

**MAY 16, 2016**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, May 16, 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.

**COMMUNITY CORRECTIONS GRANT**

Mr. Brett Hays presented information for the additional funding to be received for the community correction grant. Mr. Hays presented the revised FY 2017 budget for consideration and approval. Mr. Terry Martin made a motion to approve the 2017 budget. Mr. Kevin Myers seconded the motion and it carried unanimously.

**REMC ANNUAL MEETING**

Mr. Kurt Bachman, County Attorney, informed the Commissioners the annual meeting for REMC is in June, in the past a representative had been appointed. Mr. Kevin Myers made a motion to appoint Kurt Bachman as representative for LaGrange County. Mr. Terry Martin seconded the motion and it carried unanimously.

**LOIT SPECIAL DISTRIBUTION**

Mr. Kurt Bachman, County Attorney, presented the following ordinances for consideration:  
7315 LOIT FUND

**ORDINANCE NO. 2016-05-16 A**

AN ORDINANCE ESTABLISHING A LOIT 2016 SPECIAL DISTRIBUTION FUND IN THE COUNTY OF LAGRANGE, INDIANA, UNDER THE PROVISIONS OF I.C. §6-3.6-9-17

WHEREAS, Indiana Code §6-3.6-9-17 (the "Act") provides for a one-time special distribution to the County of LaGrange, Indiana (the "County"), from the LaGrange County, Indiana trust account maintained by the State of Indiana under the former local option income tax laws ("LOIT"); and

WHEREAS, pursuant to the Act, the County Auditor shall distribute to each taxing unit an amount equal to the taxing unit's allocation amount as determined by the State Budget Agency; and

WHEREAS, the Indiana State Budget Agency and the Indiana State Board of Accounts have issued memorandums regarding said one-time special distribution and the need for the County to establish a special fund to receipt and account for the one-time special distribution until distributed to the taxing units; and

WHEREAS, the County Commissioners of the County finds it necessary and in the public interest that the County establish a fund to receipt and account for the one-time special distribution until distributed the taxing units pursuant to the Act, said fund being entitled "LOIT 2016 Special Distribution Fund".

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

**SECTION I**

A fund is hereby established in the County to be known as the "LOIT 2016 Special Distribution Fund" for the purposes of receipting and accounting for the one-time special distribution until distributed by the County Auditor to the taxing units pursuant to the Act. The County Auditor is instructed to deposit the one-time special distribution received from the State of Indiana into said fund upon its receipt and to distribute said funds to the taxing units in the amounts as directed by the State Budget Agency.

**SECTION II**

The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.

**SECTION III**

No part of this Ordinance 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 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance 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 Ordinance are hereby declared to be severable.

**SECTION IV**

This Ordinance shall be effective upon promulgation according to law.

Mr. Terry Martin made a motion to approve the ordinance for fund 7315. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

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1229 FUND

**REGULAR SESSION**

**ORDINANCE NO. 2016-05-16 B**

AN ORDINANCE ESTABLISHING A LOIT SPECIAL DISTRIBUTION FUND IN THE COUNTY OF LAGRANGE, INDIANA, UNDER THE PROVISIONS OF I.C. §6-3.6-9-17

WHEREAS, Indiana Code §6-3.6-9-17 (the "Act") provides for a one-time special distribution to the County of LaGrange, Indiana (the "County"), from the LaGrange County, Indiana trust account maintained by the State of Indiana under the former local option income tax laws ("LOIT"); and

WHEREAS, pursuant to the Act, at least seventy-five percent (75%) of the one-time special distribution to the County must be restricted and used exclusively by the County for the purposes set forth in the Act; and

WHEREAS, the Indiana State Budget Agency and the Indiana State Board of Accounts have issued memorandums regarding said one-time special distribution and the need for the County to establish a special fund to receipt and account for the portion of one-time special distribution which is required to be restricted; and

WHEREAS, the County Commissioners of the County find it necessary and in the public interest that the County establish a fund to hold the restricted portion of the one-time special distribution, said fund being entitled "LOIT Special Distribution Fund".

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

**SECTION I**

A fund is hereby established in the County to be known as the "LOIT Special Distribution Fund" for the purposes of receipting and accounting for the portion of the one-time special distribution being made pursuant to the Act and which is required thereby to be restricted. The County Auditor is instructed to deposit seventy-five percent (75%) of the one-time special distribution to be distributed to the County into said fund upon its receipt.

**SECTION II**

The fund hereby established shall be used exclusively for: (i) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems; (ii) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects; (iii) any local costs required to undertake a recreational or reservoir road project under I.C. §8-23-5; (iv) the purchase, rental, or repair of highway equipment; (v) providing a match for a grant from the local road and bridge matching grant fund under I.C. §8-23-30; (vi) capital projects for aviation related property or facilities, including capital projects of a board of aviation commissioners established under I.C. §8-22-2 or an airport authority established under I.C. §8-22-3-1; (vii) or as otherwise allowed by law. Such monies may be invested in accordance with I.C. §5-13-9 *et seq.* Proceeds from such investments may be deposited in accordance with I.C. §5-13-9 *et seq.*

**SECTION III**

The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.

**SECTION IV**

No part of this Ordinance 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 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance 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 Ordinance are hereby declared to be severable.

**SECTION V**

This Ordinance shall be effective upon promulgation according to law.

Mr. Terry Martin made a motion to approve the ordinance for fund 1229 Special LOIT Distribution. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

**BLACK KNIGHT LITIGATION**

Mr. Kurt Bachman, County Attorney, informed the Commissioners due to a scheduling conflict Mr. Terry Martin is not able to attend the meeting for the Black Knight litigation. Mr. Kevin Myers made a motion to appoint Mr. Larry Miller. Mr. Terry Martin seconded the motion and it carried unanimously.

**JDAI GRANT**

Mr. Kurt Bachman, County Attorney, request the Commissioners approve retroactive to the May 11<sup>th</sup> the Auditor's signature on the grant. Mr. Terry Martin made a motion to approve the Auditor signing the JDAI grant retro to May 11<sup>th</sup>. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Bachman informed the Commissioners a program is in place thru the grant for home monitoring and is being requested for payment \$10,800.00 for half year. The agreement has already been signed by Gust Community Services and the JDAI

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Director. Mr. Terry Martin made a motion to approve and authorize president to sign the agreement for home monitoring. Mr. Kevin Myers seconded the motion and it carried unanimously.

**LAGRANGE COUNTY REDEVELOPMENT COMMISSION**

Mr. Kurt Bachman, County Attorney, informed the Commissioners there is a non- voting advisor from a local school board on the RDC with a two year term. The current person is Mr. Bob Murphy whose term ends in June. Mr. Kevin Myers made a motion to appoint Bob Murphy to the RDC. Mr. Terry Martin seconded the motion and it carried unanimously. The term will run for two years from June 1, 2016 thru May 1, 2018.

**COUNCIL ON AGING GRANT**

Mr. Kurt Bachman, County Attorney, request the Commissioners reject the current bids and authorize Region IIIA and DLZ to seek an extension. Attorney Bachman explained by reducing the scope of the project and rebidding it is hopeful the bids will come in under the grant award amount. Mr. Terry Martin made a motion to reject the current bids for the COA building. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Kevin Myers made a motion to request a grant extension. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Kevin Myers made a motion to authorize DLZ to work on the scope of the project. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to authorize and approve the execution of the standard sub recipient grant agreement between the Board of Commissioners and LaGrange County Council on Aging. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COUNTY BRIDGE #47 & #68**

Mr. Kurt Bachman, County Attorney, presented contracts for the following: for bridge #47 with USI Consultants for \$56,900.00 and bridge #68 with Butler, Fairman and Seufert, Inc for \$57,600.00 . Mr. Terry Martin made a motion to approve the contract with USI for bridge #47. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Kevin Myers made a motion to approve the contract with Butler, Fairman and Seufert, Inc for bridge #68. Mr. Terry Martin seconded the motion and it carried unanimously.

**COUNCIL ON AGING**

Ms. Cheri Perkins, Executive Director presented voucher for the van from 2015 grant. Mr. Terry Martin made a motion to the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HIGHWAY**

Mr. Randy VanWagner, Highway Superintendent, requested authorization to purchase a road striper for \$30,916.00. Mr. Terry Martin made a motion to accept the bids. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. VanWagner presented a request to purchase a new hydroscopic for \$360,000 with the new LOIT money along with a new 2017 tandem axle dump truck \$199,000. VanWagner request \$250,000 for additional road repair. Commissioners requests Mr. VanWagner develop a plan for new LOIT funds received and proposed expenditures.

**BOWDIT PETITION TO VACATE**

Attorney Bill Eberhard requested a recess until June 2016. Mr. Terry Martin made a motion to recess until June 20, 2016 at 9:30 a.m. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COMMITTEE REPORTS**

Mr. Larry Miller reported on the plat meeting.

**ACCOUNTS PAYABLE VOUCHERS**

Mrs. Kay 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 May 2<sup>nd</sup> regular meeting minutes. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Terry Martin made a motion to approve the memorandum for the May 11 meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**APRIL FINANCIAL STATUS**

Mrs. Kay Myers, County Auditor, informed the Commissioners the Auditor has reviewed the financial statements for the month ending April 31, 2016 and confirm that the fund balances agree with the County Treasurer's Daily Balance of Cash and Depositories in the amount of \$14,004,033.96 and investments of \$28,236,984.00. Mr. Terry Martin made a motion to approve. Mr. Larry Miller seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Clerk of the Circuit Court – April, 2016 report  
LaGrange County Regional Utility District– May 9, 2016 letter  
LaGrange County Treasurer – April, 2016 report

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LaGrange County Weights & Measures – April 16 – May 15, 2016 report

Indiana Department of Environmental Management – Notice of Public Comment – Jayco, Inc. - Topeka  
087-36627-00007

**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 R. Myers

ATTEST:

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Kay M. Myers  
LaGrange County Auditor