

MINUTES
ELKHART COUNTY COUNCIL
August 10, 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 July 13, 2013.

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

COMMITTEE REPORTS:

COMMISSIONERS: *See below

COUNCIL: Foutz and Letherman gave a short report.

AUDITOR: Graff gave a short budget report.

SHERIFF: No report.

* Mike Yoder gave short report on Intergovernmental Forum, Property Tax Caps, 911 Funding Property Tax Levy and Sentencing Structural Changes in Court Services.

EDC MATTERS: Confirmatory Resolutions Designating Economic Revitalization Areas and Qualifying Certain Real Estate Improvements and Certain Personal Property for Property Tax Phase-In:

Craig Buche gave a brief introduction and explanation of the process.

On motion made by Foutz seconded by Riegsecker and unanimously carried, the Council opened the public hearing.

Dave Ogle gave a brief overview of the proposal for Boyd Corporation.

There were no questions from the Council or the audience.

On motion made by Stump seconded by Ashe and unanimously carried, the Council closed the public hearing.

Craig Buche then briefly reviewed the Commitment and Payment Agreement.

Commitment agreement included \$1,600,000 in real estate and \$1,700,000 in equipment, \$20,000 in additional IT equipment and thirty (30) new employees with an annual payroll of \$947,000.

On motion made by Foutz seconded by Stump and unanimously carried, the Council approved the Commitment and Payment Agreement for Boyd Corporation.

Craig Buche then briefly reviewed the Confirmatory Resolution.

On motion made by Hess seconded by Yohn and unanimously carried, the Council approved CC-2013-13 for Boyd Corporation.

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HUMAN RESOURCE MATTERS:

A. Prosecuting Attorney

1. IV-D (001-158): Request to change two Legal Assistant III (PG4/JF1) from part time to regular part time, effective 8-11-13.
2. IV-D (001-158-4129): Request to change two non-classified employees from part time (35 hrs/wk) to full time (40 hrs/wk), Legal Assistant I (PG3/JF1). Benefits to be paid from Incentive monies, effective 8-11-13.
3. County General IV-D Incentive (150-980): Request to add a new Investigator position (PG7/JF5), hiring range \$1350.40-\$1620.48, effective 8-11-13.
4. County General IV-D Incentive (150-980): Request to add a new Training Specialist position (PG6/JF5), hiring range \$1205.60-\$1446.72, effective 8-11-13.
5. Prosecutor IV-D Incentive (148-980): Request additional compensation for DPA (Williams), \$192.31 pp, for supervising and working with DPA's in IV-D, effective 9-29-13.
6. Request to continue extra duties pay, from the general fund budget (001-108-4105), for 5 DPA's, previously funded by FACT grant. Max of \$384.62 pp, combined annual total of \$40,000 per year, effective 9-29-13.

CCPC made no recommendation on requests A-1-6. The requests will be brought to the CCPC again at the September 5, 2013 meeting.

No discussion or vote on items A-1-6.

B. Victim Assistance

1. Request to change one part-time clerical position to regular part-time Clerk III, PG2/JF1, no change in pay (001-159-4109). Although request

is for regular part time (20-29 hrs/wk) preferred would be full time (36 hrs/wk). Effective 8-11-13.

CCPC made no recommendation. The request will be brought to the CCPC again at the September 5, 2013 meeting.

No discussion or vote on item B-1.

2. Request continuation of COPS Methamphetamine Grant that supports 1 full time position. Effective 7-1-13 to 6-30-14. Report will be presented at the meeting.

On motion made by Yohn and seconded by Stump, CCPC recommended approval, 3-0 (Lucchese absent).

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

C. Community Corrections

1. Request continuation of CTP Grant (209-981) that supports 1 full time position, effective 7-1-13 to 6-30-14.
2. Request continuation of IDOC Grant grant (210-981) that supports 10 full time positions, effective 7-1-13 to 6-30-14.
3. Request continuation of IDOC Program Income (210-615) that supports 25 full time positions, effective 7-1-13 to 6-30-14.
4. Review of Community Corrections positions in the General Fund (001-179), 10 full time positions. No action required, will go through the 2014 budget process.

On motion made by Yohn and seconded by Stump, CCPC recommended approval, 3-0 (Lucchese absent). No action necessary on C-4.

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

D. Health Department

1. Grants:
 - a. Request continuation of MCH/PNCC grant (126-611) that supports one one full time position, 3 regular part-time positions and a portion of the division manager's salary. Effective 10-1-13 to 9-30-14.

- b. Request approval of MCH Dental grant (248-980) that will support one full time position and a portion of the division manager's salary. Effective 10-1-13 to 9-30-14.

On motion made by Stump and seconded by Yohn, CCPC recommended approval, 3-0 (Lucchese absent).

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

- c. Request continuation of WIC grant (127-312) that supports 18 full time positions and one part time position. The manager's pay from this grant is being reduced and may be funded from other sources. Effective 10-1-13 to 9-30-14.
- d. Request continuation of WIC Peer Counselor Grant (240-980) that supports one full time position and one regular part time position. Effective 10-1-13 to 9-30-14.

On motion made by Yohn and seconded by Stump, CCPC recommended approval, 3-0 (Lucchese absent).

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

- e. Request continuation of Local Health Department Trust Account (102-349) that supports one full time position and a portion of another full time position. Effective 7-1-13 to 6-30-14.

On motion made by Yohn and seconded by Stump, CCPC recommended approval, 3-0 (Lucchese absent).

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

- f. Request continuation of Elkhart County Control Project (185-980) that supports one full time position. Effective 7-1-13 to 6-30-15.

On motion made by Yohn and seconded by Stump, CCPC recommended approval, 3-0 (Lucchese absent).

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

- 2. Environmental Health: Request 6% individual rate increase for Environmentalist II, PG6/JF5, from \$17.04/hr to \$18.06/hr.

On motion made by Yohn and seconded by Stump, CCPC recommended approval, 3-0 (Lucchese absent).

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

3. Review and approval of new four year contract with Health Officer, Dr. Nafziger, \$123,363, effective 8-11-13.

On motion made by Yohn and seconded by Stump, CCPC recommended approval, 3-0 (Lucchese absent).

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

E. Recorder

1. Perpetuation Fund: Request reclassification of Micrographic Technician position (currently underfilled with Clerk II position). New title of position is recommended to be Information Management Assistant, PG1/JF3, with 6% individual rate increase from \$11.26/hr to \$11.94/hr.

On motion made by Stump and seconded by Yohn, CCPC recommended approval, 3-0 (Lucchese absent).

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

F. Park Department

1. Change title of one Park Services III position to Construction and Project Coordinator. No change in pay grade or pay rate (PG5/JF2).

On motion made by Yohn and seconded by Stump, CCPC recommended approval, 3-0 (Lucchese absent).

On motion made by Ashe 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, August 10, 2013

GENERAL FUND

Prosecuting Attorney Title IV-D

Other Services and Charges 10,000.00

COUNTY HIGHWAY

County Highway

Other Services and Charges 63,000.00

ADULT PROBATION USER FEES

Court Services

Personal Services 91,000.00

CLERK PERPETUATION

Clerk

Supplies 3,800.00

SALES DISCLOSURE FEES

County Assessor

Other Services and Charges 35,500.00

IDOC GRANT

Community Corrections

Capital Outlays 288,718.57

Other Services and Charges 11,058.43

TOTAL IDOC GRANT

 299,777.00

MILLERSBURG II TIF

Planning and Development

Capital Outlays 20,000.00

MILLERSBURG I TIF

Planning and Development

Other Services and Charges 27,071.00

EDIT

County Highway

Capital Outlays 50,000.00

CUMULATIVE DRAIN

Surveyor

Capital Outlays 28,000.00

COUNTY MAJOR MOVES CONSTRUCTION

Commissioners

Capital Outlays 1,500,000.00

REDUCTIONS

CUMULATIVE BRIDGE

County Highway

Capital Outlays (135,000.00)

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.

Dated: July 31, 2013

Pauline E. Graff, Elkhart County Auditor

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#001)

1. IV-D Child Support (158) requests \$10,000 for funds which will be 100% reimbursed. Several staff members are involved in "pilot" program of upgrading the IV-D computer program and need the funds for travel to meetings in Indianapolis and other locations.

Jean Willard 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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B. COUNTY HIGHWAY (#112)

1. County Highway (204) requests \$63,000 for additional funds needed for repairs to equipment.

Jeff Taylor 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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C. ADULT PROBATION USER FEES (#165)

1. Court Services (980) requests \$91,000 to appropriate the funds which were not included in the 2013 budget approved by the County Council.

Bob Giard explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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D. CLERK PERPETUATION (#173)

1. Clerk (980) requests \$3,800 to purchase a supply of case labels for cases filed with various Clerk's Offices.

Dawn Truex 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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E. SALES DISCLOSURE FEES (#195)

1. County Assessor (980) requests \$35,500 for funds to cover Elkhart County's cost for the 2013 GIS aerials.

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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F. IDOC GRANT (#210)

1. Community Corrections (980) requests \$299,777 for a refund of monies back to DOC for unused grant funds from ECCC, Bashor and Center for Community Justice.

Pauline Graff explained this request to the Council.

On motion made by Yohn 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. MILLERSBURG II TIF (#321)

1. Planning and Development (980) requests \$20,000 for payment of TIF district revenues pursuant to the Interlocal Agreement dated January 24, 2013 for the Millersburg Wastewater Treatment Plant and other related improvements.

Chris Godlewski explained this request to the Council.

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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H. MILLERSBURG I TIF (#325)

1. Planning and Development (980) requests \$27,071 for payment of TIF district revenues pursuant to the Interlocal Agreement dated January 24, 2013 for the Millersburg Wastewater Treatment Plant and other related improvements.

Chris Godlewski explained this request to the Council.

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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J. EDIT (#331)

1. County Highway (980) requests \$50,000 for additional funds required to acquire remaining parcel through condemnation. Funds to be used for all costs associated including, but not limited to; legal, real estate purchase, consulting, travel or any other costs associated with right of way on this project.

Jeff Taylor explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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K. CUMULATIVE DRAIN (#337)

1. Surveyor (980) requests \$28,000 for maintenance work on County Regulated Drains.

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. COUNTY MAJOR MOVES CONSTRUCTION (#342)

1. Commissioners (980) requests \$1,500,000 for funds to be loaned to the Town of Bristol to allow for a new road access and intersection with State Road 15 and the State Road 15 Economic Development Area. Terms and conditions of the loan are set forth in the Interlocal Agreement to be entered into between the Town of Bristol and Elkhart County.

Tom Byers and Craig Buche explained this request to the Council.

Approval of Interlocal Agreement for Road Funding between the Town of Bristol and County of Elkhart.

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On motion made by Ashe 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:

M. CUMULATIVE BRIDGE (#335)

1. County Highway returns \$135,000 due to bid amount for job came in lower than estimated. Funds to be returned to Cumulative Bridge for other projects.

On motion made by Yohn 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. County Health Operating (340)

From	4305	Data Processing Services	4,000.00
	4331	Maintenance service contracts	2,157.00
To	4545	Date Processing Hardware	4,195.00
	4546	Data Processing Software	1,962.00

B. MATERNAL & CHILD HEALTH GRANT (#126)

1. Maternal and Child Health (311)

From	4128	Paraprofessional	855.00
To	4337	Cleaning	855.00

C. PUBLIC HEALTH PREPAREDNESS (#128)

1. County Health (980)

From	4546	Data Processing Software	176.00
To	4259	Capital Supply Items	176.00

D. ADULT PROBATION USER FEES (#165)

1. Court Services (980)

		Education and Conference	
From	4397	Costs	500.00
To	4405	Refunds and Other	500.00

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

The preceding Emergency Transfer Ordinance was then duly adopted.

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OTHER BUSINESS

- (a) Approval of appointment of Darlene Byland to the Wakarusa Public Library Board for a term of four (4) years, expiring August 10, 2017.

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

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- (b) Approval of Council Ordinance CC-2013-10 and Commissioner Ordinance 2013-317. Adopting Amendment to Elkhart County Government Personnel Policy and Standard Procedures Manual.

Carol Caviness Explained this request to the Council.

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

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- (c) Approval of CF1's for the following businesses:
Creative Bus Sales, INC.
Lippert Components Manufacturing, INC.

Tom Byers explained this request to the Council.

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

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- (d) Approval of CAGIT Ordinance Amendment CC-2013-11.

Craig Buche explained this request to the Council.

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

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- (e) Approval of 2013 Tax Phase-In Resolution CC-2013-12

Craig Buche explained this request to the Council.

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

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AUDIENCE ITEMS

ADJOURN

There being no further business to come before the Council the meeting was adjourned at 9:07 a.m. on motion by Foutz seconded by Riegsecker 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.

