

APRIL 13, 2020

REGULAR SESSION

The LaGrange County Council met in Regular Session on Monday, April 13, 2020, 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, Peter A. Cook, Harold D. Gingerich and Steven E. McKowen; and LaGrange County Auditor, Kathryn Hopper. Jeffrey L. Brill, Ryan J. Riegsecker and Michael G. Strawser were available by remote. Mr. Peter Cook brought the meeting to order and led the Pledge of Allegiance to the Flag.

LAGRANGE COUNTY ECONOMIC DEVELOPMENT INCOME TAX – 2019 CARRY OVER FUNDS

Mrs. Kathryn Hopper, County Auditor, explained that there is \$7,701.42 left over from the 2019 Economic Development Income Tax allocation to the unincorporated towns. Mongo and South Milford submitted requests for the funds. Mr. Mike Strawser made a motion to grant Mongo \$1,711.37 and South Milford \$5,990.05. Mr. Charles Ashcraft seconded the motion and upon roll call vote it carried unanimously.

ORDINANCE EXPRESSING INTEREST IN PURCHASE OF REAL ESTATE

Mr. Peter Cook presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-04-13

A COUNTY COUNCIL ORDINANCE EXPRESSING INTEREST IN, AND APPROVING THE
PURCHASE OF, CERTAIN REAL ESTATE BY THE COUNTY PARKS AND RECREATION
BOARD.

WHEREAS, the Parks and Recreation Board (“Park Board”) of LaGrange County, Indiana (“County”) is the purchasing agent on behalf of the County Department of Parks and Recreation;

WHEREAS, pursuant to Indiana Code Section (“IC §”) 36-10-3-11 and County Ordinance No. 1982-12 (“Park Ordinance”), the Park Board may acquire and own interests in real property;

WHEREAS, Lord’s Inc. (“Lot One Seller”), formerly known as Lord’s Seed, Inc., is the owner of certain portions of two parcels of mostly vacant agricultural land, otherwise known by their parcel identification numbers 44-02-22-100-052.000-009 and 44-02-22-100-057.000-009, and more particularly described as follows:

Part of the Northwest Quarter of Section 22, Township 38 North, Range 10 East, Greenfield Civil Township, LaGrange County, Indiana, being an original survey by Benjamin R. Taylor (LS #21300008) for Taylor Land Surveying (Job #19275), certified on January 28, 2020, and more particularly described as follows:

Commencing at a Harrison Monument at the northeast corner of the said Quarter; thence South 89°17’17” West (Basis of Bearing: IN East State Plane, NAD 83, Ground Distance) 1003.50 feet along the north line of said Quarter to the northwest corner of Lot 1 in Clubhouse Subdivision as recorded in plat book 20, page 53 and the point of beginning; thence South 02°53’33” West along the west line of said Lot through a #5 LA Taylor capped rebar, 255.13 feet to a LA Taylor rebar; thence North 89°15’27” East along the south line of said Lot, 256.53 feet to a #5 rebar at the southeast corner of said Lot; thence North 89°13’57” East 219.20 feet to a #5 rebar at the southwest corner of land described in deed record 0804-0141; thence North 89°23’59” East along the south line of said deed, 256.55 feet to a #5 rebar at the southeast corner of said deed; thence South 00°10’49” West along the west line of land described in deed record 8003-0016, 405.08 feet to a #5 BR Taylor capped rebar at the southwest corner of said deed; thence South 00°25’21” West 88.26 feet to a BR Taylor rebar on the north line of land described in instrument number 1810-0206; thence South 89°17’17” West 149.50 feet to a BR Taylor rebar at the northwest corner of said land; thence South 09°16’41” East 514.19 feet to a BR Taylor rebar; thence South 34°57’59” West 118.07 feet to a BR Taylor rebar; thence South 13°44’29” East 103.55 feet to a BR Taylor rebar; thence North 90°00’00” East 75.31 feet to a BR Taylor rebar on the west line of aforementioned instrument; thence South 09°16’41” East 353.61 feet to a BR Taylor rebar at the southwest corner of said land; thence South 05°23’42” East 820.73 feet to a BR Taylor rebar on the south line of the Quarter; thence North 89°45’00” West along said south line, 204.87 feet to a LA Taylor rebar; thence North 27°49’45” West 634.17 feet to a LA Taylor rebar at the southeast corner of land described in instrument number 1810-0207; thence North 20°57’19” West along the east line of said land, 277.59 feet to a LA Taylor rebar at the northeast corner of said land; thence North 00°00’30” East through a BR Taylor rebar, 915 feet to the approximate centerline of Spring Branch Creek; thence along the approximate centerline of Spring Branch Creek the following 15 calls: North 21°05’ West 151 feet, North 73°00’ West 88 feet, North 10°41’ West 66 feet, North 59°18’ West 187 feet, North 09°51’ East 61 feet, North 51°43’ West 135 feet, North 31°43’ East 38 feet, North 37°13’ West 33 feet, North 78°29’ West 64 feet, North 15°27’ East 80 feet, North 90°00’ East 40 feet, North 11°07’ East 54 feet, North 30°23’ West 114 feet, North 67°38’ West 52 feet, North 00°48’ West 82 feet, more or less, to a MAG nail with a BR Taylor washer on the north line of said Quarter and in the approximate centerline of Spring Branch Creek; thence North 89°17’17” East” 287.72 feet to the point of beginning. This description contains 27.8 acres, more or less. Subject to all easements and rights-of-way on record.

SUBJECT TO an easement for ingress, egress, and the construction and maintenance of utilities as described in Deed Record 1707-0108.

(collectively, “Lot One”);

APRIL 13, 2020

REGULAR SESSION

WHEREAS, the average fair market value appraisal of Lot One is One Hundred Fifty-Seven Thousand, Five Hundred Dollars (\$157,500.00);

WHEREAS, the Park Board and the Lot One Seller have entered into an *Agreement for Sale of Real Property*, which covers terms and conditions regarding the conditional transfer of Lot One to the Park Board, including a purchase price of One Hundred Fifty-Five Thousand Seventy and 6/100 Dollars (\$155,070.06);

WHEREAS, James & Velma Larimer ("Lot Two Seller") are co-owners of a certain parcel fronting Cedar Lake in the County, otherwise known by its parcel identification number 44-02-22-100-046.000-009, and more particularly described as follows:

Part of the Northwest Quarter of Section 22, Township 38 North, Range 10 East, Greenfield Civil Township, LaGrange County, Indiana, more fully described as follows:

Commencing at a Harrison Monument at the northeast corner of said Quarter; thence South 00°25'21" West (Basis of bearings: State Plane) 1809.26 feet along the east line of said Quarter; thence North 89°34'39" West 773.04 feet to a #5 LA Taylor-capped rebar and the point of beginning; thence South 20°57'19" East 277.59 feet to a Taylor rebar; thence North 89°34'39" West through a Taylor rebar, 651.5 feet, more or less, to the margin of Cedar Lake; thence meandering along said Lake for the following calls: North 10°48' East 133.3 feet and North 00°09' East 127.4 feet; thence South 89°34'39" East through a Taylor rebar, 527.0 feet, more or less, to the point of beginning. This description was taken from a survey by Taylor Engineering Co. Inc. (Job #16024) and contains 3.5 acres, more or less.

ALSO, all that land lying between the above-described tract and the shore of Cedar Lake, between the north line and south line extended.

WITH RIGHTS to an easement for ingress, egress, and the construction and maintenance of utilities over 25.0 feet on each side of the following described line: Commencing at a MAG nail at the southeast corner of the West Half of the Northeast Quarter, said Section 22; thence North 0°25'21" East 25.00 feet along the east line of said West Half to the true point of beginning; thence South 89°25'54" West 1341.71 feet; thence North 52°07'51" West 208.32 feet; thence North 89°45'00" West 484.37 feet; thence North 0°25'21" East 194.02 feet; thence North 41°15'22" West 204.47 feet; thence North 01°46'44" West 60.61 feet, more or less, to the south line of the above-described tract and the point of terminus.

SUBJECT TO an easement for ingress, egress, and the construction and maintenance of utilities over 50.0 feet lying west of and adjacent to the following described line: Commencing at the northeast corner of said Northwest Quarter; thence South 00°25'21" West 1809.26 feet along the east line of said Quarter; thence North 89°34'39" West 773.04 feet to a Taylor rebar at the point of beginning; thence South 01°46'44" East 258.68 feet to the south line of the above-described tract, and the point of terminus.

SUBJECT TO all easements, assessments, limitations, restrictions, and other covenants of record, or claims of easements not shown by the public records.

(collectively, "Lot Two");

WHEREAS, the average fair market value appraisal of Lot Two is One Hundred One Thousand Dollars (\$101,000.00);

WHEREAS, the Park Board and the Lot Two Seller have entered into an *Agreement for Sale of Real Property*, which covers terms and conditions regarding the conditional transfer of Lot Two to the Park Board, including a purchase price of One Hundred Thousand Dollars (\$100,000);

WHEREAS, the Park Board has complied with all appraisal requirements in the Indiana Code for the purchase of the real estate;

WHEREAS, pursuant to IC § 36-1-10.5-5, the Park Board may purchase land only after the fiscal body of the jurisdiction passes a resolution to the effect that it is interested in making a purchase of specified land;

WHEREAS, Section VI of the Park Ordinance allows the Park Board to acquire real property only with the permission and approval of the County Council;

WHEREAS, the County Council ("Council") is the fiscal body of the County.

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

SECTION I

- A. The Council hereby declares its interest in acquiring the Lot One from the Lot One Seller for a sum not to exceed \$155,070.06 and grants its conditional permission and approval for such purchase. Title to the Real Estate shall be taken in the name of the "LaGrange County Parks and Recreation Board."
- B. The Council hereby declares its interest in acquiring the Lot Two from the Lot Two Seller for a sum not to exceed \$100,000.00 and grants its conditional permission and approval for such purchase. Title to the Real Estate shall be taken in the name of the "LaGrange County Parks and Recreation Board."
- C. Council's permission and approval in this section is conditioned upon the Park Board and/or the County receiving funds and/or grants prior to closing from the Great Lakes Restoration Initiative or similar grant program in an amount not less than the respective purchase price of Lot 1 and Lot 2.

APRIL 13, 2020

REGULAR SESSION

SECTION II

The Council authorizes its President, Peter Cook, the Park Board, and Park Director Thom Miller to take all action necessary or helpful to implement the purchase and title transfer of the Real Estate.

SECTION III

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, 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, 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) 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. Conflicts. 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.

C. Severability. 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.

D. Effective Dates. This ordinance shall be effective immediately upon adoption.

Mr. Harold Gingerich made a motion to approve the Ordinance. Mr. Steve McKowen seconded the motion and upon roll call vote it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Mike Strawser seconded the motion and upon roll call vote it carried unanimously.

AMENDMENT TO THE SALARY ORDINANCE

Mr. Peter Cook presented the following Amendment to the Salary Ordinance for consideration:

AMENDMENT TO THE SALARY ORDINANCE FOR 2020

BE IT HEREBY ORDAINED THAT the following changes be made in the LaGrange County Salary Ordinance for the year 2020:

	<u>REQUESTED</u>
<u>COUNTY GENERAL – PROBATION</u>	
Probation Officer 1000-040-01-1104	Up to \$2,495.62 / biweekly

Mr. Mike Strawser made a motion to approve the Ordinance. Mr. Charles Ashcraft seconded the motion and upon roll call vote it carried unanimously. Mr. Mike Strawser made a motion to waive the requirement for second reading. Mr. Harold Gingerich seconded the motion and upon roll call vote it carried unanimously.

REDUCTION IN APPROPRIATION

Mr. Peter Cook presented the following Ordinance of Reduction in Appropriation:

ORDINANCE OF REDUCTION IN APPROPRIATION

WHEREAS, it has been determined that it is now necessary to reduce the appropriation in the annual budget, now THEREFORE:

Sec 1: Be it ordained by the LaGrange County Council, LaGrange, Indiana, that for the following appropriation is hereby reduced of the fund herein named for purposes herein specified, subject to the laws governing the same.

<u>9161 COMMUNITY CORRECTIONS</u>	
9161-000-01-1001 Probation Officer	58,425.00

Mr. Steve McKowen made a motion to approve the Ordinance. Mr. Mike Strawser seconded the motion and upon roll call vote it carried unanimously. Mr. Mike Strawser made a motion to waive the requirement for second reading. Mr. Harold Gingerich seconded the motion and upon roll call vote it carried unanimously.

ADDITIONAL APPROPRIATIONS

Mr. Peter Cook presented the following Ordinance of Additional Appropriations:

ORDINANCE OF ADDITIONAL APPROPRIATIONS

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget, now THEREFORE:

Sec 1: Be it ordained by the LaGrange County Council, LaGrange, Indiana, that for the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named for the purposes herein specified, subject to the laws governing the same.

	<u>REQUESTED AMOUNT</u>
<u>1152 EMERGENCY PLAN / RIGHT TO KNOW</u>	
1152-000-03-3025 Plan for Hazardous Materials	7,694.00
<u>1168 LOCAL HEALTH MAINTENANCE</u>	
1168-000-04-4020 New Vehicle purchase	20,000.00
<u>4105 IMMUNIZATION DONATION</u>	
4105-000-04-4020 New Vehicle Purchase	10,000.00
<u>4926 COURTHOUSE RESTORATION</u>	
4926-000-02-2010 Office Supplies	5,225.00
<u>4942 HEALTH & SAFETY DAY CAMP</u>	
4942-000-02-2020 Day Camp Supplies	5,000.00
<u>8206 97.067 2019 HOMELAND SEC – COMMAND VEHICLE</u>	
8206-000-04-4001 Vehicle Chassis Purchase	42,494.64
8206-000-04-4002 Equipment for Mobile Command Vehicle	87,505.36
<u>9131 SHERIFF-LCCF GRANT-TACTICAL MEDICAL BAGS</u>	
9131-000-04-4001 Tactical Medical Bags	8,083.00
<u>9163 COMMUNITY CORRECTIONS</u>	
9163-000-01-1001 Probation Officer	64,575.00

Mr. Harold Gingerich made a motion to approve the Ordinance. Mr. Mike Strawser seconded the motion and upon roll call vote it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Mike Strawser seconded the motion and upon roll call vote it carried unanimously.

RESOLUTION TO TRANSFER FUNDS

Mr. Peter Cook read the following Resolution to Transfer Funds:

BE IT HEREBY RESOLVED THAT the following increases and decreases be made in order to meet the expenses of the units of government for the year 2020.

	<u>DECREASE</u>	<u>INCREASE</u>
<u>1112 LIT-ECONOMIC DEVELOPMENT</u>		
1112-000-01-1522 Health Insurance	19,415.00	
1112-000-04-4015 County Website		19,415.00
<u>1170 LIT PUBLIC SAFETY - COUNTY</u>		
1170-000-03-3500 Public Safety	7,430.00	
1170-000-04-4003 Speed Control Signs		7,430.00
<u>1176 MOTOR VEHICLE HIGHWAY</u>		
1176-001-04-4030 Office Equipment	300.00	
1176-001-02-2010 Office Supplies		300.00

Mr. Charles Ashcraft made a motion to approve the Resolution. Mr. Mike Strawser seconded the motion and upon roll call vote it carried unanimously.

LEGAL CLAIMS

Mr. Harold Gingerich presented the legal claims in the amount of \$15,587.00 for February 2020 from Beers, Mallers, Backs & Salin. Mr. Harold Gingerich made a motion to approve. Mr. Steve McKowen seconded the motion and upon roll call vote it carried unanimously.

APRIL 13, 2020

REGULAR SESSION

MINUTES

Mr. Mike Strawser made a motion to approve the March 9, 2020 regular session minutes, special joint session minutes, and joint executive session minutes; and the March 30, 2020 special joint session minutes. Mr. Steve McKowen seconded the motion and upon roll call vote it carried unanimously.

ADJOURNMENT

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

Charles F. Ashcraft

Jeffrey L. Brill

Peter A. Cook

Harold D. Gingerich

Steven E. McKowen

Ryan J. Riegsecker

Michael G. Strawser

ATTEST:

Kathryn Hopper
LaGrange County Auditor