

ELKHART COUNTY COUNCIL AGENDA

Saturday, November 14, 2015

8:00 a.m., Room 104

1. CALL TO ORDER
2. APPROVAL OF MINUTES – Approval of minutes for October 10, 2015
3. COMMITTEE REPORTS:
Commissioners -
Council -
Sheriff -
Auditor –
4. EDC MATTERS:
5. HUMAN RESOURCE MATTERS:
6. ADDITIONAL APPROPRIATIONS:

A. GENERAL FUND (#1000)
 1. Sheriff (105)

Supplies	1,962.00
Other Services and Charges	165.00
Capital Outlays	3,986.00
 2. County Assessor (109)

Personal Services	15,000.00
-------------------	-----------
 3. Circuit Court Juvenile (161)

Personal Services	6,300.00
Supplies	675.00
Other Services and Charges	2,500.00

4. Court Services (168)		
Personal Services		60,000.00
5. Public Defender (175)		
Personal Services		<u>13,000.00</u>
TOTAL GENERAL FUND		103,588.00
B. EDIT (#1112)		
1. County Highway (980)		
Capital Outlays		37,000.00
C. CUMULATIVE BRIDGE (#1135)		
1. County Highway (980)		
Personal Services		10,000.00
D. CUMULATIVE CAPITAL DEVELOPMENT (#1138)		
1. Commissioners (980)		
Other Services and Charges		100,000.00
E. CUMULATIVE DRAIN (#1141)		
1. Surveyor (980)		
Capital Outlays		11,500.00
F. DRUG FREE COMMUNITY (#1148)		
1. Commissioners (980)		
Other Services and Charges		210,000.00
G. PUBLIC SAFETY LOIT (#1170)		
1. Commissioners (980)		
Personal Services		390,019.00
H. MOTOR VEHICLE HIGHWAY (#1176)		
1. County Highway (201)		
Personal Services		38,000.00

I. MOTOR VEHICLE HIGHWAY (#1176)	
1. County Highway (202)	
Personal Services	70,000.00
Other Services and Charges	<u>100,000.00</u>
TOTAL MOTOR VEHICLE HIGHWAY	170,000.00
J. CUMULATIVE REASSESSMENT (#1188)	
1. County Assessor (980)	
Personal Services	9,000.00
K. SHERIFF'S PENSIONS TRUST (#1193)	
1. Auditor (980)	
Personal Services	196,000.00
L. SOLID WASTE DISPOSAL FEES (#1194)	
1. Solid Waste Disposal (338)	
Capital Outlays	750,000.00
M. MIDDLEBURY SOUTHEAST TIF (#4509)	
1. Planning and Development (980)	
Capital Outlays	307,000.00
N. ROAD MAINTENANCE AND CONSTRUCTION (#4901)	
1. County Highway (980)	
Supplies	50,000.00
O. STATE INDOOR RADON GAS GRANT (#8116)	
1. Health Department (981)	
Supplies	2,000.00
Other Services and Charges	<u>1,000.00</u>
TOTAL STATE INDOOR RADON GAS GRANT	3,000.00

P. HEALTHY BABIES DONATION FUND (#9122)

1. Health Department (980)

Personal Services 150,000.00

TOTAL ALL APPROPRIATIONS WITH REDUCTIONS

\$ 2,535,107.00

7. TRANSFER REQUESTS REQUIRING COUNCIL ACTION:

A. GENERAL FUND (#1000)

1. Weights and Measures (135)

From 42130 Tires 200.00
42210 Repair Parts Truck 200.00
To 43540 Vehicle Repairs 400.00

2. Emergency Management (137)

From 42090 Other Office Supplies 500.00
42110 Gas, Diesel 1,075.00
43090 Other Professional Services 350.00
43120 Postage 100.00
43200 Printing 150.00
43540 Vehicle Repairs 127.00
43800 Dues 215.00
43835 Training 430.00
To 44510 Other Equipment 2,947.00

3. Buildings and Grounds (140)

From 41150 Service Maintenance Worker 20,000.00
41230 Service Maintenance Part Time 7,000.00
To 43570 Laundry, Cleaning, Custodian 12,000.00
42270 Other Repairs and Maintenance 15,000.00
From 43550 Office, Other Equipment Repair 15,000.00
To 42205 Repair Parts 15,000.00

4. Victim Assistance (159)

From 43130 Mileage 90.00
To 43140 Telephone 90.00

5. Superior Court No. 2 (163)

From 43090 Other Professional Services 800.00
To 44540 Software 350.00

	42105	Uniforms	450.00
From	43510	Maintenance Contract	1,000.00
To	44520	Office Equipment	1,000.00
6. Superior Court No. 4 (165)			
From	42090	Other Office Supplies	1,000.00
To	43090	Other Professional Services	1,000.00
7. Elkhart County Magistrate (169)			
From	43830	Education and Conference	260.00
To	42060	Law Books	260.00
8. Superior Court No. 6 (170)			
From	41510	Pauper Attorney	2,000.00
To	46200	Equipment Lease	2,000.00
B. CUMULATIVE JAIL (#1142)			
1. Sheriff (105)			
From	43550	Office and Equipment Repair	6,000.00
To	42195	Other Operating Supplies	6,000.00
C. COUNTY HEALTH OPERATING (#1159)			
1. Health Department (340)			
From	42180	Medical Supplies	1,894.00
To	44545	Other Office Equipment	1,894.00
D. PARK NON-REVERTING OPERATING (#1179)			
1. Park Department (980)			
From	43540	Vehicle Repairs	2,500.00
To	42150	Uniforms	2,500.00
E. AUDITOR PLAT BOOK (#1181)			
1. Auditor (980)			
From	44540	Data Processing Software	5,000.00
To	41125	Technicians	5,000.00
F. SURVEYOR'S PERPETUATION (#1202)			
1. Surveyor (980)			
From	41120	Professional	10,000.00
To	44535	Data Processing Hardware	7,000.00
	42195	Other Operating Supplies	3,000.00
G. PARK AND RECREATION (#1219)			
1. Park and Recreation Operating (320)			
From	43030	Architectural & Engineering	3,000.00
To	42205	Equipment Repair Non Vehicle	3,000.00
From	42210	Repair Parts Auto	1,500.00
To	43540	Vehicle Repair Service	1,500.00
From	43500	Building Repair	1,500.00
To	42195	Operating Supplies	1,500.00

From	43610	Rental Equipment	400.00
To	42350	Special Event/Programs	400.00
H. SUPPLEMENTAL JUVENILE PROBATION SERVICES (#2150)			
1. Court Services (980)			
From	42180	Medical Supplies	3,500.00
To	41165	Excess Hours	500.00
	41215	Paraprofessional Part Time	3,000.00
I. MIDDLEBURY'S AGRICULTURE TIF (#4508)			
1. Planning and Development (980)			
From	43090	Other Professional Services	18,000.00
To	44600	Construction/Reconstruction	18,000.00
J. DIGITAL DENTAL X-RAY EQUIPMENT (#9108)			
1. Health Department (980)			
From	44510	Other Equipment	4,986.00
To	42195	Operating Supplies	2,418.00
	43835	Training	600.00
	43510	Maintenance	1,968.00

8. TRANSFER REQUESTS NOT REQUIRING COUNCIL ACTION:
(Available in the Auditor's office)

9. OTHER BUSINESS:

- (a) Approval of the 2016 Elkhart County Drug-Free Partnership Recommendations for Drug-Free Community Funds.
- (b) Approval of Denny Lyon to be appointed to the Board of Zoning Appeals. Four (4) year term, expires, 12/31/2019.
- (c) Approval of the reappointment of Jerry Weaver and Mike Settles to the Elkhart County Property Tax Assessment Board of Appeals. One (1) year term, expires 12/31/2016.
- (d) Approval of reappointment of David Foutz, Mike Huber and Jim Skillen to the Redevelopment Commission. One (1) year term, expires 12/31/2016.

(e) Approval of Interlocal Agreement with the Town of Middlebury for public improvements benefitting the Middlebury Southeast TIF District.

10. AUDIENCE ITEMS: Members of the public who wish to speak will be provided that opportunity. Persons should sign in. Presentation will be limited to three (3) minutes.

11. ADJOURN

MEMO

To: Elkhart County Council Members
From: Kris Krueger, Elkhart County Grants Administrator

RE: 2016 Elkhart County Drug-Free Partnership Recommendations for Drug-Free Community Funds

October 20, 2015

Council Members;

As you may recall, the Elkhart County Drug-Free Partnership is a County Commissioned Committee that facilitates programs that negate Alcohol, and Other Drug (AOD) use and/or abuse. The Partnership's mission is to provide a comprehensive and coordinated approach to the problems of AOD use in Elkhart County. A portion of this is done through the allocation of the Drug-Free Community Funds (DFCF).

These available funds are a direct response to the fees collected by the Courts from alcohol and drug related offenders. As a result of these collections Elkhart County will be able to allocate up to \$210,000 DFCF to appropriate programs to facilitate the Partnership's mission. These funds are governed by Indiana Code 5-2-11 and must be divided between three categories: Criminal Justice, Prevention, and Treatment. All approved projects must match Partnership recommended actions, support the Partnership's comprehensive plan and abide by state statutes. In addition, the Partnership has adopted the policy that prevention and treatment programs must provide research/evidence-based practices which yield measurable results.

This funding cycle, the Partnership received 8 proposals requesting funds and has determined 6 of those applicants to be most consistent to promoting improvement in areas where alcohol and other drug (AOD) use and abuse is a concern. Proposals are evaluated by a review committee and outside readers. The evaluation process breaks the application into sections which includes methods, purpose, outcomes, budget, and program evaluation. Overall scores are compiled and the interview group receives summary sheets of applicants which include other items of consideration such as membership and committee attendance, report comments, current and/or past request amounts, past award as well as any questions/comments received from the evaluation group. Every effort is taken to insure a fair and unbiased process.

At this time the Partnership respectfully submits their recommendations for your review and approval. These recommendations of 2016 Drug-Free Community Funds are on your agenda for Saturday, November 14th for your formal approval. These recommendations have already been presented and approved by the County Commissioners.

Attached you will find a synopsis of the Partnership's Grant Application Evaluation Committee's recommendations for the 2016 Drug-Free Community Funds with a spreadsheet of the funding breakdown. If you have any questions or concerns regarding these applicants or recommendations, feel free to contact me.

Thank you for your time and support.



Kris Krueger
Elkhart County Grants Administrator
(574) 535-6746
kkrueger@elkhartcounty.com

Elkhart County Drug-Free Partnership Recommendations for 2016 funding

CRIMINAL JUSTICE CATEGORY (continued)

City of Goshen Police Department Requested: \$4,656.00 Recommendation: -0-
Evidence of the Goshen Police Department's dedication to their oath to serve and protect the community can be noted in part by the number of arrests made. In 2014, the Department made 124 drug related arrests and 262 arrests for alcohol related offenses. Within the first 8 months of 2015 more drug related arrests have been made than all of 2014. As of August 2015 Goshen Police made 127 drug-related arrests with 115 being alcohol related. Another indicator is the use of modern technology to improve police services.

Through the years our community has benefited by the advancement of law-enforcement technology. One such advancement is in the use of audio/video recordings. Patrol vehicle recording systems enable officers to record offender's demeanor, impairment, activities and/or admissions and play an important part in prosecution of drug and/or alcohol offenders. Such recordings provide documentation that leaves little room for dispute. These recordings enable others to see firsthand what the officer witnessed and/or experienced, the offender's impairments and if the officer followed protocol. Through the years technological advancement and common use has seen this type of evidence evolve from what once was considered a bonus to nearly vital for the successful prosecution of an offender.

Acknowledging the importance of audio/video recording in the prosecution of offenders and the safety of their officers, the Goshen Police Department made it their mission to advance with the times and have equipped all patrol vehicles and officers with both in-car as well as personal recording devices. All patrols now have the ability to capture video evidence for drug and alcohol related offenders that can be used later in court proceedings. Along with advancement comes Rule 617 from the Indiana Supreme Court. This requires law enforcement to record both audio and video all officer interaction with individuals as well as interrogations and stipulates that evidence of a statement cannot be admitted against a person unless an electronic recording of such was made, preserved and available. It has been mandated that ALL video footage captured via in-car video systems as well as by personal video recording devices, must be properly stored in a secure storage system for a set retention period. This allows all video footage determined as evidentiary to be retrieved and utilized at a later date. If no evidence of illegal activity was captured, the footage is purged and destroyed after the set retention time. To which the Goshen Police Department finds itself in a slight dilemma. Due to various factors, the Department's current system is no longer adequate to accommodate the increasing amount of video footage. The department wishes to purchase hardware and software to enhance their system to securely store video footage and allow the capability to purge and destroy footage at appropriate times.

There is no question that video captured by officers during an arrest for an alcohol and/or drug related offense is vital to offender prosecution. However, due to the fact that the request is for equipment for the primary function of saving footage which cannot be directly linked to the stated objective of increasing alcohol and/or other drug related arrests by 10%, **the committee recommends not funding this request.**

Elkhart County Drug-Free Partnership Recommendations for 2016 funding

CRIMINAL JUSTICE CATEGORY (continued)

Nappanee Police Department Requested: \$15,000.00 Recommendation: \$10,000.00

Acting as the fiscal agent, the Nappanee Police Department submitted an application on behalf of the Elkhart County Fatal Alcohol Crash Team (FACT). This team was established as a direct result of coordinated efforts with the Governor's Council on Impaired and Dangerous Driving. This specially trained team's primary objective is to respond to and thoroughly investigate all fatal and/or life threatening/serious bodily injury crashes relating to probable drug and/or alcohol use.

FACT is comprised of 4 teams of 6 specifically trained individuals from the various county law enforcement departments. These individuals are specially trained in areas such as deconstruction, reconstruction, evidence technician, statement procurement, and driver technician. Team members are dispatched to the site of any fatal and/or life threatening/serious bodily injury crashes within the county. The response team deploys consistent and accurate investigation techniques and is instrumental in the management of investigations. FACT coordinates with first responders, collects evidence and compiles investigation materials, conducts assessments to determine probable cause, and reconstructs the crash from the collected evidence. This is the result of various coordinated activities which include compiling an inventory of all vehicles involved, conducting vehicle inspections, obtaining witness statements at the scene, collecting statements and information from all drivers and witnesses, investigating whether driver(s) involved are impaired which could include administering substance use testing and processing all vehicular evidence at the scene.

FACT's work has proven instrumental to the County as well as law enforcement departments. Their work expedites the apprehension of individuals, provides timely data information, and secures time sensitive evidence. The work completed by the team helps the successful prosecution of defendants. To date, FACT involvement has lead to 100% of impaired drivers being successfully charged with criminal offense for causing a fatal and/or serious bodily injury crash. The need for the important work done by the team has lead to continued collaboration with the local law enforcement agencies.

The committee recognizes the importance of FACT to the County and feels their work aligns with Partnership objectives. However, due to funding requirements, **the committee recommends partial funding.**

Elkhart County Drug-Free Partnership Recommendations for 2016 funding

PREVENTION CATEGORY

Elkhart County Sheriff's Dept Requested: \$106,801.00 Recommendation: \$86,138.00

A few years ago the Sheriff's Department began exploring additional means to deter illegal teenage behavior beyond the customary reactive approach. Striving to implement a proactive approach to teenage alcohol and drug use has led to the establishment of a Social Norming program for Elkhart County which is now known as Positively Elkhart County.

More often than not teens make decisions based on what they believe are the norms among their peer groups regardless of their moral compass, upbringing or what they have been told by adults. The gap between what they perceive and reality can lead teens to believe that using alcohol, tobacco or other drugs is acceptable. The goal of Social Norming is to reduce this gap and align teen perception with reality in regard to local peer alcohol/drug use. This prevention program focuses on ages 12 to 18 and helps corrects misperceptions and fortifies teens with knowledge of what their peer groups are "actually doing". In turn this turns decision making away from inaccurate perception and prevents the onset or continuation of alcohol and/or drug use by Elkhart County teens.

Every fall all 7th – 12th grade students in participating districts are surveyed on their uses and perceived use of alcohol, marijuana, synthetic marijuana and drugs (which includes prescriptions) amongst their friends, peers, classmates, and school. Survey results depict solid local real time data provided by "our" teens themselves and not on state or national statistics. Program information, activities and educational approaches are generated around the data to convey survey results and to reduce gaps between actual and perceived student use. In turn the data is used to promote positive activities and good decision making. Activities strengthen the message that 'in reality' most Elkhart County teens choose NOT to use alcohol, tobacco and other drugs. Posters, t-shirts, etc are used to relay the message in a hip teen-friendly way. Each year poster campaigns are conducted throughout the schools to convey accurate information about substance use among Elkhart County teens and to inform students and staff of survey results. The Elkhart Area Career Center is set to design this year's campaigns. Other activities include school wide events to further engage students with focus on the high percentage of students that do NOT engage in risky behaviors.

The program has surveyed over 5,355 students and conducted messaging activities in Fairfield, Concord, Middlebury and Baugo community schools. The social norming posters campaign began with 2 in 2 school districts and has grown to 4 in 4 districts. Additionally 7 student driven organizations have agreed to adopt the program and serve as volunteers for activities. Their involvement increases participation in prevention activities and lends additional credibility to messages. These groups also help with evaluation activities that designed to assess the reach and effectiveness of program activities. A new component the program intends to explore is extending outreach beyond teens to encompass influential adults – those whom students rate as most believable sources of information about substance use and are whom they turn to in need of accurate information. **Due to availability of funds, the committee recommends partial funding.**

Elkhart County Drug-Free Partnership Recommendations for 2016 funding

PREVENTION CATEGORY (continued)

Dillion Counseling

Requested: \$31,095.00

Recommendation: - 0 -

This local agency's main clientele are teens and young adults and is currently working with and providing services within the Elkhart County Juvenile Detention Center (JDC). At this time they wish to expand their work at JDC by implementing the Prime for Life program. This is an evidence-based motivational prevention, intervention and pretreatment program specifically designed for people whom have a high probability of making high-risk choices. This group would include but is not limited to college students and young people charged with alcohol and/or drug offenses and/or impaired driving offenders,

In 2014 the Juvenile Detention Center had a total of 262 admissions. Approximately 50% of these tested positive for one or more of – marijuana, amphetamines, opiates or other narcotics. An additional percentage of the admissions indicted a history of alcohol or synthetic drug use. Implementation of the program will create awareness and provide education to underserved adolescents at JDC to help reduce their high-risk choices and substance use. The program is designed to change drinking and drug use behaviors by changing beliefs, attitudes, and risk perceptions. The program educates adolescents about the biological factors trigger levels and risk of addiction, health and impairment problems and motivations and provides them with the knowledge of how to reduce their risk of alcohol and drug related problems throughout their lives. Adolescents will look at their usage/habits, evaluate their thoughts of peer vs group, look back at choices they made, and explore their tunnel vision so that they may reduce high risk behavior and decrease substance use.

The program will be held once a month on Saturdays for a 4.5 – 5 hour session for a total of 17 groups (approximately 238 adolescents). Groups will consist of incarcerated teens youth ages 11-20 housed at Elkhart County Juvenile Detention Center who are engaging in high risk behavior, that have a substance use related charge, positive urinalysis and /or admitted substance use. Although the committee agrees that there is a need to reach these adolescents, however there is concern regarding effectiveness and lasting impact. Additionally, this program cannot be clearly delineated as a prevention or treatment program and regretfully does not align with the objectives of the Partnership's comprehensive plan. **Therefore the committee recommends denied funding.**

Elkhart County Drug-Free Partnership Recommendations for 2016 funding

TREATMENT CATEGORY

Addictions Recovery Center Requested: \$25,160.00 Recommendation: \$12,900.00

Addictions Recover Center continues to provide treatment services for individuals identified with substance abuse. ARC believes that access services towards long term recovery, and obtaining and receiving such services should be equally obtainable to all those in need. Particularly for those who are experiencing financial challenges. Based on the well documented idea that many persons in need of treatment services do not receive them is due in large part to limited financial resources. The most prevalent reason is employment status which obviously contributes to lack of financial resources and becomes the primary reason for not obtaining, receiving and/or completing treatment.

ARC intends to bridge the gap by reducing fees substantially for those in financial need through a scholarship program. Through clinical screening and subsequent financial qualification, financial assistance based on need will be distributed so as to remove the most sited cause for those wanting treatment and not receiving – financial difficulties. Scholarships will be available to individuals unable or having difficulty in affording treatment services. The US Depart Health & Human Services 2014 poverty guidelines will be utilized to screen and identify scholarship eligible individuals. Scholarships will be in the form of a 75% subsidy and available to individuals that are at or below 138% gross income level for their given household size. Types of treatment services include intensive outpatient, modified outpatient, relapse prevention, individual counseling, aftercare outpatient programs and family counseling. The goal is to reduce substance use among participants, integrate them into outside self help organizations, and improve each participant’s social functioning (ability to obtain or retain employment). Individual counseling sessions are used to enhance treatment and assist in better outcomes. If for any reason the individual does not complete the treatment program, the remaining scholarship funds are available as scholarships for other eligible individuals. The scholarship program looks to impact the well being of up to 45 individuals throughout 2016.

All three applicants under the treatment category have requested funding for treatment scholarships. The committee recognizes the great work of these agencies as well as the need for financial assistance and recommends awarding funds to each agency. However, due to funding requirements the committee can only recommend partial funding. The recommended award amount is based on available funds divided equally between these programs.

**Partnership Drug Free Community Funds
Applicant / Fund Summary
2016**

Applicant	Program Title	Request	Recommendation	Request	Recommendation
Criminal Justice		2014 for 2015	2015 for 2016		
Elkhart County Sheriff's Dept	STAR	\$36,500.00	\$36,500.00	\$36,600.00	\$30,000.00
Goshen Police Dept	Video Evidence	\$12,000.00	\$6,900.00	\$4,656.00	\$0.00
Nappanee Police	FACT			\$15,000.00	\$10,000.00
	TOTALS	\$94,499.00	\$78,979.00	\$41,256.00	\$40,000.00
Prevention					
Elkhart County Sheriff's Dept	Social Norming	\$106,801.00	\$62,500.00	\$106,801.00	\$86,138.00
Dillion Counseling	Prime for Life			\$31,095.00	\$0.00
	TOTALS	\$106,801.00	\$62,500.00	\$106,801.00	\$86,138.00
Treatment					
Addictions Recovery Center	Affordable Therapy Plan	\$31,450.00	\$25,160.00	\$21,600.00	\$12,900.00
Center for Problem Resolution	Investing in People	\$36,000.00	\$28,800.00	\$36,000.00	\$17,700.00
Oaklawn	Help up to Recovery	\$30,000.00	\$0.00	\$25,000.00	\$12,900.00
	TOTALS	\$106,640.00	\$62,500.00	\$91,790.00	\$43,500.00
Elkhart County Drug-Free Partnership (office)		\$42,021.00	\$42,021.00	\$42,000.00	\$40,362.00
GRAND TOTAL	GRAND TOTAL	\$349,961.00	\$246,000.00	\$281,847.00	\$210,000.00

INTERLOCAL AGREEMENT

This Agreement, made and entered into effective the ____ day of November, 2015 by and between the Town Council of the Town of Middlebury, Indiana (hereinafter referred to as the "Town of Middlebury") and the Elkhart County Redevelopment Commission (hereinafter referred to as the "Redevelopment Commission");

WITNESSETH:

WHEREAS the parties hereto mutually agree there is a need to complete infrastructure improvements which are in, physically connected to, and serving the Middlebury Southeast TIF District;

WHEREAS the financial assistance for the completion of certain infrastructure improvements is being provided in response to a request from the Town of Middlebury in order to benefit and serve commercial and industrial facilities in the Middlebury Southeast TIF District;

NOW, THEREFORE, upon the mutual promises and commitments of the Town of Middlebury and Redevelopment Commission to be performed, the parties stipulate and agree as follows:

1. DEFINITION: For the purposes of this Agreement, the term "Project" shall mean:

a) the replacement and installation of plug valves, check valves, and rubber expansion joints in the Hardwoods Lift Station (hereinafter referred to as the "Lift Station Sub-Project");

b) the construction, reconstruction, repair, and re-pavement of Crystal Heights Boulevard (hereinafter referred to as the "Crystal Heights Boulevard Sub-Project");

c) the purchase and installation of three (3) additional water valves for the recently completed water main looping project (hereinafter referred to as the "Water Main Valve Sub-Project"); and

d) the extension, construction, installation, and relocation of a sewer main in the Crystal Heights Subdivision (hereinafter referred to as the "Sewer Line Relocation Sub-Project").

The Project will be completed with respect to each Sub-Project as generally in accordance with the descriptions thereof as shown on Exhibit A with the plans and specifications to be obtained by or on behalf of the Town of Middlebury. Claims submitted by the contractor or contractors for the Project shall be reviewed by the Town of Middlebury to ensure that the work is in compliance with the requirements of the Project plans and specifications and that all claims are properly payable.

2. ADMINISTRATION: The Town of Middlebury assumes and agrees to be responsible for the general administration of the Project to include, but not be limited to, the following services:

- a. Obtaining any governmental approvals as required and as needed for the plans and specifications of the Project;
- b. Obtaining any right-of-ways or easements as required and as needed for the plans and specifications of the Project;
- c. Bidding of the Project and compliance with governmental requirements applicable to the Town of Middlebury for bidding of public works contracts;
- d. Awarding the bid and contracting with the successful bidder as required by and in compliance with the applicable statutes governing the Town of Middlebury and the awarding of bids and contracts for public works projects;
- e. Maintaining the documents, contracts, notices and other records in connection with the Project, including the financial records, and providing a financial summary to the Redevelopment Commission for all funds expended and received in connection with the Project;
- f. Satisfying and complying with the applicable requirements of Indiana Code §8-1.5 in connection with the Project;
- g. Satisfying and complying with the applicable requirements of Indiana Code §36-9-23 in connection with the Project; and
- h. Providing such other general administrative services as are necessary to complete the Project.

3. PROJECT FUNDS: The general description of the Project parameters and estimated costs are identified in Exhibit A which is attached hereto and incorporated herein by reference. Funding for the Project cost will be contributed as follows:

- a. The Redevelopment Commission agrees to contribute and advance tax increment finance funds from the Middlebury Southeast TIF District up to:
 - i) Twenty Thousand Dollars (\$20,000.00) for the Lift Station Sub-Project;
 - ii) Two Hundred Ten Thousand Dollars (\$210,000.00) for the Crystal Heights Boulevard Sub-Project;
 - iii) Up to Twenty-seven Thousand Dollars (\$27,000.00) for the Water Main Valve Sub-Project; and
 - iv) Up to Fifty Thousand Dollars (\$50,000.00) for the Sewer Line Relocation Sub-Project.

b. The Clerk-Treasurer of the Town of Middlebury is delegated the authority and duty to receive, disburse, and to account for all monies in connection with the Project, and to furnish information regarding the same to the Redevelopment Commission upon request. In the event the Project costs exceed the amounts of available funding as provided herein by the Redevelopment Commission, the Town of Middlebury understands and acknowledges that contributions of additional funding may be necessary from the Town of Middlebury to complete the Project.

4. FUNDING APPROVALS: This Agreement shall be subject to funding approval by the Elkhart County Council on or before the 1st day of January, 2016. In the event that such funding approval is not given by that date, the Redevelopment Commission shall have the right and option of terminating this Agreement without liability upon providing written notice to the Town of Middlebury.

5. OWNERSHIP OF PROJECT: Upon completion of the Project and acceptance by the Town of Middlebury, the ownership of the lift station and sewer line improvements shall reside in the Town of Middlebury to be operated and maintained by the Town of Middlebury as a part of the Town of Middlebury Sewer Utility. Upon completion of the Project, the water main improvements shall reside in the Town of Middlebury to be operated and maintained by the Town of Middlebury as part of the Town of Middlebury Water Utility. Upon completion of the Project, the reconstruction and improvements to Crystal Heights Boulevard shall reside in the Town of Middlebury to be operated and maintained by the Town of Middlebury as part of the Town of Middlebury Public Works Department.

6. FILING REQUIREMENTS: Within thirty (30) days after the approval and execution of this Agreement, the Town of Middlebury shall have this Agreement recorded and filed with the appropriate governmental offices and agencies as required by Indiana Code.

7. SUPPLEMENTAL DOCUMENTS: The Town of Middlebury and Redevelopment Commission agree to execute any and all supplementary documents and to take any and all supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this Agreement.

8. LIMITATIONS OF LIABILITY FOR PROJECT ACTIVITY: The Town of Middlebury acknowledges that the Redevelopment Commission shall not be liable to the Town of Middlebury or to any party for completion of or failure to complete any activities which are an obligation of the Town of Middlebury to perform pursuant to this Agreement in regard to the Project hereunder. The Town of Middlebury agrees to defend, indemnify, and hold harmless the County of Elkhart, Indiana and the Redevelopment Commission and their agents, officers, and employees from all claims and suits of any nature whatsoever arising from the Town of Middlebury's performance of this Agreement pursuant to any such obligations or actions taken hereunder, from all judgments therefore, and for expenses in defending or appealing said claims or judgments, including without limitation court costs, attorneys fees, and other expenses.

9. SEVERABILITY: The provisions in this Agreement are hereby deemed to be severable to the effect that if any provision shall be declared to be invalid or unenforceable for any

reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

10. NON-DISCRIMINATION: Pursuant to Indiana Code §22-9-1-10, the Town of Middlebury and its contractors and their subcontractors shall not discriminate against any employee or applicant for employment, to be employed in the performance of any work under this Agreement with respect to hire, tenure, terms or conditions, or privileges of employment, or any matter directly or indirectly related to employment because of race, color, religion, sex, disability, national origin, ancestry, or veteran status. Breach of this covenant may be regarded as a material breach of this Agreement.

11. NOTICE: Any notices required or permitted under this Agreement shall be given to the parties at their respective mailing addresses provided below by deposit in the United States Mail, Certified Mail, Return Receipt Requested, with proper postage affixed thereto, and which notices shall be effective three (3) days after date of mailing:

Town of Middlebury: Middlebury Town Council
Attn: Town Manager
418 N. Main Street
Middlebury, IN 46540

Redevelopment Commission: Elkhart County Redevelopment Commission
Attn: Plan Director
4230 Elkhart Road
Goshen, IN 46526

The parties may change their respective mailing addresses by providing written notice of the new address in accordance with the terms and provisions of this paragraph.

12. MULTIPLE COUNTERPARTS: This Agreement may be executed in multiple counterparts by the parties hereto with the multiple counterparts constituting but one and the same single, complete, and entire Agreement.

13. BINDING EFFECT: This Agreement constitutes the entire agreement relative to the Project between the Town of Middlebury and Redevelopment Commission; supersedes all prior discussions, negotiations, understandings, and agreements among them relative to the Project; and cannot be altered or amended, except as provided herein, without the written agreement of both parties. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns; provided, however, no assignment of this Agreement shall be permitted without the express written consent of the non-assigning party.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the date and year first above written.

TOWN OF MIDDLEBURY

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, IN

By: Gary L O'Dell
Gary L. O'Dell, President

ATTEST:
By: Peggy A Hutchison
Peggy A. Hutchison, Clerk-Treasurer

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this 2nd day of November, 2015, personally appeared Gary A. O'Dell and Peggy A. Hutchison, President and Clerk-Treasurer respectively, of the Town Council of the Town of Middlebury, IN, and acknowledged that as said officers they executed the foregoing Agreement for and on behalf and in the name of said Town for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

Craig M. Buche, Notary Public
Residing in Elkhart County, Indiana

My Commission Expires: February 1, 2016

REDEVELOPMENT
COMMISSION

ELKHART COUNTY
REDEVELOPMENT COMMISSION

By: James C. Miller, Presiding Officer

ATTEST:

By: Douglas A. Harker, Secretary/Acting Secretary

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this 5th day of November, 2015, personally appeared _____ and _____, the _____ and _____ respectively, of the Elkhart County Redevelopment Commission, and acknowledged that as said officers they executed the foregoing Agreement for and on behalf and in the name of said Commission for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

Craig M. Buche, Notary Public
Residing in Elkhart County, Indiana

My Commission Expires: February 1, 2016

APPROVAL

The Elkhart County Council of the County of Elkhart, Indiana hereby approves this Agreement the 14th day of November, 2015.

ELKHART COUNTY COUNCIL

By: _____,
_____, Presiding Officer

ATTEST:

By: _____
Pauline E. Graff, Auditor

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this 14th day of November, 2015, personally appeared _____ and Pauline E. Graff, the _____ and Auditor respectively, of the Elkhart County Council, and acknowledged that as said officers they executed the foregoing Agreement for and on behalf and in the name of said Council for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

_____, Notary Public
Residing in Elkhart County, Indiana

My Commission Expires: _____

APPROVAL

The Board of Commissioners of the County of Elkhart, Indiana hereby approves this Agreement the 9th day of November, 2015.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By: _____
Terry J. Rodino, President

By: _____
Mike Yoder, Vice President

By: _____
Frank R. Lucchese, Member

ATTEST:

By: _____
Pauline E. Graff, Auditor

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, this 9th day of November, 2015, personally appeared the above-named Elkhart County Commissioners and Auditor respectively and acknowledged that as said officers they executed the foregoing Agreement for and on behalf and in the name of the Board of Commissioners of the County of Elkhart, Indiana for the uses and purposes therein mentioned, and that they were authorized so to do.

WITNESS my hand and notarial seal.

_____, Notary Public
Residing in Elkhart County, Indiana

My Commission Expires: _____

Prepared by Craig M. Buche, Yoder, Ainlay, Ulmer & Buckingham, LLP
130 N. Main, P.O. Box 575, Goshen, Indiana 46527-0575; Telephone: 574-533-1171

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. Craig M. Buche, 130 N. Main St., P.O. Box 575, Goshen, IN 46527-0575

EXHIBIT A

**DESCRIPTION AND COSTS ASSOCIATED WITH LIFT STATION SUB-PROJECT, CRYSTAL
HEIGHTS BOULEVARD SUB-PROJECT, WATER MAIN VALVE SUB-PROJECT,
AND SEWER LINE RELOCATION SUB-PROJECT**



418 North Main Street
Middlebury, Indiana 46510
Phone: 574-825-1499
Fax: 574-825-1485
www.middleburyin.com

September 30, 2015

To: Elkhart County Redevelopment Commission

From: Mark Salee, Middlebury Town Manager

Re: Proposed Middlebury Southeast TIF District Infrastructure Projects

Recently the Town of Middlebury reviewed the public infrastructure providing service to the Middlebury Southeast TIF District. This review indicated the need for improvements to the public infrastructure in four different areas servicing the district. The total estimated cost for these proposed projects is projected not to exceed \$307,000. The Town of Middlebury requests that the Elkhart County Redevelopment Commission consider designating up to \$307,000 from the Middlebury Southeast TIF District fund toward funding of these infrastructure projects. The following describes the four projects in detail.

Valve Replacement at the Hardwoods Sewer Lift Station

The Hardwoods Lift Station (see the attached map) services the entire sewer system area within TIF district. This proposed project involves replacement of the plug valves and check valves in the lift station. The valves are original to the lift station and are in need of replacement. The estimated cost for this project is approximately \$20,000 (see the attached quote).

Repaving of Crystal Heights Blvd

Crystal Heights Blvd. (shown on the attached map) is located entirely in the TIF district and currently provides access to the Interra Credit Union and the Hampton Inn. The street has two existing traffic control islands that are in disrepair as well as the need for repaving of the street. This project proposes to remove these two islands and repave the entire street. The attached estimate shows a cost range for this project from \$60,000 up to \$210,000 depending on the depth of repair needed based on detailed engineering.

Installation of Three Water Main Valves

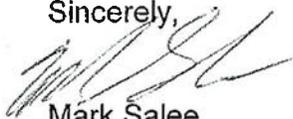
The new water main looping project within the Jayco and Elroy Drive industrial areas has been completed. Once the project was complete, the Town Water Department determined the need for three additional water valves to allow for the isolation of service areas in the Southeast TIF district during water main repairs. The locations of the valves are shown on the attached map. The estimated cost for the three valves is up to \$27,000.

Sewer Line Relocation

Currently there is a sewer main within the Southeast TIF district that crosses in the middle of a vacant lot in the Crystal Heights subdivision (see attached map). The location of this sewer line hinders the flexibility for development on this property within the district. This project proposes to relocate this sewer line as shown on the map at an estimated cost of \$50,000.

Please consider these projects for funding thru the Middlebury Southeast TIF District fund. Please call me with any questions you may have regarding these projects. Thank you for your time and consideration of these important infrastructure projects.

Sincerely,



Mark Salee
Town Manger

Proposed Middlebury Southeast TIF District
Infrastructure Projects
Town of Middlebury
September 30, 2015

