

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**117 N. Second St. Room 104, Goshen In. 46526**  
**August 14th, 2021**

The meeting of the Elkhart County Council was called to order by Captain Brian Holloman 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 through Web-Ex.

**MINUTES:** Approval of CC Meeting Minutes: July 10<sup>th</sup>, 2021

On motion made by Riegsecker and seconded by Graham, to approve minutes from the July 10th, 2021. With a vote of 7 to 0 the Council unanimously carried and approved the July 10th, 2021 minutes.

**COMMITTEE REPORTS:**

COMMISSIONERS: None

COUNCIL- Graham on Flag System and Ceremony & Ribbon Cutting Ceremony in Memory of Catherine Metzger-Establishing the Little Lending Library and Elkhart County Parks Legacy Endowment Fund.

Wenger reports on NACO and was happy with the Flag Ceremony. She states she would like to see all flags from all the different nationalities that live in Elkhart County represented on the Courthouse lawn.

Bujalski on Ceremony & Ribbon Cutting Ceremony in Memory of Catherine Metzger-Establishing the Little Lending Library and Elkhart County Parks Legacy Endowment Fund

AUDITOR: Pickens gave financial report.

SHERIFF: None

## **COUNCIL APPOINTMENTS:**

1. Elkhart County Council- Consideration and Approval of appointment to the Goshen Economic Development Commission of Don Riegsecker. 4 (four) year Term. Expires 8/31/2025.

On motion made by Yohn and seconded by Riegsecker, with a vote of 7 to 0, the Council unanimously carried and approved the appointment of Don Riegsecker to the Goshen Economic Development Commission.

2. Mike Krueger-Bristol Public Library: Consideration and Approval to re-appoint Cathy Schaefer to the Bristol Public Library Board of Trustees. 4 (four) term. Expires: 8/31/2025.

On motion made by Bujalski and seconded by Riegsecker to approve, with vote 7 to 0, the Council unanimously carried and approved the appointment Cathy Schaefer to the Bristol Public Library Board of Trustees.

3. Matthew Bowers-Wakarusa Public Library- Consideration and Approval to re-appoint Darlene Byland to the Wakarusa Public Library Board of Trustees. 4 (four) year term. Expires: 8/31/2025.

On motion made by Graham and seconded by Riegsecker to approve, with a vote of 7 to 0, the Council unanimously carried and approved the re- appointment of Darlene Byland to the Wakarusa Library Board of Trustees.

4. Elkhart County Council- Consideration and approval of the re-appointment of Dominick “Nick” Ambrose to the Local Alcoholic Beverage Board. 1 (one) year term. Expires: 8/31/2022.

On motion made by Hess and seconded by Riegsecker to approve, with a vote of 7 to 0, the Council unanimously carried and approved the re-appointment of Dominick “Nick” Ambrose to the Local Alcoholic Beverage Board.

## **HR MATTERS:**

Craig Buche:

1. For Consideration and Approval of Resolution CC-2021-25 An Ordinance Amending the 2021 Elkhart County Salary Ordinance.

On motion made by Hess and seconded by Riegsecker to approve, with a vote of 7 to 0 the Council unanimously carried and approved the Amendment of the 2021 Elkhart County Salary Ordinance CC-2021-25

## **EDC MATTERS:**

Craig Buche presented the request to the Council. He reiterates that the Public Hearing was held at the July 10<sup>th</sup>, 2021 council meeting and the Declaratory Resolution CC-2021- 19 was passed at that meeting as well. Buche introduces Smoker Craft Company Representative VP of Finance, Timothy Jones to explain their project and answer any questions the Council may have.

Yohn asked “How many plants Smoker Craft have in New Paris and if any how many are outside of Elkhart County.” Jones answered they have 3 plants in New Paris and they do not have any plants currently outside of the Elkhart County area.

### 1. Smoker Craft, Inc

- (a) For Consideration and Approval of Commitment Agreement.
- (b) For Consideration and Approval of Confirmatory Resolution CC-2021-22

On motion made by Yohn to vote on Commitment Agreement and Confirmatory Resolution CC-2021-22 together and seconded by Riegsecker, with a vote of 7 to 0 the Council unanimously carried and approved the Commitment Agreement and the Confirmatory Resolution CC-2021-22.

### 2. Vista Building/Vista Manufacturing:

\*\*\*Public Hearing\*\*\*  
\*\*\* Vista Building/Vista Manufacturing\*\*\*

Craig Buche discussed the details of the Commitment Agreement, which included a Joinder Agreement and Confirmatory Resolution CC-2021-26. Buche explained to the Council that a Public Hearing needs to be held and the Public Hearing Notice has been Published pursuant to Indiana Code 6-1, 1-12, 1-2.

Council President Stump opened the public hearing, he asked if any questions or comments. No questions or comments at this time.

On motion to close Public Hearing made by Yohn and seconded by Riegsecker, with a vote of 7 to 0 the Council unanimously carried and closed the Public Hearing.

- (a) Consideration and Approval of Commitment Agreement
- (b) Consideration and Approval of Confirmatory Resolution Cc-2021-26

On motion made to approve Commitment Agreement and Confirmatory Resolution CC-2021-26 together by Bujalski and seconded by Riegsecker, with a vote of 7 to 0 the Council unanimously carried and approved both the Commitment Agreement and the Confirmatory Resolution CC-2021-23.

3. General RV Center, Inc. :

- (a) Consideration and Approval of Resolution CC-2021-21 Resolution Granting a Waiver of Non-Compliance for General RV Center, Inc. For waiver of Non-Compliance. Late filing of CF-1.

Craig Buche asked for this to be tabled until the September 11<sup>th</sup>, 2021 meeting.

On motion to table request until The September 11<sup>th</sup>, 2021 Council meeting made by Yohn and seconded by Riegsecker, with a roll call vote the Council member's votes are as follows: Stump-Aye, Hess-Nay, Wenger-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Nay and Bujalski-Nay With a vote of 4 to3 the Council approved the item to be tabled until the September 11<sup>th</sup>, 2021 Council meeting.

4. AMS 2021 BTS-Elkhart IN, LLC:

Craig Buche introduced Company Representative Scott Sanders to present the proposed distribution center project to the Council. He stated the company is investing an estimated 93,700,000.00 for redevelopment or rehabilitation of the real estate. Estimated 1,000 new full-time positions will be created and the estimated annual salary for those positions at \$32,608,000.00.

Chris Stager expanded on the project.

Consideration of Declaratory Resolution CC-2021-27 AMS 2021 BTS-Elkhart IN, LLC. Declaratory Resolution Designating Economic Revitalization Area and Qualifying Certain Real Estate Improvements For Property Tax Phase –IN.

On motion made by Graham to approve and seconded by Bujalski, with a vote of 7 to 0 the Council unanimously carried and approved the Declaratory Resolution CC-2021-27.

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL (#1000)

1. Treasurer (103) requested \$31,000.00 for funds to remodel the Treasurer's office, room 201 including painting, plumbing, electrical lighting and ceiling tiles. renovation of the front counter for practical and efficiency reasons. Removal of the clutter, blind corners and trip hazards. Remodeling of the 1<sup>st</sup> floor tax express office with a counter top and cabinet for efficiency and convenience for the tax payer.

Tina Bontrager 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.

B. GENERAL FUND (#1000)

1. Sheriff (105) requested \$40,000.00 to cover the costs of extraditions through the end of 2021.

Captain Brian Holloman presented this request to the Council.

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

C. GENERAL FUND (#1000)

1. Planning & Development (132) requested \$225,000.00 for the costs for online permitting software and consulting services.

Chris Godlewski presented this to the Council. Riegsecker had questions about if the system would go down how that would affect inspection schedules. Godlewski explained that it is an outside system so even if the County's system goes down people would still be able to access it from their home systems.

Graham states he has issues with the additional cost per year of estimated amount of \$12,000.00 He questioned whether or not the costs could or should be passed onto the people using the system. IT Director Matt Dietz joined the discussion stated there will be some costs but will have some savings as well as efficient increases.

Taxpayer Glenn Null discussed his concerns for incurring ongoing costs and asked about the possibility of a user fee to reduce money coming out of the general fund.

On motion made by Riegsecker 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-Aye and Bujalski-Aye. 6 to 1, the Council carried and approved this request.

~~D. GENERAL FUND (#1000) —~~

- ~~1. Community Corrections (179) — withdrawn~~

E. EDIT FUND (#1112)

1. Highway (980) requested \$200,000.00 for funds to cover budget shortfalls for the EDIT Major Moves loan for the remainder of the 2021. Cr 38 loan was added in 2020 and payments were increased from \$800,000.00 to \$1,000,000.00 per year.

Charlie McKenzie presented this request to the Council.

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

F. CLERKS PERPETUATION (#1119)

1. Clerk (980) requested \$3,000.00 for Crimmins monthly subscription for marriage license portal.

Christopher Anderson presented this request to the Council.

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

G. PRISONERS REIMBURSEMENT FUND (#1130)

1. Community Corrections (980) requested \$\$638,463.00 to appropriate Grants funds for the additional six months awarded 7/1/2021- 12/31/2021.

Jeff Taylor presented this request to the Council.

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

H. CUMULATIVE VOTING SYSTEM (#1143)

1. Election Board (190) requested \$15,000.00 for additional monies needed for professional services due to off year elections.

Patty Pickens read the request to the Council.

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

I. CUMULATIVE VOTING SYSTEM (#1143)

1. Election Board (190) requested \$20,000.00 for additional monies for Program Your Ballot training from ES & S.

Patty Pickens read the request to the Council

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

J. LOCAL ROAD & STREET (#1169)

1. Highway (222) requested \$150,000.00 for vehicle and equipment repair labor.

Charlie McKenzie 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.

K. LOCAL ROAD & STREET (#1169)

1. Highway (222) requested \$75,000.00 for funds to replace the roof on the mechanics garage located at Steury Ave. in Goshen.

Charlie McKenzie presented this request to the Council.

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

L. PARK & RECREATION NON-REVERTING (#1178)

1. Park & Recreation (980) requested \$85,000.00 to be appropriated into a new project #212602 Floating Boardwalk at Ox Bow County Park (grant match) 2021-2022.

Ronda DeCaire 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

M. PARK & RECREATION NON-REVERTING (#1178)

1. Park & Recreation (980) requested \$75,000.00 to be appropriated in project #192604 "Other Park Facilities (Park Projects and Repairs) 2021/2022.

Ronda DeCaire presented this request to the Council.

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

N. PARK & RECREATION (#1219)

1. Park & Recreation (320) requested \$5,100.00 to cover staff wages in the part-time account to assist with maintenance at the Six Span Landing as outlined in the agreement with the Commissioners. The 5,100.00 has been received and is in account #36500.

Ronda DeCaire presented this request to the Council.

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

O. PARK & RECREATION (#1219)

1. Park & Recreation (320) requested \$2,500.00 is to cover staff wages in the part-time account to assist with operations at the Elkhart County Historical Museum. The \$2500.00 has been received and is in the account #36500.

Ronda DeCaire presented this request to the Council.

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

On motion made by Riegsecker and seconded by Graham to vote on items P. South Benton #4505, Q. Western Gateway (#4506) and R. Middlebury East (#4510) together. With a vote of 7 to 0 the request was approved.

P. SOUTH BENTON (#4505)

1. Planning & Development (980) requested \$20,800.00 for reimbursement to the Town of Syracuse for water/sewer extension.

Q. WESTERN GATEWAY (#4506)

1. Planning & Development (980) requested \$57,300.00 for repayments to landfill operating for loan relating to sewer/water extension.

R. MIDDLEBURY EAST (#4510)

1. Planning & Development (980) requested \$109,000.00 for reimbursement to the Town of Middlebury for sewer/water fees.

On motion made to approve by Graham and seconded by Riegsecker, with a vote of 7 to 0 the Council unanimously carried and approved items P. South Benton #4505, Q. Western Gateway (#4506) and R. Middlebury East (#4510).

~~S. CR 6 & CR 17 NE TIF (#4511)~~

- ~~1. Planning & Development (980) withdrew the request.~~

T. NORTH BAUGO (#4512)

1. Planning & Development (980) requested \$17,800.00 for reimbursement to landfill operating for sewer extension project.

Natasha Kauffmann presented this request to the Council.

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

U. LOVES TIF (#4515)

1. Planning & Development (980) requested \$81,037.00 for reimbursement to Loves for road and sewer improvements.

Natasha Kauffmann presented this request to the Council.

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

V. ROAD MAINTENANCE & CONSTRUCTION (#4901)

1. Highway (980) requested \$1,000,000.00 to appropriate State funds that were received for Community Crossing Matching Grant 2021-1 award.

Charlie McKenzie presented this request to the council.

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



W. AMERICAN RESCUE PLAN (#8951)

1. Planning & Development (980) requested \$350,000.00 for funds requested for Prairie Creek Run Water Project.

Natasha Kauffmann presented this request to the council.

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

**REDUCTIONS:**

X. SPECIAL PROJECTS-BAD CHECK COLLECTION (#2525)

1. Prosecuting Attorney (156) requested a reduction in the amount of -\$71,127.00 due to reductions in the 2021 budget.

Vicki Becker presented this request to the Council.

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

~~Y. PROBLEM SOLVING COURT GRANT (#9135)~~

- ~~1. Court Services (984) requested to withdraw this reduction.~~

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION:**

A. GENERAL FUND (#1000)

1. Clerk (101)

From:	42090 Otr. Office Supplies	300.00
To:	44520 Office Equipment	300.00

B. GENERAL FUND (#1000)

1. Clerk (101)

From :	42090 Otr. Office Supplies	500.00
To:	44520 Office Equipment	500.00

C. GENERAL FUND(#1000)

1. Treasurer (103)

From:	41140 Office & Clerical	20,000.00
	42010 Printed Forms	12,000.00
	43120	
	Postage	11,000.00
	43630 Rent Office Equip.	2,000.00
	Total	<u>45,000.00</u>
To:	44600 Const/Reconst.	45,000.00

D.	CTP COMMUNITY CORRECTIONS (#4913)		
	1. Community Corrections (#980)		
	From:	43800 Dues & Subscriptions	221.00
	To:	41340 Workman's Comp.	221.00
		Total Between Transfers	46,021.00

On motion made by Wenger to approve the transfers and seconded by Yohn, with a vote of 6 to 0 the Council unanimously carried and approved these transfer requests.

**OTHER BUSINESS:** None

**AUDIENCE ITEMS:**

Taxpayer Terry Karne asked to speak, he first stated that he couldn't hear the people talking that the microphones need to be louder. He stated he was impressed by Graham asking questions pertaining to the requests. The other issue Karne discussed that if a Department requests money and then there is no representative to explain or answer questions then the request should be denied. Riegsecker explained to that if the request comes from the departments own fund then they are just appropriating their money but if the request is for the General Fund then the Department heads need to have a representative present to explain it to the Council. He discussed the Flag and he is disappointed that the flag was removed from on the top of the Courthouse. Stump addressed the issue of the flag being taken off the top of the Courthouse due to safety reasons.

Taxpayer Glenn Null- Glenn took responsibility for the Flag being moved. So that the flag could be easily lowered to half-staff when warranted and the safety of all employees that maintained the flag. He stated he appreciated the ceremony and was proud of what the County had done.

**ADJOURN**

There being no further business to come before the Council, on motion made by Riegsecker seconded by Yohn to adjourn, with a vote of 7 to 0, the Council unanimously carried and approved the adjournment at 9:30 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.