

MINUTES
ELKHART COUNTY COUNCIL MEETING
117 N. 2nd St. Room 104, Goshen, IN 46526
June 15th2023

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, Randall D. Yohn, Douglas S. Graham, Adam M. Bujalski and Steven E. Clark. 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.

MINUTES: Approval of CC Meeting Minutes: May 18th ,2023

On motion made to approve May 18th,2023 minutes by Riegsecker and seconded by Yohn, the Council unanimously carried and approved the minutes as presented with a vote of 7 to 0.
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COMMITTEE REPORTS:

COMMISSIONERS: None

COUNCIL: None

AUDITOR: Patricia A. Pickens gave the financial report.

1. Consideration and Approval of CC-2023-20 An Ordinance of the Elkhart County Council Transferring Monies to the Rainy-Day Fund.

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

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SHERIFF: None

EDC MATTERS:

Chris Stager:

1. Consideration for Approval of CF-1's:

- (a) Furrion, LLC. & Spirit Realty, Way Innovation Park, LLC. CC-2021-14 RE
Furrion, LLC. (Way Interglobal Network, LLC.) CC-2021-14-PP

Graham expressed his concerns that the number of employees is significantly less than what was projected for the project.

Taxpayer Glenn Null expressed his concerns that the company had no representative at the meeting and he suggested the Council find them in non-compliance.

Clark made a motion to find Furrion, LLC. CF-1's in non-compliance seconded by Graham, the Council unanimously carried and approved the motion with a 7 to 0 vote.

The Company will be sent a notice of Non-Compliance with a notice for a hearing at the July 20th, 2023 Council meeting.

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ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#1000)

1. Community Corrections (179) requested \$421,191.00 for costs for ancillary supplies being moved into the County General Fund from PI (1140-0614) Grant (1130-0980) and CTP (4913-0980). Funds as approved by County Council. salaries will be accounted for in those funds.

Karen Chandler 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 7 to 0.

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B. GENERAL FUNDS (#1000)

1. Community Corrections (980) requested \$40,000.00 to get fund 4913 out of the red by year end. The fund is currently \$43,622.50 in the red, but the fund will no longer have any expenses come out of it. The fund will continue to earn revenue and those funds will go towards the negative balance. This transfer will happen in December once all funds are collected.

Karen Chandler 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 7 to 0 vote.

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C. CUMULATIVE DRAINAGE (#1141)

1. Surveyor (980) requested \$5,000.00 for maintenance and/or reconstruction on projects on County Regulated Drains.

Phil Barker presented this request to the Council.

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

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D. MOTOR VEHICLE HIGHWAY-RESTRICTED (1173)

1. Highway (980) requested \$2,250,000.00 for funds to pay for paving, chip seal and associated costs.

Kyle Wagner presented this request to the Council.

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

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E. ROAD MAINTENANCE & CONSTRUCTION (#4901)

1. Highway (980) requested \$500,000.00 for funds to pay for paving, chip seal and associated costs.

Kyle Wagner presented this request to the Council.

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

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F. CARES EPIDEMIOLOGY & LAB (#8904)

1. Health (981) requested \$29,113.00 to purchase a generator and replace the fence around the current generator at Lincoln Center.

Kyle Wagner presented this request to the Council.

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

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G. TOBACCO PREVENTION & CESSATION (#9104)

1. Health (980) requested \$175,001.00 for Tobacco Prevention and Cessation Programs in Elkhart County. To build partnerships with Elkhart County School districts to support and implement comprehensive strategies against all tobacco use. Set-up budget for FY July 1,2023 to June 30,2024.

Concetta Sanfilippo presented this request to the Council.

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

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H. PROBLEM SOLVING COURT GRANT (#9135)

1. Elkhart County Judiciary (980) requested \$10,000.00 for the fiscal year Partial 2023 Problem Solving Court Grant from the Indiana Office of Court Services.

Ross Maxwell 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 7 to 0.

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I. IMMUNIZATIONS & VACCINES FOR CHILDREN (#9149)

1. Health Department (981) requested \$245,401.00 to provide vaccination services to general population and offer evening and weekend vaccination clinics. To

offer two vaccinations clinics for each school corporation in Elkhart County.

Concetta Sanfilippo presented this request to the Council.

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

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Total Appropriations: \$7,761,027.11

REDUCTIONS:

J. PRISONER REIMBURSEMENT GRANT (#1130)

1. Community Corrections (980)	
Personal Services	-\$243,871.06
Supplies	-\$33,371.48
Other Services & Charges	<u>-\$182,529.44</u>
	Total
	-\$459,771.98

K. PRISONER REIMBURSEMENT -PROJECT INCOME (#1140)

1. Community Corrections (614)	
Personal Services	-\$913,690.26
Supplies	-\$74,262.99
Other Services & Charges	-\$286,312.59
Capital Outlays	<u>-\$232,000.00</u>
	Total
	-\$1,506,265.84

L. COMMUNITY CORRECTIONS GRANT (#4913)

1. Community Corrections (980)	
Personal Services	-\$165,261.89
Supplies	-\$5,700.00
Other Services & Charges	<u>-\$32,300.00</u>
	Total
	\$203,281.89

Karen Chandler Explained the details of the Reductions to the Council.

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

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Total Reductions: -\$2,169,319.7

TRANSFER REQUESTS REQUIRING COUNCIL ACTION:

A. PUBLIC HEALTH PREPAREDNESS (#8119)

Health Department (981)

From:	42090 Office Supplies	100.00
	42195 Oper. Supplies	800.00
	42110 Gasoline	334.00

	43110 Sustenance	1,000.00
	43140 Telephone	134.00
	43200 Printing	300.00
To:	44545 Otr. Office Equip.	2,668.00

B. TOBACCO CONTROL OF ELKHART COUNTY (#9104)
Health Department (981)

From:	41310 Insurance	8,900.00
To:	42090 Office Supplies	2,000.00
	42195 Oper. Supplies	5,000.00
	43090 Otr, Services	1,900.00
	Total	8,900.00

Total
Transfers: 11,568.00

On motion made to approve transfers between funds together by Graham and seconded by Yohn, the Council unanimously carried and approved these transfers with a vote of 7 to 0.

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TRANSFER REQUESTS NOT REQUIRING COUNCIL ACTION:

(Available in the Auditor's office)

OTHER BUSINESS:

Chris Stager:

1. Consideration for Approval of CF-1 Forms:

- (a) The Bristol Indiana Corporation- 2019-21; 2020-03 -PP
The Bristol Indiana Corporation-2019-21; 2020-03- RE

Chris Stager presented this request to the Council. He discussed the specifics and what the company originally stated. They committed to hiring 280 employees but have 149 employees, that would make them 53% compliance. Stager stated in his opinion they are not in substantial compliance.

Graham discussed it is not the Council's responsibility to understand what conditions or situations of running their business. They committed to hiring 280 employees and they only have 149 employees.

On motion made by Graham to find The Bristol Indiana Corporation-2019-21: 2020-03-PP & 2019-21: 2020-03-RE in non- compliance and seconded by Bujalski, the Council unanimously carried and approved this motion with a 7 to 0 vote.

The Company will be sent a notice of Non-Compliance with a notice for a hearing at the July 20th,2023 Council meeting. (pg. 252,253)

(b) Champagne Metals, LLC. CC-2012-02- PP

Chris Stager presented this request to the Council. He discussed the details of the original CF-1. Stager stated that the company is in substantial compliance and recommended the Council approve their CF-1.

On motion made by Clark to find Champagne Metals, LLC. in substantial compliance according to the CF-1 and seconded by Bujalski, the Council unanimously carried and approved this request with a 7 to 0 vote. (pg. 230)

(c) Dynamic Metals, LLC. CC-2017-13-PP

Chris Stager stated that he had not received the CF-1 on Dynamic Metals, LLC. However, council member Doug Graham reviewed their CF-1's and he recommends that the Council find Dynamic Metals in substantial compliance.

On motion made by Graham to find Dynamic Metals, LLC. in substantial compliance according to the CF-1 and seconded by Bujalski, the Council unanimously carried and approved this request with a 7 to 0 vote. (pg. 254)

Craig Buche:

1. Grant Ordinances:

Craig Buche presented each of the following Ordinances to the Council and explained the State's requirement of having different fund numbers for odd & even years. The Council voted on each Ordinance Separate.

- (a) CC-2023-12 Ordinance of the Elkhart County Council Establishing the State Jail Treatment HEA Grant Fund 9158 for Even-Numbered Calendar Years for the Elkhart County Sheriff's Department.

On motion made to approve by Graham and seconded by Riegsecker, the Council unanimously carried and approved Ordinance CC-2023-12 with a vote of 7 to 0. (pg. 256)

- (b) CC-2023-13 Ordinance of the Elkhart County Council Establishing the JUV CC Discretionary Grant 9162 for Even Numbered Calendar Year for the Elkhart County Court Services Department.

On motion made to approve by Yohn and seconded by Hess, the Council unanimously carried and approved Ordinance CC-2023-13 with a vote of 7 to 0. (pg. 257)

- (c) CC-2023-14 Ordinance of the Elkhart County Council Establishing the JUV Detention Alt. Int. Grant Fund 9160 for Even Numbered Calendar Years for the Elkhart County Court Services Department.

On motion made to approve by Riegsecker and seconded by Clark, the Council unanimously carried and approved Ordinance CC-2023-14 with a vote of 7 to 0. (pg. 258)

- (d) CC-2023-15 Ordinance of the Elkhart County Council Establishing the Adult Community Corrections Grant Fund 9156 for Even Numbered Calendar Years for the Elkhart County Community Corrections Department.

On motion made to approve by Riegsecker and seconded by Yohn, the Council unanimously carried and approved Ordinance CC-2023-15 with a vote of 7 to 0. (pg. 259)

- (e) CC-2023-16 Ordinance of the Elkhart County Council Establishing the Court Recidivism Reduction Grant Fund 9163 for Even Numbered Calendar Years for the Elkhart County Court Services Department.

On motion made to approve by Riegsecker and seconded by Clark, the Council unanimously carried and approved Ordinance CC-2023-16 with a vote of 7 to 0. (pg. 260)

- (f) CC-2023-17 Ordinance of the Elkhart County Council Establishing the Juvenile CC Grant Fund 9161 for even Numbered Calendar Years for the Elkhart County Court Services Department.

On motion made to approve by Riegsecker and seconded by Clark, the Council unanimously carried and approved Ordinance CC-2023-17 with a vote of 7 to 0. (pg. 261)

- (g) CC-2023-18 Ordinance of the Elkhart County Council Establishing the State Probation HEA Grant Fund 9159 for Even Numbered Calendar Years for the Elkhart County Court Services Department.

On motion made to approve by Riegsecker and seconded by Clark, the Council unanimously carried and approved Ordinance CC-2023-18 with a vote of 7 to 0. (pg. 262)

- (h) CC-2023-19 Ordinance of the Elkhart County Council Establishing the Adult Community Corrections Grant Fund 9157 for Odd-Numbered Calendar Years for the Elkhart County Community Corrections Department.

On made to approve by Yohn and seconded by Riegsecker, the Council unanimously carried and approved Ordinance CC-2023-19 with a vote of 7 to 0. (pg. 263)

2. Semi-Annual Loan Review of Major Moves Loans:

- (a) Johnson Street & Six Span Bridge Projects Repayment by Major Bridge Fund.
- (b) CR 38 & CR 17 Loans
- (c) Bristol Loan

- (d) Elkhart County Sheriff's Dept. 2019 Computer Equip. Upgrade
- (e) Elkhart County 911 Center Loan Repayment by 911 Center Surcharge Fund.
- (f) Elroy Drive Industrial Park Economic Development Loan
- (g) Middlebury Southeast Economic Development Area Loan

Craig Buche discussed the current terms and gave each Council member an amortization schedule of each loan. Council member discussed the current interest rate on each loan.

Taxpayer Glenn Null suggested that the Council raise the interest rate to 4%.

On motion made by Graham to raise the interest rate from 2.5% to 3.5% on the Current Major Moves Loans items (a) through (e) on the agenda seconded by Bujalski, the Council unanimously carried and approved this motion with a vote of 7 to 0. (pg. 265)

3. Landfill Fund Loan:

- (a) Elkhart County Election Board Fund-to be repaid by Cumulative Voting Fund.

Council member Hess explained that the Landfill loan is paid back by the Cumulative Voting Fund and that fund is supported by property taxes versus the gas tax or some of the other taxes.

On motion made to leave the Landfill Fund Loan paid back by the Cumulative Voting Fund at the current rate of interest of 2.5% by Hess and seconded by Clark, the Council unanimously carried and approved this motion with a vote of 7 to 0. (pg. 265)

AUDIENCE ITEMS:

Taxpayer Cindi Hajicek (Goshen) expressed her concerns about the process of the library appointments. Hajicek stated the Library Board appointments should not be controlled by the Library Board. It is the Council's responsibility to appoint the Council's appointments.

President Stump explained to the audience that the Council is in the process of coming up with a policy and procedure to appoint these board members.

Taxpayer Pam Keyser (Middlebury) discussed the Middlebury Library not being transparent with their appointment recommendation process. She gave the Council a copy of the ALA Library's Bill of Rights.

Council member Graham suggested that instead of adopting the ALA's Library Bill of Rights that each library create their own Library Bill of Rights in which to follow. (pg. 232)

Olivia Hajicek (Goshen) spoke on the library's appointment process and responsibilities. She expressed her concerns over the book selection process and interpretation of the law.

James Rieckhoff (Elkhart) is on his 2nd term of the Elkhart Public Library's Board of Trustees and the current President. He spoke on the libraries process of recommending potential appointees. Rieckhoff discussed that he has not seen any members of the public attending the Library Board of Trustees monthly meetings which are held every third Tuesday of the month at the main branch or sometimes at the branch libraries.

Lisa Guedea Carreno- (Goshen/Elkhart) spoke on Elkhart Public Library's appointment of board members and their process. She discussed the many programs offered at the library such as the Summer Reading Challenge, Growing Readers, Newborn Baby Kits, and the people they serve.

Council member Hess discusses the need for an open process for appointments.

Council member Clark questioned the Elkhart Public Library about what kind of displays they put up and if they are political or culturally diverse.

Kevin Kilmer (Goshen) addressed Clarks questions on the different displays they have at the Elkhart Public Library.

Taxpayer Ralph Spielman (Goshen) on the Council meeting days. Mr. Spielman stated he thinks the meetings should be on Saturday instead of Thursday to allow for more people to attend.

Ryan Snyder (Elkhart) On public health & currency. He gave the Council handouts from the World Health Organization. He discussed shielding and Advancing Digital Identity.

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ADJOURN

There being no further business to come before the Council, on motion to adjourn made by Yohn seconded by Clark the Council unanimously carried and approved the adjournment of the meeting at 5:17pm.

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.