

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 3, 2014

President Terry Rodino 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 and Mike Yoder, were also present. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the January 21, 2014 meeting 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 for today and ratified the Allowance of Claims for January 27, 2014, as presented by the county auditor's office. Frank Lucchese signed the Allowance of Claims for January 27, 2014 because the Commissioners' meeting was cancelled due to a weather emergency in the county.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a proposal with Jones Petrie Rafinski for Northwest Gateway Continuing Services for approximately \$50,000, as requested by Chris Godlewski, Director of Planning. The appropriation for the project has already been approved by the County Council. A copy of the proposal 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 Renewal and Modification of the Geographic Information Services Agreement with 39 Degrees North, LLC at a cost of \$28,488, as requested by Chris Godlewski, Director of Planning. The county assessor and the GIS budget pay for this cost. 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 a proposal with Umbaugh & Associates, LLP for TIF neutralization for the nine TIF districts, as requested by Chris Godlewski, Director of Planning. The cost is \$600 per TIF district. A copy of the proposal is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the 2014 Addendum to the Expense Reimbursement Agreement for administration costs for the TIF districts at a cost of \$165,000, as presented by Chris Godlewski, Director of Planning. A copy of the addendum is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Local Road & Street fund for \$100,000 for snow plowing, as requested by Jeff Taylor, Manager of Transportation.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01-22-14

DEPARTMENT

Highway

114-222

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	100,000		Other Professional Services	4309	Local Road and Street	114	
2							
3							
4							
5							
6							
7							
8							
TOTAL	100,000						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectuated		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date
			AMOUNT	DATE			

REASON FOR REQUEST 1. Additional funds required for snow plowing.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed an "engineer assignment letter" to INDOT for the Bridge 127 on CR 4 over Christiana Creek project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a LPA contract for traffic signal modernization with INDOT, 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 and signed a right-of-way certification letter to INDOT for the CR 3 and CR 32 intersection improvement project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the General fund for the Commissioners' budget for \$194,044 for the Humane Shelter, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE 1-21-14

DEPARTMENT

Commissioners
NAME

001/130
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	194,044		Humane Society	4368	General	1		
2								
3								
4								
5								
6								
7								
8								
TOTAL	194,044							
	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 The communities of Elkhart, Goshen, Wakarusa, Bristol & Middlebury have indicated they want to enter into an interlocal agreement with the County for animal control services again in 2014. Funds requested will be paid to the Humane Society on behalf of the communities who will reimburse the County in 2 installments. Communities are responsible for the following reimbursement amounts: Elkhart - \$115,000; Goshen - \$64,644; Middlebury - \$5,400; Wakarusa - \$5,000; Bristol - \$4,000.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Cumulative Capital Development fund for \$200,000 for electronic polling books, as requested by Tom Byers, County Administrator. The final amount needed is not known as of yet, but with the Council County not meeting in March, the funds needed to be in place in case the purchase or lease is needed before April.

The additional appropriation is as follows:

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved out-of-state travel for a deputy prosecutor to go to Dallas, TX in March to attend the 9th Annual Conference on Crimes Against Women.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board gave approval for the Eastwood School PTA to have a 5K run on April 19th, 2014 at 8:30 a.m.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted the December 16th – January 15th, 2014 meetings and placed it on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Interlocal Agreement with the City of Goshen for the contribution of funds to support lobbying services, as requested by Tom Byers, County Administrator. A copy of the agreement is on file in the Commissioners' office.

An addendum to the Aramark contract for food for the work release center was tabled until next week when Tara Booher-Whaley can be in attendance to answer some questions from the Commissioners.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board signed a letter in support of the Paez family remaining in the United States.

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

February 10, 2014

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved & signed the Allowance of Claims to include payroll, as presented by the county auditors' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Amendment No. 1 to the Management Operating Agreement with Aramark Correctional Services, LLC for meals at the work release center, as requested by Tara Booher-Whaley, Director of 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 adopted a Resolution Approving the Designation of Elkhart County as a Vote Center County, as requested by Wendy Hudson, Clerk of the Circuit Court. The election board must have a unanimous vote to make Elkhart County a vote center county.

The Resolution is as follows:

A RESOLUTION APPROVING THE DESIGNATION OF ELKHART COUNTY
AS A VOTE CENTER COUNTY

WHEREAS, Indiana Code 3-11-18.1 allows counties to adopt the vote center model and;

WHEREAS, the County Board of Commissioners of Elkhart County approves the designation of Elkhart County as a vote center county and;

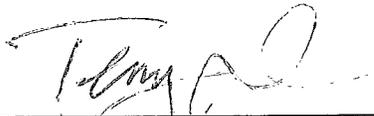
WHEREAS, the county election board has the responsibility for properly drafting a vote center plan for Elkhart County, which will take effect upon unanimous vote of the county election board and having the plan properly filed with the Indiana Election Division;

BE IT SO RESOLVED BY THE ELKHART COUNTY BOARD OF COMMISSIONERS that Elkhart County is approved to operate as a vote center county, upon the required approval and filing of the county vote center plan.

BOARD OF COMMISSIONERS OF ELKHART COUNTY

"AYES"

"NAYS"



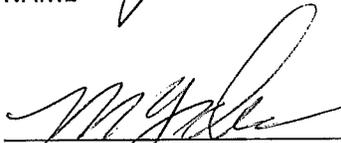
NAME

NAME



NAME

NAME



NAME

NAME

Adopted this 10 of February, 2014

ATTEST:



County Auditor

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a License Agreement with Pathfinder Communications Corporation for rental of a tower located on East Indiana Avenue in Elkhart, as requested by Tom Byers, County Administrator. This is a five (5) year agreement. The rental for 2014 is \$540.00 per month and increases \$15.00 per month for the next four (4) years. 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 adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 17, 2014

President Terry Rodino called the meeting to order at 9:03 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 February 3rd & 10th, 2014 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.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a grant renewal application for the HIV grant for the health department in the amount of \$45,000, as requested by Gwen Jaeger from the health department. A copy of the grant application review form is 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 with the City of Elkhart to assign 77 properties to the city, as requested by Tom Byers, County Administrator. The county will assign the original Tax Certificates to the city.

The Resolution is as follows:

COUNTY OF ELKHART RESOLUTION NO. R-06-14

CITY OF ELKHART RESOLUTION NO. 2014-89

**JOINT RESOLUTION OF THE COUNTY OF ELKHART, INDIANA AND THE
CITY OF ELKHART, INDIANA PURSUANT TO I.C. §36-1-11-8**

WHEREAS the County of Elkhart, Indiana (“County”) recently conducted and completed its 2013 tax sale pursuant to Indiana Code §6-1.1-24 et seq.;

WHEREAS certain real estate in Elkhart County, Indiana was offered for sale in the 2013 tax sale and an amount was not received nor bid equal to or in excess of the minimum sales price prescribed by Indiana Code §6-1.1-24-5(e);

WHEREAS County has acquired a lien in the amount of the minimum sales price with respect to the subject real estate identified by the parcel numbers shown in Exhibit A which is attached hereto and incorporated herein by reference;

WHEREAS the Elkhart County Auditor has issued tax sale certificates to the County for the subject real estate identified on Exhibit A pursuant to Indiana Code §6-1.1-24-6 and §6-1.1-24-9;

WHEREAS the City of Elkhart, Indiana (“City”), for and on behalf of the City of Elkhart Redevelopment Commission, has expressed an interest in acquiring the Exhibit A real estate in order to facilitate a possible redevelopment of the Exhibit A real estate for the betterment of the County and the City;

WHEREAS Indiana Code §36-1-11-8 contemplates the transfer of interests in real estate between governmental entities upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity;

NOW, THEREFORE, BE IT DETERMINED, ESTABLISHED, AND RESOLVED JOINTLY BY THE COUNTY OF ELKHART, INDIANA AND THE CITY OF ELKHART, INDIANA, AS FOLLOWS:

1. Following the approval and execution of this Joint Resolution by the County and the City, the County agrees to assign the original Certificates of Sale for the real estate identified on Exhibit A.
2. The City agrees to follow and comply with the required statutory procedures for the issuance of a tax title deed for the Exhibit A real estate pursuant to Indiana Code §6-1.1-25 et seq. The City agrees to indemnify, defend, and hold harmless the County from any and all claims, demands, actions, causes of action, and liabilities of any nature whatsoever arising from City’s actions and/or omissions with respect to its obtaining and attempting to obtain a tax title deed to the Exhibit A real estate and from all judgments therefore, and for all expenses in defending or appealing said matters, including without limitation court costs, attorney fees, and other expenses.

3. In the event City is unsuccessful in obtaining a tax title deed to all or any part of the Exhibit A real estate and/or all or any part of the Exhibit A real estate is redeemed prior to the issuance of a tax title deed pursuant to Indiana Code § 6-1.1-25 et seq., City shall return the Certificates of Sale to the County for any of the Exhibit A real estate parcels for which the City does not obtain a tax title deed. City shall have no right nor remedy against the County for any reason whatsoever in the event City is unsuccessful in obtaining a tax title deed for all or any part of the Exhibit A real estate. In the event that all or any part of the Exhibit A real estate is redeemed prior to the issuance of a tax title deed pursuant to Indiana Code § 6-1.1-25 et seq., the proceeds of the redemption received by the County shall be applied as required by law irrespective of and as if this Joint Resolution did not exist.

RESOLVED this 17 day of Feb, 2014, by the County of Elkhart, Indiana.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By Terry Rodino
Terry Rodino, President

By Mike Yoder
Mike Yoder, Vice-President

By Frank Lucchese
Frank Lucchese

ATTEST:

Pauline E. Graff
Pauline Graff
Elkhart County Auditor

RESOLVED this 3rd day of February, 2014, by the City of Elkhart, Indiana.

COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA

By: Ron Troyer
Ron Troyer, President

ATTEST:

Sue Beadle
Sue Beadle, City Clerk

APPROVED this 3rd day of February, 2014, by the Mayor of the City of Elkhart, Indiana.

Dick Moore
Dick Moore, Mayor

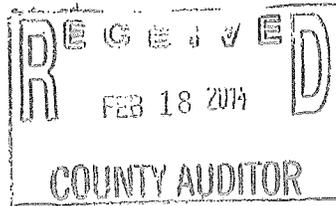
EXHIBIT A
2013 Tax Sale

Parcel	Property ID	Address
1	02-29-455-001-027	ADJ W 1919 CASSOPOLIS STREET
2	06-04-360-001-012	205'+/- E OF INTER OF STATE ST & MONROE ST
3	06-05-161-003-012	ADJ E OF 529 W WASHINGTON STREET
4	06-05-161-004-012	ADJ W OF 517 W WASHINGTON STREET
5	06-05-161-005-012	517 W WASHINGTON STREET
6	06-05-180-005-012	414 N SECOND STREET
7	06-05-307-016-012	111 N SIXTH STREET
8	06-05-326-017-012	15' W OF 404 SHERMAN STREET
9	06-05-326-023-012	ADJ E OF 318 SHERMAN STREET
10	06-05-326-027-012	STRIP ADJ W OF 318 SHERMAN STREET
11	06-05-327-045-012	1.75' STRIP E OF 330 JEFFERSON STREET
12	06-05-327-046-012	ADJ W OF 318 JEFFERSON STREET
13	06-05-331-008-012	ADJ W OF 405 JEFFERSON STREET
14	06-05-331-009-012	405 JEFFERSON STREET
15	06-05-331-016-012	309 JEFFERSON STREET
16	06-05-331-050-012	ADJ E OF 340 JACKSON PLACE
17	06-05-333-001-012	156 N SIXTH STREET
18	06-05-333-008-012	130 N SIXTH STREET
19	06-05-333-009-012	ADJ S OF 130 N SIXTH STREET
20	06-05-333-028-012	504 W LEXINGTON AVENUE
21	06-05-334-007-012	423 JACKSON PLACE
22	06-05-481-026-012	ADJ W OF 615 EAST STREET
23	06-05-481-027-012	615 EAST STREET
24	06-05-481-037-012	152 STATE STREET
25	06-05-483-028-012	ADJ E OF 147 STATE STREET
26	06-05-483-029-012	15' E OF 147 STATE STREET
27	06-05-484-006-012	134 MIDDLEBURY STREET
28	06-05-484-007-012	ADJ E OF 134 MIDDLEBURY STREET
29	06-05-484-008-012	36' E OF 134 MIDDLEBURY STREET
30	06-05-484-009-012	70'+/- E OF 134 MIDDLEBURY STREET
31	06-05-484-010-012	101.5'+/- E OF 134 MIDDLEBURY STREET
32	06-09-103-003-012	ADJ W OF 525 MIDDLEBURY ST
33	06-09-326-008-012	LOT ADJ NW OF 1544 S MAIN ST
34	06-09-328-004-012	1560 1/2 S MAIN ST
35	06-09-378-013-012	ADJ SE OF 1711 S MAIN ST
36	06-09-378-014-012	ADJ NW 1721 S MAIN ST
37	06-09-406-007-012	ADJ NW OF 1726 STERLING AVE
38	06-09-427-007-012	ADJ NW OF 1726 STERLING AVE
39	06-09-409-031-012	ADJ SE OF 1711 S MAIN ST
40	06-09-409-032-012	ADJ NW 1721 S MAIN ST

41	06-09-427-004-012	1901 S MAIN ST
42	06-09-427-007-012	ADJ NW OF 1726 STERLING AVE DUPLICATE #38
43	06-09-451-001-012	41' WIDE STRIP OF LAND OFF BAR ST 158'+/- W OF STERLING AVE
44	06-09-451-002-012	80'+/- NW OF 1811 STERLING AVE
45	06-09-451-003-012	40'+/- NW OF 1811 STERLING AVE
46	06-09-451-004-012	NW ADJ OF 1811 STERLING AVE
47	06-09-451-005-012	PT OF 1811 STERLING AVE
48	06-09-451-006-012	PT OF 1811 STERLING AVE
49	06-09-451-007-012	PT OF 1811 STERLING AVE
50	06-09-451-008-012	PT OF 1811 STERLING AVE
51	06-09-451-009-012	PT OF 1811 STERLING AVE
52	06-09-451-010-012	PT OF 1811 STERLING AVE
53	06-09-451-011-012	PT OF 1811 STERLING AVE
54	06-09-451-012-012	PT OF 1811 STERLING AVE
55	06-09-451-013-012	PT OF 1811 STERLING AVE
56	06-09-451-014-012	PT OF 1811 STERLING AVE
57	06-09-451-015-012	PT OF 1811 STERLING AVE
58	06-09-451-016-012	PT OF 1811 STERLING AVE
59	06-16-202-017-012	ADJ W 2101 S MAIN ST
60	06-16-202-018-012	2101 S MAIN ST
61	06-16-202-019-012	ADJ N 2111 S MAIN ST
62	06-16-202-020-012	2111 S MAIN ST
63	06-16-276-011-012	ADJ N 2306 S MAIN ST
64	06-16-276-012-012	2306 S MAIN ST
65	06-16-276-013-012	ADJ S 2306 S MAIN ST
66	06-16-432-008-012	SE 2709 S MAIN ST
67	06-18-106-016-012	ADJ W 1918 MARKLE AVE
68	06-18-106-017-012	ADJ W 1918 MARKLE AVE
69	06-18-106-018-012	ADJ W 1918 MARKLE AVE
70	06-18-129-013-012	ADJ E 1807 BORNEMAN AVE
71	06-18-129-014-012	1807 BORNEMAN AVE
72	06-18-129-027-012	ADJ W 1807 BORNEMAN AVE
73	06-18-176-014-011	63' W OF 2521 18TH STREET
74	06-18-176-015-011	ADJ W OF 2521 18TH STREET
75	06-18-226-021-012	2117 14TH ST
76	06-22-251-009-011	PT 3508 S MAIN STREET
77	06-22-251-010-011	PT 3508 S MAIN STREET
78	06-22-251-011-011	PT 3508 S MAIN STREET

Mark Kanney from planning and development presented a request for DVS, LLC, represented by Marbach, Brady & Weaver, Inc., for the Vacation of part of a platted cul-de-sac right-of-way located on the north side of Beck Drive adjacent to 21715 Beck Drive located on the north side of Beck Drive, 1,708 feet east of CR 17 in Jefferson Township. The Plan Commission has sent this to the Commissioners with a recommendation for approval. Chris Marbach, representing the petitioner, said he would answer any questions from anyone. There were no other comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Vacation and adopted an Ordinance Vacating the Public Way. The Vacation Ordinance is as follows:



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

A Petition having heretofore been filed with the Board of Commissioners of Elkhart County, Indiana, on the 2nd day of December, 2013, requesting the vacation of a certain public way within the unincorporated area of Elkhart County, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit:

The undersigned hereby petition and request that the Board of Commissioners of Elkhart County, Indiana vacate the following described public way within the unincorporated portion of Elkhart County, Indiana, to wit:

DESCRIPTION OF AREA TO BE VACATED

PART OF THE REPLAT-BECK INDUSTRIAL PARK SUBDIVISION, IN JEFFERSON TOWNSHIP; SAID PLAT BEING RECORDED IN PLAT BOOK 16, PAGE 98 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID QUARTER SECTION, SAID POINT BEING THE CENTER LINE OF COUNTY ROAD NO. 17; THENCE EASTWARDLY, ALONG THE NORTH LINE OF SAID QUARTER SECTION, 1630 FEET; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, 538 FEET TO THE NORTH LINE OF BECK DRIVE, AS SAID STREET IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF BECK INDUSTRIAL PARK SUBDIVISION AND THE POINT OF BEGINNING OF THIS DESCRIPTION, ALSO A POINT OF CURVATURE OF A CURVE BEARING TO THE LEFT, WITH A RADIUS OF 35 FEET; THENCE NORTHEASTWARDLY, ALONG SAID CURVE, 28.71 FEET (CHORD = N66°38'02"E - 27.92') TO A POINT OF REVERSE CURVE OF A CURVE BEARING TO THE RIGHT, WITH A RADIUS OF 75 FEET; THENCE NORTHEASTWARDLY, ALONG SAID CURVE, 123.09 FEET (CHORD = N89°51'32"E - 109.73') TO A POINT OF REVERSE CURVE OF A CURVE BEARING TO THE LEFT, WITH A RADIUS OF 35 FEET; THENCE SOUTHEASTWARDLY ALONG SAID CURVE 28.71 FEET (CHORD = S66°21'07"E - 27.92') TO A POINT OF TANGENT; THENCE WESTWARDLY (N89°51'32"W), PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, 160.93 FEET TO THE PLACE OF BEGINNING.

CONTAINING 3,208 SQ. FT.

Said public way is a part of Beck Drive, a street which runs in a east-west direction between the following public ways within Elkhart County, Indiana, to wit:

East from County Road 17, 4,670 feet to a cul-de-sac.

The undersigned Petitioners request that said public way be vacated for the following reasons:

1. The north side of the platted cul-de-sac does not provide access to any lots. Beck Drive continues to the east and the north side of the platted cul-de-sac is unnecessary.
2. The owner of the adjacent property is willing to accept this right of way for their use, maintenance and taxation.

And the public hearing before the Elkhart County Plan Commission and before the Board of Commissioners of Elkhart County having been scheduled as to said Petition, with the Elkhart County Plan Commission hearing having been held on the 9th day of January, 2014, and the hearing before the Board of Commissioners of Elkhart County having been held on the 17th day of February, 2014 and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public way to be vacated, and formal legal publication notice as to said hearings having been published in the Elkhart Truth on the 28th day of December, 2013, advising all necessary parties of the time, place, and date of said hearings, said legal notice having been so mailed, and having been so published, being in the words and figures following:

And the Board of Commissioners of Elkhart County, Indiana, pursuant to applicable Indiana law, having received a recommendation from the Elkhart County Plan Commission, and having conducted a public hearing on said Petition on the date set forth in said Notice, and being duly advised in the premises, now finds as follows:

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

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

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

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

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

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

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

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

LEGAL DESCRIPTION HERE

3. That title in fee simple to the above vacated property shall be transferred to (a) the adjoining property owners, extending the boundaries of the adjoining parcels of real estate (b) in the manner described following:

INDIVIDUAL LEGAL DESCRIPTIONS HERE

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

Dated this 17th day of February, 2014

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By [Signature]
Ferry Rodino

By [Signature]
Mike Yoder

By [Signature]
Frank Lucchese

Attest:

[Signature]
Pauline E. Hoff
Auditor, Elkhart County, Indiana

Duane Burrow from planning and development presented a request for K2 Holdings, LLC, represented by Marbach, Brady & Weaver, Inc., for an amendment to the Site Plan Support Drawing for an existing Detailed Planned Unit Development (DPUD) known as K2 DPUD located on the southwest corner of CR 15 & CR 6 in Osolo Township. The Plan Commission has recommended approval of the request. Chris Marbach, representing the petitioner, noted that everything has been downsized somewhat from the previous DPUD. 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.

The Ordinance is as follows:

ORDINANCE NO. PC12-21a

TO AMEND ORDINANCE NUMBER PC12-21 A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 17th DAY OF DECEMBER 2012 MORE SPECIFICALLY BY AMENDING THE SITE PLAN SUPPORT DRAWING ADOPTED BY ORDINANCE PC12-21.

WHEREAS, K2 Holdings, LLC submitted a petition to amend Ordinance number PC12-21 on December 2, 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 28th day of December 2013 and in **The Goshen News** on the 28th day of December 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 9th day of January 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.

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

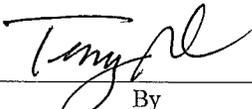
SECTION 1. That the adopted Site Plan Support Drawing for PC12-21 be superseded by this Site Plan / Support Drawing. And that the Site Plan / Support Drawing have been made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

SECTION 2. That the following conditions become part of PC12-21:

1. A landscaping plan that complies with the E-3 zoning district landscaping standards must be submitted at the time of securing the Improvement Location Permit/Building Permits.

SECTION 3. That all Sections of PC12-21 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.

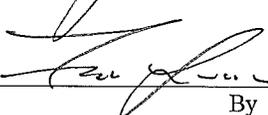
SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.



By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline E. Graff Auditor for Elkhart County

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved Secondary approval of a DPUD known as K2 DPUD for K2 Holdings, LLC located on the southwest corner of CR 15 & CR 6 in Osolo Township, as requested by Duane Burrow from planning and development.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance for 35 MPH on CR 101 between CR 108 and CR 12, as requested by Jeff Taylor, Manager of Transportation.

The traffic control ordinance is as follows:

TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: **"35 MPH SPEED LIMIT"**

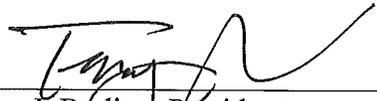
WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that a **"35 MPH SPEED LIMIT" SIGNS be posted** at the following location:

COUNTY ROAD 101 BETWEEN COUNTY ROAD 108 AND COUNTY ROAD 12

NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to **POST "35 MPH SPEED LIMIT" SIGNS** at this location:

COUNTY ROAD 101 BETWEEN COUNTY ROAD 108 AND COUNTY ROAD 12

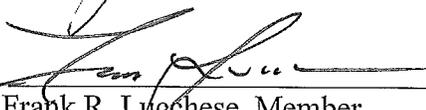
**Board of Commissioners
Elkhart County, Indiana**



Terry J. Rodino, President



Mike Yoder, Vice President



Frank R. Luchese, Member

DATE OF ORDINANCE: February 17, 2014

ORDINANCE NUMBER 2014-101

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed a right-of-way Certification letter to INDOT for the CR 8 multi-use path project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board an out-of-state travel request for an employee in the prosecutor's office to go to Las Vegas, NV in April for IAUD Narcotics, Vice & Street Crimes Supervisors Training and also another employee in the prosecutor's office to go to Daytona Beach, FL in March for the IAUD Advanced Undercover Techniques and Survival Conference.

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted a resolution authorizing the sale and transfer of certificate of sale for a parcel of property located at 22836 Elm St., Elkhart, IN to a non-profit corporation, as requested by Gordon Lord, County Attorney. A public hearing will also be conducted and the Certificate of Sale for the property on Monday, March 17, 2014 at the Commissioners' meeting.

The Resolution is as follows:

RESOLUTION NO. 2014- 103

RESOLUTION OF THE ELKHART COUNTY COMMISSIONERS
AUTHORIZING SALE AND TRANSFER OF CERTIFICATE OF SALE

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

WHEREAS, the Board of Commissioners of the County of Elkhart, Indiana is authorized by law under Indiana Code § 6-1.1-24-6.7 to offer tax sale certificates acquired by Elkhart County under Indiana Code § 6-1.1-24-6 to non-profit corporations;

WHEREAS, the Board of Commissioners of the County of Elkhart, Indiana desires to utilize the procedures contained in Indiana Code § 6-1.1-24-6.7 to transfer a certificate of sale for certain real estate located in Elkhart County, Indiana;

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

1. The Elkhart County Commissioners hereby identify the following real estate to have the certificate of sale therefore offered for sale and transfer pursuant to the provisions of Indiana Code § 6-1.1-24-6.7:

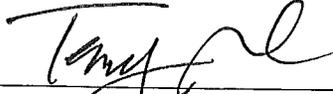
<u>Property Location</u>	<u>Tax ID Number</u>
22836 Elm, Elkhart, IN 46516	06-12-152-009-009

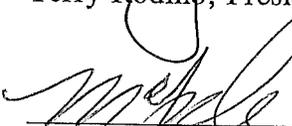
2. The Elkhart County Commissioners hereby determine to follow the procedures provided in Indiana Code § 6-1.1-24-6.7 to offer for transfer the certificate of sale with respect to the above-referenced real estate to a non-profit corporation for use for the public good.

3. The Elkhart County Commissioners hereby approve the form of Legal Notice attached hereto as Exhibit A and the terms and provisions for the transfer as contained in the Legal Notice.

RESOLVED this 17th day of February, 2014.

BOARD OF COMMISSIONERS OF THE COUNTY
OF ELKHART, INDIANA

By: 
Terry Rodino, President

By: 
Mike Yoder, Vice President

By: 
Frank Lucchese, Member

ATTEST:


Pauline E. Graff
Elkhart County Auditor

LEGAL NOTICE OFFERING CERTIFICATE OF SALE FOR
CERTAIN REAL ESTATE LOCATED IN ELKHART COUNTY, INDIANA

PLEASE TAKE NOTICE that the Board of Commissioners of the County of Elkhart, Indiana are offering for sale and transfer the following Certificate of Sale acquired by Elkhart County, Indiana pursuant to and under the provisions of Indiana Code § 6-1.1-24-6 and Indiana Code § 6-1.1-24-6.7. The Certificate of Sale for the following real estate shall be available for transfer in accordance with the terms and provisions of this Legal Notice:

<u>Property Location</u>	<u>Tax ID Number</u>
22836 Elm, Elkhart, IN 46516	06-12-152-009-009

A public hearing will be conducted and the Certificate of Sale for the above-described real estate shall be offered for transfer on Monday, March 17, 2014 at 9:00 a.m. at the Elkhart County Administration Building, Room 104, 117 North Second Street, Goshen, Indiana 46526. The Elkhart County Commissioners will conduct a public hearing, accept applications submitted by non-profit corporations, and hear any opposition to a proposed transfer. To be eligible to receive the tax sale certificate through this process, a non-profit corporation must file an application with the Elkhart County Commissioners. The application must state the property that the non-profit corporation desires to acquire, the use to be made of the property, and the time period anticipated for implementation of the use. The application must be accompanied by documentation verifying the non-profit status of the corporation and be signed by an officer of the corporation. If more than one (1) application for a single property is filed, the Elkhart County Commissioners shall determine which application is to be accepted based on the benefit to be provided to the public and the neighborhood and the suitability of the stated use for the property and the surrounding area. After the hearing, the Elkhart County Commissioners shall, by resolution, make a final determination concerning the property that is to be transferred to a non-profit corporation and the non-profit corporation to which such property is to be transferred.

Following the approval and execution of the resolution making the final determination for the transfers, Elkhart County will assign to the designated non-profit corporation the original Certificate of Sale for the real estate. The successful non-profit corporation must agree to follow

and comply with the required statutory procedures for the issuance of a tax title deed for the real estate pursuant to Indiana Code § 6-1.1-25. The successful non-profit corporation must also agree to indemnify, defend, and hold harmless Elkhart County from any and all claims, demands, actions, causes of action, and liabilities of any nature whatsoever arising from the non-profit corporation's actions and/or omissions with respect to its obtaining and attempting to obtain a tax title deed to the real estate and from all judgments therefore, and for all expenses in defending or appealing said matters, including, without limitation, court costs, attorney fees, and other expenses. In the event a non-profit corporation is unsuccessful in obtaining a tax title deed to all or any part of the real estate and/or all or any part of the real estate is redeemed prior to the issuance of a tax title deed, the non-profit corporation shall return the Certificate of Sale to Elkhart County for any of the real estate parcels for which the non-profit corporation does not obtain a tax title deed. The non-profit corporation shall have no right nor remedy against Elkhart County for any reason whatsoever in the event the non-profit corporation is unsuccessful in obtaining a tax title deed for all or any part of the real estate. In the event that all or any part of the real estate is redeemed prior to the issuance of a tax title deed, the proceeds of the redemption received by Elkhart County shall be applied as required by law irrespective of and is if no transfer had occurred.

The Board of Commissioners of the County of Elkhart, Indiana shall transfer the Certificate of Sale, subject to the right of redemption, to the successful non-profit corporation in accordance with the terms and provisions contained in this Legal Notice, as a sale of such Certificate under Indiana Code § 6-1.1-24. The Board of Commissioners of the County of Elkhart, Indiana reserves the right to reject any and all applications.

Interested non-profit corporations must submit their applications to be received by the Elkhart County Commissioners no later than 9:00 a.m. on the 17th day of March, 2014.

Dated the 17th day of February, 2014.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: Terry Rodino, President

ATTEST:

Pauline E. Graff
Elkhart County Auditor

Note to Publisher: Please publish in *The Goshen News* and *The Elkhart Truth* one (1) time on or before March 3, 2014.

FEBRUARY 17, 2014

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On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted a parking ordinance for the Elkhart County Courts building, as requested by Gordon Lord, County Attorney. This will replace Ordinance No. 08-480. The change was requested by the city Elkhart so the fines would be identical to the city's.

The Ordinance is as follows:

ORDINANCE NO. 14- 109

ELKHART COUNTY COURTS BUILDING
PARKING ORDINANCE

WHEREAS, the Board of Commissioners of Elkhart County, Indiana ("Commissioners") on March 15, 1982 adopted Ordinance 82-99 regulating the use of parking facilities for the Elkhart County Courts Building, Elkhart, Indiana, bounded by Franklin Street on the south, High Street on the north, Third Street on the West, and Second Street on the east ("Courts Building Lot"); and

WHEREAS, Ordinance 82-99 was rescinded and replaced on November 17, 2008 by Ordinance 08-480;

WHEREAS, the Commissioners have been requested by the City of Elkhart to amend paragraph 9 of Ordinance 08-480 so that the fine amount for a violation and the time for payment of a fine coordinate with and match fine and payment standards for parking violations at Elkhart City parking facilities;

WHEREAS, all other provisions of Ordinance 08-480 are to remain unchanged;

NOW, THEREFORE, BE IT ORDAINED by the Commissioners that Ordinance 08-480 is hereby restated and continued in force and effect, though hereby amended by new standards set forth in revised paragraph 9 below, viz:

1. Certain parking spaces within the Courts Building Lot shall be designated for use exclusively by certain persons or groups, including Judges of Courts existing within the County Courts Building, Sheriff's officers, other employees of Elkhart County Government, and handicapped individuals. Signs or other markings indicating that said designated spaces are only for the use of said certain persons or groups shall be posted at said spaces as determined by the Commissioners or their designees consistent with the provisions of this Ordinance. It shall be a violation of this Ordinance for any vehicle to be placed within one of said designated spaces by someone other than the person or types of persons for whom the designated space has been reserved, and the owner, operator, or user of said vehicle shall be issued a ticket or citation, and be subject to the imposition of a fine, as set forth in paragraph 9 below. Additionally, any vehicle parked in one of said designated spaces, which vehicle is not owned or being used by the certain person or types of persons for whom the designated space has been reserved, may be towed from said space by representatives or agents of the Commissioners, as designated in paragraph 7 below, at the expense of the owner, operator, or user of said vehicle.

2. Lines shall be painted or placed in the Courts Building Lot dividing said Courts Building Lot into separate vehicular parking spaces. Other signs or markings shall be used to mark areas where parking is prohibited, and to specify the direction traffic is to flow. As in the case on public highways, a yellow colored curb or area within said Lot shall be sufficient notice of a "no parking" zone or section. It shall be a violation of this Ordinance for any vehicle to be parked or placed in violation of such signs, markings, or designations, and the owner, operator, or user of such vehicle shall be issued a ticket or citation, and be subject to the imposition of a fine, as set forth in paragraph 9 below. Additionally, said vehicle may be towed away from its improper location by representatives or agents of the Commissioners, as designated in paragraph 7 below, at the expense of the owner, operator, or user of said vehicle.

3. Certain County officials and certain County employees not afore-discussed who have a regular need to use the Courts Building Lot for parking of motor or other vehicles in connection with their use of the County Courts Building shall be issued stickers which shall entitle them to parking privileges within parts of the Courts Building Lot, subject to restrictions as hereinafter stated. The Commissioners shall determine the persons to whom such stickers should be issued and the Commissioners shall have the right to revoke and obtain the return of said stickers upon the discontinuance of the need to use the lot for which a sticker has been issued for County purposes by the persons to whom issued. Persons issued a sticker or stickers shall place the same in or on the vehicle or vehicles to be parked in said Courts Building Lot in a conspicuous place, on the right side of the vehicle's rear window (passenger's side).

4. Specific lanes of parking spaces on the north one-half (1/2) of the Courts Building Lot, adjacent to High Street, and lanes of parking spaces on the west one-half (1/2) of the Courts Building Lot, immediately adjacent to the Courts Building structure and closest to Third Street, are hereby declared to be solely for the use of County officials and County employees who have been issued an appropriate County parking sticker. Parking of a vehicle in any of the spaces designated solely for use by County officials and County employees without an appropriate sticker shall subject the owner, operator, or user to the issuance of a ticket or citation, and the imposition of a fine, as set forth in paragraph 9 below. Additionally, any improperly parked vehicle in a space designated solely for County officials and County employees may be towed away from such areas by representatives or agents of the Commissioners as designated in paragraph 7 below, at the expense of the owner, operator, or user of said vehicle.

5. The two (2) lanes of parking spaces closest to Second Street within said Courts Building Lot, and the lane of parking spaces closest to Third Street within said Courts Building Lot, north of the Courts Building structure itself, but not including the parking spaces immediately west of the Courts Building itself, are hereby declared to be for primary use of the general public in conducting business at the County Courts Building. Any person who has not been issued a County parking sticker shall be entitled to use the designated general public parking areas, as above described, for parking a vehicle in the Courts Building Lot for the purpose of conducting business therein for a period of time not to exceed two (2) hours of continuous parking. It shall be a violation of this Ordinance for any vehicle to be parked so as

to violate said two (2) hour time limitation, and the owner, operator, or user of such vehicle shall be issued a ticket or citation for a fine as set forth in paragraph 9 below. Additionally, any vehicle parked so as to avoid said two (2) hour parking limitation or any vehicle without a County parking sticker, may be towed away from said parking places by representatives or agents of the Commissioners, as designated in paragraph 7 below, at the expense of the owner, operator, or user of such vehicle.

6. It shall be considered a violation of the two (2) hour time limitation herein established for a person to park a vehicle in a space in said area designated for public parking, and then remove the same, or have it removed, to another space in said area, where the total parking time in the two (2) (or more) spaces exceeds the same two (2) hour limitation and where the removal was for the purpose of avoiding the two (2) hour use limitation for said public parking area imposed by this Ordinance.

7. The City of Elkhart, Indiana, and its agents and employees, shall serve as the representatives and agents of the Commissioners with regard to the enforcement of this Ordinance. In this respect, said City of Elkhart, and its agents and employees, shall be responsible for and shall have the authority to check the Courts Building Lot on a periodic basis, and to issue citations and/or tickets for persons violating the provisions of this Ordinance by the parking of a vehicle in excess of the time limitations established, by the parking of a vehicle in any of the aforescribed parking areas when not using the Elkhart County Courts Building for business purposes, by the parking or operating of a vehicle in a parking space where said vehicle is not permitted to be parked, either due to the absence of an appropriate sticker, or because the owner or operator of said vehicle is not authorized to park said vehicle in the space in question. Additionally, the City of Elkhart, and its agents and employees, shall have the right and authority to have any and all vehicles violating the terms and conditions of this Ordinance towed away from the parking area where said vehicle would be situate, at the expense of the owner, operator, or user of said vehicle.

8. The issuance of a citation or ticket for a violation of any of the terms and conditions of this Ordinance shall be attached to the vehicle that is illegally or improperly parked. No duty or responsibility shall exist for the City of Elkhart, or its agents or employees, to determine who the operator or user of a vehicle has been when no such operator or user is with the vehicle at the time it has been improperly or illegally parked. Should the operator or user of the vehicle not pay or satisfy the fine required to be paid upon the issuance of a ticket or citation, as hereinafter defined, the registered owner of said vehicle, should he or she not have been the operator or user of the vehicle at the time it was illegally or improperly parked, shall become responsible for paying the fine and/or Court costs hereinafter stated to be due and owing.

9. When a ticket or citation for a violation of this Ordinance is issued, the owner, operator, or user of the vehicle to which the ticket or citation was attached shall pay the sum of Ten Dollars (\$10.00), as a fine, to the City of Elkhart, Indiana, within seventy-two (72) hours

after the date shown on said ticket or citation. Should said fine not be paid within seventy-two (72) hours after the date shown on said ticket or citation, the fine due and owing shall then increase to the sum of Twenty-five Dollars (\$25.00). Further, at any time after the fine has increased to Twenty-five Dollars (\$25.00), the City of Elkhart, through its agents and employees, shall be authorized and empowered to process in a Court of competent jurisdiction a Complaint, Information, or Affidavit against the registered owner of the vehicle to which the traffic ticket or citation was issued and initially attached, charging said person with a violation of one (1) or more of the provisions of this Ordinance, and said owner, upon sufficient proof having been shown to said Court as to the illegal or improper parking having occurred, shall become responsible for the Court costs as to the proceedings, in addition to said Twenty-five Dollars (\$25.00).

10. All fines paid pursuant to the terms and provisions of this Ordinance shall be and become the property of the City of Elkhart, Indiana for use by it in carrying out the enforcement terms and provisions of this Ordinance, and for such other purposes as its governing body or officials shall determine.

11. No fine shall be levied, nor shall any Complaint, Information, or Affidavit be processed against the owner, operator, or user of a vehicle parked in the Courts Building Lot in violation of the time limitation (only) herein imposed if said person has:

(a) been summoned to the County Courts Building for jury duty and has posted or displayed on said vehicle a "Jury Card" issued by the summoning Court or the Sheriff's Department; or

(b) been excused from said time limit violation by a designate of the Commissioners, who shall be on duty at the County Courts Building; or

(c) been granted a temporary pass by the receptionist to said Building, in the Commissioners' office, which pass specifies that the time limit as to parking shall not apply to the recipient or his/her vehicle.

12. This Ordinance (amending paragraph 9 only) shall become effective on March 1, 2014, at which time the revised fine and payment standards of paragraph 9 hereof shall replace the prior fine and payment standards of paragraph 9 of Ordinance No. 08-480, as to the Courts Building Lot. Provided, however, that nothing contained in or created by this Ordinance shall serve to terminate or nullify fines, tickets, or sanctions imposed or arising by virtue of such prior ordinances (to include Ordinance No. 82-99 and Ordinance No. 08-480) up to and including February 28,, 2014.

13. Ordinance 82-99 previously incorporated certain rules, standards, and regulations with regard to what was therein defined as "Employees' Parking Lot," being land owned by the City of Elkhart and leased by Commissioners from the City of Elkhart for use by

employees of Elkhart County Government. Such Lot is still owned by the City of Elkhart, but is now a public parking area regulated solely by the City of Elkhart, and hence such "Employees' Parking Lot" is subject to regulation by the City of Elkhart, and not governed by the provisions of this Ordinance.

14. Because the forfeiture and/or penalty provisions of this Ordinance have simply been modified/amended to coordinate with the existing fine and payment standards of the City of Elkhart as to its parking facilities, no publication of this Ordinance is necessary.

This Ordinance is duly adopted this 17th day of February, 2014.

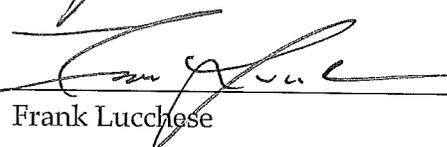
THE BOARD OF COMMISSIONERS OF
ELKHART COUNTY, INDIANA

By: 

Terry Rodino, President

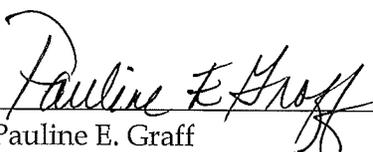
By: 

Mike Yoder

By: 

Frank Lucchese

Attest:



Pauline E. Graff
Elkhart County Auditor

Gordon Lord, County Attorney, informed the Board that the auditor and treasurer have met with GUTS regarding a contract to conduct the county tax sale and the possibility of using them instead of SRI, Inc. who has been conducting the sale since 1997. He said the Commissioners sign the contract and will need to determine if they want use GUTS or continue with SRI, Inc.

Gordon Lord, County Attorney, addressed the Board regarding property owned by the Jessup Trust that is needed for the CR 17 project. The county offered \$21,000 and the court appointed appraiser appraised the property at \$54,000. The Jessups have requested \$78,000 and two access points instead of one. The Commissioners and the highway department have determined there is not a need for two access points.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the court's decision of \$54,000 and only one access point.

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 FINANCE &

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 24, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in the Commissioners' office in the County Administration Building, 117 North Second Street, Goshen, Indiana. All members of the Board of Finance were present which include: Terry Rodino, Mike Yoder and Frank Lucchese and County Treasurer Jackie Meyers.

Jackie Meyers reviewed the County investments for 2013. The total interest the county earned in 2013 was \$521,399, an increase of \$40,095 from 2012. There were two CD's that matured in 2013 at a .55% interest rate earning \$24,993.04 in interest. She said currently most banks will not even bid on CDs.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the report of investments as presented by the county treasurer and placed it on file.

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

President Terry Rodino called the Commissioners' meeting to order at 9:10 a.m. in the Commissioners' meeting room. The other two Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Pauline Graff, County Auditor; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board granted permission to purchase a 4 x 4 pick-up truck from Harold Zeigler Ford at a cost of \$23,481 with trade-in for the county landfill, as requested by Kim Davis, Landfill Manager. He received four (4) quotes and they submitted the lowest quote.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a three (3) year lease with Virtual Imaging, Inc. for a SecurPASS Whole Body Security Scanning System for community corrections, as requested by Tara Booher-Whaley, Director of Community Corrections. The cost is \$63,763.20 per year. The leasing will be through Canon Financial Services, Inc. A copy of the lease is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a LPS Consulting Contract with United Consulting for the Elkhart County Bridge Inventory – Phase I for a not to exceed cost of \$311,880, 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 adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen