

OCTOBER 20, 2014

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, October 20, 2014, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Garry A. Heller, John A.(Jac) Price; and LaGrange County Auditor, Kay M. Myers. President John (Jac) Price, called the meeting to order. Larry Miller participated by telephone but recorded as being absent. Mr. Jac Price led those present in saying the Pledge of Allegiance to the Flag. Mr. Garry Heller made a motion to adopt the proposed agenda with flexibility. Mr. Jac Price seconded the motion and it carried unanimously.

ZONING COMPLIANCE CERTIFICATE FEE

County Attorney Kurt Bachman presented the following ordinance to amend ordinance 2010-7-6:

ORDINANCE 2014-10-20

AN ORDINANCE AMENDING ORDINANCE NO. 2010-7-6, AS AMENDED BY ORDINANCE NO. 2011-9-19A, THE LAGRANGE COUNTY ZONING COMPLIANCE CERTIFICATE FEE FUND.

WHEREAS, the LaGrange County Plan Commission (the "Plan Commission") has established Zoning Compliance Certificate fees pursuant to the LaGrange County Zoning Ordinance, to be enforced by the LaGrange County Plan Commission; and

WHEREAS, the Board of Commissioners of the County of LaGrange (the "Commissioners") previously adopted Ordinance No. 2010-7-6 whereby a Zoning Compliance Certificate Fee Fund was established for the purpose of depositing and directing the revenue received for said Zoning Compliance Certificate fees; and

WHEREAS, the Commissioners thereafter adopted Ordinance No. 2011-9-19A, amending Ordinance No. 2010-7-6; and

WHEREAS, the Commissioners now desire to amend Ordinance No. 2010-7-6, as amended by Ordinance No. 2011-9-19A.

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

SECTION I

Section II of Ordinance No. 2010-7-6, as previously amended by Ordinance No. 2011-9-19A, shall be deleted in its entirety and replaced as follows:

"The Commissioners shall administer the Fund. The Fund shall be appropriated and spent in accordance with the general rules of the County. The Fund shall be used for payment of the Plan Commission's legal fees, including retainer of general counsel."

SECTION II

Section IV of Ordinance No. 2010-7-6, as previously amended by Ordinance No. 2011-9-19A, shall be deleted in its entirety and replaced as follows:

"All amounts placed in the Fund shall be invested and reinvested pursuant to the standard procedures followed by the County. All amounts remaining in said Fund at the end of the fiscal year, and any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund."

SECTION III

All other parts of Ordinance No. 2010-7-6, as previously amended by Ordinance No. 2011-9-19A, not herein amended shall remain in full force and affect.

SECTION IV

No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable effects 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 declared to be invalid, any for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION V

This Ordinance shall be effective upon promulgation according to law.

Mr. Garry Heller motioned to accept the amendment to the ordinance; Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

OCTOBER 20, 2014

REGULAR SESSION

Mr. Garry Heller motioned to waive second reading, Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

SWIFT PURPOSAL

Attorney Bachman informed the Commissioners Attorney William Swift on behalf of Penny J. Miller has submitted a request to Commissioners to sign a written settlement as it relates to the property known as Indiana Chain Storage LLC. located by the Indiana Lakes Campground. Attorney Bachman stated the request is more a threat of litigation. Mr. Garry Heller motioned to deny request. Mr. Jac Price seconded the motion– roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

TRANSFER OF RADIO TOWER AT JAIL

Attorney Bachman stated the County has a right of first refusal when someone has presented a legitimate offer to purchase to the radio tower at the jail to ERS. Attorney Bachman explained the Counties options and the values of the tower and buildings. Mr. Garry Heller motioned to authorize the President to sign a consent document acceptable to Attorney Bachman’s office. Mr. Jac Price seconded the motion - roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

HEALTH BOARD APPOINTMENT

Mr. Jac Price informed the Commissioners Ms. Sue Keenan has declined the appointment to the Health Board. Mr. Jac Price motioned to appoint Regina Lynn, Democrat to the Health Board. Mr. Garry Heller seconded the motion. Roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

PLAN COMMISSION

Mr. Jac Price informed the Commissioners a position is open on the plan commission.

COUNCIL ON AGING

Ms. Cheri Perkins informed the commissioners the COA Expo was well attended last week. Ms. Perkins presented the 3rd qtr voucher for signature. Mr. Garry Heller motioned to accept and authorize signing; Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

HIGHWAY

Mr. Jeff Brill, Highway Superintendent informed the Commissioners they are looking for approval of the plans for 200n project. Mr. Garry Heller motioned to approve the plan and authorize signing document and proceed with the right of way acquisition. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

COMMITTEE REPORTS

Mr. Jac Price reported on the Mayor and Commissioners Caucus, LaGrange Co. Community Foundation Finance committee and the Region III A meetings.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kay M. Myers, County Auditor, presented the Accounts Payable Vouchers. Mr. Garry Heller motioned to approve. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

MINUTES

Mr. Garry Heller motioned to approve the October 6th regular meeting minutes. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

MEMORANDUM

Mr. Jac Price motioned to approve the memorandum for the Oct 15 meeting. Mr. Garry Heller seconded the – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

1st Addition to Mynhier’s Estates

There is one lot in this subdivision, in Bloomfield Township, located at 5110 E 160 S, LaGrange. Section 36, Township 37N, Range 10E. The owners is Avery Mynheir. Mr. Garry Heller motioned to approve. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

Eden Ridge School

There is one lot in this subdivision, in Eden Township, located 500’ west of CR 700 W on north side of CR 600S, Topeka. Section 23, Township 36N, Range 8E. The owners are Yoder, Orla & Carolyn Sue. Mr. Jac Price motioned to approve. Mr. Garry Heller seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

OCTOBER 20, 2014

REGULAR SESSION

Conley Acres

There is one lot in this subdivision, in Lima Township, located 9640 E 400 S, Wolcottville. Section 21, Township 38N, Range 10E. The owners are Perkins, Brent & Vicky. Mr. Garry Heller motioned to approve. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

Colts Estates

There is one lot in this subdivision, in Bloomfield Township, located 0375 N 200 E, LaGrange. Section 21, Township 37N, Range 10E. The owners are Raber, John & Heather. Mr. Garry Heller motioned to approve. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

L&R Subdivision

There are two lots in this subdivision, in Newbury Township, located 3325 N 675 W, Shipshewana. Section 01, Township 37N, Range 8E. The owners are Miller, Lonnie & Lea. Mr. Garry Heller motioned to approve. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

VEHICLE USE AGREEMENT

Auditor Kay Myers presented the department vehicle use agreements for consideration. Mr. Garry Heller motioned to approve. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

COMMISSIONER DECEMBER MEETING DATE

Mr. Jac Price stated the last meeting of the year is scheduled for December 29. It was discussed that Mr. Garry Heller and Mr. Jac Price will not be available on Dec 29. Mr. Jac Price suggested Wednesday December 31 as the last meeting. Mr. Jac Price motioned to reschedule meeting from December 29th to December 31st. Mr. Garry Heller seconded the motion– roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

CORRESPONDENCE

Indiana Department of Environmental Management - Request for additional information – composting facility.
US Army Corps of Engineers – Joint Public Notice – Expand a single family residential development.

ADJOURNMENT

There being nothing further to come before the Board at this time, Mr. Garry Heller made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Jac Price seconded the motion – roll call vote - Mr. Garry Heller – Yes, Mr. Jac Price – Yes, Mr. Larry Miller – Absent.

John A. Price

ABSENT

Larry N. Miller

Garry A. Heller

ATTEST:

Kay M. Myers
LaGrange County Auditor