



# 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 WEDNESDAY, JULY 5, 2006

The LaPorte County Board of Commissioners met in a regular session Wednesday, July 5, 2006 at 6:00 p.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 Auditor Teresa Shuter, LaPorte County Attorney Robert Szilagyi and Executive Secretary Linda Arnett.

Commission President Marlow Harmon called the meeting to order at 6:00 p.m...

Commissioner Huston led the Pledge of Allegiance.

#### APPROVAL OF AGENDA

Mr. Harmon, I would like to add under "Old Business" section "D" ALCO Amendment to Contract and "E" employee Ron Domkowski retirement date and under "Request" remove LaPorte County Treasurer from the agenda.

Mr. Hager, made a motion to adopt the agenda as amended, 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 June 6, 2006 & June 20, 2006 as submitted, 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

Mr. Hager, made a motion to approve Payroll Ending July 14, 2006, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mrs. Huston, made a motion to approve Miscellaneous Claims in the amount of \$316,764.67, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

#### REQUESTS

##### Kenneth Layton, LaPorte County Treasurer

Mr. Harmon, I would ask the board to set up an executive session to meet with Mr. Layton, the attorney's and board involved in this tax package. We will set an executive session for July 10<sup>th</sup> at 11:00 a.m. in our office.

#### OLD BUSINESS

##### Attorney James Kaminski/ Rezoning Ordinance Final Reading County Rd 75 West & 400 South

Mr. Kaminski, you granted passage of an ordinance to rezone from agricultural to R-1 the land located near 75 West and 400 South. We have increased the number of lots from 77 to 89 lots with an average lot size of .933 acre, just under an acre. The commission passed an ordinance on first reading to rezone the parcel from Ag to R-1 with the stipulation that there be no substantial changes as presented. We went before the plan commission

and received preliminary approval of the subdivision with the 89 lots as presented to you at your last meeting and this is the same plat presented to the Plan Commission for preliminary approval which they did give approval for. I have modified the ordinance at the request of Mr. Szilagyi to show your passage to R-1 is condition no substantial changes to the plat.

Mr. Hager, there is not going to be any mound systems.

Mr. Kaminski, that is correct, Mr. Palm has told me that there will not be.

Mr. Harmon, we have an Ordinance before us on second and final reading 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 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 #2006-10.

**Attorney James Kaminski/ Sheffield Lifestyle Group, LLC/ Final Plat Approval Hidden Orchard Health Resort**

Mr. Kaminski, Mr. & Mrs. Morrin are the property owners. I have filed with the secretary of the board the P.U.D. Plan with all of the attachments from the supporting material; it is the same material I provided to you back in May. I have sent to you the proposed ordinance with the plan overview and the attached plat. We are requesting tonight the final P.U.D. Plan approval for this real-estate. This is a 71 acre parcel located near 700 North and Fail Road in Galena Township, the proposed development is one of three phases. Mr. Kaminski explains the three phases in detail including that it is a twenty-million dollar project for the health resort itself, the town homes will be marketed at a cost of seven-hundred & fifty thousand per unit. There would be 150 to 200 construction jobs during the build out of the health resort itself, using a local contractor at prevailing wages, a LaPorte County Contractor. We are here tonight to ask for approval and we will come back for each phase for your approval.

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

Mr. Ambers, I am here representing Mr. & Mrs. Lane Kessler and they have concerns 8-146 you have approved this for commercial use, we would like a specific statement on the plat which limits this project to a spa, so in the future this property doesn't become a Juvenile Detention Center or Madison Center or anything of that sort. You need to specifically state that you're approval is limited to a spa type facility, secondly there is a provision in there restricted convent that allows for a six month rental of the bungalows, my clients would ask the you prohibit renting those. If people are going to have them they should be living there and not be allowed to rent them out, a couple other concerns my clients have is the Shaffer System that they are relying on for waste disposal there approval should be subject to that, if that does not get approved by the state authority this project is way to large for a septic system in that wet of an area the approval should be conditioned on that. Further, restrict traffic to Fail Road and no deliveries or bus or day tours before 7:00 a.m. or after 7:00 p.m...

Mr. Kaminski, any deviation from the plan that you approve will resolve in our having to come back to you, in the way spa is defined right now in our master plan, it references to the spa "as an adult prohibiting any spa because of adult book store activities", so in terms of any changes in the use we would have to come before you. And with respect to the rentals, we have a very restricted rental policy which proposed by the homeowners, where they can only have rentals for long term use and not a bunch of short term rentals and we wouldn't want to prohibition no rentals at all because most of the town home owners or condo owners are allowed that. These are intended to be secondary homes for people to come back to and any rentals would be long term. We will be attempting to get the Shaffer System approved, it is new to IDEM and they seem very receptive about it, there is a little bit of confusion about it if it would go to IDEM or the Department of Health for a vote as they commit but that would be our intention, if that does not happen then of course before the building permit would be issued we would have to present that to the building commission office and what ever waste water system would be there would have to be one that meets the Department of Health standards and the local level. Finally, as we have indicated to Mr. Ambers at the last meeting we believe the best way to advertise how we get to the location is Fail Road.

Mr. Szilagyi, the property has already been zoned residential so to change that use they would have to come back to the Plan Commission and you.

Mr. Harmon, no other questions we need to vote on the motion to approve the final plat for Hidden Orchard Health Resort. Motion carried with a roll-call vote 3-0.

Mr. Harmon reads the ordinance by title only first reading as follows:

**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 RECLASSIFY A PARCEL OF REAL ESTATE IN THE COUNTY OF LAPORTE AS A PLANNED UNIT DEVELOPMENT PLAN AND TO ACCEPT A PLANNED UNIT DEVELOPMENT PLAN**

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

Mr. Harmon, ask the board allow this to move on to second and final reading, unless there is an objection, hearing no objection, an Ordinance on second and final reading as follows:

**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 RECLASSIFY A PARCEL OF REAL ESTATE IN THE COUNTY OF LAPORTE AS A PLANNED RECLASSIFY A PARCEL OF REAL ESTATE IN THE COUNTY OF LAPORTE AS A PLANNED UNIT DEVELOPMENT PLAN AND TO ACCEPT A PLANNED UNIT DEVELOPMENT PLAN.**

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 2006-11.

#### ALCO Amendment to Contract

Mr. Harmon, I am asking the board to approve an amendment to the contract with ALCO which is our government TV Channel. We entered into a contract with ALCO in January of this year with the 1% of the 5% franchise fee to pay for the government channel as it turns out the contract with ALCO and Comcast is not contract is not signed completely yet so we are paying him 1% of a 3% surcharge which we should be paying 5%. We have sat down and talked with Mr. Lombard and Access LaPorte County and we felt that it would be better rather than paying Mr. Lombard 1% of the franchise fee that we would be receiving which is 5% that we would enter into a quarterly flat fee and pay Mr. Lombard. We have discussed a fee of \$15,000.00 quarterly for the January, April, July and October of each year; this contract is a three year contract and will be negotiated at the end of the third year. We are requesting the amendment to the contract as the services described, the Commissioners shall pay ALCO \$15,000.00 quarterly of its cable revenues paid from Comcast to LaPorte County. I am asking the board to approve this amendment.

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

Mr. Harmon, we will have to pay ALCO for January this has to be retroactive from January to now.

Mr. Hager, made a motion to allow the president to sign the contract.

#### Ron Domkowski

Mr. Harmon, this is in reference to Ron Domkowski who is the General Foreman at the County Highway Department who is scheduled to retire August 1<sup>st</sup>, he has requested that we extend his date to August 7<sup>th</sup> which would allow him to draw his Perf at that time. We originally set his retirement for August 1<sup>st</sup> and I am asking the board to amend that to August 7<sup>th</sup>.

Mrs. Huston, made a motion to extend it to August 7<sup>th</sup>, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

NEW BUSINESS

Rick McVay, LaPorte County Highway Engineer/ Prairie Trail Subdivision Bond Reduction from \$165,497.50 to \$50,847.50

Rick McVay, LaPorte County Highway Engineer, this developer is requesting this reduction. When they first came to us they did not have very much infrastructure in and that is why the bond was set so high. I have been out to the sight and they have got quit a bit more complete. The new bond would cover what is needed.

Mr. Hager, where is this at.

Mr. McVay, by Hudson Lake and extension of Meadow Lane.

Mr. Hager, made a motion to concur with the recommendation of Mr. McVay and reduce the bond to \$50,847.50, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Rick McVay, LaPorte County Highway Engineer/Vineyard Hills Final Plat Approval and submit bond in the amount of \$13,187.50

Mr. McVay, the developer or the representative is not here and they should have a final plat for you to sign.

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

PUBLIC COMMENTS

Remonstrators of the Grand Kankakee Hunt Club

Shawna Horne & David Horne, 16957 South 250 West, Hanna, Indiana

Mr. & Mrs. Horne, voice their concerns pertaining to the Grand Kankakee Hunt Club.

Mr. Horn, we don't want to shut the Hunt Club down we just want it safe for our kids. I talked to Jim Arnold today and he is tired of coming out and we just want to get it resolved.

Mr. Harmon, we don't have a lot of control over it we are working with our attorney and he is doing some more research on it and at this point the Hunt Club is totally legal on what they are doing. The way the ordinance is set up through the county it was changed three or four years ago.

Mr. Szilagyi, the ordinance was changed three or four years ago but the Hunt Club goes back to 1985 or mid eighties.

Mr. Horne, we are asking if the Planning Commission gave the go a head then they need to back it up.

Mr. Harmon, they were grandfathered when the ordinance was amended; it was amended three or four years ago.

Mrs. Horne, we want to see something in black and white.

Mr. Harmon, if the ordinance says that they were grandfathered in it was a Hunt Club ten years back and that ordinance was amended and allowed them to remain as a Hunt Club.

Mr. Horne, then when did they adapt the shooting range? Are you going to be able to show us that?

Mr. Harmon, the only one that is going to be able to show you that is Mr. Szilagyi.

Mr. Szilagyi, it is obvious that this happened in 1985, Mr. Hamilton was setting up a meeting but he called me because you wanted to have fifteen people there and he wanted to talk to one or two of you. Mr. Hamilton is going to show you what is in the minutes and what they found out. The problem is that the shooting range was approved when it became the Hunt Club, there were no restrictions in 1985 that was all before our time, so if you look in the minutes that is what you find. We have looked thru receipts and you find that they have had a shooting range since that time because they did not put any restrictions on the shooting range, the problem is that it has increased in that area and it has become more of a shooting range.

Mrs. Horn, shouldn't we have been notified?

Mr. Szilagy, they don't have to because it was there. They have expanded the use but there were no restrictions on it, had they had the restrictions on it then they would have to come back.

Mrs. Horne, we were told it was granted the Hunt Club and the restaurant but it was never granted a shooting range and a one point the owner did come before the board asking for a shooting range but then he withdrew his request due to remonstrators. That is why we are under the understanding that they were never granted a shooting range.

Mr. Harmon, we will have Mr. Szilagy draw up the paperwork on this and how the ordinance is set up and we will get you a copy of that. We have to go on our attorney's advice and there is nothing we can do about it.

Mrs. Huston, I am going to meet with Mr. Hamilton and get the information, he is out of the office until next week.

Mr. Horne, what if you cant do anything, where can we go from there?

Mr. Szilagy, you would have to contact an attorney. If the Plan Commission and the BZA find what the decision from 1985 stands there is nothing further. They are not going to have a public hearing.

Mr. Doms, I have been there since 1969, we know there has not been a shooting range and there is no way this was grandfathered in.

Mr. Harmon, we will get you an answer in black and white, as soon as Mr. Szilagy does some more research. .

Mr. Howell Jones / Purchase of Commission Property

Mr. Jones, I have a question on the parcel information sheets. Now they say LaPorte County Board of Commissioners and they used to say LaPorte County, what was the reason for the change.

Mr. Harmon, the commission is responsible for it, I don't think there was a change.

Mr. Szilagy, it is one in the same.

Mr. Jones, can you tell me when you had a county owned tax sale.

Mr. Harmon, two or three years ago, we had a commissioner's sale.

Mr. Jones, I have made bids on property and basically withdrew the offer after six weeks because I did not get a response. I offered current market value; I offered what I paid for the lots across the street. There are properties I am interested in, I have noticed that they have gone up whereas I don't think property value in LaPorte County have gone up that much as far as percentage wise. I cant see a two lot in Hudson Lake that is not buildable being worth 1,383.00, I do understand that you charge for the advertising fee for the paper but I think it is getting way out of hand as far as two lots that are unbuildable for \$1,300.00 plus dollars.

Mrs. Huston, what did you propose purchasing them for?

Mr. Jones, I paid \$450.00 a lot for five (5) lots, I offered the county \$450.00 dollars.

Mrs. Huston and how long ago was that?

Mr. Jones, approximately a year ago.

Mrs. Huston and you bought them from a person.

Mr. Jones, I did, I have got a copy for each of you, I would like to purchase five to eight lots. I have access to the property none of the others do.

Mr. Szilagy, assessed valuation plus the commissioners cost and I am looking at what the statute is, the commission has to follow what the statute says.

Mr. Jones, what I am looking at is that they haven't been sold for years, they have no road access.

Mr. Harmon, we can't reduce this.

Mr. Szilagyi, they have statutes they have to follow you just cant come up here and buy this property. The commissioners have to give notice to all the adjoining property owners and give you a chance to do it. There is a cost and here it is in the statute if what they have to follow and it needs to be advertised in the paper and they have to pass a resolution that says it is excess property and set it for public hearing and send out notices. It would be the assessed evaluation that is on the card.

Mr. Harmon, we have no control on what it says on that card, that is done by the Assessors Office.

Mr. Szilagyi explains assessed valuation. If it comes up in a Commissioners sale you could probably get it a lot cheaper then making a separate offer.

Mrs. Huston, if it is on tax sale twice and does not sell, then it becomes the property of the County Commissioners.

Mrs. Shuter, the commissioners do not have to take deed of the property that have been up for tax sale. It is up to the commissioners if they are going to conduct a county owned property sale; we have not had one for at least three to four years. This is mainly due to the reassessment process we have been going thru, if something has been eligible for tax sale at least twice we have a fall sale the an expedited sale in the spring, if it has not sold at least at two of those two sales the commissioners if they chose can take deed to it and then offer it at commissioners sale.

Mr. Jones, when is your next Commissioners sale going to be?

Mr. Harmon, we haven't gotten into it yet.

COMMISSIONER'S COMMENTS

None

ADJOURN

Commissioner Harmon adjourned the meeting at 7:26 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 20 people were in attendance)