

MINUTES
ELKHART COUNTY COUNCIL
April 13, 2013

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, David L. Hess, David E. Foutz, Randall D. Yohn, David M. Ashe, Darryl J. Riegsecker and Thomas W. Stump.

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

MINUTES: Approval of minutes for March 9, 2013.

On motion made by Riegsecker seconded by Stump and unanimously carried, the minutes were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: Yoder gave short report.
COUNCIL: Letherman gave short report.
AUDITOR: No report.
SHERIFF: No report.

HUMAN RESOURCE MATTERS:

- A. Parks and Recreation
1. Request approval of Human Resources' review of job analysis questionnaire of Public Safety Coordinator, PG5/JF4, for no change in classification, title change to Parks and Trails Safety Coordinator and change from exempt to non-exempt. CCPC recommended approval 4-0.

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

2. Request exception to policy to allow demotion of Area Supervisor, PG8/JF6, \$1563.10, to Park Services III, PG5/JF2, \$19.54, with no reduction in pay. (Affected employee will still be within the pay grade range.) CCPC recommended approval 4-0.

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

- B. Community Corrections
1. Request part-time rate of \$14.00/hr. In Account 4131 (Service/Maintenance) effective April 21, 2013. CCPC recommended approval 4-0, effective April 8, 2013.

On motion by Yohn seconded by Stump and unanimously carried the Council approved this request.

C. Court Services

1. Request classification of JDAI Coordinator at pay grade 7, pay range of \$16.88 to \$20.26 per hour, at 30 hours per week. Note: This position was previously approved as non-classified. CCPC recommended approval 4-0.

On motion made by Foutz seconded by Stump and unanimously carried the Council approved this request.

D. Human Resources

1. Request to increase full-time hours for Secretary III (vacant) from 64 to 72 per pay period effective 4-21-2013. CCPC recommended approval 4-0.

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

E. Miscellaneous

1. Discussion regarding various grants among all departments. CCPC recommended that as long as there is no impact on the general fund and the grant is related to the Health Department, Carol Caviness in Human Resources is designated to handle grant situations that arise, then bring them to the County Council, retrospectively, 4-0.

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

The preceding Emergency Salary Ordinances were duly adopted.

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ADDITIONAL APPROPRIATIONS REQUESTS

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of Elkhart County, Elkhart County, Indiana, that the proper legal officers will consider the following additional appropriations in excess of the budget for the current year at their regular meeting place at Room 104, 117 N. 2nd Street, Goshen, Indiana, at 8:00 o'clock a.m. on Saturday, April 13, 2013

GENERAL FUND

Sheriff

Supplies	9,379.00
Other Services and Charges	2,578.00
Capital Outlays	6,330.00

Commissioners

Other Services and Charges	220,537.00
TOTAL GENERAL FUND	238,824.00

COUNTY HEALTH OPERATING

Local Health Department Trust Account

Personal Services	66,363.00
Supplies	7,383.00
Other Services and Charges	3,875.00
TOTAL COUNTY HEALTH OPERATING	77,621.00

PUBLIC SAFETY COMMUNICATION CENTER

PSCC

Personal Services	21,705.00
Other Services and Charges	88,700.00
TOTAL PUBLIC SAFETY COMMUNICATION CENTER	110,405.00

PARK AND RECREATION OPERATING (#104)

Park and Recreation

Personal Services	35,289.00
Supplies	1,600.00
Other Services and Charges	4,000.00
TOTAL PARK AND RECREATION OPERATING	40,889.00

CUMULATIVE REASSESSMENT

County Assessor

Personal Services	43,706.00
Supplies	5,200.00
Other Services and Charges	190,000.00
TOTAL CUMULATIVE REASSESSMENT	238,906.00

MOTOR VEHICLE HIGHWAY

Highway Administration

Other Services and Charges	1,000.00
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Highway

Capital Outlays	88,474.00
TOTAL MOTOR VEHICLE HIGHWAY	89,474.00

UNSAFE BUILDING

Planning and Development

Other Services and Charges	10,495.00
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LOCAL HEALTH MAINTENANCE

Health Department

Other Services and Charges	2,031.00
Capital Outlays	2,650.00
TOTAL LOCAL HEALTH MAINTENANCE	4,681.00

FIREARMS TRAINING

Sheriff

Supplies	8,000.00
Capital Outlays	21,000.00
TOTAL FIREARMS TRAINING	29,000.00

COUNTY DRUG FREE COMMUNITY FUND

Commissioners

Other Services and Charges	8,665.50
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CLERK PERPETUATION

Clerk

Other Services and Charges	16,000.00
Capital Outlays	2,865.00
TOTAL CLERK PERPETUATION	18,865.00

STATE INDOOR RADON GAS

Health Department-Environmental

Supplies	1,000.00
Other Services and Charges	500.00
TOTAL STATE INDOOR RADON GAS	1,500.00

ELKHART COUNTY STORMWATER UTILITY MS4

Commissioners

Capital Outlays	60,000.00
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MILLERSBURG II TIF

Planning and Development

Other Services and Charges	100,000.00
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SOUTH BENTON TIF

Planning and Development

Other Services and Charges	65,730.00
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MILLERSBURG-CLINTON TOWNSHIP TIF

Planning and Development

Other Services and Charges	50,000.00
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EDIT

<u>Commissioners</u>	
Capital Outlays	257,051.00
<u>Highway</u>	
Capital Outlays	<u>155,000.00</u>
TOTAL EDIT	412,051.00

CUMULATIVE CAPITAL DEVELOPMENT

<u>Commissioners</u>	
Capital Outlays	40,000.00

CUMULATIVE BRIDGE

<u>Cumulative Bridge Maintenance and Repair</u>	
Personal Services	9,274.00
Supplies	<u>3,000.00</u>
TOTAL CUMULATIVE BRIDGE	12,274.00

CUMULATIVE DRAIN

<u>Surveyor</u>	
Capital Outlays	120,000.00

REDUCTIONS

PUBLIC SAFETY COMMUNICATION CENTER

<u>PSCC</u>	
Personal Services	(31,462.00)

PARK AND RECREATION OPERATING

<u>Park and Recreation</u>	
Personal Services	(22,156.00)

EDIT

<u>Highway</u>	
Capital Outlays	(169,961.95)

CUMULATIVE BRIDGE

<u>Cumulative Bridge Maintenance and Repair</u>	
Personal Services	(3,022.00)

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#001)

1. Sheriff (105) requests \$18,287 to recapture monies used to purchase indigent supplies, recapture monies used to collect pre-employment tests-corrections/patrol, monies provided to department, re: canine units now needed to purchase equipment for units, monies needed to purchase tables for training 58330 & 58552, recapture monies paid to department, re: repair of windshield, recapture monies used to process Sheriff Sales.

Sheriff Brad Rogers explained this request to the council.

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

2. Commissioners (130) request \$220,537 for refund of Comcast fees paid to the county erroneously in 2012. For three quarters in 2012, Comcast remitted fees to the county based on a franchise fee based on gross revenues rather than the \$300.00 annual franchise fee called for in the county ordinance.

Tom Byers explained this request to the Council.

On motion made by Foutz seconded by Yohn and carried with a 6-1 vote, the Council approved this request. Stump nay.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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B. COUNTY HEALTH OPERATING (#102)

1. Local Health Department Trust Account (348) request \$77,621 to appropriate funds for 2013 to pay an employee to complete deliverables for emergency preparedness.

Dr. Daniel Nafziger explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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C. PUBLIC SAFETY COMMUNICATION CENTER (#103)

1. PSCC (323) request \$110,405 to adjust the amounts approved by the County Council for the 2013 budget.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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D. PARK AND RECREATION OPERATING (#104)

1. Park and Recreation (320) request \$40,889 to reflect the amounts approved at the 2013 budget hearings.

On motion made by Foutz 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. CUMULATIVE REASSESSMENT (#107)

1. County Assessor (980) requests \$238,906 to establish the 2013 budget. Due to improper advertising of the 2013 budget this budget was not considered as it was new for 2013.

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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F. MOTOR VEHICLE HIGHWAY (#112)

1. Highway Administration (201) requests \$1,000 for additional funds necessary for postage.
2. Highway (980) requests \$88,474 for funds needed to rent construction equipment on various projects, project #1312. Funds are proceeds from the equipment auction held to dispose of obsolete/unused equipment.

Jeff Taylor explained these requests to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
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G. UNSAFE BUILDING (#118)

1. Planning and Development (980) requests \$10,495 to pay for legal services and the Elkhart County Highway Department for work to demolish homes.

Chris Godlewski explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
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H. LOCAL HEALTH MAINTENANCE (#121)

1. Health Department (980) requests \$4,681 to appropriate carryover funds.

Dr. 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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I. FIREARMS TRAINING (#152)

1. Sheriff (980) requests \$29,000 to place monies in the appropriate account for purchase of targets/ordinance. Monies also needed to purchase handguns for Reserve Officers.

Sheriff Brad Rogers explained this request to the Council.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.
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J. COUNTY DRUG FREE COMMUNITY FUND (#164)

1. Commissioners (980) request \$8,665.50 for funds for this account which had previously been rolled over at the end of each fiscal year due to the fact that allocations were awarded from March to February annually. Due to oversight, the

remaining balance for outstanding invoices had not been rolled over into 2013 budget. This request is for funds to pay invoices of awardees.

Tom Byers explained this request to the Council.

On motion made by Yohn 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. CLERK PERPETUATION (#173)

1. Clerk (980) requests \$1,710 for the purchase of two (2) lockable vertical filing cabinets to secure the confidential case files in the Superior Court 3 Clerk's Office.
2. Clerk (980) requests \$17,155 for the purchase of custom storage unit for Clerk in Courthouse office to maintain Clerk manuals, and other necessary materials relevant to the position and to complete a data processing project to print, index and bind marriage license applications that were formally housed at the State Department of Health and are now being suggested BY THE STATE to be held at the County level as well.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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L. STATE INDOOR RADON GAS (#238)

1. Health Department-Environmental (980) request \$1,500 to disperse Radon Grant to increase radon testing by ten (10%) in the county.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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M. ELKHART COUNTY STORMWATER UTILITY MS4 (#320)

1. Commissioners (130) request \$60,000 for project #1301. In February the Council approved \$200,000 from the Cum Cap Development fund to be utilized to implement a new permit software program for the departments involved in the permitting process. Those departments include planning, building, environmental health, highway and storm water. The requested funding should have totaled \$300,000. In order to provide sufficient funds to implement the software needed, the Storm Water

Board is requesting \$60,000 in MS4 fund be allocated to the project and the County Commissioners are requesting an additional \$40,000 (also contained in appropriation in today's agenda) from the Cum Cap Development fund.

Chris Godlewski explained this request to the Council.

Glenn Null commented on this issue.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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N. MILLERSBURG II TIF (#321)

1. Planning and Development (980) requests \$100,000 for a sewer plant upgrade in the Town of Millersburg.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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O. SOUTH BENTON TIF (#323)

1. Planning and Development (980) requests \$65,730 for legal fees to help pay for the initial set-up of the South Benton TIF, and to reimburse the Town of Syracuse for the installation of water and sewer lines extending north along State Road 13 up to US Highway 6.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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P. MILLERSBURG-CLINTON TOWNSHIP TIF (#325)

1. Planning and Development (980) requests \$50,000 for a sewer plant upgrade in the Town of Millersburg.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Q. EDIT (#331)

1. Commissioners (980) requests \$257,051 to support the Elkhart County Economic Development Corporation in 2013, project #1311. Of the total requested, \$201,004 is the county's proportionate share for operation and \$56,047 is for the regional marketing campaign. Representatives of the Elkhart County Economic Development Corporation were in attendance. Much discussion surrounded this issue.

When questioned, Dorinda Heiden-Guss explained the mission of the Michiana Partnership Inc. Heiden-Guss then advised that of the \$56,047 requested for the Regional Partnership, only \$8228 is needed. Letherman asked Commissioner Yoder what his recommendation was for the amount of \$8,228 and he stated that the Commissioners were against the idea. He further advised that the amount of \$201,004 was in the current budget, however the amount of \$8,228 was not in the budget. Following much discussion a two-fold vote was taken. A vote was taken on the requested amount of \$201,004 for the EDC portion and a vote was taken for the \$8228 Regional Partnership portion.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved the \$201,004 amount for the EDC.

A second vote was taken on the requested amount of \$8,228 for regional marketing for Michiana Partnership Inc.

On motion made by Stump seconded by Foutz and carried with a 4-3 vote. Roll Call: Stump-aye, Riegsecker-nay, Ashe-nay, Yohn-aye, Foutz-aye, Hess-aye and Letherman-nay.

2. County Highway (980) request \$125,000 for funds needed for right of way acquisition for CR 34 and CR 32 intersection, project #1310.

County Highway (980) request \$30,000 for drafting assistance and environmental document preparation, project #1309.

On motion made by Stump seconded by Foutz and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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R. CUMULATIVE CAPITAL DEVELOPMENT (#334)

1. Commissioners (980) request \$40,000, project #1307, in association with earlier appropriation request of \$60,000 from the Storm Water fund.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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S. CUMULATIVE BRIDGE (#335)

1. Cumulative Bridge Maintenance and Repair (212) requests \$12,274 to appropriate the amounts as approved by the Council on the 2013 Budget.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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T. CUMULATIVE DRAIN (#337)

1. Surveyor (980) requests \$120,000 for maintenance work on County Regulated Drains, project #1315, #1316 and #1317.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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REDUCTIONS

U. PUBLIC SAFETY COMMUNICATION CENTER (#103)

1. PSCC (323) returns \$31,462 to adjust the amounts approved by the County Council for the 2013 budget.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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V. PARK AND RECREATION OPERATING (#104)

1. Park and Recreation (320) returns \$22,156 to reflect the amounts approved at the 2013 budget hearings.

On motion made by Stump seconded by Riegsecker and unanimously carried, the Council

approved this request.

The preceding Emergency Reduction Ordinance was then duly adopted.

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W. EDIT (#331)

1. County Highway (980) returns \$50,081.60 for projects which are complete and closed out.
2. County Highway (980) returns \$89,543.75 for all right of way services and purchases are complete.
3. County Highway (980) returns \$30,336.60 for projects which are complete and closed out.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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X. CUMULATIVE BRIDGE (#335)

1. Cumulative Bridge Maintenance and Repair (212) reduced \$3,022 to adjust to the 2013 Budget as approved by County Council.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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TRANSFER REQUESTS REQUIRING COUNCIL ACTION

A. COUNTY HEALTH OPERATING (#102)

1. Program Income (614)

From	4219	Other Operating Supplies	298.00
		Education & Conference	
To	4397	Costs	298.00

B. MEDICAL RESERVE CORPS (#122)

1. Health Department (980)

From	4209	Office Supplies	178.00
	4219	Other Operating Supplies	154.00
To	4545	Data Processing Hardware	332.00

C. WIC GRANT (#127)

1. Program Income (612)

From	4219	Other Operating Supplies	1,300.00
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To	4315	Printing	1,300.00
D. PUBLIC HEALTH PREPAREDNESS GRANT (#128)			
1. Health Department (981)			
From	4546	Data Processing Software	5,900.00
	4545	Data Processing Hardware	4,000.00
To	4209	Office Supplies	350.00
	4217	Medical Supplies	350.00
	4219	Other Operating Supplies	4,800.00
	4259	Capital Supply Items	4,400.00
E. JDAI GRANT (#243)			
1. Court Services (980)			
From	4105	Professional	7,000.00
	4150	Social Security	800.00
	4151	Retirement-PERF	400.00
	4153	Group Insurance	1,800.00
To	4310	Sustenance	9,000.00
	4313	Travel Expense	1,000.00

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

The preceding Emergency Transfer Ordinance was then duly adopted.

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OTHER BUSINESS

- (a) Reappointment of Josh Swathwood to the Alcoholic Beverage Board, term expires 04/17/13.

On motion made by Stump seconded by Riegsecker and unanimously carried, the Council approved this request. (Page 182-183)

- (b) Approval of Interlocal Agreements for Humane Society.

Tom Byers also explained these agreements to the Council.

Glen Null offered discussion in this matter.

On motion made by Ashe seconded by Stump and unanimously carried, the Council approved this request. (Page 184-187)

- (c) Approval of Resolution CC-2013-05, new PERF designation in Payroll Department.

Graff explained this Resolution to the Council.

On motion made by Stump seconded by Yohn and unanimously carried, the Council approved this request. (Page 188-189)

(d) Continuing Appropriation Ordinance for the Interlocal Agreement between the Elkhart County Redevelopment Commission and the Town of Middlebury.

Craig Buche explained that the Interlocal Agreement with the Town of Middlebury for their wastewater treatment project was changed slightly in accordance with the State of Indiana's request in order to protect the bond holders of the agreement. Nothing changed regarding the amounts pledged from the Redevelopment Commission that were approved by the Council last fall. The motion for today is simply to re-confirm the appropriation.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved this request. (Page 190)

AUDIENCE ITEMS

Glenn Null spoke on several different topics of interest.

RECESS

Discussion regarding the 2014 budget and our decreasing income versus our expense.

ADJOURN

There being no further business to come before the Council the meeting was adjourned at 11:00 a.m. on motion by Foutz seconded by Stump and unanimously carried.

Anita Mock
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.

