



BOARD OF COMMISSIONERS

LAPORTE COUNTY

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Willie Milsap,
President

Dave Decker,
Vice President

Dr. Vidya Kora,
Member

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MINUTES

LAPORTE COUNTY COMMISSIONERS

Wednesday, August 6, 2014

To be held at 10:00 a.m. in the LaPorte County Complex Meeting Room #3

1. **CALL MEETING TO ORDER**
Commissioner Milsap called the meeting to order.
2. **PLEDGE OF ALLEGIANCE**
Matt Fritz led the Pledge of Allegiance.
3. **ROLL CALL**
All Commissioners present.
4. **APPROVAL OF AGENDA**
Commissioner Kora adds KIP update under New Business. Commissioner Decker adds driveway approval under requests. Commissioner Kora moves to approve the agenda. Commissioner Decker seconds. Motion carried by voice vote.
5. **APPROVAL OF MINUTES**
 - A. **July 16, 2014**
Commissioner Kora moves to approve. Commissioner Decker seconds. Motion carried by voice vote.
6. **CLAIMS**
 - A. **Payroll Ending 07/18/14-\$1,024,114.65**
 - B. **Miscellaneous Claims-\$880,137.91**
Commissioner Kora moves to accept the claims. Commissioner Decker seconds. Motion carried by voice vote.
7. **DEPARTMENT HEAD COMMENTS**

Karl Cender-Cender and Company- appeared before the Commission to give an updated report on the financial status of the General Fund. They indicated that they have updated the actual cash receipts to date along with the property taxes from 13, he indicated that they believe there was a 67% collection rate for the taxes. Which is a higher number than anticipated. He went on to give the Commission an overview of the general fund.

Robert Young-County Highway-appeared before the Commission to clarify that he has never felt pressured to do any hiring because of a Commissioner being involved in the interview process. He stated they have advertised in house to hire into different positions within the Highway Department. Commissioner Decker indicated that he found the actions of the Council toward HR regarding this issue intimidating, he felt that they moved to zero the HR budget merely because Mrs. Mossman did not agree with the Council's position on the matter, which he said was intimidation. Mr. Young asked permission to advertise for bids for new dump trucks. He said he has everything ready to send out the request for bids. Commissioner Decker moved to approve, Commissioner Kora seconds. Motion carried by voice vote.

Mike Mollenhauer-Sheriff-appeared before the Commission and indicated that he thought it was a good thing to have a Commissioner sit in on interviews. He stated that he felt it was a good thing that the Commissioners have an interest in what's going on with the employees. He stated that the Council's motion to zero out the HR budget was ridiculous and that HR is the best thing that has been done in the county, that there was no HR when he first came into office and he said that department has drastically cut down on litigation issues, saving big money for the county. Atty Friedman indicated that the majority of the Council as well as all of the Commissioner's understand the value of an HR department. Sheriff Mollenhauer thanked the Commission for the moment of silence for Jamie Middlebrook. He then informed the Commission of the newly hired deputies and the school officers. He further indicated that Captain Jim Jackson is retiring after 34 years and will be honored at the Merit Board Meeting.

Barbara Mossman-Human Resources Department-Thanked everyone for their supportive comments for her department and indicated that she is relieved to know she will be back next year. She then presented the Employee of the Month award to Ray Rheinoltz from the Planning Commission.

8. **CORRESPONDENCE**

9. **REQUESTS**

Rolling Prairie Business and Community Association and Olde Farmers Fest-Request for Road Closure.

Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote.

Request for Drive way paving-Commissioner Decker indicated that a tax payer requested a county access road that he has cared for over the years, be paved enough to give him a driveway. The taxpayer sent a letter accepting all liability for that property. Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote. Atty. Friedman indicated that there is a stock liability form that needs to be executed. Commissioner Decker added to the Motion that the stock form must be signed.

10. **OLD BUSINESS**

Sheriff Mollenhauer-Request for sick days for Jennifer Biggs.

Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote.

Consider waiving the Political Balance requirement for PTABOA for 2014 appointees per I.C. 6-1-1-28-1 (e)

Atty. Friedman indicated that there is an ongoing issue at PTABOA regarding the political make-up of the appointments that were made at the beginning of the year. He indicated that he, and the counsel for the County Council, and the Assessor, recommends that to get through the balance of 2014 and allow the board to continue meeting that the Commissioners, Council, and Assessor consider waiving the political balance requirement. He stated that there will be a workshop later this month with the Council, but the Commission can waive for the record the political balance requirement. Commissioner Kora moves to waive the political balance requirement for PTABOA. Commissioner Decker seconds. Motion carried by voice vote. Commissioner Kora requested that the Council contact their attorney to review the political make up as well as the letter from the Republican Party making an appointee a Republican.

Updated Financial Report-Karl Cender

Consider rescission of Contract Award for tax computer software and authorize five member committee to consider developing RFP to solicit various proposals for certified vendors per I.C. 6-1.1-31.5.

Atty. Friedman indicated that the contract is the type that requires the RFP process. Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote.

11. **NEW BUSINESS**

A. **Mitch Bishop-County Planner-Request for signature on LPA Grant Agreement for sidewalk and curb ramp improvement.**

LPA Grant Agreement for countywide sign inventory and replacement.

Mitch Bishop appeared before the Commission to request a signature on two grant agreements. Commissioner Kora moves to approve. Commissioner Decker seconds. Motion carried by voice vote.

B. **Kay Felton-County Home-Annual approval of private pay rate for the Room & Board. Private pay rate is \$38.00 per day.**

Kay Felton appeared to receive approval of the private pay rate of \$38.00 per day. Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote.

C. **Mike Yacullo-County Engineer-Consider approval of INDOT/LPA agreement for new bridge construction on Otis Rd. over Little Calumet River.**

Approval of design services contract with Jones, Petrie, & Rafinski to design repair of four bridges-#97, #104, #129, #236.

Mike Yacullo appeared before the Commission for approval of the INDOT/LPA agreement. Commissioner Kora moves to approve. Commissioner Decker seconds. Motion carried by voice vote.

Mr. Yacullo then requested approval of the design services contract. Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote.

D. **Larry Butcher-EMA Director-Consideration of EMA Grant Agreement.**

Larry Butcher appeared before the Commission to get a signature on the salary reimbursement grant and to request approval for the mitigation grant. Atty. Friedman indicates they have reviewed both grants and recommend approval. Commissioner Kora moves to approve. Commissioner Decker seconds. Motion carried by voice vote.

E. **Lynne Spevak-Clerk-Redistricting proposal of the Michigan City and La Porte precincts.**

Lynne Spevak appeared before the Commission to request approval of redistricting of the Michigan City and LaPorte precincts.

F. **Doug Beige-Consideration of approval of settlement in the matter of Mader v. LaPorte County Sheriff's Department.**

Doug Beige appeared before the Commission and indicated that he represented LaPorte County in an auto accident case, he relayed the details of the case to the Commission and recommended they accept a settlement in the amount of \$45,000.00. Commissioner Kora moves to approve, Commissioner Decker seconds. Motion carried by voice vote.

G. **Consideration of approval of Interlocal Memorandum of Understanding between Purdue, Cities of Michigan City and LaPorte and LaPorte County to establish Triangle Bus Project.**

Attorney Friedman informed the Commission that the City of LaPorte Board of Works approved the Interlocal Agreement establishing the bus service to Michigan City, LaPorte, and PNC. He gave an overview of the agreement and recommended approval by the Commissioners. Commissioner Kora expressed the need for such a service and expressed his support, then made a motion to adopt the MOU. Commissioner Decker seconds. Motion carried by voice vote.

H. **Consideration of options to finish re-staining courthouse and other preventative work such as repair of joints and moss prevention.**

Attorney Friedman indicated that Hertzeg & Associates was able to secure from U.S. Heritage a commitment to do the south face of the Courthouse to cure the spotting. He stated that Hertzeg provided a couple of different options, including moss removal and other services that need to be performed on the building that could be done while the scaffolding is up. He stated that the County Council is not inclined to fund any additional work at this time, but wants the spotting gone and the re-staining finished. He recommended that the Commission authorize U.S. Heritage to perform the re-staining with no scaffolding at no additional cost to the county. Commissioner Decker questioned if the re-staining can occur over the moss. Attorney Friedman stated that the surface would be prepared for re-staining which would include the removal of the moss in the areas in need of re-staining. He credited Mr. Hertzeg, Donavon & Associates and U.S. Heritage for taking the necessary action to complete the job at no additional cost to the county. Commissioner Kora moved to approve. Commissioner Decker seconds. Motion carried by voice vote.

I. KIP project update.

Commissioner Kora indicated that things have stalled in the past 8 months despite all efforts to avoid a stall, due to the conflict between the joint venture partners at the logistics park. He stated that the conflict is beyond the control of the county. He stated that the Office of Economic Development has been able to land smaller projects like Helena Chemical out there because of their good work. He stated that the continued impasse between the partners is hurting marketing out there and making it difficult to put together the project we are all working on to land significant jobs and assessed valuation. He stated that the mediation between the parties was unsuccessful and he does not want developers to be soured on KIP due to the conflict between the parties. Commissioner Kora moved to authorize the County Attorney to take any steps necessary under the second amended development agreement to insist this impasse is broken within 30 days or we will look at any and all remedies available to the county in that agreement including foreclosure if necessary to keep this project moving forward. LaPorte County Government has invested six million dollars creating the CSX select site, the only one in Indiana and the Chicagoland area, we cannot afford to wait any longer. Commissioner Decker seconds. Motion carried by voice vote.

12. PUBLIC COMMENTS

Rob Horning-appeared before the Commission to discuss the bicyclers and joggers who are using Old Grand Beach and other roads that are narrow in that area, he stated the conditions are dangerous because the roads are so narrow that vehicles cannot get around the people on foot on those roads. He requested that the Commission look into creating a project that would establish a bike path to alleviate the problem in that area. Commissioner Milsap requested that Mr. Horning meet with him after the meeting along with the County Planner to see what can be done.

Paul Rimer-appeared before the Commission representing the Rumley Allis Chalmers LaPorte Heritage Center and the 2014 gathering of the orange show that is coming Aug. 14-17. He requested the closing of Ziglar Road during the show. Commissioner Decker moved to approve. Commissioner Kora seconded. Motion carried by voice vote.

Richard Polk- appeared before the Commission to request permission to cut weeds near his home to access his pier in Fish Lake. Attorney Friedman suggest that the road in question be researched by the surveyor in order to determine if the road should be brought into the county inventory. Commissioner Decker asked if Mr. Polk owns the property his pier is on, he said no but he pays taxes on it. Commissioner Kora moves to have Mike Yacullo meet with Mr. Polk and come up with a plan to address his concerns and also consult legal counsel, the Surveyor, and the Conservancy District to be sure that it is acceptable. Commissioner Decker seconds. Motion carried by voice vote.

13. COMMISSIONERS COMMENTS

Commissioner Decker-Stated that everyone was still alive after the budget hearings. He said we had a tremendous Great Lakes Grand Prix this past weekend. He said they probable exceeded the attendance from last year. He further indicated that the in-water boat show starts Thursday and that opening day is LaPorte County day where residents get in free.

Commissioner Kora-Thanked the Auditor for preparing for the budget hearings that went very smoothly. He echoed Commissioner Decker about the Grand Prix, he said he went and really enjoyed it. He also thanked Mr. Cender for the report he gave and indicated that he would be examining the report further. He gave a brief update about the County Home, he stated the advisory commission for the Home had been meeting and they are planning to start looking at how the home can be prepared for the future while taking care of the current residents. He indicated that there are many viable options that would help keep the home open and that would provide monies to the County to aid in the cost of day to day operations.

Commissioner Milsap-Indicated that the Barn at the County Home has had a face lift and commended the Friends of the Barn Committee, led by Phyllis Marks, for their efforts in getting that accomplished. He further indicated that he agreed with Commissioner Decker regarding the boat race and stated he cannot wait to see the final numbers. He stated that Mr. Jack Arnett and his team at the tourism bureau deserve a big pat on the back because the event was very smooth.

14. ADJOURN

Commissioner Decker moves to adjourn. Commissioner Kora seconds. Motion carried by voice vote.