

MAY 2, 2016

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, May 2, 2016, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Larry N. Miller, Terry A. Martin, Kevin R. Myers; and LaGrange County Auditor, Kay M. Myers. President Larry Miller called the meeting to order and led those present in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Kevin Myers seconded the motion and it carried unanimously.

COURTHOUSE SIDEWALKS

Mr. Bob Murphy, ADA Compliance Officer, presented a request from INDOT for permission to work on the County's right of way at the Courthouse to be able to install ADA ramps during the resurfacing project of State Road 9. Mr. Kevin Myers made a motion to give INDOT approval to rework the sidewalks and authorize the president to sign the letter. Mr. Terry Martin seconded the motion and it carried unanimously.

ACCESS TO PUBLIC RECORDS ORDINANCE

Mr. Kurt Bachman, County Attorney, presented the following ordinance:

ORDINANCE NO. 2016-05-02 A

AN ORDINANCE PRESCRIBING THE CONDITIONS UNDER WHICH A PERSON WHO RECEIVES CERTAIN INFORMATION UNDER I.C. §5-14-3-3(d) MAY OR MAY NOT USE THE INFORMATION FOR COMMERCIAL PURPOSES

WHEREAS, the Access to Public Records Act (the "Act") under I.C. 5-14-3 *et seq.* allows persons to request access to disclosable public records from LaGrange County (the "County"); and

WHEREAS, the Act authorizes the County to prescribe by ordinance the conditions under which a person who receives certain information under I.C. §5-14-3-3(d) may or may not use the information for commercial purposes.

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

SECTION I

Any individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity who receives public information on a disc or tape under IC §5-14-3-3(d) may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other individual, corporation, limited liability company, partnership, unincorporated association, or government entity for these purposes; provided, however, such information may be used in connection with the preparation or publication of news, for nonprofit activities, or for academic research. An individual, corporation, limited liability company, partnership, unincorporated association, or government entity that uses information in a manner contrary to this provision is prohibited from obtaining a copy or any further data under IC §5-14-3-3(d).

SECTION 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.

Mr. Terry Martin made a motion to approve the ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

LPS / BLACK KNIGHT LAWSUIT

Mr. Kurt Bachman, County Attorney, request the Commissioners authorize one commissioner and two council members to discuss a settlement agreement for the Black Knight lawsuit. Mr. Bachman stated Peter Cook would like himself and George Bachman as the Council members along with Jennifer McBride, County Recorder, authorized to be in the discussion scheduled for June. Mr. Kevin Myers made a motion to authorize Terry Martin, Peter Cook, George Bachman and Jennifer McBride and authorize them to act unanimously to decide whether or not to move forward with a settlement with Black Knight. Mr. Terry Martin seconded the motion and it carried unanimously.

COURTHOUSE APPRAISAL

Mr. Kurt Bachman, County Attorney, presented a request for an appraisal for the Courthouse. Auditor Myers stated Industrial Appraisal Company out of Pennsylvania is the company and the amount is \$1,550.00. The purpose is to ensure the insurance is adequate for the value of the Courthouse. Mr. Terry Martin made a motion to approve the appraisal services on the Courthouse in the amount of \$1,550.00. Mr. Kevin Myers seconded the motion and it carried unanimously.

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JDAI GRANT

Mrs. Kay Myers, County Auditor, informed the Commissioners that the new JDAI grant signature page does not have the Commissioners signing the grant but has the Auditor. Mr. Terry Martin made a motion to authorize review of the JDAI grant to add the Commissioner's signature and authorize signing the grant outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

LAMBRIGHT FARM AGREEMENT

Mr. Larry Miller presented an agreement with Mr. Merv Beechy to manage and care of the Lambright Farm property for an additional five years. Mr. Kevin Myers made a motion to approve the amendment to services agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

COMMITTEE REPORTS

Mr. Terry Martin reported on the LaGrange County Regional Utility District meeting.
Mr. Kevin Myers reported on the Region 3A, COA and Solid Waste District meetings.
Mr. Larry Miller reported on the plan commission meeting.

ACCOUNTS PAYABLE VOUCHERS

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

MINUTES

Mr. Terry Martin made a motion to approve the April 18, 2016 regular meeting minutes. Mr. Kevin Myers seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandum for the April 27, 2016 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

ZONING ORDINANCE AMENDMENT

Mr. Bob Shanahan, Plan Commission presented the following zoning amendment:

**AMENDMENT NO. 2016-05-02 B
TO
THE ZONING ORDINANCE**

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM AN A-1 DISTRICT TO AN I-1 DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17th day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located west of 9420 W US 20, Shipshewana, IN, more fully described below hereto, be rezoned and changed from a A-1 District to an I-1 District.

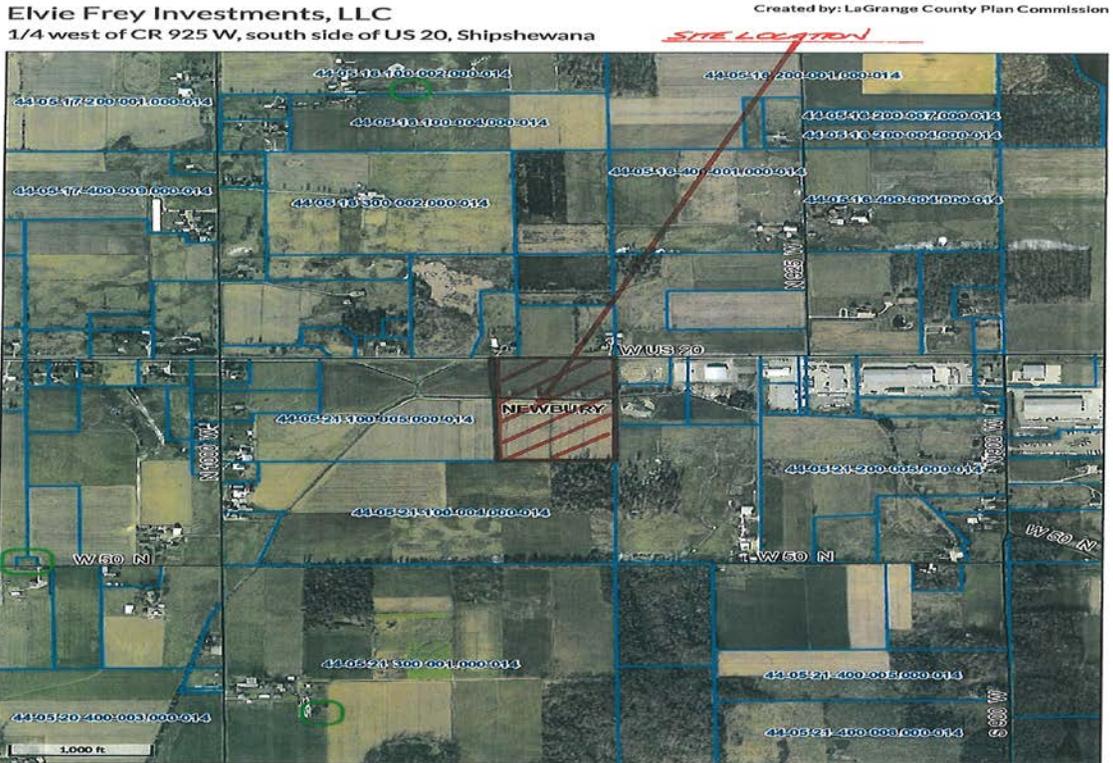
LEGAL DESCRIPTION

LAND DESCRIPTION :

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 8 EAST, IN LAGRANGE COUNTY, THE STATE OF INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER MARKED BY A HARRISON MARKER; THENCE WEST (RECORD), ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, FOR 817.26 FEET; THENCE S00°08'28"W, PARALLEL TO THE EAST LINE OF SAID NORTHWEST QUARTER, FOR 1330.33 FEET TO A REBAR ON THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHWEST QUARTER; THENCE S89°40'09"E, ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHWEST QUARTER, FOR 817.27 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF SAID NORTHWEST QUARTER MARKED BY A REBAR; THENCE N00°08'28"E, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, FOR 1335.05 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 25.00 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL PUBLIC RIGHTS-OF-WAY AND ALL EASEMENTS OF RECORD.

Following a public hearing, the LaGrange County Plan Commission, on April 25, 2016, after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.



Mr. Terry Martin made a motion to approve the rezone. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

ZONING ORDINANCE AMENDMENT

Mr. Bob Shanahan, Plan Commission presented the following zoning amendment:

**AMENDMENT NO. 2016-05-02 C
TO
THE ZONING ORDINANCE**

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM AN A-1 DISTRICT TO AN B-3 DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17th day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located at 7860 W 200 N, Shipshewana and on a 23.67 acre tract of ground adjoining the above address to the East, West and South of 7860 W 200 N, Shipshewana, IN, more fully described below hereto, be rezoned and changed from a A-1 District to an B-3 District.

LEGAL DESCRIPTION

LAND DESCRIPTION :

Tract 1:

Part of the Northwest quarter (1/4) of the Northwest quarter (1/4) of Section 14, Township 37 North, Range 8 East, Newbury Township, LaGrange County, Indiana, and being more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of the Northwest quarter of Section 14, Township 37 North, Range 8 East; thence South 89 degrees 57 minutes 40 seconds East, along the North line of said Quarter section, a distance of 392.71 feet to a survey mark nail (Justice 900004) at the point of beginning of this description; thence continuing along said line and bearing, a distance of 311.29 feet to a survey mark nail (Justice 900004) at the Northwest corner of a tract of land conveyed to Sam and Sara Brandenberger in Deed Record 99-06-94; thence South 00 degrees 10 minutes 08 seconds East along the West line of said Brandenberger land, a distance of 288.99 feet (290.00 feet recorded) to a capped rebar found at the Southwest corner of said Brandenberger land; thence North 89 degrees 50 minutes 04 seconds East, along the South line of said Brandenberger land, a distance of 75.09 feet (75 feet recorded) to a rebar found at the Southeast corner of said Brandenberger land; thence North 00 degrees 11 minutes 11 seconds West, along the East line of said Brandenberger land, a distance of 288.72 feet (290.00 feet recorded) to a PK nail found on the north line of said Quarter

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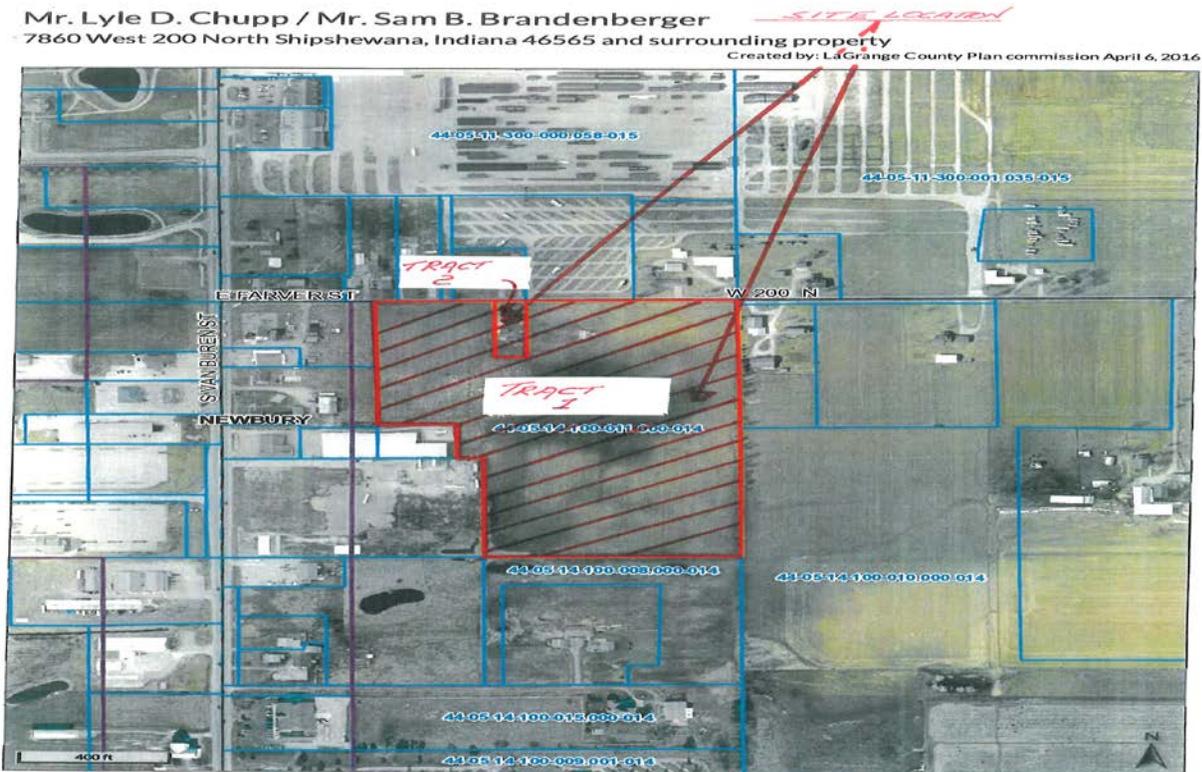
section; thence South 89 degrees 57 minutes 40 seconds East, along the North line of said Quarter Section, a distance of 540.59 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter of said section; thence South 00 degrees 03 minutes 20 seconds West, along the east line of the Northwest Quarter of the Northwest Quarter of said section, a distance of 1321.21 feet to the Southeast corner of the Northwest Quarter of the Northwest Quarter of said section, and being the Northeast corner of a land conveyed to Lyle and Joann Chupp in Deed Record 03-07-0957; thence South 89 degrees 41 minutes 56 seconds West, along the North line of said Chupp land and the South line of the Northwest Quarter of the Northwest Quarter of said section, a distance of 652.75 feet to an iron pipe at the Southeast corner of land conveyed to Mastercraft, Inc. in Deed Record 85-8-162; thence North 00 degrees 03 minutes 19 seconds East, along the East line of said Mastercraft land, a distance of 513.40 feet (512.7 feet recorded) to an iron pipe at the Northeast corner of said Mastercraft land; thence North 89 degrees 40 minutes 36 seconds West, along the North line of said Mastercraft land, a distance of 72.32 feet to a capped rebar (Justice 80900004) at the Southeast corner of the land conveyed to M C Resources in Deed Record 02-10-0312; thence due North, parallel with the West line of said Quarter section, and along the East line of said M C Resources land, a distance of 165.62 feet (165.00 recorded) to a capped rebar found at the Northeast corner of said M C Resources land; thence South 89 degrees 23 minutes 26 seconds West, along the North line of said M C Resources land, a distance of 200.37 feet to an iron pipe found at the Southeast corner of land conveyed to Charles and Dorothy Vaughn in Deed Record 77-8-6; thence North 00 degrees 07 minutes 52 seconds West, along the East line of said Vaughn land, a distance of 300.29 feet (300.00 recorded) to an iron pipe found at the Northeast corner of said Vaughn land; thence due North, parallel with the West line of said Quarter section, a distance of 347.69 feet to the point of beginning of this description, containing 23.67 acres, more or less.

Subject to all legal highways, rights-of-way, easements, liens or encumbrances of record; also subject to possible easements for drainage ditches and tile drains.

Tract 2:

Commencing 704 feet East of the Northwest corner of Section 14, Township 37 North, Range 8 East; thence South 290 feet; thence East 75 feet; thence North 290 feet; thence West along County Road 200 N to the place of beginning, more commonly known as 7860 West 200 North, Shipshewana, Indiana 46565.

Following a public hearing, the LaGrange County Plan Commission, on April 25, 2016, after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.



Mr. Kevin Myers made a motion to approve the rezone. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

A.K.S. Subdivision

There are two lots in this subdivision, in Clearspring Township, located at 6290 S 075 W, Wolcottville, IN. Section 25, Township 36N, Range 9E. The owners are Alan & Kathi Sprunger. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

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James & Rosalie Yoder

There is one lot in this subdivision, in VanBuren Township, located 4285 N 500 W, Shipshewana. Section 32, Township 38N, Range 9E. The owners are James & Rosalie Yoder. Mr. Terry Martin made a motion to approve the plat. Mr. Kevin Myers seconded the motion and it carried unanimously.

Replat of Lot #2 of P&C Addition and A Part of the Northeast Quarter of Section 25-37-8

There is one lot in this subdivision, in Newbury Township, located 6115 W 050 S, LaGrange. Section 25, Township 37N, Range 8E. The owners are Paul & Leetta Bontrager. Mr. Kevin Myers made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

BOWDITCH PETITION TO VACATE

Mr. Terry Martin made a motion to recess and reconvene the Bowditch petition to vacate till May 16, 2016 at 9:30 am. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE

Mediacom – April 14, 2016 letter

Strand Associates – April 25, 2016- February 2016 Groundwater Monitoring Report

Indiana Department of Environmental Management – Monitoring Well Repair Letter – 3/8/2016 VFC# 80262034

Indiana Department of Environmental Management – Notice of Decision: Approval – Therma Tru Corporation- 087-36860-00078

Indiana Department of Environmental Management – Notice of Public Comment – Nishikawa Cooper - 087-36530-00031

ADJOURNMENT

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

Larry N. Miller

Terry A. Martin

Kevin Myers

ATTEST:

Kay M. Myers
LaGrange County Auditor