

**JANUARY 21, 2025**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Tuesday, January 21, 2025, 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. Peter A. Cook and Mr. Kevin R. Myers; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry A. Martin was absent. Mr. Peter Cook, Vice 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 STATUS UPDATE – 0230 E 500 N, HOWE, INDIANA**

Mr. Tony Manns, County Attorney, explained that a nuisance existed at 0230 E 500 N, Howe, Indiana, owned by Thomas Tribbett. Mr. Eric Schoenherr, Code Enforcement Officer, reported that there are still some scrap items and mowers on the property that need to be removed. Mr. Kevin Myers made a motion to extend the nuisance matter until March 3, 2025, and authorize an order to signed by the President outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**JOINT EXECUTIVE SESSION**

Mr. Kevin Myers made a motion to set a joint executive session for February 10, 2025, at 9:00 a.m. Mr. Peter Cook seconded the motion and it carried unanimously.

**LAGRANGE COUNTY ARTS COUNCIL**

Ms. Mary Woodworth, President of the LaGrange County Arts, was present. The LaGrange County Arts is planning to hold an art show on June 28, 2025 and would like to use the Courthouse lawn for the event. Mr. Kevin Myers made a motion to approve the use of the grounds. Mr. Peter Cook seconded the motion and it carried unanimously.

Ms. Woodworth explained that the Indiana Art Commission is offering \$10,000 to the LaGrange County Arts for a project to raise awareness of local artists in the community. Six artists in LaGrange County will be participating in a project to promote art in LaGrange County. They have made posters of their art and have displayed them throughout the County. She thanked the County Commissioners for their support of the LaGrange County Arts.

**INFORMATION TECHNOLOGY – PURCHASE REQUEST**

Mr. Marc Peterson, Information Technology Director, presented a quote from Think Guard, in the amount of \$41,595, for new offsite data backup system. Mr. Kevin Myers made a motion to approve the quote as presented. Mr. Peter Cook seconded the motion and it carried unanimously.

**COMMUNITY CROSSING GRANT**

Mrs. Tharon Morgan, County Engineer, requested a financial commitment letter for the 2025 Community Crossing grant. Mr. Peter Cook made a motion to approve the agreement and authorize the President to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HIGHWAY – PURCHASE REQUEST FOR COMPACTOR**

Mr. Aaron Fugate, Highway Supervisor, presented quotes for a pneumatic roller. He received two quotes for a new roller and a quote for a 2023 roller. The price of the 2023 Bomag roller from Southeastern Equipment Company is \$85,890. Mr. Kevin Myers made a motion approve the quote for the 2023 Bomag roller as presented. Mr. Peter Cook seconded the motion and it carried unanimously.

**PARK – PURCHASE REQUEST FOR POLARIS RANGER**

Mrs. Mary Franke, Park Director, presented a quote for a 2025 Polaris Ranger 1500, from Planet Powersports in the amount of \$37,997.12. She has funding in the Park budget. Mr. Kevin Myers made a motion approve the quote as presented. Mr. Peter Cook seconded the motion and it carried unanimously.

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**PARK – PURCHASE OF ARCHERY TARGETS**

Mrs. Mary Franke, Park Director, requested permission to bid up to \$9,100 on archery targets for Pine Knob Park. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PARK – PERMISSION TO DECLARE ITEMS AS SURPLUS**

Mrs. Mary Franke, Park Director, requested permission to declare some chairs, tables, and archery targets as surplus. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

**CSI – COMPUTER SYSTEMS, INC – SOFTWARE LICENSE AGREEMENT**

Mrs. Kimberley Johnson, County Clerk, presented an agreement between CSI-Computer Systems, Inc. and the Clerk of LaGrange County for software licensing. The cost is \$4,000 per year. Mr. Peter Cook made a motion to approve the agreement and authorize the President to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**BUILDING DEPARTMENT – GARAGE AT CASS LAKE GARAGE**

Mr. Jason Boggs, Building Commissioner, was present and requested permission to work with the County Attorney on an issue at Cass Lake where a garage was built without a permit. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

**PUBLIC HEARING – REAL PROPERTY TRANSFER, 213 E CENTRAL AVENUE, LAGRANGE, INDIANA**

Mr. Kurt Bachman, County Attorney, explained that the property located at 213 E Central Avenue, LaGrange, Indiana was not sold at the County's 2024 annual tax sale. The real estate was formerly used for bulk petroleum products storage, and likely contains significant environmental hazards, which may require full remediation before the real estate can be more fully developed. To be eligible to receive title to the real estate, interested persons must sign and file an application. One application was received from Bravo Adventures, LLC. They submitted a plan for repair and maintenance to the real estate.

Mr. Peter Cook opened the public hearing. There being no comments from the public, the public hearing was closed.

The following Resolution was presented for consideration:

LAGRANGE COUNTY, INDIANA  
RESOLUTION NO. 2025-01-21-A

A RESOLUTION ADOPTED TO ORDER THE AUDITOR TO ISSUE A DEED FOR REAL PROPERTY IN THE COUNTY FOR WHICH THE COUNTY COMMISSIONERS HAVE A LIEN TO A PERSON ABLE TO SATISFACTORILY REPAIR AND MAINTAIN THE PROPERTY

WHEREAS, pursuant to Indiana Code ("IC") 6-1.1-24-6(a), if a parcel of real property is offered for sale at a county tax sale and an amount is not received equal to or in excess of the minimum sale price, the county executive acquires a lien for the property in the amount of the minimum sale price;

WHEREAS, pursuant to IC 6-1.1-24-6.9(b), the county executive may: (i) by resolution, identify a tract of real property that was offered for sale at a tax sale for which it received a lien and that the county executive desires to transfer to a person able to satisfactorily repair and maintain the property, if repair and maintenance of the property are in the public interest; and (ii) set a date, time, and place for a public hearing to consider the transfer of the property;

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WHEREAS, pursuant to IC 6-1.1-24-6.9(e), after the public hearing, the county executive shall make a final determination concerning: (i) the properties that are to be transferred; (ii) the person to which each property is to be transferred; and, (iii) the terms and conditions of the transfer;

WHEREAS, a property with the common address of 213 E. Central Ave., LaGrange, IN 46761, parcel identification of 44-07-19-400-002.044-002, which is more particularly described as follows:

Situated in LaGrange County, State of Indiana, to-wit:

Lots Number 1 and 2 in the Southwest Quarter of the Southeast Quarter of Section 19, Township 37 North, Range 10 East. EXCEPTING a parcel of land situated in the Southeast corner of said Lot 1, said parcel being 75 feet East and West at the North and 77.5 feet East and West at the South end, and being 122.5 feet in length North and South lying along and adjacent to the West line of the right of way of the Grand Rapids and Indiana Railroad Company

(as stipulated, "Real Estate")

was offered for sale at the LaGrange County ("County") Tax Sale on September 17, 2024 and an amount was not received equal to or in excess of the minimum sale price;

WHEREAS, pursuant to IC 36-2-2-2, the Board of Commissioners of the County of LaGrange ("Commissioners") is the executive of the County;

WHEREAS, pursuant to IC 6-1.1-24-6.2, because the Real Estate is located within the corporate boundaries of the Town of LaGrange ("Town"), the Town was given the opportunity to accept transfer of the Real Estate, but in a letter to the Commissioners dated December 10, 2024, the Town Council President formally declined the opportunity on behalf of the Town;

WHEREAS, pursuant to County Resolution 2024-12-30, the Commissioners identified the Real Estate as a property in need of repair and/or maintenance and as a property that the Commissioners desired to transfer to a person who is able to ensure that the Real Estate will be satisfactorily repaired and maintained; called for a public hearing to be held on the matter; and caused notice of the hearing to be published in accordance with IC 6-1.1-24-6.9 and IC 5-3-1;

WHEREAS, in response to the notice, the Commissioners received one or more applications from interested persons qualified to repair and maintain the Real Estate;

WHEREAS, on January 21, 2025, in accordance with the notice, the Commissioners held a public hearing to consider the merits of the applications received and all opposition to the proposed transfer of the Real Estate; *and*

WHEREAS, a motion to adopt this resolution was substantively introduced and seconded by members of the Commissioners constituting a legal quorum present at a public meeting, which was duly called pursuant to IC 5-14-1.5-5 by a notice stating its date, time, place, and purpose.

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

SECTION I – NAME

The name of this resolution is the "2024 Tax Sale Transfer Resolution."

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into and made a part of this resolution and found to be true, accurate, and correct.

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SECTION III – FINDINGS

- A. Ratification. The Commissioners hereby ratify the findings in the 2024 Tax Sale Maintenance Property Identification Resolution.
- B. Findings. The Commissioners hereby find that:
  - 1. Bravo Adventures, LLC, by Doug Bontrager, Manager, and Lydia Bontrager, Member (collectively, “Grantee”), has submitted an application to acquire the Real Estate (“Application”), which is attached hereto as Exhibit A and hereby incorporated by reference;
  - 2. the Application is complete and contains documentation of Grantee’s ability to satisfactorily repair and maintain the Real Estate, either personally or financially through the services of a third-party contractor;
  - 3. Grantee is best suited to repair and maintain the Real Estate based on the benefit to be provided to the public and the neighborhood, the suitability of the use for the Real Estate and the surrounding area as stated in the Application, and the likelihood that Grantee will satisfactorily repair and maintain the property.

SECTION IV – ORDERS

- A. Transfer. The Real Estate is to be transferred to Grantee in accordance with this resolution and under the terms stated in the Application (as stipulated, “Transfer”).
- B. Financial Encumbrances. Prior to the Transfer, the Auditor shall cause all delinquent taxes, special assessments, penalties, interest, and costs of tax sale related to the Real Estate to be removed from the tax duplicate.
- C. Petition. The Auditor is hereby authorized, empowered, and directed to take all action necessary and proper after the expiration of the redemption period for the Real Estate to cause a verified petition to be filed on behalf of the Grantee and Commissioners before the judge of the LaGrange County Circuit Court, asking the court to direct the Auditor to issue a deed in favor of Grantee if the Real Estate has not been timely redeemed.
- D. Deed. Once the Circuit Court issues an order as described in this section, the County Attorney shall prepare a deed for the Real Estate, which the Auditor shall execute but only in accordance with the Auditor’s standard procedures and as prescribed by applicable law.
- E. Maintenance and Repair. As soon as the Transfer is made effective, Grantee is hereby authorized, empowered, and directed to begin maintenance and repairs to the Real Estate within the timeframe stated in the Application.
- F. Financial Guarantee. No deposit or bond shall be required of Grantee as part of the maintenance and repairs required by this resolution.
- G. Failure to Comply. If the Commissioners suspect that Grantee has failed to comply with the terms and conditions of the Transfer, the Commissioners may: (i) after due notice, hold a hearing on the matter; (ii) make appropriate findings; and (iii) if it is found that Grantee has failed to comply with the terms and conditions of the Transfer, order that the deed to the Real Estate be assigned to another suitable person.

SECTION V – 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 may do instead of 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 the same.
- C. Severability. Should any section or part thereof of this resolution be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this resolution as a whole, nor any other portion thereof, and for this purpose the provisions of this resolution are hereby declared to be severable.
- D. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this resolution effective.
- E. Codification. As this resolution concerns a one-time property transfer, the codifier of ordinances should not codify this resolution.
- F. Effective Date. This resolution shall take effect immediately upon adoption; provided, however, that this resolution shall instead be null and void and of no effect if the judge of the Circuit Court should fail to order the Auditor to execute and issue a deed in favor of Grantee within the time prescribed by applicable law

Mr. Peter Cook made a motion to approve the Resolution. 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.

**PLAN COMMISSION - SETBACKS**

Mr. Kurt Bachman, County Attorney, reported that the Plan Commission is wanting a recommendation from the Commissioners for setbacks for AFO/CFO's from corporation limits. Mr. Kevin Myers made a motion to recommend the setbacks be set at 1500 feet for AFO/CFO's. Mr. Peter Cook seconded the motion and it carried unanimously.

**CANTEEN SERVICES CONTRACT**

Mr. Tracey Harker, County Sheriff, presented an amendment to the Food Service Agreement for Canteen Services. The purpose of the amendment is to implement a revision to the meal service pricing. Mr. Peter Cook made a motion to approve the amendment and authorize the President to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SHERIFF – ERS AGREEMENT**

Mr. Kurt Bachman, County Attorney, presented an agreement with ERS for on-Site infrastructure service support in the amount of \$3,395.45 for five years. Mr. Peter Cook made a motion to approve the agreement and authorize the President to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SHERIFF – REQUEST TO APPLY FOR A GRANT**

Mr. Tracey Harker, County Sheriff, requested permission to apply for a So Toxa Mobile Test System grant through the Indiana Criminal Justice Institute. This is for a handheld analyzer for the detection of drugs. Mr. Kevin Myers made a motion to approve the grant application. Mr. Peter Cook seconded the motion and it carried unanimously.

**SURVEYOR – PURCHASE OF VEHICLE**

Mr. Zach Holsinger, County Surveyor, requested permission to purchase a new vehicle for the Surveyor. He presented three quotes, with the lowest quote being from Max Platt, for a 2025 Ford F-150 pickup, in the amount of \$48,815.25. This would be paid out of the Cumulative Capital Development fund. Mr. Kevin Myers made a motion to approve the vehicle purchase. Mr. Peter Cook seconded the motion and it carried unanimously.

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**ORDINANCE AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS IN CERTAIN CERTIFICATES OF DEPOSIT**

Mrs. Connie Brower, County Treasurer, presented an investment policy for 2025, which is the same as the 2024 policy. The following Ordinance was presented for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2025-01-25-B

AN ORDINANCE AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS IN CERTAIN CERTIFICATES OF DEPOSIT.

WHEREAS, pursuant to Indiana Code (“IC”) 5-13-4-16, an “investing officer” is defined as “the person having authority by law to invest for the political subdivision, or, if there is no law, the person designated by resolution of the fiscal body”;

WHEREAS, pursuant to IC 36-1-2-9, the Board of Commissioners of the County of LaGrange (“Commissioners”) is the legislative body of LaGrange County, Indiana (“County”);

WHEREAS, pursuant to IC 5-13-9-5, a board of county commissioners may, by ordinance, authorize the investing officer to invest in certificates of deposit of depositories that have not been designated by the local board of finance but have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5; *and*

WHEREAS, the Commissioners desire to authorize the investing officer to invest in certificates of deposit to the fullest extent of applicable law within the parameters of the County’s general investment policies.

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

SECTION I – NAME

The name of this ordinance shall be the “2025 CD Investment Ordinance.”

SECTION II – RECITALS

The Commissioners hereby incorporate the foregoing recitals, including all defined terms, into this ordinance and find them to be true, accurate, and correct.

SECTION III – DEFINITIONS

- A. General. Whenever used in this ordinance, the following terms shall have those meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.
1. “Act” refers to Public Law 19-1987, as codified into the Indiana Code at IC 5-13, and as may have been or may be subsequently amended from time to time.
  2. “Board” has the meaning ascribed to it in the Investment Policy.
  3. “Depository” has the meaning ascribed to it in the Act.
  4. “Investing officer” has the meaning ascribed to it in the Investment Policy.
  5. “Investment” has the meaning ascribed to it in the Investment Policy.
  6. “Investment Policy” refers to the LaGrange County Investment Policy, as adopted by the Investment Policy Adoption Ordinance.
  7. “Public funds” has the meaning ascribed to it in the Investment Policy.
  8. “State board of finance” has the meaning ascribed to it in the Act.

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- B. Determination. The Commissioners shall have the final authority in determining the meaning of these terms.

### SECTION IV – CERTIFICATES OF DEPOSIT

- A. Investment Authority. In accordance with IC 5-13-9-5, the Act, and the Investment Policy, the investing officer is hereby authorized to invest public funds in certificates of deposit of depositories that have not been approved by the Board but have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5.
- G. Expiration. The authority granted by this ordinance expires on December 31, 2024.

### SECTION V – MISCELLANEOUS

- A. Extraneous Claims Barred. 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 apply to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, nor any other right, protection, immunity, defense, or limitation on liability that the County or such related parties is provided by applicable law.
- B. External Review. Nothing in this ordinance shall subject an investment that is otherwise lawful under the Act to additional review by the Indiana State Board of Accounts or by any other external agency.
- C. References.
- a. 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.
  - b. 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).”
  - c. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- D. 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.
- E. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- F. Ratification. The Commissioners hereby ratify, confirm, and approve all disinterested actions heretofore taken by The Board of Finance of LaGrange County or the investment officer concerning investments in certificates of deposit for which ratification is required or permitted by applicable law.
- G. 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.
- H. Codification. Even if this ordinance has expired, it may be codified as long as its most recent expiration date is conspicuously shown. The Definitions section does not need to be codified where it would be redundant with the Investment Policy Adoption Ordinance.
- I. Retroactive Effective Date. This ordinance shall be deemed effective as of, and retroactive to, January 1, 2025.
- J. Expiration. This ordinance expires on December 31, 2025.

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Mr. Kevin Myers made a motion to approve the Ordinance. 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.

**CONFLICT OF INTEREST STATEMENT DISCLOSURE STATEMENTS**

Mrs. Kathryn Hopper, County Auditor, presented Uniform Conflict of Interest Disclosure Statements from Jeff Brill. Mr. Kevin Myers made a motion to accept. Mr. Peter Cook seconded the motion and authorize the President to sign outside of a public meeting.

**ACCOUNTS PAYABLE VOUCHERS**

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

**DECEMBER 2024 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending December 31, 2024, in the amount of \$74,765,302.47 and investments of \$100,000.00. Mr. Kevin Myers made a motion to accept the report. Mr. Peter Cook seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Kevin Myers made a motion to approve the memorandum for the January 15, 2025 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**CORRESPONDENCE**

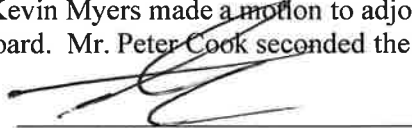
LaGrange County Treasurer – December 2024 report

Indiana Department of Environmental Management – Notice of Approval – Registration Administrative Amendment, D.L. Miller Woodworking, 5345 North 400 West, Shipshewana, Indiana 46565, Permit Number 087-48580-00675

Indiana Department of Environmental Management – Notice of Approval – Registration Revision, RPM Wood Finishes Group Inc dba Finishworks, 7990 W CR 075 N, Shipshewana, Indiana 46565, Permit Number 087-48098-00077

**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.

  
Terry A. Martin

  
Peter A. Cook

  
Kevin R. Myers

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor