

MARCH 1, 2021

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, March 1, 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. Terry A. Martin, Mr. Kevin R. Myers, Mr. Peter A. Cook; 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.

NUISANCE HEARING – SCOTT A. JORDAN, 4760 S 400 E, WOLCOTTVILLE, INDIANA

Mr. Kurt Bachman, County Attorney, reported that Mr. Bill Stewart, Code Enforcement Officer, recommends that the nuisance hearing scheduled today for Mr. Scott A. Jordan, 4760 S 400 E. Wolcottville, Indiana, be continued and reconvened. Mr. Peter Cook made a motion to reconvene the nuisance hearing on April 5, 2021 at 8:30 a.m. Mr. Kevin Myers seconded the motion and it carried unanimously.

PROPERTY AT 4845 E US 20, LAGRANGE, INDIANA

Mr. Kurt Bachman, County Attorney, inquired if there was interest in selling the property located at 4845 E US 20, LaGrange, Indiana. Mr. Kevin Myers made a motion to proceed with appointing appraisers for the property and proceed with selling the property. Mr. Peter Cook seconded the motion and it carried unanimously.

HUNTING ON COUNTY PROPERTY

Mr. Kurt Bachman, County Attorney, explained that hunting has been allowed on various County owned properties in the past. Mr. Bachman is recommending that hunting be prohibited on all County property. Mr. Kevin Myers made a motion to have Mr. Bachman draft a letter prohibiting hunting on all County property and authorize the president to sign the letter. Mr. Peter Cook seconded the motion and it carried unanimously.

CREDIT CARD BUSINESS AUTHORIZATION RESOLUTION

Mrs. Kathryn Hopper, County Auditor, explained that TCM Bank, N.A. who is the credit card vendor, is in need of a new business authorization resolution. Mr. Peter Cook made a motion to approve the Resolution. Mr. Kevin Myers seconded the motion and it carried unanimously.

RESOLUTION EXPRESSING SUPPORT FOR LOCAL CONTROL OF LAND USE DECISIONS

Mr. Terry Martin explained that the Association of Indiana Counties is opposed to HB 1381, preempting local control on the siting of wind and commercial solar projects. The bill removes a county's ability to develop long term, compatible land uses crafted through local public meetings. The following Resolution was presented for consideration:

**COUNTY OF LAGRANGE
RESOLUTION NO. 2021-03-01 A**

A RESOLUTION EXPRESSING SUPPORT FOR LOCAL CONTROL OF LAND USE DECISIONS.

WHEREAS, the State of Indiana consists of diverse communities, each with its own needs and opportunities;

WHEREAS, across the State of Indiana, counties have created and implemented plans for development that provide the type of new investment and additional employment that is desired by their respective citizens, and in many instances the desired development has included wind or solar projects;

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners"), is the legislative body of LaGrange County, Indiana ("County");

WHEREAS, the Commissioners believe that decisions regarding wind and solar development are best made by the citizens living in the community, rather than by the wind and solar industry or State officials who live outside the community;

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WHEREAS, House Bill 1381 is currently pending in the Indiana General Assembly and, if enacted, would disenfranchise the citizens of the ability to determine the conditions under which wind energy and solar energy projects would be allowed in the County;

WHEREAS, under House Bill 1381, the County would be compelled to allow wind and solar projects under conditions dictated by others living outside the community; and

WHEREAS, the Commissioners desire to express their opposition to House Bill 1381 and express their support for the rights of individuals and families living in a community to direct their own future through land use decisions.

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

SECTION I – DECLARATION OF OPPOSITION

The Commissioners express their opposition to House Bill 1381 and any other legislation that would disenfranchise local citizens of the right to make local planning decisions and direct the future of their own communities.

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. 2021-03-01 B
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 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 A PUD(S-1) DISTRICT TO AN I-2 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 17th 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 #: 44-07-18-100-000.024-002, 44-07-18-100-000.025-002, & 44-07-18-100-000.002-002, LaGrange, more fully described below hereto, be rezoned and changed from a PUD(S-1) District to an I-2 District.

LEGAL DESCRIPTION

LAND DESCRIPTION:

Part of the Northeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 10 East, Bloomfield Civil Township, LaGrange County, Indiana, and bounded as follows:

Commencing at a Harrison Monument at the northeast corner of said Quarter; thence South 89°33'12" West (Basis of Bearings: State Plane) along the north line of said Quarter 40.58 feet to the west right of way of an abandoned railroad, and the point of beginning; thence South 01°04'58" East along said west line 1323.44 feet to a #5 LA Taylor-capped rebar on the south line of said Quarter-Quarter; thence North 89°57'03" West along said south line 1056.16 feet to a LA Taylor rebar; thence North 00°35'09" West 688.16 feet to a LA Taylor rebar; thence North 89°33'12" East 350.61 feet along the

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south boundary of Aqua Zone as recorded in Plat Book 29, page 22 in said County, to a LA Taylor rebar; thence North 01°04'58" West 626.10 feet along the east boundary of said plat, through a LA Taylor rebar to the north line of said Quarter; thence North 89°33'12" East 740.00 feet to the point of beginning, and containing 26.8 acres, more or less.

Following a public hearing, the LaGrange County Plan Commission, on February 22, 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.

AMENDMENT TO THE ZONING ORDINANCE

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

AMENDMENT NO. 2021-03-01 C
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 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 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 17th 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 #: 44-06-28-100-010.000-003, LaGrange, more fully described below hereto, be rezoned and changed from an Agricultural (A-1) District to a Highway Business (B-3) District.

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST AND NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 9 EAST, IN LAGRANGE COUNTY, THE STATE OF INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER MARKED BY A HARRISON MARKER FOUND; THENCE N 89°13'01" E (STATE PLANE NAD 83, ZONE INDIANA EAST), ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, FOR 1326.47 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING S 89°13'01" E, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, FOR 1326.47 FEET TO A HARRISON MARKER FOUND AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N 89°11'54" E, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28, FOR 435.00 FEET; THENCE S 00°43'41" E, PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER, FOR 200.00 FEET; THENCE S 89°11'54" W, PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, FOR 435.00 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S 00°43'41" E, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, FOR 259.00 FEET; THENCE S 89°13'01" W, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, FOR 1138.82 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE N 00°45'52" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, FOR 459.00 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 15.96 ACRES, MORE OR

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LESS, AND BEING SUBJECT TO ALL PUBLIC ROAD RIGHTS-OF-WAY AND ALL EASEMENTS OF RECORD.

Following a public hearing, the LaGrange County Plan Commission, on February 22, 2021 after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.

Mr. Kevin Myers made a motion to approve the Ordinance. Mr. Peter Cook 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.

PARK – PURCHASE OF TARGETS

Mrs. Mary Franke, Parks Director, presented a quote for archery target inserts from Rinehart Targets, in the amount of \$2,272.99. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

CELL PHONE REIMBURSEMENT

Mr., Jason Boggs, Building Commissioner, explained that he had an employee who began employment and did not receive the cell phone reimbursement for 2020. Discussion was held and we do not normally go back and authorize reimbursement. Mr. Kevin Myers made a motion to deny the request to go back with the reimbursement. Mr. Peter Cook seconded the motion and it carried unanimously.

COUNTY ENGINEER – PURCHASE OF COMPUTER AND SOFTWARE

Mrs. Tharon Morgan, County Engineer, presented three quotes for a Dell Precision 3240 Compact workstation. The lowest quote is from Dell Technologies in the amount of \$1,204. She also presented a quote from Bentley Systems, Inc., in the amount of \$2,410, for MicroStation, a 3D CAD software for engineering. Mr. Peter Cook made a motion to approve the purchases. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNTY ENGINEER – DRIVEWAY PERMIT APPLICATION PROCESS

Mrs. Tharon Morgan, County Engineer, requested permission to update the driveway permit application process. Mr. Peter Cook made a motion to approve the updates. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNTY ANNUAL FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the 2021 County Annual Financial Report. Mr. Kevin Myers made a motion to approve the report. 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 February 15, 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 February 25, 2021 meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE


Leon Bontrager, 2465 S 600 W, Topeka, Indiana – Notice of Public Hearing, March 16, 2021, LaGrange County Board of Zoning Appeals

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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

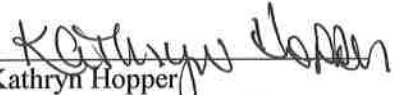


Kevin R. Myers



Peter A. Cook

ATTEST:



Kathryn Hopper
LaGrange County Auditor