

AUGUST 19, 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, 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 ISSUE – 3460 SOUTH 1145 EAST LAND TRUST, 3460 S 1145 E, LAGRANGE, INDIANA

Mr. Eric Schoenherr, Code Enforcement Officer, reported that the property located at 3460 S 1145 E, LaGrange, Indiana, owned by 3460 South 1145 East Land Trust, is in compliance as of today. Mr. Kurt Bachman, County Attorney, recommends that an order be signed by the Commissioners abating the nuisance at the property and waiving any and all fines. Mr. Kevin Myers made a motion to approve and sign the order. Mr. Peter Cook seconded the motion and it carried unanimously.

BIDS FOR LAGRANGE COUNTY PARKS - RESURFACING PROJECT DELT CHURCH PARK

At 8:30 a.m. Mr. George DeWald, Park Superintendent, opened the following bids for resurfacing approximately 18,000 square feet of driveway at Delt Church Park:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Hochstetler Concrete LLC.	Millersburg, Indiana	\$115,100.00
Michiana Builders LLC	LaGrange, Indiana	110,045.00
Shetler Construction LLC	LaGrange, Indiana	104,988.00

Mr. Peter Cook made a motion to award the bid to the lowest, responsive and responsible bidder, subject to review by the County Engineer and County Building Commissioner and authorize the president to sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

SET JOINT EXECUTIVE SESSION

Mr. Kevin Myers made a motion to set a joint executive session for August 26, 2024 at 8:30 a.m. Mr. Peter Cook seconded the motion and it carried unanimously.

SET JOINT MEETING

Mr. Kevin Myers made a motion to set a joint Commissioner and Council meeting for August 26, 2024 at 8:00 a.m. Mr. Peter Cook seconded the motion and it carried unanimously.

ORDINANCE ADOPTING THE UNIFIED DEVELOPMENT ORDINANCE OF LAGRANGE COUNTY, INDIANA

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2024-08-19 A

AN ORDINANCE ADOPTING THE UNIFIED DEVELOPMENT ORDINANCE OF
LAGRANGE COUNTY, INDIANA

WHEREAS, pursuant to Indiana Code (“IC”) 36-7-4-202, the LaGrange County Plan Commission (“Plan Commission”) is an advisory plan commission established by the Board of Commissioners of the County of LaGrange (“Commissioners”) on behalf of LaGrange County, Indiana (“County”); and

WHEREAS, on November 17, 2005, pursuant to and in accordance with IC 36-7-4, the Commissioners passed Ordinance 2005-11-17A, commonly known as the LaGrange County Zoning Ordinance, as well as a separate LaGrange County Subdivision Control Ordinance (as its text has been from time to time later amended, collectively, the “Zoning Ordinance”),

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which established planning, zoning, and development standards and regulations in the unincorporated areas of the County and the incorporated towns in the County that subsequently co-adopted the Zoning Ordinance; and

WHEREAS, the Plan Commission has determined that, in the interest of improving the orderly development of the County and promote the public health, safety and general welfare of the community, it would be appropriate to replace the Zoning Ordinance with a new Uniform Development Ordinance of LaGrange County, Indiana (“UDO”) creating new regulations and developmental standards would be appropriate; and

WHEREAS, on June 4, 2024 and July 9, 2024, after notice to all interested parties pursuant to IC 5-3-1, the Plan Commission conducted a public hearing on the UDO pursuant to IC 36-7-4-604; and

WHEREAS, on July 15, 2024, the Plan Commission certified to the Commissioners a proposal with a favorable recommendation for the repeal of the Zoning Ordinance and the adoption of the UDO (collectively, the “Proposal”); and

WHEREAS, on August 5, 2024, pursuant to IC 36-7-4-606, the Commissioners did conduct a regular meeting with regard to the Proposal, after all notices of its intention to consider the Proposal had been provided, as required by law; and

WHEREAS, the Plan Commission and Commissioners, in paying reasonable regard to the statutory criteria set forth in IC 36-7-4-603, have determined that the adoption of the Proposal is appropriate and in the best interests of the welfare of the community.

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 “UDO Adoption 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 – UDO ADOPTION

The Commissioners hereby adopt the Proposal. The entirety of the Unified Development Ordinance of LaGrange County, Indiana, which is set forth in Exhibit “A” attached hereto and hereby incorporated by reference, is hereby approved and adopted without further execution or formality. Notwithstanding the foregoing, the maps of the Zoning Ordinance shall hereby instead be the maps of the UDO, and the ordinances amending the maps of the Zoning Ordinance or any prior version thereof are hereby amended such that all references therein to the Zoning Ordinance, whether direct or indirect, shall instead refer to the UDO, and any competent reviewing authority shall construe the maps and amendments to be of and refer to the UDO. All such ordinances shall be applied in chronological order by date of adoption or amendment.

SECTION IV – REPEAL OF PRIOR LAW

- A. Repealer. The Zoning Ordinance, as fully amended, is hereby repealed and replaced with the UDO, which specifically includes the repeal of amendatory Ordinances 2006-5-1-E, 2006-8-7, 2007-2-5, 2007-4-16, 2007-9-4, 2008-4-7, 2009-07-20b, 2010-5-3a, 2010-5-3b, 2010-12-06b, 2010-12-15, 2011-6-6D, 2012-07-02B, 2013-05-06B, 2013-11-04B, 2013-11-04C, 2015-03-16, 2020-03-23C, 2020-08-03-E, 2022-07-18-B, and 2023-11-20. All other zoning, development, and planning text ordinances of the County adopted pursuant to IC 36-7-4 are hereby repealed, specifically including the 1973 comprehensive zoning ordinance adopted 1973-06-11, Ordinance “Two” adopted 1974-07-15, Ordinance 1988-7-6, Ordinance 95-0A-3 adopted 1995-04-03, Ordinance 2002-2-4, Ordinance 2002-3-25, and Ordinance 2002-11-4b.
- B. Maps Unaffected. Notwithstanding anything in this ordinance or the UDO to the contrary, the express or implied repeal or amendment of the Zoning Ordinance by this ordinance or the UDO has no effect on any existing map amendment to the Zoning Ordinance or any prior version of the Zoning Ordinance. It is the understanding and intent

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of the Commissioners that, since Section III of this Ordinance amends all previous maps of the Zoning Ordinance and amendments thereto by instead making them maps of the UDO, that no zoning map is effectively repealed by this Ordinance.

C. Continuance. Section 1.08 of the UDO applies to this Section.

SECTION V – MISCELLANEOUS

A. 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.

B. 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 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.

C. 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.

D. Promulgation.

1. Pursuant to IC 36-7-4-610(a), the Plan Commission shall prepare and cause to be published a notice of adoption in accordance with IC 5-3-1 and IC 36-7-4-610(a).

2. Pursuant to IC 36-7-4-610(b), the Plan Commission shall either print the UDO in book or pamphlet form.

3. Pursuant to IC 36-7-4-610(f) and 36-1-5-4, the Plan Commission shall file two (2) copies of the UDO in the Office of Auditor for public inspection and any further sale and distribution.

4. The Plan 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.

E. Codification. The codifier of ordinances should not codify the UDO in full, but rather should simply codify Section III of this Ordinance. To the extent a substantive change in meaning does not result, the codifier of ordinances may make clarifying references.

F. Effective Date.

1. Section 10.17 of the UDO shall take effect as provided in IC 36-7-4-610(e).

2. All other sections of the UDO and 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 ON THE PARTICULAR REAL ESTATE DESCRIBED HEREIN

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

LAGRANGE COUNTY, INDIANA
ORDINANCE NO. 2024-08-19 B

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

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WHEREAS, 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 incorporated 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, Schlabach, Larry R & Fannie (collectively, “Landowner”) has at least a 50% ownership interest in the real property located at 2510 S 250 W., LaGrange, Indiana 46761 identified as Parcels 44-11-03-300-003.000-005 & 44-11-03-100-007.000-005 in the records of the Office of the County Auditor, and more particularly described as follows:

44-11-03-300-003.000-005

A part of the Northwest Quarter of Section 3, Township 36 North, Range 9 East, Clearspring Civil Township, LaGrange County, Indiana, being an original survey by Benjamin R. Taylor (LS#21300008) for Taylor Land Surveying (Job#23009), certified on April 26, 2023, and bounded as follows:

Commencing at a concrete “Houck” Monument at the Southeast corner of said Quarter; thence South 89 degrees 32’30” West (Basis of Bearing: IN East State Plane, NAD 83, Ground Distance) 644.98 feet along the South line of said Quarter to a #5 BR Taylor capped rebar at the point of beginning; thence continuing South 89 degrees 32’ 30” west 269.87 feet along said South line to the Southwest corner of land described in Deed record 9808-0486; thence North 02 degrees 23’ 38” West along the West line of said Deed, 472.45 feet to a BR Taylor rebar at the South west corner of land described in Deed Record 2022-03526; thence North 89 degrees 29’ 14” East along the North line of said deed, 283.53 feet to a BR Taylor rebar; thence South 00 degrees 44’ 13” East 472.46 feet to the point of beginning. The above-described tract contains 3.00 acres, more or less.

44-11-03-100-007.000-005

A part of the Southwest Quarter of Section 3, Township 36 North, Range 9 East, Clearspring Township, LaGrange County, Indiana and more particularly described as follows:

(Bearings in this description are based on a line connecting the monument at the Northeast Corner and the monument at the Southeast corner of said Southwest Quarter being South 00 degrees 00 minutes 00 seconds East):

Beginning at a county referenced monument marking the Northeast corner of the Southwest Quarter of Section 3, Township 36 North, Range 9 East; thence South 00 degrees 00 minutes 00 seconds East, along the East line of said Southwest Quarter, a distance of 328.02 feet to a survey mark spike; thence North 89 degrees 32 minutes 32 seconds West, a distance of 1327.78 feet to a rebar with cap (Justice 900004) on the West line of the East half of the Southwest Quarter of said Section 3 and being on the East line of land conveyed to John W. And Joetta C. Reffett in Deed Instrument Number 94-2-193 in the Office of the Recorder of LaGrange County, Indiana; thence North 00 degrees 05 minutes 11 seconds West, along said line, a distance of 328.02 feet to a rebar with cap (Justice 900004) at the Northwest corner of the East half of the Southwest Quarter of said Section 3; thence South 89 degrees 32 minutes 32 seconds East, along the North line of the Southwest Quarter of said Section 3 and being the South line of said Reffett Land and being the South line of land conveyed to Dale D. Fry and Pamela K. Hart-Fry in Deed Instrument Number 98-08-486 in the Office of Recorder of Lagrange County, Indiana, a distance of 1328.27 feet to the point of beginning of this description, containing 10.00 acres, more or less.

(collectively, the “Real Estate”);

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WHEREAS, 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 August 13th, 2024, pursuant to IC 36-7-4-602(c)(4), 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 August 19th, 2024, pursuant to IC 36-7-4-602(c)(5) and IC 36-7-4-605, the Plan Commission submitted a certified copy of the Proposal, which is hereby incorporated by reference, to the Commissioners whereby it gave the Proposal a favorable recommendation;

WHEREAS, on August 19th, 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 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 Auditor for public inspection.
- E. Promulgation. The 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.

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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.

STOP SIGN AT HAWPATCH AND 00 EW LAGRANGE, INDIANA

Mrs. Tharon Morgan, County Engineer, reported that the intersection of Hawpatch and 00 EW, LaGrange, has been removed by the Town of LaGrange's federal road project. She is requesting that the stop sign at the previous intersection be removed. The ordinance will need to be updated once the new intersection is established.

Mr. Peter Cook made a motion to remove the stop sign at the previous Hawpatch and 00 EW intersection and update the Ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously.

ORDINANCE AUTHORIZING THE PURCHASE OF A DISTRIBUTOR AND CHIP SPREADER FOR THE COUNTY HIGHWAY DEPARTMENT

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2024-08-19 C

AN ORDINANCE AUTHORIZING THE PURCHASE OF A DISTRIBUTOR AND CHIP SPREADER FOR THE COUNTY HIGHWAY DEPARTMENT

WHEREAS, pursuant to Indiana Code ("IC") 5-22-4-5(a), the purchasing agency for a political subdivision is the person designated by law or by rule of the governmental body;

WHEREAS, pursuant to the Public Purchasing Rules Adoption Ordinance (Ord. 2024-01-16-A), the Board of Commissioners of the County of LaGrange, Indiana ("Commissioners") is the purchasing agent on behalf of LaGrange County, Indiana ("County");

WHEREAS, the LaGrange County Highway Department ("Department") has general charge of the repair and maintenance of those highways and bridges in the County's inventory;

WHEREAS, the Department has a need to upgrade its paving maintenance equipment, including one 2016 Freightliner distributor ("Old Distributor") and a 2015 Etnyre chip spreader ("Old Chip Spreader");

WHEREAS, the Commissioners desire to purchase on behalf of the Department one (1) 2025 Etnyre Distributor ("Distributor") and one (1) 2025 Etnyre Chip Spreader ("Chip Spreader") (collectively, "Equipment"), along with delivery and warranty from Southeastern Equipment Co., Inc., an Ohio for-profit corporation (as stipulated, "Southeastern");

WHEREAS, the quote part of the contract between the Commissioners and Southeastern ("Contract") is attached hereto as Exhibit B and incorporated by reference;

WHEREAS, as part of its quote for the Equipment, Southeastern has offered to purchase the Old Distributor and the Old Distributor;

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WHEREAS, pursuant to IC 36-1-11-9, which chapter is entitled "Disposal of Real or Personal Property," a disposing agent may purchase new property with a condition that property of a similar nature is to be traded in or exchanged as part of the purchase and in reduction of the purchase price;

WHEREAS, the Distributor minus the trade-in value of the Old Distributor costs Two Hundred Thousand Eight Hundred Ninety-Five and 00/100 Dollars (\$200,895.00), subject to market fluctuations;

WHEREAS, the Chip Spreader minus the trade-in value of the Old Chip Spreader costs Three Hundred Seventy-Three Thousand One Hundred and 00/100 Dollars (\$373,100.00), subject to market fluctuations;

WHEREAS, pursuant to IC 5-22-7 and -9, a purchasing agent that desires to make a purchase of supplies over \$50,000 must create a related invitation of bids or proposals;

WHEREAS, pursuant to IC 5-22-10-1, notwithstanding IC 5-22-7 and -9, a purchasing agent of a unit may make a purchase, as authorized under that code chapter, without soliciting bids or proposals;

WHEREAS, pursuant to IC 5-22-10-8, a purchasing agent may make a special purchase when the compatibility of equipment is a substantial consideration in the purchase and only one (1) source meets the using agency's reasonable requirements; *and*

WHEREAS, the Commissioners have determined that they are able to make the findings necessary to establish a special purchase under Indiana law.

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

SECTION I – RECITALS

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

SECTION II – PURCHASE OF EQUIPMENT

- A. Findings. The Commissioners hereby adopt the Special Findings in Exhibit A concerning the purchase of the Equipment. The exhibit is attached and incorporated by reference to this ordinance as if fully set out herein.
- B. Authorization. The Commissioners hereby approve and authorize the purchase of the Equipment from Southeastern. The President and Highway Supervisor are hereby authorized to sign all documents necessary or helpful to implement the purchase of the Equipment and related title transfers.
- C. Appropriation. Purchase of the Equipment is subject to the appropriation of funds.
- D. Records. The Auditor shall maintain the contract records of the findings and purchase on file for five (5) years.
- E. Title. Title to the Equipment shall be acquired in the name of LaGrange County.

SECTION III – 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.

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2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, 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. 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 Auditor for public inspection.
- E. 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 ordinance effective.
- F. Codification. As this ordinance concerns a one-time special purchase, 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. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

BIDS FOR PAINT STRIPING

Mr. Aaron Fugate, Highway Supervisor, reported that he requested bids for paint striping this year and the lowest bid is from Three Rivers Barricade, in the amount of \$81,513.40. Mr. Peter Cook made a motion to approve the bid, subject to funding by the LaGrange County Council. Mr. Kevin Myers seconded the motion and it carried unanimously.

ARK ANIMAL SANCTUARY – MARY JANE ECKER IRREVOCABLE TRUST EXPENSE

Mrs. Kathryn Hopper, County Auditor, presented bills from various veterinary clinics in the amount of \$6,614.63. The invoices would be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Kevin Myers made a motion to approve the expenses to be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Peter Cook seconded the motion and it carried unanimously.

SHERIFF – REQUEST TO PURCHASE

Mr. Tracy Harker, County Sheriff, was present and requested permission to purchase a 2024 Cam Am Defender with a blade in the amount of \$28,005.00 and a snowplow in the amount of \$8,267.00. These purchases would be paid for out of the Cumulative Capital Development fund. Mr. Peter Cook made a motion to approve the purchases. Mr. Kevin Myers seconded the motion and it carried unanimously.

LAGRANGE COUNTY COMMUNITY FOUNDATION – LETTER OF SUPPORT FOR GRANT

At the August 5, 2024 Commissioners meeting, Ms. Leanna Martin, Program Director for the LaGrange County Community Foundation, was present and requested a letter of support for the Hawpatch Trail Project. Mrs. Kathryn

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Hopper, County Auditor, presented a letter of support. Mr. Kevin Myers made a motion to approve the letter of support. Mr. Peter Cook seconded the motion and it carried unanimously.

MAJOR MOVES GRANT REQUEST – TOWN OF TOPEKA

At the August 5, 2024 Commissioners meeting, the Town of Topeka requested \$359,000 of Major Moves funds to convert the infield softball diamonds to turf playing surfaces. They have amended their request and are now requesting \$264,476. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

2025 COMMISSIONER MEETINGS, STAFF MEETINGS, DEPARTMENT HEAD MEETINGS

Mr. Kevin Myers made a motion to approve the 2025 Commissioner meeting schedule, Commissioner staff meeting schedule, and Department Head meeting schedule. Mr. Peter Cook 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.

PUBLIC HEARING ON THE SALE OF PROPERTY ON 107 WEST SPRING STREET, LAGRANGE, INDIANA

At 9:00 a.m. Mr. Kurt Bachman, County Attorney, opened the public hearing on the proposed sale of real estate by the County of LaGrange. The property is located at 107 W. Spring Street, LaGrange, Indiana. There being no comments from the public, the public hearing was closed. The following Resolution was presented for consideration:

RESOLUTION NO. 2024-08-19 D

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, AUTHORIZING THE SALE AND TRANSFER OF REAL ESTATE BY THE COUNTY PURSUANT TO I.C. § 36-1-11-4.2.

WHEREAS, the County of LaGrange, Indiana (the “County”) owns certain real estate more commonly known as 107 W. Spring Street, LaGrange, Indiana 46761 and taxed as Parcel No. 44-07-19-300-001.031-002, and more particularly described and/or depicted on Exhibit “A” attached hereto and incorporated herein (the “Real Estate”); and

WHEREAS, pursuant to Indiana Code § 36-1-11-3, the sale or disposal of the Real Estate is subject to the approval of the Board of County Commissioners (the “Board”) of the County, as executive of the County, after a public hearing; and

WHEREAS, the Board has given notice under Indiana Code §5-3-1 and on August 19, 2024, conducted the public hearing regarding the sale or disposal of the Real Estate; and

WHEREAS, pursuant to Indiana Code § 36-1-11-4.2 the County may: (i) negotiate a sale or transfer of real estate state not acquired through eminent domain procedures for the purpose of promoting an economic development project or to facilitate compatible land use planning for a value that is not less than the average of two (2) appraisals; and (ii) may dispose of the Real Estate for a value that is not less than the average of two (2) appraisals only after publishing notice stating the amount of the offer to be accepted; and

WHEREAS, the Real Estate was not acquired by the County through eminent domain procedures and the County desires to sell or transfer the Real Estate for the purpose of promoting an economic development project or to facilitate compatible land use planning; and

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WHEREAS, the County has secured the required appraisals, the average thereof being Fifty Thousand and 00/100 Dollars (\$50,000.00); and

WHEREAS, the County has negotiated a sale and transfer of the Real Estate upon terms and conditions as set forth in the Real Estate Purchase Agreement attached to this Resolution as Exhibit "B", at a price not less than the average of two (2) appraisals, and the Board has given notice that the sale or transfer of the Real Estate shall be for the gross sum of Fifty Thousand and 00/100 Dollars (\$50,000.00); and

WHEREAS, pursuant to Indiana Code § 36-1-11-3 and Resolution No. 2024-08-12 D, the County Council has approved of the sale of the Real Estate; and

WHEREAS, after considering this matter, the Board finds that the sale and transfer of the Real Estate is in the best interest of the County.

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

1. That the Board hereby confirms, ratifies, and approves the appointment of William F. Schnepf, Jr. of All Appraisals, Inc., and Jerry L. Stanner of Stanner Appraisal Service, Inc., already made for the appraisal of the Real Estate.

2. That the Board finds the sale and transfer of the Real Estate to be for the purpose of promoting an economic development project or to facilitate compatible land use planning. The Board hereby confirms, ratifies, and approves the Real Estate Purchase Agreement, as negotiated and executed by the President of the Board, on behalf of the County, for the sale and transfer of said Real Estate for a gross amount of Fifty Thousand and 00/100 Dollars (\$50,000.00), which amount is not less than the average of the two (2) appraisals secured on the Real Estate. That the Board hereby confirms, ratifies, and approves of the sale and transfer of the Real Estate pursuant to the terms of the Real Estate Purchase Agreement and in the manner provided in Indiana Code § 36-1-11-4.2.

3. That the President of the Board and the Auditor of the County be, and they hereby are, authorized and empowered to execute and deliver all bid forms, purchase agreements, deeds, sales disclosures, closing statements, and affidavits, as in either of their judgment might deem best and as may be desired or required of the County in connection with the disposition of the Real Estate.

4. That the execution by the President of the Board and the Auditor of the County of any document authorized by the foregoing Resolution, or any document executed by either of them in the accomplishment of any action or actions so authorized, is the enforceable and binding act and obligation of the County.

5. 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 same. Should any section or part thereof of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Resolution are hereby declared to be severable.

RESOLVED AND ADOPTED by the Board of County Commissioners of the County of LaGrange, Indiana, on the 19th day of August, 2024.

Mr. Kevin Myers made a motion to approve the Resolution. Mr. Peter Cook 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.

AUGUST 19, 2024

REGULAR SESSION

MINUTES

Mr. Kevin Myers made a motion to approve the minutes of the August 5, 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 August 14, 2024 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

ADJOURNMENT


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



Terry A. Martin



Peter A. Cook



Kevin R. Myers

ATTEST:


Kathryn Hopper
LaGrange County Auditor

