



BOARD OF COMMISSIONERS LAPORTE COUNTY

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Willie Milsap,
President

Dave Decker,
Vice President

Dr. Vidya Kora,
Member



AGENDA

LAPORTE COUNTY COMMISSIONERS

Monday March 4, 2013

To be held at 10:00 a.m. in the LaPorte County Complex Meeting Room #3

1. CALL MEETING TO ORDER

Commissioner Milsap called the meeting to order.

2. PLEDGE OF ALLEGIANCE

The Honorable William J. Boklund lead the Pledge of Allegiance.

3. ROLL CALL

All Commissioners were present.

4. APPROVAL OF AGENDA

Commissioner Kora moves to approve the agenda. Commissioner Decker seconds. Motion carried by voice vote 3-0.

5. APPROVAL OF MINUTES

A. February 6, 2013

Commissioner Decker moves to approve the minutes of February 6, 2013. Commissioner Kora seconds. Motion carried by voice vote 3-0.

6. WEEKLY REPORTS

None

7. CLAIMS

A. Payroll Ending 3/01/13-\$971,653.79

B. Miscellaneous Claims-\$272,802.38

Commissioner Kora moves to approve claims both A and B. Commissioner Decker seconds. Motion carried by voice vote 3-0.

8. DEPARTMENT HEAD COMMENTS

Sheriff Mollenhauer: That's just a brief summary of what we've accomplished here in the last couple months with the department I reported this to the County Council a week ago today just wanted to let you know about it in case you hadn't heard. Just to begin with, and briefly we've just purchased 25 Motorola portable radios for our jail operations the old ones were very old and some of them broke down and we've replaced them with 25 new ones for a cost of

\$32,249.30 which was paid out of the commissary inmate commissary account fund. The old radios are going to be donated or given to the posse they'll be able to use them for their operations if they're called for a search or anything like that, usually missing persons or something like that. Item number 2 is the purchase of 44 rock river arms patrol rifles, 223 caliber, that puts us, that's been a goal of mine for a couple of years now and we're lucky we got them purchased last year before the cost skyrocketed. And the cost was \$37,840.00 for those rifles. We paid for that through the firearms training fund there's three different portions we paid the \$37,840.00 it was \$18,920.00 from the firearms training fund, the \$16,420.00 from the inmate commissary fund and the prosecuting attorney Bob Szilagyi from his discretionary fund gave us \$2500.00 for that total amount and for both totals then, the 16420 and the 3224930 for the radios we paid \$48,669.30 out of the inmate commissary fund. We also are constructing a 100 yard firearms range, we have a firearms training range already out at the fairgrounds but for these rifles need to have a 100 yard course and that's being constructed, Bob Blair who takes care of the inmates the work crew, their under his direction and of course that's free labor with them. They cleared land the best they could he purchased a chain saw, which was paid for out of commissary also, and he's got the trees cut down Bob Young from the County Highway Department brought some heavy equipment in and cleared the stumps and built some dirt safety barriers on the back and two sides, so it's well underway but it won't be accomplished until probably midsummer I would think but we're on our way with that. Regarding the rifles, of course they haven't been issued yet, the officers will all be trained and that will be the patrol division and the detectives so we'll be getting them, they'll have to go through training before we can issue them. Money brought back for the County, placed into our general fund for 2012, I report on that every year, that is a total of \$245,265.05. 2012 the DOC the majority of it was from the Department of Correction from care of the inmates when they are sentenced and we hold them, and for a period of time, never knowing exactly how long we'll be holding them, but that brought in \$195,090.00 they pay \$35 per day after their sentenced, and of course then we're not responsible for any medical care after that either. 2012 Department of Correction parole holds brought in \$35,245.00 and the med co pay is \$12,287.67 that's inmate med co-pays, and then restitution, that's restitution in the jail if they damage something we do our best to collect it, or I should say my jail staff does their best, Captain Bell and Sgt. Vance and Administrative Assistant over there Jeannie Albers, tries to get the restitution and we brought in \$2,642.38 and again, that was all placed into the general fund last year for a total of \$245,265.05, the only other thing I have to report on and I think you probably are well aware that we will be getting a third dog, the County Council has granted that permission and we still haven't heard exactly how much, we haven't gotten any money yet from the estate of Barbara Blake and she passed away and she's donated or left in her will to pay for a German shepherd K-9 and the full training of that dog so we're waiting to hear from that, we are making plans on possibly around April 1 of sending Andy Morris who was the K-9 Officer that lost his dog this past month and he'll be taking a new dog and when that one comes in and get trained with that dog so, we did receive some donations, the County Prosecutor's giving us \$2500.00 from the diversionary fund, the public has sent in \$120.00 thus far and the VFW in LaPorte, out on McClung road, they're having a, a gentlemen stopped in and they're beginning to get money or donations out there it's ladies bingo and men's auxiliary is going to be collecting something and they, in the next month or two they said they'll bring that amount in and I'll let you know on that, so thank you. I think that's all I had.

Tony Hendricks: LaPorte County Surveyor. I have two informational notes and one request. First is the GIS flyover that we are doing this year, through the Homeland Security with Indiana, it's a cost break for us, it's probably going to be coming up in the next 5-8 weeks, they do the flyover's just before the leaves come out and after the snow melts so if there's no strange things going on, if you see planes flying over LaPorte County they're doing LaPorte, Porter, and Lake County all at the same time so we receive a reduction in that, we will get 6 inch tiles and what that means for you is the same sort of focus you see in the City of LaPorte and the City of Michigan City you'll see that all over the county, we are also getting a digital elevation model data so we can actually have contours of the whole county down to two foot intervals so we can do lots of planning and looking at what we have in south county, typically south county we have four foot contours from 2003, so with the help of the partner of a lot of people in Homeland Security, and the State of Indiana, we got a reduced cost just like all the other counties and I'd like to thank the Auditor and the Assessor, they paid for that for us for this county, so moving forward the next 5-8 weeks we should be getting that data flown and that should help us out, probably in about 6 months we should get that data and we'll have 2013 photo and digital elevation models for LaPorte County. A note for the public is the Plan Commission approved and we're working on a plat committee for a zoning map committee, we would like to open it up to anyone that would like to put their name in, we need some public members, real estate people, farmers, who ever would like to put their name in, the Building Commissioner can take your name and anyone who would like to be a part of the map committee we will be revisiting the zoning maps and try to update and see where we had some mistakes and where we need to do a little better job at, it's not a complete re-do, it's just another look at it, since it's been in place now for two years. The map committee will meet, we'll set our times probably the next Plan Commission meeting which is the fourth Tuesday of every month, so that's the fourth Tuesday of March we'll have the Plan Commission, and we hope to have any names of people that would like to be involved for that committee. I'm working on probably using 39 North to update these maps, on the fly, I mean real-time updates we won't post them but if map committee meets we can use the GIS function and not have paper and just update these maps as we sit in the workshops and then bring them forward to the Plan Commission and to the Commissioners for approval, after those approvals we would then post the maps for the public to use as they become official. The other thing as President of the Plan Commission I'm here to request, I guess I forgot one, the GIS fly over the Indiana GIS department did email us some cost reductions, I believe it's \$300 it wasn't much but it was a savings, and I guess I request to get on your agenda at some point in time to approve that addendum to the contract and save us a few dollars. I guess that's coming up and we haven't paid that but we'll need to get on the agenda and the other last thing as President of the Plan Commission we have 8 members and we have our alternate, I believe the County Council can appoint their alternate and the Soil conservation or the Purdue Extension can appoint their

alternate, I'm approving my alternate as the same alternate you have, but we don't have the ninth member appointed and I don't really know the ramifications it has to be somebody in the county and it has to be not too many people of one party so as the President of the Plan Commission the Building Commissioner and the Plan Commission Attorney asked me to come here and see if you guys at some point could entertain the ninth member of the Plan Commission. That's all I have, do you have any questions?

9. CORRESPONDENCE

None

10. REQUESTS

A. **LCCVB Event Promotion Fund:
Michiana Antique Auto Club \$500**

Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote 3-0.

B. **Donations:
Fraternal Order of Police \$500 for Blues Fest from Donation account in Budget.**

Commissioner Decker: Mr. President is this to buy the ad or just for a donation? Commissioner Milsap: Donation to the account. Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote 3-0.

C. **Judge William Boklund/Bonnie Quigley Request for Unused Sick Days.**

Judge Boklund: Good Morning, As you know, this is the second time now in a year that I'm going to be losing a valuable employee and this one I'm losing to retirement. Bonnie Quigley has worked for the County for over 20 years and she had a brief separation where she went to work in the private sector in a law office, and she was enticed back by the prosecutor to be a member of the drug court unit that Prosecutor Hedge started. She's been with the County consistently ever since. Bonnie was asked to come back because of her institutional knowledge, she had started working for Judge Baldoni in the Superior Court 3 clerk's office, she briefly spent time working for Juvenile Probation, then she became Baldoni's Administrative Assistant for about seven years, that's where the break occurred, then she came back into the drug unit where she worked until she came to work for me. Now I'm asking for you to vary from the understood policy of sick days for Bonnie and allow her to get 54 unpaid sick days, compensation for it, and there are a couple of reasons. One of them is that people leave county government for a number of reasons, sometimes they're not good, but sometimes they are good. When somebody asks them back there's a reason for that, and you don't want to discourage former county employees from coming back who were excellent employees with an exception from the straight twenty year rule. I think if you could work a little flexibility into that, I understand the purpose behind it, but the last thing you'd want to see is somebody who comes back after a one or two year break in service after serving 10 who comes back and serves another 12 or 15 who knows they can't get compensated so they start taking sick days off. We went through that with comp time a few years back and everybody who had banked their 60 days started taking a day a month off and it was a disaster. I think that's something I'd ask you to consider in terms of this policy and maybe be a little flexible with it if you could.

Attorney Friedman: Yes, in preparation for the meeting I took a look at the current policy and as Judge Boklund indicates, it's somewhat vague, it probably needs interpretation and clarification by the Commission the County specifically changed language regarding insurance coverage that's reflected any employee with 15 years' service even with a two year break in service now qualifies for health insurance versus the prior policy which required 20 years and didn't apparently allow a break, so since the County has already recognized that a break in service shouldn't disqualify for retiree health coverage, it makes sense that the County might recognize that a break in service, a short break of up to two years, shouldn't disqualify for cashing out sick pay after 20 years, as the Judge indicates, banking sick days does encourage productivity. A lot of employers have found that look if you've got for a long term employee an ability to cash out sick days as opposed to taking those, obviously it encourages productivity, so my office is comfortable with recommending approval of this, but with the Commission also making clear that this particular policy which is on pg. 84, is clarified so that an employee with 20 years could in fact cash out those sick days as long as the break in service did not exceed 2 years.

Commissioner Milsap: Thank you, does this affect our policy with HR?

Attorney Friedman: I've spoken to HR she understands that there may be a change in policy to clarify what pg. 84 indicates, right now pg. 84 of the policy simply says upon retirement full time employees with 20 years of service shall be paid \$75.00 per day for unused sick days it does not make clear in the current policy whether a break in service is allowed or not. What I think I hear the Judge saying and what our office is comfortable recommending is that a break in service of no longer than two years shouldn't disqualify an employee from being able to cash out those sick days as long as you've reached the 20 year.

Joyce Leon: I just want to make a comment, the last Commission did look at it as consecutive, the policy can be looked at just as 20 years, my only thing is that I would like to be fair and consistent. So, if you approve this, I'd like to be fair and consistent from this point moving forward under the new Commission. That's all I have to say.

Attorney Friedman: And we're on the same page on that, if it's reflecting this request then it would need to be adopted in policy essentially the motion to make clear that the policy of the county is that full time employees with 20 years of service, even with a break in service of up to 2 years can cash out those sick days.

Commissioner Kora: Mr. President, I was going to ask our legal counsel, should we approve a motion first to say that as long as it's 20 years and the break is less than two years then we approve the policy first, can we do that now?

Attorney Friedman: And I think that's a good suggestion Doctor, these be two separate motions, one to approve the request by Mrs. Quigley as indicated by the Judge, the second to make clear what the policy is with the County.

Commissioner Kora: Which one should come first?

Attorney Friedman: Why don't you reflect the clarification of policy first and then support the Quigley request.

Commissioner Kora makes a motion that the policy should be that there should be 20 years of service and if there is a break in service it should not exceed 2 years for an employee to be eligible to cash out the unused sick days. Commissioner Decker seconds. Motion carried by voice vote 3-0.

Commissioner Kora moves to approve the specific request of Mrs. Quigley. Commissioner Decker seconds. Motion carried by voice vote 3-0.

Judge Boklund: Thank you, before I leave the microphone, I want to say something about Joyce, I've worked with her several times and I've told her she walks on water, even when it's not frozen. She's good, you gotta keep that lady, she's helped us immensely.

11. OLD BUSINESS

A. **Plan Commission Proposal of the Amendments to Section 14.09 (a); Table 07.02; Article 31; and the Appendix of the Joint Zoning Ordinance concerning sexual oriented businesses second reading.**

Attorney Friedman: Yes, you recall that you moved on first reading at a meeting in February and we are recommending approval of the amendments as forwarded by the Plan Commission now on the second reading.

Commissioner Kora: Mr. Friedman can you just clarify this that way for the benefit of the public they know what we are voting on.

Attorney Friedman: Sure, the sexually oriented business was modified to reflect changes recommended by the counsel of the Plan Commission so that it more comports with current case law for what is viewed as residential zoning, again the ordinance was proposed and adopted by the Plan Commission after a considerable amount of research and time as to what would be an Ordinance that would hold up and stand up to Court scrutiny. It is our belief that this one will, the amendment is a minor amendment, the appendix is also part of this particular proposal and so we're, as you recall, you held it over to take any public comments that might have been received in the intervening 2 or 3 weeks and nothing has been received and so we are recommending approval upon second reading.

Commissioner Kora moves to approve. Commissioner Decker seconds. Motion carried by voice vote 3-0.

12. NEW BUSINESS

A. **Gerry Zutock seeking permission to fish at Hunt Lake.**

Gerry Zuzock: I live on 350 North in Rolling Prairie, and I came here today seeking permission to fish Hunt Lake with my grandkids and my wife, and I was just wondering if it would be possible. I already talked to the guys there at the county building and they told me I would have to actually come up before the County Board and see if you guys would grant the permission for me to do this.

Attorney Friedman: I'd like to go back to any precedent if we can determine that prior County Commissions have granted permission to fish, I would assume it's probably with some sort of a signed waiver, but any approval that you give I would say would be conditional on our attempting to find some precedent in County files that prior Commissions have granted that with a signed waiver.

Commissioner Milsap: So is that to say that we have to go to records?

Attorney Friedman: Yes it would be a conditional approval that the approval would be conditioned on our finding something in the files that indicate that prior Commissions had granted permission to do this with a signed waiver.

Commissioner Decker makes a motion to grant permission contingent upon finding precedent set by prior Commissions. Commissioner Kora seconds. Motion carried by voice vote 3-0.

B. Consider revised Joint Resolution for reimbursement of expenses for county employees.

Attorney Friedman: This was approved by the County Council at their most recent meeting, the only real significant change, I believe Joyce, was the mileage amount and HR, I'm sorry the meal allowance went from \$30 to \$35 and so it's reflected in the new policy, the policy was adopted by the County Council this would simply, the rest of it I believe remains the same, the only substantive change is on the meal reimbursement and so we are recommending approval of this consistent with the County Councils approval.

Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote 3-0.

C. Consider approval for revisions to the LaPorte County Highway Department Addendum sections 6.0025 and 6.2015.

Commissioner Decker moves to approve Addendums. Commissioner Kora seconds. Motion carried by voice vote 3-0.

D. John Mills regarding Grant for County Home Barn.

John Mills: I got a letter here that you each received and I would like to read it or would one of you guys like to read it?

Commissioner Milsap: We all received the letter, so we're familiar with it, so move on.

John Mills: Okay well let's see, It says there about he needs permission, he couldn't be here today, he had to be in Indianapolis for a meeting, the county home and the Courthouse both are not on the national registry and if they're on the national registry we're allowed to get government grants for that stuff, and our Courthouse is coming up right now, everything is going on again you know with the same problem we had before, and that all could be, we could be able to get some government grants there, like on the county home also, the barns, he got money for White County and Marshall County barns as it states in the letter. Those two homes are not functional as a county home, our county home is still functional, and he said that this could be put on a direct track to get funds for the barn or the county home, on a case by case basis. He got \$500,000.00 for the one home and \$50,000.00 for a barn, but like I said, with all the stuff we got there, we might be able to get \$150,000.00 grant, it all depends they have to go through with everything, this is quite a process, and the first thing they need is your permission to go forward, and we would have to come up with, it costs \$2000.00 but we would have to come up with \$1000.00 the other \$1000.00 would be matched through other grants that they would get to pay for that \$1000.00.

Commissioner Milsap: John, just an FYI legal counsel and members of friends of the barn, we had a meeting in reference to that and our legal counsel could elaborate on that...

Attorney Friedman: It would be our recommendation that you work through, I would think the Commission would probably like you working through the save the barns committee.

John Mills: I've tried.

Attorney Friedman: I know but that's the committee that's in place, it's recognized by the Commission, in fact there's been a specific line item set up in the County Budget for fund raising for that particular entity, and so you really need to work things through that committee.

John Mills: I'm the one that set up to get them to get the funds because they were coming before, they even skipped over you guys, they went directly over your head and went right to the County for the budget and they didn't need your okay and then they were coming for money all the time, I'm the one that started from the beginning and wanted to raise money because I knew that you guys wouldn't, you know that we didn't have any money. But I knew that we could get the public to draw money.

Attorney Friedman: Is there a way that you can get resolution of whatever issues exist between you and the committee?

John Mills: Oh I was wide open any time, they were supposed to contact me and they never have because I've got several ways that we can raise the money, different ways throughout the year to get money to come in throughout the county. And I've got a barn meter set up that Mr. Layton gave me the okay to take a silo, it's a meter and it has \$1 to \$80,000.00 because that's what they came for before was \$80,000.00 after coming from 280 to 180 to 80 to 40, but uh then it could progress as people could see it there in progress as we go by and then with the website and that on there people driving by might you know find out there and want to donate, but you can see it progress as we go on. So I'm willing, my number is 326-6713, they've got my number so...

Commissioner Kora: Mr. President, first of all I want to thank Mr. Mills for his interest, I would suggest that we direct this to the Save the Barns Committee and see if they can get together with Mr. Mills and then to get together, they can come up with a plan and get back to us.

Commissioner Decker: I agree with that, and then we have to get the gentlemen that you have, I need more information on what he goes after, who he goes after, if it goes through Friends of the Barn then everybody's on the same page.

John Mills: His number is right on there, he is welcome for any information he's willing to help, he wants to...

Commissioner Decker: We do want to save that.

John Mills: That should have been done a long time ago, the registry should have been, it gives it more prestige, but also brings money that we don't have to pay. I guess that's it then.

Commissioner Milsap: Thank you Mr. Mills and just so you know there are some members present today with Friends of the barn so maybe you guys can communicate.

John Mills: Like I said I give em my phone number so I'm wide open.

E. Proposed Adoption of the United States Access Board's Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Public Right of Way Accessibility Guidelines (PROWAG) as LaPorte County's ADAAG and PROWAG standards as part of the ADA Transition Plan.

Mike Yacullo: Good Morning, this is a continuation of developing our ADA transition plan as we're required by NIRPC to gain our federal funding for our projects. It states that we need to adopt guidelines, both for the general ADA and the public right of way accessibility guidelines. Instead of re-inventing the wheel, NIRPC has even suggested that we just adopt the United States Access Board, those guidelines are already out there, we can post those on our website for people to see the guidelines we're utilizing for this purpose.

Commissioner Kora: Mr. Yacullo, are you comfortable with adopting those guidelines?

Mike Yacullo: Yes as they're developed by, again, the federal government, no higher court than that and I don't think we could really do anything to trump their guidelines and they're definitely acceptable.

Commissioner Kora moves to adopt. Commissioner Decker seconds. Motion carried by voice vote 3-0.

F. Request appropriation from Major Bridge Fund to make necessary repairs to County Bridge #505 (Franklin St. over Trail Creek).

Mike Yacullo: Yes, every two years all of our bridges are inspected, this bridge in particular, County Bridge #505 is the Franklin St. lift bridge over Trail Creek entering into Washington Park in Michigan City. It's a very old bridge and there's been some maintenance done over the years, the latest inspections have revealed continued deterioration in the electrical components and mechanical components that help the bridge lift and then come back down into position, also this morning spoke to the inspection consultant and in addition to the electrical and mechanical issues, there are some structural steel elements that are also deteriorating. We still have some research to do, pending the historical status and nature of the repairs to take place, they've put an estimate together of about \$800,000.00 for construction costs, if we were to replace all the steel members in kind to maintain the historical integrity of the bridge, it's still in question whether we can simply just patch the steel members that they're looking at, that would reduce the cost significantly if we didn't have to get in and replace the actual existing members with identical elements of the bridge. I'm hopeful to work with them, work with the historical bridge, historical society, to see if we can pursue a cheaper repair and get that cost below half a million dollars. Definitely by the end of the month by the Commissioner's meeting, we would have those numbers I guess fine tuned if we need to bring that back to the agenda here for the next meeting before the Council meeting, again with revised numbers, but as a maximum we're looking at \$800,000.00 if we're required to replace the elements as opposed to just patching them, in addition to fixing the electrical and mechanical components as well.

Commissioner Decker: Yeah Mike, we had that discussion on whether we needed to keep that bridge completely intact as historic, you did find the other bridge that it would have an impact on?

Mike Yacullo: There's a chance that this bridge is actually categorized as a select bridge due to its historical nature and if we violate the requirements from the historical society that we could risk the funding that's established for select bridges, not found what funding level that is that's at risk, we have a significant amount in our major bridge fund to handle the repairs on this bridge but if we're talking millions of dollars at stake then I'll definitely work with a consultant to make sure we don't violate any of the rules and we keep this bridge in its historic condition.

Commissioner Decker: Well that second select bridge isn't there anymore?

Mike Yacullo: Correct it's been taken over by the City of Michigan City, it's simply a pedestrian bridge, it used to be a railroad bridge so it's not in our purview so, again, this is the only select bridge we're dealing with so if it's not a significant amount of funding at stake, then maybe a more inexpensive repair is in order and there's not much at risk there.

Commissioner Kora: My question was to see if we maintain the historic nature of this bridge and preserve that will we get some additional money as grants or something for doing that?

Mike Yacullo: Again, yeah that's where the select bridge funding, I believe it's a federal funding source could come into play and help us avoid depleting our major bridge fund, so that's something I will continue to look into and the other side of this also that we may need to discuss with Michigan City, is if there is a desire to potentially replace this structure with something that will carry more traffic, right now it's wider than a typical two lane road, but it's not wide enough to handle four lanes of traffic, and we have heard that there is a desire out there, but not directly from the Mayor of Michigan City himself, or their City Council, if there is that may impact how deeply we go into these repairs. If they're talking within the next 10 years they'd like to replace this bridge with something wider then certainly we would scale back our repairs at this point in time.

Commissioner Kora: So before we make any decision maybe you could gather that information from them as well as what is the funding available for maintaining the historic nature of this from the select bridge fund and that way, if you can provide us that information it will be helpful to make a decision.

Mike Yacullo: Yes I can certainly come back in two weeks with more information and hopefully be in a position to have a more defined scope and we can then move forward with to gain Council approval to spend money out of the major bridge fund if necessary.

13. **PUBLIC COMMENTS**

Dick Reel: Friends of the Barn member. You had asked me to be in contact with the Rumley Organization considering possible use of the barn in the future. I've done that and they have said it's going to be a process with them too and they don't meet but once a month and they want to form a committee and they want to set up what they want to do with it, and this is going to drag on for another 4 to 5 months, and what we had talked about then was, no purpose for use of the barn and in our fundraising letter any indication of that would be stricken and I've got copies of what we'd like to send out and it's time we go ahead and get a letter out to the people that showed an interest at the county fair, and see what our reaction is as far as funding coming in, I think it will be pretty good. That's a start, there probably needs to be other fund raisers which John has put some things to light which could be used, and also, there's nothing against putting that on a national registry if it can be done, the problem with that is the \$2000.00 fee up front and then I think the letter indicated a 12 to 16 month wait to even be considered to be on a national register. There again, no problem except we need to get on with it now and that length of time we're going to have a lot more deterioration so, with your approval, and I have copies of the letter for each of you without any indication of use of the barn in the future, all we're doing is restoring the barn. Questions?

Commissioner Milsap: From what I gather at our meeting, the last meeting that we had with counsel, we were going to wait until we get that signed contract prior to any activities in reference to remodeling the structure, am I correct?

Dick Reel: That's what was discussed and I've had time to indicate, and I've talked to the counsel about this and he indicated probably that there would be a possibility if we struck anything about what the barn would be used for that we could go ahead with fundraising.

Attorney Friedman: Mr. Reel is correct that they're not anticipating immediately getting onsite and doing any kind of repair but certainly that should not prevent fundraising from occurring as the Commission is aware there's been a line item set up its maintained by the County Auditor for receipt of any funds raised toward the fundraising, so my office is comfortable with recommending to you that the Save the Barns committee do a fundraising letter at this point to assist in its activity.

Commissioner Kora: I'm comfortable with proceeding forward with the fundraising, but my question was that \$2000.00 fee they were asking to get on the national registry will your group be able to do the paperwork to make that happen, that way neither you or the county we don't have to pay the \$2000.00 fee.

Dick Reel: You know really we don't know much about that and that was not our purpose at this time, and we haven't even discussed it. I don't see why it shouldn't be looked into, discussion of the fee can be something in the future.

Commissioner Kora: And since your interests are all aligned I was wondering if maybe you may want to look into that and that way all of us could save some money and still get it registered on the registry.

Commissioner Decker: The only thing I want to say is I think we can go ahead with the fundraising, and then if the registration comes later that's fine too because down the road, if we want to do any kind of expansion out there, we're going to need money for air conditioning or stuff like this and maybe that could come through some of this preservation stuff, pipes, electrical, stuff like this, so I'm for going ahead with what you want to do.

Phyllis Marks: I'm one of the ladies that helped restore the old church of Pinhook, and we are on the national registry it took a long time. One thing people don't understand about the national register if you get on it it takes a long time that's his fee \$2000.00 Kurt Garner is a great guy, also though what people aren't understanding to get grants after you're on the national registry, you have to have a 50/50 match. So we have work to do on the little church, say the back of the church needs to be repaired and we need, say it's going to cost us \$6000.00, we can ask for a grant from the federal government but we need \$3000 and they'll grant \$3000. The national register is a match match grant. With the County home being a complex out there, campus I like to call it, it would be wonderful to have it on the national register, at this point in time as Dick said it would take some time to get on the register, now we need to go forward with what we're planning on doing. I just wanted to make that clear that you have that in mind that national register grants are 50/50 match.

Commissioner Kora: Thank you very much, my question was how difficult of a process was it to get on the National Registry could you have done it by yourself or did you really need a consultant to make it happen?

Phyllis Marks: Well one point in time with the little church I asked Mr. Friedman to help us and he recommended someone else, in between I found Kurt Gardner, just a wonderful gentleman he does this for a living, but as I say with our group going forward with this letter going out and waiting, national registry there are a lot of guidelines for the national register, they just don't put something on because the barn needs to be repaired, I mean it's a lot to the national register, great honor to be on it, one thing the national register does is keeps the facility, the like the little church from being destroyed. And I was excited too about the grants, it sounds wonderful on paper, but to get it done is a whole nother thing, the national register is a really big honor but getting funds is hard.

Dick Reel: I did forget one thing, there's an oversight committee I call it with yourself and Mrs. Sosinski and Phyllis and I and Mr. Cooley, and we're having trouble getting together and probably your schedule is the most involved, so maybe if you could set a meeting day the rest of us will get there.

Commissioner Milsap: Dick I will get that to you later on today.

Commissioner Kora moves to approve fundraising letter. Commissioner Decker seconds. Motion carried by voice vote 3-0.

Michael Hollcraft: 7851 E. Emery Road, Hudson Twshp. Laporte County. As an affected landowner I've come before this board to ask a few key questions and express my concerns regarding the line 6b phase 2 pipeline construction project which could begin in May just 2 months from now. But before I ask my questions, I would like to acknowledge the efforts of certain LaPorte County employees who have been involved with the project. First I'd like to thank LaPorte County Planner Mitch Bishop for researching the preemption question last July and communicating his findings to me, that the LaPorte County Ordinance 2012.02 is enforceable. Second I want to thank LaPorte County building commissioner Annemarie Polan for meeting with me on September 18, 2012 in her office to discuss my concerns related to this project and to suggest that a review committee be selected to study the line 6b phase 2 pipeline construction project and third I appreciate that Commissioner Milsap discussed this project with me during the October 2, 2012 LaPorte County Commissioner Board meeting and recently sat down with me in his office to discuss some of my concerns with Commissioner Decker and some others present. Since this is a major pipeline construction project that will affect many landowners within LaPorte County I appreciate the willingness of this board to listen and respond to my questions. So I'd like to begin by referencing the September 6, 2012 letter that was sent to LaPorte County Commissioners by attorney Kim Ferraro with the Hoosier Environmental Council which was signed by me and other LaPorte County Stakeholders. I may have a copy of that letter so, very briefly, the key question in this letter concerns whether or not Embridge a Canadian pipeline company will be required to obtain a building permit to construct their new 36" petroleum pipeline through LaPorte County. So I'd like to ask a few key questions about this.

Commissioner Milsap: Do you want to go one at a time? That's the first question? You are aware this is public comment? So, questions and comments are two different things.

Michael Hollcraft: I understood they were asking questions as well, that that was acceptable. It's not acceptable?

Commissioner Milsap: No.

Michael Hollcraft: So we can't ask questions?

Commissioner Milsap: Right, now what I can do is, legal counsel could you meet with this gentleman?

Attorney Friedman: Sure I had a call from Ms. Ferraro, tried to return the call and haven't heard back.

Michael Hollcraft: She mentioned she reached out to you and wanted to talk to you specifically, so I know that's going to happen but this is, I don't know what her questions are for you, but I have the questions if you want to take them. That might be a different way to do this.

Commissioner Milsap: Why don't you bring them up here. Because from what I gather there are quite a few questions.

Commissioner Decker: And you know from our conversation, we are aware of what is going on with them and your concerns that you brought up a bunch of that stuff in our conversations, with Willie and I and you, and Mr. President I think that, with what I've read in the South Bend paper with the Michigan people suing these people left and right, I think it would be prudent to have some kind of a local hearing in LaPorte County on Embridge just to get a sense of where we can go and do.

Commissioner Milsap: Commissioner Decker you're referring to a workshop instead of a hearing?

Commissioner Decker: Well I think it should be a public hearing.

Attorney Friedman: Let me first determine if in fact the, the key question that we're going to have to confront is whether this particular pipeline and the associated regulatory work pre-empts any activity by local ordinances. We're trying to determine whether any other counties have convened hearings, whether in fact building permits have been convened anywhere else in the State, and I understand Commissioner Deckers concern that there has been public concern expressed in other locals, what we have to determine is whether within the confines of the current building ordinance, whether the activity is pre-empted because of Federal regulation on these pipelines or whether we in fact do have the ability to convene a hearing. So I certainly can take direction from the Commission to explore that, investigate it and report back to you if that's your wish.

Commissioner Decker: I would change my motion to reflect Mr. Friedman's thoughts.

Michael Hollcraft: I do have some documents that might be helpful in that respect, I don't know if you want to review them...

Commissioner Milsap: Yeah put a packet together and we'll take it under advisement. FYI though what's, you said you spoke with the Plan Commission? Annemarie?

Michael Hollcraft: Well I spoke with Mitch Bishop in July of last year, and he specifically contacted FIMSA regarding this question and it was very clear that LaPorte County Ordinances are in force, there is no federal pre-emption of the LaPorte County Ordinance 2012.02 not whatsoever.

Commissioner Milsap: When was your last communication with the Planning Department?

Michael Hollcraft: I'm talking about Mitch Bishop, not Ann, so I think it is a legal question but we had attempted to present at the Plan Commission on October 23 of last year, Kim Ferraro was prepared to present at that time, and we were not allowed to speak. And I discussed that with you before, when I came to your office just a couple of weeks ago. So that's all related to this, but this research has been done, and I will say that this is something that Embridge has presented to other townships in the past, it's been in the news, so I think that Embridge might believe they have pre-emption, but I don't believe that's the fact. And that's what we were trying to present last October because they had said they were going to start back then. So we're just following up on those previous meetings and as you know I came to your office to discuss that so I wanted to give you a heads up on that.

Commissioner Milsap: No problem, we'll take that under advisement and get back to you, thank you for coming today.

Nathan Pavlovic: Employee of Save the Dunes, 444 Barker rd. Michigan City. I also wanted to comment on the Embridge pipeline project that Mr. Hollcraft just spoke about. Just to share his concerns about this pipeline project I think it's relevant both for land owners such as himself in terms of property rights and we're also deeply concerned about the potential impact of this project on water quality in this county and throughout the State of Indiana. Particularly its potential impact on Lake Michigan and beaches, recreational opportunities and economic benefits that we all derive from that, of particular concern to this body again, is section 20.04 of the zoning ordinance which just states that absolutely no development activity may occur within the minimum setback which is defined as 75 feet from the ordinary high water mark of streams, lakes, ponds and 50 feet from the edge of wetlands or within a designated depression area. Now there's this question of federal exemption, in my contact with FIMSA also, it has been stated to me that it would not be federally exempted, and I am pleased to hear that research will be done by the County on that to determine whether a building permit will be required, I would also ask that the findings of that investigation be communicated directly to Embridge Energy at the conclusion of that research, and you move forward with, the company to ensure that all regulatory requirements are met and that most importantly our water resources and other natural resources are protected here in this county.

Ann Yokum: 3665 Washington Blvd. Indianapolis In, I work for WTH technology, we are a GIS technology company that specializes in land information such as parcels, parcel splits, we also do public safety which would include 911 pinpoint addressing, AVL, which is automatic vehicle location, we do land information as well as working with infrastructure. I brought some folders today and why I'm here today is that, and I will also tell you we are in 70 of the 92 counties in Indiana. We've been in business as a GIS company for over 13 years and we're also in 9 states. I would like, and as I called in, they asked me to come and do the public comment, I would like to talk to you about setting up a date with some of your key people to see our GIS software, whether it be the Sheriff, your EMA Director, your IT, yourselves, who ever would like to come, there's no charge whatsoever to see this software, but I wanted to know who the contact would be to set up a date and a time so we could do this. Is there a name?

Commissioner Milsap: We'll see you after the meeting, thank you.

Commissioner Kora: I had one comment, I think with the changes that are going on with the GIS we were contemplating possibly a workshop, joint workshop with the Commission and the Council and probably that might be a good avenue for Ann to come and make a presentation if she so chooses.

Commissioner Milsap: I agree and we're still in the process of setting that up. Thank you.

John Mills: I want to clarify with that grant it says we have to come up with \$100,000.00, I will come up with..I mean uh a thousand dollars, not \$100,000.00, but if they're not willing, I will with my own funds, I will get the thousand dollars and we can get this thing rolling, this should have been rolling, they have messed around for almost 2 years and it should have been going a long way before this because if she's been in preservation she should know that, because of the grants it is matched money, I knew that going into that, the letter states that, you know, so we need to, I mean if you can't allot the thousand dollars I will raise a thousand dollars here in the next week or two.

Commissioner Milsap: Thank you Mr. Mills thank you for sharing that.

14. COMMISSIONERS COMMENTS

Commissioner Decker: I just think we've covered a lot of different areas today and we have got some areas to look at and I think that it's to the advantage of the County that people, citizens bring stuff to us that we can work on, so we thank you.

Commissioner Kora: I just want to also echo Commissioner Decker's thoughts about this pipeline that you have brought the information on, a lot of technical questions are there so we have given it to our legal counsel and we will go over that and then we'll get back to you on it.

Commissioner Milsap: Those discussions will be at an open public meeting. I would just like to applaud our new Maintenance Supervisor on his new uniform program that you have going and I'm sure that you have other programs that will enlighten the County on your department so thank you. Commissioner Decker would like to add that we're losing a good county employee from the IT department Ms. Joyce Bender, so hopefully her life will be enhanced after she leaves us and no other business being brought in front of the Commission I stand this meeting adjourned.

15. ADJOURN

PLEASE TURN OFF ALL CELL PHONES

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE _____

ATTEST: _____
LA PORTE COUNTY, INDIANA Auditor