

REGULAR MEETING OF THE COMMON COUNCIL (FEBRUARY 2, 2016)
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 2, 2015 at 7:00 P.M. Presiding Officer was Mayor Stutsman with members of the Council present as follows:

PRESENT: COUNCILMAN AHLERSMEYER, MCKEE, ORGILL, SCHARF, WEDDELL
COUNCILWOMAN KING

ABSENT: COUNCILWOMAN GAUTSCHE

CHANGES TO AGENDA

Mayor Stutsman requested the Council add Ordinance 4854 to the Agenda as item 10. Councilman Weddell moved to approve the agenda with the addition of Ordinance 4854. Motion seconded by Council President McKee and motion passed unanimously.

APPROVAL OF MINUTES

Councilman Ahlersmeyer moved to accept the minutes of the meeting held on January 5, 2016. Councilman Scharf read requested changes under Ordinance 4852 and under Privilege of the Floor. Council President McKee requested a name spelling correction under Privilege of the Floor. Councilman Scharf moved to amend the minutes. Motion seconded by Council President McKee and motion passed unanimously. Councilman Orgill seconded the motion to pass the minutes and the minutes passed unanimously as amended.

SPECIAL RECOGNITION FOR SERVICE ON BOARDS AND COMMISSIONS

Mayor Stutsman presented Nina Mishler with a plaque thanking her for her service on the Board of Zoning Appeals from 2012 to 2015.

Mayor Stutsman presented Sandra McMasters with a plaque thanking her for her service on the Community Relations Commission from April of 2013 to December of 2015.

Mayor Stutsman presented George Smucker with a plaque thanking him for his service. Mr. Smucker started on the Human Relations Commission from 1997 to 2004 when it became the Community Relations Commission and served until December 2015.

Mayor Stutsman stated Goshen is fortunate to have volunteers like we do in our community.

ECONOMIC IMPROVEMENT DISTRICT 2015 ANNUAL REPORT

Scott Woldruff, Treasurer, stated he is present to answer any questions on their 2015 Annual Report and/or any questions on their 2016 budget.

Councilman Scharf stated he appreciates the work they do downtown.

After being questioned by Councilman Weddell, Scott Woldruff explained the EID has applied to have US 33/SR 15 moved to 3rd Street and the \$25,000 in their 2016 budget for ‘Streetscaping’ is setting money aside to look at angle parking, more planters and possibly adding stop signs if the moving of the highway is approved.

The Council stated their appreciation to Scott and everyone working with the EID.

GOSHEN HOUSING AUTHORITY 2015 ANNUAL REPORT

Executive Director Pam Kennedy explained the following items for the Council:

- Program Manager – GHA hired Tara Martinez as the Program Manager.
- Lease Up – Capacity – GHA is allotted 320 vouchers. They average a monthly lease up lower than 250 per month. GHA is still considered a high performing housing authority due to the fact that HUD takes into account the amount of housing assistance payments paid out each month, not only the amount of vouchers in use. GHA spends over 90% of the monthly funding. That is considered by them as leased up. As more people are benefiting from the program with zero to little income, GHA pays more HAP per family than it did in the past. Less families’ these days are employed and there are restrictions on government assistance such as TANIF. Each family pays 30% of their income towards rent and utilities and GHA pays the remainder.

The Board of Commissioners and Ms. Kennedy thought it was best to put a timeline together of the interactions of elected government officials, board, staff and HUD since it was discovered that the GHA was in trouble. Ms. Kennedy submitted a timeline beginning in 2009 through January 2016.

Councilman Scharf requested clarification on the number of unused vouchers and the GHA still using 90% of the monthly funding. Ms. Kennedy explained each family pays 30% of their income towards rent and utilities and if they have particularly low income or no income then the Housing Authority is paying it all. Also the fair market rents increased tremendously in 2015 and they did not get allocated more money to cover increases.

Councilman Weddell then questioned if that meant the GHA does not have sufficient HAP funds to use the remaining 70 vouchers. Ms. Kennedy responded no as there are reserves. There was one month in the year that they did not have sufficient funding and she placed a request for additional funds that month and received the funding. Councilman Weddell referred to the January 2012 entry in the timeline, regarding the money that the City Council set aside is to pay for current program participants, if HUD recaptures housing assistance payment funding does that mean the funds will not be for new participants or ones that came after this date? Ms. Kennedy stated she believes that was the intent but the City’s Ordinance is broader than that.

Councilman Weddell stated he has attended all of the housing authority’s meetings over the last year and believes he understands the trials and tribulations that program goes through to try to manage this. Just in reading the timeline, he can’t imagine the amount of time Ms. Kennedy and her staff go through answering the same exact questions over and over so we thank-you for that. Councilman Weddell continued that previously Ms. Kennedy had stated that maybe if that

money wasn't there HUD would quit harassing you; is that something we can consider? Ms. Kennedy stated if another department at HUD states you have to pay the money back or we are not given another dime then you need to have a secondary plan. When a housing authority folds the vouchers are given to the Indiana Housing and Community Development. The Warsaw Housing Authority already manages 3 other places for IHCDA so she did make a call and they stated they would keep the vouchers with us. At that time you would no longer have a board or any liability but you still need to keep informed so she would suggest they set up a community committee so the housing authority stays informed on the needs of the community and the community knows what is going on in the housing authority. Councilman Weddell confirmed that Ms. Kennedy is not talking about closing the housing authority but if the money was rescinded; Ms. Kennedy then stated if the money was not there then HUD would know they have to go a different avenue. Councilman Weddell explained worst case scenario would be the housing authority closes and we no longer have a board but the vouchers would continue and with Ms. Kennedy willing to have a committee he believes it should be it should be discussed for the sake of the staff alone. Ms. Kennedy stated when a housing authority just closes up there is no investigation, it just closes up. The Board has been under a lot of stress and somehow the issue moves to a new department at HUD and the same discussions happen each time.

GOSHEN ECONOMIC DEVELOPMENT COMMISSION

City Attorney Larry Barkes explained the Goshen Economic Development Commission exists to provide funding to outside sources for certain economic development projects. The only activity in the past several years is the Goshen College bond which was refunded in 2015 for interest reduction only.

GOSHEN REDEVELOPMENT AUTHORITY 2015 ANNUAL REPORT

City Attorney Larry Barkes explained this is a new authority created to issue bonds as the Redevelopment Commission had reached its bonding capacity and they were looking to refund bonds at a lower interest rate. The responsibility of the authority is to ensure that the annual bond payments are met.

PUBLIC HEARING ON ORDINANCE 4853

Mayor Stutsman opened the Public Hearing on Ordinance 4853, Amending the Economic Improvement Assessment for the Goshen Downtown Economic Improvement District. Mayor Stutsman closed the Public Hearing as no person wished to speak.

ORDINANCE 4853

Council President McKee introduced Ordinance 4853 entitled "AMENDING THE ECONOMIC IMPROVEMENT ASSESSMENT FOR THE GOSHEN DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT."

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

Jonathan Wieand, EID Secretary, explained the EID Board met on January 7, 2016 and considered removal of the assessment to the downtown property owners. After discussing the realignment of US 33, the proposed moving of SR 15 to 3rd Street, the hope for angle parking and

other improvements to make the downtown more pedestrian friendly and more attractive to residents and visitors, it was decided the funds will be needed for maintenance, downtown activities and capital improvements. The Board unanimously agreed that it would be in the best interest of the downtown to continue the assessment. Therefore the Board is requesting the Council approve a 15 year extension of the assessment until December 31, 2031. Mr. Wieand stated the Board further discussed if they get to a point where they have excess money then they certainly would look into lowering the rate but with all of the proposed changes they need to maintain the rate that is currently there especially for capital projects.

The Council discussed the length of the assessment, the current rate of \$.003 per assessed dollar value of the parcel and possibly decreasing the length of the assessment to review more periodically and to have community discussions about the downtown.

Councilman Weddell moved to amend the length of the assessment in the Ordinance from 15 years to 10 years. Motion seconded by Council President McKee.

Councilman Weddell reminded everyone of past Councilman Thomas' words of remembering that this is self taxation within the district. The property owners are agreeing to tax themselves for improving the district therefore it is their money.

By a 6-0 unanimous vote of the Council the motion to amend the Ordinance passed.

By a 6-0 unanimous vote of the Council the Ordinance was passed on first reading.

Mayor Stutsman 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 McKee 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 Ahlersmeyer

The Council roll call vote was as follows:

AYES: AHLERSMEYER, KING, MCKEE, ORGILL, SCHARF, WEDDELL

NAYS: NONE

(ORDINANCE 4853 DULY PASSED AND ADOPTED THIS 2ND DAY OF FEBRUARY 2016.)

RESOLUTION 2016-02

Council President McKee introduced Resolution 2016-02 entitled "APPROVING THE GRANT AGREEMENT WITH INDIANA DEPARTMENT OF TRANSPORTATION FOR CLOSURE OF FIFTH STREET RAILROAD CROSSING."

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

City Administrative Engineer Mary Cripe stated INDOT has a grant opportunity which the City applied and received \$10,000 for the crossing at 5th Street.

Councilwoman King expressed concerns of constituents frustrated with the closure regarding hindering access, particularly the Chamberlain Neighborhood's, to the downtown. She questioned if the \$10,000 could go towards creating entryways and walkability into the Chamberlain Neighborhood.

Mary Cripe confirmed the funds have not yet been earmarked. Further the main driving force for closing the crossing was safety; with US 33 being so close to the tracks it would have been possible for a bus to get stopped on the tracks. Some of the trains are travelling 60-80 mph.

By 6-0 unanimous vote of the Council, Resolution 2016-02 was passed.

RESOLUTION 2016-03

Council President McKee introduced Resolution 2016-03 entitled "APPROVING THE HIGHWAY UTILITY AGREEMENT WITH STATE OF INDIANA FOR PAYMENT OF COSTS TO RELOCATE WATER UTILITY MAINS."

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

Utilities Administrative Engineer Dustin Sailor explained the City has one chance in 50 years to make these improvements in the right-of-way. This improvement is for water mains. We have joined our project with the State and this is our contribution towards the project.

After being questioned by Councilman Weddell, Mr. Sailor confirmed this is the primary reason for raising the water rates and that the SRF loan is scheduled to close late March or early April.

By 6-0 unanimous vote of the Council, Resolution 2016-03 was passed.

RESOLUTION 2016-04

Council President McKee introduced Resolution 2016-04 entitled "APPROVING THE HIGHWAY UTILITY AGREEMENT WITH STATE OF INDIANA FOR PAYMENT OF COSTS TO RELOCATE SEWER UTILITY MAINS."

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

Utilities Administrative Engineer Dustin Sailor stated this is the same situation as the previous Resolution except this is for sewer and will be paid from the Wastewater Utility.

By 6-0 unanimous vote of the Council, Resolution 2016-04 was passed.

RESOLUTION 2016-05

Council President McKee introduced Resolution 2016-05 entitled “APPROVING THE HIGHWAY UTILITY AGREEMENT WITH STATE OF INDIANA FOR REIMBURSEMENT OF COSTS TO RELOCATE WATER UTILITY MAINS.”

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

By 6-0 unanimous vote of the Council, Resolution 2016-05 was passed.

RESOLUTION 2016-06

Council President McKee introduced Resolution 2016-06 entitled “APPROVING THE INTERLOCAL AGREEMENT WITH THE COUNTY OF ELKHART AND THE GOSHEN DAM POND ECONOMIC IMPROVEMENT DISTRICT FOR THE GOSHEN DAM POND MAINTENANCE DREDGING PROJECT.”

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

Mayor Stutsman stated this is a project that has been worked on for some time. Further Dustin Sailor sent a memo to the Council on this earlier so he can respond to any questions the Council may have.

The Mayor, Council and Mr. Sailor discussed the following:

- Councilman Ahlersmeyer stated he appreciates the way the entities and the residents have come together to handle the project and responsibility.
- Mayor Stutsman agreed and stated someone told him they were surprised to see the City only had \$250,000 in the pot but he then reminded them that it is Dustin and his staff running the project so the City has more dedicated to the total project.
- Councilman Weddell questioned if there was an estimate of the how much the City’s expenditures will be with engineering, design, etc. Mr. Sailor stated we haven’t put a number together but originally thought \$60,000 or \$80,000 would be their time commitment but there is going to a period of three years where it is just going to lay dormant while it settles out. Then there will be a follow up project to go in and knock the piles down and spread that out so it is going to be a long-term project the City will oversee.
- Councilman Weddell questioned if the Engineering Department will be able to manage the workload. Mr. Sailor affirmed he believed so as a lot of the project is dredging which does not have to be necessarily overseen and then explained the portions that do have to be overseen and the contractors’ responsibilities.
- Mr. Sailor stated the Engineering Department does not anticipate that this project will interfere with the County project of the CR 38 bridge expansion.
- Councilwoman King stated she is a part of the Dam Pond EID and she appreciates the hard work that Bill Rieth and others at Elkhart River Restoration have put into protecting

one of our really great assets of our community. She would like this to be an educational opportunity on water quality issues and better watershed management.

Glenn Null, Goshen, wanted confirmation that this is being paid with ‘rain tax’. Mr. Sailor confirmed it is being funded with Stormwater funds.

Bill Rieth, Goshen, stated this is an effort from a variety of groups including he is still reaching out for private donations. The Dam Pond EID is very appreciative of the City of Goshen’s assistance including the engineering and they have done a great job. Mr. Rieth explained the best estimates they have from those that designed the project show this will be a 50 to 100 year benefit so it is long term. He explained there is much better soil management than in the past and the Elkhart River Restoration will continue to decrease sediments reaching the pond. In the future the group would like to erect some kind of monument to recognize all of the people and groups that came together on this project.

Councilman Scharf pointed out the second ‘Whereas’ paragraph in the Interlocal Agreement and questioned if sediment has created the negative consequences listed; if there is a real connection. Mr. Rieth responded that those statements were written by the contractor performing the dredging study and those are negative consequences with sediment that takes place over time.

Council President McKee stated he is glad the City is a part of this project but he also has concerns that we are sometimes overloading the Engineering Department in giving out their time to outside projects.

By 6-0 unanimous vote of the Council, Resolution 2016-06 was passed.

2016 COUNCIL CALENDAR REVISION

Mayor Stutsman explained that he wants to set the October meetings as the second and fourth Tuesdays, Oct 11 & Oct 25. The conflict with the first Tuesday is the IACT annual conference and the third Tuesday was already rescheduled due to fall break. The Council agreed.

COUNCIL/DEPARTMENT LIAISON PROGRAM

Aviation	King	Parks	Gautsche
Building	McKee		Orgill
Cemetery	McKee	Planning	Gautsche
Engineering	Gautsche	Police	Ahlersmeyer
	Weddell		King
Fire	McKee	Streets	Ahlersmeyer
	Scharf		Scharf
Garage	Weddell	Tree Board	Ahlersmeyer
Legal	Weddell	Utilities	Orgill
			Scharf

ORDINANCE 4854

Council President McKee introduced Ordinance 4854 entitled “AUTHORIZING A TEMPORARY LOAN BETWEEN THE GOSHEN SEWER UTILITY AND THE GOSHEN WATER UTILITY.”

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

Mayor Stutsman stated this Ordinance happened after meeting with Umbaugh on funding and timing of projects. Due to the timing of INDOT bidding their project it is going to be difficult to get through the SRF loan requirements to meet deadlines. Dustin Sailor added that Umbaugh laid out their scheduling table on the SRF loan and it is required that we have all bids in so they have a final number. We are currently working with SRF to confirm that we can loan ourselves the money initially and then repay ourselves out of the loan proceeds when it closes. As soon as we receive confirmation on that we want to award the bid and keep moving on the South Link Road.

Mayor Stutsman stated the Ordinance provides for a term of two years and he and the Clerk-Treasurer are more comfortable with a one year payback. Mayor Stutsman questioned if Mr. Sailor was ok with a one year term. Mr. Sailor confirmed he is ok with the one year; he and the City Attorney were just building some flexibility into that. Clerk-Treasurer Bontrager confirmed she prefers the one year payback. Attorney Barkes stated the statute allows up to five years but it is anticipated to pay it back within six months.

Councilman Weddell moved to amend the term in the Ordinance to one year. Motion seconded by Council President McKee.

By a 6-0 unanimous vote of the Council the Ordinance was amended.

Mayor Stutsman stated this is a good example of how both Mary and Dustin (Engineering) do a fantastic job at leveraging funds to get other funds and make sure our projects stay on schedule.

By a 6-0 unanimous vote of the Council the Ordinance passed on first reading.

Mayor Stutsman 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 McKee 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 Ahlersmeyer.

The Council roll call vote was as follows:

AYES: AHLERSMEYER, KING, MCKEE, ORGILL, SCHARF, WEDDELL

NAYS: NONE

(ORDINANCE 4854 DULY PASSED AND ADOPTED THIS 2ND DAY OF FEBRUARY 2016.)

PRIVILEGE OF FLOOR

Councilman Scharf stated a thank you to Attorney Barkes and Shannon Marks as he understands they are working on codifying the City Code. He wants to remind the Council that they are the body for creating/maintaining the City Code and we should have it on our priority list to keep that updated. As of now it is about eight years behind.

Council President McKee moved to adjourn. Motion seconded by Councilwoman King and the meeting adjourned at 8:20 P.M.

APPROVED: _____
Mayor, Jeremy Stutsman
Goshen, Indiana

ATTEST: _____
Tina M. Bontrager
City Clerk-Treasurer