



# BOARD OF COMMISSIONERS LAPORTE COUNTY

555 Michigan Avenue, Suite 202

LaPorte, IN 46350

Phone: (219) 326-6808 ext: 2229 - FAX: (219) 326-9103

*Barbara Huston  
President*

*Mike Bohacek  
Vice President*

*Ken Layton  
Member*

## LAPORTE COUNTY COMMISSIONERS

Tuesday, July 7, 2009

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, July 7, 2009 at 6:00 p.m. in the LaPorte County Complex Meeting Room #3

### CALL MEETING TO ORDER

Mrs. Huston, President, called the meeting to order at 6:00 p.m.

### PLEDGE OF ALLEGIANCE

Mrs. Joyce Forbes led the Pledge of Allegiance

### APPROVAL OF AGENDA

Mr. Layton, under New Business, delete Item B, Letter to IDEM on Rolling Prairie L.U.S.T Site and add G., Sealed Bids, H., Entrepreneur Center, I., Ratify 211 Memorandum of Understanding, and J., Adult Protective Services Contract.

Mr. Bohacek made a motion to approve as amended, seconded by Mr. Layton, motion carried by voice vote 3-0.

### APPROVAL OF MINUTES

Mr. Layton made a motion to approve the minutes of June 16, 2009, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

### WEEKLY REPORTS

The Commissioners reviewed and sign the weekly reports during the meeting.

### CLAIMS

Payroll Ending July 10, 2009, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Miscellaneous Claims—\$607,854.09, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

### PUBLIC COMMENTS

Mr. Dennis Metheny, 6757 W. 450 N. Michigan City, Coolspring Township Trustee, I was wondering if there is a way that the county could make a policy that when the Sheriff's cars are used on a second job, such as the RPM Fest, that the county could be reimbursed for the gas used. The county is in a money pinch right now and I think this would be a good idea. The same goes for EMS, since the county pays for the vans.

Mr. Metheny, since all three commissioners are on the Solid Waste Board, I will read from a

newspaper article that Mr. Bohacek says, "the road we are on right now is going no where". I was against giving Indiana Melting and Molding the \$900,000.00 in the first place and now we have put \$350,000.00 in a road to the facility. I think the county should put a lien on the property if we don't get our money back. The article also said that the Solid Waste District is seeing about a 20 percent increase in the amount of tonnage being picked up since they distributed the 96 gallon containers. It is good that they are getting some money back.

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte, I want to know if you are going to vote on Item I, Ratifying the 211 Memorandum of Understanding and will you allow comments prior to a vote?

Mrs. Huston, we will allow comments prior to a vote.

#### DEPARTMENT HEAD COMMENTS

Mr. Vern Hohnke, Courthouse Security, I am here to request additional funds for the cleaning, repair and certification of both of the LaPorte County X-Ray machines. Both of these machines have been in service since 2004 and have never been serviced to date. All X-Ray units must be registered with the state of Indiana and inspected every year. Smiths Heimann said that the flat charge would be \$1,000.00 per unit per year and this charge does not include parts or labor to replace any parts if needed. They do have a maintenance agreement at a cost of \$4,074.00 per unit a year with discounts for the more years of coverage and the number of units. There will also be an additional charge of \$500.00 each for a unit evaluation because they have been out of coverage for more than three months. If a service agreement is not purchased, then could this be a line item on the Courthouse Security budget to help ensure State compliance? This has just come to my attention.

Mrs. Huston, we will give this agreement to our Attorney to look over and then let you know.

Mr. Layton, is there a need for expediency since there is no current contract? Is there some kind of document given to the county once they are checked? I would request this as a line item in your budget from now on. Let's have the attorney review the agreement and we can offer financial assistance immediately, if need be.

Sheriff Mollenhauer, I would like to compliment you and the council for allowing our department to hire five new jailers for a total of seventy three. We set a record this weekend with 404 inmates. I am here on behalf of Jail Commander, Scott Bell, to thank you.

Mr. Bob Young, LaPorte County Highway Superintendent, I have some emails to read. We applied to be included in the State bid for salt and also sent out for our own quotes from Morton, Cargill, and North American Salt. The dead line was June 1, 2009. On June 9, 2009, I received an email that we were left out of the salt quotes for the state due to a glitch in the state's software. We have sent a letter to Cargill that we will accept their bid of \$58.00 a ton which is nearly \$100.00 less a ton than last year. We have been forced to honor Cargill's bid because we cannot be honored by the state on their bid.

Mr. Jeff Wright, LaPorte County Highway Engineer, I am reporting on the U.S. Highway 421 work. They are adding travel lanes and we are dealing with the storm water run off issues. Myself, Surveyor Tony Hendricks and IDOT are going to meet to address these issues of a proposal to divert water from the northeast intersection of U.S. Highway 421 and State Road 2 to the north arm of the Crumbpaker Drain. This should be done in an October time frame. The south part, near McDonalds, on 400 South, the State is going to allocate money to construct a retention area. Ultimately, the surveyor will have to approve it; IDOT will foot the bill for most of this and that includes cleaning the Crumbpaker drain. One culvert would have to be replaced.

Mr. Layton, is 300 South designed to take all water from the flooded homes in New Durham Estates?

Mr. Bohacek, will there have to be any maintenance done on the drain?

Mr. Hendricks, there are different plans in place for New Durham estates. We are asking if we should proceed in this? This will be at no cost to the county or taxpayers.

Mr. Layton made a motion to allow the engineer and surveyor to continue on with this project, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mr. Hendricks, I have an update on Welnetz Road, Trail Creek. We are working with the DNR and they may not ask for a site visit only a synopsis of the plan. If approved, we go to IDEM, the DNR and Army Corps of Engineers to sign off and we can move forward. The county can start digging the ditch to change the flow of water.

Mr. Craig Hinchman, LaPorte County Auditor, I am here to inform the Commissioners that I am going to certify the assessed values for the 2005 payable 2006. Manatron has been contacted for a bid for a data conversion. They will be taking splits, transfers, combines, and new construction from the 2006 payable. 2007 data base and merging them into the 2005 pay 2006 year. They sent a contract for \$32,940 and it will take approximately 45 days from the time a contract is signed. Manatron stated that no matter if we go with the 2005 pay 2006 or the 2006 pay 2007, the time to convert this information from Pro Val to MVP would be the same time frame of 45 days. I will give the county attorney a copy of this contract.

Mr. Braje, there is one issue, so if the Commissioners are inclined to accept, make it subject to attorney approval.

Mr. Bohacek made a motion to accept, pending the attorneys preview of the contract with Manatron, seconded by Mr. Layton, motion carried by voice vote 3-0.

#### CORRESPONDENCE

None

#### REQUESTS

##### Carol McDaniel, LaPorte County Assessor/Request for Proportion for Legal Service

Mrs. Carol McDaniel, LaPorte County Assessor, I am asking for appropriation for my legal services and have brought Attorney Stephen Scheele.

Attorney Scheele, I am from the office of Goodman, Katz & Scheele in Highland, Indiana. I am here seeking appropriation since being engaged by Mrs. McDaniel on June 11, 2009. I will represent Mrs. McDaniel in her office's suit against Mr. Hinchman. The only delegated office holder to undertake property tax functions is the county assessor and she has had her data approved by the DLGF. Mr. Hinchman is invading the rights of the assessor's office without any entitlement or authority. With all due respect to Mr. Hinchman, he is usurping the assessor's authority and he is not qualified to do so. To ignore the work that the assessor's office has done is not in accordance with the law. I have already worked 33 billable hours.

Mr. Bohacek, why does Mrs. McDaniel need legal council?

Mr. Scheele, she needs representation because of conflicts with other county officials and she needs conflict free advice. Mr. Braje advised that he did not perceive that there was a conflict. Payment for legal fees would be subject to the review of the commissioners and she was free to engage any counsel she chose.

Mrs. Huston, isn't this a mandamus action where one party wants the other party to do their job? Mr. Hinchman is going to certify 2005 pay 2006 which is moving forward in some respect. Did your mandamus action clearly state that 2006 pay 2007 was the only years to be certified as far as him doing his job?

Mr. Scheele, yes I believe it did. Mrs. McDaniel must move forward. If she fails to do so, her office as well as the county may be open for a suit by the state and DLGF.

Mr. Layton made a motion to deny the request, seconded by Mr. Bohacek, motion carried by roll call vote 2-1.

##### Chief Glenn Wallace, Courthouse Security/Request Payment for Unused Sick Days

Mr. Layton made a motion to approve the reimbursement of 36 sick days for Mr. Wallace upon his retirement from the LaPorte County Sheriff's Department and to congratulate him for 41 years of service with the county, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mrs. Huston, we wish Glenn well in his endeavors.

OLD BUSINESS

Attorney Craig Braje/LaPorte County Juvenile Services Medical/Dental Services Agreement (Tabled)

Mr. Bohacek made a motion to take off the table, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Braje, these are the contracts for the Juvenile Services Center that have been signed by the LaPorte Regional Health System, Inc. There is a Dental Contract, a Physician Contract and an Agreement to Provide Medical Director for Juvenile Services Center of LaPorte County, Indiana. We have reviewed the contracts and recommend that the commissioners accept all three.

Mr. Bohacek made a motion to accept all three contracts and have the President sign on behalf of the commission, seconded by Mr. Layton, motion carried by voice vote 3-0.

Robert Young, LaPorte County Highway Superintendent/2009-2010 Salt Recommendations

Mr. Young, I am here to give the board my recommendation of Cargill Deicing Technology for salt for the 2009-2010 season. The results were Cargill \$58.75 a ton, North American Salt Co, \$66.95 a ton and Morton Salt Company, \$74.03 a ton. It is my recommendation that we award this contract to Cargill.

Mr. Layton made a motion to concur with Mr. Young and accept the Cargill Deicing Technology bid, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mr. Layton, I just want to make note that due to early reports, sending out our own bids for salt was the right thing to do.

NEW BUSINESS

Robert Young, LaPorte County Highway Superintendent /Additional Funding for Fuel

Mr. Young, I am here to request additional funding in our fuel account in the amount of \$200,000.00 to finish out the year. The reason I need to ask is that every department in the county, except the Sheriff's department, fuels up at the Highway Department. We do get reimbursed for some but it does not go back into the fuel fund, it goes into unappropriated funds.

Mr. Layton made a motion to approve and take from the Riverboat Fund, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Jeff Wright, LaPorte County Highway Engineer/Release of Construction Bond for Shady Hills Subdivision

Mr. Wright, we have photos for you of the subdivision. We are holding an \$8,500.00 bond that Mrs. Pavey would like to get out from under. There is 400 feet of pavement to be resurfaced. I am recommending that we take approximately \$4,800.00 from that bond to do the paving and then release the rest.

Mr. Layton, have you discussed this with Mrs. Pavey?

Mr. Hendricks, this subdivision was put in, in 2001, usually when there is 70% ownership we can release the bond. Her son has passed away and he had ownership of the subdivision, but she put up the cash bond. With the bad economy, only about 50% has been sold. Mrs. Pavey is elderly and does not want to be liable for the road.

Mr. Layton made a motion to have our Highway Department surface the final one inch of the road and the remainder of the bond be released to Mrs. Pavey, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mike Mollenhauer, LaPorte County Sheriff/JAG Grant

Mr. Mollenhauer, I am here for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY

2009 Local. There are three separate projects. The first being the completion of purchase and installation of E-Citation equipment in fourteen additional department owned patrol squad cars. The units consist of a hand-held two-dimensional bar code reader and a mobile thermal printer. The Deputy is able to scan an Indiana driver's license and the Indiana vehicle registration. Project 2 is the installation of 34 Joto Desk MDC stand units in various Deputies vehicles, completing the installation of the mobile data computers in all necessary vehicles. Project 3 is the installation of 24 of the in-car video systems in the LaPorte County Sheriff's Office squad cars. The total on the three projects is \$19,391.00. There are no needed LaPorte County matching funds for this grant or the listed projects. All three projects would be started immediately once funds are received. It is estimated that we would be able to complete this project within two to four months. I would also like to thank and compliment Chief Deputy Jim Sosinski and Brokowski for their hard work on this grant. I will also need a copy of the approved minutes of this meeting.

Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by voice vote 3-0.

Kay Felton, LaPorte County Home Administrator/Private Pay Rate Approval

Mr. Bohacek made a motion to accept the LaPorte County Home private pay rate of \$38.00 per day, seconded by Mr. Layton, motion carried by voice vote 3-0.

Ray Hamilton, Building Commissioner/Repossessed Housing Issues

Mr. Hamilton, there are numerous homes being repossessed in the county. We are receiving many complaints about high weeds. We do not know how to address this. Sheriff Mollenhauer, Mr. Mrozinski, Mitch Bishop and myself are working on a code. I am seeking input on a solution.

Mrs. Huston, Mr. Bishop was in my office today with an ordinance for weed control. We gave it to our county attorney, Mr. Braje.

Mr. Layton, my thought is to have a weed ordinance and when the property is not maintained, have our own people take care of the problem and put a lien on the tax rolls. I would like to see the county recoup some funds. The majority of banks are out of state. We could put a lien on the property. During foreclosure, the Sheriff's department contacts the Treasurer's office to find out what the current tax status is including liens and then this is collected at the foreclosure sale.

Mr. Braje, Mr. Layton indicated whether the property is pre foreclosure, at which case it would be paid out of the bidding process of the sheriff's sale, or post foreclosure, either way we can do it. The county can contract with people to do that. Before you can do all that, you have to have some mechanism in your ordinance which provides the county to do that. I am not familiar that there is any existing right now. It is not a good idea for an adjoining property owner to do anything on that property, he just doesn't have the authority to do that.

Mr. Hamilton, I will come back with some estimates.

Sealed Bids

Mr. Layton, this is for the replacement of NICTD Bridge No. 20.57 over County Road 300 East. The bids were scheduled to be received at the County Engineer's office today and then opened and read aloud at this meeting. It is in the best interest of LaPorte County to delay the receipt of bids and the bid opening in order to properly document and inform the potential bidders of the Common Construction Wage Rates for this project. The Common Construction Wage Rates were issued in Addendum No. 1 to the Construction Documents on July 1, 2009. Sealed bids will be received at the County Engineer's Office until noon on July 15, 2009. The bids will be publicly opened and read aloud at a Public Meeting to be held at the LaPorte County Complex, Assembly Room, 809 State Street, LaPorte, at 6:00 p.m. on July 15, 2009.

Entrepreneur Center

Mr. Bob Schaefer, I serve as the volunteer Executive Director of the Entrepreneur Center at 422 Franklin Street, Michigan City, IN. This serves as a small business incubator and business support facility. We have been in operation for 3 years. This has been a Michigan City Chamber of Commerce venture and it includes everyone in LaPorte County. We offer two features. The building is equipped to serve tenants. We have a total of 12 tenants at this time. We also offer a variety of business support related classes. Over 600 people from the county have taken classes at the Entrepreneur Center. We have been able to keep our doors open through the generosity of the City of Michigan City, Chamber of Commerce, The Michigan

City Enterprise Zone, The Michigan City Economic Development Corp., Michigan City Urban Enterprise Assn. the Northern Indiana Education Foundation and the County. So I am here tonight to ask for your approval of a Memorandum of Understanding between the County of LaPorte and the Michigan City Area Chamber of Commerce for the Entrepreneur Center to provide small business related support services. We come to you tonight in a formal effort by offering this Memorandum of Understanding. For that \$25,000 the Memorandum lists a number of services that we provide the citizens of LaPorte County to help them move to the next level. We have had as many as 25 different companies in that building. We have generated over \$2,000,000 in revenues. It is a true success story.

Mr. Bohacek, this is an excellent program and I make a motion to accept the Memorandum of Understanding between the County of LaPorte and the Michigan City Area Chamber of Commerce with the Council's approval for \$25,000.00, Mr. Layton seconded the motion, motion carried by voice vote 3-0.

#### Ratify 211 Memorandum of Understanding

Mr. Earl Cunningham, 6311 W. Shiva Dr., LaPorte, IN. At the Council's meeting in May, we requested the return of \$100,000.00 in the absence of a contract with Northwest Indiana Community Action and The Board of Commissioners. I assume we are all in agreement that there was no contract. Our attorney, Mr. Baugher, at our last meeting said there were actually two issues. One, there was no contract and two, if there was a valid contract, why was \$100,000 transferred in its entirety for a 4 year contract at \$25,000 a year. Since the council has already requested the money back, it sounds to me like you are going to have a motion pending here to complete the contract. It seems to me that that would be contrary to public action already taken at a council meeting where we requested the money back if there was not a legitimate contract already entered into.

Mr. Layton, I have no questions but I do have a statement. I concur with what Mr. Cunningham has said. I was at the meeting when the request was made for the attorney to approach the 211 center in Lake County to get a return of the funds that have not been expended towards that endeavor. Having said that, I think I would like to make a motion not to ratify this Memorandum of Understanding tonight and that we as a board redirect the effort and go back to the county council in the proper format. 211 I believe in. I think we need to re-approach the county council with the Memorandum of Understanding in hand, unsigned, until we get the proper funding back in place by the county council. I think that is the way it should be done. I have no problem of taking the Memorandum in front of the council and asking for the funds to be re-appropriated.

Mr. Bohacek, I talked with the provider and since they laid money out and hired people, due to the lack of cooperation with United Way of LaPorte County in providing access to their member agencies, which is vital to the work. Not only has United Way not cooperated, they have ordered many of their agencies not to cooperate. Without this cooperation, it is not going to work. After numerous attempts to communicate with United Way through phone calls and emails and they have all gone un-responded to, I took it upon myself to contact the 211 provider. In my opinion, the Memo of Understanding Service Agreement with the Northwest Indiana Community Action and The Board of Commissioners at the time and the rules we were operating under, is what we understood to be correct. I spoke with the provider and they are willing to terminate the agreement immediately, withdraw from being our 211 provider and let United Way go back on their own and to fund their own 211 project. LaPorte County is the largest county by population in Indiana that does not provide 211 service. United Way agreed to provide marketing services for 211. They have failed to do that. There seems to be no desire for United Way to participate. With that, I say we do not ratify the agreement. I will contact Northwest Indiana Community Action tomorrow and ask for a prorated share of the money back. They have already built the data base, they have gone through all the steps to get state certified and now that all has to be undone.

Mr. Cunningham, I assume they went to work on this January 1<sup>st</sup> and will be paid a six month share. I don't think anyone on the council will object to that. Since Mr. Bohacek brought up the LaPorte County United Way, If the 211 provider did work and built a base, that should be transferable.

Mr. Bohacek, they will transfer whatever information and that will become property of LaPorte County.

Mr. Cunningham, Wonderful. I have in my hand and will give each of you a copy.....

Mr. Bohacek, this is interesting because I sat with Mr. Hanna two weeks before the appropriation request and it was for \$50,000 for three years for a total of \$150,000. Mr. Hanna told me there is no way to lower the price for the 211 service. If I can purchase this service elsewhere for \$25,000 a year, then I will in fact purchase it for \$25,000, that is my job as a commissioner. What I find curious, is that they are now willing to cut the price by in excess of 60% for the first year and then approximately 55%-60% for the remaining years. I appreciate your

bringing this but giving the lack of cooperation in the past, I cannot support this. I sent an email to their Director of the local United Way asking for him to propose a solution, give us an answer and he failed to respond. I am not in a position to attempt this again and to risk another \$16,000.00 of tax payer money and six months for whatever United Way needs to do or not do. We have done it once and it did not work.

Mr. Cunningham, in 2008 they came to us with a price of \$50,000 a year, Mr. Bohacek was right. If you read the first sentence it says, "Earlier this year the United Ways of St. Joseph and Elkhart Counties merged their 211 call centers into one regional center. The combined center operates through United Way of St. Joseph County and serves the populations of St. Joseph and Elkhart and Marshall Counties. Cost efficiencies gained through the merger have enabled United Way of St. Joseph County to offer 211 call center services to LaPorte County at a rate significantly less than the \$50,000 per year quote provided last year. Importantly, it should be noted that the annual amount payable by LaPorte County Government will not exceed the amounts shown above totaling \$94,255." There is approximately a \$6,000 savings. My point is this, we were willing to spend \$100,000 over four years. I don't think anyone on the counsel intended for \$100,000 to be taken out at one time. There was not a valid contract, we have asked for the money back so we are back to square one. If Lake County has done sufficient work that we are going to pay them \$12,500 and we get that information which expedites the contract here, it will save us money over a four year period. The four year period just starts 6 months later. If you notice, the last paragraph says, "Finally, it is the intent of United Way of LaPorte County to seek out a consortium of additional public and private funding sources both within and outside LaPorte county to provide on-going 211 financial support beyond the first four years." We now have something in writing, our attorneys would meet, but it is really the commissioner's decision. I think the counsel will fund it if the commissioners want it. I am just giving you an alternative and I appreciate your holding off on ratifying the Memorandum of Understanding.

There is a discussion about the background of 211.

Mr. Bohacek made a motion not to ratify the Memorandum of Understanding with Northwest Indiana Community Action and give Mr. Bohacek the authority to move forward with the termination of the agreement, seconded by Mr. Layton, motion carried by voice vote 3-0.

#### Adult Protective Services

Mr. Layton made a motion to approve the contract as it is an on going annual contract and the Prosecutor services seven different counties through the contract. Mr. Bohacek seconded the motion with a comment. This was a contract that was signed by Mr. Layton singularly and we are ratifying Mr. Layton's actions. Motion carried by voice vote 3-0.

#### COMMISSIONER'S COMMENTS

Mr. Layton, are you, Mr. Mrozinski, advocating a workshop on the 211 matter and are you going to call it?


Mr. Mrozinski, yes, the council will call the workshop.

Mrs. Huston, everyone enjoy the sunshine.

#### ADJOURN

Mrs. Huston, President, adjourned the meeting at 7:41 p.m.

#### LAPORTE COUNTY BOARD OF COMMISSIONERS

  
Barbara Huston, President

  
Michael Bohacek, Vice President

  
Ken Layton, Member

ATTEST:   
Craig Hinchman  
LaPorte County Auditor