

**AUGUST 5, 2019**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, August 5, 2019, 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, Mr. Terry A. Martin and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**COUNTY JUSTICE BUILDING**

Mr. Jason Boggs, Building Commissioner, gave an update on the County Justice building. He presented the following change orders for consideration: change north approach from asphalt to concrete \$5,165.00, hard line for fire alarm \$1,121.25, cost associated with temporary utilities \$1,655.66, and cost associated with geotech testing \$5,669.79. Mr. Terry Martin made a motion to approve the change orders as presented. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Mr. Boggs presented a quote from H & M Construction to put a concrete apron around the property and masonry for street repairs in the amount of \$8,275.00. Mr. Dennis Kratz made a motion to approve the quote and have the president sign. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Terry Martin made a motion to have Mr. Larry Miller and Mr. Jason Boggs sign the Certificate of Substantial Completion outside of a public meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**PETITION TO VACATE – PLATTED ROADWAY, 4860 NORTH PORTIONS OF COUNTY ROAD 850 WEST**

Mr. Kurt Bachman, County Attorney, presented the following Ordinance vacating a public way for consideration:

COUNTY OF LAGRANGE  
ORDINANCE 2019-08-05

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

WHEREAS, Robert F. Weaver, Melany Weaver, and Norma Weaver (collectively, the "Petitioners"), in person and by counsel, Bill D. Eberhard, having filed a Petition to Vacate Platted Roadway (the "Petition"), requesting that the Board of Commissioners of the County of LaGrange, Indiana vacate all or part of a public way pursuant to Indiana Code 36-7-3-12; and

WHEREAS, the Petitioners separately 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 is 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, the vacation of the public way would not significantly (i) hinder the growth or orderly development of the unit or neighborhood in which it is located and to which it is contiguous; (ii) make access to the lands of any aggrieved person by means of public way difficult or inconvenient; (iii) hinder the public's access to a church, school or other public building or place; and (iv) hinder the use of a public way by the neighborhood by which it is located or to which it is contiguous; and

WHEREAS, a public hearing was held August 20, 2018, and the vacation was subsequently approved, subject to finalizing documents.

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

Section I

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

Real estate in LaGrange County, State of Indiana, more particularly described as follows:

**AUGUST 5, 2019**

**REGULAR SESSION**

THAT PART OF COUNTY ROAD 850W THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 8 EAST, IN VAN BUREN TOWNSHIP, LAGRANGE COUNTY, INDIANA, LYING ALONG AND CENTERED ON THE FOLLOWING DESCRIBED LINE SEGMENTS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 8 EAST, SAID POINT BEING THE SOUTHWEST CORNER OF THE RECORDED PLAT OF GLICK'S SUBDIVISION (LAGRANGE COUNTY PLAT BOOK 13, PAGES 7 AND 7A); THENCE DUE WEST (ASSUMED) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 103.48 FEET TO THE INTERSECTION OF THE EASTERLY LINE OF LAND CONVEYED TO ROBERT F. AND MELANY E. WEAVER (LAGRANGE COUNTY INSTRUMENT NUMBER 95-3-237) WITH THE NORTH LINE OF SAID

NORTHEAST QUARTER; THENCE SOUTH 26 DEGREES 30 MINUTES WEST ALONG SAID NORTHERLY EXTENSION OF THE EAST LINE OF SAID WEAVER LAND AND THE EASTERLY LINE OF SAID WEAVER LAND AND THE EASTERLY LINE OF LAND CONVEYED TO ROBERT F. AND MELANY E. WEAVER (LAGRANGE COUNTY INSTRUMENT NUMBER 16050090) A DISTANCE OF 1040.21 FEET TO THE SOUTHEAST CORNER OF SAID WEAVER LAND.

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

The cul-de-sacs described in the attached Exhibit B shall be constructed by Petitioners and conveyed to the County of LaGrange by Dedication of Right-of-Way. The work to be pursuant to plans attached as Exhibit C.

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.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried 2-0 with Mr. Larry Miller voting no.

Mr. Dennis Kratz made a motion to accept the dedication of Right of Way. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Terry Martin made a motion to approve Bill of Sale for the signage, fencing, and various road related material along and upon County Road 850 W. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**ORDINANCE CREATING SHOP WITH A COP PROGRAM**

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

COUNTY OF LAGRANGE  
ORDINANCE NO. 2019-08-05A

AN ORDINANCE CREATING THE SHOP-WITH-A-COP PROGRAM FUND UNDER SHERIFF'S OFFICE ADMINISTRATION.

WHEREAS, the Board of Commissioners of County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County") desire to foster positive relationships between youth (especially underprivileged youth) and officers;

WHEREAS, pursuant to IC § 36-1-3-4(b)(2), the County has all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

**AUGUST 5, 2019**

**REGULAR SESSION**

WHEREAS, the Commissioners desire to generally support both a Shop-with-a-Cop Program and a Lunch-with-the-Sheriff Program for children and youth, as administered by the Sheriff's Office;

WHEREAS, desire to create a nonreverting fund to house grants, donations, and other non-County money received for the purposes of the Shop-with-a-Cop Program and the Lunch-with-the-Sheriff Program; *and*

WHEREAS, pursuant to IC § 36-1-4-10, the County may accept donations of money or other property and execute any documents necessary to receive money or other property from the state or federal government or any other source.

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

SECTION I

- A. Definitions. As used in this section, "Program" refers to the Shop-with-a-Cop Program and the Lunch-with-the-Sheriff Program, individually or collectively, as administered by the Sheriff's Office.
- B. (Re-)Establishment. The Auditor shall (re-)establish a Shop-with-a-Cop Program Fund ("Fund") into which shall be deposited all grants, gifts, and donations received by the County and/or Sheriff's Office that are intended to support the Program. Money that may already exist in an unofficial Program fund and money received or earmarked for Program purposes shall be transferred to the Fund.
- C. Purpose. Money in the Fund shall be used for promotional, educational, training, and administrative purposes including, but not limited to: promotion of the Program to the general public and associated public relations activities; educational and recreational Program activities; transportation of officers and participants to shopping centers and restaurants; meals with participants; officer training in relation to the Program; and administrative and other incidental expenses of the Fund or the Program.
- D. Restrictions. When depositing any gift, donation, grant, and loan into the Fund, the Sheriff shall notify the Auditor of any spending restrictions relating thereto. Fund expenditures shall conform to any such restrictions.
- E. Warrants. No money shall be dispensed from the Fund without a warrant from the Auditor, based on the Sheriff's prior written request, directing the Treasurer to transfer money from the Fund to the Sheriff's Office.
- F. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.
- G. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- H. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

SECTION II

- A. References.
  - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, program, department, office, employee, or public servant, 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, department, 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 the) 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. Severability. 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

**AUGUST 5, 2019**

**REGULAR SESSION**

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.

- C. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance as presented. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**ORDINANCE CREATING KID'S HEALTH AND SAFETY DAY CAMP FUND**

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

COUNTY OF LAGRANGE  
ORDINANCE NO. 2019-08-05B

AN ORDINANCE CREATING THE KIDS' HEALTH AND SAFETY DAY CAMP FUND UNDER SHERIFF'S OFFICE ADMINISTRATION.

WHEREAS, the Board of Commissioners of County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County") desire to foster positive relationships between youth (especially underprivileged youth) and officers;

WHEREAS, pursuant to IC § 36-1-3-4(b)(2), the County has all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, the Commissioners desire to generally support a Health and Safety Day Camp for children and youth, as administered by the Sheriff's Office;

WHEREAS, desire to create a nonreverting fund to house grants, donations, and other non-County money received for the purposes of the Kids' Health and Safety Day Camp; *and*

WHEREAS, pursuant to IC § 36-1-4-10, the Commissioners may accept donations of money or other property and execute any documents necessary to receive money or other property from the state or federal government or any other source.

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

**SECTION I**

- A. Definitions. As used in this section, "Camp" refers to the Health and Safety Day Camp that is administered by the Sheriff.
- B. Establishment. The Auditor shall create a Kids' Health and Safety Day Camp Fund ("Fund") into which shall be deposited all grants, gifts, and donations received by the County and/or Sheriff's Office that are intended to support the Camp.
- C. Purpose. Money in the Fund shall be used for promotional, educational, training, and administrative purposes including, but not limited to: promotion of the Camp to the general public and associated public relations activities; educational and recreational Camp activities; transportation of officers and participants to the Camp; officer training in relation to the Camp; and administrative and other incidental expenses of the Fund or the Camp.
- D. Restrictions. When depositing any gift, donation, grant, and loan into the Fund, the Sheriff shall notify the Auditor of any spending restrictions relating thereto. Fund expenditures shall conform to any such restrictions.
- E. Warrants. No money shall be dispensed from the Fund without a warrant from the Auditor, based on the Sheriff's prior written request, directing the Treasurer to transfer money from the Fund to the Sheriff's Office.
- F. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.
- G. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- H. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

SECTION II

A. References.

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

C. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance as presented. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**COUNTY ENGINEER**

Mr. Kurt Bachman, County Attorney, presented an agreement between Career Transitions Holdings, LLC and the Board of Commissioners for the recruitment of a County Engineer. There will also be an agreement from Aerotek Recruiting, once it has been reviewed by the County Attorney.

Mr. Dennis Kratz made a motion to approve the agreement with Career Transitions Holdings, LLC and to authorize the President to sign. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Dennis Kratz made a motion to approve an agreement with Aerotek Recruiting and upon review authorize the President to sign outside of a public meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

**PARKS – TRUCK PURCHASE**

Mr. Mike Metz, Park Director, requested approval to purchase a new truck to replace one that is 20 years old. He presented four quotes. The lowest quote is from Shepherds' for \$32,000. Mr. Metz has half of the amount in his budget. Mr. Terry Martin made a motion to approve the truck purchase and to pay half of the amount out of the Cumulative Capital Development fund. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**SUPERIOR COURT – GRANT APPLICATION REQUEST**

Judge Lisa Bowen-Slaven, Superior Court Judge, requested permission to apply from the BEIM Foundation in the amount of \$33,000. The grant would fund a part time Drug Court administrative assistant position. Mr. Terry Martin made a motion to approve applying for the grant. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**EMERGENCY MANAGEMENT AGENCY – GRANT APPLICATION REQUEST**

**AUGUST 5, 2019**

**REGULAR SESSION**

Mr. William Wismer, Emergency Management Agency Director, requested permission to apply for a federal grant from the Department of Homeland Security. The grant would be for \$29,810.00 to be used for the purchase of equipment and technology to equip a centrally located Emergency Operation Center. Mr. Dennis Kratz made a motion to approve applying for the grant. Mr. Terry Martin seconded the motion and it carried unanimously.

**EMERGENCY MANAGEMENT AGENCY – PRE-DISASTER MITIGATION GRANT AMENDMENT**

Mr. William Wismer, Emergency Management Agency Director, presented an amendment to the 2016 Pre-Disaster Mitigation Grant, extending it to August 30, 2020. Mr. Terry Martin made a motion to approve applying for the grant. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**COUNCIL ON AGING – DEOBLIGATION OF TRANSIT GRANT FUNDS**

Mrs. Cheri Perkins, Council on Aging Executive Director, presented a Notice of Deobligation of Transit Administration Grant Funds for signature. This is for the 2018 FTA 5311 Capital Discretionary Funds. There is \$856.00 of funds that will not be used. Mr. Dennis Kratz made a motion to sign the document. Mr. Terry Martin seconded the motion and it carried unanimously.

**SUBDIVISION PLATS**

The following subdivision plats were presented for approval:

**Platoview**

There is one lot in this subdivision, in Bloomfield Township, located at 5255 E 025 N, LaGrange. Section 24, Township 37N, Range 10E. The owners are John and Mary Mishler. Mr. Dennis Kratz made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

**Cunningham Acres**

There are two lots in this subdivision, in Milford Township, located west of 43050 S 950 E, Wolcottville. Section 15, Township 36N, Range 11E. The owners are William and Constance Cunningham. Mr. Dennis Kratz made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

**JULY 2019 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending July 31, 2019, in the amount of \$27,698,750.47 and investments of \$22,047,000.00. Mr. Terry Martin made a motion to accept the report. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**ACCOUNTS PAYABLE VOUCHERS**

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Terry Martin made a motion to approve the vouchers. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**MINUTES**

Mr. Dennis Kratz made a motion to approve the minutes of the July 15, 2019 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Dennis Kratz made a motion to approve the memorandum for the July 31, 2019 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

**AUGUST 5, 2019**

**REGULAR SESSION**

**SHERIFF – GRANT APPLICATION REQUEST**

The Sheriff is requesting permission to apply for a grant from NIPSCO for public safety education and responder training. The grant would be used for public safety education and training. Mr. Terry Martin made a motion to approve applying for the grant and authorize the president to sign. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Clerk of the Circuit Court – July 2019 report

LaGrange County Treasurer – July 2019 report

LaGrange County Weights and Measures – June 16 – July 15 2019 report

Notice of Public Hearing - LaGrange County Board of Zoning Appeals, Michael & Cynthia Faylor. 1310 S 690 S, Wolcottville, Indiana

Indiana Department of Environmental Management – Notice of Decision to issue a final permit, Public Notice

No. 2019-7C-Final, Dometic Corporation, 509 S. Poplar St., LaGrange, Indiana, Permit Number 087-41450-00071

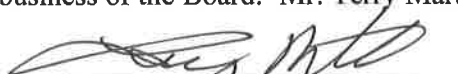
Indiana Department of Environmental Management – Notice of Approval, Elite Kitchens, LLC. 2490 S 1100 W, Shipshewana, Indiana, Permit Number 087-41450-00071

Indiana Department of Environmental Management – Composting Registration Renewal Approval, LaGrange County Yard Waste Compost Site

Indiana Department of Environmental Management – Notice of Approval, Forest River, Inc., Topeka Complex, 4020 Lehman Avenue, Topeka, Indiana, Permit Number 087-41450-00071

**ADJOURNMENT**

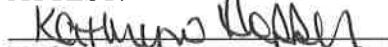
There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.

  
Larry N. Miller

\_\_\_\_\_  
Terry A. Martin

  
Dennis H. Kratz

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor