

Monday

May 5, 2003

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WHEREAS, certain extraordinary emergencies have developed since the adoption of the existing annual budget, so that it is now necessary to appropriate more money than was appropriated in the annual budget. NOW THEREFORE, to meet such extraordinary emergencies:

Sec.1. BE IT ORDAINED (RESOLVED) by the County Council of DeKalb County, Indiana, that for the expense of said municipal corporation the following sums of money are hereby herein specified, subject to laws governing the same:

		AMOUNT REQUESTED	AMOUNT APPROVED	VOTE	
				AYE	NAY
<u>ADDITIONALS</u>					
<u>Highway (0200)</u>					
Dust Control (75.30004)	JoofDVW Apprv'd 11/26/03	\$ 85,000.00	<u>85,000</u>	<u>7</u>	<u>0</u>
<u>Cumulative Bridge (2500)</u>					
Small Bridge Structure Study (99.25110)	KC/gm	\$ 50,000.00	<u>50,000</u>	<u>7</u>	<u>0</u>
<u>TRANSFERS</u>					

ADOPTED THIS 5TH DAY OF MAY, 2003

<u>NAY</u>	<u>AYE</u>
	Robert White
	David Spence II
	Donald E. Van Wye
	James Ordway
	Larry Moughler
	Reis Smiley
	Keith A. Crow

ATTEST:

Sharon H. Hayes
Secretary of Appropriating Body

COUNCIL MINUTES - MAY 5, 2003

MATTER OF MINUTES

A motion by Don Van Wye to approve the minutes of April 7th was seconded by Ben Smaltz and carried.

MATTER OF DUST CONTROL

A motion by Janet Ordway to approve an \$85,000 additional appropriation from Local Road and Street Fund for calcium chloride for dust control on gravel roads was seconded by Don Van Wye and carried.

MATTER OF CUMULATIVE BRIDGE

A motion by Keith Crow to approve a \$50,000 appropriation in the Cumulative Bridge Fund for the study of small structures was seconded Larry Moughler. This study is comparable to the bridge study done on large structures except these are smaller pipes, which often involve ditches and drains. DeKalb County is highly rated for maintaining all of it's bridge structures.

MATTER OF SHERIFF'S RETIREMENT FUND

Elaine Beaty of McCreedy and Keen explained the need for additional funding for the sheriff's retirement fund. Due to the economy, fluctuation of interest rates and failure to due well with investments, there will be a shortfall of \$39,005 to fund the entire 2003 budget year for the fund. The retirement fund was established in 1972 under the Merit Act, and has flourished up until 2000 when interest rates began to fall and the plan barely broke even. Investments and interest rates in 2001 at -5.3 and 2002 at -5.5 have brought the fund to this negative balance for 2003. The trustee for the fund is The First Federal Savings Bank of Huntington, and Morgan-Stanley is the investment company. Recommendations are presented to the sheriff and county merit board for approval, before investments are made.

Councilman Wilder turned the meeting over to Vice-president Yarde at this time.

A motion by Keith Crow to approve Ordinance 2003-5 for amended Sheriff's fees on all three readings was seconded by Ben Smaltz and carried.

COUNTY CODE SECTION 11-4-2-1 DEKALB COUNTY COMMISSIONERS DEKALB COUNTY COUNCIL ORDINANCE NO. 2003-5 AMENDED SHERIFF'S FEES

WHEREAS, the DeKalb County Commissioners are responsible for the executive operation of County government in DeKalb County, Indiana;

WHEREAS, the DeKalb County Council is responsible for the fiscal decisions of DeKalb County, Indiana;

WHEREAS, the DeKalb County Commissioners implement the legislative function and the DeKalb County Council implements fiscal functions of DeKalb County, Indiana;

WHEREAS, pursuant to the Indiana Home Rule Statute in Indiana Code Section 36-1-3, the DeKalb County Commissioners and the DeKalb County Council are empowered to exercise

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such powers that are not specifically denied them and may be necessary for efficient operation of county government;

WHEREAS, the DeKalb County Commissioners and DeKalb County Council approved Ordinance 98-9 establishing Sheriff Fees for the DeKalb County Sheriff; and

WHEREAS, the DeKalb County Sheriff desires to amend Ordinance 98-9 to change certain fees established in DeKalb County Ordinance 98-9;

NOW, THEREFORE, BE IT ORDAINED, that

SECTION 1: **EFFECTIVE DATE:** This Ordinance shall become effective after passage of the third reading as adopted by the DeKalb County Commissioners and the DeKalb County Council and the publication of this Ordinance thereafter as required by law.

SECTION 2: **SCHEDULE OF FEE:** A Schedule of Fees shall be charged by the DeKalb County Sheriff's Office as allowed under the Indiana Home Rule Statute in Indiana Code Section 36-1-3 for services furnished by the DeKalb County Sheriff as follows:

2.1 WORK RELEASE PROGRAM FEES:

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|------|---|----------|
| 2.11 | Entry fee to be deposited into the DeKalb County General Fund. | \$150.00 |
| 2.12 | Fee for urine drug test for Amphetamines, Cannabinoids and Cocaine to be deposited into the Jail Medical and Hospital Services Fund Account #120-000-23-33316-00. | \$30.00 |
| 2.13 | Fee for urine drug test for Lysergic Acid Diethylamid to be deposited into the Jail Medical and Hospital Services Fund Account #120-000-23-33316-00. | \$100.00 |
| 2.14 | Fee of 25% of the inmates' gross pay to be deposited into the DeKalb County General Fund. | 25% |

2.2 GENERAL SHERIFF FEES:

- | | | |
|------|--|-----------|
| 2.21 | Accident Reports to be deposited in the Accident Report Fund | \$ 5.00 |
| 2.22 | Handgun Permits (includes fingerprints) to be deposited into the Handgun Permit Fund | \$ 10.00 |
| 2.23 | Fingerprinting for Dealers License to be deposited in the Handgun Permit Fund | \$ 10.00 |
| 2.24 | Fingerprinting for any other purpose to be deposited in the Handgun Permit Fund | \$ 10.00 |
| 2.25 | Case Report Copies to be deposited in the Accident Report Fund | \$ 10.00 |
| 2.26 | Complaint Copies to be deposited in the Accident Report Fund | \$ 2.00 |
| 2.27 | Accident Reconstruction Report to be deposited in the Accident Report Fund - Per Hour Charge | \$ 40.00 |
| 2.28 | Photographs to be deposited in the Accident Report Fund | \$ 3.00 |
| 2.29 | Per tape cost of video tapes to be deposited in the Accident Report Fund | \$ 100.00 |

SECTION 3: **FUNDS ESTABLISHED:** This Sheriff's Fees Ordinance continues the following funds for the benefit of the DeKalb County Sheriff to administer this Ordinance, to wit:

- 3.1 Jail Medical and Hospital Fund,
- 3.2 Handgun Permit Fund, and
- 3.3 Accident Report Fund.

SECTION 4: **NO APPROPRIATION:** The fees collected by the DeKalb County Sheriff under this Ordinance that are deposited in one of the above three specifically identified funds:

- 4.1 may be expended from each fund by the DeKalb County Sheriff without appropriation by the DeKalb County Council,
- 4.2 shall comply with applicable statutes concerning the restricted use of said funds, and
- 4.3 after expenditures shall be reported at least annually to the DeKalb County Council and the DeKalb County Commissioners by written accounting.

SECTION 5: **APPROPRIATION REQUIRED:** The expenditures of any fees collected under this Ordinance and deposited to the DeKalb County General Fund shall be subject to appropriation approval of the DeKalb County Council.

SECTION 5: **POSTED FEES:** The DeKalb County Sheriff shall post the fees set forth in this Ordinance in a prominent place within the Sheriff's Office accessible to the public.

SECTION 6. **ORDINANCE CODIFIED.** This DeKalb County Ordinance Number 2003-5 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 11-4-2-1 and appropriately indexed in the Code.

THIS ORDINANCE No. 2003-5 is passed and adopted by the DeKalb County Commissioners and the DeKalb County Council of DeKalb County, Indiana, after all three readings, and is signed for approval after all three readings by the DeKalb County Council and the DeKalb County Commissioners.

DEKALB COUNTY COMMISSIONERS:

BY: Don Kaufman
Don Kaufman, President

BY: Connie R. Miles
Connie Miles, Vice President

BY: William C. Ort
William C. Ort, Member

Attested By:

Sharon G. Hayes
Sharon Hayes, Auditor of DeKalb County, IN

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DeKalb County Ordinance No. 2003-5 on Amended Sheriff's Fees is hereby approved and signed by the DeKalb County Council this 5th day of May, 2003.

DEKALB COUNTY COUNCIL:

Robert Wilder

David Yarde
David Yarde

Donald E. VanWye
Donald E. VanWye

Janet Ordway
Janet Ordway

Larry Moughler
Larry Moughler

Benjamin C. Smaltz
Benjamin C. Smaltz

Keith A. Crow
Keith A. Crow

MATTER OF SUNNY MEADOWS GARDEN SALES

Janel Snow, Administrator of Sunny Meadows County Residential Home plans to plant and maintain a large garden. Janel would like to sell the produce at a roadside stand. The proceeds would go to help with the cost for travel and entertainment expenses for the residents.

A motion by Janet Ordway to have the monies collected from the sale of produce to be placed in the general fund for use for Sunny Meadows residents' outings was seconded by Keith Crow and carried.

MATTER OF COURTHOUSE WINDOWS

Ed Welling of Grinsfelder Architects was employed by the commissioners to evaluate and plan for the replacement of the windows in the courthouse. Mr. Welling reported a definite need to replace the windows. The windows are about 22 years old. Replacement windows would offer energy savings through the use of double glass panes with argon gas. The new windows would be double hung or stationary instead of the existing triple hung version, and wood on the inside to match the interior with aluminum on the outside. There is a great deal of cold air coming from around the edges of the present windows. Mr. Welling would supervise the installation to be sure there were no gaps in the insulation. The total cost for replacing the windows would be about \$400,000 and the project and cost could be spread over a three-year period to lessen the burden of cost. Both Pella and Marvin brand windows are being considered.

MATTER OF LIBRARY CAPITAL PROJECTS

Following a brief presentation by Mr. Albright, a motion by Janet Ordway to approve the Waterloo Library Capital Projects Fund was seconded by Don VanWye and carried.

MATTER OF EARLY INTERVENTION PLAN

Welfare Director Mary explained the terms of the Early Intervention Plan which is approved yearly by the county council. The plan focuses on placing children close to home or avoiding removing a child from his home whenever possible. A motion by David Yarde to approve the Early Intervention Plan was seconded by Larry Moughler and carried.

MATTER OF VISITORS' BUREAU

There have been questions directed to Ben Smaltz regarding the DeKalb County Visitors' Bureau. Since Ben has served as a member of the visitors' bureau it was decided that he might also serve as a council liaison. There have also been requests for board members to be allowed to serve more than two two-year terms. Attorney Kruse will adjust the wording of the bylaws for re-approval of the bureau and the council that it might cover more of the concerned applications.

MATTER OF APPOINTMENT- WATERLOO ECONOMIC DEVELOPMENT

A motion by Janet Ordway to nominate Ron Feller for appointment to the Waterloo Economic Development Commission was seconded by Ben Smaltz and carried.

MATTER OF TAX ABATEMENT

The tax abatement committee has met and finds Steel Dynamics, Inc., Iron Dynamics and New Process Steel to be in compliance with their statement of benefits. Therefore, a motion by Don VanWye to find all three companies in compliance and authorize President Wilder to sign the CF-1 compliance form was seconded by Larry Moughler and carried.

MATTER OF GENERAL FUND

Auditor Sharon Hayes presented Resolution 2003-10 an ordinance to allow the auditor to borrow monies from other county funds to assist the county general fund until the reassessment is finished and revenues will be obtained from taxes. A motion by Don VanWye to approve the resolution was seconded by Larry Moughler and carried.

**DEKALB COUNTY COUNCIL
DEKALB COUNTY RESOLUTION NO. 2003-10
DEKALB COUNTY CODE SECTION 4-3-1-1
AUDITOR'S AUTHORIZATION TO TRANSFER FUNDS**

WHEREAS, the DeKalb County Council has determined that a cash flow problem exists in the County General Fund due to the inability to timely collect real estate taxes in 2003,

WHEREAS, there is sufficient money on deposit to the credit of other funds which has been raised by a property or special tax levy, that can be temporarily transferred,

NOW THEREFORE, BE IT RESOLVED, that the DeKalb County Council hereby determines that real estate taxes will not be timely collected for DeKalb County in 2003, that such taxes are a primary source of income for DeKalb County, and that consequently an emergency exists that requires extension of the prescribed period of transfer, which may be extended for not more than six (6) months beyond the budget year of the year in which the transfer occurs

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BE IT ALSO RESOLVED, that in accordance with IC 36-1-8-4 the DeKalb County Council authorizes the DeKalb County Auditor to make the following temporary advances between funds to be repaid by December 31, 2003:

From: Cumulative Capital Development Fund ... \$1,000,000

From: Cumulative Bridge Fund ... \$1,000,000

To: County General Fund ... \$2,000,000

BE IT FURTHER RESOLVED, by the DeKalb County Council that the DeKalb County Auditor shall have the right and authority to transfer the \$2,000,000.00 until not later than June 30, 2004 and that the DeKalb County Auditor shall immediately forward a copy of this Resolution to the Indiana State Board of Accounts and the Indiana Department of Local Government Finance in Indianapolis, Indiana.

APPROVED BY THIS DEKALB COUNTY COUNCIL, this 5th day of May 2003.

Robert Wilder, President

David Yarde
David Yarde, Vice-president

Don VanWye
Don VanWye,

Janet Ordway
Janet Ordway

Larry Moughler
Larry Moughler

Benjamin Smaltz
Benjamin Smaltz

Keith A. Crow
Keith A. Crow

ATTEST: *Sharon G. Hayes*
Sharon G. Hayes, Auditor

MATTER OF ADJOURNMENT

A motion by Keith Crow to adjourn the meeting was seconded by Ben Smaltz and carried.