



# BOARD OF COMMISSIONERS LAPORTE COUNTY

Circuit Courthouse  
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Marlow Harmon, President

Barbara Huston

William Hager

## LAPORTE COUNTY BOARD OF COMMISSIONERS

Wednesday, November 8, 2006

The LaPorte County Board of Commissioners met in regular session on Wednesday, November 8, 2006 at 6:00 p.m., in the LaPorte County Complex Meeting Room #3.

Present at the meeting were Commission President Marlow Harmon, Commission Vice President Barbara Huston and Commission Member William Hager. Also present were LaPorte County Attorney Robert Szilagyi, Executive Secretary Linda Arnett, and Assistant Monique Gillard. LaPorte County Auditor Teresa Shuter was absent.

### MEETING CALLED TO ORDER

Commission President Marlow Harmon called the meeting to order at 6:00 p.m...

### PLEDGE OF ALLEGIANCE

Commission Member William Hager led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Mr. Harmon, under "New Business" add an Ordinance Prohibiting Leaf Burning on County Roads. Mr. Hager made a motion to approve the agenda as amended, second by Mrs. Huston. Motion carried with a voice vote 3-0.

### APPROVAL OF MINUTES

Mrs. Huston, made a motion to approve the minutes from October 17, 2006 as presented, second by Mr. Hager. Motion carried with a voice vote 3-0.

### WEEKLY REPORTS

The Commissioners review and sign weekly reports during the meeting.

### CLAIMS

Mr. Hager, made a motion to approve Payroll Ending November 3, 2006 and November 17, 2006, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mrs. Huston, made a motion to approve Miscellaneous Claims in the amount of \$494,182.95, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Mr. Hager, made a motion to approve Regular Claims \$1,360,620.6, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

### REQUESTS

#### Sam Scalf/ Request for continued Health Insurance

Mr. Hager, made a motion to approve the request of Mr. Scalf, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

#### James Arnold, LaPorte County Sheriff/ Request for continued Health Insurance

Mr. Harmon, Sheriff Arnold has been on the insurance for the last eight (8) years and is requesting to stay on the insurance until he turns sixty-five (65).

Mrs. Huston, made a motion to deny the request, second by Mr. Hager.

Mr. Harmon, question on the motion.

Mrs. Huston the one thing that I want to explain here is that our personnel policy says that you have to have twenty (20) years of service in, plus be on the insurance for five (5) years, plus be sixty five (65) years of age and it does not apply here.

Motion carried with a roll-call vote 3-0 to deny.

Robert Young, LaPorte County Highway Superintendent/ Request CEDIT draw in the amount of \$1,750,000.00

Mr. Young, this is the November draw for the CEDIT tax money that goes for road paving I am requesting to appropriate into our road building fund so we can pay the bills.

Mrs. Huston, made a motion to approve, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Kent Carpenter, LaPorte County Maintenance Additional Appropriation \$41,644.39

Mr. Carpenter, we are having problems and we need to upgrade the system. I am proposing that we get a system that is with the phone switch and from the same company. We have had the tech out three times this year and it has cost us.

Mrs. Huston, how old is this system?

Mr. Carpenter, it is about one year old but it is not compatible with our system.

Mr. Hager, made a motion to approve, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

OLD BUSINESS

Ordinance Setting Speed Limit on County Road 800 North

Mr. Harmon, we have an Ordinance before us by title only, hearing no objections. Ordinance by title only.

ORDINANCE SETTING SPEED LIMIT ON COUNTY ROAD 800 NORTH

Mrs. Huston made a motion to approve on first reading by title only, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Mr. Harmon, I ask that the board allow this to be read on second and final reading.

ORDINANCE SETTING SPEED LIMIT ON COUNTY ROAD 800 NORTH

Mrs. Huston, made a motion to adopt on second and final reading, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Mr. Harmon, this will be known as Ordinance #2006-12

Ordinance Setting Speed Limit on County Road 125 East

Mr. Harmon, we have an Ordinance before us by title only, hearing no objections.

ORDINANCE SETTING SPEED LIMIT ON COUNTY ROAD 125 EAST

Mr. Hager, made a motion to approve on first reading by title only, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, I ask that the board allow this to be read on second and final reading.

ORDINANCE SETTING SPEED LIMIT ON COUNTY ROAD 125 EAST

Mr. Hager, made a motion to approve on second and final reading, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, this will be known as Ordinance #2006-13

Rick McVay, LaPorte County Highway Engineer/ Bid Opening Demolition of 4<sup>th</sup> Street Fire Station Building

Mr. Hager, made a motion to close the bids for the Demolition of the 4<sup>th</sup> Street Fire Station, second by Mrs. Huston. Motion carried with a voice vote 3-0.

Attorney Szilagyi opens the bids opening for the 4<sup>th</sup> Street Fire Station Building as follows. The first one is from Universal Recycling in the amount of \$110,193.00 and the second is from Woodruff in the amount of \$162,000.00.

Mr. Hager, made a motion to turn the bids over to Mr. McVay, LaPorte County Highway Engineer for his recommendation, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

NEW BUSINESS

Attorney Ralph Howes/ Ordinance to Rezone from Agricultural to General Business New Durham Township

Mr. Ralph Howe, this rezone from Agricultural to General Business and we have received approval for the Plan Commission for this rezone. Mr. Howes explains the outline of the property.

Mr. Hager, does it have water and sewage.

Mr. Howes, yes

Mrs. Huston, did you say he has a home on this property and it is now agricultural and going to general business, why not residential.

Mr. Howes, he wants to attach it to his father's property and this is now general business.

Mrs. Huston, the plan commission approved this.

Mr. Howes, it was a favorable recommendation.

Mr. Hager, I will make a motion to approve, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, we have an Ordinance before us on first reading by title only unless there is an objection, hearing no objection.

AN ORDINANCE TO AMEND THE LAPORTE COUNTY ZONING ORDINANCE LAPORTE COUNTY, INDIANA, BY AMENDING THE ZONE MAP FOR NEW DURHAM TOWNSHIP, SO AS TO RECLASSIFY AND REZONE CERTAIN REAL ESTATE FROM AGRICULTURAL USE DISTRICT TO GENERAL BUSINESS USE DISTRICT

Mr. Hager, made a motion to adopt on first reading, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, I am going to ask the board to approve this on second and final reading unless there is an objection, hearing no objection.

AN ORDINANCE TO AMEND THE LAPORTE COUNTY ZONING ORDINANCE LAPORTE COUNTY, INDIANA, BY AMENDING THE ZONE MAP FOR NEW DURHAM TOWNSHIP, SO AS TO RECLASSIFY AND REZONE CERTAIN REAL ESTATE FROM AGRICULTURAL USE DISTRICT TO GENERAL BUSINESS USE DISTRICT

Mr. Hager, made a motion to approve on second and final reading, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, this will be known as Ordinance #2006-14

**Rick McVay, LaPorte County Highway Engineer/M & J Homesites, Secondary Approval**

Mr. McVay, there will be no new roads the only thing that they are going to be adding is some retention ponds on site and because of that construction we are recommending that they submit a bond in the amount of \$24,387.68 to insure that the retention ponds get constructed .

Mr. Hager, how many acres are involved in the farm?

Mr. McVay, it is 40 acres and what they did is build a retention pond.

Mr. Harmon, is this the property they took us to court on?

Mr. McVay, yes

Mr. Harmon, the Plan Commission originally turned this down and the previously land owner took us to court on it and the court ruled that we had to rezone it.

Mr. Hager, made a motion to approve the recommendation of the LaPorte County Highway Engineer, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

**Rick McVay, LaPorte County Highway Engineer/ Hamlet Oaks, Union Township**

Mr. McVay, this is a minor subdivision.

Mr. Szilagyi explains the location of the subdivision to the board.

Mrs. Huston, is this frontage?

Mr. McVay, yes.

Mrs. Huston, made a motion to approve, second by Mr. Hager motion carried with a roll-call vote 3-0.

**Approval of LaPorte County 2007 Holidays**

Mrs. Huston, made a motion to approve the LaPorte County 2007 Holidays, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

**Ordinance Prohibiting Leaf Burning on County Roads**

Mr. Harmon, we have an Ordinance before us on first reading by title only, hearing no objections.

**ORDINANCE PROHIBITING LEAF BURNING ON COUNTY ROADS**

Mr. Harmon reads the Ordinance in its entirety.

Mr. Hager, I would like to have that amended to say any burning instead of just leaf burning.

Mr. Szilagyi, we will just state leaf or debris.

Mr. Harmon, you have heard the Ordinance in its entirety.

Mr. Hager, made a motion to approve on first reading, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Harmon, I am going to ask the board to be read on second and final reading unless there is an objection, hearing no objection.

**ORDINANCE PROHIBITING LEAF BURNING ON COUNTY ROADS**

Mrs. Huston, made a motion to adopt on second and final reading, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Mr. Hager, if I could just make a statement on that, the reason this ordinance has come about down in Hanna we just put in all new roads and the people are burning out on the roads.

Motion carried with a roll-call vote 3-0.

Mr. Harmon, this ordinance will be in effect in 30 days and this will be known as Ordinance #2006-15.

**PUBLIC COMMENTS**

Mr. Ralph Howes, my comments are concerning is the twenty-eight million dollars that LaPorte County received.

Mr. Harmon, we received roughly twenty-five million.

Mr. Howes, I know there is a great temptation to start dipping into that money and using it for different projects and over the course of time twenty-five million dollars has a way of disappearing. Mr. Howes explains his calculations on what interest could be made off of the funds if they were invested.

Mr. Hager, there was two- million put out for roads.

Mr. Howes, I don't know what is in store for LaPorte County in the future but the adoption of a resolution for future commissioners to give some direction.

**COMMISSIONER'S COMMENTS**

Mrs. Huston, spoke on her outlook on subdivisions, intermodal and a complaint she received regarding the County Jail.

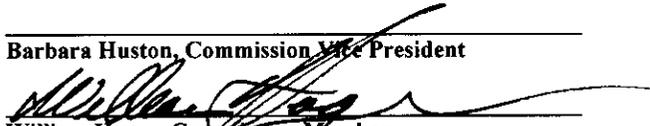
**ADJOURN**

Commission President Marlow Harmon adjourned the meeting at 7:00 p.m...

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
Marlow Harmon, Commission President

Barbara Huston, Commission Vice President

  
William Hager, Commission Member

ATTEST:   
Teresa Shuter, LaPorte County Auditor