

**JULY 6, 2021**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, July 6, 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 Martin, Mr. Kevin R. Myers and Mr. Peter A. Cook; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Kevin Myers made a motion to adopt the proposed agenda with flexibility. Mr. Peter Cook seconded the motion and it carried unanimously.

**ORDINANCE ESTABLISHING A BURIAL ALLOWANCE FOR VETERANS AND PROCEDURES FOR FILING OF CLAIMS THEREFOR**  
Mr. Tony Manns, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2021-07-06-B

**AN ORDINANCE ESTABLISHING A BURIAL ALLOWANCE FOR VETERANS AND  
PROCEDURES FOR FILING OF CLAIMS THEREFOR.**

WHEREAS, pursuant to Indiana Code ("IC") 10-17-10 ("Act"), the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), has a duty to provide financial support for the funeral and burial of certain members of the Armed Forces up to an amount set by ordinance;

WHEREAS, pursuant to IC 36-1-3 (Home Rule), the Commissioners desire to extend this support to certain other members of the Armed Forces not provided for in the Act;

WHEREAS, the Commissioners desire to establish a procedure for the processing of claims received pursuant to the Act; *and*

WHEREAS, the Commissioners desire to amend (repeal and restate) Ordinance 2008-9-2, which relates to the Act.

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

**SECTION I – NAME**

The name of this ordinance shall be the "Veterans' Burial Allowance Ordinance."

**SECTION II – DEFINITIONS**

Whenever the following 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.

- "Armed Forces" means the military forces of the United States of America, including the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, and National Guard.
- "Claim" means a claim for reimbursement of funeral and/or grave marker expenses that has been, or is ready to be, filed on behalf of a Qualified Veteran pursuant to this ordinance.
- "Qualified Veteran" means a natural person who:
  - served as a soldier, sailor, or marine in the Armed Forces;
  - died:
    - while a member of the Armed Forces and before discharge therefrom; *or*
    - after receiving an honorable discharge from the Armed Forces;
    -
  - was a resident of the County at the time of his or her death; *and*
  - has not previously been allowed a claim for burial allowance for veterans from any other state or local government.

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**SECTION III – ALLOWANCE**

A. Amounts. A claim shall be eligible for reimbursement in an amount up to:

1. \$500.00 for funeral expenses; *and*
2. \$150.00 for the setting of a grave marker;  
(i.e., \$650.00 total).

B. Gift. A claim allowed pursuant to this ordinance shall be considered a gift.

**SECTION IV – FILING OF CLAIMS**

A. Claimant. Any interested person (such as a personal representative, heir, devisee, legatee, executor, or funeral home) who has incurred funeral and/or grave marker expenses on behalf of a Qualified Veteran may file a claim with the Commissioners.

B. Contents. A claim must be in writing and include:

1. the branch(es) of the Armed Forces in which the Qualified Veteran served;
2. the date(s) of the Qualified Veteran's service;
3. the date of the Qualified Veteran's death;
4. the date of final discharge, if the Qualified Veteran was discharged before death;
5. the name of the cemetery or burial ground in which the body of the Qualified Veteran was buried;
6. a copy of the Qualified Veteran's death certificate;
7. a copy of the Qualified Veteran's notice of discharge;
8. if applicable, a copy of a marriage certificate that was valid at the time of death; *and*
9. one or more receipts, invoices, or forms approved by the state board of accounts that show that the claimant has incurred funeral and/or grave marker expenses on behalf of a Qualified Veteran in at least the amount claimed.

C. Timing. In order to be allowed, a claim must be received:

1. within 3 months after the Qualified Veteran's date of death; *or*
2. more than 3 months after the Qualified Veteran's date of death, if good cause exists for the delay, as alleged by the claimant and as determined by the Commissioners.

**SECTION V – CONSIDERATION OF CLAIMS**

A. Issues Considered. The Commissioners shall hear each claim at an appropriate time and determine whether the facts averred therein are true, whether the subject is a Qualified Veteran, and whether the claim should be allowed.

B. Final Decision. The Commissioners shall approve or deny each claim heard by majority vote either on an individual-claim basis or collectively along with other claims.

C. Payment. For each claim that has been approved, the County shall issue to the claimant a check for reimbursement in an appropriate amount.

**SECTION VI – AUTHORIZATION**

The Commissioners hereby authorize the Auditor and Treasurer to execute all claims and other documents necessary or helpful to implement this ordinance.

**SECTION VII – REPEAL OF PRIOR LAW**

The Commissioners hereby repeal Ordinance 2008-9-2 in its entirety.

**SECTION VIII – 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.

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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.
- 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. Effective Date. This ordinance shall be effective immediately upon adoption.

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

**EXECUTIVE SESSION**

Mr. Kevin Myers made a motion to set an Executive Session for July 19, 2021, at 9:45 a.m. for the purpose of initiating litigation. Mr. Peter Cook seconded the motion and it carried unanimously.

**HIGHWAY- COUNTY ROAD 150 E, OLIVER LAKE**

Mr. Ben Parish, Highway Superintendent, explained that on May 17, 2021, Mrs. Tharon Morgan, County Engineer, presented a proposal from E & B Paving, in the amount of \$47,824 for paving on County Road 150 E, at Oliver Lake. The Commissioners gave the project a positive recommendation with the residents paying for the project and without the speed bumps. Mrs. Morgan was recently notified that the project had been modified by the residents on the road without the County Engineers approval. Mr. Kevin Myers made a motion to rescind the approval for the project. Mr. Peter Cook seconded the motion and it carried unanimously.

**COVERED BRIDGE CERTIFICATION**

Mrs. Kathryn Hopper, County Auditor, presented the 2021 Covered Bridge Certification, certifying that there are no covered bridges in LaGrange County. Mr. Kevin Myers made a motion to approve the certification. Mr. Peter Cook seconded the motion and it carried unanimously.

**AFFIDAVIT OF NOTICE OF CONSTRUCTION OF COMMERCIAL DOG BREEDING FACILITY**

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Mrs. Kathryn Hopper, County Auditor, explained that Mr. Richard Yoder is proposing to construct a commercial dog breeding facility, with up to 20 breeding females, on property located at 11745 W 250 N, Middlebury, Indiana. She presented an Affidavit of notice of construction of commercial dog breeding facility to adjoining property owners. By signing the affidavit, you are agreeing to the facility within 500 feet of your property. Mr. Kevin Myers made a motion to sign the affidavit. Mr. Peter Cook seconded the motion and it carried unanimously.

**ECONOMIC DEVELOPMENT CORPORATION – COVID 19 RESPONSE GRANT**

Mrs. Kathryn Hopper, County Auditor, presented a Standard Sub-recipient agreement for CDBG funded projects between the LaGrange County and the LaGrange County Economic Development Corporation for a Community Development Block Grant for the Covid 19 Response. Mr. Peter Cook made a motion to appoint Region 3A as the grant compliance administrator and to approve and have the president sign the sub-recipient agreement. Mr. Kevin Myers 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 2022.

**2021 TAX SALE**

Ms. Jamesi Lemon, Treasurer, presented an addendum to the contract with Government Utilities Technology (GUTS) for the 2021 tax sale. Mr. Peter Cook made a motion to approve and authorize the president to sign the addendum. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PARK DEPARTMENT – REQUEST TO APPLY FOR GRANT FROM PARKVIEW HEALTH**

Mrs. Mary Franke, Park Director, requested permission to apply for a grant from Parkview Health for one or two automated external defibrillators (AED's), priced at \$1,700 each. There is no match required.

**AWARD OF SALT QUOTES**

Mr. Ben Parish, Highway Supervisor, explained that on June 21, 2021, the salt quotes were opened. The lowest quote was from Compass Minerals, however, the service from the company was not favorable. He is recommending that the quote be awarded to Detroit Salt Company. Mr. Kevin Myers made a motion to award the salt quote to Detroit Salt Company for \$69.44 per ton delivered. Mr. Peter Cook seconded the motion and it carried unanimously.

**HIGHWAY – TRACTOR AND BOOM MOWER PURCHASE**

Mr. Ben Parish, Highway Supervisor, explained that he has received quotes for the purchase of a new tractor and boom mower. The lowest quote is from Greenmark Equipment, LLC, in the amount of \$179,526.55 less \$18,250 of an existing mower. Mr. Peter Cook made a motion to approve the purchase of the tractor and boom mower from Greenmark Equipment for \$161,276.55. Mr. Kevin Myers seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING THE SPECIAL PURCHASE OF TRACTOR AND BOOM MOWER ON BEHALF OF THE HIGHWAY DEPARTMENT AND THE SALE OF THE DEPARTMENT'S CURRENT EQUIPMENT**

Mr. Tony Manns, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2021-07-06-A

ORDINANCE AUTHORIZING THE SPECIAL PURCHASE OF TRACTOR AND BOOM MOWER ON  
BEHALF OF THE HIGHWAY DEPARTMENT AND THE SALE OF THE DEPARTMENT'S  
CURRENT EQUIPMENT.

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WHEREAS, pursuant to Indiana Code Section ("IC §") 36-2-18-1, the LaGrange County ("County") Highway Department must control detrimental plants and noxious weeds in the County, as required by other applicable law;

WHEREAS, in order to comply with this duty, the Department is in need of a tractor equipped with a boom mower ("Equipment") to replace its older model, which no longer functions;

WHEREAS, pursuant to County Resolution 1998-7-6a ("Resolution"), the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), is the purchasing agent of the County;

WHEREAS, the Commissioners desire to purchase the Equipment on behalf of the Department;

WHEREAS, Deere & Company, a Delaware for-profit corporation with its principal office in Illinois ("John Deere"), has presented the County with a purchase proposal for the Equipment that will satisfy the Department's reasonable needs;

WHEREAS, pursuant to IC § 5-22-10-12, the Commissioners may make a special purchase when the market structure is based on price but the County is able to receive a dollar or percentage discount of the established price;

WHEREAS, the Commissioners have ready the necessary findings to substantiate a special purchase in accord with Indiana law;

WHEREAS, the price for the Equipment is subject to John Deere's mid-year company-wide price increase of 3%, or an increase of \$2,821.64, unless the Commissioners act immediately;

WHEREAS, the County has an existing tractor mower, which does not work;

WHEREAS, John Deere, as part of the transaction, has offered to purchase the County's existing tractor mower;

WHEREAS, pursuant to IC § 36-1-11-9, the Commissioners, when purchasing new property, may exchange property of a similar nature as part of the purchase and in reduction of the purchase price; *and*

WHEREAS, pursuant to the Resolution and IC § 5-22-15-21, the Commissioners shall, by default, prefer products manufactured in the United States.

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

**SECTION I – SPECIAL PURCHASE**

- A. The Commissioners hereby adopt the following findings and quote concerning the purchase of a tractor equipped with a boom mower ("Equipment") from Deere & Company, a Delaware for-profit corporation with its principal office in Illinois ("John Deere"):
  1. Exhibit A – Special Purchase Considerations.
  2. Exhibit B – John Deere quote for Equipment dated June 21, 2021 ("Quote").
- B. The exhibits indicated in this section are hereby attached and incorporated by reference to this ordinance as if fully set out herein.
- C. The Commissioners find that the price for the Equipment is subject to John Deere's imminent mid-year company-wide price increase of 3%, or an increase of \$2,821.64 in the purchase price, if the Equipment is not purchased immediately.
- D. The Commissioners hereby approve the contents and form of the Quote sent by John Deere for the purchase of the Equipment, which Quote is hereby incorporated by reference.
- E. The Commissioners hereby approve and authorize the purchase of the Equipment for \$179,526.55 pursuant to the Quote. When the Equipment is purchased, the title shall be in the name of the County.
- F. The Commissioners hereby approve and authorize the concurrent sale of the County's existing tractor mower to John Deere as part of the purchase price, subject to an additional savings of at least \$18,250.00.

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- G. The purchase authorization hereby given is contingent upon an adequate appropriation from the County Council.
- H. The Commissioners hereby declare an emergency for this ordinance.

**SECTION II – AUTHORIZATION**

The Commissioners authorize its President, the Highway Department Supervisor, and the Auditor to execute all documents necessary or helpful to implement the purchase of the Equipment.

**SECTION III – MISCELLANEOUS**

**B. 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, 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.

C. Incorporation. Two (2) copies of all materials incorporated herein shall be placed on file in the office of the Auditor for public inspection.

D. 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.

E. 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.

F. Effective Date. This ordinance shall be effective immediately upon adoption.

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

**LEAVE OF ABSENCE REQUEST**

Mrs. Jacklyn Medford, Payroll Deputy, presented a leave of absence request for an employee for up to two weeks of unpaid leave for a health condition of a significant other. The department head is aware of the request. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

**PETERSON CONSULTING SERVICES, INC. – AGREEMENT FOR CAPITAL ASSETS**

Mrs. Kathryn Hopper, County Auditor, presented an agreement with Peterson Consulting Services, Inc. for preparation of the capital asset reporting for LaGrange County for 2021. The cost for the services for 2021 is \$3,875, plus out of pocket expenses. Mr. Kevin Myers made a motion to approve the agreement and to authorize the President to sign it. Mr. Peter Cook seconded the motion and it carried unanimously.

**JUNE 2021 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending June 30, 2021, in the amount of \$46,614,522.22 and investments of \$19,182,000.00. Mr. Kevin Myers made a motion to accept the report. Mr. Peter Cook seconded the motion and it carried unanimously.

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**ACCOUNTS PAYABLE VOUCHERS**

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

**MINUTES**

Mr. Kevin Myers made a motion to approve the minutes of the June 21, 2021 regular session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Kevin Myers made a motion to approve the memorandum for the June 30, 2021 meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Treasurer – June 2021 report


Indiana Department of Environmental Management – Receipt of Air Permit Application, Homestead Bars, 6030 S 400 W, Topeka, Indiana, 087-44073-00711

Indiana Department of Environmental Management – Notice for Public Comment, Federally Enforceable State Operating Permit, Rock Run Industries, LLC, in LaGrange County, F087-43913-00072

Indiana Department of Environmental Management – Notice of Approval, Nishakawa Cooper LLC, 324 Morrow Street, Topeka, IN 46571, Permit Number 087-43966-00031

**ADJOURNMENT**

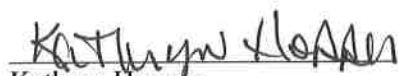
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.

  
Terry A. Martin

  
Kevin R. Myers

  
Peter A. Cook

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor