

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**October 3, 2009**

The meeting of the Elkhart County Council was called to order by UnderSheriff Julie Dijkstra 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; Craig Buche, County Attorney; and Tom Byers, County Administrator.

**MINUTES:**

Approval of minutes for August 8, 2009

On motion made by Foutz seconded by Abel and unanimously carried, the Council approved the minutes as presented.

Approval of minutes for Public Hearing on TAG/Energy-Inc., September 14, 2009

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved the minutes as presented.

Approval of minutes for First Reading, September 23, 2009

On motion made by Abel seconded by Yohn and unanimously carried, the Council approved the minutes as presented.

Approval of minutes for Second Reading, September 24, 2009

On motion made by Yoder seconded by Abel and unanimously carried, the Council approved the minutes as presented.

**COMMITTEE REPORTS:**

COMMISSIONERS:	No report.
COUNCIL:	No report.
AUDITOR:	No report.
SHERIFF:	No report.

**ECONOMIC DEVELOPMENT CORPORATION MATTERS:** None

**PERSONNEL REPORT:** Members present from the Personnel Committee were Councilmen Sharkey, Councilmen Abel, Councilmen Yoder and Floyd Hindbaugh, Director of Personnel. Hindbaugh explained the following requests:

A. Health Department:

1. Healthy Beginnings: Request to renew existing WIC Grant that supports 20 full-time and 8 part-time positions effective 10-1-09. CCPC recommended approval, 4-0.

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

2. Swine Flu (H1N1 Infectious Virus) Grant (214/980): Request part-time rates of \$27.00/hr. in Account 4125 (Professional) and \$10.50/hr. in Account 4129 (Clerical). CCPC recommended approval, 4-0.

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

B. Auditor:

1. Tax Plat Book (172/980): Request part-time technician in GIS section of real estate department in Account 4126 at a rate of \$15.68. This request was not heard at the CCPC meeting, but was discussed at the finance committee meeting and was emailed to CCPC. Hess briefly explained this request.

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

The preceding Emergency Salary Ordinances were then duly adopted.

(Pages 305-307)

Hindbaugh briefly explained a Resolution Adopting Revision of the Elkhart County Employee Handbook, Council Resolution No. CC-09-21 and also an Ordinance Adopting Amendment to Elkhart County Government Personnel Policy and Standard Procedures Manual, Council Ordinance No. CC-09-22.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved Resolution No. CC-09-21. (Page 308)

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved Ordinance No. CC-09-22. (Page 309)

**ADDITIONAL APPROPRIATIONS REQUESTS AS ADVERTISED:**

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 September 23, 2009.

GENERAL FUND

Auditor

Other Services and Charges 30,000.00

Coroner

Other Services and Charges 65,400.00

Title IV-D: Prosecuting Attorney

Personal Services 10,000.00

<u>Juvenile Court Magistrate</u>	
Personal Services	19,500.00
<u>Superior Court #5</u>	
Personal Services	23,500.00
Supplies	200.00
Other Services and Charges	<u>1,000.00</u>
Total	24,700.00
<u>Courts Magistrate-Goshen</u>	
Personal Services	3,013.00
Supplies	<u>825.00</u>
Total	3,838.00
<u>Public Defender</u>	
Supplies	1,300.00
TOTAL GENERAL FUND	154,738.00
COUNTY HEALTH OPERATING	
<u>Health Department</u>	
Other Services and Charges	2,000.00
COUNTY HIGHWAY	
<u>County Highway General</u>	
Personal Services	15,330.00
LOCAL ROAD AND STREET	
<u>Road and Street Maintenance/Repair</u>	
Supplies	120,000.00
ABANDONED VEHICLES	
<u>Sheriff's Department</u>	
Supplies	16.00
Other Services and Charges	<u>4,694.00</u>
Total	4,710.00
CDC LEAD GRANT	
<u>Health Department</u>	
Personal Services	22,718.00
Supplies	8,500.00
Other Services and Charges	<u>8,782.00</u>
Total	40,000.00
WIC GRANT	
<u>Health Department</u>	
Personal Services	913,240.00
Supplies	22,000.00
Other Services and Charges	<u>36,050.00</u>
Total	971,290.00

FACT GRANT	
<u>Prosecuting Attorney</u>	
Personal Services	155,600.00
Supplies	5,100.00
Other Services and Charges	20,400.00
Capital Outlays	<u>3,900.00</u>
Total	185,000.00

ACCIDENT REPORT FEES	
<u>Sheriff's Department</u>	
Supplies	15,745.00

FIREARMS TRAINING	
<u>Sheriff's Department</u>	
Supplies	60,000.00

CLERK- RECORDS PERPETUATION	
<u>Clerk</u>	
Supplies	26,400.00

ASSIST 2010 DIABETES GRANT	
<u>Health Department</u>	
Personal Services	4,156.00

H1N1 VIRUS STIMULUS GRANT	
<u>Health Department</u>	
Personal Services	82,935.00
Supplies	40,765.00
Other Services and Charges	87,602.00
Capital Outlays	<u>3,333.00</u>
Total	214,635.00

NORTHEAST CORRIDOR TIF DISTRICT	
<u>Commissioners</u>	
Capital Outlays	1,100,000.00

SPECIAL JAIL CAGIT	
<u>Sheriff's Department</u>	
Other Services and Charges	325,000.00

CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	241,500.00

ENVIRONMENTAL/ SPECIAL PROJECTS	
<u>Highway Department</u>	
Capital Outlays	100,000.00

REDUCTIONS

CUMULATIVE DRAIN	
<u>Drainage Board</u>	
Capital Outlays	(89,450.19)

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: September 23, 2009

David L. Hess, Elkhart County Auditor

## **ADDITIONAL APPROPRIATIONS EXPLANATIONS**

### A. GENERAL FUND (#001)

1. Auditor (102) requests \$30,000 to cover the printing costs of the reconciled bill. Hess briefly explained this request.

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

2. Coroner (107) requests \$65,400 for medical and laboratory services, autopsies and professional services for the remainder of the year. John White, County Coroner, was present to explain this request. Sharkey stated that he hopes we can come closer to actual figures in budget estimates, for this department, in years to come so that we can stay away from additional appropriations.

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

3. IV-D Program (158) requests \$10,000 for unemployment costs through the end of the year. Bruce Wells was present to explain the request. He stated that the previous employee had left the County for another position and was laid off from that position. The unemployment funds from that employer have run out and she is now trying to collect from the County. Personnel has researched this request and it was determined that we are responsible to pay unemployment to this previous employee. The Council questioned this. It was then stated that this amount will be two-thirds reimbursable as an IV-D program expense.

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

4. Juvenile Court (161) requests \$19,500 for pauper attorney, guardian ad litem and excess hours. Laura Cameron was present to explain this request. She stated that one change that will be made in the future is to try to use CASA in place of the guardian ad litem to save money.

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

5-7. Superior Court 5 (166) requests \$13,200 for petit jurors and copy machine supplies,

\$10,500 for transcripts for appeal and attorneys for appeal, and \$1,000 for competency reports. Judge Wicks was present to explain the three requests. He stated it is really out of his hands, as he cannot control the number of trials or appeals that will take place.

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

8. Court Magistrate-Goshen (167) requests \$3838 for personal services, law books and office supplies. Magistrate Denton was present to explain this request. He explained the personal services amount was due to the transfer of budgets from Elkhart to Goshen and the difference in salary. The Council questioned this and Hess explained that the budgets cannot move with the magistrates, and that this is the way we need to handle this at this time.

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

9. Public Defender (175) requests \$1300 for office supplies.

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 (Page 310).

#### B. COUNTY HEALTH OPERATING (#102)

1. Health Department (340) requests \$2000 for laboratory services. Concetta Sanfilippo briefly explained this 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 (Page 311).

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

1. Highway Department (204) requests \$15,330 for unemployment and wellness for several ex-employees. John Bowers was present to explain this request.

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 (Page 312).

#### D. LOCAL ROAD AND STREET (#114)

1. Road and Street Maintenance & Repair (222) requests \$120,000 for diesel fuel for the remainder of the 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 (Page 313).

E. ABANDONED VEHICLES (#119)

1. Sheriff's Department (980) requests \$4710 for professional services, telephone and operating supplies. Bill Fletcher briefly explained this request.

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 (Page 314).

F. CDC LEAD GRANT (#124)

1. Health Department (340) requests \$40,000 for grant funding period of July 1, 2009 to June 20, 2010. Concetta Sanfilippo was present to explain 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 (Page 315).

G. WIC GRANT (#127)

1. Health Department (312) requests \$971,290 for grant period October 1, 2009 to September 30, 2010. Jenny Schrock was present to explain this request. She stated that after December 1, 2009, they will be able to ask for additional money and that they plan to do that. She stated that they are currently assigned 7850 participants, but have over 9300 enrolled.

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 (Page 316).

H. FACT GRANT (#146)

1. Prosecutor's Office (980) requests \$185,000 for grant period October 1, 2009 to September 30, 2010. Joel Williams was present to briefly explain 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 (Page 317).

I. ACCIDENT REPORT FEES (#151)

1. Sheriff's Department (980) requests \$15,745 for supplies.

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

The preceding Emergency Appropriation Ordinance was then duly adopted (Page 318).

J. FIREARMS TRAINING (#152)

1. Sherriff's Department (980) requests \$60,000 for training supplies. Fletcher explained that this is funded by firearm permits. This is for an entire year's worth of supplies for firearm training.

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 (Page 319).

K. CLERK-RECORDS PERPETUATION (#173)

1. County Clerk requests \$26,400 for 2010 court files. Stephanie Burgess was present to explain this 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 (Page 320).

L. ASSIST 2010 DIABETES GRANT (#205)

1. Health Department (981) requests \$4156 for current grant year. Jenny Schrock explained this request.

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 (Page 321).

M. H1N1 VIRUS STIMULUS GRANT (#214)

1. Health Department (980) requests \$214,635 for grant year July 31, 2009 to July 30, 2010. Dr. Daniel Nafziger was present to explain this request and answer questions related to H1N1.

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 (Page 322).

N. NORTHEAST CORRIDOR TIF DISTRICT (#332)

1. Commissioners (980) request \$1,100,000 for project#2901 to extend sewer and water lines from a point north of the US 20 bypass to the new Ivy Tech campus, near CR 17 & CR 18. Tom Byers explained this request to the Council. He made note that Ivy Tech will be contributing \$100,000 to this project. Councilmen Yoder asked if we will be able to re-coop costs by charging a compact charge or hook-up fee to anyone that may want to hook onto the sewer lines in the future. Byers stated that they have not finalized an agreement with the City of Elkhart on that but will definitely be looking into it.

On motion made by Foutz and seconded by Abel, the Council approved this request. Letherman abstained.

The preceding Emergency Appropriation Ordinance was then duly adopted (Page 323).

O. SPECIAL JAIL CAGIT (#336)

1. Sheriff's Department (105) requests \$325,000. Hess explained that this is for a reduction to their 2009 budget of \$250,000 is in line 4302. Replacement funding is coming from fund 336. The additional \$75,000 is to cover additional expenses which have been paid to date.

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 (Page 324).

P. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests the following:

Capital Outlays- Const/Reconst	
Project#0928 Baugo Creek-----	\$ 54,000.00
Project#0929 Hire Ditch-----	\$ 44,000.00
Project#0930 Comstock Lat West-----	\$ 7,000.00
Project#0931 Jacob Myers-----	\$ 9,000.00
Project#0932 Menges-----	\$ 40,000.00
Project#0933 Lily Creek-----	\$ 4,000.00
Project#0934 Bullard Ditch-----	\$ 4,000.00
Project#0935 Fisher Gordon-----	\$ 4,000.00

Project#0935 Bock Ditch-----	\$ 2,500.00
Project#0937 Haverstick Darkwood-----	\$ 20,000.00
Project#0938 Worley-----	\$ 35,000.00
Project#0940 York Lat F-----	\$ 2,000.00
Project#0941 Manhole Maintenance-----	\$ 12,000.00
Project#0936 Mow Brush Grind-----	\$ <u>4,000.00</u>
TOTAL CUMULATIVE DRAIN-----	\$ 241,500.00

Discussion ensued on Baugo Creek, CR 11 and CR 24 drainage issues and the Simonton Lake Weir.

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 (Page 325).

**Q. ENVIRONMENTAL/SPECIAL PROJECTS (#541)**

1. Highway Department (980) requests \$100,000 as a final change order for Project #0901, CR 26 & SR 19. John Bowers explained this request.

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 (Page 326).

**REDUCTIONS**

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

1. Drainage Board (980) returns the following:

Capital Outlays- Const/Reconst

Project#0826 Wertz-----	\$ ( 1,970.05)
Project#0829 Fisher Gordon-----	\$ ( 519.55)
Project#0833 Keiffer Ditch-----	\$ ( 3,515.00)
Project#0834 Josiah Neff-----	\$ (10,000.00)
Project#0902 Whisler Bechtel-----	\$ (28,742.30)
Project#0903 Rodgers Ditch-----	\$ ( 3,000.00)
Project#0904 Sailor Ditch-----	\$ ( 1,717.50)
Project#0906 Swoveland Ditch-----	\$ (25,434.13)
Project#0909 Zollinger-----	\$ ( 360.00)
Project#0910 Hahn Tile-----	\$ ( 345.83)
Project#0911 Lehman Farmwalt-----	\$ ( 5,079.30)
Project#0915 Fetter Martin-----	\$ ( 1,959.40)
Project#0919 Mather-----	\$ ( 400.00)
Project#0921 Osborne-----	\$ ( 110.95)
Project#0922 East Lake-----	\$ ( 3,000.00)
Project#0923 Indian Creek-----	\$ ( 2,240.00)

Project#0924 Haverstick Darkwood -----	\$ ( 230.00)
Project#0925 Fisher Gordon -----	\$ ( 692.90)
Project#0927 Wagner -----	\$ ( 133.28)
<b>TOTAL CUMULATIVE DRAIN REDUCTIONS</b>	<b>\$ (89,450.19)</b>

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 (Page 327)

**TRANSFERS REQUIRING COUNCIL ACTION:**

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

**1. Clerk (101)**

From - 4219 Operating Supplies-----	\$ 482.00
To ---- 4546 Software-----	482.00

**2. Coroner (107)**

From - 4390 Dues-----	\$ 150.00
From - 4397 Ed/Conf Costs-----	\$ 800.00
From - 4318 Photo Microfilm-----	\$ 800.00
To ---- 4539 Other Office Equipment-----	1750.00

**3. Assessor (109)**

From - 4201 Printed Forms-----	\$ 750.00
From - 4202 Official Record Books-----	\$ 50.00
From - 4203 Copy Machine Supplies-----	\$ 600.00
From - 4205 Photo Supplies-----	\$ 675.00
From - 4206 Law Books-----	\$ 650.00
From - 4209 Office Supplies-----	\$ 3000.00
From - 4309 Other Prof Services-----	\$ 3015.00
To ---- 4545 Data Processing Hardware-----	8740.00
From - 4209 Office Supplies-----	\$ 1144.00
To ---- 4545 Data Processing Hardware-----	831.00
To ---- 4546 Data Processing Software-----	313.00

**4. Concord Twp Assessor (114)**

From - 4312 Postage-----	\$ 200.00
From - 4397 Ed/Conf Costs-----	\$ 400.00
To ---- 4219 Other Operating Supplies-----	200.00
To ---- 4118 Excess Hours-----	400.00

**5. Title IV-D (158)**

From - 4221 Repair Parts Auto-----	\$ 1190.00
To ---- 4334 Vehicle Repairs-----	1190.00

**B. COUNTY HEALTH OPERATING (#102)**

1. Health Department (340)		
From - 4309 Other Services-----	\$	745.00
To ---- 4542 Office Equipment-----		745.00
From - 4305 Computer Services-----	\$	1230.00
From - 4309 Other Services-----	\$	3848.00
To ---- 4545 Data Processing Hardware-----		1230.00
To ---- 4546 Data Processing Software-----		3848.00
From - 4309 Other Services-----	\$	525.00
To ---- 4542 Office Equipment-----		525.00

C. VOTER REGISTRATION (#106)

1. Voter Registration (191)		
From - 4209 Other Office Supplies-----	\$	370.00
To ---- 4541 Office Furniture-----		370.00

D. MATERNAL AND CHILD HEALTH GRANT (#126)

1. Program Income (614)		
From - 4309 Other Services-----	\$	5600.00
To ---- 4203 Copy Supplies-----		900.00
To ---- 4209 Office Supplies-----		500.00
To ---- 4217 Medical Supplies-----		1600.00
To ---- 4219 Operating Supplies-----		800.00
To ---- 4549 Other Office Equipment-----		1800.00
From - 4309 Other Professional Services-----	\$	3000.00
To ---- 4219 Operating Supplies-----		3000.00

E. WOMEN, INFANT & CHILD GRANT (#127)

1. Women, Infant & Child (612)		
From - 4105 Professional-----	\$	4900.00
From - 4109 Clerical-----	\$	9000.00
From - 4125 PT Professional-----	\$	4000.00
From - 4128 PT Paraprofessional-----	\$	3000.00
From - 4153 Insurance-----	\$	8000.00
From - 4154 Unemployment-----	\$	14910.00
From - 4155 Wellness-----	\$	2015.00
To ---- 4203 Copy Supplies-----		450.00
To ---- 4209 Office Supplies-----		1200.00
To ---- 4217 Medical Supplies-----		5100.00
To ---- 4219 Operating Supplies-----		34100.00
To ---- 4309 Other Services-----		275.00
To ---- 4343 Rent Office Equip-----		300.00
To ---- 4549 Other Office Equip-----		4400.00

F. COURT IMPROVEMENT GRANT (#135)

1. Juvenile Court (161)		
From - 4397 Ed/Conf Costs-----	\$	50.00
To ---- 4219 Other Operating Supplies-----		50.00

G. FACT GRANT (#146)

1. Prosecuting Attorney (981)		
From - 4309 Other Professional Services-----	\$	1100.00
To ---- 4259 Capital Supplies-----		1100.00
From - 4219 Operating Supplies-----	\$	450.00
To ---- 4545 Data Processing Hardware-----		450.00

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

The preceding Emergency Transfer Ordinance was then duly adopted (Page 328).

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

**OTHER BUSINESS:**

- (a) Approval of County Council Ordinance CC-09-20.

Hess briefly explained this ordinance, stating it will change the mileage reimbursement rate from .45/mile to .40/mile, due to lower gasoline prices.

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved this request. (Page 329)

**AUDIENCE ITEMS:**

Lorell Niehart addressed the Council with his concerns of economic conditions and the need to be more conservative with taxpayer’s money.

**ADJOURN:**

There being no further business to come before the Council the meeting was adjourned at 9:27 a.m. on motion by Abel seconded by Yoder 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.