

MAY 2, 2022

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, May 2, 2022, 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.

NUISANCE HEARINGS

Mr. Kurt Bachman, County Attorney, reported that there are two nuisance matters on the agenda today. One is for Mitchell J. and Virginia R. Neumann, 3580 S State Road 9, Lagrange, Indiana and one is for Jason Bostick, 8045 E 780S, South Milford, Indiana. Both of the matters are cleaned up and are no longer public nuisances. Mr. Peter Cook made a motion to dismiss the nuisance matters. Mr. Kevin Myers seconded the motion and it carried unanimously.

PROCLAMATION – PEACE OFFICER APPRECIATION WEEK

Mr. Peter Cook made a motion to approve a Joint Proclamation proclaiming May 15-21, 2022 as Peace Officer Appreciation Week. Mr. Kevin Myers seconded the motion and it carried unanimously.

JOINT RESOLUTION AUTHORIZING ELECTRONIC FUNDS TRANSFERS FOR THE BUSINESS OF THE COUNTY OF LAGRANGE, INDIANA AND APPROVING INTERNAL CONTROLS THEREFOR

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

**LAGRANGE COUNTY
JOINT RESOLUTION NO. 2022-05-09**

**A JOINT RESOLUTION AUTHORIZING ELECTRONIC FUNDS TRANSFERS FOR THE BUSINESS
OF THE COUNTY OF LAGRANGE, INDIANA AND APPROVING INTERNAL CONTROLS
THEREFOR.**

WHEREAS, pursuant to Indiana Code (“IC”) § 36-1-8-11.5, the fiscal body of a political subdivision may adopt a resolution to authorize an electronic funds transfer method of payment of claims;

WHEREAS, pursuant to IC § 5-11-1-27(g), the legislative body of a political subdivision must ensure that certain minimum internal control standards and procedures, as developed by the Indiana State Board of Accounts (“SBOA”) have been adopted;

WHEREAS, pursuant to IC §§ 36-1-2-9 and 36-2-3-2, the Board of Commissioners of the County of LaGrange (“Commissioners”) and the LaGrange County Council (“Council”), are the legislative and fiscal bodies of LaGrange County, Indiana (“County”), respectively; *and*

WHEREAS, the Commissioners and Council have respectively determined that there is a need to authorize electronic funds transfers as a payment method for claims and to adopt internal control standards and procedures therefor.

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

SECTION I – NAME

The name of this resolution shall be the “Internal Controls Resolution: Electronic Funds Transfers.”

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

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SECTION III – ELECTRONIC FUNDS TRANSFERS

- A. Definition. As used in this section, an “electronic funds transfer” means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.
- B. Authorization. The use of an electronic funds transfer for the official business of the County and its utilities is hereby authorized and approved when performed in accord with this resolution. This authorization includes the receipt and deposit of money and the payment of claims, including payroll.
- C. Procedure.
 - 1. Selection. The Auditor shall select one or more accredited financial institutions for the use of electronic funds transfers. The Auditor may prepare, and the President of the Commissioners may execute, any standard application and agreement with respect to electronic funds transfers from such institutions.
 - 2. Oversight. The Auditor shall ensure that the terms of any agreement entered into with a financial institution on behalf of the County with respect to an electronic funds transfer are followed. The Auditor shall oversee the use of all electronic funds transfers.
 - 3. Fund Transfers. To the extent a specific fund transfer has been approved by the Commissioners, the Auditor may use an electronic funds transfer to effect the transfer in accord with applicable law.
 - 4. Payment of Claims. The Auditor may use an electronic funds transfer for payroll, bond payments, and accounts payable. The Auditor may transfer funds from the General Fund to an accounts payable fund to pay any claim that has been allowed by the Commissioners.
 - 5. Income. Any person who receives any money on behalf of the County may receive the money through an electronic funds transfer, but only to the extent it will be received with the general knowledge of, and in an account under the control of, the Auditor.
- D. Security. The Auditor shall establish appropriate security procedures for passwords, codes, controls, and other authorizations to protect the County assets.
- E. Documentation. The Auditor shall maintain adequate records of all electronic funds transfers to the extent required by applicable law.
- F. Prohibition. No person shall use an electronic funds transfer involving County money for personal reasons.

SECTION IV – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this resolution or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
 - 2. Reference in this resolution to a law, document, fund, department, board, program, public servant, or public office, 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).”

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3. Should a provision of this resolution 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 resolution 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 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. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this resolution effective.
- E. Effective Date. This resolution shall be effective upon adoption by all adopting authorities.

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.

ORDINANCE CONCERNING AUTHORIZATION FOR EXECUTION OF INDIANA DEPARTMENT OF TRANSPORTATION AGREEMENTS

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

LAGRANGE COUNTY
ORDINANCE NO. 2022-05-02 A

AN ORDINANCE CONCERNING AUTHORIZATION FOR EXECUTION OF INDIANA
DEPARTMENT OF TRANSPORTATION AGREEMENTS.

WHEREAS, pursuant to Indiana Code ("IC") 36-1-3 (Home Rule), a unit in the State of Indiana has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute and may exercise such powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity;

WHEREAS, pursuant to IC § 36-1-2-5 and -9, the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), is the executive and legislative body, respectively, of the County and is by law authorized to adopt ordinances and resolutions for the administration of County legal and financial affairs; *and*

WHEREAS, the Indiana Department of Transportation ("INDOT") has requested specific written authority for the execution of INDOT Agreements when all members of the executive body do not sign.

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

SECTION I – NAME

The name of this ordinance shall be the "INDOT Agreement Authorization Ordinance" or "Authorization Ordinance" where the context is obvious.

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

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SECTION III – AUTHORIZATION

The President of the Commissioners, *ex officio*, is hereby authorized and confirmed to have binding authority to execute any INDOT agreements, all other documents related thereto, and all documents related to any INDOT Grant Programs for and on behalf of the County.

SECTION IV – RATIFICATION

The Commissioners hereby ratify all prior agreements and associated documents executed by the President of the Commissioners, *ex officio*, prior to the effective date of this ordinance.

SECTION V – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.

D. Effective Date. This ordinance shall be deemed 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.

RESOLUTION AUTHORIZING THE FILING OF A CY2023 APPLICATION FOR A GRANT UNDER SECTION 5311/5339 OF THE FEDERAL TRANSIT ACT, AS AMENDED

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

LAGRANGE COUNTY
AUTHORIZING RESOLUTION NO. 2022-05-02 B

RESOLUTION AUTHORIZING THE FILING OF A CY2023 APPLICATION FOR A GRANT UNDER
SECTION 5311/5339 OF THE FEDERAL TRANSIT ACT, AS AMENDED.

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration (FTA) to support capital, operating and feasibility study assistance projects for nonurbanized public transportation systems under Section 5311 of the FTA Act of 1964, as amended;

WHEREAS, the Office of Transit, Indiana Department of Transportation (INDOT) has been designated by the Governor to make Section 5311/5339 grants for public transportation projects; *and*

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WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs.

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

1. That Terry Martin, President on behalf of The Board of Commissioner of the County of LaGrange, Indiana is authorized to make the necessary certifications and assurances and be empowered to enter into an agreement with INDOT for the provision of rural public transportation services within LaGrange County.
2. That LaGrange County Council on Aging, Inc. is authorized to execute and file an application on behalf of The Board of Commissioner of the County of LaGrange, Indiana with the INDOT to aid in the financing of transit assistance projects pursuant to Section 5311 of the Federal Transit Act, as amended.
3. That LaGrange County Council on Aging, Inc. is authorized to furnish such additional information as INDOT may require in connection with the application.
4. That LaGrange County Council on Aging, Inc. is authorized to execute grant contract agreements on behalf of The Board of Commissioner of the County of LaGrange, Indiana.

Mr. Kevin Myers made a motion to approve the Resolution. Mr. Peter Cook 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.

LAGRANGE COUNTY REDEVELOPMENT COMMISSION

Mr. Kurt Bachman, County Attorney, informed the Commissioners there is a non-voting advisor from a local school board on the LaGrange County Redevelopment Commission with a two-year term. The current person is Mr. Chad Bender whose term ends May 31, 2022. Mr. Kevin Myers made a motion to appoint Chad Bender to the Commission. Mr. Peter Cook seconded the motion and it carried unanimously. The term will run for two years from June 1, 2022 through May 31, 2024.

ORDINANCE VACATING A PUBLIC WAY WITHIN LAGRANGE COUNTY, INDIANA - PART OF COUNTY ROAD 765 SOUTH, JOHNSON TOWNSHIP

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2022-05-02 C

AN ORDINANCE VACATING A PUBLIC WAY WITHIN LAGRANGE COUNTY, INDIANA.

WHEREAS, Dennis Wright and Jill Anne Wright (collectively, "Petitioner"), in person and by counsel Robert C. Kruger, Esq., has filed with the Board of Commissioners of the County of LaGrange, Indiana ("Commissioners") a Petition to Vacate (as stipulated, "Petition"), which is hereby incorporated by reference, in which Petitioner seeks the vacation of a public way or place;

WHEREAS, the public way or place identified in the Petition is an unimproved roadway located north of Lot 9 of Fourthman's Subdivision of the Win-Mar-Lin Addition, in LaGrange County, Indiana but outside the corporate boundaries of any municipality, and as more particularly described in Exhibit A, which is attached hereto and incorporated herein (as stipulated, "Public Way");

WHEREAS, the Petitioner owns real estate adjacent to the Public Way;

WHEREAS, a hearing was called to review the Petition, and appropriate notice thereof was provided by publication and certified mail, as prescribed by Indiana Code § 5-3-1-2 and LaGrange County Ordinance 2021-10-18, and the public

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hearing was duly conducted; *and*

WHEREAS, pursuant to IC § 36-7-3-12(e), after the hearing on the Petition, the Commissioners may, by ordinance, vacate the Public Way.

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

SECTION I – INCORPORATION

The Commissioners hereby incorporate the foregoing recitals, including all defined terms, into this ordinance and find them to be true, accurate, and correct.

SECTION II – FINDINGS

The Commissioners hereby find that a vacation of the Public Way would not significantly: (i) hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous; (ii) make access to the lands of any aggrieved person by means of another public way difficult or inconvenient; (iii) hinder the public's access to a church, school, or other public building or place; *nor* (iv) hinder the use of another public way by the neighborhood in which such other public way is located or to which it is contiguous.

SECTION III – VACATION

E. The Public Way shall be reduced from a 35-foot strip to a 10-foot strip, as follows:

1. The northerly 10-foot-wide portion of the Public Way, which is described in the legal description captioned as the "NEW DESCRIPTION FOR RIGHT OF WAY VACATION: (NORTHERLY 10' WIDE STRIP ADJACENT TO THE 0.11 ACRE TRACT)" on Exhibit A and depicted via and within line segments L5, L6, L7, and L8, as shown on Exhibit A, is hereby vacated.
2. The southerly 15-foot-wide portion of the Public Way, which is described in the legal description captioned as the "NEW DESCRIPTION FOR RIGHT OF WAY VACATION: (SOUTHERLY +/- 15' WIDE STRIP ADJACENT TO LOT #9)" on Exhibit A and depicted via and within line segments L1, L2, L3, and L4, as shown on Exhibit A, is hereby vacated.

F. The remaining portion of the Public Way, which is depicted outside the bolded areas in the Exhibit A drawing, is not subject to any vacation proceeding and remains a public area of the County.

G. Nothing in this ordinance shall be construed as a determination of the rights of any person with respect to the vacated Public Way.

SECTION IV – UTILITIES

Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to deprive a public utility of the use of all or part of the Public Way to the extent such public utility has been occupying and using the Public Way for the location and operation of its facilities as of the effective date of this ordinance.

SECTION V – MISCELLANEOUS

- A. Judicial Review. 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 law 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.
- 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.

E. Effective Date. This ordinance shall be effective immediately upon adoption and promulgation according to law.

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.

HIGHWAY – CONTRACT FOR CLEANING SERVICES

Mrs. Tharon Morgan, County Engineer, explained that the Highway department would like to contract out the cleaning of the Highway office. She presented a contract with Xtreme Cleaning Services. They would clean the office twice a week, at a rate of \$85 per cleaning job. Mr. Peter Cook made a motion to approve the contract and authorize the President to sign it. Mr. Kevin Myers seconded the motion and it carried unanimously.

ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH XTREME CLEANING BY PAM

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2022-05-02 D

ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH
XTREME CLEANING BY PAM.

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 have entered or are about to enter into a contract with Xtreme Cleaning by Pam (“Xtreme”), a domestic sole proprietorship, for cleaning services on behalf of the LaGrange County Highway Department;

WHEREAS, the terms of the Xtreme contract require payment for all claims made for services performed up to the date of claims submission;

WHEREAS, pursuant to IC §§ 36-2-6-4 and -4.5, the Commissioners have adopted County Ordinance 2020-08-03-C to allow advance payments 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 – ADVANCE PAYMENT

- A. Contract Approval. The Commissioners hereby approve the contents and form of the contract with Xtreme Cleaning by Pam (“Xtreme”) dated April 28, 2022, which is incorporated hereto by reference, for cleaning services on behalf of the LaGrange County Highway Department (as stipulated, “Contract”).
- B. Payment Approval. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the Contract, advance payment on the Contract.

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- C. Payment Authorization. The Commissioners authorize and direct the Auditor to implement an advance payment to Xtreme when proper pursuant to this ordinance. 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.
- D. Claim Allowance. The Auditor shall memorialize any actual advance payment of a claim made pursuant to this ordinance for Commissioner review and allowance at their then-next regular or special meeting following the actual advance payment.
- E. Records. The Commissioners direct the Auditor to keep records of the purchase on file for five (5) years from the date of the final advance payment made pursuant to the Contract.

SECTION II – MISCELLANEOUS

A. References.

- a. 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.
- b. 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).”
- c. 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. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.

E. Effective Date. This ordinance shall take effect immediately upon adoption.

Mr. Kevin Myers made a motion to approve the Ordinance. Mr. Peter Cook 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.

ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH ATLAS BUILDING SERVICES, INC

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

**COUNTY OF LAGRANGE
ORDINANCE NO. 2022-05-02 E**

**ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH ATLAS
BUILDING SERVICES, INC.**

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

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WHEREAS, the Commissioners have entered or are planning to enter into a contract with Atlas Building Services, Inc. ("Atlas"), a domestic for-profit corporation, for repair work to be completed on the County Courthouse exterior;

WHEREAS, the terms of the Atlas contract will require partial payment in advance of Atlas performing some of its obligations under the contract and the balance before final inspection by the State of Indiana;

WHEREAS, pursuant to IC §§ 36-2-6-4 and -4.5, the Commissioners have adopted County Ordinance 2020-08-03-C to allow advance payments 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 – ADVANCE PAYMENT

- A. Contract Approval. The Commissioners hereby approve, subject to further approval by the County Attorney, the contents and form of the contract with Atlas Building Services, Inc. ("Atlas"), which is incorporated hereto by reference, for repair work to be completed on the County Courthouse exterior (as stipulated, "Contract").
- B. Payment Approval. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the Contract, advance payment on the Contract, including an initial 15% upon starting the project.
- C. Payment Authorization. The Commissioners authorize and direct the Auditor to implement an advance payment to Atlas when proper pursuant to this ordinance. 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.
- D. Claim Allowance. The Auditor shall memorialize any actual advance payment of a claim made pursuant to this ordinance for Commissioner review and allowance at their then-next regular or special meeting following the actual advance payment.
- E. Records. The Commissioners direct the Auditor to keep records of the purchase on file for five (5) years from the date of the final advance payment made pursuant to the Contract.

SECTION II – MISCELLANEOUS

- A. References.
 - a. 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.
 - b. 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)."
 - c. 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.

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- 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. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- E. Effective Date. This ordinance shall take effect immediately upon adoption.

Mr. Kevin Myers made a motion to approve the Ordinance. Mr. Peter Cook 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.

SOLAR ORDINANCE

Mr. Kevin Myers made a motion to table the Solar Ordinance until the next Commissioners meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

COURTHOUSE RENOVATION

Mr. Kurt Bachman, County Attorney, explained that bids were opened on April 18, 2022 for Courthouse renovations. The only bid received was from Atlas Building Services, Inc. in the amount of \$207,088. If all four of the project items are approved, there is a 4% discount offered. Mr. Peter Cook made a motion to approve the contract subject to review by the County Attorney and authorize signature by the president outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

ARK ANIMAL SANCTUARY – MARY JANE ECKER IRREVOCABLE TRUST EXPENSE

Ms. Cindy Miller, Director of the ARK Animal Sanctuary, presented a bill from LaGrange Veterinary Clinic, in the amount of \$6,000.07 and a bill from King Veterinary Clinic in the amount of \$13,537.39. The invoices would be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Peter Cook made a motion to approve the expenses to be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Kevin Myers seconded the motion and it carried unanimously.

EMERGENCY MANAGEMENT AGENCY – REQUEST FOR OUT OF STATE TRAVEL

Mr. Bill Morr, LaGrange County Emergency Management Agency Director, requested to travel to Texas in August to attend the National CERT conference. He would be flying to Texas, and has funds in his budget. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook 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.

MINUTES

Mr. Peter Cook made a motion to approve the minutes of the April 18, 2022, regular session meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

NETWORK INFRASTRUCTURE EQUIPMENT – REQUEST FOR PROPOSALS

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At 9:00 a.m., Mr. Dave Warren, Information Technology Director, opened the request for proposals for a network infrastructure equipment, as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Network Solutions, Inc.	Granger, Indiana	\$263,120.22

Mr. Peter Cook made a motion to award the proposal and contract to Network Solutions, Inc., subject to review by the County Attorney, and authorize signature outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandums for the April 27, 2022 and April 28, 2022 staff meetings. Mr. Kevin Myers seconded the motion and it carried unanimously.

HIGHWAY – PURCHASE OF EXCAVATOR

Mr. Ben Parish, Highway Supervisor, explained that at the April 18, 2022 meeting, the following bids were opened for a new excavator:

<u>Vendor</u>	<u>Location</u>	<u>Model</u>	<u>Bid Amount</u>
B & W Equipment Co., Inc.	Fort Wayne , Indiana	Doosan	\$101,762.14
Stutzman Power Equipment, LLC	Shipshewana, Indiana	Kubota	119,100.01
West Side Tractor Sales	South Bend, Indiana	John Deere	124,660.64

The matter was tabled.

The bid from B & W Equipment, LLC did not include an extended warranty. He spoke with Stutzman Power Equipment, LLC and they revised their bid to \$106,916.45. They can add an extended warranty for \$6,800.00. Mr. Kevin Myers made a motion to purchase the excavator from Stutzman Power Equipment, LLC, with the extended warranty, in the amount of \$113,716.45. Mr. Peter Cook seconded the motion and it carried unanimously.

HIGHWAY – CARD READER

Mr. Ben Parish, Highway Supervisor, presented a quote for card readers for the Highway Department, from TechSolutions in the amount of \$2,994.40. There is funds in the Highway budget for this purchase. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

PARK – REQUEST TO PURCHASE POWER WAGON

Mrs. Mary Franke, Park Director, requested permission to purchase a new power wagon. The lowest quote is from County Line Engine, in the amount of \$2,519.99. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

HEALTH DEPARTMENT – REQUEST TO APPLY FOR A GRANT

Mrs. Kathy Hopper, County Auditor, requested on behalf of the Health Department, permission to apply for a federal grant from the Department of Health and Human Services. The grant is in the amount of \$1,000 and will pay a portion of the Health Administrator's salary. Mr. Kevin Myers made a motion to grant permission to apply for the grant. Mr. Peter Cook seconded the motion and it carried unanimously.

CORRESPONDENCE

MAY 2, 2022

REGULAR SESSION

Mediacom Communications Corporation – Letter about the Affordable Connectivity Program
Indiana Department of Environmental Management – Notice of Approval, MSOP – New Source Construction,
Artistic Coatings, LLC, 536 Michigan Street, Plant 78, Suite c, Topeka, Indiana 46511,
Permit Number 087-45001-00719

ADJOURNMENT

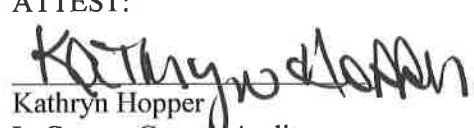
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.


Terry A. Martin


Kevin R. Myers


Peter A. Cook

ATTEST:


Kathryn Hopper
LaGrange County Auditor