



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

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, February 16, 2010, 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. Layton led the Pledge of Allegiance.

ROLL CALL

All present

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of February 2, 2010, seconded by Mr. Layton, motion carried by voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Payroll Ending February 19, 2010, Mr. Bohacek made a motion to approve as presented, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Regular Claims--\$1,128,569.67, Mr. Layton made a motion to approve as submitted, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Miscellaneous Claims--\$ 651,280.29, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Mrs. Sue Burns, I am here on behalf of Indiana Farm Bureau Inc. and the State of Indiana. Next week, February 21 through the 27th in honor of farmers, is Food Check-Out Week. We are stressing the safety in our food and how to eat healthy and nutritious meals on a small budget. We would like the Commissioners to sign this proclamation for Food Check-Out Week.

Mr. Layton reads the proclamation in its entirety. (Please see attached)

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

Mr. Dennis Metheny, 6757 W. 450 N., I am the Coolspring Twp. Trustee, I will be speaking for myself as a tax payer. I see on your agenda, with regards to LaPorte County reassessment bids, I would appreciate it if Nexus is the low bidder, with the situation we have, that you please do not use Nexus for reassessment. Second of all, appointment to the Springfield Regional Sewer Board, the information I have received from down state is that the name has been changed to LaPorte County Regional Sewer District. If you could please see if that is correct. I would hope that we could disband this sewer district. I am not happy with it. I know that Councilman Rich Mrozinski is one of the board members. I know that he has made a couple of attempts to get \$110,000.00 to fund the sewer district. I don't think that it should be the responsibility of the taxpayers to fund that sewer district. That whole thing was established due to the fact that the Renaissance School wanted to put their own sewer line in. I don't have a problem with that. What I have a problem with is that it be pushed on to the taxpayers of LaPorte County. It will force people within the county to hook up to that sewer district. I have a disc from IDEM that says property can be taken without their approval, there can be a fee charged to them and have a lien put against their property. I would like this sewer district dissolved. I don't like another board appointment. I was dissatisfied that the County Council approved American Structure Point to fund so that they could move that to the county sewer district. The other item I have is that there is suppose to be a meeting at 2:00 today between the Commissioners and the County Council about the Purdue Extension Office at the fairgrounds. If he doesn't like where you put him, then he should go in a tent. I attended a meeting at Purdue North Central and I believe if we talk to Chancellor Dworkin, we can find a room there for him where it is more centrally located in the county. I don't want to see another penny put in that sheriff's building. We have enough buildings. You also have an ADA suit and needs to bring all these buildings up to specification. I don't want to see another penny spent until that is done. It should have been done years ago; you never should have bought that Hiler building.

Mr. Earl Cunningham, President Huston, I communicated with you earlier via e-mail, to get me some public records that I was unable to get. My formal request went in on January 4th and it's been 37 days and I have not yet received those. I think that is a direct violation of the public records access law. Also, it would seem like common sense if the Commissioners would request the same information. As you know, I had to pay for some records myself. I doubt that the sheriff's department will charge you for the records. I would like the commissioners to ask for a single copy that could be kept in the Commissioner's office that we could all look at. It is the Commissary Fund Itemized Disbursement List. What I have received is the Commissary Transaction Report. This does not comply with my request, but it was a start. There is a significant difference. I would like a report from January 1, 2007 through December 31, 2009.

Mr. Bohacek, I would like to comment on one thing you said, as commissioner, I have asked for copies of documents from other office holders and I have been charged as well. Just to let you know, that is not an uncommon practice.

Mr. Cunningham, the councilmen are elected to a fiscal body, how are we to do our job if we can't get fiscal records? This leads me to my next item. In the January 11, 2010 News Dispatch, there was an article "Judges help partnership award grants". I won't read the whole article but they have disbursed \$100,000.00 in Drug Free Partnership money. Two of those grants were to the county jail to the Moral Recantations Therapy Program for \$5,760. That is a program, by commissary law, could be funded by commissary funds. Also, the County Jail Substance Abuse Treatment Program, \$5,000. We just took \$10,760.00 out of a program that normally disburses money to non profits. Dunebrook, a non profit, was turned down for \$10,000. Dunebrook does not have a source of funding coming in every month. I am asking that you ask the sheriff to not compete with non profits. In this economy, most non profits are down 15-25%. Three non profits were turned down, Read LaPorte County, Dunebrook and Corner to Cornerstone.

Mr. Layton, the Drug Free Partnership that you are referring to, isn't that an item that is brought before the council and approved by the council before the funds are disbursed?

Mr. Cunningham, I am not sure. One last thing, I have some complaints about how commissary funds have been spent. You have an ordinance that I can't campaign in the county buildings. Based on that fact, this looks like campaigning and we are paying for this out of commissary funds to the tune of at least over \$9,000. (Mr. Cunningham holds up a sports program) When you are spending money for something like this, why are you taking money from the non profits?

Mr. Layton, I would like to ask you publicly if we could have the report referred to by Councilman Cunningham?

Sheriff Mollenhauer, I would like to respond about the sports programs. It'll be a sorry day when we can't give back to our community. It is legal through commissary. All the sheriffs do it, State Board of Accounts approve it, it is trying to combat some juvenile delinquency problems. Those ads say nothing about me being a candidate, campaigning, voting, or anything else. I have done nothing different than Mr. Arnold. Mr. Cunningham evidently didn't have a problem with that. He mentioned something about \$9000.00, I do know that Mr. Arnold donated about \$62,000 for those and on donations to organizations throughout his eight years in office. If we can't do that, as well as buying equipment, Mr. Cunningham seems to have a problem with the commissary money, that protects not only the officers and the citizens of LaPorte County. I know about this grant that Mr. Cunningham is trying to destroy. When I come before the council, for three years now, and request that we get these DVR's purchased, they ok'd it. My goal is to take a portion of that \$135,000 we have been building up and pay for a portion of that. We only have two recorders now. This is paid for by the inmates and to be able to record this and protect my jailers and the inmates, I think that is a number one priority. This man here is trying to destroy that. He is trying to undermine the sheriff's department financially and I'm sick of it.

Mr. Cunningham, I wasn't on the council when Mr. Arnold was sheriff. I have no objection to him buying vests and cameras. All I'm asking is look up I.C. 36-8-10-21 and you show me where you can make donations for advertising. If Sheriff Mollenhauer believes so strongly in all these athletic groups & etc., give them the donation anonymously, when you get your picture in the program, you are getting something back.

Mrs. Huston, the Commissary Fund Itemized Distribution List, is that what you are going to provide to him as soon as possible?

Sheriff Mollenhauer, he requested the last six months of my tenure which is July 1, 2009 to December 31, 2009. I responded and will be getting that information to him. As far as itemized, I got something this morning from Mr. Williams relating to that and I will go ahead and do that in an email to Mr. Cunningham.

Mrs. Huston, Sheriff, what Mr. Cunningham has requested of this board is to request from you the Commissary Fund Itemized Distribution List from January 1, 2007 to December 31, 2009.

Sheriff Mollenhauer, that is what Mr. Willoughby is looking into and that is what I have forwarded to him this morning.

Mrs. Huston, if you could furnish it to him without having him to pay for it as a courtesy to another elected official and as a courtesy to this board.

Mr. Metheny, speaking as trustee, I want to thank Mr. Braje, Mr. Willoughby, the commissioners, Mr. Wright and Mr. Hendricks for the amount of time you spent trying to correct this water problem off of Welnetz Road. We have been involved in this for the last year and it has taken a lot of time and effort. I appreciate the time that you have spent.

Mr. Layton, Dennis, you deserve thanks as well for going door to door to keep them informed and getting the right of way easements signed. There will be a meeting tomorrow at 2:00 p.m. between myself, Mr. Schautz, and Mr. Jones to finalize the project.

DEPARTMENT HEAD COMMENTS

Mr. Rich Mrozinski, I made a call on Jay Niec and he does live in Michigan City.

Mr. Tony Hendricks, LaPorte County Surveyor, just wanted to thank everyone for their help on the Welnetz Road project.

Mr. Jeff Wright, LaPorte County Highway Engineer, I also want to say thanks. It has been a long process just to get to the starting line. Jobs for Main Street Bill, I just got word that it may or may not make it through for approval. If it does, we will proceed with CR 150. We are working on getting CR 1000 N. resurfaced and refine the details on that. Under that same topic, Wanatah asked us for some

assistance on one of their projects. I assume you are on board with supporting them with what they need to get that done. The only thing we asked of them was that they have their own ERC approved by the state.

Mr. Layton, we appreciate your efforts on their behalf.

Mr. Wright, there will be an informal meeting with IDEM tomorrow at 10:30 a.m. at the Rolling Prairie LUST site, you may attend or not.

Mr. Wright, I sent you another very long e-mail about putting in some information highway management systems on the GPS. It would be an expenditure of about \$8000 to collect data and get it into the system. We don't have those systems in place now; we are going to build them from the ground up. There are funds in the Bridge fund for that.

Mrs. Huston, Mr. Wright, we have a request here from a gentleman that we would like you take a look at and then get back with him. This is going to be a road cut. They want to put a pipe underneath one of our roads.

Mr. Layton, I think one of the things that should be incorporated into that is some kind of a bond. This is a 6" irrigation pipe with forced water; if anything went wrong it could wash out the road.

CORRESPONDENCE

None

REQUESTS

None

OLD BUSINESS

Board of Commissioner's Appointment to the Springfield Regional Sewer Board

Mrs. Huston, Mr. Mrozinski, you submitted a name of a Mr. Jay Niec, he lives in Michigan City and has requested to be on the board.

Mr. Mrozinski, he was actually at our last meeting to see what he was getting into.

Mrs. Huston, there has been a lot of confusion as to whether the Springfield Regional Sewer District is still in effect.

Mr. Mrozinski, I sent an email to Tony Ekevich, President of the board, and asked him. The petition was sent to IDEM. I was told it was approved but I don't think it has come back yet to change the name to LaPorte County Regional Sewer District.

Mr. Layton, I have spoken with Mr. Niec and he is interested in serving on the board. Whether this is the Springfield Regional Sewer District or the LaPorte County Regional Sewer District, by statute, we are obligated to make an appointment to this board as long as it is a functioning board. Therefore, I will make the nomination for Mr. Jay H. Niec of Michigan City to the LaPorte County or Springfield Regional Sewer District Board, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

An Ordinance to Vacate a Portion of Kolar Drive (Tabled)

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

Mr. Bohacek made a motion to approve the ordinance to vacate a portion of Kolar Drive, seconded by Mr. Layton, motion carried by voice vote 3-0.

Ordinance Number 2010-02.

An Ordinance To Vacate All Of Center Street That Lies North
Of Apple Street In Sandy Beach Addition, Walkerton, Indiana (Tabled)

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

Mr. Bohacek made a motion to grant the ordinance to vacate all of Center Street that lies north of Apple Street in Sandy Beach Addition, Walkerton, IN, seconded by Mr. Layton, motion carried by voice vote 3-0.

Ordinance Number 2010-03.

NEW BUSINESS

Tim Morgan, LaPorte County Park Department Superintendent/ Federal/NIRPC
CMAQ Grant

Mr. Tim Morgan, I do want to commend the Commissioners for their patience and support to get this truck funded. We started on this back in 1998. We did receive an award for this grant before the end of last year. It has been a process with working with NIRPC. The CMAQ is a US Federal Highway Administration Congestion Mitigation/Air Quality for Diesel Retrofits/Replacement, alternative fuel equipment grant. This is also in cooperation with INDOT, they do all the purchasing. We have been waiting for an all green light clear agreement for the actual purchase. The Park Department and Park Board have secured and are requesting up-front funding and then we will get reimbursed. As in my request the purchase price of the truck is \$41,300.00, that is the low quote from LaPorte Chrysler. I am asking for \$39,654.48 to be funded through CCD, Riverboat or Winn Tax. That will be 100% reimbursed. The difference from the original grant when we applied in 2008 is \$1,645.52 and the one-time NIRPC/CMAQ oversight surcharge for administering this grant of \$1,477.86 for a grand total difference of \$3,123.38. We will be going before the council to get that money out of the Park Departments 560 non reverting capital fund. The bottom line is, it has taken some time but this is a 100% Federal reimbursement. We are asking for the Commissioner's support to go before the County Council and ask for either CCD, Riverboat or Winn Tax funds for \$39,654.48.

Mr. Bohacek, I have been a commissioner for three years, I have never seen a more creatively funded purchase than this one. I want to commend you on it.

Mr. Morgan, thank you. We try to do things creatively in the way of funding so we have no extra burden on the taxpayers.

Mrs. Huston, I am unclear as to why we were extending the money prior to being reimbursed for it. Mr. Layton says he has seen it approved at NIRPC and it will be reimbursed.

Mr. Bohacek made a motion to grant the request to purchase the vehicle and make the appropriate transfers and reimbursements to the accounts and do that out of Riverboat, seconded by Mr. Layton, motion carried by roll call vote 3-0.

LaPorte County Reassessment Bids

Mrs. Carol McDaniel, LaPorte County Assessor, we have had our reassessment bid out and it has been 10 days.

Mr. Layton, do you have a recommendation or does the attorney?

Mrs. McDaniel, I have not recommended anything to anyone.

Mr. Braje, we believe there is a wide disparity between the two bids. The Nexus bid is not conforming in the aspect they require that we settle and pay pending litigation and pay all their monies that they have requested, including attorney fees and interest. Clearly, the bid is not conforming to the request. The second bid is so substantially higher, I am not entirely sure how

the bids were presented and how the advertisement or selection of bidders occurred. I am not comfortable to recommend either bid and would reject both.

Mrs. McDaniel, if I would give you the specs I put out, would that help?

Mr. Braje, yes, it would help me. When a bid is 60%-70% higher than the other bid and the other bid had all these caveats in it, it is difficult for me to evaluate these bids based upon the difference and conditions placed upon these bids.

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

Mr. Layton, Mrs. McDaniel, I think your office should be a part of the re-bid.

Jeff Wright, LaPorte County Highway Engineer/U.S. 421 and C.R. 400 S. – Detention Pond Project

Mr. Wright, I think everyone is aware of the 421 widening project. The state asked us to find an outlet for their storm sewer. We have accomplished all of that. Everything is in place and ready to go. That entailed easement agreements with property owners. I need a motion to approve two contracts. One is with Janet McNair, on whose property we will construct the detention pond, that has been reviewed by the council and I have a signed document and now it needs to be approved and signed by the Commissioners.

Mr. Bohacek, I know you brought this before the Drainage Board at their last meeting. Some Drainage Board members had some concerns and questions they wanted to present to you prior to us moving forward. Perhaps, maybe a joint workshop between the commissioners and the drainage board members might be appropriate. Just to clear up some issues about right of ways, the size of the ditches, and some other questions, and clear up those concerns now since it does require both boards to approve the agreement.

Mr. Wright, that would be the second agreement I would like to talk about. The contract between the state, county and drainage board. We can have a workshop, if we have to. All of this paperwork was suppose to be submitted at the end of last year. That didn't happen, it took six weeks longer than we anticipated. The state is already pushing the project back a month. Everything is in place, there are no issues. I am going to recommend against a workshop but if you would like have a workshop, I guess I would ask that you approve the contract so we can get it down state and then have the workshop.

Mr. Braje, we have an agreement with Mrs. McNair here and executed by her and it deals with all the issues that relate to her. Mr. Wright was correct, the negotiations drug on and on. From our standpoint, we do not have any problems with you executing the development with the Azure group in approving this agreement. The second agreement has to be executed by the commissioners and the drainage board. So if there are concerns with the drainage board and those items, it will not be affected by IDOT and agreed to those terms and conditions. That would be the stalling off point if you decide to execute both agreements today. We have looked at everything and are comfortable with the agreements. We have the development agreement between Azure, LLC and the Board of Commissioners, we have the drainage agreement between IDOT and LaPorte County, we also have the grant of permanent easement, which if you approve the development agreement, then this will be delivered to Mr. Wright for recording of the easement. Those are the steps involved. If you approve the development agreement, then the grant of easement can be recorded, then this agreement would go to the drainage board for execution.

Mr. Bohacek, made a motion to approve the development agreement between Azure, LLC and the County of LaPorte, Indiana, and in turn that will also approve the grant of easement and let Mrs. Huston, President, sign for the board, seconded by Mr. Layton, with a question. There was a question whether Mr. Parkman was going to allow easement across his property. Is that going to be allowed?

Mr. Wright, we approached Mr. Parkman in October. He is on board with the project and willing to give us the easement. We are at the starting line.

Mrs. Huston, motion is on the floor, motion carried by voice vote 3-0.

Mr. Bohacek made a motion to approve the agreement contingent upon final approval of the drainage board, seconded by Mr. Layton, motion carried by voice vote 3-0.

Ordinance/Resolution – Buy American

Mrs. Huston, there was a resolution some time ago by the county council, Resolution on the Spending of Federal Economic Renewal Grants in 2009. Resolution 2009-01 passed by the County Council and this board did support the signing of this Resolution. We would like to reiterate that today. In cities and towns across these United States working families have spoken. They have taken resolutions and ordinances to their elected officials and are demanding that tax dollars be used to revitalize their local economy. This is done by creating good living wage, family sustaining jobs in manufacturing and local construction projects. With these actions we can all claim victory through good and decent jobs and a stable future for our children and grandchildren. Thank you for your consideration and support on this very important issue. The Board of Commissioners wishes to say that we are in agreement with the County Council to buy American.

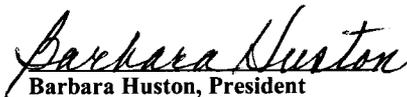
COMMISSIONER'S COMMENTS

Mr. Layton, two points that Mr. Metheny touched on. Funding by the Council back in 2008 to American Structure Point; it should be noted that the contract with American Structure Point was invalidated last September. There was \$121,000 from that expenditure that has been put back in the appropriate funds to be used on another project. The county extension office, there is an open meeting at 2:00 p.m. at the fairgrounds, everyone is invited.

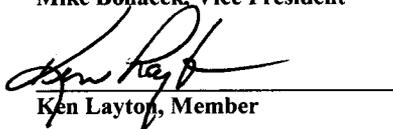
ADJOURN

Mrs. Huston, President, adjourned the meeting at 11:21 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Mike Bohacek, Vice President


Ken Layton, Member

ATTEST: 
Craig Hinchman, LaPorte
County Auditor

LA PORTE COUNTY COMMISHIONERS
LA PORTE, INDIANA 46350

FOOD CHECK-OUT WEEK FEB. 21-27, 2010

BY COUNTY COMMISHIONERS

A PROCLAMATION

WHEREAS it is important that Americans have access to and consume healthful foods containing adequate vitamins, minerals, fiber and other nutrients even during challenging economic times; and

WHEREAS achieving better nutrition with fewer resources remains a shared concern of our citizens that can be addressed through education and wise shopping strategies; and

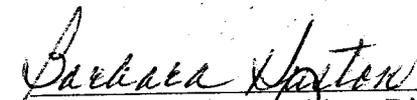
WHEREAS farmers and ranchers are unmatched in their ability to consistently produce an abundance of safe, nutritious and affordable food; and

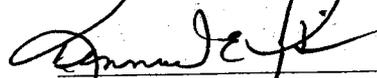
WHEREAS producers confront significant uncertainties including inclement weather, damaging insects and other challenges, on a daily basis; and

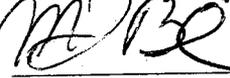
WHEREAS LA PORTE COUNTY farmers, ranchers and others involved in the agriculture industry, working together in an environmentally sustainable way, help feed people here in our county, our state, our Nation and in other countries around the world;

NOW, THEREFORE, We, THE LA PORTE COUNTY COMMISHIONERS, do hereby proclaim February 21-27, 2010, as Food Check-Out Week. We call upon all Americans to join us in recognizing and reflecting upon the strength of our diverse agricultural industry and in celebrating the benefits of agriculture with appropriate observances and activities.

IN WITNESS WHEREOF, We have hereunto set our hand this 16th day of February 2010, the two hundred thirty-fourth year of the Independence of the United States of America.


Barbara Huston, President, District One


Kenneth Layton, District Three


Michael Bohacek, District One