



# BOARD OF COMMISSIONERS

## LAPORTE COUNTY

Circuit Courthouse

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Marlow Harmon, President

William Hager

Barbara Huston

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### LAPORTE COUNTY BOARD OF COMMISSIONERS

TUESDAY, NOVEMBER 1, 2005

The LaPorte County Board of Commissioners met in a regular session on Tuesday, November 1, 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 and Commission Member Barbara Huston. Also present at the meeting were County Attorney Robert Szilagyi, Commission Secretary Linda Arnett and Assistant Monique Gillard.

Commission President Marlow Harmon called the meeting to order.

#### WELCOME AND PLEDGE OF ALLEGIANCE

Mr. Hager led the Pledge of Allegiance

#### APPROVAL OF AGENDA

Mr. Harmon, I have two things to add to the Agenda under "Request" LaPorte Chamber of Commerce, Santa Statue and the Santa Chalet on the courthouse lawn and under "New Business" sections "I" Resolution of Back Taxes. Motion by Mrs. Huston to approve, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

#### APPROVAL OF MINUTES

Mr. Hager, I will abstain because I was not here.

Mrs. Huston, made a motion to approve the minutes from October 18, 2005 as submitted, second by Mr. Harmon. Motion carried with a roll call vote 2-0.

#### WEEKLY REPORTS

The Commissioners sign the weekly reports during the meeting.

#### CLAIMS

Mr. Hager, made a motion to approve Miscellaneous Claims in the amount of \$478,578.22, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

#### PAYROLL

Mrs. Huston, made a motion to approve Payroll Ending November 4, 2005, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

#### CORRESPONDENCE

None

## REQUESTS

Mr. Harmon, we received a letter from the LaPorte Chamber of Commerce President Mike Seitz, requesting the Santa Statue and the Santa Chalet be placed on the courthouse lawn.

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

## OLD BUSINESS

### Rick McVay- Crestview Subdivision Unit 6, Bond Reduction

Mr. McVay, we inspected the subdivision and everything is done including the surface and I am recommending that we reduce the bond to \$40,625.00 to cover the surface incase it gets damaged by heavy construction equipment.

Mr. Hager, are you taking into consideration the inflated cost?

Mr. McVay, we are not taking inflation in to consideration that figure was bases on this years dollars.

Mr. Harmon, you said they had the road complete, did they do the final coat also?

Mr. McVay, yes they did, we have been allowing that as long as they bond for it, it helps that drainage get into the gutter.

Mr. Hager, would it be better to raise that now? If I made a motion that we put the bond at \$50,000.00.

Mr. McVay, that would be fine and they had a bond of \$285,000.00.

Mr. Hager, made a motion to reduce the bond to \$50,000.00, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

### Jim Kiel/ Sand Ridge Subdivision

Mr. Jim Kiel, this subdivision was given approval in 1993, everything is finished and I do have a letter from Mr. McVay that states that in addition after he approved it he was also recommending a bond in the amount of \$32,035.00 for a maintenance bond. This would be to assure that there was no damage done until 70% of the houses are sold. We are in the process of getting that bond and I have been assured that we would have that bond in a couple of days and I am here to ask for approval of the subdivision and signature on the secondary plat.

Mr. Harmon, is Morning Glory complete at this time?

Mr. Kiel, Morning Glory is complete.

Mr. Harmon, are we willing to accept at this time, Mr. McVay do we have any problem taking Morning Glory in to the highway road system.

Mr. McVay, no I was out their and as long as they post that bond for the surface everything is okay.

Mr. Hager, do we want to raise this?

Mr. Hager, made a motion to accept the bond in the amount of \$32,035.00 and let Morning Glory Avenue be accepted into the LaPorte County Highway system, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Right-of-Way Agreement /Division Road

Mr. Harmon, this agreement was requested by Attorney Dave Ambers in reference to allow him to end Division he wanted to allow the owner to put a road in their at no cost to the county and after Mr. Szilagyi drew up this agreement but after discussing it with Mr. Szilagyi the only thing I think we could do is to vacate that roadway and let the owner of the property do what they want. This road way does tie into 80 acres of land that I am sure will be developed at a later date. I would recommend to the board that we vacate that portion of road and not get into an agreement with a private party.

Mr. Hager, I agree with you one-hundred percent, so I would make a motion that we vacate the road and turn it over to our attorney for him to draw up the proper papers.

Mr. Hager made a motion to vacate that portion of Division Road, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, Mr. Szilagyi will you notify Mr. Ambers

Mr. Szilagyi, yes I will.

LaPorte County Soil and Water Conservation District / Contract Cender & Company (tabled)

Mr. Harmon, Mr. Hager were you able to get some information on this?

Mr. Hager, I would suggest we leaved this tabled.

Ordinance Regarding Truck Traffic on Severs Road

Mr. Harmon, we have three ordinances before us, on how to try to resolve this issue for the residence and for Rose Industrial Park is concerned. We do have one ordinance that I think the board is going to look at and possibly pass this evening on first reading and if it does we will ask that amendments be allowed on second and final reading at the next meeting. I would ask any one who would wish to speak on the Severs Road issue would do so.

Mr. Hager, as far as the Rose Industrial we never had any complaints on the park until they started going on down to Fail Road and that is the biggest problem we are having. Mr. McVay had done a study on this, Mr. McVay did you bring that with you tonight?

Mr. McVay, yes and we have a new traffic count. We did conduct a study on June 30<sup>th</sup> of last year, what we did find is this road is currently designed as a major rural collector road and typically a road of these standards apply mainly automobile traffic with maybe a 5% truck traffic which typically allows for local delivery route and is not meant to be a through truck traffic route. What we did in this study is to compare the existing condition of the road to what we would need to have a higher volume of truck traffic to be true truck traffic not necessarily a dedicated truck route but a bypass route to allow a heavy amount of truck traffic. It shows what we would have to do to upgrade that road to have a safely have that happen and it would cost a large amount of money. There are a lot of problems with Severs Road and we need to look at all issues, it does create liability with the county since you are creating a large amount of truck traffic and you are setting yourself up for a lawsuit.

Mrs. Huston. Mr. McVay you did the second study of truck traffic that is dated August 1, 2005 and there is at the top an average of 50 trucks a day, is that semi trucks?

Mr. McVay, those are semi-trucks a day on severs road.

Mr. Harmon, when you took that survey was that just one end of Severs Road of both ends?  
Mr. McVay that was just the end between Fail Road and Rose Industrial Park.

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Mr. Harmon; we don't know which way those trucks were going then.

Mr. McVay, we don't know if they were going all the way through or not but we could do another study and determine if they are going through or going through to the Industrial Park. The Fail Road Bridge was designed for only 5% of truck traffic which is the minimum that INDOT will allow.

Mr. Harmon, what do they base the 5% on?

Mr. McVay that would be 5% of your total volume count, I believe that there is an ordinance now that does not allow truck traffic on that road.

Mr. Szilagyi, there is no truck traffic from Severs to 20 from Fail Road.

Mr. McVay, that is what it is designed for is 5% but the ordinance states absolutely no truck traffic.

Mr. Harmon reads the Proposed Ordinance in its entirety. :

ORDINANCE REGARDING TRUCK TRAFFIC ON SEVERS ROAD

Dan Tarpley, President of HR Enterprises, I have a business in Rose Industrial Park. I have not heard the ordinance until now, so it is the board's intention not to restrict any commerce in the Rose Industrial Park and traffic on Severs Road, is that my understanding.

Mr. Harmon that is what we are looking at yes.

Dan Tarpley, how will that be enforced?

Mr. Harmon, we are still working on that but after Mr. McVay's study is done it will be worked out. If we pass this tonight on first reading it will still be open for amendments on second reading if there is something we have to add.

Patrick Wilkins, President Boss Industries, I do know that there was some discussion about permits for the vehicles to identify the vehicles but that would be a very hard thing to do. The trucker may be hired by the people that we are buying product from we are never going to control that. On behalf of the LaPorte Manufacturing Association, I just want to reiterate the fact we all have an interest in LaPorte including those who are out side Rose Industrial Park it is imperative that we feel comfortable that the city and the county are working to do something to make sure that we do have truck traffic.

Jay Poseur, I am speaking as chairman of Greater LaPorte Economic Development Corporation. I am looking for clarification we have American Signature and they told us in the beginning that they would have about 60 trucks a day, does that qualify them to go up Fail Road and down Severs Road

Mr. Harmon, at this time the way this is written, no.

Jay Poseur, the other situation is we have American Licorice and Whirlpool and you have another company that is looking to bring in 300 jobs, do we tell these people that they cannot use Severs Road or can the use Severs Road, they are not in the park.

Mr. Harmon, I think that is what we have to have our lawyer look at and I was always under the impression that it was part of the industrial park, I consider that the industrial park. This is an issue we need to address and that is why we are going to hold this over for two weeks, so we can make the amendments and address some of these issues. The initial fact is that we are not under any circumstances creating any problems for any company that is using Severs Road to get in and out of the Industrial Park.

Mike Sites, President of the Chamber of Commerce, you know our stand that we need access for traffic, it is a life line for commerce. We understand that safety is important too but we need to think of the impact it would have if they if there deliveries are part of there businesses.

Mrs. Huston, I got a question for Mr. Tarpley to begin with. How many trucks come through to your HR plant?

Mr. Tarpley, were slow right now, we have over 20 inbound trucks a day.

Mrs. Huston, a day, and Mr. Wilkins.

Mr. Wilkins, I would say 20 to 25 vehicles a day, but that is not including my outbound traffic.

Mrs. Huston, you have your own personal trucks?

Mr. Wilkins, I have voluntarily come in and pick up material and ship out boxes, which is probably about 60 a day going out and we rely on 30 to go back to the Toll Road.

Pat Waldo, from American Licorice Corporation and again we are not in the Thomas Rose Industrial Park but are in the formally old Whirlpool building. We are looking at at least 20 inbound trucks a day, not including outbound and we are looking at adding 8 additional docks next year, to handle the volume of changing that building. We to are using Thomas Rose to Severs to 39 to Toll Road to get our entire product in and out and for our employees. We started out with 15 employees in February and are up 101 as of now, that probably will double by the end of 2007, so this is a very important issue for us also to keep that route from Thomas Road to 39 open for truck traffic for American Licorice.

Mr. Harmon, anyone else would like to comment on this issue? Nobody else coming forward, and suggestions from the board?

Mr. Hager, I just make a comment, I have not being out in the county and I do a lot of driving out there, I have not heard any complaints about the people going through the Rose Industrial Park, the only ones I'm hearing are the ones that pick up speed going straight through. I have not heard anything about any of the other trucks out there and working with the city, were going in time have to put a by-pass in, we'll have to work together to get it in because with what's coming dividing the traffic if the road is not there. We all got to work together and get it done.

Mr. Tarpley, My suggestion would be to put a stop sign, and one suggestion that may be viable to put a stop sign at the Genesis and Severs Road that would ensure that trucks would have to slow to stop there and that would control the speed. Some of the industries like the Licorice fill out their employment and I'm noticing a lot of traffic commercial and private that use that intersection and that probably wouldn't be a bad idea.

Mr. Harmon, any comments from the board?

Mr. Slater, I think you can make a point, John Slater 043 200 North. I think what most has been said here tonight is true I think our main concern is residences it has become a by-pass. When you open a road from Genesis to Fail Road, you got everyone coming through, and that is the main problem; it's just something we can't live with. There is a lot of speeding going on, but the main problem like you

said is just all kinds of trucks that really don't need to be the road they're simply using it as a short cut, so that is our complaint. We certainly understand the Thomas Rose Industrial Park needs to have trucks get in there but when you change the rules make for a very bad situation, I think that if you go back to what Mr. McVay said it's a very dangerous road and with the increase traffic truck traffic, your looking at our safety and I think some liability issues so I think you need to consider those things. Thank you very much.

Mr. Harmon, Anyone else from the public would like to speak on this issue? Nobody else coming forward.

Mrs. Huston, I do have one comment, and that is in what Mr. Tarpley and Mr. Wilkins said and also Jay Poser about the amount of trucks if you add them up there's already 60 trucks just sort of going in and out of the Industrial Park and it was never our intention to cut off the traffic to the Thomas Rose Industrial Park. In that park, obviously access to it was not taken into account, especially with the growing of the businesses. We don't in anyway want to take that away but that 60 a day and what Pat said and Pat Wilkins, Pat Waldo and Dan Tarpley with just trucks going in and out and Mr. Poser made a comment about 60 trucks out of American Signature, so that's quite a few trucks and if those trucks do not, American Signature trucks then Value City and Kreamo and BulkMatic that would eliminate quite a few trucks from going down Severs Road and still get all business, all the trucks to the businesses that are in the Thomas Rose Industrial Park. So with that said.

Mr. Harmon, we have an ordinance before us on first reading the board decided.

Mr. Hager made motion to adopt the Ordinance on first reading, second by Mrs. Huston.

Mr. Harmon, allow amendments on the second and final reading, motion will include to allow amendments on second and final reading. No questions on the motion.

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

#### Ordinance Speed Limit on Madura Road

Mr. Harmon, we have an ordinance by title only, unless there's an objection, hearing no objections we have an ordinance on first reading by title only, an ordinance setting speed limit on Madura Road. Setting the speed limit at 30 mph.

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

Mr. Harmon, I am going to ask the board to hear this on second and final reading, unless there is an objection, hearing no objection.

Mrs. Huston made a motion to adopt on second and final reading, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Mr. Harmon, this will be known as Ordinance #2005-13.

#### Robert C. Szilagyi, LaPorte County Attorney/ Rezoning of Clinton Township (tabled)

Mr. Szilagyi, I talked with Mr. Kaminski, Attorney for the petitioners and he said he had not talked to them, so I told him I would have this scheduled for the last meeting in December and if not we will follow the recommendation. We will leave it tabled until December 20th

NEW BUSINESS

John Wantuch- LaPorte County Veteran's Advisory Committee, Veteran's Medals

Mr. Wantuch- We are the only County in the State of Indiana that are going to do this, it has not been done since WWI. This is thanks to the Veterans for what they did from the Korean; Vietnam War this it their time, plus the other vets from the other wars.

This is going to cost per \$8.00 per veteran if we bought 3,000 metals it would be \$24,000.00 and that includes a metal and a lapel pin. The request forms will be mailed out tomorrow to all the legions I contacted the newspapers, radio stations and the TV stations Michigan City and South Bend and they will be here. Now, with the help of Mr. Mrozinski have gotten a General Umbarger from the Army and Mr. Applegate from the IDBE from the Indiana Department of Veterans and Sam Davis who is a metal of honor winner in Vietnam and these people will present the metals to the Veterans.

Mr. Mrozinski, the \$8.00 would be the maximum and we should order 3,000 off the bat and open the request and have a cut off date will be the 31<sup>st</sup> of December. There are 13,000 vets in LaPorte County and the 10<sup>th</sup> of January we will review and make sure the people are qualified.

Mr. Szilagyi, define vet.

Mr. Wantuch, if you served, if you were in the states or over seas but not if you were in the reserves and never called up you do not get it.

Mr. Hager, talking with Mr. Mrozinski I think this is a great things for our veterans.

Mr. Harmon, we need to decide where to take the money from.

Mr. Hager, I think we should send this on to the county council not to exceed at this time \$30,000.00 from Win Tax, second by Mrs. Huston.

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

Palm & Associates- Rezoning of Wills Township/ Industrial to Agriculture

Mr. Hager, made a motion to table, second by Mrs. Huston. Motion carried with a voice vote 3-0.

Charles Hendricks- Rezoning Approval for Center Township Resolution of All Excess Property

Tony Hendricks, Mr. Szilagyi did you prepare a draft ordinance on this?

Mr. Hendricks, this is zoned agricultural and it is next to a subdivision which is zoned R-2 the toll road and forest land. Mr. Bell wants to change this to R-2 to get some residential parcels in there and keep the neighborhood.

Mr. Harmon, we can move forward on this and you will have to get that ordinance to us for adoption at our next meeting.

Mr. Hager, we are just going to zone it tonight, I would like to see some safe guards there I don't want our roads torn up.

Mr. Hendricks, they are looking at that parcel south, does have a deeded strip along the toll road that could be used for access.

Mr. Hager, made a motion to adopt and rezone this property in question, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, get the ordinance and we will reschedule.

Resolution on Excess Properties

Mr. Szilagyi, this is property that you acquired on tax sales and there are numerous that have requested to purchase this property. This resolution would put these properties back on the tax role.

Mr. Harmon, what we are saying is that these excess properties are available are excess properties and we won't have to go thru this again.

Mr. Szilagyi, just for the list of properties that we have so there are certain properties that are listed on a public notice will notify the adjoining land owners as well as the individual who requested the property can make a bid.

Mr. Harmon, you have heard the explanation for this resolution. We now have a resolution before us by title only, unless there is an objection, hearing none, we have a resolution of Excess Property.

Mr. Hager, made a motion we adopt by title only, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, this will be known as Resolution #2005-10.

Resolution to Donate Excess Property to Wall Gang

Mr. Harmon, we have a resolution before us, Excess Property the property we were going to donate to the Wall Gang Incorporated on Chicago Street, Michigan City, 825 Chicago Street in the City of Michigan City. We have a resolution before us by title only a Resolution to Donate Excess Property

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

Mr. Harmon, this will be known as Resolution #2005-11.

Brent Soller, E 9-1-1/ Request for New Equipment

Mr. Soller, it is time to get working on 911 Center, the equipment is 15 years old and is worn out. What we would like to propose is eight new councils and we are going to need double our space. It's going to cost us for our new equipment approximately one million dollars.

Mr. Harmon any question as far as equipment list.

Mr. Soller, it will be from three to six months before we could get the equipment.

Mr. Hager, it will have to go out for bidding.

Mr. Soller, there will be existing equipment and there will be new equipment and Motorola even if it is sent out for bids the equipment is Motorola and if we put it out for bids thru other companies it would be Motorola equipment. It is critical that we get this equipment replaced at this time. If we stayed down stairs it would be relocating EMA and us taking over that area.

Mrs. Huston, it is my understand that most 911-Centers are located in the basement areas but if we were hit by a tornado you would be protected.

Mr. Hager, we have been flooded three times and it cost us \$33,000.00 and you want us to put a million dollars worth of new equipment down there I am not for it at all.



Mr. Soller, I think there are some safe guards that we can take.

Mrs. Huston, so staying in the basement and taking over EMA and the break room would give you enough room.

Mr. Soller, yes.

Mrs. Huston, if you moved to a different floor.

Mr. Soller, everything would have to be replaced and the cost would be double.

Mr. Hager, we are going to end up with flooding down there and with the sewer problem down there and you are in violation of the law by not having an exit down there and I am against that.

Mr. Harmon, this is something that needs to be in a secure area and the committee that set it up needed to be secure and they had looked everywhere and there have been some problems that have been resolved.

Mr. Hager, there was a problem 2 or 3 days ago.

Mr. Soller, the smell goes all thru the building and I feel we should look into the fresh air intake system.

Mr. Harmon, I would like this board to allow Mr. Soller to have someone come in to see what the renovations cost would be and make sure the air system is qualified to protect our people and I think that is where we are at and this works in conjunction with Judge Baldoni and we could work on this renovation.

Mr. Harmon, I would like to have two separate motions here.

Mr. Hager, one thing I would like to clarify, what engineering firm are we going to have do it? If we are going to have DLZ I am going to vote against the whole thing.

Mr. Harmon, it doesn't have to be DLZ.

Mr. Hager, then I will go with it if we bring in another engineering firm.

Mr. Harmon, I would like to talk to Tonn and Blank or Larson Danielson they are both knowledgeable of the buildings.

Mr. Hager, I can go along with that that we bring in Tonn & Blank and Larson-Danielson and we will have to have our engineer involved with it because it is going to be done and done right.

Mr. Hager, made a motion to let Mr. Soller to purchase equipment and get with Mr. Szilagyi, so Mr. Szilagyi can clarify, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, in reference to renovations of the 911-Center.

Mr. Hager, made a motion that we move forward with the basement with Larson-Danielson and Tonn & Blank coming and giving us a price and it be done and done right for the safety of the employees down there, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Judge Baldoni: Museum Renovation

Judge Baldoni. Mr. Gerometta is here with the renovation plans and he can lead you right thru it.

Mr. Gerometta explains the renovation plans to the Commissioners.

Mr. Harmon, do you think this is the last draft and what I would like to do is have copies of what you are going to do and what 911 is going to do and what we want to do for EMA so we can get that to the council so they have an idea of where we are at within the next two or three weeks.

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Judge Baldoni, I think it is good use of the plan and we would like to get moving too.  
Mr. Harmon, we will need the costs and will work to get the money as soon as possible.

GIS- Professional Services Contract

Mr. Hager, made a motion to allow Ms. Mischke to move on this contract, second by Mrs. Huston.  
Motion carried with a roll-call vote 3-0.

RESOLUTION ON BACK TAXES

Mr. Szilagyi explains the Resolution. This is a parcel of property that was on a tax sale a few years ago and it got held up because the mortgage holder was in bankruptcy. The allegation was is at the time of the tax sale the mortgage holder did not get notice that there was going to be a tax sale, so they filed suit against the county, purchaser and there were three separate actions that were pending. The matter was resolved in which the mortgage holder would get the property back subject to the forgiveness of the taxes.

Mr. Harmon, we have a Resolution before us by title only, unless there is an objection, hearing no objection. Resolution on Back Taxes.

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

Mr. Harmon, this will be known as Resolution # 2005-12.

PUBLIC COMMENTS

Mrs. Slater, I would like to thank the commissioners for revisiting the Severs Road issue I know it is on going. I know that American Signature, Sauers and maybe the bakery are in the enterprise zone, I don't know but I do think that if we include the enterprise zone then we are right back where we started from.

COMMISSIONER'S COMMENTS

No Comments


ADJOURN

Commissioner Harmon adjourned the meeting at 8:00 p.m. ...

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
MARLOW HARMON, PRESIDENT

  
WILLIAM HAGER, VICE PRESIDENT

  
Barbara Huston

BARBARA HUSTON, MEMBER



TERESA SHUTER, AUDITOR

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(Approximately 20 people in attendance)