

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**January 11<sup>th</sup>, 2020**

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 John K. Letherman, Vice President David L. Hess, Doug S. Graham, Randall D. Yohn, Darryl J. Riegsecker, Thomas W. Stump and Tina M. Wenger.

Also present were Patricia A. Pickens County Auditor; Fred Avery First Deputy Auditor; Craig Buche, County Attorney; Mike Yoder, Commissioner and Jeff Taylor, County Administrator.

**MINUTES:** Approval of minutes for December 14th, 2019

On Motion made by Riegsecker and seconded by Stump, the Council unanimously approved the December 14<sup>th</sup>, 2019 minutes.

**ELECTION OF OFFICERS**

Auditor Patricia A. Pickens assumed the chair and opened the floor for nominations of Officers:

Stump nominated John Letherman for President, Riegsecker seconded that motion. Pickens asked if there was any other nominations. There were no other nominations, Stump moved to close the nominations, seconded by Riegsecker. Pickens said all in favor of retaining John Letherman as President of the County Council say Aye, none were opposed and the motion was carried.

President Letherman assumed the chair. He asked for nominations for Vice-President. Letherman nominated David Hess for Vice President, second by Stump. Letherman asked if there was any other nominations. There were no other nominations. He then asked for a motion to close the nominations, second by Riegsecker. Letherman asked all in favor of David Hess retaining the office of Vice-President say Aye, none were opposed and the motion was carried.

\*\* Approval of 2020 Budget Council Department Appointments\*\*

\*\* Approval of 2020 Additional Council Duty Appointments\*\*

Letherman explained there were no changes to the 2020 Budget Appointments or the Additional Council Appointments.

On motion made by Graham and seconded by Yohn, the Council carried and approved both Budget Department Appointments and Additional Duty Appointments.

## **COMMITTEE REPORTS:**

COMMISSIONERS: None

COUNCIL: Wenger on Leaf Collections Program and Finance meeting  
Letherman on Tour of Community Corrections, working on positive changes.  
Letherman on Activate Clinic and the good work there are doing. He is hearing positive comments.

AUDITOR: Pickens gave financial report.

SHERIFF: None

## **EDC MATTERS:**

Mike Yoder-Approval and reappointment of Jim Siegman to the Elkhart County Economic Development Commission.

On motion made by Yohn and seconded by Riegsecker, the Council unanimously carried and approved the reappointment of Jim Siegman to the Elkhart County Economic Development Commission.

## **HUMAN RESOURCE MATTERS:**

None

## **ADDITIONAL APPROPRIATION EXPLANATIONS:**

### A. GENERAL FUND (#1000)

1. Commissioners (130) requested \$434,886.00 to apply towards the purchase of new squad cars for 2020.

Sheriff Jeff Siegel explained to the Council the amount of request is from bed rental income at the jail. This amount was not included in the miscellaneous income calculations for the 2020 budget, therefore the budget will be unaffected. This money was receipted into 1000-105.

On motion made by Graham and seconded by Stump, the Council unanimously carried and approved this request.

B. GENERAL FUND (#1000)

1. Commissioners (130) requested \$219,544.00 for Animal Control Services for 2020.

Rob LaRoy explained to the Council funds requested will be paid to the Humane Society on behalf of the communities who will reimburse the County in (2) installments. Communities are responsible for the following reimbursement amounts: Elkhart-\$126,500.00, Goshen-\$77,644.00, Middlebury-\$5,400.00, Wakarusa-\$6,000.00, Bristol-\$4,000.00.

On motion made by Wenger and seconded by Stump, the Council unanimously carried and approved this request.

C. GENERAL FUND (#1000)

1. Code Enforcement (131) requested \$6,000.00 for 2020 legal fees for code Enforcement matters-reimbursed by code fines.

Chris Godlewski presented this to the Council.

On motion made by Yohn and seconded by Riegsecker, the Council unanimously carried and approved this request.

D. GENERAL FUND (#1000)

1. Planning & Development (132) requested \$25,000.00 for expenses for Baker-Tilly to conduct annual TIF report.

Chris Godlewski explained to the Council this request is subject to reimbursement by TIF funds.

On Motion made by Riegsecker and seconded by Wenger, the Council unanimously carried and approved this request.

E. EDIT (#1112)

1. Highway (980) requested \$525,000.00 for the design of the replacement bridge 312 at CR 21 & SR 15.

Charlie McKenzie explained to the Council this project is federally funded and 80% of the fees will be reimbursed.

On motion made by Yohn and seconded by Riegsecker, the Council unanimously carried and approved this request.

F. CUMULATIVE BRIDGE (#1135)

1. Highway (980) requested \$120,000.00 for funds to replace bridge 241 at CR 32 west of SR 19 over Nunemaker Ditch & for funds to pay geotech, survey and other design related costs for bridge 269 on CR 1 between CR 46 & CR 144 over Fisher Gordon Ditch.

Charlie McKenzie explained that the design was completed by a staff engineer and construction of new culvert will be completed by County employees.

On motion made by Yohn and seconded by Graham, the Council unanimously carried and approved this request.

#### G. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Commissioners (980) requests \$1,470,000.00 for funds to set-up the Commissioners 2020 budget.

Charlie McKenzie explained to the Council, this did not get uploaded into Gateway during the budget process, therefore an additional appropriation was needed to set up the 2020 budget.

On motion made by Yohn and seconded by Riegsecker, the Council unanimously carried and approved this request.

#### H. ECONOMIC DEVELOPMENT FEE (#1149)

1. Commissioners (130) requested \$12,000.00 for Investment in Regional Development Strategy.

Mike Yoder presented this request to the Council. Yoder thought this request should be 14,000.00 instead of the 12,000.00 as submitted.

On motion made by Graham and seconded by Riegsecker, the Council unanimously carried and approved this request.

#### I. ELECTRONIC MAP GENERATION (#1150)

1. Planning & Development (980) requested \$9214.00 for funds for payment for pictometry service.

Chris Godlewski explained this request to the Council.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approved this request.

#### J. RECORDER (#1154)

1. Recorder requested \$40,000.00 as a reimbursement to Fidlar Technologies for their contracted portion of the fees as authorized in I.C. 5-14-3-8.3(b)(2)

Jennifer Doriot explained to the Council this appropriation is an estimate of expenditures for 2020. The income for this fund is generated from fees charged for permitting the inspection of public records offsite through enhanced access.

On motion made by Wenger and seconded by Stump, the Council unanimously carried and approved this request.

K. EXTRADITION (#1155)

1. Sheriff (105) requested \$21,000.00 to appropriate funds for the expenses incurred to return fugitives back to Elkhart County.

Sheriff Jeff Siegel presented this request to the Council.

On motion made by Graham Yohn and seconded by Stump, the Council unanimously carried and approved this request.

L. BCCP PROGRAM INCOME (#1159)

1. Health Department (614) requested \$6700.00 on going operation of the Breast & Cervical Cancer Program.

Health Officer Lydia Mertz presented this request to the Council.

On motion made by Graham and seconded by Yohn, the Council unanimously carried and approved this request.

M. REDACTION FUND (#1160)

1. Recorder (980) requested \$14,000.00 for annual payment to Fidlar Software System.

Recorder Jennifer Doriot explained to the Council that the total cost of the annual payment to Fidlar is \$28,000.00 and is split between the Redaction Fund and the Perpetuation Fund.

On motion made by Wenger and seconded by Stump, the Council unanimously carried and approved this request.

N. LOCAL HEALTH MAINTENANCE FUND (#1168)

1. Health Department requested \$117,859.00 for 2020 funding for Local Health Maintenance Fund.

Health Officer Lydia Mertz presented this request to the Council.

On motion made by Yohn and seconded by Stump, the Council unanimously carried and approved this request.

O. MOTOR VEHICLE HIGHWAY (#1173)

1. Highway (980) requested \$2,000,000.00 for funds for road paving & construction. \$1 million will be reimbursed by the Community Crossings Matching Grant.

Charlie McKenzie presented this request to the Council.

On motion made by Graham and seconded by Yohn, the Council unanimously carried and approved this request.

P. MISDEAMEANT (#1175)

1. Sheriff (105) requested \$40,000.00 for funds to be used to purchase a body scanner in collaboration with the Commissioner's office.

Sheriff Jeff Siegel presents this request to the Council.

On motion made by Yohn and seconded by Stump, the Council unanimously carried and approved this request.

Q. PARK NON-REVERTING (#1179)

1. Park & Recreation (980) requested \$211,500.00 to supplement fund 1219 for 2020 fiscal year.

Rhonda DeCaire presented this request to the Council.

On motion made by Yohn and seconded by Stump, the Council unanimously carried and approved this request.

R. PLAT BOOK FUND (#1181)

1. Auditor (980) requested \$62,160.00 to set-up 2020 Budget.

Auditor Patricia A. Pickens presented this request to the Council.

On motion made by Wenger and seconded by Yohn, the Council unanimously carried and approved this request.

S. PERPETUATION (#1202)

1. Surveyor (980) requested \$149,000.00 to fund accounts for the 2020 perpetuation fund.

Surveyor Phil Barker explained this request to the Council.

On motion made by Hess and seconded by Riegsecker, the Council unanimously, carried and approved this request.

T. LOCAL HEALTH TRUST FUND (#1206)

1. Health Department (980) requested \$97,233.00 for funds for 2019 Local Health Department Trust account January 1, 2020.

Health Officer Lydia Mertz presents this request to the Council.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approved this request.

U. UNSAFE BUILDING (#1207)

1. Planning & Development (980) requested \$10,121.00 for expenses for contractor to repair or demolish unsafe buildings.

Chris Godlewski presented this request to the Council.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approved this request.

V. AUDITOR INELIGIBLE FUND (#1216)

1. Auditor (980) requested \$96,700.00 to set-up 2020 budget and requesting change of part-time rate up to \$15.00/hr.

Patricia Pickens presented this request to the Council.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approved this request.

W.ELECTED OFFICIALS TRAINING (#1217)

1. Recorder (980) requested \$14,700.00 for Education Training.

Recorder Jennifer Doriot explained to the Council, that training is required by law for each of the following elected officials: Recorder, Auditor, Treasurer, Clerk and Surveyor. This fund was established in 2011 as a supplement fund for the training costs for these officials.

On motion made by Wenger and seconded by Stump, the Council unanimously carried and approved this request.

X. SHERIFF'S DONATION FUND (#4101)

1. Sheriff (105) requested \$16,000.00 to appropriate funds currently in the Sheriff Donation Fund.

Sheriff Jeff Siegel presented this request to the Council.

On motion made by Yohn and seconded by Riegsecker the Council unanimously carried and approved this request.

On Motion made that the following funds, Millersburg II TIF (4503), NWG TIF (4504), South Benton (4505), Western Gateway (4506), Middlebury AG (4508) be voted on together as they are all for the same thing, annual expense reimbursement agreement by Graham and seconded by Riegsecker.

Y. MILLERSBURG II TIF (#4503)

1. Planning & Development (980) requested \$2500.00 for funds to pay the annual expense reimbursement agreement.

Z. NWG TIF (#4504)

1. Planning & Development (980) requested \$55,500.00 for annual expense reimbursement agreement. Baker Tilly TIF Neutralization & continuing disclosure/Regions bank bond fee.

AA.SOUTH BENTON (#4505)

1. Planning & Development (980) requested \$1,750.00 for TIF neutralization services & annual expense reimbursement agreement.

BB. WESTERN GATEWAY (#4506)

1. Planning & Development (980) requested \$1,500.00 for TIF neutralization services & Annual expense reimbursement agreement.

CC. MIDDLEBURY AG (#4508)

1. Planning & Development (980) requested \$3,000.00 for annual expense reimbursement agreement.

On motion made by Graham and seconded by Riegsecker, the Council unanimously carried and approved requests from the following funds, Millersburg II TIF (4503) TIF (4504), South Benton (4505), Western Gateway (4506), Middlebury (4508).

DD.MIDDLEBURY SE (#4509)

1. Planning & Development (980) requested \$912,654.00 for TIF Neutralization & Annual Expense Reimbursement Agreement. Fiber project for Middlebury and County.

Chris Godlewski, Natasha Kauffmann & Ben Miller gave a short presentation to the Council.

On motion made by Graham and seconded by Wenger, the Council unanimously carried and approved this request.

On motion made that the following funds Middlebury East (4510), CR. 6 & North Baugo (4512), SR 13 TIF (4514) & Redevelopment Fund (4911) be voted on together as they all are for funds for the Annual Expense Reimbursement Agreement by Graham and seconded by Riegsecker, the Council unanimously carried and approved.

EE. MIDDLEBURY EAST (#4510)

1. Planning & Development (980) requested \$11,500.00 for annual expense reimbursement agreement.

Voted on with: CR. 6 & SR 13 TIF, North Baugo (4512), SR 13 TIF (4514) & Redevelopment Fund (4911)



FF. CR 6 & CR17 NE TIF (#4511)

1. Planning & Development (980) requested \$155,459.00 for reimbursement to fund 1138 for payment to Barnes and Thornburg for Proton Project, TIF Neutralization, Baker Tilly and Regions bank bond fees. Annual expense reimbursement agreement and additional legal fees for services and projects related to TIF over 2018-2019.

Chris Godlewski presented this request to the Council.

On motion made by Graham and seconded by Riegsecker, the Council unanimously carried and approved this request.

GG. NORTH BAUGO (#4512)

1. Planning & Development (980) requested \$1,250.00 for TIF Neutralization & annual expense reimbursement agreement.

Chris Godlewski presented this request to the Council.

Voted on with: Middlebury East (4510), CR. 6 & SR 13 TIF (4514) & Redevelopment Fund (4911).

HH. SR 13 TIF (#4514)

1. Planning & Development (#4514) requested \$384,277.00 for annual expense reimbursement agreement, new Umbaugh Service Legal fees, reimbursement to Lippert & Grand Design for infrastructure improvements & reimbursement to ERSD for services related to connection of sewer to SR 13 TIF.

Chris Godlewski presented this request to the Council.

Voted on with: Middlebury East (4510), North Baugo (4512) & Redevelopment Fund (4911)

II. REDEVELOPMENT FUND (#4911)

1. Planning & Development (980) requested \$1,725.00 for fees for conferences, meals at conference. Data fee for wireless service.

Chris Godlewski presented this request to the Council.

Voted on with: Middlebury East (4510), CR. 6 & SR 13 TIF (4514), North Baugo (4512), SR 13 TIF (4514).

On motion made by Graham and seconded by Riegsecker, the Council unanimously carried and approved requests from the following funds. Millersburg II TIF (4503), NWG TIF (4504), South Benton (4505), Western Gateway (4506), Middlebury AG (4508).

JJ. SCHOOL LUNCH PROGRAM (#4925)

1. Sheriff (105) requested \$11,851.00 to appropriate for school lunch grant for calendar year 2020.

Sheriff Jeff Siegel presented this request to the Council.

On motion made by Stump and seconded by Yohn, the Council unanimously carried and approved this request.

KK. WEED & RANK VEGETATION (#6041)

1. Planning & Development (980) requested \$4,916.00 for expenses for contractors to mow and trim nuisance properties.

Chris Godlewski presented this request to the Council.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approved this request.

LL. MCH-PROGRAM INCOME (\$8127)

1. Health Department (614) requested \$650,577.00 to set up 2020 Grant.

Lydia Mertz presented this request to the Council.

On motion made by Graham and seconded by Stump, the Council unanimously carried and approved this request.

MM. JDAI GRANT (#9113)

1. Court Services (980) requested \$34.00. This additional request is the carry-over the IDOC has allowed court services to keep from the 2018-2019 grant funds and to utilize in the current (2019-2020 ) grant year.

Ross Maxwell presented this request to the Council.

On motion made by Yohn and seconded by Stump to vote on the following funds together: JDAI Grant (9113), St. Grant Probation HEA (9126), Court Recidivism Reduction Grant (9130), Justice Partners Addiction Response Grant (9146).

NN. ST. GRANT PROBATION HEA (#9126)

1. Court Services (982) requested \$131,250.00 to set up 2020 grant.

Ross Maxwell presented this request to the Council.

Voted on with JDAI Grant (9113), Court Recidivism Reduction Grant (9130), Justice Partners Addiction Response Grant (9146).

OO. COURT RECIDIVISM REDUCTION GRANT (#9130)

1. Court Services (982) requested \$61,828.00 to set up 2020 Grant.

Ross Maxwell presented this request to the Council.

JDAI Grant (9113), St. Grant Probation HEA (9126), Justice Partners Addiction Response Grant (9146).

PP. BABY BOX GRANT (#9140)

1. Health Department (980) requested \$10,000.00 to set-up budget for the 2020 Grant.

Lydia Mertz presented this request to the Council.

On motion made by Graham and seconded by Stump, the Council unanimously carried and approved this request.

QQ. JUSTICE PARTNERS ADDICTION RESPONSE GRANT (#9146)

1. Court Services (982) requested \$60,000.00 to set-up 2020 Grant and to cover an employee's salary.

Ross Maxwell presented this request to the Council.

JDAI Grant (9113), St. Grant Probation HEA (9126), Court Recidivism Reduction Grant (9130).

On motion made by Yohn and seconded by Stump, the Council unanimously carried and approved these request.

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION**

A. JUVENILE JDAI GRANT (9113)

1. Court Services (980)

|       |                                  |                    |
|-------|----------------------------------|--------------------|
| From: | 43090 Other Prof.Srvs.           | \$10,000.00        |
|       | 42090 Othr Office Sply.          | \$600.00           |
|       | 42350 Supplies                   | \$900.00           |
|       | 42310 Food                       | \$500.00           |
| To:   | 41210 Protective Service Workers | \$10,000.00        |
|       | 44535 Data Processing Hardware   | \$2,000.00         |
|       | Total                            | <u>\$12,000.00</u> |

B. JUVENILE JCC GRANT (9120)

1. Court Services (980)

|       |                       |                   |
|-------|-----------------------|-------------------|
| From: | 41120 Professional    | \$309.00          |
|       | 41310 Group Insurance | \$2,151.00        |
| To:   | 43850 Refund          | \$309.00          |
|       | 43850 Refund          | \$2,151.00        |
|       | Total                 | <u>\$2,460.00</u> |

On motion made by Wenger seconded by Graham, the Council unanimously carried and approved these transfers.

**OTHER BUSINESS:**

- (a) Approval of the reappointment of Jerry Weaver and Mike Settles to the Elkhart County Property Tax Assessment Board of Appeals. One (1) year term, expires 12/21/2020.

On motion made by Stump and seconded by Yohn, the Council unanimously carried and approved this request.

- (b) Approval of the reappointment of Darryl Riegsecker, Jon Hunsberger and Jim Skillen to the Elkhart County Redevelopment Commission. One (1) year term. Expires 12/21/2020.

On motion made by Stump and seconded by Yohn, the Council unanimously carried and approved this request.

- (c) Craig Buche- Approval of Annual Encumbrance Ordinance CC-2020-01. (Auditors)

On motion made by Stump and seconded by Hess the Council unanimously carried and approved this request.

**AUDIENCE ITEMS**

Mike Yoder discussed the Leaf Pick-up Program, Re-Entry Leadership Summit, and The Coolest Things Made in Elkhart County website and contest.

Glenn Null- Ask Graham for a timeline on the War Memorial and would like an update at next month meeting. He discussed the jumping around on the Agenda. Asked some questions on Gateway Auditor answered. Discussed the 2<sup>nd</sup> Amendment and the bill up for approval in Virginia.

Richard R. Aguirre works for Goshen College but speaks today as a private citizen. He asked Sheriff Siegel to rescind or at a minimum suspend a new county jail policy allowing some illegal immigrants to be held for up to 72 hours for ICE authorities to pick up instead of the 48 hours as the current policy allows.

Marilyn Torres- voices her views on the new County Jail Policy, She reads what the ACLU has stated.

Naomi Zook-Middle School Teacher at Goshen Middle School talks about the new policy. Concerned about the Sheriff working with ICE.

## **ADJOURN**

There being no further business to come before the Council the meeting was adjourned at 9:30 am on motion made by Stump seconded by Hess, and unanimously approved by the Council.

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.