

## MINUTES

### ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

March 7, 2022

President Suzie Weirick 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 Board members, Frank Lucchese and Brad Rogers were also present. Others present were Craig Buche, County Attorney; Patricia Pickens, County Auditor; Jeff Taylor, County Administrator and Anita Mock, Administrative Manager.

\*\*\*This meeting commenced pursuant to public notice under the Indiana open door law. This meeting was made available for the public and press to attend in person or engage in remote real-time observation and remote electronic participation.

On a motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved the Minutes of the February 21<sup>st</sup> & February 28<sup>th</sup> 2022 meeting and placed them on file.

On a motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims as presented by the County Auditor's office.

#### **BUSINESS ITEMS:**

Planning & Development Zoning Administrator, Jason Auvil, requested approval of Shah Land Development represented by Anchor Construction for a zone map change from DPUD E-3 & GPUD E-3 to DPUD M-2 and for primary approval of a 1-lot minor subdivision to be known as **SHAH LAND DEVELOPMENT LLC-WAREHOUSE 400**, northeast corner of Atlas Drive & Innovation Drive, in Osolo Township. Shah Representative, James Skillen, explained the details of the project. Suzie Weirick opened a public hearing. Leslie Cunningham spoke in opposition of the project. Anchor Construction Representative, Ryan Diamond, explained different aspects of the project. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development Director, Chris Godlewski, requested approval of additional appropriation from North Baugo TIF Fund in the amount of \$500 for Baker Tilly expenses for TIF

Neutralization. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development Director, Chris Godlewski, requested approval of additional appropriation from Middlebury SE TIF Fund in the amount of \$500 for Baker Tilly expenses for TIF Neutralization. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development Director, Chris Godlewski, requested approval of additional appropriation from Love's TIF Fund in the amount of \$100,500 for Baker Tilly expenses for TIF Neutralization and reimbursement to developer for road/sewer/water improvements. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development Director, Chris Godlewski, requested approval of additional appropriation from State Road 13 TIF Fund in the amount of \$500 for Baker Tilly expenses for TIF Neutralization. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development, Natasha Kauffman, requested approval of additional appropriation from County Road 6 & County Road 17 NE TIF Fund in the amount of \$8,500 for Baker Tilly to conduct financial/tax analysis of AMZ collection area in the NE TIF. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development, Natasha Kauffman, requested approval of additional appropriation from Middlebury AG TIF Fund in the amount of \$256,211.44 for design and construction cost of improvements to County Road 20 and County Road 37 in conjunction with Middlebury closeout costs of TIF in effort to go to zero balance. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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Planning & Development, Natasha Kauffman, requested approval of additional appropriation from the Middlebury East TIF Fund in the amount of \$150,500 for Baker Tilly expenses for TIF Neutralization and York Drive road reconstruction project in conjunction with the Town of Middlebury. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Attorney, Craig Buche, requested approval of Tax Sale Support Services Addendum. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Request for approval of Amendment to Design-Build Agreement by and between Performance Services, Inc. and Elkhart County was requested to be tabled. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved to table this item at this time.

County Administrator, Jeff Taylor, requested approval of additional appropriation from Court Interpreter Grant Fund in the amount of \$46,292 for 2022 Court Interpreter Grant Award which is fully reimbursable. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from General Fund in the amount of \$18,000 for funds to pay Baker Tilly Wealth Management for professional services rendered in accordance with Engagement Letter, professional services in reference to American Rescue Plan and analysis of tax phase-ins, etc. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from Cumulative Capital Development Fund in the amount of \$165,000 for funds required to design the repairs to the west steps at the Goshen Courthouse and design the primary and balcony roof replacement at the Goshen Courthouse. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from American Rescue Plan Fund in the amount of \$5,000 for funds for document service utilized for sharing documents with County Elected Officials and Departments. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from American Rescue Plan in the amount of \$200,000 for funds to pay for Builders Risk Insurance for the duration of the Courthouse Project. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from American Rescue Plan in the amount of \$7,150,000 for funds required for the Construction Contract with PSI. This amount includes \$5,000,000 in contingency. The contract provides for up to \$10,217,197 in contingency. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from American Rescue Plan in the amount of \$300,000 for funds to pay for ongoing legal services relative to the Courthouse project. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from American Rescue Plan in the amount of \$889,525 for remaining balance on contract with PMSI for the duration of the Courthouse Project for project management. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from American Rescue Plan in the amount of \$50,000 for funds to pay for costs associated with maintaining an office during the Courthouse Project. (utilities, internet, etc.) On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from the American Rescue Plan in the amount of \$50,000 for funds for reimburseables to PMSI per contract. (printing, travel, meals, etc.) On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional REDUCTION from American Rescue Plan in the amount of \$34,105.99 due to a new appropriation was provided by the Council. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from Road Maintenance & Construction Fund in the amount of \$1,000,000 for funds for chip seal, road paving and associated costs. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from Local Road & Street Fund in the amount of \$500,000 for funds for road paving, construction and associated costs. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from Motor Vehicle Highway Fund in the amount of \$2,500,000 for funds for road paving, construction and associated costs. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Administrator, Jeff Taylor, requested approval of additional appropriation from Cumulative Bridge Fund in the amount of \$250,000 for funds for bridge inspection program for 2022-2023. This program is a federal requirement to be eligible for federal funds for bridge projects. The program is federally funded and reimbursable up to 80%. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried the Board approved this request.

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Director of Landfill, John Bowers, discussed the 2021 Leaf Competition Results. No action needed. For informational purposes only.

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Director of Landfill, John Bowers, requested permission to dispose of 2-2001 Dodge Trucks and 2005 Chevy Venture. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

Director of Landfill, John Bowers, requested approval to advertise for Bid Landfill Gas Well Expansion. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

Director of Landfill, John Bowers, requested approval to advertise for Bid Landfill Cell Expansion/Construction, PB 1 & 2. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

Director of Landfill, John Bowers, requested approval for Out of State Travel for John Bowers to attend North American Solid Waste Associations WASTCON, December 4<sup>th</sup> thru 9<sup>th</sup>, 2022 in San Diego, California. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

Health Department, Melanie Sizemore, requested approval for Out of State Travel for (2) employees to attend the 2022 National Conference on Tobacco or Health, June 27<sup>th</sup> thru July 1<sup>st</sup>, 2022 in New Orleans, Louisiana. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

Public Defender, Jeff Majerek, requested approval of IV-E Grant Agreement. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved the Weights & Measures Report for January 16<sup>th</sup>, 2022 to February 15<sup>th</sup>, 2022.

Courtside Ministries requested Use of the Courthouse Property in Elkhart and Goshen for the month of March. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

#### **BOARD ITEMS:**

County Attorney, Craig Buche, requested approval for Agreement with Tactical Energy Group, energy savings for New Courts Project. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request pending legal review.

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County Attorney, Craig Buche, requested approval of Engagement Letter (County Courthouse Project – Utility Services) by and between the Elkhart County Commission and ClarkQuinn. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Attorney, Steve Olsen, requested approval of Interlocal Agreement for County Road 33 Reconstruction from County Road 38 to County Road 36, by and between the City of Goshen, Indiana and County of Elkhart, Indiana. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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**PRIVILEGE OF THE FLOOR:**

Glen Null spoke on several topics.

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

Respectfully submitted,  
Anita Mock