

Monday

July 7, 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>COUNTY GENERAL (0100)</u>				
<u>Commissioners (19)</u>				
Liability Insurance (3341) Jo/DVW Approved 11/26/03	\$ 60,000.00	\$ 60,000	7	0
<u>Highway (0200)</u>				
Dust Control (75.3235) DY/BS Approved 11/26/03	\$ 11,000.00	\$ 11,000	7	0
<u>Aviation (0600)</u>				
Printing Services (99.3331) DY/Lm Approved 11/26/03	\$ 500.00	500.	7	0
<u>PUBLIC AIRPORT CAPITAL IMPROVEMENTS (0610)</u>				
Petroleum Products & Supplies (99.2221) DY/Lm	\$ 300.00	300	7	0
<u>PRE-TRIAL DIVERSION (0910)</u>				
Telecommunications (99.3324) Jo/	\$ 900.00	900	7	0
Medical Fees (99.3280)	\$ 2,000.00	2,000	7	0
<u>COUNTY USER FEES (0922)</u>				
Expenditures (99.5000) DVW/KL	\$ 3,000.00	3,000	7	0
<u>CUM'L BRIDGE (2500)</u>				
Project STP-RS-6417 (1) Bridge #73, CR 68 DVW/Lm	\$ 30,000.00	30,000	7	0

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TRANSFERS

COUNTY GENERAL (0100)

Information Systems (18)

From: Employee Wages(1114) *Dy/Lm*
To: Part Time (1075)

\$ 1,500.00 1,500 7 0

ADOPTED THIS 7th DAY OF July, 2003

NAY

AYE

Robert Wilkin

David J. Pade

Donald E. Van Wy

James Ordway

Larry Moughler

Bert Smiley

Keith C. Cron

ATTEST: *Sharon H. Hayes*
Secretary of Appropriating Body

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COUNCIL MINUTES - JULY 7, 2003

MATTER OF MINUTES

A motion by Don Van Wye to approve the minutes of June 2nd was seconded by Keith Crow and carried.

MATTER OF DEMONSTRATION – VIDEO CONFERENCING

Director of 911, Paul Brewer introduced Matt Grashoff and Ned Patel of Verizon Enterprises Solutions and Rex Johnson and Sales Engineer Ronald Lewen of Tandberg. Tandberg sells only video conferencing equipment and Mr. Lewen demonstrated three varieties of video cameras and possible uses. The closed circuit use of this particular equipment would be of use for the sheriff. Not having to transport inmates to the courtroom for hearings might be beneficial in cutting costs. Judge Cherry spoke for himself as well as Judge Wallace who could not attend. The judge stated that the system would be of more value for the sheriff, but he would certainly not have a problem with using the equipment in the courtroom.

MATTER OF R & D CONCRETE – CONFIRMATORY RESOLUTION

Councilman Wilder opened the hearing for R & D Concrete, explaining that the declaratory resolution 2003-11 had been passed at the June 2nd council meeting. Ron Bjstrom was present with his attorney James McCanna. Mr. Wilder explained that copies of the resolution to confirm tax abatement for the new manufacturing facility to be located on US Highway 6 west of Waterloo at County Road 27, had been sent to the council members and asked for questions concerning R&D Concrete, Inc.

Councilman Smaltz stated that he tended not to be in favor of a smaller business that had stated that it would move to the area regardless of tax abatement. Keith Crow also asked questions regarding the acreage purchased by R&D Concrete.

Mr. Wilder called for comments from the public. There were none.

A motion by Keith Crow to approve the Confirmatory Resolution 2003-R17 Code 26-1-2-12-1 per the findings of fact as listed in Section 2 of the document was seconded by Janet Ordway. The floor was then open to discussion. David Yarde stated that he had not been in favor of tax abatement in the past, but has come to the understanding that the county cannot send a message that it will only abate large industry. Small business has a place in the community as well, and while it would not bring a large number of jobs it will bring other benefits to the community. President Wilder called for a show of hands and the motion to approve Resolution 2003-R17 was carried with six aye votes. Ben Smaltz cast the only nay vote.

**DEKALB COUNTY COUNCIL
CONFIRMATORY RESOLUTION FOR DESIGNATION
OF ECONOMIC REVITALIZATION AREA
AND FOR TAX ABATEMENT
DEKALB COUNTY CODE SECTION 26-1-2-12-1
RESOLUTION NO. 2003-R17**

A RESOLUTION CONFIRMING THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA AND PROPERTY TAX ABATEMENT FOR R & D CONCRETE OF INDIANA, INC.

WHEREAS, Indiana Code chapter 6-1.1-12.1 allows a partial abatement of property taxes attributable to new manufacturing equipment and a partial abatement of property taxes attributable to research and development equipment in "Economic Revitalization Areas";

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WHEREAS, Indiana Code chapter 6-1.1-12.1 allows a partial abatement of property taxes attributable to certain real estate redevelopment, improvement or rehabilitation in "Economic Revitalization Areas";

WHEREAS, Indiana Code chapter 6-1.1-12.1 empowers the County Council to designate Economic Revitalization Areas by following a procedure involving the adoption of a preliminary resolution, provision of public notice, conducting of a public hearing and adoption of a final resolution confirming the preliminary resolution or a modified version of the preliminary resolution;

WHEREAS, the business (called applicant) named above and in the attachment to this resolution, which attachment is incorporated by reference, has an ownership interest in the geographic area (called subject real estate) described in such attachment.

WHEREAS, the applicant has requested that the subject real estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the installation and rehabilitation of a new research and development equipment/new manufacturing equipment (called New Equipment) and certain real estate redevelopment, improvement and rehabilitation (called Real Estate) identified in such attachment; and

WHEREAS, this County Council at its June 2, 2003, meeting passed a Declaratory Resolution for Designation of Economic Revitalization Area and referred the matter to its sub-committee; and

WHEREAS, the sub-committee for tax abatement of the DeKalb County Council has approved and recommended enactment and passage of a Confirmatory Resolution designating this as an Economic Revitalization Area and approving tax abatement on real estate for a period of ten (10) years and on personal property and equipment of five (5) years; and

WHEREAS, prior to this meeting, the County properly published notice of the adoption and substance of the Declaratory Resolution in accordance with IC 5-3-1; and also filed with each taxing unit that has authority to levy property taxes in the geographic area where the Economic Revitalization Area is located both a copy of the notice required by IC 6-1.1-12.1-2.5(C)(1), and a statement of containing substantially the same information as the Statement of Benefits filed with this County Council before the hearing on the enactment of the Declaratory Resolution; and

WHEREAS, evidence and testimony were considered by the County Council.

WHEREAS, BE IT RESOLVED BY THE COUNTY COUNCIL OF THE COUNTY OF DEKALB, STATE OF INDIANA, THAT:

Section 1. The County Council, after consideration of the application and Statement of Benefits contained in the attachment and the evidence presented finds that:

The County Council properly enacted and approved its Declaratory Resolution for Designation of Economic Revitalization Area at its hearing on June 2, 2003.

The County, through its duly elected and authorized Auditor properly published notice of the adoption and substance of the Declaratory Resolution in accordance with IC 5-3-1, in connection with IC 6-1.1-12.1-2.5 (c) (1), which publication took place ten (10) or more days before the date of this public hearing; and also filed with each taxing unit that has authority to levy property taxes in the geographic area where the Economic Revitalization Area is located a copy of the notice required by IC 6-1.1-12.1-2.5 (c) (1), and also a statement containing substantially the same information as the Statement of Benefits filed with this Council before the hearing on the Declaratory Resolution.

The notice furthermore properly complied with all other requirements of IC 6-1.1-12.1-2.5 (c).

Public hearing on this matter was properly held by this County Council on this 7th day of July, 2003, in accordance with Indiana Code Chapter 6-1.1-12.1, prior to the enactment and passage of this Confirmatory Resolution.

The estimate of the cost of the rehabilitation and installation of New Equipment (both manufacturing equipment and Research and development equipment) is reasonable for equipment of that type.

The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed rehabilitation of New Equipment and redevelopment, improvement and rehabilitation of Real Estate.

The estimate of the cost of the redevelopment, improvement and rehabilitation of Real Estate is reasonable.

The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described rehabilitation and installation of New Equipment and Redevelopment, improvement and rehabilitation of Real Estate.

The totality of benefits is sufficient to justify the deduction.

Section 2. The County Council designates, finds and establishes the subject real estate an Economic Revitalization Area. This designation is subject to the condition that designation allows abatement of property taxes only as follows: installation of new manufacturing equipment (New Equipment) for a period of five years; installation of research and development equipment (New Equipment) for a period of five years; and redevelopment, improvement and rehabilitation of Real Estate (Real Estate) for a period of ten years. However, on the written request of the applicant, the Director of the Department of Development is allowed to authorize, in

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writing, substitution, modifications and additions to the tax abatement set forth above and in the attachment which are not substantial in nature to the specified rehabilitation and installation of New Equipment and redevelopment, improvement and rehabilitation of Real Estate before March 1st of the year in which the initial certified deduction application for rehabilitation and installation of New Equipment and redevelopment, improvement and rehabilitation of Real Estate is filed with the DeKalb County Auditor and the State Board of Tax Commissioners. Furthermore, the abatement term shall be applicable to each item of New Equipment and Real Estate as that item comes onto the tax rolls during each of the years of existence of the Economic Revitalization Area until its termination set forth in Section 3 below.

Section 3. The Economic Revitalization Area designation terminates three years after the date of the final resolution. Accordingly, partial abatement of property taxes is allowed, to the extent provided above relative to specified rehabilitation and installation of New Equipment and redevelopment, improvement and rehabilitation of Real Estate on the subject real estate during the period from the date of the submission of the Statement of Benefits, May 28, 2003, until three years after adoption of the final confirmatory resolution. However, termination of this designation does not limit the period of time to a period of less than the applicant or successor owner is entitled to receive a partial abatement of property taxes relative to specified installation of New Equipment and redevelopment, improvement and rehabilitation of Real Estate on the subject real estate before the termination of such designation, as provided by Indiana Code chapter 6-1.1-12.1.

Section 4. The partial abatement of taxes attributed to the installation of New Equipment and redevelopment, improvement and rehabilitation of the Real Estate is subject to limitations contained in the Statement of Benefits, which is part of the attachment to this resolution. This resolution shall be in full force and effect from and after its passage and signing by a majority of the members of the County Council.

Approved upon the following vote this 7th day of July, 2003, by the DeKalb County Council.

AFFIRMATIVE:	<u>Robert Wilder</u> Robert Wilder, President	<u>David Yarde</u> David Yarde, Vice President
	<u>Donald E. VanWye</u> Donald E. VanWye	<u>Larry Moughler</u> Larry Moughler
	<u>Janet Ordway</u> Janet Ordway	<u>Benjamin C. Smaltz</u> Benjamin C. Smaltz
	<u>Keith A. Crow</u> Keith A. Crow	

MATTER OF BIO-TERRORISM – COUNTY HEALTH DEPARTMENT

At the June council meeting, County Health Nurse Linda Miller explained that District 3 is eligible for \$200,000 in bio-terrorism grant monies. Knowing that county monies are limited until the reassessment is complete, the health department decided to take advantage of the program by purchasing smaller items directly through the grant. Ms. Miller presented the list of items the health department chose to submit. The list included a generator for use during power failures, a color printer, and palm pilots. All of which could be purchased directly from the District 3 Plan. A motion by Don VanWye to approve the plan for submission to the state was seconded by Larry Moughler and carried.

MATTER OF HAVA – HELP AMERICA VOTE ACT

Clerk Jackie Rowan introduced Steve Shamo from the Micro-vote company. Briefly, Steve explained that the new federal HAVA law (Help America Vote Act) will become effective January 1, 2006. This means that every voting precinct in the United States must have voting machines equipped with devices that will assist all handicapped voters, and all polling places must also meet new criteria for handicapped citizens.

Indiana's Secretary of State Todd Rokita has a plan for reimbursement of some of the cost for the changes to make equipment ADA compliant. The plan divides the counties into two groups. The A group denotes counties which need more help, the B group, counties like DeKalb, have good voting equipment now, would get less funding for updates, in this case about \$4,000 per precinct and about \$50,000 for software to make the current equipment compliant.

Councilman Wilder thanked Steve for the explanation and Steve agreed to keep the council apprised of the situation as the changes progress to the point at which DeKalb County will need to begin to update.

MATTER OF ADDITIONAL APPROPRIATIONS

A motion by David Yarde to approve an additional appropriation of \$11,000 in highway monies necessary to finish payment for dust control was seconded by Ben Smaltz and carried. The cost for dust control on gravel roads has increased with the building of new homes.

A motion by Don VanWye to approve a \$30,000 additional appropriation in Cumulative Bridge monies was seconded by Larry Moughler and carried. The appropriation will be used to cover a change order for the new Spencerville Bridge on County Road 68. Bad soil testing by the preliminary engineering firm caused the bridge project to take much more time than anticipated.

A motion by Janet Ordway to approve the commissioners' request for \$60,000 for liability insurance in the commissioners' budget was seconded by Don VanWye and carried. Insurance costs have risen and in this particular instance increases in the workers' compensation policy have added greatly to the cause.

A motion by David Yarde to approve a \$500 appropriation for the aviation fund and \$300 in the Public Airport Improvement Fund was seconded by Larry Moughler and carried.

A motion by Janet Ordway to approve additional appropriations for \$900 for telecommunications and \$2000 for medical fees within the Pre-Trial Diversion Fund was seconded by Don VanWye and carried unanimously.

A motion by Don Van Wye to approve a \$2000 additional appropriation from the User Fee Fund for payment of fees was seconded by Keith Crow and carried.

MATTER OF TRANSFERS

A motion by David Yarde to approve a transfer for the Information Systems Department for \$1500 from employee wages to part time help was seconded by Larry Moughler was carried. The additional money from a vacant salary position will allow for more time for summer help.

MATTER OF TAX ABATEMENTS

The tax abatement committee has approved all compliance forms for abatements as submitted to the auditor and reported its' findings to the council members. Upon hearing the findings a motion by Keith Crow to find XY Tool and Dye, HS Processing, Paragon Steel, and Rinehart Leasing in compliance with the original statements of benefits on both real and personal property was seconded by Janet Ordway and carried unanimously.

MATTER OF PROBATION OFFICE

Chief Probation Office Tim McAlhany provided information packets to each council member regarding the new salary information for raises and his proposals to offset the mandated increases for these salaries within the general fund. Tim will have more information at the budget hearings in August.

MATTER OF CENTRAL DISPATCH

Councilman Smaltz reported that progress has been steady with the meetings to create a central dispatch system for DeKalb County. The group is working on a timeline for when and where the department will be located and how the funding for the operation should be acquired. There are also plans to request grant monies for the project.

MATTER OF ADJOURNMENT

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