

MINUTES
ELKHART COUNTY COUNCIL
117 N. Second St. Room 104, Goshen In. 46526
April 10th, 2021

The meeting of the Elkhart County Council was called to order by Captain David Lanzen at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were Council President Thomas W. Stump, Council Vice President David L. Hess, Tina M. Wenger, Douglas S. Graham, Randall D. Yohn, Darryl J. Riegsecker and Adam M. Bujalski.

Also present were Patricia A. Pickens, County Auditor; Tiara Jackson, First Deputy Auditor, Craig Buche, County Attorney; Commissioner Brad Rogers, Commissioner Suzie Weirick and County Administrator Jeff Taylor.

** 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.

MINUTES: Approval of CC Meeting Minutes: March 13th, 2021

On motion made by Bujalski and seconded by Riegsecker to approve minutes from the March 13th, 2021 CC Meeting. With a vote of 7 to 0 the Council unanimously carried and approved the request.

COMMITTEE REPORTS:

COMMISSIONERS: Weirick on the Flag issue. Committee was formed, they met. After investigating the issues with the flag they determined that the flag would have to come off the top of the courthouse in order to make it safe to lower at half-staff. Weirick states the flag pole itself and the dome on the courthouse would have to be modified in order to make the necessary modifications.

COUNCIL: Wenger on Equal Employment Opportunity and NACO.
Hess on Courthouse Committee meeting.
Yohn thanked IT for making the meetings assessable to the Council when they are out of town.

AUDITOR: Pickens gave financial report.

SHERIFF: None

HUMAN RESOURCES MATTERS:

Ross Maxwell:

1. Requested 5 additional Youth Specialists I positions @ \$16.99/hr. effective 4-11-21. Maxwell explained to the Council that on 12/10/2018 Congress passed H.R. 6964, the Juvenile Justice Reform Act. The President signed this into law on December 21, 2018 amending the Juvenile Justice Delinquency Prevention Act of 1974. As part of this legislation, the following amendment was made. By December 21, 2021, unless found by a court to be in the interest of the justice, juveniles who are being charged and tried as adults (1) may not have sight or sound contact with adults and (2) may not be detained in a jail or lock up for adults (except as provided under the jail removal requirement). Maxwell explains they want to open the second pod to the Juvenile Detention center to be able to comply with the updated law. In order to achieve that he needs to hire 5 additional Youth Specialists I members.

On motion made by Wenger to approve and seconded by Graham. With a vote of 7 to 0, the Council unanimously carried and approved this request.

Chief Public Defender Jeff Majerek:

1. Requested salary increase to \$156,125.00/yr. to be in compliance with the Indiana Public Defender Commission's Reimbursement Program (In Connection with Additional Appropriation A.)

Commissioners Brad Rogers explained the details of the program such as: 40% reimbursement, discussed the amounts of reimbursements in the past, reimbursements in the future and compliance requirements.

Many questions on this topic were discussed: Riegsecker questioned that in July 2020, the Council voted down the participation of this program but the Public Defender still applied for the money. Rogers said that the Council allowed them to apply for the reimbursement because at that time they were in compliance. Rogers stated that the Council is giving mixed signals on this issue.

Yohn stated he will support the program now since it will be adding some revenue to the building fund for the new Courthouse Project.

Others weighing in on the issue were Prosecuting Attorney Vicki Becker, Council members David Hess and Douglas Graham, Commissioner Weirick and Taxpayer Glenn Null.

On motion made by Yohn to approve and seconded by Bujalski, by roll call vote, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Nay, Yohn-Aye, Riegsecker-Nay and Bujalski-Aye, with a vote of 5 to 2 the Council approved this request.

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL (#1000)

1. Public Defender (175) requested \$35,000.00 for a salary increase for the Chief Public Defender's salary to be in compliance with the Indiana Public Defender Commission's Reimbursement Program.

On motion made by Yohn and seconded by Bujalski to approve, by roll call vote, the Council member's votes are as follows: Stump- Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Nay and Bujalski-Aye. With a vote of 6 to 1 the Council carried and approved the request.

B. CLERK'S PERPETUATION (#1119)

1. Clerk (980) requested \$5000.00 for funds to purchase additional desk and working stations for Clerk's Offices.

Christopher Anderson presented this request to the Council.

On motion made by Riegsecker and seconded by Bujalski to approve. With a vote of 7 to 0 the Council unanimously carried and approved the request.

C. CLERK'S PERPETUATION (#1119)

1. Clerk (980) requested \$50,000.00 for scanning project invoices and other professional services.

Christopher Anderson presented this request to the Council.

On motion made by Riegsecker and seconded by Graham to approve. With a vote of 7 to 0 the Council unanimously carried and approved the request.

D. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Commissioners (980) Planning & Development requested \$40,000.00 for funds needed for demolition of homes per Unsafe Building Ordinance to be reimbursed by liens on properties.

Chris Godlewski presented this request to the Council.

On motion made by Riegsecker and seconded by Yohn to approve. With a vote of 7 to 0 the Council unanimously carried and approved the request.

E. ELECTRONIC MAP GENERATION (#1150)

1. Planning & Development (980) requested \$36,666.00 for contracted portion for pictometry aerial flight. Also for intern/pt. time worker in GIS for 4 months.

Chris Godlewski presented this request to the Council.

Taxpayer Glenn Null asked for clarification between the pictometry service and the photos our Drone takes. He questioned the costs. Riegsecker and Godlewski give clarification.

On motion made by Riegsecker and seconded by Bujalski to approve.

With a vote of 7 to 0 the Council unanimously carried and approved the request.

On request made by Dr. Bethany Wait to vote on Items F. Health (#1159) for \$540.00, G. Health (#1159) for \$3,525.00 and H. Local Health Maintenance Fund (\$1168) for \$7,800.00 together. On motion made by Graham to vote on all 3 requests together and seconded by Bujalski, the Council unanimously carried and approved these requests.

F. HEALTH (#1159)

1. Health Department (340) requested \$540.00 for a COVID Commercial announcement.

**see action and vote above **

G. HEALTH (#1159)

1. Health Department (340) requested \$3,525.00 to pay for November 2020 interpreting services at Concord Mall testing site.

**see action and vote above **

H. LOCAL HEALTH MAINTENANCE FUND (#1168)

1. Health Department (980) requested \$7,800.00 for the extractions of Vital Records electronic data from Lasserfiche and to upload to DocuWare.

**see action and vote above **

I. STORMWATER (#1197)

1. Surveyor (106) requested \$17,000.00 to fund group insurance account #41310 for John Heiliger. He signed up for group insurance during the open enrollment after 2021 budgets were submitted.

Phil Barker presented this request to the Council.

On motion made by Wenger and seconded by Graham to approve,

With a vote of 7 to 0 the Council unanimously carried and approved this request.

J. MIDDLEBURY SE (#4509)

1. Planning & Development (980) requested \$600,000.00 for sewer project in conjunction with the Town of Middlebury.

Chris Godlewski presented this request to the Council.

On motion made by Wenger and seconded by Bujalski to approve,
With a vote of 7 to 0 the Council unanimously carried and approved this request.

By request made by Ross Maxwell to vote on request K. JDAI (#8311) for \$803.00 and L. JDAI (#9113) \$8,324.00 together. On motion made by Wenger to vote on the 2 requests together and seconded by Riegsecker, the Council unanimously carried and approved these requests.

K. JDAI (#8131)

1. Court Services (#8131) requested \$803.00 to appropriate the remaining funds in the Juvenile Division of Court Services. The Indiana Department of Correction has extended these funds until 6/30/2021 to spend these funds or return them.

** see action and vote above**

L. JDAI (#9113)

1. Court Services (981) requested \$8,234.00 for funds from a 2017 grant that needs to be appropriated for use by the Juvenile Division of Court Services. The Indiana Department of Correction has extended the dates to use these funds until 3/30/2021 or they must be returned.

see action and votes above

M. COURT INTERPRETER GRANT (#9142)

1. Commissioners (980) requested \$29,626.49 for funds remaining from the Court Interpreter Grant in 2020.

Jeff Taylor presented this request to the Council.

On motion made by Graham an seconded by Bujalski, the Council unanimously carried and approved the request.

TRANSFER REQUESTS REQUIRING COUNCIL ACTION

A. GENERAL FUND (#1000)

1. Commissioners (130)

From:	43510 Main/Service Contracts	20,000.00
To:	42210 Repair Parts	20,000.00

B. DIGITAL DENTAL EQUIPMENT (#9108)

1. Health (980)

From:	42195 Oper. Supplies	132.00
-------	----------------------	--------

	To: 44510 Other Equip.	132.00
C.	DIGITAL DENTAL EQUIPMENT (#9108)	
	1. Health (981)	
	From: 43090 Otr. Prof Services	4,209.00
	To: 44510 Otr. Equipment	4,209.00
D.	DIGITAL DENTAL EQUIPMENT (#9108)	
	1. Health (981)	
	From: 44510 Otr. Equipment	1,139.00
	To: 43090 Otr. Prof. Services	1,139.00
	Total	25,480.00

The Council President called for a motion to approve of the between transfers on motion made by Graham and seconded by Bujalski. With a vote of 7 to 0 the Council unanimously carried and approved the between transfers.

OTHER BUSINESS:

1. Consideration for Approval of CF-1 forms:
 - (a) Alliance Aluminum Products, Inc.-RE
 - (b) Furrion, LLC.-RE
 - (c) Smoker-Craft, INC-PP
 - (d) Smoker-Craft, INC.-RE

County Administrator Jeff Taylor explained that he reviewed each company and found them in substantial compliance.

On motion made by Yohn to approve the above CF-1's and seconded by Bujalski, the Council unanimously carried and approved these request to find the companies in substantial compliance.

2. Craig Buche:

(a) Amendment of Bristol Road Funding Agreement:

Craig Buche presented a revised amortization and discussed the changes to the Bristol Road Funding Agreement to the Council.

On motion made by Graham and seconded by Bujalski, the Council unanimously

carried and approved this request.

(b) Introduction of Rate Ordinance Amendment for Elkhart County Landfill.

County Attorney Craig Buche and Landfill Director John Bowers introduced the Rate Ordinance Amendment for the Elkhart County Landfill. Bowers presented a revised rate sheet to the Council. Buche reiterated this is just an introduction and that if the introduction was approved they would come back next month with the Public Hearing & Ordinance for approval.

On motion made by Bujalski to accept the introduction and seconded by Graham, by roll call vote the Council members votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Nay and Bujalski-Aye. With a vote of 6 to 1 the Council carried and approved the request to introduce the ordinance.

(c) Consideration and Approval of Interlocal Agreement for Consolidated County Court Site with the City of Goshen.

County Attorney Craig Buche explained the details of the Interlocal to the Council.

On motion to approve by Graham and seconded by Bujalski, the Council unanimously carried and approved the Interlocal Agreement.

3. Elkhart County Council:

(a) Determination of Elkhart County Council's Meeting Schedule for remainder of 2021.

After a lengthy discussion for the Council meetings to change from the 2nd Saturday of the month to the 2nd Thursday at 3:00 pm of the month. Council President Tom Stump asks for a motion by a roll call vote for either Saturday or Thursday from the Council, motion made by Bujalski and seconded by Riegsecker, the Council member's votes are as follows: Stump-Saturday, Hess-Saturday, Wenger-Saturday, Graham-Thursday, Yohn-Saturday, Riegsecker-Abstained and Bujalski-Thursday. With a vote of 4-Saturday, 2-Thursday and 1 abstention, the Council meeting will continue to be on the 2nd Saturday of the month for the remainder of 2021.

AUDIENCE ITEMS:

Christopher Anderson expresses his concerns with the Census and the time crunch that it presents with the State not getting the data to the County until the middle of October. He also discussed the Elkhart Community Schools Special Election and the costs.

Taxpayer Glenn Null reminded everyone that tomorrow (Sunday April 11th, 2021) that it has been 56 years since the Palm Sunday tornados and he talks about how impressed he was as a child that the community came together and how the County reacted to that disaster.

Yohn talked about the Flag at half-staff issue and if there is a central service that conveys what the federal standard is. e.g. when it shall be lowered to half-staff and for whom.

ADJOURN

There being no further business to come before the Council, on motion made by Graham seconded by Bujalski to adjourn. With a vote of 7 to 0, the Council unanimously carried and approved the adjournment at 10:07am.

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.