DECEMBER 16, 2019

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, December 16, 2019, 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.

COUNTY JUSTICE BUILDING
Mr. Terry Martin made a motion to pay the final retainage of $20,000 on the County Justice Building to Michael Kinder & Sons. Mr. Dennis Kratz seconded the motion and it carried unanimously.

AN ORDINANCE REGULATING DEADLY WEAPONS IN THE COUNTY
Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE

ORDINANCE NO. 2019-12-16

AN ORDINANCE REGULATING DEADLY WEAPONS IN THE COUNTY.

WHEREAS, the Board of Commissioners of County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), pursuant to IC § 36-8-2-4, may regulate conduct, or the use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, pursuant to IC § 36-1-3-4, the County has all powers necessary or desirable in the conduct of its affairs, except where it may conflict with statute;

WHEREAS, the County desires to regulate the possession and use of deadly weapons in the unincorporated areas of the County, and in other places in which the County has an ownership, managerial, or possessory interest, to the extent it does not conflict with IC § 35-47-11.1.

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

ARTICLE I

SECTION I
The name of this ordinance shall be the LaGrange County Deadly Weapons Ordinance.

SECTION II


B. Article I, Section 2 of Ordinances 2001-7-16 and 2009-9-08 shall remain deleted in their entirety.

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

- "Deadly weapon" means any:
  - loaded or unloaded firearm;
  - knife;
  - destructive device;
  - laser;
  - taser (as defined in IC § 35-47-8-3) or electronic stun weapon (as defined in IC § 35-47-8-1);
  - tool or equipment;
  - chemical substance, biological disease, virus, organism or other biochemical material;
  - or other weapon;
  - that in the manner it:
    - is used;
    - is designed to be used; or
    - is intended to be used;
  - is readily capable of causing serious bodily injury or of secretly disrupting security.

- "Firearm" has the meaning in IC § 35-47-1-5, except that it also includes the definition for "ammunition" in IC § 35-47-1-2.5 and "firearm accessory" in IC § 35-47-1-5.1.

- "Handgun" has the meaning in IC § 35-47-1-6.

- "Law enforcement officer" means an individual currently employed by any municipality, county, or agency of the State of Indiana or a federal agency and who is authorized to carry a deadly weapon by that entity.

- "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; when used proscriptively (e.g., "no person shall ..."), the term also includes prohibited behavior by such person’s legal representatives, agents, assigns, and wards (e.g., minor children).

**SECTION II**

A. Except as provided in this section, this ordinance applies to:

1. the unincorporated areas of the County;

2. any property within the incorporated areas of the County in which the County has an ownership, managerial, or possessory interest; and

3. any property outside the County in which the County has an ownership, managerial, or possessory interest.

B. Nothing in this ordinance shall be construed to regulate a law enforcement officer.
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C. Nothing in this ordinance shall be construed to regulate a County judicial officer (including the County Attorney) or on-duty County employee with respect to firearms.

D. Nothing in this ordinance shall be construed to limit the right of the County to bring a civil action against any person to recover any damages sustained as a result of a violation of this ordinance or other applicable law.

E. Nothing in this ordinance shall be construed to create a civil action against the County, the Commissioners or Council, or any of the County’s departments, employees, or agents.

F. Nothing in this ordinance or another ordinance, resolution, policy, or rule of the County shall be construed to conflict with IC 35-47-11.1 or other applicable state or federal law.

SECTION III
A. This subsection does not apply to firearms. No person shall possess any deadly weapon on any property in which the County has an ownership, managerial, or possessory interest.

B. No person shall possess a firearm:
   1. in a hospital organized under IC 16-22 or IC 16-23; nor
   2. in the LaGrange County Courthouse; nor
   3. in any other building that contains a courtroom of a circuit, superior, or town court; nor
   4. on any property leased or licensed from the County during an event including, but not limited to, the County Fair and Corn School.

C. Subject to IC § 35-47-11.1-4(13), no person shall possess a firearm in a building in which the County has an ownership, managerial, or possessory interest and that complies with IC § 35-47-11.1-4(13).

D. Any person who legally possesses a handgun pursuant to IC § 35-47-2 must present to the law enforcement officer on duty his or her current valid Indiana license to carry for any building that complies with IC § 35-47-11.1-4(13).

E. No person shall possess a firearm who is participating in a:
   1. community corrections program;
   2. forensic diversion program; or
   3. pretrial diversion program.

F. No person shall use a firearm in a manner that is criminally reckless.

G. No person shall intentionally display a firearm at a public meeting of the County.

SECTION IV
A. As used in this section, “sign” means a conspicuous display of a message that conveys an appropriate summary of the whole or parts of this ordinance.

B. A designated County employee shall ensure that appropriate signs are posted at the County Courthouse, at the County Annex Building, at the County Justice Center, and, as required by applicable law, in the parks and other public places of the County.
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C. A designated County employee shall coordinate with other entities to ensure that temporary signs are placed at the County Fair, Corn School, and at other events that occur on property leased or licensed from the County.

D. Upon motion of the Commissioners, a designated County employee shall place other signs in appropriate locations.

SECTION V

A. Non-hierarchical; Non-exclusive. Enforcement procedures and remedies in this section are neither hierarchical nor exclusive and may be omitted or used in any order and in conjunction with other enforcement procedures and remedies at the discretion of the County or enforcing officer(s).

B. Verbal Warning. A law enforcement officer who has reasonable suspicion that a minor or easily-corrected violation of this ordinance has occurred may issue a verbal warning to the suspected violator.

C. Citations. A law enforcement officer may issue a citation for an ordinance or state law violation or take other appropriate enforcement action.

D. Injunctions. The County may petition a court of competent jurisdiction to enjoin further violation of this ordinance.

E. Civil Action. The County may bring a civil action against any violator of this ordinance to recover the cost of any damage to the County caused by the violation.

SECTION VI

A. Fines. Any person found to have violated this ordinance shall be liable to a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00).

B. Costs. Any person found to have violated this ordinance shall be responsible for any costs, including reasonable attorney’s fees, paralegal fees, and collection costs, to the extent allowed by law, borne by the County to prosecute or correct such violation and/or to return infrastructure, buildings, or personal property to its pre-violation state. If two or more persons shall be found to have caused a respective violation, they shall be jointly and severally liable for all such costs.

C. Rule. Each day in which a violation should reoccur shall constitute a separate violation.

D. Fine and Cost Deposits. All fines and costs of prosecution collected pursuant to this ordinance shall be remitted to the General Fund within thirty (30) days of collection.

ARTICLE III

SECTION I

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, commission, employee, public office, or building 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 the) 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. Severability. 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. 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 other than that portion so declared to be invalid, and for this purpose the provisions of this ordinance are hereby declared to be severable.

C. 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.

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 old ordinances, but rather shall be deemed to be the continuation of the original provisions.

D. 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.

E. Effective Date. This ordinance shall be effective upon promulgation according to law.

Mr. Dennis Kratz made a motion to approve the Ordinance. Mr. Terry Martin 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. Mr. Dennis Kratz made a motion to have the notice posted on the County Buildings.

ARK ANIMAL SANCTUARY – REQUEST FOR DOORS
Ms. Cindy Miller, Director of ARK Animal Sanctuary, was present and explained that they would like 28 animal doors for the shelter. The lowest quote is from Sunrise Metal Shop in the amount of $3,996.99. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz 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 2019 for consideration. Mr. Terry Martin made a motion to accept. Mr. Dennis Kratz 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 2020 with Beers Mallers Backs and Salin for consideration. Mr. Terry Martin made a motion to approve the contract and authorize the President and Auditor to sign. Mr. Dennis Kratz seconded the motion and it carried unanimously.
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LAGRANGE COUNTY REDEVELOPMENT APPOINTMENTS
Mr. Terry Martin made a motion to appoint Mr. George Bachman, Mr. Robert Bond, Mr. Dennis Kratz, and Mrs. Kay Myers to the LaGrange County Redevelopment Commission. Mr. Dennis Kratz seconded the motion and it carried unanimously.

NUISANCE HEARING – 6930 N 320 E, HOWE, INDIANA
At 9:00 a.m. Mr. Bill Stewart, Code Enforcement Officer reported that the properties located at 3175 E 695 N and 400 E 1260 S are in compliance.

The property at 6930 N 320 E, Howe, Indiana, owned by Gerri Hydorn is not in compliance. Mr. Stewart recommends granting them 60 days to get the property cleaned up. Mr. Terry Martin made a motion to recess the hearing on the property at 6930 N 320 E, Howe, Indiana until March 16, 2020 at 9:00 a.m. Mr. Dennis Kratz made a motion to approve and it carried unanimously.

JOINT ORDINANCE AMENDING THE PERSONNEL POLICY HANDBOOK
Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE

JOINT ORDINANCE NO. 2019-12-16A

AN ORDINANCE AMENDING THE PERSONNEL POLICY HANDBOOK.

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

WHEREAS, the Board and Council have determined that there is a need for an update to the County’s employee Personnel Policies Handbook dated September 16, 2019; and

WHEREAS, the Commissioners and the Council have the authority under IC § 36-1-4-14 to establish a system of employment.

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

SECTION I

County Ordinance 2019-09-16(B) is hereby repealed in its entirety.

SECTION II

A. The Board and the Council hereby adopt and fully incorporate into this ordinance the "Personnel Policies Handbook" dated December 16, 2019 and attached as Exhibit A (as stipulated, "Handbook"), as if it were fully set out in this ordinance.

B. Should this ordinance become codified, the codifier shall not codify the Handbook in full, but rather shall
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simply codify its adoption, incorporation, and effective date.

C. Two (2) copies of the Handbook shall be placed on file in the Auditor’s office for public inspection.

SECTION III

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, 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 the) 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. Severability. 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. 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 other than that portion so declared to be invalid, and for this purpose the provisions of this ordinance are hereby declared to be severable.

C. 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.

2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, including their incorporated parts, 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.

D. 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.

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. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to have the notice posted on the County Buildings.

JOINT RESOLUTION REPEALING AND RESTATEING THE CAPITAL IMPROVEMENT PLAN

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:
A JOINT RESOLUTION REPEALING AND RESTATEING 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, the County Council ("Council") of LaGrange County, Indiana ("County"), has established a local income tax pursuant to Indiana Code § 6-3.6 (the "Act");

WHEREAS, pursuant to Section 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 passed joint resolutions that adopted capital improvement plans and amendments thereto;

WHEREAS, the Commissioners and Council again desire to amend the Plan to identify each project that would be funded using money received by the Act; and

WHEREAS, based upon information provided by the Department of Local Government Finance for 2020 year distributions under the Act, the County expects to receive an estimated annual amount of $1,739,000.00.

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
County Resolutions 1995-11-27(C), 1995-11-27(F), 1996-8-12-B, 1996-12-9b, 1997-2-18, 2002-1-14, 2003-10-14a, 2007-5-14B, and 2015-7-13C are hereby repealed in their entirety. Any other ordinance or resolution creating a capital improvement plan is hereby repealed to that extent.

SECTION II
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 County’s capital improvement plan established by this Joint Resolution.
- “Project” means an economic development project that would be funded by a distribution under the Act.

SECTION III
A. To the extent required by the Act, for each qualifying project, the plan shall:

1. identify and describe the project;
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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. The plan must encompass a period of not less than two (2) years.

C. 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. 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. The Commissioners and Council hereby adopt the Capital Improvement Plan, as shown in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference.

F. The plan shall be considered current to the extent it conforms to this Joint Resolution.

SECTION IV

The Commissioners and Council make the following findings with regards to the plan:

A. The plan conforms to all requirements of this Joint Resolution.

B. Each project incorporated into the plan is an economic development project and, therefore, eligible for distributions under the Act.

SECTION V

F. References.

1. Except where a specific version or edition is given, reference to another section of this Joint Resolution or to another law, document, fund, program, department, employee, or public servant, 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 Joint Resolution 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 the) LaGrange County (Indiana).”

3. Should a provision of this Joint 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.

G. Severability. No part of this Joint Resolution shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Joint Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Joint Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Joint Resolution are hereby declared to be severable.

H. Continuance.
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1. The express or implied repeal or amendment by this Joint Resolution of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Joint Resolution. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Joint Resolution had not been adopted.

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

I. Revival Prohibited. The express or implied repeal or amendment by this Joint Resolution of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.

J. Effective Date. This Joint Resolution shall be effective January 1, 2020.

K.

Mr. Dennis Kratz made a motion to approve the Ordinance. Mr. Terry Martin 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. Mr. Dennis Kratz made a motion to have the notice posted on the County Buildings.

CYBERSECURITY SERVICES AGREEMENT

Mr. Bob Murphy, Information Technology Director, presented an agreement between the Indiana Secretary of State; Carahsoft Technology Corp.; and Fire Eye, Inc. and LaGrange County for cyber security services for the County. The funding is provided by 2018 HAVA Election Security Grant Funds. Mr. Terry Martin made a motion to approve the agreement and authorize the president to sign. Mr. Dennis Kratz made a motion to approve and it carried unanimously.

SCHNEIDER GEOSPATIAL – PROFESSIONAL SERVICES AGREEMENT

Mr. Bob Murphy, Information Technology Director, presented an agreement between Schneider Geospatial and LaGrange County for GIS support and software maintenance. The cost of the services is $36,000 and would be paid out of the Information Technology budget. Mr. Terry Martin made a motion to approve the agreement and authorize the president to sign. Mr. Dennis Kratz made a motion to approve and it carried unanimously.

CENTURY LINK FIBER CONNECTION

Mr. Bob Murphy, Information Technology Director, presented an agreement between Century Link and LaGrange County for Fiber and Internet services. Mr. Terry Martin made a motion to approve the agreement and authorize the president to sign. Mr. Dennis Kratz made a motion to approve 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.

NOVEMBER 2019 FINANCIAL REPORT
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Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending November 30, 2019, in the amount of $25,417,064.12 and investments of $22,047,000.00. 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 December 2, 2019 meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the December 11, 2019 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – November 2019 report
LaGrange County Treasurer – November 2019 report
Notice of Public Hearing – Kenneth & Jane Brookhart, 5999 S 455 E, Wolcottville, Indiana
Strand Associates, Inc. – September 2019 Surface Monitoring Report
Indiana Department of Natural Resources – George and Margaret Wolcott House, 105 Wolcott St., Wolcottville, Indiana – property proposed for nomination to the National Register of Historic Places

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