

MINUTES
ELKHART COUNTY COUNCIL
117 N. Second St. Room 104, Goshen In. 46526
May 8th, 2021

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 Thomas W. Stump, Council Vice President David L. Hess, Douglas S. Graham, Randall D. Yohn, Darryl J. Riegsecker and Adam M. Bujalski. Council member Tina M. Wenger was present via remote electronic participation.

Also present were Patricia A. Pickens, County Auditor; Tiara Jackson, First Deputy Auditor, Craig Buche, County Attorney; Commissioner Brad Rogers 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: April 10th, 2021

On motion made by Yohn and seconded by Riegsecker to approve minutes from the April 10th, 2021 CC Meeting. By roll call vote, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote of 7 to 0 the Council unanimously carried and approved the April 10th, 2021 minutes.

COMMITTEE REPORTS:

COMMISSIONERS: Commissioner Brad Rogers gave update on the remodeling of room 104.

COUNCIL-Yohn on Community Corrections would like to set up another tour after the June 10th Finance meeting.

AUDITOR: Pickens gave financial report.

SHERIFF: Jeff Siegel talked about the job openings available at the Jail and Sheriff's Department.

COUNCIL APPOINTMENTS:

- (a) Director Ann-Margaret Rice of Goshen Public Library requested the Appointment of Ruth Metcalfe to the Goshen Public Library's Board of Trustees. This is a 4 year term beginning June 1, 2021 to June 30th, 2025.

On motion made to approve appointment of Ruth Metcalf to the Goshen Public Library's Board of Trustees by Riegsecker and seconded by Bujalski, by roll call vote, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote on 7 to 0 the Council unanimously approved the appointment.

- (b) Director Lisa Guedea Carreño of Elkhart Public Library requested the re-appointment of James W. Rieckhoff to the Elkhart Public Library's Board of Trustees. This is a 4 year appointment beginning June 1st, 2021 to June 30th, 2025.

On motion made to approve re-appointment of James W. Rieckhoff to the Elkhart Public Library's Board of Trustees, by Graham and seconded by Riegsecker, by roll call vote, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote of 7 to 0 the Council unanimously carried and approved the appointment.

EDC MATTERS:

Craig Buche:

1. ****PUBLIC HEARING****
**** Delivery Concepts****

Craig Buche explains the project involves an expansion for their facility. Approximately 4 million in real estate improvements, 15 new positions for annual wages of approximately 624,000.00 by the end of 2022. Buche goes on to say that we do not have the formal commitment agreement as of yet, so this morning will be just for the Public Hearing.

On motion made by Yohn and seconded by Riegsecker to open the public hearing.

President Stump opens the floor for questions or comments. No questions or comments from the floor.

On motion made by Riegsecker and seconded by Yohn to close the Public Hearing.

By roll call votes the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote of 7 to 0 the Council unanimously approved to close the Public Hearing.

Craig Buche asks for the minutes to reflect Delivery Concepts will come back next month for the formal action on the Confirmatory Resolution and Commitment Agreement.

2. Hull Lift Truck, Inc.

For Consideration and Approval of Declaratory Resolution CC-2021-13 Chris Stager and Brian Hull explain the specifics to the Council.

On motion to approve made by Graham and seconded by Riegsecker, by roll call vote, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote of 7 to 0 the Council unanimously carried and approved Declaratory Resolution CC-2021-13

3. Way Interglobal Network, LLC.

For Consideration and Approval of Declaratory Resolutions CC-2021-14

On motion to approve made by Graham and seconded by Riegsecker, by roll call votes, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote of 7 to 0 the Council unanimously carried and approved Declaratory Resolution CC-2021-14.

HUMAN RESOURCE MATTERS:

Dr. Bethany Wait requested approval to pay Exempt Manager's overtime pay. Dr. Wait explains to the Council that one of her managers had been working overtime hours on grant writing due to the Council not approving the full time position of Health Administrator.

Riegsecker states that previously the Council had turned down another Director asking for overtime pay for exempt employees due to extra hours and extra duties from the pandemic.

Hess states he has issues with paying overtime to exempt employees, he questioned the grant monitoring and the process.

After a considerable amount of conversation, Hess makes motion to deny request and seconded by Riegsecker, by roll call vote the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote of 7 to 0, the Council unanimously approved the Motion to Deny and denied Dr. Wait's request to pay overtime to exempt managers.

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL (#1000)

1. Commissioners (130) requested \$1,595.09 for a transfer between funds. appropriating fund 1000 to pay fund 8902 to clear negative balance.

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

B. GENERAL FUND (#1000)

1. Public Defender (175) requested \$20,000.00 to hire experts to properly prepare for trials and expenses for the contracted attorney who represents clients in Drug Court.

Jeff Majerek explains to the Council that costs have increased on a monthly basis.

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

C. CUMULATIVE DRAIN (#1141)

1. Surveyor (980) requested \$20,000.00 for spraying on County regulated drains.

Philip Barker presented this request to the Council.

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

D. SOLID WASTE USER FEES (#1194)

1. Landfill (980) requested \$6,959,105.00 for additional money needed for transfers to Closure & Capital Reserve Funds.

John Bowers presented this request to the Council.

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

E. CR 6 & 17 NE TIF (#4511)

1. Planning & Development (980) requested \$175,000.00 for CR 4 utility design.

Natasha Kauffmann presented this request to the Council.

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

F. ROAD MAINTENANCE & CONSTRUCTION (#4901)

1. Highway (980) requested \$372,319.00 State funds that were received for Community Crossing Matching Grant 2020-2 award.

Charlie McKenzie presented this request to the Council.

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

G. MCH DONATIONS (#8127)

1. Health Department (982) requested \$65.00 to appropriate for donated funds.

Dr. Bethany Wait presented this request to the Council

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

H. CARES EPIDEMIOLOGY (#8127)

1. Health Department (980) requested \$61,350.00 for the Moderna Vaccine Outreach Program.

Dr. Bethany Wait presented this request to the Council.

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

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

OTHER BUSINESS:

1. Craig Buche:

(a) *** PUBLIC HEARING***
** Elkhart County Landfill**

Craig Buche introduced a Rate Ordinance CC-2021-10 for the Elkhart County Landfill.

Open Public Hearing: President Stump calls for a motion to open Public Hearing on motion made by Graham and seconded by Yohn to open Public Hearing.

Stump opens the floor for questions or comments on the Elkhart County Landfill Ordinance CC-2021-10.

Riegsecker discusses he has a hard time supporting a rate increase when money is still being donated out of landfill funds. If there is a need for the increase then we shouldn't be donating money to non-profit entities.

Among the topics of discussion was: the service areas Hess asks if there is a way to police the trash to see where it is coming from. Bowers discussed the landfill requires a form of ID when bringing things into the landfill and they have found that 82% of the trash comes from Elkhart County, 18% comes from out of Elkhart County.

Taxpayer Glenn Null is concerned that the surrounding Counties are on a reduced rate, he states we should not subsidize surrounding counties rates who are not taxpayers or resident of Elkhart County.

Riegsecker moved to close Public Hearing seconded by Graham, by roll call vote, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski. With a vote of 7 to 0 the Public Hearing was closed.

- (b) Consideration and approval of Rate Ordinance for Elkhart County Landfill CC-2021-10.

On motion made to approve by Hess and seconded by Bujalski, by roll call votes, 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 votes of 6 to 1, the Council approved Rate Ordinance for the Elkhart County Landfill CC-2021-10.

2. Jeff Taylor:

Consideration for Approval of CF-1 forms:

- (a) Vista Building, LLC.-RE
- (b) Forest River, Inc.-PP
- (c) Three Limes, LLC, (Barletta Boat Company, LLC Operating Entity)-RE
- (d) Barletta Boat Company, LLC-PP Resolution #CC-2020-13
- (e) Barletta Boat Company, LLC-PP Resolution #CC-2017-21

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

On motion made by Riegsecker to approve the above CF-1's and seconded by Bujalski, By roll call vote, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye With a vote of 7 to 0 the Council unanimously carried and approved these requests to find the companies in substantial compliance.

3. Ronda DeCaire:

- (a) Consideration and Approval for Designated Endowment Fund Agreement between Community Foundation of Elkhart County, INC. and Elkhart County, Indiana.
- (b) Consideration and Approval for Resolution CC-2021-11.

Park Director Ronda DeCaire presented this request to the Council. She explained the details of the Endowment Fund Agreement between the Elkhart County Community Foundation and the Elkhart County, Indiana. She also explained the details of Resolution CC-2021-11 of the Elkhart County Council.

On motion made by Graham to approve both (a). Designated Endowment Fund Agreement between the Community Foundation of Elkhart County and the Elkhart County Council and (b) CC-2021-11 Resolution of the Elkhart County Council and seconded by Bujalski, by roll call vote the Council members votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote of 7 to 0 the Council carried and approved both requests.

AUDIENCE ITEMS:

Concord Fire Department represented by Fire Chief P. Sumpter and Asst. Chief S. Miller, they were inquiring how the County was planning on spending the money from the American Rescue Plan.

Council President Stump replied that the Commissioners will be the ones handling that. He also stated that they have not received any instructions on how the money is to be use.

Hess adds that A Rescue Plan Guidance has not been issued as to how the money is to be spent so they do not know what the requirements will be. Commissioner Brad Rodgers advised them to attend the Commissioners meeting to discuss it.

Taxpayer Glenn Null expressed his concern about the new public speaking policy the commissioners put in place for the commissioners meetings. He discussed transparency in the government. Other topics of concern were: Health Department -overtime for salaried employees, COVID wings at nursing homes.

Christopher Anderson thanked Council member Doug Graham and Sheriff Jeff Siegel for their contribution to the Special Election for Elkhart Community Schools. Discussed the Concord Schools upcoming special election in July or August. .

ADJOURN

There being no further business to come before the Council, on motion made by Riegsecker seconded by Bujalski to adjourn, by roll call vote, the Council member's votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. With a vote of 7 to 0, the Council unanimously carried and approved the adjournment at 9:50 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.