



BOARD OF COMMISSIONERS LAPORTE COUNTY

Circuit Courthouse
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Barbara Huston, President

William Hager, Vice
President

Mike Bohacek, Member

LAPORTE COUNTY BOARD OF COMMISSIONERS TUESDAY, MARCH 20, 2007

The LaPorte County Board of Commissioners met in regular session on Tuesday, March 20, 2007 in the LaPorte County Complex meeting room #3.

Present at the meeting were Commission President Barbara Huston, Commission Vice President William Hager and Commission Member Mike Bohacek. Also present were LaPorte County Deputy Auditor Rita Layton, LaPorte County Attorney Robert Szilagyi and Executive Assistant Monique Gillard.

Commission President Barbara Huston called the meeting to order at 6:00p.m.

Commissioner Bohacek led the Pledge of Allegiance.

Approval of Agenda

Mr. Hager, made a motion to amend the agenda to add Mr. Bob Shafer from Entrepreneur Center in Michigan City under "New Business" requesting \$25,000.00, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Approval of Minutes

Mr. Hager, made a motion to approve the minutes of February 6, 2007, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Weekly Reports

The Commissioners review and sign weekly reports during the meeting.

Claims

Payroll

Mr. Bohacek, made a motion to approve Payroll ending March 23, 2007, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Miscellaneous Claims

Mr. Bohacek, made a motion to approve Miscellaneous Claims in the amount of \$791,090.71, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Regular Claims

Mr. Hager, made a motion to approve Regular Claims in the amount of \$ 1,332,575.65, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0.

REQUESTS

Union Mills Conservation Club/ 21st Annual Mill Pond Festival- August 25th and 26th, Tourism Fund \$500.00

Mr. Hager, made a motion to approve the \$500.00 request, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0.

Pioneer Land/ Christmas Open House, Tourism Fund \$500.00

Mr. Bohacek, made a motion to approve the \$500.00 request, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Rolling Prairie Community Center/ Olde Farmers' Festival- Tourism Fund \$5,000.00

Mr. Hager, I make a motion to reduce the amount to \$500.00 and approve same, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0.

Bart Lombard, ALCO/ Addendum to Management Contract/ Additional Appropriation

Mr. Lombard, there was a new franchise contract that was renegotiated with Comcast to allow the cable channel to make a county wide government channel. In the agreement it provided a pass through clause, put in place for revenue generated by the cable company that would be put toward purchase of capital such as equipment. We have undertaken a number of projects with the county, as redoing the sound system last year. This was done in hopes of recouping the money necessary to fund the operation. Last year the commission applied for the pass through money and filed with Comcast and was to be collected in March of 2006. The state legislator came up with a state franchising for cable outlets and Comcast joined and July 1, 2006 took advantage of when the new state law went into effect on the state wide level instead of a community level. As a result, we never collected the pass through and we have been operating with no funding for replacement of equipment or upgrading that was necessary. In the crossfire we were left out and no pass through was ever collected, we have been operating with no funding for replacement of equipment. I met with Commissioner Huston and Rita Layton about the contract and we have presented this addendum to our contract in the amount of \$30,000.00 which would be billed on a quarterly basis and would be used for upgrade the equipment. The county could approach the IURC for the pass through in the future but that does not bring us anything for the past year.

Mr. Bohacek, this \$22,500.00 is primarily going to be used for equipment. What cost of upgrading the equipment?

Mr. Lombard, we have had an order on hold for video equipment approximately \$8,000.00, every quarter we can look to spend on growth.

Mr. Hager, when we gave you the \$15,000 you said we wouldn't be back for more, now your back for \$30,000.00, now next year and the following year are you coming back for more or what.
Mr. Lombard, I hope not.

Mr. Bohacek, people complain about the sound, will this be priority.

Mr. Lombard, we try to make do with the equipment given to us, the county provided microphones. The sound and the visual is number one priority.

Mr. Bohacek, when will the issues be addressed?

Mr. Lombard, by the third quarter of 2007.

Mr. Hager, make a motion to grant the extra \$30,000.00 for two years.

Mr. Bohacek, I would like to grant this for a year to see if any improvements have been made and after a year if the sound system has not been resolved. I want to grant the \$22,500.00 and accept the addendum for a one year period, second by Mr. Hager. Included in the motion is approval for the president to sign. Motion carried with a roll-call vote 3-0.

Kay Felton, County Home Administrator/ County Home Renovation, \$22, 226.00 for stairway replacement, \$3,220.09 for remodeling

Ms. Felton, I have a couple of projects that I am asking for funds from the Ruth Roughbaugh Estate. I am asking for materials in the amount of \$3,220.09 for the men's bathrooms at the home. Also, I am asking for funds to approve Paul's Construction to \$22,226.00 for the stair replacement.

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

Rick McVay, LaPorte County Highway Engineer/ Johnson Road Improvements \$7,200.00

Mr. McVay, we have outstanding invoices for the survey on Johnson Road in the amount of \$7,200.00 and we need to get this paid so we can get the survey from them.

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

OLD BUSINESS

Public Hearing on Excess Property, Greeley and 8th Street, Michigan City

Mrs. Huston reads the list of properties that are being considered for sale.

Mr. Hager, made a motion to turn the lots over to County Attorney Robert Szilagyi to continue with the process, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0.

Public Hearing closed.

NEW BUSINESS

Building Maintenance/ Appointment to Assistant Stationary Engineer

Mrs. Huston, this is removed from our agenda until next meeting.

Robert Szilagyi, LaPorte County Attorney/ Ordinance for Regulation of Outdoor Wood burning Odor/Woodburning Furnaces/ Stoves

Attorney Szilagyi, Commissioner Bohacek asked to put together an ordinance for the outdoor wood burning.

Mr. Hager, I'd like for us pass it thru on the first reading and hold it to the next meeting so people could come in and voice there opinion.

Mr. Bohacek, this was originally a six month moratorium on this so we were more carefully able to draft a zoning ordinance.

Mrs. Huston, I believe their was an ordinance that NIRPC was working on and it also has definitions on what everything is.

Mr. Bohacek, I think it's critical that we get something in place for the next six (6) month while we draft an ordinance with NIRPC and our County Planner.

Mr. Bishop, that NIRPC ordinance that you have is going to be sent to all the cities and towns to get feedback in a couple of weeks, they we will address the ordinance.

Mr. Bohacek, Mr. Szilagyi has prepared with a couple of amendments I think it will fit the bill with a couple of exceptions. I would recommend that we accept the ordinance with changes under item 1.b we omit item 1 & 2 which would basically indicate that outdoor wood burning boiler could not be placed any less then 500 feet from the adjoining residence. This would be my motion.

Mr. Hager, I will second Mr. Bohacek's motion by title only.

Mr. Bohacek, I will amend my motion, I make a motion that we read the ordinance by title only with the following 2 amendments.

Mrs. Huston reads the Ordinance by title only:

ORDINANCE FOR REGULATION OF OUTDOOR WOODBURNING FURNACES/STOVES

with the amendment to (B) removing 1 & 2. Motion to adopt on first reading by title only. Motion carried with a roll-call vote 3-0. Ordinance #2007-03

Robert Szilagyi, LaPorte County Attorney/ Resolution to Place Restrictions and Covenants on Real Estate Waste Inc.

Attorney Robert Szilagyi, this is a land fill that LaPorte County acquired by a tax deed and working with IDEM and other attorney's that have been involved in this. They have requested some deed restrictions and clarifications that if you sign it and record it and IDEM is happy with it so that any one that buys in the future are fully aware of what is there and fully aware of the restrictions.

Mr. Hager, made a motion to adopt the resolution on first meeting by title only, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0. Resolution #2007-02

David Ambers/ Petition to Rezone from General Business to R-3, Springfield Township

Mr. Ambers, a small portion of this land is already zoned R-3 as you can see it is highly residential development.

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

Mrs. Huston reads the Ordinance by title only:

ORDINANCE TO REZONE CERTAIN REAL ESTATE UNDER THE ZONING ORDINANCES OF LAPORTE COUNTY

Mr. Hager, made a motion to approve by title only, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0. Ordinance #2007-04.

Mr. Hager, made a motion to approve on second and final reading by title only, second by Mr. Bohacek.

ORDINANCE TO REZONE CERTAIN REAL ESTATE UNDER THE ZONING ORDINANCES OF LAPORTE COUNTY ORDINANCE #2007-04

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

Bob Young, County Highway Superintendent/ Frost Law

Mr. McVay, we did have to enact the frost law on emergency bases with the weather turning so quickly.

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

Entrepreneur Center of Michigan City/ Appropriation for \$25,000.00

Mr. Bob Schaefer, explains the Entrepreneur Center at 422 Franklin Street in Michigan City. The past year we've turned it into office space. The building is a new office space and we have generated thirteen (13) tenants, the purpose is to grow small businesses, it is a county wide effort. We got a great start on funding from the City of Michigan City we received \$110,000 during our first year, since that time the Michigan City Economic Development has given \$10,000, the Michigan City Chamber has given \$10,000.00 and \$10,000.00 from the Michigan City Urban Enterprise Association . We come to have commission to match the \$25,000.00 in donations.

Mr. Bohacek, made motion to grant the request.

Mr. Hager, made a motion to grant \$15,000.00 at this time and if you are not able to get further funding come back to us, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0. Funds out of Win Tax

PUBLIC COMMENTS

Mr. Dave Russell, I am here on behalf of many people and organizations in the past that had signs on the frame on the Courthouse Square, it was dismantled thorough the reconstruction of the courthouse. I guess my comment is I would like to know how I can be on the agenda.

Mrs. Huston, you can send a letter to be on the next agenda which will be April 3 at 6:00 pm...

Mr. Mike Rivera, I represent the NAACP the LaPorte County branch. I am here for some concerns that we have with county employment, hiring practices, procedures and I hope we can work better at hiring minorities. I have with me a copy of the EEO-4 report, I have a previous year and this year and if you review this it is quite obvious that there is a problem with equality of minorities being represented in county positions. I would like to give you a list of questions I have that may shine some light on changing some procedures in hiring practices. This question we can talk about now or you can get back with me.

Mrs. Huston, why don't you come up to the office and we can talk about it there are too many question to answer at this time.

Mr. Rivera, I have three (3) other questions I would like to add to this, one being when it comes to municipal contracts for the county, construction projects. I would like to have a better understanding of the bidding process and are they also inclusive of minorities. I also have a question about drug testing for county employees, is there a drug testing program for employees at random drug test.

Mr. Hager, at the County Highway only and the Sheriff's Department but the Sheriff's Department is not under our control.

Mr. Rivera, some of the jobs that you have required lie detector test, is that correct.

Mr. Hager that is the Sheriff's Department.

Mr. Rivera is that done independently or by someone affiliated with the Sheriff's Department?

Mr. Hager, we don't know.

Mr. Rivera, who oversees the Sheriff's Department?

Mrs. Huston, the Sheriff's Department.

Mr. Rivera did receive a copy of the breakdown of EEO-4 form and would like to get a breakdown.

Mr. Bohacek, I do want to comment on one of the request. I would be interested in working with your organization to put together a plan.

Mr. Phil Bar, I've met with Mr. Hamilton about the status of County Road 350 West in Springfield Township, he suggested that I speak to you about this. Mr. Bar explains the map and the roads that they have paved, originally it was considered to be private road. I am looking to obtain frontage, I want you to declare this a County Road.

Mrs. Huston, who owns the road?

Mr. Phil Bar, this is currently an easement.

Attorney Szilagyi, who owns the land?

Mr. Phil Bar, my father.

Mr. Hager, it is our policy now if it is a none existing road, that you have to bring it up to county standards and then we will consider taking it over.

Mr. Phil Bar, if I have no frontage on that road the county will not allow me a variance to build unless I have some frontage on the county road.

Mr. Ray Hamilton, what we have here is a piece of land that his father has a 15 foot easement for people to get through it. The county had come in and paved a road, he wants to purchase this property and build a house back there. The only way we can do something is if the county would recognize the roadway and it would be up to them to improve.

Mrs. Huston, if we recognize it as a roadway then we has to pave it but it would be up to them to improvement.

Mr. Hamilton, we don't grant building permits on easements, all he has is this easement.

Mrs. Huston, we will turn over to Rick McVay for further investigation.

Connie Clay, I am with the Save the Dunes Council, I wish to thank you for looking into the wood burning furnaces. We look forward to seeing the ordinance that is being prepared.

Mr. Cunningham, I would concur with Ms. Clay's with her statements. I have received two or three phone calls per day on this issue as county councilmen. I have visited several sites in the area and there is an EPA statement out as of January 29th. The nuisance issue and health issue are the most important things in this issue. I want to thank the commissioners for taking the first step.

Mr. Donnelly, There are 30 separate items that originated from various community, organizations, states the EPA, IDEM, ECT. Regarding the health aspects of the wood fire burners. There are over

300 pages of which I am going to leave with you, is not published know your going to work out something behind closed doors.

Mr. Delco, on County Road 300 and 850 some work needs to be done on the roads. The trees are getting so big and they are filling up the ditches. I am hoping something that could be done; if something isn't done it'll tear up the road.

Mrs. Huston, Rick would you take a look at it while the road is high.

Mr. McVay, yes I will.

COMMISSIONER'S COMMENTS

Mr. Hager, I have talked to Mr. Ott and asked him to get a list of lawn mowing because I would like to set it out for bid and we can save money by having an outside firm do it.

Mr. Bohacek, is that something that we will put out for bids?

Mr. Hager, yes we will look at the list and go from there.

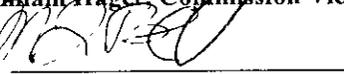
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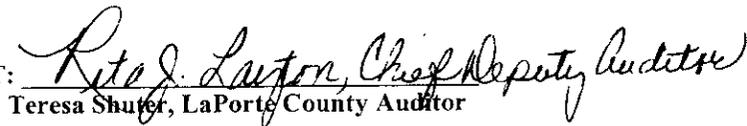
Commissioner Huston adjourned at 11:25 a.m.

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ATTEST: 
Teresa Shuter, LaPorte County Auditor