



**BOARD OF COMMISSIONERS  
LAPORTE COUNTY  
Office Annex**

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President  
William Hager,  
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Michael Bohacek,  
Member

**LAPORTE COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, AUGUST 7, 2007**

The LaPorte County Board of Commissioners met in regular session on Tuesday, August 7, 2007 at 6:00 p.m. 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 Michael Bohacek. Also present, were LaPorte County Auditor Teresa Shuter, LaPorte County Attorney Robert Szilagyi and Executive Secretary Linda Arnett.

**PLEDGE OF ALLEGIANCE**

Attorney Robert Szilagyi led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mr. Hager made a motion to approve the agenda as presented, second by Mrs. Huston. Motion carried with a voice vote 2-0.

**APPROVAL OF MINUTES**

Mr. Hager made a motion to approve the minutes of July 3, 2007 as submitted, second by Mrs. Huston. Motion carried with a voice vote 2-0.

**WEEKLY REPORTS**

The Commissioners review and sign the weekly reports during the meeting.

**CLAIMS**

Mr. Hager made a motion to approve Payroll Ending August 10, 2007, second by Mrs. Huston. Motion carried with a roll-call vote 2-0.

Mr. Hager made a motion to approve Miscellaneous Claims in the amount of \$1,536,030.88, second by Mrs. Huston. Motion carried with a roll-call vote 2-0.

**CORRESPONDENCE**

**Tim Gropp/ Greater LaPorte Economic Development Corporation/ Support Shovel Ready Program**

Mr. Gropp on behalf of the North Point Business Park and the County Economic Development efforts we will be resubmitting the Shovel Ready application, we were rejected the first year because of a report that got held up. We are updating the applications that are due at the end of this month and part of the submission process is letters of support.

Mr. Hager, made a motion to allow President Huston to sign the letter, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

**REQUESTS**

**Karl Liebig Sr. / Request Continuation of County Insurance**

Mr. Hager we have done this in the past and we have made up a new policy and under the new policy is for the new hires on and he qualifies and I make a motion we approve, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Kankakee Township Fire Department/ Request Road Closings

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

Rolling Prairie Community Center/ Olde Farmers Festival/ Request \$500.00

Mr. Hager made a motion to approve \$500.00 for the Olde Farmers Festival, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

OLD BUSINESS

Ordinance Outdoor Wood Boilers (tabled)

Mr. Bohacek made a motion to remove from the table, second by Mr. Hager. Motion carried with a voice vote 3-0.

Mrs. Huston, this is the second reading for Ordinance for Regulation of Outdoor Wood Burning Furnaces/Stoves

Mr. Bohacek, I have a question the first Ordinance 2007-10, does the mirror or revise copy B?

Mr. Szilagyi, neither one, you have a correction A or B and you have to make an amendment to which one you want A or B.

Mr. Hager, I make a motion that we choose B as amended but we are going to put another amendment in there. The amendment would be to allow the people to call in or email in to the Health Department to get there form so they do not have to drive to the courthouse to register.

Mrs. Huston, can we just make that a request so we don't have to make that an amendment.

Mr. Szilagyi, they have to register them and you can make that an administrative policy as far as the Health Department is concerned, they can call in and do it. At this time you need a motion to accept B as an amendment, gives summary of amendment.

Mr. Bohacek, made a second to Mr. Hager's motion to approve choice B of the amendment of Outdoor Wood Burning Furnaces/Stoves.

Mrs. Huston reads the Amended Ordinance on second and final reading by title only;

ORDINANCE FOR REGULATION OF OUTDOOR HYDRONIC HEATERS

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

Mrs. Huston this will be known as Ordinance #2007-10-B

Robert Szilagyi, LaPorte County Attorney/ Amendment to Personnel Policy Regarding Paid Time Off/ Sick Leave

Mr. Szilagyi, you have an ordinance to amend personnel policy, under the old plan you had sick leave and under the new policy you had personnel time off as opposed to paid and that has become a problem for some departments, you asked me to make the amendments and we went back to sick leave.

Mr. Bohacek my concern is, with paid time off an employee can schedule a week in advance and allow a department the department to schedule additional personnel where with sick time with the two hour window it would be difficult to schedule.

Mrs. Huston what has been happening with paid time off the employees were calling in that morning and saying that they were not coming in and say they were taking a personnel day and what this policy did not do when we had sick leave we were able to bank a certain amount of days in case of an emergency.

Mr. Szilagyi, when the Commission adopted it they thought they were being nice to the employees and make sure they had the benefit but then they abused it.

Mr. Bohacek, I really don't see what the difference is.

Mr. Szilagyi, the sick days are basically for sick and if they are off for more than two or three days they have to come in with a doctors slip and with PTO days they don't have too.

Mr. Cooley, on behalf of the county council a lot of this is becoming a problem and not only that part of it but you have comp time. I had talked to one of the department heads the other day and he said he has an employee that has an employee that has 100 hours comp time hours and he wanted to pay him off because he has money in his budget to pay it off and he can't afford to let him have the time off. You need to sit down with the County Council and I have asked our attorney to address this by not paying any of it and have a resolution by not paying any of it if it is not within our budget.

Mr. Bohacek, are you talking sick time or comp time.

Mr. Cooley, if I have got 60 days today and I retire in 20 years do you realizes how much that is worth. I don't know where you are going to get the money unless you are going to take it out of your budget.

Mr. Bohacek, I am in agreement that compensatory time should be settled up within that pay period or settled up within that pay period.

Mrs. Huston, if she is on comp time and if she takes that time that she has coming in the same two week period then she should be allowed to do that. However, if it carries over for two weeks then it is at time and a half and the more it carries over the more it is worth. I do believe we need to get a better handle on comp time.

Mr. Bohacek, I do believe that it should be settled up within that pay period.

Mr. Cooley, EMS is a good example and Kay at the County Home, she has to have somebody to fill the spots and now you not only have to pay somebody time and a half or comp time or PTO days. I believe in taking care of employees but the budget is.....

Mr. Hager, I think we should look at a time clock and employees should have to punch in and out and that way we would have a permanent record.

Mr. Cooley, if the ordinance is not created right we will not pass it.

Mr. Bohacek, we need a workshop with all of our elected officials.

Mr. Cooley, I am a strong believer that if a person works, we need to pay them. If a person is working overtime I would rather pay them the give them comp time and we can budget that in.

Mrs. Huston reads the Ordinance by Title only as follows;

**ORDINANCE TO AMEND PERSONNEL POLICY REGARDING PAID TIME OFF/SICK LEAVE**

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

Mr. Bohacek, made a motion to hear on second and final reading.

Mrs. Huston reads the Ordinance by Title only on second and final reading as follows;

**ORDINANCE TO AMEND PERSONNEL POLICY REGARDING PAID TIME OFF/SICK LEAVE**

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

Mrs. Huston, this will be known as Ordinance 2007-12.

Robert Szilagyi, LaPorte County Attorney/ Open RFP'S for Human Resource Consultant

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

Mr. Szilagyi opens and reads RFP'S as follows: Sarah Sanders Smith: \$1,900.00, Organizational Development Solutions, Inc.: \$7,800.00, HR Solutions, LLC: \$1, 500.00 a month plus expenses, Oposo Industries: \$7,500.00, HR Focus: \$18,000.00, The Waters Consulting Group, Inc.: \$18,500.00, Strategic Management: \$11,150.00, Waggoner, Irwin, Scheele & Associates, Inc.: \$12,380.00 and Joan Chesterton: \$8,000.00.

Mr. Hager, made a motion to turn all RFP's over to the County Auditor and for her to make copies for all Councilmen and Commissioners for a workshop on the 14<sup>th</sup> of August at 4:00 p.m., second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Rick McVay, LaPorte County Highway Engineer/ Brookdale Farms Subdivision/ Morgan Road Extension Bond Reduction/ Attorney Ralph Howes (tabled)

Mr. Bohacek, made a motion to remove from the table, second by Mr. Hager. Motion carried with a voice vote 3-0.

Mr. McVay, I am not sure if the developer is here or not and that is why we tabled it last time.

Mrs. Huston, is the developer here from Brookdale Farm?

Mr. McVay, I have not heard from them and a stipulation on reducing their bond.

Mr. Hager, made a motion to reject the request until they come back and resubmit, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Rick McVay, LaPorte County Highway Engineer/ Parking Improvements Additional Appropriation \$144,500.00

Mr. Bohacek, I have a question should this not be bid as one project, should it not be bid as one project?

Mr. McVay, speaking with the contract you would pay a lot more money for the paving if it was done separately, I think this is a call for our attorney.

Mrs. Huston, Mr. Szilagyi aren't the sidewalks the city's responsibility?

Mr. Szilagyi, according to the statute the sidewalks belong to the property owners, at this point and time I can talk to the City and see if they want to pay for it but I don't think it is a part of the package.

Mrs. Huston, Rick did we get that additional room on to Madison Street?

Mr. Hager, they did give us additional property over there so we can put in a sidewalk, plus additional parking.

Mrs. Huston, how long with this project take?

Mr. McVay, approximately 30 days and we have permission from the City to park behind Ludwig's.

Mr. Bohacek, Rick I feel we should bid the project and I feel the project should be bid.

Mrs. Huston, this parking lot paving, says paving annual bid, is that part of what they bid for our other paving?

Mr. McVay, they went by the price that they would charge for the road paving and felt that they could because they are under contract with the County to do all of the paving. If they were to bid it out it would be much higher.

Mr. Szilagyi, they are still following the contract for paving and they are just including this and they are still following the original contract for paving for LaPorte County.

Mr. Bohacek, did you get other quotes?

Mr. McVay, I just asked for quotes from Reith-Riley.

Mr. Bohacek, I want you to go out and get other bids.

Mr. Hager, I want to get this done this year.

Mrs. Huston, Mayor Morris, are able to do the angle parking?

Mayor Morris, yes.

Mr. Hager, made a motion to approve the estimate at \$144,500.00. Motion failed for lack of a second.

Mr. Bohacek, I am not asking for a formal bid, only two bids and I would like to table this until then. I make a motion that Mr. McVay return with two different quotes and come back at our next meeting for excavation only. Motion fails for lack of a second.

Mrs. Huston, can we table this project?

Mr. Szilagyi, if you are less than one-hundred thousand dollars, the excavation is separate; the original paving contract with the county is less.

Mr. Bohacek, is that just for the roadways or for any and all paving contracts?

Mr. Szilagyi, it is for all paving.

Mr. Bohacek, I want to get this project done. I make a motion to approve the \$144,500.00 as presented, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Rick McVay, LaPorte County Highway Engineer/ C.R. 400 North Expansion Additional Appropriation \$4,100,000.00 from Major Moves Fund

Mr. McVay, the bids came in and we are in a partnership with Michigan City with fifty percent each and when the bids came in and the construction cost came to 4,100,000.00.

Mr. Hager, we are locked in on this, this was Mr. Harmon's project and we are locked in.

Mr. Bohacek, if we move forward and the purpose is that it will provide a mechanism for the county to recapture its investments over time and right now we will rely on hookup fees. The Regional Sewer Authority will be able to secure a whole sale rate from the sewer and water and sell it to the rate payer. After we complete this project, we will have the ability to deed this asset over to the Regional Sewer Authority and then that would provide us with the mechanism to be able to recapture our investment? My thought is that if we are going to invest a quarter of a million dollars of major moves money, I would like to see us be able to get our money back out of it. If that does mean we deed it to the Regional Sewer Authority and then if they are responsible for paying us back and then we deed it over to them.

Mr. McVay, I have been told and that can be done after the fact, we put in the infrastructure and create the Regional Sewer District then the Regional Sewer District can reimburse the funds.

Mr. Bohacek, this is hooking up to the Michigan City Sanitary Authority so its not the Michigan City property, correct?

Mr. McVay, yes.

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

Joe Fragomeni, American Structure Point/ Bid Recommendation 18<sup>th</sup> Street Sewer Project

Mr. Fragomeni, all refer to Mr. McVay on the bid tabulations but the bids were open on the 18<sup>th</sup> Street Sewer extension project and were reviewed by Patrick Wooden.

Mr. Bohacek, once we hook to the LaPorte City Sewer, we have a potential of no longer owning that asset, correct.

Mr. Szilagyi, we have a contract, that I have here for you to sign that is with the City, the County is paying for it and after it is completed it will be owned by the City and the City will be required to maintain it.

Mr. Bohacek, again it is my concern, we have a little bit of ground to make a little money, this money has to last a long time and it has to provide for continued economic development. What I would prefer to do is go back to the contractors, ask them how long they will hold that bid, so that will give us time to establish the Regional Sewer Authority so we can deed that or make it a joint project with the Regional Sewer Authority on the front end, so we would have a way to recapture our investment.

Once that asset is in the ground, it no longer produces or we can no longer potential for us to utilize those funds or generate new funds, we will be relying on hook fees which may or may not come who knows. We have to look long term Major Move's money is to be looked at very, very carefully. I would suggest that we hold off until we establish a Regional Sewer Authority and it becomes a Regional Sewer Authority project and it will provide money for the County for additional economic development and a stream of payments.

Mrs. Huston, again, can this be done after the fact.

Mr. Bohacek, unless LaPorte City is agreeable to modify there agreement, no.

Mr. Hager, we have talked to the attorneys and all its going to do, we have to have it out to the County Home. What we are going to do is give them permission, we put it in and they are going to take it over to the County Home, any beyond that has to be another phase and a sewer district will take another eighteen months.

Mr. Bohacek, if you put the two-million in the ground, that is two-million that you we are never going to have access to again. Do we have a time frame on how long it will take for a Regional Sewer District or can we just do a Regional Sewer District for that one area?

Mr. Szilagyi, this is the first time that someone has ever mentioned a Regional Sewer District to me, and I need to do some research.

Mr. Hager, American Structure has been working eighteen months to start it and get it through.

Mr. Fragomeni, the average time across the State of Indiana to set up a Regional Sewer District could take as long as eighteen months.

Mr. Bohacek, on a project on a smaller scale that would just encompass 18<sup>th</sup> Street project is that something that is do from there. So, do we have the ability to just look at that project from the front end?

Mr. Wooden, I was told this morning that you would be looking at eighteen months.

Mr. Bohacek, it is just so important to me that the LaPorte County be able to recapture the money that we invest.

Mr. Hager, I agree with you there but we have been working on this for five years and we have got to get this out to the County Home, otherwise we are going to have to put in a new well and the Fair is waiting because they want to condemn the sewer system out there.

Mrs. Huston, Mr. Fragomeni, when would this start if it was approved?

Mr. Fragomeni, if the contract is mobilized we hope to get started within thirty days of the preconstruction meeting.

Mr. Hager, made a motion to approve the 18<sup>th</sup> Street Sewer Project and award it to Woodruff and Sons in the amount of two-million six-hundred and thirty five thousand seventy-seven dollars and 90 cents from Major Moves fund.

Mrs. Huston, this came in way under bid.

Mr. Hager, were still going to move along with the Regional sewer district.

Mr. Bohacek, I just feel that two-million dollars is an awful lot of money that is about nine percent of our major moves money that is available, it's really a lost opportunity once that money goes into the ground it's lost. We have a clear opportunity here to have a revenue producing asset. What we are talking about, this is the difference your going to put two-million dollars in the ground and its over, the opportunity to recapture that money is very, very limited at best, through hook fees maybe. Mr. Szilagyi what is the County eligible to receive for hook-up fees?

Mr. Szilagyi, there has got to be a schedule what the cost would be and how many hook-up and the extension of all in that district and we don't have that schedule.

Mr. Bohacek, I don't think we are going to see in access of two-million dollars in hook-up fees. The Regional Sewer Authority is going to provide with a long term opportunity, it's an asset that in its entirety at a later date 20, 30 40 years out could be leased or sold. We can always provide the County with additional funds if needed, it is still my recommendation that we peruse the Regional Sewer Authority first and then follow up with the project.

Mrs. Huston, how long is this bid good for.

Mr. McVay, sixty days.

Mr. Fragomeni, I can't answer that question, it's typically sixty or sometimes ninety days.

Mrs. Huston, it does not state in here.

Mr. Szilagyi, most are sixty or ninety days.

Mr. Cooley I talked to our attorney today and he told me that he was going to be working with the City attorney and he wanted to make sure what you were saying Mike, that we are covered so we don't stop this project from moving forward,. That even if we start the Sewer District later and working with Mr. Szilagyi also and try to bring this together real quick, so we are protected as a County and that we have a contract with the City of what it is.

Mr. Bohacek, if they are willing to start the project and surrender possession of that sewer once that our district is established it would be a lot easier. If they are willing to put that in writing I will support it, it is vital to me that the sewer project has the ability to go back to the Regional Sewer Authority and this would have to be owned by the Sewer Authority not by the City.

Dawn Milliner, did the City and County sign the resolution?

Mr. Szilagyi, we do not have a resolution we have a contract. That resolution belongs to the City not the County.

Mrs. Huston, we have a motion to approve this on the floor, second by Mrs. Huston. Motion carried with a roll-call vote 2-1 with Mr. Bohacek voting nay.

Mr. Szilagyi, you need a motion to approve the contract that has already been signed by the City if you attend to move forward.

Mr. Hager, made a motion to approve the contract with City of LaPorte and the County of LaPorte, second by Mrs. Huston. Motion carried with a roll-call vote 2-1, with Mr. Bohacek voting nay.

#### Commissioners Appointment to EMS Council

Mr. Bohacek made a motion to appoint Chuck Grice, District Fire Chief from Michigan City Fire Department, second by Mr. Hager. Motion carried with a voice vote 3-0.

#### NEW BUSINESS

##### Attorney David McCain/ Final Plat Approval Woods of Concord IV

Mr. McCain, this is the fourth phase of Woods of the Concord IV and we have the plat and a letter from Mr. McVay and we will have the bond check tomorrow in the amount of \$16,260.00.

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

Allen Ott, LaPorte County Stationary Engineer/ Request for low bid approval of Additional Appropriation in the amount of \$89,727.00 from CCD/ New windows Michigan City Courthouse

Mr. Ott, this was a request from Steve Eyrick and we were told to get bids for all windows needing replaced.

Mr. Bohacek, made a motion to replace the windows requested by the Probation Department in the amount of \$6,615.00, second by Mr. Hager. Motion carried with a roll-call vote 3-0.

Mr. Ott, if I have money at the end of the year in my account for doors and windows can I replace the real bad windows where they leak in Michigan City.

Mr. Hager, I would approve the real bad ones but not all, come back when you know what you need.

Rick McVay, LaPorte County Highway Engineer/ Additional Appropriation in the amount of \$325,000.00 from Major Moves Fund/Rolling Prairie

Mr. McVay, this request is for Michigan and Wiley Road in Rolling and this would include all construction cost and is ready to go out for bid and the estimated cost is three-hundred and twenty-five thousand dollars.

Mr. Bohacek, when did this project start?

Mr. McVay, about three years ago.

Mr. Bohacek, what is the total engineering cost on this so far?

Mr. McVay, I don't have that figure with me.

Mrs. Huston, what is the problem with this road?

Mr. McVay explains the sweep in the road and that it is like Holton & Waverly Road was before it was rebuilt and was a very dangerous road before it was rebuilt.

Mrs. Huston, I know it turned out nice, that intersection at Holton & Waverly Road was a very dangerous intersection.

Mr. McVay, it is the same idea here it is dangerous at this time.

Mr. Bohacek, will you get me the engineering cost on this project.

Mr. Hager, made a motion to approve the project out of Major Moves Funds, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0.

Edward & Barbara Kogut/ Petition to Vacate Portion of West Shore Drive

Mr. Szilagyi, they have published as required and have a copy of publication.

Mrs. Kogut we want to vacate a portion of West Shore Drive in Fish Lake, Indiana that is adjacent to our property for purpose of putting in a driveway for our new home construction. You do have a map that shows the outline on exhibit A.

Mr. Bohacek, are you going to combine all these lots then?

Mr. Kogut, lot 31 will be combined with the main parcel.

Mr. Bohacek, you are going to combine lot 31 with the main parcel and it all will be one parcel.

Mr. McVay, I have no problem with it they own all the property around it and it would have no impact on anyone.

Mr. Bohacek, I will make a motion to approve with one condition that the combine all lots within thirty days, second by Mr. Hager. Motion carried with a voice vote 3-0.

Mr. Szilagyi, you have an ordinance here on this petition.

Mr. Bohacek, made a motion to pass the Ordinance to Vacate a portion of West Shore Drive in Fish Lake, Indiana by title only, second by Mr. Hager.

AN ORDINANCE TO VACATE A PORTION OF WEST SHORE DRIVE IN FISH LAKE, INDIANA

Motion to approve, motion carried with a voice vote 3-0.

Mrs. Huston, motion to waive to pass on second and final reading by Mr. Bohacek, second by Mr. Hager. Motion carried with a voice vote 3-0. This will be known as Ordinance 2007-13.

PUBLIC COMMENTS

Mr. Furness, you pass this ordinance with out any public meeting, is that legal?

Mr. Szilagyi, this is a public meeting and it was a public reading.

Mr. Furness, there is no public comment.

Mrs. Huston, we have had all the public comments.

Mr. Furness, Mr. Hager at the last meeting you said take it home and look at it and we will talk about it at the next meeting. When are we going to talk about it?

Mr. Hager, we had a workshop on it.

Mr. Furness, that was not open to the public.

Mr. Hager, yes it was.

Mr. Furness, the public wasn't allowed to talk, I was told that I was the only one allowed to talk.

Mrs. Huston, you were invited to the workshop.

Mr. Furness, I was the only one allowed to talk, I don't see how you can pass this ordinance without having public comment.

Mr. Hager, we have had all kinds of public comment, we have been working on this ordinance for you don't know how long. This ordinance can be changed, we are doing it for the benefit of everybody and the Health Department is still here and you can talk to them. We are trying to work it out for every one and it is not against you, you are not in violation.

Mrs. Huston, I take it there are parts of this ordinance that you do not care for, is that right?

Mr. Hager, we can address them down the road, if something comes up we can address them. We will be glad to talk to any one at any time and if we come up with a better solution we will sure do it.

Mr. Furness, the original one you had the five hundred foot was better then this one.

Mr. Bohacek, you and I spoke about it and we talked about the original five hundred feet and you didn't like it because if you had to replace your furnace you never replace with better emissions and now that the ordinance that allows you to meet it if you want to replace your furnace with one that does have it.

Mr. Furness, it's not invented yet.

Mr. Bohacek, but what I am saying is that we are providing you with an ordinance that will allow you to have a wood burning fire place or boiler when the new ones come out and the other ordinance would not have allowed that. You have voiced your concerns and I don't know what else to do.

Mr. Furness, you talked about getting variances.

Mr. Bohacek, this does not forbid you from using the unit that you have.

Matt Luckie and I would like to present to the commission.

Mr. Bohacek, when are the new ones coming in?

Mr. Litkey and some have been placed where they should not be placed.

Mr. Bohacek, when are the 2010 units going to be available?

Mr. Litkey, this is the first that I have heard of the 2010, some of this is just common sense.

Mr. Bohacek, as responsible dealers and I am sure you would not do this but you have some irresponsible dealers and they are installing these things contrary to manufacturers instructions.

Mrs. Huston, I did speak with someone from your company and they did state that they are coming up with a better model for 2010.

Mr. Hager, we are going to be working closely with everyone on this and we are not trying to hurt anybody on this.

Mr. Cunningham, my recollection takes me back to February of this year of this year and Mr. Bohacek called for a moratorium and that never went through but it was a stepping stone for discussion. It has been six months since this was discussed and rehashed and hashed over and over and at our work shop there were two commissioners, a councilman, two from the Health Department, County Planner, Building Inspector and an owner of an outdoor wood boiler and a neighbor and during that two hours, I think what you have adopted tonight was discussed at length. I would like to thank you and I would agree with Mr. Hager, this is a work object and is not set in stone. I believe that the county and competition will force somebody to come up with a better solution.

Mayor Morris, I would like to express appreciation to the commission for the approval of the 18<sup>th</sup> Street Sewer Project, we will work closely with the County to make sure this is an investment that pays dividends for many, many years to come.

Mrs. Huston, I believe the City also passed an ordinance last night concerning outdoor wood burners.

Mayor Morris, yes we did and I think this is a positive set that Michigan City, LaPorte County and the City of LaPorte are each working in tandem to try to find a positive issue.

Dennis Metheny: I have a question for the Commissioners and have talked to two out of three of you. Last Friday at 1:45 in the afternoon, I saw Mr. Szilagyi loading a desk into his truck, with County employees working loading that desk. I went over and talked to Mr. Szilagyi and tried to talk to the employees, they were not happy I was there, I think something needs to be done and I think something needs to be done now and I hope that the commissioners will inform the employees of LaPorte County not to do anything under the direction of the attorney who is another employee. After talking to one of the commissioners said the desk was in the building and given to Mr. Szilagyi, this county is represented by you elected that bought that building the what is contents in of that building should be the county taxpayers. I think it's a little out of hand here, that you have a desk given to an attorney. I do not like to see county employees during work time loading up a desk for another county employee. I think there is something that needs to be changed on that and I think it needs to be addressed.

Mrs. Huston, after I spoke with you on the phone, I did address some of these things. First of all they were not County Employees, they were Trustees that is probably why they did not want to speak with you, there were three trustees and one county employee, secondly we did purchase the building but we did not purchase the contents and there were several things left there. The last time we took desk out to auction off we could not get five dollars for four desks, so those four desks were taken to the dump. The desk was found to be of no value, it was a very big desk and we did talk to the State Board of Accounts and they said there was no reason to do what you suggested and I asked several workers if they wanted the desk and no one wanted the desk. Mr. Szilagyi asked and I said to him if you can get the desk out of the building that he could have it.

Mr. Metheny, my complaint is that it was done during working hours, taxpayer's money.

Mr. Hager, the only thing is that we had to get it out of there and it saved us time and money.

Mr. Metheny, what if the employee gets hurt helping someone does the county insurance pay for helping someone else.

Mr. Hager, when the trustees are out mowing your cemetery who is going to pay, so what is the difference?

Mr. Bohacek, we used trustees and it is common practices and the furniture had to be taken out regardless.

Mr. Metheny is that going to ever be changed or are we going to continue the practice?

Mr. Hager, should we stop the trustees coming out to work at your cemetery?

Mr. Metheny, you are not doing that for me, you are doing it for the taxpayers of LaPorte County.

Mr. Hager, that's Coolspring Township, that is a private Township run by you, so where do we start and stop.

Mr. Metheny, your not giving anything to me, you are giving it to the taxpayers.

Mr. Hager, Coolspring was paying for it before.

Mr. Bohacek, from now on that all property we will dispose of it in a dumpster.

Mr. Metheny, there is a process.

Mr. Hager, the State Boards says if it is worth five-hundred dollars or more then put out for bids other wise get rid of it.

Mr. Metheny, do what you want.

Mr. Bohacek, you can have county employees move out your old stuff they are available.

Bruce Rippetts, I have concerns over the property known as Serenity Springs. The county has bent over backwards to help the owners of Serenity Springs and the upshot of all of this me Bruce Rippetts who has moved into a home there and put his whole life into it and it is all I own. I stand to loose hundreds of thousand dollars because no one will buy my property as long as this is going on over there. This is an issue that directs my health and welfare and can destroy my life. And the problems that go on with that property over there. They come out with heavy equipment at three o'clock in the morning and waking you up or bulldozing stripping all the top soil and green from the property. I have heard that everything has been pulled from him and he is not allowed to do anything. The property is on 525 West.

Mr. Bohacek, he has approval to build?

Mr. McVay, he was given permission to put foundations in but nothing further. He was not totally approved and had not complied it's been at least five years ago. He was to go into the city sewer and tie in before he could go further.

Mr. Hager, he has to come back because he is expired.

Mr. Bohacek, he needs to be noticed to reapply and give him a time frame, lets get Mr. Hamilton involved in this.

Mr. Hager, the County Highway need to make him put a ditch back in and get moving.

Mr. Bohacek, Mr. Szilagyi needs to get a letter to this person.

#### COMMISSIONER'S COMMENTS

Mr. Cooley, now that we are talking about smoking and show how bad cigarette smoke is you're your health.

Mr. Hager, made a motion to not allow smoking on County property.

Mrs. Huston, I think we need to look at this and some of our County Elected Officials smoke in there offices which these are suppose to be smoke free buildings. Now, I know smoking is bad for you, and I medicine for a lot of years and I know smoking is bad for you. I have tried to convince people not to smoke, I have friends that smoke. However, I also assume that since I have never smoked that it is a very hard habit to break. I am for the none smoking in all buildings.

Mr. Hager, made a motion not to have cigarette smoking on the Complex and Courthouse property, second by Mrs. Huston. With Mr. Bohacek abstaining.

Mr. Bohacek, we need to start a Regional Sewer District, it needs to happen sooner or later to recapture our money and it is a worth wild investment and a long range strategy.

Mr. Mark O'Brian, I have a question on wood burners, is there any way you will allow them to be upgraded. Does the county have instruments that they will come out to see if it is passing the standards?

Mr. Hager, the Health Department is sending some people off to be qualified in this area.

Mr. O'Brian, what about alternative fuel in the stoves, like waste oil.

Mr. Bohacek, if your boiler will burn waste oil, those boilers are used inside in shops and stuff.

ADJOURN

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ATTEST: \_\_\_\_\_

TERESA SHUTER, LAPORTE COUNTY AUDITOR