

FEBRUARY 17, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, February 17, 2020, 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. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry A. Martin was absent. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Dennis Kratz made a motion to adopt the proposed agenda with flexibility. Mr. Larry Miller seconded the motion and it carried unanimously.

JOINT ORDINANCE CREATING A GEOGRAPHIC INFORMATION SYSTEM (GIS) AND ELECTRONIC MAP FUND
Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-02-17

A JOINT ORDINANCE CREATING A GEOGRAPHIC INFORMATION SYSTEM (GIS) AND ELECTRONIC MAP FUND AND AUTHORIZING THE GIS COORDINATOR TO CHARGE FEES FOR GIS SERVICES.

WHEREAS, the Board of Commissioners of County of LaGrange ("Commissioners") and the LaGrange County Council ("Council"), on behalf of LaGrange County, Indiana ("County") desire to develop and implement an efficient, coordinated, and technologically up-to-date Geographic Information System ("GIS");

WHEREAS, the Commissioners and Council desire to make the GIS system generally accessible to the public under standardized reasonable usage rules and applicable law;

WHEREAS, in accord with IC § 4-23-7.3-20, the Commissioners maintain the right to control the sale, exchange, and distribution of any GIS data or framework data;

WHEREAS, the Commissioners and Council desire to implement measures to protect the GIS data from improper use or dissemination by users, as well as to protect the County from liability for any errors or discrepancies that may be contained in the GIS data;

WHEREAS, pursuant to IC § 5-14-3-2, GIS electronic maps are copyrightable;

WHEREAS, pursuant to IC § 5-14-3-8(j), subject to approval of the County Council, the Commissioners and Council may charge a uniform, reasonable fee for providing such maps;

WHEREAS, pursuant to IC § 5-14-3-8.5, the Council shall establish an electronic map generation fund to the extent it collects any map fees;

WHEREAS, pursuant to IC § 36-1-3-4, the County has all other powers necessary or desirable in the conduct of its affairs; *and*

WHEREAS, the Commissioners and Council desire to amend (repeal and restate) the prior GIS Ordinance to reflect a recent realignment in County administration.

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:

ARTICLE I

SECTION I

The Commissioners and the Council hereby repeal, in full, County Ordinance 2019-07-08.

SECTION II

This ordinance shall be known as the LaGrange County GIS Ordinance.

ARTICLE II

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SECTION I

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.

- “Electronic map” means copyrighted data produced by the County’s GIS.
- “Geographic Information System,” or “GIS,” means the system maintained by the County pursuant to this ordinance.
- “GIS Electronic Map Fee Schedule,” or “Fee Schedule,” means the document that contains the list of map fees.
- “Map fee” means a uniform and reasonable fee based on the County’s cost of maintaining, upgrading, and enhancing an electronic map and its intrinsic GIS equipment and for the direct cost of supplying an electronic map in the form requested by a user.
- “Office” refers to the LaGrange County GIS Office, as further described by this ordinance.
- “User” means an individual or entity who makes a request of the Office for an electronic map; the term includes such person’s legal representatives, agents, and assigns, and, if the person is acting in an agency capacity, the person’s principal.

SECTION II

- A. There is hereby created in the County a GIS Office, which shall be administered by the GIS Coordinator, subject to full oversight by the Director of Information Technology.
- B. The Commissioners may close the Office at any time for any reason by motion.
- C. The goal for the Office is to create a depository of geographical data that is related to various essential County functions and that is a generally convenient resource available for inspection by personnel and users.
- D. The Council shall prudently provide for, maintain, upgrade, and enhance the Office equipment and infrastructure in consideration of the goals of the Office.
- E. The Commissioners hereby delegate to the GIS Coordinator all powers necessary to administer this ordinance in accord with applicable law and subject to full oversight by the Director of Information Technology. The GIS Coordinator may delegate all powers and duties received hereby to an authorized assistant, as appropriate, while retaining full responsibility therefor.

SECTION III

- A. Except as the County may independently agree to the contrary, the County reserves all title, ownership, and intellectual property rights, including copyright, that may exist or be created with an electronic map.
- B. All electronic maps are for personal use only and shall not be used for commercial or political purposes.
- C. All publications, whether printed or electronic, using any electronic map must include a prominent copyright notice, such as: “Copyright, [YEAR], LaGrange County, Indiana.”
- D. By requesting an electronic map from the Office, each user agrees that he or she:
 - 1. recognizes the County’s intellectual property rights to its electronic maps;
 - 2. will not sell, share, or sublicense the electronic map with another person;
 - 3. will maintain the electronic map in a secure environment;
 - 4. will notify the County upon becoming aware that a third-party has obtained the user’s electronic map; *and*
 - 5. will destroy or return the electronic map to the Office after its disuse.
- E. No person who receives an electronic map from a third person shall use the electronic map.
- F. With respect to a violation of this section or the County’s intellectual property rights:
 - 1. a violator may be liable to the County for the infringement of its intellectual property;
 - 2. the GIS Coordinator may refuse service to a violator until the person has satisfactorily resolved the matter with the Commissioners and provided proof thereof; *and*
 - 3. if the County is in a contract or agreement with a violator, the County may terminate such, and the violator shall not be entitled to any refund for any map fee paid.

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SECTION IV

- A. The Commissioners make the following general disclaimer regarding electronic maps:
1. an electronic map is a representation or copy of an original data source of geographic information and does not constitute a recorded map, survey, or legal document;
 2. an electronic map is for reference only, and no user should use or rely on the electronic map for any reason;
 3. all electronic maps are provided on an "as is" basis;
 4. the County expressly disclaims any and all liability of any nature whatsoever arising out of any use of an electronic map by any person or entity; *and*
 5. the County makes no representation, guarantee, or warranty whatsoever regarding the electronic map including, but not limited to, that the electronic map is accurate, complete, correct, or fit for a particular purpose or use.
- B. By requesting an electronic map from the Office, each user acknowledges the disclaimer provided in this ordinance and agrees to defend, release, indemnify, and save and hold harmless the County and its officers, agents, and employees from any and all causes of action, claims, damages, demands, liabilities, losses, costs, expenses, legal fees, judgments, or other legal, equitable, or administrative proceedings of any kind whatsoever that in any way arises out of, or relates to, directly or indirectly, the actions or omissions of any person or entity in connection with any use of an electronic map, whether such use is authorized or unauthorized.

SECTION V

- A. The Commissioners and the Council hereby approve the GIS Electronic Map Fee Schedule and the map fees contained within, as found in Exhibit A of this ordinance, which is hereby incorporated by reference.
- B. The Commissioners and the Council find the map fees in the Fee Schedule to be the fair, reasonable, and equitable costs of the services provided.
- C. The map fee shall be in addition to any other fee provided by law.
- D. The GIS Coordinator shall charge and collect the map fee in accord with the Fee Schedule.
- E. The GIS Coordinator may waive a map fee related to journalistic or academic research purposes or for a government or non-profit user for non-commercial, non-political uses.
- F. The GIS Coordinator may require the map fee to be paid before any services are rendered.
- G. The GIS Coordinator shall keep an account of any fees collected and then remit the money to the Auditor who shall deposit the money in the Electronic Map Generation Fund.
- H. The GIS Coordinator may periodically update the map fees in the Fee Schedule, subject to Commissioner and Council review.
- I. The GIS Coordinator may extrapolate from the Fee Schedule appropriate map fees to assess for alternate electronic map production sizes that the Office can produce.
- J. If a user should request a format for a copy of the map that is not readily compatible with the GIS (such as an email copy of a file that exceeds County size limitations), the GIS Coordinator shall prepare a fee estimate for the user, indicating the costs of the professional services that would be required to render the service.

SECTION VI

- A. The GIS Coordinator may create and require a form for all electronic map requests.
- B. The GIS Coordinator shall add to any electronic map request form that he or she may develop the general substance of the acknowledgment and indemnification statement in this ordinance.
- C. The GIS Coordinator should endeavor to prominently display the County's Copyright notice on the County's electronic maps.
- D. The GIS Coordinator shall post either on the electronic map or in a prominent place in the Office the general substance of the following items in accord with this ordinance:
1. the notice of copyright regarding electronic maps;
 2. a warning regarding the consequences of a copyright violation;
 3. the general disclaimer regarding electronic maps; *and*

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4. the Fee Schedule.

- E. Whenever the GIS Coordinator should update the map fees in the Fee Schedule, the GIS Coordinator shall forward two copies of the updated Fee Schedule to the Auditor.

ARTICLE III

- A. Definitions. The definitions contained in the GIS Ordinance shall apply to this article.
- B. (Re-)Establishment. The Auditor shall reestablish the Electronic Map Generation Fund ("Fund") into which shall be deposited all map fees collected by the Auditor. All money in the Fund pursuant to a prior ordinance shall remain in the Fund.
- C. Purpose. Money in the Fund shall be used for GIS purposes, including, but not limited to: maintaining, upgrading, and enhancing the County's electronic maps; reimbursement of expenses incurred by the Office in supplying electronic maps to users; GIS Coordinator training; GIS educational activities produced by the GIS Coordinator; and administrative and other incidental expenses of the Fund or the Office.
- D. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.
- E. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- F. Restrictions. No money in the Fund shall be used for salaries.
- G. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

ARTICLE IV

SECTION I

- 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, 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, 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. 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, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. 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.
- E. 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.
- F. Effective Date. This ordinance shall be effective upon adoption.

Mr. Dennis Kratz made a motion to adopt the Ordinance. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion and it carried unanimously.

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ORDINANCE REPEALING PRIOR HORSESHOE ORDINANCES

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-02-17 A

AN ORDINANCE REPEALING PRIOR HORSESHOE ORDINANCES.

WHEREAS, the Board of Commissioners of County of LaGrange, on behalf of LaGrange County, Indiana, no longer desire to directly regulate horseshoes at this time.

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

- A. LaGrange County Ordinances 1988-06-07 and 1988-12-06, collectively and commonly known as the Horseshoe Ordinance, are hereby repealed in their entirety.
- B. 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, or any other portion thereof, 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. Larry Miller made a motion to adopt the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Larry Miller made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

COMPREHENSIVE PLAN

Ms. Octavia Yoder, LaGrange County Community Foundation Executive Director, was present. She explained that the LaGrange County Community Foundation (LCCF) would like to support a new county-wide comprehensive plan and will contribute \$100,000 toward the project, through the Lilly Endowment initiative. The last comprehensive plan was completed in 2005 and updated in 2010. Most plans cost between \$150,000 to \$250,000. Region III-a would be the third part to manage the project, for a fee of \$15,000. Ms. Yoder anticipates receiving grants in the amount of \$20,000, and other funding in the amount of \$20,000. The amount from the County would be \$60,000. Ms. Yoder would like to have a letter of support from the County to begin the project. Mr. Dennis Kratz made a motion to table the matter until the March 2, 2020 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

HEALTH DEPARTMENT – ROOF INSULATION

Mr. Gary Mast, Maintenance Director, presented quotes for insulating the Health Department roof. The lowest quotes is from Shetler Construction in the amount of \$3,300. Mr. Dennis Kratz made a motion to approve the quote. Mr. Larry Miller seconded the motion and it carried unanimously.

PARK – ARCHERY TARGETS

Mr. Thomas Miller, Park Director, presented a quote for archery targets for Pine Knob Park in the amount of \$4,501.98. Mr. Dennis Kratz made a motion to approve the quote. Mr. Larry Miller seconded the motion and it carried unanimously.

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PARK – VEHICLE PURCHASE

Mr. Thomas Miller, Park Director, presented a quotes for a 2020 Chevrolet Silverado truck. The lowest quote for a half cab truck is \$34,797.53, and the quote for a full cab truck is \$36,600.00. Mr. Dennis Kratz made a motion to approve the quote for the full cab truck in the amount of \$36,600. Mr. Larry Miller seconded the motion and it carried unanimously.

SHERIFF – TRAFFIC CONTROL SIGNS

Mr. Jeff Campos, County Sheriff, was present. He would like to purchase two traffic control signs in the amount of \$3,715 each out of the LIT–Public Safety fund. Mr. Dennis Kratz made a motion to approve the purchase of the signs. Mr. Larry Miller seconded the motion and it carried unanimously.

SHERIFF – CANINE

Mr. Jeff Campos, County Sheriff, was present. He would like to purchase a canine in the amount of \$6,900 each out of the Canine Donation fund. In 2018 a member of the community donated money to be used for this purchase. Mr. Dennis Kratz made a motion to approve the purchase of a canine. Mr. Larry Miller seconded the motion and it carried unanimously.

HIGHWAY - PNEUMATIC ROLLER PURCHASE

Mr. Ben Parish, Highway Supervisor, presented three quotes for a pneumatic wheel roller. The lowest quote is from Southeastern Equipment Company in the amount of \$82,500. Mr. Dennis Kratz made a motion to approve the purchase of the wheel roller from Southeastern Equipment Company. Mr. Larry Miller seconded the motion and it carried unanimously.

HIGHWAY - ASPHALT ROLLER PURCHASE

Mr. Ben Parish, Highway Supervisor, presented three quotes for an asphalt roller. The lowest quote is from Southeastern Equipment Company in the amount of \$38,525. Mr. Dennis Kratz made a motion to approve the purchase of the wheel roller from Southeastern Equipment Company. Mr. Larry Miller seconded the motion and it carried unanimously.

HIGHWAY - PERSONNEL CHANGE

Mr. Ben Parish, Highway Supervisor, requested permission to hire an administrative assistant for the Highway Department. Mr. Dennis Kratz made a motion to approve the flow chart for the Highway Department and the job description for the administrative assistant. Mr. Larry Miller seconded the motion and it carried unanimously.

SUBDIVISION PLATS

The following subdivision plats were presented for approval:

Emma Creek Estates

There are two lots in this subdivision, in Newbury Township, located at 1465 S 700 W, Topeka. Section 36, Township 37N, Range 8E. The owners are Joe & Marilyn Otto. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

Bontrager Pines

There is one lot in this subdivision, in Clay Township, located at 2355 N 500 W, Shipshewana. Section 8, Township 37N, Range 9E. The owners are Daniel & Betty Bontrager. Mr. Dennis Kratz made a motion to approve the plat. Mr. Larry Miller seconded the motion and it carried unanimously.

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ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Dennis Kratz made a motion to approve the vouchers. Mr. Larry Miller seconded the motion and it carried unanimously.

JANUARY 2020 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending January 31, 2020, in the amount of \$26,843,635.04 and investments of \$23,347,000. Mr. Dennis Kratz made a motion to accept the report. Mr. Larry Miller seconded the motion and it carried unanimously.

MINUTES

Mr. Dennis Kratz made a motion to approve the February 3, 2020 regular meeting minutes. Mr. Larry Miller seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the February 12, 2020 meeting. Mr. Larry Miller seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – January 2020 report
LaGrange County Treasurer – January 2020 report
Notice of Public Hearing – Jerry & Debra Lange, 0525 E 680 S, Wolcottville, Indiana
Indiana Department of Environmental Management – Notice of Approval, Artistic Dream, 3925 N 850 W,
Shipshewana, IN, MSOP administrative Amendment, Permit Number 087-42246-00694

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. Larry Miller seconded the motion and it carried unanimously.

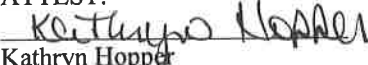


Larry N. Miller

Absent
Terry A. Martin


Dennis H. Kratz

ATTEST:



Kathryn Hopper
LaGrange County Auditor