



# BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Ken Layton*  
President  
*Barbara Huston*  
Vice President  
*Willie Milsap*  
Member

## LAPORTE COUNTY COMMISSIONERS

Monday, February 14, 2011

The LaPorte County Board of Commissioners met in a regular meeting on Monday, February 14, 2011, at 10:00 a.m. in the LaPorte County Complex Meeting Room #3.

### CALL MEETING TO ORDER

Mr. Layton, President, called the meeting to order at 10:00 a.m.

### PLEDGE OF ALLEGIANCE

Mr. Braje led the Pledge of Allegiance.

### ROLL CALL

All Present

### APPROVAL OF AGENDA

Mrs. Huston made a motion to approve as presented, seconded by Mr. Milsap, motion carried by voice vote 3-0.

### APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of February 1, 2011, seconded by Mr. Milsap, motion carried by voice vote 3-0.

### WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

### CLAIMS

Payroll Ending February 18, 2011, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Misc. Claims ----\$ 274,312.78, Mrs. Huston made a motion to approve the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

Regular Claims --\$1,382,180.57, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

### PUBLIC COMMENTS

Mr. Mike Bohacek, Michiana Shores, IN. In regard to the ethics ordinance, some of your county employees approached me to be an advocate for them. What I have heard from the majority of the people, much of this ethics ordinance should be handle through the personnel policy manual. If you are going to do an ethics ordinance, it should apply to elected officials only, appointed officials, and board appointees and such; to try to spill that down to Department Heads or employees, you have a personnel policy manual for that. I began to read Commissioner Milsap's email as his justification for this ethics ordinance. I am not against it, it is a great idea. It would be nice if Mr. Milsap would get his

facts correct. Looking at example #1, which references a county official going to the County Council for a fourth bridge tender's job; that fourth bridge tender has never been hired. Can you explain that to me?

Mr. Milsap, you were the individual, right?

Mr. Bohacek, it was my ex-wife that secured a job with the county.

Mr. Milsap, then you should know. You got her the position.

Mr. Bohacek, you are incorrect. She was hired when a bridge tender passed away for a third spot. A fourth one was created after she terminated her employment with the county.

Mr. Bohacek, let's go down to #7. "Even though the county has a resolution against using eminent domain for private commercial development, the county official with business ties to the trucking industry wants that repealed during the intermodal discussions." Is this me as well?

Mr. Milsap, you have ties to a trucking industry.

Mr. Bohacek, absolutely. I went through every set of minutes for the intermodal board discussions, commissioners meeting minutes, quotes in the newspaper and I can't find that quote. Where did you find it?

Mr. Milsap, you should find it, you're the one who made it.

Mr. Bohacek, I did not make it, can you tell me where you found it?

Mr. Bohacek, I have some great examples of behavior that maybe you should have used as well. I believe in your ordinance it talks about politicking on county time. As a commissioner or council person, the only time you really have that can be designated as actual work time is during your meetings. You held a political fund raiser during the time of your city council meeting.

Mr. Bohacek, Mr. Milsap you attempted to do some trafficking in 2003, you tried to use your influence as a fire inspector to gain access to an inmate you were having a relationship with.

Mr. Layton, Mr. Bohacek that is out of the realm of this.

Mr. Milsap, you and I can discuss this; this is not the forum for this.

Mr. Dennis Rittenmeier, President of Calumet College of St. Joseph, Whiting, IN. I am here representing the Quality of Life Council which includes LaPorte County, the shared Ethics Advisory Commission which is only a Lake County entity and the Lake County Advisory Commission which is also only a Lake County entity. These three groups have come together to sponsor a conference on ethics in government. We believe ethics in government is an important issue. We believe there is a need for appropriate ordinances and legislation to deal with ethics in government. We don't believe individual entities on their own can necessarily do that adequately. We help to sponsor ethics training for all government employees. I am here on behalf of those three organizations to be supportive of Mr. Milsap's effort of getting this on the agenda.

Mr. Layton, thanks for coming. I speak for myself and my two fellow commissioners that we don't take your visit here as an intrusion. I don't know anybody that is against an ethics ordinance. There are some differences of opinion in the writing of the one that was given to us a couple of weeks ago. We have called a public workshop for February 23<sup>rd</sup> at 5:00 p.m., everyone is welcome to attend.

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte, IN. As Mr. Layton just said, I have not heard anyone say they were opposed to an ethics ordinance. I do have some opposition to an ethics ordinance that has different rules for elected officials than it does for employees and department heads. As I understand the proposal, the greatest penalty for any elected official is a censure. To me that is ludicrous when the elected official's have the greatest authority and they have the least penalty. Secondly, Mr. Bohacek mentioned this and Mrs. Huston is aware and can defend herself but I think there was an allegation in there that she voted on something with other dog handlers, they were not part of the law suit. You cannot force someone to join a law suit. The fact that they waited until after

the first suit was handled, I don't think reflects badly on Commissioner Huston's position. My position very clearly is, I am 100% behind any ethics ordinance that has teeth but a mere censure for elected officials does not have teeth. We have an elected official right now in LaPorte County that the majority of people would say has probably violated a court order and is in contempt of court. Unless the court would step in, our ethics ordinance has no value. As Mr. Bohacek said, all of our department heads and all of our employees are covered by our handbook. If the only people we are going to cover differently than we cover now are elected officials, and the worst you can do is slap them on the wrist, then this is probably much ado about nothing.

Ms. Julie Roesler, 11888 S. Hunsley Road, Union Mills, IN. I am really looking forward to having an ethics ordinance in our county. Mature government attempting to attract multimillion dollar investments must have an ethics ordinance. In the past, there have things that may have been conflicts of interest but there is no way to tell. There is no way to disclose those types of things. When they talk about censure vs. firing and people having different penalties; I think that that is probably the way our constitution and overall laws are written. You can fire people but it takes people voting them out of office and that takes some time. I am just looking forward to having an ethics ordinance. I know some things are addressed in the hand book but the hand book seems to be a guideline for employees working in government rather than an ethics ordinance.

#### DEPARTMENT HEAD COMMENTS

Mr. Rich Mrozinski, President of the LaPorte County Council. People I represent ask me sometimes what all these claims are. I do look over the claims, not that I doubt the commissioner's ability, but a fourth set of eyes can't hurt. When I find things questionable, I take them to the Auditor and we look at them and make sure it is something legitimate, as we should; this is tax payer's money. I feel responsible for that. In looking through this month's claims, I found two full pages of payments to LaPorte County Deputies to finally get paid for the RPM Fest. I am glad that that is over. I hope we learned from our mistakes and we don't get ourselves in that kind of a bind again. It is a lot of taxpayer's money and I would like to point out that this has been a hot item for a long time between the council and the Sheriff's department. As you remember, we gave permission to the sheriff to pay this last year from the commissary account. We had two separate readings from the State Board of Accounts that said they would not have a problem with us doing that. All we needed was the sheriff to pay that which he refused to do. Now the taxpayers not only get to pay the \$24,900 plus \$52,000 for the lawyer. This could have been settled last year. This is the same lawyer that charged us \$54,000 for the first dog handler's suit. Now I understand that we thought we had a deal on the second one and now he has his name on that so you can look forward to another \$50,000 at least. The sheriff didn't think it was legal; he thought what if this doesn't go right and I have to pay it back. What about the \$374,000 that was not properly done for the radios, they didn't make him pay that back. What about the State Board of Accounts writing him up for the way he did the cars, \$300,000, they didn't make him pay that back. There is no good excuse for this. In a time when we are trying to attract business to LaPorte County, and every couple months we have to pay this guy \$50,000, it is not good. It is not good for the taxpayers. We have to do business better in LaPorte County because this is an embarrassment.

#### CORRESPONDENCE

Mr. Layton, I received a package addressed to Ken Layton and the Board of Commissioners and in it there is a letter that says "Please give to your attorney so in case of a paper cut he does not choose to sue LaPorte County" signed an Otis Tech graduate. This all comes from when you were wrestling with the bid proposals. Inside is a letter opener. It came from Mr. Michael Kobas. I will pass this on to Mr. Braje.

#### REQUESTS

None

#### OLD BUSINESS

##### Commissioner Milsap/Proposed Ethics Ordinance

Mr. Milsap made a motion to take off the table, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mr. Milsap, thank you for the opportunity to present this proposed draft of the ethics ordinance. Please keep in mind this is just a proposed draft and a starting point for discussions. I would like to introduce my legal attorney, Mr. Shaw Friedman, to present the draft.

Mr. Friedman, I understand there has been a workshop now scheduled and we appreciate that. I know there are comments coming in that the commission is seeking from various sources. I had communication with Mr. Braje on the draft that we submitted. Mr. Braje has some comments and suggestions as well. We look forward to participating in that process and providing additional input.

Mr. Layton, there is a public workshop on this scheduled for February 23, 2011 at 5:00 p.m. in these chambers. The first time we got the proposed ordinance from Commissioner Milsap back in January, I attached that to an email and sent it out to all the department heads, all the judges, and all the elected officials in the county and asked them for their input. That input has been coming in steadily since. Then, we as a commission decided that the document itself needs to be discussed openly and publicly, so we called for a public workshop on this.

#### NEW BUSINESS

##### Atty. Greg Hofer/Petition to Vacate Louise Drive in Fish Lake, Lincoln Township, LaPorte County, IN

Mr. Greg Hofer, 609 Michigan Avenue, LaPorte, IN. I am representing Walter and Mary Kowalski and Vito and Diane Lamonto in their request to vacate Louise Drive, which is an unimproved yet platted roadway out in Fish Lake, Lincoln Township. This is a road that intersects Longshore Drive. It has never been improved. There are trees growing on it. It is 30 feet wide by 325 in length leading to the lake. The only adjoining land owners are the Lamontos and Kowalskis. The only lots suitable for development are those which touch north Longshore Drive. The rest, because of water table or elevation, cannot be built on. Land owners were notified, publication occurred. We are asking that the road be vacated.

Mr. Braje, I have a copy of the proof of publication and since the only people that are involved are the petitioners, if the commission elects to pass this, I find the ordinance to be proper.

Mrs. Huston made a motion to approve the ordinance by title only, seconded by Mr. Milsap. "An Ordinance To Vacate Louise Drive, An Unimproved But Platted Road Located In Lincoln Township, LaPorte County, Indiana". Motion carried by voice vote 3-0.

Mrs. Huston waived the rules for a second reading by title only. Mr. Milsap made a motion to pass the ordinance, seconded by Mrs. Huston, motion carried by voice vote 3-0.

#### Ordinance #2011-01

##### Jeff Wright, LaPorte County Highway Engineer/Purdue Extension Offices Bid Proposal Review

Mr. Jeff Wright, I would like to thank Rick Brown Construction Services and Hendricks & Assoc. for putting the plans and permits together. In accordance with the request of the Commission, we took all Council members through this presentation. I could not get in contact with Lois Sosinski or Mark Yagelski, they have not seen this presentation. The hardest part of the job here is being put on a task to find an objective bottom line, to be unbiased without trying to push the project one way or the other.

Mr. Wright presented a slide presentation of the Purdue Extension Office Plans and Bid Package. This included the Site Plan, Floor Plan Layout, Elevations, Foundation Plan Layout, Roof Framing & Truss Layout Plan, Plumbing Underground & Riser Layouts, Geothermal Layout Supply/Returns, and the Bid Tab Summary. The building sits on the foundation that was constructed previously.

Mr. Wright, as we reviewed the bids, there were three bids that were significantly close for the base bid, Precision Builders, Inc., L. I. Combs and Chester, Inc. As we put the bids together, we included various alternates to "skinny" the building up financially. We have done that, there is nothing else we can do. The deciding factor for the low bidder is alternate #1. That put L.I. Combs as the low bidder for the package we wanted. \$820,000.00 is the request we would have to make from the Council to cover everything, the base bid plus alternate #1 or \$760,000.00 to cover the base bid. Councilman Ford

thought it might be good to add site lighting. To add four poles for site lighting would be somewhere between \$15,000 and \$20,000. There is an additional metering that has to happen that is \$2,000 in order to separate the geothermal from the day to day operation electricity. If we wanted to add the shingles, it would be \$8,000. These three figures are not included in the project total cost. There are two parties that the county is paying for rent, Purdue Extension and Soil and Water. That is \$56,800 annual rent. There was discussion of a third tenant. Our recommendation is that you make a motion to pass on the base bid with alternate #1 and #2 to the Council. That is a higher number and it allows the council the freedom and option to decide which level to fund. Once that number is passed on and the council elects to fund it, there still needs to be a decision on the site lighting, shingles or not, and the NIPSCO metering.

Mr. Brown, we have parking to the North and South which means on the East side of that building there is a certain amount of expandability. The reason for the metering is that NIPSCO has various rates and with the geothermal it will be much lower.

Mr. Braje, in regard to the bids, are there any deadlines for acceptance?

Mr. Wright, the bids were good for 90 days, it might be 180, I would have to confirm.

Mrs. Huston made a motion to accept the recommendation of the engineer and Mr. Brown of the base bid plus alternate #1 and add the metering, site lighting and shingles for \$820,000, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

Mr. Layton, I want to commend both of you and Mr. Hendricks. We asked you to do a monumental task over and above your job scopes. We have saved a good deal of money by using in house forces. I want to thank you personally for your endeavors.

Michael Mollenhauer, LaPorte County Sheriff/ Appropriation of Funds for Vehicles

Mr. Sosinski, Chief Deputy, we are asking for seventeen vehicles to be replaced this year. We are trading in sixteen vehicles. That is because we recently had one involved in an accident and was totaled out. The vehicles that we are trading in are 2006 and 2007 models. Traditionally, the Sheriff's department has been on a three year rotation to replace vehicles. Due to technology, I believe vehicles last longer than before. All these vehicles have close to 100,000 miles and that seems to be the industry standard. The bid is a state bid that we used. We are using our state's vendor. The total that we are requesting for those vehicles is \$323,927.89. We did not buy any vehicles in 2010. I believe this is a testament to our take home car program, it is not being abused. Two are for warrants, one for the detective bureau and the rest are all patrol vehicles.

Mr. Milsap made a motion to grant the request, seconded by Mrs. Huston, motion carried by voice vote 3-0.

COMMISSIONER'S COMMENTS

Mrs. Huston, the weather is going to be warm this week and we should consider a lot of flooding because of the snow. Take care with your basements and monitor all of that, I think we may have some flooding issues.

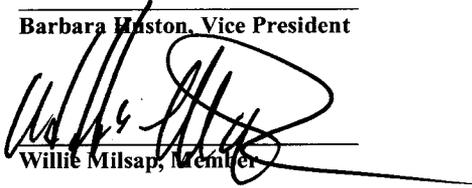
ADJOURN

Mr. Layton, President, adjourned the meeting at 11:02 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
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Ken Layton, President

Barbara Huston, Vice President



Willie Milsap, Member

ATTEST: Craig Hinchman  
Craig Hinchman, LaPorte  
County Auditor