



BOARD OF COMMISSIONERS

LAPORTE COUNTY

Circuit Courthouse

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Marlow Harmon, President

William Hager

Barbara Huston

LAPORTE COUNTY BOARD OF COMMISSIONERS TUESDAY, DECEMBER 6, 2005

The LaPorte County Board of Commissioners met in a regular session on Tuesday, December 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 Attorney Robert Szilagy, LaPorte County Auditor Teresa Shuter and Recording Secretary Linda Arnett.

WELCOME AND PLEDGE OF ALLEGIANCE

Mrs. Huston Led the Pledge of Allegiance

APPROVAL OF AGENDA

Mr. Harmon, I have one addition to the agenda under "New Business" Section "H" Appointment to the LaPorte County Redevelopment Commission.

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

APPROVAL OF MINUTES

Mr. Hager, made a motion to approve the minutes of November 15, 2005 as presented, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

WEEKLY REPORTS

Commissioner's review and sign weekly reports during the meeting.

CLAIMS

Mrs. Huston, made a motion to approve Miscellaneous Claims in the amount of \$2,371,832.00, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

PAYROLL

Mr. Hager, made a motion to approve Payroll Ending December 16, 2005, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

CORRESPONDENCE

None

REQUESTS

Attorney Shaw R. Friedman Consideration of Settlement IURC Cause # 42-927

Mr. Friedman, as you know LaPorte County has intervened in a number of cases in front of the Indiana Regulatory Commission involving NipSCO rates and services. I know how strongly all of you feel and this having an impact on NipSCO rates and services it is not only for new businesses and industry but relief for residential rate payers. I am please to report that we have reached a tentative

settlement in one of the cases now pending in which we are seeking your approval. This particular case is the "Winter Warmth" case in which Nipsco last year the Indiana Regulatory Commission began a pilot program to help pay for the utilities for low income rate payers. The County intervened in this case concerned as we were with the funding that's between ratepayers and the company, I am pleased to report that we have been able to negotiate a settlement which the company will contribute an additional \$250,000.00 in company funds this heating season, which will mean that much less that same amount coming from ratepayers and in return the county agrees not to challenge the funding and agreed to support the program at least until the end of 2006. The agreement does not waive our ability or right to funding after December 31, 2006, frankly with the winter season upon us the need for various agencies to help provide low income families with assistance it is important that this program go forward and now it will go forward with a higher contribution from the company. Under the tentative agreement the only comment is a joint press release and this has been held upon agreement here, my office is recommending the approval of the agreement as it represents a good resolution between the County and the Company that will permit assistance right away for families here.

Mr. Harmon, this is another one of those lawsuit that we have been involved in for quite some time and with Nipsco on numerous issues and I am happy to say that each time that we have gone down there in front of the IURC we have come out victorious. This has helped the people of LaPorte County tremendously over the last few years that we have been fighting Nipsco and there high rates and issues like the heating program that was started last year. I am pleased that Nipsco saw that they needed to come forward and help the people and I think they have shown some concern and I appreciate that and I am also appreciative of Mr. Friedman and other attorneys.

Mr. Friedman, I would like to also like to recognize the efforts of our co-council Bob Wright we have been working very closely with his firm on a number of these cases.

Mr. Harmon, we have before us an issue to support this settlement agreement or not.

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

Mr. Friedman, we will go ahead with the press release.

OLD BUSINESS

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

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

Mr. Harmon, there was question reference to the contract weather we were duplicating work being done with Kelley & Associates in our Comprehensive Plan and I think some people have gone through this. We now have a letter from Mr. Bishop, our County Planner, stating that after several discussions with Cender & Company & Kelley & Associates felt that we should go forward with this contract in reference community service studies. We do have a representative from Cender & Associates, come forward and state your name for the record.

Dan Botch, I am an associate at Cender & Company, we have done most of community study. I have had discussions with the County Planner about the analysis and I submitted a letter to him as well to the soil & water conservation district. The lab basically is in the material. It's a matter of our being able to collect data for the county township as far as city level government, as far as population that is available on the internet on the states website. It's not a component of the plan that was being proposed by the county board meeting of the county it is more of a demographic analysis. What we consider being a material proportion of the contract, the greater data collection is the information on budgets from the county, 21 townships for all the cities and towns.

Mr. Harmon, appreciate you being here tonight. Any other questions from the board?

Mr. Hager, I have talked to the Planner quite extensively on this, and he's been back and forth with everybody and got everything clarified.

Mr. Hager, made a motion for \$43,600.00 for the cost of Community Service Study, second by Mrs. Huston. Motion to include the funds is taken out of CCD. Motion carried with a roll-call vote 3-0.

Attorney Robert Szilagyi/ Commission Property Bid Openings

Mr. Szilagyi, based on publication of excess property that was for tax sell, we actually have only 3 bidders for partials. Mr. Hora bid on lots 15, 17, 57-51, and 57-62 sold bids was \$750.00 and Mr. Johnson bid on Hudson Lake lot 33-46-30-50 for \$1,000.00 and Berkowski bid on lots 6-9 for \$4,500.00. My suggestion they provide a certified check to LaPorte County no later than Monday morning.

Mr. Harmon, you heard the recommendation of the attorney.

Mr. Hager, made a motion to accept the bids for the property in Hudson Lake and Fish Lake that they bring a certified check for the properties., second by Mrs. Huston. Motion carried 3-0.

Attorney Robert Szilagyi/ Donation of County Excess Real Estate

Mr. Szilagyi, again this was a public hearing for the donation of property to the Wall Gang, Inc.

Mr. Harmon, we have public hearing on the piece of property that the company wants lots 20-27 in the City of Michigan City 825 Chicago Street, it is declared excess property by the county. The Wall Gang, Inc. is a group of veteran's that are very active in the city of Michigan City and LaPorte and LaPorte County. The board has agreed to allow them to have the land to build a home for their club. Anybody in the public want to speak on this issue for or against the donation of this property to the Wall Gang, Inc. No one coming forward, close public hearing.

Mrs. Huston, made a motion to approve the donation of 825 Chicago Street in Michigan City to the Wall Gang, second by Mr. Hager. Motion carried with a roll-call vote 3-0

Jim Keil, Keil & Associates, Inc. / Legacy Estates Final Approval

Mr. Jim Keil, I'm here on behalf of Legacy Corporation. The Legacy Corporation owns 38 lots which were going to call Legacy Estates that's located on the Westside of 35 about a half mile north of Johnson Road. That subdivision approved, was given approval by the Plan Commission originally at Down Hills Subdivision on February 23, 2004 or March 23, 2004 we went back a year after which would be this year and changed the name to Legacy Estates on February 22 of this year with the Plan Commissions approval. Currently the city water & sewer will be put in that subdivision and all that is being put in right now except for a few laterals, most of the storm sewers are installed and the roads are cut out there is probably 10% left to go, so 90% of the infrastructure are installed. We discussed bond issues with Mr. McVay, he recommended in that letter a total amount of \$366,313.00 bonds. The Legacy Corporation chose to rather than go with the bond, I have a letter of credit from the Savings Bank in the amount of \$367,000.00 which is an irrevocable made out to the LaPorte County Board of Commissioners, and I have a copy which I will give to you.

Mr. Harmon, these Bellmore Ave., Sneed Ave. and Hogan Ave. are in place now?

Mr. Keil, where the excavation is completed, there's? no pavement?

Mr. Harmon, why would we want to accept them in before there is pavement on them?

Mr. Keil, we haven't completed this part right now, the weather has got us stopped but we had planned on putting all the streets in.

Mr. Harmon, we do that and except them into the highway system as they are

Mr. Keil, I think that was with the bond. I think what they're saying as long as the bond is posted, then he will accept the streets.

Barb, is there some reason why that back part of this is not included?

Mr. Keil, we are going to come back probably the first of the year, originally we had planned on 14 lots back there we decided to change that and we are going to go back to the Plan Commission and complete that section. When we have this recorded we will show this as future development. That is not part of the subdivision that is presented tonight and that street is not part of the cost.

Mr. Hager made a motion to concur with the Plan Commission and accept Legacy Estate, second by Mrs. Huston. Motion carried 3-0

Rick McVay, LaPorte County Highway Engineer/ Reconstruction of Holton Road/Waverly Road Change Order and Final Acceptance

Mr. McVay, the first change order \$5,702.00, it's for we went over it in actual asphalt, and I believe it was in the basin fender. It was in the grinder and surface mix, each way it stop at 3% add to the contract analysis. The second item is the final acceptance of that 3% intersection and I've inspected and I think that's a great improvement to that intersection.

Mr. Harmon, I was surprised how high that road is raised up, I think you did a nice job with it.

Mr. McVay, we questioned the amount they're raising up, once it was done it came out well.

Mr. Hager, I have had good comments on how it is improved out there.

Mrs. Huston, I have to. I heard nothing but positive things on the road.

Mr. McVay, I haven't heard any complaints.

Mr. Hager, made a motion to approve the change order of \$5,702.00, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Final approval of the Holton/Waverly Road Project.

Mr. Hager, made a motion to accept the final approval of the Holton /Waverly Road Project, second by Mrs. Huston. Motion carried with a roll call vote 3-0.

NEW BUSINESS

Jerry Cooley, LaPorte County Councilmen, LaPorte County Home Roofing

Mr. Cooley, We've been having some meeting about the needs of the County Home and some of the things that need to be done. The two outer barns, one close to the road and one close to the home, they looked at both and they said that the one closest to the home is not worth saving and think it should be taken down. The one closest to the road looks like it'll need a move on it as soon as it can be re-roofed and fix some of the beams. I don't know what we want to do with the property but we'll have to look at it or something. I had them give me an estimate it will be about \$75,000.00 to repair the roof on it and re-tin the building. At this time I think want to make it aware the one that's leaning towards the west and make you aware that we need to keep people out of there because it would come down.

Mr. Hager, I think that barn is possibly unsafe. If we talk to Pioneer Land they may want that take it down and I don't know what their projects are going to be there or at the Fairgrounds. They may take that down for us...

Mrs. Huston, is it posted do not enter? If it is in that bad of shape should anybody be around it?

Mr. Hager, it's probably moved to the west about 6 to 8 inches. I talked to Kay and I do not think we should be parking our vehicles in it.

Mr. Harmon, are they storing anything in that barn at all?

Mr. Hager, vehicles.

Mrs. Huston, do we have any future ideas on what you want to use it for? How old is that barn?

Ms. Felton, it is probably as old as the County Home, it's about 120 years old. We do park our county vans in there.

Mrs. Huston, any thoughts on what you might want to use it for?

Ms. Felton, we use it for storage.

Mr. Harmon, I would like to look at getting the leaning one removed and we can look into the other one being fixed, we probably have to go into additional appropriation. The Ruth Rouambaugh account can't be used for that due to the stipulation in that estate.

Mrs. Huston, Would you want to know about the stability of the barn before you put a lot of money into it. At 125 years old wouldn't you want to know if termites or something is out there?

Mr. Hager, We had, Jerry and I, when Tonn & Blank was around they went in there and looked around, they said it is remarkable for the shape structural wise. I talked to Al Ott and he thought if we put a roof on it, he would get it painted for us.

Mr. Cooley, I want to thank you for letting me speak.

Mr. Hager, made a motion to put out proposals for re-roofing of the barn and re-sheet the barn, second by Mrs. Huston. Motion carried with a roll-call vote 3-6.

Mr. Hager, I'll go with Eric et cetera on this and he can get a draw of what we need to do.

Mr. Harmon, I would rather you contact the Maintenance Department.

Mr. Hager, I will talk to them too.

Approval of 2006 Holiday Closings

Mr. Harmon, there are fourteen days, which include Primary Election Day and the general Election Day for 2006.

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

Al Ott, LaPorte County Stationary Engineer/ Proposals for: Telephones, Trash Removal, Pest Control and Vending Machines

Mr. Harmon, the time for bids is closed, no more bids would be accepted. Mr. Ott was not able to be here tonight.

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

Mr. Szilagyi, first one is from Ryan Neal Vending Service, Inc. C.I. Vending and for telephones we have TRCA, next one is from Able Disposal, SBC for telephones, Hatfield Pest Control and Waste Management.

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

Robert Palm, Palm & Associates, Inc/ Prairie Farm Estates Final Approval

Mr. Palm, I'm here on behalf of Dan & Debra Zakrzewski, for the final plat approval of Prairie Farm Estates. The plat receive approval at the November 22nd Plan Commission meeting. We have Health Department approval for the septic systems for each lot; the Soil & Water Conservation District has approved the soil control plan. We made one revision of the governance of disbursements at the request of the Plan Commission has been made and in the covenants the Rights of Farm Statues in the State of Indiana were aware they are in local zone. Do you have any questions during final approval?

Mr. Harmon, Mr. Palm made the changes as required and requested by the Plan Commission.

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/ Bridge Inspection 204-207

Mr. McVay, this is in reference to our bi annual bridge inspections and we need to conduct one additional under water inspection. Basically, this supplemental agreement to counter those extra cost with Beam Longest and Nelf to conduct that water inspection. This is something that the state mandates every two years for the bridges and this new bridge. This is federally funded so it'll only take 20% of actual cost this is something that has to be done. When you sign this don't sign the actual agreement, just the cover letter and then we'll send it down to INDOT and they'll send it back.

Mr. Hager, made a motion to approve Supplement. Agreement #1, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

39 North Conservancy District/ Board Appointment

Mr. Harmon, we had one member had to resign due to the fact he's moved out of the Conservancy Districts, part of the requirements is that you have to live in the conservancy district. The Conservancy Board Chairman asks that we appoint Terry Larson to fill the vacant spot.

Mr. Hager, made a motion to approve the appointment of Terry Larson to fill the vacant spot, second by Mrs. Huston. Motion carried with a voice vote 3-0.

IKON Contract

Mr. Harmon, we went over the contract with Dan and his group Mr. Szilagyi has reviewed the contract. The contract is in the \$28,000.00 plus travel expenses on this project the contract is not to exceed \$35,000.00. The purpose on what were trying to do here, were working in conjunction with Mrs. Shuter, the Auditor, to try and streamline the Auditor's Office in helping her eliminate a lot of duplication work that they have a lot of paper work that they do and hopefully this will give us a trend to start streamlining our office to eliminate a lot of duplication and eventually eliminate some personnel that we don't necessarily need. This is the first step in trying to make county government a little bit economical.

Mrs. Huston made a motion to approve contract with IKON in the amount of \$28,000.00 including travel expenses which shall not exceed \$35,000.00, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Appointment to LaPorte County Redevelopment Commission

Mr. Harmon, one member of the Redevelopment Commission has resigned. We have name Patty Stock.

Mrs. Huston, I understand she's the Principal at Kingsbury School, I have no objections.

Mr. Hager, I would recommend Ms. Kabeln, from Kabeln's Hardware Store.

Mr. Harmon, we have a nomination by Mr. Hager of Mrs. Kabeln.

Mr. Harmon, we have two new members nominated for that position.

Mrs. Huston, voted for Patricia Steele

Mr. Hager, voted for Mrs. Kabeln,

Mr. Harmon, voted for Mrs. Patty Steel

Motion carried 2-1 for Mrs. Patricia Steele.

PUBLIC COMMENTS

No comments

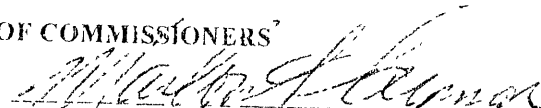
COMMISSIONER'S COMMENTS

Mrs. Huston, the only comment I have before the 20th of December is to wish everybody a safe and happy holiday season.

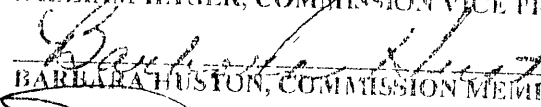
ADJOURN


Commissioner Harmon adjourned the meeting at 7:10 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


MARLOW HARMON, COMMISSION PRESIDENT


WILLIAM HAGER, COMMISSION VICE PRESIDENT


BARBARA HUSTON, COMMISSION MEMBER


TERESA SHUTTLER, LAPORTE COUNTY AUDITOR

(Approximately 20 people in attendance)