

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**July 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 June 8, 2013.

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

**COMMITTEE REPORTS:**

COMMISSIONERS: No report.

COUNCIL: \*See below

AUDITOR: No report.

SHERIFF: No report.

\*Ashe requested to have one of the two (2) budget hearing times changed to later in the day to accommodate people who are working during the day. Following discussion the 1<sup>st</sup> and 2<sup>nd</sup> Reading times on October 1<sup>st</sup> and October 2<sup>nd</sup> were changed to 5:00 p.m.

**EDC MATTERS:**

Craig Buche presented two (2) Declaratory Resolutions designating economic revitalization areas and qualifying certain real estate improvements and certain personal property for property tax phase-in.

Declaratory Resolution No. CC-2013-08 was presented for Reschcor Company. Reschcor is a plastics extrusion company to be located at County Road 29 and the Indiana Toll Road in York Township requesting designation as an Economic Revitalization Area.

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

Declaratory Resolution No. CC-2013-09 was presented for Boyd Corporation. Boyd is a plastics extrusion company located at 53208 Columbia Drive, Elkhart, Indiana, in Osolo Township, requesting designation as an Economic Revitalization Area.

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

**HUMAN RESOURCE MATTERS:**

- A. Elkhart Superior Court No. 5
  - 1. Request for individual rate increase for Court Reporter (Hughes) from \$19.19/hour to \$21.00/hour, effective July 1, 2013.
  - 2. Request to re-hire Court Reporter (Drust) above the market premium hiring range of \$15.00-\$17.25. Currently hired in at \$17.25/hour, request for individual rate increase to \$20.59/hour, retroactive to her hire date of June 17, 2013.

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

- B. Sheriff
  - 1. Request to re-hire former Patrol Officer II (Matteson) above the hiring range, at his former rate of pay, at \$19.89/hour, effective June 30, 2013.

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

- C. Election Board
  - 1. Request additional compensation in the amount of \$450 per election for First Deputy (Anderson), retroactive to January 1, 2011 and for Office Manager (Clingerman), commencing November 1, 2013.

On motion made by Yohn 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 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, July 13, 2013

GENERAL FUND  
County Council

Other Services and Charges 950.00  
Commissioners

Other Services and Charges

July 13, 2013

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	287,000.00
<u>Information Technologies</u>	
Other Services and Charges	110,000.00
<u>Elkhart Superior Court 1</u>	
Personal Services	10,000.00
<u>Clerk</u>	
Petty Cash	100.00
TOTAL GENERAL FUND	408,050.00
COUNTY HIGHWAY	
<u>County Highway</u>	
Capital Outlays	289,231.00
CONTINUING EDUCATION	
<u>Sheriff</u>	
Other Services and Charges	4,856.00
COUNTY EXTRADITIONS	
<u>Sheriff</u>	
Other Services and Charges	25,000.00
Capital Outlays	15,000.00
TOTAL COUNTY EXTRADITIONS	40,000.00
CLERK PERPETUATION	
<u>Clerk</u>	
Capital Outlays	2,700.00
CTP GRANT	
<u>Community Corrections</u>	
Personal Services	143,258.00
Supplies	35,740.00
	191,504.00
Other Services and Charges	

Capital Outlays	127,796.00
TOTAL CTP GRANT	498,298.00

IDOC GRANT  
Community Corrections

Personal Services	1,910,179.00
Supplies	70,800.00
Other Services and Charges	1,220,640.00
Capital Outlays	183,000.00
TOTAL IDOC GRANT	3,384,619.00

AUDITOR INELIGIBLE DEDUCTION FUND  
Auditor

Capital Outlays	3,500.00
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COUNTY OFFENDER TRANSPORTATION  
Court Services

Other Services and Charges	11,300.00
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ENHANCED ACCESS  
Recorder

Other Services and Charges	11,400.00
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E.D.I.T.  
County Highway

Capital Outlays	60,000.00
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NORTHEAST TIF DISTRICT  
Commissioners

Capital Outlays	770,000.00
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CUMULATIVE DRAIN  
Surveyor

Capital Outlays 24,000.00

ENVIRONMENTAL SPECIAL PROJECTS

Commissioners

Capital Outlays 50,000.00

REDUCTIONS

WOMAN INFANT AND CHILD GRANT (WIC)

Health Department

Personal Services (69,265.00)

Supplies (8,267.00)

TOTAL WIC REDUCTION (77,532.00)

E.D.I.T.

County Highway

Capital Outlays (559,659.00)

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 3, 2013

Pauline E. Graff, Elkhart County Auditor

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL FUND (#001)

1. County Council (129) request \$950 to re-appropriate the funds for the remainder of the year for the refund received from a cancelled trip.

Pauline Graff explained this request to the Council.

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

2. Commissioners (130) request \$287,000 for additional funds needed due to the tax sale coming up in October, the publication of a number of ordinances and legal advertising.

Tom Byers explained this request to the Council.

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

3. Information Technology (141) request \$110,000 due to a \$115,000 reimbursement from Frontier which represents a credit for services replaced to date by the VOIP system and termination of certain services provided by Frontier.

Tom Byers explained this request to the Council.

On motion made by Foutz seconded by Stump and carried with a 6-1 vote, the Council approved this request. Votes are as follows: Stump-aye, Riegsecker-aye, Ashe-aye, Yohn-aye, Foutz-aye, Hess-nay and Letherman-aye.

4. Elkhart Superior Court No. 1 (162) request \$10,000 to pay Court Reporters, for the indigent counsel appellate cases, for the transcripts requested/filed currently, and those which will be requested/filed prior to the end of the year.

Judge Evan Roberts explained this request to the Council.

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

5. Clerk (980) request \$100 for two (2) \$50 petty cash funds to pay USPS mail carrier when they present mail that has postage due.

Chris Anderson 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 Ordinances were then duly adopted.

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B. COUNTY HIGHWAY (#112)

1. County Highway (204) request \$150,000 for funds to replace two roadside mowers.

Unit #82 – 2000 New Holland with 6158 hours  
Unit #87 – 1998 New Holland with 6296 hours

Jeff Taylor explained this request to the Council.

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

2. County Highway (980) request \$139,231 for the funds which are collected from buggy plates and will be used for road maintenance, horse troughs and chip seal.

Jeff Taylor 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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C. CONTINUING EDUCATION (#161)

1. Sheriff (105) request \$4,856 for monies used for post graduate studies by Officers.

Sheriff Brad Rogers 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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D. COUNTY EXTRADITIONS (#167)

1. Sheriff (980) request \$40,000 for funds needed for education/training of Officers off-site and to purchase equipment needed by Officers in the completion of duties.

Sheriff Brad Rogers 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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E. CLERK PERPETUATION (#173)

1. Clerk Perpetuation (980) request \$2,700 for funds necessary for the purchase of two (2) printers for the Superior Court No. 6 Clerk's office and the purchase of a new time/date stamp for the Elkhart Courts Building.

Chris Anderson 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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F. CTP (#209)

1. Program Income (614) requests \$276,754 for personnel, supplies, other services and charges and capital outlays for budget year 2013-2014.
2. Community Corrections (981) requests \$221,544 for personnel, supplies, other services and charges and capital outlays for budget year 2013-2014.

CTP GRANT TOTAL: \$498,298

Tara Booher-Whaley 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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G. IDOC GRANT (#210)

1. Program Income (615) requests \$2,379,662 for personnel, supplies, other services and charges and capital outlays for budget year 2013-2014.
2. Community Corrections (981) requests \$1,004,957 for personnel, supplies, other services and charges and capital outlays for budget year 2013-2014.

IDOC GRANT TOTAL: \$3,384,619

Tara Booher-Whaley 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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H. AUDITOR INELIGIBLE (#223)

1. Auditor (980) originally request \$3,500 however request was then withdrawn by Pauline Graff.

I. COUNTY OFFENDER TRANSPORTATION (#242)

1. Court Services (980) requests \$11,300 for funds to be used by the Sheriff to pay for the costs of returning offenders to Elkhart County. These funds are collected when an offender requests their probation supervision be transferred to another state for supervision.

Bob Girard 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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J. ENHANCED ACCESS (#249)

1. Recorder (980) requests \$11,400 as an estimate of expenditures for the balance of 2013.

Jerry Weaver 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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K. EDIT (#331)

1. County Highway (980) request \$60,000 for funds required for right of way acquisition for County Road 8 bike path, including but not limited to, appraisals, buying, training and any other right of way related expense.

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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L. NORTHEAST TIF DISTRICT (#332)

1. Commissioners (980) requests \$770,000 for funds to pave Pierina Drive east of County Road 9, County Road 6 between County Road 17 and County Road 13 and County Road 6 between County Road 11 and Northland.

Tom Byers 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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M. CUMULATIVE DRAIN (#337)

1. Surveyor (980) requests \$24,000 for funds for maintenance work on county regulated drains.

Gordon Lord 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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N. ENVIRONMENTAL SPECIAL PROJECTS (#541)

1. Commissioners (980) requests \$50,000 for funds needed to demolish unsafe structures and to mow yards where property owners have failed to do so despite owners being issued in conjunction with the County Nuisance Ordinance. Structures to be demolished include those located at: 1.) 22257 County Road 6; 2.) 65821 County Road 31; 3.) 25408 County Road 26; 4.) 54260 Baldwin Court; and 5.) 25236 Medford Street.

Tom Byers explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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**REDUCTIONS:**

O. WOMAN INFANT AND CHILD GRANT (WIC) (#127)

1. Health Department (612) returns \$77,532 due to recently mandated State WIC Office budget reductions for all WIC programs in Indiana.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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P. EDIT (#331)

1. County Highway (980) returns \$559,659 per financial plan approved at the June County Council meeting.

On motion made by Ashe 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	4209	Other Office Supplies	86.00
To	4324	Licenses, Permits, Fees	72.00
	4545	Data Processing Hardware	14.00

B. PUBLIC HEALTH PREPAREDNESS (#128)

1. Health Department (981)

From	4541	Office Furniture	30.00
	4219	Other Operating Supplies	30.00

C. INDIANA TOBACCO PREVENTION & CESSATION (#185)

1. Health Department (980)

From	4209	Other Office Supplies	1,494.00
To	4105	Professional	1,494.00
<b>D. IDOC GRANT (210)</b>			
1. Community Corrections (980)			
From	4156	Workman's Compensation	2,500.00
To	4314	Telephone	2,500.00
2. Community Corrections (980)			
From	4310	Sustenance	1,500.00
	4312	Postage	500.00
	4313	Travel Expense	500.00
	4343	Equipment Leasing	500.00
To	4209	Other Office Supplies	3,000.00
3. Community Corrections (980)			
From	4343	Equipment Leasing	2,000.00
To	4209	Other Office Supplies	2,000.00
4. Community Corrections (980)			
From	4343	Equipment Leasing	600.00
To	4214	Uniforms	600.00

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 Ordinance Establishing and Enhanced Access Fund for the Elkhart County Recorder, CC-2013-07.

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

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### **AUDIENCE ITEMS**

(a) Glenn Null spoke on several different topics pertaining to bike paths and the progress of the war memorial.

(b.) Mary Ann Lienhart-Cross of the Elkhart County Purdue Extension gave a brief presentation about the Elkhart County Fair. She also spoke about the Dairy Industry and advised that July is National Ice Cream month.

(c.) Craig Buche discussed a proposal for Interlocal Agreement for the Bristol Project. This project consists of funds being 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. This item was discussion only.

(d.) Gordon Lord presented a Uniform Conflict of Interest Disclosure Statement submitted by Thomas W. Stump.

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

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### **ADJOURN**

There being no further business to come before the Council the meeting was adjourned at 10:25 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.

