

MINUTES
ELKHART COUNTY COUNCIL
May 14, 2011

The meeting of the Elkhart County Council was called to order by Sheriff Brad Rogers at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were John K. Letherman, Dennis E. Sharkey, David Hess, Darryl Riegsecker, Randall D. Yohn and David Ashe.

Also present were Pauline Graff, County Auditor; Gordon Lord, County Attorney; Craig Buche, County Attorney; Tom Byers, County Administrator and Mike Yoder, Commissioner.

MINUTES: Approval of minutes for April 16, 2011.

On motion made by Sharkey seconded by Yohn and unanimously carried, the minutes of April 16, 2011 Council meeting were approved.

COMMITTEE REPORTS:

COMMISSIONERS: No report.
COUNCIL: Yohn, Sharkey and Letherman gave short reports.
AUDITOR: No report.
SHERIFF: No report.

EDC MATTERS: Public Hearing and Consideration of Final Action on Economic Revitalization Area Designation for Dynamic Metals.

Craig Buche gave a brief introduction of the process.

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

Dave Ogle was present and thanked the executive team of Dynamic Metals for pursuing this project through their corporate offices. He also thanked the Council in advance for their support.

Todd Turcotte of Dynamic Metals addressed the Council and thanked them for their consideration and support.

Letherman asked if there was anyone else that would like to speak to this, there being no one else, he asked for a motion to close the public hearing.

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

Craig Buche gave a brief overview of the Commitment and Payment Agreement.

Sharkey asked Turcotte if the company did follow through with e-verify, Turcotte stated they are still on track for that.

Sharkey stated he would make the motion to approve this with the statement from Turcotte that they are following through with e-verify, this was seconded by Riegsecker and unanimously carried; the Council approved the commitment and payment agreement. (Page 198)

Craig Buche gave a brief overview of the Confirmatory Resolution, CC-2011-09.

On motion made by Sharkey seconded by Riegsecker and unanimously carried, the Council approved Resolution CC-2011-09. (Page 199)

PERSONNEL MATTERS:

Added Item: Approval of hiring a full time public defender which would be a replacement to a vacated part-time public defender position. This would be a cost savings to the County. Cliff Williams was present to explain this request and answer questions. He stated there would be a reduction in salary from the previous public defender to the new public defender we would like to hire and it will be a full time position instead of part time.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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ADDITIONAL APPROPRIATIONS REQUESTS

Auditor Graff 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 4, 2011.

COUNTY HIGHWAY

Highway Construction

Capital Outlays 1,000,000.00

LOCAL ROAD AND STREET

Local Road and Street Maintenance and Repair

Other Services and Charges 45,000.00

Capital Outlays 150,000.00

TOTAL LOCAL ROAD AND STREET 195,000.00

ABANDONED VEHICLES

Sheriff

Other Services and Charges 1,472.00

CHILDHOOD LEAD POISONING GRANT

Health Department

Personal Services 8,000.00

Supplies 3,334.00

Other Services and Charges 1,205.00

Capital Outlays 150.00

TOTAL CHILDHOOD LEAD POISONING GRANT 12,689.00

HIGHWAY SAFETY PROGRAM
GRANT

Sheriff

Capital Outlays 1,858.00

GHS BREASTFEEDING GRANT

Health Department

Personal Services 7,000.00

EDIT

Highway

Capital Outlays 775,000.00

CUMULATIVE BRIDGE

Highway

Capital Outlays 20,000.00

CUMULATIVE DRAIN

Drainage Board

Capital Outlays 40,000.00

REDUCTION

EDIT

Highway

Capital Outlays (28,201.00)

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: May 4, 2011

Pauline E. Graff, Elkhart County Auditor

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. COUNTY HIGHWAY (#112)

1. Highway Construction (203) requests \$1,000,000.00 for project 1113, summer road paving and maintenance program.

Jeff Taylor explained this request to the Council.

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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B. LOCAL ROAD AND STREET (#114)

1. Local Road and Street Maintenance and Repair (222) requests \$195,000 for vehicle repairs and purchase of three one ton dump trucks.

Jeff Taylor explained this request to the Council.

On motion made by Yohn seconded by Riegsecker 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 \$1472 for towing invoices.

Bill Fletcher explained this request to the Council.

On motion made by Yohn 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. CHILDHOOD LEAD POISONING GRANT (#124)

1. Health Department (640) requests \$12,689 for personnel, supplies, tuition and data hardware that support this grant.

Dr. Daniel Nafziger explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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E. HIGHWAY SAFETY PROGRAM GRANT (#131)

1. Sheriff (980) requests \$1858 for motor vehicle parts.

Bill Fletcher explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. GHS BREASTFEEDING GRANT (#206)

1. Health Department (980) requests \$7000 for two part-time professionals, lactation consultants.

Jenny Schrock explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. EDIT (#331)

1. Highway (980) requests \$775,000 for project 1110 and 1112 for road paving/maintenance and CR 7 & CR 20 signal upgrade.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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H. CUMULATIVE BRIDGE (#335)

1. Highway (980) requests \$20,000 for project 1111 for design and right-of-way of bridge #400 (Monroe Street Bridge).

Jeff Taylor explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
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I. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$40,000 for project 1110 (Whetten \$30,000) and project 1111 (Juday \$10,000).

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

The preceding Emergency Appropriation Ordinance was then duly adopted.
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REDUCTIONS

J. EDIT (#331)

1. Highway (980) returns \$28,201 for project 2107, CR 38 engineering.

On motion made by Sharkey seconded by Riegsecker 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. Assessor (109)

From	4201	Printed Forms	4,000.00
	4209	Other Office Supplies	5,000.00
	4541	Office Furniture and Fixtures	3,550.00
	4203	Copy Machine Supplies	550.00
To	4309	Other Professional Services	13,100.00

2. Information Technology/Data Processing (141)

From	4309	Other Professional Services	3,800.00
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To	4125	Part-Time Professional	3,800.00
3. Community Corrections (179)			
From	4107	Protective Service Workers	87,000.00
To	4309	Other Professional Services	87,000.00
B. COUNTY HEALTH OPERATING (#102)			
1. Health Department (340)			
From	4217	Medical Supplies	3,400.00
To	4541	Office Furniture and Fixtures	3,400.00
C. LOCAL HEALTH MAINTENANCE FUND (#121)			
1. Health Department (980)			
From	4309	Other Professional Services	30,889.00
To	4105	Professional	19,440.00
	4150	FICA	1,206.00
	4151	PERF	1,361.00
	4153	Insurance	8,500.00
	4155	Wellness	100.00
	4157	Medicare	282.00
D. MEDICAL RESERVE CORPS (#122)			
1. Health Department (980)			
From	4539	Other Equipment	1,000.00
	4313	Travel Expense	1,500.00
To	4219	Other Operating Supplies	2,300.00
	4203	Copy Machine Supplies	100.00
	4209	Other Office Supplies	100.00
E. IDOC GRANT (#210)			
1. Program Income (614)			
From	4219	Other Operating Supplies	1,000.00
To	4313	Travel Expense	1,000.00

Dr. Daniel Nafziger was present to explain the Medical Reserve Corp Grant to the Council.

Tara Booher was present to explain her IDOC Grant transfer to the Council.

On motion made by Yohn seconded by Riegsecker 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) Consideration and Approval of Resolution CC-2011-07, Re-Amortizing Loan from Local Major Moves Construction Fund for Johnson Street Bridge Project and Six Span Bridge Project.

Craig Buche explained this Resolution to the Council. He also stated the pay off will now be two years later than the original loan resolution.

Glenn Null spoke on his disagreement with re-amortizing this loan. Sharkey explained to him that the original loan was from ourselves, so we are simply “paying ourselves back” two years later than originally planned.

On motion made by Hess seconded by Sharkey and unanimously carried, the Council approved this request. (Page 194)

- (b) Consideration and Approval of Resolution CC-2011-08, Authorizing the Loaning of Money from Local Major Moves Construction Fund for Phase 2C of CR 17 Extension Project.

Craig Buche explained this Resolution to the Council. He stated this is a follow up resolution to the approval of monies from last month’s meeting. This loan is for \$5,000,000 with a 2% interest rate. The first payment will be June 30, 2012.

On motion made by Riegsecker seconded by Sharkey and unanimously carried, the Council approved this request. (Page 195)

- (c) Consideration and Approval of Interlocal Agreement for the Intersection of CR 6 and Ash Road Reconstruction Roundabout Project.

Gordon Lord explained this agreement to the Council.

On motion made by Hess seconded by Yohn and unanimously carried, the Council approved this request. (Page 196)

- (d) Consideration and Approval of Interlocal Agreement with Town of Bristol for Humane Society.

Tom Byers explained this agreement to the Council.

On motion made by Yohn seconded by Riegsecker and unanimously carried, the Council approved this request. (Page 197)

AUDIENCE ITEMS:

Glenn Null spoke on his dissatisfaction with the slippery slope of re-amortizing loans.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 8:55 a.m. on motion by Riegsecker 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.