

**REGULAR MEETING OF THE COMMON COUNCIL  
OCTOBER 16, 2007  
111 EAST JEFFERSON STREET  
GOSHEN, INDIANA**

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The Common Council of the City of Goshen, Indiana, met in the Council Chambers for a regular session on October 16, 2007 at 7:00 P.M. Presiding Officer was Mayor Kauffman with members of the Council present as follows:

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

ABSENT: COUNCILMAN BLOSS

**PRIVILEGE OF FLOOR**

Mary Roberts, 215 E. Douglas presented a white board with drawings of the intersections of Reynolds & 8<sup>th</sup> Streets and Purl & 8<sup>th</sup> Streets. She stated that in April and September of this year she had been involved in traffic accidents in this area because of intense traffic at the time school starts. She requested that a warning light be installed and if it would be too expensive to put here then a temporary caution light might be placed during school hours to slow down the traffic. She stated another option would be to have the children cross only with 8<sup>th</sup> street then cross 8th street in front of the school.

Mayor Kauffman stated that they do have a crossing guard at 8<sup>th</sup> and Purl for elementary times but not for high school times.

Councilman Lantz asked if this would have to go to the traffic commission. Mayor Kauffman stated that it would.

Glen Null, 319 Dewey Ave. questioned how much longer the eye sore of the burned Los Gallanes store will be left in this condition. He stated his concern is because it is a major entry into the city.

Mayor Kauffman stated that the issue is winding its way thru the legal process and the title search has now been completed. There are seven people with a financial interest in the property that have been notified of a public hearing. Upon the order of the Building Commissioner the hearing will be on October 29, 2007 at the Board of Works meeting. Mayor Kauffman further stated we should see it cleaned up after the 29<sup>th</sup> unless the mortgage company does something sooner. Mayor Kauffman also stated that Building Commissioner Mike Leasor has been working with the mortgage company to get fencing quotes and clean up quotes.

Doug Nisley, 1929 W. Lincoln questioned if the bike paths and sidewalks on S.R. 119 have to be state permitted.

Bob McCoige, Director of Public Works responded that it does not have to be state permitted as the City owns the right of way.

**CHANGES TO AGENDA**

Mayor Kauffman requested the addition of Resolution Number 2007-59 entitled An Emergency Resolution Providing for the Transfer of Funds.

Council President Thomas moved to make the above changes to the Agenda. Motion seconded by Councilwoman Gautsche and motion carried unanimously

**APPROVAL OF MINUTES**

There were no minutes to be approved as the minutes of the October 2, 2007 meeting were not ready for print at the time of the Council packet distribution.

**PUBLIC HEARING FOR THE ANNEXATION OF REAL ESTATE INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE ASHTON PINES APARTMENTS ANNEXATION AREA**

Mayor Kauffman opened the Public Hearing

Mayor Kauffman explained the location of the proposed annexation area.

Denise Davis, of Yoder, Ainly, Ulmer & Buckingham, LLP, 130 Main Street stated the only difference from the fiscal plan originally presented in August was a zoning change on one of the properties in the Peddler's Village annexation from B3 to R1.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**PUBLIC HEARING FOR THE ANNEXATION OF REAL ESTATE INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE PEDDLER'S VILLAGE ROAD/COUNTY ROAD 28 ANNEXATION AREA**

Mayor Kauffman opened the Public Hearing.

Mayor Kauffman explained the location of the proposed annexation area.

Wayne Schrock, Co-owner of 2 parcels of the proposed annexed property requested the annexation of an additional 1 acre of property adjacent to the annexation area. The property is already developed and has no need for water and sewer services.

Larry Barkes City Attorney stated the City would have no objection annexing this property at a later date so as not to delay the current annexation process for this area.

Mayor Kauffman suggested Mr. Schrock meet with the Legal Department to discuss the details for annexation of the additional acre of land.

Mayor Kauffman closed the Public Hearing.

**PUBLIC HEARING FOR THE ANNEXATION OF REAL ESTATE INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE SECTIONS 5, 6 AND 7 AND PART OF SECTION 4 OF WATERFORD COMMONS, PART OF WATERFORD CROSSING AND PART OF WATERTOWER, LLC ANNEXATION AREA**

Mayor Kauffman opened the Public Hearing.

Mayor Kauffman explained the location of the proposed annexation area.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**PUBLIC HEARING FOR THE ANNEXATION OF REAL ESTATE INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE CLOVER TRAILS SECTIONS 9 AND 10 AND VILLAS OF PARK MEADOWS AT CLOVER TRAILS SECTION 1 ANNEXATION AREA**

Mayor Kauffman opened the Public Hearing.

Mayor Kauffman explained the location of the proposed annexation area.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**PUBLIC HEARING FOR THE ANNEXATION OF REAL ESTATE INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE GARDENS III AND GARDENS V ANNEXATION AREA**

Mayor Kauffman opened the Public Hearing.

Mayor Kauffman explained the location of the proposed annexation area.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**PUBLIC HEARING FOR THE ANNEXATION OF REAL ESTATE INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE GARDENS III AND GARDENS V ANNEXATION AREA**

Mayor Kauffman opened the Public Hearing.

Mayor Kauffman explained the location of the proposed annexation area.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**PUBLIC HEARING FOR THE ANNEXATION OF REAL ESTATE INTO THE CITY OF GOSHEN, INDIANA IDENTIFIED AS THE NORTH US 33 ANNEXATION AREA**

Mayor Kauffman opened the Public Hearing.

Mayor Kauffman explained the location of the proposed annexation area.

Mayor Kauffman closed the Public Hearing as no person wished to speak.

**PUBLIC HEARING ON ORDINANCE NUMBER 4458**

Mayor Kauffman opened the Public Hearing.

Mayor Kauffman closed the Public Hearing as no person wished to speak

**ORDINANCE NUMBER 4458**

Council President Thomas introduced Ordinance Number 4458 entitled "ADDITIONAL APPROPRIATION ORDINANCE."

Council President Thomas asked the First Deputy 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.

Mayor Kauffman stated this appropriation is for the Police Department to cover additional funds needed for the additional officers. Mayor Kauffman also stated that Chief Penland will be requesting another appropriation before the end of the year to cover overtime.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE NUMBER 4458 DULY PASSED AND ADOPTED THIS 16<sup>TH</sup> DAY OF OCTOBER 2007.)

**PUBLIC HEARING ON ORDINANCE NUMBER 4459**

Mayor Kauffman opened the Public Hearing.

Clerk-Treasurer Tina Bontrager explained this Ordinance replaces Ordinance Number 4453 passed by the Council on September 4, 2007. The publication requirements of this appropriation were not met prior to passage. Legal Compliance Administrator Shannon Marks recommended inserting the wording in the Ordinance that this Ordinance specifically replaces Ordinance Number 4453.

Mayor Kauffman closed the Public Hearing.

**ORDINANCE NUMBER 4459**

Council President Thomas introduced Ordinance Number 4459 entitled "ADDITIONAL APPROPRIATION ORDINANCE."

Council President Thomas asked the First Deputy to read the Ordinance by title only and moved its passage on first reading. Motion seconded by Councilman Grimes.

By a 6-0 vote of the Council the motion passed.

Council President Thomas asked the First Deputy to read the Ordinance by title only and moved its passage on second and final reading by roll call vote. Motion seconded Councilman Scott.

Clerk-Treasurer Tina Bontrager explained that this appropriation is to replace funds for an invoice that was paid by the City that should have been paid by Utilities.

The Council roll call vote was as follows:

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

NAYS: NONE

(ORDINANCE NUMBER 4459 DULY PASSED AND ADOPTED THIS 16<sup>TH</sup> DAY OF OCTOBER 2007.)

**RESOLUTION NUMBER 2007-59**

Council President Thomas introduced Resolution Number 2007-59 entitled “AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS.”

Council President Thomas asked the First Deputy to read the Resolution by title only and moved its passage by roll call vote. Motion seconded by Councilwoman Gautsche.

Mayor Kauffman stated that this is a transfer of funds within the Fire Department budget and Clerk-Treasurers budget and not an additional appropriation.

By 6-0 vote of the Council, Resolution Number 2007-59 was passed

The Council roll call vote was as follows:

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

NAYS: NONE

**Council Discussion**

Mayor Kauffman stated that last month he had asked if any of the Council Members would be interested in the possibility of a Resolution that speaks to the issue of alcohol sales in convenience stores. Since that time he has collected at least 5 resolutions from around the state, from cities that have done this; and would be willing to forward these to anyone interested in pursuing this issue.

Mayor Kauffman also stated that the next regular scheduled Council Meeting would be November 20, 2007 and asked if there would be interest in a special Council Meeting for one minor item. The Council passed a Resolution at the last meeting to provide a loan to LaCasa from the Electric Utility Sale Fund to purchase properties. In his correspondence with Larry Gautsche from LaCasa they feel they can purchase the properties they are interested in at the

upcoming sheriff's sale from their line of credit but would like replace the money as soon as possible. The loan will require an additional appropriation to be done.

A minimum of 5 council members would need to be present at this meeting. The time and date will be set after a discussion with the Clerk-Treasurer Tina Bontrager concerning advertisement of the additional appropriation.

Council President Thomas moved to adjourn. Motion seconded by Councilman Puro and the meeting adjourned at 7:20 P.M.