



# BOARD OF COMMISSIONERS LAPORTE COUNTY

555 Michigan Avenue, Suite 202

LaPorte, IN 46350

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*Barbara Huston  
President*

*Mike Bohacek  
Vice President*

*Ken Layton  
Member*

## LAPORTE COUNTY COMMISSIONERS

Wednesday, May 5, 2010

The LaPorte County Board of Commissioners met in a regular meeting on Wednesday, May 5, 2010 at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

### CALL MEETING TO ORDER

Mrs. Huston, President, called the meeting to order at 6:00 p.m.

### PLEDGE OF ALLEGIANCE

Mr. Bohacek led the Pledge of Allegiance.

### ROLL CALL

All Present

### APPROVAL OF AGENDA

Mr. Layton, a couple of additions please. Under Requests, Road Closure of Depot Street in Rolling Prairie, Item B. Under New Business, Item D., Property Tax Settlement Request and Item E., the PTABOA Board Appointments.

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

### APPROVAL OF MINUTES

April 20, 2010, Mr. Bohacek made a motion to approve as presented, seconded by Mr. Layton, motion carried by voice vote 3-0.

Special Meeting Minutes of April 27, 2010, Mr. Bohacek made a motion to approve, 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 May 14, 2010, Mr. Layton made a motion to approve as printed, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Miscellaneous Claims--\$240,291.28, Mr. Bohacek made a motion to approve as presented, seconded by Mr. Layton, motion carried by roll call vote 3-0.

### PUBLIC COMMENTS

None

**DEPARTMENT HEAD COMMENTS**

None

**CORRESPONDENCE**

None

**REQUESTS**

**Pat Pease, Administrator, EMS/Proclamation To Designate The Week Of May 16-22, 2010 As  
Emergency Medical Services Week**

Mrs. Pease reads Proclamation To Designate The Week Of May 16-22, 2010 As Emergency Medical Services Week (see attached)

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

Mrs. Huston, this will be known at Resolution 2010-06.

**Relay for Life/Road Closures**

Mr. Layton, I received a letter today and a phone call last week from Jimmy Shaw. Today, Mrs. Rikki Lyman brought a request in to close Depot Street from Michigan Street to Mechanic Street in downtown Rolling Prairie from 5:00 p.m. to 12:00 a.m. on May 22, 2010, for a street dance to benefit the Relay for Life. I make a motion to concur and notify the highway department, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

**OLD BUSINESS**

**Elaine Beaty, McCready and Keene, Inc. and Kris Callaway, Morgan Stanley  
Investment Advisors/Indiana Sheriff's 457(b) Plan (Tabled)**

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

Mrs. Beaty, McCready and Keene, Inc., I am here to answer any questions and respectfully request that you consider passing the Ordinance.

Mr. Braje, we have reviewed the documents and we have no objections to the Ordinance.

Mr. Bohacek, you already made a lengthy presentation so I make a motion to approve the Ordinance by title only, seconded by Mr. Layton, with a question.

Mr. Layton, have you checked with the Auditor?

Mr. Broling, yes, we talked briefly about electronic deposits.

Mr. Hinchman, we can.

Mrs. Huston, we have a motion and a second to adopt an Ordinance Establishing a Deferred Compensation Plan for the Sheriff's Department, motion carried by voice vote 3-0.

Mr. Bohacek, I make a motion to waive the rules and pass this on the first reading, seconded by Mr. Layton, motion carried voice vote 3-0. Ordinance #2010-04.

Mr. Layton, when we spoke before, we were talking about the possibility of doing this for all

employees. Have you delved into that?

Mrs. Beaty, I have and rather than present it this evening since we have not submitted it to you prior to the meeting, I request that you allow me to attend the next meeting or when it would be convenient for you because we do have some information I think you will find pretty good.

Mr. Bohacek, could you forward any documents you may have ahead of time?

Mrs. Beaty, yes.

NEW BUSINESS

Robert Young, LaPorte County Highway Superintendent/Receiving Material Bids  
Class 11 & 12

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

Attorney Braje, we have two bids, one from Asphalt Materials and one from Seneca Petroleum. The bid from Asphalt Materials are unit bids for different classes which will need to be compiled. The bid from Seneca Petroleum also in the form of unit bids that will need to be compiled.

Mr. Bohacek made a motion to forward the bids on to Mr. Young for his approval, seconded by Mr. Layton, motion carried by voice vote 3-0.

Rescind Resolution 2008-15, Resolution To Dispose Of Excess Property

Mr. Bohacek made a motion to rescind Resolution 2008-15, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Layton, at the request of parties attempting to purchase the property, they have changed their mind.

Matt Reardon, Redevelopment Commission/Amendment/Resolution to the U.S.421/I-94 Economic  
Development Area Plan

Mr. John Regetz, Mr. Reardon apologizes, he is stuck in traffic. In front of you, you have a Resolution supporting the actions of the Redevelopment Commission and the Plan Commission to amend the Economic Development Area at U.S. 421 and I-94 and also create an allocation area #2. This is to accommodate a plan development by Holiday Properties. It encompasses about 40 acres of the northeast corner of 421 and 94. That plan development will include office and retail areas. It will be about a 21 million dollar investment. On March 31, 2010 the Redevelopment Commission adopted the amendment. On April 27, 2010, the LaPorte County Plan Commission adopted the Resolution finding that this amending resolution conforms to the plan and approves both these actions. That action is before you tonight to approve of those activities. Also, two million dollars of infrastructure for a tax increment bond financing is specified and authorized by this process we are going through. That bond is the sole responsibility of Holiday Properties.

Mr. Layton, is that part of the ARRA Bonds?

Mr. Regetz, no, these are private activity bonds.

Mr. Bohacek made a motion to approve the resolution, seconded by Mr. Layton.

Mrs. Huston, A Resolution Of The Board Of County Commissioners Of LaPorte County, Indiana Approving Certain Actions Of The LaPorte County Redevelopment Commission And The LaPorte County Plan Commission In Connection With The Amendment Of Prior Resolutions Of The Redevelopment Commission, Which Established An Economic Development Area And Established And Expanded The Allocation Area Therein, By Establishing A Sub-Allocation Area For the Economic Development Area And Amending The Economic Development Plan For Such Area, And Taking Other Actions Related Thereto and this will be known as Resolution #2010-07. Motion carried by voice vote 3-0.

Property Tax Agreed Order

Mr. Layton made a motion to concur with the County Council's findings Monday night and pass this mediated agreed order, seconded by Mr. Bohacek with a question.

Mr. Bohacek, I have looked this thing over so many times and I am concerned over item 17. It says, Except as may be otherwise determined by the LaPorte County Commissioners and LaPorte County Council, each party agrees that parties shall be responsible for their own attorney fees and costs. I am very concerned that this leaves an opportunity for one of the signing parties to withhold support as a mechanism to receive payment for fees due. I would ask that that be stricken from the agreement but I know that is not going to happen. This is a mess and I hope it never happens to another county in the state of Indiana. Motion carried by roll call vote 3-0.

PTABOA Board Members

Mr. Layton, I asked that this be put on the agenda because this was a question of the County Council and it has to do with the number of appointments either three or five. We have discussed this back and forth. I also got the assistance of the staff at the Assessor's Office. They did a polling of the state of Indiana and every county that is close to us in size or larger has a five member board. The only counties that have a three member board are very small in population and parcel size. I make a motion to have a five member board, seconded by Mr. Bohacek with a question.

Mr. Bohacek, I believe that the County Council cannot withhold funding of a five member board. It is the Commissioner's discretion to appoint the board based on statute.

Mr. Braje, it is the Commissioners authority to set the number of board members. Failing to fund a five member board would be contrary to statute.

Mr. Layton, there was also a question of whether there would be funding for an attorney for the board?

Mr. Mark Yagelski, LaPorte County Council President, that question came up with Joie Winski, president of that board. She told me there was no need for an attorney and that is what I responded to.

Mrs. Huston, we have a motion on the floor with a second. Motion carried by voice vote 3-0.

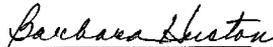
COMMISSIONER'S COMMENTS

Mr. Layton, we have a scheduled 10:00 A.M. meeting on June 15<sup>th</sup>, I would respectfully request that we move that to June 22<sup>nd</sup> as I will be out of town.

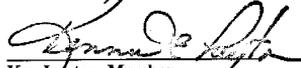
ADJOURN

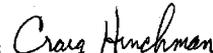
Mrs. Huston, President, adjourned the meeting at 6:24 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
Barbara Huston, President

  
Michael Bohacek, Vice President

  
Ken Layton, Member

ATTEST:   
Craig Hinchman, LaPorte  
County Auditor