



BOARD OF COMMISSIONERS

LAPORTE COUNTY

555 Michigan Avenue, Suite 202

LaPorte, IN 46350-3400

Phone: (219) 326-6808 ext. 2229 – FAX: (219) 326-9103

Willie Milsap,
President

Dave Decker,
Vice President

Dr. Vidya Kora,
Member

PLEASE TURN OFF ALL CELL PHONES

MINUTES

LAPORTE COUNTY COMMISSIONERS

Wednesday June 5, 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**
Joyce Leon led the Pledge of Allegiance.
3. **ROLL CALL**
All Commissioners are present.
4. **APPROVAL OF AGENDA**
Commissioner Kora added a letter of support for Swanson Center to seek USDA rural development for local facilities.
5. **APPROVAL OF MINUTES**
 - A. **May 15, 2013**
Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote.
5. **WEEKLY REPORTS**
None
7. **CLAIMS**
 - A. **Payroll Ending 5/24/2013-\$969,268.84**
 - B. **Miscellaneous Claims-\$2,281,146.45**
Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote.
8. **DEPARTMENT HEAD COMMENTS**

Joyce Leon-Human Resource Director-Indicated that she has assisted the Commission in the creation of an employee recognition program. She stated that the program would be described in detail to the Department Heads at the upcoming meeting. Commissioner Kora moves to accept the recommendation and institute a program for employee recognition. Commissioner Decker seconds. Motion carried by voice vote.

Sheriff Mollenhauer appeared before the Commission to request permission to build new roofs for the gun ranges. He indicated that he has the money to pay for the repairs and will not need to go to the Council for an appropriation. Commissioner Kora moves to approve. Commissioner Decker seconds. Motion Carried by voice vote.

Chief Sosinski released the annual crime statistics report.

Jane Bernard-Small Animal Shelter-Appeared before the Commission to get direction regarding the possible purchase of a stock/horse trailer to haul large rescued animals. She indicated that she has been using her personal trailer recently because the shelter does not have one. Commissioner Kora moves to allow Ms. Bernard to purchase a used trailer not to exceed \$6000 provided that the Council gives consent. Commissioner Decker seconds. Motion carried by voice vote.

Attorney Doug Biege appeared before the Commission with Anne Marie Polan and Tony Hendricks to discuss the Enbridge pipeline project. He indicated that LaPorte County is the only County involved in the project that has a natural resource protection overview section. He indicated that they have made many requests for information to Enbridge and that all those requests have been complied with. He informed the Commission of the details of their research into the project and its protections to the natural resources. He indicated that after reviewing all necessary information they are satisfied that Enbridge has fulfilled the necessary obligations to undertake the pipeline project. He reiterated that there is a provision that will allow LaPorte County to order work on the project to be stopped if Enbridge is not in compliance with our Ordinances, and that work will be closely monitored by many agencies. He said he sees no reason for the issuance of a building permit as Enbridge is in compliance of the requirements set forth to do the project. Attorney Friedman agreed that Enbridge is in compliance and indicated that Mr. Beige should be instructed to draft a letter to Enbridge indicating that based on the review by the county, the county has no objection to the project

proceeding as indicated and that the county reserves the right to monitor and observe the project as it occurs to ensure that it proceeds as depicted and as represented to various governmental authorities. As in all such projects, the county reserves the right to issue a stop work order at any time a significant deviation from the plans occur which could potentially threaten public health or safety. He reiterated that the company has been very compliant through the review process. Commissioner Kora moves to instruct Attorney Biege send a letter to Enbridge. Commissioner Decker seconds. Motion carried by voice vote. Commissioner Decker asked Tony Hendricks about the project going through the wetlands. Mr. Hendricks indicated that Enbridge has been very detailed on how they are going to protect the wetlands and that their plans are very impressive.

Anne Marie Polan-Plan Commission-appeared before the Commission to render a report from her department-She indicated that from January to April there has been 367 permits issued valued around 10 Million dollars. She indicated that the summer months will be busier and that they always have complaint calls and that she will have a more detailed report next month.

Jerry Cooley-Building Maintenance Director-Appared before the Commission to inform them that he has had a lot of water leaks in various buildings. He indicated that his department is preparing for an auction of county property.

9. **CORRESPONDENCE**

Correspondence received from LaPorte, Starke, and Pulaski Building and Construction Trades Council.

Robin Surber-Executive Secretary-Reads a letter sent by Jay Fuller President of the LaPorte, Starke, and Pulaski Building and Construction Trades Council. Mr. Fuller thanked the Commission for passing the Responsible Bidders Ordinance.

Ms. Surber also read a letter from Robert Young of the LaPorte County Highway Department, Mr. Young indicated that he is in need of four new employees. Commissioner Kora moves to authorize the hiring of four employees and to seek the permission of the Council to fill these positions. Commissioner Decker seconds. Motion carried by voice vote.

10. **REQUESTS**

A. **Commissioner Decker-Request to travel to the PGI Fireworks Convention in Pennsylvania.**

Commissioner Kora moves to authorize the request to be paid from the Economic Development Budget. Commissioner Decker seconds. Motion carried by voice vote. Commissioner Decker indicated that the PGI Fireworks brought in over 3 Million dollars and he wants to be sure they come back to LaPorte again.

B. **Elizabeth Bowen-Request for road closures for the 34th Annual Triathlon.**

Vanessa Franklin appeared before the Commission and requested road closures for her event. Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote.

C. **Rich Mrozinski-Request for fax machine for Veteran's Service Officer.**

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

11. **OLD BUSINESS**

A. **Open Bids for the Small Animal Shelter Expansion.**

Attorney Friedman was given 2 sealed bids by the Auditor. The bids were opened and forwarded to Jane Bernard, Director of the Small Animal Shelter to give to the Animal Shelter Advisory Board pursuant to a Motion made by Commissioner Kora and seconded by Commissioner Decker.

B. **Consideration of Amended Development Agreement re: KIP Project**

Attorney Friedman indicated to the Commission that he has been working with Barnes & Thornburg to draft an amended agreement. He gave the Commission an overview of what the agreement would entail and introduced Alan Feldbaum of Barnes & Thornburg to provide the Commission with more details of the amended agreement. Mr. Feldbaum indicated to the Commission that he has been working with Mr. Friedman and Mr. Reardon to draft a Resolution that covers changes in the use of escrowed funds to complete the rail spur project and the related and ancillary water and sewer projects, the Resolution also adds additional tip parcels to the development agreement and replaces the substitute parcels identified in the original agreement with a replacement list of substitute parcels. He further stated that the agreement sets forth the process for releasing parcels for development as the project proceeds. Mr. Feldbaum then answered questions from the Commission. Commissioner Kora moves to adopt the Resolution. Commissioner Decker seconds. Motion carried by voice vote.

12. **NEW BUSINESS**

A. **Introduction of New County Grant Writer Heather McCarthy.**

Heather McCarthy appeared before the Commission and thanked them for retaining her to assist in grant identification for the county. She stated that she had already met with several staff members throughout the county. Ms. McCarthy stated that she is going to start by identifying what the needs are, then compile a list of places to start and then seek permission from the Commission to proceed. Commissioner Kora expressed the need to attract people to our County and also to keep our graduating students here in LaPorte County. Commissioner Milsap stated that he wants anything that will bring jobs, jobs, jobs.

B. **Attorney Dan Lewis-Rumely Heritage Project request re: exemption from common construction wage ordinance/Competitive bid requirements.**

Attorney Dan Lewis appeared before the Commission and requested an exemption from the Common Construction Wage Ordinance and the Competitive Bid Requirements. He gave the Commission a copy of the building plans and

presented a model of the potential building. He gave the history of Rumely Alice Chalmers. He indicated that much of the work would be done with donated labor and materials. Attorney Friedman indicates that the project is not subject to the public works provision nor the prevailing wage provision. Commissioner Kora moves to exempt this project from the Common Construction Wage Ordinance/Competitive Bid Requirements. Commissioner Decker seconds. Motion carried by voice vote. Commissioner Decker states that he would like to see the construction work that is not volunteer to be paid a prevailing wage. Commissioner Milsap asks if non-profits can be involved in the project. Mr. Lewis said the focus is on Rumley and Alice Chalmers equipment but they may be open to other items. He said Fred Gore is the contact for any questions 219-393-5749.

C. **Appointment of a non-voting School Board Member to Redevelopment Commission, as per statute.**
The Commission appoints Mike Kellums. Motion made by Commissioner Kora, seconded by Commissioner Decker. Motion carried by voice vote.

D. **Swanson Center Resolution.**
Commissioner Decker reads the Resolution in support of the Swanson Centers participation in the USDA Rural Development Community Facilities Direct Loan Program to acquire a property on 400 N Michigan City. Commissioner Decker moves to adopt, Commissioner Kora seconds. Motion carried by voice vote.

13. **PUBLIC COMMENTS**

Mr. Lewis distributes brochures about his building to the Commission.
Nathan Pavlak-Save the Dunes-Appeared before the Commission and recognized the work of the county employees who looked at the project. He commended the County for having an ordinance that allows for the review of projects like this one. He stated he has concerns about relying on other agencies to review the impacts of the pipeline. He was concerned with the difference of laws set for each agency and felt that the county ordinance was passed because those laws were missing something. He stated that he did not believe that Enbridge used the route that would most avoid the wetlands. He indicated that there as a different route that he believed would impact fewer wetlands. He further stated that the impact environmental monitors that are going to be implemented on this project are only looking at the impacts of a couple of miles of this pipeline so there are impacts that won't be reviewed. He went on to ask if the letter that is going to be sent to Enbridge will be made available to the public. Attorney Friedman indicated that it would be a public document available upon request.
John Mills-Friends of the Barn-He stated he was upset about the article in the paper about the barns. He said he felt excluded from the efforts to save the barn. He wanted to discuss his brick program, Commissioner Milsap asked him to present it at the Friends of the Barn Committee meeting. Mr. Mills indicates that he was unaware of a meeting. Doug Biege appeared as a citizen and former Marine to endorse the initiation of a veteran's court and ask the Commission to assist in any possible way.

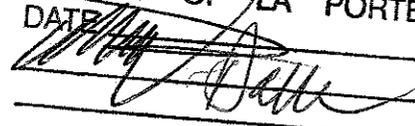
14. **COMMISSIONERS COMMENTS**

Commissioner Decker commented about the boat races that took place on clear lake, he thanked everyone involved in making it such a wonderful event. He said it was one of the most fantastic boat races that anyone ever wanted to see. He commended Jack Arnett of the Convention and Visitor's Bureau and Mayor Milo for bringing it into LaPorte County.
Commissioner Kora stated that there is a disaster drill going on during the meeting and he thanked everyone who participated in that drill to help us be ready for any unforeseen disasters. He further stated that they had a meeting of the Economic Development Advisory Commission and it was very fruitful and that many ideas were generated for the future that will be advantageous to the economy in LaPorte County.
Commissioner Milsap complimented all of the LaPorte County Graduates and relayed his hopes that we will keep these quality people here in LaPorte County.

15. **ADJOURN**

Commissioner Decker moved to adjourn. Commissioner Kora seconds. Motion carried by voice vote.

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE 11/14/11



ATTEST: _____

LA PORTE COUNTY, INDIANA Auditor