

**NOVEMBER 1, 2021**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, November 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 Martin, Mr. Kevin R. Myers and 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.

**PETITION TO VACATE – PORTION OF ALLEYWAY IN LONG LAKE PARK**

At 8:30 a.m. Mr. Christopher Nusbaum, Attorney, was present representing Michael & Johanna Clauser. They are requesting to vacate a portion of the alleyway in block 7 lying between Lots 70 and 71 in Long Lake Park, in Milford Township. The garage belonging to the petitioners was built in 1950 and the and is over the alleyway. Mr. Terry Martin asked for comments from the public. Mrs. Tharon Morgan, County Engineer, asked that not all of the portion be vacated, as it should be used to a turn around. There being no further comments, Mr. Terry Martin closed the public hearing. There are numerous issued that need to be addressed regarding the vacation of the alleyway. Mr. Peter Cook made a motion to table the matter and have Mr. Nusbaum work with the County Attorney. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COURTHOUSE CHIMNEY**

Mr. Gary Mast, Maintenance Director, explained that the chimney at the Courthouse has been leaning. He received an estimate from Todd Masonry in the amount of between \$8,900 to \$9,500. Mr. Kevin Myers made a motion to approve the work and to pay for it out of the EDIT fund. Mr. Peter Cook seconded the motion and it carried unanimously.

**LAWSUIT – 202 N 2<sup>nd</sup> STREET, WOLCOTTVILLE, INDIANA**

Mr. Kurt Bachman, County Attorney, explained that in order to enforce an order issued by the LaGrange County Health Officer, both the County Commissioners and the County Council must approve a lawsuit in order to enforce the Health Officer's orders. Mr. Peter Cook made a motion to the filling of a lawsuit against a property located at 202 N 2<sup>nd</sup> Street, Wolcottville, Indiana. Mr. Kevin Myers seconded the motion and it carried unanimously.

**RESOLUTION TO ASSIGN ONE OR MORE 2021 TAX SALE CERTIFICATES TO THE TOWN OF WOLCOTTVILLE**

Mr. Kurt Bachman, County Attorney, explained that there were six properties that did not sell at the tax sale held on October 5, 2021. The properties are owned by Scott Jordan and are considered a nuisance. Mr. Bachman explained that the tax sale certificates for these properties can be assigned to the Town of Wolcottville.

**COUNTY OF LAGRANGE  
RESOLUTION NO. 2021-11-01 A**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, TO ASSIGN ONE OR MORE 2021 TAX SALE CERTIFICATES TO THE TOWN OF WOLCOTTVILLE, INDIANA, PURSUANT TO INDIANA CODE § 6-1.1-24-9 AND §36-1-11-8**

WHEREAS, the LaGrange County Auditor and the LaGrange County Treasurer conducted and completed the County's 2021 tax sale pursuant to Indiana Code 6-1.1-24 on October 5, 2021;

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WHEREAS, the real estate, in LaGrange County, Indiana, identified in the Tax Sale Certificate attached hereto as Exhibit "A" (the "Parcels"), were offered for sale in the 2021 tax sale, and an amount was not received equal to or in excess of the minimum sale price prescribed by Indiana Code 6-1.1-24-5(e) and (f); and

WHEREAS, pursuant to Indiana Code 6-1.1-24-6(a), the Board of Commissioners of the County of LaGrange, Indiana (the "County"), acquired a lien in the amount of the minimum sale price with respect to the Parcel; and

WHEREAS, the LaGrange County Auditor has issued a tax sale certificate to the County for the Parcel pursuant to Indiana Code 6-1.1-24-6(b) and 6-1.1-24-9; and

WHEREAS, pursuant to Indiana Code 6-1.1-24-6(b), when the County acquired its lien on the Parcel, no money was paid by the County; and

WHEREAS, Indiana Code 6-1.1-24-9(d) authorizes the County to assign a certificate of sale held in the name of the County to any political subdivision during the life of the tax sale certificate; and

WHEREAS, the parcels are each located in the Town of Wolcottville, Indiana (the "Town"); and

WHEREAS, the County and the Town have determined that it would be in the best interests of the County and the Town if the tax sale certificates for the Parcels were assigned from the County to the Town pursuant to Indiana Code 6-1.1-24-9(d); and

WHEREAS the County and the Town agree that no money shall be paid by the Town for the assignment of the tax sale certificates for the Parcels to the Town; and

WHEREAS, the Town desires to accept an assignment of the tax sale certificates held by the County for the Parcels; and

WHEREAS, the Town has agreed that after the tax sale certificates are assigned to the Town, the Town, through its lawfully authorized representatives, will be responsible to give all statutory notices, and, if not redeemed, perform all steps required by Indiana statutes to obtain title in the name of the Town to the Parcels through the issuance of tax deeds from the LaGrange County Auditor; and

WHEREAS, Indiana Code 36-1-11-8 authorizes the transfer of property between governmental entities upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity; and

WHEREAS, the County and Town will adopt substantially identical resolutions to authorize the assignment of the tax sale certificates for the Parcels held in the name of the County to the Town.

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

**SECTION I**

A. Following the Town's adoption of a substantially identical resolution to authorize the assignment of the tax sale certificates for the Parcels held in the name of the County to the Town, the County will assign the tax sale certificates for the Parcels to the Town pursuant to Indiana Code 6-1.1-24-9(c) and (d).

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B. No money shall be paid by the Town for the assignment to it of the tax sale certificates for the Parcels. If any of the Parcels are redeemed prior to the issuance of a tax sale deed pursuant to Indiana Code 6-1.1-25 *et. seq.*, the proceeds of the redemption received by the County shall be applied as required by law irrespective of and is if there was no such assignment of the tax sale certificates; provided, however, that the Town shall be entitled to any proceeds of redemption received by the County pursuant to Indiana Code 6-1.1-25-2(e) and (f) if paid by the Town.

C. Following the assignment of the tax sale certificates, the Town shall acquire the same rights and obligations that the County acquired upon issuance of the tax sale certificates; the period of redemption under Indiana Code 6-1.1-25 shall be one hundred twenty (120) days after the date of the assignment; and the Town must transmit all notices required under Indiana Code 6-1.1-24-4.5 not later than ninety (90) days after the date of assignment. The Town will be responsible to give all notices and take all take steps necessary for the issuance of a tax title deed for the Parcels from the LaGrange County Auditor to the Town pursuant to Indiana Code 6-1.1-25 *et. seq.*

**SECTION II**

**A. References.**

1. Except where a specific version or edition is given, reference to another section of this Resolution or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.

2. Reference in this Resolution to a public servant, department, commission, committee, board, 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 Resolution 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. Incorporation. Two (2) copies of all materials incorporated herein shall be placed on file in the office of the Auditor for public inspection.

C. 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.

D. 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.

E. Effective Date. This Resolution shall be effective immediately upon adoption.

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

**COMMUNITY CONNECTIONS FOR PEOPLE WITH DISABILITIES GRANT**

Mrs. Kathy Hopper, County Auditor, explained that she received proposals for technical assistance for the Community Connections for People with Disabilities Grant to be in compliance with Community Development Block Grant (CDBG) program requirements. The lowest proposal is from Region 3-A in the amount of \$5,369. Mr. Kevin Myers made a motion to approve the proposal from Region 3-A Mr. Peter Cook seconded the motion and it carried unanimously.

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**COUNTY OFFICE BUILDING – EXTERIOR WATER PROOFING**

Mr. Gary Mast, Maintenance Director, explained that some work needs to be done on the County Office Building to waterproof the foundation and basement. He received proposals and is recommending the proposal from Expert Roofing & Basement Waterproofing in the amount of \$27,360 for the exterior only. Mr. Peter Cook made a motion to approve the proposal. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HVAC UPGRADE – COURTHOUSE AND HEALTH DEPARTMENT**

Mr. Gary Mast, Maintenance Director, explained that the HVAC system in the Courthouse and Health Department needs to be updated. He has received two quotes and is recommending the quote from J.O. Mory in the amount of \$4,050 for installation of a blower motor in the Courthouse basement, \$3,125 for an outside air conditioning unit at the Courthouse, and \$9,150 for a new unit at the Health Department. Mr. Kevin Myers made a motion to approve the quote and to pay for the work out of ARPA funds. Mr. Peter Cook seconded the motion and it carried unanimously.

**EMERGENCY MANAGEMENT AGENCY – REQUEST TO PURCHASE TRAILER**

Mr. Bill Morr, Emergency Management Agency Director, explained that he would like to purchase an 8' x 10' trailer to be used to transport generators. He presented three quotes, with the lowest quote being from John's Trailer Sales, LLC in the amount of \$1,670. Mr. Peter Cook made a motion to approve the quote from John's Trailer Sales. 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. 2021-11-01 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 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 B-3 DISTRICT TO AN A-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 #: 44-10-34-100-011.000-010, 44-10-34-100-014.000-010, and 44-10-34-100-010.001-010, more fully described below hereto, be rezoned and changed from a B-3 District to an A-1 District.

LEGAL DESCRIPTION

Part of the Northwest Quarter of Section 34, Township 36 North, Range 10 East, Johnson Civil Township, LaGrange County, Indiana, more particularly described as follows:

That part of the Northwest Quarter of the Northwest Quarter lying West of the railroad and east of the State Road Right-of-way. Also, the West Half of the former Grand Rapids and Indiana Railroad Company land located in aforesaid Quarter-Quarter. Said lands contain 28.5 acres, more or less.

Following a public hearing, the LaGrange County Plan Commission, on October 25, 2021, after having considered

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the criteria set forth in IC § 36-7-4-603, gave a favorable 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.**

**AMENDMENT TO THE ZONING ORDINANCE**

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

AMENDMENT NO. \_\_\_\_\_  
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 L-1 DISTRICT TO AN A-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 #: 44-05-23-200-020.004-014 Shipshewana, more fully described below hereto, be rezoned and changed from an L-1 District to an A-1 District.

**LEGAL DESCRIPTION**

Lot number 4 in the 1<sup>st</sup> addition to Rainbow Lake Subdivision, located in Section 23, Township 37 north, Range 8 east, recorded in Plat Book 5, page 134 of the records of the Recorder of LaGrange County, Indiana.

Mrs. Miller explained that the reason for the rezone is for the home owner to have a horse located on the property. Following a public hearing, the LaGrange County Plan Commission, on October 25, 2021, after having considered the criteria set forth in IC § 36-7-4-603, gave an unfavorable recommendation to this rezoning request.

**Mr. Peter Cook made a motion to table the matter until November 15, 2021 meeting. 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. 2021-11-01 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 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 A PUD DISTRICT TO A 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:

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1. That the zoning map for the following described real estate located at parcel #: 44-05-02-300-000.071-015, 44-05-02-300-000.072-015, 44-05-02-300-000.073-015, 44-05-02-300-000.074-015, 44-05-02-300-000.075-015, 44-05-02-300-000.076-015, 44-05-02-300-000.077-015, 44-05-02-300-000.078-015, 44-05-02-300-000.079-015, 44-05-02-300-000.080-015, 44-05-02-300-000.081-015, 44-05-02-300-000.082-015, 44-05-02-300-000.085-015, 44-05-02-300-000.086-015, 44-05-02-300-000.087-015, 44-05-02-300-000.088-015, 44-05-02-300-000.089-015, 44-05-02-300-000.090-015, 44-05-02-300-000.091-015, 44-05-02-300-000.092-015, 44-05-02-300-000.093-015, 44-05-02-300-000.094-015, 44-05-02-300-000.095-015, 44-05-02-300-000.096-015, 44-05-02-300-000.097-015, 44-05-02-300-000.098-015, 44-05-02-300-000.099-015, and 44-05-02-300-000.100-015, Shipshewana, more fully described below hereto, be rezoned and changed from a PUD District to a U-1 District.

**PLAT BOUNDARY LEGAL**

Part of the southwest quarter of section 2, township 37 north, range 8 East, LaGrange County Indiana, bounded as follows:

Lots numbered one (1) through twelve (12) in the villas of carriage creek, per plat thereof, as recorded in LaGrange County Plat Book 24, pages 21 and 21a, also described as follows:

Beginning at a rebar found at the northeast corner of lot G of Ole Towne Shoppes, per plat thereof, as recorded in LaGrange County plat book 15, page 34; thence n 88°28'07" E (state plane nad 83, zone Indiana east), for 106.91 feet; thence N 01°18'00" W, for 15.00 feet; thence N 89°05'42" E, for 355.29 feet; thence S 88°59'02" E, for 249.98 feet; thence N 88°53'28" E, for 74.47 feet to the northwest corner of lot thirteen (13) in the villas of carriage creek; thence S 01°11'47" E, along the west line of said lot thirteen (13), for 315.26 feet to the southwest corner of said lot thirteen (13) and the north right-of-way line of country lane; thence westerly along the north right-of-way line of said country lane the following four (4) courses and distances, to-wit: S 88°24'25" W, for 388.38 feet; northwesterly, for 150.58 feet along an arc to the right, having a radius of 265.00 feet and subtended by a long chord bearing N 75°18'53" W, with a length of 148.56 feet; N 58°49'41" W, for 131.89 feet; and northwesterly, for 155.45 feet along an arc to the left, having a radius of 335.00 feet and subtended by a long chord bearing N 72°07'18" W, with a length of 154.06 feet to the southeast corner of the aforesaid lot G of Ole Towne Shoppes; thence north 00°30'28" W, along the east line of said lot G, for 152.30 feet to the point of beginning, containing 5.13 acres, more or less, and being subject to all public road rights-of-way and easements of record.

ALSO:

Lots numbered fifteen (15) through thirty (30) in the Villas of Carriage Creek, per plat thereof, as recorded in LaGrange county plat book 24, pages 21 and 21a, also described as follows:

Beginning at the southeast corner of lot one (1) of Country Village, per plat thereof, as recorded in LaGrange County Plat Book 10, pages 99 and 99a; thence N 88°33'28" E (state plane nad 83, zone Indiana east), for 915.13 feet to the west line of lot 1 of Harlan M. Wingard & Linda C. Wingard subdivision, per plat thereof, as recorded in LaGrange County Plat Book 24, pages 22, 22a and 22b; thence N 01°13'05" W, for 140.90 feet, along the west line of said lot one (1) to the northwest corner of said lot one (1) and the south right-of-way line of Country Lane; thence westerly along the south right-of-way line of said Country Lane the following four (4) courses and distances, to-wit: S 88°24'24" W, for 513.93 feet; northwesterly, for 190.49 feet along an arc to the right, having a radius of 335.00 feet and subtended by a long chord bearing N 75°18'12" W, with a length of 187.93 feet; N 58°49'41" W, for 132.01 feet; and northwesterly, for 116.78 feet along an arc to the left, having a radius of 265.00 feet and subtended by a long chord bearing N 71°27'09" W, for 115.84 feet to the northeast corner of the aforesaid lot one (1) of Country Village; thence S 01°13'13" E, along the east line of said lot one (1), for 302.54 feet to the point of beginning, containing 3.60 acres, more or less, and being subject to all public road rights-of-way and easements of record.

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

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**HEALTH DEPARTMENT – REQUEST TO APPLY FOR A GRANT**

Dr. Alfredo Garcia, Health Administrator, requested approval to apply for a grant from the Indiana Department of Health. The funds would be used to hire a nurse to administer The funds would be used for vaccinations in the schools. The grant would provide \$100,000 a year for two years. Mr. Peter Cook made a motion to deny the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HEALTH DEPARTMENT – REQUEST TO PURCHASE VEHICLE**

Dr. Alfredo Garcia, Health Administrator, requested permission to purchase a new vehicle to replace a 2007 Dodge Caliber. He obtained four quotes and is recommending the quote from Max Platt Ford-Lincoln, Inc., for a 2022 Ford Maverick, in the amount of \$23,385. The vehicle would be purchased out of the Health Fund. The dealer will give a trade in of \$500 for the 2007 vehicle. Mr. Kevin Myers made a motion to deny the request. Mr. Peter Cook seconded the motion and it carried unanimously.

**HEALTH DEPARTMENT – ATTORNEY CONTRACT AGREEMENT**

Mr. Kevin Myers made a motion to deny the Attorney Contract Agreement for 2022 for the Health Department. Mr. Peter Cook seconded the motion and it carried unanimously.

**HIGHWAY – REQUEST TO APPLY FOR A GRANT**

Mrs. Tharon Morgan, County Engineer, requested approval to apply for a grant from the Federal Highway Administration. The funds can be used for local road projects and would be used on Bridge 49 on County Road 700 South between Witmer Lake and Westler Lake. The grant would reimburse the County for 80% of the cost. Mr. Peter Cook made a motion to approve the grant application and authorize the President to sign. 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.

**MEMORANDUM**

Mr. Peter Cook made a motion to approve the memorandum for the October 27, 2021 staff meeting and the October 20, 2021 executive session. Mr. Kevin Myers seconded the motion and it carried unanimously.

**CORRESPONDENCE**

Indiana Department of Environmental Management – Notice of Approval, Heartland Recreational Vehicles LLC, Howe, IN 46746, Permit Number 087-44344-00684

Indiana Department of Environmental Management – Notice of Public Comment, Irving Gravel Company Inc., Permit Number 087-44489-00016

Indiana Department of Environmental Management – Notice of Revocation, Northwood Finishing Limited,

6825 West County Road 450 North, Shipshewana, IN 46565, Permit Number 087-44504-00073

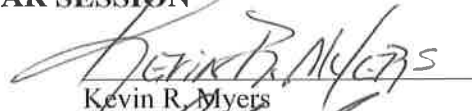
**ADJOURNMENT**

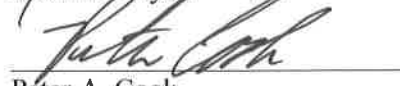
There being nothing further to come before the Board at this time, Mr. Peter Cook made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Kevin Myers seconded the motion and it carried unanimously.

  
Terry A. Martin

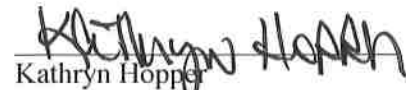
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Kevin R. Myers

  
Peter A. Cook

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor