



BOARD OF COMMISSIONERS LAPORTE COUNTY

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Ken Layton
President
Barbara Huston
Vice President
Willie Milsap
Member

LAPORTE COUNTY COMMISSIONERS

Tuesday, May 1, 2012

The LaPorte County Board of Commissioners met in a regular meeting on May 1, 2012, 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. Paul Noveroske led the Pledge of Allegiance.

ROLL CALL

All present

APPROVAL OF AGENDA

Mrs. Huston, under Requests, please add item D, Michiana Antique Auto Club/Request for Promotion Funds and under New Business, please delete item F, LaPorte County Park Foundation /Letter of Support for Bicentennial Nature Trust Grant.

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

APPROVAL OF MINUTES

April 17, 2012, 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 May 11, 2012, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Miscellaneous Claims—\$1,898,598.09, 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. Jim Fisher, I live in Karen Court in Tiffany Woods, Center Township. I would like to thank some people. Our street flooded for a long time, I have lived on it for twenty years. There was never any damage done to the homes but we were held captive and couldn't get in or out. Over the years there were a number of plans implemented to try to correct it and they ultimately failed, but the last one did. I want to thank Ken Layton and Barb Huston, Jeff Wright and Tony Hendricks did a great job. They had a great plan, they implemented and it works. We haven't had a problem since. I don't want to

forget Bob Young. The problem went on for many, many years and Bob and his people did a very good job coming out there and pumping it which would allow us to get out. I give special thanks to them, they did a lot of work out there.

Mr. Layton, thank you for your comments. We also need to thank Mr. Magnuson, he owns the field north of you and he allowed us to go across his property so that we could deposit the water into the wetlands. We need to publicly thank him as well.

Mrs. Carol Linesky, I would like to read something that was in the Michigan City newspaper today. It was in the Anvil Chorus. "Democratic Civic Club makes a statement. On April 19, 2012, the membership of the LaPorte County Democratic Civic Club voted unanimously to issue the following statement. The LaPorte County Democratic Civic Club call on the LaPorte County Zoning Board, LaPorte County Council and the LaPorte County Board of Commissioners to do everything they can do to fight bringing a "Gentlemen's Club" into LaPorte County." I am asking you publicly to respond to this. I would like to know where the commissioners stand and what you are willing to do to help us to try and stop this coming in to the location they are trying to bring it into.

Mr. Milsap, I am a member of the club and I attended that meeting that President Decker made the request for a motion, we all agree with it and we stand by it and I whole heartedly agree.

Mr. Layton, I am hesitant to record my feelings in a public meeting because of the fact that I am fairly certain that this county will end up in some kind of litigation on this issue. I would just as soon, not in offense to you or anybody else, but I would just as soon not publicly state that I either favor or do not favor at this time as long as we are facing some kind of litigation on it.

Mrs. Huston, didn't we already have litigation filed on it?

Mr. Layton, we did but that was on the other area.

Mrs. Huston, I feel the same way and cannot comment on it.

Mrs. Linesky, I understand the county's position. If there is a need for something like this in the county, I feel the location is a very poor location. There has to be a better place in the county for something like this.

Mr. Rick Kentaft, city of LaPorte. I appeared before this commission on the 20th of March and feel I brought to your attention a strong conflict of interest involving the county highway engineer working for engineering firms that were getting money from the county highway department that violated the policy that was already in place. I feel as a taxpayer and voter I had a right to bring that forward. Since that time I have been under personal attack by certain members of the commission. Comments were made concerning my activities as a county highway superintendent over 15 years ago and the conditions that I left. I resigned from that position, I was not terminated. As a concerned citizen, I raised a valid concern. Instead of that being addressed the offense goes against the person who brought it to the forefront. I also find very troubling information I hear on a local TV shows about vehicles that were assigned to commissioners that were utilized to a trip to Florida. I believe there is a policy in place that says they are not to be taken out of the county unless for official business only.

Mr. Layton, I don't know if it says they can't be out of the county. I believe it says adjacent counties. I could be wrong.

Mr. Kentaft, on this news program information was given by the county attorney at that time that this was an allowable practice. I spoke to that former county attorney who is now our prosecuting attorney and he disputes that fact. When that county car was taken out of this county to Florida, was there a personal insurance rider on that car instead of being insured by the county.

Mrs. Huston, there was a personal rider.

Mr. Kentaft, was the mileage reimbursed back to the county?

Mrs. Huston, no.

Mr. Kentaft, so the taxpayers footed the bill for that trip by the mileage and excessive wear on that vehicle, is that correct?

Mrs. Huston, I guess if you want to say it that way.

Mr. Kentaft, so the taxpayers were footing the bill for mileage on a personal trip to Florida on a vehicle that belonged to the taxpayers. Also I heard by your own words that there is money taken out of your own check. How much is taken out of your check every month to utilize those vehicles?

Mrs. Huston, it comes out at the end of the year.

Mr. Kentaft, how much is taken out at the end of the year?

Mrs. Huston, I don't know.

Mr. Kentaft, it is allowable to use a county car for a personal vacation. Is that in the policy somewhere?

Mrs. Huston, as I stated, Mr. Hager and I spoke with Mr. Szilagyi six years ago and he said since the car is issued to us and money does come out of our pay checks and if we put in our own gas it can be used for personal use. That is what he said six years ago.

Mr. Kentaft, did he call you in Florida and tell you to come back? Because he told me that once he found out you went to Florida that he made a phone call to you to bring the car back.

Mrs. Huston, no.

Mr. Kentaft, so Mr. Szilagyi is then lying?

Mrs. Huston, yes.

Mr. Kentaft, I feel when the time comes up that official malefice is brought before this commission it should be addressed. The people that bring that before the commission should not then become the target of attacks. As a taxpayer in this county when that official malfeasance is brought forward nothing is done about it. Is there going to be some action taken or is it going to be pushed aside?

Mr. Layton, when you brought what you deemed to be charges originally, I didn't know at that time. Since then, I checked on the company that you were referring to and the last knowledge I have of any business we have done with that company or any payment that had been made was in 2010. If you have documentation that shows further than that I would be more than willing to look at it. I was also told and made part of the public record that evening by the engineer that he had filed full disclosure with the commissioner's office when he came on board and with the Clerk's office. Under the terms that he gave us, it seems to me that he had complied with what was required of him as an employee of the county working in the county and also that same company putting in bids for the county as well. I felt as a commissioner that the individual in question that evening had complied with what was required of him at the time of his employment.

Mr. Kentaft, my concern is if he is going to work for these engineering firms, that get paid out of county highway money, how can that not be a conflict of interest?

Mr. Layton, I can see where you would think it would be a conflict of interest, however, I don't know that by the prescribed rules that we currently have that if he discloses that he is in fact in violation of a conflict of interest as long as he has made full disclosure of it. I can't sit here and argue that with you. I believe in my heart that when he filed the conflict of interest statement with the county saying that he was employed with the Creviston engineering firm that he had completed what was asked of him by the county at that time.

Mr. Jeff Wright, 102 N. 875 E. I'm a good guy. I filed a form annually for every year that I have worked. I never took any money from Hendricks at all. As far as Creviston, I am not an employee there. If there is something in the area that they would have me do, then I do it to the extent possible. We do it outside the county for appearance sake. I put the form in; the ethics ordinance makes us file

something as well. I sent an email to Mrs. Leon and copied you three and I don't know what else I can do.

Mr. Layton, Mr. Wright just jogged my memory on one issue. In the documentation you gave us there was one in there for a sizable amount of money. I do remember that Hendricks engineering was hired to be the engineers on the County Road 400 N project to oversee Rieth Riley on the production. It was a federal grant, they were hired by the state of Indiana but the grant came through the county so we made the payment. We didn't hire Hendricks, the state of Indiana did.

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte, IN. In the March 27 newspaper there was a quote, "Sheriff alleges unethical practice as regarding cruisers." I have concerns about the term unethical. The exact quote from Sheriff Mollenhauer at our March meeting was "what is wrong with you are you waiting the worst to happen and we lose the life of one of these officers." This is regarding the automobiles that he was trying to get approved. He had been before us in February, it was tabled until the March meeting and this is when this quote came up. This headline comes out and it bothers me that we use a scare tactic like that that the council would not approve money for vehicles and was possibly endangering our deputies on the road. I said at that meeting that if the cars are unsafe your boss shouldn't put you in them. I find it ironic that in that same newspaper article Chief Deputy James Sosinski said none of the vehicles are unsafe and I am not going to have my officers in the cars if they are unsafe. It sounds to me like he agrees 110% with what I suggested at the meeting. Secondly, at our meeting last Monday, the council voted 5-2 not to approve the automobile package because there were lots of automobiles that weren't patrol cars. I think every council member expressed their interest in buying the marked patrol cars. If they want to come back with a quote and bid just the six marked patrol cars I don't think that will be a problem getting through the council. The problem is that one of the vehicles is over \$40,000.00 for the sheriff and two were for process servers. As they were making that presentation that evening, I directly asked Chief Sosinski who was making the presentation because he kept saying the Commissioners passed this; did the commissioners know that one of these cars was for the sheriff? He said I don't know. Did the commissioners know that two of these cars were for process servers and he said I don't know. My sole purpose tonight is to find out if any of you commissioners knew that the package you approved to send on to us included a brand new car for the sheriff and two brand new cars for process servers?

Mr. Layton, no. I never asked the Chief that.

Mrs. Huston, neither did I. I do have a question. I watched your council meeting and Mr. Yagelski made the motion to do the six cars and I believe Mr. Biege said that those six cars had a specific value. Why is it not acceptable to purchase those six cars? Can you set that aside for that amount of money?

Mr. Cunningham, I would invite the Sheriff to come back to the council with exactly what you just said, a proposal for six marked squad cars. I believe Mr. Biege and Mr. Braje agree that because they were bid as a package they were either going to be approved or disapproved as a package.

Mr. Braje, the bidder wouldn't be obligated to meet that agreement because they bid based on a certain number of cars. His bid by have been different based on the number of cars.

Mr. Cunningham, they could rebid for just six marked patrol cars. .

DEPARTMENT HEAD COMMENTS

Chief Jim Sosinski, in reference to Mr. Cunningham's last statement, I am in the process of preparing something for your next meeting to address the car issues and other issues they brought up. As you know, the sheriff's office experienced another flood that involved the backing up of sewage in the detective and metro ops units. Once again it appears that valuable recording equipment may have been lost. This equipment is expensive to replace again, not to mention the damage to the facility as far as having to tear out drywall, ceiling tiles and carpeting. Along with the unsanitary conditions it brings for my personnel to work in. I am here to propose what I think is a simple, effective and budget friendly means of reducing plumbing problems in the facility. I have provided drawings for you of a clean out that has a plug with a pin or hook attached to it. The pin or hook protrudes through the cap and extends down into the pipe to catch any flushed objects. Large objects cannot pass the pin or hook to cause problems downstream but still allows solids that are intended to pass within the line. It is hard to identify disruptive inmates who flush items like towels, clothing & etc. without knowing where the items came from. By placing these clean out plugs behind each cell in the pipe chase I can stop the

problem at the source and take the necessary disciplinary actions. I believe this is a simple solution. This is not new, other correctional facilities are using it and it must be working with some success. I am asking the commissioners to forward this to the maintenance department for consideration and implementation.

Mr. Milsap, how many times has this particular incident happened?

Chief Sosinski, several, the second one within six months. Our insurance carrier is concerned about a solution.

Mrs. Huston made a motion to take under advisement and to contact our maintenance department to implement, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, Captain Boyd I want to thank you for your assistance in making all of this happen.

CORRESPONDENCE

None

REQUESTS

LaPorte Jaycees/Road Closing

Mrs. Huston reads the request. "In preparation of this year's 4th of July Celebration we are needing your permission to once again shut down Zigler Road from State Road 2 to 5th Street on July 4, 2012 for our annual Fireworks display at the LaPorte County Fairgrounds. The street would be closed from approximately 5 p.m. until Midnight. This will allow for better traffic control. If approved, we will notify the emergency departments and other appropriate departments of this closing. If you have any questions or concerns, please feel free to contact me at 608-5719 otherwise please email me the Boards approval or disapproval to zigler426@yahoo.com or mail to Joy Zigler, 1610 Greenway St., LaPorte, IN 46350. Thank you in advance for your continued support of the LaPorte Jaycees. Sincerely, Joy Zigler."

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

Bob Young, Highway Superintendent/Ted Malecki Unused Sick Days

Mr. Milsap reads the request. "Ted Malecki's last day of service will be on May 10, 2012. At this time, he will have 144.25 hours of unused sick time, which is 18.03 days at \$75.00 a day. Approval is requested for payment of \$1,352.25 for his unused sick time. No appropriation of funds is needed.

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

Proclamation/United Way Building Community Days

Mrs. Huston reads the Proclamation. (See attached)

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

Michiana Antique Auto Club/Request for Promotional Funds

Mrs. Huston reads the request. (See attached)

Mr. Layton, we are out of tourism funds.

Mrs. Huston made a motion to approve \$500 and to take the funds out of the Promotional Fund, seconded by Mr. Milsap, motion carried by voice vote 3-0.

OLD BUSINESS

Commissioner's Appointment/Ethics Board

Mr. Layton, as you know we have passed the ethics ordinance and if anyone had any interest to serve on the board could turn in a request to be considered for the appointment.

Mr. Milsap, I would recommend and make a motion that we table ours until we have properly advertised and have it on the web site. Keep in mind it took us fifteen months to get to where we are today so I would recommend that we take our time and do it properly. Seconded by Mrs. Huston, motion carried.

Mr. Layton, I would like to apologize to two people here this evening. We will readdress this at our next meeting. I would like to take the time to introduce two people that I think are highly qualified for this position that would serve the county of LaPorte extremely well on the ethics commission. The first candidate that I would nominate would be Mr. Gregory Kelter, a business owner, a mechanical engineer, lives in Union Mills, married, a father, and an employer. Mr. Kelter has an exemplary record. I have known him for several years personally and he is a Libertarian. The political makeup wouldn't have one thing to do with it. I thank you, Mr. Kelter, for coming tonight. The second person I had in mind to nominate was a former member of the Michigan City common council who I have also know for several years and find her background to be superb, she also voted for the ethics ordinance in the city of Michigan City, Ms. Angie Nelson. She is currently the public affairs manager for NIPSCO. She has been an active member of this community. I thought that both of these individuals would serve the citizens of this county very very well with an unbiased attitude.

MS4 Liaison Appointment

Mr. Layton, if the board will remember I asked you to consider the appointment of a liaison position between this board, the sanitary district of Michigan City, the sanitary district of LaPorte, and the towns of Long Beach and Trail Creek. I recommended Mr. Ken Purze who represents us on the Drainage Board and is Vice Chair of the KRVC. I again ask the commission to consider that appointment.

Mr. Milsap, Mr. Purze, will you give us an outline of where we are and where we are going?

Mr. Purze, MS4 stands for Municipal Separate Storm Sewer System. We have an MS4 program mandated from both the federal and state level. LaPorte County decided when MS4 was created to combine the urbanized areas of the county along with the city of Michigan City, the city of LaPorte and the towns of Trail Creek and Long Beach to combine their efforts to fulfill the mandate. Since my discussion with Commissioner Layton, I have put together a book. This is basically all the documents related to what we created and where we are today. In the last council meeting, council member Garner reported to the council that he had a preliminary meeting with Commissioner Huston and Mayor Meer, Mike Kus, Tony Hendricks, and Rick Brown our current coordinator. The outcome of that meeting was not positive and Mr. Garner's report to the council was that he thought there might be a chance that the MS4 program as it exists today might go away and Michigan City was considering pulling out of the program. Michigan City currently represents 50% of the funding for the program. They are an important partner along with the other entities. I have appeared before the sanitary district on behalf of the commission and requested they put it to a special committee. It was voted on and the special committee was created. I also met with Mayor Meer and the new city engineer in the city of Michigan City all with the idea of reviewing what exists now, looking at where we need to go in the future and keeping an open mind on the program. I had a brief conversation with Jerry Jackson from the city of LaPorte; he is also in favor of reviewing the program. Between those two entities, 80% of the funding is represented. LaPorte County represents 12% and the other two entities represent 4% each. I think I have the attention of all the entities involved. The plan is after the primary election we would have a meeting with the subcommittee with the major partner first and then from that meeting I will be able to carry information between the other entities and hopefully bring it all together and work with the commissioners on what the program might look like moving forward. The intent is to salvage the program. It is important, it is mandated, and it is an unfunded mandate so we have to

come up with a way to fund it. All the parties involved want to make sure they get their best bang for the buck. That is where I am at today and this is where we are going to start.

Mr. Milsap, what part will Mr. Brown be playing in this project?

Mr. Purze, Mr. Brown is the current employee, he is the current coordinator. I think Mr. Brown gave me 95% of the information I pulled together for all the entities involved. After we hear the concerns of the various entities, Mr. Brown will be brought in for his input since he has been the coordinator. It appears we have been compliant with fulfilling what has been required. Each year Mr. Brown has to produce a lengthy document for that. It is a program about compliance.

Mr. Milsap, Mr. Brown reports to us, right?

Mr. Layton, Mr. Brown reports to the board.

Mr. Purze, there is an advisory board in place with all of the entities that are involved with the program. Mr. Brown reports to that board. Mr. Brown also reports to the Soil and Water Conservation District board of supervisors. When LaPorte County and all the entities decided to create this program they placed him with the Soil and Water Conservation District because of the job description and the minimum control measures and mandates. It has to do with public outreach and it mirrored the Soil and Water Conservation District's five year plan and their mission statement. When we started we had nothing, now we have eight years of experience.

Mrs. Huston made a motion to appoint Mr. Purze to be the MS4 liaison, seconded by Mr. Milsap, motion carried by voice vote 3-0.

NEW BUSINESS

Pat Pease, EMS Administrator/Ambulance Bid Recommendation

Mrs. Pease, after reviewing the five ambulance bids submitted at your meeting on April 17, 2012 I would like to recommend the bid be awarded to CrossRoads/Medtec for the purchase of one 2012 Type III E450 Ambulance. Total purchase price after trade allowance will be \$126,699.00. Marque Ambulance was the lowest bidder at \$121,226.00 however; they did not meet our specification in regard to prime contractor of the paint. They did not take exception to this requirement in the bid they submitted; however, as you can see from the attached letter, they are not compliant with this specification. I have attached their letter dated April 30, 2012, in which they state that they will voluntarily remove their bid from consideration. I recommend we accept their withdrawal. I have secured the funding to over the purchase of this ambulance from the LaPorte County Council, however, I will need to approach the Council at a later date for an additional appropriation of approximately \$15,000 for the equipment needed for this ambulance. Thank you for your consideration of this recommendation.

Mr. Milsap, where is CrossRoads/Medtec located?

Mrs. Pease, they are in Goshen but the vehicles are built in Florida.

Mrs. Huston made a motion to concur with Mrs. Pease and accept CrossRoads/Medtec, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, Mrs. Pease, I know that one of your rigs was involved in an accident over the weekend and all parties are well, what about the rig itself?

Mrs. Pease, the adjuster was out yesterday so we have yet to call and get estimates on it. We are taking directions from the insurance company. It was a brand new ambulance and there is substantial damage at no fault of the county.

Mr. Jeff Wright, Highway Engineer/Award Contract for Bridge #183

Mr. Wright, at the last meeting you opened bids for bridge #183. Larson Danielson is the low bidder at \$258,495.00 and we are going to recommend them. They did a bridge for us last year on county road 1100 south; they will do a nice job for us this year. We have five bridges that we put in the budget for this year that need repair. We are working on those. If you compare LaPorte County with the rest of the state, in terms of bridges that need major repair work, we are in pretty good shape. In comparison, Hupp Road bridge, a very similar bridge, span wise, they bid that project at \$875,000.

Mr. Braje, I would prefer they would attach the exhibit to the bid. They referred to it but in the document, if the commissioners are inclined to accept this, show it as an exhibit to the agreement the bid that was actually tendered. They don't include the amount on the face of this document. We would ask that the commissioners adopt by reference the bid documents that they portrayed together with this agreement for approval.

Mrs. Huston made a motion to approve the agreement subject to attach as an exhibit the bid document provided in the amount \$258,495 to Larson-Danielson, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Return of Bid Bonds for Sheriff's Vehicles

Mr. Layton, these are for the bids that have been denied. We currently have approximately \$21,000.00 in cashier's checks to various companies that have put bids in for the Sheriff's vehicles that were not accepted and there is no reason to hold these further.

Mrs. Huston made a motion to release and return the bid bonds, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mediation Agreement

Mr. Layton, this agreement is between the county of LaPorte and county employee Keith Neff.

Mr. Braje, Mr. Kus represented the county in the litigation. The mediation took place with an impartial mediator and an agreement was reached. As the commissioners know, all agreements in this particular case must be approved by the commission as a whole. That is the consideration for today.

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

Attorney Brad Adamsky/Petition to Vacate

Mr. Adamsky, Newby, Lewis, Kaminski & Jones, here on behalf of the petitioners for the petition to vacate and to submit a rededication of another road. We did receive returns on all of our certified mailings with the exception of one party, Mr. Victor Smith, who is represented here tonight by Attorney David McCain. This property is along Hudson Lake, actually, there was a petition before this commission last year for a vacation of another part of this same road which is Lakeside Drive. I am here on behalf of Barbara Parlin and Glenn Bukovsky, Tim and Destiny Hadley and Stephen Arch, Jr. these are the property owners who own property adjacent to this area we are asking to be vacated. Respectively, they have owned their property since 2007, 2007, 2002. They are seeking the remaining portion of Lakeside Drive vacated. The first photos show a view of the lake as you go down Cottage Grove Ave. and then off to the right you can see the road and I say that loosely. It is not used as a public road or right of way. The second page of the photos show looking eastward along where that public right of way is. Currently, the property is not under any use, and portions of Lakeside Drive were vacated last year under similar conditions. The major difference we are recognizing is that there is property to the east owned by Victor Smith III and again, Mr. McCain is here representing his interest. If we were to vacate this portion of Lakeside Drive, that is technically the only public right of way access. That is why, in addition to this petition, we are asking the commissioners to consider accepting my clients and from the additional property owners adjacent the rededication of a road which was previously vacated in 1968. That would be Lake Park Avenue. That is currently being used to gain access to the rear of our client's properties. We also, as part of that agreement, would agree to allow Mr. Smith or his tenants an easement access rights across the current Lakeside Drive until such time he is able to complete construction of a new access at the end of Lake Park Avenue. Right now

that is a heavily wooded area so we anticipate that it may take some time to clear and get access to his property. We would enter into an easement agreement up to five years or upon completion of his path whichever occurred sooner subject to the parties to continue that if more time is needed. The clients are very agreeable with Mr. Smith and making sure he maintains access to his property. That is a primary concern here. Both the petition to vacate and the petition to rededicate, we are trying to get this wrapped up in one action. The parties are willing to rededicate that portion of Lake Park Drive to a public right of way and they would do that through a deed of rededication which we would ask to be accepted by the commissioners in return for the vacation of that portion of Lake Side Avenue. I don't want to speak for Mr. McCain's client but in early communication with him the Lake Park Avenue may serve as even a more appropriate access to his property. The vacation will not hinder the growth or orderly development of the neighborhood or the public's access to a church, school, or other public building or place. This is all contingent on rededicating that previously vacated Lake Park Avenue.

Mr. McCain, technically I am here as a remonstrator, actually I am not. The property to the east is about a 6.6 acre piece that is at the end of Lake Side Drive. It is heavily wooded and not developed. Mr. Smith actually lives in Ohio. His family has owned the property for 140 years. He has a tenant who uses it occasionally. The vacation of Lake Side Drive would deprive Smith of public access. Mr. Smith's position is, we have no objection to the vacation if we rededicate Lake Park Avenue. The street that was vacated several years ago is actually a better access for the limited access he needs. We have no objection to it, we just ask that we not actually vacate the road until whatever steps have been taken to rededicate Lake Park Avenue. Our only request is that we not vacate Lake Side Drive and legally cut off the access until the other road is rededicated.

Mr. Layton, would your clients be willing to go back through the Plan Commission if that is a necessary step?

Mr. Adamsky, we would contend that it is not a necessary step. This is a rededication of a public right of way rather than a new platting of a public right of way. In meeting with the Building Commissioner and dealing with the new Zoning Ordinance there is nothing specifically in that new ordinance for the rededication of a previous public right of way. The concern we would have with the replat is the timeliness of that but also under the new Zoning Ordinance there is a requirement of a road to be at least 22 feet wide. The previously platted Lake Park Avenue was 20 feet wide. It is consistent with the other roads along the lake but we can't meet that 22 feet so it would be a further complication.

Mr. Braje, I have a couple of concerns. I agree with Mr. McCain in the sense that we ought not be vacating a portion of a road on the future event that is not occurring at the same time. My recommendation would be that if the commissioners are inclined to do this vacation that it be held over for second reading. We will need an ordinance any way to approve this and second that a deed be presented to the commissioners with the proper legal description for the rededication of Lake Park so that the commissioners, if they accept and vacate that, they can record at the same time the rededication of the road. As to the question of whether or not we can accept rededication of a road side that is no longer permissible is another issue and I really don't know the answer to that question at this point. It may be very well that we have to accept 22 feet as opposed to 20 feet. I would want to talk to council for the Plan Commission as to what their thoughts are. My suggestion is to hold this over for second reading, get the deed in place and then we can probably answer all those questions to the commissioner's satisfaction at that point.

Mr. Adamsky, it would certainly be our intention that any ordinance passed would be in conjunction with that deed.

Mr. Layton, going with what Mr. Braje said, there may be a possibility that there may be an extra foot taken from the property owners in lots 1, 2 & 3 and also a foot from lot 4. I would entertain a motion to table this until we can get all of our questions answered.

Mr. Braje, we need a description and a deed to look at and I need to address this issue of the rededication. My expectation is that we can do it by the next commissioner's meeting. If not, we will let Mr. Adamsky know and we can hold it over for the meeting after that.

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

Mrs. Huston, do you have the deed?

Mr. Adamsky, I could prepare the deed. The concern is the legal description; there will have to be some adjustments made.

Mr. Layton, there was also a reference made to a vacation that we made last year but wasn't there a permanent easement on that vacation?

Mr. McCain, yes. There was an easement available to the property owners. The easement related to a property owner at the far end and who was concerned about access to his well. There was an easement drafted for the benefit of all the property owners that tradesmen, repair people & etc., not the general public, would have access to get down there for repairs. That easement was part of the vacation ordinance.

Gallagher Benefit Services/Employee Benefit Consortiums for Indiana Counties

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

COMMISSIONERS COMMENTS

Mr. Milsap, on a positive note, I would like to personally thank our county recorder, Johnny Stimley, for generously returning money to our general fund at the county council meeting last week. It shocked me to hear a commercial by a councilman chastising Johnny for doing the right thing. Johnny has always tried to do the best for the citizens of LaPorte County. This kind of nonsense is misleading the public has to stop. I want to remind LaPorte County residents that Election Day is May 8th and please do your duty and vote.

Mrs. Huston, I, too, have a positive note. Someone called the office and wanted to give an "atta boy" to Margaret from Coolspring Township. It seems Margaret came in on her day off, the office was closed and went above and beyond and helped this disabled man so he will not be evicted. Kudos to a county employee for doing a good job. Also, Linda Howell, who works for the city of LaPorte was given an honor this year. I think if you are given an honor it should be recognized. She is the bookkeeper of the year for 2012 for the city of LaPorte. I think she has worked for the city for over 30 years.

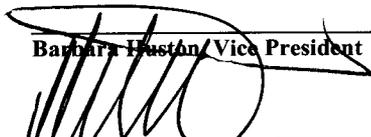
ADJOURN

Mr. Layton, President, adjourned the meeting at 7:20 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS



Ken Layton, President



Barbara Huston, Vice President



Willie Milsap, Member

ATTEST: 
Craig Hindman, LaPorte
County Auditor



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*

PROCLAMATION

WHEREAS: The United Way of LaPorte County and local businesses, in conjunction with the citizens of LaPorte County, are joining together to acknowledge the importance of building a healthy and safe community during United Way Building Community Weekend from Friday, May 25th through Monday, May 28th, 2012; and

WHEREAS: The kind concern and generous spirits of these combined individuals are the necessary building blocks to address the plight of those in need and to mold and fashion the character and strength of our community; and

WHEREAS: Adults and children of all ages deserve access to services and supports from a caring community during times of need; and

WHEREAS: It is important for members of our community to come together proactively to ensure that these needs are appropriately met because we are truly "Better Together".

NOW THEREFORE, we, the LaPorte County Board of Commissioners, of LaPorte, Indiana, do hereby proclaim May 25th through May 28th, 2012 as:

United Way Building Community Days

In the City of LaPorte and encourage all citizens of LaPorte County to do their part to support one another in the pursuit of A safe and healthy life.



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LAPORTE COUNTY BOARD OF COMMISSIONERS

Ken Layton, President

Barbara Huston, Vice President

Willie Milsap, Member

April 30, 2012

Board of Commissioners
LaPorte County
555 Michigan Avenue, Suite 202
LaPorte, IN 46350
219-326-6808 ext.2229

Attention: Mr. Ken Layton
LaPorte County Commissioner President

It was brought to my attention that there could be money available for possible Events in the LaPorte County of which, this is why I am writing this letter.

In the past our Car Club, Michiana Antique Auto Club, Inc., of LaPorte, received \$500 generously from previous Mayor Kathy Chrobak from the Mayors' Ball to help with advertising for our Clubs' three events that we put on listed below:

LaPorte Cruise Night, June 9, 2012
Sunflower Fair Car Show, September 15, 2012
Scarecrow Festival Car Show, September 23, 2012

I understand the money this year is going for Drug Abuse, which definitely is a worthy cause for LaPorte also.

My request is to ask for any amount of money to help with our Clubs' events for this year, because the last two years, two of our events got rained out and not getting the other \$500 put us in a financial situation to advertise for our three events this year. People attend our events from several surrounding counties and states.

Thank-You for any consideration,
Regards,

Kathy Orcutt

Kathy Orcutt
Michiana Antique Auto Club Treasurer
910 State Street
La Porte, IN 46350
219-326-8365

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA.
DATE 5-1-12

Barbara Huxton
Chet
ATTEST: _____ Auditor
LA PORTE COUNTY, INDIANA