



BOARD OF COMMISSIONERS

LAPORTE COUNTY

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Marlow Harmon, President

William Hager

Barbara Huston

LAPORTE COUNTY BOARD OF COMMISSIONERS

TUESDAY, SEPTEMBER 6, 2005

The LaPorte County Board of Commissioners met in a regular session on Tuesday, September 6, 2005 at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

Present at the meeting were Commission President Marlow Harmon, Commission Vice President William Hager, Commission Member Barbara Huston. Also, present were LaPorte County Auditor Teresa Shuter, LaPorte County Attorney Robert Szilagy and Recording Secretary Linda Arnett.

Commissioner Harmon called the meeting to order at 6:00 p.m...

WELCOME AND PLEDGE OF ALLEGINANCE

Commissioner Harmon, Mr. Metheny would you lead us in the Pledge of Allegiance.

Mr. Metheny let the Pledge of Allegiance.

Mr. Harmon, would you all please remain standing for a moment of silent prayer for the folks down in the New Orleans area.

APPROVAL OF AGENDA

Mr. Harmon, we need to remove from the agenda is under "New Business" section A. Hazmat Coordinator, hiring of an assistant. Mr. Hager, made a motion to approve the agenda as amended, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

APPROVAL OF MINUTES

Mr. Hager, made a motion to approve the minutes of August 19, 2005 as submitted, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

WEEKLY REPORTS

The Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Mr. Hager, made a motion to approve Miscellaneous Claims in the amount of \$798,532.42, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

PAYROLL

Mrs. Huston, made a motion to approve Payroll ending September 9, 2005, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

COORESPONDENCE

Art Kemp, General Insurance Services

Mr. Kemp, I have submitted plan proposals for plan changes for the 2006 plan year., all three plans are good for the employees. All three changes I believe are positive in terms of the impact on the employee's in terms of how we are going to pay claims in the future and secondly it will hold down the cost of the plan and hold down employee contributions as well.

Mr. Hager, we went over the plans and my concern was that the employees were not going to have to pay more and Mr. Kemp assured me that this would not happen.

Mr. Harmon, this would be a saving to the county of \$363,000.00.

Mr. Kemp, yes with these three changes it would be a savings of \$363,000.00. The three changes are Plan (1) elimination of plan 1 and the addition of a high deductible health plan with a Health Savings Account (2) Addition of the AHDI Endorsed Provider Program and (3) Change in the prescription drug co-pay.

Mr. Hager, made a motion to approve, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

REQUESTS

Kankakee Township Fire Department, Request for Road Closings

Mr. Harmon, Kankakee Township Fire Department this is an Annual Event of the Firefighter's Ball on Saturday, September 10 2005 and have requested road closings.

Mrs. Huston, made a motion to approve this request, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Property Donation Chicago Street, Michigan City /Wall Gang, Inc

Mr. Harmon, I thank you all for coming out tonight we have been diligently working to try to find how we can deal with this problem. There are seven or eight pieces of property over there and has an alley going thru it which has appraised out and we just got the appraisal back today, so we are just looking at them ourselves. The appraisal prices would not allow us to donate the property to you, so we have had to do some mathematical work here and what we can do is there are four pieces of property on Chicago Street it's lots 20, 21, 22, & 23 we fell that we can go ahead that is about 200 foot frontage on Chicago Street roughly 90 feet on each piece of property we can work out something to donate that property to you. We are not totally prepared totally to give it to you tonight but we can make a motion if the board sees fit that you will receive those pieces of property as soon as we take care of all the legalities taken care of on it.

Mr. Yagelski, LaPorte County Councilmen, we have been working on this project for a year now, Scott, TJ Heisman and Steve Moore. I would like to mention here ahead of time I would like to speak of the Commission and the Council, I would like to thank them for what a great job the Wall Gang has done bringing the "Wall" in there and making LaPorte County proud citizens of this area and for all the fine work that they have done here and the fund raising goals that they have set forth. We looked at all of the properties and we thought this would be a great property because of the fact that Steve Moore has his garage right there and he has been an active in the community and the citizens we asked around there thought that would be a positive for the area. Also, they mentioned they would be willing to work with neighborhood cleanup type thing, also work with projects like Thanksgiving or Christmas baskets for the neighborhood around there for that is generally

a poor area. It has been about a year and I had to explain how slowly government works but I would like to thank the Commissioners and I appreciate you taking time for this on your agenda.

Mr. Hager, I want to thank the Wall Gang for everything that they are doing when someone in need out there, they do a tremendous job.

Mr. Harmon, we will continue to keep our attorney busy and we will get it to where we can turn the property over to you. Mr. Moore are you the contact person?

Mr. Moore, yes that would be fine.

Mr. Hager, made a motion to donate the property on Chicago Street lots 20,21,22 & 23 to the The Wall Gang, Inc. based in Michigan City, second by Mrs. Huston.

Mr. Yagelski, one final comment that is important, they are a 501-C charitable organization.

Motion carried with a roll-call vote 3-0.

16th Annual Door Village Harvest Festival, Request for Road Closing

Mr. Harmon, this is an annual event and they are asking for a road closing, the festival is September 10th & 11th they are request Joliet Road to 400 West be closed from 9:00a.m. till 3:00 p.m. each day.

Mrs. Huston, made a motion to approve the request, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

OLD BUSINESS

Robert Szilagyi, Ordinance to Amend the LaPorte County Zoning Subdivision Control Master Plan, Second and Final Reading

Mr. Hager, I am not in favor of this at this time. I think the three commissioners and the attorney need to set down and go over this and fine tune it.

Mr. Harmon, Mrs. Huston do you have any comments?

Mrs. Huston, no.

Mr. Harmon, at this time we have an ordinance before us on second and final reading by title only, unless there are any objections, hearing no objections the ordinance to amend the LaPorte County Zoning Subdivision Control Master Plan. You have heard the ordinance on second and final reading.

Mrs. Huston, made a motion to adopt, second by the Chairmen Mr. Harmon.

Mr. Harmon, questions or comments on the motion? I would like to say the Planning Commission has reviewed this for a second time from when the Commissioners originally looked at it and sent it back to them, they have put a lot of hours and time in correcting a lot of the problems that had created problems for people out in the county. We have had a lot of input from people out in the county and everybody seems to be quite satisfied of how the amendment has turned out and that is the reason it has been sent on to the Board of

Commissioners for approval. Mr. Hamilton, do you want to make any comments at this time?

Mr. Hamilton, no sir.

Mr. Harmon, anyone from the public wish to speak at this time? Mr. Janatik.

Mr. Janatik, 8656 West 425 South, LaPorte, Indiana and that is New Durham Township and Coolspring Township. Commissioner Hager I thank you very much for the opportunity to extend our input or for the public to have input on this. If I can go back Mr. Chairmen, when I believe we are on the seventh proposal on this changes or amendments on the master plan which is the ordinance for the LaPorte County Building restrictions and how to build in the county. The Plan Commission meeting that was held on Tuesday, June 28th the seventh proposal came out seven (7) days before that I had asked at this same podium to the attorney at that time why only seven (7) days before that to review this proposal and the answer was quote-unquote I was too busy to get it prepared before that time, state law recommends 10 days to review this proposal. We did not have the ten (10) days to review it, I had asked the Chairmen of the Board Ed Koget what was your hurry, he said there was no hurry but no sooner than that, the members of the board that night passed it with very little input from the public and very little answers from the attorney, who always does the answering for the members of the board. So, tonight I ask what is the proper procedure for public notice, it is to be printed in the largest news papers which is the News-Dispatch or the Herald-Argus the first reading I have not found advertised, was it ever published?

Mr. Harmon, it was advertised as we as the law tells us to advertise. When this was done before the public hearing of this ordinance and was made at the Plan Commission, that is the level that the public hearings are, the public hearings are not here in front of the Board of Commissioners.

Mr. Janatik, I have stand and correct you on that.

Mr. Harmon, do you have any comments on the ordinance?

Mr. Janatik, I do but I.

Mr. Harmon, if you want to discuss the law, you discuss it with the attorney don't discuss it with me.

Mr. Janatik, you are my dearly elected representative of the county, I demand it from you.

Mr. Harmon, I will not discuss legal issues with you, I am not an attorney. I am going by what our attorney tells us what we can do.

Mr. Janatik, it is totally illegal, let me ask you this Mr. Chairmen and maybe you can answer this. When you do advertise for a public hearing does it go to the Auditors Office before it goes to the newspaper?

Mr. Harmon, no.

Mr. Janatik, not at all?

Mr. Harmon, it goes directly to the newspaper.

Mr. Janatik, from the Board of Commissioners secretary?

Mr. Harmon, yes.

Mr. Janatik, and there has been no advertisement in the newspaper either on the first reading or the second reading.

Attorney Szilagyi, Mr. Janatik, statutorily this is a public meeting and we don't have to advertise this meeting because this meeting has been advertised as a regular scheduled meeting throughout the year and they don't have to have a separate public on this, the only public notice of a public hearing is at the Plan Commission level only by statute.

Mr. Janatik, you're not trying to hide anything from the public?

Attorney Szilagyi, Mr. Janatik just for your general information look up its 36-7-4-607, I don't want to debate you and I want to go back and correct something else. The meeting they had, the special meeting of that committee was heard on a Tuesday night and I expected to have a Plan Commission meeting, I think it was two weeks after that in between time. And when I told you I didn't have anything to do, my father died and I buried him on Monday and had a meeting on Tuesday for you to have it done, it was done in enough time. Now, it was up there and the problem was you never called up there to get it.

Mr. Janatik, that is not true at all, you are trying to put words in my mouth and that is not true at all. I specifically asked Annemarie when she received it from your office it was exactly on June 21st as you have it printed from your office we did not get the reciprocal time as state law requires for us to review this.

Attorney Szilagyi, I talked to Annemarie and she said that you were there on the 21st and got that.

Mr. Janatik, the point of it is Mr. Szilagyi that you are not our duly representative and you are Mr. Chairmen and so are the other two Commissioners.

Mr. Harmon, Mr. Janatik I have allowed you to speak and make some comments and you have two minutes to make some comments and then sit down.

Mr. Janatik, you know the trickery that has been taken place from the Plan Commission has.

Mr. Harmon, Mr. Janatik you are done.

Mr. Janatik, I am not done.

Mr. Harmon, you are done, please sit down.

Mr. Janatik, Mr. Hager they need three votes to pass this and thank you from restraining from voting for this on our behalf to protect our property rights, until we get due process to review this.

Mr. Harmon, Mr. Janatik.

Mr. Harmon, madam secretary please call the roll. Motion carried with a roll-call vote 2-1 Mrs. Huston and Mr. Harmon voting aye and Mr. Hager voting nay.

Mr. Harmon, for your information Mr. Janatik this does become official, it does not take three votes to pass an ordinance, by law.

Rick McVay, LaPorte County Highway Engineer, Michiana Shores-Bridge Replacement,
Second Approval

Mr. McVay, we have been looking at this project for several years we are in a position that we can get this project done with in-house forces and we are here looking for the approval to move forward with the construction.

Mr. Hager, the drainage board is 100 % behind this because they stated that with the two culverts there we get stuff caught in the middle once it goes down everything settles on down behind it and we need that to keep pushing on down so we can get that cleaned out.

Mrs. Huston, this was passed before I took office and got a letter from a gentleman that is in the audience and I also spoke with him and I did get an e-mail from another supporter. However, I received, we all received a letter from the president of the Michiana Shores Town Council and she is in agreement with you concerning the Pokagon Bridge. I guess I am confused and I need to speak with Ms. Lewis and find out what the objections are since it was passed.

Mr. Harmon, Mr. Bohacek will you please come forward, we had a discussion with you prior to the meeting and you were under the impression that the board did approve it.

Mr. Bohacek, yes it was discussed at two separate town council meetings the August and the July meeting, we had heard that the project was being put on hold so I asked the Town Council for their support of drafting a letter. I was given that support by a 4-0 vote I then prepared a letter it was forwarded to the treasurer when we had our town meeting in August and I noticed that the minutes did not reflect that decision, that approval so I made a motion to adjust the minutes and that also passed 4-0. This is a project that needs to happen I understand that it is a lot of money but it is an ageing structure it is a matter of public safety.

Mr. McVay, we already have the bridge and in my opinion it needs to be replaced it's not wide enough and it has structural problems. The way it is currently is you cannot install guard rails; you cannot widen the bridge the way it exists currently.

Mr. Hager, made a motion to approve this project, the Chairmen will second the motion.

Mr. Harmon, the problem I have with it, is that I don't know why we got this letter from Ms. Lewis saying that the town board had not made a discussion on this.

Mr. Bohacek, the town minutes stand as record and are on Access LaPorte County it is really their and I would not have made that statement if it had not been fact.

Mrs. Huston, the problem I have and I am not against this at all but I would like the opportunity and I was going to make a motion that I table it until I did have an opportunity to talk with the President of the Michiana Town Council along with Mr. McVay.

Mr. Harmon, Ms. Huston for your information if we vote on it if we vote it one way or the other it stands but if you table it we can hold it over to our next meeting.

Mrs. Huston, made a motion to table until our next meeting, the Chairmen Mr. Harmon made the second to the motion.

Rick McVay LaPorte County Highway Engineer, Bid Recommendation Holton/Waverly Road Intersection

Mr. McVay, I have reviewed the bids and one was from Reith Riley and one from Walsh-Kelly and I have contacted both of the bidders and do find that Reith Riley is the lowest bidder in the amount of \$175,932.27 that is a little bit above the engineer's estimate but not enough to be concerned about. This is a problem intersection and it would be my recommendation that we take Reith Riley's bid.

Mr. Hager, made a motion to approve the recommendation of the County Highway Engineer, second by Mrs. Huston. Motion carried with a roll call vote 3-0.

Rick McVay, LaPorte County Highway Engineer, Park Place Phase Three final approval

Mr. McVay, I have reviewed the work of this developer it appears that everything is in tact. I am recommending that he submits a bond in the amount of \$10,625.00 for any outstanding work... I am also recommending that signage be installed immediately before any lots are sold or anyone moves in for safety issues and furthermore I recommend that we accept that subdivision.

Mrs. Huston, made a motion to approve Mr. McVay's recommendation, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Rick McVay, LaPorte County Highway Engineer, Bridge 254 Change Order #5

Mr. McVay, this is a deduction in the amount of \$500.00 which I do like bringing to you, it is a negative \$500.00.

Mr. Hager, made a motion to approve Mr. McVay's recommendation, second by Mrs. Huston. Motion carried with a roll call vote 3-0

Library Board Appointment

Mr. Hager, mad a motion to appoint Mr. Ed Frank to the Library board and he will be replacing the lady and its just until the end of the year, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

NEW BUSINESS

Roger Wolff, HAZMAT Coordinator, Hiring of Assistant

Remove

Robert Young, LaPorte County Highway Superintendent, Additional Appropriation in the amount of \$125,000.00

Mr. McVay, I am here in Bobs place this should get us through the rest if the year on fuel and we are running low and we are going to run out the way prices are looking.

Mr. Harmon, the funds will come from the NBH un-appropriated fund, that's where the money will come from?

Mr. McVay, right.

Mr. Harmon, in the amount of \$125,000.00.

Mrs. Huston, made the motion to approve the additional appropriation in the amount of \$125,000.00, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Robert Young, LaPorte County Highway Superintendent, Additional Appropriations in the amount of \$30,500.00

Mr. McVay, this is for three bridge accounts and one is safety improvements and we typically budget \$500,000.00 a year for and we did a lot of subdivision drainage and I am thinking that an extra \$10,000.00 will get us thru the end of the year. And the other one is bridge 162 and we are at the end of our wetland mediation on it \$500.00 will get us thru on that and the other is bridge 203 and we ran into some problems on that as far as change orders are concerned and we need \$20,000.00 for that.

Mrs. Huston made a motion to approve, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Pat Pease EMS Administrator/ Additional Appropriations

Mrs. Pease, I am requesting an additional appropriation in the amount of \$12,000.00 for gas and oil, we spend approximately \$3,600 to \$3,700 per month. The amount we are requesting should get us thru the end of the year. I am also requesting \$25,000.00 for Corporate that is our restocking of our supplies.

Mrs. Huston, Mrs. Pease is \$25,000.00 enough?

Mrs. Pease, we are working with the hospitals trying to reduce the costs, I think we are right in line with the cost.

Mrs. Huston, made a motion to approve the request of Mrs. Pease in the amount of \$37,000.00, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Professional Services Contract/Cender & Company \$5,000.00

Mr. Harmon, Mrs. Shuter this is the same company Carl Cender & Associates that handles the financial reporting for our Jail Bond Project. We have enlisted their service for our TIF district in our office and reset these values and we can use their services for an entire year for \$5,000.00 and we had them out one time and the fee would have been \$2,440.00 and we will be using their services again this fall.

Mr. Harmon, the \$5,000.00 will come out of the Commissioners budget of Professional Services.

Mr. Hager, made a motion to approve, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Rick McVay, LaPorte County Highway Engineer, Additional Appropriation in the amount of \$1,000,000.00/Storage Buildings

Mr. McVay this is a proposal for three buildings to be constructed out at the county barns, two would be storage facilities to get our trucks under roof and the third would be for miscellaneous storage. I did an estimate and the estimate basically to build the three buildings would be a million dollars. We could have them bid out separately so you could pick and choose to do one or three or two. We need to know if you want to proceed with the project and draw up the specs, put it out for bids and go to the council for appropriations.

Mrs. Huston, is it big enough to house the EMS ambulances also?

Mr. McVay, I believe if we did two of the vehicle storage buildings and we moved Rolling Prairie out where they belong and we got those vehicles out where they belong then yes, we would have plenty of room.

Mrs. Huston, so then what you are saying is that we need to look at a building for Rolling Prairie.

Mr. McVay, yes.

Mrs. Huston, and then their would be enough room to store the EMS vehicles?

Mr. McVay, how many vehicles are you talking?

Mrs. Pease, three rigs

Mr. McVay, you would have extra room.

Mr. Hager, when I talked to Bob he said he would put them down by the sign shop.

Mr. McVay, if we could portion some of the land that we have we could generate funds to help pay for the buildings.

Mrs. Huston, that also out their has been discussed as far as not only a building for County Highway but also for EMS base out their, is that correct?

Mr. McVay, that is a very good idea and I think that it should be our priority, is to get Rolling Prairie back out in Rolling Prairie.

Mr. Hager, how many acres do you think we can sell off maybe 25 acres?

Mr. McVay, I think that is correct, the part that is an issue is a very small part and it already has been proven by the State of Indiana that that is where the contamination is and has been burning off. I can get on this right away and get back to you by the next meeting.

Mr. Hager would like to make a motion to table this so we can have a meeting and discuss this, second by Mrs. Huston. Mr. Harmon, we have a motion to table and call for a workshop. Mr. Hager, yes and call for a workshop in a few weeks. Motion carried with a voice vote 3-0.

Mr. Harmon, one thing I want to bring up before we move to public comments is that we have run into some situations in county government in reference to computers and use on the internet and I would like to read this statement. The Commissioners have again received complaints regarding the use of e-mail between county computers. The e-mails are involving the selling of products by county employees on an active basis, exchange of inappropriate jokes that are pornographic or racial or suggestive and can be considered offensive. The extents of these e-mails have been so great that some county computers have crashed or been subjected to assorted disabling viruses. A memo was previously issued concerning the use of e-mails. Office holders and department heads have not seen fit to monitor, enforce or discipline offenders. To remedy this problem, the Commissioners will direct data processing to disconnect and offending computer from direct internet. This will not interfere with inside office communication but will affect intra office. Internet re-establishment will not be considered until there has been a conference between the Commissioners and the responsible office or department heads. This e-mail will be sent out

to all department heads tomorrow morning, anyone that is caught violating this from this point on will be fired or immediate dismissal from County Government. We need to take a strong stand on this, so things will change. This is approved by all three Commissioners, Commissioner Hager, Commissioner Huston and myself.

PUBLIC COMMENTS

None

COMMISSIONER'S COMMENTS

Mrs. Huston, I do have a comment, this evening while driving here on sound off they were a women call in and was blaming the Commissioners for EMT's not being allowed to go down south. What I would like to do, is commend our Sheriff he has and he called in to the radio station and told them in no way have we objected to anything that has been brought to our attention as far as helping the people in our southern state. The Sheriff is sending a group of people and Mr. Harmon has been their at 7:30 this morning to sign any paperwork that the sheriff needed in order to expedite. Now, all they are doing is waiting because you have to wait for them to call to say that you can go, so we have not said no to any one and the Sheriff defended us and I appreciate that and our hearts go out to the people in the southern states.

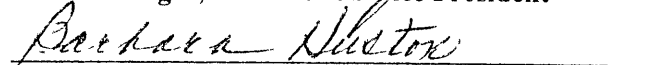
ADJOURN

Commissioner Harmon adjourned the meeting at 6:45 p.m...

LAPORTE COUNTY BOARD OF COMMISSIONERS


Marlow Harmon, Commission President


William Hager, Commission Vice President


Barbara Huston, Commission Member

ATTEST: 
Teresa Shuter, LaPorte County Auditor

(Approximately 50 people in attendance)