



BOARD OF COMMISSIONERS LAPORTE COUNTY

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LaPorte, IN 46350

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*Barbara Huston
President*

*Mike Bohacek
Vice President*

*Ken Layton
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, September 1, 2009

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, September 1, 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

Mr. Craig Braje led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bohacek made a motion to approve, seconded by Mrs. Huston, motion carried by voice vote 2-0.

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of August 18, 2009, as presented, seconded by Mrs. Huston, motion carried by voice vote 2-0.

WEEKLY REPORTS

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

CLAIMS

Payroll Ending September 4, 2009, Mr. Bohacek made a motion to approve, the chair seconded, motion carried by roll call vote 2-0.

Miscellaneous Claims—\$630,596.41, Mr. Bohacek made a motion to approve, the chair seconded, motion carried by roll call vote 2-0.

PUBLIC COMMENTS

Mr. Mark Yagelski, 125 Boyd Circle, Michigan City, IN. What avenue are the Commissioners going to take on the RTA (Regional Transit Authority) tax referendum vote? Will the county be holding an election?

Mrs. Huston, it is the Commissioner's position not to hold the election.

DEPARTMENT HEAD COMMENTS

Mr. Tony Hendricks, LaPorte County Surveyor, at County Line Road and 300 North, there is a twelve inch drainage pipe running through property that a developer put in. The owner had a call from the Duneland Group on the Porter County side due to flooding and we all met at the site. The owner is not in a financial situation to do anything. He has agreed to have the county highway pull the pipe out and leave open and bill him for the cost. This would free up the developers on the Porter County side.

The estimated cost, if the highway did this, would be around \$2,000 - \$3,000. He would not be able to pay but knows there would be a lien placed on his property. We are only asking the Commissioners for approval to use the highway department. The only other avenue would be to file a petition and wait for a hearing which would have high legal costs. He does not want to create friction. We would like to get a letter to the Duneland Group to inform them this will be taken care of before the fall rains because this is causing flooding on the Porter County side.

Mr. Braje, we need to create a letter for right of entry, stating that the county would be held harmless, what the cost would be and inform him of the lien on his property.

Mr. Bohacek, pending satisfaction of all communications, I would be willing to approve that. I would like to see the paperwork in the Commissioner's office.

Mr. Hendricks, about Welnetz Road, IDEM is pursuing from the Army Corp of Engineers that we get a letter from both for cleaning of the wet land area. Jeff Wright and myself will be meeting with Attorney Willoughby to make sure we have access to get this done. We would like signed approval from the owners but we do not need a permit. We are still waiting for letters to proceed. We have a letter from the DNR and verbal approval from the Army Corp of Engineers.

Mr. Jeff Wright, LaPorte County Highway Engineer, as you know, we have had a lot of drainage problems. We get calls, you get calls, surveyor's office gets calls, and the drainage board gets calls. Typically what happens is, we spend time gathering preliminary information. We have an opportunity with United Consulting to add fields to a data base to collect information. This would save us a tremendous amount of time. United Consulting is pursuing getting us a cost estimate for that.

CORRESPONDENCE

None

REQUESTS

Door Village Community Assoc. Inc./Road Closure

Mr. Bohacek made a motion to grant and approve the road closure of Joliet Road for the Door Village Harvest Festival on September 12th and 13th, 2009, seconded by Mrs. Huston, motion carried by voice vote 2-0.

Cora Smith/Request Payment for Unused Sick Days

Mr. Bohacek made a motion to approve, seconded by Mrs. Huston, motion carried by voice vote 2-0.

Mrs. Huston, Cora has been employed by the county since 1986 and we wish her well in her retirement.

OLD BUSINESS

None

NEW BUSINESS

Deb & Robbin Holcomb/Purchase of Property

Mrs. Holcomb, we would like to purchase the property that is connected to ours. There are three lots that are not beneficial to anyone else. They are county owned.

Mrs. Huston, I would like to refer you to our county attorney.

Mr. Braje, unfortunately, the commissioners cannot consider a request in this fashion. I would like you to call our office and we can explain the procedure to you.

Mr. Bohacek made a motion to table, seconded by Mrs. Huston, motion carried by voice vote 2-0.

Consideration of Ordinance Regarding LaPorte County Assessor's Forfeiture of Office

Mark Yagelski, President of the LaPorte County Council, as you well know, our state legislators chose me as the paper boy to pass on this information. I have one comment to make. The information I have read in here is a couple of years old. The DLGF has not treated this county fairly. I would have hoped that they would have made this decision a lot sooner. Again, this is all old information, nothing pressing has gone on in the last two years. The county has enough problems as it is right now. Again, this is a formality I am handing over. I thought with the new commissioner, we would have a better rapport with this. We are still having difficulties trying to make this county work. Here is the official copy.

Mrs. Huston, this is what you were delivered?

Mr. Yagelski, this was delivered via the internet and as long as I copied it off, it was official.

Mrs. Huston, for everyone's clarification, Mr. Yagelski as President of the County Council, it says he *shall* deliver this paperwork to us and he has no choice but to do this. Obviously, he is not pleased with that decision and we do thank you for that, Mr. Yagelski. We do have an ordinance before us. We will take no comments on this ordinance. We have to hold it over. There has to be three commissioners to consider an ordinance and Mr. Layton is on vacation this week, so obviously we can't consider it until our next meeting.

Mr. Yagelski, also when I talked to the DLGF's attorneys, I am glad you are following that practice because I had to officially make this meeting to do this. This will be the first case in Indiana so be cautious on how you proceed.

Mrs. Huston, also, following up on what Mr. Yagelski said. It says he *shall* proceed and deliver this to us. It says the commissioners *may*, which means we do not have to actually act on this, but we *may* act on it. Our attorneys have drawn up an Ordinance which I will read by title only. **ORDINANCE DETERMINING THAT CAROL MCDANIEL HAS FAILED TO ADEQUATELY PERFORM HER DUTIES AS LAPORTE COUNTY ASSESSOR AND FURTHER DETERMINING THAT CAROL MCDANIEL FORFEITS THE OFFICE OF LAPORTE COUNTY ASSESSOR.**

COMMISSIONER'S COMMENTS

Mrs. Huston, I hope everyone has had a good summer and have a safe trip home.

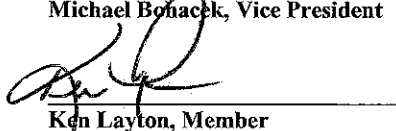
ADJOURN

Mrs. Huston, President, adjourned the meeting at 6:20 p.m.

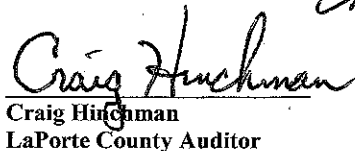
LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Michael Bohacek, Vice President


Ken Layton, Member

ATTEST:


Craig Hinchman
LaPorte County Auditor