

MINUTES
ELKHART COUNTY COUNCIL
May 15, 2010

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 and Randall D. Yohn and David Foutz.

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

MINUTES: Approval of minutes for April 17, 2010.

On motion made by Sharkey seconded by Abel and unanimously carried, the minutes of the April 17, 2010 Council meeting were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: Mike Yoder gave short report on the new Zoning Ordinance and Township Government.
COUNCIL: Yoder, Ashe, Yohn, Foutz, Sharkey and Letherman gave short reports.
AUDITOR: Hess gave brief report on Township Government.
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-2010-11).

Craig Buche, County Attorney, explained the process to the Council and introduced Mr. Dave Ogle of the EDC.

Mr. Ogle addressed the Council and gave a brief overview of how this project came to be. He explained that this is a competitive situation. He further stated that the company intends to source as much locally as possible. They have tentatively accepted an offer from the State of Indiana based on our ability to grant the phase-in on the local level. Ogle reviewed the project impact and summarized that the project entails over \$4 million in payroll and over a 130 jobs over the next couple years. The tax phase-in is for \$19,500 in taxes, with the County gaining \$228,000 in new taxes. Ogle then introduced Lee Loper as the Vice President and General Manager of the Mid-West region of ABC Bus.

Mr. Loper addressed the Council and explained that the County is currently in competition with Mexico, due to the cheap labor in Mexico. He explained that he would much rather do business in this region rather than Mexico, due to the great need of Elkhart County. This project entails a 950 bus refurbishment with a local company. He stated they want to deal with local suppliers that support their company. He gave a brief background on ABC Bus and stated they are a family owned company that started in 1955 in Minnesota. They currently have facilities in Florida, New Jersey, Texas, California and Minnesota. Mr.

Loper thanked the Council for their time and consideration. Mr. Sharkey thanked Mr. Loper for his honesty in presentation, specifically regarding the competitive situation with Mexico.

On motion made by Yohn seconded by Foutz and unanimously carried, the Council approved Declaratory Resolution CC-2010-11. Letherman abstained. (Page 146)

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 May 5, 2010.

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 104, 117 N. 2nd Street, Goshen, Indiana, at 8:00 o'clock a.m. on Saturday, May 15, 2010.

GENERAL FUND

Circuit Court Juvenile

Personal Services 30,000.00

Superior Court #6- Title IV-D

Other Services and Charges 1,250.00

TOTAL GENERAL FUND 31,250.00

CUMULATIVE REASSESSMENT

County Assessor

Other Services and Charges 912,700.00

COUNTY HIGHWAY

Highway Construction

Capital Outlays 600,000.00

Highway General & Undistributed

Personal Services 25,000.00

TOTAL COUNTY HIGHWAY 625,000.00

SURVEYOR'S CORNER PERPETUATION

Surveyor

Supplies 11,600.00

Other Services and Charges 4,400.00

TOTAL SURVEYOR'S CORNER PERPETUATION

	16,000.00
EDIT	
<u>Highway</u>	
Capital Outlays	639,000.00
<u>Commissioners</u>	
Capital Outlays	<u>200,000.00</u>
TOTAL EDIT	839,000.00
CUMULATIVE BRIDGE	
<u>Highway Construction</u>	
Capital Outlays	178,000.00
CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	13,000.00
REDUCTION	
CUMULATIVE CAPITAL DEVELOPMENT	
<u>Commissioners</u>	
Other Services and Charges	(3.00)
Capital Outlays	<u>(13,744.15)</u>
TOTAL CUMULATIVE CAPITAL DEVELOPMENT	(13,747.15)

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: May 5, 2010

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATIONS EXPLANATIONS

A. GENERAL FUND (#001)

1. Circuit Court Juvenile (161) requests \$30,000 for pauper attorney.

Judge Domine was present to explain her request. She stated that there are an enormous amount of appeals due to the large amount of parental right terminations.

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

2. Title IV-D (171) requests \$1,250 for a new digital recording system purchased for the Court room after the 2010 budget was submitted. The \$1,250 is for a maintenance contract 6/12/10-6/11/11. This amount is two-thirds reimbursable.

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.

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B. CUMULATIVE REASSESSMENT (#105)

1. County Assessor (980) requests \$912,700 for reassessment contract with Indiana Assessment Services that will bill the County on a monthly basis.

Cathy Searcy was present to explain this request. Not using local people. This company has a project manager who has done a number of reassessments and an assistant and they brought two of their people into the County. The rest of the people they are using will be hired from Elkhart County and have already hired 4. They will manage and pay the employees. They are currently set up in the basement of the Elkhart Courts Building. Also my current employees will be doing a lot of the data entry which comes out of my current budget. They are updating all of the photographs while they are in the field. I will be hiring some part time people, out of my current budget, to attach these photographs into the system. We are using local people for this, except for just a few. \$1.3-1.7 million, this contract is for \$912,700. We have cut the costs from what we thought it would be originally. In 2002 we made \$2.3-2.4 million for the reassessment. The reason we do reassessment and trending is because it is State mandated. Trending is only analyzing sales. One is looking at sales and reassessment is physically going out and looking at the structures to make sure that we have everything we need to assess and analyzing the land sales as well.

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.

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C. COUNTY HIGHWAY (#112)

1. Highway Construction (203) requests \$600,000 for project #2112. The request is from wheel tax funds to meet the goals of the road program for 2010.

Jeff Taylor was present to explain this request.

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

2. Highway General & Undistributed (204) for \$25,000 for unemployment contribution.

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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D. SURVEYOR'S CORNER PERPETUATION (#170)

1. Surveyor (980) requests \$16,000 for 2010 surveying and perpetuation work.

Gordon Lord, County Attorney, was present to briefly explain the 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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E. EDIT (#331)

1. Highway (980) requests \$639,000 for project #2113 CR 17 fiber cables (\$239,000) and #2115 CR 16 construction of buggy lanes (\$400,000).

Jeff Taylor briefly explained the requests. The \$239,000 will be reimbursed by federal funds.

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

2. Commissioners (980) requests \$200,000 for the Elkhart County Economic Development Corporation. These funds have been earmarked in the 10 year plan.

Jim Hiatt, CEO of 1st State Bank of Middlebury; Bud Stout, President of Foremost Fabricators; Rich Florea; Morton Markus, Local Economist; and Dorinda Heiden-Guss, President of EDC all spoke in favor of the EDC and their progress in Elkhart County. Councilmen Yoder asked questions regarding the financial statements of the EDC. Heiden-Guss handed out financial statements/balance sheets to the Council and briefly discussed. It was discussed that the EDC plans to come back for an additional \$100,000 in the near future. The Council agreed to the original \$200,000 request. Although the Council was not able to vote on any additional monies other than what was originally requested and advertised, there was not an agreement on the additional \$100,000 request that may be requested in the future.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved this request for \$200,000.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. CUMULATIVE BRIDGE (#335)

1. Cumulative Bridge/Highway Construction (213) requests \$178,000 for project #2110 Indiana Avenue Bridge rehab (\$97,000) and project #2114 Indiana Avenue Bridge construction inspection (\$81,000).

Jeff Taylor 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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G. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$13,000 for:

Project #1008 Dry Run	\$10,000
Project#1009 JC Long	\$ 3,000

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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REDUCTION

H. CUMULATIVE CAPITAL DEVELOPMENT (#334)

1. Commissioners (980) returns \$(13,747.15) for:

Project#0703	\$(9993.35)
Project#0904	\$(3750.80)
Project#0902	\$(3.00)

On motion made by Yohn seconded by Yoder 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 #3 (164)

From	4165	Attorneys	3,300.00
To	4309	Other Professional Services	3,000.00
	4392	Subscriptions	300.00

B. COUNTY HIGHWAY (#112)

1. Highway General & Undistributed (204)

From	4531	Motor Vehicles	14,000.00
To	4351	Equipment Lease	14,000.00

C. LOCAL HEALTH MAINTENANCE FUND (#121)

1. Health Department (980)

From	4105	Professional	36,368.00
	4150	FICA	2,125.00
	4153	Insurance	13,500.00
	4157	Medicare	493.00
To	4309	Other Professional Services	52,486.00

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

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 Resolution CC-2010-09 and CC-2010-10 updating employees that are authorized to release information to PERF.

On motion made by Yohn seconded by Sharkey and unanimously carried, the Council approved Resolutions CC-2010-09 and CC-2010-10.

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AUDIENCE ITEMS: Jeff Burbrink spoke about a project he has been working on with Larry Andrews, President of Nappanee Chamber. They have received a Rural Development Enterprise Grant in the amount of \$50,000. With that they have been able to start educational classes dealing with work problem solving, business organization, marketing, accounting, etc. There have been 100-120 people in these classes with approximately 90% being Amish. For example, one class topic was how to deal with email and faxing in business when the Amish do not use these technologies. Since then 2 businesses have started up for the purpose of receiving faxes and emails for the Amish community businesses. Another topic has been phone etiquette for Amish in dealing with their answering machine messages.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 9:56 a.m. on motion by Foutz 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.