



# BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Ken Layton*  
*President*  
*Barbara Huston*  
*Vice President*  
*Willie Milsap*  
*Member*

## LAPORTE COUNTY COMMISSIONERS

Tuesday, December 6, 2011

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, December 6, 2011, at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

### CALL MEETING TO ORDER

Mr. Layton, President, called the meeting to order at 6:00 p.m.

### PLEDGE OF ALLEGIANCE

Mrs. Huston led the Pledge of Allegiance.

### ROLL CALL

All present

### APPROVAL OF AGENDA

Mr. Layton, please add under correspondence, Keith Harris, Chairman of the LaPorte County Republican Central Committee, letter in reference to the precinct changes.

Mrs. Huston made a motion to approve as amended, seconded by Mr. Milsap, motion carried by voice vote 3-0.

### APPROVAL OF MINUTES

November 15, 2011, Mrs. Huston made a motion to approve as written, seconded by Mr. Milsap, motion carried by voice vote 3-0.

### WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

### CLAIMS

Payroll Ending December 9, 2011, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Misc. Claims ----\$ 762,724.99, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

Mr. Layton, for the public's edification, \$596,234.21 are refunds that have been made to the tax payers of LaPorte County on previous tax bills, \$55,900 was election costs and the remainder is claims against the county.

### PUBLIC COMMENTS

Mr. Ken Purze, I have with me President, Mr. Dan Plath and Vice President, Mr. Ken Stelter with the North West Indiana Paddlers Association. They would like to give you a brief presentation.

Mr. Plath, we have just become a 501 C3 nonprofit. We operate in Lake, LaPorte, & Porter Counties, the three counties to the south as well as Pulaski County. Most of our efforts concentrate in LaPorte and Porter Counties. Our mission is three fold; one is doing paddling events. The core of our mission is education as well as stewardship. We teach kids and adults how to paddle, about water shed management and the environment of Northwest Indiana. Also, about keeping our rivers and streams clean. We try to help create public access sites and make Northwest Indiana a premier paddling destination. We want to thank LaPorte County for sponsoring our event when we did the Sand Hill Crane paddle. We hit the ball out of the park with the event. We had about 120 paddlers participate. This was probably one of the largest paddling events ever on the Kankakee. We would like to present to LaPorte County in thanks for this; we had a South Shore poster commission with the Lake Michigan water trail and would like to present you with this picture. I will leave material here to pass out.

Mr. Layton, we've been told this will be some type of annual event.

Mr. Plath, yes, this was our second annual event. This was a neat event because it brought together different partners. The county approved to have 50 t-shirts made. This generated a lot of interest. The head of the DNR's Division of Recreation came up and paddled it with us. Our organization has been recognized nationally by the American Canoe Association. We had the paddling club of the year award.

Mr. Purze, we appreciate the time you have given us. I will read these names for the record; LaPorte County Drainage Board, LaPorte County Soil & Water Conservation District, the Kankakee River Basin Commission, LaPorte County Parks, Porter County Parks and Recreation, Shirley Heinz Land Trust, Friends of the Kankakee, Isaac Walton League, Porter County Council Open Lands, the Chicago River Canoe and Kayak, LaPorte County Convention and Visitors Bureau and Indiana Dunes Tourism. What this group is doing in the infancy stages is very consistent with the missions with the Soil and Water District, Drainage Board, Tourism Bureau and I think we will see a lot of good things come from this group. Right now, they are working with Tim Morgan and the Parks Dept. in having an overnight camp site that would only be accessible from the river.

Mr. Layton, on behalf of the Board of Commissioners, we thank you for your presentation and gift. We also need to mention the LaPorte County Council because they put the funds in the commissioner's budget for promotional activities that we used this year. We also need to thank our state legislature because they have come up with the \$2,000,000 to make the Kankakee River navigable. Anything you can do to promote the southern part of LaPorte County we appreciate it very much.

Mr. Purze, Mr. Plath is a Westville resident and Ken is a LaPorte resident.

Mr. Earl Cunningham, it has come to my attention that there was a recent inquiry to the IT Department regarding the number of cell phones and computers that I have received from LaPorte County. I would like to go on record that I have never received a phone from the county. I did have a laptop for about a month, five years ago, when my computer was down at home. With that in mind and the fact that there are rumors swirling around that there are employees that have had three, four, five, phones and several laptops .... I would request that between now and your next meeting, that you get a record from the IT Department so that we can be specific as to employees that are destroying or losing cell phones and computer laptops.

#### DEPARTMENT HEAD COMMENTS

Mr. Rich Mrozinski, I would like to report on a meeting we had today with Mr. Layton, myself, attorney Baugher, Dale Clingerman and Barnes and Thornburg attorney, Mr. Faccenda. We met in Indianapolis with the Indiana Economic Development Commission, the Indiana Department of Agriculture, and the CSX Railroad, talking about our refrigerated storage unit and rail spur project in KIDC. We came away today with a very good feeling about where our project is going. We are down to the last two items; one will be taken care of very soon and the other will be taken care of if not by the end of this month, within the first couple weeks of the new year. We will actually be able to start construction this spring. This has been a long time in coming. The last few months have been pretty intense with meetings, conference calls and etc. We needed to have a good sense on where we are with the project. Our meeting today was very fruitful. This will mean good things for LaPorte County. This will probably be the biggest thing to ever happen to LaPorte County and I am happy to be a part

of that. It was neat to see Attorney Baugher and Attorney Faccenda at their best today. Without Mr. Clingerman also, to guide us along, they have been invaluable in this project.

Mr. Mrozinski, I did get a call, someone wanted to know why we bought 14, 40" flat screen T.V.'s for the jail inmates. This is news to me, I didn't know about it, I don't know whose paying for it, but I will investigate this and find out what is going on. The first thing that came to mind is that we have jail inmates that are breaking shower heads on a daily basis. That is hard to do. A flat screen T.V. is easy to break. I will be investigating this and find out what is going on.

Mr. Milsap, I have a question in regard to the KIDC project. It appears that we are off the time line; how far off are we?

Mr. Mrozinski, we have had several time lines come and go. We asked the people who were creating these artificial time lines not to create them anymore. We had an extremely long and detailed explanation from CSX today that started in May of 2008 of all of the things that have happened and all of the different players and I was enthralled listening to the whole thing. The only time line we are looking at now is April, 2012. I feel confident that we will be building a rail spur here real soon.

Mr. Layton, the representative from CSX told us today that their portion of the rail project would be done by July. They would be started and completed by July, 2012. The original time line was July 5<sup>th</sup> and then that backed up into September and there became an issue with the United States Army and the easement across their ground. There were certain things that were promised to them by the developer that did not happen and they would not grant the easement until their requests were satisfied.

Ms. Lynne Spevak, Clerk of the LaPorte Circuit Court, we are addressing the redistricting for LaPorte County. The ordinance I brought today is not the proposal of population for district areas. If this could be addressed tonight or on the agenda for the 20<sup>th</sup>'s meeting, then we will have two ordinances, one for renaming the districts and the next ordinance that we could pass would be the district lines of the county council and commissioners. This one we had to change because Galena had to be split because of the Federal District line. We split Michiana Shores, Pottawattamie Park.....the towns we put into their own individual town precincts as a proposal. Duneland Beach is not incorporated but since it would be split out of Michigan 2 which would be Pottawattamie Park and then we had to make two different names. This is the only ordinance that we are bringing today to be looked at. If it doesn't get signed until the 20<sup>th</sup>, we need to have it passed first before we can present the second ordinance.

Mr. Layton, I can't speak for the other two commissioners but it would be my preference that we table until the 20<sup>th</sup> since we have just received it and have not had an opportunity to review it. What we do here does not encompass the city of LaPorte or the city of Michigan City?

Ms. Spevak, that is correct. We don't do their precincts or wards.

Mr. Milsap, what is the deadline?

Ms. Spevak, December 31<sup>st</sup>.

Mrs. Huston made a motion to table until December 20, 2011, the chair seconded the motion, motion carried by voice vote 2-1.

Ms. Spevak, there is a meeting this Friday at 2:00 in this room and the public is invited.

Mr. Bob Young, LaPorte County Highway Superintendent, I want to give you an update on the 600 E. situation in the southeast part of the county between 1000 and 1100 south. The peat moss farmer we feel dug too deeply and too close to the right of way. Jeff Wright met with the core of engineers and the DNR and they have determined that he was in some sort of violation. They want the surveyor to go out and mark the edges of the right of way to determine how much at fault Markham Peat is. That road still remains closed.

Mr. Layton, I respectfully request that you have Mr. Wright contact Mr. Braje on the findings of that meeting.

**CORRESPONDENCE**

Mr. Layton, we have received a letter from the LaPorte County Republican Central Committee Chairman, Keith Harris. (Please see attached)

Mr. John Jones, LaPorte County Democratic Chairman, I, too, would echo that letter and agree that the meetings have moved along those districts in a more concise manner and I think it will allow for more expeditious elections and try to make them smoother and easier to manage. I think it is moving in the right direction.

**REQUESTS**

None

**OLD BUSINESS**

**Bob Young, LaPorte County Highway Superintendent/2012 Material Bid Recommendations**

Mr. Young, I have my recommendations for you on the material bids.

**Class 1: Hansen Material Service and U.S. Aggregates, Inc., it is my recommendation to accept both bids with Hansen being the primary vendor and U.S. Aggregates, Inc. being second due to the fact that Hansen had the lowest bid.**

**Class 2: Rieth-Riley Construction Co., Inc., cold patch for patching pot holes, they were the only bidder.**

**Class 3: Phoenix Services, LLC, a crushed product that we use for road base and road building, they were the only bidder.**

**Class 5: We had three bidders, Triple J-Mar Petroleum, Rackham Service, and Petroleum Traders Corp. I always recommend that we accept all three bids and then we call each supplier every day we want to order and whoever is low that day is who we go with.**

**Class 6: This is road signs and posts, Hall Signs, Rocal, Inc., and Custom Products Corp. I recommend that we accept Hall Signs and Rocal, Inc. with Hall Signs as the primary and Rocal, Inc. as secondary.**

Mrs. Huston, on the signs, I know you have a sign shop, why do we go out for bids for signs....what do they give us?

Mr. Young, we get the aluminum sign blanks and the material to make the signs. We can make many signs ourselves as far as all of the road marker signs, but we have to buy the aluminum blanks and material to put on and of course the numbers and letters. We buy stop signs and road closed signs premade.

Mrs. Huston, I think we talked before about some additional equipment in your sign shop that would be beneficial.

Mr. Young, a computerized letter cutter. I haven't looked into it for a while. I have been waiting to see if they are going to come out with a commercial grade of that. We researched it and there wasn't anything out there at the time. I will revisit that.

Mr. Layton, there was a congressional order where all the signage was going to have to be changed in style and in size. I was led to believe that that had been rescinded.

Mrs. Laurie Johnson, DLZ, there is a new proposed rule-making on the retro reflectivity on the signs that has not been signed or approved. Originally, the retro reflectivity was going to have to be completed in a four year time frame and that has changed. It is now as the signs are damaged or you do new road projects. It is not gone; you still have to upgrade the retro reflectivity as you move forward. It is something Bob needs to keep on top of.

Mr. Layton, the time frame has changed; it is not something we are going to have to face immediately.

Ms. Johnson, the rule making has not been accepted but that is what they expect. It hasn't been finalized yet. I expect that at the beginning of the year you will get an answer.

Mrs. Huston made a motion to accept the Highway Superintendent's recommendations, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Young, I have a letter in my hands from Rieth-Riley Construction with an offer to renew their annual bid for Hot Asphalt Concrete for the 2012 season. They will honor the 2011 prices for the year 2012. I will leave that with the commission for your consideration.

Mr. Braje, I will take a look at that.

Mr. Young, we don't bid that out until later in the spring.

Mr. Layton, we will hold this over to the meeting on the 20<sup>th</sup>.

**Overtime and Holiday Policies (Tabled)**

Mrs. Huston made a motion to remove from the table, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Braje, we are in discussion with the Department of Labor and we do not have a recommendation for you at this time. We expect to have it for the 20<sup>th</sup>'s meeting but we are still having conversations about it.

Mrs. Huston made a motion to table for the December 20<sup>th</sup>'s meeting, seconded by Mr. Milsap, motion carried by voice vote 3-0.

**John Jones, Michiana Insurance/Worker's Compensation Insurance Proposal (Tabled)**

Mrs. Huston made a motion to remove from the table, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. John Jones, Michiana Insurance Services, Inc., as you know from the last meeting and the individuals proposals that you were given, through our proposal, we are recommending that you move from your current excess self insured workers comp with an aggregate cap to a fully insured zero aggregate catastrophic no cap policy. You have that proposal.

Mr. Milsap, I wasn't here for the last meeting, I was on duty at the fire department, after reviewing your proposal, is it possible you can give us a brief explanation of the coverage we have now vs. what you are offering?

Mr. Jones, the chief element now is that you have a self insured retention of \$300,000. Under the new proposal it will be a fully insured with a \$5,000 deductible. The current self insured excess worker's comp. policy also carries a \$5,000,000 aggregate. The new policy has no aggregate, zero aggregate, no cap so it is truly a catastrophic policy. Those are the biggest elements of the coverage points.

Mr. Braje, under our previous policies in self insurance, you are just not paying the cost of the premium, but the county attorney's office was responsible for providing the defense for each claim and then you had a cost associated with that. Under the policies we have now under our liability and now under this proposal, that cost is not going to pass on to the commissioners; so that is the total cost as opposed to a cost that was proposed. There would be a premium amount but it did not include the cost of counsel or other expenses that you may have had in order to negotiate these claims. There is more dollars involved there than just the premium of what existed before and what exists now.

Mr. Layton, I will make some clarifications with my meeting with Mr. Jones. It was quite lengthy. We left the meeting with the fact that I was concerned with the amount of the premium and for the edification of the public it is for \$467,271.00. Mr. Jones was kind enough to do a synopsis of the last

five years of the county and what we have paid out in terms of the nature of this insurance. It averaged around \$400,000.00.

Mr. Jones, the claims themselves averaged about \$404,000.00 over a five year span coupled by a premium of \$65,000 up to \$115,000, you're already at the premium we are asking for a fully insured. With a component of risk management, I should add. I think one of the most valuable effects of this policy will be the risk management training and policy reviews. As your counsel has indicated, your attorney fees will not be a part of this. All the liability and attorney fees are taken care of in a fully insured policy. Your risk as far as expenditure extension is capped as well.

Mr. Layton, the reason it went to the \$404,000 because we had one year that was significantly worse than others. We had an officer injured in the jail; we had an officer injured by a freak tornado accident. That figure was nearly \$900,000 in that one year and escalated the other four years. I was also pleased that Mr. Braje stepped in and mentioned the fact that there were no litigation fees that was listed. That was over and above, which I think speaks volumes for what you are proposing even though I am hesitant because of the \$467,271 immediate cash outlay.

Mrs. Huston, is this proposal for one year?

Mr. Jones, yes.

Mrs. Huston, if we decide to go with this proposal; if we decide we don't like it, we would have no obligation to renew, could we go back?

Mr. Jones, yes. Unlike tort claims that are capped at \$750,000, there is no limit on worker's comp. injuries in Indiana.

Mr. Braje, there certainly is no limit as to .....the problem is the medical. The medical is unlimited. The amount they would get in a PPI rating is fixed by statute. In fact, they are pretty small but the medical bills go on. The medical is the real risk in workman's comp.

Mr. Milsap, if by some reason we don't get a handle on this would we be characterized as being in the pool?

Mr. Jones, there is an assigned risk pool in Indiana. Worker' comp is legislated and mandated in Indiana and there has to be a pool for those who are not accepted. That is always a risk when your claims continue to escalate.

Mrs. Huston, the one thing I like about it is the risk management. You will have someone going to the individual departments?

Mr. Jones, yes, there will be some trend studies done and small claims add up to big claims.

Mr. Layton, we have made public what the premium is, will this be one annual premium, semi-annual? The reason I ask is that we don't have \$467,000 left.

Mr. Jones, I recommend 25% down and seven payments.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Commissioner Milsap/Status of Ethics Ordinance

Mr. Milsap, in reference to the Ethics Ordinance, we are in the final chapter of the draft. The committee is communicating with the Allen County attorney in reference to the open door clause and our legal counsel can elaborate on that.

Mr. Braje, the committee sent me their requested changes to the ordinance and I made those changes. The issue still remains as to whether or not the impalement of the ethics board or the group relates to the open door law and whether or not those proceedings can be confidential. In the ethics ordinance there are more people that can be charged with an ethic violation than employees. There are gentle provisions in the open door law that deal with employee matters and there confidentiality and they can be held in executive session. To my knowledge, there are no provisions for other people who may be

affected under the ethics ordinance and then the question becomes whether violation of the ethics ordinance is a job action or an employment action that falls within the exemptions of the open door. Mr. Friedman had indicated to me that he believed that Allen County had worked through that particular issue and I will be happy to take a look at what they are doing and how they believe that the ethics proceedings were not subject to the open door law. I know he has been working on it and he is going to get me an opinion on it. Once I see what they have done I can make my recommendations to the board as to whether I believe that the ethics proceedings are not subject to the open door law and whether they can be held in confidence.

Mr. Milsap, once we get that information we can meet in January and hopefully we will have a final draft for the first reading for consideration in the new year.

#### NEW BUSINESS

##### Al Ott, Building Maintenance Stationary Engineer/Open Proposals for 2012

Mrs. Huston made a motion to close the proposals for 2012, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Braje, Proposals for Telephones: Frontrunner total maintenance contract \$17,389.00  
G3Technology Partners for service \$19,716.60 or \$18,291.00  
Frontier maintenance proposal \$31,250.00, 24 hour cover  
MVD one year contract \$21,964.61 pre paid basis, \$1926.72 on a monthly basis. This bid was not contained in a sealed envelope.  
MVD Communications which is the same as the above, but their sealed bid.

Proposals for the Sanitation Service: Waste Management, \$485.00 per month  
Republic Service (Able) \$991.39 per month

Proposals for Pest Control: Arrow Pest Control \$40.00 to \$60.00 per month  
Hatfield Pest Control \$;6060.00 annual, \$22.00 to \$130.00 per month

Proposals for Elevators: Kone Elevator \$1512.73 per month  
Otis Elevators 1,995.00 per month

Proposals for Vending: Neal Vending, not in a sealed envelope, 25% commission  
CL Vending, 12%-17% commission

Mrs. Huston made a motion to pass these on to Al Ott, Building Superintendent, for his review and recommendations, seconded by Mr. Milsap, motion carried by voice vote 3-0.

#### COMMISSIONER'S COMMENTS

Mr. Milsap, after receiving the data tonight for the redistricting I would like to applaud Lynne and her staff in the Clerk's office and Melissa in GIS for pulling this raw data together to come up with the final draft. Hopefully we will act on it before the end of the year.

Mr. Layton, I would like to remind the public that come the first of the year the Commissioners will be going through what is called reorganization for the commission. With that comes a number of board appointments; some for annual, some for bi-annual, and some for 4 year terms. If there is anyone interested in one of the board positions that will be coming open, please contact the commissioner's office and Mrs. Noveroske will entertain anyone that calls in and would be interested in serving in one of those positions.

#### ADJOURN

Mr. Layton, President, adjourned the meeting at 7:06 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Ken Layton, President

*Barbara Huston*  
Barbara Huston, Vice President

*[Signature]*  
Walter Whisap, Member

ATTEST: *[Signature]*  
Craig Hinchman, LaPorte  
County Auditor



# **LaPorte County Republican Central Committee**

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December 2, 2011

LaPorte County Board of Commissioners  
555 Michigan Avenue, Suite 202  
La Porte, IN 46350

Commissioners

On the agenda of your December 6, 2011 meeting will be the reading of an ordinance creating new voting precincts within LaPorte County. I will be unable to attend this meeting due to a prior commitment the same evening, but would like this letter to serve as my statement of support in favor of this ordinance.

I have attended the two meeting pertaining to this redistricting and believe that the changes as outlined in the ordinance will allow both the office of Voter Registration and the Clerk's office to better serve the voters of LaPorte County in years to come.

If there are any questions you may wish to pose to me prior to the December 6<sup>th</sup> meeting, please feel free to contact me at your convenience.

Thank you,

Keith A. Harris, Chairman  
LaPorte County Republican Party

Keith A. Harris-Chairman  
Mike Gonder -Vice Chair  
Diane Gonzales-Secretary  
Terry Garner-Treasurer