and Concerns**
  - Substantive Issues
    - Impact on School Performance and Budget
    - Impact on School Resources
    - Impact on Tax-Base/School Demographics
    - Impact on Social Services
    - Impact on Government Services
    - Impact on Security/Citizen Safety
    - Cultural Differences
    - Instances of Discrimination
      - Racial Profiling
      - Police Intimidation
      - Housing Discrimination
      - Labor Discrimination
      - Within and among Hispanic/Latinos
      - Systemic/Structural Issues Experienced as Discrimination
      - Other
    - Job Competition and Other Economic Factors
  - Challenges in How We Talk about These Issues: Differences in Logic, Language, Emphasis
    - Legal Status/Documentation
      - “Illegal is illegal”
      - “It’s more complicated”
    - Role of the Police
    - Costs vs. Benefits of Immigration
    - The Dilemmas within Us
      - How do we talk about ourselves? (Unity/Diversity)
      - What approach is most needed to address current tensions? (Advocacy/Bridge-building)
      - How do we analyze the current issues? (Appreciative Inquiry/Problem-based)
- **Assets and Opportunities**
  - Education
  - Civic Initiatives/Participation
  - Business/Chamber of Commerce
  - City Government
  - Church
  - Social Services
- **A Few Recommendations**

- Strengthen Existing Practices
- Promote Further Dialogue
- Need for an Effective and Accessible Process of Handling Disputes
- Public Awareness-raising and Education
- Building shared images to move us toward our desired future as a community
- **Conclusion**
- **Appendix A: List of Persons Interviewed**
- **Appendix B: US Census Data: Goshen Population by Race/Ethnicity 1980-2000**

Mayor Kauffman encouraged the Council and audience to take advantage of Mr. Thomas' offer to discuss the issues he presented tonight. Mayor Kauffman further stated the report is a great paper and is a great starting point for the City.

Councilman Scott questioned the issue that residents comment on the Goshen Redskins as a racist name.

CRC Member Joe Liechty stated they have heard some complaints on the name.

Glenn Null, 319 Dewey Ave, stated there is not enough diversity in groups like the CRC. Mr. Null stated the two times he attended a meeting he did not feel welcome.

Mayor Kauffman stated it is not fair to blame the CRC for the formation of the group as they are looking for persons open to improving diversity and those who believe in their mission.

Dixie Robinson, 1106 Highland Dr, stated she feels there are a small percentage of Goshen residents against immigration but rather against illegal immigration. Ms. Robinson questioned how you teach your children not to break laws when it happens daily in the community.

Councilman Grimes stated the community needs to work together for viable solutions. Councilman Grimes further stated the issues the community is currently facing is being experienced all over the nation.

The Council and Mayor expressed their appreciation to the CRC for contracting with Phil Thomas for the study and to Mr. Thomas for the study and presentation.

**RESOLUTION NUMBER 2007-24**

Councilman Grimes introduced Resolution Number 2007-24 entitled "APPROVING AND AUTHORIZING THE EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF ELKHART, CITY OF ELKHART AND CITY OF GOSHEN FOR THE BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD."

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

Mayor Kauffman stated the Council needs to pass the Resolution to receive the funds.

Assistant Police Chief Mike McCloughen stated the Police Department is using the funds to improve officer safety by purchasing more tasers and for special equipment for crime scene evidence investigations.

By 4-0 vote of the Council, Resolution Number 2007-24 was passed.

The Council roll call vote was as follows:

AYES: BLOSS: GRIMES: PURO: SCOTT

NAYS: NONE

**RESOLUTION NUMBER 2007-25**

Councilman Grimes introduced Resolution Number 2007-25 entitled “APPROVING AND AUTHORIZING THE EXECUTION OF THE AMENDMENT OF INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF ELKHART AND THE CITY OF GOSHEN FOR ANIMAL SHELTER MANAGEMENT AND ANIMAL CONTROL SERVICES.”

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

Mayor Kauffman stated the contribution costs for the City of Goshen are the same as in 2006.

Councilman Scott questioned how often on average they pick up a stray animal in Goshen, and if the process happens in a reasonable amount of time.

Assistant Police Chief Mike McCloughen stated on average six times a week. Assistant Chief McCloughen further stated sometimes the animal has to be confined by the Police Department before shelter personnel can get to Goshen to pick it up but the amount of time has improved over the last few years.

Councilman Grimes questioned if Elkhart County Officials discussed the fact that the City residents are actually being taxed twice for the same service.

Mayor Kauffman stated that he and Mayor Miller continue to bring the issue to the attention of the County Commissioners.

Councilman Grimes stated the County Government is failing to recognize that the City is part of the County and residents are not getting their fair share.

Glenn Null, 319 Dewey Ave., pointed out a mathematical error in the dollar amount of installments stated in the agreement.

By a 4-0 vote of the Council, Resolution Number 2007-25 was passed.

The Council roll call vote was as follows:

AYES: BLOSS: GRIMES: PURO: SCOTT

NAYS: NONE

**ORDINANCE NUMBER 4428**

Councilman Grimes introduced Ordinance Number 4428 entitled “REGULATING THE USE, DISCHARGE OR IGNITION OF CONSUMER FIREWORKS.”

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

Mayor Kauffman stated the following:

- Elkhart City has passed a similar Ordinance and Elkhart County is considering the passage of one;
- The Ordinance limits the days for fireworks use in the City as allowed by the State Statute;
- Complaints of trash from fireworks on other residents properties cannot be enforced in for these situations: and
- The Council could consider a special permit section in the Ordinance to allow the Board of Works to grant approval for fireworks for special events.

Councilman Bloss stated he feels the City should amend the Ordinance to allow for special events.

After discussion, Councilman Grimes stated he would prefer to have uniform between the communities and if Elkhart City and Elkhart County does not place the special permit section in their Ordinances, then the City of Goshen also should not.

By a 4-0 unanimous vote of the Council the motion passed.

**PUBLIC HEARING ON ORDINANCE 4429**

Mayor Kauffman opened the Public Hearing on Ordinance Number 4429, entitled Additional Appropriation Ordinance. Mayor Kauffman explained the additional appropriation for the Planning Department is to hire a summer intern whose main job functions will be placing zoning maps on a GIS system. Mayor Kauffman closed the Public Hearing as no person wished to speak.

**ORDINANCE NUMBER 4429**

Councilman Grimes introduced Ordinance Number 4429 entitled “ADDITIONAL APPROPRIATION ORDINANCE.”

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

By a 4-0 unanimous vote of the Council the motion passed.

**RESOLUTION NUMBER 2007-29**

Councilman Grimes introduced Resolution Number 2007-29 entitled “AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS.”

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

By 4-0 unanimous vote of the Council, Resolution Number 2007-29 was passed.

The Council roll call vote was as follows:

AYES: BLOSS: GRIMES: PURO: SCOTT

NAYS: NONE

**COUNCIL DISCUSSION**

Mayor Kauffman expressed his appreciation to Waterford Crossings for the large amount of black dirt given to the Street Department and the Water & Sewer Departments.

Councilman Bloss moved to adjourn. Motion seconded by Councilman Grimes and the meeting adjourned at 8:45 P.M.