

MINUTES
ELKHART COUNTY COUNCIL MEETING
117 N. 2nd St. Room 104, Goshen, In. 46526
June 20th,2024

The meeting of the Elkhart County Council was called to order by Sheriff Siegal 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, Douglas S. Graham, Randall D. Yohn, Steven E. Clark. and Adam M. Bujalski. 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:

(a) Approval of CC Meeting Minutes: May 16th,2024

On motion made to approve May 16th,2024 minutes by Graham and seconded by Riegsecker, the Council unanimously carried and approved the minutes with a vote of 7 to 0.

(pg. 238)

COMMITTEE REPORTS:

COMMISSIONERS: None

COUNCIL:

Graham thanked the County employees that must work out in the hot weather, especially those working in law enforcement and the highway department and hope everyone is staying hydrated.

Clark talked about an event that he and County Administrator Jeff Taylor were invited to attend by Sheriff Jeff Siegel and Undersheriff Sean Holmes. They discussed liability for the County and Budgeting among other items. Training for the next generation as they will not have all the years of experience that Undersheriff Holmes has to guide them through the budget process. Clark discussed issues with the Air Conditioning at the jail and the upkeep of maintenance at the County buildings.

Bujalski discussed the departments liaisons for budgeting purposes have done a better job reaching out and letting them know some of the updates so they can be more prepared at budget time.

SHERIFF: None

EDC MATTERS:

Craig Buche/Chris Stager: Consideration and Approval of possible tax phase-ins:

****Cross Trailers, Inc.****

Craig Buche: “To be clear and to correct the following 2 items on the agenda, these requests are not required to have a public hearing at this point, although a public hearing will be required if you proceed with these projects. We certainly are welcome to receive public comment with respect to these projects.”

- 1. For Consideration and Approval of Declaratory Resolution CC-2024-18 for a possible Tax Phase-In (Cross Trailers, Inc.)

Chris Stager presented this request for a possible tax phase-in. He explained the company was founded in Elkhart, Indiana in 2012 and builds a line of specialized work trailers. Stager stated the company plans on investing \$10 million dollars and hiring 20 new employees for an average wage of \$28 per hour. Company President Dustin Miller was at the Council meeting to answer any questions the Council may have.

Clark has a question that is mixed with a statement. We have seen a lot of companies, especially now with the current economy, asking for special consideration even though they committed to a certain number of jobs and the business isn’t going the way they thought. Although the Council does take special circumstances into consideration, we have taken a stronger stance on it if the company doesn’t make the estimated numbers. Then the substantial compliance goes away. He asked Dustin Miller does that makes sense? Miller’s response was “yes it makes sense”, he stated “he was at the last Council meeting and stated it was obvious you have a lot of questions about how much money has been invested and the growth of new jobs. The reality is that is what we are trying to do.”

On motion made to approve the Declaratory Resolution CC-2024-18 (Cross Trailers, LLC.) made by Bujalski and seconded by Yohn, President Stump asked for a roll call vote. The Council members votes are as follows: Bujalski-Aye, Clark-Aye, Graham-Nay, Hess-Aye, Riegsecker-Aye, Yohn-Aye and Stump-Aye with a roll call vote of 6 to 1 the Council approved the Declaratory Resolution CC-2024-18.

(pg. 239-241)

***** GDC, INC.*****

Craig Buche: ******(See explanation and action on request #1.)

- 2. For Consideration and Approval Declaratory Resolution CC-2024-19 for a possible Tax Phase-In (GDC, Inc.)

Chris Stager presented this request for a possible tax phase-in. Cody Troeger, Chief Operating Officer of GDC, went into detail about their expansion plan. Council members had some issues that Phase One would only create 5 new positions. Councilman Riegsecker stated the number of new employees can’t justify the loss of property tax dollars versus the amount of the income tax dollars. Troeger went into detail and discussed their 3-phase plan with the Council. After a lengthy discussion President Stump asked for a motion.

On motion made to approve the Declaratory Resolution CC-2024-19 by Yohn and seconded by Hess, President Stump asked for a roll call vote. The Council member's votes are as follows: Bujalski-Nay, Clark-Nay, Graham-Nay, Hess-Aye, Riegsecker-Nay, Yohn-Aye and Stump-Aye. With a 4 to 3 vote the Council denied the request. The Council asked Troeger to combine the 3 phases of their project and resubmit it at a later date for consideration.

(pg. 242-243)

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. LIT-SPECIAL PURPOSE (#1114)

1. Buildings & Grounds (140) requested \$300,000.00 for funds required to update the jail HVAC controllers.

Jeff Taylor presented this request to the Council.

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

(pg. 244)

B. COMMUNITY CORRECTIONS (#1122)

1. Community Corrections (980) requested \$241.94 to appropriate money from 1122-980-36100 to Void 2-year Dock Checks to send to State of Indiana Unclaimed Property per DOC directive.

Helen Calvin 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 7 to 0 vote.

(pg. 245)

C. CUMULATIVE BRIDGE (#1135)

1. Highway (980) requested \$2,000,000.00 for funds to pay for costs associated with the construction of Bridge 361, carrying Main Street over Christiana Creek in Elkhart. The bridge needs to be replaced.

Charlie McKenzie 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 7 to 0 vote.

(pg. 246)

D. LOCAL HEALTH MAINTENANCE FUND (#1168)

1. Health Department (980) requested \$564.00 for 3 personal service accounts as not enough funds were carried over.

Melanie Sizemore presented this request to the Council.

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

(pg. 247)

Charlie McKenzie presented items E and Item F to the Council. He explained that item E and F were for the same project. McKenzie went into detail about using the Rainy-Day funds for road paving, chip seal, construction and associated costs. Audience member Glenn Null expressed his views on “juggling money,” especially with taxpayer’s dollars out of the rainy-day fund saying “shifting money is very shady.”

E. MOTOR VEHICLE HIGHWAY-RESTRICTED (#1173)

1. Highway (980) requested \$3,000,000.00 for funds to pay for paving, chip seal, construction and associated costs.

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

(pg. 248)

F. RAINY DAY FUND (#1186)

1. Highway (980) requested \$1,500,000.00 for funds for paving, chips seal, construction and associated costs. These funds are to cover the remaining shortfall required to maintain the road network’s condition in 2024.

**(See explanation above) **

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

(pg. 249)

G. LANDFILL OPERATING FUND (#1194)

1. Commissioners (338) requested \$300,000.00 to transfer to 4803 for the following 3 agencies: 1. Center for Community Justice 2. Council on Aging 3. CAPS.

Commissioner Rogers explained that they want to transfer \$300,000.00 out of the Landfill Operating Fund (#1194) to Special Projects (#4803) to donate \$100,000.00 to each of the following agencies: 1. Center for Community Justice 2. Council on Aging and 3. CAPS.

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. 250)

H. SPECIAL PROJECTS (#4803)

1. Commissioners (980) requested \$300,000.00 to appropriate for the following 3 agencies: 1. Center for Community Justice 2. Council on Aging 3. CAPS.

On motion made to approve by Bujalski and seconded by Clark, President Stump as asked for a roll call vote, the Council members votes are as follows: Bujalski- Aye, Clark-Aye, Graham-Aye, Hess-Aye, Roegsecker-Aye, Yohn-Aye and Stump-Aye. With a 7 to 0 vote the Council unanimously carried and approved the request.

(pg. 251,252)

I. LOCAL HEALTH DEPARTMENT TRUST FUND (#1206)

1. Health (981) requested \$793.00 to carry over 2023 funds.

Melanie Sizemore 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. 253)

J. PARK & RECREATION (#1219)

1. Park & Recreation (320) requested \$2500.00 to cover part-time staff wages in account #36500 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 by Yohn and seconded by Clark, the Council unanimously carried and approved the request with a vote of 7 to 0.

(pg. 254)

K. PARK & RECREATION (#1219)

1. Park & Recreation (320) requested \$5,100.00 to cover staff wages in the part-time account to assist with operations at the Six Span Landing as outlined in the agreement with the Commissioners. The \$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 Graham and seconded by Clark, the Council unanimously carried and approved this request with a vote of 7 to 0.

(pg. 255)

L. OPIOID UNRESTRICTED FUNDS (#1238)

1. Commissioners (980) requested \$387,195.32 to upgrade cameras and technology at Community Corrections.

Jeff Taylor presented this request to the Council.

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

(pg. 256)

M. INDIANA TOBACCO PREVENTION AND CESSATION (#9104)

1. Health (981) requested \$175,000.00 for the Tobacco Prevention and Cessation Program in Elkhart County. To build partnerships with Elkhart County School districts to support and implement comprehensive strategies against all tobacco use. To provide prevention and cessation messaging to students and staff to encourage quitting, using the Indiana Tobacco Quitline Cessation resources. To expand youth empowerment and youth activism opportunities. Collect accurate data on tobacco point of sale marketing, price promotions and placements in

Elkhart County. This is the second year of the 2-year grant. Grant Total \$175,000.00.

Melanie Sizemore presented this request to the Council.

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

(pg. 257)

N. HEALTHY BABIES -HOSPITAL PCCS (#9122)

1. Health (981) requested \$507.00 for carryover funds from 2023.

Melanie Sizemore presented this request to the Council.

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

(pg. 258)

Total Appropriations: \$7,971,901.26

TRANSFER REQUESTS REQUIRING COUNCIL ACTION:

A.	LOCAL PUBLIC HEALTH SERVICES-DENTAL (#1161)		
	Health Department (980)		
	From: 44515 Furniture & Fixtures		10,000.00
	To: 43090 Otr. Prof. Services		10,000.00
B.	WIC (#8101)		
	Health Department (312)		
	From: 43200 Otr. Printing		2,100.00
	43510 Maint./Service Contract		1,128.00
	43830 Ed. & Conferences		850.00
	43630 Rent-Office Equip.		292.00
	To: 42195 Otr. Oper. Supplies		4,370.00
C.	INDIANA TOBACCO & CESSATION PROGRAM (#9104)		
	Health Department (980)		
	From: 41330 Wellness		158.00
	41310 Insurance		5,984.00
	41300 FICA		85.00
	To: 43090 Otr. Services		4,100.00
	42090 Office Supplies		500.00
	42195 Oper. Supplies		1,627.00
		Total	6,227.00
D.	IMMUNIZATIONS & VACCINES FOR CHILDREN (#9149)		
	Health (980)		
	From: 43090 Otr. Services		810.00

	43110 Sustance	1,770.00
	43130 Travel	500.00
	43570 Cleaning	295.00
	43570 Tuition	3,730.00
	44510 Otr. Equip.	33.00
	44535 Data Process Hardware	470.00
To:	42380 Capital Supplies	1,862.00
	42180 Medical Supples	3,947.00
	42195 Otr. Oper. Supplies	1,399.00
	42030 Copy Supplies	400.00
	Total	7,608.00
E. JDAI GRANT FUND (#9160)		
Elkhart County Judiciary (980)		
From:	43050 Data Proc. Svcs.	10.00
	43140 Telephone	517.00
	42310 Food	1,008.00
	42350 Program Supplies	525.00
	42310 Food	975.00
To:	42350 Program Supplies	527.00
	43090 Otr. Prof. Svcs.	1,008.00
	43110 Sustanance	525.00
	43090 Otr. Prof. Services	975.00
	Total	3,035.00
	Total Transfers	31,240.00

On motion made to approve transfers by Graham and seconded by Hess, the Council unanimously approved the requests with a vote of 7 to 0.

(pg. 259)

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) QR AMZ Elkhart PROPCO, LLC (formerly AMS 2021 BTS Elkhart, IN. LLC)
CC-2021-29 RE (Amazon)

Chris Stager explained that the company's investment has far exceeded what the estimated amount was and he recommended the company be found in substantial compliance.

On motion made to find the company in substantial compliance by Clark and seconded by Graham, President Stump asks for a roll call vote, the Council members votes are as follows: Bujalski-Aye, Clark-Aye, Graham-Aye, Hess-Nay, Riegsecker-Nay, Yohn-Aye and Stump-Nay, with a roll call vote of 4 to 3, the Council approved the request. (pg. 260,261)

(b) Barletta Boat Company, LLC. CC-2017-21 & CC-2017-15 PP

Chris Stager presented the request to the Council. The Council questioned substantial compliance with the project commitments.

On motion made to find Barletta Boat Company, LLC CC-2017-21 & CC-2017-15 PP not in Substantial Compliance by Graham and seconded by Yohn, President Stump asked for a roll call vote. The Council member's votes are as follows: Bujalski: Aye, Clark: Aye, Graham: Aye, Hess: Aye, Riegsecker: Aye, Yohn: Aye, Stump: Aye. With a roll call vote of 7 to 0 the Council found Barletta Boat Company not in Substantial Compliance.

The Elkhart County Council will hold a hearing on this matter on July 18th,2024 @ 4:00pm in room 104 of the County Administration Building located at 117 N. 2nd St. Goshen, In. 46526.
(pg. 262)

Barletta Boat Company. LLC. CC-2020-13 PP

Chris Stager recommended the Council find Barletta Boat Company, LLC. in Substantial Compliance on CC-2020-13-PP.

On motion made to find Barletta Boats in Substantial Compliance on CC-2020-13 PP by Bujalski and seconded by Clark, President Stump asked for a roll call vote. The Council members votes are as follows: Bujalski-Aye, Clark-Aye, Graham-Aye, Hess-Aye, Riegsecker-Nay, Yohn-Nay and Stump Aye. With a vote of 5 to 2 the Council found the Company in Substantial Compliance on CC-2020-13 PP. (pg. 263,264)

Three Limes, LLC. (Barletta Boat Company, LLC. Operating Entity)
CC-2020-13 RE.

Chris Stager recommended Three Limes, LLC. be found in Substantial Compliance on CC-2020-13 RE

On motion to find Three Limes, LLC. in substantial compliance made by Graham and seconded by Bujalski, President Stump asked for a roll call vote. The Council member's votes are as follows: Bujalski-Aye, Clark-Aye, Graham-Aye, Hess-Aye, Riegsecker-Aye, Yohn-Aye and Stump-Aye. With a 7 to 0 vote the Council finds the company in Substantial Compliance on CC-2020-13-RE. (pg. 265,266)

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

Chris Stager recommended Dynamic Metal, LLC. be found in Substantial Compliance on CC-2017-13 PP.

On motion made by Graham and seconded by Bujalski, the Council unanimously carried and found Dynamic Metals, LLC in substantial compliance on CC-2017-13 PP. (267)

- (d) Detweiler Real Estate, LLC. CC-2019-06 & CC-2019-11 RE
Jomar Machining & Fabricating, INC. CC-2019-06 & CC-2019-11 PP

Chris Stager recommended Detweiler Real Estate, LLC. CC-2019-06 & CC-2019-11 RE and Jomar Machining & Fabricating, INC. CC-2019-06 and CC-2019-11 PP in Substantial Compliance.

On motion made to find Detweiler Real Estate, LLC. CC-2019-06 RE and CC-2019-11 RE and Jomar Machining & Fabricating, INC. CC-2019-06- & CC-2019-11 PP in Substantial Compliance by Yohn and seconded by Graham, the Council unanimously carried and found the companies in Substantial Compliance with a vote of 7 to 0. (pg. 268,269)

- (e) Steel Harbor, LLC. CC-2022-04 RE
Steel Harbor, LLC. CC-2022-04 PP

Chris Stager recommended the Company be found not in Substantial Compliance to the Council on both CC-2022-04 RE and CC-2022-04 PP.

On motion made to find Steel Harbor, LLC not in Substantial Compliance by Yohn and seconded by Riegsecker, the Council unanimously carried and found the company not in Substantial Compliance with a 7 to 0 vote.

The Elkhart County Council will hold a hearing on this matter on July 18th,2024 @ 4:00pm in room 104 of the County Administration Building located at 117 N. 2nd. St. Goshen, In. 46526. (pg. 270,271)

** Vista Building, LLC - CF-1/Real Property Tax Abatement Forms were dropped off in person to the Auditor's Office on Wednesday June 5th,2024, which was not submitted within the stipulated time frame of May 15th per *IC 6-1.1-12.1-5.3(j)*.

- (f) Vista Building, LLC. RE

On motion made to find Vista Building not in Substantial Compliance due to late filing of CF-1 and not accept the CF-1 made by Graham and seconded by Riegsecker, President Stump asked for a roll call vote. The Council member's votes are as follows: Bujalski-Nay, Clark-Nay, Graham-Aye, Hess-Nay, Riegsecker-Aye, Yohn-Nay and Stump-Nay. With a 5 to 2 vote the Council did not approve the motion.

Chris Stager recommended Vista Building, LLC. RE be found in substantial compliance.

On motion made to find Vista Building, LLC. in substantial compliance made by Graham and seconded by Riegsecker and waive the late filing, President Stump calls for a roll call vote. The Council members' votes are as follows: Bujalski-Aye, Clark-Aye, Graham-Aye, Hess-Aye, Riegsecker-Aye, Yohn-Aye and Stump-Aye. With a roll call vote of 7 to 0 the Council found the Company in Substantial Compliance and waived the late filing. (pg. 272,273)

2. Hearing on Travel Lite, INC. CF-1 Forms: Determination of whether the property owner has made a reasonable effort to substantially comply with the Statement of Benefit Forms.

**Company Representative Jaime Timmons was present to represent the company.

- (a) TLRV Properties, LLC (formerly Innovation, LLC.) CC-2014-06 Lot #8 RE
TLRV Properties, LLC (formerly Innovation, LLC.) CC-2014-08 Lot #10 RE
Travel Lite Inc. CC-2017-06 PP

Craig Buche presented the issue to be decided at the hearing:

1. Did the company make a reasonable effort to achieve Substantial Compliance? Was the failure to comply caused by factors beyond their control?

On motion made to find the company did not make a reasonable effort to comply by Graham and seconded by Clark. President Stump called for a roll call vote. The Council members' votes are as follows: Bujalski-Aye, Clark-Aye, Graham-Aye, Hess-Nay, Riegsecker-Aye, Yohn-Aye and Stump-Nay. With a 5-2 roll call vote the Council found the company did not make a reasonable effort to comply. (pg. 274)

Craig Buche:

1. Consideration and Approval of Interlocal Agreement for Osolo Township for funding assistance on the Berry Street Waterline Project in Prairie Creek Run neighborhood.

Craig Buche presented this request to the Council.

On motion made to approve the Interlocal Agreement by Graham and seconded by Bujalski, the Council unanimously carried and approved this request with a vote of 7 to 0. (pg. 275)

2. Interest Rate Review and Consideration of recommendation of County Treasurer, Auditor and County Administrator for the Major Moves Loans.

County Administrator Jeff Taylor and County Attorney Craig Buche presented the recommendation of the County Treasurer, Auditor, and County Administrator of 4.9% on all current County loans and 5.4% on out of County loans.

County Attorney Craig Buche recommended the Council adjust the interest rates on all the Major Moves Loans. Buche recommended a consistent rate for all loans based on current terms and possibly a different rate on future Major Moves Loans.

On motion made by Graham to change the interest rates to 5.2% on all Major Moves Loans, seconded by Riegsecker, the Council unanimously carried and approved the request with a 7 to 0 vote. (pg. 236)

3. Consideration and Approval of Ordinance CC-2024-20 Establishing the 81.128 EECBG Grant Fund (#8198) for the Elkhart County Commissioners Office.

Craig Buche presented this request to the Council.

On motion made to approve Ordinance CC-2024-20 by Graham and seconded by Bujalski, the Council unanimously carried and approved the Ordinance with a 7 to 0 vote. (pg. 276)

4. Consideration and Approval of Ordinance CC-2024-21 additional transfer of \$1.5 million, from the General Fund to the Rainy-Day Fund.

Craig Buche presented this Ordinance to the Council.

On motion made by Graham and seconded by Bujalski, the Council unanimously carried and approved Ordinance CC-2024-21 with a 7 to 0 vote. (pg. 277)

AUDIENCE ITEMS:

Glenn Null discussed his concerns on the last approval of transferring money out of the Rainy-Day Fund and spending it and then the Council approves an ordinance to move money back into the Rainy-Day Fund. (pg. 237)

Pam Keyser thanks the Council for giving her extra time to speak. She spoke on concerns on the Middlebury Project 2033 and the Agenda 21. She discussed the authority and power of redevelopment commissions. She also talked about not being given consideration to speak and voice their opinions at public meetings. A good discussion and suggestions were talked about from the Council members. (pg. 237)

ADJOURN

There being no further business to come before the Council, on motion to adjourn made by Graham seconded by Riegsecker, the Council unanimously carried and approved the adjournment of the meeting at 6:19 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.