



# BOARD OF COMMISSIONERS LAPORTE COUNTY

Circuit Courthouse  
813 Lincolnway, Suite 301  
LaPorte, IN 46350-3400

Phone: (219) 326-6808 ext. 229 - FAX: (219) 326-9103

Marlow Harmon, President

Barbara Huston

William Hager

## LAPORTE COUNTY BOARD OF COMMISSIONERS

TUESDAY, MAY 9, 2006

The LaPorte County Board of Commissioners met in a regular session Tuesday, May 9, 2006 at 6:00 p.m. in the LaPorte County Annex & Security Complex.

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

Commission Vice President Barbara Huston led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Mr. Hager, made a motion to approve the agenda as presented, second by Mrs. Huston. Motion carried with a voice vote 3-0.

### APPROVAL OF MINUTES

Mrs. Huston, made a motion to approve the minutes of April 18, 2006 as presented, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

### WEEKLY REPORTS

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

### CLAIMS

### PAYROLL

Mr. Hager, made a motion to approve Payroll Ending May 19, 2006, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

### MISCELLANEOUS CLAIMS

Mrs. Huston, made a motion to approve Miscellaneous Claims in the amount of \$1,560,337.34, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

### CORRESPONDENCE

None

### REQUESTS

#### LaPorte Jaycees /Request Closing of Zigler Road from State Road 2 to 5<sup>th</sup> Street On July 4, 2006

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

#### Door Village Harvest Festival/ Request for \$500.00 from Tourism Funds

Mrs. Huston, made a motion to approve \$500.00, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

George Glassman/ Request Health Insurance after Retirement

Mr. Harmon, Mr. George Glassman is request health insurance after retirement. Mr. Glassman is retiring from the County Highway after 37 years of employment.

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

OLD BUSINESS

Robert Palm/ Prairie Trails Final Plat Approval/Phase "A" Bond \$165,497.50

Mr. Palm, I am requesting final plat approval he explains the acreage plat and development. I have the surety bond to submit to the Commission in the amount of \$165,497.50.

Mr. Hager, how is the land for filtration.

Mr. Palm, each lot has been done in Phase "A" and they have all been favorable, each lot is ¾ of an acre.

Mrs. Huston, the road your putting in is it going to by up to LaPorte County standards?

Mr. Palm, yes it has been reviewed by the LaPorte County Highway Department and the Drainage Board.

Mr. Hager, made a motion to grant the request and accept the bond in the amount of \$165,497.50, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Attorney William Hedge, Vacate Portion of Tulip Lane, New Carlisle (tabled)

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

Mr. Harmon, I believe the other Commissioners went out and looked at the right of way that you want vacated. Do any of the board members have any questions?

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

Mr. Harmon, we have an ordinance before us by title only if there are no objections, hearing none.  
AN ORDINANCE TO VACATE A LANE BETWEEN SPRUCE LANE AND HEMLOCK LANE, NEW CARLISLE (HUDSON LAKE), LAPORTE COUNTY, INDIANA.

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

Mr. Harmon, I will ask that this board move on to second and final reading on this petition.

Mr. Harmon reads the ordinance on second and final reading by title only as follows: AN ORDINANCE TO VACATE A LANE BETWEEN SPRUCE LANE AND HEMLOCK LANE, NEW CARLISLE (HUDSON LAKE), LAPORTE COUNTY, INDIANA.

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

Mr. Harmon, this will be known as Ordinance #2006-03

**Robert Young, LaPorte County Highway Superintendent/ Material Bid Recommendations**

Mr. Young explains his recommendation to the Commission. Class 11 Seneca Petroleum Co. would be the primary, Class 11 SemMaterials would be an alternate, Class 11 Bit-Mat Products would also be an alternate do to the price fluctuation.

Mr. Harmon, do you want to explain the reason for accepting all bids.

Mr. Young explains the raising prices for accepting all bids right now we are accepting Seneca as our primary supplier because they are low bid but that is subject to change. I want to move on to the next recommendation on class 12, the first is Rieth-Riley Construction Co. and Walsh & Kelly, Inc. and I want to accept both bids and the primary to be Rieth-Riley Construction and Walsh & Kelly, Inc. as an alternate.

Mr. Hager, made a motion to accept the bids as recommended, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

**Attorney Ralph Howes/ Ordinance Zoning Map Change from Agricultural to R-1 Residential**

Mr. Howes explains the rezoning for Agricultural to R-1 that he is requesting and the lots and a Bed & Breakfast that will be included on the acreage of the rezone requested. I have forwarded a proposed form of ordinance to Mr. Szilagyi and to the Commissioners Secretary.

Mr. Szilagyi, what is the acreage on this?

Mr. Howes, I believe it is 45 acres and explains the map to the commission and the county attorney.

Mr. Harmon, The road that is going in there is it going to be a county road?

Mr. Howes, I know this matter was discussed at the Plan Commission meeting, all this is, is just the first stages of rezoning and it's going to have to go back in front of the Plan Commission and eventually come back here.

Mr. Hager, is this a private subdivision or a public road.

Mrs. Huston, you understand Mr. Howes that if it is going to be a public road it has to come up to county standards.

Mr. Howes, yes.

Mr. Szilagyi, that is what they don't know yet, as long as it meets the requirements of the ordinance you have to accept it.

Mrs. Huston, made a motion to approve the rezoning from Agricultural to R-1, second by Mr. Harmon. Motion carried with a roll-call vote 2-1 with Mr. Hager voting nay.

Mr. Harmon, we have an ordinance before us on first reading by title only if there are no objections, hearing none.

**AN ORDINANCE TO AMEND THE APORTE CONTY ZONING RODINANCE OF LAPORTE COUNTY, INDIANA, BY AMENDING THE ZONE MAP FOR GALENA TOWNSHIP, SO AS TO RECLASSIFY AND REZONE CERTAIN REAL ESTATE FROM AGRICULTURAL USE DISTRICT TO R-1 RESIDENTIAL USE DISTRICT.**

Mrs. Huston, made a motion to adopt on first riding by title only, second by Mr. Harmon. Motion carried with a roll-call vote 2-1 with Mr. Hager voting nay.

Mr. Harmon, this will be held over for a second reading at our next regular scheduled meeting.

Attorney James Kaminski / Sheffield Lifestyle Group, LLC/ Rezoning

Mr. Kaminski, we are requesting a rezone of 71 acre parcel from Industrial reserve to R-2 residential, my clients are requesting approval of a planned unit development. And like the previous petitions we will be back assuming favorable action by the Plan Commission and back to this Commission for final approval. Mr. Kaminski explains the spa and resort and town homes. The neighbors are in favor of this resort we would request that the commission rezone this property.

Mr. Harmon, I am going to allow 15 minutes for any remonstrators to speak on this project, they will be allowed three minutes each.

Joann Buttershot, 0801 East 700 North, LaPorte, Indiana. This was a done deal before we knew of it; we had more people against the spa then for it. I don't think this should be approved.

Mrs. Huston, Mr. Kaminski you motioned you did a traffic study.

Mr. Kaminski, that is correct, the study was conducted by Traffic Engineering Consultants out of South Bend, Indiana.

Mr. Hager, this is a twenty million dollar project and I am 100% in favor of this project.

Mr. Hager, made a motion to approve the rezone from Industrial Reserve to R-2 residential, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, we have an ordinance on first reading by title only, hearing no objections.

Mr. Harmon reads the Ordinance by title only on first reading: An Ordinance to Amend Article 4, Section 8-6 of the LaPorte County Master Plan and the Zone Map which is a part thereof in order to Rezone and Reclassify a Parcel of Real Estate in the County of LaPorte.

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

Mr. Harmon, I now ask that this be read and approved on second and final reading.

Mr. Hager, made a motion to adopt on second and final reading.

Mr. Harmon reads the Ordinance by title only for second and final reading. An Ordinance to Amend Article 4, Section 8-6 of the LaPorte County Master Plan and the Zone Map which is Part thereof in Order to Rezone and Reclassify a Parcel of Real Estate In the County of LaPorte.

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 #2006-04.

Attorney Barry McDonnell/ Hesston Preserves, LLC / Rezoning

Attorney Barry McDonnell, I represent Hesston Preserves, LLC we are requesting your approval for a rezone 150 acres from Agricultural to R-1 Residential. Joe Simon is with me tonight which is one of the principals of Hesston Preserves and Bob Palm who is the engineer and they can answer any questions you might have. We have received a favorable approval from the LaPorte County Plan Commission. Attorney McDonnell continues to explain the land and ask for the ordinance to be approved by this commission.

Mr. Hager, this is going to be a private subdivision?

Mr. McDonnell, we intend to put a private road in and will be taking care of our road.

Mr. Hager, I am totally against private subdivisions

Mr. McDonnell, we are going to build the roads up to county specifications and that is what we intend to do and this will all be documented.

Mrs. Huston, how many entrances and exits will there be

Mr. Palm, one coming off the county road.

Mrs. Huston, you will be putting in 40 homes.

Mr. Palm, yes and I don't think this will be an over burden.

Jo Simons explains the turn arounds and there are several of them and the road will be built to county specifications. We want you to know we are using all local contractors so the money will stay in LaPorte County.

Mr. Harmon, I am going to allow 15 minutes for any remonstrators who would like to speak and they will be allowed 3 minutes each.

Opposed to the subdivision: Sue Foldenauer, Jim Foldenauer, Dennis Richardson

Approve of the subdivision: Jason Meyer, Bobbie Paik, and Steve Emmons

Mr. Hager, we have an ordinance or a master plan and now we are changing this just for this subdivision. We have an ordinance in that states no more private subdivisions and we are now putting another private subdivision in and I think I would like to see our new master plan put in before we move forward with this.

Attorney McDonnell, I would pose the question, the petition immediately prior to ours that you supported did have a private road.

Mr. Hager, I did support it, the spa is a business.

Attorney McDonnell, if they are going to be residential sites zoned R-2 with higher density.

Mr. Hager that is going to bring jobs into the county.

Mrs. Huston, I went out to Hesston and it has not been used as agricultural and the army corps has blocked off the 75 acres that is the wetlands. I also understand that Mr. Simon and the developers are not going hurt the wetlands but they are going to enhance the wetlands. I like using the local contractors and attorneys because I do believe that brings money into the county.

Mrs. Huston, made a motion to approve from Agricultural to R-1, second by Mr. Harmon. Motion carried with a roll-call vote 2-1 with Mr. Hager voting nay.

**Mr. Harmon, we have an ordinance before us by title only. AN ORDINANCE TO AMEND ARTICLE 4, SECTION 8-6 OF THE LAPORTE COUNTY MASTER PLAN AND THE ZONE MAP WHICH IS A PART THEREOF IN ORDER TO REZONE AND RECLASSIFY A PARCEL OF REAL ESTATE IN THE COUNTY OF LAPORTE.**

Mrs. Huston, made a motion to adopt on first reading by title only, second by Mr. Harmon. Motion carried with a roll-call vote 2-1 with Mr. Hager voting nay.

Mr. Harmon, ask the board to allow this on second and final reading unless there is an objection, hearing no objections, the ordinance on second and final reading.

**AN ORDINANCE TO AMEND ARTICLE 4, SECTION 8-6 OF THE LAPORTE COUNTY MASTER PLAN AND THE ZONE MAP WHICH IS A PART THERE OF IN ORDER TO REZONE AND RECLASSIFY A PARCEL OF REAL ESTATE IN THE COUNTY OF LAPORTE.**

Mrs. Huston, made motion to adopt on second and final reading, second by Mrs. Harmon. Motion carried with a roll-call vote 2-1, with Mr. Hager voting nay.

Mr. Harmon, this will be known as Ordinance #2006-05

Rick McVay, LaPorte County Highway Engineer/ County Road 400 North Capacity Expansion/ Reappropriation from Riverboat \$66,476.48 & Additional Appropriation from Riverboat of \$70,000.000

Mr. McVay, explains the request and that he was not able to encumber the funds at the end of the year, so they went back into the Riverboat account. At this time we are asking for reappropriation of what we did not spend and my figure is \$66,476.48 and in addition to that we are asking for an appropriation in the amount of \$70,000.00 due to an increase in the engineering costs.

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

Patricia Pease, LaPorte County EMS Director / Ambulance Bid Openings

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

Mr. Szilagyi, the first bid is from McCoy Miller in the amount of \$107,350.00 and the second is from Medtec in the amount of \$113,719.00 with different options.

Mr. Hager, made a motion to turn over bids to Mrs. Pease for her recommendation, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

#### NEW BUSINESS

Patricia Pease, LaPorte County EMS Director/ Resolution

Mrs. Huston reads resolution in its entirety.

#### **PROCLAMATION TO DESIGNATE THE WEEK OF MAY 14 – 20, 2006 AS EMERGENCY MEDICAL SERVICES WEEK**

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

Mr. Harmon, this will be known as Resolution #2006-08.

Rick McVay, LaPorte County Highway Engineer/ \$80,000.00 from Bridge Fund Bridge Design Engineering Services

Mr. McVay, we are requesting \$80,000.00 for the design engineering for bridge 186 and 185, there are structural problems with 186 and bridge 185 we are looking at putting a concrete cap on that bridge.

Mrs. Huston, this \$80,000.00 is for what?

Mr. McVay, it is for the design engineering work for both bridges.

Mr. Hager, made a motion to allow this funds for the design work, second by Mrs. Huston.

Mrs. Shuter, we have approximately 4.5 million in that fund.

Mr. Harmon, we need to appoint an engineering firm now.

Mr. Hager, made a motion to approve the request of Mr. McVay and to also appoint American Consulting for this project, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Rick McVay, LaPorte County Highway Engineer/ Bridge 12 Construction Engineering Services Recommendation

Mr. McVay, this bridge is ready to go into construction and we need a firm to do part-time inspection services.

Mr. Hager, would this be a good project to put Frost on?

Mr. McVay, yes.

Mr. Hager, made a motion to approve the recommendation of Mr. McVay and also appoint Jerry Frost as the consulting firm to do the part-time inspection, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

James Keil, Keil and Associates/ rezoning 119 acres Springfield Township

Mr. Keil, I have Mary James with me and we are requesting that you rezone property in Springfield Township, approximately 119 acres. We received approval from the Plan Commission on April 25<sup>th</sup> and it was recommendation for local business classification. Mr. Keil explains the maps and the area and the sewer system that could be extended.

Mr. Hager, this is residential right now and you want to make it local business.

Mr. Harmon, do we have any remonstrators against this project out there, there being none the board's pleasure.

Mr. Hager, I would make a motion we turn it down at this time until they have what business are willing to locate out their. No second to the motion, the motion dies.

Mrs. Huston, you don't have anyone interested in buying the property and the property is mostly wetlands.

Mr. Keil, no but we are asking that we rezone with the whole thing, having a commercial property you can do more than what it is now.

Mary James, there is a home and out buildings on the property. This piece of property at the corner of 94 & 20 this will be going general business.

Mrs. Huston, made a motion to go with the favorable recommendation for the Zoning Board from R-2 to Local Business, second by Mr. Harmon. Motion carried with a roll-call vote 2-1 with Mr. Hager voting nay.

Mr. Harmon, we have an ordinance before us on first reading by title only, hearing no objections.  
AN ORDINANCE TO AMEND ARTICLE 4, SECTION 8-6 OF THE LAPORTE COUNTY MASTER PLAN AND THE ZONE MAP WHICH IS A PART THEREOF IN ORDER TO REZONE AND RECLASSIFY A PARCEL OF REAL ESTATE IN THE COUNTY OF LAPORTE.

Mrs. Huston, made a motion to adopt, second by Mr. Harmon. Motion carried with a roll-call vote 2-1 with Mr. Hager voting nay.

Mr. Harmon, this will be held over for second and final reading at our next regular meeting.

PUBLIC COMMENTS

Bruce Olsen

I would like to address the board; I am a new resident of LaPorte. I moved to LaPorte in the tail end of 05, I bought a home June 28' 2005 and moved in July. I tried to reach Mr. McVay several times and never got a return call, I was never advised from the firm DLZ what was going on.

Mr. Harmon, Mr. Olson what are you speaking on here? If you have comment please make it. I want to let you know that we are going to have a public meeting on Johnson Road it just has not been set at this time.

Mr. Hager, I called Mr. Landing right away.

Mr. Harmon, we will represent the people and we are going to have a public hearing on Johnson Road as soon as we get all of the information...

COMMISSIONER'S COMMENTS

None

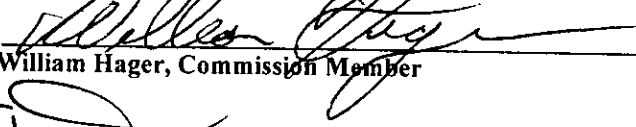
ADJOURN

Commissioner Harmon adjourned the meeting at approximately 7:50 p.m...

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
Marlow Harmon, Commission President

  
Barbara Huston, Commission Vice President

  
William Hager, Commission Member

ATTEST:   
Teresa Shuter, LaPorte County Auditor

(Approximately 40 people in attendance)