

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**August 8, 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, County Attorney; Craig Buche, County Attorney; Tom Byers, County Administrator; and Mike Yoder, County Commissioner.

**MINUTES:** Approval of minutes for July 11, 2009.

On motion made by Yohn seconded by Foutz and unanimously carried, the minutes of the July 11, 2009, Council meeting were approved as received.

**COMMITTEE REPORTS:**

COMMISSIONERS:	M. Yoder gave short report.
COUNCIL:	Ashe, Foutz and Letherman gave short reports.
AUDITOR:	Hess gave short report.
SHERIFF:	Books gave short report.

**ECONOMIC DEVELOPMENT CORPORATION MATTERS:**

Dorinda Heiden-Guss addressed the Council and introduced the representatives for Truck Accessories Group, Mike Beckman, Vice President and CFO, and Paul Lierheimer, Midwest General Manager. Heiden-Guss explained that they are requesting a seven year tax phase-in, with a \$600,000 real-property assessed value and \$1,825,000 of personal property assessed value. It would entail retaining their current 260 jobs and adding 60 additional jobs with a payroll of \$2,000,000.

Mike Beckman then addressed the Council. He explained a handout that reviewed the company's business plan. Ashe then asked Beckman about them bringing jobs in from Canada and about their consolidation with Century at their Elkhart facility. Beckman explained that the facility in Canada was not economically viable, and that they made the decision to relocate the jobs here to fill in the existing capacity. He also explained that there were job losses when they moved the Century facility to their Elkhart location. However, their current plan is to penetrate new markets and develop new products that allow them to go beyond their historical capabilities and create new jobs and new revenues so that they can protect their family of employees. Ashe also asked if the 60 new jobs were jobs that were brought over from Century. Beckman stated that they will be brand new jobs. Yoder asked when we will see the 60 new jobs. Beckman stated that he cannot give a definitive time frame since they are still bidding on some of the programs. If they get everything that they are working on, it will be even more capital and more jobs than what was originally laid out in the plan. He expects that we will see some of the jobs before the end of the year with the balance of the jobs in 2010.

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

Heiden-Guss then introduced Kim Kirkendoll, CEO, and Patrick Hogan, Business Development Manager of Energy, Inc. She explained that Energy, Inc. is a manufacturing facility for renewable energy technology equipment utilizing thermal conversion technology that would be located on CR 2 in Middlebury. It would entail a ten year tax phase-in with \$28 million in real property and \$65 million in personal property. The company would create 500 new jobs bringing in over \$20 million in new payroll with an estimated average salary of \$41,000.

Kirkendoll addressed the Council and explained that Energy, Inc is a fairly new company that manufactures, sells and operates green renewable technology. They take material such as manure, garbage, sewage sludge and even tires and gasify or super-heat the material without incinerating to make energy in the form of electricity, hot water and steam. He continued to explain that they can also take landfill gasses and liquefy them and turn them into a fuel that vehicles run on. He stated that they are looking to diversify the County and provide a substantial number of jobs. They also estimate that there will be around 1000 in-direct jobs created by bringing their facility to our County.

Sharkey asked if air quality will be affected by this process. Kirkendoll explained that the beauty of their system is that it produces less pollution than what a car does. He stated that the EPA is very pleased with this technology. Letherman asked how many companies they already have up and running. Kirkendoll explained that this company would be the first in the United States. However, they have 17 other companies through their alliance partners that are in Europe and have been running for well over 8 years. He further explained that they will be producing and running on their own energy and will provide a renewable energy source to the County that creates a zero carbon footprint.

Sharkey asked if they will be accepting trash at their facility. Kirkendoll stated that they will not be accepting trash to use as energy at their plant, that they will be bringing in shredded tires to produce their energy source and that that process will produce pure carbon that will be sold for ink jet and laser printers. Yoder asked if there was a website for the company: [www.energy-inc.com](http://www.energy-inc.com). Yoder also asked what the cost would be to the County. Kirkendoll stated that there is no cost to the County, that they would be making us money, not asking for money.

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

**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:

#### I. PERSONNEL REQUESTS

A. Health Administration- Discussion of \$118,000 salary amount and four year contract for newly hired full-time Health Officer, Dr. Daniel Nafziger. Dr. Mertz was present to discuss this contract and answer any questions.

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

B. Park and Recreation

1. Request reclassification of full-time Park Services I position (vacant) to regular part-time Maintenance I, 24 hours per week, up to \$12.95/hr effective August 2, 2009.

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

C. Community Corrections

1. Request to reclassify Home Detention Field Officer (vacant) to Intensive Case Manager I, up to \$14.25/hr.

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

D. Community Corrections Fund 210 Department 980: Change in Salary Ordinance. Approval of Form 144.

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

E. Prosecuting Attorney- Victim Assistance: Amy Becthel was present to explain the following requests.

1. Contingent upon grant approval (STOP Domestic Violence), request one full time Victim Assistance Advocate position, up to \$15.68/hr, this is a two year grant. Becthel explained that our County was chosen, but we have not received the award as of yet.

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

2. Contingent upon grant approval (VOCA Recovery Act), request to fully fund three existing Victim Assistance Advocate positions (Lakey, Floyd, Yoder). Benefits remain paid by County funds. Becthel explained that our County was chosen, but we have not received the award as of yet. This grant would pay the remainder of the salaries that are currently funded by the County General Fund.

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

3. Contingent upon grant approval (VOCA Recovery Act), request to reclassify one part-time Victim Assistance advocate, to full-time status, up to \$15.68/hr including benefits.

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

4. Contingent upon grant approval (VOCA Recovery Act), request one new full-time Victim Assistance advocate, up to \$15.68/hr including benefits.

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

F. Health Department:

1. Health Education- Request renewal of existing Assist 2010 Women's Diabetes grant that supports one regular part-time Health Promotion Specialist, 29 hours per week. This is the third year of a three year grant that shows every sign of renewing for another three years.

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

2. Healthy Beginnings- Request renewal of existing MCH grant that supports six full-time and three part-time positions.

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 248-254).

G. Approval of EEO Affirmative Action Plan.

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

**ADDITIONAL APPROPRIATIONS REQUESTS AS ADVERTISED:**

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 July 29, 2009.

GENERAL FUND	
<u>Juvenile Court Magistrate</u>	
Personal Services	5,000.00
CUMULATIVE REASSESSMENT	
<u>Auditor</u>	
Other Services and Charges	74,868.00
COUNTY HIGHWAY	
<u>Highway Maintenance and Repair</u>	
Supplies	25,000.00
HEALTH-MCH GRANT	
<u>MCH- Maternal and Child Health</u>	
Personal Services	188,401.00
EMERGENCY PREPAREDNESS GRANT	
<u>Health Department</u>	
Personal Services	9,066.00
Supplies	634.00
Other Services and Charges	300.00
TOTAL	10,000.00
CORNER PERPETUATION	
<u>Surveyor</u>	
Other Services and Charges	20,000.00
PARK AND RECREATION DONATIONS	
<u>Park and Recreation Department</u>	

Capital Outlays	10,000.00
INDIANA TOBACCO PREVENTION AND CESSATION GRANT	
<u>Health Department</u>	
Personal Services	181,100.00
Supplies	4,000.00
Other Services and Charges	<u>4,900.00</u>
TOTAL	190,000.00
EDIT	
<u>Highway Department</u>	
Capital Outlays	1,500,000.00
CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	60,000.00
MAJOR BRIDGE	
<u>Highway Department</u>	
Other Services and Charges	1,878,264.00

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated: July 29, 2009

David L. Hess, Elkhart County Auditor

## **ADDITIONAL APPROPRIATIONS EXPLANATIONS**

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

1. Juvenile Court (161) requests \$5,000 for part-time staff for the remainder of the year. Laura Cameron was present to discuss this request. She explained the increased work load and need for a part time individual, as opposed to additional overtime for current employees who are already incurring a significant amount.

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 255).

### **B. CUMULATIVE REASSESSMENT (#105)**

1. Auditor's Office (980) requests \$74,868 for final payment of the CAMA system including maintenance cost and 30 hours additional training, if needed, for the period of July-December 2009. Hess briefly explained this request.

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 256).

C. COUNTY HIGHWAY (#112)

1. Highway Maintenance and Repair requests \$25,000 for truck parts. Jeff Taylor was present to explain this request.

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

The preceding Emergency Appropriation Ordinance was then duly adopted (Page 257).

D. HEALTH MCH GRANT (#126)

1. Health Department (611) requests \$188,401 to appropriate funds for the MCH grant period 10-1-09 through 9-30-10.

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 258).

E. EMERGENCY PREPAREDNESS GRANT (#128)

1. Health Department (980) requests \$10,000 for grant year August 10, 2008 through August 9, 2009. This was originally tabled in May.

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 259).

F. CORNER PERPETUATION (#170)

1. Surveyor (980) requests \$20,000 to hire professionals to install section corners throughout the County. Commissioner Yoder was present to briefly explain this request.

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 260).

G. PARK & RECREATION DONATIONS (#181)

1. Park and Recreation (980) requests \$10,000 for phase 3 of the Pumpkinvine Trail, project #0903. Dan Seltenright was present to briefly discuss the Pumpkinvine Trail project.

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 261).

H. INDIANA TOBACCO PREVENTION AND CESSATION GRANT (#185)

1. Health Department (981) requests \$190,000 for grant year July 1, 2009 thru June 30, 2010.

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 (Page 262).

I. EDIT (#331)

Highway Department (980) requests \$1,500,000 to supplement the MVH fund for maintaining our current infrastructures. Hess explained that EDIT requires a capital improvement plan. He further stated that we should come back in October and do an amendment to our capital improvement plan before we move into what we are planning to do here. He stated we should make a reduction in certain accounts within the MVH fund, then do an additional appropriation from EDIT for certain line items to keep track of the spending. It would be his suggestion that we look at \$700,000-800,000 initially instead of the 1,500,000. He stated that he has also been looking at the Major Moves Fund and that we have enough interest income from that fund to expend about \$450,000 from that to MVH.

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

J. CUMULATIVE DRAIN (#337)

- 1. Drainage Board (980) requests \$50,000 for maintenance repairs on ditches.

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

- 2. Drainage Board (980) requests \$10,000 for maintenance repairs on ditches.

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 (Page 263).

K. MAJOR BRIDGE (#338)

1. Highway Department (980) requests \$1,878,264 for bond and interest payment from Major Moves back to Major Moves plus interest due to the Major Moves fund for the short term loan use to begin the Johnson Street project. Hess briefly explains this request.

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 264).

**TRANSFERS REQUIRING COUNCIL ACTION:**

A. GENERAL FUND (#001)

- 1. County Auditor (102)

From--4392 Subscription-----	\$	200.00
From--4345 Rent- Copy Machine-----	\$	110.00
To-----4541Office Furniture & Fixtures-----		310.00

- 2. Planning & Development (132)

From--4305 Data Processing Services-----	\$	7,000.00
To-----4545 Data Processing Hardware-----		7,000.00

3. Superior Court #6 (170)  
 From - 4259 Capital Supply Items-----\$ 325.00  
 To ----4545 Data Processing Hardware----- 325.00

B. PARK AND RECREATION-OPERATING (#104)

1. Park and Recreation (320)  
 From--4118 Excess Hours-----\$ 12,000.00  
 To ----4325 Electric----- 12,000.00

C. STIMULUS REVENUE LEAD HAZARD GRANT (#199)

1. Commissioners (980)  
 From--4105 Professional----- \$ 152,006.00  
 From--4125 Part-time Professional----- \$ 31,200.00  
 From--4219 Operating Supplies-----\$ 12,667.00  
 From--4310 Sustenance----- \$ 40,222.00  
 From--4150 Social Security----- \$ 21,358.00  
 From--4151 Group Insurance----- \$ 13,000.00  
 From--4157 Medicare----- \$ 1,210.00  
 To ----4539 Other Equipment----- 3,667.00  
 To ----4309 Other Professional Services----- 267,996.00

Byers and Council discussed this request and decided to approve the transfer, however, it was requested that Byers research the amount given for professional services.

D. CUMULATIVE CAPITAL DEVELOPMENT (#334)

1. Commissioners (980) Project 0903  
 From--4539 Other Equipment-----\$ 3,333.00  
 To ----4219 Operating Supplies----- 3,333.00

E. CRIMINAL JUSTICE FACILITIES (#336)

1. Commissioners (980)  
 From--4326 Gas-----\$ 50,000.00  
 To 4219 Operating Supplies----- 50,000.00

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

The preceding Emergency Transfer Ordinance was then duly adopted (Page 265).

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

**OTHER BUSINESS:**

(a) Council nominated Clarence J. Yoder to the City of Goshen EDC board.

(b) Restatement of Elkhart County Police Retirement Plan: Craig Buche briefly explained this plan that was prepared and administered by McCready and Keene. This is simply a restatement of the existing plan to

comply with updated requirements under State and IRS regulations.

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

(c) Approval of Millersburg-Clinton Fire Territory and Elkhart County Solid Waste Management District Budgets.

Gordon Lord explained the Solid Waste Management District Budget. Hess and Council addressed the issue of re-payment of their loan to the County. It was recognized that the re-payment was not included in Lord stated that Solid Waste is aware of the loan re-payment and fully intends to pay the loan back as soon as surplus funds become available. It was pointed out that the budget does not show the projected income for year 2010. It was then suggested that the director of the Solid Waste Management Board come in to explain the budget and include the projected income in his presentation.

On motion made by Yoder seconded by Sharkey and unanimously carried, the Council tabled this request until the September 23, 2009 budget hearing.

Richard Groff was present to discuss the Millersburg-Clinton Fire Territory Budget. Groff explained that their budget has been very tight and that they have to borrow from other funds just to operate and that money has run out. He further explained that their budget request is more this year, due to the fact that they need replacement trucks and would like to add on to the fire station. Hess also explained that it is more due to the fact that they have combined Millersburg budget and Clinton budget to make up the fire territory.

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

(d) Approval of Resolution of the Elkhart County Council Authorizing the Expenditure of H1N1 Influenza Virus Grant Funding, CC-09-16.

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

The preceding Resolution was then duly adopted (Page 266).

**AUDIENCE ITEMS:** None

**ADJOURN:**

There being no further business to come before the Council the meeting was adjourned at 11:10 a.m. on motion by Sharkey seconded by Foutz and unanimously carried.

Recording Secretary  
Audie Hostetler

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.