

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

December 2, 2013

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Minutes of the November 18th & 25th, 2013 meetings and placed them on file.

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

Pauline Graff, county auditor, presented proofs of publication from the *Goshen News* and the *Elkhart Truth* for the acceptance of bids for the demolition of 57639 County Road 1 in Elkhart for planning and development. Bids were received from C & E Excavating, Inc. for \$10,365 and Jerry Reed Excavating, LLC for \$5,250.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the bids and forwarded them to the planning department for review and recommendation. They will come back to the Commissioners with a recommendation at the December 9, 2013 meeting. Work is to be completed within 30 days.

Chris Anderson, first deputy in the county clerk's office, asked for authorization to release and advertise for a request for proposals (RFP) for electronic poll books for the election board. He noted there are six (6) vendors that are in the process of being certified by the state and they will be sent the specifications for RFPs. Proposals will be due and opened on Monday, December 30, 2013.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the release and advertising for the RFP's for the electronic poll books as requested.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an Independent Contractor Agreement with Blake Eckelbarger for maintenance of the courthouse clock at a cost of \$225.00 per month. 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 accepted the Weights & Measures report for October 16th-November 15th, 2013 and placed it on file.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

December 9, 2013

President Terry Rodino called the meeting to order at 9:00 a.m. in the meeting room in the Commissioners' office 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 awarded the bid for the demolition of a building on CR 1 to Jerry Reed Excavating for \$5,250.00, as requested by Kevin Williams from planning and development. They were the lowest bidder of the two submitted at the Commissioners' meeting on December 2, 2013. The bids are on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Joint Resolution between the County of Elkhart, Indiana and the City of Goshen, Indiana for the Transfer of a Power Broom for the highway department. The county attorney's office prepared the resolution and it is on file in the Commissioners' office.

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

December 16, 2013

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

An attorney from South Bend addressed the Board regarding a bond issue from 2002 for the Arbors at Riverbend apartment complex. The bond has been outstanding since that time. The county signed a land use regulatory agreement which had both tax and HUD requirements in it. That document has to continue for 15 years. Arbors at Riverbend is now securing private financing that will be secured and guaranteed by HUD which will allow the county bonds to be paid off when this loan is closed which is scheduled for December 20, 2013. He is asking the county to approve the HUD Amendment to Restrictive Covenants and accept the Indemnity Agreement for the county from the Arbors at Riverbend, L.P.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the HUD Amendment to Restrictive Covenants with Arbors at Riverbend L.P. and accepted an Indemnity Agreement from them. A copy of the amendment and the indemnity agreement are on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Minutes of the December 2nd & 9th, 2013 meetings and placed them on file.

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.

Pauline Graff, county auditor, presented proofs of publication from the *Goshen News* and the *Elkhart Truth* for the acceptance of bids for the annual supplies for 2014 for the highway department. Jeff Taylor, Manager of Transportation, asked for approval to take the bids to the Commissioners' meeting room to open and allow all bidders that are interested to view opening of the bids and inspect them if they would like.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted all the bids for supplies and forwarded them to highway department staff for opening, review and recommendation. They will have the recommendation for awarding the bid at the meeting on December 23, 2013.

Brian Mabry from the planning department presented a request for David J. & Elizabeth A. Myers (owners) and Marjorie Kirkdorffer (owner) for a zone map change from R-4 to B-3 for three (3) properties located on the east side of US 33, 785 feet north of CR 20 in Concord Township. The Plan Commission has recommended approval of the request but the planning staff had recommended denial to the plan commission for several reasons. There was no one in

the audience to speak regarding this rezoning request. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

Mr. Yoder questioned why the plan commission would recommend approval to the Commissioners for a B-3 use instead of light commercial B-1, which is what the planning staff recommended. Mr. Yoder also asked about a B-3 use without public sewer and didn't feel that would be appropriate. The petitioner or no one representing the petitioner was available to answer questions about the request. Mr. Rodino suggested this be tabled until another meeting and ask the petitioner to attend the meeting to answer questions. There won't be full attendance of the Board until the Tuesday, January 21st meeting.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board tabled the rezoning request until Tuesday, January 21st 2014.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Secondary approval for Huss Residential DPUD for Don & Beth Buss, represented by JPR, located on the south end of Wilray Drive, 1,000 feet south of Melwood Drive, 400 feet west of SR 19 in Baugo Township, as requested by Mark Kanney from planning and development.

On a motion made by Frank Lucchese, seconded Mike Yoder and unanimously carried, the Board approved Secondary approval of a 5 lot subdivision known as Elkhart East Area 'D' – Phase III DPUD, for Elkhart East LLC, represented by JPR, located on the west side of CR 17, 2,000 feet south of CR 6 in Osolo Township, as requested by Duane Burrow from planning and development.

Duane Burrow presented a request for Tubra, LLC, represented by Marbach, Brady & Weaver, Inc., for a zone map change from A-1 to DPUD-M-1 to be known as Bristol Park for Industry, Phase 3 PDUD-M-1 located on the east side of CR 29, 2,600 feet north of SR 120 in Washington Township. The Plan Commission has recommended approval of the zone map change with some recommended conditions on the proposed ordinance. Mr. Burrow reviewed and explained the nine (9) conditions that are "Section 9" of the proposed ordinance. Chris Marbach from Marbach, Brady & Weaver, Inc., representing the petitioner, said this facility is planned to have about 60 workers and 20 office workers. They anticipate one truck in and four trucks out each day. Mr. Marbach said that some of the conditions the plan commission had included in the proposed ordinance are somewhat vague and not defined enough to understand exactly what they are wanting. They are also confused about the extent of buffering that is part of the conditions. There are very few vehicles on CR 29 and the railroad tracks buffer on the other side. He added that the annexation process for the town of Bristol will start this week for this property. Rob Dunlop from Wagner Land Development, who is developing this property, said they would like to be able to get the buildings permits along with approval of the plat. The use of CR 29 was discussed and Mr. Yoder commented that it is not feasible to have to use Commerce Drive while sewer & water are being installed and doesn't see how construction is not going to have a major impact on CR 29 but doesn't see how that can be avoided. There were no other 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.

The Commissioners discussed all of the conditions being proposed for the rezoning. There was a lengthy discussion about the buffering condition being proposed and some of the other conditions proposed. Mr. Lucchese pointed out that the few remonstrators who attended the plan commission meeting were concerned about traffic, not buffering or noise. It was determined that the complete "Section 9" in the proposed ordinance be deleted which is all of the conditions that have been discussed in this meeting. Mr. Rodino noted that this developer has a very good track record of doing development correctly and is comfortable with eliminating

the conditions proposed in Section 9. Also, this property will be under the jurisdiction of the town of Bristol within 90 days & they will be able to determine some of the issues that were in Section 9 of the proposed ordinance if there should be any problems.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the zone map change to a DPUD-M-1 as presented with the elimination of Section 9 of the ordinance and adopted the ordinance with that elimination.

The adopted ordinance is as follows:

ORDINANCE NO. PC 2013-16

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 A-1 TO DETAILED PLANNED UNIT DEVELOPMENT-M-1 TO BE KNOWN AS BRISTOL PARK FOR INDUSTRY, PHASE 3 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, Tubra, LLC submitted a petition to change the zone maps for the real estate described in SECTION 1 of this ordinance from A-1 to DPUD-M-1 on October 7th 2013.

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, After 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 4th day of November 2013 and in **The Goshen News** on the 2nd day of November 2013 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record within 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 14th day of November 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 Commissioners for Elkhart County with a Favorable Recommendation and reasonable Conditions as outline in proposed form of ordinance.

WHEREAS, The Board of County Commissioners for Elkhart County on the 16th day of December 2013 did consider the conditions proposed by the Elkhart County Advisory Plan Commission and after public input modified the form of ordinance presented; and adopted the request for a Detailed Planned Unit Development Ordinance as detailed in herein.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR 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 **A-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 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.

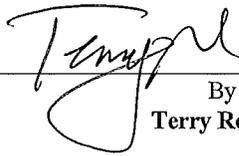
SECTION 8. Reserved.

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 16TH DAY OF DECEMBER 2013 BY THE BOARD OF COUNTY COMMISSIONER ELKHART COUNTY, INDIANA.



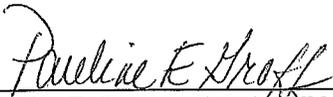
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline E. Graff Auditor for Elkhart County

EXHIBIT A Legal Description

BRISTOL PARK FOR INDUSTRY PHASE 3

LAND DESCRIPTION

BRISTOL PARK FOR INDUSTRY, PHASE 3 DPUD M-1

A PART OF THE EAST HALF (E½) 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 NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE¼) OF SAID SECTION 24 MARKED BY A HARRISON MONUMENT; THENCE SOUTH 00°46'12" EAST ALONG THE WEST LINE OF THE SAID SECTION A DISTANCE OF 1830.42 FEET TO THE SOUTHERN BOUNDARY OF THE INDIANA TOLL ROAD AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE EASTWARDLY ALONG THE SAID SOUTHERN BOUNDARY 557.03 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 2141.83 FEET SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 62°34'05" EAST A DISTANCE OF 555.48 FEET TO THE POINT OF CHANGE FROM A CURVE TO A SPIRAL; THENCE CONTINUING ALONG SAID SOUTHERN BOUNDARY EASTWARDLY 500.00 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 SOUTH 50°54'55" EAST A DISTANCE OF 483.38 FEET TO THE POINT OF CHANGE FROM SPIRAL TO TANGENT; THENCE CONTINUING ALONG SAID SOUTHERN BOUNDARY SOUTH 48°52'03" EAST A DISTANCE OF 626.35 FEET TO THE EAST LINE OF THE WEST HALF (W½) OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 24; THENCE SOUTH 01°05'35" EAST ALONG THE EAST LINE OF THE SAID WEST HALF (W½) A DISTANCE OF 222.55 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF THE NORFOLK SOUTHERN RAILROAD (FORMERLY NEW YORK CENTRAL RAILROAD); THENCE SOUTH 63°54'11" WEST ALONG THE SAID NORTHERN RIGHT-OF-WAY LINE A DISTANCE OF 1463.19 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 24; THENCE NORTH 01°04'52" WEST ALONG THE SAID WEST LINE A DISTANCE OF 1011.58 FEET TO A RAILROAD SPIKE AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION; THENCE NORTH 00°46'12" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE¼) OF SAID SECTION A DISTANCE OF 827.51 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 33.280 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 of the above DPUD-M-1 known as Bristol Park for Industry, Phase 3 DPUD-M-1 for Tubra, LLC, represented by Marbach, Brady & Weaver, Inc., located on the east side of CR 29, 2,600 feet north of SR 120 in Washington Township, as requested by Duane Burrow from planning and development.

Duane Burrow also presented a request for Bhupendra R. Patel (owner/developer), represented by Marbach, Brady & Weaver, Inc., for an amendment to an existing Site Plan Support Drawing to be known as South Gate Hills II DPUD-B-3 Phase IA located on the south side of CR 24, 791 feet east of SR 19 in Concord Township. The Plan Commission has recommended approval of the request. Mr. Burrow said the petitioner wishes to create two lots. Chris Marbach from Marbach, Brady & Weaver, Inc., representing the petitioner, said the owner wants to create a lot on the southwest portion of the property that can be marketed toward a restaurant what would service guests at the hotel that is on the property. There were no other 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 amendment and adopted an ordinance establishing this change and also approved Secondary approval of the DPUD known as South Gate Hills II DPUD-B-3 Phase IA.

The amended ordinance is as follows:

ORDINANCE NO. PC06-14a

TO AMEND ORDINANCE NUMBER PC06-14 A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 21ST DAY OF AUGUST 2006 MORE SPECIFICALLY BY AMENDING THE SITE PLAN SUPPORT DRAWING TO BE KNOWN AS SOUTH GATE HILLS II DPUD-B-3 PHASE 1A.

WHEREAS, Bhupendra R. Patel submitted a petition to amend Ordinance number **PC06-14** on 7th day of October 2013;

WHEREAS, After 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 4th day of November 2013 and in **The Goshen News** on the 2nd day of November 2013 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 14th day of November 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;

WHEREAS, The petition was sent to the Board of County Commissioners for Elkhart, Indiana with a Favorable Recommendation with conditions as outline in this Ordinance.

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

SECTION 1. That Section 5 of Ordinance PC06-14 be amended and superseded, only in regards to the creation of two lots for development and sale.

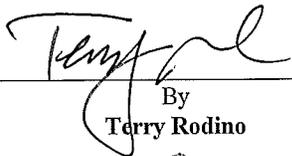
SECTION 2. That the following conditions and limitations become part of PC 06-14:

1. Any development will require an amendment to this PUD ordinance at a public hearing to adopt the Site Plan Support Drawing (for Lot 2).
2. All conditions, limitations, commitments, and covenants established by the GPUD and any subsequent DPUDs are not to be considered amended, superseded, or modified by this action unless specifically declared so in the DPUD ordinance text.

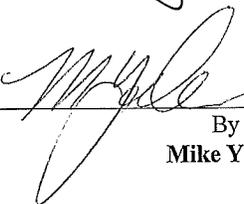
SECTION 2. That all Sections of PC06-14 remain in effect and are not intended to be amended by this ordinance unless specifically stated in Section 1 and Section 2 of this ordinance.

SECTION 3. 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 16TH DAY OF DECEMBER 2013 BY THE BOARD OF COUNTY COMMISSIONER ELKHART COUNTY, INDIANA.



By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 
Pauline E. Graff Auditor for Elkhart County

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation for \$500,000 from the Northeast Corridor TIF District fund for the infrastructure for Ivy Tech, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 11/6/13

DEPARTMENT

CR 6 / CR 17 TIF Improvement Fund

332

NAME

NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 500,000.00	1401	Construction/Reconstruction	4730	CR 6/CR 17 TIF	332
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 500,000.00					

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

REASON FOR REQUEST

For infrastructure for Ivy Tech.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction from the Northeast Corridor TIF District fund for \$14,100 to close out the Broadband infrastructure project along CR 17, as requested by Chris Godlewski, Director of Planning.

The appropriation reduction is as follows:

**ELKHART COUNTY
APPROPRIATION REDUCTION REQUEST**

DATE: 11/6/13

DEPARTMENT

CR 6 / CR 17 TIF Improvement Fund
NAME

332
NUMBER

AMOUNT OF REDUCTION	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 14,100.00	1301	Construction/Reconstruction	4730	CR 6/CR 17 TIF	332
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 14,100.00					
ORIGINAL AMOUNT OF APPROPRIATION		DATE OF APPROPRIATION		APPROVED BY COUNCIL	
				Amount	Date
1					
2					
3					
4					
5					
6					
7					
8					
TOTAL \$					

REASON FOR REQUEST

To close out Broadband infrastructure account.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a closeout for the Northwest Gateway Workbook and Business Attraction Services project that was under contract with Jones Petrie Rafinski for a total of \$5,640.81, as requested by Chris Godlewski, Director of Planning. This will finalize the invoices and contract and if more work is needed in this area, a new contract will be secured.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a right-of-way certification upgrades letter to INDOT for the highway department, as requested by Jeff Taylor, Manager of Transportation. This is for signal upgrades in the county, Goshen and the city of Elkhart.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board re-appointed Angela Pletcher-Stillson for another four (4) year term on the Nappanee Public Library Board. Her term will expire October 1, 2017.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for November 2013 and placed it on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a contract with Barnes & Thornburg for lobbying services for \$22,500, as requested by Tom Byers, County Administrator. A copy of the contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed condemnation proceedings for the court for property for the CR 3 & CR 32 highway project and on CR 17, between CR 38 & CR 40 for that highway project, as requested by Gordon Lord, County Attorney.

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

December 23, 2013

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

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 Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a contract with New Avenues for the county's employee assistance program, as requested by Kurt Hunsberger, Assistant Director of Human Resources. The only changes from the previous contract is allowing dependent children up to the age of 26 to have the services, increasing the fee by 5 cents per month and the network access fee by 5 cents. They have also included 6 hours for training, workshops and seminars. A copy of the agreement is on file in Human Resources.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an agreement with PayGOV.US LLC for court services which will allow payments for services to be paid by credit or debit card, as requested by Tom Byers, County Administrator. There is no cost to the county. A copy of the agreement 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

December 30, 2013

Vice President Mike Yoder called the meeting to order at 9:00 am. In the meeting room in the County Commissioners' office 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 Pauline Graff, County Auditor; 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 Allowance of Claims, as presented by the county auditor's office.

Requests for proposals for electronic poll books for the election board were opened by Wendy Hudson, County Clerk. Proposals were received from Hart Interactive in Austin, TX; Know Ink in St. Louis, MO; Robis in Wheaton, IL and ES & S in Omaha, NE.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted all of the proposals and gave them to county clerk's office and the voter's registration office for review and recommendation.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an Independent Contractor Agreement with Reyna Hernandez to do clerical work for the lead grant, as requested by Kris Krueger, Grants Procurement Specialist. A copy of the agreement is on file in the Commissioners' office.

Kim Davis, county landfill manager, addressed the Board regarding a map of the revised landfill boundaries. He explained that since 1980 the landfill boundary for IDEM purposes has included all land owned by the county bordering CR 7, CR 9, the bypass and CR 26. He has applied for the five renewal permits for the landfill and would like to change the landfill boundary to include only the property that is utilized for landfill purposes. This would eliminate the land occupied by the jail, the shooting range, the land south of the gun range, the wetlands next to the jail and some other smaller parcels. With these properties included every time we do something on those lands, the county needs to apply for a minor modification to the permit. Another reason is there are numerous legal descriptions covering all the properties owned by the county. If a survey is done, we can create one legal description covering the land actually used for landfill purposes. In the future, if we want to add any of these lands for landfill purposes, we would need to add the land to the legal description.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the revised landfill boundary map as presented by Mr. Davis.

Chris Anderson, deputy in the clerk's office, returned to the meeting and informed the Board that a proposal for the electronic poll books had been faxed to their office in the courthouse this morning at 8:43. Proposals were to come to the Commissioners' office by 9:00 a.m. The Commissioners instructed him to contact the county attorney's office for the proper

procedure for acceptance or rejection of the proposal. It was from Decision Support LLC in Matthew, NC.

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