

**JULY 5, 2022**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Tuesday, July 5, 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. Peter Cook seconded the motion and it carried unanimously.

**NUISANCE ISSUE – GENE NEELY, 3445 S 1145 E, LAGRANGE, INDIANA**

Mr. Kurt Bachman, County Attorney, explained that on the property located at 3445 S 1145 E, LaGrange, Indiana, occupied by Mr. Gene Neely, a nuisance still exists. Mr. Bachman explained that the Code Enforcement Officer, Mr. Bill Stewart, said that only minor progress has been made on the cleanup of the property. Mr. Bachman is waiting to hear back from the Plan Commission attorney to see what issues they have with the property. Mr. Gene Neely and his son were present. He recommends that the hearing be continued on August 15, 2022 at 8:30 a.m. Mr. Kevin Myers made a motion to continue the hearing on August 15, 2022. Mr. Peter Cook seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to have the president sign a new order outside of public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**JOINT RESOLUTION REPEALING AND RESTATING THE CAPITAL IMPROVEMENT PLAN**

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

COUNTY OF LAGRANGE  
JOINT RESOLUTION 2022-07-11

A JOINT RESOLUTION REPEALING AND RESTATING THE CAPITAL IMPROVEMENT PLAN OF THE COUNTY OF LAGRANGE AND SPECIFYING THE USES OF REVENUES TO BE RECEIVED FROM THE IMPOSITION OF LOCAL INCOME TAXES.

WHEREAS, pursuant to Indiana Code § 6-3.6 (the “Act”), the County Council (“Council”) of LaGrange County, Indiana (“County”) has established a local income tax;

WHEREAS, pursuant to § 6-3.6-6-9.5 of the Act, the Board of Commissioners of the County of LaGrange (“Commissioners”), on behalf of the County, must adopt a capital improvement plan (“Plan”) in order to receive distributions under the Act;

WHEREAS, the Commissioners and the Council previously adopted Joint Resolution 2020-09-21, in which they adopted the County Plan;

WHEREAS, based upon information provided by the Department of Local Government Finance for 2022-year distributions under the Act, the County expects to receive an estimated annual amount of \$1,739,000.00; *and*

WHEREAS, the Commissioners and Council desire to amend the Plan mid-cycle to incorporate additional projects that would be funded using money received under the Act.

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

**SECTION I – NAME**

The name of this resolution is the “Capital Improvement Plan Adoption Resolution.”

**SECTION II – DEFINITIONS**

Whenever the following terms are used in this Joint Resolution, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

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- “Act” refers to Indiana Code chapter 6-3.6 and related local income tax laws.
- “Distribution” means monies apportioned to the County under the Act for economic development purposes.
- “Economic development project” has the meaning provided in the Act.
- “Plan” refers to the *Capital Improvement Plan* adopted by this resolution.
- “Project” means an economic development project that would be funded by a distribution under the Act.

SECTION III – CAPITAL IMPROVEMENT PLAN

A. Requirements. As may be required by the Act, for each qualifying project, the Plan shall:

1. identify and describe the project;
2. provide an estimated total cost of the project;
3. identify all sources of funds expected to be used for the project;
4. provide the planning, development, and construction schedule for the project; *and*
5. estimate the duration of the project.

B. Duration. The Plan must encompass a period of not less than two (2) years. The Plan shall be considered current to the extent it conforms to this Joint Resolution.

C. Cost Threshold. The combined cost of each project under the Plan shall equal at least 75% of the fractional amount of distributions that are expected to be received by the County.

D. Included Projects. Only qualifying projects may be added to the Plan, but the Plan’s list of qualifying projects is not necessarily to be considered exhaustive of the County’s capital improvement projects.

E. Adoption. The Capital Improvement Plan, as shown in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby approved and adopted.

SECTION IV – FINDINGS

A. Recitals. The foregoing recitals, including all defined terms, are hereby incorporated into this resolution and found to be true, accurate, and correct.

B. Plan. The following findings are made with respect to the Plan:

1. The Plan conforms to all requirements of this Joint Resolution.
2. Each project incorporated into the Plan is an economic development project and, therefore, eligible for distributions under the Act.

SECTION V – REPEAL OF PRIOR LAW

A. Repeal. Res. 1995-11-27(b) and Jt. Res. 2020-09-21 are hereby repealed in their entirety.

B. Continuance.

1. The express or implied repeal or amendment by this resolution 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 resolution. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this resolution had not been adopted.
2. To the extent the provisions contained in this resolution 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 resolution of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, or provision.

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**SECTION VI – 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 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 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, and for this purpose the provisions of this resolution 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. 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 take effect immediately upon adoption by both the Commissioners and the County Council.

**EXHIBIT A**  
**LAGRANGE COUNTY CAPITAL IMPROVEMENT PLAN**

LaGrange County, Indiana proposes to undertake the following capital improvement projects with its share of distributions pursuant to Indiana Code § 6-3.6-6-9. Funding is anticipated to be provided exclusively with Economic Development Fund money unless otherwise indicated.

Years of Plan: 2021-2025

1. **UNINCORPORATED COMMUNITIES** – The County may provide to those unincorporated communities of South Milford, Howe, Stroh, and Mongo located within LaGrange County that adopt a capital improvement plan consistent with the specifications and requirements of the County an opportunity to receive up to \$15,000.00 per year to use on capital improvement projects set forth in each respective plan. The County anticipates this to cost \$60,000 annually.
2. **ECONOMIC DEVELOPMENT CORPORATION** – The County is considering contributing annually to the Economic Development Corporation budget to assist said Corporation in furthering their purpose of promoting economic development in LaGrange County, Indiana. The amount of this expenditure is anticipated to be approximately \$100,000.00.
3. **REGION III-A** – The County is considering contributing annually to Region III-A to further their purpose of promoting economic development in LaGrange County, Indiana. The amount of this expenditure for 2021 is anticipated to be approximately \$12,445.00.

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4. NORTHEAST INDIANA REGIONAL PARTNERSHIP – The County is considering contributing annually to the Northeast Indiana Regional Partnership to furthering their purpose of promoting economic development in LaGrange County, Indiana. The amount of this expenditure for 2021 is anticipated to be approximately \$18,381.70.
5. COUNTY ROAD IMPROVEMENT AND MAINTENANCE – Road improvement and maintenance of County roads, both anticipated and unanticipated projects, including but not limited to the following roads that have been placed on a priority list for anticipated improvement:
  - County Road 250 North, west of the Town of Shipshewana
  - County Road 600 South, west of State Road 5
  - County Road 700 South, east of Topeka.

Each road has a projected cost of at least \$1,000,000.00, but no immediate timetable has been set. The Motor Vehicle Highway Restricted Fund will also likely be used for this project.

6. REPAYMENT OF LOCAL MAJOR MOVES FUNDING – The County paid for the (re)construction of County Road 200 North using a \$2,700,000 loan from the Local Major Moves Construction Fund (“Fund”). Resolution 2014-07-21 requires repayment to the Fund “in ten equal annual payments [\$270,000 each] of principal based upon the amount actually expended from the [Fund] for the Project, plus in each case reasonable interest thereon at a rate of 1.00% per annum calculated on a 360-day basis, starting on or before December 31, 2015.” EDIT funds will be used to repay this loan.
7. COUNTY BUILDINGS – The County is looking to remodel all County buildings, at an anticipated cost of \$200,000.00 each. Remodel of the County Annex building is anticipated to be started in 2020. No immediate timetable has been set for the other buildings.
8. BUILDING SECURITY – The County is considering implementing or updating all buildings’ security, at an anticipated cost of \$200,000.00. No immediate timetable has been set for this project.
9. AMERICANS WITH DISABILITIES – The County may need to have various improvements made to County property in order to comply with the Americans with Disabilities Act, at an anticipated cost of at least \$50,000.00 annually.
10. COMPREHENSIVE ZONING ORDINANCE – The County is looking forward to updating its Zoning Ordinance (including its Subdivision Control Ordinance), which goes to the heart of economic development. The County expects a one-time fee of \$150,000 on this project.
11. ADDITIONAL LIT ALLOCATIONS – The County may allocate unused available Economic Development monies to the unincorporated communities of South Milford, Stroh, Mongo, and Howe, at an anticipated cost of up to \$50,000.00 annually.
12. UNANTICIPATED CAPITAL IMPROVEMENT PROJECTS – The County may allocate monies to unanticipated capital improvement projects that may arise. Anticipated cost may be at least \$50,000 annually.
13. UNANTICIPATED ECONOMIC DEVELOPMENT PROJECTS – The County may allocate monies to unanticipated economic development projects that may arise. Anticipated cost may be at least \$50,000 annually.

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.

**COUNTY BRIDGES – SIGNAGE**

Mr. Kurt Bachman, County Attorney, explained that there is a new law which requires signage on federally funded bridges in the County. Mr. Kevin Myers made a motion to approve the County Attorney to work on a new ordinance and the signage required for bridges. Mr. Peter Cook seconded the motion and it carried unanimously.

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**BRIDGE NO.49**

Mr. Kurt Bachman, County Attorney, would like to proceed with working on a contract with American Structurepoint for Bridge No. 49. Mr. Kevin Myers made a motion to approve the County Attorney to work on the contract. Mr. Peter Cook seconded the motion and it carried unanimously.

**COMMUNITY CROSSINGS MATCHING GRANT – COUNTY ROAD 300 WEST**

Mr. Kurt Bachman, County Attorney, explained that the County was granted \$1,000,000 in Community Crossings Matching grants. One of the projects is to rebuild County Road 300 W from County Road 200 S and County Road 550 S. Mr. Peter Cook made a motion to approve the County Attorney to work with the County Engineer on the bid packet for the project. Mr. Kevin Myers seconded the motion and it carried unanimously.

**AGREEMENT WITH JONES PETRIE RAFINSKI, CORP. – 2022 SMALL STRUCTURE IMPROVEMENTS**

Mr. Kurt Bachman, County Attorney, presented an agreement with Jones Petrie Rafinski, Corp, for design and hydraulic studies between North and South Twin Lakes and between McClish and Lake of the Woods. The contract is in the amount of \$73,080. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

**4-H FAIR ASSOCIATION – REQUEST FOR NEW HOME**

Mr. Ken Martin, President of the Board of Directors of the 4-H Fair Association, explained that the LaGrange County 4-H Fair Association is requesting \$250,000 to replace the current home on the 4-H property. The current home, which is occupied by the grounds keeper, is a 1978 Schult Mobile Home and is need of various repairs. Funding is also needed for demolition and removal of the current structure, excavation, concrete for crawl space, installation of new home, garage, utility hookup, driveway and sidewalks, and grass and landscaping. Mr. Peter Cook made a motion to approve up to \$250,000 out of Major Moves Construction funds or ARPA funds. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PARKS – REQUEST FOR NEW PAVILION AT DELT CHURCH PARK**

Mrs. Mary Franke, Park Director, requested permission to purchase materials and supplies for a new pavilion at Delt Church Park, in the amount of \$250,000. Mr. Kevin Myers made a motion to approve up to \$250,000 out of ARPA funds. Mr. Peter Cook seconded the motion and it carried unanimously.

**UNIFIED DEVELOPMENT ORDINANCE**

Mrs. Robbie Miller, Planning Administrator, explained that with the Comprehensive Plan is being finalized. One of the items that has been mentioned often, is the need for a unified development ordinance. She is requesting up to \$150,000 for McBride Dale Clarion to prepare a unified development ordinance for LaGrange County. Mr. Peter Cook made a motion to approve up to \$150,000 out of Edit funds. Mr. Kevin Myers seconded the motion and it carried unanimously.

**INFORMATION TECHNOLOGY – SURPLUS EQUIPMENT**

Mr. Dave Warren, Information Technology Director, presented a list of computers, monitors, and miscellaneous equipment that he would like be declared as surplus. Mr. Kevin Myers made a motion to approve the surplus list of equipment. Mr. Peter Cook seconded the motion and it carried unanimously.

**SHERIFF – VEHICLES TO SELL**

Mr. Tracy Harker, Chief Deputy Sheriff, explained that they have a 2006 Chevrolet Impala and a 2018 Dodge Charger that they would like to sell. Mr. Peter Cook made a motion to approve the sale of the vehicles. Mr. Kevin Myers seconded the motion and it carried unanimously.

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**EMERGENCY MANAGEMENT AGENCY – TRAILER PURCHASE**

Mr. Bill Morr, Emergency Management Agency Director, requested permission to purchase a trailer for emergency response. He presented a quote in the amount of \$7,355 from Trailer Capital USA. This would be paid for out of the Cumulative Capital Development – EMA budget. Mr. Peter Cook made a motion to approve the purchase of the trailer. Mr. Kevin Myers seconded the motion and it carried unanimously.

**WELLNESS SCREENING**

Mrs. Jenny Landez, Human Resources Director, explained that Parkview can do the 2022 wellness screening on September 20, 2022. The cost is \$15 per employee for biometrics screening and \$25 per employee for an additional test package, with a minimum of 30 employees participating. The County would pay for those employees who are on the health insurance plan. Mr. Kevin Myers made a motion to approve the wellness screening. Mr. Peter Cook seconded the motion and it carried unanimously.

**PETERSON CONSULTING SERVICES, INC. – AGREEMENT FOR CAPITAL ASSETS**

Mrs. Kathryn Hopper, County Auditor, presented an agreement with Peterson Consulting Services, Inc. for preparation of the capital asset reporting for LaGrange County for 2022. The cost for the services for 2022 is \$4,050, plus out of pocket expenses. Mr. Kevin Myers made a motion to approve the agreement and to authorize the President to sign it. Mr. Peter Cook seconded the motion and it carried unanimously.

**INFORMATION & RECORDS ASSOCIATES, INC. / SBS PORTALS – SCANNING OF BOOKS**

Mrs. Kathryn Hopper, County Auditor, presented a quote from Information & Records Associates, Inc. in the amount of 25,144.31. This would be for the scanning of the property transfer books, plat books, Commissioner and Council minute books, and various other books. She has the funding in her budget for this project. Mr. Kevin Myers made a motion to approve the agreement and to authorize the President to sign it. Mr. Peter Cook seconded the motion and it carried unanimously.

**JUNE 2022 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending June 30, 2022, in the amount of \$47,871,991.49 and investments of \$21,155,000.00. Mr. Kevin Myers made a motion to accept the report. Mr. Peter Cook seconded the motion and it carried unanimously.

**ACCOUNTS PAYABLE VOUCHERS**

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

**MINUTES**

Mr. Kevin Myers made a motion to approve the minutes of the June 6, 2022 and June 20, 2022 Regular Session meetings. Mr. Peter Cook seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Kevin Myers made a motion to approve the memorandum for the June 29, 2022 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Treasurer – June 2022 report  
Junior and Rebecca Schrock/Shady Lane Kennel – Commercial Dog Breeding Facility  
Indiana Department of Environmental Management – Notice of Approval, Rock Run Industries LLC,  
11635 W 600 S, Millersburg, Indiana and 536 Michigan Street, Topeka, Indiana 46571,

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Permit Number 087-45169-00072

Indiana Department of Environmental Management – Receipt of wastewater treatment plant construction permit application from LaGrange County Regional Utility District to construct Region C WWTP & Collection System Improvements in Howe, Indiana

Indiana Department of Environmental Management – Receipt of sanitary sewer construction permit application from Heart & Homes, LLC, Wolcottville, Indiana to construct a sanitary sewer for Railroad Street Sewer Extension in Wolcottville, Indiana

Indiana Department of Environmental Management – Notice of Approval, DL Miller Woodworking, 5345 N 400 W, Shipshewana, Indiana 46565, Permit Number 087-45485-00675

Indiana Department of Environmental Management – Notice of Public Comment, Lambright Woodworking, LLC, Permit Number 087-45404-00020

**ADJOURNMENT**

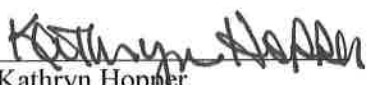
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.

  
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Terry, A. Martin

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

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

ATTEST:

  
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Kathryn Hopper  
LaGrange County Auditor