

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**December 8, 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 Foutz, 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.

**MINUTES:** Approval of minutes for November 10, 2012

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

**COMMITTEE REPORTS:**

COMMISSIONERS: Yoder gave short report.

COUNCIL: Hess, Yohn, Foutz and Letherman gave short reports and wished Sharkey well and thanked him for his service. Letherman presented Sharkey with a plaque in appreciation of his service to Elkhart County. Sharkey said his good-byes and thanked his wife for her support and the Council for their friendliness over the years and the ability to have majority votes due to the respect they have for our dept heads. Sharkey pointed out that Tom Stump will do a great job in his position next year. He expressed his appreciation for the last 12 years and for John's leadership during that time.

AUDITOR: Graff gave a short report and expressed her appreciation of Sharkey and will miss him.

SHERIFF: Sheriff Rogers thanked Sharkey for his service.

**EDC MATTERS:**

Craig Buche, County Attorney, explained the Fortress Technology project, which includes \$6,580,000 in new manufacturing equipment and 266 new full-time positions with a \$10,470,000 annual payroll. This is a seven year phase-in.

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

There being no audience comment, the Council closed the public hearing, on motion by Foutz, seconded by Ashe and unanimously carried.

Mark Solstice gave a review of this project.

Craig Buche reviewed the Commitment and Payment Agreement.

On motion made by Riegsecker seconded by Yohn and carried with a 6-0 vote, the Council approved this request. Letherman abstained. (Page 447)

Craig Buche reviewed the Confirmatory Resolution, CC-2012-21.

On motion made by Foutz seconded by Riegsecker and carried with a 6-0 vote the Council approved this request. Letherman abstained. (Page 448)

Craig Buche gave a review of Declaratory Resolution CC-2012-23 for Monnig Industries. The project includes \$500,000 in redevelopment or rehabilitation of real estate, \$500,000 in manufacturing equipment and \$10,000 in information technology, 60 new full time positions with annual payroll of \$2,246,000. They will be located in Middlebury.

Dorinda Heiden-Guss expressed her gratitude to Dennis Sharkey for his service. She then introduced Monnig Industries.

Jason Monnig, Vice President of Monnig, gave a detailed explanation of their company and their practices.

On motion made by Ashe seconded by Riegsecker and unanimously carried the Council approved CC-2012-23. (Page 449)

Craig Buche gave a review of Declaratory Resolution CC-2012-24 for Smart, LLC. The project includes \$3,490,000 in redevelopment or rehabilitation of real estate, \$5,375,000 in manufacturing equipment, \$210,000 in information technology, 55 new full time positions with an annual payroll of \$2,974,000. This is a ten year tax phase-in.

Dave Ogle introduced the company.

Kirk Barron, President of Smart LLC, gave an explanation of his company and this project.

On motion made by Foutz seconded by Riegsecker and unanimously carried the Council approved CC-2012-24. (Page 450)

Craig Buche gave a review of Declaratory Resolution CC-2012-25 for Alliance Aluminum Products. The project includes \$1,400,000 in redevelopment or rehabilitation of real estate, 10 new full time positions with annual payroll of \$343,200 for these new positions. This is an eight year tax phase-in.

Dave Ogle introduced the company.

Ramon Barnes, Jr, President of Alliance, gave an explanation of his company and this project.

On motion made by Foutz seconded by Ashe and unanimously carried the Council approved CC-2012-25. (Page 451)

## **PERSONNEL REQUESTS:**

### A. County Extension

1. Request to reinstate Office Manager, PG6/JF6, wages (including 1.5% 2012 COLA) to \$37,928 annually; this salary was cut by 10% from the 2011 budget.

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

### B. County Assessor

1. Request to reinstate Trending Specialist, PG6/JF5 (Market Premium), reclassify to Cyclical Reassessment Coordinator, PG8/JF6 (Market Premium), and adjust the market premium range for position.

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

2. Request to transfer vacant Assessor II and Assessor NC positions to 107/980 Cumulative Reassessment effective January 1, 2013.

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

### C. Health Department

1. Request continuation of MCH Program Income in 2013 that supports five full-time and five part-time positions.

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

2. Request continuation of HIV Prevention grant that supports one full-time position.

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

3. Request continuation of Local Health Maintenance Fund that supports one full-time position.

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

4. Request continuation of Local Health Dept. Trust Account (LHDTA) that supports two full-time positions.

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

D. Prosecuting Attorney-FACT Grant

1. Request elimination of one full-time position and increase pay for current part-time position to \$576.93 per pay period.

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

2. Request to pay up to four Deputy Prosecuting Attorney positions from the FACT grant with a maximum pay of \$307.70 per pay period effective 12-2-12.

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

E. Auditor's Plat Book Fund

1. Request to establish part-time rate of \$11.00/hr in account 4129 for 2013.

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

The preceding Emergency Salary Ordinances were then duly adopted.

(Page 452-459)

**TRANSFERS REQUIRING COUNCIL ACTION:**

A. GENERAL FUND (#001)

1. Clerk (101)

|      |      |                       |          |
|------|------|-----------------------|----------|
| From | 4201 | Printed Forms         | 2,000.00 |
|      | 4202 | Official Record Books | 2,000.00 |
| To   | 4312 | Postage               | 4,000.00 |

2. Sheriff (105)

|      |      |                          |          |
|------|------|--------------------------|----------|
| From | 4219 | Other Operating Supplies | 8,125.00 |
| To   | 4541 | Office Furniture         | 2,125.00 |
|      | 4312 | Postage                  | 6,000.00 |

3. Assessor (109)

|      |      |                          |          |
|------|------|--------------------------|----------|
| From | 4201 | Printed Forms            | 3,700.00 |
|      | 4209 | Other Office Supplies    | 4,220.00 |
| To   | 4545 | Data Processing Hardware | 7,920.00 |

4. Circuit Court-Juvenile (161)

|      |      |                             |          |
|------|------|-----------------------------|----------|
| From | 4165 | Non-employee Attorneys      | 2,000.00 |
| To   | 4309 | Other Professional Services | 2,000.00 |

5. Superior Court #5 (166)

|      |      |                       |        |
|------|------|-----------------------|--------|
| From | 4209 | Other Office Supplies | 490.00 |
| To   | 4542 | Office Equipment      | 490.00 |

B. COUNTY HEALTH OPERATING (#102)

1. Health Department (340)

|      |      |                              |          |
|------|------|------------------------------|----------|
| From | 4397 | Education & Conference Costs | 437.00   |
|      | 4398 | Training Programs            | 48.00    |
|      | 4310 | Sustenance                   | 600.00   |
|      | 4313 | Travel                       | 2,133.00 |
|      | 4337 | Cleaning                     | 50.00    |
|      | 4217 | Medical Supplies             | 409.00   |
|      | 4219 | Operating Supplies           | 1,600.00 |
| To   | 4541 | Office Furniture             | 3,268.00 |
|      | 4542 | Office Equipment             | 409.00   |
|      | 4545 | Data Processing Hardware     | 1,600.00 |

C. PSUPP GRANT (#123)

1. Health Department (980)

|      |      |                    |       |
|------|------|--------------------|-------|
| From | 4219 | Operating Supplies | 37.00 |
| To   | 4315 | Printing           | 37.00 |

D. HIV GRANT (#141)

1. Health Department (980)

|      |      |                          |          |
|------|------|--------------------------|----------|
| From | 4310 | Sustenance               | 52.00    |
|      | 4313 | Travel Expense           | 600.00   |
|      | 4153 | Insurance                | 2,550.00 |
|      | 4545 | Data Processing Hardware | 89.00    |
| To   | 4219 | Operating Supplies       | 3,006.00 |
|      | 4203 | Copy Supplies            | 61.00    |
|      | 4209 | Office Supplies          | 26.00    |
|      | 4217 | Medical Supplies         | 198.00   |

E. CRIMINAL JUSTICE FACILITIES (#336)

1. Sheriff (105)

|      |      |                 |          |
|------|------|-----------------|----------|
| From | 4214 | Office Uniforms | 4,674.00 |
| To   | 4337 | Laundry         | 4,674.00 |

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

The preceding Emergency Transfer Ordinance was then duly adopted.

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Glenn Null expressed his dissatisfaction with the Council allowing department heads to transfer money without explanation at the meeting.

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

**OTHER BUSINESS:**

- (a) Review of interest rate on Local Major Moves Loan, CC-2011-07 and CC-2011-08.

Craig Buche discussed this with the Council. It was decided to leave the interest rate as is and review it again in 6 months. No formal action necessary.

- (b) Simonton Lake Weir discussion.

Gordon Lord stated he had sent the Council the draft agreement received from the DNR, as well as his summary of such. He stated the bottom line is that the DNR is currently willing to pay half of the construction costs of the weir. The remaining half will be split evenly between the County and the homeowners. The county may have to pay the state's portion and then be reimbursed. Yoder indicated they will not start the project until they have a commitment that the state will reimburse the County.

On motion made by Hess seconded by Yohn and carried with a 6-0 vote, the Council agreed to allow the commissioner's to negotiate this in a good faith and the Council will support their best judgment. Foutz abstained.

**AUDIENCE ITEMS:** Glenn Null expressed his disappointment in not being able to review company information on tax phase-in's (declaratory resolutions) and personnel matters prior to the council meeting. He also expressed that we need to make sure the sidewalks are cleared off leading up to the veteran's memorial at the court house this winter and that we need to have our flag at half-mass during appropriate times.

**ADJOURN:**

There being no further business to come before the Council the meeting was adjourned at 9:49 a.m. on motion by Riegsecker seconded by Ashe 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.