MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

March 3, 2014

Vice President Mike Yoder 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 was present and Terry Rodino was absent. 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 after duly vacating the chair and carried, the Board approved the Minutes of the February 17th & 24th, 2014 meetings and placed them on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and 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 after duly vacating the chair and carried, the Board approved a request to increase the change fund for Community Health Nursing (CHN) from $100 to $400, as requested by Dr. Nafziger, Health Officer.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an Interlocal Agreement for a Joint Federal-Aid Signals project with the cities of Goshen and Elkhart, as requested by Jeff Taylor, Manager of Transportation. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board a LPA-Consulting Agreement with CHA Consulting, Inc. for the Construction Inspection for Traffic Signal Modernization project, as requested by Jeff Taylor, Manager of Transportation. This shall not exceed $60,000. A copy of the contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved Interlocal Agreements with Middlebury, Wakarusa, Goshen, Elkhart and Bristol for Animal Shelter Management & Animal Control Services for 2014, as requested by Tom Byers, County Administrator. Copies of the agreements are on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an addendum to the EnerGov Solutions contract for $28,991.00, as requested by Chris Godlewski, Director of Planning. This is part of the new planning software package & will be an annual cost. A copy of the addendum is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Vote Center Plan for Elkhart County, as presented by Wendy Hudson, County Clerk. There will be 25 vote centers in the county. They also accepted the bid for electronic ballot books from ES & S. They submitted the lowest cost and also agreed to a three (3) year lease. A copy of the Vote Center Plan is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Weights & Measures report for January 16th _ February 15th, 2014 and placed it on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

March 10, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in the Commissioners' meeting room 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 Pauline Graff, County Auditor; 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 Allowance of Claims, as presented by the county auditor's office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board appointed Dr. Anthereca Lane to the Board of Health to replace Dr. Jarvis who resigned recently, as requested by Dr. Nafziger, Health Officer. She will complete his term which will expire December 31, 2015.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adopted an Ordinance Establishing Per Diems and Allowances for Precinct Election Officers Known as Vote Center Board Members, as requested by Chris Anderson from the county clerk's office. Since the county has moved to vote centers for the 2014 general election, this change was needed.

The Ordinance is as follows:

ORDINANCE NO. 2014- 120

AN ORDINANCE ESTABLISHING PER DIEMS AND ALLOWANCES FOR PRECINCT ELECTION OFFICERS KNOWN AS VOTE CENTER BOARD MEMBERS IN ELKHART COUNTY, INDIANA

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the County executive and legislative body for Elkhart County, Indiana and is by law authorized to establish ordinances and resolutions for its governmental and internal operations and affairs;

WHEREAS Indiana Code Section 3-6-6-5.5 and 3-6-6-25 authorize the County Executive to fix the per diems to be paid to precinct election officers at vote centers for the performance of the official duties imposed on such persons by state law and the County Vote Center Plan that are performed on election day;

WHEREAS the Elkhart County Election Board has recommended the establishment of the per diems and allowances provided in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. Precinct election officers in Elkhart County, Indiana will be known and identified as vote center board members. Vote center board members will be given titles as designated below and will be responsible for performing the duties as provided in the County Vote Center Plan. Vote center board members will be entitled to per diems for each election day worked as follows:

VOTE CENTER BOARD MEMBER	AMOUNT PER DAY
Clerks	$110.00
Sheriffs	$110.00
Sheriffs – Opposite political party from the supervisor who returns precinct supplies and results to the accounting center	$115.00
Supervisors	$150.00

2. Each vote center board member will be entitled to a Ten Dollar ($10.00) food allowance for each election day worked.

3. Each vote center board member will be entitled to be paid Ten Dollars ($10.00) for each training session approved by the Elkhart County Election Board and which is attended by said vote center board member.

4. Vote center board members in Elkhart County, Indiana will be recognized and classified as independent contractors as established and required by Indiana Code Section 3-6-6-37.

5. This Ordinance will be effective for the 2014 election year and will continue in effect thereafter for subsequent election years until amended or repealed by Ordinance. Ordinance 98-233 is hereby repealed.

ORDAINED AND ADOPTED this 10 day of March, 2014.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: _____
Terry J. Rodino, President

By: _____
Mike Yoder, Vice President

By: _____
Frank R. Lucchese, Member

ATTEST:

_____
Pauline E. Graff, Elkhart County Auditor

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a letter to INDOT designating the full time representative from CHA Consulting, Inc. for the traffic signal modernization project, as requested by Jeff Taylor, Manager of Transportation. A copy of the letter is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a letter to LaCasa regarding the housing needs assessment and committing $5,000 as the county's contribution towards the assessment process based on the proposal prepared by the Indiana Association for Community Economic Development, as requested by Tom Byers, County Administrator.

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

Respectfully submitted,
Kathy Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

March 17, 2014

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 Audie Hostetler from Human Resources.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes from the March 3rd & 10th, 2014 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.

Gordon Lord, county attorney, said a legal notice offering a certificate of sale for a certain piece of real estate in Elkhart County, Indiana was advertised in the *Goshen News* and the *Elkhart Truth* on February 22, 2014 offering for sale and transfer of a parcel of property at 22836 Elm, Elkhart, IN. A public hearing was held to take applications from non-profit corporations and to hear any opposition to a proposed transfer. To be eligible to receive the tax sale certificates through this process, a non-profit corporation must file an application with the Elkhart County Commissioners. The application must state the property that the non-profit corporation desires to acquire, the use to be made of the property and the time period anticipated for implementation of the use. The application must be accompanied by documentation verifying the non-profit status. There were no comments from anyone in the audience. There was only one application submitted and it is from Habitat for Humanity of Elkhart County, Inc.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the application from Habitat for Humanity of Elkhart County, Inc. for the transfer of the tax certificate.

Brian Mabry from planning and development presented a request for Marvin H. & Ruth A. Schmucker, et al, represented by B. Doriot & Associates, for the vacation of east/west alleys & north/south alley right-of-way between CR 13 and Depot Street and south of CR 142 in Union Township. The Plan Commission has sent this to the Board with a recommendation of approval. Marvin Schmucker was present to answer any questions. There were no other comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the vacation of the alleys and adopted an ordinance establishing this vacation.

The vacation ordinance is as follows:

ORDINANCE VACATING PUBLIC WAY IN UNINCORPORATED AREA OF ELKHART COUNTY, INDIANA

8035577 Tx:4019966

A Petition having heretofore been filed with the Board of Commissioners of Elkhart County, Indiana on the 7th day of January, 2014 requesting the vacation of a certain public way within the unincorporated area of Elkhart County, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit: Attachment "A" + "B"; and the public hearing before the Elkhart County Plan Commission and before the Board of Commissioners of Elkhart County having been scheduled as to said Petition, with the Elkhart County Plan Commission hearing having been held on the 18th day of February, 2014, and the hearing before the Board of Commissioners of Elkhart County having been held on the 17th day of March, 2014 and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public way to be vacated, and formal legal publication notice as to said hearings having been published in the Elkhart Truth on the 31 day of January, 2014 and in the Goshen News on the 1 day of February, 2014 advising all necessary parties of the time, place, and date of said hearings, said legal notice having been so mailed, and having been so published, being in the words and figures following, to-wit: Attachment "A" + "B" and the Board of Commissioners of Elkhart County, Indiana, pursuant to applicable Indiana law, having received a recommendation from the Elkhart County Plan Commission, and having conducted the public hearing on said Petition on the date set forth in said Notice, and being duly advised in the premises, now finds as follows:

1. That Petition heretofore filed is in proper order, and that proper legal notices of the two (2) public hearings conducted with regard to said Petition have been mailed and published.

FILED
MAR 25 2014
ELKHART COUNTY AUDITOR

MARCH 17, 2014

2014-05089
ELKHART COUNTY RECORDER
JERRY L WEAVER
FILED FOR RECORD ON
AS PRESENTED
03/25/2014 10:03 AM

Schmucker

2. The vacation of the public way in question would not hinder the growth or orderly development of Elkhart County, Indiana, or the neighborhood in which it is located or to which it is contiguous.

3. The vacation of the public way in question will not make access to the lands of any property owners within Elkhart County, Indiana by means of public way difficult or inconvenient.

4. The vacation of the public way in question will not hinder the public's access to a church, school, or other public building or place.

5. The vacation of the public way in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW, THEREFORE, Be it Ordered, Adjudged and Decreed by the Board of Commissioners of Elkhart County, Indiana as follows:

1. That said Petition is hereby, in all respects, approved and confirmed, and the request therein made to vacate a public way is hereby granted.

2. That the following described public way situate in the unincorporated area of Elkhart County, Indiana is hereby vacated, said public way being described as follows:

3. That title in fee simple to the above vacated property shall be transferred to (a) the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to be centerline of the public way herein vacated, or (b) _____

_____

_____.

4. That these proceedings shall not deprive any public utility of the use of all or part of the public way herein granted if at the time these proceedings are instituted the utility is occupying or using all or part of that public way for the location and operation of its facilities.

Dated this 17th day of March, 2014

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By _____
Terry Rodino

By _____
Frank Lucchese

By _____
Mike Yoder

Attest: _____
Auditor, Elkhart County, Indiana

CORRECTED DESCRIPTION FOR SCHMUCKER ALLEY VACATION

All that portion of the alleyway bounded on the East by Lots Numbered 1, 2, 3, 4 and 5 and on the West by Lot Numbered 25 as the said Lots are known and designated on the Original Plat of the Town of Foraker in the records of the Office of the Recorder of Elkhart County, Indiana.

ALSO:
All that portion of the alleyway bounded on the North by Lots Numbered 14, 15 and 16 and on the South by Lots 21, 22 and 23 as the said Lots are known and designated on the Original Plat of the Town of Foraker in the records of the Office of the Recorder of Elkhart County, Indiana.

ALSO:

All that portion of the alleyway bounded on the North by Lots Numbered 1, 21, 22, 23, 24 and 25 on the South by the now vacated Wabash Railway as the said Lots are known and designated on the Original Plat of the Town of Foraker in the records of the Office of the Recorder of Elkhart County, Indiana.

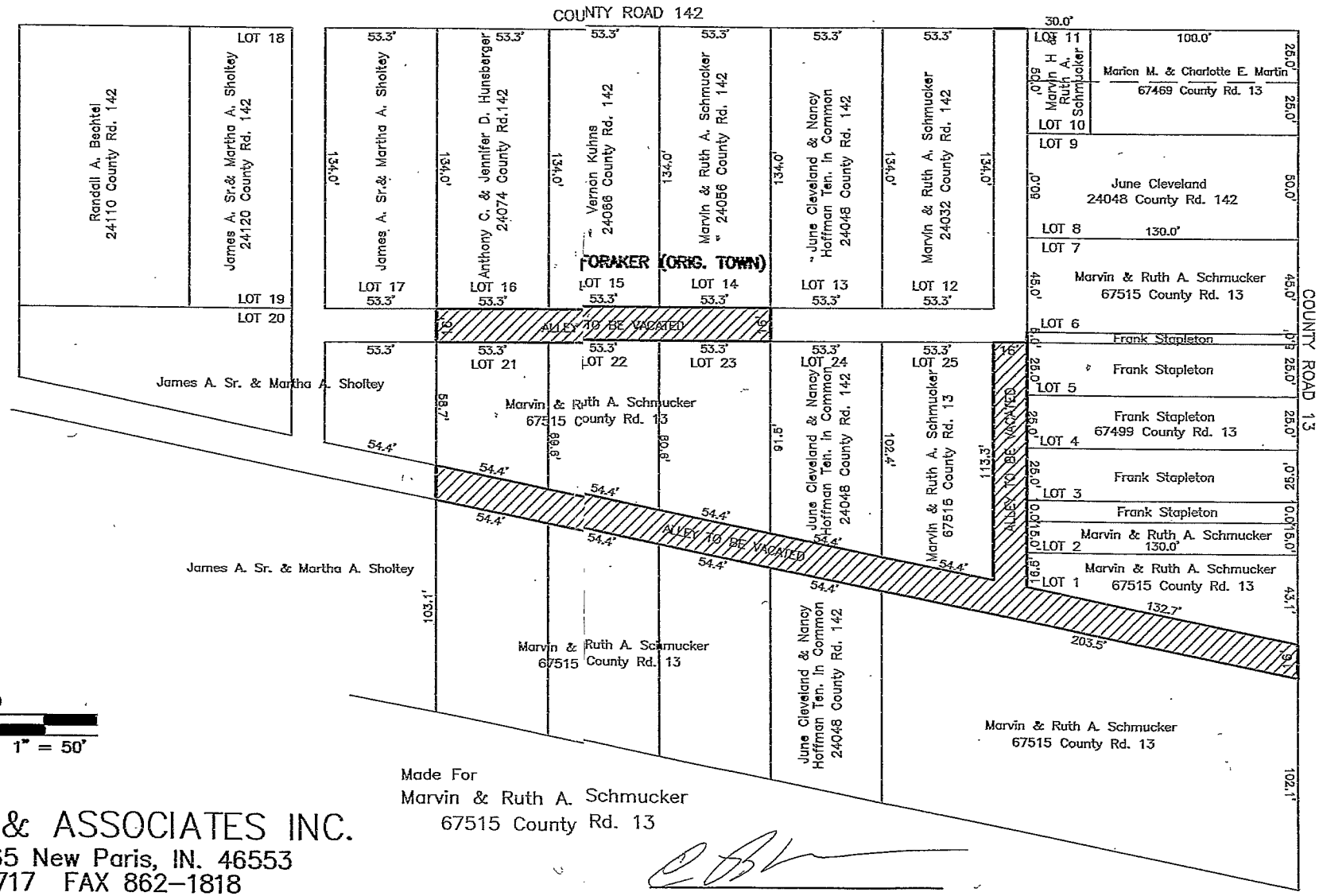
RECEIVED
JAN 28 2014
DEPT. OF PUBLIC SERVICE

Attachment "B"

MARCH 17, 2014

PAGE 128

ALLEY VACATION PLOT



Made For
Marvin & Ruth A. Schmucker
67515 County Rd. 13

B. DORIOT & ASSOCIATES INC.
P.O. Box 465 New Paris, IN. 46553
574-862-1717 FAX 862-1818

C. Blake Doriot RLS, # 890028

Brian Mabry from planning and development presented a request for W. Joel Nichols, et al, represented by B. Doriot & Associates, for the vacation of north/south alley right-of-way between Ruskin Avenue and Whittier Street and between Kreighbaum Street and SR 19 in Baugo Township. The Plan Commission has recommended approval of the vacation. There was no one to speak regarding this vacation. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the vacation and adopted an ordinance establishing this vacation.

The vacation ordinance is as follows:

ORDINANCE VACATING PUBLIC WAY IN UNINCORPORATED AREA OF ELKHART COUNTY, INDIANA

8035578 Tx:4019966

A Petition having heretofore been filed with the Board of Commissioners of Elkhart County, Indiana on the 7th day of January, 2014, requesting the vacation of a certain public way within the unincorporated area of Elkhart County, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit: Attachment "A" + "B"; and the public hearing before the Elkhart County Plan Commission and before the Board of Commissioners of Elkhart County having been scheduled as to said Petition, with the Elkhart County Plan Commission hearing having been held on the 13th day of February, 2014 and the hearing before the Board of Commissioners of Elkhart County having been held on the 17th day of March, 2014, and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public way to be vacated, and formal legal publication notice as to said hearings having been published in the Elkhart Truth on the 31st day of January, 2014, and in the Goshen News on the 1st day of February, 2014 advising all necessary parties of the time, place, and date of said hearings, said legal notice having been so mailed, and having been so published, being in the words and figures following, to-wit: Attachment "A" + "B" and the Board of Commissioners of Elkhart County, Indiana, pursuant to applicable Indiana law, having received a recommendation from the Elkhart County Plan Commission, and having conducted the public hearing on said Petition on the date set forth in said Notice, and being duly advised in the premises, now finds as follows:

1. That Petition heretofore filed is in proper order, and that proper legal notices of the two (2) public hearings conducted with regard to said Petition have been mailed and published.

FILED
MAR 25 2014
MARCH 17, 2014
ELKHART COUNTY AUDITOR

2014-05090
ELKHART COUNTY RECORDER
JERRY L WEAVER
FILED FOR RECORD ON
AS PRESENTED
03/25/2014 10:03 AM

Nichols

2. The vacation of the public way in question would not hinder the growth or orderly development of Elkhart County, Indiana, or the neighborhood in which it is located or to which it is contiguous.

3. The vacation of the public way in question will not make access to the lands of any property owners within Elkhart County, Indiana by means of public way difficult or inconvenient.

4. The vacation of the public way in question will not hinder the public's access to a church, school, or other public building or place.

5. The vacation of the public way in question will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW, THEREFORE, Be it Ordered, Adjudged and Decreed by the Board of Commissioners of Elkhart County, Indiana as follows:

1. That said Petition is hereby, in all respects, approved and confirmed, and the request therein made to vacate a public way is hereby granted.

2. That the following described public way situate in the unincorporated area of Elkhart County, Indiana is hereby vacated, said public way being described as follows:

3. That title in fee simple to the above vacated property shall be transferred to (a) the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to be centerline of the public way herein vacated, or (b) _____

_____

_____.

4. That these proceedings shall not deprive any public utility of the use of all or part of the public way herein granted if at the time these proceedings are instituted the utility is occupying or using all or part of that public way for the location and operation of its facilities.

Dated this 17th day of March, 2014.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By _____ Terry Radino

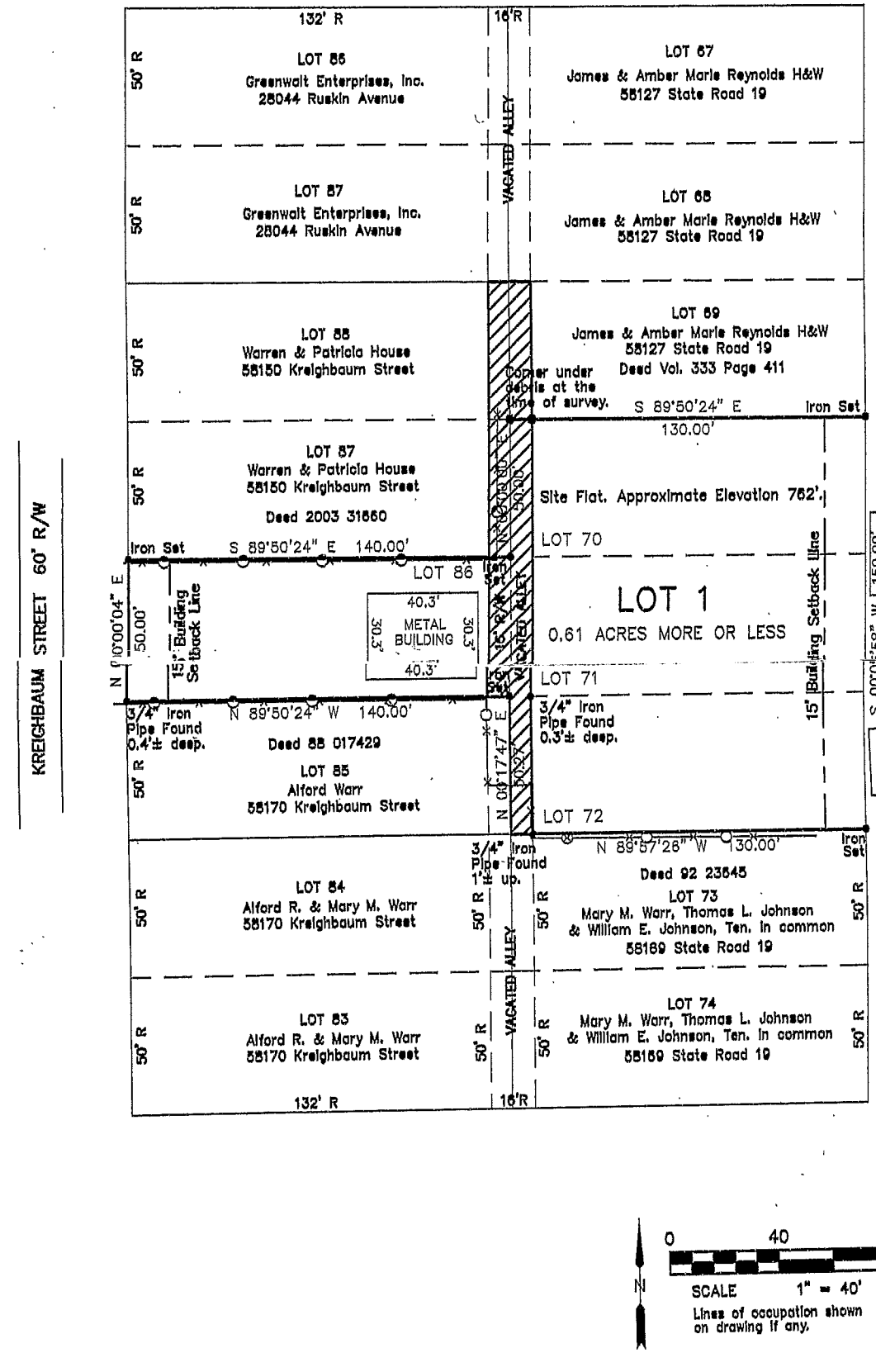
By _____ Frank Lucchese

By _____ Mike Yoder

Attest: _____
Auditor, Elkhart County, Indiana

ATTACHMENT "A"

Description
All that portion of the unvacated alleyway bounded on the East by Lots Numbered 69, 70, 71, and 72, and on the West by Lots Numbered 85, 86, 87, and 88. As said Lots are known and designated on the record Plat of Bon-Air-Park in the Records of the Office of the Recorder of Elkhart County, Indiana



ATTACHMENT "B"

B. DORIOT & ASSOCIATES, INC.
P.O. Box 465 New Paris, IN 46553
574-536-7278 FAX 457-2905

MARCH 17, 2014

Duane Burrow from planning and development presented a request for Wagner Land Development Co., Inc. (owner) and Nuway Construction (developer), represented by Jones Petrie Rafinsky, for a zone map change from a GPUD-M-1 to a DPUD-M-1 to be known as Bristol Park for Industry Phase 2C & 2D DPUD located on the north side of Commerce Drive, 1,400 feet west of CR 29 in Washington Township. The Plan Commission has recommended approval of the request. Mr. Burrow noted that this property will be under the jurisdiction of the town of Bristol. There were no comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the zone map change and adopted an ordinance establishing this zone change.

The Ordinance is as follows:

ORDINANCE NO. PC 2014-02

AN ORDINANCE TO AMEND THE ELKHART COUNTY CODE 36-7-4-600 MORE SPECIFICALLY ARTICLE 2. DISTRICTS AND ZONE MAPS FOR REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM GPUD-M-1 TO DPUD-M-1, TO BE KNOWN AS BRISTOL PARK FOR INDUSTRY, PHASE 2D DPUD M-1; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN ARTICLE 2. DISTRICTS AND ZONE MAPS OF THE ELKHART COUNTY ZONING ORDINANCE

WHEREAS, Wagner Land Development Company, Inc. submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from **GPUD-M-1** to **DPUD-M-1** on January 10th 2014;

WHEREAS, The Site Plan Review Committee did critique the petition as submitted and made those comments part of the file for consideration by the Elkhart County Plan Commission;

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 31st day of January 2014 and in **The Goshen News** on the 1st day of February 2014 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record with in 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 13th day of February 2014 and did take public input at that meeting;

WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I - Planned Unit Development of the Elkhart County Zoning Ordinance; **And**

WHEREAS, The petition was presented to the Board of County Commissioner Elkhart county, Indiana with a Favorable Recommendation.

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

SECTION 1. That the legal description of the real estate attached hereto as **Exhibit A** is made a part of this ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in **SECTION 1** of this Ordinance be rezoned from **GPUD-M-1** to **DPUD-M-1** effective immediately and the zone maps adopted by reference in Article 2 of the Elkhart County Zoning Ordinance for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.

SECTION 3. That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the M-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced and govern the use of the real estate, though the Development Plan and Site Plan/Support Drawing will supersede all otherwise applicable **Permitted Uses, Special Uses,** and **Development Standards** under the M-1 zoning district.

SECTION 4. That all future Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a Secondary Plat; Secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan/ Support Drawing, and the Subdivision Control Ordinance. The Development Plan(s) shall be incorporated into this Ordinance by this reference. All Secondary Plats will reference this Ordinance and if the intent of this Ordinance or the Site Plan/ Support drawing is not clear the Secondary Plan may be considered by the County Advisory Plan Commission at a Public meeting.

SECTION 5. That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

SECTION 6. This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.

SECTION 7. Reserved.

SECTION 8. Reserved.

SECTION 9. Reserved.

SECTION 10. In the event any covenant, restriction, provision or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.

SECTION 11. This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

ORDAINED AND ADOPTED THIS 17TH DAY OF MARCH 2014 BY THE BOARD OF COUNTY COMMISSIONER ELKHART COUNTY, INDIANA.

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: Pauline E. Graff
Pauline E. Graff Auditor for Elkhart County

EXHIBIT A
Legal Description

Phase 2D
A part of the West half of section 24, township 38 North, range 6 East, situate in washington township, elkhart county, state of indiana; more particularly described as follows:

Commencing at the West quarter (W 1/4) corner of said section 24 also known as the SouthWest corner of the NorthWest quarter (NW 1/4) of said section 24 marked by a stone; thence North 89°58'15" East along the South line of the NorthWest quarter (NW 1/4) of said section 24 a distance of 300.03 feet; thence North 01°09'32" West a distance of 531.39 feet to the Southern boundary (right-of-way) of the Indiana toll road per deed record volume 404, page 900; thence South 41°05'08" East along the said Southern boundary a distance of 82.55 feet to a point of curvature; thence Eastwardly along the said Southern boundary 388.22 feet along an arc to the left having a radius of 390.00 feet and subtended by a long chord having a bearing of South 69°44'46" East a distance of 372.39 feet; thence continuing NorthEastwardly along the said Southern boundary 338.32 feet along an arc to the left having a radius of 390.00 feet and subtended by a long chord having a bearing of North 56°53'08" East a distance of 327.81 feet to the place of beginning of this description; thence continuing Northwardly along the said Indiana toll road boundary 345.78 feet along an arc to the left having a radius of 390.00 feet and subtended by a long chord having a bearing of North 06°38'04" East a distance of 334.56 feet to a point of tangency; thence North 18°45'56" West along the Eastern boundary of said toll road a distance of 57.84 feet to a corner of said Indiana toll road; thence North 86°14'04" East along the said Southern boundary a distance of 528.85 feet to the point of change from tangent to spiral; thence continuing along said Southern boundary Eastwardly 294.15 feet along a spiraled arc to the right and having a radius of 2291.83 feet and subtended by a long chord having a bearing of North 86°58'38" East a distance of 294.13 feet to a 3/4 inch iron pipe; thence South 4°16'39" East a distance of 350.75 feet to a 3/4 inch iron pipe; thence South 85°21'01" West a distance of 492.66 feet to a 3/4 inch iron pipe; thence South 0°21'38" West a distance of 1180.49 feet to a 3/4 inch iron pipe on the West line of the East half of the SouthWest 1/4 quarter of said section 24; thence North 1°03'49" West along said West line 1162.80 feet to a 5/8" rebar and cap; thence South 85°06'28" West 348.85 feet to the place of beginning.
Containing 7.2 acres.

I Duane Burrow Senior Planner with the Elkhart County Division of Planning did prepare this document and do affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved Secondary approval for Wagner Land Development Co., Inc. (owner) and Nuway Construction (developer), represented by Jones Petrie Rafinsky, of a DPUD-M-1 to be known as Bristol Park for Industry – Phase 2D DPUD located on the north side of Commerce Drive, 1,400 feet west of CR 29 in Washington Township, as requested by Duane Burrow from planning and development.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Secondary approval of a 12 lot major subdivision known as Winding River Estates Phase Two for D. Afton Development, LLC, represented by Brads-Ko Engineering & Surveying, Inc., located on the west side of CR 37, 835 feet south of CR 10 in York Township, as requested by Brian Mabry from planning and development.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for February 2014 and placed in on file.

Gordon Lord, county attorney, informed the Board that the Elkhart County Code is now complete and up to date. An ordinance will need to be adopted to accept the new codification. That will be done at the March 31st or April 7th meeting. The new code will not be published since there are not any new ordinances and all of the ordinances in the code were published when adopted.

Sheriff Rogers questioned increasing the per diem for county employee travel. Tom Byers, County Administrator, said it is in the process of being revised.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

March 24, 2014

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 Pauline Graff, County Auditor; 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 Allowance of Claims, as presented by the county auditor's office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a Level Two Design Exception for Bridge 189 on CR 40 over Stony Creek project, as requested by Jeff Taylor, Manager of Transportation. A copy of the letter is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an agreement with MapleNet Wireless, Inc. for fiber optic system management, as requested by Jeff Taylor, Manager of Transportation. This will be for designing, operating and maintaining the fiber optic system along CR 17 so that businesses that want to purchase fiber will be able to do so. 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 the SRI Tax Sale Services Addendum, as requested by Tom Byers, County Administrator. A copy of the addendum 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.

The Board of Commissioners reopened their meeting after the Storm Water Board meeting.

Wendy Hudson, County Clerk, asked the Board for approval of a lease/purchase contract with Election Systems & Software, LLC for the electronic poll books. The total cost will be $240,420.40. Craig Buche from the county attorney's office is in the process of reviewing the agreement and will have some additions and revisions but said the Commissioners can approve it today subject to those changes. Ms. Hudson said the approval is needed in order to get the equipment ordered. This company has been certified by the state. Mr. Rodino said he would prefer to wait to approve the agreement after the county attorney's office has completed their changes and additions.

On a motion made by Mike Yoder, seconded by Frank Lucchese and carried, the Board approved the contract subject to legal approval. Terry Rodino voted against the motion.

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

Respectfully submitted,
Kathy Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

March 31, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in the Commissioners' meeting room 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 Dawn Truex from the county auditor's office; Craig Buche & Nat Jordan from the county attorney's office; 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 Allowance of Claims, as presented by the county auditor's office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an addendum (Change Order) for $3,099 with EnerGov for the planning department's new software, as requested by Chris Godlewski, Director of Planning. A copy of the addendum is on file in the Commissioners' office.

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 $6,500 for the planning department to hire a summer intern, as requested by Chris Godlewski, Director of Planning. They intend to make this an annual item and will put in it their budget in the future.

The additional appropriation is as follows:

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: March 13, 2014 DEPARTMENT Planning 001-132
NAME NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 $ 6,500.00		Professional Part-time	4125	Planning	001
2					
3					
4					
5					
6					
7					
8					
TOTAL $ 6,500.00					

ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year		Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.	Unspent Request as of Date	AMOUNT	DATE	YES	NO	Amount	Date
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL $							

REASON FOR REQUEST To hire a summer intern.

Nat Jordan from the county attorney's office explained the ordinance that is being considered for the new county code. He has been working with various county departments and AmLegal for the past year to update the county code books and it is now will be available both in book form and electronically. It is approximately 660 pages. Before AmLegal makes it available electronically an ordinance needs to be adopted by both the County Commissioners and County Council.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted An Ordinance Enacting a Code of Ordinances for the County of Elkhart, Indiana, Codifying, Revising, Rearranging, and Compiling Certain of Its Existing General Ordinances, Orders and Resolutions and Dealing with Subjects Embraced in Such Code of Ordinances.

The Ordinance is as follows:

COUNCIL ORDINANCE NO. CC-2014-04
COMMISSIONER ORDINANCE NO. 2014-145

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA, CODIFYING, REVISING, REARRANGING, AND COMPILING CERTAIN OF ITS EXISTING GENERAL ORDINANCES, ORDERS AND RESOLUTIONS AND DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES

WHEREAS, Indiana Code 36-1-5-3 requires the legislative body of a unit to codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The Board of Commissioners of the County of Elkhart, Indiana, and The Elkhart County Council (hereinafter collectively "Elkhart County") have authorized a general codification, revision, rearrangement, and compilation of the ordinances of Elkhart County of a general and permanent nature, along with certain orders and resolutions of a general and permanent nature, and have authorized publication of the same as a complete, simplified code in book and electronic form;

NOW, THEREFORE, BE IT ORDAINED, ORDERED AND ESTABLISHED by Elkhart County that:

1. The general ordinances, orders, and resolutions of Elkhart County as codified, revised, rearranged, and compiled in book form are hereby adopted as and constitute the "Elkhart County, Indiana, Code of Ordinances" which may also be referred to by the shorter title of the "Elkhart County Code." Two copies of the Elkhart County Code will be on file in the office of the Elkhart County Auditor for public inspection. The Elkhart County Code may also be made available electronically, including online.

2. The Elkhart County Code as adopted herein consists of the following titles:

Title I	General Provisions
Title III	Administration
Title V	Public Works
Title VII	Traffic Code
Title IX	General Regulations
Title XI	Business Regulations
Title XIII	General Offenses
Title XV	Land Usage

3. All prior ordinances, orders, and resolutions of a general and permanent nature pertaining to the subjects contained in or covered by the Elkhart County Code are deemed repealed from and after the effective date of this Ordinance except as they are included and reordained in whole or in part in the Elkhart County Code, and except that:

a. this repeal does not affect any offense committed, penalty incurred, or right established prior to the effective date of this Ordinance;

b. this repeal does not affect the provisions of ordinances, orders, or resolutions levying taxes; appropriating money; approving budgets; creating funds; annexing or disannexing territory; establishing precincts; establishing franchises, licenses, or leases, or granting special rights to certain persons; authorizing public improvements; authorizing the issuance of bonds or borrowing of money; authorizing tax sales and the purchase or sale of real or personal property; granting or accepting easements; platting or dedicating land to public use; or vacating or setting the boundaries of streets or other public places;

c. this repeal does not affect any ordinance, order, or resolution of a temporary or special nature; and

d. this repeal does not affect any ordinance, order, or resolution pertaining to subjects not contained in or covered by the Elkhart County Code.

4. The Elkhart County Code will be filed in the office of the Elkhart County Auditor.

5. The Elkhart County Code is in full force and effect, and the Elkhart County Code constitutes presumptive evidence in any and all legal proceedings and places:

a. of the provisions of the Elkhart County Code;

b. of the date of adoption of the Elkhart County Code;

c. that the Elkhart County Code has been properly signed, attested, recorded, and approved; and

d. that any public hearings required have been held, with any notices required given.

ORDAINED AND ADOPTED this 31st day of MARCH, 2014.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By _____
Terry Rodino, President

By _____
Mike Yoder, Vice-President

By _____
Frank Lucchese, Member

ELKHART COUNTY COUNCIL, STATE OF INDIANA

By _____
John K. Letherman

By - ABSENT -
Thomas W. Stump

By _____
David M. Ashe

By _____
David E. Foutz

By _____
Randall D. Yohn

By _____
Darryl J. Riegsecker

By _____
David L. Hess

ATTEST:

Pauline E. Graff
Pauline E. Graff
Elkhart County Auditor

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed a right-of-way certificate letter for bridge #189, CR 40 over Stoney Creek, as requested by Jeff Taylor, Manager of Transportation. A copy of the letter 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 appropriation reduction of $30,385 from the Cumulative Bridge fund and an additional appropriation from the Motor Vehicle Highway fund for $30,535 for the administrative assistant salary, as requested by Jeff Taylor, Manager of Transportation. This was to change the fund from which this person would be paid.

The reduction and additional appropriation are as follows:

ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST

DATE: 03-26-14 DEPARTMENT Cumulative Bridge (NAME) 335-212 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	30,535		FT Office & Clerical	4109	Cumulative Bridge	335
2						
3						
4						
5						
6						
7						
8						
TOTAL	**30,535**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Per Council action 12-14-13, this position has been eliminated, and a new position created in 112-201-4108, for which there is an additional appropriation.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 03-26-14 DEPARTMENT Motor Vehicle Highway (NAME) 112-201 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	30,535		FT Admin Asst.	4108	Motor Vehicle Highway	112
2						
3						
4						
5						
6						
7						
8						
TOTAL	**30,535**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds for Administrative Assistant position approved last fall by Council. The amount position was created, and a position in the Cumulative Bridge was eliminated. The amount requested is the same amount reduced from Cumulative Bridge.

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 $125,000 for traffic signal upgrades, as requested by Jeff Taylor, Manager of Transportation. The County is the lead agency and Elkhart City and Goshen City will reimburse the County for their share of the cost. There is a 15% construction inspection fee and INDOT, Elkhart and Goshen will reimburse the County for their respective share of those costs also.

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 $80,000 for excess hours, 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 Cumulative Bridge fund for $10,000 for excess hours, as also 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 from the Local Road & Street fund for $96,000, as requested by Jeff Taylor. This is to replenish funds that were transferred to another account for snow plowing.

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 $310,000 from the Cumulative Bridge fund for bridge #127, CR 4 east of CR 7, project, as again requested by Jeff Taylor. INDOT will reimburse the county 80% of the cost.

The five (5) above additional appropriations are as follows:

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 03-26-14 DEPARTMENT Highway (NAME) 331-980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	50,000	1411	Signal Improvements Const	4730	E.D.I.T.	331
2	75,000	1412	Signal Improve. Const Insp	4730	E.D.I.T.	331
3						
4						
5						
6						
7						
8						
TOTAL	**125,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date
0							
0							

REASON FOR REQUEST 1. Funds needed for 10% match to Federal Aid. Elkhart City and Goshen City partnering on the project and will reimburse the County proportionately for their share of the cost.

2. 15% Construction inspection fee. INDOT/Elkhart/Goshen will reimburse the County for their respective share.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 03-26-14 DEPARTMENT Motor Vehicle Highway (NAME) 112-202 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	80,000		FT Excess Hours	4118	Motor Vehicle Highway	112
2						
3						
4						
5						
6						
7						
8						
TOTAL	**80,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds needed to replenish the overtime account for workers.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 03-26-14 DEPARTMENT Cumulative Bridge (NAME) 335-212 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	10,000		Excess Hours	4118	Cumulative Bridge	335
2						
3						
4						
5						
6						
7						
8						
TOTAL	**10,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. Funds needed to replenish the overtime account for workers.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 03-26-14 DEPARTMENT Local Road and Street (NAME) 114-222 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	86,000		Vehicle Repairs	4334	Local Road and Street	114
2	10,000		Bridge/Traffic Lights	4329	Local Road and Street	114
3						
4						
5						
6						
7						
8						
TOTAL	**96,000**					

ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date

REASON FOR REQUEST 1. The request is for funds transferred from this account to 4309 (Other Professional Services) The replenishment is needed for expenses throughout the year. 2. Funds to replace $10,000 transferred to account 4334.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 03-26-14 DEPARTMENT Highway 335-980
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	150,000	1409	Bridge # 127 Construction	4730	Cumulative Bridge	335
2	160,000	1410	Bridge # 127 Const. Insp.	4730	Cumulative Bridge	335
3						
4						
5						
6						
7						
8						
TOTAL	**310,000**					

	ORIGINAL AMOUNT Approp.	as of Date	If Prior Add'l Appropriation Was Approved This Year AMOUNT	DATE	Can Transfers Be Effected YES	NO	APPROVED BY COUNCIL Amount	Date
	0							
	0							

REASON FOR REQUEST 1. Construction 20% match funds required for the replacement of the bridge.
2. Construction Inspection funds required for the bridge project. INDOT will reimburse the County 80%.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed a letter designating the full time Resident Project Representative for the construction inspection for the CR 3/CR 32 intersection improvements, as requested by Jeff Taylor, Manager of Transportation. There will also be six (6) other people that the project representative will utilize during the project.

Craig Buche from the county attorney's office addressed the Board regarding the lease/purchase of electronic polling books for the County Election Board. Requests for proposals were submitted December 2, 2013 and the election board has recommended a contract be awarded to Election Systems & Software, LLC (ES & S). The Commissioners approved this at an earlier date & the election board is now ready to order the equipment. The County will finance the poll books through Government Capital Corporation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted a resolution awarding the contract for the Elkhart County Election Board on electronic poll books pursuant to the request for proposals and a resolution for the purpose of financing the Elkhart County election equipment.

The two (2) Resolutions are as follows:

RESOLUTION NO. **2014-158**

RESOLUTION OF THE ELKHART COUNTY COMMISSIONERS AWARDING CONTRACT FOR ELKHART COUNTY ELECTION BOARD ON ELECTRONIC POLL-BOOKS PURSUANT TO REQUEST FOR PROPOSALS

WHEREAS Indiana Code Sections 36-1-3-1 et seq. permit any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana, is the County executive body and is authorized by law to adopt ordinances and resolutions for the administration of its governmental affairs;

WHEREAS the Elkhart County Election Board issued its Request for Proposals dated December 2, 2013 for electronic poll-books;

WHEREAS the Elkhart County Election Board recommended that the contract be awarded to Election Systems & Software, LLC (hereinafter referred to as "ES&S") after its evaluation of the proposals;

WHEREAS the Elkhart County Election Board determined that the ES&S proposal represented the lowest responsive and responsible bid, taking into consideration pricing, the quality of the product to be purchased, response to bid specifications, demonstrations, applied usability in a real life situation, and references of like-county installations running the same proposed software on the same proposed hardware;

WHEREAS after its evaluation of the proposals, the Elkhart County Election Board concluded that ES&S was the only bidder that could likely meet its legitimate expectations and requirements to effectively function to carry out the primary and general elections in Elkhart County, Indiana this year in accordance with the Request for Proposals and in a cost-effective way;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND RESOLVED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. That the proposal for the Elkhart County Election Board electronic poll-books be awarded to ES&S.

2. That the Elkhart County Election Board is hereby authorized to proceed with a contract to lease-purchase the ES&S electronic poll-books and ancillary hardware and software as required for the Elkhart County Vote Centers, subject to final approval of the contract by the Elkhart County Attorney's Office.

DATED this 31st day of March, 2014.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: _____
Terry J. Rodino, President

By: _____
Mike Yoder, Vice President

By: _____
Frank R. Lucchese, Member

ATTEST:

Pauline E. Graff
Pauline E. Graff, Elkhart County Auditor

RESOLUTION NO. **2014-160**

RESOLUTION OF THE ELKHART COUNTY COMMISSIONERS FOR THE PURPOSE OF FINANCING ELKHART COUNTY ELECTION EQUIPMENT

WHEREAS the County of Elkhart, Indiana desires to enter into that certain Municipal Lease-Purchase Agreement dated March 31, 2014 by and between Government Capital Corporation as Lessor and the County of Elkhart, Indiana as Lessee for the purpose of financing certain election equipment for the Elkhart County Election Board;

WHEREAS the County of Elkhart, Indiana desires to designate authorized signers for purposes of the Municipal Lease-Purchase Agreement;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. That the County of Elkhart, Indiana enters into a Municipal Lease-Purchase Agreement with Government Capital Corporation for the purposes of financing the election equipment for the Elkhart County Election Board.

2. That the Municipal Lease-Purchase Agreement dated March 31, 2014 by and between Government Capital Corporation as Lessor and the County of Elkhart, Indiana as Lessee is hereby approved.

3. That the County of Elkhart, Indiana designates Wendy Hudson, as Elkhart County Clerk and Pauline E. Graff, as Elkhart County Auditor and Dawn Truex, as Elkhart County Chief Deputy Auditor as authorized signers of the Municipal Lease-Purchase Agreement dated March 31, 2014 by and between the County of Elkhart, Indiana and Government Capital Corporation.

RESOLVED AND APPROVED by the Board of Commissioners of the County of Elkhart, Indiana at a meeting held on the 31st day of March, 2014.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: _____
Terry J. Rodino, President

By: _____
Mike Yoder, Vice President

By: _____
Frank R. Lucchese, Member

ATTEST:

_____
Pauline E. Graff, Elkhart County Auditor

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

Respectfully submitted,
Kathy L. Erschen