



# BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Ken Layton  
President*

*Barbara Huston  
Vice President*

*Willie Milsap  
Member*

## LAPORTE COUNTY COMMISSIONERS

Tuesday, November 15, 2011

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, November 15, 2011, at 10 a.m. in the LaPorte County Complex Meeting Room #3.

### CALL MEETING TO ORDER

Mr. Layton, President, called the meeting to order at 10:00 a.m.

### PLEDGE OF ALLEGIANCE

Wendy Perkins led the Pledge of Allegiance.

### ROLL CALL

Mr. Layton, present  
Mrs. Huston, present  
Mr. Milsap, absent

### APPROVAL OF AGENDA

Mrs. Huston, I would like to make two additions to the agenda; under correspondence we have two letters I would like to read. Also, under New Business, E., Tyler Technologies an addendum to the contract.

Mrs. Huston made a motion to approve as amended, seconded by the chair, motion carried by voice vote 2-0.

### APPROVAL OF MINUTES

November 1, 2011, Mrs. Huston made a motion to approve as presented, seconded by the chair, motion carried by voice vote 2-0.

### WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

### CLAIMS

Payroll Ending November 25, 2011, Mrs. Huston made a motion to approve, seconded by the chair, motion carried by voice vote 2-0.

Misc. Claims — \$2,140,104.23, Mrs. Huston made a motion to approve in the amount stipulated, seconded by the chair, motion carried by roll call vote 2-0.

Regular Claims—\$ 999,023.04, Mrs. Huston made a motion to approve in the amount stipulated, seconded by the chair, motion carried by roll call vote 2-0.

### PUBLIC COMMENTS

Mr. Ken Purze, I have with me Ted Daube and Tony Hendricks. We are here on behalf of the Drainage Board. We wanted to give you a follow up report on the Fun Float that took place on the Kankakee River in late October. I wanted to read you some highlights from the email I received. The

Northwest Indiana Paddling Association wanted to thank everyone for helping make the 2<sup>nd</sup> Annual Kankakee River Sandhill Crane Tour an overwhelming success. We had around 120 paddlers which is an amazing number for a single event. The two school buses that LaPorte County provided worked out beautifully. The T-shirts went over well. In spite of the relatively fast moving water due to the recent rains, we did not have one person swim. The on water support that Tony Hendricks provided was very reassuring. The feedback we received was overwhelmingly positive. We wanted to thank all of those who helped promote, sponsor, plan and run this terrific event. Also, we would like to continue to foster collaboration between all of our partners to further improve the Kankakee River as a great recreational resource. The vendor for the T-shirts was a LaPorte County vendor and the chair of the Paddlers Assn. is a Westville resident and currently they are working with the LaPorte County Parks Department to find a site accessible only from the river that could be used for overnight camping. They have a location in mind that they have identified as owned by the DNR and they will work with them and the LaPorte County Parks Dept. to perhaps secure that site as an overnight camping site for paddlers. We thank you for your support in maintaining and enhancing recreational opportunities along the Kankakee River. It is a wonderful resource. When we appeared before this commission we asked and received from the Visitor's Bureau a \$500 payment. The bus drivers that we used were from Wanatah. They have submitted a bill for \$200 for transportation services. We would ask at this time that you would consider payment of this bill from your promotional fund or your professional services fund.

Mrs. Huston made a motion to pay out of the promotional account, chair seconded the motion, motion carried by voice vote 2-0.

#### DEPARTMENT HEAD COMMENTS

Mr. Bob Young, LaPorte County Highway Superintendent, I would like to give you an update on the new vehicles. The road patcher we have had for a couple of weeks and have been using. The first dump truck is in route to the builders. The others will be a week or two behind. We will get some of these in use this winter.

Mr. Young, we were invited to take some trucks and equipment to Prairieview Elementary School for a vehicles career day. We took a dump truck with a snow plow and a front end loader with a v-plow on it. Mr. Young shared thank you letters from the children. This is a little PR with the youth in the community.

Ms. Lynne Spevak, Clerk of the Circuit Court, also, secretary of the Election Board, I wanted to make an announcement that we will have a meeting here Friday, November 18<sup>th</sup>, at 1:00 p.m. in this Complex meeting room. We will start looking at the redistricting of the commissioner and county council district lines. This goes by population, it does not go by voter's registration. With the assistance of our GIS coordinator, Melissa Mischke, we will try to get a preliminary meeting started and then we can put things out on how it currently looks, what the population looks like and what to change. We have to have this done by December. I would like to bring a suggestion to the meeting to change the towns to a precinct of their own. Right now they are in the townships. I want to make them an individual precinct.

Mr. Layton, is there a specific number of people, by virtue of their office, that should be on this committee?

Ms. Spevak, no. Party chairs have been notified by email; this is just a preliminary meeting. Mitch Bishop may be involved as the Planner of the county. Melissa Mischke, GIS, will be invaluable to this.

Ms. Darlene Hale, IT Director, I would like to update you on the Purdue, Solid Waste and Soil and Water...all three offices are moved into the new building, set up and everything is working. I have provided Mr. Willoughby with the MOU from Purdue where they will be paying the county back \$100 for their usage of our fiber. There are some corrections that need to be done.

Mr. Layton, those costs are directly related to what we pay.

Ms. Hale, correct.

Mr. Layton, via email I communicated with you in reference to the Soil and Water and their need for a colored printer. Have we gone anywhere with that?

Ms. Hale, I have one downstairs and I am going to let them use that and see if that will be sufficient. If it is, there is no reason to purchase another one. That is a loaner that we use for whichever department needs one. If that will not be sufficient, then we will look at avenues in getting them one.

#### CORRESPONDENCE

Mrs. Huston, we have two letters of appreciation for our Highway Department and our Animal Shelter Director.

Mrs. Huston reads letters from Mr. Bill Fryar and Tonette Bogner, President of the Great Lakes Weimaraner Rescue.

#### REQUESTS

##### Fran Tibbot, Emergency Management Director/Permission To Use 911 Surcharge For The Narrow Banding Fee

Mrs. Tibbot, I am here requesting permission to approach the LaPorte County Council with utilizing the 911 surcharge for the narrow banding fee for all the emergency sirens in LaPorte County, which includes LaPorte City and Michigan City.

Mrs. Huston, you only received one bid is that right?

Mrs. Tibbot, only one bid and it was everything we were requesting. I think it was close to \$4,000 per siren and we have 45.

Mr. Layton, I know that you have worked closely with Mrs. Tibbot on this being their liaison. My question is has it been affirmed that the 911 fees can be used?

Mrs. Tibbot, I believe it has been affirmed. The State Board of Accounts says the surcharge can be used for that.

Mrs. Huston, it is for the entire county and all emergency services. This has to be done by 2013.

Mrs. Huston made a motion to approve out of the 569 surcharge account, chair seconded the motion, motion carried by voice vote 2-0.

#### OLD BUSINESS

##### Proposed Zoning Ordinance Changes

Mr. Doug Biege, this is an action from the commissioners back to the Plan Commission. The commissioners have made changes and if it is approved we will send it back to the commission for their review.

Mr. Layton, the commissioners have worked on this to finalize issues. There was concern over verbiage, specifically in the southern part of the county where if a storm went through and a business was destroyed by 51%, they couldn't maintain their business any longer. This didn't seem fair to us so language like that was changed. The Ag 1 zoning in the southern part of the county, I thought that that language stifled that part of the county and wouldn't allow any growth and therefore; the school corporations would suffer greatly. I think the changes that we made were reasonable. They have to go back to the Plan Commission for their acceptance.

Mrs. Huston made a motion to accept the changes that have been made to the ordinance by the commission by this letter of explanation to them along with the changes is the plan and the changes to the maps themselves.

Mr. Biege, I want to make sure we identify this as draft dated November 15, 2011 for the proposed joint zoning ordinance; the proposed subdivision control ordinance, and the proposed zoning maps.

Mrs. Huston, several people have written letters as far as proposed changes, we have done the changes but there are some things by statute that we cannot change.

The chair seconded the motion and motion carried by voice vote 2-0.

Mr. Layton, this commission considers this document to be a living document. We made certain that if indeed it is passed by the Plan Commission that we could readdress it to make changes that we overlooked, they overlooked or changes that need to be necessarily made for the protection of LaPorte County.

Mrs. Huston, this document has been looked at for over two years. Hopefully these are the final changes to this but it is a living document and can be changed.

#### Overtime and Holiday Policies

Mr. Layton, this is on some documentation we received from Mr. Mark Phillips of Newby, Lewis, Kaminski & Jones in direct correlation to the litigation that we have been through in overtime issues within the past two years.

Mr. Chris Willoughby, at the recommendation of council Mark Phillips who was involved in representing the county; we have had discussions and in review of current policy, there has been a recommendation to make changes to the county policy. We have determined that it is necessary to change the policy and to clarify exactly what the county's position is. It makes it clear that the county intends to clear up language that is a little ambiguous in the current county policy. I am not certain how long the current language has existed but the ultimate goal is to make it clear that the county is electing to follow the fair labor standards act. In addition, a suggestion with regard to compensation and perhaps amending the language on pay for training during hours....right now the current policy provides that employees are compensated during their shift but, again, we want to clarify some of these issues.

Mr. Layton, I would prefer that all three commissioners be here if we are going to adopt any changes in policy. What I would like to do is have you meet with Mrs. Leon from HR and Mr. Phillips and Mrs. Huston, to represent the commission, to come up with some finalized language that we can address at the first meeting in December to formalize the changes.

Mr. Willoughby, I agree. It would be best if we present this earlier rather than later in December so that we could start the year new and have the policy clear for everybody and present it to the employees.

Mr. Layton, I don't know about the sheriff but I know Chief Sosinski has some thoughts on some of the language that's in there and I would like to ask him to participate in that.

Mr. Willoughby, I have had an opportunity to meet with Chief Sosinski and Sheriff Mollenhauer and we will certainly have additional discussions. It is best to clarify some things and take the guess work out of this. I think the general feedback is that this may save thousands of dollars for the county in the long run.

Mr. Layton, if you would then I would ask that you contact Mr. Phillips and make those meeting dates and times available for all.

#### Rumley/Allis Chalmers Lease

Mr. Layton, this is pertaining to the lease of county owned property out near the fair grounds to a corporation known as the Rumley Allis Chalmers LaPorte Heritage Corp. It is a piece of land directly west of the new County Extension Building, adjacent to property that is currently being leased by the Agricultural Assn.

Mrs. Huston, I would love to see the building up and operating. I know they have worked on this for many, many years. I saw the plans for the building and it looks quite phenomenal. It will be a total asset for LaPorte County.

Mrs. Huston made a motion to approve the lease, seconded by the chair, motion carried by voice vote 2-0.

**NEW BUSINESS**

**Robert Young, Highway Superintendent/Open Bids For Class 1, 2, 3, 5, 6, & 7**

Mrs. Huston made a motion to close the bids, seconded by the chair, motion carried by voice vote 2-0.

Mr. Chris Willoughby opened bids from:  
Class 1, Hanson Heidelberg Cement Group and U.S. aggregates, Inc.  
Class 2, Rieth-Riley Construcion Co, Inc.  
Class 3, Phoenix Services LLC  
Class 5, Triple J-Mar Petroleum, Inc., Rackham Service Corp., & Petroleum Traders Corp.  
Class 6, Hall Signs, Rocal, Inc, & Custom Products Corp.  
Class 7, DEBCO Metal Culverts & James H. Drew Corp.

Mrs. Huston made a motion to turn over to Bob Young, Highway Superintendent, for his review and recommendation, seconded by the chair, motion carried by voice vote 2-0.

**Joyce Leon, Human Resources Director/New Avenues (EAP Provider) Contract**

Mrs. Leon, I just need your approval for the contract for the EAP. We have been with IU Health who has opted out of the program because they can't support their own employee base with the one counselor and one location. New Avenues has taken over for sixty days to accommodate our employees. I have met with them and sent the contract over to Mr. Willoughby to review it; I think it is in order and I just need you to approve it. The price is significantly lower, too, I might add.

Mr. Willoughby, I have had an opportunity to review it and I find it to be appropriately to protect the county's interest from a legal stand point.

Mrs. Huston made a motion to approve and to allow the board president to sign on behalf of the commission, seconded by the chair, motion carried by voice vote 2-0.

**John Jones, Michiana Insurance/Worker's Compensation Insurance Proposal**

Mr. John Jones, recently we have had the opportunity to quote your worker's comp. insurance and on our recommendation, as you know, we are recommending that you move from your current self insured worker's comp. aggregate cap policy to the proposed fully insured catastrophic covered risk. I am here today to seek your approval on that and answer any questions you may have.

Mrs. Huston, what happens if we go over, say a \$5,000,000.00....under this, are we then liable for the additional amount?

Mr. Jones, yes, I think that is the most important element of this proposal. Your current carrier allows you a \$5,000,000.00 per year cap in the aggregate. There is a potential to go over that amount. Our policy is unlimited because under statute in the state of Indiana worker's comp is an unlimited amount. You have the potential to pay a catastrophic injury for the lifetime of that employee that could be out of pocket for the county under the current situation.

Mrs. Huston, by being self insured, we still run that same risk, correct?

Mr. Jones, by being self insured you have a \$5,000,000.00 cap, under the fully insured proposal, there is no cap. We believe this is the best position for the county to be in at this time. We have had an extensive look at your loss claim history and we believe another important component of the fully insured is aggressive risk management which we would intend to apply in an effort to reduce that future trend of claims.

Mrs. Huston, I do have to say we changed insurance here just recently and the risk management part, the training that has been provided to the different departments is, I think, invaluable and it is working.

Mr. Layton, I agree with what Mrs. Huston said about the liability and the change that we made there. Even though I voted against it, I have been proven to be wrong on that issue. It has been a valuable asset to us. The question that I have and it was part of the presentation that you made earlier to me about this pool concept it seems to be a fear factor type of thing. I'm not an insurance man, we hire people to be professional for us. I'm just not clear on the pool concept.

Mr. Jones, the pool was developed and put in place because this is a mandated policy. Anytime there is a mandated statute place upon any entity, there has to be an avenue to place people that are otherwise uninsurable. It could be thought of as a high risk pool. It come with a cost but everyone can be insured, they just might be in the pool at about 40% increase over normal charges.

Mr. Layton, this again is one of those issues that takes all three board members to be here to vote when we are talking about an issue that is this dramatic of a change and this amount of money.

Mrs. Huston, in regard to the pool...the danger comes from an excessive amount of claims, correct?

Mr. Jones, yes that is correct.

Mrs. Huston, I know we have had some very catastrophic claims in the county. It is hard to get back out of the pool because you become uninsurable as an entity. While you are in the pool you are paying a much higher premium.

Mrs. Huston made a motion to table this until the next meeting so it can be voted on, seconded by the chair, motion carried by voice vote 2-0.

#### Judge Tom Alevizos/Odyssey Case Management System MOU

Judge Alevizos, Odyssey Case Management is a product of JTAC as are a lot of the products that we use now. We currently use Gavel from Manatron it is our case management system. To say it is outdated would be an understatement; to say it is inefficient would be a tremendous understatement. Odyssey is the state wide system that is being put out by JTAC which is an arm of the Indiana Supreme Court. We are having our data transferred to Odyssey by JTAC and we are due to go on line sometime next spring. We will have savings to the county. We will no longer pay Manatron \$30,000 a year for the maintenance of our Gavel software. All the software cost is paid by JTAC primarily through court user fees. It is not even state tax money. We have a Memorandum of Understanding that we sent to your attorney. Basically the county is responsible for things in item 7 and we have those things already. They tested our system and our individual computers for any users of our Gavel system last year. Our system passed with flying colors and has even been updated by our IT department since then. I applied for a grant and we received \$6500 to replace some of the computers that were out dated. There is no additional cost to the county. We will have savings directly in that we won't be paying for the software. We will have a tremendous amount of indirect efficiency related savings for the county. All of the counties will eventually be on this system. What I need is your signature.

Mrs. Huston made a motion to approve and give the president permission to sign on behalf of the board, seconded by the chair, motion carried by voice vote 2-0.

Ms. Hale, I would like to inform you that a year and a half ago we did convert down to paying our fees for Gavel monthly. We only have to give a 30 day notice to cancel that service. That way we are not paying the full year and trying to get a refund.

#### Mike Schultz, LaPorte County Assessor/Tyler Technologies Contract

Mr. Mike Schultz, I emailed this to Chris Willoughby to make sure things seem to be okay. The state has to approve it anyway through the DLGF. We are requesting that Tyler will do the input of all their work so it is done in a timely manner. They tell us by March 1, 2012. We do have the funds in the budget to complete this.

Mr. Layton, I am elated to hear that we are finishing the reassessment on time for 2012. Where are you and your staff at as far as the data for 7-8, 8-9, and 9-10?

Mr. Schultz, 7-8 has already been calculated for a bill. 8 pay 9 has been rolled to the Auditor's office. 9 pay 10, we are pretty much done with that and that will be ready to roll. 10 pay 11 and 11 pay 12 is what we have to trend to the state.

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

Mr. Layton, I want to congratulate you and your staff for what you have done in the short period of time that you have been at the helm. It seems like we are light years ahead of where we were just a few months ago. I want to congratulate you publicly.

Mr. Schultz, we have had some trying times and it is frustrating that we can't move faster. I think we can finish on time. We appreciate all the support we get from the commissioners and the council.

COMMISSIONER'S COMMENTS

Mrs. Huston, I would like to wish everyone, on behalf of the Board of Commissioners, a Happy Thanksgiving and a safe holiday.

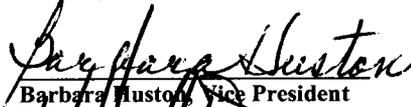
ADJOURN

Mr. Layton, President, adjourned the meeting at 11:01 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS



Ken Layton, President



Barbara Huston, Vice President



Willie Milsap, Member

ATTEST:



Craig Hinchman, LaPorte  
County Auditor