



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Ken Layton
President*

*Barbara Huston
Vice President*

*Willie Milsap
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, October 16, 2012

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, October 16, 2012, 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. William Hackett led the Pledge of Allegiance.

ROLL CALL

All present

APPROVAL OF AGENDA

Mrs. Huston, we have one addition to the agenda, under New Business, item F. Merek Ziendewicz/Use of County Road Right of Way for Private Water Line.

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

APPROVAL OF MINUTES

October 2, 2012, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

October 9, 2012, Special Meeting, Mrs. Huston made a motion to approve, 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 October 26, 2012, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Miscellaneous Claims—\$ 366,568.31, 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—\$1,498,918.14, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by voice vote 3-0.

PUBLIC COMMENTS

Mr. Mike Seitz, President of the LaPorte Chamber of Commerce, it is that time of the year and we have received communication from the North Pole indicating that we come before the commissioners and ask permission to put up the Santa Clause statue in front of the county courthouse.

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

Mr. Keith Ainsworth, 169 West McClung Road, Center Township, I know everybody is aware of the McClung Road situation. All the people that live on Fish Trap Lake on McClung Road are in the county. The city wants to buy right of way varying from 35 feet to 85 feet. I know that in the county you are only entitled to a 20 foot right of way. In the city you are allowed 35 feet. I have 800 feet plus of road frontage, the driveway is approximately in the middle. All they are doing is adding 2 feet to the side of the road. After my driveway is where they are starting that drain line on the lake side of the road. On my property it is an eighteen inch pipe and it sets another seven feet in which is a total of 19 feet, yet they want 35 feet of my property. This totally wipes out my tree line. I don't think it is legal. To me it is annexing county property. Do I have to pay city taxes on that? That's not right. I would appreciate if the county commissioners would stand up for the people in the county there on McClung Road. I was at that city meeting last night and the city attorney didn't know if it was legal to buy that property or not; didn't know if it would be in the city.

Mr. Layton, are you talking about them buying property from you?

Mr. Ainsworth, yes. They are buying 35 feet all the way down my property. They are doing it to everybody on the lake side.

Mr. Layton, are you talking about a forced purchase?

Mr. Ainsworth, they are making me an offer. I can turn it down, then they say they can go to emanate domain. I don't even know if they can legally do that.

Mr. Willoughby, I really don't know the nature of their project. If the commissioners are inclined to direct me I will certainly talk to the city's counsel.

Mr. Layton, they are talking about from 39 and McClung Road and bring it all the way to the city limits by Mrs. McCleary's property.

Mr. Ainsworth, they are going all the way to Park Street with the project.

Mr. Layton, it is a street widening project plus they are putting in storm water management.

Mr. Milsap, how many people are affected by this offer?

Mr. Ainsworth, nine households.

Mr. Milsap, did they all receive the same documentation that you received?

Mr. Ainsworth, yes, from Beam, Longest and Neff that they hired to do all the preliminary surveying and purchasing of property.

Mr. Milsap, when did you get your notification?

Mr. Ainsworth, I got mine last March and I turned them down. I don't think at the present time I can sign this because I don't know what my legal rights are. My fence line goes almost 30 degrees up, I am three feet higher. They want 50 feet by 50 feet. That small piece is just for temporary use while they construct the road. They are willing to pay me \$75.00 for the use of that property. If they want to use that for construction equipment they are going to have to take my property down to PNA's. Mine is 3 feet higher. It is going to cost me over \$500 to put fill dirt in and bring my property back up and they are going to pay me \$75.

Mr. Milsap, of the nine households, is anyone seeking legal counsel?

Mr. Ainsworth, I know some of them are.

Mr. Milsap, maybe you can join in.

Mr. Ainsworth, I am asking the county first before I get involved in hiring an attorney.

Mr. Layton, before we make any commitment to you or anyone else on McClung Road, what I would like to ask my fellow commissioners to do is ask Mr. Willoughby to contact the city of LaPorte and find out exactly what we are talking about so we don't say something to your or the city and we can't back up what we have said. That gives us time to do a review.

Mrs. Donna McCleary, 135 W. McClung Road, I am speaking for a neighbor that died. There is nobody to represent her right now. Her house, like mine, is in the city. It is going to be torn down and the rest of the property is in the county. I have a plan here that shows they are going 90 feet in one area and 70 feet in another area on her property. There won't be much property there in the county. It doesn't make any sense why they are doing this other than to get to the lake to drain water into it. At my home they are raising the road 4 feet then it goes all the way down and stays the same. It is a natural drain to drain the water into the lake. There is supposed to be separation between storm water and sewer. We don't have sewer but the storm water is going into Clear Lake. I have proof that the city cannot drain their water into Fish Trap Lake. This is their way to get into the lake again. When you are annexed in, they took us out of the county in 1965, you have ten years to give the people curbing, sidewalks, sewer and water. We've got the water but no sewer going in, no curbing, no sidewalks, and no lighting. Somebody has to protect the people and property in the county.

Mrs. Huston, do you have copies of that you could leave with us?

Mrs. McCleary, yes.

Mr. Layton, you said you were talking on behalf of a person who has passed. Is there family?

Mrs. McCleary, they live out of town and they told me to handle it for them. It was brought up last night that this is all being done because of where the fire department was built.

Mr. Layton, we will notify you when we find out more about the project.

Jim Kimmel, 1015 South Westwood Dr. LaPorte, IN, President of the Sheriff's Merit Board and a taxpayer of LaPorte County. At the last council meeting it was brought up by Mr. Mrozinski that the amount paid by the merit employees of the Sheriff's Department be raised from \$1.00 per year to 3%. The issue I have with that is the council has no authority to raise that amount it must come through the merit board. I believe at one point merit employees were paying 4% and a former sheriff with approval of the merit board lowered it to \$1.00 per year. Is that correct Mr. Layton?

Mr. Layton, yes that was me.

Mr. Kimmel, the reason it was lowered was due to the process serving money which equates to about \$26.00 per serving or \$300,000.00 annually being put into the account and those funds are still going toward merit pensions. County employees have not received a pay raise going on five years and now the council wants to take money from those who put their lives on the line every minute of every day to protect the citizens of LaPorte County. Again, the council cannot raise the contribution amount by merit employees anymore than they can increase the amount paid into PERF. At the same county council meeting Mr. Yagelski was questioning the law firm of Ice Miller out of Indianapolis that has been retained by the merit board in the law suit against a former jail matron. Mr. Yagleski also questioned the amount being paid to Ice Miller stating they are one of the highest paid law firms in the state. I wish Mr. Yagelski would look at past history. Let's go back to a former law suit by the former matron against the county for her wages. The ruling was found in favor of the county and who was the law firm the county hired to act on their behalf, Ice Miller. The same Ice Miller that has now been retained by the merit board. I believe when the sheriff came before the county commissioners 4 for 5 years ago and asked for direction or permission to seek a legal opinion on the matter pertaining to the pension of this said matron, I believe the commissioners recommended and paid for Ice Miller to review this. The same Ice Miller that the merit board has retained. However, Mr. Yagelski and other county council members need to understand that the merit board is the trustee of the merit pension account not them. Prior to moving forward with this legal action, the sheriff personally advised every merit employee that if the merit board approved to proceed with the legal action that the attorney fees would come from the pension account and not from taxpayer dollars. I believe that every one of the

sixty merit employees signed that they understood this. I believe this is the major difference between Mr. Yagelski and the merit board. Mr. Yagelski sees the glass as half empty, the merit board sees it half full. The merit board would not be moving forward unless we feel the case would be found in our favor. When it is found in our favor there are three factors that need to be taken into account. First, the pension fund will recover over \$36,000.00 that may be wrongfully paid to that matron. Second, the pension fund will stop paying out over \$6500.00 annually to that same matron. Third, when we win the case we will ask that all attorney fees be paid by said matron. Probably when it is all said and done, instead of the cup being half empty or half full, the cup will runneth over. I believe the commissioners are the executive arm of the county government. Is that correct? In that case, do the commissioners not have an obligation to find ways to prevent law suits against the county? If so, would it not be the duty of the commissioners to advise a few councilmen that they cannot state in a public recorded meeting that they simply do not care about state laws or the rulings of the State Board of Accounts? At one time a councilman advised that his action he was purposing was a violation of state statute and he response was simply, "what is the penalty"? Just last week this same councilman was advised that his proposal concerning the budget for the Recorder's office was against the State Board of Accounts and his response was, "when we get slapped on the wrist, we will say we will not do it again, and by that time we will have spent \$180,000.00". I find that very irresponsible. Finally, I would like to personally thank those in LaPorte County for doing their best to bring new business and jobs to LaPorte County. We desperately need it and it is something that I think is moving forward with the intermodal. What I do have a problem with is several weeks ago several councilmen went to Indianapolis for a conference down there. A vendor from a company outside of Indiana was there and engaged in a conversation with two LaPorte County Councilmen. These councilmen then proceeded to degrade and talk negatively about the LaPorte County Sheriff and the LaPorte County Prosecutor. This conversation was relayed to executives of that company, one of which is a personal friend of mine; I have known him for over 24 years. Is this any way to attempt to encourage new business to come to LaPorte County? As a taxpayer, I resent the tax dollars that were spent to send representatives to a conference to have them degrade LaPorte County and its elected officials. Thank you.

Mr. Layton, the only thing I am going to say, Mr. Kimmel, is a part of your presentation was that you wanted us to speak to the county council and ask them to refrain from speaking one way or another. That is not exactly what you said but I think that was the premise of where you were going. Is that right or wrong?

Mr. Kimmel, I think it is reckless to sit in a public forum that is being recorded and televised and state that when it is brought to their attention that it is a violation of state statute that they simply don't care and blow it off and then when they say it is something against the State Board of Accounts and the comment is "well, we'll go ahead and do it and when we get slapped on the wrist we will just say we won't do it again but in the mean time we will have spent \$180,000.00". That is reckless and will not fair well with the county of LaPorte.

Mr. Layton, I understand exactly what you said on that issue but I thought part of your presentation was asking us to monitor what they said and ask them not to do that again or try to make them refrain from saying that. We don't have that authority.

Mr. Kimmel, I wish you did have that authority. I understand that you do not. I think maybe a word that this could obviously in turn get the county in some legal action. Maybe they are unaware of that, I don't know.

Mr. Layton, I understood everything you said when talking about the statute and the authority of the council vs. the authority of the merit board and the pension. Maybe I misinterpreted what you said and if I did I apologize. I thought you were asking us to try to monitor what was being said and you know I can't do that.

Mr. Kimmel, it is impossible, I understand that Mr. Layton.

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte, IN. Just for clarifications sake, a few statements made by Mr. Kimmel I think the commissioners need to be brought up to speed from the stand point that last April the sitting county recorder came before the council and told us he was going to transfer \$182,000.00 to the general fund because he had excess money in the recorder's perpetuation fund. Many council members sang his praises for being efficient and etc., etc. Mr. Hinchman is well aware that within a month we were informed that the State Board of Accounts would not allow a direct

transfer from the recorder's perpetuation fund to the general fund. That is my understanding, is that correct Mr. Hinchman?

Mr. Hinchman, yes.

Mr. Cunningham, later when finding out there was in excess of \$428,000.00 in the recorder's perpetuation fund, and actually during the budget hearings, the council decided to reduce the recorder's budget by approximately ¼ of that \$182,000.00, let's say \$46,000.00 so over a four year period the \$182,000 excess funds would have been recouped. At this same AIC conference that Mr. Kimmel refers to, a lawyer advised us to just zero the account out and if they have \$400,000 in an extra fund and there budget is only \$182,000, take it all the first year. If the State Board of Accounts says you can't do that, the worst thing that could happen is that you have to put the \$182,000 back. In all likelihood they are going to say "don't do this again" and at any rate as a council that is presently sitting \$28,000,000.00 in the red, I think just the opposite of what Mr. Kimmel said that the council is acting irresponsible; I think the council is acting very responsibly when the sitting recorder says "I have excess funds". That account is growing by approximately \$8,000 or \$10,000 a month. Even if we take the \$180,000 out and they spend that on salaries next year they are still going to have approximately \$260,000 which is what this recorder took over with 3 ½ years ago. It is not going to leave the new recorder short of any funds. In my opinion, it is just the opposite, fiscally irresponsible for a council which is responsible for the fiscal problems of this county to be \$28,000,000 in the red and be aware of all these revenue generating accounts that have an excess of \$2,000,000 in them right now and not attempt to find some way to spend them.

DEPARTMENT HEAD COMMENTS

Mr. Rich Mrozinski, LaPorte County Council, Veteran's Day is coming up. On Friday, November 9, 2012, at the Civic Auditorium we will be celebrating the 25th annual Veteran's Day Ceremony. It will bring in about 1200 middle school children to see our program put on by the Mayor's Veterans Committee. It is open to the public; it is free and starts at 9:30 sharp. Between 8:00 and 9:15 the Red Cross has coffee and donuts in the basement. Also, the next day on the 10th in this very room, we will have our LaPorte County Veterans recognition medal ceremony for any LaPorte County veteran who has not yet received their medal from the county. I encourage you to do that. Get a form either through the Veteran's Service Officer or through any Veteran's service organization or you can just show up that morning and fill out the form on the spot and get your medal. Bring your DD214 discharge paper. Bring your family. As far as I know, we are the only county in the United States that recognizes their veterans just for being a veteran. We like to show our appreciation to all of our veterans. It will be November 10, 2012 at 10:00.

Mr. Jeff Wright, LaPorte County Highway Superintendent, there is a lot of projects going on in the county. I don't know how many more meetings I am going to be able to get to. I have been an engineer almost 28 years. I started at INDOT as a highway engineer and after that I worked for an architectural firm where I learned architectural engineering and after that I went to a well known manufacturing corporation where I learned about manufacturing engineering. What I am getting at is everywhere I have worked I have had an opportunity to learn something and I just wanted to say since I have started at the county I haven't really learned a whole lot about highway engineering but what I have learned is how to do good local government work and I learned by watching you guys. Behind the scenes and what the public usually doesn't get to see and what it comes down to is you guys make choices, make decisions and they are entirely based on what represents the county and the people in the county the best. As a taxpayer and in my unique position that I am in I get to see county government in action. I just wanted to say thanks to you guys for your commitment, dedication and your service to the county. You do a phenomenal job. It has been my privilege and honor to serve with you.

CORRESPONDENCE

None

REQUESTS

LaPorte County Historical Society, Inc. & Museum/Appointment of Assistant Curator

Mr. Layton, it says assistant curator on our agenda but it should say Museum Assistant. The Historical Society is nominating Michaelene Ziembo to be the museum assistant.

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

OLD BUSINESS

None

NEW BUSINESS

Robert Young, Highway Superintendent/CEDIT Draw

Mr. Layton, this is the second draw. We have a May draw and a November draw on the CEDIT funds. The request is for \$2,000,000.00 and it is forwarded on to the council for appropriation.

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

Melissa Mischke, GIS Coordinator/LaPorte County and Starke County GIS Data Exchange Agreement

Mrs. Mischke, you should have a total of three agreements in front of you, two of them from Starke County. One includes data sharing of parcel information and the second one is for road and address information related to the 911 center. I recommend that we enter into the agreement for both data sets from Starke County.

Mr. Milsap, this is just a renewal?

Mrs. Mischke, we have never had an agreement with Starke County. Starke County does not have a GIS Coordinator; they have a company that maintains information for them so the agreement is for that company to provide us the information at no charge provided we give them the information back. It is data sharing between LaPorte County and Starke County.

Mrs. Huston made a motion to enter into the agreement with Starke County, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mrs. Mischke, the other sharing agreement you have in front of you is from the DNR. That data sharing agreement is to allow the DNR to provide us with a file that contains all of our classified forested areas in the county.

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

Attorney Brad Adamsky/Petition To Vacate A Public Way In LaPorte, Indiana

Mr. Adamsky, we are here this morning on a petition to vacate a public right of way. We were here before the commissioners last June on this very same issue and we are asking the commissioners to revisit that. I am aware of a motion to dismiss which was filed by the remonstrators setting aside the appropriateness of such a motion in this sort of venue I feel we do need to address it before the commissioners. The statute that the remonstrators rely on says that after the petition to vacate has been heard and terminated before a board of commissioners, a new petition cannot be filed for a two year period. We are aware of that statute and I called the county attorney's attention to that statute prior to filing this petition. What we would cite as the Indiana Home Rule Act found at Indiana Code 36.1.3.1 at sequence which says it vests a local government body charged with land use control pursuant to its local zoning ordinance with all the powers necessary or desirable in the conduct of its affairs. Any doubt as to the existence of such a power of such a local government shall be ruled in favor of its existence. That is cited at Indiana code 36.1.3.3 (B). The reasoning for this sort of legislation is we want to give our governmental entities the ability to fluidly control their operations. I have provided this case and statutory law to your attorney for his review. I refer back to the minutes of the meeting where we did have the denial where Mrs. Huston said, "I am disturbed where the plowing is concerned but Mr. Koehn said he would fix it because it is the county's property". In addition to the language there the remonstrators were kind enough to attach a newspaper article from June 8, 2011 to their motion to dismiss. That newspaper article says 'When commissioners questioned him about the destruction, he said one of his employees later tore up the right of way. When the commissioners

denied Slater's request, they were stern with the parties on their actions, reminding Koehn that the right of way was county property and any act to destroy it was criminal. Commissioner Layton said he knew Koehn didn't do the destruction himself, but noted that he was responsible for the actions of his workers and had better fix the damage. Huston said she was disturbed by these events and also stated that Koehn must fix the county's property.' That is why we are here today. The denial was made on the conditions that Mr. Koehn go in and repair the property. I believe it was also made on the understanding that at some point in the future he would be developing that property. There are questions on whether that is even possible under the new zoning ordinance. In specific, this damage that was done to county property by Mr. Koehn that was addressed at the last meeting by the commissioners Mr. Koehn said he would fix, I would like to present to the board a history of that property since last June. I believe my clients had previously provided a copy of this to the commissioners over the summer. What you see here is the condition in photographic form of the property at the time we came, and just as a reminder of what happened, we filed a petition and immediately after filing the petition one of Mr. Koehn's employees plowed the county right of way with a plow and was stopped only by police intervention. He said he would repair that at the commissioners meeting. You can see the pictures there in July, August 17th, and it is not until late August and September that anything is being done to the property. Now in November he has come in and torn it up again. After it was torn up and unusable, you can see he also now is using one of these other entrances to his property. This is not the only access to this farm land. It is our position that this petition when it was presented last June was denied based on a certain specific condition. Mr. Koehn has not followed through with that condition. Based on the Home Rule Act, we believe the board of commissioners has a right to revisit this. We would ask that they do so. We filed this as a new petition in order to give public and proper notice to the adjoining property owners. Had we come back before the board and ask that this just be revisited as old business it is possible notice would not have been sent out. That is not our position. We want everybody to have their voice heard. We realize this is a serious matter and that is why we are back before the commissioners.

Mr. Willoughby, I have been hit with a lot here. While I appreciate Mr. Adamsky's approach to this, I am not certain that at this stage that there were conditions placed or that this case is similar to a BZA case. Unless the commissioners were inclined unanimously to consider not only voting in favor of this petition but the ordinance that would follow, no ordinance could pass today anyway. Off the cuff, I believe the statute applies. It is very clear in the statute that once the termination of the proceeding regarding the vacation of a property that it cannot be brought up. I have not had an opportunity to look at those. If we are on the premise that this is exactly the same petition regarding the same subject matter then the statute would be clear that for a period of two years it couldn't be revisited. What I might suggest is no action be taken. I do want to make note that I was contacted by attorney Michelle Bazin-Johnson who I believe represents remonstrators and due to her schedule, was not able to make it.

Mr. Adamsky, I would like to point out the language of the statute to which we are having to address, it is Indiana Code 36.7.3.15, it says after the determination of the vacation proceeding under this chapter a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two years. It does not say it cannot be revisited. This is what we are asking for.

Mr. Layton, I am not prepared to make any kind of a ruling on this, especially with the information that you presented to us this morning. I have not had the opportunity to read those statutes that you say affects this. My personal opinion would be to put it on the table until we have had such a time to meet with our counsel and give us the opportunity to read this and revisit it at our meeting on November 6th.

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

Mike Schultz, LaPorte County Assessor/Team Consulting, LLC Agreement

Mr. Mike Schultz, I hope you agree to this agreement in principle. I had Mr. Willoughby look at it. I recommended to Mr. Stewart that maybe we could put an end date of July 1, 2013. The reason this is all coming to a head, Mr. Wendt has hired Mr. Denn again to review our ratio study as it was with the previous assessor. We have more confidence in this ratio study this time but we felt we needed someone that could speak Mr. Denn's language. He is well respected in his profession. Mr. Pete Davis will be handling our work, he is also well respected in his profession and can speak the same language of ratio studies and assessments. We are trying to head off anything that would stall or prolong this process so we are not ending up like we did previously. It is \$100 an hour and everything that we have

emailed to Mr. Denn we will email to Mr. Davis for review. I don't anticipate them coming here unless there is more of a legal challenge. Mr. Denn and Mr. Davis know each other so I am sure communication can be made over the phone or internet. I would guess the total contract if it played out to its fullest wouldn't exceed \$5,000.00. This would be paid out of the reassessment fund. I think it makes good defense to have a better offense. This is for the ratio study of 2010 pay 2011. If there is an issue we will correct it and move on but we cannot stop and wait.

Mr. Layton, are we on our way to being compliant with Senate Bill 19?

Mr. Schultz, we are hoping to have the form 11s which are the notice of assessments for 2010 to go out mid November and then 45 days to appeal those but that doesn't hold up the bill or anything. They will actually see their assessment before they see a bill.

Mr. Milsap, Team Consulting is out of where?

Mr. Schultz, Florida.

Mr. Milsap, is the \$100 an hour the average rate today?

Mr. Schultz, they are connected with the International Association of Assessing Officers and they set the standards for these ratio studies and assessments throughout the country so my guess is the \$100 would be the going rate.

Mr. Milsap, nothing closer in Indiana?

Mr. Schultz, I think we would be better off not using an Indiana company.

Mrs. Huston made a motion to concur with Mr. Schultz's recommendation to hire Team Consulting LLC giving the president of the board permission to sign on behalf of the board, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Approval of 2013 LaPorte County Holidays

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

Mr. Merek Ziendewiez/Use of County Road Right of Way for Private Waterline

Mr. Ziendewiez, I would like to bring the waterline to my property and I need to use the right of way to drill to Brookside Drive.

Mr. Layton, how do you perceive to bring it to your home?

Mr. Ziendewiez, by the corner of Dreamwold Way and Brookside Drive or Michiana Drive whichever is shorter.

Mr. Layton, the water you are intending to hook up to is that Michiana Shores, Michigan?

Mr. Ziendewiez, that is right.

Mr. Milsap, Mr. Bohacek did this. You are getting your water from the state of Michigan?

Mr. Ziendewiez, from Michigan City. It is coming up Michiana Drive but the water is from Michigan City.

Mrs. Huston, you are doing this at your expense, correct?

Mr. Ziendewiez, correct.

Mr. Milsap, you got permission from the city of Michigan City not the state of Michigan?

Mr. Ziendewiez, yes that is right.

Mr. Tony Hendricks, LaPorte County Surveyor, this is still Michigan City water either way. One way it goes up into the state of Michigan and comes back. The other way it comes the shorter way and stays in the state of Indiana. Michigan has a contract with Michigan City and that waterline goes up into their state and comes back to us and one way it comes right from Michigan City. It just depends on his approving authority on which way he goes.

Mr. Layton, the only way this would proceed is to have either a permit from Michigan City or a permit from the state of Michiana Shores, Michigan?

Mr. Ziendewiez, yes.

Mr. Layton, wasn't there some parameters we made Mr. Bohacek adhere to in regard to cutting the road and etc.?

Mr. Wright, I don't know but anybody that would want to do work within the right of way would approach the county for criteria to occupy the right of way to put in water lines. We need to know that people are in the right of way.

Mr. Layton, this is nothing more than the permit process that we already have in place.

Mrs. Huston made a motion to approve providing he follows all the correct permission and permits in writing and incurs the entire cost, seconded by Mr. Milsap, motion carried by voice vote 3-0.

COMMISSIONERS COMMENTS

Mr. Milsap, tonight is the second presidential debate and hopefully it will be a little more interesting.

Mr. Layton, November 6th is our 6:00 p.m. meeting and also election night, the courthouse is closed that day.

Mr. Milsap made a motion that we hold the meeting on Monday, November 5, 2012, at 6:00 p.m., seconded by Mrs. Huston, motion carried by voice vote 3-0.

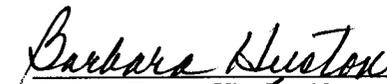
ADJOURN

Mr. Layton, President, adjourned the meeting at 11:09 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS



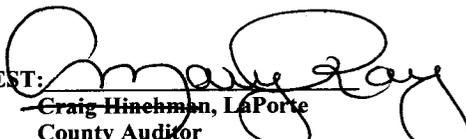
Ken Layton, President

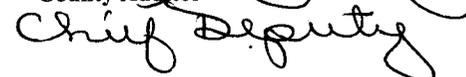


Barbara Huston, Vice President



Willie Milsap, Member

ATTEST: 

Craig Hinchman, LaPorte
County Auditor

Chief Deputy