

JANUARY 9, 2023

REGULAR SESSION

The LaGrange County Council met in Regular Session on Monday, January 9, 2023, 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, Jeffrey L. Brill, Jeffrey A. Campos, Harold D. Gingerich, Ryan J. Riegsecker, Michael G. Strawser, and James R. Young; and LaGrange County Auditor, Kathryn Hopper. Mr. Steven E. McKowen was absent. President, Mr. Mike Strawser brought the meeting to order and led the Pledge of Allegiance to the Flag.

REORGANIZATION

Mr. Harold Gingerich nominated Mike Strawser for President. Mr. Ryan Riegsecker seconded the nomination. Mr. Jim Young made a motion to close the nominations. Mr. Jeff Brill seconded the motion and it carried unanimously.

Mr. Ryan Riegsecker nominated Steven McKowen for Vice President. Mr. Jeff Bill seconded the nomination. Mr. Harold Gingerich nominated Mr. Jim Young for Vice President. Mr. Mick Strawser seconded the nomination. Mr. Jeff Campos made a motion to close the nominations. Mr. Ryan Riegsecker seconded the motion and it carried unanimously. Upon roll call vote, Mr. Jim Young was elected Vice President.

NATIONAL LAW ENFORCEMENT APPRECIATION DAY

Mr. Mike Strawser reported that today is National Law Enforcement Appreciation Day and expressed appreciation for our County law enforcement.

LIBRARY BOARD APPOINTMENT

Mr. Ryan Riegsecker made a motion to appoint Ms. Maranda Randol to the LaGrange County Library Board. Mr. Jim Young seconded the motion and it carried unanimously.

LAGRANGE COUNTY REDEVELOPMENT COMMISSION APPOINTMENTS

Mr. Jim Young made a motion to appoint Mrs. Sherri Johnston to the LaGrange County Redevelopment Commission. Mr. Harold Gingerich seconded the motion and it carried unanimously.

PROPERTY TAX ASSESSMENT BOARD OF APPEALS APPOINTMENT

Mr. Ryan Riegsecker made a motion to appoint Mr. Joe Billman to the LaGrange County Property Tax Assessment Board of Appeals. Mr. Jeff Brill seconded the motion and it carried unanimously.

COUNCIL APPOINTMENTS

The following list of Council appointments was presented:

Council on Aging Board
Economic Development Corporation
Edit Committee

Emergency Management Agency Advisory Board
Extension Board
Health Board
Insurance: Liability Insurance & Vehicle
Judicial Committee –(includes Sheriff & both Judges)

LaGrange County Community Foundation Finance Committee
Major Moves Committee

Northeast Indiana Solid Waste District

Jeff Campos
Ryan Riegsecker
Jeff Campos
Jim Young
Jim Young
Mike Strawser
Jeff Campos
Mike Strawser
Mike Strawser
Jim Young
Harold Gingerich
Jeff Brill
Steven McKowen
Harold Gingerich

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Park Board
 Plan Commission
 Region 3 A
 Sheriff Merit Board
 Soil & Water Conservation
 Tax Abatement Review Committee

Human Resources / Personnel / Health Insurance

Personnel Handbook Committee

Steven McKowen
 Jim Young
 Jeff Brill
 Jim Young
 Jeff Brill
 Steven McKowen
 Jim Young
 Harold Gingerich
 Ryan Riegsecker
 Mike Strawser
 Harold Gingerich
 Ryan Riegsecker

Mr. Ryan Riegsecker made a motion for the assignments to be as reviewed. Mr. Harold Gingerich seconded the motion and it carried unanimously.

BUDGET ASSIGNMENTS

The following list of Council budget assignments was presented:

<u>Department</u>	<u>Department Head</u>	<u>Brill</u>	<u>Campos</u>	<u>Cook</u>	<u>Gingerich</u>	<u>McKowen</u>	<u>Riegsecker</u>	<u>Strawser</u>
Highway, Cumulative Bridge, Landfill	Aaron Fugate	X						
Recorder	Sheila Getz	X						
Soil & Water Conservation	Martin Franke	X						
Surveyor	Zach Holsinger	X						
Auditor	Kathryn Hopper		X					
Health	Alfredo Garcia		X					
Treasurer	Connie Brower		X					
Veteran's Service Officer	Allen Connelly		X					
Women, Infants & Children	Sue Bickley		X					
Plan Commission	Robbie Miller			X				
Sheriff / E911	Tracy Harker			X				
Weights & Measures	Kim Kerr			X				
Coroner	Kenneth Myers				X			
Emergency Management	Bill Morr				X			
Prosecuting Attorney	Travis Glick				X			
Clerk	Kim Johnson					X		
Parks & Recreation	Mary Franke					X		
Assessor	Pat Monroe						X	
Circuit Court	Judge Walz						X	
Information Technology / GIS	Dave Warren						X	
Superior Court	Judge Bowen-Slaven						X	
Building	Jason Boggs							X
Extension	Brittany Gilger							X
Maintenance	Gary Mast							X

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Mr. Harold Gingerich made a motion to approve the assignments. Mr. Jim Young seconded the motion and it carried unanimously.

SHERIFF SALARY CONTRACT

Mr. Tracy Harker, County Sheriff presented an agreement between himself, the County Council of the County of LaGrange and the Board of Commissioners of the County of LaGrange. The contract is in the amount of \$115,700 for the calendar year 2023. Mr. Jim Young made a motion to approve the contract. Mr. Harold Gingerich seconded the motion and it carried unanimously.

AMENDMENTS TO THE SALARY ORDINANCE

The following Amendment to the Salary Ordinance was presented:

AMENDMENT TO THE SALARY ORDINANCE FOR 2023

BE IT HEREBY ORDAINED THAT the following changes be made in the LaGrange County Salary Ordinance for the year 2023:

	<u>REQUESTED</u>
<u>1000-036 CIRCUIT COURT</u>	
1000-036-01-1211 College Intern	Up to \$12.82/hour
• Increased wage for college intern instead of high school ICE student Effective 01/01/2023	
	<u>REQUESTED</u>
<u>1000-008 PROSECUTOR</u>	
1000-008-01-1016 Ticket Clerk	Up to \$19.92/ hour
<u>1000-049 PROSECUTOR IV-D</u>	
1000-049-01-1013 Admin Assistant	Up to \$19.92/ hour
<u>4916 DEFERRAL PROGRAM</u>	
4916-000-01-1013 File Clerk	Up to \$19.92/ hour
• Matching the pay to 2 other similar positions in the Prosecutor's Office that are doing similar or equivalent work Effective 01/01/2023	
	<u>REQUESTED</u>
<u>1000-008 BUILDING</u>	
1000-025-01-1009 Secretary	Up to \$19.92/hour
• Position to be paid the same as administrative assistants. Effective 01/01/2023	

Mr. Harold Gingerich made a motion to approve the amendments to be effective January 1, 2023. Mr. Jeff Campos seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

LEGAL CLAIMS

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Mr. Harold Gingerich presented the legal claims in the amount of \$22,192.25 for November 2022 from Beers Mallers. Mr. Harold Gingerich made a motion to approve. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

MINUTES

Mr. Ryan Riegsecker made a motion to approve the December 12, 2022 regular session minutes. Mr. Jim Young seconded the motion and it carried unanimously.

MEMORANDA

Mr. Ryan Riegsecker made a motion to approve the December 12, 2022 Joint Executive Session memoranda. Mr. Jim Young seconded the motion and it carried unanimously.

JAIL COMMISSARY REPORT

Mr. Tracy Harker, County Sheriff, presented the Jail Commissary report for 2022. Mr. Ryan Riegsecker made a motion to accept the report. Mr. Jeff Campos seconded the motion and it carried unanimously.

ORDINANCE AMENDING ECONOMIC REVITALIZATION AREA AND DEDUCTION APPLICATION FEES AND REQUIREMENTS AND REPEALING RELATED DEDUCTIONS STANDARDS.

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2023-01-09

AN ORDINANCE AMENDING ECONOMIC REVITALIZATION AREA AND DEDUCTION APPLICATION FEES AND REQUIREMENTS AND REPEALING RELATED DEDUCTIONS STANDARDS

WHEREAS, pursuant to Indiana Code ("IC") § 6-1.1-12.1-2(h), a designating body may impose a fee, in an amount sufficient to defray actual processing and administrative costs, for filing a designation application for a person requesting the designation of a particular area as an economic revitalization area;

WHEREAS, pursuant to IC § 6-1.1-12.1-1(7) and 36-2-3-2, the LaGrange County Council ("Council") is the designating body for LaGrange County, Indiana ("County"); *and*

WHEREAS, pursuant to IC 36-1-3 ("Home Rule"), a unit in the State of Indiana has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute, and may exercise such powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity.

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

SECTION I – TITLE

This name of this ordinance shall be the "LaGrange County Economic Revitalization Area and Deduction Application Fee Ordinance," or "Fee Ordinance" where the context is obvious.

SECTION II – FINDINGS; DEFINITIONS

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

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- B. Utility. The Council hereby finds that the amount of the Application Fee imposed by this ordinance for the administration, processing, and review of a Deduction Application and Designation Application is fair, just, and reasonable.
- C. Incorporated. The definitions in or incorporated by the Act apply to this ordinance.
- D. 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.
 - 1. "Act" means IC 6-1.1-12.1.
 - 2. "Application Fee" means a fee charged pursuant to this ordinance to cover associated administrative, processing, and review costs to review a Designation Application and/or Deduction Application.

SECTION III – CONTINUANCE OF ECONOMIC REVITALIZATION AREA

Any parcel that is designated as an "industrial park" under the Zoning Ordinance of LaGrange County, Indiana and that has access to municipal or regional utility district water and sewer services is hereby designated as an Economic Revitalization Area. This provision shall be deemed to substantially restate a similar provision dating back to County Ordinance 6-13-1988.

SECTION IV – APPLICATION FEE

- A. Fee Amount. Except as provided in Subsection (B), the Auditor shall assess and collect an Application Fee in the amount of Two Thousand Dollars (\$2,000.00) for each Designation Application and/or Deduction Application received or the maximum amount allowed by law, whichever is less.
- B. Fee Increase. If the Deduction Application concerns both a request for a personal property deduction and a real property deduction, the Application Fee in Subsection (A) shall instead be Two Thousand Five Hundred Dollars (\$2,500.00).
- C. Inclusion. The fee for a Designation Application includes a Deduction Application for the same target Economic Revitalization Area. The fee for a Deduction Application includes a Designation Application for the same target Economic Revitalization Area.
- D. Exclusion. Except with respect to Subsection (C), the Application Fee shall be in addition to any other fee or cost required (e.g., publication or mailing costs).
- E. Non-Refundable. The Application Fee shall be nonrefundable regardless of whether the Designation Application and/or Deduction Application is subsequently approved, disapproved, withdrawn, or otherwise disposed.
- F. Deposits. Any Application Fee collected shall be deposited into the General Fund.

SECTION V – APPLICATION

- A. Contents. Each Designation Application and/or Deduction Application shall contain:
 - 1. a legal description of any proposed Economic Revitalization Area;
 - 2. the plat, if any, in which any proposed Economic Revitalization Area is located;
 - 3. a map or survey of any proposed Economic Revitalization Area;
 - 4. the Application Fee and any other required fee; *and*
 - 5. any other materials required to be submitted under the Act.
- B. Format. Each Designation Application and Deduction Application shall be typewritten.

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- C. Applicable Law. Each Designation Application and Deduction Application shall be filed in accord with the Act and this ordinance.
- D. Where to File. Each Designation Application and Deduction Application shall be filed with the Auditor's Office.
- E. Rejection. Except upon leave by the Council in a rejection notice, if a Designation Application or Deduction Application should be rejected by the Council after a hearing thereon, no person or entity shall file a subsequent related application with respect to the proposed Economic Revitalization Area within the succeeding two (2) years.

SECTION VI – REPEAL OF PRIOR LAW

- A. Repeal. County Ordinances 3-12-1985, 6-13-1988, 3-13-89, 09-08-92, 1994-4-11, and 2006-3-13a are hereby repealed in their entirety. Ordinance 2000-3-6 remains repealed.
- 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 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 VII – 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. 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.

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- C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, 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. 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.
- F. Effective Date. This ordinance shall take effect immediately upon adoption.

Mr. Harold Gingerich 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. Ryan Riegsecker seconded the motion and it carried unanimously.

WHEEL TAX AND SURTAX

Mr. Kurt Bachman, County Attorney, explained that the Commissioners are working on increasing the buggy plate fees and have asked him to look at increasing the wheel and sur tax. Mr. Jeff Peters, Peters Franklin, LTD, explained that LaGrange County, along with the towns of LaGrange, Shpshewana, Topeka, and Wolcottville are responsible for the construction, reconstruction, repair, and maintenance of the streets and roads. The revenue generated from Surtax and Wheel tax may only be used for these responsibilities. Mr. Peters explained what the options are to increase in the tax and what funds could be generated.

Mrs. Tharon Morgan, County Engineer, presented the plans for the Highway Department for future years and the funding required for the work. Ms. Tinisha Weigelt, with Butler Fairman & Seufert, Inc., explained the asset management plan and what the goals are for the plan. Mr. Brad Stump with Butler Fairman & Seufert, Inc., explained that the County currently has an asset plan with the state. Butler Fairman & Seufert is working on a detail plan for the county and is assisting on how to reach the goals of the county.

Mr. Harold Gingerich made a motion to give the wheel tax and surtax increase a positive recommendation and to have a formal vote at the February 2023 County Council meeting. Mr. Ryan Riegsecker seconded the motion and upon roll call vote it carried unanimously.


ADJOURNMENT

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

/s/

Jeffrey L. Brill



Jeffrey A. Campos



Harold D. Gingerich

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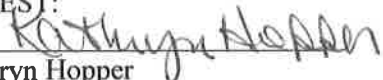

Steven E. McKowen


Ryan J. Riegsecker


Michael G. Strawser


James R. Young

ATTEST:


Kathryn Hopper
LaGrange County Auditor