



# BOARD OF COMMISSIONERS LAPORTE COUNTY

555 Michigan Avenue, Suite 202  
LaPorte, IN 46350  
Phone: (219) 326-6808 ext. 2229 - FAX: (219) 326-9103

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

## LAPORTE COUNTY COMMISSIONERS

Tuesday, November 1, 2011

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, November 1, 2011, at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

### CALL MEETING TO ORDER

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

### PLEDGE OF ALLEGIANCE

Mr. Rich Mrozinski 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

October 18, 2011, Mrs. Huston made a motion to approve as printed, 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 November 11, 2011, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Misc. Claims ----\$533,933.10, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

Mr. Layton, for the public's edification, of that \$533,933.10, \$467,000 and some change is insurance for liability for the county for the year 2012.

### PUBLIC COMMENTS

Mr. Mark Yagelski, last year Mrs. Huston appointed me to look into the 505 Franklin Street bridge and Mr. Layton, you re-appointed me this year to keep looking into some insights to that bridge. Mrs. Huston and I looked this summer at the bridge underneath. We actually crawled downstairs and took a look at the under carriage of it and the conditions around it. I met with the mayor of Michigan City on this with our engineer. The federal government decided that they were going to pick bridges as we call a select bridge. It is not a historical bridge but a select bridge has some historic values. If you read the federal regulations, which is about 400 pages of information, the thing that scares me is that we do not have much choice in the matter if something does happen to that bridge through federal dollars.

They don't seem to worry whether it is handicap accessible because it is a thoroughfare for ambulances for safety for those types of things. I would like to know if the commissioners would like me to go any further. I would like to go down state to meet with INDOT along with their engineer and a person from the commission. I don't want to wait until something happens to that bridge and we are stuck with having to pay for a crane to raise and lower it or we end up leaving it open which I know would be demise to the economic development of Michigan City and for the citizens. With a select bridge, it says you cannot use federal dollars to change the bridge as it exists right now but we can use our own money to tear it down. That's how the rules are right now. We have no money to construct a new bridge. I have talked with Congressman Visclosky, he is coming around and meeting a lot of the public officials and asking what we need. I did mention this is one of our priorities and at the top of our list.

Mr. Milsap, the bridge in question is number what?

Mr. Yagelski, 505.

Mr. Milsap, that is located where?

Mr. Yagelski, the Franklin Street bridge, the draw bridge that goes up and down in Michigan City, District one.

Mr. Milsap, from what I understand that bridge is identified as historic?

Mr. Yagelski, no sir. It is identified as a select bridge. Select bridge means it has historical value. There are no historical bridges in Indiana except for down south there are some covered bridges. There are only two bridges in LaPorte County that are select bridges, this is one and the other one is a small one that we have no plans to do anything with.

Mr. Milsap, how recent was the inspection that you had?

Mr. Yagelski, that was midsummer.

Mr. Milsap, what was the evaluation on that?

Mr. Yagelski, we believe everything looks clean down there and well kept. We had a rebuild down there not too many years ago. The rebuilds only last between 15 and 20 years. We are now reaching 12 years ago that this was rebuilt. We are close to looking at an alternative.

Mr. Milsap, is that bridge inspected yearly?

Mr. Yagelski, yes it is. The structure right now is physically strong enough but if this mechanical mechanism breaks we don't have the replacement parts.

Mr. Milsap, do you remember the last time it broke.

Mr. Layton, it was in the late 90's.

Mr. Yagelski, I am not here to cry wolf. I think we have to be proactive. I don't want to find out that something happens to it and we are not ready for it. We have talked to the mayor and both mayoral candidates and they all believe this is a #1 priority because of economic development and safety of that area.

Mr. Milsap, since that sits in my backyard, I definitely want to be a part of that.

Mrs. Huston, I would like to see Mark continue with this project if he is willing to do that because he has been very helpful. I am on the same committee as Mark and would be happy to go to Indianapolis with you to see INDOT. I think our engineer should also go. It is obviously worthwhile and is also older. We had the opportunity to see the bridge go up and down and it was very interesting. Our committee has looked at other options. I would like Mark to stay on if the other commissioners agree.

Mr. Darryl James, 4128 W. Anthony Drive, LaPorte, IN. I am here to see if there is a possibility that our subdivision, Vineyard Hills, could get on a schedule with regards to having our streets swept. What happens is that in the winter time when the snow plows come out they leave sand to allow for

better traction. However, the sand collects and washes into the catch basin and once that fills up with sand, the water backs up and the streets are flooded. I was thinking if it was swept on some type of schedule that might allow not having the streets to flood and to have someone come out and clean the system. It is a safety concern as well as wanting to keep the neighborhood looking presentable.

Mrs. Huston, do you want it swept all year round?

Mr. James, no, the major concern would be in the spring after the last snow plow goes through and left sand. There is still sand there from last winter which will be compounded by additional sand that will be put out when we get some snow.

#### DEPARTMENT HEAD COMMENTS

None

#### CORRESPONDENCE

None

#### REQUESTS

##### LaPorte County Fair/Request for Additional Conditions to Fairgrounds Lease and Management Agreement

Mr. Layton, for the edification of the public, the fair is requesting additional parking in prelude to the pyrotechnic show that will happen August 11 through the 17<sup>th</sup>, 2012, to be held at the fairgrounds. They are requesting of us to release some ground that is currently being farmed in three parcels; a 12 acre parcel directly behind the race track, 13.5 acres directly north of the firing range and 80.13 acres which is south of State Road 2 and west of the county fairgrounds. In their request, they said they would only use it during the week of the pyrotechnic show. We have passed that on to the county attorneys and rather than concur with what the fair board prepared, they have put together an addendum. I hope my fellow commissioners have had time to read it.

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

#### OLD BUSINESS

##### Final Approval of Settlement/Smythe & Morse, LaPorte County Dog Handlers

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

##### Commissioner Milsp/Status of Ethics Ordinance

Mr. Milsap, the ethics ordinance committee met on October 19, 2011, we reviewed the request of our council in reference to a couple changes in the ordinance. We tweaked it a little bit and now we are coming up with a final draft, hopefully, by the first meeting of next month for first reading.

#### NEW BUSINESS

None

#### COMMISSIONER'S COMMENTS

Mrs. Huston, one thing that I wanted to say was at the last council meeting, I stood up before the council and defended myself and also defended Voter's Registration. The last week in September and the first week in October, I was not here. Prior to that, both Mrs. Harris and Mrs. Blake, from Voter's Registration, came to my office to see me. First of all, they thanked me for trying to save their jobs. When Ms. Spevak was up here, she wanted to put the gals from Voter's Registration in her office and it took a 3-0 vote by the commissioners. Of course it failed by a 2-1 vote. They wanted to know what they could do. At that time, the council was thinking of dissolving Voter's Registration. The thought was, the whole time I was gone, that may be a possibility. All I said to the girls was, could you put a

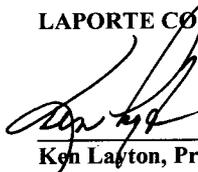
letter together requesting support of Lynne's request dissolving Voter's Registration and take both women into her office and you could present it to the council and they could take it under advisement because if failed through the Commissioner's office. Mrs. Harris wrote a very nice letter and signed it. At that time, Jeana was not in the office as she had started her vacation. Mrs. Harris brought the letter to me and all I did was put it in an envelope and said to Jeana, please read and if you agree, sign and return. She did sign it on September 26, 2011. While I was gone, Jeana evidently called everybody and emailed everybody concerning this letter and the possibility that she might lose her job. She was in our office for 45 minutes in tears over this letter. She spoke with several people and Commissioner Milsap and she decided to take her name off of this letter. I was told that Shaw Friedman had something to do with this and I am under the understanding, after talking with Mrs. Harris, that it was not Shaw. I do owe him an apology; it was not Shaw that Jeana actually spoke with because Mr. Friedman refused to meet with her. It was Commissioner Milsap that called and spoke with the girls in the office. Jeana has shed a lot of tears over this and it is really pretty silly because the letter is of no consequence. This was blown way out of proportion, partially by me and partially by others when I was not around. Personally, I was defending myself. It was said that I wrote the letter; I did not, and that angered me because I do not like being accused of something I did not do and had very little hand in. Mrs. Harris wrote a letter of what actually did happen and I was very impressed because on the back side she wrote that the reason she went to Commissioner Huston was to make sure that a voice of a Voter's Registration director was heard. I am pleased that she had that much confidence in me. I apologize to Mr. Friedman, he evidently didn't have anything to do with this and was drug into it. The second thing I wanted to say is that I am very upset over the resignation of Butch Morgan over in St. Joe County; he was the chairman of District 2 and also a friend. I have decided, since he has resigned, there is a void and the chair position is open and I am going to enter my name for consideration for District 2 chairman.

Mr. Layton, on October 27, 2011, I sent you, my fellow commissioners, a communication that I received from Mr. Mark Phillips from Newby, Lewis, Kaminski and Jones, pertaining to the recent litigation that we had pertaining to our overtime policy and holiday policy. Mr. Phillips has taken the time to research what we currently have and what he believes would fall under the purview of the Fair Labor Standards Act and protect the county and the county's employees so that we all have one written page. I am aware that we are possibly facing another form of litigation in overtime issues so this has also been forwarded to the county attorney's office for their review. This has also been forwarded to HR for their review. I would like for you to study this during our two week period and when we come back to our meeting on the 15<sup>th</sup> we can take action of some sort on the recommendations of Mr. Phillips.

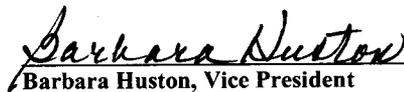
ADJOURN

Mr. Layton, President, adjourned the meeting at 6:27 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS



Ken Layton, President



Barbara Huston, Vice President

Willie Milsap, Member

ATTEST:



Craig Hinchman, LaPorte County  
Auditor