

JULY 15, 2019

REGULAR SESSION

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

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

Mr. Kurt Bachman, County Attorney, explained that the nuisance issue is on the agenda for review today. Mr. Terry Martin made a motion to table the nuisance matter for three months. Mr. Dennis Kratz seconded the motion and it carried unanimously.

COUNTY ENGINEER

Mr. Terry Martin made a motion to obtain a recruiter to assist in the hiring of a County Engineer. Mr. Dennis Kratz seconded the motion and it carried unanimously.

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 2nd quarter voucher for the transportation grant. Mr. Terry Martin made a motion to approve the voucher. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Mrs. Perkins presented the annual report to the Commissioners.

COURTHOUSE RESTORATION FUND ORDINANCE

Judge Lisa Bowen-Slaven, Superior Court Judge, explained that she will be receiving a \$5,000 grant from the LaGrange County Community Foundation to be used towards the restoration of the Courthouse. Mr. Kurt Bachman, County Attorney, presented the following Ordinance to create a fund for the grant:

COUNTY OF LAGRANGE
ORDINANCE NO. 2019-07-15

AN ORDINANCE CREATING A COURTHOUSE RESTORATION FUND.

WHEREAS, the Board of Commissioners of County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”) desire and find it in the public interest to restore the LaGrange County Courthouse (“Courthouse”);

WHEREAS, the LaGrange County Community Foundation has indicated a desire to donate money to facilitate the restoration;

WHEREAS, pursuant to IC § 36-1-4-10, the County may accept donations of money or other property and execute any documents necessary to receive money or other property from the state or federal government or any other source;

WHEREAS, pursuant to IC § 36-1-3-4(b)(2), the County has all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, desire to create a nonreverting fund to house grants, donations, and other non-County money received for the purposes of the Courthouse restoration; *and*

WHEREAS, the Commissioners desire to repeal and replace a disused fund of a similar name and purpose that has incompatible restrictions.

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

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SECTION I

The Commissioners hereby repeal, in full, County Joint Ordinance 2001-12-17.

SECTION II

- A. Definitions. As used in this section, "Court" refers to the LaGrange County Circuit Court and the LaGrange County Superior Court, and their respective sitting judges, individually or collectively.
- B. Creation. The Auditor shall create the Courthouse Restoration Fund ("Fund") into which shall be deposited all gifts, donations, grants, and loans received by the County and/or the Court that are intended to support Courthouse restoration projects.
- C. Purpose. Money in the Fund shall be used for promotional, educational, training, environmental, and administrative purposes including, but not limited to: preservation and restoration of the Courthouse and its relics; promotional and public relation activities relating to the Courthouse restoration; educational activities relating to the Courthouse history; and administrative and other incidental expenses of the Fund or the Courthouse that relate to its restoration.
- D. Restrictions. When depositing any gift, donation, grant, and loan into the Fund, the Court shall notify the Auditor of any spending restrictions relating thereto. Fund expenditures shall conform to any such restrictions.
- E. Warrants. No money shall be dispensed from the Fund without a warrant from the Auditor, based on the Court's prior written request, directing the Treasurer to transfer money from the Fund to the Court.
- F. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.
- G. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- H. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

SECTION III

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, program, department, office, employee, or public servant, 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, court, office, 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.

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

COUNTY JUSTICE BUILDING

Mr. Jason Boggs, Building Commissioner, gave an update on the County Justice building.

BUILDING COMMISSIONER

Mr. Jason Boggs, Building Commissioner, explained that he has a conflict of interest with an upcoming project. He is working with the Elkhart County Building Department on an Interlocal Agreement. Mr. Terry Martin made a motion to approve, pending approval of legal counsel, and to sign outside of a public meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

PROSECUTOR – FURNITURE PURCHASE REQUEST

Ms. Suellyn Mickem, Office Manager, was present. She is requesting to purchase office furniture for the new offices in the amount of \$16,897.73 from Quill out of the Pretrial Diversion Fund. She presented quotes from several suppliers; however, the quote from Quill has everything include that is needed. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

SURVEYOR – GPS UNIT

Mr. Zach Holsinger, County Surveyor, presented 3 quotes for a GPS. The quote from Topcon Solutions Store is for \$15,775 and although not the lowest quotes, he feels this is the best quote. The company is out of Niles, Michigan, which would be close should the unit require service. Mr. Dennis Kratz made a motion to approve the purchase from Topcon Solutions Store. Mr. Terry Martin seconded the motion and it carried unanimously.

DRAINAGE

Mr. Zach Holsinger, County Surveyor, is requesting to spend up to \$5,000 on drainage projects without the approval of the Drainage Board. Mr. Dennis Kratz made a motion to approve spending up to \$5,000 without the approval of the Drainage Board. Mr. Terry Martin seconded the motion and it carried unanimously.

PARK – GRANT REQUEST

Mr. Mike Metz, Park Director, requested permission to apply for a grant from the US Fish and Wildlife Service. The grant would be for \$350,000 for land acquisition for the Larimer Fen. Mr. Terry Martin made a motion to approve applying for the grant. Mr. Dennis Kratz seconded the motion and it carried unanimously.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

Nofziger Fawn River Subdivision

There is one lot in this subdivision, in VanBuren Township, located at 6155 W 700 N, Shipshewana. Section 13, Township 38N, Range 8E. The owner is Nofziger Farms, Inc. Mr. Dennis Kratz made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

Long Lane Furniture

There is one lot in this subdivision, in Newbury Township, located west of 0700 S State Road5, Shipshewana. Section 27, Township 37N, Range 8E. The owners are Laverne and Miriam Bontrager. Mr. Dennis Kratz made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

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PETERSON CONSULTING SERVICES, INC. – AGREEMENT FOR CAPITAL ASSETS

Mrs. Kathryn Hopper, County Auditor, presented an agreement with Peterson Consulting Services, Inc. for preparation of a capital asset plan for LaGrange County. The cost for the services for 2019 is \$3,725, plus out of pocket expenses. Mr. Terry Martin made a motion to approve the agreement and to authorize the President to sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

2020 STATEMENT OF SALARIES AND WAGES

Mrs. Kathryn Hopper, County Auditor, presented the 2020 Statement of Salaries and Wages. Mr. Terry Martin made a motion to recommend a 3% increase for County employees for 2020. Mr. Dennis Kratz 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. Terry Martin seconded the motion and it carried unanimously.

JUNE 2019 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending June 30, 2019, in the amount of \$35,316,376.70 and investments of \$14,500,000.00. Mr. Terry Martin made a motion to accept the report. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MINUTES

Mr. Terry Martin made a motion to approve the minutes of the July 1, 2019 meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the July 10, 2019 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – June 2019 report
LaGrange County Treasurer – June 2019 report
Indiana Department of Environmental Management – Notice of Approval, Soil Solutions, Co., Shipshewana, Indiana, Initial Permit, Permit Number 087-41183-00701
Indiana Department of Environmental Management – Notice of Approval, Lake Area Designs, LLC, LaGrange, Indiana, Permit Number 087-41460-00678
US Army Corps of Engineers - Joint Public Notice – Paludis Farms, LLC – to develop a mitigation banking instrument that would operate within the State of Indiana, providing wetland mitigation credits.

ADJOURNMENT

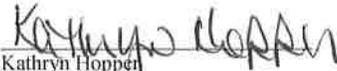
There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.


Larry N. Miller


Terry A. Martin


Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor