

## **GOSHEN COMMON COUNCIL**

### **Minutes for the Regular Meeting of May 7, 2019**

The Common Council of the City of Goshen, Indiana met in a regular meeting on May 7, 2019 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 McKee, Nisley, Orgill, Scharf and Weddell  
Councilwoman Gautsche, King

**ABSENT:** Youth Advisor Perez-Diener

### **CHANGES TO THE AGENDA**

Mayor Stutsman made changes to the agenda by adding a Resolution and a special presentation. Motion to approve agenda as amended was made by Councilwoman Gautsche. Motion was seconded by Councilwoman King.

By a 7-0 unanimous vote the Agenda was approved as amended.

### **APPROVAL OF MINUTES**

Mayor Stutsman called for a motion regarding the Minutes from April 23, 2019. Motion to approve the Minutes as presented made by Councilwoman King. Motion was seconded by Councilwoman Gautsche.

By a 7-0 unanimous vote the Minutes were approved as presented.

### **SPECIAL PRESENTATION**

Terry Marks from the Elkhart County Convention and Visitors Bureau and gave an update on what was going on in the county.

### **PRIVILEGE OF THE FLOOR**

Glenn Null – stated that it was a long day at the primary polls but the new voting machines are nice. Also commented on the 4-way stop that are going on in downtown. He has an issue with them and saw someone almost get clipped during First Fridays.

Councilwoman Gautsche – updated the Council and audience on the theater project.

Councilman Scharf – Stated that we looked at the Mayor's salary not long ago and hope that it is still on the table to look at all salaries.

**ORDINANCE 4999**

Council President Weddell introduced Ordinance 4999 entitled "BUILDING DEPARTMENT PERMIT CONFLICT OF INTEREST."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only and moved for its passage on second and final reading. Motion was seconded by Councilman Scharf.

**COUNCIL COMMENTS ON ORDINANCE 4999**

Mayor Stutsman opened Council comments. No Council comments were made.

**PUBLIC COMMENTS ON ORDINANCE 4999**

Mayor Stutsman opened public comments. No public comments were made.

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

AYES: Gautsche, King, McKee, Nisley, Orgill, Scharf, Weddell

NAYS:

By a 7-0 unanimous vote, the Ordinance passed on second and final reading.

(ORDINANCE #4999 DULY PASSED AND ADOPTED THIS DAY OF MAY 7, 2019)

**PUBLIC HEARING ON ORDINANCE 5000**

Mayor Stutsman opened the public hearing. Let the record show that no one spoke.

**ORDINANCE 5000**

Council President Weddell introduced Ordinance 5000 entitled "ADDITIONAL AND REDUCTION APPROPRIATION ORDINANCE."

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

Clerk-Treasurer McKee asked that the wording of "and Reduction" be removed from the title. Council President Weddell made the motion to amend the ordinance by remove the wording and it was seconded by Councilman Nisley.

By a 7-0 unanimous vote, the wording was amended.

Mayor Stutsman comments on the Ordinance starting at 21 minutes and 06 seconds of the audio recording.

**COUNCIL COMMENTS ON ORDINANCE 5000**

Mayor Stutsman opened Council comments. Council comments start at 24 minutes and 30 seconds of the audio recording.

**PUBLIC COMMENTS ON ORDINANCE 5000**

Mayor Stutsman opened public comments. Public comments start at 29 minutes and 14 seconds of the audio recording.

By a 7-0 unanimous vote, the Ordinance passed on first reading.

Mayor Stutsman asked for a unanimous Council consent to consider the Ordinance for passage during one meeting. As there was no objection, Mayor Stutsman declared that the Ordinance would be heard on a second reading.

**ORDINANCE 5000**

Council President Weddell introduced Ordinance 5000 entitled "ADDITIONAL APPROPRIATION ORDINANCE."

Council President Weddell asked the Clerk-Treasurer to read the Ordinance by title only and moved for its passage on second and final reading. Motion was seconded by Councilman Nisley.

**COUNCIL COMMENTS ON ORDINANCE 5000**

Mayor Stutsman opened Council comments. No comments were made.

**PUBLIC COMMENTS ON ORDINANCE 5000**

Mayor Stutsman opened public comments. No comments were made.

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

AYES: Gautsche, King, McKee, Nisley, Orgill, Scharf, Weddell

NAYS:

By a 7-0 unanimous vote, the Ordinance passed on second and final reading.

(ORDINANCE #5000 DULY PASSED AND ADOPTED THIS DAY OF MAY 7, 2019)

**RESOLUTION 2019-20**

Council President Weddell introduced Resolution 2019-20 entitled "DISPOSAL OF 611 NORTH SECOND STREET."

Council President Weddell asked the Clerk-Treasurer to read the Resolution by title only and moved for its passage. Motion was seconded by Councilman Nisley.

City Attorney Larry Barks comments on the Resolution starting at 32 minutes and 22 seconds of the audio recording.

**COUNCIL COMMENTS ON RESOLUTION 2019-20**

Mayor Stutsman opened Council comments. Council comments start at 33 minutes and 29 seconds of the audio recording.

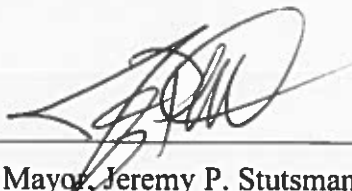
**PUBLIC COMMENTS ON RESOLUTION 2019-20**

Mayor Stutsman opened public comments. No comments were made.

By a 7-0 unanimous vote, the Resolution was passed.

Councilwoman Gautsche makes a motion to adjourn. Councilwoman King seconded the motion. Meeting adjourned at 7:32pm.

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

  
Mayor, Jeremy P. Stutsman  
Goshen, Indiana

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

  
Angie McKee  
City Clerk-Treasurer



Jeremy P. Stutsman, Mayor  
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6-4-19

Council President Weddell and Council Members,

During the May 7<sup>th</sup> council meeting we passed Ordinance 5000, which was an additional appropriation ordinance. This was an additional appropriation of our Special LOIT. This LOIT was created when the State refunded communities monies the state had been holding. The stipulations for how this money needed to be spent was itemized for any use appropriate for our streets and roads. During the meeting the council requested a written form of my comments. This document is a recap of the information I gave during the council meeting and as an update, and new numbers from Clerk Treasurer McKee.

The numbers I reported on during the meeting were provided to me by both Clerk Treasurer McKee's office and Umbaugh:

- I stated I was using rounded numbers.
- In 2018 we budgeted (for 2019) \$250,000 to be spent from the Special LOIT
- In 2019 we learned only \$84,000 was approved and appropriated by the State.
- In 2018 we knew money was carrying over for 2018 to 2019 as we were not spending the entire 2018 budget. The State cut us back to the \$84,000 because they assumed we spent 100% of the 2018 budget.
- This was not caught by the City because the change was not itemized on our 1782 notice from the State. This is the notice the State sends us if they change anything in our budget.
- May 7<sup>th</sup>, Street Commissioner Gibbs and I requested an additional appropriation of \$218,000. We already had \$84,000 appropriated, which meant we were \$166,000 behind what we were expecting from the \$250,000 we budgeted and voted on in 2018. The additional \$52,000 was a request to spend down the fund to hit more projects this year.
- The numbers I had been given before the May 7 meeting showed we had around \$302,000 left in the LOIT. That is the amount that leads us to the \$218,000 request.

Since the May 7<sup>th</sup> meeting I have received new information from the Clerk Treasurers Office and Umbaugh: The following email (in red) is from Clerk Treasurer McKee

From: McKee, Angie  
Sent: Wednesday, May 29, 2019 10:26 AM  
To: Gibbs, David <davidgibbs@goshencity.com>  
Cc: Stutsman, Jeremy <jeremystutsman@goshencity.com>; Cordell, Christina <christinacordell@goshencity.com>  
Subject: Special Distribution LOIT  
Importance: High

David and Mayor Stutsman:

I am sending this to both of you in regards as to what is left in the Special Distribution LOIT fund for paving. At the beginning of 2019 that fund had a cash balance of \$368,006.30. The state approved budget was \$84,236.00. Leaving a



**Jeremy P. Stutsman, Mayor**

**CITY OF GOSHEN**

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cash balance of \$283,770.30. Then you had an encumbrance of \$149,665.51. Which now leaves a cash balance of \$134,104.79. This is the amount that can be appropriated for paving and not the \$218,000 that was done at the last Council meeting. If you use the \$134,104.79 and add it to the \$149,665.51 that was encumbered it would give you a balance in the paving line of \$283,770.30 to use for 2019 and then the fund would be empty.

Please advise as to how you would like to proceed. I have not yet sent in the additional appropriation of \$218,000 to the state.

Thank you,

Angie McKee, IAMC  
Clerk-Treasurer  
City of Goshen  
574-533-8625

Since we do not have enough money in the line to cover the \$218,000 additional appropriation, CT McKee has advertised for the \$134,104.79 additional appropriation which will come back to the council at our June 18 meeting. Please feel free to call or email if you have any further questions.

Thank you,

A handwritten signature in blue ink, appearing to read "J. Stutsman", written over a horizontal line.

Jeremy P. Stutsman