

**FEBRUARY 2, 2015**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, February 2, 2015, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, John A.(Jac) Price, Larry Miller, Terry Martin; and LaGrange County Auditor, Kay M. Myers. President John (Jac) Price, called the meeting to order and led those present in saying the Pledge of Allegiance to the Flag. Mr. Larry Miller made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

**BUILDING DEPARTMENT**

Mr. Tom Marks, Building Commissioner informed the Commissioners March 31, 2015 will be his last day. Mr. Marks recommends that Mr. Jason Boggs be considered as his replacement. Mr. Larry Miller made a motion to accept Tom Marks resignation at the end of March 2015 and consider Mr. Boggs for the position. Mr. Terry Martin seconded the motion which passed unanimously.

**PARK DEPARTMENT**

Mr. Mike Metz, Park Dept Director request the Commissioners consider updating 4 security systems for a total cost of \$2407.65. Mr. Terry Martin made a motion to accept the bid and give Mr. Metz authority to sign the bids. Mr. Larry Miller seconded the motion which passed unanimously. Mr. Metz requests authority to purchase targets for Pine Knob for \$4,425.00 from Rinehart. Mr. Terry Martin made a motion to approve the purchase and authorize Mr. Metz to sign the request. Mr. Larry Miller seconded the motion which passed unanimously. Mr. Mike Metz requests the Commissioners give him authorization to make Mr. Scott Beam vehicle as a take home vehicle. Mr. Larry Miller made a motion to approve the request. Mr. Terry Martin seconded the motion which carried.

**BUGGY PLATE**

Ms. Cassy Zuver requests the Commissioners consider amending the buggy plate ordinance to include a late fee for any plates, stickers purchased after May 15 and implement a replacement fee. There was discussion between the Commissioners. Mr. Larry Miller made a motion to have late fee as 10.00 and replacement fee as 20.00 affect May 16, 2015. Mr. Jac Price seconded the motion; motion carried which carried 2 to 1 with Mr. Terry Martin opposing. Attorney Bachman will amend the ordinance to be presented on 2/17/15.

**200 NORTH PROJECT**

Mr. Rex Pranger gave a brief review of the 200 North project; 45 parcels of land will need to be purchased, the title work has been completed, American Structure Point is developing the legal description which will then be moved to the County Attorney's office for creation of deeds and review of related legal matters. Mr. Larry Miller made a motion to proceed with the paperwork and authorize it to be forward to County Attorney's office. Mr. Terry Martin seconded the motion which passed unanimously.

**IT DEPARTMENT**

Mr. Bob Murphy presented request to purchase new court house security system for a total cost of \$45,632.00. Use of infraction deferral funds was discussed as well of Cum Cap fund. Mr. Terry Martin made a motion to approve the purchase anticipating funding from infraction deferral and cum cap funds. Mr. Larry Miller seconded the motion which passed unanimously. Mr. Murphy requests authority to begin phase one replacement of the computer system at the Sheriff Dept. Mr. Murphy presented the following quotes \$50964.64 CDWG, 52606.69 BizTech. Attorney Bachman informed the Commissioners because the purchase is over \$50,000 three quotes need to be obtained. Mr. Terry Martin motion to table until next meeting; Mr. Larry Miller seconded the motion which passed unanimously.

**JDAI GRANT PURCHASE**

Mr. Dave Judkins informed the Commissioners he has quotes for a log splitter to be purchased \$899.00 from Menards. Utility Vehicle for \$6850, trailer 7x12 box trailer \$2500.00 all equipment will become county property to be used by the Community Youth Program. Mr. Terry Miller stated he would prefer staying with LaGrange County business. There was discussion between the Commissioners regarding paying for the excess from another line in the grant. Mr. Terry Martin made a motion to authorize the items as discussed. Mr. Larry Miller seconded the motion which passed unanimously.

**MALCON**

Mr. Charles Malinowski of Malcon presented the new contract for consideration for the cost allocation plan. The projected reimbursement for 2015 will be \$62,000.00. The cost of the contract is \$5,600.00 and can be paid from the , the contract is for 3 years. Mr. Larry Miller made a motion to approve the contract with Malcon and authorize President to sign. Mr. Terry Martin seconded the motion which passed unanimously.

**SUBDIVISION PLATS**

The following subdivision plats were presented for approval:

**Yoder's Eden Estates**

There is one lot in this subdivision, in Eden Township, located on north side of CR 500 S, 500' east of SR 5, Topeka. Section 14, Township 36N, Range 8E. The owner is Sarah Yoder. Mr. Larry Miller made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

**Replat of D&E McKibbin Subdivision**

There are two lots in this subdivision, in VanBuren Township, located 3535 W 400 N, Shipshewana. Section 33, Township 38N, Range 9E. The owners are McKibbin, Dennis, Edna, Randy & Kimberly. Mr. Larry Miller made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously

Lambright’s River View

There is one lot in this subdivision, in VanBuren Township, located ½ mile west of CR 450 W, north side of CR 750 N, Shipshewana. Section 18, Township 38N, Range 9E. The owners are Lambright, Rick & Shari. Mr. Larry Miller made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

Mast’s Walnut Lane

There is one lot in this subdivision, in Clearspring Township, located 3650 W 600 S, Topeka. Section 28, Township 38N, Range 9E. The owners are Mast, Christy & Frieda. Mr. Larry Miller made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously

1<sup>st</sup> Addition to Yoder-Whetstone Subdivision

There is one lot in this subdivision, in Eden Township, located 8480 W 500 S, Topeka. Section 22, Township 36N, Range 8E. The owners are Lehman, Glen Ray & Carolyn. Mr. Larry Miller made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

**BOARD APPOINTMENT**

Board	Applicant	Made a motion	Second	Vote
Health Board	Jeff Bassett	Terry Martin	Larry Miller	Unanimous
Inn Keepers	Charles Ashcraft	Terry Martin	Larry Miller	Unanimous
LCRUD	Nancy Teagarden	Terry Martin	Larry Miller	Unanimous

**LIMA TWP FIRE TRUCK**

County Attorney Kurt Bachman informed the Commissioners there has been some difficulty working with the contractor in regards to the federal requirements of the grant. The contract is not ready to sign, and the funds have not been made available from Lima Twp.

**LAGRANGE CO. JAIL BUILDING CORP FIRST MORTGAGE REFUNDING BOND SERIES 2015**

Attorney Bachman informed the Commissioners there are several housekeeping matters on the Jail Building Corp that need to be addressed. Attorney Bachman informed the Commissioners new rules have made it more difficult for two commissioners who are leasing the building to sit on the Jail Building Corp Board. Attorney Bachman requests Terry Martin and Larry Miller resigns from the board and appoint Mr. Tracy Harker and Ms. Cassy Zuver. Mr. Terry Martin and Mr. Larry Miller resigned from the Jail Building Corp Board. Mr. Terry Martin recommended appointing Mr. Tracy Harker and Ms. Cassy Zuver to the board. Attorney Bachman confirmed Mr. Harker and Ms. Zuver’s willingness to serve on the board. Mr. Larry Miller seconded the motion which passed unanimously. Mr. Larry Miller made a motion to set a meeting for Jail Building Corp on Feb 9<sup>th</sup> following the Council meeting. Mr. Terry Martin seconded the motion which passed unanimously.

The County Attorney presented to the Board a financing plan prepared by Piper Jaffray & Co. regarding the potential of currently refunding the LaGrange County Jail Bldg. Corp. First Mortgage Refunding Bonds, Series 2005. At current market rates, Piper Jaffray & Co. estimated that on a proposed issue of Four Million Five Hundred Seventy-six Thousand Dollars (\$4,576,000.00), a net present value savings of approximately \$177,465.00 could be achieved if a current refunding were marketed today. The course of proceedings required to be taken in order to effect the refunding and recommendations for the County to follow were presented, reviewed, and discussed.

Thereafter, after discussion, and upon motion duly made by Larry N. Miller and seconded by Terry A. Martin, the following resolution was adopted by a vote of 3 ayes and 0 nays:

**WHEREAS**, the LaGrange County Jail Bldg. Corp. (the "Corporation") approved that certain Contract of Lease dated as of October 20, 1997, as amended (the "Lease"), between the Corporation, as Lessor, and LaGrange County, Indiana, by the Board of Commissioners of the County of LaGrange (the "County"), as Lessee; and

**WHEREAS**, the Corporation has heretofore issued pursuant to a Mortgage and Trust Indenture dated as of May 1, 1998, between the Corporation and Wells Fargo Bank (as successor to Norwest Bank Indiana, N.A.), as Trustee, (as amended and supplemented by a First Supplemental Mortgage and Trust Indenture dated as of May 1, 2005, the “Indenture”), its LaGrange County Jail Bldg. Corp. First Mortgage Refunding Bonds of 2005 (the “2005 Bonds”), in the aggregate principal amount of Eight Million Six Hundred Thirty Thousand Dollars (8,630,000.00); and

**WHEREAS**, on the date hereof, Four Million Three Hundred Ninety Thousand Dollars (\$4,390,000.00) aggregate principal amount of the 2005 Bonds remain outstanding; and

**WHEREAS**, it is in the best interest of the County to direct the Corporation to take all steps necessary to prepare for a current refunding of the 2005 Bonds, maturing April 1, 2015 and thereafter (the "Refunded Bonds") which will result in an interest cost savings over the life of the issue and will reduce the annual lease payments due from the County under the Lease.

**NOW, THEREFORE, BE IT RESOLVED**, that this Board and the County approves the current refunding of the Refunded Bonds and directs the Corporation to work with Piper Jaffray & Co. as placement agent, Peters Municipal Consultants, LTD as municipal advisor, Beers Mallers Backs & Salin, LLP as bond counsel and Corporation counsel, the County Attorney, and The Huntington National Bank and/or Wells Fargo Bank as trustee/escrow trustee, to refund the Refunded Bonds in accordance with the financing plan prepared by the placement agent and as presented at this meeting. The engagement letters for each of the above referenced services are hereby approved as presented at this meeting. The President of this Board is authorized to enter into such other engagements as is deemed necessary to undertake the refunding.

**BE IT FURTHER RESOLVED**, that this Board now authorizes an issue in the proposed amount of Four Million Five Hundred Seventy-six Thousand Dollars (\$4,576,000.00). Said proposed amount may be increased or decreased in an amount necessary to undertake the purpose of currently refunding the Refunded Bonds, provided that at such time as the sale of the issue at least a net present value savings of \$170,000.00 or more can be achieved.

**BE IT FURTHER RESOLVED**, that the issuance, sale and delivery by the Corporation of the Refunded Bonds, to be designated the LaGrange County Jail Bldg. Corp. First Mortgage Refunding Bonds, Series 2015 (the "Refunding Bonds"), is hereby approved. This Board hereby finds and determines that the issuance of the Refunding Bonds and the savings to be achieved thereby is in the public interest of the citizens of this County and is a proper public purpose, and that the issuance of the Refunding Bonds will not cause the annual lease payments payable by the County under the Lease to exceed the amount approved by the State Board of Tax Commissioners.

**BE IT FURTHER RESOLVED**, that the members of this Board are hereby authorized on behalf of this County to approve and execute any certificates and documents (including any filings for the purchase of State and Local Government Series (SLGS) and an amendment to the Lease or approval of an amendment or supplement to the Indenture) on behalf of the County in connection with the issuance of the Refunding Bonds and the current refunding of the Refunded Bonds. The members of this Board are authorized, for and in the name of the County and on its behalf, to sign and deliver an amendment to the Lease and to signify approval of an amendment or supplement to the Indenture in such form and with such changes therein that are not materially inconsistent with this Resolution and not substantially adverse to the County. The approval of such changes, and that such changes are not materially inconsistent with this Resolution and not substantially adverse to the County, shall be conclusively evidenced by the signing of any amendment to the Lease and signifying of approval of any amendment or supplement to the Indenture.

**BE IT FURTHER RESOLVED**, that the members of this Board, the County Auditor, the County Counsel and other County officials, as appropriate, are further authorized to sign any notices, certifications, financing statements, documents, instruments, bond purchase agreements, and opinions, and to take such other actions, as are desirable, advisable, necessary or appropriate to consummate the transactions contemplated by the Lease and this Resolution.

**BE IT FURTHER RESOLVED**, that the County will (i) cooperate with the Corporation in the preparation of, and the making of modifications, completions or changes of or supplements to, a private placement memorandum or other disclosure

document relating to the initial offering and sale of the Refunding Bonds, (ii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the sale of the Refunding Bonds, and (iii) sign certificates, statements or other documents in connection with the finality, accuracy and completeness of that disclosure document.

**BE IT FURTHER RESOLVED**, that: (i) the Refunding Bonds are not private activity bonds as defined in Section 141 of the Code; (ii) the reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax exempt leases but excluding private activity bonds) which will be issued by the County, and all entities subordinate to the County, if any, during the calendar year 2015 shall not exceed \$10,000,000.00; and (iii) the County will not designate more than \$10,000,000.00 of qualified tax-exempt obligations during the calendar year 2015. As such, the County hereby designates the Refunding Bonds constitute qualified tax-exempt obligations and are hereby designated as qualified tax exempt obligations for purposes of bank deductibility under Section 265(b)(3) of the Internal Revenue Code of 1986.

**BE IT FURTHER RESOLVED**, that each member of this Board is, alone or in conjunction with any other officer or employee of the County, authorized to cooperate with the Corporation and the Trustee by making, on behalf of the County, such covenants and representations in the amendment to the Lease as are appropriate and necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as obligations to which Section 103 of the Code applies, (b) the County may take or cause to be taken such actions that may be required of it for the interest on the Refunding Bonds to be and to remain excluded from gross income for federal income tax purposes, (c) the County will not take or authorize to be taken any actions that would adversely affect that exclusion, and (d) the County, or persons acting for it, will, among other acts of compliance, (i) apply or cause the application of the proceeds of the Refunding Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

**COMMITTEE REPORTS**

Mr. Terry Martin reported on the Park Board meeting.

Mr. Larry Miller reported on the plat committee, EDC, Soil & Water, drainage board, and Plan Commission meetings.

Mr. Jac Price reported on the Department Head, Mayor and Commissioners Caucus, and liability Insurance meetings.

**ACCOUNTS PAYABLE VOUCHERS**

Mrs. Kay M. Myers, County Auditor, presented the Accounts Payable Vouchers. Mr. Larry Miller made a motion to approve. Mr. Terry Martin seconded the motion which passed.

**MINUTES**

Mr. Larry Miller made a motion to approve the January 19<sup>th</sup> regular meeting minutes. Mr. Terry Martin seconded the motion which passed unanimously.

**MEMORANDUM**

Mr. Larry Miller made a motion to approve the memorandum for the January 28<sup>th</sup> meeting. Mr. Terry Martin seconded the motion which passed unanimously.

**LAGRANGE CO. EMPLOYEE BENEFIT PLAN**

Auditor Kay Myers presented Benefit agreement amendment #9 for the commissioner's consideration. Mr. Terry Martin made a motion to accept the additions to the policy. Mr. Larry Miller seconded the motion which passed unanimously.

**SHERIFF DEPT**

Sheriff Jeff Campos presented request to dispose of three additional vehicles with LaGrange County Dodge on trade in against the three vehicles on order. Mr. Terry Martin made a motion to accept Sheriff Campos's recommendation. Mr. Larry Miller seconded the motion which passed unanimously.

**FEBRUARY 2, 2015**

**REGULAR SESSION**

Sheriff Campos request authority to purchase 5 new light bars. Mr. Larry Miller made a motion to approve the purchase of 5 new light bars. Mr. Terry Martin seconded the motion which passed unanimously.

**CORRESPONDENCE**

Public Notice – Paul Schoure – Big Turkey Lake

Indiana Dept of Environmental Management – Notice of Public Comment – Jan 15, 2015 – Highland Ridge RV, Inc. 087-34865-00679

Indiana Dept of Environmental Management – Notice of Public Comment – Jan 16, 2015 – Four Woods Laminating, Inc. 087-34476-00036

Indiana Dept of Environmental Management – Notice of Public Comment – Jan 26, 2015 – ANR Pipeline Co. – LaGrange Compressor Station 087-35179-00004 & 087-35240-00004

Indiana Dept of Environmental Management – Notice of Decision – Approval – Yoder Wood Products, LLC 087-35270-00088

LaGrange Co. Weights & Measures – monthly report – Dec 16, 2014 thru Jan 15, 2015

**ADJOURNMENT**

There being nothing further to come before the Board at this time, Mr. Larry Miller 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.

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John A. Price

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Larry N. Miller

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Terry A. Martin

ATTEST:

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Kay M. Myers  
LaGrange County Auditor