

DECEMBER 21, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, December 21, 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. Terry A. Martin and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller was absent. Mr. Terry Martin, Vice President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Dennis Kratz made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

MIDWAY FARMS, INC. – LICENSE AGREEMENT

Mr. Kurt Bachman, County Attorney, explained that Midway Farms, Inc. is asking for approval to plant some cover crops of alfalfa, rye grass, and timothy grass in the Cog Lake acreage. Mr. Dennis Kratz made a motion to approve planting of the crops. Mr. Terry Martin seconded the motion and it carried unanimously.

ENGAGEMENT FOR LEGAL SERVICES WITH BARNES & THORNBURG LLP – MAJOR MOVES GRANTS

Mr. Kurt Bachman, County Attorney, presented an engagement for legal services with Barnes & Thornburg, LLP to serve as counsel to LaGrange County in connection with certain proposed Major Moves grant agreements. Mr. Dennis Kratz made a motion to approve the agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

SUPERIOR COURT – CARPET REPLACEMENT

Judge Lisa Bowen-Slaven, Superior Court Judge, presented two quotes for new carpet in the Superior Court Judge's office. Mr. Dennis Kratz made a motion to approve the quote from Southwind Flooring Inc. in the amount of \$2,411.21. Mr. Terry Martin seconded the motion and it carried unanimously.

COUNTY LEGAL SERVICES – BEERS MALLERS BACKS AND SALIN

Mr. Kurt Bachman, County Attorney, presented contract for legal services for 2021 with Beers Mallers Backs and Salin for consideration. Mr. Dennis Kratz made a motion to approve the contract and authorize the President and Auditor to sign. Mr. Terry Martin seconded the motion and it carried unanimously.

ORDINANCE ESTABLISHING THE LAGRANGE COUNTY CODE

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-12-21

AN ORDINANCE ESTABLISHING THE LAGRANGE COUNTY CODE.

WHEREAS, the Board of Commissioners of County of LaGrange ("Commissioners"), is the legislative body on behalf of LaGrange County, Indiana ("County");

WHEREAS, pursuant to Indiana Code Section ("IC §") 36-1-5-3, the legislative body of a county has a duty to codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code;

WHEREAS, the Commissioners commissioned the County Attorney to draft an organized compilation of the County's ordinances and resolutions;

WHEREAS, the Attorney has prepared and presented a document entitled the "LaGrange County Code" ("Code") for adoption as the County code;

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WHEREAS, the Commissioners have determined that the Code is a restatement or reenactment of the original ordinances and their respective amendments; *and*

WHEREAS, pursuant to IC § 36-1-5-4, the Code may incorporate by reference into an ordinance or code any material.

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

SECTION I – NAME

The name of this ordinance shall be the “LaGrange County Code Adoption Ordinance,” or the “Code Adoption Ordinance” when the context is obvious.

SECTION II – CODE ADOPTION

- A. Title 1, Article 1 of the LaGrange County Code, the form of which is provided in Exhibit A, is hereby approved and adopted as new substantive law as if it were directly incorporated into this ordinance and shall govern the codification of ordinances and resolutions adopted after the effective date of this ordinance and the effect thereof.
- B. The LaGrange County Code, the form of which is provided in Exhibit B, is hereby approved and adopted and may be updated by the codifier in accord with this ordinance from time to time.
- C. The LaGrange County Code becomes effective when this ordinance becomes effective.

SECTION III – 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, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, street, 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 requisition 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 or unconstitutional, 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. 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.

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2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance, 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.

- F. 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.

Effective Date. This ordinance shall be effective immediately 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.

ARK ANIMAL SANCTUARY – REQUEST FOR NEW HEATING AND COOLING PUMP

Ms. Cindy Miller, ARK Animal Sanctuary Director, presented a quote for a new heating and cooling heat pump from Preferred Maintenance, Inc., in the amount of \$1,685. She also presented an invoice for \$349.56 for a service call from Preferred Maintenance, Inc. which they paid. Mr. Dennis Kratz made a motion to approve the purchase and to reimburse ARK for the service call out of the Rainy Day Fund. Mr. Terry Martin seconded the motion and it carried unanimously.

Ms. Miller presented a quote for anchoring the office building at the Sanctuary, from Shetler Construction, in the amount of \$987. Mr. Dennis Kratz made a motion to approve the purchase and to pay for it of the Rainy Day Fund. Mr. Terry Martin seconded the motion and it carried unanimously.

NUISANCE ISSUE – ELLIS STONE TENNENT, 7720 S STATE ROAD 3, WOLCOTTVILLE, INDIANA

Mr. Bill Stewart, Code Enforcement Officer, reported that the property owned by Ellis Stone Tennent at 7720 S State Road 3, Wolcottville, Indiana is a public nuisance. Mr. Stewart showed photos of the condition of the property. The property owner already has a \$1,200 fine imposed. Mr. Dennis Kratz made a motion to authorize Mr. Kurt Bachman, County Attorney, to draft a letter to Mr. Sloan. Mr. Terry Martin seconded the motion and it carried unanimously.

EMPLOYEE LEAVE REQUEST

Mrs. Jacki Medford, Payroll Deputy, presented a request for an employee for unpaid, intermittent leave for up to two months for a medical condition. The employee does not qualify for leave under the Family Medical Leave Act. The leave will be unpaid and based on the number of hours actually worked, the leave accrual may be at a reduced level. Mr. Dennis Kratz made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY - INTERN

Mr. Dave Warren, Information Technology Director, requested permission to have an intern during the school's Christmas break. Mr. Dennis Kratz made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – EQUIPMENT PURCHASE

Mr. Dave Warren, Information Technology Director, requested permission to purchase three Uninterrupted Power Supply back up units. He presented an invoice from IT Savvy, in the amount of \$6,545. Mr. Dennis Kratz made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

LANGUAGE ACCESS PLAN

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Mr. Kurt Bachman, County Attorney, presented a Language Access Plan (LAP) for limited English proficiency persons. Mr. Dennis Kratz made a motion to approve the plan and authorize signature. Mr. Terry Martin seconded the motion and it carried unanimously.

SHERIFF – RADIO PURCHASE

Mr. Tracy Harker, Chief Deputy Sheriff, requested permission to purchase portable radio and in car radios for their vehicles. The cost is approximately \$104,000. \$56,000 would be paid out of the Sheriff’s budgets and \$48,000 would be paid with the CARES Act reimbursement. Mr. Dennis Kratz made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

HIGHWAY DEPARTMENT - FUEL BID

At 9:00 a.m. Mr. Ben Parish, Highway Supervisor, opened the following fuel bid for 2021:

<u>Company</u>	<u>Type</u>	<u>Bid</u>
Ceres Solutions	Unleaded Gasoline	\$1.844/gallon
	Diesel	\$1.965/gallon

Mr. Dennis Kratz made a motion to accept the bids. Mr. Terry Martin seconded the motion and it carried unanimously.

COMMUNITY CROSSINGS PROJECTS

Mr. Ben Parish, Highway Supervisor, explained that he has applied for Community Crossings grants for 2021. He will need \$200,283.95 for the County match. Mr. Dennis Kratz made a motion to approve the funding out of the Local Income Tax – Economic Development Fund. Mr. Terry Martin seconded the motion and it carried unanimously.

PURDUE EXTENSION EDUCATIONAL CONTRACTUAL SERVICES AGREEMENT

Mr. Steve Engleking presented the 2021 educational contract for the Purdue Extension for consideration. Mr. Dennis Kratz made a motion to approve the agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

PURDUE EXTENSION – OFFICE REMODEL

Mr. Jason Boggs, Building Commissioner, presented an estimate from Southwind Flooring for new carpet in the Purdue Extension Office, in the amount of \$7,601.27. He also presented an estimate from E & S Wood Creations LLC for a new front desk and cabinets in the amount of \$9,125. He is requesting that the desk and cabinets be paid for out of the CARES Act reimbursement. The cost of the carpet would come out of the Extension budget. Mr. Dennis Kratz made a motion to approve the purchases. Mr. Terry Martin seconded the motion and it carried unanimously.

ANNUAL CERTIFICATION OF ELECTED OFFICIALS

Mrs. Kathryn Hopper, County Auditor, presented the Annual Certifications of Elected Officials on Compliance with County Nepotism Policy and County Contract Disclosure Policy for 2020 for consideration. Mr. Dennis Kratz made a motion to accept. Mr. Terry Martin 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.

SIGNATURE PROCEDURES FOR VIRTUAL MEETINGS

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Mrs. Kathryn Hopper, County Auditor, explained that if someone attends a meeting virtually, she would like to be able to indicate on the signature line on documents with “/s/”. If you attend a meeting virtually, and vote for or against a motion, we will record your roll call vote. We would follow up with an email confirmation of your vote on the various items. Mr. Dennis Kratz made a motion to approve the procedure. Mr. Terry Martin seconded the motion and it carried unanimously.

MINUTES

Mr. Dennis Kratz made a motion to approve the minutes of the December 7, 2020 regular session meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the December 16, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Weights and Measures – November 16 – December 15 2020 report

Indiana Department of Environmental Management – Notice of Public Comment, Rock Run Industries, LLC, LaGrange County, Significant Revision 087-43295-00072

Indiana Department of Environmental Management – Notice of Approval, Reith-Riley Construction Company, Inc, 8020 North 050 East, Howe, Indiana 46746, Permit Number 777-43483-05408

Indiana Department of Environmental Management – Notice of Approval, Springfield Woodshavings, LLC, 2875 S 00 EW, LaGrange, Indiana 46761, Permit Renewal No. 087-42823-00680

ADJOURNMENT

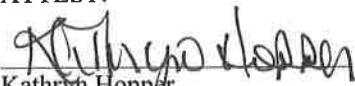
There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.


Larry N. Miller


Terry A. Martin


Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor