

FEBRUARY 13, 2023

REGULAR SESSION

The LaGrange County Council met in Regular Session on Monday, February 13, 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 A. Campos, Harold D. Gingerich, Steven E. McKowen, Ryan J. Riegsecker, Michael G. Strawser, and James R. Young; and LaGrange County Auditor, Kathryn Hopper. Mr. Jeffrey L. Brill was available by remote. President, Mr. Mike Strawser brought the meeting to order and led the Pledge of Allegiance to the Flag.

AMENDMENTS TO THE SALARY ORDINANCE

The following Amendments to the Salary Ordinance were 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>10.557 WIC PC</u>	
8103-000-01-1020 Pccr Counselor	Up to 21 hours/ week
	Up to \$16.95/hour

- Adding 1 hour to PC line from 20 hours per week to 21
- Approved for WIC 2023-2024 fiscal year only and then reevaluated.
- Effective 02/13/2023

Mr. Jim Young made a motion to approve the Ordinance. Mr. Ryan Riegsecker seconded the motion and upon roll call vote it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Steven McKowen seconded the motion and upon roll call vote it carried unanimously.

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>COUNTY GENERAL – SUPERIOR COURT</u>	
1000-037-01-1210 Part Time	Up to \$23.63/hour
	Up to 21 hours/week

- Temporary Position
- Effective: 02/13/2023

Mr. Harold Gingerich made a motion to approve the Ordinance. Mr. Ryan Riegsecker seconded the motion and upon roll call vote it carried with Jim Young abstaining. Mr. Ryan Riegsecker made a motion to waive the requirement for second reading. Mr. Steven McKowen seconded the motion and upon roll call vote it carried with Jim Young abstaining.

AMENDMENT TO THE SALARY ORDINANCE FOR 2023

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

	REQUESTED
COUNTY GENERAL - SURVEYOR	
1000-006-01-1005 Secretary	Up to \$20.19/hour

- Drainage board pay is added into the salary since they do not meet at nights.
- Effective 01/01/2023

Mr. Ryan Riegsecker made a motion to deny the request at this time. Mr. Jeff Campos seconded the motion and upon roll call vote it carried unanimously.

ORDINANCE AMENDING AND RESTATING THE ANNUAL SURTAX AND WHEEL TAX

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2023-02-13

AN ORDINANCE AMENDING AND RESTATING THE ANNUAL SURTAX AND WHEEL TAX FOR MOTOR VEHICLES REGISTERED IN LAGRANGE COUNTY, INDIANA.

WHEREAS, pursuant to Acts 1980 P.L. 10, Sections 4 and 5, as codified in IC 6-3.5-4 and -5 (“Act”), an adopting entity may adopt an ordinance to impose a county vehicle excise tax and a county wheel tax in accordance with the Act on certain vehicles registered in the county and may further adopt an ordinance to increase the amounts of such taxes;

WHEREAS, pursuant to IC § 6-3.5-4-2(c), if a county uses a transportation asset management plan approved by the Indiana Department of Transportation (“INDOT”), the adopting entity may impose the surtax either: (1) at a rate of at least 2% and not more than 20%; or (2) at a specific amount of at least \$7.50 and not more than \$50.00;

WHEREAS, pursuant to IC § 6-3.5-5-2, if a county uses a transportation asset management plan approved by INDOT, an adopting entity may impose a wheel tax between \$5.00 and \$80.00;

WHEREAS, On January 3, 2023, INDOT issued a letter, which is hereby attached as Exhibit A, to confirm its approval of the County’s transportation asset management plan;

WHEREAS, pursuant to the Act, the surtax and wheel tax must be imposed concurrently;

WHEREAS, pursuant to the Act, the LaGrange County Council (“Council”) is the adopting entity for and on behalf of LaGrange County, Indiana (“County”);

WHEREAS, pursuant to County Ordinance 2014-06-09, the Council established an annual license surtax at a rate of 2% on certain vehicles registered in the County (“Surtax”) and an annual wheel tax of up to \$20.00 on certain vehicles registered in the County (“Wheel Tax”); *and*

WHEREAS, the County and the towns in the County need to increase the Surtax and Wheel Tax to continue to support the safe, all-weather operation of the County highway system.

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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 Vehicle Surtax and Wheel Tax Ordinance.”

SECTION II – DEFINITIONS; FINDINGS

- A. Recitals. The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.
- B. “Act” means Acts 1980 P.L. 10, Sections 4 and 5, as codified in IC 6-3.5-4 and -5.
- C. “INDOT” stands for the Indiana Department of Transportation.
- D. Incorporation. The definitions in or incorporated by the Act apply also to this ordinance.
- E. Utility. The Council hereby finds that the advantages to be derived from any effective increase and/or imposition of the Surtax and Wheel Tax, at least with respect to the County, outweigh their respective disadvantages.

SECTION III – SURTAX

- A. Amount. Effective January 1, 2024, each Vehicle registered in the County pursuant to the Act shall be subject to an annual Surtax in the amount of Fifty Dollars (\$50.00).
- B. Contingency. If the tax described in Subsection (A) would not otherwise be imposed, whether because the County’s Transportation Asset Management Plan is no longer deemed valid or for any other reason, each Vehicle registered in the County pursuant to the Act shall instead be subject to an annual Surtax in the amount of Twenty-Five Dollars (\$25.00).

SECTION IV – WHEEL TAX

- A. Amount. Effective January 1, 2024, each:
 - 1. Bus;
 - 2. Recreational Vehicle;
 - 3. Semitrailer;
 - 4. Trailer with a declared gross weight of more than 9,000 pounds; *and*
 - 5. Truck or Tractor with a declared gross weight of more than 11,000 pounds;

registered in the County pursuant to the Act shall be subject to an annual Wheel Tax in the amount of Eighty Dollars (\$80.00).

- B. Contingency. If the tax described in Subsection (A) would not otherwise be imposed, whether because the County’s Transportation Asset Management Plan is no longer deemed valid or for any other reason, each:
 - 1. Bus;
 - 2. Recreational Vehicle;
 - 3. Semitrailer;
 - 4. Trailer with a declared gross weight of more than 9,000 pounds; *and*
 - 5. Truck or Tractor with a declared gross weight of more than 11,000 pounds;

registered in the County pursuant to the Act shall instead be subject to an annual Wheel Tax in the amount of Forty Dollars (\$40.00).

- C. Exemption. A Bus, Recreational Vehicle, Semitrailer, Trailer, Truck, or Tractor is exempt from the Wheel Tax to the extent it qualifies for an exemption pursuant to the Act.

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SECTION V – REVENUES

- A. Deposit. The Treasurer shall deposit the Surtax revenues in the Surtax Fund. The Treasurer shall deposit the Wheel Tax revenues in the Wheel Tax Fund. The Treasurer shall cause the funds to be created to the extent they do not already exist.
- B. Allocation. Except as otherwise prescribed by applicable law, the Auditor shall allocate on a regular basis the money deposited in the Surtax Fund and the Wheel Tax Fund among the County and the towns in the County in accord with IC § 8-14-2-4(c)(1) through -(c)(3).
- C. Distribution. The Treasurer shall distribute to the County and to the towns in the county the money deposited in the Surtax Fund and the Wheel Tax Fund on a regular basis based on the allocations made by the Auditor. The Treasurer shall obtain a receipt for each distribution made pursuant to this subsection.
- D. Use Restrictions. Except as otherwise restricted by applicable law, all Surtax and Wheel Tax revenues shall be used only as otherwise allowed by applicable law.

SECTION VI – REPEAL OF PRIOR LAW

- A. Repeal. Effective January 1, 2024, County Ordinance 2014-06-09 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 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 – PROMULGATION

- A. Authorization. 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.
- B. BMV. On or before September 1, 2023, the Auditor shall send to the Bureau of Motor Vehicles, as prescribed thereby, a copy of both this ordinance and the letter in Exhibit A.
- C. DOR. On or before September 1, 2023, the Auditor shall send to the Indiana Department of Revenue a copy of both this ordinance and the letter in Exhibit A.

SECTION VIII – 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. Effective Date. This ordinance shall take effect immediately upon adoption in accord with applicable law.

Mr. Steven McKowen made a motion to approve the Ordinance. Mr. Jim Young seconded the motion and upon roll call vote it carried unanimously. Mr. Ryan Riegsecker made a motion to waive the requirement for second reading. Mr. Jeff Campos seconded the motion and upon roll call vote it carried unanimously.

BUILDING DEPARTMENT – VEHICLE PURCHASE

Mr. Jason Boggs, Building Commissioner, explained that he has \$30,000 budgeted in 2023 budget for a new vehicle. The mid-range trucks that he has looked at are running more than that and are hard to come by. He may need to go with a full-size truck. He is requesting up to \$55,000 for a new vehicle. The Council requested that an additional appropriation of \$20,000.00 be advertised for the March meeting.

LAGRANGE COUNTY REDEVELOPMENT COMMISSION APPOINTMENTS

Mrs. Sherri Johnston was appointed in January 2023 as an appointee to the LaGrange County Redevelopment Commission and has resigned. Mr. Steven McKowen made a motion to appoint Mr. Jim Young to the LaGrange County Redevelopment Commission. Mr. Harold Gingerich seconded the motion and upon roll call vote it carried with Jim Young abstaining.

ALCOHOLIC BEVERAGE BOARD APPOINTMENT

Mr. Jim Young nominated Donita Brill to the Local Alcoholic Beverage Board. Mr. Ryan Riegsecker nominated Zack Stoltzfus to the Local Alcoholic Beverage Board. Mr. Jim Young made a motion to close the nominations. Mr. Ryan Riegsecker seconded the motion and upon roll call vote it carried with Jeff Brill and Steve McKowen abstaining.

A roll call vote was held, and Donita Brill was appointed to the board by a vote of 4 to 1 with two abstaining.

LAGRANGE COUNTY COMMUNITY FOUNDATION

Mrs. Kathryn Hopper, County Auditor, informed the Council that the LaGrange County Community Foundation has \$36,597 available to grant in 2023 from the endowment fund. The money can be moved to the endowment portion of the fund, can be left in the fund or a check may be issued for deposit in the Hospital Trust fund. Mr. Harold Gingerich made a motion to have a check issued. Mr. Jim Young seconded the motion and it carried unanimously.

RESOLUTION TO TRANSFER FUNDS

Mr. Mike Strawser read the following Resolution to Transfer Funds:

RESOLUTION TO TRANSFER FUNDS

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BE IT HEREBY RESOLVED THAT the following increases and decreases be made in order to meet the expenses of the units of government for the year 2023.

	<u>DECREASE</u>	<u>INCREASE</u>
<u>LIT – ECONOMIC DEVELOPMENT</u>		
1112-000-04-4900 Capital Improvement Projects	93,154.07	
1112-000-04-4031 Health Dept Building – Improvements		13,154.07
1112-000-04-4032 Land Purchase – McCoy property		80,000.00
<u>IMMUNIZATION DONATION</u>		
4105-000-02-2011 Promotional Supplies	1,500.00	
4105-000-04-4010 Equipment		1,500.00

Mr. Jim Young made a motion to approve the Resolution. Mr. Jeff Campos seconded the motion and upon roll call vote it carried unanimously.

ADDITIONAL APPROPRIATIONS

Mr. Mike Strawser presented the following Ordinance of Additional Appropriations:

ORDINANCE OF ADDITIONAL APPROPRIATIONS

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget, now THEREFORE:

Sec 1: Be it ordained by the LaGrange County Council, LaGrange, Indiana, that for the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named for the purposes herein specified, subject to the laws governing the same.

	<u>REQUESTED AMOUNT</u>
<u>LIT – ECONOMIC DEVELOPMENT</u>	
1112-000-04-4030 2023 Road Projects	5,500,000.00
<u>AMERICAN RESCUE PLAN ACT</u>	
8950-000-04-4028 Generators	349,909.00
8950-000-04-4027 2023 Road Projects	5,500,000.00

Mr. Harold Gingerich made a motion to approve \$2,500,000 for 2023 road projects out of the LIT-Economic Development fund and \$3,000,000 for 2023 road projects out of the American Rescue Plan Act fund and the additional appropriation of \$349,909 out of the American Rescue Plan Act as presented. Mr. Jim Young seconded the motion and upon roll call vote it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Jim Young seconded the motion and upon roll call vote it carried unanimously.

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LEGAL CLAIMS

Mr. Harold Gingerich presented the legal claims in the amount of \$23,374 for December 2022 from Beers Mellers. Mr. Harold Gingerich made a motion to approve. Mr. Jim Young seconded the motion and upon roll call vote it carried unanimously.

MINUTES

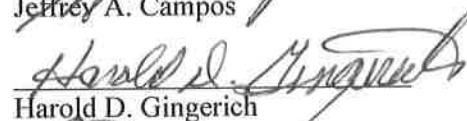
Mr. Ryan Riegsecker made a motion to approve the January 9, 2023, regular session minutes. Mr. Jim Young seconded the motion and upon roll call vote it carried unanimously.

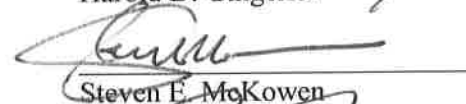
ADJOURNMENT

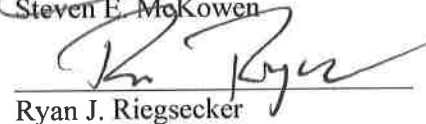
There being nothing further to come before the Board at this time, Mr. Jim Young made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

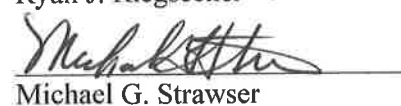

Jeffrey L. Brill

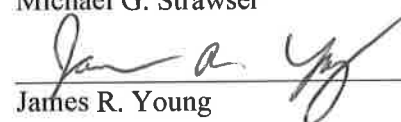

Jeffrey A. Campos


Harold D. Gingerich

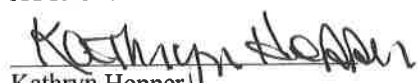

Steven E. McKowen


Ryan J. Riegsecker


Michael G. Strawser


James R. Young

ATTEST:


Kathryn Hopper
LaGrange County Auditor