

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**April 14, 2018**

The meeting of the Elkhart County Council was called to order by Sheriff Brad Rogers at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were Council President John K. Letherman, Vice President David L. Hess, David E. Foutz, Randall D. Yohn, Tina M. Wenger, Darryl J. Riegsecker and Thomas W. Stump.

Also present were Pauline Graff, County Auditor; Craig Buche, County Attorney; Suzie Weirick, Commissioner; Mike Yoder, Commissioner and Tom Byers, County Administrator.

**MINUTES:** Approval of minutes for February 10, 2018.

On motion made by Riegsecker and seconded by Foutz, the minutes were unanimously approved and adopted. (page 125)

Approval of minutes for March 12, 2018.

On motion made by Riegsecker and seconded by Foutz, the minutes were unanimously approved and adopted. (page 126)

**COMMITTEE REPORTS:**

COMMISSIONERS: Mike Yoder on the beginning of summer paving projects  
COUNCIL: Tina Wenger on AIC meeting attended  
AUDITOR: Pauline Graff on financial update  
SHERIFF:

**EDC MATTERS:**

(a) Update presentation of current EDC projects by Mark Dobson.

Dobson reported a great year for the EDC. Elkhart County is part of a five-county region and 49% of projects and over 50% of jobs created occurred in Elkhart County. He also reported that the website [elkhartcountyworks.com](http://elkhartcountyworks.com) has been very successful with over 200 visits to the website per day of jobs and housing info. He did say that it is difficult to track the progress beyond the website regarding jobs created or housing filled but they plan to work on this. Dobson also answered Letherman's comment that the EDC has received national publicity and is hopeful this results in attraction to our County. Wenger complimented the EDC on their impressive results and questioned a five-year plan. Dobson replied saying that it is difficult to plan with a continued rapid change in economy, but employment and investment will always be a priority.

(b) Consideration of Commitment Agreement and Confirmatory Resolution CC-2018-05 for Winnebago Industries.

Craig Buche explained the changes between the original documents and the documents presented at this meeting. There have been several meetings in the last month with all parties involved that resulted in changes and mutual understanding and agreement. He also reminded the Council that there was a public hearing held in March for this project, however the public would still be allowed to speak on this topic.

Mary Cripe, Town Manager of Middlebury, expressed her thoughts that Middlebury is now more supportive of this project because of the success of the meetings during the last month. Middlebury did not want to be financially responsible for some aspects but those issues have since been addressed and eased hesitation.

Buche pointed out that this project could potentially bring the County approximately \$1.2 million in revenue from TIF over the next 10 years.

Niall Geoghegan, Director of Operations for Winnebago Industries, also commented how well the meetings with Middlebury and the EDC went and is looking forward to a great working relationship with the Town of Middlebury.

Commitment Agreement: On motion made by Wenger and seconded by Riegsecker, the Council unanimously carried and approved the commitment agreement for Winnebago Industries. (page 127)

Confirmatory Resolution CC-2018-05: On motion made by Foutz and seconded by Yohn, the Council unanimously carried and approved the confirmatory resolution for Winnebago Industries. (page 128)

**HUMAN RESOURCE MATTERS:** None

**Harrison Township additional appropriation for \$600,000 for new fire truck**

Kerry Yaw, Harrison Township Trustee, presented this to the Council saying that this was originally requested back in September. Due to paperwork issues, this was not approved initially. Harrison Township needs approval from the Council due to firemen on the board that cannot vote.

On motion made by Stump and seconded by Yohn, the Council unanimously carried and approved the additional appropriation for Harrison Township. (page 129)

## ADDITIONAL APPROPRIATIONS REQUESTS

### NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of Elkhart County, Elkhart County, Indiana, that the proper legal officers will consider the following additional appropriations in excess of the budget for the current year at their regular meeting place at Room 104, 117 N. 2nd Street, Goshen, Indiana, at 8:00 o'clock a.m. on Saturday, April 14, 2018.

#### GENERAL FUND

##### Commissioners

Other Services and Charges 219,544

##### Public Defender

Capital Outlays 11,014

TOTAL GENERAL FUND 230,558

#### LIT - SPECIAL PURPOSE

##### Sheriff

Capital Outlays 525,000

#### CUMULATIVE BRIDGE

##### Highway

Capital Outlays 510,000

#### CUMULATIVE DRAIN

##### Surveyor

Capital Outlays 3,190

##### Surveyor

Capital Outlays 45,000

TOTAL CUMULATIVE DRAIN 48,190

#### MAJOR MOVES CONSTRUCTION

##### Commissioners

Capital Outlays 3,000,000

#### PARK & RECREATION NON-REVERTING

##### Park Department

Capital Outlays 3,054

#### STORM WATER MANAGEMENT OPERATING

##### Commissioners

Capital Outlays 9,600

AUDITOR'S INELIGIBLE DEDUCTION FUND

Auditor

Other Services and Charges 2,465

ALTERNATIVE DISPUTE RESOLUTION

Superior Court No. 6

Other Services and Charges 17,500

MIDDLEBURY SOUTHEAST TIF

Planning and Development

Capital Outlays 100,000

NORTHEAST CORRIDOR TIF

Planning and Development

Other Services and Charges 1,500

ENVIRONMENTAL SPECIAL PROJECTS

Commissioners

Capital Outlays 450,000

PARK & RECREATION DONATION FUND

Park Department

Personal Services 12,000

Capital Outlays 46,464

TOTAL PARK & RECREATION DONATION FUND 58,464

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated: April 4, 2018.

Pauline E. Graff, Elkhart County Auditor

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL FUND (#1000)

1. Commissioners (130) request \$219,544. This money will be reimbursed by the communities in the interlocal agreements at the end of this meeting for Humane Society animal control services for 2018.

On motion made by Yohn and seconded by Stump, the Council unanimously carried and approved this request. (page 130)

2. Public Defender (175) requests \$11,014 to cover purchase of laptops for full-time attorneys in 2017.

On motion made by Yohn and seconded by Riegsecker, the Council unanimously carried and approved this request. (page 131)

#### B. LIT – SPECIAL PURPOSE (#1114)

1. Sheriff (105) requests \$525,000 to upgrade computers and IT system in the jail.

Tom Byers explained that of this request, \$175,000 upgrade to jail video was originally included in the bid for the new juvenile detention center so he suggested reducing this request to \$350,000.

On motion made by Hess and seconded by Yohn, the Council unanimously carried and approved this request for \$350,000. (page 132)

#### C. CUMULATIVE BRIDGE (#1135)

1. Highway (980) requests \$510,000 for the required Federal Bridge Inspection program and the County will be reimbursed up to 80% of the costs.

Tom Byers explained the time frame of inspection of bridges to be inspected in Elkhart County.

On motion made by Riegsecker and seconded by Wenger, the Council unanimously carried and approved this request. (page 133)

#### D. CUMULATIVE DRAIN (#1141)

1. Surveyor (980) requests \$3,190 for maintenance on regulated drains. (page 134)

2. Surveyor (980) requests \$45,000 for maintenance on regulated drains. (page 135)

Phil Barker explained both of these are general maintenance and clean-up.

On motion made by Wenger and seconded by Stump, the Council unanimously carried and approved both requests (1 and 2).

#### E. MAJOR MOVES CONSTRUCTION (#1172)

1. Commissioners (980) request \$3,000,000 to be loaned to the Town of Bristol to allow for construction of the “Bristol Bypass”. Related to the interlocal agreement at end of meeting.

Tom Byers explained this will be similar to another project where all the money was paid back through the TIF. Ron Norman of the Bristol Town Council mentioned the process of INDOT meeting regarding layout and reimbursement and has plans to talk to the state for assistance in funding.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approved this request. (page 136)

#### F. PARK & RECREATION NON-REVERTING (#1178)

1. Park Department (980) requests \$3,054 for park construction project for the Pumpkinvine.

After Glenn Null's question, the Council explained that this is not taxpayer money and that this is money is a reimbursement from INDOT for the Pumpkinvine grant.

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved this request. (page 137)

#### G. STORM WATER MANAGEMENT OPERATING (#1197)

1. Commissioners (980) request \$9,600 for IT equipment in the Soil and Water Conservation District and entire office needs to be updated. Total cost will be split with Cumulative Capital Development Fund.

On motion made by Wenger and seconded by Stump, the Council unanimously carried and approved this request. (page 138)

#### H. AUDITOR'S INEDLIGIBLE DEDUCTION FUND (#1216)

1. Auditor (980) requests \$2,465 tax refund for an ineligible payment. A taxpayer brought proof of homestead eligibility.

On motion made by Wenger and seconded by Foutz, the Council unanimously carried and approved this request. (page 139)

#### I. ALTERNATIVE DISPUTE RESOLUTION (#2200)

1. Superior Court No. 6 (980) requests \$17,500 to pay CAPS for supervised visits.

On motion made by Wenger and seconded by Yohn, the Council unanimously carried and approved this request. (page 140)

J. MIDDLEBURY SOUTHEAST TIF (#4509)

1. Planning and Development (980) requests \$100,000 for CR 37 water line extension. This is a partial payment of the total \$350,000 total project.

Natasha Kauffmann explained this is to improve the water quality and water pressure in a collaborative project headed by the Town of Middlebury with Jayco funding a large sum.

On motion made by Stump and seconded by Foutz, the Council unanimously carried and approved this request. (page 141)

K. NORTHEAST CORRIDOR TIF (#4511)

1. Planning and Development (980) requests \$1,500 for Umbaugh continuing disclosure fee for bond.

Chris Godlewski explained this is an annual fee.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried and approved this request. (page 142)

L. ENVIRONMENTAL SPECIAL PROJECTS (#4803)

1. Commissioners (980) request \$450,000 for a possible infrastructure improvement at the intersection of CR 26 and SR 19.

This request was withdrawn. (page 143)

M. PARK & RECREATION DONATION FUND (#4909)

1. Park Department (980) requests \$58,464 to set up the accounting and continuing maintenance and development of DeFries Gardens.

Dave Foutz explained this fund was set up by the DeFries family to improve and maintain the gardens and is part of the County Parks system.

On motion made by Foutz and seconded by Stump, the Council unanimously carried and approved this request. (page 144)

**REDUCTIONS:**

N. MIDDLEBURY AGRICULTURE TIF (#4508)

1. Planning and Development (980) requests a reduction of \$-2,854.16 due to closeout of project of Middlebury Farm Lab. (page 145)

O. NORTHEAST CORRIDOR TIF (#4511)

1. Planning and Development (980) requests a reduction of \$-150,000. This is a partial reduction of project design of CR 4 reconstruction between CR 15 and CR 17. Developer is paying cost of design and county RDC is paying cost for construction of the roadway. (page 146)

On motion made by Hess and seconded by Stump, the Council unanimously carried and approved the above two reductions.

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION**

|  |                                   |           |
|--|-----------------------------------|-----------|
| A. GENERAL FUND (1000)                             |                                   |           |
| 1. Coroner (107)                                   |                                   |           |
| From   | 43150 Photos                      | 500.00    |
| To   | 44510 Asset Purchase              | 500.00    |
| 2. Court Services (168)                            |                                   |           |
| From   | 42380 Capital Supply Items        | 449.00    |
| To   | 44510 Other Equipment             | 449.00    |
| B. HEALTH (1159)                                   |                                   |           |
| 1. Health Department - CHN (340)                   |                                   |           |
| From   | 43130 Mileage                     | 439.00    |
| To   | 44515 Office Furniture            | 439.00    |
| C. CTP- COMMUNITY CORRECTIONS (4913)               |                                   |           |
| 1. Community Corrections (981)                     |                                   |           |
| From   | 44545 Other Office Equipment      | 13,000.00 |
| To   | 43090 Professional Services       | 13,000.00 |
| D. PUBLIC HEALTH PREPAREDNESS AND EMERGENCY (8119) |                                   |           |
| 1. Health Department (980)                         |                                   |           |
| From   | 42090 Office Supplies             | 312.00    |
| To   | 43090 Other Professional Services | 312.00    |

On motion made by Riegsecker and seconded by Wenger, the Council unanimously carried and approved the above transfer requests A-D. (page 147)

**OTHER BUSINESS**

- (a) Reappointment of Josh Swathwood to the Local Alcoholic Beverage Board. 1 year term, expires 4/14/19.

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved the reappointment of Swathwood to the ABB. (page 148)



- (b) Approval of Conflict of Interest form for Darlene Byland (Wakarusa Public Library Board)

On motion made by Yohn and seconded by Stump, the Council unanimously carried and approved the Conflict of Interest form.

- (c) Approval of Interlocal Agreements for the Humane Society including: Town of Wakarusa, City of Goshen, Town of Middlebury, Town of Bristol and City of Elkhart.

On motion made by Yohn and seconded by Stump, the Council unanimously carried and approved the interlocal agreements. (page 149-153)

- (d) Approval of real estate CF-1 for Vista Building, LLC.

Tom Byers explained that after reviewing the submitted CF-1 forms, that the company has exceeded their projected employment and salary numbers and advised the Council to approve the document.

On motion made by Foutz and seconded by Stump, the Council unanimously carried and approved the CF-1 for Vista Building, LLC.

- (e) Amendment to Interlocal Agreement for Elkhart East Project.

Craig Buche explained this agreement to the Council and the developer's completions.

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved the interlocal agreement with Letherman abstaining. (page 154)

- (f) Interlocal Agreement for Town of Bristol Major Moves Loan.

Craig Buche explained that this follows closely with the additional appropriation and detailed specifics of the agreement.

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved the interlocal agreement. (page 155)

(g) Interlocal Agreement for Town of Middlebury CR 37 water main project with Elkhart County RDC.

Craig explained the agreement specifics and how it is linked to the additional appropriation request.

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried and approved the interlocal agreement for the Town of Middlebury.

(page 156)

### **AUDIENCE ITEMS**

Mary Ann Lienhart-Cross of the Purdue Extension said that 4-H is partially funded by flower sales and is very successful. She also talked about the planting of the quilt gardens in May and making healthier food decisions.

Glenn Null, resident of Goshen, mentioned his opinion for the need for a traffic light at the intersection of SR 15 and CR20 in Jefferson Township.

### **ADJOURN**

There being no further business to come before the Council the meeting was adjourned at 9:46am on motion made by Hess, seconded by Yohn, and unanimously approved by the Council.

Cassie Seminario  
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.