

NOVEMBER 7, 2022

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, November 7, 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. Terry A. Martin and Mr. Peter A. Cook, and LaGrange County Auditor, Kathryn Hopper. Mr. Kevin Myers was absent. Mr. Terry Martin, 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. Terry Martin seconded the motion and it carried unanimously.

PETITION TO VACATE - PUBLIC ALLEY, ORIGINAL PLAT OF THE TOWN OF ONTARIO

At 8:30 a.m. Mr. Terry Martin opened the public hearing to vacate a public alley situated between lots 6-10 and lots 1-5 in block 17 in the original plat of the town of Ontario, Lima Township, LaGrange County, Indiana.

Mr. Kenneth Jones, Jr. of Jones Petrie Rafinski, spoke on behalf of the petitioners, Max J. and Nancy J. Cleveland, 2305 E 405 N, Howe, Indiana. Mr. Jones explained that his clients would like to vacate a portion of a public alley located in the unincorporated Town of Ontario, in Lima Township. A structure was built 2' into the alley 17 years ago.

Mrs. Kim Cross spoke on behalf of Phyllis Eagleson, who resides at 4145 N 230 E, Howe, Indiana. She is in favor with the vacation. Mr. Terry Miller 2165 E 400 N, Howe, Indiana spoke in favor of the vacation.

Mr. Terry Martin closed the public hearing. Mrs. Kathryn Hopper, County Auditor, explained that the advertising and notification fees have not been received at this time. Mr. Peter Cook made a motion to table the vacation until November 21, 2022. Mr. Terry Martin seconded the motion and it carried unanimously.

ARPA SUBRECIPIENT AGREEMENT – LAGRANGE COUNTY ECONOMIC DEVELOPMENT CORPORATION

Mr. Kurt Bachman, County Attorney, presented an ARPA Subrecipient Agreement with the LaGrange County Economic Development Corporation. The Agreement is in the amount of \$60,000 of the State and Local Fiscal Recovery Funds (SLFRF) to be used to develop the Housing Strategy project to being housing to LaGrange County. Mr. Peter Cook made a motion to approve the agreement and to authorize the president to sign the agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

ARPA SUBRECIPIENT AGREEMENT – LAGRANGE COUNTY REGIONAL UTILITY DISTRICT

Mr. Kurt Bachman, County Attorney, presented an ARPA Subrecipient Agreement with the LaGrange County Regional Utility District. The Agreement is in the amount of \$1,500,000 of the State and Local Fiscal Recovery Funds (SLFRF) to be used to develop and expand upon the current sewer infrastructure at the North and South Twin Lakes. Mr. Peter Cook made a motion to approve the agreement and to authorize the president to sign the agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

PURCHASE OF PROPERTY FOR COUNTY HIGHWAY GARAGE

Mr. Kurt Bachman, County Attorney, explained that he is in the process of working on the purchase of property for the County Highway Garage. He is requesting authority to work with Mr. Terry Martin to proceed with securing appraisals and preparing and making offers on real estate. Mr. Peter Cook made a motion to authorize Mr. Bachman to work with Mr. Martin to proceed with the purchase of property and to authorize Mr. Martin to sign any necessary documents. Mr. Terry Martin seconded the motion and it carried unanimously.

HEALTH INSURANCE FOR COUNTY EMPLOYEES FOR 2023

Mrs. Kathryn Hopper, County Auditor, explained that the Health Insurance Committee met recently and is recommending that the individual coverage be increased from \$25 to \$30 per pay period, and that the family coverage remain the same at \$235.00 per pay period. They also recommended that the life insurance be increased

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from \$25,000 to \$50,000. Mr. Peter Cook made a motion to approve the new rates for the Health Insurance. Mr. Terry Martin seconded the motion and it carried unanimously.

ARK ANIMAL SANCTUARY – MARY JANE ECKER IRREVOCABLE TRUST EXPENSE

Ms. Cindy Miller, Director of the ARK Animal Sanctuary, presented a bill from Animal Care Clinic of Topeka, in the amount of \$3,517.35, a bill from King Veterinary Clinic in the amount of \$5,173.92, and a bill from LaGrange Veterinary Clinic in the amount of \$8,516.13. The invoices would be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Peter Cook made a motion to approve the expenses to be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Terry Martin seconded the motion and to carried unanimously.

LAGRANGE COUNTY CONVENTION & VISITORS BUREAU

Ms. Phyllis Youga, Executive Director of the LaGrange County Convention & Visitors Bureau, presented their Strategic Plan for 2023-2025.

PARK – DELT CHURCH PARK PAVILION PROJECT AGREEMENT

Mrs. Mary Franke, Park Director, presented an agreement between the LaGrange County Parks and Recreation Board and Shetler Construction, LLC. The Delt Church Park Pavilion Project Agreement is for the construction of a pavilion in the amount of \$347,516. Mr. Peter Cook made a motion to approve the agreement. Mr. Terry Martin seconded the motion and to carried unanimously.

PARK – RECEIPT OF BOAT AND BOAT TRAILER

Mrs. Mary Franke, Park Director, explained that the Park Department recently received a donation of a Sylvan John Boat and a Hawkeye Boat Trailer from Dr. John Egli. Mr. Peter Cook made a motion to accept the donation. Mr. Terry Martin seconded the motion and to carried unanimously.

VS ENGINEERING – PROPOSAL FOR SMALL STRUCTURE REPLACEMENT DESIGN

Mrs. Tharon Morgan, County Engineer, presented a proposal from VS Engineering to perform small structure replacement design and associated services. The proposal is in the amount of \$26,250. Mr. Peter Cook made a motion to accept the proposal. Mr. Terry Martin seconded the motion and it carried unanimously.

REMOVAL OF BEAVERS

Mrs. Tharon Morgan, County Engineer, explained that there is an issue with beaver on County Property near 050E, Wolcottville. Mike Shank, a LaGrange County resident would like to trap the beavers. Mr. Peter Cook made a motion to allow Mr. Shank to trap. Mr. Terry Martin 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 approve the firm price for fuel. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY SUPERINTENDENT

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Mr. Terry Martin reported that the Commissioners recently interviewed candidates for the Highway Supervisor position. Mr. Peter Cook made a motion to appoint Mr. Aaron Fugate as the Highway Superintendent, effective today. 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. 2022-11-07

TO

THE ZONING ORDINANCE
(ELITE METAL PUD 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 A PUD (PLANNED UNIT DEVELOPMENT) 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 44-06-34-200-007.000-004, 44-06-34-200-012.000-004 and 44-06-34-200-007.002-004 more fully described below hereto, be rezoned and changed from an A-1 District to a PUD (Planned Unit Development) District.

LEGAL DESCRIPTION

A tract of land located in the Northeast Quarter of Section 34, Township 37 North, Range 09 East, in Clay Civil Township, LaGrange County, the State of Indiana. Said tract being an Original Survey as prepared by Scott D. Zeigler, PS #LS29600008, dba Hand to the Plow Surveying, LLC; 5678 West – 350 South, Albion, Indiana 46701, said survey being represented as Plat of Survey #37-09-34-100-002, said tract of land being all the lands within LOT 2 in the plat of Maple Grove Addition, as described in LaGrange County Document No. 2021-01442, and all the lands within a tract of land conveyed to Larry R. and Fannie P. Schlabach, as described in LaGrange County Document No. 2021-02122, and all the lands within a tract of land conveyed to Dennis R. and Susan L. Schlabach, as described in LaGrange County Document No. 2021-02874, and being more particularly described as follows, to-wit:

Commencing at a Harrison Marker at the Northwest corner of said Northeast Quarter; thence North 89 degrees 24 minutes 50 seconds East (GRID) (recorded as North 89 degrees 16 minutes 08 seconds East), along the North line of said Northeast Quarter, for a record distance of 899.87 feet to the Northwest corner of said Dennis Schlabach tract of land, said point being marked by a Zeigler Marker Spike and being the Point Of Beginning for this description; thence continuing North 89 degrees 24 minutes 50 seconds East, along the North line of said Northeast Quarter, for 821.09 feet (recorded as North 89 degrees 16 minutes 08 seconds East, for 821.20 feet) to a common corner between said Dennis Schlabach tract of land and a tract of land conveyed to Tri-County Land Trustee Corporation, as described in LaGrange County Document No. 2021-02049, said point being marked by a Marker Spike; thence South 00 degrees 17 minutes 40 seconds East, along the common line between said Dennis Schlabach and Tri-County tracts, for 638.11 feet (recorded as South 00 degrees 25 minutes 43 seconds East, for 637.92 feet) to a common corner between said Dennis Schlabach and Larry Schlabach tracts of land, said point being marked by a #5 Taylor Rebar; thence continuing South 00 degrees 17 minutes 40 seconds East, for 730.74 feet to the Southeast corner of said Larry Schlabach tract of land, said point being marked by a #5 Taylor Rebar; thence South 89

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degrees 20 minutes 41 seconds West, along the South line of said Larry Schlabach tract of land, for 790.36 feet (recorded as 790.37 feet) to a common corner between said Larry Schlabach tract and said LOT 2 in Maple Grove Addition, said point being marked by a #5 Taylor Rebar; thence continuing South 89 degrees 20 minutes 41 seconds West (recorded as South 89 degrees 11 minutes 39 seconds West), along the South line of said Maple Grove LOT 2, for a record distance of 926.82 feet to the West line of said Northeast Quarter, said point being the Southwest corner of said Maple Grove LOT 2 and being marked by a Zeigler Marker Spike; thence North 00 degrees 27 minutes 10 seconds West, along the West line of said Northeast Quarter, for 554.28 feet to a common corner between said Larry Schlabach tract and LOT 1 in said Maple Grove Addition, said point being marked by a Zeigler Marker Spike; thence North 89 degrees 25 minutes 17 seconds East (recorded as North 89 degrees 16 minutes 41 seconds East) along the North line of said Larry Schlabach tract of land, for 901.99 feet to a common corner between said Larry Schlabach tract and a tract of land conveyed to Tri-County Land Trustee, as described in LaGrange County Document No. 20-09-0444, said point being located 0.46 feet East of a Wood Corner Post and being marked by a #5 Zeigler Rebar; thence North 00 degrees 36 minutes 06 seconds West (recorded as North 00 degrees 44 minutes 46 seconds West), along the common line between said Larry Schlabach and said Tri-County tracts, for 178.66 feet to a common corner between said Larry Schlabach and Dennis Schlabach tracts, said point being marked by a #5 Taylor Rebar; thence continuing North 00 degrees 36 minutes 06 seconds West (recorded as North 00 degrees 44 minutes 46 seconds West), along the common line between said Dennis Schlabach and Tri-County tracts of land, for 638.10 feet to the Point of Beginning. Said tract containing 37.17 Acres, more or less, and is subject to all public road right-of-ways and easements of record.

Following a public hearing, the LaGrange County Plan Commission, on October 24, 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. Terry Martin seconded the motion and it carried unanimously.

REQUEST FOR UNPAID MEDICAL LEAVE

Mrs. Jenny Landez, Human Resources Director, presented a request for unpaid medical leave for an employee in the Probation Department from September 29, 2022 to October 17, 2022. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

WELLNESS PROGRAM

Mrs. Jenny Landez, Human Resources Director, explained that the Health Risk Assessment is the last piece of the wellness program for 2022. The cost is \$6.00 per employee who participates and she is requesting approval to proceed. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – REQUEST TO PURCHASE LAPTOP FOR HIGHWAY MECHANIC

Mr. Dave Warren, Information Technology Director, was present and requested permission to purchase a laptop for the Highway mechanic. The cost is \$2,301.85 for a Panasonic Toughbook 55, from CDW. Mr. Peter Cook made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

SHERIFF – REQUEST TO PURCHASE ALARM PANIC SYSTEM

Mr. Jeff Campos, County Sheriff, explained that some of the duress buttons in the County buildings need replacement. He presented a quote from TechSolutions in the amount of \$5,822.82 for an alarm panic system. Mr. Peter Cook made a motion to approve the purchase and pay out of the LIT Public Safety Fund. Mr. Terry Martin seconded the motion and it carried unanimously.

SHERIFF – LAKELAND SCHOOL CORPORATION SCHOOL RESOURCE OFFICER

Mr. Jeff Campos, County Sheriff, explained that Lakeland School Corporation would like to have an additional School Resource Officer. Ms. Jamesi Lemon, Director of Business and Operations for Lakeland School Corporation, explained that they would provide the funding for the position. She has applied for a grant for the

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position. Mr. Peter Cook made a motion to approve the additional officer and to proceed with a contract. Mr. Terry Martin seconded the motion and it carried unanimously.

TREASURER – REQUEST TO PURCHASE DROP BOX

Mrs. Connie Brower, County Treasurer, was present. She requested permission to purchase an Extra-Small Document Drop Box to place at the front of the County Office Building. The cost of the box is \$1,594.00 from American Security Cabinets, and she has the funds in her budget. The payment box that is currently being used is too small and would be removed and the new box installed on the building. Mr. Peter Cook made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

LAGRANGE COUNTY REGIONAL UTILITY DISTRICT BOARD APPOINTMENTS

Mr. Denny Davis has resigned from the LaGrange County Regional Utility District board. Mr. Peter Cook made a motion to appoint Nikki Heffelfinger to fill the remainder of his term. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Gerry Turner's term expires on December 31, 2022 and he is not interested in being appointed again. Mr. Peter Cook made a motion to appoint Michael Mohrman to the board effective January 1, 2023. Mr. Terry Martin seconded the motion and it carried unanimously.

WOOD-LAND-LAKES RC & D REPRESENTATIVE

There is a vacancy on the Wood-Land-Lakes RC & D board. Mr. Peter Cook made a motion to appoint Kathryn Hopper to board. Mr. Terry Martin seconded the motion and it carried unanimously.

OCTOBER 2022 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending October 31, 2022, in the amount of \$45,909,070.62 and investments of \$21,155,000. Mr. Peter Cook made a motion to accept the report. Mr. Terry Martin seconded the motion and it carried unanimously.

MINUTES

Mr. Terry Martin made a motion to approve the minutes of the October 17, 2022 regular session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the November 1, 2022 staff meetings and the September 6, 2022 memorandum of the Joint Executive Session. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk – June, July, August, and September 2022 reports

LaGrange County Treasurer – October 2022 report

Mediacom – Notice of implementation of programming changes and rate adjustments

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Indiana Department of Environmental Management – Notice of Approval, Five Star Wood Finishing LLC,
3005 N 1075 W, Shipshewana, Indiana 46565, Permit Number 087-45675-00726

Indiana Department of Environmental Management – Receipt of Air Permit Application, FN Chairs LLC,
2175 W CR 450 S, LaGrange, Indiana 46761, Permit Number 087-45823-00683

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. Peter Cook seconded the motion and it carried unanimously.

ABSENT

Terry A. Martin

Kevin R. Myers

Peter A. Cook

ATTEST:

Kathryn Hopper

LaGrange County Auditor