

MAY 1, 2017

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, May 1, 2017, 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, Mr. Terry A. Martin, and Mr. Dennis H. Kratz; and LaGrange County Chief Deputy Auditor, Kathy Hopper. Mr. Larry Miller, President, 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. Dennis Kratz seconded the motion and it carried unanimously.

BRIDGE NO. 47 - COUNTY ROAD 700 SOUTH OVER NORTH BRANCH ELKHART RIVER

Ms. Sarah Farlow, County Engineer, reported that she has reviewed the Bids for Bridge No. 47 and recommends that the bid be awarded to JCI Bridge Group, Inc. for \$229,888.90. Mr. Terry Martin made a motion award the bid to JCI Bridge Group, Inc. Mr. Dennis Kratz seconded the motion and it carried unanimously.

STATE ROAD 120 – ROAD CLOSURE FOR INDIAN SUMMER DAYS

Mr. Kurt Bachman, County Attorney, requested permission to apply to INDOT to close a portion of State Road 120 in Howe on September 15 and 16, 2017 for Indiana Summer Days. Mr. Terry Martin made a motion to approve. Mr. Dennis Kratz seconded the motion and it carried unanimously.

LAMBRIGHT FARM

Mr. Larry Miller presented an additional quote for \$1,450.00 from Kennedy Painting to have the barn painted on the Lambright. Mr. Kennedy's original quote for \$2,350.00 was for 6 gallons of paint and it should have been for 16 gallons of paint. Mr. Dennis Kratz made a motion approve the additional quote. Mr. Terry Martin seconded the motion and it carried unanimously.

QUOTES FOR SEALING PARKING LOTS

Mr. Gary Mast, Maintenance Director, presented quotes for sealing the parking lots at the County Office Building and at the Health Department. The quote for the Health Department is for \$2,545.20, with the Health Department paying \$1,000 and LaGrange County Economic Development Corporation paying \$750.00. The quote for the County Office Building is for \$879.60. Mr. Terry Martin made a motion to approve the quotes. Mr. Dennis Kratz seconded the motion and it carried unanimously.

AMENDMENTS TO THE ZONING ORDINANCE

Mr. Bob Shanahan, Planning Administrator, presented the following Amendments to the Zoning Ordinance:

AMENDMENT NO. 2017-05-01 A
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 1,100 feet West of 9420 W US 20, Shipshewana, IN,(parcel # 44-05-21-100-009.000-014) more fully described below hereto, be rezoned and changed from a A-1 District to an B-3 District.

LEGAL DESCRIPTION

LAND DESCRIPTION:

A tract of land located in the northwest quarter of section 21. Township 37 north. Range 8 east, LaGrange County. The state of Indiana. More fully described as follows:

Commencing at the northeast corner of said northwest quarter, marked by a Harrison marker found this survey. Thence west (record). Along the north line of said northwest quarter, 817.26 feet to a mag nail set at the northwest corner of a tract of land conveyed to Marlin E. Eash, Trustee, and Doris A. Eash, Trustee, of the Eash Family Revocable Living Trust, per LaGrange County document No. 15080401 and being the point of beginning of this description. Thence continuing west, along the north line of said northwest quarter. 251.78 feet to a mag nail set. Thence south, 50 feet, more or less, to the center of the Amos Hostetler open regulated drain; thence along aforesaid open regulated drain for the following two bearings and lengths: thence s 48°15'34" w. 333 feet, more or less; thence s 13°45'0t" w, 227 feet, more or less, to the center of the Haarer open regulated drain; thence s 87°49'18" e, along said center of the Haarer open regulated drain. 553 feet, more or less, to the west line of said Eash family revocable living trust, thence n 00°08'28" e. Parallel with the east line of said northwest quarter and along the west line of aforesaid tract, 35 feet more or less, to a rebar set; thence continuing n 00°08'28" e, 478.00 feet to the point of beginning, said tract containing 5.00 acres, more or less, and being subject to all public road rights-of-way and all easements of record.

A survey of said tract being represented by plat of survey #37-08-21-006-1a as prepared by Sexton and Associates; 111 W. Spring Street, Suite 4, LaGrange, Indiana 46761. Any apparent encroachments affecting said tract are as shown on the plat of survey the above described tract of land is located within "zone x areas determined to be outside tile 0.2% annual chance flood plain" as shown on the flood insurance rate map i8087c0165c as prepared by the federal emergency management agency.

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Following a public hearing, the LaGrange County Plan Commission, on April 24, 2017, after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.

Mr. Dennis Kratz made a motion to approve the Amendment. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

AMENDMENT NO 2017-05-01 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 B-3 DISTRICT TO AN I-2 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 directly North of 7060 N SR 9, Howe, IN,(parcel # 44-03-13-400-009.000-012) more fully described below hereto, be rezoned and changed from a B-3 District to an I-2 District.

LEGAL DESCRIPTION

LAND DESCRIPTION:

Part of land conveyed to Wilbur G. Schmidt, et al, as described in Deed Record 09010289, Lagrange County Recorder, situated in the Southeast Quarter of the Southeast Quarter of Section 13, Township 38 North, Range 9 East, Lima Township, Lagrange County, Indiana, as depicted on the attached Parcel Plat, marked EXHIBIT "B", and being more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 13; thence North 1°25'46" West, along the east line of the Southeast Quarter of said Section 13, said bearing being the basis of bearing of this description, with all other bearings herein relative thereto, 379.06 feet to a point lying 50 feet perpendicular from the northeast corner of land conveyed to U.S. Land and Storage Co., LLP, as described in Deed Record 04100649, Lagrange County Recorder, and being the Point of Beginning; thence South 88°34'14" West 50 feet to the northeast corner of said U.S. Land and Storage Co., LLP land; thence South 87°45'14" West, along the north line of said U.S. Land and Storage Co., LLP land, 163.40 feet to the northwest corner of said U.S. Land and Storage Co., LLP land; thence South 88°34'14" West 536.71 feet to the west line of the grantor's land; thence North 3°03'46" West, along the west line of the grantor's land, 37.76 feet; thence North 13°05'14" East, along the westerly line of the grantor's land, 247.49 feet; thence North 88°34'14" East 689.13 feet to the east line of the Southeast Quarter of said Section 13, also being the east line of the grantor's land; thence South 1°25'46" East, along said east line, 275.00 feet to the Point of Beginning, and containing 4.60 Acres.

Following a public hearing, the LaGrange County Plan Commission, on April 24, 2017, 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 Amendment. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

COMMITTEE REPORTS

Mr. Dennis Kratz reported that he attended a Council on Aging meeting.

Mr. Terry Martin reported that he held a Town Hall meeting in Mongo on April 19, 2017. He also attended the LaGrange County Regional Utility District Meeting.

Mr. Larry Miller reported on the Plat Committee meeting.

SALE OF ASPHALT DISTRIBUTOR

At 9:00 a.m. Mr. Randy VanWagner, Highway Superintendent, opened the bid from Pulver & Sons Asphalt Materials, Inc. Their bid is for \$25,000.00. Mr. Dennis Kratz made a motion accept the bid. Mr. Terry Martin seconded the motion and it carried unanimously.

NUISANCE HEARING – ROBERT HICKS, 6035 S 450 E

At 9:05 a.m. Mr. Don Wismer, Code Enforcement Officer, reported that Mr. Robert Hicks has made progress on the cleanup of his property and he recommends giving him another 30 days. Mr. Terry Martin made a motion to continue the public hearing on June 19, 2017 at 9:00 a.m. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MINUTES

Mr. Terry Martin made a motion to approve the April 17, 2017 regular meeting minutes, and April 28, 2017 special session minutes. Mr. Dennis Kratz seconded the motion and it carried unanimously.

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MEMORANDUM

Mr. Terry Martin made a motion to approve the memorandum for the April 29, 2017 meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

Stutzman, Jerry & Lori Ann – Stutzman Estates

There are three lots in this subdivision, in Newbury Township, located at 11150 W 025 S, Middlebury, Indiana. Section 30, Township 37N, Range 8E. The owners are Joe and Ruth Ann Stutzman. Mr. Dennis Kratz made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

Marvin Bontrager F Date Subdivision

There is one lot in this subdivision, in Newbury Township, located at 0750 S 900 W, Shippshewana, Indiana. Section 28, Township 37N, Range 8E. The owners are Marvin and Beth Ann Bontrager. Mr. Terry Martin made a motion to approve the plat. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Daryl Gingerich Subdivision

There is one lot in this subdivision, in Eden Township, located south of 3135 S 1200 W, Shippshewana, Indiana. Section 7, Township 36N, Range 8E. The owners are Daniel, Kathryn, Jerry and Emma Schrock. Mr. Terry Martin made a motion to approve the plat. Mr. Dennis Kratz seconded the motion and it carried unanimously.

CORRESPONDENCE

James Ellsworth – Letter

Strand Associates – February 2017 Surface Water Monitoring Report

Indiana Department of Environmental Management – Withdrawal of Confined Feeding Operation Permit Application, Daniel Bontrager, Farm ID #6964

Indiana Department of Environmental Management – Notice of Approval, Permit 087-37997-00686, A & M Woodworking, 5545 S 1125 W, Millersburg, Indiana

Indiana Department of Environmental Management – Notice of Revocation, Permit 087-39398-00088, Yoder Wood Products LLC, 1200 N Detroit Street, LaGrange, Indiana

Indiana Department of Environmental Management – Notice for Public Comment, Preliminary Findings, Cruiser RV, LLC MSOP Renewal, No.: M087-38019-00080, LaGrange, Indiana

Indiana Department of Environmental Management – Notice for Public Comment, Preliminary Findings, Engravers of Light, Inc., MSOP No.: M087-38213-00687

US Army Corps of Engineers – Marine Builders, Inc. – To promote more efficient maintenance dredging operations and to provide additional fleetings, Clark County, Indiana

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. Dennis Kratz seconded the motion and it carried unanimously.

Larry N. Miller

Terry A. Martin

Dennis H. Kratz

ATTEST:

Kay M. Myers
LaGrange County Auditor