

JANUARY 18, 2016

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, January 18, 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.

CIRCUIT COURT LIBRARY

Judge VanDerBeck requests authority to change the library on the second floor to conference rooms. He would like to dispose of the books; there is money from the jury fund for any necessary expenditure. Mr. Terry Martin made a motion to allow Judge VanDerBeck to change library to conference / jury room. Mr. Kevin Myers seconded the motion and it carried unanimously.

CANTEEN SERVICES CONTRACT

Mr. Kurt Bachman, County Attorney, presented contract for annual canteen services. Attorney Bachman noted the Iran clause is not included and recommends the subject to the Anti-investment in Iran clause. Mr. Terry Martin made a motion to approve and authorize president to sign subject to the Iran clause being added. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNCIL ON AGING

Ms. Cheri Perkins presented the 4th quarter claim for the 5311 grant for consideration. Ms. Perkins reviewed the number of trips in 2015. Mr. Terry Martin made a motion to approve the voucher and authorize president to sign. Mr. Kevin Myers seconded the motion and it carried unanimously.

COMMUNITY CORRECTION GRANT

Mr. Brett Hays, Community Correction Director reviewed the grant application and the positions requested. Mr. Kevin Myers made a motion to approve the community correction grant. Mr. Terry Martin seconded the motion and it carried unanimously.

PARK DEPARTMENT

Mr. Mike Metz requests authority to use the County Attorney for legal services on the transfer of the property for the additional Pine Knob property. Mr. Terry Martin made a motion to approve Attorney Bachman do the legal work. Mr. Kevin Myers seconded the motion and it carried unanimously.

Mr. Metz informed the Commissioners the parking lots at Dallas Lake are not markable for handicap areas; Mr. Metz would like to pave the entire parking lots, with the highway doing the paving. Mr. Terry Martin made a motion to approve paving the parking lots; to be paid out of cum cap. Mr. Kevin Myers seconded the motion and it carried unanimously.

IT EQUIPMENT PURCHASE

Mr. Bob Murphy requests approval to purchase two consolets for the E911 center for cost of \$17,840.42. Mr. Kevin Myers made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

NUISANCE HEARING

Attorney Bachman explained the purpose of the hearing and procedure to be used for the hearing. The Commissioners options are to affirm, modify, or rescind the Order issued by the LaGrange County Nuisance Enforcement Officer on December 8, 2015. Andrew S. Yoder was present in person. Ruth J. Yoder was present in person. The LaGrange County Nuisance Enforcement Officer, William Donald ("Don") Wismer, was also present in person. All of the witnesses were sworn in prior to providing testimony. Mr. and Mrs. Yoder are purchasing the real estate commonly known as 4185 E. US 20, LaGrange, Indiana 46761 by a land sale contract from Samuel Yoder. Don Wismer issued an Order on December 8, 2015 finding several nuisance violations and imposing a fine of \$500.00 per week.

Don Wismer presented testimony and evidence of his contacts, discussions, and inspections. Mr. and Mrs. Yoder participated in the hearing and presented testimony. After examining the evidence presented at the hearing on January 18, 2016 and being fully advised of the premises, the Commissioners found by a preponderance of the evidence that public nuisances continue to exist on the Real Estate as cited by the LaGrange County Nuisance Enforcement Officer. Such public nuisances are in violation of LaGrange County Ordinance No. 2015-11-02. The Order dated December 8, 2016 by the Nuisance Enforcement Officer imposing a fine of \$500.00 be week begin December 10, 2016 is **AFFIRMED**. The fine imposed for the public nuisances is **\$500.00 per week beginning December 10, 2016** and as of the date of this Order is at FOUR THOUSAND AND 00/100 DOLLARS (\$4,000.00). The fine is modified, however, as follows: The Commissioners find that \$1,000.00 of the fine is due and must be paid immediately. The Commissioners suspend the remaining amount of the fine and hold it in abeyance to give the Yoders an opportunity to abate the public nuisances. If Mr. Yoder and Mrs. Yoder pay the ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00) and have the Real Estate cleared of all public nuisances to the satisfaction of the Nuisance Enforcement Officer by the close of the business day on Monday,

JANUARY 18, 2016**REGULAR SESSION**

February 29, 2016, the remaining fine will be waived and the matter will be closed. If Mr. Yoder and Mrs. Yoder do not pay the fine of \$1,000.00 and remove all public nuisances from the Real Estate by the close of business on Monday, February 29, 2016, the full amount of the fine must be paid and will be due. Furthermore, the Commissioners recessed and continued the hearing until **Monday, March 7, 2016 at 9:00 A.M. EST.** without further notice. The hearing will reconvene at that time to review the status of the Real Estate. The hearing will be held in the Commissioners Room located in the County Office Building, 114 W. Michigan St., LaGrange, IN 46761. The Yoders acknowledged the continuation of the hearing.

Larry Miller asked for a firm date on when the Yoder's can have everything cleaned up. Mr. Yoder responded that he could have the real estate cleaned up by February 6, 2016. Kevin Myers made a motion to make a finding that public nuisances still exist on the property. Terry Martin seconded the motion and it carried unanimously. Kevin Myers made a motion to affirm the Order issued on December 8, 2015 subject to reducing and modifying the fine to \$1,000.00 if paid by the close of business on Monday, February 29, 2016 and the nuisances were abated on or before February 29, 2016. It was seconded and passed unanimously. Terry Martin made a motion to recess the hearing until March 7, 2016 at 9:00 AM EST. to review the status of the real estate. Kevin Myers seconded the motion and it carried unanimously. Kevin Myers made a motion to authorize the execution of an Order to be signed by Larry Miller on behalf of the Commissioners outside of a public meeting. Terry Martin seconded the motion and it passed unanimously. Commissioner Larry Miller explained to the Yoders the intent of these motions. Attorney Bachman also clarified that the \$1,000.00 must be paid by February 29, 2016 and the public nuisances abated to resolve this matter otherwise the full fine could be re-imposed.

200 N CONSTRUCTION AGREEMENT - 4th AMENDMENT

Mr. Rex Pranger, County Surveyor explained the original budget was in 2013, and there have been some significant changes since the original projection. Mr. Pranger explained the construction cost inspection is a percentage of the construction cost. The \$15,000.00 is put in if there are substantial changes in the project for engineering cost. Both changes are due to the concern of possible soil issues. Mr. Terry Martin made a motion to approve the fourth amendment to the agreement and authorize 3 commissioners to sign. Mr. Kevin Myers seconded the motion and it carried unanimously.

HEALTH DEPT

Mr. Alfredo Garcia, Health Dept request approval to combine two part time positions to one full time position. Health Board gave positive recommendation to come before the Commissioners. Mr. Terry Martin made a motion to give favorable recommendation to council on issue. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY DEPT

Highway Superintendent Randy VanWagner requests approval to purchase a new air compressor for the department. Mr. Terry Martin made a motion to approve the quote from Air Technologies for \$3,808.89. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. VanWagner requests approval to send 3 employees to Oregon IL for training of the new asphalt distributor in March. Mr. Kevin Myers made a motion to allow sending employees to training. Mr. Terry Martin seconded the motion and it carried unanimously.

COMMITTEE REPORTS

Mr. Terry Martin reported on the Health Board meeting and meeting with the township trustees.
Mr. Larry Miller reported on the Extension board meeting and the Farm Bureau Legislative Days.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kay M. Myers, County Auditor, presented the Accounts Payable Vouchers. Mr. Terry Martin made a motion to approve. Mr. Kevin Myers seconded the motion and it carried.

MINUTES

Mr. Terry Martin made a motion to approve the December 16, December 21, December 30, and January 4 regular meeting minutes and the January 7th special session minutes. Mr. Kevin Myers seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Terry Martin made a motion to approve the memorandum for the January 13 meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

Seybert Trail Subdivision

There is one lot in this subdivision, in VanBuren Township, located at north of 4340 W 450 N, Shipshewana. Section 32, Township 38N, Range 9E. The owners are Miller, David & Susan. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

Pletcher's Second Addition

JANUARY 18, 2016

REGULAR SESSION

There is one lot in this subdivision, in Newbury Township, located north east corner of CR 250 N and CR 850 W, Newbury. Section 10, Township 37N, Range 8E. The owners are Pletcher, Beverly / Pletcher, Douglas / Kime, Deanna. Mr. Kevin Myers made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

Replat of Plat of Lot 3, 1st Addition to Shady Acres

There are two lots in this subdivision, in Newbury Township, located 7670W 075 N, Shipshewana. Section 23, Township 37N, Range 8E. The owners are Bontrager, Mary Jane. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

BUGGY PLATE DESIGN

Mr. Terry Martin made a motion to approve a new design for buggy plates. Mr. Kevin Myers seconded the motion and it carried unanimously.

NOVEMBER FINANCIAL STATUS

Auditor Kay Myers informed the Commissioners the Auditor has reviewed the financial statements for the month ending August 31, 2015 and confirm that the fund balances agree with the County Treasurer’s Daily Balance of Cash and Depositories in the amount of \$9,933,520.35 and investments of \$28,236,984.00. Mr. Terry Martin made a motion to approve. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – December, 2015 report

LaGrange County Treasurer – December, 2015 report

LaGrange County Weights & Measures – December 16, 2015 - January 15, 2016 report

Indiana Department of Environmental Management – Notice of Approval – DS Corp. 087-36505-00086

Indiana Department of Environmental Management – Permit Application, Sanitary Sewer–
Town of Shipshewana

Indiana Department of Environmental Management – Notice of Approval – Four Woods Laminating, Inc. Plant 2- 087-36248-00065

Indiana Department of Environmental Management – Notice Receipt of Air Permit Application – Jayco, Inc 087-36627-00007

ADJOURNMENT

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

Larry N. Miller

Terry A. Martin

Kevin Myers

ATTEST:

Kay M. Myers
LaGrange County Auditor