

MINUTES
ELKHART COUNTY COUNCIL
117 N. Second St. Room 104, Goshen In. 46526
June 12th, 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, 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 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 through Web-Ex.

MINUTES: Approval of CC Meeting Minutes: May 8th, 2021

On motion made by Riegsecker and seconded by Graham to approve minutes from the May 8th, 2021. With a vote of 7 to 0 the Council unanimously carried and approved the May 8th, 2021 minutes.

COMMITTEE REPORTS:

COMMISSIONERS: Suzie Weirick discussed the American Rescue Plan. She also talked about the Courthouse Project, they are working through several issues which include but are not limited to: building design, proper zoning, and bond issuance.

COUNCIL- Tina on NACO. Wenger reiterated that she would be attending the National Conference in July and is running for 2nd Vice President.

Graham apologized for not being available to attend the Finance Meeting, but was able to attend the Zoning Board Meeting. He gave kudos to the Planning & Development Department, especially for the Prairie Creek Project. Graham stated he found it refreshing that 3 diverse groups: government, counseling firm and the residents worked together to develop a comprehensive redevelopment plan. He added they had taken many issues under consideration especially health issues.

Bujalski-After taking the tour to Community Corrections. He stated he is proud of the turnaround and the progress they have made. He went on to say, he is glad to see them working with the Sheriff and other Departments and is looking forward to see more changes and growth.

AUDITOR: Pickens gave financial report.

SHERIFF: Sheriff reiterated the open positions at the Sheriff's Department and the Jail.

EDC MATTERS:

Craig Buche:

1. Delivery Concepts: Buche reported Delivery Concepts Declaratory Resolution was presented 2 months ago and the Public Hearing was last month and they are ready at this time to proceed with the Commitment Agreement and the Confirmatory Resolution CC-2021-12
 - (a) For Consideration and Approval of Commitment Agreement.
 - (b) For Consideration and Approval of Confirmatory Resolution CC-2021-12

On motion made by Graham to vote on both request together and seconded by Yohn, the Council unanimously carried and approved both requests (a) & (b).

2. Hull Lift Truck, Inc.:
Public Hearing

President Stump opened the Public Hearing. Stump opened the floor for questions or comments. No questions or comments. Stump asks for a motion to close the Public Hearing and for the record to show that no one spoke.

On motion made to close the Public Hearing by Riegsecker and seconded by Yohn, the Council unanimously carried and approved to close the Public hearing.

- (a) For Consideration and Approval of Commitment Agreement.
- (b) For Consideration and Approval of Confirmatory Resolution CC-2021-16.

Craig Buche explained the specifics to the Council.

On motion made to approve both Commitment Agreement and the Confirmatory Resolution CC-2021-16 by Graham and seconded by Riegsecker, with a vote of 7 to 0 the Council unanimously carried and approved both requests (a) and (b).

3. Way Interglobal Network, LLC.

Craig Buche discussed the specifics with the Council.

Public Hearing

President Stump opened the Public Hearing. Stump opened the floor for questions or comments. No questions or comments. Stump asks for a motion to close the Public Hearing and for the record to show that no one spoke.

On motion made to close the Public Hearing by Stump and seconded by Riegsecker, the Council unanimously carried and approved to close the Public Hearing.

- (a) For Consideration and Approval of Commitment Agreement.
- (b) For Consideration and Approval of Confirmatory Agreement CC-2021-17

On motion made to approve both Commitment Agreement and Confirmatory Resolution CC-2021-17 together by Riegsecker and seconded by Yohn, with a vote of 7 to 0 the Council unanimously carried and approved this request.

4. Travel Lite, Inc.

Craig Buche presented this request to the Council.

Public Hearing

*** Travel Lite, Inc. ***

President Stump opened the Public Hearing. Stump opened the floor for questions or comments. No questions or comments. Stump asks for a motion to close the Public Hearing and for the record to show that no one spoke.

On motion made to close the Public Hearing by Stump and seconded by Riegsecker, the Council unanimously carried and approved to close the Public Hearing.

- (a) Consideration of Resolution to Rescind Termination and Reinstate Phase-In.
CC-2021-18.

Bruce Korenstra Travel Lite, Inc. representative discussed the past issues with Travel Lite, Inc. and he discussed the new ownership of Travel-Lite, Inc. He assured the Council that the new administration will comply and respond to future requirements. Graham expressed his concerns. Bujalski asked for clarification that if the Council reinstates the phase in that it will not be retroactive but will be active going forward.

On motion for approval was made by Riegsecker and seconded by Yohn, Stump calls for a roll-call vote: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Nay, Riegsecker-Aye, Yohn-Aye, Bujalski-Aye, with a vote of 6 to 1 the Council approved Resolution to Rescind Termination and Reinstate Travel-Lite Phase-In CC-2021-18.

5. Craig Buche explained on the Agenda there is 2 new projects, but only one of those projects are ready to proceed. Chris Stager presented the new project to the Council.

Smoker Craft in New Paris, In. will begin their 2nd phase of a 275,000 square foot addition. Stager went on to say it will create 25 new employment positions with average wage of \$19.00 per hour. Smoker Craft plans on investing 10 million dollars in real estate and 2 million in personal property. They are requesting a tax phase in on this new project. Stager reiterates that this is a continuation of what was started in 2014. No company representative was present, Stager has asked them to be present in the next phase of this process.

Graham asked if this is a 2nd tax phase in. Stager stated it is. Bujalski asked does the \$19.00 an hour includes benefits or it that is actual pay. Stager responded that is the hourly wage and does not include benefits.

Wenger discussed the fact like all other companies are having trouble finding workers. She asked about the website that was created a few years ago intended to bring in employees from other areas. She would like to see a report of the traffic on that site.

Graham expressed concern, not especially with this case but in all cases where a company is still under one abatement and are asking for a 2nd abatement, where they start to layer on top of one another. Graham stated one would have to question did they get successful partially because of the incentive the County gave them to start with and shouldn't the County be able to share the rewards of that as they grow? Stager explained that in this particular case that there was some discussion if the company should go to some other area for the delivery portion of the company, but they chose to stay in our area.

Craig Buche explained to the Council the Declaratory Resolution CC-2021-19 is a real estate improvement of estimated 10 million dollars and estimated new manufacturing equipment of 2 million dollars and estimated the creation of 25 new full-time positions. Buche went on to discuss other specifics of the Declaratory Resolution to the Council. Stump entertains a motion to approve CC-2021-19.

On motion to approve made by Riegsecker and seconded by Yohn, Stump calls for a roll call vote, the Council votes are as follows: Stump-Aye, Hess-Aye, Wenger-Aye, Graham-Nay, Riegsecker-Aye, Yohn-Aye, and Bujalski-Nay. With a vote of 5 to 2 Resolution CC-2021-19 is approved.

HUMAN RESOURCE MATTERS: None

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL (#1000)

1. Commissioners (130) requested \$60,000.00 for a transfer between funds. Appropriating Fund 1000 to pay Fund 8902 to clear negative balance.

Jeff Taylor rescinds this request.

B. GENERAL FUND (#1000)

1. Buildings & Grounds (140) requested \$20,000.00 to replace & improve the flag pole at the Goshen Court House.

Don Tubicsak presented this request to the Council.

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

C. GENERAL FUND (#1000)

1. Superior Court II (163) requested \$6,000.00 to cover criminal competency evaluations.

Ross Maxwell presented this request to the Council.

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

D. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Information Technology (141) requested \$714,466.00 for increased costs due to COVID, increased costs due to assuming liabilities from other departments, increased internet costs, upgrades of Citrix, energov, seamless docs and security based applications, 5 year CISCO network upgrade 3rd year.

Matt Dietz presented this request to the Council.

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.

E. CUMULATIVE DRAIN (#1141)

1. Surveyor (980) requested \$5,000.00 for maintenance of County regulated drain.

Phil Barker presented this request to the Council.

On motion made by Riegsecker to approve and seconded by Bujalski, with a vote

of 7 to 0, the Council unanimously carried and approved this request.

F. ELECTION BOARD (#1143)

1. Clerk (190) requested \$560.00 additional appropriation needed for the purchase of Election Security Camera. Funds being appropriated are from a reimbursement from the Secretary of state. (received August 2019).

Christopher Anderson presented this request to the Council.

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

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

1. Planning & Development (980) requested \$115,000.00 for CR 15 drainage/trail correction.

Natasha Kauffmann presented this request to the Council.

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

H. CR 6 & 17 NE TIF (4511)

1. Planning & Development (980) requested \$125,000.00 for CR 4 (between CR 15 & CR 17) road construction.

Natasha Kauffmann presented this request to the Council.

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

I. AMERICAN RESCUE PLAN (#8951)

1. Commissioners (980) requested \$350,000.00 to replenish funds used for required courthouse cleaning procedure and to pay for services for the remainder of 2021.

Jeff Taylor presented this request to the Council.

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

J. INDIANA TOBACCO PREVENTION AND CESSATION(#9104)

1. Health Department (980) requested \$159,500.00 to set-up budget for FY July 1, 2021 to June 30, 2022.

Dr. Bethany Wait presented this request to the Council.

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

K. JUVENILE DETENTION ALTERNATIVE INITIATIVE (#9113)

1. Court Services (983) requested \$9,036.11, these are funds from past JDAI grants in which the State has authorized the use by June 30, 2021. They have requested we put all the funds into the current grant year and this move will accomplish that.

Ross Maxwell presented this request to the Council.

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

L. ADULT PROBATION GRANT (#9126)

1. Court Services (983) requested \$65,625.00 for grant funds to cover 3 probation officers salaries for the second half of the year.

Ross Maxwell presented this request to the Council.

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

M. COURT RECIDIVISM REDUCTION (#9131)

1. Court Service (983) requested \$30,914.00 to cover a portion of the Drug Court Coordinator/Pre-Trial Division Director position for the first half of 2021.

Ross Maxwell presented this request to the Council.

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

N. SAFETY PIN GRANT (#9148)

1. Health Department (980) requested \$11,028.00 to set-up the budget for FY 2021 (April 1,2021 –June 30,2021)

Dr. Bethany Wait presented this request to the Council.

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.

O. IMMUNIZATIONS & VACCINES FOR CHILDREN (#9149)

1. Health Department (980) requested \$419,098.00 for the ISDH Grant to promote and administer COVID and childhood vaccinations.

Dr. Bethany Wait presented this request to the Council.

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

REDUCTIONS:

P. 2015 BOND FUND (#4615)

1. Planning & Development (980) requested a reduction in the amount of -\$146,462.50 to reduce capital and interest payment and pay directly from TIF fund. Will have corresponding transfer in the TIF.

Q. NW GATEWAY BOND RESERVE (#4631)

1. Planning & Development (980) requested a reduction in the amount of -\$4,512.50 to reduce capital and interest payments and pay directly from the TIF fund.

R. JUVENILE DETENTION ALTERNATIVE INITIATIVE (#9113)

1. Court Services (981) requested a reduction in the amount of -\$219,209.00. The State JDAI wants these funds to be combined with the current year grant funds that are currently in 9113-983.

On Motion made to approve all 3 reductions P, Q, & R by Yohn and seconded by Riegsecker. Auditor Patricia Pickens reads all requests with funds numbers and amounts. With a vote of 7 to 0 the Council unanimously carried and approved all requests.

TRANSFER REQUESTS REQUIRING COUNCIL ACTION

A. GENERAL FUND (#1000)

1. Clerk (101)

	From:	43120 Postage	350.00
		44515 Office	
	To:	Furniture	150.00
		44520 Office Equip.	200.00
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		Total	350.00
B.	GENERAL FUND (#1000)		
	1. Clerk (101)		
	From:	43120 Postage	600.00
		44520 Office	
	To:	Equipment	600.00
C.	LEPC (#1152)		
	1. Emergency Management (980)		
	From:	43090 Otr. Prof. Svcs.	7,000.00
		43835 Training	
		Programs	5,000.00
		43290 Awards/Grants	2,000.00
		43110 Sustence	4,000.00
	To:	44510 Otr. Equip.	18,000.00
D.	NORTHWEST GATE TIF (#4504)		
	1. Planning & Development (980)		
	From:	45100 Trans. Between Funds	64,512.50
	To:	46100 Bond Principal Payments	30,000.00
		46400 Bond Interest Payments	34,512.50
			<hr/>
		Total	64,512.50
E.	CR 6 & CR 17 IMPROVEMENT TIF (#4511)		
	1. Planning & Development (980)		
	From:	45100 Trans. Between Funds	146,462.50
		46100 Bond	
	To:	Prin.Pymts.	70,000.00
		46400 Bond Int.	
		Pymts.	76,462.50
			<hr/>
		Total	146,462.50
F.	COMMUNITY CORRECTIONS GRANT (#4924)		
	1. Court Services (980)		
	From:	43130 Mileage	10.00
	To:	45100 Trans. Between Funds	10.00
G.	JDAI GRANT (#8131)		
	1. Court Services		
	From:	43090 Otr. Prof. Svcs.	803.00

	To:	45100 Trans. Between Funds	803.00
H.	CARES EPIDEMIOLOGY & LAB (#8904)		
	1. Health (980)		
	From:	41200 Pt.Profesional	3,300.00
	To:	43090 Otr. Prof. Svcs.	3,300.00
I.	INDIANA TOBACCO PREVENTION(#9104)		
	1. Health (981)		
	From:	41310 Insurance	865.00
		41330 Wellness	481.00
	To:	43220 Publications	1,346.00
J.	JDAI GRANT (#9113)		
	1. Court Services (#983)		
	From:	43830 Education	847.00
	To:	42350 Special Events	847.00
K.	JUVENILE COMMUNITY CORRECTIONS GRANT (#9120)		
	1. Court Services (983)		
	From:	43090 Otr. Prof. Svcs.	5,039.00
	To:	41310 Gr. Insurance	2,537.00
		41300 Social Security	12.00
		41305 Medicare	3.00
		41400 Retirement - Perf	325.00
		41120 Professional	2,162.00
		Total	<u>5,039.00</u>

Council President Stump called for a motion to approve the between transfers. On motion made by Wenger and seconded by Graham, with a vote of 7 to 0 the Council unanimously carried and approved these transfers.

OTHER BUSINESS:

1. Craig Buche:

1. Semi-annual review of interest and repayment terms for the Local Major Moves Construction Fund and Landfill fund.
 - (a) Resolution CC-2017-07: Re-Amortizing Loan from the Local Major Moves Construction Fund for the Johnson Street Bridge Project and the Six Span Bridge Project.

- (b) Resolution CC-2020-28: Resolution Authorizing the Loaning of Money from the Local Major Moves Construction Fund for the County Road 37 East Reconstruction Project and Combining existing County Road 38 and County Road 17 Loans.
- (c) Amendment to Interlocal Agreement for Road Funding: Town of Bristol (Bypass).
- (d) Resolution CC-2018-21: 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) Resolution CC-2019-24: Resolution Authorizing the Loaning of Money From the Local Major Move Construction Fund for the Elkhart County Sheriff's Department 2019 Computer Equipment Upgrade Project.
- (f) Resolution CC-2019-10: Resolution Authorizing the Loaning of Money from the Landfill Fund for the Elkhart County Election Board Voting Tabulation Upgrade Project.

Clerk Christopher Anderson discussed some details of the payment to the Landfill this year.

Stump asked to let the record show that the Council reviewed the loans and have decided not to make any changes at this time.

2. For Consideration and Approval of: Resolution CC-2021-15 Resolution of the Elkhart County Council Supporting the Sale of Surplus Real Estate for the County Road 38 Project.

Craig Buche explained the specifics of the sale and the process to the Council.

On motion made by Graham and seconded by Riegsecker, with a vote of 7 to 0 the Council unanimously carried and approved resolution CC-2021-15.

2. Jeff Taylor:

Consideration for Approval of CF-1 forms:

- (a) Agdia, Inc.-PP
- (b) Alliance Sheets, LLC-RE & PP
- (c) The Bristol Indiana Corporation (Brinco) PP & ERA
- (d) BVAV, LLC-RE
- (e) Detweiler Real Estate, LLC-RE
- (f) Champagne Metals, LLC. -RE
- (g) Dynamic Metals, LC-CC-2017-13-PP
- (h) Dynamic Metals, LLC-CC-2011-05-PP

- (i) Entech, Inc. –PP
- (j) Everence Trust Company (Operating Dynamic Metals) –RE
- (k) Jomar Machining & Fabrication, Inc.-PP
- (l) Smart, LLC/SCM Properties, LLC-RE
- (m) Welch Packing Group, Inc.-RE

County Administrator Jeff Taylor explained that he reviewed each company and found them in substantial compliance. Taylor stated Entech had some challenges due to COVID, but they have modeled it and going forward hopefully they will meet the substantial compliance requirements.

On motion made by Graham and seconded by Bujalski, with a vote of 7 to 0 the Council unanimously carried and approve these requests to find the companies in substantial compliance.

AUDIENCE ITEMS:

Taxpayer Terry Karne expressed concern over what flags that will be flown on the courthouse lawn. He states he wants to make sure the United States flag and the Indiana State flag are the only flags that are flown. Karnes went on to say there is a movement coming from our President that wants another flag flown under the US flag. Karnes inquired as to if there is or could be an ordinance that states the only flags flown are the US and the Indiana State flag. Commissioner Weirick stated there is no ordinance but that the County only plans on flying the US Flag and the Indiana State flag. Graham stated he believes there will be a strong opposition against any movement that would require to fly any other flag.

Taxpayer Glenn Null- Glenn stated he appreciated the Memorial Day Service and he likes the remodel on the new room. He discussed his concern for the push over the COVID vaccines. Talked about the States Silver Alert.

ADJOURN

There being no further business to come before the Council, on motion made by Hess seconded by Yohn to adjourn, 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.