

**MARCH 7, 2016**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, March 7, 2016, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Larry Miller, Terry Martin, Kevin Myers; and LaGrange County Auditor, Kay M. Myers. President Larry Miller called the meeting to order and led those present in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Kevin Myers seconded the motion and it carried unanimously.

**NORTHEAST INDIANA CASA INC. AGREEMENT**

County Attorney Kurt Bachman presented agreement with Northeastern Indiana CASA, Inc for services January 1 2016 thru December 31, 2016 in the amount of \$14,236.72 and request the Commissioners approve. Mr. Terry Martin motioned to approve retro to January 1, 2016. Mr. Kevin Myers seconded the motion which passed unanimously.

**MATERIALITY POLICY**

Attorney Bachman informed the Commissioners the State is requiring the Commissioners self report any variance for cash and person property. Attorney Bachman informed the Commissioners State Board of Accounts has recommends \$750.00 for cash and \$1250.00 for personnel property.

**RESOLUTION 2016-03-07 A**

**A RESOLUTION OF THE LAGRANGE COUNTY COMMISSIONERS REGARDING  
VARIANCE THRESHOLDS APPLICABLE TO THE COUNTY OF LAGRANGE**

WHEREAS, Ind. Code 5-11-1-27(j) requires that erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property shall be reported immediately to the State Board of Accounts; and

WHEREAS, State Examiner Directive 2015-6 directs each political subdivision to determine its own policy on materiality; and

WHEREAS, the County Commissioners of the County of LaGrange, Indiana ("County Commissioners") does not condone any erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property but recognizes that relatively small items may not justify the cost of the involvement of the State Board of Accounts;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

Section 1. The County Commissioners hereby endorses and adopts the Policy on Materiality and Process for Reporting Material Items (the "Policy"), such Policy being attached as Appendix "A" hereto and incorporated herein.

Section 2. The County Commissioners call upon all County officials, employees, and agents to enforce and comply with the Policy and to report noteworthy items to the President of the County Commissioners.

Section 3. The LaGrange County Commissioners shall act as the County of LaGrange's Oversight Committee to monitor, as it deems necessary, compliance with the Policy.

Section 4. The County Commissioners asks the LaGrange County Auditor to advise the County Commissioners on any future suggested changes or updates to the Policy.

Section 5. No part of this Resolution shall be interpreted to conflict with any local, state, or federal laws and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Resolution are hereby declared to be severable.

Mr. Terry Martin motioned to accept the policy. Mr. Kevin Myers seconded the motion which passed unanimously. Mr. Terry Martin motioned to waive second reading. Mr. Kevin Myers seconded the motion which passed unanimously.

**SOUTH MILFORD ROAD PROJECT**

Attorney Bachman informed the Commissioners there are several statutory requirements the County must follow to move forward on the South Milford Road Project. Attorney Bachman request the Commissioners the authorize his office prepare a resolution to appoint appraisers at March 21 meeting and prepare a resolution for Council to declare interest in purchasing the property at their March 14 meeting. Mr. Kevin Myers motioned authorize Attorney Bachman prepare a resolution to present to Council at their March 14 meeting to declare an interest in the property, a Commissioner resolution appointing two appraisers. Mr. Terry Martin seconded the motion which passed unanimously.

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**PARK DEPT**

Attorney Bachman presented the following resolution for the Park Dept to the Commissioners regarding acquiring property and appointing two appraisers for consideration.

**RESOLUTION 2016-03-07 B**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA REGARDING THE PURCHASE OF SPECIFIED LAND AND APPOINTING APPRAISERS**

**WHEREAS**, the LaGrange County Board of Parks and Recreation has been vested with the power to acquire and own interests in real property under Indiana Code §36-10-3-11 and LaGrange County Council Ordinance No. 1982-12; and

**WHEREAS**, the LaGrange County Board of Parks and Recreation has entered into a Purchase Agreement for the purchase of certain real property more particularly described on Exhibit "A" attached hereto (the "Real Estate") and subject to approval with certain legal requirements and other conditions, one of which is the approval of the County Commissioners of the County of LaGrange, Indiana, and the appointment of appraisers.

**NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, THAT:**

**SECTION I**

The County Commissioners of the County of LaGrange, Indiana, hereby declares its interest in acquiring the Real Estate pursuant to the terms established and set forth in the Purchase Agreement already executed by the LaGrange County Board of Parks and Recreation and hereby gives permission and approval to the LaGrange County Board of Parks and Recreation to acquire the Real Estate.

**SECTION II**

That the Board of Commissioners hereby confirms, ratifies, and approves the appointment of Caldwell Appraisals, Inc. and Stanner Appraisal Service, Inc. already made by the LaGrange County Board of Parks and Recreation, for the appraisal of the Real Estate. After the appraisals have been completed and returned, the appraisals shall be kept on file in the office of the Auditor of the County of LaGrange, Indiana, for a period of five (5) years from the date of their submission. The appraisers shall return their separate appraisals within thirty (30) days of their appointment. Copies of said appraisals shall also be filed with the County Council. The real estate shall not be purchased for a price greater than the average of the two (2) appraisals received.

**SECTION III**

That the Board of Commissioners, any of its individual members, and the Auditor are hereby authorized to execute any and all documents and other instruments necessary to complete the purchase of the real estate pursuant to the terms of the Agreement.

**SECTION IV**

No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Resolution are hereby declared to be severable.

Mr. Terry Martin motioned to approve Stanner Appraisal Service, Inc. and Cauldwell Appraisals, Inc for property at Pine Knob. Mr. Kevin Myers seconded the motion which passed unanimously. Mr. Terry Martin motioned to waive second reading. Mr. Kevin Myers seconded the motion which passed unanimously. Mr. Kevin Myers motioned to approve Lakeland Title Company to handle title work and closing. Mr. Terry Martin seconded the motion which passed unanimously.

Park Director Mr. Mike Metz requests approval to purchase a new mower. Mr. Metz presented the following quotes: Greenmark-\$7,153.72 and Kenn-feld Group -\$5,245.00, the Park Board is recommending the lower os the two, Ken-feld Group. Mr. Terry Martin motioned to approve the bid from Kenn-feld Group at \$5,245.00. Mr. Kevin Myers seconded the motion which passed unanimously.

**SHERIFF DEPT**

Chief Deputy Tracy Harker requests approval to dispose of 3 vehicles. LaGrange County Dodge has offered \$2000.00 as a trade in and Parkview Hospital has requested to 2 of the vehicles or a total of \$3000.00. Mr. Kevin Myers motioned to approve the trade with LaGrange County Dodge and sale to Parkview Hospital. Mr. Larry Miller seconded the motion which passed, Mr. Terry Martin abstained.

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**YODER NUISANCE HEARING**

Mr. Larry Miller reconvened the nuisance hearing. LaGrange County Nuisance Enforcement Officer, William Donald ("Don") Wismer reported on the clean-up made at the property and that the fine had been paid. Officer Wismer recommends the nuisance be closed. Mr. Terry Martin motioned to dismiss the case. Mr. Kevin Myers seconded the motion which passed unanimously.

**HIGHWAY DEPT**

Highway Superintendent Randy VanWagner presented the annual bridge inspection report for approval and signature. Mr. VanWagner informed the board there are 2 bridges that are in need of repair. Mr. Terry Martin motioned to accept the report. Mr. Kevin Myers seconded the motion which passed unanimously.

**NORTHEASTER CENTER, INC**

Auditor Kay Myers presented agreement with Northeastern Center, Inc for service for inmates the Sheriff recommends. Mr. Terry Martin motioned to approve the agreement. Mr. Kevin Myers seconded the motion which passed unanimously.

**COMMITTEE REPORTS**

Mr. Larry Miller reported on the plan commission and plat meetings.

Mr. Terry Martin reported on the Park Board and LCRUD meetings.

Mr. Kevin Myers reported on the Major Commissioners Caucus, Council on Aging, Major Moves, Community Foundation and the Region IIIA meetings.

**ACCOUNTS PAYABLE VOUCHERS**

Mrs. Kay M. Myers, County Auditor, presented the Accounts Payable Vouchers. Mr. Terry Martin motioned to approve. Mr. Kevin Myers seconded the motion which passed.

**MEMORANDUM**

Mr. Terry Martin motioned to approve the memorandum for the March 2 meeting. Mr. Kevin Myers seconded the motion which passed unanimously.

**SUBDIVISION PLATS**

The following subdivision plats were presented for approval:

**Buzzards Glory**

There is one lot in this subdivision, in Clearspring Township, located at 3865 S 125 W, LaGrange. Section 11, Township 36N, Range 9E. The owners are Miller, Christy & Vera. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

**Miller's Farm**

There are two lots in this subdivision, in VanBuren Township, located 5535 N 1100 W, Middlebury. Section 29, Township 38N, Range 8E. The owner is Marion Miller. Mr. Kevin Myers made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

**A&E Yoder Subdivision**

There is one lot in this subdivision, in Newbury Township, located 1545 N 850 W, Shippshewana. Section 15, Township 37N, Range 8E. The owners are Yoder, Ervin & Amanda. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

**FEBRUARY FINANCIAL STATUS**

Auditor Kay Myers informed the Commissioners the Auditor has reviewed the financial statements for the month ending February 29, 2016 and confirm that the fund balances agree with the County Treasurer's Daily Balance of Cash and Depositories in the amount of \$9,394,816.35 and investments of \$28,236,984.00. Mr. Terry Martin motioned to approve. Mr. Larry Miller seconded the motion which passed unanimously.

**COUNCIL ON AGING BID OPENING**

Christine Kristlieb, Region IIIA informed the Commissioners at the pre-bid meeting two contractors showed up, but no one has submitted any bids for the project. Ms. Kristlieb stated they will need to file an extension and rebid the project. Mr. Kevin Myers motioned to authorize Mr. Larry Miller to sign letter requested an extension of the bid deadline and authorize the rebid of the project. Mr. Terry Martin seconded the motion which passed unanimously.

**BOWDITCH PETITION TO VACATE**

Attorney Bill Eberhard presented a petition to vacate on behalf of Bowditch, Joseph. Mr. Terry Martin motioned to recess the meeting till April 4<sup>th</sup> meeting at 9:45 a.m. Mr. Kevin Myers seconded the motion which passed unanimously.

**BUESCHING PETITION TO VACATE**

Attorney Bill Eberhard presented a petition to vacate on behalf of Buesching, Kent & Judith. Attorney Eberhard explained the easement feeds into a corn field and does not serve the public with utilities or sewer. Requesting the Commissioners to close the easement to the public. Attorney Bachman asked for clarification how the property was split. There was much discussion between the Commissioner and Attorney Eberhard. Mr. Terry

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Martin motioned table until April 4<sup>th</sup> meeting for further review 10:00 am. Mr. Kevin Myers seconded the motion which passed unanimously.

**CONFLICT OF INTEREST STATEMENT**

Auditor Kay Myers presented a uniform conflict of interest statement form Judge Bowen-Slaven for the purchase of a clock for the Superior Court Room. Mr. Terry Martin motioned to accept. Mr. Kevin Myers seconded the motion which passed unanimously.

**CORRESPONDENCE**

LaGrange County Clerk of the Circuit Court – February, 2016 report  
LaGrange County Treasurer – February, 2016 report  
LaGrange County Weights and Measures – Jan 16 – Feb 15, 2016 report  
LaGrange County Weights and Measures – Feb 16 – Mar 15 2016 report  
Malcon – 4<sup>th</sup> Qtr Reimbursement amount  
Indiana Department of Environmental Management – Notice of Approval – Highland Ridge RV, Inc  
087-36623-00679

**ADJOURNMENT**

There being nothing further to come before the Board at this time, Mr. Terry Martin made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Kevin Myers seconded the motion and it carried unanimously.

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Larry N. Miller

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Terry A. Martin

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Kevin Myers

ATTEST:

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Kay M. Myers  
LaGrange County Auditor