



BOARD OF COMMISSIONERS

LAPORTE COUNTY

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LAPORTE COUNTY BOARD OF COMMISSIONERS

TUESDAY, OCTOBER 3, 2006

Marlow Harmon, President

Barbara Huston

William Hager

The LaPorte County Board of Commissioners met in regular session on Tuesday, October 3, 2006 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 Barbara Huston, Commission Member William Hager. Also, present were LaPorte County Auditor Teresa Shuter, LaPorte County Attorney Robert Szilagyi and Executive Secretary Linda Arnett.

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

Commission Vice President Barbara Huston led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Harmon, under section "Old Business" remove section "A" and under "New Business" add section "G" Multi-Use Building for Agricultural Association.

Mr. Hager made a motion to approve 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 September 19, 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 October 6, 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 \$1,004,666.66, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

NEW BUSINESS

Robert Szilagyi, LaPorte County Attorney/ Right of Way Agreement between LaPorte County and Joe Horney

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

Robert Szilagyi, LaPorte County Attorney/ Bond Resolution

Mr. Szilagyi, this resolution is due to the State Board of Accounts requiring that subdivision bonds being cash bond and we are basically holding the check. The State Board of Accounts are requesting you set up a separate bond account and any cash bonds you get from subdivisions be placed in that

account and held until it is used to correct any problems or to return to the developer once the project is complete.

Mr. Harmon reads the resolution by title only

RESOLUTION TO ESTABLISH A SUBDIVISION BOND TRUST ACCOUNT

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

Mr. Harmon, this will be known as Resolution #2006-13.

LaPorte County Council/ Additional Appropriation in the Amount of \$41,902.24 Legal Services to ICMILLER (Arnold vs. LaPorte County)

Mr. Harmon, we are going to ask the council to appropriate the additional amount so this bill can be paid.

Mr. Hager, made a motion to approve the request of the additional appropriation, second by Mrs. Huston.

Mr. Cooley, I would like to make a comment: As far as the reason why we were being sued and that is why we hired an outside council. Our council that we have employed by the County Council doesn't take cases to court, she helps us do the legal stuff that we need and she doesn't do this stuff. And for the record so everybody knows, there was a settlement offer for this before it went further but they decided to sue us and that's why it went to trial.

Mr. Harmon, we don't have a problem with that Mr. Cooley, it's just that the forty-one thousand would deplete our legal assistance account.

Mr. Cooley, I know that but there was statements made that we did not offer a settlement but we did offer a settlement and I was not in favor of the settlement but we did offer and he did turn it down.

Motion carried with a roll-call vote 3-0.

To be taken out of the General Fund.

Request for Bids/Demolition of 4th Street Fire Station Michigan City

Mr. Harmon, as you know the 4th Street Fire Station was given to us seven years ago and we are now just receiving title. We have looked at several things to do with this property, the cost to renovate that building into offices would be too costly and at this time board has decided to demolish the building and make it into a parking lot.

Mr. Hager, the build is falling apart and something needs to be done.

Mrs. Huston, I feel the same way, it is in deplorable condition.

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

Veteran's Award to LaPorte County Museum/ Arnold Bass

Mrs. Huston reads the award and presents it to Mr. Bass.

Mr. Bass accepts the award and thanks the board for their help.

Mr. Harmon thanks Mr. Bass and the Historical Society for all their hard work.

Attorney David Ambers, Ambers Family Farm Trust #1/ Rezone from Agriculture to R1

Mr. Ambers, I would ask at this time to be tabled and bring up at your next meeting.

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

This will be tabled until our next meeting October 17, 2006 at 10:00 a.m...

Pioneer Land Multi-Use Building Specifications

Mr. Harmon , for the last three or four years the Pioneer Land members and the Fair Board have worked to find a way to construct an entertainment building near the Pioneer Land area. They have now hired an engineer to design a building for them for the entertainment center and for the 4-H people. They have come before us now to ask for our support to go before the county council and ask for their support and help with financing. The cost is \$327,963.00 to construct the building, the Pioneer Land Board has brought it before the Board of Commissioners and we would need to send this to the council with a recommendation with and put it out for bids. I would ask that if we send this on to the council the cost would not exceed \$327,963.00 and this would be a public bid and if this bid comes in higher than the Pioneer Land and the Fair Board would have to find a way to finance the balance and they have stated they would do that. If this does go thru then an agreement would have to be signed between the County, Pioneer Land and the Fair Board of who would pay for the maintenance, upkeep, heat and electric. The County would not be responsible for it Pioneer Land would be responsible for those costs.

Gene Parrett, Superintendent of Pioneer Land, the cost of maintaining that building for the next five to ten years would be in the hands of Pioneer Land. We have funds available through fund we have established over the last ten years which exceeds over \$45,000.00 which would take care of maintaining of that building.

Mr. Hager, I feel if the County puts their money into it, than the County should have some said so in this building.

Mrs. Huston, we have heard about this building for some time and I to am for it.

Mr. Hager, made a motion to appropriate \$327,963.00 and send this on to the County Council.

Attorney Szilagyi, I have a question on this. Does the County at some point and time anticipate at some point that they may want to use the building for certain events because you may want to have a written agreement with Pioneer Land and the Fair that the County is footing the bill for it at some time as long as it is not a conflict with anything that the County could go in and use it.

Mr. Hager, that's why I want the commission involved in it all the time.

Mr. Parrett, there will be an agreement between the County, Pioneer Land and the Fair Board as to the use and the scheduling of the building.

Mr. Cooley, I have a question, you put the bids out and the specifications and you have done things the way they are suppose to be done.

Mr. Harmon, we have the bid specifications here and we will advertise for bids and they will be sealed bids and they will come back to the Board of Commissioners and they will be reviewed after we open them.

Mr. Harmon, we have a motion by Mr. Hager to appropriate the amount stipulated we have a second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, we also need a motion to set this out for bids.

Mr. Hager, I will include that in my motion to set it out for bid, second by Mrs. Huston.

PUBLIC COMMENTS

Mr. Michael Kobos, Mr. President I have a request from you. Is possible for you the commissioners to release to us the tax payers and the public all the structures that need to be corrected according to the Department of Justice ADA and what is the time frame on all of this. I know they were out here, everybody knows they were out here and they spent almost a week out here inspecting all of the structures, what is the time table and what all must be done.

Mr. Harmon, Mr. Szilagyi do you have a problem with that?

Mr. Szilagyi, Mr. Friedman is the one that worked with them and met with them. I would say he should contact Mr. Friedman.

Mr. Harmon, we have not seen all the suggestions by the Federal Government on what changes have to be made and not made. I would suggest on the advice of our attorney that you talk with Mr. Friedman.

Mr. Michael Kobos, we would like to know what is all involved.

Mr. Harmon, we will advise Mr. Friedman to talk to you and release that information.

Mr. Dennis Metheny, is there anyway we can find out what the miscellaneous claims was for?

Mr. Harmon, this is something that comes out of the Auditors Office for claims that are turned in every thirty days, it's all a matter of public record.

Mrs. Shuter, it is all public record.

Mr. Dennis Metheny is this going to be the same size of what the sheriff's building.

Mr. Harmon, this building is approximately 70 x 110 which will have an entertainment center and setting around.

Mr. Metheny, it seems that was a little bit more then the sheriff's building was I thought it was two-hundred and thirty-three thousand, this one is three-hundred and twenty-seven thousand.

Mr. Harmon, what we have here is three-hundred and twenty-seven dollars is the heating and cooling that will all be put in at the same time, bathrooms it is a complete building.

Mr. Dennis Metheny, so are you going to due away with the bathrooms that are out there now?

Mr. Harmon, we hope too.

Mr. Dennis Metheny, I thought that every building at the fair grounds and on the fair ground property was the responsibility of the county.

Mr. Szilagyi, no that is not true it is the Fair Associations responsibility.

Mr. Harmon, the Fair Association is responsible for all buildings on that property, if the Fair Board ever dissolves, technically the county owns those buildings, if they ever go out of business then the county would be responsible for all of those buildings.

Mr. Dennis Metheny, and if they get a loan on a building and they don't pay and they go out of business then the county pays.

Mr. Szilagyi, they can't get a loan on that building unless the county approves it, they don't own it.

Mr. Dennis Metheny, didn't they get a loan on the other building?

Mr. Szilagyi, no buildings and there is no mortgage on that building.

Mr. Hager, they all signed a personal loan on it.

Mr. Dennis Metheny, we should shut off the gas at the fire station so we don't have to worry about the bills.

Mr. Harmon, Superior Court #1 is using the building for a workshop program for felony court.

Mr. Delco, I still have a ditch problem and want something done on it.

COMMISSIONER'S COMMENTS

Thanksgiving Holiday

Mr. Hager, I would like to make a motion that we close the day after Thanksgiving, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

LaPorte County Attorney, Robert Szilagyi/ Comments

Mr. Szilagyi, I am not a commissioner but I would like to comment: The attorney bill that you just approved, I guess first off County Attorney's do take things to trial but Mr. Friedman and I both represent the Sheriff's Department on cases. If it's in state court or federal court and Mr. Friedman handles the federal court issues, so we could not represent the county, plus the council has their own attorney. If you recall, the commissioners were part of that and we got the commissioners dismissed because the commissioners are not the ones that make the classifications for employees.

I guess what really bothers me, is that whenever this past budget hearing the council wanted to cut legal fees for the county attorney's but it also involves not only the commissioners but it represents the same legal fees that come out of representation for the Board of Zoning Appeals, Drainage Board, Plan Commission and the attorney that helps the Auditors and Treasurers office with bankruptcy which they are finding out now that they have lost a lot of back taxes, everything in the county comes out of that one legal fee litigation fund that you have.

Secondly, whenever we hire an outside firm we have to negotiate with them so that they are paid the same rate that the county attorneys are paid which is one-hundred and twenty dollars an hour. In this case there was never even a negotiation and I know that I would face all kinds of hell, if I even charged half that amount for one case. I think the bigger a name the law firm has the more they can charge you. It just bothers me that some times we are challenged and I hate to talk about attorney fees but I don't like to be challenged when I look at the invoice here the invoice went up to eight-thousand dollars on several occasions, there is no way that I could charge that or Mr. Friedman could charge that kind of money for any one case at any one time.


Mr. Harmon, the reason we came back is to ask for assistance because this does cut in to our legal assistance fund pretty heavily, and we don't have those kind of funds available.

ADJOURN

Commissioner Harmon adjourned the meeting at 6:35 p.m...

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ATTEST: _____
Teresa Shuter, LaPorte County Auditor