

**JULY 11, 2022**

**REGULAR SESSION**

The LaGrange County Council met in Regular Session on Monday, July 11, 2022, at their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana 46761, at 8:30 a.m., with the following present: Council Members, Charles F. Ashcraft, Jeffrey L. Brill, Harold D. Gingerich, Steven E. McKowen, Michael G. Strawser, and James R. Young; and LaGrange County Auditor, Kathryn Hopper. Mr. Ryan J. Riegsecker was absent. Mr. Mike Strawser brought the meeting to order and led the Pledge of Allegiance to the Flag.

**JOINT RESOLUTION REPEALING AND RESTATING THE CAPITAL IMPROVEMENT PLAN**

Mrs. Kathryn Hopper, County Auditor, presented the following Resolution for consideration:

**COUNTY OF LAGRANGE  
JOINT RESOLUTION 2022-07-11 A**

A JOINT RESOLUTION REPEALING AND RESTATING THE CAPITAL IMPROVEMENT PLAN OF THE COUNTY OF LAGRANGE AND SPECIFYING THE USES OF REVENUES TO BE RECEIVED FROM THE IMPOSITION OF LOCAL INCOME TAXES.

WHEREAS, pursuant to Indiana Code § 6-3.6 (the “Act”), the County Council (“Council”) of LaGrange County, Indiana (“County”) has established a local income tax;

WHEREAS, pursuant to § 6-3.6-6-9.5 of the Act, the Board of Commissioners of the County of LaGrange (“Commissioners”), on behalf of the County, must adopt a capital improvement plan (“Plan”) in order to receive distributions under the Act;

WHEREAS, the Commissioners and the Council previously adopted Joint Resolution 2020-09-21, in which they adopted the County Plan;

WHEREAS, based upon information provided by the Department of Local Government Finance for 2022-year distributions under the Act, the County expects to receive an estimated annual amount of \$1,739,000.00; *and*

WHEREAS, the Commissioners and Council desire to amend the Plan mid-cycle to incorporate additional projects that would be funded using money received under the Act.

NOW, THEREFORE, BE IT RESOLVED 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 resolution is the “Capital Improvement Plan Adoption Resolution.”

**SECTION II – DEFINITIONS**

Whenever the following terms are used in this Joint Resolution, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- “Act” refers to Indiana Code chapter 6-3.6 and related local income tax laws.
- “Distribution” means monies apportioned to the County under the Act for economic development purposes.
- “Economic development project” has the meaning provided in the Act.
- “Plan” refers to the *Capital Improvement Plan* adopted by this resolution.
- “Project” means an economic development project that would be funded by a distribution under the Act.

**SECTION III – CAPITAL IMPROVEMENT PLAN**

A. Requirements. As may be required by the Act, for each qualifying project, the Plan shall:

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1. identify and describe the project;
  2. provide an estimated total cost of the project;
  3. identify all sources of funds expected to be used for the project;
  4. provide the planning, development, and construction schedule for the project; *and*
  5. estimate the duration of the project.
- B. Duration. The Plan must encompass a period of not less than two (2) years. The Plan shall be considered current to the extent it conforms to this Joint Resolution.
- C. Cost Threshold. The combined cost of each project under the Plan shall equal at least 75% of the fractional amount of distributions that are expected to be received by the County.
- D. Included Projects. Only qualifying projects may be added to the Plan, but the Plan's list of qualifying projects is not necessarily to be considered exhaustive of the County's capital improvement projects.
- E. Adoption. The Capital Improvement Plan, as shown in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is hereby approved and adopted.

SECTION IV – FINDINGS

- A. Recitals. The foregoing recitals, including all defined terms, are hereby incorporated into this resolution and found to be true, accurate, and correct.
- B. Plan. The following findings are made with respect to the Plan:
1. The Plan conforms to all requirements of this Joint Resolution.
  2. Each project incorporated into the Plan is an economic development project and, therefore, eligible for distributions under the Act.

SECTION V – REPEAL OF PRIOR LAW

- A. Repeal. Res. 1995-11-27(b) and Jt. Res. 2020-09-21 are hereby repealed in their entirety.
- B. Continuance.
1. The express or implied repeal or amendment by this resolution 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 resolution. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this resolution had not been adopted.
  2. To the extent the provisions contained in this resolution 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 resolution 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 resolution 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.

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2. Reference in this resolution 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 resolution 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 resolution 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 resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the resolution as a whole, and for this purpose the provisions of this resolution are hereby declared to be severable.
- D. 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.
- E. 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 resolution effective.
- F. Effective Date. This resolution shall take effect immediately upon adoption by both the Commissioners and the County Council.

**EXHIBIT A  
LAGRANGE COUNTY CAPITAL IMPROVEMENT PLAN**

LaGrange County, Indiana proposes to undertake the following capital improvement projects with its share of distributions pursuant to Indiana Code § 6-3.6-6-9. Funding is anticipated to be provided exclusively with Economic Development Fund money unless otherwise indicated.

Years of Plan: 2021-2025

1. UNINCORPORATED COMMUNITIES – The County may provide to those unincorporated communities of South Milford, Howe, Stroh, and Mongo located within LaGrange County that adopt a capital improvement plan consistent with the specifications and requirements of the County an opportunity to receive up to \$15,000.00 per year to use on capital improvement projects set forth in each respective plan. The County anticipates this to cost \$60,000 annually.
2. ECONOMIC DEVELOPMENT CORPORATION – The County is considering contributing annually to the Economic Development Corporation budget to assist said Corporation in furthering their purpose of promoting economic development in LaGrange County, Indiana. The amount of this expenditure is anticipated to be approximately \$100,000.00.
3. REGION III-A – The County is considering contributing annually to Region III-A to further their purpose of promoting economic development in LaGrange County, Indiana. The amount of this expenditure for 2021 is anticipated to be approximately \$12,445.00.
4. NORTHEAST INDIANA REGIONAL PARTNERSHIP – The County is considering contributing annually to the Northeast Indiana Regional Partnership to furthering their purpose of promoting economic development in LaGrange County, Indiana. The amount of this expenditure for 2021 is anticipated to be approximately \$18,381.70.

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5. COUNTY ROAD IMPROVEMENT AND MAINTENANCE – Road improvement and maintenance of County roads, both anticipated and unanticipated projects, including but not limited to the following roads that have been placed on a priority list for anticipated improvement:

- County Road 250 North, west of the Town of Shipshewana
- County Road 600 South, west of State Road 5
- County Road 700 South, east of Topeka.

Each road has a projected cost of at least \$1,000,000.00, but no immediate timetable has been set. The Motor Vehicle Highway Restricted Fund will also likely be used for this project.

6. REPAYMENT OF LOCAL MAJOR MOVES FUNDING – The County paid for the (re)construction of County Road 200 North using a \$2,700,000 loan from the Local Major Moves Construction Fund (“Fund”). Resolution 2014-07-21 requires repayment to the Fund “in ten equal annual payments [\$270,000 each] of principal based upon the amount actually expended from the [Fund] for the Project, plus in each case reasonable interest thereon at a rate of 1.00% per annum calculated on a 360-day basis, starting on or before December 31, 2015.” EDIT funds will be used to repay this loan.
7. COUNTY BUILDINGS – The County is looking to remodel all County buildings, at an anticipated cost of \$200,000.00 each. Remodel of the County Annex building is anticipated to be started in 2020. No immediate timetable has been set for the other buildings.
8. BUILDING SECURITY – The County is considering implementing or updating all buildings’ security, at an anticipated cost of \$200,000.00. No immediate timetable has been set for this project.
9. AMERICANS WITH DISABILITIES – The County may need to have various improvements made to County property in order to comply with the Americans with Disabilities Act, at an anticipated cost of at least \$50,000.00 annually.
10. COMPREHENSIVE ZONING ORDINANCE – The County is looking forward to updating its Zoning Ordinance (including its Subdivision Control Ordinance), which goes to the heart of economic development. The County expects a one-time fee of \$150,000 on this project.
11. ADDITIONAL LIT ALLOCATIONS – The County may allocate unused available Economic Development monies to the unincorporated communities of South Milford, Stroh, Mongo, and Howe, at an anticipated cost of up to \$50,000.00 annually.
12. UNANTICIPATED CAPITAL IMPROVEMENT PROJECTS – The County may allocate monies to unanticipated capital improvement projects that may arise. Anticipated cost may be at least \$50,000 annually.
13. UNANTICIPATED ECONOMIC DEVELOPMENT PROJECTS – The County may allocate monies to unanticipated economic development projects that may arise. Anticipated cost may be at least \$50,000 annually.

Mr. Steven McKowen made a motion to approve the Ordinance. Mr. Jim Young seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING LAGRANGE COUNTY TO REMAIN AS A MEMBER OF THE NORTHEAST INDIANA REGIONAL DEVELOPMENT AUTHORITY**

Mrs. Kathryn Hopper, County Auditor, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2022-07-11-B

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**AN ORDINANCE AUTHORIZING LAGRANGE COUNTY TO REMAIN AS A MEMBER OF THE  
NORTHEAST INDIANA REGIONAL DEVELOPMENT AUTHORITY.**

WHEREAS, pursuant to Indiana Code ("IC") § 36-7.6-2 ("Act") and in accord with organizational governance, the Northeast Indiana Regional Development Authority ("RDA") was established to carry out the activities listed in Section 2 of the Act;

WHEREAS, pursuant to Section 4 of the Act, a county that is not a member of a development authority may join a development authority only if the fiscal body of the county adopts an ordinance authorizing the county to become a member of the development authority; and the development board of the development authority adopts a resolution authorizing the county to become a member of the development authority;

WHEREAS, pursuant to County Ordinance 2015-06-08 and as confirmed by the RDA, the County Council authorized and directed the County to join the RDA;

WHEREAS, pursuant to Section 5 of the Act, at least 12 months and not more than 18 months before the end of a county's membership period in the development authority, the county must adopt an ordinance that commits the county to an additional 8 years as a member of the development authority, beginning at the end of the current membership period;

WHEREAS, the County has determined that participation the RDA is in the best interest for the citizens of the County and desires to continue its membership in the RDA;

WHEREAS the County agrees to commit to participation in the RDA from the date this ordinance is adopted until June 30, 2031; *and*

WHEREAS, pursuant to IC 36-1-3 ("Home Rule"), the County has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs.

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

**SECTION I – TITLE**

This name of this ordinance shall be the "Northeast Indiana Regional Development Authority Membership Ordinance for LaGrange County."

**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 – MEMBERSHIP**

- A. **Renewal Term.** The County is hereby authorized to renew its membership and participate in the RDA for a period of eight years, beginning at the end of its current membership period and terminating on June 30, 2031.
- B. **Authority.** The President of the Council and the Auditor are authorized to and directed to take all action necessary or proper to implement this ordinance.
- C. **Obligations.** Nothing in this ordinance shall be construed to obligate the County to make any payment of any kind to the RDA.

**SECTION IV – RETROACTIVE EFFECTIVE DATE**

This ordinance shall be deemed effective as of, and retroactive to, June 30, 2022.

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**SECTION V – 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.
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. 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.

**D. 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.

Mr. Steven McKowen made a motion to approve the Ordinance. Mr. Charles Ashcraft seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Jeff Brill seconded the motion and it carried unanimously.

**4-H FAIR ASSOCIATION – REQUEST FOR NEW HOME**

Mr. Ken Martin, President of the Board of Directors of the 4-H Fair Association, explained that the LaGrange County 4-H Fair Association is requesting \$250,000 to replace the current home on the 4-H property. The current home, which is occupied by the grounds keeper, is a 1978 Schult Mobile Home and is need of various repairs. Funding is also needed for demolition and removal of the current structure, excavation, concrete for crawl space, installation of new home, garage, utility hookup, driveway and sidewalks, and grass and landscaping. Mr. Harold Gingerich made a motion to approve up to \$250,000 out of ARPA funds. Mr. Steven McKowen seconded the motion and it carried unanimously.

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

**COUNTY OF LAGRANGE  
JOINT ORDINANCE NO. 2022-07-18-A**

**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*

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WHEREAS, the Commissioners and Council have determined that there is a need for an update to the County's *Personnel Policies Handbook* dated December 16, 2019, as adopted by Ordinance 2019-12-16-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 July 18, 2022 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 I of this ordinance.

SECTION V – REPEAL OF PRIOR LAW

- A. Repeal. County Ordinance 2019-12-16-A 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.
- D. Delayed Effect. This section does not take effect until July 19, 2022.

SECTION VI – MISCELLANEOUS

- A. References.

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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.
  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 the ordinance as a whole, 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. Charles Ashcraft made a motion to approve the Ordinance. Mr. Jim Young seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Jeff Brill seconded the motion and it carried unanimously.

**PARKS – REQUEST FOR NEW PAVILION AT DELT CHURCH PARK**

Mrs. Mary Franke, Park Director, requested permission to purchase materials and supplies for a new pavilion at Delt Church Park, in the amount of \$250,000. Mr. Steven McKowen made a motion to approve up to \$250,000 out of ARPA funds. Mr. Jeff Brill seconded the motion and it carried unanimously.

**COMMISSARY REPORT**

Mr. Tracy Harker, Chief Deputy Sheriff, presented the 2022 Jail Commissary report. Mr. Harold Gingerich made a motion to accept the report. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

**AMENDMENTS TO THE SALARY ORDINANCE**

The following Amendments to the Salary Ordinance were presented:



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**AMENDMENT TO THE SALARY ORDINANCE FOR 2022**

BE IT HEREBY ORDAINED THAT the following changes be made in the LaGrange County Salary Ordinance for the year 2022:

<u>PARK NON-REVERTING OPERATING</u>	<u>REQUESTED</u>
1179-000-01-1031 Lifeguard	24.00 / hour

Temporary position – for 3 days, effective 06/27/2022

**AMENDMENT TO THE SALARY ORDINANCE FOR 2022**

BE IT HEREBY ORDAINED THAT the following changes be made in the LaGrange County Salary Ordinance for the year 2022:

<u>93.268 IMMUNIZATION GRANT</u>	<u>REQUESTED</u>
8122-000-01-1001 NURSES	\$30.00 / hourly
8122-000-01-1002 REGISTRATION/ADMIN	\$22.00 / hourly

- Grant money received to pay vaccination clinics  
Effective 07/11/2022

Mr. Jim Young made a motion to approve the amendments. Mr. Steven McKowen seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Jim Young seconded the motion and it carried unanimously.

**MINUTES**

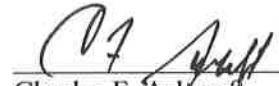
Mr. Charles Ashcraft made a motion to approve the June 13, 2022 regular session minutes. Mr. Jim Young seconded the motion and it carried unanimously.

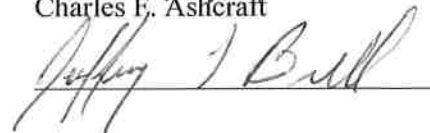
**LEGAL CLAIMS**

Mr. Harold Gingerich presented the legal claims in the amount of \$19,212.50 for May 2022 from Beers Mallers. Mr. Harold Gingerich made a motion to approve. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

**ADJOURNMENT**

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

  
Charles F. Ashcraft



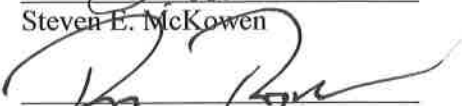
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Jeffrey L. Brill

  
Harold D. Gingerich

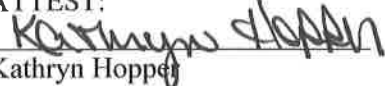
  
Steven E. McKowen

  
Ryan J. Riegsecker

  
Michael G. Strawser

Absent  
James R. Young

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor