

MINUTES
ELKHART COUNTY COUNCIL
April 16, 2011

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 Hess, Darryl Riegsecker, Randall D. Yohn, David Foutz 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 February 5, 2011.

On motion made by Ashe seconded by Yohn and unanimously carried, the minutes of February 5, 2011 Council meeting were approved pending spelling correction of Ed Windbigler's name.

COMMITTEE REPORTS:

COMMISSIONERS: Yoder gave a presentation on LOIT/CAGIT based on information he received from the State.

COUNCIL: Foutz gave short report.

AUDITOR: No report.

SHERIFF: No report.

EDC MATTERS: Consideration of Economic Revitalization Area for Dynamic Metals, Resolution CC-2011-05.

Craig Buche gave a brief process explanation to the Council.

Dave Ogle of the EDC gave an introduction of Dynamic Metals and Todd Turcotte, Controller at Dynamic Metals. Turcotte stated that Dynamic Metals has been in Elkhart County since 2003 and acquired the assets of RE Jackson in 2004. Dynamic Metals assembles windows and door frames for locomotive trains, commuter trains (Amtrak) and local bus companies. Turcotte stated that business has grown into the aerospace business and they have become GE weld certified. He stated they have also entered the military business, working with AM General and Oshkosh. He stated that they are looking at consolidating their transportation operations and they feel that Elkhart County seems to make the best sense for their company.

Sharkey asked if the company e-verifies their employees. Turcotte stated that just this past week they were looking at what the requirements would be. He said that they realize that that is their best decision to make if they can get registered in the program.

Yohn asked what the current employment of Dynamic Metals is. Turcotte stated that in Elkhart County they have 53 employees, but that total overall of the corporate group is just over 200 employees.

On motion made by Riegsecker seconded by Ashe and unanimously carried, the Council approved Resolution CC-2011-05. (Page 124)

PERSONNEL MATTERS:

A. Public Services - Landfill

1. Request exception to career development guidelines and allow promotion to Operator II, PG5/JF2 (Lane). CCPC recommended approval, 3-0 (Sharkey was not present).

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

B. Community Corrections

1. Request to move 18 Corrections Officer positions from the General Fund to Project Income effective 1-1-11. CCPC recommended approval, 3-0 (Sharkey was not present).

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

2. Request to transfer two Case Manager positions from 210-981 (Grant) to 210-614 (Project Income) effective 7-3-11. CCPC recommended approval, 3-0 (Sharkey was not present).

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

3. Request new grant-funded Case Manager position (Employment Counselor), PG4 at \$14.25/hr. to work at the Work Release Facility effective 7-3-11. CCPC recommended approval, 3-0 (Sharkey was not present).

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

C. Health Department – Healthy Beginnings

1. Request increase in part-time rate from \$12.00 to \$13.00 per hour for MCH Program Income, MCH Grant and WIC Grant effective March 28, 2011. CCPC recommended approval, 3-0 (Sharkey was not present).

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

2. Added Item: Local Health Maintenance Fund to support a full-time position on a

contractual basis for the last year. They will fill this now vacant position with a county employee and this again is all grant funded. No recommendation from CCPC.

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

D. County Clerk

1. Request Individual rate increase for Legal Assistant II (Mitchell) from \$11.40 to \$11.86. CCPC recommended denial, 3-0 (Sharkey was not present).

On motion made by Yohn seconded by Sharkey and unanimously carried, the Council approved the CCPC's denial of the request.

2. Request individual rate increase for Legal Assistant II (Troyer) from \$11.40 to \$11.74. CCPC recommended denial, 3-0 (Sharkey was not present).

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved the CCPC's denial of the request.

3. Request \$500 "bonus" payment for Office Manager (Fried) at the rate of \$50 per pay period over 10 pay periods in recognition of her accomplishments in correcting inefficiencies in the Superior 6 Clerk's office. CCPC recommended approval of paying \$20 per pay period from the IV-D fund for Fried's increased responsibilities in that program, 3-0 (Sharkey was not present).

On motion made by Hess seconded by Sharkey and unanimously carried, the Council approved the CCPC's recommendation.

E. Prosecuting Attorney

1. Request part-time rate of \$25/hr. in Fund 202, Dept. 980, Account 4125 Professional. CCPC recommended approval, 3-0 (Sharkey was not present).

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

2. Request part-time rate of \$18/hr. in Fund 202, Dept. 980, Account 4129 Clerical. CCPC recommended approval, 3-0 (Sharkey was not present).

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

The preceding Emergency Salary Ordinance was then duly adopted.

(Pages 125-131)

ADDITIONAL APPROPRIATIONS REQUESTS

Auditor Graff 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 6, 2011.

GENERAL FUND

Sheriff

Supplies	2,162.00
Other Services and Charges	1,516.00
Capital Outlays	3,189.00

Prosecuting Attorney

Personal Services	16,896.00
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Commissioners

Other Services and Charges	<u>228,005.00</u>
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TOTAL GENERAL FUND	251,768.00
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PARK AND RECREATION

Park and Recreation

Personal Services	2,500.00
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COUNTY HIGHWAY

Highway Administration

Personal Services	60,000.00
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LOCAL ROAD AND STREET

Local Road and Street-Maintenance & Repair

Capital Outlays	50,000.00
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JURY PAY FEE FUND

Elkhart Superior Court 3

Other Services and Charges	1,482.00
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CONTINUING EDUCATION

Sheriff

Other Services and Charges	2,647.00
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ADULT PROBATION USER FEES

Court Services

Personal Services	292,130.00
Supplies	20,000.00
Other Services and Charges	<u>75,550.00</u>

TOTAL ADULT PROBATION USER FEES	387,680.00
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JUVENILE PROBATION USER FEES

Court Services

Personal Services	8,115.00
Supplies	20,000.00
Other Services and Charges	2,000.00
TOTAL JUVENILE PROBATION USER FEES	30,115.00

PARK AND RECREATION NON-REVERTING OPERATING

Park and Recreation

Supplies	7,000.00
Capital Outlays	15,850.00
TOTAL PARK AND RECREATION N/R OPERATING	22,850.00

SURVEYOR'S CORNER PERPETUATION

Surveyor

Supplies	5,000.00
Other Services and Charges	14,500.00
TOTAL SURVEYOR'S CORNER PERPETUATION	19,500.00

HOMELAND SECURITY GRANT

Emergency Management

Personal Services	5,358.00
Capital Outlays	173,242.00
TOTAL HOMELAND SECURITY GRANT	178,600.00

CITIZEN CORP PROGRAM GRANT

Emergency Management

Supplies	40,967.00
Capital Outlays	10,078.00
TOTAL CITIZEN CORP PROGRAM GRANT	51,045.00

COMMUNITY DRUG FREE-NICOTINE

Health Department

Personal Services	10,076.00
Supplies	1,924.00
TOTAL COMMUNITY DRUG FREE-NICOTINE	12,000.00

COUNTY SEIZURE OF ASSETS

Prosecutor

Personal Services	53,000.00
Supplies	10,000.00

Other Services and Charges	15,000.00
Capital Outlays	<u>100,000.00</u>
TOTAL COUNTY SEIZURE OF ASSETS	178,000.00

H1N1 VIRUS STIMULUS GRANT

Health Department

Supplies	20,932.00
Other Services and Charges	71,580.00
Capital Outlays	<u>141,776.00</u>
TOTAL H1N1 VIRUS STIMULUS GRANT	234,288.00

EMERGENCY MANAGEMENT PERFORMANCE GRANT

Emergency Management

Supplies	3,350.00
Other Services and Charges	<u>400.00</u>
TOTAL EMERGENCY MANAGEMENT PERFORMANCE GRANT	3,750.00

FOUNDATION GRANT

Emergency Management

Capital Outlays	4,000.00
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CR 17 PHASE 2C PROJECT

Highway

Capital Outlays	10,000,000.00
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ELKHART COUNTY STORMWATER UTILITY MS4

Soil and Water

Other Services and Charges	8,250.00
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EDIT

Commissioners

Capital Outlays	238,980.00
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Highway

Other Services and Charges	2,000,000.00
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Capital Outlays	<u>150,000.00</u>
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TOTAL EDIT	2,388,980.00
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NORTHEAST TIF

Commissioners

Other Services and Charges	3,000,000.00
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CUMULATIVE DRAIN

Drainage Board

Capital Outlays 18,100.00

MAJOR MOVES

Highway

Other Services and Charges 5,000,000.00

REDUCTIONS

COUNTY HIGHWAY

Highway Administration

Capital Outlays (208,254.21)

EDIT

Highway

Capital Outlays (127,027.60)

NORTHEAST TIF

Commissioners

Capital Outlays (401,697.09)

CRIMINAL JUSTICE FACILITIES

Commissioners

Capital Outlays (21,384.32)

CUMULATIVE DRAIN

Drainage Board

Capital Outlays (42,839.56)

MAJOR BRIDGE

Highway

Capital Outlays (7,599.52)

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 6, 2011

Pauline E. Graff, Elkhart County Auditor

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#001)

1. Sheriff (105) requests \$6867 for postage, office furniture, data software, vehicle repairs, supplies and equipment.

Bill Fletcher explained this request to the Council.

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

2. Prosecuting Attorney (108) requests \$16,896 for funds that were deposited into the General Fund in the amount of \$38,845. Those funds reimburse the County for a position that is to be funded with forfeiture funds. The salary account was appropriated with the annual budget. However, the account is short \$1618 to meet salary for the full year.

Jean Willard was present to explain this request to the Council.

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

3. Commissioners (130) requests \$228,005 for professional services to update the county zoning ordinance and also for the interlocal agreement with Elkhart, Goshen, Wakarusa, Bristol and Middlebury for animal control services provided by the Humane Society.

Tom Byers explained this request to the Council.

Glenn Null spoke on his disagreement with paying the humane society. He feels the humane society is not doing a good job.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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B. PARK AND RECREATION (#104)

1. Park and Recreation (320) requests \$2,500 to recapture money donated by the Elkhart County Historical Society to pay a majority of the wages of a part-time secretary for the museum.

Larry Neff was present to explain this request to the Council.

On motion made by Sharkey 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. COUNTY HIGHWAY (#112)

1. Highway Administration (201) requests \$60,000 for overtime compensation for the design and inspection of various projects.

Jeff Taylor explained this request to the Council.

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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D. LOCAL ROAD AND STREET (#114)

1. Local Road and Street-Maintenance and Repair (222) requests \$50,000 to purchase a tractor for roadside mowing.

Jeff Taylor explained that we had been contracting out our mowing, but that we will now be using our own tractor and own employees for mowing.

On motion made by Foutz 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. JURY PAY FEE FUND (#156)

1. Superior Court 3 (980) requests \$1482 for materials and labor to make seat back protection panels on 39 courtroom seats.

Graff explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. CONTINUING EDUCATION (#161)

1. Sheriff (105) requests \$2,647 for education expense of officers.

Fletcher explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. ADULT PROBATION USER FEES (#165)

1. Court Services (980) requests \$387,680 to establish the next six months of their budget.

Bob Girard explained this request to the Council. He stated that they have greatly increased their collections in the last six months.

On motion made by Yohn 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. JUVENILE PROBATION USER FEES (#166)

1. Court Services (980) requests \$30,115 to establish the next six months of their budget.

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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I. PARK AND RECREATION NON-REVERTING OPERATING (#168)

1. Park and Recreation (980) requests \$22,850 for supplies, machinery and equipment, office furniture, copy machine, data processing software and hardware.

Larry Neff 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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J. SURVEYOR'S CORNER PERPETUATION (#170)

1. Surveyor (980) requests \$19,500 for various perpetuation projects.

Hess stated that he spoke with Hans Musser on the telephone regarding this appropriation and that he feels it is ready for approval.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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K. HOMELAND SECURITY GRANT (#178)

1. Emergency Management (980) requests \$178,600 for this 100% reimbursable Homeland Security Grant.

Jennifer Tobey explained that we receive points for acting as fiscal agents for at least two district grants. This is one of those grants. In May we will be deploying for the national exercise that was initiated from the White House. This grant is for equipment so that we are self-sustaining for the national exercise. One of the John Deere gators will be also used at the fairgrounds for medical response.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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L. CITIZEN CORP PROGRAM GRANT (#180)

1. Emergency Management (980) requests \$51,045 for this 100% reimbursable district grant to upgrade and improve training in the Medical Reserve Corp and Community Emergency Response Teams.

Tobey explained this request to the Council.

On motion made by Yohn 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. COMMUNITY DRUG FREE NICOTINE (#200)

1. Health Department (980) requests \$12,000 to appropriate funds for the 2011 Elkhart County Drug Free Partnership Grant.

Dr. Daniel Nafziger explained that this grant pays for tobacco cessation counseling for those that want help quitting from the leading cause of preventable death in our nation.

On motion made by Sharkey 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. COUNTY SEIZURE OF ASSETS (#202)

1. Prosecutor (980) requests \$178,000 for personnel, supplies, furniture and data processing hardware and software.

Jean Willard explained this request to the Council. She stressed that many of their items are paid for out of their various fee based funds versus general fund.

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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O. H1N1 VIRUS STIMULUS GRANT (#214)

1. Health Department (980) requests \$234,288 to set up grant period running from October 1, 2010 to July 30, 2011.

Dr. Nafziger explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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P. EMERGENCY MANAGEMENT PERFORMANCE GRANT (#225)

1. Emergency Management (980) requests \$3750 for 2 portable ham radios, 2 cell phones, 2 IPADS and outdoor security camera for EOC.

Tobey explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Q. FOUNDATION GRANT (#226)

1. Emergency Management (980) requests \$4000 for radio equipment.

Tobey 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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R. CR 17 PHASE 2C PROJECT (#228)

1. Highway (980) requests \$10,000,000 for project #1109, CR 17 from CR 32 to CR 38. This fund will be made up of \$2,000,000 from EDIT, \$3,000,000 Northeast TIF, \$5,000,000 Major Moves.

Jeff Taylor explained this request to the Council. Sharkey asked if we are still under our limits for Major Moves. Taylor said we are at approximately 74% after we make the payment this year for Six Span Bridge. At the time you make this appropriation you will be over 75%, at the time of the expenditure you will be under 75%. We are appropriating this money now, so that we can start bidding the project.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Glenn Null spoke on his appreciation of CR 17 and how it is cleared off nicely during snow storms. He also expressed his concern with running large trucks down smaller/older county roads (Peddler's Village Road) during CR 17 construction.

S. ELKHART COUNTY STORMWATER UTILITY MS4 (#320)

1. Soil and Water (980) requests \$8,250 for additional funding needed after budget was submitted. All partners of the Stormwater Partnership agree to this expense.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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T. EDIT (#331)

1. Commissioners (980) request \$238,980 for project #1107, County contribution to EDC. Dorinda Heiden-Guss, President of EDC, addressed the Council and explained this request. She stated that \$201,004 is similar as requests in the past for money for their not for profit entity. \$37,976 is for the

Michiana Regional Partnership. She further explained the expansions and new company announcements from 2007-2010 along with the cumulative number of new jobs both existing and jobs retained. Sharkey asked for numbers on how many people we have hired, he stated that he has asked for two years for this and that no one can give him any numbers. He also stated that for the last two years there hasn't been a CF-1 filed to actually show their investment and how many people they have actually hired. Heiden-Guss stated she feels there is a misunderstanding on what they do versus the government agencies. We are the communication with the clients, bringing them here and then they make the formal request before the government agency. We do send out a notification reminding them to complete the CF-1 form. It is then up to the government agency to put that in play and to monitor, police or control that. Sharkey stated he would like to ask Dynamic Metals and everyone that asks for an abatement to come before us on an annual basis to give a report of how many jobs they have filled and how much they have invested. Sharkey stated he just wants some accountability for how many jobs have been created and how much has been invested. Heiden-Guss stated they spend the time with the client and go through the process with them and it is up to the company to meet the requirements and what they stipulate. Letherman stated what we are doing is funding a central point of focus, primary point of contact. Heiden-Guss stated they arrive at the number of jobs on their sheet based on what the company puts down on their State application forms by which to derive State incentives. If the State is not involved, then the number is based on what has gone on the application for tax phase-in. Foutz asked if there are some companies that haven't moved forward with the project, such as Energy-Inc. Heiden-Guss stated that there are companies that apply for incentives and do not move forward. She re-iterated that the numbers are what are declared originally, however, it takes time to ramp up to the full number. She stated they continue to work with the companies and connect them with other suppliers in the area. Hess stated he feels we have a timing problem, we are being asked to look at an appropriation and we have no idea what is going to transpire with the State until they have the budget put together. We don't know where we are at with our EDIT and CAGIT numbers. I would like to see this get tied in more with the full knowledge of what our certified shares are for the coming year, which would move this appropriation in the future to a time frame that is coinciding much more with the budget. Sharkey stated that during our 2011 budget process we asked all of our departments to cut 10% and many of them did. He questioned if the EDC can get by with a 10% cut. Heiden-Guss stated that they had cut their budget from 2010 to 2011 by 17%, by not contracting services with a fundraising entity, we took this on in-house. We have a total of 4 people. Riegsecker asked if the whole \$238,980 has to be given at once. Heiden-Guss stated that two different allotments is fine, as long as we have a commitment to receive the 2nd payment. Sharkey asked if they could get grants from the State or Federal government. Heiden-Guss stated they do apply for some grants but do not have a grant writer in office. She stated they do go out and solicit additional dollars for un-budgeted items. Letherman stated there are exciting things happening in the EDC, such as this new database that Dave Ogle is working on. Foutz stated that we really need to get in front of the economic development of the County and try to determine the outcomes from it. We need to change the face of manufacturing and production in Elkhart County and I don't think there is anybody more uniquely qualified than EDC. I feel it is our best hope and it has to be done for the future of the County. Hess asked if workforce one is still involved in the regional effort. Heiden-Guss stated the regional partnership consists of four counties in Indiana (St. Joe, Marshall, Elkhart and Kosciusko), three counties in Michigan (Berrien, Cass and St. Joe). In those two States there are two organizations, which is now collectively named Work One. Ashe stated he appreciates everything the EDC does and understands the importance of their organization, the only thing that we are looking for here is people want to see the jobs. A lot of these numbers are not factual and as the money gets tighter it gets harder and harder to justify spending this type of money. Commissioner Yoder stated that we are not "on the radar" without some sort of sales attempt through the

EDC. He stated we can't track the jobs the way you want us to track them, you just have to know by our observation in the community.

Randy Wilson addressed the Council and stated that one place he feels we are missing the boat, is that there is not enough lobbying in Indianapolis. The State of Indiana needs a right to work law. He feels it discourages businesses from coming here because we do not have this law in place. He stated he is all for stacking the cards, as much as possible, in our favor and if we can lobby more in Indianapolis and pursue this we will. He says that people have told him that Indiana is not pro-business. He feels what is going on with the EDC is a step in the right direction, but needs to be taken a step further.

Jim Hyatt, Chairman of the EDC, addressed the Council and expressed his appreciation for their ongoing efforts to support us and feels it is extremely vital that we continue the effort on an ongoing basis.

Glenn Null expressed his concern with the accountability of jobs. He feels there is no accountability. Sharkey stated that companies cannot get a tax abatement without proving the number of jobs and investment. Null also expressed his concern with the EDC not supporting Goshen's effort in e-verifying because they want a uniform application across the county.

On motion made by Riegsecker seconded by Yohn and carried with a 6-1 vote, the Council approved this request, with one half being paid now and the other half to be paid in September.

2. Highway (980) requests \$2,000,000 for project #1109 and \$150,000 for project #1108 (CR 17 Right-Of-Way).

Jeff Taylor explained this request to the Council.

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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U. NORTHEAST TIF (#332)

1. Commissioners (980) request \$3,000,000 for project #1109.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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V. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$18,100 for project #1107 (Kosciusko Co Assessment), #1108 (Weaver) and #1109 (Fisher Gordon).

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

request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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W. MAJOR MOVES (#342)

1. Highway (980) requests \$5,000,000 for project #1109.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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REDUCTIONS

X. COUNTY HIGHWAY (#112)

1. Highway Administration (980) returns \$208,254.21 for projects 2705,2807,2810.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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Y. EDIT (#331)

1. Highway (980) returns \$127,027.60 for projects 2631,2918,2823,2115.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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Z. NORTHEAST TIF (#332)

1. Commissioners (980) return \$401,697.09 for project 2901.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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AA. CRIMINAL JUSTICE FACILITIES (#336)

- 1. Commissioners (980) return \$21,384.32 for project 0801.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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BB. CUMULATIVE DRAIN (#337)

- 1. Drainage Board (980) returns \$ 42,839.56 for projects 929, 1008, 1013, 1014, 1017, 1018, 1020, 1021, 1025 and 1029.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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CC. MAJOR BRIDGE (#338)

- 1. Highway (980) returns \$7,599.52 for project# 2622.

On motion made by Sharkey seconded by Riegsecker 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. Superior Court #1 (162)

From 4259 Capital Supply Items 655.00

To 4549 Other Office Equipment 655.00

- 2. Superior Court #2 (163)

From 4206 Law Books 1,000.00

To 4542 Office Equipment 1,000.00

- 3. Superior Court #5 (166)

From 4309 Other Professional Services 185.00

To 4259 Capital Supply Items 185.00

- 4. Superior Court #6 (170)

From 4172 Jury Pay 1,365.00

To 4542 Office Equipment 1,365.00

B. IDOC GRANT (#210)

- 1. Community Corrections (614)

From	4219	Other Operating Supplies	3,000.00
To	4334	Vehicle Repairs	3,000.00

C. H1N1 VIRUS STIMULUS GRANT (#214)

1. Health Department (980)

From	4539	Other Equipment	4,011.00
To	4259	Capital Supply Items	4,011.00

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

The preceding Emergency Transfer Ordinance was then duly adopted.

(Page 161)

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

OTHER BUSINESS:

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

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved this request. (Page 162)

- (b) Reappointment of Josh Swathwood to the Alcoholic Beverage Board.

Letherman stated that he had spoke with Mr. Swathwood and that he is interested in being appointed again. Letherman expressed his agreement with this appointment.

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved this request. (Page 163)

- (c) Approval of Elkhart County Resolution CC-2011-02 and CC-2011-03, Resolution Delegating an Agent to Perform Duties for Matters Concerning the Fund for PERF on Behalf of the Governing Body.

Graff stated this is simply naming who is allowed to issue and discuss information with PERF.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved this request. (Pages 164-165)

- (d) Approval of Interlocal Agreements for Animal Shelter Management and Animal Control Services and Resolution of Approval.

On motion made by Sharkey seconded by Foutz and unanimously carried, the Council approved this request. (Pages 166-169)

Glenn Null questioned whether there were contract price negotiations before approving this every year. Byers stated that there is.

- (e) Approval of Interlocal Agreement for Design and Construction of Bicycle Path.

Gordon Lord explained this interlocal agreement to the Council. The path is in the CR 28-CR 30 area.

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

- (f) Approval of Interlocal Agreement for Design and Construction of County Road 40 from Dierdorff Rd to US 33.

Lord explained this agreement to the Council. There is no construction/design expense to the County. Language has been changed in this agreement, since the last review.

On motion made by Foutz seconded by Yohn and carried with a 5-2 vote, the Council approved this request. Roll call: Letherman-aye, Sharkey-aye, Foutz-aye, Yohn-aye, Ashe-aye, Riegsecker-nay, Hess-nay.
(Page 170)

- (g) Approval of Ordinance CC-2011-04 establishing the Sheriff's Donation Fund.

Rogers explained this to the Council.

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved this request.
(Page 171)

- (h) Approval of an Ordinance of the Elkhart County Council Establishing Certain ARRA Funds, CC-2011-06.

Graff explained this Ordinance to the Council.

On motion made by Hess seconded by Sharkey and unanimously carried, the Council approved this request.
(Page 172)

AUDIENCE ITEMS:

Glenn Null spoke on his disappointment with US 33 not being patrolled for "slower traffic move right" and on the construction on US 33.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 11:01 a.m. on motion by Riegsecker 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.