

MINUTES
ELKHART COUNTY COUNCIL
June 12, 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, Dennis E. Sharkey, Randall D. Yohn and David Foutz. Councilmen Foutz left at 8:40 a.m. to attend a precinct meeting for the selection of a Congressional candidate. This did not affect the quorum.

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

MINUTES: Approval of minutes for May 15, 2010.

On motion made by Sharkey seconded by Yohn and unanimously carried, the minutes of the May 15, 2010 Council meeting were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: Yoder gave short report.
COUNCIL: Foutz and Letherman gave short report.
AUDITOR: Hess gave short report.
SHERIFF: No report.

EDC MATTERS: Consideration of Declaratory Resolution Designating Economic Revitalization Area and Qualifying Certain Real Estate Improvements and Certain Personal Property for Property Tax Phase-In (CC-2010-13).

Craig Buche, County Attorney, gave a brief explanation of the Declaratory Resolution.

Dorinda Heiden-Guss, President of the EDC, gave a brief introduction of Creative Bus Sales and of their proposed tax phase-in. She stated the project consists of 85 new jobs, with an average hourly rate of \$15.00, without fringe benefits. She stated it will be an investment of \$478,000 in machinery and equipment and IT software. They also plan to invest \$130,000 in building improvements. The proposed project would entail a five year tax phase-in. Mrs. Heiden-Guss then introduced Bill Anderson, Operations and Service Manager of Creative Bus Sales.

Mr. Anderson addressed the Council and gave a review of the history of the company. He stated Creative Bus Sales has been family owned and operated since 1980, and with its current owners since 1992. He stated that the company is strong financially; it is a \$125 million dollar company. He further stated that they are the largest bus dealership in the United States. He continued in saying that in 2007, it was decided that we were going to start converting vehicles to compressed natural gas. In the past, we had depended on vendors to do this for us, but we couldn't control the production or quality as much this way. It made sense for us to do it ourselves. Since that time, the company has really taken off. We are

interested in Elkhart County's experienced labor force. This is a competitive bid and we are looking at sites in Michigan, Kansas and Illinois. We are targeting Elkhart, but to facilitate this, the tax incentive is very important to us. Some of the primary vendors that we do business with are Goshen Coach, Supreme Corporation, Starcraft, Eldorado, and Navistar. Our plans for employing people will be somewhere around 30-35 at the start. Over the next three years we will bring the labor force up to 85 or more.

On motion made by Yoder seconded by Foutz and unanimously carried, the Council approved Declaratory Resolution CC-2010-13. (Page 175)

ELKHART COUNTY CONVENTION AND VISITOR'S BUREAU PRESENTATION: Sonya Nash gave a presentation and update of the Quilt Gardens. She also wanted to acknowledge all of the hard working efforts of all of our communities and volunteers. The Quilt Gardens consists of 17 gardens with over 90,000 plants. Over 80% of visitors are coming specifically for the Quilt Gardens and are staying on average 2 nights and spending on average \$500 per visit. Ms. Nash stated that this project has really taken off and grown tremendously.

PERSONNEL MATTERS:

A. Public Defender

1. Request additional Deputy Public Defender position (uncertain as to part-time, full-time or existing part-time to full-time status). CCPC acknowledged the need for a full-time position, 3-0.

Cliff Williams was present to speak as to his need for the position.

On motion made by Sharkey seconded by Yoder and unanimously carried, the Council approved a full-time position.

B. Highway Department (Sheriff)

1. Request to establish new position title of WCS-Inmate Supervisor, PG4/JF7, to be filled by a Corrections Officer but paid by Highway. Position will supervise inmate work crews performing duties related to highway maintenance. CCPC recommended approval, 3-0.

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

C. Community Corrections

1. Request to transfer three positions from fund/dept. 210-980 (CC Grant) to 209-980 (CTP Grant). Positions are one CTP Coordinator (Account 4106) and two CTP Case Managers (Account 4105). CCPC recommended approval, 3-0.

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

2. Request new (grant funded) position of Intensive Case Manager I, PG4/JF4, up to \$14.25/hr to work at the Corrections Facility with IDOC- housed offenders. CCPC recommended approval, 3-0.

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

D. Emergency Management

1. Request to add second intern position to be funded by Real Services Grant. CCPC recommended approval, 3-0.

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

E. Health-Tobacco Control

1. Request to establish part-time professional rate of \$18.00/hr in Account 4125 for new grant "Health/Drug Free Community Fund". CCPC recommended approval, 3-0.

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

F. County Assessor

1. Request to underfill Trending Specialist position, PG6/JF5, with Assessor NC/Trainee, PG3/JF3, to work in reassessment. CCPC recommended approval, 3-0.

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

The preceding Emergency Salary Ordinances were then duly adopted.

(Pages 176-182)

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 3, 2010.

GENERAL FUND	
<u>Sheriff</u>	
Supplies	26,783.00
Other Services and Charges	7,746.00
Capital Outlays	3,833.00
<u>Prosecuting Attorney</u>	
Personal Services	10,000.00
<u>Concord Township Assessor</u>	
Other Services and Charges	400.00

<u>Superior Court #1</u>	
Personal Services	15,000.00
<u>Superior Court #2</u>	
Personal Services	8,000.00
<u>Superior Court #6</u>	
Personal Services	10,000.00
Other Services and Charges	150.00
<u>Title IV-D Court</u>	
Other Services and Charges	85.00
TOTAL GENERAL FUND	81,997.00

RAINY DAY	
<u>Commissioners</u>	
Other Services and Charges	750,000.00

ABANDONED VEHICLES	
<u>Sheriff</u>	
Other Services and Charges	110.00

CHILDHOOD LEAD POISONING GRANT	
<u>Health Department</u>	
Personal Services	22,712.00
Supplies	7,038.00
Other Services and Charges	8,750.00
Capital Outlays	1,500.00
TOTAL CHILDHOOD LEAD POISONING GRANT	40,000.00

FIREARMS TRAINING	
<u>Sheriff</u>	
Supplies	33,000.00
Other Services and Charges	13,000.00
TOTAL FIREARMS TRAINING	46,000.00

COUNTY CONTINUING EDUCATION	
<u>Sheriff</u>	
Other Services and Charges	5,531.00

PARK AND RECREATION NON-REVERTING OPERATING	
<u>Park and Recreation Department</u>	
Supplies	11,300.00

Other Services and Charges	3,400.00
Capital Outlays	<u>14,700.00</u>
TOTAL PARK AND RECREATION N/R OPERATING	29,400.00

SURVEYOR'S CORNER PERPETUATION

<u>Surveyor</u>	
Other Services and Charges	1,200.00

STATE HOMELAND SECURITY PROGRAM

<u>Emergency Management</u>	
Capital Outlays	113,200.00

COMMUNITY DRUG FREE-NICOTINE

<u>Health Department</u>	
Personal Services	10,077.00
Supplies	1,923.00
Other Services and Charges	<u>800.00</u>
TOTAL COMMUNITY DRUG FREE-NICOTINE	12,800.00

DISTRICT 2 ADMINISTRATIVE ASSISTANT GRANT

<u>Emergency Management</u>	
Other Services and Charges	2,000.00

EDIT

<u>Highway</u>	
Capital Outlays	1,175,000.00

CUMULATIVE BRIDGE

<u>Highway</u>	
Supplies	3,000.00

CRIMINAL JUSTICE FACILITIES

<u>Sheriff</u>	
Supplies	6,400.00

CUMULATIVE DRAIN

<u>Drainage Board</u>	
Capital Outlays	55,000.00

MAJOR BRIDGE

<u>Highway</u>	
Capital Outlays	275,000.00

PARK AND RECREATION NON-REVERTING

Park and Recreation

Capital Outlays 17,300.00

REDUCTIONS

EDIT

Highway

Capital Outlays (421,697.37)

MAJOR BRIDGE

Highway

Capital Outlays (16,640.00)

Goshen Public Library Capital Projects Resolution CC-2010-12

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 2, 2010

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATIONS EXPLANATIONS

A. GENERAL FUND (#001)

1a. Sheriff (105) requests \$32,496 to place monies in the appropriate accounts in reference to purchasing or paying for goods and services relating to the operation of the Sheriff’s Department.

Bill Fletcher explained this request.

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

~~b. Sheriff (105) requests \$5,866 for indigent supplies.~~

~~This request was withdrawn.~~

2. Prosecuting Attorney (108) requests \$10,000 for DNA witness. Upcoming trial will require 5 out of state people to appear to testify.

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

3. Concord Township Assessor (114) requests \$400 for registration to attend bi-annual assessor conference.

Hess and Graff indicated that this request is not needed, as the money will come from un-appropriated funds.

4. Superior Court #1 (162) requests \$15,000 for petit jurors.

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

5. Superior Court #2 (163) requests \$8,000 for petit jurors.

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

6a. Superior Court #6 (170) requests \$10,000 for overtime expense.

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

b. Superior Court #6 (170) requests \$150 for competency evaluations.

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

7. Title IV-D Court (171) requests \$85 for yearly property tax for stapler not included in original budget.

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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B. RAINY DAY (#113)

1. Commissioners (980) requests \$750,000 for the health insurance trust fund. The intent at 2010 budget time was to add \$1.5 million to the health trust fund. This request is for the first \$750,000, and an additional request will come before the end of the year.

Tom Byers explained this request to the Council. Byers stated that we are doing better than expected in the health insurance trust fund. He hopes that the second request, later in the year, will only be for approximately \$200,000 instead of the \$750,000, if the averages hold up to what they have been.

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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C. ABANDONED VEHICLES (#119)

1. Sheriff (980) requests \$110 to place monies in appropriate account to pay for the publication of the legal notice.

Bill Fletcher 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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D. CHILDHOOD LEAD POISONING GRANT (#124)

1. Health Department (640) requests \$40,000 for grant period July 1, 2010-June 30, 2011.

Dr. Daniel Nafziger explained this request. He stated that since submitting this appropriation, they received notice that they will receive \$3,400 less than requested.

On motion made by Sharkey seconded by Yoder and unanimously carried, the Council approved this request at a reduced amount of \$36,600.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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E. FIREARMS TRAINING (#152)

1. Sheriff (980) requests \$46,000 to place monies in the appropriate accounts in reference to purchasing or paying for employee armored vests and education in year 2010.

Bill Fletcher 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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F. CONTINUING EDUCATION (#161)

1. Sheriff (105) requests \$5,531 for continuing education of officers in 2010.

Bill Fletcher 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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G. PARK AND RECREATION NON-REVERTING OPERATING (#168)

1. Park and Recreation (980) requests \$29,400 for various supplies and equipment.

Dan Seltenright explained this request to the Council and gave an update on the Park and Recreation department, along with the announcement of his retirement.

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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H. SURVEYOR'S CORNER PERPETUATION (#170)

1. Surveyor (980) requests \$1,200 for 2010 copying service for perpetuation.

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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I. STATE HOMELAND SECURITY PROGRAM (#184)

1. Emergency Management (980) requests \$113,200 for two trailers for District 2 Task Force Team Deployment supplies (first 72 hours self sustaining).

Jennifer Tobey explained this request. She stated this grant is for all of District 2, including Elkhart County. The trailers will not be housed in Elkhart County, but in two other counties within the district. Ms. Tobey was asked to submit this appropriation for this grant for District 2. The Council questioned the need to run this appropriation through our County when the trailers will be housed in other counties. This is a 100% reimbursable grant.

On motion made by Yohn seconded by Abel, the Council approved this request, 4 ayes, 1 nay (Yoder).

The preceding Emergency Appropriation Ordinance was then duly adopted.

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J. COMMUNITY DRUG FREE-NICOTINE GRANT (#200)

1. Health Department (980) requests \$12,800 for tobacco cessation assistance to individuals and couples in Elkhart County.

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. DISTRICT 2 ADMINISTRATIVE GRANT (#211)

1. Emergency Management (980) requests \$2000, the originally submitted grant was short by \$2000.00.

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.

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L. EDIT (#331)

1. Highway (980) requests \$1,175,000 for project # 2116 (CR 17 Phase 2A Inspect \$375,000), 2117 (CR 17 Phase 2A Construct \$650,000), 2119 (CR 17 Phase 2B Inspect \$150,000), between CR 28 and CR 30.

Jeff Taylor explained this request to the Council. He stated that 80% is reimbursed by INDOT for the construction inspection, project 2116 and 2119. Project 2117 is our 20% match.

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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M. CUMULATIVE BRIDGE (#335)

1. Cumulative Bridge Maintenance and Repair (212) requests \$3,000 for fuel use of bridge employees for bridge related activities.

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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N. CRIMINAL JUSTICE FACILITIES (#336)

1. Sheriff (105) requests \$6,400 to recapture monies used to purchase indigent supplies.

Bill Fletcher 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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O. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$55,000 for maintenance repairs on ditches:

1010	Rock Run Creek	\$ 5,000
1011	Swoveland Ditch	\$ 5,000
1012	Adam B. Miller	\$20,000
1013	Berkey Lat	\$25,000

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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P. MAJOR BRIDGE (#338)

1. Highway (980) requests \$275,000 for project # 2118, Prairie Street Bridge engineering.

Jeff Taylor explained that they will only need \$250,000 on this project and that he would like to reduce his request to this.

On motion made by Sharkey seconded by Yoder and unanimously carried, the Council approved this request for \$250,000.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Q. PARK AND RECREATION NON-REVERTING (#341)

1. Park Department (980) requests \$17,300 for various projects.

PROJECT	Location	COST
Paint the School House	Bonneyville	2,000.00
Wireless Alarm in Mill	Bonneyville	3,000.00
Bathroom Repair at DeFries	River Preserve	2,500.00
Entrance Ox Bow	Ox Bow	4,000.00
Fence at Secondary Entrance	Ox Bow	500.00
Fence at Wolf Lake	Wolf Lake	500.00
Telephone Work at Mill	Bonneyville	3,000.00
Pond Overlook at Cobus Creek	Cobus Creek	1,800.00

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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R. EDIT (#331)

1. Highway (980) requests a reduction of \$421,697.37 for:

2914	\$150,000
2819	\$60,000
2101	\$135,539.73
2024	\$6,157.64
2907	\$70,000

Jeff Taylor explained this reduction. He stated they need to hold off on the reduction of \$70,000 for project 2907. He would like to reduce that, leaving the total reduction at \$351,697.37.

On motion made by Yoder seconded by Sharkey and unanimously carried, the Council approved this reduction request for \$351,697.37.

The preceding Emergency Reduction Ordinance was then duly adopted.

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S. MAJOR BRIDGE (#338)

1. Highway (980) requests a reduction of \$16,640.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

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TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

1. Superior Court #2 (163)

From	4302	Medical	1,000.00
	4203	Copy Machine Supplies	1,000.00
To	4541	Office Furniture	2,000.00

B. TOBACCO SETTLEMENT (#121)

1. Health Department (980)

From	4541	Office Furniture	434.00
To	4219	Other Operating Supplies	154.00
	4259	Capital Supply Items	280.00

C. FACT GRANT (#146)

1. Prosecutor (980)

From	4309	Other Professional Services	3,000.00
		Operating	
To	4219	Supplies	3,000.00
D. GIS (#177)			
1. Planning and Development (980)			
From	4309	Other Professional Services	500.00
To	4539	Other Equipment	500.00

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

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) Approval of Goshen Public Library Capital Projects Fund, Resolution CC-2010-12.

Andy Waters, Executive Director of Goshen Public Library, was present to explain the library’s capital projects proposal.

On motion made by Sharkey seconded by Abel and unanimously carried, the Council approved this request. (Page 203)

- (b) Re-appointment of Artha M. Juntunen to the Middlebury Public Library Board.

On motion made by Yohn seconded by Abel and unanimously carried, the Council approved this request. (Page 204)

- (c) Approval of tentative 2011 Budget Hearing Schedule and Budget Department Assignments. Motion required.

On motion made by Yohn seconded by Sharkey and unanimously carried, the Council approved the tentative budget hearing schedule and budget department assignments.

- (d) Review of Major Moves Fund Loan repayment terms, CC-08-14.

Craig Buche, County Attorney, explained to the Council that this is a six-month review of the interest rate on the Major Moves Fund Loan repayment schedule. The interest rate was found to be acceptable at this time. Hess, Buche and the Council discussed the need for a continuing appropriation ordinance. No motion needed.

AUDIENCE ITEMS: No audience items.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 10:16 a.m. on motion by Yohn seconded by Sharkey 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.