

MINUTES
ELKHART COUNTY COUNCIL
August 13, 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 Foutz, David Hess, Darryl Riegsecker, Randall D. Yohn 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 July 16, 2011.

On motion made by Riegsecker seconded by Foutz and unanimously carried, the minutes of the July 16, 2011 Council meeting were approved.

COMMITTEE REPORTS:

COMMISSIONERS: No report.

COUNCIL: Hess, Ashe, Sharkey and Letherman gave short reports.

AUDITOR: Graff gave short report.

SHERIFF: No report.

EDC MATTERS: Public Hearing and Consideration of Final Action on Economic Revitalization Area Designation for Special Metals and Ferret, Inc.

Dave Ogle approached the Council and stated that Special Metals had decided to withdraw their request for tax phase abatement. Although, the company has decided to follow through with the relocation to Elkhart they will not be following through with the abatement. The company's attorney was not comfortable with language included in the commitment and payment agreement.

Craig Buche gave a brief process explanation.

On motion made by Yohn seconded by Ashe and unanimously carried, the Council opened the Public Hearing.

Scott McMeekan, President of Ferret, Inc., addressed the Council and wanted to inform them that his company is experiencing tremendous growth and is very anxious to get started on this project. He also expressed his appreciation of the consideration that the Council has given his company.

Sharkey asked Mr. McMeekan if their company was following through with e-verify and he indicated that they were pursuing it.

On motion made by Sharkey seconded by Riegsecker and unanimously carried, the Council closed the public hearing.

Buche gave a brief overview of the Commitment and Payment Agreement.

On motion made by Foutz seconded by Sharkey and unanimously carried, the Council approved the Commitment and Payment Agreement.

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Buche gave a brief overview of Confirmatory Resolution CC-2011-15.

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

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Tom Byers approached the Council and stated that a representative from Coachmen, Mr. Del Heirr, was present to give a brief update of the progress of his company pursuant to their tax abatement.

Mr. Heirr stated that their company, now called All American Group (division All American Specialty Vehicles), has experienced an upward trend since December 2010 when they submitted their CF-1. They now have the largest back log in the history of the company. Their employee base has grown by 9% with additional growth expected. They have made capital investments in the amount of \$38,000 and are in the process of completing a 3000 sqf office edition in next 30 days. They are also pursuing additional revenue streams other than buses.

Foutz asked if they were producing ecologically friendly vehicles. Mr. Heirr stated they are producing vehicles with all three power systems: gas, diesel and electric. He stated that Canada has been very receptive to the electric vehicles. Hess asked whether they are using or looking into CNG. Mr. Heirr stated they have done a few of those, one being a book mobile.

PERSONNEL MATTERS:

A. Sheriff's Department

1. Request 6% increase in pay rate for Patrol Officer (Pinch) while assigned to the ICE unit from \$20.38 to \$21.60 effective 8-14-11. CCPC recommended approval, 4-0.

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

B. Code Enforcement

1. Request to return two regular part-time Planning Assistants, PG3/JF1, \$12.95, to one full-time position (tabled from June Council meeting). CCPC recommended approval, 4-0.

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

C. Health Department

1. CHN: Request premium pay (\$1.25/hr.) for Clinic Assistant, PG3, up to \$12.95 (plus \$1.25/hr. = \$14.20/hr.) when filled by a Certified Medical Assistant. CCPC recommended approval, 4-0.

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

2. Healthy Beginnings: Request continuation of MCH grant that supports 6 full-time and several part-time staff positions. the CCPC recommended approval, 4-0.

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

3. Healthy Beginnings (MCH): Request expansion of hours of Community Health Worker position from regular part-time to full-time status contingent on grant funding effective 10-1-11. (added) CCPC recommended approval 4-0.

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

4. Healthy Beginnings: Request to move two regular part-time Prenatal Care Coordinators from MCH Program Income (126-614) to MCH Grant (126-311) effective 7-3-11. CCPC recommended approval, 4-0.

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

5. Healthy Beginnings: Request continuation of WIC grant that supports 22 full-time and 5+ part-time staff positions. CCPC recommended approval, 4-0

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

6. Request continuation of ITPC grant that supports one full-time position (Potuck). CCPC recommended approval, 4-0.

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

7. Request continuation of Lead grant that supports one regular part-time Clinic Assistant position (Vargas - 28 hours/week). CCPC recommended approval, 4-0.

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

8. Request continuation of Tuberculosis grant that supports one part-time position working 20 hours per week. CCPC recommended approval, 4-0.

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

D. Parks and Recreation

1. Request temporary, retroactive 6% rate increase for Curator of Education (Oestreich) for five pay periods while acting as Museum Manager from May 8 through July 15, 2011 (\$405.80). CCPC recommended approval, 4-0.

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

2. Request to change position title from Assistant Museum Manager, PG4/JF5, to Curator of Collections, PG4/JF5, and change from non-exempt to exempt status. CCPC recommended approval, 4-0.

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

E. County Assessor

1. Request approval of revised Career Development Program for Assessors I, II, and III. CCPC recommended approval, 4-0.

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

F. Community Corrections

1. Request continuation of IDOC grant that supports ~~13~~ 10 full-time positions. CCPC recommended approval, 4-0.

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

2. Request continuation of IDOC Program Income that support ~~22~~ 25 full-time and 5 part-time positions. CCPC recommended approval, 4-0.

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

3. Request part-time rate of \$12.00/hr. in account number 4129 in IDOC Program Income for clerical support effective 9-11-11. CCPC recommended approval, 4-0.

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

4. Request continuation of CTP grant the supports ~~3~~ 1 full-time position. CCPC recommended approval, 4-0.

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

G. County Commissioners/Information Technology (IT)

1. Request individual rate increase for Systems Administrator (Peffley), Market Premium, from \$2376.92 to \$2692.31. CCPC recommended approval of a 10% individual rate increase paid from Cumulative Reassessment, 4-0.

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

H. Court Services

1. Request retroactive pay for Probation Officers per 2011 Judicial Guidelines. (added) CCPC recommended approval, 4-0.

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

I. Public Defender

1. Discuss temporary transfer of 2 Regular Part-time (29 hrs/week) clerical positions, 1 Part-time Public Defender and 1 Full-time Public Defender from Public Defender Supplemental to General Fund effective July 31, 2011 through October 22, 2011. (added) CCPC recommended approval, 4-0.

Discussion ensued on why the Public Defender Supplemental Fund is not capturing the same income as before to sustain these positions. Cliff Williams stated he is and will be working with the Judges on this, however, he doesn't feel it will be cleared up by October 22nd to sustain the positions in the supplemental fund.

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

The preceding Emergency Salary Ordinances were then duly adopted.

(Pages 291-302)

ADDITIONAL APPROPRIATIONS REQUESTS:

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 104, 117 N. 2nd Street, Goshen, Indiana, at 8:00 o'clock a.m. on Saturday, August 13, 2011

GENERAL FUND

Auditor

Other Services and Charges 8,050.00

Title IV-D Court

Other Services and Charges 1,800.00

TOTAL GENERAL FUND

	9,850.00
COUNTY HIGHWAY	
<u>General and Undistributed</u>	
Supplies	1,500.00
Other Services and Charges	40,000.00
Capital Outlays	<u>130,000.00</u>
TOTAL COUNTY HIGHWAY	171,500.00
LOCAL ROAD AND STREET	
<u>Maintenance and Repair</u>	
Other Services and Charges	15,000.00
JURY PAY FEE FUND	
<u>Auditor</u>	
Personal Services	30,000.00
IDOC GRANT	
<u>Project Income</u>	
Personal Services	1,514,641.00
Supplies	58,100.00
Other Services and Charges	403,000.00
Capital Outlays	134,400.00
<u>Community Corrections</u>	
Other Services and Charges	<u>306,313.00</u>
TOTAL IDOC GRANT	2,416,454.00
ELKHART COUNTY STORMWATER UTILITY MS4	
<u>Commissioners</u>	
Capital Outlays	100,000.00

EDIT
Highway

Capital Outlays 315,000.00

CUMULATIVE BRIDGE

Maintenance and Repair

Capital Outlays 22,000.00

CUMULATIVE DRAIN

Drainage Board

Capital Outlays 115,000.00

Park and Recreation Non-Reverting

Park and Recreation Department

Capital Outlays 164,900.00

REDUCTIONS

COUNTY HIGHWAY

Maintenance and Repairs

Supplies (25,000.00)

County Highway

Capital Outlays (54,964.87)

TOTAL COUNTY HIGHWAY (79,964.87)

EDIT

Highway

Capital Outlays (154,492.89)

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#001)

- 1. Auditor (102) requests \$ 8,050 for postage expense for mailing tax sale letters.

Graff explained this request to the Council.

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

- 2. Title IV-D Court (171) requests \$1,800 for translator services through the end of 2011. This is 2/3 reimbursable by the State.

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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B. COUNTY HIGHWAY (#112)

1. General and Undistributed (204) requests \$171,500 for an air conditioning servicing tool, hardware for garage and equipment repairs, outfitting of three one ton dump trucks with plows, dump bed, etc and outfitting of three pick-up trucks with plows, replacement of 2 way radios, repair to two older pay loaders and an asphalt hot box/recycler.

Jeff Taylor 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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C. LOCAL ROAD AND STREET (#114)

1. Maintenance and Repair (222) requests \$15,000 to sandblast, paint and refurbish older dump truck beds.

Jeff Taylor 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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D. JURY PAY FEE FUND (#156)

1. Auditor (980) requests \$30,000 to reimburse the General Fund for an appropriation approved in Department 162.

Graff explained that the appropriation only needs to be for \$15,000, account 4172, Petit Jurors. Graff withdrew the request for \$15,000 out of account 4145, SP & Other Services.

On motion made by Sharkey seconded by Hess and unanimously carried, the Council approved this request, in the amount of \$15,000.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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E. IDOC GRANT (#210)

1. Project Income (614) requests \$2,110,141 for their 2011/2012 project income budget.
2. Community Corrections (980) requests \$306,313 for refunds/other.

On motion made by Foutz seconded by Sharkey and unanimously carried, the Council approved both requests.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. ELKHART COUNTY STORMWATER UTILITY-MS4 (#320)

1. Commissioners (130) request \$100,000 for project 1101 for contribution toward sewer extension project that will serve Baugo Schools on CR 3. This will replace their current package treatment plant that was constructed in 1964 and is currently discharging into Baugo Creek.

Tom Byers gave a review of this project and passed out a map of the area. He stated that the Stormwater Board did have concern on whether this is setting a precedent on how to use stormwater monies, but ultimately voted in favor of this contribution. Letherman asked if others will have the option to hook on to this sewer line.

Jim DuBois, Superintendent Baugo Schools, stated that there is an option of hooking on to the sewer line and the City will be responsible for collecting the fees for that. Letherman stated that he is simply asking is there a way we can get our \$100,000 back. Blake Doriot stated that the MS4 board did ask them to proceed with some type of recapturing of monies paid. Byers said there would have to be an interlocal agreement that goes back to the Stormwater Board and the school district that addresses these particular issues. The issue will be two fold, typically the agreements you enter into with the city of Elkhart run 15 years. In this particular case what the board is going to have to weigh is if it is a 15 year agreement, do you want to project out 10-12 years and say in 12 years we can get \$500 back or half the money. You have to compare that to looking back and seeing what the school district is currently paying in stormwater fees. At one time, before we lowered the fees to the commercial/ industrial institutions, it was about \$4000 a year. Now it is around \$1500-1600 a year. Letherman asked if they are having to buy in to hook up to the City of Elkhart. DuBois stated they are paying construction cost to hook up, but the City has waived all up- front fees. He stated they will only be paying monthly fees. Letherman stated he feels if we are providing 10% of the construction money for this project, we should receive 10% of the hookup fees. Byers stated that is something that needs to be sorted out by the Stormwater Board.

Sharkey asked if they have spoke with the City about a grant. Mr. DuBois stated that the City will not offer a grant, but has waived the up-front fees.

Doriot stated that the Stormwater Ordinance is set up for residential elicit discharge process. He feels that the current ordinance is not set up to give money to public entities. There is no process in place. He stated that this passed the Stormwater Board by majority of the quorum, not majority of the board and feels that if the missing member would have been there, this would likely not have passed.

Bruce Perry, Director of Finance for Baugo Schools, stated that they have paid in \$2600 a year into the stormwater fund. This is something that we have to address, we don't want to become a negative discharger into Baugo Creek. We are at our bonding capacity and we need to figure out a way to fund this.

Glenn Null stated he can remember when Wal-Mart moved on the other side of town, they planned on putting this tiny septic in knowing that it would fail in two years or they told the City you can just run the lines out right now because when this fails you will have to run the lines out and fix it. I pay into this fund too, as a property owner, and I don't believe it is set up for a school to use this money. I urge you to vote against it.

Commissioner Mike Yoder said he feels that we need to look at the entire school district. Everyone in that school district, including the school, is paying into the stormwater fee fund. They are either going to help pay for this new treatment plant through higher taxes to the school or we are going to use monies that they already paid to the stormwater fund to pay for this project. The \$100,000 will be paid back by the residents of this school district very quickly.

Ashe asked the school why they didn't consider updating the treatment plant when they were doing the large expansion a few years ago. DuBois stated he was not Superintendent at that time but that he wishes they would have considered that at that time.

Hess stated CR 3 has been a problem for years and he has wrestled with this decision. We are not a bank. However, we have accrued a considerable amount of money in this MS4 fund. It seems to me that this benefits the entire Baugo community. I do agree in the future the Stormwater Board needs to develop a policy on this. Hess made a motion to approve this appropriation.

Discussion ensued between the Council, Baugo Schools and Doriot.

On motion made by Hess seconded by Foutz and carried with a 4-3 vote, the Council approved this request. Sharkey-Aye, Foutz-Aye, Yohn-Aye, Ashe-Nay, Riegsecker-Nay, Hess-Aye, Letherman-Nay.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. EDIT (#331)

1. Highway (980) requests \$315,000 for project 1117 (CR 8 bike path engineering) and 1118 (CR 3 & 32).

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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H. CUMULATIVE BRIDGE (#335)

1. Maintenance and Repair (212) requests \$22,000 for the purchase of a dump bed and plow for a one ton dump truck.

Jeff Taylor 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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I. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$115,000 for projects 1113 (Indian Creek), 1114 (Shaffer), 1115 (Horn) and 1116 (Sailor).

Blake Doriot explained this request to the Council.

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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J. PARK AND RECREATION NON-REVERTING (#341)

1. Park and Recreation (980) requests \$164,900 for project 1101 (pumpkinvine phase 5C1) and 1102 (various park projects).

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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REDUCTIONS

K. COUNTY HIGHWAY (#112)

1. Maintenance and Repairs (202) returns \$25,000 to reduce account 4229 and to be transferred to 112-204-4532 for a hot patcher/asphalt recycler.

2. County Highway (980) returns \$54,964.87 from project 2913, paving.

L. EDIT (#331)

1. County Highway (980) returns \$154,492.89 for project 2819 (\$4,492.89) and project 1108 (\$150,000).

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved all reduction requests.

The preceding Emergency Reduction Ordinances were then duly adopted.

(Pages 313-314)

TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

1. Microfilm (143)

From	4205	Photographic Supplies	250.00
To	4312	Postage	250.00

2. Superior Court #5 (166)

From	4209	Office Supplies	399.00
To	4542	Office Equipment	399.00

B. COUNTY HEALTH OPERATING (#102)

1. Health Department (340)

From	4217	Medical Supplies	2,738.00
		Computer	
To	4546	Software	530.00
	4541	Office Furniture	2,208.00

C. COPS METHAMPHETAMINE INITIATIVE (#224)

1. Prosecuting Attorney (980)

From	4310	Sustenance	50.00
	4545	Computer Hardware	252.00
To	4210	Gasoline	50.00
	4259	Capital Supplies	252.00

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

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:

Riegsecker added that he would like to see the Council look into charging a fee for tax phase-ins. He stated that Goshen City charges an application fee. Riegsecker stated he feels it will help recoup the attorney's fees we incur, especially when a company backs out of the phase-in. Letherman stated we will need to get with Dorinda Heiden-Guss, Tom Byers and Craig Buche and see if we can put something together for review at next month's meeting.

AUDIENCE ITEMS:

Glenn Null spoke about his dissatisfaction with the approval of the \$100,000 stormwater appropriation. He feels "it all runs down hill". He also spoke on his dissatisfaction with only the agenda being on the website. He feels all information that is given to the Council should be available on the website.

Letherman noted the revised budget hearing schedule, which includes the public hearing and work session both on September 15th.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 10:02 a.m. on motion by Sharkey seconded by Riegsecker 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.