



# 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 20, 2011

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, September 20, 2011, 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

Mr. Hassan Dabagia led the Pledge of Allegiance.

#### ROLL CALL

All Present

#### APPROVAL OF AGENDA

Mrs. Huston, one addition under New Business, E., Roger and Tamara Osborn/Road Vacation.

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

#### APPROVAL OF MINUTES

September 6, 2011, Mrs. Huston made a motion to approve as presented, seconded by Mr. Milsap, motion carried by voice vote 3-0.b

Special Meeting of September 6, 2011, Mrs. Huston made a motion to approve as presented, seconded by Mr. Milsap, motion carried by voice vote 3-0.b

#### WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

#### CLAIMS

Payroll Ending September 30, 2011, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Misc. Claims —\$1,648,382.86, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

Regular Claims—\$980,027.07, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

#### PUBLIC COMMENTS

None

DEPARTMENT HEAD COMMENTS

Sheriff Mike Mollenhauer, I would like to commend Prosecuting Attorney, Bob Szilagyi, for allowing us to purchase ERT (Emergency Response Team) protective vests for our officers. Out of the prosecutors deferral fund he used \$17, 500 to purchase those vests and covered all but one that we purchased out of our own fund. I just wanted to thank him for that publicly. The vests that the ERT team had were over their suggested life span of five years. This replaced the whole teams.

Mr. Jeff Wright, LaPorte County Highway Engineer. About six weeks ago we had a meeting at NIRPC on the ADA transition plan. In order to maintain our eligibility for federal funds, there are four requirements that we have to complete by the end of the year. One of those items is a public awareness component; I think this meeting and comments serve as part of that. We just got notice this morning that a 1.3 million dollar grant for the I94 Us 421 could come into play if we don't meet our requirements. There are four that we have to complete by the end of the year. One is an ADA coordinator, #2, public notice about ADA requirements, #3, establish a grievance procedure, public and internal and #4, develop internal specs, standards and details. You are going to hear more about it and I just wanted to make you aware of it.

Mrs. Huston, who would you recommend for the ADA coordinator?

Mr. Wright, I think that would be up to the commissioners to make the selection. The duties could be huge so maybe there could be someone designated from each department who understands and coordinates that. Then as a group, have one person designated as a coordinator who merges that all into a whole.

Mrs. Huston, this grievance procedure, is that like what is in our personnel policy book? We could add that and would that suffice?

Mr. Wright, I think that would work.

Mrs. Huston, we actually have grievance procedures now.

Mr. Wright, there would be the public side of it. There are pieces of this in place now.

Mrs. Tibbot, I attended a meeting with Homeland Security and they are going to put out a guideline on how to form the committee and how we make up the membership for that and what we need to do when we coordinate our plan.

Mr. Layton, please keep us abreast on what we need to do.

Mr. Layton, Mr. Wright, I received a call this morning about the signage on Pabs Road for the Michigan City School Corporation. That was a topic that was in front of us about two weeks ago.

Mr. Wright, yes, Councilman Cunningham asked us to look into that. We sent our sign personnel out to make the adjustments to the signs establishing the zones and putting up speed limit signs. At some point Bob asked the sign crew to hold off on that because they would be changing a speed limit in an area that was partly Michigan City where we don't have authority to change the speed limit and secondly, it was going to put up signage that was not supported by ordinance.

Mr. Layton, we have to work in conjunction with the city of Michigan City so that we know that the speed limit is conducive for them and for us.

Mr. Earl Cunningham, LaPorte County councilman, I was here at your last meeting regarding the signage on Pabs Road. I 100% agree with you that it has to be coordinated with the city of Michigan City and the county as far as reducing the speed. It has been two weeks now and there is no sign east of

the school property even designating it as a school zone. You certainly have the authority to ask that a sign be put up.

Mr. Layton, it was my understanding after talking to Mr. Wright and Mr. Young that the 30 mph speed limit sign has been moved back to the 3<sup>rd</sup> street east of the school.

Mr. Cunningham, the Michigan City Board of Works is working with the sheriff office and Commissioners on the speed limit but certainly a school zone sign east of the school property could be put up.

Mr. Layton, Mr. Braje, could you contact the Michigan City attorney, John Espar, and work out the details on our behalf?

Mr. Tony Hendricks, LaPorte County Surveyor, the Kankakee River Basin commission and the three county board, Starke, LaPorte, and St. Joseph Counties, we have a bid out for log jam removal and thanks to GIS and the Schnieder Corp. we do have a layer on that for our bidders and public to see what we are taking out of the river and where it is.

Mr. Jeff Wright, LaPorte County Highway Engineer, on 600 E we lost a road. Over the course of the summer, the state is repairing the bridge on Highway 35. They set up a standard detour to keep traffic on their own roads. The locals and with GPS's people can get around without using the standard detour. This has happened and there has been an increase in traffic, along with peat farming, the west side of 600 E induced a failure of the road slipping off. There are ruts 2"-3" wide all down into sub grade soil which is all peat. I have had meetings with the state project manager and the engineer running that project. The state will come in on an unofficial detour. They will cover costs to help repair the road and it is up to me to get a price to replace the road.

The road will be closed for quite a period of time. We talked about the idea of harvesting the peat underneath the road. The farmers would do that for nothing as long as they could keep the peat. The county highway would then bring back in the fill material. It is kind of a win win for the county. Otherwise, it would cost a pretty good chunk to harvest out 14 foot of peat underneath the road.

There is a good chunk of sand available from dredging the Kankakee, maybe that would be a fit. Those are the discussions we would have to have.

Mrs. Huston, how many people live on that road?

Mr. Wright, none but it is a heavily used section of road. It is a main thoroughfare for farmers in the eastern part of the county to get to the elevator in Hamlet.

Mr. Milsap, how long will it be out of service?

Mr. Wright, a long time unless we move forward and get them started right now. We call that point and shoot.

Mr. Layton, this road separates these two fields and there is probably 30-40 acres of water on both sides of the road. What caused the slippage was the excavation of the new ditch and the pressure from the east side of the road is actually causing the road to slip because of loss of support.

Mr. Milsap, when you say "they", who are you referring to?

Mr. Wright, Markman Peat Removal. It is a corporation.

Mr. Milsap, how would you fix the road?

Mr. Wright, I would excavate the peat out. If you have a problem, you remove the problem.

Mr. Layton, our main concern is the safety of the public; this is why we closed the road from Thursday to Monday. The road had separated 4 inches.

Mr. Hendricks, from the county surveyors stand point and the drainage board, that section where they are digging the ditch is not a regulated drain. We have no jurisdiction over that section.

Mr. Layton, I have another question for you this morning. On the cooperative effort that the county is

undertaking with VanAir Corp. for their expansion; I talked with the corporate vice president and they are waiting for your markings on 300 so the crews can begin putting that new tube in.

Mr. Hendricks, yes, we will be doing that this week.

#### CORRESPONDENCE

None

#### REQUESTS

None

#### OLD BUSINESS

##### LaPorte County Health Board Appointment (Tabled)

Mr. Layton, this will remain tabled. There is a new resume that came in and has been provided to Mr. Sandy, the president of the board. That will come back to us in two weeks.

##### Nancy Hawkins, LaPorte County Treasurer/AFCS, Inc. Service Agreement

Mr. Braje, we have reviewed the agreement. It is statutorily permissible for the treasurer to enter into this agreement. There were some changes made but the agreement is in proper form it is simply a question whether the commissioners wish to execute it.

Mr. Layton, I believe we agreed to allow that at our last meeting. We are just calling for the preparation and signage by the board.

Mrs. Huston made a motion to approve and sign the agreement with AFCS, Inc., seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, please get the vendor to sign and provide us with a copy.

##### Pat Pease, EMS Administrator/Ambulance Bid and Support Vehicle Recommendations

Mrs. Pease, we had a meeting with the bid committee and reviewed all the bids and have chosen to go with the lowest bidder, Marque Ambulance from Elkhart, Indiana, for the purchase of two 2012 Type III E450 ambulances. The total purchase price after trade allowance will be \$225,328. Also, I have obtained quotes for two support vehicles and I am recommending we purchase two Chevy Tahoe's from Kelley Chevrolet at a state total bid price of \$55,873.50 for both vehicles. I have secured the funding to cover the purchase of all vehicles from the council and also additional funds to purchase the needed equipment for the new ambulances.

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

Mrs. Pease, I was directed last year by the commissioners to sell the 1999 Suburban to the Scipio Township Fire Department but did not do so since we could not secure the funds to purchase another support vehicle. I have contacted the Scipio Fire Chief and he advised me they are still interested in the purchase. I am requesting your permission to proceed with that.

Mrs. Huston made a motion to let Mrs. Pease proceed with the transaction, seconded by Mr. Milsap, motion carried by voice vote 3-0.

##### Commissioner Milsap/Ethics Ordinance

Mr. Milsap, the changes to the Ethics Ordinance will be brought to the Ethics Committee on October 19, 2011 at 2:00 p.m for their review.

#### NEW BUSINESS

**Fran Tibbot, Director of LaPorte County Emergency Management/Permission To Advertise For Bids For Siren Updating For Narrow banding**

Mrs. Tibbot, as most of you know, we have been working with the narrow banding for a few years now and we have formed a communications committee here in the county. I have been doing a lot of research and have specs ready to put out in a letter for a Notice To Bidders that will be in the papers on September 26 and October 3 with the bids coming in before your meeting on October 18, 2011. This is to narrow band 45 sirens covering all of LaPorte County which included LaPorte City and Michigan City. I am requesting permission to do this.

Mrs. Huston, do you see this coming in over \$75,000?

Mrs. Tibbot, at least. The county has a system of 45 sirens which need to be upgraded to meet the FCC narrow banding requirements. The system upgrade would include the installation and/or upgrade of the existing sirens RTU decoders with two-way capability and installation of a new Central Station Controller with SCADA monitoring software at the County Dispatch Center. There are three sirens I would like to replace with new ones. We have an old one at Austenal that we would like moved by the fire station on Boyd Blvd. and one in Pleasant Township. We have to go through security at Austenal so that is why I would like that one moved.

Mrs. Huston, replacing the sirens; will that be part of your bid?

Mrs. Tibbot, I did not put that in the bid because I have not talked to anyone about the new sirens. It is silly to upgrade such old sirens.

Mrs. Huston, are the upgradable?

Mrs. Tibbot, I think they are but it is going to take a lot of work.

Mrs. Huston, the company that would get the bid for narrow banding, can they replace sirens too or would it be two different things?

Mrs. Tibbot, it would be two different things.

Mrs. Huston, is there a deadline to go to narrow banding?

Mrs. Tibbot, yes, December 31, 2012. Everyone has their narrow banding license now.

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

Mr. Layton, is any of this recoverable from the government on the expense? Some of the things through your agency we receive matching funds from the state or the feds.

Mrs. Tibbot, there is a communications grant out right now and it is going district.

Mr. Layton, I know we are a leader as far as EMA is concerned so press on and press harder.

Mrs. Tibbot, I am searching.

**LaPorte County Community Promotional Agency Partnership/Memorandum Of Understanding**

Mr. Layton, this is a partnership with the City of Michigan City, City of LaPorte, Michigan City Economic Development Corporation, Greater LaPorte Economic Development Corp., Michigan City Area Chamber of Commerce, Chamber of Commerce of Greater LaPorte, LaPorte County Convention and Visitors Bureau and the LaPorte County Commissioners. This is an agreement by all to work as one in order to increase county and community awareness and to foster economic and tourism development and employment for LaPorte County.

Mrs. Huston made a motion to approve the Memorandum of Understanding and to give the President of the Commission permission to sign on behalf of the board, seconded by Mr. Milsap, motion carried by voice vote 3-0.

LaPorte County Solid Waste District/Lease

Mr. Clay Turner, our board met on September 13, 2011 and the Solid Waste District Board approved the lease and we have now forwarded it to your board for your approval. Our board was very pleased with the lease and thought it was very generous of the county. It is going to help us out in the long run and hope it is going to help you out in the long run. We took a tour of the building last night for the final walk through and we appreciate you inviting us out for that tour. It is a very nice building and it is a nice addition to LaPorte County Government and we are glad to be part of it.

Mrs. Huston made a motion to approve the lease and give the president of the board permission to sign, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Recommendation For Approval, Inland Logistics Port-Kingsbury Plans And Specifications For Offsite Rail Improvements, And Track 3 Improvements

Mr. Layton, this is a letter that was provide to us by Dale Clingerman, our county's engineering representative for the KID project. Here again, this is a document that was provided to me. I thought it was imperative that it be brought before the board at a public meeting for adoption. I ask my fellow commissioners to approve the construction of this as approved by the engineer.

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

Roger and Tamara Osborn/Road Vacation

Tammy Osborn, 11279 Pottawatomie Trail, Walkerton, IN. We are requesting the vacation of a road on either side of our property.

Mr. Braje, the document doesn't meet the requirements of statute.

Mr. Layton, may I suggest, Mrs. Osborn, that you take a few minutes after this meeting and ask what is pertinent on your behalf that has to be taken care of.

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

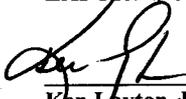
COMMISSIONER'S COMMENTS

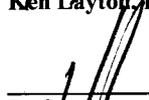
None

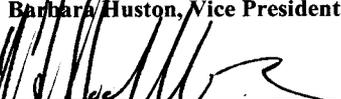
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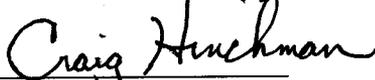
Mr. Layton, President, adjourned the meeting at 10:49 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

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

  
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Barbara Huston, Vice President

  
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Willie Milsap, Member

ATTEST:   
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Craig Hinchman, LaPorte  
County Auditor