

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**April 17, 2010**

The meeting of the Elkhart County Council was called to order by Cpt. Sean Holmes at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were John K. Letherman, Donald E. Abel, C. J. Yoder, David M. Ashe, Dennis E. Sharkey and Randall D. Yohn.

Also present were David Hess, County Auditor; Gordon Lord and Craig Buche, County Attorneys; and Tom Byers, County Administrator.

**MINUTES:** Approval of minutes for February 6, 2010.

On motion made by Sharkey seconded by Ashe and unanimously carried, the minutes of the February 6, 2010 Council meeting were approved as received.

**COMMITTEE REPORTS:**

COMMISSIONERS: Mike Yoder gave short report.  
COUNCIL: Abel, Foutz, and Letherman gave short reports.  
AUDITOR: Hess gave a short report.  
SHERIFF: Fletcher gave short report.

**PERSONNEL REPORT:** Members present from the Personnel Committee were Councilmen Sharkey, Councilmen Abel, Councilmen Yoder and Floyd Hindbaugh, Director of Personnel. Hindbaugh explained the following requests:

Resolution Adopting Revision of the Elkhart County Handbook: Hindbaugh briefly explained the changes to this Resolution.

Ordinance Adopting Amendment to Elkhart County Government Personnel Policy and Standard Procedures Manual. Hindbaugh briefly explained the changes to the Ordinance.

On motion made by David Foutz seconded by Dennis Sharkey and unanimously carried, the Council approved both the Resolution and Ordinance. (Page 100-101)

I. Personnel Requests

A. Sheriff's Department  
1. Request promotional increase in rate of pay for Director of Community Corrections (Booher) and to be retroactive to November 8, 2009.

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

B. County Auditor

1. Request increase in rate of pay for lateral transfer for Bookkeeper III (Jones), PG4/JF1, effective incrementally at 3% on 4-25-10 from \$13.62 to \$14.03 and 3% on 7-16-10 from \$14.03 to \$14.45.

On motion made by Yoder seconded by Abel and unanimously carried, the Council approved this request.

2. Request exception to policy to allow more than 30 days overlap for training purposes.

On motion made by Yoder seconded by Abel and unanimously carried, the Council approved this request.

3. Request hire rate above maximum of hiring range (if necessary) for General Accounting Specialist, PG5/JF1 (maximum is \$15.68).

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

C. Health Department

1. Healthy Beginnings: Request reclassification of two Clerk II positions, PG1/JF1, to Intake Specialist positions, PG2/JF1.

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

2. Health Beginnings: Request continuation of PSUPP grant that supports one full-time position.

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

3. Local Health Maintenance Fund: Request continuation of fund that supports one full-time position (Health Promotion Specialist) and pays a portion of the Health Officer's salary.

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

4. Local Health Maintenance Trust Fund: Request continuation of fund that supports one full-time position (Health Promotion Specialist-Starkey) and one part-time position.

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

D. Community Corrections

1. Request reclassification of Secretary II (Presley), PG3/JF1, \$13.34, to Administrative Assistant, PG4/JF1, with appropriate rate increase.

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

The preceding Emergency Salary Ordinances were then duly adopted.

(Pages 102-107)

**EDC MATTERS: None**

**ADDITIONAL APPROPRIATIONS REQUESTS**

Auditor Hess presented the proofs of publication for Notice to Taxpayers of Additional Appropriations to be considered by the County Council at this meeting as appeared in the Goshen News and the Elkhart Truth on April 7, 2010.

GENERAL FUND	
<u>Sheriff</u>	
Personal Services	81,838.00
Capital Outlays	172,896.00
<u>County Coroner</u>	
Other Services and Charges	24,833.00
<u>Commissioners</u>	
Other Services and Charges	193,044.00
<u>Superior Court #3</u>	
Personal Services	20,000.00
<u>Superior Court #6</u>	
Other Services and Charges	210.00
<u>Title IV-D Court</u>	
Personal Services	3,800.00
Other Services and Charges	135.00
<u>ECADAP</u>	
Personal Services	<u>19,524.00</u>
TOTAL GENERAL FUND	516,280.00
COUNTY HEALTH OPERATING	
<u>Tobacco Settlement</u>	
Personal Services	60,142.00
Supplies	6,277.00
Other Services and Charges	<u>5,320.00</u>
TOTAL COUNTY HEALTH OPERATING	71,739.00
ELECTION BOARD/VOTER'S REGISTRATION	

<u>Election Board</u>	
Other Services and Charges	54,890.00
COUNTY PROPERTY SOLD	
<u>Commissioners</u>	
Capital Outlays	85,000.00
PSUPP GRANT	
<u>Health Department</u>	
Personal Services	39,027.00
Supplies	4,423.00
Other Services and Charges	3,050.00
TOTAL PSUPP GRANT	46,500.00
LOCAL EMERGENCY PLANNING COMMITTEE	
<u>Local Emergency Planning Committee</u>	
Supplies	7,100.00
Other Services and Charges	58,975.00
Capital Outlays	13,000.00
TOTAL LOCAL EMERGENCY PLANNING COMMITTEE	79,075.00
CLERK'S RECORD PERPETUATION FUND	
<u>Clerk</u>	
Supplies	12,782.00
Capital Outlays	7,000.00
TOTAL CLERK'S RECORD PERPETUATION FUND	19,782.00
GIS	
<u>Emergency Management</u>	
Other Services and Charges	8,680.00
SALES DISCLOSURE FEES	
<u>Assessor</u>	
Other Services and Charges	11,000.00
ASIST 2010 DIABETES GRANT	
<u>Health Department</u>	
Other Services and Charges	1,357.00
H1N1 VIRUS STIMULUS GRANT	
<u>Health Department</u>	
Personal Services	76,253.00
Supplies	28,773.00
Other Services and Charges	145,473.00
Capital Outlays	176,760.00
TOTAL H1N1 VIRUS STIMULUS GRANT	427,259.00
JOHNSON STREET BRIDGE	
<u>Highway</u>	
Capital Outlays	234,681.00
ELKHART COUNTY STORMWATER UTILITY/MS4	

<u>Highway</u>	
Capital Outlays	217,100.00
NORTHWEST GATEWAY TIF	
<u>Planning and Development</u>	
Other Services and Charges	107,897.00
WESTERN GATEWAY TIF	
<u>Planning and Development</u>	
Capital Outlays	30,159.00
MIDDLEBURY SOUTHEAST TIF	
<u>Planning and Development</u>	
Other Services and Charges	5,000.00
MIDDLEBURY EAST TIF	
<u>Planning and Development</u>	
Other Services and Charges	30,000.00
NORTH BAUGO TIF	
<u>Planning and Development</u>	
Capital Outlays	11,715.00
EDIT	
<u>Highway</u>	
Capital Outlays	603,755.00
NORTHEAST CORRIDOR TIF DISTRICT	
<u>Planning and Development</u>	
Other Services and Charges	50,000.00
CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	232,100.00
MAJOR BRIDGE	
<u>Highway</u>	
Other Services and Charges	1,900,000.00
REDACTION FUND	
<u>Recorder</u>	
Capital Outlays	12,000.00
REDUCTIONS	
COUNTY PROPERTY SOLD	
<u>Commissioners</u>	
Capital Outlays	(20,387.00)
LETPP GRANT	
<u>Emergency Management</u>	
Other Services and Charges	(8,680.00)

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: April 7, 2010

David L. Hess, Elkhart County Auditor

### **ADDITIONAL APPROPRIATIONS EXPLANATIONS**

#### A. GENERAL FUND (#001)

1(a). Sheriff (105) requests \$35,000 for Community Drug Free Fund that was awarded the Sheriff's Department. The money has been moved to County General 001-105-3130 and needs to now be appropriated.

Hess and Fletcher briefly explained this request.

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

(b). Sheriff (105) requests \$46,838 to cover Sheriff's overage of 2009 budget in personal services.

Hess briefly explained this request.

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

(c). ~~Sheriff (105) requests \$78,000 to place monies in appropriate account for purchase of network equipment needed in training and the daily operation of the Sheriff's patrol and investigation units.~~ This request was withdrawn.

(d). Sheriff (105) requests \$94,896 for purchase of squad cars needed for the patrol division.

Byers explained that the Commissioners are suggesting that we reduce the request from \$94,896 to \$57,848. That will enable the Sheriff's Department out of this appropriation to purchase two additional cars rather than the four, had they been able to use the full requested amount. The Sheriff's Department's goal each year is to replace twelve vehicles. Earlier through the Cum Cap Development fund we had set aside enough monies for them to be able to purchase six of the vehicles. We were then in a situation where we had two squad cars that had been totaled. We will replace those two vehicles out of the liability insurance fund, which will then give them a total of eight new vehicles. If you approve this appropriation, that would give them a total of ten new vehicles for this year's fleet. The bid on the vehicles was \$23,724 each, but we are asking for an additional \$10,400, in this appropriation, so we can pursue the possibility of purchasing some hybrid vehicles through MACOG. This was discussed at the Finance Committee meeting. The goal is to have the hybrid vehicles used for the process servers, not as squad cars.

On motion made by Foutz seconded by Sharkey and unanimously carried, the Council approved this request for \$57,848.

2. Coroner (107) requests \$24,833 for funds needed to cover balances for 2009.

John White was present to explain this request.

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

3. Commissioners (130) requests \$193,044 for the Humane Society Interlocal Agreement with Elkhart, Goshen, Wakarusa, Bristol and Middlebury.

Hess explained this is all reimbursable by the towns and cities.

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

4. Elkhart Superior Court 3 (164) requests \$20,000 for excess hours.

Judge Biddlecome was not present to explain this request, but did compose a letter to the Council explaining that the request is due to the large amount of jury trials thus far this year and the current eight appeals pending.

Hess also briefly discussed the excess hours account for Superior 3.

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

5. Elkhart Superior Court 6 (170) requests \$210 for personal property tax on their equipment lease.

Judge Bonfiglio was present to briefly discuss this request.

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

6. (a) Title IV-D Court (171) requests \$1800 for part-time help to cover maternity leave for an employee.

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

- (b) Title IV-D Court (171) requests \$135 for personal property tax on a copier.

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

- (c) Title IV-D Court (171) requests \$2000 to cover overtime that the State does not allow to be included with the original cooperative agreement. It must be requested separately each year.

Judge Bonfiglio was present to briefly discuss these requests. He again explained that the personal services requests are two-thirds reimbursable by the State.

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

7. ECADAP (178) requests \$19,524 to cover salaries paid in 2010 for vacation time and final pay.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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B. TOBACCO SETTLEMENT (#102)

1. Health Department (348) requests \$71,739 for a grant that covers one FTE Health Promotion Specialist who provides Elkhart County employees with their Blood Borne Pathogen/OSHA training in house, saving outside training costs. It also covers a portion of the part-time Health Promotion specialist position that provides health education and presentations to area and school events. Incentive funds are used to provide visual aids to citizens of Elkhart County.

Jenny Schrock briefly explained this request.

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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C. ELECTION BOARD/VOTER'S REGISTRATION (#106)

1. Election Board (190) requests \$54,890 to perform election machine upgrades necessary to comply with State Law.

Wendy Hudson was present to briefly explain this request.

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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D. COUNTY PROPERTY SOLD (#108)

1. Commissioners (980) requests \$85,000 for shelving at the Archives building due to declining storage space. This would double the capacity from the original upgrade.

Byers explained this request.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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E. PSUPP GRANT (#123)

1. Health Department (980) requests \$46,500 for grant period July 1, 2010 to June 30, 2011.

Jenny Schrock was present to explain this request.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. LOCAL EMERGENCY PLANNING COMMITTEE (#136)

1. Local Emergency Planning Committee (980) requests \$79,075 for their 2010 operating budget.

Hartman, Treasurer of the LEPC was present. Jennifer Tobey was also present to explain this request as well. Discussion ensued regarding fund balance, budget, and LEPC functions.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. CLERK'S RECORD PERPETUATION FUND (#173)

1. Clerk (980) requests \$19,782 for a 2009 invoice for replacement printer and anticipated replacements in 2010.

Wendy Hudson explained this request. Order was placed in November of 2009, however, it was just completed by the vendor, and therefore they have just now been invoiced. The money that was appropriated for this in 2009 was not encumbered for payment in 2010.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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H. GIS (#177)

1. Emergency Management (980) requests \$8680 to pay the GIS department for their services from the LETPP Grant. There is a reduction to fund LETPP (216) for this amount and it is now being appropriated into GIS as payment for services rendered through GIS.

Jennifer Tobey explained this request.

On motion made by Yoder 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. SALES DISCLOSURE FEES (#195)

1. Assessor (980) requests \$11,000 for required certified software to submit sales disclosure data to DLGF.

Cathy Searcy was present to explain this request.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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J. ASIST 2010 DIABETES GRANT (#205)

1. Health Department (980) requests \$1357 for grant year 9/1/09 through 8/31/10.

On motion made by Yoder 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. H1N1 VIRUS STIMULUS GRANT (#214)

1. Health Department (980) requests \$427,259 to allocate phase 3 of H1N1 funds.

Jenny Schrock was present to explain this request.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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L. JOHNSON STREET BRIDGE (#317)

1. Highway (980) requests \$234,681 for the difference between the contract bid and contingency of \$11,134,680.95 versus \$10,900,000 original appropriation.

Hess explained this request to the Council. He stated this is simply moving the money from one fund to another to pay the bills on the Johnson Street Bridge project.

On motion made by Yoder seconded by Abel and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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M. ELKHART COUNTY STORMWATER UTILITY/MS4 (#320)

1. Highway (204) requests \$217,100 for compliance with MS4 Storm Water. Various materials and equipment purchased will be drum containment units, drums, roof over containment area, aerosol can puncture recovery tool, street sweeper, haz mat disposal, spill kits and absorbent material.

Tom Byers and Jeff Taylor explained this request.

On motion made by Yoder 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. NORTHWEST GATEWAY TIF (#322)

1. Planning and Development (980) requests \$92,897 for repayment of the Environmental Special Projects Fund Loan for the Northwest Gateway study.

2. Planning and Development (980) requests \$15,000 to reimburse the General Fund for the Redevelopment Commission support costs and legal fees.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
(Page 121)

O. WESTERN GATEWAY TIF (#324)

1. Planning and Development (980) requests \$30,159 for annual repayment to the Environmental Special Projects Fund for sewer construction.

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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P. MIDDLEBURY SOUTHEAST TIF (#327)

1. Planning and Development (980) requests \$5,000 to reimburse the General Fund for the Redevelopment Commission support costs and legal fees.

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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Q. MIDDLEBURY EAST TIF (#328)

1. Planning and Development (980) requests \$30,000 to reimburse the General Fund for the Redevelopment Commission support costs and legal fees.

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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R. NORTH BAUGO TIF (#330)

1. Planning and Development (980) requests \$11,715 for repayment of the loan to the Environmental Special Projects Fund for the North Baugo Sewer construction.

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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S. EDIT (#331)

1. Highway (980) requests \$603,755 for project #2109 (CR 15/45) and #2110 (Chip & Seal/Paving).

Jeff Taylor explained this request. He explained that the CR 15/CR 45 project is 100% reimbursable by INDOT.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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T. NORTHEAST CORRIDOR TIF DISTRICT (#332)

1. Planning and Development (980) requests \$50,000 to reimburse the General Fund for the Redevelopment Commission support costs and legal fees.

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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U. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$232,100 for the following projects:

#1002	Mow Brush Grind	\$130,000
#1003	Kosciusko Co	\$ 2,100
#1004	Howard	\$ 30,000
#1005	Fisher Gordon	\$ 50,000
#1006	Pine Creek	\$ 10,000
#1007	Howard	\$ 10,000

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
(Page 128)

V. MAJOR BRIDGE (#338)

1. Highway (980) requests \$1,900,000 for the Johnson Street Bridge project.

Hess explained this is the difference between the bid and the original appropriation.

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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W. REDACTION FUND (#697)

1. Recorder (980) requests \$12,000 to pay for the yearly licensing agreement and updates for the social security and redaction software as mandated by State statute.

Hess explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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**REDUCTIONS**

X. COUNTY PROPERTY SOLD (#108)

1. Commissioners (980) return \$20,387 for project #0602.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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Y. LETPP GRANT (#216)

1. Emergency Management (980) returns \$8680 to be appropriated to the GIS fund.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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**TRANSFERS REQUIRING COUNCIL ACTION:**

A. GENERAL FUND (#001)

1. Emergency Management (137)

From	4212	Tires and Tubes	400.00
To	4334	Vehicle Repairs	400.00

2. Buildings and Grounds (140)

		Capital Supply	
From	4259	Items	2,050.00
To	4539	Other Equipment	2,050.00

3. Personnel (142)			
From	4398	Training Programs	3,000.00
To	4241	Training Materials	3,000.00
4. Microfilm (143)			
From	4205	Photographic Supplies	100.00
To	4309	Professional Services	100.00
5. Superior Court II (163)			
From	4206	Law Books	200.00
		Capital Supply	
To	4259	Items	200.00
B. COUNTY HEALTH OPERATING (#102)			
1. Health Department (340)			
From	4209	Office Supplies	769.00
		Office Furniture and	
To	4541	Fixtures	769.00
C. H1N1 VIRUS STIMULUS GRANT (#214)			
1. Health Department (980)			
From	4309	Other Professional Services	1,644.00
To	4545	Data Processing Hardware	1,026.00
To	4542	Office Equipment	618.00
D. ELKHART COUNTY STORMWATER UTILITY/MS4 (#320)			
1. Soil and Water (980)			
From	4249	Other Supplies	10,000.00
To	4388	Special Projects	10,000.00

- Note- 001-137 was changed to \$395.00 from \$400.00 per Accounting and 001-140 was withdrawn from lack of funds and will be revised and brought before the Council also per Accounting.

On motion made by Yoder seconded by Abel and unanimously carried, the Council approved this request.

The preceding Emergency Transfer Ordinance was then duly adopted.

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

**OTHER BUSINESS:**

(a) Uniform Conflict of Interest Disclosure Statement for Brad Newcomer for Nappanee Public Library Board.

On motion made by Abel seconded by Yoder and unanimously carried, the Council approved this request.  
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(b) Amendment of Interlocal Agreement for Animal Shelter Management and Animal Control Services and Resolution of Approval for Middlebury, Goshen, Elkhart, Bristol and Wakarusa.

On motion made by Sharkey seconded by Abel and unanimously carried, the Council approved this request.  
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(c) Appointment of board member to the Alcoholic Beverage Board.

Letherman stated that through a recommendation by Terry Rodino he interviewed Josh Swathwood for the position. Letherman stated he is an enthusiastic and nice gentleman, who he believes will do a good job.

On motion made by Yohn seconded by Abel and unanimously carried, the Council approved this request.  
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**AUDIENCE ITEMS:** NONE

**ADJOURN:**

There being no further business to come before the Council the meeting was adjourned at 9:59 a.m. on motion by Foutz seconded by Sharkey 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.