

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**March 14, 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, Clarence 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; Mike Yoder, County Commissioner and Undersheriff Julie Dijkstra.

**MINUTES:** Approval of minutes for February 14, 2009.

On motion made by Yohn seconded by Foutz and unanimously carried, the minutes of the February 14, 2009, Council meeting were approved as received.

**COMMITTEE REPORTS:**

COMMISSIONERS:	NONE
COUNCIL:	NONE
AUDITOR:	NONE
SHERIFF:	NONE

**PERSONNEL REPORT:** NONE

**PUBLIC HEARING AND CONSIDERATION OF FINAL ACTION ON  
ECONOMIC REVITALIZATION AREA DESIGNATION FOR JAMI, INC.**

Craig Buche, Elkhart County Attorney's Office, addressed the Council and asked if the Council had received the statement of benefit forms and payment agreement for this project and they said they had. The first step in this process would be to open a public hearing for any comment as to the proposed tax phase-in for Jami, Inc. The Declaratory Resolution was issued at the last council meeting for the project and their facility at Harter Drive in Middlebury. Legal notice has been published in the Goshen News and the Elkhart Truth for a public hearing this morning and then after the public hearing the Council would be in a position to consider any action on the Resolution.

Letherman called for a motion to open the public hearing:

Sharkey made a motion that a public hearing be opened, seconded by Yoder and unanimously carried, the Council approved this request. Letherman declared the public hearing open.

Letherman then asked for any comments on this request. No one responded or gave any opposition.

Sharkey made a motion to close the public hearing, seconded by Foutz and unanimously carried, the public hearing was closed.

Buche said he has a signed commitment and payment agreement from Jami, Inc., committing that they will meet the proposed development issues in terms of the investment and new jobs. There has been a little bit of confusion with the paperwork. The State form is based upon a 4 year project and the County EDC looks at it from a two year standpoint. The statement of benefit forms that we are distributing are based upon the two year portion of the project, but they are actually expecting it will take 4 years for them to implement everything. The statement of benefit forms show that they will be retaining 120 jobs and adding 85 new jobs with an additional payroll of \$4,400,000, a capital investment of \$300,000, and a \$180,000 Personal Property or equipment investment within the first two years. Their actual 4 year Indiana Project Profile gives some additional investments and additional improvements that they anticipate making after that first two years.

There hasn't been anything changed, it is just the way that the statement of benefits forms were prepared and the commitment and payment agreement were prepared. We have the commitments within the agreement for the improvements for the payroll and the additional jobs. The company then is committing that if they do not meet those requirements that they will pay back a portion of the tax phase-in or the tax savings and it is pro-rated based upon how long they have actually complied. It is a structure from 100% down to 20% the last year. Basically there is a commitment that you will be getting a benefit and if they do not meet it they will be paying back a portion of what they did not meet.

The first step would be to approve the commitment and payment agreement.

Sharkey made a motion to approve the commitment and payment agreement, Yoder seconded the motion and the Council unanimously approved the commitment and payment agreement.

Buche then said that we have the two statements of benefit forms which should be approved.

Foutz made a motion to approve the two statements of benefit forms, Yohn seconded the motion and the Council unanimously approved the two statements of benefit forms.

Buche indicated the last action would be the actual resolution, the confirmatory resolution for final action approving the tax phase-in itself. He said he believed they had each received a copy of that resolution before the Council meeting. The actual resolution recites the action that the Council took at a prior meeting; the fact that the public notice has been advertised and that you conducted a public hearing. The resolution then grants final action, confirms the declaratory resolution, and makes it effective today subject to any appeal, and notes the statement of benefit forms which will be attached to the resolution when finalized. We will file this with the appropriate governmental authorities which would include the County Auditor, County Assessor and the DLGF. No. CC-09-02 the final action resolution is prepared and ready for your approval as well. Sharkey asked if they would receive State aid also because of the Council's action. Buche said that is correct.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this resolution No. CC-09-02.

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**EDC MATTERS:** Declaratory Resolution Designating Economic Revitalization Area and qualifying certain real estate improvements and certain personal property for Property Tax phase-in.

Buche again addressed the Council and said he has a declaratory resolution prepared based upon the project profile

that was prepared by the EDC. He will distribute the declaratory resolution then the EDC and the Company can make their presentation and then we can go through the resolution.

Dorinda Heiden of the EDC addressed the Council and introduced Tim Stevens, President of Atwood Mobile Products and Mike Topa, Chief Financial Officer of the organization. She said they are here to make a formal presentation and answer questions the Council might have. She said they are asking for a five year tax phase-in request for both real and personal property. The structures are valued at \$700,000, machinery and equipment at \$4,900,000, the addition of 94 jobs and an additional payroll of \$2,200,000. We are currently working with the Indiana Economic Development Corporation on finalizing the Indiana project profile to move forward on some additional incentives for the company. They have their corporate offices located in Elkhart, they also have a manufacturing plant on Ada Drive and Charlotte Avenue which is located in Elkhart County. It is going to be a 20% investment at the Ada Drive and 80% at Charlotte Avenue.

Tim Stevens, President of Atwood Mobile Products then addressed the Council. He gave the Council a handout that outlined their products. He said that Atwood was started in 1909 by the Atwood brothers and has been in business 100 years. In 2004 Atwood committed to Elkhart as being their headquarters, which was moved from Rockford, Illinois to Elkhart. From that point the company was acquired by Insight Equity in 2007 and then promptly the market started to go south. He would like to tell the Council a little bit about the products that they manufacture. They are 85% in the RV industry; they provide windows, electronics, heating appliances, cooking appliances, doors and seats frames and seats structures. They do have two businesses that are not in the RV industry, one of them is in Antwerp, Ohio that manufactures glass fabrication.

Because of the economic downturn we have seven facilities and we find it necessary that we can't support the facility in West Union, Iowa, so we elected to close that facility which was announced on April 17. Our proposal for Elkhart would be to relocate part of that production and we are going to phase out some of it, but part of it will be relocated and we are considering locating it into our plant in Salt Lake City, Utah and Greenburg, Tennessee, but if we went forward with the proposal before you we would locate the business in Elkhart. It is a fairly modest job offering of about 75 jobs to start, but in the second year we hope to go to about 94 jobs and then every year after we expect it to grow. Bear in mind that we are relocating the business in a depressed market and so we have scaled back to the point where we are being able to satisfy our production needs at a smaller rate. But as the economy picks up these jobs will flourish and we will have more jobs as we have indicated in our project plans. The products that we plan to move are fifth wheel landing gears, power jacks, couplers, manual jacks, marine jacks and surge brakes are just a few and also level legs that we plan to bring for motorized units as well. He gave a brief overview of what they are planning to move and accomplish in the next few months. He said he would be glad to answer any questions they might have.

Sharkey asked if they owned the building on Charlotte Avenue and Stevens said they do. He said they own the Atwood Center, but are leasing the Ada Drive Facility which is leased until 2012. Sharkey said the \$700,000 that you are asking for real property, is for what purpose on Charlotte Avenue. Stevens said they are not adding to the building but they have to prepare the building for the new equipment that is coming in by rearranging the equipment, etc., to be able to bring in this new equipment from West Union, Iowa. Letherman said this \$700,000 will be used to upgrade, and Stevens said yes.

Letherman asked Buche what was next. Buche said the declaratory resolution would be the action that would be before the Council this morning. Just a brief comment on the question of the assessment or values and things of that nature. Keep in mind that this is a process that allows them to take the deduction based upon the increase in value. If it doesn't get to be \$700,000 they don't get \$700,000 value in the assessment reduction. And if they don't spend \$700,000 that doesn't mean that they get a \$700,000 deduction. It would be based upon the actual assessed value based upon the improvement and that is their estimate of what it will be, so you are giving them the opportunity to get a reduction based upon their actual improvements. Sharkey said they are paying taxes on the building now. Buche said it does not change the assessed value or their taxes on the existing structure, or the

existing equipment. It is only on the new material, the new addition and the new equipment that they are bringing. The resolution follows the format that we have done on the last one; it is a pretty standard type of process. It does recite the numbers that the Council just heard in terms of the investment, the equipment, real estate, job creation, the estimated additional salaries, and then it declares the area and the address of the property as the Charlotte Avenue property. There is a legal description and an aerial map of the area from the GIS system that shows the location. The Council would be approving the real estate and personal property deduction giving them two years to complete the portion of the project that is before the Council. They will receive a five year deduction on the real estate and a five year deduction on the equipment and it does recite the company obligations to make a commitment repayment if they do not live up to their commitments. The next step in the process would be a public hearing for the next meeting.

Sharkey asked the Auditor who monitors if these conditions are met. Hess said the CFI forms are completed by the company and submitted to our office, the Redevelopment Commission looks at them and then the County Council looks at them. Buche said when the first improvements are made, that would go to the Assessor and then they will review that and give the assessment. And then each year the company has to sign and submit a compliance with a statement form and that comes back to the Council to show that they have actually made the investment, how it has been assessed and what job growth they have been able to accomplish. Sharkey asked how fast this equipment is going to depreciate. Buche said the sheet shows that they are in depreciation pool number two which would mean that after five years the assessed value would be at 30%, so there would still be value there.

Yohn made a motion to approve CC-09-03, seconded by Yoder and unanimously carried, the Council approved this Declaratory Resolution.

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Dorinda Heiden gave a short report.

**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 March 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 Saturday, March 14, 2009.

GENERAL FUND	
<u>Title IV-D Court</u>	
Personal Services	42,200.00
Other Services & Charges	730.00
<u>Superior Court #5</u>	
Capital Outlays	8,600.00
TOTAL GENERAL FUND	51,530.00
PARK & RECREATION OPERATING	
<u>Park Department</u>	
Personal Services	2,500.00
COUNTY HIGHWAY OPERATING	
<u>Highway Department</u>	
Supplies	200,000.00
PRENATAL SUBSTANCE USE PREVENTION PROGRAM	
<u>Health Department</u>	
Personal Services	39,491.00
Supplies	3,784.00
Other Services & Charges	3,225.00
PRENATAL SUBSTANCE USE PREVENTION PROGRAM	46,500.00
EMERGENCY PREPAREDNESS GRANT	

<u>Health Department</u>	
Personal Services	5,220.00
Supplies	2,380.00
Capital Outlays	2,400.00
TOTAL EMERGENCY PREPAREDNESS GRANT	<hr/> 10,000.00
PARK & RECREATION NON-REVERTING OPERATING	
<u>Park Department</u>	
Supplies	26,000.00
Other Services & Charges	31,600.00
Capital Outlays	23,200.00
TOTAL PARK & RECREATION NON-REVERTING OPERATING	<hr/> 80,800.00
PARK & RECREATION DONATION FUND	
<u>Park Department</u>	
Capital Outlays	63,600.00
WELFARE/FCS JUVENILE	
<u>County Auditor</u>	
Other Services & Charges	1,350,000.00
SALES DISCLOSURE FEES	
<u>County Assessor</u>	
Other Services & Charges	936.00
ECONOMIC DEVELOPMENT INCOME TAX	
<u>Highway Department</u>	
Capital Outlays	327,000.00
CUMULATIVE CAPITAL DEVELOPMENT FUND	
<u>County Commissioners</u>	
Capital Outlays	275,000.00
<u>CUMULATIVE DRAIN</u>	
<u>Drainage Board</u>	
Capital Outlays	140,021.00
MAJOR BRIDGE	
<u>Highway Department</u>	
Capital Outlays	1,351,000.00
PARK & RECREATION NON-REVERTING CAPITAL	
<u>Park Department</u>	
Capital Outlays	34,000.00
	REDUCTIONS
COUNTY HIGHWAY OPERATING	
<u>Highway Department</u>	
Other Services & Charges	(75,000.00)
Capital Outlays	(200,000.00)
CUMULATIVE CAPITAL DEVELOPMENT	<hr/>
<u>County Commissioners</u>	
Return unused funds from finished projects	(164,760.26)
<u>CUMULATIVE DRAIN</u>	
<u>Drainage Board</u>	
Return unused funds from finished projects	(78,653.95)

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: March 4, 2009

David L. Hess, Elkhart County Auditor

**ADDITIONAL APPROPRIATIONS EXPLANATIONS**

A. GENERAL FUND (#001)

1.a. Title IV-D Court (171) requests \$2,930 for expenses not included in Cooperative Agreement and a stapler for the copier not included in 2009 budget. The stapler is reimbursable from the State.

2. b. Title IV-D Court (171) requests \$40,000 to cover Elkhart Legal Aid expenses for 2009 at \$10,000 per

quarter.

Judge Bonfiglio explained these requests to the Council.

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

3. Superior Court #5 (166) requests \$8,600 for new furniture for five staff members, a secured cabinet for the court room and a new chair for Judge Wicks.

Judge Wicks explained this request to the Council.

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.  
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**B. PARK & RECREATION OPERATING (#104)**

1. Park Department (320) requests \$2,500 to use the money that is donated each year by the Elkhart County Historical Society to pay for a PT clerical position in the historical museum at Rush Memorial

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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**C. COUNTY HIGHWAY OPERATING (#112)**

1. Highway Maintenance (202) requests \$200,000 to purchase additional quantities of salt for mixing with sand to use on roadways.

Jeff Taylor 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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**D. PRENATAL SUBSTANCE USE PREVENTION PROGRAM (PSUPP) (#123)**

1. Health Department (981) requests \$46,500 submitted to the Indiana State Dept. of Health for this grant. This grant period is 7/1/09 to 6/30/10.

Personal Services	\$39,491.00
Supplies	\$ 3,784.00
Other Services & Charges	\$ 3,225.00

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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E. EMERGENCY PREPAREDNESS GRANT (#128)

1. Emergency Management (980) requests \$10,000 for this grant. The grant year is 8/10/08 to 8/9/09.

Personal Services	\$ 5,220.00
Supplies	\$ 2,380.00
Capital Outlays	\$ 2,400.00

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.

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F. PARK & RECREATION NON/REVERTING OPERATING (#168)

1. Park Department (980) requests \$80,800 for equipment, etc.

Supplies	\$26,000.00
Other Services & Charges	\$31,600.00
Capital Outlays	\$23,200.00

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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G. PARK & RECREATION DONATION FUND (#181)

1. Park Department (980) requests \$63,600 to use to complete the second part of the engineering on Phase III of the Pumpkinvine Trail project (Project #0902)

Dan Seltenright explained this request for the Pumpkinvine Trail to the Council.

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.

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H. WELFARE/FCS JUVENILE (#189)

1. County Auditor (980) requests \$1,350,000 to pay bills that occurred in 2008 for Family and Children Services. The County is responsible for all 2008 claims. These claims are for foster home care, institutional care, mental health centers and services.

Tony Sommers, Director of Welfare spoke to the Council. The Council asked him how much more they will have to absorb? Sommers said his department has provided the Auditor with some figures which he believes is the bulk of what they are expecting. The bills have trickled in and there could still be some outstanding bills because of the problem that comes with third party insurance companies, etc. It could take them six months before they reject a claim or pay their portion of it or whatever. He is anticipating that the bulk of it is in, with some miscellaneous bills probably still out there.

Letherman asked if they had an operating balance. Hess said that their operating balance essentially has been drawn down, there is no operational monies for 2009, there is no levies, so the operating balance has been drawn down, these are additional amounts. Letherman asked where this additional money is coming from. Hess said what we will have to do once we determine that we have all of the bills covered is a debt service for the balance of that and that is going to be roughly \$1.8 to \$2 million and that means that we will have to do an internal loan from one of our funds to the welfare fund. We will then put it on debt service for the 8 pay 9 tax so that it can be finished up

and paid this year. The debt service will be a levy on the 8 pay 9 taxes. Letherman said that way it will not exhaust our working balance or any of our funds. No, Hess said that is the reason they are working hard to get it on the 8 pay 9 is because it is outside the levy, but it is not outside the circuit breaker, so he wants to try to get this thing wrapped up to at least get it on the 8 pay 9 before those circuit breakers kick in to the full extent rather than have it on the 9 pay 10. Sharkey asked how much of this money stays in the County through local providers. Sommers said there are a number of local providers that are included in billing. We have local providers like CAPS, Oaklawn, Bashor, in other words the majority of it will stay in the County. Hess said he wants to make sure the local providers keep getting the cash flow, so they can keep operating.

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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#### I. SALES DISCLOSURE FEES (#195)

1. County Assessor (980) requests \$936 to pay for Multiple List Services to allow her office access to MLS listings to verify sales disclosures.

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.

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#### J. ECONOMIC DEVELOPMENT INCOME TAX (#331)

1. Highway Department (980) requests \$327,000 to relocate utilities for next phase of CR17, from CR 30-32. An AEP transmission Line needs to be raised and an ATT fiber cable must be relocated.

Jeff Taylor 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.

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#### K. CUMULATIVE CAPITAL DEVELOPMENT FUND (#331)

1. County Commissioners (980) request \$175,000 to implement a portion of the 5 year IT Plan and the 5 year Cum Cap Development Plan. Of the \$275,000 requested, \$100,000 will be used to purchase capital items that were removed from the 2009 budgets. The remaining \$175,000 will be used for work station replacements and miscellaneous infrastructure (\$50,000).

Tom Byers explained this request to the Council.

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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#### L. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$140,021 for construction/reconstruction on the following projects:

Project #0906 Swoveland Ditch Brushing -----	\$ 35,000.00
Project #0907 Kosciusko County Assessment-----	\$ 2,021.00

Project #0908 Mow/Brush/Grind-----	\$ 100,000.00
Project #0909 Zollinger-----	\$ 3,000.00

Blake Doriot 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.  
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**M. MAJOR BRIDGE FUND (#338)**

1. Highway Department (980) requests \$1,351,000 for the following projects:

Project #2903 Bridge St. Construction	\$1,000,000.00
Project #2904 Bridge St. Inspection	\$ 151,000.00
Project #2906 Johnson St Ground water clean up	\$ 200,000.00

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.  
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**N. PARK & RECREATION NON/REVERTING CAPITAL (#341)**

1. Park Department (980) requests \$34,000 for various repairs and equipment at park buildings.

Seltenright explained this last request.

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.  
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**REDUCTIONS**

**O. COUNTY HIGHWAY OPERATING (#112)**

1. Highway Department (204) returns (\$200,000) to free up funds to purchase more salt and (\$75,000) that that the Auditor’s office did not charge for an administrative fee.

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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**P. CUMULATIVE CAPITAL DEVELOPMENT (#334)**

1. County Commissioners (980) returned (\$163,054.83) in unused funds for the following projects:

Project #0403 Closeouts -----	\$ ( 2,269.53)
Project #0501 Capital Items -----	\$ (4,138.07)
Project #0504 Capital Items -----	\$ (156,311.75)
Project #0704 Capital Items -----	\$ (335.48)

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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**Q. CUMULATIVE DRAIN (#337)**

1. Drainage Board (980) returned (\$78,653.95) from the following projects:

Drainage Board (980) returns unused funds from projects. Const/Reconst	
Project #0811 Nunemaker Ditch-----	\$ (4,481.54)
Project #0815 Menges Lat. -----	\$ (627.50)
Project #0818 Shaffer Ditch-----	\$ (4,835.00)
Project #0819 Riggle Ditch-----	\$ (3,080.00)
Project #0824 New Miller -----	\$ (3,692.00)
Project #0825 York Ditch-----	\$ (11,300.00)
Project #0828 Pine Ditch -----	\$ (3,500.00)
Project #0829 Fisher-Gordon -----	\$ (10,000.00)
Project #0830 Hahn Tile -----	\$ (14,890.01)
Project #0835 Barthol Dtich-----	\$ (1,563.07)
Project #0836 Christolphel Davidhizer -----	\$ (3,740.00)
Project #0837 Walters Ditch -----	\$ (1,844.83)
Project #0839 Bock Ditch -----	\$ (10,250.00)
Project #0842 Crawford Dtich -----	<u>\$ (4,850.00)</u>
<b>TOTAL CUMULATIVE DRAIN REDUCTION-----</b>	<b>\$ (78,653.95)</b>

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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**TRANSFERS REQUIRING COUNCIL ACTION:**

**A. GENERAL FUND (#001)**

County Assessor (109)

From 4390 Dues-----	\$ 1,000.00
To 4541 Office Furniture -----	1,000.00

Personnel & Insurance (142)

From 4301 Attorney Fees -----	\$ 160.00
To 4546 Software -----	160.00

**B. STOP DOMESTIC VIOLENCE GRANT (#142)**

Victim Assistance (980)

From 4259 Capital Supplies -----	\$ 2,765.00
To 4549 Other Equipment -----	2,765.00

On motion made by Sharkey seconded by Yohn 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 Uniform Conflict of Interest Disclosure Statements for Rebecca Lehman and Brad Newcomer for the Nappanee Public Library Board.

On motion made by Abel seconded by Sharkey and unanimously carried, the Council approved this request. (Page 109)

(b) Approval of the 2009 Humane Society Agreement and the Interlocal Agreements with the other municipalities in the County.

Byers explained this request to the Council. He said these are the same agreements he has presented for the last four years, the County enters into a contract with the Humane Society we in turn have an Interlocal agreement with several communities, so the Humane Society is paid by the County and the communities pay us. He has received agreements from all the communities except Middlebury and he will be back before the Council when he receives it.

On motion made by Foutz seconded by Abel and unanimously carried, the Council approved this request. (Page 110)

(c) Approval of reappointment of Jane Erickson to the Goshen Public Library Board. Ms. Erickson's second term will end March 31, 2013.

On motion made by Yohn seconded by Abel and unanimously carried, the Council approved this request. (Page 111)

**ADDED ITEMS:**

1. Byers said he needs a consensus from the Council on the Lead grant that was alluded to earlier in the meeting. He said Elkhart County has been awarded some stimulus money in the form of a \$3,000,000 grant from the Department of Housing and Urban Development. Part of the stimulus package moves some money directly into the Department of Housing and Urban Development and it was earmarked specifically for applicants that were not successful in getting their applications funded for lead hazards or lead removal from homes. The reason he is talking to you about this is that he is anticipating that a lot of these other stimulus packages will work the same way. We are expected to turn around and implement things pretty quickly. The \$3,000,000 is over three years and it does propose that there be a project manager for this grant.

We have an individual that works in the Environmental Division of the Health Department, Carrie Brunson. She has worked closely with Kris Kruger for the last two years that we worked on putting this application together. We would like to make her the project manager. First of all the reason we want to use her is that she is good, she is experienced and knowledgeable on this grant. The benefit that comes is that by moving Carrie into a funding position that is paid by the grant we free up somewhere between \$60,000 and \$65,000 dollars in the general fund and the Health Department has agreed not to fill the position that she is vacating unless she comes back to the Commissioners and gets that position approved. What he is seeking from the Council this morning is a consensus to go ahead because it may be that we have to implement this program beginning March 30th. We would like to have Carrie in place. He will go before the Personnel committee in April. There is a project classification in the County system called

Project Manager and that is where we want to move her. If he has to wait until mid-April to go before the Personnel Committee we are going to lose a couple weeks. He will be happy to answer any questions the Council might have. After a long discussion the Council gave Byers consensus to proceed with his plan.

2. Yoder then brought up the question of sending estimated bills. Hess said he would like to seek the Council's consensus on that subject. There was a discussion at the finance committee concerning the printing and mailing of an estimated bill. He passed out a handout to the Council with information on an estimated bill. He does have permission from DLGF to do an estimated bill. DLGF is working on the percentages for the estimated bill so taxpayers would be paying approximately half of what they would pay on the reconciled bill which would then come in the fall. The Council agreed that it would help the cash flow to the schools and other government units. They gave Hess the go ahead and he said he would be back to them with an appropriation to fund the printing and postage.

**AUDIENCE ITEMS:** None

**ADJOURN:**

There being no further business to come before the Council the meeting was adjourned at 9:45 a.m. on motion by Foutz seconded by Yohn 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.