

MARCH 21, 2016

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, March 21, 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 Miller, Terry Martin, Kevin Myers; and LaGrange County Auditor, Kay M. Myers. President 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.

COUNTY ROAD 200 NORTH PROJECT

Mr. Kurt Bachman, County Attorney, presented a contract for the County Road 200 North project with Niblock Excavating Inc. Mr. Kevin Myers made a motion to approve and authorize signing the contract with Niblock Excavating Inc. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Rex Pranger, County Surveyor presented a utility reimbursement agreement for \$70,534.25 with REMC for moving the utility polls. Mr. Kevin Myers made a motion to authorize agreement with REMC in the amount of \$70,534.25. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Kurt Bachman, County Attorney, presented the Notice to Proceed for Niblock Excavating Inc. for the County Road 200 North project. Mr. Terry Martin made a motion to approve the Notice to Proceed. Mr. Kevin Myers seconded the motion and it carried unanimously.

LICENSE FOR TRAILER STORAGE.

Mr. Kurt Bachman, County Attorney, informed the Commissioners API Construction is requesting authorization to place a storage trailer on County property. Mr. Bachman stated it will require a license that will release the County of any liability. Mr. Terry Martin made a motion to authorize Mr. Bachman to work on the license. Mr. Kevin Myers seconded the motion and it carried unanimously.

SOUTH MILFORD ROAD PROJECT

Mr. Kurt Bachman, County Attorney, requests the Commissioners approve the following Resolution that will appoint two appraisers for the South Milford road project.

RESOLUTION 03-21-2016

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE 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.

NOW THEREFORE BE IT RESOLVED, BY THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE, INDIANA, THAT:

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 be 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 Caldwell Appraisals, Inc. and Debra Lambright 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.

SECTION IV

This Resolution shall be effective upon promulgation according to law.

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. Terry Martin made a motion to approve the Resolution. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNTY ROAD 200 NORTH – ENGINEERING SERVICES

Mr. Kurt Bachman, County Attorney, presented an Agreement for Engineering Services with USI Consultants Inc. for \$74,600.00 for the South Milford road project. Mr. Kevin Myers made a motion to approve the agreement and authorize the Commissioners to sign. Mr. Terry Martin seconded the motion and it carried unanimously.

CLERK OF COURTS

Mrs. Bonnie Brown, County Clerk, requested approval to purchase two additional touch screens for polling locations. Mr. Terry Martin made a motion to authorize the purchase of the two touch screens. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY

Mr. Randy VanWagner, Highway Superintendent, requested approval to sell a 2000 dump truck at the Plato Consignment Auction at the Michiana Event Center in April. Mr. Terry Martin made a motion to approve the selling the truck at the auction. Mr. Kevin Myers seconded the motion and it carried unanimously.

Mr. VanWagner informed the Commissioners he is looking into a different uniform company for the Highway employee's uniforms. Mr. Kevin Myers made a motion to authorize signing the agreement subject to review by the County Attorney. Mr. Terry Martin seconded the motion and it carried unanimously.

COUNCIL FOR DRUG FREE LAGRANGE COUNTY

Mr. Arron Knisley presented the Council for a Drug-Free LaGrange County grants being proposed for 2016. Mr. Terry Martin made a motion to approve the 2016 grant requests. Mr. Kevin Myers seconded the motion and it carried unanimously.

COMMITTEE REPORTS

Mr. Larry Miller reported on the Plat Committee meeting.

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ACCOUNTS PAYABLE VOUCHERS

Mrs. Kay Myers, County Auditor, presented the Accounts Payable Vouchers. Mr. Terry Martin made a motion to approve the vouchers. Mr. Kevin Myers seconded the motion and it carried unanimously.

MINUTES

Mr. Terry Martin made a motion to approve the February 15, 2016, March 7, 2016 regular meeting minutes and the February 29, 2016 joint 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 16, 2016 meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

SUBDIVISION PLAT

The following subdivision plat was presented for approval:

William & Pauline Miller Subdivision

There are two lots in this subdivision, in Eden Township, located at 11625 W 700 S, Millersburg. Section 30, Township 36N, Range 8E. The owners are William and Pauline Miller. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

HOWE FIRE DEPARTMENT GRANT

Mrs. Kay Myers, County Auditor, requested approval for the Commissioners to sign the Howe Fire Department Grant close out paperwork when it becomes available. Mr. Terry Martin made a motion to approve. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE

Strand Associates – March 8, 2016 letter

Indiana Department of Environmental Management – Notice of Public Comment – Therma Tru Corporation

US Army Corps of Engineers – United Mineral Company, LLC – relocate wetlands and streams to facilitate the removal of subsurface coal materials, Pigeon Creek, Warrick County, Indiana

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.

Larry N. Miller

Terry A. Martin

Kevin R. Myers

ATTEST:

Kay M. Myers
LaGrange County Auditor