

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**December 12th, 2020**

The meeting of the Elkhart County Council was called to order by Sheriff Jeff Siegel at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were Council President John K. Letherman, Council Vice President David L. Hess, Tina M. Wenger, Douglas S. Graham, Randy Yohn, Darryl J. Riegsecker, and Thomas W. Stump.

Also present were Patricia A. Pickens, County Auditor; Fred Avery, First Deputy Auditor; Craig Buche, County Attorney; Mike Yoder, Commissioner; Suzie Weirick, Commissioner (Virtual).

\*\* This meeting commenced pursuant to public notice under the Indiana open door law and Governor Holcomb's Executive Orders. This meeting was made available for the public and press to attend virtually in remote real-time observation and remote electronic participation.

\*\*\*In pursuant to Indiana Code 36-2-3-6 all votes will take via roll call.

**MINUTES:** Approval of CC Meeting –November 14th, 2020

On motion made by Riegsecker to approve the November 14<sup>th</sup>, Elkhart County Council Meeting Minutes, and seconded by Stump, the Council unanimously approved the minutes via roll call vote: Letherman-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye, Stump-Aye.

**COMMITTEE REPORTS:**

COMMISSIONERS: Weirick thanked John Letherman for his years of service

COUNCIL:

Vice President David Hess presented President John Letherman a plaque for years' service. Hess also discussed meeting with the Committee on the Courthouse. He discussed the process they went through meeting with different companies to evaluate their qualifications. He states he was happy to see nationwide businesses along with local companies along with the subcontracts with local companies. He touched on the scoring system they used to determine the qualifications of the companies. He states that the companies agreed that the project is do-able with the Budget that the Council and Commissioners have set out.

President John Letherman-Thanked everyone for working together for the 31 years he served as Council member. He spoke on the many projects and handed out a report "Future Council Issues of Importance" which he wanted on the record to Council members. He discussed the past projects and some that are still in progress and talked about the importance of finishing those projects.

Yohn talked about Court Services and the money they saved in contract services.

Council Members gave thanks and Congratulations to Letherman on his retirement and his service to the County include: Wenger, Graham, Yohn, Riegsecker and Stump.

Stump discussed the issue of the fines in the current mandate of the Commissioners, he states that Wenger will discuss that with the letter she wrote later in the meeting.

Graham makes a motion to hold 12 monthly meetings in 2021 and to change the day of the monthly Council meeting to the 2<sup>nd</sup> Thursday of the Month at 4:00 pm. No one seconded the motion at first, then Riegsecker seconded it to open it up for discussion purposes.

A roll call vote was taken with the Roll Call votes as follows: Letherman-Abstained, Hess-Nay, Wenger-Nay, Graham-Aye, Yohn-Nay, Riegsecker-Aye and Stump-Nay. With a vote of 4 Nays to 2 Ayes and 1 Abstained the request was denied.

Stump made a motion to hold 12 monthly meetings in 2021 and for the first 4 months of 2021 to keep the monthly meeting on the 2<sup>nd</sup> Saturday of the month. This will give the Council and administration time to research the advertising along with the new member of the Council starting in January, seconded by Riegsecker to approve.

A roll call vote was taken with the roll call votes as follows: Letherman-Abstained, Hess-Aye, Wenger-Aye, Graham-Nay, Yohn-Aye, Riegsecker-Aye and Stump-Aye with a vote of 5 Ayes to 1 Nay and, 1 Abstained the request was approved.

AUDITOR: Pickens gave financial report and gave Letherman congratulations on his retirement and thanked him for his years of service.

Patty Pickens-Ordinance CC-2020-33 Ordinance of the Elkhart County Council transferring 5.8 million from the CARES ACT Money to the Rainy Day Fund.

On motion made by Hess and seconded by Riegsecker to approve the transfer of 5.8 million to the Rainy Day Fund.

A roll call vote was taken with the roll call votes as follows: Letherman-Aye, Hess-Aye, Wenger-Aye, Graham-Yes, Yohn-Yea, Riegsecker-Aye, and Stump-Aye. With a vote of 7-0 the Council unanimously carried and approved the Ordinance CC-2020- 33.

SHERIFF: None

**EDC MATTERS:** None

**HUMAN RESOURCE MATTERS:**

Craig Buche/ Denise Davis

- (a) Approval of Ordinance CC-2020-31 updating the Policy Manuel

On Motion made by Graham and seconded by Riegsecker to approve Ordinance CC-2020-31 updating the Policy Manuel. The roll call votes are as follows: Letherman-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Stump--Aye. With a vote of 7 to 0 the request was approved.

- (b) Approval of Salary Ordinance Amendment CC-2020-32.

On Motion made by Graham and seconded by Riegsecker to approve the Salary Ordinance Amendment CC-2020-32. The roll call vote was as follows: Letherman-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Stump-Aye. With a vote of 7 to 0 the request was approved.

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

**REDUCTIONS:**

FF. COVID-CARES CRF (#8902)

- 1. Commissioners) 980) requested a reduction in the amount of -\$3,743,390.00 to reduce appropriation down to amount left available to Elkhart County from CARES funding for Safety Awareness.

Jeff Taylor presented this request to the Council.

On motion made by Riegsecker and seconded by Stump, by roll call vote the Council’s votes are as follows: Letherman-Aye, Hess-Aye, Wenger-Aye, Graham- Aye, Yohn-Aye, Riegsecker-Aye & Stump-Aye. With a vote of 7 to 0 the request was unanimously approved by the Council.

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION**

A. GENERAL FUND (#1000)

- 1. Emergency Management (137)

From: 43835 Training	\$1,000.00
43830 Ed. Conf.	\$1,500.00
43540 Vehicle Repair	\$415.00
43510 Maint/Svcs.	\$1,169.00

	43130 Mileage	\$620.00
	43110 Sustenance	<u>\$365.00</u>
To:	42380 Capital	\$5,069.00
B.	GENERAL FUND (#1000)	
	1. Extension (145)	
From:	43140 Telephone	3,600.00
To:	44510 Otr. Equipment	3,600.00
C.	GENERAL FUND (#1000)	
	1. Court Services	
From:	42180 Med. Supplies	9,405.00
To:	41120 Professionals	9,405.00
D.	HEALTH (#1159)	
	1. Environmental Health (340)	
From:	42110 Gasoline	1,500.00
	42205 Repairs	<u>400.00</u>
To:	44535 Data Process Equip	1,900.00
E.	HEALTH (#1159)	
	1. Vital Records (340)	
From:	43130 Travel	880.00
To:	44535 Data Process Equip	880.00
F.	HEALTH (#1159)	
	1. Administration (340)	
From:	42030 Copy Supplies	1,000.00
	42090 Office Supplies	3,000.00
	42195 Oper. Supplies	1,000.00
	42330 Service Award	340.00
	42380 Capital Supplies	<u>600.00</u>
	Total	5,940.00
To:	43010 Legal Services	5,940.00
G.	HEALTH (#1159)	
	1. CHN (340)	
From:	42110 Gasoline	1,500.00
	42130 Tires & Tubes	600.00
	42320 Training Supplies	250.00
	42380 Capital Supplies	<u>2,000.00</u>
	Total	4,350.00
To:	43090 Otr Prof. Services	4,350.00

H.	HEALTH (#1159)		
	1. Vital Records (340)		
	From: 43110 Sustenance		500.00
	To: 44535 Data Process Equip.		500.00
I.	HEALTH (#1159)		
	1. Vital Records (340)		
	From: 43050 Computer Services		1,000.00
	To: 44535 Data Processing Equip.		1,000.00
J.	HEALTH (#1159)		
	1. Health Education (340)		
	From: 42030 Copy Supplies		1,500.00
	42380 Capital Services		2,000.00
	To: 44535 Data Processing Equip.		3,500.00
K.	HEALTHY BABIES (9122)		
	1. Health (981)		
	From: 41120 Professional		640.00
	To: 43090 Prof. Services		640.00
		Total	36,784.00

On motion made by Wenger and seconded by Yohn to approve the Between transfers in the total amount of \$36,784.00. The roll call votes are as follows: Letherman-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Stump-Nay With a vote of 6 to 1 the between transfers were approved by the Council.

**OTHER BUSINESS:**

Craig Buche: Consideration and Approval of the following:

- (a) Resolution Supporting Real Estate Purchase for Elkhart County Landfill CC-2020-30.

Craig Buche explains the Resolution to the Council.

On motion made by Riegsecker and seconded by Stump to approve Resolution CC-2020-30 By roll call vote the Council's votes are as follows: Letherman-Aye, Hess-Aye, Wenger- Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye, and Stump-Aye. With a vote of 7 to 0 Resolution CC-2020-30 was unanimously approved by the Council.

- (b) Interlocal Agreement between RDC and Town of Middlebury for SW Quadrant Project.

Craig Buche presented the Interlocal to the Council.

On motion made by Riegsecker and seconded by Stump to approve the Interlocal agreement between the RDC and the Town of Middlebury for SE Quadrant Project. By roll call vote, the Council's votes are as follows: Letherman-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye, Stump-Aye. With a vote of 7 to 0, the Council unanimously approved the Interlocal Agreement between the RDC and the Town of Middlebury.

Craig Buche-Semi Annual Loan Review for Major Moves and Landfill Loans:

- (a) Review of Current Loan Draw/Payment Schedule-Bristol Bypass Route.
- (b) Review of Loan, Resolution No. CC-2020-28  
RESOLUTION AUTHORIZING THE LOANING OF MONEY FROM THE LOCAL MAJOR MOVES CONSTRUCTION FUND FOR THE COUNTY ROAD 38 AND COUNTY ROAD 17 LOANS.
- (c) Review of Loan, Resolution No. CC-2011-07  
RESOLUTION RE-AMORTIZING LOAN FROM THE LOCAL MAJOR MOVES CONSTRUCTION FUND FOR THE JOHNSON STREET BRIDGE PROJECT AND THE SIX SPAN BRIDGE PROJECT
- (d) Review of Loan, Resolution No. CC-2018-021  
RESOLUTION AUTHORIZING THE LOANING OF MONEY FROM THE LOCAL MAJOR MOVES CONSTRUCTION FUND FOR THE ELKHART COUNTY 911 CENTER 800 MHZ RADIO SYSTEM UPGRADE PROJECT.
- (e) Review of Loan, Resolution No. CC-2019-24  
RESOLUTION AUTHORIZING THE LOANING OF MONEY FROM THE LOCAL MAJOR MOVES CONSTRUCTION FUND FOR THE ELKHART COUNTY SHERIFF'S DEPARTMENT 2019 COMPUTER EQUIPMENT UPGRADE PROJECT.
- (f) Review of Loan, Resolution No. CC-2019-10  
RESOLUTION AUTHORIZING THE LOAN OF MONEY FROM THE LANDFILL FUND TO THE ELKHART COUNTY ELECTION BOARD VOTING TABULATION UPGRADE PROJECT

On Motion made by Yohn and seconded by Stump to approve the review of the above Loans and payment schedules. By roll call votes the Council's votes are as follows: Letherman-Aye, Hess-

Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Stump-Aye. With a vote of 7 to 0 the Council approves the above request.

Council Member Tina Wenger wrote letter to the Commissioners asking for them to rescind the Elkhart County Restated COVID-19 Ordinance 2020-38. Implementing an Ordinance that approves fines for local businesses that do not comply. Wenger states “that is a sure fire for lawsuits which later will be defended by county lawyers and paid for by taxpayer dollars, she states is simply irresponsible and unacceptable. “

Riegsecker, Stump and Letherman support rescinding the Ordinance. Graham states he supported the Ordinance at first but distances against any fines.

Stump states he does not support Ordinance or anything like it. He does support Wenger’s letter asking the Commissioners to rescind the Ordinance

Commissioner Mike Yoder explains that the main focus is on Education but with the added structure and ability to enforce mandate. Yoder states that several businesses have asked for the enforcement of mandate to reduce the virus in their companies.

### **AUDIENCE ITEMS”**

Glenn Null discussed points of interest and disinterest.

### **ADJOURN**

There being no further business to come before the Council, on motion made by Wenger seconded by Graham, By roll call vote, the Council’s votes are as follows: Letherman-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye, Stump-Aye. With a vote of 7 to 0, the Council unanimously approved the request to adjourn. The meeting was adjourned at 9:40 am.

Cindy Chadwell  
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.