

JUNE 20, 2022

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, June 20, 2022, 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, and Mr. Peter A. Cook; and LaGrange County Chief Deputy Auditor, Kay Myers. 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. Terry Martin seconded the motion and it carried unanimously.

COUNTY ROADS

Mr. Kurt Bachman, County Attorney, explained that the \$5,500,000 was appropriated by the County Council for the following road projects:

County Road 100 S, from 100 W to 600 W	5 miles	Includes culvert replacement
County Road 500 S, from 600 W to 1200 W	6 miles	Includes culvert replacement
County Road 600 S, from 300W to 1200 W	9 miles	
County Road 300 W, from 550 S to 700 S	2.5 miles	

These would be grouped into two groups. The treatment would consist of milling current roadway to gravel, mix the millings into the roadbed, compact roadbed, 3" hot mix asphalt binder, 3" hot mix asphalt surface, and 2' stone shoulders. Mr. Peter Cook made a motion to authorize Mr. Bachman to prepare the bid specifications for the projects. Mr. Kevin Myers seconded the motion and it carried unanimously.

RESOLUTION AUTHORIZING THE EXCHANGE OF PERSONAL PROPERTY WITH ANOTHER GOVERNMENTAL BODY

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

COUNTY OF LAGRANGE
RESOLUTION NO. 2022-06-20 A

A RESOLUTION AUTHORIZING THE EXCHANGE OF PERSONAL PROPERTY WITH ANOTHER GOVERNMENTAL BODY.

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") is the owner of a 2021 K9 Transport Divider ("Property"), on behalf of the LaGrange County Sheriff's Office ("Sheriff");

WHEREAS, the Sheriff has informed the Commissioners that the Property is not in regular use and is surplus;

WHEREAS, pursuant to IC § 36-1-2-9, the City of Kendallville Common Council ("Common Council") is the legislative body of Kendallville, Indiana ("City");

WHEREAS, the Common Council has expressed to the Commissioners a desire to use the Property in the regular conduct of its affairs;

WHEREAS, pursuant to Indiana Code ("IC") § 5-22-22-10, a purchasing agency may exchange personal property with another governmental body upon mutually agreeable terms and conditions, as evidenced by adoption of a substantially identical resolution by each entity;

WHEREAS, in accord with IC § 5-22-4-5 and pursuant to County Ordinance 2022-06-06-A, the Commissioners is the purchasing agent on behalf of the LaGrange County, Indiana ("County");

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WHEREAS, the Commissioners desire to transfer the Property to the City in exchange for a donation of \$2,000 to the County's Canine Fund, and the City desires to receive the Property under such terms; *and*

WHEREAS, pursuant to IC § 36-1-4-5, a unit may acquire and own interests in real and personal property.

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

SECTION I – NAME

The name of this resolution shall be the "K-9 Divider Transfer Resolution."

SECTION II – RECITALS

The Commissioners hereby incorporate the foregoing recitals, including all defined terms, into this resolution and find them to be true, accurate, and correct.

SECTION III – TRANSFER

- A. The County Executive is hereby authorized to transfer the Property to City in exchange for a donation of \$2,000 to the County's Canine Fund.
- B. The County Executive is hereby authorized to execute a basic contract and/or bill of sale for the Property.
- C. The County Executive and the County fiscal officer are authorized to sign all papers and to otherwise take all action necessary or helpful to implement the transfer.
- D. The County fiscal officer is directed to keep records of the transfer on file for five (5) years from the date of execution.

SECTION IV – RETROACTIVE EFFECTIVE DATE

This resolution shall be deemed effective as of, and retroactive to, March 1, 2022.

SECTION V – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this resolution 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. 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. 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.
- C. 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.
- D. Promulgation. The fiscal officer is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this resolution effective.

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

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ORDINANCE AUTHORIZING LAGRANGE COUNTY TO REMAIN AS A MEMBER OF THE NORTHEAST INDIANA REGIONAL DEVELOPMENT AUTHORITY

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2022-06-20 B

AN ORDINANCE AUTHORIZING LAGRANGE COUNTY TO REMAIN AS A MEMBER OF
NORTHEAST INDIANA REGIONAL DEVELOPMENT AUTHORITY

WHEREAS, pursuant to Indiana Code ("IC") § 36-7.6-2 ("Act") and in accord with organizational governance, the Northeast Indiana Regional Development Authority ("RDA") was established to carry out the activities listed in Section 2 of the Act;

WHEREAS, pursuant to Section 4 of the Act, a county that is not a member of a development authority may join a development authority only if the fiscal body of the county adopts an ordinance authorizing the county to become a member of the development authority; and the development board of the development authority adopts a resolution authorizing the county to become a member of the development authority;

WHEREAS, pursuant to County Ordinance 2015-06-08 and as confirmed by the RDA, the County Council authorized and directed the County to join the RDA;

WHEREAS, pursuant to Section 5 of the Act, at least 12 months and not more than 18 months before the end of a county's membership period in the development authority, the county must adopt an ordinance that commits the county to an additional 8 years as a member of the development authority, beginning at the end of the current membership period;

WHEREAS, the County has determined that participation the RDA is in the best interest for the citizens of the County and desires to continue its membership in the RDA;

WHEREAS the County agrees to commit to participation in the RDA from the date this ordinance is adopted until June 30, 2031; *and*

WHEREAS, pursuant to IC 36-1-3 ("Home Rule"), the County has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs.

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

SECTION I – TITLE

This name of this ordinance shall be the "Northeast Indiana Regional Development Authority Membership Ordinance for LaGrange County."

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 – MEMBERSHIP

- A. Renewal Term. The County is hereby authorized to renew its membership and participate in the RDA for a period of eight years, beginning at the end of its current membership period and terminating on June 30, 2031.
- B. Authority. The President of the Commissioners and the Auditor are authorized to and directed to take all action necessary or proper to implement this ordinance.

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- C. Obligations. Nothing in this ordinance shall be construed to obligate the County to make any payment of any kind to the RDA.

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) 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, such decision shall not affect the validity of the ordinance as a whole, and for this purpose the provisions of this ordinance are hereby declared to be severable.

- D. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.

- E. Effective Date. This ordinance shall take effect on June 30, 2022.

The Ordinance will continue the membership in the organization. The Commissioners would like to review the cost of the membership into the organization and the benefit that LaGrange County Receives. Mr. Kevin Myers made a motion to approve the Ordinance. 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.

AMENDMENT TO THE ZONING ORDINANCE

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

**AMENDMENT NO. 2022-06-20 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 PUD 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 44-04-17-400-006.000-017, 44-04-17-400-008.000-017, and 44-04-16-300-019.000-017 and more fully described below hereto, be rezoned and changed from an A-1 & L-1 District to PUD District.

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LEGAL DESCRIPTION**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16 AND THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 8 EAST, IN LAGRANGE COUNTY, THE STATE OF INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, MARKED BY A HARRISON MARKER FOUND; THENCE S 01°36'58" E (STATE PLANE NAD 83, INDIANA ZONE EAST), ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, FOR 872.50 FEET TO A MAG NAIL FOUND AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING S 01°36'58" E, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, FOR 53.73 FEET TO A MAG NAIL FOUND AT THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO MICHAEL J. SHOOK PER LAGRANGE COUNTY DOCUMENT NO. 16120537; THENCE N 85°47'02" E, ALONG THE SOUTH LINE OF SAID SHOOK TRACT, FOR 134.00 FEET TO A REBAR FOUND AT THE SOUTHEAST CORNER OF SAID SHOOK TRACT AND A CORNER ON THE WEST LINE OF A

TRACT OF LAND CONVEYED TO FREEMAN E. MILLER AND KATIE E. MILLER PER LAGRANGE COUNTY DOCUMENT NO. 15070037; THENCE N 82°39'02" E, ALONG THE WEST LINE OF SAID MILLER TRACT, FOR 96.00 FEET TO A REBAR FOUND AT A CORNER ON SAID WEST LINE; THENCE S 01°40'23" E, ALONG SAID WEST LINE, FOR 385.23 FEET TO A REBAR FOUND AT A CORNER ON SAID WEST LINE; THENCE S 85°47'02" W, ALONG SAID WEST LINE, FOR 230.00 FEET TO A MAG NAIL FOUND ON THE WEST LINE OF THE AFORESAID SOUTHWEST QUARTER AND THE EAST LINE OF THE AFORESAID SOUTHEAST QUARTER; THENCE S 01°36'58" E, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, FOR 217.44 FEET TO MAG NAIL FOUND AT THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO THE MILLER FAMILY REVOCABLE LIVING TRUST PER LAGRANGE COUNTY DOCUMENT NO. 17040420; THENCE S 89°44'25" W, ALONG THE NORTH LINE OF SAID MILLER TRUST TRACT, FOR 263.65 FEET TO A REBAR FOUND AT A CORNER ON THE EAST LINE OF A TRACT OF LAND CONVEYED TO DELBERT MILLER AND PATRICIA M. MILLER PER LAGRANGE COUNTY DOCUMENT NO. 91-6-344, THENCE N 01°35'41" W, ALONG THE EAST LINE OF SAID MILLER TRACT, FOR 436.66 FEET TO A WOOD POST FOUND AT A CORNER ON SAID EAST LINE; THENCE CONTINUING N 02°34'16" W, ALONG SAID EAST LINE, FOR 213.05 FEET TO A WOOD POST FOUND AT THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO CHESTER W. BOOTH PER LAGRANGE COUNTY DOCUMENT NO. 05040272; THENCE N 89°24'21" E, ALONG THE SOUTH LINE OF SAID BOOTH TRACT, FOR 267.01 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 5.95 ACRES, MORE OR LESS, OF WHICH 2.01 ACRES, MORE OR LESS IS IN THE SOUTHWEST QUARTER AND 3.94 ACRES, MORE OR LESS IS IN THE SOUTHEAST QUARTER AND BEING SUBJECT TO ALL PUBLIC ROAD RIGHTS-OF-WAY AND ALL EASEMENTS OF RECORD.

Mrs. Miller indicated that the Plan Commission gave this a favorable recommendation. Mr. Peter Cook made a motion to approve the Ordinance. 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. 2022-06-20 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 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 PUD 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:

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1. That the zoning map for the following described real estate located at parcel 44-10-18-100-004.000-010, 44-10-18-100-015.001-010, and 44-10-18-100-015.002-010 more fully described below hereto, be rezoned and changed from an A-1 District to PUD District.

LEGAL DESCRIPTION

A tract of land located in the Northwest Quarter of Section 18, Township 36 North, Range 10 East, in Johnson Civil Township, LaGrange County, the State of Indiana. Said tract being an Original Survey as prepared by Scott D. Zeigler, PS #LS29600008, dba Hand to the Plow Surveying, LLC; 5678 West – 350 South, Albion, Indiana 46701, said survey being represented as Plat of Survey #36-10-18-400-005, said tract of land being all the lands within Picket Fence Subdivision, as described in LaGrange County Document No. 18-02-0247 and all the lands within a tract of land conveyed to The Lambright Family Revocable Living Trust, Clayton Wayne Lambright and Louise Lambright, Trustees, as described in LaGrange County Document No. 12-12-0676, and being more particularly described as follows, to-wit:

Beginning at a Harrison Marker located at the Southwest corner of the Northwest Quarter of said Section 18; thence North 00 degrees 28 minutes 54 seconds West (Grid), along the West line of said Northwest Quarter, for 680.05 feet (recorded as North 00 degrees 37 minutes 31 seconds West and North for 692.00 feet) to the Southwest corner of East Townline Subdivision, as described in LaGrange County Plat Book 22, Page 2 and LaGrange County Document No. 08-04-0121, said being marked by a Zeigler Marker Spike;

thence North 89 degrees 31 minutes 35 seconds East, along the South line of said East Townline Subdivision, for 462.38 feet (recorded as South 90 degrees 00 minutes 00 seconds West for 455.48 feet) to the Southeast corner of said East Townline Subdivision, said point being marked by a #5 Taylor Rebar;

thence North 00 degrees 48 minutes 51 seconds West, along the East line of said East Townline Subdivision, for 383.60 feet (recorded as South 00 degrees 00 minutes 00 seconds West for 382.54 feet) to the Northeast corner of said East Townline Subdivision, said point being marked by a #5 Taylor Rebar;

thence North 89 degrees 23 minutes 18 seconds West, along the North line of said East Townline Subdivision, for 460.15 feet (recorded as North 00 degrees 00 minutes 00 seconds East for 455.48 feet) to the Northeast corner of said East Townline Subdivision and being on the West line of said Northwest Quarter, said point being marked by a Zeigler Marker Spike;

thence North 00 degrees 28 minutes 54 seconds West, along the West line of said Northwest Quarter, for 328.94 feet to the Southwest corner of Hillcrest Second Addition to Oliver Lake Air Park, as described in LaGrange County Plat Book 09, Page 56, said point being marked by a Zeigler Marker Spike;

thence North 89 degrees 33 minutes 51 seconds East, along the South line of said Hillcrest Second Addition to Oliver Lake Air Park, along a Northwesterly line of a tract of land conveyed to Samuel J. Herschberger and Esther K. Herschberger, and parallel with the South line of said Northwest Quarter, for 1006.94 feet (recorded as South 89 degrees 25 minutes 13 seconds West and South 89 degrees 42 minutes 36 seconds East) to a common corner with said Herschberger tract of land, said point being marked by a #5 Zeigler Rebar;

thence South 00 degrees 28 minutes 54 seconds East, along the West line of said Herschberger tract of land, along the West line of a tract of land conveyed to Clayton W. Lambright and Louise Lambright, as described in LaGrange County Document No. 16-04-0216, and parallel with the West line of said Northwest Quarter, for 1391.47 feet (recorded as South and North 00 degrees 37 minutes 31 seconds West) to the Southwest corner of said Lambright tract of land and a point on the South line of said Northwest Quarter, said point being marked by a Zeigler Marker Spike;

thence South 89 degrees 35 minutes 51 seconds West, along the South line of said Northwest Quarter, for 1006.94 feet (recorded as North 89 degrees 25 minutes 13 seconds East) to the *Point of Beginning*. Said tract containing 28.11 Acres, more or less, and is subject to all public road right-of-ways and easements of record.

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Mrs. Miller indicated that the Plan Commission gave this no recommendation. Mr. Peter Cook made a motion to approve the Ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY – REQUEST TO SELL TRUCK

Mr. Ben Parish, Highway Superintendent, requested permission to sell a 2012 International Tandem dump truck. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNCIL ON AGING – 2023 BUDGET REQUEST

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 2023 budget request, in the amount of \$60,000. Mr. Peter Cook made a motion to accept the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

PROSECUTOR – REQUEST TO PURCHASE FILING CABINETS

Mr. Travis Glick, County Prosecutor, was present and requested permission to purchase a 55” Vibe Smartboard, which is an interactive digital whiteboard that enhances collaboration with a screen and built in speakers. The cost is \$2,699 and would be paid out of the Prosecutor’s Capital Outlay line in the Cumulative Capital Development fund. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

SURVEYOR – REQUEST TO PURCHASE FILING CABINETS

Mr. Zachary Holsinger, County Surveyor, was present and requested permission to purchase 5 filing cabinets for filing plats in. The cabinets would be purchased from EasiFile in the amount of \$21,889.25 and paid out of the Surveyor’s Capital Outlay line in the Cumulative Capital Development fund. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

COVERED BRIDGE CERTIFICATION

Mrs. Kay Myers, Chief Deputy Auditor, presented the 2022 Covered Bridge Certification, certifying that there are no covered bridges in LaGrange County. Mr. Peter Cook made a motion to approve the certification. Mr. Kevin Myers seconded the motion and it carried unanimously.

HUMAN RESOURCES – PERMISSION TO APPLY FOR GRANT

Mrs. Jenny Landez, Human Resources Director, was present. She requested permission to apply for an Employer Training Reimbursement grant. The grant is through the Indiana Department of Workforce Development and is a reimbursable grant for up to \$50,000. The grant would be used for employee training. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kay Myers, Chief Deputy 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.

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the June 15, 2022 staff meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE

Indiana Department of Environmental Management – Notice of Public Comment, Keystone RV Company,
Permit Number 087-45233-00086

Indiana Department of Environmental Management – Notice of Approval, Highland Ridge RV, Inc.,
3195 N State Road 5, Shipshewana, Indiana 46565, Permit Number 087-45436-00679

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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.

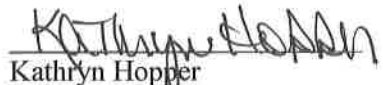


Terry A. Martin

Kevin R. Myers

Peter A. Cook

ATTEST:



Kathryn Hopper
LaGrange County Auditor