



# BOARD OF COMMISSIONERS

## LAPORTE COUNTY

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*Barbara Huston  
President*

*Mike Bohacek  
Vice President*

*Ken Layton  
Member*

### LAPORTE COUNTY COMMISSIONERS

Tuesday, December 7, 2010

The LaPorte Board of Commissioners met in a regular meeting on Tuesday, December 7, 2010, 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. Layton led the Pledge of Allegiance.

Mrs. Huston asked everyone to remain standing for a moment of silence in remembrance of Pearl Harbor.

#### ROLL CALL

All present

#### APPROVAL OF AGENDA

Mr. Layton, under New Business, remove Item A, Mr. MCain is unprepared at this time. Under Old Business, add Item B, Ordinance for the Flood Hazard Areas of LaPorte County.

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

#### APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of November 16, 2010 as presented, 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 December 10, 2010 and December 24, 2010, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Misc. Claims ----\$ 2,465,076.20, Mr. Layton made a motion to approve as submitted, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Regular Claims--\$7,678.16, Mr. Bohacek made a motion to approve as presented, seconded by Mr. Layton, motion carried by roll call vote 3-0.

#### PUBLIC COMMENTS

None

**DEPARTMENT HEAD COMMENTS**

Mr. John Regetz, LaPorte County Economic Development, we want to give you a quick report on our retention expansion program that was established this year county wide. By the time we got everything organized at the end of April, we were able to do 90 visits this year. It has helped to have that dedicated person focused. We have had several projects come out of those retention expansion visits. We have also been able to do some business to business transactions throughout LaPorte County where we were able to match up the needs of different companies. We were also able to do three special programs. The program, in its first year, we are only expecting to get stronger as we go along.

Mr. Bohacek, as a member of the business community, is there any chance, now that we have a combined County Economic Development operation, for us to have a formal meeting between all of our businesses?

Mr. Regetz, we could formalize a meeting and break it down into clusters.

Mr. Tim Gropp, LaPorte County Economic Development, we will do "Made in LaPorte County" again next year. Indiana has a program that connects business to business throughout Indiana. We are looking at a program that can be done more locally for LaPorte County with a connection system for them.

Mr. Regetz, we are talking to some specific sectors based on training needs. We have had five projects come out of this.

**CORRESPONDENCE**

None

**REQUESTS**

None

**OLD BUSINESS**

**Attorney Autumn Halaschek/ Public Hearing on Petition to Vacate Roadway Between Rangewood Lots 28 and 29 (Tabled)**

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

Ms. Halaschek, I presented the proposed ordinance at the last meeting. I was requested to come back to give Mr. Scholl the opportunity to object. I am not sure that he is here but he was served notice.

Mr. Tony Hendricks, LaPorte County Surveyor, the yellow square on this map is the portion they are asking to vacate. The parcel north of Rangewood Subdivision used to be a 40 acre parcel and was planned for a subdivision that didn't happen. The Scholls bought it. They bought a lot in Rangewood to access their 40 acres. The only dedicated public right of way is that yellow rectangle.

Mr. Denham, Mr. Ludwig told me I could use the county road as my driveway because the way the lot sits. The drive way would have to come off Duncan. Duncan was never put in on the north side of Murray.

Ms. Halaschek, we never got a response from Mr. Scholl and he has been given the opportunity to appear here an object. We ask that you grant the ordinance.

Mr. Bohacek, based on the current zoning, could these 40 acres even be conducive for a subdivision?

Mr. Hendricks, there was a preliminary plan laid out for a subdivision there. That was going to be the next phase of Rangewood. I don't know if they went forward with the rezoning of that.

Mr. Bohacek made a motion to grant the vacation. Motion failed for lack of a second.

Mrs. Huston, would the board consider any other motion?

Mr. Layton, I will make it clear why I didn't second Mr. Bohacek's motion. The indication here by Mr. Hendricks is that this is the only public access to that 40 acre parcel. This continuation of Duncan Lane, unfortunately next to this gentleman's home, is the only public access to that property back there. If there is further development back there and Scholls do not want to dedicate the lane they currently have, there would be no other way to get to it. It would be land locked.

Mr. Bohacek, I have driven out there and have seen this road, it is not conducive to make a road in to this parcel. It is very steep and would be very expensive. In my opinion, that is why he purchased a residential lot to get him in there. I made my motion because if he is willing to develop this 40 acre parcel, he would continue that road and use that as the access to the 40 acre parcel.

Mr. Denham, I am trying to improve the aesthetics of the neighborhood. I would have it paved.

Mr. Bohacek, since Mr. Scholl has not been here for two meetings, we would ask that you approach Mr. Scholl and have him sign a letter of agreement. I think the commissioners would be more favorable to the ordinance. My second motion would be to table and give the petitioner the opportunity to secure a letter from the Scholl family to allow him to vacate the road. The motion was seconded by Mr. Layton, motion carried by voice vote 3-0.

#### Ordinance Flood Hazard Areas for LaPorte County, Indiana

Mr. Bohacek, this is a state ordinance and meets the requirements of the Drainage Board and they had no objections. With that, I will make a motion to approve, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Bohacek, I need to amend my motion and approve Ordinance 2010-10 by title only, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Bohacek, I would like to waive the rules and pass this on the first reading by title only, seconded by Mr. Layton, motion carried by voice vote 3-0.

#### NEW BUSINESS

#### Al Ott, LaPorte County Stationary Engineer/ Open Bids for Trash Removal, Pest Control, Telephones, Vending Machines and Elevators.

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

Mr. Braje, first bid is for the vending machines: C L Vending, Inc. 12% to 17% commission and Neal Vending, unit prices, 27% commission.

Next bids are for the elevators: Oracle Elevator, \$1250 monthly, Urban Elevator Service, \$1155 monthly, Kone Elevator, \$1612 monthly, and Otis, \$1900 per month.

We now have bids for Pest Control: Arrow, there are increment bids for 12 locations, Franklin Pest Solutions, increment bids based on each location and Hatfield, a monthly cost for each location, gross of \$5700 per year.

Trash Removal: Republic Services, unit bids for each location, and Waste Management, unit bids for each location.

Telephone: Frontrunner Network Systems, \$5162.75 monthly, Frontier, unit bids, TRCA, monthly price of \$1585, total coverage of \$19,020.

Verizon, unit price for each location, Continuant, Inc., unit prices on maintenance of \$1068.48.

Mr. Bohacek made a motion to turn over the bids to Al Ott, Stationary Engineer, and allow for his recommendations at the next commissioner's meeting, seconded by Mr. Layton, motion carried by voice vote 3-0.

Jeff Wright, LaPorte County Highway Engineer/Bond Release for Rangewood 4<sup>th</sup> Addition

Mr. Wright, we have reviewed the Rangewood 4<sup>th</sup> Subdivision and find no reason not to release the bond to the developer/owner.

Mr. Bohacek made a motion to grant the request of the Highway Engineer and release the bond, seconded by Mr. Layton, motion carried by voice vote 3-0.

Jeff Wright, LaPorte County Highway Engineer/Bid Proposal Opening for the Purdue Extension Office Building

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

Please see attached "Purdue Extension Offices Bid Tab".

Mr. Layton made a motion to forward the bids to the engineer and the architect for their review, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Approval of 2011 LaPorte County Commissioner's Meetings

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

COMMISSIONER'S COMMENTS

Mr. Bohacek, this is my last commissioner's meeting. I want to thank everyone for the opportunity to serve for four years. I want to thank all the department heads and county employees. It has certainly been an interesting four years. We got a lot of things done and am very pleased with the time I have served. Unfortunately, now I have to say something I don't want to say. It seems like the four years I have spent here has been dealing with tax assessments. At our last commissioner's meeting we asked that the Crowe Horwath, the contractor that was "the second set of eyes", as recommended by our then council and tax consultant; I have seen the full report and I am a bit concerned that there were about 5,000 parcels in question. When I received the report on Friday, there were close to 8,000. I have also received parcels that the Tyler Group has reviewed and it is about half that. I am concerned. This is my last meeting so I hope moving forward in 2011 that the commissioners look very hard at directing their council perhaps to approach Judge Fischer to allow us some additional time to comply with his order. Also, to notice those homeowners who I think should have the opportunity to have those parcels reviewed. I want to thank everyone and am looking forward to a good new year.

Mrs. Huston, I would like to thank Mr. Bohacek for serving on the Board of Commissioners for the last four years. It has been a pleasure serving with him. Also, it has been a pleasure serving with Mr. Layton for the last few years.

Mr. Layton, it has been a pleasure working with Mike. We haven't always agreed on every issue. Mike has taught me a lot as I have served these first two years as Commissioner. He has taught me to listen well because he talks so fast. He has been a definite asset to the Board of Commissioners and LaPorte County. I thank you for your service.

Mrs. Huston, this is the last meeting of this year. At our first meeting in January is when we do the appointments. After this election and prior to this meeting, there has been a challenge to get even to this meeting. There have been some things that have gone on that I highly disapproved of. One being a petition that was being circulated by our county sheriff and he has since apologized to our county attorney that he was being pressured to actually take the petition around. The petition stated that the elected officials didn't feel that the attorneys were not meeting their needs or representing them fairly. Five department heads wanted the opportunity to come before the Board of Commissioners and to have a say in who our new county attorney would be in 2011. One of the duties of the commissioners besides passing ordinances and resolutions is to actually do the appointments of our department heads. We do look very closely at the department heads that we appoint. Two years ago when Mr. Layton took office, our county attorney changed. I was not in favor of it then. Since then, I have come to rely on the services of Braje, Nelson and Janes. They are very attentive to our needs. They always return our calls immediately even if they are on vacation. According to some of the department

heads, that hasn't happened. The county attorneys will try to do better. I have been in county government for 30 years and Mr. Layton has served in more offices than I have, but we are truly dedicated to this county. We both wish to continue. I am going to run for reelection. It has been proposed that I am running for Mayor of the city of LaPorte. That is not true. That came from the Mayor herself. I like what I do, I like being in the county, and I like serving the people of LaPorte County, the entire county. In two years I do plan on running for county commissioner. I try to put the best interest of the people of LaPorte County first and foremost, as do the other commissioners. Sometimes we get the job done and sometimes it is beyond our hands to actually do it. We do have something we would like to do this evening.

Mr. Layton, I would like to bring before the Board of Commissioners a contract for legal services between the county of LaPorte and the law firm of Braje, Nelson and Janes to be enacted this date, December 7, 2010 and be in full force until December 31, 2012. I would like to make that in the form of a motion that we sign this contract.

Mr. Bohacek, I will be more than happy to second that motion and I have a few comments to make as well. When I became a commissioner, it was quite frustrating to me to enjoy the company of a fourth commissioner and that was our former county attorney. It has been a pleasure for the last two years to work with Braje, Nelson and Janes. I will gladly second that motion. Motion carried by voice vote 3-0.

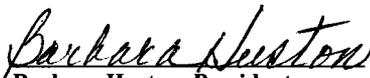
Mr. Layton, I would like to wish everyone a very Merry Christmas and a Happy New Year.

Mrs. Huston, Merry Christmas to all and a very Happy New Year, please be safe. We will see everyone back here on January 4<sup>th</sup>.

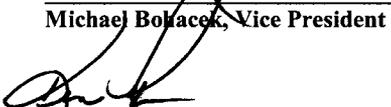
**ADJOURN**

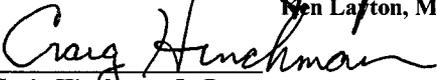
Mrs. Huston, President, adjourned the meeting at 6:51 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
Barbara Huston, President

  
Michael Bohacek, Vice President

  
Ken Layton, Member

ATTEST:   
Craig Hinchman, LaPorte  
County Auditor