



Goshen Common Council

5:30pm May 5, 2020 Regular Meeting

Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

This meeting will be conducted under a declared public health emergency coving all of the State of Indiana. Due to social distancing guidelines there will be very limited spaced for public attendance. Members of the public are encouraged to submit questions or comments ahead of time to elected officials and/or the pertinent city offices.

The meeting will be streamed live via Zoom at: <https://us02web.zoom.us/j/85451012365>

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll Call: Megan Eichorn (District 4) Julia King (At-Large) Jim McKee (District 1)
Doug Nisley (District 2) Gilberto Pérez, Jr. (District 5) Matt Schrock (District 3)
Council President Brett Weddell (At-Large) Youth Advisor Zoe Eichorn (Non-voting)

Approval of Minutes (Feb. 4) and Memorandum (Feb. 21)

Approval of Meeting Agenda

Privilege of the Floor

Council Committee, Liaison, Mayoral Reports

- I. **Resolution 2020-11:** A Resolution of the Common Council of the City of Goshen, Indiana Authorizing the Filing of an Application for a Community Development Block Grant
- III. **Resolution 2020-12:** An Emergency Resolution Providing for the Transfer of Funds

Adjournment



**Community Development Block Grant Program
CITY OF GOSHEN**

204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185
rhondayoder@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Mayor Stutsman
Goshen Common Council Members

FROM: Rhonda Yoder, CDBG Administrator

DATE: May 5, 2020

RE: Resolution 2020-11

Attached is Resolution 2020-11, a resolution of the Common Council to authorize the filing of the Community Development Block Grant (CDBG) application (annual plan) for Program Year 2020.

During the public comment period, no comments were received, and no changes, except routine edits, are being made to the draft plan that was presented at the April 21, 2020, Council meeting.

RESOLUTION 2020-11
A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA
AUTHORIZING THE FILING OF AN APPLICATION FOR A COMMUNITY DEVELOPMENT
BLOCK GRANT

WHEREAS it is necessary and in the public interest that the City of Goshen, the Applicant, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, hereinafter referred to as the "Program," and

WHEREAS it is recognized that the Federal contract for such financial assistance pursuant to said Title I imposes certain obligations and responsibilities upon the Applicant and the Applicant assures and certifies that he will comply with the attached Certifications which are hereby made part of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF
GOSHEN:

1. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the City of Goshen, Indiana, of the Certifications.
2. That an application on behalf of the City of Goshen for a grant of \$272,864 for the Program outlined in the application is hereby approved and that the Mayor of the City of Goshen, Indiana, is hereby authorized and directed to execute and file such application with the Department of Housing and Urban Development and to provide such additional information and to furnish such documents as may be required on behalf of the City of Goshen.

Passed and adopted by the Common Council of the City of Goshen, Indiana, on the _____ day of May 2020.

Presiding Officer

Attest:

Adam C. Scharf, City Clerk Treasurer

This Resolution, having been passed by the Common Council, is presented by me to the Mayor on the _____ day of _____ 2020, at _____ am/pm.

Adam C. Scharf, City Clerk Treasurer

This Resolution, having been passed by the Common Council and presented to me is approved by me and adopted on the _____ day of _____ 2020.

Jeremy P. Stutsman, Mayor

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2020, _____ (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Title

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



**City Clerk-Treasurer
CITY OF GOSHEN**

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

clerktreasurer@goshencity.com • www.goshenindiana.org

29 April 2020

Memorandum

To: Goshen Common Council and Mayor Jeremy Stutsman

Re: Resolution 2020-12

Please find brief explanations of the Public Safety LOIT, River Race TIF, and SE TIF, and \$25,000 of the Environmental Resilience transfer, in memos from staff included in the meeting packet.

An additional \$6500 for Environmental Resilience was received from the Community Foundation of Elkhart County, for use in funding research and publication by Aidan Friesen, per Director Kingsley.

Additionally, \$58,700 is requested by Mayor Stutsman and the Community Development Department to fund the newly-created Community Development Specialist position, details of which were provided to the council by the mayor in a memo presented at the last meeting. The Board of Works line "Other Services Charges" is the proposed source of appropriated funds. The largest item in this line is trash collection service, sufficient funds for which should still be available for 2020.

Adam Scharf
City Clerk-Treasurer

COMMON COUNCIL RESOLUTION 2020-12:

AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS

AS PER REQUEST BY A DEPARTMENT HEAD OF THE CIVIL CITY OF GOSHEN, INDIANA, FOR THE YEAR 2020, AND FORWARD TO THE COMMON COUNCIL FOR THEIR ACTION AND PASSAGE.

WHEREAS certain extraordinary conditions have developed since the adoption of the existing annual budget for the year 2020 and it is now necessary to transfer the appropriated money into different categories than was appropriated in the annual budget for the various functions of the several departments to meet emergencies.

SECTION 1. BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GOSHEN, INDIANA, that for the expenses of the City Government the following sums of money are hereby transferred and set apart out of the funds hereinafter named for the purpose specified, subject to the laws governing the same, such sums herein transferred unless otherwise expressly stipulated by law.

SECTION 2. WHEREAS, it has been shown that certain existing appropriations have unobligated balances that will be available for transferring for such emergencies, it is therefore further resolved by the aforesaid Common Council that such extra appropriations are now reduced and transferred as follows:

PUBLIC SAFETY LOIT - 249

FROM: Reimbursements 396.0000

TO: Fire Bldg Repair 436.0600\$113,035.62

RIVER RACE TIF – 480

FROM: Misc Revenue 360.0000

TO: Contractual Services 431.0502.....\$31,021.85

SOUTHEAST TIF – 473

FROM: Misc Revenue 360.0000

TO: Contractual Services 431.0502.....\$30,793.54

GENERAL – 101

FROM: BD Works/Other Services Charges 439.0930

TO: Planning/FT Personnel 411.0130.....\$38,000.00
Planning/Social Security 413.0100..... \$2500.00
Planning/Medicare 413.0200..... \$600.00
Planning/Retirement 413.0300..... \$5500.00
Planning/Insurance 413.0501.....\$12,000.00
Planning/Clothing/Boot/Fitness 413.0701..... \$100.00

GENERAL - 101

FROM: Env. Misc 349.2003

TO: Env/Services Contractual 431.0546.....\$31,500.00

SECTION 3. PASSED AND ADOPTED BY THE COMMON COUNCIL On the 5th day of May, 2020

Jeremy P. Stutsman, Presiding Officer

ATTEST: _____
Adam C. Scharf, Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana, on the ____ day of February 2020

Adam C. Scharf, Clerk-Treasurer

This resolution approved and signed by me on the _____ day of February 2020

Jeremy P. Stutsman, Mayor

TRANSFER BETWEEN CATEGORIES

TO: CITY CLERK-TREASURER

FROM: Mark Brinson OF Community Development

Department of the City of Goshen, Indiana, find it necessary to request permission for a transfer between Categories which requires approval and passage of ordinance by the Common Council of the City of Goshen, and to be filed with the Department of Local Government Finance, the reasons listed below:

NAME OF FUND AND LINE: River Race TIF- 480

LINE NUMBER TRANSFERRED FROM: 480-460-00-360.0000

AMOUNT OF THE TRANSFER: \$ 31,021.85

NAME OF FUND AND LINE: River Race Contractual Services

LINE NUMBER TRANSFERRED TO: 480-560-00-431.0502

REASON FOR TRANSFER: This is a reimbursement from the State for Ninth Street Multi-Use Path.

SIGNED: 

TITLE: Community Development Director

DATED: 1-10-20

FOR COUNCIL MEETING OF:

TRANSFER BETWEEN CATEGORIES

TO: CITY CLERK-TREASURER

FROM: Mark Brinson OF Community Development

Department of the City of Goshen, Indiana, find it necessary to request permission for a transfer between Categories which requires approval and passage of ordinance by the Common Council of the City of Goshen, and to be filed with the Department of Local Government Finance, the reasons listed below:

NAME OF FUND AND LINE: Southeast TIF Misc. Revenue

LINE NUMBER TRANSFERRED FROM: 473-460-00-360.0000

AMOUNT OF THE TRANSFER: \$30,793.54

NAME OF FUND AND LINE: Southeast TIF Contractual Services

LINE NUMBER TRANSFERRED TO: 473-560-00-431.0502

REASON FOR TRANSFER: Reimbursement from the state for Kercher Road Reconstruction – Contractual Services.

SIGNED: 

TITLE: Community Development Director

DATED: 1-10-20

FOR COUNCIL MEETING OF:

ACH Notification 1-2-2020

Notification of ACH Payment

To:
Of:
GOSHEN, CITY OF

202 S. 5TH STREET
State
GOSHEN, IN 46528
Washington St.

STATEHOUSE

IN 46204

From the Office

TERA KLUTZ

Auditor of the

200 W.

ROOM 240

Indianapolis,

Vendor ID	Bank ID #	Bank Account #	Payment Date	Handling Cd
0000056406	XXXXX1017	XXXXXX5739	01/02/2020	AS

Payment Reference	Payment Amount	Unit	Description
009317210	61924.01	00800	Transportation

Invoice ID	Discount	Late Charge	PO ID	Net	Invoice Dt	Gross

INDOT 1400713 17 CE Kercher Rd					11/21/2019	13516.59
0.00	0.00			13516.59		
*Payment Message: Inv#: INDOT 1400713 17 CE Kercher Rd						
INDOT 1400715 38 PE Wilden Ave					11/21/2019	108.62
0.00	0.00			108.62		
*Payment Message: Inv#: INDOT 1400715 38 PE Wilden Ave						
INDOT 1400995 06 CE Ninth St					11/21/2019	15893.77
0.00	0.00			15893.77		
*Payment Message: Inv#: INDOT 1400995 06 CE Ninth St						
INDOT 1400995 07 CE Ninth St					11/21/2019	15128.08
0.00	0.00			15128.08		
*Payment Message: Inv#: INDOT 1400995 07 CE Ninth St						
INDOT 1401747 04 CE Kercher					11/21/2019	17160.75
0.00	0.00			17160.75		
*Payment Message: Inv#: INDOT 1401747 04 CE Kercher						
INDOT 1401747 38 PE Kercher Rd					11/21/2019	116.20
0.00	0.00			116.20		
*Payment Message: Inv#: INDOT 1401747 38 PE Kercher Rd						



Office Location: 410 W Plymouth Ave • Goshen • IN 46526
Phone: 574-537-0986 • **E-Mail:** enviromental@goshencity.com
Staff: Brandi Devoe • Theresa Sailor

April 29, 2020

Memo: Transfer Funds

Transfer of funds is requested in order to access grant funds provided by the National Arbor Day Foundation for plants and infrastructure at the Public Orchard at Abshire Park. Grant funds of \$25,000 were initially deposited on January 17, 2020 into gift line 275-450-00-367-0045. I am requesting that all \$25,000 be transferred into the Tree Program expense line 101-550-46-431.0501 of the Department of Environmental Resilience so that expenses related to the Public Orchard can be paid.

Thanks,

Aaron Sawatsky-Kingsley

Director, Department of Environmental Resilience / City Forester

City of Goshen

Jeremy Stutsman
Mayor of Goshen



MIKE HAPPER, ASSISTANT CHIEF
FIRE DEPARTMENT, CITY OF GOSHEN
209 N. 3rd Street Goshen, Indiana 46526
Phone (574) 875- 4315
Cell (574) 238-3655
Fax (574) 533-6562
mikehapper@goshencity.com www.goshenindiana.org

April 29th, 2020

Adam Scharf-

Listed below are the Travelers Insurance checks that were deposited in the general fund. I need all the checks transferred to our remodeling line. I believe the remodeling line is the public Loit line where the original 150K from the Mayor was placed in, for the start of our remodeling project at Central.

I need this done because we will need to pay the upcoming 61K invoice from DJ Construction at the end of May when they complete our staircase.

Travelers Ins Checks (need additional appropriations)		Description
1/21/2020	\$89,915.42	Initial storm damage @ Central
	\$7,908	remaining roof portion @ Central
10/16/2019	\$4,835.27	Station 3's initial roof check
	\$9,376.93	Central's hail damage to HVAC
4/28/2020	\$1,000.00	NIPSCO light rebate @ Central
Total	\$113,035.62	

Mike

TF