

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**August 9, 2014**

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 Council President John K. Letherman, Vice President 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; Craig Buche, County Attorney; Gordon Lord, County Attorney; Mike Yoder, County Commissioner and Tom Byers, County Administrator.

**MINUTES:** Approval of minutes for July 12, 2014.

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

\*\*\*Executive Director of Horizon Education Alliance Presentation. "College Success County" sign presented to Dave Foutz.

**COMMITTEE REPORTS:**

COMMISSIONERS: No report.

COUNCIL: No report.

AUDITOR: No report.

SHERIFF: Sheriff announced the Sheriff's Department is seeking reaccreditation.

**EDC MATTERS:**

**HUMAN RESOURCE MATTERS:**

**A. Court Services**

1. Adult Probation User Fees (2100-980-41140): Request reclassification of two positions, Transcriptionist (Schulz), PG2/JF1, \$12.09, and Secretary I (vacant), PG1/JF1 to two Secretary II positions, PG3/JF1. Effective 8-10-14.

**On motion made by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval, 4-0.**

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

2. Adult Probation User Fees (2100-980-41135): Request 3 and or 6 month increases for new Probation Assistant (Templeton), PG3/JF4, up to \$12.00/hr, effective 12-14-14. No general fund monies are needed for this request.

**On motion made by Yohn seconded by Lucchese and unanimously carried, the CCPC recommended approval, 4-0.**

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

**B. Health Department**

1. Health Operating (1159-340-41135): Request reclassification of Outreach Specialist (vacant) to Clinic Assistant, no change in pay grade or job family. Effective 8-10-14.

**On motion made by Lucchese seconded by Stump and unanimously carried, the CCPC recommended approval, 4-0.**

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

2. WIC Grant (8101-312-41135): Request two new regular part time positions, Breastfeeding Peer Counselor, PG2/JF3, 26 hrs per week, up to \$11.99/hr and Intake Specialist, PG2/JF1, 22 hrs per week, up to \$11.99/hr. Effective 8-10-14.

**On motion made by Lucchese seconded by Stump and unanimously carried, the CCPC recommended approval, 4-0.**

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

3. WIC Grant (8101-312-41140): Request reclassification and increase in hours of two Clerk II positions. Clerk II (Madrigal) from 30 hrs per week to 36 hrs per week, retroactive to 6-15-14. Clerk II (Rivas) from 28 hrs per week to 36 hrs per week with benefits, retroactive to 7-14-14. Both positions are paid in part by WIC and in part by program income.

**On motion made by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval, 4-0.**

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

4. MCH Grant (8127-611-41120): Request increase in hours of one Social Service Worker (Gilbert), PG5/JF5, \$16.21/hr, from 42 hours per pay period to 72 hours per pay period. Position is paid by the grant and benefits will be paid by program income (8127-614). Effective 8-10-14.

**On motion made by Yohn seconded by Lucchese and unanimously carried, the CCPC recommended approval, 4-0.**

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

5. Review and approval of all positions within WIC, MCH and related grants. Grant period beginning 10-1-14.

**On motion made by Yohn seconded by Lucchese and unanimously carried, the CCPC recommended approval, 4-0.**

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

6. Request to approve market premium rates for Environmental staff and management and to approve rate increases for staff, effective 8-10-14. Estimated cost for 2014 \$12,200.

**On motion made by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval of the new market premium schedule and accompanying pay increases with the understanding that the funding of one Social Service Worker position will be used to offset the cost of the request, 4-0.**

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

### **C. Park Department**

1. Park and Recreation (1219-320-41115): Request from Park Board for temporary 6% increase for Superintendent of Parks (VanOmmeran), PG9/JF6, while serving as Interim Director of Parks, PG10/JF6, \$2134.29, retroactive to 6-29-14.

**On motion made by Yohn seconded by Lucchese and unanimously carried, the CCPC recommended approval, 4-0.**

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

2. Park and Recreation (1219-320-41150): Request 3% individual rate increase for Park Services II (Matthews), PG3/JF2, who has been performing as a Park Services III, PG5/JF2, to \$17.40/hr, retroactive to 6-29-14, with additional 3% increase at that time.

**On motion made by Lucchese seconded by Yohn and unanimously carried, the CCPC recommended approval, 4-0.**

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

3. Park and Recreation (1219-320-41150): Request individual rate increase for Park Services III (Hildebrandt), PG5/JF2, to \$16.50/hr, effective 8-10-14 and to \$17.00/hr on 11-18-14. Request individual rate increase for Interpretive Services II (Daniels), PG5/JF5, to \$16.52/hr, effective 8-10-14.

**On motion made by Stump seconded by Yohn and unanimously carried, the CCPC recommended tabling the request until the October CCPC meeting, 4-0.**

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

#### **D. Landfill**

The following is a summary of the Landfill Manager's requests -

1. Restatement of career development plan for operations, including multi-purpose, and allow for all approved operator positions (7) to be level III operators after meeting eligibility criteria.
2. Establishment of a position endorsement for waste water operator (W designation) with a 3% pay increase for up to 3 positions (operator III and/or supervisor) when obtaining IDEM certification.
3. Reclassify one of the vacant multipurpose positions to 2 positions; regular part-time clerk II (21-20 hours) and full-time (30 hours) fee collector.
4. Restatement of career development plan for mechanics, to include new position title of Mechanic III, and allow the mechanic to attain level III.

5. Allow for 3% pay increase for lateral transfer between clerk II and fee collector.

**On motion made by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval of all requests, 4-0.**

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

**E. Auditor**

1. Auditor's Plat Book Fund (1181-980-41125): Reinstate second full time GIS Technician position, PG5/JF3, \$15.68/hr, 36 hrs per week, effective 9-7-14.

**On motion made by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval, 4-0.**

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

The preceding Emergency Salary Ordinances were duly adopted.

(Page 298-302)

**II. Miscellaneous Items**

- A. Discussion on having regular CCPC meeting on 9-4-14 to discuss 2015 budget items and any other requests.

**On motion made by Stump seconded by Lucchese and unanimously carried, the CCPC adjourned the meeting at 11:20 a.m.**

**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 9, 2014.

GENERAL FUND

Superior Court No. 2

Capital Outlays

500.00

TOTAL GENERAL FUND

500.00

EDIT  
County Highway  
Capital Outlays 1,076,607.00

CUMULATIVE DRAIN  
Surveyor  
Capital Outlays 76,100.00

COUNTY HIGHWAY OPERATING  
County Highway  
Other Services and Charges 1,000.00  
Capital Outlays 150,000.00  
TOTAL COUNTY HIGHWAY OPERATING 151,000.00

SUPPLEMENTAL PUBLIC DEFENDER SERVICES  
Public Defender  
Personal Services 12,925.00

JURY PAY FEE FUND  
Auditor  
Capital Outlays 30,000.00

MILLERSBURG II TIF  
Planning and Development  
Capital Outlays 5,765.00

WESTERN GATEWAY TIF  
Planning and Development  
Capital Outlays 31,046.00

MIDDLEBURY EAST TIF  
Planning and Development  
Capital Outlays 220,710.00

NORTHEAST CORRIDOR TIF DISTRICT  
Planning and Development  
Capital Outlays 20,218.00

COUNTY ROAD 6 & COUNTY ROAD 17 TIF  
Planning and Development  
Capital Outlays 1,600,000.00

NORTH BAUGO TIF

Planning and Development

Capital Outlays 4,995.00

HORN DITCH PROJECT

Surveyor

Capital Outlays 1,700,500.00

WOMAN INFANT AND CHILD GRANT

Health Department - WIC

Personal Services 82,596.00

Supplies 4,062.00

Other Services and Charges 7,567.00

TOTAL FOR WIC GRANT 94,225.00

INDIANA IMMUNIZATION PROGRAM

Health Department

Supplies 4,060.00

Other Services and Charges 45,940.00

TOTAL INDIANA IMMUNIZATION PROGRAM 50,000.00

REDUCTIONS

EDIT

County Highway

Capital Outlays -26,943.00

CUMULATIVE BRIDGE

County Highway

Personal Services -35,000.00

Supplies -36,000.00

TOTAL CUMULATIVE BRIDGE -71,000.00

CUMULATIVE BRIDGE

County Highway

Capital Outlays -245,820.00

MAJOR BRIDGE

County Highway

Capital Outlays -36,850.00

COUNTY HIGHWAY OPERATING

Motor Vehicle Highway

Personal Services -100,000.00

COUNTY HIGHWAY OPERATING

Motor Vehicle Highway

Personal Services

-50,000.00

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 30, 2014.

Pauline E. Graff, Elkhart County Auditor

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL FUND (#1000)

1. Superior Court No. 2 (163) requests \$500 for office equipment, a handheld dictator for Judge's dictation.

Dave Hess 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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B. EDIT (#1112)

1. County Highway (980) requests a total of \$1,076,607. The funds are for the following: \$110,000 County Road 3 and County Road 32 Construction, \$75,000 for County Road 3 and County Road 32 Inspection, \$118,000 for County Road 17 between County Road 40 and County Road 142 Construction, \$73,607 for County Road 17 Attenuator Repair, \$500,000 for County Road 38 Right of Way, and \$200,000 for Summit Street Bridge in Nappanee.

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. CUMULATIVE DRAIN (#1141)

1. Surveyor (980) requests \$76,100 for maintenance on regulated drains.

Blake Doriot 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 HIGHWAY OPERATING (#1176)

1. County Highway (204) requests \$1,000 for funds needed in the event a renter moves out and a deposit is to be refunded.
2. County Highway (980) requests \$150,000 for funds for road paving for Antone Road and Jefferson Trails Subdivision.

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 306-307)

E. SUPPLEMENTAL PUBLIC DEFENDER SERVICES (#1200)

1. Public Defender (980) requests \$12,925 for funds needed to cover cost of temporary additional Attorney who is covering the position of Attorney needing to extend their FMLA.

Cliff Williams 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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F. JURY PAY FEE FUND (#2515)

1. Auditor (980) requests \$30,000 for funds to transfer to General Fund per the miscellaneous income (form 2) during the 2014 Budget Hearings.

Pauline Graff explained this request to the Council.

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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G. MILLERSBURG II TIF (#4503)

1. Planning and Development (980) requests \$5,765 for a long term payment to the Town of Millersburg for improvements to the wastewater treatment plant.

Chris Godlewski explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
(Page 310)

H. WESTERN GATEWAY TIF (#4506)

1. Planning and Development (980) requests \$31,046 for a long term payment for water and sewer extension from the City of Elkhart to the former American Countryside Market.

Chris Godlewski explained this request to the Council.

On motion made by Stump 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. MIDDLEBURY EAST TIF (#4510)

1. Planning and Development (980) requests \$220,710 for a long term payment to the Town of Middlebury for wastewater plant improvements.

Chris Godlewski explained this request to the Council.

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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J. NORTHEAST TIF (#4511)

1. Planning and Development (980) requests \$20,218 for cost reimbursement for sewer per Interlocal Agreement dated December 21, 2006.

Chris Godlewski explained this request to the Council.

On motion made by Stump 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. COUNTY ROAD 6 AND COUNTY ROAD 17 TIF (#4511)

1. Planning and Development (980) requests \$1,600,000 for the construction of two intersections for a tract of land located on the southwest side of County Road 6 and County Road 17.

Chris Godlewski and 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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L. NORTH BAUGO TIF (#4512)

1. Planning and Development (980) requests \$4,995 for a long term payment to the Environmental Special Projects fund for a water line extension off of Charlotte Drive in Elkhart.

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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M. HORN DITCH PROJECT (#4922)

1. Surveyor (980) requests \$1,700,500 for the (2) two stage Ditch System Project with contributions from the following: Cumulative Drain \$250,000, Storm Water \$400,000, City of Goshen \$350,000, Supreme \$375,500 and Forest River \$325,000.

Blake Doriot explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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N. WOMAN INFANT & CHILD GRANT (#8101)

1. Health Department – WIC (312) requests \$94,225 for additional funds provided by ISDH-WIC Office to fund raises, additional staff, supplies, travel, postage and fringe benefits. No additional monies being requested from the General Fund.

Dr. Nafziger 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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O. INDIANA IMMUNIZATION PROGRAM (#8134)

1. Health Department (980) requests \$50,000 to conduct seasonal flu awareness campaigns through print, TV and radio media in order to increase flu immunizations rate and reduce the spread of seasonal flu in Elkhart County.

Dr. Nafziger 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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**REDUCTIONS:**

P. EDIT (#1112)

1. County Highway (980) requests reduction of \$26,943 due to roundabout being complete and balance is no longer needed.

Pauline Graff 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 Reduction Ordinance was then duly adopted.  
(Page 319)

Q. CUMULATIVE BRIDGE (#1135)

1. County Highway (212) requests reduction of \$71,000 due to budget cuts.
2. County Highway (980) requests reduction of \$245,820 due to all projects are complete and funds may be returned to the cash balance. Funding request moved to EDIT.

Pauline Graff 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 Reduction Ordinance was then duly adopted.  
(Pages 320-321)

R. MAJOR BRIDGE (#1171)

1. County Highway (980) requests reduction of \$36,850 due to project being complete.

Pauline Graff 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 Reduction Ordinance was then duly adopted.

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S. COUNTY HIGHWAY OPERATING (#1176)

1. Motor Vehicle Highway (202) requests reduction of \$100,000 due to reduction in work force. Savings to be appropriated for road paving.
2. Motor Vehicle Highway (204) requests reduction of \$50,000 due to reduction in work force. Savings to be appropriated for road paving.

Pauline Graff 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 Reduction Ordinances were then duly adopted.

(Pages 323-324 )

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION**

A. GENERAL FUND (#1000)

1. Code Enforcement (131)

From	42110	Fuel	740.00
To	41260	Appointed Member Board	240.00
	43120	Postage	500.00

2. Human Resources (142)

From	42320	Training Materials	1,045.00
To	43830	Education & Conference Cost	1,045.00

3. Elkhart Superior Court No. 1

From	42380	Capital Supply Items	800.00
	43830	Education & Conference Cost	20.00
To	44515	Office Furniture and Fixtures	820.00

4. Elkhart Superior Court No. 3

From	41510	Attorneys & Pauper Attorneys	4,610.00
To	42380	Capital Supply Items	230.00
	43110	Sustenance and Other Travel	2,000.00
	43130	Mileage	1,500.00
	43800	Dues - National and State	200.00
	44510	Other Equipment	680.00

B. IDOC GRANT (#1130)			
1. Program Income (615)			
From	44500	Motor Vehicles	58,600.00
To	43090	Other Professional Services	58,600.00
C. ELKHART COUNTY STORM WATER MS 4 (#1197)			
1. Planning and Development (132)			
From	41220	Office and Clerical	3,332.00
To	43090	Other Professional Services	3,332.00
D. PARK AND RECREATION (#1219)			
1. Park and Recreation Operating (320)			
From	36500	Other	5,100.00
To	41230	Service Maintenance Workers	5,100.00
E. SUPPLEMENTAL JUVENILE PROBATION SERVICES (#2150)			
1. Court Services (980)			
From	42180	Medical Supplies	4,000.00
To	43040	Laboratory Services	4,000.00
F. WOMAN INFANT AND CHILD GRANT (#8101)			
1. WIC (312)			
From	42195	Other Operating Supplies	1,000.00
To	43200	Printing - Other than Office	1,000.00

On motion made by Ashe 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) Approval of CF-1's for the following businesses:

- Truck Accessories Group, LLC
- Sid Tool Company, Inc. DBA MSC Industrial Supply Co.
- Lippert Components Manufacturing, Inc.
- Indiana Galvanizing, LLC
- Forest River, Inc. Millersburg
- Forest River, Inc. Middlebury
- Creative Bus Sales, Inc.
- Bodycote Thermal Processing, Inc.

Tom Byers explained this request to the Council.

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

(Page 326-333)

- (b) Approval of CC-2014-11, An Ordinance Amending the Elkhart County Code Adding Chapter 115: Precious Metal Dealers to the Title XI: Business Regulations.

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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- (c) Approval of CC-2014-12, An Ordinance Amending the Elkhart County Code Regarding Chapter 94: Noise of the Title IX: General Regulations.

Craig Buche explained this request to the Council.

Glenn Null objected to the approval of Ordinance CC-2014-12 and requested it be tabled.

Randy Wilson discussed the “Quality of Life” is what this Ordinance is addressing.

On motion made by Foutz seconded by Ashe, however Stump requested a Roll-Call. Stump-nay, Riegsecker-nay, Ashe-aye, Yohn-aye, Foutz-aye, Hess-aye, and Letherman-aye.

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- (d) Interlocal Agreement for the County Road 15 Pedestrian/Bike Trail between the Elkhart County RDC and the City of Elkhart.

Craig Buche explained this request to the Council.

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

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## **AUDIENCE ITEMS**

Jim Kuhlenschmidt suggested using a Consulting Firm to look at the money shortage instead of raising taxes. Advised as tax payers “we have no one filling our bucket when we run short.”

Keith Draggoo discussed his concern over how much his taxes have increased.

Kathy Coss discussed property tax revenue and several other issues.

Nathan Hahaj discussed his discontent with the new four way stop sign at County Road 13 and County Road 45.

Randy Wilson discussed the Wheel Tax and LOIT. He suggested giving the community projections as far as how long the new LOIT would stay in effect.

Glen Null discussed points of interest and disinterest.

## **ADJOURN**

There being no further business to come before the Council the meeting was adjourned at 10:40 a.m. on motion by Foutz seconded by Yohn 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.

