

SEPTEMBER 16, 2019

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, September 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 and Mr. Terry A. Martin, and LaGrange County Auditor, Kathryn Hopper. Mr. Dennis H. Kratz was absent. 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. Larry Miller seconded the motion and it carried unanimously.

NUISANCE ISSUE – GENE NEELY 3445 S 1145 E, LAGRANGE, INDIANA

Mr. Kurt Bachman, County Attorney, explained that the nuisance issue is on the agenda for review today. Mr. Terry Martin made a motion to set a hearing on October 21, 2019 at 8:30 a.m. Mr. Larry Miller seconded the motion and it carried unanimously.

COUNTY ENGINEER

Mr. Kurt Bachman, County Attorney, presented an agreement between Aerotek E & E and the County of LaGrange for the recruitment of a County Engineer. Mr. Terry Martin made a motion to approve the agreement and to authorize the President to sign. Mr. Larry Miller seconded the motion and it carried unanimously.

ORDINANCE CONVEYING EXPLICIT AUTHORITY TO ACCEPT RIGHT-OF-WAYS OUTSIDE A PUBLIC MEETING

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

COUNTY OF LAGRANGE

ORDINANCE NO. 2019-09-16

AN ORDINANCE CONVEYING EXPLICIT AUTHORITY TO ACCEPT RIGHT-OF-WAYS OUTSIDE A PUBLIC MEETING.

WHEREAS, the Board of Commissioners of County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”) desire to create a process to convey clear authority to approve a dedication of land outside a public meeting of the Commissioners;

WHEREAS, a person may desire to dedicate land to the public at any time;

WHEREAS, pursuant to IC § 36-7-3-3(c), before a person offers a plat for recording, the person must acknowledge it before an officer authorized by law to take and certify acknowledgments of deeds;

WHEREAS, pursuant to IC § 36-7-3-3(d), before a person offers a plat for recording, the person must submit it for the approval of the County’s Advisory Plan Commission; *and*

WHEREAS, pursuant to IC § 36-1-3-4(b)(2), the County has all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute.

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

SECTION I

- A. A County Commissioner who serves on the Plan Commission may acknowledge and accept a dedication of a plat, street, alley, right-of-way, park, public ground, or other parcel of real property on behalf of the County as a whole outside a meeting of the Commissioners.
- B. The County Commissioner described in this section may execute any document, including a certificate of acknowledgment, that is necessary or proper to carry out the purposes of this ordinance.

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- C. Nothing in this ordinance shall be construed to limit an acceptance of real property by other means including informal acceptance under the common law.
- D. Nothing in this ordinance shall be construed to have any bearing on whether or not previous action taken by a County officer constituted an acceptance of real property.

SECTION II

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, program, department, commission, office, 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 ordinance to a public servant, department, office, 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. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion and it carried unanimously.

ORDINANCE REPEALING PRIOR ORDINANCES RELATING TO FLOODPLAINS

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

COUNTY OF LAGRANGE

ORDINANCE NO. 2019-09-16A

AN ORDINANCE REPEALING PRIOR ORDINANCES RELATING TO FLOODPLAINS.

WHEREAS, the Board of Commissioners of County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”) desire an efficient County government;

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WHEREAS, the Commissioners recently amended its Zoning Ordinance to update its floodplain regulations;

WHEREAS, the Commissioners find that there are other floodplain ordinances from 30 years ago that substantially mirror the respective chapter of the zoning ordinance;

WHEREAS, the 1989 floodplain ordinances can be properly considered extraneous;

WHEREAS, the zoning ordinance requires comparing multiple ordinances to determine which guidelines are more stringent;

WHEREAS, the Commissioners find that such comparisons would largely amount to a waste of time given the similarity of the provisions.

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

SECTION I

- A. LaGrange County Ordinance 1989-8-21 and its amendatory ordinance 1989-12-4, collectively and commonly known as the Lagrange County Floodplain Management Ordinance, are hereby repealed in their entirety. Nothing in this repeal is to affect or diminish any similar provision in the LaGrange County Zoning Ordinance.
- B. LaGrange County Resolution 1978-6-3 regarding flood insurance is hereby repealed in its entirety. Nothing in this repeal is to affect or diminish any similar provision in LaGrange County Resolution 1989-7-5.

SECTION II

- D. 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.
- E. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion and it carried unanimously.

JOINT ORDINANCE AMENDING THE PERSONNEL POLICY HANDBOOK

Mr. Kurt Bachman, County Attorney, explained that the County Council has passed the following ordinance and now it is coming before the County Commissioners for consideration:

COUNTY OF LAGRANGE

JOINT ORDINANCE NO. 2019-09-16B

AN ORDINANCE AMENDING THE PERSONNEL POLICY HANDBOOK

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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 January 1, 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 2018-10-09 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 September 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 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. Terry Martin made a motion to approve the Joint Ordinance. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion and it carried unanimously.

RECORDER – PURCHASE OF CABINET FOR PLATS

Mrs. Jennifer McBride, County Recorder, explained that she would like to file plats in cabinets in order to preserve them. The cost would be approximately \$14,388.15 and would be paid out the Recorder's Perpetuation Fund.

INFORMATION TECHNOLOGY – PURCHASE OF PANIC BUTTONS AND RECORDING EQUIPMENT

Mr. Bob Murphy, Information Technology Director, presented a quote for panic buttons for each department in the County Justice Building, in the amount of \$2,161.31 that would be paid for out of his budget. Mr. Terry Martin made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

Mr. Murphy presented a quote for recording equipment for the two courtrooms in the amount of \$10,703.15 that would be paid for out of his budget. Mr. Terry Martin made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – PURCHASE OF DESKS

Mr. Bob Murphy, Information Technology Director, presented a quote for three new desks for his department in the amount of \$5,519.97 that would be paid for out of his budget. Mr. Terry Martin made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

SHERIFF – GRANT APPLICATION REQUEST

Mr. Jeff Campos, County Sheriff, requested permission to apply for a grant from the LaGrange County Community Foundation. The grant would be for \$8,033.00 and would supply all LaGrange County law enforcement officers with a tactical medical bag with supplies in case of a mass incident or for everyday use. Mr. Terry Martin made a motion to approve applying for the grant. Mr. Larry Miller seconded the motion and it carried unanimously.

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2020 COMMISSIONER MEETINGS

Mr. Terry Martin made a motion to approve the 2020 Commissioner meeting schedule. Mr. Larry Miller seconded the motion and it carried unanimously.

HIGHWAY – PURCHASE OF SALT SPREADER

Mr. Randy VanWagner, Highway Superintendent, presented three quotes for a salt spreader. The lowest quote is from Tri State Line-X & Accessories in the amount of \$7,561.84 which includes installation. Mr. Terry Martin made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

SUBDIVISION PLAT

The following subdivision plat was presented for approval:

Prairie View Subdivision

There is one lot in this subdivision, in Clay Township, located at 1930 S 300 W, LaGrange. Section 33, Township 37N, Range 9E. The owners are Freeman and Marilyn Bontrager. Mr. Terry Martin made a motion to approve the plat. Mr. Larry Miller seconded the motion 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. Larry Miller seconded the motion and it carried unanimously.

AUGUST 2019 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending August 31, 2019, in the amount of \$26,369,329.93 and investments of \$22,047,000.00. Mr. Terry Martin made a motion to accept the report. Mr. Larry Miller seconded the motion and it carried unanimously.

MINUTES

Mr. Terry Martin made a motion to approve the minutes of the September 3, 2019 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Terry Martin made a motion to approve the memorandum for the September 11, 2019 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

CORRESPONDENCE


LaGrange County Clerk of the Circuit Court – August 2019 report

LaGrange County Treasurer – August 2019 report

Indiana Department of Environmental Management – Receipt of Air Permit Application, Rock Run Industries LLC, 11635 W CR 600 S, Millersburg, Indiana, Permit Number 087-41881-00072

ADJOURNMENT

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


Larry N. Miller


Terry A. Martin


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Absent

Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor