

BOARD OF COMMISSIONERS LAPORTE COUNTY

Circuit Courthouse
813 Lincolnway, Suite 301
LaPorte, IN 46350-3400
Phone: (219) 326-6808 ext. 229 – FAX: (219) 326-9103

Barbara Huston, President
William Hager, Vice President
Michael Bohacek, Member

LAPORTE COUNTY BOARD OF COMMISSIONERS TUESDAY, APRIL 3, 2007

The LaPorte County Board of Commissioners met in regular session on Tuesday, April 3, 2007 at 6:00 p.m. in the LaPorte County Annex and Security Building.

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 Secretary Linda Arnett.

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

Commission Member Michael Bohacek led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Bohacek, made a motion to approve the minutes of February 20, 2007 & March 20, 2007, second by Mr. Hager. Motion carried with a roll-call 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 April 6, 2007, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0.

Mr. Bohacek, made a motion to approve Miscellaneous Claims in the amount of \$266,125.58, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

OLD BUSINESS

Building Maintenance/ Appointment to Assistant Stationary Engineer

Mr. Hager, made a motion to approve Gary Huskey.

Mr. Bohacek, made a motion to approve Greg Beaty.

Mrs. Layton takes roll-call on nominations for Mr. Gary Huskey. Mr. Bohacek nay, Mrs. Huston nay and Mr. Hager aye. Motion fails 2-1 for Mr. Huskey.

Mrs. Layton takes roll-call on nominations for Greg Beaty. Mr. Hager nay, Mr. Bohacek, aye and Mrs. Huston aye. Motion carried with a roll-call vote 2-1.

Robert Szilagyi, LaPorte County Attorney/ Ordinance Outdoor Wood Furnaces

Mr. Szilagyi, I have provided with a new ordinance that was based on what was given to me by NIRPC. Mr. Szilagyi explains new ordinance.

Mr. Hager, make a motion to table until our next meeting for input by the public.

Mr. Bohacek, my concern this is the building season and we are going to have these going in and we are going to have to deal with them later on. What is on the table right now is to allow for a 500 foot set back from any adjacent resident. I would ask that we look at that ordinance and get something on the books.

Mr. Hager, I would not go for 500 foot since we have a 200 foot building lot so that would mean that only one out of three would be able to have a wood burner. I would recommend that no new ones can be put in the county for 30 days, until this ordinance is passed.

Mr. Bohacek, then we are going to have a problem with many of the farmers in the Ag community because many of them do install these in the spring and summer.

Mr. Szilagyi, with both ordinances you would need a building permit to have it in place and if you don't you would be fined \$2,500.00 fine.

Mr. Hager, if you put a moratorium for 30 days that give all the people time to read this ordinance and come back with questions and then we could pass the ordinance.

Mr. Szilagyi, the only problem is we don't have an ordinance for a moratorium and unless you do you don't have a basis to take them to court and get fined.

Mr. Hager, I am not for the 500 feet, I would say 150 feet.

Mr. Bohacek, the 30 day moratorium is far more restrictive then what is on the table.

Mrs. Huston, we are only passing only for 30 days and they have to get a building permit.

Mr. Hager, you want to amend this to say 150 feet for 30 days and the old ones have to be grandfathered in.

Mr. Bohacek, I am not agreeable to go with anything less then 500 feet. This is to prevent new installations until we have a more comprehensive ordinance.

Mr. Hager has a motion on the table.

Mr. Bohacek, I am not in favor of the motion, we had a stop gap ordinance that we already discussed and it was already passed on first reading.

Mr. Hager, it passed on first reading for us to discuss at this meeting and that is what I am doing and at 500 feet no one can do it.

Mr. Bohacek, it is a moratorium it will give us some time.

Mrs. Huston, motion to table. Motion carried with a roll-call vote 2-1 with Mr. Bohacek voting no.

NEW BUSINESS

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

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

Robert Young, LaPorte County Highway Superintendent/ 2007 Frost Law (lifted)

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

**Rav Hamilton, LaPorte County Building Commissioner/ Rick Brown MS4-Coordinator/
Drainage Ordinance by Title Only**

Mr. Hamilton, this is a Storm Water Code which is mandated by the State of Indiana. The City of LaPorte, City of Michigan City, Trail Creek and Long Beach have adopted this code and we are here to have it read on first reading by title only. I do have with me tonight Rick Brown the MS-4 Coordinator and he will answer any questions you may have.

Mr. Hager, made a motion on first reading by title only on all three ordinances.

Mrs. Huston reads the ordinances by title only.

**ORDINANCE REGULATING POST "CONSTRUCTION ACTIVITY
AND STORMWATER MANAGEMENT**

Mr. Bohacek, made a motion to accept by title only, second by Mr. Hager. Motion carried with a voice vote 3-0.

**ORDINANCE REGULATING CONSTRUCTION ACTIVITY EROSION
AND SEDIMENT CONTROL**

Mr. Bohacek, made a motion to accept by title only, second by Mr. Hager.

**ORDINANCE REGULATING ILLICIT DISCHARGES AND
CONNECTIONS TO STORM DRAINAGE SYSTEMS**

Mr. Bohacek, made a motion to approve by title only, second by Mr. Hager.

Mrs. Huston, this will come back before us at our next meeting.

Jason Atwood, Tryon Development, LLC/ Road Bond in the amount of \$165,111.25

Mr. Atwood, this is for an extension of Morgan Road in Brookdale Subdivision, I am looking for approval to start construction on the road.

Mr. McVay, this bond seems appropriate it is Morgan Road in Kingsbury we improved it and he wants to meet what is there and extend it and the only thing I have asked for is a turn around for our trucks.

Mr. Hager, made a motion to approve.

Mr. Bohacek, the existing road and the road he is proposing, does it meet county standards?

Mr. McVay, no it does not meet the current standards that are on the books.

Mr. Bohacek, you are stating we should not hold him to current standards.

Mr. McVay explains the standards.

Mrs. Huston, is it going to be a county road and whose responsibility is the road now the county?

Mr. McVay, we would be adopting the road.

Mr. Bohacek, I believe it should be brought up to standards.

Mr. Bohacek, made a motion to table until our next meeting, second by Mr. Hager. Motion carried with a voice vote 3-0.

Additional Appropriation from Win Tax in the amount of \$54,250.00 IKON Contract

Mr. Zabrecky explains the assessment work that will be done by IKON on this project.

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

Mr. Hager, made a motion for the President to sign the agreement, second by Mr. Bohacek.

PUBLIC COMMENTS

Mr. Dave Russell, this is concerning the poster on the court house square and I am not here to request any action. I want to be on the same page but I want to ask what led up to the discontinuation of this.

Mr. Hager, when we made the motion, we were putting the signs up they were to come and do the work, then they left it for the maintenance department to do. Then people were complaining that there signs were messing and wanted us to pay for them. The decision was made on September 19 2006 to do this.

Mr. Russell, Nancy was very corporative and I personally would like to thank the Maintenance Department.

Mr. Delco, I appreciate what they are doing and the water there is standing water on 850 & 300 East.

Mrs. Huston I talked to Bob Young and he said he would get to your ditches this summer.

COMMISSIONER'S COMMENTS

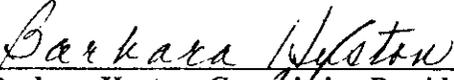
Mrs. Huston reads letter to all offices in reference to payroll claims. This will be sent out to all users and be placed in all paychecks.

Mr. Hager, the last county council meeting, the councilmen were criticizing the commissioners because we were looking for buildings and we have been trying to work with them and I don't appreciate them criticizing us.

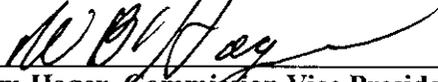
ADJOURN

Commissioner Huston adjourned the meeting at 6:50 a.m...

LAPORTE COUNTY BOARD OF COMMISSIONERS



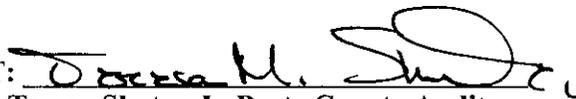
Barbara Huston, Commission President



William Hager, Commission Vice President



Mike Bohacek, Commission Member

ATTEST: 
Teresa Shuter, LaPorte County Auditor