

OCTOBER 17, 2022

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, October 17, 2022, 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. Kevin R. Myers and Mr. Peter A. Cook, and LaGrange County Auditor, Kathryn Hopper. Mr. Terry Martin was absent. Mr. Kevin Myers, Vice President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Peter Cook made a motion to adopt the proposed agenda with flexibility. Mr. Kevin Myers seconded the motion and it carried unanimously.

NUISANCE HEARING – RUBEN AND SUSAN BONTRAGER, 3735 N 200 E, LAGRANGE, INDIANA

Mr. Tony Manns, Attorney recommended that the nuisance hearing for Ruben and Susan Bontrager be continued on November 21, 2022 at 8:30 a.m. Mr. Peter Cook made a motion to continue the hearing on November 21, 2022 at 8:30 a.m. Mr. Kevin Myers seconded the motion and it carried unanimously.

NUISANCE HEARING – EAST LAND TRUST, 3460 S 1145 E, LAGRANGE, INDIANA

Mr. Tony Manns, Attorney recommended that the nuisance hearing for East Land Trust be continued on November 21, 2022 at 8:30 a.m. Mr. Peter Cook made a motion to continue the hearing on November 21, 2022 at 8:30 a.m. Mr. Kevin Myers seconded the motion and it carried unanimously.

ARPA SUB RECIPIENT AGREEMENT – LAGRANGE COUNTY 4-H CLUB ASSOCIATION

Mr. Kurt Bachman, County Attorney, presented an ARPA Sub Recipient Agreement with the LaGrange County 4-H Club Association. The LaGrange County 4-H Club Association has a need to replace the current groundskeeper's home on the Fairground property, to include demolition and removal of the current structure, excavation, concrete for crawl space, installation of new home, garage, utility hookup, driveway and sidewalks, and grass and landscaping. \$250,000 has been approved for the project. Mr. Peter Cook made a motion to approve the agreement and authorize the President to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

RADIO TOWER SUBLEASE AGREEMENT

Mr. Kurt Bachman, County Attorney, presented a Radio Tower Sublease Agreement between the Board of Commissioners of the County of LaGrange and the LaGrange County Regional Utility District. The Utility District wishes to sublease space on a vertical tower structure capable of transmitting radio communications located on East 275 South, LaGrange, Indiana. Mr. Peter Cook made a motion to approve the agreement and authorize the President to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 3rd quarter voucher for the transportation grant. Mr. Peter Cook made a motion to approve the voucher and authorize the President to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

EXECUTIVE SESSION

Mr. Peter Cook made a motion to set a Joint Executive Session for November 14, 2022, at 9:15 a.m. regarding a real estate acquisition matter. Mr. Kevin Myers seconded the motion and it carried unanimously.

BUTLER, FAIRMAN AND SEUFERT – PROPOSAL FOR ON-CALL ENGINEERING SERVICES

Mrs. Tharon Morgan, County Engineer, presented a proposal with Butler, Fairman and Seufert, Inc., for on-call engineering services task order. They will provide services to assist in the completion of the 2028 call for FA-3 Application for County Bridge No. 58 between Elmira and Stroh on County Road 1150/1175 East. Compensation for services is not to exceed \$3,500. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

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HIGHWAY CONTRACTOR SERVICE QUOTES – MB EXCAVATING

Mrs. Tharon Morgan, County Engineer, presented an estimate from MB Excavating, Inc. for a project at Big Long Lake, to reestablish the ditch along the east side of County Road 980 East to a culvert to the north, in the amount of \$3,200. She also presented an estimate from MB Excavating, Inc. to install a new catch basin on Big Long Lake near County Road 10430 East 640 South, in the amount of \$4,650. Mr. Peter Cook made a motion to approve the estimates. Mr. Kevin Myers seconded the motion and it carried unanimously.

WOOD-LAND-LAKES RC & D

Mr. Jeff Conrad with Wood-Land-Lakes RC & D, was present. He explained that the board is in need of someone from LaGrange County to serve on their board. Mr. Peter Cook explained that he has reached out to Mr. Martin Franke, Soil and Water Conservation District Director, to assist with an appointment.

AMENDMENT TO THE ZONING ORDINANCE

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

AMENDMENT NO. 2022-10-17 A
TO
THE ZONING ORDINANCE
(TOWN OF TOPEKA REZONE)

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH 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 A S-1 DISTRICT TO A U-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 17th 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 parcel 44-11-30-300-00.087-006 and 44-11-30-300-001.079-006 more fully described below hereto, be rezoned and changed from a S-1 District to a U-1 District.

Legal Description

Part of the Southwest Quarter of Section 30, Township 36 North, Range 9 East, Clearspring Civil Township, LaGrange County, Indiana, being a combination of a 36.84-acre parcel described in Document #18080501 and real estate described in Document #18120553, all as found in the Office of the Recorder of LaGrange County, Indiana and being described as follows:

Commencing at a Harrison Monument at the Northwest corner of said Southwest Quarter; thence South 00 degrees 25 minutes 52 seconds East (based on Indiana East State Plane Coordinate System (NAD'83(2011))), along the West line of said Southwest Quarter, 622.65 feet to the Point of Beginning; thence along the South and East boundaries of land described in Deed Record #1312-0515, for these five courses: North 89 degrees 34 minutes 08 seconds East through a #5 LA Taylor-capped rebar, 248.00 feet to a Taylor rebar; thence North 40 degrees 02 minutes 24 seconds East, 102.00 feet to a Taylor rebar; thence North 00 degrees 25 minutes 52 seconds West, 39.27 feet to a Taylor rebar; thence North 89 degrees 34 minutes

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08 seconds East, 30.08 feet to a #5 rebar; thence North 00 degrees 22 minutes 18 seconds West, along said deed and its extension through a Taylor rebar, 505.45 feet to the North line of said Southwest Quarter; thence North 89 degrees 37 minutes 31 seconds East, along said North line, 2,315.56 feet to a tree post at the Northeast corner of said Southwest Quarter; thence South 00 degrees 22 minutes 30 seconds East, along the East line of said Southwest Quarter, 1,093.85 feet (1,093.67 feet recorded) to a point located 1,551.39 feet North 00 degrees 22 minutes 30 seconds West of a Harrison Monument at the Southeast corner of said Southwest Quarter; thence South 89 degrees 37 minutes 01 second West, along the South line of real estate described in Document #18120553, a distance of 1,578.97 feet to the Southwest corner thereof, located on the East line of Golden Acres Subdivision, Section "C", recorded in Plat Book 5, page 9; thence North 00 degrees 15 minutes 22 seconds West, along said East line, and the East line of Golden Acres Subdivision, Section "F", a distance of 422.53 feet (423.20 feet recorded), to an open pipe at the Northeast corner of said Golden Acres Subdivision, Section "F"; thence North 00 degrees 38 minutes 31 seconds West, 0.34 feet; thence South 89 degrees 28 minutes 34 seconds West, through a Doyle-capped rebar, 269.25 feet to a Doyle rebar; thence South 89 degrees 37 minutes 20 seconds West, 84.94 feet to a Doyle rebar; thence South 89 degrees 24 minutes 48 seconds West, 89.96 feet to a #5 rebar; thence South 89 degrees 32 minutes 15 seconds West, through a Doyle rebar, 279.92 feet to a Doyle rebar; thence South 88 degrees 55 minutes 39 seconds West, 175.23 feet to the Northwest corner of said Plat; thence North 89 degrees 19 minutes 55 seconds West, through a Taylor MAG nail, 182.36 feet to the West line of said Southwest Quarter; thence North 00 degrees 25 minutes 52 seconds West, along said West line, 48.85 feet to the Point of Beginning, containing 51.557 acres, more or less, and subject to easements and rights-of-way of record.

Following a public hearing, the LaGrange County Plan Commission, on October 3, 2022, after having considered the criteria set forth in IC § 36-7-4-603, gave a favorable recommendation to this rezoning proposal.

Mr. Peter Cook made a motion to approve the Amendment to the Zoning Ordinance. Mr. Kevin Myers 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. 2022-10-17 B

TO

THE ZONING ORDINANCE

(MILLER/YODER REZONE)

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH 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 A B-2 DISTRICT TO A B-3 DISTRICT.

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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 17th 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 parcel 44-05-02-300-000.018-015 and 44-05-02-300-000.019-015 more fully described below hereto, be rezoned and changed from a B-2 District to a B-3 District.

Legal Description

DESCRIPTION: PARCEL #1

The North Half of Lot 1 in the Third Addition to Punkin Vine Junction, as said Lot is known and recorded in Plat Book 10, page 65, further described as follows:

BEGINNING at an iron pin at the northwest corner of Lot #1 in the Third Addition to Punkin Vine Junction; thence

- 1) South 00 degrees 01 minutes 17 seconds West, along the west line of said Lot 1, a distance of 239.91 feet to a rebar with cap; thence
- 2) South 89 degrees 58 minutes 43 seconds East, parallel with the north line of said Lot 1, a distance of 453.93 feet to a rebar with cap on the east line of said Lot 1; thence
- 3) North 00 degrees 44 minutes 10 seconds West, along the east line of said Lot 1, a distance of 239.92 feet to a rebar with cap; thence
- 4) North 89 degrees 58 minutes 43 seconds West, a distance of 450.76 feet to the beginning.

Containing 2.49 acres, more or less.

Subject to all public highway rights-of-way and easements of record.

DESCRIPTION: PARCEL #2

The South Half of Lot 1 In the Third Addition to Punkin Vine Junction, as said Lot is known and recorded in Plat Book 10, page 65, being further described as follows:

Commencing at an iron pin at the northwest corner of Lot #1 in the Third Addition to Punkin Vine Junction; thence South 00 degrees 01 minutes 17 seconds West, along the west line of said Lot 1, a distance of 239.91 feet to a rebar with cap at the BEGINNING; thence

- 1) Continuing South 00 degrees 01 minutes 17 seconds West, along the west line of said Lot 1, a distance of 239.91 feet to an iron pin; thence
- 2) South 89 degrees 58 minutes 43 seconds East, along the south line of said Lot 1, a distance of 457.10 feet to a rebar with cap on the east line of said Lot 1; thence
- 3) North 00 degrees 44 minutes 10 seconds West, along the east line of said Lot 1, a distance of 239.93 feet to a rebar with cap; thence
- 4) North 89 degrees 58 minutes 43 seconds West, a distance of 453.93 feet to the beginning.

Containing 2.51 acres, more or less.

Subject to all public highway rights-of-way and easements of record.

Following a public hearing, the LaGrange County Plan Commission, on October 3, 2022, after having considered the criteria set forth in IC § 36-7-4-603, gave a favorable recommendation to this rezoning proposal.

Mr. Peter Cook made a motion to approve the Amendment to the Zoning Ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously.

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AMENDMENT TO THE ZONING ORDINANCE

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

AMENDMENT NO. 2022-10-17 C
TO
THE ZONING ORDINANCE
(HOARD REZONE)

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH 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 A-1 DISTRICT TO AN I-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 17th 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 parcel 44-07-28-100-001.000-001 more fully described below hereto, be rezoned and changed from an A-1 District to an I-1 District.

Legal Description

Part of the Northwest Quarter of Section 28, Township 37 North, Range 10 East, Bloomfield Civil Township, LaGrange County, Indiana, being a retracement survey by Benjamin R. Taylor (LS #21300008) for Taylor Land Surveying (Job #22141), certified on June 30, 2022 and bounded as follows:

Beginning at a Harrison Monument at the northwest corner of said Quarter; thence North 89°26'34" East (Basis of Bearing: IN East State Plane, NAD 83, Ground Distance) 520.51 feet along the north line of said Quarter to the northwest corner of land described in Deed Record 2009-0185; thence South 01°19'50" East 609.97 feet through a #4 rebar along the west line of said deed to a #5 BR Taylor capped rebar at the southwest corner of said deed and the north line of land described in Deed Record 1209-0070; thence South 89°10'35" West 520.86 feet along the north line of said deed and the north line of Lot 1 in the Plat of C.S. Allison Subdivision as recorded in Plat Book 6, Page 179, through a Doyle rebar to the northwest corner of said plat and the west line of said Quarter; thence North 01°17'44" West 612.39 feet along said west line to the point of beginning. The above described tract contains 7.31 acres, more or less, and is subject to all easements and rights-of-way on record. Subject to an Electrical Easement to LaGrange County REMC, recorded in Miscellaneous Record "W", page 165 and to an Electrical Easement to NIPSCO, recorded in Deed Record 83, page 364.

Following a public hearing, the LaGrange County Plan Commission, on October 3, 2022, after having considered the criteria set forth in IC § 36-7-4-603, gave an unfavorable recommendation to this rezoning proposal.

Mr. Peter Cook made a motion to deny the Amendment to the Zoning Ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously.

PARK – DELT CHURCH PARK PAVILION PROJECT

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Mrs. Mary Franke, Park Director, explained that the Park Department took bids recently for the Delt Church Park pavilion project. The bids were approximately \$100,000 over the estimated cost. The Park Board will meet tonight to discuss taking \$50,000 out of the Park Nonreverting Operating Fund. She is asking the Commissioners if they would be able to fund the remaining \$50,000. Mr. Peter Cook made a motion to fund the remainder of the project out of the Cumulative Capital Development Fund. Mr. Kevin Myers seconded the motion and it carried unanimously.

SEPTEMBER 2022 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending September 30, 2022, in the amount of \$46,591,642.96 and investments of \$21,155,000. Mr. Peter Cook made a motion to accept the report. Mr. Kevin Myers seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Kevin Myers made a motion to approve the vouchers. Mr. Peter Cook seconded the motion and it carried unanimously.

MINUTES

Mr. Peter Cook made a motion to approve the minutes of the October 7, 2022 regular session meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the October 4, 2022 and October 12, 2022 staff meetings and the September 6, 2022 memorandum of the Joint Executive Session. Mr. Kevin Myers seconded the motion and it carried unanimously.

PROSECUTOR – AGREEMENT WITH THOMSON REUTERS

An agreement was presented between the LaGrange County Prosecutor and Thomson Reuters for a subscription to CLEAR, an investigative tool that searches multiple public records to assist in tracking down individuals. Mr. Peter Cook made a motion approve the agreement and authorize the President to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY DEPARTMENT - FUEL BID

At 9:00 a.m. Mrs. Tharon Morgan, County Engineer, opened the following fuel bid for 2023:

<u>Company</u>	<u>Type</u>	<u>Bid</u>
Ceres Solutions	Unleaded Gasoline	\$3.374/gallon, firm price
	Diesel	\$3.765/gallon, firm price
	Unleaded Gasoline	\$3.465/gallon, fluctuating price
	Diesel	\$4.115/gallon, fluctuating price

Mr. Peter Cook made a motion to take the bids under advisement. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Treasurer – September 2022 report

Northeast Indiana Regional Partnership – Fee for Service Agreement Report

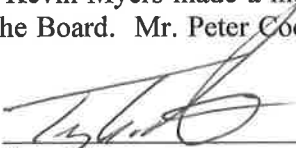
Indiana Department of Environmental Management – Notice of Approval, Highland Ridge RV, Inc,
3195 N State Road 5, Shipshewana, Indiana 46565, Permit Number 087-45759-00679

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ADJOURNMENT

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



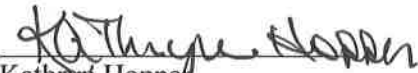
Terry A. Martin

ABSENT

Kevin R. Myers


Peter A. Cook

ATTEST:



Kathryn Hoppe
LaGrange County Auditor