

FEBRUARY 20, 2017

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, February 20, 2017, 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, Kay M. Myers. Mr. Terry A. Martin was absent. Mr. Larry Miller called the meeting to order and led those present 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.

SOUTH MILFORD PROJECT - USI CONSULTANTS, INC.

Mr. Kurt Bachman, County Attorney, explained that it has been determined that sanitary sewer relocation is required for the County Road 760 South improvements in South Milford, from County Road 795 E to State Road 3. He presented a supplemental agreement from USI Consultants, Inc. increasing the original agreement \$15,000.00. Mr. Dennis Kratz made a motion to approve the supplemental agreement. Mr. Larry Miller seconded the motion and it carried unanimously.

COUNTY ROAD 700 NORTH AND 375 EAST

Mr. Kurt Bachman, County Attorney, explained issues with the water permit at County Road 700 South and County Road 375 East. Mr. Dennis Kratz made a motion to approve the water permit and allow the contractor to go outside the paved portion of the right of way as long as the LaGrange County Regional Utility District takes full responsibility, and subject to approval of the County Engineer and County Attorney. Mr. Larry Miller seconded the motion and it carried unanimously.

REAL PROPERTY LEASE - CASS LAKE

Mr. Kurt Bachman, County Attorney, presented a lease between the LaGrange County Commissioners and the Department of Natural Resources for public access at Cass Lake. The lease is for 4 years commencing February 2, 2017 and ending on February 1, 2021. Mr. Dennis Kratz made a motion to approve the lease and have the Commissioners sign. Mr. Larry Miller seconded the motion and it carried unanimously.

PETITION TO VACATE – PORTION OF ALLEY IN WERT’S 1 ADDITION

Mr. Kurt Bachman, County Attorney, explained that on April 4, 2016, Mr. Bill Eberhard, Attorney, presented a petition to vacate on behalf of Tawnie E. Reed, Sandra M. Mobley and Paul D. Affolder, to vacate a certain portion of an alley situated through the middle of Tract 1 and Tract 2, a portion extending to Lot 58, in Wert’s 1st Addition to Sunset Shores, Wolcottville. The Commissioners approved the vacation subject to Ordinance being revised. Mr. Bachman presented the following ordinance:

COUNTY OF LAGRANGE
ORDINANCE 2017-02-20 A

AN ORDINANCE OF THE LAGRANGE COUNTY BOARD OF COMMISSIONERS VACATING A PUBLIC WAY

WHEREAS, Tawnie E. Reed, Sandra M. Mobley, and Paul D. Affolder (collectively, the “Petitioners”), in person and by counsel, Bill D. Eberhard, have filed a Petition to Vacate Platted Alley (the “Petition”), requesting that the LaGrange County Board of Commissioners vacate all or part of a public way pursuant to Indiana Code 36-7-3-12; and

WHEREAS, the Petitioners own or have an interest in certain real estate which is contiguous to the public way which they propose to have vacated, which public way located outside the corporate boundaries of any municipality; and

WHEREAS, notice of a public hearing on the Petition has been given by publication and by certified mail as required by law and said public hearing conducted; and

WHEREAS, based upon the facts stated in the Petition and as determined by investigation of the County Surveyor, the vacation of the public way (i) would not hinder the growth or orderly development of the unit or neighborhood in which it is located and to which it is contiguous; (ii) would not make access to the lands of any aggrieved person by means of public way difficult or inconvenient; (iii) will not hinder the public’s access to a church, school or other public building or place; and (iv) will not hinder the use of a public way by the neighborhood by which it is located or to which it is contiguous.

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

SECTION I

The portion of the public way, more particularly described and depicted as follows:

See Exhibit “A” and Exhibit “B” attached hereto and incorporated herein

is hereby vacated. A copy of this Ordinance shall be furnished to the LaGrange County Recorder for recording and to the LaGrange County Auditor.

SECTION II

Notwithstanding anything herein to the contrary, this Ordinance shall not be deemed to deprive a public utility of the use of all or part of the vacated property if the public utility is occupying and using all or part of said vacated property for the location and operation of its facilities on the effective date of this Ordinance. This provision is reserved pursuant to IC §36-7-3-16(b).

SECTION III

This Ordinance shall be effective upon promulgation according to law.

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Mr. Dennis Kratz made a motion to approve the Ordinance. 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.

PURCHASE OF GRADALL WHEELED EXCAVATOR

Mr. Kurt Bachman, County Attorney, presented the following Resolution authorizing the purchase of a Gradall Wheeled Excavator:

COUNTY OF LAGRANGE
RESOLUTION NO. 2017-02-20 B

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF
LAGRANGE AUTHORIZING THE PURCHASE OF A WHEELED EXCAVATOR

WHEREAS the Board of Commissioners of the County of LaGrange, Indiana (“the County”) is the purchasing agent on behalf of LaGrange County;

WHEREAS the County wishes to purchase a new wheeled excavator to replace its older model;

WHEREAS the County may make special purchases under Indiana Code § 5-22-10; and

WHEREAS the County has ready the necessary findings to permit that special purchase.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of LaGrange, Indiana that the County adopts the attached findings concerning the special purchase of a Gradall Wheeled Excavator; approves the purchase of the XL4100 Series IV 6x4 wheeled excavator, or, if unavailable, the Series V model, from Southeastern Equipment Co., Inc.; directs the County’s Highway Superintendent and the Auditor to implement these purchases; and directs the Auditor to keep records of the findings and purchase on file for five years.

Mr. Dennis Kratz made a motion to approve the Resolution. 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.

PURCHASE OF HIGHWAY DUMP TRUCKS

On February 6, 2017, the following quotes were presented for the purchase of two dump trucks for the Highway:

<u>Company</u>	<u>Amount per truck</u>	<u>Warranty</u>
Stoops Freightliner	\$102,972.00	\$5,735.00
Norris Truck Services, Inc.	104,480.00	4,200.00
Vomac Truck Sales & Service, Inc.	106,085.00	4,300.00

Mr. Randy Van Wagner, Highway Superintendent, recommends purchasing the trucks from Stoops Freightliner, along with the extended warranty. Mr. Kurt Bachman, County Attorney, presented the following Resolution authorizing the purchase:

COUNTY OF LAGRANGE
RESOLUTION NO. 2017-02-20 C

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF
LAGRANGE AUTHORIZING THE PURCHASE OF A DUMP TRUCK

WHEREAS the Board of Commissioners of the County of LaGrange, Indiana (“the County”) is the purchasing agent on behalf of LaGrange County;

WHEREAS the County wishes to purchase up to two (2) new tandem-axle dump trucks;

WHEREAS the County previously estimated that a dump truck would cost less than \$150,000;

WHEREAS the County may solicit quotes for items costing less than \$150,000 under Indiana Code § 5-22-8-3 and award a contract to the lowest responsible and responsive offeror;

WHEREAS the County requested quotes from Stoops Freightliner {“Freightliner”}, International, and Volvo;

WHEREAS the County received and opened sealed quotes from these companies at its February 6, 2017 meeting;

WHEREAS Freightliner’s quote is \$102,972.00 per unit dump truck; International’s quote is \$104,480.00 per unit; and Volvo’s quote is \$106,085.00 per unit;

WHEREAS the County finds that a quote request for an extended warranty was specifically listed as optional on the request for quotes; *and*

WHEREAS the County finds Freightliner to be a responsible company and its quote responsive.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of LaGrange, Indiana that the County adopts the above recitals; finds that Freightliner was the lowest responsible and responsive offeror; approves the purchase of the tandem-axle dump truck from Freightliner; approves the further optional purchase of the extended warranty; directs the County’s Highway Superintendent and the Auditor to implement these purchases; and directs the Auditor to keep records of the request for quotes, the received quotes, the County’s findings, and the finalized contract on file for five years.

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Mr. Dennis Kratz made a motion to approve the Resolution. 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.

Mr. Dennis Kratz made a motion to approve the purchase of equipment for the trucks from W.A. Jones in the amount of \$81,783.00 per truck. Mr. Larry Miller seconded the motion and it carried unanimously.

PURCHASE OF TRUCK FOR HIGHWAY DEPARTMENT

Mr. Randy VanWagner, Highway Superintendent, requested permission to purchase a new sign truck for the Highway Department. He obtained three quotes for a 2017 one ton dual chassis truck. The lowest quote is from LaGrange Country Dodge for \$29,589.00. This would be paid out of the Motor Vehicle Highway Fund. Mr. Dennis Kratz made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

Mr. Van Wagner presented quotes for a 10' flat bed for the new truck. The lowest quote is for \$11,867.00 from W.A. Jones. This would be paid out of the Motor Vehicle Highway Fund. Mr. Dennis Kratz made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

BRIDGE NO. 47 - COUNTY ROAD 700 SOUTH OVER NORTH BRANCH ELKHART RIVER

Ms. Sarah Farlow, County Engineer, reported that bids for Bridge No. 47 are ready to be advertised. Mr. Dennis Kratz made a motion to advertise for bids to be opened April 3, 2017. Mr. Larry Miller seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kay Myers, 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.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the February 15, 2017 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

COMMITTEE REPORTS

Mr. Dennis Kratz reported on the Region 3A meeting and the Insurance Committee Meeting. Mr. Larry Miller reported on the Plat Committee meeting.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

Sycamore Acres

There is one lot in this subdivision, in Clearspring Township, located at 4335 W 600 S, Topeka. Section 20, Township 36N, Range 9E. The owners are Harvey Lambright Revocable Trust. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

Richard & Susanna K Miller Subdivision

There is one lot in this subdivision, in Clay Township, located at 1565 N 500 W, Shipshewana. Section 17, Township 37N, Range 9E. The owners are Perry & Ella Schmucker / Richard & Suanna Miller. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

Ruth Ann Otto Subdivision

There is one lot in this subdivision, in Newbury Township, located at 10435 W 50 N, Middlebury. Section 20, Township 37N, Range 8E. The owners are Kenneth & Leanna Otto. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

CORRESPONDENCE

Indiana Department of Environmental Management – Notice of Public Comment, New Source Construction and Minor Source Operating Permit, Forest River Inc., LaGrange, Indiana
Indiana Department of Environmental Management – Notice of Public Comment, Renewal of Minor Source Operating Permit, Rock Run Repair, Millersburg, Indiana
Indiana Department of Environmental Management – Notice of Approval, Nishikawa Cooper LLC, Title V Amendment, Permit Number 087-37999-0031
Joint Public Notice- US Army Corps of Engineers – Greenlife Development, LLC – Residential Development
U.S. Department of Homeland Security – 30 Day Engineering Models Notification

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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:

Kay M. Myers
LaGrange County Auditor