



BOARD OF COMMISSIONERS LAPORTE COUNTY

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Ken Layton
President
Barbara Huston
Vice President
Willie Milsap
Member

LAPORTE COUNTY COMMISSIONERS

Tuesday, May 17, 2011

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, May 17, 2011, to be held at 10 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

Mrs. Pat Pease led the Pledge of Allegiance.

ROLL CALL

All Present

APPROVAL OF AGENDA

Mrs. Huston, please add item H to New Business, Community Corrections Grant, and remove item G, under New Business, National Railroad Passenger Corporation License Agreement.

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

APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of May 2, 2011, as presented, 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 May 27, 2011, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Misc. Claims ----\$240,706.76, Mrs. Huston made a motion to approve as presented, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

Regular Claims---\$1,071,398.81, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Ms. Nancy Moldenhauer, 107 Kaye Lane, Michigan City, IN. I am here on behalf of my mother and father, they reside at 6506 W. Laura Lane, LaPorte. I am here regarding the issue of the outdoor

wood-fired boilers. I will read a statement from my father dated in 2007. We have a constant order of smoke and toxins that are detrimental to our health. I don't want my property value to go down. He was asking that all OWB's be banned in LaPorte County. When he worked outdoors in the yard, he was breathing in the deadly smoke and toxins that came from the OWB just 150 feet behind the rear of his home. He was under constant medical treatment from inhalers to ultimately oxygen to aid his breathing. What pained him the most was the decrease in his property value because he would have to disclose to any potential buyers that there is an OWB in the neighborhood. In our era of the Clean Air Act, this should not be allowed to continue. These OWB's have a detrimental effect on children with asthma, anyone with respiratory or heart illnesses, and the elderly who are already compromised due to age.

Mr. Milsap, how long has this problem existed?

Ms. Moldenhauer, 9-10 years.

Ms. Deborah Chubb, 3630 Birchwood Trail, Michiana Shores. I am representing Save the Dunes Conservation Fund, Inc. We are located at 444 Barker Road, Michigan City. We have worked with IDEM to try to develop a state wide regulatory system that would provide some redress for people that live near these outdoor wood burners. Our mission is to preserve, protect, and restore, land, air, and water quality in Northwest Indiana. If you want to save money by spewing toxins in the air you cannot transfer that cost to your neighbors in terms of medical costs and property values. The cities of LaPorte and Michigan City have banned the OWBs. We are just hoping we can provide the same protection for those who do not live within the incorporated areas in the county.

Mr. James Donnelly, 4622 North, 525 West, LaPorte. I am here to talk about the outdoor wood-fired boilers. What is wrong with the Ordinance 2007-10B? There is a lot wrong with it. The manufacturers even state that their units pollute. The state of Indiana has passed a new rule, 05332, that will allow the phase 2 units to operate twelve months of the year and be located anywhere they want to be. I ask that the commissioners put a moratorium on all phase two units being installed in LaPorte County from this date on until the EPA can put an efficiency rating on the phase 2 units. I would love to see the commissioners put together a task force. People are afraid to come up and talk against their neighbors.

DEPARTMENT HEAD COMMENTS

Mr. John Regetz, on April 30th LaPorte County Economic Development Alliance held its first annual meeting to go over its accomplishments and to initiate its latest three year fund drive. We do have a new coordinator, Bob Rotenger, and he is hitting the ground running. In the last three years we have generated 948 new jobs in the county, 537 in Michigan City and 411 in LaPorte. That has generated \$135,000,000.00 in new investments. This is a successful program we hope to make even better.

Mr. Bob Young, Highway Superintendent, as you know, we are opening truck bids this morning. I will make them available for anyone who wants to review them. We have taken another step in the 2011 Snowplow Rodeo coming to LaPorte County. I met with Ltap people and they are excited about our facility. We are moving ahead with that. The dates are September 14th and 15th and it should be a really good event.

Mr. Jeff Wright, Highway Engineer, I sent over a form for a project we are working on at County Road 500 South from US 35 to Hupp Road. It is a right of way certification that we need to send to the state. It simply says that we are taking no additional right of ways for the project. This is in conjunction with the new bridge project.

Mrs. Huston made a motion to approve the right of way certification, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Sheriff Mollenhauer, I was unable to be at the last commissioner's meeting. I understand Councilman Cunningham chose to come before you again regarding the jail costs and how the commissary fund should be spent. I have brought an itemized list of everything spent out of the commissary fund in the last four years and four months since I took office on January 1, 2007. This is everything spent regarding jail, service equipment for the sheriff's department. It is a total of \$538,964.52. We are planning on spending \$36,000 in the near future for equipment in the area of booking for safety purposes. The last thing we bought is cages for the K-9 cars. My door is always open, it is not

necessary to come before you with things like this. This is not taxpayers money, it is generated from the inmates.

Mr. Layton, I agree with you that it is not tax dollars but it is the tax payers money.

Mr. Mollenhauer, it definitely helps the budget every year.

Mr. Milsap, what is the State Board of Accounts status on this?

Mr. Mollenhauer, everything has been approved. We have donated money to youth groups and last year they suggested putting safety slogans on any type of donation like that. The State Board of Accounts does not have an issue with our procedures.

CORRESPONDENCE

None

REQUESTS

Union Mills Mill Pond Festival/Request \$500 Tourism Funds

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

Andy Snyder, LaPorte Hospital Foundation, Tour de LaPorte Committee/Road Closures for TDL 5k, 10k, and ½ Marathon Run

Mr. Andy Snyder, on behalf of the LaPorte Hospital Foundation, I have submitted a letter for road closures for the 5k, 10k, and ½ marathon run to be held on August 27, 2011 for the Tour de LaPorte. This will be a different route this year based out of Stone Lake Beach House. This is the 10th year for the Tour de LaPorte and we wanted to expand. Our goal is to have over 1,000 participants this year and it will be a two day event.

Mrs. Huston, as you know in years past we have had problems with people not being able to get out of their driveways, no mail delivery, and people not being able to get back to their homes. They will be accommodated, is that correct?

Mr. Snyder, yes. We will give them at least two weeks' notice, hand delivered fliers to their home, as well as, press releases. This is a moving blockade; those roads will not need to be closed for those four hours.

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

OLD BUSINESS

None

NEW BUSINESS

Mitch Bishop, LaPorte County Planner/Open Bids for Union Mills Mill Pond Rehab Project

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

Mr. Bishop, LaPorte County Planner, I received a Community Development Block grant money through OCRA to rehab the Mill Pond Dam. We are here to open the bids today. The bid would be good for 90 days.

Mr. Braje, Yardberry Landscape Excavating Company, \$116,369.00. Next, H & G Underground Utilities, LLC for \$75,575.75. Temple & Temple Excavating and Paving, Inc. \$73,600.

Mrs. Huston made a motion to turn the bids over to Mr. Bishop for review and his recommendation, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, I know it is not part of the grant but we were going to do a favor for the Noble Township Fire Department and put in a siphon tube. Has that been looked into?

Mr. Young, we have been down and looked at that and we will be able to do something for them. We will have to wait until this job is done.

Robert Young, LaPorte County Highway Superintendent/Receive And Open Bids For Trucks.

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

Mr. Braje, the first bid is from Wiers International Trucks for \$709,133.10 for 5, single axle trucks and \$188,569.89 for the tandem. Next, Skelking International for the tandem, \$194,942 and for the single axle trucks, \$821,396.35. Northern Equipment for the tandem, \$197,336 less trade in of \$26,000 for a total of \$171,336. Pozzo Truck Center, Inc. on the 5 single axle, \$852,540 and on the tandem \$194,644 for a total of \$1,047,184.00. Also from Pozzo, on 5 single axles \$799,410 and tandem axle \$185,276.

Mrs. Huston made a motion to turn over to the highway superintendent, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Pat Pease, Administrator, EMS/Proclamation To Designate The Week Of May 15-21, 2011 As Emergency Medical Services Week

Mrs. Pease, every year I come before you to ask that you designate this week as National Emergency Medical Services Week. I would like a resolution done locally. Mrs. Pease reads the Resolution (please see attached) I would like to invite everyone to attend our annual EMS Awards Program May 19th at 1:00 p.m. in the County Complex to help recognize your Emergency Medical Service Personnel.

Mrs. Huston made a motion to approve Resolution #2011-02, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Jeff Wright, LaPorte County Highway Engineer/Construction Contract-Bridge #54

Mr. Wright, we opened and received bids. The low bidder was Tonn & Blank for \$298,175.97. The next bidder was Larson Danielson for \$300,587. Next, LaPorte Construction for \$356,300.00 and the last was Reith-Riley for \$375,315.00. Four bidders and Tonn and Blank was the low bidder. We recommend that you award the contract to Tonn and Blank.

Mrs. Huston made a motion to concur with the highway engineer and accept Tonn and Blank, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Anna Marie Miller/Vacate Roadway

Ms. Anna Marie Miller, I respectfully request consideration that an old roadway be vacated by the county. This is a beautiful wetland area, a private lake which has been designated as a game reserve. The adjacent neighbors would be happy to see this property cleaned up. It contains at least 500-700 yards of discarded building materials and etc. I have been blessed with the ability and finances to take care of this, I am asking that you vacate this roadway so I will be able to get in and out with heavy equipment and get it cleaned up. The project will produce a small public viewing area that will be an asset to the whole community.

Mr. Layton, there are avenues that you must go through for a vacation and one of the concerns that the commission has is if this parcel is vacated, it land locks a major parcel that we don't even know who owns it.

Ms. Miller, Mr. John Smith from Rolling Prairie owns just to the north of it and Mr. Gorbo, New Buffalo, Michigan, is the owner of the lake. I am looking to develop this and not preventing anyone from using it. I will not be blocking anyone's access.

Mr. Braje, if this vacation is ultimately granted, you only will own ½ of the property.

Stephen Eyrick, Chief Probation Officer/Probation Department Office Space Utilization

Mr. Stephen Eyrick, this has been a long time coming. Twenty-five years ago when I started in Circuit Court there was a study launched on how to unify probation. I think we have finally arrived. We are required by the Indiana Supreme Court to have one county, one probation department. Mr. Shurster, Mrs. Kittle, Ms. Swanson, the other three chiefs in LaPorte County, & I have been working a little over a year to get this to happen. We have worked out a lot of details including this request. We are basically requesting the northwest corner of the second floor of the courthouse to be utilized for the consolidated probation department. I know that Superior Court 3 is scheduled to move in there. The court comes first. What I am requesting is for us to utilize this space and when the Superior Court 3 moves into that building, we will adapt to fit them. When Superior Court 3 moves into the second floor, it is anticipated that the probation department will come with them. We are talking four more staff people. Also, by moving the Circuit Court probation department down to the second floor, that vacates their office suite that could be used by some other administrative offices. Mr. Ott is willing to construct walls and we would pay for new carpeting and any supplies needed to build the walls, paint, wiring & etc. out of probation user fees. The Michigan City project requires no construction. We would just swap places with Juvenile Probation. Both of these plans would address my main concern, security. Let's get us into one location in each town.

Mrs. Huston, this is at your cost, correct?

Mr. Eyrick, yes.

Mrs. Huston, I have been told that the courthouse has problems with some of the pipes and you did not mention that upgrade.

Mr. Eyrick, we were unaware that the water pipes were in that kind of state. We will have them looked at.

Mr. Milsap, pending approval, what is the time frame?

Mr. Eyrick, September 6th is our goal to have everyone in their office.

Mr. Layton, Judge Alevizos, this is going to affect you quite a bit.

Judge Alevizos, where it will affect me is in Michigan City because my probation department is moving.

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

Community Corrections Grant 2011-2012

Mr. Layton, the Indiana Department of Corrections has approved for 2011-2012 a community corrections grant for their portion of LaPorte County Community Corrections and the award amount is \$541,889.00.

Mrs. Huston made a motion for the acceptance of this grant, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Milsap, this should be made known that this is for operational purposes and not for the building.

COMMISSIONER'S COMMENTS

Mrs. Huston, Hurrah for the Navy Seals!

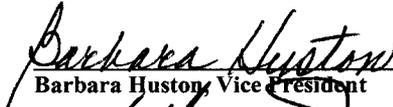
ADJOURN

Mr. Layton, President, adjourned the meeting at 11:17 a.m.

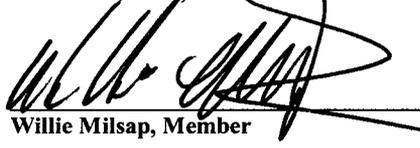
LAPORTE COUNTY BOARD OF COMMISSIONERS



Ken Layton, President



Barbara Huston, Vice President



Willie Milsap, Member

ATTEST: 

Craig Hindman, LaPorte County
Auditor

Resolution 2011-02

PROCLAMATION
TO DESIGNATE THE WEEK OF MAY 15 – 21, 2011 AS
EMERGENCY MEDICAL SERVICES WEEK

Whereas, emergency medical service is a vital public service; and

Whereas, members of the LaPorte County Emergency Medical Services team are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, emergency medical care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, emergency medical services providers have traditionally served as the safety net of America's health care system; and

Whereas, the LaPorte County Emergency Medical Services team consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

Whereas, the members of the LaPorte County Emergency Medical Services team, whether a career or volunteer engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

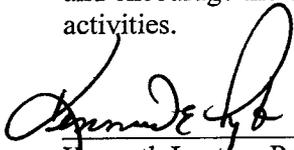
Whereas, LaPorte County residents benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas, it is appropriate to recognize the value and the accomplishments of our LaPorte County Emergency Medical Service provider by designating Emergency Medical Services Week; and

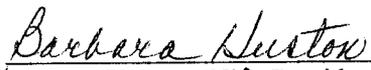
Now, therefore, the Board of Commissioners of the County of LaPorte, State of Indiana, in recognition of this event do hereby proclaim the week of May 15 – 21, 2011 as

EMERGENCY MEDICAL SERVICES WEEK

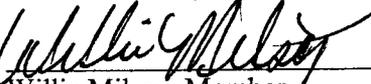
and encourage the community to observe this week with appropriate programs, ceremonies and activities.



Kenneth Layton, President

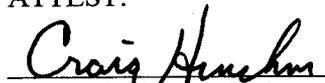


Barbara Huston, Vice President



Willie Milsap, Member

ATTEST:



Craig Hinchman, Auditor