

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

July 1, 2013

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the June 17th & June 24th, 2013 meetings and placed them on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

Proofs of publication from the *Goshen News* and the *Elkhart Truth* were presented for advertising for bids for the Simonton Street Bridge in Elkhart Rehabilitation Project for the highway department. Bids were received from Northern Indiana Construction Co for \$339,979.17; Pioneer Associates for \$491,206.49; JCI Bridge Group for \$430,909.47; and Laporte Construction for \$452,521.88.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the bids and forwarded them to Tom Rushlow, county highway bridge engineer, for tabulation and recommendation. He will have a recommendation for award of the bid at the meeting on July 8, 2013. All the bids are on file at the highway department.

Proofs of publication from the *Goshen News* and the *Elkhart Truth* were presented for advertising for bids for the 2013 paving program for the highway department. Bid specifications were divided into five groups. Bids were received from Phend & Brown for Group #1-\$452,521.50; #2-\$654,624.96; #3-\$359,671.31; #4-\$623,823.20; #5-\$770,673.95; Rieth-Riley Construction Co., Inc. for Group #1-\$422,899.95; #2-\$841,223.31; #3-\$328,299.87; #4-\$575,859.00; #5-\$815,802.63; Niblock Excavating Co., Inc. for Group #1-\$430,623.05; #2-562,582.35; #3-\$359,284.05; #4-\$583,595.51; #5-\$571,410.93; and Walsh & Kelly for Group #1-453,936.15; #2-\$644,971.82; #3-\$346,604.04; #4-\$588,789.68; #5-\$627,762.72.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the bids and forwarded them to the highway department for tabulation and recommendation. They will have a recommendation for awarding the bid at a meeting in the next several weeks.

Brain Mabry from the planning department presented an amendment to the "Elkhart County 2006 Comprehensive Land Use Plan" by incorporating a comprehensive plan titled "Middlebury Comprehensive Strategic Plan". It has been adopted by a Resolution by the town of Middlebury.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted Resolution No. 05-704d as presented.

The Resolution is as follows:

AN AMENDMENT TO RESOLUTION 05-704 THE "ELKHART COUNTY 2006 COMPREHENSIVE LAND USE PLAN" BY INCORPORATING A COMPREHENSIVE PLAN TITLED "MIDDLEBURY COMPREHENSIVE STRATEGIC PLAN"

WHEREAS, under applicable Indiana law, a Comprehensive Plan shall be approved by resolution of the Board of Commissioners of the County of Elkhart, Indiana and in cooperation with the Town Council of Middlebury in order to promote of public health, safety, morals, convenience, order and the general welfare and for the sake of the efficiency and economy in the process of development; and

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in The (Elkhart) Truth on the 26th day of November, 2011, and in The Goshen News on the 26th day of November, 2011, for the December 8, 2011, Public Hearing; and

WHEREAS, On February 7, 2011, the request to adopt the Middlebury Strategic Comprehensive Plan was heard by the Middlebury Town Council and which did take public input at the meeting; and

WHEREAS, On December 8, 2011, and January 12, 2012, the request to adopt the Middlebury Strategic Comprehensive Plan was heard by the Elkhart County Advisory Plan Commission and which did take public input at the meeting; and

WHEREAS, To create clarity and procedures for future amendments to the "Elkhart County 2006 Comprehensive Land Use Plan" this amendment shall create subsections with purposes described within this resolution and future amendments to this resolution.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY INDIANA, AS FOLLOWS:

Section 1. Create the following sections:

ADOPTED AMENDMENTS TO THIS COMPREHENSIVE PLAN:

I. Municipal Comprehensive Plans with Urban Growth Boundaries.

Municipalities that have elected to use the Elkhart County Advisory Plan Commission as the Municipal Plan Commission:

- a. Town of Bristol.
 - i. Town Resolution:
 1. Date of adoption: *(date)*
 2. Resolution Number: *(resolution number)*
 - ii. County Resolution:
 1. Date of adoption: *(date)*
 2. Resolution Number: *(resolution number)*
- b. Town of Wakarusa.
 - i. Town Resolution:
 1. Date of adoption: March 5, 2008
 2. Resolution Number: 2008-4
 - ii. County Resolution:
 1. Date of adoption: March 17, 2008
 2. Resolution Number: 05-704a
- c. Town of Millersburg.
 - i. Town Resolution:
 1. Date of adoption: *(date)*
 2. Resolution Number: *(resolution number)*
 - ii. County Resolution:
 1. Date of adoption: *(date)*
 2. Resolution Number: *(resolution number)*
- d. Town of Middlebury.
 - i. Town Resolution:
 1. Date of adoption: June 17, 2013
 2. Resolution Number: 2013-06
 - ii. County Resolution:
 1. Date of adoption: July 1, 2013

- 2. Resolution Number: 05-704d
- e. Northwest Gateway Area Plan.
 - i. Town Resolution:
 - 1. Date of adoption: NA
 - 2. Resolution Number: NA
 - ii. County Resolution:
 - 1. Date of adoption: January 20, 2009
 - 2. Resolution Number: 05-704b
- f. Town of Syracuse.
 - i. Town Resolution:
 - 1. Date of adoption: NA
 - 2. Resolution Number: NA
 - ii. County Resolution:
 - 1. Date of adoption: May 18, 2009
 - 2. Resolution Number: 05-704c

II. Municipal Comprehensive Plans with Urban Growth Boundaries.

Municipalities that have a separate Municipal Plan Commission:

- a. City of Nappanee:
 - i. Town Resolution:
 - 1. Date of adoption: *(date)*
 - 2. Resolution Number: *(resolution number)*
 - ii. County Resolution:
 - 1. Date of adoption: *(date)*
 - 2. Resolution Number: *(resolution number)*
- b. Town of Syracuse.
 - i. Town Resolution:
 - 1. Date of adoption: *(date)*
 - 2. Resolution Number: *(resolution number)*
 - ii. County Resolution:
 - 1. Date of adoption: *(date)*
 - 2. Resolution Number: *(resolution number)*
- c. City of Elkhart.
 - i. Town Resolution:
 - 1. Date of adoption: *(date)*
 - 2. Resolution Number: *(resolution number)*
 - ii. County Resolution:
 - 1. Date of adoption: *(date)*
 - 2. Resolution Number: *(resolution number)*
- d. City of Goshen.
 - i. Town Resolution:
 - 1. Date of adoption: *(date)*
 - 2. Resolution Number: *(resolution number)*
 - ii. County Resolution:
 - 1. Date of adoption: *(date)*
 - 2. Resolution Number: *(resolution number)*

- Section 2. Adopt the amendment to the "Elkhart County 2006 Comprehensive Land Use Plan" as described in this section:
- a. Add the document titled "Middlebury Comprehensive Strategic Plan" with a draft date of January 2011, to the list of adopted amendments to the comprehensive plan "ADOPTED AMENDMENTS TO THIS COMPREHENSIVE PLAN: I. Municipal Comprehensive Plans with Urban Growth Boundaries. d." Town of Middlebury."
 - b. That all future printings shall have the Town of Middlebury adoption date and the Board of County Commissioners for Elkhart County adoption date.
 - c. That document shall become part of this resolution by this reference.
 - d. That the geographical areas have been described in the document.

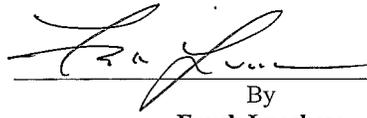
ORDAINED AND ADOPTED THIS THE 17TH DAY OF JUNE 2013 BY THE BOARD OF
COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA.



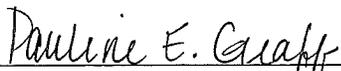
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 
Pauline Graff Auditor for Elkhart County

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an agreement with Tyler Technologies, Inc. to provide and replace an existing permitting software system, as requested by Brian Mabry from the planning department. All of the departments that will be using this software have approved. Craig Buche from the county attorney's office has reviewed the agreement and the funding has also been approved for the purchase. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Motor Vehicle Highway fund for \$150,000 to purchase two new roadside mowers, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Motor Vehicle Highway fund for \$139,231 for road maintenance, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for \$60,000 for right-of-way acquisition for the CR 8 Bike Path, as also requested by Jeff Taylor, Manager of Transportation. This is 80/20 funding so the county will only be paying 20% of the cost.

The three (3) above additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: June 6, 2013

DEPARTMENT _____

E.D.I.T. _____
NAME

331-980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	60,000	1320	CR 8 Bike Path ROW	4730	E.D.I.T.	331	
2							
3							
4							
5							
6							
7							
8							
TOTAL	60,000						
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	Approp. as of Date						
		AMOUNT DATE	YES	NO	Amount	Date	

REASON FOR REQUEST 1. Funds required for right of way acquisition for CR 8 Bike Path including but not limited to appraisals, buying, training, and any other right of way related expenses.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction for the EDIT fund for \$559,659 per the financial plan approved at the June County Council meeting, as requested by Jeff Taylor, Manager of Transportation.

The appropriation reduction is as follows:

**ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST**

DATE: 06-25-13

DEPARTMENT

E.D.I.T.

331-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	559,659	1315	Road Maintenance	4730	E.D.I.T.	331		
2								
3								
4								
5								
6								
7								
8								
TOTAL	559,659							
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date
	1000000	11-Jun				X		

REASON FOR REQUEST 1. Reduction to 440,341 per financial plan approved at the June Council meeting

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the General fund for telephone expenses for the IT budget for \$110,000, as requested by Tom Byers, County Administrator. This appropriation should be offset by a refund from Frontier for our VOIP systems.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE 6-21-13

DEPARTMENT

IT
NAME

001/141
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	110,000		Telephone	4314	General	1		
2								
3								
4								
5								
6								
7								
8								
TOTAL	110,000							
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST During the 2013 budget approval process this line item was reduced by \$80,000 in anticipation of the voice over IP (VOIP) system being in place by the end of the first quarter. Even though the VOIP system has not been fully implemented, the county is due a \$115,000 reimbursement from Frontier which represents a CREDIT for services replaced to date by the VOIP system and termination of certain services provided by Frontier.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Environmental Special Projects fund for \$50,000 for mowing and demolition of unsafe structures in the county, as requested by Tom Byers, County Administrator. He added that the plan is to establish one fund for the nuisance ordinance, unsafe building ordinance and weed & rank vegetation ordinance so that any type of issue pertaining to unkept property can be paid from one fund. If the county should get reimbursed from the liens placed on the properties for any of the maintenance, it would go back into this fund.

The additional appropriation is as follows:

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Northeast TIF District fund for \$770,000 for road paving and road maintenance in that district, as requested by Jeff Taylor, Manager of Transportation.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE 6-21-13

DEPARTMENT

Commissioners
NAME

332/980
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	770,000	1302	Cons/Recon	4730	Northeast TIF District	332		
2								
3								
4								
5								
6								
7								
8								
TOTAL	770,000							
	ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	Approp. as of Date							
			AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST Funds will be used to pave Pierina Drive east of CR 9; CR 6 between CR 17 & CR 113;
and CR 6 between CR 11 and Northland

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the General fund for \$287,000 for legal expenses and legal ads in the Commissioners' budget, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures report for May 16th-June 15th, 2013 and Annual Report for June 16th, 2012 – June 15th, 2013 and placed them on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen