

**MAY 17, 2021**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, May 17, 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, 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.

**TITLE IV AND AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR**

Mr. Kevin Myers made a motion to appoint Mrs. Tharon Morgan, County Engineer, as the Title VI and Americans with Disabilities Act (ADA) Coordinator for LaGrange County. Mr. Peter Cook seconded the motion and it carried unanimously.

**A RESOLUTION APPROVING THE TRANSFER OF CERTAIN REAL ESTATE TO MILFORD TOWNSHIP**

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

COUNTY OF LAGRANGE  
RESOLUTION 2021-05-17-D

A RESOLUTION APPROVING THE TRANSFER OF CERTAIN REAL ESTATE TO MILFORD TOWNSHIP.

WHEREAS, 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 dispose of certain real property ("property") in its possession located in Milford Township, a civil township located in the County;

WHEREAS, Milford Township of LaGrange County ("Township") desires to accept the property; *and*

WHEREAS, pursuant to IC § 36-1-11-8, the Commissioners may transfer property with the Township upon mutually agreeable terms by adoption of substantially identical resolutions.

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

**SECTION I – TRANSFER**

Exhibit A, which contains a description of the real property that is the subject of this resolution ("property"), is hereby incorporated by reference. The Commissioners hereby agree to transfer title to the property by quitclaim deed to Milford Township for no consideration. The Township agrees to accept title to the property by quitclaim deed.

**SECTION II – AUTHORITY**

The Commissioners hereby authorize its President to sign any and all documents necessary to effect the transfer of the property.

**SECTION III – MISCELLANEOUS**

- A. Incorporation. Two (2) copies of the materials incorporated herein shall be placed on file in the Auditor's office for public inspection.
- B. Conflicts. No part of this resolution shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

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C. Severability. Should any section or part thereof of this resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the resolution as a whole, or any other portion thereof, and for this purpose the provisions of this resolution are hereby declared to be severable.

D. Effective Date. This resolution shall be effective upon adoption by both entities.

Exhibit A is on file in the LaGrange County Auditor's office.

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.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY REGARDING A GRANT AGREEMENT BETWEEN THE COUNTY AND THE LAGRANGE COUNTY REMC, AND MATTERS RELATED THERETO**

Mrs. Kathryn, County Auditor, presented the following Resolution approving a grant agreement between the County and LaGrange County REMC for consideration:

**RESOLUTION NO. 2021-05-17A**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY REGARDING A GRANT AGREEMENT BETWEEN THE COUNTY AND THE LAGRANGE COUNTY REMC, AND MATTERS RELATED THERETO**

WHEREAS, the LaGrange County REMC (the "REMC") submitted the Major Moves Grant Application attached hereto as Exhibit A and incorporated herein by this reference (the "Grant Request"), to LaGrange County, Indiana (the "County") to assist in the financing of the REMC's broadband project, which will provide high-speed fiber optic internet to residents and businesses in the County (the "Project"), as more particularly described in the Grant Request; and

WHEREAS, pursuant to Indiana Code 8-14-16-5(3), the County may use monies in the Major Moves Construction Fund to provide funding for economic development projects (as defined in IC 6-3.6-2-8(1) or IC 6-3.6-2-8(2)(A) through IC 6-3.6-2-8(2)(K)); and

WHEREAS, based on the representations by the REMC in the Grant Request, the County has determined the Project will promote significant opportunities for the gainful employment of County residents, attract new businesses to the County and retain existing businesses in the County; and

WHEREAS, the County now desires to take final action approving the Major Moves Grant Agreement substantially in the form in Exhibit B attached hereto (the "Grant Agreement");

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of LaGrange County, Indiana, as follows:

1. Based on the representations by the REMC in the Grant Request, the Board of Commissioners of the County (the "Board") hereby determines that the Project will promote significant opportunities for the gainful employment of County residents, attract new businesses to the County and retain existing businesses in the County, and, therefore, the Project constitutes an economic development project in accordance with Indiana Code 8-14-16-5(3).

2. The Board hereby finds that the County has the authority to execute the Grant Agreement and disburse the grant proceeds to the REMC pursuant to Indiana Code 36-1-3 and Indiana Code 8-14-16-5.

3. The Grant Agreement substantially in the form of Exhibit B hereto is hereby approved.

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4. Each of the members of the Board is hereby authorized to execute the Grant Agreement, and the County Auditor is hereby authorized to attest the Grant Agreement, on behalf of the County, together with any changes in such form as the officers executing the same may hereafter approve, with their execution thereof to be conclusive evidence of the approval of any such changes.

5. This Resolution shall be in full force and effect after its passage by the Board.

Exhibit A and B is on file in the LaGrange County Auditor's office.

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.

**GRANT AGREEMENT – LAGRANGE COUNTY REMC**

Mrs. Kathryn, County Auditor, presented a grant agreement between the County and LaGrange County REMC to enable the County to award a grant of up to \$5,265,000 to the LaGrange County REMC for eligible costs of the services or project. Mr. Kevin Myers made a motion to approve the grant agreement. Mr. Peter Cook seconded the motion and it carried unanimously.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN LAGRANGE COUNTY, INDIANA, AND THE LAGRANGE COUNTY REDEVELOPMENT COMMISSION**

Mrs. Kathryn Hopper, County Auditor, presented the following Resolution for consideration:

**RESOLUTION NO. 2021-05-17 B**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN LAGRANGE COUNTY, INDIANA, AND THE LAGRANGE COUNTY REDEVELOPMENT COMMISSION**

WHEREAS, the LaGrange County REMC (the "REMC") has applied for a grant (the "Grant Request") from LaGrange County, Indiana (the "County") to assist in the financing of the REMC's broadband project, which will provide high-speed fiber optic internet to residents and businesses in the County (the "Project"); and

WHEREAS, the County and the LaGrange County Redevelopment Commission (the "Commission") desire to cooperate in the funding of the Grant Request; and

WHEREAS, the County and the Commission desire to enter into the Interlocal Cooperation Agreement attached hereto as Exhibit A (the "Interlocal Cooperation Agreement") to provide for the financing of a portion of the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of LaGrange County, Indiana, as follows:

1. The Board of Commissioners (the "Board") hereby deems it advisable and in the best interest of the County for the County to enter into the Interlocal Cooperation Agreement. The substantially final form of Interlocal Cooperation Agreement attached hereto as Exhibit A, and incorporated herein by reference, is hereby approved by the Board. Each of the members of the Board is hereby authorized to execute the Interlocal Cooperation Agreement, and the County Auditor is hereby authorized to attest the Interlocal Cooperation Agreement, on behalf of the County, together with any changes in such form as the officers executing the same may hereafter approve, with their execution thereof to be conclusive evidence of the approval of any such changes.
2. Each of the members of the Board, the County Council, the County Auditor, the County Treasurer and any other officer, employee or agent of the County is hereby authorized and directed, for and on behalf of the County to take whatever

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steps such officer deems necessary or appropriate to carry out the intent of the Interlocal Cooperation Agreement and do such other acts to provide for the effective execution of the Interlocal Cooperation Agreement, including the recording of the Interlocal Cooperation Agreement with the Recorder of LaGrange County, Indiana, and filing of the Interlocal Cooperation Agreement with the Indiana State Board of Accounts.

3. This Resolution shall be in full force and effect after its passage by the Board.

Exhibit A is on file in the LaGrange County Auditor's office.

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

**INTERLOCAL COOPERATION AGREEMENT – LAGRANGE COUNTY REMC**

Mrs. Kathryn, County Auditor, presented an Interlocal Cooperation Agreement between LaGrange County Redevelopment Commission and LaGrange County for the financing of a portion of the LaGrange County REMC's broadband project. Mr. Peter Cook made a motion to approve the Agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

**ARK ANIMAL RESCUE & ADOPTION – ELECTRICAL INVOICE**

Ms. Cindy Miller, ARK Animal Rescue & Adoption Manager, presented an invoice from Long Electrical, LLC in the amount of \$696 for some outside wiring that was done. She is asking the County for pay for this. Mr. Peter Cook made a motion pay the invoice out of the Rainy Day fund. Mr. Kevin Myers seconded the motion and it carried unanimously.

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

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 residents would be paying for this project, and Mrs. Morgan gives it a positive recommendation, without speed bumps. Mr. Peter Cook made a motion to approve the paving without the speed bumps. Mr. Kevin Myers seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING THE PURCHASE OF RADIO EQUIPMENT FOR THE COUNTY SHERIFF'S OFFICE AND AUTHORIZING ADVANCE PAYMENT THEREFOR.**

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

COUNTY OF LAGRANGE  
ORDINANCE NO. 2021-05-17-C

ORDINANCE AUTHORIZING THE PURCHASE OF RADIO EQUIPMENT FOR THE COUNTY SHERIFF'S OFFICE AND AUTHORIZING ADVANCE PAYMENT THEREFOR.

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

WHEREAS, the Commissioners desire to purchase radio dispatch equipment on behalf of the County Sheriff's Office ("Office");

WHEREAS, the radio dispatch equipment will provide updated, secure communications, seamless IP-based connectivity, flexible system architecture with scalable components, and centralized console management to ensure that the Office's operations continue to meet its mission-critical two-way radio communication needs;

WHEREAS, Motorola Solutions, Inc. has presented the County with a purchase contract proposal for radio dispatch equipment that will satisfy the County's reasonable needs;

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WHEREAS, pursuant to Indiana Code § 5-22-10-8, the Commissioners may make a special purchase when the compatibility of equipment is a substantial consideration in the purchase and only one source meets the County's reasonable requirements;

WHEREAS, the Commissioners have ready the necessary findings to substantiate a special purchase;

WHEREAS, pursuant to the Resolution, the Commissioners shall, by default, prefer products manufactured in the United States;

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, INDIANA THAT:

**SECTION I – SPECIAL PURCHASE**

- A. The Commissioners hereby adopt the following findings and quote concerning the purchase of a Motorola MCC 7500 dispatcher radio software and hardware equipment, together with their installation, configuration, and related operator training and warranties on parts and labor (collectively, "Radio Equipment"):
  1. Exhibit A – Special Purchase Considerations.
  2. Exhibit B – Motorola quote for MCC 7500e Wireline Consoles dated February 9, 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 hereby approve the contents and form of the proposal sent by Motorola Solutions, Inc. ("Motorola") for the purchase of the Radio Equipment, which proposal is hereby incorporated by reference.
- D. The Commissioners hereby approve and authorize the purchase of the Radio Equipment for \$356,778.00 pursuant to the "Price Page" of the Quote. When the Radio Equipment is purchased, the title shall be in the name of the County.
- E. The Commissioners hereby approve and authorize the purchase of yearly maintenance of the Radio Equipment for up to ten (10) years by Motorola for a total of \$317,643.00 (combined 10-year total) pursuant to the "Price Page" of the Quote.
- F. The purchase authorization hereby given is contingent upon an adequate appropriation from the County Council.

**SECTION II – ADVANCE PAYMENT**

- A. The Commissioners hereby approve advance payment of the Radio Equipment and yearly maintenance thereof in accord with the terms of Exhibit B – "Payment" of the Quote.
- B. The Commissioners direct the Auditor to implement an advance payment to Motorola pursuant to this ordinance.
- C. 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.
- D. 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 III – AUTHORIZATIONS**

The Commissioners authorize its President Terry Martin, Sheriff Jeff Campos, Auditor Kathryn Hopper, and/or Project Manager Tammy DeRemer to sign all papers necessary or helpful to implement the purchase of the Radio Equipment.

**SECTION IV – 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. Incorporation.** Two (2) copies of the materials incorporated herein shall be placed on file in the Auditor’s office for public inspection.

**C. Records.** The Commissioners hereby directs the Auditor to keep records of the findings and purchase on file for five (5) years.

**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.

Exhibit A and B is on file in the LaGrange County Auditor’s office.

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.

Mr. Peter Cook made a motion to authorize the president to sign the contract outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**ACCOUNTS PAYABLE VOUCHERS**

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

**APRIL 2021 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending April 30, 2021, in the amount of \$36,866,991.20 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.

**MINUTES**

Mr. Kevin Myers made a motion to approve the minutes of the May 3, 2021 regular session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**MEMORANDUM**

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Mr. Kevin Myers made a motion to approve the memorandum for the May 12, 2021 meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Treasurer – April 2021 report

Notice of Public Hearing - Curry, Charles & Diedra, 6020 S 0850 W, Wolcottville, Indiana 46795, Application to operate a short term rental in an L-1 zoning district.

Notice of Public Hearing – Crisis Pregnancy Center of Northeast Indiana Inc d/b/a Compassion Pregnancy Center of Northeast IN Inc, East pf 2030 E. Factory Street, LaGrange, IN, Application to rezone 0.36 +/- acres from I-1 to U-1 zoning.

Indiana Department of Environmental Management – Notice of Public Comment, K-Z, Inc., Permit Number 087-43903-00063

**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.

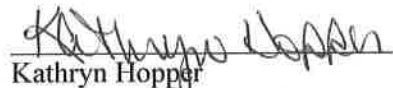
Absent

Terry A. Martin

Kevin R. Myers

Peter A. Cook

ATTEST:



Kathryn Hopper  
LaGrange County Auditor