



**BOARD OF COMMISSIONERS
LAPORTE COUNTY
Office Annex**

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William Hager,
President

Michael Bohacek,
Vice President

Barbara Huston,
Member

LAPORTE COUNTY COMMISSIONERS

TUESDAY, APRIL 15, 2008

The LaPorte County Board of Commissioners met in a regular session on Tuesday, April 15, 2008 at 10:00 a.m. in the LaPorte County Complex Meeting Room #3

Commission President William Hager called the meeting to order at 10:00 a.m...

Present at the meeting were Commission President William Hager, Commission Vice President Michael Bohacek and Commission Member Barbara Huston. Also present LaPorte County Auditor Teresa Shuter, LaPorte County Attorney Robert Szilagyi and Executive Secretary Linda Arnett.

PLEDGE OF ALLEGIANCE

Mrs. Huston led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Hager would like to amend the agenda to remove under "New Business" remove "B." Attorney Ryan Beall, also under "Request" under Tim Morgan it should read two instead of tow.

Mrs. Huston made a motion to approve the agenda as amended, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

APPROVAL OF MINUTES

Mr. Bohacek, made a motion to approve the minutes of March 18, 2008 as presented, second by Mrs. Huston. Motion carried with a voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

PAYROLL

Mrs. Huston made a motion to approve Payroll Ending April 18, 2008 & May 2, 2008, second by Mr. Bohacek. Motion carried with a voice vote 3-0.

MISCELLANEOUS CLAIMS

Mr. Bohacek made a motion to approve Miscellaneous Claims in the amount of \$689,322.12, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

REGULAR CLAIMS

Mrs. Huston made a motion to approve Regular Claims in the amount of \$1,662,224.69, second by Mr. Bohacek. Motion carried with a roll-call vote 3-0.

SETTLEMENT

LaPorte County Contribution to LaRon Ross Settlement \$9,166.67

Mrs. Huston made a motion to approve the settlement, second by Mr. Bohacek.

Mr. Friedman explains settlement was set for trial and this is only half of what you would have had if went to trial.

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

CORRESPONDENCE

Attorney Shaw Friedman/ Request Approval Professional Services Agreement with Cender & Company

Mr. Friedman, the board is aware and the impact of House Bill 1001 and there is concern as you all know and this may not mean real relief in some ways and there is a concern with tax caps, there may be a reduction in services. The different governmental entities need to know and be able to plan in terms of the impact, we were called by County Council President Mark Yagelski several weeks ago with concern that the council have good hard numbers so when they consider any request that may come from entities that they would have good hard number. This would permit Cender & Company to obtain all the assessed value information, perform calculations in the impact of the circuit breaker.

Mr. Bohacek, did they give you any indication on how many hours it is going to take to do it?

Mr. Friedman, he has not to exceed thirty-five thousand dollars without written consent of the county, they would have to come back for further approval from the counts.

Mr. Bohacek, how long is it going to take him to do it?

Mr. Friedman, he will put it on the fast track, I can't tell you that he gave a firm date but Carl's turn around may be a few weeks.

Mr. Bohacek, now in the event if something happens with our tax situation, is this going to render this stuff null and void?

Mr. Friedman no that is pay 06 pay 07. I should update the board we are due back in Indianapolis for a meeting tomorrow with the DLGF and I will ask for another meeting on the issue 06 pay 07 and so I am scheduled down there tomorrow along with representatives of Nexus.

Mr. Bohacek, what time is that meeting?

Mr. Friedman, it is in the afternoon at the DLGF and I don't expect a firm final decision out of the agency at that time.

Mr. Bohacek, would it be better to wait with this until we have the hard numbers?

Mr. Friedman, this we have to have it is 07 pay 08 this is also taxing units, we need to know the impact of the circuit breaker for 09 and 10 based on the 07 adopted levies and I am sure Teresa would concur.

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

Mr. Bohacek I make a motion to allow the President to sign this on behalf of the Board, second by Mrs. Huston. Motion carried with a voice vote 3-0.

Mr. Friedman, the last item I have Mr. President is the issue of the Township Assessor's, Carol McDaniel has asked that a transition committee be put together that is originally scheduled to meet tomorrow because this meeting with the DGLF we are going to bump this over to the 23rd and Mr. Hager, Commission and Council President, Council Liaison and Joyce Leon as the HR Director and I believe Mr. Szilagyi and I have background information for you as well.

REQUESTS

Michigan City Summer Festival/ Request for Tourism Funds

Mrs. Huston made a motion to approve \$500.00 from Tourism Funds; second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Door Village Harvest Festival/ Request for Tourism Funds

Mrs. Huston made a motion to approve \$500.00 from Tourism Funds; second by Mr. Bohacek. Motion carried with a voice vote 3-0.

Matt Reardon, Short, Elliott & Hendrickson/ Request Economic Development Funds in the amount of \$43,000.00 from the General Fund into account 222.20200.143.222

Mr. Reardon, what we have prepared for you is a budget compared to what was submitted last year and it focuses on the continued partnership with LaPorte County. Biz which is the two Cities and the County working on economic development.

Mr. Bohacek, made a motion to approve out of Emergency Reserve, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Tim Morgan, LaPorte County Parks Superintendent/ Request in the amount of \$93,398.54 for Parking Lot Paving, New Furnace & Air Conditioner from CCD Fund or WIN TAX

Mr. Morgan, there are three request here and this would finish the park and we have the drainage finished this will finish the paving of the parking lot, secondly Bluhm Park since it opened in 2000 has had a gravel parking lot and this will add accessibility to the park. The furnace at the Nature Center was donated by Nipsco Training Center approximately ten years ago and it was a twenty to thirty year furnace and we have never had air conditioning, we have always had a window unit and I think that the one we have is on its last leg.

Mr. Bohacek, with the gravel parking lots they require on going maintenance and the accessible needs this will make it easier.

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

Tim Morgan, LaPorte County Parks Superintendent/ Request in the amount of \$56,113.48 for tow Vehicles from CCD/ WIN TAX

Mr. Morgan, these are part of our five year master plan and planning with the County Parks. This will be considerable savings to the county on fuel cost and maintenance cost.

Mr. Bohacek, what is the trade in on the vehicles?

Mr. Morgan, \$3,500.00 on the van and the governmental discount and on the truck the trade in is \$3,500.00 and a governmental discount.

Mr. Bohacek, is this the strip down base model?

Mr. Morgan, in that model van it is fold in seat package it comes with all the other stuff.

Mr. Bohacek, made a motion to approve both request out of CCD Fund, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Mr. Hager, I am requesting that the Park Department work with the neighbors out their because we have some problems out there.

Mr. Morgan, I will pass that on to the Park Board Members and address that.

Rick McVay, LaPorte County Highway Engineer/ Request Funding for Paving of County Home Driveway from Riverboat Funds in the amount of \$21,450.00

Mr. McVay, I am here on behalf of the County Home and I received a quote from Reith-Riley in the amount of \$21,450.00 and that would be for the resurfacing the drive and the entire parking lot and they could do that in conjunction with the 18th Street Project.

Mr. Bohacek, this is a safety issue too, we can't have people walking around the parking lot with big potholes.

Mr. McVay, we had to cut a portion of that parking lot to get the sewer in and it is chopped up.

Mr. Bohacek, made a motion to approve out of Riverboat and a motion to allow the President to sign the contract, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

Attorney Robert Szilagyi/ Declaration of Emergency LaPorte County Jail

Attorney Szilagyi, we have Chief Sosinski here with us to speak on this.

Chief Sosinski, apparently when they did the renovation of the Jail we ran into a situation where we had some sewer and water pipes that were cut and they were not capped and we have run into some flooding situations. There was a time when raw sewage came thru the ceiling fell into several offices and into the Detective Bureau and we had to have Servpro come out and completely clean that area and we have mold in the ceiling and it is causing a health hazard and this is the third or fourth flood that we have had and its just causing more money.

Mr. Bohacek, is this a result of a prisoner?

Chief Sosinski, we have had where they pulled off a sprinkler head but in doing so there are no drains.

Mr. Bohacek, this last incident was it a result of a prisoner?

Chief Sosinski, both of them were.

Mr. Bohacek, were charges brought against him as a result that is going to be a seventy or eighty thousand dollar damage claim?

Chief Sosinski, I don't have an answer for you on that, but this individual is severely mentally deficient.

Mr. Bohacek, I just want to know if any further charges are going to be brought against him for the damage of property.

Chief Sosinski, I don't know, that would be for the Prosecutor to determine.

Mr. Bohacek, could you refer that to him.

Mr. Bohacek, made a motion to approve this as an emergency, second by Mrs. Huston.

Mr. Hager, this is a Resolution for Declaration of Emergency of LaPorte County Jail Repair.

Motion carried with a roll-call vote 3-0. Resolution #2008-06

Attorney Szilagyi, we need a date when the response time because still it is going to be up to the Chief or the Sheriff or Al Ott as to have the bids submitted by and he has to solicate two proposals by the next meeting. Proposals are to be submitted by 3:00 p.m. on May 13, 2008.

OLD BUSINESS

Robert Szilagyi, LaPorte County Attorney/ Bid Recommendation of Excess Real Estate

Attorney Szilagyi, this was easy we only had one bid for \$500.00.

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

NEW BUSINESS

Attorney Robert Szilagyi/ Palm & Associates/ Prairie Vista Subdivision Approval

Attorney Szilagyi, this was before the Plan Commission it is a minor subdivision in which they gave no recommendation and the subdivision met all requirements of the county subdivision control ordinance and based on case law interpretation and of course once it meets all the requirements an ordinance to be granted. I believe that the Plan Commission felt at this time that they wanted to have some say regarding the location of ordinances until they change the location subdivision but until they change the subdivision to provide that criteria we are going to be hand strung but they are looking into it, under law once it comes to the commission it's basically an administrative duty.

Attorney McDonnell, we are here seeking primary and secondary and Mr. Palm and Mr. Steve Cooreman of Cooreman Real Estate & Donna Shambley. This subdivision is located at 600 East and Highway 20 in Wills Township, it is made up of eleven one acre lots the plat has been approved by the plat committee and it meets all of the requirements of the statutes as well as LaPorte Counties minor subdivision ordinance.

Mr. Cooreman with the as our attorney represented we have been farming in St. Joe County and LaPorte County and we do our utmost to work with the farmers in the area and maintain good will. This is our first in LaPorte County, we like to develop high end residential subdivisions in LaPorte County, and we have developed over eight neighborhoods and over six hundred plus homes. We have very strict covenants our neighborhoods five, ten or fifteen years later our neighborhoods are still look first class and maintain retail value.

Mr. Bohacek, I am on the Plan Commission, I appreciate your comment living in a Cooreman neighborhood, this is a neighborhood this is twelve lots it is frontage lots it is not a subdivision and in defense of the Plan Commission we just adopted a new county wide comprehensive plan that this is not congruent with that plan and that is why your development did get a no vote that's why. Now we are in the process of putting some teeth in that ordinance and it will fall more in line with the comprehensive plan, so I just wanted to give clarification.

Mr. Cooreman you are exactly correct, we have been involved in strip lot subdivisions and you do set a tone for the area.

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

Attorney Ryan Beall/ Petition to Vacate Public Roadway

Removed from the agenda

Attorney Robert Szilagyi/ Resolution for Referendum on Michigan Township Assessor

Attorney Szilagyi, as you know the new legislation is getting rid of all the Township Assessors, you can keep a Township Assessor if any township has more then fifteen thousand parcels and Michigan Township would qualify and you need to have it on the referendum for the November election and there is some confusion in the statute if the council, commission or the election board should be but here so we are covering all the bases. The council has made their resolution and we need to have one but the election board is going to have it on their any way but we want to make sure it is correct.

Mr. Bohacek, made a motion approve Resolution for Referendum, Resolution # 2008-07, second by Mrs. Huston. Motion carried with a roll-call vote 3-0.

PUBLIC COMMENTS

Roger Potrez, Dh2w Architectural Firm, I just wanted to up date you that we now have nine bidders on the project.

COMMISSIONER'S COMMENTS

None

ADJOURN

Commissioner Hager adjourned the meeting at approximately 11:30 a.m...

LAPORTE COUNTY BOARD OF COMMISSIONERS


William Hagen, Commission President


Michael Bohacek, Commission Vice President

Barbara Huston, Commission Member

ATTEST: _____
Teresa Shuter, LaPorte County Auditor