

## **GOSHEN COMMON COUNCIL**

### **Minutes for the Regular Meeting of March 7, 2017**

The Common Council of the City of Goshen, Indiana met in a regular meeting on March 7, 2017 at 7:00 P.M. in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, IN. Presiding Officer was Mayor Stutsman, with members of the Council present or absent as follows:

**PRESENT:** Councilman Ahlersmeyer, McKee, Orgill, Scharf, Weddell  
Councilwoman Gautsche, King  
Youth Advisor Biller

**ABSENT:** None

### **CHANGES TO THE AGENDA**

Mayor Stutsman removed the presentation by Mark Dobson for the EDC of Elkhart County from the Agenda. City Attorney Larry Barkes requested that Resolution #2017-07 be tabled. Mayor Stutsman corrected Agenda item #1 to reflect a First Reading of Ordinance #4895. Seeing no other changes to the Agenda, Mayor Stutsman called for a motion to approve the Agenda as amended. Motion made by Councilman Ahlersmeyer. Motion seconded by Council President McKee.

By a 7-0 unanimous vote the motion passed.

### **APPROVAL OF MINUTES**

Mayor Stutsman called for a motion regarding the Minutes from November 1, November 15, December 6, December 20, and December 27, 2016. Motion made by Councilman Ahlersmeyer to accept the minutes from November 1, November 15, December 6, December 20, and December 27, 2016 as presented. Motion seconded by Councilman Orgill.

By a 7-0 unanimous vote the motion passed.

### **PRESENTATIONS**

Scott Woldruff presented the Economic Improvement District 2016 Annual Report and requested permission to approve the EID 2016 Annual Report and the EID 2017 Budget at 7 minutes and 50 seconds of the audio recording. Mayor Stutsman called for a motion to accept the EID 2016 Annual Report and the EID 2017 Budget. Motion made by Councilwoman Gautsche. Motion seconded by Councilman Ahlersmeyer.

By a 7-0 unanimous vote the motion passed.

### **ORDINANCE #4895**

Council President McKee introduced Ordinance #4895 entitled "TREE REMOVAL ON PRIVATE PROPERTY."

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

Councilman Scharf moved to amend the Ordinance to include the following subsection:

(g)

1. If any tree branch on private property, by virtue of its position, size, and condition constitutes a clear and significant hazard to the safety of any person or constitutes a clear and significant hazard to any structure or other personal property, the clear and significant hazard must be eliminated by the property owner at the property owner's expense. An exception shall be made if the clear and significant hazard is to a structure or other personal property wholly owned by the same person who owns the tree.
2. Determination that a tree or tree branch constitutes a clear and significant hazard shall be made by the City of Goshen Forester or other similarly-qualified party.
3. Trees located on private property and not within the right-of-way shall not be subject to any formal inspection program administered by the City or its agents without the consent of the property owner.
4. If a tree or tree branch that poses a threat is located both on private property and within public right-of-way, the property owner may take advantage of the City of Goshen street tree removal program established under subsection (d).

Motion was seconded by Councilwoman Gautsche.

**PUBLIC HEARING ON ORDINANCE #4895**

Mayor Stutsman opened Public comments. Public offered no additional comments on this discussion.

**COUNCIL COMMENTS ON ORDINANCE #4895**

Mayor Stutsman opened Council comments. Council comments begin at 13 minutes and 53 seconds of the audio recording.

Mayor Stutsman called for a vote to amend Ordinance #4895 now entitled "TREE HAZARD REDUCTION ON PRIVATE PROPERTY."

By a 7-0 unanimous vote the motion passed.

**PUBLIC HEARING ON ORDINANCE #4895**

Mayor Stutsman opened Public comments. Public comments begin at 16 minutes and zero seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE #4895**

Mayor Stutsman opened Council comments. Council comments begin at 33 minutes and 51 seconds of the audio recording.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES: Ahlersmeyer, Gautsche, King, Scharf

NAYES: McKee, Orgill, Weddell

By a 4-3 vote the Ordinance was passed on first reading.

### **ORDINANCE #4896**

Council President McKee introduced Ordinance #4896 entitled "AN ORDINANCE TO AMEND ORDINANCE 3011 KNOWN AS THE ZONING AND USE REGULATIONS ORDINANCE FOR THE CITY OF GOSHEN, INDIANA BY REZONING THE AREA OF REAL ESTATE HERINAFTER DESCRIBED FROM AGRICULTURAL A-1 TO COMMERCIAL B-3 WITH A PLANNED PUD OVERLAY DISTRICT TO BE KNOWN AS THE TRULOCKS PUD."

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

Planning and Zoning Administrator Rhonda Yoder outlined the scope of the Ordinance at 52 minutes and 11 seconds of the audio recording.

AR Engineering Principal Engineer Andrew Rossell gave a presentation on behalf of the property owners and interested parties at 58 minutes and 08 seconds of the audio recording.

### **PUBLIC HEARING ON ORDINANCE #4896**

Mayor Stutsman opened Public comments. Public comments begin at 1 hour, 15 minutes, and 04 seconds of the audio recording.

### **COUNCIL COMMENTS ON ORDINANCE #4896**

Mayor Stutsman opened Council Comments. Council comments begin at 1 hour, 52 minutes, and 34 seconds of the audio recording.

Mayor Stutsman asked the Clerk-Treasurer to call the roll. Roll Call was as follows:

AYES:

NAYES: Ahlersmeyer, Gautsche, King, McKee, Orgill, Scharf, Weddell

By a 0-7 unanimous vote the Ordinance failed.

### **RESOLUTION #2017-06**

Council President McKee introduced Resolution #2017-06 entitled "APPROVING THE AGREEMENT WITH KEYSTONE RV COMPANY CONCERNING THE SEWER CONNECTION FEE."

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman King.

City Attorney Larry Barks outlines the scope of the Resolution at 2 hours, 26 minutes, and 00 seconds of the audio recording.

### **COUNCIL COMMENTS ON RESOLUTION #2017-06**

Mayor Stutsman opened Council Comments. Council comments begin at 2 hours, 27 minutes, and 36 seconds of the audio recording.

### **PUBLIC HEARING ON RESOLUTION #2017-06**

Mayor Stutsman opened Public comments. Public comments begin at 2 hours, 28 minutes, and 22 seconds of the audio recording.

Mayor Stutsman called for a vote to pass Resolution #2017-06.

By a 7-0 unanimous vote the Resolution passed.

#### **RESOLUTION #2017-07**

Council President McKee introduced Resolution #2017-07 entitled "APPROVING THE AGREEMENT WITH SYNERGY LEASING, LLC CONCERNING THE SEWER CONNECTION FEE."

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman King.

Mayor Stutsman called for a motion to table the Resolution. Motion made by Councilwoman King. Motion seconded by Councilwoman Gautsche.

By a 7-0 unanimous vote the motion passed.

#### **ORDINANCE #4987**

Council President McKee introduced Ordinance #4987 entitled "GOSHEN COMMON COUNCIL RULES OF ORDER."

Council President McKee asked the Clerk-Treasurer to read the Ordinance by title only for its first reading and moved for its passage. Motion seconded by Councilwoman Gautsche.

#### **COUNCIL COMMENTS ON ORDINANCE #4987**

Mayor Stutsman opened Council Comments. Council comments begin at 2 hours, 36 minutes, and 21 seconds.

#### **PUBLIC HEARING ON ORDINANCE #4987**

Mayor Stutsman opened Public comments. Public comments begin at 3 hours, 37 minutes, and 26 seconds.

Mayor Stutsman called for a motion to postpone the Ordinance. Councilman Weddell moved to postpone the Ordinance. Motion seconded by Councilman Scharf.

By a 7-0 unanimous vote the Ordinance was postponed.

#### **PRIVILEGE OF THE FLOOR**

Councilman Scharf spoke to the annexation of Waterford Elementary School into the Fifth District at 4 hours, 1 minutes, and 20 seconds of the audio recording.

The Council discussed postponing the appointment to the Board of Building Appeals at 4 hours, 1 minutes, and 41 seconds of the audio recording.

Councilwoman Gautsche spoke to the documentary showing at the Goshen Theater at 4 hours, 4 minutes, and 26 seconds of the audio recording.

Mayor Stutsman spoke to an error on the Redevelopment Commission appointment at 4 hours, 5 minutes, and 28 seconds of the audio recording.

Councilwoman Gautsche moved to adjourn. Motion seconded by Councilwoman King and the meeting adjourned at 11:04 P.M.

APPROVED:  \_\_\_\_\_

Mayor Jeremy P. Stutsman  
Goshen, Indiana

ATTEST:  \_\_\_\_\_

Angie McKee  
City Clerk-Treasurer