

**DECEMBER 18, 2023**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, December 18, 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. Terry A. Martin, Mr. Kevin R. Myers, and Mr. Peter A. Cook; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry A. 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 and it carried unanimously.

**BIDS FOR LAGRANGE COUNTY ROAD RESURFACING PROJECT**

At 8:30 a.m. Mrs. Tharon Morgan, County Engineer, opened the following bids for resurfacing various County roads:

<u>Vendor</u>	<u>Location</u>	<u>Segment 1</u>	<u>Segment 2</u>	<u>Segment 3</u>	<u>Segment 4</u>
		<u>Amount</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
API Constructions Corp.	LaOtto, Indiana	\$866,808.00	\$1,392,684.00	\$1,273,511.00	\$1,566,911.00
Books Construction Co. Inc.	Fort Wayne, Indiana	924,698.00	1,301,567.00	1,093,704.00	1,772,858.00
E & B Paving, Inc.	Fort Wayne, Indiana				1,750,020.50
Niblock Excavating, Inc.	Bristol, Indiana	829,953.35	1,146,713.15	945,308.45	1,671,168.60
Phend & Brown, Inc.	Milford, Indiana	858,950.60	1,208,967.60		
Pulver Asphalt Paving, Inc.	Albion, Indiana	938,440.00			
Rieth-Riley Construction Co., Inc.	South Bend, Indiana			999,288.00	1,798,773.20

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

**PROPERTY ON 107 WEST SPRING STREET, LAGRANGE, INDIANA**

Mr. Kurt Bachman, County Attorney, reported that the appraisals are in on the property located at 107 W. Spring Street, LaGrange, Indiana. Mr. Kevin Myers made a motion to set the reserve at \$50,000 and proceed with the selling of the property. Mr. Peter Cook seconded the motion and it carried unanimously.

**SUBROGATION APPROVAL**

Mrs. Jenny Landez, Human Resources Director, reported that we have been contacted by our insurance company, that we had an employee involved in a personal automobile accident that cost our health insurance plan \$24,089.29. The case has been settled and our insurance company would like permission to settle on retrieving \$13,000 back. Mr. Peter Cook made a motion to proceed. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PARK DEPARTMENT INTERN**

Mrs. Jenny Landez, Human Resources Director, explained that the Park Department recently hired Daniel Schelinski as the Nature Interpreter / Event Planner. He is a student at Central Michigan University and would like to use his employment as part of an internship program. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COUNTY LEGAL SERVICES – BEERS MALLERS BACKS & SALIN, LLP**

Mr. Kurt Bachman, County Attorney, presented contract for legal services for 2024 with Beers Mallers Backs & Salin, LLP for consideration. The contract is in the amount of \$28,000, which includes 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 and it carried unanimously.

**COUNCIL ON AGING – REQUEST FOR GRANT MATCH**

Mrs. Cheri Perkins, Council on Aging Executive Director, is requesting \$33,702 of ARPA funds to be used for the Section 5339 grant match towards the 2021 vans. Mr. Peter Cook made a motion to give the request

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a positive recommendation to the County Council. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PURDUE EXTENSION EDUCATIONAL CONTRACTUAL SERVICES AGREEMENT**

Ms. Brittany Gilger, County Extension Director, presented the 2024 educational contract for the Purdue Extension for consideration. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

**2023 HIGHWAY MATERIALS - REQUEST FOR PROPOSALS**

At 9:00 a.m. Mr. Aaron Fugate, Highway Superintendent, opened the following request for proposals for materials for 2023:

<u>REQUISITION</u>	<u>COMPANY</u>
Requisition #4 Asphalt & Emulsified Asphalt	Asphalt Materials, Inc. Pierceton Trucking Co., Inc. The Klink Group
Requisition #5 Bituminous Patching Material	API Construction Corp. Brooks Construction Co., Inc. Niblock Excavating, Inc.
Requisition #6 Hot Mix Asphalt	Pulver & Sons Asphalt Materials, Inc. API Construction Corp. Brooks Construction Co., Inc. E & B Paving, Inc. Niblock Excavating, Inc.
Requisition #7 Limestone	Pulver & Sons Asphalt Materials, Inc. Clifford Aggregate, Incorporated Irving Materials, Inc. Lightstone
Requisition #7A Sand & Gravel	Butler Mill Service Co. Clifford Aggregate, Incorporated Columbia City Mill Service Co. Elkhart County Gravel, Inc. Niblock Excavating, Inc. The Klink Group Wolf Lake Gravel, Inc.
Requisition #8 Pipe (Culvert)	Civilcon Inc. St. Regis Culvert Inc.
Requisition #10 Calcium Chloride	Great Lakes Chloride, Inc.
Requisition #26 Hourly Equipment & Labor Rental	Brooks Construction Co., Inc. C & J Mast Excavating, Inc. Clifford Aggregate, Incorporated Hostetler, Travis M. Miller Excavating, Inc. Pulver Asphalt Paving, Inc. Young Family Farms LP

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Requisition #27C Treated Bridge Timber

American Timber Bridge

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

**AMENDMENT TO THE ZONING ORDINANCE**

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

AMENDMENT NO. 2023-12-18A  
TO  
THE ZONING ORDINANCE

(AJ'S FURNITURE 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 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 parcel 44-11-07-400-002.000-005, 44-11-07-400-002.002-005, 44-11-07-400-002.003-005 and 44-11-07-400-007.000-005 more fully described below hereto, be rezoned, and changed from an A-1 District to a Planned Unit Development (PUD) District.

**Legal Description**

A part of the East half (E ½) of the Southeast Quarter (SE 1/4) of Section Seven (7), Township Thirty-six (36) North, Range Nine (9) East, Clearspring Township, LaGrange County, Indiana, more particularly described as follows: Commencing at a LaGrange County Monument marking the Southeast corner of the Southeast Quarter of Section 7, Township 36 North, Range 9 East, Clearspring Township, LaGrange County, Indiana; thence due West (assumed bearing) along the South line of said Southeast Quarter and the centerline of County Road 400 S, a distance of 881.22 feet to a railroad spike and the beginning of this description; thence continuing due West along the South line of said Southeast Quarter and said centerline a distance of 438.68 feet to a railroad spike; thence North 00 degrees 05 minutes 35 seconds West parallel to the East line of said Southeast Quarter; a distance of 1322.48 feet to a rebar with cap; thence due East parallel to the South line of said Southeast Quarter a distance of 438.68 feet to a rebar with a cap; thence South 00 degrees 05 minutes 35 seconds East parallel to the East line of said Southeast Quarter, a distance of 1322.48 feet to the beginning.

Also, the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Seven (7), Township Thirty-six (36) North, Range (9) East.

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Subject to all easements, assessments, highways, restrictions, and other limitations of record, or claims of easements not shown by the public records.

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

**RESOLUTION AMENDING CERTAIN ADMINISTRATIVE FEES**

Mrs. Robbie Miller, Plan Administrator, presented the following Resolution:

**LAGRANGE COUNTY PLAN COMMISSION  
RESOLUTION NO. 2023-12-18B**

**A RESOLUTION AMENDING CERTAIN ADMINISTRATIVE FEES**

WHEREAS, the LaGrange County Plan Administrator has recommended that amendments be made to certain administrative fees for applications, permits, review, and other administrative functions of the Plan Commission due to the time, costs, and expenses associated with processing said applications, permits, and the inspection and/or review of necessary documentation; and

WHEREAS, Indiana Code § 36-7-4-411 permits the Plan Commission to establish a schedule of reasonable fees for administrative costs associated with the processing and issuance of permits and other official actions connected therewith; and

WHEREAS, the Supreme Court of the State of Indiana has determined in Tomlinson vs. City of Indianapolis that "the power to regulate implies the power to license and to exact a reasonable fee for such license"; and

WHEREAS, the LaGrange County Plan Commission and the Plan Administrator have submitted a revised proposed fee schedule for adoption.

NOW, THEREFORE, BE IT RESOLVED that pursuant to LC. 36-7-4-411 the Plan Commission of LaGrange County, Indiana hereby adopts the administrative fee schedule presented in Exhibit A, which is attached to this resolution and incorporated by reference.

BE IT FURTHER RESOLVED that the fees imposed by said fee schedule shall be paid upon the submission of the respective application. All fees are nonrefundable and failure to tender said fee shall result in the rejection of said application. This resolution and the fee schedule shall not apply to County officials working in the scope of their employment or official capacity. The Plan Administrator shall have the authority, when necessity or equity requires based upon the discretion of the Plan Administrator, to waive any fee requirement provided herein.

BE IT FURTHER RESOLVED that the Plan Commission does hereby repeal any prior fee schedules in their entirety; provided, however, that no such repeal shall be effective to the extent that a substantially similar provision or fee in this resolution has not yet taken effect.

BE IT FURTHER RESOLVED that said fee schedule shall be subject to applicable law and no part of this resolution shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

BE IT FURTHER RESOLVED that should any section or part thereof of this resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the resolution as a whole, and for this purpose the provisions of this resolution are hereby declared to be severable.

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BE IT FURTHER RESOLVED that this fee schedule shall be effective as of January 1, 2024 and upon adoption and promulgation in accord with applicable law.

ALL OF WHICH IS DULY RESOLVED this 12<sup>th</sup> day of December, 2023.

**LAGRANGE COUNTY PLAN COMMISSION FEE SCHEDULE**

**EFFECTIVE January 1, 2024**

Conditional Use Variance	\$400.00
Developmental Standard Variance	\$400.00
Land Use Variance	\$400.00
Each Additional Variance Request	\$250.00
Appeal of Plan Administrator Decision	\$500.00
Application for Map Amendment to Zoning Ordinance	\$500.00
Application for Text Amendment to Zoning Ordinance	\$300.00
Application for Planned Unit Development	\$1,000.00
Planned Unit Development Major Modification	\$300.00
Planned Unit Development Minor Modification	\$100.00
Application for Development Plan (Site Plan Review)	\$300.00
Development Plan Amendment	\$100.00
Administrative (Simple Survey)	\$100.00
Subdivision - Minor	\$200.00
Subdivision - Major	\$500.00
Special Meeting Request	\$3,000.00
Non-Commercial Zoning Compliance Certificate	\$100.00
Commercial Zoning Compliance Certificate (based on structure size \$0.05/sq. ft.)	Minimum \$200.00 – Maximum \$1,000.00
Sign Permit - 9 sq. ft. & over	\$100.00
Fence Permit	\$50.00
Small Wind Energy Conversion System (SWECS)	\$100.00
Wind Energy Conversion System (WECS) - Rezone	\$5,000.00
WECS Development/Site Plan Review	\$15,000.00
WECS Cost per Megawatt	\$1,750.00
WECS Modification of Development / Site Plan	\$100.00
Application for Commercial Solar Facility – Development / Site Plan Review	\$15,000.00
Zoning verification general (zoning only)	\$25.00
Zoning verification research (zoning, adjacent zoning, violations, overlay, BZA history)	\$100.00

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

**PARK DEPARTMENT – PURCHASE REQUESTS**

Mrs. Mary Franke, Park Director was present and presented the following quotes for purchases:

	<u>Vendor</u>	<u>Quote</u>
Disc Golf Baskets	Innova Disc Golf, Rock Hill, South Carolina	\$7,250
Lodge Windows	KMP LLC, Wolcottville, Indiana	\$7,800

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Supplies – South River Deck	Big C Lumber, Shipshewana, Indiana	\$16,976.79
Supplies – Dallas Tractor bridge	Big C Lumber, Shipshewana, Indiana	\$10,599.96
Supplies – Lodge Soffit	Big C Lumber, Shipshewana, Indiana	\$3,371.43

Mr. Peter Cook made a motion to approve the quotes as presented. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PARK DEPARTMENT – PERMISSION TO APPLY FOR GRANTS**

Mrs. Mary Franke, Park Director was present and requested permission to apply for a grant from LaGrange County REMC Operation Round up for \$2,500 for Maple Syrup Days, and a grant from the LaGrange County Convention and Visitors Bureau for \$1,500 for Maple Syrup Days. Mr. Peter Cook made a motion to approve the grant applications as presented, authorize the President to sign. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HUMAN RESOURCES - INSURANCE**

Mrs. Jenny Landez, Human Resources Director, presented a renewal agreement with Fair American Insurance and Reinsurance Company for the renewal of our stop loss insurance, an addendum to the Administrative Service Agreement compensation schedule, and an agreement with Pro-Claim Plus, Inc for administrative services. Mr. Peter Cook made a motion to approve the documents as presented, authorize the President to sign. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COUNTY SHERIFF – PURCHASE REQUESTS**

Mr. Tracy Harker, County Sheriff, requested permission to purchase ammunition in the amount of \$18,510. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously. He also requested permission to purchase bullet purchase vests for \$25,560. Mr. Kevin Myers made a motion to approve the purchase. Mr. Peter Cook seconded the motion and it carried unanimously.

**COUNTY SHERIFF – VEHICLE PURCHASE REQUEST**

Mr. Tracy Harker, County Sheriff, requested permission to purchase up to six (6) vehicles for the Sheriff's Office. The lowest quotes are from Fletcher Chrysler Dodge Jeep Ram in Franklin, Indiana in the amount of \$42,740 each. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

**INFORMATION TECHNOLOGY – REQUEST TO PURCHASE NEW COPIERS**

Mr. Dave Warren, Information Technology Director, requested permission to purchase a new copier for the Justice Building for Human Resources, County Coroner, County Commissioners, and Emergency Management to use. He is requesting to purchase the copier from Van Ausdall & Farrar, Inc. in the amount of \$3,696.94. Mr. Kevin Myers made a motion to approve the purchase. Mr. Peter Cook seconded the motion and it carried unanimously.

**BRIDGE #7 TIMBER SUPERSTRUCTURE REPLACEMENT**

Mrs. Tharon Morgan, County Engineer, reported that on December 4, 2023 bids were opened for the Bridge #7 Timber Superstructure replacement project. She recommends awarding the bid to R.G. Zachrich Construction, Inc. in the amount of \$116,157.15, as they were the lowest bidder. Mr. Peter Cook made a motion to award the bid to R.G. Zachrich Construction, Inc. Mr. Kevin Myers seconded the motion and it carried unanimously.

Mrs. Morgan presented an agreement with USI Consultants, Inc. to perform on call services for the construction inspection of the bridge project, not to exceed \$9,000. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PROPOSALS FOR BRIDGE MAINTENANCE**

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Mrs. Tharon Morgan, County Engineer, presented proposals from ANCO Concrete Raising, LLC for the maintenance of 49 of our 58 bridges, for 2024. The total amount is \$94,818. Mr. Peter Cook made a motion to approve the proposals. Mr. Kevin Myers seconded the motion and it carried unanimously.

**CULVERT REPLACEMENT**

Mrs. Tharon Morgan, County Engineer, explained that she obtained quotes for large culvert replacements, and recommends the following be awarded:

<u>Culvert</u>	<u>Culvert Location</u>	<u>Vendor</u>	<u>Amount</u>
ED - 128	County Road West 400 South	Fritz Bontrager Excavating, LLC	\$4,000
JN - 110	County Road South 400 East	MB Excavating	\$2,500
JN - 114	County Road East 275 South	Gilbert Drainage & Excavating, LLC	\$8,500
CS - 124	County Road West 400 South	MB Excavating	\$3,800
ED - 124	County Road West 650 South	MB Excavating	\$2,800
JN - 111	County Road East 300 South	MB Excavating	\$3,000
ED - 118	County Road West 400 South	MB Excavating	\$2,500

Mr. Peter Cook made a motion to award the quotes as presented. Mr. Kevin Myers seconded the motion and it carried unanimously.

**ANNUAL CERTIFICATION OF ELECTED OFFICIALS**

Mrs. Kathryn Hopper, County Auditor, presented the Annual Certifications of Elected Officials on Compliance with County Nepotism Policy and County Contract Disclosure Policy for 2023 for consideration. Mr. Kevin Myers made a motion to accept. Mr. Peter Cook seconded the motion and it carried unanimously.

**OFFICIAL BONDS**

Mrs. Kathryn Hopper, County Auditor, presented 2024 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 and it carried unanimously.

**LOCAL ALCOHOLIC BEVERAGE BOARD APPOINTMENT**

Mr. Kevin Myers made a motion to appoint Brenda Campos to the Local Alcoholic Beverage Board. Mr. Peter Cook seconded the motion and it carried unanimously.

**LAGRANGE COUNTY HEALTH BOARD APPOINTMENTS**

Mr. Kevin Myers made a motion to appoint Dr. Gregory Ashley and Dr. Rhonda Sharp to the LaGrange County Board of Health. Mr. Peter Cook seconded the motion and it carried unanimously.

**PLAN COMMISSION APPOINTMENTS**

Mr. Kevin Myers made a motion to appoint Tyler Young to the Plan Commission. Mr. Peter Cook seconded the motion and it carried unanimously.

**LAGRANGE COUNTY REDEVELOPMENT COMMISSION APPOINTMENTS**

Mr. Kevin Myers made a motion to appoint George Bachman, Robert Bond, and Jennifer Mains, to the LaGrange County Redevelopment Commission. Mr. Terry Martin seconded the motion and it carried unanimously.

**CONVENTION, RECREATION & VISITOR INDUSTRY COMMISSION APPOINTMENTS**

Mr. Peter Cook made a motion to appoint Phil Heyerly and Ryan Riegsecker to the Convention, Recreation and Visitor Industry Commission. Mr. Kevin Myers seconded the motion and it carried unanimously.

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**PROPERTY TAX ASSESSMENT BOARD OF APPEALS APPOINTMENTS**

Mr. Kevin Myers made a motion to appoint Jennifer Beechy and Debra Notestine to the Property Tax Assessment Board of Appeals. Mr. Peter Cook seconded the motion and it carried unanimously.

**LAGRANGE COUNTY PUBLIC DEFENDER BOARD APPOINTMENT**

Mr. Kevin Myers made a motion to appoint Charles Ashcraft to the LaGrange County Public Defender Board. Mr. Peter Cook seconded the motion and it carried unanimously.

**LAGRANGE CITIZEN DRAINAGE BOARD APPOINTMENTS**

Mr. Peter Cook made a motion to appoint Zachary Young to the LaGrange County Citizen Drainage Board. 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 November 20, 2023 and December 4, 2023 regular session meetings and December 8, 2023 special 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 December 13, 2023 staff meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**CORRESPONDENCE**

Indiana Department of Environmental Management – Notice of Approval, Lake Area Designs, LLC,  
Permit Number 087-47080-00678

Indiana Department of Environmental Management – Receipt of Air Permit Application, Artistic Dreams LLC,  
700 E Village St., Shipshewana, IN, Permit Number 087-47276-00735

Indiana Department of Environmental Management – Notice of 30-Day Period for Public Comment, for K-Z, Inc,  
Permit Number 087-47054-00063

**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.

**ABSENT**

Terry A. Martin

Kevin R. Myers

Peter A. Cook

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor