

## **WABASH COUNTY COUNCIL MEETING**

The Wabash County Council met in session on Monday, July 25, 2016 in the Commissioner's Meeting Room of the Wabash County Courthouse. Chairman Mike Ridenour called the meeting to order at 5:00 P.M. Six Council members were present: Ridenour, Randy Curless, Bill Ruppel, Matt Dillon, Jeff Dawes, and Kyle Bowman. Council member Claude Markstahler was absent. Ruppel opened with a word of prayer and Ridenour led in the Pledge of Allegiance. The proceedings of the meeting were recorded by the County Auditor's office.

Chairman Ridenour requested that those present silence their cell phones and stated that all public comments regarding agenda and non-agenda items are permitted and encouraged.

Chairman Ridenour announced to the public in attendance that Amy Ford with the Wabash River Trail had requested to be removed from the agenda. Any comments or questions related to non-agenda items shall be reserved for the end of the meeting.

The first order of business was to approve the minutes of the June 27, 2016 meeting. Dillon made a motion to approve the minutes. Ruppel seconded the motion and it passed by a 5-0 vote. Mr. Bowman did not vote due to his absence from the June meeting and Mr. Markstahler was absent for tonight's meeting.

The next order of business was the approval of a resolution to obtain a loan for reconstruction of the Roy Wertenberger drain. Drainage Board Chairman Barry Eppley stated that the drainage board had held a hearing for all landowners that will be assessed for the reconstruction cost of the project. Ruppel made a motion to approve and sign the Resolution to obtain a loan for the reconstruction of the Roy Wertenberger drain. Curless seconded the motion and it passed by a 4-1 vote with Dillon voting against the motion and Bowman abstaining from the vote. See the resolution below:

### **WABASH COUNTY COUNCIL RESOLUTION NUMBER 2016-85-07**

#### **A RESOLUTION AUTHORIZING A LOAN TO FINANCE RECONSTRUCTION OF THE ROY WERTENBERGER DRAIN #662**

The Wabash County Drainage Board has determined that it will cost up to One Hundred Seventy-Nine Thousand Five Hundred Forty-Five dollars (\$179,545.00) to reconstruct a portion of the Roy Wertenberger Drain.

This cost is an amount that the owners of the land to be assessed may conveniently pay in installments over a five (5) year period.

Having made such determinations, the Drainage Board, under I.C. 36-9-27-97.5, has asked the County Council to obtain a loan from a bank, trust company, savings association, or savings bank authorized to engage in business in Wabash county, to finance such reconstruction, with the interest on the loan part of the final assessment under I.C. 36-9-27-84(a) and, notwithstanding I.C. 36-9-27-85(c), with interest on the loan charged back to the benefitted landowner at a rate that is set in accordance with I.C. 36-9-27-97.5(b).

Any loan obtained under I.C. 36-9-27-97.5: (1) must have a fixed or variable interest rate; (2) must mature within six (6) years after the day it is obtained; (3) shall be repaid from installments collected from assessments of landowners over a five (5) year period; and (4) is not subject to the provisions of I.C. 36-9-27-94 that concern interest.

**IT IS THEREFORE RESOLVED:**

That the Wabash County Council shall obtain a loan in the amount of up to One Hundred Seventy-Nine Thousand Five Hundred Forty-Five dollars (\$179,545.00) to reconstruct a portion of the Roy Wertenberger Drain, with interest on the loan as part of the final assessment under I.C. 36-9-27-84(a), and notwithstanding I.C. 36-9-27-85(c) with interest on the loan charged back to the benefitted landowner at a rate that is set in accordance with I.C. 36-9-27-97.5(b).

Dated this 27<sup>th</sup> day of July, 2016.

WABASH COUNTY COUNCIL  
Mike Ridenour, Chairman

Attest: Linda Conrad, Auditor

The next order of business was to address the Additional Appropriation requests. Present for the requests were: County Sheriff Bob Land, County Planning Director Mike Howard, Health Board Chairman Keith Walters, and Health Dept. Environmental Sanitarian Jennifer Scott.

**ADDITIONAL APPROPRIATIONS**  
**ORDINANCE #2016-07**

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; NOW, THEREFORE:

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2016 the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

**COUNTY GENERAL FUND- #1000**

	<u>Amount</u> <u>Requested</u>	<u>Amount</u> <u>Appropriated</u>	AYE	NAY
Planning Department Office Supplies #1000-2100.000.0022	\$1,000.00	\$1,000.00	6	0

Explanation: Submitted by Mike Howard, Plan Director: The initial amount budgeted for 2015 & 2016 was reduced. Printing has increased this year for permits, meetings, mapping and especially new ordinance draft reviews. Printer takes 4 toner cartridges at approximately \$200.00 per cartridge.

Dawes made a motion to approve the request for an additional appropriation. Curless seconded the motion and it passed by a 6-0 vote.

	<u>Amount Requested</u>	<u>Amount Appropriated</u>	AYE	NAY
Sheriff's Department Garage & Motor Supplies #1000-22500.000.0005	\$12,541.99	\$12,541.99	6	0

Explanation: Submitted by Sheriff Bob Land: Requesting an insurance reimbursement (revenue) be appropriated to pay for vehicle repairs that resulted from a pursuit.

Ruppel made a motion to approve the request for an additional appropriation. Dillon seconded the motion and it passed by a 6-0 vote.

**Land reported that the department's chief deputy has retired and so he is currently lacking three officers. He stated that the current inmate population is 86 inmates in the Wabash jail, 48 in Miami County, and 6 in Elkhart County jail with an average population of 132 inmates. Council member Dawes reported on a discussion with State representative Dave Wolkins regarding funding assistance for the changes made in the criminal codes which have resulted in more county costs. Wolkins indicated that a committee has been appointed to re-visit funding assistance at the next session of the Legislature.**

	<u>Amount Requested</u>	<u>Amount Appropriated</u>	AYE	NAY
Veteran Service Officer Office Supplies #1000-22500.000.0005	\$25.00	\$25.00	6	0

Explanation: Submitted by Veteran Service Officer Sam Daughtery: This money was donated to the Vet Service office from Mutual Bank employees' contributions for being allowed to wear jeans on Fridays. Bank employees donate the contribution to non-profit organizations of their choice. Requesting that this revenue be appropriated into the office supplies account since account balance is so low.

Ruppel made a motion to approve the request for an additional appropriation. Dillon seconded the motion and it passed by a 6-0 vote.

#### **LOCAL HEALTH TRUST FUND- #1206**

	<u>Amount Requested</u>	<u>Amount Appropriated</u>	AYE	NAY
Equipment #1206-40421-016.0000	\$15,750.00	\$15,750.00	6	0

Explanation: Keith Walters, Health Board Chairman and Environmental Sanitarian Jennifer Scott explained: This is the price for a web-based environmental Digital Health Department System (DHD) for health departments to track septic & food records and permits, meth reports and past and present complaints, etc. and will be public accessible. The data base is accessible from their portable ipads in the field. The program can be expanded into many areas. Approved by the Health Board on 4/26/16.

Council member Bowman asked if past health records would be accessible on the program. Environmental Sanitarian Jennifer Scott replied that past records will be added to the program as she can get them entered.

Dillon made a motion to approve the request for an additional appropriation. Ruppel seconded the motion and it passed by a 6-0 vote.

### COUNTY HEALTH FUND- #1159

	<u>Amount Requested</u>	<u>Amount Appropriated</u>	AYE	NAY
Contractual Services/Maintenance Fee #1159-30650-000.0000	\$ 3,500.00	\$ 3,500.00	6	0

Explanation: Submitted by Health Officer David Roe: Annual maintenance fee for the DHD environmental system to be purchased from the Local Health Trust Fund. Approved by the Health Board on 4/26/16. Health Board Environmental Sanitarian Jennifer Scott stated that this expense has been included in the proposed 2017 Health budget and that some current contractual services can be eliminated from the account expense as a result of the new system.

Dillon made a motion to approve the request for an additional appropriation. Dawes seconded the motion and it passed by a 6-0 vote.

**Presented to the Wabash County Council, read in full and adopted this 25rd day of July, 2016 by the above aye and nay vote. The Auditor was directed to present the above additional appropriation to the Department of Local Government Finance for approval as provided by law.**

In other business, Council members made no changes to the 2017 Budget Hearing dates as advertised at the beginning of 2016. They did agree to change the August 22<sup>nd</sup> meeting date to August 29<sup>th</sup> so that all members could be in attendance at a meeting to address civil unit reviews in order to comply with the fiscal body's requirement to review and give their recommendation concerning the estimated property tax levy limits and the estimated reductions due to circuit breakers for each local taxing unit. This review will serve as a replacement of the non-binding reviews with no local officials required to attend the meeting unless Council has questions about a specific budget.

The next order of business was a Public Hearing for the re-establishment of the Cumulative Capital Development Fund. Chairman Ridenour opened the public hearing and read excerpts of a Council memo from Attorney Downs regarding the history of the fund's original establishment with no specific rate and then he reviewed the rates of the fund from past years and the current rate of .0164. He also mentioned that the proposed rate for re-establishment was advertised in the papers at \$2.00 which was an error and was much too high. Attorney Steve Downs explained that the Cumulative Capital Development Fund is not a new fund but the hearing is required to designate a specific rate to levy enough money for the fund each year. Commissioner Haupert stated that the CCD Fund had in the past been established by the Commissioners but research has shown that the Council must establish the Fund. He stated that the cash balance has been decreasing in the last few years and that there needs to be a certain amount of money raised each year to fund the budget. The cash balance, budgeted appropriations and the remaining budgeted projects for the current year and the proposed 2017 budget of the CCD Fund were reviewed with the Commissioners.

**Council members commented on the proposal:**

Dawes stated that he understood that the re-establishment could be an opportunity to raise funds for a future jail complex, not just for what is budgeted. The reason for building up the CCD Fund would be to assist with jail costs. If the jail doesn't come to pass, then the CCD rate could be lowered again.

Curless agreed that was his understanding also.

Dillon had questions about the distribution of the tax revenue according to each levied fund. If we raised the rate, would this take levy from other funds?

Ridenour stated that he had no knowledge of using the CCD Fund to assist with jail costs. He stated that he would like to use unexpended fund balances from the current year to save for a new jail rather than increasing a tax rate.

Dawes stated that the General Fund has needed to borrow from other funds to get by until the next tax draw each year and because of that, no money can be set aside because the loan must be repaid. He stated that he would like to see us work our way out of this situation even though it could take some time.

Ridenour stated that many counties borrow from other funds until the tax draw comes and we have traditionally borrowed from a fund that could afford the temporary loan with no negative effect. Why raise a tax if money can be used temporarily? He also suggested possibly increasing the Line 11 Operating Balance on the 4B budget form of the General Fund's budget but it would be at the expense of the fund budget. There would need to be cuts from the budget in order to raise more operating balance.

Ruppel stated that the CCD fund's rate has slowly been declining and less and less is coming in and more is being spent on projects. He stated that the DLGF is suggesting on a memo just received by the Auditor's office that the rate be established at .0225. He said that we are currently at the lowest rate we can levy.

Commissioner Hauptert stated that some of the line items in the CCD Fund were formerly budgeted in the General Fund and the Commissioners have for years intended for CCD money to be set aside for a future jail complex. He stated that the Board of Commissioners met with financial advisors concerning a future jail complex and the options to fund the project and that the CCD Fund could assist with some of the project's costs.

Ridenour suggested a joint meeting of the officials and public meetings to discuss the project and the funding options.

**The Chairman opened the discussion for public comments:**

Christa Stroup: Isn't there some other way to construct a jail without using property taxes in order to include a broader tax base besides just property taxpayers.

Ridenour suggested that the LOIT Public Safety income tax could be used for this purpose but at the expense of other needs because of unfunded mandates from the State.

Ruppel also stated that there are two possible jail complex funding options; property tax referendum or a sales tax. He explained that if the jail overcrowding situation is not addressed, the State and the Courts can mandate and decide the funding of the entire project so we must show an attempt to address the situation. One lawsuit could cost the county more than a new jail. We need to allow the public to decide

where they want to go with this project but we must retain local control or the State will mandate the solution. We also must deal with declining incomes in the County and so we can't drive taxes too high.

Doug Burns: "Sales tax is the way to go because of the increase in tourism, possibly a food & beverage tax; not property tax or income tax.

Ruppel: Sales Tax would need to be passed by the State legislature but this Council is open to all options. Ridenour: Would need to review other taxes used for economic development.

Chastity Mota: Property taxes are going to be increasing again so County needs to be spending less and "tighten belt" when the economic times demand it. Government needs to make sacrifices.

Ridenour: We have to fund unfunded mandates such as the changes in the criminal codes resulting in greatly increased inmate costs. Explained the levy freeze and the thawing of the levy and the resulting situation. Among the property tax levied, Wabash County is among the lowest.

Mike Enyeart: What is reason for more inmates? Schools need to be educating our youth against drugs, would be cheaper. This drug situation is scary.

Sheriff Bob Land explained that 47% of inmates are incarcerated because of drugs. We have 4<sup>th</sup> and 5<sup>th</sup> grade drug education programs in the schools.

Councilman Ruppel explained the changes in the criminal codes and the resulting increase in inmate housing costs. State legislators claim to be working on returning money to local government to offset the costs, but we've seen no reimbursement.

Paul Lewis: Commended Council and Sheriff Land for good job being done, but he requested that tax dollars be spent wisely and spent locally.

Brian Rasmussen: Would the CCD Fund tax rate be increasing every 6 months or every year?

Chairman Ridenour stated that the rate would be levied annually but within the maximum levy allowed.

Mary Moore: Would money raised for a new jail stay within a certain fund or could the money be used elsewhere?

Chairman Ridenour stated that this could be changing depending on the vote of the Council and whether or not this increased rate is approved.

Commissioner Givens stated that the proposed increase in the tax rate would only raise \$40,000-\$50,000.

Marsha Short: Stated that she is against the bike trail and against a new jail. Would rather see money raised for a drug abuse rehabilitation center in order to deal with the drug problem instead of building a new jail. The City and County needs to form committees to work together to find solutions.

Bill Eppley: Questioned that the levy would be against all "real & personal property" wording in the CCD Fund advertisement. Deputy Auditor Shepherd explained that both real estate/house and grounds and personal property/equipment would be used as the tax assessment for the CCD Fund's tax rate just as you currently pay on your tax statement.

After hearing no other public comment, Chairman Ridenour closed the public comments and the public hearing. Ridenour stated that the Council has three

options: Council can take no action, Council can adopt a higher rate or the maximum rate, or Council can adopt a lower rate. There was no motion to make a change in the CCD rate so the rate will remain the same at .0164 for 2017 and beyond unless the rate is re-established.

Councilman Bowman stated that Council needs to carefully study Line 11 of the 4B budget forms for each tax-rated fund during the upcoming 2017 budget hearings.

Council reviewed:

June 2016 Auditor & Treasurer Financial Reports

June 2016 Wabash County Solid Waste Management District Income & Expense Statement

With no other business to come before the Wabash County Council, the meeting was adjourned. The next meeting is scheduled for August 29, 2016.

**The following individuals also attended the July 25th Council meeting:**

*\*If any names are spelled incorrectly, we apologize.*

Chief Deputy Auditor Marcie Shepherd, Deputy Auditor B.J. Grube, County Commissioners; Barry Eppley, Brian Hauptert, and Scott Givens, Attorney Steve Downs, Attorney Mark Frantz, County Surveyor Cheri Slee, Purdue Extension Director Teresa Witkoske, County Treasurer Sharon Shaw, Bonnie Corn, Louella Krom, Paul Lewis, Willis Hicks, Brain Rasmussen, Marcia Short, Jordan Tandy, Carrie Mugford, Philip Dale, William Eppley, Laura Eppley, Doug Burns, Barry Story, Mike Enyeart, Dan Miller, Mary Moore, Teresa Bunnell, Barrie Bunnell, Chastity Mota, Lorissa Sweet, Kelli Sailors, Scott Sand, Kent Dyson, Wabash Plain Dealer reporter Mackenzie Klemann, and The Paper reporter, Emma Rausch.