

MINUTES
ELKHART COUNTY COUNCIL
February 6, 2010

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, C. J. Yoder, David M. Ashe, Dennis E. Sharkey and Randall D. Yohn.

Also present were David Hess, County Auditor; Gordon Lord and Craig Buche, County Attorneys; and Tom Byers, County Administrator.

MINUTES: Approval of minutes for January 9, 2010.

On motion made by Yohn seconded by Yoder and unanimously carried, the minutes of the January 9, 2010 Council meeting were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: No report.
COUNCIL: Sharkey and Letherman gave short reports.
AUDITOR: Hess gave a short report.
SHERIFF: No report.

PERSONNEL REPORT: Members present from the Personnel Committee were Councilmen Sharkey, Councilmen Abel, Councilmen Yoder and Carol Caviness, Assistant Director of Personnel. Caviness explained the following requests:

A. Superior Court 1

1. With current Court Reporter (Robinson) leaving employment on April 30, 2010, request authorization to fill position by March 1, 2010, to create overlap of more than 30 days for training purposes.

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

B. County Commissioners (Buildings & Grounds)

1. With Director retiring effective May 28, 2010, request authorization to fill position by April 1, 2010, to create overlap of more than 30 days for training purposes.

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

2. Request starting rate above midpoint of pay range (if necessary), not to exceed \$56,300 annually (current maximum hiring range is \$52,863).

On motion made by Yoder and seconded by Abel, the Council approved this request. This motion was
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approved with a vote of five Ayes and one Nay. Sharkey-Aye, Yohn-Aye, Yoder-Aye, Abel-Aye, Ashe-Nay.

C. Health Department:

1. STD Grant: Request continuation of existing grant that supports one part-time position.

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

2. STD Grant: Request part-time rate of \$18.08/hr. in Account 4125.

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

3. Public Health Preparedness: Request continuation of existing grant that supports one full-time position.

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

4. Request approval for new grant "Motherhood & More" which will support two part-time Lactation Consultants at \$28.00/hr. commencing 3-1-10 through 2-28-11.

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

5. Request approval of classification of Breastfeeding Coordinator, PG5/JF5, at \$18.08/per hour.

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

6. Request continuation of MCH Program Income that supports 7 full-time and numerous part-time staff members.

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

7. HIV Prevention Grant: Request continuation of grant that supports one full-time position.

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

The preceding Emergency Salary Ordinances were then duly adopted.

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EDC MATTERS:

PUBLIC HEARING AND CONSIDERATION OF FINAL ACTION ON ECONOMIC REVITALIZATION AREA DESIGNATION FOR SPECIALTY HEAT TREATING (CC-2010-03).

Craig Buche, County Attorney, gave a brief introduction and handed out an updated Statement of Benefits and Commitment and Payment Agreement. Buche reviewed these changes.

Letherman called for a motion to open the public hearing:

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council opened the public hearing.

Dave Ogle, of the EDC, addressed the Council. He stated that he felt the Council was already well up to date on this request. He stated that he did want to thank Mr. Flower and the leadership from Specialty Heat Treating for considering Elkhart County for this expansion project. He stated it demonstrates once again that Elkhart County is a great place to do business and we appreciate them making the decision to improve their processes here in Elkhart County. I also feel that one of the other benefits this brings, outside of the additional tax dollars, is the exposure to the many customers that Specialty Heat Treating brings to the table.

Mr. Bill Flowers, of Specialty Heat Treating, thanked the Council for considering this and wanted to explain the change in employee numbers on the Commitment and Payment Agreement. He stated that in the beginning when they applied for this, they applied through the State and filled out an application for payroll tax credits. We were asked to give the maximum estimate of employees. We were instructed to not understate because you cannot come back a second time. We were informed that there was no penalty if you do not achieve those numbers. We are very comfortable with the resolution statement stating up to 26 new employees by the end of 2012. We have never been a company that is deceitful, so we asked to revise the number of employees to a more conservative level.

Letherman asked if anyone from the public would like to speak. There was no one that wished to speak.

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

Buche addressed the Council to review the Commitment and Payment Agreement and the change in number of employees.

On motion made by Yoder seconded by Yohn and unanimously carried, the Council approved the Commitment and Payment Agreement. (Page 53)

Buche then explained Confirmatory Resolution CC-2010-03.

On motion made by Yoder seconded by Ashe and unanimously carried, the Council approved CC-2010-03. (Page 54)

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 January 27, 2010.

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, February 6, 2010.

GENERAL FUND	
<u>Auditor</u>	
Other Services and Charges	67,500.00
<u>Commissioners</u>	
Other Services and Charges	3,130.00
<u>Superior Court #6</u>	
Other Services and Charges	<u>450.00</u>
TOTAL GENERAL FUND	71,080.00
COUNTY HEALTH OPERATING	
<u>Health Department</u>	
Personal Services	9,235.00
TOBACCO SETTLEMENT	
<u>Health Department</u>	
Personal Services	75,720.00
Supplies	5,000.00
Other Services and Charges	30,316.00
Capital Outlays	<u>16,000.00</u>
TOTAL TOBACCO SETTLEMENT	127,036.00
CHILDHOOD LEAD POISONING GRANT	
<u>Health Department</u>	
Supplies	100.00
Other Services and Charges	<u>1,000.00</u>
TOTAL CHILDHOOD LEAD POISONING GRANT	1,100.00
COURT IMPROVEMENT GRANT	
<u>Juvenile Court</u>	
Other Services and Charges	3,000.00
CONTINUING EDUCATION	
<u>Sheriff's Department</u>	
Other Services and Charges	10,625.00

AUDITOR'S PLAT BOOK FUND

Auditor

Personal Services	20,282.00
Supplies	5,400.00
Other Services and Charges	14,000.00
Capital Outlays	<u>1,000.00</u>
TOTAL AUDITOR'S PLAT BOOK FUND	40,682.00

REDEVELOPMENT COMMISSION

Planning and Development

Supplies	650.00
Other Services and Charges	<u>3,050.00</u>
TOTAL REDEVELOPMENT COMMISSION	3,700.00

GHS BREASTFEEDING GRANT

Health Department

Personal Services	9,796.00
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DISTRICT 2 ADMINISTRATIVE GRANT

Emergency Management

Supplies	770.00
Other Services and Charges	<u>33,450.00</u>
TOTAL DISTRICT 2 ADMINISTRATIVE GRANT	34,220.00

ELKHART COUNTY STORMWATER UTILITY MS4

Health Department

Personal Services	14,425.00
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EDIT

Highway

Capital Outlays	65,000.00
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CUMULATIVE CAPITAL DEVELOPMENT

Commissioners

Capital Outlays	250,000.00
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CUMULATIVE DRAIN

Drainage Board

Capital Outlays	17,000.00
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PARK AND RECREATION NON-REVERTING

Park and Recreation

Capital Outlays	33,000.00
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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: January 27, 2010

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATIONS EXPLANATIONS

A. GENERAL FUND (#001)

1. Auditor (102) requests \$67,500 for maintenance contract and services from GUTS.

Hess briefly explained this request.

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

2. Commissioners (130) request \$3130 for the County's Juvenile Advocacy Program that is currently administered by CAPS. The State of Indiana has made additional funding available, but the County is required to provide a cash match in the amount of \$3130. Of the total requested, \$2000 comes from the County's donation fund, which will be transferred to the General Fund.

Magistrate Domaine and Candy Yoder of CAPS explained this request.

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

3. Superior Court #6 (170) requests \$450 for competency evaluation expenses.

Judge Bonfiglio briefly explained this request. He stated that this is the first competency evaluation they have needed in 18 months.

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.

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B. COUNTY HEALTH OPERATING (#102)

1. Health Department (340) requests \$9235 for a part-time clerical position that works on billing insurance/Medicaid.

Dr. Daniel Nafziger briefly explained 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.

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C. TOBACCO SETTLEMENT (#121)

1. Health Department (980) requests \$127,036 for grant period January 1, 2010 to December 31, 2010. The grant amount is for \$72,670, however, \$54,000 were left from last grant period due to a vacant position and is being added back into this request. This grant is in its 21st year.

Dr. Nafziger briefly explained this request.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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D. CHILDHOOD LEAD POISONING GRANT (#124)

1. Health Department (340) requests \$1100, which represents additional funding awarded, for grant period July 1, 2009 to June 30, 2010.

Jenny Schrock explained this request.

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.

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E. COURT IMPROVEMENT GRANT (#135)

1. Juvenile Court (161) requests \$3000 for the Court Improvement Program. This is a reimbursable grant.

Magistrate Domaine explained this request to the Council. She stated the funding is used for a Juvenile Court Summit.

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.

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F. CONTINUING EDUCATION (#161)

1. Sheriff's Department (105) requests \$10,625 for continuing education of officers.

Undersheriff Dijkstra explained this request to the Council. She stated this request is to appropriate the money they receive from traffic tickets, that they then use to pay for their officer's college education.

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.

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G. AUDITOR'S PLAT BOOK (#172)

1. Auditor (980) requests \$40,682 to establish the 2010 budget for this fund.

Hess explained this fund is used to pay part time personnel that would otherwise be funded from the general fund. It is also used for GIS operating supplies and education opportunities.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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H. REDEVELOPMENT COMMISSION (#197)

1. Planning and Development (980) requests \$1000 to establish their 2010 budget.

Bob Watkins explained this request to the Council. He stated the original request was for \$3700, but they were asked, by the Commissioners, to reduce the request to \$1000. He stated they generally do not spend as much as requested, thereby allowing them to reduce the original request.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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I. GHS- BREASTFEEDING GRANT (#206)

1. Health Department (980) requests \$9796 that represents funds submitted as a grant request to Goshen Health System. This grant would fund two part-time professionals. Goshen Health Systems will not announce grant awards until sometime in March.

Jenny Schrock explained this request.

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.

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J. DISTRICT 2 ADMINISTRATIVE ASSISTANT GRANT (#211)

1. Emergency Management (980) requests \$34,220 to hire a contractor for District #2 grant period June 30, 2009-July 1, 2010.

Tom Byers explained this request.

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.

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K. ELKHART COUNTY STORMWATER UTILITY MS4 (#320)

1. Health Department (340) requests \$14,425 for amounts that were inadvertently left off the budget for 2010, for insurance, wellness and worker's compensation.

Tom Byers explained this request.

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.

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L. EDIT (#331)

1. Highway (980) requests \$65,000 for project #2106 (CR 8 bike path) and project #2107 (CR 38 engineering).

Tom Byers explained this request.

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.

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M. CUMULATIVE CAPITAL DEVELOPMENT (#334)

1. Commissioners (980) requests \$250,000 for project #2011 to purchase sheriff's cars (\$150,000) and capital items for departments (\$100,000), as set forth in the Cum Cap Plan.

Tom Byers explained this request.

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.
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N. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$17,000 for project #0955, Schriver Ditch.

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.
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O. PARK AND RECREATION NON-REVERTING CAPITAL (#341)

1. Park and Recreation (980) requests \$33,000 for museum boiler maintenance and repair, drinking water well upgrades and department building repair.

Dan Seltenright explained this request to the Council.

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.
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TRANSFERS REQUIRING COUNCIL ACTION:

A. General Fund (#001)

1. County Auditor (102)

From	4109	Office and Clerical	5,000.00
To	4309	Other Professional Services	5,000.00

B. PSUPP Grant (#123)

1. Health Department (981)

From	4219	Operating Supplies	400.00
To	4315	Printing	400.00

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

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:

- (a) Interlocal Agreement for the Design and Construction of County Road 40 from Dierdorff Road to U.S. 33.

Gordon Lord, County Attorney, reviewed this agreement with the Council.

On motion made by Yoder seconded by Sharkey and unanimously carried, the Council approved this agreement. (Page 77)

- (b) New appointment of board member to the Alcoholic Beverage Board.

A board member to replace Larry Blackport has not been found. The Council will continue to look for a replacement.

- (c) Ordinance Amending Ordinance No. CC-09-11 Concerning Welfare Fund Loan and Repayment (CC-2010-06).

Craig Buche and David Hess reviewed this Ordinance with the Council.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved CC-2010-06. (Page 78)

- (d) Review of results from AMEC study on the stormwater billing program.

Eric Kurtz passed out several handouts related to the study. He then reviewed the study with the Council and answered various questions on the rain barrel program. The recommendations laid out on page 7 of the AMEC study handout will be brought before the Council again this summer for their approval. (Page 79)

- (e) Approval of Resolution CC-2010-04 and CC-2010-05, updating employees that are authorized to release information to PERF.

On motion made by Yoder seconded by Yohn and unanimously carried, the Council approved CC-2010-04 and CC-2010-05. (Page 80)

ADDED ITEM: Hess reviewed and explained an Interlocal Agreement for Rock Run Ditch between the City of Goshen, the Elkhart County Drainage Board and the Elkhart County Council.

On motion made by Yoder seconded by Abel and unanimously carried, the Council approved this request. (Page 81)

AUDIENCE ITEMS: NONE

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 9:40 a.m. on motion by Yoder seconded by Ashe 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.