

MINUTES
ELKHART COUNTY COUNCIL
October 4, 2008

The meeting of the Elkhart County Council was called to order by Undersheriff Julie Dijkstra at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were John K. Letherman, Donald E. Abel, Clarence J. Yoder, Dennis E. Sharkey, Randall D. Yohn, James L. Hartman and David E. Foutz.

Also present were David Hess, County Auditor; Floyd Hindbaugh, Director of Personnel, Tom Byers, County Administrator, Craig Buche, County Attorney; Mike Yoder, County Commissioner.

MINUTES: Approval of minutes for August 9, 2008

On motion made by Yohn seconded by Foutz and unanimously carried, the Council approved the minutes as read for August 9, 2008.

Approval of minutes for Public Hearing, August 26, 2008
Approval of minutes for First Reading, September 8, 2008
Approval of minutes for Second Reading, September 9, 2008

On motion made by Hartman seconded by Yohn and unanimously carried, the Council approved the minutes for Public Hearing, First Reading and Second Reading.

COMMITTEE REPORTS:

COMMISSIONERS: None
COUNCIL: Yohn, Abel, Sharkey, Letherman short reports
AUDITOR: None
SHERIFF: None

PUBLIC HEARING:

The Council will conduct a Public Hearing and consider adoption of a resolution regarding the bonding of Johnson Street Bridge.

Letherman asked for a motion for the public hearing to be opened on the Johnson Street Bridge. On motion made by Sharkey seconded by Hartman and unanimously carried, the Council opened a public hearing on the Johnson Street Bridge bonding.

Buche said the purpose of the Public Hearing is consideration of the Johnson Street Bridge project and the financing with a bond issue. There will be an opportunity for the public to present any comments on this bonding this morning. There have been reports provided to the Council and to the Commissioners dealing with the Johnson Street Bridge and the difficulties that have been found through inspections and the need for making improvements. This morning we will have a report from Jeff Taylor, Manager of Transportation, as well as Curt Pletcher from Umbaugh dealing with financing and the issues that need to be presented formally as part of this

process. The initial funding for the project has been approved by resolution to use the local Major Moves Construction fund for temporary financing until the bond issue is actually approved. Those funds would be repaid the local Major Moves Construction Fund. The balance of the funds would be coming from Major Bridge Fund. Before going forward, Jeff Taylor will explain the scope of the project, the needs at this point, and the reason why the major moves construction fund needs to be reimbursed because of other commitments that have also been made.

Taylor addressed the Council and said that the purpose of this project is to replace the east half of Johnson Street Bridge. The bridge is actually two bridges. The oldest structure is the east half of the bridge and the newer structure is the west half. The east half was constructed with a steel bridge structure underneath the concrete deck and that steel has severely eroded over the years and tens of thousands of dollars have been spent trying to prolong the life of that structure and we are now to the point where it is time to stop. We will be adding to the west side of the current structure rather than trying to work in the limits of the dam area on the east side of the bridge. The replacement of this east side of the bridge cannot wait; there has been significant deterioration in the steel and the concrete deck both to the point where there is a 9 ton weight limit today.

We have a number of commitments in the Major Bridge Fund and this structure is over 200 feet so it can be funded by Major Bridge revenues. We have a number of projects that obligate funds in the ten year plan over the next several years including Johnson Street Bridge, Six-Span Bridge, the Bridge Street Bridge near the hospital, Kercher Avenue Bridge and many surprises that tend to come up along the way. The cost of these commitments exceed the Major Bridge Fund revenues and require us to look at alternative funding sources including Major Moves Fund and we need to think about the Major Moves Fund in terms of the limitations that we have in borrowing up to 75% of that fund. Repairing this structure and the Six-Span Bridge needs are going to take us over the 75%. We need to look at another alternative. Bonding is something we are here to talk about and that is certainly an option. We do need to pay the Major Moves Fund back because we do have the Six-Span Bridge that is out for bid now and we will be receiving bids soon and hope to start that project this fall.

Buche introduced Curt Pletcher from Umbaugh who will present the financial summary for the project as well as the financing. Basically what he is going to cover this morning is a proposed issuance of bonds to finance the Johnson Street Bridge. He is covering the proposed project budget, the repayment structure on the proposed bonds, and then a cash flow back into the Major Bridge Fund. He gave the Council a handout and explained how this funding would work. He said the total estimated project cost and funding we are looking at is a total project cost of \$13,885,000. In that number is a \$1,000,000 contingency that is built into the number. When we look at the financing numbers, the proposed bonds of \$9,800,000 are a maximum amount. And then for additional funding for the project, we are looking at actually using cash on hand out of the Major Bridge fund of \$4,085,000. The proposed bond issue is for a maximum of 20 years and we are looking at a total interest cost on the bond issue of \$6,556,000. The interest rates that we are using are currently higher than the current market. The timing for these bonds to be issued would not be until March of 2009. We are hoping that things have stabilized and rates should hopefully step down by that point in time. The Council has the ability to basically stop

the process until these bonds are actually authorized. You can basically have everything set to issue the bonds and if the market really isn't to a point on the interest rates that the Council prefers, you can put the bonding on hold at that point.

Letherman asked him what he felt would be a go or no go date. Pletcher said the current timetable they are looking at is February, that would be the point when you could start preparing the official statement to issue the bonds and apply for a bond rating. That is when you would start incurring the significant costs for a bond issuance. Pletcher said they would keep the County informed of market developments prior to that.

Pletcher then explained to the Council the repayment structure. He also gave an analysis of the cash flow for the Major Bridge Fund. He said the last item that he would like to mention under House Enrolled Act 1001 for this proceeding under Indiana statute, is a need to provide a listing of the underlying and overlapping debt for the total County and that includes all the taxing units within Elkhart County. We do have copies of that and if anyone would like a copy you are welcome to it. We will leave several copies with the Council so that they can share that with any taxpayer that may be interested in that information.

Buche then explained a timetable to the Council and how this process would proceed if the resolution is approved. At this point he said it would be appropriate to request any public comment. Letherman asked if there was anyone in the audience who wished to speak for or against this proposal. He asked Commissioner Yoder on the Commissioner's thoughts on this action. He said they have two options, pay cash or bond, and the Commissioners felt both options should be kept open. They tend to lean towards bonding unless the market conditions change and by January or February they might change their position. David Ashe asked about the interest rates on the Major Moves account and Hess said there are several different CD's that mature at different times and those are basically between about 2.7% and 3.25%. There is a significant spread right now between what the market is and what we are getting.

Buche then asked if there were any other members of the public that wish to make comments, if not then a formal motion should be made to close the public hearing. On motion made by Sharkey seconded by Hartman and unanimously carried, the Council closed the public hearing.

Buche then explained the resolution that the Council would be signing. He said what is very important for the public and media to understand as indicated in this resolution is that the County currently has a zero debt service levy and this resolution will not create a debt service levy and that this will not increase the levy of the Major Bridge Fund. The project has been planned, financed and structured so that there would not be an increase in the tax rate or tax levy. The County is going to be financing this in accordance with the existing plan and existing funding from those levies. So even though this is coming out of property taxes it is not increasing any of those property taxes by debt or the Major Bridge Fund. The resolution authorizes the publication of the notices that he referred to and the expectation that the County would reimburse the local Major Moves Construction fund with these proceeds, and it ratifies the actions taken previously by the Commissioners, the Council and the Auditor in proceeding with this financing. He asked if there are any questions about the resolution. This is called a preliminary determination and preliminary decision and the Council can stop the procedure if they wish or could postpone it to

later if they wish. Letherman said we are not spending significant amounts on financing until January, and Buche said that is correct. Sharkey said we are not committing to anything; we are just keeping the process moving forward until we decide which direction we want to go.

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved the resolution as presented to them. (Page 429)

PERSONNEL REPORT: Present for the Personnel meeting were Councilmen Dennis Sharkey, Donald Abel, Clarence J. Yoder and Commissioner Frank Lucchese. Floyd Hindbaugh, Director of Personnel presented and explained the following personnel requests:

1. PERSONNEL REQUESTS:

A. County Assessor

1. Request 6% individual rate increase for First Deputy (Thornton), PG6/JF6, from \$1,490.12 to \$1,579.53 effective August 31, 2008. CCPC recommended approval of a 3% increase effective 8/31/08, 4-0.

On motion made by Sharkey seconded by Yoder and unanimously carried, the Council approved a 3% increase effective 8/31/08/.

B. Concord Township Assessor

1. Request exception to policy to waive the two-year requirement to advance to Assessor II level; request starting rate above maximum of hiring rate to \$13.25; and request 6% increase at six months for new employee (McKee). Withdrawn by Concord Township Assessor and Personnel. (Note: This request will be handled through established procedures.)

C. County Clerk

1. Request new position of Legal Assistant 1, PG3/JF1, up to \$11.10/hr. CCPC recommended denial and placed the request on the 2009 priority list of new positions requests, 4-9.

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved the recommendation of the Personnel Committee.

D. Prosecuting Attorney – IV-D Program

1. Request part-time rate of \$12.00/hr. in Fund 001/148/4733 (Docuware project). CCPC recommended approval, 4-0

On motion made by Hartman seconded by Sharkey and unanimously carried, the Council approved this request.

E. Building and Grounds

1. Request to move maintenance person (approved in 2008 budget) from 176-140 to 1-140 effective 8/3/08. CCPC recommended approval.

On motion made by Sharkey seconded by Hartman and unanimously carried, the Council approved this request.

F. Soil and Water Conservation District

1. Reclassification and potential pay increase for Secretary II (Brosius) from PG3/JF1 to Secretary III, PG4/JF1, and from \$13.11 to \$13.50.

2. Request reclassification and potential pay increase for Urban Conservationist (Kauffman) from PG5/JF3 to PG6/JF3 and from \$14.03/hr. to \$14.45/hr.

3. Request reclassification and potential salary increase for Stormwater Coordinator (Kurtz) from PG6/JF6 to PG7/JF6 and from \$1523.97 to \$1569.69 bi-weekly.

4. Request reclassification and potential salary increase for Program Manager (Brown) from PG7/JF7 to PG8/JF6 and from \$1719.16 to \$1770.73 bi-weekly.

CCPC tabled these four requests due to absence of Department Head to present and discuss requests 4-0.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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EDC MATTERS: None

ADDITIONAL APPROPRIATIONS REQUESTS:

Auditor Hess presented the proofs of publication for Notice to Taxpayers of Additional Appropriations to be considered by the County Council at this meeting as appeared in the Goshen News and the Elkhart Truth on September 24, 2008.

Notice is hereby given 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 204, 117 N. 2nd Street, Goshen, Indiana, at 8:00 o'clock a.m. on the 4th day of October, 2008

GENERAL FUND

Sheriff's Department

Personal Services 15,000.00
Other Services & Charges 736,000.00

County Commissioners

Personal Services 37,500.00
Other Services & Charges 765,000.00

Code Enforcement

Supplies	7,000.00
<u>Veteran's Service</u>	
Other Services & Charges	6,000.00
<u>Buildings & Grounds</u>	
Personal Services	8,000.00
Supplies	45,000.00
<u>Personnel & Insurance</u>	
Personal Services	1,000.00
<u>County Extension</u>	
Personal Services	2,406.00
<u>Juvenile Court</u>	
Personal Services	16,000.00
Other Services & Charges	700.00
<u>Superior Court #1</u>	
Personal Services	23,000.00
Other Services & Charges	2,000.00
<u>Superior Court #5</u>	
Personal Services	3,000.00
<u>Superior Court #6</u>	
Personal Services	250.00
<u>Title IV-D Court</u>	
Personal Services	6,075.00
Other Services & Charges	295.00
GENERAL FUND TOTAL	<hr/> 1,674,226.00
 PARK & RECREATION OPERATING	
<u>Park Department</u>	
Other Services & Charges	2,602.00
 COUNTY HIGHWAY OPERATING	
<u>Highway General</u>	
Supplies	125,000.00
 RAINY DAY FUND	
<u>Park Department</u>	
Other Services & Charges	150,000.00
 LOCAL ROAD & STREET	
<u>Road Maintenance</u>	
Supplies	150,000.00
 UNSAFE BUILDING	
<u>Planning & Development</u>	

Other Services & Charges 1,159.00

LOCAL HEALTH MAINTENANCE

Health Department

Other Services & Charges 8,813.00

WIC GRANT

Health Department

Other Services & Charges 2,490.00

PUBLIC HEALTH COORDINATOR

Health Department

Personal Services 2,500.00

COURT IMPROVEMENT PROGRAM

Juvenile Court

Other Services & Charges 6,899.00

Capital Outlays 25,000.00

TOTAL COURT IMPROVEMENT PROGRAM 31,899.00

F.A.C.T. GRANT 2008-1009

Health Department

Personal Services 167,944.00

Supplies 4,200.00

Other Services & Charges 20,600.00

Capital Outlays 7,225.00

TOTAL F.A.C.T.GRANT 199,969.00

ACCIDENT REPORT FEES

Sheriff's Department

Supplies 25,000.00

Other Services & Charges 2,000.00

TOTAL ACCIDENT REPORT FEES 27,000.00

FIREARMS TRAINING

Sheriff's Department

Supplies 70,500.00

CLERK'S RECORD PERPETUATION

County Clerk

Capital Outlays 8,000.00

MISDEMEANANT FUND

Sheriff's Department

Other Services & Charges 175,000.00

SPECIAL CAGIT DISTRIBUTION

County Commissioners

Capital Outlays 45,000.00

CLEAN WATER INDIANA GRANT

Soil & Water Department

Personal Services 39,570.00

Other Services & Charges 430.00

TOTAL CLEAN WATER INDIANA GRANT 40,000.00

HEALTH EDUCATION ASSIST 2010

Health Department

Personal Services 38,905.00

Supplies 5,000.00

Other Services & Charges 5,985.00

Capital Outlays 110.00

TOTAL HEALTH EDUCATION ASSIST 2010 50,000.00

ECONOMIC DEVELOPMENT INCOME TAX

Highway Department

Capital Outlays 450,000.00

NORTHEAST CORRIDOR TIF

County Commissioners

Capital Outlays 160,000.00

CRIMINAL JUSTICE FACILITY

County Auditor

Other Services & Charges 736,000.00

CUMULATIVE DRAIN

Drainage Board

Capital Outlays 165,000.00

REDUCTIONS

LOCAL HEALTH MAINTENANCE

Health Department

Personal Services (8,813.00)

CUMULATIVE DRAIN

Drainage Board

Return unused funds (88,302.39)

ENVIRONMENTAL SPECIAL PROJECTS

County Commissioners

Completed Project #0601 (56,000.00)

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: September 24, 2008

David L. Hess, Elkhart County Auditor

ADDITIONAL APPROPRIATIONS EXPLANATIONS

A. General Fund (#001)

1-a. Sheriff's Department (105) requests \$15,000.00 to fund the S.T.A.R. grant for the fiscal year January 1, 2009 to December 31, 2009.

Bill Fletcher, Fiscal Manager explained these requests to the Council.

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

1-b. The Sheriff also requests \$475,000 to fund the inmate medical costs through 2008 and provide monies to pay expenses over the contract allowance and \$261,000 to pay for inmate feeding through the end of 2008.

A long discussion was held on what fund this \$475,000 should be taken out of instead of the General Fund. Sharkey said he felt we should take this amount out of the Jail CAGIT Fund and the reason is that we do have the money there now and in 2009 we would probably get a small increase in that fund. Fletcher said the request for \$261,000 is to pay for food for inmates through the end of the year. The last week in August we were serving 24,000 meals a week and that includes Work Release and Juvenile Detention. Even though we have a good price of \$1.04 per meal, that still comes up to about \$24,000 a month. Sharkey said he would be in favor of a compromise and take \$475,000 out of Jail CAGIT and \$261,000 out of the General Fund. Hess was asked if that would work and said he said yes.

On motion made by Sharkey seconded by Yoder and unanimously carried, the Council approved reducing this request by \$475,000 and leaving the request for \$261,000 in the General Fund.

2. County Commissioners (130) request \$37,500 for unemployment contribution, \$185,000 for legal services and \$580,000 for Girls & Boys schools for end of second quarter and for all of third quarter in 2008. When the Commissioners pay for the fourth quarter next year, the State will assume those payments.

Tom Byers explained this request to the Council.

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved this request.

3. Code Enforcement (131) requests \$7,000 to cover increased fuel costs through the end of the year.

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

4. Veteran's Service (134) requests \$3,000 for headstones and \$3,000 for burial of soldiers through the end of 2008.

Gary Whitehead explained this request to the Council.

On motion made by Sharkey seconded by Hartman and unanimously carried, the Council approved this request.

5. Building and Grounds (140) requests \$40,000 for supplies, \$8,000 for excess hours and \$5,000 for furnace filters through the remainder of 2008.

On motion made by Hartman seconded by Yoder and unanimously carried, the Council approved this request.

6. Personnel and Insurance (142) requests \$1,000 to pay part-time clerical help through the remainder of 2008.

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved this request.

7. County Extension (145) requests \$2,406 for vacation pay that was due an employee who terminated on 12/31/07 and was paid on 1/18/08.

On motion made by Hartman seconded by Yoder and unanimously carried, the Council approved this request.

8. Juvenile Court (161) requests \$6,000 for attorney fees, \$8,000 for excess hours to cover for ill employee and additional work from State, \$2,000 for part-time help while employee has surgery and radiation and \$700 for travel expense for the Judge to go to committee meeting in Indianapolis once a month.

On motion made by Sharkey seconded by Foutz and unanimously carried, the Council approved this request.

9. Superior Court #1 (162) requests \$10,000 for transcript requests with Public Defender's office, \$5,000 for representation of defendants by the Public Defender's office, \$2,000 for interpreter cases with Public Defender's office representation and \$8,000 for guardian ad litem work directed for Judge Roberts.

Judge Roberts explained this request to the Council.

On motion made by Foutz seconded by Hartman and unanimously carried, the Council approved this request.

10. Superior Court #5 (166) requests \$3,000 for excess hours because of excessive number of jury trials.

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

11. Superior Court #6 (170) requests \$250 to cover a CAPS invoice.

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

12. Title IV-D Court (171) requests \$220 for equipment lease, \$75 for lease interest and \$6,370 to cover clerical PIP's that were not included in budget.

On motion made by Hartman seconded by Sharkey and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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B. PARK & RECREATION OPERATING (#104)

1. Park Department (320) requests \$2,602 for legal service to reappropriate fees that were encumbered in 2007 to pay for legal services rendered in 2007 and billed in 2008. This will give us enough money to pay for the third quarter of 2007.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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C. COUNTY HIGHWAY OPERATING (#112)

1. Highway General (204) requests \$100,000 for truck blades used for snow plowing and \$25,000 for tires for the large trucks.

On motion made by Hartman seconded by Abel and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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D. RAINY DAY FUND (#113)

1. Park Department (980) requests \$150,000 to replenish the working balance of the Park Fund caused by a shortfall of revenue for 2008. The 2008 revenue was shorted by a reduction in the 1782 budget notice due to the shift of the maximum amount of revenue to the General Fund. The DLGF held the work session for both the 2008 and 2009 budget at the same time and we shorted the Park Fund by mistake.

Hess explained this request to the Council.

On motion made by Sharkey to use the Rainy Day fund for this purpose and seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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E. LOCAL ROAD & STREET FUND (#114)

1. Street Maintenance (222) requests \$150,000 for salt for winter weather. In October to December of 2007 we spent \$181,000 on salt and the price is higher this year.

On motion made by Foutz seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. UNSAFE BUILDING FUND (#118)

1. Planning & Development (980) requests \$1,159 to properly abandon the wells and septic tanks for up to six properties abandoned in New Paris.

On motion made by Hartman seconded by Abel and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. LOCAL HEALTH MAINTENANCE (#121)

1. Health Department (980) requests \$8,813 to pay the new employee that is replacing Warren Allender for contractual services.

On motion made by Hartman seconded by Yoder and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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H. WIC GRANT (#127)

1. Health Department (612) requests \$2,490 that was received in excess of the \$971,290 that was requested of the State. The additional funding is to be used to add voice mail to some of the phones at Healthy Beginnings as instructed by the State WIC office.

Jennifer Schrock explained this request to the Council.

On motion made by Hartman seconded by Yoder and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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I. HEALTH PUBLIC HEALTH COORDINATOR (#128)

1. Health Department (980) requests \$2,500 to appropriate funds for the Special Population Survey to be completed by Public Health and used for emergency response purposes.

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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J. COURT IMPROVEMENT PROGRAM (#135)

1. Juvenile Court (161) requests \$31,899 to fund this grant. This money will be reimbursed by the Indiana Supreme Court - Court Improvement Program.

On motion made by Sharkey seconded by Foutz and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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K. FACT GRANT (#146)

1. Prosecuting Attorney (#981) requests \$199,969 to fund the Fact Grant for the fiscal year of October 1, 2008 through September 30, 2009.

Jean Willard explained this request to the Council.

On motion made by Sharkey seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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L. ACCIDENT REPORT FEES (#151)

1. Sheriff's Department (980) requests \$27,000 to fund various accounts for expenses that will be incurred for the remainder of 2008. This request was reduced to 25,000 at the Council meeting because of a lack of monies in this fund.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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M. FIRE ARMS TRAINING (#152)

1. Sheriff's Department (980) requests \$70,500 to provide funds to pay for gas to operate squad cars. Note: This request was reduced to \$35,850. **(This appropriation was withdrawn after the Council meeting by the Auditor.)**

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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N. CLERK'S RECORD PERPETUATION (#173)

1. County Clerk (980) requests \$8,000 to purchase computers.

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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O. MISDEMEANANT FUND (#174)

1. Sheriff's Department (980) requests \$175,000 for the feeding of inmates.

On motion made by Hartman seconded by Yoder and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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P. SPECIAL CAGIT DISTRIBUTION (#176)

1. County Commissioners (980) request \$45,000 for designing of sewer and water extensions to the Ivy Tech site at CR 17 and US 20.

Letherman stated he has a conflict of interest with this request. He asked to be excused and asked Vice President Sharkey to take over the meeting.

Byers explained this request to the Council. The Council had several questions to ask about this request and after a long discussion a motion was made.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Letherman was called back into the meeting to take the chair of President.

Q. CLEAN WATER INDIANA GRANT (#204)

1. Soil & Water (981) requests \$40,000 to establish a budget necessary to process the Clean Water Indiana Region Technician for the grant year October 17, 2008 through October 17, 2009.

Nancy Brown explained this request to the Council.

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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R. HEALTH EDUCATION ASSIST 2010 (#205)

1. Health Department (981) requests \$50,000 for fiscal year 9/1/08 to 8/31/09 for this grant that supports the program of Indiana Women's Diabetes Initiative.

Personal Services	\$38,905.00
Supplies	5,000.00
Other Ser & Chg	5,985.00
Capital Outlays	110.00

On motion made by Yoder seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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S. ECONOMIC DEVELOPMENT INCOME TAX (E.D.I.T.) (#331)

1. Highway Department (980) requests \$450,000 for the following projects:

Project #2821 Signal Upgrades	\$ 50,000
Project #2822 Reconst 38 betw CR15&18	\$300,000
Project #2823 CR16 Betw ECL & CR43	\$100,000

On motion made by Sharkey seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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T. NORTHEAST CORRIDOR TIF (#332)

1. County Commissioners (980) request \$160,000 to be paid to the developer of Project #0802 that was reimbursable from TIF revenues generated from this development only. The developer has already paid his \$160,000 and this request will reimburse him.

On motion made by Foutz seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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U. CRIMINAL JUSTICE FACILITY (#336)

1. County Auditor (980) requests \$475,000 to pay medical expense or the year 2008 and to provide monies for anticipated expenses over cum cap – per contract.

On motion made by Hartman seconded by Sharkey and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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V. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) requests \$165,000 for the following projects:

Project #0829 Fisher-Gordon	\$ 30,000.00
Project #0830 Hahn Tile	\$ 25,000.00
Project #0831 Baugo Creek	\$ 100,000.00
Project #0832 Storm Debris	\$ 10,000.00

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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REDUCTIONS

W. LOCAL HEALTH MAINTENANCE (#121)

1. Health Department (980) returns (8,813) to be used for contractual services.

On motion made by Sharkey seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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X. CUMULATIVE DRAIN (#337)

1. Drainage Board (980) returns (88,302.39) of unused appropriated funds from drainage projects:

Project #0617 Pine Creek	\$ (318.54)
Project #0617 Rock Run Creek	\$ (5,000.00)
Project #0633 Hoke Ditch	\$ 5,000.00
Project #0707 Storm Debris	\$ (4,880.00)
Project #0709 Kieffer Ditch	\$ (3,000.00)
Project #0719 Turkey Creek	\$ (3,850.00)
Project #0801 Leedy Ditch	\$ (475.00)
Project #0803 Fisher-Gordon Ditch	\$ (46.20)
Project #0807 Rogers Ditch	\$ (2,355.00)
Project #0810 Mow/Brush/Grind	\$ (3,313.87)
Project #0814 Horn Ditch	\$ (40,074.79)
Project #0817 Horn Ditch	\$ (19,988.99)

On motion made by Sharkey seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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Y. COUNTY COMMISSIONERS (#541)

1. County Commissioners (980) return (\$56,000) from completed Project #0601.

On motion made by Sharkey seconded by Hartman and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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TRANSFERS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

1. Sheriff (105)

From 4455 Expense of Inmates ----- \$ 1,150.00

To	4539 Other Large Equipment-----	1,150.00
3.Drainage Board (133)		
From	4312 Postage-----	\$ 1,000.00
To	4163 Payroll Appointed Board-----	1,000.00
3.Building & Grounds (140)		
From	4335 Other Equipment Repairs-----	\$ 20,000.00
To	4220 Repair Parts Equipment-----	20,000.00
4.ECADAP (178)		
From	4542 Office Equipment-----	\$ 226.00
To	4259 Capital Supply-----	226.00
B.COUNTY HEALTH OPERATING (#102)		
1.Health Department (340)		
From	4309 Other Services-----	\$ 870.00
To	4305 Computer Services-----	\$ 56.00
C.HEALTH/WIC GRANT (#127)		
1.Health Department (312)		
From	4104 Supervisor-----	\$ 1,400.00
	4105 Professional-----	\$ 1,400.00
	4109 Clerical-----	\$ 5,000.00
To	4217 Medical Supplies-----	750.00
	4219 Operating Supplies-----	3,900.00
	4259 Capital Supplies-----	600.00
	4313 Travel-----	500.00
	4541 Office Furniture-----	1,050.00
	4542 Office Equipment-----	1,000.00
D,PUBLIC HEALTH COORDINATOR (#128)		
1.Health Department (980)		
From	4309 Other Services-----	\$ 8,148.00
To	4190 Miscellaneous-----	8,148.00
E.PRETRIAL INFRACTION DIVERSION (#144)		
1.Infraction Deferral (155)		
From	4541 Furniture-----	\$ 5,000.00
	4542 Equipment-----	\$ 3,000.00
	4545 Data Processing-----	\$ 5,000.00
To	4309 Professional Services-----	10,000.00
	4310 Sustenance-----	3,000.00
F.ELKHART CO. STORM WATER UTILITY MS4 (#320)		
1.Health Department (340)		
From	4304 Laboratory-----	\$ 5,000.00
To	4539 Other Equipment-----	5,000.00
G.CRIMINAL JUSTICE CAGIT (#336)		
1.County Commissioners (980)		
From	4325 Electric-----	\$ 5,000.00
To	4210 Fuel, Diesel-----	5,000.00

On motion made by Hartman seconded by Foutz and unanimously carried, the Council approved these Emergency Transfers.

The preceding Emergency Transfer Ordinance was then duly adopted.

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TRANSFERS NOT REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#001)

Clerk (101)

From - 4312 Postage----- \$ 8,000.00
To ---- 4309 Other Professional Services----- 8,000.00

Auditor (102)

From - 4209 Other Office Supplies----- \$ 300.00
To ---- 4259 Capital Supply Items----- 300.00
From - 4109 Office/Clerical ----- \$ 12,100.00
To ---- 4102 Deputy ----- 2,000.00
----- 4106 Technicians----- 2,100.00
----- 4129 PT ----- 8,000.00
From - 4310 Sustenance----- \$ 115.00
To ---- 4397 Education & conference ----- 115.00

Co. Assessor (109)

From - 4305 Data Processing----- \$ 540.00
To ---- 4309 Other Professionals Services----- 540.00

Recorder (104)

From - 4209 Other Office Supplies----- \$ 15.00
To ---- 4219 Operating Supplies ----- 15.00

Sheriff (105)

From - 4455 Expense of Inmates ----- \$ 13,800.00
To ---- 4333 Uniform Repair ----- 900.00
----- 4309 Other Professional Services----- 12,900.00

County Assessor (109)

From - 4305 Data Processing----- \$ 540.00
To ---- 4309 Other Professional Services----- 540.00

Code Enforcement (131)

From - 4201 Printed Forms ----- \$ 126.00
To ---- 4241 Trainin Materials ----- 126.00

Planning & Development (132)

From - 4312 Postage----- \$ 27.00
To ---- 4392 Subscriptions----- 27.00

Building & Grounds (140)

From - 4327 Water/Sewer ----- \$ 49,000.00
----- 4335 Other Equipment ----- \$ 1,075.00
----- 4330 Building Repair----- \$ 21,000.00
----- 4221 Repair Auto Parts----- \$ 5.00
To ---- 4326 Gas ----- 49,000.00
----- 4324 Vehicle Repair ----- 1,075.00
----- 4337 Clean Custodial----- 21,000.00
----- 4259 Capital Supply ----- 500.00

Microfilm (143)		
From - 4335 Office & Othr Equip Repr-----	\$	300.00
To ---- 4313 Travel Expense -----		300.00
Soil & Water (144)		
From - 4342 Auto Rental-----	\$	100.00
To ---- 4340 Rent Real Property -----		100.00
County Extension (145)		
From - 4241 Training Materials-----	\$	445.00
To ---- 4209 Office Supplies -----		445.00
IV-D Program (158)		
From - 4310 Sustenance-----	\$	1,530.00
To ---- 4309 Other Professional Services-----		1,500.00
----- 4390 Dues -----		30.00
Circuit Court (160)		
From - 4393 Transcripts-----	\$	50.00
To ---- 4390 Dues -----		50.00
Superior Court #1 (162)		
From - 4174 Special Judges -----	\$	300.00
To ---- 4166 Guard Ad Litem -----		300.00
Superior Court #2 (163)		
From - 4216 Household -----	\$	16.00
To ---- 4218 Kitchen & Laundry-----		16.00
Superior Court #3 (164)		
From - 4209 Other Office Supplies-----	\$	26.00
----- 4397 Ed & Conf. Costs-----	\$	115.00
To ---- 4219 Other Operating Supplies-----		26.00
----- 4324 Fees-----		115.00
Superior Court #4 (165)		
From - 4397 Ed & Conf Costs-----	\$	10.00
To ---- 4390 Dues -----		10.00
From - 4396 Change of Venue -----	\$	100.00
To ---- 4394 Lodging & Meals for Jurors-----		100.00
Superior Court #5 (166)		
From - 4145 PT Special & Other Services-----	\$	900.00
To ---- 4129 PT Office & Clerical -----		900.00
Court Services (168)		
From - 4219 Operating Supplies -----	\$	25.00
To ---- 4220 Repair Parts -----		25.00
From - 4215 Clothing-----	\$	15.00
To ---- 4239 Other Repairs -----		15.00
From - 4209 Other Office Supplies-----	\$	2,000.00
----- 4218 Kitchen & Laundry-----	\$	800.00
----- 4313 Travel -----	\$	1,000.00
To ---- 4203 Copy Machine Supplies -----		2,000.00
----- 4217 Medical Supplies -----		800.00
----- 4310 Sustenance-----		1,000.00

Superior Court #6 (170)	
From - 4396 Change of Venue -----	\$ 100.00
----- 4397 Education & Conf. Costs -----	\$ 250.00
----- 4398 Training -----	\$ 250.00
To ---- 4302 Medical -----	600.00
From - 4140 Per Diem Co. Employees-----	\$ 500.00
----- 4145 Other Services -----	\$ 5,000.00
----- 4174 Special Judges -----	\$ 300.00
----- 4176 Witness Fees -----	\$ 200.00
----- 4179 Clerical & Other -----	\$ 1,000.00
----- 4172 Jury Pay-----	\$ 2,000.00
To ---- 4118 Overtime-----	5,800.00
----- 4120 Office & Clerical -----	3,200.00
Title IV-D Court (171)	
From - 4313 Mileage -----	\$ 115.00
To ---- 4390 Dues -----	115.00
Public Defenders (175)	
From - 4321 Liability Ins.-----	\$ 125.00
To ---- 4390 Dues -----	125.00
Work Release Corrections (179)	
From - 4343 Office Equip.-----	\$ 91,607.00
To ---- 4309 Other Professional Services-----	91,607.00
From - 4309 Other Professional Services-----	\$ 18,127.00
To ---- 4310 Sustenance-----	4,000.00
----- 4313 Mileage -----	4,000.00
----- 4314 Telephone -----	4,000.00
----- 4340 Rent -----	2,000.00
----- 4397 Education & Conf. -----	4,127.00
From - 4107 Protective Service Workers -----	\$ 3,000.00
To ---- 4118 Exesss Hours -----	3,000.00
From - 4219 Other Operating Supplies-----	\$ 1,000.00
To ---- 4210 Gas -----	1,000.00
From - 4309 Other Professional Services-----	\$ 9,000.00
To ---- 4349 Rent -----	9,000.00
From 4309	
COUNTY HEALTH OPERATING (#102)	
Health Department (340)	
From - 4319 Other Printing-----	\$ 70.00
To ---- 4324 License and Permits-----	70.00
From - 4209 Office Supplies -----	\$ 100.00
To ---- 4219 Operating Supplies -----	100.00
From - 4331 Repairs/Maintenance-----	\$ 700.00
To ---- 4349 Rent -----	700.00
From 4319 Other Printing-----	\$ 70.00
To ---- 4324 Licenses and Permits-----	70.00
From - 4397 Tuition -----	\$ 25.00

To ---- 4398 Training Programs-----	25.00
EMERGENCY COMMUNICATIONS (#103)	
PSCC (323)	
From - 4326 Gas -----	\$ 1,000.00
To ---- 4327 Water-----	1,000.00
PARK & RECREATION OPERATING (#104)	
Park Department (320)	
From - 4351 Lease -----	\$ 375.00
To ---- 4397 Conf. Fees -----	375.00
From - 4107 Protective Ser. Workers -----	\$ 92.00
To ---- 4154 Unemployment -----	92.00
From - 4244 Special Events -----	\$ 500.00
----- 4339 Other -----	\$ 1,800.00
To ---- 4249 Other Supplies -----	500.00
----- 4309 Professional Services -----	1,800.00
From - 4351 Equipment Lease -----	\$ 135.00
To ---- 4397 Education-----	135.00
From - 4330 Building Repairs-----	\$ 1,000.00
To ---- 4309 Other Professional Services-----	1,000.00
COUNTY HIGHWAY OPERATING (#112)	
Highway Administration (201)	
From - 4305 Data Processing-----	\$ 5,000.00
To ---- 4331 Main Contracts-----	5,000.00
Highway Maintenance (202)	
From - 4233 Calcium Chloride-----	\$ 7,000.00
To ---- 4235 Paint/Centerline-----	7,000.00
From - 4110 Skilled Worker-----	\$ 20,000.00
----- 4127 Law Enforcement-----	\$ 10,000.00
To ---- 4118 Excess Hours-----	20,000.00
----- 4131 PT Service Workers-----	10,000.00
From - 4234 Weed Spray -----	\$ 2,000.00
To ---- 4232 Hardware/Tools-----	2,000.00
Highway General (204)	
From - 4220 Equipment Repair Parts -----	\$ 10,000.00
To ---- 4221 Truck Repair Parts -----	10,000.00
From - 4249 Other Supplies -----	\$ 3,000.00
To ---- 4239 Other Repair Parts-----	3,000.00
From - 4545 Data Process Hardware -----	\$ 3,650.00
To ---- 4539 Other Equipment -----	3,650.00
From - 4220 Equipment Repair Parts -----	\$ 8,000.00
To ---- 4221 Truck Repair Parts -----	8,000.00
From - 4330 Building Repair-----	\$ 13,000.00
To ---- 4339 Repairs to Equipment-----	13,000.00
From - 4211 Hydraulic Oil-----	\$ 5,000.00
To ---- 4220 Repair Parts Equipment -----	5,000.00
From 4210 Diesel Fuel -----	\$ 15,000.00

----- 4531 Motor Vehicles -----	\$ 18,000.00
To ---- 4221 Repair Parts -----	15,000.00
----- 4539 Other Equipment -----	18,000.00
WIC GRANT (#127)	
Health Department (312)	
From - 4153 Insurance -----	\$13,500.00
----- 4209 Office Supplies -----	\$ 425.00
----- 4312 Postage -----	\$ 200.00
----- 4315 Printing -----	\$ 285.00
----- 4325 Electric -----	\$ 345.00
To ---- 4125 PT Professional -----	13,000.00
----- 4154 Unemployment -----	500.00
----- 4203 Copy Supplies -----	425.00
----- 4314 Telephone -----	500.00
----- 4397 Tuition -----	300.00
----- 4309 Other Services -----	30.00
HIV GRANT (#141)	
Health Department (980)	
From - 4310 Sustenance -----	\$ 85.00
To ---- 4397 Tuition -----	85.00
From - 4310 Sustenance -----	\$ 214.00
To ---- 4392 Subscription -----	179.00
----- 4397 Tuition -----	35.00
PUBLIC DEFENDERS SUPPLEMENTAL FUND (#160)	
Public Defender (980)	
From - 4128 PT Paraprofessional -----	\$ 14,000.00
To ---- 4108 Paraprofessional -----	14,000.00
ADULT PROBATION USER FEES (#165)	
Court Services (980)	
From - 4210 Gas -----	\$ 75.00
To ---- 4201 Printed Forms -----	75.00
ASSIST DIABETES GRANT (#205)	
Health Department (980)	
From - 4209 Other Office Supplies -----	\$ 674.00
----- 4219 Other Operating Supplies -----	\$ 2,076.00
To ---- 4203 Copy Machine Supplies -----	2,750.00
From - 4313 Mileage -----	\$ 400.00
To ---- 4397 Educational Conference -----	400.00
From - 4313 Mileage -----	\$ 13.00
To ---- 4314 Telephone -----	13.00
From - 4105 Professional -----	\$ 13,943.00
----- 4150 FICA -----	\$ 980.00
To ---- 4190 Miscellaneous -----	\$ 14,851.00
ELKHART CO. STORMWATER MS4(320)	
Planning & Development (132)	
From - 4105 Professional -----	\$ 500.00

To ---- 4118 Excess Hours-----	500.00
From - 4545 Data Processing-----	\$ 240.00
To ---- 4541 Furniture-----	250.00
From - 4219 Operating Supplies-----	\$ 160.00
To ---- 4259 Capital Supplies-----	160.00
Health Department (340)	
From - 4545 Data Processing Equipment-----	\$ 607.00
To ---- 4539 Other Equipment-----	607.00
Stormwater Utility (980)	
From - 4545 Data Hardware-----	\$ 500.00
To ---- 4539 Capital Supplies-----	500.00
From - 4315 Print Non-Office-----	\$ 100.00
To ---- 4340 Rent Real Property-----	100.00
CUMULATIVE BRIDGE (#335)	
Bridge Maintenance (212)	
From - 4105 Professionals-----	\$ 10,000.00
To ---- 4131 PT Service Maintenance Workers-----	10,000.00
From - 4105 Professionals-----	\$ 10,000.00
----- 4231 Other Materials-----	\$ 700.00
To ---- 4131 PT Service Man-----	10,000.00
----- 4234 Weed Spray-----	10,000.00

OTHER BUSINESS: None

AUDIENCE ITEMS: None

ADJOURN: There being no further business to come before the Council the meeting was adjourned at 10:30 a.m. on motion by Foutz seconded by Yohn and unanimously carried.

Recording Secretary
Kenlyn Arnott

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.