

MINUTES
ELKHART COUNTY COUNCIL
September 12th, 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, Council Vice President David L. Hess, Tina M. Wenger, Douglas S. Graham, Randy Yohn, Darryl J. Riegsecker, and Thomas W. Stump.

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

MINUTES: Approval of minutes for August 8th, 2020
Approval of Budget Public Hearing August 25th, 2020

On motion made by Stump and seconded by Riegsecker, the Council unanimously approved the August 8th, 2020 minutes.

On motion made by Graham and seconded by Wenger, the Council unanimously approved the August 25th, 2020 Budget Public Hearing minutes.

COMMITTEE REPORTS:

COMMISSIONERS:

COUNCIL: Wenger on NACO, Letherman on remembering 9/11.

AUDITOR: Pickens gave financial report.

SHERIFF: None

EDC MATTERS:

(a) Premium Rock, LLC

Premium Rock, LLC Representative Terry Ploetz gave a brief presentation this project is slated to create 80 jobs, the company is prepared to spend 4.3 million to real estate improvements and 3.2 million in personal property within the next 4-5 years. He showed samples of products the company produces.

County Attorney Craig Buche explained the details of the project to the Council and asked the Council to proceed with the Public Hearing.

*** Public Hearing ***
**** Premium Rock, LLC. ****

Opened Public Hearing: On motion made by Riegsecker and seconded by Stump to open the public hearing, the Council unanimously carried and approved this request.

President Letherman asks for comments or questions. There was no questions on comments.

Closed Public Hearing: On motion made by Riegsecker and seconded by Stump to close the public hearing, the Council unanimously carried and approved this request.

1. Commitment & Payment Agreement
2. Confirmatory Resolution CC-2020-17

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved the Commitment & Payment Agreement.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approved Confirmatory Resolution CC-2020-17.

(b) CF-1 Compliance Hearing-Innovations, LLC –RE
Travel-Lite-PP

Craig Buche presented this to the Council, as he states Chris Stager of the EDC was unable to attend. Company representative failed to attend the meeting to explain any special circumstances as to why Innovations, LLC and Travel Lite are not substantially in compliance with the details of their Statements of Benefits.

On motion made by Riegsecker and seconded by Hess to find Innovations LLC & Travel Lite in non-compliance and to terminate the tax abatement, the Council unanimously carried and approved the resolution to find Innovations LLC & Travel Lite in non-compliance and terminate the deduction.

(c) The following libraries request a Declaration of Fiscal Body naming the Elkhart County Council as their Fiscal Body that would do any binding budget adoption, the fiscal body is responsible for that binding adoption. I.C. 6-1.1-17-20.3 or 20.4.

1. Terry Rheinheimer-Middlebury Community Public Library
2. Matt Bowers-Wakarusa Public Library
3. Jason Fields- Nappanee Public Library

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

(d) Nappanee Public Library requested the re-appointment of Julie Dijkstra to the Nappanee Public Library Board, 4 (four) year term, term expiring October 1st, 2024.

On motion made by Riegsecker and seconded by Yohn, the Council unanimously carried and approved the re-appointment of Julie Dijkstra.

(e) Bristol Public Library requested the re-appointment of Richard Rice to the Bristol Public Library Board, 4 (four) year term, term expiring October 1st, 2024.

On motion made by Graham and seconded by Stump, the Council unanimously carried and approved the re-appointment of Richard Rice.

HUMAN RESOURCE MATTERS:

Matt Dietz-Information Technology

(a) Information Technology requested to establish a part-time technician rate of \$36/hr. Effective retroactive to 8/10/2020.

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

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#1000)

1. Public Defender (175) requested \$8,500.00 for interpreter fees.

No one from the Public Defender's office was present to explain request to the Council.

Hess explained that in the description for the reason for request didn't match what the money was actually going to be used for. The reason for request states money to be used for translator when the Public Defender's office hired a person out of Superior Court #4 and this request is for a continuation of paying that part-time position.

Riegsecker questioned, the Council had discussed prior that if no one was present to present the Additional Appropriations that they would not be approved.

Commissioner Weirick stated that the new Chief Public Defender had just taken over the office and Council President Letherman stated that this time they would allow it due to his being new.

On motion made by Yohn and seconded by Hess, with a vote of 5 to 2 the Council approved this request. Let the record show Riegsecker and Stump voted Nay to this request.

B. EDIT (#1112)

1. Highway Department (980) requested \$650,000.00 to pay for the following:

1. \$50,000.00 to repair guardrails when damaged in an accident.

Charlie McKenzie explains when an accident occurs, when possible costs are recovered by billing the party responsible and recovered funds are put back into the EDIT fund.

1. \$200,000.00 for funds to purchase right of way and associated costs for the CR 17 multi-use path over US 33.
2. \$400,000.00 for funds to purchase right of way and costs associated for the CR 18, 13 & 115 intersection project.

Charlie McKenzie explained both the CR17 and the CR18/CR13/ CR115 projects are federally funded and will be 80% reimbursed.

On motion made by Graham and seconded by Stump, the Council, approved this request. Let the record show Hess voted Nay.

C. CLERK'S PERPETUATION (#1119)

1. Clerk (980) requested \$5,000.00 for funds to purchase a new copier for Archives and the balance of remodeling project for the Courthouse.

Christopher Anderson explained this request to the Council.

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

D. CLERK'S PERPETUATION (#1119)

1. Clerk (980) requested \$3500.00 for funds needed purchase 6 desk chairs for Superior Court 6, 2 desk chairs for Title IV-D, one desk chair for the Goshen Bookkeeper and one desk chair for the Goshen Chief Deputy.

Christopher Anderson presented this request to the Council.

Stump questions the quantity of chairs the Clerk's office is going to purchase.

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

E. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Commissioners (980) requested \$30,000.00 for overpayment to Command Sourcing for Body Scanners in the amount of \$30,000.00. Refund was received and needed to be re-appropriated.

Jeff Taylor presented this request to the Council.

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

F. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Information Technology (141) requested \$35,000.00 for funds needed for excess hours for the remainder of 2020.

Matt Dietz explained request to the Council.

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

G. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Information Technology (141) requested \$10,000.00 for funds needed for mileage for the remainder of 2020.

Matt Dietz explained this request to the Council.

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

H. CUMULATIVE DRAIN (#1141)

1. Surveyor requested \$30,000.00 for funds to do maintenance on County regulated drains.

Phil Barker explained this request to the Council.

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

I. CUMULATIVE DRAIN (#1141)

1. Surveyor (980) requested \$4,000.00 for funds to do maintenance on County regulated drains.

Phil Barker explained this request to the Council.

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

J. MOTOR VEHICLE HIGHWAY (#1176)

1. Highway (980) requested \$15,000.00 for funds needed for buggy plates, stickers, supplies and to pay Lake City Bank for sales.

Charlie McKenzie presented this request to the Council.

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

K. SOLID WASTE USER FEES (#1194)

1. Landfill (980) requested \$1,523,522.00 to be moved from Solid Waste User Fees/Landfill to Landfill Closure Fund 1194 to 1165.

John Bowers presented this request to the Council.

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

L. SOLID WASTE USER FEES (#1194)

1. Landfill (980) requests \$150,000.00 be moved from Solid Waste User Fees/Landfill to Environmental Special Projects to support Horizon Education Alliance and Ivy Tech Scholarship Program.

John Bowers presented this request to the Council.

On motion made by Stump and seconded by Hess, with a vote of 5 to 2 the Council approved this request. Graham and Riegsecker voted Nay.

M. STORM WATER MANAGEMENT MS4 (#1197)

1. Health Department (340) requested \$100,000.00 to provide funding assistance with the replacement of failing septic systems through the MS4 cost share program to help eliminate illicit discharges into Elkhart's waterways.

John Heiliger presented this request to the Council.

Riegsecker questioned if any of the money is paid back, if interest is charged and how much by the homeowners.

Graham asks if there is a lien against the property in case of non-payment. Heiliger answers all the questions.

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

N. SOUTH BENTON TIF (#4505)

1. Planning & Development (#980) requested \$8,282.00 for reimbursement to the town of Syracuse for sewer and water extension.

Natasha Kauffmann presented this to the Council.

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

O. WESTERN GATEWAY TIF (#4506)

1. Planning & Development (980) requested \$60,417.00 for funds to reimburse landfill for sewer\water project.

Natasha Kauffmann presented this request to the Council.

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

P. MIDDLEBURY AG (#4508)

1. Planning & Development (980) requested \$22,021.00 for funds to refund payments to Conservation Easement to 3 landowners.

Natasha Kauffmann presented this request to the Council.

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

Q. MIDDLEBURY EAST TIF (#4510)

1. Planning & Development (980) requested \$785,580.00 for reimbursement to the Town of Middlebury for sewer and water fees. Middlebury SR13 Sewer Line Project-North Section

Natasha Kauffmann presented this request to the Council.

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

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

1. Planning & Development (980) requested \$700,000.00 for design funds for CR 4 extension/toll road exchange.

Natasha Kauffmann & Charlie McKenzie presented this request to the Council.

Graham questioned self-sustainability on this project.

On motion made by Stump and seconded by Riegsecker with a vote of 5-1 & Letherman abstained, the Council approved this request. Graham voted Nay.

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

1. Planning & Development (980) requested \$32,000.00 for construction funds for water main project in PCR.

Natasha Kauffmann presented this request to the Council.

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

T. NORTH BAUGO TIF (#4512)

1. Planning & Development (980) requested \$12,694.00 for funds to reimburse the Landfill fund for sewer extension project.

Natasha Kauffmann presented this to the Council.

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

U. SR 13 TIF (#4514)

1. Planning & Development (980) requested \$182,750.00 for reimbursement to Grand Design for CR 2 intersection project.

Natasha Kauffmann presented this request to the Council.

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

V. LOVES TIF (#4515)

1. Planning & Development (980) requests \$74,804.00 for reimbursement to Love's for road and sewer improvements.

Natasha Kauffmann presented this request to the Council.

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

W. ENVIRONMENTAL SPECIAL PROJECT (#4803)

1. Commissioners (980) requested \$150,000.00 for funds to support Horizon Education Alliance and Ivy Tech Scholarship Program.

Suzie Weirick presented this request to the Council. Weirick states \$100,000.00 is for Horizon Education Alliance and \$50,000.00 is going to Ivy Tech Scholarship Program. She discusses the benefits of both programs.

Randy Christophel President & CEO of Goshen Health Systems talked in support of the HEA. Discussed specifics of the Apprenticeship Program.

Graham asks if we are talking about Horizon Education Alliance and Ivy Tech together or separately. Weirick states that the 2 programs are connected so that is why they are presenting them together.

Dave Balkin of Ivy Tech discussed the benefits of HEA program and for the Ivy Tech Scholarship program. Balkin stated the scholarship program is for first generation college attendees. Graham asks Balkin to clarify as the summary Balkin sent to the Council stated this program is for first generation immigrant college attendees only. Balkin stated they are focused on immigrant students due to the growing Hispanic population, they are focusing on bi-lingual facility and advisors to help the Hispanic immigrants. Balkin stated they are working with Lippert and that 35% of their work force is Hispanic and they do not have the skill sets they need to be competitive in the job force. Graham is concerned about becoming a magnet. Balkin stated this is not the only scholarship program Ivy Tech offers, but they are targeting the Hispanic population because they are the largest growing concern. Graham stated this is the program you are asking for \$50,000 for. Graham states he has concerns with voting for a program for a specific group versus a program for the community as a whole.

Prosecuting Attorney Vicki Becker spoke on the benefits of HEA and Ivy Tech to our community.

Taxpayer Glenn Null expressed he is not opposed to giving Ivy Tech \$50,000 but he is opposed to giving 100,000 to HEA. He is concerned that we do not know what the future holds and we need to be careful how we are spending taxpayer's money.

Jim Kuhlenschmidt expressed his concern about how this program is funded. He has no issues with the HEA program but does have issues how it is funded. He asked if this is a wise way to spend taxpayer's money. We pay a lot of taxes and most goes to education.

Council member Tina Wenger talked about the need for programs and the benefit to our community. Wenger discussed the amount of money that the County supports other programs and they should be treated fairly. She stated that she is in favor of funding this HEA request under the condition that next year they seek funding elsewhere. She supports both requests.

On motion made by Stump for a roll call vote and seconded by Graham, the roll call votes are as follows:

Letherman-Aye
Hess-Aye
Wenger-Aye
Graham-Nay
Yohn-Aye
Riegsecker-Nay
Stump-Aye

With a vote of 5 to 2, the Council carried and approved this request.

X. JUSTICE PARTNERS ADDICTIONS GRANT (#9146)

1. Court Services (983) requested \$60,000.00 for funds to set-up the 2020-2021 JPAR GRANT.

Ross Maxwell presented this request to the Council.

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

REDUCTIONS: None

TRANSFER REQUESTS REQUIRING COUNCIL ACTION

- A. GENERAL FUND (#1000)
1. Concord Assessor (114)
From: 43650 Rent Copy Machine \$300.00
To: 42110 Gas Diesel, Fuel \$300.00
- B. GENERAL FUND (#1000)
1. Veteran Services (134)
From: 43110 Sust. & Otr. Travel \$600.00
43130 Mileage \$500.00
To: 42195 Otr. Oper. Supplies \$1,100.00
- C. GENERAL FUND (#1000)
1. Superior Court 1(162)
From: 41120 Professional \$21,597.00
To: 43090 Otr. Professional \$21,597.00
- D. HEALTH (#1159)

1. Health (340)		
From: 43510 Main/Service Contracts		\$3,270.00
To: 44540 Data Process. Software		\$3,270.00
E. HEALTH (#1159)		
1. Health (340)		
From: 43090 Other Services		\$2,373.00
To: 44535 Data Processing		\$2,373.00
	Total	\$28,640.00

Judge Stephen Bowers discussed the transfer item C to the Council. Letherman applauded the judge for his letter on the Proposed Combined Courthouse Project.

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

OTHER BUSINESS:

County Attorney Craig Buche presented the following items to the Council:

- (a) Consideration and approval of Interlocal Agreement for RDC mobility study with St. Joseph County.

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

- (b) Consideration and approval of Interlocal Agreement for the RDC sanitary sewer project with the Town of Middlebury.

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

- (c) Consideration and Approval for Interlocal for County fiber project with the City of Elkhart.

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

- (d) Consideration of draft ordinance for dissolution of Elkhart County Solid Waste Management District.

Letherman asks why we are considering closing the district. Hess discusses why the Solid Waste was formed and explains the closing in detail. John Bowers explained the requirements of closing the Solid Waste District.

Attorney Craig Buche explains to the Council that this is just for discussion and Comment. No objections were noted.

- (e) Attorney Craig Buche explained in detail about the Bonds and the project details. Todd Samuelson from Baker Tilly talks about the interest rates, source of revenue and future distributions along with the process.

*****Public Hearing*****

1. Additional Appropriations for bond proceeds and for redemption of existing bonds.

Open Public Hearing: On motion made by Stump and seconded by Riegsecker to open Public Hearing, the Council unanimously carried and approved to open the Public Hearing.

Letherman asks for any questions or comments. No one wishes to speak.

Close Public Hearing: On motion made by Riegsecker and seconded by Stump to close Public Hearing, the Council unanimously carried and closed the Public Hearing.

2. Consideration and Approval of Ordinance CC-2020-22 of the Elkhart County Council authorizing the issuance of bonds to provide funds to pay the costs of the acquisition of real estate and the construction and equipping of Court and other Criminal Justice Facilities and other costs related thereto, and appropriating the proceeds of such bonds.

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved Ordinance CC-2020-22.

3. Consideration and Approval of Appropriation Resolution CC-2020-23 of the County Council of the Elkhart County, Indiana for the bonds redeemed.

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved Resolution CC-2020-23.

AUDIENCE ITEMS

No other Audience members wishes to speak.

BUDGET SECOND READING & ADOPTION:

Second Reading 2021 Budget

First Deputy Auditor Fred Avery presented the second reading of the 2021 Budget. Avery read the approved individual budget totals and reductions previously made by the Council. (Budget Form 4).

2021 Net Tax Levies and Tax Rates

Auditor Patricia A. Pickens read the net amounts of the tax levies and tax rates by funds, using the estimated valuations shown on bottom of the 17-line statement and budget Form 4 for Elkhart County.

2021 Salary Ordinance No. CC-2020-19

County Attorney Denise Davis presented the 2021 Salary Ordinance including non-exempt pay grade ranges, exempt pay grade ranges and part-time hourly employees.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approve the 2021 Salary Ordinance CC-2021-19 as presented and in its entirety.

2021 Recorder's Perpetuation Fund Ordinance-CC-2020-20

County Attorney Craig Buche read Recorder Perpetuation Ordinance-CC-2020-20 as it relates to the 2021 Budget.

Council President Letherman asks for a motion /second to approve the Recorder's Perpetuation Fund Ordinance CC-2020-20 as presented. On motion made by Graham and seconded by Stump, the Council unanimously carried and approved the Recorder's Perpetuation Fund Ordinance CC-2020-20.

2021 Budget, Tax Levies and Tax Rates Ordinance No. CC-2020-18

Letherman asked for a motion/second to adopt the 2021 Elkhart County Budget as presented. On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved this request.

Second Reading and Adoption of Binding Review & 2021 Budget for the Elkhart Public Library.

First Deputy Auditor Fred Avery read budget form 4 for the Elkhart County Public Library CC-2021-21.

Council President Letherman asks for a motion /second to adopt the 2021 Elkhart Public Library CC-2021-21 as presented. On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved the Elkhart Public Library 2021 Budget as presented.

ADJOURN

There being no further business to come before the Council, on motion made by Yohn seconded by Riegsecker, the Council unanimously carried and approved the request to adjourn. The meeting was adjourned at 11:03 am.

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.