

NOVEMBER 21, 2022

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, November 21, 2022, 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. Kevin R. Myers, and Mr. Peter A. Cook, 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. Peter Cook made a motion to adopt the proposed agenda with flexibility. Mr. Kevin Myers seconded the motion and it carried unanimously.

NUISANCE ISSUE – 3460 SOUTH 1145 EAST LAND TRUST, 3460 S 1145 E, LAGRANGE, INDIANA

Mr. Terry Martin opened the public hearing for the nuisance issue for 3460 South 1145 East Land Trust, 3460 S 1145 E, LaGrange, Indiana. Mr. Kurt Bachman, County Attorney, swore in Mr. Bill Stewart, Code Enforcement Officer. Mr. Stewart explained that the property was recently sold on land contract and is requesting that the hearing be recessed and reconvened until all parties can be properly notified. Mr. Peter Cook made a motion to recess the hearing and reconvene it on December 19, 2022, at 8:30 a.m. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Kevin Myers made motion to authorize the President to sign an order outside of a public meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

NUISANCE HEARING – RUBEN AND SUSAN BONTRAGER, 3735 N 200 E, LAGRANGE, INDIANA

Mr. Kurt Bachman, County attorney, explained that the nuisance hearing for Ruben and Susan Bontrager, 3735 N 200 E, LaGrange, Indiana is being continued today. Mr. Bachman swore in Mr. Bill Stewart, Code Enforcement Officer. Mr. Stewart explained that the property is still a public nuisance issue. The property is occupied by Chad and Sherri Weible. Mr. Stewart visited the property today, and the gate was closed. Mr. Stewart is recommending that an order be issued for fines in the amount of \$100 per week, retroactive to July 18, 2022, for a total of \$1,800. Mrs. Sherri Weible, was sworn in and explained that she has done what she can to get the property cleaned up. Mr. Terry Martin closed the public hearing.

Mr. Kevin Myers made a motion to affirm the order for fines in the amount of \$1,800. Mr. Peter Cook seconded the motion and it carried unanimously. Mr. Kevin Myers made a motion to authorize the President to sign an order outside of a public meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

HEALTH DEPARTMENT – NEW FLOORING

Mr. Gary Mast, Maintenance Director, explained that the flooring at the Health Department needs to be replaced. He presented several quotes, with the lowest quote being from Family Value Flooring in the amount of \$26,308.14. Mr. Peter Cook made a motion to approve the quote, with approximately half coming from the Health Department fund and the remainder out of Edit. Mr. Kevin Myers seconded the motion and it carried unanimously.

JUSTICE BUILDING – WATER HEATER

Mr. Gary Mast, Maintenance Director, explained that the water heater at the Justice Building broke. He contacted Mid-City Supply for a new water heater, in the amount of \$3,315.84. Mr. Peter Cook made a motion to approve the purchase of the water heater and pay out of the EDIT fund. Mr. Kevin Myers seconded the motion and it carried unanimously.

HEALTH OFFICER APPOINTMENT

Mr. Kurt Bachman, County Attorney, explained that on October 11, 2022, the Health Board approved the reappointment of Thomas Anthony Pechin II, MD as the Health Officer. The law has changed and now requires the Commissioners to approve the appointment as well. Mr. Kevin Myers made a motion to deny the approval of the appointment of Thomas Anthony Pechin II, MD. Mr. Peter Cook seconded the motion and it carried unanimously.

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PETITION TO VACATE - PUBLIC ALLEY, ORIGINAL PLAT OF THE TOWN OF ONTARIO

At 9:00 a.m. Mr. Kurt Bachman, County Attorney, explained that on November 7, 2022, a public hearing was held to vacate a public alley situated between lots 6-10 and lots 1-5 in block 17 in the original plat of the town of Ontario, Lima Township, LaGrange County, Indiana. The matter was tabled due to the advertising and notification fees not being paid. The fees have now been paid. The following Ordinance was presented for consideration:

**COUNTY OF LAGRANGE
ORDINANCE NO. 2022-11-21**

AN ORDINANCE VACATING A PUBLIC WAY WITHIN LAGRANGE COUNTY, INDIANA.

WHEREAS, Max J. Cleveland & Nancy J. Cleveland (collectively, "Petitioner") have filed with the Board of Commissioners of the County of LaGrange, Indiana ("Commissioners") a Petition to Vacate, as more particularly described in Exhibit A, which is attached hereto and incorporated herein (as stipulated, "Petition"), in which Petitioner seeks the vacation of a public way or place;

WHEREAS, the public way or place identified in the Petition is a portion of an unimproved alley located in the unincorporated Town of Ontario, Lima Township of LaGrange County, and as identified in the Plat of the Town of Ontario, in LaGrange County, Indiana but outside the corporate boundaries of any municipality, and as more particularly described in Exhibit B, and depicted in Exhibit C, which is attached hereto and incorporated herein (as stipulated, "Public Way");

WHEREAS, the Petitioner owns real estate adjacent to the Public Way;

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 IC § 36-7-3-12(e), after the 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 a 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 or to which it is contiguous; (ii) make access to the lands of any aggrieved person by means of another public way difficult or inconvenient; (iii) hinder the public's access to a church, school, or other public building or place; *nor* (iv) hinder the use of another public way by the neighborhood in which such other public way is located or to which it is contiguous.

SECTION III – VACATION

A. Vacation. The Public Way is hereby vacated.

B. Effect. Pursuant to IC § 36-1-3-8(a)(2), nothing in this ordinance shall be construed as a determination of the rights of any person with respect to the vacated Public Way.

SECTION IV – UTILITIES

Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to deprive a

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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 the ordinance as a whole, 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 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 petition to vacate. 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.

PETITION TO VACATE PUBLIC WAY SOUTH AND EAST OF LOT 40 IN WESTLER LAKE RESORT

Mr. Terry Martin opened the public hearing. Mr. Robert Kruger, Counsel for Gregory E. and Jennifer L. Mohr, 6995 S 095 E, Wolcottville, Indiana, petitioners was present. The petitioners are seeking to vacate an unimproved roadway located south and east of Lot 40 of Westler Lake Resort. They are willing to give the County a drainage easement.

Mr. Andy Boxberger, attorney representing Jeffrey and Sharon Parks, property owners to the south and east of the Mohr's. He is requesting that the hearing be recessed for a month to research the issue further.

Mrs. Tharon Morgan, County Engineer, would like to have a drainage easement. Mrs. Robbie Miller, Planning Administrator, inquired about access for emergency vehicles.

Mr. Kevin Myers made a motion to reconvene the hearing until January 17, 2023, at 9:00 a.m. and to authorize Mr. Kurt Bachman, County Attorney, to work with the petitioners to work out an amicable agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

At 9:24 a.m. Mr. Terry Martin left the meeting.

MALINOWSKI CONSULTING, INC – PROPOSAL FOR FUEL TAX REFUND PREPARATION

Mr. Matthew Lowery, Malinowski Consulting, Inc. was present. He presented a proposal from Malinowski Consulting, Inc for the preparation of claims for fuel tax refund. The County purchases fuel for highway vehicles and equipment and pays Indiana fuel taxes. The Indiana Department of Revenue provides an avenue to the County to receive a refund on the fuel taxes. Mr. Peter Cook made a motion to approve the proposal and authorize the Vice President to sign it. Mr. Kevin Myers seconded the motion and it carried unanimously.

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ENGINEERING – REQUEST TO APPLY FOR GRANTS

Mrs. Tharon Morgan, County Engineer, requested permission to apply for a federal grant for countywide sign replacement. The amount of the grant is \$3,472,000, with a local match of \$347,200. The match would come out of the Motor Vehicle Highway Fund. Mrs. Morgan presented a commitment letter to the Indiana Department of Transportation, a grant request form, and an authorization to proceed form from USI Consultants.

Mrs. Morgan requested permission to apply for a federal grant for Bridge 58 Bridge Replacement. The amount of the grant is \$1,519,500, with a local match of \$303,900. The match would come out of Cumulative Bridge. Mrs. Morgan presented a commitment letter to the Indiana Department of Transportation and a grant request form.

Mrs. Morgan requested permission to apply for a federal grant for the reconstruction of County Road 750 S from State Road 3 to County Road 900 E, and intersection improvements at State Road 3 and County Road 750 S and at County Road 700 S and State Road 3. The amount of the grant is \$6,624,000, with a local match of \$1,324,800. The match would come out of the Motor Vehicle Highway Fund. Mrs. Morgan presented a commitment letter to the Indiana Department of Transportation, a grant request form, and an authorization to proceed form from American Structurepoint, Inc.

Mr. Peter Cook made a motion to approve the grant applications and authorized the President to sign the commitment letters outside of a public meeting and Vice President to sign the remaining documents. Mr. Kevin Myers seconded the motion and it carried unanimously.

TILE AND CULVERT UNDER COUNTY ROAD 1100 E

Mrs. Tharon Morgan, County Engineer, presented an estimate for tiling under County Road 1100 E north of County Road 650 S and a large culvert replacement under County Road 1100 E north of County Road 650 S. The estimate from Gilbert Drainage & Excavating LLC is in the amount of \$15,620. They would complete the project next year and she would like to encumber the funds out of Cumulative Bridge. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNTY HIGHWAY DEPARTMENT – ORGANIZATIONAL CHART

Mrs. Tharon Morgan, County Engineer, presented an organizational chart for the County Highway Department. Mr. Peter Cook made a motion to approve the organization chart. Mr. Kevin Myers seconded the motion and it carried unanimously.

SHERIFF – PURCHASE OF BODY CAMERAS

Mr. Juan Arroyo, Deputy Sheriff, presented a quote for 12 body cameras in the amount of \$14,600.31. The cameras would be used in the jail and be paid out of the LIT Public Safety Funds. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY –LAPTOP FOR HIGHWAY MECHANIC

Mr. Dave Warren, Information Technology Director, was present. At the November 7, 2022, meeting he obtained approval to purchase a laptop for the Highway mechanic for \$2,301.85. When he went to place the order, the price had gone up to \$2,331.70. He is requesting approval for the additional amount. Mr. Peter Cook made a motion to approve the additional cost. Mr. Kevin Myers seconded the motion and it carried unanimously.

EMERGENCY MANAGEMENT AGENCY – GRANT APPLICATION FOR MITIGATION PLAN

Mr. Bill Morr, Emergency Management Agency Director, was present and requested approval to apply for funding to update the Multi Hazard Mitigation Plan. The County pays 20% of the cost with in-kind services. Mr. Peter Cook made a motion to approve the application. Mr. Kevin Myers seconded the motion and it carried unanimously.

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PARKS –WELL AT DELT CHURCH PARK

Mrs. Mary Franke, Park Director, explained that in December 2021, she had received permission to proceed with a new well at Delt Church Park. The quote at that time was \$7,700. The well was just installed, and the invoice is in the amount of \$9,945.85. An additional cost of \$1,560 was for moving the location of the well across the street. Mr. Peter Cook a motion to approve the quote. Mr. Kevin Myers seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MINUTES

Mr. Peter Cook made a motion to approve the minutes of the November 7, 2022 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 November 14, 2022 staff meetings and the November 16, 2022 memorandum of the Executive Session. Mr. Kevin Myers seconded the motion and it carried unanimously.

ADJOURNMENT

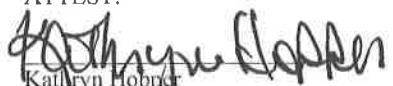
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.


Terry A. Martin


Kevin R. Myers


PETER COOK /s/
Peter A. Cook

ATTEST:


Kathryn Hopper
LaGrange County Auditor