

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

July 6, 2015

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; Dawn Truex from the county auditor's office; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes from of the June 15th, 22nd & 29th, 2015 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.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved grant renewal applications for the Public Health Preparedness grant for \$25,625, the Ebola grant for \$36,086; and the Medical Reserve Corp 2 grant for \$5,411, as requested by Dr. Nafziger, Health Officer.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board gave approval to restrict access to CR 131 starting at the intersection of SR 120 and ending at the intersection of CR 8 from 9:00 a.m. to 5:00 p.m. on Saturday, September 12th for the 2015 Bonneyville Mill Heritage Day, as requested by Diane Madison, Superintendent of Parks.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a contract Addendum for Community Corrections with Breath Alcohol Real-Time (BA/RT) for portable breath alcohol monitoring at a cost of \$6.00 per active unit per day, as requested by Lauren Duesler from Community Corrections. A copy of the addendum 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 Professional Services Contract with the Indiana Department of Correction for the Community Transition Program, as requested by Lauren Duesler from Community Corrections. IDOC will pay \$25 per day per offender. This is a two (2) year contract. A copy of the contract is on file in the Commissioners' office.

Ryan Carrington from DLZ Corp. did a presentation on the Old US 20 and Corwin Street traffic impact study. The purpose of the study was to evaluate the traffic impacts of proposed new development on the Old US 20/Ash Road and Old US 20/Corwin Street intersections. There was data collection of traffic counts during peak hours and projected traffic growth. The intersection improvement concepts were for an improved signalized intersection and a roundabout. The cost was similar for each one. The conclusion was that both an improved

signalized intersection or roundabout would be acceptable and beneficial for this intersection, however, the roundabout does hold a slight advantage over the signalized intersection, therefore, a roundabout is the recommended intersection improvement for the Old US 20/Corwin Street intersection.

The Redevelopment Commission will discuss this further since it is in a TIF area and determine which one they prefer and report back to the Commissioners at a later date with a funding request.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an ordinance amending the Elkhart County Code regarding Chapter 151: Buildings of Title XV: Land Usage (Fee Schedule), as requested by Chris Godlewski, Director of Planning. This is to adjust the fees charged for building permits, etc. The new fees will go into effect August 1, 2015.

The Ordinance is as follows:

COMMISSIONER ORDINANCE NO. 2015-214

AN ORDINANCE AMENDING THE ELKHART COUNTY CODE REGARDING
CHAPTER 151: BUILDINGS OF TITLE XV: LAND USAGE

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

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the county legislative body and is by law authorized to adopt ordinances and resolutions with respect to public health, safety, and welfare;

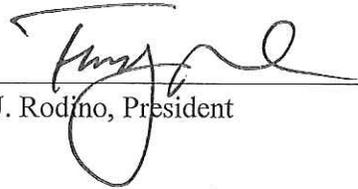
WHEREAS the Elkhart County Planning Department has recommended that the fee schedule for the Elkhart County Building Code be amended;

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

1. Amendment of Elkhart County Code. Chapter 151: County Building Code of Title XV: Land Usage of the Elkhart County Code is hereby amended by replacing the Section 151.11 Fee Schedule with the Section 151.11 Fee Schedule attached hereto as Exhibit A.
2. Effective Date. This Ordinance will be effective the 1st day of August, 2015 subject to publication in accordance with the applicable legal requirements.

ORDAINED this 6 day of July, 2015.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: 
Terry J. Rodino, President

By: 
Mike Yoder, Vice President

By: 
Frank R. Lucchese, Member

ATTEST:

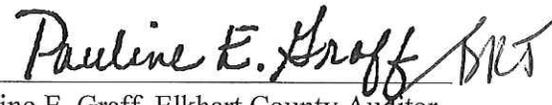

Pauline E. Graff, Elkhart County Auditor

EXHIBIT A

§ 151.11 FEE SCHEDULE.

Unless otherwise indicated herein, all fees and costs shall be due and payable at the time of application, when the service is performed, or when the fee is imposed, whichever occurs first. With respect to the certificate of occupancy fee for residential permits when a certificate of occupancy will be required, that fee shall be due and payable at the time of application for a building permit or other residential permit.

(A) *Table I. Residential Permits.*

(1) *Residential building permit.*

(a) The standard residential permit fee covers the footing/foundation, structural, mechanical, and plumbing permits and inspections for a single- or two-family residence, attached porches or decks and an attached garage. Detached garages, workshops, storage sheds or other outbuildings are not included and require separate permits and fees as outlined in division (A)(2) below. For purposes of this subchapter, the term **RESIDENTIAL** shall mean of or pertaining to a residence which shall be defined as a structure primarily used for dwelling purposes which contains no more than two dwelling units and which dwelling units are each used or are intended to be used primarily for purposes of living, sleeping, cooking and eating. The standard residential building permit fee is based upon the square footage of the structure as follows:

<i>Square Footage of Structure</i>	<i>Fee</i>
121 to 900 sq. ft.	\$200
901 to 1,500 sq. ft.	\$225
1,501 to 2,500 sq. ft.	\$250
2,501 to 3,000 sq. ft.	\$275
3,001 to 5,000 sq. ft.	\$300
Over 5,000 sq. ft.	\$325 plus \$0.02 per sq. ft. over 5000 sq. ft.

(b) The standard residential permit fee for a mobile home covers the footing/foundation/piers, structural, mechanical, and plumbing permits and inspections for a single mobile home, attached porches or decks, and an attached garage. Detached garages, workshops, storage sheds or other outbuildings are not included and require separate permits and fees as outlined in division (A)(2) below. For purposes of this subchapter and this section, the term **MOBILE HOME** shall be as defined in the County Zoning Ordinance, as amended or replaced from time to time. The residential building permit fee for a mobile home shall be \$75.

(2) *Residential remodeling, additions, detached garages, accessory structures and individual permits by service.* The fees listed below are for remodeling or additions to residential structures, detached garages, accessory structures, individual permits for certain services and any other type of structure or activity that is not included in the standard residential building permit but which relates to a residential use. For purposes of this subchapter, the term **REMODELING** includes structural alterations to a residence, and any replacement or extension of electrical,

mechanical and plumbing in residential or accessory structures. Required inspections are included in the fees outlined below:

<i>Type of Permit or Service</i>	<i>Fee</i>
Demolition permit (residential and accessory structures)	\$25
Permits for remodeling, additions, detached garages, accessory structures and individual permits for certain services	
Electrical (New or replaced service or Reconnect)	
Up to 100 amps	\$35
Up to 200 amps	\$40
Up to 400 amps	\$50
Electric (New or Replaced Sub Panels) (Fee Per Panel)	
Up to 100 amps	\$25
Up to 200 amps	\$30
Up to 400 amps	\$40
Electric Service for Mobile Home	\$35
Back-Up Generator	
10 Kv or less	\$30
Over 10 Kv	\$40
Energy	\$25
Footing/structural	\$50
Mechanical (includes, but is not limited to, air conditioning or cooling system, furnace or other heating device, air cleaner, residential exhaust fans and gas lines)	\$40
Plumbing	\$40
Temporary electric service or a meter relocation (100 amps)	\$25
Wood or solid burning fuel (includes mechanical pump)	\$60
Swimming pool only	\$50
Water heater only	\$20
Water softener only	\$20

(3) *Extension of residential building permit.* \$100.

(B) *Table II. Commercial, Multi-Family Residential or Industrial Construction Permit Fees.*

(1) *Commercial building application fee.* Prior to consideration for a commercial building permit, the owner or contractor must provide the County Building Department with a copy of the state design release for the project, unless the owner or contractor demonstrates that the project is exempt from such requirement pursuant to 675 I.A.C. 12-6-4. The commercial rates set forth in this division (B) apply to all commercial, industrial and multi-family residential structures (collectively referred to as commercial buildings). Commercial buildings shall also include non-

occupied non-residential structures such as water tanks, field storage tanks, inflatable structures, commercial crane elevators, cell towers and similar structures. The following is the standard application fee for commercial buildings in the county:

<i>Square Footage of Structure</i>	<i>Fee</i>
First 25,000 sq. ft.	\$200
25,001 to 50,000 sq. ft.	\$400
50,001 to 100,000 sq. ft.	\$500
Greater than 100,000 sq. ft.	\$500 plus \$0.02 per sq. ft. over 100,000 sq. ft.

(2) *Commercial building permit fees.*

(a) In addition to the commercial building application fee above, any commercial building project shall be subject to the following fee schedule. Required inspections are included in the fees outlined below:

<i>Type of Permit</i>	<i>Fee</i>
Base plumbing fee	\$40
Construction plan review	\$100
Demolition permits	
Less than 20,000 sq. ft.	\$25
20,000 to 50,000 sq. ft.	\$50
Greater than 50,000 sq. ft.	\$100
Electrical service (New or replaced service or Reconnect)	
Up to 100 amps	\$35
Up to 200 amps	\$40
Up to 400 amps	\$50
Up to 800 amps	\$100
Up to 2000 amps	\$200
Over 2000 amps	\$400
Electric (New or Replaced Sub Panels and Equipment Feeders) (Per item)	
Up to 100 amps	\$25
Up to 200 amps	\$30
Up to 400 amps	\$40
Up to 800 amps	\$50
Back-Up Generator	
10 Kv or less	\$40
Over 10 Kv	\$60

Extension of permit	\$200
Fire suppression or sprinkler system	
Up to 150 heads	\$50
151 to 300 heads	\$100
Over 300 heads	\$200
Footings and structural	
First 25,000 sq. ft.	\$50
25,000 to 50,000 sq. ft.	\$75
50,000 to 100,000 sq. ft.	\$100
Greater than 100,000 sq. ft	\$150 plus \$0.02 per sq. ft. over 100,000 sq. ft.
Gas lines	\$50
Mechanical (each heating, cooling, make up air or refrigeration unit)	\$50
Plumbing fee for each fixture drain line	\$5
Site plan review	\$100
Temporary electrical service	
Up to 100 amps	\$25
Over 100 amps	\$35

(b) The following are examples of commercial buildings and the application of the fee schedules:

<i>Type of Fee or Service</i>	<i>24,000 sq. ft.</i>	<i>160,000 sq. ft.</i>
Electrical service (200 amps)	\$40	\$50 (400 amps)
Electric subpanels (200 amps – 2 subpanels)	\$60	\$120 (400 amps – 3 subpanels)
Fire prevention sprinkling system (100 heads)	\$50	\$200 (over 300 heads)
Footing/structural inspection fee	\$50	\$1,350
Gas line	\$50	\$50
Mechanical (2 heating units, 2 cooling units)	\$200	\$200
New commercial building application fee	\$200	\$1,700
Plumbing (7 drains)	\$75	\$75
Temporary electric fee	\$35	\$35
Total	\$760	\$3,780

(C) *Table III. Agricultural Buildings.* Agricultural buildings include, but are not limited to, storage bins, silos, workshops, barns, loafing sheds, implement sheds and other similar types of structures used for agricultural purposes. Agricultural buildings are subject to the applicable fees

at the residential rates set forth in division (A)(2) above.

(D) *Table IV. Other Fees and Costs.*

(1) The following are additional fees and costs of the County Building Department. The re-inspection fees set forth below will be assessed for each inspection required due to code violations, the failure to correct violations, lock-outs when inspections have been requested, or any additional inspection that is required by applicable law which is not otherwise set forth in this subchapter. Notice will be left with the inspection when these fees will be applied. When a certificate of occupancy is requested, such fees must be paid prior to the issuance of the certificate of occupancy.

(2) A civil penalty equal to twice the normal fee will be added to the permit for any work started before securing the building permit or appropriate specialty fee (plumbing, electrical, footings and the like).

<i>Type of Fee or Service</i>	<i>Amount</i>
Builder/contractor annual license/registration (due and payable on February 15 each year)	\$100
Certificate of occupancy	\$35
Civil penalty for work after a stop work order	\$500
Copies	
Copies (8.5 in. by 11 in.)	\$0.15 per page
Copies (8.5 in. by 14 in.)	\$0.15 per page
Copies (11 in. by 14 in.)	\$0.15 per page
Large scale copies (greater than 11 in. by 14 in.)	\$5 per page
Duplicate or lost permit charge	\$5
Illegal structures (not used for permitted use)	2 times the appropriate permit fee(s) for the actual use
Permit reinstatement fee	\$100
Re-inspections	
First re-inspection	\$35
Second re-inspection	\$50
Third and each subsequent inspection	\$65
Returned check fee	\$25
Stop work order	\$50

(3) If a check is returned for insufficient funds, stop payment order, or is not honored for any other reason, all permits obtained with that check shall be void. If construction has not started, a permit reinstatement fee and the returned check fee must be paid before reinstatement of permits will be considered. If construction has started, all construction must stop immediately and a stop work order fee, plus a permit reinstatement fee, and the returned check fee must be paid before reinstatement of permits will be considered. If work does not stop, or work commences prior to the reinstatement of all required permits, then the civil penalty fee for work

after a stop work order will be applied and the matter may be referred to the office of the County Prosecutor or the County Attorney for further action and enforcement. In all cases, the amount of the returned check must be paid to the County Building Department in good funds.

(E) *Table V. Signs.*

(1) *Signs and billboards.* An application for a stationary sign or billboard must be accompanied by a site plan with dimensions and boundaries, a location of the sign on the site, a footing/foundation plan and the sign specifications. For purposes of this subchapter, each viewable face of the sign shall be included in the total square footage calculation. The permit fees for signs are as follows:

<i>Stationary Signs</i>	<i>Non-Lighted and Non-Illuminated Signs</i>	<i>Lighted or Illuminated Signs</i>
First 100 sq. ft.	\$40	\$80
101 to 200 sq. ft.	\$50	\$100
201 to 300 sq. ft.	\$60	\$120
301 to 500 sq. ft.	\$70	\$140
Over 501 sq. ft.	\$80	\$160

(2) *Portable signs for commercial use (must have zoning clearance).*

<i>Portable Sign</i>	<i>Fee</i>
Civil penalty for portable sign without a permit, zoning clearance, or violation of time limit	\$100
Fee for portable sign with zoning clearance (maximum of three week duration)	\$40

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 Weed Lien Collections fund for \$5,400 to pay private mowing contractors to for code enforcement issues, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 6/10/15

DEPARTMENT

Weed Lien Collections
NAME

6041-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 5,400.00		Professional Services	43090	Weed Lien Collections	6041	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 5,400.00						
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
Approp.	Unspent Request as of Date		YES	NO	Amount	Date
		AMOUNT DATE				
1						
2						
3						
4						
5						
6						
7						
8						
TOTAL \$						

REASON FOR REQUEST

To establish an account using fees that are collected to pay invoices for private mowing contractors.

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 \$300,000 from the Northwest Gateway TIF fund for right-of-way purchases for expansion of Ash Road and Old US 20, as requested by Chris Godlewski, Director of Planning. This is to pay St. Joseph County for the second part of the right of way costs.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 6/22/15

DEPARTMENT Northwest Gateway 4504-980
NAME NUMBER

AMOUNT REQUESTED	PROJ. NO.	QUANT/PROJECT N	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 300,000.00	152502	Land	44100	Northwest Gateway	4504	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 300,000.00						
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectuated		APPROVED BY COUNCIL	
Approp. Unspent as of Request Date			YES	NO	Amount	Date
		AMOUNT				
1						
2						
3						
4						
5						
6						
7						
8						
TOTAL \$						

REASON FOR REQUEST

For the purchase of right-of-way in conjunction with the expansion of Ash Road and Old US 20.
This is a second amount to be added for the project which will be paid out in July 2015.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board appointed Susie Weirick to the Board of Zoning Appeals to replace Jeanna Schirr and appointed Ms. Schirr as an alternate to the Board of Zoning Appeals. Ms. Weirick's term will expire 12/31/2015.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded an additional appropriation from the Motor Vehicle Highway fund for \$60,000 for buildings repairs and to purchase a trailer mounted hot patch machine, as requested by Jeff Taylor, Manager of Transportation.

The additional appropriation is as follows:

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 to RESCIND "No Thru Trucks" on CR 142 from CR 11 to SR 15, Ordinance #89-532 dated 5/15/1989, as requested by Jeff Taylor, Manager of Transportation.

The traffic control ordinance is as follows:

TRAFFIC SIGN ORDINANCE

TYPE OF SIGN: "NO THROUGH TRUCKS"

WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that the existing signs be removed at the following location:

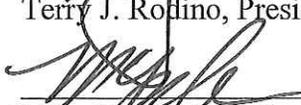
LOCATION: COUNTY ROAD 142 FROM COUNTY ROAD 11 TO STATE ROAD 15

NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to remove the existing signs at this location:

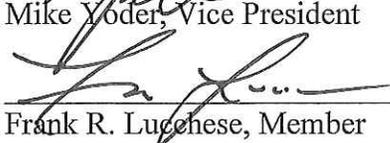
LOCATION: COUNTY ROAD 142 FROM COUNTY ROAD 11 TO STATE ROAD 15



Terry J. Rollino, President



Mike Yoder, Vice President



Frank R. Lucchese, Member

DATE OF ORDINANCE: July 6, 2015

ORDINANCE NUMBER 2015-229

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted an Ordinance Enacting and Adopting the 2015 S-2 Supplement to the Code of Ordinances for the County of Elkhart, Indiana, as requested by Tom Byers, County Administrator.

The Ordinance is as follows:

**AN ORDINANCE ENACTING AND ADOPTING THE 2015 S-2 SUPPLEMENT
TO THE CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA**

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

WHEREAS, The Board of Commissioners of the County of Elkhart (the "Elkhart County Commissioners") and The Elkhart County Council ordained and adopted Council Ordinance No. CC-2014-04 / Commissioner Ordinance No. 2014-145, titled "An Ordinance Enacting a Code of Ordinances for the County of Elkhart, Indiana, Codifying, Revising, Rearranging, and Compiling Certain of its Existing General Ordinances, Orders and Resolutions and Dealing with Subjects Embraced in such Code of Ordinances" (the "Code Adopting Ordinance"). The Code Adopting Ordinance enacted the "Elkhart County, Indiana, Code of Ordinances," also referred to by the shorter title of the "Elkhart County Code." The Elkhart County Code codified, revised, rearranged, and compiled the ordinances, orders, and resolutions of a general and permanent nature of the County of Elkhart, Indiana, ("Elkhart County") pertaining to the subjects contained in or covered by the Elkhart County Code. Two printed copies of the Elkhart County Code have been on file in the office of the Elkhart County Auditor for public inspection, and an electronic copy has been available online at <http://www.amlegal.com/library/in/elkhartco.shtml>.

WHEREAS, the Elkhart County Code as initially enacted by the Code Adopting Ordinance was current through Elkhart County ordinances, orders, and resolutions passed on or before November 2, 2013, and it is the intent of the Elkhart County Commissioners to periodically supplement the Elkhart County Code with new ordinances, orders, and resolutions of a general and permanent nature pertaining to the subjects contained in or covered by the Elkhart County Code.

AN ORDINANCE ENACTING AND ADOPTING THE 2015 S-2 SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA

WHEREAS, the Elkhart County Commissioners ordained and adopted Commissioner Ordinance No. 2015-04, titled "An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for the County of Elkhart, Indiana" (the "S-1 Supplement Adopting Ordinance"). The S-1 Supplement Adopting Ordinance enacted and adopted a supplement to the Elkhart County Code titled the "2014 S-1 Supplement," which was prepared to incorporate Elkhart County ordinances, orders, and resolutions of a general and permanent nature passed on or before July 12, 2014, pertaining to the subjects contained in or covered by the Elkhart County Code.

WHEREAS, a supplement to the Elkhart County Code titled the "2015 S-2 Supplement" has been prepared to incorporate Elkhart County ordinances, orders, and resolutions of a general and permanent nature passed on or before January 31, 2015, pertaining to the subjects contained in or covered by the Elkhart County Code. Attached hereto as Exhibit A is a copy of the new 2015 S-2 Supplement pages beginning with instruction sheets detailing the appropriate insertion of new pages into the Elkhart County Code and removal of old pages from the Elkhart County Code.

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

1. The 2015 S-2 Supplement is hereby adopted and incorporated into the Elkhart County Code.
2. Two copies of the Elkhart County Code, as supplemented by the 2015 S-2 Supplement and prior supplement, will be on file in the office of the Elkhart County Auditor for public inspection. An electronic copy will be available online at <http://www.amlegal.com/library/in/elkhartco.shtml> or at another publically accessible online location.
3. The Elkhart County Code, as supplemented by the 2015 S-2 Supplement and prior

AN ORDINANCE ENACTING AND ADOPTING THE 2015 S-2 SUPPLEMENT
TO THE CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA

supplement, continues in full force and effect, and it continues to constitute presumptive evidence in any and all legal proceedings and places:

- a. of its provisions;
- b. of its date of adoption;
- c. that it has been properly signed, attested, recorded, and approved; and
- d. that any public hearings required have been held, with any notices required

given.

ORDAINED AND ADOPTED this 6 day of July, 2015.

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, Member

ATTEST:

Pauline E. Graff
Pauline E. Graff
Elkhart County Auditor

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation from the Cumulative Capital Development fund for \$40,000 for capital items for various departments, as requested by Tom Byers, County Administrator.

The additional appropriation is as follows:

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Annual Report for June 16, 2014 – June 15, 2015 and the report for May 16th – June 15th, 2015 and placed them on file.

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

July 13, 2015

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 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.

Bids were received and opened for the 2015 Paving Program-Part 2 for the county highway department. Pauline Graff, county auditor, opened the bids and they were read by Jeff Taylor, Manager of Transportation. Bids were received from Rieth-Riley Construction Co., Inc. for \$1,085,254.42 for Group 1 & \$1,686,073.56 for Group 2; Walsh & Kelly for \$1,329,592.17 for Group 1 & \$2,003,400.98 for Group 2; Niblock Excavating, Inc. for \$1,254,912.40 for Group 1 & no bid for Group 2; and Phend & Brown for no bid for Group 1 & \$1,736,244.00 for Group 2.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted all the bids and forwarded them to the highway department for evaluation, review & a recommendation for awarding the bid. They will have the recommendation at the July 20, 2015 meeting. All the bids are on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a Memorandum of Understanding for Community Corrections with Elkhart Community Schools Adult & Community Education for G.E.D. education & testing. A copy of the MOU is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance for "No Thru Trucks" on CR 31 between US 33 & CR 46; CR 46 between CR 31 & CR 33; CR 33 between US 33 & CR 146; CR 146 between CR 33 & US 33; and CR 44 between US 33 & CR 31, as requested by Jay Grossman, county highway engineer. This ordinance will be in effect until the end of the Indiana Department of Transportation's bridge project on US 33 in Benton is complete or July 1, 2015 whichever is sooner.

The traffic control ordinance is as follows:

TRAFFIC CONTROL ORDINANCE

TYPE OF SIGN: "No Thru Trucks"

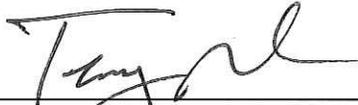
WHEREAS, the Engineer has conducted an engineering and traffic investigation and upon the basis of this engineering and traffic investigation has recommended that "No Thru Truck" signs be posted at the following locations until the end of the Indiana Department of Transportation's bridge project on US33 in Benton or July 1, 2016, whichever is sooner:

CR31 Between US33 and CR46
CR46 Between CR31 and CR33
CR33 Between US33 and CR146
CR146 Between CR33 and US33
CR44 Between US33 and CR31

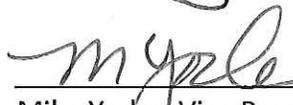
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to post "No Thru Truck" signs at these locations:

CR31 Between US33 and CR46
CR46 Between CR31 and CR33
CR33 Between US33 and CR146
CR146 Between CR33 and US33
CR44 Between US33 and CR31

**Board of Commissioners
Elkhart County, Indiana**



Terry J. Rodino, President



Mike Yoder, Vice President



Frank R. Lucchese, Member

DATE OF ORDINANCE:

ORDINANCE NUMBER

2015-238

JULY 13, 2015

PAGE 238

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

July 20, 2015

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 Undersheriff Sean Holmes; 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 July 6th & 13th, 2015 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 Secondary approval for Patrick & Kristie Rosenogle, Dan & Leann Gregory, Jon & Connie Hart and Joseph Bonacorsi, represented by Progressive Engineering, Inc., of a 5 lot major subdivision known as Suburban Woods, A Replat of Lots 10 & 11 in Maple Grove & Part of Outlot "D" in Suburban Estates II located on the east side of CR 109 (Maple Grove Avenue) & west side of Forest Road, 275 feet south of Baker Street, north of CR 4 in Osolo Township and Secondary approval for Spartin Development, LLC, represented by B. Doriot & Associates, Inc., for a 17 lot major subdivision known as Jackson Terrace Phase 3 (formerly known as King's Court Subdivision) located on the south end of Woodridge Court, south of Terrace Trail, east of CR 21, south of CR 146 in Jackson Township, as requested by Mark Kanney from planning and development.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the purchase of a trailer mounted hot patch machine for patching potholes at a cost of \$31,190 less trade-in for the county highway department.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board awarded the bid for the 2015 paving program – part 2 to Rieth-Riley Construction Co., Inc. for Group 1 & Group 2. They were the low bidders for both groups.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste – Landfill for July 2015 and placed it on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adopted a Resolution authorizing the transfer of \$200,000 of EDIT funds to the General fund for the 2015 calendar year, as requested by Tom Byers, County Administrator.

The Resolution is as follows:

RESOLUTION NO. 2015-241

**A RESOLUTION APPROVING THE TRANSFER OF EDIT FUNDS TO THE
GENERAL FUND FOR THE 2015 CALENDAR YEAR**

WHEREAS, the approved 2015 Elkhart County budget was predicated in part on the transfer of \$200,000 (Two Hundred Thousand Dollars) of Economic Development Income Tax (EDIT) dollars to the General fund;

WHEREAS, the Elkhart County Commissioners will submit to the Elkhart County Council an additional appropriation for \$200,000 (Two Hundred Thousand Dollars) from the EDIT fund to be transferred to the General fund;

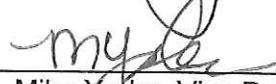
WHEREAS, upon approval of the additional appropriation by the Elkhart County Council the \$200,000 (Two Hundred Thousand Dollars) shall be transferred to the General fund;

NOW, THEREFORE BE IT RESOLVED the Board of Commissioners of Elkhart County, Indiana approves the transfer of \$200,000 (Two Hundred Thousand Dollars) from the Economic Development Income Tax (EDIT) fund to the General fund subject to the approval of an additional appropriation by the Elkhart County Council.

RESOLVED this 20 day of July, 2015.

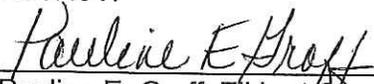
BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: 
Terry Rodino, President

By: 
Mike Yoder, Vice President

By: 
Frank Lucchese, Member

ATTEST:


Pauline E. Graff, Elkhart County Auditor

Carolyn Carter, 57198 Phaeton Place, Elkhart, complained about the customer service from a Code Enforcement employee and also a neighbor that is having a church meeting every Thursday evening and has 10-12 cars parked on the street. The Board said they would have Chris Godlewski, Director of Planning, check into both situations.

Jeff Taylor, Manager of Transportation, informed the Board that some of the roads that were scheduled to be paved this year will be pulled out until they are confident there is enough funding, as the bids came in higher than expected.

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

July 27, 2015

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

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an Independent Contractor Agreement for Professional Consulting, Surveying and Engineering Services with Abonmarche Consultants, Inc. for engineering and surveying services on an as needed basis, as requested by Jay Grossman, County Highway Engineer. 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 and signed a Warranty Deed for a parcel of property near Six Span Bridge so it can be put up for sale, as requested by Jay Grossman, County Highway Engineer.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board appointed Tom Byers to the Stormwater Advisory Board to replace John Heiliger.

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

Respectfully submitted,
Kathy L. Erschen