

JUNE 3, 2019

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, June 3, 2019, 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. Larry N. Miller, and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry A. Martin was absent. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Dennis Kratz made a motion to adopt the proposed agenda with flexibility. Mr. Larry Miller seconded the motion and it carried unanimously.

LEAVE OF ABSENCE REQUEST

Mrs. Jacki Medford, Payroll Deputy, presented a leave of absence request for an employee for a health condition. The employee has exhausted the Family Medical Leave Act and is requesting up to 7 weeks of unpaid leave. Mr. Terry Martin made a motion to approve up to seven weeks of unpaid leave for the employee. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE – PROPERTY ENDORSEMENT FEE / PLAT BOOK MAINTENANCE FUND

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2019-06-03

AN ORDINANCE REPEALING AND RESTATING PRIOR ORDINANCES ABOUT REAL PROPERTY ENDORSEMENTS PERFORMED BY THE AUDITOR AND ABOUT THE PLAT BOOK MAINTENANCE FUND.

WHEREAS, the Board of Commissioners of County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”) desire to comply with the new requirements set forth in Indiana Code (“IC”) § 36-2-9-18 (as amended, effective July 1, 2019);

WHEREAS, pursuant to IC § 36-2-11-14, the Auditor may be required to make various real property endorsements on deeds of partition, land conveyances, or affidavits of transfer;

WHEREAS, pursuant to IC § 36-2-9-18, the Auditor shall charge a fee of Ten Dollars (\$10.00) for such real property endorsements;

WHEREAS, pursuant to IC § 36-2-9-18, the Commissioners shall deposit such fees into a fund for the use in maintaining plat books, whether in traditional or electronic format; *and*

WHEREAS, the Commissioners desire to reestablish the Plat Book Maintenance Fund.

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

ARTICLE I

The Board of Commissioners of the County of LaGrange hereby repeals, in full, LaGrange County Ordinances 1991-1-22, 2006-6-19, and 2013-04-15C.

ARTICLE II

- A. The Auditor shall charge and collect an endorsement fee of Ten Dollars (\$10.00) for each legal description of each parcel contained in a deed for which the Auditor makes a real property endorsement (as stipulated, “endorsement fee”).
- B. The endorsement fee shall be in addition to any other fee provided by law.
- C. The Auditor shall place the collected endorsement fees in the Plat Book Maintenance Fund.

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ARTICLE III

- A. Creation. The Auditor shall (re-)establish a Plat Book Maintenance Fund (“Fund”) into which shall be deposited all endorsement fees collected by the Auditor.
- B. Purpose. Money in the Fund shall be used solely for the maintenance of the County’s plat books, whether in traditional or electronic format.
- C. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.
- D. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County’s standard investment procedures.
- E. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

ARTICLE IV

SECTION I

- 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, program, department, commission, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this 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 the) 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. Severability. 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.
- C. Continuance.
 - 1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures 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 old ordinances, but rather shall be deemed to be the continuation of the original provisions.
- D. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.
- E. Effective Date. This ordinance shall be effective as of July 1, 2019.

Mr. Dennis Kratz made a motion to approve the ordinance. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion and it carried unanimously.

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COUNTY JUSTICE BUILDING

Mr. Jason Boggs, Building Commissioner, gave an update on the County Justice building. Mr. Boggs presented a change request from Michael Kinder & Sons for a 25' flag pole in the amount of \$3,500.00. Mr. Dennis Kratz made a motion to approve the request. Mr. Larry Miller seconded the motion and it carried unanimously.

Mr. Bob Murphy, Information Technology Director, presented a quote in the amount of \$3,468.54 for the wireless service to Justice Building. Mr. Dennis Kratz made a motion to approve the request. Mr. Larry Miller seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – EQUIPMENT PURCHASE REQUEST

Mr. Bob Murphy, Information Technology Director, presented a quote for a laptop and carry case for the Emergency Management Agency Director, in the amount of \$1,165.00. This would be paid out of the Health Department Preparedness grant. Mr. Dennis Kratz made a motion to approve the request. Mr. Larry Miller seconded the motion and it carried unanimously.

HEALTH DEPARTMENT - CARPORT

Mrs. Kelly Bills, Health Department Registrar, presented three quotes for a carport to be built at the Health Department. The lowest quote is from Raber Patio Enclosures & Furniture, LLC in the amount of \$3,495.00 and would be paid out of the Health Department Preparedness grant. Mr. Dennis Kratz made a motion to approve the carport. Mr. Larry Miller seconded the motion and it carried unanimously.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

Burrell's Replat in Tall Timbers

There are three lots in this subdivision, in Milford Township, located 150 +/- W of 100 E on the south side of 645 S, Wolcottville. Section 27 Township 36N, Range 11E. The owner is Marguerite Burrell. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

VanWagner Estate

There is one lot in this subdivision, in Springfield Township, located north of 7980 E 200 S, LaGrange. Section 32 Township 37N, Range 11E. The owner is Betty VanWagner. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Dennis Kratz made a motion to approve the vouchers. Mr. Larry Miller seconded the motion and it carried unanimously.

PETITION TO VACATE – PLATTED ROADWAY, MILFORD TOWNSHIP

At 9:00 a.m. Mr. Bill Eberhard, Attorney, presented a petition to vacate a platted roadway located in Milford Township, on behalf of Carol Reynolds, as Trustee of the Carol Reynolds Revocable Trust. Mr. Eberhard explained that the platted road is at the Pretty Lake Mobile Home Park. Mr. Larry Miller opened the public hearing. There being no comments from the public, the public hearing was closed. The following Ordinance was presented for consideration:

COUNTY OF LAGRANGE

ORDINANCE 2019-06-03 A

AN ORDINANCE OF THE LAGRANGE COUNTY BOARD OF
COMMISSIONERS VACATING A PUBLIC WAY

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WHEREAS, Carol Reynolds, as Trustee of the Carol Reynolds Revocable Trust ("Petitioner"), in person and by counsel, Bill D. Eberhard, having filed a Petition to Vacate Platted Roadway (the "Petition"), requesting that the Board of Commissioners of the County of LaGrange, Indiana vacate all or part of a public way pursuant to Indiana Code 36-7-3-12; and

WHEREAS, the Petitioner owns or has an interest in certain real estate which is contiguous to the public way which she proposes to have vacated, which public way is located outside the corporate boundaries of any municipality; and

WHEREAS, notice of a public hearing on the Petition has been given by publication and by certified mail as required by law and said public hearing conducted; and

WHEREAS, based upon the facts stated in the Petition, the vacation of the public way would not significantly (i) hinder the growth or orderly development of the unit or neighborhood in which it is located and to which it is contiguous; (ii) make access to the lands of any aggrieved person by means of public way difficult or inconvenient; (iii) hinder the public's access to a church, school or other public building or place; and (iv) hinder the use of a public way by the neighborhood by which it is located or to which it is contiguous; and

WHEREAS, a public hearing was held June 3, 2019, and the vacation was subsequently approved, subject to finalizing documents.

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

Section I

The portion of the public way, more particularly described and depicted as follows:

Real estate in LaGrange County, State of Indiana, more particularly described as follows:

(See Attached Exhibit "A")

is hereby vacated. A copy of this Ordinance shall be furnished to the LaGrange County Recorder for recording and to the LaGrange County Auditor.

Section II

Notwithstanding anything herein to the contrary, this Ordinance shall not be deemed to deprive a public utility of the use of all or part of the vacated property and the public utility which is occupying part of said vacated property for the location and operation of its facilities on the effective date of this Ordinance shall be specifically excepted as to their utility lines and continued use and occupation. This provision is reserved pursuant to IC § 36-7-3-16(b).

Section III

This Ordinance shall be effective upon promulgation according to law.

Mr. Dennis Kratz made a motion to approve the ordinance. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion and it carried unanimously.

MINUTES

Mr. Dennis Kratz made a motion to approve the minutes of the May 20, 2019 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the May 29, 2019 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

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CORRESPONDENCE

Town of Shippshewana – Notice of RDC Annual meeting June 6, 2019

Notice of Public Hearing –LaGrange County Board of Zoning Appeals, South Milford Grain Inc, 7570 S 790 E,
South Milford – application for storage bin in an I-2 zoning district

Notice of Public Hearing –Town of Topeka/Wolcottville Board of Zoning Appeals, Anwar Aljardie, 159 S Fought
St., Topeka – application to add 3' to existing fence

South Milford – application for storage bin in an I-2 zoning district

Indiana Department of Environmental Management – Receipt of Air Permit Application – Lake Area Designs
LLC, Permit Number 087-41460-00678

US Army Corps of Engineers – Joint Public Notice – Raindrop, LLC – to construct a business park to support
commercial growth near the I-70/S.R. 39 interchange area

ADJOURNMENT

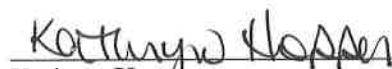
There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn
and meet on any subsequent day necessary to carry on the business of the Board. Mr. Larry Miller seconded the
motion and it carried unanimously.


Larry N. Miller

Absent
Terry A. Martin


Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor