

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**117 N. Second St. Room 104, Goshen In. 46526**  
**September 11th, 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 and Adam M. Bujalski. Members absent: Darryl Riegsecker

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: August 14<sup>th</sup>, 2021

On motion made by Graham and seconded by Wenger, to approve minutes from the August 14th, 2021. With a vote of 6 to 0 the Council unanimously carried and approved the August 14th, 2021 minutes.

**COMMITTEE REPORTS:**

COMMISSIONERS: Weirick on 9/11, Read a passage about having compassion for one another.

COUNCIL: Graham on policies and being civil / respectful when people disagree with each other but still maintain civility.

Wenger on 9/11 thanked everyone attending the meeting.

Bujalski on 9/11 and discussed people being respectful.

AUDITOR: Pickens gave financial report.

SHERIFF: None

**COUNCIL APPOINTMENTS:**

1. Jason Fields –Nappanee Public Library: Consideration and Approval to re-appoint Sherrie Mullet to the Nappanee Public Library Board of Trustees. 4 (four) term. Expires: 10/31/2025.

On motion made by Graham and seconded by Wenger to approve, with vote 6 to 0, the Council unanimously carried and approved the appointment Sherri Mullet to the Nappanee Public Library Board of Trustees.

**HR MATTERS:**

Dr. Bethany Wait, Health Department:

P. CDC-COMMUNITY HEALTH WORKER GRANT (#8952)

1. Health Department (980)	
Personal Services	\$503,037.00
Supplies	\$88,000.00
Other Services & Supplies	\$412,461.00
Capital Outlays	<u>\$10,200.00</u>
Total	\$995,698.00

Stump explained the process for this request.

Dr. Bethany Wait made her presentation for the CDC-Community Health Worker Grant.

Audience members had 3 minutes to speak. Stump asks for them to state their name and addresses.

Issues of major concern about the grant are: forced vaccinations, masking, tracking people, freedoms being taken away, enough about the COVID, tired of all of it, concerns over vaccine mandates, and taking away the people’s right to choose, strings attached to the grant, no information or conflicting information just to name a few.

People who spoke in opposition of the Council approving the Grant: Alison Gingerich, Jim Bontrager, Rick Hertsel, Barbara Hertsel, Jenny Dibley, Ann Wenger, Karen Tillistine, Jim Kuhlenschmidt, Maggie Judd, Elnora Miller, Heidi King, Annerose Lederman, Crystal Kidder, Lori Kidder, Jon Glick, Doug Weaver, Terry Karre, Alexis Theriot, Leah Butler, Kellie Mullins, Glenn Null, Adam house of Federow. Scott Alverson.

Jennifer Alberson, discusses her concerns over the COVID and the censorship that has gone along with it and the treatment that has been suppressed. She is not for funding anything that is put above helping people.

Terry Hartman talked about the Amish community as one of the target populations. Discusses about health disparities and how it is applied to the targeted populations. He is also concerned about the surrounding counties and who will benefit from the grant as well.

Dan Holtz stated he was speaking as a citizen not on behalf any other organizations. His concern is about the wasteful spending, He agrees with the woman who spoke about censorship and that there are no advice on effective treatments.

Blake Doriot stated he was speaking as a citizen and in no way shape or form does his comments represent the Indiana General Assembly. He stated he was not in favor of the grant.

Taxpayers who spoke in favor of the CDC-Community Health Worker Grant- Bill Davis, Josi DeHaven, Todd Meier, Kristen Watt, Richard Aguirre, Gilberto Perez, Dan Nafziger,

Chris Street from Mayor Roberson's office spoke in favor of the Grant, she presented letters from both the City of Goshen's and the City of Elkhart's mayors.

Dr. Bethany Wait gave a few closing remarks.

Stump asks for discussion from the Council. After a lengthy discussion Stump asked for a motion. Graham makes motion so they can vote on request seconded by Bujalski. Stump asked for a roll call vote to approve the additional appropriation for the CDC Health Grant, the Council members votes are as follows: Stump-Nay, Hess-Nay, Wenger-Nay, Graham-Nay, Yohn-Nay, Bujalski-Nay, Riegsecker was absent. With a vote of 6-0 the Council carried and the request was denied.

(2) For Consideration and Approval Salary Ordinance-Community Health Workers-PAT C, up to \$28.17/hr., Six (6) Full-time Positions w/benefits. This request was contingent upon the approval of Additional Appropriation request P. Fund #8952, which the Council denied.

(3) Compensation for Health Department-employees paid by grants- The Council requested this be moved to the Budget Hearings.

### **EDC MATTERS:**

Craig Buche:

1. Town of Bristol- Request for consent on economic development bond issue regarding Town's Major Moves Loan and TIF repayments. Bristol Town Administrator Mike Yoder presented this to the Council.

(a) Consideration and Approval of Resolution CC-2021-28.

On motion made by Graham and seconded by Bujalski, the Council unanimously carried and approved Ordinance CC-2021-28.

2. 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 late filing of CF-1.

Craig Buche presented this to the Council, Resolution CC-2021-21 Granting a Waiver of Non-Compliance for General RV had been tabled in August & September in order for a company representative be present to answer questions the Council had. No company representative was present at the meeting.

On motion to deny Resolution CC-2021-21 by Graham 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, and Bujalski-Aye. Riegsecker was absent. With a vote of 6 to 0 the Council unanimously denied the request.

3. Project Winnie:

\*\*\*Public Hearing\*\*\*

On motion made by Graham to open the Public Hearing and seconded by Yohn. Stump Asked if there is anyone that wished to speak on this project.

Taxpayer Doug Weaver wanted to know the impact this project would have on schools? Stump stated they will make a note of the question and try to answer the question at the end of the Public Hearing.

Craig Buche answers how the tax abatement will affect the schools. Hess weighs in on the discussion and gives some historical perspective.

Blake Doriot stated "he is speaking as a citizen and does not represent the Indiana General Assembly". Doriot's concerns are small businesses are grasping now for employees and closing businesses, feels we should help the existing businesses versus giving a tax abatement to a multibillion dollars corporation.

Chris Stager EDC- spoke on the goals of for the job diversity in Elkhart County, long term goals. He stated we have to provide incentives for companies to come to our area. He states he is in favor with this tax abatement.

Mike Yoder spoke in favor of the project and the abatement. He discussed the score sheets that the businesses go through to be approved for tax abatements. Discussed having a uniformed policy across the board and not on individual companies.

Christiana Moore, Jim Kuhlensmith, Don Stroller, Jim Webber, Bill Burton, spoke against the abatement. James Gardner spoke in favor of the abatement.

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.

Hess spoke the concept that when they approve a tax abatement the County loses on the tax side but usually gains income tax revenue and with the location being so close to the Michigan line it looks like employees could be from Michigan , so he asks where is the benefit to Elkhart County? This is problematic for him. He also talked about the soil conditions that may cause issues down the road.

Wenger discussed that we need diversity in our area and attract other people to work in our area.

On motion made by Graham to close the Public Hearing and seconded by Bujalski, the Council, unanimously carried and approved this request to close the Public Meeting.

(a) Consideration and Approval of Commitment and Joinder Agreement

On motion to approve Commitment and Joinder Agreement made by Graham and seconded by Bujalski, by roll call vote, the Council votes are as follows: Stump Nay, Hess-Nay, Wenger-Aye, Graham-Aye, Yohn-Ayer and Bujalski-Aye. With a vote of 4 to 2, the Council approved the Commitment and Joinder Agreement.

(b) Consideration and Approval of Confirmatory Resolution CC-2021-29

On motion made by Graham to approve and seconded by Wenger, by roll call vote the Council votes are as follows: Stump-Nay, Hess-Nay, Wenger-Aye, Graham-Aye, Yohn-Aye, and Bujalski-Aye. with a vote of 4 to 2 the Council carried and approved the Confirmatory Resolution CC-2021-29.

4. Project Winnie:

(a) Consideration and Approval of Interlocal Agreement for Elkhart Area G.

On motion made by Graham to approve and seconded by Bujalski, by roll call vote, the Council votes are as follows: Stump-Aye, Hess-Nay, Wenger-Aye, Graham-Aye, Yohn-Aye and Bujalski-Aye, with a vote of 5 to 1 the Council carried and approved the Interlocal.

5. Elkhart County Solar Project, LLC.

Company Representative Sara Mills gave the Council a presentation including their decommissioning plan to the Council.

Craig Buche explained details of the project. Attorney Rich Hall talks about the decommissioning agreements and the benefits for the County.

Todd Samuelson from Baker Tilly discussed the benefits of the project to the Council.

(a) Consideration and Approval of Declaratory Resolution CC-2021-20.

On motion made to approve made by Graham and seconded by Yohn, by roll call vote the Council member's votes are as follows: Stump- Aye, Hess-Aye, Wenger-Aye, Graham-Aye, Yohn-Aye and Bujalski-Nay. With a vote of 5 to 1 the Council carried and approved the Declaratory Resolution CC-2021-20.

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL (#1000)

1. Commissioners (130) requested \$25,000.00 for funds for additional expenses for the remainder of 2021, to pay consultants for Elkhart County Seal Project.

Jeff Taylor presented this request to the Council.

On motion made by Graham to approve to open the request for discussion and to vote on and seconded by Bujalski, with a roll call vote, the Council member's votes are as follows: Stump- Nay, Hess-Nay-Wenger-Nay, Graham-Nay, Yohn-Nay, Riegsecker-Absent, Bujalski-Nay. 6 to 0 the Council denied the request.

B. GENERAL FUND (#1000)

1. Code Enforcement (132) requested \$59,640.00 to cover costs for scanning/microfilming 19 drawers of BZA files legal services for the department from September –mid December 2021.

Chris Godlewski presented this request to the Council.

On motion to approve made by Graham and seconded by Bujalski, with a vote of 6 to 0 the Council carried and approved this request.

~~C. GENERAL FUND (#1000)–( this was a typographical error)~~

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

D. CLERK PERPETUATION (#1119)

1. Clerk (980) requested \$52,000.00 for Document scanning & Indexing Services, Circuit Estates.

Christopher Anderson presented this to the Council.

On motion made by Yohn to approve and seconded by Bujalski, with a vote of 6 to 0 the Council carried and approved this request.

E. CUMULATIVE VOTING SYSTEM (#1143)

1. Election Board (190) requested \$30,000.00 for funds for license renewal and Maintenance Agreement-Fall to Fall billing cycle. ES & S, Central Point Software, Central Point

Christopher Anderson presented this request to the Council.

On motion made by Graham to approve both request E Fund #1143 for \$30,000.00 and F Fund #1143 for \$7,500.00 together and seconded by Bujalski, with a vote 6 to 0, the Council unanimously carried and approved both requests.

F. CUMULATIVE VOTING SYSTEM (#1143)

1. Election Board (190) requested \$7,500.00 for additional monies needed for part-time workers due to off year elections.

Christopher Anderson presented this to the Council.

(Voted on with Item E Fund #1143 for \$30,000.00 see above)

G. MIDDLEBURY SE (#4509)

1. Planning & Development (980) requested \$155,000.00 for design costs for SR 13/CR 20 intersection in conjunction with Middlebury.

Chris Godlewski presented this request to the Council.

On motion made by Bujalski to approve and seconded by Graham, with a vote of 6 to 0, the Council unanimously carried and approved this request.

~~H. JCC PROJECT INCOME (#4924) Moved to October per Ross)~~

- ~~1. Court Services (980) requested 61,000.00~~

I. FOOD COUNCIL DONATIONS(#4926)

1. Health Department (982) requested \$4,000.00 to appropriate donations for the Food Council. Dr. Bethany Waite presented this to the Council.

On motion made by Graham to approve and seconded by Bujalski, with a vote of 6 to 0, the Council unanimously carried and approved this request.

J. WIC GRANT (#8101)

1. Health Department (312) requested \$1,322,954.00 to set up the WIC Grant for FY 2022.

Dr. Bethany Wait presented this request to the Council.

On motion made by Graham to approve and seconded by Bujalski, with a vote of 6 to 0, the Council unanimously carried and approved this request.

K. WIC BREASTFEEDING PEER COUNSELOR GRANT (#8102)

1. Health Department (980) requested \$144,623.00 to set-up budget for FY 2022 for the Breastfeeding Peer Counselor grant.

Dr. Bethany Wait presented this request to the Council.

On motion made by Bujalski to approve and seconded by Graham, with a vote of 6 to 0, the Council unanimously carried and approved this request.

L. PUBLIC HEALTH AWARENESS (#8119)

1. Health Department (980) requested \$25,000.00 for the base budget for the Public Health Preparedness and Emergency Grant. 7/1/2021 through 6/30/2022.

Dr. Bethany Wait presented this request to the Council.

On motion made by Bujalski to approve and seconded by Hess, with a vote of 6 to 0, the Council unanimously carried and approved this request.

M. JAG GRANT (#8149)

1. Sheriff Department (981) requested \$63,111.00 to appropriate money for the 2019 reimbursable JAG grant year.

Sheriff Jeff Siegel presented this request to the Council.

On motion made by Wenger to approve both requests M Fund (#8149) for \$63,111.00 and N Fund (#8149) for \$55,105.00 together and seconded by Bujalski, with a vote of 6 to 0, the Council unanimously carried and approved this request

N. JAG GRANT (#8149)

1. Sheriff Department (982) requested \$55,105.00 to be appropriated for the 2020 reimbursable JAG grant year.

(Voted on with letter M. Fund #8149 for \$63,111.00 see above)

O. AMERICAN RESCUE PLAN(#8951)

1. Commissioners (980) requested \$38,500,000.00 to appropriate remaining American Rescue Plan Act (ARPA) dollars into specific projects.

Council tabled this request to a later date

~~P. CDC COMMUNITY HEALTH WORKER GRANT (#8952)~~

(Moved to start of Agenda)

~~1. Health Department (980)~~

Q. SAFETY PIN GRANT #9148)

1. Health Department (981) requested \$43,695.00 to set the budget for FY 2022 for the Safety Pin Grant July 1, 2021 to June 30, 2022.

Dr. Bethany Wait presented this request to the Council.

On motion to approve made by Bujalski and seconded by Graham, the Council unanimously carried and approved this request. 6 to 0.

**REDUCTIONS:**

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

1. Planning & Development (981) requested a reduction in the amount of -\$752,509.23.

Chris Godlewski presented this request to the Council.

On motion to approve made by Graham and seconded by Bujalski, with a vote of 6 to 0 the Council unanimously carried and approved this request.

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION:**

A. GENERAL FUND (#1000)

1. Veteran Services (134)

From:	43090 Otr Prof. Svcs.	1,800.00	
	43110 Sust. & Otr Travel	300.00	
	43120		
	Postage	800.00	
	43130		
	Mileage	300.00	
	43925 Burial of Soldiers	1,800.00	
			Total
			5,000.00
To:	42195 Otr. Oper. Supplies	5,000.00	

B. COVID/VFC GRANT (#9149)

1. Health (980)

From:	43090 Otr. Prof Svcs.	10,300.00	
To:	44535 Data Proc. Hrdw.	10,300.00	
			Total
			Transfers
			15,300.00

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

**OTHER BUSINESS:**

Craig Buche:

- (a) County RDC and Middlebury RDC-Consideration and Approval of Interlocal Agreement for Improvements at County Road 22/County Road 37 Intersection County Road 37/County Road 20 Intersections. And County Road 20/State Road 13 Intersection.

Craig Buche presented this Interlocal to the Council.

On motion made to approve by Bujalski and seconded by Wenger, with a vote of 6 to 0 the Council unanimously carried and approved the Interlocal.

- (b) Jeff Taylor requested the Council for a nomination to the Goshen RDC to replace Don Riegsecker. Stump told Taylor that the Council wants to discuss another nomination but needs to check with the person they want to nominate first.

**AUDIENCE ITEMS:**

**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 6 to 0, the Council unanimously carried and approved the adjournment at 1:22 pm.

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.