

DECEMBER 5, 2022

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, December 5, 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. Kevin R. Myers, and LaGrange County Auditor, Kathryn Hopper. Commissioner Mr. Peter Cook attended virtually. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Kevin Myers made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion. Upon roll call vote, the motion carried unanimously.

PURCHASE OF PROPERTY

Mr. Kurt Bachman, County Attorney, explained that he is working on a purchase agreement for a proposed purchase of property to acquire real estate. Mr. Kevin Myers made a motion to authorize the president to deliver an offer of purchase and the delivery of \$1,000 earnest money. Mr. Terry Martin seconded the motion. Upon roll call vote, the motion carried unanimously.

LAGRANGE COUNTY REGIONAL UTILITY DISTRICT – LOAN CLOSING

Mr. Kurt Bachman, County Attorney, reported that in November, the Commissioners approved an agreement with the LaGrange County Regional Utility District, 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. They are wanting the funds to be transferred to the Bank of New York. This is not in the grant agreement. Mr. Kevin Myers made a motion to authorize the County Attorney and the County Auditor to transfer the funds, subject to legal review and approval. Mr. Terry Martin seconded the motion. Upon roll call vote, the motion carried unanimously.

COUNTY LEGAL SERVICES – BEERS MALLERS BACKS & SALIN, LLP

Mr. Kurt Bachman, County Attorney, presented contract for legal services for 2023 with Beers Mallers Backs & Salin, LLP for consideration. The contract is in the amount of \$28,000, which included the staff meetings. Mr. Peter Cook made a motion to approve the contract and authorize the President to sign. Mr. Kevin Myers seconded the motion. Upon roll call vote, the motion carried unanimously.

PURDUE EXTENSION EDUCATIONAL CONTRACTUAL SERVICES AGREEMENT

Mr. Steve Engleking, County Extension Director, presented the 2023 educational contract for the Purdue Extension for consideration. Mr. Kevin Myers made a motion to approve the agreement. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

MAINTENANCE – UTILITY INVOICE

Mr. Gary Mast, Maintenance Director, was present and explained that he has a utility bill from NIPSCO and he has exhausted the funding in his budget to cover the \$4,722.41 that is due. Mr. Kevin Myers made a motion to pay the bill out of the Rainy Day Fund. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

PARKS – PERMISSION TO APPLY FOR A GRANT

Mrs. Mary Franke, Park Director, requested permission to apply for a \$2,500 grant from the National Wild Turkey Association to purchase equipment to perform prescribed burns on the prairies and savannas. Mr. Kevin Myers made a motion to pay the bill out of the Rainy Day Fund. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

PARKS – PINE KNOB FURNACE

Mrs. Mary Franke, Park Director, explained that the furnace at Pine Knob Park needs replacement. She presented a quote from Rawles Services LLC in the amount of \$4,500 for a new gas furnace. Mr. Kevin Myers made a

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motion to approve the grant application. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

AMERICAN STRUCTUREPOINT – TASK AGREEMENT

Mrs. Tharon Morgan, County Engineer, presented a task order between American Structurepoint, Inc. and the Board of Commissioners for drafting assistance for the 2023 LaGrange County Road Resurfacing Project on County Road 500 South and County Road 600 South. The amount is not to exceed \$2,400. Mr. Kevin Myers made a motion to approve the agreement. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

AMERICAN STRUCTUREPOINT – COUNTYWIDE SMALL STRUCTURE INSPECTION AND INVENTORY

Mrs. Tharon Morgan, County Engineer, presented a task order between American Structurepoint, Inc. and the Board of Commissioners for the Countywide small structure inspection and inventory. The amount is not to exceed \$75,000. Mr. Kevin Myers made a motion to approve the agreement. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE

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

AMENDMENT NO. 2022-12-05
TO
THE ZONING ORDINANCE
(WEAVER DUTCH SEASONINGS 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 PLANNED UNIT DEVELOPMENT (PUD) 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 44-05-23-400-001.004-014, 44-05-23-400-001.005-014, 44-05-23-400-001.002-014, 44-05-23-400-001.003-014, and 44-05-23-400-012.000-014 more fully described below hereto, be rezoned and changed from an A-1 District to a Planned Unit Development (PUD) District.

Legal Description

Part of the Southeast Quarter of Section 23, Township 37 North, Range 08 East, Newbury Civil Township, LaGrange County, 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, being represented as Plat of Survey #37-08-23-200-002. Said tract being part of a tract of land conveyed to Tri-County Land Trustee Corporation, as described in LaGrange County Document No. 21-09-00852, and all of the tracts of land conveyed to David J. Weaver and Betty F. Weaver, as described in LaGrange County Documents No. 00-03-0544, 00-10-0200, and 17-06-0344 being more particularly described as follows, to-wit:

Beginning at a Harrison Marker located at the Northwest corner of the Southeast Quarter of said Section 23; thence North 88 degrees 58 minutes 35 seconds East (GRID - Indiana GCS – Elkhart County), along the North line of said Southeast

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Quarter and the North line of The Replat of Lot 1 in Vernon's Second Addition, described in Lagrange County Document No. 08-07-0135, for 352.96 feet (recorded as North 88 degrees 39 minutes 38 seconds East, for 352.82 feet), to the Northeast Corner of said Replat, said point being marked by a Railroad Spike; thence South 00 degrees 12 minutes 30 seconds East (recorded as South 00 degrees 28 minutes 50 seconds West), along the East line of said Replat and the East line of Vernon's Second Addition, described in LaGrange County Plat Book 10, Page 47 and 47A, for 875.36 feet, to a point being marked by a #5 Zeigler Rebar; thence South 86 degrees 14 minutes 57 seconds East, for 0.47 feet to the Center of a Circular Fiberglass Corner Post; thence along an existing fence line for the next THREE bearings and distances:

South 86 degrees 14 minutes 57 seconds East, for 355.56 feet, to the center of a Circular Fiberglass Corner Post;

South 15 degrees 41 minutes 47 seconds East, for 317.83 feet to the center of a Circular Fiberglass Corner Post;

North 85 degrees 16 minutes 29 seconds West, for 427.27 feet, to the center of a Circular Fiberglass Corner Post;

thence continuing North 85 degrees 16 minutes 29 seconds West, for 14.41 feet to a point on the East line of said Vernon's Second Addition, said point being marked by a #5 Zeigler Rebar; thence South 00 degrees 12 minutes 30 seconds East, along the East line of said Vernon's Second Addition, for 3.48 feet to the Southeast corner of said Vernon's Second Addition, said point being marked by a #5 Zeigler Rebar; thence North 85 degrees 58 minutes 21 seconds West, along the South line of said Vernon's Second Addition, for 347.03 feet (recorded as North 85 degrees 11 minutes 06 seconds West, for 347.73 feet) to the Southwest corner of said Vernon's Second Addition, said point being marked by a #5 Doyle Rebar; thence North 00 degrees 33 minutes 06 seconds West along the West line of said Vernon's Second Addition and the West line of said Replat, for 1141.09 feet (recorded as North 00 degrees 10 minutes 36 seconds East, for 1141.02 feet) to the ***Point of Beginning***. Said tract containing 11.98 Acres, more or less, and is subject to all public road rights-of-way and easements of record.

Following a public hearing, the LaGrange County Plan Commission, on November 28, 2022, after having considered the criteria set forth in IC § 36-7-4-603, gave a favorable recommendation to this rezoning proposal.

Mr. Kevin Myers made a motion to approve the Amendment to the Zoning Ordinance. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion 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

(IVAN 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 AN I-2 DISTRICT TO AN A-1 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 44-07-30-200-012.000-001, 44-07-30-200-015.000-001, 44-07-30-200-000.061-002, and 44-07-30-200-000.060-002 more fully described below hereto, be rezoned and changed from an I-2 (Heavy Industrial) district to an A-1 (Agricultural) district.

LEGAL DESCRIPTION

Exhibit "A"

Part of the Northeast Quarter of Section 30, Township 37 North, Range 10 East, more particularly described as follows:

Commencing at a 1" bar found monumenting the Northeast corner of Section 30, Township 37 North, Range 10 East, Bloomfield Township, LaGrange County, Indiana; thence North 89 degrees 51 minutes 09 seconds West (assumed bearing and basis for this description), on the North line of said Northeast Quarter, a distance of 1452.47 feet (1452.9 feet measured) to a 5/8" rebar (capped Karst #0073) monumenting the point of beginning; thence continuing North 89 degrees 51 minutes 09 seconds West, a distance of 276.10 feet to a 5/8" rebar (capped Karst #0073) monumenting the Northeast corner of a tract of land conveyed to Moose Lodge #1352 in Document Number 0600350 in said Recorder's Office; thence South 00 degrees 22 minutes 11 seconds West, on the East line of tracts belonging to Moose Lodge #1351 in Document Numbers 06050350 and 96010223 in said Recorder's Office and on the East line of Lot 1 Bob Long Subdivision, as found in Plat Book 15, page 6 in said Recorder's Office, a distance of 599.52 feet (600.47 feet recorded) to a 5/8" rebar found monumenting the Southeast corner of said Lot 1 Bob Long Subdivision; thence South 78 degrees 40 minutes 55 seconds West, on the South line of said Lot 1, a distance of 181.06 feet (181.32 feet recorded) to a 5/8" rebar found monumenting the Southwest corner of said Lot 1, said Southwest corner also on the East right of way of South Railroad Street; thence South 11 degrees 32 minutes 16 seconds East, a distance of 217.84 feet to a 5/8" rebar (capped Karst #0073); thence South 89 degrees 51 minutes 09 seconds East, parallel with the North line of said Northeast Quarter, a distance of 956.14 feet to a point within the top banks of Fly Creek; thence North 42 degrees 26 minutes 49 seconds West, a distance of 776.24 feet to a point within the top banks of Fly Creek; thence North 03 degrees 46 minutes 36 seconds West, a distance of 278.05 feet to the point of beginning, containing 10.00 acres, more or less.

EXCEPTING THEREFROM:

Part of the Northeast Quarter of Section 30, Township 37 North, Range 10 East, Bloomfield Civil Township, LaGrange County, Indiana, and bounded as follows: Beginning at a #5 rebar at the Southwest corner of Bob Long Subdivision, as recorded in Plat Book 15, page 6 in the Office of the Recorder; thence North 78 degrees 40 minutes 34 seconds East (recorded: N 78 degrees 40 minutes 55 seconds East) 181.06 feet along the South line of said Subdivision to a #5 rebar at the Southeast corner of said Subdivision; thence South 89 degrees 51 minutes 08 seconds East 40.00 feet to a #5 LA Taylor-capped rebar; thence South 16 degrees 56 minutes 46 seconds East 260.82 feet to a Taylor rebar on the North line of Helping Hands, as recorded in Plat Book 28, page 25; thence North 89 degrees 51 minutes 09 seconds West along said North line 249.99 feet to a #5 Karst-capped rebar at the Northwest corner of said Subdivision; thence North 11 degrees 32 minutes 16 seconds West 217.84 feet along the right of way of Railroad Street to the point of beginning.

Following a public hearing, the LaGrange County Plan Commission, on November 28, 2022, after having considered the criteria set forth in IC § 36-7-4-603, gave an unfavorable recommendation to this rezoning proposal.

Mr. Kevin Myers made a motion to reject the Amendment to the Zoning Ordinance. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

EMERGENCY MANAGEMENT AGENCY – PURCHASE REQUEST

Mr. Bill Morr, Emergency Management Agency Director, requested permission to purchase twenty bags of absorbent boom to used with fires, in the amount of \$2,2627.56. Mr. Kevin Myers made a motion to approve the purchase. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

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COUNCIL FOR DRUG FREE LAGRANGE COUNTY

Mrs. Kathryn Hopper, County Auditor, presented the Council for a Drug-Free LaGrange County mini grants being proposed for 2023. Mr. Kevin Myers made a motion to approve the 2023 mini grant requests. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion 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. Upon roll call vote, the motion carried unanimously.

OFFICIAL BONDS

Mrs. Kathryn Hopper, County Auditor, presented 2023 individual bonds for the Treasurer and Clerk of Courts, and the blanket bond for approval. Mr. Peter Cook made a motion to approve. Mr. Kevin Myers seconded the motion. Upon roll call vote, the motion carried unanimously.

MINUTES

Mr. Kevin Myers made a motion to approve the minutes of the November 21, 2022 regular session meeting. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandum for the November 30, 2022 staff meetings. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.

NOVEMBER 2022 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending November 30, 2022, in the amount of \$44,728,488.93 and investments of \$21,155,000. Mr. Peter Cook made a motion to accept the report. Mr. Kevin Myers seconded the motion. Upon roll call vote, the motion carried unanimously.

CORRESPONDENCE

LaGrange County Treasurer – November 2022 report

Indiana Department of Natural Resources – Notice that the Bloomfield Township Graded School is on the National Register of Historic Places.

Indiana Department of Environmental Management – Notice to officials – in receipt of wastewater treatment plant construction permit application from Town of Topeka.

Indiana Department of Environmental Management – Notice of Approval, High Point Designs, Registration Revision, Permit Number 087-45972-00681

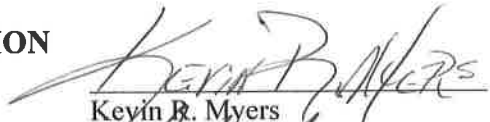
ADJOURNMENT

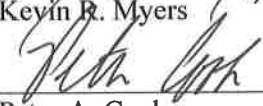
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion. Upon roll call vote, the motion carried unanimously.


Terry A. Martin

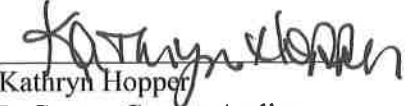
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Kevin R. Myers


Peter A. Cook

ATTEST:


Kathryn Hopper
LaGrange County Auditor