



# BOARD OF COMMISSIONERS LAPORTE COUNTY

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Willie Milsap,  
President

Dave Decker,  
Vice President

Dr. Vidya Kora,  
Member

## AGENDA

### LAPORTE COUNTY COMMISSIONERS

Wednesday, February 6, 2013

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**  
Councilman Matt Bernacchi lead the Pledge of Allegiance.
3. **ROLL CALL**  
Auditor Winski conducted roll call. All Commissioner's present.
4. **APPROVAL OF AGENDA**  
Commissioner Kora requests that item 12 (B) be moved up on the agenda to item 8.  
Commissioner Decker requests that TOI Restorers be added to the agenda as item 12 (H)
5. **APPROVAL OF MINUTES**
  - A. **December 18, 2012**  
Commissioner Kora moves to approve the minutes. Motion carried by voice vote 3-0.
6. **WEEKLY REPORTS**  
None
7. **CLAIMS**
  - A. **Payroll Ending 2/1/13**
  - B. **Miscellaneous Claims-\$1,650,764.53**  
Commissioner Kora moves to approve the claims. Commissioner Decker seconds. Motion carried by voice vote 3-0.

### **Consideration of Proposed Settlement in the matter of Nexus Group v. LaPorte County.**

Attorney Friedman: As the Commission is aware this has been a long running legal dispute between the Nexus company and LaPorte County, we had a mediation just recently and have reached what appears to be a tentative settlement that we're going to have the Commission consider today that would resolve all claims pending between Nexus and LaPorte County. Nexus's attorney Mark Giaquinta from Fort Wayne is here to explain a little bit regarding the settlement and the tentative agreement that was reached at the mediation, it would be our intent if the Commission approves the proposed settlement of the claims to then submit it to the Court and submit it as an agreed Judgment that would resolve the dispute once and for all, but I'd like to turn it over if I could at this time to Mr. Giaquinta to provide some additional background on the case and what led up to the negotiations that resulted in the tentative settlement.

Mark Giaquinta: I have appeared before a number of elected bodies and there's something I always do at the beginning having served four terms on a City Council and as the President of the School Board I always begin by thanking you for your service, because we're kindred spirit in that sense and I really appreciate your service to the county and it's been a pleasure for me to come to LaPorte County it's been unfortunate, frankly, that I have been adverse to the County, but it's been equally a pleasure to see a light at the end of the tunnel, we're putting all of this behind us. I've been asked to provide a back drop for the settlement and like all settlements, I will begin by saying that we didn't get everything that we felt we were entitled to and the County perhaps paid more than it would have liked, but when all the facts became clear during the course of an almost full day mediation, we were able to do what reasonable parties do, we saw each other's points of view, we shook on the tentative agreement and that brings us here today. I've been asked by Mr. Friedman to give a little bit of background and I'm going to, this will be a bit of a re-run for you Mr. President, but I'd

like to provide the other Commissioner's with the presentation that I made at the mediation. I used as an analogy the movie *The Perfect Storm*. I don't know if you've seen the film, I didn't actually know that it was a true story until I took my girls north of Boston and saw the memorial to that ship, that was a boat that went down despite the excellent stewardship, the skill of the people on board, the effort that they made to keep the boat afloat, the ending of the story is a little different, but the storm analogy, is I think perfect. Because what happened to that ship wasn't simply the wind blowing in from one direction it was blowing in from a number of directions, thus the perfect storm, and that's what we maintain happened to us in this situation, as a matter of fact, we don't think that it really mattered so much that it was Nexus, no matter who the vendor would have been at this time, these winds, winds of politics, winds of incompetence, and winds of greed, we think would have battered any of the ships that would have been in their path, if I could I'd like to explain a little bit about these winds. The first wind was one over which nobody really had control, it was a change in the manner in which we assess our properties, Indiana as you know, went to a market value approach, and this was an approach that the assessing community in Indiana had very little training to prepare for, there were some, but not enough because our assessors are good people and they are energetic and they try their best, but what they were used to doing was traveling from property to property with their clip board and their tape measure, well that all changed with the town of St. John's case in 1999 and by 2002 they were expected to do extremely complex valuations based on capital rates and discounted cash flow analysis, almost appraisal like even though, in the residential area we do mass appraisals, but the public expected more, they wouldn't understand why their house wasn't assessed at the exact amount their appraiser had suggested, things like that. So this was a learning curve all over the state and I'm from Allen County, I represented the Assessor in Allen County, would you believe that we are still in litigation over two large commercial properties arising out of that very first market value in use year. But those are very significant and complex properties. Your county did exactly as it should have done by 2005 anyway, and remember you were having some problems with under assessment as far back as 1997 when there was almost an incentive to under assess based on the way we funded our schools at that time, but by 2005 your assessor did the smart thing, she did what Lake County did she did what Allen County did she did what almost forty counties around the state did, they hired the Nexus Group which was run by two gentlemen, both with experience in the state and they came in and they looked at it. They looked at what had been done in 2002 pay 03 and the first thing they noticed, and this is really critical, the first thing they noticed was that there were a number of properties up along the lake and the tax payers would come in with appraisals and they'd want to know if they could get their assessment lowered, the interesting thing was the appraisals were almost higher than the assessments. Why would that be? Well that's because in the old days remember your assessment was about a third of your appraisal and I don't think that it caught on yet that we had gone to this true market value in use approach but it did indicate to my clients that something is amiss up there because these assessments are far below these appraisals we keep seeing, so right off the bat they went up and they looked at a thousand properties, before they got busy on the trending which is the key to most of their work they looked at a thousand properties and do you know that as a result of their work on those thousand properties they uncovered 38 million dollars in assessed value for LaPorte County. Now you'd think that this would have resulted in an enormous flood of appeals. Fewer than 30 appeals on those thousand properties they did. Now prior to the trending, in fact this is the point I want to make, my clients added a million dollars each year to the treasury of LaPorte County. Almost twice the amount they will be paid for their work for over a good 3, 4, 5 year period, so in terms of value added, one of the very first things they did was add two million dollars to the LaPorte County Treasury with very few appeals. Well this is where the story gets interesting, because they then turned their attention to the trending that they were hired to do, and it's really tragic that LaPorte could have been one of the very first counties finished, to have completed its trending. The State actually approved what's called a ratio order in March of 2007. Wouldn't that have been something; you would have been all done. And that's where the politics, the incompetence, and the greed, the new storm begins to blow. The first storm was the change in the system and it required that competent assessors, no matter how competent hire folks who understood the complexity of commercial industrial properties and the ratio studies that would be required and your county did that, your Assessor Carol McDaniel did that. And yes there were people upset as we'll see later when one of the other winds start blowing, you probably remember Meridian street, remember all the people on Meridian Street who screamed and yelled "well this is an outrage, look what happened to our property" but what they didn't realize is the lower and middle class residents of LaPorte County had been subsidizing them for years. Now you didn't see a mass fire sale along Meridian street, oh they may have bought one fewer Porche, taken one fewer trip to Europe, but they didn't move off of Meridian Street. What they did do, is they got their high powered friends to go in and set property tax caps, they were successful there, but that was part of this wind of change that came in, so that when Nexus completed the trending and everything was approved in March of 2007 they were ready to move on to additional work and to another county. But it didn't happen that way, instead, and this is where the political wind starts blowing, LaPorte County, Marion County, Lake County were selected, by the folks down in Indianapolis for a second review, and that took place in October of 2007 and it was approved. So it was approved by two different heads of the DLGF because try as they might, they couldn't shake the validity of these values. But it didn't end there, and this is where greed the wind of greed start blowing in from the North, because you've got politics blowing in from the South, greed blowing in from the North, and this whole change in assessing coming together. So the ship is starting to shake but they make it through and then comes April 2008 when the head of the DLGF comes to LaPorte County after having met with certain citizens that had the money basically to pay for the legal help she comes here and they're going to look at it yet again. And they order another re-assessment. Well, Nexus does the re-assessment under the watchful eyes of the State now, did it at no charge and it comes back within one tenth of one percent of the original assessment. Now let me indicate what that really amounts to in mathematical terms, you take a hundred thousand dollar home, and you re-assess it, it comes back one hundred thousand one hundred dollars, or ninety nine thousand nine hundred dollars, that's assessed value, that's not increased tax, at the very end of the day, the work that Nexus originally did still serves as the basis of your assessment here in LaPorte County and all of the money that was spent, all of the time, all of the anguish, the hit to my client's reputation because

of some of the terrible things that were said, and we're right back where we were essentially in March of 2007 when LaPorte could have marched through this thing as one of the very first counties to have completed their work. So, where's the wind of incompetence? And this is the really sad, this is the wind of incompetence and the wind of greed came together and it was probably the most powerful wind, this is where the Auditor of Laporte County, against the advice of his own lawyers, in contravention to a scathing letter from the Department of Local Government, calling this, and I'm going to read from the DLGF's letter 'unprecedented act by a county auditor and the Department thinks it's only fair to you that the record reflect why you made a decision of this magnitude and originality, you opted to use the untrended 2005 values, making you the first county Auditor to ever take such an action.' I mean this is a scathing letter to this point, because by now the DLGF is in the hands of a new Commissioner, we're starting to shift, the Commissioner who came here and made the grandstand play at the behest of Governor Daniels to prove that three Democratic Counties couldn't operate efficiently with elected Assessors and these are harsh words but it's time we tell the truth about what happened. And it won't sit well with everybody and I understand that but Shaw asked me to be candid and I'm going to be candid. They blew into Lake County they blew into LaPorte County they blew into Marion County basically to further a legislative agenda that would vilify elected Assessors so that they could get rid of them which they did at the township level. So this DLGF head who later ran on the Republican ticket for legislature was soundly defeated, came in here and with that, the Auditor of LaPorte County, one of the Commissioners and a wealthy citizen began an exercise that will go down in the annals of Indiana Assessment work as one of the most ludicrous and wasteful ever committed. The Auditor attempted to certify the 2005 assessment rather than the 2006 assessment which was approved on two different occasions, finally three different occasions by the DLGF. Why did he do that? Why would you do that? Why would just one year, could it make that much of a difference? One year and to most people reading the paper they would think well, 2005, 2006 what's the difference, my wife would say that to me she'd say well it's just one year. Oh no no no, 2006 was the first trending year from the values assigned to your properties based on their 1999 value, 7 years of the same value, 7 years of the same value for a lake property in the early part of the last decade when vacation homes were going through the roof, people were flipping them like pancakes. So you can see the difference between 2000 and 2006 wasn't one year, it was actually 7 years of accelerated value so there was a lot at stake for some people and they used every resource at their disposal to vilify my client, the assessor and everybody else who is telling the truth about this unprecedented act of an Auditor certifying an assessment from a previous year, but it didn't end there, remember some of the tax districts are in other counties as well their called cross county tax districts. They had already taken these higher assessed values from Nexus's work and certified their tax rates, well when that assessed value dropped precipitously based on the winds of incompetence and greed, they had huge shortfalls, I went to a school board meeting and the school board said what do we do? What do we do? They had to hire a lawyer, she's a good lawyer, she's a good friend of mine, but the money that was spent, that should have been money that was spent in those classrooms. But it had to be spent on a lawyer to litigate the case, and why was the case in litigation? Because finally my clients said, we've had enough. We've had enough, so my clients called me and said we are being blamed for incompetence when in reality this is all a smoke screen, we came in we filed an action on behalf of the Assessor and at the end of the day we settled that, we used these two rooms, and there were a couple of studies done and guess what you're still using the 2006 assessments. You know that old expression after all was said and done there was a lot more said than done, well there was a lot more said than done and it would be funny were it not for the fact that there were tens or hundreds of thousands of dollars wasted on this. So, during all of this my client, what are we talking about this whole dispute, by the way, you might remember reading in the paper something about the famous Crowe Chisek report, that was going to sink Nexus and was going to show incompetence as we prepared for this trial Crowe Chisek was my witness I've already met with them, they were going to testify for us, because of the misstatements made about their study, but we did agree to do a study at the end, and in the final analysis it was very difficult to by that time five years have gone by it was very difficult to determine by a grade or condition had changed, but suffice it to say all of this had to do with residential what was lost in all of this was the most complicated adjustments are commercial and industrial and that's where Nexus was only starting to dig in and help the County on some of the larger most complicated commercial properties you have and as a result of politics, incompetence, and greed that effort stopped and it's really unfortunate that it did and we're trying to work out some kind of arrangement where perhaps we can continue to be of assistance and that's a down the road issue, we don't know if that can work out but it's sad that we had done so, we had just gotten started on this and we were pulled out and that, as you all know, I've read some of your minutes from your meetings now you're having to deal with some of that as well, so there's been real cost associated with this, my clients were never paid for the commercial industrial work they did, even though it was never the focus of any of this litigation, they never received the first letter of complaint, the saving grace of all this is that there are a couple of folks who were involved at the very beginning and then came back, and Mr. Friedman is the one person in the world who was there at the beginning to see the 38 million dollars added to the assessment base. And then had to sit, and I'm sure it was not easy for you to sit and watch this unravel the way it did, my clients have simply asked to be paid for the work they did, their contract would have entitled them to interest on the unpaid amount it would have entitled them to attorney fees for nonpayment, we put together as Mr. President knows, a demand that was almost a million dollars, we negotiated that in the spirit of good faith because we understand that this was not the fault of the people of LaPorte County, we don't have any ill will toward the people of LaPorte County at all, certainly none of the current elected officials, but this was a very difficult time fortunately Nexus went up to the plate, hired Heller and Caldwell, we ended up getting this straightened out, were it not for their doing that I don't know where this would have led and we're just very pleased that we were able to negotiate, we came down considerably from our demand. I don't want to say that we didn't put a number up there that we didn't think we could prove, but you have good counsel and we, frankly, are just anxious to get this behind us so that's the story of the perfect storm, the only difference in the outcome is that fortunately the winds stopped blowing, the political landscape changed, the incompetence was swept away which was great, and the storm clouds are starting to break apart and that's really good news for LaPorte County and I just regret, and I think we all do, that as I

said before, LaPorte was in a great position to be at the vanguard of the State, March of 2007 and unfortunately it was dragged through some pretty awful mud over the course of four or five years.

Commissioner Milsap: Thank you for that education in reference to the perfect storm, one quick question what was the date of that letter that you read.

Mr. GiaQuinta: If I could I'll just give this to your counsel. September 21, 2009 is the date and it was a letter addressed to the Honorable Craig Hinchman from Timothy Rushenburg who was by that time the Commissioner of the Department of Local Government Finance.

Attorney Friedman: As Mr. GiaQuinta has indicated the pending litigation was not far off from trial before we agreed to participate in the mediation the demands in the mediation were at 900 to 950 thousand in terms of a settlement demand, ultimately and quite candidly as we all know in assessing risk at going to trial one of the things that we look at is what is the strength of the evidence. And candidly, there was not any evidence that would support the prior county officials claims that Nexus had not performed pursuant to contract so, that was the recommendation that we were able to make a reasonable resolution of all pending claims, counter claims and the amount that we presented to the Commission would be \$450,000.00 to forever resolve the claims by Nexus and the County against each other such amount to be paid out of the Assessment fund and that would be the recommendation that came out of the mediation that we all participated in.

Commissioner Milsap: Thank you sir, Chair would entertain a motion. Dr. Kora: So moved.

Commissioner Decker: Mr. President I would like to make a motion that we accept the mediated settlement agreement between the Board of Commissioners of LaPorte County and Nexus Group Inc. Dr. Kora: Second Motion carried by voice vote 3-0.

Commissioner Milsap: Legal counsel, moving forward, are there any safeguards that we will be putting in place to prevent that storm from reoccurring?

Attorney Friedman: Surely there are releases that are going to be signed, we need to present this to the court Mr. GiaQuinta and I will present the settlement now that it's been approved to the court, it'll be provided and approved by the Court as an Agreed Judgment, and it will forever resolve the claims and as a Mr. GiaQuinta indicated too it is the hope of the county that it be able to utilize particularly some of the information that was introduced by Nexus in regard to some of the large commercial property tax holders for whom there may be some claims going forward and appeals going forward that are particularly relevant on the amount of the assessed valuation at risk and at stake so, but this resolves once and for all any claims that Nexus can have.

Commissioner Milsap: As you know I had some concerns last year in reference to the questionable reassessments of commercial property and industry in LaPorte County.

Attorney Friedman: I think that's going to be addressed in a future Commission meeting; I know Commission President Milsap was going to inquire of the Assessor and perhaps to make a presentation at a future meeting of those two property tax payers so we'll deal with that at your request down the road.

Commissioner Milsap: Thank you sir, because I just don't like the idea of middle class people footing the bill for people who are in a position to pay their taxes.

Commissioner Kora: Mr. President I have a comment, Mr. GiaQuinta I want to thank you for coming and giving such a good overview of what happened because this has been such a complicated issue for the past several years that has effected many local government bodies, including the School Board that I serve on, and I appreciate your presentation and also I feel that it's time to put this thing behind and appreciate the negotiated settlement that way we can focus on the future so thank you very much for the presentation.

Commissioner Decker: I think we've said all along that among several of us that LaPorte County was caught in a trick bag like you said with actually no fault of LaPorte County it happened from outside and one property owner and it wasn't LaPorte County's fault the Assessor or Treasurer or anybody else, so that's all I've got to say on that subject and I think, thank God it's done!

## **8. DEPARTMENT HEAD COMMENTS**

Clay Turner: I'm here to request permission from this Board that I might pursue the conversation that was started last year when we built the new office building out on State Road 2 west, about a storage unit. And I believe all discussion actually should start at this Board and go from there, I did meet with President Milsap and he advised me to come here and ask for permission and he wished me well in trying to find funding for the project so, but I just wanted to come and see if it's okay if we continue that discussion of asking for funding to build a storage unit out at our office building.

Commissioner Kora: Mr. Turner, what is this for? Just a quick overview of it.

Mr. Turner: When the office building was built there was actually no storage facility put inside there, I mean, we have a lot of seasonal items that need to be stored between the four different offices that are in there. Currently we actually are renting a space, a storage unit, so I'd rather have those dollars dedicated to the County for a permanent unit than temporary storage. I think 4-H is using some buildings out at the fairgrounds. All of our stuff is just scattered throughout the county, we need to get it to one central location. And when we built the building that was actually a minor discussion that we might be at some time we could have a unit put behind there with separate doors for the different offices that are in there to store their different items. Like for us ourselves, we have a large tent that we use for mobile collections, we have our additional containers that we store to keep them out of the weather, all of our additional promotional items are stored in that facility, and we just don't have any in-house storage.

Commissioner Kora: Quick question, what kind of rent are we paying for this storage place that we are leasing right now and what do you anticipate would be the cost of building this storage structure.

Mr. Turner: I have not gotten to that part. I didn't want to start the discussion that was going to be denied so I thought I'd first start here and then I'd maybe meet with the representative on our Board which would be Mr. Bernacchi and see if he thinks there's any sense in maybe taking it to the County Council, if not there's no reason to get all of those different estimates and stuff, we're approximately paying out of the Solid Waste District budget around \$59 per month for storage unit facility. I don't believe I have the information on the other offices what they are paying it's probably all free gratis at the fairgrounds or at the County Barn across the street.

Commissioner Kora: And personally I'd like to see like a financial analysis of how we are doing it now and what the cost of it would be based on building something that might help, not only me but others in making those decisions.

Mr. Turner: Sure if that's what this Board wants I can put together some type of proposal and bring it back to this Board. But ultimately the funding has to go to the County Council, so if they're not on board then there is no reason to waste your time or my time.

Commissioner Decker: We've had this discussion and that is in conjunction with moving the electronics trailer to that site also, so yeah, I think we ought to give permission to go ahead and research it and see what he comes up with.

Commissioner Kora: So moved to go ahead and do a financial analysis and bring it back to us. Commissioner Decker: Second. Motion carried by voice vote 3-0.

George Watkins: LaPorte County Veteran's Service Officer, Just trying to keep up with getting the word out to our veterans that they need to find their DD214's and get them recorded at the Recorder's office. There is no charge for this and then later in life if you need a copy it's always there and it's certified and that's what we need to file a claim is a certified copy of a discharge paper. Also, that anytime they have a question feel free to give me a call, sometimes I can answer questions over the phone sometimes I request them to come in so we can have a detailed discussion. Any questions?

Commissioner Kora: Mr. Watkins do you have the name and addresses and contact information of all the veterans in LaPorte County?

George Watkins: No Sir.

Commissioner Kora: What would it take to get that information?

George Watkins: We have about 12,000 veterans in this county, what it would take or entail to get them all I'm not sure I would have the storage facility to even have a compiled list. I guess we could have everybody who is a veteran who watches this program who gets the word out, I can send a letter to all the veterans organizations that, of course they only have access to the ones who are members, there are several I'm not sure, there's probably American Legion has 400 and some members, I'm not sure about the VFW and of course we have three organizations in Michigan City in the outlying area, Union Mills, Kingsford Hts, Westville, I guess I could contact them and we could get a list of the ones who are members or at least a number.

Commissioner Kora: The reason I'm asking is that it happens often that a veteran is sick they are unable to communicate, unable to let their family know where they kept those documents and at that time, we're as in health care we are trying to utilize some of the benefits they're entitled to and unfortunately they don't have that particular paperwork, so if we can encourage all the veterans to have those recorded then at least the families can..

George Watkins: If all the veterans who hear this or know of a veteran who doesn't have it recorded, if we can get them all recorded at the recorder's office and then the family would have knowledge of this, it might be such a thing as proof for a burial flag or a burial allowance, spouses are sometimes entitled to what they call a widow's pension or a death pension if a veteran is 100% disabled at the time of his passing or even before, the spouse is eligible for the camp VA facility, which is basically free, it's the same as the veterans administration in Crown Point and South Bend, there are sometimes co-pays, but then 100% disabled veterans are totally free.

Commissioner Milsap: I have a couple of questions for you are you aware that the State Agencies have a resource reference to identifying veterans in LaPorte County?

George Watkins: No I was not aware of that.

Commissioner Milsap: Yes I want to make a recommendation that you touch base with the state, also there's a regional office for this area so that would be another resource that you can touch base with. In addition to that do we, as a county, in your office have a structured program in reference to assisting veterans in their job search?

George Watkins: The workforce, work one, I have access, Tom Vaughn is the veterans assistant administrator for the county, I have anybody who is looking for a job there are some resources that are available to me, and any time a young man or even middle age or elderly guy who still wants to work some of them are entitled to a year of compensation for vocational rehabilitation. It's a new program they just started a while back called V-Wrap.

Commissioner Milsap: And you work with Work One on that one? And you are also aware that Work One has benefits for spouses of veterans? Okay, now I'm a firm believer that we as a county need to address the veterans as far as employment, you are aware that we have just now created our own Economic Development office in our County building and historically our numbers for employing veterans are very low, so hopefully your office can focus on that and come up with some type of structure where we can assist LaPorte County Veterans in gaining employment.

George Watkins: That would be very nice, and also I just got an email not long ago that Wal-Mart has said in the next 10 years they will hire 100,000 veterans also Congress and the Senate have designated that there will be benefits for companies who hire veterans whether it be a tax abatement, or whatever, we need to get especially our new young guys who are coming home, who can't find employment, the VA is also working to get, and I was at PNC last Friday and if they can somehow get college credit for what they did during the Military, you know if they were an electronic person or something and get them credits to get them started with that.

Sheriff Mollenhauer: I have one thing to report on and really it's pretty difficult to report on this, but we lost one of our K-9's last night. Mirza who is the dog for Andy Morris one of our handlers, we have 3 dogs, or had 3 dogs and last night Andy's dog got sick, he was required to, of course right away he took it to the veterinary in Michigan City, Dr. Bailey and they called me and I went up there and they felt that it had a twisted stomach and of course that can be, the dog's 11 years old that can be fatal pretty easy, Dr. Bailey suggested that he'd be willing to try surgery and not charge us for that, which was very very admirable of him, of course he takes care of all our K-9's and does a wonderful job with them, and they did the surgery, the stomach was a problem but that could have been taken care of they tell me, but the problem was is that it had a tumor and it appeared to be malignant and we felt that, or the doctor felt that probably another three months and that would just be, it would be a very difficult three months the doctor said so, we chose to put the dog down. So I just wanted to report that to you and it's a very emotional time and you know the dogs are more than just a partner to that person, but they're a family member too, and it just uh, I happened to be an animal lover like I think most people and it's just difficult.

Commissioner Decker: Sheriff, do you have any plans to replace the dog?

Sheriff Mollenhauer: I would love to, as a matter of fact the dog was 11 years old and there was discussions with that for the last 6 months or so, the dog was slowing down but at 11 years old it probably would have been good for another year or two anyway, at least we were hoping that, but the County Council about two years ago wanted to do away with all of our dogs if you remember, all three of them. We have one on each shift, we're the second largest county in the State of Indiana, our dogs are dual purpose drug interdiction and tracking and LaPorte City doesn't have a dog anymore, they lost one a few months ago, I don't know if they have any intention of replacing it, but my feelings are these dogs are very much needed and we need one on every shift, they then, the Council then decided that they'd let us keep one dog and through attrition here we go, ones down, so now we're down to two dogs, and I guess their feelings are that when we get to one we can keep one and I disagree with that, and I hope that we can maybe renegotiate that with them soon and keep the three dogs, just with the drug activity and this and every other county, our metro unit is doing one heck of a job and Michigan City's drug metro unit is also, we all utilize those dogs as Michigan City utilizes theirs we utilize ours for traffic stops, like I said we got the second largest county in the State of Indiana. An officer makes a traffic stop in LaCrosse he has only a short period of time that he can detain that subject within the law and he can't wait hours or an hour for that dog to come down there and do the walk around to see if there is any detection of any drugs in that vehicle, that's just one example, one of our dogs was used yesterday when there was a burglary at a residence and one of the dogs was there to help with the search of a residence, two people were arrested. It's just on and on these dogs are utilized all the time, so that's all I have.

Commissioner Kora: Mr. President I have a comment from health care you know this drug problem is a big problem I see in the practice at the hospital and as a County Coroner in the past I have seen the devastating effects of this, so whatever you can do to keep this problem under control please do that and we'll do our best to provide you with the help and resources you need.

Sheriff Mollenhauer: Thank you and we will and all the agencies in LaPorte County are doing their best and we'll continue, I can say that for every Town Marshall and Michigan City and LaPorte City we're all, we all recognize a problem and we're doing what we can to take care of it.

Mike Yaculo: County Engineer, I just got a phone call before this meeting started from our project supervisor out at 400 N and 950 W to inform me that the contractor would like to close the eastbound right hand lane down periodically during the day, they are performing some boring for the sanitary sewer underneath driveways and there's no work in the street to disturb the pavement but just to get their equipment in there and for the crew's safety, they would like permission to close that right lane, with that roadway being 4 lanes, 2 lanes each direction, I don't feel that would cause any problems with traffic so if there are no objections we'd like to allow them to do those closures periodically starting today and it would be complete by the end of the week.

Commissioner Decker: Mike, are they going to put the proper signage up? To get them over I mean?

Mike Yaculo: Yes it's Woodruff and Sons is the contractor out there and the project supervisor onsite would make sure that they use the proper signage and cones.

Commissioner Kora: Do you need a motion for that? Commissioner Milsap: Legal counsel? Atty. Friedman: Yes make it of record. Commissioner Kora: So moved. Commissioner Decker: Second. Motion carried by voice vote 3-0.

9. **CORRESPONDENCE**  
None

10. **REQUESTS**  
**LPCCVB Community Event Promotion Fund Requests from:**  
**Fish Lake Festival**  
**Laporte County Master Gardener Association**  
**Cruisin For a Cure**

Commissioner Decker: Motion to approve \$1000.00 for the County Master Gardner, the \$500.00 for the PKD foundation and \$500.00 for the South Beach Property Owners Association. Commissioner Kora: Second and just for clarification PKD stands for Polycystic Kidney Disease. Motion carried by voice vote 3-0.

11. **OLD BUSINESS**

A. **Designation of publication – Legal Notice of Commissioner Meetings**

LaPorte Herald Argus, Michigan City News Dispatch, Westville Indicators and Regional News.  
Commissioner Decker moves to approve. Commissioner Kora seconds. Motion carried by voice vote 3-0.

B. **Director of Human Resources, Joyce Leon, Policy Changes.**

Joyce Leon: These policies I usually go through maybe a couple of times a year, these went through at the end of the year, and they were tabled, and then your first meeting in January you did your reorganization, so you've had the policies for a while, I just added the retiree policies, there's about 10 or 11 of them and they're just revisions I need you to approve.

Commissioner Milsap: Commissioners have had a chance to review those, any comments from Commissioners to the changes? Legal Counsel did you get a chance to review those?

Attorney Friedman: Yes I've had a chance to look at those they seem to be consistent with the discussions we've had an opportunity to discuss the proposed changes, I know that Ms. Leon has looked at trying to update several of the policies so we're comfortable with these.

Commissioner Kora: I make a motion to adopt these new policies.

Commissioner Decker: There's more than one right there's 11 total. Second. Motion carried by voice vote 3-0.

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

Doug Biege: On behalf of the Planning Commission with me is Tony Hendricks who is the President of the Planning Commission. What we have today is an amendment to one of the sections of the Joint Zoning Ordinance which was passed in early 2012, I thought I'd give you some history, since we have some members, this is not the first time this has been before the Commission but I thought if I kind of re-traced to fill in the Commissioners on what we've done to get here, that may be important. The Joint Zoning Ordinance for LaPorte County was passed on January 7, 2012 it was a result of a consultant's recommendation culmination, after it was passed or about the same time there were a couple of petitions filed before the Board of Zoning Appeals with regard to a Gentlemen's club. That made us take a closer look at what we have in place today. When we talk about adult entertainment businesses it's a constitutional issue. So we took a look and reviewed this article from a constitutional standpoint and frankly, we felt that it needed some serious revision. What a lot of people, counterintuitive, there is, at least the U.S. Supreme Court says that it's a freedom of speech issue and some of these performances and some of this entertainment is considered free speech.

This free speech cannot be limited by the government unless there's a legitimate governmental interest, so we have to show that the government has an interest in monitoring these companies and organizations in such a way that is connected with the particular activity we're trying to protect which is crime, prostitution, drug sales, that type of thing. These limitations have to be connected with those restrictions we're imposing, so in other words if we're going to say a club can only be open from, I'm going to make something up, noon to ten for example, we have to show that it's connected somehow with crime rates etc. We have to have an extensive record in order for these sections to pass Constitutional muster. So what the Plan Commission did, formed a committee of 7 persons who studied this over a period of several months, they retained an expert named Eric Kelly, who is an attorney and a professor from Ball State University down state. Mr. Kelly then went around to clubs in the area, Lake County, Porter County etc and did a study as to what is in existence now, he studied crime rates and worked with a committee to make recommendations to make sure that these Ordinances are in compliance with the Constitutional requirements. The committee recommended we do two things, one that we pass a licensing Ordinance which monitors the people and the businesses as to what they can do, it monitors how the facilities are set up, who can apply and restrictions of criminal background checks that type of thing, that's one component. The second component is the zoning code itself. The zoning code monitors how close, space limitations for example how close these places can be to churches and youth groups that type of thing as well as the type of businesses and with the memo we're proposing that we're decreasing the distance so in other words, we're limiting a little bit more than what's in the code, we're also including the case law basis that we need from a Constitutional standpoint and we're also excluding some of these businesses where we do not believe these fall within the gambit of free speech. So the licensing section of this project as well as the zoning code ordinance went through the Planning Commission, we had a joint public hearing with Plan Commission and the County Commissioners where we had public comment, testimony from Mr. Kelly, over 2000 pages of documents were submitted into evidence so we have a good solid evidentiary record in the event that these statutes are challenged later. We talked about the perfect storm earlier, you're looking at a typhoon when we talk about Constitutional challenge in adult entertainment businesses these are large organizations and our goal here is to make sure that our codes are complying with U.S. Supreme Court requirements. So we had this detailed hearing, the licensing ordinance was passed by the County Commissioners I believe it was the last meeting of November, first meeting of December something like that, in our public meeting and at the public hearing we had comments from the public there was one comment in our previous language that I drafted, and by the way, the licensing ordinance as well as the amendments to this ordinance I drafted, but the templates I used for this drafting come from ordinances which have been challenged all over the country, with U.S. Court of Appeals, so we used statutes, we used a form and template where we knew it had been recently challenged and were of help. So, in our public meeting there was a discussion between, there's a 500 ft. limitation where you cannot be within 500 ft. of a residential district, citizens stood up and said wait my house is a residential use in an agricultural district. We said that's a good point, so we changed the language recommended the Commissioners change the language, when we brought it to them in December. The Commissioner's changed it and sent it back, well after that we discovered that B2 was the zoning district in which these businesses could conduct business, if we used our further limitation on residential use in B2 it almost effectively precludes any club from operating, that would be unconstitutional. So, the Plan Commission in this last meeting changed that back to residential district, that's one change, the second change, of course we have to change the tables to comply with what we're doing.

Commissioner Kora: Mr. Biege can you tell me, explain this last sentence that you said, are you saying that it can be permitted in residential districts, is that what you're saying?

Mr. Beige: No right now, and we have to go with how this was passed initially, okay and initially the adult entertainment businesses are permitted with the permission of the Board of Zoning Appeal in B2 areas. But we also have a restriction, no matter what the area, that these businesses cannot operate within 500 ft of a residential district, that's how I originally drafted it, through our discussions, we said well residential use would be a more expansive term, it was too expansive, as we sit right now if we use a residential use, if we draw a radius around every residential use, that either borders on or is within B2 Zoning, it almost effectively closes out the ability for these businesses to operate. Which would be unconstitutional, there is case law that's pretty clear on that. So, it would be up to the Planning Commission of course, Mr. Milsap has brought up the idea that we change the zoning districts from B2 to another type of district, whether it be industrial or whatever it might be, we can certainly do that, now that's a change to the zoning maps which would be a different process, but we're here today to say okay, we have a licensing ordinance passed, so we have monitors on what the conduct will be. We believe that a challenge to this ordinance, this section of the ordinance as it sits will be a constitutional challenge we're trying to fix that. If we make any changes with regard to limitations on residential use, that would be more of a zoning map issue, which we can take as the next step. So, where we are today, the Commissioner's changed the use, we have some tables that have to comply with the new chapter which, they're not subtend, we're just adjusting. And I also suggested we change the definitions section in the Joint Zoning Ordinance to make sure they match exactly to the Licensing Ordinance which the County Commissioner's previously passed in November or excuse me, December I believe. Okay, so where we're at today is a culmination of about two years and multiple public hearings committee contemplation, evidence presented to the Commissioner's and we've had significant public interest and significant public input, the committee that the Plan Commission set was comprised of appointees, several members of the public and there's been a pretty detailed analysis done here. So, we ask that this go forward so we can ensure that we have statutory compliance, if we're non compliant, if our statute is found to be non constitutional, then that could open up the possibility of fewer limitations on a club that were to come in, if there were a litigation challenge.

Attorney Friedman: Yes I've had an opportunity to review the proposed ordinance, and certainly want to commend the effort of Mr. Biege, the Plan Commission, the BZA have expended a considerable amount of time coming up with an

ordinance that is workable and enforceable and we're certainly comfortable recommending the adoption of the proposed ordinance.

Commissioner Milsap: With the recommendation from legal counsel chair would entertain a motion.

Commissioner Kora: Is this for the first reading or do we need to bring it back?

Attorney Friedman: You could, either way, you could pass it to move to suspend rules and pass it on both readings today or hold it over for second reading at your next meeting in February.

Commissioner Kora: Yeah I would suggest that we do the first reading today and then bring it back at the next meeting and that way we'll have some more information we can digest and then bring it back.

Commissioner Milsap: Motion to approve for first reading. Commissioner Kora: So moved Commissioner Decker: Second. Motion carried by voice vote 3-0.

Mr. Biege: If I may Dr. Kora, also the documents were submitted as evidence in the public hearing are all on the LaPorte County website. So there's over 2000 documents if you want to review any further information that's where you can find them.

**D. Triple J Farms proposal for Farm Land.**

Jeri Lyn Favia: Vice President of Triple J Farms, So it's just my understanding that we needed to adjust the bid because of some pipe work going in correct?

Attorney Friedman: I'm sorry Jeri, what was, you're proposing to increase the or modify...

Ms. Favia: I believe that it needed to be amended because there was a difference of 10 acres because of some pipe work going in.

Attorney Friedman: So you're orally revising the proposal then?

Ms. Favia: Correct.

Attorney Friedman: So what would the revised proposal would include beyond the 106.1 acres is that, are you proposing to add additional acreage?

Ms. Favia: I believe it would subtract 10 acres due to the pipe work, still the same amount the 333 an acre.

Attorney Friedman: We've had a chance to look at the terms of the proposal it appears to be reasonable and fair and we're comfortable with it, and with the revision you're looking to delete the proposal for farming the 10 acres.

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

**E. Bid opening for Sheriff vehicles.**

Attorney Friedman: The first opened bid from Sauers Ford Lincoln, the Non Collusion affidavit is in here, the proposed bid and it's, you'll recall it's a bid for 18 vehicles total bid \$445,964.00 minus trade value for a total of \$96,000.00 for a total bid of \$349,964.00. Next proposal from Pine Ford, there's not a Non Collusion affidavit enclosed in their proposal, the way this is set up bid on 3 police interceptor SUV's \$29,000.00 per car total of \$88,602.00 plus tax and doc fee, the bid on the 15 interceptor sedans with all the noted options \$26,958.00 per car for a total of \$404,370.00 plus tax and doc fee. Take out the trades the bid on the 18 plus trades is \$64,700.00, so it's \$404,370.00 minus trade of \$64,700.00. I'll leave it to our Auditor to come up with the precise calculation. Lake Shore Ford total trade value on their proposal \$64,700.00, the total quote 13 vehicles times \$24,450.00 is \$317,850.00 and minus trade gets you to \$253,150.00.

Commissioner Kora: Mr. Friedman are we comparing apples and apples? Attorney Friedman: What we do at this point is open them up and read out the amounts tendered, we then submit them to the departments for the finding on lowest and best bid then come back and make the recommendation, that's all we do at this point is open, unseal the bids, read them out, and we let the department take it from there.

Commissioner Decker: Mr. President I make a motion to accept the bids and remand them to Chief Sosinski for review. Commissioner Kora: Second. Motion carried by voice vote 3-0.

**12. NEW BUSINESS**  
**A. Friends of the Barn**

Dick Reel: I also have in the audience Phyllis Marks, and Bob Carpenter and Steve Jensen I believe, first of all I'd like to go ahead and thank the Council for appropriating the funds to put the roof on the North Dairy Barn at the County Home that sure saved it from the winter damage that could have happened because that whole is big as a 2 car garage. Also we now have gone through the process of setting up a tax deductible contribution fund through the Auditor's office so that has been done. I'd like to make a proposal or we would like to make a proposal this morning for your consideration and I'm going to kind of go through this and then I'm going to give you all a copy of it, the question continues to come up is what's this barn going to be used for after it's restored. And there's been ideas passed out anywhere from a farmers market to a place for weddings or family reunions etc. And there's been a concern that these activities would create a lot more vehicles on the grounds and people possibly roaming around, and also the concern on who schedules these activities, who sets them up, and who cleans up after the program is done. Many years ago when I was still working we sought permission from the Commissioners to let kids, city kids who were 4-H members raise sheep out there and also pigs. And we used two of the smaller barns to do that, at that time this did not seem to cause any kind of a liability problem for the county as there were both people and vehicles out there daily. The friends of the Barn already began a public fund raiser by sending letters to the 700 people that showed an interest at this year's County Fair and restoring that barn, we'd like to include the information on what the barn is going to be used for and here's our proposal, the Friends of the Barn would like to propose that the Barn be turned over to the Rumley Alice Chalmers Group to use presently for storage of items being donated and possibly in the future for an exhibit from their museum. And the museum you know is being built across the highway there next to the new extension office. This would solve the problem of a lot of extra people and vehicles on the County Home property. Before we can meet with the Rumley Group or send our fundraising letter, we would need your approval of this proposal that the Barn would be available for the use of the Alice Chalmers people after the restoration is completed. We don't want to interfere with your project but we feel after talking to a few of those members from that group that they would be in agreement of this proposal. Also at this time, there has been a committee assigned to sort of serve as the director of what's going to be going on there, and there's a Commissioner and a Council person, Maintenance engineer, Mr. Cooley, and I believe Mr. Milsap you are on it and also Lois Sosinski, plus myself and Phyllis Mark and since you have all the meetings, we'd like for you to set the date for this meeting to come up and then we'd like to suggest that this group meet at least twice a month to see what monies are coming in and to see what progress needs to be done and what next needs to be accomplished at the Barn. We know right now that the next big step is windows so we can get the building totally enclosed. But this is our proposal and ask for your approval that this barn be used for the Rumley Alice Chalmers people.

Commissioner Kora: I wanted to ask you are there any legal exposure for the County for going forward with this plan.

Attorney Friedman: We'd certainly have to take a look if there's a proposed use agreement perhaps the Committee can propose that something that the Commissioner's can consider a use agreement for the facility, but I know how the Commissioners have felt strongly about attempting to save and retain the barn and appreciate the work of the committee, we'll certainly take a look at any proposed use agreement and report back to you.

Commissioner Kora: Should we pass a Resolution today or should we wait until we look at the agreement before we take any action on this matter.

Attorney Friedman: It would be helpful if perhaps you can defer it over to your next meeting in February and we can take a look at a proposed use agreement and then come back to you with that if we could.

Commissioner Milsap: Chair would entertain a Motion to table this for our next month's meeting. Commissioner Kora: So moved. Commissioner Decker: Second Motion carried by voice vote 3-0.

Dick Reel: We thank you for your time, I'd like to give you a copy of the proposal plus a copy of the letter that we would eventually like to send out for fund raising and also, I'm sure you don't have a copy of maybe what we had presented before of a schedule of what needed to be done at what time. So that you have your information.

Commissioner Milsap: Mr. Reel quick question, has your organization and the County Home Administrator been working closely together?

Dick Reel: I have tried to keep Kay informed of what's going on and it is her concern on the County liability and I understand that they do have people there that are going around the grounds during the daytime and in and out of the building and some of them may not have good judgment at all times so we're trying to cooperate on what things I know right now if we want to take somebody out to evaluate the Barn or something we let Kay know that we're going to be on the grounds.

Commissioner Milsap: Thank you please work closely with her.

Dick Reel: We would like to invite Kay to any of the meetings we have concerning this proposal and the future of what's going on there.

- B. Consideration of Proposed Settlement in the matter of Nexus Group v. LaPorte County.
- C. LaPorte County Health Department Administrator, Tony Mancuso, Fee changes.

Tony Mancuso: I have two proposals for fees one is the typhoid and yellow fever we have every year our drug reps always increase the price so what we want is \$100.00 if you look at the graphic there it says 120 so it's actually \$100 instead of 120 it's a typo and second fee is STD clinic right now we don't charge and what we're proposing to do is start charging a fee of \$20 and basically the \$20 is the test kits that we send down state for testing. So, with that, that's what we're proposing.

Commissioner Kora: I think those fees sound very reasonable and, the typhoid and yellow fever do you usually use it mostly for people for international travel. Do you have like a program at the Health Department for individuals who plan overseas trips as to what kind of immunization...

Tony Mancuso: Yes we have private vaccines that people purchase from us.

Commissioner Kora: Very good. I make a motion to accept these recommendations. Commissioner Decker: Second. Motion carries by voice vote 3-0.

Commissioner Milsap: Tony for the record these services are provided at both locations Michigan City and LaPorte.

Tony Mancuso: Yes both offices.

**D. Northwest Athletic Club road closure on April 1, 2013.**

Nicole Caylor: From Northwest Athletic Club, we're requesting the closure for the third year in a row, for 400 to Hitchcock and back to the Club for the fundraiser for the LaPorte County Red Cross on April 1, 2013.

Commissioner Decker: Motion to approve this request Commissioner Kora: Second Motion carried by voice vote 3-0.

**E. Appointment of Administrator (Building Commissioner) to administrate the Sexually Oriented Business Ordinance.**

Attorney Biege: S.O.B that stands for Sexually Oriented Businesses. Believe it or not that's a term that the U.S. Supreme Court uses to describe these types of businesses. The necessity of this mornings request is this, in Ordinance number 2012-09, that's the licensing Ordinance I referenced earlier, we needed someone in county to administer the Ordinance, enforce it if there were license applications, process those applications as well as going and check for compliance and so, we drafted the ordinance to be generic so the Commissioner's would have discretion as to who it should be and I think the thought was the Building Code Administrator would be the appropriate person, so we're asking that someone be appointed if and when this work is needed.

Attorney Friedman: Yes Mr. Biege and I spoke and agreed that the Building Commissioner would be the most appropriate person to serve as the administrator in this particular Ordinance.

Commissioner Kora moves to accept. Commissioner Decker: Second Motion carried by voice vote 3-0.

**F. Consider Re-erecting Community bulletin board sign in front of Courthouse**

Commissioner Milsap: I placed the issue on the agenda in reference to the community sign board because I felt for a long time that it is need to be brought back. I know the previous Commissioners did not agree with me, however, I think that it would be a very good tool and asset for our county. With that in mind I would like to entertain a motion for the maintenance department to re-erect the sign board that existed for many years on the Courthouse lawn and use the same policies that were previously used in place for allowing non for profit groups to use the sign to alert residents in LaPorte County of upcoming events.

Commissioner Decker: I think that erecting the same sign is not what we want, I think we want to go with something that's a little nicer, a little, we don't know yet and I think we should task Mr. Cooley to looking into a sign or a type of sign that we could erect that will do our deeds that we need done and that last sign the 4x8 sheets were too hard to handle too everything, but I think Mr. Cooley could come up with something that would be, suit us even better.

Jerry Cooley: I'd just like to make some comments because I talked to Nancy, I happened to be on the County Council at the time when this was up and some of the problems we run into with the old sign is somebody had created a sign first they used somebody to do them professionally, and then the Commissioner's decided that was too costly so we ended up with signs that weren't really, they were tacky. And then you'd have a set of four up and then somebody would go to the Commissioner's and whine to them that their sign wasn't up there so we ended up with not going 4 we'd have 6 signs and then where do we store them at, so it became a real headache and Nancy was telling me at the time she'd be getting calls at home when she was on vacation and stuff saying my signs not up, it's...we need to address it, we can do this, but we need to address it differently, I appreciate you saying that Dave, I don't want to disagree with my bosses, but to recreate what we had before I don't think the answer is. You have automation signs now, which would be a lot easier, if you're going to create, you need to create some guidelines to follow, who is going to be putting these up, how long they are going to be up, you know just kind of, if we do an automation, you sit at a

computer and you put your like you see them on 39 North the liquor store has got a new one up there, you see them tourism had them, I actually talked to Jack Arnett about it, the problem with theirs was, and I talked to Dave about this also, the lettering was too small, so when you drove by it you didn't see it, so there's a lot of considerations if you're going to do these signs what kind to put up, they're not cheap, but there's a lot of, it's not just putting it up it's keeping it updated because you're going to get people mad if you're not updating it, so there's a lot more than, I think we need a little more consideration before we jump into the whole thing, I appreciate what you're saying Mr. Chairman but, give us a chance to work with you and we'll try to do something.

Commissioner Kora: Mr. Cooley I appreciate you looking into the matter, but I think since we have technology these days let's look into something that will be easy to maintain and looks nice and gets the job done of providing information so probably I think getting together with maybe somebody like Darlene Hale from IT and Jack Arnett and everybody, I think it's a good way of letting the community know what all things are happening and I think it's a good way of advertising that, but how we do it, how we maintain it, I think probably you need to get together with different people and come together with a plan and we can look at it.

Jerry Cooley: And I appreciate you saying that because I'm not for sure the historical, we might have to have a design that matches some of the historical, the building, the Courthouse is historical we might have to in this district, I'm not sure but, that's some of the stuff, it might be a different kind of sign that looks good too, I mean not just a junky old sign. Nancy also told me that at the time there were a lot of accidents because people were having accidents reading the sign they'd run into somebody. But I think if it could work out it would be best if we could work with like tourism because they have theirs and they know some of the problems they've had, maybe we can learn by their mistakes.

Commissioner Decker: And you know the County, this shakeout that's going on here coming up, it's an earthquake drill, these are things that the County could put on it, we're going to be offering cert training for, which is disaster training, for anybody that wants it in the county and all this stuff can go on there, the information about it and things like that to help just the people of LaPorte County.

Commissioner Milsap: From a legal prospect in reference to the incident that he was referring to about accidents, what is your read on that?

Attorney Friedman: I'm not sure I hadn't heard that before but certainly all the issues are legitimate and as Commissioner's have noted perhaps having a committee look at this and report back with a recommendation makes good sense.

Commissioner Milsap: Chair would entertain a motion to have our maintenance department and our IT department work together to bring back a proposal for us to put a sign back on the County Courthouse lawn. Commissioner Kora: So moved. Commissioner Decker: Second. Motion carried by voice vote 3-0.

**G. Darlene Hale request appropriation for Manatron on site support; request payment for vacation days for Joyce Bender; request for appropriation for part time internship.**

Darlene Hale: I have three requests and my requests are actually for funding but I'm looking for your support to go to the County Council to request funding. The first one will be the 20 grand or not to exceed 20 grand, \$20,000.00 for onsite support from Manatron and that's if we can follow the project plan that we've set forth then by the end of this year we could possibly be caught up on the tax bill process. We all, the Auditor, Treasurer, Assessor, myself, Manatron, DLGF, Auditor of State, all attended a meeting at Manatron last month and kind of came up with this plan as long as this plan can be followed then we would be in December hopefully doing a final bill for 12 pay 13 for an on time billing next year. We do need, previously there was 20 grand set up from WINTAX for the Auditor's office to pay when we need Manatron on site, for these expedited processes, all of that was not used there was \$7,017.91 that went back because it was not encumbered, I'm just requesting, we have to pay them when we get them up here.

Commissioner Kora: Darlene on this paper you just gave a letter of authorization the estimated total professional price is \$9000.00

Ms. Hale: Okay that's for just their days, they're actually only charging \$900.00 per day, the original, per the original contract I think it's either 11 or 12 hundred dollars so they're giving us a discounted rate, that's an estimated days, we still have to pay travel, hotel, meals stuff like that.

Commissioner Kora: So that is the reason why you are requesting a total not to exceed \$20,000.00. Okay this is for the professional fees plus other expenses inclusive with that.

Ms. Hale: And it's from WINTAX.

Commissioner Decker: Motion to approve.

Commissioner Milsap: In reference to the LaPorte County tax billing project, you're going to run that out of your department?

Ms. Hale: Well, the project is actually all of the departments, it's the Auditor, Treasurer, Assessor, and my department, I mean it's for the County to be able to expedite the reconciliation of these tax bills, last year if it wasn't for everybody working together along with Manatron we would not have made the deadline set by, you know the legislators and we would have been paying millions of dollars. So, I mean it's a project of everyone working together you know to get this done. I would paying Manatron out of my department, out of this fund versus the Auditor paying them, previously they just put it in a fund for the auditor to pay, it doesn't matter, we can put it in a fund for you guys to pay, it doesn't matter to me, when we get the invoices in we just, somebody has to pay them.

Commissioner Kora: I had one more question Mr. President, during this process of reconciliation billing, will you be looking at how the format of the tax bill would look like? Or you just are going to continue what has been happening before.

Ms. Hale: That's not me, that would be the Treasurer and the State I believe that approve the formatting of the tax bills this is just, I'm in the process, I'm on the back end, so I do the calculation of the tax bills, creating the tax bills, stuff like that, rolling the values from the assessment to the tax billing side I'm on the backend so, Nancy can talk to you about the...

Commissioner Kora: The reason I'm asking this question is maybe it's because of so many tax bills coming back to back with the dates, the certain dates and then those dates have been extended, there is quite a bit of confusion in this current tax bills as to when they are actually due, and I was wondering when we're doing this is there anything we can do in the format of the tax bill that will make it easy for somebody like me to understand when the tax bill is due, it was pretty confusing.

Nancy Hawkins: I agree with you doctor, it is a very confusing bill, however it is prescribed by the State, we have very little lee way, they allow us the back of one of the sections to give any additional information to the taxpayer that we want to disseminate, however the front of the bill, the calculation section, that is all dictated by the state, the state also dictated that we had to establish a firm due date for February 14, before the Council could pass an Ordinance to extend that, so that's the date they insisted go on the bill, we did put an explanation on the reverse side explaining that an Ordinance had been passed to extend that, unfortunately a lot of us, and I'm guilty of it too, don't read the backsides of a lot of the documents that come to us. But the fronts of those are dictated by the state and I don't have any lee way on that at all.

Commissioner Milsap: What part does the Assessor's office play in this whole project?

Nancy Hawkins: Well the Assessor is the beginning of the whole process, without their values for the properties we don't have anything to calculate taxes on, so the Assessor's office essentially starts the process they do the trending and the sales disclosures and all those things that come into play in establishing an assessed value for every property in the county. And then those values are rolled over into the Auditor's office where they apply the deductions and exemptions and submit it, the information to the state for approval of an abstract and once that comes back to us then it's the DLGF establishes the tax rates, the tax bills are calculated and then that information ultimately then comes to my office so that we can print the bills with Darlene's help and she is a tremendous help, we could not function without her I have nothing but praise for her and her department and how they support us through this whole system, but ultimately the calculations are the other two offices, the assessed values come from the assessor's office and then the actual tax calculations are done in the Auditor's office and we print and collect the bills.

Commissioner Milsap: And Darlene you mentioned also in your request is the part time internship, that would be a paid internship or would that be a person getting credit for those hours.

Darlene Hale: Well we previously, but before I move on to that in that document that I provided to you it does kind of lay out some key functions, key steps and dates and what not that or round about dates that need to be followed so you guys could follow the process, you know you kind of know where we're at in the reconciliation process.

Commissioner Kora: Mr. President why don't we vote on this before we go to the part time. Commissioner Decker: You've already got a motion. Commissioner Kora: Second. Motion carried by voice vote 3-0.

Darlene Hale: I do need that agreement signed and I have talked with Attorney Friedman about that so that would have to be signed by the Commissioners too, it's an amendment so that they can bill us the \$900.00 a day for onsite service, we do not pay it until they actually perform the services. Now the part time help, we've previously tried to work with some different people just to get interns in here for credit hours a lot of them don't they pretty much insist we pay them something so that's, I've never had a part time fund and that's why I am asking to approach the Council to get the part time funding for my office. And that would be out of the general fund.

Commissioner Kora: Darlene what will they be doing? The part time interns.

Darlene Hale: Well really they won't be here enough to be able to learn in depth, you know the applications and stuff pertaining directly to county but they can do initial set ups of getting the computers up and on the network and

cleaning things off as we get them back so that we can re-utilize the equipment in other departments, some of the tasks associated with that, that is time consuming for my department which pulls us away from other things that we could be getting done.

Commissioner Kora: So what you're saying is this will help you take care of some of the non urgent things in the summertime and you don't have to employ a full time person to do this and you will be able to manage with a part time intern, is that what the process is?

Darlene Hale: That's the hope, I could always use extra help, I could use full time employment but I know with the funding situation that that probably would not happen, I would like to utilize at least part time to take care of some of the non emergency functions.

Commissioner Kora: I make a motion to approve this. Commissioner Decker: Second. Motion carried by voice vote 3-0.

Darlene Hale: And on the third request I have an employee that is retiring, she will actually be here 15 years this year, at the end of the month and I'm requesting that we pay her vacation time.

Attorney Friedman: We need to vet it past HR just to make sure that it's consistent with what we normally do.

Darlene Hale: I don't need it, I'm not asking for her insurance or anything like that, it's just the vacation time she has earned as soon as she leaves I do have Jami from the Sheriff's office is taking her spot, so I don't have extra funding to pay it.

Attorney Friedman: I understand, why don't we defer it HR then you can come back and get the approval at the...

Darlene Hale: I just need the money.

Joyce Leon: She's okay with the policy she just needs the money.

Commissioner Kora: So if it is consistent with our existing policy then I'd make a motion to approve this.

Commissioner Decker: Second. Motion carried by voice vote 3-0.

Commissioner Decker: We're having problems with our Courthouse right now and we have a group that would like to give us a presentation of what they do, their TOI restorers Mr. Gary Dulock and he would like to give us a short presentation of what they can do in case that we will be looking for other areas to pursue in getting this restoration fixed.

William Fullner: I'm an architect experience in restoration I'm working with TOI Restoration as a project manager architect Gary Dulock is the principle of that company and we're teaming with Kiem material coatings Tom Tibbs and Rod Swan are here today, we've been studying the courthouse and as you know, the repairs that were done a few years ago have begun to fail and they will continue to fail from our observation and we think that a lot of the patching material should be removed and replaced with a new product. With that I'd like to introduce Tom Tibbs.

Tom Tibbs: I've been asked to give you a little bit of an overview about our company and our products and why we believe that we would be a good fit for the restoration of the courthouse. Our company is a Kiemetal Coatings we are a USA subsidiary of a German parent company in business since 1878 and this is what we do, this is all we've ever done is to manufacture products that are mineral in basis and they're intended for mineral application and we look at the courthouse, this is what we have, we have a sandstone building there is some weathering that has occurred to that and the necessity is to come back and bring back the appearance of the building as it was originally designed so our company is not interested in coming in and making changes so that the building no longer has that historic appearance. Our specific field of course is in silicate architectural protection systems it's a fancy way of saying that we provide mortars we provide restoration renders and silicate paints. We do work closely with our customers in helping them determine a proper product recommendation because typically we're looking at buildings that, these are going to be very old and historic in nature this is our primary market and the repairs that are made need to stand to decades of weather. So this is our focus, this is what we look at if it's not a match we are the first to say we don't belong here, because that's how we believe in this. The product system that we're speaking about from Kiem is the Kiem restaro system. Restaro was developed, it has a system of products from cleaning the substrate stone to making repairs to the stone, mortar joint, to the point where we once again bring all of the appearances together so it doesn't look like a patchwork of repair on the building, this can happen with natural materials so, in a sense we've got like materials going together with like materials. The main purpose of our products is to keep the building dry, if we can't keep the façade dry you're going to see all the nice biological growth that's coming on to the building you have stone that's absorbing water and it's supplying a constant supply of water and if we can keep the walls dry then after rain or after snow they dry off very quickly because they're not saturated in stone behind. This is our main function on the building of course we're safe for the environment because we are mineral material we're not an organic material and we meet WTA standards and WTA standards are important standards especially for you because if you were using products that are designed and intended for the restoration of buildings and monuments, they were tested and certified to that effect then

you have confidence in that product and we can provide warranty and quality assurance. For the LaPorte County Courthouse, we're speaking about six products here from cleaning the façade that's the Keim Stone Cleaner, Keim Fuge that's mortar replacement material that mortar material is very soft and it is sympathetic to the soft stone so we don't create problems with defacing the stone we have a material to bring where we have deeper repairs into the stone to bring those deep areas back, that's called the restoro base, this is mortar, very coarse mortar and over the top we have restoro top. On the top surface the restoro top can be carved and tinted to match the stone, it can be layered so that we have the same striations that you see in color differences, a master mason can do this and we have the product that he can work with for that reason, when this finishes when that work is finished, the next step of course would be to prevent water from coming back in on that very absorbent stone you need a repellency we recommend the salon 100 because the salon 100 is a deeply penetrating material it's invisible to the surface, you don't know it's there and it's performing, it does not seal the stone off, it allows the stone to continue to breathe as it does in nature. After all this work is done then there will be discrepancies in the color because it's an old building, the intent is to maintain the feathering that we see and the different colors, you have the buff color, you have a deep red color, we don't want to hide those things, I want at the end for you to take a look at the building and say wow that's what it looked like whenever they finished it in 1882. This is how it was supposed to look, that's what the lezure will do, it's a very, it's like a veil of color coming over the surface to help tie these areas together. So those are the products that we're recommending. At the end, you have the appearance of stone, there's no shine to it, it doesn't look shiny it doesn't look fake. We maintain all the qualities of the stone. Of course our products are designed to work together the vapor permeability isn't reduced, we are sustainable if that's important to you, and what's unique about Keim is these water repellency we apply to the surface is applied first, the coating over the top second there's two functions, if the coating should ever wear away in time, which it will, we have a 15 year warranty on that, you can expect probably about 15 to 20 years if that should wear away, then you have the protection, the water repellency to maintain the building dry until the next recoating cycle. So it gives you a dual purpose. As far as performance goes we do have covalent bonding the products can be bonded together they're not bonded by adhesion there not made by way of acrylics, in the stone replacement material we're using Trafs as an additive, trafs is natural volcanic ash and what that trafs does is it helps bind up the free lime that was within the product, my point is this, over time you may see efflorescence coming from mortar joints, you probably see it around town you may see it appearing on the building, when we have free lime that's available water coming into the façade rinses this out to the surface and this is why you see it, using trafs, you can eliminate that and we don't have this coming through. So Keim goes that extra step to help ensure that the stone repair material will also not telegraph itself after some period of time by outlining in efflorescent. We do create a water repellency zone with the salon 100 we will have moisture that will come into the walls even after the restorations is done they will always be a crack a crevice that will be rising damp, the materials that we are proposing continue to maintain the vaporpermiability of the stone, it's not reduced. The vaporpermiability of the stone is far less than these materials are that we're speaking of so they're sympathetic in that way. You've got a problem with biological growth on the building and I did notice that, when you can maintain the dry wall and a wet to dry cycle between when it rains you will not have this growth coming on to the Keim surface, because the Keim surface will allow water to come into the coating which is less than the thickness of a human hair which is very little water level on the surface, it dries very quickly when the rain stops. The opportunity to have biological growth is much diminished as opposed to stone that's constantly wet and allowing water to come to the surface here spores that fall into the wall and begin to grow, and we see it on the water table too, I think for the most part because that's where things fall down from the sky. Most important to you I think is the fact that the material won't blister off, it's not going to peel off and it won't fade, we're using all the pigments are UV resistant and they're also resistant in an alkaline environment which is what our products are they're like concrete in that way. And because a silicate finish does not attract dirt to the surface, there's a concrete static with that, you get that with the acrylic paints and finishes and I believe that you have some product up there that may have that, as part of its binder. With regard to the WTA just a real brief that is an International Association of scientists and manufacturers that have come together to create the proper methods and means to make repairs to historic buildings and monuments. What they did was they came together to determine not only the ways and means but the product itself so products that fall as a certification under WTA means that they have tested that product and it is designed for that very purpose. The products that we are suggesting for the building meet the WTA compliance. Quick example, in Toronto there was a residence, this was a masonry brick building with terra cotta design on it previously had been repainted several times and the last repaint they had sandblasted the brick, and damaged it quite extensively in the restoration we'll see that the Keim product was used for the mortar joints, they were removed the brick was refaced with Keim product to help bring together some of the tragedy from the sandblasting to kind of minimize the appearance the mortar was replaced and then we see the white areas and the deeper red areas of the terra cotta this is the same stone replacement material that we're talking about for the courthouse, it was used in this capacity and you can see the detail it can be placed and then carved. We have a long window of carving so the detail can be very rich Arlington House was done with lezure this is the finish that we're suggesting for the building at the end you can see how decorative it can be these are just plain stone pillars but the design, that was by Lee that was his design, and they were able to replicate that, they don't repaint that now every 7 years which was the norm, and that now it's since 1999 it's still standing so this is what you can expect and it's similar weather to what you have here. Bentley Hall we have, you can see in the lower picture where it was falling off this again is terra cotta and it was completely redone again with the same lezure top material that's what I have.

Commissioner Kora: Yeah I wanted to ask you first of all it's nice work but we need to look at the money situation and how difficult we are in terms of our own financial situation but, when you do something like this restoration how long do you guarantee this for?

Tom Tibbs: Our warranty is 15 years the product for the stone replacement material is one year. The finish is 15 years, that's our warranty, we have a written warranty for that.

Commissioner Kora: Now do you know when this was last restored?

Tom Tibbs: The courthouse? From conversation I've had with employees about four years ago, I don't know if I have that right.

Commissioner Kora: So do you think the work that was done was not adequate for us to be having problems in such a short period of time.

Tom Tibbs: I don't know about adequacy but I can say that you shouldn't see this kind of thing happening first of all, all the patches now, the repairs are standing right out they're telegraphing on the surface everywhere you can pick them out, they're not water absorbent like the stone, so when it rains you'll see it, there it is and again, when the building is wet the stone goes darker and all of the patches are lighter and then it's even worse but I don't think it was a, I think it could have been done better because normally when you do a restoration on a building it should look good in all weather and you shouldn't be seeing color changes in the material because this is exactly what's happening and look at the cost of staging such a project and then having to come back and say now what this is terrible, but I don't know about appropriateness but I don't think it is as good as it could have been.

Commissioner Decker: I've talked to Gary quite extensively here in the last two or three weeks we've been talking back and forth and it's just, they wanted to come and present this to give us an idea of, in case all else fails that we aren't going to get this redone by the people that did it in the first place that we do have an option, they wanted us to see the option so, and we, I thank you for coming and I think if you, down the line if, I think Gary's offered to come and do a small portion of the courthouse for us so that we could actually see what we're going to get.

Gary Dulock: My ideas on the restoration it's a very intense project, over the years when you see these kinds of buildings you want to take into consideration how precious they are to us and also the vulnerabilities that we face when we are taking on these projects, I would like to propose to do a study a mock up based on a small amount of square footage in one of the alcoves by one of the arches so that we can encompass the whole area to do a cleaning a color matching a pulling out the slag correcting the fissure problems all the areas of fault due to age of the building and also to the application of existing product that which has to be removed and then install the proper product according to the Mr. Tibbs from Keim so our idea would be to do a study documentary on all that including with a pictorial, an analysis of the, what's going on, core samples all the way to the point to a little miniature bible put together so that you can see process of cleaning all the way thru delamination, fixing the problems and fissures, pulling out the old patching which was a resin base patch, which should not be that big of a problem to remove but it has to come out, that's causing your major problem right now, it's creating a trap of moisture behind which is soaking into the building and then it's pushing slag out and causing your sandstone to granulate which is causing a major deterioration which down the road it could get worse, so I would like to be able to present a mock up and a study to the Board which also would be a lab analysis of every pigments with a core sample and actual demonstration of finished product.

Commissioner Decker: Well I think that maybe on down the line a few months that that might happen and I know that you're ready to do it if we need it.

Gary Dulock: Whatever would be your needs we're here to fulfill them for you.

Commissioner Milsap: I have a couple of quick questions first of all I take it you are aware of how we got to this point? Your company has been around... were you aware of this project?

Gary Dulock: We are aware of what happened, we are aware of all that had gone on here but we were not involved in any aspect of it. But we are aware through your minutes of your readings of your history of this building.

Commissioner Milsap: For the sake of this conversation had your company been chosen to do the job would there have been a clause in there that if there was any deficiencies they would have repaired it?

Gary Dulock: Yes sir that should be normal to any type of restoration. That would be my opinion.

Commissioner Kora: Thank you for a wonderful presentation the pictures were very nice and also I want to thank you for your willingness to do the study but before we do that we want to just go back to what has happened before what our options are in terms of getting it remedied before we move forward with any kind of study so we can keep that offer on the table and we'd like to revisit it in the future sometime.

Gary Dulock: Something that needs to be determined is the connection of the patching material to the base substructure or not substructure but the strata underneath it, and if that will not hold up over time it's something you have to consider it's not necessarily just the surface color, it's the condition behind which you're probably aware of but you have to understand that that's very important. The conventional methods of repair that have been used in the past for

cementitious concrete situations tends to be not quite what is required in this situation so that would be one of the issues with why the repairs have not been done or have not been done properly.

13. PUBLIC COMMENTS

Steven Grott: 4304 N. 400 E. Rolling Prairie, the Sheriff said we lost a K-9 and I would hope that somehow we could find money to purchase another one I do know from being involved in veterans organizations in Michigan they have paws for a cause they are helper dogs and their like \$30,000.00 to get those trained, I'm sure that one with the drugs and all this is going to be, but I see a lot of money spent in this county in the last 70 years and I would hope that we could get something especially another K-9 with the drug problems and everything we deal with everyday, thank you.

14. COMMISSIONERS COMMENTS

Commissioner Kora: I just want to take this opportunity to thank our County Council for allocating the funds for our Economic Development office this past Monday at a Council meeting we had a presentation I appreciate the Councils support for the project and some of the suggestions that were made by the Council to increase the size of the advisory group and include the Mayor's of both cities and some County Council members and the directors of Economic Development corporations of both the cities will be incorporated into the advisory group I just want to reiterate that as we move forward with this Economic Development Office we'll make sure that's it's a collaborated effort and we will continue to work with the EDC's of both the cities that way we have a one stop shop here we will continue to collaborate and then they can continue to focus on the retention of businesses and we can continue to focus on trying to land new businesses in our county, I just wanted to reiterate that because there is some confusion about not having enough collaboration between the three entities but there will be, we'll make every effort to make sure that there will be collaboration between these three entities, thank you.

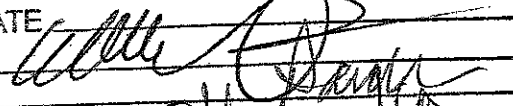
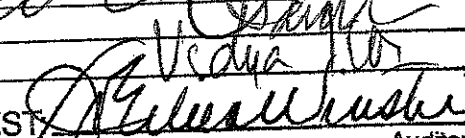
Commissioner Decker: I would like to thank our Assessor, the Auditor, our IT department, our Treasurer and everybody else, we're slow but surely getting this tax situation caught up and I think as far as ED and other things in the county the school systems, we need to get this caught up we need to get it in the right direction so that as a county we can move forward and I appreciate all the hard work that they're all doing in order to get this done, I applaud all of you.

Commissioner Milsap: I would also echo Dr. Kora's statements in reference to thanking the County Council for awarding us the funds we need to get that EDO open and running and I think in time it will pay off and as you know part of making that office successful is keeping track of items that surrounds it that would effect it, either help it or hurt it, and just the other day I was researching and I found an article reference to a senate bill 560 not only I but my fellow two Commissioners have been very active for years on issues involving utility rates I know how much this commission continues to be concerned about the impact of high NIPSCO electric rates have on our ability to attract new business and new jobs to LaPorte County, I am particularly concerned about this bill that I just researched, senate bill 560 authored by senator Brent Hossman of Wheatfield, that would even make it easier for the utilities like NIPSCO to raise rates. Let's face it monopoly utilities have little risk and the opportunity to earn huge profits. The utilities are now using a little known device that is called a tracker, to keep inching bills up while not having base rates increase, Senate bill 560 would make it even easier for utilities to tack on expenses like transmission, and distribution costs that ordinarily should have go through a base rate case, trackers shifts the burden of costs of running a utilities away from the shareholders to captive rate payers as we are. I urge the public to call our legislators and get them to oppose Senate bill 560 it's bad for utility customers and it's what utilities like NIPSCO wants to pass to legislators. Anyone who wants more information about Sbill 560 contact the Commissioners office and I will have the fact sheet which I'm showing you from the citizen's actions coalitions available for SB560, and I really want you to research this because now that we're in a position to go out and create jobs we need anything that can help us but we don't want anything that can hurt us, so if you have any questions come to the Commissioner's office and I will pass this on to the media so everyone can get educated on senate bill 560 with no further business we are adjourned.

15. ADJOURN

PLEASE TURN OFF ALL CELL PHONES

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

  
  
ATTEST

Auditor

LA PORTE COUNTY, INDIANA