

JULY 6, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, July 6, 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.

EMERGENCY MANAGEMENT AGENCY – CERTIFICATES OF APPRECIATION

Mr. Don Wismer, LaGrange County Emergency Management Agency Director, presented Certificates of Appreciation to various agencies in LaGrange County for their donations of supplies and equipment for the Covid-19 pandemic.

EMERGENCY MANAGEMENT AGENCY – COMMAND VEHICLE

Mr. Don Wismer, LaGrange County Emergency Management Agency Director, presented quotes for the completion of the mobile command center. Michiana Millworks was the only quote received, and the amount of their quote is \$84,277. Mr. Terry Martin made a motion to accept the quote from Michiana Millworks. Mr. Dennis Kratz 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. 2020-07-06

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 its next regularly scheduled public meeting;

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 until 10:00 a.m. on Monday, July 20, 2020.

JULY 6, 2020

REGULAR SESSION

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;
- 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.

JULY 6, 2020

REGULAR SESSION

- 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.
- 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 July 20, 2020 at 10:00 a.m.

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.

NUISANCE ISSUE – GERRI HYDORN, 6930 N 320 E, LAGRANGE, INDIANA

Mr. Bill Stewart, Code Enforcement Officer, reported that the Gerri L. Hydorn property at 6930 N 320 E, Howe, Indiana, is cleaned up. He is recommending that the file be closed as there is no longer a public nuisance on the

JULY 6, 2020

REGULAR SESSION

property. Mr. Terry Martin made a motion to close the case and waive the fines that are due. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ARC OPPORTUNITIES – 2021 BUDGET REQUEST

Mrs. Debra Seman, ARC Opportunities Chief Executive Officer, presented the 2021 budget request.

COMMUNITY CORRECTIONS GRANT APPLICATION

Mr. Brett Hays, Executive Director of Northeast Indiana Community Corrections, was present by zoom. He requested permission to apply for the Community Corrections grant for 2021, which is a regional grant between LaGrange and Steuben counties. The grant is for \$1,996,889.24 and it is for one year, with the ability to re-apply for the grant every year. Mr. Terry Martin made a motion to approve the grant and have the President sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

NORTHEAST INDIANA SOLID WASTE MANAGEMENT DISTRICT– COMPOST SITE

Mr. Steve Christman, Executive Director of the Northeast Indiana Solid Waste Management District was present. Working on moving the compost facility to the LaGrange Convenience Center. The District was notified by the Town of LaGrange that due to a major sewer project, the recycling bins would need to be moved to the LaGrange Convenience Center, at 0530 E 300 S, LaGrange. This will be effective July 10, 2020.

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the Indiana Department of Transportation Section 5311/5339 Grant Agreement for consideration. Mr. Terry Martin made a motion to approve the agreement and have the President sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

COUNCIL ON AGING – TRANSPORTATION GRANT VOUCHER

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 2nd quarter voucher for the transportation grant. Mr. Terry Martin made a motion to approve the voucher and authorize the President to sign it outside of a public meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ST. JOSEPH RIVER BASIN

Mr. Matt Meersman, St. Joseph River Basin, was present. He is requesting \$13,540 from LaGrange County for 2021.

VICTIMS OF CRIME ACT GRANT

Ms. Suelyn Mickem, Office Manager, explained the position of the Prosecutor's Victims Advocate and requested permission to apply for a Victims of Crime Act (VOCA) grant. The grant being applied for is for \$138,111.69 and runs from October 1, 2020 to September 30, 2022. The grant match is \$35,693.32. Mr. Terry Martin made a motion to approve the application of the grant and authorize the president to sign the application. Mr. Dennis Kratz seconded the motion and it carried unanimously.

STATEWIDE 911 GRANT

Mr. Jeff Campos, LaGrange County Sheriff, presented a Certification of Compliance for the Indiana Statewide 911 grant. This grant was for the Spillman project. Mr. Terry Martin made a motion to approve the certification and authorize the President to sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

LAGRANGE COUNTY LITTLE LEAGUE – ROAD CLOSURE

Mrs. Melissa Bateman, representing the LaGrange County Little League, was present. They will be hosting a home run derby on July 25, 2020, at the ball park by the LaGrange County 4-H Fairgrounds and are requesting that the road be closed by Lakeland High School from 10:00 a.m. to 3:00 p.m. Mr. Terry Martin made a motion to approve the closure. Mr. Dennis Kratz seconded the motion and it carried unanimously.

JULY 6, 2020

REGULAR SESSION

SHERIFF'S OFFICE – VARIOUS PURCHASES

Mr. Jeff Campos, LaGrange County Sheriff, presented a quote for a hands free temperature and mask scanner in the amount of \$1,695.99. This would be paid for out of the Prisoner Reimbursement fund. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Mr. Campos, presented a quote for two WRAP restraint systems and a cart in the amount of \$5,298.48. This would be paid for out of the Prisoner Reimbursement fund. Mr. Dennis Kratz made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Campos, presented quotes for new carpet in the administration area, halls, and two offices at the Sheriff's Office. The lowest quote is from Southwind Flooring in the amount of \$11,680. This would be paid for out of the Prisoner Reimbursement fund. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Mr. Campos, presented quotes for a new booking counter at the Sheriff's Office. He would like to replace the current structure with masonry blocks and the counter top with a stainless steel top. The lowest quote for the masonry is from Todd Masonry in the amount of \$2,900. The lowest quote for the counter top is from Sunrise Metal in the amount of \$6,384 purchase. This would be paid for out of the Prisoner Reimbursement fund. Mr. Terry Martin made a motion to approve the purchases. Mr. Dennis Kratz seconded the motion and it carried unanimously.

SHERIFF'S OFFICE – COUNTY SECURITY SYSTEM

Mr. Jeff Campos, LaGrange County Sheriff, explained that the security system at the Justice Building does not match the security system at the Courthouse and Annex Building. Mr. Spencer Sterling from TechSolutions explained the differences and what should be done to enhance the security of the buildings. The cost to upgrade the system at the Justice Building would be \$8,400 and a complete conversion would be \$20,348.15. The Commissioners will review the issue at their next meeting.

AMENDMENT TO THE ZONING ORDINANCE

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

AMENDMENT NO. 2020-07-06A
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 AN A-1 DISTRICT TO AN I-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:

JULY 6, 2020

REGULAR SESSION

1. That the zoning map for the following described real estate located at 0785 N 1000 W, Shippshewana, East 9.78 +/- acres, more fully described below hereto, be rezoned and changed from an A-1 District to an I-1 District.

LEGAL DESCRIPTION

A tract of land located in the northwest quarter of Section 21, Township 37 north, range 8 east, in LaGrange County, the State of Indiana, as surveyed by Joshua P. Lash, Indiana professional surveyor #20900180 and shown on a plat of survey certified on June 25, 2020 as Midwest Land Surveying, LLC, project #37-08-21-008, more fully described as follows:

Commencing at a Harrison marker found at the southwest corner of said northwest quarter; thence N 00°51'38" W (grid bearing), along the west line of said northwest quarter, for 1319.40 feet to the southwest corner of the north half of said northwest quarter; thence n 89°35'48" E, along the south line of said north half, for 763.16 feet more or less to the approximate center of the Haarer open drain no. 7 and the point of beginning of this description; thence continuing N 89°35'48" E, along the south line of said north half, for 863.83 feet to a rebar found at the southwest corner of a tract of land conveyed to Elvie J. Frey Investments, LLC per LaGrange County document number 18090468; thence N 00°35'39" W, along the west line of said Elvie J. Frey Investments, LLC tract, for 599.45 feet to a rebar found; thence S 89°35'46" W, along a south line of said Elvie J. Frey Investments, LLC tract, for 545.78 feet, more or less, to the approximate center of said Haarer open drain; thence meandering the approximate center of said Haarer open drain the following two (2) courses and distances, to-wit: S 34°03'32" W, for 84.39 feet and S 26°27'08" W, for 593.92 feet, more or less to the point of beginning, said tract of land containing 9.78 acres, more or less, and being subject to all public road rights-of-way and all easements of record.

Following a public hearing, the LaGrange County Plan Commission, on June 29, 2020, after having considered the criteria set forth in IC § 36-7-4-603, gave a positive recommendation to this rezoning request.

Mr. Dennis Kratz made a motion to approve the Ordinance. 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.

AWARD OF SALT QUOTES

Mr. Ben Parish, Highway Supervisor, recommended that the salt quotes that were opened June 15, 2020, be awarded to Detroit Salt Company for \$70.44 a ton, delivered, as they were the lowest quote. Mr. Terry Martin made a motion to award the quote to Detroit Salt Company. Mr. Dennis Kratz seconded the motion and it carried unanimously.

CONFLICT OF INTEREST STATEMENT DISCLOSURE STATEMENT

Mrs. Kathryn Hopper, County Auditor, presented a Uniform Conflict of Interest Disclosure Statement from Vicki Gilliland for the making of Covid 19 signs. Mr. Dennis Kratz made a motion to accept. Mr. Terry Martin seconded the motion and it carried unanimously.

JUNE 2020 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending June 30, 2020, in the amount of \$40,533,657.91 and investments of \$15,000,000.00. Mr. Terry Martin made a motion to accept the report. 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.

MINUTES

JULY 6, 2020

REGULAR SESSION

Mr. Terry Martin made a motion to approve the minutes of the June 15, 2020 regular session meeting and executive session. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the July 1, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – June 2020 report

LaGrange County Treasurer – June 2020 report

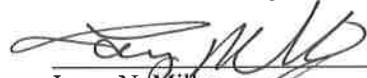
LaGrange County Weights and Measures – May 16 – June 15 2020 report

LaGrange County Weights and Measures – June 16, 2019 – June 15, 2020 annual report

Indiana Department of Environmental Management – Notice of Revocation, Soil Solutions Company,
7105 N CR 665 West, Shipshewana, Indiana 46565, 087-42908-00701

ADJOURNMENT

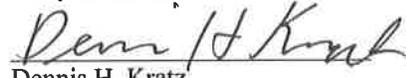
There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.



Larry N. Miller

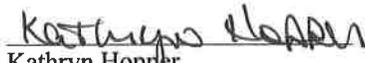


Terry A. Martin



Dennis H. Kratz

ATTEST:



Kathryn Hopper
LaGrange County Auditor