

MINUTES
ELKHART COUNTY COUNCIL
February 14, 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, C. 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 and Mike Yoder, County Commissioner.

MINUTES: Approval of minutes for January 10, 2009.

On motion made by Sharkey seconded by Yohn and unanimously carried, the minutes of the January 10, 2009, Council meeting were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: Yoder gave short report on his view of retreat.
COUNCIL: Abel, Yohn, Foutz, Sharkey all talked about retreat.
Letherman talked about stimulus money from the Federal government.
AUDITOR: Hess spoke about HB1665 and new procedures that the State is setting up.
SHERIFF: No report.

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

Councilman Sharkey told the Council that the Personnel Committee had been hard on the department heads asking for increases. The Committee invited the department heads asking for increases to the Council meeting this morning to state their cases to the Council.

I. PERSONNEL REQUESTS

A. County Clerk

1. Request rate increase of \$.32/hr. for three Legal Assistant II's, (Mitchell, Sims, and Wiggins), PG4/JF1, from \$10.67 to \$10.99. No additional funding required. CCPC recommended denial 3-0.

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

B. Court Services

1. Request to designate a current Probation Officer (Navarro) to receive Specialty Pay (\$1,000 annually) for use of her bilingual skills in regularly taking on cases that are non-English speaking Hispanics. CCPC recommended denial 3-0.

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

C. County Assessor - Reassessment Fund

1. Request additional hourly compensation for three current Assessors II, paid from the Reassessment Fund, while acting as team leaders during the reassessment process, as follows: John Loos \$3.88/hr.; Chuck Teall \$6.82/hr.; and Jerry Weaver \$6.83/hr. CCPC tabled this request until the April 2 CCPC meeting, 3-0.

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

D. Concord Township Assessor

1. Request individual rate increase for Assessor II (DeFreese) from \$14.07 to \$14.91. CCPC recommended denial.

Kris Rowe explained why she had asked for these increases.

2. Request individual rate increase for Assessor II (Pressler) from \$14.22 to \$15.07. CCPC recommended denial 3-0.

On motion made by Foutz seconded by Yoder and unanimously carried, the Council approved the denial of C-1 and C-2.

E. Highway Department

1. Engineering

a. Request to divide one full-time Project Engineer into two Regular Part-time Project Engineer positions. CCPC recommended approval 3-0.

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

b. Request to add John Ummel to the list of engineers approved for additional hours compensation previously approved for inspections of federally funded projects (should he return to employment with Elkhart County). Note: Ummel's pay rate would be \$43.27/hr. after 42 hours per week. CCPC recommended approval 3-0.

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

F. Health Department

1. Healthy Beginnings: Request increase in hours for Dental Assistant from 28 to 36 per week; additional cost to be paid by MCH Program Income. CCPC recommended approval 3-0.

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

2. MCH Program Income: Request continuation of MCH Program Income that supports six positions. CCPC recommended approval 3-0.

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

3. STD Grant: Request continuation of grant that supports one part-time position. CCPC recommended approval 3-0.

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

4. HIV Grant: Request continuation of grant that supports one full-time position. CCPC recommended approval 3-0.

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

ADDITIONAL ITEM: Caviness said there was another matter that needed a vote. In November a grant for Lead & Healthy Homes was approved for a PT position. That position was to be a Regular PT position. She asked for approval of that correction.

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

The preceding Emergency Salary Ordinances was then duly adopted.
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EDC 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 February 4, 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 the 14th of February, 2009

GENERAL FUND

County Auditor

Other Services & Charges

120,153.00

<u>Title IV-D Court</u>	
Personal Services	44,500.00
TOTAL GENERAL FUND	164,653.00
LOCAL EMERGENCY PLAN. COMMISSION (L.E.P.C.)	
<u>Emergency Management</u>	
Supplies	6,075.00
Other Services & Charges	54,375.00
Capital Outlays	13,000.00
H.I.V. PREVENTION GRANT	
<u>Health Department</u>	
Other Services & Charges	2,450.00
LAW ENFORCEMENT CONT. EDUCATION	
<u>Sheriff's Department</u>	
Personal Services	15,531.00
COUNTY DRUG FREE COMMUNITY	
<u>County Commissioners</u>	
Other Services & Charges	243,250.00
SURVEYOR'S PERPETUATION FUND	
<u>County Surveyor</u>	
Capital Outlays	9,500.00
AUDITOR'S PLAT BOOK FUND	
<u>County Auditor</u>	
Personal Services	1,810.00
Supplies	5,400.00
Other Services & Charges	12,750.00
Capital Outlays	7,050.00
DISTRICT 2 ADMINISTRATIVE ASSISTANT GRANT	
<u>Emergency Management</u>	
Other Services & Charges	50,000.00
SEXUALLY TRANSMITTED DISEASES	
<u>Health Department</u>	
Supplies	2,500.00
WELFARE/FCS JUVENILE	
<u>WELFARE DEPT. OF FAMILY SERVICES</u>	
Other Services & Charges	900,000.00
GHS BREASTFEEDING PROMOTION GRANT	
<u>Health Department</u>	
Personal Services	19,704.00
STORM WATER UTILITY	
<u>Soil & Water</u>	
Other Services & Charges	73,971.00
ECONOMIC DEVELOPMENT INCOME TAX	
<u>County Commissioners</u>	

Capital Outlays	30,000.00
CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	10,000.00
MAJOR BRIDGE FUND	
<u>Highway Department</u>	
Capital Outlays	1,151,000.00

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: February 4, 2009

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATIONS EXPLANATIONS

A. GENERAL FUND (#001)

1. County Auditor (102) requests \$120,153 to make the payment for 2009 for the GUTS tax and billing system. The program was certificated by the State and we now need to pay for 2009. Starting in July we will have a 6 month maintenance fee of \$59,850 which we will pay from the Reassessment fund. Starting in 2010 that amount will go in the respective budgets.

Hess explained this request to the Council. Letherman asked many questions of Hess about this new system. Sharkey asked why this amount was not in the budget and Hess said we did not know if this system was going to be approved so it was not possible to know what to budget for until approval. He said this is going to be an ongoing cost that you didn't have when you had an in-house data department running an AS400 system, but you had the cost of running the AS400 system. Yoder asked if it would be \$60,000 every year or every 6 months. Hess said half of the cost would come from reassessment funds and the total maintenance is about \$120,000 a year.

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

2. Title IV-D Court (171) requests \$44,500. The amount of \$4,500 will cover expenses not included in the cooperative agreement and \$40,000 to cover Elkhart Legal Aid expenses for 2009 @ \$10,000 a quarter.

Judge Bonfiglio was not present to answer the Council's questions. The Council then decided to table this request until March. They felt they needed more information to make a decision.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
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B. LOCAL EMERGENCY PLANNING COMMISSION (L.E.P.C.) (#136)

1. Emergency Management (980) requests funds to establish a budget for the fiscal year of 2009.

Supplies	6,075.00
Other Services & Charges	54,375.00
Capital Outlays	<u>13,000.00</u>
TOTAL REQUESTED	73,450.00

Tom Byers explained this request to the Council. This is a budget that is established every year. It came from Environmental Health but is now a part of Emergency Management. These funds are for training, emergencies, etc., and generated by fees and a grant.

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.
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C. H.I.V. PREVENTION GRANT (#141)

Health Department (981) requests \$2,450 awarded to them by the HIV Core/Incident Surveillance Department of ISDH to help with travel expense.

Jenny Schrock explained this request to the Council.

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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D. LAW ENFORCEMENT CONTINUING EDUCATION (#161)

1. Sheriff's Department (980) requests \$15,531 to pay for continuing education of employees.

Undersheriff Dijkstra explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
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E. COMMUNITY DRUG FREE (#164)

1. County Commissioners (980) request \$243,250 for annual allocations to area agencies who passed application evaluations:

Partnership Drug Free Community Funds

2009	Applicant	Program	Request	Recommended
	Criminal Justice		\$118,910.00	\$92,580.00
	Center for Community Justice	Victim Impact	\$10,355.00	\$10,355.00
New	Elkhart County Prosecutor	ICE	\$12,000.00	\$9,975.00
	Elkhart County Sheriff	STAR	\$50,000.00	\$35,000.00
	IN State Police	Project Eyewitness	\$37,855.00	\$28,550.00
New	Town of Millersburg	In-Car Video Cameras	\$8,700.00	\$8,700.00
	Treatment		\$93,103.00	\$80,907.00
	A New Beginning	Adolescent Assistance	\$10,000.00	\$10,000.00
	Addictions Recovery	Success Chain	\$17,516.00	\$17,516.00
	Center for Problem Resolution	Hardship Scholarship	\$33,187.00	\$23,231.00
New	Danen Counseling	Treatment Scholarships	\$10,000.00	\$10,000.00
	Oaklawn	Work Release Addictions	\$22,400.00	\$20,160.00
	Prevention		\$95,748.00	\$48,568.00
	Bashor Children's Home	Community Outreach	\$27,000.00	\$0.00
	Big Brothers, Big Sisters	BBBS Mentoring	\$15,000.00	\$15,000.00
	Boys & Girls Club	SMART Suite	\$5,848.00	\$5,848.00
New	Crossing Educational Center	Crossing Prevention Program	\$20,000.00	\$3,820.00
	Elkhart Community Schools	Safe & Drug Free	\$10,000.00	\$0.00
New	Faith Mission	Breathalyzers	\$10,700.00	\$10,700.00
	Mental Health	Jr Mental Health	\$7,200.00	\$7,200.00
New	Partnership Office	Prevention Activities		\$6,000.00
	LCC Office		\$27,195.00	\$21,195.00
	Grand Total		\$334,956.00	\$243,250.00

Byers explained this request to the Council. There was a long discussion on how these funds are being divided up between organizations requests.

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.

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F. COUNTY SURVEYOR'S CORNER PERPETUATION FUND (#170)

1. County Surveyor (980) requests \$9,500 to purchase tools, operating supplies and pay for repairs to equipment.

On motion made by Sharkey 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. County Auditor (980) requests \$27,010 to establish a 2009 budget.

Personal Services	1,810.00
Supplies	5,400.00
Other Services & Charges	12,750.00
Capital Outlays	7,050.00

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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H. DISTRICT 2 ADMINISTRATIVE ASSISTANT GRANT (#175)

1. Emergency Management (980) requests \$50,000 to hire a District 2 Administrative Assistant.

Byers explained this request to the Council.

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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I. SEXUALLY TRANSMITTED DISEASES (#183)

1. Health Department (980) requests \$2,500 to fund this grant from the ISDH to the STD department.

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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J. WELFARE/FCS JUVENILE (#189)

1. Welfare Department of Family Services (980) requests \$900,000 to cover bills that occurred in 2008. The County is responsible for 2008 claims.

Hess explained this request to the Council. He said the State wants this fund closed out by March 1st. He said that will not be possible. We are still getting bills for 2008. This will get complicated because there is no funds budgeted for 2009. Unfortunately there is no getting around the fact that we will have to pay the bills that are still coming in for 2008 until there are no more bills.

On motion made by Foutz 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. GHS BREASTFEEDING PROMOTION GRANT (#206)

1. Health Department (980) requests \$19,704 that was submitted to Goshen Health Systems, Charitable Giving Committee as a grant proposal to increase the staffing hours for PT paraprofessionals to provide breastfeeding education and support for pregnant and postpartum women in the WIC program. We will learn sometime in March if our proposal is awarded grant funding.

Jenny Schrock, Health Department explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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L. ELKHART COUNTY STORM WATER UTILITY (#320)

1. Soil & Water (980) requests \$73,971 for a wide-ranging study of the storm water billing program and creation of a technical manual and credit system.

Eric Kurtz explained this request to the Council. The Council questioned Kurtz very thoroughly on this request and what the money would be spent on. Kurtz indicated that this work was beyond the expertise of the participants; that is why they are looking for assistance from an outside contractor. The group also wants to avoid making mistakes like other communities have made; the engineering firm selected has extensive experience in setting up storm water utilities and should be able to help our group avoid problems that others have experienced.

At this point Jim Goucker from the audience spoke to the Council about how wasteful this mandate from the State is. He questioned whether anyone would spend the kind of money required to reduce storm water discharges in exchange for a small reduction in the fee and asked and asked the Council if they couldn't do something about it. The Council and Goucker entered into a long discussion on this request.

Buche then addressed the Council and said that he would try to make their decision a little easier. Obviously \$74,000 is \$74,000 but to remember that this is what was suggested at the retreat was needed in terms of combining services. He reminded them not to lose sight of the fact that this is a cooperative effort by Interlocal Agreement where you are collaborating with three other governmental entities in order to keep the cost down by what you are doing. If the City of Goshen, City of Elkhart, Town of Bristol and the County of Elkhart had to do all of these things themselves it would cost more money. He mentioned that this program was put together in order to try to make this effort work. He pointed out it is not easy to get everybody to agree, and the County's portion of this is \$32,000. But he said that Goshen is ready, Elkhart is ready, Bristol is ready and the County is ready to

proceed to do what they have committed to do and try to come up with a system that is fair. If this first effort with this Interlocal Agreement is not a success, he was unsure how we are going to do cooperative agreements with other governmental entities.

On motion was made by Foutz and seconded by Yoder. Sharkey asked for a roll call.

Abel	Yea
Yoder	Yea
Ashe	No
Yohn	Yea
Foutz	Yea
Sharkey	No
Letherman	Yea

With a roll call vote of five Ayes to two Nays the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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

1. County Commissioners (980) request \$30,000 for the annual contribution to the North Central business Assistance Center (NCI).

Phil Penn the Director of NCI spoke to the Council.

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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N. CUMULATIVE DRAIN (#337)

1. Drainage board (980) requests \$10,000 for the following projects:

Project #0904 Sailor Ditch	5,000.00
Project #0905 Rock run Ditch	5,000.00

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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~~O. MAJOR BRIDGE FUND (#338)~~

~~1. Highway Department (980) requests \$1,151,000 for the following projects for rehabilitation and construction of Bridge Street Bridge:~~

Project #2903 Bridge Construction	1,000,000.00
Project #2904 Bridge Inspections	151,000.00

Withdrawn by Jeff Taylor on February 13, 2009.

TRANSFERS REQUIRING COUNCIL ACTION:

A. COUNTY HEALTH OPERATING (#102)

1. Health Department (340)

From -- 4309 Other Services	\$369.00
To----- 4545 Data Hardware	369.00

On motion made by Yoder seconded by Ashe and unanimously carried, the Council approved these transfers.

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) Declaratory Resolution Designating Economic Revitalization Area and qualifying certain real estate improvements and certain personal property for Property Tax phase-in, No.CC-09-01.

Buche addressed the Council about this resolution. Several years ago the Council developed procedure and policies and guidelines on tax phase in. That was tied to what was called high technology. As you know at the time we talked about that there may come a time when the economy is not the same and you may find that those restrictions are so limiting and the need for development is different and that you may want to change those standards. That is the possibility that we are in right now. This resolution was developed with the idea that the County would consider other types of tax phase in. We have an application submitted for a tax abatement and the Elkhart County EDC has been working with that company. He then asked Dorinda Heiden of the Elkhart County Economic Development Commission to explain how she has been working with this company.

Heiden said the EDC has created the resolution before you and this is in cooperation by all the communities of Elkhart County to simplify this process and share information on clients. This particular company looks to invest \$350,000 in real property and \$230,000 in personal property. We have identified a five year tax phase in and that is what we are requesting today. This company is going to generate 85 new jobs and we are looking at that in addition to a payroll of \$3,800,000 dollars. What we are requesting is a five year tax phase in which would equate out to a grand total of cost to the company of about \$23,000 and still generate tax revenue of \$51,000 for the County. They are a commercial chair manufacture and have been in Middlebury for quite some time. They will be consolidating another out of state location to Middlebury and this goes along with our goals of our new Secretary of Commerce to work with existing Indiana companies and try to consolidate and bring the jobs here.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this Declaratory Resolution No. CC-09-01. (Page 72)

AUDIENCE ITEMS: Jeff Burbrink, County Extension Director spoke to the Council about the Nappanee area. He has been working with a group that is chaired by Mayor Thompson called WaNee Economic Recovery Committee. What he wanted to share with the Council is that the Extension is offering classes to people that are out of work on how to stretch their food dollars and budget their money. Letherman asked him how bad it was in Nappanee. Burbrink said that the food pantry is running low and having trouble stocking their shelves. The churches are alternating serving meals one night a week so there is a free meal available every day. There is a group working with the Master Gardeners on organizing community gardens and helping them set them up and get started. He just felt he wanted to make the Council aware of what is going on in Nappanee and how they are trying to help.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 10:50 a.m. on motion by Foutz seconded by Abel and unanimously carried.

Recording Secretary
Kenlyn Arnott

A complete recording of this meeting is available in the Auditor's Office.

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