



# BOARD OF COMMISSIONERS LAPORTE COUNTY

555 Michigan Avenue, Suite 202

LaPorte, IN 46350

Phone: (219) 326-6808 ext. 2229 - FAX: (219) 326-9103

*Barbara Huston  
President*

*Mike Bohacek  
Vice President*

*Ken Layton  
Member*

## LAPORTE COUNTY COMMISSIONERS

Tuesday, December 15, 2009

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, December 15, 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. Hinchman led the Pledge of Allegiance

### ROLL CALL

All Present

### APPROVAL OF AGENDA

Mr. Layton, a motion to remove Item D under New Business for the Economic Development Alliance; there is going to be a workshop this evening between the council and commissioners, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

### APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of December 8, 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 December 25, 2009, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Miscellaneous Claims—\$2,296,328.97, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Regular Claims-----\$ 1,588,107.54, Mr. Layton made a motion to approve.

Mr. Bohacek, I have a question and need some clarification. We purchased ammunition in the amount of \$22,587.50 from Matre Ammunition Providers and we have another purchase of ammunition from '08 through June '09 for \$6210.55. I am confused. I don't know if we can pay a 2008 claim in 2009.

Sheriff Mollenhauer, the \$22,587.50 was submitted by Major Brooling, my range master. The \$6210.55, in my estimation, should not be paid. An investigation is continuing on that because that is from Mr. Ort when he was chief deputy. Del Ott submitted that and I saw that a couple weeks ago and I advised my clerk to have Mr. Ott pick it up and bring it to the commissioners. I am not responsible to pay

that. This is being investigated by the State Board of Accounts and they submitted a written reprimand to me for something he did while not an officer. He was renting the county range and charging for ammunition, cardboard backing and paper targets. The question was, how can you rent a range if you don't own it. When I talked to Mr. Del Ott about this before the investigation, he told me he didn't have any receipts for the ammunition. I don't know how we can reimburse him that kind of money without any receipts. The State Police is presently investigating and as far as I know and talking to the State Board of Accounts examiner, Mr. Dewinter, he advised me to take both of the checks I was holding and put them into our firearms training account. If Mr. Del Ott wanted it returned, he would have to apply to the county commissioners. In my opinion, it definitely should not be paid.

Mr. Bohacek, I will second the motion to approve the claims reducing it by \$6,210.55 and striking Purchase Order #680792.

Mr. Layton, this \$6210.55 is not really our money is it.

Sheriff Mollenhauer, no, but there is an investigation and I did what the State Board of Accounts said. It is not Mr. Ott's money, that's for sure. I understand he has been signing the checks and not reimbursing the county. State Board of accounts said they went back seven years in the investigation.

Mr. Layton, I have not seen this report you are referring to but the county has no expenditures or did the county buy this ammunition you are talking about?

Sheriff Mollenhauer, I don't know where that ammunition came from. The State Police would probably be able to tell us that. I have not seen any receipts for this.

Mrs. Huston, does the sheriff's department rent the range?

Sheriff Mollenhauer, not to my knowledge. Not under my administration. This \$4200 that was billed came on my letterhead and came to me in the form of an anonymous letter. That is when I was advised to contact the State Police for an investigation. If we did give Mr. Ott that money, how am I going to prove to the State Board of Accounts where the receipts are for this? What do we have?

Mr. Layton, didn't you have an invoice from Mr. Ott?

Sheriff Mollenhauer, no, I don't. I got it anonymously. The State Police have it now.

Mrs. Huston, I have not seen a letter requesting this.

Mr. Bohacek, I have seen no P.O., I have seen nothing. It appears Mr. Ott is the vendor to the county.

Sheriff Mollenhauer, he is not a vendor to the county as far as I know. He is a retired officer. He has not worked here since December 31, 2006.

Mrs. Huston, did you have some kind of an agreement with Mr. Ott that he could rent your range or continue to use your range?

Sheriff Mollenhauer, there was an agreement that Mr. Ott could train the two hospitals, St. Anthony and LaPorte Hospital and that was all. There is no range rental. If he wanted to charge for his time out there, that would be his business. Renting a range would be a very large liability.

Mrs. Huston, how did it get on the claims if we have not seen a letter?

Sheriff Mollenhauer, I have no idea. It came to Connie Trojanowski over in our civil division. It went to Major Broling, that is when I learned about it. I took the letter back to Mrs. Trojanowski and told her to call Mr. Ott and advise him to take it to the county commissioners.

Mr. Layton, we still have \$6210.55 that doesn't belong to us.

Sheriff Mollenhauer, it belongs to us more than it belongs to Mr. Ott. I am doing what the State Board of Accounts Examiner told me to do. It is all documented and quietused in.

Mr. Bohacek, if Mr. Ott is performing some kind of function on his own training people, why is the money coming into the county in the first place. They should be paying him directly and cutting him a 1099.

Sheriff Mollenhauer, immediately after getting this invoice, the locks and alarm system was changed. Mr. Ott was advised that he was not welcome at the range. An inventory of all the ammunition was then taken by Major Broling.

Mr. Bohacek, I am not going to pay a bill unless I have more information. If he wants to resubmit this he can. I want to see what he did.

There is a discussion on how this had been done in the past with the hospitals and marshals in the County for proficiency training.

Mr. Layton removed his motion to approve regular claims.

Mr. Bohacek, made a motion to approve the regular claims minus the \$6,210.55 on purchase order #680792, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Mr. Layton, there is still the matter of \$6,210.55 that the county has no right to. That money needs to be returned to the hospitals.

Mr. Bohacek, can you get a hold of the accounts payable at the hospitals and get copies of the invoices and bring to us?

#### PUBLIC COMMENTS

Mr. Matt Bernacchi, LaPorte County Councilman at large, on the agenda today, I see that we have the appointment of District Foreman for Hanna. In my understanding, one or more of the nominees for this position may be directly related to one or more of the commissioners on this board. I ask if this is so, that the commissioner related abstain from the vote that would appoint that person to that position. I know between the council and commissioners, we have been discussing the move for Superior 3 Court. Looking at the layout of the courthouse, I don't think you could put Superior #3 over there, especially for the amount we thought we could do it for. If we made the investment and put it over there, I think it would be chopped up. It would be a waste of money to put the money into it now because you would be trying to remodel the court house at a later time. I think the thing to do is get Purdue Extension into the courthouse instead.

Mr. Rich Mrozinski, LaPorte County Councilman, two meetings ago I asked if the sewer district could use the county attorney for 1 hr. a month to look over legal papers and etc. I have never heard anything back from the Commissioners. Also, the Commissioner's appointment to the sewer district. I know you were advertising for that position. The comprehensive plan still calls for that appointment and I wondered if there was any progress on that.

Mr. Bohacek, I know we have gotten some interest in the Drainage Board but not on the Sewer Board.

Mr. Layton, there has not been a letter come through on anyone volunteering to be appointed to that board.

Mr. Mrozinski, the fact still remains that the Commissioners have an appointment to make to that board.

Mr. Bohacek, does your board have any recommendations?

Mr. Mrozinski, no. The other issue is, last summer on about three different occasions, we had talked about putting out RFP's for a pole barn on our \$42,000 worth of cement out there at the fair grounds. I know we don't have any money but I am wondering if we ever put out RFP's?

Mr. Layton, no, but we were told that there were contractors doing it out there on their own volition.

Mr. Bohacek, I thought we were told by the council to use the space we already had.

There is a discussion about pole barn prices, where to put the Purdue Extension Office and etc.

Mr. Layton, in reference to the attorney for the Sewer Board, we found out that it is in the same volition as the county loaning money to the city of LaPorte. We found out that one entity of government cannot give funds to another entity of government. We can't provide legal services for another political agency.

#### DEPARTMENT HEAD COMMENTS

Mr. Jeff Wright, LaPorte County Highway Engineer, Mrs. Huston did have me look into the pole barn. It has been several months ago. We do have quotes from a metal building manufacturer to provide steel and the shell for the building itself. It was somewhere around \$70,000 just to buy the building. \$500,000 should get you a parking lot, electric, water and sewer, also. I didn't pursue this very aggressively because of the lack of funds.

Mr. Tony Hendricks, LaPorte County Surveyor, just on a holiday note, this has been my first year and it has been great. I have enjoyed the work very much. Happy Holidays.

Sheriff Mollenhauer, there is going to be a program that involves the Sheriff's Department after the first of the year. The ladies that make the quilts out at Pioneer Land decided that they would make children's quilts. This will be "Caring Quilts for Caring Children". If something happens, a tragedy, they will have a blanket to comfort the children, like the "Teddy Bear" program.

#### CORRESPONDENCE

None

#### REQUESTS

None

#### OLD BUSINESS

None

#### NEW BUSINESS

#### Robert Young, LaPorte County Highway Superintendent/Receive and Open Material Bids, Class 1-7

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

Mr. Braje, the first bids I have are Class I. Vulcan Construction Materials  
Hanson Heidelberg Cement Group

Class II. Rieth Riley

Class III. The Levy Company

Class IV. No bids

Class V. Triple J-Mar Petroleum  
Rackham Service Corp.  
Petroleum Traders Corp.

Class VI. Hall Signs, Inc.

Class H. James H. Drew Corp.

Class VII. Debco Metal Culverts

Mr. Bohacek made a motion to turn all bids over to Mr. Young for review, seconded by Mr. Layton, motion carried by voice vote 3-0.

Appointment of General Foreman for LaPorte

Mr. Bohacek made a motion to appoint Mr. Rick Webb.

Mr. Layton, I would rather see this matter tabled until our January meeting, both appointments. We are going to do this January 5, 2010 all over again. I see no reason to do it now and then redo it in January. We already have interims in place that are functioning quite well and have been for the last 6-8 weeks. I see no sense in making an appointment for a two week period until we do our annual appointments in January. I cannot second the motion.

Mr. Bohacek, my opinion on this is that we need to get these positions filled and make a determination on who we are going to put in these positions. If these positions will be coming out of the ranks, we have a time line to advertise. There is hiring time and training time. I do not want to go into January and find out we are going to hire a couple of truck drivers and not getting them on the road until February. I think we should make this decision now, we have interviewed the candidates. I see no reason to wait. Let's get them in place.

Mr. Layton, I understand the Commissioner's concern but I also know we have advertised before and have had over 100 applications in house so the advertising process does not weight in on the issue. I still cannot support the motion.

Mrs. Huston, the motion dies for lack of a second.

Mr. Layton made a motion to table the appointments for General Foreman and District Foreman until the January meeting, chair seconded the motion, motion carried by voice vote 3-0.

Appointment of District Foreman for Hanna

See above

COMMISSIONER'S COMMENTS

Mr. Layton, I would like to wish everyone a very Merry Christmas and a Happy New Year.

Mr. Bohacek, I am asking for the commissioner's support on House Resolution number 4247. This is to reduce the physical restraint in schools. The Resolution is asking that we apply the same standards that are used in mental health facilities and hospitals in dealing with disciplinary issues with children in schools. This is most noted in dealing with special needs children that are not verbal. I am asking that the commissioners formally request Representatives Dermody and Pelath to draft similar legislation in the state. Mr. Bohacek made a motion to the above, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mrs. Huston, I wish everyone a Merry Christmas and Happy New Year and don't indulge too much.

ADJOURN

Mrs. Huston, President, adjourned the meeting at 10:54 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
Barbara Huston, President

  
Michael Bohacek, Vice President

  
Ken Layton, Member

ATTEST:   
Craig Hinchman, LaPorte  
County Auditor