

**AUGUST 15, 2022**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, August 15, 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 ISSUE – GENE NEELY, 3445 S 1145 E, LAGRANGE, INDIANA**

Mr. Kurt Bachman, County Attorney, explained that on the property located at 3445 S 1145 E, LaGrange, Indiana, owned by Bawldguy Note Investment Group 1, LLC and occupied by Mr. Gene Neely, a nuisance still exists. Mr. Bachman swore in Mr. Bill Stewart, Code Enforcement Officer. Mr. Tony Manns, Attorney, opened the public hearing. Mr. Stewart explained that on March 15, 2022 he received complaints of debris, trash, and junk vehicles at the property. On numerous times, Mr. Stewart visited the property and noted the same or similar debris, trash, and vehicles. Mr. Stewart visited the property today, and the condition is essentially the same with some vehicles being moved. Mr. Manns recommends that fines of \$100 per week be imposed for 20 weeks, dating back to March 28, 2022. This is a new fine in addition to a prior fine of \$4,800 which has not been paid.

Mr. Bachman swore in Mr. Gene Neely. Mr. Neely explained that all of the vehicles on the property are plated and are operable. He states that he does not exactly know what the issues are with the property and that the order that was issued is vague. Mr. Terry Martin closed the public hearing.

Mr. Kevin Myers made a motion to modify the order retroactive to March 28, 2022, for a fine \$100 per week which results in a total of \$2,000, and continuing until the nuisance is abated. Mr. Peter Cook seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to have the President sign the order outside of public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**BIDS FOR RECONSTRUCTION OF COUNTY ROAD 300 W FROM COUNTY ROAD 550 S TO COUNTY ROAD 200 S**

At 9:00 a.m., Mrs. Tharon Morgan, County Engineer, opened the bids for the reconstruction of County Road 300 W from County Road 550 S to County Road 200 S, as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
API Construction Corp	LaOtto, Indiana	\$1,113,863.00
E & B Paving, Inc.	Fort Wayne, Indiana	1,373,798.20
Reith-Riley Construction Co. Inc	South Bend, Indiana	1,563,400.15

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

**COMMISSIONERS REPORT OF APPROVAL CERTIFICATION BY THE LAGRANGE COUNTY PLAN COMMISSION**

Mr. Kurt Bachman, County Attorney, presented a Commissioners Report of Approval Certification by the LaGrange County Plan Commission, certifying that the LaGrange County Plan Commission, on July 25, 2022, approved the amended Ordinance 2022-07-18-B. Mr. Peter Cook made a motion to accept the report. Mr. Kevin Myers seconded the motion and it carried unanimously.

**LAGRANGE COUNTY HEALTH BOARD APPOINTMENT**

Mr. Kurt Bachman, County Attorney, presented a Board Appointment application for appointment to the LaGrange County Health Board, from Michael W. Conway. This appointment would be to fill the term of Gregory Mielke, which expires December 31, 2022. Mr. Kevin Myers made a motion to appoint Michael W.

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Conway to the LaGrange County Board of Health. Mr. Peter Cook seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH TRI STATE CUSTOMS & OFFROAD.**

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

COUNTY OF LAGRANGE  
ORDINANCE NO. 2022-08-15

ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH TRI  
STATE CUSTOMS & OFFROAD.

WHEREAS, pursuant to Indiana Code ("IC") § 36-2-2-2, the Board of Commissioners of the County of LaGrange ("Commissioners") is the county executive on behalf of the LaGrange County, Indiana ("County");

WHEREAS, the Commissioners has approved or is set to approve a contract with Tri State Customs & Offroad, LLC ("Tri State"), an Indiana limited liability company, for custom additions to a County vehicle;

WHEREAS, the terms of the Tri State contract may require partial payment in advance of Tri State performing some of its obligations under the contract and/or may require prompt payment for claims upon presentation of an invoice;

WHEREAS, pursuant to IC §§ 36-2-6-4 and -4.5 and County Ordinance 2020-08-03-C, the county executive may adopt an ordinance allowing the Auditor to disburse money for the payment of claims in advance of board allowance if the expenses are approved by ordinance;

WHEREAS, pursuant to IC § 36-2-6-4.5, a claim allowed thereby is exempt from the requirements of IC 5-11-10 for the issuance of a warrant by the Auditor; *and*

WHEREAS, pursuant to IC § 36-2-6-4.5(d), 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 contents and form of the Tri State Customs & Offroad, LLC ("Tri State") sales order dated on or around August 10, 2022 for custom additions to a County vehicle, or any other proposal from Tri State under substantially similar terms, and including any renewals thereof (as stipulated, "Contract"), which is incorporated hereto by reference, is hereby approved.
- B. Payment Approval. Upon receipt of a proper invoice and in compliance with the terms of the Contract, advance and/or prompt payment under the Contract is hereby approved.
- C. Payment Authorization. The Auditor is hereby authorized and directed to implement payments to Tri State when proper pursuant to this ordinance. The President of the Commissioners and the Auditor are hereby authorized to sign all papers and to otherwise take all action necessary or helpful to implement the payments.
- D. Claim Allowance. The Auditor may approve the timeliness, contents, and form of any invoice issued by Tri State that conforms with the Contract. The Auditor shall memorialize any advance or prompt payment of a claim made pursuant to this ordinance for Commissioner review and allowance at its then-next regular or special meeting following the actual payment.

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- E. Records. The Auditor is hereby directed to keep records of the purchase on file for five (5) years from the date of the final payment made pursuant to the Contract.

**SECTION II – 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 this ordinance as a whole, 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. 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.

**PARKS – REQUEST TO PURCHASE ENTRANCE SIGNS**

Mrs. Mary Franke, Park Director, presented two quotes for entrance signs to the County Parks. The lowest quote is from Clearview Plastics & Glass, in the amount of \$3,079. Mr. Kevin Myers made a motion to approve the purchase of the signs. Mr. Peter Cook seconded the motion and it carried unanimously.

**MAINTENANCE – REQUEST TO PURCHASE A SPREADER**

Mr. Gary Mast, Maintenance Director, presented a quote from Tri State Customs & Offroad for a salt spreader and tarp for the maintenance truck, in the amount of \$7,411.88. Mr. Kevin Myers made a motion to approve the purchase of the spreader. Mr. Peter Cook seconded the motion and it carried unanimously.

**MAINTENANCE – REQUEST TO CARPET EARLY VOTING ROOM IN COURTHOUSE**

Mr. Gary Mast, Maintenance Director, presented a quote from Quality Floor for carpeting in the early voting room in the Courthouse, for \$1,311.96. Mr. Peter Cook made a motion to approve the carpet. 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.

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**JULY 2022 FINANCIAL REPORT**

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending July 31, 2022, in the amount of \$47,532,799.08 and investments of \$21,155,000.00. Mr. Peter Cook made a motion to accept the report. Mr. Kevin Myers seconded the motion and it carried unanimously.

**MINUTES**

Mr. Kevin Myers made a motion to approve the minutes of the August 1, 2022 Regular Session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Peter Cook made a motion to approve the memorandum for the August 10, 2022 staff meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

At 9:17 a.m. the meeting was recessed.

At 10:07 a.m. Mr. Kevin Myers made a motion to reconvene the Commissioners meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**AWARD OF BIDS FOR RECONSTRUCTION OF COUNTY ROAD 300 W FROM COUNTY ROAD 550 S TO COUNTY ROAD 200 S**

Mrs. Tharon Morgan, County Engineer, reported that she reviewed the bids that were opened earlier today for the reconstruction of County Road 300 W from County Road 550 S to County Road 200 S. The lowest bid is from API Construction Corp, in the amount of \$1,113,863.00, however, there are several items missing from their bid package. The contractor indicates that they can have the items by noon on Wednesday, August 17, 2022. This is a Community Crossing Matching Grant and the deadline for the call for projects is August 31, 2022.

Mr. Peter Cook made a motion to award the bid to API Construction Corp, with the condition that they provide the necessary documents by noon on Wednesday, August 17, 2022 and to waive any noncompliance. Mr. Kevin Myers seconded the motion and it carried unanimously.

In the event that API Construction Corp does not comply, Mr. Kevin Myers made a motion to award the bid to E & B Paving, Inc, as long as they comply with the requirements by 4:00 p.m. on Wednesday, August 17, 2022. Mr. Peter Cook seconded that motion and it carried unanimously.

Mr. Peter Cook made a motion to authorize any of the County Commissioners to sign necessary documents pertaining to the bid, outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**BRIDGE NO. 49 ON COUNTY ROAD 700 S BETWEEN WESTLER LAKE AND WITMER LAKE**

Mrs. Tharon Morgan, County Engineer, explained that she is trying to get an extension on the application for federal funding for Bridge No. 49. Mr. Peter Cook made a motion to authorize the president to sign any necessary documents outside of a public meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

**AGREEMENT FOR PASER PAVEMENT ANALYSIS AND MVH REVIEW**

Mrs. Tharon Morgan, County Engineer, presented an agreement with Butler, Fairman and Seufert, Inc to complete a PASER Pavement Analysis and MVH Review. The amount is for \$41,200. Mr. Peter Cook made a motion to approve the agreement and pay it out of EDIT funds. Mr. Kevin Myers seconded the motion and it carried unanimously.

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**DUAL PLASTIC PIPE PURCHASE**

Mrs. Tharon Morgan, County Engineer, presented two quotes for dual plastic pipe. The lowest quote is from CivilCon. in the amount of \$5,571.84. Mr. Peter Cook made a motion to approve the quote from CivilCon. Mr. Kevin Myers seconded the motion and it carried unanimously.

**STEEL PIPE PURCHASE**

Mrs. Tharon Morgan, County Engineer, presented two quotes for steel pipe. The lowest quote is from St. Regis Culvert Inc. in the amount of \$17,925. Mr. Kevin Myers made a motion to approve the quote from St. Regis Culvert Inc. Mr. Peter Cook seconded the motion and it carried unanimously.

**HIGHWAY – DITCHING ALONG COUNTY ROADS 500 E AND 275 S**

Mr. Ben Parish, Highway Superintendent, presented a quote from Travis Hostetler to do ditching along County Road 550 E and County Road 275 S along with culvert replacement. The quote is in the amount of \$3,960 and does not include trucks and trucking material in and out. Mr. Peter Cook made a motion to approve the quote. Mr. Kevin Myers seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Treasurer – July 2022 report

LaGrange County Weights and Measures – June 16 – July 15 2022 report

Indiana Department of Environmental Management – Notice of Approval, Lambright Woodworking, LLC,  
7785 West County Road 300 South, Topeka, IN 4651, MSOP-Significant Permit Revision,  
Permit No. 087-45404-00020

Indiana Department of Environmental Management – Notice of Public Comment, AJ's Furniture, LLC,  
Permit Number 087-45460-00688

**ADJOURNMENT**

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

  
Terry A. Martin

  
Kevin R. Myers

  
Peter A. Cook

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor