

**MINUTES**  
**ELKHART COUNTY COUNCIL MEETING**  
**117 N. 2<sup>nd</sup> St. Room 104, Goshen, In. 46526**  
**January 19<sup>th</sup> 2023**

The meeting of the Elkhart County Council was called to order by Sheriff Jeff Siegel at 4:00 p.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, Darryl J. Riegsecker, Randy D. Yohn, Adam M. Bujalski and Steven E. Clark. Council member Doug S. Graham was absent. Also present were Patricia A. Pickens County Auditor, Tiara Jackson First Deputy Auditor, and Craig Buche, County Attorney.

\*\* This meeting commenced pursuant to public notice under the Indiana open door law. This meeting was made available for the public and press to attend in-person and virtually in remote real-time observation via Web-Ex.

**\*\*\* ELECTION OF OFFICERS FOR 2023\*\*\***

\*\*Auditor Patricia A. Pickens assumed the Chair and opened the floor for nominations for Council President.

On motion made by Riegsecker and seconded by Clark to nominate and elect Thomas W. Stump for Council President the Council unanimously carried with a vote of 6 to 0 and approved the nomination of Thomas W. Stump for Council President.

On motion made by Riegsecker and seconded by Clark to close the nominations for Council President. With a vote of 6 to 0 the Council unanimously carried and approved the request to close the nominations.

Newly elected President Thomas W. Stump assumed the chair and asked for nominations for Vice President. On motion made by Riegsecker to nominate David L. Hess for Vice President and seconded by Yohn. With a vote of 6 to 0 the Council unanimously carried and approved the nomination of David L. Hess for Council Vice President.

On motion to close the nominations made by Riegsecker and seconded by Yohn, the Council unanimously carried and closed the nominations with a vote of 6 to 0.

On motion made to elect David L. Hess for Council Vice President made by Riegsecker and seconded by Yohn. With a vote of 6 to 0 the Council unanimously carried and approved the motion to elect David L. Hess for Council Vice President.

**MINUTES:**

(a) Approval of CC Meeting Minutes: December 10<sup>th</sup>, 2022

On motion made to approve December 10<sup>th</sup>, 2022, minutes by Riegsecker and seconded by Bujalski, the Council unanimously carried and approved the minutes with a vote of 6 to 0.

## **COMMITTEE REPORTS:**

COMMISSIONERS: None

COUNCIL: None

AUDITOR: - Patricia A. Pickens gave the financial report.

SHERIFF: None

### **AUDITOR:**

Patricia A. Pickens:

- (a) For Consideration and Approval of Encumbrance Ordinance CC-2023-01.

On motion made to approve Encumbrance Ordinance CC-2023-01 by Riegsecker and seconded by Bujalski. With a vote of 6 to 0 the Council unanimously carried and approved Ordinance CC-2023-01.

### **COUNCIL APPOINTMENT:**

City of Nappanee-Mayor Jenkins:

- (a) For Consideration and Approval of Phil Wiens to the newly established Nappanee Economic Development Commission. One (1) year term Expires:01/31/2024.

On motion made to appoint Phil Wiens by Yohn and seconded by Riegsecker to the newly established Nappanee Economic Development Commission. One (1) year term. Expires 01/31/2024. With a vote of 6 to 0 the Council unanimously carried and approved the appointment of Phil Wiens to the Nappanee Economic Development Commission.

Parks & Recreation-Ronda DeCaire:

- (a) For Consideration and Approval of Re-Appointment of Klaus D. Mueller to the Elkhart County Park & Recreation Board. Four (4) year term Expires:12/31/2026.

On motion made to re-appoint Klaus D. Mueller to the Elkhart County Park & Recreation Board by Bujalski and seconded by Riegsecker. With a vote of 6 to 0 the Council unanimously carried and approved the appointment.

### **HUMAN RESOURCES:**

Commissioner Brad Rogers:

- (a) For Consideration and Approval of Reclassification of one Landfill Analyst, PAT A non-exempt, up to \$26.65/hr., to one Operations Supervisor, PAT C, non-exempt. Up to \$31.42/hr. Effective 1-29-23.

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

**EDC MATTERS:**

Natasha Kauffmann:

- (a) For Consideration and re-appointment of Darryl Riegsecker, Jon Hunsberger and Sara Huss to the Redevelopment Commission. One (1) year term.  
Expires 12/31/2023.

On motion made by Yohn and seconded by Bujalski to approve the request. With a vote of 6 to 0 the Council unanimously carried and approved the re-appointments.

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL FUND (#1000)

- 1. Commissioners (130) requested \$50,000.00 for the 2023 allocation for Positively Elkhart County.

Jessica Koscher presented this request to the Council.

On motion to approve made by Riegsecker and seconded by Bujalski. By roll call vote the Council members votes are as follows: Stump-Aye, Hess-Aye, Clark-Aye, Graham-Absent, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. The Council unanimously carried and approved this request with a vote of 6 to 0.

B. GENERAL FUND (#1000)

- 1. Emergency Management (137) requested \$6,982.00 for donations to be appropriated from 2022 to 2023.

Jennifer Tobey presented this request to the Council.

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

C. GENERAL FUND (#1000)

- 1. Emergency Management (137) requested \$17,290.00. to be appropriated, this money was issued by District 2 Healthcare Coalition to EMA to be used by EMA for the maintenance/sustainment of District resources/assets now housed in Elkhart County.

Jennifer Tobey presented this to the Council.

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

D. GENERAL FUND (#1000)

1. Elkhart County Judiciary (172) requested \$538,833.00 to cover 1/3 of the costs of digitizing all the paper records located at the Elkhart Courthouse, Goshen Courthouse and the Public Defender's Office.

Ross Maxwell presented this to the Council.

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

E. SALES DISCLOSURE (#1131)

1. Assessor (980) requested \$16,500.00 for funds to fund copier machine payments and MLS subscriptions.

TY Miller presented this request to the Council.

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

F. CUMULATIVE DRAINAGE (#1141)

1. Surveyor (980) requested \$60,000.00 for maintenance and/or reconstruction projects on County Regulated Drains.

Phil Barker presented this request to the Council.

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

G. DRUG FREE COMMUNITY (#1148)

1. Commissioners requested \$318,436.00 for annual allocations to area agencies who have submitted qualified applications for programs which will further Elkhart County's Drug Free Partnership goals to negate alcohol and other drug use and /or abuse. Elkhart County Sheriff's Office (\$53,885.00), Goshen Police Department (36,135.00), Positively Elkhart County (90,000.00). Addiction Recovery Centers (48,360.00) Center for Problem Resolution (18,000.00), SPA (21,000.00) Elkhart County Drug Free Partnership (30,000.00) and Elkhart County Drug Free Partnership Lunch n Learn (21,056.00).

Jessica Koscher presented this request to the Council.

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

H. LEPC (#1152)

1. Emergency Management (980) requested \$79,507.00 to appropriate the 2023 LEPC Budget.

Jennifer Tobey presented this request to the Council.

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

I. CHN (#1159)

1. Health (982) requested \$6,628.00 to appropriate donations for 2023.

Melanie Sizemore presented this request to the Council.

Taxpayer Jim Kuhlensmith questioned if the money was going to be used on COVID vaccinations. Sizemore answered no.

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

J. CHN- LOBLEY (#1159)

1. Health Department (983) requested \$7,654.00 to appropriate donations for 2023.

Melanie Sizemore presented this request to the Council.

On motion made by to approve made by Riegsecker and seconded by Clark the Council unanimously approved this request with a vote of 6 to 0.

K. LOCAL HEALTH MAINTENANCE (#1168)

1. Health Department (980) requested \$99,127.00 to appropriate Local Health Maintenance Fund. January 1,2023 through December 31,2023.

Melanie Sizemore presented this request to the Council.

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

L. HEALTH EDUCATION (1168)

1. Health Department (982) requested \$1,919.00 to appropriate donations for 2023.

Melanie Sizemore presented this request to the Council.

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

M. MAJOR MOVES (1172)

1. Highway (980) requested \$3,150,000.00 to pay for right of way acquisition, construction and project associated costs for the CR20 and CR 37 Improvements project. Request is to transfer loan funds to the SE TIF. Repayments will be made from the Elkhart County Middlebury SE TIF and the Town's Elroy TIF.

Charlie McKenzie presented this request to the Council.

On motion made to approve by Riegsecker to approve appropriation M. Major Moves (#1172) for \$3,150,000.00, N. Middlebury AG TIF (#4508) \$246,211.00 and O. Middlebury SE TIF (#4509) \$4,000,000.00 together and seconded by Clark. With a vote of 6 to 0 the Council unanimously carried and approved.

N. MIDDLEBURY AG TIF (#4508)

1. Planning & Development (980) requested \$246,211.44 to transfer into Middlebury SE TIF to fund CR 20 and CR 37 right of way acquisition, construction and associated project costs.

Craig Buche requested the appropriation be rounded down to exclude the .44 cents. After adjustment the approved appropriation is \$246,211.00.

\*\*See action and vote above\*\*

O. MIDDLEBURY SE TIF (#4509)

1. Planning & Development (980) requested \$4,000,000.00 to pay for right of way acquisition, construction, and project associated costs for the improvements project. The request is to appropriate funds transferred to the Middlebury SE TIF from sources as follows: Major Moves Loan: \$3,150,000.00, Elkhart County South AG TIF: \$246,211.00, Elkhart County SE TIF: \$253,789.00 and Town Elroy TIF: \$350,000.00.

\*\*See action and vote above\*\*

P. MAJOR MOVES (#1172)

1. Highway (980) requested \$4,000,000.00 for funds to pay for construction costs and associated costs for the CR 38-CR 35 to SR 13 project. The total bid is \$6,931,649.00. This request is in conjunction with the \$3M reduction from the initial \$6M appropriation in November 2022. It is necessary to refinance this project so we will have adequate cash on hand in EDIT to fund other project obligations throughout 2023.

Charlie McKenzie presented this request to the Council.

On motion made to approve appropriation P. Major Moves (#1172) \$4,000,000.00 and Q. EDIT (#1112) \$4,000,000.00 together by Riegsecker and seconded by Clark, the Council unanimously carried and approved the motion with a vote of 6 to 0.

Q. EDIT (#1112)

1. Highway (980) requested \$4,000,000.00 for funds to pay for construction for the CR 39 to SR13 project. The total Bid is \$6,931,649.00. This request is to appropriate a \$4M Major Moves loan transfer to EDIT. This request is in conjunction with the \$3M reduction from the initial \$6M appropriation in November 2022. It is necessary to refinance this project to have adequate cash on hand in EDIT to fund other project obligations through 2023  
\*\*See action and vote above\*\*

R. LOCAL HEALTH DEPARTMENT TRUST FUND ACCOUNT (981)

1. Health Department (981) requested \$106,764.00 to appropriate Local Health Department Trust Account January 1,2022 to December 2023.

Melanie Sizemore presented this request to the Council.

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

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

1. Planning & Development (980) requested \$230,000.00 for the PCR waterline engineering design for multiple sections in the neighborhood.

Natasha Kauffmann presented this request to the Council.

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

T. PARK & RECREATION DONATIONS (#4909)

1. Park & Recreation (980) requested \$326,747.99 to be appropriated for designed park donations for Corson Riverwoods, Pollinator Play Path and Ox Bow Boardwalk.

Ronda DeCaire presented this request to the Council.

On motion to vote on appropriations T. Park & Recreation (#4909) \$326,747.00, U. Park & Recreation (#4909) \$25,000.00 and V. Park & Recreation (#4909) \$73,064.00 together since they are all to appropriate donated funds made by Riegsecker and seconded by Clark, the Council unanimously carried and approved these requests with a vote of 6 to 0.

U. PARK & RECREATION DONATIONS (#4909)

1. Park & Recreation (980) requested \$25,000.00 of donated funds to be appropriated. \*\* See action and vote above\*\*

V. PARK & RECREATION DONATIONS (#4909)

1. Park & Recreation (980) Park Board requested \$73,064.00 to set up the accounting from the Elkhart County Community Foundation DeFries Garden Endowment for payroll and the continued maintenance and development of the DeFries Gardens at the River Preserve County Park for 2023.       \*\*See action and vote above\*\*

W. SCHOOL LUNCH PROGRAM GRANT (#4925)

1. Elkhart County Judiciary (981) requested \$520.76 be appropriated due to unexpectedly receiving additional Supply Chain Assistance (SCA) Funds in the amount of \$520.76.

Ross Maxwell presented this request to the Council.

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

X. WIC (#8101)

1. Health Department (982) requested \$2340.00 to appropriate donated funds for 2023.

Melanie Sizemore presented this request to the Council.

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

Y. DENTAL PROGRAM INCOME (#8178)

1. Health Department (614) requested \$408,949.00 to appropriate 2023 Dental Program Income.

Melanie Sizemore presented this request to the Council.

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

Z. DENTAL (#8178)

1. Health Department (982) \$835.00 of donated funds to be appropriated for 2023.

Melanie Sizemore presented this request to the Council

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



AA. 2023 EMPG COMP-4-SEATER ATV (#8185)

1. Emergency Management (980) requested \$20,000.00 to purchase a 4-seater All-Terrain Vehicle as an additional asset for Elkhart County and First Responders.

Jennifer Tobey presented this request to the Council.

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

BB. 2023 HMEP (EMA) NIMS/ICS TRAINING (#8186)

1. Emergency Management (980) requested \$11,500.00 for LEPC to host Classes/Courses.

Jennifer Tobey presented this request to the Council.

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

CC. 2023 HMEP (LEPC) HAZ-WHOPPER TRAINING (#8187)

1. Emergency Management (980) requested \$10,000.00 for LEPC to host 2-40 hour Haz Whopper Courses in 2023.

Jennifer Tobey presented this request to the Council.

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

DD. 2023 HMEP (LEPC) EXERCISE (#8188)

1. Emergency Management (980) requested \$13,550.00 for LEPC to host HSEEP compliant exercise with Goshen WWTP Tier 2 facility. Contractor will be hired to facilitate the functional exercise. Grant to purchase chlorine containment equipment to be used during exercise. Equipment will be housed by Hazmat Team.

Jennifer Tobey presented this request to the Council.

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

EE. AMERICAN RESCUE PLAN (#8951)

1. Commissioners (980) requested \$400,000.00 for funds needed for the addition of Tecumseh Acres to the Foraker-Southwest project.

Jeff Taylor presented this request to the Council.

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

~~FF. AMERICAN RESCUE PLAN (#8951)~~

- ~~1. Commissioners (980) had requested \$13,850,847.00 for the balance of the fixed price contract for the new courthouse.~~

~~\*\* Jeff Taylor withdrew this request.\*\*~~

GG. JDAI GRANT FUND (#9113)

1. Elkhart County Judiciary (984) requested \$3,268.23 to return unexpended 2021-2022 grants funds to the IDOC. These funds were bonus grants funds that was received mid-grant cycle. A planned project could not be completed prior to the grant year ending.

Ross Maxwell presented this request to the Council.

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

HH. JCC GRANT (#9120)

1. Elkhart County Judiciary (984) requested \$20,000.34 to return unexpended 2021-2022 grant funds back to the IDOC. These funds were a bonus grant funds that were received mid-grant cycle for a project that was set-up with the University of Notre Dame, however they were unable to do the project prior to the expiration of the grant year.

Ross Maxwell presented this request to the Council.

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

II. HEALTHY BABIES HOSPITAL'S PCCS (#9122)

1. Health Department (981) requested \$30,000.00 to set-up 2023 budget for Healthy Babies services.

Melanie Sizemore presented this request to the Council.

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

JJ. HEALTHY BABIES HOSPITAL PCCS (#9122)

1. Health Department (982) requested \$25.00 be appropriated of donated funds for 2023.

Melanie Sizemore presented this request to the Council.

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

KK. COMMUNITY CORRECTIONS PROBATION GRANT (#9126)

1. Elkhart County Judiciary (981) requested \$131,250.00 for grant renewal for CY2023. This grant funds the majority of three probation officers' positions and is unchanged from previous years.

Ross Maxwell presented this request to the Council.

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

LL. COMMUNITY CORRECTION DRUG COURT (#9131)

1. Elkhart County Judiciary (981) requested \$61,828.00 for grant renewal for CY2023. This grant funds most of the Drug Court Coordinator position and is unchanged from previous years.

Ross Maxwell presented this request to the Council.

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

MM. JCC- DISCRETIONARY GRANT FUND (#9143)

1. Elkhart County Judiciary (981) requested \$10,000.00 for grant renewal for FY2023. These discretionary grants were offered in September of 2022 as part of the current FY2023 JCC Grant Funding. This requests set-up the JCC incentive program that was funded as part of our request.

Ross Maxwell presented this request to the Council.

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

NN. JPAR RESPONSE GRANT (#9146)

1. Elkhart County Judiciary (981) requested \$30,750.45 for grant renewal for 2023. This is the grant set-up for 2023 and this covers a portion of the salary of one of the probation officers position that is assigned to the drug court and pre-trial services.

Ross Maxwell presented this to the Council.

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

OO. PRETRIAL SERVICES GRANT (#9152)

1. Elkhart County Judiciary (981) requested \$53,328.00 for a Pretrial Services Grant Award from the Indiana Office of Court Services. This is the second year we have received this grant. We may need to supplement some of the salary and group insurance with the Adult Supplemental Probation User Fee Fund, unless carry-over funds are granted as we will have remaining funds.

Ross Maxwell presented this request to the Council.

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

PP. PCR ADAMS ST. COMMUNITY FUND (#9154)

1. Planning & Development (980) requested \$61,830.00 be appropriated of funds for infrastructure in PCR-funds from Community Foundation and Osolo Township.

Natasha Kauffmann presented this request to the Council.

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

**Total Appropriations: \$18,630,637.77**

**9. TRANSFER REQUESTS REQUIRING COUNCIL ACTION: NONE**

**10. TRANSFER REQUESTS NOT REQUIRING COUNCIL ACTION:**  
(Available in the Auditor's office)

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION- None**

**OTHER BUSINESS:**

Craig Buche:

- (a) Consideration and Approval of Interlocal Agreement Between Elkhart County Redevelopment Commission and The Town of Middlebury, for CR 20 & CR.37 Project.

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

- (b) Consideration and Approval of Interlocal Agreement Amendment Between Elkhart County Redevelopment Commission and The Town of Middlebury, for Intersection Design Improvements.

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

- (c) Consideration and Approval of Interlocal Agreement Between Elkhart County Redevelopment Commission and The Town of Middlebury, for CR 16 and E. Warren Street Improvements.

On motion to approve made by Riegsecker and seconded by Clark, the Council unanimously carried and approved this Interlocal with a 6 to 0 vote.

- (d) Consideration and Approval of Ordinance CC-2023-02 A Fee Ordinance of the Elkhart County Council Regarding Mortgage Foreclosure Sales Conducted by the Elkhart County Sheriff.

On motion to approve made by Clark and seconded by Bujalski, the Council unanimously carried and approved Ordinance CC-2023-02 with a 6 to 0 vote.

**AUDIENCE ITEMS:**

Taxpayer Glenn Null reminded the Council that the County is facing some tough times and they need to be cautious with spending. He discussed the RV workers are having a hard time with the layoffs. He also discussed some issues with the ARP funding.

**ADJOURN**

There being no further business to come before the Council, on motion to adjourn made by Riegsecker seconded by Clark the Council unanimously carried and approved the adjournment of the meeting at 5:35pm.

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.