

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 4, 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 January 22<sup>nd</sup> & 28<sup>th</sup>, 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.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a grant renewal application for a Motherhood & More grant from IU Health – Goshen for \$16,793, as requested by Jenny Schrock from the health department.

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 from the EDIT fund for \$1,100,000 for the CR 17 2c construction project, as requested by Jeff Taylor, Manager of Transportation.

The reduction 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 EDIT fund for \$2,000,000 for the CR 17 between CR 38 and CR 40 project, 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 for \$46,000 from the Motor Vehicle Highway fund for three (3) various accounts, as again requested by Jeff Taylor.

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 for \$10,000 from the Motor Vehicle Highway fund to purchase buggy plates and the expenses that go along with administering the buggy program, as requested by Jeff Taylor.

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







On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a letter of support to INDOT in favor of allowing the Town of Bristol to construct a new access road to SR 15 in a currently unincorporated area north of CR 10, 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 the contract with Northern Indiana Construction for the Monroe Street Bridge widening, as requested by Jeff Taylor, Manager of Transportation. The total is \$451,891.40 and they were the low bidder for the project. A copy of the contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved final street acceptance of Drew Lane-1,050 ft. and Wild Rose Road-275 ft. in Southland subdivision and released The Cincinnati Insurance Company Bond #B8886621 for \$9,275; Liberty Mutual Bond #2453049 for \$9,275 and Bond Safeguard Insurance Company Bond #23349 for \$4,638, 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 for \$150,000 from the Environmental Special Projects fund for installation of a cooling tower at the criminal justice complex, 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 approved and forwarded to the County Council an additional appropriation for \$200,000 from the Cumulative Capital Development fund for the purchase of new permitting software for the public services building, 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 December 16<sup>th</sup>, 2012 – January 15<sup>th</sup>, 2013 and placed it on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board appointed Randy Hesser to the Common Wage Committee for the Middlebury Schools cooling tower project.

Gordon Lord, County Attorney, addressed the Board regarding property on Beck Drive in Elkhart owned by Schrock Real Estate, LLC, D.J. Construction Co., Inc and/or Marine Fasteners. The property at issue comprises approximately 48 acres, and is in an industrial park, off of the east side of County Road 17, approximately one-fourth mile west of County Road 19 and Sheep Creek. In the past few days, the entire area has been designated by the State of Indiana as "shovel ready" for development projects. As part of the review for the shovel ready designation, various inquiries were made as to land elevations, water tables, and any potential flood concerns. In recent weeks, the County Plan Commission staff has been provided information by the Elkhart County Surveyor's office, JPR Engineering & Surveying, prior property owners, D.J. Construction Co., Inc. and Schrock Real Estate, LLC. There has been no history over the past 40-50 years of any flood problems on the property at issue, and there have been no flooding or water problems derived from the creek approximately one-fourth mile to the east. Gordon Lord noted that D.J. Construction Co., Inc. and Schrock Real Estate, LLC have requested that the County Commissioners determine/declare that the approximately 48 acre site is not a "flood prone area," as that term is defined under "Specification L – Regulation for Flood Hazardous Areas," under the Elkhart County Zoning Ordinance. Gordon Lord stated that the Commissioners would be in a position to resolve that the area was not a "flood prone area" per their authority under the Ordinance.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board declared/resolved that the entire 48 acres on Beck Drive is not a flood prone area under said Specification L.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a contract with Griffen P & H, Inc. for the sale and installation of the cooling tower at the Elkhart County Corrections Complex, as requested by Tom Byers, County Administrator. This was originally supposed to be with Hydronic Steam & Power but they are only the supplier of the equipment and Griffen will be doing the installation & they were more familiar with public works project. A copy of the contract is on file in the Commissioners' office.

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

Respectfully submitted,  
Kathy L. Erschen