



# BOARD OF COMMISSIONERS LAPORTE COUNTY

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

## LAPORTE COUNTY COMMISSIONERS

Tuesday, December 20, 2011

The LaPorte county Board of Commissioners met in a regular meeting on Tuesday, December 20, 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. Tim Janitek led the Pledge of Allegiance.

### ROLL CALL

All present

### APPROVAL OF AGENDA

Mr. Layton, I need to amend Old Business, County Commissioners Districts D., we need to place on there County Commissioners' Districts A and B since there are two proposals this morning.

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

### APPROVAL OF MINUTES

December 6, 2011, Mrs. Huston made a motion to approve 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 December 23, 2011, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Misc. Claims —\$3,555,116.40, 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—\$1,349,298.36, 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

Mr. Dennis Metheny, 6757 W. 450 N., Michigan City, IN. In regard to the fairgrounds lease, I would like to see you increase it and would like to know if any commissioners are on the fair board.

Mr. Layton, I am.

Mr. Metheny, I think when we spend a lot of time with our county highway department out there making repairs they ought to pay for some of that.

Mr. Metheny, I would like to see the EMS put in a separate non reverting fund and would like to see them do more transports.

Mr. Metheny, I am upset about the rent that the Solid Waste District is paying to the county. They were paying \$32,000 a year and now they are paying \$25,000. I don't think they should have gotten it any cheaper than what they were paying since it is fee based.

Mr. Rick Kentaft, 324 Bach Street, LaPorte, IN. Some of the infighting I have seen between the different elected officials, I think a lot of that energy would be better used to further our economic development. I would like to see what new industry has been brought to our community; how many jobs have brought here and what the average pay is. I think it is time the Commissioners and Council members come together and put together a strong economic development program. We have two new mayors in our community and LaPorte has a lot to offer other than valuable farm land. I respect the people that farm but times are changing. I believe that Caterpillar in Moline, IL wants to build a new factory. They are upset with the taxes in Illinois. I would love to see this Commission and Council get together with those two mayors, put together a group and go out and sit down with those people. They need to see a unified front between you people, the council, and the mayors. They need to see a welcoming environment for industry in this community. You have seen the decline in this community. There was Berkle, Chalmers, American Home Foods, Modines, Indiana Molding, LaPorte Plastics, Bass and Morley; what has replaced those jobs? I think it is time for the elected officials to sit down as a unified group of people and work for the people and bring jobs back to our community. We have to show as a community to push for new industry. The time has come to stop the pettiness that has been going on. We are worried about cell phones; we should be worried about money coming into our community. We are stagnating. Let's come together and work for the people and bring industry and jobs so there is growth in our community for the young people. I am asking the commissioners to call a special meeting with the council and put together an economic development committee of elected officials and start talking to these major industries and give them some deals in LaPorte County.

Mr. Jim Kimmel, 1015 South Westwood, LaPorte, IN. I am wearing three hats. One, I am a lifetime member of LaPorte County. Also, a member of the LaPorte County Sheriff's Merit Board and a retired employee of the Indiana Department of Corrections with 35 years of experience and I consider myself somewhat of an expert in the field of corrections. I think it is time this feuding comes to a halt. When you go out in the county all you here is the negative that is going on rather than the positive. I want to address the last commissioner's meeting when Mr. Mrozinski came before you professing to get to the bottom of these flat screen T.V.'s, referring to the ones that were purchased for the jail. Did Mr. Mrozinski go before the sheriff, the chief deputy or the jail commander to find out details...probably not. What was the purpose of him coming before you? If it was tax payers money, Mr. Mrozinski should have known since they have to pay the bills. I assume it was paid with commissary money. I don't think Mr. Mrozinski knows anything about running a jail or a prison and if he did, he would know that some of the primary things of keeping calm and order in those types of climates are food, clothing, medical attention and recreation. If Mr. Mrozinski and Mr. Cunningham want to get to the bottom of something, I think what they need to do is find out why a landmark building that we have across the street looks like it has talcum powder on it. Let's get to the bottom of why county employees in the detective bureau are working in an area that has twice been flooded with human waste, there is mold growing in between the walls, and I think it is a shame that our county employees have to work in such an environment. We have lost track of things, if we are worried about the color of the squad cars and the sheriff's salary, I think we are going down the wrong track. We need to find out how to get jobs to LaPorte County. I think if the elected officials want to bash each other, maybe they should resign and put someone in there that wants to build a better community for us and our children to live in. I think it is petty and would like to see it come to an end.

Mr. Tim Janitek, 503 S. Porter Street, Michigan City, IN. A business, Lakeshore Cleaners and Laundromat, 1722 Evergreen Plaza, Michigan City, IN, it is so deteriorated that it is time for this board to take action. The owner of the building is Dr. Kora, the business lessor would be Mr. Meyer who lives in Trail Creek. Chesterton monitors their laundromats through the weights and means department. In the parking lot, the concrete stops have disintegrated. There are a slew of issues that have to be directed to that building for proper use.

Mr. Milsap, I will follow up with Dr. Kora and Mr. Meyer on the maintenance of that facility.

Mr. Janitek, I want to compliment the board on the new community corrections. I think the step you are taking is a positive move for the county.

Mr. Layton, Mr. Hamilton, you have listened to Mr. Janitek, can we address that with Commissioner Milsap after the meeting on the issues in Evergreen Plaza to see if that falls within the perimeters of your office? I don't know if it sets in the county or the community of Trail Creek.

Mr. Milsap, it is in Trail Creek.

#### DEPARTMENT HEAD COMMENTS

Sheriff Mike Mollenhauer, I have two items to bring up. It is time to quit arguing, feuding and fighting. I don't know if they are trying to destroy the department or not but it is not going to happen. We are too dedicated to let this hurt our morale. In January, Mr. Mrozinski made a comment when we bought digital cameras for the officers to do a better job of their investigations at crash scenes and investigations. He made the comment that they were stocking stuffers. Very unprofessional. I also requested an apology which I never got. Secondly, regarding the televisions, I got an email from Mr. Mrozinski on December 7, 2011. The televisions were purchased with commissary money; the inmates purchased their own T.V.s.

Mr. Milsap, out of those T.V.s, how many will be used for inmate usage?

Mr. Mollenhauer, they will all be used eventually. Right now, some are in the offices and they are replacing the old T.V.s that went out. Mr. Mrozinski mentioned flat screens. You can buy the old style but you have to special order them and you pay about twice as much as you can get flat screens for. We purchased 10 of them.

Mrs. Huston, you purchased ten and you put three in the jail, the other seven are in offices and you take them out and put them in the jail.

Mr. Mollenhauer, no, we are not going to take them out. We have taken the old ones out to utilize in the jail to use them up first.

#### CORRESPONDENCE

None

#### REQUESTS

None

#### OLD BUSINESS

##### Overtime and Holiday Policies (Tabled)

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

Mrs. Joyce Leon, Human Resources Administrator, I went through the handbook and did revisions based on issues that we got throughout the year. The majority is revisions; there are two new policies, one is the social network and the other is the code of ethics. They are ready to be sent out to the employees to be put in the handbooks by the first of the year.

Mr. Layton, we had the county attorney review this for his edification.

Mr. Braje, these changes are the result of several meetings and we are recommending that the commissioners adopt these changes for the personnel policy.

Mr. Layton, I had a question posed to me last evening about the verbiage of the overtime policy, it was from EMS personnel and how it would reflect on the 24 & 48. I conferred with Mrs. Huston this morning and council on that. There is a piece of litigation that was accepted by the county in 1999 and that will take precedent in this policy.

Mr. Layton, we have the recommendation of Mrs. Leon and counsel.

Mr. Milsap made a motion to approve the policy, seconded by Mrs. Huston, motion carried by voice vote.

Al Ott, Stationary Engineer/2012 Proposal Recommendations

Mr. Ott, for Pest Control I recommend Hatfield Pest control for \$505.00 per month, a local business person. For Trash Removal, I recommend Able Disposal for \$991.39 per month. On the phone proposals, I recommend Frontrunner with a cost of \$17,389.00 per year. On the elevators, I recommend Kone Elevator at \$1512.73 per month. For the vending machines I recommend Neal Vending. They are giving us more commission. They are offering 25%.

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

Ordinance of Renaming Precincts (Tabled)

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

Ms. Spevak, the first ordinance to pass would be the renaming of election precincts so the following ordinances have already produced the new names and new precincts. I have sent the paperwork to the state of Indiana on the naming of the precincts either due to population from the 2010 Federal Census that over populated certain townships. We broke New Durham Township into three precincts instead of two; we broke Center Township instead of four into five. Galena Township we split into two precincts due to the congressional districts one and two. The additional precincts that I requested at our meetings were the towns, Kingsbury, Kingsford Heights, LaCrosse, and Wanatah we split into one and two due to the fact one was in Cass Township and one was in Clinton Township. Westville became its own precinct of the Town of Westville. Trail Creek we split into one and two, one with Michigan Township and one with Coolspring Township. Pottawatomie Park, since that was part of the Michigan one and two townships, we broke that back into its own town. There is a left over area of Duneland Beach that is not incorporated but we had to put that area just to say Duneland Beach. Michiana Shores we split into two, Michiana Shores in Michigan Township and Michiana Shores in Springfield Township.

Mr. Layton, for clarification, I see both party chairs are here. Both are favorable of the changes that have been presented (Mr. Harris and Mr. Jones nod yes) I think we are going from 78 precincts to 84 precincts.

Ms. Spevak, I think we have an additional 10 or 12. Two were based on population the other one we were making it easier for election districts.

Mrs. Huston made a motion to approve the ordinance to Establish and Redefine Election Precincts in the County of LaPorte, State of Indiana, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Ordinance #2011-13

Ordinance of County Commissioner Districts

Ms. Spevak, the board has received two different ordinances to establish the county commissioner districts due to population due to the Federal Census. We have maps on both proposals. Proposal A would be District 1, population 30,057, District 2, population 36,944 & District 3 population, 44,523. This proposal of A, we took away Coolspring Township with the precincts of Michigan City and put that into District 3 and removed them from District 1 we added Springfield 1 to District 1. On our third meeting we had proposal Plan B. The population numbers are District 1, 35,349, District 2 38,747 and District 3, 37,659. Commissioner districts do not have to be divided by population. The board has produced two different proposals for the commissioners to chose which would be best directed for the next ten years. One looks well planned straight across the top, coming down the east and west sides of the county. The other proposal is similar but District 3 definitely a larger township area and Michigan Township is definitely well populated.

Mr. Layton, I am going to ask the party chairmen if they have comments.

Mr. Keith Harris, 523 Tremont Street, Michigan City and chairman of the LaPorte County Republican Party. I actually support proposal B. It cleans up the lines of the districts and we are aware that there are no restrictions based on that but it follows township lines which makes it very clean. Center Twp. is split between two of the districts and that is primarily because if we were to throw Center Twp. into one district or the other it would really throw the population off. In Scipio Twp. it simply follows LaPorte City lines. I think this is a fair proposal and non political and simply following township lines and clearly cleaning up the map.

Mr. John Jones, Chairman of the LaPorte County Democratic Party, it came to my attention that the top three goals in the legislative session are #1, right to work legislation, #2, state wide smoking ban, #3 is government reform. As you know, if the top of the list of government reform is eliminating commissioners, if that occurs, one county executive would then be named by the county council. Our maps at that point would be filed. We wouldn't have to wait ten years for redistricting either. I believe our local check and balance would erode with the county council controlling the executive position. I think both proposals do have merit. I understand B in its equitable division in population. I also understand that population isn't part of the criteria that we have to use. Proposal A did expand some urban area for district 1 which I think was an important aspect of the planning. I think the committee that spent several weeks developing the redistricting maps did so in good faith. I think both plans have merit.

Mr. Milsap, I am making a recommendation that we go with Plan A.

Mrs. Huston, this is the current map. As you can see the pink is District 1 and this little spot of green is District 3 that goes up into Michigan Blvd. You can see these little squiggles that come down into the green into Coolspring Twp., which is all considered District 1. What the committee did was cleaned up this section and we gave this area into District 1. This still leaves a large area of District 3. This is Plan A. The proposal that the committee is leaning towards is Plan B. In Plan B we go all the way across the top for District 1. Originally, Commissioner Milsap had said that he would like to have more of the county because he did not want to be known as just the Michigan City Commissioner. District 2 came down and picked up Washington Twp., Union Twp., and Johnson Twp. which cleans up this side because before this also was green so as you can see it cleans up the township line and put it more into perspective of District 1, District 2, and District 3 in Plan B. I recommend Plan B.

Mr. Layton, I have to feed upon what Mr. Jones was talking about in the Kernan-Shepherd Report and the elimination of township government which I totally disagree with because they are the closest to the public. Secondly, doing away with the commissioners and appointing a county executive. I have a major problem with that being an appointment. Eluding to the governor, this plan is not new, the Kernan-Shepherd Report is about 4 years old now. I doubt that this comes to fruition this year and if it does, it is a travesty.

The chair is going to exercise its vote and second Plan B. I agree with what Mrs. Huston says. It clearly defines the lines of the commissioner's districts. All this amounts to is where a person has to live to run for county commissioner designated by a district; because everybody in the county votes for county commissioners. I am going to second Mrs. Huston's nomination of Plan B, motion carried by roll call vote 2-1.

#### Ordinance #2011-14

Ms. Spevak, the changes in the districts for the County Council, which we were all in agreement with, came in Center Township. We renamed Center 1, 2, 3 and Center Pine Lake to become Center 1, 2, 3, 4 & 5. Center 1, 2, 3 & 4 were proposed to be in District 2 and Center 5 is now in District 1. There are very minimal changes.

Mr. Layton, once again, Mr. Jones, Mr. Harris.

Mr. Jones, again a lot of work went into this map as well. There were 3 small changes and it did not affect any of the incumbent county councilmen. I support it.

Mr. Harris, I also support this. Just minor changes and it brings the population together as close as possible. I want to thank our clerk Lynne Spevak and Melissa Mischke from GIS. They put a lot of

work and effort into producing these maps and ordinances. It was a pleasure working with them and would like to thank them for their efforts.

Mr. Milsap, you can also add Brian Frank to that list, he worked on that also.

Mrs. Huston made a motion to accept the ordinance establishing the council districts, seconded by Mr. Milsap, motion carried by voice vote 3-0.

#### Ordinance 2011-15

##### Fair Grounds Lease and Management Agreement

Mr. Gene Shurte, the fairgrounds has operated for 161 years with a 99 year lease. In 2007 it was changed to a five year lease. We are requesting that it be moved back to a 99 year lease. The main purpose for that is when we apply for grants that throws up a red flag because we don't have control of the grounds. As you know, the main idea is to back the 4-H kids. There are some 1800 4-Hers in LaPorte County. It is our responsibility to maintain a site and facility available for them to show the rewards of their hard work to the public. We would like to have the lease changed back. There is a lot of work to be done out there. The infrastructure is lacking and in need of repair. Some of these grants we have applied for do help. We got one from Howmet to upgrade our well water and they were gracious enough to overlook the five year lease and give it to us this year. We found out a few weeks ago that the legal description of the property was all jumbled up. The county surveyor has worked with us getting the descriptions straightened out.

Mr. Hendricks, LaPorte County Surveyor, you can see on that map that the main part of the fairgrounds is the east and west parts that we all know. This also shows an area down by the animal shelter that it is going to be a dog walking area. The fair will have a lease agreement to use during events. It also shows where the tractor museum is potentially going to be. Mostly we worked on getting these into two legal descriptions; keeping Zigler Road in the Commissioners hands. The fair has the campgrounds, the main fair grounds and the woods east of Zigler. There are two easements, one for the dog walk area and an easement for the sheriff to get back to the shooting range.

Mr. Layton, there are three more parcels of land that the fair board has indicated that they would like an option encumbering into this lease and we are currently under lease with Mr. Rob Lawrenze from Coolspring Twp. He rents that land from the county; we get \$200 an acre for the farm ground there. Quite frankly, I am not in favor of including that. I am not against the fair using that for special events for parking if they work out an agreement with Mr. Lawrenze since we are under contract with him.

Mr. Milsap, is it crucial that you have that property?

Mr. Shurte, at times it is. As you can see, we have lost some parking areas because of the dog walk and the Allis Chalmers-Rumley Museum. We are starting to get larger events to come to the fair grounds to bring people to LaPorte County. We mainly need the extra ground for parking.

Mrs. Huston, when you had the RPM Fest you utilized that ground for parking; working out an agreement with Mr. Lawrenze. I don't see why that can't be done in the future. I can't see putting that into the lease.

Mr. Shurte, Mr. Lawrenze has been a wonderful person to cooperate with us.

Mr. Braje, I think what should be done relative to those two easements would be to rent the property with the legal descriptions and then make them subject to an easement to be granted both to the sheriff and for the dog walk facility. Those would be easements granted by the county and the lease would be subject to those easements. In regard to Mr. Shurte's concern, the lease does provide for automatic renewals of the lease in paragraph one. I think this will show they will have the ongoing right to continue to lease on the same terms and conditions. There is always this consideration that in terms of what is appropriate in buying future entities in terms of leases going forward. With the renewal provisions, I don't know that it makes a lot of difference. I am not comfortable with 99 year leases under any circumstances.

Mrs. Huston made a motion to approve the agreement with the LaPorte County Agricultural Assn. for a term of 5 years following the recommendation of council, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Braje, you can note that when the renewal period comes up, there won't have to be a new lease executed. All there will have to be is a confirmation of the renewal at the end of the term. You won't have to continue to approve new leases.

#### NEW BUSINESS

##### Approval of 2012 LaPorte County Commissioner's Meeting Dates

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

##### Bob Young, Highway Superintendent/Rieth-Riley Const. Co., Inc. Agreement for 2012 Paving Program

Mr. Young, at the last meeting I furnished you with a proposal from Rieth-Riley to renew their 2011 annual paving bid into the year 2012.

Mr. Braje, I think we approved it at the last meeting only subject to execution of the agreement by the president of the commission.

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

##### Joyce Leon, Human Resources Administrator & Pat Pease, EMS Administrator/Social Networking Policy

Mrs. Pease, to clarify something that was discussed when Mrs. Leon was up earlier; I do not have an addendum for the overtime and holiday pay. The current pay system for EMS was agreed upon during negotiations from 12 years ago. There is nothing we have in the addendum that references that.

Mr. Layton, if we may rely upon you to transfer that to Mrs. Leon so that she can incorporate that into the document that is being prepared currently.

Mrs. Pease, absolutely.

Mr. Layton, I would also like to have Mr. Braje review it.

Mrs. Pease, also, there is a separate EMS Social Networking Policy that we use. We also use a law firm that is specific to EMS out of Pennsylvania. They are experts in EMS law and they recommended that social networking policy for EMS organizations due to the advent of facebook & cell phones with cameras as far as patient confidentiality; that is why we have a separate one from the county.

Mr. Braje, I have looked at this. You have to realize that LaPorte County EMS is subject to HIPPA requirements which are different than any particular county requirements because they are dealing with patients and medical issues. I agree with it and recommend that the commissioners adopt it.

Mrs. Huston made a motion to accept the LaPorte County Emergency Medical Service Social Networking Policy, seconded by Mr. Milsap, motion carried by voice vote 3-0.

##### Tony Mancuso, Health Department Administrator/Fee Changes

Mr. Mancuso, the increase for the blood profiles; we are using IU Health now for our blood testing so it came out a little cheaper than the previous lab. The other fee is for the tattoo ordinance that was passed in the summer and we are ready to do inspections on them.

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

**COMMISSIONER'S COMMENTS**

Mr. Layton, I was remiss that I didn't take the time this morning to ask for a moment of silence for a very dear lady who passed away, Sue Tokley. She was 93 years old and very active in the LaPorte County Democratic Party for years. She was a very dear friend to many of us. On behalf of the board, I would like to give our condolences and regrets to the family.

Mr. Milsap, I would like everyone to keep a close eye on this legislative movement of the right to work issue. I think the title should be the right to work for less. I would like to wish everyone a Merry Christmas and a safe holiday.

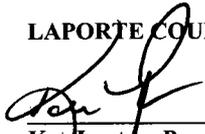
Mrs. Huston, I wish everyone a Merry Christmas and Happy New Year.

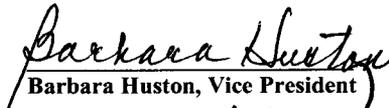
Mr. Layton, I echo my fellow commissioners comments.

**ADJOURN**

Mr. Layton, President, adjourned the meeting at 11:10 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

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

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

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

ATTEST:   
Craig Hindelman, LaPorte  
County Auditor