

# Agenda

Thursday, November 9, 2023 8:41 AM

## AGENDA

### **MONTGOMERY COUNTY BOARD OF COMMISSIONERS MEETING MONDAY, NOVEMBER 27, 2023**

**8 AM**

**1580 Constitution Row - Room E109  
Crawfordsville, IN 47933**

**CALL TO ORDER Board President John E. Frey**

**PLEDGE ALLIGENCE and PRAYER**

#### **CONSENT AGENDA**

Approval of Claims - Accounts Payable & 11/17 Payroll  
Minutes - November 13, 2023  
2024 County Holiday Schedule

#### **PUBLIC HEARINGS**

**RZ2023-3 Ratcliff Re-Zone** Request Land at 1388 West U.S. Highway 136 from Commercial to Residential

**Ordinance 2023-28** Approving the Request of Ratcliff, Inc. and Rezoning a Certain Parcel of Land at 1388 West U.S. Highway 136 from Commercial to Residential

**RZ2023-4 Nucor Corporation Re-Zone** Request at 4259 E Ladoga Road from Agricultural & Commercial Zoned property to Industrial

**Ordinance 2023-29** Approving the Request of Nucor Corporation and Rezoning Certain Parcels of Land at 4259 East Ladoga Road from Agricultural and Commercial to Industrial

**Text Amendments to Chapter 159:** New Zoning Districts, Bulk Standards and add Articles 16, 17, 18 & 19 to the Montgomery County Zoning Code

**Ordinance 2023-30** Adopting Text Amendments to the Zoning Ordinance

#### **NEW BUSINESS**

Open Highway Department Annual Bids

Notice to Bidders - 2023-2 CCMG Project - Bids to be opened January 8, 2024 @ 8am

United Consulting Task Order No 7 - Scour Maintenance

Schedule last meeting in December

#### **ORDINANCES**

Introduction Ordinance 2023-31 Adopting a Policy for Recording Receipt of Real

Estate and Personal Property Tax Payments

**RESOLUTIONS**

Resolution 2023-7 Resolution of the Montgomery County Board of Commissioners  
Approving an Order of the Montgomery County Plan Commission

**OTHER BUSINESS**

**ADJOURNMENT**

# Agenda Memo

Monday, November 20, 2023 2:16 PM

## AGENDA MEMO

### **MONTGOMERY COUNTY BOARD OF COMMISSIONERS MEETING MONDAY, NOVEMBER 27, 2023 - 8 AM CALL TO ORDER Board President John E. Frey**

#### **PLEDGE ALLIGENCE and PRAYER**

#### **CONSENT AGENDA**

Approval of Claims - Accounts Payable & 11/17 Payroll

Minutes - November 13, 2023

#### **2024 County Holiday Schedule -**

*New Year's Day-Monday, January 1; Martin Luther King, Jr. Day-Monday, January 15;*

*President's Day-Monday, February 19; Good Friday-Friday, March 29; Primary Election Day Tuesday-May 7; Memorial Day-Monday, May 27; Juneteenth-Wednesday, June 19;*

*Independence Day-Thursday, July 4; Labor Day-Monday, September 2; Election Day-Tuesday, November 5; Veteran's Day-Monday, November 11; Thanksgiving Day-Thursday,*

*November 28; Day after Thanksgiving-Friday, November 29; Christmas Eve-Tuesday, December 24 Christmas Day, Wednesday, December 25; Day After Christmas Thursday, December 26.*

*This proposed schedule is the same schedule adopted by the City of Crawfordsville which we have followed over the past few years.*

#### **PUBLIC HEARINGS**

**RZ2023-3 Ratcliff Re-Zone** Request Land at 1388 West U.S. Highway 136 from Commercial to Residential

*The Plan Commission conducted a public hearing to consider a Re-zone of a parcel from Commercial to Residential. The parcel is located on US Highway 136 650 feet West of County Road 125 W. The parcel is .7 acres with an existing building that previously was used as a doctor's office. The petitioner wishes to remodel the existing building for change of occupancy to a single-family dwelling and add an unattached garage to the site as well. The adjacent properties are higher density residential. The property is less than the required 1 acre for a single-family dwelling but the existing characteristics of the building are consistent with Single family dwelling and no additional square footage to the building is planned. The planned unattached garage will be located over existing impervious parking lot which existed for the small doctor's office. The petitioner will be required to have a septic review prior to any permits issued. The remodel for the existing building will*

*be required to obtain a building permit as well. Access to the property to US 136 and is more than adequate for the planned occupancy change to an SFD. The site is served by on-site well and septic. The property has an existing E911 address. The Plan Commission has held a public hearing and have determined a favorable recommendation to the Montgomery County Commissioners for final decision on zoning classification change from business to residential.*

**Ordinance 2023-28** Approving the Request of Ratcliff, Inc. and Rezoning a Certain Parcel of Land at 1388 West U.S. Highway 136 from Commercial to Residential

**RZ2023-4 Nucor Corporation Re-Zone** Request at 4259 E Ladoga Road from Agricultural & Commercial Zoned property to Industrial

*The Plan Commission conducted a public hearing to consider a Re-zone of four parcels. Three of the parcels are currently zoned agricultural and one is zoned Commercial. The parcels are located south of County road Ladoga Rd. the four parcels total approximately 152 acres and are all owned by Nucor Corporation. The purpose of the re-zone is for the petitioner to develop the site for industrial manufacturing. This area in Montgomery County zoning is industrial and agricultural with low density residential. The proposed site is adjacent to the Nucor Steel Campus and is the former site of Herr Voss Stampco manufacturing property. The existing building from the Herr Voss site will be used for the proposed facility. To the west is the Ceres Solutions Cooperative and Whitesville Crop Nutrient facility which is an industrial site. To the east is agriculture and residential zoning classifications. The area north of the site is the Nucor campus and agricultural properties and to the south is agricultural.*

*Ladoga Rd is the access point for the project and is a major collector in the Montgomery County road system. The project proposes 4 entrances into the property from Ladoga Road. The Montgomery County Street Design Standards allow multiple entrances with 200' minimum separation. Sight distances at the property are capable of the requested entrances. A traffic study could be required by the Commission. The site will be served for sanitary by the MC Regional Sewer District. No SFHA exist on the property but a small pocket wetland area does exist on the property. The Plan Commission has held a public hearing and forwarded a favorable recommendation with one condition "no light or external public address systems to be allowed on property" to the Montgomery County Commissioners for final decision on zoning classification change from commercial to industrial.*

**Ordinance 2023-29** Approving the Request of Nucor Corporation and Rezoning Certain Parcels of Land at 4259 East Ladoga Road from Agricultural and Commercial to Industrial

**Text Amendments to Chapter 159:** New Zoning Districts, Bulk Standards and add Articles 16, 17, 18 & 19 to the Montgomery County Zoning Code

*ZA2023-1- New zoning districts, Accessory uses, Use table, Bulk standards and Development Plan Review.*

**Added Articles:** *16 Outdoor Lighting, 17 Off Street Parking, 18 Landscaping and Screening and 19 Signs.*

**Procedure:** *After a Zoning Ordinance is adopted, the text of the Ordinance may be amended. Amendments usually are the result of new zoning issues in the jurisdiction, problems in the administration of the Ordinance, or the discovery of errors which require technical correction. Text amendments are initiated by either the Plan Commission or County Commissioners and require a public hearing. After you conduct a public hearing the County Commissioners will rule on amendments to Chapter 159.*

**Article 2 - District Regulations**

*2.02 Zoning Districts*

*The amendment to section 2.02 expands from the original six districts (A, R, C, I, AO, PUD) to incorporate four new residential classifications a second Commercial class along with an Institutional classification*

*Article 2 amendment adds definitions for each individual classification. These definitions explain the newly created zoning districts R-1,R-2, R-3, R-4, MH, IN AND C-1.*

*Article 2 Use Table A has been amended by individual use with the associated zoning classification. The table lists multiple uses and each individual zoning class in which the use is conforming.*

*Article 2.18 adds language for accessory use which is conforming in all districts and outlines the attributes of accessory.*

*Article 2.19 adds the bulk standards that apply to each district.*

**Article 14 - Development Plan Review**

*14.03 this section is edited to add the uses from article 2 that would be required to file a development plan with the Commission. The amendment to article 14 also adds an expansion of use structure or site for additions to existing properties of 35% or more.*

**New Article 16 - Outdoor Lighting Standards**

*Adds an article to Chapter 159 for lighting on properties in R-2, 3,4, C, C-1, MH, IN and I. the lighting standards will regulate exterior lighting trespass.*

**New Article 17- Off Street Parking and Loading**

*Sets standards for adequate area of size and location for off street parking within the County. The article also sets requirements for parking space size as well as driving lanes associated with the off street parking.*

*ADA standards for parking lots in chapter 159 with the intent to provide parking requirements for various uses.*

***New Article 18 - Landscaping and Screening***

*provides requirements to foster development that will protect and preserve the appearance and increase the compatibility of uses to minimize noise, dust and other intrusions to other adjacent uses.*

***New Article 19 - Signs***

*Is designed to maintain the aesthetic nature of the County and to minimize negative effect of signs to nearby properties. The article also allows for consistency of regulation throughout the County.*

**Ordinance 2023-30 Adopting Text Amendments to the Zoning Ordinance**

**NEW BUSINESS**

**Open Highway Department Annual Bids**

*Annual Bids were due on Wednesday, November 22nd by 2:00 pm. The bids are for*

*Tires; Aggregate; Bituminous; Oil; Fuel; Culverts; Bridges; Guardrail; and Salt Sealed Bids will be opened and Highway Director Jake Lough requests that the Commissioners take the bids under advisement.*

**Notice to Bidders - 2023-2 CCMG Project -**

*Bids due January 5, 2024 by 4pm - Bids opened Monday, January 8, 2024 @ 8 am. Project includes: CONCORD RD FROM CITY LIMITS TO CR 400 N; CR 150 S FROM LADOGA RD TO NUCOR RD  
CR 700 N FROM US 231 TO CR 100 W; CR 600 S FROM US 47 TO NEW MARKET TOWN LIMITS; CR 600 S FROM NEW MARKET TOWN LIMITS TO US 231.*

**United Consulting Task Order No 7 - Scour Maintenance - \$143,000**

*Task order #7 total cost **\$143,000** consisting of nine bridges these bridges are identified by our bridge improvement plan and bridge inspection reports. The following bridge have been identified: #'s 9, 14, 95, 127, 134, 136, 174, 25, & 197. The following work will be performed by United Consulting: **Permit Applications (IDEM 401, ACOE 404, IDNR CIF) \$85,500***

*IDNR CIF needed only for Bridges 25 and 197. The application for the IDNR CIF shall be a Non-Modeling, no change in effective cross sectional area of Construction in a Floodway Permit application **Hydraulic Analysis \$49,500** Preparation of Hydraulic Analysis as necessary to determine the required scour countermeasures.*

***Bidding Services \$5,000***

*Prepare necessary contract bidding documents including specifications, standard drawings, both standard and unique bidding forms which may be supplied by Montgomery County*

***Post Bid Services \$3,000***

*Attend pre-construction meeting*

*Respond to Requests for Information (RFI) submitted by the contractor.*

Discuss last meeting in December schedule

*A date for the final meeting in December has not been scheduled.*

## **ORDINANCES**

Introduction Ordinance 2023-31 Adopting a Policy for Recording Receipt of Real Estate and Personal Property Tax Payments

*SBOA has issued a directive to County Treasurers to adopt a policy to effectively implement the statutory requirements of Indiana Code 6-1.1-37-10 related to receipts of tax payments and the issuance of penalties in the cases of late payments. The County Treasurer has procedures in place and now desires to adopt them into the County Code of Ordinances as official policy.*

## **RESOLUTIONS**

Resolution 2023-7 Resolution of the Montgomery County Board of Commissioners Approving an Order of the Montgomery County Plan Commission

*Nucor Corporation is planning the development of two new industrial and manufacturing facilities, one of which is south of the intersection of Nucor Road and County Road 500 South (Ladoga Road) in the County (known as the "Nucor Towers Project"), and one of which is on its site west of Nucor Road in the County (known as the "Nucor Coatings Project"), and the Nucor Corporation will continue to develop improvements and install new depreciable personal property in its existing manufacturing facility;*

*Amending Declaratory Resolution No. 2, Amending Declaratory Resolution No. 3 and Amending Declaratory Resolution No. 4 are referred to as the "Amending Declaratory Resolutions;"*

*The Original Plan, as amended in the Area Resolution, is hereinafter referred to as the "2023 Plan;"*

*The Act requires approval of the action of the Plan Commission by the Board of Commissioners of the County prior to the Commission holding public hearings on the Amending Declaratory Resolutions;*

## **OTHER BUSINESS**

## **ADJOURNMENT**

# AP Claims

Monday, November 13, 2023 3:47 PM



# Payroll Claims

Monday, November 13, 2023 3:47 PM

# Minutes: November 13, 2023

Monday, November 13, 2023 3:47 PM

**MINUTES**  
**MONTGOMERY COUNTY COMMISSIONER MEETING**  
**MONDAY, NOVEMBER 13, 2023**

The Montgomery County Commissioners met in regular session on Monday, November 13, 2023 at 8:00 am at the Montgomery County Government Center, 1580 Constitution Row – Room E109, Crawfordsville, Indiana.

**CALL TO ORDER**

On call of the roll, the members of the Board were shown to be present as follows: President John E. Frey; Vice President Commissioner Jim Fulwider and Commissioner Dan Guard.

Also present: County Attorney Dan Taylor; Assistant County Attorney Tyler Nichols; Auditor Mindy Byers; Building Administrator Marc Bonwell; Highway Director Jake Lough; Mapping Administrator Mike Davis; Assessor Sherri Bentley; Health Administrator Adrienne Northcutt; CCC Director Sherri Henry.

**PLEDGE & PRAYER**

Commissioner Frey led the pledge of allegiance and Commissioner Dan Guard led the prayer.

**CONSENT AGENDA**

**Approval of Claims:** October 30, 2023 to November 13, 2023

Accounts Payable - \$2,602,069.22

Payroll 10/20 - \$643,953

**Minutes** – October 23, 2023

Treasurer Heather Laffoon requesting approval to enter into a Master Subscription Agreement with Certified Payments, an online payment vendor for property tax payments. Service Fee Per Transaction: 2.50% for all Visa, MasterCard, Discover - \$2.00 minimum. \$2.00 fee for Electronic Check/ACH.

*Commissioner Fulwider moved to approve the Consent Agenda. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.*

**NEW BUSINESS**

**Approve Letter of Engagement - Job Classification and Compensation Study**

The County received two proposals to complete a compensation study. The submittals were from Waggoner, Irwin, Sheele & Associates and NFP. Both firms were interviewed and references were checked. The recommendation is to proceed with a contract with Waggoner, Irwin, Sheele & Associates for an estimated cost of \$62,840 plus travel expense reimbursement. The Council budget would be utilized to pay for the study. Approval of the contract will be contingent upon the Council authorizing the expenditure of funds, as well as approval of the contract.

Waggoner, Irwin and Sheele & Associates is an Indiana based company and was established in 1979. Since their founding, they have been engaged by 80 counties and 70 Indiana cities and towns to complete compensation studies. Their references included the Counties of Dekalb, Hamilton, Harrison, Morgan, Owen and Shelby. Addie Rooker will be the principal in charge of the project. Ms. Rooker has a bachelor's degree in human resources management and has been employed by Waggoner et al since 2001. She has supervised dozens of job classification and compensation surveys.

*Commissioner Fulwider moved to approve the Letter of Engagement with Waggoner, Irwin, Sheele & Associates. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.*

## **ORDINANCES**

### **Final Reading Ordinance 2023-22: Creating the 2024 Justice Partners Addiction Response Grant Fund-\$50,000**

This ordinance creates a fund for the funds awarded by the Indiana Office of Court Services for Justice Partners Addiction Response. The grant funds may only be used towards costs related to recovery and substance abuse treatment. The fund is a non-reverting fund.

*Commissioner Fulwider moved to approve Ordinance 2023-22. Seconded by Commissioner Guard. Motion carried 3-0 votes in favor.*

### **Final Reading Ordinance 2023-23: Creating the FY2024 DOC Drug Court Grant Fund - \$80,441**

This ordinance creates a fund for the funds awarded by the Indiana Department of Corrections from the FY2024 Community Corrections & Justice Reinvestment Grants. The grant funds may only be used towards costs related to Drug Court Programs. The fund is a non-reverting fund.

*Commissioner Guard moved to approve Ordinance 2023-22. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

### **Final Reading Ordinance 2023-24: Creating the FY2024 DOC Probation Grant Fund - \$164,890**

This ordinance creates a fund for the funds awarded by the Indiana Department of Corrections from the FY2024 Community Corrections & Justice Reinvestment Grants. The grant funds may only be used towards funding the Probation Office. The fund is a non-reverting fund.

*Commissioner Guard moved to approve Ordinance 2023-24. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

### **Final Reading Ordinance 2023-25: Creating the 2024 Family Recovery Court Grant Fund - \$106,388**

This ordinance creates a fund for the funds awarded by the Indiana Office of Court Services from the FY2024 Family Recovery Court Grant Fund to the Montgomery Circuit Court. The grant provides funding for the Family Recovery Court Program. The fund is a non-reverting fund.

*Commissioner Guard moved to approve Ordinance 2023-25. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

### **Introduction Ordinance 2023-27: Amending County Road 400 North Weight Weight Limit Regulation**

Attorney Taylor explained, on October 27, 2023, the Board of Commissioners adopted Ordinance 2023-26 which amended the speed limit on County Road 400 North and ordained that no trucks with a gross vehicle weight of more than five tons should be allowed on this road from County West 400 to State Road 231, except for farm trucks transporting grain from the field at harvest directly to the nearest road other than County Road 400 North; and the Board of Commissioners

believe that school buses and service and delivery trucks, making service calls or deliveries on County Road 400 North, should be exempted from the weight limits imposed; and the Board of Commissioners believe that the prior safety measures, with these additional exceptions, will improve safety on County Road 400 North.

*Commissioner Guard moved to suspend the rules and add Second Reading – Ordinance 2023-27. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

*Commissioner Fulwider moved to approve Ordinance 2023-27. Seconded by Commissioner Guard. Commissioner Frey read the following statement into the record: "Because of two fatal accidents and other accidents on County Road 400 North in the past 5 years, the Commissioners have engaged engineers and reviewed accident reports in order to address any safety issues on that road. The two fatal accidents involved very high rates of speed, well in excess of the legal speed limit; Our immediate action has been to reduce the speed limit in order to try to slow down vehicles on the road; The Commissioners have more recently lowered the speed again, made the road a no passing area, and imposed weight limits in order to prevent large trucks from traveling on the road; The Commissioners will continue to study options available to us, the costs of such options, and the money available to us to make other changes; The County is one of five in Indiana to use a road evaluation and safety rating system. We will continue to use this system and, in our discretion, decide what further measures are appropriate for County Road 400 North and our other roads. Still, we need everyone traveling on the road to slow down and drive more safely." After further comments from Commissioners Fulwider and Guard, Commissioner Frey called for the vote. Motion carried 3-0 votes in favor.*

#### **ADJOURNMENT**

There being no further business before the Board, meeting adjourned. Meeting adjourned @ 8:13 am.

Minutes prepared by Commissioners Executive Assistant Lori Dossett.

The next regular meeting will be held on Monday, November 27, 2023 @ 8:00 am @ Montgomery County Government Center-Room E-109.

#### **MONTGOMERY COUNTY BOARD OF COMMISSIONERS:**

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**John E. Frey, President**

**Attest:**

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**Mindy Byers, Auditor**

# 2024 County Holiday Schedule

Monday, November 13, 2023 3:47 PM

**MONTGOMERY COUNTY COMMISSIONERS**

**John E. Frey, President**  
**Jim Fulwider, Vice President**  
**Dan Guard, Member**

2024 HOLIDAY SCHEDULE

The seal of Montgomery County, Indiana, is centered in the background. It features a landscape with a sun, a tree, a river, and a building. The text "MONTGOMERY COUNTY" is arched over the top, and "INDIANA" is arched over the bottom. The year "1822" is on the right side.

New Year's Day	Monday, January 1
Martin Luther King, Jr. Day	Monday, January 15
President's Day	Monday, February 19
Good Friday	Friday, March 29
Primary Election Day	Tuesday, May 7
Memorial Day	Monday, May 27
Juneteenth	Wednesday, June 19
Independence Day	Thursday, July 4
Labor Day	Monday, September 2
Election Day	Tuesday, November 5
Veteran's Day	Monday, November 11
Thanksgiving Day	Thursday, November 28
Day after Thanksgiving	Friday, November 29
Christmas Eve	Tuesday, December 24
Christmas Day	Wednesday, December 25
Day After Christmas	Thursday, December 26

The Board of Montgomery County Commissioners hereby approves this 2024 Holiday Schedule for the employees of Montgomery County, the \_\_\_ day of November, 2023.

\_\_\_\_\_  
John E. Frey, President    Jim Fulwider, Vice President    Dan Guard, Member

# Public Hearing: RZ2023-2 Ratcliff Re-Zone

Monday, November 20, 2023 3:38 PM



**MONTGOMERY COUNTY PLAN COMMISSION  
STAFF REPORT**

**Case Number: RZ2023-3**

**Date: 10-12-23**

**Petitioner- Ratcliff INC**

**Location – 1388 W US Highway 136**

**Type of Case: Re- zone of Commercial zoned property to Residential**

**Standard: Discretionary**

**Introduction**

At the October 25, 2023 meeting you will conduct a public hearing to consider a Re-zone of a parcel from Commercial to Residential. The parcel is located on US Highway 136 650 feet West of County Road 125 W. The parcel is .7 acres with an existing building that previously was used as a doctor's office. The petitioner wishes to remodel the existing building for change of occupancy to a single- family dwelling and add an unattached garage to the site as well. The adjacent properties are higher density residential. The property is less than the required 1 acre for a single- family dwelling but the existing characteristics of the building are consistent with Single family dwelling and no additional square footage to the building is planned. The planned unattached garage will be located over existing impervious parking lot which existed for the small doctor's office. The petitioner will be required to have a septic review prior to any permits issued. The remodel for the existing building will be required to obtain a building permit as well.

Access to the property to US 136 and is more than adequate for the planned occupancy change to an SFD.

The site is served by on-site well and septic. The property has an existing E911 address.

The petition along with Plan Commission recommendation will be forwarded to the Montgomery County Commissioners for final decision on zoning classification.

**Procedural Status**

Notice of the public hearing was published prior to October 15, 2023. Notice to adjoining landowners and landowners within 660 feet of property were sent prior to October 15, 2023. All property owners within 660 feet of proposed re-zone were notified with signature request mail.

**Factors to be considered**

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses in area.
3. The most desirable use for which the land in each area is adapted.
4. The conservation of property values throughout the jurisdiction:
5. Is the proposed development responsible development?

The change of occupancy will have minimal effect on the residential area adjacent to the property.

### **Staff Recommendation**

**Staff recommends the Plan Commission send a favorable recommendation to the County Commissioners one condition:**

1. Septic and building permits are required for the site.

### **Making a Motion and Discussion**

After hearing the statement of the case provided by the petitioner, the statement of the case by staff, any statements of the public and discussing the case, the Commission can forward the re-zone from agriculture to residential to Commissioners with a favorable recommendation an unfavorable recommendation or no recommendation. Each motion requires a second. After a motion is made and seconded, the Commission may discuss the motion. A minimum of 5 voting members are required to vote in favor of motion in order to take official action. After the vote, members will certify its action with signatures.

Respectfully submitted,

Marc Bonwell  
Building and Zoning Administrator

# Public Hearing: RZ2023-4 Nucor Corporation Re-Zone

Monday, November 20, 2023 3:39 PM

**MONTGOMERY COUNTY PLAN COMMISSION  
STAFF REPORT**

**Case Number: RZ2023-4**

**Date: 10-12-23**

**Petitioner- Nucor Corporation**

**Location – 4259 E Ladoga Rd**

**Type of Case: Re- zone of Agricultural and Commercial zoned property to Industrial**

**Standard: Discretionary**

**Introduction**

At the October 25, 2023 meeting you will conduct a public hearing to consider a Re-zone of four parcels. Three of the parcels are currently zoned agricultural and one is zoned Commercial. The parcels are located south of County road Ladoga Rd. the four parcels total approximately 152 acres and are all owned by Nucor Corporation. The purpose of the re-zone is for the petitioner to develop the site for industrial manufacturing. This area in Montgomery County zoning is industrial and agricultural with low density residential. The proposed site is adjacent to the Nucor Steel Campus and is the former site of Herr Voss Stampco manufacturing property. The existing building from the Herr Voss site will be used for the proposed facility. To the west is the Ceres Solutions Cooperative and Whitesville Crop Nutrient facility which is an industrial site. To the east is agriculture and residential zoning classifications. The area north of the site is the Nucor campus and agricultural properties and to the south is agricultural. Ladoga Rd is the access point for the project and is a major collector in the Montgomery County road system. The project proposes 4 entrances into the property from Ladoga Road. The Montgomery County Street Design Standards allow multiple entrances with 200' minimum separation. Sight distances at the property are capable of the requested entrances. A traffic study could be required by the Commission. The site will be served for sanitary by the MC Regional Sewer District. No SFHA exist on the property but a small pocket wetland area does exist on the property.

**Procedural Status**

Notice of the public hearing was published on October 15, 2023. Notice to adjoining landowners and landowners within 660 feet of property were sent prior to October 15, 2023. All property owners within 660 feet of proposed re-zone were notified with certified mail.

**Factors to be considered**

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses in area.
3. The most desirable use for which the land in each area is adapted.
4. The conservation of property values throughout the jurisdiction:
5. Is the proposed development responsible development.

The Comprehensive plan delineates this property as key development area of Montgomery County as part of the industrial use area within the Nucor corridor.

Other industrial uses are in the area of the subject property including other steel use facilities.

### **Staff Recommendation**

**Staff recommends the Plan Commission send a Favorable Recommendation to the commissioners with the following condition:**

1. No light trespass or external public address systems to be allowed on property.

### **Making a Motion and Discussion**

After hearing the statement of the case provided by the petitioner, the statement of the case by staff, any statements of the public and discussing the case, the Commission can forward the re-zone from agriculture to industrial to Commissioners with a favorable recommendation an unfavorable recommendation or no recommendation. Each motion requires a second. After a motion is made and seconded, the Commission may discuss the motion. Form motions are below. A minimum of 5 voting members are required to vote in favor of motion in order to take official action. After the vote, members will certify its action with signatures at the time of the vote or end of meeting.

### **Sample Motion to Approve**

Based upon the staff report, the evidence presented by the petitioner, and statements made by the public, the Board makes the following findings:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community.
2. The use and value of the area adjacent to the property included in amendment will not be affected in a substantially adverse manner, because the improvement of the property as proposed will likely increase the value of property in the area adjacent to the subject property.
3. The proposed amendment is consistent with the Comprehensive plan

Therefore, I move to send the Re- zone from Agricultural to Industrial to the Montgomery County Commissioners with a Favorable recommendation with one condition recommended by the Building and Zoning Administrator.

Respectfully submitted,

Marc Bonwell  
Building and Zoning Administrator

# Public Hearing: Text Amendments to Chapter 159:

Monday, November 20, 2023 3:38 PM

## Montgomery County Plan Commission

### Case Report

**Case Number: ZA2023-1**

**Date: 10-12-23**

#### Introduction

At your October 25, 2023 meeting you will conduct a public hearing and consider amendments to the text of the zoning ordinance.

1. ZA2023-1 – New zoning districts, Accessory uses, Use table, Bulk standards and Development Plan Review. Added Articles: 16 Outdoor Lighting, 17 Off Street Parking, 18 Landscaping and Screening and 19 Signs.

The amendments and Articles are more fully described below in Summary

#### Procedure

After a Zoning Ordinance is adopted, the text of the Ordinance may be amended. Amendments usually are the result of new zoning issues in the jurisdiction, problems in the administration of the Ordinance, or the discovery of errors which require technical correction. Text amendments are initiated by either the Plan Commission or County Commissioners and require a public hearing. After you conduct a public hearing the County Commissioners will rule on amendments to Chapter 159

Notice of the public hearing on the proposed text amendment was published prior to October 15, 2023.

#### Factors to be considered

During your consideration of the proposed text amendments, you are required to consider and pay reasonable regard to the following:

1. The comprehensive plan;
2. Current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. The conservation of property values through the jurisdiction; and
5. Responsible growth and development.

Indiana law provides that no one of these five criteria controls. Rather, you should determine the case based upon the totality of these five criteria and decide whether the total information before you weigh in favor or against adoption.

## Summary of Proposed Amendments

### Article 2 – District Regulations

#### 2.02 Zoning Districts

The amendment to section 2.02 expands from the original six districts (A, R, C, I, AO, PUD) to incorporate four new residential classifications a second Commercial class along with an Institutional classification

Article 2 amendment adds definitions for each individual classification. These definitions explain the newly created zoning districts R-1,R-2, R-3, R-4, MH, IN AND C-1.

Article 2 Use Table A has been amended by individual use with the associated zoning classification. The table lists multiple uses and each individual zoning class in which the use is conforming.

Article 2.18 adds language for accessory use which is conforming in all districts and outlines the attributes of accessory.

2.19 adds the bulk standards that apply to each district.

### Article 14 – Development Plan Review

14.03 this section is edited to add the uses from article 2 that would be required to file a development plan with the Commission. The amendment to article 14 also adds an expansion of use structure or site for additions to existing properties of 35% or more.

### New Article 16 – Outdoor Lighting Standards

16 adds an article to chapter 159 for lighting on properties in R-2, 3,4, C, C-1, MH, IN and I. the lighting standards will regulate exterior lighting trespass.

### New Article 17- Off Street Parking and Loading

17 sets standards for adequate area of size and location for off street parking within the County. The article also sets requirements for parking space size as well aa driving lanes associated with the off-street parking.

17 adds ADA standards for parking lots in chapter 159 with the intent to provide parking requirements for various uses.

### New Article 18 – Landscaping and Screening

18 provides requirements to foster development that will protect and preserve the appearance and increase the compatibility of uses to minimize noise, dust and other intrusions to other adjacent uses.

### New Article 19 – Signs

19 is designed to maintain the aesthetic nature of the County and to minimize negative effect of signs to nearby properties. The article also allows for consistency of regulation throughout the County.

See attached full version of the Chapter 159 amendments.



**Staff Recommendation**

**The Staff recommends the Plan Commission send the text amendment to the County Commissioner with a Favorable recommendation.**

**Respectfully Submitted**

**Marc Bonwell**

**Building/ Zoning Administrator**



# Open Highway Department Annual Bids

Monday, November 20, 2023 10:43 AM

# United Consulting Task Order No 7 - Scour Maintenance

Monday, November 20, 2023 3:49 PM



ENGINEERING  
 ENVIRONMENTAL  
 INSPECTION  
 LAND SURVEYING  
 LAND ACQUISITION  
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 (317) 895-2585  
 IN 46250  
 8440 Allison Pointe Blvd., Suite 200, Indianapolis, IN

October 20, 2023

Mr. Jake Lough  
 Highway Director  
 Montgomery County Highway Department  
 818 N Whitlock Ave  
 Crawfordsville, IN 47933

RE: Montgomery County On-Call Services  
 Task Order No. 7  
 Scour Maintenance Contract

Dear Mr. Lough:

We are pleased to present our Task Order No. 7 prepared in accordance with the provisions of our On-Call Professional Services Agreement executed on February 8, 2021. This Task Order has been prepared based on your request on August 28, 2023.

Please execute Task Order No. 7 and return a digital copy of the signed Task Order to our office. We will begin work upon receipt of an executed PDF of Task Order No. 7.

If you have any questions or comments, please contact me any time. My cell number is (317) 796-5947.

Sincerely,

UNITED CONSULTING

Jay N. Ridens, PE  
 Bridge Department Manager

enclosures

c: File 21-302-07

MAR

Task Order #7  
Scour Maintenance Contract  
Bridges 9, 14, 25, 95, 127, 134, 136, 174, 197

A. Services by United Consulting:

1. UNITED CONSULTING shall provide the following Engineering Services in accordance with the following:
  - a. Permit Applications (IDEM 401, ACOE 404, IDNR CIF)
    - i. IDNR CIF needed only for Bridges 25 and 197. The application for the IDNR CIF shall be a Non-Modeling, no change in effective cross sectional area Construction in a Floodway Permit application.
  - b. Hydraulic Analysis
    - i. Prepare a Hydraulic Analysis as necessary to determine the required scour countermeasures.
  - c. Bidding Services
    - i. Prepare necessary contract bidding documents including specifications, standard drawings, both standard and unique bidding forms which may be supplied by Montgomery County
  - d. Post Bid Services
    - i. Attend pre-construction meeting
    - ii. Respond to Requests for Information (RFI) submitted by the contractor

B. Services by the Montgomery County:

1. Assist UNITED CONSULTING in obtaining property owner information, deeds, and plans of adjacent developments, section corner information, and any other pertinent information necessary to perform work under this Agreement.
2. Criteria for design and details for signs, signals, highways, and structures such as grades, curves, sight distances, clearances, design loadings, etc.
3. Specifications and standard drawings applicable to the project.
4. Plans of any existing structures within the project limits, if available.
5. All written views pertinent to the project that is received by Montgomery County.
6. Guarantee access to enter upon public and private lands as required for the UNITED CONSULTING to perform work under this Agreement.
7. Utility Coordination as required.
8. Coordinate Right of Entry for construction, if required.

C. Schedule:

1. UNITED CONSULTING shall submit Permit Applications within 56 calendar days after receipt of this fully executed Task Order.
2. UNITED CONSULTING shall submit the Bid Documents within 210 calendar days after receipt of this fully executed Task Order.

Task Order #7  
Scour Maintenance Contract  
Bridges 9, 14, 25, 95, 127, 134, 136, 174, 197

D. Compensation:

1. UNITED CONSULTING shall receive as payment for the work performed under this Task Order the total fee of \$143,000 unless a modification is approved in writing by Montgomery County.
2. UNITED CONSULTING shall be paid for the work performed under this Task Order on a Lump-Sum basis in accordance with the following schedule:
  - a. Permit Applications \$ 85,500  
(Bridge 9, 14, 95, 127, 134, 136, & 174 @ \$7,500 ea.)  
(Bridge 25 and 197 @ \$16,500 ea.)
  - b. Hydraulic Analysis \$ 49,500  
(9 Bridges @ \$5,500 ea.)
  - c. Bidding Services \$ 5,000
  - d. Post-Bid Services \$ 3,000

AGREED TO:

UNITED CONSULTING

MONTGOMERY COUNTY

BY: Michael Rowe  
Michael Rowe, PE  
President

BY: \_\_\_\_\_  
Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

BY: \_\_\_\_\_  
Steve Jones  
Vice President

Date: October 18, 2023

# Ordinance 2023-28 Approving the Request of Ratcliff, Inc. and Rezoning a Certain Parcel of Land at 1388 West U.S. Highway 136 from Commercial to Residential

Monday, November 20, 2023 11:32 AM



**MONTGOMERY COUNTY BOARD OF  
COMMISSIONERS**

**ORDINANCE 2023-28**

**APPROVING THE REQUEST OF RATCLIFF, INC. AND REZONING A  
CERTAIN PARCEL OF LAND AT 1388 WEST U.S. HIGHWAY 136 FROM  
COMMERCIAL TO RESIDENTIAL**

WHEREAS, Ratcliff, Inc. (Ratcliff) filed a proposal to rezone from Commercial to Residential a certain parcel of land located at 1388 West I.S. Highway 136 (Parcel No. 54-06-25-443-011.000-024) in Montgomery County, (the legal description for the parcels is attached as Exhibit A); and

WHEREAS, this parcel is currently zoned Commercial, and Ratcliff intends to convert the existing medical office to a single-family residence and add an unattached garage to the site; and

WHEREAS, the Montgomery County Plan Commission published notice of a public hearing for Case RZ2023-3 and conducted a public hearing on the proposal on October 25, 2023; and

WHEREAS, the Plan Commission considered Ratcliff's request, comments by the public, the case report and comments by the Zoning Administrator and approved a favorable recommendation on October 25, 2023, subject only that Ratcliff obtain septic and building permits for the site; and

WHEREAS, the Plan Commission properly certified its recommendation to the Montgomery County Board of Commissioners on October 26, 2023, and this certification included a favorable recommendation for the rezone of the parcel from Commercial to Residential, subject only to the condition of Ratcliff obtaining a septic and building permit; and

WHEREAS, the Board of Commissioners published notice of a public hearing on the proposal and conducted a public hearing on November 13, 2023; and

WHEREAS, the Board of Commissioners, having considered the certification of the Plan Commission, presentations of the Zoning Administrator and Ratcliff, and comments from the public, and having paid reasonable regard to this evidence and

1. the Montgomery County Comprehensive Plan;
2. the current conditions and the character of current structures and uses in each zoning district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of property values throughout the unincorporated area of Montgomery County; and
5. responsible development and growth

now finds as follows:

1. rezoning this real estate from Commercial to Residential is consistent with the Comprehensive Plan as it will encourage and facilitate needed residential development;

2. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

3. the use and character of land and structures in the area adjacent to the subject site and in the area generally is residential and will not be affected in a substantially adverse manner by development of the existing commercial building into a single-family residential use on the land;

4. the approval of the rezone request will likely increase the value of surrounding residential property and will not substantially and adversely impact the value property in the area of the subject property;

5. the approval of the requested rezone is consistent with the interests of responsible development and growth in that the approval will not unduly burden the schools, County or State roads and highways, or unduly burden utility providers;

6. the proposed use of the property as single family residential is consistent with the most desirable use of the property in the district given the need for residential development in Montgomery County; and

7. that the requested proposal to rezone the subject land from Commercial to Residential should be granted, with the condition proposed by the Plan Commission; and

IT IS, THEREFORE, ORDAINED that the request by Ratcliff, Inc. to rezone a certain parcel of real estate, located at 1388 West U.S. Highway 136, specifically parcel 54-06-25-443-011.000-024, in Montgomery County, and described more particularly in Exhibit A, from Commercial to Residential is hereby approved, subject only to the following condition: Ratcliff, Inc. will obtain septic and building permits for the site.

IT IS FURTHER ORDAINED that the subject real estate is hereby rezoned to Residential, and the Zoning Administrator is directed to record this ordinance, change the Zoning Maps, which are incorporated into the Zoning Ordinance, in order to reflect this rezone, and to maintain a record of the conditions contained in this approval.

IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.

Adopted: November 13, 2023

Montgomery County Board  
of Commissioners

---

John Frey, President

\_\_\_\_\_  
James D. Fulwider, Vice President

\_\_\_\_\_  
Dan Guard, Member

Attest: \_\_\_\_\_  
Mindy Byers, Auditor

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

\_\_\_\_\_  
Daniel L. Taylor

This instrument prepared by Daniel L. Taylor, Indiana Supreme Court #11337-54, Taylor, Minnette, Schneider & Clutter, P.C., 105 North Washington Street, Crawfordsville, Indiana 47933. Telephone 765-361-9680.

# EXHIBIT A

# Ordinance 2023-29 Approving the Request of Nucor Corporation and Rezoning Certain Parcels of Land at 4259 East Ladoga Road from Agricultural and Commercial to Industrial

Monday, November 20, 2023 11:24 AM

# **MONTGOMERY COUNTY BOARD OF COMMISSIONERS**

## **ORDINANCE 2023-29**

### **APPROVING THE REQUEST OF NUCOR CORPORATION AND REZONING CERTAIN PARCELS OF LAND AT 4259 EAST LADOGA ROAD FROM AGRICULTURAL AND COMMERCIAL TO INDUSTRIAL**

WHEREAS, Nucor Corporation (Nucor) filed a proposal to rezone from Agriculture and Commercial to Industrial certain parcels of land located at 4259 East Ladoga Road (Parcels No. 54-10-36-200-003.000-025, 54-10-35-800-028.000-025, 54-10-36-200-003.003-025, and 54-10-35-100-021.001-025) in Montgomery County, (the legal description for the parcels is attached as Exhibit A); and

WHEREAS, the subject parcels are is currently zoned Agricultural and Commercial, and Nucor intends to develop a site for industrial manufacturing; and

WHEREAS, the Montgomery County Plan Commission published notice of a public hearing for Case RZ2023-4 and conducted a public hearing on the proposal on October 25, 2023; and

WHEREAS, the Plan Commission considered Nucor's request, comments by the public, the case report and comments by the Zoning Administrator and approved a favorable recommendation on October 25,



2023, subject only to the condition that Nucor develop the site such that there is no light trespass and no outdoor public address systems on the site; and

WHEREAS, the Plan Commission properly certified its recommendation to the Montgomery County Board of Commissioners on October 26, 2023, and this certification included a favorable recommendation for the rezone of the parcel from Agricultural and Commercial to Industrial, subject only to the condition of Nucor preventing light trespass and having no outdoor public address system on the site; and

WHEREAS, the Board of Commissioners published notice of a public hearing on the proposal and conducted a public hearing on November 13, 2023; and

WHEREAS, the Board of Commissioners, having considered the certification of the Plan Commission, presentations of the Zoning Administrator and Nucor, and comments from the public, and having paid reasonable regard to this evidence and

1. the Montgomery County Comprehensive Plan;
2. the current conditions and the character of current structures and uses in each zoning district;
3. the most desirable use for which the land in each district is adapted;

4. the conservation of property values throughout the unincorporated area of Montgomery County; and

5. responsible development and growth

now finds as follows:

1. rezoning this real estate from Agriculture and Commercial to Industrial is consistent with the Comprehensive Plan because the site is located in an area designated for industrial development;

2. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

3. the use and character of land and structures in the area adjacent to the subject site and in the area generally is industrial and agricultural and will not be affected in a substantially adverse manner by development of the intended industrial manufacturing facilities;

4. the approval of the rezone request will likely increase the value of surrounding agricultural property and will not substantially and adversely impact the value property in the area of the subject property;

5. the approval of the requested rezone is consistent with the interests of responsible development and growth in that the approval will not unduly burden the schools, County or State roads and highways, or unduly burden utility providers;

6. the proposed use of the property for industrial development is consistent with the most desirable use of the property in the district given that the site is in the area designated for industrial development in Montgomery County; and

7. that the requested proposal to rezone the subject land from Agricultural and Commercial to Industrial should be granted, with the condition proposed by the Plan Commission; and

IT IS, THEREFORE, ORDAINED that the request by Nucor Corporation to rezone certain parcels of real estate, located at 4259 East Ladoga Road, specifically parcels numbered 54-10-36-200-003.000-025, 54-10-35-800-028.000-025, 54-10-36-200-003.003-025, and 54-10-35-100-021.001-025, in Montgomery County, and described more particularly in Exhibit A, from Agricultural and Commercial to Industrial is hereby approved, subject only to the following condition: Nucor will develop the site such that there is no light trespass and no outdoor public address systems at the site.

IT IS FURTHER ORDAINED that the subject real estate is hereby rezoned to Industrial, and the Zoning Administrator is directed to record this ordinance, change the Zoning Maps, which are incorporated into the Zoning Ordinance, in order to reflect this rezone, and to maintain a record of the conditions contained in this approval.

IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.

Adopted: November 13, 2023

Montgomery County Board  
of Commissioners

\_\_\_\_\_  
John Frey, President

\_\_\_\_\_  
James D. Fulwider, Vice President

\_\_\_\_\_  
Dan Guard, Member

Attest: \_\_\_\_\_  
Mindy Byers, Auditor

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

\_\_\_\_\_  
Daniel L. Taylor

This instrument prepared by Daniel L. Taylor, Indiana Supreme Court #11337-54, Taylor, Minnette, Schneider & Clutter, P.C., 105 North Washington Street, Crawfordsville, Indiana 47933. Telephone 765-361-9680.

# EXHIBIT A

# **Ordinance 2023-30** Adopting Text Amendments to the Zoning Ordinance

Monday, November 20, 2023 11:40 AM

**MONTGOMERY COUNTY**  
**BOARD OF COMMISSIONERS**  
**Ordinance 2023-30**

**Adopting Text Amendments to the Zoning Ordinance**

Whereas, the Montgomery County Plan Commission conducted a public hearing on October 25, 2023 on text amendments to the Montgomery County Zoning Ordinance which would modify certain provisions of Article 2 Zoning Districts to add new districts and expand the table of uses, modify the development plan review process in Article 14, and add new articles to create standards for outdoor lighting (new Article 16), off-street parking and loading (new Article 17), landscaping and screening (new Article 18), and signs (new Article 19), and the Plan Commission voted unanimously on October 25, 2023 to send a favorable recommendation on such text amendment to the Commissioners; and

Whereas, on October 25, 2023, the Plan Commission certified its recommendation to the Commissioners; and

Whereas, having considered the proposed amendments and additions and comments from members of the public and having paid reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which

the land in each district is adapted, the conservation of property values throughout the district, and responsible development and growth, the Board of Commissioners hereby finds as follows:

1. Approving the proposed text amendments is consistent with the Comprehensive Plan in that it promotes expanded types of uses and more uses which can provide more flexibility and controlled growth while protecting the interests of adjacent uses;
2. Approving the proposed text amendments is consistent with the current conditions and character of current structures and uses in each district by providing for better and clearer standards in outdoor lighting, off-street parking, landscaping, and signage which will provide greater harmony between uses;
3. Approving the proposed text amendments is consistent with the most desirable use for which the land in each district is adapted because the amendments provide for a broader range of uses and more uses as well as enhanced protections for existing uses in the form of bulk standards;
4. Approving the proposed text amendments will lead to the conservation of property values throughout the jurisdiction by providing for standards that promote growth but protect current uses that are of a different type in adjacent properties;



5. Approving the proposed text amendments is consistent with responsible growth and development in that the amendments will promote harmonious development by promulgating standards for each district in outdoor lighting, off-street parking, landscaping and buffering, and signage; and
6. The proposed text amendments to the Zoning Ordinance should be approved.

**IT IS, THEREFORE, ORDAINED** that the Montgomery County Zoning Ordinance is hereby amended to read as follows:

**See attached Exhibit A.**

**IT IS FURTHER ORDAINED** that all other provisions of the Montgomery County Zoning Ordinance, not expressly amended by this Ordinance, will remain in full force and effect.

**IT IS FURTHER ORDAINED** that this ordinance shall become effective upon adoption.

Ordained this 27th day of November, 2023.

Montgomery County  
Board of Commissioners:

---

John Frey, President

---

James D. Fulwider, Vice-President

---

Dan Guard, Member

Attest:

---

Mindy Byers, Auditor

# Resolution 2023-7 Resolution of the Montgomery County Board of Commissioners Approving an Order of the Montgomery County Plan Commission

Monday, November 20, 2023 11:34 AM

## **MONTGOMERY COUNTY BOARD OF COMMISSIONERS**

### **RESOLUTION NO. 2023- 7**

#### **RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS APPROVING AN ORDER OF THE MONTGOMERY COUNTY PLAN COMMISSION**

WHEREAS, the Montgomery County ("County") Redevelopment Commission ("Commission") did on February 17, 2010, adopt a declaratory resolution, as amended on October 12, 2011 (collectively, as amended, "Declaratory Resolution"), establishing the Nucor Road Economic Development Area ("Area"), and the Declaratory Resolution was confirmed by a Confirmatory Resolution adopted on March 31, 2010, as amended on November 8, 2011 (collectively, as amended, "Confirmatory Resolution");

WHEREAS, the Declaratory Resolution and the Confirmatory Resolution are hereinafter collectively referred to as the "Area Resolution;"

WHEREAS, the Area Resolution approved the Economic Development Plan, as amended (collectively, as amended, "Original Plan"), which Original Plan contained specific recommendations for economic development in the Area;

WHEREAS, the Area Resolution designated the Nucor Road Economic Development Allocation Area in accordance with Indiana Code 36-7-14-39 ("Original Allocation Area") for the purpose of capturing real property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Board of Commissioners approved the establishment of the Area and the Original Allocation Area;

WHEREAS, Nucor Corporation is planning the development of two new industrial and manufacturing facilities, one of which is south of the intersection of Nucor Road and County Road 500 South (Ladoga Road) in the County (known as the "Nucor Towers Project"), and one of which is on its site west of Nucor Road in the County (known as the "Nucor Coatings Project"), and the Nucor Corporation will continue to develop improvements and install new depreciable personal property in its existing manufacturing facility;

WHEREAS, on November 8, 2023 the Commission adopted Resolution No. 2023-2 amending the Area Resolution and the Original Plan ("Amending Declaratory Resolution No. 2") to, if confirmed: (i) reduce the Original Allocation Area by removing Parcel Nos. 54-10-36-200-003.000-025, 54-10-35-800-028.000-025, 54-10-36-200-003.003-025 and 54-10-35-100-021.001-025 ("Nucor Towers Parcels") from the Original Allocation Area in order to create a new allocation area within the Area; (ii) designate the Nucor Towers Parcels as a new tax allocation area designated as the Nucor Towers Allocation Area; (iii) designate Nucor Corporation, d/b/a Nucor Towers & Structures as a "designated taxpayer" for purposes of

4892-1095-6433.1

capturing increases in depreciable personal property assessed value; and (iv) add the Nucor Towers Project, which includes, but is not limited to, the re-use of an existing manufacturing facility, the construction of new manufacturing facilities, offices, parking and loading areas, railroad spur, security facilities, storm water structures, internal roads, and other improvements associated with the use of the site as a manufacturing facility site, to the Original Plan;

WHEREAS, on November 8, 2023 the Commission adopted Resolution No. 2023-3 further amending the Area Resolution and the Original Plan ("Amending Declaratory Resolution No. 3") to, if confirmed: (i) further reduce the Original Allocation Area by removing a portion of Parcel Nos. 54-10-25-200-003.000-025, 54-10-26-100-001.000-025, 54-10-26-700-020.000-025, and 54-10-26-400-008.000-025 ("Nucor Coatings Parcels"), and combining the Nucor Coatings Parcels into one new parcel designated as Parcel No. 54-10-25-200-003.999-025, which is approximately 41.155 acres and which is described more particularly in Exhibit A attached thereto ("Nucor Coatings Property") from the Original Allocation Area in order to create a new allocation area within the Area; (ii) designate the Nucor Coatings Property as a new tax allocation area designated as the Nucor Coatings Allocation Area; (iii) designate Nucor Corporation, d/b/a Nucor Coatings, as a "designated taxpayer" for purposes of capturing increases in depreciable personal property assessed value; and (iv) add the Nucor Coatings Project, which includes, but is not limited to, the re-use of an existing manufacturing facility, the construction of new manufacturing facilities, offices, parking and loading areas, storm water structures, internal roads, and other improvement associated with the use of the site as a manufacturing facility site by Nucor Corporation, to the Original Plan;

WHEREAS, on November 8, 2023 the Commission adopted Resolution No. 2023-4 further amending the Area Resolution and the Original Plan ("Amending Declaratory Resolution No. 4") to, if confirmed: (i) further reduce the Original Allocation Area by removing the parcels located on Nucor Road in Montgomery County set forth in Exhibit A attached thereto ("Nucor 2023 Parcels") from the Original Allocation Area in order to create a new allocation area within the Area; (ii) designate the Nucor 2023 Parcels as a new tax allocation area designated as the "Nucor 2023 Allocation Area"; (iii) designate Nucor Corporation, as a "designated taxpayer" for purposes of capturing increases in depreciable personal property assessed value in the Nucor 2023 Allocation Area; and (iv) add the Nucor 2023 Project, which includes, but is not limited to, the re-use of an existing manufacturing facility, the construction of new manufacturing facilities, offices, parking and loading areas, storm water structures, internal roads, and other improvement associated with the use of the site as a manufacturing facility site by Nucor Corporation, to the Original Plan;

WHEREAS, Amending Declaratory Resolution No. 4, if confirmed, also amended the Area Resolution and the Original Plan to: (i) remove Nucor Corporation as a designated taxpayer in the Original Allocation Area with the base assessment date of March 1, 2010; and (ii) designate Nucor Corporation as a designated taxpayer in the Original Allocation Area with a base assessment date of January 1, 2023;

WHEREAS, Amending Declaratory Resolution No. 2, Amending Declaratory Resolution No. 3 and Amending Declaratory Resolution No. 4 are hereinafter collectively referred to as the "Amending Declaratory Resolutions;"

WHEREAS, the Original Plan, as amended in the Area Resolution, is hereinafter referred to as the "2023 Plan;"

WHEREAS the Act requires approval of the action of the Plan Commission by the Board of Commissioners of the County prior to the Commission holding public hearings on the Amending Declaratory Resolutions;

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

1. The action of the Plan Commission on November 22, 2023 is hereby approved.
2. This resolution shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Board of Commissioners of Montgomery County, Indiana, this 27th day of November, 2023.

BOARD OF COMMISSIONERS OF  
MONTGOMERY COUNTY, INDIANA

\_\_\_\_\_  
John Frey, President

\_\_\_\_\_  
James D. Fulwider, Vice President

\_\_\_\_\_  
Dan Guard, Member

ATTEST:

\_\_\_\_\_  
Mindy Byers, Auditor

# Introduction Ordinance 2023-31 Adopting a Policy for Recording Receipt of Real Estate and Personal Property Tax Payments

Monday, November 20, 2023 11:48 AM

# Montgomery County Board of Commissioners

## Ordinance 2023-31

### Adopting a Policy for Recording Receipt of Real Estate and Personal Property Tax Payments

Whereas, the Montgomery County Treasurer is responsible for collecting real estate and personal property tax payments; and

Whereas, the Indiana State Board of Accounts has issued a directive that county treasurers adopt a policy to effectively implement the statutory requirements of Indiana Code 6-1.1-37-10 related to receipt of tax payments and the issuance of penalties in the cases of late payments; and

Whereas, the County Treasurer has procedures in place and now desires to adopt them into the County Code of Ordinances as official policy; and

Whereas, the Board finds that is in the best interest of the County to add a new section to the County Code to establish a policy for the procedure of receipt and notation or recording of all real estate and personal property tax payments received; and

It is further ordained that a new section of the Montgomery County Code, Section 36.42, is hereby added and this new section shall read as follows:

#### **“§ 36.42 Receipt and Date Notation/Recordation of Real Estate and Personal Property Tax Payments Policy**

For receiving and notating or recording real estate tax payments, the following procedure shall be followed:

- (A) **In-Person Payments.** For payments made in person at the Treasurer’s office, the Treasurer or Treasurer’s employee receipting payment will notate in the software system and by written receipt the date of payment.
- (B) **Drop-Box Payments.** For payments made at the drop-box located at the Montgomery County Government Center, the Treasurer or Treasurer’s employee will check the drop-box daily and use a “dated received” stamp to notate the date the payment was dropped off and notate in the software system the date of payment.



- (C) **Mail-In Payments.** For payments made by mail, the Treasurer or Treasurer’s employee will notate the date of payment in the software system as of the postmarked date and keep the envelope. If payment is received by mail without a postmarked date the Treasurer or Treasurer’s employee will notate the date of payment in the software system as of the date written on the check, and if the date written on the check is dated with a date after the due date the Treasurer or Treasurer’s employee will make a copy of the check, highlight the date on the check, and keep the envelope in the Treasurer’s records. If payment is received by mail without a postmarked date or dated check, the Treasurer or Treasurer’s employee will make a copy of the check and keep the copy with the envelope in the Treasurer’s records and will notate the date of payment in the software system as of the date received by the Treasurer’s office.
- (D) **Bank-Made and Online Payments.** For payments made through local banks or online the Treasurer or Treasurer’s employee will notate the date of payment in the software system as of the date provided by the bank or receipt from online.
- (E) **Compliance.** This policy is designed to comply with State Examiner Directive 2023-1 and to implement the requirements of this directive, Indiana Code §6-1.1-37-10, and any other applicable law.”

It is further ordained that this ordinance shall become effective upon adoption.

It is further ordained that all other provisions of the Code of Ordinances which are not specifically amended by this ordinance shall remain in full force and effect.

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2023.

Montgomery County Board of Commissioners:

\_\_\_\_\_  
John Frey, President

\_\_\_\_\_  
James D. Fulwider, Vice President

\_\_\_\_\_  
Dan Guard, Member

Attest:

\_\_\_\_\_  
Mindy Byers, Auditor

# Notice to Bidder: 2023-2 CCMG Project

Tuesday, November 21, 2023 2:16 PM

## NOTICE TO BIDDERS

Notice is hereby given that Montgomery County, by and through its Board of County Commissioners, will receive sealed bids for the construction of:

---

**MONTGOMERY COUNTY 2023-2 CCMG PROJECT**  
**CONCORD RD FROM CITY LIMITS TO CR 400 N**  
**CR 150 S FROM LADOGA RD TO NUCOR RD**  
**CR 700 N FROM US 231 TO CR 100 W**  
**CR 600 S FROM US 47 TO NEW MARKET TOWN LIMITS**  
**CR 600 S FROM NEW MARKET TOWN LIMITS TO US 231**  
**MONTGOMERY COUNTY, INDIANA**

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**Sealed proposals will be received at the Montgomery County Commissioner's Office, 1580 Constitution Row, Crawfordsville IN. 47933 4:00 P.M. (local time) on January 5<sup>th</sup>, 2023.** All proposals will then be publicly opened and read aloud during the County Commissioner's meeting, which begins on January 8<sup>th</sup> at 8:00 A.M. (local time). Any proposals received after the above-designated time will be returned unopened.

The proposed construction will include wedge and level of the existing roadway along with a 1.5-inch HMA Surface overlay and all incidental work required, as more fully specified in the Contract Documents and Plans.

All proposals must be submitted on State Board of Accounts Form No. 96 together with the proper forms included in the Contract Documents, the entire set of which shall be filed intact as a bid.

The contract documents are available at [www.questcdn.com](http://www.questcdn.com). This contract is QuestCDN project number 8848849. A contractor may view the contract documents at no cost prior to deciding to be a planholder. To be considered a planholder for bids, a contractor must register with QuestCDN.com and purchase the contract documents in digital form at a cost of \$22.00. Registering for all prime contractors and subcontractors is recommended as planholders will receive automatic notice of addendums and other contract document updates via QuestCDN. Contact QuestCDN Customer Support at 952-233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in membership registration or downloading digital project information.

Bidders shall assure that they have obtained complete sets of drawings and Contract Documents and shall assume the risk of any errors or omissions in bids prepared in reliance on incomplete sets of drawings and Contract Documents.

**SECURITY:** Any person, firm or corporation who submits a proposal MUST file with their bid a CERTIFIED CHECK, BANK DRAFT, CASHIER'S CHECK OR MONEY ORDER issued by a financial institution insured by an agency of the United States in the amount of five percent (5%), made payable to the Treasurer of Montgomery County. In lieu of the above, any person, firm or corporation who submits a proposal and has a principal place of business in the State of Indiana MAY file with their proposal a BID BOND in the amount of five percent (5%), made payable to the Board of Commissioners of Montgomery County.

Proposals may be held by the Board of Commissioners for a period not to exceed sixty (60) calendar days from the public opening.

The successful Contractor will be required to furnish a Performance Bond and Payment Bond in the amount of one hundred percent (100%) of the contract price, each, within ten (10) days after award of the contract and a two (2) year Maintenance Bond in the amount of thirty percent (30%) of the contract price prior to completion and final payment of the contract.

No Contractor may withdraw his proposal within sixty (60) days after the actual date of the opening thereof.

The Montgomery County Board of Commissioners reserves the right to ask for clarification for any bid submitted. In comparing bids, consideration will not be confined to price only. **The successful bid will be the lowest responsible and responsive bidder**, however the Board of Commissioners reserves the right to reject any proposal, to waive technicalities or irregularities therein, to delete any bid item or items and to award a contract on the proposal that in their judgment is most advantageous to Montgomery County.

**Montgomery County Board of Commissioners**

**John E. Frey**, President

**Jim Fulwider**, Vice President

**Dan Guard**, Member

**TO BE ADVERTISED:**

**December 5<sup>th</sup>, 2023**

**December 12<sup>th</sup>, 2023**