



# BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Barbara Huston*  
*President*  
*Mike Bohacek*  
*Vice President*  
*Ken Layton*  
*Member*

## LAPORTE COUNTY COMMISSIONERS

Tuesday, July 6, 2010

The LaPorte Board of Commissioners met in a regular meeting on Tuesday, July 6, 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. Layton led the Pledge of Allegiance.

### ROLL CALL

All present

### APPROVAL OF AGENDA

Mr. Layton, under New Business, please remove numbers H, I, & J until the attorneys can get together and table item E at the request of Habitat for Humanity. Replace item H with Reassessment Bid/Award of Contract. Mr. Bohacek, approved the agenda as amended and seconded the motion, motion carried by voice vote 3-0.

### APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve as presented the minutes of June 22, 2010, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Bohacek made a motion to approve the minutes of June 30, 2010 Special Meeting, 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 July 9, 2010 and July 23, 2010, Mr. Layton made a motion to approve as presented, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Misc. Claims—\$ 3,271,789.03, Mr. Layton, a correction on the claims in fund #208, that is a transfer and not an expenditure. It is a transfer from the CREDIT fund. It was marked to go into fund #205 which is the Jail Bond Fund; it should have went into fund #211 which is the Jail Bond Reduction Fund. With that change, I will make a motion to approve as presented, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

None

DEPARTMENT HEAD COMMENTS

None

CORRESPONDENCE

None

REQUESTS

Ann Milner/Natural Stream Preservation Proclamation

Ms. Dawn Milner reads the proclamation (see attached)

Mr. Layton, when this was brought to my attention, I asked our county attorneys to look it over. They did look it over and asked that some changes be made to the verbiage. It is not a binding document, it is a suggestive document and I make a motion that we approve it as presented, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Ms. Milner, I would like to thank you for recognizing our natural resources.

OLD BUSINESS

None

NEW BUSINESS

Lawrence and Bonnie Jean Rybicki/Petition to Vacate Access Roadway

Bob Szilagyi, Attorney, 204 Legacy Plaza West, LaPorte, IN. I have the consents of all the adjoining land owners and the proof of publication.

Mr. Bohacek, that farm land behind the property marked in blue, is that your clients property as well?

Mr. Szilagyi, they are part owners. They are asking to vacate the one strip of road between lots 105 and 106. Bonnie is my sister and I have 1/5 ownership of that land with my three sisters and my mother. My Dad platted it in 1972, at that time the county allowed strip subdivisions and every so often they had to allow for a road for entrance. There is another entrance on Hupp Road. At this time, it is unlikely it will ever be developed. The Rybicki's moved into their home in the mid 70's and that road has been used as part of their yard ever since. In fact, the Dunfee's, the adjoining land owners at lot 106 have given their consent that the Rybickis get the entire parcel.

Attorney Chris Willoughby, the ordinance is in order and we find it acceptable.

Mr. Bohacek made a motion to grant the vacation, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Mr. Layton made a motion to wave the second reading and pass by title only, seconded by Mr. Bohacek, motion carried by voice vote 3-0. This will be known as Ordinance #2010-05.

Mitch Bishop, LaPorte County Planner/Resolution Authorizing the Grant Application to the Office of Community and Rural Affairs

Mr. Mitch Bishop, LaPorte County Planner, I applied recently to OCRA for a grant for the Mill Pond rehab project. This is the procedural requirement of OCRA. If we receive the money, the county is required to have a 10% local match. This document means we recognize that responsibility.

I spoke with the Noble Township Trustee, David Scarborough, he said the township could kick in some funds. It is probably about a \$100,000 project.

Mr. Bohacek made a motion to approve the Resolution as presented, seconded by Mr. Layton, motion carried by voice vote 3-0. This will be known as Resolution 2010-08.

LaPorte County Economic Development/A Resolution of the LaPorte County Board of Commissioners Supporting the Establishment of an Economic Development District and Endorsing the Development of a Comprehensive Economic Development Strategy

Mr. Layton, this is a new endeavor for Northwest Indiana. It is an off product of NIRPC. It has first been allowed by the federal government. It is a project that has never been done before by the Regional Plan Commission and it has been established through NIRPC and through the Forum of Northwest Indiana of which several elected officials, myself included, are board members. It has been endorsed by Lake and Porter Counties. I am asking that the Resolution be accepted by this board so that we can forward it to the federal government and that will allow this economic development area be put into place so that we can make applications for assistance. This is all funded through federal money and will be matched by NIRPC.

Mr. Bohacek, made a motion to approve the Resolution as presented, seconded by Mr. Layton, motion carried by voice vote 3-0. This will be known as Resolution number 2010-09.

Rumely/Allis-Chalmers LaPorte Heritage Corporation/Land Acquisition

Mr. Ken Baker, this is not a new idea, we have been working on this for about three years. We have done all of the basic requirements. Mr. Dan Lewis has drawn up our articles of incorporation and we have qualified for a 501 (c) (3) designation so we can accept at this time, any property that will be given to us. We have our trustees in order and meet quarterly. There are two sites out there; site 1 has been in question because of the foundation and site 2 we are interested in because we feel there is more flexibility. There are advantages and disadvantages in both sites. We cannot proceed any further until we get acquisition of land. What we have in mind is a 60' x 200' building, which would be phase 1 which would include the housing of equipment. Phase 2 & 3 would be additions of the office, meeting room and we would like to add a shop. We have a well qualified instructor that we could bring in equipment to be refurbished and hold classes. We would set aside a portion of the money we try to raise in a fund for future operation. We feel we need this museum in the county. At one time, Rumely was the second largest machine manufacturer in the world. We were offered by Terry Jones this tractor worth between \$75,000 and \$100,000, it is the second Rumely ever made. This won't be like a regular museum where you babysit antiques. We want to rotate displays, have things on loan and do demonstrations. We are not starting from scratch; we have tons of material waiting for us to get started. We have the basis of a good, sound organization. The museum will house only what was manufactured by Rumely and Allis Chalmers. This site would be just ten miles off the toll road and we are sure people will visit. We need to get something on record of what property we have.

Mr. Bohacek, if you are granted the property, how long would it take to get things up and running?

Mr. Baker, we would like to have something in place by 2014. We have to have something to build on and then we will start getting contractors in to bid and send our plans down state.

Mr. Bohacek, I certainly am in favor of this but there has to be some time stipulations as how long you have to get this museum up and running and if not, the land would revert back to the county.

Mr. Baker, that is reasonable. We would keep you posted as our campaign goes along. What we need is something on record that we are to receive one of the properties.

Mr. Layton, in the prior sketches that we have had, you made mention that this is not only for the Rumely/Allis Chalmers LaPorte people but you have had national and international attention. I believe there is 2.3 acres on that west side.

Mr. Baker, that site would be highly visible and we want this to be a "hands on" museum.

Mr. Bohacek, I will make a motion to get a memo of understanding agreement to work with the Rumely Organization to find them a permanent home and to get it formally into the record.

Mr. Layton, I agree with the time frame that Mr. Bohacek mentioned earlier and second the motion, motion carried by voice vote 3-0.

Mr. Bohacek, we have to agree on the site and our attorneys will have to prepare documents. Have your board president contact our attorneys.

LaPorte County Habitat for Humanity/Establish a Housing Trust Fund Fee Ordinance

Tabled per their request

LaPorte County Home/Private Pay Rate Approval

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

Attorney Braje/Railroad Camp Ordinance Re: Establishment of Inspection Fees

Mr. Chris Willoughby, this ordinance is proposed by Tony Mancuso from the LaPorte County Health Department. This ordinance deals with and establishes the ability to help the Health Department collect fees and sets forth parameters of inspections that are already required as set forth under the Indiana code. The Indiana State Department of Health has already promulgated rules requiring local health departments to enforce sanitary requirements with respect to these mobile Railroad Camps that are set up and deal with the maintenance of the railroads. To date, our health department has followed the requirements of the state without any ability to collect fees. This ordinance is to allow the health department to recoup some of those costs when they are required to do these inspections.

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

Mr. Bohacek made a motion to suspend the rules and approve on second reading by title only, seconded by Mr. Layton, motion carried by voice vote 3-0. This will be known as Ordinance number 2010-06.

Reassessment Bid/Award of Contract

Mrs. McDaniel, LaPorte County Assessor, the bid that went out recently, we had three of the five submit a bid again. There were five of us that had a meeting on this and we did some thorough checking on the vendors. Tyler/CLT has done work in counties that are comparable to LaPorte County in size, they do have staff. A & S doesn't have a staff and would have to hire one, the group felt we want to get started now. Therefore, we are recommending Tyler/CLT.

Mr. Bohacek, when we first went through this process about two or three months ago, you had significant reservations about CLT. What has come to light to change your mind?

Mrs. McDaniel, Mr. Bohacek, I have six months left and I am doing this not for personal reasons but for the county. No, I do not like them but I am looking out for the county to move forward fast.

Mr. Bohacek made a motion to approve Tyler/CLT, seconded by Mr. Layton with a question. I want to make sure for our council that even though Tyler is \$121,000 more than A & S, that the reasons we presented this evening are sufficient to keep us within compliance of the code.

Mr. Willoughby, the standard is lowest and best, that is what is required in statute when awarding a contract; it doesn't mean just the lowest. I would like to clarify Mrs. McDaniel's comments. In addition to the due diligence she performed, my understanding is that Mrs. McDaniel was not in favor of A & S. She had an opportunity to call references on Tyler and A & S. Based on that, references, and contacts with other assessors in other counties, the determination was made that perhaps Tyler is more qualified. These reasons don't differ from what Mrs. McDaniel has said; I am sharing this with you so that is what you can make your determination on. My understanding is that Mrs. McDaniel's recommendation is based on the fact that she doesn't believe the A & S staff is qualified to handle the enormous job and perhaps correct a lot of the errors that exist. In her opinion and based on the discussion with the committee that was set up to look at these bids, Tyler was the most responsive,

responsible and has the most qualified staff. They are ready to go now. As you know, July 1, 2010, is the state imposed deadline to begin the reassessment. I think there were reservations that A & S has to formulate and train their staff.

Mr. Layton, I reaffirm my second, motion carried by voice vote 3-0.

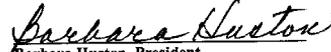
COMMISSIONER'S COMMENTS

None

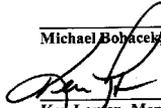
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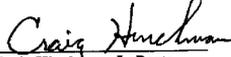
Mrs. Huston, President, adjourned the meeting at 6:44 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
Barbara Huston, President

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Michael Boháček, Vice President

  
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Ken Layton, Member

ATTEST:   
Craig Hinchman, LaPorte  
County Auditor