

SEPTEMBER 8, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Tuesday, September 8, 2020, 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. Larry N. Miller, Mr. Terry A. Martin, and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously.

PAYROLL TAX DEFERRAL

Mrs. Kathryn Hopper, County Auditor, explained that on August 7, 2020, President Trump signed into law executive orders relating to the COVID-19 pandemic, temporary relief to support working Americans during the pandemic. She is recommending that the County not allowing employees to utilize this program. Mr. Dennis Kratz made a motion to deny the deferral of payroll tax. Mr. Terry Martin seconded the motion and it carried unanimously.

ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY, INDIANA CONCERNING THE SPREAD OF CORONAVIRUS

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-09-08 A

ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY, INDIANA CONCERNING
THE SPREAD OF CORONAVIRUS AND IMPLEMENTING CERTAIN CONTAINMENT
COUNTERMEASURES

WHEREAS, the Governor of Indiana has declared a public health emergency regarding the Coronavirus Disease 2019 ("COVID-19");

WHEREAS, pursuant to LaGrange County Ordinance 2011-5-16B and Indiana Code Section 10-14-3-29, the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), adopted Ordinance 2020-03-23A, as continued by multiple ordinances, which declared a state of emergency for the County;

WHEREAS, pursuant to IC § 10-14-3-29, the Commissioners desire to continue the declaration until December 31, 2020, inclusive.

WHEREAS, the Center for Disease Control and Prevention ("CDC") advocates that communities implement social distancing measures;

WHEREAS, limiting public access to government buildings and public gatherings can mitigate the exposure to COVID-19; *and*

WHEREAS, pursuant to IC § 10-14-3-17(j)(5), the County may waive procedures required by law pertaining to the appropriation and expenditure of public funds.

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

SECTION I – CONTINUATION OF EMERGENCY

The Board of Commissioners of the County of LaGrange hereby continue the state of emergency declared for LaGrange County, Indiana through December 31, 2020, inclusive.

SECTION II – EMERGENCY MANAGEMENT

The LaGrange County Emergency Management Director ("Director") is hereby authorized and directed, within the scope of applicable law, to:

- A. reasonably implement, and train County department heads on their duties to implement, the County's Comprehensive Emergency Management Plan;
- B. file this ordinance with the County Auditor and the Clerk of Courts;

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- C. give this ordinance prompt and general publicity including, but not limited to, to all incorporated towns, law enforcement agencies, fire departments, hospitals, and news media in the County via an appropriate press release;
- D. inform the public by all appropriate means of measures to mitigate against the spread of COVID-19;
- E. facilitate and coordinate disaster mitigation from other jurisdictions with other County agencies and disaster relief, as may become available;
- F. take prudent action to lessen the likelihood of harm to persons in the County; *and*
- G. prepare, to the extent feasible, a summative report of actions taken, liabilities incurred, expenses owed as a result of this section and a report on the scope of the threat and damage

SECTION III – LIMITED PUBLIC ACCESS

- A. The Auditor shall determine on a day-to-day basis the extent to which the County Annex Building shall be open; provided, however, that the Commissioner's room shall remain open during public meetings subject to state health department social distancing protocols.
- B. The judges of the County courts shall collectively determine on a day-to-day basis the extent to which the County Courthouse shall be open.
- C. The Prosecutor shall determine on a day-to-day basis the extent to which the County Justice Center shall be open.
- D. Other department heads shall determine on a day-to-day basis the extent to which other buildings under their respective departments shall be open.
- E. Should the Auditor close the County Annex Building, the Auditor shall arrange for a method of document drop-off and limited public interaction.
- F. The Maintenance Technician shall, at the reasonable direction of the persons mentioned in this section, implement appropriate signs and barricades and otherwise take all necessary action to implement this section.
- G. The Auditor's Office shall coordinate the delivery of items brought in by the public for other County departments and may coordinate limited phone contact with other departments as well to facilitate public inquiries.
- H. The public is encouraged to interact with County personnel from home on an as-needed basis by telephone, fax, and/or email. When document or payment submission is required, the public is advised that they risk multiple visits if they do not avail themselves of electronic communication opportunities beforehand to ascertain needed deliverables.

SECTION IV – EMERGENCY PROCEDURES

- A. With respect to activities and acquisitions that are routine in nature and/or sought in conjunction with the ongoing fight against the spread of COVID-19, the Auditor is hereby authorized to waive procedures and formalities otherwise required by law pertaining to activities listed in IC § 10-14-3-17(j)(5), including, but not limited to, approving claims, approving prepayment, waiving invoice requirements, purchasing or renting equipment, signing contracts, issuing refunds, and waiving fees. The Treasurer may pay any claims so approved.
- B. Notwithstanding anything in this section to the contrary, the Auditor has no authority to spend any funds outside any budgetary limits without the consent of the County Council.
- C. Any waivers authorized by the Auditor pursuant to this section shall be authorized in a reasonable and equitable manner among similarly situated persons.
- D. Deposit of public funds collected may be limited to Tuesdays and Thursdays. Public funds collected but not deposited on other days shall be secured in accord with the County's internal control directives.
- E. The Commissioners shall review, and ratify as prudent, action taken under this section after the state of emergency ends.

SECTION V – EXCLUSIONS

- A. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits COVID-19 symptoms of fever or difficulty in breathing.

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- B. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits the COVID-19 symptom of sustained coughing unless that person independently acquires and wears a surgical mask.
- C. In order to enforce this section, a law enforcement officer, or a department head for his or her respective building may require a person to subject to a forehead temperature reading.

SECTION VI – DISCLAIMER

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 statutes, rules, or regulations 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.

SECTION VII – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, Office, commission, committee, board, or fund, 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, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Effective Dates. This ordinance shall be effective immediately upon adoption and expires on December 31, 2020 at 11:59 p.m.

Mr. Dennis Kratz made a motion to approve the Ordinance and authorize signing outside of a public meeting. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

ORDINANCE RECOMMENDING SUPPORT ON BEHALF OF NEIMA FOR A J-1 WAIVER APPLICATION

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

**COUNTY OF LAGRANGE
ORDINANCE NO. 2020-09-08 B**

AN ORDINANCE RECOMMENDING SUPPORT ON BEHALF OF NEIMA FOR A J-1 WAIVER APPLICATION.

WHEREAS, the Board of Commissioners of the County of LaGrange in LaGrange County, Indiana (“County”) desires to offer its support on behalf of Northeast Internal Medicine Associates, PC (“NEIMA”) for the approval of the J-1 waiver application of Dr. Shekhar Patil;

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WHEREAS, NEIMA has recently hired Dr. Patil to spend 40 hours per week in an outpatient setting in the Town of LaGrange, Indiana, which provides primary care with some rounding above and beyond such hours; *and*

WHEREAS, NEIMA offers important medical services throughout the County.

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

SECTION I

The letter of support on behalf of the Northeast Internal Medicine Associates, PC ("NEIMA"), attached hereto as Exhibit A, given to assist with the J-1 waiver application of Dr. Shekhar Patil, is hereby approved. The Auditor shall send a copy of the letter to NEIMA.

SECTION II

A. 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.

B. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE AUTHORIZING ADVANCE PAYMENT UNDER THE TERMS OF A CONTRACT WITH THYSSENKRUPP

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-09-08 C

**AN ORDINANCE AUTHORIZING ADVANCE PAYMENT UNDER THE TERMS OF A CONTRACT
WITH THYSSENKRUPP.**

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") is the purchasing agent on behalf of the LaGrange County, Indiana ("County");

WHEREAS, the Commissioners desire to enter into a contract with ThyssenKrupp Elevator Corporation ("ThyssenKrupp") on or about September 8, 2020 for elevator maintenance services;

WHEREAS, the terms of the contract require partial payment in advance of ThyssenKrupp rendering its services each billing period under the contract;

WHEREAS, ThyssenKrupp is required to submit an invoice for its services;

WHEREAS, pursuant to IC § 36-2-6-4 and -4.5, the Commissioners have adopted an advance payment allowance ordinance such that a claim against the County for the payment of goods and services stated in a separate ordinance may be allowed;

WHEREAS, a purchase made pursuant to IC § 36-2-6-4.5 is exempt from the requirements of IC 5-11-10 for the issuance of a warrant by the County's Auditor; *and*

WHEREAS, pursuant to IC § 36-2-6-4.5, the Commissioners shall review a claim at its next regular or special meeting following the preapproved payment of the expense.

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

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SECTION I

- A. The Commissioners hereby confer upon the Auditor the power to approve the timeliness, contents, and form of any invoice issued by ThyssenKrupp Elevator Corporation ("ThyssenKrupp") that conforms with the contract entered into between the Commissioners and ThyssenKrupp on or around September 8, 2020 for elevator maintenance services (as stipulated, "Contract").
- B. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the Contract, advance payment of any amount that may become due under the Contract, including the periodic maintenance fees and payment for any part repair or replacement and service thereof.
- C. The Commissioners direct the Auditor to implement an advance payment to ThyssenKrupp pursuant to this ordinance.
- D. The Commissioners authorize its President, the Auditor, and the Maintenance Technician to sign all papers and to otherwise take all action necessary or helpful to implement the advance payment.
- E. The Commissioners direct the Auditor to keep records of the findings and purchase on file for five (5) years from the date of the last advance payment made pursuant to the Contract.
- F. The Auditor shall prepare records memorializing any actual prepayment of a claim made pursuant to this ordinance for Commissioner review and allowance at the then-next regular or special meeting of the Commissioners following the actual advance payment.

SECTION II

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, employee, or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, recodified, renamed, renumbered, or relocated from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, 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. Incorporated Materials. Two (2) copies of all materials incorporated herein shall be on file in the office of the Auditor for public inspection.
- 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. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance and to approve the contract and sign it outside of a public meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

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**ADMINISTRATIVE ORDINANCE CREATING A PERMITTING PROCESS TO REGULATE PROJECTS ON
LAGRANGE COUNTY RIGHT-OF-WAYS**

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

**COUNTY OF LAGRANGE
ORDINANCE NO. 2020-09-08 D**

**AN ADMINISTRATIVE ORDINANCE CREATING A PERMITTING PROCESS TO REGULATE
PROJECTS ON LAGRANGE COUNTY RIGHT-OF-WAYS.**

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") on behalf of LaGrange County, Indiana ("County") desires to provide for the health, safety, and well-being of the people in the County as they use the County's right-of-ways;

WHEREAS, the Commissioners find that persons have been performing unauthorized work on its right-of-ways jeopardizing the County's interests;

WHEREAS, the Commissioners have authority under Indiana Code Section ("IC §") 36-9-2-7 to regulate the use of public ways;

WHEREAS, the Commissioners have authority under IC § 8-1-2-101 to regulate the manner in which a public utility occupies the County's right-of-ways;

WHEREAS, the Commissioners have authority under IC § 36-8-2-4 to regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare; *and*

WHEREAS, the Commissioners desire to regulate projects performed on County right-of-ways by providing, among other things, for the issuance of permits granting authority to perform work thereon and by providing for the subsequent restoration of those right-of-ways.

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

**ARTICLE I
SECTION I – NAME**

This name of this ordinance shall be the "County Right-of-Way Permit Administration Ordinance," or "Administration Ordinance" when the context is obvious.

SECTION II – DEFINITIONS

Whenever the following words or terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- "Applicable law" means this ordinance, all federal and state statutes, rules, and regulations, especially of the Indiana Department of Transportation and the Indiana Manual of Uniform Traffic Devices, all binding court precedent applicable to the County, all other local ordinances, and the rules and regulations of the Highway Department that are not otherwise inconsistent with this ordinance.
- "Applicant" means the person who applies for a permit on behalf of an owner.
- "Application" means, collectively, all the documents submitted to the Department in order to perform work on right-of-ways, including the Department's form and its attached terms and conditions, the plans and specifications, the proof of the contractor's work qualifications, the proof of insurance, any bond or fees required, and any addendums to any such document.

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- “Bond” means a bond procured from a surety in conjunction with an application as may be required by this ordinance; the term includes a permit bond, a performance bond, a maintenance bond, a utility bond, a construction bond, and/or a right-of-way bond.
- “Commissioners” means the Board of Commissioners of the County of LaGrange, Indiana.
- “County” means LaGrange County, Indiana.
- “Department” refers to the County Highway Department, including any engineering division, however either may be constituted.
- “Driveway” means the respective area on private property in the County that provides vehicle access to a public right-of-way; the term includes a farm’s field entrance.
- “Emergency” means a condition that poses a clear and immediate danger to life or health, or of a significant loss of property, or that requires immediate repair or replacement in order to restore service to a customer.
- “Engineer” means the person authorized by the Commissioners to supervise the administration of this ordinance or, if that person should be generally unavailable or the position should be vacant, any supervisor-level employee of the Department.
- “Facility” means any tangible thing, other than naturally occurring substances, located on a right-of-way. The term especially includes, but is not limited to, wires, pipes, switches, other equipment, etc. that belong to a public or private utility.
- “Officer” means any competent authority that enforces this ordinance including, but not limited to the Commissioners, the Engineer, the Prosecutor, the County Attorney, or a law enforcement agent.
- “Owner” means each person who owns a respective facility that is the subject of an application pursuant to this ordinance. The term also includes, as applicable, Owner’s legal representatives, successors, and assigns.
- “Permit” means the current written authorization that must be obtained from the Engineer prior to beginning work on a right-of-way or driveway; it allows Owner to perform work on that part of the right-of-way or driveway described in such permit.
- “Person” means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; the term includes such person’s legal representatives, agents, employees, contractors, and assigns.
- “Project” means any action that involves the placement, modification, maintenance, or restoration of a facility on a right-of-way, usually pursuant to a permit.
- “Principal” means, with regard to a bond, the Owner who submitted that bond with a respective application and/or received a respective permit.
- “Right-of-Way” includes the entire width of any highway, street, road, alley, or path, including any easement, sidewalk, curb, or shoulder thereby, under the jurisdiction of the County or in which the County has a legal interest. The term does not include a drainage easement.
 - “On” includes, with respect to a right-of-way, on, in, over, above, under, through, or along the right-of-way.
- “Surety” means a person who is authorized to do business in the State of Indiana and named on the current list of “Surety Companies Acceptable on Federal Bonds” as published in the U.S. Treasury Department’s Circular No. 570, as amended.

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SECTION III – SCOPE

- A. Nothing in this ordinance shall be construed to apply to any person who performs work on a right-of-way on behalf of the Commissioners.
- B. Nothing in this ordinance shall be construed to limit any officer in enforcing this ordinance.
- C. Nothing in this ordinance shall be construed to limit the right of the Commissioners and another person to enter into and abide by a special contract.
 - 1. Notwithstanding anything in this ordinance to the contrary, where this ordinance conflicts with the terms of a contract entered into by the Commissioners with another person, the terms of the contract control with respect to that person.
 - 2. If an act would be considered a violation under this ordinance but is specifically permitted in the contract, the act is instead not a violation.
- D. Nothing in this ordinance shall be construed to limit the right of the Commissioners to bring a civil action against any person to recover any damages sustained as a result of a violation of this ordinance or other applicable law.
- E. Nothing in this ordinance shall be construed to create a right of action against the Commissioners, the County, or any of its departments, subdivisions, committees, employees, or agents.

SECTION IV – PURPOSE

The purpose of this ordinance is to protect the County right-of-ways, the projects of other persons who have been granted a permit, and to protect adjoining streets and lands.

SECTION V – DELEGATION OF AUTHORITY

- A. The Commissioners hereby delegate to the Engineer all authority necessary to administer this ordinance including, but not limited to, the power to create, modify, and process applications; to issue, administer, and revoke permits; to create permit terms and conditions; to set bond amounts; to inspect projects; and to serve notices of default; all subject to applicable law.
- B. The Engineer may delegate any powers granted in this ordinance to other duly authorized County personnel but still retains responsibility therefor.
- C. The Commissioners retain jurisdiction to be the final authority on all right-of-way permits.

SECTION VI – APPLICATION PROCESS

- A. The Engineer shall develop a permitting process form for the various needs of persons relating to this ordinance.
- B. The form of the right-of-way and driveway permit applications, which are provided in Exhibits A and B respectively, are hereby approved and may be updated by the County Attorney, as appropriate, from time to time.
- C. The Engineer may waive any irregularities in a particular application or the application process generally.
- D. The Engineer may request on an application all pertinent information that may relate to the safe and efficient operation of the right-of-way and the Owner's facilities.
- E. The Engineer may request on an application Applicant's name, Owner's name, appropriate contact information, site location, type of materials planned, and proposed use.
- F. If an Applicant is acting in an agency capacity, the Engineer may require proof that such person has authority to act on behalf of the prospective permittee.
- G. The Engineer may request on an application full plans and specifications of the proposed project site, of all existing and proposed facilities, and restoration.

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- H. The Engineer may require an Applicant to submit a legal description of any property and/or specific area thereon that would be subject to the permit.
- I. The Engineer shall collect the application fee owed pursuant to the applicable fee schedule.
- J. By applying for a permit, Owner agrees to indemnify, hold harmless, and defend the County and its agents from and against any and all actions or causes of action, claims, demands, liabilities, loss, damage, or expense, including attorneys' fees, or other casualties of whatever kind, or by whomsoever caused, to persons or property arising out of or relating to the issuance of the permit or the project connected therewith, or from the installation, existence, use, maintenance, conditions, repairs, alteration, or removal of any facilities or material due in whole or in part to any act, omission, or negligence of the person and any other resident, tenant, or guest of Owner, including any claims arising out of the Worker's Compensation Act or any other law, ordinance, order, or decree. In the event the bodily injury, death, or damage to property is due to the sole negligence of the County, then and only then shall Owner not be liable.
- K. The Engineer may reject any application that is incomplete or that contains false or misleading information or that is deemed unsuitable for structural, design, safety, or emergency reasons, for failure to deliver all required documents with appropriate responses, for Owner's perceived lack of professional or financial responsibility, for calendaring conflicts with other permittees or special events, for reasons related to the disruption of County affairs or limitations of County resources, or because of the Owner's past defaults related to previous permits concerning which the Owner has not paid related fines or costs. If the Engineer should reject an application, the Engineer shall communicate to Applicant or Owner in writing the reason(s) for the rejection.
- L. An Owner whose application has been rejected by the Engineer may resubmit the application with the deficiencies corrected. In such case, the Owner need not pay a subsequent application fee unless the Engineer determines that one or both of the applications was frivolous and communicates to the Applicant or Owner in writing the reason(s) for that determination.
- M. Any permit issued based on false or intentionally misleading information in an application is null and void.
- N. The Engineer may reject a permit application for which the Owner owes outstanding fines, fees, or costs to the County, or for which the Owner owes reasonable third-party demands related to its facilities or right-of-way work in the County.

SECTION VII – FEES

- A. The Engineer may pass and administer a fee schedule to recoup some or all of the costs that the Engineer reasonably anticipates in the management and review of the permit process and of all costs reasonably associated with degradation of the project site as a result of the proposed project.
- B. Such management costs include, but are not limited to, costs associated with registering Owners; issuing, processing, and verifying permit applications; creating and maintaining information on a Geographical Information System ("GIS") mapping system; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during work on the right-of-ways; determining the adequacy of right-of-way restoration; restoring work inadequately performed; and revoking permits and performing all of the other tasks required, including legal fees and other costs the County may incur in managing the provisions of this ordinance.
- C. The fees in the fee schedule should approximate the average respective costs actually incurred over the recent past for similarly situated owners.
- D. The Engineer may charge the fee upon submission of the application, regardless of whether a permit is ultimately approved.

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- E. The Engineer may waive or partially refund an application fee in appropriate cases.
- F. All fees collected under this ordinance shall be deposited within a reasonable time in the Motor Vehicle Highway Fund.

SECTION VIII – PERMIT REQUIRED

- A. No person shall work on a right-of-way, including driveway projects that extend into the right-of-way, without first having obtained a permit pursuant to this ordinance or beyond the terms and scope of the permit.
- B. The Engineer shall not issue a permit that would enable a person to seriously damage a right-of-way.
- C. A permit is valid only for the area of the right-of-way(s) specified in the permit.
- D. The Engineer may impose reasonable conditions upon the issuance of a permit including, but not limited to, location, materials, size, project days, duration, and procedures.
- E. The Engineer may designate the width, location, materials, and standards (including adjacent culvert standards) of driveway construction and reconstruction in a right-of-way.
- F. The Engineer may waive and/or impose reasonable accommodations for de minimus violations of the permit at his or her discretion.
- G. The Owner shall keep a copy of the permit at the project site at all times.
- H. A “permit” or “license” of any type issued by another County department does not fulfill the requirements of this ordinance.
- I. All permits are nontransferable.

SECTION IX – BONDS

- A. The Engineer may have a standing policy to require a bond, to determine its amount, or waive a bond altogether, but shall treat all similarly-situated Owners equally.
- B. Bond, Generally. An Owner who is required to submit a bond pursuant to this ordinance shall submit to the Engineer a permit bond using a form approved by the Engineer unless the Engineer waives the bond and/or the Owner already has a bond on file with the Engineer that would also be current with respect to the new permit.
- C. Formalities.
 - 1. The bond must name “LaGrange County, Indiana” as the exclusive owner or obligee. Failure to state the name in this manner shall not, per se, void the bond.
 - 2. If the bond should be executed by an attorney-in-fact on behalf of the surety, it shall have affixed thereto a certified, current copy of the power of attorney indicating the monetary limit of such power.
 - 3. The bond must be acknowledged by the principal and surety in a notarized statement.
 - 4. The bond shall continue in effect throughout the project.
 - 5. The bond must be interpreted in accord with the laws of the State of Indiana.
 - 6. Any action in any way arising from or relating to the permit or its accompanying bond must be brought to the state courts located in LaGrange County or the United States District Court for the Northern District of Indiana, Fort Wayne Division. The court shall have exclusive jurisdiction over such matters.
- D. Restoration. The bond must, whether by its own terms or in specific or general reference to this ordinance or the terms and conditions of the application, contain a guarantee that the principal and/or surety shall return the project site to a condition substantially equal to or better than in all respects it had been immediately before the project had

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begun, and that the principal and/or surety shall also remedy all defects in materials or workmanship arising out of or relating to the principal's project in the two (2) years that immediately follow the date of the principal's written notification to the Department that he or she has completed or abandoned the project. A court shall broadly construe a provision of any such bond towards the finding of such a guarantee where possible.

- E. At any time during the bond's effect, the principal and/or surety shall, upon written notice from the Engineer, conduct all restoration required by the Engineer.
- F. If the principal and/or surety should fail to restore the right-of-way in the manner and to a condition satisfactory to the Engineer, or should fail to satisfactorily and timely complete all repairs required by the Engineer, the Engineer may perform or cause to be performed such restoration. In such event, the principal and/or surety shall be jointly and severally liable to the County for the cost incurred by the Department in performing such restoration.
- G. If Owner should default against the terms and conditions of the Application or the bond, the Department will give Owner and Surety written notice of the default. If Owner does not remedy the default within fifteen (15) days to the satisfaction of Engineer, Engineer may declare a formal default, terminate Owner's right to complete the project, and give written notice of such to Owner and Surety. Surety shall have a further twenty (20) days, at Surety's expense, to arrange for another contractor, satisfactory to Engineer, to promptly cure the default. Alternately, Surety shall use that time period to determine its liability and tender a proposed payment to the Commissioners to satisfy its liability or shall deny its liability in whole or in part and notify the Department as to the reasons therefor.
- H. If the Commissioners should deem the Surety to be in default, or if the Commissioners should refuse the Surety's tendered payment or reject the Surety's denial of liability, the Commissioners shall be entitled to enforce any remedy available.
- I. The bond must jointly and severally bind the principal and surety to ensure that the terms and conditions of the application and/or permit are fulfilled.
- J. Each separate project requires a separate bond.

SECTION X – OTHER REQUIREMENTS

- A. No person shall work in the right-of-way without having first notified all persons who have facilities in the right-of-way within 25 feet of any portion of the project site.
- B. No person shall interfere with the facilities of another person unless expressly permitted by Engineer or the respective facility's owner.
- C. Owner shall keep project site safe at all times and shall not create an attractive nuisance.
- D. Except as prudent to maintain a safe project site, no person shall obstruct traffic except as permitted by the Engineer.
- E. Owner shall take care to avoid unnecessary damage to vegetation.
- F. While project is in progress, Owner must maintain in full force and effect general liability insurance from an Indiana-authorized insurer that names the Commissioners as an additional insured. It must contain a single-occurrence limit of at least One Million Dollars (\$1,000,000) and a general aggregate limit of at least Two Million Dollars (\$2,000,000). As part of the application, Applicant shall furnish the Department with the certificates of insurance or other satisfactory evidence that such insurance is in full force and effect.
- G. Owner must restore the project site to a condition substantially equal to or better than in all respects it had been immediately before the project had begun.

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- H. Owner shall bear any and all risks and costs relating to and in compliance with the project, including, but not limited to, the relocation of facilities, indemnifying other persons against damage or loss to their facilities; obtaining all other necessary permits, licenses, and authority; restoring the project site; and paying all fees required by any other town, city, county, state, or federal rules, laws, or regulations.
- I. Owner shall remove all excess dirt, rock, debris, and garbage resulting from the project.
- J. No person shall obstruct an artificial or natural drain or allow erosion thereon.
- K. Applicant or Owner shall notify the Department in writing at least seven (7) days before beginning the project and within seven (7) days after the project has been completed.
- L. Owner shall comply with all applicable law, acquire all applicable permits or easements or rights-of-entry, adhere to all terms and conditions of the application and/or permit, and follow all instructions from the Engineer before, during, and after the project.
- M. Except in the case of an emergency, and with the approval of the Engineer, Owner shall not perform work on any right-of-way when conditions are unreasonable for such work.
- N. Owner shall keep all records relating to the project for two years after completion.

SECTION XI – EMERGENCIES

- A. An Owner, whether or not a permit has expired, shall immediately notify the Engineer of any event that it considers to be an emergency with regard to Owner's facilities. Owner may proceed to take whatever actions are necessary in order to respond to the emergency.
- B. Within three (3) days after the occurrence of an emergency, Owner shall apply for a new permit, pay the fees associated therewith, and take all steps necessary to otherwise make the steps taken during the emergency conform with applicable law.
- C. In the event that the Engineer becomes aware of an emergency regarding an Owner's facilities, the Engineer may attempt to contact the Owner. In addition, the Engineer may take whatever action is deemed necessary in order to respond to the emergency, the cost of which shall be borne by the Owner whose facilities occasioned the emergency.

ARTICLE II

SECTION I – REPEAL OF PRIOR ORDINANCES

The Commissioners hereby repeal Ordinances 1983-6-1, 1990-4-17 D, 1990-5-21A, and 2017-03-20 in their entirety.

SECTION II – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, or renumbered from time to time.
 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, 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 requisition is satisfied by the performance of the act by an authorized agent or deputy.
 4. Incorporated Materials. Two (2) copies of all materials incorporated herein shall be on file in the office of the Auditor for public inspection.
- 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.

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- 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, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Continuance.
 - 1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures 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 old ordinances, but rather shall be deemed to be the continuation of the original provisions.
- E. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.
- F. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

AN ORDINANCE CREATING ENFORCEMENT MECHANISMS FOR THE RIGHT-OF-WAY PERMIT ADMINISTRATION ORDINANCE

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

**COUNTY OF LAGRANGE
ORDINANCE NO. 2020-09-08 E**

**AN ORDINANCE CREATING ENFORCEMENT MECHANISMS FOR THE RIGHT-OF-WAY
PERMIT ADMINISTRATION ORDINANCE.**

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

WHEREAS, pursuant to IC § 36-1-3-6, if the County desires to exercise a power for which there is no constitutional or statutory provision requiring specific exercise thereof, the Commissioners must adopt an ordinance prescribing a specific manner for exercising the power;

WHEREAS, pursuant to IC § 36-1-4-6, the Commissioners may use, improve, develop, insure, protect, maintain, lease, and dispose of its interests in property; *and*

WHEREAS, the Commissioners have authority under Indiana Code Section ("IC §") 36-9-2-7 to regulate the use of public ways;

WHEREAS, the Commissioners have authority under IC § 8-1-2-101 to regulate the manner in which a public utility occupies the County's right-of-ways;

WHEREAS, pursuant to IC § 36-8-2-4, the Commissioners may regulate the conduct, or use or possession of property, that might endanger the public health, safety, or welfare of the County; *and*

WHEREAS, pursuant to IC § 36-1-6-4(a), the Commissioners may bring a civil action against a person who violates an ordinance regulating or prohibiting a condition or use of property or who engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct.

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

SECTION I – NAME

This name of this ordinance shall be the “County Right-of-Way Permit Enforcement Ordinance,” or “Enforcement Ordinance” when the context is obvious.

SECTION II – DEFINITIONS

- A. “Administration Ordinance” refers to the County Right-of-Way Permit Administration Ordinance, or Ordinance 2020-09-08 D, adopted September 8, 2020.
- B. A reference herein to “this ordinance” includes the Administration Ordinance.
- C. The definitions of the Administration Ordinance are hereby incorporated by reference as if fully set out herein.
- D. A reference herein to “officer” means any competent authority that enforces this ordinance including, but not limited to the Commissioners, the Engineer, the Highway Supervisor, the Prosecutor, the County Attorney, or a law enforcement agent.
- E. Art. I, Sec. III and IV of the Administration Ordinance, which contain the scope and purpose sections of that ordinance, respectively, are hereby incorporated by reference as if fully set out herein.

SECTION III – VIOLATIONS

- A. Permit.
 - 1. No person shall fail to properly apply for, nor abide by the terms of, a permit that the person is obligated to acquire or maintain pursuant to this ordinance.
 - 2. No person shall work on or maintain a project pursuant to an expired or revoked permit.
- B. Endangerment. No person shall endanger the welfare of a right-of-way, project, or officer with respect to this ordinance.
- C. Entry. No person shall, except in case of emergency, work on a project without a permit.
- D. Applications.
 - 1. No applicant or owner shall submit an incomplete permit application or an application with false or misleading information.
 - 2. No applicant or owner shall fail to update any contact information provided on a pending application form or while such person maintains a permit bond.
- E. Inspections. No person shall interfere with an officer with respect to an inspection of a project, driveway, or right-of-way.
- F. Cooperation. No person shall contravene the reasonable instructions of an officer with respect to a permit or a failure to acquire a permit.
- G. Supplying Information. No person shall, upon request, fail to supply an officer with any pertinent information concerning which the person possesses or can easily access regarding a permit, project, or right-of-way.
- H. Catchall. No person shall otherwise fail to comply with a provision or requirement of this ordinance, either directly or within a variance provided on a permit.

SECTION IV – ENFORCEMENT

- A. Authorization. Any officer may enforce the terms of this ordinance within his or her respective scope of authority.

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- B. Non-hierarchical; Non-exclusive. Enforcement procedures and remedies in this ordinance are neither hierarchical nor exclusive and may be omitted or used in any order and in conjunction with other enforcement procedures and remedies at the discretion of the County or the enforcing officer(s).
- C. Verbal Warning. An officer who has reasonable suspicion that a minor or easily corrected violation of this ordinance has occurred may issue a verbal warning.
- D. Written Warning. An officer who has reasonable suspicion that a material violation of this ordinance has occurred may provide the suspected violator with written notice, stop-work order, and/or cease-and-desist letter stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The suspected violator shall, within the period of time stated in such notice, permanently cease all violations.
- E. Remedy. An officer may require that a person remedy any violation to the satisfaction of such officer.
- F. Satisfaction. An officer may require that a person who has damaged another person's facilities provide satisfaction to the other as a condition for not revoking the permit.
- G. Permit Revocation. A permit issued under this ordinance is a privilege and not a right. An officer may alter, suspend, or revoke a permit, without fee refund, for failure to adhere to the terms of this ordinance. Nevertheless, an Owner whose permit is revoked in this manner may still act per the express direction of the officer.
- H. Removal. If a person has not complied with this ordinance, the officer may order the removal of the that person or the person's facilities from the right-of-way.
- I. Citations. A law enforcement officer may issue a citation for an ordinance or state law violation or take other appropriate enforcement action.
- J. Regulatory Notification. An officer may notify another applicable state or federal regulatory agency of a suspected violation of applicable law.
- K. Injunctions. The Commissioners may petition a court of competent jurisdiction to enjoin further violation of this ordinance.
- L. Correction. The Engineer may correct a violation of this ordinance to bring it into compliance; the respective Owner shall be liable to the County for all costs incurred for such corrective action.
- M. Civil Action. The Commissioners may bring a civil action any person who violates this ordinance to recover the cost to bring a violation into compliance.
- N. Administrative Proceeding. The Commissioners may, on their own motion, convene an administrative proceeding of their own body to enforce this ordinance after providing proper notice of the time and date of the hearing to the alleged violator at least ten (10) days before the hearing and providing an opportunity for such person to be heard.

SECTION V – PENALTIES AND COSTS

- A. Fines.
 - 1. A person shall be liable to a fine of up to One Thousand Dollars (\$1000.00) for a first violation of this ordinance.
 - 2. A person shall be liable to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) for a second violation of this ordinance.
 - 3. A person shall be liable to a fine of up to Five Thousand Dollars (\$5,000.00) for a third violation of this ordinance
 - 4. A person shall be liable to a fine of up to Seven Thousand Five Hundred Dollars (\$7500.00) for a fourth or subsequent violation of this ordinance.

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5. A person shall be liable to a fine of up to Seven Thousand Five Hundred Dollars (\$7500.00) for a violation of this ordinance if the violation is reckless or intentional and that causes injury to persons or damage to the property of the County.
6. All fines and costs collected under this ordinance shall be deposited within a reasonable time in the County's general fund.
- B. Permit Fee Doubled. Except in case of an emergency, the application fee and any other project fees with respect to any person who enters, encroaches, or performs work on a right-of-way without a permit shall be doubled and must be obtained before resuming a project.
- C. Costs. Any person found to have violated this ordinance shall be responsible for any costs, including reasonable attorney's fees, paralegal fees, and collection costs, to the extent allowed by law, borne by the County to prosecute or correct such violation and/or to return property to its pre-violation state.
- D. Rules.
 1. Each day in which a violation should continue shall constitute a separate violation.
 2. For the purpose of determining whether a violation is a second, third, or subsequent violation under this section, a look-back period of three years from the date of the violation shall be used.
 3. When imposing any fine, the enforcement authority shall seek to impose the maximum amount, and then mitigate it by taking into account the motivation and sophistication of the violator, the quantity and length of the violation, the degree of danger involved, the extent of harm caused, the willingness to admit to and proactively correct the violation, and such other factors as the authority finds relevant.
 4. If two or more persons shall be found to have caused a respective violation, they shall be jointly and severally liable for all costs.
 5. A person who is liable for a fine, fee, or costs relating to a violation of this ordinance is jointly and severally responsible for the fine, fee, or costs with each other violator and/or facility owner whom the violator represents.
- E. Time to Pay. Any fine or cost imposed pursuant to this ordinance shall be paid within sixty (60) days.
- F. Removal. If a person has not paid an assessed fine within the prescribed time to do so, the Commissioners may order the removal of that person's facilities, if the Commissioners should determine that it is reasonable to do so.

SECTION VI – MISCELLANEOUS

Art. II, Sec. II of the Administration Ordinance, which contains the miscellaneous sections of that ordinance, is hereby incorporated by reference as if fully set out herein; provided, however, that this ordinance shall instead be in effect upon adoption and promulgation according to law.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

HEALTH DEPARTMENT – REQUEST TO APPLY FOR A GRANT

Dr. Alfredo Garcia, Health Administrator, requested permission to apply for a grant through the Indian State Department of Health. The grant is for \$100,000 and will provide the essential supplies to the health department to support Coronavirus testing sites. The testing would be provided through Goshen Physician Family Medicine. Mr. Terry Martin made a motion to approve the request subject to further review and Council's approval. Mr. Dennis Kratz seconded the motion and it carried unanimously.

4-H FAIR ASSOCIATION – MOWER

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Mr. Mike Patka, 4H Fair Association, presented three quotes for a new mower, as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Greenmark Equipment	LaGrange, Indiana	13,104.77
Stutzman Power Equipment LLC	Shipshewana, Indiana	13,271.00
Stutzman Power Equipment LLC	Shipshewana, Indiana	14,286.00

The mower that they would like is the mower from Stutzman Power Equipment LLC for \$13,271 as they feel this model will work best for the mowing of the 4-H grounds. The County Council approved the expenditure pending approval from the Commissioners. Mr. Dennis Kratz made a motion to approve the purchase for \$13,271 out of the Riverboat fund. Mr. Terry Martin seconded the motion and it carried unanimously.

BID OPENING FOR JUSTICE CENTER BUILD OUT

At 9:00 a.m. there were no bids presented for the Justice Center Build Out. Mr. Larry Miller stated that this will be on the agenda for the September 21, 2020 Commissioner meeting.

BEIM FOUNDATION GRANT

Ms. Deborah Ritchie, Drug Court Coordinator, explained that she applied for a \$10,000 grant through the BEIM Foundation and needs approval for applying for the grant, retroactively. The grant is for expenses related to the Drug Court program. Mr. Dennis Kratz made a motion to approve the grant. Mr. Terry Martin seconded the motion and it carried unanimously.

HIGHWAY – MOWER PURCHASE

Mr. Ben Parish, Highway Superintendent, presented three quotes for two new mowers. One would be used at the landfill and wide road right of ways and a road side mower. He has the funds available in his budget.

<u>Vendor</u>	<u>Location</u>	<u>Landfill</u>	<u>Roadside</u>
		<u>Mower</u>	<u>Mower</u>
Redline Equipment	Topeka, Indiana	\$19,900.00	\$12,000.00
Redline Equipment	Topeka, Indiana	20,900.00	
Stutzman Power Equipment LLC	Shipshewana, Indiana	18,072.00	9,901.00
VanGorder Sales, Inc.	Avilla, Indiana	17,939.00	11,155.00

Mr. Parish would like to purchase the mowers from Stutzman Power Equipment LLC. Mr. Dennis Kratz made a motion to approve the purchase for \$27,973.00 from Stutzman Power Equipment LLC. Mr. Terry Martin seconded the motion and it carried unanimously.

HIGHWAY – CRACK SEALER PURCHASE

Mr. Ben Parish, Highway Superintendent, presented two quotes for a new crack sealer, as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
SealMaster	Indianapolis, Indiana	\$67,650.00
Sherwin Industries, Inc.	Milwaukee, Wisconsin	77,240.00

Mr. Dennis Kratz made a motion to approve the purchase for \$67,650.00 from SealMaster. Mr. Terry Martin seconded the motion and it carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE

Mrs. Robbie Miller, Planning Administrator, presented the following Amendment to the Zoning Ordinance:

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**AMENDMENT NO. 2020-09-08 F
TO
THE ZONING ORDINANCE**

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM A I-2 DISTRICT TO AN U-1 DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17th day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located at parcel #: 44-12-36-200-001.062-008, 44-12-36-200-001.058-008, Topeka, more fully described below hereto, be rezoned and changed from a I-2 District to a U-1 District.

LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 36, Township 36 North, Range 8 East, Eden Civil Township, LaGrange County, Indiana, being a retracement survey by Benjamin R. Taylor (LS #21300008) for Taylor Land Surveying (Job #20188), certified on July 28, 2020, bounded as follows:

Beginning at the southwest corner of Oswald Addition to Topeka as recorded in Plat Book 13, page 34, in said County; thence South 89°41'39" West (Basis of Bearing: assumed) 160.22 feet along the north line of Ohio Street in the original Plat of Topeka as recorded in Plat Book 1, page 48, to a #4 rebar; thence South 89°52'14" West 75.11 feet along said north line to a #5 rebar on the west line of land described in deed record 0809-0624; thence North 00°25'52" West 149.69 feet along the west line of said deed to a #5 rebar on the south line of deed 8709-0179; thence along the south line of said deed, North 89°24'20" East 75.13 feet to a #5 rebar and North 89°47'29" East 130.42 feet to a #3 rebar at the southwest corner of the United Methodist Wabash Subdivision, as recorded in Plat Book 7, page 46; thence North 89°29'40" East 30.02 feet along the south line of said Subdivision to a #4 rebar at the northwest corner of aforesaid Oswald Addition; thence South 00°20'31" East 150.18 feet to the point of beginning. The above described tract contains 0.81 acre, more or less, and is subject to all easements and rights-of-way on record.

Following a public hearing, the LaGrange County Plan Commission, on August 24, 2020, after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Dennis Kratz made a motion to approve the vouchers. Mr. Terry Martin seconded the motion and it carried unanimously.

2021 HOLIDAY SCHEDULE

Mr. Terry Martin made a motion to approve the proposed holiday schedule for 2021. Mr. Dennis Kratz seconded the motion and it carried unanimously.

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AUGUST 2020 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending August 31, 2020, in the amount of \$32,142,953.94 and investments of \$23,132,000. Mr. Terry Martin made a motion to accept the report. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MINUTES

Mr. Dennis Kratz made a motion to approve the minutes of the August 24, 2020 regular session meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the September 2, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

SHERIFF – PURCHASE OF TRANSPORT VAN

Mr. Jeff Campos, County Sheriff, presented a quote from John Jones for a 2020 Ram 3500 Promaster Cargo 159 High Prisoner Transport Van in the amount of \$69,781.00 to be purchased out of the CARES act. Mr. Terry Martin made a motion to approve the purchase of the transport van. Mr. Dennis Kratz seconded the motion and it carried unanimously.

SHERIFF – PURCHASE OF UVC DISINFECTING ROBOT & SURFACE DISINFECTION UNIT

Mr. Jeff Campos, County Sheriff, presented quotes for a UVC Robot which has ultraviolet lights that disinfects rooms and surfaces. The lowest quote is from Command Sourcing, Inc. in the amount of \$35,000 each and he would like to have two units. He presented quotes for a surface disinfection unit that uses ultraviolet irradiation energy to kill bacteria and viruses on the surface of objects. The lowest quote is from Mystaire in the amount of \$2,495 each and he would like to have two units. Mr. Terry Martin made a motion to purchase the items from the CARES Act funds. Mr. Dennis Kratz seconded the motion and it carried unanimously.

PETITION TO VACATE A PUBLIC WAY ON COUNTY ROAD 020 E, DALLAS BEACH

At 9:30 a.m. Mr. Larry Miller opened the public hearing on a petition to vacate a certain unimproved roadway, County Road 020 East, in the plat of Dallas Beach. Mr. Bill Eberhard, Attorney for the petitioners Ronald A. Macy and Bonnie L. Macy, explained that County Road 020 E in the plat of Dallas Beach, lays across a parcel of land owned by the Macy's. Mr. Eberhard is requesting that the filing fee of \$1,000 be waived since the roadway had been deeded to the County for as easement at one time. Mr. Larry Miller closed the public hearing.

Mr. Dennis Kratz made a motion to approve the Ordinance contingent upon the payment of the filing fee, a dedication of right of way being recorded, and the Surveyor signing off on the legal description. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Dennis Kratz made a motion to sign the Ordinance outside of a public meeting once the conditions are met. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – August 2020 report

LaGrange County Treasurer – August 2020 report

LaGrange County Weights and Measures – July 16 – August 15, 2020 report

Indiana Department of Environmental Management – Letter regarding wastewater treatment plant construction


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permit applications from LaGrange County Regional Utility District.

ADJOURNMENT


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


Larry N. Miller


Terry A. Martin


Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor