

MAY 5, 2025

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, May 5, 2025, 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. Peter A. Cook and Mr. Kevin R. Myers; and LaGrange County Auditor, Kathryn Hopper. 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. Peter Cook seconded the motion and it carried unanimously.

AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

Mrs. Robbie Miller, Plan Administrator, presented the following Ordinance for consideration:

LAGRANGE COUNTY, INDIANA
ORDINANCE NO. 2025-05-05 A

AN ORDINANCE AMENDING MAPS OF THE UNIFIED DEVELOPMENT ORDINANCE OF LAGRANGE COUNTY, INDIANA FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES ALLOWED ON THE PARTICULAR REAL ESTATE DESCRIBED HEREIN.

WHEREAS, on August 19, 2024, pursuant to Indiana Code ("IC") 36-7-4-606, the Board of Commissioners of the County of LaGrange ("Commissioners") adopted the Unified Development Ordinance of LaGrange County, Indiana (Ordinance 2024-08-19-A or "UDO");

WHEREAS, the UDO is the zoning ordinance for LaGrange County, Indiana ("County") and incorporates by reference the various zoning maps and classifications of the County;

WHEREAS, pursuant to IC 36-7-4-602(c)(1)(B), after the zoning ordinance for a jurisdiction has been adopted, a proposal to change the zoning maps with respect to a specified area of the County may be initiated by a petition signed by property owners who own at least 50% of the land involved;

WHEREAS, Eicher, Samuel L & Mary R (collectively, "Landowner") has at least a 50% ownership interest in the real property located at S SR 9., Wolcottville, Indiana identified as Parcels 44-10-34-100-017.001-010 & 44-10-34-100-017.002-010 in the records of the Office of the County Auditor, and more particularly described as follows:

Situated in LaGrange County, State of Indiana, to-wit:

44-10-34-100-017.001-010

Lot Numbered One (1) as the said Lot is known and designated on the recorded Plat of Railway View; said Plat being recorded in Plat Book 35, page 8 in the Office of the Recorder of LaGrange County, Indiana.

44-10-34-100-017.002-010

Lot Numbered Two (2) as the said Lot is known and designated on the recorded Plat of Railway View; said Plat being recorded in Plat Book 35, page 8 in the Office of the Recorder of LaGrange County, Indiana.

(collectively, the "Real Estate");

WHEREAS, pursuant to Sections 13.03 and 13.04 of the UDO, Landowner has caused a completed application to be filed with the Zoning Administrator to amend the zoning maps of the UDO such that the Real Estate be reclassified from A-2 to B-3 ("Proposal");

WHEREAS, on April 22nd, 2025, pursuant to IC 36-7-4-602(c)(4) and -608(b), after having provided legal notice to all interested parties in accordance with IC 36-7-4-604, the LaGrange County Plan Commission ("Plan Commission") conducted a public hearing on the Proposal;

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WHEREAS, on April 22nd, 2025, pursuant to IC 36-7-4-602(c)(5) and IC 36-7-4-605, the Plan Commission submitted to the Commissioners a certified copy of the Proposal, which is hereby incorporated by reference, whereby the Proposal was given a favorable recommendation;

WHEREAS, on May 5th, 2025, pursuant to IC 36-7-4-602(c)(6) and IC 36-7-4-608, the Commissioners considered the Proposal at its regular meeting, after first having given notice under IC 5-14-1.5-5 of its intention to consider the Proposal at the meeting;

WHEREAS, pursuant to IC 36-7-4-603, in preparing and considering the Proposal, both the Plan Commission and Commissioners have paid reasonable regard to the statutory criteria set forth therein; *and*

WHEREAS, a motion to adopt this ordinance was substantively introduced and seconded by members of the Commissioners constituting a legal quorum present at a public meeting, which was duly called pursuant to IC 5-14-1.5-5 by a notice stating its date, time, place, and purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, THAT:

SECTION I – MAP AMENDMENT

- A. Recitals. The foregoing recitals, including all defined terms, are hereby incorporated into, and made a part of, this ordinance and found to be true, accurate, and correct.
- B. Proposal. The certified Proposal is hereby approved and adopted.
- C. Rezone. The UDO zoning maps, which are incorporated by reference, are hereby amended, and shall be redrawn as necessary, to show that the Real Estate is rezoned as stated in the Proposal.

SECTION II – MISCELLANEOUS

- A. Repeal of Prior Law. All other provisions of ordinances and resolutions previously adopted are hereby repealed to the extent they are inconsistent with or in conflict with this ordinance but only to such extent.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the Office of the County Auditor for public inspection.
- E. Promulgation. The County Zoning Administrator and Auditor are hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. The codifier of ordinances shall omit codification of this ordinance.
- G. Effective Date. This ordinance shall take effect immediately upon adoption.

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

AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

Mrs. Robbie Miller, Plan Administrator, presented the following Ordinance for consideration:

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**LAGRANGE COUNTY, INDIANA
ORDINANCE NO. 2025-05-05 B**

AN ORDINANCE AMENDING MAPS OF THE UNIFIED DEVELOPMENT ORDINANCE OF LAGRANGE COUNTY, INDIANA FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES ALLOWED ON THE PARTICULAR REAL ESTATE DESCRIBED HEREIN

WHEREAS, on August 19, 2024, pursuant to Indiana Code ("IC") 36-7-4-606, the Board of Commissioners of the County of LaGrange ("Commissioners") adopted the Unified Development Ordinance of LaGrange County, Indiana (Ordinance 2024-08-19-A or "UDO");

WHEREAS, the UDO is the zoning ordinance for LaGrange County, Indiana ("County") and incorporates by reference the various zoning maps and classifications of the County;

WHEREAS, pursuant to IC 36-7-4-602(c)(1)(B), after the zoning ordinance for a jurisdiction has been adopted, a proposal to change the zoning maps with respect to a specified area of the County may be initiated by a petition signed by property owners who own at least 50% of the land involved;

WHEREAS, Clark Logistics Group XLVI, LLC and Clark Logistics Group XXXVI, LLC (collectively, "Landowner") has at least a 50% ownership interest in the real property located at 302 E Central, E Central & S Railroad St., Lagrange, IN identified as Parcels 44-07-30-200-000.008-002, 44-07-30-200-000.046-002 & 44-07-30-200-000.009-002 in the records of the Office of the County Auditor, and more particularly described as follows:

Situated in LaGrange County, State of Indiana, to-wit:

A tract of land located in the northeast quarter of section 30, township 37 north, range 10 east, LaGrange County, the state of Indiana, surveyed Joshua p. Lash, professional surveyor with Midwest Land Surveying, LLC, more fully described as follows:

Beginning at the northwest corner lot 3 in the recorded plat of outlots per LaGrange County plat book 1, page 2; thence s 01°31'58" e (state plane nad83, zone Indiana east), along the west line of said lot 3, for 132 feet to the southwest corner lot 3; thence n 89°20'04" e, along the south line of said lot 3, for 66.00 feet to the southwest corner of lot 2; thence s 01°31'58" e, along the extended west line of said lot 2 and the west line of said lot 11, for 24.00 feet; thence n 89°20'06" e, parallel with the north line of said lot eleven, for 163.80 feet to a point on the west line of a tract of land conveyed to the Town of LaGrange per LaGrange County document number 90-5-425; thence n 12°27'51" w, along the west line of said Town of LaGrange tract, for 159.35 feet to the northeast corner of said lot 1 and the south right-of-way of central avenue; thence s 89°20'04" w, along the north line of lots 1, 2, & 3, for 199.58 feet to the point of beginning, said tract of land containing 0.73 acres, more or less.

(collectively, the "Real Estate");

WHEREAS, pursuant to Sections 13.03 and 13.04 of the UDO, Landowner has caused a completed application to be filed with the Zoning Administrator to amend the zoning maps of the UDO such that the Real Estate be reclassified from I-2 to B-3 ("Proposal");

WHEREAS, on April 22nd, 2025, pursuant to IC 36-7-4-602(c)(4) and -608(b), after having provided legal notice to all interested parties in accordance with IC 36-7-4-604, the LaGrange County Plan Commission ("Plan Commission") conducted a public hearing on the Proposal;

WHEREAS, on April 22nd, 2025, pursuant to IC 36-7-4-602(c)(5) and IC 36-7-4-605, the Plan Commission submitted to the Commissioners a certified copy of the Proposal, which is hereby incorporated by reference, whereby the Proposal was given a favorable recommendation;

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WHEREAS, on May 5th, 2025, pursuant to IC 36-7-4-602(c)(6) and IC 36-7-4-608, the Commissioners considered the Proposal at its regular meeting, after first having given notice under IC 5-14-1.5-5 of its intention to consider the Proposal at the meeting;

WHEREAS, pursuant to IC 36-7-4-603, in preparing and considering the Proposal, both the Plan Commission and Commissioners have paid reasonable regard to the statutory criteria set forth therein; *and*

WHEREAS, a motion to adopt this ordinance was substantively introduced and seconded by members of the Commissioners constituting a legal quorum present at a public meeting, which was duly called pursuant to IC 5-14-1.5-5 by a notice stating its date, time, place, and purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, THAT:

SECTION I – MAP AMENDMENT

- A. Recitals. The foregoing recitals, including all defined terms, are hereby incorporated into, and made a part of, this ordinance and found to be true, accurate, and correct.
- B. Proposal. The certified Proposal is hereby approved and adopted.
- C. Rezone. The UDO zoning maps, which are incorporated by reference, are hereby amended, and shall be redrawn as necessary, to show that the Real Estate is rezoned as stated in the Proposal.

SECTION II – MISCELLANEOUS

- A. Repeal of Prior Law. All other provisions of ordinances and resolutions previously adopted are hereby repealed to the extent they are inconsistent with or in conflict with this ordinance but only to such extent.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the Office of the County Auditor for public inspection.
- E. Promulgation. The County Zoning Administrator and Auditor are hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. The codifier of ordinances shall omit codification of this ordinance.
- G. Effective Date. This ordinance shall take effect immediately upon adoption.

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

AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

Mrs. Robbie Miller, Plan Administrator, presented the following Ordinance for consideration:

LAGRANGE COUNTY, INDIANA
ORDINANCE NO. 2025-05-05 C

AN ORDINANCE CORRECTING AN ERROR IN ORDINANCE 2025-04-21-C, WHICH CONCERNS THE ZONING MAPS OF THE UNIFIED DEVELOPMENT ORDINANCE OF LAGRANGE COUNTY, INDIANA

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WHEREAS, on August 19, 2024, pursuant to Indiana Code (“IC”) 36-7-4-606, the Board of Commissioners of the County of LaGrange (“Commissioners”) adopted the Unified Development Ordinance of LaGrange County, Indiana (Ordinance 2024-08-19-A or “UDO”);

WHEREAS, the UDO is the zoning ordinance for LaGrange County, Indiana (“County”) and incorporates by reference the various zoning maps and classifications of the County;

WHEREAS, pursuant to IC 36-7-4-602(c)(1)(B), after the zoning ordinance for a jurisdiction has been adopted, a proposal to change the zoning maps with respect to a specified area of the County may be initiated by a petition signed by property owners who own at least 50% of the land involved;

WHEREAS, Kuhns, Marlin R & Wanda S; Kuhns, John W-JT w/ROS (collectively, “Landowner”) has at least a 50% ownership interest in the real property located at 0175 W 100 S., LaGrange, Indiana identified as Parcel 44-06-25-400-003.000-004 in the records of the Office of the County Auditor, and more particularly described as follows:

Situated in LaGrange County, State of Indiana, to-wit:

Part of the Southeast Quarter of Section 25, Township 37 North, Range 9 East, Clay Township, LaGrange, Indiana, described as follows: Commencing at a Harrison Monument at the South Quarter corner of said Section 25; thence South 89 degrees 51 minutes 36 seconds East (assumed bearing), along the South line of the Southeast Quarter of said Section, 1269.48 feet to a MAG nail at the point of beginning of this description; thence North 00 degrees 00 minutes 49 seconds West, parallel with the North-South Quarter line of said Section, 985.16 feet to a 5/8 inch Doyle-capped rebar; thence South 89 degrees 51 minutes 36 seconds East, parallel with said South line, 442.16 feet to a 5/8 inch Doyle-capped rebar; thence South 00 degrees 00 minutes 49 seconds East, parallel with Said North-South Quarter line, 985.16 feet to a MAG nail on said South line; thence North 89 degrees 51 minutes 36 seconds West along said South line 442.16 feet back to the point of beginning.

(the “Real Estate”);

WHEREAS, pursuant to Sections 13.03 and 13.04 of the UDO, Landowner has caused a completed application to be filed with the Zoning Administrator to amend the zoning maps of the UDO such that the Real Estate be reclassified from S-1 to A-2 (“Proposal”);

WHEREAS, on April 8th, 2025, pursuant to IC 36-7-4-602(c)(4) and -608(b), after having provided legal notice to all interested parties in accordance with IC 36-7-4-604, the LaGrange County Plan Commission (“Plan Commission”) conducted a public hearing on the Proposal;

WHEREAS, on April 8th, 2025, pursuant to IC 36-7-4-602(c)(5) and IC 36-7-4-605, the Plan Commission submitted to the Commissioners a certified copy of the Proposal, which is hereby incorporated by reference, whereby the Proposal was given an unfavorable recommendation;

WHEREAS, on April 21st, 2025, pursuant to IC 36-7-4-602(c)(6) and IC 36-7-4-608, the Commissioners considered the Proposal at its regular meeting, after first having given notice under IC 5-14-1.5-5 of its intention to consider the Proposal at the meeting;

WHEREAS, on April 21st, 2025, as expressly shown in the minutes, the Commissioners adopted a motion to accept the recommendation of the Plan Commission to reject the Proposal (as stipulated, “Rejection”);

WHEREAS, immediately after the Rejection, the Commissioners were presented with Ordinance 2025-04-21-C, which inadvertently contained language that instead accepted the Proposal contrary to the intent of the Rejection;

WHEREAS, the Commissioners subsequently adopted Ordinance 2025-04-21-C but now desire that the adoption of the Proposal in the Ordinance 2025-04-21-C text to be construed as a scrivener’s error and that the ordinance be repealed;

WHEREAS, pursuant to IC 36-7-4-603, in preparing and considering the Proposal, both the Plan Commission and Commissioners have paid reasonable regard to the statutory criteria set forth therein; *and*

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WHEREAS, a motion to adopt this ordinance was substantively introduced and seconded by members of the Commissioners constituting a legal quorum present at a public meeting, which was duly called pursuant to IC 5-14-1.5-5 by a notice stating its date, time, place, and purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, THAT:

SECTION I – MAP AMENDMENT

- A. Recitals. The foregoing recitals, including all defined terms, are hereby incorporated into, and made a part of, this ordinance and found to be true, accurate, and correct.
- B. Proposal. The certified Proposal is hereby rejected and defeated.

SECTION II – MISCELLANEOUS

- A. Repeal. Ordinance 2025-04-21-C, which was adopted on April 21, 2025, is hereby repealed in its entirety. Any order to amend the UDO zoning maps in that ordinance is hereby declared to be null and void, and the UDO zoning maps shall appear as if the ordinance had never been adopted.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the Office of the County Auditor for public inspection.
- E. Promulgation. The County Zoning Administrator and Auditor are hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. The codifier of ordinances shall omit codification of this ordinance.
- G. Effective Date. This ordinance shall take effect immediately upon adoption.

Mr. Peter Cook made a motion to approve the Ordinance, correcting an error in Ordinance 2025-04-21-2025 C. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Kevin Myers made a motion to waive the requirement for second reading. Mr. Peter Cook seconded the motion and it carried unanimously.

RECORDER – FIDLAR TECHNOLOGIES AGREEMENT

Mrs. Sheila Getz, County Recorder, presented a modification to the Fidar Technologies agreement. The modification increases the fees to the Laredo pricing. Mr. Peter Cook made a motion approve the agreement and authorize the president to sign it. Mr. Kevin Myers seconded the motion and it carried unanimously.

RECORDER – LAREDO SUBSCRIPTION AGREEMENT

Mrs. Sheila Getz, County Recorder, presented a new Laredo Subscription Agreement for consideration, increasing the fees. Mr. Peter Cook made a motion to approve the agreement and authorize the County Recorder to sign the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

TRANSFER OF CANINE RYKER

Mr. Tracy Harker, County Sheriff, presented an agreement for the transfer of ownership of Ryker the canine to Mr. Brian Emelander. Mr. Peter Cook made a motion to approve the transfer of Ryker the canine, to the handler, Mr. Brian Emelander and authorize the Commissioners to sign the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

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SHERIFF – PURCHASE OF CAMERAS

Mr. Tracy Harker, County Sheriff, reported that the camera project that he has been working on is ready to be presented to the County Council. The cost of the project is \$275,796 for car cameras and body cameras. Mr. Peter Cook made a motion to give the project a positive recommendation. Mr. Kevin Myers seconded the motion and it carried unanimously.

SURVEYOR– SURPLUS VEHICLE

Mr. Zach Holsinger, County Surveyor, would like to have the 2015 Dodge Ram 1500 Truck declared as surplus. Mr. Kevin Myers made a motion to declare the truck as surplus. Mr. Peter Cook seconded the motion and it carried unanimously.

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, explained that she is applying for the new transportation grant and is requesting to increase the transportation rates effective July 1, 2025. She needs to post a notice of the opportunity for a public hearing. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

ARK ANIMAL SANCTUARY – MARY JANE ECKER IRREVOCABLE TRUST EXPENSE

Mrs. Kathryn Hopper, County Auditor, presented bills from various veterinary clinics in the amount of \$19,392.51. The invoices would be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Kevin Myers made a motion to approve the expenses to be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Peter Cook 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 April 21, 2025 regular session meeting and the April 14, 2025 special joint session. Mr. Kevin Myers seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandum for the April 30, 2025 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

APRIL 2025 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending April 30, 2025, in the amount of \$49,182,463.13 and investments of \$23,862,340.00. Mr. Peter Cook made a motion to accept the report. Mr. Kevin Myers seconded the motion and it carried unanimously.

GIS DIRECTOR

Mr. Kevin Myers made a motion to hire Mrs. Jerri Ernsberger as the GIS Director, effective May 1, 2025. Mr. Peter Cook seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Treasurer – April 2025 report

Indiana Department of Environmental Management – Notice of Approval, Forest River Inc Plant 72, 827 W. Lake St, Topeka, IN 46571, MSOP Renewal, Permit Number 087-48640-00673

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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


Peter A. Cook


Kevin R. Myers

ATTEST:


Kathryn Hoppel

LaGrange County Auditor