

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**April 18, 2009**

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

Also present were David Hess, County Auditor; Gordon Lord and Craig Buche, County Attorneys; Tom Byers, County Administrator; Mike Yoder and Terry Rodino, County Commissioners.

**MINUTES:** Approval of minutes for March 14, 2009.

On motion made by Yohn seconded by Abel and unanimously carried, the minutes of the March 14, 2009, Council meeting were approved as received.

**COMMITTEE REPORTS:**

COMMISSIONERS: Rodino gave a short report.  
COUNCIL: Abel and Letherman gave short reports.  
AUDITOR:  
SHERIFF: Books gave a short report.

**PERSONNEL REPORT:** Present for the Personnel meeting were Councilmen C. J. Yoder, Donald Abel and Commissioner Frank Lucchese. Councilman Dennis Sharkey was absent. Floyd Hindbaugh, Director of Personnel presented and explained the following personnel requests:

**I. PERSONNEL REQUESTS**

**A. Superior Court #5**

1... Request increase in part-time to \$12.00/hr. in account 4219. CCPC recommended approval 3-0.

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

**B. Superior Court #4**

1. Request reduction of hours for full-time Court Reporter position from 36 to 30 hours per week. CCPC recommended approval 3-0. This request was withdrawn.

2. Request increase in part-time rate to \$18.00/hr. in account 4129. CCPC recommended approval 3-0.

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

C. Parks & Recreation

1. Request approval of career development programs for Park Services and for Interpretive Services. CCPC recommended approval 3-0.

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

D. Highway Maintenance

1. Request approval of 10-hour days for Maintainer staff on a trial basis during the summer construction months. CCPC recommended approval on an annual basis between April and November as practical 3-0.

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

2. Request approval of reorganization of maintenance workers including a career development program and Highway Worker Wage Chart. CCPC recommended approval 3-0.

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

E. Community Corrections

1. Request three new Intensive Case Manager I positions, PG4/JF4, up to \$14.82/hr., to be located at the Corrections Facility and paid by an IDOC grant. CCPC recommended approval 3-0.

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

2. Request approval of career development program for Intensive Case Managers. CCPC recommended approval 3-0.

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

F. Health Department

1. Lead Hazard Control Grant: Request new position as Project Manager, PG8/JF5, and (\$1777.58). Request no change in EDOP for current County employee assuming position (Brunson). CCPC recommended approval 3-0.

Byers explained this grant to the Council.

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

2. Administration: Request to reclassify (downgrade) Administration Manager (Sanfilippo), PG7/JF6 (\$1642.13), to Fiscal Manager, PG6/JF5 (\$1550.00), including a 6% pay rate reduction. Tabled at the request of Department Head.

3. Administration: Request to change job title of Secretary III (Mast), PG4/JF1, to Administrative Assistant, PG4/JF1, including a 9% pay rate increase from \$13.00/hr. to \$14.25/hr. Tabled at the request of Department head.

4. Healthy Beginnings:

a. Request continuation of PSUPP grant that supports one two full-time positions. CCPC recommended approval 3-0.

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

b. Request continuation of GHS Breastfeeding Promotion Grant that supports two part-time positions with a part-time rate of \$14.50/hr. CCPC recommended approval 3-0.

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

G. Prosecuting Attorney – Victim Assistance

1. Request pay rate above hiring range of \$17.30/hr. for Victim Assistance Advocate (McClain), PG5/JF4 (maximum hiring range is \$15.68). CCPC recommended approval for a hire rate of \$15.68 with a 3 and 6 month increase of 80 cents each 3-0.

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

H. Sheriff's Department

1. Request reclassification of Manager, Work Release (Klosinski), PG7/JF6, to Lieutenant-Corrections, PG7/JF7 (no change in pay rate). CCPC recommended approval 3-0.

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

2. Request reclassification/promotion of Sergeant-Corrections (Chenoweth), PG7/JF7, to Lieutenant-Corrections, PG7/JF7, including a rate increase to step one of Lt.'s pay range (from \$1737.60 to \$1743.00). Also requested is that Chenoweth's PIP date remain the same (November 13). CCPC recommended approval 3-0.

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

The preceding Emergency Salary Ordinance was then duly adopted.

(Page 124-130)

**PUBLIC HEARING AND CONSIDERATION OF FINAL ACTION ON  
ECONOMIC REVITALIZATION AREA DESIGNATION FOR ATWOOD MOBILE  
PRODUCTS, LLC**

At this point Buche addressed the Council and said that Atwood Mobile has elected to withdraw their application. He has a letter from the company that he would like to read into the record for the Council.

*“On behalf of Atwood, I wanted to take this opportunity to thank you and the EDC team for your efforts in exploring and subsequently detailing potential tax benefits available to Atwood in return for the transfer of several jobs to the Elkhart area. We have reviewed this program and its associated clauses in detail with our various stakeholders, and have concluded we are unfortunately not in a position to exercise this program at this time.”*

*“Notwithstanding this decision, we are pleased to announce Atwood has finalized plans and begun re-locating 75+ jobs in total to our Elkhart facilities located on Ada Drive and Charlotte Avenue. Notwithstanding today’s economic climate, Atwood Mobile Products LLC is positioned for continued success and remains committed to the recreational vehicle industry. Further, we are proud to call Elkhart home and are pleased we are able to expand our Elkhart presence via the creation of these jobs.”*

*“If we can be of assistance in answering any questions, please do not hesitate to contact me.”*

*Sincerely,  
Atwood Mobile Products LLC  
Tim Stephens, President*

Buche asked that this letter be included so the Council has the terms of the rational of the company’s withdrawal at this time. Letherman said since there is no public hearing this morning would anyone in the audience wish to speak on this matter. There was no response.

Buche asked if the Council wished to speak about the other Economic Development Corporation issues at the end of the agenda. After a long discussion with the Council Buche said maybe in the interest of time it would be worthwhile to discuss this at the end of the meeting. He asked that the Council conduct their regular business and then determine how much time they want to spend on talking about this matter.

**ECONOMIC DEVELOPMENT COMMISSION 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 8, 2009.

**NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS**

Notice is hereby given 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 204, 117 N. 2nd Street, Goshen, Indiana, at 8:00 o'clock a.m. on Saturday, April 18, 2009.

GENERAL FUND	
<u>County Auditor</u>	
Other Services & Charges	110,000.00
<u>Sheriff's Department</u>	
Personal Services	35,000.00
Supplies	13,363.00
Other Services & Charges	4,569.00
Capital Outlays	37,042.00

County Commissioners

Other Services & Charges	185,578.00
Capital Outlays	108,100.00
<u>P.T.A.B.O.A. Board</u>	
Other Services & Charges	4,000.00
TOTAL GENERAL FUND	<u>497,652.00</u>
FIREARMS TRAINING	
<u>Sheriff's Department</u>	
Capital Outlays	470.00
LAW ENFORCEMENT CONTINUING EDUCATION	
<u>Sheriff's Department</u>	
Other Services & Charges	7,113.00
SURVEYOR'S CORNER PERPETUATION	
<u>County Surveyor</u>	
Other Services & Charges	20,000.00
STIMULUS REVENUE LEAD HAZARD	
<u>County Commissioners</u>	
Personal Services	425,817.00
Supplies	52,568.00
Other Services & Charges	2,492,615.00
Capital Outlays	<u>29,000.00</u>
TOTAL STIMULUS REVENUE LEAD	
HAZARD	3,000,000.00
MIDDLEBURY SOUTH EAST TIF	
<u>Redevelopment Commission</u>	
Other Services & Charges	20,000.00
MIDDLEBURY EAST TIF	
<u>Redevelopment Commission</u>	
Other Services & Charges	30,000.00
C.R. 6 & C.R. 17 NE TIF	
<u>Redevelopment Commission</u>	
Other Services & Charges	50,000.00
ECONOMIC DEVELOPMENT INCOME	
TAX	
<u>Highway Department</u>	
Capital Outlays	50,000.00
CUMULATIVE CAPITAL DEVELOPMENT	
<u>County Commissioners</u>	
Capital Outlays	191,900.00
CUMULATIVE BRIDGE	
<u>Bridge Construction</u>	
Capital Outlays	120,000.00
CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	21,000.00
MAJOR BRIDGE	
<u>Highway Department</u>	
Capital Outlays	75,000.00
	REDUCTIONS
ENVIRONMENTAL SPECIAL PROJECTS	
<u>County Commissioners</u>	
Capital Outlays	(28,050.00)

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 8, 2009

David L. Hess, Elkhart County Auditor

### **ADDITIONAL APPROPRIATIONS EXPLANATIONS**

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

1. County Auditor (102) requests \$40,000 for postage and \$70,000 for Data processing services. These funds will be used to cover the expense of sending out estimated tax bills for the spring installment.

Hess explained this request to the Council. He and the Treasurer are estimating, based on several different time lines, that there is probably six weeks differential between the time required for the estimated bills to be sent and the time required to complete the entire process to get regular bills sent. He feels that six weeks is significant for several reasons. First of all, we are trying to spread the time between the installments as far apart as we can for the taxpayers. Having the first and second installment spread out further certainly gives the taxpayer additional time. He feels it also gives the ability for us to move money to the units and again that is significant, to get the money out to the cities, towns, libraries and everybody who needs these funds to reduce the borrowing costs whether they are borrowing internally or whether they are going to the bond bank or some other method of finance. He said he thinks there is a third piece to the process that is going to also be critical and if this comes together like we are projecting we will have those advances to the units in time that they will have a figure to use when they are working on their budgets, rather than just estimating where they might be. Any money that is not used from this appropriation will remain in the account and the Treasurer can use that against cost of mailing the reconciled bill in the fall.

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

2. Sheriff's Department (105) requests the following three items which Bill Fletcher, Fiscal Manager explained to the Council.

a). \$21,674 for copy supplies, office supplies, postage, licenses, copier rent and other equipment.

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

b). They request \$35,000 to appropriate the \$35,000 that was given to the Sheriff for the STAR program that came from Fund #164, Community Drug Free fund.

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

c) They also request \$33,300 that are funds placed in the General Fund by the U.S. Marshalls.

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

3. County Commissioners (130) request the following two items which are explained by Tom Byers, County Administrator:

a) \$185,578 to pay the Humane Society on behalf of Elkhart, Goshen, Middlebury, Bristol and Wakarusa for 2009. These communities will reimburse the County.

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

b) They also request \$108,100 to purchase vehicles for the Sheriff's Department. These funds were placed in the General Fund by the State as a distribution of funds from unclaimed property. Byers explained to the Council that by using this money that was placed in the General Fund it saves the Cum Cap fund this amount of money and make more available for other projects.

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

4. P.T.B.O.A. Board (146) requests \$4,000 for the appraisal of Utilimaster in Wakarusa for their State hearing.

Hess explained this request for the County Assessor. He said he may want to look at taking this money from the Reassessment Fund rather than the General Fund. We will come back next month with a request from the Reassessment fund and do a reduction for the same amount on this appropriation.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
(Page 131)

**B. FIREARMS TRAINING (#152)**

Sheriff's Department (980) requests \$2,470 to purchase equipment used to train officers.

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.  
(Page 132)

**C. LAW ENFORCEMENT CONTINUING EDUCATION (#161)**

Sheriff's Department (105) requests \$7,113 to fund education for employees.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
(Page 133)

**D. SURVEYOR’S CORNER PERPETUATION FUND (#170)**

County Surveyor (980) requests \$20,000 to hire professionals to install section corners county-wide. This is part of the yearly section corner replacement.

This request was explained to the Council by Steve Schweisberger, Surveyor’s First Deputy.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
(Page 134)

**E. STIMULUS REVENUE LEAD HAZARD (#199)**

1. County Commissioners (980) request \$3,000,000 that was awarded the County from the Department of Housing and Urban Development (HUD). These funds are to be used to eliminate lead hazards in residential properties.

Personal Services	\$ 425,817.00
Supplies	\$ 52,568.00
Other Services & Charges	\$2,492,615.00
Capital Outlays	\$ 29,000.00

Byers 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.  
(Page 135)

**E. a) MIDDLEBURY SOUTHEAST TIF (#327)**

2. Redevelopment Commission (980) asks that \$20,000 of these TIF funds be used to reimburse the General Fund for Redevelopment Commission costs and legal fees as per 2009 reimbursement agreement.

Bob Watkins, Director of Planning explained these three requests to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.  
(Page 137)

**E. b) MIDDLEBURY EAST TIF (#328)**



2. Redevelopment Commission (980) asks that \$30,000 of these TIF funds be used to reimburse the General Fund for Redevelopment Commission costs and legal fees as per 2009 reimbursement agreement.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 138 )

E. c) CR 17 & CR 6 NE TIF (#332)

2. Redevelopment Commission (980) asks that \$50,000 of these TIF funds be used to reimburse the General Fund for Redevelopment Commission costs and legal fees as per 2009 reimbursement agreement.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 139)

F. ECONOMIC DEVELOPMENT INCOME TAX (E.D.I.T.) (#331)

1. Highway Department (980) requests \$50,000 to upgrade Elkhart County traffic signals. Upgrades will be made to controllers, cameras and coordinating signals along CR7 corridor. Project #2908

This request was explained to the Council by Jeff Taylor, Transportation Director.

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.

(Page 136)

G. CUMULATIVE CAPITAL DEVELOPMENT (#334)

1. County Commissioners (980) request \$191,900 to purchase vehicles for the Sheriff's Department. The funds requested were received from the State for a distribution for unclaimed property to the Sheriff and placed in the General Fund. Project #0904

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 140)

H. CUMULATIVE BRIDGE (#335)

1. Bridge Construction (213) requests \$120,000 for repairs of small structures throughout the County. Project #2907

Taylor 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.  
(Page 141 )

#### I. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$21,000 for Construction/Reconstruction of the following Project #0910 Hahn Tile.

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.  
(Page 142 )

#### J. MAJOR BRIDGE (#338)

1. Bridge Construction (980) requests \$75,000 for costs associated with the Six- Span- Bridge. Approximately \$15,000 is related to move costs for Linton's and another \$60,000 is needed to complete various acquisitions. Project #2910

Gordon Lord, County Attorney explained this 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.  
(Page 143)

### REDUCTION

#### K. ENVIRONMENTAL/SPECIAL PROJECTS (#541)

County Commissioners (980) return (\$28,050) from the Northwest Gateway TIF, Project #0701. The project is closed out.

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

The preceding Emergency Reduction Ordinance was then duly adopted.  
(Page 144)

**TRANSFERS REQUIRING COUNCIL ACTION:**

A. GENERAL FUND (#001)

- 1. County Assessor (109)
  - From - 4397 Education & Conferences-----\$ 288.00
  - To----- 4541 Furniture----- 288.00
- 2. Superior Court #1 (162)
  - From - 4259 Capital Supply ----- \$1,000.00
  - To----- 4545 Data Hardware----- 1,000.00
- 3. Court Services (168)
  - From - 4259 Capital Supply Items ----- \$ 120.00
  - To----- 4546 Computer Software ----- 120.00
- 4. Elkhart Court Magistrate (169)
  - From - 4206 Law Books ----- \$ 225.00
  - To----- 4314 Telephone ----- 225.00

B. ELKHART COUNTY STORM WATER UTILITY (#320)

- 1. Health Department (340)
  - From - 4304 Laboratory----- \$3,000.00
  - To----- 4219 Operating Supplies----- 3,000.00

On motion made by Sharkey seconded by Yoder and unanimously carried, the Council approved these transfer requests.

The preceding Emergency Transfer Ordinance was then duly adopted.  
(Page 145)

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

**OTHER BUSINESS:**

- (a) Amendment of Interlocal Agreement for Animal Shelter Management and Animal Control Services and Resolution of Approval.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.  
(Page 146)

**AUDIENCE ITEMS:** None

**ADDED ITEM:** Economic Development Corporation

Dorinda Heiden-Guss, President of the EDC addressed the Council and said that she was here with several members of her Board of Directors to speak to the Council and we will try to keep our comments very brief. She handed out a packet of information for the Council and said her purpose today is to ask for funding. She said she has annually received \$100,000 from the County and what they are requesting today is consideration for \$250,000 to be appropriated for a total of \$350,000. She explained the information that was contained in the booklet she handed out.

She said it has been suggested that 10% or 12% of the fee a Real Estate Broker may derive from a transaction from a lead that the EDC has generated be funded to our not for profit corporation as well as companies receiving tax-phase ins or any type of financial benefit in Elkhart County are encouraged to donate 10% back to the EDC in an effort to keep us staffed. As you may already be aware we are a staff of three and she reports to a 22 member board. At this point she asked the board members to speak to the Council.

Tom Stark, Lake City Bank; Jim Hiatt, First State Bank; Dave Daugherty, Goshen Chamber of Commerce; Larry Thompson, Mayor of Nappanee; David Switzer, Indiana Michigan Power; Brandon Erlacher, The Elkhart Truth; Sam Pohl, Middlebury Chamber of Commerce spoke in support of the additional funds for the EDC.

**ADJOURN:**

There being no further business to come before the Council the meeting was adjourned at 9:55 a.m. on motion by Foutz seconded by Yohn and unanimously carried.

Recording Secretary  
Kenlyn Arnott

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.