

MINUTES
ELKHART COUNTY COUNCIL
January 7, 2012

The meeting of the Elkhart County Council was called to order by Sheriff Brad Rogers at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were John K. Letherman, Dennis E. Sharkey, David Hess, Darryl Riegsecker, Randall D. Yohn and David Ashe.

Also present were Pauline Graff, County Auditor; Gordon Lord, County Attorney; Craig Buche, County Attorney; Tom Byers, County Administrator and Mike Yoder, Commissioner.

REORGANIZATION - Auditor Graff assumed the chair and opened the floor for nominations of Officers:

Graff said she would accept nominations for President of the Council. Sharkey said he would nominate John Letherman for President. Riegsecker said he would second that. Graff said she has a motion and a second and asked if there were any other nominations. If not, she would accept a motion to close the nominations. Sharkey said he moved to close the nominations and Riegsecker seconded. Graff said she had a motion and a second, all in favor of the motion to close the nominations say Aye, none were opposed and Graff said the motion was carried. Graff said that all in favor of retaining John Letherman as President of the Council say aye, none were opposed and the motion was carried.

Letherman said thank you and asked for nominations for Vice-President. Ashe nominated Dennis Sharkey for Vice-President. Hess said he would second that nomination. Letherman asked if there were any other nominations. He then asked if there was a motion to close the nominations. Ashe moved to close the nominations and Hess seconded. Letherman asked all in favor of that nomination to say aye, none were opposed. All in favor of Dennis Sharkey as Vice-President please say aye none were opposed.

Letherman said the first item on the agenda is committee appointments for the year 2012. Letherman stated the appointments are the same as last year's, with the exception of CCAB being moved to Yohn and Solid Waste being moved to Hess.

COMMITTEE APPOINTMENTS:

ADEC	David Ashe
AFFIRMATIVE ACTION	David Ashe Darryl Riegsecker
CCAB	Randy Yohn
COURT SERVICES	Randy Yohn
ECONOMIC DEVELOPMENT CORPORATION OF ELKHART COUNTY	John Letherman

EMERGENCY MANAGEMENT	Darryl Riegsecker Alternate Randy Yohn
HEALTH BOARD	David Hess
HUMANE SOCIETY BOARD LIAISON	David Ashe
MACOG	John Letherman
OAKLAWN	Dennis Sharkey
PARK BOARD	David Foutz Alternate, Darryl Riegsecker
PERSONNEL COMMITTEE	Dennis Sharkey, Chairman David Hess Randy Yohn
PLAN COMMISSION	Dennis Sharkey
PROSECUTOR	Dennis Sharkey
REDEVELOPMENT COMMISSION	David Foutz
SHERIFF	David Hess
SOLID WASTE	David Hess
STATE LEGISLATURE	John Letherman
TOWNSHIP & COUNTY ASSESSING	David Hess
YOUTH SERVICES	David Foutz

MINUTES: Approval of minutes for December 10, 2011.

On motion made by Riegsecker seconded by Sharkey and unanimously carried, the minutes of December 10, 2011 were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: Yoder gave short report.

COUNCIL: Sharkey announced that he will not seek re-election. He stated he has enjoyed his 11 going on 12 years and looks forward to 2012, but that after speaking with his family, he feels 12 years is long enough.

AUDITOR:	Letherman also gave a short report.
SHERIFF:	Graff gave short report.
	No report.

ADDITIONAL APPROPRIATIONS REQUESTS

Auditor Graff presented the proofs of publication for Notice to Taxpayers of Additional Appropriations to be considered by the County Council at this meeting as appeared in the Goshen News and the Elkhart Truth on December 28, 2011.

GENERAL FUND

Sheriff

Supplies	1,910.00
Other Services and Charges	480.00
<u>Extension</u>	
Other Services and Charges	17,000.00
<u>Public Defender</u>	
Personal Services	<u>76,775.00</u>
TOTAL GENERAL FUND	96,165.00

COUNTY HEALTH OPERATING

Tobacco Settlement

Personal Services	62,364.00
Supplies	5,500.00
Other Services and Charges	3,875.00
<u>Program Income</u>	
Supplies	4,800.00
Capital Outlays	<u>2,000.00</u>
TOTAL COUNTY HEALTH OPERATING	78,539.00

COUNTY PROPERTY SOLD

Park and Recreation

Capital Outlays	42,000.00
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UNSAFE BUILDING FUND

Commissioners

Other Services and Charges 4,500.00

ABANDONED VEHICLES

Sheriff

Other Services and Charges 5,000.00

TOBACCO SETTLEMENT

Health Department

Personal Services 56,162.00

Supplies 5,391.00

Other Services and Charges 794.00

Capital Outlays 9,300.00

TOTAL TOBACCO SETTLEMENT 71,647.00

MEDICAL RESERVE CORP

Health Department

Supplies 2,540.00

Other Services and Charges 650.00

Capital Outlays 1,810.00

TOTAL MEDICAL RESERVE CORP 5,000.00

MATERNAL AND CHILD HEALTH
GRANT

Program Income

Personal Services 259,940.00

Supplies 35,800.00

Other Services and Charges 179,350.00

Capital Outlays 25,500.00

TOTAL MATERNAL AND CHILD HEALTH GRANT 500,590.00

PUBLIC HEALTH PREPAREDNESS GRANT

Health Department

Supplies 6,140.00

Other Services and Charges 360.00

Capital Outlays	4,500.00
TOTAL PUBLIC HEALTH PREPAREDNESS GRANT	11,000.00

LOCAL EMERGENCY PLAN AND RIGHT TO KNOW

LEPC

Supplies	7,600.00
Other Services and Charges	86,375.00
Capital Outlays	13,000.00
TOTAL LOCAL EMERGENCY PLAN AND RIGHT TO KNOW	106,975.00

H.I.V. GRANT

Health Department

Personal Services	35,451.00
Supplies	1,000.00
Other Services and Charges	2,549.00
TOTAL H.I.V. GRANT	39,000.00

ACCIDENT REPORT FEES

Sheriff

Other Services and Charges	13,000.00
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FIREARMS TRAINING

Sheriff

Supplies	10,000.00
Other Services and Charges	23,000.00
TOTAL FIREARMS TRAINING	33,000.00

COUNTY DRUG FREE COMMUNITY

Commissioners

Other Services and Charges	264,341.00
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PARK AND RECREATION NON-REVERTING OPERATING

Park and Recreation

Supplies	57,950.00
Other Services and Charges	58,250.00
Capital Outlays	8,500.00
TOTAL PARK AND RECREATION N/R OPERATING	124,700.00

SURVEYOR'S CORNER

PERPETUATION

Surveyor

Supplies	4,500.00
Other Services and Charges	11,500.00
Capital Outlays	20,000.00
TOTAL SURVEYOR'S CORNER PERPETUATION	36,000.00

AUDITOR'S PLAT BOOK FUND

Auditor

Personal Services	19,550.00
Supplies	5,400.00
Other Services and Charges	14,000.00
Capital Outlays	3,000.00
TOTAL AUDITOR'S PLAT BOOK FUND	41,950.00

SALES DISCLOSURE FUND

Concord Township Assessor

Other Services and Charges	1,790.00
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Assessor

Other Services and Charges	14,306.00
TOTAL SALES DISCLOSURE FUND	16,096.00

COUNTY SEIZURE OF ASSETS

Prosecutor

Personal Services	53,000.00
Supplies	10,000.00
Other Services and Charges	15,000.00
Capital Outlays	100,000.00
TOTAL COUNTY SEIZURE OF ASSETS	178,000.00

IDOC GRANT

Project Income

Other Services and Charges	150,000.00
Capital Outlays	28,600.00
TOTAL IDOC GRANT	178,600.00

AUDITOR'S INELIGIBLE DEDUCTION FUND

Auditor

Personal Services	20,461.00
Supplies	2,900.00
Other Services and Charges	3,500.00
Capital Outlays	2,000.00
TOTAL AUDITOR'S INELIGIBLE DEDUCTION FUND	28,861.00

EDIT	
<u>Commissioners</u>	
Capital Outlays	27,000.00
<u>Highway</u>	
Capital Outlays	243,073.00
TOTAL EDIT	<u>270,073.00</u>

CUMULATIVE BRIDGE	
<u>Highway</u>	
Capital Outlays	80,000.00

PARK AND RECREATION NON-REVERTING	
<u>Park and Recreation</u>	
Capital Outlays	31,700.00

REDUCTIONS

COUNTY PROPERTY SOLD	
<u>Park and Recreation</u>	
Capital Outlays	(42,000.00)

COUNTY EXTRADITION	
<u>Sheriff</u>	
Other Services and Charges	(90,000.00)

SIX SPAN BRIDGE	
<u>Highway</u>	
Capital Outlays	(243,073.12)

MAJOR BRIDGE	
<u>Highway</u>	
Capital Outlays	(93,091.80)

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#001)

1. Sheriff (105) requests \$ 2390 for indigent inmate supplies and postage.

Bill Fletcher explained this request to the Council.

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved this request.

2. Extension (145) requests \$17,000 to replace money that was removed from line item 4309, by mistake, during the budget hearings. This amount covers the Purdue Contractual Services Agreement.

On motion made by Sharkey seconded by Hess and unanimously carried, the Council approved this request.

3. Public Defender (175) requests \$76,775 to cover salaries of two public defenders that were moved to the General Fund from the Supplemental Fund (160-980).

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved this request.

Cliff Williams thanked Councilmen Sharkey for his tremendous help and insightfulness.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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B. COUNTY HEALTH OPERATING (#102)

1. Tobacco Settlement (350) requests \$71,739 to appropriate funds for this program whose purpose is to improve the awareness of the health risks from tobacco use to the people of Elkhart County.

Dr. Daniel Nafziger explained this request to the Council.

On motion made by Sharkey seconded by Hess and unanimously carried, the Council approved this request.

2. Program Income (614) requests \$6,800 for the ongoing operation of the Breast and Cervical Cancer Program.

Dr. Daniel Nafziger explained this request to the Council.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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C. COUNTY PROPERTY SOLD (#108)

1. Park and Recreation (980) requests \$42,000 for project 1201, Ox Bow Tower. This money was dedicated to the building of a Naturalist Office/Environmental Center, but is instead being used for the Tower at this point in time.

Larry Neff explained this request to the Council. Neff stated they have received some donations for the
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tower fund and would like to match the donation amounts. Hess stated that this money was originally appropriated to build offices for the naturalists and park rangers, which is desperately needed. Neff stated that is the case, however, the area that they had wanted to build the offices on is not on park property. Hess said the location where the staff is currently housed for Ox Bow is not adequate and they deserve better. Neff agreed, he stated they rennovated the gate house for them so that they would have heat and air, but they are in a tight space. Hess stated due to the ADA regulations and other things, he worries about the viability of replacing the tower. Neff stated that all of that has been factored into the price and they are making the tower smaller, along with other changes. Hess asked if there is an engineer's estimate on what it is going to cost to rebuild this. Neff stated that they are currently looking at around \$65,000-70,000 for the first tier, then \$15-20,000 for each additional tier. They are looking at making it smaller, similar to the Bonneyville tower. With monetary donations, labor and material donations, the cost will come down. Hess asked Commissioner Yoder if this was their recommendation and Yoder stated that this was their recommendation to pay for it this way instead of through the self insurance fund.

On motion made by Hess and seconded by Ashe, the issue was brought to the table.

Glenn Null spoke and stated he felt the tower was an asset to the County and he feels that we should use the insurance we have in place to replace it. It belongs to the park, let's give it back to them. The park makes money, let's give the people something to come to.

Letherman gave his support of the project. Hess reiterated that his biggest problem is that he feels the employees of the park deserve a decent office building to work in.

The motion was carried with a 5-1 vote, Hess nay.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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D. UNSAFE BUILDING FUND (#118)

1. Commissioners (980) requests \$4500 for legal services.

Tom Byers explained this request to the Council.

On motion made by Sharkey seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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E. ABANDONED VEHICLES (#119)

1. Sheriff (980) requests \$5,000 for other professional services in relation to the towing of vehicles.

Bill Fletcher explained this request to the Council.

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. TOBACCO SETTLEMENT (#121)

1. Health Department (980) requests \$71,647 to appropriate funds for 2012 Local Health Maintenance/Tobacco Settlement.

Dr. Daniel Nafziger explained this request to the Council.

On motion made by Sharkey seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. MEDICAL RESERVE CORP (#122)

1. Health Department (980) requests \$5,000 for grant period December 1, 2011 to June 30, 2012.

Dr. Daniel Nafziger explained this request to the Council.

On motion made by Hess seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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H. MATERNAL AND CHILD HEALTH GRANT (#126)

1. Program Income (614) requests \$500,590 for the 2012 budget. Services provided through this grant are Pediatric Dental Program and Healthy Babies Prenatal Care Coordination Program. Income is generated through both of these programs through fees via a sliding fee scale based on income. The dental program also generates income through Medicaid reimbursement.

Jenny Schrock explained this request to the Council.

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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I. PUBLIC HEALTH PREPAREDNESS GRANT (#128)

1. Health Department (980) requests \$11,000 for grant period 8-10-11 to 8-9-12.

Dr. Daniel Nafziger explained this request to the Council.

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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J. LOCAL EMERGENCY PLAN AND RIGHT TO KNOW (#136)

1. LEPC (980) requests \$106,975 to establish their 2012 budget.

Ian Ewusi, State Representative IERC, addressed the Council to explain his position and to give clarity on what the LEPC does and why they do it. He stated that all funds that the LEPC uses must be presented to the County Council for approval, in the form of a budget.

Teri Schenk, treasurer of LEPC, also explained this request to the Council. She wanted the Council to know the difference between the LEPC and Elkhart County EMA, in terms of funding and claims.

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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K. HIV GRANT (#141)

1. Health Department (980) requests \$39,000 to support a full time grant position in HIV outreach. This program is aimed at producing lasting behavior change to decrease the risks of HIV infections or transmission through education and counseling.

Dr. Daniel Nafziger explained this request to the Council.

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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L. ACCIDENT REPORT FEES (#151)

1. Sheriff (980) requests \$13,000 for copier rental.

Bill Fletcher explained this request to the Council.

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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M. FIREARMS TRAINING (#152)

1. Sheriff (980) requests \$33,000 for the payment of products and classes related to training of employees.

Bill Fletcher explained this request to the Council.

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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N. COUNTY DRUG FREE COMMUNITY (#164)

1. Commissioners (980) requests \$264,341 for project 1101, annual allocation to area agencies who have submitted qualified applications and successfully passed the application evaluation process. Agencies receiving a grant are: Goshen Police, Elkhart County Sheriff, IN State Police, Addictions Recovery Center, Center for Problem Resolution, Oaklawn Psychiatric Center, Cathy Blum Counseling, Center for Community Justice and LCC Office.

Kris Kruger explained this request to the Council.

On motion made by Ashe seconded by Hess and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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O. PARK AND RECREATION NON-REVERTING OPERATING (#168)

1. Park and Recreation (980) requests \$124,700 to supplement cuts experienced in the Fund 104 budget. The revenue in this fund is generated from shelter rental, program and special event fees, gift shop and flour sales and other miscellaneous income.

Larry Neff explained this request to the Council.

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
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P. SURVEYOR'S CORNER PERPETUATION (#170)

1. Surveyor (980) requests \$36,000 for supplies, maintenance contracts, rent and data processing hardware.

Hess explained this request to the Council.

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 32)

Q. AUDITOR'S PLAT BOOK FUND (#172)

1. Auditor (980) requests \$41,950 to establish a budget for 2012. This includes one position with benefits, supplies, travel expense, equipment repair/maintenance and data processing hardware.

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 33)

R. SALES DISCLOSURE FUND (#195)

1. Concord Township Assessor (114) requests \$1,790 for copy machine rent.
2. Assessor (980) requests \$14,306 for copier rent and MLS used to verify sales.

Cathy Searcy explained these requests to the Council.

On motion made by Riegsecker seconded by Sharkey and unanimously carried, the Council approved these requests.

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 34)

S. COUNTY SEIZURE OF ASSETS (#202)

1. Prosecutor (980) requests \$178,000 to fund items that would otherwise be funded by the General Fund, some personnel, supplies, other services, data processing hardware/software/equipment and other capital supplies.

Jean Willard explained this request to the Council.

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 35)

T. IDOC GRANT (#210)

1. Project Income (615) requests \$178,600 for vehicles and building repairs.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 36)

U. AUDITOR'S INELIGIBLE DEDUCTION FUND (#223)

1. Auditor (980) requests \$28,861 to establish a 2012 budget, including one position, various supplies, postage, copy machine rent and office furniture.

Graff explained this request to the Council.

On motion made by Hess seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 37)

V. EDIT (#331)

1. Commissioners (980) requests \$27,000 for project 1201, contribution to North Central Business Assistance Center.

Phil Penn, President of NCI, addressed the Council and thanked them for their support.

On motion made by Ashe seconded by Hess and unanimously carried, the Council approved this request.

2. Highway (980) requests \$243,073 for project 1203 purchase of equipment and trucks.

Jeff Taylor explained this request to the Council. He said a corresponding reduction in Six Span Bridge will even out this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 38)

W. CUMULATIVE BRIDGE (#335)

1. Highway (980) requests \$80,000 for project 1202, CR 4 Bridge engineering design.

Jeff Taylor explained this request to the Council.

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 39)

X. PARK AND RECREATION NON-REVERTING (#341)

1. Park and Recreation (980) requests \$31,700 for project 1201, various repairs and maintenance on park and recreation buildings.

Larry Neff explained this request to the Council.

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
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Y. COUNTY PROPERTY SOLD (#108)

1. Park and Recreation (980) returns \$42,000 for project 601, Naturalist Offices.

~~Z. COUNTY EXTRADITION (#167)~~

~~1. Sheriff (980) returns \$90,000 for other services and charges.~~
Withdrawn

AA. SIX SPAN BRIDGE (#318)

1. Highway (980) returns \$243,073.12 for project 2881. Money to be returned to EDIT.

BB. MAJOR BRIDGE (#338)

1. Highway (980) returns \$93,091.80 for project 2814.

On motion made by Riegsecker seconded by Yohn and carried with a 5-1 vote, the Council approved all reduction requests. Hess-nay.

The preceding Emergency Reduction Ordinances were then duly adopted.
(Page 41-43)

TRANSFERS REQUIRING COUNCIL ACTION:

None.

TRANSFERS NOT REQUIRING COUNCIL ACTION: Available in Auditor's Office.

OTHER BUSINESS:

- (a) Reappointment of Nelson Nix and new appointment of Douglas Thornton to the Property Tax Board of Appeals.

On motion made by Riegsecker seconded by Sharkey and unanimously carried, the Council approved this request.
(Page 44-45)

- (b) Reappointment of David Foutz, Mike Huber and Jim Skillen to the Redevelopment Commission.

On motion made by Hess seconded by Ashe and unanimously carried, the Council approved this request.
(Page 46-47)

- (c) Requested approval of Interlocal Agreements for Traffic Regulations on School Grounds (Baugo, Concord, Fairfield and Northridge).

Craig Buche explained these agreements to the Council.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.
(Page 48-51)

AUDIENCE ITEMS: Randy Wilson spoke on several bills that may affect local government. Glenn Null spoke on his dissatisfaction with not being able to view the agenda online. Jeff Taylor spoke on federally funded highway projects.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 9:56 a.m. on motion by Hess seconded by Riegsecker and unanimously carried.

Audie Hostetler
Recording Secretary

A complete recording of this meeting is available in the Auditor's Office.
The recording of this meeting will be available for one year and then erased.