

MINUTES
ELKHART COUNTY COUNCIL
January 10, 2009

The meeting of the Elkhart County Council was called to order by Sheriff Michael Books 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; Julie Dijkstra, Undersheriff and Mike Yoder, County Commissioner.

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

Hess said he would accept nominations for President of the Council. Abel said he would nominate John Letherman for President. Sharkey said he would second that. Hess said he has a motion and a second and asked if there were any other nominations. If not, he would accept a motion to close the nominations. Sharkey said he moved to close the nominations and Foutz seconded. Hess said he had a motion and a second, all in favor of the motion to close the nominations say Aye, none were opposed and Hess said the motion was carried. Hess 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. Abel nominated Dennis Sharkey for Vice-President. Ashe 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. Abel moved to close the nominations and Yohn 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 2009.

COMMITTEE APPOINTMENTS:

ADEC	David Ashe
AFFIRMATIVE ACTION	David Ashe Don Abel
CCAB	Dennis Sharkey Alternate, Randy Yohn
COURT SERVICES	Randy Yohn
DISTRICT 2 ALLIANCE (Homeland Security)	Randy Yohn

ECONOMIC DEVELOPMENT CORPORATION
OF ELKHART COUNTY
EMERGENCY MANAGEMENT

John Letherman
Don Abel
Alternate Randy Yohn

FINANCE COMMITTEE

John Letherman,
Co-Chairman
C.J. Yoder,
Co-Chairman
Dennis Sharkey

HEALTH BOARD
HUMANE SOCIETY BOARD LIAISON
MACOG
OAKLAWN

C. J. Yoder
David Ashe
John Letherman
Sharkey

PARK BOARD

David Foutz
Alternate, C.J. Yoder

PERSONNEL COMMITTEE

Dennis Sharkey,
Chairman
Donald Abel
C. J. Yoder

PLAN COMMISSION
REDEVELOPMENT COMMISSION

Dennis Sharkey
David Foutz

SHERIFF

C. J. Yoder

SOLID WASTE
STATE LEGISLATURE
TOWNSHIP & COUNTY ASSESSING
YOUTH SERVICES

David Ashe
John Letherman
Randy Yohn
David Foutz

MINUTES: Approval of minutes for December 13, 2008

On motion made by Yohn seconded by Sharkey and unanimously carried, the minutes of the December 13, 2008, Council meeting were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: None
COUNCIL: None
AUDITOR: Hess spoke about the handout he gave at the Finance meeting on the distribution of the wheel tax and excise tax and how it will affect our funds this year.
SHERIFF: None

PERSONNEL REPORT: None

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 December 31, 2008.

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 10th of January, 2009

Breast & Cervical Cancer Program

Health Department

Supplies	3,400.00
Other Services & Charges	550.00
TOTAL BREAST & CERVICAL PROGRAM	3,950.00

CUMULATIVE REASSESSMENT

County Assessor

Other Services & Charges	29,484.00
Capital Outlays	48,016.00
TOTAL CUMULATIVE REASSESSMENT	77,500.00

EMERGENCY COMMUNICATIONS

PSCC

Other Services & Charges	30,000.00
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ABANDONED VEHICLES

Sheriff's Department

Other Services & Charges	6,000.00
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LOCAL HEALTH MAINTENANCE GRANT

Health Department

Personal Services	69,395.00
Supplies	777.00
Other Services & Charges	2,500.00
TOTAL LOCAL HEALTH MAINTENANCE GRANT	72,672.00

LEAD & HEALTHY HOMES

Health Department

Personal Services	11,169.00
Supplies	18,060.00
Other Services & Charges	1,679.00
Capital Outlays	2,800.00
TOTAL LEAD & HEALTHY HOMES	33,708.00

<u>Health Department</u>	
Personal Services	261,875.00
Supplies	22,100.00
Other Services & Charges	155,950.00
Capital Outlays	2,750.00
TOTAL HEALTH MCH PROGRAM INCOME	<hr/> 442,675.00
HEALTH HIV GRANT	
<u>Health Department</u>	
Personal Services	36,121.00
Supplies	1,035.00
Other Services & Charges	5,144.00
TOTAL HEALTH HIV GRANT	<hr/> 42,300.00
ACCIDENT REPORT FEES	
<u>Sheriff's Department</u>	
Supplies	5,000.00
Other Services & Charges	9,000.00
TOTAL ACCIDENT REPORT FEES	<hr/> 14,000.00
FIREARMS TRAINING	
<u>Sheriff's Department</u>	
Supplies	42,000.00
COUNTY EXTRADITIONS	
<u>Sheriff's Department</u>	
Other Services & Charges	55,972.00
RECORDER'S RECORD PERPETUATION	
<u>County Recorder</u>	
Personal Services	52,415.00
Elkhart County GIS Fund	
<u>Planning & Development</u>	
Capital Outlays	47,000.00
EMERGENCY MANAGEMENT R.A.C.E.S. GRANT	
<u>Emergency Management</u>	
Capital Outlays	2,744.00
DISEASE INTERVENTIONS SPECIALIST	
Health Department	
Personal Services	12,500.00
HOMELAND SECURITY PART 2	
<u>Emergency Management</u>	
Capital Outlays	427,219.00
WELFARE/FCS JUVENILE	
<u>Welfare/Department of Family Services</u>	
Other Services & Charges	1,102,816.00

ELKHART COUNTY STORM WATER UTILITY

Soil & Water

Personal Services 2,388.00

ECONOMIC DEVELOPMENT INCOME TAX

Highway Department

Capital Outlays 200,000.00

CUMULATIVE DRAIN

Drainage Board

Capital Outlays 61,000.00

MAJOR BRIDGE FUND

Highway Department

Capital Outlays 40,000.00

REDUCTION

ECONOMIC DEVELOPMENT INCOME TAX

County Highway

Completed Projects (663,198.99)

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 31, 2008

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATIONS EXPLANATIONS

A. COUNTY HEALTH OPERATING (#102)

1. Breast & Cervical Cancer Program (614) requests \$3,950 of income generated to cover expenses incurred for 2009.

Concetta Sanfilippo, Health Department Financial Manager explained this request and the Health appropriations that follow.

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.

(Page 13)

B. CUMULATIVE REASSESSMENT (#105)

1. County Assessor (980) requests \$77,500 for Pictometry finder software that will detect changes in aerials and pay a portion of expenses of flying in 2009 for aerials which will be shared with the Auditor and GIS.

Cathy Searcy, County Assessor and Bob Watkins, Planning & Development explained this request to the Council. There was a long discussion on this request and the request for GIS which follows.

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.

(Page 14)

C. EMERGENCY TELEPHONE SYSTEM (#109)

1. PSCC (980) requests \$30,000. This money was moved from the Emergency Communications fund during budget time and now needs to be replaced. This appropriation is to correct bookkeeping.

Egbert Dijkstra, Director explained this request to the Council.

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 15)

D. ABANDONED VEHICLES (#119)

1. Sheriff's Department (980) requests \$6,000 collected in fees for this fund to make money available to pay tow bills.

Bill Fletcher, Fiscal Manager explained this request to the Council and all the following requests from the Sheriff's Department.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 15A)

E. LOCAL HEALTH MAINTENANCE GRANT (#121)

1. Health Department (980) requests \$72,672 to fund a position that will focus on helping the Elkhart County Health Department become an accredited agency.

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.

(Page 16)

F. LEAD AND HEALTHY HOMES (#124)

1. Health Department requests \$33,708 to fund this grant. The fiscal year will be 7/1/09 to 6/30/10. The grant will supplement current lead activities within the Health Department.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 17)

G. MCH PROGRAM INCOME (#126)

1. Health Department (614) requests \$442,675 to establish a budget for the program Income for 2009. These funds reflect the anticipated income to be generated in 2009 plus cash on hand at the end of 2008.

Jenny Schrock explained this request to the Council.

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.

(Page 18)

H. HIV GRANT (#141)

1. Health Department (980) requests \$42,300 for 1/1/09 through 12/31/09 for this outreach program for decreasing the risks of HIV infection or transmission.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 19)

I. ACCIDENT REPORT FEES (#151)

1. Sheriff's Department (980) requests \$14,000 from fees collected from this fund for office supplies and copy machine rent.

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 20)

J. FIREARMS TRAINING (#152)

1. Sheriff's/ Department (980) requests \$42,000 from fees collected in this fund to purchase training material.

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 21)

K. COUNTY EXTRADITION (#167)

1. Sheriff's Department (980) requests \$55,972 from this fund to place monies in proper accounts for expenses incurred in the extradition of felons.

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 22)

L. RECORDER'S PERPETUATION FUND (#171)

1. County Recorder (104) requests \$52,415 to pay a technician. This position including all benefits were removed from the Recorder's general budget and transferred to the Perpetuation budget. This archival position is one of the uses for the Perpetuation fund.

Chris Anderson, County Recorder 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.

(Page 23)

M. ELKHART COUNTY GIS FUND (#177)

1. Planning & Development (980) requests \$47,000 to purchase pictometry and finder software with the Assessor and Auditor's offices.

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.

(Page 24)

N. EMERGENCY MANAGEMENT R.A.C.E.S. GRANT (#178)

1. Emergency Management (980) requests \$2,744 to purchase radio equipment.

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 25)

O. SEXUALLY TRANSMITTED DISEASES (#183)

1. Health Department (980) requests \$12,500 to cover funding for PT Assistant for the STD program. This position will assist the Disease Interventions Specialist.

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.

(Page 26)

P. HOMELAND SECURITY PART 2 (#187)

1. Emergency Management (#980) requests \$427,219 for this grant. These funds will be utilized to purchase 800mz radios.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 27)

Q. WELFARE/FAMILY CHILDREN SERVICES (#189)

1. Welfare (980) requests \$1,102,816 to cover cost of juveniles for 2008. This is to pay bills that will be trickling in during the start of 2009.

Hess explained this request to the Council. He said welfare does not have a budget for 2009, because the State will pick up the Welfare costs. But we still have to pay the costs from 2008 and those costs will be coming in for the next five or six months. This is an estimate on what is needed and we will probably be back again in February. He has pulled \$660,000 in claims that they had sent in the last week of the year because they would have exceeded their budget. Those were not paid and we need to appropriate this amount so that we can get those paid. Then we are going to have to work a month at a time. Hopefully we will have enough from our tax collection to pay the remaining 2008 expenses as they come in. If not we have two options, pay from the General Fund or we can loan money from levy excess funds to the Welfare department and then do a debt service on the future collection for 2009 pay 2010 to repay the levy excess and that is probably the way this will play out until we get all of the 2008 bills taken care of.

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 28)

R. STORM WATER UTILITY (#320)

1. Soil & Water requests \$2,388 to pay for increase in salary for a reclassification.

Nancy Brown explained this request to the Council

A motion was made by Foutz and seconded by Yoder. There were two nay votes when the question was asked for this request. The Council then approved this request with a vote of five ayes to two nays.

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 29)

S. ECONOMIC DEVELOPMENT INCOME TAX (#331)

1. Highway Department (980) requests \$200,000 for Project #2902 for miscellaneous repairs and closeouts.

Byers explained 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 30)

T. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$61,000 for Const/Reconst

Project #0901 Swoveland Ditch	5,000.00
Project #0902 Whisler Ditch	53,000.00
Project #0903 Rogers Ditch	3,000.00

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. (Page 31)

U. MAJOR BRIDGE FUND (#338)

1. Highway Department (980) requests \$40,000 from this fund that was used for expenditures and now need to be replaced.

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)

REDUCTION

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

1. Highway Department (980) returns (\$663,198.99) for projects that are completed.

Project #2722 Utility move CR17-----	\$ (63,371.92)
Project #2627 Johnson St ROW-----	\$ (77,900.14)
Project #2630 Country Creek Drainage-----	\$ (3,261.34)
Project #2416 CR40-----	\$ (88,765.04)
Project #2621 CR 10 ROW-----	\$ (429,000.00)
Project #2703 Lobbying Expense-----	\$ (900.55)

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

The preceding Emergency Reduction Ordinance was then duly adopted. (Page 33)

TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

1. County Assessor (109)

From-4309 Other Professional Services -----	\$ 120,400.00
To---4126 PT Technicians -----	120,400.00
From-4201 Printed Forms -----	\$ 4,500.00
-----4203 Copy Machine Supplies -----	\$ 1,600.00
-----4209 Other Office Supplies -----	\$ 8,850.00
-----4219 Operating Supplies -----	\$ 1,300.00
-----4312 Postage -----	\$ 9.953.00
To---4541 Office Furniture & Fixtures -----	26,203.00

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.

(Page 34)

TRANSFERS NOT REQUIRING COUNCIL ACTION: None

OTHER BUSINESS:

(a) Storm Water Utility Board Ordinance 2008-01 to establish Storm Water User Fees for the County of Elkhart, Indiana

Eric Kurtz, Soil and Water Coordinator explained this ordinance to the Council. He said this ordinance will renew the User Fees for 2009 and 2010. This is recommended by the Partnership Advisory Board through the interlocal agreement that we have with the Cities of Elkhart and Goshen and the Town of Bristol to help us meet the requirements of IDEM Storm Water management rules. Part of the interlocal agreement is that we will have a storm water utility fee that will be at the same rate for the entities and based on the budgets of the different entities. We looked at the fee that was needed for the largest entity with the largest per capita budget and that ended up being the City of Goshen. The \$15 fee is based on Goshen. The \$15 is for a single family residence. This has been passed by the Storm Water Utility Board and the County Commissioners and the Council is the last board that needs to pass this ordinance in order for it to go into effect for the next two years. We asking that it continue for two more years at the present rate because in the interlocal agreement we have a provision where by December 31, 2009 all the partners are required to review this fee.

Letherman asked how much money was raised last year. Kurtz said about \$1,900,000, and Elkhart County's portion of that is about \$850,000. Letherman asked where the money is going at this point. Kurtz said the funds that are not for Elkhart County go to each entities individually, a portion of those funds pay for what we call the partnership budget which is for the services of public education, public involvement and construction site plan reviews and technical assistance for storm water management. Letherman asked if he is experiencing a growth in his operating balance, meaning that you are not spending all of this money. Kurtz said that for 2009 they have budgeted about \$500,000 of that \$850,000. We anticipate that there would be some infrastructure issues that will be coming. He thinks that at this point any surplus that is

there would be needed to look at the infrastructure problems.
After a long discussion the Council voted on this ordinance.

On motion made by Yoder seconded by Foutz and unanimously carried, the Council approved this Ordinance request. (Page 35)

(b) Reappointment of Larry Blackport to the Alcoholic Beverage Board.
His term will expire December 31, 2009 (Page 36)

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

(c) Appointment of David Foutz, Mike Huber and Jim Skillen to the Redevelopment Commission. Their term will expire December 31, 2009.

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

AUDIENCE ITEMS: NONE

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 10:00 a.m. on motion by Sharkey seconded by Able and unanimously carried.

Recording Secretary
Kenlyn Arnott

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.