

**APRIL 4, 2016**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, April 4, 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 N. Miller, Terry A. Martin, 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.

**LICENSE AGREEMENT API CONSTRUCTION CORP**

Mr. Kurt Bachman, County Attorney, presented a license agreement with API Construction Corp to allow them to put a work trailer on County property for a \$10.00 fee thru October 31, 2016. Mr. Terry Martin made a motion to approve the agreement with API and authorize president to sign. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SOUTH MILFORD ROAD PROJECT**

Mr. Kurt Bachman, County Attorney, informed the Commissioners one of the appraiser appointed for the South Milford project will not be able to complete the appraisal in the timeframe required. Attorney Bachman presented the following resolution:

RESOLUTION 2016-04-04

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE AMENDING RESOLUTION 03-21-2016 AND DECLARING THE COUNTY'S INTEREST IN THE PURCHASE OF SPECIFIED LAND AND APPOINTING APPRAISERS.

WHEREAS, the Board of Commissioners of the County of LaGrange has been vested with the power to acquire and own interests in real property under Indiana Code §36-1-3 *et seq.*; and

WHEREAS, the Board of Commissioners of the County of LaGrange desire to purchase certain real property more particularly described on Exhibits "A" and "B" attached hereto (the "Real Estate") and subject to approval with certain legal requirements and other conditions, one of which is the appraisals; and

WHEREAS, the County Council of the County of LaGrange, Indiana, as the fiscal body for the County, passed a Resolution to the effect that the County is interested in making a purchase of the Real Estate, as required under Indiana Code § 36-1-10.5-5; and

WHEREAS, LaGrange County desires to purchase the Real Estate for the South Milford Mill Street widening road project which is intended to enhance the safety of traveling on State Road 3 and Mill Street; and

WHEREAS, the Board of Commissioners of the County of LaGrange, Indiana, finds it in the public interest to initiate formal procedures to purchase the Real Estate; and

WHEREAS, the Board of Commissioners of the County of LaGrange adopted Resolution 03-21-2016 declaring an interest in the Real Estate and appointing appraisers; and

WHEREAS, the Board of Commissioners of the County of LaGrange has been advised that one of the appraisers, Debra Lambricht is not able to assist with this project; and

WHEREAS, the Board of Commissioners of the County of LaGrange have to appoint a new appraiser.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, THAT RESOLUTION 03-21-2016 IS HEREBY AMENDED AND RESTATED AS FOLLOWS:

**SECTION I**

The County Commissioners of the County of LaGrange, Indiana, hereby declares its interest in acquiring the Real Estate and authorizes negotiations and acquire the Real Estate.

**SECTION II**

Pursuant to Indiana Code §36-1-10.5-5, two (2) appraisers will need to appointed to appraise the fair market value of the Real Estate. The appraisers must be professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under Indiana Code § 25-34.1. The Board of Commissioners of the County of LaGrange hereby appoints Stephanie Young with Caldwell Appraisals, Inc. and Jerry Stanner, Stanner Appraisal Service, Inc. as appraisers to appraise the Real Estate. The appraisers shall return their separate appraisals within thirty (30) days of their appointment. Copies of said appraisals shall also be filed with the County Council. The real estate shall not be purchased for a price greater than the average of the two (2) appraisals received. After the appraisals have been completed and returned, the appraisals shall be kept on file in the office of the Auditor of the County of LaGrange, Indiana, for a period of five (5) years from the date of their submission.

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SECTION III

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

Exhibit "A"

LOT 35 and PART OF THE MILL LOT as shown on the PLAT of SOUTH MILFORD, INDIANA according to said plat as it is recorded in Plat Book 1, page 15, in the LaGrange County Recorder's Office, described as follows:

Beginning at the Southeast corner of Lot 35 in said Plat of South Milford, Indiana; thence 89°06' West along the North right of way line of Mill Street (County Road 760 South) 132.00 feet to the Southeast corner of land described in Document #83-12-14 and owned by Larry and Bettina Handshoe; thence North 00°00'00" East 150.70 feet (recorded North 151 feet) to the Southerly line of existing railroad right of way; thence South 76°45' East along said Southerly right of way line 135.59 feet to a point on the West line of State Rd #3 (Main Street); thence South 00°00'00" West along said West right of way line 121.70 feet back to the point of beginning, containing 0.41 acres, more or less.

Exhibit "B"

One and one-half feet by parallel lines immediately South of twenty-five feet off the North side of Lot Number 36 in the original plat of the village of South Milford, LaGrange County, Indiana. ALSO Twenty-five (25) feet by parallel lines off of the North side of Lot Number 36 in the village of South Milford.

ALSO:

The Southern most portion of Mill Street in the original plat of the village of South Milford, LaGrange County, Indiana, bounded as follows:

Beginning at the northeast corner of Lot #36 in said plat; thence west 132 feet to the West boundary of Lot #36; thence North 10 feet; thence East on said Mill Street to the State Road 3 right of way; thence South 10 feet to the point of beginning.

Mr. Kevin Myers made a motion to approve and sign the resolution. Mr. Terry Martin seconded the motion and it carried. Mr. Terry Martin made a motion to waive second reading. Mr. Kevin Myers seconded the motion and it carried.

**JAIL BUILDING CORP**

Mr. Kurt Bachman, County Attorney, inquired if the Commissioners would like to reappoint the following Jail Building Corp members: Tracy Harker, Mike Strawser and Cassy Zuver. Mr. Kevin Myers made a motion to reappoint the current Jail Building Corp members. Mr. Terry Martin seconded the motion and it carried unanimously.

**HIGHWAY DEPT SUMMER HOURS**

Commissioner Kevin Myers stated he would approve the highway department summer hours from June 6 thru September 2 . There was much discussion between the commissioners and Highway Superintendent Randy VanWagner. Mr. Terry Martin made a motion to approve the summer hours May 9<sup>th</sup> thru Sept 2. Mr. Larry Miller seconded the motion and it carried; Mr. Kevin Myers voted against.

**MASTERS TOUCH CONTRACT – FORM 11**

Mr. Kurt Bachman, County Attorney, informed the Commissioners his office has reviewed the contract with Masters Touch for the Form 11's. Mr. Terry Martin made a motion to accept the contract with Masters Touch LLC. Mr. Kevin Myers seconded the motion and it carried unanimously.

**INDIAN TRAILS**

Mr. Mario Vian, Indiana Trails requests the Commissioners endorse a bike trail that has been mapped out thru LaGrange County that will cross the State of Indiana and request the Commissioners sign a document. Commissioner Miller request Mr. Vian return in May to allow the commissioners time to discuss.

**200 N**

Mr. Rex Pranger, County Surveyor, informed the Commissioners there has been one landowner to who has not been paid for his fence, and request the land owner be paid. Mr. Pranger explained the fence was on the county's right of way that was not acquired for the project. Mr. Kevin Myers made a motion to pay for the fence. Mr.

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Larry Miller seconded the motion. Mr. Kevin Myers withdrew his motion after discussion. Mr. Larry Miller made a motion to pay if landowner rebuilds the fence then the county will pay up to 500.00. Mr. Kevin Myers seconded the motion: motion passed Mr. Terry Martin voted against.

**SHERIFF DEPT**

Mr. Jeff Campos, County Sheriff, request approval to purchase a new transport vehicle and dispose of the current vehicle to Council On aging (COA). Mr. Terry Martin made a motion to approve the purchase of a new vehicle and donate currant vehicle to COA. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COUNCIL ON AGING- BID OPENING**

Mr. Larry Miller opened the following bids:

<u>Company</u>	<u>Location</u>	<u>Bid</u>
Shawnee Construction & Engineering	Fort Wayne, IN	720,000.00
Anchor Construction, LLC	Granger, IN	756,460.00

Mr. Kevin Myers made a motion to take the bids under advisement. Mr. Terry Martin seconded the motion and it carried unanimously.

Attorney Bachman presented a certificate of accessibility for signature. Mr. Terry Martin made a motion to authorize signing the document. Mr. Kevin Myers seconded the motion, made a motion carried.

Ms. Cheri Perkins, Council on Aging Executive Director presented notice of deobligation of transit grant funds for signature. Mr. Kevin Myers made a motion to sign the de-obligation of transit funds agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

**HIGHWAY DEPT**

Mr. Randy VanWagner, Highway Superintendent, informed the Commissioners he has received the request for no further action on the underground storage tanks.

**COMMITTEE REPORTS**

Mr. Terry Martin reported on the Park Dept. and the LCRUD meeting.  
Mr. Larry Miller reported on the Soil & Water, plan commission and plat meetings.

**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.

**MINITUES**

Mr. Terry Martin made a motion to approve the March 21<sup>st</sup> regular meeting minutes and the Joint February 9<sup>th</sup> meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Terry Martin made a motion to approve the memorandum for the March 30 meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**NOVEMBER FINANCIAL STATUS**

Auditor Kay Myers informed the Commissioners the Auditor has reviewed the financial statements for the month ending March 31, 2016and confirm that the fund balances agree with the County Treasurer's Daily Balance of Cash and Depositories in the amount of \$8,814,870.66 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.

**CHILD ABUSE PREVENTION**

Mr. Terry Martin made a motion to allow candle light vigil at the courthouse on April 16, to promote child abuse prevention awareness. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MOBELY PETITION TO VACATE**

Attorney Bill Eberhard presented a petition to vacate on behalf of Sandra Mobley and Paul Affolder. Mr. Kevin Myers made a motion to approve the petition to vacate subject to the ordinance being revised. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Kevin Myers made a motion to waive second reading. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to authorize signing the resolution outside of the public meeting.

**BOWDITCH PETITION TO VACATE**

Attorney Bill Eberhard requests to postpone the Bowditch petition to vacate to May 2<sup>nd</sup>. Mr. Kevin Myers made a motion to recess the Bowditch hearing and reconvene at 9:45a.m. on May 2<sup>nd</sup>. Mr. Terry Martin seconded the motion and it carried unanimously.

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**SUBDIVISION PLATS**

The following subdivision plats were presented for approval:

**1<sup>st</sup> Addition to Pine Hollow**

There is one lot in this subdivision, in VanBuren Township, located northeast corner of CR1150 W & SR 120, Middlebury. Section 19, Township 38N, Range 8E. The owners are Miller, Maynard & Clara. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

**BUTLER FAIRMAN SEUFERT**

Toby Steffen of Butler Fairman Seufert stated several years ago they presented a contract for bridge 68 located in Mongo and would like to know the status of contract. Mr. Steffen reviewed the previous scope of work.

**CORRESPONDENCE**

LaGrange County Clerk of the Circuit Court – March 2016 report

LaGrange County Treasurer – March 2016 report

Mediacom – March 21, 2016 letter

Century Link – May 1, 2015 letter

D&B Environmental Services, Inc – March 21, 2016 letter

Indiana Department of Environmental Management – Notice of Public Comment – ANR Pipeline Company  
087-36669-00004

US Army Corps of Engineers – Browning Construction – development of bulk industrial warehouse.

Four Woods Laminating, Inc.

**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