

**MARCH 7, 2022**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, March 7, 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 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. Terry Martin seconded the motion and it carried unanimously.

**BRIDGE NO. 75 CARRYING COUNTY ROAD 100 E OVER PIGEON RIVER**

Mrs. Tharon Morgan, County Engineer, presented a change order on Bridge No. 75 in the amount of \$34,856.25. The change order is to adjust final quantities to match field measured quantities. Mr. Peter Cook made a motion to approve the change order. Mr. Terry Martin seconded the motion and it carried with Mr. Kevin Myers voting no.

**RESOLUTION AUTHORIZING THE SPECIAL PURCHASE OF A STREET SWEEPER**

Mr. Ben Parish, Highway Superintendent, is requesting to purchase a new Elgin Pelican street sweeper, from John Doheny Company, in the amount of \$250,284.35. Mr. Kurt Bachman, County Attorney, presented the following Resolution for consideration:

COUNTY OF LAGRANGE  
RESOLUTION NO. 2022-03-07-A

RESOLUTION AUTHORIZING THE SPECIAL PURCHASE OF A STREET SWEEPER ON BEHALF  
OF THE HIGHWAY DEPARTMENT.

WHEREAS, pursuant to Indiana Code ("IC") § 8-17-1-16, improved highways in a County highway system must be kept in repair;

WHEREAS, pursuant to IC § 8-17-1-1, a county executive may construct, reconstruct, improve, and maintain all public highways ... in the county;

WHEREAS, pursuant to IC § 36-1-2-5, the Board of Commissioners of the County of LaGrange ("Commissioners"), is the executive of LaGrange County, Indiana ("County");

WHEREAS, pursuant to IC § 5-22-4-5 and County Resolution 1998-7-6a ("Resolution"), the Commissioners are the purchasing agent of the County;

WHEREAS, in order to comply with the duty to maintain its highways, the Commissioners desire to purchase an Elgin Pelican Street Sweeper ("Equipment") on behalf of its County Highway Department ("Department");

WHEREAS, Jack Doheny Companies, Inc., d/b/a Jack Doheny Company, a Michigan for-profit corporation ("Doheny"), through its Whitestown, Indiana branch, has presented the County with a purchase proposal dated February 23, 2022 ("quote") for the Equipment that will satisfy the Department's reasonable needs;

WHEREAS, pursuant to IC § 5-22-10-12, the Commissioners may make a special purchase when the market structure is based on price but the County is able to receive a dollar or percentage discount of the established price;

WHEREAS, the Commissioners have ready the necessary findings to substantiate a special purchase in accord with Indiana law; *and*

WHEREAS, pursuant to the Resolution and IC § 5-22-15-21, the Commissioners shall, by default, prefer products manufactured in the United States.

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

**SECTION I – RECITALS**

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

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SECTION II – SPECIAL PURCHASE

- A. Findings. The Commissioners hereby adopt the following findings and quote concerning the purchase of an Elgin Pelican Street Sweeper (“Equipment”) from Jack Doheny Company, a Michigan for-profit corporation (“Doheny”):
  - 1. Exhibit A – Special Purchase Considerations.
  - 2. Exhibit B – Product Specifications for Equipment (standard model).
  - 3. Exhibit C – Doheny quote for Equipment dated February 23, 2022 (“quote”).
- B. Incorporation. The exhibits indicated in this section are hereby attached and incorporated by reference to this resolution as if fully set out herein.
- C. Authorization; Approval. The Commissioners hereby approve and authorize the purchase of the Equipment for a price up to \$250,284.35 pursuant to the quote.
- D. Title. When the Equipment is purchased, title thereto shall be in the name of the County Commissioners.
- E. Appropriation. The purchase authorization hereby given is contingent upon an adequate appropriation from the County Council.
- F. Execution. The Commissioners authorize its President, the Highway Department Supervisor, and the Auditor to execute all documents necessary or helpful to implement the purchase of the Equipment.

SECTION III – 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. 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. 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. Incorporation. Two (2) copies of all materials incorporated herein shall be placed on file in the office of the Auditor for public inspection.
- E. 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 resolution effective.
- F. Effective Date. This resolution shall be deemed effective 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.

HIGHWAY – PERMISSION TO SELL STREET SWEEPER

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Mr. Ben Parish, Highway Superintendent, requested permission to sell the 1996 Tymco street sweeper at auction. Mr. Kevin Myers made a motion to approve the sale. Mr. Peter Cook seconded the motion and it carried unanimously.

**HIGHWAY – REQUEST TO PURCHASE SNOW PLOWS**

Mr. Ben Parish, Highway Supervisor, explained that on December 6, 2021 he received permission to purchase four snow plows in the amount of \$9,100 each. He would like to change that request to two snow plows in the amount of \$18,200 each. Mr. Kevin Myers made a motion to approve the purchase. Mr. Peter Cook seconded the motion and it carried unanimously.

**COUNTY ENGINEER – REQUESTING AN INTERN**

Mrs. Tharon Morgan, County Engineer, explained that she would like to share an intern with LaGrange County Regional Utility District. The intern is Cole Shifley, and he would work with her four days a week, for two hours a day, until May 20, 2022. Mr. Kevin Myers made a motion to approve the intern. Mr. Peter Cook seconded the motion and it carried unanimously.

**LAGRANGE COUNTY REGIONAL UTILITY DISTRICT APPOINTMENT**

Mr. Kevin Myers made a motion to appoint Mr. Dennis Davis to the LaGrange County Regional Utility District. Mr. Peter Cook seconded the motion and it carried unanimously.

**WELLNESS PROGRAM**

Mrs. Jenny Landez, Human Resources Director, explained that the current wellness program allows County employees to earn a \$5.00 deduction per pay period on insurance premiums for obtaining a total of 24 points between 2020 and 2021. She would like to increase that to a \$10.00 deduction per pay period in 2023, providing the employees earn 20 points for participating in various activities in 2022. Mr. Peter Cook made a motion to approve the plan. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MAINTENANCE – REQUEST TO PURCHASE CHAIRS**

Mr. Gary Mast, Maintenance Director, requested permission to purchase new chairs for the Commissioner's room and the meeting room. The cost for thirty new chairs would be between \$2,400 and \$2,500. Mr. Peter Cook made a motion to approve the purchase and pay it out of the Rainy Day fund. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MAINTENANCE – UPDATE RESTROOMS ON 2<sup>ND</sup> FLOOR OF COURTHOUSE**

Mr. Gary Mast, Maintenance Director, requested permission to replace the sinks, faucets, and stools in the two restrooms on the 2<sup>nd</sup> floor of the Courthouse. The cost would be approximately \$500 per bathroom. Mr. Peter Cook made a motion to approve the purchase and pay it out of the Edit fund. 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. 2022-03-07 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,

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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 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 44-06-21-200-006.000-003, 44-06-21-200-003.000-003, and 44-06-21-200-011.000-003 more fully described below hereto, be rezoned and changed from an A-1 District to a PUD District.

**Legal Description**

A tract of land located in the Northeast Quarter of Section 21, Township 37 North, Range 09 East, Clay Civil Township, LaGrange County, the State of Indiana. Said tract being an Original Survey as prepared by Scott D. Zeigler, PS #LS2960008, dba Hand to the Plow Surveying, LLC; 5678 West – 350 South, Albion, Indiana 46701, being represented as Plat of Survey #37-09-21-100-001, and being more particularly described as follows, to-wit:

*Beginning* at a Harrison Marker located at the Northeast Corner of the Northeast Quarter of said Section 21; thence South 00 degrees 15 minutes 00 seconds East (GRID), along the East line of said Northeast Quarter, for 670.05 feet (recorded as South, for 670.00 feet and South 00 degrees 21 minutes 39 seconds East, for 670.22 feet) to the Southeast corner of a tract of land conveyed to Paul J. and Darlene Miller, as described in LaGrange County Document No. 19-06-0232, said point also being the Northeast corner of the Martin J. Yoder Minor Subdivision, as recorded in LaGrange County Plat Book 15, Page 68 and being marked by a #5 Rebar; thence South 89 degrees 18 minutes 54 second West, parallel with the North line of said Northeast Quarter, said line also being the North line of said Martin J. Yoder Minor Subdivision, for 608.59 feet (recorded as South 89 degrees 37 minutes 00 seconds West and South 89 degrees 57 minutes 14 seconds West, for 608.37 feet) to the Northwest corner of said Martin J. Yoder Minor Subdivision, said point being marked by a #5 Zeigler Rebar and being located 0.9 feet North and 0.4 feet West of a Wood Corner Post; thence South 00 degrees 15 minutes 00 seconds West, parallel with the East line of said Northeast Quarter, said line also being the West line of said Martin J. Yoder Minor Subdivision, for 645.81 feet (recorded as South 00 degrees 22 minutes 42 seconds West, for 645.36 feet) to a point being marked by a #5 Taylor Rebar, said point being a common corner between said Martin J. Yoder Minor Subdivision and a tract of land conveyed to Jerry A. Miller & Rosetta J. Miller, as described in LaGrange County Document Number 07-01-0511; thence South 89 degrees 05 minutes 51 seconds West, along the South line of said Jerry Miller tract of land, for 659.31 feet to a point being marked by a #5 Zeigler Rebar; thence North 00 degrees 01 minutes 40 seconds East, along the West line of said Jerry Miller tract of land, for 648.34 feet, to a point being marked by a #5 Zeigler Rebar; thence North 00 degrees 04 minutes 05 second West, along the West line of said Jerry Miller tract of land, for 644.11 feet, to the North line of said Northeast Quarter, said point being marked by a #5 Zeigler Marker Spike; thence North 89 degrees 18 minutes 54 seconds East, along the North line of said Northeast Quarter, for a distance of 1261.49 feet, to the *Point of Beginning*. Said tract containing 29.20 Acres, more or less, and is subject to all public road right-of-ways and easements of record.

Following a public hearing, the LaGrange County Plan Commission, on February 28, 2022, after having considered the criteria set forth in IC § 36-7-4-603, gave a favorable recommendation to this rezoning proposal.

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

**CONFLICT OF INTEREST STATEMENT DISCLOSURE STATEMENT**

Mrs. Kathryn Hopper, County Auditor, presented a Uniform Conflict of Interest Disclosure Statement from Jeff Brill. Mr. Kevin Myers made a motion to accept and authorize the President to sign. Mr. Terry Martin seconded the motion and it carried unanimously.

**COUNTY ANNUAL FINANCIAL REPORT**

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

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**ACCOUNTS PAYABLE VOUCHERS**

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Kevin Myers made a motion to approve the vouchers. Mr. Terry Martin seconded the motion and it carried unanimously.

**FEBRUARY 2022 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending February 28, 2022, in the amount of \$39,011,074.59 and investments of \$20,760,000. Mr. Kevin Myers made a motion to accept the report. Mr. Terry Martin seconded the motion and it carried unanimously.

**MINUTES**

Mr. Peter Cook made a motion to approve the minutes of the February 22, 2022, regular session meeting and the February 22, 2022, special session meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Kevin Myers made a motion to approve the memorandum for the March 2, 2022 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COVID-19 RESPONSE GRANT – PUBLIC HEARING**

Mr. Peter Cook made a motion to authorize Sandra Tamez, Community Development Planner for Region 3-A Development and Regional Planning Commission to conduct and transcribe minutes for the public hearing for the LaGrange County COVID-19 response project. Mr. Kevin Myers seconded the motion and it carried unanimously.

At 9:00 a.m. Ms. Sandra Tamez held a public hearing to provide citizens an opportunity to express their view on the proposed federally funded State Community Development Block Grant (CDBG) COVID-19 Response Program through the Indiana Office of Community and Rural Affairs. The total amount of funds awarded was \$250,000. Ms. Tamez asked if there were any comments from public. There being no comments, Mr. Peter Cook made a motion to close the public hearing. Mr. Kevin Myers seconded the motion and it carried unanimously.

**LAGRANGE COUNTY PLAN COMMISSION**

On February 18, 2022 the Commissioners appointed Mr. Kevin Myers as a temporary appointee to the Plan Commission. Mr. Kevin Myers made a motion to reassign Mr. Terry Martin to the Plan Commission and remove Mr. Kevin Myers from the Plan Commission. Mr. Peter Cook seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Treasurer – February 2022 report

Indiana Department of Environmental Management – Receipt of Air Permit Application, Artistic Coatings LLC, 536 Michigan St, Topeka, Indiana, Permit Numbers 087-45001-00719

Indiana Department of Environmental Management – Receipt of Air Permit Application, FN Chairs LLC, 2105 W CR 450 S, LaGrange, Indiana, Permit Number 087-45093-00683,

Indiana Department of Environmental Management – Notice of Public Comment, Lake Area Designs, Permit Number 087-44953-00678

Indiana Department of Environmental Management – Notice of Approval, Technique Finishing, LLC, 536 Michigan Street – Building 78, Topeka, Indiana 46571, Permit Number 087-45102-00709

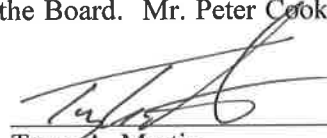
Indiana Department of Environmental Management – Notice of Approval, Clifford Aggregate, Inc, 7554 East County Road 400 South, Wolcottville, Indiana 46795, Permit Number 087-45067-00016

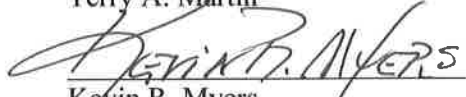
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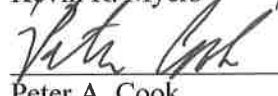
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**ADJOURNMENT**

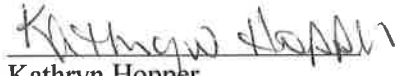
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.

  
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Terry A. Martin

  
\_\_\_\_\_  
Kevin R. Myers

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

ATTEST:

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