

MAY 19, 2025

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, May 19, 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.

MAJOR MOVES GRANT REQUEST – WARRIOR YOUTH BASEBALL

Mr. Kurt Bachman, County Attorney, presented the Major Moves Construction Fund Grant Agreement for the restrooms in Howe Park, in the amount of \$50,000. Mr. Kevin Myers made a motion to approve there agreement. Mr. Peter Cook seconded the motion and it carried unanimously.

ORDINANCE AUTHORIZING A SPECIAL PURCHASE BY THE PURCHASING AGENT OF THE COUNTY

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

LAGRANGE COUNTY, INDIANA
ORDINANCE NO. 2025-05-19 A

AN ORDINANCE AUTHORIZING A SPECIAL PURCHASE BY THE PURCHASING AGENT OF THE COUNTY

WHEREAS, pursuant to Indiana Code (“IC”) 36-1-4-6, a unit may use, improve, develop, insure, protect, maintain, lease, and dispose of its interests in property;

WHEREAS, pursuant to IC 5-22-4-5(a), the purchasing agency for a political subdivision is the person designated by law or by rule of the governmental body;

WHEREAS, pursuant to the Purchasing Rules Ordinance (Ord. 2024-01-16-A) of the County of LaGrange, Indiana (“County”), the Board of Commissioners of the County of LaGrange (“Commissioners”) is the general purchasing agent of the County;

WHEREAS, the Sheriff’s Office (“Office”) needs a body camera system in which its law enforcement officers can make video recordings of their law enforcement activities and review such activities to assist in the enforcement of public laws and to protect the Office from liability;

WHEREAS, the Commissioners desire to purchase on behalf of the Office a reliable body camera system that directly integrates camera hardware into an officer’s uniform (“Equipment”);

WHEREAS, Utility Associates, Inc. is a foreign for-profit corporation (“Vendor”);

WHEREAS, Vendor has presented the Commissioners with a proposal for the purchase of the Equipment, which includes the Offer Letter and Client Service Agreement dated March 18, 2025, any other proposal from Vendor under substantially similar terms, and any executed contracts and renewals arising therefrom (as stipulated, “Proposal”);

WHEREAS, the Proposal from the Vendor is attached to this ordinance as Exhibit A;

WHEREAS, under the Proposal, the Equipment costs Two-Hundred Seventy-Five Thousand, Seven hundred Ninety-Six and 00/100 Dollars (\$275,796.00 the “Purchase Price”);

WHEREAS, pursuant to IC 5-22-7 and -9, a purchasing agent that desires to make a purchase of supplies over \$50,000 must create a related invitation of bids or proposals;

WHEREAS, pursuant to IC 5-22-10-1, notwithstanding IC 5-22-7 and -9, a purchasing agent of a unit may make a purchase, as authorized under that code chapter, without soliciting bids or proposals;

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WHEREAS, pursuant to IC 5-22-10-13, a purchasing agent may make a special purchase when it determines in writing that there is only one source that supplies the purchase;

WHEREAS, as confirmed in a letter from the Vendor to the Sheriff's Office dated March 6, 2025, which is hereby incorporated by reference, Vendor, on the strength of several patents, is the only manufacturer that offers a fully integrated AVL & GIS software, body, vehicle video, and mobile router communications system in the country, which otherwise must be purchased through several separate companies;

WHEREAS, pursuant to IC 5-22-10-2, a special purchase must be made with competition as is practicable under the circumstances;

WHEREAS, on Chapter 1, Page 3 of its *Accounting and Uniform Compliance Guidelines Manual for Cities and Towns* on advance payment, the Indiana State Board of Accounts states: "compensation and any other payments for goods and services must not be paid in advance of receipts of the goods or services unless specifically authorized by law";

WHEREAS, pursuant to IC 5-11-10-1.6(d)(4), a political subdivision may make advance payments for goods or services before the goods are delivered or services are completed if the fiscal body of the political subdivision authorizes making advance payments and the goods or services are otherwise purchased in accordance with applicable law;

WHEREAS, pursuant to IC 5-11-10-1.6(e) and the County Council's Advance Payment Ordinance, an advance payment made for goods and services or to enable the purchase of materials for a public works project may not exceed the lesser of fifty percent (50%) of the entire cost of the contract or two million dollars (\$2,000,000);

WHEREAS, pursuant to IC 36-2-6-4.5(a), the Commissioners may allow money to be disbursed for the payment of claims in advance of board allowance if the expenses are approved by ordinance;

WHEREAS, pursuant to IC 36-2-6-4.5(b), a claim allowed under IC 36-2-6-4.5 is exempt from certain requirements in IC 5-11-10 for the approval, certification, and allowance of claims;

WHEREAS, pursuant to Ordinance 2020-08-03 C, the Commissioners authorized its purchasing agents to make payment in advance of the delivery or performance of supplies and services and in advance of allowance of the claims by the Town Council;

WHEREAS, the terms of the Proposal may require partial payment in advance of Vendor performing some of its obligations under the Proposal and/or may require prompt payment of claims upon presentation of an invoice; *and*

WHEREAS, the Commissioners desire to approve the Proposal.

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

SECTION I – NAME

The name of this ordinance is the "Body Camera System Special Purchase Ordinance" or "Special Purchase Ordinance" where the context is obvious.

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – PURCHASE OF EQUIPMENT

- A. Determination. Based on the findings of law and fact contained in this ordinance, the Commissioners hereby determines that the Equipment can be lawfully purchased directly from the Vendor as a special purchase under IC 5-22-10.
- B. Proposal Approval. The purchase of the Equipment under the terms of the Proposal is hereby approved, subject to this ordinance and to the appropriation of funds.

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- C. Payment Approval. Upon receipt of a proper invoice and in compliance with the terms of the Proposal, the Auditor may approve the timeliness, contents, and form of the invoice and make payment under the Proposal in advance of the performance of the services and in advance of allowance of the claim by the Commissioners.
- D. Restriction. Payment made under the Proposal in advance of the performance of the services shall not exceed fifty percent (50%) of the entire cost of the Proposal.
- E. Authorization. The President of the Commissioners and the Auditor are hereby authorized, empowered, and directed to sign all papers and to otherwise take all action necessary or proper to implement the Proposal in accordance with the terms of this ordinance.
- F. Ratification. Pursuant to IC 36-1-4-16, any disinterested actions taken under the Proposal prior to the adoption of this ordinance are hereby ratified, confirmed, and approved in their entirety to the extent the actions otherwise conform to this ordinance.
- G. Records. The Auditor is hereby directed to memorialize any payment of any claim made under the Proposal in advance of the performance of the services and in advance of allowance of the claim by the Commissioners and shall present the claim for Commissioner review and allowance at its then-next regular or special meeting following the actual payment. The Auditor is hereby directed to keep records relating to the Proposal on file for five (5) years from the date of the final payment made pursuant to the Proposal.
- H. Title. Title to the Equipment shall be acquired in the name of the County of LaGrange.

SECTION IV – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
 - 2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of the) County of LaGrange (Indiana).”
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Claims Barred. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to: (i) create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor, (ii) waive or diminish any existing right, protection, immunity, defense, or limitation on liability that may apply to the County or any of its elected or appointed officials, employees, agents, or representatives under any law or regulation.
- C. Conflicts. No part of this ordinance shall be construed to conflict with any applicable local, state, or federal law, and all reasonable efforts should be made to harmonize the same.
- D. 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.
- E. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- F. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.

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G. No Codification. As this ordinance does not concern a matter of general applicability, the codifier of ordinances should not codify this ordinance.

H. 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. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

SHERIFF – SALE OF 2020 DODGE DURANGO

Mr. Tracy Harker, County Sheriff, reported that he has received bids for the sale of a 2020 Dodge Durango. The highest bid received is for \$7,100. Mr. Kevin Myers made a motion to approve the sale of the vehicle. 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. 2025-05-19 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, Calvin A & Royane Gingerich (collectively, “Landowner”) has at least a 50% ownership interest in the real property located at 2745 N 850 W., Shipshewana identified as Parcels 44-05-10-200-013.000-014 in the records of the Office of the County Auditor, and more particularly described as follows:

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

A part of the Northeast Quarter of Section 10, Township 37 North, Range 8 East, LaGrange County, Indiana and more particularly described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of said Section 10, Township 37 North, Range 8 East; thence due North (assumed bearing) along the West line of said Northeast Quarter, a distance of 1039.4 feet to the Point of Beginning of this description; thence continuing due North along said West line, a distance of 234.0 feet; thence South 89 degrees 50 feet East, a distance of 372.0 feet; thence due South (Assumed bearing), a distance of 234.0 feet; thence North 89 degrees 50 feet, a distance of 375.0 feet to the aforementioned Point of Beginning. Containing 2.0 acres, more or less. Subject to all easements and restrictions of record.

(the “Real Estate”);

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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 A-2 ("Proposal");

WHEREAS, on May 13th, 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 May 13th, 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 19th, 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.

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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, explained that on April 22, 2025, the Plan Commission gave a favorable recommendation to the Commissioners for MJM Improvements, LLC for a change to the zoning maps. On May 13, 2025, MJM Improvements, LLC requested that the proposed amendment of the zoning maps of the Unified Development Ordinance be withdrawn from consideration of the Commissioners. The Plan Commission gave the matter a positive recommendation.

Mr. Kevin Myers made a motion to accept withdrawal, pursuant to Resolution No. 2025-05-13 B of prior Plan Commission Resolution 2025-04-22 B, as requested by Plan Commission. Mr. Peter Cook seconded the motion and it carried unanimously.

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INFORMATION TECHNOLOGY – PURCHASE REQUEST

Mr. Marc Peterson, Information Technology Director, presented a quote for a fire wall upgrade. The quote is from Network Solutions in the amount of \$29,367.36. 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.

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. Kevin Myers made a motion to approve the minutes of the May 5, 2025 regular session. Mr. Peter Cook seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandum for the May 14, 2025 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

CORRESPONDENCE

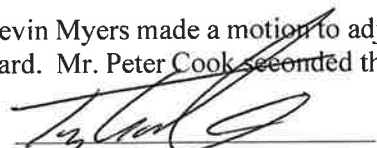
LaGrange County Clerk of the Circuit Court – April 2025 report

Indiana Department of Environmental Management – Notice of Approval, Artistic Coatings LLC, 1185 US Hwy 20 W, LaGrange, IN 46761, MSOP Revocation, Permit Number 087-48997-00027

Indiana Department of Environmental Management – Notice for Public Comment, Rock Run Industries, LLC in LaGrange County, Significant Permit Revision No.: 087-48824-00072

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 Hopper
LaGrange County Auditor

