

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 1, 2016

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 Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Minutes of the January 19th & 26th, 2016 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.

Jackie Meyers, County Treasurer & Secretary of the Board of Finance, explained the Elkhart County Investment Policy that needs to be approved by the Board of Finance, who consists of the Commissioners & the County Treasurer. The policy will expire February 1, 2020.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board of Finance adopted the Elkhart County Investment Policy as proposed. A copy of the policy will be on file in the County Treasurer's office and the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adopted a Resolution Re: Deposit and Investment of Public Services, as also presented by Jackie Meyers, County Treasurer. This Resolution will update, replace and supersede Resolution No. 2012-61 entered into by the Commissioners and the Board of Finance.

The Resolution is as follows:

RESOLUTION NO. 2016- 114

RESOLUTION RE: DEPOSIT AND INVESTMENT OF PUBLIC FUNDS

WHEREAS, the Board of Commissioners of the County of Elkhart, Indiana ("Commissioners") is the executive and legislative body of Elkhart County Government ("County Government");

WHEREAS, per I.C. 5-13-7-1 et seq., the Commissioners and the Elkhart County Treasurer ("Treasurer") together constitute the Elkhart County Board of Finance ("Board of Finance");

WHEREAS, the Commissioners and/or Board of Finance have previously adopted one or more Resolutions and/or Ordinances with regard to the deposit, investment and/or management of County Government funds by the Treasurer consistent with I.C. 5-13-4-1 et seq. through I.C. 5-13-9-1 et seq. ("Prior Authorizations");

WHEREAS, the Treasurer has recommended to the Commissioners and to the Board of Finance that the Prior Authorizations be reviewed, revised, and updated, and that a new "Resolution", with regard to the deposit, investment, and management of County Government funds and monies, be established;

NOW, THEREFORE, BE IT ESTABLISHED, RESOLVED, AND ORDERED by the Commissioners and Board of Finance as follows:

1. To the extent not previously established or confirmed, the Treasurer shall be deemed the "Investing Officer" for County Government.
2. The Treasurer, as the Investing Officer, is herewith granted full deposit and investment authority, and decision-making capability, with regard to County funds, consistent with the provisions of I.C. 5-13-9-1 et seq., to include specifically the provisions of I.C. 5-13-9-5, the provisions of I.C. 5-13-9-5.3 as added by P.L. 115-2010 and amended by P.L. 31-2012, and the provisions of I.C. 5-13-9-5.7 as added by P.L. 43-2012 and amended by P.L. 13-2013.
3. The Treasurer is herewith authorized and empowered, for deposit, investment and cash flow purposes, to pool and combine into one, or such other number of accounts or investments, as the Treasurer, in the Treasurer's discretion, shall deem appropriate, such

County funds as the Treasurer, in the Treasurer's discretion, shall deem necessary and appropriate, all consistent with the provisions of I.C. 5-13-4-1 et seq. through and including I.C. 5-13-14-1 et seq. (collectively the "Indiana Public Investment Statutes").

4. Nothing contained within this Resolution shall serve to alter, cancel, or diminish any "investment cash management system" heretofore established for County Government, or any offices, divisions, or boards thereof, by the Board of Finance per I.C. 5-13-11-1 et seq.

5. All deposits and investments heretofore made of County Government funds, and all prior pooling of the various County funds for deposit, investment and cash flow purposes, heretofore undertaken by the Treasurer, consistent with the provisions of the Indiana Public Investment Statutes or prior Resolutions, are herewith, in all respects, ratified and confirmed.

6. Each Financial Institution, under the definition of I.C. 5-13-4-1, that (a) is a depository for the State of Indiana under the Indiana Public Investment Statutes, (b) meets the criteria of I.C. 5-13-8-1 relative to the deposit of public funds therein based upon its eligibility to receive State funds, and (c) fulfills the location requirements within the boundaries of Elkhart County, Indiana consistent with I.C. 5-13-8-9, shall be considered a "Designated Depository" by the Commissioners and Board of Finance for all purposes under the Indiana Public Investment Statutes and this Resolution.

7. a. Unless terminated earlier by action of the Commissioners or the Board of Finance, this Resolution shall continue in full force and effect until February 1, 2018 as and to the authorization to invest in certificates of deposit under I. C. 5-13-9-5 and/or I.C. 5-13-9-5.3. As and to a termination that would otherwise occur relative to certificates of deposit under I.C. 5-13-9-5 and/or I.C. 5-13-9-5.3 as of February 1, 2018, the provisions of this Resolution may be extended, for an additional period of time, not to exceed two (2) years (with subsequent two [2] year extensions also thereafter permitted), by action of the Commissioners and Board of Finance at the annual meeting of the Board of Finance contemplated in January or February of 2018, and each two (2) years thereafter.

b. Unless terminated earlier by action of the Commissioners or the Board of Finance, this Resolution shall continue in full force and effect until February 1, 2020 as and to the authorization to make investments having a stated maturity that is more than two (2) years

but not more than five (5) years after the date of purchase or entry into a repurchase agreement under I.C. 5-13-9-5.7. As and to a termination that would otherwise occur relative to investments having a stated maturity that is more than two (2) years but not more than five (5) years after the date of purchase or entry into a repurchase agreement under I.C. 5-13-9-5.7 as of February 1, 2020, the provisions of this Resolution may be extended, for an additional period of time, not to exceed four (4) years (with subsequent extensions also thereafter permitted), by action of the Commissioners and Board of Finance at the annual meeting of the Board of Finance contemplated in January or February of 2018, and each two (2) years thereafter.

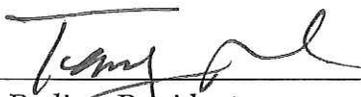
c. All other standards or provisions of this Resolution shall continue in force and effect, without specific termination date, until terminated by action of the Commissioners and/or Board of Finance.

8. This Resolution is intended to update, replace, and supersede Resolution No. 2012-61 previously entered into by Commissioners and Board of Finance as of February 13, 2012. All actions and undertakings of the Treasurer consistent with such Resolution 2012-61 are herewith, in all respects, ratified and confirmed. This Resolution shall be effective immediately upon its adoption and appropriate signatures hereon.

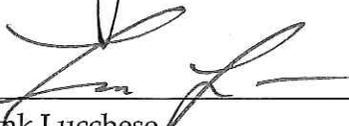
Adopted this 1st day of February, 2016.

COMMISSIONERS:

BOARD OF COMMISSIONERS OF THE COUNTY
OF ELKHART, INDIANA

By 
Terry Rodino, President

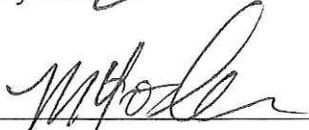
By 
Mike Yoder

By 
Frank Lucchese

BOARD OF FINANCE:

ELKHART COUNTY BOARD OF FINANCE

By 
Terry Rodino

By 
Mike Yoder

By 
Frank Lucchese

By 
Jackie Meyers, Elkhart County Treasurer

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted all the bids submitted for materials and supplies for 2016 for the highway department and forwarded them to Jeff Taylor, Manager of Transportation, for review and tabulation. The bids are on file at the highway department. He will have a recommendation for awarding the bids at a later meeting.

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 CR 6 & CR 17 Northeast TIF District fund for \$184,769 for four (4) items as listed at the bottom of the appropriation, as requested by Chris Godlewski, Director of Planning.

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 Western Gateway TIF District fund for \$31,297.00 for debt payment to the Environmental Special Projects fund, as requested by Chris Godlewski, Director of Planning.

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 North Baugo TIF District fund for \$1,735 for payment to the Environmental Special Projects fund, as again requested by Chris Godlewski, Director of Planning.

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 Weed fund for \$202 to establish a fund for paying contractors to mow yards, as requested by Chris Godlewski, Director of Planning.

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 Millersburg TIF District fund for \$6,651 for payment to the town of Millersburg, as also requested by Chris Godlewski, Director of Planning.

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

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01/25/16

DEPARTMENT

CR 6 & 17 NE TIF
NAME

4511-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 450.00		Professional Services	43090	CR 6 & 17 NE TIF	4511	
2 \$ 16,500.00		Professional Services	43090	CR 6 & 17 NE TIF	4511	
3 \$ 140,000.00		Administrative Fees	43890	CR 6 & 17 NE TIF	4511	
4 \$ 27,819.00		Administrative Fees	43890	CR 6 & 17 NE TIF	4511	
5						
6						
7						
8						
TOTAL \$ 184,769.00						
ORIGINAL AMOUNT		If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectuated		APPROVED BY COUNCIL	
Approp.	Unspent Request		as of Date	YES	NO	Amount
		AMOUNT	DATE			
1						
2						
3						
4						
5						
6						
7						
8						
TOTAL \$						

REASON FOR REQUEST

\$450 -> for legal services to establish TIF district - mailings

\$16,500 -> for final payment of sign on CR 17 & Toll Road

\$140,000 -> funds for two (2) NE TIF bond payments

\$27,819 -> TIF reimbursement for Beck Drive utility extensions

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01/25/16

DEPARTMENT

Western Gateway
NAME

4506-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 31,297.00		Administrative Fees	43890	Western Gateway	4506
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 31,297.00					

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

Long term debt service payment to the Env. Special Projects Fund

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01/25/16

DEPARTMENT

North Baugo

4512-980

NAME

NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1 \$ 1735.00		Administrative Fees	43890	North Baugo	4512	
2						
3						
4						
5						
6						
7						
8						
TOTAL \$ 1,735.00						
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

Long term debt service payment to the Env. Special Projects fund

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01/25/16

DEPARTMENT

Weed Fund
NAME

6041-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1 \$ 202.00		Professional Services	43090	Weed Fund	6041		
2							
3							
4							
5							
6							
7							
8							
TOTAL \$ 202.00							
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 funds for paying contractors to mow yards.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01/25/16

DEPARTMENT

Millersburg II
NAME

4503-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO.
1 \$ 6,651.00		Administrative Fees	43890	Millersburg II	4503
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 6,651.00					

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

REASON FOR REQUEST Long term debt service payment to the Town of Millersburg

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction request for the Northwest Gateway TIF District fund for \$3,720 to close out the project for the intersection study, as requested by Chris Godlewski, Director of Planning.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and forwarded to the County Council an appropriation reduction request for the Northeast TIF District fund for \$652,037.37 to close out three (3) projects, as requested by Chris Godlewski, Director of Planning.

The two (2) appropriation reduction requests are as follows:

ELKHART COUNTY

ADDITIONAL REDUCTION REQUEST

DATE: 01/25/16

DEPARTMENT

NW Gateway

4504-980

NAME

NUMBER

AMOUNT OF REDUCTION	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 3,720.00	152501	Construction & Reconst.	44600	NW Gateway	4504
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 3,720.00					
ORIGINAL AMOUNT		If Prior Add'l		Can Transfers	APPROVED
Approp.	Unspent as of	Appropriation		Be Effected	BY
	Request Date	Was Approved			COUNCIL
		This Year			
			YES	NO	Amount
					Date
2					
3					
4					
5					
6					
7					
8					
TOTAL \$					

REASON FOR REDUCTION

\$3,720 -> for project closure. Intersection study completed.

ELKHART COUNTY
ADDITIONAL REDUCTION REQUEST

DATE: 01/25/16

DEPARTMENT

CR 6 & 17 NE TIF
NAME

4511-980
NUMBER

AMOUNT OF REDUCTION	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 500,000.00	141460	Construction & Reconst.	44600	CR 6 & 17 NE TIF	4511
2 \$ 145,425.62	141435	Construction & Reconst.	44600	CR 6 & 17 NE TIF	4511
3 \$ 6,611.75	141442	Construction & Reconst.	44600	CR 6 & 17 NE TIF	4511
4					
5					
6					
7					
8					
TOTAL \$ 652,037.37					
ORIGINAL AMOUNT		If Prior Add'l		Can Transfers	APPROVED
Approp.	Unspent as of	Appropriation		Be Effectuated	BY
	Request Date	Was Approved			COUNCIL
		This Year			
			YES	NO	Amount
					Date
2					
3					
4					
5					
6					
7					
8					
TOTAL \$					

REASON FOR REDUCTION

\$500,000 -> for project closure. Scope of project has changed. RDC will consider new proposal with new funding proposal.

\$145,425.62 -> closure of CR 15 bike trail project - prj. Completed and built

\$6,611.75 -> closure of 2014 fiber projects. Fiber projects will be funded by the bond.

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 Unsafe Buildings fund for \$2,821 to establish funds for paying contractors to do demolitions, as requested by Chris Godlewski, Director of Planning.

The additional appropriation is as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01/25/16

DEPARTMENT

Unsafe Building
NAME

1207-980
NUMBER

AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO
1 \$ 2,821.00		Professional Services	43090	Unsafe Buildings	1207
2					
3					
4					
5					
6					
7					
8					
TOTAL \$ 2,821.00					

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
Approp.									
1									
2									
3									
4									
5									
6									
7									
8									
TOTAL \$									

REASON FOR REQUEST

To establish funds for paying contractors to conduct demolitions.

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 Major Bridge fund for \$80,000 for repairs on Big Bridge, as requested by Jeff Taylor, Manager of Transportation. These repairs were recommended from the independent bridge inspection.

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 Motor Vehicle Highway fund for \$54,000 to pay the salary of an engineer, 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 forwarded to the County Council an additional appropriation request from the Motor Vehicle Highway fund for \$30,000 for rehabbing various gravel roads in the county, as again 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 for the EDIT fund for \$150,000 for right of way acquisition for the CR 38 project and repair of guardrail, 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 forwarded to the County Council an additional appropriation request from the Cumulative Bridge fund for \$32,000 to replace a small bridge on CR 42 over Swoveland Ditch, as also requested by Jeff Taylor, Manager of Transportation.

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

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01-26-16

DEPARTMENT

Highway

1171-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	80,000	160006	Bridge # 176 repairs	44600	Major Bridge	1171		
2								
3								
4								
5								
6								
7								
8								
TOTAL	80,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effectuated		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds are required to perform some work on the pier (#3) on the CR 17 bridge over CR 45. (Big Bridge).

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01-26-16

DEPARTMENT

Highway

1176-202

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	54,000		Professional	41120	Motor Vehicle Highway	1176	
2							
3							
4							
5							
6							
7							
8							
TOTAL	54,000						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date

REASON FOR REQUEST 1. Funds needed in the proper account for one of the employee engineers.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01-26-16

DEPARTMENT

Highway

1176-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	30,000	160004	Gravel Roads	44600	Motor Vehicle Highway	1176		
2								
3								
4								
5								
6								
7								
8								
TOTAL	30,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date
	0							
	0							

REASON FOR REQUEST 1. Funds needed to rehab various gravel roads.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE: 01-26-16

DEPARTMENT

Highway

1112-980

NAME

NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	120,000	160005	CR 38 Right of Way	44600	EDIT	1112		
2	30,000	160008	Guardrail repair	44600	EDIT	1112		
3								
4								
5								
6								
7								
8								
TOTAL	150,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST 1. Additional funds required to complete right of way acquisition for the CR 38 project.
 2. Funds requested to repair guardrail from crash damage.

Tom Byers, County Administration, addressed the Board regarding the adoption of an ordinance adopting a county policy establishing a materiality threshold for reporting irregular variances, losses, shortages and theft applicable to county funds and property. This is a new requirement by the state. The threshold for county property will be \$500 and for cash or cash equivalents will be \$100. Variances will be reported to the county administrator.

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

The Ordinance is as follows:

ORDINANCE NO. 2016- 136

AN ORDINANCE ADOPTING POLICY OF ELKHART COUNTY
GOVERNMENT ESTABLISHING MATERIALITY THRESHOLD FOR
REPORTING IRREGULAR VARIANCES, LOSSES, SHORTAGES, AND
THEFT APPLICABLE TO ELKHART COUNTY FUNDS AND PROPERTY

WHEREAS, Indiana Code Section 5-11-1-27(j) obligates each political subdivision in the State of Indiana by and through its legislative body, to include Elkhart County Government, to develop a materiality threshold for reporting to the Indiana State Board of Accounts all erroneous or irregular material variances, losses, shortages, or thefts of its funds or property;

WHEREAS, the State Board of Accounts of the State of Indiana has issued "State Examiner Directive 2015-6," dated November 18, 2015, to all political subdivisions in the State of Indiana;

WHEREAS, in compliance with State Examiner Directive 2015-6, and consistent with the discretion, authority, and responsibilities imposed upon the Board of Commissioners of the County of Elkhart ("Commissioners") by I.C. 5-11-1-27(j), the Commissioners herewith adopt the following policy and standards on materiality, reporting requirements, and procedures for dealing with erroneous or irregular material variances, losses, shortages, or thefts of Elkhart County funds or property;

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

1. Materiality Thresholds. Any irregular variances, losses, shortages, and thefts of Elkhart County funds or property shall be deemed material, for purposes of this Ordinance, and for purposes of the State Examiner Directive 2015-06 (hereafter generally labeled "Variances"), based upon the following criteria:

A. A singular Variance involving non-cash or non-cash equivalent assets of Elkhart County exceeding Five Hundred Dollars (\$500) in value.

B. A recurring, related Variance relative to non-cash or non-cash equivalent assets of Elkhart County, involving two or more related or similar circumstances, occurring within a thirty (30) day period or less, exceeding One Thousand Dollars (\$1,000) in value.

C. A singular Variance involving cash or cash equivalent funds of Elkhart County exceeding One Hundred Dollars (\$100) in value.

D. Two (2) more Variances involving cash or cash equivalent funds of Elkhart County in a thirty (30) day period exceeding Two Hundred Dollars (\$200) in value.

2. Designation of Position to Whom Variances Shall be Reported. All elected Elkhart County officials, and all department heads established under the policies and standards of the Commissioners for Elkhart County Government, shall report a Variance, meeting the criteria of paragraph 1 above, to the Elkhart County Administrator. The reporting ("Report") shall be in writing, shall be delivered within seven (7) days of the determination of the Variance, and shall provide to the County Administrator the requisite knowledge and information by which the County Administrator may evaluate the Variance, and posture the County Administrator to follow the steps and procedures upon receiving of a Report as contemplated by paragraph 3 below.

3. Responsibilities of County Administrator with Regard to Variances as Herein Defined. Upon the receipt of a Report consistent with paragraph 2 above, with regard to Variances defined at paragraph 1 above, the County Administrator shall proceed as follows:

A. Log in each Report into a spreadsheet that is permanently maintained by Elkhart County Government;

B. Confirm the dollar amount/value of the Variance referenced in the Report;

C. Evaluate the Report against the Variance dollar thresholds established at paragraph 1 above, and send a letter to the State Board of Accounts when the Report, after evaluation, exceeds the applicable threshold of materiality;

D. Investigate the cause of the Variance giving rise to the Report;

E. Implement corrective actions or internal control procedures to correct the cause(s) of the Variance set forth within the Report; and

F. Maintain copies of relevant documentation, resolution of incidents, and any Report to the State Board of Accounts by the County Administrator, in a centralized data folder.

4. Acknowledgement of Indiana Code Section 5-11-1-27(l). Indiana Code Section 5-11-1-27(l) requires that a public officer, to include a public officer of Elkhart County Government, who has actual knowledge of or reasonable cause to believe that there has been a misappropriation of public funds or assets of an applicable public office, including:

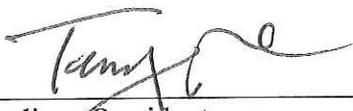
- (i) information obtained as a result of a police report;
- (ii) an internal audit finding; or
- (iii) another source indicating that a misappropriation has occurred;

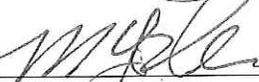
shall immediately send written notice of the misappropriation to the State Board of Accounts and the Prosecuting Attorney for Elkhart County Government. The standards applicable to I.C. 5-11-1-27(l) are not altered or diminished by the standards within this Policy, as it is acknowledged herein that there may be a difference in circumstances, and a difference in severity of a matter requiring a Report under this Policy, and a misappropriation contemplated by I.C. 5-11-1-27(l).

5. Effective Date. This Ordinance, and the Policies herein adopted, shall become effective as of February 1, 2016. This Ordinance, and the Policies herein adopted, shall apply to all elected officials and department heads of Elkhart County Government.

Duly adopted, resolved, and ordained this 1st day of February, 2016.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By 
Terry Rodino, President

By 
Mike Yoder

By 
Frank Lucchese

ATTEST:



Pauline E. Graff
Elkhart County Auditor

FEBRUARY 1, 2016

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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 Storm Water Management fund for \$50,000 for a loan to the Elkhart County Regional Sewer District for legal and financial services incurred in establishing sewer service within the SR 13 Interchange TIF District, as requested by Tom Byers, County Administrator. The loan is for a 24 months at 0% interest.

The additional appropriation is as follows:

Journal
1/23/16

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE 1-26-2016

DEPARTMENT

Commissioners
NAME

1197/130
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	50,000		Professional services	43090	Storm Water Mgt.	1197		
2								
3								
4								
5								
6								
7								
8								
TOTAL	50,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp. as of Date	as of Date						
			AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST _____ Funds will be loaned to the Elkhart County Regional Sewer District for legal and financial services incurred in establishing a sanitary sewer service area within the SR 13 Interchange TIF District. Said loan is for 24 months at 0% interest.

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 for \$194,044 from the General fund for the Humane Society and an additional appropriation request from the Solid Waste Disposal Fees fund for \$30,000 for the Humane Society, as requested by Tom Byers, County Administrator. The first appropriation is the amount the five (5) entities give to the County for distribution to the Humane Society. The second appropriation is for a one time contribution. The Humane Society requested the County increase their yearly contribution to the same amount that was given before the reduction in 2010.

The two (2) additional appropriations are as follows:

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE 1-25-2016

DEPARTMENT

Commissioners
NAME

1000/130
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO	
1	194,044		Humane Society	43930	General	1000	
2							
3							
4							
5							
6							
7							
8							
TOTAL	194,044						
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL	
	ORIGINAL AMOUNT						
	Approp.	as of Date		YES	NO	Amount	Date
			AMOUNT	DATE			

REASON FOR REQUEST The communities of Elkhart, Goshen, Wakarusa, Bristol & Middlebury entered into an interlocal agreement with the county for animal control services for 2015-2017. Funds requested will be paid to the Humane Society on behalf of the communities who will reimburse the county in 2 installments. Communities are responsible for the following reimbursement amounts: Elkhart - \$115,000; Goshen - \$64,644; Middlebury - \$5,400; Wakarusa - \$5,000; Bristol - \$4,000.

**ELKHART COUNTY
ADDITIONAL APPROPRIATION REQUEST**

DATE 1-25-2016

DEPARTMENT _____

Commissioners
NAME _____

1194/338
NUMBER

	AMOUNT REQUESTED	PROJ. NO.	ACCOUNT/PROJECT NAME	ACCT. NO.	FUND NAME	FUND NO		
1	30,000		Humane Society	43930	Solid Waste Disposal Fees	1194		
2								
3								
4								
5								
6								
7								
8								
TOTAL	30,000							
			If Prior Add'l Appropriation Was Approved This Year	Can Transfers Be Effected		APPROVED BY COUNCIL		
	ORIGINAL AMOUNT							
	Approp.	as of Date	AMOUNT	DATE	YES	NO	Amount	Date

REASON FOR REQUEST _____ In 2011 the county reduced funding to the Humane Society from \$193,600 to \$170,000. No increases have been budgeted since 2011. This appropriation would increase the total 2016 contribution from the county from \$170,000 to \$200,000.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Weights & Measures report for December 16th-January 15th, 2016 and placed it on file.

Christina Bromly, who lives near CR 133 & CR 4, attended a meeting several months ago regarding problems with the Chassix manufacturing plant on CR 4. There are still semi-trucks blocking the road & spending the night there. They are also continuing to have lots of littering and cars coming onto private property at all times of the night. She said the factory is not trying to help with these situations and she feels they should be held accountable. Ms. Bromly also noted this company is also having their septic pumped on a daily schedule. Mike Yoder questioned if there was a cul de sac on each side of the railroad, if it would create a problem & Ms. Bromly said the neighborhood would work with that.

Terry Rodino thanked Ms. Bromly for pointing out the issues again & assured her the sheriff, highway & code enforcement will work on these issues with Chassix.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 8, 2016

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

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Allowance of Claims and the 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 2016 Addendum to the Expense Reimbursement Agreement with the Redevelopment Commission. This originated in 1997 and is for project expenses incurred by the Redevelopment Commission for its activities in connection with its various TIF Districts. It is for a total of \$165,000 with each TIF District contributing a certain percentage. 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 the 2017, 2018 and 2019 Elkhart County Holiday Schedules as proposed by the Human Resources Department.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved initial street acceptance of Elkhart East Boulevard – 900 feet.; Endeavour Drive - 1,575 feet; Discovery Drive - 1,910 feet; and Market Court – 840 feet in Elkhart East Area 'D' – Phase IV and released Lake City Bank, L/C No. 6177484-83 for \$355,280, as requested by Jeff Taylor, Manager of Transportation.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 15, 2016

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 Sheriff Brad Rogers, Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator; and Kathy Erschen, Executive Assistant.

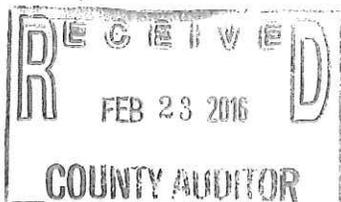
On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the Minutes of the February 1st & 8th, 2016 meetings and placed them on file.

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, as presented by the county auditor's office.

Mark Kanney from planning and development presented a request for Nancy S. Clemens, represented by Marbach, Brady & Weaver, Inc., for the vacation of an east/west alley right of way located off CR 35, 250 feet south of CR 2 in York Township. The Plan Commission has recommended approval of the request. Mr. Kanney said this has never been considered for a public street. The petitioner owns both sides of the alley. There were no comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the vacation request and adopted an ordinance establishing this vacation of the alley as requested.

The Vacation Ordinance is as follows:



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

A Petition having heretofore been filed with the Board of Commissioners of Elkhart County, Indiana, on the 7th day of December, 2015, requesting the vacation of a certain public way within the unincorporated area of Elkhart County, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit:

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

The 15 foot alley located between Lot 9 and Lot 10 as said lots are known and designated on the recorded plat of Stroup's Addition to the Village of Vistula recorded in Deed Record 31 Page 212 in the Office of the Recorder of Elkhart County, State of Indiana and being more particularly described as follows:

Beginning at the northwest corner of said Lot 9; thence North 15 feet to the southwest corner of said Lot 10; thence East along the South line of said Lot 10 a distance of 330 feet to the Southeast corner of said Lot 10; thence South 15 feet to the northeast corner of said Lot 9; thence West along the North line of said Lot 9 a distance of 330 feet to the place of beginning of this description.

Containing 0.114 of an acre of land.

Said public way is an alley which runs in an east - west direction between lot 9 and lot 10 in Stroup's Addition to the Village of Vistula along the east side of County Road 35.

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

1. The unimproved alley does not provide access to any lot, and results in a short stretch of alley that has never been improved and is unnecessary.

And the public hearing before the Elkhart County Plan Commission and before the Board of Commissioners of Elkhart County having been scheduled as to said Petition, with the Elkhart County Plan Commission hearing having been held on the 14th day of January, 2016, and the hearing before the Board of Commissioners of Elkhart County having been held on the 15th day of February, 2016; and formal legal notice, by certified mail, return receipt requested, having been mailed to each owner of land that abuts the public way to be vacated, and formal legal publication notice as to said hearings having been published in the Elkhart Truth on the 31 day of December, 2015 advising all necessary parties of the time, place, and date of said hearings, said legal notice having been so mailed, and having been so published, being in the words and figures following:

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

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

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

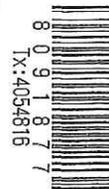
3. The vacation of the public way in question will not make access to the lands of any property owners within Elkhart County, Indiana by means of public way difficult of inconvenient.

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

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

FEBRUARY 15, 2016

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

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

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

The 15 foot alley located between Lot 9 and Lot 10 as said lots are known and designated on the recorded plat of Stroup's Addition to the Village of Vistula recorded in Deed Record 31 Page 212 in the Office of the Recorder of Elkhart County, State of Indiana and being more particularly described as follows:

Beginning at the northwest corner of said Lot 9; thence North 15 feet to the southwest corner of said Lot 10; thence East along the South line of said Lot 10 a distance of 330 feet to the Southeast corner of said Lot 10; thence South 15 feet to the northeast corner of said Lot 9; thence West along the North line of said Lot 9 a distance of 330 feet to the place of beginning of this description.

Containing 0.114 of an acre of land.

3. That title in fee simple to the above vacated property shall be transferred to the adjoining property owner, extending the boundaries of the adjoining parcel of real estate.

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

Dated this 15th day of February, 2016.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By Mike Docter

By Frank Wednes

By Terry Rodino

Attest:

Pauline E. Hoff
Auditor, Elkhart County, Indiana

Jason Auvil from planning and development presented a request for LW33 Rentals, LLC (seller) and Daniel Sickels (buyer) for a zone map change from B-3 to B-2 for property located on the south side of LaRue Street (Old Lincoln Highway) and the north side of Old US 33, 440 feet west of Shore Avenue in Baugo Township. The Plan Commission has recommended approval of the zone map change. Currently the property is zoned B-3 and residential is not allowed in B-3 so this rezoning will bring the property into compliance. In order to subdivide the property, the petitioner decided to rezone it appropriately. Wilbur Taylor, owner of the property, said their intent is to subdivide the property. There were no other comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the zone map change from B-3 to B-2 and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

ORDINANCE PC 2016- 04

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 B-3 TO B-2.

WHEREAS, LW33 Rentals, LLC submitted an application to rezone real estate hereinafter described from B-3 to B-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 January 14th, 2016 recommend approval a zone change from B-3 to B-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 Attachment “A”

BE rezoned from B-3 to B-2 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 15th DAY OF FEBRUARY 2016

ABSENT

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest: Pauline Graff
Pauline Graff, Elkhart County Auditor

Ordinance prepared by H. Jason S. Auvil. 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

The North 160 feet by parallel line (to the north boundary) off of the following described tract:

A part of the West one-half ($W\frac{1}{2}$) of the East one-half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twelve (12), Township Thirty-seven (37) North, Range Four (4) East, in Baugo Township, more particularly described as follows:

Commencing on the west line of said East one-half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twelve (12) at a point where the same is intersected by the center line of U.S. Highway Number thirty-three (33); thence north on the west line of said East one-half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said section, approximately twenty-four (24) rods to a cross cut on the center line of the concrete pavement on the highway formerly known as State Highway Number Two (2); thence eastwardly along the center line of said State Highway, four hundred seventy-four and four hundredths (474.04) feet to the place of beginning; thence south parallel with the west line of the East one-half ($E\frac{1}{2}$) of said Quarter Section to the center line of U.S. Highway Thirty-three (33); thence eastwardly along the center line of said U.S. highway Thirty-three (33) to the east line of the West one-half ($W\frac{1}{2}$) of the East one-half ($E\frac{1}{2}$) of said Quarter Section; thence north along the east line of the West one-half ($W\frac{1}{2}$) of the East one-half ($E\frac{1}{2}$) of said Quarter Section to the center line of the highway formerly known as State Highway Number Two (2); thence westwardly along highway Number Two (2) to the place of beginning.

Mark Kanney from planning and development presented a request for Hoover Feed Service, Inc., represented by Brads-Ko Engineering & Surveying, Inc., for a zone map change from A-1 to a DPUD M-2 and for Primary approval of a one lot subdivision to be known as Hoover Feed Service D.P.U.D. located on the southwest corner of SR 119 and CR 38 in Harrison Township. The Plan Commission has recommended approval of the request. There are some conditions that will be a part of the ordinance. Barry Pharis from Brads-Ko Engineering, representing the petitioner, said he will answer any questions from anyone. There were no comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the zone map change and adopted an ordinance establishing the change to include the conditions set forth for the petitioner.

The Ordinance is as follows:

ORDINANCE NO. PC 2016-05

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 A-1 TO A DETAILED PLANNED UNIT DEVELOPMENT A-1 TO BE KNOWN AS HOOVER FEED SERVICE AND PRIMARY APPROVAL OF A ONE-LOT MINOR SUBDIVISION.

WHEREAS Hoover Feed Service, Inc., submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from A-1 to a Detailed Planned Unit Development M-2 on December 7, 2015;

WHEREAS the Site Plan Review Committee did critique the petition as submitted and made those comments part of the file for consideration by the Elkhart County Plan Commission;

WHEREAS the Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on December 31, 2015, and in **The Goshen News** on January 2, 2016, 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 January 14, 2016, and did take public input at that meeting;

WHEREAS the Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I—Planned Unit Development of the Elkhart County Zoning Ordinance; and

WHEREAS the petition was sent to the Board of County Commissioners for Elkhart County with a favorable recommendation to rezone this real estate to A-1 DPUD with reasonable conditions as outlined in this Ordinance,

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** be made a part of this Ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in **SECTION 1** of this Ordinance be rezoned from A-1 to a DPUD A-1 effective immediately and the zone maps adopted by reference in PC 2014-20 known as the Elkhart County Zoning Ordinance for Elkhart County, Indiana, be amended and ordered amended and changed to reflect the said rezoning of said real estate, and furthermore that primary approval of this single-lot minor subdivision be granted subject to conditions stipulated in this Ordinance and the requirements of the Subdivision Ordinance.

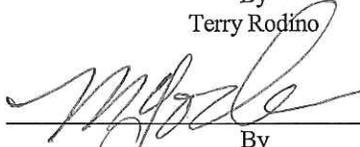
SECTION 3. That the Detailed Planned Unit Development be granted for the real estate described in **SECTION 1** of this Ordinance. Unless this Ordinance specifies to the contrary, all Permitted Uses and Development Standards for the A-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced, and the Development Plan and Site Plan / Support Drawing will supersede all Permitted Uses, Special Uses, and Development Standards.

- SECTION 4.** That all Development Plan(s) must be submitted to the Plat Committee of the Elkhart County Advisory Plan Commission for approval as a secondary plat; secondary approval shall be granted only if the Development Plan(s) comply with the provisions of this Ordinance, the Site Plan / Support Drawing, and the Subdivision Control Ordinance. The Development Plan(s) shall be incorporated into this Ordinance by this reference. All secondary plats will reference this Ordinance, and if the intent of this Ordinance or the Site Plan / Support Drawing is not clear, the secondary plan may be considered by the county Advisory Plan Commission at a public meeting.
- SECTION 5.** That the Site Plan / Support Drawing be made part of this Ordinance by this reference and be maintained in the files of the Elkhart County Advisory Plan Commission.
- SECTION 6.** This Detailed Planned Unit Development Ordinance will limit the use of this real estate to what has been shown on the Site Plan / Support Drawing.
- SECTION 7.** That the additional documentation and supporting information listed in Section 9 of this Ordinance must be supplied and the conditions specified in Section 8 of this Ordinance must be satisfied during construction of these facilities.
- SECTION 8.** That the following specified limitations to this Planned Unit Development be adopted and imposed:
1. The driveway entrance design is made and approved to the Indiana highway approval.
 2. That dust-control provisions are found acceptable by the Plan Commission (mill building).
 3. That fire-protection provisions are found acceptable by the fire department jurisdiction for this site.
 4. That landscaping along SR 119 is built in compliance with the zoning ordinance.
 5. Approved for a DPUD A-1 rather than DPUD M-2.
 6. Evergreens to be planted along the south of the current tree line.
 7. Lighting to be directed downward.
- SECTION 9.** List of additional documents and supporting information, which become part of this Ordinance by reference:
1. Petitioner's application, site plan, and all submitted documents.
 2. The finalized Site Plan / Support Drawing.
 3. Representations made during the public hearing.
- SECTION 10.** In the event any covenant, restriction, provision, or section of this Ordinance or any portion thereof is declared invalid or void, such declaration shall in no way affect any other covenant, restriction, or section.
- SECTION 11.** This Ordinance shall be in full force and effect from and after its passage and approval in accordance with the law.

ORDAINED AND ADOPTED THIS, THE 15TH, DAY OF FEBRUARY 2016 BY THE BOARD OF
COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA

ABSENT

By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest:



Pauline Graff, Auditor for Elkhart County

Page 3 of 3 Ordinance no. DC 2016-05

EXHIBIT "A"

LEGAL DESCRIPTION

A PART OF THE NORTH HALF OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 5 EAST, HARRISON TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A HARRISON MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 89 DEGREES 28 MINUTES 51 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26 AND THE CENTERLINE OF COUNTY ROAD NUMBER 38, A DISTANCE OF 683.33 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 00 DEGREES 24 MINUTES 16 SECONDS EAST ALONG THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 63.39 FEET TO THE CENTERLINE OF STATE ROAD NUMBER 119; THENCE SOUTH 55 DEGREES 08 MINUTES 24 SECONDS WEST ALONG THE CENTERLINE OF SAID STATE ROAD, A DISTANCE OF 574.88 FEET; THENCE SOUTH 54 DEGREES 06 MINUTES 45 SECONDS WEST ALONG CENTERLINE OF SAID STATE ROAD, A DISTANCE OF 446.69 FEET; THENCE SOUTH 53 DEGREES 52 MINUTES 41 SECONDS WEST ALONG THE CENTERLINE OF SAID STATE ROAD, A DISTANCE OF 450.44 FEET; THENCE SOUTH 54 DEGREES 01 MINUTE 59 SECONDS WEST ALONG THE CENTERLINE OF SAID STATE ROAD, A DISTANCE OF 959.17 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE NORTH 00 DEGREES 22 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 1309.25 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND CONVEYED TO CARL H. WALKER II AND STACY WALKER DESCRIBED AS PARCEL II AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2008-28749; THENCE SOUTH 89 DEGREES 58 MINUTES 40 SECONDS EAST ALONG THE SOUTH LINE OF SAID WALKER PARCEL, A DISTANCE OF 242.00 FEET TO THE SOUTHEAST CORNER OF SAID WALKER PARCEL; THENCE NORTH 00 DEGREES 22 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF SAID WALKER PARCEL, A DISTANCE OF 180.00 FEET TO THE NORTHEAST CORNER OF SAID WALKER PARCEL AT A POINT THAT IS SOUTH 89 DEGREES 58 MINUTES 40 SECONDS EAST, A DISTANCE OF 1578.38 FEET FROM A HARRISON MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE SOUTH 89 DEGREES 58 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 1077.93 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION CONTAINING 34.188 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

Mark Kanney from planning and development presented a request for Premier Hardwoods, LP, represented by Brads-Ko Engineering & Surveying, Inc., for a zone map change from A-1 to a DPUD A-1/M-1 and for Primary approval of a two lot subdivision to be known as Premier Hardwoods, LP, D.P.U.D. located on the west side of CR 43; 2,400 feet north of CR 43 in Clinton Township. The Plan Commission has recommended approval of the request. Barry Pharis from Brads-Ko Engineering & Surveying, said this is a family owned wood business where they manufacture dining room tables and then receive chairs, bedroom sets, etc. from other sources and refinish them to match. They supply furniture to dealers all over the country. Mr. Pharis added that they plan to build a large warehouse for storage and refinishing the products. They presently employ about 20 people but intend to grow the business to 40-50 employees. There are two sons who also involved in the business and live on the property. There were no other comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the zone map change and adopted an ordinance establishing this zone map change.

The Ordinance is as follows:

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 A-1 TO A DETAILED PLANNED UNIT DEVELOPMENT A-1 TO BE KNOWN AS PREMIER HARDWOODS, LP, DPUD AND PRIMARY APPROVAL OF A TWO-LOT MINOR SUBDIVISION.

WHEREAS Premier Hardwoods, LP, submitted a petition to change the zone maps for the real estate described in **SECTION 1** of this ordinance from A-1 to a Detailed Planned Unit Development A-1/M-1 on December 7, 2015;

WHEREAS the Site Plan Review Committee did critique the petition as submitted and made those comments part of the file for consideration by the Elkhart County Plan Commission;

WHEREAS the Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on December 31, 2015, and in **The Goshen News** on January 2, 2016, 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 January 14, 2016, and did take public input at that meeting;

WHEREAS the Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603 and Specifications I—Planned Unit Development of the Elkhart County Zoning Ordinance; and

WHEREAS the petition was sent to the Board of County Commissioners for Elkhart County with a FAVORABLE recommendation to rezone this real estate to A-1 DPUD with reasonable conditions as outlined in this Ordinance,

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** be made a part of this Ordinance and incorporated herein by this reference.

SECTION 2. That the real estate described in **SECTION 1** of this Ordinance be rezoned from A-1 to a DPUD A-1 effective immediately and the zone maps adopted by reference in PC 2014-20 known as the Elkhart County Zoning Ordinance for Elkhart County, Indiana, be amended and ordered amended and changed to reflect the said rezoning of said real estate, and furthermore that primary approval of this two-lot minor subdivision be granted subject to conditions stipulated in this Ordinance and the requirements of the Subdivision Ordinance. Furthermore, a 100 ft. variance of the frontage requirement for lot 2 is also granted.

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 Permitted Uses and Development Standards for the A-1 Zoning District detailed in the Elkhart County Zoning Ordinance will be enforced, and the Development Plan and Site Plan / Support Drawing will supersede all Permitted Uses, Special Uses, and Development Standards.

EXHIBIT "A"

LEGAL DESCRIPTION

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 36 NORTH, RANGE 7 EAST, CLINTON TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE ON AN ASSUMED BEARING OF SOUTH 01 DEGREE 28 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 26.25 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED TO PREMIER HARDWOOD, LP AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2015-11696, THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89 DEGREES 58 MINUTES 47 SECONDS EAST ALONG THE NORTH LINE OF SAID PREMIER HARDWOOD, LP PARCEL, A DISTANCE OF 1322.67 FEET TO THE NORTHEAST CORNER OF SAID PREMIER HARDWOOD, LP PARCEL; THENCE SOUTH 01 DEGREE 24 MINUTES 50 SECONDS EAST ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 12 AND THE CENTERLINE OF COUNTY ROAD NUMBER 43, A DISTANCE OF 418.00 FEET TO A MAG NAIL MARKING THE SOUTHEAST CORNER OF SAID PREMIER HARDWOOD, LP PARCEL; THENCE SOUTH 89 DEGREES 58 MINUTES 47 SECONDS WEST ALONG THE SOUTH LINE OF SAID PREMIER HARDWOOD, LP PARCEL, A DISTANCE OF 1322.26 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12 AND THE SOUTH WEST CORNER OF SAID PREMIER HARDWOOD, LP PARCEL; THENCE NORTH 01 DEGREE 28 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 418.01 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION CONTAINING 12.687 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

Jason Auvil from planning and development presented a request for Bontrager Joint Primary Trust for an amendment to an existing PUD known as Checkerberry Inn PUD located on the west side of CR 37, 2,874 feet south of CR 30 in Clinton Township. The Plan Commission has recommended approval of the request. Mr. Bontrager said this is a senior living facility and they plan to install a solar panel. There were no other comments from anyone in the audience. On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved the amendment to the PUD and adopted an ordinance establishing this amendment.

The Ordinance is as follows:

TO AMEND ORDINANCE NUMBER PC 02-26, A DETAILED PLANNED UNIT DEVELOPMENT ADOPTED THE 16TH DAY OF SEPTEMBER 2002, MORE SPECIFICALLY BY INCORPORATING AND AMENDING THE SITE PLAN / SUPPORT DRAWING TO BE KNOWN AS CHECKERBERRY INN, DPUD.

WHEREAS, Bontrager Joint Primary Trust, submitted a petition to amend Ordinance Number PC 02-26 on the 1st day of December, 2015.

WHEREAS, The Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on the 31th day of December 2015 and in **The Goshen News** on the 2th day of January 2016 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 14th day of January 2016 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 legal description of the real estate attached hereto as exhibit "A" is made a part of this ordinance and incorporated herein by this reference.
- SECTION 2.** That the amended Planned Unit Development be granted for the real estate described in SECTION 1 of this ordinance and the Site Plan / Support Drawing will supersede all Permitted Uses, Special Uses, and Development Standards in the R-4 zone.
- SECTION 3.** That the Site Plan / Support Drawing is made part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission;
- SECTION 4.** That the amendment to the Planned Unit Development Ordinance will allow for the Inn to be used as a senior living facility and site plan amendment to allow for a ground mounted solar panel array.
- SECTION 5.** That all Sections of PC 02-26 remain in effect and are not intended to be amended by this ordinance unless specifically stated in SECTION 3 and 4 of this ordinance.
- SECTION 6.** 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 7.** 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 15TH DAY OF FEBRUARY 2016 BY THE
BOARD OF COUNTY COMMISSIONERS, ELKHART COUNTY, INDIANA

ABSENT

By
Terry Rodino

By
Mike Yoder

By
Frank Lucchese

Attest:

Pauline Graff
Pauline Graff, Auditor for Elkhart County

Ordinance prepared by H. Jason S. Auvil. 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.

Exhibit "A"

THE NORTH SEVEN (7) ACRES OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION NINE (9), TOWNSHIP 36 NORTH, RANGE 7 EAST, CLINTON TOWNSHIP, ELKHART COUNTY, INDIANA, ALSO DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION NINE (9), TOWNSHIP THIRTY-SIX (36) NORTH, RANGE SEVEN (7) EAST, CLINTON TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A HARRISON MONUMENT MARKING THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE

- 1) SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST (ASSUMED BEARING) ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 AND THE CENTERLINE OF COUNTY ROAD 37, A DISTANCE OF 459.23 FEET TO A MAG NAIL; THENCE
- 2) NORTH 88 DEGREES 12 MINUTES 29 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 664.30 FEET TO A REBAR WITH BRADS-KO CAP; THENCE
- 3) NORTH 00 DEGREES 00 MINUTES 04 SECONDS WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID SOUTHEAST 1/4, A DISTANCE OF 459.23 FEET TO A REBAR WITH BRADS-KO CAP IN THE NORTH LINE OF SAID SOUTHEAST 1/4; THENCE
- 4) SOUTH 88 DEGREES 12 MINUTES 29 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 664.31 FEET TO THE BEGINNING.

CONTAINING 7.00 ACRES, MORE OR LESS.

SUBJECT TO PUBLIC RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board gave permission to advertise for bids for the 2016 Paving Program for the highway department, as requested by Jeff Taylor, Manager of Transportation. Bids will be taken at the March 21, 2016 meeting. They wanted to take the bids early in the year because there are a lot of paving projects that are planned in the county this year so contractors will be very busy.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved a Resolution between the city of Goshen and the county for the transfer of a tractor with a mower attachment, as requested by Jeff Taylor, Manager of Transportation. The county will sell the mower for \$30,000 to the city.

The Resolution is as follows:

COUNTY OF ELKHART RESOLUTION NO. 2016- 168

CITY OF GOSHEN RESOLUTION NO. 2016-E

**JOINT RESOLUTION BETWEEN THE COUNTY OF ELKHART,
INDIANA AND THE CITY OF GOSHEN, INDIANA FOR THE
TRANSFER OF A TRACTOR WITH MOWER ATTACHMENT**

WHEREAS Indiana Code §5-22-22-10 permits the transfer or exchange of property between governmental entities upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity;

WHEREAS the County of Elkhart, Indiana and the City of Goshen, Indiana are jointly adopting this resolution to satisfy the requirements of Indiana Code §5-22-22-10;

WHEREAS the County of Elkhart, Indiana desires to transfer for the sum of Thirty Thousand Dollars (\$30,000) one 2013 John Deere tractor with mower attachment (Model No. 5085E and Serial No. 1LV5085EEDY210097) to the City of Goshen, Indiana for the use and benefit of the Goshen Street Department;

WHEREAS the City of Goshen, Indiana desires to accept the transfer of the John Deere tractor with mower attachment for and on behalf of the Goshen Street Department;

NOW, THEREFORE, BE IT RESOLVED that the County of Elkhart, Indiana hereby transfers to the City of Goshen, Indiana for the sum of Thirty Thousand Dollars (\$30,000) its 2013 John Deere tractor with mower attachment (Model No. 5085E and Serial No. 1LV5085EEDY210097) in "AS IS" condition for the use and benefit of the Goshen Street Department in accordance with this Resolution with such transfer to be made on or about the 1st day of March, 2016;

NOW, THEREFORE, BE IT RESOLVED that the City of Goshen, Indiana hereby accepts the transfer upon payment of Thirty Thousand Dollars (\$30,000) the 2013 John Deere tractor with mower attachment (Model No. 5085E and Serial No. 1LV5085EEDY210097) in "AS IS" condition from the County of Elkhart, Indiana for the use and benefit of the Goshen Street Department effective on the date such transfer is made;

BE IT FURTHER RESOLVED by the City of Goshen, Indiana that the Mayor and Clerk Treasurer are hereby authorized to execute any necessary certificate of title or other transfer papers to effectuate and carry out the intent of this Resolution;

BE IT FURTHER RESOLVED by the City of Goshen, Indiana that, in consideration of the transfer of and payment for the 2013 John Deere tractor, the City of Goshen, Indiana hereby forever releases and discharges the County of Elkhart, Indiana and its representatives, successors, insurers, agents, employees, officers, and/or directors, from any and all dues, debts,

claims, demands, actions, or causes of action, at law or in equity, and howsoever arising, and pertaining in any fashion to or associated with the City of Goshen's ownership, use, operation, maintenance, and possession of said John Deere tractor; the City of Goshen, Indiana further agrees to indemnify and hold harmless the County of Elkhart, Indiana and its representatives, successors, insurers, agents, employees, officers and/or directors, with respect to such matters, including court costs and attorney fees.

RESOLVED this 15 day of February, 2016.

County of Elkhart, Indiana

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: ABSENT
Terry J. Rodino, President

By: [Signature]
Mike Yoder, Vice President

By: [Signature]
Frank R. Lucchese, Member

ATTEST:

[Signature]
Pauline E. Graff, Elkhart County Auditor

RESOLVED this 25th day of January, 2016.

City of Goshen, Indiana

CITY OF GOSHEN BOARD OF PUBLIC
WORKS AND SAFETY

By: [Signature]
Jeremy P. Stutsman, Mayor

By: [Signature]
Mitchell Day, Board Member

By: [Signature]
Michael A. Landis, Board Member

Attest:

By: [Signature]
Tina M. Bontrager, Clerk-Treasurer

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board approved an Agreement to Provide Professional Consulting Services with MAXIMUS for three (3) years, as requested by Pauline Graff, County Auditor. The cost is \$10,900 per year. This company identifies allowable costs incurred by the county to support and administer federal programs and retrieves money from the federal government for the county. 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 approved an out of state travel request for an employee in the sheriff's department to go to Youngsville, NC in March for Basic Latent Fingerprint Comparison.

Tom Byers, County Administrator, introduced the proposed "*Golf Cart Ordinance*" for the county. This will be opened up for public comment at the March 7, 2016 meeting. Mr. Byers highlighted a few things in the ordinance, those being allowing golf carts in the unincorporated area of the county except for county roads, operated only by persons 16 years or older with a driver's license, only operate between sunrise & sunset, equipped with brakes, turn signals & rear view mirrors. They cannot be operated on sidewalks or bike & hiking trails.

On a motion made by Frank Lucchese, seconded by Mike Yoder after duly vacating the chair and carried, the Board accepted the Solid Waste-Landfill report for January 2016 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 accepted and signed a drainage easement for the CR 38 project from Winston & Sibyl Gerig, as requested by Gordon Lord, County Attorney.

Carolyn Carter, who lives in Auburn Estates, addressed the Board regarding a 3 acre pond in their subdivision that overflows when the Elkhart River backs up. There are trees that have fallen in the river and are beginning to make a dam on the river. There are also weeds that come from the river into the pond and the homeowners' association has to pay to have the weeds treated. Mr. Yoder said it is difficult to get approval to have trees pulled from the river because of fish habitat if you go through IDNR, however the landowner that has the trees on their property is allowed to have the trees removed. After some discussion, the Commissioners and the county attorney suggested they contact the county surveyor's office to get names of some reputable contractors that would be capable of removing the trees for her. She asked about funds to help pay for treating their pond & Mr. Yoder said she could ask the Storm Water Board for funds, but this may not qualify for the use of these funds.

Ms. Carter also asked about repairing the cracks in the streets in their subdivision. Jeff Taylor will look at the streets & determine what needs to be done.

Gary Hill who lives in Pine Hills near Middlebury said the snow plowing has improved a lot but they need the hills salted. Borden's trash trucks will not pick up trash if the hills are slick.

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

February 22, 2016

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 awarded the quotes for the sale of three (3) old highway dump trucks to Scott Hashberger for \$1,500, \$4,500 & \$1,500, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a letter authorizing the release of the Performance Bond to Phend & Brown for the CR 17-2B project for the highway department, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved three (3) out of state travel requests for employees in the sheriff's department to go to Youngsville, NC, Oklahoma City, OK and Jefferson City, MO in April for various trainings and schools.

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

Respectfully submitted,
Kathy L. Erschen

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

February 29, 2016

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

On a motion made by 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 Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved a request to close CR 131 between SR 120 and CR 8 from 8:30 a.m. to 11:30 a.m. on Saturday, October 29th for the 7th Annual Frightening 5K & Haunted Hilly Half Marathon if the sheriff's department, park department and highway department also approve it. This road is inside the park.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved a Resolution for Waiver Valuation Procedures for the Elkhart County Highway Department Road Projects Involving Land, Right-of-Way or other Property Acquisitions, as requested by Jeff Taylor, Manager of Transportation.

The Resolution is as follows:

RESOLUTION NO. 2016-173

**RESOLUTION RE: WAIVER VALUATION PROCEDURES FOR
ELKHART COUNTY HIGHWAY DEPARTMENT ROAD PROJECTS
INVOLVING LAND, RIGHT-OF-WAY, OR OTHER PROPERTY ACQUISITIONS**

WHEREAS, the Elkhart County Highway Department is regularly engaged in improving public roads, expanding rights-of-way, establishing drainage and other easement devices, and otherwise from time to time acquiring property interests from impacted property owners in furtherance of the road and highway system for Elkhart County Government;

WHEREAS, the Elkhart County Highway Department follows different rules, standards, and procedures, depending upon the applicability of Federal and/or State Standards, the cost (or lack thereof) of a Project, the size (or lack thereof) of a property right acquisition, and other such matters;

WHEREAS, a concept for dealing with the acquisition of modest property interests involves a "Waiver Valuation," wherein the applicable local governmental unit, to include the Elkhart County Highway Department, would acquire a modest property interest from an impacted property owner, with a gross consideration to be paid (for the property rights and/or any damage to the residue or cost-to-cure) being competently determined to be Ten Thousand Dollars (\$10,000) or less in value;

WHEREAS, a properly prepared "Waiver Valuation" would contain professional input from a property appraiser working on a Project, plus approval of the local governmental agency by appropriately appointed personnel thereof, or in some instances, simply a determination of the appropriateness of a Waiver Valuation by the local public agency through its properly appointed representatives, when the property interest is known to be quite modest;

WHEREAS, the Board of Commissioners of the County of Elkhart, Indiana wish to establish a procedure and mechanism for the prompt, expedient, fair, and reasoned issuance of Waiver Valuation(s) for situations involving modestly impacted property acquisitions by the Elkhart County Highway Department;

NOW, THEREFORE, BE IT HEREWITH ESTABLISHED, ORDERED, AND RESOLVED by the Board of Commissioners of the County of Elkhart ("Commissioners") as follows:

1. Waiver Valuation. The Commissioners acknowledge the Waiver Valuation concept, to be applied relative to a necessary acquisition of a modest property interest from an impacted property owner with a gross consideration to be paid (for the property rights and/or any damage to the residue or cost-to-cure) being competently determined to be Ten Thousand Dollars (\$10,000) or less in value. In such "Waiver Valuation" circumstances, the Elkhart County Highway Department, as a local governmental agency, shall hereafter follow and abide by the Waiver Valuation concept and standards herein set forth.

2. Local County Officials Authorized to Participate in Waiver Valuation Process. Commencing as of the date of this Resolution, and continuing until this Resolution shall be cancelled, terminated, amended, or otherwise revised, the person or persons holding the following positions in Elkhart County Government shall be authorized to participate in the Waiver Valuation process and determinations, viz:

- A. Elkhart County Highway Engineer.
- B. Elkhart County Highway Department Manager.
- C. Elkhart County Attorney, or designate from the office of the County Attorney.

3. Use of Professional Appraiser Input. When available, the valuation process can and in many instances will benefit from the use of a professional appraiser's input into the valuation problem, and determination of the anticipated value of the proposed acquisition, and whether a Waiver Valuation is appropriate. Provided, however, that the Elkhart County Highway Department may determine that a professional appraiser is not needed or appropriate for a given Waiver Valuation circumstance, when the property interest to be acquired is known to be quite modest, and clearly below the Ten Thousand Dollar (\$10,000) threshold above stated. In such instances where a professional appraiser's input is secured, any Waiver Valuation shall ultimately include the review, acknowledgement, and signature of:

- A. The professional appraiser, if participating in the valuation problem and process; and
- B. Two (2) of the three (3) Elkhart County employees, by virtue of position held, established at paragraph 2 above.

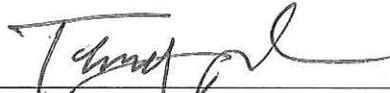
In such instances where the Elkhart County Highway Department should determine that a professional appraiser is not required, because of available data, the limited nature of any

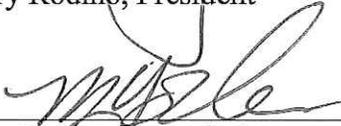
proposed acquisition, and other such factors, to include the relative size of the Project, or the absence of any Federal or State or other participating funds in the cost thereof, then any Waiver Valuation, otherwise contemplated by this Resolution, shall be deemed appropriate if upon the review, acknowledgement, and signature by two (2) out of the three (3) Elkhart County officials designated at paragraph 2 above.

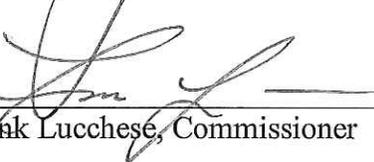
4. Effective Date. This Resolution shall be effective immediately upon its execution and approval by the Board of Commissioners of the County of Elkhart, and continue in force and effect, until cancelled, rescinded, modified, or otherwise altered by the Board of Commissioners of the County of Elkhart.

Dated, executed, and made effective this 29 day of February, 2016.

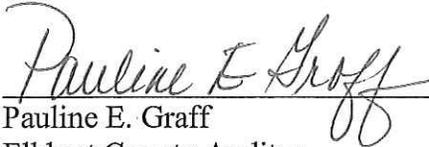
THE BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By 
Terry Rodino, President

By 
Mike Yoder, Commissioner

By 
Frank Lucchese, Commissioner

ATTEST:


Pauline E. Graff
Elkhart County Auditor

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

Respectfully submitted,
Kathy L. Erschen