



BOARD OF COMMISSIONERS

LAPORTE COUNTY

LaPorte County Office Annex
555 Michigan Avenue, Suite 202
LaPorte, IN 46350-3400

Phone: (219) 326-6808 ext. 229 – FAX: (219) 326-9103

LAPORTE COUNTY BOARD OF COMMISSIONERS

TUESDAY, DECEMBER 4, 2007

The LaPorte County Board of Commissioners met in regular session on Tuesday, December 4, 2007 at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

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

PLEDGE OF ALLEGIANCE

Mayor Morris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bohacek made a motion to accept the agenda as presented, second by Mr. Hager. Motion carried with a voice vote 3-0.

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of October 16, 2007 & November 13, 2007, second by Mr. Hager. Motion carried with a voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Mr. Bohacek made a motion to approve Payroll Ending- December 14, 2007 & December 28, 2007, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Mr. Hager made a motion to approve Miscellaneous Claims in the amount of \$607,346.53, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0.

Mr. Bohacek made a motion to approve the settlement in the amount of \$9,826.84, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

CORRESPONDENCE

Mayor Morris, I have come to say thank you and I would like to express for the many things that we have worked on over the past four years. I know that from my standpoint I have grown tremendously and my understanding and appreciation of the importance of your role in properly governing this area and I just want to express my deep appreciation to each of you.

Mr. Hager, I would like to thank you in helping with the projects in the city and we really appreciate what you have done for us also.

Mrs. Huston, I to feel the same way as Mr. Hager and the project that we have done here on Washington Street is amazing and a long time coming and it is working well.

REQUESTS

Robert Young, LaPorte County Highway Superintendent/ CREDIT Draw in the amount of \$1,750,000.00/ Road Paving & stock piling of stone & culverts \$829,983.36 out of MVH Major Moves and \$170,061.61 out of the Department's Unappropriated Balance

Mr. Hager made a motion to approve the request, second by Mr. Bohacek.

Mr. Young the \$1,750,000.00 that is the November draw of the CREDIT that we draw twice a year, in May and November that goes for material and paving for the roads. The other the \$829,983.36 of the Major Moves is from the, every County in the State got money from the Major Moves based on road miles and population and this would go into the MVH fund and then the \$170,061.61 would be out of the Departments unappropriated balance and would go for paving of paving bills and limestone.

Motion carried with a voice vote 3-0.

OLD BUSINESS

Tony Hendricks, Hendricks & Associates/ Secondary Plat Approval Park Place Phase V

Tony Hendricks, this is Park Place Phase V off of Joliet Road and we are plating 29 lots for the next phase and this has gone thru the Drainage Board and the County for all phases are approved, so we will be proceeding. I believe you have a letter from Rick McVay on the bond amount.

Mr. Bohacek do we have our sign off from Hass and Associates?

Mr. Hager, yes.

Mr. Hager motion to approve, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Attorney Robert Szilagyi/Joseph P. and Nancy V. Skalka/ Ordinance to Rezone Second and Final Reading

Mr. Szilagyi, this is the ordinance that you passed but needs a second reading.

Mr. Hager made a motion to read by title only, second by Mr. Bohacek.

ORDINANCE TO AMEND ARTICLE IV SECTION 8-6 OF THE LAPORTE COUNTY MASTER PLAN AND ZONE MAP IN PART THERE OF IN ORDER TO REZONE AND RECLASSIFY PARCEL OF REAL ESTATE IN THE COUNTY OF LAPORTE

Mr. Hager made a motion to approve on second and final reading by title only, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Mrs. Huston this will be known as Ordinance #2007-23.

Attorney Robert Szilagyi/ Ordinance to Amend Cell Tower Fees

Mr. Szilagyi this is an ordinance presented by the plan commission to raise the fees for Cell Towers and this is the second reading on this ordinance.

Mr. Bohacek made a motion to read the ordinance on second and final reading by title only.

ORDINANCE TO AMEND CELL TOWER FEES

Mr. Hager made a motion to approve on second and final reading, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Mrs. Huston this will be known as Ordinance #2007-24.

Attorney Robert Szilagyi/ Ordinance to Amend Chapter 8, Section 8-22 of the LaPorte County Zoning Ordinance Regarding Cell Towers

Mr. Szilagyi, this is the second reading and has the recommendation of the Plan Commission.

Mr. Hager made a motion to approve on second and final reading.

ORDINANCE TO AMEND CHAPTER 8; SECTION 8-22 OF THE LAPORTE COUNTY ZONING ORDINANCE REGARDING CELL TOWERS

Mr. Hager made a motion to approve on second and final reading by title only, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Mrs. Huston this will be known as Ordinance #2007-25.

Rick McVay, LaPorte County Highway Engineer/ Receive RFP's on Johnson Road Project

Mr. McVay, we are here to receive the RFP'S and the other thing we need to do tonight is to appoint a committee to review the RFP'S and come up with a recommendation. What the state does is they recommend a five (5) person committee but it is up to you.

Mr. Hager made a motion to approve the three commissioners, Rick McVay and Mr. Bob Young on the committee to review these and make the recommendation. Motion carried with a voice vote 3-0.

Mr. Bohacek how long will it take you to sort thru them.

Mr. McVay I could get that done this week and make sure everyone meets the qualifications, I have everything the state needs filled out.

Mr. Hager if all of them pass you could give us the information and we could review them individually and that way we would not be in violation of the open door law.

Mr. Szilagyi, opens the RFP's as follows; American Structure Point, Inc, Butler, Fairman and Seufert, K & S Engineers, Inc. , Ken Herceg and Associates, Inc. , Lawson Fisher Associates, P.C., RQAW CONSULTING Engineers & Architects, Schneider Corporation, The Troyer Group and United Consulting.

Mr. Hager made a motion to turn them over to the Highway Engineer, Rick McVay for his review, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Attorney Christopher L. Willoughby/ Horizon Development, Inc. Rezone From Agricultural to R-1 Residential second and final reading

Christopher L. Willoughby, we are asking the board to follow up the Rezone from Agricultural to R-1 Residential on second reading.

Mr. Hager, made a motion to pass on second and final reading by title only, second by Mr. Bohacek.

Mrs. Huston reads the Ordinance on second and final reading by title only as follows;

AN ORDINANCE TO AMEND ARTICLE IV 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

Motion carried with a voice vote 3-0.

Mrs. Huston this will be known as Ordinance #2007-26.

NEW BUSINESS

Kenneth Layton, LaPorte County Treasurer/ Ordinance

Mr. Layton, I asked Mr. Szilagyi to prepare an ordinance to be brought before the commissioners tonight for their consideration and what it is in reference to the new house bill that was passed two weeks ago 10-10. The language has changed as far as the state statute pertaining to the refund check that the State of Indiana wants to give out to the people. The old ordinance said that we had to mandate to check personnel property and real property to see if there was any delinquency and if there were we would take them out of the refund and apply it to what was delinquent. The new law that was passed two weeks ago eliminated that and allowed local government to pass their own ordinance if they wanted to do it and I am asking the commissioners to entertain

the idea of introducing this ordinance that mandates the Treasurers Office to look for delinquent taxes prior to sending out any rebates or refund checks and apply the refund checks to the delinquent taxes first.

Mr. Bohacek if this ordinance is passed and we have a property owner who owns multiple parcels but is delinquent on one parcel but not the others, will the refunds from the other parcels that are current then be withheld to offset any other parcel.

Mr. Layton there will only be one parcel that is allowed a refund, the other will not have a refund.

Mr. Hager how many are in the county?

Mr. Layton, thirty thousand

Mr. Hager how many are delinquent?

Mr. Layton there are several thousand, we have ten years of delinquent judgments in the Clerks Office that we will have to research.

Mr. Hager, made a motion to approve by title only, second by Mr. Bohacek.

Mrs. Huston reads the ordinance by title only as follows;

ORDINANCE TO RETAIN AND APPLY TAXES BASED TO DELIQUENT TAXES

Mr. Hager made a motion to approve, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Mr. Hager made a motion to suspend the rules and pass this ordinance on second and final reading by title only.

Mrs. Huston reads the ordinance for second and final reading by title only as follows;

ORDINANCE TO RETAIN AND APPLY TAXES BASED TO DELIQUENT TAXES

Mr. Bohacek seconded the motion to approve. Motion carried with a voice vote 3-0.

Mrs. Huston, this will be known as Ordinance #2007-27

Attorney Robert Szilagyi, Notice to Bid County Farm Land

Mr. Szilagyi, you have the public notice this is the farmland by the County Home its 125 acres.

Mr. Hager made a motion to pass this, I think it should be bid out, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Allen Ott, LaPorte County Stationary Engineer/ Open Proposals

Mr. Hager made a motion to close the bids, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Mr. Szilagyi opens the bids as follows;

Terminix \$455.00 per month/ Franklin Pest Control \$616.00 per month and Hatfield Pest Control \$475.00 per month

Mr. Hager made a motion to turn the bids over to Mr. Ott for his recommendation, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Mr. Bohacek made a motion to close the Elevator bids, second by Mr. Hager. Motion carried with a voice vote 3-0.

Mr. Szilagyi reads the bids as follows;

Kone Elevators \$1,642.47 per month/Oracle/Abell annual bid \$15,644.14 or \$1,344.00 per month

Mr. Bohacek made a motion to turn the Elevator bids over to Mr. Ott for his recommendation, second by Mr. Hager. Motion carried with a voice vote 3-0.

Mr. Bohacek made a motion to close the bids for Trash Services, second by Mr. Hager. Motion carried with a voice vote 3-0.

Mr. Szilagyi reads the bids as follows;

Able Disposal \$1,464.58 per month/ Waste Management \$1,466.00 per month

Mr. Bohacek made a motion to close the bids for Telephones, second by Mr. Hager. Motion carried with a voice vote 3-0.

Mr. Szilagyi reads the bids as follows;

H & G Services \$26,694.00 per year/ Front Runner \$21,148.50 per year/ AT & T \$26,083.44 per year

Mr. Hager made a motion to turn the bids over to Al Ott for his recommendation, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Robert Young, LaPorte County Highway Superintendent/ Open Bids for Material 2008

Mr. Bohacek made a motion to close the bids for Paving Material, second by Mr. Hager. Motion carried with a voice vote 3-0.

Class I (Crushed Stone)

Hanson Heidelberg Cement Group / Vulcan Materials Company

Class II (Bituminous Patching Materials/ Rap Materials)

Rieth-Riley Construction Company

Class III (Crushed Slag)

The Levy Company

Class IV (Gravel)

No Bidders for this Class

Class V (No-Lead Gasoline & Diesel Fuel & Bio-Diesel)

Petroleum Traders Corporation/Triple J-Mar Petroleum/Rackham Service Corporation/Co-Alliance

Class VI (Signs & Posts)

Hall Signs

Class VII (Culvert & Guardrail)

CPI Supply/James Drew Corporation

Mr. Bohacek made a motion to turn over the bids to Mr. Young for his recommendation, second by Mr. Hager. Motion carried with a voice vote 3-0.

Commissioners Review and Approval of 2008 Holidays

Mr. Bohacek made a motion to approve the 2008 Holidays for all of the employees, second by Mr. Hager. Motion carried with a voice vote 3-0.

Mr. Hager made a motion to close all County Offices on December 31, 2007, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

PUBLIC COMMENTS

Tom Dancee, I would like to thank President Huston, Commissioner Hager and Commissioner Bohacek this is a public thank you in regards to Masters and Pritz LLC from the Planning Board had handed down a no recommendation to rezone. It had come before you with a no recommendation and I came before you and pled our case on behalf of the people and we believe you did the right thing and you sent it back to the Plan Commission. The Plan Commission at there meeting voted 4-2 and handed down a recommendation of no to this petition request and I want to thank you for sending it back to the Plan Commission.

COMMISSIONER'S COMMENTS

Mr. Bohacek I would like to offer sympathy for the family of Barry Rutherford, Barry passed away last week after a fight with cancer. Barry ran for Sheriff in the republican primary last year and he was a good man and he will be missed.

Mr. Hager this is our last meeting of the year, unless an emergency arises we will not have any more meetings this year, so I would like to thank everyone for there support this year and wish everyone a very Merry Christmas and a Happy New Year.

Mrs. Huston I would like to echo Mr. Bohacek and Mr. Hager's sentiments and wish everyone a Happy and Healthy and Safe Holiday Season and hope that Santa Claus brings everybody everything that they want and of course my sympathy go out to the families that have lost loved ones throughout the year.

ADJOURN

Mrs. Huston adjourned the meeting at 7:20 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, Commission President


William Hager, Commission Vice President


Michael Bohacek, Commission Member

ATTEST: _____
Teresa Shuter, LaPorte County Auditor