



BOARD OF COMMISSIONERS LAPORTE COUNTY

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Dave Decker,
President

Dr. Vidya Kora,
Vice President

Michael Bohacek,
Member

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MINUTES

LAPORTE COUNTY COMMISSIONERS

Wednesday, July 6, 2016

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

1. **CALL MEETING TO ORDER**
Commissioner Decker called the meeting to order.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
All Commissioners present.
4. **APPROVAL OF AGENDA**
Commissioner Kora moves to approve. Commissioner Bohacek seconds. Motion carried by voice vote.
5. **APPROVAL OF MINUTES**
 - A. **June 15, 2016**
Commissioner Bohacek moves to approve. Commissioner Kora seconds. Motion carried by voice vote.
6. **CLAIMS**
 - A. **Payroll Ending 07/01/2016-\$1,056,613.85**
Miscellaneous Claims-\$1,640,889.38
Commissioner Bohacek moves to approve. Commissioner Kora seconds. Motion carried by voice vote.
7. **PUBLIC COMMENT**

Jerry Cooley appeared regarding the electric company in Springfield Township. He indicated he is on the board for Springfield Township. He stated that the company does not provide fast and efficient service to their area. He asked the Commission to set up a meeting with all involved so that they can discuss the issue. Attorney Friedman outlined the options for the Commission. Commissioner Decker indicated that he would entertain a Resolution to that effect.

Mike Seitz appeared to inform the Commission that Dave Christian gave an excellent overview of Kingsbury at the Rail Summit in Chicago. He thanked Dave and Commissioner Decker for allowing him to attend.

Pat Meany appeared before the Commission to discuss the Joint Zoning Ordinance. Attorney Friedman indicated that public comment on that matter would be later in the meeting.
8. **DEPARTMENT HEAD COMMENTS**

Darlene Hale-IT- appeared and indicated that a vendor has been selected to replace all of the microphones and cameras in the conference room and in three of the courts. She said that work will start the second week of August.

Jerry Cooley-Maintenance-appeared to inform the Commission that the County Highway building in Rolling Prairie is in bad shape. He said he has let the Council know as well. The building is leaking and rotting so bad that the roofers are afraid to go up on the roof. He said they need to decide what to do for the future. Commissioner Bohacek asked if this would be part of the workshop scheduled for tomorrow and Mr. Cooley said yes it would.

Cary Kirkham-Council-Request for travel to Long Beach California for the NACO conference. Commissioner Bohacek moves to approve. Commissioner Kora seconds. Motion carried by voice vote.

Dave Christian-Economic Development-Appeared to inform the Commission that they are using the funds for their marketing plan. He brought a brochure with the new brand for LaPorte County Economic Development. He indicated that the tag line is "Your open door to the future." He also thanked Mr. Seitz for attending the Rail Summit.

John Boyd-Sheriff-Request travel for Pam Bergren for training in Kansas City.
Commissioner Kora moves to approve. Commissioner Bohacek seconds. Motion carried by voice vote.

Jeff Wlatrowski-EMA-Appeared to update the Commission on the 800 MHZ radios.
9. **CORRESPONDENCE**

Thank You Card from Austin & Alle Kraus

Commissioner Kora indicated that the card is thanking the Commissioners for sponsoring the 4-H. Commissioner Kora then shared a letter from IDEM regarding the Deercroft facility.

10. REQUESTS

- A. David Phillips-Higher Fellowship-Request to hold a Rally on the Courthouse steps.**
Commissioner Kora moves to approve. Commissioner Bohacek moves to approve with the stipulation that it be from 12-4 on Saturday. Commissioner Kora seconds. Motion carried by voice vote.
- B. Andrew McGuire-EMS-Request for signature on PGI and Fair contracts.**
Commissioner Bohacek moves to approve and to allow Commissioner Decker to sign on behalf of the Board. Commissioner Kora seconds. Motion carried by voice vote.
- C. John Boyd-Sheriff-Request for signature on amendment to the Inmate health services contract with Advanced Correctional Healthcare Inc.**
Commissioner Kora moves to approve. Commissioner Bohacek seconds and moves to allow Commissioner Decker to sign on behalf of the Board. Motion carried by voice vote.

11. OLD BUSINESS

- A. Public hearing regarding Proposed Amendments to Joint Zoning Ordinance submitted by Plan Commission and proposed zoning maps.**

Pat Meaney appeared to discuss this proposed ordinance. He indicated that he wanted to address one issue with the zoning ordinance. He said he wanted to address the section regarding ponds. He referred to the situation on his road and he further indicated a desire to prevent that from happening again. He said he believes ponds are addressed exclusively in article 23, he said this article says that if you're going to get a pond you have to get a permit for it and provide a sketch plan for it and that's basically what it says and it's approved by the Building Commissioner. He said he thinks overall the Joint Zoning Ordinance that this Plan Commission has to work with is a great one. He said he has read it a couple of times and it covers a whole bunch of stuff. He believes that when you get into the pond issue that is a bit of a problem. He said he has a couple of suggestions, he acknowledged that his suggestions are coming late in the process and that Mr. Beige worked hard on it, but he wanted to suggest just a couple of things when dealing with ponds. He said he would like to see that if a person comes in to apply for a pond, say they want to build a half acre pond on their property, have at it...but when you get into an acre pond, five acre pond, or nine and three quarter acre pond, he thinks there should be some stipulations that go along with that development on the land. He said he's fine with the acreage part, he said he does have a problem with the depth of the pond, he thinks we should put a realistic depth limit on that, he said the DNR suggests that a pond for fishing or recreational purposes, shouldn't be any deeper than 18 ft. DNR also suggests that if you dig the pond that it be tapered down every 4 feet so that if a person is trapped, they can walk their way out of the pond. He asked that these provisions be incorporated into the ordinance. He said he thinks the Plan Commission has the broad discretion to do those things. He said the other thing that he would suggest is when you get into an acre or above, and he noticed in 23 something .07 or something, it has a bond, which he really agrees with, but it's vague. It says that we're required by this ordinance for as a condition of approval for a permit under this ordinance a guarantee in a form acceptable to the county or city, such as a bond, cash payment, certified check or irrevocable bank letter of credit shall be provided. Whose discretion is that? We're required by this ordinance, there's nothing in there about a pond being so large requiring this type of guarantee. So I think if we get a request for a pond being larger than an acre, we should actually say you have to provide to the county or the city the asurity that you are going to do this and follow through with this and complete this project and at the end of the project, that the pond actually exists and it conforms to what everybody was on the same line with. Right now it's all kinda vague. I would have to say that this is probably up to the building commissioner to decide what requires a bond and what doesn't. Reading this I really don't know who is going to require that. I think that if you guys can kick this over to the plan commission, I know it's late, but it seems like we have a loop hole here. We have something that we can skate around if we have certain conditions that exist. We need to set a limit on the depth 30 and 50 ft, that ain't a pond, we should be a little more realistic and go with DNR 18 feet anything over 10 acres becomes a lake, that's DNR jurisdiction. We should set a limit on how large, how deep, how it's constructed, who prepared the site plan. I personally know of people who just sat down and drew it and handed it over, and that's not right. It's a big loophole and I think we should close it. But that's just me guys, it's up to you.

Attorney Beige appeared and indicated that the Commission does have the power and authority to make amendments and send the ordinance back to the Plan Commission if they so choose. On the ponds, they added a step requirement after the first round, and on horizontal construction of the ponds, we have a horizontal safety area 10 feet that cannot exceed 24 inches, so the goal there was to alleviate any drowning risk or for children essentially. The Commission did not put a depth requirement in, the thinking was that DNR has the depth requirement, so that way we don't run afoul, I think that's already tackled under the DNR regs. And a pond the definition, the size limit is 5 acres, so that's what the Commissions decided to do, you have the power and authority to make those changes but I want to make sure you understand what changes the Commission has made to present to you today. He further indicated that the Plan Commission did set a committee specifically to look at the pond issue so it has been examined.

Commissioner Kora asked Mr. Beige what the depth is that is required by DNR. He replied that it was 18 feet and that anything after 10 acres is a lake. Commissioner Decker asked that on a pond up to 10 acres the DNR still has some say on the depth? Mr. Beige said yes they still set the depth, he said the reason he didn't put the depth in the ordinance is if DNR already has a regulation he tries to avoid putting an additional regulation for the County because sometimes they change their regulations. He said they keep an eye on it, but he doesn't want something that runs counter to what already exists in the DNR regs, because we have the ability to enforce that. Attorney Friedman said

you could run a depth requirement that is consistent with the DNR. Mr. Beige said yes, and actually he could reference that regulation if the Commissioners would like. Commissioner Decker said he thinks that should be done. Attorney Friedman said that way if it changes it's consistent with the DNR regs, which currently is 18 feet. Attorney Friedman indicated that by referencing that code it would help with closing the loophole. Attorney Beige said they would need to make a distinction between residential and agricultural use if they do that, he said he knows some of the farms are using them for water management. He said if the concern is primarily with residential he could make a reference in the residential code section limiting the depth to the DNR reg. Commissioner Decker said he had talked to some people who were worried about that and he said as long as it's zoned agricultural they have no problem normally, but residential, this is where we run into the problem. Attorney Friedman indicated that it's not just the current situation with sand, he said there has been concern expressed by neighbors in other parts of the county to the Commission about potential gypsum mining and other fill where someone comes in potentially, for the sake of argument, and attempts to get a residential pond permit and then undertakes what is essentially a commercial operation in the middle of a residential area so perhaps having a depth requirement would prevent that potentially from being exploited that way. Attorney Beige indicated that if they include these requirements in the residential section only he thinks that will help, because they have already defined mining and the federal authorities specifically monitor the mining operations in a much more unlimited basis than we have the ability to do, so we can certainly limit what you can do in a residential setting. And that should not affect any other definitions of mining where we have mining operations in the county. Commissioner Decker said his feeling on that is if you're in a residential area and want to put a pond in, depending on the surrounding, do you need to have a house on it before you can put the pond in on a residential setting? Attorney Beige indicated that the way they are set up right now, no. Commissioner Bohacek said that sometimes it can depend on the lot, sometimes trying to dig a pond around a house can become a little problematic and also, even with the depth issue, sometimes the topography of the land can impact the depth of the pond as well, just by the way the lot is a portion of it might need to be deeper so you can maintain a depth through the entire pond so you can maintain fish. Attorney Friedman indicated that the depth requirement may be the way to avoid having a permit used in another way that isn't permitted, that could be the direction, if that's the Commission's pleasure that you refer it back to the Plan Commission for some refining on that residential pond permit regarding depth or anything else. Commissioner Bohacek moved to refer it back to the Plan Commission for further study on the pond permitting in residential zoned areas specifically. Attorney Beige requested they send him a letter because the statute requires it in writing. Commissioner Decker indicated they would send their ideas on it along with the letter. Commissioner Kora seconds the motion. Motion carried by voice vote.

B. **Consideration on 2nd reading of proposed Amendments to JZO and to zoning maps. -Tabled**
Commissioner Bohacek moves to table. Commissioner Kora seconds. Motion carried by voice vote.

C. **Update on developments at Kingsbury Industrial Park.**

Attorney Friedman gave an update on KIP. He indicated there has been a written agreement made between the two key landowners in KIP to cooperate in providing rail access and unrestricted use of each other's easements so they can move goods and freight freely throughout the park.

D. **Energy Savings Committee-Recommendation of Phase II contractors.**

The Energy Savings Committee recommends Ameresco for the project. Commissioner Kora moves to approve. Commissioner Bohacek seconds. Motion carried by voice vote.

E. **Report on receipt of 2nd appraisal for LaPorte County Home.**

Attorney Friedman indicated that the appraisals are very different and they have asked for guidance from the State Board of Accounts as to how to proceed.

12. **NEW BUSINESS**

A. **Consider payment of property damage claim regarding Highway Dept vehicle collision with S. Everett - \$5,740.00.**

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

B. **Consider contract with TMA to handle homestead exemption review program for LaPorte County as per recommendation of County Auditor.**

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

C. **Consider retroactive approval of appropriation for emergency generator approved by Commission President and Council President from CCD funds.**

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

13. **COMMISSIONERS COMMENTS**

Commissioner Bohacek thanked the Jaycees for the parade. He said it was nice to see young kids out doing things.

Commissioner Kora echoed Commissioner Bohacek's thoughts, he also said the group in Michigan City did a wonderful job. He thanked Shaw and everyone who worked on the KIP issues, he is anxious to see more activity there.

Commissioner Decker said that he learned a lot at the Rail Summit and Kingsbury is right in the middle of an area that goes through New Orleans, Tampa, and Chicago and it will be one of the largest logistics areas in the United States.

Commissioner Bohacek said that he learned a lot at the Rail Summit and Kingsbury is right in the middle of an area that goes through New Orleans, Tampa, and Chicago and it will be one of the largest logistics areas in the United States.

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

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE 14. _____

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ATTEST: _____ Auditor