

JULY 15, 2024

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, July 15, 2024, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Peter A. Cook and Mr. Kevin 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. Peter Cook made a motion to adopt the proposed agenda with flexibility. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY – PERMISSION TO DECLARE ITEMS AS SURPLUS

Mr. Aaron Fugate, Highway Supervisor, requested permission to declare a 2008 Chevrolet Silverado pickup with a Western Pro Plus plow, and a 2013 Dodge Ram 2500 pickup truck as surplus and sell at an online auction. He also requested to declare as surplus, a 500 gallon water tank and an auxiliary rear fuel tank. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

UNIFIED DEVELOPMENT ORDINANCE

Mrs. Robbie Miller, Plan Administrator, presented a certification of proposed amendment to the Zoning Ordinance, certifying the LaGrange County Unified Development Ordinance. The LaGrange County Plan Commission gave the Ordinance a favorable recommendation.

ACCOUNTS PAYABLE VOUCHERS

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

JUNE 2024 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending June 30, 2024, in the amount of \$53,020,866.09 and investments of \$22,645,000. Mr. Kevin Myers made a motion to accept the report. Mr. Peter Cook seconded the motion and it carried unanimously.

MINUTES

Mr. Kevin Myers made a motion to approve the minutes of the July 1, 2024 regular session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandum for the July 10, 2024 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

PETITION TO VACATE – PLATTED ALLEY AND ROADWAY IN THE PLAT OF THE TOWN OF ELMIRA

At 9:00 a.m. Mr. Peter Cook opened the public hearing a petition to vacate a certain platted alley and portion of a roadway in the plat of the Town of Elmira located in Milford Township. The petitioners are Benjamin R. Taylor and Amber L. Taylor. They own the property around the alley and roadway and would like to clean the area up. Mr. Peter Cook asked for public comment. There was no comment from the public. The Highway Engineer, Plan Administrator, and County Surveyor had no issues with the matter. Mr. Peter Cook closed the public hearing.

The following Ordinance was presented for consideration:

COUNTY OF LAGRANGE
ORDINANCE 2024-07-15

AN ORDINANCE VACATING A PUBLIC WAY
WITHIN LAGRANGE COUNTY, INDIANA

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WHEREAS, BENJAMIN R. TAYLOR and AMBER L. TAYLOR (collectively, the “Petitioner”) having filed with the Court of Commissioners of LaGrange, Indiana (“Commissioners”) Petition to Vacate Platted Road, as more particularly described in Exhibit “A” which is attached hereto and incorporated herein (the “Petition”), requesting that the Board of Commissioners of the County of LaGrange, Indiana vacate all or part of a public way pursuant to Indiana Code 36-7-3-12;

WHEREAS, the public way or place identified in the Petition is an unimproved road which includes a platted alley and the north portion of “Dale Street” identified in the Plat of the Town of Elmira, in LaGrange County, Indiana but outside the corporate boundaries of any municipality, and as more particularly described in Exhibit “B”, which is attached hereto and incorporated herein (“Public Way”);

WHEREAS, the Petitioner owns certain real estate adjacent to the public way which they propose to have vacated;

WHEREAS, a hearing was called to review the Petition, and appropriate notice thereof was provided by publication and certified mail, as prescribed by Indiana Code § 5-3-1-2 and Lagrange County Ordinance 2021-10-18, and the public hearing was duly conducted; and

WHEREAS, pursuant to I.C. § 36-7-3-12(e), after hearing on the Petition, the Commissioners may, by Ordinance, vacate the Public Way.

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

SECTION I - INCORPORATION

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

SECTION II – FINDINGS

The Commissioners hereby find that the vacation of the public way would not significantly: (i) hinder the growth or orderly development of the unit or neighborhood in which it is located and to which it is contiguous; (ii) make access to the lands of any aggrieved person by means of public way difficult or inconvenient; (iii) hinder the public’s access to a church, school or other public building or place; and (iv) hinder the use of a public way by the neighborhood by which it is located or to which it is contiguous.

SECTION III – VACATION

The Public Way is hereby vacated.

SECTION IV – UTILITIES

Notwithstanding anything in this Ordinance to the contrary, nothing in this Ordinance shall be construed to deprive a public utility of the use of all or part of the Public Way to the extent such public utility has been occupying and using the Public Way for the location and operation of its facilities as of the effective date of this Ordinance.

SECTION V – MISCELLANEOUS

- A. Judicial Review. 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, its agencies, its officers or employees, or any person; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.
- B. 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.
- C. Severability. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of Ordinance as a whole, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

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- D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- E. Effective Date. This Ordinance shall be effective immediately upon adoption and promulgation according to law.

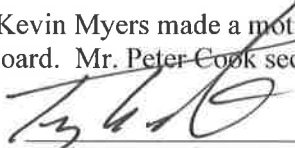
Mr. Peter Cook made a motion to approve the Ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Kevin Myers made a motion to waive the requirement for second reading. Mr. Peter Cook seconded the motion and it carried unanimously.

CORRESPONDENCE

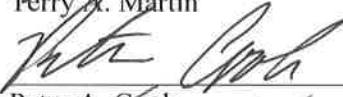
- LaGrange County Treasurer – June 2024 report
- Indiana Department of Environmental Management – Request for Industrial Waste, Control Facility Exemption
- Indiana Department of Environmental Management – Notice of Public Comment, Lippert Components, Inc., Plant 46, Permit 087-47811-00084
- Indiana Department of Environmental Management – Receipt of Air Permit Application, Precision Wood Finishing, 5350 W CR 450 N, Shipshewana, Indiana, Permit Number: 087-48027-00739

ADJOURNMENT

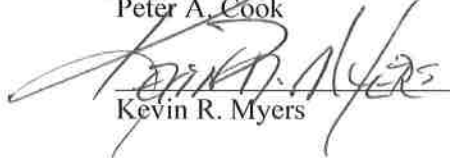
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.



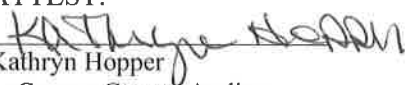
Terry A. Martin



Peter A. Cook



Kevin R. Myers

ATTEST:

Kathryn Hopper
LaGrange County Auditor

