

MAY 5, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, May 5, 2020, 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. Larry N. Miller, Mr. Terry A. Martin, and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY, INDIANA CONCERNING THE SPREAD OF CORONAVIRUS

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-05-04 A

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

WHEREAS, the Governor of Indiana has declared a public health emergency regarding the Coronavirus Disease 2019 (“COVID-19”);

WHEREAS, pursuant to LaGrange County Ordinance 2011-5-16B and Indiana Code Section 10-14-3-29, the Board of Commissioners of the County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”), adopted Ordinance 2020-03-23A, as continued by Ordinance 2020-04-06-B, which declared a state of emergency for the County;

WHEREAS, pursuant to IC § 10-14-3-29, the Commissioners desire to continue the declaration until its next regularly scheduled public meeting;

WHEREAS, the Center for Disease Control and Prevention (“CDC”) advocates that communities implement social distancing measures;

WHEREAS, limiting public access to government buildings and public gatherings can mitigate the exposure to COVID-19; *and*

WHEREAS, pursuant to IC § 10-14-3-17(j)(5), the County may waive procedures required by law pertaining to the appropriation and expenditure of public funds.

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

SECTION I – CONTINUATION OF EMERGENCY

The Board of Commissioners of the County of LaGrange hereby continue the state of emergency declared for LaGrange County, Indiana until 10:00 a.m. on Monday, May 18, 2020; provided, however, that the County shall partially reopen its buildings on May 12, 2020 for limited public contact in accord with governor orders.

SECTION II – EMERGENCY MANAGEMENT

The LaGrange County Emergency Management Director (“Director”) is hereby authorized and directed, within the scope of applicable law, to:

- A. reasonably implement, and train County department heads on their duties to implement, the County’s Comprehensive Emergency Management Plan;
- B. file this ordinance with the County Auditor and the Clerk of Courts;
- C. give this ordinance prompt and general publicity including, but not limited to, to all incorporated towns, law enforcement agencies, fire departments, hospitals, and news media in the County via an appropriate press release;
- D. inform the public by all appropriate means of measures to mitigate against the spread of COVID-19;
- E. facilitate and coordinate disaster mitigation from other jurisdictions with other County agencies and disaster relief, as may become available;
- F. take prudent action to lessen the likelihood of injury to persons in the County; *and*
- G. prepare, to the extent feasible, a summative report of actions taken, liabilities incurred, expenses owed as a result of this section and a report on the scope of the threat and damage.

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SECTION III – LIMITED PUBLIC ACCESS

- A. Effective immediately and subject to future reopening orders, all the offices located in the County Annex Building, the County Justice Center Building, the County Courthouse, the Sheriff's Office, the Health Department, the County Highway Department, and the County Park Department are closed to the public with the following exceptions:
1. Department attorneys, the County engineer, state officials, emergency response agencies, and vendors having contractual business with the County may meet with County personnel on an as-needed basis, including the delivery of supplies.
 2. The main entrance to the County Annex Building, the Commissioner's room during public meetings, and the Auditor's office shall remain open for document drop-off and other limited interaction.
 3. The Prosecutor may establish protocols for public access to the County Justice Center Building such that there is no more than a single contact point for the entire building.
 4. To the extent that the judges of the County courts establish protocols for public access to the Courthouse, such protocols shall control over this ordinance.
 5. To the extent that the Sheriff, Health Officer, and Park Superintendent establish protocols for public access to the Sheriff's Office, Health Department, and Park Department offices, respectively, such protocols shall control over this ordinance.
- B. The Maintenance Technician shall implement appropriate signs and barricades and otherwise take all necessary action to implement this section.
- C. The Auditor's Office may procure and have installed an appropriate transparent barrier at its customer counter to mitigate against the spread of COVID-19 and to simultaneously allow for the easy exchange of documents, payments, and other items.
- D. The Auditor's Office shall coordinate the delivery of items brought in by the public for other County departments and may coordinate limited phone contact with other departments as well to facilitate public inquiries.
- E. The public is encouraged to interact with County personnel from home on an as-needed basis by telephone, fax, and/or email. When document or payment submission is required, the public is advised that they risk multiple visits if they do not avail themselves of electronic communication opportunities beforehand to ascertain needed deliverables.

SECTION IV – EMERGENCY PROCEDURES

- A. With respect to activities and acquisitions that are routine in nature and/or sought in conjunction with the ongoing fight against the spread of COVID-19, the Auditor is hereby authorized to waive procedures and formalities otherwise required by law pertaining to activities listed in IC § 10-14-3-17(j)(5), including, but not limited to, approving claims, approving prepayment, waiving invoice requirements, purchasing or renting equipment, signing contracts, issuing refunds, and waiving fees. The Treasurer may pay any claims so approved.
- B. Notwithstanding anything in this section to the contrary, the Auditor has no authority to spend any funds outside any budgetary limits without the consent of the County Council.
- C. Any waivers authorized by the Auditor pursuant to this section shall be authorized in a reasonable and equitable manner among similarly situated persons.
- D. Deposit of public funds collected may be limited to Tuesdays and Thursdays. Public funds collected but not deposited on other days shall be secured in accord with the County's internal control directives.
- E. The Commissioners shall review, and ratify as prudent, action taken under this section after the state of emergency ends.

SECTION V – EXCLUSIONS

- A. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits COVID-19 symptoms of fever or difficulty in breathing.
- B. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits the COVID-19 symptom of sustained coughing unless that person independently acquires and wears a surgical mask.
- C. In order to enforce this section, a law enforcement officer, or a department head for his or her respective building may require a person to subject to a forehead temperature reading.

SECTION VI – DISCLAIMER

Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County, its agencies, its officers or employees, or any person; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or

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representatives under any applicable statutes, rules, or regulations providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

SECTION VII – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, Office, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Effective Dates. This ordinance shall be effective immediately upon adoption and expires on May 18, 2020 at 10:00 a.m.

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

AUTHORIZATION TO PROCEED – LAMBRIGHT FARM WETLAND DELINEATION

Mr. Larry Miller explained that at the Lambright Farm, the drive on the property on the needs to be rebuilt and is on a flood plain. The project will delineate potential wetland areas identified during a desk top review of the National Wetland Inventory Mapper. A wetland delineation will be performed in accordance to the 1987 USACE Delineation Manual and the Regional Supplement. The fee is not to exceed \$5,000. Mr. Dennis Kratz made a motion to approve the authorization to proceed. Mr. Terry Martin seconded the motion and it carried unanimously.

SIGNAGE FOR BUILDINGS

Mr. Gary Mast, Maintenance Directory, would like to order signs for the glass doors pertaining to social distancing. Mr. Terry Martin made a motion to authorize Mr. Mast to order the signs. Mr. Dennis Kratz seconded the motion and it carried unanimously.

HIGHWAY DEPARTMENT – 2019 ANNUAL OPERATIONAL REPORT

Mr. Ben Parish, Highway Supervisor, presented the 2019 Annual Operational report for consideration and approval. Mr. Terry Martin made a motion to approve the report. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MINUTES

Mr. Terry Martin made a motion to approve the minutes of the April 20, 2020 special meeting and the April 6, 2020 regular session. Mr. Dennis Kratz seconded the motion and it carried unanimously.

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MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the April 29, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

APPRAISAL OF PROPERTY – 0730 E 700 S, WOLCOTTVILLE, INDIANA

Mr. Larry Miller reported that the property located at 0730 E 700 S, Wolcottville, Indiana was appraised at \$10,000 by Caldwell Appraisals, Inc.

Mr. Terry Martin made a motion to approve accept the appraisal report and proceed with the process to sell the property. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE REGULATING REAL PROPERTY ENDORSEMENTS AND REESTABLISHING THE PLAT BOOK MAINTENANCE FUND

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-05-04 B

AN ORDINANCE REGULATING REAL PROPERTY ENDORSEMENTS PERFORMED BY THE
AUDITOR AND REESTABLISHING THE PLAT BOOK MAINTENANCE FUND.

WHEREAS, pursuant to Indiana Code Section (“IC §”) 36-2-9-18 (“endorsement statute”), the Board of Commissioners of the County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”), must adopt an ordinance requiring the Auditor to collect a fee of Ten Dollars (\$10.00) for each deed or legal description of each parcel contained in a deed for which the Auditor makes a real property endorsement;

WHEREAS, pursuant to IC § 36-2-11-14, the Auditor may be required to make various real property endorsements on partitions, land conveyances, or affidavits of transfer to real estate;

WHEREAS, County citizens routinely request the Auditor’s services to review and/or endorse deeds and other similar real estate conveyance documents containing legal descriptions;

WHEREAS, the power and duty to enable the Auditor to collect a fee of \$10.00 for review and endorsement services rendered upon citizen request for all similar real estate conveyance documents is fairly implied by the endorsement statute;

WHEREAS, pursuant to IC § 36-1-3-4, the Commissioners have all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs; provided, however, that the County may not impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services;

WHEREAS, pursuant to the Endorsement Statute, the Auditor shall deposit fees collected into a fund for the use in maintaining plat books, whether in traditional or electronic format; *and*

WHEREAS, the Commissioners desire to reestablish the Plat Book Maintenance Fund.

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

ARTICLE I

County Ordinance 2019-06-03 is hereby repealed in its entirety.

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ARTICLE II
SECTION I – NAME

This ordinance shall be referred to as the Auditor’s Endorsement Fee 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.

- “Deed” means a written instrument, or any update thereto, by which real property is conveyed or contracted including, but not limited to, a partition, affidavit of transfer to real estate, effective transfer on death deed, court order, vacation, land sale contract, scrivener’s affidavit, or any other conveyance of land.
- “Endorsement fee” means a fee in the amount prescribed by the endorsement statute for each deed or legal description of each parcel contained in a deed for which the Auditor makes a real property endorsement.
- “Endorsement statute” refers to IC § 36-2-9-18.

SECTION III – ENDORSEMENT FEE

- A. The Auditor shall charge and collect an endorsement fee in the amount of Ten Dollars (\$10.00) for each legal description of each parcel contained in a deed for which the Auditor makes a real property endorsement; provided, however, that if the endorsement statute should be amended to allow for collection of a different fee amount, the Auditor shall instead charge an endorsement fee in the amended amount.
- B. Notwithstanding anything in this section to the contrary, no endorsement fee shall be charged for the following:
 - 1. a deed where the transferee is the County or an agency thereof; *nor*
 - 2. a transfer on death deed during the life of the grantor; *nor*
 - 3. an affidavit of death submitted at the Recorder’s Office for recording with regards to a property that was owned with rights of survivorship, for which the submitter does not request real property endorsement services.
- C. The endorsement fee shall be in addition to any other fee provided by law.
- D. The Auditor may waive the endorsement fee when it would be administratively advisable to do so, provided that the Auditor use this power in a non-discriminatory manner.
- E. The Auditor shall place collected endorsement fees in the Plat Book Maintenance Fund.

ARTICLE III

- A. Creation. The Auditor shall (re-)establish a Plat Book Maintenance Fund (“Fund”) into which shall be deposited all endorsement fees collected by the Auditor.
- B. Purpose. Money in the Fund shall be used solely for the maintenance of the County’s plat books, whether in traditional or electronic format.
- C. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.
- D. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County’s standard investment procedures.
- E. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

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ARTICLE IV
SECTION I – 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, program, department, commission, 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.

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. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.

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

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

QUOTES FOR HIGHWAY TRUCK BODY

At 9:00 a.m. Mr. Ben Parish, Highway Supervisor, opened the following quotes for a truck body:

| <u>Vendor</u> | <u>Location</u> | <u>Amount</u> |
|------------------------|-------------------|---------------|
| W.A. Jones | Columbia City, IN | \$89,510.00 |
| Monroe Truck Equipment | Monroe, WI | 92,136.00 |
| The Goodwin Group | Dunn, NC | 93,792.00 |

Mr. Terry Martin made a motion to approve the truck body from W.A. Jones. Mr. Dennis Kratz seconded the motion and it carried unanimously.

QUOTES FOR HIGHWAY TANDEM AXLE CHASSIS

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At 9:00 a.m. Mr. Ben Parish, Highway Supervisor, opened the following quotes for a tandem axle truck chassis. The quotes listed below include an automatic transmission.:

| <u>Vendor</u> | <u>Location</u> | <u>Amount</u> |
|------------------------------|-----------------|---------------|
| Stoops Freightliner | Fort Wayne, IN | \$131,754.00 |
| Selking International Trucks | Fort Wayne, IN | 116,360.00 |

Mr. Parish, explained that he would like to have automatic transmission in the truck. He also explained that they have not have very good performance with the International trucks, and therefore he is recommending awarding the quote to Stoops Freightliner. Mr. Terry Martin made a motion to approve the purchase from Stoops Freightliner. Mr. Dennis Kratz seconded the motion and it carried unanimously.

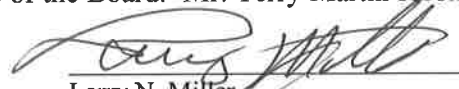
CORRESPONDENCE

LaGrange County Weights and Measures – March 16 – April 15 2020 report

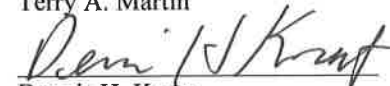
Indiana Department of Environmental Management – Notice for Public Comment, Forest River, Incorporated, Plant 72 in LaGrange County, MSOP No: M087-42579-00673

ADJOURNMENT

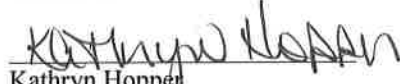
There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.


Larry N. Miller


Terry A. Martin


Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor