



# BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Ken Layton*  
President  
*Barbara Huston*  
Vice President  
*Willie Milsap*  
Member

## LAPORTE COUNTY COMMISSIONERS

Tuesday, April 17, 2012

The LaPorte County Board of Commissioners met in a regular meeting on April 17, 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 Perschke led the Pledge of Allegiance.

### ROLL CALL

All present

### APPROVAL OF AGENDA

Mrs. Huston, under Requests, B., Dick Buell, Insurance Settlement, under Old Business, C., Sheriff's Squad Car Bids, and under Old Business D., Fair Ground Lease Addendum.

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

### APPROVAL OF MINUTES

April 3, 2012, Mrs. Huston made a motion to approve, 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 27, 2012, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Miscellaneous Claims----\$1,294,863.65, 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. Dennis Metheny, 6757 W., 450 N., Michigan City, IN. Are you adding additions to the agenda today?

Mr. Layton, yes sir, we did.

Mr. Metheny, isn't there a deadline for that to be done prior to the meeting?

Mr. Layton, there are additions to be brought from the public.

Mr. Metheny, the commissioners can add whenever they want. I thought the commissioners were servants of the public not the masters.

Mr. Layton, I don't understand what you mean by that. Would you like to clarify?

Mr. Metheny, if we have to turn something in to the secretary to be read, it has to be in by Thursday, so why don't you have to do the same thing?

Mr. Layton, is this not a commissioners meeting, are we not advertising it properly?

Mr. Metheny, but you are adding to it now.

Mr. Layton, and we do it almost every meeting.

Mr. Metheny, I am disappointed in you, Mr. Layton, as the president. At the last meeting I was here and I thought it got out of hand. I thought it was suppose to be Department Head comments and there were four people up here speaking and one was very disrespectful to Mr. Milsap.

Mr. Layton, was Mr. Milsap not afforded the opportunity to respond?

Mr. Metheny, it wasn't Milsap's part to respond, it was the gentleman that turned his back on him. I didn't appreciate that. I thought he had some good points, but I thought he was very disrespectful.

Mr. Tom Perschke, are the commissioners in charge of the treasurer, assessor and all those offices?

Mr. Layton, no sir. They are independently elected by the citizens of this county, therefore, they are their own bosses and servants of the public.

Mr. Milsap, if you have a hard time making contact with them, please feel free to give me a call.

Mr. Vincent Kaczmar, 5132 N. Bleck Road, Michigan City. I am here for what I foresee as a problem. Three years ago we had a lot of snow and rain and last year I started drawing a lot of air out of my well. This year we have had very little snow and rain and I foresee I am going to have a bigger problem drawing air out of my well. What I am trying to find out is how do I stop people from filling up large swimming pools from a well and draining wells dry?

Mr. Layton, we spoke to you yesterday and at that time we advised you that we don't know of any regulations, local or state, that will not allow people to fill their own pools off their own wells.

Mr. Milsap, after the meeting maybe I can get some more information for you.

Mr. Dan Adams, 5252 N. Fail Road, I was here when you were going over the zoning ordinance and I wanted to thank you for making a compromise. It is important to me and my family and I am sure for everyone in our area.

Mr. Layton, we took your information to heart and tried to implement it as best as we could for you along with the other citizens in your area.

Mr. Jerry Cooley, 1777 W. 1000 N. I am the new board chairman for ALCO. ALCO TV is a business of its own and not political. We are managing ALCO TV for LaPorte County, the city of Michigan City, and several communities. We are trying to live up to our contract. We have made changes in operations. We are in the process of doing an outside audit. We are making sure our insurances are in place and taxes are paid. We have made changes in our board to be sure we are well rounded and active. We are going to make it so you are proud of operations. Our workers at ALCO TV are employees and won't be working over 40 hours a week. It is a business and we will run it as a business. Because people want to slander ALCO TV, I want to make sure you are aware that we are taking full responsibility. We have a dedicated work force.

Mr. Milsap, from what I understand you are doing something that has never been done before.

Mr. Cooley, I don't want to say a lot about what we are trying to do. We are trying to reach out to other communities. We can expand out.

Mrs. Huston, how long have you been on the board?

Mr. Cooley, three years and we have nine members. We are supposed to meet every other month. Right now we are meeting monthly and I have set up small committees. We want to make sure everything is addressed.

Mr. Layton, in February we had a telephone conversation and at that time you said the equipment that was there belonged to the county.

Mr. Cooley, I was wrong. Some of the equipment is owned by the library of Michigan City and the city of Michigan City. Most of the equipment is ours. I don't think the county owns any property there.

Mr. Milsap, in reference to equipment, you are going to seek additional funding in the future to purchase equipment, that new equipment will be ours, correct?

Mr. Cooley, it depends on how you want to put it in the contract. All we are is a PEG channel; we are on cable. We can ask for donations and have corporate sponsors. This is not tax dollars that you give us. This is by legislation. There is a fee put on by the legislation for those vendors like Comcast and they collect that off of your bill. That is there to promote government channels. We are going to treat it like public money.

Mr. Layton, it is about the public. It is a valuable service for the citizens that can't attend meetings. The commissioners have reached out to Mayor Meer and Mayor Milo and we intend to have a meeting to see where we are going in the future.

Mr. Dennis Metheny, one of the first things they need to do is get the picture quality and sound up. I've brought up about the contracts with ALCO TV years ago. There are Federal and State Tax Liens because Mr. Lombard was not paying those taxes. I asked not to give him a contract but it was done anyway from the city and the county. When public access was put in, there was an agreement that there would be three channels, Public Access, Educational and Government. Once they got it in, they don't want to have public speaking on there. They just want it for government. Good government is good public input. I have asked for years to let people use that facility. For Mr. Cooley's information, Michigan City gets 5% of the fee collected from Comcast and they get roughly \$250,000.

Mr. Gene Abraham, 604 Jefferson Avenue, LaPorte. I spoke two weeks ago about wanting to put in a proposal for the channels. I don't think I said anything disparaging about any of the employees at ALCO. ALCO does have its problems. Before this meeting I was threatened and intimidated by Mr. Cooley to not talk about anything at ALCO. He presented it to me in a manner to scare me off.

Mr. Layton, Mr. Abraham, if you thought you were threatened in any way, I see numerous Sheriff's personnel in the room here that you can address those issues to. I am not going to allow a diatribe between the two of you as competitors.

Mr. Cooley, if he has any comments about ALCO he needs to present them to the board, not make statements here.

Mr. Layton, no more.

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte. This Friday, those of us running for office have to file a CFA4 form. An original form says "I certify that I have examined this statement to the best of my knowledge and believe it is true, correct and complete." There is a place for the signature of the candidate and treasurer. "Warning: any information contained in this report may not be copied for sale or used for commercial purpose." Then it gives an I.C. code. "A person who knowingly files a fraudulent report commits a Class D felony." Indiana Code 3-14-1-13. I bring that up because in the past we have had a public official stand up in a public meeting and say that his campaign finance report was probably off by \$10,000 or \$15,000. You have all run for public office, you know you just have income and expenses. If they don't balance, you should have a cash balance. If your debt is off by

10-15 thousand dollars, obviously you under estimated your expenses. It seems to me it is critical that we discuss some of these issues because just two weeks ago today, you passed, on second reading, an ethics ordinance. In the paper that same day, the Prosecuting Attorney is under investigation. That article came out because a lot of rumors were swirling around about an investigation and Mr. Szilagyi took it upon himself to say he couldn't give any comment but to say he was under investigation. With all the rumors swirling around right now, if any commissioners are under investigation they should step up to the plate and say the same thing.

#### DEPARTMENT HEAD COMMENTS

Mrs. Nancy Hawkins, LaPorte County Treasurer. I would like to say to Mr. Perschke that if he needs to talk to me about my office, I am always available in the office. If he leaves a message on my phone, I will get back to him and I am happy to meet with him at any time. Last fall I asked you to sign a contract with American Financial Credit Services to begin collections on delinquent personal property taxes. At that time, they totaled over 1.7 million dollars. The delinquencies were from 2002 through 2006. AFCS mailed collection notices in January and I am happy to report that as of this date we have collected \$22,258.03 on those delinquent taxes. I think they are doing a good job. They have tracked down people who have moved and deceased with no estate left behind. Those can be taken off the books. Also, eight companies who have gone out of business with no assets left to pay the taxes. The \$22,000 represents 40 accounts that have been paid in full and an additional 28 taxpayers who are making monthly payments. I believe it was a good thing that we entered into this program.

Mr. Layton, I know that you are attempting to make some kind of agreement with a credit card company. Could you report on that?

Mrs. Hawkins, I have four companies currently under discussion. All of them have different fee structures. There is only one company that does E-checks in addition to credit cards. I am trying to put together a matrix of how these fees will affect different levels of tax liability. I feel a responsibility to find the best company who will affect our tax payers the least in their pocketbooks. I also have to look at how these companies process the payments. I should have some information ready for you in the next month.

Mr. Robert Young, LaPorte County Highway Superintendent. I would like to report to the commission that the federal project 500 south repaving is under way. Walsh and Kelly is starting on that already. 500 south is the road between highway 35 east of 35 to Hupp Road. The whole road will be resurfaced.

Mr. Layton, that is about a three year project with the inclusion of a new bridge.

Mr. Young, yes, the bridge we did in house last year.

Mr. Milsap, I received two calls this morning in reference to political signs being on county property. Could your staff check on that.

Mr. Layton, you are going to have to give him addresses. On April 6<sup>th</sup>, 2012, Mr. Milsap wrote me a letter pertaining to a vehicle that had been removed from the county highway barn and taken to a garage in Michigan City at the direction, this letter says at the direction of you. When I asked you about that you said that you had been contacted by the commissioner and asked to take that vehicle to Michigan City. This letter insinuates, in my opinion, that you authorized or ordered repair work to be done on a county owned vehicle at an outside facility that very well could have been taken care of, maybe not at your facility, but I know very well could have been taken care of at the sheriff's facility because they do that work all the time. Again, I am not trying to embarrass you publicly, but if the accusations in this letter are untrue, then this board, in my opinion, owes you an apology for even mentioning you in this type of communication. I am asking you to say whether or not this is true.

Mr. Young, I was furnished a copy of that same letter and I do have a statement. This is my account of how this whole thing took place. (See attached letter)

Mr. Milsap, you are absolutely correct with about 85% of your statement, however, Mr. Cox gave me a price of \$350 for the salvage price. Are you familiar with that?

Mr. Young, I am not familiar with that at all.

Mr. Milsap, yes, your employee, Mr. Cox, came up with a price of \$350 salvage.

Mr. Young, when was that?

Mr. Milsap, after we got back from Road School. Also, keep in mind December was the first time the vehicle even came in conversation. Am I correct, Mr. Young?

Mr. Young, I was not aware of that. I was not aware of that until you brought it up to me.

Mr. Layton, December is correct. I sent an email to you and Mrs. Huston both.

Mr. Milsap, so, it started in December, I was only interested in salvage because I have a fleet of Cadillacs and Mercedes so I don't do junk. So, salvage was \$350. You offered to have the vehicle transported to Apex. Correct?

Mr. Young, correct.

Mr. Milsap, common sense tells you, you are not going to take county property to a facility unless some actions are being taken.

Mr. Young, I wouldn't take it any place to have it fixed unless we couldn't fix it ourselves.

Mr. Milsap, you couldn't fix it because it was sitting there.

Mr. Young, we could have fixed it but we had no need to fix it.

Mr. Milsap, if you could have fixed it why would you take it to Apex?

Mr. Young, I wasn't concerned about the car. You were the one who wanted it taken to purchase it.

Mr. Milsap, correct. However, you are trying to insinuate that you took the vehicle there to get repaired.

Mr. Young, per your request.

Mr. Milsap, salvage price is what I was requesting.

Mr. Young, salvage price was never mentioned in our conversations. I told you that I thought under a \$500 value.

Mr. Milsap, and you was wrong.

Mr. Young, and I was wrong that value is \$1,000. That has nothing to do with salvage or appraisal price.

Mr. Milsap, but you have to admit that I was only interested in salvage, correct?

Mr. Young, you told me you were interested in purchasing the car for your daughter.

Mr. Milsap, salvage.

Mr. Young, salvage was never mentioned, Mr. Milsap. You said for your daughter.

Mr. Milsap, you have possession of the vehicle, right?

Mr. Young, you returned it yesterday.

Mr. Milsap, it is repaired, right?

Mr. Young, it was parked in its parking place, we didn't check it out.

Mr. Milsap, what is the price of the vehicle?

Mr. Young, I don't know. I believe you had \$1400 worth of repairs done to it.

Mr. Milsap, which means you have to do what?

Mr. Young, I don't know what you are....

Mr. Milsap, auction it off. Is that procedure?

Mr. Layton, Mr. Young doesn't have to do anything. If we decide to get rid of the vehicle it has to be a vote of this board, then it has to be appraised which I told you a long time ago, and it never has been appraised.

Mr. Milsap, it is over \$1500 now right? So it's been appraised.

Mr. Young, I have no idea what the repairs were. You paid them.

Mr. Milsap, \$1495.

Mr. Young, so the value of the car added to that, I suppose. I don't know, I am not an appraiser, I don't know how you do that.

Mr. Milsap, my point is we have a dollar amount so it could go up for auction.

Mr. Layton, absolutely true.

Mr. Milsap, that is the only point.

Mr. Young, that is the way it has always been done, either an auction or trade in.

Mr. Milsap, so as of today it can go up for auction.

Mr. Layton, only if this board so decides and it still can't go up for auction until it is appropriately appraised, which you have been told four months ago. You couldn't purchase it unless it was appropriately appraised which you were told four months ago. You did not say to me you wanted it for salvage, you told me, after I sent you the email stating that we had an employee that was interested in it, that you wanted it for .....

Mr. Milsap, Mr. Anthony Hood.

Mr. Layton, at that time it was Maurice, you couldn't even remember what his name was.

Mr. Milsap, no, I said it was Anthony Hood.

Mr. Layton, no Mr. Milsap you ....

Mr. Milsap, we could dialogue this all day.

Mr. Layton, I would be happy to dialogue this with you all day.

Mr. Milsap, bottom line is, I was only interested in salvage.

Mr. Layton, no sir.

Mr. Milsap, now it is above salvage and it goes to auction.

Mr. Layton, no sir, that is not what you said.

Mr. Milsap, you don't tell me what to do with my money. Thank you.

Mr. Layton, I'm not trying to tell you what to do with your money.

Mr. Milsap, you just did.

Mr. Layton, no I didn't, only in your interpretation.

Mr. Layton, Mr. Young, on behalf of the board, at least for myself, I apologize for you being dragged into this. You had no business being brought into this. I fully understand that you were approached by a commissioner, you are appointed by the Board of Commissioners annually, and you did what the commissioner asked you to do. I find no fault in that whatsoever. I find fault in the actions of the commissioner, not you, and I apologize for that.

Mr. Young, thank you.

Mrs. Huston, I, too, apologize Mr. Young.

Mr. Young, thank you.

Mr. Milsap, how long have you been at the highway department?

Mr. Young, 28 years.

Mr. Milsap, in 28 years have there ever been questions about a motorcycle or golf carts?

Mr. Young, not that I am aware of. We don't own any motorcycles or golf carts.

#### CORRESPONDENCE

None

#### REQUESTS

##### Dave Kaufman, Communications Officer for LaPorte County Fire Chiefs/ Federal Fire Act Grant

Mr. Kaufman, I am the Communications Officer for LaPorte County Fire Chiefs and Randy Novak is here with me and is the current Chairman of LaPorte County Fire Chiefs. Approximately ten years ago we started working on a county wide communications system for the fire system. The fire system is seriously limited; it's got a single transmitter. We are totally dependent and shared among the sixteen departments to get our dispatches for emergencies. The plan back then was by committee was well over a million dollars to do. At that time it got put on the back burner because there was simply no way of funding through county government and the county fire chiefs doesn't exist as a legal entity. Last year, we went together, Lincoln Twp. Fire Act as a host for a regional fire act grant. It is a large grant administered by FEMA and wrote a request for the system. We had the system reengineered by ERS engineering firm and got information from all sixteen fire departments, submitted the grant back in September and on March 23<sup>rd</sup> I was advised that we had won the grant. We have received a grant of \$684,864.00 towards this project. The total cost is \$856,080.00. The new system will provide three transmitter locations as opposed to the one we have now. They will all transmit simultaneously, giving us pager coverage, density into areas we do not have now. The three new sites will be at the summit, Rolling Prairie Co-op and John Sullivan's tower. In addition, that system will be a repeater, currently all we have is a single transmitter. This will repeat all the audio from dispatch so everyone in the county will know what everyone else is doing. We got the grant and in addition to that, there will be four stand alone repeaters at four selected sites within the county to give us fire ground operation tactical radio service. Also, as part of that grant, all the installation and five years worth of ongoing maintenance is included. At this point, we are coming to you to make you aware that we have received that grant. We are on the agenda for the 23<sup>rd</sup>'s Council meeting to seek the matching money. This is a 80/20 grant and are asking for \$171,216.00 to complete the project. We are asking for your support to go on to the Council for funding.

The way this grant works is as stuff is done, you have to have the bills, and then you apply for the money and then the money is applied to your account. You don't get it all up front.

Mr. Milsap, is there an expiration date on the grant?

Mr. Kaufman, there is an acceptance date of the 23<sup>rd</sup> to be able to accept it or not.

Mr. Milsap, who instructed you to allow the county to match it.

Mr. Kaufman, when we first brought this up at the communications meeting, Commissioner Huston was there and I asked her if she thought we would be able to get support for something like this. She said she thought it was a good idea to see what we could come up with.

Mrs. Huston, I said Mr. Kaufman should come before this board for permission to go before the Council.

Mrs. Huston, the reason I am in support of this particular project is because having worked Wanatah and having been down in LaCrosse and knowing the communication problems that we have with the fire departments and EMS this would be a step into the future for the safety of everyone in the county. I applaud you for getting the grant because they are not easy to come by. I do hope the Council can come up with the 20% matching funds. Thank you for bring it before us.

Mr. Kaufman, this system is expandable; anyone could have modules added to it.

Mr. Layton, you explained this to be kind of like an expenditure and then a reimbursement. What is the time frame?

Mr. Kaufman, we have one year to complete the project and money will be drawn on things as we go. The first cost would be the licensing. When we get the bill we will submit that to the government for their 80% and then to county government for their 20%. It will be ongoing for a year until we reach the maximum of \$171,216.00.

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

**Dick Buell, Community Corrections Director/Title Signing**

Mr. Dick Buell, Community Corrections Director. Unfortunately at the end of March we had an incident where one of our employees was driving a Community Corrections vehicle that was involved in a traffic accident. In order to receive financial replacement for that vehicle, I would request the commissioners sign off on the title on the damaged vehicle which was totaled so we will receive financial restitution from the responsible driver. Our driver was not at fault.

Mr. Layton, we are signing the title over to the insurance company?

Mr. Buell, yes, Hartford Insurance.

Mr. Milsap, since vehicles are so hot these days, where would that vehicle go?

Mr. Buell, that vehicle is totaled so it would go to Hartford and what they do with it I have no idea.

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

Mr. Milsap, what is the status of that employee?

Mr. Buell, he is fine as well as the other driver.

**OLD BUSINESS**

**Melissa Mischke, GIS Coordinator/Employment Agreement (Tabled)**

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

Mrs. Mischke, the employment agreement in front of you has been prepared by Mr. Doug Beige's office. I have worked very diligently to get full time employment in my office and I was only able to acquire that funding through the calendar year. I asked Mr. Cunningham to speak because he requested this contract be drawn up so Mr. Frank knew his employment was contingent upon the funds through the end of the year and it would protect both the county and Mr. Frank. Hopefully we can put this in the budget in August and get it approved.

Mr. Milsap, he came on board in what year?

Mrs. Mischke, January 11 of this year.

Mr. Milsap, was he aware of his employment status?

Mrs. Mischke, yes he was.

Mr. Milsap, how did you gain funding for this?

Mrs. Mischke, I went to each department that utilizes the services of my department and asked for any funds they could contribute. I only have funding through the end of this calendar year. Some elected officials thought they could not contribute funds past their term. I may have to go to every department every year and try to pedal my wares and see if they feel they can provide the same funding for that position; that is yet to be seen.

Mr. Milsap, how many departments utilize GIS services?

Mrs. Mischke, there were six that actually provided funding. I am putting his salary in my budget for August and if that gets approved, then I won't have to seek funding from the different departments.

Mr. Cunningham, the way I understood this was it was like a grant and the grant money was going to run out at the end of the year. She has accumulated funds from other departments only through December 31, 2012. I wanted to make sure the employee and everyone else understood that there was no guarantee. There are other councilmen here today that are all aware that we are not funding this position for 2013 last August. The only way she could get this done was to accumulate the money and she did. My suggestion was that we put it in a contract so that the employee and everyone understood very clearly. If between now and that date she can secure funds or get it budgeted in then it won't be a problem. Mrs. Mischke didn't have enough money in her budget to make him full time.

Mr. Milsap, is the Council entertaining the idea of making him a county employee?

Mr. Cunningham, first of all we have a hiring freeze. Secondly, when I look at the agenda for Monday's council meeting I see \$17,000,000.00 in the red in the general fund, I doubt that many councilman will want to take on more employees unless we see where the funds are going to come from.

Mr. Braje, I am a little bit uncomfortable with the agreement. I would prefer that we would do this like we do other employees and simply have Mrs. Leon issue a letter to the employee saying that you are employed effective this date until this date at this rate of compensation. First off, all of our employees are at will but I think the continued issue here is whether or not this hiring would give this particular employee any right to unemployment compensation following the termination on December 31, 2012 and also if there was any expectation of continued employment. We have this personnel policy and I would prefer that we not treat this person any different than anybody else. I think we can accomplish the same things Mrs. Mischke wants simply by having Mrs. Leon issue a letter of which the employee acknowledges by writing on it you are employed by this date and until December 31, 2012 and that is it. So then the employee is subject to all the terms and conditions in our employee handbook as opposed to the terms and conditions that are provided by this agreement or not provided by this agreement.

Mr. Milsap, this is a perfect example of why the HR department should be utilized more than it is. This would have eliminated all the work of making this agreement and following our legal counsel's direction. In the future, you should always keep an open line of communication with HR and in the

future when you have an important issue like this don't go on vacation or hold it off until you come back. Understand?

Mrs. Mischke, I am sorry, I had been scheduled for vacation for quite some time. When I spoke with you on the phone on the 30<sup>th</sup> between 10:00 and 10:15 you had Mr. Frank in your office, I felt that we discussed the issue, I explained the budgetary issue and that this was not my personal feelings that this is the route I wanted to go, again, that is why I wanted Mr. Cunningham to speak instead of Mr. Yagelski. I suppose at that time you could have indicated to me that I should pull it from the agenda, that might have been helpful. That was not discussed on the telephone so I did not feel it was a huge issue, honestly, because the issue is that I cannot execute a contract; that is why it was brought to the commissioners. I don't have any input outside of that.

Mr. Milsap, as you see, following our legal counsel's direction that his way is a better way to do it versus the agreement which is the point I am trying to get across. Maybe holding off on putting that on the agenda, touching base with HR and our legal counsel we wouldn't have to do the agreement.

Mr. Layton, Mr. Cunningham would you be comfortable with the direction that counsel has advised?

Mr. Cunningham, I have no concern whatsoever except that we never implied to this employee that he was going to have employment beyond December 31, 2012. That came up in January or February at a council meeting, whether it was a letter from HR or an agreement with the employee, I could care less. I was trying to protect Mrs. Mischke's interest from the standpoint that the council was not funding this beyond December 31, 2012 and we weren't even funding it, it was from other departments.

Mr. Milsap made a motion to take the direction of legal counsel in reference to Mr. Franks employment status and direct Mrs. Leon to issue that letter, seconded by Mrs. Huston, motion carried by voice vote 3-0.

#### Melissa Mischke, GIS Coordinator/Canon IV Maintenance Agreement (Tabled)

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

Mrs. Mischke, this is a maintenance agreement that needs to be renewed. The agreement is for the large format scanner and plotter in my office. Those equipment items are valued probably around \$30,000.00 so when something does break I would like to be able to maintain it properly and keep our investment in working order.

Mr. Milsap, what other departments utilizes that equipment?

Mrs. Mischke, it depends. The majority of the equipment is used by the mapping department. We print maps on it and scan source information from other people. Occasionally we have tax payers come in and want a large item scanned and we will do that for a fee. For the most part it is to provide services that the GIS department provides to other county offices.

Mr. Milsap, once you get that fee you turn it into what account?

Mrs. Mischke, it goes into a non reverting fund from the GIS Department. We do not charge other government offices especially fire departments or the police department since they are using those maps for public service.

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

#### Sheriff Mollenhauer/Squad Car Bids

Chief Sosinski, after thoroughly going through the bids, my recommendation will be for Kelly Chevrolet for \$213,092.94. The following are my reasons for this recommendation. Currently we have front wheel drive police vehicles and I am recommending that we stay with front wheel drive police vehicles. We are very happy with the performance and the lower maintenance cost of the front wheel drive over the rear wheel drive vehicles especially in the winter months. To give you some examples

of things we go through quite often is tires, snow tires, brakes, front rotors and rear rotors. Due to the county councils April 23<sup>rd</sup> date for their meeting and approval of funds, the cutoff date for ordering 2012 Chevrolets models will be missed. Kelly Chevy in their bid has made a written provision to accommodate the exact needs of the LaPorte County Sheriff's Office for the 2012 model year with a delivery date of 4-8 weeks. LaPorte Chrysler's bid for the 2012 models is 5-6 months for delivery. Both LaPorte Chrysler and Pine Ford are not able to meet the exact needs of the LaPorte County Sheriff's Office with respect to their total bids. LaPorte Chrysler made a bid on 9 of the 11 vehicles needed with one of those vehicles that does not compare what is actually needed. LaPorte Chrysler requested the local Indiana preference claim under I.C.5-22-15-20.9, however, they failed to supply the supporting documentation that they qualified for such a claim under I.C. 5-22-15-20.9 with their bid as required by this law. No bid bond was posted by them and Pine Ford. Pine Ford made a bid on 10 of the 11 vehicles needed with one of those vehicles not meeting specs. When comparing apples to apples in the bids with respect to the police package vehicles and plain cars Kelly Chevrolet has the lower total bid compared to both Chrysler Chevrolet and Pine Ford. Arnell Chevrolet provided the exact needs of the 11 vehicles for the LaPorte County Sheriff's office, however, their bid was \$217,833.00 which is higher than Kelly Chevrolet. Uebelhor Chevrolet did bid 2013 models providing the exact needs of 11 vehicles for the LaPorte County Sheriff's office. That bid was \$215,511.00 which is higher than the Kelly Chevrolet bid. Uebelhor did make an optional bid for 2012 model cars that was lower than Kelly Chevrolet if ordered before the cutoff date but due to the fact that we are unable to order those vehicles until funds are approved by the County Council we would not make the order cutoff date for 2012 making it impossible for us to order these vehicles. Unlike Kelly Chevrolet, there was no written guarantee for those vehicles since we would have to order those past the cutoff date. Kelly Chevrolet has established a very satisfactory business practice with LaPorte County, most recently with EMS purchasing two Chevy Tahoes, Community Corrections purchasing five Chevrolet Impalas and the Sheriff's Office purchasing police vehicles from them last year. All of our local dealers are also very fine reputable businesses that LaPorte County uses in some form or fashion in one way or another. If granted by the County Council we will be in need of two used vehicles for our drug metro task force. Those vehicles will come from local LaPorte County dealers that meet our need. My job is to be able to purchase items that best meet all the needs of the department with the best possible price that meets all those needs. Based on the information provided to me I believe that Kelly Chevy has met this bid by being the best and lowest bidder and I recommend the bid be awarded to Kelly Chevrolet.

Mr. Braje, I had a conversation with Mr. Sosinski concerning this. Based upon the findings, if the Board decides to accept this bid, that they incorporate by reference those recommendations and reasons for awarding the bid to Kelly Chevrolet into the record. If the commissioners are inclined to accept this bid I think it is appropriate and the reasons stated are a basis of fact for doing it.

Mrs. Huston, thank you for actually going out for bids because I know you already had this preapproved.

Mr. Layton, I noticed under paragraph #3 you made reference to both LaPorte Chrysler and Pine Ford. LaPorte Chrysler made a bid on 9 of the 11 vehicles and Pine Ford bid on 10 of the 11 vehicles?

Mr. Sosinski, that is correct.

Mr. Layton, we had a telephone call a few weeks ago where you were asking me specifics if one of the vehicles didn't meet your needs if you could accept the others and I asked you to go to counsel because I didn't know the answer.

Mr. Sosinski, neither one, Ford or Chrysler, could supply a vehicle like a Chevrolet Suburban which is actually needed for our evidence technicians. It has a slide out in the back which holds all the equipment when processing a crime scene.

Mr. Milsap made a motion to accept the recommendation of Chief Sosinski and award the contract to Kelly Chevrolet, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mr. Layton, do you have a prepared list of the vehicles that are going to be traded in?

Mr. Sosinski, I will get it to you.

### Fair Ground Lease

Mr. Layton, I sent you an email a week ago in reference to a conversation where I had the opportunity to speak to Tammy White from the State Board of Accounts in reference to the loan that the county commissioners and county council negotiated with the fairgrounds in reference to sewer and new rest room facilities on the grounds. That loan was made and approved and work has begun and in the interim our Auditor spoke with the State Board of Accounts, I became involved and spoke directly with Indianapolis to Mrs. White and she informed me that there is no statutory authorization for the county of LaPorte to loan money to any other entity, either public or private, therefore, the promissory note that we have with the LaPorte County Agricultural Assn. for \$250,000 is actually null and void. Now speaking with the members of the fair board and the agricultural assn., they are more than in agreement to continue under a different pretense. That pretense would be that we renegotiate the lease that we have currently with the fair board. That lease, rather than being a \$1 a year, would go to \$10,000 a year for a period of twenty-five years so that the county actually does recoup its \$250,000 that they been awarded on this project. Ms. White said this is applicable by state statute. The state board of accounts would take no exception to it as it has happened in other counties. The fair board is in agreement and this is just an addendum to the original agreement that we have. What is says is 'as rent for the Lease, the Association will pay to the Commissioners, annual rent in the amount of Ten Thousand dollars, which shall be paid into the County Treasurer of LaPorte County on or before the 30<sup>th</sup> day of July each year. As agent pursuant to the management agreement the Association shall keep all proceeds and revenues collected as part of its operations of the LaPorte County Fairgrounds.' I ask, my fellow commissioners, for your consideration on this. If we do not enter into an agreement of this kind, one of two things is going to happen. We have already made expenditures at the fairgrounds, pipe has been purchased and laid, and the sewer system has been hooked up to 18<sup>th</sup> Street project. We will not be able to continue and provide new restrooms facilities for the public at the fairgrounds and we have no way to recoup what has already been expended. We would have to go ahead with the project on our own and make all of the \$250,000 worth of expenditures with no recourse of recouping the funds or we go with the agreement and recoup the funds for the council, as was their direction originally.

Mr. Milsap, you just explained this scenario that we are in regarding the funding. We can't abide by a promissory note.

Mr. Layton, no sir. What I said was is that we cannot as a public entity make a loan to either a public entity or private entity any money. We have found that we were wrong through the conversation that I had with Mrs. White.

Mr. Milsap, did you check with legal counsel prior to that? The reason I say that is I am sure Mr. Braje would have given us legal direction that we shouldn't have went that route.

Mr. Braje, they did check with legal counsel and while our office did not do the legal research we were informed that the research was done and approved. It is my responsibility that it wasn't right because I didn't stop it at the time it occurred. What Mr. Layton said is correct in that this agreement is really a change in form and not in substance. It is the same circumstance but a different form.

Mr. Milsap, no problem. I just think that when we are dealing with this large amount of money we should at least have the proper direction before we make a commitment like Mr. Layton just did.

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

### NEW BUSINESS

#### Mr. Jeff Wright, Highway Engineer/DLZ Environmental Report Agreement

Mr. Jeff Wright, that sanitary line at the fairgrounds will also be run up to serve the new Community Corrections building.

Mr. Wright, also a little plug for the GIS Department, we use that department extensively.

Mr. Wright, a year ago during budget hearings, the council made a request that we make sure we are getting things done on Johnson Road. We initiated looking at the Pahs and Johnson Road intersection. We have a plan for that intersection. Those plans are about 60% done. It is a federally funded project. The match funds for this project will come out of the bridge fund. There is a large sized culvert that goes under Johnson Road. I met with Commissioner Milsap and Commissioner Huston three weeks ago. We are at a point where on all federal jobs there needs to be an environmental document done. I met with DLZ and R. W. Armstrong we asked DLZ to submit us a contract to do the environmental document for that project. The schedule of the project; it started last year just after the budget hearings. Federal projects just take time. Once the environmental document is done, it will take a couple of months to get that done, and then we are hoping this fall to clear the right of way. We are going to build a passing blister, move the guard rail back from Johnson Road and fill in the ditch between Pahs and Johnson Road. Hopefully this fall, NIPSCO will clear the right of way and relocated their power poles on the east side of Johnson. In anticipation of starting construction, April-May of next year.

Mrs. Huston made a motion to approve the contract for the basic services for the environmental report, seconded by Mr. Milsap.

Mr. Braje, we would recommend on Appendix D, page 3, paragraph 6, that the penalty for 30 day payment at a rate of 1% increase be stricken from the agreement.

Mrs. Laurie Johnson, Vice President of DLZ, that will not be a problem.

Mrs. Huston, I will amend my motion to include the amendment, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Attorney Elizabeth Flynn, Braje, Nelson & Janes/Resolution of Meyer Litigation

Mr. Braje, on the settlement agreement between the Sheriff's Dept., the county and Angela Meyer, was presented on pending litigation in executive meeting and this is the document that would execute the approval and settlement of that claim. I have the original for signatures.

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

Bob Young, Highway Superintendent/Class 11 Bid Opening

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

Mr. Young, these are the bids for liquid asphalt that we use for the chip and seal process on the roads.

Mr. Braje, the first bid I have is from Asphalt Materials, Inc., the second bid is from Bit-Mat Products of Indiana, Inc.

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

Mr. Jeff Wright, Highway Engineer/Bids for Construction of Bridge #183

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

Mr. Braje, first bid is from Larson-Danielson on Bridge #183 over county road 1800 S. – total bid is \$258,495.00. Second bid from JCI Bridge Group - \$390,712.42. Next bid from Tonn and Blank – \$308,427.00. Next bid from LaPorte Construction - \$297,000.00. The last bid from Ellas Construction Company, Inc. - \$390,000.00.

Mrs. Huston made a motion to turn the bid proposals over to the highway engineer for his review and recommendation, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Pat Pease, EMS Administrator/EMS Ambulance Bid Opening

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

Mr. Braje, the first bid is from Marque Ambulance - \$121,226. Second bid from Crossroads Ambulance Sales and Service - \$126,699.00. Next, Donley Safety, Inc. - \$142,873.00, there is a 2011 bid of \$141,074.00 as an alternate bid. Fire Service is the next bid - \$139,749.00. Last, Alexis Fire Equipment - \$137,623.00.

Mrs. Huston made a motion to turn over the bids to Pat Pease for her review and recommendation, seconded by Mr. Milsap, motion carried by voice vote 3-0.

COMMISSIONERS COMMENTS

Mr. Milsap, Mr. Braje, for commissioners to vote on an item it has to be on the agenda, correct?

Mr. Braje, that is not correct. Commissioners can waive the rules and if it is unanimous, vote on anything they want to vote on. They can also place something on the agenda based upon the motion and approval of the commissioners. You have to agree by majority vote to place it on the agenda. If it is not placed on the agenda it cannot be voted on. Commissioners have the authority to waive their own rules to take on some task. They have to go through the procedure of asking that it be considered by the commissioners.

Mr. Milsap, my second question is for Mr. Sosinski, how long have you been with the Sheriff's Dept.?

Mr. Sosinski, 30 ½ years.

Mr. Milsap, has there ever been an issue come up about county equipment like golf carts or motorcycles?

Mr. Sosinski, I don't know anything about motorcycles but I know golf carts have.

Mr. Layton, I think I know what Mr. Milsap is referencing to. Were those golf carts at the county highway?

Mr. Sosinski, no, they belonged to the Sheriff's office.

Mrs. Huston, a few weeks ago in the paper it was brought to our attention that our Prosecuting Attorney had done something he wasn't proud of, it was a crime of opportunity where he admitted signing his ex wife's name to a document. I don't know where that is going but he did take responsibility for his actions. Also, a dear friend, Butch Morgan from South Bend, has lived and breathed Democrat for a number of years. He has been arrested and indicted on criminal charges on some forgery. I wish him my best. Last December, the commission was asked by a county employee, Mr. Anthony Hood, if we could sell the 1999 red Pontiac Grand Am that was out at the highway department. Mr. Layton sent us all an email that said the car would need to be appraised. We didn't have it appraised. Then the commissioners went to Road School and Mr. Young was approached by Mr. Milsap wanting to know about the car. He said his daughter was coming back to town and wanted the car for her. They discussed it and Mr. Milsap said get the car ready, I would like to take the car. In conversation with Mr. Young, the car was transported to Apex motors where Mr. Milsap went in and signed the work order along with his telephone number requesting that the work be done on the vehicle. At no time was anything said about the salvage value of the vehicle. In doing a little investigation on this, I asked Mr. Young and Mr. Cox to write down what was said and nowhere was it said anything about salvage vehicle. We were going under the impression that it was to be purchased. Now, this was taken to the state police. The state police called our prosecuting attorney, Mr. Szilagyi, and he said no money changed hands so it was not a crime. I was really surprised at that because how can you take something from someone's home or someone else's personal property and because you don't pay for it

it is not a crime? Shortly after that conversation with the state police and his conversation with Mr. Szilagyi, Mr. Milsap decided he didn't want the car. He did, however, prior to that have our secretary pull the title and tell her to put it on Mr. Layton's desk for him to sign. Mr. Layton refused to sign because the car had not yet been appraised. The next thing that happened was, two weeks ago I asked our sheriff who do you report a theft to? He said please take it to Captain John Boyd. At 2:00 p.m. Captain Boyd met me in my office and we discussed this and I asked Captain Boyd since we are commissioners can we actually do this? His answer was, "that is personal property that is the property of the county it is not the property of the commissioners." Although all cars, except the sheriffs vehicles are titled to the Board of Commissioners. The Board has the authority if it is under a \$1,000.00 we can sell it at auction or do a private sale or we can actually give it to another governmental agency, i.e. fire department or EMA. After talking with John Boyd, John went before the sheriff and relayed this message to the sheriff. The sheriff said to go ahead with the investigation. Several days later, I believe it was last Monday, we received a letter in our office, after Mr. Milsap had gone across the street to talk with our Prosecuting Attorney, Bob Szilagyi, and our sheriff, he came back with a letter and put it on Mr. Layton's desk. I was not copied the letter, only Mr. Layton. The letter threw Mr. Young and his department under the bus. It was no more than a pack of untruths. After sitting here today, it just absolutely astounds me how Mr. Milsap is able to continually twist the truth to his advantage and throw everyone else under the bus. We don't do salvage on vehicles, we never have. We put them up for auction and we haven't had an auction for some time. Mr. Milsap did go over and pay for the vehicles repairs which was \$1417. and some cents. He signed for it and it was repaired. It was brought back yesterday, driven back here without a license plate on it or title in it or insurance on it. It was driven back to the county highway where it now sits again. At our last meeting we passed an ethics ordinance. The ethics ordinance was also based on several lies. I was also threatened not to bring up certain things as far as the ethics ordinance was concerned. In an email Mr. Dabagia from Mr. Milsap which I did report at the time, it had to do with the Swanson Center and I never once said anything about him being on the Swanson Center board as far as that is concerned. I do have the email if anybody wants to see it. It was an ethics ordinance and Mr. Milsap sat at this very table under this ethics ordinance because we didn't pass it, our chief counsel had to look at it several times. He said we had to do this because we were the only county that didn't have one. We were the only one of the surrounding counties that didn't have one. All untrue. No surrounding counties have one. The only county that I know of so far that has on is over in Fort Wayne. The other day one of our departments put in a request for travel for May 7, 8 and 9, 2012. The commissioners always sign off on the travel. Mr. Milsap called this individual and said 'You are going to be gone over the election. We need all the votes we can get, if you go vote now before May 8<sup>th</sup>, I will sign this or if you don't I won't do that.' I believe all those actions are unethical. I believe Mr. Milsap should not be a county commissioner.

Mr. Milsap, first of all Mrs. Huston, the queen of twisters, 90% of what you said is untrue. Secondly, there is 19 days before the election and then we will find out if you are worthy to be a commissioner.

Mr. Layton, I was contacted at least a month ago by the sanitary district out of Michigan City in reference to the possibility of reclosing themselves from the MS4 district. The MS4 district is a separation of storm water and sewer water. It is a state mandate. We are in a cooperative with the city of Michigan City, the city of LaPorte, Trail Creek and Long Beach. The financial disclosure of it is 50% of the annual budget which I believe is around \$56,000 including salaries and everything is by Michigan City, 30% by the city of LaPorte, 12% by the county and 8% by Long Beach and Trail Creek. There has been some movement that Michigan City wishes to separate itself from this cooperative. I think that would be against what we need to do as a county especially with all the agreements that we have but we are willing to listen. What I would like to suggest is we have a gentleman that represents us on the Drainage Board and also as President of the Kankakee River Basin Commission be a liaison between the county commission and the sanitary district of Michigan City, the city of LaPorte, Trail Creek and Long Beach and that board. That is Mr. Ken Purze, he is a Michigan City property owner. I would like to ask my fellow commissioner's approval to address Mr. Purze and see if he would do this on behalf of the commission to bring back all the information and to actually set down with the new director of the sanitary district of Michigan City to discuss these issues.

Mr. Milsap, I don't have any problem with that, however, since you are just making this known can we give it a week so other people who are interested can apply?

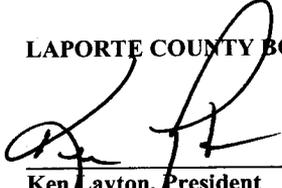
Mr. Layton, all I am asking is to make a suggestion, if you want to wait until our next meeting to do this, I am willing to do that in case there is someone else who would like to represent us. I am just asking for a consensus to do this to save this entity because of its importance. Moving on to another issue, we had a very dear friend of ours retire from the switchboard, Shirley Oberholtzer. She left us last Friday. We are in the process through HR of accepting applications for this part time position with no benefits. Commissioner Milsap and I did interviews of the parties that were interested, came to a consensus of three individuals. Those three individuals were again interviewed by HR and my consensus of the interviews is a lady by the name of Marlise Rawls out of the Michigan City area. I think she would be a valuable asset to us and would like to recommend that Mrs. Leon from HR see if she would like to come on board.

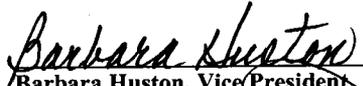
Mr. Milsap made a motion to accept Marlise Rawls for the vacant switchboard position, seconded by Mrs. Huston, motion carried by voice vote 3-0.

ADJOURN

Mr. Layton, President, adjourned the meeting at 12:10 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

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

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

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

ATTEST:   
\_\_\_\_\_  
Craig Hindeman, LaPorte  
County Auditor