



**BOARD OF COMMISSIONERS  
LAPORTE COUNTY  
Office Annex**

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**Barbara Huston,  
President**

**William Hager,  
Vice President**

**Michael Bohacek,  
Member**

**LAPORTE COUNTY BOARD OF COMMISSIONERS  
TUESDAY, NOVEMBER 13, 2007**

The LaPorte County Board of Commissioners met in regular session on Tuesday, November 13, 2007 at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

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

Commission President Barbara Huston called the meeting to order at 6:00 p.m...

Mr. Hager led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mrs. Huston, delete under "New Business" letter "B" Attorney Robert Szilagyi/ Sewer District Ordinance.

Mr. Hager, made a motion to approve the agenda as amended, second by Mrs. Huston. Motion carried with a voice vote 2-0.

**WEEKLY REPORTS**

The Commissioners review and sign weekly reports during the meeting.

**CLAIMS**

Mr. Hager, made a motion to approve Payroll Ending November 16, 2007 & November 30, 2007, second by Mrs. Huston. Motion carried with a roll-call vote 2-0.

Mr. Hager, made a motion to approve Miscellaneous Claims in the amount of \$1,271,147.78, second by Mrs. Huston. Motion carried with a roll-call vote 2-0.

Mr. Hager, made a motion to approve Regular Claims \$1,641,085.28, second by Mrs. Huston. Motion carried with a roll-call vote 2-0.

Mr. Hager, made a motion to approve the Settlement in the amount of \$20,000.00, second by Mrs. Huston. Motion carried with a roll-call vote 2-0.

Mr. Shaw Friedman, LaPorte County Attorney, as a settlement we are required to provide the statement in the death of the key witness Marlow Harmon, it is in fact that in the counties defense in this case, as you know we recommended settlement at a level that is less than the cost of a full defense up to and including trial. We are pleased to resolve this litigation in the amount of \$20,000.00.

**REQUESTS**

**Matt Reardon & Dave Christian Request Intermodal Funds**

Matt Reardon, we had a budget workshop session and what we have done is fine tuned the request for the Intermodal funds, the budget requested is \$5,760.00 for trips, conference.

Mr. Hager, if you are going to the Intermodal, I had a request from the President of the Michigan City Council to go on that.

Mr. Hager made a motion to approve the \$5,760.00, second by Mrs. Huston. Motion carried with a roll-call vote 2-0.

Tim Morgan, LaPorte County Parks Superintendent/ Feasibility Study In the amount of \$24,400.00 / Riverboat Fund or Win Tax

Tim Morgan, LaPorte County Parks Superintendent, you have before you a proposal for a feasibility study by Beam Longest and Neff, Engineering Firm for a feasibility study for a pedestrian bicycle path along County Road 950 West and County Road 400 North to I-94 pedestrian bicycle bridge over I-94. This will be a feasibility study to see if this is possible and to see if we can get funding through different grant sources.

Mr. Hager, everyone is using the bike trails and we need to get it connected.

Mrs. Huston, I believe this is a good project.

Mr. Hager, made a motion to grant the request out of Win Tax in the amount of \$24,400.00, second by Mrs. Huston. Motion carried with a roll-call vote 2-0.

Walt Sell, County Extension Director/ Request Funding for Rent 2008 from Win Tax

Walt Sell, requesting rent for the calendar year 2008 the landlord is requesting \$37,800.00 per year and the county attorney is looking at a lease purchase building. Our request it to continue the rent payment for our current location until such a time until we could move to a permanent location. I would like to point out some things about cost of moving us to a temporary facility or into the county facility the cost would be monetary, as well as a loss of productivity for our office. There would be increased action to this location and in terms of parking; we need several parking spaces for our staff and with parking spaces at a premium.

Mrs. Huston, actually with the increase in the new parking we have more than thirty (30) open spots, so that would not be a problem.

Mr. Sell, then the lack of space available space that would be large enough for our staff, when we were on the fifth floor we had about 3,000 square feet of office space and what you have available is about a third of that space in terms of our office. There would also be a cost to move our T-1 line in the amount of \$1,800.00 as well as video conferencing but in terms of the time and moving, we would also anticipate about four weeks of down time for our office.

Mr. Hager, made a motion to grant the request of \$37,800.00 for rent out of Win Tax, second by Mrs. Huston. Motion carried with a voice vote 2-0.

OLD BUSINESS

Attorney Bradley Adamsky/ CEM Developments/Fieldstone Subdivision

Jim Kaminski, we are seeking final plat approval of a ninety-nine lot subdivision located east of Westville on a seventy-three acre parcel, we forwarded to the commission the plat. The average lot size will be 120 by 200 feet of width lots. The subdivision initially is developed of well and septic however the developers will require that the hook-ups be built in each house to possibly accommodate the expansion of the town of Westville. The developers are Jay Miller, John Coulter and Aldridge Elliott; it is targeted towards medium income housing. The Plat Committee reviewed this twice and approved it in August and the Plan Commission approved it in September and then primary plat approval was given at the October meeting. We are requesting final plat approval tonight and Hass & Associates has approved the drainage plan and sent a letter approving the draining plan that was submitted and given to Mr. McVay. I just received a letter from Mr. Doyle a letter from Mr. McVay indicating that for phase one he would be requesting a bond of two-hundred

and forty seven thousand plus a contingence of forty-nine thousand, my clients don't plan to commence more then phase 1 until the spring but since we just got the letter today the bond is not ready but we understand that no work will start until Mr. McVay and the commissioners are comfortable with the bond.

Mr. Hager, motion to approve the request contingent on the bond, second by Mrs. Huston. Motion carried with a voice vote 2-0.

Joseph P. and Nancy V. Skalka/ Ordinance to Rezone

Mr. Szilagyi, this was before us before and it is just a matter to approve.

Mr. Hager, made a motion to approve and a motion to read the Ordinance by title only.

Mrs. Huston reads the Ordinance by title only 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 REZONE AND RECLASSIFY A PARCEL OF REALESTATE IN THE COUNTY OF LAPORTE

Motion carried with a voice vote 2-0.

Mrs. Huston we will hold this over to our December 4, 2007 meeting at 6:00 p.m.

Attorney Ralph Howes/ Brookdale Farms Partial Release of Bond

Mr. Ralph Howes, Tryon Development purchased a number of undeveloped plated lots in Brookdale Farms Subdivision. This subdivision was approved back in 1950 and has laid dormant since the platting of the subdivision. When we were here in May or June a bond was set in the amount one-hundred & sixty five thousand dollars, we are seeking release of our bond that was posted. When I spoke with Mr. McVay he raised a matter of a cul-de-sac be constructed at the north end of our property, I have learned that lot 39 is up for sale and we don't own that property.

Mrs. Huston, what was the reason Mr. McVay gave?

Mr. Howes, we would have Pavey come back in and put in a and put in a cul-de-sac sixty feet which is the maximum of the right of way. At this time we are looking to get our bond back or letter of credit.

Mr. Hager, you had to put the road in to sell the lots.

Mr. Howes, there is one home constructed.

Mr. Hager, I would put a stipulation in there and I would make a motion that we would allow them to put the sixty foot in there and before they get a building permit they would have to extend that road on.

Mr. Szilagyi, I don't think that they could sell those lots anyway.

Mr. Hager, Mr. Szilagyi you will prepare an agreement subject to him putting in the turn around and then your bond will be returned as long as that is done, second by Mrs. Huston. Motion carried with a voice vote 2-0.

Mr. Szilagyi will prepare an agreement.

Greg Smith/ Wagner Estates II Subdivision Phase "A" Request Bond Reduction

Mr. Greg Smith, requesting a bond reduction from \$37,518.00 to \$22,183.00 and we seek the bond reduction.

Mr. McVay, I did review the site and I do recommend the reduction and they have accomplished what I recommendation.

Mr. Hager, made a motion to approve the bond reduction, second by Mrs. Huston. Motion carried with a voice vote 2-0.

#### NEW BUSINESS

##### Attorney Robert Szilagyi, Cell Tower Ordinance

Mr. Szilagyi, this is two parts, one is the Cell Tower Ordinance itself and the other is an ordinance to amend Cell Tower Fees. The Plan Commission held a public hearing based on various amendments and the Federal Communications Act has some limitations on what the county zoning can do court decisions have overruled various county zoning ordinances, based on that there has been some amendments made. The Plan Commission has asked that I amend that ordinance regarding the changes and then a separate ordinance to change cell tower fees which has been done.

Mr. Hager, made a motion to amend the ordinance by title only, Ordinance to Amend Chapter 8 Section 8-22 of the LaPorte County Zoning Ordinance Regarding Cell Towers, second by Mrs. Huston. Motion carried with a voice vote 2-0.

Mrs. Huston, we will pass this on second reading on December 4, 2007.

Mr. Hager, made a motion to read the Ordinance by Title only, second by Mrs. Huston.

#### ORDINANCE TO AMEND CELL TOWER FEES

Mr. Hager, made a motion to approve, second by Mrs. Huston. Motion carried with a voice vote 2-0.

##### Attorney Christopher L. Willoughby/ Horizon Development, Inc. Rezone from Agricultural to R-1 Residential

Attorney Christopher Willoughby, we are here on behalf of Horizon Development, Corporation we are asking the commissioners to rezoning of 65 acres on 200 South in Westville. I have given you the preliminary plans for the site and we are here to rezone from Agricultural to R-1 Residential, as we all know it would bring the use more inline with currant uses in that area. Mr. Hamilton has forwarded a letter informing the commission that a favorable recommendation was given by the Plan Commission.

Mr. Szilagyi, it is right down before you get to the apartments.

Mr. Hager, will you have water and sewer?

Mr. Doug Bonner, we do not know at this time and the City of Westville has a shortage of utilities at this time.

Mr. Szilagyi, the Plan Commission has required that subdivisions have to have somewhere close to where there is water and sewer and this one is down 421 and they are required to have a hookup.

Mr. Hager, are they going to have hookups for water & sewer?

Mr. Bonner, yes.

Mr. Hager, made a motion to approve on first reading by title only, second by Mrs. Huston.

#### 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 approve, second by Mrs. Huston. Motion carried with a voice vote 2-0.

Mrs. Huston, this will be held over to our next meeting.

#### PUBLIC COMMENTS

Mrs. Carol McDaniel, LaPorte County Assessor, reads press release in reference to a lawsuit on property tax bills.

Mrs. Huston, thank you Mrs. McDaniel for the efforts you have shown.

Mrs. Minich, the questions I had were pertaining an article in the Herald- Argus and I don't understand, it had to do with the budget. The way I understand it that was for a person from PNC to go to California for a study educational three day system. Also, the article stated that it was based on a proposal we got two years ago and I could not understand if there was a proposal two years ago where is that now, as a task force we have never seen that. I have a statement that I need to say if our governor, any of the mayors any of the council members or whomever has been approached about this issue of us having an intermodal in our county we are here to study the pros and cons, I think they owe it to us to come to LaPorte County.

Mr. Friedman, Mrs. Minich is a valued member of the Intermodal Task Force and just to clarify the proposal by Trans Systems was to the Michigan City Economic Development Corporation was two years ago, it was to perform a feasibility study on Kingsbury Industrial Park as a Intermodal Facility, that study was never commissioned by the Michigan City Economic Development Corporation. The task force leadership just within the last month were supplied the scope of services from Trans Systems it was then supplied as an example of the scope of services that could be done by an expert consultant so that is why it is included in the budget. What was also approved tonight was some money so Dr. Watkins of Purdue North Central could go out and attend a conference in California as to the environmental and public health impact that was part of the budget.

Mrs. Huston, Mr. Friedman why can't we bring those people here, I would think since we did appoint a task force sending one to California but why can't we bring people here to speak.

Mr. Friedman, in the interest of the task force, they are aware of keeping a tight budget on this and there is a speaker coming in on this on December 6<sup>th</sup> that is an expert on the Intermodal Industry the meeting will be held at the Michigan City High School at 7:30 p.m..

Julie Rossler, I am having a problem with the way that the Intermodal Task Force is operating. I would like the Task Force to look at actual proposal but my view point is that they should look at the pros and cons of an Intermodal in our county. I was hoping that the bus trip would include the members of the Intermodal Task Force and maybe some press and if it did include some Economic Development Corporation maybe some of our members could go along. They are looking at building another Intermodal in Will County and Joliet officials are saying this isn't the best thing.

Mr. Hager, I think one thing with the Intermodal Task Force we have both pros and cons right now and I know Mrs. Huston and myself and we are going back over their to talk to the County Commissioners.

Mrs. Huston, what we have discussed after going over their was that what we need to look at is what we need to do as far as the county is concerned, do we need to be prepared and we aren't. We don't know what the other counties are doing and that is why we are trying to do the research and gather all the information.

#### COMMISSIONER'S COMMENTS

Mrs. Huston, on behalf of the County Commissioners and the County Council may you all have a very safe and Happy Holiday Season.

#### ADJOURN


Mrs. Huston adjourned the meeting at approximately 7:35 p.m...

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
BARBARA HUSTON, PRESIDENT

  
WILLIAM HAGER, VICE PRESIDENT

  
MICHAEL BOHACEK, MEMBER

ATTEST:   
TERESA SHUTER, LAPORTE COUNTY AUDITOR