

APRIL 15, 2019

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, April 15, 2019, 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 and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry Martin was absent. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Dennis Kratz made a motion to adopt the proposed agenda with flexibility. Mr. Larry Miller seconded the motion and it carried unanimously.

LAGRANGE COUNTY RC CLUB

Mr. Kurt Bachman, County Attorney, informed the Commissioners that the Certificate of Liability Insurance for the LaGrange County RC Club has been received effective March 31, 2019 and expiring March 31, 2020. Mr. Dennis Kratz made a motion to accept the insurance certificate. Mr. Larry Miller seconded the motion and it carried unanimously.

NUISANCE ORDER – GENE NEELY 3445 S 1145 E, LAGRANGE, INDIANA

Mr. Dennis Kratz made a motion to authorize the signing of the order on the Gene Neely property that was approved on April 1, 2019. Mr. Larry Miller seconded the motion and it carried unanimously.

USI CONSULTANTS, INC. – AGREEMENT FOR ENGINEERING SERVICES

Mr. Kurt Bachman, County Attorney, presented an amendment to the Agreement for Engineering Services from USI Consultants, Inc. The amendment will allow for additional services for preparation and submission of quarterly bridge reports to the State. Mr. Dennis Kratz made a motion to approve the agreement and authorize Mr. Terry Martin to sign the Agreement. Mr. Larry Miller seconded the motion and it carried unanimously.

COUNTY JUSTICE BUILDING

Mr. Jason Boggs, Building Commissioner, gave an update on the County Justice building. The contractor is now 12 days over the committed date of April 1, 2019. Mr. Dennis Kratz made a motion to authorize Mr. Kurt Bachman, County Attorney, to send a letter to the contractor notifying them of default. Mr. Dennis Kratz seconded the motion and it carried unanimously.

SHERIFF PURCHASE REQUESTS

Mr. Jeff Campos, County Sheriff, is requesting to purchase new cameras in the work release area of the jail. He presented a quote for the cameras from Tech Solutions in the amount of \$12,122.15 and he has the money in his budget. Mr. Dennis Kratz made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

Mr. Campos, is requesting to upgrade the video surveillance cameras for the detectives in the interview rooms. He presented a quote for the upgrade from Tech Solutions in the amount of \$10,690.76 and he has the money in his budget. Mr. Dennis Kratz made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

COUNCIL FOR DRUG FREE LAGRANGE COUNTY

Ms. Robinn Mitchell presented the Council for a Drug-Free LaGrange County grants being proposed for 2019. Mr. Dennis Kratz made a motion to approve the 2019 grant requests. Mr. Larry Miller seconded the motion and it carried unanimously.

JOINT ORDINANCE – REPAYMENT TO THE MAJOR MOVES CONSTRUCTION FUND

Mr. Kurt Bachman, County Attorney, presented the following Joint Ordinance for consideration:

COUNTY OF LAGRANGE

JOINT ORDINANCE NO. 2019-04-15

AN ORDINANCE PERMITTING THE REIMBURSEMENT OF PRIOR LOCAL MAJOR MOVES FUND MONEY TO FINANCE CONSTRUCTION OF THE LAGRANGE COUNTY JUSTICE CENTER BUILDING.

WHEREAS, the Board of Commissioners of the County of LaGrange (“Commissioners”) on behalf of the LaGrange County, Indiana (“County”) approved the construction of a County Justice Center Building (the “Project”) on September 19, 2016 via Resolution 2016-09-19;

WHEREAS, the County Council (“Council”) reapproved funding for the project at its August 13, 2018 regular meeting in an estimated total amount of Three Million, Eight Hundred Thousand Dollars (\$3,800,000.00, the “Loan Amount”);

WHEREAS, the Commissioners determined that the Project qualifies as an “economic development project” within the meaning of Indiana Code § 8-14-16-5(3);

WHEREAS, the County had been informed that there was sufficient money in the Local Major Moves Construction Fund (“Fund”) to pay for the Project, and that it would be in the best interests of the County in the reduction of interest and other borrowing costs to borrow money from the Fund rather than secure money from a third-party provider;

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WHEREAS, pursuant to IC § 8-14-16-4(f), the Council must consult the Commissioners before making an appropriation from the Fund;

WHEREAS, pursuant to County Joint Ordinance 2012-10-10, an appropriation may be made from the Fund only upon passage of an ordinance, resolution, or other action passed by at least a combined vote of eight (8) members (at least two (2) of which must be Commissioners) of the Commissioners and Council;

WHEREAS, pursuant to Indiana Code § 36-2-6-18, the Council may pass an ordinance to make loans for the purpose of procuring money to be used in the exercise of County powers and for the payment of County debts;

WHEREAS, the County believes that a temporary loan should be made to the County in an amount equal to the Loan Amount from the Fund, which loan should be repaid or reimbursed over a period of 15 years beginning in January 2020 at an interest rate of 2.5%.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE AND BY THE COUNTY COUNCIL OF LAGRANGE, COUNTY, INDIANA, JOINTLY, THAT:

SECTION I

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- “Fund” means the local Major Moves Construction Fund established by County Joint Ordinance 2012-10-10.
- “Loan Amount” means the amount that the Council appropriated from the Fund for the financing of the Project.
- “Project” means the planning and construction from around 2016-19 of a building known as the LaGrange County Justice Center and also comprising its adjacent structures and land.
- “Reimburse” to make a Reimbursement payment.
- “Reimbursement” means the process established by this ordinance to Reimburse money appropriated by the County and thereafter expended for the construction of the Project.

SECTION II

The Commissioners and Council find that the above recitals are true and correct and hereby incorporate the recitals into this ordinance in their entirety.

SECTION III

The Commissioners and Council declare their intent to Reimburse the Fund for monies received from prior appropriations from the Fund for completion of the Project, plus reasonable interest thereon. Despite the limiting provisions contained in this ordinance, this ordinance shall serve as a *de facto* promissory note to the Fund.

SECTION IV

- A. The Auditor shall Reimburse the Fund for the Loan Amount as follows:
1. starting in January 2020, by making 14 consecutive yearly payments of principal of Two Hundred Fifty-Three Thousand, Three Hundred Thirty-Three and 33/100 Dollars (\$253,333.33) each from the General Fund to the Fund on a date within the respective year that the Auditor deems most beneficial to the County;
 2. making a final 15th payment of \$253,333.38 from the General Fund to the Fund during the 15th year;
 3. for each payment made pursuant to this section, paying reasonable interest thereon to the Fund at a rate of 2.5% per annum calculated on a 360-day basis; *and*
 4. taking all further action necessary or customary for completing the Reimbursement.
- B. The Auditor and the Presidents of the Commissioners and Council are authorized to sign any documents needed to give effect to this ordinance outside a Council meeting.
- C. Except as provided for elsewhere in this ordinance, should the Auditor fail to make a Reimbursement payment as scheduled:
1. the Auditor shall cause the overdue Reimbursement payment to be paid if the payment can be made within 30 days of being past due;
 2. the Auditor shall notify the Council of the overdue Reimbursement payment if the payment cannot be made within 30 days of being past due; *and*
 3. the Council shall determine whether any missed payment under Subsection (C)(2) should be repaid according to the then-current Reimbursement schedule or instead added as an additional payment due after the end of the current schedule.
- D. There shall be no penalty for any authorized prepayment as part of the Reimbursement.

SECTION V

- A. If the Council should find that any amount to be transferred as part of the Reimbursement would impair the County's ability to satisfy any other debt, liability, or obligation, the Council may, at such time, suspend a prospective Reimbursement payment by motion.

- B. The effect of a suspension in the Reimbursement under this section is:
 - 1. to nullify the obligation to make a Reimbursement payment during a suspension;
 - 2. to nullify the effect of any interest rate on the Reimbursement, such that the first day after any suspension shall be treated as the first day of such suspension; *and*
 - 3. to extend the 15-year Reimbursement period by a number of years equal to the years in which Reimbursement was suspended.
- C. A Reimbursement suspension under this section lasts one calendar year.
- D. In the year immediately following a Reimbursement suspension, the Council shall:
 - 1. make the next required payment pursuant to the terms of this ordinance;
 - 2. make a motion to renew a Reimbursement suspension for up to an additional year; *or*
 - 3. through power hereby granted, unilaterally repeal this ordinance, thus removing the need to make future Reimbursement payments pursuant to this ordinance.
- E. Should the Fund cease to exist or should the County declare bankruptcy, this ordinance shall be automatically repealed *ipso facto*.

SECTION VI

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of the) LaGrange County (Indiana).”
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Severability. 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.
- C. Effective Date. This ordinance shall be effective upon passage.

Mr. Dennis Kratz made a motion to approve the Joint Ordinance as presented. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY PURCHASE REQUESTS

Mr. Bob Murphy, Information Technology Director, requested permission to purchase new host servers for the Courthouse and Annex in the amount of \$40,812.70, hardware for the Justice Building equipment in the amount of \$13,603.04, and antivirus upgrades in the amount of \$3,960.00, all from BizTech and he has the money in his budget. Mr. Dennis Kratz made a motion to approve the purchases. Mr. Larry Miller seconded the motion and it carried unanimously.

HEALTH DEPARTMENT – VACCINE

Mrs. Deb Grossman, Health Department Nurse, explained that currently the Commissioners purchase flu vaccine out of the Commissioner’s budget. The Health Department is requesting that the vaccine be purchased out of the Health Department budget since the majority of the vaccine is for the public as opposed to County employees. The Health Department would then bill the Commissioners for the County portion. Mr. Dennis Kratz made a motion to approve the request. Mr. Larry Miller seconded the motion and it carried unanimously.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

Sunrise View

There is one lot in this subdivision, in Clay Township, located at 1780 S 375 W, LaGrange. Section 32 & 33 Township 37N, Range 9E. The owners are Johnnie and Susan Yoder. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

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Sandy Acres School

There is one lot in this subdivision, in Bloomfield Township, located at 3175 N 100 E, LaGrange. Section 5 Township 37N, Range 10E. The owners are Steven and Ruth Yoder. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Dennis Kratz made a motion to approve the vouchers. Mr. Larry Miller seconded the motion and it carried unanimously.

MARCH 2019 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending March 31, 2019, in the amount of \$23,335,985.63 and investments of \$20,754,000.00. Mr. Dennis Kratz made a motion to approve the report. Mr. Larry Miller seconded the motion and it carried unanimously.

MINUTES

Mr. Dennis Kratz made a motion to approve the minutes of the April 1, 2019 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the April 10, 2019 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – March 2019 report

LaGrange County Treasurer – March 2019 report

Correspondence from Keith Miller – reference commercial dog breeding facility

Indiana Department of Environmental Management – Receipt of Air Permit Application, Walnut Grove Finishing

Indiana Department of Environmental Management – Letter in reference to LaGrange County Landfill,

Monitoring Well Clearing

Indiana Department of Environmental Management – Letter in reference to LaGrange County Landfill,

Digital Data and Report for March 2019 Surface Water Sampling Event

US Army Corps of Engineers – Public Notice – Pigeon Creek

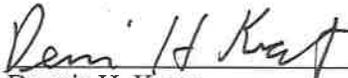
ADJOURNMENT

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

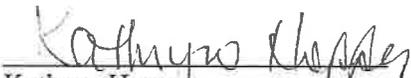

Larry N. Miller

Absent

Terry A. Martin


Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor