MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

September 2, 2014

Vice President Mike Yoder called the meeting 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; Dawn Truex from the county auditor' office; 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 August 18th & 25th, 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 auditors' office.

The bids for part II of the paving program for the highway department that were to be accepted today will not be accepted until Monday, September 8, 2014. There was additional paving added to the program and at the pre-bid meeting, it was requested by the bidders to have another week to figure their costs. It was determined by the county attorney's office that would be suitable.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved Secondary approval of The Summit Section Eight, an extension of Alverstone Drive West North & extension of Shavana Peak Drive West, for Segra Properties, LLC, c/o Dr. Robert D. Slabaugh, represented by Ronnie L. Justice, located north of CR 14 in Middlebury Township, as requested by Chris Godlewski, Director of Planning. They also approved updating the covenants of the subdivision as requested by the developer.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board appointed Lori Snider to the Elkhart County Advisory Plan Commission to replace Doug Miller, who is resigning in October. She will begin at the November meeting and her term will end December 31, 2016.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an appropriation reduction request from the Motor Vehicle Highway fund for $100,000 due to a reduction in payroll costs and an additional appropriation request for the Motor Vehicle Highway fund for $100,000 for road paving and maintenance, as requested by Jeff Taylor, Manager of Transportation.

The reduction and additional appropriation are as follows:

ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST

DATE: 08-27-14 DEPARTMENT Highway 1176-202
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	100,000		FT Service Maint. Workers	41150	Motor Vehicle Highway	1176
2						
3						
4						
5						
6						
7						
8						
TOTAL	**100,000**					

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. As a result of cutting payroll costs, this account can be reduced, and the proceeds will be requested in a separate additional appropriation request for more paving.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 08-27-14 DEPARTMENT Highway (NAME) 1176-980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	100,000	141432	Poad Paving & Maint	44600	Motor Vehicle Highway	1176
2						
3						
4						
5						
6						
7						
8						
TOTAL	**100,000**					

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 requested to pave various roads. The funds requested are a result of cutting budget costs. There is a reduction submitted consistent with this appropriation request.

Gordon Lord, County Attorney, addressed the Board regarding an Economic Improvement District" (EID) for the Goshen Dam Pond area. The Elkhart River Restoration Association, Inc. (ERRA) has circulated a petition to the 80 property owners (exclusive of public entities or ineligible parcels) with frontage on the Goshen Dam Pond. He stated that both the County Commissioners and the Goshen Redevelopment Commission had suggested that the property owners around the pond should have a stake in the planned dredging project and that such property owners should be subject to some type of annual fee or taxation associated with the area and the expenditures of public or other funds on a dredging project for the pond. The petition contains 55 signatures out of the 80 parcels. Indiana Code requires a petition signed by a majority of the owners of real property within the proposed District and the owners of real property constituting more than 50% of the assessed value in the proposed District. With 55 out of 80 signatures, there is approximately 69% written support for the EID establishment. There is no question from the ERRA perspective that 75% or more of the assessed valuation is represented by the 55 signatures at hand, as most of the more highly assessed properties around the pond, through the owners thereof, are joined in the Petition. Mr. Lord said the next step would be for a public hearing to be set by the County Commissioners and he is suggesting such would be set for October 6th or October 20th. Mr. Lord presented the original Petition to the Commissioners.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Petition and established a public hearing for October 6, 2014 at 9:00 a.m. That is also the date of a regularly scheduled Board of Commissioners meeting.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an additional appropriation from the General fund for the IT budget for $60,000 for telephone expenses through the end of the year and an additional appropriation from the General fund for the Commissioners' budget for $160,000 for legal expenses through the end of the year, as requested by Tom Byers, County Administrator.

The two (2) additional appropriations are as follows:

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE 8-27-2014 DEPARTMENT IT (NAME) 1000/141 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	50,000		Telephone	43140	General	1000
2						
3						
4						
5						
6						
7						
8						
TOTAL	**50,000**					

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 Cover telephone expenses through the end of year.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE 8-27-2014 DEPARTMENT Commissioners (NAME) 1000/130 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	160,000		Legal Expenses	43010	General	1000
2						
3						
4						
5						
6						
7						
8						
TOTAL	**160,000**					

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 To cover legal expenses through the end of year.

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 July 16th – August 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

September 8, 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 and the Payroll Claims, as presented by the county auditor's office.

Bids were presented and opened by Pauline Graff, County Auditor, for the Paving Program Part II for the highway department. Bids were received from Rieth-Riley Construction Co., Inc. for Group 1-$1,078,510.94 & Group 2-$297,745.30; Walsh & Kelly for Group 1-$1,022,156.12 & Group 2-$264,204.50; and Phend & Brown for Group 1-$998,764.98 & Group 2-$275,574.80.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted all the bids and forwarded them to Jeff Taylor, Manager of Transportation, for review and tabulation. He will bring a recommendation to the Board at a later meeting. All of the bids are on file at the highway department offices.

Jeff Blair, who is currently president of the Indiana Lincoln Highway Association (ILHAA), asked the Commissioners to seek their endorsement in the formation of a new council that would be tasked with overseeing the implementation of the proposed management plan. According to Mr. Blair, the ILHA petitioned the state to have the highway officially included in the Indiana Byways Program which allows the organization to apply for state and federal grants. They were able to get a $65,000 federal grant to write a corridor management plan. He would like the Commissioners to appoint him to this committee and hope to end up with 12 to 15 people on the committee to meet periodically. He would represent both Elkhart and Kosciusko counties.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board appointed Jeff Blair to serve on this new committee.

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 Northwest Gateway TIF District fund for $21,500 for an entryway sign, land & appraisal for right-of-way, as requested by Chris Godlewski, Director of Planning.

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 Western Gateway TIF District fund for $1,000 for administrative fee reimbursement, as requested by Chris Godlewski, Director of Planning.

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 for $72,000 for County Road 17 maintenance and installation and easements for fiber lines, as also requested by Chris Godlewski, Director of Planning.

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

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: August 25, 2014 DEPARTMENT Northwest Gateway 4504-980
NAME NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	$ 4,500.00		Improvements other than bldg	44310	Northwest Gateway	4504
2	16,000.00		Land - capital outlays	44100	Northwest Gateway	4504
3	1,000.00		Appraisal for right-of-way	43090	Northwest Gateway	4504
4						
5						
6						
7						
8						
TOTAL	$ 21,500.00					

	ORIGINAL AMOUNT Approp.	Unspent Request	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
1									
2									
3									
4									
5									
6									
7									
8									
TOTAL $									

REASON FOR REQUEST Placement of entryway sign at the NE corner of Old US 20 and Ash Road. The expense pays for eaement, legal, sign materials and construction, and professional services (sign contractor). Right-of-way acquisition and damages for Ash/Old US 20 road iprovements. Appraisal for right-of-way purchase.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: August 25, 2014 DEPARTMENT Western Gateway (NAME) 4506-980 (NUMBER)

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 $ 1,000.00		Administrative Fees	34145	Western Gateway	4506
2					
3					
4					
5					
6					
7					
8					
TOTAL $ 1,000.00					

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 Expense reimbursement agreement. I mistakenly forgot to make this request in the January 2014 council meeting. The bill was paid and now I need to justify the payment with an appropriation.

ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST

DATE: 8/25/14 DEPARTMENT NE TIF (NAME) 4511-980 (NUMBER)

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1	$ 10,000.00		CR 17 Corridor Maintenance	43580	NE TIF	4511
2	$ 62,000.00		Construction/Reconstruction	44600	NE TIF	4511
3						
4						
5						
6						
7						
8						
TOTAL	$ 72,000.00					

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 Funds to maintain and enhance the CR 17 corridor to include, but not limited to mowing, weed control, replacing trees and shrubs at Six Span Landing, and other such maintenance. These funds will assist in releiving the financial pressure to the MVH (Highway) Fund for maintenance. The $62,000.00 is for the installation and easements for Fiber lines.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Indiana Economic Development Corporation Industrial Development grant fund grant agreement for $125,000 for the installation of a rail spur on the north side of Bristol for Alliance Sheets, as requested by Tom Byers, County Administration. They will have a $150,797 match. Alliance Sheets will handle the installation of the rail spur and then submit an invoice for $125,000 from the state. 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 out-of-state travel for J. Grossman from highway to go to Washington, DC in January 2015 for the Transportation Research Board Annual meeting.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

September 15, 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; 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 September 2nd & 8th, 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.

Craig Buche from the county attorney's office, who is representing the County Redevelopment Commission and the Town of Middlebury, noted that the legislature adopted a new set of laws this year governing redevelopment commissions and setting limitations on what are called legacy TIF districts, that is if the TIF district was created prior to 1995 had no term on them and those TIF districts must end by 2025 unless they have an outstanding obligation. The redevelopment commission does have a TIF district of that type called the Middlebury East TIF district. Mr. Buche said they have entered into an interlocal agreement with the Town Middlebury for a sewer project that has pledged the TIF revenues from that district. That project will run until 2034. The bond counsel for the Town of Middlebury was contacted and asked what kind of documentation they needed to demonstrate this TIF district would continue until those TIF revenues satisfied that bond obligation. They recommended a resolution of this type that would refer to the obligation, have the redevelopment commission approve it and bring it to the Commissioners because they are the oversight authority for the redevelopment commission. After this resolution is approved, it will be filed with the county recorder, county auditor and Department of Local Government Finance. It has been approved by the redevelopment commission.

On a motion Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Resolution as presented.

The Resolution is as follows:

RECEIVED
SEP 18 2014
COUNTY AUDITOR

2014-17823

ELKHART COUNTY RECORDER
JERRY L WEAVER
FILED FOR RECORD ON
AS PRESENTED
09/18/2014 2:30 PM

RESOLUTION NO. 2014-12

RESOLUTION OF THE ELKHART COUNTY REDEVELOPMENT COMMISSION NOTIFYING THE ELKHART COUNTY AUDITOR OF A DEBT OBLIGATION OF THE MIDDLEBURY EAST TIF DISTRICT

RETURN TO:
YAUB

WHEREAS the Elkhart County Redevelopment Commission has entered into an Interlocal Agreement with the Town of Middlebury, Indiana obligating its TIF revenue from the Middlebury East TIF District for purposes of the 2013 Sewage Works Improvements Project ("Project") as provided in the Interlocal Agreement, a copy of which is attached hereto as Exhibit A;

WHEREAS the Elkhart County Redevelopment Commission has pledged the TIF revenue in accordance with the terms and provisions of the Interlocal Agreement, and the Elkhart County Council has approved and authorized a continuing appropriation of the TIF revenues from the Middlebury East TIF District in accordance with the Continuing Appropriation Ordinance, a copy of which is attached hereto as Exhibit B;

WHEREAS the Town of Middlebury, Indiana has issued its Sewage Works Revenue Bonds of 2013 ("Bonds") as an obligation secured by the revenues of the sewage works and the TIF revenue from the Middlebury East TIF District in accordance with Ordinance No. 543 of the Town of Middlebury, Indiana authorizing the Bonds;

WHEREAS the Bonds of the Town of Middlebury, Indiana have been issued in favor of the Indiana State Revolving Loan Fund with Bond payments required in accordance with the amortization schedule, a copy of which is attached hereto as Exhibit C;

WHEREAS the Interlocal Agreement prohibits any adverse action from being taken to jeopardize the TIF revenue from the Middlebury East TIF District for the benefit of the Bonds issued to the Indiana State Revolving Loan Fund;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND RESOLVED by the Elkhart County Redevelopment Commission as follows:

1. That the Elkhart County Redevelopment Commission hereby notifies the Elkhart County Auditor that an outstanding obligation exists for the Middlebury East TIF District with the current expiration of that obligation being the 1st day of September, 2034.

2. That pursuant to Indiana Code Section 36-7-14-39(b) and based upon the current obligation, the Middlebury East TIF District will not expire until the 1st day of September, 2034.

TX:4028197

3. That upon approval of this Resolution, this Resolution will be recorded with the Elkhart County Recorder and filed with the Indiana Department of Local Government Finance to make this of public record and to confirm the obligation of the Middlebury East TIF District and its continuation through the 1st day of September, 2034.

RESOLVED this 28th day of August, 2014.

ELKHART COUNTY REDEVELOPMENT COMMISSION

By: _____
Michael Huber, Presiding Officer

ATTEST:

_____
Douglas Huster, Secretary/Acting Secretary

APPROVAL

The above and foregoing Resolution of the Elkhart County Redevelopment Commission was presented to and approved by the Board of Commissioners of the County of Elkhart, Indiana this 15th day of September, 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

STATE OF INDIANA)
)
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, on this 28th day of August, 2014, personally appeared Michael Huber and Douglas Hasler, Presiding Officer and Secretary respectively, of the Elkhart County Redevelopment Commission, and acknowledged that as said officers they executed the foregoing Resolution for and on behalf and in the name of said Commission, for the uses and purposes therein mentioned, and that they were duly authorized so to do.

WITNESS my hand and notarial seal.

Craig M. Buche, Notary Public
Resident of Elkhart County, IN

My Commission expires: February 1, 2016.

STATE OF INDIANA)
)
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, on this 15th day of September, 2014, personally appeared Terry J. Rodino, President; Mike Yoder, Vice President; Frank Lucchese, Member; and Pauline E. Graff, Auditor; of the Board of Commissioners of the County of Elkhart, and acknowledged that as said officers they executed the foregoing Resolution for and on behalf and in the name of said Board of Commissioners, for the uses and purposes therein mentioned, and that they were duly authorized so to do.

WITNESS my hand and notarial seal.

Craig M. Buche, Notary Public
Resident of Elkhart County, IN

My Commission expires: February 1, 2016.

Prepared by Craig M. Buche, Yoder, Ainlay, Ulmer & Buckingham, LLP
130 N. Main Street, P.O. Box 575, Goshen, IN 46527-0575; Telephone: 574-533-1171

I 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. Craig M. Buche, 130 N. Main St., P.O. Box 575, Goshen, IN 46527-0575

EXHIBIT A

2013-07619

ELKHART COUNTY RECORDER
JERRY L WEAVER
FILED FOR RECORD ON
AS PRESENTED
04/02/2013 2:44 PM

TX:400277

RETURN TO:
YAUB

INTERLOCAL AGREEMENT FOR WASTEWATER SERVICES

8303-010

This Amended and Restated Agreement, made and entered into effective the 28th day of March, 2013, by and between the Elkhart County Redevelopment Commission (hereinafter referred to as the "Redevelopment Commission") and the Town of Middlebury, Indiana (hereinafter referred to as the "Town") which amends and restates the Agreement of same title dated August 6, 2012;

WITNESSETH:

WHEREAS the Redevelopment Commission and the Town hereby mutually agree that there is a need to expand the existing municipal sewer treatment plant and improve and enhance related wastewater facilities in the Town of Middlebury, Indiana in order to facilitate economic development in the Middlebury East Economic Development Area including but not limited to expansions at the Meijer, Inc. facility;

WHEREAS the expansion of the municipal sewer treatment plant and related wastewater facilities in the Town of Middlebury through this joint governmental effort will allow the furnishing of sewer service to the Middlebury East Economic Development Area and will benefit the Town and the County of Elkhart, Indiana in the creation of many jobs and allowing for future expansion and development within the Middlebury East Economic Development Area;

WHEREAS this Agreement is entered into pursuant to the provisions of Indiana Code Sections 36-7-14 et seq. and Indiana Code Section 36-1-7-12 to provide for the furnishing of municipal wastewater services to the Middlebury East Economic Development Area;

NOW, THEREFORE, upon the mutual promises and commitments of the Redevelopment Commission and the Town to be performed, the parties stipulate and agree as follows:

1. DEFINITION: For the purposes of this Agreement, the term "Project" shall mean the upgrading and expansion of the municipal sewer treatment plant in the Town and the enhancement and improvement of certain municipal sewage lift stations and sewer lines such that after the upgrade and expansion and related improvements, the Town's wastewater facilities will accommodate the sewage

and wastewater processing, collection, treatment, and disposal of an additional approximately 250,000 gallons per day of sanitary and process wastewater to assist in serving the Middlebury East Economic Development Area in accordance with the detailed project engineering plans and specifications prepared or to be prepared by Donohue & Associates, Inc., but with such plans and specifications subject to the reasonable approval by the Town and the concurrence of the Redevelopment Commission. Town and Redevelopment Commission hereby acknowledge that they have reviewed the proposed plans and agree that such will benefit and serve and be physically connected to the Middlebury East Economic Development Area. Exhibit A reflects the location of the Middlebury East Economic Development Area, shown as the Middlebury East TIF, as well as the location of the wastewater facility improvements. If the SRF Bonds (as hereinafter defined) are not issued by January 1, 2015, this Agreement shall be subject to termination by the Redevelopment Commission upon written notice to the Town. Redevelopment Commission and Town do hereby determine and agree that the Project qualifies as an eligible efficiency project under the redevelopment statutes which will benefit and serve the Middlebury East Economic Development Area.

2. DESIGN ENGINEERING AND CONSTRUCTION REVIEW SERVICES: Utilizing detailed project engineering plans and specifications for the Project prepared by Donohue & Associates, Inc., the Town agrees to provide all engineering services required to bid and construct the Project. The Town further agrees to provide construction review services in connection with the Project to provide reasonable assurance that the construction is in compliance with the requirements of the detailed plans and specifications for the Project.

3. ADMINISTRATION: The Town assumes and agrees to be responsible for the general administration of the Project to include but not be limited to the following services:

a. Obtaining the approval of the Indiana Department of Environmental Management as required and as needed for the plans and specifications of the Project;

b. Bidding the Project in compliance with governmental requirements applicable to the Town for bidding of public projects;

c. Awarding the bid and contracting with the successful bidder as required by and in compliance with the applicable statutes governing the Town and the awarding of bids and contracts for public projects;

d. Maintaining the documents, contracts, notices, and other records in connection with the Project including the financial records and providing a financial summary to the Redevelopment Commission for all funds expended and received in connection with the Project;

e. Satisfying and complying with the applicable requirements of Indiana Code Section 36-9-23 et seq. in connection with the Project; and

f. Providing such other general administrative services as are necessary to complete the Project.

4. INITIAL FUNDING: The initial funding for the cost of the Project shall be subject to such financial arrangements as are made by the Town. It is anticipated that the Town will issue its Sewage Works Revenue Bonds of 2013 in the aggregate original principal amount of Thirteen Million Five Hundred Eighty-five Thousand Dollars ($13,585,000.00) (the "SRF Bonds") to obtain the initial funding from the Indiana Finance Authority through the State Revolving Loan Fund ("SRF") or from other bonding or lending sources. Pursuant to Indiana Code Section 5-1-14-4 and Indiana Code Sections 36-7-14 et seq., the Redevelopment Commission, for itself and on behalf of the County of Elkhart, Indiana, agrees to and does hereby pledge and pay over to the Town for deposit in its Wastewater Utility Sinking Fund the Tax Incremental Finance (TIF) revenues generated by the Middlebury East Economic Development Area, as deposited by the Redevelopment Commission in the related Allocation Fund pursuant to Indiana Code 36-7-14-39(b) (the "TIF Revenues"), in an amount sufficient to fund the debt service on the SRF Bonds payable within the next 13 months following each such transfer of the TIF Revenues to the Town and any required deposits to the Reserve Account related to the SRF Bonds; provided, however, the maximum amount of TIF Revenues payable to the Town Wastewater Utility in any year shall not exceed the lesser of (a) Five Hundred Forty-six Thousand Dollars ($546,000.00) annually or (b) ninety-five percent (95%) of the TIF Revenues generated by the Middlebury East Economic Development Area in that year. The pledge of TIF

Revenue represents a proportionate amount of the anticipated annual payments toward the Project cost associated with and allocable to the portion of the Project serving the Middlebury East Economic Development Area. The Redevelopment Commission agrees that payments to the Town will commence on the first July 15th or January 15th following the date of the issuance of the SRF Bonds by the Town, provided that such initial transfer shall not exceed the amount on deposit in the Allocation Fund on the date this Agreement is entered into. In no event shall the County of Elkhart, Indiana and the Redevelopment Commission have any liability under this Agreement beyond the pledge of the funds made herein and which shall be limited to the actual TIF Revenues received by the Redevelopment Commission. Upon repayment of the SRF Bonds, the Redevelopment Commission may end the pledge of TIF Revenues and discontinue payments to the Town. It is the expectation of the Redevelopment Commission that the Town will exercise its best efforts to investigate and utilize any and all available sources of funding in addition to the TIF Revenues in order to repay all funds borrowed for the Project by January 1, 2034. As long as any SRF Bonds remain outstanding, this Agreement and the pledge of TIF Revenues from the Middlebury East Economic Development Area provided herein shall continue on unconditionally. The Redevelopment Commission and the Town covenant and agree that so long as any SRF Bonds are outstanding pursuant to this Agreement, the TIF Revenues pledged herein from the Middlebury East Economic Development Area held in the Allocation Fund and available for distribution to the Town will be continuously appropriated for payment to the Town to provide for the payment of the SRF Bonds under this Agreement. The appropriation of funds contemplated herein has been approved by a continuing resolution of the Elkhart County Council.

5. ADVERSE ACTION: Notwithstanding any provision of this Agreement or the proceedings relating to the establishment of the Middlebury East Economic Development Area to the contrary, so long as any SRF Bonds remain outstanding, the Town and the Redevelopment Commission, for itself and on behalf of the County of Elkhart, Indiana, shall not take any action, or fail to take any action, that could reduce, terminate, or otherwise adversely affect the pledge of the TIF Revenues herein made or the allocation of TIF Revenues to be made from the Middlebury East Economic Development Area to the Town under this Agreement or otherwise. So long as any SRF Bonds remain outstanding pursuant to the terms and provisions of this Agreement, the Redevelopment Commission further covenants and agrees not to (a) make any pledge of the TIF Revenue or (b) issue any bonds or enter

any leases payable from the TIF Revenues pledged from the Middlebury East Economic Development Area.

6. THIRD PARTY BENEFICIARIES: The Redevelopment Commission and the Town hereby acknowledge that the holder of the SRF Bonds contemplated to be issued pursuant to Paragraph 4 of this Agreement and the Indiana Finance Authority are third-party beneficiaries to this Agreement. The Redevelopment Commission and the Town covenant and agree that no amendment of this Agreement or the proceedings related to the establishment of the Middlebury East Economic Development Area shall be made without the consent of the holder of the SRF bonds and the Indiana Finance Authority.

7. OWNERSHIP OF THE MUNICIPAL SEWER TREATMENT PLANT: The ownership of the municipal sewer treatment plant and the wastewater facilities in the Town and any expanded or upgraded facilities associated therewith shall remain under the ownership of the Town to be operated and maintained by the Town as a part of the Town's sewage utilities. The Redevelopment Commission shall not acquire any operational or ownership rights with respect to the municipal sewer treatment plant or wastewater facilities in the Town under this Agreement as a result of the funding provided herein or otherwise.

8. FILING REQUIREMENTS: Within thirty (30) days after the approval and execution of this Agreement, the Redevelopment Commission shall have this Agreement recorded and filed with the appropriate governmental offices and agencies as required by Indiana statute.

9. SUPPLEMENTAL DOCUMENTS: The Redevelopment Commission and the Town agree to execute any and all supplementary documents and to take any and all supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this Agreement.

10. LIMITATIONS OF LIABILITY FOR PROJECT ACTIVITY: The Town acknowledges that the County of Elkhart, Indiana and the Redevelopment Commission shall not be liable to the Town or to any party for completion of or the failure to complete any activities which are an obligation of the Town to perform pursuant to this Agreement in regard to the Project hereunder, and Town agrees to indemnify, defend, and hold harmless the Redevelopment Commission and the County of Elkhart,

Indiana and their agents, officers, and employees from all claims and suits of any nature whatsoever arising from this Agreement pursuant to any such obligations or actions of the Town, from all judgments therefore, and for expenses in defending or appealing said claims or judgments, including without limitation court costs, attorney fees, and other expenses.

11. SEVERABILITY: The provisions in this Agreement are hereby deemed to be severable to the effect that if any provision shall be declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

12. NON-DISCRIMINATION: Pursuant to Indiana Code Section 22-9-1-10, neither the Town nor any of its contractors or subcontractors for the Project shall discriminate against any employee or applicant for employment, to be employed in the performance of any work under this Agreement with respect to hire, tenure, terms, or conditions or privileges of employment, or any matter directly or indirectly related to employment because of race, color, religion, sex, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of this Agreement.

13. GOVERNING LAW: The validity, performance, construction, and effect of this Agreement shall be governed by the laws of the State of Indiana, without regard to the provisions for choice of law thereunder.

14. COMPLETE AGREEMENT: This Agreement constitutes the entire and complete agreement between the parties with respect to its subject matter; supersedes any prior discussions, negotiations, and understanding between them; and cannot be altered, amended, or terminated without the written agreement of both parties participating herein. The parties acknowledge that neither the County, nor the Redevelopment Commission, nor the Town, nor any of their employees, agents, or other representatives have made any representations relied upon by any other party other than the agreements contained herein.

15. ACCESS TO RECORDS: Town agrees that the Redevelopment Commission and its duly appointed and authorized agents and representatives shall have full and free access to all documents and

records maintained in connection with the Project during regular business hours upon reasonable advance notice.

16. BINDING EFFECT: This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns; provided, however, no assignment of this Agreement shall be permitted without the express written consent of the Town and the Redevelopment Commission.

IN WITNESS WHEREOF, the Town and Redevelopment Commission have executed this Agreement effective the date and year first above written.

ELKHART COUNTY REDEVELOPMENT COMMISSION

By: _____
Michael Huber, Presiding Officer

ATTEST:

By: _____
Douglas Hostler, Secretary/Acting Secretary

TOWN COUNCIL OF THE TOWN OF MIDDLEBURY, INDIANA

By: _____
Gary L. O'Dell, President

ATTEST:

By: _____
Peggy A. Hutchison, Clerk-Treasurer

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this 28th day of March, 2013, personally appeared the Elkhart County Redevelopment Commission by Michael Huber, its President, and Douglas Hesler, its Secretary, and acknowledged that as said officers they executed the foregoing Agreement for and on behalf and in the name of said Redevelopment Commission for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

Craig M. Buche, Notary Public
Resident of Elkhart County, IN

My Commission expires: Feb. 1, 2016.

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this 18th day of March, 2013, personally appeared the Town Council of the Town of Middlebury, Indiana by Gary L. O'Dell its President, and Peggy A. Hutchison, its Secretary-Treasurer, and acknowledged that as said officers they executed the foregoing Agreement for and on behalf and in the name of said Town Council for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

Craig M. Buche, Notary Public
Resident of Elkhart County, IN

My Commission expires: Feb. 1, 2016.

APPROVAL

The Elkhart County Council for the County of Elkhart, Indiana hereby approves the above and foregoing Interlocal Agreement this 9th day of March, 2013 and does hereby continuously appropriate the Tax Incremental Financing Funds generated by the Middlebury East Economic Development Area pursuant to the terms and provisions of the above and foregoing Agreement pursuant to the terms and provisions of the Continuing Appropriation Ordinance attached hereto and incorporated herein by reference as Exhibit B.

ELKHART COUNTY COUNCIL

By: David L. Hess
David L. Hess, Vice President

ATTEST:

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

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this 22 day of March, 2013, personally appeared the Elkhart County Council by David L. Hess, its Vice President, and Pauline E. Graff, Elkhart County Auditor, and acknowledged that as said officers they executed the foregoing Approval for and on behalf and in the name of said County Council for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

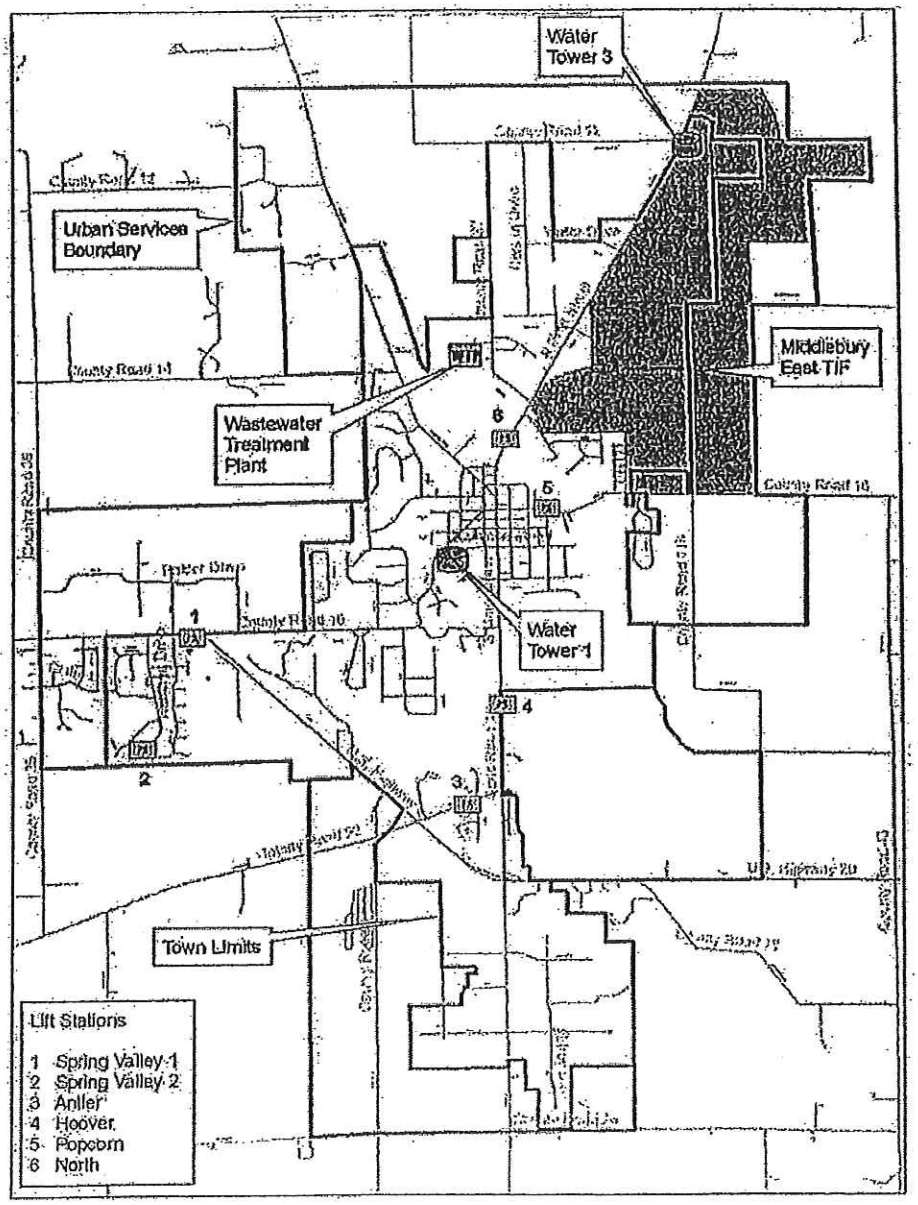
Craig M. Burke, Notary Public
Resident of Elkhart County, IN

My Commission expires: Feb. 1, 2016.

Prepared by Craig M. Buche, Yoder, Ainlay, Ulmer & Buckingham, LLP
130 N. Main Street, P.O. Box 575, Goshen, IN 46527-0575
Telephone: 574-533-1171

I 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. Craig M. Buche, 130 N. Main St., P.O. Box 575, Goshen, IN 46527-0575

Middlebury Utility Improvement Projects



CONTINUING APPROPRIATION ORDINANCE FOR THE INTERLOCAL AGREEMENT BETWEEN THE ELKHART COUNTY REDEVELOPMENT COMMISSION AND THE TOWN OF MIDDLEBURY, INDIANA

WHEREAS the Elkhart County Redevelopment Commission entered into an Interlocal Agreement with the Town of Middlebury, Indiana dated July 26, 2012 for economic development purposes within the Middlebury East Economic Development Area;

WHEREAS the Elkhart County Redevelopment Commission pledged certain tax incremental financing funds generated by the Middlebury East Economic Development Area to the bond project being undertaken by the Town of Middlebury in order to construct a wastewater service expansion project to enhance capacity and provide other sewer improvements in and around the northeast side of the Town of Middlebury, Indiana in order to accommodate economic development within the Middlebury East Economic Development Area;

WHEREAS the bond project requires a continuing appropriation of the tax incremental financing funds pledged for bond purposes to secure the financial viability of the bond project;

NOW, THEREFORE, BE IT ORDAINED by the Elkhart County Council:

1. Pursuant to Indiana Code §5-1-2-1, a continuing appropriation of capital project funds is hereby made for up to Five Hundred Forty-six Thousand Dollars ($546,000.00) annually of the tax incremental financing funds generated by the Middlebury East Economic Development Area to the Elkhart County Redevelopment Commission pursuant to the Interlocal Agreement between the Elkhart County Redevelopment Commission and the Town of Middlebury, Indiana dated July 26, 2012 and recorded ~~August~~ Sept 17, 2012 as Instrument Number 2012-022403, Elkhart County Records for purposes of payment and application to the Town of Middlebury, Indiana for its bond project specified in the Interlocal Agreement with respect to the pending Middlebury Sewer Project.

2. This Ordinance shall take effect immediately upon its adoption and continue until the bond is fully paid and satisfied.

Dated this 8th day of September, 2012.

COUNTY COUNCIL OF THE COUNTY OF ELKHART, INDIANA

John K. Letherman

Exhibit B

Dennis E. Sharkey

David M. Ashe

ABSENT
David E. Foutz

Randall D. Yohn

Darryl J. Riegsecker

David L. Hess

ATTEST:

Pauline E. Graff, Elkhart County Auditor

EXHIBIT B

CONTINUING APPROPRIATION ORDINANCE FOR THE INTERLOCAL AGREEMENT BETWEEN THE ELKHART COUNTY REDEVELOPMENT COMMISSION AND THE TOWN OF MIDDLEBURY, INDIANA

WHEREAS the Elkhart County Redevelopment Commission entered into an Interlocal Agreement with the Town of Middlebury, Indiana dated July 26, 2012 which has been amended and restated effective March 28, 2013 for economic development purposes within the Middlebury East Economic Development Area;

WHEREAS the Elkhart County Redevelopment Commission pledged certain tax incremental financing funds generated by the Middlebury East Economic Development Area to the bond project being undertaken by the Town of Middlebury in order to construct a wastewater service expansion project to enhance capacity and provide other sewer improvements in and around the northeast side of the Town of Middlebury, Indiana in order to accommodate economic development within the Middlebury East Economic Development Area;

WHEREAS the bond project requires a continuing appropriation of the tax incremental financing funds pledged for bond purposes to secure the financial viability of the bond project;

WHEREAS the Elkhart County Council previously adopted a Continuing Appropriation Ordinance for the project on September 8, 2012, and this Ordinance merely re-confirms the continuing appropriation for purposes of the amended and restated Interlocal Agreement;

NOW, THEREFORE, BE IT ORDAINED by the Elkhart County Council:

1. Pursuant to Indiana Code §5-1-2-1, a continuing appropriation of capital project funds is hereby re-confirmed and made subject to a maximum of Five Hundred Forty-six Thousand Dollars ($546,000.00) annually of the tax incremental financing funds generated by the Middlebury East Economic Development Area to the Elkhart County Redevelopment Commission pursuant to the Interlocal Agreement between the Elkhart County Redevelopment Commission and the Town of Middlebury, Indiana dated March 28, 2013 and recorded April 2, 2013 as Instrument Number 2013-07619, Elkhart County Records for purposes of payment and application to the Town of Middlebury, Indiana for its bond project specified in the Interlocal Agreement with respect to the pending Middlebury Sewer Project.

2. This Ordinance shall take effect immediately upon its adoption and continue until the bond is fully paid and satisfied.

Dated this 13th day of April, 2013.

COUNTY COUNCIL OF THE COUNTY OF ELKHART, INDIANA

John K. Letherman, President

ATTEST:

Pauline E. Graff, Elkhart County Auditor

EXHIBIT C

Designation:	Sewage Works Revenue Bonds of 2013
Total issue:	$13,565,000
Originally dated:	April 26, 2013
Denominations:	$1 or integral multiples thereof
Interest Rate:	1.50% commencing September 1, 2013 and semiannually thereafter
Maturities:	On the dates and in the amounts as follows:

Date	Amount	Date	Amount
03/01/14	$487,000	09/01/25	$330,000
03/01/15	464,000	03/01/26	332,000
03/01/16	471,000	09/01/26	335,000
03/01/17	480,000	03/01/27	337,000
09/01/17	293,000	09/01/27	340,000
03/01/18	295,000	03/01/28	342,000
09/01/18	297,000	09/01/28	345,000
03/01/19	299,000	03/01/29	348,000
09/01/19	302,000	09/01/29	350,000
03/01/20	304,000	03/01/30	353,000
09/01/20	306,000	09/01/30	355,000
03/01/21	308,000	03/01/31	358,000
09/01/21	311,000	09/01/31	361,000
03/01/22	313,000	03/01/32	363,000
09/01/22	315,000	09/01/32	366,000
03/01/23	318,000	03/01/33	369,000
09/01/23	320,000	09/01/33	372,000
03/01/24	323,000	03/01/34	374,000
09/01/24	325,000	09/01/34	377,000
03/01/25	327,000		

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a renewal of licensing and maintenance services agreement with Paperless Business Solutions, LLC for Community Corrections, as requested by Rhonda Maskill, administrative assistant for Community Corrections. 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 purchase of an intercom system from Communication Co., Inc. at a cost of $19,426 for Community Corrections, as requested by Rhonda Maskill, administrative assistant for Community Corrections.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved Amendment #1 for the grant from Indiana Department of Corrections for the Community Corrections grant, as requested by Rhonda Maskill, administrative assistant for Community Corrections. A copy of the Amendment is on file in the Commissioners' office.

Liz Gunden from planning and development presented a request for Jim Hartman (owner), represented by Phyllis Kirkdorfer,(agent), for a zoning map amendment (Rezoning) from R-4 to B-1 located on the northeast side of US 33, 755 feet south of Sunnyside Avenue in Concord Township. The Plan Commission has recommended approval of the rezoning request. A public hearing was opened and there were no comments from anyone in the audience regarding this request. 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 rezoning request and adopted an ordinance establishing this rezoning.

The Ordinance is as follows:

ORDINANCE NO. PC2014-14

AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM R-4 TO B-1

WHEREAS, Jim Hartman, represented by Phyllis Kirkdorfer, submitted an application to rezone real estate hereinafter described from R-4 to B-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on August 14, 2014, recommend approval of a zone change from R-4 to B-1 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

A part of Section 22 & 23, Township 37 North, Range 5 East, more particularly described as follows:

Commencing at the North corner of Lot No. 5 as said lot is shown and designated on the recorded Plat of EDGAR HESS SUBDIVISION (Plat Book 2, page 46 of Elkhart County Records); thence South 44°08'08" East along the Northeast lot line of said Lot to the East corner of said Lot No. 5; thence southeasterly (along same bearing) along the Northeast line of a 14-foot wide alley as shown and designated on said recorded Plat of Edgar Hess Subdivision and parallel with the Northeast lot lines of Lots 4 and 3 of said subdivision to a point opposite the East corner of Lot No. 3; also being the POINT OF BEGINNING OF THIS DESCRIPTION; thence Northeasterly along a line which is the Northeasterly projection of the Southeast line of said Lot No. 3; a distance of 50 feet; thence, North 44°08'08" West to a point on a line that is the Easterly projection of the centerline of said alley; thence Westerly along said projected centerline of said alley to the Northeast line of said 14-foot wide alley; thence Southeasterly, along said alley's Northeast line, to the POINT OF BEGINNING.

AND

ALSO: Lots Number Two (2) and Three (3) as the said lots are known and designated on the recorded Plat of EDGAR A. HESS SUBDIVISION in Section Twenty-two (22), Township Thirty-seven (37) North, Range Five (5) East; said Plat being recorded in Plat Book 2, page 46 of the records in the Office of the Recorder of Elkhart County, State of Indiana.

LESS AND EXCEPTING THE FOLLOWING:

A part of Sections 22 and 23, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of Lot Number 2 as designated on the plat of Edgar Hess Subdivision, as recorded in the Office of the Elkhart County Recorder, said point is marked by a half inch pinched top pipe; thence North 33 degrees 30 minutes 30 seconds West a distance of 107.50 feet, said line being the Northerly right of way of US 33, to the POINT OF BEGINNING for this description; thence continuing North 33 degrees 30 minutes 30 seconds West, along the last described line a distance of 12.50 feet, to the Southeasterly corner of Lot Number 4 in said subdivision; thence North 33 degrees 27 minutes 25 seconds West a distance of 157.97 feet, said line being the Northerly right of way of US 33; thence North 89 degrees 12 minutes 20 seconds East a distance of 216.25 feet to a point lying on the Southerly right of way of the Conrail Railroad; thence South 47 degrees 53 minutes 58 seconds East a distance of 49.23 feet said line being the Southerly right of way for said Conrail Railroad; thence South 56 degrees 13 minutes 08 seconds West a distance of 191.02 feet, said line is parallel to and 7.50 feet Southeast of the Northwest line of Lot Number 3 in said subdivision, to the POINT OF BEGINNING for this description, said parcel containing 0.45 acres more of less.

Subject to any and all easements, current taxes, assessments, restrictions and rights of way of record.

AND

A part of Section 23, Township 37 North, Range 5 East, more particularly described as follows:

Commencing at the North corner of Lot No. 5 as said Lot is shown and designated on the recorded Plat of Edgar Hess Subdivision (Plat Book 2, page 46 of Elkhart County Records); thence South 44°08'08" East along the Northeast lot line of said Lot to the East corner of said Lot No. 5: thence Southeasterly (along same bearing) along the Northeast line of a 14 foot wide alley as shown and designated on said recorded Plat of Edgar Hess Subdivision and parallel with the Northeast lot lines of Lots 4, 3, and 2 of said subdivision to a point opposite the East corner of Lot No. 2, also being the POINT OF BEGINNING OF THIS DESCRIPTION; thence Northeasterly along a line which is the Northeasterly projection of the Southeast line of said Lot No. 2, a distance of 50 feet, more or less; thence North 44°08'08" West to a point on a line that is the Easterly projection of the North line of Lot No. 2 of said Edgar Hess Subdivision; thence Westerly along said projected North lot line of Lot No. 2 to the Northeast line of said 14-foot wide alley; thence

Southeasterly, along said alley's Northeast line, to the POINT OF BEGINNING, containing 0.071 acres, more or less.

Subject to any and all easements, current taxes, assessments, restrictions and rights of way of record.

BE rezoned from R-4 to B-1 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County Indiana as amended and hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 15th DAY OF September, 2014.

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: Pauline E Graff
Pauline Graff, Elkhart County Auditor

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Ord. # PC2014-14

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board awarded the bid for the paving program – part II to Phend & Brown, as requested by Jeff Taylor, Manager of Transportation. They were the low bidder. This is only for Group 1 of the bid. The other portion will be awarded at the meeting next week.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted Sandy Creek Drive-1,665 feet; Villa Drive-225 feet; Sandy Creek Court-340 feet and Stonecutter Drive-325 feet in Sandy Creek Section One and released Liberty Agency Underwriters Bond #4-031-630 for $8,943 and Liberty Mutual Bond #014040172 for $17,885, 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 a LPA contract with CHA Consulting, Inc. for PE services for sign replacements for a not to exceed cost of $117,600, as requested by Jeff Taylor, Manager of Transportation. A copy of the contract is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an out-of-state travel request for an employee in the prosecutor's office to go to San Antonio, TX in October for NDAA Training Evidence for Prosecutors.

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

Paul Cook addressed the Board regarding the possibility of adopting an ordinance for the use of golf carts in Baugo Township. He said Bristol has an ordinance is affect now. He is suggesting they be allowed to use CR 18, CR 118, CR 1 and all the subdivisions. Mr. Cook is willing to work with the sheriff or whoever is necessary to propose the regulations for an ordinance. The Commissioners said they have had several inquiries regarding golf carts and are not opposed to it but enforcing the rules would be difficult. Mr. Rodino told Mr. Cook that Tom Byers has done some research on this and suggested Mr. Cook arrange a meeting with him to discuss it. He also said there would need to be a public meeting for input.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Interlocal Agreement with the Town of Middlebury for paving some of their streets in town. Their streets can be added to the county's roads to possibly get better pricing. They will be doing their own engineering, etc. A copy of the agreement is on file in the Commissioners' office.

John Zemlicki, 27301 Charles Street, Elkhart, addressed the Board regarding the possibility of paving 100 feet of road near his home at the same time they will be paving the street. He said when it is plowed for snow, the plow picks up the gravel and he has to spread it back out in the spring. The Commissioners suggested he meet with Jeff Taylor from the highway department to see what can be arranged to perhaps have the 100 feet of road improved in some way.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board granted permission to the Rider Motorcycle Club to use the old county landfill property near New Paris for their annual Enduro Race being held on November 1st & 2nd, 2014 as requested in an email from Todd Mikel.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

September 22, 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, 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 a LPA Contract with the Indiana Department of Transportation for the sign replacement project, as requested by Jeff Taylor, Manager of Transportation. 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

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

September 29, 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 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 contract with Bank Card Worldwide Services for the new Ener.gov software for the planning department from Tyler Technologies to receive credit card payments, as requested by Craig Buche from the county attorney's office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board awarded the paving of the streets in Middlebury to Walsh & Kelly, as requested by Jeff Taylor, Manager of Transportation. The paving for Middlebury was included as part of the county's paving program so they take advantage of better pricing. A contract will be prepared for approval.

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

Respectfully submitted,
Kathy L. Erschen