

**JANUARY 19, 2021**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, January 19, 2021, 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 and Mr. Kevin R. Myers; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Kevin Myers made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

**NUISANCE ISSUE – GENE NEELY 3445 S 1145 E, LAGRANGE, INDIANA**

Mr. Bill Stewart, Code Enforcement Officer, explained that the Gene Neely nuisance issue has improved at Stroh. The property in South Milford has deteriorated. Mr. Kevin Myers made a motion to pursue collective the fine of \$4,800 with the assistance of the County Attorney. Mr. Terry Martin seconded the motion and it carried unanimously.

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

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

**COUNTY OF LAGRANGE  
ORDINANCE NO. 2021-01-19-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 for the foreseeable future;

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;

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; *and*

WHEREAS, the Commissioners desire this ordinance be retroactive to January 1, 2021.

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 June 30, 2021, 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;

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- 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.
- 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.

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- 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 deemed effective immediately upon adoption, retroactive to January 1, 2021, and it expires at the end of the day on June 30, 2021.

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

**CONTRACT FOR ANIMAL SHELTER MANAGEMENT AND ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH ARK ANIMAL RESCUE & ADOPTION, INC.**

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

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COUNTY OF LAGRANGE  
ORDINANCE NO. 2021-01-19-B**

**ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH ARK  
ANIMAL RESCUE & ADOPTION, INC.**

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 ARK Animal & Rescue, Inc. ("ARK") for animal shelter care services;

WHEREAS, the terms of the contract, which is attached hereto as Exhibit A, require payment in advance of ARK performing its obligations under the contract;

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:

**SECTION I**

- A. The Commissioners hereby approve the contract with ARK Animal & Rescue, Inc. ("ARK") for animal shelter care services, a draft of which has been approved by the County Attorney and the final form of which is hereby incorporated by reference.
- B. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the contract, advance payment thereon as may be invoiced from time to time, which represents quarterly payments owed to ARK under the contract.
- C. The Commissioners direct the Auditor to implement an advance payment to ARK when proper pursuant to this ordinance.
- D. The Commissioners authorize its President and the Auditor 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 final advance payment made pursuant to the contract.
- F. The Auditor shall prepare records memorializing any actual advance payment 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.

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**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. 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.

**Effective Dates.** This ordinance shall be deemed effective immediately upon adoption, retroactive to January 1, 2021.

Mr. Kevin Myers made a motion to approve the Contract for Animal Shelter Management and the Ordinance. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Kevin Myers made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

**LAGRANGE COUNTY CONVENTION, RECREATION & VISITOR INDUSTRY COMMISSION APPOINTMENT**

Mr. Kevin Myers made a motion to appoint Ryan Riegsecker to the Convention Visitors Recreation board. Mr. Terry Martin seconded the motion and it carried unanimously.

**TEEN COURT SERVICES AGREEMENT**

Mrs. Kathryn Hopper, County Auditor, presented an Agreement for Teen Court Services with Joanne Gillespie for 2021 for consideration. Mr. Kevin Myers made a motion to approve the agreement and to authorize the president to sign. Mr. Terry Martin seconded the motion and it carried unanimously.

**INFORMATION TECHNOLOGY – TECHSOLUTIONS SERVICE AGREEMENT**

Mr. Dave Warren, Information Technology Director, presented an annual service agreement with TechSolutions for the security video system, in the amount of \$21,050. Mr. Kevin Myers made a motion to approve the agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

**INFORMATION TECHNOLOGY – HEALTH DEPARTMENT WIRELESS CONTROLLER LICENSES**

Mr. Dave Warren, Information Technology Director, explained that last year the Health Department installed wireless controllers at the Health Department. He presented a quote for five access point controller licenses from Biz Tech, in the amount of \$2,002.99. Mr. Kevin Myers made a motion to approve the quote. Mr. Terry Martin seconded the motion and it carried unanimously.

**MAINTENANCE**

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Mr. Gary Mast, Maintenance Director, explained that the interior wall of the basement entrance of the Courthouse needs repair. He presented a quote from ANCO Concrete Raising, LLC in the amount of \$3,566, and has fund in his budget. Mr. Kevin Myers made a motion to approve the quote. Mr. Terry Martin seconded the motion and it carried unanimously.

### **HIGHWAY DEPARTMENT – ELECTRICAL**

Mr. Jason Boggs, Building Commissioner, explained that the electrical box at the Highway Department is in poor condition. He presented a quote from D & S Builders in the amount of \$20,773. Mr. Kevin Myers made a motion to approve the quote and pay out of the Cumulative Capital Development fund. Mr. Terry Martin seconded the motion and it carried unanimously.

### **ACCOUNTS PAYABLE VOUCHERS**

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

### **DECEMBER 2020 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending December 31, 2020, in the amount of \$38,573,923.91 and investments of \$19,182,000.00. Mr. Kevin Myers made a motion to accept the report. Mr. Terry Martin seconded the motion and it carried unanimously.

### **MINUTES**

Mr. Kevin Myers made a motion to approve the minutes of the January 4, 2021 Regular Session meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

### **MEMORANDUM**

Mr. Kevin Myers made a motion to approve the memorandum for the January 13, 2021 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

### **2021 HIGHWAY MATERIAL BIDS**

At 9:00 a.m. Mr. Ben Parish, Highway Superintendent, opened the following material bids for 2021:

<b><u>REQUISITION</u></b>	<b><u>COMPANY</u></b>
Requisition #4 Asphalt & Emulsified Asphalt	Asphalt Materials, Inc. Pierceton Trucking Co., Inc. The Klink Group
Requisition #5 Bituminous Patching Material	API Construction Corp. Brooks Construction Co., Inc. Niblock Excavating, Inc. Pulver & Sons Asphalt Materials, Inc.
Requisition #6 Hot Mix Asphalt	API Construction Corp. Brooks Construction Co., Inc. Niblock Excavating, Inc. Pulver & Sons Asphalt Materials, Inc.
Requisition #7 Limestone	Butler Mill Service Co. Hanson Aggregates Midwest LLC Irving Sand & Gravel Co., Inc.
Requisition #7A Sand & Gravel	Butler Mill Service Co. Elkhart County Gravel, Inc. Niblock Excavating, Inc. Irving Sand & Gravel Co., Inc.
Requisition #8 Pipe (Culvert)	Wolf Lake Gravel Civilcon Inc. Metal Culverts Inc. St. Regis Culvert Inc.
Requisition #10 Calcium Chloride	Great Lakes Chloride, Inc.

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Requisition #26 Hourly Equipment & Labor Rental

Brooks Construction Co., Inc.  
Hostetler Custom Harvesting  
Irving Sand & Gravel Co., Inc.  
West Michigan Earthworks  
Young Family Farms LP  
American Timber Bridge

Requisition #27C Treated Bridge Timber

Mr. Kevin Myers made a motion to take the bids under advisement. Mr. Terry Martin seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Clerk of the Circuit Court – December 2021 report

LaGrange County Treasurer – December 2021 report

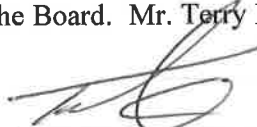
LaGrange County Weights and Measures – May 16 – June 15 2020 report

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

Indiana Department of Environmental Management – Notice of Approval, Rock Run Industries, 11635 West County Road 600 South, Millersburg, Indiana 46543 and 536 Michigan Street, Topeka, Indiana 46571, Permit Number 087-43295-00072

**ADJOURNMENT**

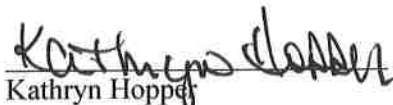
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.

  
Terry A. Martin

  
Kevin R. Myers

Vacant

ATTEST:

  
Kathryn Hoppe  
LaGrange County Auditor