



# BOARD OF COMMISSIONERS LAPORTE COUNTY

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Vice President  
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Member

## LAPORTE COUNTY COMMISSIONERS

Tuesday, April 3, 2012

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, April 3, 2012 at 10:00 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

Mr. Tom Huston led the Pledge of Allegiance.

### ROLL CALL

All Present

### APPROVAL OF AGENDA

Mrs. Huston, Lynne Spevak is on the agenda for Polling Place approval, she also needs Polling Place hours approved, I make a motion to amend New Business, D, to include hours, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, I would like to add under New Business, H, Joyce Leon/Policy Revision for the LaPorte County Hand Book.

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

### APPROVAL OF MINUTES

March 20, 2012, Mrs. Huston made a motion to approve as presented, seconded by Mr. Milsap, motion carried by voice vote 3-0.

### WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

### CLAIMS

Payroll Ending April 13, 2012, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Miscellaneous Claims—\$338,744.92, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

## PUBLIC COMMENTS

Mr. Gene Abraham, 604 Jefferson, LaPorte, IN. I was born and raised in Michigan City. My father was a Michigan City police officer, and my uncle was the Superintendent of the Michigan City schools. I come from a background of public service. More recently, I have been providing services to ALCO TV. I started providing services there in 2006. I provided editing services and eventually became the studio operations manager. I left there in the summer of 2011. Apparently they were having money problems and started shorting my invoices so I stopped providing services. I am here today to suggest an RFP. When I was at ALCO, I was able to start a station from the ground up for the Crown Point channel and they are still operating today. I have done everything at ALCO that needs to be done to provide television services for the two channels that the county and city currently run. If you put out an RFP with cooperation of Michigan City, there is no doubt that I can provide a solution to provide these services at a much higher quality level for a significant amount of cost savings. I have designed a studio from the ground up. If I have an opportunity to submit a proposal I can guarantee there will not be any of the current existing problems. What I would like to be able to do for the county and city is to provide two new identical state of the art tapeless digital T.V. channels built from the ground up to specifically handle the meetings and the events that ALCO covers currently. There won't be any problems with technology or audio or visual quality, that will be a thing of the past. Antiquated equipment will be a thing of the past. I can guarantee there won't be any finance, accounting or cash flow problems, billing problems, no IRS problems, no employee vs. contractor status problems that exists there right now. I think it would be in everyone's best interest to take a look at this. There is a cost value ratio that I don't think is desirable at this point. I would like to have the opportunity to submit a proposal for these services.

Mr. Layton, in the spirit of transparency, we have met one time before about six weeks ago and I have talked to you on the phone last week and advised you that we were in the process of setting up meetings with Mayor Meer and Mayor Milo in reference to this. That is as far as it has gone. We have not been able to bring that assembly together.

Mr. Milsap, have you spoke with Mr. Cooley?

Mr. Abraham, I have not.

Mr. Milsap, I would recommend that you set up a meeting with him prior to our next board meeting.

Mr. Dennis Metheny, 6757 W. 450 N., Michigan City. I have a concern with a Sheriff's deputy that is contacted as his second job with the Coolspring Twp.'s trustee's office. He takes the secretary home at night when he is working that day. I have discussed this with Mr. Mollenhauer and I have supported Mr. Mollenhauer ever since he started office. I talked to him personally and he said there's no problem. I stated my concern about the liability and that the county police cars should not be used as a taxi service. If that is the case, instead of the police officers arresting DUI drivers and other people on the road, then they ought to take them home like they do on their second job. I don't like it, I'm a taxpayer in Michigan City and the county and I think something needs to be looked into. I think it is about time somebody charges these police officers that have these cars one hour of pay for them to use that car for their second job. The second thing is, since this gentleman stood up here and talked about that, I know that at least a couple times I was in front of this board informing you of the Federal and State Tax Liens that Mr. Lombard had against ALCO. I don't understand why the county and the city of Michigan City have continued to give Mr. Lombard the money. I am a user of Comcast cable in the county. I know the county receives money from Comcast Cable. I have stood up here before and requested that since the county is paying for LaPorte to be on cable T.V. and I am a user of Comcast and part of my money comes to the county, I have requested many times to be able to use that facility to tape a program at no avail.

I am upset that you use county taxpayer's money which is given to you from a user fee and not allowing us to use that facility. This is not a Democrat/Republican problem this is everybody's problem. I would appreciate again that that be negotiated in the next contact whoever it is with. I think now that there is a shake up at ALCO and the executive director is gone, I certainly wish you would give the people who are running it now another shot at whatever contract they want to deal with. When you want to talk to the other cities I would appreciate it if you would have ALCO involved in that discussion. I think the people there are trying to do a job to fix up what been wrong for years.

Mr. Darrell James, 4128 West Anthony Drive, Vineyard Hills Subdivision, LaPorte, IN. I would like to take this opportunity to thank the county highway department for sweeping the streets in Vineyard Hills Subdivision. Normally we have problems with the sand that is left from the snowplows from the winter. I called them one morning a few weeks back and the next morning they were out there and they got it cleaned up for us. On behalf of myself and my family, as well as the other residents of Vineyard Hills Subdivision, I would like to say thank you.

Mr. Abraham, Mr. Metheny's statement that there are good people at ALCO is true but I think it would be in the best interest of everyone to start over because there are so many problems with the structure itself and the company. I think they have had enough time to pull it together. I would again ask that we take a fresh look at it.

Mr. Layton, Sir, I appreciate your comments but the other people that you are discussing aren't here today to defend themselves so I will cut this off right now.

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte, IN. Yesterday's internet had an article out of Marion County, IN. Budget deficits have prompted Marion County to begin charging its Sheriff's Deputies for fees for fuel used by the department vehicles. Deputies can avoid the fuel charges by either agreeing to use their vehicles only to and from work and for no other reason or by requesting a transfer of duty that does not require use of an office vehicle. Marion County Sheriff John Layton announced Monday that deputies who are assigned office vehicles will pay \$75 a month fuel charge. If they use the vehicle for off duty employment, they will be charged a \$150 a month. It is not just that LaPorte County is the only county that is facing \$4.00 a gallon gas and deficit problems. Secondly, for information purposes only, today's internet has a story out of St. Joe County. This particular individual was in LaPorte County Friday evening and led the prayer at the J J Dinner and literally thanked God for Punch 10. I was offended and many people in my area were offended by that comment. Today's South Bend paper reports that he, the former Democratic chairman in St. Joe County and three other employees of the voter registrations office will face forgery and other charges. My argument for six years has been Punch 10 does not benefit the county's taxpayers. Straight ticket voting makes all voters lazy. They don't study the issues, they don't study the candidates. It was appropriate timing that the first day after this prayer, which was out of sorts, indictments were handed down.

Mr. Milsap, just so I understand your statement, are you saying that if an individual punches 10 that they are lazy and uneducated?

Mr. Cunningham, I am sure there are some very educated people that punch 10 because they only have 5 seconds to vote. Am I saying as a former educator that people who vote straight ticket are less informed of the candidates, less informed about the issues than people that make decisions individually; overall I would definitely say that, yes. As an educator, Mr. Milsap, and you are one of my former students, think of it this way. If I gave you the key to the final exam, you are not going to study much? So, if I know I am going to punch 10, why would I ever read an article about a candidate or read an article about an issue? There is nothing illegal about it and if you want to punch 10, more power to you. I know you and some of your people really encourage that but I said from the beginning I would never punch 10. For example, I would vote for Mr. Layton for any office he would be running for. I have said that over and over to the alienation of many Democrats. I could care less whether he is a Republican or Democrat. Once elected, there are no labels except constituent. This same individual who has just been indicted and three workers in the voter's registration office face forgery and other charges, they are big proponents of punch 10 as well.

Mr. Metheny, only after what he said, that gentleman was also the second district chairman of the Democrat Party at one time and resigned.

DEPARTMENT HEAD COMMENTS

Mr. Rich Mrozinski, LaPorte County Councilman, liaison to the Veterans Service Office, commander of VFW Post 9423, Chairman of the National Legislative Committee for Department of Indiana Veterans of Foreign Wars. This is my committee and we were given the task earlier this year for finding a replacement for the Veterans Service Officer of LaPorte County who is retiring. I would like my committee to introduce themselves.

Mr. Greg Lutz, I represent the Guardian Riders. They are a Veteran's support group in LaPorte County.

Mr. Tom Smith, member of American Legion Post #83.

Mr. Tom Russell, I represent American Legion Post #37 and 40 and 8.

Mr. Jim Stemmler, I am the current commander of VFW Post 1130 in LaPorte and life member of the Wall Gang and also a member of Post 37, American Legion Post in Michigan City. I would like to elaborate a little on this because this is very, very, sensitive to me. I am a Viet Nam Veteran. I spent fourteen months in the jungle. I have held a brother with his last breath and we donated our time to do what is right for the veterans. This is not political. This is certainly an issue that we have a huge advantage over everyone sitting up there because we deal with the veterans all the way back from World War II to the current wars. Every day I get to shake the hand of a guy from WWII and every day I talk to a young man that can't make sense of what is going on because he is emotionally disturbed. It is absolutely appealing to me as a United States Veteran that 150 veterans that live in LaPorte County have to go to Porter County to take care of their veterans business. No one is at fault. We have addressed it and did it the proper way. Mr. Milsap, I had a conversation with you and I talked to you about how we made our decisions. We had 20 candidates and the five of us donated our time. We went through 20 applications and weeded out eight of them. We sat down and interviewed twelve people. You looked me in the face and said that you feel you need to do your job as a commissioner and get involved in it. No disrespect to you but there is no way you can substantiate to me that you can make a more intelligent decision than five commanders that handle veterans every day. When this decision is made I would hope that you would concur with this board. Thank you.

Mr. Milsap, I can grasp your statement. What are you saying? What point are you trying to make?

Mr. Stemmler, this is very personal to me and I came in there with confidence with these guys as my backups and you wanted to question the decision that we made. You are not a veteran, you may talk to them and know some but if you didn't wear the boots then you don't know.

Mr. Milsap, Jim, you were in the office this morning. If you felt that way we could have discussed it.

Mr. Stemmler, because I wanted everybody to hear. I am not whispering and you can fire at me if you feel like it.

Mr. Milsap, I just requested the top three, did I not?

Mr. Stemmler, you wanted three. I think you sponsored an ethics ordinance. Well, in this particular case my opinion good ethics is supporting our decision.

Mr. Milsap, I haven't made that decision yet. Also, did you notify all the other applicants of the status of their app?

Mr. Stemmler, I didn't, no sir.

Mr. Milsap, none of the other people that applied know their position until today.

Mr. Stemmler, to my knowledge, no.

Mr. Milsap, that is all I asked.

Mr. Stemmler, I was an interviewer.

Mr. Milsap, usually people are notified of their status before they find out on public T.V. That is unfair for the other applicants if they have no idea where they stand until this morning.

Mr. Stemmler, my job was to interview, not notify.

Mr. Milsap, whose job was it to notify?

Mr. Stemmler, Mr. Mrozinski I believe.

Mr. Mrozinski, I got a call from HR a couple of weeks ago and said that they wanted to know all the people who were not picked so they could notify them. Our job was to interview and come up with a candidate which is what we did. Of the people we did interview, it was a tough decision. We have some really good people in this county with some real dedication towards helping veterans. The condition of our Veterans office is on life support. It needs complete reforming, it needs to get active, it needs to get back to what it once was and better. When you have other counties doing LaPorte County's work, it is unacceptable. When you have officers in different veterans organizations looking for help that is unacceptable. Our veterans in this county will not be overlooked. It is not veteran's benefits it is veteran's compensation. They have earned what they have coming. Our job as a county is to help them get it. We know we made the very best choice, George Watkins.

Mr. George Watkins, I am currently in my sixth year as commander of American Legion Post 83. I am the two year correspondence for the 40 & 8. I am 32 years with the American Legion & retired from the postal service.

Mr. Mrozinski, George left off that he was a recent appointment to the Mayor' veterans committee. A lot of people have a lot of respect for George Watkins. This committee will be very active in keeping track of what goes on.

Mr. Milsap, my concern today was that two people that were applying for that position did not know where they stood and they heard through the grapevine that they were going to name the guy today. Keep in mind that you applied for a position and you don't have any idea where you stand until you turn on the T.V.

Mr. Mrozinski, the instructions we were given was to take all the applications and narrow it down to one. I was called by HR two weeks ago and they wanted to know all the people that were not picked so they could notify them. We wanted to keep this under wraps. I believe HR should have notified them all.

Mr. Watkins, in the past I had to send people who needed help to Porter County because they couldn't get the help here. I am very dedicated to helping veterans.

Mrs. Huston made a motion to approve George Watkins as the new VSO Officer, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, Mr. Watkins we are going to ask you to contact Mrs. Leon to take care of the paperwork that is necessary to come on board and be a part of the LaPorte County family. Also, on behalf of the commission, we wish to thank the veteran's service group that was established to go through the process, we thank you for your time and efforts. We look forward to working with you in the future. If there was any ball dropped as far as notification was concerned, I will take the fault upon myself for not notifying those folks.

Mr. Randy Novak, Fire Marshall in the city of Michigan City and chairman of the LaPorte County Fire Chief's Assn. I am representing all fire departments in the county along with HAZMAT. The new Interact System is coming along and one of the modules that connected things and was left out was the interface between CAD and fire house. All the fire departments in the county along with HAZMAT, EMS, needs this interface to work. We didn't realize it when the grant first went out. I am here to get approval to go before the council.

Mr. Milsap, what was your last communication with the office in reference to your request?

Mr. Novak, last week.

Mr. Layton, was that the meeting when we spoke?

Mr. Novak, yes and I spoke to Barb right after that, I think the following week.

Mr. Milsap, what was your understanding about the amount?

Mr. Novak, the amount is \$27,910.

Mr. Milsap, who is going to pay that?

Mr. Novak, originally I think we thought we could get it through the 911 User Fee but when Director Dudek checked, he doesn't think that can go through that account.

Mrs. Huston, it was originally said it could come out of the E911 user fees, however, the 911 and the CAD System for the firehouse, they have no interaction so that cannot come out of user fees. The equipment is very much needed for all fire departments to be able to interact.

Mr. Novak, the new CAD system and the way it works, the fire departments have very little use out of it. We don't really see anything on our end of it. With the CAD interface with fire house, it is going to allow all the documents to auto load so when we do reports it will all come down. It will allow us to have interface in our trucks. All departments in the county use firehouse for reporting to the state.

Mrs. Huston made a motion to approve his request for \$27,910 and to appear before the council, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Milsap, that money is coming out of what account?

Mr. Layton, I would say Win tax or Riverboat.

Mr. Layton, I also would like to commend you sir for standing up here and asking for \$27,910 when actually only \$4,500 of that goes to the city of Michigan City. The rest is mainly for volunteer fire departments and thank you for representing them as well.

Sheriff Mollenhauer, I would like to comment on this and I don't have definite information on. Mr. Cunningham mentioned the fact of Marion County Sheriff Layton. I don't know if anything had to do with the possibility of them paying for the use of the cars off duty but I do know that Marion County is now a Metro unit. Again, I don't want to speak out of turn but I believe the sheriff down there is only responsible for the jail and for civil process. I don't think they patrol any more.

Mr. Layton, if you would research that I would appreciate it. I find that very interesting.

Sheriff Mollenhauer, I do appreciate Mr. Metheny coming to me first with his complaint. Regarding the complaint he made this morning, this off duty officer works four or five nights a month. It happens to be captain John Keen who lives off of Johnson Road. He is there for security reasons and takes a lady that works in the office to her home in Jongkind Park. When Mr. Metheny brought this to my attention I said I don't really see a problem taking her home since he is not going out of his way. I like the officers going through that subdivision. Comments were made about intoxicated drivers. Today we can't do that because of liability reasons. I called Michiana Insurance to make sure there was coverage with that and have not been able to make contact. We do transport people for different reasons so I will check on that to be sure. Regarding the off duty use of the vehicles, this is what is documented on off duty use. These are slips that are turned in by the officers in defense of the take home policy. I think the take home car policy and helping our citizens outweighs any cost of a little fuel.

Sheriff Mollenhauer, we had a K9 search at New Prairie schools. Our K9 units went to Michigan City schools at their request to do a search of lockers. No illegal drugs were found. LaPorte Community schools we did a few weeks ago; another plug for the K9 program.

Sheriff Mollenhauer, this is from the state of Indiana, a resolution from the General Assembly, a Senate Resolution congratulating Indiana Law Enforcement Officers Ken Ryan and Keith Waltz on receiving national honors in the National Police Shooting Championship and the National Rifle Association Event. (Sheriff Mollenhauer reads the resolution)

Mr. Layton, on behalf of the commissioners we would like to congratulate him on representing the sheriff's dept. and all the citizens of LaPorte County.

Mr. Keith Waltz, thank you for the recognition.

Mr. Brian McKee, with the LaPorte County Economic Development Alliance. I wanted to go over a few highlights of the Retention & Expansion program. In the two years of the program, 137 companies have been visited. Fifty-five of those companies were last year and this presentation contains those results. Monosol completed phase 4, Fas Pak made a significant expansion with 200 plus jobs and increased their footprint, we also assisted UPS at their location in Westville with concerns they had with their truck traffic. I want to focus on the optimistic forecast we received from companies last year. Twenty seven of the companies anticipate expanding in the next 12-18 months. They also have projected a job growth of 37%. One concern to note is that half of those companies have found it difficult in the recruiting process in the past. On a positive note, we would like to point out the overall assessment given to these companies, it is very good. Over 50% of our businesses seem to be in good health or excellent health. The remaining percentage seems to be doing well with only 9% in need of assistance. That brings me to the referral details that require follow up actions. Workforce training is the largest concern companies have moving forward. I believe you will see the optimistic projections moving forward.

Mr. Milsap, as you know LaPorte County is experiencing an 11.1% unemployment rate. Could you give us an update in regard to the KIP project?

Mr. Bert Cook, Executive Director of The Greater LaPorte Economic Development and Co-Director of the LaPorte County Economic Development Alliance. We have been more involved in the last two months with both the developer and the land owner of the inland logistic port. We are making some progress. We have a good deal of discussion going on at the state and local levels. Our hope is to have some firm information in the next month regarding easements and other land use issues. Due to the fact that this project has gained so much attention we have seen quite a bit of auxiliary activity in adjacent land.

Mr. Layton, congratulations to you both on behalf of the commissioners and council for your efforts, I know there are some worries about its existence in the future. Quite frankly, I don't think we can do without it. It is a perfect example of counties and communities working together. May I use the words of Don Koliboski, Director of Economic Development Northwest Indiana Forum, "The LaPorte County Economic Development Alliance has laid the groundwork for retention and expansion services in Northwest Indiana. Their retention program is extremely effective and has become a model throughout the region." I think that speaks volumes of the efforts of Tim Gropp, Bert Cook, Brian McKee, John Regetz and Kevin Kieft. Thank you gentlemen and the ones that proceeded you as well, to where you have brought us with this alliance program.

Mr. Layton, I need to make an announcement now. We are going to open bids today for the sheriff's squad cars. Unfortunately, we moved our 6:00 p.m. meeting today to 10:00 a.m. because of an AIC commitment in Plymouth this evening and when the bid notifications went out it said the bids had to be in here by noon today. If the meeting ends prior to noon, we are going to recess until the noon hour and we will reconvene at noon to open the bids.

Mrs. Pat Pease, EMS Administrator, just for clarification, ambulance bids were advertised for today but then they were re-advertised after the meeting change. Bids are still open until April 17 at 9:00 a.m. and all potential bidders have been contacted via certified mail.

CORRESPONDENCE

None

REQUESTS

Wanatah Scarecrow Festival/Request \$500 Tourism Fund

Mrs. Huston made a motion to approve and allow the president to sign, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Wanatah Townwide Garage Sale Days/Request \$500 Tourism Fund

Mrs. Huston made a motion to approve and allow the president to sign, seconded by Mr. Milsap, motion carried by voice vote 3-0.

LaPorte County Fair/Request \$500 Tourism Fund

Mrs. Huston made a motion to approve and allow the president to sign, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Pat Pease, EMS Administrator/ Martin Smith Retirement Request For Unused Sick Days

Mrs. Pease, as per policy I am approaching the commissioners to request to pay Martin Smith who is retiring, he more than meets the 20 year qualification; he has been here 32 plus. This is a request to pay his unused sick days which he has 54.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, as I understand it, you have enough funds in your budget to cover this.

Mrs. Pease, yes, I do not need additional appropriation.

OLD BUSINESS

Commissioner Milsap/Ethics Ordinance

Mr. Milsap, everyone received their copy of the final draft and had a chance to absorb it. Mr. Friedman, do you have any closing comments before we move forward?

Mr. Friedman, over a year ago, newly elected Commissioner Willie Milsap asked a group of us to volunteer our time to gather and annualize ethic ordinances from around the state and to develop a draft that could be considered here in LaPorte County. Over the following 15 months, volunteer members of the committee met as least a dozen times drafting and redrafting and seeking input from the public, elected officials, department heads and others. All three of you commissioners have provided input, the assistance of the county attorney's office has been very helpful and we have had various members of the county council attend meetings in addition to committee member Lois Sosinski who played a key role. Mr. Hinchman has participated in several of the meetings and other volunteer members of the committee whose participation should be saluted include our prosecutor, Bob Szilagyi, Julie Roesler, Andy Reyna, and Joyce Leon from HR. The HR officer would be the Ethics officer under the ordinance. We also had input from the judiciary with comments from Judge Boklund. You made sure the public had its say by scheduling public hearings and that input was taken to heart by the volunteer committee. This ordinance is not designed to be punitive, if anything, it should further reinforce to the taxpaying public that county government, its elected officials, department heads and appointees will be held at the highest ethical standards. It provides opportunity for guidance for those seeking advisory opinions before entering into a situation that might potentially be a conflict. There is an opportunity to avoid potential ethics issues before they become an issue. Also, there will be a format where ethics issues arise at this microphone or in any other setting, the council can direct those who have an issue to file a complaint with the ethics board, a bipartisan independent board that can determine whether there is probable cause to proceed or not. The

ordinance represents 15 months of collaboration among folks who don't always get along but whom all understood the issues of good government and good ethics are worth cooperating on. On behalf of the committee, we respectfully ask for you approve of this on first reading.

Mrs. Huston, I know it was a concern of our counsel, the open door law, how are we getting around that?

Mr. Friedman, counsels concerns were well founded. We made inquiries in Allen County and determined that once there is probable cause found, they cannot be held in executive session. They need to be held in public session. The ordinance is written that way. There is confidentiality in the early complaint but if there is probable cause found, that determination goes forward publically.

Mr. Layton, there has been a question from the crowd, would you again repeat the names of the people who served on the committee?

Mr. Friedman, Bob Szilagyi, Julie Roesler, Andy Reyna, Joyce Leon, other elected officials attended committee meetings, Mr. Cunningham, Mr. Mrozinski, Lois Sosinski, Mr. Hinchman participated; commissioner Milsap chaired this committee and assisted. I tried to provide assistance in terms of the drafting and working with the county attorney's office on what you have in front of you.

Mr. Layton, I would like you to explain publicly the ethics board makeup and how it is contrived and how to be appointed.

Mr. Friedman, the board will be bipartisan. The county ethics board will be composed of five volunteer members appointed by the board of commissioners and county council. The board of commissioners shall have two appointments with one appointment serving a one year term and another appointment a two year term. The county council has appointments and the county elected officials and department heads will elect from their membership an appointment that serves for three years.

Mr. Milsap, Mr. Friedman named the committee and I would like to thank them because we put in a lot of long hours. I would like to make a motion for the approval of the ethics ordinance for LaPorte County Government first reading.

Mrs. Huston, if someone is in ethics violation according to the open door it is discussed with Joyce confidentially and then discussed by the board confidentially before it comes to an open meeting?

Mr. Friedman, there is different opportunities. If a county employee wants to seek an ethics advisory opinion. They submit that to Joyce, that doesn't have to go to the full board at that point. There is a provision for the ethics officer to provide an advisory opinion. That can go to the board, if fact, the ethics board can act as an advisory body by issuing an advisory opinions to interpret the ordinance. Say there is a complaint filed, as opposed to seeking an advisory opinion, that will ultimately go to the ethics board and so those complaints, both the claims and responses, would be public. The attorney in Allen County said it has helped defer frivolous complaints.

Mrs. Huston, I can understand that but my thought is the board would sit and the person would come before them and state their case of why they are not guilty of the ethics violation. But there would be an audience?

Mr. Friedman, that is correct. Remember the section that says after preliminary investigation, if the board finds, after majority vote, that probable cause exists to support an allegation, it shall convene a public hearing on the matter within 60 days. The respondent will be notified within 15 days of the Board's determination.

Mr. Layton, we have a motion on the floor to approve the LaPorte County ethics ordinance on first reading, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Ordinance #2012-03

Mr. Milsap, made a motion to waive the rules and have the second reading today, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mr. Milsap made a motion to approve on second reading, Ordinance No. 2012-03 Of The Board Of County Commissioners Of LaPorte County, Indiana, Ethics Ordinance For LaPorte County Government, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mr. Layton, this has been a very contentious ordinance in its script, in its delivery and development, is there anyone wishing to speak on it this morning?

Mr. Dennis Metheny, I'd rather you not vote for it today unless we can get a copy of it.

Mr. Layton, you can have a copy of it right now if you want it. The copies and drafts of this ordinance have been available for over a year.

#### NEW BUSINESS

##### Attorney Cory Shoffner/Petition To Vacate A Portion Of Cherry Lane, Hudson Lake Beach Subdivision, New Carlisle, Indiana

Attorney Cory Shoffner, I am the attorney for the petitioners, Roger and Sandra Teska. My clients filed the same petition in 1998 at which time several remonstrators appeared promising to take care of and repair these stairs. This is an area between Catalpa Lane and Lakeshore Drive in Hudson Lake and I do have a map of the area. The remonstrators appeared because they claimed that they used this area to access the lake. However, there are other public access points to the lake that have been maintained, one being at Ash Lane and one at Ivy Blvd. Those are maintained. The remonstrators promised that they were going to repair these stairs that are on this portion of Cherry Lane. This was 13 ½ years ago. That never came to fruition. As you can see, those appear to be very hazardous. The remonstrators promised that through the Hudson Lake Conservatory Club that they were going to repair these and maintain them. That club no longer exists. It has been years since this area has been used by anyone to access the lake. There is a path that some people were using years ago, however, that crosses my client's property.

Mr. Milsap, have there been any injuries?

Ms. Shoffner, no, because no one uses them. They are a hazard. The county is liable if someone would get hurt.

Mrs. Huston, have you had public hearings on this again?

Ms. Shoffner, not since 1998.

Mr. Layton, do we have anyone who would like to remonstrate against this petition?

Mr. Nelson, we have reviewed this and it looks like the only contiguous property owner has actually consented and that consent is attached to the actual petition. There is also proof of publication. It appears the paperwork is in order.

Mr. Layton, has this other owner been notified that if it is vacated, by law, we divide it in two.

Ms. Shoffner, yes, they are already using their half.

Mr. Layton, you and I discussed this in the courthouse two weeks ago and I told you at that time it has never been my policy to vacate property that has direct access to a body of water. I went to the area and if there is any portion of land I would be inclined to vacate it would be this one.

Mr. Milsap made a motion to approve the vacation, seconded by Mrs. Huston, motion carried by voice vote 3-0.

**Ordinance #2012-04, An Ordinance Providing For The Vacation Of A Portion Of A Public Street Thirty Feet Wide Shown As Cherry Lane.**

Mrs. Huston made a motion to approve on the first reading, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mrs. Huston made a motion to waive the rules and approve on the second reading, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Milsap made a motion to approve the ordinance on second reading, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Melissa Mischke, GIS Coordinator/Employment Agreement

Mr. Layton, Mr. Cunningham are you going to act as her liaison?

Mr. Cunningham, she asked me to.

Mr. Milsap, Mr. Yagelski is her liaison.

Mr. Cunningham, Melissa asked me to act on her behalf today in answering any questions if necessary.

Mr. Milsap, she is on vacation this week and Mark is not here so I would rather wait for Melissa to get back.

Mr. Layton, I don't disagree as far as the annual equipment maintenance agreement is concerned. We already have this young gentleman under employ, already being paid and receiving benefits, by delaying this another two weeks, is there anything we would liable for?

Mrs. Leon, I don't think so.

Mr. Milsap made a motion to table, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Melissa Mischke, GIS Coordinator/Canon IV Maintenance Agreement

Lynne Spevak, Clerk/Polling Place Approval and Hours Approval

Ms. Spevak, since we've redistricted the towns like Wanatah, Pottawatomie Park, Duneland Beach and Center Twp. one through five, we used to have Center one through three and Center Pine Lake, we changed the name on that. Michiana Shores is now Michiana Shores 1 & 2 because of the Michigan and Springfield Twps. New Durham got changed to New Durham 1 & 2. The New Durham 2 is going to Red Mill County Park. They are handicapped accessible, paved parking. I would also like to request that we change Coolspring 2 which is at the Shebel Road Fire Station #2 to that same location, it is within five miles. Indiana Code allows us to be within five miles even outside of a township.

Mr. Layton, there has been a complaint filed since it is moving from Coolspring to New Durham, but you have explained that it is within the 5 mile perimeter that is allowed by law.

Ms. Spevak, if we stay there you might get fined. I would rather see it moved and be able to say it is 100% handicapped accessible. We will have signage at the fire station and the council approved that we resend post cards to these voters that have new precincts.

Mr. Milsap made a motion to approve the changes, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Ms. Spevak, I will try to get the polling places posted on the web site.

Mr. Spevak, these are the absentee hours that will start Monday, April 9<sup>th</sup> and will run until the day before the election, Monday, May 7<sup>th</sup>. Since it is a Federal election, we have to be open every day, 8:00 – 4:00 and lunch from 11:30 until noon. Monday, May 7<sup>th</sup> we can only be open until noon. We are required to be open on two Saturdays, April 28<sup>th</sup> and May 5<sup>th</sup> between 8:00 a.m. and 3:00 p.m. We will not close for lunch on the Saturdays. The courthouse in LaPorte is the primary election location for absentee voting and the Michigan City courthouse is considered a satellite office also open the same hours as LaPorte.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Ms. Spevak, I would like to remind the public that the last day to register to vote is Monday, April 9, 2012 and that is the first day to vote absentee.

Lynne Spevak, Clerk/Participation Agreement With GovPayNet

Ms. Spevak, we have been using GovPayNet since 2004. There is a new federal law saying that they can only charge 1.5% on the online charges that was just created this year. They had to redo their contract to convey the change of the percentage. The original one is just being amended.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Ms. Spevak, this company we use for people who pay traffic tickets from the Toll Road otherwise they can also bond out from the county sheriff.

Carolyn and Tim McAlpin/Oswego Trail Road Paving

Mr. McAlpin, we recently built a home on 5644 Oswego Trail in the Saugany Lake area. The family had acquired some land on Oswego Trail and we put a house up this winter. In order to do so, we couldn't access the property so they told us we had to build a road in order to get back there. We built the road to the specs of the county and it cost us \$17,800. We were inquiring if the county would be able to pave the road? Two other houses would access it and benefit from that.

Mr. Layton, the other residences you are referring to, are those permanent residences?

Mr. McAlpin, they are summer residences. We are in the process of possibly moving out permanently from the Chicago land area. Mr. Jeff Wright has been more than helpful and gave us a lot of time.

Mr. Jeff Wright, several months ago I was approached by LaPorte Housing about Oswego Trail and Ray Hamilton and I have a number of discussions. It is an oddball situation. Typically when a subdivision is developed, the developer comes and builds the roads to county specifications. This particular section of road is on county right of way but was never approved to a county standard road. After battling it back and forth with Mr. Hamilton, we elected to offer an opinion that we didn't care if the homeowner or the housing commission built a road down there. The only thing we cared about was whatever happened inside the right of way be built to county specifications. Looking at the cost to build that 240 foot section of road, the stone cost was \$17,800 and the amount to pave it is.... I called Rieth Riley just to ask and they said it would be around \$15,000 to get it paved. We didn't ask them to build the asphalt section, just build the stone part. At this point it becomes your pleasure as a commission to approve or deny as part of our resurface program to finish it out. There are a number of unimproved roads that are just platted as a right of way and if we come in and do that section we may be opening a can of worms. We could get it cheaper than that if we are going to be doing some repaving in that area. This is an oddball situation; the subdivision has been in place for a long, long time. This road is not part of our inventory.

Mr. Layton, I have questions in my own mind because we are facing the same issues with a series of unimproved roads in Fish Lake. I would like to do some further research before I give you an answer. We will call and give you an answer and make it public.

Sheriff Mike Mollenhauer/Open Vehicle Bids

Mrs. Huston made a motion to close the bids, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Attorney Nelson opened five bids from Uebelhor & Sons, Kelly Chevrolet, Pine Ford, LaPorte Chrysler, Inc. and Arnell Auto Group.

Mr. Milsap made a motion to forward all bids to the sheriff for his review and recommendation, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Joyce Leon, Human Resource Director/ Sick Days

Mr. Layton, there has been some confusion in the verbiage regarding unused sick days.

Mrs. Leon, this addresses the payment of the sick days. One is under the policy for retirement and the other is under the policy for sick days, pages 63 and 84. It says once approved by the Board of Commissioners, the request must then be presented by the appropriate department supervisor to the County Council for payment approval, I am adding, if additional appropriation is necessary, on both policies.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

COMMISSIONERS COMMENTS

Mr. Milsap, I would like to thank the committee for their long hours and hard work and we are moving LaPorte County forward.

Mrs. Huston, at our last meeting Mr. Rick Kentaft spoke about Mr. Wright at the county highway department and asked again if he was related to me. That is something Mr. Milsap asked me over a year ago when it came to appointments and I told him no. Mr. Wright is a licensed engineer in four states, Ohio, Illinois, Michigan and Indiana. When he came here and replaced Rick McVay, whose was not a highway engineer, he left him three cans of Skol and an empty beer can. He also left him documents from 1964. Mr. Wright has brought our highway department engineering forward from disaster. He has also saved us thousands of dollars by being our highway engineer. He is also a minister, a family man and teaches math at Ivy Tech. He teaches algebra and trigonometry. Mr. Wright is an upstanding, fine county employee and we should be thankful that we have him. Mr. Kentaft worked for the county at one time and I don't know where he started but he also was out at the county highway, he held Bob Young's position for about six months before he was either fired or let go. I wanted to clear up about Mr. Wright, I thought he was unjustly put upon last week and I wanted to make sure I had my explanation of him correct before I said anything.

Mr. Layton, we passed the ethics ordinance this morning. The council has two appointments to this new board. I would like Mr. Cunningham or Mr. Mrozinski to discuss this with your president and get this on your next agenda so that you might have those two appointments made for this board. As long as the ordinance has been passed, we might as well take care of all the documentation and get it set up. To the elected officials and department heads, there will be an email sent from Mrs. Leon's office for you to assemble in some way that you can discuss your appointment to this board as well. The commissioners will take care of their own.

Mr. Layton, to my fellow commissioners, if you will remember on March 20, 2012, Mr. Friedman stood in front of us to request this commission hire either an outside source or have our county attorney's firm draft a document called "a friend of the court" in support of Hammond's activities in the NIPSCO settlement. At this point in time, I respectfully request that we do not either have our county attorney's firm or hire an outside firm to draft that letter. I have reason for that. There were eight other entities that supported Hammond in their endeavors in the law suit against NIPSCO and their rate case. That was Dyer, East Chicago, Griffith, Highland, Munster, Schererville, Valparaiso, and Winfield, along with Jasper County, Indiana, all of those have withdrawn their participation in the petition against NIPSCO and have signed the document that we didn't sign on the rate evaluation case. I have spoken to several attorneys that I know personally, asked them their thoughts on this issue, and all have advised me that they thought the expense far outweighs anything that our county would gain in filing of this petition. I would respectfully request that you go along with me in denying the request of Attorney Friedman to have this outside draft.

Mr. Milsap, we need to look at the minutes of the last meeting to see what we committed ourselves to and secondly, something like this we should have discussed prior to today. I would recommend that we do some dialog before we make a commitment.

Mr. Layton, the minutes you just approved today. You should have read those.

Mr. Milsap, why move forward until you are sure of what you are going to do.

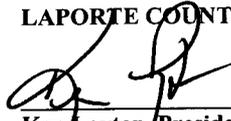
Mr. Layton, I am quite sure what I am going to do if it ever comes to a vote.

Mrs. Huston made a motion to concur with President Layton and not go forward with the Friend of the Court document, the chair stepped down and seconded the motion, motion carried by voice vote 2-1.

ADJOURN

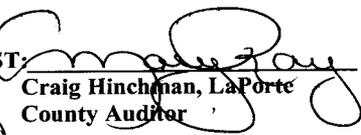
Mr. Layton, President, adjourned the meeting at 12:26 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

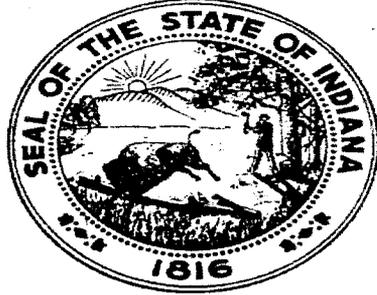
  
\_\_\_\_\_  
Ken Layton, President

  
\_\_\_\_\_  
Barbara Huston, Vice President

  
\_\_\_\_\_  
Willie Milsap, Member

ATTEST:   
Craig Hinchman, LaPorte  
County Auditor  
Chief Deputy

# State of Indiana



## Indiana General Assembly

### SENATE RESOLUTION SIXTY

A SENATE RESOLUTION Congratulating Indiana law enforcement officers Ken Ryan and Keith Waltz on receiving national honors.

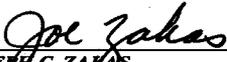
- WHEREAS, South Bend Police Department Patrolman Ken Ryan and LaPorte County Sheriff's Department Deputy Keith Waltz participated in the National Police Shooting Championships, and in the National Rifle Association event;
- WHEREAS, After becoming the first Michiana area officer to win the National Police Shooting Championships, Patrolman Ryan defended his title, winning his second straight championship in his division. In addition, Deputy Waltz also clinched his division, taking home the title;
- WHEREAS, The two officers continued their winning streak at the National Rifle Association event in Albuquerque, New Mexico;
- WHEREAS, As a prior champion, Patrolman Ryan competed in the Classified Division, while Deputy Waltz competed in the Unclassified Division, as a newcomer;
- WHEREAS, Each officer excelled in his respective division, earning top honors in each of the open, service, and distinguished classes. Moreover, Patrolman Ryan and Deputy Waltz were each named overall Grand Champions of their divisions;
- WHEREAS, During the four-day event the policemen fired more than 580 rounds, using eight different types of firearms, in events that included shooting handguns at targets 50 yards away; and
- WHEREAS, Amongst fierce competition against some of the best shooters in the field of law enforcement, Patrolman Ryan and Deputy Waltz both secured victories at the National Police Shooting Championships sponsored by the National Rifle Association:

Therefore;  
Be it resolved by the Senate of the  
General Assembly of the State of Indiana:

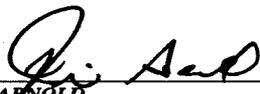
SECTION 1. The Indiana Senate congratulates Patrolman Ken Ryan and Deputy Keith Waltz on receiving national honors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Patrolman Ken Ryan and Deputy Keith Waltz.

Adopted by voice vote this twenty-seventh day of February, 2012.

  
\_\_\_\_\_  
JOSEPH C. ZAKAS  
State Senator

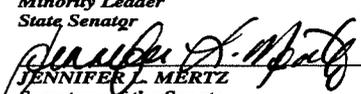
  
\_\_\_\_\_  
JOHN BRODEN  
State Senator

  
\_\_\_\_\_  
JIM ARNOLD  
State Senator

  
\_\_\_\_\_  
RYAN MOSHLER  
State Senator

  
\_\_\_\_\_  
DAVID C. LONG  
President Pro Tempore  
State Senator

  
\_\_\_\_\_  
VI SIMPSON  
Minority Leader  
State Senator

  
\_\_\_\_\_  
JENNIFER L. MERTZ  
Secretary of the Senate

