

MINUTES
ELKHART COUNTY COUNCIL
May 13, 2017

The meeting of the Elkhart County Council was called to order by Sheriff Brad Rogers at 8 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, David E. Foutz, Randall D. Yohn, Tina M. Wenger, Darryl J. Riegsecker and Thomas W. Stump.

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

MINUTES: Approval of minutes for April 8, 2017.

On motion made by Riegsecker and seconded by Wenger, the council approved the minutes and they were added.

COMMITTEE REPORTS:

COMMISSIONERS:

COUNCIL: Tina Wenger on Weights and Measures and Randy Yohn on the Elkhart Area Career Center

AUDITOR:

SHERIFF:

****Presentation by the Elkhart County Convention & Visitors Bureau (ECCVB)****

Terry Mark mentioned the importance and progress of the quilt gardens and plans for the celebration of the 10th Anniversary this year.

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, May 13, 2017.

GENERAL

<u>Commissioners</u>	
Other Services & Charges	30,000
<u>Public Defender</u>	
Other Services & Charges	5,000
TOTAL GENERAL FUND	35,000

EDIT

<u>Commissioners</u>	
Other Services & Charges	207,199

LIT SPECIAL PURPOSE

<u>Commissioners</u>	
Capital Outlays	142,000

CUMULATIVE CAPITAL DEVELOPMENT

<u>Commissioners</u>	
Capital Outlays	41,800

CUMULATIVE DRAIN

<u>Surveyor</u>	
Capital Outlays	20,000

LOCAL ROAD AND STREET

<u>Highway</u>	
Supplies	1,000

SUPPLEMENTAL PUBLIC DEFENDER SERVICES

<u>Public Defender</u>	
Personal Services	67,000

SOUTH BENTON TIF

<u>Planning and Development</u>	
Other Services & Charges	98,033

MIDDLEBURY AGRICULTURE TIF	
<u>Planning and Development</u>	
Other Services & Charges	17,000
MIDDLEBURY SOUTHEAST TIF	
<u>Planning and Development</u>	
Other Services & Charges	18,200
Capital Outlays	100,000
TOTAL MIDDLEBURY SOUTHEAST TIF	118,200
MIDDLEBURY EAST TIF	
<u>Planning and Development</u>	
Other Services & Charges	14,400
ENVIRONMENTAL SPECIAL PROJECTS	
<u>Commissioners</u>	
Capital Outlays	15,000
WEED LIEN COLLECTIONS	
<u>Planning and Development</u>	
Other Services and Charges	243
97.042 2016 EMPG COMPETITIVE GRANT	
<u>Emergency Management</u>	
Supplies	6,361
Capital Outlays	2,000
TOTAL 97.042 2016 EMPG COMPETITIVE GRANT	8,361

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: May 3, 2017.

Pauline E. Graff, Elkhart County Auditor

ADDITIONAL APPROPRIATION EXPLANATIONS:

A. GENERAL FUND (#1000)

1. Commissioners (130) request \$30,000. This appropriation was submitted in response to the Humane Society request earlier this year for an additional \$30,000 for calendar year 2017. The County Commissioners support additional funding for this year.

Tom Byers explained this request to the Council.

Dave Hess suggested that if this would be an item for next year to include this in the budget.

On motion made by Foutz and seconded by Stump, the Council unanimously carried this request and the appropriation was approved. (page 189)

2. Public Defender (175) requests \$5,000 due to an increase in the number of depositions necessary to defend cases. Several depositions scheduled for May and June are more than anticipated and will necessitate additional funds.

Pete Todd explained this request to the Council.

On motion made by Yohn and seconded by Riegsecker, the Council unanimously carried this request and the appropriation was approved. (page 190)

B. EDIT (#1112)

1. Commissioners (980) requests \$207,199 for 2017 contribution to the Economic Development Corporation of Elkhart County.

Tom Byers explained this request to the Council.

On motion made by Hess and seconded by Riegsecker, the Council unanimously carried this request and the appropriation was approved. (page 191)

C. LIT SPECIAL PURPOSE (#1114)

1. Commissioners (980) request \$142,000 to replace dishwashers at the corrections complex.

Tom Byers explained this request to the Council.

On motion made by Yohn and seconded by Riegsecker, the Council unanimously carried this request and the appropriation was approved. (page 192)

D. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Commissioners (980) request \$41,800 to lease vehicles for the last six (6) months of the calendar year 2017. Annual cost in 2018 will be \$82,000. Plan was discussed at the Leadership Summit.

Tom Byers explained this request to the Council.

On motion made by Stump and seconded by Riegsecker, the Council unanimously carried this request and the appropriation was approved. (page 193)

E. CUMULATIVE DRAIN (#1141)

1. Surveyor (980) requests \$20,000 for maintenance on a regulated drain. Surveyor Phil Barker explained this request to the Council.

On motion made by Wenger and seconded by Yohn, the Council unanimously carried this request and the appropriation was approved. (page 194)

F. LOCAL ROAD AND STREET (#1169)

1. Highway (222) requests \$1,000 to replenish the account for 2017.

Jeff Taylor explained this request the Council.

On motion made by Wenger and seconded by Riegsecker, the Council unanimously carried the request and the appropriation was approved. (page 195)

G. SUPPLEMENTAL PUBLIC DEFENDER SERVICES (#1200)

1. Public Defender (980) requests \$67,000 for the increases in pay for attorneys and investigators approved by the County Council on April 8th, 2017 and taking effect on April 16th, 2017. The amount requested is pay from 5/12/17 paycheck through 12/22/17 paycheck for all attorneys and investigators who received increase in their salary.

Pete Todd explained this request to the Council.

On motion made by Yohn and seconded by Riegsecker, the Council unanimously carried the request and the appropriation was approved. (page 196)

H. SOUTH BENTON TIF (#4505)

1. Planning and Development (980) requests \$98,033 for legal fees for establishment of the TIF district and payment to the Town of Syracuse for sewer and water extension along State Road 13.

Laura Coyne and Dave Foutz explained this request to the Council.

On motion made by Foutz and seconded by Stump, the Council unanimously carried this request and the appropriation was approved. (page 197)

I. MIDDLEBURY AGRICULTURE TIF (#4508)

1. Planning and Development (980) requests \$17,000 for refunds to a property owner who participated in the conservation easement.

Laura Coyne explained this request to the Council.

On motion made by Foutz and seconded by Stump, the Council unanimously carried this request and the appropriation was approved. (page 198)

J. MIDDLEBURY SOUTHEAST TIF (#4509)

1. Planning and Development (980) requests \$118,200 for South Middlebury road/corridor study in conjunction with Middlebury, study area around Jayco complex to accommodate bike, buggy, vehicles and trucks and Entryway sign in Southeast TIF in accordance with Middlebury sign plan.

Laura Coyne and Middlebury Town Manager Mary Cripe explained this to the Council.

On motion made by Stump and seconded by Foutz, the Council unanimously carried this request and the appropriation was approved. (page 199)

K. MIDDLEBURY EAST TIF (#4510)

1. Planning and Development (980) requests \$14,400 for the entryway signs for the East TIF district per the Middlebury sign plan.

Laura Coyne explained this request to the Council.

On motion made by Yohn and seconded by Stump, the Council unanimously carried this request and the appropriation was approved. (page 200)

L. ENVIRONMENTAL SPECIAL PROJECTS (#4803)

1. Commissioners (980) request \$15,000 to purchase an access easement to Boot Lake Nature Preserve.

Tom Byers explained this request to the Council.

On motion made by Stump and seconded by Foutz, the Council unanimously carried this request and the appropriation was approved. (page 201)

M. WEED LIEN COLLECTIONS (#6041)

1. Planning and Development (980) requests \$243 for funds received from fines collected from mowed properties that stemmed from complaints.

On motion made by Wenger and seconded by Stump, the Council unanimously carried this request and the appropriation was approved. (page 202)

N. 97.042 2016 EMPG COMPETITIVE GRANT (#8153)

1. Emergency Management (980) requests \$8,361. This grant is 100% IDHS reimbursable for a 5X8 enclosed trailer to be used for CERT/IMT, 25 year shelf life food and water in the event of an emergency and weather radios to pass out as needed to alert citizens of possible weather emergencies.

Randy Yohn explained this request to the Council on behalf of Director Jennifer Tobey.

On motion made by Wenger and seconded by Yohn, the Council unanimously carried this request and the appropriation was approved. (page 203)

REDUCTIONS:

O. CUMULATIVE BRIDGE (#1135)

1. Highway (980) requests a \$13,623.47 reduction due to the completion of the project. The balances will be returned to the Cumulative Bridge Fund.

On motion made by Riegsecker and seconded by Stump, the Council unanimously carried this request and the appropriation was approved. (page 204)

TRANSFER REQUESTS REQUIRING COUNCIL ACTION

A. PUBLIC HEALTH PREPAREDNESS GRANT (8119)

1. Health Department (981)

From	43090 Other Services	80.00
	43130 Travel	68.00
	43110 Sustenance	428.00
To	42195 Operating Supplies	405.00
	42090 Office Supplies	171.00

B. CUMULATIVE CAPITAL DEVELOPMENT (1138)

1. Commissioners (980)

From	44510 Other Equipment	86,998.00
To	46200 Equipment Lease	86,998.00

On motion made by Hess and seconded by Wenger, the Council unanimously carried this request and the transfers were approved. (page 205)

OTHER BUSINESS

(a) Approval of CF-1s for the following businesses:

Alliance Sheets, LLC
Alliance Aluminum Products, Inc.
SMART, LLC
Vista Building, LLC

On motion made by Stump and seconded by Yohn, the Council unanimously carried this request and the CF-1s were approved.

(b) Craig Buche brought three business items to the Council.

Amendment for Interlocal Agreement for Wayfinding Signage Project.

On motion made by Foutz and seconded by Stump, the council unanimously carried this request and the amendment was approved. (page 206)

Interlocal Agreement for State Road 13 Corridor Study

On motion made by Foutz and seconded by Yohn, the Council unanimously carried this request and the Agreement was approved. (page 207)

Agreement for Distribution of Funds

Glenn Null questioned the oversight of the spending and distribution of monies to the Homeowners Association.

On motion made by Foutz and seconded by Yohn, the request was approved with a vote of 4:2; Aye- Hess, Foutz, Yohn and Letherman; Nay- Stump and Riegsecker; Wenger Abstained. (page 208)

AUDIENCE ITEMS

Glenn Null of Goshen mentioned that he feels that Council members should not vote on issues that are beneficial to the Council member. He suggested that since a Council member lives on Simonton Lake, he should abstain from voting on issues pertaining to that area. The Council member then pointed out that it is not his lake, it is a public lake and thus the decision would then benefit all the community using that lake, not just the homeowners. He also pointed out that Council members vote on other community issues that benefit them and everyone else such as road construction, libraries, etc. Vaughn Nickell, the HOA President of Simonton Lake, brought up that since this is a State Lake the residents should not be responsible for enhancing and maintaining a lake that everyone has access to.

Melissa Kauffman of Goshen mirrored Null's thoughts of conflict of interest in regards to the Quaker Trace Multi-Use Path along CR 8 being that a member of the Council is active in the biking community. She also expressed her opinion that some homeowners along the route of the proposed Quaker Trace were misled of the progression of the project. She suggested that the issue be reevaluated. Commissioner Suzie Weirick clarified the current standing of the progress of this plan and how it will affect local homeowners.

Jack Culbertson, a resident of CR 8, spoke of his change of mind about donating his property for this project due to the correspondence, or lack thereof, with Elkhart County. President John Letherman apologized and clarified that the intention of this project was to make it safe, functional and enjoyable for everyone including residents.

Teresa Hartman, a resident of CR 8, said that the layout of the path in relation to her property had changed without her notice and feels that homeowners along the proposed path should be better notified. She feels that the county should send letters to all residents whose property is affected by the plan. Babbette Slaughter presented a petition with thirteen residents along CR 8 who request to reevaluate the plan for this project. She also said that there was a public meeting about the Quaker Trace project, but most of the people who voted in favor of the project were cyclist creating an unfair vote. John then suggested another public meeting to discuss the plan. Commissioner Suzie Weirick again clarified the steps that the County is taking. (page 209)

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:56am on motion made by Hess and seconded by Foutz and unanimously carried.

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.