

JUNE 15, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, June 15, 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. 2020-06-15 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 multiple ordinances, 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, July 6, 2020.

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;

JUNE 15, 2020

REGULAR SESSION

- 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 harm 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.

SECTION III – LIMITED PUBLIC ACCESS

- A. The Auditor shall determine on a day-to-day basis the extent to which the County Annex Building shall be open; provided, however, that the Commissioner's room shall remain open during public meetings subject to state health department social distancing protocols.
- B. The judges of the County courts shall collectively determine on a day-to-day basis the extent to which the County Courthouse shall be open.
- C. The Prosecutor shall determine on a day-to-day basis the extent to which the County Justice Center shall be open.
- D. Other department heads shall determine on a day-to-day basis the extent to which other buildings under their respective departments shall be open.
- E. Should the Auditor close the County Annex Building, the Auditor shall arrange for a method of document drop-off and limited public interaction.
- F. The Maintenance Technician shall, at the reasonable direction of the persons mentioned in this section, implement appropriate signs and barricades and otherwise take all necessary action to implement this section.
- G. 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.
- H. 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.

JUNE 15, 2020

REGULAR SESSION

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 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 July 6, 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. Dennis Kratz seconded the motion and it carried unanimously.

NUISANCE ISSUE – GERRI HYDORN, 6930 N 320 E, LAGRANGE, INDIANA

Mr. Bill Stewart, Code Enforcement Officer, reported that the property owned by Gerri L. Hydorn at 6930 N 320 E, Howe, Indiana, is getting cleaned up. He recommends discontinuing the fines beginning today and he will review the issue and report back on July 6, 2020. The total that is owed up until today is \$1,300. Mr. Terry Martin made a motion to freeze the fines beginning today, with the current amount due at \$1,300, and review the issue July 6, 2020. Mr. Dennis Kratz seconded the motion and it carried unanimously.

JUNE 15, 2020

REGULAR SESSION

EGOV STRATEGIES LLC - PROFESSIONAL SERVICES AGREEMENT

Mr. Kurt Bachman, County Attorney, presented a Professional Services Agreement between the Board of Commissioners of the County of LaGrange, Indiana and eGov Strategies LLC for the development of a website. Mr. Terry Martin made a motion to approve the agreement and authorize the President to sign.

ORDINANCE AUTHORIZING ADVANCE PAYMENT UNDER THE TERMS OF A CONTRACT WITH EGOV

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-06-15 B

AN ORDINANCE AUTHORIZING ADVANCE PAYMENT UNDER THE TERMS OF A CONTRACT WITH EGOV.

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 desire to into a contract with eGov Strategies, LLC ("eGov") on June 15, 2020 for web site development and related services;

WHEREAS, the terms of the contract require partial payment in advance of eGov rendering its services each year;

WHEREAS, eGov is required to submit an invoice for its services;

WHEREAS, pursuant to IC § 36-2-6-4.5, the Commissioners 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, a purchase made pursuant to IC § 36-2-6-4.5 is exempt from the timing requirements for the filing of claims;

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

- A. The Commissioners hereby confer upon the Auditor the power to approve the timeliness, contents, and form of any invoice issued by eGov Strategies, LLC ("eGov") that conforms with the contract entered into between the Commissioners and eGov on June 15, 2020 for web site development and related services (as stipulated, "Contract").
- B. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the Contract, advance payment to eGov in the amount of Five Thousand, Eight Hundred Twenty-Five Dollars (\$5,825.00), which represents a 30% down payment on the amount owed to eGov under the contract.
- C. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the Contract, advance payment of any other amount that may become due under the Contract, including an annual maintenance fee in the amount of Three Thousand Eight Hundred Fifty Dollars (\$3,850.00) on the anniversary date of the site launch or a similar fee amount if such fee should be increased pursuant to the terms of the Contract.

JUNE 15, 2020

REGULAR SESSION

- D. The Commissioners direct the Auditor to implement an advance payment to eGov pursuant to this ordinance.
- E. 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.
- F. The Commissioners direct the Auditor to keep records of the findings and purchase on file for five (5) years from the date of the last advance payment pursuant to the Contract.
- G. The Auditor shall prepare records memorializing any actual prepayment of a claim made pursuant to this ordinance for Commissioner review and ratification at the Commissioners' then-next regular meeting following the actual prepayment of a claim.

SECTION II

A. References.

1. 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.
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. Incorporated Materials. Two (2) copies of all materials incorporated herein shall be on file in the office of the Auditor for public inspection.
- C. 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.
- D. 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.
- E. Effective Date. This ordinance shall be effective upon adoption.

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.

4-H CLUB ASSOCIATION – 2021 BUDGET REQUEST

Mrs. Tammy Kauffman, 4-H Club Association Treasurer, presented the 2021 budget request.

COUNCIL ON AGING – SECTION 5339 GRANT INVOICE

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the Indiana Department of Transportation Section 5339 Grant invoice in the amount of \$12,967.00 for consideration. Mr. Terry Martin made a motion to approve the agreement and have the President sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

JUNE 15, 2020

REGULAR SESSION

SALT QUOTES

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

<u>Company</u>	<u>Location</u>	<u>Bid Amount</u>
Cargill	North Olmsted, OH	\$74.47 ton – delivered
Compass Minerals	Overland Park, KS	Declined to bid
Detroit Salt	Detroit, MI	\$70.44 ton – delivered
Mid-American Salt, LLC	Fort Wayne, IN	\$75.00 ton – delivered
Morton Salt, Inc.	Chicago, IL	\$84.09 ton – delivered

Mr. Terry Martin made a motion to take quotes under advisement. 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.

MAY 2020 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending April 30, 2020, in the amount of \$27,329,892.61 and investments of \$23,347,000.00. Mr. Terry Martin made a motion to accept the report. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MINUTES

Mr. Terry Martin made a motion to approve the minutes of the June 1, 2020 regular session meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the June 10, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – May 2020 report

LaGrange County Treasurer – May 2020 report

LaGrange County Teen Court – 2019-2020 School Year Report


Town of Shipshewana – Notice of RDC Annual Meeting, June 18, 2020

Indiana Department of Environmental Management – Notice of Approval, MSOP – New Source Review, Forest River, Inc. – Plant 72, 827 West Lake Street, Topeka, IN 46571, 087-42579-00673

Indiana Department of Environmental Management – Notice of Public Comment, Forest River LaGrange Complex, 087-42293-00685

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.



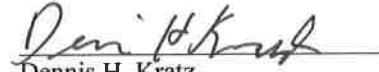
Larry N. Miller

JUNE 15, 2020

REGULAR SESSION

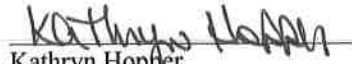


Terry A. Martin



Dennis H. Kratz

ATTEST:



Kathryn Hopper
LaGrange County Auditor