

SEPTEMBER 19, 2016

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, September 19, 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, Mr. Larry N. Miller, Mr. Terry A. Martin, and Mr. Kevin R. Myers; and LaGrange County Auditor, Kay M. Myers. Mr. 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.

JUSTIN McCANN – NUISANCE HEARING

Mr. Kurt Bachman, County Attorney, discussed the ongoing Justin McCann Nuisance hearing, confirming the findings and affirming the order to pay a fine of \$300 per week. The nuisance has still not been abated. To enforce the fine and initiate clean-up of property would involve a civil suit seeking injunction. Mr. McCann's property address is 0645 E 600 N Howe Indiana. This matter was tabled until the October 3, 2016 Commissioner's meeting.

NATALIE MORRISON - LETTER

Mr. Kurt Bachman, County Attorney, discussed the need for a letter to Natalie Morrison, regarding the J-1 waiver for NEIMA (Northeast Internal Medicine Associates). NEIMA would like to hire Dr. Ahad Ayaz through the Indiana "State 30" Program. The letter to Natalie Morrison would state that LaGrange County needs physicians and that the LaGrange County Commissioners support the hiring of Dr. Ayaz. Mr. Terry Martin made a motion to approve the signing of the letter by the President of the Commissioners. Mr. Kevin Myers seconded the motion and it carried unanimously.

JUSTICE BUILDING

Mr. Kurt Bachman, County Attorney, has a resolution to send on to the Council regarding the building of the new Justice Building if the Commissioners are in favor. The money will be capitalized interest, which is borrowed up front, and the anticipated interest rate is 3.06%. A twenty year amortization on \$4,500,000 will add up to \$4,840,000. If there is a bond issuance of \$4,840,000.00 it will cost the taxpayer who has a house valued at \$100,000.00 who has filed for a mortgage and homestead deduction about an additional \$4.03 per year in taxes. If the house is valued at \$300,000 with both the mortgage and homestead deductions applied it will cost the taxpayer about an additional \$20.00 per year in taxes. Mr. Terry Martin made a motion to send to the Council with a positive recommendation. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNTY JUSTICE BUILDING - REIMBURSEMENT RESOLUTION

Mr. Kurt Bachman, County Attorney, explained that before the Council can proceed with a decision regarding the proposed Justice Building, the Commissioners need to sign a reimbursement Resolution. This resolution declares official intent to use lease financing and to go through the process of selling the bonds, and to authorize the reimbursement of the costs to the funds. The potential funds would include the Edit, Riverboat, Cumulative Capital Development, County General, and Rainy Day funds. If we use money in the next 18 months for any expenses incurred we need to be able to reimburse those funds. This resolution does not obligate the County to proceed forward with financing, just notifies the Council of their intent.

**COUNTY OF LAGRANGE
RESOLUTION NO. 2016-09-19**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE
REGARDING PERMITTING THE REIMBURSEMENT OF EXPENDITURES MADE PREPARATORY
TO THE SALE OF BONDS OR ENTERING INTO A LEASE PURCHASE AGREEMENT**

WHEREAS, the Board of Commissioners of the County of LaGrange (the "County"), intends to acquire, construct, and equip a justice center building for the location of administrative offices for both public and court related services and to pay the incidental expenses necessary to be incurred in connection therewith and on account of the issuance of the bonds or lease therefore (the "Project"); and

WHEREAS, the County intends to initially pay the costs of the Project from the County's EDIT Fund, and Riverboat Fund, and Rainy Day Fund, and Cumulative Capital Development Fund, and General Fund; and

WHEREAS, the County reasonably expects to reimburse certain costs of the Project with proceeds of long term financing issued by the County in the form of a bond or a lease purchase agreement; and

WHEREAS, the County expects to issue its long term financing by issuing bonds or entering into a lease purchase agreement for the project in an estimated maximum principal amount not to exceed Five Million Dollars (\$5,000,000.00); and

WHEREAS, the County intends that this Resolution constitute a declaration of official intent pursuant to Indiana Code 5-1-14-6(c) and Treasury Regulation §1.150-2(d); and

SEPTEMBER 19, 2016

REGULAR SESSION

NOW, THEREFORE, BE IT RESOLVED that the County hereby declares its official intent pursuant to Indiana Code 5-1-14-6(c) and Treasury Regulation §1.150-2(d) to: (i) undertake and complete the Project from the sources identified above; and (ii) reimburse certain costs of the Project with the proceeds of bonds or a lease purchase agreement for the Project in an estimated maximum amount not to exceed Five Million Dollars (\$5,000,000.00) in aggregate principal.

Mr. Terry Martin made a motion to approve the Resolution for reimbursement of expenditures for the building if the Council so decides. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

NUISANCE HEARING - JAMES HOUSH

Mr. Terry Martin made a motion to withdraw the hearing on Mr. James Housh. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNTY ROAD 700 NORTH – RIGHT OF WAY

Mr. Kurt Bachman discussed the apparent right of way for County Road 700 N (Cedar Lake Road) and State Road 9. Mr. Bachman's office has been working with ITRC and the engineer on the plans and specifications for the project. The first thing that the commissioners need to do is to pass a resolution to make the finding that an apparent right of way exists. Then the plans and specifications outlined by engineer Kim Jones with Jones, Petrie, and Rapinski with the legal description and maps needs to be approved. Then the preliminary finding of an apparent right of way including physical observations and the adoption of the written description and graphical representations need to be made by the Commissioners. Following that, Mr. Kurt Bachman will start the notice procedure and hearing, including notifying all of the property owners and putting the notices in the newspaper. Finally, the last step is working with the developer and the Utility District. The issue was tabled until the next Commissioner's Meeting so that Mr. Rex Pranger, Surveyor, and Mr. Randy VanWagner, Highway Superintendent, would have time to look at the information and give their input.

LANDFILL POST CLOSURE

Mr. Kurt Bachman, County Attorney, explained that per the landfill post closure agreement we are transferring the monies to Farmers State Bank to be held in trust. He stated that the trust agreement has been signed by Farmers State Bank and everything is in order. A grantor representative needs to be appointed; this person will not replace the trustee, but they are someone that the County appoints who will work with the trustee to determine how to invest the funds. The funds to invest are \$412,570.00. Mr. Bachman recommends appointing the County Treasurer, currently Vonda Akey, as the grantor representative. Mr. Kevin Myers made a motion to appoint the Treasurer as grantor representative. The motion was seconded by Mr. Terry Martin and it carried unanimously.

LOCAL OPTION INCOME TAX

Mr. Kurt Bachman, County Attorney, brought up the Local Option Income Tax public hearing which will be on October 10, 2016 at 9:00 a.m. The proposal is for a .25% income tax increase for public safety. The fund would be used for security and safety, which includes the Sheriff's retirement fund. It would generate approximately \$1.5 million, with about \$1.4 million going to the County and the rest split between the Towns based on their levy. This fund has to be passed by the Council. The commissioners decided to table the issue until the next staff meeting.

TELEPHONE SYSTEM

Mr. Bob Murphy discussed implementing a new Cisco phone system, which he believes is necessary because as of July parts and services are not available for the current system. He wants to switch out the phone system that was just installed at the Sheriff's department and install a new system so that their phone system matches the rest of the County's. The new system would meet the requirements that some department heads have requested. It will cost \$1,288.31 for the Sheriff's department swap; \$42,156.57 for the Courthouse, annex, highway, and health department's new systems; and \$9,800.00 for the installation services. Mr. Bob Murphy stated that the money is in the budget. Mr. Terry Martin made a motion to approve the purchase of the new telephone system. Mr. Kevin Myers seconded the motion and it carried unanimously.

COMMITTEE REPORTS

Mr. Terry Miller has a park board meeting on Thursday, September 22, 2016.

Mr. Kevin Myers reported on his Region 3A meeting from September 15, 2016

Mr. Larry Miller reported on his Plat Committee.

Mr. Terry Martin announced that he has a town hall meeting on September 28, 2016 at 6:00 p.m.

ACCOUNTS PAYABLE VOUCHERS

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

MINUTES

Mr. Kevin Myers made a motion to approve the August 15, 2016 and September 6, 2016 regular meeting minutes as well as the September 8, 2016 executive meeting minutes. Mr. Terry Martin seconded the motion and it carried unanimously.

SEPTEMBER 19, 2016

REGULAR SESSION

MEMORANDUM

Mr. Terry Martin made a motion to approve the memorandum for the September 14, 2016 meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

SUBDIVISION PLAT

The following subdivision plat was presented for approval:

K&L Schrock Subdivision

There is one lot in this subdivision, in VanBuren Township, located at .40 west of CR 500 W, south side of CR 450 N, Shipshewana, Indiana. Section 31, Township 38N, Range 9E. The owner is Wilma Jean Schrock. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE

Schwarz Law Office, PC – letter regarding Prentiss Cemetery
Mr. and Mrs. Max Miller – Letter regarding proposed new County Building
Notice of Public Hearing – LaGrange County Board of Zoning Appeals
HNTB Corporation – US 20 over Turkey Creek – Bridge Rehabilitation

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.

Larry N. Miller

Terry A. Martin

Kevin R. Myers

ATTEST:

Kay M. Myers
LaGrange County Auditor