



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Barbara Huston
President*

*Mike Bohacek
Vice President*

*Ken Layton
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, March 17, 2009

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, March 17, 2009, at 10:00 a.m. in the LaPorte County Complex Meeting Room #3

CALL MEETING TO ORDER

Mrs. Huston, President, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE

Mr. Willoughby led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Layton made a motion to approve as printed, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of March 3, 2009 as presented, seconded by Mr. Layton, motion carried by voice vote 3-0.

WEEKLY REPORTS

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

CLAIMS

Payroll Ending March 20, 2009, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Miscellaneous Claims—\$ 593,106.29, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Regular Claims—\$2,126,714.44, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Mr. Maynard Searing, Tiffany Woods, for the last fifteen years we have had a real flooding problem on Karen Court. Thanks for the tireless efforts of the LaPorte County Highway Department, we have been able to keep the road pumped out as we get flooded. I have handed out pictures and letters from myself and neighbors. This is something we have been trying to get fixed for a long time. The County Commissioners even approved a fix in 2007 but were knocked down by the County Council. It is so bad now we have even had one car totaled due to water damage. In the last rain storm we had 4 ½ feet of water in the road. Thanks to Bob Young and the County Highway Department, we had three pumps running. In the past, we have even had Mayor Morris and his people out there. I would say over the last fifteen years, we have probably spent close to a quarter of a million dollars trying to keep water out of this subdivision.

I just hope now, the Commission can convince the Council that maybe it is time to get a permanent solution instead of constantly every year spending more and more money, tying up the County Highway's time & equipment. We are pleading to get this fixed. We have already lost the road, it is a mud pit. The cost is mounting every year. For about a \$30,000.00 fix, this could be permanent. We sometimes have to park two & three blocks away to get home. The school bus can't get in and it is starting to turn into a health hazard.

Mr. Dennis Metheny, Coolspring Township Trustee. I would like to read a letter. The Coolspring Township taxpayers, board and trustee would like to take this time to thank the LaPorte County Commissioners and the LaPorte County Home Director, Kay Felton, for their gracious forgiveness of debt that occurred during their stay at the LaPorte County Home. The home you have provided for our residents is always clean, well maintained, and the staff is always courteous when needing their assistance to place a resident in your facility. We would all like to thank you again for the home you have provided our Coolspring Township residents that are less fortunate than we are in their time of need for a safe place to lay their head. We had two residents that passed away and you forgave the debt that was left.

Mr. Metheny, for the last several weeks I've been working with some Coolspring residents, the town board of Trail Creek, and the engineer from the county. I was just informed of this flooding problem between Roeske Avenue and Longwood Drive. I have tried to deal with the county engineer and he was trying to get a meeting set up with the engineer for Trail Creek, the county and the city of Michigan City Sanitary District to try to get something done. I would like everyone to tell you their problems. I have a map that shows elevations and where the problems are at. This is turning into a wet land if we don't get this water out of their back yards. Sump pumps are running – every minute they come on.

Mr. Sai Prakash, I am Mr. Searing's neighbor. We have had a long standing problem in Tiffany Woods. We bought this home in 2004 and in every March and April we get about 4 1/2 feet of water. I would like to thank the county highway, they are very gracious. When the weather gets cold we get about ten inches of ice there. It is coming to a point where my cars have had damage. I have lost work time. I am here to ask that you please find some permanent solution for us.

Mr. Ed Muzyka, 1905 Welnitz Rd., Trail Creek (county). We are having ground water trouble. My sump pump has been running steady since the middle of February. I have already went through one pump. I have several pictures of our problem from South Roeske Avenue to 20 and Welnitz Road to Woodland Avenue. That whole area is just saturated. I have a list of 22 names of people who are pumping ground water from their basements. This all started when we had that 14" rain in September. NIPSCO Bill has gone up \$175.00. This has been on going for too long. We have been trying to coordinate with Trail Creek and the city to get storm sewers put in.

Jeanne Voltz, Longwood Drive, Michigan City, I can't even allow my daughter to play in the back yard with all the standing water. All of our septic tanks are filling up, we are having to get them pumped quite frequently. Our NIPSCO bills are going up and we are having foundation problems.

Mr. Bohacek, can a joint workshop with the Commissioners, the village of Trail Creek, the City of Michigan City, the Sanitary District be set up? It is in a weird spot because we have three different governing units.

Mrs. Huston, we will set up a meeting.

Mr. Layton, this will be a strange motion but I would like to have Mr. Metheny be a emissary for the LaPorte County Commissioners at the Trail Creek meeting this evening to represent us and ask that very question, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mr. Metheny, I will be more than happy to.

Shelly Herbert, 1903 Welnitz, and I do appreciate your getting a meeting set up. I have three pumps running in my pit. When water tables are high, there is no place to put the water.

Pearl Selke, 1901 Welnitz Road, we have had \$7,000 damage to our hard wood floors, we have standing water everywhere. Something has to be done.

Jeff Leroy, 632 W. Nowak Dr., Meadowview Estates. This is a new problem for us. This is day 33 for us with this problem. We would like it investigated a little further on what may be causing this problem. It is an on going issue and some people have just begun pumping. There are several houses that are built too low and we don't know why. The Health Dept. blames the owner of the subdivision, the owner of the subdivision blames the Building Inspector, the Building Inspector blames the Health Department.

Mr. Bohacek, the Health Department has no jurisdiction over the height you place your home. The Building Department sees that you have a septic permit. This is where it gets a bit vague. Our goal is to see that you have a sanitary septic system.

Mr. Leroy, there are 52 houses that are all running pumps, most with water damage. We've been told they have cameras to run thru the lines to see what is happening.

Mr. Bohacek, we had a staff member from the Surveyor's office, Mike Polan, fielded the original call and so did Rick Brown.

Mr. Leroy, communication needs to be kept open. We are thinking we are going through the right channels to get things done and we are just getting, "the checks in the mail".

Mr. Bohacek, I have been out to that subdivision seven or eight times. We are doing everything we can. You have to understand, when the water table is as high as it is, there is nothing the county can do. The water is moving underground and you are getting a migration of water. We have gotten a lot of moisture and a lot of rain.

Mr. Leroy, there is a monitoring station in Wanatah and a monitoring station at the airport that was closed in 2003. I was told the proper person to talk to would be a Hydrogeologist. There could be a variety of reasons for the flooding and we are asking for a little more investigation.

Mr. Bohacek, our goal right now is to mitigate the damage as much as we can and move the surface water out. We have to handle it in stages as the whole county is in trouble. People can call me as a point person for the Commission.

Mr. Layton, would you supply us with a list of departments you had problems with, we would like to address that. We have a meeting tomorrow with a Hydrogeologist because of a fuel problem we are having in Rolling Prairie on one of our highway sites. We will ask him if he will give us a professional opinion.

Julie Buck, I am new to the area, our house is 1 ½ years old. We have lots of water. I feel for everyone. I just hope you don't close your eyes to this.

DEPARTMENT HEAD COMMENTS

Tony Hendricks, LaPorte County Surveyor, people can call our office with flooding problems; I am available any time. Just an update on a few things that were mentioned; there is a monitoring well at the airport, it hasn't been used in 10 or 12 years. We are going to look at the ground flow of water and document all information. The more information we get, the better off we will be.

Mr. Bohacek, please have patience with our County Highway workers. They are going to be moving around in yards trying to help and it is hard to fix the problem if they can't get access to it.

CORRESPONDENCE

Niki Schmutte, LaPorte County Parks Chief Naturalist/Award

Mrs. Huston, congratulations Niki. Niki Schmutte was given an award under the category of "Master Interpretive Manager" within NAI Region IV, which consists of the State of Indiana, Michigan, Ohio and Ontario, Canada. It is the highest honor the Association can confer upon an individual. We appreciate that and congratulations again and much more success with your interpretation of nature.

Mr. Tim Morgan, I wanted to compliment Niki. No one is prouder of Niki's accomplishments than me, as her supervisor. It is a true honor when you can see people you supervise get National awards.

She has actually taught and talked to over 100,000 residents over the last 15 years. She is a generational employee and is nowhere close to retirement. Thank you for your continued support and assistance with the park system over the years.

Douglas Biege, Atty./Resignation from LaPorte County Intermodal Task Force

Mr. Layton made a motion to accept the resignation letter from Mr. Biege, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mr. Bohacek, we will appoint a new member at our next meeting.

Mrs. Huston, anyone wishing to apply for the Intermodal Task Force, please submit a letter to the Commissioner's Office and we will take it under advisement and have a name for the next meeting.

REQUESTS

Mill Pond Festival Committee/Request \$500.00 Tourism fund

Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by voice vote 3-0.

OLD BUSINESS

Ken Herceg & Associates, Inc./LaPorte County Courthouse Exterior Restoration,
Resubmitting Invoice (Tabled)

Mr. Bohacek made a motion to take off the table, seconded by Mr. Layton, motion carried by voice vote 3-0.

Tim Wall, we looked up specific numbers, the request in the original law suit was \$1,053,646.00, the settlement was for \$375,000.00. The county did save almost \$700,000.00. We stand by our efforts. We felt that the case for the county was very strong. Through our efforts, we did incur these expenses and we would ask for your support in helping us recover them. We have been told by the Council that they won't touch this until the Commissioners approve.

Mr. Bohacek, this is the full amount due, \$23,148.33. We settled for 35%. You saved us 65%. My motion would be to pay them 65% of this total and pass it on to the Council. That was the amount we saved by having them come along with us for the litigation. That would seem to be fair to me. This was a mediation settlement. Mr. Layton seconded the motion, motion carried by roll call vote 3-0.

Amount due to Ken Herceg & Associates, Inc. would be \$15,046.42.

LaPorte County Convention & Visitors Bureau Board of Managers/Board Appointment
(Tabled)

Mr. Layton, made a motion to remove from the table, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Mr. Bohacek made a motion to appoint Mr. Dennis Borrousch, 118 Kenwood Street, Michigan City, IN.

Mrs. Huston, we already made an appointment to the Board of Managers.

Mr. Layton, I have talked with Dionne Wisniewski and explained the error I made on the appointment request not knowing that this second person was available at the time. Mrs. Wisniewski explained to me that her desires and her heart was with the district and the county of LaPorte, she asked that her name be withdrawn from consideration and supports the appointment that was made by Mr. Bohacek.

Mr. Bohacek made a motion to withdraw Dionne Wisniewski, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Bohacek made a motion to appoint Mr. Dennis Borrousch, seconded by Mr. Layton, motion carried by voice vote 3-0.

John Sullivan, LaPorte County Coroner/Vehicle

Mr. Sullivan, we've been trying to get a vehicle for the office. The vehicle I was to receive was the 1999 Chevrolet Suburban from the Emergency Medical Service with 50,000 miles on it. They have since altered their plan and they are going to keep that vehicle. I have the three bids for a vehicle from a few months ago. All these bids are government service fleet vehicles and that qualifies them for bidding assistance to lower the cost for government entities. It does have a poly liner for easy clean up, no rear windows, and a heavy duty floor. It should be good to put one or two stretchers in and back boards.

Mr. Bohacek made a motion to accept the bid from Pine Chevrolet for \$21,072.00, that would be vehicle #1, 2008 Chevrolet Express, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mrs. Huston, the vehicle will reside out at the County Highway, it is not a take home vehicle.

NEW BUSINESS

Michelle Bazin-Johnson, Attorney for Housing Authority of Michigan City/Purchase of Excess Property

Ms. Linda Wilson, Executive Director Of Michigan City Housing Authority.

Mr. Willoughby, I would like to take Ms. Bazin-Johnson's representative off the hook. You are familiar with the process in the past with excess property. There is an Indiana code that allows you to transfer excess real property to another governmental entity and this is exactly what the Michigan City Housing Authority is requesting. You are able to do that as long as both governmental entities pass the Resolution. You have a copy of the Resolution that has been passed by the Housing Authority of Michigan City and the one today for your approval, if you are so inclined. If it is approved, I will submit a deed at a later date for your signatures.

Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mrs. Huston, this will be known as Resolution 2009-02.

Anthony Hendricks, LaPorte County Surveyor/Contract for an Internet Data Phone and a Cad Software Subscription.

Mr. Hendricks, these will help us do the things we need to do to locate things. We will work closely with GIS. The first item is a data phone only, not a voice phone. We worked with a County Government Agent and they found this solution for us. We hope to save about \$400 a year. We will work hand in hand with GIS. The second thing is the subscription for CAD that will give us the ability to take that data and transfer it to the GIS system.

Mr. Bohacek made a motion to have the President, Mrs. Huston, sign for the Commission for these contracts, seconded by Mr. Layton.

Mr. Willoughby, before you take your final vote, I did have a few minor changes but I don't anticipate they would hold you back. I guess I am asking that your motion be made pending these changes.

Mr. Bohacek, so amended, seconded by Mr. Layton, motion carried by voice vote 3-0.

Rick McVay, LaPorte County Highway Engineer/LaPorte County Small Structure 1158, Michiana Drive over the White Ditch

Mrs. Huston, Mr. McVay cannot be here today. Mr. Young, did you want to say anything on this?

Mr. Young, I am aware of the location of the structure and the problems with it.

Mr. Bohacek, I am familiar with this as I am on the Drainage Board. White Ditch, when we have major rains, both sides will fill up at equal level. It has been determined there is a problem with that structure. The current structure has limited flow capacity and causes the White Ditch to reach flood levels during heavy rains. It is probably 50 -60 years old and time to replace it. Rick says there is potentially \$500,000.00 of Economic Recovery funds available for the replacement of it. In addition to

also using County funds out of the Cumulative Bridge Fund. There are only three water sheds that drain into Lake Michigan in LaPorte County; Black Ditch, Trail Creek and White Ditch. White Ditch is the only one that actually runs through a developed area.

Mr. Bohacek made a motion to allow Mr. McVay to proceed with the funding request with funds from NIRPC and if those funds are not available, come back to the board. Mr. Layton seconded the motion with a caveat that if the \$500,000.00 exceeds the amount needed, that Mr. McVay approach NIRPC to see if what is left might be used to augment us to trying to recover some of the land up there that we just heard about on Roeske Avenue and if we could use those funds for that type of project also, motion carried by voice vote 3-0.

Robert Young, LaPorte County Highway Superintendent/Recommendations for Class 11 & 12

Mr. Young, my recommendation to the Commission for Classes 11 and 12. I'll go over Class 12 first. This is hot asphalt paving, three bidders, Reith Riley Construction, Walsh & Kelly and Rowe & Sons Asphalt. We accept all three bids, with the exception that Reith Riley be our primary bidder and the other two are secondary.

Mr. Bohacek made a motion to accept Mr. Young's recommendation, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Young, Class 11, chip and seal product, two bidders, SemMaterials \$1.661/2 per gallon and Seneca Petroleum \$1.82 per gallon. We would like to accept the high bid & reject the low bid from SemMaterials for these reasons. The way SemMaterials bid was, we have to commit to 155,000 gallons at that price. I have a problem accepting a bid on those terms. Normally, I would accept both bids, one as primary and one as secondary, if I accept them as either, I am committed to 155,000 gallons. Seneca Petroleum did not put any stipulations on their bid. SemMaterials is currently for sale. They are very diversified and part of them have filed for bankruptcy. I worry about accepting them as the primary bidder.

Mr. Layton, I make a motion that we concur with the Highway Superintendent's suggestion and go with his recommendation, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Ordinance Allowing LaPorte County Sheriff to Charge Annual Sex or Violent Offender Registration Fees and Sex or Violent Offender Address Change Fees

Sheriff Mollenhauer, that is exactly what it is. I talked to Mr. Willoughby last week and gave him some generic information on an Ordinance and he then faxed me this back and it is very complete. I don't know how many counties in the state do this now but talk at the Sheriff's Assn., many of them do collect these fees. This is to offset administrative costs.

Mr. Bohacek made a motion to approve the Ordinance by title only, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Bohacek, I also make a motion to wave the rules and pass this ordinance on second reading, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mrs. Huston, this will be known as Ordinance #2009-03.

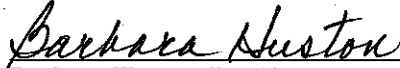
COMMISSIONER'S COMMENTS


Mr. Layton, This morning, a very historic and for some a very sad event occurred at the Civic Auditorium. The Indiana National Guard #1613 Engineer Support Company left LaPorte today to be deployed to Afghanistan. It was a very moving ceremony. We would like to give our prayers and blessings to the troops that are going in harms way and also to the families. It is important that we show support to our military.

ADJOURN

President Huston adjourned the meeting at 11:12 A.M.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Mike Bohacek, Vice President


Ken Layton, Member

ATTEST: 
Craig Hinchman, LaPorte County Auditor