

MINUTES
ELKHART COUNTY COUNCIL MEETING
117 N. 2nd St. Room 104, Goshen, IN 46526
July 20th, 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, 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: June 15th ,2023

On motion made to approve June 15th,2023 minutes by Graham and seconded by Riegsecker, the Council unanimously carried and approved the minutes as presented with a vote of 7 to 0.
(pg. 279)

COMMITTEE REPORTS:

COMMISSIONERS: Commissioner Weirick gave a presentation on the new Courthouse Construction.

COUNCIL: None

AUDITOR: Patricia A. Pickens gave the financial report.

SHERIFF: None

HUMAN RESOURCES:

Craig Buche:

1. CC-2023-21 An Ordinance Amending the 2023 Elkhart County Salary Ordinance. (Sheriff's Department)

Craig Buche explained the changes requested in the Amended Salary Ordinance to the Council.

On motion made to approve by Graham and seconded by Clark, the Council unanimously carried and approved the request with a 7 to 0 roll call vote. (pg. 280)

The Council members votes are as follows: Stump-Aye, Hess-Aye, Clark-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye, Bujalski-Aye. (pg. 281)

EDC MATTERS:

Chris Stager:

1. ****PUBLIC HEARING****

**** Furrion, LLC. & Spirit Realty, Way Innovation Park, LLC. ****

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

On motion made to open the public hearing by Riegsecker and seconded by Yohn. President Stump opens the floor to Council and to the Audience.

Taxpayer Glenn Null expressed his concerns and was not in favor of finding the company in substantial compliance.

Council member Graham discussed that the company is at 40% of the original promise of number of employees. Graham states that the agreement was not contingent of the economic conditions.

Clark questioned company representative on how many employees the company presently have.

Council member Riegsecker questioned if the new employees the company hired were from other plants or were they actual new hires.

Company Representative Joe Salisbury stated they have 55 new employees and that some are from other plants, and they plan on having 113 by the end of December 2024 when the new building is scheduled to be complete.

On motion to close the public meeting made by Yohn and seconded by Hess.

Hearing was held on July 20th,2023. Company representative Joe Salisbury was present to answer the Council's questions. After discussing the particulars of the project, scope, timeline and economy, the Council found the Company made a reasonable effort to be in substantial compliance.

On motion made to find that Furrion, LLC. made a reasonable effort to be in substantial compliance made by Bujalski and seconded by Clark, by roll call vote, the Council approved the motion with a 6 to 1 roll call vote.

The Council member's votes are as follows: Stump-Aye, Hess-Aye, Clark-Aye, Graham-Nay, Yohn-Aye, Riegsecker-Aye and Bujalski-Aye. (pg. 282-284)

2. ** PUBLIC HEARING**
** The Bristol Indiana Corporation**

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

On motion made to open the Public Hearing by Hess and seconded by Riegsecker. President Stump opened the floor to the Council and Audience.

Chris Stager of the EDC and Company Representative's President Jason Schmidt and the companies Vice President answered the Council member's questions and explained to the Council that they have struggled getting employees. They stated due to the nature of their business being a foundry, it is hard to obtain employees. They also stated they had to compete with the RV companies regarding the pay even though they have a good wage and benefits package.

Council member Hess had questions on the uniqueness of their product.

Council member Clark stated that on the CF-1 the company estimated 280 total employees and the current number they report is 149. Clark questioned how many employees they currently have. Company Representative stated between 302-320, they also stated that included the temporary help they employ. Clark also questioned what percentage employees are temporary and how many are permanent? Company Representatives stated its about a 50-50 split.

On motion made to close the Public Hearing by Hess and seconded by Clark.

Hearing was held on July 20th,2023. Company representative Jason Schmidt President was present to answer the Council's questions. After discussing the particulars of the project, scope, timeline and economy, the Council found the Company made a reasonable effort to be in substantial compliance.

On motion made to find The Bristol Indiana Corporation made a reasonable effort to be in substantial compliance made by Graham and seconded by Bujalski the Council unanimously approved the motion with a 7 to 0 vote. (pg. 285,286)

3. Consideration for Approval:

(a) Entech, Inc. CC-2017-03, CC-2017-05-PP

(b) SMART, LLC. CC-2012-24-PP

Clark reviewed and presented the CF-1 on Entech, Inc. & SMART, LLC. to the Council. On motion made to find both companies in substantial compliance made by Clark and seconded by Graham, the Council unanimously carried and approved this motion with a 7 to 0 vote. (pg. 287,288)

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#1000)

1. Recorder (104) requested \$5200.00 for funds needed to cover vacation payout of Deputy Recorder for transition to Elected Official.

Kaayla Baker presented this to the Council.

On motion to approve made by Graham and seconded by Yohn, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 289)

B. GENERAL FUNDS (#1000)

1. Commissioners (130) requested \$50,000.00 be appropriated for funds to remove log jam from river near Ox Bow Park.

Ronda DeCaire presented this request to the Council.

On motion to approve made by Graham and seconded by Yohn, the Council unanimously carried and approved this request with a 7 to 0 vote. (pg. 290)

C. GENERAL FUND (#1000)

1. Emergency Management (137) requested \$4,500.00 for funds to finish out the last 6 months of the year. Resource use has increased and have a Deputy Director that was authorized a take home vehicle that was not built into this year's budget.

Jennifer Tobey presented this request to the Council.

On motion made to approve by Bujalski and seconded by Graham, the Council approved this request with a 7 to 0 roll call vote. (pg. 291)

The Council member votes are as follows: Stump-Aye, Hess-Aye, Clark-Aye, Graham-Aye, Yohn-Aye, Riegsecker-Aye, Bujalski-Aye. (pg. 292)

D. CAMPAIGN FINANCE ENFORCEMENT (#1111)

1. Election Board (980) requested \$100.00 for reimbursement for Witness fees via Christopher Anderson for campaign finance.

Clerk was not present to answer Council members questions.

On motion to table request until the August 17th,2023 made by Clark and seconded by Bujalski, the Council unanimously carried and approved this motion with a vote of 7 to 0. (pg. 293)

E. EDIT (#1112)

1. Highway (980) requested \$1,300,000.00 remaining funds to pay for design of CR 17 -CR 40 to CR 142 Extension. This is a federal aid project and will be reimbursed at 80% as the funds are spent.

Charlie McKenzie presented this request to the Council.

On motion to approve made by Graham and seconded by Bujalski the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 294)

F. EDIT (#1112)

1. Highway (980) originally requested \$1,125,000.00 for matching funds for Construction costs for the CR 17 Multi Use Path/Bridge project. After receiving additional funding the Highway Department requested the additional appropriation be reduced to \$625,000.00.

Charlie McKenzie presented this request to the Council.

Taxpayer Glenn Null spoke and gave his reasons for disagreeing on spending the money for the Multi Use Path/Bridge Project.

Commissioner Rogers stated the Commissioners are in favor of this project.

Audience members that spoke in favor of the Multi Use Path/Bridge project include Peter Rue owner of "Chain Reaction", Whitney Short and Jeff Setsy and Alondra Miller.

On motion made to approve by Clark and seconded by Bujalski, the Council carried and approved this request with a roll call vote of 4 to 3. (pg. 295)

The Council members roll call votes are as follows: Stump-Aye, Hess-Nay, Clark-Aye, Graham-Nay, Yohn-Aye, Riegsecker-Nay, Bujalski-Aye. (pg. 296)

G. LIT SPECIAL PURPOSE (#1114)

1. Building & Grounds (140) requested \$180,000.00 to pay for natural gas usage at the jail due to the landfill methane gas compressor has been out of service and under repair for most of 2023 and having to rely on natural gas only.

Jeff Taylor presented this request to the Council.

On motion made to approve by Graham and seconded by Hess, the Council unanimously carried and approved this request with a vote of 6 to 0. (pg. 297)

H. LIT SPECIAL PURPOSE (#1114)

1. Building & Grounds (140) requested \$350,000.00 for funds required to update the jail HVAC controllers.

Commissioner Barnes presented this request to the Council.

On motion made to approve by Graham and seconded by Yohn, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 298)

I. CUMULATIVE DRAINAGE (#1141)

1. Surveyor (980) requested \$50,000.00 for maintenance and/or reconstruction projects on County Regulated Drains.

Phil Barker 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 7 to 0. (pg. 299)

J. PARKS & RECREATION NON-REVERTING OPERATING (#1179)

1. Parks & Recreation (980) requested \$35,000.00 be appropriated, this is a payment /reimbursement to the Friends of the Pumpkinvine. The \$35,000.00 has been received and is in Account #36500.

Ronda DeCaire presented this 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 7 to 0. (pg. 300)

K. SHERIFF'S PENSION'S TRUST (#1193)

1. Sheriff (105) requested \$607,852.00 be appropriated in this fund. Originally the full year budget of Sheriff Pension payment in General Fund. The Sheriff's Pension Trust Fund has a balance and should be used to pay the last 2 quarterly payments. There is a corresponding reduction in the General Fund. This request was submitted on behalf of the Sheriff's Office by Patty Pickens, Auditor.

Patty Pickens 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 7 to 0 vote. (pg. 301)

L. LANDFILL OPERATING FUND (#1194)

1. Landfill (338) requested \$3,495,241.00 be appropriated to transfer between funds for Closure (1166) \$1,057,341.00 & Capital Reserve (4915) \$2,437,900.00.

John Bowers 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 vote of 7 to 0. (pg. 302)

Commissioner Brad Rogers explained that the follow 2 claims M. Landfill Operating Fund & N. Environmental Special Projects are Transfers Between Funds and are related to each other.

M. LANDFILL OPERATING FUND (#1194)

1. Commissioners /Landfill (338) \$200,000.00 requested \$100,000.00 be appropriated for Center for Community Justice and \$100,000.00 be appropriated for Council on Aging.

N. ENVIRONMENTAL SPECIAL PROJECTS (#4803)

1. Commissioners (980) requested \$200,000.00 be appropriated for 2 local non-profit entities. 1. \$100,000.00 for Center for Community Justice & 2. \$100,000.00 be appropriated for Council on Aging.

On motion made to approve both items M. Landfill Operating Fund (#1194) & N. Environmental Special Projects (#4803) together by Graham and seconded by Bujalski, the Council unanimously carried and approved this motion with a vote of 7 to 0. (pg. 303,304)

O. 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. This \$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 Clark and seconded by Graham, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 305)

P. PARK & RECREATION (#1219)

1. Park & Recreation (320) requested \$2,500.00 for money to cover staff wages in the part-time account to assist with operations at the Elkhart County Historical Museum. The \$2,500.00 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 Clark, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 306)

Q. MIDDLEBURY SE TIF (#4509)

1. Planning & Development (980) requested \$65,000.00 for engineering for water tower & affected utility.

Mae Kratzer 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 7 to 0. (pg. 307)

R. MIDDLEBURY EAST TIF (#4510)

1. Planning & Development (980) requested \$65,000.00 for engineering for water tower and affected utility.

Mae Kratzer 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 7 to 0 vote. (pg. 308)

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

1. Planning & Development (980) originally requested \$1,700,000.00 for CR 17 pedestrian/bike partial road construction costs. After receiving additional funding, the Highway Department requested the Additional Appropriation be reduced to 1,500,000.00.

Mae Kratzer presented this request to the Council.

On motion made to approve by Clark and seconded by Bujalski, the Council approved this request with a roll call vote of 5 to 2. (pg. 309)

The Council members votes are as follows: Stump-Aye, Hess-Aye, Clark-Aye, Graham-Nay, Yohn-Aye, Riegsecker-Nay and Bujalski-Aye. (pg. 310)

T. PARK & RECREATION DONATIONS (#4909)

1. Park & Recreation (980) requested \$10,000.00 to set-up the accounting for payroll for Teresa Klein at the River Preserve County Park for 2023.

Ronda DeCaire 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 7 to 0. (pg. 311)

U. JCC-PROJECT INCOME (#4924)

1. Elkhart County Judiciary (980) requested \$73,954.00 to set up the fiscal year 2023-2024 JCC-Project Income Budget to correspond with the IDOC Grants.

Ross Maxwell presented this request to the Council.

On motion made to approve by Yohn and seconded by Clark, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 312)

V. SCHOOL LUNCH PROGRAM (#4925)

1. Elkhart County Judiciary (980) requested \$65,000.00 to set-up the fiscal year 2023-2024 JCC Project Income Budget to correspond with the IDOC Grants.

Ross Maxwell presented this request to the Council.

On motion made to approve by Graham and seconded by Bujalski, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 313)

W. ELEVATED BLOOD LEAD LEVEL REDUCTION (#8183)

1. Health Department (980) requested \$8,100.29 to refund an over payment made by the Indiana Department of Health to the Health Department.

Melanie Sizemore presented this request to the Council.

On motion made to approve by Yohn and seconded by Clark, the Council unanimously carried and approved this request with a 7 to 0 vote. (pg. 314)

X. JDAI GRANT (#9160)

1. Elkhart County Judiciary (980) requested \$65,000.00 to set-up the fiscal year 2024 JDAI Budget.

Ross Maxwell 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 7 to 0. (pg. 315)

Y. JCC GRANT (#9161)

1. Elkhart County Judiciary (980) requested \$151,802.00 to set-up the fiscal year 2023-2024 JCC Budget.

Ross Maxwell presented this request to the Council.

On motion made to approve by Clark and seconded by Yohn, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 316)

REDUCTIONS:

Z. GENERAL FUND (#1000)

1. Sheriff (105) requested a reduction in the amount of -\$607,852.00 in Fund 1193 for last 2 quarters of 2023 payment for Sheriff's Pension. This is the corresponding reduction.

Patty Pickens submitted this request on behalf of the Sheriff's Department.

On motion made to approve made by Graham and seconded by Clark, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 317)

TRANSFER REQUESTS REQUIRING COUNCIL ACTION:

A.	GENERAL FUND (#1000) Sheriff (105)		
	From: 43120 Postage		10,000.00
	To: 44500 Motor Vehicles		10,000.00
B.	GENERAL FUND (#1000) Commissioners (130)		
	From: 43010 Legal Services		20,000.00
	To: 42110 Gas, Diesel&Fuel		10,000.00
	42210 Repair Parts-Auto		10,000.00
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		Total	20,000.00
C.	GIS (#1150) Planning & Development (980)		
	From: 43090 Otr. Prof. Services		5,000.00
	To: 41200 Prof. Pt. Time		5,000.00
D.	LANDFILL OPERATING FUND (#1194) Landfill (338)		
	From: 45100 Trans Between Funds		40,000.00
	To: 41115 Supervisor		5,850.00
	41135 Para.Professionals		11,325.00
	41145 Skilled Craft Workers		22,825.00
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		Total	40,000.00
E.	DATA ACTION MINI GRANT (#8167) Elkhart County Judiciary (980)		
	From: 43090 Otr. Prof. Services		2,500.00
	To: 41210 Prot. Service Workers		2,500.00
F.	TOGETHER WE WILL GRANT (#8189) Health (980)		
	From: 44535 Data Process. Hard		1,250.00
	To: 43830 Ed & Conf.		250.00
	42195 Oper. Supplies		1,000.00
		Total	1,250.00
G.	93.959 COMMUNITY COORDINATION (#8180) Elkhart County Judiciary (981)		
	From: 43830 Ed & Conf. Costs		2.00
	To: 41400 PERF		2.00
H.	93.959 COMMUNITY COORDINATION (#8180) Elkhart County Judiciary (981)		

	From: 43830 Ed & Conf. Costs	1,912.20
	To: 41120 Professional	1,912.20
I.	93.959 COMMUNITY COORDINATION (#8180) Elkhart County Judiciary (981)	
	From: 43830 Ed. & Conf. Costs	58.80
	To: 41310 Insurance	58.80
J.	IMMUNIZATIONS & VACCINES CHILDREN (#9149) Health (981)	
	From: 43090 Otr. Prof Services	4,250.00
	42380 Capital Supplies	3,850.00
	To: 42130 Tires & Tubes	2,800.00
	42195 Oper. Supplies	1,450.00
	44545 Otr. Office Equip.	3,850.00
	Total	8,100.00
K.	2023 COURT REFORM TECH GRANT (#9155) Elkhart County Judiciary (981)	
	From: 43090 Otr. Prof. Services	28,500.00
	To: 44535 Data Proc. Hard.	28,500.00
	Total Transfers	117,323.00

On motion made to approve transfers between funds A -K together by Bujalski and seconded by Clark, the Council unanimously carried and approved these transfers with a vote of 7 to 0.

(pg. 322)

TRANSFER REQUESTS NOT REQUIRING COUNCIL ACTION:

(Available in the Auditor's office)

OTHER BUSINESS:

Craig Buche:

1. Interlocal Agreement for the Construction of Road-Barrier Agricultural Cattle Fencing along the East Side of County Road 37, RDC & Ernest Miller/ERM Land Holdings for Middlebury South Agricultural TIF District.

Craig Buche explained the details of this Interlocal to the Council.

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

(pg. 323)

2. Grant Ordinances:

Craig Buche presented each of the following Ordinances to the Council and explained the details of the Grants. The Council voted on each Ordinance Separate.

- (a) CC-2023-22 Ordinance of the Elkhart County Council Establishing the Community Transition Program Fund (#1123) for the Community Corrections Department.

On motion made to approve by Graham and seconded by Bujalski, the Council unanimously carried and approved Ordinance CC-2023-22 with a vote of 7 to 0. (pg. 324)

- (b) CC-2023-23 Ordinance of the Elkhart County Council Establishing the Community Corrections Fund (#1122) for the Community Corrections Department.

On motion made to approve by Graham and seconded by Bujalski, the Council unanimously carried and approved Ordinance CC-2023-23 with a vote of 7 to 0. (pg. 325)

- (c) CC-2023-24 Ordinance of the Elkhart County Council Establishing the Childrens Summit Program Fund (#4930) for the Elkhart County Judiciary Department.

On motion made to approve by Graham and seconded by Bujalski, the Council unanimously carried and approved Ordinance CC-2023-24 with a vote of 7 to 0. (pg. 326)

- (d) CC-2023-25 Ordinance of the Elkhart County Council Establishing the 16.575 VOCA Supplemental Grant Fund (#8190) for the Elkhart County Prosecutor's Office.

On motion made to approve by Graham and seconded by Bujalski, the Council unanimously carried and approved Ordinance CC-2023-25 with a vote of 7 to 0. (pg. 327)

- (e) CC-2023-26 Ordinance of the Elkhart County Council Establishing the AMZ TIF Fund (#4516) for the Elkhart County Planning Department.

On motion made to approve by Graham and seconded by Bujalski, the Council unanimously carried and approved Ordinance CC-2023-26 with a vote of 7 to 0. (pg. 328)

AUDIENCE ITEMS:

Mary Beth Slabaugh from Elkhart Public Library talked about Library Board Appointments, Book contents and different programs offered.

Olivia Haijcek & Cindi Haijcek talked on library board appointments and book contents.

John Leavitt Nappanee served on the Library Board for 32 years. He discussed library board appointments and the responsibility to ensure the right of access to all books whether they agree with the content. Talked about the diversity of people that have served on the Nappanee Library Board.

Carol Reeves from Bristol Public Library discussed board appointments and what the library has to offer.

(pg. 278)

ADJOURN

There being no further business to come before the Council, on motion to adjourn made by Riegsecker seconded by Hess the Council unanimously carried and approved the adjournment of the meeting at 6:24 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.