

**APRIL 18, 2022**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, April 19, 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.

ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH AMERICAN ELEVATOR INC.  
Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2022-04-18 A

ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH  
AMERICAN ELEVATOR INC.

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") is the purchasing agent on behalf of the LaGrange County, Indiana ("County");

WHEREAS, the Commissioners have entered into a contract (based on Quote #42796) with American Elevator, Inc. ("AE"), a domestic for-profit corporation, for the repair and/or replacement of an elevator for the County Courthouse;

WHEREAS, the terms of the AE contract require partial payment in advance of AE performing some of its obligations under the contract and the balance before final inspection by the State of Indiana;

WHEREAS, pursuant to IC §§ 36-2-6-4 and -4.5, the Commissioners have adopted County Ordinance 2020-08-03-C to allow advance payments such that a claim against the County for the payment of goods and services stated in a separate ordinance may be allowed;

WHEREAS, a purchase made pursuant to IC § 36-2-6-4.5 is exempt from the requirements of IC 5-11-10 for the issuance of a warrant by the County's Auditor; *and*

WHEREAS, pursuant to IC § 36-2-6-4.5, the Commissioners shall review a claim at its next regular or special meeting following the preapproved payment of the expense.

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

SECTION I – ADVANCE PAYMENT

- A. Contract Approval. The Commissioners hereby approve the contents and form of the contract (including its Addendum to Quote #42796) with American Elevator, Inc. ("AE") dated April 13, 2022, which is incorporated hereto by reference, for the repair and/or replacement of an elevator for the County Courthouse (as stipulated, "Contract").
- B. Payment Approval. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the Contract, advance payment on the Contract, including an initial 35% and the balance before final inspection.
- C. Payment Authorization. The Commissioners authorize and direct the Auditor to implement an advance payment to AE when proper pursuant to this ordinance. The Commissioners authorize its President and the Auditor to sign all papers and to otherwise take all action necessary or helpful to implement the advance payment.

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- D. Claim Allowance. The Auditor shall memorialize any actual advance payment of a claim made pursuant to this ordinance for Commissioner review and allowance at their then-next regular or special meeting following the actual advance payment.
- E. Records. The Commissioners direct the Auditor to keep records of the purchase on file for five (5) years from the date of the final advance payment made pursuant to the Contract.

SECTION II – MISCELLANEOUS

- A. References.
  - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, employee, or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, recodified, renamed, renumbered, or relocated from time to time.
  - 2. Reference in this ordinance 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 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, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- E. Effective Date. This ordinance shall be effective immediately upon adoption.

Mr. Kevin Myers made a motion to approve the Ordinance and to approve the contract with American Elevator once it is reviewed and authorize it to be signed by the President outside of a public meeting. 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.

**ORDINANCE REESTABLISHING THE COUNTY HEALTH DEPARTMENT FEE SCHEDULE**

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

LAGRANGE COUNTY  
ORDINANCE NO. 2022-04-18 B

AN ORDINANCE REESTABLISHING THE LAGRANGE COUNTY HEALTH DEPARTMENT FEE SCHEDULE.

WHEREAS, pursuant to Indiana Code (“IC”) § 16-20-1-27, the board of each local health department may, with the approval of the county executive, establish and collect fees for specific services and records established by local ordinances and state law;

WHEREAS, pursuant to IC § 16-19-3-21, if designated by the Indiana Department of Health, a qualifying local board may operate programs in the public interest to provide for the care of certain individuals in their place of residence and, if so designated, periodically establish a schedule of reasonable fees in accord with IC § 16-20-1-27;

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WHEREAS, on April 12, 2022, the LaGrange County Board of Health (“Board”) resolved to amend its LaGrange County Health Department Fees (“Fee Schedule”);

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

WHEREAS, the Board has presented the Fee Schedule for approval; *and*

WHEREAS, the Commissioners have adopted various Health Department fee schedules from time to time, most recently by Ordinance 2020-04-20 D.

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

SECTION I – NAME

The name of this ordinance shall be the “Health Department Fee Schedule Adoption Ordinance” or “Fee Ordinance” where the context is obvious.

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 – FEES

- A. Approval. The Commissioners hereby adopt, and direct the Health Department employees to charge, the Health Department Fee Schedule and the Health Department fees contained within, as found in Exhibit A of this ordinance, which is hereby incorporated by reference.
- B. Home Health Care. To the extent designated by the State Board of Health, the Department may operate programs in the public interest to provide for the care of certain individuals in each individual’s place of residence and may charge and collect a reasonable fee therefor.
- C. Findings. The Commissioners hereby find that the fees proposed in the Fee Schedule are fair and reasonable and do not exceed the cost of services provided.
- D. Publication. The Commissioners hereby direct the Health Officer to post the Fee Schedule, a copy of which is attached to this ordinance as Exhibit A and incorporated by reference, in one or more prominent, publicly accessible places within the Health Department. The Commissioners further direct the Health Officer to make the Fee Schedule available on the Health Department web site, if feasible.
- E. Processing Fee. The Health Board may set, modify, and charge a reasonable fee related to the costs of processing another fee assessed pursuant to this ordinance.
- F. Exclusivity. The fees charged by this ordinance shall be in addition to any other fee or cost required by other County departments (e.g., site review by the Building Department).
- G. Advance Payment. Health Department employees may require the fees assessed pursuant to this ordinance to be paid before any services are rendered.
- H. Nonrefundable. All fees and fines collected pursuant to this ordinance are nonrefundable.

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- I. Fee Waiver. The Health Officer may waive fees in appropriate cases at his or her discretion for a certified 501(c)(3) nonprofit organization.
- J. Deposits. All the fees charged and collected pursuant to this section shall be accounted for by the Health Department and deposited into the Health Fund upon collection.

SECTION IV – REPEAL OF PRIOR LAW

- A. Repeal. The Commissioners hereby repeal Ordinance No. 2020-04-20 D in its entirety.
- B. Continuance.
  - 1. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings 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 or amended 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 or resolution, such provisions shall not be deemed to be a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.
- C. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, section, clause, or provision.

SECTION V – 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. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.
- C. 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.
- D. 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.
- E. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.

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F. 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.

G. Effective Date. This ordinance shall be deemed effective 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 – ROAD PROJECTS**

Mrs. Tharon Morgan, County Engineer, presented a list of roads in the County that are in need of repair. The cost to repair approximately fifty miles of roads would be approximately \$10,500,000. She would like to hire out the road repairs on the west side of the County and keep the County Highway crew on the east side of the County. She would like to get bids on ten segments of road projects. Mr. Peter Cook made a motion to approve funding the projects with \$5,500,000 out of Local Income Tax – Edit and \$5,500,000 out of Major Moves Construction. 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:

COUNTY OF LAGRANGE  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE COUNTY OF LAGRANGE ORDINANCE NUMBER 2005-11-17A, COMMONLY KNOWN AS "THE LAGRANGE COUNTY ZONING ORDINANCE", AS AMENDED, TO ADD OR AMEND REGULATIONS REGARDING ZONE DISTRICTS, USE REGULATIONS, DIMENSIONAL STANDARDS, AND DEFINITIONS AND RULES OF INTERPRETATION

WHEREAS, the LaGrange County Plan Commission ("Plan Commission") is an advisory plan commission established pursuant to I.C. 36-7-4-202; and

WHEREAS, the Plan Commission has determined that in the interest of promoting the public health, safety and general welfare of the community, certain regulations and amendments to the LaGrange County Zoning Ordinance would be appropriate; and

WHEREAS, on April 5, 2022, the Plan Commission, after notice to all interested parties pursuant to I.C. 5-3-1, did conduct a public hearing on said recommended amendments pursuant to I.C. 36-7-4-604; and

WHEREAS, on April 5, 2022, the Plan Commissions certified to the Board of Commissioners of the County of LaGrange a favorable recommendation for the consideration and adoption of said amendments; and

WHEREAS, on \_\_\_\_\_, 2022, the Board of Commissioners of the County of LaGrange ("Commissioners") did conduct a regular meeting with regard to the certified proposed amendments pursuant to I.C. 36-7-4-607, after all notices of its intention to consider said amendments had been provided, as required by law.

WHEREAS, the Commissioners, in paying reasonable regard to the statutory criteria set forth in I.C. 36-7-4-603, have determined that the adoption of the proposal of the Plan Commission is appropriate and in the best interests of the welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, THAT THE ZONING ORDINANCE OF LAGRANGE COUNTY, INDIANA, PASSED AND ADOPTED ON THE 17<sup>th</sup> DAY OF NOVEMBER, 2005, AS AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

ITEM I

(J) That ARTICLE 3: USE REGULATIONS, Section (J) Commercial Solar Facilities: should be amended to read as follows:  
Commercial Solar Facilities

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The standards in this section shall apply to all development of Commercial Solar Facilities. The general district zoning regulations shall apply; however, where conflicts exist between the general district regulations and regulations contained in this section, this section shall control.

- (1) Scope. This section only applies to a Commercial Solar Facility.
- (2) Definitions. Whenever the following terms are used in this section, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.
  - (a) "Applicant" means the person who signs and submits an application for a Permit on behalf of an Owner.
  - (b) "Bond" includes a performance bond, surety bond, irrevocable letter of credit, or other form of financial assurance in an amount that is sufficient to meet Owner's financial responsibilities under the Permit.
  - (c) "FAA" – Federal Aviation Administration
  - (d) "Facility" when capitalized, refers to a Commercial Solar Facility.
  - (e) "NPDES Permit"—National Pollutant Discharge Elimination System permit.
  - (f) "Owner" means each person who owns a respective Facility. The term also includes, as applicable, Owner's legal representatives, successors, and assigns. If a provision of this ordinance imposes a duty on an "owner," the duty is satisfied when the duty is performed by an agent of the owner.
  - (g) "Plan Commission" refers to the LaGrange County Plan Commission
  - (h) "Permit" means a commercial solar facility improvement location permit.
  - (i) "Site Development Plan" means the series of plans, as may be further described in this ordinance, that are used by Applicant and Owner to obtain a Permit.
- (3) Prohibition. No Facility shall be constructed or operated unless within a zone designated as A-1, and then only if in conformity with this section.
- (4) Required information. A prospective Owner may apply for the Facility by obtaining a Permit from the Plan Commission prior to on-site construction of any Facility components. Applicant shall provide the following information to the Plan Commission on a Site Development Plan, which may be in narrative form:
  - (a) Number, location and spacing of solar panels/arrays.
  - (b) Planned location of underground or overhead electric lines.
  - (c) Project development timeline.
  - (d) Operation and maintenance plan.
  - (e) Vegetation management and landscaping plan, including grading.
  - (f) Decommissioning plan.
- (5) Application Requirements.
  - (a) An Applicant who is acting in an agency capacity must show authorization to apply on behalf of Owner.
  - (b) The Applicant must provide a list of landowners who authorized placement of solar facilities on their properties.
  - (c) Application for Site Development Review: The fee applicable to the application for Site Development Review shall be payable at the time of submission of the application, and such fee shall be \$10,000.00. The application fee shall be used to defray the costs associated with the application, including professional fees and expenses.
  - (d) Application for an Improvement Location Permit: Each Facility shall require a Permit / Zoning Compliance Certificate. The fee for each Permit shall be \$1,750.00 per megawatt, which shall be used to defray the costs of professional services, as well as other expenses associated with the issuance of Permits / Zoning Compliance Certificates.
- (6) Site and Structure Requirements.
  - (a) Setbacks. Setbacks for all structures (including solar arrays) must adhere to the minimum principal setback standards for the A-1 zoning district. Additionally, solar panels shall be installed at least one hundred (100) feet from any non-participating property line. Except with respect to applicable provisions of Section O of Article 3 ("Towers and Similar Structures"), a Facility shall be exempt from zoning district bulk and height requirements.
  - (b) Screening. Applicant shall submit a landscaping plan outlining proposed screening for the project, including

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existing vegetation, as may be suitable. Emphasis will be placed on screening adjacent residences.

- (c) Utility Connections. All medium voltage cables between inverter locations and project substations shall be located and maintained underground. Other solar infrastructure, such as module-to-module collection cables, CAB cables, transmission lines, substations, junction boxes, and other typical aboveground infrastructure may be located and maintained aboveground.
  - (d) Glare Minimization. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard. In appropriate cases, the Department may require anti-reflective coatings.
  - (e) Compliance with local, state and federal regulations. Each Facility must comply with applicable local, state and federal laws and regulations.
  - (f) Signage. A sign shall be posted on each entry fence gate of the Facility that includes owner name, facility name, emergency contact phone number, physical street address, company spokesperson or point of contact phone number. All hazardous materials, public hazards, potential hazards must be marked with signage.
  - (g) Contact Information. The Facility owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name on all entry signs of the Facility. The Facility owner and/or operator shall make all reasonable efforts to respond to the public's inquiries and complaints.
  - (h) Fencing/Security. A security fence must be installed along all exterior sides of the Facility and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site. The security fence must be a minimum of seven (7) feet tall.
  - (i) Site Access/Emergency Response. Access to the site for emergency responders shall be provided on the site development plan detailing response guidance and disconnection locations as may be necessary. Owner's contact information shall be conspicuously posted on site at the primary access point. A Facility shall provide at the Owner's expense safety training for all applicable first responders and local electrical municipalities on hazardous materials, high voltage, electrical fires, solar array hazards.
  - (j) Concentrating Solar Power Facilities. Concentrating solar power facilities are prohibited.
- (7) Operation and Maintenance Plan. Applicant shall submit a plan for the operation and maintenance of the Facility, which shall include measures for maintaining safe access to the Facility, stormwater and erosion controls, as well as general procedures for operation and maintenance of the installation.
- (a) Soil and Erosion and sediment Control Considerations. Owner shall conduct all roadwork and other site development work in compliance with a NPDES Permit as may be required by the Indiana Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. The Plan Commission may refer the Site Development Plan to the LaGrange County Soil & Water Conservation District for review and potentially further development of a sediment control plan. All on-site utility, transmission lines, and plumbing shall be placed underground, without interfering with existing infrastructure of any kind.
  - (b) Ground Cover and Buffer Areas. Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:
    - (i) Topsoil shall not be removed during development, unless part of a remediation effort.
    - (ii) Perennial vegetation shall be planted and maintained in a density sufficient to prevent erosion, manage runoff and build soil. Seeds should include a mix of grasses and forbs, when feasible native to the region of the project site. Invasive species and noxious weeds as defined and listed by state regulations must be controlled.
    - (iii) Maintenance practices shall be consistent with recommendations made by qualified natural resource professionals such as those from the Indiana Department of Natural Resources, the County Soil and Water Conservation District, or the USDA Natural Resource Conservation Service.
  - (c) Maintenance, Repair or Replacement of Facility. Owner shall maintain the Facility in accord with the Site Development Plan, Permit, and this ordinance. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Any retrofit, replacement or refurbishment of equipment

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shall adhere to all applicable local, state and federal requirements.

(8) Decommissioning and Site Reclamation Plan.

- (a) Plan – General Contents. Applicant shall provide a decommissioning plan to the Plan Commission that describes the anticipated life of the Facility; the anticipated manner in which the project will be decommissioned; the anticipated site restoration actions and the estimated decommissioning costs in current dollars.
  - (i) Owner must provide to the Planning & Zoning Administrator a written notice of the Owner’s intent to decommission a Facility no later than sixty (60) days before discontinuation of the Facility.
  - (ii) All solar panels, structures, foundations, roads, gravel areas, cables and all product, materials or other items associated with the Facility project shall be removed. A final inspection of the Facility property by the Plan Commission and Commissioners shall allow for any and all bonds to be released upon written approval of the full decommissioning.
  - (iii) The ground shall be restored to a condition reasonably similar to its condition before the start of construction.
  - (iv) Decommissioning must be complete within 1 year, with the allowance of no more than one (1) six-month extension by the Plan Commission. If necessary, the Zoning Administrator, Plan Commission, County Surveyor, County Commissioners, and/or other County agencies as needed may engage with qualified contractors to:
    - Enter the site
    - Remove Facility project assets
    - Sell assets removed
    - Remediate the site
  - (v) The County may institute proceedings to recover assets.
- (b) Plan – Financial Requirements. The decommissioning plan shall describe the mechanism for the posting a satisfactory bond. The decommissioning plan and bond shall be updated by Owner every five (5) years and adjusted as necessary to ensure sufficient funds are available to decommission the project. In the event, after written notice, the Owner shall fail to enter into a Restoration Agreement or decommission the Facility in accordance with the Zoning Ordinance and the Decommissioning-Restoration Plan and Agreement, the Facility owner, land owner and/or operator shall pay all reasonable cost, including reasonable attorney fees, incurred by the County to remove the Facility. The County shall be entitled to apply the salvage value of the Facility to the costs of removal.
- (c) Plan – Restoration Activities. Restoration or reclamation activities shall include, but not be limited to, the following:
  - (i) Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas and access roads.
  - (ii) Re-vegetation of restored soil areas with native crops, seed mixes, and/or plant species suitable to the area.
  - (iii) For any part of the Facility on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land to the extent such an agreement complies with this ordinance. Any use of remaining structures must be in conformance with the regulations in effect at that time, including any grandfathered allowances for such structures.
- (d) Decommissioning/Abandonment.
  - (i) A Facility is considered abandoned three (3) months after the date on which the Facility last generated electricity, unless a Rehabilitation Plan developed by the Owner is submitted to, and approved by, the County Commissioners outlining the necessary procedures and time schedule for commencing or returning the Facility to energy production. Failure by the Facility owner and/or operator to commence energy production at such Facility or return such Facility to energy production within the time schedule provided in the Rehabilitation Plan, shall be considered abandonment and/or a public nuisance.
  - (ii) A flood, tornado or any other natural disaster including an act of God, war, civil strife, a terrorist attack or similar unforeseen event under which the project operator has no control, shall not constitute



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abandonment as provided herein.

- (iii) When an Owner abandons or intends to close a Facility, the Owner must submit a letter of intent for decommission in writing to the Plan Commission.
  - (iv) Once a Facility is considered abandoned, decommissioning must follow immediately. Decommissioning shall be completed in accordance with the approved decommissioning plan. Owner shall notify the Plan Commission in writing when decommissioning is complete.
- (9) Change in Facility Operator or Owner. The new operator or owner shall agree to any and all provisions of any and all prior owner requirements, including the bond or irrevocable letter of credit, and shall furnish the Zoning Administrator with a copy of the transfer or new bond or irrevocable letter of credit satisfactory to the Zoning Administrator before commencing business. The prior operator or owner shall remain liable until being formally released by the Plan Commission. Release of liability by the prior operator or owner by the Plan Commission shall only be approved when the new operator or owner provides a new bond or irrevocable letter of credit satisfactory to the Plan Commission.
- (10) Bond or Irrevocable Letter of Credit. A project operator may not install or locate a Facility project unless the project operator: (i) submits as part of the Development Plan the Decommissioning and Site Restoration Plan, including the recycling of as much of the solar panels and other equipment as reasonably possible; (ii) posts a surety bond, irrevocable letter of credit, or equivalent means of surety acceptable to the Zoning Administrator, Plan Commission, County Commissioners, and County Attorney; and (iii) also submits a liability insurance policy naming LaGrange County as an additional insured. The bond or irrevocable letter of credit must be equal to 125%, recalculated every five (5) years, of the decommissioning costs included in the Development Plan as calculated by a third party licensed or registered engineer or professional with suitable experience in the decommissioning of the Facility, as agreed upon by the project operator, Zoning Administrator & County Commissioners. The bond or irrevocable letter of credit must allow the County to recuperate from the bond the costs that the County incurs in the decommissioning of the Facility, updated by the Project Operator every five (5) years and adjusted as necessary to ensure sufficient funds are available to decommission the project. The bond or irrevocable letter of credit adjustment must be submitted to the Zoning Administrator.

Upon approval of the Site Development Plan, and before the Facility is in operation, Owner shall provide a bond that complies with the Site Development Plan and Permit. The bond shall either automatically renew each year or have no expiration, if possible; otherwise, Owner shall provide proof of bond renewal at the end of the bond's scheduled term. The other terms of the bond shall be satisfactory to the Plan Commission. The bond shall be returned upon satisfactory decommissioning of the Facility; provided, however, that the County shall be entitled to recuperate from the bond the costs that it incurs to the extent the County takes part in decommissioning the Facility.

- (11) Liability Insurance. 2,000,000 per person \$500,000 per property damage occurrence naming LaGrange County, Indiana, a municipal body politic by and through its Board of County Commissioners as an additional insured, and Pay premiums on such insurance policies as they become due and provide the Zoning Administrator with written proof of such insurance coverage annually and as the Zoning Administrator may reasonably request, and such policies of insurance shall be carried with a company or companies approved by the Zoning Administrator and legally authorized by the State of Indiana to engage in such business, and shall provide that the insurer may not cancel or materially change coverage without at least thirty (30) days prior written notice to the Zoning Administrator. The project operator or owner shall not enter into any settlement of any insurance claim covered under the foregoing insurance policy or policies without the written consent of the Zoning Administrator to ensure that LaGrange County is protected.
- (12) Solar Storage Batteries. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure and installed, maintained and disposed of as required by applicable law recycling as much material as possible.
- (13) Damage.
- (i) Any damage to waterways, public/regulated drains or ditches, private or mutual drains, county tiles or any other item to regulate drainage caused by the construction, installation, maintenance and/or decommissioning and restoration of a Facility must be completely repaired by the Facility owner to the original functioning condition so as to not impede the natural flow of water. All repairs must be compliant and approved by the LaGrange County Drainage Board.
  - (ii) Any damage to streets, county roads or highway infrastructure and/or public utilities caused by the construction, installation, maintenance and/or decommissioning and restoration must be completely repaired by the Facility owner to the near original condition. All repairs must be compliant and approved by the LaGrange County Highway Superintendent, Indiana Department of Transportation, County

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Engineer and County Commissioners.

- (iii) Any damaged agriculture wells, tiles, drains, underground wiring or irrigation pipe caused by the construction, installation, maintenance and/or decommissioning and restoration of a Facility must be completely repaired by the Facility owner to the original functioning condition. All repairs must be compliant and approved by the land owner and or adjoining land owner affected by damages.
- (14) As-Built Drawings. The Facility owner shall submit as-built drawings upon completion of construction of all development on the site to the satisfaction of Zoning Administrator, Plan Commission and County.
- (15) Maintenance, Repair and/or Replacement of Facility. Facility owner must maintain the Facility in accord with the Site Plan, Permit and the ordinance. Maintenance shall include, but not be limited to, painting, structural repairs, vegetation management and integrity of security measures including fencing. Any retrofit, replacement or refurbishment of equipment shall adhere to all local, state and federal requirements. No damaged, broken or non-working parts or equipment of the Facility operation shall be stored on site and any such damages, broken or non-working parts or equipment must be removed from the Facility site. The Facility shall keep entrance, access lanes and panels themselves free of all debris, snow and ice at all times in the event first responders need access to the site.
- (16) Interference with Reception. A Solar Facility shall be constructed and operated so it does not interfere with television, internet, telecommunications, microwave, GPS, agriculture guidance systems, military defense radar, navigational, Federal Aviation Administration or radio reception to neighboring areas.
- (17) Illumination. A Facility shall comply with the current ordinance under Commercial Lighting Standards. However, no light shall cross the adjacent nonparticipating property line.
- (18) Land Restrictions. The amount of real property in LaGrange County allowed for use as commercial solar facilities will be initially limited to 5% of cropland, as such term is defined by the most recent United States Department of Agriculture – National Agricultural Statistics. To the extent that this cap has been met, all further project applications will require a public hearing on the issue and Plan Commission approval.

**ITEM II**

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. 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, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable. All other terms and conditions of the LaGrange County Zoning Ordinance which are not modified and amended herein, including all Sections and Subsections thereof that have not been amended or set forth within these amendments, shall remain in effect and shall be renumbered to account for the amendments set forth herein.

**ITEM III**

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of the amendments to the LaGrange County Zoning Ordinance as provided herein may be continued although the use does not conform with the provisions of this Ordinance. However, only the portion of the land or water in actual use may be so continued, and the structure or area within which the use is contained may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or official order, so as to comply with the provisions of the Zoning Ordinance as amended herein. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance as amended herein.

**ITEM IV**

This Ordinance shall be effective upon promulgation according to law.

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

**COUNCIL ON AGING – CARES OPERATING ASSISTANCE**

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 3<sup>rd</sup> quarter 2021 Cares transit claim voucher. Mr. Peter Cook made a motion to approve the voucher and have the President sign it. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COUNCIL ON AGING – TRANSPORTATION GRANT**

**APRIL 18, 2022**

**REGULAR SESSION**

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 1<sup>st</sup> quarter voucher for the Emergency Relief – Operating Assistance grant. Mr. Peter Cook made a motion to approve the voucher and have the President sign it. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COURTHOUSE RENOVATION – BID OPENING**

At 9:00 a.m., Mr. Gary Mast, Maintenance Director, opened the bids to Courthouse renovations, as follows:

<u>Vendor</u>	<u>Location</u>	<u>Bid Amount</u>
Atlas Building Services, Inc.	Wabash, Indiana	\$207,088

Mr. Peter Cook made a motion to award the bid to Atlas Building Services, Inc. in the amount of \$207,088, subject to review. Mr. Kevin Myers seconded the motion and it carried unanimously.

**REFRIGERATOR PURCHASE FOR JUSTICE BUILDING**

Mr. Gary Mast, Maintenance Director, explained that the refrigerator quit working in the Justice Center Building. He presented a quote from MC Surplus & Salvage, in the amount of \$350. Mr. Peter Cook made a motion to approve the invoice and pay it out of the County General - Commissioners budget. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SUPERIOR COURT - COURTROOM ELECTRICAL**

Mr. Gary Mast, Maintenance Director, explained that there is electrical work to be done in the Superior Courtroom for the new audio system. He presented an invoice from Airgood Electric LLC, in the amount of \$1,546.69. Mr. Peter Cook made a motion to approve the invoice and pay it out of the Local Income Tax – Edit fund. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MAINTENANCE – CARPET CIRCUIT COURT**

Mr. Gary Mast, Maintenance Director, explained that in February he presented a quote from Edwards Floor Covering for new carpet in the Circuit Court. The carpet has been laid, but additional work was need to level some floors and to finish the flooring in the restrooms. The additional amount is \$685.50. Mr. Kevin Myers made a motion to approve the additional amount. Mr. Peter Cook 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 2023. Mr. Hays informed the Council that the grant application is for funding a full time probation officer and a Drug Court coordinator for LaGrange County. Mr. Hays informed the Council that if approved LaGrange would receive \$84,700. Mr. Peter Cook made a motion to approve the grant application as presented. Mr. Kevin Myers seconded the motion and it carried unanimously.

**INFORMATION TECHNOLOGY – MIGRATION TO CLOUD**

Mr. Marc Peterson, Information Technology Network Administrator, explained that he is preparing to the email migration to Cloud and presented quotes from CDW Government, in the amount of \$49,926 for 200 licenses, \$535.06 for an exchange server license, and \$18,325 for engineering services. Mr. Peter Cook made a motion to approve the quotes as presented and pay for the project out of ARPA funds. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HIGHWAY DEPARTMENT – 2021 ANNUAL OPERATIONAL REPORT**

Mr. Ben Parish, Highway Supervisor, presented the 2021 Annual Operational report for consideration and approval. Mr. Kevin Myers made a motion to approve the report. Mr. Peter Cook seconded the motion and it carried unanimously.

**APRIL 18, 2022**

**REGULAR SESSION**

**HIGHWAY – IRISH WINDS SUBDIVISION**

Mrs. Tharon Morgan, County Engineer, presented three quotes to gravel the roads in the Irish Winds Subdivision in Bloomfield Township. The lowest quote is from Schmidt Farm Works Inc. in the amount of \$50,381. Mr. Peter Cook made a motion to approve the quote from Schmidt Farm Works Inc. for \$50,381. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HIGHWAY – PURCHASE OF EXCAVATOR**

Mrs. Tharon Morgan, County Engineer, presented three quotes for a new excavator, as follows:

<u>Vendor</u>	<u>Location</u>	<u>Model</u>	<u>Bid Amount</u>
B & W Equipment Co., Inc.	Fort Wayne , Indiana	Doosan	\$108,885.49
Stutzman Power Equipment, LLC	Shipshewana, Indiana	Kubota	119,100.01
West Side Tractor Sales	South Bend, Indiana	John Deere	124,660.64

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

**HIGHWAY – CONTRACT FOR CLEANING SERVICES**

Mrs. Tharon Morgan, County Engineer, explained that the Highway department would like to contract out the cleaning of the Highway office. She presented a contract with Extreme Cleaning Services. They would clean the office twice a week, at a rate of \$85 per cleaning job. Mr. Peter Cook made a motion to approve the contract and authorize the President to sign it outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SHERIFF – VEHICLE TRANSFER**

Mr. Tracy Harker, Chief Deputy Sheriff, explained that the Probation department is in need of a vehicle to conduct home visits with. The Sheriff's office has a 2011 Dodge Charger that they would like to transfer to the Probation Department. Mr. Peter Cook made a motion to approve the vehicle transfer. Mr. Kevin Myers 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.

**MARCH 2022 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending March 31, 2022, in the amount of \$38,769,722.17 and investments of \$20,760,000. Mr. Peter Cook made a motion to accept the report. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MINUTES**

Mr. Kevin Myers made a motion to approve the minutes of the April 4, 2022, regular session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Peter Cook made a motion to approve the memorandum for the April 13, 2022 staff meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

APRIL 18, 2022

REGULAR SESSION

**FUNDING FOR NON PROFITS ORGANIZATIONS**

Two requests for funding have been received. There are restrictions on the ARPA funds for not for profit groups and sub recipient agreements. Requests for funding have been received from LaGrange Baseball League for \$10,000 for the building and installation of playground equipment for Spreuer park. and from Agape Missions of LaGrange County for \$6,700 for a new sidewalk.

Mr. Peter Cook made a motion to approve the two requests and pay out of the Rainy Day fund. Mr. Kevin Myers seconded the motion and it carried unanimously.

**CORRESPONDENCE**

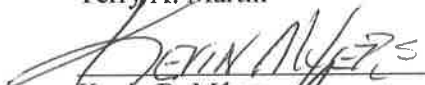
LaGrange County Treasurer – March 2022 report

Indiana Department of Environmental Management – Notice of Approval, FESOP Significant Permit Revisions, Lake Area Designs, LLC, 1206 N. Detroit Street, LaGrange, Indiana 46761, Permit Number 087-44953-00678

**ADJOURNMENT**

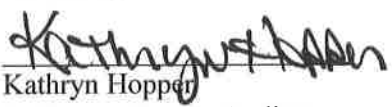
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.

  
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Terry A. Martin

  
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Kevin R. Myers

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

ATTEST:

  
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Kathryn Hopper  
LaGrange County Auditor