

MINUTES
ELKHART COUNTY COUNCIL
July 10, 2010

The meeting of the Elkhart County Council was called to order by Sheriff Mike 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, Dennis E. Sharkey, Randall D. Yohn, David Foutz and David Ashe.

Also present were David Hess, County Auditor; Pauline Graff, Chief Deputy Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator and Mike Yoder, Commissioner.

MINUTES: Approval of minutes for June 12, 2010.

On motion made by Yohn seconded by Foutz and unanimously carried, the minutes of the June 12, 2010 Council meeting were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: No report.

COUNCIL: Abel, Sharkey and Letherman gave short reports.

AUDITOR: Hess gave short report.

SHERIFF: No report.

EDC MATTERS: Consideration of Confirmatory Resolution Designating Economic Revitalization Area and Qualifying Certain Real Estate Improvements and Certain Personal Property for Property Tax Phase-In (CC-2010-14).

Gordon Lord, County Attorney, gave a brief explanation of the Confirmatory Resolution and the process of the public hearing.

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

Glenn Null expressed his opinion on tax abatements, he asked that any company wanting a tax abatement should be subject to e-verify. Letherman asked Dorinda Heiden-Guss, President of EDC, if e-verify is something that could be imposed on new company's asking for tax abatements. Heiden-Guss stated that the City of Goshen and City of Elkhart have implemented e-verify in their abatement process. She stated that the market is very competitive and that there are many hurdles and obstacles in attracting new business to the County. She stated they would like to keep it as lean and less bureaucratic as possible. Sharkey and Letherman agreed with the concept of e-verify.

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

Gordon Lord briefly explained this process of acceptance of Commitment and Payment Agreement, Confirmatory Resolution and Statement of Benefits.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved the Commitment and Payment Agreement for Creative Bus Sales.----- (Page 214)

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved Confirmatory Resolution CC-2010-14.----- (Page 215)

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved the Statement of Benefits for Creative Bus Sales.----- (Page 215)

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 June 30, 2010.

GENERAL FUND

Soil and Water

Personal Services	1,500.00
<u>County Extension</u>	
Other Services and Charges	<u>26,645.00</u>
TOTAL GENERAL FUND	28,145.00

COUNTY HIGHWAY

County Highway Maintenance and Repair

Supplies	962.00
----------	--------

RAINY DAY

Auditor

Other Services and Charges	16,115.00
----------------------------	-----------

SALES DISCLOSURE FEES

Commissioners

Capital Outlays	71,000.00
-----------------	-----------

CTP GRANT

Community Corrections

Personal Services	33,604.00
-------------------	-----------

CUMULATIVE BRIDGE

Cumulative Bridge Construction

Capital Outlays 340,000.00

CUMULATIVE DRAIN

Drainage Board

Capital Outlays 10,000.00

COUNTY MAJOR MOVES CONSTRUCTION

Highway

Capital Outlays 350,000.00

REDUCTIONS

CHILDHOOD LEAD POISONING GRANT

Health Department

Other Services and Charges (263.00)

GHS BREASTFEEDING GRANT

Health Department

Personal Services (5,796.00)

CUMULATIVE BRIDGE

Highway

Capital Outlays (24,010.00)

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: June 30, 2010

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATIONS EXPLANATIONS

A. GENERAL FUND (#001)

1. Soil and Water (144) requests \$1500 to appropriate money from the State NRCS Funds for a part-time clerical position.

Hess explained this request. He stated he had spoke with Nancy Brown on the phone regarding this request.

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

2. County Extension (145) requests \$26,645 to complete a copier buyout transaction between IKON and Advanced Imaging. The new company (IKON) bought out the original lease from the first company (Advanced Imaging). The buyout of \$29,570.92 at the time of ending the lease will be deposited in July. This will result in a net gain to the County of \$2925.92.

Jeff Burbrink explained this request to the Council. He also added that the new copier lease will be around \$6000 less a year for better 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 216)

B. COUNTY HIGHWAY (#112)

1. Highway Maintenance and Repair (202) requests that \$962 be appropriated for weed eaters, saws, etc for use in mowing and cleaning up properties as directed by Code Enforcement. The \$962 comes from money collected from property owners whose properties must be mowed due to the tall grass/weed ordinance.

Tom Byers explained this request 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.

(Page 217)

C. RAINY DAY (#113)

1. Auditor (980) requests \$16,115 for loan repayment.

Hess explained that in 2009, a loan was made from County Property Sold (108) to Welfare (189) to cover Welfare's expenses. A debt service fund was established for the 2009 tax collection (fund 207). In May of 2010, we paid the amount from Fund 207 to Fund 189 back to Fund 108, leaving a balance due of \$6335 plus interest on the loan. This appropriation from Rainy Day makes the County Property Sold fund whole. Since Fund 207 no longer exists in 2010, the collection from the delinquencies went into the Rainy Day Fund.

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 218)

D. SALES DISCLOSURE FEES (#195)

1. Commissioners (980) requests \$71,000 for the new 39 Degrees North eGIS system (self hosted). This is for the first year of the contract.

Byers explained this request to the Council. He handed out a revised spreadsheet of various costs and stated that they are able to reduce this request to \$54,450. This will make information available to the general public and businesses (title companies, real estate companies, etc). This system will take information from our current PVD system and place it into a data base. This will eliminate many phone calls and visits to the various County offices, plus it is available all times of the day. The vision is to create a two tier system with free access to certain information for the general public and a fee based portion for other business vendors, etc.

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 219)

E. CTP GRANT (#209)

1. Community Corrections (980) requests \$33,604 to appropriate monies into this grant for salaries and benefits from 1/1/10 through current.

Tara Booher was present to explain 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.

(Page 220)

F. CUMULATIVE BRIDGE (#335)

1. Cumulative Bridge Construction (213) requests \$90,000 for project #2121, CR 4 bridge east of County Road 7.

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

2. Cumulative Bridge Construction (213) requests \$250,000 for project #2120, bridge inspections in 2010 and 2012. This is a requirement and is reimbursed at 80% of cost.

Byers was present to explain both requests.

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 221)

G. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$10,000 for project#1014, Rock Run Creek.

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 222)

H. COUNTY MAJOR MOVES CONSTRUCTION (#342)

1. Highway (980) requests \$350,000 for project #2122. These funds are from the portion of the Major Moves interest to be used in road maintenance and construction. These funds will be used for chip seal, paving, spot paving, and other similar types of road maintenance and construction.

Hess explained this request and handed out a spreadsheet explaining the current and projected values in this fund. He explained that we are currently ahead of schedule (current versus projected).

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 223)

I. CHILDHOOD LEAD POISONING GRANT (#124)

1. Health Department returns \$(263) to reduce the amount of grant money approved by ISDH.

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

The preceding Emergency Reduction Ordinance was then duly adopted.
(Page 224)

J. GHS BREASTFEEDING GRANT (#206)

1. Health Department returns \$(5796) to reduce the amount of grant money appropriated, due to a reduced grant award amount by Goshen Health Systems.

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 225)

K. CUMULATIVE BRIDGE (#335)

1. Highway (980) returns \$(24,010), project# 2620 is complete.

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 226)

TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

1. Superior Court #5 (166)

From	4309	Other Professional Services	365.00
To	4541	Office Furniture	365.00

2. Court Services (168)

		Capital Supply	
From	4259	Items	1,355.00
To	4542	Office Equipment	1,355.00

B. COUNTY HEALTH OPERATING (#102)

1. Health Department (340)

From	4217	Medical Supplies	1,199.00
To	4541	Office Furniture	1,199.00

C. MEDICAL RESERVE CORPS (#122)

1. Health Department (980)

From	4313	Travel	748.00
	4315	Printing	492.00
	4310	Sustenance	107.00
To	4245	Incentives	1,347.00

D. PSUPP GRANT (#123)

1. Health Department (981)

From	4105	Professional	800.00
	4118	Excess Hours	200.00
	4150	FICA	65.00
	4157	Medicare	10.00
	4155	Wellness	250.00
	4397	Tuition	250.00

	4310	Sustenance	300.00
	4313	Travel	700.00
To	4219	Operating Supplies	2,575.00
E. CHILDHOOD LEAD POISONING GRANT (#124)			
1. Health Department (640)			
From	4310	Sustenance	260.00
	4335	Office & Equipment Repair	2,367.00
To	4545	Data Process Equip	260.00
	4151	PERF	16.00
	4155	Wellness	139.00
	4219	Operating Supplies	2,212.00
F. H1N1 VIRUS STIMULUS GRANT (#214)			
1. Health Department (980)			
From	4118	Excess Hours	7,056.00
To	4309	Other Services	7,056.00

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

The preceding Emergency Transfer Ordinance was then duly adopted.

(Page 227)

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

OTHER BUSINESS:

(a) Review and approval of Interlocal Agreement for the Design and Construction of the Monroe Street/County Road 34 Bicycle Pedestrian Facilities.

Glenn Null spoke on his disagreement of this project. He stated that he objects to this project and feels it is not worth the taxpayer dollars for something that he feels will only be used 9 days a year. He feels the fair board should pay for this project and not taxpayers. He stated he also addressed this issue at the City Council meetings.

Councilmen Sharkey added that the fairgrounds are used all year long, not just during the fair week. Councilmen Foutz stated he fully agrees with this project and bicycle paths/pedestrian ways in general. He feels it is an opportunity he would hate for us to pass up.

Gordon Lord, County Attorney, explained this Interlocal Agreement to the Council.

On motion made by Foutz seconded by Yoder and unanimously carried, the Council approved this request. (Page 228)

AUDIENCE ITEMS: Glenn Null addressed the Council. He stated his dissatisfaction with the amount of road construction in the area, slow left lane traffic not moving to the right lane, stormwater fees, and un-deserving tax abatements. He also discussed his opinion of the importance of e-verify and of conserving tax dollars.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 9:28 a.m. on motion by Sharkey seconded by Yoder 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.