

JANUARY 9, 2017

REGULAR SESSION

The LaGrange County Council met in Regular Session on Monday, January 9, 2017 at their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana 46761, at 8:30 a.m., with the following present: Council members, Charles F. Ashcraft, George R. Bachman, Jeffrey L. Brill, Peter A. Cook, Harold D. Gingerich, Steven E. McKowen and Michael G. Strawser, and LaGrange County Auditor, Kay M. Myers. Mr. Peter Cook, President, called the meeting to order and lead the reciting of the Pledge of Allegiance to the Flag.

REORGANIZATION

Mr. George Bachman made a motion for Mr. Peter Cook as President. Mr. Steve McKowen seconded the motion and it carried unanimously. Mr. Steve McKowen made a motion for Mr. Mike Strawser as Vice President. Mr. Jeff Brill seconded the motion and it carried unanimously.

COUNCIL BOARD APPOINTMENTS

Mr. Mike Strawser made a motion to approve the following board appointments:

	<u>2017</u>
Council on Aging Board	Charles Ashcraft
Health	Charles Ashcraft
Economic Development Corporation	Charles Ashcraft
Community Foundation Finance Committee	Charles Ashcraft
Edit Committee	Charles Ashcraft Peter Cook
County Plan Commission	Peter Cook
Emergency Management Agency Advisory Board.	Jeff Brill
Sheriff Merit Board	Peter Cook
Region 3 A	Peter Cook
Judicial Committee –(including: Sheriff & both Judges)	Peter Cook Mike Strawser
Extension Board	Mike Strawser
Liability Insurance & Vehicle	Mike Strawser
Park Board	Steve McKowen
Major Moves Committee	Steve McKowen Jeff Brill
Soil & Water	Peter Cook
Northeast Indiana Solid Waste District	Harold Gingerich
Legal Expense Review Committee	George Bachman
Tax Abatement Review Committee	Charles Ashcraft Steve McKowen Mike Strawser
Human Resources / Personnel / Health Insurance	Charles Ashcraft George Bachman Mike Strawser

Mr. George Bachman seconded the motion and it carried unanimously.

BUDGET ASSIGNMENTS

Mr. Harold Gingerich made a motion to approve the following budget assignments:

Budgeted Fund	Department Head	Ashcraft	Bachman	Brill	Cook	McKowen	Gingerich	Strawser
Auditor	Kay Myers	X						
Highway, Cumulative Bridge	Randy VanWagner	X						
Treasurer	Jamesi Lemon	X						
Veteran's Service Officer	Allen Connelly	X						
LaGrange County Community Foundation	Investment Committee	X						
Health	Alfredo Garcia	X						
Women, Infants & Children	Michelle Tennant	X						
Surveyor	Rex Pranger			X				
Soil & Water Conservation	Martin Franke				X			
GIS	Rita Lehner			X				
Recorder	Jennifer McBride			X				
Coroner	Kenneth Myers				X			
Weights & Measures	Steven Scharf				X			
Plan Commission	Bob Shanahan				X			
Clerk	Bonnie Brown					X		
Parks & Recreation	Mike Metz					X		
Information Technology	Bob Murphy		X					
Assessor	Pat Monroe		X					
Circuit Court	Judge VanDerbeck		X					

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Superior Court	Judge Lisa Bowen-Slaven		X					
Emergency Management	Stewart Bender						X	
Prosecuting Attorney	Greg Kenner						X	
Sheriff / E911	Jeff Campos				X			
Building	Jason Boggs							X
Maintenance	Gary Mast							X
Extension	John Emerson							X

Mr. Mike Strawser seconded the motion and it carried unanimously.

LIBRARY BOARD APPOINTMENT

Mr. Mike Strawser made a motion to appoint Ms. Jody Blake to the LaGrange County Library Board. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

PROPERTY TAX ASSESSMENT BOARD OF APPEALS APPOINTMENT

Mr. George Bachman made a motion to appoint Mr. Ron Martin to the LaGrange County Property Tax Assessment Board of Appeals. Mr. Jeff Brill seconded the motion and it carried unanimously.

ALCOHOLIC BEVERAGE BOARD APPOINTMENT

Mr. Jeff Brill made a motion to appoint Mr. Mike Helmkamp to the Local Alcoholic Beverage Board. Mr. George Bachman seconded the motion and it carried unanimously.

REDEVELOPMENT COMMISSION APPOINTMENTS

Mr. George Bachman made a motion to appoint Mr. Charles Ashcraft, Mr. Mark Leu, and Mrs. Dalonda Young to the Redevelopment Commission. Mr. Harold Gingerich seconded the motion and it carried unanimously.

BOARD OF ZONING APPEALS APPOINTMENT

Mr. George Bachman made a motion to appoint Mr. Terry Holsinger to the Board of Zoning Appeals. Mr. Jeff Brill seconded the motion and it carried unanimously.

ECONOMIC DEVELOPMENT COMMISSIONER APPOINTMENT

Mr. George Bachman made a motion to appoint Mr. Peter Cook to the LaGrange County Economic Development Commission. Mr. Harold Gingerich seconded the motion and it carried unanimously. The nomination will go to the County Commissioners and they will appoint.

COMMUNITY CORRECTION GRANT APPLICATION

Mr. Brett Hays, Northeast Indiana Community Corrections Director, presented a request to apply for a grant for the Community Corrections program. Mr. Hays explained that the grant application is for the continuance of a probation officer and an additional employee for a Court recidivism program. The grant period is from July 1, 2017 to June 30, 2018. The grant requested is for \$123,000.00. Mr. Charles Ashcraft made a motion to approve the grant application as presented. Mr. George Bachman seconded the motion and it carried unanimously.

COMMISSARY REPORT

Mr. Jeff Campos, County Sheriff, presented the 2016 Jail Commissary report. Mr. Steve McKowen made a motion to approve the report. Mr. Jeff Brill seconded the motion and it carried unanimously.

LEGAL CLAIMS

Mr. Peter Cook presented the November legal claims in the amount of \$21,210.22 from Beers, Mallers, Backs & Salin. Mr. George Bachman made a motion to approve the legal claim. Mr. Steve McKowen seconded the motion and it carried unanimously.

MINUTES

Mr. Charles Ashcraft made a motion to approve the November 14, 2016 regular session minutes. Mr. Benjamin Taylor seconded the motion and it carried unanimously.

2017 BUDGET – CUMULATIVE BRIDGE TAX RATE AND LEVY

Mrs. Kay Myers, LaGrange County Auditor, explained that when the 2017 budget was approved by the County Council, the rate was incorrect. The Department of Local Government Finance will adopt the budget at the correct rate of .0133 with a levy of \$276,090, providing the Council is in agreement. Mr. Mike Strawser made a motion to approve the rate. Mr. George Bachman seconded the motion and it carried unanimously.

At 9:00 a.m. the Council recessed for the Joint Commissioner and Council session.

County Council reconvened at 10:15 a.m.

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SALE OF PROPERTY – 109 E. CENTRAL AVENUE, LAGRANGE, INDIANA

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

COUNTY OF LAGRANGE
ORDINANCE 2017-01-09
AMENDED AND RESTATED ORDINANCE NO. 2016-12-12

AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE, INDIANA REGARDING THE DISPOSAL OF CERTAIN REAL ESTATE OWNED BY THE COUNTY OF LAGRANGE, INDIANA

WHEREAS, the County of LaGrange, Indiana (the "County"), through its elected Board of Commissioners ("Commissioners"), has authority to dispose of its interest in real estate under Indiana Code §36-1-4-6; and

WHEREAS, the County is the owner of the following described real estate, to wit:

TRACT 1:

Lot 2 and the East 40.5 feet of the West 50.5 feet of Lot 1 in the Plat of the Southeast Quarter of the Southwest Quarter of Section 19, Township 37 North, Range 10 East, as recorded in Plat Book 1, page 2, in the records of LaGrange County.

Also, the right to use the driveway as now located across the East portion of Lot 1 in said plat of the Southeast Quarter of the Southwest Quarter.

TRACT 2:

A part of the North one-half of Lot Three (3) and the West 10 feet of Lot One (1) out of the Southeast Quarter of the Southwest Quarter of Section Nineteen (19), Township Thirty-seven (37) North, Range Ten (10) East, as recorded in Plat Book 1, page 2, of the records of LaGrange County, Indiana, described as follows: Commencing at the Northwest corner of said Lot One (1), thence East (assumed bearing) 10.00 feet along the North line of said lot to an iron pin; thence South 0 degrees 09'00" East 72.00 feet, parallel with the West line of Lot One (1) to an iron pin; thence West 10.00 feet to the East line of Lot Three (3); thence South 0 degrees 09'00" East, 22.80 feet along said East line to the South line of the North one-half of said Lot Three (3); thence West 34.80 feet along said South line to an iron pin; thence North 0 degrees 50' and 00" East 31.20 feet to an iron pin; thence North 87 degrees 33' and 00" West 13.05 feet to an iron pin; thence North 0 degrees 02'00" West, 63.05 feet to the North line of said Lot Three (3); thence East 47.15 feet along said North line to the point of beginning.

(the "Real Estate"); and

WHEREAS, the Commissioners have determined that it is in the best interest of the County to dispose of said Real Estate; and

WHEREAS, the County Council (the "Council") previously adopted Ordinance No. 2016-12-12 approving the disposal of the Real Estate by the County to the LaGrange County Community Foundation, Inc. (the "Community Foundation"), an Indiana not-for-profit corporation organized and existing under the laws of the State of Indiana for educational, literary, scientific, religious, or charitable purposes and that is exempt from federal income taxation under Section 501 of the Internal Revenue Code; and

WHEREAS, the Commissioners have been informed by the Community Foundation that it would like to accept the Real Estate in the name of its support organization, the L.C.C.F. Support Organization, Inc. (the "LCCF Organization"), an Indiana not-for-profit corporation organized and existing under the laws of the State of Indiana for educational, literary, scientific, religious, or charitable purposes and that is exempt from federal income taxation under Section 501 of the Internal Revenue Code, which LCCF Organization holds other real estate that has been gifted or transferred to the Community Foundation; and

WHEREAS, the disposal of the Real Estate is not subject to the requirements of Indiana Code §36-1-11 *et. seq.* pursuant to Indiana Code §36-1-11-1(b)(7); and

WHEREAS, the County Council (the "Council") desires to amend and restate its previous Ordinance No. 2016-12-12 to authorize the disposal of the Real Estate to the LCCF Organization and to fix the terms and conditions of the transaction.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF LAGRANGE COUTNY, INDIANA, THAT ORDINANCE NO. 2016-12-12 IS HEREBY AMENDED AND RESTATED AS FOLLOWS:

SECTION I

The Council hereby determines that it is in the best interest of the County to dispose of the Real Estate and that said disposal by the County shall be sale to the LCCF Organization for the total sum of One Dollar (\$1.00). The disposal of the Real Estate to the LCCF Organization for and in consideration of One Dollar (\$1.00) from the LCCF Organization (or Community Foundation on its behalf) is hereby approved, ratified and confirmed. The disposal of the Real Estate to the LCCF Organization shall be by quit claim deed in a form approved by the LaGrange County Attorney and on an "as is, where is" and "with all faults" basis without any warranty, guaranty, or representation, oral or written, past, present, or future, express, implied, or statutory.

SECTION II

The Commissioners, and any one of them, be and he hereby are authorized and empowered to execute and deliver all deeds, sales disclosures, closing statements, and affidavits, as may be required in connection with the disposal of the Real Estate.

SECTION III

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.

SECTION IV

Unless otherwise set forth herein, this Ordinance shall become effective upon promulgation according to law.

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Mr. Charles Ashcraft made a motion to approve the Ordinance. Mr. George Bachman seconded the motion and it carried unanimously. Mr. Steve McKowen made a motion to waive the requirement for a second reading. Mr. Harold Gingerich seconded the motion and it carried unanimously.

ADJOURNMENT

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

Charles F. Ashcraft

George R. Bachman

Jeffrey L. Brill

Peter A. Cook

Harold D. Gingerich

Steven E. McKowen

Michael G. Strawser

ATTEST:

Kay M. Myers
LaGrange County Auditor