

**APRIL 17, 2023**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, April 17, 2023, 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 A. 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 – WILLIAM J. PAPINEAU AND TINA M. SMITH, 3195 N. STATE ROAD 3, HOWE, INDIANA**

Mr. Tony Manns, County Attorney, explained that a nuisance exists at 3195 N. State Road 3, Howe, Indiana. The property is owned by William J. Papineau and Tina M. Smith. At 8:30 a.m. the public hearing was opened. Mr. Bill Stewart, Code Enforcement Officer, explained that a nuisance does exist on the property. He posted an order on February 21, 2023 and there has been no change. He is recommending that fines of \$100 per week be assessed back to February 21, 2023, plus \$100 per week going forward. There being no further comments, Mr. Kevin Myers made a motion to close the public hearing. Mr. Peter Cook seconded the motion and it carried unanimously.

Mr. Peter Cook made a motion to affirm the recommend fines and authorize the president to sign the order. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COMMUNITY CORRECTION GRANT APPLICATION**

Mr. Brett Hays, Executive Director of the Northeast Indiana Community Corrections, presented a request to apply for a grant for the Community Correction program for 2024. Mr. Hays informed the Council that the grant application is for funding a full-time probation officer and a Drug Court coordinator for LaGrange County. Mr. Hays informed the Council that if approved LaGrange would receive \$149,308.24. Mr. Peter Cook made a motion to approve the grant application as presented and authorized the president to sign the application outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**NORTHEAST INDIANA COMMUNITY CORRECTIONS ADVISORY BOARD**

Mr. Brett Hays, Executive Director of the Northeast Indiana Community Corrections, explained that there are two appointments open on the Northeast Indiana Community Corrections Advisory Board. The term runs until March 1, 2025. Mr. Kevin Myers made a motion to appoint Foy McNaughton for the position of Public Defender and Terry Martin for the position of LaGrange County Commissioner. Mr. Peter Cook seconded the motion and it carried unanimously.

**INFORMATION TECHNOLOGY – SURPLUS ITEMS**

Mr. Dave Warren, Information Technology Director, presented a list of items to be declared as surplus. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

**ECONOMIC DEVELOPMENT SERVICES – INDEPENDENT CONTRACTOR AGREEMENT**

Mr. Kurt Bachman, County Attorney, presented an Independent Contractor Agreement for Economic Development Services between the Board of Commissioners and the LaGrange County Economic Development Corporation. The current agreement is in the amount of \$100,000. In the agreement presented, the County agrees to reimburse the Corporation its costs under the fee agreement with the Northeast Regional Partnership (NIRP), which for 2023 amounts to \$19,248.88. The Corporation will take on the program responsibilities. Mr. Peter Cook made a motion to approve the agreement and authorize the president to sign it outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**LICENSE AGREEMENT – YODER-DALE FARMS LLC**

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Mr. Kurt Bachman, County Attorney, presented a license agreement with Yoder-Dale Farms, LLC allowing them to farm real property consisting of approximately 14.08 acres of land on the property known as the McCoy Property which the County recently purchased. The licensee shall pay an annual license fee in the amount of \$1,387.50 (\$125/per acre for 11.10 tillable acres). The agreement is for one growing season, from June 1 to December 31, 2023. Mr. Peter Cook made a motion to approve the agreement and authorize the president to sign it outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **JAIL BUILDING CORP.**

Mr. Kurt Bachman, County Attorney, inquired if the Commissioners would like to reappoint the following Jail Building Corp. members: Tracy Harker, Kevin Myers and Mike Strawser. Mr. Peter Cook made a motion to reappoint the current Jail Building Corp members and set a meeting for May 1, 2023, at 8:15 a.m. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **COMMUNITY SERVICE WORK PROGRAM AGREEMENT**

Mrs. Kathryn Hopper, County Auditor, presented a Community Service Work Program Agreement between Tyler M. Randol and the Board of County Commissioners, for consideration. The contract begins on April 1, 2023 and ends December 31, 2023. Mr. Peter Cook made a motion to approve the agreement and to authorize the president to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **APPOINTMENT OF LOCAL HEALTH OFFICER**

Mr. Peter Cook made a motion to appoint Michael W. Conway, MD, as the LaGrange County Health Officer. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **BUILDING DEPARTMENT – SALE OF VEHICLE**

Mr. Jason Boggs, Building Commissioner, reported that he has received one bid on the 2015 Dodge Ram truck, in the amount of \$3,025. Mr. Kevin Myers made a motion to authorize the president to sign the title to the vehicle outside of a public meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

### **COUNCIL ON AGING – TRANSPORTATION GRANT APPLICATION**

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the Indiana Department of Transportation Section 5311/5339 Grant application and Resolution for consideration. Mr. Peter Cook made a motion to approve the application and authorize the president to sign it outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **PURDUE EXTENSION**

Ms. Brittney Gilger, County Extension Director, introduced Jeff Burbrink, Agriculture Educator. She also presented the Purdue Extension Impact Report for 2022.

### **RENEWAL OF STOP LOSS INSURANCE**

Mrs. Jenny Landez, Human Resources Director, presented a renewal amendment for the stop loss insurance. Mr. Peter Cook made a motion to approve the renewal and authorize the president to sign the amendment outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **KNOWINK LLC 2023 POLL PAD ANNUAL MAINTENANCE and ANNUAL LICENSE**

Mrs. Kimberley Johnson, County Clerk, presented an invoice with KnowInk for 2023 Pol Pad Maintenance Fee and annual license, in the amount of \$4,000. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **LAREDO CONTRACTS**

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Mrs. Sheila Getz, County Reorder, presented an agreement for enhanced access to LaGrange County Recorder's Real Estate Records. Mr. Peter Cook made a motion to approve the president to sign the agreement outside of a public meeting. 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. 2023-04-17 A  
TO  
THE ZONING ORDINANCE  
(WANA RV REZONE)

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 A-1 DISTRICT TO A B-3 DISTRICT AND ALSO B-2 DISTRICT TO A 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 parcels 44-05-03-400-010.000-014 and 44-05-03-400-012.000-014 be rezoned and changed from a B-2 to a B-3 District.
2. That the zoning map for the following described real estate located at parcels 44-05-03-400-017.000-014, 44-05-03-400-021.000-014, 44-05-03-400-027.000-014 and 44-05-03-400-028.000-014 be rezoned and changed from an A-1 to a B-3 District.

*Legal Description*

Situated in the Southeast Quarter of Section 3, Township 37 North, Range 8 East, in LaGrange County, Indiana and being more particularly described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence North 89°57'05" West along the North line of Said Southeast Quarter, 360.00 feet to a found 5/8" iron pin and the True Point of Beginning; thence South 00°13'38" East, parallel with the East line of said Southeast Quarter and with the west line of a parcel conveyed to S.D. Yoder Properties, LLC recorded in Instrument No. 2021-03215 and a parcel conveyed to Inergy Propane, LLC recorded in Deed Book 101, Page 415, 335.08 feet to a set 5/8" iron pin; thence South 89°57'05" East, parallel with the North line of Said Southeast Quarter and with the south line of said Inergy Propane, LLC, 100.00 feet; thence South 00°13'38" West, parallel with the East line of said Southeast Quarter and with the west line of a parcel conveyed to Wana Properties, LLC recorded in Instrument No. 15040172, 167.54 feet; thence North 89°57'05" West, parallel with the North line of Said Southeast Quarter and with the north line of a parcel conveyed to Town of Shipshewana recorded in Instrument No. 2022-02541, 137.76 feet to a set 5/8" iron pin; thence South 00°08'23" East, with the west line of said Town of Shipshewana, 169.77 feet to a found 5/8" iron pin; thence North 89°50'44" West with the north line of a parcel conveyed to said Town of Shipshewana, 260.00 feet to a found 5/8" iron pin; thence South 00°08'23" East, with the west line of said Town of Shipshewana, 268.11 feet to a set 5/8" iron pin; thence North 89°49'26" West with the north line of a parcel conveyed to Tri-County Land Trustee Corporation recorded in Instrument No. 19-12-0295, 485.00 feet to a set 5/8" iron pin; thence North 00°28'44" East with the east line of said Tri-County Land Trustee Corporation, 948.19 feet to the North line of said Southeast Quarter witnessed by a found 5/8"

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iron pin at 8.0 feet south; thence South 89°15'57" East with the North line of said Southeast Quarter and the south line of a parcel conveyed to Orland D. & Doretta F. Miller recorded in Instrument No. 04-06-0815 and Truman M. Mullet Trustee recorded in Instrument No. 2016-80624, 771.83 feet to the True Point of Beginning, containing 15.260 acres more or less and subject to all rights-of-way and easements of record.

Following a public hearing, the LaGrange County Plan Commission, on April 11th, 2023, 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.

### **MAINTENANCE – NEW VEHICLE REQUEST**

Mr. Gary Mast, Maintenance Director, explained that he has two vehicles in his department, a 1997 Ford Pickup and a 2006 Dodge Pickup. He would like to replace those with one new pickup. Mr. Peter Cook made a motion to pass the request on to the County Council with a positive recommendation. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **HIGHWAY – SUMMER WORK HOURS**

Mr. Aaron Fugate, Highway Supervisor, requested permission to begin the summer work schedule for the Highway Department. They would work 10 hours a day, 4 days a week, beginning May 22, 2023 through September 5, 2023. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **HIGHWAY – ROAD PROJECTS**

Mrs. Tharon Morgan, County Engineer, presented a work plan for current road projects.

### **PLAN COMMISSION APPOINTMENT**

Mr. Peter Cook made a motion to appoint Kevin Myers as the Commissioner appointment to the Plan Commission. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **ECONOMIC DEVELOPMENT CORPORATION – COVID 19 RESPONSE GRANT APPLICATION**

Mrs. Sherri Johnston, Vice President of the LaGrange County Economic Development Corporation (EDC), was present. She explained that grant funds are available for the COVID-19 Response Program. The grant would grant up to \$10,000 to 25 different businesses to retain low to moderate income jobs. The County would be the applicant with the EDC as the sub recipient. Mr. Peter Cook made a motion to approve the grant application. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **MARCH 2023 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending March 31, 2023, in the amount of \$46,582,432.60 and investments of \$21,495,000. 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. Peter Cook made a motion to approve the vouchers. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **MINUTES**

Mr. Peter Cook made a motion to approve the minutes of the April 3, 2023, regular session meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **MEMORANDUM**

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Mr. Peter Cook made a motion to approve the April 3, 2023 memorandum of executive session and the April 12, 2023, staff meeting. Meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Clerk of the Circuit Court Monthly Report – March 2023 report

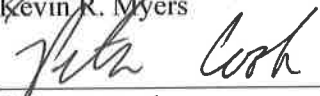
LaGrange County Treasurer – March 2023 report

**ADJOURNMENT**

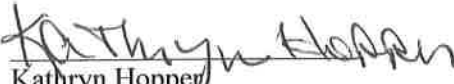
There being nothing further to come before the Board at this time, Mr. Peter Cook made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Kevin Myers seconded the motion and it carried unanimously.

  
Terry A. Martin

  
Kevin R. Myers

  
Peter A. Cook

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor