

LAPORTE COUNTY BOARD OF COMMISSIONERS  
TUESDAY, FEBRUARY 15, 2005

The LaPorte County Board of Commissioners met in a regular session on Tuesday, February 15, 2005 in the LaPorte County Annex and Security Complex Room #3 at 10:00 a.m...

Commissioner Harmon called the meeting to order at 10:05 a.m...

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

LaPorte County Clerk Elect Robert Behler led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Harmon, I have one addition to make to the agenda under "New Business" section "G" Mr. Robert Young, LaPorte County Highway Superintendent, Frost Law.

Mrs. Huston made a motion to approve the agenda as amended, second by Mr. Harmon. Motion carried with a voice vote 2-0.

APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of February 1, 2005, as submitted; the chair will second the motion. Motion carried with a roll-call vote 2-0.

WEEKLY REPORTS

The Commissioners review and sign weekly reports during the meeting.

CLAIMS

PAYROLL

Mrs. Huston made a motion to approve Payroll ending February 25, 2005 and March 11, 2005, second by Mr. Harmon. Motion carried with a roll-call vote 2-0.

MISCELLANEOUS CLAIMS

Mrs. Huston made a motion to approve Miscellaneous Claims in the amount of \$1,810,094.40, second by Mr. Harmon. Motion carried with a roll-call vote 2-0.

CORRESPONDENCE

None

## RFQUESTS

### Jane Bernard, LaPorte County Small Animal Shelter Director, Request to host Neuter Scooter

Ms. Bernard, we have taken in over 900 (nine hundred) cats into our shelter explains the cat problem in our county. We have been contacted by non-for-profit organization Neuter-Scooter they spay and neuter cats for a reduced fee. The fee is \$40.00 if you pay on line and \$50.00 if you pay the day of the surgery what they are asking that we host the spay, neuter unit. What I am requesting that the shelter be closed to the public on that date and it's at no cost to us.

Mr. Harmon, we are not becoming a place to house the animals?

Ms. Bernard, we house according to what the ordinance requires us to do for 7 days.

Mrs. Huston made a motion to allow Ms. Bernard to close for the day she is hosting Neuter Scooter, second by Mr. Harmon. Motion carried with a roll-call vote 2-0.

## OLD BUSINESS

### Rick McVay, LaPorte County Highway Engineer, 75 West-Proposed Speed Limit Modification 250 S. to 400 S.

Mr. McVay, what we have on this road is half way is 45 mph then down to 35, and we are having trouble with people stealing signs, so to take care of this we need to make this 35mph. Mrs. Huston made a motion to approve and forward to the county attorney for an ordinance, second by Mr. Harmon. Motion carried with a roll-call vote 2-0

### Rick McVay, LaPorte County Highway Engineer, Johnson Road & C.R. 450 North Proposed Signalized Intersection

Mr. McVay, We conducted a traffic study at this intersection, the accident rate is extremely high, so I am proposing that we consider putting a traffic signal at that intersection similar to the one at 400 North. I would like to make this part of the Johnson Road project and do that at the same time but I propose that we go for hazard elimination funding, which I just found out could fund up to 100%.

Mr. Harmon, the traffic study does that indicate that we need a traffic light at that point.

Mr. McVay, yes because of the accident rate which is at 4 per year and the site distance.

Mr. Harmon, have you talked to the Sheriff Arnold about a traffic light their?

Mr. McVay, no I haven't.

Sheriff Arnold, this is a bad intersection and I do have some concerns and I am in favor of a caution light at this point. I would like to talk with Mr. McVay, and go thru the traffic study and I am not in favor of a traffic light at this time.

Mr. Harmon, will delay this month will that create a problem?

Mr. McVay, no

Mr. Arnold, if the four way study warrants it.

Mr. Harmon, I asked that this be tabled.

Mrs. Huston made a motion to table until the next meeting, second by Mr. Harmon. Motion carried with a voice vote 2-0.

Paul Trost, LaPorte County Health Department Administrator, Ordinance to amend Health Department Service Fees

Mr. Trost, this is the second reading for increase of fees.

Mr. Harmon, ordinance on second and final reading by title only before us..

Mrs. Huston made a motion to approve the ordinance on second and final reading, second by Mr. Harmon. Motion carried with a roll-call vote 2-0. This will be known as Ordinance 2005-02

Appointment to Plan Commission

Mr. Harmon, I ask that we table this until the next meeting. Mrs. Huston made a motion to table the appointment to the Plan Commission, the chair will second the motion. Motion carried with a voice vote 2-0.

Appointment to Park Board

This was a question of a political appointment and the county council or the city council has to make a new appointment not the commissioners.

NEW BUSINESS

LaPorte County Schools Superintendents Office, 2005 Holiday Schedule Approval

Mrs. Huston made a motion to approve, second; by Mr. Harmon. Motion carried with a roll-call vote 2-0.

Philip Faccenda, Barnes & Thornburg, Ordinance LaPorte County Department of Redevelopment

Mr. Harmon, we will have this on first reading by title only. Mrs. Huston made a motion to approve on first reading and hold over for second reading on our March 15<sup>th</sup> regular meeting, second by Mr. Harmon. Motion carried with a roll-call vote 2-0

John Sullivan, LaPorte County Coroner Chief Deputy, CCD fund request new vehicle.

Mr. Sullivan, we are in need of a new vehicle and the frame is rusted through and is shot. I did 96 transports last year. Mr. Sullivan, explains his choice of vehicles, one from in town and another from out of town.

Mr. Harmon, I think Mrs. Huston has some questions.

Mrs. Huston, what would you think about getting a price on a panel van, no windows. I counted the times you needed the 4x4 and nine times.

John Sullivan, some deaths don't always occur on a road way sometimes we have to go into fields.

Mrs. Huston, I would like to see a quote on a panel van with no windows and see what the price would be. I do think this is a high price for this vehicle, so I would like to see a price quote on a panel van from Chevy or Ford whoever you can get it from.

Mr. Sullivan, could I bring up an option too. Are you going to be replacing any of the EMS Suburban which is in there late 90's?

Mrs. Huston, the director has not mentioned it to us, are you planning on it Patti?

Mrs. Pease, in the future but not at this time.

Mr. Harmon, Ms. Huston would you have a problem with EMS handing one down to the coroner's office and get EMS a new vehicle. You need to get on the council agenda in case we approve this.

Mr. Sullivan, I will get a price on a panel van and also get with Patti and see if we can work something out.

Mr. Harmon, I ask that this be tabled to next meeting in March. Mrs. Huston made a motion to table until our next regular scheduled meeting in March; the chair will second the motion. Motion carried with a voice vote 2-0

Robert Young, LaPorte County Highway Superintendent, approval to advertise for bids of five (5) new Tandem Dump Trucks

Mr. Young, I am asking that we be allowed to put out for bids on five trucks with the equipment, I would like to try to meet the March 15<sup>th</sup> meeting for bid opening, that would put us on schedule of the April 25<sup>th</sup> to go to the council for funding. I am thinking \$130,000.00 per unit.

Mrs. Huston made a motion to allow for bid request for five (5) Tandem Dump Trucks; the chair will second the motion. Motion carried with a roll-call vote 2-0.

Robert Young, LaPorte County Highway Superintendent, Frost Law

Mr. Young, what I would like you to do is just approve for me to enact the Frost Law when I see fit.

Mrs. Huston, made a motion to allow Mr. Young to use his judgment on when to enact the Frost Law for the County Roads, the chair will second the motion. Motion carried with a roll-call vote 2-0.

## PUBLIC COMMENTS

Tim Janatik 8656 West 125 South, LaPorte, Indiana. What that is in front of you is a print out from the LaPorte County Highway Department they chose to put in a 24 inch culvert on 125 South. And what is happened when the 24 inch culvert went in from an 18 to a 24 inch the surface water is being retained on the field there is a low spot but it's not a low spot that retains water year round. There is a culvert that needs to be put in there which will go under ground into the two foot, there needs to be a culvert inserted there a 12 inch culvert that was a drainage ditch.

Mr. Harmon, what we will do is to refer to the highway department and have them get out there and work on the problem.

Mr. Janatik, the second issue I have last month in January, I attended the Plan Commission meeting. And I don't think our voice is being heard, from a private property owners of LaPorte County threw the 21 Townships throughout LaPorte County. On the 28<sup>th</sup> of September which was to be a public hearing on LaPorte County rules and changes to the LaPorte County Master Plan. Since that time that issue was tabled the only way that that can come off the table is to hold a public hearing to bring that issue off the table We found out in January that there was another set of proposals have come out of the woodwork, and we understand that it was the third set of proposals since the September meeting. During that public hearing on September 28, we were assured that any workshop the public would be invited, that never happened. How does the public get involved if we are not invited? I call this a closed door session all the time, who is in control here? Is it the elected official, the attorney because I can guarantee you most of the members on the plan commission meeting have not been involved in this, who is giving the direction to bring up these proposals? If it's "Z" its gotta be coming from the LaPorte County Commissioners, the elected board, if it's not where are they coming from.

Mr. Harmon, do you want me to answer that? First of all, in order for you to have a workshop you have to have something to work with and that's up to the Plan Commission. We have seen copies of this recently and no we will not act on any of this until the Planning Commission deals with it and acts on it. When they get something together and have a public hearing or a workshop on it then the Planning Commission will call for that. When Mr. Hamilton and the attorney to get this together and have something there then they can presented to the board and to the public, then the public can sit down with them and have a workshop with them and the public can speak out. We work for the people of LaPorte County and unless it is to the benefit of the people of LaPorte County it is not going to be done. And yes, public input is wanted and needed and we sometimes look at things differently at different times and a workshop can be helpful but this is still in the planning stages.

Mrs. Huston, you have two questions, the first being you weren't feeling well represented how you would feel you would be better represented as far as the townships on the board.

Mr. Jantik, there were 14 workshops hearings with the public invited not only did we start from scratch with the public invited. There were speakers and it was do we want this idea aye or nay, then what came out of the workshop then went to the Plan Commission for open debate again under the public law. Now we don't have this process, now we have here it is whether you like it or not take it or leave it. The public is not being invited to the workshops, the public is not having input, we are not having our concerns addressed.

Mr. Harmon and that will not happen, the Board of Commissioners will not call for a public hearing on this issue until it is given to us by the Plan Commission, until that happens it won't happen. When the Plan Commission gets done with it and they approve it and they send it to the Board of Commissioners then we will allow public comment on it and if we have to have a workshop on it, I don't have a problem with that that's after the Planning Commissions done with it.

Mr. Janatik, the state law requires that the Plan Commission meetings the public has to be there they have to be involved and openly debated.

Mr. Harmon, then that's where you need to go with your questions. I am not the President of the Plan Commission; I only serve on the board. When the Plan Commission finalizes what they feel they want done and forward to the Board of Commissioners and then I will have a public hearing on it and discussion on it. Now, if the Planning Commission wants to do that I don't have a problem with that.

Mrs. Huston, I would like to review this information and get up to speed on the issue before I make any additional comments.


#### COMMISSIONER'S COMMENTS

Mr. Harmon announced that there will be no regular Commissioners Meeting on March 1, 2005 and the next regular Commissioners Meeting would be held on March 15, 2005 at 10:00 a.m..

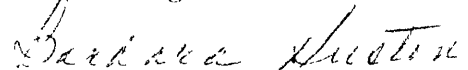
#### ADJOURN

Commissioner Harmon adjourned the meeting at 11:05 a.m...

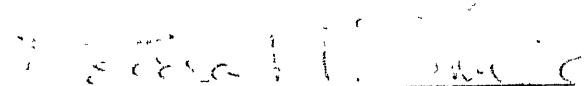
#### LAPORTE COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Marlow Harmon, President

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William Hager, Vice President

  
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Barbara Huston, Member

ATTEST:

  
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Teresa Shuter, LaPorte County Auditor

(Approximately 20 people in attendance)