

## DEKALB COUNTY COUNCIL MEETING

April 5, 2021

### The following Council Members were present:

President Richard Ring  
Vice President William VanWye  
Member Eldonna King  
Member Robert E. Krafft  
Member David Yarde  
Member Amy Demske  
Member Amy Prosser

### Others present:

Auditor Jan Bauman  
First Deputy Auditor Susan Sleeper  
Attorney Donald J Stuckey

Robert Krafft opened the meeting with prayer at 8:31 a.m.

### **MATTER OF MINUTES**

David Yarde made a motion to approve regular meeting minutes dated March 1, 2021. Eldonna King seconded, and all approved. David Yarde made a motion to approve public hearing minutes dated March 1, 2021. Robert Krafft seconded, and all approved.

### **MATTER OF ADDITIONAL APPROPRIATIONS**

William VanWye made a motion to approve the Airport's \$700,000 additional appropriation request to Infrastructure (245001490) within the Airport Rainy Day Fund (245). Second by Robert Krafft, and all approved.

David Yarde made a motion to approve the Airport's \$200,000 additional appropriation request to Repair and Maintenance (101001361) within the Airport General Fund (101). Second by William VanWye, and all approved.

Eldonna King made a motion to approve the Health Department's \$6,000 additional appropriation request to Medical Supplies (22260) within the Vaccine Purchase & Administration Donation Fund (4119). Second by William VanWye, and all approved. An identical request followed. The Health Department had submitted separate requests for two \$6,000 checks received from the Curiosity Shop. William VanWye made a motion to approve the Health Department's \$6,000 additional appropriation request to Medical Supplies (22260) within the Vaccine Purchase & Administration Donation Fund (4119). Second by Robert Krafft, and all approved.

William VanWye made a motion to approve Human Resources' \$480 additional appropriation request to Furniture and Fixtures (44410) within the IPEP Safety Grant Fund (9111). Second by Robert Krafft, and all approved.

David Yarde made a motion to approve Superior Court 1's \$2,500 additional appropriation request to Interpreter (32790) within the Court Interpreter Grant (9155). Second by Amy Demske, and all approved.

### **MATTER OF TRANSFERS**

Robert Krafft made a motion to approve Sunny Meadows' request to transfer \$649.60 from Miscellaneous Equipment (44510) to Repair and Maintenance Supplies (22310) within the Sunny Meadows Donation Fund (4111). William VanWye seconded, and all approved.

Robert Krafft made the motion to approve Community Correction's request to transfer \$700 from Testing Services (33900) to Drug Enforcement Supplies (22190) within the Community Corrections Donation Fund (4113). Eldonna King seconded, and all approved.

William VanWye made a motion to approve the Health Department's request for the following transfers: \$700 from Equipment (44430) to Office Supplies (22110), and \$1,000 from Equipment Repair & Maintenance (33620) to Operating Supplies (22130) within the CARES: Vaccine Grant Fund (8906). Amy Demske seconded, and all approved.

Robert Krafft made a motion to approve Community Corrections' request for the following transfers: \$26,188.50 from Part Time (10750) to PERF (12100); \$7,666.47 from Case Manager 2 (11493) to Social Security (12300); \$11,221.25 from Case Manager 3 (11613) to Social Security (12300); \$10,853.87 from Pretrial Services Coordinator (11631) to Social Security (12300); \$15,220.70 from Residential Services Facilitator (11698) to Insurance (12200); \$7,237.03 from Residential Services Facilitator (11692) to Insurance (12200); and \$3,206.71 from Residential Services Facilitator (11697) to Insurance (12200), within the State Grant Community Corrections Fund (9127). Citizen Tom Gollmer requested a roll call vote. Attorney Stuckey said it is Council's decision to have a roll call vote. When it was further discussed that this was only a transfer and not an additional appropriation, Mr. Gollmer was satisfied not having a roll call vote. Eldonna King seconded, and all approved.

*The Council meeting was recessed at 9:00 for two public hearings.*

### **MATTER OF JOINT PUBLIC HEARING FOR SALE OF PROPERTY ON COUNTY ROAD 61**

The regular Council Meeting recessed at 9:00 a.m. to hold a joint public hearing with the DeKalb County Commissioners. The public hearing was to receive public input for the potential sale of approximately 19.736 acres on County Road 61 in Wilmington Township, Indiana. (Separate minutes prepared for the joint public hearing.)

*The regular Council Meeting reconvened at 9:02 a.m.*

By consensus, Council gave their support for the sale of this land on County Road 61. Attorney Stuckey will prepare a resolution for the next Council meeting for Council to sign.

### **MATTER OF FORMS FOR ADDITIONAL APPROPRIATION & TRANSFER REQUESTS**

President Ring explained to Council that he had come across a form that Allen County uses for additional appropriation requests that would bring uniformity to our process and would provide more information to Council. He would like to have a similar form created for transfer requests. Councilwoman King said it will prevent Council from having to table requests due to insufficient information.

*The Council meeting was recessed at 9:15 for the second public hearing.*

### **MATTER OF JOINT PUBLIC HEARING FOR SALE OF PROPERTY ON COUNTY ROAD 36A**

A joint public hearing commenced at 9:15 a.m. with the DeKalb County Commissioners. The public hearing was to receive public input for the potential sale of approximately 11.7 acres on County Road 36A, Auburn, Indiana. (Separate minutes prepared for the joint public hearing.)

*The regular Council Meeting reconvened at 9:34 a.m.*

By consensus, Council gave their support for the sale of this land on County Road 36A. Attorney Stuckey will prepare a resolution for the next Council meeting for Council to sign. The sale can be held now. The closing documents will need to be contingent upon Council approval. The prospective buyers will provide the survey. They paid for the appraisals and will pay for the closing costs also.

*President Ring recessed the Council meeting at 9:40 to reopen the public hearing for the sale of County Road 61 properties.*

### **MATTER OF JOINT PUBLIC HEARING REOPENED FOR SALE OF CR 61 PROPERTIES**

A joint public hearing recommenced at 9:40 with the DeKalb County Commissioners. President Ring allowed Mr. Lynn Reinhart to speak about the sale of property on County Road 61. Mr. Reinhart was not present at the time of the advertised public hearing due to confusion with one of the posted notices. (Separate minutes)

*The regular Council meeting reconvened at 9:47.*

Even with the added information provided by Mr. Reinhart, there was no change in opinion of Council to have Attorney Stuckey draw up a resolution for the sale of the County Road 61 property. Mr. Stuckey will have that prepared for the May Council meeting.

### **MATTER OF FINANCIAL REPORT BY FUND**

The Council certified that they have received and reviewed the March 2021 Financial Report by Fund.

### **MATTER OF DEKALB COUNTY AIRPORT UPDATE**

Randy Fox distributed a brief of new and old business for the Airport.

The home on the corner of County Road 60 and County Road 31 is gone, and the lot is leveled. It will be seeded when weather permits.

The \$700,000 additional appropriation request Council considered today is being used to cash flow the Runway Extension Project. This year, every dollar the Airport spends will be reimbursed by the FAA. The Airport is not mandated to appropriate FAA reimbursements to spend them, but the Board has chosen to do so for transparency and bookkeeping simplicity.

The Board was very saddened by the passing of Airport Board member Donn Starkey.

The Airport had been working with Chris Gaumer and Andrew Kruse on updating the UDO to remove the crosswind runway restrictions and to clarify open water prohibitions in specific zones. Now that Chris Gaumer is no longer the Zoning Administrator, the Board is unsure where this stands now.

## **MATTER OF 2020 ANNUAL REPORTS FOR COMMUNITY CORRECTIONS & PROBATION**

Kellie Knauer from Community Corrections and Michael Lapham from Probation briefed Council on their 2020 Annual Reports and Organizational Charts for each department.

Ms. Knauer explained that everything Community Corrections does is founded on evidence-based practices. She distributed “8 Guiding Principles for Effective Intervention.” She also said that her program is approved by her advisory board. I.C. 11-12-2-2 spells out the requirements for appointing advisory board members. Several of these appointees are made by the Commissioners. Along with the 2020 Annual Reports for Community Corrections and Probation, Ms. Knauer provided organizational charts for both departments.

Community Corrections is funded mostly by State grants. Approximately 40% of the program is funded by user fees. Councilwoman Prosser asked if this means the program needs a certain number of clients to meet the 40%. Ms. Knauer said it is difficult to know yet since there isn’t historical data. Last year the work release program had to cease for a period of time due to COVID. Also after the first of this year, the DeKalb County court system has changed the way it does things. House bill 1068 will change some things also. If House Bill 1068 passes, Ms. Knauer would like a separate board be created in addition to the current advisory board to address the bill’s requirements.

Ms. Knauer went over the recidivism rates over the last few years. Calculations for recidivism rates include only local data rather than convictions in surrounding counties. Derek Herb, Director of Intervention Services, followed up by explaining how their intervention program works. It takes a different approach and focuses on reforming the individual rather than punishing them.

Michael Lapham briefed Council on Probation programs.

## **MATTER OF COMMISSIONERS-COUNCIL DISCUSSION**

**Henderson property:** Commissioner Sanderson informed Council that the property has been given a clean environmental report. It was a limited assessment. There was no need to send the samples in for a “full” Phase I assessment. A written report was just received and circulated to the members. ForeSight will be doing the site development plan. They had assisted Brett Henderson with a development plan for that same location for his company and are familiar with the property. It will take 4-6 months to get through all of the approvals needed before construction can begin. The property is all accessed off US 6.

**Henderson property purchase agreement:** The public hearing for the purchase of 3942 US 6, Waterloo, was held on March 1, 2021. The Commissioners are now presenting a purchase agreement for Council to approve so the Commissioners can move forward with buying the property. There was consensus by Council to allow Attorney Stuckey to draft a resolution to approve the purchase of the property. President Ring allowed Lynn Reinhart to speak for 3 minutes. Mr. Reinhart brought up what the limitations of the property are for building on it. President Ring said that the Town of Waterloo Plan Commission will make the decision on the development plan.

**Highway Department property purchase agreement:** The public hearing for the sale of the Highway property located on East Ensley Avenue in Auburn was held on March 1, 2021. The City has agreed to allow 24 months to vacate and will also cover all of the closing and related costs. There was consensus by Council to allow Attorney Stuckey to draft a resolution to approve the sale of the property.

**Rescue Plan Act’s Fiscal Recovery Funds:** The County will be receiving \$4.2 million in May and another \$4.2 million next May in Fiscal Recovery Funds as part of the Rescue Plan Act. The County has until the end of 2024 to spend the money. Guidelines have been released but they are vague to some

extent. Money must be spent on eligible uses. General categories are: respond to public health emergency; respond to workers performing essential work; recover revenue losses; invest in sewer, water, or broadband; and transfer funds to not-for-profit or special purpose unit of state or local government. Any money not spent according to the guidelines will have to be paid back to the federal government. The Commissioners would like to direct as much as possible to mitigate new jail expenses but want to be cautious so that we don't run the risk of having to pay back any money. We will need to rely on our financial people to help us with that. The Commissioners are working on a priority list. President Ring had spoken with Representative Smaltz who mentioned that nonprofits and volunteer fire departments should be eligible to receive a portion of the distribution. Commissioner Hartman said that the Commissioners would like to focus on using some of the money for infrastructure for the Highway, a solar field on the County Farm property as well as cold storage and utilities and the street for the new jail. There was a brief discussion about investment strategy. Auditor Bauman will contact State Board of Accounts to find out whether the monies can bear interest. She will also work with the Treasurer.

**Change to UDO:** The Commissioners passed an ordinance changing the UDO so that the Commissioners have the authority to hire the Zoning Administrator rather than the Plan Commission. Councilman VanWye strongly objected to this and asked why the authority was being taken away from the people appointed to the Plan Commission. Sarah Delbeq, President of the Plan Commission, was present and was allowed to speak. She said the UDO says very clearly that the Plan Commission hires the Zoning Administrator. Modifying and amending the UDO requires working with the Plan Commission, and a public hearing needs to be held. Nothing was brought to the Plan Commission. A public hearing was not held. Last week the ordinance the Commissioners approved was done on 3 readings. Attorney Stuckey and President Ring said that this really is an issue for the Plan Commission and Commissioners to work out and is purely information for Council.

**COVID vaccine clinic location:** The vaccine clinic was going to be moved to the former Dayspring Church location on East 7<sup>th</sup> Street. However, because of expected changes coming from the State in that pharmacies will be administering COVID vaccines, the need for the County's vaccine clinic is not expected to last much longer than June. If there is a need to move the clinic temporarily, the Commissioners believe it could be moved to the red room or white room of the Annex Building.

**Masks beginning April 6:** Masks will become voluntary for employees and visitors to all DeKalb County buildings beginning April 6<sup>th</sup>. The courts are continuing the mask mandate on the 3<sup>rd</sup> floor and in all of the court rooms.

**220 East 7<sup>th</sup> Street building:** The Commissioners were informed by the 208 East 7<sup>th</sup> Street building contractor that ceiling and lights have to be removed from a good portion of the Health Department in May. All of the offices that lie on the west wall of the building has to be moved out for a 2-3 week period while steel beams are installed. This is to strengthen the roof for the potential of additional snow load since the roof will be subject to snow falling on it from the new 3-story building. The Surveyor's Office would not have to be vacated, but their records would be that are in the storage room. The Commissioners are going to ask Credent if they would like to make a cash offer for the County to take on the liability of not having trusses installed. The offer could be used as a down payment for the building later. The Commissioners believe it is only a matter of time until the County will be asked to sell the 220 building because there is such a need for parking downtown. However, the Commissioners do not want to put the employees in jeopardy. In the event of a significant snowfall, the offices could be told not to report to work for a few hours until the snow can be removed from the roof. If the County ends up selling 220 East 7<sup>th</sup> Street, the logical thing is to use the money toward building on the County Farm property to relocate the offices currently housed in the 220 building.

**New jail:** The Commissioners are exploring the idea of converting and expanding the Community Corrections facility to become the new jail and use the building more efficiently. This will save approximately \$8 million. Community Corrections would be moved to a different building and continue its programs there. A second floor could be added to the Annex Building for more office space for them and is being investigated. The Sheriff would run work release.

President Ring asked how the County will be able to afford the operational costs. Commissioner Hartman said that the new jails are designed very efficiently. The staff at the current jail will probably be able to run the new 200 bed jail. The other anticipated savings will come as a result of adding a solar field. Commissioner Hartman estimates a savings of \$12,000-\$15,000 per month in electric costs. The monthly water consumption will be less with the new jail because of the monitoring systems available now. And, the new sewage system will eliminate the problems of toilets and sewer lines getting plugged up.

President Ring asked if the Commissioners think that all of this justifies dismantling a system that has been successful. Commissioner Hartman replied that “successful” is in the eye of the beholder. He says it is a more efficient use of the facility, and the County can have the same uses and programs as before. President Ring disagreed and stated that it is a bad idea and is delaying the process of the new jail. If Council doesn’t know by its July meeting what they are doing, it will have to be delayed a year.

Commissioner Hartman said if the interest on the Community Corrections’ bond can be paid off by the end of this year, that bond can be retired. When President Ring reminded Commissioner Hartman that Jeff Peters said that retiring the bond early wasn’t possible, Commissioner Hartman claimed Mr. Peters wasn’t telling the whole story. He said it can be done, and that bond can be rolled together with the new bond. And if the bond has a 20-year term, the increase would be very small and require a very minimal increase in the local income tax rate.

Sheriff Cserep was invited to speak. He started by saying how it is very important to invest in the people of DeKalb County to service their needs. They need to be the focus when looking at the jail and Community Corrections. Our population is 43,000 in DeKalb County. Other counties with lesser populations are already at full capacity of their jails. DeKalb County needs to have a building that works. The Sheriff’s Department is not a revenue generator. It invests in people by getting them back to where they need to be. Get them back on the job. There are bad people who belong in jail for 2-3 years. But there are a lot of people who are good that are making bad decisions. The County has programs to help these people turn around. There are a lot of mental health issues. It is more than the building. The decisions that are made need to be based on what is best for the people of DeKalb County.

Councilman Krafft asked if the Sheriff runs work release, could it bring in the same dollars that Community Corrections does. Sheriff Cserep replied that Kellie Knauer would be able to better answer that question. He said that a work release program has been done by a previous Sheriff in DeKalb County, but it has been many years. When it was brought up again 3 years ago, it was decided not to be taken on by the Sheriff because of intake at the current jail and not being able to monitor for contraband with those individuals. There is no way to separate work release from the jail as it is now. However, the department recently obtained a full body scanner that can detect contraband. Sheriff Cserep stressed how important it is that Community Corrections and the jail be a co-supportive group. They both need each other’s programs and support.

Councilman Yarde said applauded the efforts of the Commissioners and Sheriff to look at this from a different perspective to try to save the County a lot of money, even if it doesn’t work out.

A contract between Community Corrections and the Sheriff could satisfy the requirement of work release being under the Sheriff. A contract is in the works now. People in the work release program would have

to pay a fee even under the Sheriff. Having the program run by the Sheriff would allow the judges to do some things they couldn't before, but Sheriff Cserep doesn't know the details of that. It would give them the detention ability they have wanted to have. The Sheriff would not be able to obtain the funds that Kellie Knauer gets from the State for work release.

Kellie Knauer added that HB 1068 is the Indiana Code that needs to be clarified to fix our local issues. For whatever reason, DeKalb County is not recognizing the way the DOC is allowing other Community Corrections' work release programs to run. It is not the program Ms. Knauer built, but they are trying to problem solve as they move forward. A contract between the Sheriff and Community Corrections would bandaid the issue until HB 1068 is passed and can provide the clarification needed. The Indiana Department of Corrections has not funded a temporary work release program in jails under I.C. 11-12-5 as it is not an evidence based program. Ms. Knauer's interpretation of the statute is that there is a Sheriff's run work release program, and there is a Community Corrections' run work release program. And DeKalb County's was built on a Community Corrections' run work release program that focuses on evidence based practices. If it is decided to remove work release from Community Corrections, it will be systematically dismantling everything they have been building, and Community Corrections would have to be built back from the ground up. Grants are different. Needs are different. They are still going to need training spaces. They cannot meet evidence based practices requirements without being able to facilitate groups. How can groups meet if they are stuck in small offices again with no meeting space? There is a lot to think about as these changes are made. Ms. Knauer wants to be involved in the conversation so they can move forward.

Sheriff Cserep emphasized that he will be relying on Ms. Knauer when he has questions about how work release goes. His vision is to eventually add skilled trades to the program so individuals can earn certificates in welding or plumbing and the like.

Commissioner Sanderson requested that Council just please look at the plans and consider them. The new, expandable jail would have 220 beds and in 20 years, another block could be added with little cost to the County. He thinks the savings with this plan will be closer to \$10 million. He said we need to remember that it is the taxpayer who is funding these things.

President Ring is concerned about the domino effect this will cause. First, it would dismantle a program that is focused on rehabilitation, not strictly imprisonment. The Sheriff is not set up to rehabilitate people. Second, it would be remodeling a building he doesn't know is worth remodeling. Commissioner Sanderson disagreed that the program would not be entirely dismantled because it would continue under the Sheriff. And although the prior Commissioners requested Community Corrections be built, it was against what was recommended in the jail study.

Attorney Stuckey reminded Council that the Commissioners decide what plan to bring to Council, and Council can decide to fund it or not. Councilman VanWye would like to have the members to all see for themselves what is being proposed.

The next Jail Committee meeting is going to be on April 13 at 1:30, and Council is encouraged to be there so they can see the plan details.

## **MATTER OF SALARY & HOURLY WAGE AMENDMENT ORDINANCE 2021-OCC-5**

This is to change the FLSA status of the Prosecutor Investigator.

William VanWye made a motion to approve the 2021 Salary and Hourly Wage Amendment Ordinance 2021-OCC-5 on the FIRST Reading. David Yarde seconded, and all approved.

William VanWye made a motion to suspend the rules to pass the 2021 Salary and Hourly Wage Amendment Ordinance 2021-OCC-5 and read by title only on the 2<sup>nd</sup> and 3<sup>rd</sup> Readings. Amy Demske seconded, and all approved.

David Yarde made a motion to approve the 2021 Salary and Hourly Wage Amendment Ordinance 2021-OCC-5 on the SECOND and THIRD Readings. William VanWye seconded, and all approved.

**MATTER OF ACKNOWLEDGEMENT OF RECEIPT OF 2020 ANNUAL JAIL REPORT**

William VanWye made a motion that Council acknowledges receipt of the 2020 Annual Jail Report. David Yarde seconded, and all approved.

**MATTER OF ADJOURNMENT**

Amy Prosser made a motion to adjourn at 12:12 p.m. Second by Amy Demske, and all approved.

DEKALB COUNTY COUNCIL:

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Richard Ring, President

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William VanWye, Vice President

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Eldonna King

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Robert E. Krafft

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David Yarde

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Amy Demske

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Amy Prosser

ATTEST:

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Jan Bauman  
DeKalb County Auditor