



# BOARD OF COMMISSIONERS LAPORTE COUNTY

Circuit Courthouse  
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Marlow Harmon, President

Barbara Huston

William Hager

## LAPORTE COUNTY BOARD OF COMMISSIONERS TUESDAY, JUNE 20, 2006

The LaPorte County Board of Commissioners met in a regular session Tuesday, June 20, 2006 at 10:00 a.m. in the LaPorte County Complex 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 Attorney Robert Szilagyi, Executive Secretary Linda Arnett and Assistant Monique Gillard.

Commission President Marlow Harmon called the meeting to order at 10:00 a.m...

Commissioner Huston led the Pledge of Allegiance.

### APPROVAL OF AGENDA

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

### WEEKLY REPORTS

The Commissioners review and sign weekly reports during the meeting.

### CLAIMS

### PAYROLL

Mr. Hager, made a motion to approve Payroll ending June 30, 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 \$3,211,969.32, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

### REQUESTS

Bob Young, LaPorte County Highway, Additional Appropriation from CCD Funds/ Gas & Fuel \$63,648.00 & Equipment, \$58,867.00

Bob Young, LaPorte County Highway Superintendent, explains that his request is not from CCD Funds, the request is from the highway unappropriated balance which there is three-hundred & sixty thousand dollars in that fund. The reason I am asking for these funds is the State Board of Accounts, I had to cut almost three-hundred and fifty thousand dollars from our budget. I need to put that money back in fuel and the fifty-eight thousand is for a new Holland tractor with a mower.

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

**Patricia Pease, LaPorte County EMS Director/ Additional Appropriation from the LaPorte County General Fund in the amount of \$79,000.00**

Patricia Pease, EMS Director, I am requesting additional appropriations in the amount of \$55,000.00 for overtime, \$14,000.00 for fuel and \$10,000.00 for our Corporate Compliance account. I am requesting these funds come out of the County General Fund.

Mr. Harmon, you requested for overtime money because we went to PTO days?

Patricia Pease, most of the employees were at the max when we went to PTO days.

Mrs. Huston, made a motion to approve the request of Patricia Pease in the amount stipulated, second by Mr. Hager. Motion carried 2-1 with Mr. Harmon voting no.

**Rolling Prairie Community Center/ 14<sup>th</sup> Annual Olde Farmers' Fest-Street Closing Request August 19<sup>th</sup> & 20<sup>th</sup>**

Mr. Harmon, reads the request of the Rolling Prairie Community Center and the list of streets to be closed on August 19, 2006 and August 20, 2006.

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

**OLD BUSINESS**

**Attorney David McCain/ Old U.S. 30 Road Vacation (tabled)**

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

Mr. Harmon, the only issue was a surveying of the property the right of way.

Mr. McCain, I sent a copy of the survey, Mr. Kiel did the surveyed the area and did the drawing. I also sent a copy of the proposed ordinance and a copy of the survey to the opposing attorney and I have not heard from him.

Mr. Harmon, we need a motion to approve the vacation.

Mr. Hager, made a motion to approve the vacation of the property on Old U.S. Highway 30, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, ordinance before us on first reading by title only.

**AN ORDINANCE TO VACATE A PORTION OF OLD U.S. HIGHWAY 30, IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 34 NORTH, RANGE 4 WEST IN CASS TOWNSHIP, LAPORTE COUNTY, INDIANA.**

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

Mr. Harmon, I will ask the board to allow second and final reading at this time by title only.

**AN ORDINANCE TO VACATE A PORTION OF OLD U.S. HIGHWAY 30, IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 34 NORTH, RANGE 4 WEST, IN CASS TOWNSHIP, LAPORTE COUNTY, INDIANA.**

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.

Ordinance 2006-09

NEW BUSINESS

Attorney James Kaminski/ Rezone from Ag to R-1 County Road 75 W & 400 South, Scipio Township South, Scipio Township

Mr. Kaminski explains the request of the rezone from Agriculture to R-1 Residential and also in attendance is Bob Palm the engineer on the project. The Plan Commission approved this 108 acres be rezoned from Agriculture to R-1. This will be an eighty-nine lot subdivision and the average size lot will be .94 acres.

Mr. Palm explains the septic and drainage for the subdivision.

Mr. Harmon, why would you want sidewalks?

Mr. Palm, we have stipulated that the sidewalks are apart of the homeowners responsibility.

Mr. Hager, you are contradicting your self all lots are one acre or larger, stocked pond and sidewalks thru out the whole thing.

Mr. Kaminski, with regard to the lot size I can answer that, it is always a problem with it was a 77 lots which would make the lots over an acre since then further work has been done by Mr. Palm which added some lots which took it down to just under an acre.

Mr. Hager, there are going to have mound septic systems

Mr. Palm to my knowledge there are not.

Mr. Hager, if they are going to go with this plan I will go for it.

Mr. Kaminski, the only way it will be changed is if the Plan Commission request changes.

Mr. Hager, made a motion to approve as long as they stick to the plan that they are presenting to us, as no major changes are made.

Mr. Harmon, This is just a zoning change.

Mr. Hager, right but once we zone it then it is automatically and they can do what they want to.

Mr. Harmon, they have to go back to the Plan Commission.

Mr. Szilagyi, it is a zoning change which is a condition of the plan.

Mr. Hager, made a motion to approve, second by Mrs. Huston.

Mr. Harmon, I vote no I am against it, I can't understand why this is just a zoning change and that's what it should be, nothing should be attached to a zoning change order. I am going to vote no on it. Motion carried with a roll-call vote 2-1.

Louck's Development- Sandridge Subdivision #2/ Release of Bond

Mr. Harmon, the developer is requesting release of \$14,125.00 bond. We received a letter from LaPorte County Highway Engineer, Rick McVay advising us that 13 homes out of the available 24 lots have been completed. Mr. McVay is advising that the bond stay in place until the construction of 17 home or 70% of the lots be completed.

Kim Johnson, office manager at Sandridge. We have sold 17 of the lots some of them are double lots and they don't plan on building on them and we have one on reserve that they plan on putting a model on this summer.

Mr. McVay, the thing is making sure that 70% of the actual construction is complete the bond is in place to assure that. If there has been a change in the number of lots in the development that needs to be looked at.

Mr. Harmon, if that information comes back to us then we can release the bond, until then we cannot release the bond get us that information then we can release the bond.

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

LaPorte County Offices Closing July 3, 2006 / Approval by Board of Commissioners

Mr. Huston, made a motion that the County Offices be closed on Monday, July 3, 2006, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Robert Szilagyi, LaPorte County Attorney/ Resolution to Dispose of Excess Property, Sheridan Beach Park

Mr. Szilagyi, you received a letter that I sent to you in which someone was requesting a parcel of property that is owned by the Commissioner from a tax sale.

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

**RESOLUTION TO DISPOSE OF EXCESS PROPERTY**

Mr. Hager, made a motion to go along with the disposal of excess property, second by Mrs. Huston.

Mr. Harmon, how large of a piece of property is this?

Mr. Szilagyi explains the footage.

Mr. Harmon, 55 feet by 52 feet, I hope the board turns this down, they offered to pay us \$500.00 for this.

Mr. Szilagyi explains what the minimum bid should be \$500.00 because the county has to go to the expense of publication, excreta you may want to consider the minimum bid should be the assessed value plus the \$500.00 but that is up to you.

Mrs. Huston, would we have to go out and have some one go out and tell us what the property is worth?

Mr. Szilagyi, by the statute you go by what's on the card, this one says \$2,000.00 so you could say \$2,000.00 plus the \$500.00 which would make it \$2,500.00.

Mr. Harmon, I am going to ask the board to table this.

Mr. Hager, I will withdraw my motion and make a motion to table, second by Mrs. Huston. Motion carried with a voice vote 3-0.

Ordinance on First Reading by Title Only

Mr. Harmon, we have an Ordinance on first reading by title only, unless there is an objection, hearing no objections.

**AN ORDINANCE TO AMEND ARTICLE 4, SECTION 8-6 OF THE LAPORTE COUNTY MASTER PALN 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. Hager. Motion carried with a roll-call vote 3-0.

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

PUBLIC COMMENTS

Remonstrators against the Hunt Club Shooting Range:

Donna Horn 16955 South 250 West, Hanna, Indiana 219-797-2158  
Richard Doms, 16588 South 250 West, Hanna, Indiana 219-797-3881

The residents explain their concerns with the Hunt Club Shooting Range.

Mr. Harmon, we will meet with you at our office and we will find out what has been done and we will get more detail.

Jason Watts, with Ziolkowski Construction, I am here to talk about the change order for \$195,000.00.

Mr. Szilagyi, I suggest that you approval but it is conditional on what happens with the council because then it needs to go to the council agenda for the additional appropriation. It is my understanding that Mr. Cooley has additional information.

Mr. Harmon, I think that is what we should do, until we get to the point if they are going to get the money or not get the money at that time we will have to have additional discussion on it.

Jason Watts, so then I will come before the council on the 26<sup>th</sup>.

Mr. Harmon, I don't know if we can get it on agenda or not but we will move it forward to that point. I will talk to Mr. Cooley to see if we can get this done quicker on this thing so we can keep moving on this project. If the board decides to move this forward we will talk to the Mr. Cooley and see if we can get a special meeting.

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

Mr. Hager, made a motion to appropriate \$195,000.00 and move forward to the County Council for approval, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, Jason I will get with Mr. Cooley and try to get a meeting hopefully next week.

Mr. Delco, the drainage on 300 you still have the trees in there and when it rains the water just lays there and the trees need to be cut out and the ditch dug down so we have drainage along that road.

Mr. Hager, they are paving roads now and they are not going to stop paving to cut trees.

Mr. Delco something needs to be done.

COMMISSIONER'S COMMENTS

Mr. Harmon, at the last meeting I commended Mayor Morris for working with us and trying to resolve the parking issue that was two weeks ago. Then on Friday I received a letter from Mayor Morris telling us what we could do to help resolve the issue. There are eight (8) different issues, sidewalks, landscaping, street lighting, street paving, parking lot signs, use on street parking areas, signage, use of city land and lease land for temporary parking. What he has brought to us today, would cost us about a half a million dollars to do. Mayor Morris is telling us that we would need to put in new curbs and gutters along Washington Street, we need to do new lighting along Washington Street, we need to put in new paved brick sidewalks along Washington Street, we need to design our parking lot to their specifications and their approval and pay for it. The lot in back of Ludwig's were we talked about putting the over flow of cars so we would have some place to park during construction, he has chosen that we should grade that and pave it and they would lease it back to us for a minimal fee. I think the corporation as far as I am concerned as a County Commissioner is totally out of the question as far as corporation is concerned with Mayor Morris. I am going to ask the board to allow our attorney respond to this suggestion on what they are requesting us to do as far as the parking. As far as I am concerned all County Employees can park anywhere on the City street that they want and we will allow them to go out every hour and fifteen minutes to move their cars if we have to, but for some Mayor to tell us that we have to spend a half million dollars or more to design parking lots for two offices over their in the railroad station is totally ludicrous. I am really upset that Mayor Morris had the nerve to send this letter to the Board of Commissioners and telling us that this is what he expects us to do. With that I am requesting that our attorney send a response to Mayor Morris in reference to this parking lot suggestion and as far as anymore negotiations are concerned I think there are going to have to be a lot of changes made between now and if we have another meeting in reference to the parking here in the City of LaPorte. I will ask the board to allow Attorney Szilagyi to do that, unless there are any objections, hearing no objection. Mr. Szilagyi, will you take care of that please. Thank you.

ADJOURN

Mr. Harmon adjourned the meeting at 11:10 a.m...

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
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Marlow Harmon, Commission President

  
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Barbara Huston, Commission Vice President

  
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William Hager, Commission Member

ATTEST:   
Teresa Shuter, LaPorte County Auditor