

AUGUST 7, 2023

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, August 7, 2023, 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. Peter Cook made a motion to adopt the proposed agenda with flexibility. Mr. Kevin Myers seconded the motion and it carried unanimously.

BUTLER, FAIRMAN AND SEUFERT, INC. – COUNTYWIDE SIGN INVENTORY AND REPLACEMENT

Mr. Kurt Bachman, County Attorney, presented a contract between the Board of Commissioners and with Butler, Fairman & Seufert, Inc. for countywide sign inventory and replacement. He has reviewed the contract with Mrs. Tharon Morgan, County Engineer. Mr. Kevin Myers made a motion to approve the contract. Mr. Peter Cook seconded the motion and it carried unanimously.

AMERICAN TIMBER BRIDGE – BRIDGE #7, COUNTY ROAD 200 SOUTHEAST OF COUNTY ROAD 900 W

Mr. Kurt Bachman, County Attorney, presented a quote from American Timber Bridge in the amount of \$185,415, for materials for Bridge #7, at County Road 200 South, east of County Road 900 West. The bridges around this bridge have load restrictions on them and emergency vehicles must go an extra five miles to go around. Truck traffic would be routed around where there are schools and thus creating a hazard. Mr. Peter Cook made a motion to declare that an emergency exists on Bridge #7 and to award the quote to American Timber Bridge in the amount of \$185,415. Mr. Kevin Myers seconded the motion and it carried unanimously.

Mr. Kevin Myers made a motion to have the highway personnel work with the County Attorney on the bid packet for the construction of the bridge. Mr. Peter Cook seconded the motion and it carried unanimously.

SHERIFF'S TRAINING AND STORAGE BUILDING

On July 5, 2023 bids were opened for the construction of a new training and storage building for the Sheriff's Office. Mr. Peter Cook made a motion to award the bid to Bontrager Builders in the amount of \$420,573.14, subject to the County Attorney reviewing the necessary paperwork and preparing the contract. Mr. Kevin Myers seconded the motion and it carried unanimously.

REQUEST FOR PROPOSALS – TWO TRUCK BODY , HYDRAULIC PACKAGES

Mr. Aaron Fugate, Highway Supervisor, explained that he would like to do a request for proposals (RFP) for two new Monroe Radius Dump or equivalent heavy-duty combination body, hydraulic packages to be mounted on previously purchased tandem-axle truck chassis that are scheduled to arrive in October 2023. Mr. Peter Cook made a motion to advertise for the RFP's. Mr. Kevin Myers seconded the motion and it carried unanimously.

ORDINANCE ADOPTING A NEW VERSION OF THE COUNTY'S PERSONNEL POLICIES HANDBOOK

Mrs. Jenny Landez, Human Resources Director, presented the following Joint Ordinance for consideration:

**COUNTY OF LAGRANGE
JOINT ORDINANCE NO. 2023-08-14-B**

AN ORDINANCE ADOPTING A NEW VERSION OF THE COUNTY'S PERSONNEL POLICIES HANDBOOK.

WHEREAS, pursuant to Indiana Code § 36-1-4-14, a unit may establish a system of employment for any class of employees based on merit and qualification;

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") and the LaGrange County Council ("Council"), on behalf of LaGrange County, Indiana ("County"), have adopted, and at times amended, various personnel policies and procedures; *and*

AUGUST 7, 2023

REGULAR SESSION

WHEREAS, the Commissioners and Council have determined that there is a need for an update to the County's *Personnel Policies Handbook* dated August 8, 2022, as adopted by Joint Ordinance 2022-08-08-A.

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

SECTION I – NAME

The name of this ordinance is the "Personnel Policies Handbook Adoption Ordinance."

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – HANDBOOK ADOPTION

- A. Definition. As used in this ordinance, "Handbook" means the *Personnel Policies Handbook* dated August 14, 2023 and attached to this ordinance as Exhibit A.
- B. Approval; Adoption; Incorporation. The Handbook is hereby approved and adopted. The Handbook is incorporated into this ordinance by reference as if fully set out herein.
- C. Purpose. The Handbook is issued to provide information about working conditions, employee benefits, general employee responsibilities, and some of the policies affecting employment with the County. The Handbook shall be used to provide a work environment that is conducive to both personal and professional growth.
- D. Construction. Nothing in the Handbook is intended, nor shall be construed, to constitute an employment contract nor to change the "at-will" status of any County employee.

SECTION IV – CODIFICATION

Should this ordinance be codified, the codifier shall not codify the Handbook in full, but rather shall simply codify Section III of this ordinance.

SECTION V – REPEAL OF PRIOR LAW

- A. Repeal. Joint Ordinance 2022-08-08-A, which was adopted by the Commissioners on August 1, 2022 and by the Council on August 8, 2022, is hereby repealed in its entirety.
- B. Continuance.
 - 1. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings 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 original provisions, but rather shall be deemed to be the continuation of the original provisions.
- C. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, or provision.

SECTION VI – 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.

AUGUST 7, 2023

REGULAR SESSION

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. Judicial Review. This ordinance is intended only to improve the internal management of the County. 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; 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 law 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.
- 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. To the extent this ordinance conflicts with the Wage and Salary Ordinance, that ordinance controls.
- 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 this 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. 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.
- F. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- G. Effective Date. This ordinance shall take effect immediately upon adoption.

Mr. Peter Cook made a motion to approve the purchases. 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.

2024 STATEMENT OF SALARIES AND WAGES

Mrs. Kathryn Hopper, County Auditor, presented the 2024 Statement of Salaries and Wages. Mr. Kevin Myers made a motion to recommend a 3% wage increase for employees for 2024. Mr. Peter Cook seconded the motion and it carried with Mr. Terry Martin voting no.

2023 HOLIDAY SCHEDULE

Mr. Peter Cook made a motion to approve the proposed holiday schedule for 2024. Mr. Kevin Myers seconded the motion and it carried unanimously.

New Year	Monday, January 1
Martin Luther King Jr. Day	Monday, January 15
Good Friday	Friday, March 29
Primary Election	Tuesday, May 7
Memorial Day	Monday, May 27
Independence Day	Thursday, July 4
	Friday, July 5
Labor Day	Monday, September 2
Columbus Day	Monday, October 14

AUGUST 7, 2023

REGULAR SESSION

General Election	Tuesday, November 5
Veteran's Day	Monday, November 11
Thanksgiving	Thursday, November 28
	Friday, November 29
Christmas	Tuesday, December 24
	Wednesday, December 25

HIGHWAY – CDL TRAINING

Mr. Aaron Fugate, Highway Supervisor, explained that he would like to work on a program to provide CDL training to obtain and retain employees. There is a grant available to assist with the funding. He is asking for a positive recommendation to take to the County Council. Mr. Kevin Myers made a motion to grant a positive recommendation. Mr. Peter Cook seconded the motion and it carried unanimously.

ATWOOD LAKE – PAVING TURN AROUND

Mrs. Tharon Morgan, County Engineer, presented quotes for paving a turn around at Atwood Lake. The lowest quote is from Pulver Asphalt Paving, Inc, in the amount of \$9,000. Mr. Kevin Myers made a motion to approve the quote from Pulver Asphalt Paving, Inc. Mr. Peter Cook seconded the motion and it carried unanimously.

SHERIFF – REQUEST TO PURCHASE VEHICLES

Mr. Tracy Harker, County Sheriff, was present and requested permission to purchase four Dodge Durango's for a total of \$165,620 and two Dodge Chargers for a total of \$69,924. Mr. Peter Cook made a motion to approve the purchases. Mr. Kevin Myers seconded the motion and it carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE

Mrs. Robbie Miller, Plan Administrator, presented the following Amendment to the Zoning Ordinance:

AMENDMENT NO. 2023-08-07
TO
THE ZONING ORDINANCE
(PIGEON RIVER PUD REZONE)

AN ORDINANCE AMENDING THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ON THE 17TH DAY OF NOVEMBER, 2005, AS AMENDED, FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION AND USES PERMITTED ON REAL ESTATE DESCRIBED IN THIS ORDINANCE FROM AN A-1 DISTRICT TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

BE IT ORDAINED by the LaGrange County Commissioners, LaGrange, Indiana, that the Zoning Ordinance passed and adopted by the Board of Commissioners of LaGrange County, Indiana, on the 17th day of November, 2005, as amended, be hereby and further amended as follows:

1. That the zoning map for the following described real estate located at parcel 44-04-13-300-024.000-017 more fully described below hereto, be rezoned and changed from an A-1 District to a Planned Unit Development (PUD) District.

AUGUST 7, 2023

REGULAR SESSION

Legal Description

A part of the Southwest quarter of Section 13, Township 38 North, Range 8 East, Second Principal Meridian, Van Buren Township, LaGrange County, Indiana. More particularly described as follows:

Commencing at the Southwest Corner of Southwest Quarter of said Section 13, said point being marked by a 1" iron pipe and the point of beginning of this description; thence North 2 degrees 10 minutes 09 seconds West a distance of 343.00 feet; thence North 72 degrees 25 minutes 22 seconds East a distance of 1538.18 feet to a point on County Road 675 West; thence South 39 degrees 35 minutes 30 seconds East a distance of 273.94 feet to a railroad spike at the point of curvature of a tangent curve concave to the Southwest, having a radius of 614.56 feet and a central angle of 92 degrees 31 minutes 05 seconds; thence Southeasterly along said curve, a distance of 134.75 feet to a railroad spike in County Road 675 West, thence South 89 degrees 40 minutes 00 seconds West a distance of 421.15 feet to an iron rebar; thence South 0 degrees 06 minutes 00 seconds East, a distance of 483.68 feet to an iron on the South line of the Southwest quarter of said Section 13; thence due West along said line a distance of 1281.26 feet to the point of beginning.

Mr. Kevin Myers made a motion to approve the Amendment to the Zoning Ordinance. Mr. Peter Cook seconded the motion and it carried unanimously.

ARK ANIMAL SANCTUARY – MARY JANE ECKER IRREVOCABLE TRUST EXPENSE

Mrs. Kathryn Hopper, County Auditor, presented a bill from LaGrange Veterinary Clinic in the amount of \$12,181.73. The invoice would be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Kevin Myers made a motion to approve the expenses to be paid out of the Mary Jane Ecker Irrevocable Trust account. Mr. Peter Cook seconded the motion and it carried unanimously.

PETERSON CONSULTING SERVICES, INC. – AGREEMENT FOR CAPITAL ASSETS

Mrs. Kathryn Hopper, County Auditor, presented an agreement with Peterson Consulting Services, Inc. for preparation of the capital asset reporting for LaGrange County for 2023. The cost for the services for 2023 is \$4,050, plus out of pocket expenses. Mr. Peter Cook made a motion to approve the agreement and to authorize the President to sign it. Mr. Kevin Myers seconded the motion and it carried unanimously.

MALINOWSKI CONSULTING INC.

Mrs. Kathryn Hopper, County Auditor, presented a proposal for the preparation of the annual County cost allocation plans for 2023-2025. The cost per year is \$5,720.00. Mrs. Hopper has reviewed the proposal and is recommending the approval of it. Mr. Kevin Myers made a motion to approve the proposal and have the President sign it. Mr. Peter Cook 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.

JULY 2023 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending July 31, 2023, in the amount of \$54,447,749.95 and investments of \$20,995,000. 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 July 17, 2023 regular session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandum for the August 2, 2023 staff meeting and the July 17, 2023 Executive Session. Mr. Peter Cook seconded the motion and it carried unanimously.

AUGUST 7, 2023

REGULAR SESSION

MAJOR MOVES FUNDING REQUEST – LAGRANGE BASEBALL AND SOFTBALL LEAGUE

Mr. Kevin Myers presented a request from the LaGrange Baseball and Softball League. They are requesting \$400,000 to finish the improvements at Spreuer Park. Mr. Peter Cook made a motion to give the request a positive recommendation to the County Council.

CORRESPONDENCE

LaGrange County Treasurer – July 2023 report

Letter – Scott Longardener, Adams Lake, regarding sand and gravel on roads

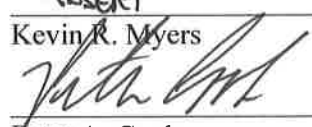
Notices of Public Hearing by the LaGrange County Drainage Board in the matter of the establishment of an annual maintenance Fund for the #1 Page Ditch

Indiana Department of Environmental Management – Receipt of Air Permit Application, Fibertec, 325 N. Main St, Middlebury, Indiana, Permit Number 087-46813-00730

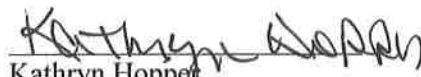
ADJOURNMENT

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


Terry A. Martin

~~Absent~~
Kevin R. Myers

Peter A. Cook

ATTEST:


Kathryn Hopper
LaGrange County Auditor