



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Barbara Huston
President*

*Mike Bohacek
Vice President*

*Ken Layton
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, March 16, 2010

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, March 16, 2010, 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. Dennis Metheny led the Pledge of Allegiance.

ROLL CALL

All present

APPROVAL OF AGENDA

Mr. Layton, I would like to add that at the end of the meeting a motion will be made to change the meeting on April 6, 2010, from 6:00 p.m. to 10:00 a.m. 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 as presented the minutes of March 2, 2010, seconded by Mr. Layton, motion carried by voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Payroll Ending March 19, 2010 and April 2, 2010, Mr. Layton made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Miscellaneous Claims—\$ 10,426,645.98, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Regular Claims ----- \$870,352.26, Mr. Bohacek made a motion to approve with amending the amount to \$869,790.26, rejecting Invoice #4717 to Lightning X Products for \$562.00 from the Coroner, asking him to come to the next meeting and explain the purchase, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Mr. Layton, to explain to the public the \$10,000,000.00 in claims, \$9,000,000.00 of that is the loan that was taken out of the emergency reserve fund, approved by the council at last month's meeting. We are just approving moving that money from the rainy day fund to the General Fund.

PUBLIC COMMENTS

Mr. Mike Kobas, Coolspring Twp. I watched your last Council meeting – is today's meeting live? (Yes) Thanks to Darlene for all her efforts. At your March 2, 2010 meeting, there was a work session concerning flooding of homes in a couple of subdivisions. This problem does not come to me as a surprise. A major part of this could be avoided if the county Master Plan was not violated. The Planning Commission and Board have two loopholes when granting building permits. I feel these loopholes must be removed. The two loopholes are *variance* and *special exemption*. The use of these two words violate the reason for a Master Plan. Certain developers are allowed to build subdivisions in what I call high water table areas. After x number of years, turn them over to the county to be maintained. I suggest that in the future, any new subdivisions remain the responsibility of the developer. The highway department does not need any more roads to maintain. A rule is a rule. Maybe you could have a workshop with Mr. Hamilton and debate these two issues.

Mr. Dennis Metheny, 6757 W. 450 N. Michigan City. I am upset after going in the basement of the court house. I believe it is the commissioner's responsibility to make sure the records for this county are safe. There is moisture down there and I can smell mold. Although I have contacted the Health Department. If you are going to leave records down there I think there needs to be dehumidifiers. There are records that go back to the 1800's and it is ridiculous that we are going to lose our history. That needs to be a number one priority. Number 2 priority is the ADA. I read an article in the Herald Argus yesterday about Mr. Kobas and I filing a law suit. We did not file a law suit. You have one year to enforce these ADA rules. Any time a handicapped person is less of a person than the rest of us I think it is wrong. I am upset to see the condition of that basement. Will Gene Shurte be charged to hook into the county for the internet system? He is not a county government.

Mrs. Huston, yes, they will be paying the bill.

Mr. Metheny, regarding the ALCO TV funding, I own property in Michigan City, as well as the county and I went to a meeting yesterday at the Board of Works. I think it is time that Mr. Lombard and ALCO TV be notified that there could be some budget cuts. The county is only going to get seven taped meetings, and Michigan City will get twenty-seven. The county should only pay 1/7 of that cost. I don't think we should be paying more than the city of Michigan City. I attended a meeting with Mr. Kobas in regards to this Prairie Lake Conservancy District. We had a government agency from Indianapolis seems to be working against the people paying the taxes instead of for the people. We expressed our views but the individual from the state didn't seem too concerned about what we had to say. I am talking as a trustee and I have talked to people around that area. They are not happy about a conservancy district going in. I would appreciate it if I would be allowed to speak when that comes up.

Mr. Earl Cunningham, Councilman, 6311 W. Shiva Drive, LaPorte. I want to go on public record that one month ago you requested from the sheriff some records to get to me, I have not received those records.

Mrs. Ann Milner, a lifelong resident of LaPorte County. I am referring to people who have water in their basements. There is a phone number the Federal Government gives us, 1-888-FLOOD1.

Mr. Layton made a motion to recess the commissioner's meeting, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mrs. Huston, we will now have a public hearing on Meadowview.

Mr. Bohacek made a motion to reopen the regular meeting of the LaPorte County Commissioners, seconded by Mr. Layton, motion carried by voice vote 3-0.

DEPARTMENT HEAD COMMENTS

Joanne Hardacker, Nursing Supervisor, LaPorte County Health Department. Mr. Trost wanted to send a thank you to the commissioners for all of your support during the pandemic thus far and to bring you up to speed on what our activities are. Less than 1/2 of Americans are vaccinated and there is a renewed push to get more Americans vaccinated for a possible third wave. Fortunately, this pandemic has been mild. Children under 18 have accounted for more than a 1/3 of all hospitalizations and deaths. We want people to get in and see us or their medical provider. We have finished all of the schools. In Indiana, approximately 20% of all

Hoosiers have been vaccinated, and as of last week, LaPorte County was at 19.8%. They are now making our

flu vaccine for 2010-2011 and H1N1 will be in that vaccine. Thank you very much for your support. The shots are free in our office, Monday through Friday, no appointment needed.

CORRESPONDENCE

None

REQUESTS

**Wilbur Bougher, Representative, Heart of Art Studio & Gallery Tour/Request \$500.00
Tourism Funds (Tabled)**

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

Mr. Wilbur Bougher, 5996 W. 300 N., I represent the Heart of Art and we are asking for a \$500 donation to help defray our cost of advertising and it promotes the artists throughout LaPorte County. It encourages people from LaPorte County and all other counties to come and see what we can provide for them. This is a driving tour. Each year we change the map to make it interesting for people. We have been doing this for around 15 years and we have 20-25 participants and we are always striving for more. We want to enhance the community with the knowledge of art. Primarily, the tour is in LaPorte and Michigan City but it is open throughout the county. Anyone that wishes to can participate. This is the first time we have come before the Commission.

Mr. Layton, since we have received money from the Visitor's Bureau just for this type of purpose, I make a motion that we approve the \$500, seconded by Mr. Bohacek. Could you also include the LaPorte Tourism Bureau on your list of places to go, as they have a lot of art on display over there. Motion carried by voice vote 3-0.

Eugene Shurte, Manager, LaPorte County Fair/Fairgrounds Requesting to Connect to the County Network System for Internet Connection/Access.

Mr. Eugene Shurte, the county ran a fiber optical cable to the fair grounds for high speed internet. It is available in the Sheriff's part of the Small Projects building. We are going to computerize in the office and sell tickets on line. We now have CSI Net and they are not fast enough to handle all this. We would like to have your permission to connect to your present wireless internet. It would be at no cost to you. We currently pay about \$59 a month.

Mr. Bohacek, I guess I would ask that the fair board also remit an amount not to exceed what they are currently paying on a monthly user fee basis and I will make that motion, seconded by Mr. Layton, motion carried by voice vote 3-0.

Melanie Beverly, President, Victory City Festival Committee/Request \$500.00 Tourism Funds

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

Heather Wallace, President, HannaFest/Request \$500.00 Tourism Funds

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

Lynne Spevak, LaPorte County Clerk/Requesting Money from General Fund

Ms. Spevak, on behalf of the election board, I was going through the budget that was approved last July and we are missing a major amount for tabulation, the report printing and election day support. The amount is estimated at \$48,000 for both elections. I would like approval to go to the Council to request this money from the General Fund.

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

Lynne Spevak, LaPorte County Clerk/Primary Election Requests

Ms. Spevak, regarding absentee voting, I got approval from Judge Boklund to use the old civil process room in Michigan City. I need approval from you to use the old surveyor's room in LaPorte.

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

It starts April 5th and runs five days a week, Monday through Friday from 8:00 – 4:00 with a ½ hour lunch from 11:30 – noon. The absentee board would be paid \$11.50 an hour and have two members in each building. By statute, we have to be open two Saturdays, they will be April 24th and May 1st, those hours will be from 8:00 – 3:00. We have to hire security to have the buildings open and they will be paid \$27.00 an hour for overtime. Poll workers at the polls: Inspector \$200, Rep. Judge \$180, Dem. Judge \$150, Clerks \$150 each and Sheriffs \$150 each with \$12.00 for meals. I am trying to combine machines needed to go out to the polls. I just need approval to merge and eliminate machines, I can combine precincts.

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

OLD BUSINESS

ALCO TV Funding

Mr. Bohacek made a motion to leave on the table and to do research, seconded by Mr. Layton, motion carried by voice vote 3-0.

NEW BUSINESS

Jeremy Kienitz, Recreation Director, Michigan City Park & Recreation Dept./Road Closures for Michigan City Triathlon

Mr. Kienitz, we are teaming with the LaPorte County Convention and Tourism Bureau to host our second annual Michigan City Triathlon on Saturday, August 14, 2010. This year our plans call for us to change the route. The bike route for the triathlon will now run through Lake Shore Drive to the Indiana/ Michigan border and returning to Washington Park. I am here today to ask for approval to close 3200-3600 Lakeshore Drive for this event. The plan is to shut down Lakeshore Drive. We will have volunteers, the Michigan City Police Department and the Long Beach Police Department assisting with the road closures throughout the course. Homeowners along Lakeshore Drive would be able to get to and from their residence using the nearest side streets.

Mr. Bohacek made a motion to approve, seconded by Mr. Layton with a question. Will there be some notification to the people along Lake Shore Drive prior to this? LaPorte Hospital has a similar program, it runs out Waverly Road and Small Road and we allowed the roads to be closed and due to some over enthusiastic volunteers, they were not allowing the public to return to their own homes. We want to make sure the residents of that area are notified.

Mr. Kienitz, we will get that information out.

Motion carried by voice vote 3-0.

Dave Hollenbeck, Atty./Prairie Lake Conservancy District

Mr. Hollenbeck, I represent the newly formed Prairie Lakes Conservancy District which is located west of Michigan City on the South side of U.S. 20 between County Line Road and Hitchcock Road in unincorporated LaPorte County. Approximately 100 acres, all of which is owned by one entity, and under the provisions of the Indiana Conservancy Statute, the initial board of directors of the conservancy district, established by the Circuit Court, is appointed by the Board of County Commissioners. I stand before you asking you to make those initial appointments to the Board of Directors of Edward Zeman, Michael Olsen and Deborah Picer.

Mr. Bohacek made a motion to approve the request, seconded by Mr. Layton with a question. I know you said for future development as far as the conservancy district fees, will those be via taxation or user fees or both as it goes on.

Mr. Hollenbeck, I didn't mean to imply there are any imminent plans for expansion. Down the road when that happens, a conservancy district has a number of different options. They can assess user fees for sewer and water service or by a special benefits tax this applies just to the land inside the district.

Motion carried by voice vote 3-0.

Mr. Hollenbeck, this is a onetime appointment and after this the members of the board are elected.

Lynne Spevak, LaPorte County Clerk/Purchase Tables & Dollies

Ms. Spevak, we have wooden tables that are stored behind Community Corrections in a building. I am only asking for tables. I am requesting to go to the Council to purchase 16 tables & 5 dollies. Voters Registration needed a dolly so I just added to this list. I have estimates from four different companies. I am going to ask for this out of Win tax for a total of \$2,261.93 if we purchase the Kemps product.

Mr. Bohacek made a motion for Ms. Spevak's request, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Layton, is LaPorte County getting on board with the voting centers?

Ms. Spevak, we are not part of the pilot project.

Mr. Layton, last fall there was a referendum vote that was suppose to go through, Lake, Porter, and St. Joe. We opted not to have it as well as Lake. We talked about putting it on the primary ballot this year. We were told we could do this so our citizens have the right to vote like everyone else. I understand you have learned just the opposite now.

Ms. Spevak, I have a response from Brad King co-director of the Indiana Election Division. He stated the Regional Transportation District referendum was to be held on November 3, 2009 and no other date. Therefore the public question cannot appear on the May, 2010 primary ballot without further state legislation.

Mr. Layton, this is just the opposite of what we were told in the fall. I will reserve further comment until I talk to our legislators. We had contact with Senator Arnold, Representative Dermody and Representative Pelath. They were all in agreement that we were not going to hold a special referendum in the fall and incur that expense and to do it in the primary.

David Elke, Horvath Communications, Inc./Lease Land for Placing of Cell Tower

Mr. Elke, Director of Operations with Horvath Towers. You have a packet put together by Art Frayer for the board to review a lease for consideration of leasing a 70 x 70 parcel of county property for a placement of a 195 foot cell tower.

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

Mrs. Huston, we will have our attorneys look this over.

Mr. Elke, there is financial compensation, \$700.00 a month for 35 years with a 15% increase every 5 year term.

Meeting Time Change

Mr. Layton made a motion to change the meeting time for our April 6, 2010 meeting from 6:00 p.m. to 10:00 a.m. since there is an Association of Indiana Counties District meeting that night, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Revoke Frost Law

Mr. Layton, we were contacted just prior to the meeting by Highway Superintendent, Bob Young, requesting permission to revoke the frost law with proper notification to the news media when he deems it necessary and it will probably come sometime this week.

Mr. Bohacek made a motion to allow Mr. Young to revoke the frost law, seconded by Mr. Layton, motion carried by voice vote 3-0.

COMMISSIONER'S COMMENTS

Mr. Layton, we have a letter from St. Anthony Memorial Hospital requesting a refund of \$4200.00 that they

paid to the Sheriff's Department for use of the range and training. Sheriff Mollenhauer was here and said that he had received the money, signed the check and quietused in \$6200.00. \$4,200 of that belongs to St. Anthony Hospital. I would like to make a motion that we use the letter as authorization for a P.O. for the Auditor of LaPorte County to return the \$4200 to St. Anthony Hospital, seconded by the chair, motion carried by roll call vote 2-1.

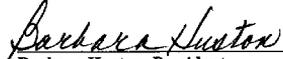
Mr. Bohacek, the reason why I voted nay on that is this has been a historical annual event, my concern is that if we are going to refund this money once, then does that me we also need to refund it going back in time?

Mr. Layton, the letter we received is date sensitive and date specific on what they did not receive.

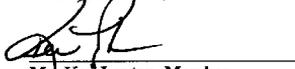
ADJOURN

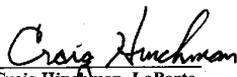
Mrs. Huston, President, adjourned the meeting at 11:34 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Michael Bohacek, Vice President


Mr. Ken Layton, Member

ATTEST: 
Craig Hinckman, LaPorte
County Auditor