

# BOARD OF COMMISSIONERS LAPORTE COUNTY

555 Michigan Avenue, Suite 202

LaPorte, IN 46350

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

## LAPORTE COUNTY COMMISSIONERS

Tuesday, September 6, 2011

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, September 6, 2011, held at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

### CALL MEETING TO ORDER

Mr. Layton, President, called the meeting to order at 6:00 p.m.

### PLEDGE OF ALLEGIANCE

Mr. Jim Foldenauer led the Pledge of Allegiance.

### ROLL CALL

All Present

### APPROVAL OF AGENDA

Mrs. Huston, under Old Business, B., Ordinance/Four Way Stop Sign at Long Lane and 1500 S., please remove from the agenda.

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

### APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of the regular meeting of August 16, 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 September 2 and September 16, 2011, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Regular Claims—\$7,590.66, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

Misc. Claims ----\$787,026.33, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

### PUBLIC COMMENTS

Mr. Jim Foldenauer, 3203 E. Morton Road, Rolling Prairie. I am here on behalf of the area residents to thank you for fixing the South Shore bridges on 300 E. and 200 E. and also to thank you for getting the road paved on 300 E. it is a magnificent thing. Everyone there is very appreciative. I also want to

the road paved on 300 E. it is a magnificent thing. Everyone there is very appreciative. I also want to thank Mr. Young and also all the workers. They did a fantastic job; it was done very efficiently and very well.

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte, IN. I am here also on behalf of neighbors on 400 N. between Johnson Road and Wozniak. At the Coolspring Fire Department fund raiser this year there were several people that requested that the lines be restriped, the paint had diminished where it was not striped at all. Within a week or two those line were striped. They said to be sure to thank the commissioners.

Mr. Cunningham, on behalf of Mr. Lee Dabagia, the new principal at Michigan City High School, on the first day of school this year he called me within an hour of school closing, regarding traffic concerns because of the Canterbury Apartments. They are just north of the east exit of the high school. Because there is no crosswalk across Pahs Road, students are crossing Pahs Road at different places between cars and buses. At present, it is a 30 mph zone in front of the high school. They are requesting that it be reduced to 20 mph. It is going to require a joint effort between the county and the city because Pahs Road in that area is jointly owned. Between the school, city, and county, the safety of our students and teachers is a priority. It may require an ordinance on your part. The one thing I think we can correct immediately is to call Bob Young ...presently if you are coming from Johnson Road towards the high school, you go past all three streets and are on school property before you even see a school zone sign. That school zone sign should be moved back east 700 feet. Give people enough notice that they are getting into a school zone. We do have a contact with the Michigan City Police Department, head of their traffic division; he is in agreement that on initial observation, the speed should be reduced. I am here tonight asking that you consider reducing that speed to 20 mph and that you remove a sign or put up a new sign.

Mr. Milsap, is 20 mph standard in school zones?

Mr. Cunningham, yes, Mr. Dabagia prefers at the high school that it would be 20 mph because events are going on all the time until 9:00 p.m. or 10:00 p.m. most week nights, even in the summer. He is just trying to get the traffic slowed down.

Mr. Layton, I was in a meeting with the Mayor and we spoke about that briefly. I think there is something that can be worked out. Mr. Wright, will you take this back to the highway department?

Mrs. Huston, at Crichfield School there is a yellow flashing light, would that be something we should consider?

Mr. Cunningham, that would be his first preference.

Mr. Milsap, within the last five years has there been any injuries?

Mr. Cunningham, yes, a student was hit on Pahs Road last year.

Mr. Cunningham, this is a letter from neighbors; "To Whom It May Concern: I, Taylor Whitehead and my wife Edna Whitehead have lived next door to property concerned for 43 years. This property has been vacant for 2 ½ years. During this time no one has attempted to maintain this property. In front of property weeds are up at least 10 feet tall. I have seen rats, snakes & squirrels going into the basement. The gas and electric meters are removed from the house. This property is visible from Johnson Road and became a real eye sore. All interested parties have signed this letter." There are 10 additional signatures. I have checked with the Health Department and Planning Department and we don't have a weed or high grass ordinance for the county. I was able to work that out with the Coolspring Township Trustee and he is going to take care of the weeds this week. This property is only about 5 doors down from the new Albano pizza place. It is in a very heavy residential neighborhood.

#### DEPARTMENT HEAD COMMENTS

None

#### CORRESPONDENCE

None

**REQUESTS**

None

**OLD BUSINESS**

**Nancy Hawkins, LaPorte County Treasurer/AFCS, Inc. Service Agreement (Tabled)**

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

Mr. Layton, through communication that I received from you there has been some consideration from AFCS.

Mrs. Hawkins, yes, the contract that we presented was for collecting demands and judgments on unpaid personal property taxes. It was tabled at the prior meeting because the board had questions. One of the major points at that time was America Financial Credit Services fee of 27%. Since that time I have had conversations with Mr. Williams asking if that fee was negotiable and it was. He has agreed to lower that fee to 18% on demand notices and 22% on judgments. The other point that was discussed at the last meeting was that the contract was an open end contract. The board preferred an end date. He has agreed to a date of December 31, 2012. What I am now proposing is that we give AFCS a try with this 16 month contract and see if he can produce the results that he has presented to us. Porter County signed with this company in January of this year and in the 8 months that they have been on board this company has collected \$200,000 for them. That money goes into the general fund for their use. There are 60 other counties that use him out of the 92 counties in the state. Other counties are experiencing as high as 45% collection rates with him; some smaller counties are only experiencing 7% so the average is about 29%. The alternative is for me to go out and collect on these judgments. The law allows us to go out and pick up these personal properties, hold them in a secure area and auction them off and sell them in order recoup our taxes. I feel in order to do that it is going to cost the county a lot more money. It is not a good solution.

Mrs. Huston, I talked to Nancy this morning and she opened her books and showed me that there are quite a few outstanding, over 2300 who have not paid their personal property tax.

Mr. Milsap, I also talked with you this afternoon. In the new contract as it stands, is there an opt out clause?

Mrs. Hawkins, there is a clause that says either party can cancel the contract with 30 days notice.

Mr. Layton, I want to thank you for you for your diligence in the work that you have done between the last meeting and this meeting. I had some issues and a lot of those issues have been clarified in my mind.

Mr. Willoughby, I had an opportunity to talk to the vendor representative and we discussed the material changes. We discussed the redrafting and amendments to have ready for approval at the next meeting or if you approve it subject to finalizing the language which ever your preference would be.

Mr. Layton, say a person owes the county \$1,000 in taxes and AFCS collected that \$1,000, that is actually tax dollars, do they get their 18-22% off the top of that?

Mrs. Hawkins, no, their fee is added to the top of that. So if you owed the county a \$1,000 they would present you with a bill for \$1,220. If they only collect the \$1,000, part of their fee is prorated along with ours.

Mr. Milsap, there is no way we can get ours first?

Mrs. Hawkins, we can ask.

Mr. Willoughby, I believe there is some discussion in it. We apply the principal, then interest, then the collection fee.

Mrs. Huston made a motion to approve after the contract has been revised and presented at our next meeting, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Ordinance/ Four Way Stop Sign at Long Lane and 1400 S.

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

Ordinance 2011-10

Mr. Layton, Ordinance Designating Four-Way Stop At The Intersection of C. R. 1400 South And Long Lane in Hanna Twp., LaPorte County.

Mrs. Huston made a motion to approve on first reading by title only, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mrs. Huston made a motion to waive the rules and bring up for second reading by title only, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Lynne Spevak, LaPorte County Clerk/Abolish Voter's Registration (Tabled)

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

Ms. Spevak, I am trying to follow the Indiana code 3-7-12-3 that the Voter's Registration Office should be under the Clerk because we do not meet the population guide lines of 125,000. Since the year 2000 we are not following state statute. We have a board that should not be in jurisdiction.

Mr. Layton, I had a conversation with Mr. Willoughby's office earlier this morning and it seems there has been a different interpretation of the code 3-7-12-3.

Mr. Willoughby, our discussion was, based on the memo you submitted last month, the statutory section that provided for the Voter's Registration, that has been repealed. Whether our board that is made up is legally an entity, I don't see anything that provides otherwise. The Commissioners now have the authority if they so choose to unanimously abolish that. I don't know if the county is out of compliance, I think there is a gray area now made even more confusing by the fact that the state has repealed the statutory section that automatically established the board of voter's registration. If they choose to abolish it, they have to do so unanimously.

Mr. Milsap, at the last meeting you left us with the impression that if we did not do this we would not be in compliance.

Ms. Spevak, I know you are going to be passing an ethics ordinance and I don't want myself under this IC code and someone coming and chastising me. That is why I want to get my ducks in a row before you possibly pass your ethics ordinance.

Mr. Milsap, we are in a position where we do not have to have this at this time.

Mrs. Huston, I understand that they will be doing the same work only additional work in your office. They will still be doing voters registration and everything that they do presently but in your office. You do have an opening that you do not want to fill until you find out one way or the other. Also to clarify, if one of these ladies would quit or retire, you would still contact the heads of the Democratic and Republican parties for their recommendation of who you should hire in there.

Ms. Spevak, they would always be classified as Voter's Registration/Deputy Clerk. They would do their general duties and then they would have things to do in my office to help out. I could actually use these ladies.

Mrs. Huston, as it stands now with Voter's Registration, if a new Republican or Democratic head of the party comes in they could actually remove whoever is there now and put in someone different. However, this would be a protected position if they came to your office. They would be protected as county employees and follow the policy book.

Mr. Layton, you know that I support it. Some of the reasons I support it are the same reasons that Mrs. Huston has stated. They would fall underneath the personnel policy, and be protected as long as they follow the personnel policy and the directive of the clerk. More importantly, there would be direction. One of the things I have always found fault with in the political appointment arena is the fact that one of the individuals may fall out of favor with the party chairman and we would lose experience. I think this is a win win situation, for the employee and for the county.

Ms. Spevak, for me too. I fight them every time we prepare a ballot. We give them the opportunity to check the candidates name, address, that they are registered. There were two mistakes in this last primary. Their main job is to help me prepare a correct ballot and they were unable to do that for me this primary. We are doing redistricting and I can't guarantee anything. They have not even helped me prepare the maps. I have no jurisdiction to ask them for help.

Mr. Milsap, I have a question for counsel, if we do not pass this tonight it can still come up at a later date correct?

Mr. Willoughby, the only problem from Ms. Spevak's perspective is that if it doesn't pass tonight it is going to have to wait for some time. It could be considered at a different date but it is not going to help her with what she is trying to accomplish.

Mr. Layton, she is opting to give up the position that the county council awarded her so that she could bring these two persons in and not hire another individual.

Mr. Milsap, the flip side is we can keep the office as is and she can employ another person and have three hires instead of two. She can put another LaPorte County resident to work.

Ms. Spevak, I was trying to save tax payer money. I have waited five weeks to do it.

Mr. Milsap, which is fine so you can put another LaPorte County resident to work.

Mrs. Huston, since these two people already work for the county, is it possible for you to bring them on with their salaries that already exist and still hire the third person.

Ms. Spevak, I would not need that third person. I don't want to have to go over there and be their referee. That is all I want to say.

Mrs. Huston made a motion to approve because I think it is a really good idea and I do think voters needs direction and I think they would get that under Ms. Spevak, the chair stepped down and seconded the motion, motion fails.

#### NEW BUSINESS

##### Lynne Spevak, LaPorte County Clerk/Approval of Polling Hours Per Resolution

Ms. Spevak, the election board passed a resolution to be open on these particular hours, Monday, Tuesday, Thursday and Friday from 10:00 a.m. to 4:00 p.m. at the LaPorte and Michigan City Court Houses and one Saturday of voting, November 5<sup>th</sup> from 8:00 a.m. until 4:00 p.m. We do not have to follow federal guide lines on a municipal election. ( see attached resolution)

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

##### Craig Hinchman, LaPorte County Auditor/Ordinance For Real Property Endorsement Fee

Mr. Hinchman, I am here asking that the Real Estate Endorsement fees be increased from \$3.00 to \$5.00. The Real Estate Department charges \$3.00 for a transaction when many of the attorneys and title companies from outside the area call in; they are surprised our fee is so low. This fee is used to update the plat books and we have given money for pictometry. So far this year we have had 2490 transactions which brought in \$7472.00 if we had increased it to \$5.00 we would have brought in \$12,452.00 or an additional \$4980.00. This is the maximum amount we can charge.

Mr. Layton, I have a statement. As long as we are making ends meet on the \$3.00 fee and people are surprised we have maintained the \$3.00 which, as far as I know, is historic for LaPorte County. In this one fund I don't believe we are in financial straits, from \$3.00 to \$5.00 just doesn't seem relevant to me.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 2-1.

LaPorte County Health Board Appointment

Mr. Layton, we have the resignation letter of Doretha M. Sanders. I know this lady personally and I know she is going to be missed dearly by your board. We have received a letter of request from Monique Gillard to be appointed. I received a phone call from councilman Mark Yagelski that there was another gentleman from the Michigan City area, Mr. Rob Pahs, that was interested in that. I asked for them to forward a letter. I forward Ms. Gillard's letter over to your office to be shared with your board. Do you know what the pleasure of your board is?

Ms. Buckles, Mr. Sandy is not here this evening. I cannot speak for the board. I have not spoken to them directly. Our next board meeting is September 27, 2011.

Mr. Milsap, it should also be mentioned that Doretha Sanders also sent a letter of recommendation for Ms. Gillard.

Mr. Layton, with the boards permission, I would like to have this matter tabled until our next meeting in two weeks so that we can hear from the boards president.

Mrs. Huston made a motion to table, seconded by the chair, motion carried by voice vote 2-1.

Notice of Public Meeting/Proposed Comprehensive Zoning Ordinance, Subdivision Ordinance and Zoning Maps

Mr. Layton, at this time I have to take notice of a public meeting that will follow this meeting. There will be a hearing in reference to the proposed comprehensive zoning ordinance, subdivision ordinance, and zoning maps draft of August 23, 2011. This hearing will be held directly after this meeting at 7:00 p.m. in these chambers. The hearing pertains to the repeal of the existing zoning ordinance, subdivision ordinance, and zoning maps for the County of LaPorte, and, the adoption of a new Comprehensive Zoning Ordinance, Subdivision Ordinance, and Zoning Maps for the County of LaPorte. Written objections to the proposal may be filed with the Secretary for the County Commissioners located at LaPorte County Annex Offices located at 555 Michigan Avenue, Suite 202 or with the County Auditor located at LaPorte County Annex Offices located at 555 Michigan Avenue, Suite 205, and before the time the hearing will be heard. The hearing may be continued from time to time as may be found necessary.

Pat Pease, EMS Administrator/LaPorte EMS Base Lease-IU Health/LaPorte Hospital

Mrs. Pat Pease, I am here for your signature for the annual lease between LaPorte Hospital and LaPorte County EMS. I have been in correspondence with Mr. Braje.

Mr. Willoughby, I do not have a copy but I am aware of the correspondence and that he has reviewed this and there are no objections.

Mrs. Huston made a motion to approve and to give the president the authority to sign on behalf of the commissioners, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Pat Pease, EMS Administrator/Ambulance Bid Opening

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

Mr. Willoughby opens the bids:  
Marque Ambulance - \$225,328  
Cross Roads Ambulance (MedTec) - \$249,960

Wheeled Coach-Fire Service, Inc. - \$228,294  
Life Line Emergency Vehicles - \$262,778  
Alexis (AEV) - \$233,222  
Donley Safety (Horton) - \$277,872

Mrs. Huston made a motion to pass these on to the EMS Director, Mrs. Pease, for her review and recommendation, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Approval of Offsite Sanitary Sewer Improvements Inland Logistics Porte-Kingsbury

Mr. Layton, this is an Agreement for Construction of a Lift Station, Connection and Meter. This is a three party agreement between the county of LaPorte, the Kingsbury Utility Corp. and ILPK, LLC. That is the investors in the Kingsbury Industrial project that the county has entered into. This document is very important in that it precedes the army granting us an easement across our property to make sure the project that the county has invested in goes forward. This document was prepared by Mr. Robert Scott, Mr. Johnson's attorney and Attorney Don Baugher which is the county council's attorney and Phil Faccenda.

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

COMMISSIONER'S COMMENTS

Mr. Milsap, I have a question about the sewer. Can we have some time lines on this?

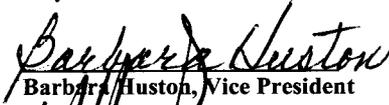
Mr. Johnson, I believe the developer will start building in October with a six weeks completion, it will be done this year pending approval by the army.

ADJOURN

Mr. Layton, President, adjourned the meeting at 7:02 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Ken Layton, President

  
\_\_\_\_\_  
Barbara Huston, Vice President

  
\_\_\_\_\_  
Willie Milsap, Member

ATTEST:

  
\_\_\_\_\_  
Craig Hinchman, LaPorte  
County Auditor

**RESOLUTION**

The La Porte County Election Board Adoption of Absentee Polling Hours for the 2011 General Election. To be given to the La Porte County Commissioners for Approval.

La Porte Circuit Courthouse

Voting Hours : Monday, Tuesday, Thursday, Friday 10 a.m to 4 p.m.

October 13,14, 17, 18, 20, 21, 24, 25, 27, 28, 31, November 1, 3, 4.

Monday, November 7: 8 a.m. to noon

Voting Hours: Saturday November 5 8:00 a.m. to 4:00 p.m. only one Saturday of Voting

Michigan City Superior Courthouse (satellite office)

Voting Hours: Monday, Tuesday, Thursday, Friday 10 a.m. to 4 p.m.

October 13, 14, 17, 18, 20, 21, 24, 25, 27, 28, 31, November 1,3,4.

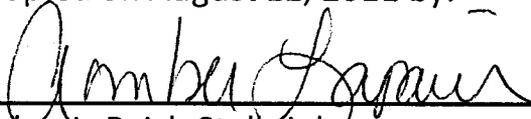
Monday, November 7: 8 a.m. to noon

Voting Hours: Saturday November 5 8:00 a.m. – 4:00 p.m. only one Saturday of Voting

All mail-out Absentee Applications are to be received in office by

Monday, October 31, 2011 at 4:00 p.m.

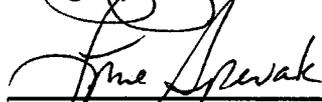
Adopted on August 22, 2011 by:



Amber LaPaich Stalbrink



Gregory Hofer



Lynne Spevak

August 22, 2011