

OCTOBER 16, 2023

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, October 16, 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. Peter A. Cook was absent. 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.

COUNCIL FOR DRUG FREE LAGRANGE COUNTY

Ms. Robinn Mitchell presented the Council for a Drug-Free LaGrange County mini grant for the Town of Shipshewana Police Department, for Alco-Sensor FST instruments, in the amount of \$4,557. Mr. Peter Cook made a motion to approve the mini grant request. Mr. Kevin Myers seconded the motion and it carried with Mr. Terry Martin abstaining.

CONNECTION WAIVER – LAGRANGE COUNTY SHERIFF’S OFFICE

Mr. Kurt Bachman, County Attorney, presented a Connection Waiver for the LaGrange County Regional Utility District (LCRUD) for connecting the new storage building at the Sheriff’s Office. Mr. Kevin Myers made a motion to approve the connection waiver for LCRUD. Mr. Peter Cook seconded the motion and it carried unanimously.

PROPERTY – 107 W. SPRING STREET, LAGRANGE

Mr. Kurt Bachman, County Attorney, informed the Commissioners that Jerry Stanner and Bill Schnepf are available to appraise the property located at 107 W. Spring Street, LaGrange, Indiana. Mr. Kevin Myers made a motion appointing the two appraisers, effective October 30, 2023. Mr. Peter Cook seconded the motion and it carried unanimously.

SALE OF 2022 ELGIN PELICAN STREET SWEEPER

Mr. Kurt Bachman, County Attorney, presented a bill of sale and assignment of tangible personal property between the Board of County Commissioners and the Town Council of the Town of LaGrange. This is for transferring a 2022 Elgin Pelican Street sweeper to the Town of LaGrange for \$225,000. The following Resolution was presented for consideration:

**COUNTY OF LAGRANGE
RESOLUTION NO. 2023-10-16 B**

**A RESOLUTION AUTHORIZING THE EXCHANGE OF PERSONAL PROPERTY WITH
ANOTHER GOVERNMENTAL BODY**

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

WHEREAS, pursuant to IC 36-5-2-2, the Town Council of the Town of LaGrange (“Town”) is the legislative body of LaGrange, Indiana;

WHEREAS, the County is the owner of a 2022 Elgin Pelican Street Sweeper with Serial # NP4264 (“Property”);

WHEREAS, the County has informed the Town that the Property is for sale for Two Hundred Twenty-Five Thousand Dollars (\$225,000.00, “Contract Price”);

WHEREAS, the Town has expressed to the County a desire to purchase the Property for the Contract Price;

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WHEREAS, pursuant to IC 5-22-22-10, a purchasing agency may exchange personal property with another governmental body upon mutually agreeable terms and conditions, as evidenced by adoption of a substantially identical resolution by each entity; *and*

WHEREAS, in accordance with IC § 5-22-4-5, the County and the Town have been designated as the purchasing agents for their respective units.

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

SECTION I – NAME

The name of this resolution shall be the “Street Sweeper Transfer Resolution.”

SECTION II – RECITALS

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

SECTION III – TRANSFER

- A. Payment. The principal executive officer is hereby authorized to transfer the Property for the Contract Price.
- B. Execution. The principal executive officer is hereby authorized to execute a basic contract and/or bill of sale for the Property and to otherwise take all action necessary or helpful to implement the transfer of the Property.
- C. Records. The principal executive officer is directed to keep records of the transfer on file for ten (10) years from the date of execution.

SECTION IV – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this resolution 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. Should a provision of this resolution 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 resolution 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 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, and for this purpose the provisions of this resolution 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 resolution effective.
- E. Effective Date. This resolution shall take effect immediately upon adoption.

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

ORDINANCE REESTABLISHING THE LAGRANGE COUNTY HEALTH DEPARTMENT FEE SCHEDULE

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

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LAGRANGE COUNTY
ORDINANCE NO. 2023-10-16**

AN ORDINANCE REESTABLISHING THE LAGRANGE COUNTY HEALTH DEPARTMENT FEE SCHEDULE.

WHEREAS, pursuant to Indiana Code ("IC") 16-20-1-27, the board of each local health department may, with the approval of the county executive, establish and collect fees for specific services and records established by local ordinances and state law;

WHEREAS, pursuant to IC 16-19-3-21, if designated by the Indiana Department of Health, a qualifying local board may operate programs in the public interest to provide for the care of certain individuals in their place of residence and, if so designated, periodically establish a schedule of reasonable fees in accordance with IC 16-20-1-27;

WHEREAS, at its recent meeting, the LaGrange County Board of Health ("Board") resolved to amend its LaGrange County Health Department Fees ("Fee Schedule");

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

WHEREAS, the Board has presented the Fee Schedule for approval; *and*

WHEREAS, the Commissioners have adopted various Health Department fee schedules from time to time, most recently by Ordinance 2022-04-18-B.

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

SECTION I – NAME

The name of this ordinance shall be the "Health Department Fee Schedule Adoption Ordinance" or "Fee Ordinance" where 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 – FEES

- F. Approval. The Commissioners hereby adopt, and direct the Health Department employees to charge, the Health Department Fee Schedule and the Health Department fees contained within, as found in Exhibit A of this ordinance, which is hereby incorporated by reference.
- G. Home Health Care. To the extent designated by the State Board of Health, the Health Department may operate programs in the public interest to provide for the care of certain individuals in each individual's place of residence and may charge and collect a reasonable fee therefor.
- H. Findings. The Commissioners hereby find that the fees proposed in the Fee Schedule are fair and reasonable and do not exceed the cost of services provided.
- I. Publication. The Commissioners hereby direct the Health Officer to post the Fee Schedule, in one or more prominent, publicly accessible places within the Health Department. The Commissioners further direct the Health Officer to make the Fee Schedule available on the Health Department web site, if feasible.
- J. Processing Fee. The Health Board may set, modify, and charge a reasonable fee related to the costs of processing another fee assessed pursuant to this ordinance.

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- K. Exclusivity. The fees charged by this ordinance shall be in addition to any other fee or cost required by other County departments (e.g., site review by the Building Department).
- L. Advance Payment. Health Department employees may require the fees assessed pursuant to this ordinance to be paid before any services are rendered.
- M. Annual Permits. Annual health service and inspection permits expire at year's end. No permit fee shall be reduced pro rata if less than the full year is represented.
- N. Nonrefundable. All fees and fines collected pursuant to this ordinance are nonrefundable.
- O. Fee Waiver. The Health Officer may waive fees in appropriate cases at his or her discretion for a certified 501(c)(3) nonprofit organization.
- P. Deposits. All the fees charged and collected pursuant to this section shall be accounted for by the Health Department and deposited into the Health Fund upon collection.

SECTION IV – REPEAL OF PRIOR LAW

- A. Repeal. The Commissioners hereby repeal Ordinance No. 2022-04-18-B in its entirety.
- B. Continuance.
 - 1. 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.
 - 2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.
- 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, section, clause, or provision.

SECTION V – 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 may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

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- 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, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by 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 same.
- D. 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, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- 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. 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.
- 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. Kevin Myers made a motion to waive the requirement for second reading. Mr. Peter Cook seconded the motion and it carried unanimously.

SHERIFF VEHICLE PURCHASE REQUEST

Mr. Tracy Harker, County Sheriff, requested permission to seek bids for the purchase of new Sheriff vehicles for 2024. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

PARK DEPARTMENT – SURPLUS COPIER

Mrs. Mary Franke, Park Director, requested permission to declare a Canon ImageRunner Advanced 4035 as surplus. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

CLERK – REQUEST TO APPLY FOR GRANT

Mrs. Kim Johnson, County Clerk, requested permission to apply for a 2023 HAVA Election Security Local Grant through the Indiana Secretary of State. The grant is for approximately \$13,000 and is for election equipment. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

EMERGENCY MANAGEMENT AGENCY – REQUEST TO APPLY FOR GRANT

Mr. Bill Morr, Emergency Management Agency Director, requested permission to apply for the Emergency Management Performance grant. This grant reimburses the County for 50% of the Directors salary. Mr. Peter Cook made a motion to approve the grant requests. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY SURPLUS

Mr. Aaron Fugate, Highway Superintendent, requested permission to declare an engine hoist, 460 concrete cinder blocks, two rims, and a 1993 trailer at the landfill, as surplus. Mr. Peter Cook made a motion to approve the surplus items. Mr. Kevin Myers seconded the motion and it carried unanimously.

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HIGHWAY –MOWER PURCHASE

Mr. Aaron Fugate, Highway Supervisor, presented a quote for the purchase of a new mid mount mower. The quote is from Kalida Truck Equipment, Inc. in the amount of \$35,509.52. Mr. Peter Cook made a motion to approve the purchase of the mower and to have the president sign the quote outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

SEPTEMBER 2023 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending September 30, 2023, in the amount of \$48,687,805.72 and investments of \$20,995,000. Mr. Kevin Myers made a motion to accept the report. 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.

MINUTES

Mr. Kevin Myers made a motion to approve the minutes of the October 2, 2023 regular session meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the October 11, 2023 staff meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY DEPARTMENT - FUEL BID

At 9:00 a.m. Mr. Aaron Fugate, Highway Superintendent, opened the following fuel bid for 2024:

<u>Company</u>	<u>Type</u>	<u>Bid</u>
Ceres Solutions	Unleaded Gasoline	\$2.751/gallon, firm price
	Diesel	\$3.255/gallon, firm price
	Unleaded Gasoline	\$2.9529/gallon, fluctuating price
	Diesel	\$3.777/gallon, fluctuating price

Mr. Fugate requested that the fuel bids be taken under advisement. Mr. Kevin Myers made a motion to take the fuel bids under advisement and to have the president sign outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Treasurer – September 2023 report

LaGrange County Clerk of the Circuit Court – September 2023 report

LaGrange County Code Enforcement – Quarterly Report July 1 – September 30, 2023

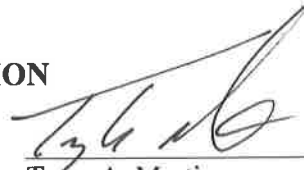
Indiana Department of Environmental Management – Notice of Public Comment, Dura Coat of Indiana, Permit Number 087-46994-00731

ADJOURNMENT

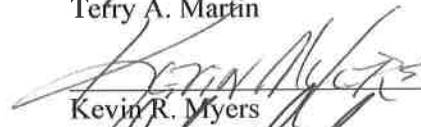
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.

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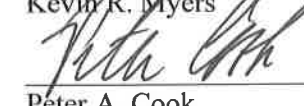
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Terry A. Martin

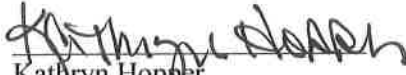


Kevin R. Myers



Peter A. Cook

ATTEST:



Kathryn Hopper

LaGrange County Auditor