



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, December 19, 2006

The LaPorte County Board of Commissioners met in regular session on Tuesday, December 19, 2006 at 10:00 a.m. in the LaPorte County Complex Meeting room #3.

Present at the meeting were Commission President Marlow Harmon, Commission Vice President Barbara Huston and Commission Member William "Bill" 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 10:00 a.m...

PLEDGE OF ALLEGIANCE

Commission Vice President Barbara Huston led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Harmon, under "New Business" we need to add request from Sheriff Arnold and "Resolution" in reference to Public Defender Funds from the State of Indiana

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 December 5, 2006, second by Mr. Hager. Motion carried with a voice vote 3-0

WEEKLY REPORTS

CLAIMS

MISCELLANEOUS CLAIMS

Mr. Hager, made a motion to approve Miscellaneous Claims in the amount of \$1,604,171.77, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

REGULAR CLAIMS

Mrs. Huston made a motion to approve Regular Claims in the amount of \$5,513,626.39, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

OLD BUSINESS

Robert Young, LaPorte County Highway Superintendent/Material Bid Recommendations

Robert Young, this pertains to material bids and you have my recommendations as follows:

Class I- which is crushed limestone we have three bidders with are Ralston Paving, Vulcan Materials and Hanson Material Services, it is my recommendation to accept all three bids. I will use Ralston as primary supplier and Vulcan and Hanson as secondary supplier.

Class II- Reith –Riley Construction and Phend-Brown this is cold and hot patch material. I want to accept both bids with Reith-Riley as primary and Phend-Brown as secondary.

Class III- Levy Company which is crushed slag material which is the only bid, I recommend we accept that bid.

Class IV- Ice Control which we use to mix with salt in the winter time. I recommend we accept both bids from Vulcan Materials and Reith-Riley the bids were the same.

Class V - Fuel the bidders are Triple J-Mar and Rackham Service and use Triple J-Mar as a primary and Rackham Service as a secondary.

Class VI- Hall Signs they were the only bidder and I recommend to accept the bid.

Class VII- Debco Metal Culverts only bidders and I recommend to accept the bid.

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

Attorney Barry McDonnell/ Robert Palm, Palm & Associates/Hesston Preserves, LLC- Final Plat Approval/ Bond

Attorney McDonnell, we are here representing Hesston Preserves, LLC we are here for secondary plat approval. We have received the primary plat approval from the Plan Commission in May, we commenced at that time to constructing the roads and improvements and we have not put on the top layer of asphalt and that is a requirement for a bond or a letter of credit. Now, in this instance my client has presented to Mr. McVay and Mr. Hamilton from Fifth-Third Bank a letter of credit for the completion of the roads.

Mrs. Huston, you have wetlands on your property and not long ago in the Herald-Argus someone said they received a letter from you stating that you were going to fill in a portion of the wetlands

Mr. Simon, in addition to our normal wetland requirements we recorded in the deed an additional 25 foot easement around the wetlands.

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

Mr. Hager, I am against private subdivisions.

Motion carried with a roll-call vote 2-0 with Mr. Hager voting nay.

Attorney Jim Kaminski/ Final Plat Approval/ Scipio Sunrise`

Mr. Kaminski, I am here for final plat approval, the final plat approval was given by the Plan Commission after this Commission had rezoned the land to R1. This is 113 acre development on County Road 75 West at the intersection of 400 South in LaPorte. The plat before you for final signature has not changed since the final Plan Commission approval. When Mr. DeYoung had met with Mr. McVay and made him aware that there was an inch of pavement to lay Reith-Riley which has been a contractor for the road work gave an estimate of \$75,000.00 to complete the pavement and Mr. DeYoung already has a performance bond in that amount. Mr. Palm faxed that a performance would be needed of \$208,778.15 to take care of other matters, we are not able to do this today since we just got this letter but my understanding from Mr. Szilagyi is that is as long as we get the performance bond before any permits are let forth it would be alright.

Mr. Hager, I think it should be delayed until the problems are fixed and I want to see 75 West repaved.

Mr. Palm, there were provisions to take care of that, a \$20,000 bond for that road repair work.

Mr. Hager, Mr. McVay is not in favor of us approving this until these problems are fixed.

Mr. McVay, the big concern is the power pole that is in the entrance way that is the main concern. I think in the bond amount we are covered for the road repair on 75 West.

Mr. Hager, I think we need time to look over the information.

Mr. Harmon, what kind of time line are you looking at to fix the road?

Mr. Kaminski, as soon as the weather permits, Reith-Riley will complete the work. It is my understand that is the reason for the bonds.

Mr. Harmon, in know its in your covenants if you sell a piece of property that they have one year to build on that piece of property. What happens if they don't?

Mr. Kaminski, it could be taken back by the members of the covenant or the developer himself.

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

Mr. Szilagyi, first of all I think you better tell him what you want done and when it should be done, secondly when it comes to subdivisions you have no authority. The Plan Commission approves it; all you do is sign it. If you want to make condition that he has to do the road that is find but you are not denying the approval but you better set a time period for it.

Mrs. Huston, what about Mr. McVay's letter he has three stipulations here, one is the entrance, the power pole and the road repair.

Mr. Szilagyi, you may want to consider that when the permits are issued that it is done.

Mr. Hager, the Plan Commission needs to take a better look at these things.

Mr. Szilagyi, I am saying if you table it you need to say what you want done.

Mr. Kaminski, I thought that was the reason for the performance bond to make sure that the county has the surety that these issues will be taken care of.

Mr. Hager, I want to get these things done.

Mr. DeYoung, this is Nipsco's pole not ours.

Mr. Kaminski, we would commit to posting a performance bond as to Mr. McVay letter and then accomplishing all of the points in his letter by the end of March.

Mr. Szilagyi, if it is reduced to writing and have the commission sign it.

Mr. Hager, I would like to take time to go out and look at it before we sign it.

Mrs. Huston, we would bring it back on the table on our first meeting in January.

Mr. Hager, yes

Mr. Szilagyi, have the commitments reduced to writing.

Mrs. Huston, be here on January 2, 2007.

NEW BUSINESS

Mr. Harmon, we received a letter from Sheriff Arnold requesting payment of sick time.

Mr. Harmon, been advised to withdraw this from the agenda.

Public Defender Compensation Resolution

Mr. Harmon, this is a Resolution of County Chief Public Defender & Chief Deputy Public Defender Compensation. I am going to ask that the Commissioners consider adoption of this resolution. We now have a resolution before us by title only, unless there is an objection, hearing no objection.

**RESOLUTION OF THE COUNTY COMMISSIONERS OF LAPORTE
COUNTY CHIEF PUBLIC DEFENDER & CHIEF DEPUTY PUBLIC
DEFENDER COMPENSATION**

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

Mr. Harmon, this will be known as Resolution #2006-14.

PUBLIC COMMENTS

Bart Lombard Director of Access LaPorte County and Assistant Director John Lucas. At this time we wanted to take the opportunity, as we said we appreciate all the support from the entire Commission but I want to thank Marlow Harmon. I want to present this to Commission President Marlow Harmon it is called the founding Hall of Fame Recognition to Marlow Harmon.

Mr. Harmon, it has been my pleasure and with my leaving I feel that I am going to leave LaPorte County a better place to work and live for the people of LaPorte County. I appreciate the thoughts behind this, thank you very much.

Mark & Pam Schwankdorf, our home is on the north side of Scipio Sunrise Subdivision. I want to thank you for being aware of the problems with this subdivision. It is becoming a very nice subdivision but he has taken liberties on our property and used school property for equipment. Mr. DeYoung has planted things it has been frustrating for all in the area and we ask that you monitor this.

Mr. Harmon, this board will continue to monitor this project.

Mr. Cooley, Marlow I would like to make some comments, I would like to say it has been a pleasure. I wrote down a few things that we worked on and the Museum was a good one the restoration of the Courthouse.

Pat Pease- I would like to thank the Commissioners for using the forum. Del I would like to congratulate you on your retirement and I want to thank you from LaPorte County EMS and award you with this certificate.

Del Ott, this belongs to the guys at the garage but thank you very much. .

COMMISSIONER'S COMMENTS

Mrs. Huston, Ms. Dreiner we are taking this opportunity to thank you for your years of service to LaPorte County.

Ms. Dreiner, I do appreciate this after 20 years of service, thank you.

Mrs. Huston, I have a plaque for Commission President Marlow Harmon as our out going president.

Mr. Harmon, I thank you very much and I am leaving LaPorte County a better place then when I came in.

Mr. Hager, I would like to thank Mr. Harmon.

ADJOURN

Mr. Harmon adjourned the meeting at 11:00 a.m...

LAPORTE COUNTY BOARD OF COMMISSIONERS

Marlow Harmon, Commission President

Barbara Huston

Barbara Huston, Commission Vice President

William Hager

William Hager, Commission Member

ATTEST: *Teresa Shuter*
Teresa Shuter, LaPorte County Auditor