

The Board met in due form with the following members present: Michael Repay, Kyle Allen, Sr. and Jerry Tippy. They passed the following orders, to wit:

There was a moment of silent prayer; the Pledge was given and the Emergency Exit Announcement made.

A courtesy copy of the agenda and notice of this meeting was faxed by Brenda Koselke to the Times in Munster and Crown Point, the Post Tribune in Merrillville and Crown Point, WJOB Radio Station, the Star, WLTH Radio Station, Comcast Cable, the Calumet Press, Portage Journal News, Pilcher Publishing and the Gary Law, Channel 21 media on the 12th day of May, 2017 at about 2:30 p.m.

A copy of the meeting notice and agenda was posted at the entrance of the Commissioner's courtroom on the 12th day of May, 2017 at about 2:30 p.m.

Order #1 Agenda #5A

In the Matter of Notices/Agenda: A. Permission to open Bids/Proposals.

Allen made a motion, seconded by Tippy, to allow the opening of the Bids/Proposals, Attorney Dull introduced the "Tippy Tabulation" form, used to tabulate the bid totals for bids submitted to be opened today. Motion carried.

Order #2 Agenda #5B w/D-E

In the Matter of Notices/Agenda: B. Additions, deletions, and/or corrections to Agenda for a Regular Meeting; D. Approved Final Agenda made a matter of public record; E. Certificate of Service of Meeting Notice to those who have made such written request to be made a matter of public record.

Allen made a motion, seconded by Tippy, to approve the Additions – Item #42A – New Bethel Fellowship Church of God In Christ request for property numbers 45-08-28-433-011.000-004 and 45-08-28-433-023.000-004, Corrections – none, Deletions – none, and ordered same to approve the Final Agenda as amended for a matter of public record and make a matter of public record the Certificate of Service of Meeting Notice to those who have made such written request. Motion carried.

Order #3 Consent Agenda

In the Matter of Consent Agenda – Items #6A a-f; #6B; #6C; #6D.

Allen made a motion, seconded by Tippy, to make a matter of public record the Items of the Consent Agenda (Items #6A a-f; #6B; #6C; #6D). Motion carried.

Order #3 Consent Agenda #6A-a

In the Matter of Board of Commissioners of the County of Lake: a. Indiana Department of Environmental Management.

Allen made a motion, seconded by Tippy, to make a matter of public record the Notices of the IDEM: Indiana Department of Environmental Management (Maya Energy, LLC; Blaine Street Partners, LLC; Ziese & Sons Excavating; Buckeye Terminals, LLC; Illiana Disposal Partnership; Lake County Solid Waste Management District; Hellmans Auto Supply Company, Inc.; Griffith Police Department; Singleton Stone, LLC; Providence Real Estate Development; United States Gypsum Company; ArcelorMittal USA, LLC; Maya Energy, LLC; Tradebe Treatment and Recycling, LLC; Hamms Lake Development, Inc.; ProEdge, Inc.; Homes by Dutch Mill; Whiting Metals, LLC; McDonald's USA, LLC; Midwest Pipe Coating, Inc.). Motion carried.

Order #3 Consent Agenda #6A-b

In the Matter of Board of Commissioners of the County of Lake: b. Certificates of Liability Insurance.

Allen made a motion, seconded by Tippy, to make a matter of public record the Certificates of Liability Insurance Notices (Ironworkers Local #395 and Ironworkers Inc.; NCS Construction Services Florida, LLC (2); Advanced Climate Solutions LLC; Dennis L. Holsapple dba RAM Services; B.R. Schroeder & Sons, Inc.; JDH Contracting Inc./J.D. Harris; M-J.T.J. Contractors & Builders, Inc.; Price Gregory International, Inc.-A Quanta Services Company; Korellis Roofing, Inc.; Infrasource Construction, LLC-A Quanta Services Company; Pavey Excavating Co., Inc.; Kerkstra Precast Inc.; Ferguson Enterprises, Inc.). Motion carried.

Order #3 Consent Agenda #6A-c

In the Matter of Board of Commissioners of the County of Lake: c. Continuation Certificates.

Allen made a motion, seconded by Tippy, to make a matter of public record the Continuation Certificate Notices (A Consumers Heating and Cooling, Inc.). Motion carried.

Order #3 Consent Agenda #6A-d

In the Matter of Board of Commissioners of the County of Lake: d. Reinstatement Notices.

Allen made a motion, seconded by Tippy, to make a matter of public record the Reinstatement Notices (Crown Wheel Mechanical, LLC; Cochala Construction LLC; Pro Edge Painting Company LLC; Mid America Exteriors Inc.; Culy Contracting Inc.; Jessup Homes LLC; Midwest Green Lawn LLC). Motion carried.

Order #3 Consent Agenda #6A-e

In the Matter of Board of Commissioners of the County of Lake: e. Cancellation Notices.

Allen made a motion, seconded by Tippy, to make a matter of public record the Cancellation Notices (C J Electric LLC; Kip Simmons DBA All Seasons Landscaping & Maintenance; Mid America Exteriors, Inc.; Benjamin Weaver dba Above and Beyond Landscaping; Insulation Service Ron Fairley & Clark Fairley; Mid America Exteriors, Inc.; MDS Contractor Services; Culy Contracting, Inc.; Pro Edge Painting Company, LLC; Awesome Asphalt; Ambiance Painting & Paper Hanging; Illiana Roofing &

Order #3 Consent Agenda #6A-e cont'd

Construction Inc.; Cochala Construction LLC; Midwest Green Lawn LLC; E.J. Stevens, Inc.; Crown Wheel Mechanical, Inc.). Motion carried.

Order #3 Consent Agenda #6A-f

In the Matter of Board of Commissioners of the County of Lake: f. Crown Point Plan Commission Notice of Public Hearing on May 8, 2017.

Allen made a motion, seconded by Tippy, to make a matter of public record the Crown Point Plan Commission Notice of Public Hearing on May 8, 2017 (RE: The Highlands of Ellendale Farm Unit 4; North end of Highlands Drive; Petitioner: Thomas Fleming). Motion carried.

Order #3 Consent Agenda #6B

In the Matter of Vendor Qualification Affidavits.

Allen made a motion, seconded by Tippy, to approve the following Vendor Qualification Affidavits. Motion carried.

PHOENIX FIRE SYSTEMS, INC.
DOWNTOWN METRO REPORTING, LLC
GUARD911, LLC
COMMUNITY DEVELOPMENT SOFTWARE
HOOKS AV, LLC
NATHANIEL T. WILLIAMS
HILLSIDE FUNERAL HOME & CREAMATION CENTER
MUDGE LEGAL VIDEO, INC.
SOUTHERN REPORTING
THE LAW OFFICE OF MARK S.N. CHARGUALAF
ALGOZINE MASONRY RESTORATION, INC.
NATIONAL INDUSTRIAL MAINTENANCE, INC.
WORKCARE OCCUPATIONAL HEALTH
ATC GROUP SERVICES
HEBRON TRUE VALUE
IMPACT INDIANA dba IMPACT NETWORKING
JACK LAURIE FLOORS, LLC
JAMES PERRY MCLEMORE dba BLACKSMITHS WRIGHT
TRUSTED MEDIA BRANDS
HELIUM EYE CARE
MACK MEDICAL SUPPLY COMPANY
PRO-VISION MOBILE VIDEO RECORDING
OMNI WILLIAM PENN HOTEL
ASSET VALUATION ADVISORS
AMS MECHANICAL SYSTEMS, INC.

Order #3 Consent Agenda #6C

In the Matter of Treasurer's Departmental Report for the month of April 2017.

Comes now, Peggy Katona, Lake County Treasurer, and files with the Board his report of fees taken in and collected in his office for the Month of April 2017. Said report is in the following words and figures, to-wit; and the Board having previously duly examined and approved said report, now accepts same and the account of said official duly settled as in report set forth.

Allen made a motion, seconded by Tippy, to accept the above Treasurer's Report of April 2017 as submitted. Motion carried 3-0.

Order #4 Consent Agenda #6D

In the Matter of Weights and Measures Report for the period of 03/16/17-04/15/17.

Comes now, Christine Clay, County Inspector, Weights and Measures, and files with the Board her report of fees taken in and collected in her office for the Period 03/16/17-04/15/17. Said report are in the following words and figures, to-wit; and the Board having previously duly examined and approved said report, now accepts same and the account of said official duly settled as in report set forth.

Allen made a motion, seconded by Tippy, to accept the above Weights and Measures Report of March 16, 2017 – April 15, 2017 as submitted. Motion carried 3-0.

Order #4 Agenda #7

In the Matter of L C Highway Department: Proposals: Contract for Surface Milling and Asphalt Overlayment of the north approach of the bridge carrying Kennedy Avenue over the Little Calumet River. Letter of recommendation to Rieth-Riley Construction Co., Inc. in the amount of \$59,025.00 to be ratified.

The Board having previously taken the bids under advisement does hereby ratify approval of the acceptance of the lowest and most responsive bidder, **Rieth-Riley Construction Co., Inc.**, 7500 W 5th Ave, Gary, IN 46406, in the amount of \$59,025.00 for Surface Milling and Asphalt Overlayment of the north approach of the bridge carrying Kennedy Avenue over the Little Calumet River, accepting Option 2 – pricing, upon a motion made by Allen, seconded by Tippy. Motion carried.

Order #5 Agenda #8

In the Matter of L C Highway Department – Agreement for sub-consultant services between K&S Engineers, Inc. and the Board of Commissioners of the County of Lake for construction observation for the bridge rehabilitation of Lake County Bride #241, Kennedy Avenue over the Grand Calumet River.

Allen made a motion, seconded by Tippy, to approve the LPA -Agreement for sub-consultant services between K&S Engineers, Inc. and the Board of Commissioners of the County of Lake on behalf of Lake County Highway Department for Order #5 Agenda #8 cont'd

construction observation for the bridge rehabilitation of Lake County Bride #241, Kennedy Avenue over the Grand Calumet River, an INDOT prequalified consultant and provides material testing services for the project. Motion carried.

Order #6 Agenda #9

In the Matter of L C Highway Department – LPA – Consulting Contract between United Consulting and the Board of Commissioners of the County of Lake for construction inspection consulting services with regard to 45th Avenue and Colfax Street – Des #9707970 in an amount not to exceed \$60,800.00 Lake County will be reimbursed 80% or \$48,640.00.

Allen made a motion, seconded by Tippy, to approve the LPA - Consulting Contract between United Consulting and the Board of Commissioners of the County of Lake on behalf of Lake County Highway Department for construction inspection consulting services with regard to 45th Avenue and Colfax Street – Des #9707970 in an amount not to exceed \$60,800.00 Lake County will be reimbursed 80% or \$48,640.00. Motion carried.

Order #7 Agenda #10

In the Matter of L C Highway Department – Change Order #1 to the Agreement between B&D Sewer and the Board of Commissioners of the County of Lake for 109th and US 41 – Type E Structure for an additional \$2,310.00.

Allen made a motion, seconded by Tippy, to approve the Change Order #1 to the Agreement between B&D Sewer and the Board of Commissioners of the County of Lake on behalf of the Lake County Highway Department for 109th and US 41 – Type E Structure for an additional \$2,310.00. Motion carried.

Order #8 Agenda #11

In the Matter of L C Highway Department – Agreement between the Town of Lowell and the Board of Commissioners of the County of Lake to purchase and store on a temporary as needed basis AE-90 Liquid Asphalt for the repair of roads at the same terms and conditions as stated in the 2014 agreement to be ratified.

Allen made a motion, seconded by Tippy, to approve the Agreement between the Town of Lowell and the Board of Commissioners of the County of Lake on behalf of the Lake County Highway Department to purchase and store on a temporary as needed basis AE-90 Liquid Asphalt for the repair of roads at the same terms and conditions as stated in the 2014 agreement. Motion carried.

Order #9 Agenda #12

In the Matter of L C Highway Department – Request for release of roadway improvement bond #105535690 issued through Travelers Insurance in the amount of \$600,000.00 for 205th Avenue Improvements, VCNA Prairie.

Tippy made a motion, seconded by Allen, to approve the release of roadway improvement bond #105535690 issued through Travelers Insurance in the amount of \$600,000.00 for 205th Avenue Improvements, VCNA Prairie, on behalf of the Lake County Highway Department. Motion carried.

Order #10 Agenda #13

In the Matter of L C Highway Department – Sikma and Sons Plumbing Co., Inc. request for Road Cut Permit to replace sanitary sewer stub under roadway at 9021 Calhoun Place, Crown Point – Schererville, Indiana.

Tippy made a motion, seconded by Allen, to approve Sikma and Sons Plumbing Co., Inc. request for Road Cut Permit to replace sanitary sewer stub under roadway at 9021 Calhoun Place, Crown Point – Schererville, Indiana on behalf of the Lake County Highway Department. Motion carried.

ROAD CUT PERMIT

PERMISSION TO WORK IN HIGHWAY ROAD RIGHT-OF-WAY

Applicant: Sikma and Sons Plumbing Co Inc DATE 4-26-17
1830 Lake St Don Sikma ✓
Dix TN 41631 219-313-1281 ✓

Upon filing a Bond or a Certificate of Insurance acceptable and approved by the Board of County Commissioners for the amount of \$1,000,000.00 furnished by _____ in behalf of the applicant. Permission is hereby granted to _____
9021 Callava Pl
Crown Point - Schererville

Replace sanitary sewer stub under roadway
in accordance with the plans submitted and specifications outlined below.

CONSTRUCTED TO THE FOLLOWING SPECIFICATIONS:

1. Paved surface to be cut on a smooth edge. Cut is to be 12" wider than the proposed trench so as to hold 6" shoulder on both sides of trench.
2. After trench has been cut and tile firmly bedded, the entire trench to be filled with Indiana # 73 or equivalent.
3. 10" of compacted aggregate to be placed 12" wider than paved surface on both sides. Aggregate to be in accordance with the most recent State Highway Specifications.
4. 6" of bituminous material laid and rolled so as to give a smooth continuous surface. Bituminous material to be in accordance with the most recent Indiana State Highway Specifications.
5. All safety precautionary measures to be used in accordance with standard practice during construction period.

Applicant shall in no case have the road closed for more than an (8) hour period. Contractor is to notify the Lake County Highway Engineer or his appointed representative 24 hours in advance of the cutting of the road. Also notification is to be given to all emergency services (police, fire, ambulances and schools etc.) 24 hours in advance. While project is going on, flagman, barricades and flashers to be maintained so as to keep the traveling public safe and free from harm. The completion of the project must meet the approval of the Lake County Highway Engineer.

Recommended by: [Signature] 5-5-2017

Lake County Highway Department

Approved by: [Signature] ^{D.H.}
[Signature]
MAY 17 2017
Lake County Board of Commissioners

Order #11 Agenda #14

In the Matter of L C Highway Department – Request for acceptance of the Bridge at Whispering Ridge – Unit 3, Town of Schererville, Indiana Bothwell Ditch Bridge Crossing for future inclusion in the Lake County Bridge Inventory.

Tippy made a motion, seconded by Allen, to approve acceptance of the Bridge at Whispering Ridge – Unit 3, Town of Schererville, Indiana Bothwell Ditch Bridge Crossing for future inclusion in the Lake County Bridge Inventory for future inspection and maintenance, upon completion and acceptance of the new structure in accordance with final plans and specifications. Motion carried.

Order #12 Agenda #15

In the Matter of L C Highway – Certificates of Liability Insurance.

Allen made a motion, seconded by Tippy, to make a matter of public record the Certificates of Liability Insurance for Highway Department for the following. Motion carried.

- | | |
|----------------------------------|--------------------------------------------|
| A. Areawide Excavating, Inc. | H. M.J. Electric, LLC |
| B. Baseline NXC, LLC | I. Ozinga Ready Mix Concrete, Inc. |
| C. DTE Construction, Inc. | J. Rock Solid Stabilization & Reclamation |
| D. Eagle Services Corporation | K. R+R Excavating, Inc. |
| E. Earth Exploration, Inc. | L. Smith's Specialized Heavy Hauling, Inc. |
| F. Gaskill & Walton Construction | M. Witech Company, Inc. & Prinsco II, LLC |
| G. Keen Transport, Inc. | |

Order #13 Agenda #41

In the Matter of Board of Commissioners of the County of Lake: Interlocal Agreement Iowa Street (ratified).

Upon brief discussion, Highway Superintendent spoke, Allen made a motion, seconded by Tippy, to approve Board of Commissioners of the County of Lake Joint Interlocal Cooperation Agreement between The City of Crown Point, Indiana and Lake County, Indiana for the Reconstruction of Iowa Street Located in Center Township, Lake County, Indiana. Motion carried.

JOINT INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF
CROWN POINT, INDIANA AND LAKE COUNTY, INDIANA
FOR THE RECONSTRUCTION OF IOWA STREET LOCATED IN CENTER
TOWNSHIP, LAKE COUNTY, INDIANA

THIS JOINT INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF CROWN POINT, INDIANA AND LAKE COUNTY, INDIANA FOR THE RECONSTRUCTION OF IOWA STREET IN CENTER TOWNSHIP (hereinafter referred to as this "Agreement") is made and entered into in accordance with Indiana Code §36-1-7, *et seq.*, as amended from time to time, by and between the CITY OF CROWN POINT, Lake County, Indiana, a Municipal Corporation, by its MAYOR as its executive and its CITY COUNCIL as its fiscal body (hereinafter referred to as "CROWN POINT"), and LAKE COUNTY, INDIANA, a unit of local government, by its BOARD OF COUNTY COMMISSIONERS as its executive and its COUNTY COUNCIL as its fiscal body (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, CROWN POINT is a unit of local government located in Lake County, Indiana, with jurisdiction over real property located within the Municipal Corporate Boundaries of CROWN POINT; and

WHEREAS, COUNTY is a unit of local government located in Lake County, Indiana, with jurisdiction over certain real property located within the corporate boundaries of Lake County; and

WHEREAS, CROWN POINT and COUNTY have each been advised that the provisions of Indiana Code §36-1-7-1, *et seq.* (Interlocal Cooperation Act and referred to hereinafter as the "Act"), as amended from time to time, permit local governmental units and entities to make the most efficient use of their powers by enabling governmental units to mutually contract and utilize services for the mutual benefit of the participating governmental entities; and

WHEREAS, CROWN POINT and COUNTY are political subdivisions empowered by the Act with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

WHEREAS, CROWN POINT and COUNTY each seek to enter into a joint interlocal cooperation agreement based upon the terms and provisions of the Act, as amended from time to time, together, to provide for a reconstruction of Iowa Street from 113th Avenue South to 129th street which is an area of approximately 10,580 feet in length by 21 feet wide of a full depth reclamation for base with asphalt overlay and appurtenances of the entire lineal length and width to include pavement striping hereafter referred to as the IOWA STREET PROJECT; and

WHEREAS, CROWN POINT, and COUNTY have determined that entry into a joint interlocal cooperation agreement for the IOWA STREET PROJECT is a public improvement

in the best interests of the residents of CROWN POINT and COUNTY, and therefore, have determined that it is advisable to enter into and become a participating unit under such a joint interlocal cooperation agreement pursuant to the applicable provisions of State Law, as amended from time to time.

COVENANTS

NOW, **THEREFORE, CROWN POINT and COUNTY**, in consideration of the terms and conditions set forth herein, all of which are hereby acknowledged, do hereby agree as follows:

SECTION 1: DURATION.

The duration of this Agreement shall be from its effective date to completion and acceptance of the Project as defined herein.

SECTION 2: PURPOSE.

The purpose of this Agreement is to set forth and establish the responsibilities and obligations of CROWN POINT and COUNTY concerning the Iowa Street Project.

SECTION 3: EFFECTIVE DATE

The effective date of this act shall be after the agreement has been signed by a majority of the elected officials of each party necessary to constitute an official act and a copy of the executed agreement is placed on record and filed with the Lake County Recorder.

SECTION 4: EXHIBITS.

The following four (4) exhibits are included as part of the Interlocal agreement:

- A. Exhibit "1": Project location map identifying the respective sections of the lineal distance of Iowa Street that are included in the Iowa Street Project.
- B. Exhibit "2": The total cost of the Iowa Street Project which includes certain designated cost categories.
- C. Exhibit "3": The cost for the project separated as the cost for Sections B and D which are in unincorporated Lake County and the cost for sections A, C, and E which are in the City of CrownPoint.
- D. Exhibit "4": A breakdown of the work to be performed by the Lake County Highway Department on the shoulder, aggregate, driveways, pipe work and restoration in sections B and D and separately in sections A, C and E.

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SECTION 5: PROJECT DEFINED.

- A. This Project is the reconstruction of Iowa Street, Center Township, Lake County, Indiana from 113th Avenue South to 129th Avenue which is an area of approximately 10,580 feet in length by 21 feet in width.
- B. Attached hereto and incorporated herein as Exhibits "2", "3" and "4" are the preliminary estimates of the cost of this project.
- C. Some of the lineal distance of approximately 7286 feet by 21 feet is part of the CITY OF CROWN POINT and the remaining portion is located in unincorporated Lake County. Specifically, sections A, C, and E of the attached are located within the CITY OF CROWN POINT and sections B and D are located in unincorporated Lake County.
- D. There will be a reconstruction consists of full depth reclamation for base with asphalt overlay and appurtenances to include pavement striping of the entire lineal length and width.

SECTION 6: PROJECT FUNDING.

COUNTY agrees to pay to CROWN POINT within thirty (30) days of CROWN POINT commencing the Project, the amount of ONE HUNDRED SIXTY-SEVEN THOUSAND EIGHT HUNDRED THIRTY-NINE and NINETY-SEVEN CENTS (\$167,839.97) Dollars to help fund the Project. This contribution of COUNTY was determined as follows:

- A. The total cost of sections B and D is \$196,887.97 (See Exhibit "3")
- B. Lake County will perform the shoulder, aggregate, driveways and restoration in sections B and D (See Exhibit "3").
- C. Lake County will perform the shoulder, aggregate, driveways and restoration in sections A, C and E and receive a credit of \$29,048.00 (See Exhibit "3") upon performance of the work related to the credit.
- D. Lake County's cash contribution was computed by subtracting from \$196,887.97 which is the total cost of sections B and D the credit of \$29,048.00 for work on shoulder, aggregate, driveways and restoration in sections A, C and E which the COUNTY will perform using its own labor and materials.
- E. Lake County's cash contribution will be \$167,839.97 provided COUNTY completes the work as indicated in this Agreement.

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SECTION 7: ADMINISTRATION AND AUTHORITY DELEGATION.

- A. This Agreement shall be administered as follows:
- 1) CROWN POINT shall contract with a company to perform the full depth reclamation and asphalt overlay work and striping and pay for all claims, supplies materials and services for this portion of the project. With the \$167,839.97 received from COUNTY, CROWN POINT shall pay its contractor for performing full depth reclamation and asphalt overlay work excluding the work to be performed by COUNTY through its own workforce.
 - 2) COUNTY shall, through its own workforce, supervise and perform the work of the shoulder, aggregate, driveways, and restoration in sections A, B, C, D, and E at the estimated cost outlined in *Exhibit "4"* attached.
- B. The CLERK-TREASURER OF THE CITY OF CROWN POINT, LAKE COUNTY is hereby designated to receive, disburse, and account for all funds pursuant to this Agreement.
- C. CROWN POINT shall supervise all work performed by its contractor as part of the project and determine if the work meets reconstruction standards.
- D. CROWN POINT shall contract with a company to perform the reconstruction and pay for all claims for supplies, materials, services or other expenses for the project.
- E. Because the COUNTY will have no supervisory responsibility for the work performed by the contractor employed by CROWN POINT, project, will not be in privity of contract with any person or company contracted by CROWN POINT to perform the work, and COUNTY'S only involvement during the reconstruction is to provide funding, the County of Lake and any and all of its elected officials, appointed officials, offices, departments, divisions, employees, to include those of the Lake County Highway Department shall not be liable for and CROWN POINT shall hold the aforementioned unit, bodies, and persons harmless from any loss or damage to any party that may occur from the start of the reconstruction to the completion of the project.
- F. The project will be deemed completed when CROWN POINT has accepted the work of their contractor and the COUNTY has certified to CROWN POINT that it has completed the work to be done by the COUNTY in sections A, B, C, D and E.

SECTION 8: ASSIGNMENT OF RIGHTS.

No Party shall assign, delegate, or otherwise transfer its rights and obligations as set forth in this Agreement to any other entity.

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SECTION 9: AMENDMENTS.

The terms of this Agreement may not be amended, supplemented, waived or modified without the prior written approval of all Parties.

SECTION 10: FORCE MAJEURE.

Except as otherwise provided in this Agreement, CROWN POINT and COUNTY, shall not be deemed in default or in breach of this Agreement to the extent it is unable to perform due to an event of Force Majeure. For the purpose of this Agreement, Force Majeure shall mean and include any act of God, accident, fire, lockout, strike or other labor dispute, riot or civil commotion, act of public enemy, failure of transportation facilities, enactment, rule, order, or act of government or governmental instrumentality (whether domestic or international and whether federal, state or local, or the international equivalent thereof), failure of technical difficulties, or any other cause of any nature whatsoever beyond the control of CROWN POINT and COUNTY, which was not avoidable in the exercise of reasonable care and foresight.

SECTION 11: NOTICES.

All notices required to be given under this Agreement shall be in writing, and deemed sufficient to each Party when sent by United States Mail, postage prepaid, or hand-delivered, to the following:

Mayor Dave Uran	Commissioner Mike Repay	Councilman Ted Bilski
Municipal Building	2293 North Main Street	2293 North Main Street
101 North East Street	Crown Point, In 46307	Crown Point, In 46307
Crown Point, In 46307		

SECTION 12: CAPTIONS.

The captions and section designations herein set forth are for convenience only, and shall have no substantive meaning.

SECTION 13: SEVERABILITY.

In the event that any section, paragraph, sentence, clause, or provision hereof is held invalid by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Agreement, and the same shall remain in full force and effect.

SECTION 14: ENTIRETY OF AGREEMENT.

This Agreement represents the entire understanding between the Parties and supersedes all other negotiations, representations, or agreements, whether written or verbal, relating to this Agreement. This Agreement shall inure to the benefit of, and shall be binding upon the Parties, and their respective assigns and successors in interest.

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SECTION 15: MATERIAL DISPUTE.

The parties agree that CROWN POINT and COUNTY shall meet for resolution purposes. Thereafter, if the dispute is unable to be resolved, the Parties agree that the dispute will be governed by the laws of the State of Indiana in a court of competent jurisdiction. The Parties agree that each Party shall be responsible for its own attorney fees, absent any applicable provision of law to the contrary.

SECTION 16: COUNTERPARTS.

This Agreement shall be signed in counterparts and each of said counterparts shall be considered an original.

SECTION 17: RECORDING AND FILING.


- A. Before this Agreement takes effect, it must be recorded with the Office of the Lake County Recorder.
- B. No later than sixty (60) days after it takes effect and is recorded, the Agreement must be filed with the Office of the State Board of Accounts for audit purposes all pursuant to LC. §36-1-7-6.

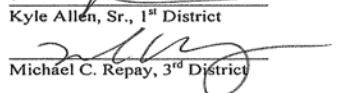
SECTION 18: PUBLIC ACTION AND RATIFICATION.


- A. Because there exists a situation where time is of the essence, the parties will have their respective elected officials sign the agreement to make it effective and then ratify it at a subsequent public meeting.
- B. To be effective with a retroactive ratification, the following must occur at a public meeting:
 - 1) The City Council as the fiscal body of the City of CROWN POINT, Lake County, Indiana, a Municipal Corporation.
 - 2) The Mayor as the executive of the City of CROWN POINT, Lake County, Indiana, a Municipal Corporation.
 - 3) The Lake County Council has the fiscal body of the County of Lake, Indiana.
 - 4) The Board of Commissioners as the county executive of the County of Lake, Indiana.

IN WITNESS WHEREOF, the Parties, by their duly authorized Officials and Representatives have caused this Agreement to be executed this _____ day of _____, 2017.

LAKE COUNTY, INDIANA BOARD OF COMMISSIONERS:


 Kyle Allen, Sr., 1st District

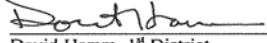

 Michael C. Repay, 3rd District

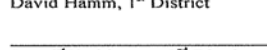

 Jerry Hippy, 2nd District

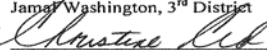
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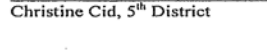
 John Petals, Auditor OG (me)

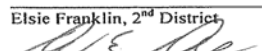
LAKE COUNTY, INDIANA COUNTY COUNCIL:

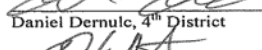

 David Hamm, 1st District



 James Washington, 3rd District


 Christine Cid, 5th District



 Eldon Strong, 7th District


 Elsie Franklin, 2nd District


 Daniel Dernule, 4th District


 Ted Bilski, 6th District

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE



 RATIFIED THIS 17th DAY OF May, 2017

IN WITNESS WHEREOF, the Parties, by their duly authorized Officials and Representatives have caused this Agreement to be executed this 16 day of May, 2017.

MAYOR CITY OF CROWN POINT, INDIANA:

David Uran, Mayor

ATTEST:

Kristi Dressel, Clerk-Treasurer

CROWN POINT, INDIANA CITY COUNCIL:

Scott D. Evorik, At Large

Chad J. Jeffries, 1st District

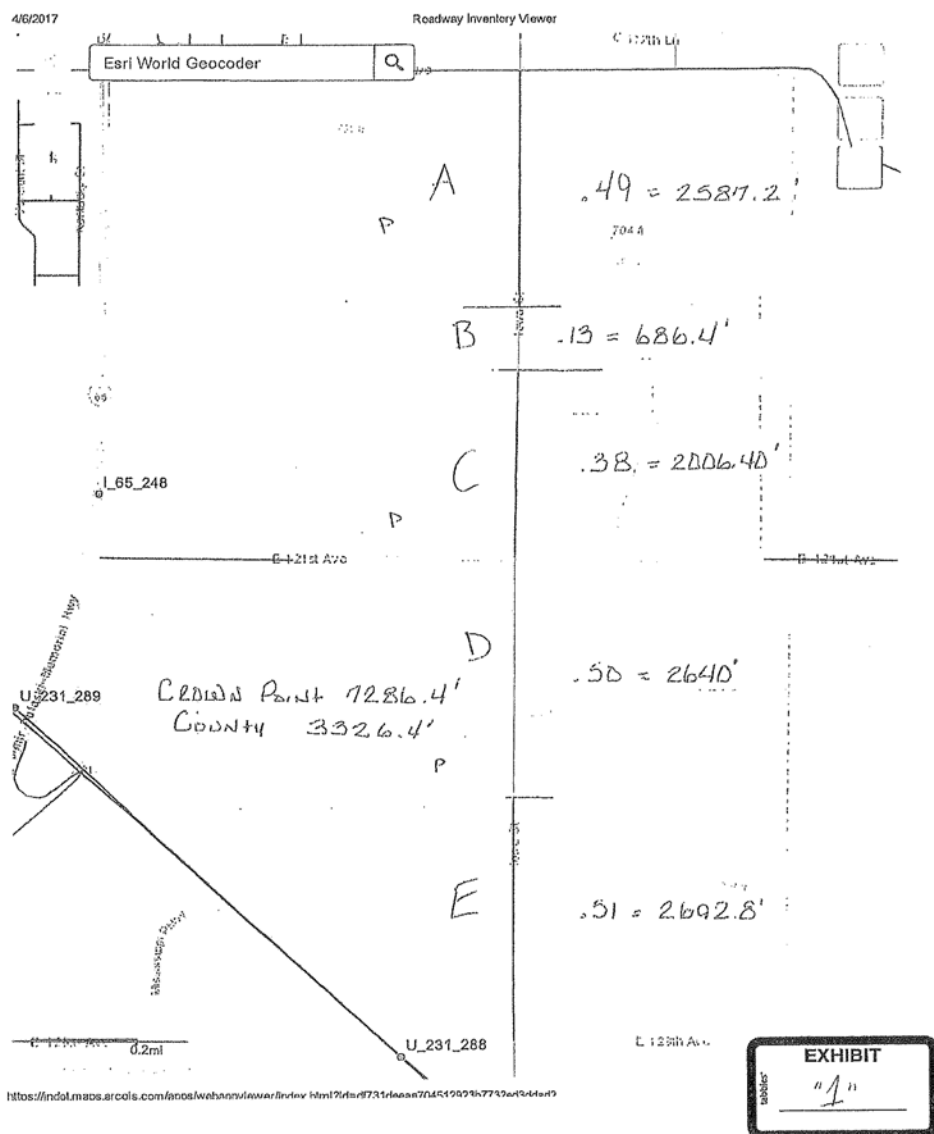
Andrew S. Kyres, 3rd District

Carol Drasga, 5th District

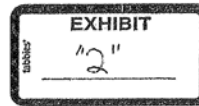
Chris N. Retson, At Large

Robert Clemons, 2nd District

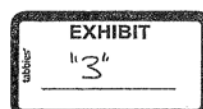
Laura J. Sauchman, 4th District



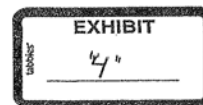
ENTIRE PROJECT Sections A B C D E	Percentage	Units 10,612.8 LF	Total Cost Estimate
12" Full depth reclamation	100%	26,000 SY @ \$8.50/SY	\$ 221,000.00
2.5" HMA Binder	100%	4,050 ton @ \$54/ton	\$ 218,700.00
Tack Coat	100%	1,500 Gals @ \$3.75/Gal	\$5,625.00
1.5" HMA Surface	100%	2,200 ton @ \$62/ton	\$ 136,400.00
Striping includes (2) double yellow includes (2) single white sides	100%	29,145.6 LF @ \$.52/LF	\$ 21,964.80
Shoulder work	100%	2910 ton @ \$6.25/ton	\$ 18,188.00
Stone Drive Aprons	(19) in ALL	96 tons @ \$6.25/ton	\$ 600.00
Asphalt Drive Apron	(8) in ALL	65 tons @ \$93/ton	\$ 6,045.00
Concrete Drive Apron	(1) in ALL	24 SYDS @ \$63/SY	\$ 1,512.00
Restoration	100%		\$ 10,260.00
Trucking fee for millings and raising road	100%		\$
Culvert repair @ 121st (Ziese)	100%		\$
Total Cost Estimate			\$ 640,294.80



Lake County Sections B & D	Percentage paid by the County	Units 3,326.4 LF	Total Cost Estimate
12" Full depth reclamation	31%	8,060 SY @ \$8.50/SY	\$ 68,510.00
2.5" HMA Binder	31%	1,255.5 ton @ \$54/ton	\$67,797
Tack Coat	31%	465 Gals @ \$3.75/Gal	\$1,743.75
1.5" HMA Surface	31%	682 ton @ \$62/ton	\$42,284
Striping includes (2) double yellow includes (2) single white sides	31%	13,094.4 LF @ \$.52/LF	\$6,809.09
Shoulder work	31%	902.12 Ton @ \$6.25/ton	\$5,638.28
Stone Drive Aprons	(8) in County Section	29 tons @ \$6.25/ton	\$181.25
Asphalt Drive Apron	(2) in County Section	8 tons @ \$93/ton	\$744
Concrete Drive Apron	0 in County Section		\$0.00
Restoration	31%	2,945 SY @ \$1.08/SY	\$3,180.60
			\$
Total Cost Estimate			\$ 196,887.97
Credit to County for work done by them in the Citys sections			(\$20,047.87)
Work done by County			(\$9,000.13)
			\$ 167,839.97



City of Crown Point Sections A C E	Percentage paid by the City	Units 7,286.4 LF	Total Cost Estimate
12" Full depth reclamation	69%	17,940 SY @ \$8.50/SY	\$ 152,490.00
2.5" HMA Binder	69%	2,794.5 ton @ \$54/ton	\$ 150,903.00
Tack Coat	69%	1,035 Gals @ \$3.75/Gal	\$ 3,881.25
1.5" HMA Surface	69%	1,518 ton @ \$62/ton	\$ 94,116.00
Striping includes (2) double yellow includes (2) single white sides	69%	29,145.6 LF @ \$.52/LF	\$ 15,155.71
Shoulder work	69%	2007.9 ton @ \$6.25/ton	\$ 12,549.72
Stone Drive Aprons	11 in City Section	67 tons @ \$6.25/ton	\$ 418.75
Asphalt Drive Apron	6 in City Section	57 tons @ \$93/ton	\$ 5,301.00
Concrete Drive Apron	1 in City Section	24 SYDS @ \$63/SY	\$ 1,512.00
Restoration	69%	6,555 SY @ \$1.08/SY	\$ 7,079.40
Trucking fee for millings and raising road	100%		\$
Culvert repair @ 121st (Ziese)	100%		\$
Total Cost Estimate			\$ 443,406.83
Credit to County for work done by them in the Citys sections			\$20,047.87



Order #14 Agenda #17

In the Matter of L C Sheriff – BIDS: Fourteen (14) more or less 2017-2018 Police SUV full size four door vehicles with police pursuit package (under advisement). Letter of recommendation to Lake Shore Ford.

The Board having previously taken the bids under advisement does hereby approve the purchase of Twelve (12) more or less 2017-2018 Police SUV full size four door vehicles with police pursuit package and dash mounted cameras for the Lake County Sheriff's Department from **Lake Shore Ford**, 244 Melton Rd, Burns Harbor, IN 46304, for a total of \$304,752.00, upon a motion made by Allen, seconded by Tippy, to ratify. Motion carried.

And it appearing to said Board of Commissioners that the above company's bids being the most responsive and responsible bid for Twelve (12) more or less 2017-2018 Police SUV full size four door vehicles with police pursuit package and dash mounted cameras for the L.C. Sheriff Department, having complied with the law as provided by statute and filed with their bid the proper affidavit as by law provided and their bond or certified check in the amount of:

LAKE SHORE FORD W/ *Federated Mutual Insurance Company* in the amount of 5% is hereby approved by the Board of Commissioners.

There being sufficient unobligated appropriated funds available, the contracting authority of Board of Commissioners hereby accepts the terms of the attached bid for classes or items numbered for TWELVE (12) MORE OR LESS 2017-2018 POLICE SUV FULL SIZE FOUR DOOR VEHICLES WITH POLICE PURSUIT PACKAGE W/DASH CAMS FOR THE LAKE CO. SHERIFF DEPARTMENT FOR A GRAND TOTAL OF \$304,752.00 and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members: Date: May 17, 2017

MICHAEL REPAY
KYLE ALLEN, Sr.
JERRY TIPPY
LAKE SHORE FORD

Order #15 Agenda #18

In the Matter of L C Sheriff – 2016 Lake County Jail Annual Report.

Allen made a motion, seconded by Tippy, to make a matter of public record the 2016 Lake County Jail Annual Report submitted by L C Sheriff John Buncich and Sheriff Department Administration. Motion carried.

Order #16 Agenda #21

In the Matter of L C 911 – Ratify acceptance of proposals from Johnson Controls, Inc. to configure the 911 Center video server and Bosch software in an amount not to exceed \$1,710.60.

Tippy made a motion, seconded by Allen, to ratify approval and acceptance of proposal submitted from Johnson Controls, Inc. to configure the 911 Center video server and Bosch software in an amount not to exceed \$1,710.60 on behalf of Lake County 911 Department. Motion carried.

Order #17 Agenda #22

In the Matter of L C 911 – Rental Agreement between Waterlogic East, LLC and the Board of Commissioners of the County of Lake for bottle less water cooler rental for the period of April 18, 2017 to April 17, 2022 in the amount of \$130.00 per month subject to annual funding by the Fiscal Body.

Allen made a motion, seconded by Tippy, to approve the Rental Agreement between Waterlogic East, LLC, 77 McCullough Dr, Suite 9, New Castle, DE 19720, and the Board of Commissioners of the County of Lake on behalf of Lake County 911 for bottle less water cooler rental for the period of April 18, 2017 to April 17, 2022 in the amount of \$130.00 per month subject to annual funding by the Fiscal Body. Motion carried.

Order #18 Agenda #23

In the Matter of L C Coroner – Data Sharing Agreement between the Indiana State Department of Health and the Board of Commissioners of the County of Lake to collect data for the National Violent Death Reporting System (NVDRS) for the period of March 3, 2017 to March 2, 2019.

Allen made a motion, seconded by Tippy, to approve the Rental Agreement between Indiana State Department of Health and the Board of Commissioners of the County of Lake on behalf of Lake County Coroner to collect data from the National Violent Death Reporting System (NVDRS) for the period of March 3, 2017 to March 2, 2019. Motion carried.

Order #19 Agenda #24

In the Matter of L C Assessor – Agreement between Asset Valuation Advisors and the Board of Commissioners of the County of Lake for assessment valuation services and expert testimony for the period of May 1, 2017 to December 31, 2017 in an amount not to exceed \$3,500.00 payable at the rate of \$300.00 per hour plus reimbursable expenses.

Allen made a motion, seconded by Tippy, to approve the Agreement between Asset Valuation Advisors and the Board of Commissioners of the County of Lake on behalf of Lake County Assessor for assessment valuation services and expert testimony for the period of May 1, 2017 to December 31, 2017 in an amount not to exceed \$3,500.00 payable at the rate of \$300.00 per hour plus reimbursable expenses. Motion carried.

Order #20 Agenda #25

In the Matter of L C Emergency Management – 2015 Emergency Management Performance Grant Program-Local Base Grants Subrecipient Agreement CFDA #97.042, Contract #14703 between the Indiana Department of Homeland Security and the Board of Commissioners of the County of Lake for the period of October 1, 2015 to June 20, 2016 in the amount of \$4,803.78 100% completed.

Allen made a motion, seconded by Tippy, to approve L C Emergency Management – 2015 Emergency Management Performance Grant Program-Local Base Grants Subrecipient Agreement CFDA #97.042, Contract #14703 between the Indiana Department of Homeland Security and the Board of Commissioners of the County of Lake for the period of October 1, 2015 to June 20, 2016 in the amount of \$4,803.78 100% completed. Motion carried.

Order #20 Agenda #26

In the Matter of L C Emergency Management – 2015 Emergency Management Performance Grant Program-Local Base Grants Subrecipient Agreement CFDA #97.042, Contract #16969 between the Indiana Department of Homeland Security and the Board of Commissioners of the County of Lake for the period of June 1, 2016 to September 30, 2016 in the amount of \$9,609.32 100% completed.

Allen made a motion, seconded by Tippy, to approve L C Emergency Management – 2015 Emergency Management Performance Grant Program-Local Base Grants Subrecipient Agreement CFDA #97.042, Contract #16969 between the Indiana Department of Homeland Security and the Board of Commissioners of the County of Lake for the period of June 1, 2016 to September 30, 2016 in the amount of \$9,609.32 100% completed. Motion carried.

Order #21 Agenda #27

In the Matter of L C Health Department – Service Agreement between Chester, Inc. Information Technologies and the Board of Commissioners of the County of Lake for computer equipment for the period of January 1, 2017 to December 31, 2017 in an amount not to exceed \$7,375.00 payable quarterly at the rate of \$1,843.75 per quarter.

Allen made a motion, seconded by Tippy, to approve the Service Agreement between Chester, Inc. Information Technologies and the Board of Commissioners of the County of Lake on behalf of the Lake County Health Department for computer equipment for the period of January 1, 2017 to December 31, 2017 in an amount not to exceed \$7,375.00 payable quarterly at the rate of \$1,843.75 per quarter. Motion carried.

Order #21 Agenda #28

In the Matter of L C Health Department – Service Agreement between Chester, Inc. Information Technologies and the Board of Commissioners of the County of Lake for computer equipment for the period of January 1, 2017 to December 31, 2017 in an amount not to exceed \$80.00 payable quarterly at the rate of \$20.00 per quarter.

Allen made a motion, seconded by Tippy, to approve the Service Agreement between Chester, Inc. Information Technologies and the Board of Commissioners of the County of Lake on behalf of Lake County Health Department for computer equipment for the period of January 1, 2017 to December 31, 2017 in an amount not to exceed \$80.00 payable quarterly at the rate of \$20.00 per quarter. Motion carried.

Order #22 Agenda #29 & #30

In the Matter of L C Plan Commission – PROPOSALS: Updating the Lake County Comprehensive Plan; Updating the Lake County Zoning Ordinance. Pending.

Tippy made a motion, seconded by Allen, to defer, expected recommendation next meeting. Motion carried.

Order #23 Agenda #31

In the Matter of Board of Commissioners of the County of Lake: PROPOSALS: Operation of the Lake County Government Center Cafeteria. Pending.

Allen made a motion, seconded by Tippy, to defer. Motion carried.

Order #24 Agenda #32

In the Matter of Board of Commissioners of the County of Lake: Agreement between Cenifax, Inc. and the Board of Commissioners of the County of Lake for the coordination implementation of Lake County VoIP system for the period of May 1, 2017 to April 30, 2018 in an amount not to exceed \$132,000.00 payable at the rate of \$11,000.00 per month.

Tippy made a motion, seconded by Allen, to approve the Agreement between Cenifax, Inc. and the Board of Commissioners of the County of Lake for the coordination implementation of Lake County VoIP system for the period of May 1, 2017 to April 30, 2018 in an amount not to exceed \$132,000.00 payable at the rate of \$11,000.00 per month. Motion carried. (SEE FILE "2017 CONTRACTS" FOR ORIGINAL)

Order #25 Agenda #33

In the Matter of Board of Commissioners of the County of Lake: Agreement between SRI, Inc. and the Board of Commissioners of the County of Lake for tax sale support services for the period of May 17, 2017 to May 16, 2018 in the amount of \$80.00 for each parcel and pay all costs of publication and all postage costs related to the mailing of any notice required by statute.

Allen made a motion, seconded by Tippy, to approve the Agreement between SRI, Inc. and the Board of Commissioners of the County of Lake for tax sale support services for the period of May 17, 2017 to May 16, 2018 in the amount of \$80.00 for each parcel and pay all costs of publication and all postage costs related to the mailing of any notice required by statute. Motion carried. (SEE FILE "2017 CONTRACTS" FOR ORIGINAL)

Order #26 Agenda #34 A-E

In the Matter of Board of Commissioners of the County of Lake: Lake County Cooperative Extension/Soil & Water Conservation Project: A. Final acceptance by Bob Rehder dated March 27, 2017; B. April 25, 2017 letter from David A. Buls with claims on bond to date in the amount of \$118,115.30; C. Gariup Construction Co., Inc. Payment Bond in the amount of \$2,834,500.00; D. EEO Report on hours worked on the project with Gariup Construction Co., Inc. with a minority work force of 25%; E. Copy of final invoice from Gariup Construction Co., Inc. for consideration.

Comes now Commissioner Tippy, with question to Attorney Dull regarding this matter, Dull explained, recommended the Board approves, Tippy made a motion, seconded by Allen, to approve the Lake County Cooperative Extension/Soil & Water Conservation Project for Final acceptance by Bob Rehder dated March 27, 2017, April 25, 2017 letter from David A. Buls with claims on bond to date in the amount of \$118,115.30, Gariup Construction Co., Inc. Payment Bond in the amount of \$2,834,500.00, EEO Report on hours worked on the project with Gariup Construction Co., Inc. with a minority work force of 25% and Copy of final invoice from Gariup Construction Co., Inc. for consideration. Motion carried.

Order #27 Agenda #35

In the Matter of Board of Commissioners of the County of Lake: Policy for Commissioners Credit Card (to be ratified).

Allen made a motion, seconded by Tippy, to ratify approval of the Policy for Commissioners Credit Card. Motion carried.

POLICY FOR COMMISSIONERS CREDIT CARD

WHEREAS, the Board of Commissioners is responsible for getting titles, duplicate titles, registrations, and plates for all county vehicles in Lake County, Indiana except for the Sheriff's Department and the Park's Department;

WHEREAS, the Departments in most instances do not promptly bring the documents to the Board of Commissioners so that a check can be requested for timely payment of the county vehicle fees;

WHEREAS, the Commissioners receive the paperwork in some cases just before and/or a month past the deadline;

WHEREAS, the use of the county vehicles would be delayed due to the inability of register;

WHEREAS, there are significant penalty fees assessed by the BMV when paperwork is submitted past the deadline;

WHEREAS, the BMV only allows these purchases and payments to be made through their Indianapolis location for units of government, not through a local branch;

WHEREAS, the BMV will accept payment of fees and registration via a credit card;

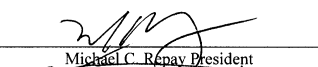
WHEREAS, the Auditor has checked with the State Board of Accounts and an adoption of a policy specific only to the Board of Commissioners and this credit card must be adopted.

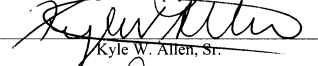
NOW THEREFORE BE IT RESOLVED that:

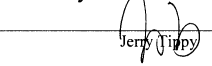
1. The Lake County Auditor shall apply for a credit card with a \$2,500 maximum limit which shall be used by the Board of Commissioners if necessary so that the county vehicle registration fees can be processed and penalties avoided.
2. The credit card shall be secured by the Lake County Auditor and kept in the possession of the Board of Commissioners.
3. The credit card shall only be used for cost and fees related to Lake County's vehicles and the BMV.

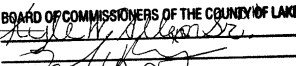
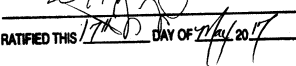
Adopted this 10th day of May, 2017.

Lake County Board of Commissioners


Michael C. Repay, President


Kyle W. Allen, Sr.


Jerry Tippy

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE


RATIFIED THIS 17th DAY OF May, 2017

Order #28 Agenda #36 A-C

In the Matter of Board of Commissioners of the County of Lake: Responsible Bidder Ordinance: A. Current List; B. Superior Construction prequalification; C. Approve form: 1. Responsible & Responsive Bidder Initial Form; 2. Responsible & Responsive Bidder Annual Renewal Form.

Tippy made a motion, seconded by Allen, to make a matter of public record the Responsible Bidder Ordinance current list, accept Superior Construction prequalification, and ordered same to approve forms – Responsible & Responsive Bidder Initial Form and Responsible & Responsive Bidder Annual Renewal Form. Motion carried.

Order #29 Re-Visit Agenda #35

In the Matter of Board of Commissioners of the County of Lake: Policy for Commissioners Credit Card.

Comes now, Commissioner Tippy, with brief discussion for clarification purposes, explaining briefly that the purposes of the Auditor, what the credit card for the Commissioners is for, Dull, spoke, "the units that have vehicles bring the titles to the Commissioners too late, and we have to pay penalties, with the credit card, it'll only be used if we can purchase those titles thru Indianapolis and wont have to pay a penalty, that's the purpose of that card, it happened today", Tippy, spoke, stating, "and that's in the agreement that we signed, only for the purpose of the titles", Auditor Petalas, spoke, stating, "and only \$2,500.00 was applied for", Allen, continued, stating passage that the credit card shall only be used for cost and fees related to Lake County's vehicles and the BMV".

Order #30 Agenda #37

In the Matter of Board of Commissioners of the County of Lake: Indiana Department of Transportation – Local Public Agency updated project coordination contract EDS #A249-17-L170042, Des No. 9981680, CFDA No. 20.205 for time extension to June 30, 2019.

Tippy made a motion, seconded by Allen, to approve the extension for the Indiana Department of Transportation – Local Public Agency updated project coordination contract EDS #A249-17-L170042, Des No. 9981680, CFDA No. 20.205 for time extension to June 30, 2019. Motion carried.

Order #31 Agenda #38

In the Matter of Board of Commissioners of the County of Lake: Declaration of Lake County Indiana's Council supporting the Lake County Board of Commissioners' Resolution No. 17-05 a Resolution concerning all Rights-of-Way in unincorporated Lake County, Indiana to be ratified.

Tippy made a motion, seconded by Allen, to approve the Declaration of Lake County Indiana's Council supporting the Lake County Board of Commissioners' Resolution No. 17-05 a Resolution concerning all Rights-of-Way in unincorporated Lake County, Indiana. Motion carried.

DECLARATION OF LAKE COUNTY INDIANA'S COUNCIL SUPPORTING THE LAKE COUNTY BOARD OF COMMISSIONERS' RESOLUTION NO.17-05 A RESOLUTION CONCERNING ALL RIGHTS-OF-WAY IN UNINCORPORATED LAKE COUNTY, INDIANA

WHEREAS, The Lake County Board of Commissioners passed Resolution No. 17-05 on April 28, 2017; and
WHEREAS, Resolution No. 17-05 which is attached hereto, is a Resolution which declares that all rights-of-way in unincorporated Lake County, Indiana shall hereinafter require underground placement of all utility lines unless a waiver is granted in accordance with said Resolution; and
WHEREAS, The Lake County Council makes this Declaration in support and in agreement with that Resolution and the declarations contained therein.

NOW THEREFORE BE IT DECLARED by the Lake County Council and the County of Lake as follows:

- 1. That the Lake County Council hereby makes this declaration in support of the Lake County Commissioners' Resolution No. 17-05, a resolution concerning all rights-of-way in unincorporated Lake County.
2. That the Lake County Council hereby agrees that all rights-of-way throughout the unincorporated Lake County, Indiana area are hereinafter required to have all proposed utility lines located in these rights-of-way to be placed underground unless waived pursuant to said Resolution.

So Declared this 28th day of April, 2017 by the Lake County Council, Lake County, Indiana

LAKE COUNTY COUNCIL

Handwritten signatures and names of Lake County Council members: Ted Bilski, President; Christine CTD; David Hamm; Jamal Washington.

Handwritten signatures and names of Board of Commissioners members: Elsie Brown-Franklin; Daniel Bernulc; Eldon Strong.

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

RATIFIED THIS 17th DAY OF May 20 17

Order #31 Agenda #38 cont'd

RESOLUTION NO. 17-05 RESOLUTION CONCERNING ALL RIGHTS-OF-WAY IN UNINCORPORATED LAKE COUNTY

WHEREAS, The Lake County Board of Commissioners control the uses within all existing or proposed rights-of-way throughout the Unincorporated Lake County area; and
WHEREAS, The Unincorporated Lake County Subdivision Control Ordinance, Section 4.8(3) requires that "In instances where a subdivision proposed density is .5 units per acre or greater, underground utilities shall be required unless there is a verification from the utility company servicing the proposed subdivision that it cannot provide said service; also, except in the case of a subdivision of five (5) lots or less not involving any interior street."; and
WHEREAS, The Lake County Board of Commissioners, by and through the Lake County Highway Department, currently use a County Utility Agreement which dictates the requirements concerning utilities to be provided through the Unincorporated Lake County rights-of-way; and
WHEREAS, It is desirous by the Lake County Board of Commissioners to amend that County Utility Agreement to reflect and be consistent with the provisions of this Resolution; and
WHEREAS, The requirement for underground placement of all utility lines in subdivisions and rights-of-way in Unincorporated Lake County, without exception, has proven to be practicable; and
WHEREAS, The Lake County Board of Commissioners has determined that the above-ground placement of new utility poles, small cell tower facilities, or similar structures within the existing public rights-of-way, as well as proposed subdivisions as reflected by the Lake County Unincorporated Subdivision Control Ordinance, would conspicuously and detrimentally impact the area's character and aesthetic quality; and
WHEREAS, The Lake County Board of Commissioners therefore consider all existing public rights-of-way and proposed rights-of-way located within the unincorporated area of

Lake County to be designated strictly for underground or buried utilities unless not practicable to do so and unless waived as provided herein; and

WHEREAS, The Lake County Board of Commissioners hereby desire to grant to themselves, upon recommendation by the Lake County Highway Department, the ability to grant waivers to the requirements of this Resolution for any existing unincorporated rights-of-way upon showing of good cause, which good cause is solely within the discretion of the Lake County Board of Commissioners and in addition, grant the Lake County Plan Commission Director the ability to grant waivers to the requirements of this Resolution for any proposed subdivision and/or right-of-way in accordance with its Subdivision Control Ordinance mentioned above, upon showing of good cause, which good cause is solely in the discretion of the Lake County Plan Commission Director.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners and the County of Lake as follows:


1. That all existing rights-of-way located in Unincorporated Lake County, Indiana are hereby declared to be areas designated strictly for underground or buried utilities.
2. That proposed rights-of-way that are controlled by the Unincorporated Lake County Subdivision Control Ordinance, are hereby declared to be areas designated strictly for underground or buried utilities as reflected by that Ordinance.
3. That waivers to the requirements of this Resolution and these provisions shall be allowed as follows:
 - a. That for existing rights-of-way in unincorporated Lake County, the Lake County Board of Commissioners, upon recommendation by the Lake County Highway Department, will have the ability to grant waivers to a request contrary to the requirements of this Resolution for any existing unincorporated rights-of-way upon showing of good cause, which good cause is solely within the discretion of the Lake County Board of Commissioners.

- b. For any proposed subdivision and/or right-of-way, the Board of Commissioners grants to the Lake County Plan Commission Director the ability to grant waivers to a request contrary to the requirements of this Resolution, upon showing of good cause, which good cause is solely in the discretion of the Lake County Plan Commission Director.
- 4. That there shall be no new utility pole, small cell tower facility, wireless support structure or similar above-ground structure placed within any public right-of-way, without waiver as all rights-of-way are now declared to be strictly for underground or buried utilities. This prohibition shall not preclude co-location of small cell tower facilities on existing utility poles and wireless support structures within the area, and shall not preclude replacement of existing utility poles and wireless support structures within the area.
- 5. That this policy shall be applied fairly and equally to all and shall be applied in a non-discriminatory manner.
- 5. That the current County Utility Agreement being used by the Lake County Highway Department shall be amended to reflect and be consistent with the provisions of this Resolution.

So Resolved, Passed and adopted this 28th day of April, 2017 by the Lake County Board of Commissioners, Lake County, Indiana.

LAKE COUNTY BOARD OF COMMISSIONERS

ATTEST:


MICHAEL REPAY


JOHN PETRLAS
LAKE COUNTY AUDITOR 4-28-17 og

KYLE ALLEN


JERRY TIPPY

Order #32 Agenda #39

In the Matter of Board of Commissioners of the County of Lake: Commissioners Memorandum dated May 2, 2017 to Lake County Elected Officials and Department Heads concerning Indiana Access to Public Records Act Requests to be ratified.

Allen made a motion, seconded by Tippy, to ratify approval of Commissioners Memorandum dated May 2, 2017 to Lake County Elected Officials and Department Heads concerning Indiana Access to Public Records Act Requests (Version 2), Attorney Dull, spoke, working on a workshop. Motion carried.

Order #33 Agenda #40

In the Matter of Board of Commissioners of the County of Lake: Timetable for 2018 Commissioners Tax Certificate Sale.

Tippy made a motion, seconded by Allen, to approve the Timetable for 2018 Commissioners Tax Certificate Sale, Attorney Dull, spoke, lists of those involved and the responsibilities to do what, preplanning. Motion carried.

Order #34 Agenda #42 & ADD Agenda #42A

In the Matter of Board of Commissioners of the County of Lake: Metropolitan Baptist Church request for property numbers 45-08-33-129-018.000-004, 45-08-33-129-019.000-004 and 45-08-33-129-006.000-004; New Bethel Fellowship Church of God In Christ request for property numbers 45-08-28-433-011.000-004 and 45-08-28-433-023.000-004.

Allen made a motion, seconded by Tippy, to approve the requests for property, donate to Metropolitan Baptist Church, 4500 Harrison Street, Gary, IN 46408, property numbers 45-08-33-129-018.000-004, 45-08-33-129-019.000-004 and 45-08-33-129-006.000-004, and donate to New Bethel Fellowship Church of God In Christ, 110 W. 43rd Ave., Gary, IN 46408, property numbers 45-08-28-433-011.000-004 and 45-08-28-433-023.000-004.

Order #35 Agenda #20

In the Matter of BIDS: L C Community Corrections – Food, Bread & Dairy Products for the period of July 1, 2017 to December 31, 2017.

This being the day, time and place for the receiving of bids for Food, Bread and Dairy Products for the Lake County Community Corrections for the period of July 1, 2017 to December 31, 2017, the following bids were received:

	Food	Bread	Dairy	Total
Gordon Food Service	17,855.10	996.00	440.50	\$19,291.60
Five G's Distributing LLC		744.00		\$744.00
U.S. Foods	24,044.62			\$24,044.62
Midwest Foods	34,991.90	5,900.00	3,076.05	\$43,967.95
Stanz Food Service	28,780.27		3,021.45	\$31,801.72

Allen made a motion, seconded by Tippy, to take the bids under advisement for further tabulation and recommendation from the Lake County Community Correction Department. Motion carried.

Order #36 Agenda #19

In the Matter of BIDS: L C Juvenile - Food, Bread & Dairy Products for the period of July 1, 2017 to December 31, 2017.

This being the day, time and place for the receiving of bids for Food, Bread and Dairy Products for the Lake County Juvenile Center for the period of July 1, 2017 to December 31, 2017, the following bids were received:

	<u>Food</u>	<u>Bread</u>	<u>Dairy</u>	<u>Total</u>
Gordon Food Service	16,049.51			\$16,049.51
Clover Crest Dairy			3,021.15	\$3,021.15
U.S. Foods	31,137.63			\$31,137.63
Stanz Food Service	45,376.53			\$45,376.53
Midwest Foods	44,397.90	7,737.50	3,076.05	\$54,211.45

Allen made a motion, seconded by Tippy, to take the bids under advisement for further tabulation and recommendation from the Lake County Juvenile Center. Motion carried.

Order #37 Agenda #16

In the Matter of BIDS: L C Sheriff – Food, Bread & Dairy Products for the period of July 1, 2017 to December 31, 2017.

This being the day, time and place for the receiving of bids for Food, Bread and Dairy Products for the Lake County Jail for the period of July 1, 2017 to December 31, 2017, the following bids were received:

	<u>Food</u>	<u>Bread</u>	<u>Dairy</u>	<u>Total</u>
Gordon Food Service	341,585.64			\$341,585.64
Clover Crest Dairy			43,512.00	\$43,512.00
Shop Rite Foods	576,315.25			\$576,315.25
Five G's Distributing LLC		84,474.00		\$84,474.00
Midwest Foods	862,134.00	224,545.00	42,624.00	\$1,129,303.00

Tippy made a motion, seconded by Allen, to accept bids as read and take the bids under advisement for further tabulation and recommendation from the Lake County Sheriff's Department. Motion carried.

Order #38 Agenda #43

In the Matter of Board of Commissioners of the County of Lake: Resolution of the Board of Commissioners of the County of Lake supporting the establishment and awarding of economic development district status by the Economic Development Administration.

Allen made a motion, seconded by Tippy, to approve Resolution No. 17-07, Resolution of the Board of Commissioners of the County of Lake supporting the establishment and awarding of economic development district status by the Economic Development Administration, Jodi Melton present/spoke. Motion carried.

RESOLUTION NO. 17-07A RESOLUTION OF THE LAKE COUNTY BOARD OF COMMISSIONERS
SUPPORTING THE ESTABLISHMENT AND AWARDING OF ECONOMIC DEVELOPMENT
DISTRICT STATUS BY THE ECONOMIC DEVELOPMENT ADMINISTRATION

WHEREAS, the U.S. Department of Commerce, Economic Development Administration (EDA) requires a CEDS as a prerequisite for designation as an Economic Development District (EDD), and

WHEREAS, EDA requires submittal of a CEDS to qualify for assistance under its Public Works, Economic Adjustment, and Planning Programs, and awarding of grants to eligible communities, and

WHEREAS, district status would make communities in Lake County that do not meet the distressed community requirements eligible for EDA funds, and

WHEREAS, the Northwest Indiana Economic District (NWIEDD) Organization for Lake, Porter, and LaPorte Counties, is the recognized not for profit regional economic development organization responsible for updating and applying the programs set forth in the CEDS, and

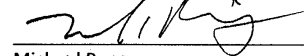

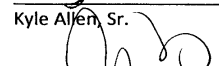
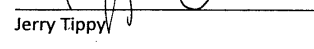
WHEREAS, this body has previously supported the establish of an independent Economic Development District made up of elected officials, private industry and economic development interests broadly representative of the Northwestern Indiana region, and

NOW, THEREFORE, BE IT RESOLVED that the Lake County Commissioners:

1. Support the establishment of an independent Economic Development District and endorse the request to the Economic Development Administration.
2. Support the economic district and its board because that body and its members have and continue to work in cooperation with the Lake County Government and its officials.

So Resolved, Pass and Approved this 17th day of May, 2017 by the Lake County Board of Commissioners, Lake County, Indiana

BOARD OF COMMISSIONERS, COUNTY OF LAKE


Michael Repay

Kyle W. Allen Sr. D.H.

Kyle Allen, Sr.

Jerry Tippy

ATTEST:


John Petalas
Lake County Auditor OG

Order #39 Agenda #44

In the Matter of Board of Commissioners of the County of Lake: A. Commissioner decision on towing districts. B. Commissioner decision on towing service surveys received. – 1. Companies to be hired 2. Companies not to be hired 3. Signature on towing contracts received to date.

Allen made a motion, seconded by Tippy, to ratify approval of Commissioner decision on towing service surveys received from nine companies, read aloud by Brenda Koselke. Motion carried.

Tippy made a motion, seconded by Allen, to defer action on Commissioner decision on towing districts, and no action taken on 1. Companies to be hired and 2. Companies not to be hired. Motion carried.

STEVE'S TOWING
1ST RESPONSE TOWING
REPUBLIC FRAME & AXLE
MCCOY & SONS TOWING
RIDGWAY SERVICE TOWING
PURKEY'S TOWING (read aloud in error)
STAN'S TOWING (not read-aloud in error)
DOUBLE T TOWING RECOVERY CORP
BERTS TOWING, INC.
RAY & WALLY'S TOWING, INC.

Order #40 Agenda #45

In the Matter of Board of Commissioners of the County of Lake: Wellness Program Agreement between Franciscan Alliance and the Board of Commissioners of the County of Lake for 2017/2018. 2017 will be the same rate as 2016 and 2018 will increase by \$1.00 for the Wellness Panel/Blood Draws.

Allen made a motion, seconded by Tippy, to approve the Wellness Program Agreement between Franciscan Alliance and the Board of Commissioners of the County of Lake for 2017/2018. 2017 will be the same rate as 2016 and 2018 will increase by \$1.00 for the Wellness Panel/Blood Draws. Motion carried.

Order #41 Agenda #46

In the Matter of Board of Commissioners of the County of Lake: Amendment to the agreement between Professional Claims Management and the Board of Commissioners of the County of Lake for administrative services for Retirees 65 and older who are currently enrolled in the County Retiree Medical Supplement Plan.

Allen made a motion, seconded by Tippy, to approve the Amendment to the agreement between Professional Claims Management and the Board of Commissioners of the County of Lake for administrative services for Retirees 65 and older who are currently enrolled in the County Reitree Medical Supplement Plan, David Baker present/spoke, Larry Blanchard present/spoke. Motion carried.

Order #42 Agenda #47

In the Matter of Board of Commissioners of the County of Lake: Requests for property disposal: A. Lake County Clerk.

Allen made a motion, seconded by Tippy, to approve the request for property disposal for Lake County Clerk Office, property reviewed by Mr. Cole and approved for disposal. Motion carried.

Order #43 Agenda #49

In the Matter of L C County Council Ordinances and Resolutions – Adopted May 9, 2017.

Comes now, Commissioner Allen, read aloud the Council's Ordinances and Resolutions for review, beginning with Resolution No. 17-44, Preliminary Determination Resolution, in regard to 12million dollar bond, Allen made a motion to approve, Repay seconded the motion. Motion carried 2-1, vote, Tippy, no.

Resolution No. 17-44 Preliminary Determination Resolution

Commissioner Allen, continued with Ordinance No. 992C-48; Ordinance No. 1391B-1; Ordinance No. 1405E-1 and Resolution No. 17-40, 17-41, 17-42, and 17-43, all submitted and adopted by the Lake County Council, on the 9th day of May, 2017, Allen made a motion, seconded by Tippy, to approve. Motion carried 3-0.

Ordinance No. 992C-48	Ordinance Amending The Lake County Self Insurance Ordinance, Ordinance No. 992C-3
Ordinance No. 1391B-1	Ordinance Amending Ordinance No. 1391B, The Ordinance To Establish Responsible Bidding Practices And Submission Requirements For Submitting Bids To Perform Construction Works For Public Works Projects In Lake County, Indiana
Ordinance No. 1405E-1	Ordinance Amending Ordinance No. 1405E, The Ordinance Establishing Lake County's Minority Business/Women's Business Policy
Resolution No. 17-40	Resolution Acknowledging June 4, 2017 As National Cancer Survivors Day
Resolution No. 17-41	Resolution Permitting The Lake County Recorder To Pay Outstanding 2016 Invoices/Debts From The 2017 Budget
Resolution No. 17-42	Resolution Permitting The Lake County Commissioners To Pay An Outstanding 2016 E-911 Invoice/Debt From The 2017 Budget
Resolution No. 17-43	Resolution In Support Of Federal Government's Preserving Funding Levels Of Federal Community Development Block Grant (CDBG) And Home Investment Partnership (HOME) Programs

Order #44 Agenda #51

In the Matter of Poor Relief Decisions.

Allen made a motion, seconded by Tippy, to approve the Poor Relief Decisions submitted by the Poor Relief Hearing Officer. Motion carried.

Kevin Ford	Denied
Ambria McClarin	Denied
Katherine Britzman	Remanded to township for further consideration and review
Aisha Dixon	Denied for appellant's failure to appear
Nathaniel Robertson	Denied for appellant's failure to appear
David Williams	Denied for appellant's failure to appear
Tyra Jackson	Approved/partial
Elston Williams	Denied
Pamela Cavin	Denied for appellant's failure to appear
George Ann Snelling	Approved/partial
Robin Lynn Munio	Approved
Kwame J. Ray	Approved
Walter Flipper	Approved on condition
Katherine Dawson	Approved/partial
Tamieko Havad	Approved on condition
Sherry Harrison	Denied for appellant's failure to appear
Kristen Willis	Approved/partial
Rita Jones	Denied for appellant's failure to appear
Shantalash Johnson	Denied for appellant's failure to appear
Susan Orndorff	Approved/partial
Robert Scheffel	Denied for appellant's failure to appear
Jasim Williams	Denied
Jerald Gryn	Denied
Dominique Mancilla	Approved
Carissa Johnson	Approved/partial
Katherine Dawson	Remanded to township for further consideration and review
Tina Meredith	Approved/partial
Verlie Thomas	Denied
Megan Holmes	Approved
Susan Pratchett	Denied

Lillie Alexander	Denied
Dorothy Chumbley	Denied
Terlisa Jones	Approved
Latharie Lindsay	Approved/partial
Fredel Smith	Denied for appellant's failure to appear
Emily Smith	Denied for appellant's failure to appear
Shana Joshua	Denied for appellant's failure to appear
Carl Hutchison	Denied for appellant's failure to appear
Tamieko Havard	Denied for appellant's failure to appear
Decbonte Beddings	Denied
Decbonte Beddings	Denied
Michelle Robertson	Approved/partial
Jamie Truehart	Denied for appellant's failure to appear
Beverly Soto	Approved/partial
Johnnie Hariston	Approved/partial
Robert Henderson	Denied for appellant's failure to appear
Verlie Thomas	Denied for appellant's failure to appear
LaQuinta Jackson	Approved
Darci Morgan	Approved/partial
Jessie Joyce	Approved/partial
Walter Law	Approved/partial
Diane Street	Approved
Doris Parks	Denied for appellant's failure to appear
Ida Rodriguez	Denied for appellant's failure to appear
Verdie Watts	Remanded to township for further consideration and review
Darryl Hinton	Denied for appellant's failure to appear
Shakithy Taylor	Denied for appellant's failure to appear
Allison Mayes	Denied for appellant's failure to appear
Barbara Cross	Approved
Stephanie Hunt	Approved/partial
Archie Lockwood	Approved/partial
Kristen Willis	Remanded to township for further consideration and review
Angel Taylor	Remanded to township for further consideration and review
Ricky Clay	Approved/partial
Dean Hensley	Denied for appellant's failure to appear
Sharnie Alston	Denied for appellant's failure to appear
Barbara Street	Denied
Melanie Thomas	Denied for appellant's failure to appear
Milesha Jones	Denied
Gabrielle James	Approved
Yvonne Grady	Remanded to township for further consideration and review
William Clayborn	Approved
Elston Williams	Approved/partial

Order #44 Agenda #52 A-B

In the Matter of Pay immediate (hand cut) Checks: A. April, 2017; B. Direct debit claims for pay April 17, 2017.

Allen made a motion, seconded by Tippy, to approve the pay immediately checks from April 2017 submitted from Auditor's Bookkeeping, and ordered same to approve the direct debit claims for pay April 17, 2017 submitted from Auditor Office County Payroll Assistant. Motion carried.

Order #45 Agenda 53 A-B

In the Matter of Appointments: A. Judicial Nominating Commission – District 1; B. Highway Department Assistant Superintendent.

Allen made a motion, seconded by Tippy, to defer. Motion carried 3-0.

Order #46 Agenda #53C

In the Matter of Appointments: C. Property Tax Assessment Board of Appeals (1).

Tippy made a motion, seconded by Allen, to defer. Motion carried 3-0.

Order #47 Agenda #54

In the Matter of Staff Reports.

Comes now, Attorney Dull, with Staff Reports, regarding action by the Commissioners addressed the Press, stating, that the Commissioners advocated and the Council passed a minority business purchase preference the first of its kind in the State of Indiana, and this Board sponsored it, and on the public bidding thing that this Board did approving this Ordinance if you for instance are a bidder and you've been approved by Hobart to do the bidding, all they would need to do is submit the letter from Hobart, trying to cut the red-tape, and finally, the Auditor's Office has done a great job on cutting checks every week and the effects of that is on the hand cut checks, whereas a log would have 4pages of hand cuts it is down to less than a page of hand cut logs, so hand cut checks have been significantly reduced. The Board of Commissioners thanked the Auditor. John Petalas, Lake County Auditor, spoke, stating, "we're also going to get into, I mean we started doing electronic tax distributions this year, which we've never done before, in the history of the County, but now we're going to take some "permanent vendors" for example, Nipsco, McShane's, people we do business with every day of the week, we are going to try to electronically pay them also. Commissioners responded to Petalas, stating, "wow, great, good to hear".

The next Board of Commissioners Meeting will be held on Wednesday, June 21, 2017 at 10:00 A.M.

There being no further business before the Board at this time, Allen made a motion, seconded by Tippy, to adjourn.

The following officials were Present:
Attorney John Dull
Brenda Koselke

MICHAEL REPAY, PRESIDENT

KYLE ALLEN Sr., COMMISSIONER

JERRY TIPPY, COMMISSIONER

ATTEST:

JOHN E. PETALAS, LAKE COUNTY AUDITOR