

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**September 13, 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 August 9, 2014.

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

**COMMITTEE REPORTS:**

COMMISSIONERS: No report.

COUNCIL: Foutz extended invitation to schedule Northwest Gateway Tour.

AUDITOR: No report.

SHERIFF: No report.

**EDC MATTERS:** Declaratory Resolution CC-2014-13 Designating Economic Revitalization Area and Qualifying Certain Personal Property for Property Tax Phase-In for Diversified Machine Bristol, LLC.

Dorinda Heiden-Guss gave a brief overview of the proposal for Diversified Machine Bristol, LLC.

There were several questions from the Council, and Craig Buche summarized the request.

On motion made by Stump seconded by Riegsecker and unanimously carried, the Council approved the Declaratory Resolution CC-2014-13 for Diversified Machine Bristol, LLC.

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Declaratory Resolution CC-2014-14 Designating Economic Revitalization Area and Qualifying Certain Real Estate Improvements and Certain Personal Property for Property Tax Phase-In for Smoker Craft, INC.

Doug Smoker, President and CEO to Smoker Craft, INC, gave a brief overview of the proposal for Smoker Craft, INC.

On motion made by Stump seconded by Riegsecker and unanimously carried, the Council approved the Declaratory Resolution CC-2014-14 for Smoker Craft, INC.

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**HUMAN RESOURCE MATTERS:**

**A. Superior Court #1**

1. General Fund (1000-162-41135): Request individual rate increase for Legal Assistant II (Wesley), PG4/JF1, from \$13.60/hr to \$14.60/hr, effective 9-21-14. Note: Wesley could have been hired at \$14.25/hr and would be at \$14.90/hr if she had been.

**On motion by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval, 3-0.**

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

**B. Sheriff**

1. General Fund (1000-105-41130/41140): Request reclassification of (2) Corrections Officer I positions, JF7, \$13.37, to (3) Clerk II positions, PG1/JF1, \$8.88/hr, effective 9-21-14. Potential savings of \$23,451.

**On motion by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval, 3-0.**

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

**C. Health Department**

1. Maternal and Child Health Grant (8127-614-41135): Request individual rate increase for Dental Assistant (Navarrete), PG2/JF3, MP, from \$14.98/hr to \$15.48/hr for completion of certification in radiology. Retroactive to 8-10-14.

**On motion by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval, 3-0.**

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

2. Discussion and follow up on WIC pay increase effective 10-5-14.

Discussion only.

**D. Landfill**

1. Discussion on options for the 3% increase for waste water certification for Operator III's, that was approved at the last CCPC meeting.

**On motion by Yohn seconded by Stump and unanimously carried, the CCPC recommended approval of a \$1000 lump sum for operators with the waste water certification on 9/21/14 and annually thereafter on July 1st, 3-0.**

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

**E. Planning and Development**

1. General Fund (1000-131-41125): Request individual rate increase due to certification for Building Inspector (Singleton), PG5/JF3, MP, from \$17.51/hr to \$18.01/hr, effective 12-14-14.

**On motion by Stump seconded by Yohn and unanimously carried, the CCPC recommended approval, 3-0.**

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

**F. Prosecuting Attorney**

1. IV-D Incentive (8897-980-43945): Request that County Council approved rate increases be allowed on total wages paid to Administrative Manager (Benedix), Business Manager (Andrews) and DPA (Williams), which includes additional compensation paid from IV-D Incentive of \$75, \$100 and \$200 per pay period, respectively.

**On motion by Stump seconded by Yohn and unanimously carried, the CCPC recommended approval, 2-1.**

On motion made by Foutz seconded by Stump, the Council approved this request. Hess voted, nay.

**II. Miscellaneous Items**

**A. 2015 Budget Review**

Brief discussion only.

**On motion made by Yohn seconded by Stump and unanimously carried, the CCPC adjourned the meeting at 10:43 a.m.**

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, September 13, 2014.

**GENERAL FUND**

Sheriff

Personal Services and Charges 448.00

Supplies 200.00

Capital Outlays 4,562.00

Surveyor

Supplies 500.00

Commissioners

Other Services and Charges 160,000.00

Information Technology

Other Services and Charges 50,000.00

Public Defender

Personal Services and Charges 8,000.00

**TOTAL GENERAL FUND 223,710.00**

**ACCIDENT REPORT FEES**

Sheriff

Other Services and Charges 6,000.00

**CLERK'S RECORD PERPETUATION**

Clerk

Other Services and Charges	3,000.00
Capital Outlays	<u>10,300.00</u>
TOTAL CLERK'S RECORD PERPETUATION	13,300.00

CUMULATIVE VOTING SYSTEM

Clerk

Capital Outlays	1,650.00
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COUNTY MISDEMEANANT

Sheriff

Other Services and Charges	150,000.00
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COUNTY HIGHWAY OPERATING

County Highway

Capital Outlays	100,000.00
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AUDITOR'S PLAT BOOK FUND

Auditor

Personal Services	12,785.00
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PARK & RECREATION OPERATING

Park Department

Personal Services	5,100.00
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NORTHWEST GATEWAY TIF

Planning and Development

Other Services and Charges	1,000.00
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Capital Outlays	<u>20,500.00</u>
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TOTAL NORTHWEST GATEWAY TIF	21,500.00
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WESTERN GATEWAY TIF

Planning and Development

Other Services and Charges	1,000.00
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NORTHEAST CORRIDOR TIF DISTRICT

Planning and Development

Other Services and Charges	10,000.00
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Capital Outlays	<u>62,000.00</u>
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TOTAL NORTHEAST CORRIDOR TIF DISTRICT	72,000.00
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DEBT SERVICE

Auditor

Other Services and Charges	95,000.00
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SOLID WASTE CAPITAL RESERVE	
<u>Solid Waste</u>	
Capital Outlays	578,224.00
SOCIAL NORMING GRANT	
<u>Sheriff</u>	
Supplies	36,775.00
PREA SEX ABUSE PREVENTION	
<u>Community Corrections</u>	
Supplies	1,300.00
Other Services and Charges	1,500.00
Capital Outlays	<u>9,700.00</u>
TOTAL PREA SEX ABUSE PREVENTION	12,500.00
REDUCTIONS	
COUNTY HIGHWAY OPERATING	
<u>County Highway</u>	
	-
Personal Services	100,000.00

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: September 3, 2014.

Pauline E. Graff, Elkhart County Auditor

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL FUND (#1000)

1. Sheriff (105) requests \$5,210 to recapture monies spent by department for training of Merit Officer, indigent inmates and repair of vehicles.

Sheriff Rogers 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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2. Surveyor (106) requests \$500 to re-appropriate money received from copies of the Horn 2-stage bid documents.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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3. Commissioners (130) requests \$160,000 for funds needed to cover legal expenses through the end of 2014.

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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4. Information Technology requests \$50,000 for funds needed to cover telephone expenses through the end of 2014.

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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5. Public Defender (175) requests \$8,000 for funds needed to correct a salary issue which was listed incorrectly on a Form 144 for an attorney in the Public Defender Office.

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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B. ACCIDENT REPORT (#1101)

1. Sheriff (980) requests \$6,000 for funds needed for lease payments through the end of the year and for the purchase of postage relating to “process.”

Sheriff Rogers 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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C. CLERK’S RECORD PERPETUATION (#1119)

1. Clerk (980) requests \$13,300 for funds needed for the relocation of the Archive Writer from the Recorder’s Office to the Archives facility. Funds also needed for the purchase of office chairs for Circuit Court Clerk, Superior Court 4 and (7) seven time/date stamp machines for all the Clerk’s Offices.

Wendy Hudson 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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D. COUNTY MISDEMEANANT (#1175)

1. Sheriff (980) requests \$150,000 for funds to be available for payment of invoices from Communication Company for engineering and project mobilization to rebuild CCTV recording in the Correctional Complex.

Sheriff Rogers 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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E. COUNTY HIGHWAY OPERATING (#1176)

1. County Highway (980) requests \$100,000 for funds to pave various roads.

Jeff Taylor 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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F. AUDITOR'S PLAT BOOK FUND (#1181)

1. Auditor (980) requests \$12,785 for funds needed for the Full Time Position approved by the Elkhart County Council in August.

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. PARK & RECREATION OPERATING (#1219)

1. Park Department (320) requests \$5,100 for funds to cover staff wages in the part time account as the Six Span Landing agreement with the Commissioners.

Scott VanOmmeran and Diane Madison 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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H. NORTHWEST GATEWAY TIF (#4504)

1. Planning and Development (980) requests \$21,500 for placement of entryway sign at the north east corner of Old US Hwy 20 and Ash Road. The expense pays for easement, legal, sign materials and construction, professional services, right-of-way acquisition and damages for Ash Road/Old US Hwy 20 road improvements and appraisal for right-of-way purchase.

Laura Coyne 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.

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I. WESTERN GATEWAY TIF (#4506)

1. Planning and Development (980) requests \$1,000 to cover an expense reimbursement agreement.

Pauline Graff 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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J. NORTHEAST CORRIDOR TIF DISTRICT (#4511)

1. Planning and Development (980) requests \$72,000 for funds to maintain and enhance the County Road 17 corridor to include, but not limited to; mowing, weed control, replacing trees and shrubs at Six Span Landing, and other such maintenance. These funds will assist in relieving the financial pressure to the MVH Fund for maintenance. The \$62,000 is for the installation and easements for Fiber lines.

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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K. DEBT SERVICE (#4600)

1. Auditor (980) requests \$95,000 for funds needed for refinancing of 2004 Bond.

Pauline Graff 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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L. SOLID WASTE CAPITAL RESERVE (#4915)

1. Solid Waste (980) requests \$578,224 for a compactor and dozer per the capital plan for landfill equipment.

John Bowers explained this request to the Council.

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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M. SOCIAL NORMING GRANT (#4919)

1. Sheriff (980) requests \$36,775 to make grant monies available for spending regarding purchases related to Social Norming in county schools.

Sheriff Rogers 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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N. PREA SEX ABUSE PREVENTION (#8142)

1. Community Corrections (980) requests \$12,500 for funds awarded the PREA Grant to make facility compliant with PREA Standards.

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:**

O. COUNTY HIGHWAY OPERATING (#1176)

1. Motor Vehicle Highway (202) requests \$100,000 reduction as a result of cutting payroll costs, this account can be reduced, and the proceeds will be requested in a separate additional appropriation request for more paving.

Jeff Taylor 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 Reduction Ordinance was then duly adopted.

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**TRANSFER REQUESTS REQUIRING COUNCIL ACTION**

A. GENERAL FUND (#1000)

1. Superior Court No. 5 (166)

From	41140	Office and Clerical	1,000.00
To	44520	Office Equipment	1,000.00

B. IDOC GRANT

1. Community Corrections (981)

From	41120	Case Managers	1,800.00
	41125	EM Coordinator	2,200.00
	41300	FICA	2,700.00
	41305	Medicare	2,900.00
To	43090	Professional Services	9,600.00

C. WOMAN INFANT AND CHILD PROGRAM (#8101)

1. WIC GRANT (312)

From	42195	Other Operating Supplies	910.00
To	43550	Office and Other Equipment	910.00

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 Interlocal Agreement for the Design and Installation of Traffic Sign Replacements through Highway Safety Improvement Project Grant Funds.

Jeff Taylor explained this request to the Council.

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

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- (b) Approval of Interlocal Agreement with the Town of Middlebury for a road project with the County Highway Department in its Phase II paving which included a segment of road work for the Town of Middlebury.

Craig Buche explained this request to the Council.

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

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### **AUDIENCE ITEMS**

Cindy Galla discussed flooding issues at 28298 LaRue Street. She advised the property is located in the area of LaRue Street, 28<sup>th</sup> Street and Rosen Court. The road is apparently higher in the middle of the road and when it rains it floods this property.

Sandy Tucker also discussed concerns over the flooding issue at 28298 LaRue Street.

Jim Khulenschmidt discussed taxing issues.

Glenn Null expressed his concerns on several issues of interest, or disinterest.

## **ADJOURN**

There being no further business to come before the Council the meeting was adjourned at 10:25 a.m. on motion by Ashe seconded by Hess 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.

