

JULY 17, 2023

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, July 17, 2023, 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. Kevin Myers made a motion to adopt the proposed agenda with flexibility. Mr. Peter Cook seconded the motion and it carried unanimously.

NUISANCE HEARING – STEPHEN WYATT, 11520 E 325 S, LAGRANGE, INDIANA

Mr. Kurt Bachman, County Attorney, explained that a nuisance exists at 11520 E 325 S, LaGrange, Indiana. The property is owned by Stephen Wyatt. Mr. Bill Stewart, Code Enforcement Officer, is unable to attend the meeting today and Mr. Bachman is requesting that the public hearing be continued on August 21, 2023, at 8:30 a.m. Mr. Kevin Myers made a motion to continue the public hearing on August 21, 2023 at 8:30 a.m. Mr. Peter Cook seconded the motion and it carried unanimously.

SHIPSHEWANA LAKE PUBLIC ACCESS SITES

Mr. Kurt Bachman, County Attorney, explained that there are two public access sites at Shipshewana Lake. One access is an older access site that the County has a right of way to and one that is maintained by the Indiana Department of Natural Resources. The older access has not been maintained and has an accumulation of horse manure on it. Mr. Kevin Myers made a motion to close the older public access at Shipshewana Lake. Mr. Peter Cook seconded the motion and it carried unanimously.

SHERIFF'S TRAINING AND STORAGE BUILDING

On July 5, 2023 bids were opened for the construction of a new training and storage building for the Sheriff's Office. Mr. Peter Cook made a motion to continue to take the bids under advisement. Mr. Kevin Myers seconded the motion and it carried unanimously.

NUISANCE HEARING – JOHN AND LINDA LACKEY, 1260 S 400 E, LAGRANGE, INDIANA

Mr. Kurt Bachman, County Attorney, explained that a nuisance exists at 1260 S 400 E, LaGrange, Indiana. The property is owned by John and Linda Lackey. Mr. Bill Stewart, Code Enforcement Officer, is unable to attend the meeting today and Mr. Bachman is requesting that the public hearing be continued on August 21, 2023, at 8:45 a.m. Mr. Kevin Myers made a motion to continue the public hearing on August 21, 2023 at 8:45 a.m. and to authorize a notice of continuance to be signed outside of a public meeting by the president. Mr. Peter Cook seconded the motion and it carried unanimously.

SBA COMMUNICATIONS

Mr. Kurt Bachman, County Attorney, explained that he has received correspondence from SBA Communications Corporation regarding a lease agreement. Mr. Peter Cook made a motion to authorize the County Attorney to respond to SBA Communications and to research the matter further. Mr. Kevin Myers seconded the motion and it carried unanimously.

SCHOOL RESOURCE OFFICER AGREEMENT

Mr. Kurt Bachman, County Attorney, presented an agreement between the LaGrange County Commissioners and the Lakeland School Corporation to allow the School Corporation to utilize a Sheriff's Office Deputy to serve as a School Resource Officer. Mr. Peter Cook made a motion to approve the agreement and to authorize the president to sign the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

LAGRANGE COUNTY ECONOMIC DEVELOPMENT CORPORATION – UTILITY STUDY

Mrs. Sherri Johnston, LaGrange County Economic Development Corporation Chief Executive Officer, explained that in 2017 a utility study was done on the State Road 9 corridor from LaGrange to the Indiana Toll Road. She is

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requesting funding from ARPA to update the study. She is requesting \$30,500. Mr. Peter Cook made a motion to send the request to the County Council with a positive recommendation. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 2nd quarter voucher for the transportation grant. Mr. Peter Cook made a motion to approve the voucher and have the President sign it. Mr. Terry Martin seconded the motion and it carried unanimously.

COUNTY ENGINEER – REQUEST TO APPLY FOR A GRANT

Mrs. Tharon Morgan, County Engineer, was present and requested permission to apply for a Community Crossings Grant for pavement markings and curb ramp upgrades on County Road 1150 E / County Road 1175 E from US 20 to County Road 500 South. The amount requested is \$1,457,118.90, with the Indiana Department of Transportation matching up to \$1,000,000 and a local match of \$457,118.90. Mr. Peter Cook made a motion to approve the grant application and authorize the president to sign. Mr., Kevin Myers seconded the motion and it carried unanimously.

HEALTH DEPARTMENT

Dr. Michael Conway, Health Officer, explained that the Indiana Legislature has passed Senate Enrolled Act 4-2023 and House Enrolled Act 1001-2023, to ensure every Hoosier has access to the core public health services that allow them to achieve their optimal health and well-being. There are funds available from the Governor's Public Health Commission. Accepting the funding requires implementing additional public health core services in addition to the services currently provided by the Health Department. He is recommending that LaGrange County opt in to receive the funding. The following Ordinance was presented for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2023-07-17

AN ORDINANCE CREATING A LOCAL PUBLIC HEALTH SERVICES FUND, ACCEPTING PUBLIC HEALTH FUNDING, AND COMMITTING TO PROVIDE PUBLIC HEALTH SERVICES IN THE COUNTY.

WHEREAS, on May 4, 2023, the Governor of the State of Indiana signed Indiana Senate Enrolled Act No. 4 ("Act") into law;

WHEREAS, among other things, the Act provides public health funding whereby the state legislature seeks to ensure that all Hoosiers have access to the core public health services that allow them to achieve optimal health and well-being;

WHEREAS, pursuant to Indiana Code ("IC") § 16-46-10-2.2(c), codified by the Act, in order for a local board of health to be eligible to receive such funding, the county executive must vote to accept additional funding and to provide core public health services in the county;

WHEREAS, pursuant to IC § 36-1-2-5, the Board of Commissioners of the County of LaGrange ("Commissioners") is the executive of LaGrange County, Indiana ("County");

WHEREAS, pursuant to IC § 16-46-10-1.5, codified by the Act, each county must establish a local public health services fund to receive local board of health funding from the State;

WHEREAS, pursuant to IC § 16-46-1-4, before its repeal, the Commissioners adopted Ordinance 2020-04-20 C on April 20, 2020, whereby it reestablished a County Health Fund;

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WHEREAS, the same County Health Fund had been previously established pursuant to instructions from the Department of Local Government Finance ("DLGF");

WHEREAS, the Act repealed IC § 16-46-1-4 and, therefore, no specific statutory authority remains for the County to independently establish the County Health Fund; *and*

WHEREAS, notwithstanding the repeal of IC § 16-46-1-4, the Commissioners desire that County Health Fund remain open and active pursuant to DLGF instructions and authority.

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

SECTION I – NAME

This ordinance shall be named the "Local Public Health Services Fund Ordinance," or the "Fund Ordinance" when the context is obvious.

SECTION II – RECITALS

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

SECTION III – COMMITMENT

- A. Acceptance. The Commissioners hereby accept the funding provided under the Act and commit to provide core public health services in the County.
- B. Local Health Initiatives. The Commissioners hereby affirm their support of initiatives that sustain and maintain core public health services at the County level with local input and flexibility to meet the needs of the community.
- C. Control. The Commissioners hereby reassert the right to self-direct and acknowledge that, by opting-in and accepting the funding provided under the Act, the authority and control of the Department in accordance with applicable law is retained.

SECTION IV – ESTABLISHMENT

- A. Reestablishment. The "Local Public Health Services Fund" is hereby established as a special nonreverting fund, and it shall exist in perpetuity until terminated or repealed by subsequent ordinance.
- B. Purpose. The purpose of the Fund is to receive disbursements from the State of Indiana to the County pursuant to IC 16-46-10, for appropriating money, and for allocating expenditures as permitted by such Indiana Code chapter.
- C. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the County Council.
- D. Restriction. Money in the Fund shall be spent only for purposes given under IC 16-46-10.
- E. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- F. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.
- G. Authentication. All vouchers received from the Health Officer for the disbursement of money in the Fund shall be properly authenticated.
- H. Authorization. The Auditor and Treasurer are hereby authorized to sign all documents and to take all action necessary or helpful to create and administer the Fund and for the disbursement of money therefrom, subject to the provisions of this section.

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- I. Termination. When the Fund is terminated, all money in the Fund shall be deposited in the General Fund except as otherwise required by applicable law.

SECTION V – REPEAL OF PRIOR LAW

- A. Repeal. Ordinance 2020-04-20 C, which was adopted on April 20, 2020, is hereby repealed in its entirety.
- B. Effect. The County Health Fund, which was reestablished by Ordinance 2020-04-20 C, shall continue in effect with its current fund amounts and appropriations pursuant to DLGF instructions and authority.
- 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 VI – 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, 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 as well may do as 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 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. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- E. Effective Date. This ordinance shall take effect immediately upon adoption.

Mr. Peter Cook made a motion to opt into the funding and 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.

ARK ANIMAL SANCTUARY – MARY JANE ECKER IRREVOCABLE TRUST EXPENSE

Mrs. Kathryn Hopper, County Auditor, presented bills from Animal Care Clinic of Topeka, in the amount of \$4,862.22 and a bill from King Veterinary Clinic in the amount of \$1,199.38. 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.

PARK - APPOINTMENT OF APPRAISERS FOR PROPERTY

Mrs. Mary Franke, Park Director was present and explained that approximately 22 acres comprised of wetlands and upland forest areas bordering Pine Knob County Parks is being offered for sale. Mr. Peter Cook made a motion to appoint Caldwell Appraisals and Stanner Appraisal Service to perform the appraisal of the property. Mr. Kevin Myers seconded the motion and it carried unanimously.

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PARK DEPARTMENT – GRANT REQUESTS

Mrs. Mary Franke, Park Director was present and requested approval to apply for a grant from the President Benjamin Harrison Conservation Trust, through the Indiana Department of Natural Resources (INDR). The grant is for the purchase of approximately 22 acres of land adjacent to Pine Knob Park and is for approximately \$200,000. She is also requesting two grants for the match portion of the grant. One is a grant from the Olive B. Cole Foundation for \$20,000 and one is a grant from the LaGrange County Community Foundation in the amount of \$20,000, to cover part of the match for the purchase of land adjacent to Pine Knob. Mr. Peter Cook made a motion to approve the grant applications. Mr. Kevin Myers seconded the motion and it carried unanimously.

PARK DEPARTMENT – GRANT REQUEST

Mrs. Mary Franke, Park Director was present and requested approval to enter into a pollinator partnership seed grant which will provide free wildflower seed to help extend the native prairies at Delt Church Park. Mr. Peter Cook made a motion to approve. Mr. Kevin Myers seconded the motion and it carried unanimously.

PINE KNOB LAND ACQUISITION – LETTER OF SUPPORT

Mr. Peter Cook made a motion to approve and sign a letter of support for the purchase of approximately 22 acres of land bordering Pine Knob County Park. 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.

JUNE 2023 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending June 30, 2023, in the amount of \$53,758,549.41 and investments of \$21,495,000. Mr. Peter Cook made a motion to accept the report. Mr. Kevin Myers seconded the motion and it carried unanimously.

MINUTES

Mr. Kevin Myers made a motion to approve the minutes of the July 5, 2023 regular session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the July 12, 2023 staff meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

INDEPENDENT CONTRACTOR AGREEMENT – PUBLIC DEFENDER BOARD

Mr. Kurt Bachman, County Attorney, presented an Independent Contractor Agreement between the Board of Commissioners and Cassandra Zuver to provide services for the LaGrange County Public Defender Board. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Treasurer – June 2023 report

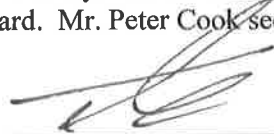
Indiana Department of Environmental Management – Notice of Public Comment, Rock Run Industries LLC,
LaGrange County, Permit Number 087-46569-00072

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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.

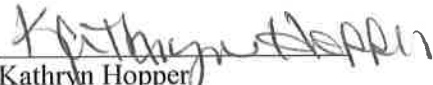


Terry A. Martin

Kevin R. Myers

Peter A. Cook

ATTEST:



Kathryn Hopper
LaGrange County Auditor