



# 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, November 16, 2010

The LaPorte Board of Commissioners met in a regular meeting on Tuesday, November 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. Bohacek led the Pledge of Allegiance.

#### ROLL CALL

All present

#### APPROVAL OF AGENDA

Mr. Layton, I would like to add under New Business, E., EMS RPM Fest Settlement.

Mr. Bohacek made a motion to approve the agenda 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 November 3, 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 November 26, 2010, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Misc. Claims ----\$405,412.18, Mr. Layton made a motion to approve as submitted, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Regular Claims--\$ 753,193.26, 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**

**Jeff Wright, LaPorte County Highway Engineer/Request Additional Appropriation  
From the Cumulative Bridge Fund**

Mr. Layton, I heard from Mr. Wright this morning and he is in a meeting with IDOT and will not be able to be here. I will ask on behalf of Mr. Wright for additional appropriation from the Cumulative Bridge Fund for Scour Protection Feasibility Study, \$35,000.00 and Culvert Replacement White Ditch, \$200,000.00.

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

**Robert Young, LaPorte County Highway Superintendent/Request November  
CEDIT draw**

Mr. Layton, I believe Mr. Young is at the same meeting as Mr. Wright. Mr. Young is asking for the Highway Department's November CEDIT draw.

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

**OLD BUSINESS**

**Rumely/Allis-Chalmers LaPorte Heritage Corp./Museum Preliminary Concept Update**

Mr. Lawrence W. Ray, President of the Rumely/Allis-Chalmers LaPorte Heritage Group. We have the concept of the building, we wish to give to you to look over. It is separate buildings with an office in between. One side would be for Allis-Chalmers equipment and the other side for Rumely equipment. We have a courtyard in the front and back. As an option, on the end of the buildings on one side we have an option of a workshop and storage room. We also have a courtyard there. We have a rather large business meeting room. We are working with the Troyer Group out of Elkhart, Indiana. We are hoping to retain them to guide us through this. We are also working with the Unity Group. As we raise funds, we want to put it in to the Unity Group. Once we get the ground, we hope to start raising funds immediately. Our attorney, Mr. Lewis, has contacted your attorney. Mr. Lewis wrote up an outline he was to send you. We are just waiting for final approval for the ground.

Mr. Layton, I believe some months ago there was a motion made by this board to award you the ground that was in question. I thought there had been surveys made. The contention of the award of the ground to the group then by Mr. Bohacek's motion, was that something had to be started within five years.

Mr. Ray, we can do it.

Mr. Bohacek, if that is the case, in my opinion, consider the ground yours, provided we get something underway in five years.

Mr. Braje, I am a little confused. The correspondence that we received indicates that you are acquiring the property. My initial discussion was that you wanted to lease a portion of the fair grounds and I thought that is what the commissioners approved. The commissioners can choose to do it either way. There are different requirements based on how we do it. If this is simply a lease of the land, all I need is a legal description of the parcel to be leased. Mr. Lewis and I can simply set up the terms of the lease agreement. If it is an acquisition, that is a different circumstance with the county selling land. The last I heard it was going to be a lease.

Mr. Layton, I believe it was going to be a ninety-nine year lease, \$1.00 a year.

Mr. Bohacek, after we receive the signed lease, you can put up a sign.

Mr. Ray, we can't wait. I think it will be an asset to the whole community.

Mr. Bohacek, send the lease to Mr. Braje for his review and if there are any questions, he will contact your attorney.

**NEW BUSINESS**

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

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

Mr. Young, please open the bids and we will present them to the public next door.

Mr. Braje, Class I = Crushed Limestone, Hanson Material Service  
Vulcan Construction Materials  
Class II = Bituminous Patching Material, Rieth-Riley Construction Company  
Class III = Slag, The Levy Company  
Phoenix Services  
Class IV = Gravel, No bidders  
Class V = No-Lead-Diesel Motor Fuel Low-Sulfur, Co-Alliance  
Triple J-Mar Petroleum  
Rackham Service Corp.  
Petroleum Traders  
Class VI=Signs & Sign Posts, Hall Signs  
Pen Products  
Northern Equipment  
Class VII=Culverts, Guard rail & etc., James H. Drew Corp., Guard Rail only  
DEBCO Metal Culverts

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

**Attorney Autumn Halaschek/Petition to Vacate Roadway Between Rangewood Lots 28  
and 29**

Ms. Halaschek, I represent Gerarde and Sondra Denham and Robert and Lorri Feldt. They are presenting a petition to vacate a roadway between Rangewood Lots 28 and 29. We are asking if you would grant that at this time.

Mr. Braje, I have a copy of the affidavit of publication and a plat which was not included in the original document that Ms. Halaschek provided for me, along with photographs. It appears this was a platted roadway in the original subdivision that does not extend. I also have notices to the owner across the street. I would also advise that Ms. Halaschek provide you with a copy of a proposed ordinance and that if the approval is made of the vacation that she schedule a hearing for the next meeting.

Mr. Jerry Denham, when we built our house we were given permission to use it by Mr. Ludwig who started the subdivision because our lot is on a hill. Our access to our drive was to be on Duncan but Duncan never went through or was developed.

Mr. Layton, is Mr. Ludwig still in the business or in the picture as far as Rangewood is concerned? The reason I ask is that if we vacate this and he has plans of further development.....

Mr. Denham, no, he sold the property to a Mr. Scholl.

Mr. Layton, there is no intent to further the Rangewood addition?

Mr. Denham, not that I am aware of. I had contacted Mr. Scholl by phone and he told me at the time he would stop by and we would talk about it. I have never heard back from him since then.

Mr. Bohacek, since Mr. Scholl's notice was returned. I think we should schedule a public hearing at our next commissioner's meeting and give Mr. Scholl the opportunity to come to it before we make this decision. If he doesn't show up as a remonstrator, I have no trouble dealing with it at that time. I will make that as a motion, seconded by Mr. Layton, motion carried by voice vote 3-0.

Attorney Kristina Jacobucci/Addendum To Agreement To Provide Hospital Services

Ms. Jacobucci, I think each of you should have a copy of the proposed addendum to the agreement to provide hospital services. I am here on behalf of LaPorte Hospital and this was negotiated through meetings with the Sheriff's Department and attorneys for the county. We are attempting to get a signed copy of the addendum hopefully signed by the commissioners so that we can go ahead and put that addendum in place.

Mr. Layton, I would like to have the sheriff come forward. When we talked with the sheriff earlier, he didn't recognize the document.

Sheriff Mollenhauer, it wasn't that I didn't recognize it; when you gave it to me, I didn't know there was any questions. This was discussed with everyone well over a year ago.

Ms. Jacobucci, it was discussed with you, me and Mr. Kaminski in April 2009. We have been trying to get it signed.

Sheriff Mollenhauer, I wasn't aware of that.

Ms. Jacobucci, we need to get a signed copy. There is no disagreement about the provisions of this particular addendum it is just a matter of what needs to be done to get it fully executed.

Mr. Bohacek made a motion to approve the addendum of the agreement and allow Mrs. Huston, President, to sign on behalf of the board, seconded by Mr. Layton, motion carried by voice vote 3-0.

Melissa Mischke, GIS Coordinator/Environmental Systems Research Institute, Inc.  
Contract

Mrs. Mischke, you have received a copy of the proposed professional services from ESRI which is the software vendor in the GIS office. It is my recommendation that you sign the contract. There are about two companies that provide software services for GIS software in general and only one that provides the majority. I think ESRI serves about 98% of all GIS software applications. We use them here in LaPorte County and are in the surrounding counties as well.

Mr. Bohacek made a motion to grant Mrs. Mischke's request and sign the contract with ESRI for professional services and since there is only one place for a signature, grant Mrs. Huston permission to sign for the entire board. Mr. Layton seconded the motion, motion carried by voice vote 3-0.

EMS-RPM Fest Settlement

Mr. Braje, ten days ago we received a request, as required by law, the original invoice that was sent originally to Mr. Masterson for the EMS individuals for a total of \$6,937.50. I responded to that wage demand and had a discussion with the attorney who provided the demand. So the Commissioners have a concept of these things, a demand was made on behalf of the representative of the class. As a result of the conversation, I understand that the EMS individuals agreed to accept the original amount of money of \$6,937.50 which would terminate any potential litigation in the future on this issue. Given the amount of money and the manner in which it was presented to us, it is my recommendation that you agree to pay by 1099 the sum of \$6,037.50.

Mr. Layton, is that minus any legal fees from the attorney that filed this?

Mr. Braje, there is no legal fees, zero legal fees.

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

COMMISSIONER'S COMMENTS

Mr. Bohacek, sometime ago, the county commissioned Crowe Horvath to do an audit of the retrending work provided by our property tax consultant, the Nexus Group. The Nexus Group was to then to reimburse us for the cost of that report. I have not seen the report. I have not see a list of the 5,000 parcels that they claimed were in error. Many people I have spoken with cannot find the 5,000 parcels that are in error and as recently as last month I read in the newspaper that there was a study done on the 5,000 parcels that were in error. Yet, the 5,000 parcels appear not to be in existence. I am going to ask for the support of the commissioners to direct our current assessor to turn over the entire report with the 5,000 parcels and also under the letterhead of the commissioners, to send a letter to the Crowe Horvath Group to send us a full copy of that report. I will make that as a motion.

Mr. Layton, I have no problem with Mr. Bohacek's motion and I would like to incorporate to that motion that we might also be awarded a copy of the report that just came in from the new group Tyler.

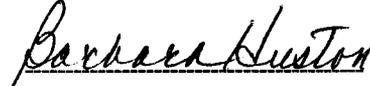
Mr. Bohacek, I will modify my motion, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mrs. Huston, on behalf of the Board of Commissioners, I want to wish everyone a Happy Thanksgiving.

ADJOURN

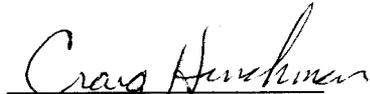
Mrs. Huston, President, adjourned the meeting at 10:36 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
Barbara Huston, President

  
Michael Bohacek, Vice President

  
Ken Layton, Member

ATTEST:   
Craig Hinchman, LaPorte  
County Auditor