

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**January 14, 2017**

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, Randall D. Yohn, Tina M. Wenger, Darryl J. Riegsecker and Thomas W. Stump. Absent was David E. Foutz.

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

**MINUTES:** Approval of minutes for December 10, 2016.

On motion made by Riegsecker seconded by Stump and unanimously carried, the minutes were approved as received.

**\*\*\*ELECTION OF OFFICERS FOR 2017**

Auditor Pauline Graff assumed the chair and opened the floor for nominations of Officers:

Stump said he would nominate John Letherman for President. Yohn said he would second that motion. Graff asked if there were anymore nominations. . Hess moved to close the nominations and Stump seconded. Graff said that all in favor of retaining John Letherman as President of the Council say Aye, none were opposed and the motion was carried.

Letherman asked for nominations for Vice-President. Stump nominated David Hess for Vice-President. Yohn said he would second that nomination. Letherman asked if there were any other nominations. He then asked if there was a motion to close the nominations. Riegsecker moved to close the nominations and Stump seconded. Letherman asked all in favor Dave Hess as Vice President say Aye, none were opposed and the motion carried.

**\*\*\*PRESENTATION OF PLAQUE TO DAVID ASHE**

**\*\*\*Approval of 2017 Form 144 Extra Duty Pay Council Committee Appointments.**  
**(Page 19)**

**\*\*\*Approval of 2017 Budget Council Department Assignments.**  
**(Page 20)**

**\*\*\*Approval of 2017 Additional Council Department Appointments.**  
**(Page 21)**

On motion made by Stump seconded by Riegsecker and unanimously carried, the Council approved the 2017 Committee Appointments, Department Assignments and Additional Department Appointments.

**COMMITTEE REPORTS:**

COMMISSIONERS: No report  
COUNCIL: No report  
AUDITOR: Review of Financial Report  
SHERIFF: No report

**EDC MATTERS:**

**HUMAN RESOURCE MATTERS:**

**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, January 14, 2017.

GENERAL FUND

Public Defender

Personal Services 53,352.00

EDIT

County Highway

Capital Outlays 335,000.00

Edit

Capital Outlays 400,000.00

Commissioners

Other Services and Charges 27,000.00

TOTAL EDIT 762,000.00

IDOC GRANT

Community Corrections

Other Services and Charges 9,800.00

SALES DISCLOSURE FEES	
<u>Concord Township Assessor</u>	
Other Services and Charges	2,025.00
<u>County Assessor</u>	
Other Services and Charges	25,300.00
TOTAL SALES DISCLOSURE FEES	27,325.00

CUMULATIVE BRIDGE	
<u>County Highway</u>	
Capital Outlays	100,000.00

CUMULATIVE CAPITAL DEVELOPMENT	
<u>Commissioners</u>	
Capital Outlays	126,000.00

CUMULATIVE DRAIN	
<u>Surveyor</u>	
Capital Outlays	54,000.00

CUMULATIVE JAIL	
<u>Commissioners</u>	
Capital Outlays	30,731.00

LOCAL EMERGENCY PLANNING COMMISSION	
<u>Local Emergency Planning Commission</u>	
Supplies	7,275.00
Other Services and Charges	87,075.00
Capital Outlays	21,000.00
TOTAL LOCAL EMERGENCY PLANNING COMMISSION	115,350.00

ENHANCED ACCESS	
<u>Recorder</u>	
Other Services and Charges	30,000.00

COUNTY EXTRADITION	
<u>Sheriff Department</u>	
Other Services and Charges	80,000.00

HEALTH	
<u>BCCP Program Income</u>	
Supplies	6,700.00
Other Services and Charges	2,000.00
Capital Outlays	2,700.00

TOTAL COUNTY HEALTH OPERATING	11,400.00
IDENTIFICATION SECURITY PROTECTION REDACTION FUND	
<u>County Recorder</u>	
Other Services and Charges	15,000.00
LOCAL HEALTH MAINTENANCE FUND	
<u>Health Department</u>	
Personal Services	72,388.00
Other Services and Charges	9,069.00
TOTAL LOCAL HEALTH MAINTENANCE FUND	81,457.00
MAJOR BRIDGE FUND	
<u>Major Bridge</u>	
Capital Outlays	750,000.00
MOTOR VEHICLE HIGHWAY	
<u>County Highway</u>	
Capital Outlays	1,935,055.00
PARK & RECREATION NON-REVERTING CAPITAL	
<u>Park Department</u>	
Capital Outlays	53,000.00
PARK & RECREATION NON-REVERTING OPERATING	
<u>Park Department</u>	
Supplies	73,100.00
Other Services and Charges	66,600.00
Capital Outlays	51,500.00
TOTAL PARK NON-REVERTING OPERATING	191,200.00
AUDITOR'S PLAT BOOK	
<u>Auditor</u>	
Personal Services	47,000.00
Supplies	1,900.00
Other Services and Charges	9,200.00
TOTAL AUDITOR'S PLAT BOOK	58,100.00
STORM WATER MANAGEMENT OPERATING	
<u>Commissioners</u>	
Other Services and Charges	12,923.00
Capital Outlays	136,200.00
TOTAL STORM WATER MANAGEMENT OPERATING	149,123.00

STORM WATER MANAGEMENT OPERATING

County Highway

Capital Outlays 125,000.00

SUPPLEMENTAL PUBLIC DEFENDER SERVICES

Public Defender

Personal Services 22,980.00

SURVEYOR'S CORNER PERPETUATION

Surveyor

Supplies 19,000.00

Other Services and Charges 23,000.00

Capital Outlays 19,000.00

TOTAL SURVEYOR'S CORNER PERPETUATION 61,000.00

LOCAL HEALTH TRUST FUND

Health Department

Personal Services 64,092.00

Other Services and Charges 1,200.00

Capital Outlays 8,085.00

TOTAL LOCAL HEALTH TRUST FUND 73,377.00

AUDITOR INELIGIBLE FUND

Auditor

Personal Services 32,500.00

Supplies 4,500.00

Other Services and Charges 119,250.00

Capital Outlays 5,000.00

TOTAL AUDITOR INELIGIBLE FUND 161,250.00

COUNTY ELECTED OFFICIAL TRAINING FUND

Recorder

Other Services and Charges 9,600.00

ABANDONED VEHICLES

Sheriff Department

Other Services and Charges 4,500.00

LOIT SPECIAL DISTRIBUTION

County Highway

Capital Outlays 335,000.00

SUPPLEMENTAL ADULT PROBATION SERVICES

Court Services

Other Services and Charges 100,000.00

ROAD MAINTENANCE AND CONSTRUCTION

County Highway

Capital Outlays 1,000,000.00

STATE INDOOR RADON GAS GRANT

Health Department Environmental

Supplies 2,000.00

Other Services and Charges 1,000.00

TOTAL STATE INDOOR RADON GAS GRANT 3,000.00

HIV GRANT

Health Department

Supplies 1,925.00

Other Services and Charges 2,600.00

TOTAL HIV GRANT 4,525.00

MATERNAL CHILD AND HEALTH GRANT MCH

Health Department Program Income

Personal Services 370,800.00

Supplies 41,600.00

Other Services and Charges 171,176.00

Capital Outlays 4,750.00

TOTAL MATERNAL CHILD AND HEALTH GRANT MCH 588,326.00

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: January 4, 2017

Pauline E. Graff, Elkhart County Auditor

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL FUND (#1000)

1. Public Defender (175) request for \$53,352 to cover the salary for two full-time Legal Assistant II positions to be hired in January. One position will be in Elkhart Public Defender Office, and one position in Goshen Public Defender Office.

Pete Todd explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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B. EDIT (#1112)

1. Commissioners (980) requests \$27,000 for funds needed for the County contribution for the Center for Business Excellence.

Kyle Hannon from the Elkhart Chamber of Commerce explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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2. County Highway (980) request \$335,000 for funds to transfer to the Rainy Day Fund.

Jeff Taylor explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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3. EDIT (980) request \$400,000 for the December 2016 Major Moves payment.

Jeff Taylor explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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C. IDOC Grant (#1130)

1. Community Corrections (980) requests \$9,800 for additional grant funds for the fiscal year 2017 awarded by IDOC to be used for MRT Instructor Training.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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D. SALES DISCLOSURE FEES (#1131)

1. Concord Township Assessor (114) request \$2,025 for copy machine rent needed for sales disclosure validation and retention.

Kris Rowe explained this request to the Council.

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

2. County Assessor (980) request \$25,300 for funds needed to cover the cost of three copiers, the MLS service used to verify sales disclosures and for the cost for 39 Degrees North to host the website.

Cathy Searcy explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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E. CUMULATIVE BRIDGE (#1135)

1. County Highway (980) requests \$100,000 for the annual request for the 10 year plan for small projects and repairs.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Commissioners (980) requests \$126,000 for funds to pay annual maintenance fee for the GUTS system. Previously paid from the Cumulative Reassessment fund which is no longer available as those funds are now being used for the new assessment software that is being used for property assessment purposes.

Tom Byers explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. CUMULATIVE DRAIN (#1141)

1. Surveyor (980) request \$54,000 for funds needed for maintenance on County Regulated Drains.

Phil Barker explained this request to the Council.

On motion made by Riegsecker seconded by Stump, the Council approved this request. Hess abstained.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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H. CUMULATIVE JAIL (#1142)

1. Commissioners (980) request \$30,731 for funds needed to replace an oven at the Corrections Complex. The Commissioners adopted an emergency resolution on 11/28/2016 as it was not practical to wait until January 2017 to replace the oven which is one of two ovens used to prepare food for 800 plus prisoners.

Tom Byers explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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I. LOCAL EMERGENCY PLANNING COMMISSION (#1152)

1. Local Emergency Planning Committee (980) requests \$115,350 to set up 2017 LEPC Budget.

Mike Pennington explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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J. ENHANCED ACCESS (#1154)

1. Recorder (980) requests \$30,000 for funds needed for a reimbursement to Fidler Technologies for their contracted portion of the expenditures. The fund may also be used for replacement, improvement and expansion of capital expenditures.

Jennifer Doriot explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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K. COUNTY EXTRADITION (#1155)

1. Sheriff Department (980) requests \$80,000 for funds to be made available for the transportation costs relating to returning fugitives to the County to face local charges. and for funds to be available for the education and training of Department Officers.

Brad Rogers explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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L. COUNTY HEALTH OPERATING (#1159)

1. Breast and Cervical Cancer Program Income (614) requests \$11,400 for expenditures of income generated to cover expenses incurred for 2017 and to encourage women to take advantage of the program.

Dr. Nafziger explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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M. IDENTIFICATION SECURITY PROTECTION REDACTION FUND (#1160)

1. Recorder (980) request \$15,000 for funds to pay Fidlar Software System for 2017.

Jennifer Doriot explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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N. LOCAL HEALTH MAINTENANCE FUND (#1168)

1. Health Department (980) requests \$81,457 for setting up the 2017 budget for Local Health Maintenance.

John Hulewicz explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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O. MAJOR BRIDGE (#1171)

1. Major Bridge (980) request \$750,000 for funds needed to pay December 2016 Major Moves payment.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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P. MOTOR VEHICLE HIGHWAY (#1176)

1. County Highway (980) request \$1,935,055 for funds needed to replace two (11) year old boom mower assembly, paving funds for 2017 paving program, funds to replace worn heating and air-conditioning unit and funds for one chassis and three body plow upfits.

Jeff Taylor explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Q. PARK & RECREATION NON/REVERTING CAPITAL (#1178)

1. Park Department (980) request \$53,000 for funds to be appropriated for Park Construction project and Park Master Plan.

Ronda DeCaire explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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R. PARK & RECREATION NON/REVERTING OPERATING (#1179)

1. Park Department (980) requests \$191,200 for funds to set up the 2017 budget.

Ronda DeCaire explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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S. AUDITOR'S PLAT BOOK (#1181)

1. Auditor (980) requests \$58,100 to establish the 2017 budget.

Pauline Graff explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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T. STORM WATER MANAGEMENT OPERATING (#1197)

1. Commissioners (130) request \$149,123 for funds to mitigate a storm water problem at 25998 North Shore Drive, Elkhart. North Shore Drive sits higher than the property and over time the existing drainage was silted full destroying the driveway and drainage system. This request also includes the cost of extending municipal water lines to (8) homes with failing water supplies in the Prairie Creek Run neighborhood. Also, funds will be used for weed control on the St. Joseph River.

Tom Byers explained this request to the Council. Tom Shoff and Bruce Shriner explained the second half of this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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2. County Highway (202) request \$125,000 to fulfill an appropriation previously approved that did not have project numbers, therefore having to re-appropriate the monies. Also, the Storm Water Board, in consolidation with the Regional Sewer District, seeks funds to employ a consultant who will prepare a final recommendation for the type of sewer facility to be built in the Foraker area. Following acceptance of a recommendation, additional action will be required to move to the design phase of the project.

Tom Byers explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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U. SUPPLEMENTAL PUBLIC DEFENDER SERVICES (#1200)

1. Public Defender (980) request \$22,980 for funds needed to cover salary and benefits for Charlene Mabie and Kelsey Bennett who were reclassified from regular part time to full time.

Pete Todd explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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V. COUNTY SURVEYOR'S CORNER PERPETUATION (#1202)

1. Surveyor (980) requests \$61,000 to establish the 2017 budget.

Phil Barker explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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W. LOCAL HEALTH TRUST FUND (#1206)

1. Health Department (981) requests \$73,377 to establish the 2017 budget.

John Hulewicz explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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X. AUDITOR INELIGIBLE DEDUCTION FUND (#1216)

1. Auditor (980) requests \$161,250 for funds to establish the 2017 budget. Also, includes a one-time billing for Lexis Nexis to run the Homestead Application File to look for fraud.

Pauline Graff explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Y. COUNTY ELECTED OFFICIAL TRAINING FUND (#1217)

1. Recorder (980) requests \$9,600 for funds directed toward the training and education of the following elected officials: Recorder, Auditor, Treasurer, Clerk and Surveyor.

Jennifer Doriot explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Z. ABANDONED VEHICLES (#1223)

1. Sheriff Department (980) requests \$4,500 for funds to pay tow bills in relation to abandoned vehicles and to pay for newspaper publications regarding the sale of seized property per court order.

Brad Rogers explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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AA. LOIT SPECIAL DISTRIBUTION (#1229)

1. County Highway (981) requests \$335,000 for funds needed to match funds for Dunlap grade separation study, annual request from (10) ten year plan for small projects and repairs and funds for upgrading signals as needed.

Jeff Taylor explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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BB. SUPPLEMENTAL ADULT PROBATION SERVICES (#2100)

1. Court Services (980) originally requested \$100,000 however, the request was withdrawn.

CC. ROAD MAINTENANCE AND CONSTRUCTION (#4901)

1. County Highway (980) requests \$1,000,000 for Wheel Tax funds for road paving and maintenance.

Jeff Taylor explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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DD. STATE INDOOR RADON GAS GRANT (#8116)

1. Health Department - Environmental (980) requests \$3,000 for funds to increase radon testing by 10% in the county over the previous year.

Dr. Nafziger explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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EE. HIV GRANT (#8124)

1. Health Department (980) requests \$4,525 to spend down the HIV Grant monies.

Dr. Nafziger explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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FF. MATERNAL CHILD AND HEALTH GRANT MCH (#8127)

1. Health Department – Program Income (614) request \$588,326 for funds to set up the appropriations for 2017 Program Income Budget.

Dr. Nafziger explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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**REDUCTIONS:**

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION**

A. CTP - COMMUNITY CORRECTIONS (4913)

1. Community Corrections (614)

From	43090 Professional Services	4,000.00
To	42195 Other Office Supplies	4,000.00

On motion made by Hess seconded by Stump and unanimously carried, the Council approved these requests.

The preceding Emergency Transfer Ordinance was then duly adopted.

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**OTHER BUSINESS**

- (a) Approval of Ordinance No. CC-2017-01. An Ordinance of the Elkhart County Council Encumbering 2016 Funds for 2017 Budget Year.

Graff explained this request to the Council.

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

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- (b) Approval of Interlocal Agreement for Operation and Management of Traffic Signals Under Goshen City Jurisdiction.

Gordon Lord explained this request to the Council.

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

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- (c) Presentation by representative of the Elkhart County Humane Society. They are requesting additional \$30,000 dollars funding from Elkhart County Government.

Ann Reel explained this request to the Council.

- (d) Approval of reappointment of Dan Boecher to the City of Elkhart Economic Redevelopment Commission. Term 2/1/2017 to 1/31/2021.

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

### **AUDIENCE ITEMS**

Glen Null of Goshen expressed his thoughts about county-owned vehicles being replaced by buying new vehicles. He suggested using vehicles that are already previously acquired through various situations, no matter the physical state of the vehicle, instead of spending a large amount to buy brand new vehicles such as dump trucks which can be very costly to the county. He voiced his opinion on the importance of county citizens attending these council meetings and being involved in their community. He also feels that his comments should be better addressed in the minutes of these meetings.

### **ADJOURN**

There being no further business to come before the Council the meeting was adjourned at 9:50 a.m. on motion by Yohn seconded by Riegsecker and unanimously carried.

Anita Mock  
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.

