



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Barbara Huston
President*

*Mike Bohacek
Vice President*

*Ken Layton
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, August 18, 2009

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, August 18, 2009, at 10:00 a.m. in the LaPorte County Complex Meeting Room #3.

CALL MEETING TO ORDER

Mrs. Huston, President, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE

Mr. Bohacek led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Layton, there are three items to add under New Business. Item H., T.E.A. Party on Saturday, October 17, 2009, item I., Kankakee Volunteer Fire Department, street closure, and Item J., Jeff Wright, County Engineer, bridge inspection contract on County Road 500 South.

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

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of August 4, 2009, as presented, seconded by Mr. Layton, motion carried by voice vote 3-0.

WEEKLY REPORTS

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

CLAIMS

Payroll Ending August 21, 2009, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Miscellaneous Claims—\$610,651.03, Mr. Layton made a motion to approve as presented, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Regular Claims—\$1,228,353.37, Mr. Bohacek made a motion to approve as presented, seconded by Mr. Layton, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Mr. Keith Blozis, 1907 Welnetz Rd., Michigan City, I was here about a month ago and they said we would see some action and nothing has happened. My other question is, why can't we send out letters now to these people to have fences that are over their property line removed so we do not have to wait.

Mr. Braje, we do not own or control the easement. In order for us to do that, we have to get permission from the holder of the easement. We received, yesterday, the legal descriptions for those

easements. We will then be able to contact all the holders to see first whether they will see that those obstructions are removed. In the event that they do not do it, we will ask them to sign the ability for us to do it, and grant us that right, we will move forward with that.

Mr. Hendricks, LaPorte County Surveyor, we are in a holding pattern. IDEM cannot make a letter until they talk to the Army Corp. We have DNR approval; we have not received an email from IDEM on their talks with Army Corp. I will email them again. I don't like to press them too hard. In the email, I expressed that this needs to be done before the fall rains. The Army Corp had given us verbal approval in the field.

Mr. Layton, do you gentlemen have email so Mr. Hendricks can keep you abreast of what is going on?

Mr. Blozis and Mr. Muzyka, yes we do.

DEPARTMENT HEAD COMMENTS

None

CORRESPONDENCE

None

REQUESTS

None

OLD BUSINESS

Gallagher Bassett Services, Inc./Contract for Services (Tabled)

Attorney Braje, I request that this stays on the table.

Jeff Wright, LaPorte County Highway Engineer/NICTD Bridge over 300 E. Contract

Mr. Wright, the project was bid and awarded to Tonn & Blank. They are gearing up and ready to start the project. They are coordinating schedules and construction sequence. The last, is the signing of the contract itself.

Mr. Layton made a motion to sign the contract.

Attorney Braje, there are two things we are not satisfied with. If possible, have the commissioners approve the contract subject to the County Attorney's approval.

Mr. Layton, I will amend my motion to reflect the attorney's suggestions, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Mr. Layton, you notified us by email that a lot of this work will be done at night to coincide with traffic. Have we taken any steps to notify the area residents that this is going to be going on?

Mr. Wright, the project manager is aware that those steps should be taken.

NEW BUSINESS

Debra Foster/Petition to Vacate Roadway

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

Sheila Batchelor, Office Manager of Soil & Water Conservation District/Purchase of Vehicle

Mrs. Batchelor, I have Tony Eckovich here with me. We were presented with an opportunity to purchase the educational van that Solid Waste currently uses. At our August 3rd board meeting, our

board of supervisors approved for us to investigate that. What we are asking today is that if the Board of Commissioners would consider plating and insuring this as a county vehicle.

Mr. Bohacek, who would be responsible for the maintenance and fuel expense on it?

Mrs. Batchelor, we would be. We would like it to be insured by the county to cover staff members and supervisors who would be driving it and plated as a county vehicle. We would pay for the fuel, maintenance and upkeep. We are a state department controlled by the county. Everything we do falls under the county umbrella.

Mr. Braje, who is to hold the title? Are you asking that the county hold title after you purchase it?

Mrs. Batchelor, it is my understanding that it has to be titled as a county vehicle.

Mr. Braje, then there would be an agreement for you to use the vehicle.

Mrs. Batchelor, next week we are, assuming we have your approval to go forward, have some unused funds in one account we would like the Council to transfer to purchase this vehicle.

Mrs. Huston, what do you use the vehicle for?

Mrs. Batchelor, this would be primarily for educational purposes. We now use our own vehicles and get reimbursed for mileage. The purchase of the van is far less than what we pay in mileage every year.

Mr. Braje, are the drivers of the vehicle county employees?

Mrs. Batchelor, yes, sir.

Mr. Braje, we can take title and insure and plate it. The only issue is how the commissioners elect to do the agreement as far as gas and maintenance. You certainly can approve the drafting of the agreement just indicating they would use the county's vehicle and they would provide these services.

Mr. Bohacek, what is the cost of the vehicle?

Mrs. Batchelor, they are asking \$3,500. It is a 1996 and has 63,000 miles, new tires and is a full size van equipped with educational supplies.

Mr. Braje, since they have not purchased it yet, the Commissioners can agree that upon motion, if they purchase this vehicle at their cost, it would be titled to the county and insured by the county and be subject to an agreement for the payment of gas and maintenance and that the vehicle and drivers can be included under our group policy.

Mr. Bohacek, I will make that motion with the attorney's comments included, seconded by Mr. Layton, motion carried by voice vote 3-0.

Appointment to the Library Board of Trustees

Mrs. Huston, we have a letter before us from Dr. Andrew Serafin who has served in that position for quite some time and is leaving that position. The board has requested Mr. Thomas Edwards from Horizon Bank.

Mr. Bohacek, I nominate Mr. Edwards to take the place of Dr. Serafin, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mrs. Huston, we welcome Mr. Edwards to the LaPorte County Public Library Board of Trustees.

LaPorte County Redevelopment Commission/Appointment of School Corp. Liaison

Mrs. Huston, we have been approached by the Redevelopment Commission to appoint a board member. Our current board member, Carol Bigg, is no longer on the board. We had two very good candidates, Jeff Jones and Vida Kora. We have, unfortunately, not been able to contact Jeff Jones.

We did contract Vida Kora and he has graciously accepted the nomination to be on the Redevelopment Commission Board.

Mr. Bohacek made a motion to appoint Dr. Vida Kora, seconded by Mr. Layton, motion carried by voice vote 3-0.

Hendricks and Assoc./Sign Secondary Plat Approval of Marsh View Subdivision

Mr. Tony Hendricks, Hendricks and Assoc. Surveying, 512 Lincolnway, LaPorte. I believe you have received a copy of the plat for Marsh View Subdivision from Mark Parkman submitted for Commissioner's approval. It is a minor subdivision on 625 and 450 South. It is eleven lots. The reason we are coming to the Commissioners today is the Master Plan has been updated. Typically, these plats do not come to the meetings anymore but this was started under the old rules. This land presently is agricultural, it brings the county in about a \$1.47 an acre. These developed lots could bring in about \$1,500 an acre. It will bring a substantial amount of tax dollars to the county.

Mr. Bohacek, the argument that this will bring in \$1,500 an acre in tax revenue, remember that with that \$1500 tax revenue there will be more money expended with county services.

Mrs. Huston, you said you had Plan Commission approval? Did we receive a letter from the Plan Commission?

Mr. Hendricks, we have the plat signed by the Plan Commission's secretary.

Mrs. Huston, did you send us a letter for approval on this minor subdivision to us Ray?

Mr. Hamilton, I don't believe so.

Mrs. Huston, weren't we suppose to get written permission from the Plan Commission?

Mr. Hamilton, I have hired a new secretary and I am not sure I told her to do that.

Mr. Bohacek, I will make a motion to approve it contingent on receiving an approval letter from Mr. Hamilton, seconded by Mr. Layton, motion carried by voice vote 3-0.

Hendricks and Assoc./Sign Secondary Plat Approval of Sebert Acres

Mr. Tony Hendricks, Hendricks and Associates, 512 Lincolnway, LaPorte. Seberts Acres is a subdivision on Schultz Road and 400 West. This one is also an older subdivision under previous rules of the master plan. It is a combination of a minor and major subdivision. The intersection of Schultz Road and 400 West, in the Northeast corner, has some storm water drainage problems. We do not have a letter of approval from the Plan Commission, if you want to table this, it is fine. This was approved by the Plan Commission before the rules changed. It has construction plan approval from Haas & Associates. We talked in the Plan Commission that this would be a two phase subdivision, front lots and back lots. Previously, the Plan Commission requires a \$5,000 bond for the first piece of road. These will all be single dwelling residential homes, no duplexes or town homes. We would like to proceed as a three phase subdivision and not a two phase. Seberts would like to move this forward.

Mr. Hamilton, referring to the \$5,000 bond; in the past, people would come in for a major subdivision where there are proposed roads that would go in. First thing they want to do is develop the lots along the county road. Somewhere things go bad and that road never gets put in. We have required in the past that they initiate a \$5,000 bond which is a guarantee that they will develop the road in the back. I would recommend that they put up a \$5000 bond as an incentive that they develop and finish the subdivision and not just build on the county road.

Mr. Hendricks, I will make sure we have a letter, bond, and then come back before the Commissioners.

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

Craig Braje, LaPorte County Attorney/Proposed Contract with Varuna Entertainment

Mr. Braje, the Sheriff's Department received an inquiry from Varuna Entertainment to do filming within the jail as part of a reality program. They do this filming in three phases. They do some initial filming in the jail to see if it has progress, then the shooting of a pilot and, if the pilot is successful, to shoot a series. I talked with Sheriff Mollenhauer several times and I think his position is neutral. He feels it is strictly up to the Commissioners. He has no opinion whatsoever. It is also revenue neutral. They only reimburse expenses such as overtime for officers and any cost associated with the Sheriff's Department during production. My impression is that, possibly, but not likely, if someone would buy it as a series that it would produce any meaningful revenue to the county. Other than advising the Commissioners as to what they want to do there is no apparent legal difficulties in either accepting or rejecting this proposition.

Mr. Bohacek, my concern with this is that during this economy, while we are trying to attract new jobs and employers, is this really what we want to go forward with showing some of our citizens doing some things that might not be appropriate. I do not support this.

Mr. Layton, Having come from that world, I have no problem having the public see what goes on inside that facility. Although, having said that, having television crews inside the facility causes other things to happen that wouldn't normally happen. I second the voice of Mr. Bohacek and not sign the contract.

Mr. Bohacek made a motion to deny the contract, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Keith A. Harris/T.E.A. Party

Mr. Bohacek made a motion to approve the request for a T.E.A. Party on Saturday, October 17, 2009, from 11:00 a.m. to 2:00 p.m., seconded by Mr. Layton, motion carried by roll call vote 3-0.

Kankakee Township Fire Department/ Street Closings

Mr. Layton made a motion to approve closing Michigan Street from Maple to Depot Street, Depot Street from Mechanic Street north to Walker Street, and Michigan Street from Depot Street east to Prairie Street for their 38th annual Firefighter's Ball on Saturday, September 12, 2009 until noon on Sunday, September 13, 2009. Mr. Bohacek seconded the motion, motion carried by voice vote 3-0.

Jeff Wright, County Highway Engineer/C.R. 500 South Bridge Inspection

Mr. Wright, we have a lot of projects going on. One being Bridge 34 on County Road 500 south over Williams Lateral of Miller Ditch. We are looking for a signed contract for the inspection portion. That project will begin in September. Everything seems to be going smooth. The Engineering consultant is American Structure Point and Haas and Associates will do the inspection.

Mr. Bohacek, is it your opinion that we use a different consultant for the inspection process than those we are using to actually do the design?

Mr. Wright, yes.

Mr. Bohacek, I make a motion to accept Haas and Associates.

Mrs. Huston, how did you arrive at Haas?

Mr. Wright, there were a number of submittals made and through the consultant selection process by the INDOT guidelines, we rated each and on this particular project we selected Haas & Associates.

Mr. Layton, I have no problem seconding the motion to concur with our highway engineer, motion carried by voice vote 3-0.

Mr. Layton, in the future may we see those rating sheets for the different vendors.

Mr. Bohacek, in projects past the Commissioners would actually be involved in the rating process. I would like to reawaken that program.

COMMISSIONER'S COMMENTS

Mrs. Huston, we recently went through budget hearings. The Commissioners were reminded again as far as insurance for the employees. Some of our employees are listening to rumors. The rumor being that I was in favor of raising the insurance to 20%. I was asked to find out what the employee's share would be if it was to be raised to 20%. I was also reprimanded once again for the Commission having to have voted to keep the employees percentage of the insurance at 16.5% without having told the Council that we did that. It has always been my intention to err on the side of the employee. I know insurance is very costly and since the employees last year did not get a raise, the Commission had decided, prior to Mr. Layton being here, to keep the employee's share at 16.5%. The insurance did go up approximately \$20.00 per individual insurance policy depending upon the deductible. The Council voted to raise it to 20%, however, I was already prepared to ask the Commissioners again to approve, if the Council did not approve a pay raise for the employee's to approve that the insurance be kept at 16.5%. However, the Council 6-1 beat me to it and approved the employee's share to be kept at 16.5%. At this time, I would like to ask the Commission to concur with the Council on the employee's share of 16.5%.

Mr. Bohacek, I will support Mrs. Huston in her recommendation for the 16.5%.

Mr. Earl Cunningham, County Councilman, I don't disagree with anything you said except the vote was 4-3 to return to 16.5%.

Mrs. Huston, I commend the Council for doing that for the employees.

Mr. Cunningham, I had to make the motion and there were three other members that agreed. I concur with your thinking that this is the inappropriate time to raise the insurance if we were unable to give any kind of raise, because technically, that would be a pay cut.

Mr. Bohacek made a motion to keep the employee's share of insurance at 16.5%, seconded by Mr. Layton, motion carried by voice vote. 3-0.

Mrs. Huston, also, to default rumors, if you have a question, we are very approachable. If you would please come to us and ask we would be happy to dispel any rumors.

ADJOURN

Mrs. Huston, President, adjourned the meeting at 10:46 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

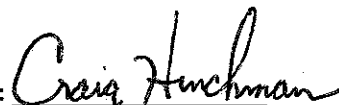


Barbara Huston, President



Michael Bohacek, Vice President

ATTEST:



Craig Hinchman
LaPorte County Auditor

Ken Layton, Member