

JULY 20, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, July 20, 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.

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

Mr. Kurt Bachman, County Attorney, reported that the property owned by Gerri L. Hydorn at 6930 N 320 E, Howe, Indiana, is in compliance. He presented an order to close the matter and waive the fines. Mr. Terry Martin made a motion close the nuisance matter and waive the fines. 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. 2020-07-20 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 20, 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;

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- 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 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.

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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 August 3, 2020 at 10:00 a.m.

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.

EXECUTIVE SESSION

Mr. Dennis Kratz made a motion to set an executive session for Tuesday, July 21, 2020 for 8:30 a.m. Mr. Terry Martin seconded the motion and it carried unanimously.

CANON SOLUTIONS AMERICA, INC. – GIS COPIER

Mr. Kurt Bachman, County Attorney, presented a purchase and maintenance agreement with Canon Solutions America, Inc. for the purchase and maintenance of a copier for the GIS Department. Mr. Dennis Kratz made a

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motion to approve the agreement and have the President sign it. Mr. Terry Martin seconded the motion and it carried unanimously.

NUISANCE ISSUE – GENE NEELY 3445 S 1145 E, LAGRANGE, INDIANA

Mr. Bill Stewart, Code Enforcement Officer, explained that the Gene Neely nuisance issue remains the same. He feels that it is in compliance at this time and he would like to review the issue in six months.

Mr. Terry Martin made a motion to levy the fine of \$4,800 and close the case. Motion died for lack of a second. Mr. Larry Miller made a motion to leave the case open for six months and then review. Motion died for lack of a second. Mr. Terry Martin made a motion to levy the fine and review in six months. Mr. Larry Miller seconded the motion and passed with Mr. Dennis Kratz voting against. The issue will be reviewed on January 18, 2021.

PIGEON LAKE

Mr. Gerald (Jerry) Schmitt, 4975 N 290 W, Howe, Indiana was present. He is concerned with the illegal ramp that was put in 2004. He believes the intent of the ramp was for the benefit of the lake residents, not the public. He would like the concrete ramp removed and the original gravel ramp put in. Mr. Dean Miller adjacent property owner to the ramp, has a fence there that is too high for the zoning requirements. The Commissioners will review the issue.

ECONOMIC DEVELOPMENT CORPORATION – GRANT APPLICATION

Mrs. Sherry Johnston, Vice President of the LaGrange County Economic Development Corporation (EDC), was present. She explained that grant funds are available to for the COVID-19 Response Program. The grant would grant up to \$10,000 to 25 different businesses to retain low to moderate income jobs. The County would be the applicant with the EDC as the sub recipient. She presented a Resolution authorizing the submittal of the application to the Indiana Office of Community and Rural Affairs for consideration.

RESOLUTION NO. 2020-07-20

RESOLUTION AUTHORIZING APPLICATION SUBMISSION
AND LOCAL MATCH COMMITMENT

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA,
AUTHORIZING THE SUBMITTAL OF THE COVID-19 RESPONSE PROGRAM APPLICATION TO THE INDIANA
OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the LaGrange County Commissioners, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low- and moderate-income persons; and

WHEREAS, the County of LaGrange, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of LaGrange County, Indiana that:

1. The County Commission President is authorized to prepare and submit an application for grant funding for the LaGrange County Economic Development Corporation COVID-19 Response Program, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.

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2. The County of LaGrange, Indiana hereby commits the requisite local funds in the amount of \$25,000, in the form of LaGrange County Economic Development Corporation Funds as matching funds for said program, such commitment to be contingent upon receipt of grant funding from the Indiana Office of Community and Rural Affairs.

Mr. Terry Martin made a motion to approve the Resolution and authorize the President to sign. 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.

SHERIFF – VEHICLES

Mr. Jeff Campos, County Sheriff, requested permission to trade in three vehicles towards the purchase of a new vehicle. Mr. Terry Martin made a motion to approve the Resolution. Mr. Dennis Kratz seconded the motion and it carried unanimously.

SHERIFF – BUILDING SECURITY

Mr. Jeff Campos, County Sheriff, presented a quote from Tech Solutions in the amount of \$44,247.00 to upgrade the security system for Courthouse, County Office Building, and the Justice Center. The cost would be paid out of the LIT Public Safety fund. Mr. Terry Martin made a motion to approve the upgrade for security. Mr. Dennis Kratz seconded the motion and it carried unanimously.

PARK SECURITY

Mr. Thomas Miller, Park Director, explained that the alarm system at Pine Knob recently went out. He presented a quote from FSS Technologies to replace the alarm in the amount of \$3,090.70. He has money in his budget to cover this expenditure. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

PARK – REQUEST TO APPLY FOR A GRANT

Mr. Thomas Miller, Park Director, requested permission to apply for a grant to restore the Cedar Lake Fen. The grant is a federal grant from the Great Lake Restoration Initiative Program in the amount of \$59,700. Mr. Terry Martin made a motion to approve the grant application. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MINUTES

Mr. Dennis Kratz made a motion to approve the minutes of the July 6, 2020 regular session meeting and the July 9, 2020 executive session. Mr. Terry Martin seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the July 15, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Weights and Measures – June 16 – July 15 2020 report

Northeast Indiana Regional Partnership – Quarterly report


Indiana Department of Environmental Management – Notice of Approval, Forest River LaGrange Complex,

1500 N Detroit Street and 290 W Dutch Drive, LaGrange, Indiana 46761, Permit Number 087-42293-00685

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ADJOURNMENT

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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

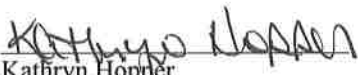


Terry A. Martin



Dennis H. Kratz

ATTEST:



Kathryn Hopper
LaGrange County Auditor