

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

**November 4, 2013**

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Sheriff Brad Rogers; Pauline Graff, County Auditor; Craig Buche from the county attorney's office 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 October 21<sup>st</sup> & 28<sup>th</sup>, 2013 meetings and placed them on file.

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

Bob Girard, Director of Court Services, asked for approval of a Memo of Agreement for Mental Health Consultation to the Juvenile Detention Center with Oaklawn Psychiatric Center, Inc. at a cost of \$150 per hour for evaluation/assessment or \$37.50 per 15 minute unit for other consultation services. The staff does an initial mental health screening and if the juvenile scores at a certain level they are referred to mental health to see if other services need to be provided while they are in detention.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Memo of Agreement and an Addendum prepared by the county attorney's office with the additional items needed for state statute requirements. A copy of the agreement and 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 initial street acceptance of Bethany Drive-1050 feet; Angeline Drive-1100 feet and Addison Drive-675 feet in Woodfield Villas and released The Cincinnati Insurance Company Bond #B8886615 for \$172,000, 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 with the Indiana Department of Transportation for bridge inspection, as requested by Jeff Taylor, Manager of Transportation. A copy of the LPA contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures report for September 16<sup>th</sup>-October 15<sup>th</sup>, 2013 and placed it on file.

Jeff Taylor, Manager of Transportation, asked for approval of a Resolution Authorizing Special Purchase of Heavy Equipment for the highway department. This purchase is different in that bids were not requested for the equipment. It is being purchased as authorized by Indiana

state statutes. There is also some equipment being traded in for the purchase of the four (4) pieces of equipment.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adopted the Resolution for the purchase of the equipment as proposed.

The Resolution is as follows:

RESOLUTION OF THE ELKHART COUNTY COMMISSIONERS AUTHORIZING  
SPECIAL PURCHASE OF HEAVY EQUIPMENT FOR ELKHART  
COUNTY HIGHWAY DEPARTMENT

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 the County executive and legislative body and is by law authorized to adopt ordinances and resolutions for the administration of its public business;

WHEREAS Indiana Code § 5-22-10 authorizes certain special purchasing methods without soliciting bids or proposals;

WHEREAS Indiana Code § 5-22-10-5 allows a special purchase to be made when there exists a unique opportunity to obtain supplies or services at a substantial savings to the governmental entity;

WHEREAS Indiana Code § 5-22-10-14 allows a special purchase to be made when the purchasing agent determines in writing that supplies can be purchased at prices equal to or less than the prices stipulated in current federal supply service schedules established by the federal General Services Administration and it is advantageous to the governmental body's interest in efficiency and economy;

WHEREAS the Elkhart County Highway Department has investigated the need and recommended the purchase of three (3) wheel loaders and one (1) motor grader for the Highway Department;

WHEREAS Indiana Code § 36-1-11-9 permits property of a similar nature to be traded in as part of a purchase and in reduction of the purchase price;

WHEREAS the Elkhart County Highway Department has solicited pricing on comparable equipment to be assured that the special purchase is competitive and has been made with competition as is practicable under the circumstances;

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

1. That the Board does hereby determine and declare that the equipment purchase recommended by the Elkhart County Highway Department constitutes a unique opportunity to obtain supplies at a substantial savings to the County of Elkhart, Indiana.

2. That the equipment purchase recommended by the Elkhart County Highway Department can be purchased at a price equal to or less than the prices stipulated in current federal supply service schedules established by the federal General Services Administration, and it is advantageous to the County of Elkhart's interest in efficiency and economy.

3. That the Board does hereby determine and declare that the Elkhart County Highway Department may make a special purchase pursuant to Indiana Code § 5-22-10 et seq. and in doing so finds that the special purchase is being made with competition as is practicable under the circumstances.

4. That the Board does hereby determine and declare that the Elkhart County Highway Department may make a special purchase pursuant to Indiana Code Section 5-22-10 et seq. and in doing so may trade in equipment of a similar nature as a part of the purchase and in reduction of the purchase price.

5. That the Elkhart County Highway Department is hereby authorized to purchase the following equipment at or below the prices specified herein from MacAllister CAT, 7515 East 30<sup>th</sup> Street, Indianapolis, IN 46219:

<b>Description</b>	<b>Quantity</b>	<b>Price</b>
930K CAT Wheel Loader with cold weather kit	Three (3)	\$150,711.82 each
140M2 CAT Motor Grader with slope meter	One (1)	\$250,183.68

Said purchases shall include five (5) years or 5,000 hours Power Train plus Hydraulic Coverage warranties with a guaranteed buyback after five (5) years on the 930K CAT Wheel Loader of \$78,100 each and the 140M2 CAT Motor Grader at \$163,400.00.

6. That the Elkhart County Highway Department may trade in the following described property as a part of the purchase and in reduction of the purchase price for the above-described equipment as follows:

Description	Quantity	Trade-In Value
Caterpillar Model 962G S/N 4PW00595	One (1)	\$57,500.00
Caterpillar Model 962G S/N 4PW00532	One (1)	\$57,500.00
Caterpillar Model 420D S/N FDP 8380 W/1 Backhoe Bucket and Hammer	One (1)	\$31,750.00
Case Model 721D S/N JEE 137852	One (1)	\$49,500.00
<b>Total Trade-In Value</b>		<b>\$196,250.00</b>

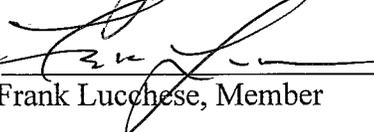
7. Said special purchases shall be made with full warranties of title free and clear of all liens and encumbrances with a definitive purchase agreement subject to approval by the Elkhart County Attorney. Said special purchases shall be made within the next thirty (30) days using available and appropriated 2013 funds of the Elkhart County Highway Department Equipment Purchase Account.

Dated this 4<sup>th</sup> day of November, 2013.

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the sale at an auction at the sheriff's department of three (3) vehicles belonging to the highway department, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a contract with Indiana Assessment Services for 2014 for the county assessor's office subject to approval of the Addendum prepared by the county attorney's office. A copy of the contract and addendum 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

**November 12, 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, Mike Yoder and Frank Lucchese, 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 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

**November 18, 2013**

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the November 4<sup>th</sup> & 12<sup>th</sup>, 2013 meetings and placed them on file.

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

Duane Burrow from planning and development presented a request for Levi Lee and Laurene Yoder, represented by Brads-Ko Engineering, Inc., for a zone map change from A-1 to Detailed Planned Unit Development A-1 to be known as Double L Woodworking, LLC, DPUD located on the south side of CR 34, 2,300 feet west of SR 13 in Clinton Township. The Plan Commission has recommended approval of the request. Barry Pharis from Brads-Ko Engineering, representing the petitioner said this is a business that has been located in Lagrange County and they want to relocate it in Elkhart County. He noted that all of the landowners within 1,000 feet of this property have approved this rezoning. 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 zone map change from A-1 to DPUD A-1 and adopted an ordinance establishing this zone map change. The Site Plan/Support Drawing is part of this Ordinance and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

The Ordinance is as follows:

ORDINANCE NO. PC 2013-15

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-A-1, TO BE KNOWN AS DOUBLE L WOODWORKING, LLC, DPUD; AND BY CHANGING THE ZONE MAPS INCORPORATED BY REFERENCE IN ARTICLE 2. DISTRICTS AND ZONE MAPS OF THE ELKHART COUNTY ZONING ORDINANCE

**WHEREAS**, Levi Lee and Laurene Yoder submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from **A-1** to **DPUD-DPUD-A-1** on **August 30th 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**, 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 30th day of September 2013 and in **The Goshen News** on the 28th day of September 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 10th day of October 2013 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 sent to the Board of County Commissioners for Elkhart County with a Favorable Recommendation.

**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-DPU-D-A-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.

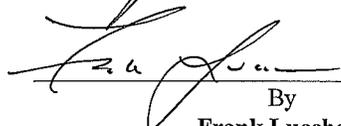
- SECTION 3.** That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the A-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced 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 A-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.

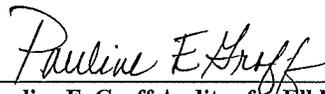
**SECTION 11.** This Ordinance shall be in full force and effect from and after its passage and approval in accordance with the law.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY,  
INDIANA THIS 18TH DAY OF NOVEMBER 2013**

  
\_\_\_\_\_  
By  
**Terry Rodino**

  
\_\_\_\_\_  
By  
**Mike Yoder**

  
\_\_\_\_\_  
By  
**Frank Lucchese**

Attest:   
\_\_\_\_\_  
**Pauline E. Graff Auditor for Elkhart County**

**EXHIBIT A**  
**Legal Description**

**LEGAL DESCRIPTION:**

A PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 7 EAST, CLINTON TOWNSHIP, IN ELKHART COUNTY, THE STATE OF INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER MARKED BY A HARRISON MARKER; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING), ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 639.00 FEET TO A MAG NAIL; THENCE SOUTH 00 DEGREES 44 MINUTES 28 SECONDS EAST 2652.38 FEET TO A REBAR ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 58 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 610.00 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER MARKED BY A WOOD CORNER POST; THENCE NORTH 01 DEGREE 22 MINUTES 03 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 2652.67 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 38.019 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.

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 Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance for a STOP sign at Bethany Drive for CR 8, as requested by Jeff Taylor, Manager of Transportation.

The traffic control ordinance is as follows:

**TRAFFIC CONTROL ORDINANCE**

TYPE OF SIGN: **"STOP"**

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

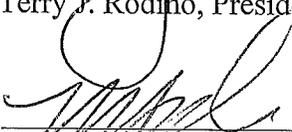
**BETHANY DRIVE AND COUNTY ROAD 8**

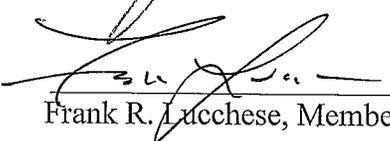
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to **POST "STOP" SIGNS** at this location:

**BETHANY DRIVE AND COUNTY ROAD 8**

**Board of Commissioners  
Elkhart County, Indiana**

  
\_\_\_\_\_  
Terry J. Rodino, President

  
\_\_\_\_\_  
Mike Yoder, Vice President

  
\_\_\_\_\_  
Frank R. Lucchese, Member

DATE OF ORDINANCE: November 18, 2013

ORDINANCE NUMBER 2013-521

Jeff Taylor, Manager of Transportation, asked for approval to dispose of some surplus items from the highway department. Beer & Slabaugh, Inc. from Nappanee, Indiana has agreed to take a stockpile of pea gravel located at the New Paris garage for two (2) weeks rental of a Cat D5 dozer, exchange assorted corrugated metal pipe located at the New Paris garage in exchange for them processing asphalt millings, and exchange used guardrail at the New Paris garage for \$10,000 in services or rental to the highway department. There is also a list of various surplus items that he would like to take to an auction to sell.

On a motion made Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the disposal of the above surplus items as proposed.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Addendum to the Triple Net Lease Agreement with ShowMyers, LLC for the archives building on Wilden Avenue in Goshen for a three (3) year term, as requested by Tom Byers, County Administrator. A copy of the agreement is on file in the Commissioners' office. The county attorney's office has prepared the addendum.

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

Ralph Spellbring from Elkhart gave each Commissioner a proposal to initiate a law enforcement tax rate of .25% in addition to a .25% LOIT to help defray the shortage the County is having in the budget process. He said there are some other counties that have adopted this tax.

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

**November 25, 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 Dawn Truex from the county auditor's office; Tom Byers, County Administrator and Kathy Erschen, Executive Assistant.

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Supplement No. 1 with INDOT for intersection improvement on CR 3 at CR 32 for the highway department, as requested by Jeff Taylor, Manager of Transportation. This supplement obligates the county to meet a particular time frame for the project in order to receive the federal funds. A copy of the supplement is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Supplement No. 2 with INDOT for replacement of the bridge deck and widening of Bridge #189 over Stoney Creek on CR 40 for the highway department, as requested by Jeff Taylor, Manager of Transportation. This supplement also obligates the county to meet a particular time frame for the project in order to receive federal funds. A copy of the supplement is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board gave permission to advertise for annual bids for the highway department, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board gave permission to the highway department to sell more surplus property at an auction.

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

Respectfully submitted,  
Kathy L. Erschen