

MINUTES
ELKHART COUNTY COUNCIL
December 12, 2009

The meeting of the Elkhart County Council was called to order by Undersheriff Julie Dijkstra 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; Commissioner Terry Rodino; and Commissioner Mike Yoder.

MINUTES:

Approval of minutes for November 14, 2009.

On motion made by Abel seconded by Yohn and unanimously carried, the Council approved the minutes as presented.

COMMITTEE REPORTS:

COMMISSIONERS: Rodino wished everyone a Merry Christmas.

COUNCIL: Sharkey wished everyone a Merry Christmas. Letherman announced the Highway Department's Pancake and Sausage Benefit Breakfast on December 17, 2009. Letherman also discussed the meeting with the Governor's Financial Representatives on December 15, 2009.

AUDITOR: Hess publicly expressed his appreciation of his staff during this difficult year. He also expressed his appreciation of Department Heads and their conservancy regarding their budgets this last year. In closing, Hess brought up changing the format of Council packets and budget books onto CD for the Council to consider. He also briefly discussed tax collection.

SHERIFF: No report.

ECONOMIC DEVELOPMENT CORPORATION MATTERS:

Craig Buche, County Attorney, introduced/explained the "Declaratory Resolution Designating Economic Revitalization Area and Qualifying Certain Real Estate Improvements and Certain Personal Property for Property for Property Tax Phase-In".

Dave Ogle handed out a packet regarding the project for MSC Industrial Supply (SID Tool). Ogle explained how impressed he was with the automated system at MSC. This project would include \$7.7 million in capital improvements and equipment purchases, \$350,000 in building expansion and 30 new employees. He stated this is a competitive project, with our competition being Harrisburg, PA.

Rick Spriggs, of MSC, handed out a packet to explain the project and MSC as a whole. He summarized

the handout, stating that MSC offers a same day ship guarantee. If an order is placed by 8:00 p.m., it will ship that same day, or they will send the customer a check for \$50. He stated they are currently shipping about 11,000 packages a day, 90% of which is shipped UPS. Their current facility is 575,000 sqf and holds over 500,000 items.

Councilmen Yoder asked if MSC has experienced any lay-offs. Spriggs stated that to keep from laying employees off, they have reduced hours by one day per month. They hope to be back at a regular schedule in February. He further explained that they have a total of 375 employees, 190 of which live in Elkhart County.

Buche briefly explained the five year phase-in schedule, which highlighted benefits to State, County and MSC. He stated the public hearing for this phase-in is scheduled for January 9th, 2009 at 8:00 a.m.

On motion made by Abel seconded by Yohn and unanimously carried, the Council approved Declaratory Resolution (CC-09-23). (Page 395)

PERSONNEL REPORT: None

TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

1. Treasurer (103) ** Added

From	4259	Capital Supply Items	625.00
To	4542	Office Equipment	625.00

2. Emergency Management (137)

From	4334	Vehicle Repairs	400.00
To	4203	Copy Machine Supplies	400.00
From	4398	Training Program	231.00
To	4212	Tires	231.00

3. Personnel (142)

From	4317	Advertising	900.00
To	4545	Data Processing Hardware	900.00

4. Soil and Water (144)

From	4205	Photographic Supplies	200.00
	4207	Data Processing Supplies	800.00
	4210	Gasoline	200.00
To	4545	Data Processing Hardware	1,200.00

5. Circuit Court (160)

From	4206	Law Books	1,500.00
	4312	Postage	1,100.00
	4394	Lodging/Meals	2,000.00
	4396	Change of Venue	200.00
	4397	Education/Conf Costs	450.00
	4542	Office Equipment	300.00
To	4165	Attorney-Pauper	2,850.00

	4171	Petit Jurors	2,700.00
6. Juvenile Court (161)			
From	4302	Medical Services	200.00
	4310	Sustenance	300.00
	4313	Travel Expense	200.00
	4312	Postage	200.00
	4397	Education/Conf Costs	200.00
To	4118	Excess Hours	1,100.00
7. Superior Court #2 (163)			
From	4206	Law Books	50.00
To	4201	Printed Forms	50.00
8. Superior Court #3 (#164)			
From	4302	Medical Services	600.00
To	4209	Other Office Supplies	600.00
9. Court Services (168)			
From	4343	Rent-Office Equip	800.00
To	4539	Other Equipment	800.00
B. COUNTY HEALTH OPERATING (#102)			
1. Health Department (340)			
From	4334	Vehicle Repairs	1,500.00
	4397	Tuition	1,000.00
	4398	Training Program	1,180.00
To	4546	Data Processing Software	3,680.00
From	4398	Training Program	390.00
	4397	Tuition	325.00
	4310	Sustenance	200.00
	4305	Computer Services	1,850.00
	4209	Office Supplies	500.00
To	4542	Office Equipment	495.00
	4546	Data Processing Software	2,770.00
From	4203	Copy Machine Supplies	1,261.00
	4210	Gasoline	1,385.00
	4212	Tires and Tubes	100.00
	4241	Training Supplies Laboratory	250.00
	4304	Supplies	1,059.00
	4310	Sustenance	463.00
	4313	Mileage	1,472.00
	4315	Other Printing	270.00
	4334	Vehicle Repairs	1,407.00
	4335	Office Equipment Repairs	260.00
	4337	Cleaning	314.00
	4390	Dues	321.00

	4397	Education/Conf Costs	655.00
	4398	Training Program	133.00
To	4217	Medical Supplies	1,040.00
	4541	Office Furniture	625.00
	4542	Office Equipment	670.00
	4545	Data Processing Hardware	1,385.00
	4546	Data Processing Software	5,630.00
From	4332	Rebinding Records	700.00
To	4259	Capital Supplies	700.00
2. Program Income (614)			
From	4319	Other Printing	100.00
	4317	Publication-non-legal	250.00
	4312	Postage	200.00
	4209	Office Supplies	400.00
	4203	Copy Machine Supplies	200.00
	4259	Capital Supplies	100.00
To	4545	Data Processing Hardware	1,250.00
C. MCH Grant (#126)			
1. Program Income (614)			
From	4309	Other Services	3,655.00
To	4217	Medical Supplies	2,700.00
	4239	Other Repair Supplies	955.00
D. HIV Grant (#141)			
1. Health Department (981)			
From	4337	Laundry, Cleaning	95.00
	4304	Laboratory	913.00
	4313	Mileage	1,160.00
	4310	Sustenance	1,486.00
To	4217	Medical Supplies	3,078.00
	4245	Incentives	576.00
E. Adult Probation User Fees (#165)			
1. Court Services (980)			
		Laboratory	
From	4304	Services	4,200.00
To	4217	Medical Supplies	4,200.00
F. H1N1 Virus Stimulus Grant (#214)			
1. Health Department (980)			
From	4309	Other Services	69,000.00
To	4259	Capital Supplies	1,000.00
	4209	Office Supplies	2,000.00
	4219	Other Office Supplies	5,500.00
	4203	Copy Machine Supplies	300.00

4103	Appointed Administrative Official	9,000.00
4104	Supervisor	14,000.00
4105	Professional	20,200.00
4108	Paraprofessional	8,000.00
4109	Clerical	9,000.00

G. Solid Waste Disposal Fees (#533)

1. Solid Waste (338)

From	4210	Gas, Motor Oil	100,000.00
To	4301	Legal Services	50,000.00
	4303	Architect, Engineer	50,000.00

Ashe questioned the Health Department HIV incentive program. Concetta Sanfillipo explained this incentive program to the Council.

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

The preceding Emergency Transfer Ordinance was then duly adopted (Page 396).

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

OTHER BUSINESS:

- (a) Review of interest rate on Major Moves Construction Loan (CC-08-14).

Buche addressed the Council and stated this is simply a six month review, which was requested by the Council, to review the 2% interest rate on the Major Moves Loan. After discussion, Council decided to stay at this rate and to review it again in June 2010.

On motion made by Yoder seconded by Sharkey and unanimously carried, the Council decided to stay at the 2% interest rate.

- (b) Discussion regarding MS4 administrative fee.

Buche explained his role as attorney for the County and the Stormwater Partnership. He explained that the fee was raised from \$21,000 to \$100,000 at the 2010 budget hearings. He stated that this put the partnership in a difficult position, as they had already set up their budget with the \$21,000 fee. Buche stated that representatives of the Stormwater Partnership were present to answer questions. Buche further explained that the preference would be for the County to delay raising the fee until 2011. In the meantime, a more accurate cost would need to be calculated and the partnership would then need to be notified, ahead of time, to prepare for the increase. Hess stated the billing process should be shifted back to the Stormwater board or partnership. Sharkey asked about the results of the study concerning stormwater fees that had been done months ago. Eric Kurtz approached the Council and stated that he has just recently received the final memo on the results and will discuss it with the Council after the report is given to the Stormwater Board. He also stated his concern with the issue of splits and that the

additional work on the Stormwater Board would need to be taken into consideration. It was decided to discuss the process and the fees with the Stormwater Board and Partnership before May 2010.

AUDIENCE ITEMS:

Barbara Ong approached the Council and asked that they pass a resolution approving a payment plan or give at least 4-6 weeks notice of the amount due. After discussion, the Council stated that they would meet with the Treasurer to discuss our options. They asked that Barbara come to the January Council meeting to discuss the findings.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 9:34 a.m. on motion by Sharkey seconded by Yoder and unanimously carried.

JOINT SESSION OF COMMISSIONERS AND COUNCIL

Following the Council meeting, at 10:00 a.m., a brief session was held to discuss the transfer of services from ECADAP to other County entities. Tonya Gaby presented her findings and gave the Council and Commissioners options to consider.

No official action was taken.

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.