

MINUTES  
ELKHART COUNTY COUNCIL  
November 5, 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, David Foutz, David Hess, Darryl Riegsecker, Randall D. Yohn and David Ashe. Hess was absent after 8:50 a.m.

Also present were Pauline Graff, County Auditor; John Ulmer, Attorney and Tom Byers, County Administrator.

MINUTES APPROVAL: Approval of minutes for September 10, 15, 20, 22, 27 and 28, 2011.

On motion made by Riegsecker seconded by Yohn and unanimously carried, all minutes were approved.

COMMITTEE REPORTS:

COMMISSIONERS: None  
COUNCIL: Foutz and Letherman gave short reports.  
AUDITOR: None  
SHERIFF: Rogers gave short report.

EDC MATTERS: Public Hearing with consideration and approval of Confirmatory Resolution CC-2011-19 for Lippert Components, LLC.

John Ulmer gave a brief review of the Resolution.

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

Dave Ogle gave a brief recap of the company.

Gary McPhail, CFO of Lippert Components, thanked the Council for their support.

Letherman asked if anyone in the public wished to speak on this matter, there being no audience participation the public hearing was closed on motion made by Riegsecker seconded by Ashe and unanimously carried.

On motion made by Foutz seconded by Ashe and unanimously carried the Council approved the Commitment and Payment Agreement. (Page 378)

On motion made by Ashe seconded by Riegsecker and unanimously carried the Council approved the Statement of Benefits. (Page 379)

On motion made by Foutz seconded by Riegsecker and unanimously carried the Council approved Confirmatory Resolution, CC-2011-19, for Lippert Components, LLC. (Page 380)

\* See items C & L

PERSONNEL MATTERS:

A. GENERAL FUND

1. Superior Court 6: Request to increase part-time clerical rate from \$10.00 to \$12.17 effective September 11, 2011. CCPC recommended approval, 2-0 (Sharkey was not present, Yohn did not vote).

On motion made by Foutz seconded by Hess and unanimously carried the Council approved this request, let the record reflect that Yohn abstained.

2. IV-D Court: Request new full-time position, Legal Assistant II, PG4/JF1, up to \$14.25/hr. CCPC recommended approval, 3-0 (Sharkey was not present).

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

3. IV-D Court (Legal Assistant II): Request to move 18 hours per pay period currently paid from IV-D Court to Superior Court 6. CCPC recommended approval, 3-0 (Sharkey was not present).

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

4. Sheriff's Department: Request reclassification of Public Information Specialist, PG7/JF5, to Secretary II, PG3/JF1. CCPC recommended approval, 3-0 (Sharkey was not present).

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

5. Public Defender: Request extension of the transfer of four full-time positions from the Public Defender Supplemental to the General Fund to the end of 2011. CCPC recommended approval, 3-0 (Sharkey was not present).

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

6. Commissioners/Information Technology/Sheriff's Dept.: Request that \$20,000 from the Sheriff's 2012 discretionary funds be deposited into the County general fund to be made available to supplement the funding of the Systems Analyst position in the Information Technology budget. CCPC recommended approval, 3-0 (Sharkey was not present).

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

7. Code Enforcement: Request individual rate increase for Building Commissioner (Gard), PG8/JF6, from \$1479.70 to \$1512.80 (the minimum of the hiring range) effective 1-1-12. CCPC recommended approval, 3-0 (Sharkey was not present).

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

8. Emergency Management: Request to restore Secretary II position from 30 to 36 hrs./week. CCPC recommended approval, 3-0 (Sharkey was not present).

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

B. Health Department

1. Environmental Health : Request individual rate increases of 5% for two Environmentalist II's, PG6/JF5, for reaching Professional Registration within the career development program: Tara Still, from \$18.49 to \$19.28; and John Weidner, from \$17.72 to \$18.51. CCPC recommended approval, 3-0 (Sharkey was not present).

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

C. Highway Department

1. Highway: Reclassification of Eng Tech I, JF3/PG3 to Traffic Supervisor, JF6/PG6, non-exempt. CCPC recommended approval, 3-0 (Sharkey was not present).

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

The preceding Emergency Salary Ordinances were then duly adopted.

(Page 381-384)

ADDITIONAL APPROPRIATIONS REQUESTS (ADVERTISING):

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, November 5, 2011

GENERAL FUND

Sheriff

Other Services and Charges 2,573.00

Commissioners

Personal Services 20,000.00

Other Services and Charges 82,000.00

IT/Data Processing

Other Services and Charges 40,000.00

Circuit Court Juvenile

Personal Services 11,000.00

Superior Court #1

Personal Services	20,000.00
<u>Superior Court #2</u>	
Personal Services	10,456.00
TOTAL GENERAL FUND	<hr/> 186,029.00

PARK AND RECREATION OPERATING

<u>Park and Recreation</u>	
Other Services and Charges	7,500.00

ELECTION BOARD/VOTER'S REGISTRATION

<u>Voter's Registration</u>	
Capital Outlays	15,371.00

COUNTY PROPERTY SOLD

<u>Commissioners</u>	
Capital Outlays	105,000.00

COUNTY HIGHWAY

<u>Highway Administration</u>	
Supplies	1,000.00
<u>Highway Maintenance and Repair</u>	
Supplies	101,000.00
<u>Highway General and Undistributed</u>	
Personal Services	2,500.00
Supplies	1,000.00
Other Services and Charges	50,000.00
Capital Outlays	50,000.00
TOTAL COUNTY HIGHWAY	<hr/> 205,500.00

RAINY DAY

<u>Auditor</u>	
Other Services and Charges	750,000.00

LOCAL ROAD AND STREET

<u>Maintenance and Repair</u>	
Supplies	180,000.00
Other Services and Charges	25,000.00
TOTAL LOCAL ROAD AND STREET	<hr/> 205,000.00

PROSECUTING ATTORNEY SPECIAL PROJECTS FEES

<u>Bad Check Collections</u>	
Personal Services	7,000.00

FACT GRANT	
<u>Prosecuting Attorney</u>	
Personal Services	108,686.00
Supplies	3,434.00
Other Services and Charges	12,880.00
TOTAL FACT GRANT	<u>125,000.00</u>

COUNTY CONTINUING EDUCATION	
<u>Sheriff</u>	
Other Services and Charges	5,984.00

ADULT PROBATION USER FEES	
<u>Court Services</u>	
Supplies	2,000.00
Other Services and Charges	28,000.00
TOTAL ADULT PROBATION USER FEES	<u>30,000.00</u>

CLERK'S RECORD PERPETUATION	
<u>Clerk</u>	
Supplies	18,281.00
Capital Outlays	4,165.00
TOTAL CLERK'S RECORD PERPETUATION	<u>22,446.00</u>

CTP GRANT	
<u>Community Corrections</u>	
Capital Outlays	20,000.00

EDIT	
<u>Auditor</u>	
Other Services and Charges	1,415,000.00

CUMULATIVE CAPITAL DEVELOPMENT FUND	
<u>Commissioners</u>	
Capital Outlays	289,000.00

CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	21,000.00

MAJOR BRIDGE	
<u>Highway</u>	

Other Services and Charges 750,001.00

**REDUCTIONS**

COUNTY HIGHWAY

Highway Maintenance and Repair

Supplies (30,000.00)

MATERNAL AND CHILD HEALTH GRANT

Health Department

Personal Services (28,972.00)

Other Services and Charges (1,100.00)

TOTAL MATERNAL AND CHILD HEALTH GRANT (30,072.00)

EDIT

Highway

Capital Outlays (26,547.24)

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: October 26, 2011

Pauline E. Graff, Elkhart County Auditor

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

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

1. Sheriff (105) requests \$2573 for other professional services, medical and postage. Bill Fletcher explained this request to the Council.

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

2. Commissioners (130) requests \$102,000 for unemployment, legal fees and legal advertising.

Tom Byers explained this request to the Council.

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

3. IT/Data Processing (141) requests \$40,000 for telephone services.

Tom Byers explained this request to the Council. He stated they had reduced this year's budget, thinking that the VOIP system would be in place by the end of the third quarter. That not being the case, additional money is needed to pay the telephone bill.

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

4. Circuit Court Juvenile (161) requests \$11,000 for pauper counsel.

Magistrate Deborah Domine explained this request to the Council. She stated that due to the large number of appeals, she regrets to have to ask for additional money in this account.

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

5. Superior Court #1 (162) requests \$20,000 for guardian ad litem and petit jurors.

Judge Roberts explained this request to the Council.

On motion made by Foutz seconded by Ashe and unanimously carried the Council approved this request.  
\*Hess left the meeting after this request was approved.

6. Superior Court #2 (163) requests \$10,456 for reimbursement of summer intern wages, overpayment of GAL fees, petit jurors and guardian ad litem.

Judge Bowers 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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**B. PARK AND RECREATION OPERATING (#104)**

1. Park and Recreation (320) requests \$7500 for insurance and equipment repair.

Larry Neff explained this request to the Council. Neff stated they would like to have their own insurance for their buildings and equipment, etc. It will be a better policy (umbrella policy with rider) that covers more at a very reasonable price.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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C. ELECTION BOARD/VOTER'S REGISTRATION (#106)

1. Voter's Registration (191) requests \$15,371 for office furniture (locking cabinets and under-cabinet file drawers) and also a new copy machine.

Wendy Hudson explained this request to the Council.

\*Note: This appropriation was heard prior to personnel matters, due to a conflict in scheduling.

A brief discussion ensued regarding the Odyssey system.

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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D. COUNTY PROPERTY SOLD (#108)

1. Commissioners (980) request \$105,000 for project 1102 to purchase PC's (\$70,000) and to cover a portion of the hardware licensing (\$35,000) set forth in the 5 year plan.

Tom Byers explained this request to the Council.

On motion made by Foutz 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. COUNTY HIGHWAY (#112)

1. Highway Administration (201) requests \$1000 for copy machine supplies.

2. Highway Maintenance and Repair (202) requests \$101,000 for supplies and salt through December 31<sup>st</sup>.

3. Highway General and Undistributed (204) requests \$103,500 for worker's comp, small tools and equipment, hardware, equipment repairs and motor vehicles (1992 sign truck chassis).

Jeff Taylor explained all requests to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. RAINY DAY (#113)

1. Auditor (980) requests \$750,000 to balance the 2011 budget, if needed.

Graff 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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G. LOCAL ROAD AND STREET (#114)

1. Maintenance and Repair (222) requests \$205,000 for equipment repair parts, vehicle repair parts, vehicle repairs and fuel.

Jeff Taylor explained this request to the Council. He explained that they are fixing a ten year old loader, that they hope will last them another year or two or at least is fixed enough that they can sell it to help purchase a new one in the future.

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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H. PROSECUTING ATTORNEY SPECIAL PROJECTS FEES (#144)

1. Bad Check Collections (156) requests \$7000 for unemployment.

Jean Willard explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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I. FACT GRANT (#146)

1. Prosecuting Attorney (980) requests \$125,000 for grant period October 1, 2011 through September 30, 2012.

Jean Willard 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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J. COUNTY CONTINUING EDUCATION (#161)

1. Sheriff (105) requests \$5,984 for continuing education of officers.

Bill Fletcher explained this request to the Council.

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.  
(Page 394)

K. ADULT PROBATION USER FEES (#165)

1. Court Services (980) requests \$30,000 for medical supplies, laboratory services and other professional services for the rest of 2011.

Bob Girard 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.  
(Page 395)

L. CLERK'S RECORD PERPETUATION (#173)

1. Clerk (980) requests \$22,446 for office supplies and data hardware.

Hudson explained this request to the Council.

\*This additional appropriation was heard before personnel matters due to a scheduling conflict.

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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~~M. CTP GRANT (#209)~~

- ~~1. Community Corrections (980) requests \$20,000 for office furniture.~~

~~On motion made by Foutz seconded by Riegsecker and unanimously carried the Council approved this request. This was withdrawn.~~

N. EDIT (#331)

1. Auditor (980) requests \$1,415,000 to balance the 2011 budget, if needed.

Graff explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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O. CUMULATIVE CAPITAL DEVELOPMENT FUND (#334)

1. Commissioners (980) requests \$289,000 for motor vehicles, project 1104, for 12 police cars.

Byers explained this request to the Council. This was originally on the 2012 plan, but they are asking for this to be appropriated a couple months early, so that they can start the process of purchasing, given the good deal they are receiving.

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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P. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$21,000 for projects 1123 and 1124.

1123	Video Taping	\$9,000
1124	Comstock	\$12,000

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Q. MAJOR BRIDGE (#338)

1. Highway (980) requests \$750,001 for the major moves interest and principal payment for Johnson Street and Six Span Bridges.

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:

R. COUNTY HIGHWAY (#112)

- 1. Highway Maintenance and Repair (202) returns \$30,000 for paint center and edge line account for 2011.

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

The preceding Emergency Reduction Ordinance was then duly adopted.  
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S. MATERNAL AND CHILD HEALTH GRANT (#126)

- 1. Health Department (611) returns \$30,072 due to the State awarding less than submitted.

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

The preceding Emergency Reduction Ordinance was then duly adopted.  
(Page 402)

T. EDIT (#331)

- 1. Highway (980) returns \$26,547.24 for project 2921, motor vehicles.

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.  
(Page 403)

TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

1. Sheriff (105)

From	4219	Other Operating Supplies	6,040.00
To	4539	Other Equipment	4,325.00
	4545	Data Processing Hardware	1,715.00

2. PTABOA (#146)

From	4301	Legal Services	1,350.00
To	4169	Board Members	1,350.00

3. Court Magistrate Goshen (#167)			
From	4209	Other Office Supplies	530.00
To	4545	Data Processing Hardware	530.00
4. Title IV-D Court (#171)			
From	4206	Law Books	300.00
	4209	Other Office Supplies	275.00
To	4310	Sustenance	350.00
	4313	Travel Expense	225.00
B. COUNTY HEALTH OPERATING (#102)			
1. Health Department (340)			
From	4309	Other Professional Services	2,951.00
To	4545	Data Processing Hardware	1,450.00
	4541	Office Furniture & Fixtures	1,501.00
C. CUMULATIVE REASSESSMENT (#105)			
1. Assessor (980)			
From	4203	Copy Machine Supplies	5,200.00
	4209	Other Office Supplies	1,788.00
To	4309	Other Professional Services	6,988.00
D. PSUPP GRANT (#123)			
1. Health Department (981)			
From	4209	Other Office Supplies	250.00
	4219	Operating Supplies	3,194.00
	4397	Tuition	100.00
	4310	Sustenance	150.00
	4312	Postage	200.00
	4313	Travel Expense	760.00
	4314	Telephone	750.00
To	4105	Professional	3,126.00
	4150	FICA	193.00
	4151	PERF	395.00
	4155	Cafeteria/Wellness	1,645.00
	4157	Medicare	45.00
E. MCH GRANT (#126).			
1. Program Income (614)			
From	4312	Postage	1,200.00
To	4219	Operating Supplies	1,200.00
F. WIC GRANT (#127)			
1. WIC (#612)			
From	4105	Professional	8,500.00
	4125	PT Professional	4,200.00

To	4203	Copy Machine Supplies	700.00
	4209	Other Office Supplies	1,900.00
	4217	Medical Supplies	5,500.00
	4219	Operating Supplies	4,600.00
<b>G. HIV GRANT (#141)</b>			
1. Health Department (981)			
From	4153	Insurance	6,428.00
	4155	Wellness	273.00
	4310	Sustenance	150.00
	4397	Tuition	900.00
To	4245	Incentives	4,050.00
	4217	Medical Supplies	3,701.00
<b>H. COMMUNITY DRUG FREE NICOTINE (#200)</b>			
1. Health Department (980)			
From	4313	Mileage	200.00
To	4219	Other Operating Supplies	200.00
<b>I. CTP GRANT (#209)</b>			
1. Community Corrections (980)			
From	4217	Medical Supplies	4,700.00
	4542	Office Equipment	4,000.00
	4545	Data Processing Hardware	13,000.00
	4546	Data Processing Software	13,000.00
To	4302	Medical	4,700.00
	4330	Building Repairs	30,000.00
<b>J. CRIMINAL JUSTICE FACILITIES (#336)</b>			
1. Sheriff (105)			
From	4219	Other Operating Supplies	3,835.00
To	4539	Other Equipment	3,835.00

On motion made by Yohn seconded by Foutz and unanimously carried, the Council approved these 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) Adoption of changes (required by law) to the Elkhart County Police Retirement Plan.

On motion made by Foutz seconded by Riegsecker and unanimously carried, the Council approved this request. (Page 405)

- (b) Review and approval of Interlocal Agreement with Baugo Community School District.

On motion made by Yohn seconded by Foutz and unanimously carried, the Council approved this request. (Page 406)

Riegsecker wanted to note that he is still against this project as a whole, but will vote in favor of the interlocal agreement.

- (c) Review of Draft Resolution regarding Tax Phase-In Application Procedures.

Tom explained this resolution to the Council. No action was taken at this time.

- (d) Review and approval of Resolution Authorizing Sale of Surplus Real Estate, CC-2011-18.

On motion made by Foutz seconded by Riegsecker and unanimously carried, the Council approved this request. (Page 407)

AUDIENCE ITEMS: None

ADJOURN:

There being no further business to come before the Council the meeting was adjourned at 9:44 a.m. on motion by Yohn seconded by Riegsecker 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.