

**APRIL 1, 2019**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, April 1, 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, Mrs. 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.

**NUISANCE ISSUE – GENE NEELY 3445 S 1145 E, LAGRANGE, INDIANA**

Mr. Chris Paxson, Code Enforcement Officer, reported that he has reviewed the nuisance issue of Gene Neely, 3445 S 1145 E, LaGrange, Indiana. The property is in compliance as of today. The accumulated fines through March 25, 2019 total \$4,800.00. Mr. Paxson is recommending that the fines of \$4,800 be frozen and the issue reviewed in 3 months.

Mr. Terry Martin made a motion to freeze the fines of \$4,800 and review the issue in three months. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**COUNCIL ON AGING – TRANSPORTATION GRANT**

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 1<sup>st</sup> quarter voucher for the transportation grant. Mr. Terry Martin made a motion to approve the voucher and authorize the President to sign. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Mrs. Cheri Perkins presented a Notice of Opportunity for Public Comment concerning rate increases for LaGrange County Area Transit. Mr. Terry Martin made a motion to approve the rate increases, effective June 1, 2019. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**LAGRANGE COUNTY REDEVELOPMENT COMMISSION ANNUAL REPORT**

Mr. George Bachman, LaGrange County Redevelopment Commission President, presented the 2018 annual report for the LaGrange County Redevelopment Commission. Mr. Terry Martin made a motion to accept the annual report. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**PARKS DEPARTMENT – EQUIPMENT PURCHASES**

Mr. Mike Metz, Parks Director, requested permission to purchase targets for Pine Knob park in the amount of \$3,399.00; a hand held radio for the Park Ranger in the amount of \$1,276.42; and a John Deere mower, with trade in, in the amount of \$5,280.90. Mr., Dennis Kratz made a motion to approve the purchases. Mr. Terry Martin seconded the motion and it carried unanimously.

**PROSECUTOR CHILD SUPPORT – EQUIPMENT REQUEST**

Ms. Della Jennings, Child Support Administrator, requested permission to purchase three scanners for \$979.54 each for the three child support case workers. The scanners would be paid for out of the Prosecutors Title IV-D Incentive fund. Mr. Terry Martin made a motion to accept the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**COUNTY JUSTICE BUILDING**

Ms. Della Jennings, Prosecutor's Office, requested permission to proceed with the purchase of the furniture for the Justice Building in the amount of \$22,434.54 out of the Pretrial Diversion Fund. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Mr. Jason Boggs, Building Commissioner, gave an update on the County Justice building.

**BUILDING DEPARTMENT**

Mr. Jason Boggs, Building Commissioner, explained that he would like to change a policy for the building department. He requests that on any new construction or construction on an existing structure that would change the load of the foundation in a lake zone or designated floodplain, that the owner / contractor will need to provide documentation that the soils in their current condition would support the proposed structure. Mr. Terry Martin made a motion to approve the policy change for the Building Department. Mr. Larry Miller seconded the motion and it carried with Mr. Dennis Kratz voting no.

**TOWN OF WOLCOTTVILLE NUISANCE AGREEMENT**

Mr. Jason Boggs, Town of Wolcottville Board member, explained that the Town of Wolcottville is to pay LaGrange County \$4,988.88 annually for services contracted under the Interlocal Cooperation Agreement for nuisances. Since the County was without a Code Enforcement Officer for a period of time, the Town is requesting that 6 months of the fee be waived. Mr. Dennis Kratz made a motion to grant a credit in the amount of \$2,494.44 for the Town of Wolcottville. Mr. Terry Martin seconded the motion and it carried unanimously.

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**HIGHWAY – PURCHASE OF WHEEL LOADER**

Mr. Randy VanWagner, Highway Superintendent, presented two quotes for the purchase of a wheel loader. The lowest quote is from Westside Tractor Sales Co. for a John Deere loader, in the amount of \$170,577.02, which includes a trade in of a 1997 loader.

The following Ordinance was presented for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2019-04-01 A

ORDINANCE AUTHORIZING THE PURCHASE OF A WHEEL LOADER FOR THE LAGRANGE  
COUNTY HIGHWAY DEPARTMENT

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

WHEREAS, the Commissioners desire to purchase a new wheel loader on behalf of the Highway Department to replace its older model;

WHEREAS, the Commissioners desire to sell the older model loader;

WHEREAS, Indiana Code (“IC”) § 36-1-11-9 allows the Commissioners, when purchasing new property, to exchange or trade in an older model of like kind in exchange for a reduction of the purchase price of the newer model;

WHEREAS, the Commissioners may make a special purchase under IC § 5-22-10-12 where the County receives a dollar or percentage discount from the market price; *and*

WHEREAS, the Commissioners have ready the necessary findings to substantiate that special purchase.

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

**SECTION I**

The Board of Commissioners of the County of LaGrange, Indiana (“Commissioners”) adopt the findings in Exhibit “A,” attached and incorporated by reference to this ordinance, concerning the special purchase of a John Deere 624L Wheel Loader (“Loader”).

**SECTION II**

The Commissioners approve the purchase of the Loader and direct the Auditor and the Highway Supervisor to implement the purchase using the Sourcewell and other discounted pricing listed in Exhibit “C.” The Commissioners further authorize the sale of the County’s 1997 Caterpillar 950G Loader as part of the purchase of the Loader. The Commissioners authorize President Larry Miller to sign all papers necessary or helpful to implement the purchase, the concurrent sale of the older model, and related title transfers.

**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, department, 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. Records. The Commissioners direct the Auditor to keep records of the findings and purchase on file for five years.
- C. 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.
- B. Effective Date. This ordinance shall be effective immediately upon passage.

Exhibits A, B, and C are on file in the LaGrange County Auditor’s Office.

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Mr. Terry Martin made a motion to approve the Ordinance. 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.

**AMENDMENT TO THE ZONING ORDINANCE**

Mrs. Robbie Miller, Planning Administrator, presented the following Amendment to the Zoning Ordinance:

AMENDMENT NO.2019-04-01 B  
TO  
THE ZONING ORDINANCE

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17<sup>TH</sup> DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM AN I-2 DISTRICT TO AN A-1 DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17<sup>th</sup> day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located at East of 2855 S 00 EW, LaGrange, more fully described below hereto, be rezoned and changed from a I-2 District to an A-1 District.

LEGAL DESCRIPTION

LAND DESCRIPTION:

Part of the Southwest Quarter of Section 6, Township 36 North, Range 10 East, Johnson Township, LaGrange County, Indiana. and bounded as follows:

Commencing at a Harrison Monument marking the southwest corner of said Section; thence South 89°55'44" East (assumed bearing) 859.36 feet along the south line of said Section; thence North 01°03'05" East 1081.39 feet (recorded: 1081.46') to a #5 Taylor capped rebar at the point of beginning; thence North 88°18'36" West 267.73 feet; thence North 01°14'18" East 144.28 feet to a Taylor rebar; thence South 88°18'36" East 267.62 feet along the north line of land described in Deed Record 1401-0493 to a wood post; thence South 01°11'48" West 144.33 feet to the point of beginning. The above described tract contains 0.89 acres, more or less, and is subject to all easements and rights-of-ways on record.

Following a public hearing, the LaGrange County Plan Commission, on March 25, 2019, after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.

Mr. Terry Martin made a motion to approve the rezone. 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.

**AMENDMENT TO THE ZONING ORDINANCE**

Mrs. Robbie Miller, Planning Administrator, presented the following Amendment to the Zoning Ordinance:

AMENDMENT NO. 2019-04-01 C  
TO  
THE ZONING ORDINANCE

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17<sup>TH</sup> DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM AN I-2 DISTRICT TO AN A-1 DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17<sup>th</sup> day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located at 2775 N 850 W, Shipshewana, more fully described below hereto, be rezoned and changed from a I-2 District to an A-1 District.

LEGAL DESCRIPTION

LAND DESCRIPTION:

Tract 1:

A part of the West half (W 1/2) of the Northeast quarter (NE 1/2) of Section Ten (10), Township Thirty-seven (37) North, Range Eight (8) East, described as follows:

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Commencing at a point sixty-two (62) rods south of the Northwest corner of the West half (1/2) of the Northeast quarter (1/4) of Section Ten (10), Township Thirty-seven (37) North, Range Eight (8) East; running thence East eighty (80) rods, more or less to the west line of the East half (1/2) of the Northeast quarter (1/4) of said Section Ten (10) to land formerly owned by David C. Reed and now owned by Leonard Lupold and/or Julia Lupold, thence south to the North line of the right of way of the Goshen & Sturgis branch of the Lake Shore & Michigan Southern Railroad; thence West along the north line of said right of way to the center line of said section; thence North to the place of beginning.

EXCEPTING THEREFROM: Commencing at the Southwest corner of the Northwest Quarter of Section 10, Township 37 North, Range 8 East; thence due north, along the west line of said quarter section, a distance of 1308.11 feet to a PK nail found at the Northwest corner of a tract of land recorded in Instrument Number 95-11-188, LaGrange County records and the point of beginning of this description; thence south 89 degrees 49 minutes 33 seconds east, along the north line of said tract, a distance of 1335.28 feet to a capped rebar set on the east line of the west half of said quarter section; thence South 00 degrees 06 minutes 57 seconds west 675.8 feet to the North right-of-way of the Railroad; thence South 87°36' West along said right-of-way to the quarter section line; thence North on the quarter section line to the Point of beginning.

**TRACT 2:**

Commencing at the Northwest corner of the West half of the Northeast quarter of Section 10, Township 37 North, Range 8 East, and running thence East 80 rods, thence South 62 rods, thence West 80 rods, thence North 62 rods to the place of beginning.

Following a public hearing, the LaGrange County Plan Commission, on March 25, 2019, after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.

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

**AMENDMENT TO THE ZONING ORDINANCE**

Mrs. Robbie Miller, Planning Administrator, presented the following Amendment to the Zoning Ordinance:

AMENDMENT NO. \_\_\_\_\_  
TO  
THE ZONING ORDINANCE

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17<sup>TH</sup> DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM AN S-1/A-1 DISTRICT TO AN B-3 DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17<sup>th</sup> day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located at Southeast of 3610 N SR 5, Shipshewana, more fully described below hereto, be rezoned and changed from a S-1/A-1 District to an B-3 District.

**LEGAL DESCRIPTION**

**LAND DESCRIPTION:**

Part of the Northwest Quarter and part of the Southwest Quarter of Section 2, Township 37 North, Range 8 East, Newbury Township, LaGrange County, bounded as follows: Beginning at a Harrison monument at the Northwest corner of said Southwest Quarter; thence North 1 degree 32 minutes 31 seconds West (assumed bearing) 282.13 feet along the West line of said Northwest Quarter; thence North 89 degrees 55 minutes 56 seconds East 197.42 feet (platted 195 feet) along the South line of Main Street as platted with Valley Hills Estate and recorded in Plat Book 5, page 31 in said County; thence South 0 degrees 06 minutes 18 seconds East 559.74 feet (platted: 559.50 feet) to a rebar; thence South 87 degrees 30 minutes 41 seconds West 185.89 feet (platted 185.25 feet) to the West line of said Southwest Quarter, thence North 1 degree 01 minutes 49 seconds West 285.60 feet (platted 286.15 feet) along said West line back to the point of beginning, and containing 2.48 acres, more or less.

Following a public hearing, the LaGrange County Plan Commission, on March 25, 2019, after having considered the criteria set forth in IC § 36-7-4-603, gave a negative recommendation to this rezoning request

Mr. Dennis Kratz made a motion to deny the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

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**SUBDIVISION PLAT**

The following subdivision plat was presented for approval:

**Schmucker Minor 2<sup>nd</sup>**

There are 2 lots in this subdivision, in Newbury Township, located at 11855 W 050 N, Middlebury. Section 19, Township 37N, Range 8E. The owners are Laverne & Carolyn Schmucker. Mr. Dennis Kratz made a motion to approve the plat. Mr. Terry Martin 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. Terry Martin made a motion to approve the minutes of the March 4, 2019 meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Terry Martin made a motion to approve the memorandum for the March 13, 2019 and March 27, 2018 meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**CORRESPONDENCE**

Indiana Department of Environmental Management – Notice of Approval, Elite Kitchens, LLC, Minor Source Operating Permit Administrative Amendment, 087-41099-00071

Indiana Department of Environmental Management – Receipt of Air Permit Application, Soil Solutions Co, 7105 N CR 665 W, Shipshewana, Indiana

Indiana Department of Environmental Management – Notice of Approval, Jayco, Inc. FESOP Administrative Amendment, 087-40980-00007

Indiana Department of Natural Resources- Intent to acquire property in Springfield Township

**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.

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Larry N. Miller

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

\_\_\_\_\_  
Dennis H. Kratz

ATTEST:

\_\_\_\_\_  
Kathryn Hopper  
LaGrange County Auditor