

MINUTES
ELKHART COUNTY COUNCIL
May 9, 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, County Attorney; Tom Byers, County Administrator; Mike Yoder, County Commissioner; Julie Dijkstra, Undersheriff.

MINUTES: Approval of minutes for April 18, 2009.

On motion made by Yohn seconded by Sharkey and unanimously carried, the minutes of the April 18, 2009, Council meeting were approved as received.

COMMITTEE REPORTS:

COMMISSIONERS: None

COUNCIL: Foutz and Letherman gave a short report.

AUDITOR: None

SHERIFF: Michael Books gave a short report.

PERSONNEL REPORT: None

ECONOMIC DEVELOPMENT CORPORATION MATTERS: Consideration of declaratory resolution for Coachmen.

Lord said this declaratory resolution is waiving some of the technical formalities of the 2007 resolution to expedite matters. However, the Council is still following the concepts and the philosophies of the original resolution. This is just an introductory action and the Council will actually have a public hearing at your June meeting. At that meeting more formal documentation will be executed by Coachmen in order to carry out the general concept at hand. The public will be allowed to comment at that time. Today is to get the ball rolling and declare the geographic area of the economic revitalization area and to understand the concepts that Coachmen is putting forth. With that background I will turn it over to the Coachmen representative.

Dorinda Heidman-Guss addressed the Council and stated that members of Coachmen CEO were present and they will present an overview of the project. You have a document which is a request for personal property, machinery and equipment. This would be a 10 year tax phase-in for personal property and is a 3.5 million dollar investment allowing them to keep their current employment of 38 and then adding an additional 234 jobs over the course of a ten year period. Looking at the savings to the corporation over that ten year period, they are looking at about \$135,000 in savings and still granting over \$91,000 in tax revenues to the county.

Rick Lavers, current CEO of Coachmen, stated that first I think it is important that you understand that this is not the Coachmen Industries that was in the RV business but was sold to Forest River. This is the portion of the old Coachmen business that we kept that is in vehicles but not RV vehicles. The location that we are talking about is 51165 Greenfield Parkway which is near the Michigan border where we have our plant manufacturing buses. The operations there are primarily non-consumer, non-cyclical niche business products with heavy emphasis on green energy efficient product features. The capital expenditures that we are talking about here today are first and foremost the Arbock mobility, which is shown on page 3 of the handout. We currently are in the process of ramping up the production for that operation and some of these expenditures will be for equipment related to that. This is a very difficult to assemble bus not a standard bus. There are a lot of chaises changes. We are also in the process of developing a hybrid high mileage drive train that is completely friendly for wheel chairs. The second point which is summarized on page 4 of the handout is high tech green cabinetry. This is a unique proprietary process. It does not involve hammers, nails, and glue. There are low emissions and is in support of what we would call our new urbanized design for our housing operations. This is some of the features related to those houses as well as for the furniture components of additional specialty vehicles that we have on the drawing boards which is on page 5 of the handout. These are products that we intend to launch perhaps as early as the 2nd half of this year but more likely in early 2010.

Letherman asks if there are any questions and states that today's function is to create a declaratory resolution which paves the way for them to go ahead and make a formal request next month that the Council can approve.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved this declaratory resolution. (Page 157)

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 April 29, 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, May 9, 2009.

GENERAL FUND	
<u>Elkhart Circuit Court</u>	
Capital Outlays	2,280.00
Total	
<u>Superior Court #3</u>	
Personal Services	<u>10,000.00</u>
TOTAL	12,280.00
COUNTY HIGHWAY OPERATING	
<u>Highway Maintenance</u>	
Supplies	150,000.00
<u>Highway General</u>	
Capital Outlays	50,000.00
RAINY DAY FUND	

<u>County Commissioners</u>	
Capital Outlays	250,000.00
EMERGENCY PREPAREDNESS GRANT	
<u>Health Department</u>	
Personal Services	6,673.00
Supplies	627.00
Other Services & Charges	300.00
Capital Outlays	2,400.00
TOTAL	<u>10,000.00</u>
WELFARE/FCS JUVENILE	
<u>County Auditor</u>	
Other Services & Charges	200,000.00
ECONOMIC DEVELOPMENT INCOME TAX	
<u>County Commissioners</u>	
Capital Outlays	100,000.00
<u>Highway Department</u>	
Capital Outlays	30,000.00
CRIMINAL JUSTICE FACILITIES	
<u>County Commissioners</u>	
Other Services & Charges	50,000.00
CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	130,000.00
MAJOR BRIDGE FUND	
<u>Highway Department</u>	
Capital Outlays	320,000.00
REDACTION FUND	
<u>County Recorder</u>	
Capital Outlays	12,000.00
REDUCTIONS	
COUNTY HIGHWAY OPERATING	
<u>Highway Maintenance</u>	
Other Services & Charges	(200,000.00)
ECONOMIC DEVELOPMENT INCOME TAX	
<u>Highway Department</u>	
Completed Project #2721	(30,000.00)

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: April 29, 2009

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATIONS EXPLANATIONS

A. GENERAL FUND (#001)

1. Circuit Court (160) requests \$2,280 to purchase two transcribers and two Microsoft Office programs.

Judge Shoemaker gave explanation as to why they need two transcribers and two software programs.

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

2. Superior Court #3 (164) requests \$10,000 for excess hours due to the large number of jury trials now and in the future.

Judge Shoemaker appeared for Judge Biddlecome. He explained the need for the additional appropriation is due to the large increase in jury trials this year.

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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B. County Highway (#112)

1. Highway Maintenance (202) requests \$150,000 to purchase paints for our employees to do pavement markings.

Jeff Taylor states that last year we contracted our center line striping as we do every year and spent \$239,328.85. This year we took a look at what it would cost to get into the business ourselves. We think we can outfit our vehicle with a sprayer for \$50,000 or less and purchase the paint for around \$150,000. Towards the end of the agenda will be a reduction for \$200,000, so essentially we are transferring this money.

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

2. Highway General (204) requests \$50,000 for the purchase of a pavement marking machine.

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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C. Rainy Day Fund (#113)

1. County Commissioners (980) requests \$250,000 for the County contribution to Economic Development Corporation of Elkhart County.

Dorinda Heidman-Guss states that there are a couple of items in the councilmen's packet which are the EDC Summary and the first quarterly report. I just want to note as the Council reads through these documents, that the County and EDC have had ongoing activity due to the notoriety of the visit from President Obama and what the city of Elkhart has initiated with Fox News. As you will see under House Bill 1434 which was passed there was a \$50,000 grant that Representative Jackie Walorski added to help assist us for marketing purposes. We are waiting to hear how the money from the IEDC will be given to us. House Bill 1338 was denied and that was for \$250,000 for funding Economic Development Corporations and was denied. We want to thank the City of Elkhart, Mayor Moore, Arbus Dawson and

the City Council for Mayor Moore's suggestion that an additional \$50,000 be appropriated over and above their standard of funding. She is here today to ask for an additional \$250,000 appropriation for 2009 and 2010, above the normal \$100,000 appropriation.

Mayor Moore, Phil Penn, Commissioner Yoder, Mayor Thompson, Jim Hyatt, and Ron Barger each spoke briefly in agreement of the additional appropriation of \$250,000 for the EDC. Councilmen Sharkey, Foutz, Lethermen, Yoder, Yohn, Ashe, and Abel made statements for and against the approval of this appropriation.

On motion made by Abel and seconded by Foutz, the Council voted on this motion. Letherman then called for the question and a roll call was taken with the following results: Abel-Yes, Yoder-No, Ashe-No, Yohn-Yes, Foutz-Yes, Sharkey-No and Letherman-Yes. This motion was approved with a vote of four Ayes and three Nays.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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D. Emergency Preparedness Grant (#128)

1. Health Department (980) requests \$10,000 for the Bioterrorism Preparedness and Response Supplemental Fund.

Concetta Sanfilippo explains that there is an employee of the Health Department that is paid by the Health Department personnel fund to work on this grant. However, she and Hess have discussed the issue with paying this employee from personnel instead of paying her from the grant. It was decided to table this appropriation until a later date.

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

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E. Welfare Family and Children Services (#189)

1. County Auditor (980) requests \$200,000 to cover Welfare's bills that occurred in 2008. The County is responsible for 2008 claims.

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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F. Economic Development Income Tax (EDIT) (331)

1. County Commissioners (980) requests \$100,000 for the County contribution to the Economic Development Corporation. Project# 2911.

On motion made by Foutz and seconded by Abel, the Council voted on this motion. Letherman then called for the question and a roll call was taken with the following results: Abel-Yes, Yoder-No, Ashe-No, Yohn-Yes, Foutz-Yes, Sharkey-No and Letherman-Yes. This motion was approved with a vote of four Ayes and three Nays.

2. Highway Department (980) requests \$30,000 to build a salt shed storage facility on CR 17 North. A reduction was made on the CR 10 ROW for this. Project # 2912.

Taylor spoke on the need for the salt shed to become more efficient. It would save on the need for his northwest drivers to have to drive to the landfill to pick up salt.

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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G. Criminal Justice Facilities (#336)

1. County Commissioners (980) requests \$50,000, along with \$45,000 from the Sheriff's inmate phone contract, for a total of \$95,000 for IT services at the Criminal Justice Complex, including the new Sheriff's Administration Building.

Tom Byers spoke on the long range plan for the IT department. This is in addition to the original 5-year IT plan.

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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H. Cumulative Drain (#337)

1. Drainage Board (980) requests \$130,000 to fund maintenance projects on the following projects:

Project #0911 Lehman/Farmwalt -----	\$	15,000.00
Project #0912 Josiah Neff -----	\$	10,000.00
Project #0913 Rock Run Creek -----	\$	50,000.00
Project #0914 Anna Ulery Tile Repair-----	\$	10,000.00
Project #0915 Fetter-Martin -----	\$	5,000.00
Project #0916 Long Ditch Debolt Cross-----	\$	5,000.00
Project #0917 Whetten Ditch Culp Tile -----	\$	5,000.00
Project #0918 Fettes Pletcher Tile-----	\$	30,000.00

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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I. Major Bridge (#338)

1. Highway Department (980) requests \$320,000 due to the bid on Bridge Street Bridge Construction Project #2903 coming in higher than expected.

Taylor spoke briefly on the bid coming in higher than expected on this project. It is higher due to the original bid being placed last fall and costs have come up since then. The *original* bid was in the ten year plan.

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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J. Redaction Fund (#697)

1. County Recorder (980) requests \$12,000 for the yearly maintenance and updates/upgrades for the social security redaction software and the accompanying OCR technology.

Chris Anderson spoke briefly on this appropriation.

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.
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REDUCTIONS

K. County Highway (#112)

1. Highway Maintenance (202) is returning (\$200,000) as they will be using their own employees to do pavement markings.

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

The preceding Emergency Reduction Ordinance was then duly adopted.
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L. Economic Development Income Tax (EDIT) (#331)

1. Highway Department (980) is returning (\$30,000) as they will not need that much money to finish purchasing Project #2721 CR 10 ROW.

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

The preceding Emergency Reduction Ordinance was then duly adopted.
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TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

County Clerk (101)

From - 4312 Postage-----	\$ 15,000.00
To----- 4209 Other Office Supplies -----	15,000.00
From - 4219 Operating Supplies-----	\$ 138.00
To----- 4546 Software -----	138.00

Superior Court #2 (163)

From - 4206 Law Books -----	\$ 280.00
To----- 4546 Data Processing Software-----	280.00

On motion made by Yohn seconded by Foutz and unanimously carried, the Council approved these transfers.

The preceding Emergency Transfer Ordinance was then duly adopted. (Page 171)

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

OTHER BUSINESS:

Added item: Hess spoke on the \$12,000 payment to Dr. Perez as a contractual health administrator. We are moving \$12,000 to 4179 to pay her. This will allow us to track the payments and put a cap on the amount paid out for the time being.

(a). Introduction of Wheel Tax Ordinance.

Hess stated that this is just an introduction to the Wheel Tax Ordinance. The final decision will be made at the June Council Meeting. Lord stated that we already have an Ordinance in place. We are not changing the rates, the State has come up with a series of printed sheets of how they want it all to be categorized and if the Council remembers, we have already eliminated the two year review of this Ordinance. This Ordinance if adopted will stay in effect until it is changed. Nothing is changed this is simply a technical correction.

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

(b). Tax phase-in procedural resolution.

Lord stated this is to expedite the study and processing of possible phase-ins. It involves County Administrator Tom Byers serving as an early sounding board to let matters move more quickly instead of going through a series of processes. This will allow people to fill out a shorter form instead of detailed form that is now being currently used.

On motion made by Foutz seconded by Abel and unanimously carried, the Council approved this request. (Page 172)

AUDIENCE ITEMS: Patti Holling, Representative of Elkhart County for Change, states her organization promotes civic education for political action for people to learn how government works and how we can be more responsive to it. She requested that a member of the Council come to speak to the organization about how County government works on Thursday May 28, 2009 at the Goshen Library auditorium at 6:30 pm. Lethermen stated he would check his schedule and make sure that a representative of the Council would attend. Commissioner Yoder and Councilmen Yoder also expressed interest in attending.

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 10:20 a.m. on motion by Foutz seconded by Sharkey and unanimously carried.

Recording Secretary
Audie Hostetler

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.