



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Barbara Huston
President*

*Mike Bohacek
Vice President*

*Ken Layton
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, July 21, 2009

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, July 21, 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. Layton led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Layton, under New Business, add item F., Right of Way Certification from County Highway Engineer.

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

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of July 7, 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 July 24, 2009, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Miscellaneous Claims—\$1,574,838.97, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Regular Claims—\$1,646,354.42, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Mr. Keith Blozis, 1907 Welnetz Road, Trail Creek, approximately three months ago, they said they were going to start putting the drain in, they got delayed by the DNR saying it was wet lands. They were waiting on a letter. I am pumping water 24 hours a day.

Mr. Tony Hendricks, Surveyor, we have had emails with the Indiana Department of Environmental Management and have a plan. We have talked with Mr. Muzyka, he was saying that maybe we could

extend a pipe behind Mr. Blozis' property. I will add that addendum today and see if we can get a letter back from IDEM, DNR and the Army Corp of Engineers, so we can find a way to do this as cheaply and fast as possible. Can we get approval pending your attorneys review of the creation of an easement from Mr. Blozis and Mr. Muzyka? Any future owners would then know there is a storm pipe running under their property.

Mrs. Huston, it has taken quite some time. We addressed this problem in the spring. I know you have been stopped by a lot of red tape. It seems like it is taking forever to get the permits for this. Is this normal?

Mr. Hendricks, the long and short of it is, it does take a substantial amount of time. With any wet land construction, they always make sure the wet lands are the protected party. These three departments do not move very fast.

Mr. Layton, is the permit you're seeking about changing the flow of the water?

Mr. Hendricks, the maps showed the water flowed south, when the county highway started digging, it started flowing north. We will have to draft the easement so the attorney can look at them and we will provide the attorney with the legal descriptions.

Mr. Bohacek made a motion to draft these easements, seconded by Mr. Layton, motion approved by voice vote 3-0.

Mrs. Mary Jane Butler, Union Mills, reads a newspaper article from Kokomo, Howard County, Indiana. They create an ordinance to keep traffic ticket money in the county. Are there any other avenues in getting money for the county?

Mr. Layton, I have contacted the Association of Indiana Counties. Copies of the proposed ordinance in Howard County are being prepared so we can review it to see if it works for us.

Mr. Dennis Metheny, 6757 W. 450 N., Coolspring Twp. Trustee, I appreciate the action you have taken to help these people in Trail Creek alleviate this problem. I talked to John Doyle and he told me they did not get a stimulus package to redo Roeske Avenue. He is looking at another alternative to get rid of the excess water. I also want to thank the Highway Superintendent for getting our salt for \$58.00 rather than \$174.00.

Mr. Layton, I understand you had a question as far as addressing is concerned?

Mr. Metheny, there is a gentlemen that had a house built last year across the street from me which is a Michigan City address. His address for his NIPSCO bill was LaPorte. He did not get a bill for three months so he ended up getting shut off. I called NIPSCO and they said he has to have something certified from the county for the address and fax to NIPSCO with a letter from the township trustee's office stating that this is his address.

DEPARTMENT HEAD COMMENTS

None

CORRESPONDENCE

None

REQUESTS

Pat Pease, EMS Administrator/Additional Appropriations for Overtime & Equipment

Mrs. Pease, I am requesting your permission to approach the County Council for an additional appropriation in my overtime account of \$55,000.00 for balance of this year. I annually come before the commissioners and council for approximately this amount and explain why I need these funds.

I have enough money for one more payroll. I am asking for \$55,000.00 plus \$10,500.00 for the purchase of Bone Drills. My overtime budget runs over \$100,000.00 annually.

Mr. Bohacek made a motion to approve for overtime & the bone drills, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Al Ott, Stationary Engineer/Appropriation for Remodeling Health Department

Mr. Ott, I am requesting to replace money in my building account. We have some other projects to do and right now we are down to \$4,000.00. The majority of the Health Department will be done by Friday except for the lab. We are waiting until they get done with the summer testing. It has to meet the state's requirements. On this project, we have replaced 130 lights with energy efficient lights. I will show you what kind of a savings per lamp. If we do all the county buildings, Mr. Bishop could work on getting that covered by some grant money. We are showing a savings of \$5,000 a month on just the 4th floor. They cost \$9100 for 140 units. It would be a big savings and worth looking into.

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

OLD BUSINESS

Commissioner Mike Bohacek/Update on Rolling Prairie LUST Site

Mr. Bohacek, I met with Hass and Associates as well as some members of the council. The plan for the property has changed. We had a plan to sell the property which means we would have had to have it 100% cleaned up. The new plan is the county will retain the ownership of the property and therefore we can scale back the mitigation process. Additionally, the ground water is such that it is encapsulated by the fuel. Our test wells are showing no fuel. At this point, I think our best option is to just monitor. We can do that in house. We can still retain Hass to do our reporting to the state. The state has not responded to the plan. If the state does not modify the plan, we just start working on our plan. We are not at the point of conclusion, there is still more work to do. It was the recommendation of the consultant that we scale back to a more moderate process.

Dean from Haas and Associates, over 3,000 gallons of fuel has been recaptured. Some is locked up in the soils. The pond had a sheen on it and it is no longer there.

Mr. Layton, I do know that we have expended over ½ million dollars on this project since 1997. There is also a way for the county to start to recoup some of our expenditures and the percentage of that should be a sizable portion of what was spent. Where are we at on that process?

Dean, the state has an account to reimburse people who clean up sites. If you can show you are eligible by paying all your bills and fees, you submit the paperwork. You have to prove payment of funds.

Mr. Bohacek made a motion to have Haas and Associates formulate a new plan and additionally they will secure the numbers that we need and any delinquent amounts that need to be paid to move forward to make us eligible for some refund money, seconded by Mr. Layton, motion carried by voice vote 3-0.

NEW BUSINESS

Tim Dunifon, Pine Lake Conservancy District/Road Cut Permit

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

ARRA Justice Assistance Grant/Ratify Commissioner Layton's Signature

Mr. Bohacek made a motion to ratify Mr. Layton's signature, seconded by Mr. Layton, motion carried by voice vote 3-0.

Jeff Wright, LaPorte County Highway Engineer/Bid Award Recommendations

Mr. Wright, on July 15, 2009, we received bids for the NICTD railroad bridge over county road 300 South. We received four bids: Tonn and Blank was \$1,792,143.82, Walsh Construction \$2,274,304.41, LaPorte Construction \$2,565,538.13, and Rieth and Riley, \$2,112,800.00. Our recommendation is to award Tonn and Blank. INDOT also received bids from four contractors for the NICTD railroad bridge over County Road 200 S.: Tonn and Blank was \$1,282,082.27, Walsh Construction \$2,098,453.34, LaPorte Construction \$1,617,585.14, Rieth Riely \$2,330,271.87. Our recommendation to INDOT is to award Tonn and Blank. Through the process it came up after the bids had been received that there was some question about this being Tonn & Blank's first bridge. We requested a resume from the project managers previous employers and a list of projects. His previous employers indicated that he was competent, knowledgeable and their projects went off without a hitch. We met with Tonn and Blank and DLZ's design consultant and put them through the paces. They would bring there experience to the table to get the job done.

Mr. Bohacek made a motion to accept the recommendation of Tonn and Blank.

Mrs. Huston, these bids, some are \$1,000,000.00 over, some \$500,000.00 over is the lowest of the bids. I always question it because we had the courthouse bids, they came in at a very low bid and then a law suit ensued and we ended up paying more afterwards. I always question extremely low bids. I know you have done due diligence on this by questioning the project engineer but I just fear low bids.

Mr. Layton, I second the motion, but I have the same trepidation as Mrs. Huston. Is there any procedure to stop any change orders that will bring in this other 1/2 million dollars?

Mr. Wright, from what I understand, there is no real margin on any one item.

Laurie Johnson, DLZ, the project manager for the bridge project went through each item line by line and there was nothing significant in any one item. It is hard to say if they missed any design situation that they were not anticipating. This is the first bridge project for Tonn and Blank in this area and we want to be diligent about following up and there is really nothing that we found to give us a reason not to recommend them. They were definitely under the engineer's estimate. There is always a procedure for change orders and with INDOT it is probably even more diligent.

Motion carried by roll call vote 3-0.

Gallagher Bassett Services, Inc./Contract for Services

Mr. Braje, we are not real comfortable with it. We are obligated under our insurance contract to provide fee base service from Gallagher Bassett. We are concerned first that the contract is dated May 27, 2009, and we received it in July. I suspect this has to do with renewal of our insurance contract. There is another portion of the agreement that indicates the schedule 5 of the agreement totals \$43,095.00. It is called incongruent information. The client will be billed against the initial \$30,527. It goes on to describe the manner in which each adjusted claim would be charged to the county. Our recommendation, at this point, is not to execute the contract.

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

Mr. Braje will contact Gallagher Bassett.

Craig Hinchman, Auditor/Cender & Company Contract

Mr. Hinchman, Auditor, I am here to request approval of the contract with Cender & Company to assist with the 2010 budget. They are going to work on an hourly wage and will guarantee not to exceed \$13,000. We also have a representative here today from Cender & Company if you have any questions. We used Cender & Company last year to help determine the impact of property tax.

Mr. Layton, that had nothing to do with the budget process. No one helped with the budget process last year. What is your expertise and what has been your previous experience with county budgets?

Representative from Cender & Company, previously Cender & Company was with Crowe Chizek and then the office in Merrillville closed. Karl Cender started his own company. Our clients are mostly in

Lake, Porter, and LaPorte County. We are very knowledgeable in the budget process, and to be honest, this will be very difficult for LaPorte given the circumstances.

Mr. Layton, I have read over the scope of services and for the \$13,000 proposed fee....it will be done on an hourly basis and could be less.

Cender & Company representative, there are so many variables. It is my understanding that the county is going to prepare the Form 1's and we will assist in preparing all the other budget forms. It is a huge undertaking, we have no certified values. It depends on the integrity of the information we get from the county. The staff is very good.

Mr. Layton, I do not intend for my comments to be disrespectful to Mr. Cender, his company or his staff. My concern is that I have also been through this process many, many times and I wonder if outside expertise is actually needed for this process. We are talking about proposed budgets here and whatever numbers you use will be fictitious numbers anyway. At this point in time, I really question the need for outside assistance.

Mrs. Huston, how did you do it in the past? Why are we outsourcing?

Mr. Hinchman, none of my staff has ever actually done it. I have only seven months on the job. Due to us being 2 ½ years behind, it will be complicated.

Mrs. Huston, how did you do it, Ken?

Mr. Layton, I did it in house and had no more experience than Mr. Hinchman. The tax situation has nothing to do with the budgetary process. This follows a set precedent and has been in order for 50 or 60 years. We have followed the same budgetary process. I just believe that if there is a way to get through the process, it should be done in house.

Mr. Bohacek, I don't want our Auditor in a situation where he doesn't have the resources he needs. I think we have to give him the resources that he thinks he needs. It is admirable for someone to stand up and say "I think I may need some help".

Mr. Layton, I do not disagree with what you have said but I think there may be other expertise in house that has not been asked for yet.

Mr. Bohacek, I want the Auditor's office to get through this one time, clean and easy.

Mr. Layton, I know the expertise of Cender & Company in financial matters. I just don't know what their expertise is in the budgetary process or if they have any more expertise in this part of the budgetary process than Mr. Hinchman.

Representative from Cender & Company, we have worked with a lot of clients and we have done this before. There is an art to this and Mr. Layton, when he first came in, I give him kudos, it is pretty hard for someone to pick up for the very first time.

Mr. Bohacek, I don't want this just to be handed to Cender. I want the Auditor's office to be interactive and this will be a learning process as well.

Mr. Bohacek made a motion to approve, seconded by the chair, motion carried by roll call vote 2-1.

Mr. Bohacek made a motion to allow the President of the Commission to sign, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mrs. Huston, I do agree with Mr. Layton. I think that all services like this should be done in house. I also think that the Auditor's office is probably pretty over burdened right now and possibly next year we can do it in house.

Mr. Bohacek, I agree with Mrs. Huston, our goal is not to use consultants, but no one understands the competency of his office better than the man who runs the office. This should be a training experience as well as a budgetary completion process.

Right of Way Certification

Mr. Wright, NIRPC sent us a communication e-mail indicating that we had so many days to get our last ARRA projects in. That particular item that you are looking at is a form required by the state that says we are not buying any right of ways for new projects.

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

COMMISSIONER'S COMMENTS

Mr. Bohacek, everyone enjoy the fair.

Mr. Layton, I would like to ask our council to begin the process of a condemnation suit for ¼ of a section of bridge on Hupp Road at the entrance of the Kingsbury Industrial Park. As this board is well aware, we have had the area appraised. We have contacted the Indiana Department of Natural Resources and they have notified this board that they will deed over their ½ of the interest in that bridge. One of the local owners has also notified the board that they will deed over their ¼ ownership of the bridge and the final ¼ is owned by a party that is not of mind to deed over their ownership of the bridge. We have had two appraisals done per law. Those two appraisals were presented to the owner and were unacceptable. At this time I would like to ask our attorney to begin a condemnation suit for the ¼ portion of the bridge that this one party owns along with the possible apron up to this bridge so Tony can prepare the legal description. I would like that process to begin. We had been notified by the state of Indiana that they will fix this bridge if it is actually owned by the county. They are going to pay for it. Nearly \$400,000.00 they will pay for if we own it. By law, they can't do it for private ownership. We need this ¼ section.

Mrs. Huston, this is a private bridge badly in need of repair. The state will do it but the county needs possession of it for the state to proceed.

Mr. Bohacek, this bridge is the primary entrance into the Kingsbury Industrial Park. Every piece of trash that you leave at your front door goes into the Kingsbury Industrial Park. There is no way we can allow this bridge to punch through. It has to be fixed. It is \$3,000,000 that we do not have to pay for.

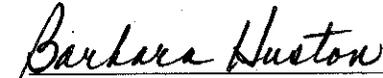
Mr. Layton, there is nearly 400 to 600 semis a day that use it for ingress and egress.

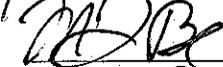
Mrs. Huston, I hope everyone enjoys the fair.

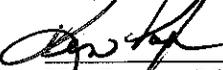
ADJOURN

Mrs. Huston, President, adjourned the meeting t 11:07 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Michael Bohacek, Vice President


Kyn Layton, Member

ATTEST: 
Craig Hinchman,
LaPorte County Auditor