

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

May 4, 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; 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 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 the Minutes of the April 20th & 27th, 2015 meetings and placed them on file.

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 a 25 MPH Speed Limit on all streets in Coppergate Subdivision located south of CR 16 west of CR 13, as requested by Jeff Taylor, Manager of Transportation.

The traffic control ordinance is as follows:

TRAFFIC CONTROL ORDINANCE

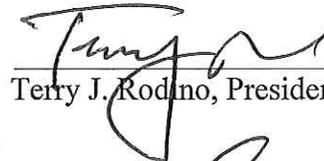
TYPE OF SIGN: "25 MPH SPEED LIMIT – ALL STREETS"

COPPERGATE SUBDIVISION, SOUTH OF CR 16 WEST OF CR 13

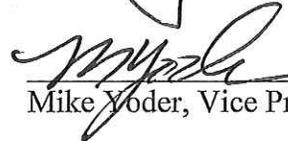
NOW THEREFORE BE IT ORDAINED that Elkhart County Highway Division is authorized to **POST "25 MPH SPEED LIMIT – ALL STREETS" SIGN** at this location:

COPPERGATE SUBDIVISION, SOUTH OF CR 16 WEST OF CR 13

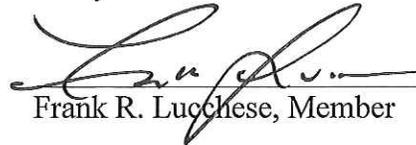
**Board of Commissioners
Elkhart County, Indiana**



Terry J. Rodino, President



Mike Yoder, Vice President



Frank R. Lucchese, Member

DATE OF ORDINANCE: May 4, 2015

ORDINANCE NUMBER 2015-141

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board accepted final street acceptance of Kimberly Drive-393 feet; Cynthia Drive-1,325 feet; Carrie Drive-301 feet; Virginia Drive-544 feet and Christine Drive-48 feet in Meadow Glen West Section Three and released Chubb Group Bond #8228-56-20 for \$17,941; Bond #8228-56-21 for \$8,970 and Interra Credit Union Bond #179764S35 for \$8,970, 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 request from the Local Road & Street fund for \$321,000 for four (4) items, as requested by Jeff Taylor, Manager of Transportation.

On a motion made Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an additional appropriation request from the Local Road & Street fund for \$106,000 for supplies and road paving/chip seal, 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 request from the Motor Vehicle Highway fund for \$50,000 for street sweeping, as also requested by Jeff Taylor, Manager of Transportation.

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 request from the Stormwater fund for \$50,000 for street sweeping, as also requested by Jeff Taylor.

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 request from the EDIT fund for \$326,500 for four (4) various projects, as again requested by Jeff Taylor, Manager of Transportation.

The five (5) above additional appropriations are as follows:

Jeff Taylor explained to the Board that after agreeing to accept the quote from Grade Rite for installation of a mound septic system at the CR 38 highway truck garage, it was discovered they had forgotten the cost of a tank and with that added into their cost, they did not submit the lowest quote. The lowest quote is from DD Bontrager Excavating at a cost of \$20,800 and he is requesting approval to award the quote to them.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board gave approval to hire DD Bontrager Excavating for the installation of the mound septic system.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an out of state travel request for two (2) sheriff's department employees to go to Millersville, Maryland in September for polygraph examiner training.

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 request from the EDIT fund for \$201,004 for the 2015 contribution to the Economic Development Corporation (EDC), 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 Weights & Measures report for March 16th-April 15th, 2015 and placed it on filed.

Ken Jones from JPR, Inc., made a request to the Board of a variance to the county's highway standards for some driveways for a development on CR 6 & CR 17. The variances are only to the deceleration dimensions. Mike Yoder told Mr. Jones that the Commissioners and the highway department has determined a way we can meet the standards, keep the entrances exactly where they are and perhaps even obtain a driveway permit yet this week and a variance would not be needed. They are suggesting the county hire JPR to design both drives and the CR 6 and CR 17 intersection as one project. The county would be paying for the intersection improvements almost to the entrances. Mr. Yoder said the county would need a little more right of way on the north side of CR 6 and Al Ludwig said he would be more than willing to give the land needed for the right of way for the county. JPR was in agreement with the suggestion by the Commissioners and the highway department and will work with highway engineering on the project.

Gordon Lord, county attorney, discussed the Simonton Lake weir project. He is requesting the Commissioners give Frank Lisa \$15,000 for an easement and a clear title so this project can be completed. It was determined to send a letter to Mr. Lisa and give him 14 days to respond

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board will make a 14 day offer of \$15,000 to give a clear title easement and agree to drop all future challenges against the county.

Mr. Lord reported that the savings to the county with refinancing one of the bonds for the corrections facility is \$1,697,270.22 after all expenses so it was well worth all the work.

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

May 11, 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 (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Pauline Graff, County Auditor; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

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

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Uniform Conflict of Interest Disclosure Statement for Angela Stillson who is on the Nappanee Public Library Board. She owns Stillson Studio and they do k graphics and art work for the library.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved an agreement with Rieth-Riley Construction Co., Inc. for the Summit Street Bridge project and acceptance of the Performance Bond, as requested by Jeff Taylor, Manager of Transportation. The cost of the project is \$167,809.00. A copy of the agreement and performance bond is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and signed the Annual Operational Report for the county 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 approved and signed a letter to INDOT designating who the project representatives will be for the sign replacement 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 adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

May 18, 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 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 May 4th & 11th, 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 and payroll claims, as presented by the county auditor's office.

Bids were accepted for the "Blight Elimination Program" for removal of unsafe structures which is a grant the County received from the State to purchase and demolish vacant/blighted residential structures for \$2,750,000. The County is the grant recipient and LaCasa will be administering the program. Kris Krueger, grants procurement specialist, is the contact person for the county for this program. The State requirements do not allow local government to own the parcels once purchased.

Bids were received from Indiana Earth, Inc. for \$225,720.00 to include recycling; Pelly Excavating for \$131,321.91; Cross Excavating and Demolition, LLC for \$132,833.25 with no recycling; and Selge Construction Co., Inc. for \$223,137.00 to include recycling. This first bidding is for ten (10) properties but the total will be approximately 100 when the grant is complete.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted all the bids and forwarded them to Kris Krueger for review and recommendation. The bids will be available in Kris Krueger's office which is in the Commissioners' office.

Three students from a government class at Concord High School made a presentation for possibilities for improvements at the intersection of CR 115 and CR 18, which they feel is a very dangerous intersection. Their suggestions would be to reduce the curve speed or an advisory speed limit sign; reflectors on the road or rumble strips. The Commissioners said they will take it under advisement and forward their suggestions to the highway department for a recommendation.

Mark Kanney from planning and development presented a request for Grand Design, represented by Jones Petrie Rafinski Corp. (JPR), for a zone map change from M-1 PUD to M-1 located on the north side of CR 2, 600 feet west of SR 13 in York Township. The Plan Commission has recommended approval of the request. A representative from JPR was available for any questions from anyone. There were no 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 zone map change and adopted an amended ordinance establishing this change.

The amended Ordinance is as follows:

ORDINANCE NO. PC 2015-09

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM M-1 PUD TO M-1

WHEREAS, Grand Design, represented by Jones Petrie Rafinski Corp. submitted an application to rezone real estate hereinafter described from M-1 PUD to M-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on the 9th day of April, 2015, recommend approval of a zone change from M-1 PUD to M-1 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

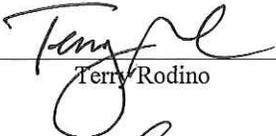
BE IT THEREFORE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA THAT:

Legal Description

See Attachment "A"

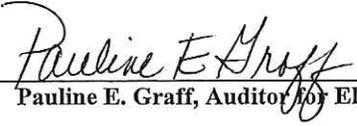
BE rezoned from M-1 PUD to M-1 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance as amended and hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 18TH DAY OF MAY, 2015

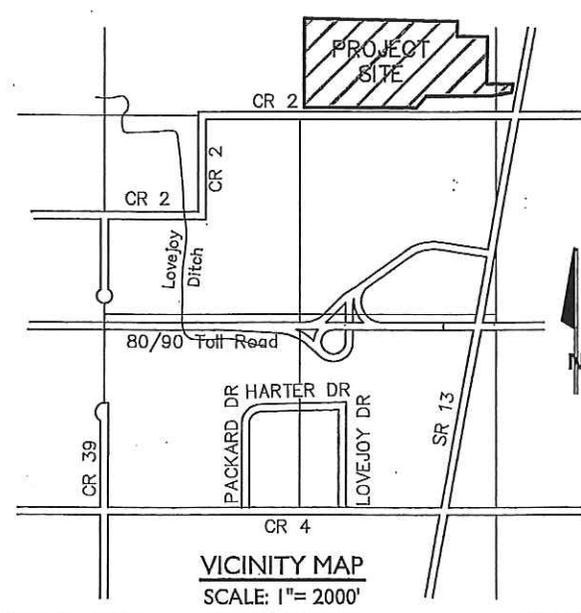
BY 
Terry Rodino

BY 
Mike Yoder

BY 
Frank Lucchese

Attest: 
Pauline E. Graff, Auditor for Elkhart County

ATTACHMENT "A"



LEGAL DESCRIPTION

Lot 1 as the said lot is known and designated on the recorded plat of Four Seasons' Planned Unit Development, a Replat of Lot 5 Edgar Millers Planned Unit Development, recorded in Plat Book 23, Page 55, Elkhart County Recorder, situated in the East Half of Fractional Section 11 and the West Half of Fractional Section 12, Township 38 North, Range 7 East, York Township, Elkhart County, Indiana.

Less and excepting that part deeded to the State of Indiana for highway purposes and described in Deed Record 2005-16094, Elkhart County Recorder.

Reference Document: Plat Book 23, Page 55; Deed Record 2005-16094

Mark Kanney from planning and development presented a request for Ludwig Investments, Inc., represented by Jones Petrie Rafinski Corp. (JPR), for a major amendment to an existing DPUD E-3 to be known as Elkhart East Area 'D' – Phase IV located on the southwest corner of CR 6 and CR 17 in Osolo Township. The Plan Commission has recommended approval of the request. There was no one in the audience to speak regarding this request. On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the major amendment and adopted an Ordinance establishing this change. The Site Plan/Support Drawing adopted in Section 5 of PC 07-14 is superseded by the Site Plan/Support Drawing which has been made 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. PC07-14a

AN ORDINANCE AMENDING PC07-14 (A DETAILED PLANNED UNIT DEVELOPMENT-E3) KNOWN AS ELKHART EAST AREA D PHASE III BY ADOPTION OF SITE PLAN / SUPPORT DRAWING AND TEXT REVISIONS.

WHEREAS, Elkhart East, LLC, submitted a petition to amend Ordinance number PC07-14 on the 27th day of February 2015;

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 March 2015 and in **The Goshen News** on the 28th day of March 2015, and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record within 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 9th day of April 2015 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 Site Plan / Support Drawing adopted in Section 5 of PC07-14 be superseded by the Site Plan / Support Drawing which has 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 all Sections of PC07-14 remain in effect and are not intended to be amended by this ordinance unless specifically listed in this ordinance.
- SECTION 3.** This project is proposed to comply completely with the previously approved General Planned Unit Development for Elkhart East. All previously approved development standards and restrictive covenants will be applied to this phase. However, variances from the approval process are being requested as stated below:
- SECTION 4.** In accordance with Ordinance PC07-14, a variance is hereby granted from the DPUD standards, section 3.5.2 (review process), allowing this phase to be exempt from the requirement to show "conceptual" detailed layouts of possible improvements on each proposed lot. These individual lots, after being platted, will be required to be submitted for staff review, comment, and approval during the issuance-of-building-permits process.

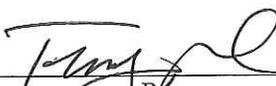
SECTION 5. A variance is also being granted from section 3.5.2 (review process) to allow for review and approvals to be done through submittal directly to Elkhart County Planning Staff prior to issuance of an improvement location permit and building permit. Elkhart County Planning Staff will make the final decision or transfer it to the Plan Commission at their discretion.

SECTION 6. A letter from the Architectural Control Committee will also be required to be submitted to Elkhart County Planning Staff, along with site plans, stating that the plan has been reviewed and approved.

SECTION 7. 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 8. This Ordinance shall be in full force and effect from and after its passage and approval in accordance with the law.

ORDAINED AND ADOPTED THIS 18TH DAY OF MAY 2015 BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA



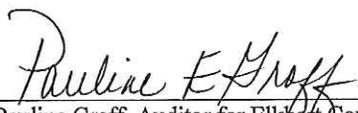
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Auditor for Elkhart County

MAY 18, 2015

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On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved Secondary approval for Ludwig Investments, Inc., represented by Jones Petrie Rafinski Corp., of a DPUD E-3 known as Replat of Lot 15A of Elkhart East Area 'D' – Phase IV located on the southwest corner of CR 6 and CR 17 in Osolo Township, as requested by Mark Kanney from planning and development.

Craig Buche from the county attorney's office and representing the RDC explained a proposed Resolution for the proposed Northeast TIF District revenue bond for the Commissioners consideration. He also explained a financial report that was completed by Umbaugh for the bonds. A Resolution has also been approved by the Redevelopment Commission and the County Council.

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

The Resolution is as follows:

RESOLUTION NO. 2015--160

RESOLUTION OF THE BOARD OF COMMISSIONERS OF
ELKHART COUNTY APPROVING THE ISSUANCE OF BONDS OF
THE ELKHART COUNTY REDEVELOPMENT DISTRICT

WHEREAS, on May 7, 2015, the Elkhart County Redevelopment Commission (the "Commission") adopted Resolution No. 2015-01, authorizing the issuance of bonds of the Elkhart County Redevelopment District (the "District"), in an aggregate principal amount not to exceed \$1,800,000 (the "Bonds"), to finance the acquisition and construction of various road improvements, fiber optic network extensions, and other infrastructure and other related improvements located in or serving the Northeast Corridor Economic Development Area (the "Project"), as well as the costs of issuance of the Bonds;

WHEREAS, the Bonds are payable from the revenues of a special benefits tax levied on all taxable property within the District pursuant IC 36-7-14-27, to the extent that real property tax increment revenues are insufficient to make such payments; and

WHEREAS, the Board of Commissioners of Elkhart County, Indiana (the "Commissioners"), as the legislative body of Elkhart County, Indiana, now desires to approve the issuance of the Bonds pursuant to IC 36-7-14-25.1(p);

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF ELKHART COUNTY, INDIANA, RESOLVES THE FOLLOWING:

Section 1. The Commissioners hereby approve the issuance of the Bonds of the District to finance the costs of the Project, upon the following conditions: (a) the maximum aggregate original principal amount of the Bonds shall not exceed \$1,800,000; (b) the maximum term of the Bonds shall not exceed twenty-five (25) years; (c) the maximum interest rate on the Bonds shall not exceed six percent (6.00%) per annum; (d) the Bonds may be subject to redemption prior to maturity on such specific dates and redemption terms as are determined at the time of the sale of the Bonds and approved by the Commission, all upon the advice of the financial advisor to the Commission; and (e) payment of interest on the Bonds may be capitalized for a period ending no later than three (3) years following the date of issuance of the Bonds.

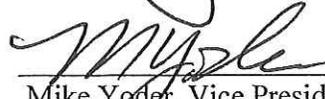
Section 2. This Resolution shall be in full force and effect from and after its adoption by the Commissioners.

Adopted this 18th of May, 2015.

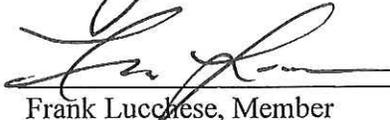
BOARD OF COMMISSIONERS OF
ELKHART COUNTY, INDIANA



Terry Rodino, President



Mike Yoder, Vice President



Frank Lucchese, Member

ATTEST:



Pauline E. Graff, County Auditor

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the purchase of two (2) pick-up trucks from McCormick Motors in Nappanee for \$100,278, as requested by Jeff Taylor, Manager of Transportation. Eby Ford submitted the lowest quote at \$99,900 but they lacked some of the specifications that the highway department required. McCormick included the fog lamps, the differential skip plate and they offer 2 year, 24,000 mile oil change service. Also the warranty is for more miles. They also offer the Allison transmission and Ford doesn't use that for pick-up trucks.

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

May 26, 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, 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 Memorandum of Understanding for the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Award, as requested by Kris Krueger, Grants Procurement Specialist. This will be divided equally between the city of Elkhart, city of Goshen and the County with each receiving \$10,687.00. It will be used for equipment. The Board also approved Kris Krueger as representative for the grant and allowed her to sign documents relating to the grant.

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

Respectfully submitted,
Kathy L. Erschen