

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

January 5, 2015

Vice President Mike Yoder 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 was present and Terry Rodino was absent. 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 Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Minutes of the December 15<sup>th</sup> & 23<sup>rd</sup>, 2014 meetings and placed them on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Allowance of Claims for today and ratified the Allowance of Claims for December 29, 2014. Tom Byers and Mike Yoder signed the Allowance of Claims for December 29, 2014 as two (2) of the Commissioners were out of town.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved retaining their current offices and various assignments for 2015. Those are as follows:

President – Terry Rodino  
Vice President – Mike Yoder  
MACOG – Frank Lucchese  
St. Joe Valley River Basin – Frank Lucchese  
Drainage Board – Mike Yoder  
Plan Commission – Frank Lucchese  
Oaklawn – Frank Lucchese  
Local Coordinating Council – Kris Krueger  
Community Corrections Advisory Board (CCAB) – Terry Rodino  
CCPC – Personnel Liaison – Frank Lucchese  
Affirmative Action (EEOC) – Frank Lucchese  
Emergency Management Board – Terry Rodino

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the appointments to various county departments for 2015 as follows:

Superintendent, Buildings & Grounds – Matt Grubb  
Veteran's Service Officer – Ron Lundy  
County Highway Engineer – Jay Grossman  
Manager of Transportation – Jeff Taylor  
Human Resources Director – Carol Caviness  
Director, IT – Scott Mills  
Weights & Measures – Todd Barrows

Emergency Management Director – Jennifer Tobey  
County Administrator – Tom Byers  
County Attorney – R. Gordon Lord

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair the Board approved appointments to the following boards in the county for 2015:

Alcoholic Beverage Commission – Greg Barberio – 1 year term  
Convention & Visitors Commission – 2 year term  
    Anant Patel  
    Gita Patel  
    Dan Boecher  
Drainage Board – 3 year term  
    Ed Pippenger, Jr.  
County Board of Health – 4 year term  
    Terry Herschberger  
    Dr. Don Findlay  
    Josi DeHaven  
Plan Commission – 4 year term  
    Steve Warner  
    Steve Edwards  
Board of Zoning Appeals – 4 year term  
    Jeanne Schirr (finish term of Meg Wolgamood which ends 12/31/2015)  
Solid Waste District Board – 1 year term  
    Larry Thompson  
Township Assistance Appeal Officer  
    Mark Ledbetter  
County Redevelopment Commission – 1 year term  
    Randy Wilson  
    Doug Hasler  
    Rick Gentle  
    Chad Lieby  
Property Tax Assessment Board of Appeals (PTA/BOA) – 1 year term  
    Harrison Haines  
    Iverson Grove  
Board of Directors of the Elkhart County Corrections Complex Building Corporation  
    Philip J. Hahn  
    James G. Hiatt  
    Jeffry D. Showalter  
Emergency Management Advisory Council  
    Jeff Troxel

Craig Buche from the county attorney's office said the county is on schedule to update the County Code about every six months. The most recent code was brought up to date and adopted last year & that was the first time for nearly 20 years. That included ordinances through November 2, 2013. Mr. Buche now has the first supplement to the which is County Code S-1. This will update the ordinances through July 12, 2014. It will be incorporated into the code once the ordinance has been approved and adopted.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adopted An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for Elkhart County.

The Ordinance is as follows:

**AN ORDINANCE ENACTING AND ADOPTING A 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 A SUPPLEMENT  
TO THE CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA

WHEREAS, a supplement to the Elkhart County Code titled the "2014 S-1 Supplement" has been 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. Attached hereto as Exhibit A is a copy of the new 2014 S-1 Supplement pages beginning with instruction sheets detailing the appropriate insertion of new supplement 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:

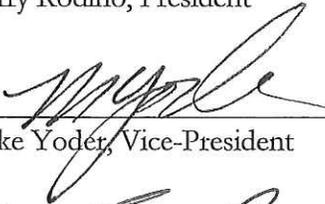
1. The 2014 S-1 Supplement is hereby adopted and incorporated into the Elkhart County Code.
2. Two copies of the Elkhart County Code, as supplemented by the 2014 S-1 Supplement, will be on file in the office of the Elkhart County Auditor for public inspection. An electronic copy will be available online 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 2014 S-1 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.

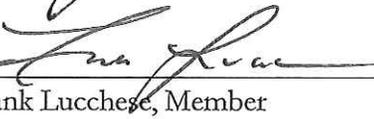
AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT  
TO THE CODE OF ORDINANCES FOR THE COUNTY OF ELKHART, INDIANA

ORDAINED AND ADOPTED this 5 day of January, 2014.<sup>5</sup>

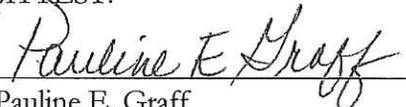
BOARD OF COMMISSIONERS OF THE  
COUNTY OF ELKHART, INDIANA

By ABSENT  
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 after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Northwest Gateway TIF District fund for \$149,600 for payment to Umbaugh for TIF neutralization, annual expense reimbursement and professional services, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

Northwest Gateway  
NAME

4504-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$59,000	NA	Administrative Fees	34145	Northwest Gateway	4504		
2 \$600	NA	Professional Services	43090	Northwest Gateway	4504		
3 \$50,000	NA	Professional Services	43090	Northwest Gateway	4504		
4 \$27,000	152501	Professional Services	43090	Northwest Gateway	4504		
5 \$8,000	152501	Professional Services	43090	Northwest Gateway	4504		
6 \$5,000	152501	Professional Services	43090	Northwest Gateway	4504		
7							
8							
TOTAL \$149,600.00							
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**

\$59,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

\$50,000 - professional services related to development in NWG.

Services - business attraction, landscape design, liason to private party, etc...

\$27,000; \$8,000; \$5,000 - same request as November BUT this same request will be placed in a fund

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council additional appropriations from the North Baugo TIF District fund for \$1,600; the Middlebury Agricultural TIF District fund for \$1,600; the Millersburg II TIF District fund for \$2,600; and the Western Gateway TIF District fund for \$2,200 all for annual expense reimbursement and TIF neutralization, as requested by Chris Godlewski, Director of Planning.

The four (4) additional appropriations are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

North Baugo  
NAME

4512-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$1,000	NA	Administrative Fees	34145	North Baugo	4512		
2 \$600	NA	Professional Services	43090	North Baugo	4512		
3							
4							
5							
6							
7							
8							
TOTAL \$1,600.00							
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
Approp.	Unspent Request						as of Date
		AMOUNT	DATE	YES	NO	Amount	Date
1							
2							
3							
4							
5							
6							
7							
8							
TOTAL \$							

**REASON FOR REQUEST**

\$1,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

Middlebury Agricultural  
NAME

4508-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO			
1 \$1,000	NA	Administrative Fees	34145	Middlebury Agricultural	4508			
2 \$600	NA	Professional Services	43090	Middlebury Agricultural	4508			
3								
4								
5								
6								
7								
8								
TOTAL \$1,600.00								
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL			
Approp.	Unspent Request as of Date		AMOUNT	DATE	YES	NO	Amount	Date
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6								
7								
8								
TOTAL \$								

**REASON FOR REQUEST**

\$1,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

Millersburg II  
NAME

4503-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO			
1 \$2,000	NA	Administrative Fees	34145	Millersburg II	4503			
2 \$600	NA	Professional Services	43090	Millersburg II	4503			
3								
4								
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TOTAL \$2,600.00								
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL			
Approp.	Unspent Request as of Date		AMOUNT	DATE	YES	NO	Amount	Date
1								
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7								
8								
TOTAL \$								

REASON FOR REQUEST

\$2,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

Western Gateway  
NAME

4506-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$1,000	NA	Administrative Fees	34145	Western Gateway	4506	
2 \$600	NA	Professional Services	43090	Western Gateway	4506	
3 \$600	NA	Professional Services	43090	Western Gateway	4506	
4						
5						
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7						
8						
TOTAL \$2,200.00						
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectcd		APPROVED BY COUNCIL	
Approp.	Unspent Request as of Date		YES	NO	Amount	Date
		AMOUNT DATE				
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6						
7						
8						
TOTAL \$						

**REASON FOR REQUEST**

\$1,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

\$600 - Umbaugh -> TIF Neutralization for 2014

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council additional appropriations from the Middlebury Southeast TIF District fund for \$20,600 and the Middlebury East TIF District fund for \$20,600 for annual expense reimbursement, TIF neutralization and for coordination with the town of Middlebury for placement of wayfinding signs, as requested by Chris Godlewski, Director of Planning.

The two (2) additional appropriations are as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

Middlebury Southeast  
NAME

4509-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$10,000	NA	Administrative Fees	34145	Middlebury Southeast	4509	
2 \$10,000	NA	Professional Services	43090	Middlebury Southeast	4509	
3 \$600	NA	Professional Services	43090	Middlebury Southeast	4509	
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TOTAL \$20,600.00						
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			
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7						
8						
TOTAL \$						

**REASON FOR REQUEST**

\$10,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

\$10,000 - Hire consultant, purchase & placement wayfinding signs  
in coordination with the town.

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

Middlebury East  
NAME

4510-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO				
1 \$10,000	NA	Administrative Fees	34145	Middlebury East	4510				
2 \$10,000	NA	Professional Services	43090	Middlebury East	4510				
3 \$600	NA	Professional Services	43090	Middlebury East	4510				
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7									
8									
TOTAL \$20,600.00									
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL				
Approp.	Unspent Request		as of Date	AMOUNT	DATE	YES	NO	Amount	Date
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7									
8									
TOTAL \$									

**REASON FOR REQUEST**

\$10,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

\$10,000 - Hire consultant, purchase & placement wayfinding signs  
in coordination with the town.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the South Benton TIF District fund for \$79,600 for annual expense reimbursement, TIF neutralization, payment to the town of Syracuse for infrastructure and legal fees, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

South Benton  
NAME

4505-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$1,000	NA	Administrative Fees	34145	South Benton	4505	
2 \$600	NA	Professional Services	43090	South Benton	4505	
3 \$66,300	NA	Refunds	43850	South Benton	4505	
4 \$11,700	NA	Professional Services	43090	South Benton	4505	
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TOTAL \$79,600.00						
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				
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TOTAL \$						

**REASON FOR REQUEST**

\$1,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

\$66,300 - Payment to Town of Syracuse for infrastructure upgrades

\$11,700 - payment for legal fees to YAUB for initial setup of TIF and development standards of TIF district.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Northeast TIF District fund for \$130,600 for annual expense reimbursement, TIF neutralization and a sign program for industrial parks, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

CR 6 & CR 17 (NE TIF)  
NAME

4511-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO			
1 \$80,000	NA	Administrative Fees	34145	CR 6 & CR 17 (NE TIF)	4511			
2 \$50,000	NA	Professional Services	43090	CR 6 & CR 17 (NE TIF)	4511			
3 \$600	NA	Professional Services	43090	CR 6 & CR 17 (NE TIF)	4511			
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8								
TOTAL \$130,600.00								
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL			
Approp.	Unspent Request as of Date		AMOUNT	DATE	YES	NO	Amount	Date
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7								
8								
TOTAL \$								

**REASON FOR REQUEST**

\$80,000 - Annual expense reimbursement agreement

\$600 - Umbaugh -> TIF Neutralization for 2015

\$50,000 - Sing program for entry way signs in industrial parks and sign program in Beck Industrial park

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Redevelopment fund for \$251.00 for office supplies and books, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12/16/14

DEPARTMENT

Redevelopment  
NAME

4911-980  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO				
1 \$251.00	NA	office supplies	42195	Redevelopment	4911				
2									
3									
4									
5									
6									
7									
8									
TOTAL \$251.00									
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL				
Approp.	Unspent Request		as of Date	AMOUNT	DATE	YES	NO	Amount	Date
1									
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4									
5									
6									
7									
8									
TOTAL \$									

REASON FOR REQUEST

\$251.00 for office supplies and books for department

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a traffic control recommendation and adopted a traffic control ordinance to rescind the 15 TON WEIGHT LIMIT on CR 4, .1 mile east of CR 7 which is part of Ordinance #07-113 dated 3/19/2007, as requested by Jeff Taylor, Manager of Transportation. The bridge is being replaced & there will not be a need for a weight limit when it is completed.

The traffic control ordinance is as follows:

TRAFFIC SIGN ORDINANCE

TYPE OF SIGN: "15 TON WEIGHT LIMIT"

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: BRIDGE #127 ON COUNTY ROAD 4, .1 MILE EAST OF COUNTY ROAD 7

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

LOCATION: BRIDGE #127 ON COUNTY ROAD 4, .1 MILE EAST OF COUNTY ROAD 7

ABSENT  
Terry J. Rodino, President

  
Mike Yoder, Vice President

  
Frank R. Lucchese, Member

DATE OF ORDINANCE: January 5, 2015

ORDINANCE NUMBER 2015-24

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for \$1,220,460 for eight (8) projects, as requested by Jeff Taylor, Manager of Transportation. Mr. Taylor explained each project and they are also explained at the bottom of the appropriation.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 12-17-14

DEPARTMENT

Highway

1112-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	5,460	150001	American Structurepoint pmt	44600	EDIT	1112		
2	200,000	150002	Misc Repairs & Closeouts	44600	EDIT	1112		
3	85,000	150003	Signal upgrades	44600	EDIT	1112		
4	120,000	150004	CR 18/13 PE	44600	EDIT	1112		
5	160,000	150005	CR 40 curve reconstruction	44600	EDIT	1112		
6	30,000	150006	Gaurdail repair	44600	EDIT	1112		
7	120,000	150007	Sign replacement grant - eng	44600	EDIT	1112		
8	500,000	150008	CR 38/Kercher BR ROW	44600	EDIT	1112		
<b>TOTAL</b>	<b>1,220,460</b>							
	<b>ORIGINAL AMOUNT</b>		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** This request is from INDOT, who audited the construction inspection contract for CR 17 "Big Bridge" and determined American Structurepoint could charge us more money for overhead costs while they were inspecting the project, so they have allowed Structurepoint to bill an additional \$5459.73. \$4367.78 (80%) of the amount due was provided by Federal Funds. The amount paid to Structurepoint for construction inspection services was \$868,937.35. Total contract was not to exceed \$874,397.08. 2. Annual request for small projects and repairs. 3. Funds needed to make signal repairs and upgrades. 4. Funds request for engineering the intersection of CR 18/13 and Federal funds will reimburse 80%. 5. An additional \$160,000 is needed to cover the right of way and bid costs. 6. Funds for the repair of gaurdail at Mishawake Rd/US 20 Bypass. 7. Funds to cover engineering for sign replacement grant. 80% will be reimbursed. 8. Funds needed for all associated costs of right of way acquisitions.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Cumulative Bridge fund for \$100,000 to make various repairs to bridges based on bridge inspections, 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 LPA Consulting Contract with CHA Consulting, Inc. for a not to exceed cost of \$74,200 for construction engineering services for the sign replacement project, 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 Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and signed a letter designating the individuals that are the project representatives for the sign replacement project, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the EDIT fund for \$27,000 for the annual contribution to the North Central Business Assistance Center (NCI), as requested by Tom Byers, County Administrator.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation for an IDEC grant for \$175,000 for Great Lakes Forest Products to install a rail spur, as requested by Tom Byers, County Administrator. There are no county funds being utilized for this project.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and forwarded to the County Council an additional appropriation from the Cumulative Capital Development fund for \$225,000 for capital items and computers for 2015, as requested by Tom Byers, County Administrator.

The three (3) above additional appropriations are as follows:







Gordon Lord, county attorney, said he was contacted by the IDNR about the need for an extension to the contract between the county & the Indiana Department of Natural Resources, Division of Water for the Simonton Lake project. It is not certain how long the permitting process will take and the contract extensions must be initiated at least 30 days prior to expiration of the contract.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved Amendment #1 for the IDNR contract dated March 21, 2013. A copy of the amendment is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a Conflict of Interest Statement for Thomas Stump and a Commissioner/Council Member Disclosure of Family Member's Proposed Contract with the county for Thomas Stump and David Hess, both County Councilmen. This is strictly for disclosure purposes.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Weights & Measures report for November 16<sup>th</sup>-December 15<sup>th</sup>, 2014 and placed it on file.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved and signed the extension of the agreement with Gordon Lord, as county attorney for 2015. A copy of the agreement is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board adjourned their meeting.

Respectfully submitted,  
Kathy L. Erschen

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

January 12, 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; 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 Allowance of Claims and the Payroll 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 accepted all the bids submitted for the annual supplies for the highway department and forwarded them to Jeff Taylor, Manager of Transportation, for tabulation and recommendation. The bids are on file at the highway department.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board gave permission to advertise for bids for the 2015 paving program for the highway department, as requested by Jeff Taylor, Manager of Transportation. Bids will be taken at the February 16, 2015 meeting.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved another one year contract with Indiana Assessment Service for the county assessor's office at a cost of \$24,500, as requested by Cathy Searcy, County Assessor. A copy of the contract is on file in the Commissioners' office.

Craig Buche from the county attorney's office addressed the Board regarding a request for removal and appointment of a new remarketing agent for Series 2000 bonds for Pedcor Investments. The county needs to execute a Notice of Removal of Remarketing Agent and the Appointment of a Successor Remarketing Agent. He noted there is no cost or obligation to the county.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed the "Notice of Removal of Remarketing Agent" and the "Appointment of Successor Remarketing Agent" as presented.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved an out of state travel request for an employee in the prosecutor's office to go to Dallas, Texas in March for the 2015 Conference on Crimes Against Women.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a Resolution approving the transfer of county EDIT funds to the General fund for the 2014 calendar year, as requested by Tom Byers, County Administrator.

The Resolution is as follows:

RESOLUTION NO. 2015-35

**A RESOLUTION APPROVING THE TRANSFER OF EDIT FUNDS TO THE  
GENERAL FUND FOR THE 2014 CALENDAR YEAR**

WHEREAS, the approved 2014 Elkhart County budget was predicated in part on the transfer of \$1,000,000 (One Million Dollars) of Economic Development Income Tax (EDIT) fund to the General fund;

WHEREAS, in November, 2014 the Elkhart County Commissioners submitted an additional appropriation for \$1,000,000 (One Million Dollars) from the EDIT fund to be transferred to the General fund;

WHEREAS, in November, 2014 the Elkhart County Council approved the additional appropriation request for \$1,000,000 (One Million Dollars) from the EDIT fund to be transferred to the General fund;

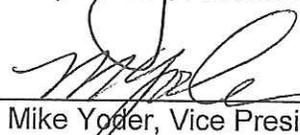
WHEREAS, the appropriation and transfer request of EDIT funds approved in November, 2014 should have included a Resolution from the executive of county government approving said appropriation and transfer;

NOW, THEREFORE BE IT RESOLVED the Board of Commissioners of Elkhart County, Indiana approves the transfer of \$1,000,000 (One Million Dollars) from the Economic Development Income Tax (EDIT) fund to the General fund as agreed upon by the Elkhart County Council in November, 2014.

RESOLVED this 12<sup>th</sup> day of January, 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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the 2015 Addendum to the Expense Reimbursement Agreement between the Redevelopment Commission and the County regarding activities in connection with its various tax incremental finance allocation areas, as requested by Chris Godlewski, Director of Planning & Craig Buche from the county attorney's office. 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 an agreement with BankCard Services Worldwide for credit card payment processing for the planning & development offices, as requested by Chris Godlewski, Director of Planning. It has been reviewed by the county attorney's office. A copy 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

January 20, 2015

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, Mike Yoder and Frank Lucchese, were also present. Others present were Sheriff Brad Rogers; 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 Minutes of the January 5<sup>th</sup> & 12<sup>th</sup>, 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 two (2) out of state travel requests for three (3) employees in community corrections to go to Douglasville, GA in June and to Nashville, TN in February for trainings, as requested by Tara Whaley, Community Corrections Director.

Liz Gunden from planning and development presented a request for June V. Seegers-Reynolds, represented by B. Doriot & Associates, Inc., for an amendment to the Site Plan/Support Drawing of an existing DPUD to be known as Sylvan Woods Third, DPUD located on the southeast side of Whispering Hill Drive (private street), 750 feet north of CR 16, 1,500 feet west of CR 23 in Jefferson Township. The purpose of the request is to add approximately 30,000 square feet to subject lots. The maximum of two bedroom houses will likely be permitted. The Plan Commission has sent this to the Board with a recommendation for approval. Blake Doriot, representing the petitioner, said they are working with a soil engineer to try and determine if a three bedroom house is possible but are aware they may well be limited to a two bedroom house. 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 Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the request and adopted an ordinance adopting this amendment. The Site Plan/Support Drawing is a part of this ordinance and will be on file in the Commissioners' office & in the files of the plan commission.

The Ordinance is as follows:

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 AGRICULTURAL-1 (A-1) TO DETAILED PLANNED UNIT DEVELOPMENT A-1 (DPUD-A-1), TO BE KNOWN AS SYLVAN WOODS THIRD, DPUD; AND BY CHANGING THE ZONING MAPS INCORPORATED BY REFERENCE IN ARTICLE 2, DISTRICTS AND ZONE MAPS, OF THE ELKHART COUNTY ZONING ORDINANCE.

WHEREAS, June V. Seegers-Reynolds, represented by B. Doriot & Associates, Inc., submitted a petition to change the zone maps for the real estate described in SECTION 1 of this Ordinance from A-1 to DPUD-A-1 on August 4, 2014;

WHEREAS, The Technical Review Committee critiqued the petition as submitted and made those comments part of the file for consideration by the Elkhart County Advisory Plan Commission;

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission caused the publication of legal advertisements for the Plan Commission Public Hearing in **The Goshen News** and **The Elkhart Truth** on November 29 and November 28, 2014, respectively, and mailed 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 held a public hearing as provided by law on December 18, 2014, and took 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 recommendation for Approval.

**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 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-A-1** effective immediately and the zone maps adopted by reference in Article 2 of the Elkhart County Zoning Ordinance be amended to reflect the rezoning of the real estate.

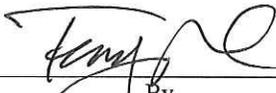
**SECTION 3.** That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Development Standards for the A-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced and govern the use of the real estate, though the Development Plan and Site Plan / Support Drawing, attached hereto as Exhibit B, will supersede all otherwise applicable **Permitted Uses, Special Uses, and Development Standards** under the A-1 zoning district.

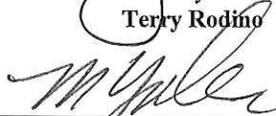
**SECTION 4.** That the Site Plan / Support Drawing attached hereto as Exhibit B is incorporated into this Ordinance by reference.

**SECTION 5.** That this Detailed Planned Unit Development limits the use of this real estate to what has been shown on the Site Plan / Support Drawing.

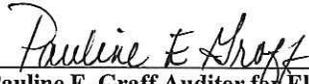
**SECTION 6.** That this Ordinance shall be in full force and effect from and after its passage and approval in accordance with the law.

ORDAINED AND ADOPTED THIS THE <sup>20</sup> ~~24~~<sup>January 2015</sup> DAY OF ~~NOVEMBER, 2014~~, BY THE BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA.

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

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

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

Attest:   
Pauline E. Graff Auditor for Elkhart County

Ordinance prepared by Brian Mabry. I 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.

## Attachment A Legal Description

### DESCRIPTION

Lot 6 as the said Lot is known and designated on the recorded Plat of Sylvan Woods, DPUD; said Plat being recorded in Plat Book 29, page 92 in the Office of the Recorder of Elkhart County, Indiana.

### ALSO:

Part of Lot 44 as the said Lot is known and designated on the recorded Plat of Sylvan Woods, DPUD; said Plat being recorded in Plat Book 29, page 92 in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at the westerly most corner of said Lot 44; thence North 28 degrees 54 minutes 59 seconds East, along the northwesterly line of said Lot 44, a distance of 6.51 feet; thence along a tangent curve to the right having a radius of 130.00 feet and an arc length of 67.90 feet to a point of reverse curvature; thence along the northwesterly line of said Lot 44 and along a reverse curve to the left having a radius of 170.00 feet and an arc length of 54.52 feet; thence South 61 degrees 05 minutes 01 second East, a distance of 191.23 feet to a point on the southeasterly line of said Lot 44; thence South 29 degrees 00 minutes 12 seconds West, along the southeasterly line of said Lot 44, a distance of 30.04 feet to a corner of said Lot 44; thence South 88 degrees 43 minutes 16 seconds West, along the southerly line of said Lot 44, a distance of 187.74 feet to a corner of said Lot 44; thence North 59 degrees 03 minutes 17 seconds West, along the southerly line of said Lot 44, a distance of 65.52 feet to the place of beginning of this description.

Together with an undivided interest appertaining to such common areas and limited common areas and limited common areas as shown on the plat.

### ALSO:

A part of the West Half of the Northeast Quarter of Section 9, Township 37 North, Range 6 East, in Jefferson Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the West Half of the Northeast Quarter of said Section 9; thence South 88 degrees 43 minutes 16 seconds West, along the South line of the Northeast Quarter of said Section 9, a distance of 595.00 feet to the Southeast corner of the recorded Plat of Sylvan Woods, DPUD (Elkhart County Plat Book 29, page 92); thence North 00 degrees 23 minutes 30 seconds West, along the Easterly line of said Plat of Sylvan Woods DPUD, a distance of 396.30 feet to the Southeast corner of Lot 6 in said Plat of Sylvan Woods DPUD for the beginning point of this description; thence continuing North 00 degrees 23 minutes 30 seconds West, along the Easterly line of said Lot 6, a distance of 336.26 feet to the Southwest corner of Lot 44 in said Plat of Sylvan Woods DPUD; thence North 88 degrees 43 minutes 16 seconds East, along the southerly line of said Lot 44, a distance of 187.74 feet to the Southeast corner of said Lot 44; thence South 28 degrees 34 minutes 15 seconds West, a distance of 387.65 feet to the place of beginning.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved Secondary approval of Sylvan Woods Third DPUD for June V. Seegers-Reynolds located on the southeast side of Whispering Hill Drive (private street), 750 feet north of CR 16, 1,500 feet west of CR 23 in Jefferson Township.

Liz Gunden from planning and development presented a request for JBN Properties, Inc., an Indiana Corporation, represented by Matthew Westfall, for a zone map change from R-2 and M-1 to M-2 located on the north side of CR 10, 650 feet east of Thornton Street, north off SR 19 and south side of Westwood Drive at south end of Southwood Drive in Osolo Township. The Plan Commission sent this request to the Board with a recommendation for approval. There were no 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 request and adopted an ordinance establishing the zone map change.

The Ordinance is as follows:

ORDINANCE NO. PC2015-02

AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM R-2 and M-1 TO M-2.

WHEREAS, JBN Properties, Inc., an Indiana Corporation, submitted an application to rezone real estate hereinafter described from R-2 and M-1 to M-2 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 December 11, 2014, recommend approval of a zone change from R-2 and M-1 to M-2 and filed their recommendation with the Board of County Commissioners of Elkhart County Indiana.

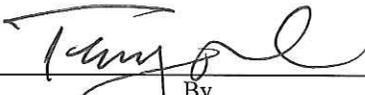
BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

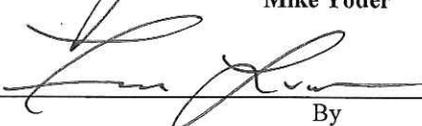
SEE EXHIBIT A

BE rezoned from R-2 and M-1 to M-2 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County Indiana 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 20<sup>TH</sup> DAY OF JANUARY, 2015.

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

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

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

Attest:   
Pauline Graff, Elkhart County Auditor

JANUARY 20, 2015

Ordinance prepared by Liz Gunden. I 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.

Ord. # PC2015-02

EXHIBIT A

Lot Numbered 182 as the said Lot is known and designated on the recorded Plat of North Manor Second, in Osolo Township, Elkhart County, Indiana; said Plat being recorded in Plat Book 5, page 5 in the Office of the Recorder of Elkhart County, Indiana.

ALSO: A part of the Northwest Quarter of Section 31, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said Quarter Section; thence due North along the East line of said Quarter Section 448 feet; thence North 89 degrees 30 minutes West, parallel with the South line of said Quarter Section, 1029.2 feet to the place of beginning of this description; thence continuing North 89 degrees 30 minutes West 100 feet; thence due North 38.55 feet; thence South 68 degrees 30 minutes East 107.52 feet to the place of beginning.

AND

Lot Number One Hundred Eighty-two (182) as the said lot is known and designated on the recorded Plat of NORTH MANOR SECOND in Osolo Township, Elkhart County, Indiana; said Plat being recorded in Plat Book 5, page 5 of the records in the office of the Recorder of Elkhart County, Indiana.

EXCEPTING the following three tracts:

Beginning at the northwest corner of said lot; thence westwardly along the northwardly line of said lot, seventy-five (75) feet; thence southwardly parallel with the westwardly line of said lot, one hundred (100) feet; thence westwardly parallel with the northwardly line of said lot, seventy-five (75) feet to the westwardly line of said lot; thence northwardly along said westwardly line of said lot, one hundred (100) feet to the place of beginning.

ALSO, beginning at a point on the northwardly line of said lot which is seventy-five (75) feet southeastwardly from the northwest corner of said lot; thence southwestwardly parallel with the westwardly line of said lot one hundred (100) feet; thence Northeastwardly twenty-nine and twenty-three hundredths (29.23) feet to a point that is one hundred (100) feet due south of the beginning point; thence due north parallel with the east line of said lot one hundred (100) feet to the place of beginning.

ALSO, beginning at a point on the westwardly line of said lot one hundred (100) feet southwestwardly of the northwest corner of said lot; thence eastwardly parallel with the northwardly line of said lot, fifty (50) feet; thence southwardly parallel with the westwardly line of said lot twenty-two (22) feet; thence westwardly parallel with the northwardly line of said lot fifty (50) feet to the westwardly line of said lot; thence northwardly along said westwardly line of said lot twenty-two (22) feet to the place of beginning.

AND

A part of Lot Number One Hundred Eighty-two (182), as the said lot is known and designated on the recorded Plat of NORTH MANOR SECOND, in Osolo Township, Elkhart County, Indiana; said Plat being recorded in Plat Book 5, page 5 of the records in the office of the Recorder of Elkhart County, Indiana, more particularly described as follows, to-wit:

Beginning on the Northerly line of said lot, seventy-five (75) feet southeastwardly of the Northwest corner of said lot; thence northwardly seventy-five (75) feet to the Northwest corner of said lot; thence Southwestwardly along the Westerly line of said lot One hundred twenty-two (122) feet; thence Southeastwardly parallel with the Northerly line of said lot fifty (50) feet; thence Northeastwardly parallel with the Westerly line of said lot twenty-two (22) feet; thence Southeastwardly parallel with the Northerly line of said lot twenty-five (25) feet; thence Northeastwardly twenty-nine and twenty-three hundredths (29.23) feet to a point that is One Hundred (100) feet due South of the place of beginning; thence due North One Hundred (100) feet to the place of beginning.

AND

A part of the northwest quarter of Section thirty-one (31), Township thirty-eight (38) North, Range five (5) East, in Elkhart County, Indiana, more particularly described as follows:

Commencing at the southeast corner of said quarter section, thence due north along the east line of said quarter section four hundred forty-eight (448) feet; thence north eighty-nine (89) degrees thirty (30) minutes west, parallel with the south line of said quarter section, one thousand twenty-nine and two-tenths (1029.2) feet to the place of beginning of this description; thence continuing north eighty-nine (89) degrees thirty (30) minutes west one hundred (100) feet; thence due north thirty-eight and fifty-five hundredths (38.55) feet; thence south sixty-eight (68) degrees thirty (30) minutes east one hundred seven and fifty-two hundredths (107.52) feet to the place of beginning.

AND

A part of the northwest quarter (NW $\frac{1}{4}$ ) of Section Thirty-one (31), Township Thirty-eight (38) North, Range Five (5) East, more particularly described as follows:

Commencing at a cross (x) in the concrete pavement at the center of said Section; thence north along the east line of the northwest quarter ( $\frac{1}{4}$ ) of said Section, four hundred forty-eight (448') feet; thence north eighty-nine (89) degrees thirty (30) minutes west, one thousand twenty-nine and two tenths (1029.2) feet to an iron stake for the beginning point of this description; thence north eighty-nine (89) degrees thirty (30) minutes west, one hundred (100') feet; thence south approximately two hundred thirty (230') feet to the northeast line of the former right-of-way of the C.C.C. & St. L. Railroad; thence southeastwardly along the northeast line of said railroad right-of-way to an iron stake due south of the beginning point of this description; thence north two hundred sixty-seven and seven tenths (267.7') feet to the place of beginning; containing fifty-seven hundredths (0.57) of an acre, more or less.

ALSO: Commencing at a cross (x) in the concrete pavement at the center of said Section; thence north along the east line of the northwest quarter ( $\frac{1}{4}$ ) of said Section, four hundred forty-eight (448') feet; thence north eighty-nine (89) degrees thirty (30) minutes west, one thousand one hundred twenty-nine and two tenths (1129.2') feet to an iron stake; thence south approximately two hundred thirty (230) feet to the northeast line of the former right-of-way of the C.C.C. & St. L. Railroad, for the beginning point of this description; thence southeasterly along the northeast line of said former railroad right-of-way to the west line of land to Foster and Franger (Deed Record 183, page 246); thence south along the west line of said Foster-Franger land seventy-nine and two hundredths (79.02') feet to an iron stake on the north line of the public highway; thence northwestwardly along the north line of said highway to a point due south of the beginning point of this description; thence north to the place of beginning; containing two tenths (0.2) of an acre, more or less.

ALSO: A part of the northwest quarter ( $\frac{1}{4}$ ) of Section Thirty-one (31), Township Thirty-eight (38) North, Range five (5) East, more particularly described as follows:

Commencing at a cross (x) in the concrete pavement at the center of said Section; thence north along the east line of the northwest quarter ( $\frac{1}{4}$ ) of said Section four hundred forty-eight (448) feet; thence north eighty-nine (89) degrees thirty (30) minutes west one thousand one hundred twenty-nine and two-tenths (1129.2') feet to an iron stake; thence south approximately two hundred thirty (230) feet to the northeast line of the former right-of-way of the C.C.C. & St. L. Railroad; thence northwestwardly along the northeast line of said former railroad right-of-way twelve (12) feet for the beginning point of this description; thence southeastwardly along the northeast line of said former railroad right-of-way twelve (12) feet; thence south to the north line of the public highway; thence northwestwardly along the north line of said highway thirty-seven (37) feet; thence northwardly to the place of beginning; containing five hundredths (.05) of an acre, more or less.

JANUARY 20, 2015

PAGE 44

Ord. # PC 2015-02

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 \$5,400 from the General fund for Code Enforcement for telephone expense, as requested by Chris Godlewski, Director of Planning. This is for cell service for the ipads that the inspectors have out in the field.

The additional appropriation is as follows:

**ELKHART COUNTY  
ADDITIONAL APPROPRIATION REQUEST**

DATE: 1/5/2015

DEPARTMENT

Code Enforcement  
NAME

1000-131  
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 5,400.00		Telephone	43140	General	1000
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 5,400.00					

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

REASON FOR REQUEST

To pay 2015 charges for cellular service for department i-pads.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board adopted an ordinance establishing a "Lunch with a Cop Fund", as requested by Tom Byers, County Administrator. This was requested by the juvenile magistrate.

The Ordinance is s follows:

**AN ORDINANCE ESTABLISHING THE LUNCH WITH A COP FUND**

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 municipal 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 performance of functions within the County of Elkhart, Indiana;

WHEREAS the Magistrate of the Elkhart County Juvenile Court has recommended the creation of a fund that will allow juvenile offenders to have lunch with a police officer in order to promote understanding and facilitate change;

WHEREAS the Board of Commissioners of Elkhart County, Indiana is law authorized to create such a fund;

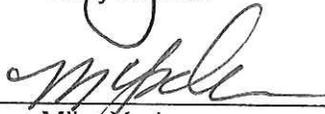
NOW, THEREFORE, BE IT ORDERED, ESTABLISHED AND ORDAINED by the Elkhart County Board of Commissioners as follows:

1. Fund Establishment. There is hereby established a separate and distinct fund to be named the Lunch With A Cop fund.
2. Fiscal Administration. The Elkhart County Treasurer shall serve as the custodian of Lunch With A Cop fund and the County Auditor shall serve as the auditing agent for and is hereby authorized to oversee the administration of the Lunch With A Cop fund.
3. Receipts. Monies deposited to the Fund are limited to donations and no general fund tax dollars will be utilized to supplement the Fund.
4. Expenditures. Monies in the Lunch with a Cop Fund are not subject to appropriation since all deposits are donations, the fund has a narrow and limited purpose, and the expenditures will be subject to the approval of the judiciary. All expenditures are to be used for the reimbursement of lunch related expenses of the law enforcement officer and a juvenile offender, subject to the approval of the Magistrate of the Elkhart County Juvenile Court.
5. Non-Reverting Fund. Any and all monies in the Lunch With A Cop fund at the end of the calendar year shall not revert to another fund but shall remain in said fund as a separate non-reverting fund.
6. Effective Date. The Ordinance shall take effect immediately upon the date of passage by the Board of Commissioners of the County of Elkhart, Indiana.

IN WITNESS THEREOF, the Board of Commissioners of the County of Elkhart, Indiana has adopted this Ordinance this 20 day of January, 2015.

BOARD OF COMMISSOINERS OF THE  
COUNTY OF ELKHART, INDIANA

By:   
Terry Rodino

By:   
Mike Yoder

By:   
Frank Lucchese

ATTEST:

  
Pauline E. Graff, Elkhart County Auditor

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a contract with The Humane Society of Elkhart County for animal shelter management and animal control services for 2015-2017, as requested by Tom Byers, County Administrator. The county's appropriation for this year is \$170,000 but that amount can be amended for 2016 and 2017. 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 a Uniform Conflict of Interest Disclosure Statement for Michael Pennington, Assistant Emergency Management Director.

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

January 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 accepted a Maintenance Bond for Northern Indiana Construction Company, Inc. for the Monroe Street Bridge project, as requested by Jeff Taylor, Manager of Transportation. This had been accepted at a previous meeting but the wrong dates were on that bond so this is the corrected bond.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board appointed Tim Tahara to the Common Construction Wage Committee for Concord Schools.

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

Respectfully submitted,  
Kathy L. Erschen