

**JUNE 7, 2021**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, June 7, 2021, 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.

**COMMUNITY CORRECTION GRANT APPLICATION**

Mr. Brett Hays, Community Correction Director, presented a request to apply for a grant for the Community Correction program for 2021-2022. If approved, the grant would provide funding for a Probation Officer, a Drug Court Coordinator and a Drug Court Administrative Assistant. Mr. Peter Cook made a motion to approve the grant and have the Vice President sign it. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SHERIFF – RADIO SYSTEM**

Mr. Jeff Campos, County Sheriff, explained that he was granted approval in April to purchase a new radio system in the amount of \$317,643. The actual cost of the system, with a 10-year warranty, will be \$356,778. Mr. Peter Cook made a motion to approve the radio system, subject to appropriation by the County Council, and to authorize the contract to be signed by the President, outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SHERIFF – COOLING UNIT FOR SERVER ROOM**

Mr. Jeff Campos, County Sheriff, explained that the cooling unit in the server room needs replaced. He presented a quote in the amount of \$15,650, and he has funding in his budget for this purchase. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SHERIFF – DETENTION SERVICES INTERGOVERNMENTAL COOPERATION AGREEMENT**

Mr. Jeff Campos, County Sheriff, explained that Allen County has approached him about housing some of their inmates. The cost to house an inmate would be \$60.00 per prisoner, per day. Mr. Kurt Bachman, County Attorney, explained that a Detention Services Intergovernmental Cooperation Agreement would need to be prepared along with a conflict of interest disclose and waiver. Mr. Peter Cook made a motion to approve the Agreement and have the President sign it outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**ORDINANCE REPEALING PRIOR LAW AND ESTABLISHING NEW ADMINISTRATIVE PROCEDURES IN CONNECTION WITH THE VACATION OF A PUBLIC WAY OR PLACE**

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

COUNTY OF LAGRANGE  
ORDINANCE NO. 2021-06-07-A

AN ORDINANCE REPEALING PRIOR LAW AND ESTABLISHING NEW ADMINISTRATIVE  
PROCEDURES IN CONNECTION WITH THE VACATION OF A PUBLIC WAY OR PLACE.

WHEREAS, pursuant to IC § 36-7-3-12, the Board of Commissioners of the County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”), may, upon petition, vacate a public way or place;

WHEREAS, pursuant to IC § 36-1-3-4(b), the Commissioners have all other powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

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WHEREAS, the costs incurred by the County including, but not limited to, time expended by County employees and the County attorney in administering the petition for vacation of a public way or place are a significant financial burden to the County; *and*

WHEREAS, the Commissioners now find that the costs attributable to the administration of a petition for vacation of a public way or place should be the responsibility of the petitioner.

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 shall be the “Vacation Petition Ordinance.”

SECTION II – REPEAL OF PRIOR LAW

Resolution 1998-10-05 and Ordinance 2018-07-16 B are hereby repealed in their entirety.

SECTION III – DEFINITIONS

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- “Abut” means to border a property on any side, including diagonally, and with disregard to any intervening public right-of-way or utility easement or to any separation across a plat, section, or subdivision.
- “Administrative Fee” means a fee charged pursuant to this ordinance to cover associated administration costs to review a petition.
- “Petition” means a petition to vacate a public way or place pursuant to Chapter 36-7-3 of the Indiana Code.

SECTION IV – ABUTMENT REQUIREMENT

- A. No petition to vacate may involve multiple areas proposed for vacation unless each such area abuts a property that abuts another proposed vacation area on the petition.
- B. The Auditor shall notify the petitioner or his or her attorney with respect to any petition to vacate that fails to meet the requirement of this section in order to allow for subsequent amendment thereof. If one or more additional petitions are filed as a result, each such additional petition shall be charged a separate administrative fee.

SECTION V – ADMINISTRATIVE FEE

- A. The Auditor shall assess an administrative fee in the amount of One Thousand Dollars (\$1,000.00) for each petition to vacate received.
- B. The administrative fee shall be in addition to any other fee required.
- C. The administrative fee is nonrefundable regardless of whether the petition is subsequently approved, disapproved, withdrawn, or otherwise disposed.
- D. The administrative fee shall be deposited in the General Fund.

SECTION VI – NOTICE

- A. Notice shall be sent to all owners of property that abuts the area proposed to be vacated; provided however, that no notice is required to be given to any petitioner.
- B. The following sketch illustrates the notice requirements of this section. For the proposed vacation area as depicted, all properties identified as A-G in the sketch must be noticed, whether or not part of the same plat.

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A		B	C	D	
E		Proposed Vacation Area			
		F		G	

**SECTION VII – MISCELLANEOUS**

**A. References.**

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, replaced, or renumbered from time to time.
2. Reference in this ordinance to a public servant, department, commission, committee, board, street, or fund, 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) LaGrange County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

**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 same.

**C. Severability.** Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

**D. Continuance.**

1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed ordinance as if this ordinance had not been adopted.
2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.

**E. Revival Prohibited.** The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.

**F. Effective Date.** This ordinance shall be effective 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. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

**RESOLUTION APPROVING THE SALE OF CERTAIN REAL ESTATE**

Mr. Kurt Bachman, County Attorney, presented the following Resolution for the sale of property located at 4845 E US Highway 20, LaGrange, Indiana, for consideration:

COUNTY OF LAGRANGE  
RESOLUTION 2021-06-07-B

**A RESOLUTION APPROVING THE SALE OF CERTAIN REAL ESTATE.**

WHEREAS, pursuant to Indiana Code Section ("IC §") 36-1-11-2(2) and IC § 36-2-2-2, the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), is the disposing agent of the County;

WHEREAS, the Commissioners desire to dispose of certain real property in its possession;

WHEREAS, pursuant to Indiana Code Section ("IC §") 36-1-4-6, the Commissioners may dispose of its interests in property;

WHEREAS, pursuant to IC § 36-1-11-3, the Commissioners may dispose of real property only after conducting a public hearing and publishing legal notice thereof under IC 5-3-1; and

WHEREAS, the Commissioners have conducted the required legal notice and hearing.

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

**SECTION I – SALE OF REAL ESTATE**

The Commissioners hereby approve of the sale of the following real property in LaGrange County, Indiana:

Lot 12 Blk 9 in the Village of Bloomfield.

SUBJECT TO all conditions, easements, limitations, restrictions and covenants of record, and to all visible easements not of record;

commonly known as 4845 E US Hwy 20 and assigned parcel ID # 44-07-23-400-009.000-001 ("Real Estate"). The Commissioners hereby authorize the sale of the Real Estate in accord with applicable law via quitclaim deed.

**SECTION II – AUTHORITY**

The Commissioners hereby authorize its President, the County Attorney, and the Auditor to prepare and/or execute on behalf of the County any and all documents necessary or desirable to effect the sale of the Real Estate.

**SECTION III – MISCELLANEOUS**

- A. Conflicts. 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.
- B. Severability. 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, or any other portion thereof, and for this purpose the provisions of this resolution are hereby declared to be severable.
- C. Effective Date. This resolution shall be effective immediately upon adoption.

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Mr. Peter Cook made a motion to approve the Resolution. 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.

**PARKVIEW LAGRANGE HOSPITAL – SECOND AMENDMENT TO LEASE AGREEMENT**

Mr. Kurt Bachman, County Attorney, explained that the Health Department has a grant to allow for Covid-19 testing, which has been approved. The testing is done at the EMS Building which the County leases to Parkview LaGrange Hospital. The Amendment extends the use of the space for Covid-19 testing until December 31, 2021. Mr. Peter Cook made a motion to approve the lease agreement. Mr. Kevin Myers Martin seconded the motion and it carried unanimously.

**VANTAGE POINT CONSULTING – COMMUNITY BASED COVID TESTING AGREEMENT**

Dr. Alfredo Garcia, Health Administrator, presented an agreement with Vantage Point Consulting. The agreement is for community based COVID testing for the period of July 1, 2021 thru December 31, 2021. Mr. Peter Cook made a motion to approve the Agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HIGHWAY – PLANS FOR NEW BUILDING**

Mrs. Tharon Morgan, County Engineer, requested approval to have Anchor Construction draft plans for a new highway building. Mr. Peter Cook made a motion to have plans drafted for a new highway building. Mr. Kevin Myers seconded the motion and it carried unanimously.

**CONFLICT OF INTEREST STATEMENT DISCLOSURE STATEMENT**

Mrs. Mary Franke, Park Director, presented a Uniform Conflict of Interest Disclosure Statement. Her son, Luke Franke will work as a host to guests at Maplewood Nature Center. Mr. Peter Cook made a motion to accept. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PARK – PURCHASE OF PLAYGROUND EQUIPMENT**

Mrs. Mary Franke, Park Director, presented a quote from Miracle Playground of Indiana for the purchase of equipment, in the amount of \$3,252.69. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PROPOSALS FOR HOUSE TEAR DOWN AND BARN REMODEL**

Sealed proposals were opened for a house tear down and a pole barn remodel located at 0825 E 550 S, Wolcottville, Indiana. The proposals were as follows:

<u>Contractor</u>	<u>Location</u>	<u>Amount</u>
D & S Builders, Inc.	LaGrange, Indiana	\$84,600.00
Dallas Lake Construction	Wolcottville, Indiana	59,903.00
Shetler Construction, LLC	LaGrange, Indiana	73,805.00
Empire Electrical	Wolcottville, Indiana	9,168.20

Mr. Jason Boggs, Building Commissioner, reviewed the proposals and recommends awarding the quote to Dallas Lake Construction, LLC in the amount of \$59,903. Mr. Peter Cook made a motion to approve the quote. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to approve the quote from Empire Electrical for the electrical work in the amount of \$9,168.20. Mr. Kevin Myers seconded the motion and it carried unanimously.

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Mr. Boggs presented a quote from LaGrange County REMC for the relocation the main power to the barn in the amount of \$3,473.42. Mr. Peter Cook made a motion to approve the quote. Mr. Kevin Myers seconded the motion and it carried unanimously.

**RELOCATION OF FIBER – HIGHWAY DEPARTMENT**

Mr. Jason Boggs, Building Commissioner, presented explained that in the Highway remodel project, of a quote from Strategic Business Technologies, LLC, in the amount of \$1,927.16, had been approved on January 4, 2021. The price increased and the next lowest bidder was used for the relocation of fiber. Fairchild Communications Systems Inc. did the work for \$1,997.76. Mr. Peter Cook made a motion to approve the invoice. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PETITION TO VACATE - PORTION OF PLATTED ALLEY, PORTION OF N. SECOND STREET, PORTION OF E DEFIANCE STREET, LIMA TOWNSHIP**

Mr. Dustin Glick, Attorney was present on behalf of his client, Matthew F. Schrock. Mr. Schrock is wanting to vacate a certain portion of a platted alley, a portion of the platted North Second Street, and a portion of the platted East Defiance Street, located in Lima Township. Mr. Kevin Myers opened the public hearing and asked for comments from the public. There were no comments from the public, and no concerns from the County staff. Mr. Peter Cook made a motion to close the public hearing. Mr. Kevin Myers seconded the motion and it carried unanimously.

The following Ordinance was presented for consideration:

**COUNTY OF LAGRANGE  
ORDINANCE 2021-06-07-C**

**AN ORDINANCE OF THE LAGRANGE COUNTY BOARD OF  
COMMISSIONERS VACATING A PUBLIC WAY**

WHEREAS, Matthew F. Schrock (hereinafter the "Petitioner"), in person and by counsel, Dustin A. Glick, having filed a Petition to Vacate Platted Road (the "Petition"), requesting that the Board of Commissioners of the County of LaGrange, Indiana vacate all or part of a public way pursuant to Indiana Code 36-7-3-12; and

WHEREAS, the Petitioner separately owns or has an interest in certain real estate which is contiguous to the public way which he proposes to have vacated, which public way located outside the corporate boundaries of any municipality; and

WHEREAS, notice of a public hearing on the Petition has been given by publication and by certified mail as required by law and said public hearing conducted.

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

**Section I**

The portion of the public way, more particularly described and depicted as follows:

A portion of Defiance Street, a public right-of-way 66 feet wide, between Block 2 and Block 13, bounded by the east line of Third Street and the west line of Second Street, all in the plat of the Town of Ontario as recorded in Deed Record 3, pages 286 and 287, and located in the Southwest Quarter of Section 33, Township 38 North, Range 10 East, Lima Civil Township, LaGrange County, Indiana.

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ALSO, a portion of Second Street, a public right-of-way 66 feet wide, between Block 1 and Block 2, bounded by the south line of Canal Street and the north line of Defiance Street, all in said plat of the Town of Ontario.

ALSO, the alley, 16.5 feet wide, within Block 2, bounded by the south line of Canal Street and the north line of Defiance Street, in said plat of the Town of Ontario.

See Exhibit "A" and Exhibit "B" attached hereto and incorporated herein

is hereby vacated. A copy of this Ordinance shall be furnished to the LaGrange County Recorder for recording and to the LaGrange County Auditor.

**Section II**

The Commissioners hereby find that the vacation of the public way would not significantly: (i) hinder the growth or orderly development of the unit or neighborhood in which it is located and to which it is contiguous; (ii) make access to the lands of any aggrieved person by means of public way difficult or inconvenient; (iii) hinder the public's access to a church, school or other public building or place; and (iv) hinder the use of a public way by the neighborhood by which it is located or to which it is contiguous.

**Section III**

Notwithstanding anything herein to the contrary, this Ordinance shall not be deemed to deprive a public utility of the use of all or part of the vacated property if the public utility is occupying and using all or part of said vacated property for the location and operation of its facilities on the effective date of this Ordinance. This provision is reserved pursuant to IC § 36-7-3-16(b).

**Section IV**

This Ordinance shall be effective upon promulgation according to law.

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.

**AMENDMENT TO THE ZONING ORDINANCE**

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

**AMENDMENT NO. 2021-06-07 D  
TO  
THE ZONING ORDINANCE**

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 I-1 DISTRICT TO AN U-1 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 #: 44-07-19-400-000.028-002, LaGrange, more fully described below hereto, be rezoned and changed from a I-1 District to a U-1 District.

**LEGAL DESCRIPTION**

Situated in LaGrange County, State of Indiana, to-wit: All that part of Lots One (1) and Four (4) lying East of the Right of Way of former Grand Rapids and Indiana Railroad, in Block 10 of the Plat of the Town of LaGrange, Indiana. ALSO: The North ½ of the vacated alley located East of the Right of Way of former Grand Rapids and Indiana Railroad, between Lots 4 and 5 in Block 10 of the Plat of the Town of LaGrange, Indiana. Subject to any governmental limitations or

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regulations respecting access to abutting roads, streets or highways. Subject to any and all liens, assessments, impact fees and zoning ordinances, now carried on the municipal records of the City/Town of LaGrange. Subject to all easements, assessments, highways, restrictions, and other limitations of record, or claims of easements not shown by the public records. Subject to taxes prorated date of closing.

Following a public hearing, the LaGrange County Plan Commission, on May 24, 2021, after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.

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.

**MAY 2021 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending May 31, 2021, in the amount of \$41,972,180.34 and investments of \$19,182,000.00. 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 May 17, 2021 regular 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 June 2, 2021 meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Clerk of the Circuit Court – March 2021 report

LaGrange County Treasurer – May 2021 report

LaGrange County Weights and Measures – April 16 – May 15, 2021 report

Notice of Public Hearing – Hossinger, Jon & Dawn, 5869 S 455 E, Wolcottville, Indiana 46795, Application for a proposed 25' waterside setback for a 12' x 26' 6" deck in an L-1 zoning district,

Indiana Department of Environmental Management – Notice of Approval, Reith-Riley Construction Company, Inc., 8020 N 050 E, Howe, IN 46746, Permit Renewal, 777-43109-05408

Indiana Department of Environmental Management – Notice of Approval, Lake Area Designs, LLC, 1260 N Detroit Street, LaGrange, IN, 46761, Permit Renewal, 087-43234-00678

Indiana Department of Environmental Management – Notice of Approval, Forest River, Inc. – Topeka Complex, 402 Lehman Avenue, Topeka, IN 46571 and 501 Hawpatch Street, Topeka, In 46571, Permit Renewal, 087-43669-00052

**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

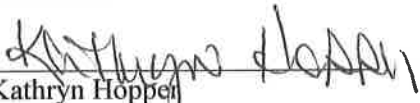


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\_\_\_\_\_  
Peter A. Cook

ATTEST:

  
\_\_\_\_\_  
Kathryn Hopper  
LaGrange County Auditor