

OCTOBER 21, 2024

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, October 21, 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, Mr. Terry A. Martin, Mr. Peter A. Cook, and Mr. Kevin Myers. and LaGrange County Auditor, Kathryn Hopper. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Kevin Myers made a motion to adopt the proposed agenda with flexibility. Mr. Peter Cook seconded the motion and it carried unanimously.

NUISANCE HEARING – 0230 E 500 N, HOWE, INDIANA

Mr. Kurt Bachman, County Attorney, explained that a nuisance exists at 0230 E 500 N, Howe, Indiana, owned by Thomas Tribbett. Mr. Bachman administered an oath to Mr. Thomas Tribbett. Mr. Tony Manns, Attorney, asked Mr. Eric Schoenherr, Code Enforcement Officer, to report on the nuisance matter. Mr. Schoenherr explained that the property was reported to him on September 3, 2024. He inspected the property and found that scrap metal, junk vehicles, trash, and old mowers existed on the property. The property was tagged on September 13, 2024. To date, some of the trash has been cleaned up; however, the scrap metal and mower remain. He issued an order to Mr. Tribbett on September 20, 2024 to assess fines of \$300 per week. Since there has been some clean up on the property, he is recommending that the fees be amended to \$200 per week, for a total of \$800, and \$200 per week until all other nuisances are abated. Mr. Tribbett explained that he received a letter on September 7, 2024 and on September 11, 2024 he got the vehicles plated. The trailer on the property is legally plated. He is requesting an additional 30 to 60 days to get the property cleaned up. Mr. Terry Martin closed the public hearing. Mr. Peter Cook made a motion to modify the order to \$200 per week for a total of \$800, and \$200 per week until the nuisance has been abated, and if abated review the fines in 60 days. Mr. Kevin Myers made a motion to have the president to sign the order outside of a public meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

SMALL STRUCTURE NO. LM103 REPLACEMENT PROJECT BID OPENING

At 8:45 a.m., Mrs. Tharon Morgan, County Engineer opened the bid for the small structure No. LM-103 replacement project. The bridge is located on County Road 600 N between North Twin Lake and South Twin Lake. One bid was received from Milestone Contractors, L.P. in the amount of \$442,967.19. Mr. Peter Cook made a motion to take the bid under advisement until November 4, 2024. Mr. Kevin Myers seconded the motion and it carried unanimously.

2025 HIGHWAY MATERIALS - REQUEST FOR PROPOSALS

At 9:00 a.m. Mr. Aaron Fugate, Highway Supervisor, opened the following request for proposals for materials for 2025:

<u>REQUISITION</u>	<u>COMPANY</u>
Requisition #4 Asphalt & Emulsified Asphalt	Asphalt Materials, Inc. Pierceton Trucking Co., Inc. The Klink Group
Requisition #5 Bituminous Patching Material	API Construction Corp. Brooks Construction Co., Inc. Pulver & Sons Asphalt Materials, Inc.
Requisition #6 Hot Mix Asphalt	API Construction Corp. Brooks Construction Co., Inc. Pulver & Sons Asphalt Materials, Inc.
Requisition #7 Limestone	Clifford Aggregate, Incorporated Irving Materials, Inc. Lightstone

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Requisition #7A Sand & Gravel	Butler Mill Service Co. Clifford Aggregate, Incorporated Columbia City Mill Service Co. Elkhart County Gravel, Inc. Old Prairie Products, Inc. Stoneco
Requisition #8 Pipe (Culvert)	Civilcon Inc. Metal Culvers Inc St. Regis Culvert Inc.
Requisition #10 Calcium Chloride Requisition #11 Paint	Great Lakes Chloride, Inc. The Airmarking Co. Three Rivers Barricade
Requisition #26 Hourly Equipment & Labor Rental	Brooks Construction Co., Inc. Clifford Aggregate, Incorporated Hostetler Farms Young Family Farms, GP
Requisition #27 C Treated Bridge Timber	American Timber Bridge

Mr. Peter Cook made a motion to take the proposals under advisement. Mr. Kevin Myers seconded the motion and it carried unanimously.

COMMISSIONERS' RESOLUTION PLEDGING SUPPORT FOR PUBLIC IMPROVEMENTS THROUGH THE STELLAR PATHWAYS PROGRAM

Mr. Kurt Bachman, County Attorney, presented the following Resolution for consideration:

COUNTY OF LAGRANGE, INDIANA
RESOLUTION NO. 2024-10-21 A

COMMISSIONERS' RESOLUTION PLEDGING SUPPORT FOR PUBLIC IMPROVEMENTS
THROUGH THE STELLAR PATHWAYS PROGRAM

WHEREAS, pursuant to Ind. Code 36-2-2-2, the Board of Commissioners of the County of LaGrange ("Commissioners") is the executive of LaGrange County, Indiana ("County");

WHEREAS, LaGrange County is seeking designation for Stellar Pathways and is creating a Strategic Investment Plan which includes demonstrating financial support for community improvements in the county and its communities; *and*

WHEREAS, LaGrange County has identified and supports the proposed projects for the county, its towns, and unincorporated areas to improve the associated infrastructure, community assets, quality of life, housing, talent attraction, and other aspects.

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

SECTION I – FINDINGS

- A. The Commissioners support the expense of \$717,000.00 towards the local match for the proposed projects of parks and sidewalks improvements in Howe, Mongo, and South Milford, electrical upgrades at the County Courthouse, and the proposed County projects and programs associated with the IDOH and ISDA.
- B. The Commissioners will support these expenses as needed during the five-year implementation period of the Stellar Pathways Program.

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- C. The funding herein will be combined with additional funding from the communities, additional partners and organizations, and in-kind donations for the proposed projects in the Strategic Investment Plan over the course of the implementation period.

SECTION II – MISCELLANEOUS

- A. Conflicts; Severability. No part of this resolution shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this resolution be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this resolution as a whole, nor any other portion thereof, and for this purpose the provisions of this resolution are hereby declared to be severable.
- B. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this resolution effective.
- C. Codification. As this resolution concerns a one-time fund commitment, the codifier of ordinances shall omit codification of this resolution.
- D. Effective Date. This resolution shall take effect immediately upon adoption.

Mr. Peter Cook made a motion to approve the Resolution and to issue a letter of support. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

MAJOR MOVES CONSTRUCTION FUND GRANT AGREEMENT – TOWN OF TOPEKA

Mr. Kurt Bachman, County Attorney, presented a Major Moves Construction Fund Grant Agreement between the Board of Commissioners and the Town Council of the Town of Topeka for the funding to convert the infield softball diamonds to turf playing surfaces, in the amount of \$264,476.00. Mr. Kevin Myers made a motion to approve the agreement. Mr. Peter Cook seconded the motion and it carried unanimously.

MAJOR MOVES CONSTRUCTION FUND GRANT AGREEMENT – WESTVIEW WARRIOR YOUTH BASEBALL, INC.

Mr. Kurt Bachman, County Attorney, presented a Major Moves Construction Fund Grant Agreement between the Board of Commissioners and Westview Warrior Youth Baseball, Inc. lights in both ball fields to help the growth of bringing new teams to the area for bigger tournaments, in the amount of 300,000. Mr. Kevin Myers made a motion to approve the agreement. Mr. Peter Cook seconded the motion and it carried with Mr. Terry Martin abstaining.

ORDINANCE AMENDING AND RESTATING ADMINISTRATIVE PROCEDURES IN CONNECTION WITH THE VACATION OF A PUBLIC WAY OR PUBLIC PLACE

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE, INDIANA
ORDINANCE NO. 2024-10-21 B

AN ORDINANCE AMENDING AND RESTATING ADMINISTRATIVE PROCEDURES IN CONNECTION WITH THE VACATION OF A PUBLIC WAY OR PUBLIC PLACE

WHEREAS, pursuant to Indiana Code (“IC”) 36-7-3-12(a), in order for a public way or public place to be vacated, any person who owns a lot in or contiguous to that way or place may file a petition for vacation with the legislative body of the respective county, if the Public Way or Public Place is located outside the corporate boundaries of a municipality;

WHEREAS, pursuant to IC 36-7-3-12(e), after a hearing on the petition, the legislative body may, by ordinance, vacate the Public Way or Public Place;

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

WHEREAS, the time and costs incurred by the County in administering and reviewing a petition for vacation of a Public Way or Public Place, are a significant financial burden;

WHEREAS, the Commissioners desire to regulate and streamline the contents and procedures of a vacation proceeding and notice thereof in order to improve efficiency and to better serve the needs of all interested parties; *and*

WHEREAS, pursuant to IC 36-1-3 (“Home Rule”), the County has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute, and may exercise those powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity.

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

SECTION I – NAME

The name of this ordinance shall be the “Vacation Petition Ordinance.”

SECTION II – RECITALS

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

SECTION III – DEFINITIONS

- A. Meaning. Whenever the following terms are used in this ordinance, they shall have the meanings herein ascribed to them unless the context clearly indicates or requires otherwise.
1. “Abut” means to border the Public Way or Public Place or another parcel of real property on any side, including diagonally, and with disregard to any intervening public right-of-way or utility easement or to any separation across a plat, section, or subdivision; provided, however, that no real property shall be deemed to Abut another where the only Abutment is via a lake or river (related term: “Abutment”).
 2. “Administrative Fee” means a fee assessed pursuant to this ordinance to cover the associated administration costs to review a Petition or a draft form of a Petition.
 3. “Petition” means the documentation required by this ordinance and other applicable law on behalf of a Petitioner to initiate the process to Vacate the Public Way or Public Place; with respect to a vacation process that is already underway, it instead refers to the related documentation that has been submitted by the Petitioner to the Auditor.
 4. “Petitioner” means the landowner or landowners whose real property Abuts the Public Way or Public Place and who have caused a respective Petition to be submitted; the term includes any agent working on any such person’s behalf except where the inclusion would create a substantial injustice.
 5. “Proposed Ordinance” means a proposed draft of a Vacation ordinance in accordance with this ordinance, which the Petitioner desires the Commissioners to adopt.
 6. “Public Place” means any real estate, other than a Public Way, that is the subject of a respective Petition and in which the County has a nonpossessory real property interest.
 7. “Public Way” means the portion of any Street that is the subject of a respective Petition and in which the County has a nonpossessory real property interest.
 8. “Street” means any street, road, drive, alley, beachfront, path, highway, or thoroughfare on which the Public Way is located.
 9. “Vacate” means to surrender the County’s nonpossessory real property interest in the Public Way or Public Place (related terms: “Vacation” and “Vacated”)
- B. Arbitrator. The Commissioners have final authority in deciding the meaning of these terms.

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SECTION IV – PETITION

- A. Application Form. The Auditor may create and develop an application form as part of a Petition and require its use by Petitioners as a condition for submitting a Petition.
- B. Contents. Each Petition shall contain:
1. the Petition to Vacate, which contains formal language of petition and identifies the Petitioner, the Petitioner's common address, and a legal description of the Public Way or Public Place;
 2. the plat, if any, in which the Public Way or Public Place is located;
 3. the names and addresses of all landowners whose real property Abuts the Public Way or Public Place;
 4. the names and addresses of all landowners in the plat, if any;
 5. instructions to the Auditor as to who should provide public notice;
 6. if the Auditor is to provide public notice, a deposit as stipulated by the Auditor;
 7. the Proposed Ordinance; *and*
 8. the Administrative Fee and any other required fee.
- C. Optional Preliminary Review. Before filing a Petition, a Petitioner may request that the County make a preliminary review of a draft form of the Petition in order to:
1. identify the restrictions and limitations that would be imposed on the Proposed Ordinance and/or the Public Way or Public Place pursuant to this ordinance;
 2. identify the particular concerns of County personnel with respect to the Petition;
 3. streamline the formal hearing process with respect to the Petition; *and*
 4. increase the overall likelihood of the Petition being granted.
- D. Procedure.
1. Upon receiving a formal or draft Petition, the Auditor shall send a copy of the Petition to Vacate and the Proposed Ordinance to the County Attorney, Surveyor, Engineer, Highway Supervisor, Zoning Administrator, and any other County employees or local fire protection agencies as appropriate and invite commentary thereon.
 2. County agents who receive a copy of the Petition to Vacate and the Proposed Ordinance shall diligently and in good faith provide appropriate feedback to the Commissioners.
- E. Applicable Law. Each Petition shall be submitted in accordance with Chapter 36-7-3 of the Indiana Code; this ordinance; any applicable provisions in any contract, deed, easement, plat, license, or permit; any other constitutions, statutes, codes, ordinances, regulations, rules, orders, awards, authorizations, judgments, injunctions, writs, and decrees of any government or quasi-government entity having jurisdiction over the Public Way or Public Place; and any amendments made respectively thereto.
- F. Rejection. Except upon leave by the Commissioners in a rejection order, if a Petition should be rejected by the Commissioners after a hearing thereon, no person shall file a subsequent Petition with respect to the Public Way or Public Place within the then-next two (2) years.

SECTION V – DETERMINATION OF PUBLIC WAY OR PUBLIC PLACE

- A. Abutment Requirement.
1. In any Petition to Vacate a Public Way, the entire length of the Public Way must Abut, or be located on, a parcel of real property owned by the Petitioner.
 2. In any Petition to Vacate a Public Place, the Public Place must Abut, or be located on, a parcel of real property owned by the Petitioner.

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B. Entirety Requirement.

1. In any Petition to Vacate a Public Way, the Public Way must include both the entire width of the Street and the entire length of the Street that Abuts the Petitioner's real property except to the extent that the Commissioners, Auditor, or County Attorney have directed or allowed the Petitioner not to include a specified portion of the Street.
2. In any Petition to Vacate a Public Place, the Public Place must include any other real estate that Abuts the Public Place in which the County has a nonpossessory real property interest.

C. Multiple Locations. No Petition may involve more than one Public Way or Public Place unless each such location Abuts a common parcel of real property owned by a Petitioner.

D. Petition Amendment.

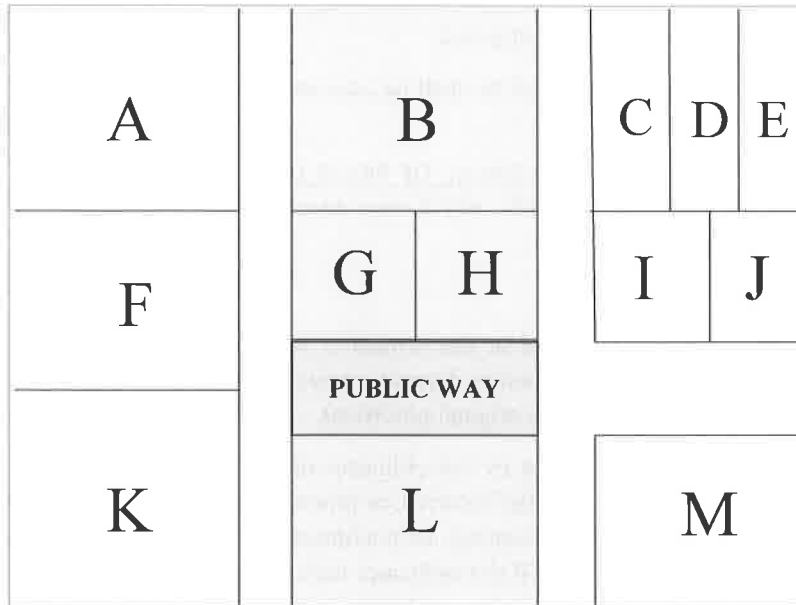
1. The Auditor may notify the Petitioner with respect to any Petition that on its face fails to meet the requirements of this section in order to allow for amendment thereof.
2. Except where one or more additional Petitions are filed as a result of a violation of Subsection (C), to the extent that a County representative directs a Petitioner to amend the Petition, no additional notice or Administrative Fee will be required.
3. If a Petitioner chooses to amend a Petition on its own initiative, then the Auditor shall charge a new Administrative Fee for the amended Petition, though the Petitioner may ask the Commissioners for a waiver of the Administrative Fee for nominal changes.

SECTION VI – PROPOSED ORDINANCE

- A. Ordinance Template. The Petitioner is hereby advised to model its Proposed Ordinance after the ordinance template provided in Exhibit A of this ordinance, which is attached hereto and incorporated herein. Upon request, the Auditor shall provide a printed or email copy of the template within a reasonable time.
- B. Title Provisions. No Proposed Ordinance shall contain any provision with respect to proposed ownership of the Public Way or Public Place after a Vacation.
- C. Technical Corrections. The County Attorney may make non-substantive technical corrections to any Proposed Ordinance before its adoption, but in doing so should make reasonable attempts to provide notice thereof at or before the Petition hearing.

SECTION VII – NOTICE

- A. Abutting Landowners. The Petitioner shall send, or cause the Auditor to send, notice of the Petition and hearing to all owners of real property that Abuts the Public Way or Public Place, except that no additional notice is required for the County or any Petitioner.
- B. Platted Landowners. If the Public Way or Public Place is located in a plat, the Petitioner shall send, or cause the Auditor to send, notice of the Petition and hearing to all landowners in the plat, except that no additional notice is required for the County or any Petitioner.
- C. Proof. The Petitioner shall provide proof of all notice required to be published and/or sent at the hearing; provided, however, that the Auditor shall instead provide the proof if in the Petition the Petitioner directed the Auditor to provide the notice.
- D. Diagram. The following diagram illustrates the notice requirements of this section. For a Vacation of the sample Public Way illustrated, Parcels F, G, H, I, K, L, and M must be noticed by virtue of their Abutment with the Public Way; and Parcel B must be noticed by virtue of belonging to the same plat. Parcels A, C, D, E, and J do not need to be noticed.



Indicates parcels in the same plat as the Public Way.

SECTION VIII – ADMINISTRATIVE FEE

A. Findings. The Commissioners hereby find that:

1. the County incurs significant administrative costs to review a Petition, including those related to developing the application form and the Proposed Ordinance template; processing and reviewing Petitions; preparing notices; inspecting the Public Way or Public Place subject to a Petition; and researching related questions of law.
2. the costs attributable to the administration and review of a Petition to Vacate should be the responsibility of the Petitioner; *and*
3. the amount of the Administrative Fee, as provided in this ordinance, is reasonable in light of the costs identified in this section.

B. Fee Amount. Subject to Subsection (C), as a condition to accepting any Petition or request for preliminary review of a Petition, the Auditor shall assess and collect an Administrative Fee in the amount of One Thousand Five Hundred Dollars (\$1,500.00) or the maximum amount allowed by law, whichever is less.

C. Exception. The Auditor shall not assess any additional Administrative Fee with respect to a Petition if the Petitioner has previously paid an Administrative Fee for a preliminary review in conjunction with that Petition within the previous year (365 days).

D. Notice Deposit. If, in the Petition, the Petitioner has indicated that Auditor is to provide the notice required by this ordinance and other applicable law, the Petitioner shall pay a deposit in the reasonable amount indicated by the Auditor. The Petitioner is subject for all publication and notice costs incurred by the County with respect to the Petition.

E. Exclusions. The Administrative Fee shall be in addition to any other fee or cost required (e.g., actual publication or mailing costs).

F. Processing Fee. The Auditor may set, modify, charge, and collect a reasonable fee related to any costs incurred with processing the Administrative Fee.

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- G. Nonrefundable. The Administrative Fee shall be nonrefundable regardless of whether the Petition is subsequently approved, disapproved, withdrawn, or otherwise disposed.
- H. Deposits. Any Administrative Fee collected shall be shall be accounted for by the Auditor and deposited into the General Fund.

SECTION IX – REPEAL OF PRIOR LAW

- A. Repeal. Ordinances 1996-7-15 and 2021-10-18-C, which were adopted on July 15, 1996 and October 18, 2021, respectively, are hereby repealed in their entirety.
- B. Continuance.
 - 1. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, the provisions shall not be deemed a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.
 - 2. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
 - 3. All rules and regulations adopted under any continued version of this ordinance shall remain in full force and effect except as specifically provided otherwise.
- C. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, or provision.

SECTION X – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
 - 2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, public office, Public Way, or Public Place, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, nor any other right, protection, immunity, defense, or limitation on liability that the County or such related parties is provided by applicable law.
- C. 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 the same.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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- E. 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.
- F. Codification. To the extent a substantive change in meaning does not result, the codifier of ordinances may omit the Name, Recitals, Repeals, Miscellaneous, and Adoption sections of this ordinance from the official code, may renumber, reorder, or reorganize any section of this ordinance, and may alter references to and within this ordinance as appropriate. Exhibit A should be codified.
- G. Effective Date. This ordinance shall take effect immediately upon adoption.

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

ORDINANCE AMENDING MAPS OF THE UNIFIED DEVELOPMENT ORDINANCE OF LAGRANGE COUNTY, INDIANA FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES ALLOWED ON THE PARTICULAR REAL ESTATE DESCRIBED HEREIN

Mrs. Robbie Miller, Plan Administrator, presented the following Ordinance for consideration:

LAGRANGE COUNTY, INDIANA
ORDINANCE NO. 2024-10-21 C

AN ORDINANCE AMENDING MAPS OF THE UNIFIED DEVELOPMENT ORDINANCE OF LAGRANGE COUNTY, INDIANA FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES ALLOWED ON THE PARTICULAR REAL ESTATE DESCRIBED HEREIN

WHEREAS, on August 19, 2024, pursuant to Indiana Code (“IC”) 36-7-4-606, the Board of Commissioners of the County of LaGrange (“Commissioners”) adopted the Unified Development Ordinance of LaGrange County, Indiana (Ordinance 2024-08-19-A or “UDO”);

WHEREAS, the UDO is the zoning ordinance for LaGrange County, Indiana (“County”) and incorporates by reference the various zoning maps and classifications of the County;

WHEREAS, pursuant to IC 36-7-4-602(c)(1)(B), after the zoning ordinance for a jurisdiction has been adopted, a proposal to change the zoning maps with respect to a specified area of the County may be initiated by a petition signed by property owners who own at least 50% of the land involved;

WHEREAS, Bontrager Family Revocable Living Trust and Bontrager, Alton L. & Martha L. – Trustees of Bontrager Family Revocable Living Trust (collectively, “Landowner”) have at least a 50% ownership interest in the real property located at 2935 N 500 W., Shipshewana identified as Parcels 44-06-07-200-002.000-003, 44-06-08-100-001.003-003, and 44-06-08-100-019.000-003 in the records of the Office of the County Auditor, and more particularly described as follows:

44-06-07-200-002.000-003

A part of the Northeast Quarter of Section 7, Township 37 North, Range 9 East, Clay Township, LaGrange County, Indiana, and being more particularly described as follows: Beginning at a rebar marking the Northeast corner of the Northeast Quarter of Section 7, Township 37 North, Range 9 East; thence South 00 degrees 05’33” West, along the East line of said quarter section, a distance of 594.48 feet to a spike (Justice 900004); thence South 89 degrees 54’24” West, parallel with the North line of said quarter section, a distance of 732.74 feet to a rebar with cap (Justice 80900004); thence North 00 degrees 05’33” East, parallel with the East line of said quarter section, a distance of 594.48 feet to a spike with washer (Justice 900004) on the North line of said quarter section; thence North 89 degrees 54’ 24” East, along the North line of said quarter section, a distance of 732.74 feet to the point of beginning of this description.

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44-06-08-100-001.003-003

Commencing at the Northwest corner of the Northwest Quarter of Section Eight (8), Township Thirty-seven (37) North, Range Nine (9) East, in LaGrange County, the State of Indiana, a tract of land running thence East twenty (20) rods, thence South forty (40) rods, thence West twenty (20) rods, thence North forty (40) rods, to the place of beginning.

44-06-08-100-019.000-003

A tract of land located in the Northwest Quarter of Section 8, Township 37 North, Range 9 East, LaGrange County, State of Indiana, more fully described as follows:

Commencing at the Northwest corner of said Northwest Quarter marked by a Harrison Marker found; thence North 89 degrees 06 minutes 57 seconds East (State Plane NAD83, Indiana Zone East) along the North line of said Northwest Quarter for 331.31 feet to a mag nail found at the Northeast corner of Lot 1B of the Replat of Valley Line Wood Products per LaGrange County Plat Book 30, pages 47, 47A and 47B and being the Point of Beginning of this description; thence continuing North 89 degrees 06 minutes 57 seconds East along the North line of said Northwest Quarter for 198.28 feet to a mag nail set; thence South 00 degrees 49 minutes 12 seconds East, parallel with the East line of Lot 1B for 659.44 feet to a rebar set on the North line of a tract of land conveyed to Floyd Ray Hostetler and Christine Hostetler per LaGrange County Document Number 16080212; thence South 89 degrees 13 minutes 05 seconds West for 198.25 feet to a rebar found at the Southeast corner of said Lot 1B; thence North 00 degrees 49 minutes 12 seconds West along the East line of said Lot 1B for 659.08 feet to the point of beginning, said in survey to contain 3.00 acres, more or less.

(collectively, the "Real Estate");

WHEREAS, on September 2, 2024 pursuant to Sections 13.03 and 13.04 of the UDO, Landowner has caused a completed application to be filed with the Zoning Administrator to amend the zoning maps of the UDO such that the Real Estate be reclassified from A-1 to PUD ("Proposal");

WHEREAS, on October 8, 2024, pursuant to IC 36-7-4-602(c)(4) and -608(b), after having provided legal notice to all interested parties in accordance with IC 36-7-4-604, the LaGrange County Plan Commission ("Plan Commission") conducted a public hearing on the Proposal;

WHEREAS, on October 8, 2024, pursuant to IC 36-7-4-602(c)(5) and IC 36-7-4-605, a copy of the Proposal, which is hereby incorporated by reference, was certified to the Commissioners with a favorable recommendation as to adoption;

WHEREAS, on October 21, 2024, pursuant to IC 36-7-4-602(c)(6) and IC 36-7-4-608, the Commissioners considered the Proposal at its regular meeting, after first having given notice under IC 5-14-1.5-5 of its intention to consider the Proposal at the meeting;

WHEREAS, pursuant to IC 36-7-4-603, in preparing and considering the Proposal, both the Plan Commission and Commissioners have paid reasonable regard to the statutory criteria set forth therein; *and*

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

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

SECTION I – MAP AMENDMENT

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

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- B. Proposal. The certified Proposal is hereby approved and adopted.
- C. Rezone. The UDO zoning maps, which are incorporated by reference, are hereby amended, and shall be redrawn as necessary, to show that the Real Estate is rezoned as stated in the Proposal.

SECTION II – MISCELLANEOUS

- A. Repeal of Prior Law. All other provisions of ordinances and resolutions previously adopted are hereby repealed to the extent they are inconsistent with or in conflict with this ordinance but only to such extent.
- 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 the same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the Office of the County Auditor for public inspection.
- E. Promulgation. The County Zoning Administrator and Auditor are hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. The codifier of ordinances shall omit codification of this ordinance.
- G. Effective Date. This ordinance shall take effect immediately upon adoption.

Mr. Peter Cook made a motion to approve the Ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously.

ORDINANCE AMENDING MAPS OF THE UNIFIED DEVELOPMENT ORDINANCE OF LAGRANGE COUNTY, INDIANA FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES ALLOWED IN THE ENTIRE GEOGRAPHIC AREA OF THE COUNTY

Mrs. Robbie Miller, Plan Administrator, presented the following Ordinance for consideration:

LAGRANGE COUNTY, INDIANA
ORDINANCE NO. 2024-10-21-D

AN ORDINANCE AMENDING MAPS OF THE UNIFIED DEVELOPMENT ORDINANCE OF LAGRANGE COUNTY, INDIANA FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES ALLOWED IN THE ENTIRE GEOGRAPHIC AREA OF THE COUNTY.

WHEREAS, on August 19, 2024, pursuant to Indiana Code (“IC”) 36-7-4-606, the Board of Commissioners of the County of LaGrange (“Commissioners”) adopted the Unified Development Ordinance of LaGrange County, Indiana (Ordinance 2024-08-19-A or “UDO”);

WHEREAS, the UDO is the zoning ordinance for LaGrange County, Indiana (“County”) and incorporates by reference the various zoning maps and classifications of the County;

WHEREAS, pursuant to IC 36-7-4-602(c)(1)(A), after the zoning ordinance for a jurisdiction has been adopted, a proposal to change the zoning maps that were incorporated by reference may be initiated by the Plan Commission by amending or adding and deleting maps;

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WHEREAS, on September 6, 2022, pursuant to County Resolution 2022-09-06, the Commissioners adopted *LaGrange County Together*, a comprehensive plan that covers the entire geographic area of the County, under the IC 36-7-4-500 Series (“Comprehensive Plan”);

WHEREAS, a map labeled and entitled the *UDO Zoning Map*, which indicates the various zoning classifications into which the area of the County is divided, was interpreted and created by the Zoning Administrator after careful review of the Comprehensive Plan, adherence to its stated objectives, and taking into account the various individual rezones that have been adopted by the Commissioners since the effective date of the Comprehensive Plan (as stated, “Proposed Map”);

WHEREAS, the Proposed Map is prominently displayed in the Office of the Zoning Administrator for public inspection and is further shown in approximate, unofficial form in Exhibit A, which is attached to this resolution;

WHEREAS, the LaGrange County Plan Commission (“Plan Commission”) desires to replace all the zoning maps of the UDO with the Proposed Map, subject to the reasonable interpretation of the Zoning Administrator, and, to the extent practicable, to make the Proposed Map available on the County or a third-party website (collectively, the “Proposal”);

WHEREAS, on October 8, 2024, pursuant to IC 36-7-4-602(c)(4) and -608(b), after having provided legal notice to all interested parties in accordance with IC 36-7-4-604, the LaGrange County Plan Commission (“Plan Commission”) conducted a public hearing on the Proposal;

WHEREAS, on October 8, 2024, pursuant to IC 36-7-4-602(c)(5) and IC 36-7-4-605, a copy of the Proposal, which is hereby incorporated by reference, was certified to the Commissioners with a favorable recommendation as to adoption;

WHEREAS, on October 21, 2024, pursuant to IC 36-7-4-602(c)(6) and IC 36-7-4-608, the Commissioners considered the Proposal at its regular meeting, after first having given notice under IC 5-14-1.5-5 of its intention to consider the Proposal at the meeting;

WHEREAS, pursuant to IC 36-7-4-603, in preparing and considering the Proposal, both the Plan Commission and Commissioners have paid reasonable regard to the statutory criteria set forth therein; *and*

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

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

SECTION I – MAP AMENDMENT

- A. Recitals. The foregoing recitals, including all defined terms, are hereby incorporated into, and made a part of, this ordinance and found to be true, accurate, and correct.
- B. Proposal. The certified Proposal is hereby approved and adopted.
- C. Rezone. The UDO zoning maps, which are incorporated by reference, are hereby amended, and shall be redrawn as necessary, to show that the entire geographic area of the County is rezoned as stated in the Proposal.

SECTION II – MISCELLANEOUS

- A. Repeal of Prior Law. All other provisions of ordinances and resolutions previously adopted are hereby repealed to the extent they are inconsistent with or in conflict with this ordinance but only to such extent.
- 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 the same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, 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 County Auditor for public inspection.
- E. Promulgation. The County Zoning Administrator and Auditor are hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. The codifier of ordinances shall omit codification of this ordinance.
- G. Effective Date. This ordinance shall take effect immediately upon adoption

Mr. Kevin Myers made a motion to approve the Ordinance. Mr. Peter Cook seconded the motion and it carried unanimously.

SEALED PROPOSALS FOR TWO TANDEM AXLE TRUCK CHASSIS

Mr. Aaron Fugate, Highway Supervisor, opened the following sealed proposal for two tandem axle truck chassis and two truck bodies, blades, and hydraulic components:

<u>Vendor</u>	<u>Location</u>	<u>Chassis Amount</u>
Stoops Freightliner	Fort Wayne, Indiana	\$166,670 each

Mr. Peter Cook made a motion to accept the proposal for two truck chassis and authorize the President to sign the agreement outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY – REQUEST TO PURCHASE MOWER

Mr. Aaron Fugate, Highway Supervisor, is requesting to purchase a new mower. He presented a quote from Kalida Truck Equipment, Inc. in the amount of \$36,500, for a Diamond 60” side rotary mower. Mr. Kevin Myers made a motion to approve the purchase. Mr. Peter Cook seconded the motion and it carried unanimously.

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 3rd quarter voucher for the transportation grant. Mr. Kevin Myers made a motion to approve the voucher and have the President sign it. Mr. Peter Cook seconded the motion and it carried unanimously.

SEPTEMBER 2024 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending September 30, 2024, in the amount of \$52,699,963.45 and investments of \$22,640,000. Mr. Peter Cook made a motion to accept the report. Mr. Kevin Myers seconded the motion and it carried unanimously.

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.

MINUTES

Mr. Peter Cook made a motion to approve the minutes of the October 7, 2024 regular session meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the October 16, 2024 staff meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

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CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – September 2024 report

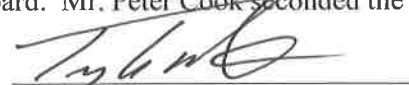
LaGrange County Treasurer – September 2024 report


LaGrange County Teen Court – Third Quarter Report 2024


Indiana Department of Environmental Management – Notice of Public Comment, Four Woods Laminating Inc
Plant 1, 087-47897-00036

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.

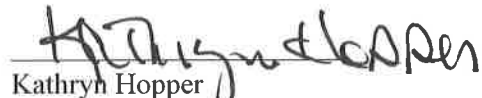


Terry A. Martin

Peter A. Cook

Kevin R. Myers

ATTEST:



Kathryn Hopper
LaGrange County Auditor