

MINUTES
ELKHART COUNTY COUNCIL
January 8, 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 Hess, Darryl Riegsecker, Randall D. Yohn, David Foutz 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.

REORGANIZATION - Auditor Graff assumed the chair and opened the floor for nominations of Officers:

Graff said she would accept nominations for President of the Council. Sharkey said he would nominate John Letherman for President. Foutz said he would second that. Graff said she has a motion and a second and asked if there were any other nominations. If not, she would accept a motion to close the nominations. Sharkey said he moved to close the nominations and Riegsecker seconded. Graff said she had a motion and a second, all in favor of the motion to close the nominations say Aye, none were opposed and Graff said the motion was carried. Graff said that all in favor of retaining John Letherman as President of the Council say aye, none were opposed and the motion was carried.

Letherman said thank you and asked for nominations for Vice-President. Ashe nominated Dennis Sharkey for Vice-President. Hess said he would second that nomination. Letherman asked if there were any other nominations. He then asked if there was a motion to close the nominations. Foutz moved to close the nominations and Ashe seconded. Letherman asked all in favor of that nomination to say aye, none were opposed. All in favor of Dennis Sharkey as Vice-President please say aye none were opposed.

Letherman said the first item on the agenda is committee appointments for the year 2011. Letherman stated the appointments are as follows:

COMMITTEE APPOINTMENTS:

ADEC	David Ashe
AFFIRMATIVE ACTION	David Ashe Darryl Riegsecker
CCAB	Dennis Sharkey
COURT SERVICES	Randy Yohn
ECONOMIC DEVELOPMENT CORPORATION OF ELKHART COUNTY	John Letherman

EMERGENCY MANAGEMENT	Darryl Riegsecker Alternate Randy Yohn
HEALTH BOARD	David Hess
HUMANE SOCIETY BOARD LIAISON	David Ashe
MACOG	John Letherman
OAKLAWN	Dennis Sharkey
PARK BOARD	David Foutz Alternate, Darryl Riegsecker
PERSONNEL COMMITTEE	Dennis Sharkey, Chairman David Hess Randy Yohn
PLAN COMMISSION	Dennis Sharkey
PROSECUTOR	Dennis Sharkey
REDEVELOPMENT COMMISSION	David Foutz
SHERIFF	David Hess
SOLID WASTE	David Ashe
STATE LEGISLATURE	John Letherman
TOWNSHIP & COUNTY ASSESSING	David Hess
YOUTH SERVICES	David Foutz

MINUTES: Approval of minutes for December 11, 2010.

On motion made by Sharkey seconded by Foutz and unanimously carried, the minutes of December 11, 2010 Council meeting were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: No report.

COUNCIL: All new and re-elected councilmen expressed their appreciation to the voters for their confidence placed in them. All councilmen expressed that they are looking forward to 2011 and the challenging year ahead.

AUDITOR: Graff publically thanked Hess for motivating her and preparing her for this position and the voter's for electing her into this position.

SHERIFF: Rogers thanked Mike Books for preparing him for this position.

ADDITIONAL APPROPRIATIONS REQUESTS

Auditor Graff 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 December 29, 2010.

COUNTY HEALTH OPERATING

Program Income

Supplies	10,285.00
Other Services and Charges	1,000.00
TOTAL COUNTY HEALTH OPERATING	<u>11,285.00</u>

COUNTY PROPERTY SOLD

Commissioners

Capital Outlays	159,800.00
-----------------	------------

ELKHART COUNTY EMERGENCY PHONE SYSTEM

PSCC

Personal Services	82,541.00
Other Services and Charges	95,240.00
TOTAL PSCC	<u>177,781.00</u>

LOCAL HEALTH MAINTENANCE FUND

Health Department

Personal Services	12,397.00
Supplies	4,200.00
Other Services and Charges	54,700.00
Capital Outlays	5,000.00
TOTAL LOCAL HEALTH MAINTENANCE FUND	<u>76,297.00</u>

MEDICAL RESERVE CORP

Health Department

Supplies	1,700.00
Other Services and Charges	2,300.00
Capital Outlays	1,000.00
TOTAL MEDICAL RESERVE CORP	<u>5,000.00</u>

MATERNAL & CHILD HEALTH GRANT

Program Income

Personal Services	283,234.00
Supplies	37,500.00
Other Services and Charges	185,875.00
Capital Outlays	26,000.00
TOTAL MATERNAL & CHILD HEALTH	532,609.00

COURT IMPROVEMENT GRANT

Circuit Court Juvenile

Other Services and Charges	4,000.00
Capital Outlays	6,000.00
TOTAL COURT IMPROVEMENT GRANT	10,000.00

LOCAL EMERGENCY PLANNING COMMITTEE

Elkhart County Local Emergency Planning Committee

Supplies	7,600.00
Other Services and Charges	79,975.00
Capital Outlays	13,000.00
TOTAL LOCAL EMERGENCY PLANNING COMMITTEE	100,575.00

COUNTY DRUG FREE COMMUNITY

Commissioners

Other Services and Charges	233,856.00
----------------------------	------------

PARK & RECREATION NON-REVERTING OPERATING

Park and Recreation

Supplies	57,950.00
Other Services and Charges	59,100.00
TOTAL PARK & RECREATION NON-REVERTING OPERATING	117,050.00

RECORDER'S RECORD PERPETUATION

Recorder

Supplies	2,000.00
Other Services and Charges	53,135.00
TOTAL RECORDER'S RECORD PERPETUATION	55,135.00

AUDITOR'S PLAT BOOK FUND

Auditor

Personal Services	19,525.00
Supplies	5,400.00
Other Services and Charges	14,000.00

Capital Outlays	3,000.00
TOTAL AUDITOR'S PLAT BOOK FUND	41,925.00
LOCAL OPTION CERTIFIED SHARES SPECIAL DISTRIBUTION	
<u>Commissioners</u>	
Capital Outlays	180,000.00
STD PREVENTION GRANT	
<u>Health Department</u>	
Personal Services	15,743.00
Supplies	5,157.00
Other Services and Charges	4,100.00
TOTAL STD PREVENTION GRANT	25,000.00
SALES DISCLOSURE FUND	
<u>Concord Township Assessor</u>	
Other Services and Charges	4,780.00
<u>County Assessor</u>	
Other Services and Charges	10,929.00
TOTAL SALES DISCLOSURE FUND	15,709.00
EDIT	
<u>Highway</u>	
Capital Outlays	450,000.00
CUMULATIVE BRIDGE	
<u>Highway</u>	
Capital Outlays	240,000.00
CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	17,100.00
MAJOR BRIDGE	
<u>Highway</u>	
Capital Outlays	100,000.00
SOLID WASTE DISPOSAL FEES	
<u>Solid Waste Disposal</u>	
Other Services and Charges	50,000.00

Reductions

WIC GRANT	
<u>Health Department</u>	
Supplies	(266,743.00)
JOHNSON STREET BRIDGE	
<u>Highway</u>	
Capital Outlays	(260,568.93)
EDIT	
<u>Highway</u>	
Capital Outlays	(24,717.93)
MAJOR BRIDGE	
<u>Highway</u>	
Capital Outlays	(135,962.37)

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: December 29, 2010

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. COUNTY HEALTH OPERATING (#102)

1. Program Income (614) requests \$11,285 for the ongoing operation of the BCCP.

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.

(Page 15)

~~B. COUNTY PROPERTY SOLD (#108)~~

- ~~1. Commissioners (980) requests \$159,800 for project #1011.~~

This request was withdrawn prior to the meeting.

C. ELKHART COUNTY EMERGENCY PHONE SYSTEM (#109)

1. PSCC (980) requests \$177,781 for two positions (w/benefits) that were moved from the general fund.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 16)

D. LOCAL HEALTH MAINTENANCE FUND (#121)

1. Health Department (980) requests \$76,297 be appropriated for the LHMF service plan from January 2011 to December 2011, based on approved contract. This supports a contract position that is working on emergency prep and health department accreditation for 2011.

Dr. Nafziger was present to explain 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.
(Page 17)

E. MEDICAL RESERVE CORP (#122)

1. Health Department (980) requests \$5,000 to meet grant requirements.

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.
(Page 18)

F. MATERNAL & CHILD HEALTH GRANT (#126)

1. Program Income (614) requests \$532,609 to establish the budget for 2011. This reflects anticipated income plus cash on hand at the end of 2010.

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.
(Page 19)

G. COURT IMPROVEMENT GRANT (#135)

1. Circuit Court Juvenile (980) requests \$10,000 be appropriated for recording equipment and the annual County Summit on Children. This is a grant that is reimbursable to the county.

Judge Domine was present to explain this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 20)

H. LOCAL EMERGENCY PLANNING COMMITTEE (#136)

1. Elkhart County Emergency Planning Committee (980) requests \$100,575 be appropriated to set up their 2011 budget.

Tony Hartman was present to explain this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 21)

I. COUNTY DRUG FREE COMMUNITY (#164)

1. Commissioners (980) request \$233,856 for project #1011, as an annual allocation to area agencies who successfully pass the application process. The agencies recommended this year are as follows: Goshen Police Dept, Elkhart County Sheriff, Elkhart Police Dept, Indiana State Police, Addictions Recovery Center, Center for Problem Resolution, Danen Treatment, Oaklawn, Center for Community Justice, Peacemakers, Tobacco Control of Elkhart County and LCC Office.

Kris Krueger was present to explain this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 22)

J. PARK AND RECREATION NON-REVERTING OPERATING (#168)

1. Park and Recreation (980) requests \$117,050 be appropriated from the non-reverting fund to help supplement some of the loss from Fund 104 during budget cuts. The money in this fund is

accumulated through park programs, special event fees, gift shop and grain sales and other misc 2010 income.

Larry Neff was present to explain this request to the Council.

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 23)

K. RECORDER'S RECORD PERPETUATION (#171)

1. Recorder (104) requests \$55,135 be appropriated from perpetuation, in an effort to reduce the County General budget. Items included are supplies, sustenance, postage, mileage, dues, education and administrative fees.

Jerry Weaver was present to explain 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.
(Page 24)

L. AUDITOR'S PLAT BOOK FUND (#172)

1. Auditor (980) requests \$41,925 to establish the 2011 budget for this fund. Items included are full and part-time technician and benefits, GIS and map supplies, sustenance, mileage, education, freight, equipment repair, data hardware and maintenance contracts.

Graff explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 25)

M. LOCAL OPTION CERTIFIED SHARES SPECIAL DISTRIBUTION (#176)

1. Commissioners (980) requests \$180,000 for project #1002 to upgrade land mobile radio services to narrowband technology, as required by new federal regulations.

Tom Byers explained this request to the Council.

On motion made by Hess seconded by Ashe and unanimously carried, the Council approved this request.
The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 26)

N. STD PREVENTION GRANT (#183)

1. Health Department (981) requests \$25,000 to set up their 2011 grant. This amount covers a part time Disease Intervention Specialist, supplies, travel and education.

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 27)

O. SALES DISCLOSURE FUND (#195)

1. Concord Township Assessor (114) requests \$4780 be appropriated to pay copy machine rent.

2. County Assessor (980) requests \$10,929 be appropriated to pay copy machine rent and yearly cost of MLS service.

Tom Byers explained this request to the Council.

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved these requests.

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 28-29)

P. EDIT (#331)

1. Highway (980) requests \$450,000 for projects 1101 (\$300,000, CR 17 ROW) and 1104 (\$150,000, misc repairs and project closeouts).

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.

(Page 30)

Q. CUMULATIVE BRIDGE (#335)

1. Cumulative Bridge Construction (213) requests \$240,000 for project 1103 (\$100,000, Indiana Avenue Bridge Inspection) and 1105 (\$140,000, Misc Bridge Repairs).

Jeff Taylor 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.

(Page 31)

R. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$17,100 for project 1101, Juday Creek.

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 32)

S. MAJOR BRIDGE (#338)

1. Highway (980) requests \$100,000 for project 1102, ongoing acquisition of Six Span Bridge Right of Way.

Jeff Taylor 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.

(Page 33)

T. SOLID WASTE DISPOSAL FEES (#533)

1. Solid Waste Disposal (338) requests \$50,000 for other professional services. Accumulated leachate in Cell "D" has reached early field capacity and exceeds ability of current dewatering infrastructure. Additional funds are needed for temporary off-site trucking of leachate in order to maintain regulatory compliance.

Kim Davis was present to explain this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 34)

REDUCTIONS:

U. WIC GRANT (#127)

1. WIC (612) returns \$266,743 for operating supplies, due to a majority of the supplies being purchased at the State level.

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.
(Page 35)

V. JOHNSON STREET BRIDGE (#317)

1. Highway (980) returns \$260,568.93 for project 2880 (\$25,887.93) and project 2883 (\$234,681).

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 36)

W. EDIT (#331)

1. Highway (980) returns \$24,717.93 for project 2109 (\$21,473.14) and 2817 (\$3,244.79).

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 37)

X. MAJOR BRIDGE (#338)

1. Highway (980) returns \$135,962.37 for project 2901 (\$40,000) and 2710 (\$95,962.37).

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
(Page 38)

TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

1. County Assessor (109)

From	4209	Office Supplies	3,854.00
To	4541	Office Furniture	3,854.00

B. VACCINES FOR CHILDREN (#221)

1. Health Department (980)

From	4219	Operating Supplies	373.00
To	4546	Data Processing Software	373.00

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

The preceding Emergency Transfer Ordinance was then duly adopted.

(Page 39)

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

OTHER BUSINESS:

(a) Reappointment of Thomas Holtzinger to Elkhart County Regional Sewer District.

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

(b) Reappointment of Jack Simper and Nelson Nix to the Property Tax Board of Appeals.

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

(c) Reappointment of David Foutz, Mike Huber and Jim Skillen to the Redevelopment Commission.

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

(d) Appointment of Darryl Riegsecker to the City of Goshen EDC board.

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

(e) Reappointment of Klaus D. Mueller to County Park and Recreation Board.

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

(f) Approval of Ordinance for Lease Agreement for Northeast Corridor TIF District.

Craig Buche explained this request to the Council. Statute states that if a TIF District exists and has outstanding obligations which are tied up through a bond or lease agreement, then those TIF revenues are protected, as long as that obligation extends and exists. If you do not have an obligation that is in place that is tied to a lease agreement or a bond issue then if an annexation occurs you lose your TIF revenue in that area. It is a lease agreement between your redevelopment commission/authority and your Elkhart County Commissioners. The Commissioners basically are committing the improvements that have been made in the Northeast TIF district for the benefit of the TIF district. The redevelopment commission is pledging it's TIF revenues to the County Commissioners for the use of the TIF district and which are pledged to improve those extensions and improvements already made for economic development purposes. This agreement is on a ten year schedule.

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

(Page 40)

AUDIENCE ITEMS: Glenn Null approached the Council with the topic of e-verify and questioned the status of this. He also expressed his dissatisfaction with the Veteran's Memorial sidewalk not being shoveled and clear at all times. Gerald Sullivan also expressed his opinion in favor of e-verify and urged the Council to take action to implement e-verify wherever possible. Randy Wilson also addressed this issue and was also in favor of e-verify and stated he uses e-verify at his company and has had a very positive experience.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 9:51 a.m. on motion by Riegsecker seconded by Yohn 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.