

**LAPORTE COUNTY
COUNTY COUNCIL MEETING
August 27, 2007**

The LaPorte County Council met in regular session the 27th day of August, 2007, in the assembly room of the LaPorte County Government Complex. The meeting was called to order at 6:30 p.m. by President Jerry Cooley.

ROLL CALL AND PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited by those present. Roll call followed.

Mrs. Shuter:	Councilman Yagelski:	Present
	Councilman Mrozinski:	Present
	Councilman Cooley:	Present
	Councilman Cunningham:	Present
	Councilman Garner:	Present
	Councilman Jones:	Present
	Councilman Ludlow:	Present

Mrs. Shuter: "All members are present, sir."

ADOPTION OF AGENDA: Mr. Yagelski made a motion to approve the agenda as presented. Mr. Ludlow seconded. Voice vote carried 7 – 0.

MINUTES: Mr. Yagelski made a motion to approve the minutes of the Workshop held on July 11, 2007, the Workshop held on July 16, 2007, the Regular Meeting held on July 16, 2007, and the Regular Meeting held on October 23, 2006. Mr. Ludlow seconded and the motion carried by voice vote 7 – 0.

REPORTS BY DEPARTMENT HEADS:

CENTER TOWNSHIP:

Mike Schultz, Center Township Assessor, had called Mrs. Shuter as he was running late in returning from the airport. Mrs. Shuter explained that Mr. Schultz brought this matter regarding the transfer within the Personal Services category to pay-out some overtime before the Council as a courtesy.

ANIMAL SHELTER:

Jane Bernard, Animal Shelter Director, reported that there was an accident involving the Animal Control truck and a deer. There have been quotes received ranging from \$4,000.00 to \$5,100.00 for repair to the 2002 GMC with 98,000 miles on it. Mrs. Bernard stated that in talking with Councilman Mrozinski and Commissioner Huston, there is concern as to whether or not to spend this much money on a vehicle with this many miles on it. Mrs. Bernard asked for guidance from the Council as to what she should do. Mr. Cooley recommended that she go to the Commissioners and let them decide.

Mr. Mrozinski asked where the vehicle is now. Mrs. Bernard responded that it is at the Sheriff's Department Garage and it is not drivable. Mr. Mrozinski asked if they have given any insight regarding the vehicle. Mrs. Bernard stated that they feel that the amount of money to fix the vehicle probably wouldn't be worth it.

LIAISON AND COMMITTEE REPORTS:

Mr. Jones stated a resolution was prepared by Attorney Baugher addressing the matter regarding BP Amoco and the dumping of waste into Lake Michigan. Mr. Jones read in the News-Dispatch that the President of BP Amoco has since decided not to go forward with the project to increase the amount of waste that is dumped into Lake Michigan. Mr. Jones commented that the reason he brought this up at this time is that he believes that BP Amoco, and anyone else dumping anything into Lake Michigan, is unacceptable and he believes that the same sort of grassroots effort that fought the increase should now double back and tell them that we are not satisfied with any dumping in Lake Michigan; it is ludicrous in this day and age that capitalism drives our common sense, or lack thereof. Mr. Jones stated that even though this is spur of the moment and "shooting from the hip" he wanted to make his feelings known and it is really ridiculous in this day and age that we tolerate this to any extent.

Mr. Cunningham reported that there has been painting and some cleanup at the Juvenile Services Center over the past few weeks and he encouraged the Council, if they get a chance, to go thru the Center.

Mr. Mrozinski commented that the vehicle ordered in April for the County Home finally came in. He stated that the County Home was in a bind because their good vehicle has 95,000 miles on it and had a leak in the gas tank so they were without a vehicle at all for awhile; at least they have one good vehicle now and one not so good.

Mr. Garner spoke to Walt Sell, Purdue Extension and was informed that Allison Goshorn, from the Extension Office, is working with six (6) individuals from Michigan City about dining out with diabetes on Thursday mornings for the next four (4) weeks basically to work with them on the proper choices and proportionate sizes. He stated that this is a learning experience for anyone who has diabetes and it a disease that is becoming more prevalent. Mr. Garner also reported that Mr. Sell and Jim Jessup are planning a Rural Summit Meeting on November 12th of community leaders to discuss the rural area problems. Mr. Garner stated that Mr. Sell also led him to believe that Mr. McVay and Mr. Hager are discussing letting out bids for some particular building for Purdue Extension. Mr. Garner commented that he doesn't believe any of the Council has been informed of this but he would like to have an update regarding this matter.

Mr. Yagelski reported that the Data Board met on August 23rd. He stated that there have been as many phone drops and electric put in the Hiler Building as possible. Mr. Yagelski commented that it was by unanimous decision of the Data Board that the position previously discussed for the Sheriff's Department and putting it in with E-911 should fall, instead, under the IT Department. Mr. Yagelski reported that there were problems with lightning strikes during the storm and some equipment was lost but not enough to be covered by insurance. Costs will be coming in at a later date. He also commented that they need to get together with Bob Young, Highway Supervisor, to see if there is enough lightning protection since their tower has been hit three (3) or four (4) times. Also, as discussed at budget hearing, it has been determined that the

fiber line to the Hiler Building would not be an additional cost but we would have to pay rent on the NIPSCO pole.

Mr. Cooley stated that we did have a Fair since the last meeting and he congratulated the Fair Board on the great job they did with the kids. He also complimented the Maintenance Department on the job they have been doing on the floors since they are being polished differently and they are shining; he would complain if they were dirty so he would like to comment that they are clean. Mr. Cooley stated that he has asked Maintenance, since the floors are clean, to do something about the outside of the windows; he realizes that this would have to be done by a professional firm. He commented that he hasn't seen a lot of cobwebs in the offices he goes into either.

Mr. Cooley reported that there was a ground-breaking last week with Van Air which was really nice and will create sixty (60) jobs. He stated that we have been working on this project for two (2) years. Mr. Cooley commented that he was criticized by a few people about when companies are coming into the area and we are competing; we compete to get business into the County. He stated that if we are going to grow and we want businesses, they come in and they want to see what the County is proposing and what there is to offer; the companies ask for confidentiality as it is a competitor's business. Mr. Cooley stated that Matt Reardon is here tonight who can talk about it along with John McDaniel, who is on the Redevelopment Commission, and Ray Hamilton who hears it to. If those involved went to the newspaper and the radio every time they knew about someone coming here, chances are we won't get that business. Mr. Cooley stated that if we can keep jobs we have in the County and we can bring jobs into the County, this is what we need. He commented that when we see good paying jobs that will come in, and we are asked to be confidential about it, he will try his best to be as confidential as he can to try to draw business in here for our kids and our grandkids.

PUBLIC COMMENT: Rob Beckman, Prosecuting Attorney, commented that he finds Mr. Cooley's comments about secrecy as the norm in order to attract business in America today interesting. He didn't realize that this is the norm in America today. Mr. Beckman commented that we are on the verge of spending \$4.1 million, based upon a decision by the Commissioners, to concur with Mayor Oberlie of Michigan City in their expansion and continued aggression into Coolspring Township. Mr. Beckman stated that it shouldn't be misunderstood that the Council represents the people in Coolspring Township just like they represent the people in Hanna and the people in Union Mills.

Mr. Beckman stated that Coolspring Township has "had it" with the aggression of Michigan City taking land and moving our neighborhood into a Wal-mart and "box" stores. He stated that Michigan City proposes, according to the newspaper, to fund their portion of the \$8 million, one-mile approximately, five-lane expansion. In order to form a TIF District, they have to show that the area is full of obsolete buildings and has aging infrastructure, inefficient utilities and services and has transportation problems. Mr. Beckman stated that the entire tax incremental financing statute goes on to reflect that this area has to have unique topographical obstacles to redevelopment and it is contained in environmental contamination. Mr. Beckman commented that County Road 400 North and 421 in Michigan City is probably the most prime development area in the County.

Mr. Beckman questioned how Michigan City can even remotely say they can TIF this area, when it is not a brownfield site, when it is not a site needing special tax consideration or incentives,

and why would this County then go along with them and decide that the neighborhoods in Coolspring Township do not justify protection the same way this County government should be protecting Hanna and Union Mills when we talk intermodals; the same way we should have been protecting people on 300 North when the aggression of Michigan City built Patriot Park; the same reason that we should have been protecting the people in Coolspring Township at 10:00 Monday morning, this week, when Mr. Cunningham was present, at the Commissioners' Meeting. Mr. Beckman commented that the way it was represented to them when he was out-of-town was that in fact an eighty-six (86) acre business development, that was twice in front of the Plan Commission, and both times people from Coolspring Township were in attendance to remonstrate, and amazingly at 10:00 on Monday morning in this County, without anything being on their agenda, by a motion, a second and a vote, the Commissioners re-zoned not eighty-six (86) acres, not sixty-six (66) acres but twenty-some of those acres "business" and fifteen (15) of those acres some form of "residential" knowing that Michigan City took that parcel of land from the County back in 1967 and is now attempting to build subsidized public housing in Coolspring Township as a replacement for Harborside Homes, that they felt in the 80's they didn't need and in the 90's they spent a decade to take it down and they now want to move those people into Coolspring Township with the advice, consent and approval of the Mayor for the tax credits to support that program.

Mr. Beckman referred to several drainage issues. He commented that he isn't sure how the Council can say there is a resolution to protect Lake Michigan, which he just heard a Councilman talking about. Mr. Beckman reported that the drainage from Pahs Road flows directly into Trail Creek and he asked where everyone thinks the water will go from the new Wal-mart development? He stated that if anyone was watching the building project, you could see the size of the retention ponds they built; now the building is built where the retention ponds were.

Mr. Beckman commented that there are County roads that aren't passable and to spend \$4.1 million for a five-lane road all the way to Woodland; why not end it at Cleveland Avenue? He feels this is an absolute waste of County taxpayer money and an encroachment into Coolspring Township.

Mr. Beckman stated that it is time that this Council takes a position. To expend \$4.1 million of Major Move's money on a mile of road to benefit a Wal-mart or any other "box" store in Michigan City is not economic development. He commented that Wal-mart pays slightly above minimum wage with no benefits, no insurance and no pension. Mr. Beckman stated that economic development to his era means a job where the breadwinner in the family can provide for the family. If economic development is considered where two or three jobs are needed to make a single living wage, then he seriously questions whether we should be selling off our County, our lands and improving infrastructure for businesses.

Mr. Beckman referred to the Declaration of Independence and further commented on \$4.1 million in partnership with Michigan City and further infrastructure that would be required to support intermodals. He stated that he speaks for a lot of Coolspring Township residents, who aren't here tonight because for the last eighteen (18) months they have been worn out by the governments of Michigan City in trying to fight this fight. Mr. Beckman again stated that \$4.1 million should not be spent on one-mile of road in Michigan City to benefit a Wal-mart to the detriment of the people who have spent their lives building homes in Coolspring Township. He asked that the Council vote "no" on the expenditure of this money.

Richard Trepto, representing H. J. Umbaugh & Associates of Indianapolis, commented that they are the financial advisors to the Michigan City Redevelopment Commission who is doing one-half of the financing for the road project that was just addressed. He commented that the TIF District was created over ten (10) years ago when the conditions in that area were much different and a lot of the development that is there now was not there ten (10) years ago. Mr. Trepto stated that the reason it was developed is because infrastructure was put in to allow it to develop and the intent was to create a commercial area. Mr. Trepto reported that the TIF area has been successful.

Mr. Trepto reported that the road project was approved through public hearings over two (2) years ago and it also went to the Department of Local Government Finance and an order was given to approve the project. He stated that there also was a hearing at the Local Government Tax Control Board in Indianapolis on this project and it was approved there two (2) years ago. Since then a lot of engineering work has been done and a lot of land has been acquired. He commented that construction bids have been received and those bids will expire after a certain number of months.

Mr. Trepto reported that the bond issue on the Michigan City side is scheduled for this Thursday and bids will be taken at that time. He commented that there are bids in hand that came in almost right on estimate in terms of the cost. If the Council does not act on this matter tonight, the bond sale advertised on Thursday will have to be pulled. Mr. Trepto stated that given the lead time that there has been in establishing a TIF area ten (10) years ago and the project being approved all through the State levels two (2) years ago, we are at the culmination at the very eleven and a half hour on this project. Mr. Trepto encouraged the Council to carry forward with the plans that have been well established and well-known for quite awhile.

Mr. Cooley commented that the Council doesn't offer Wal-mart tax abatement; only good paying jobs are offered and that is what we are after.

TRANSFER/PROSECUTING ATTORNEY: Mr. Jones made a motion to appropriate and transfer \$10,000.00 as requested from the Prosecutor's Pre-Trial Diversion & Deferral Fund to the Adult Protective Services Fund. Mr. Cunningham seconded. Mr. Beckman reported that enough money was received from the State for two and a half employees and the amount is supplemented so that a full employee can be hired instead of a half; this amount will cover the health insurance for the three employees. Motion to approve carried 7 – 0 by roll call vote.

ADDITIONAL APPROPRIATION/GENERAL FUND/CORONER: Dr. Vidya Kora, Coroner, commented that this time of the year they usually come before the Council for extra money for autopsies based upon the number of cases. He stated that the number of cases has increased 15% to 20%; most needed toxicology tests, and as seen in the newspapers, there have been quite a few methadone deaths in our County. Because of high fuel costs, extra money is also needed in that account.

Mr. Ludlow asked who Dr. Joseph Prahlow is. Dr. Kora responded that he is a forensic pathologist from South Bend. Mr. Ludlow asked if he does the majority of the testing. Dr. Kora stated that the only time autopsies aren't done in South Bend is when bodies are decomposed and we have to go to Fort Wayne for that service. Mr. Ludlow asked about the transfer of \$4,000.00 of the \$5,000.00 budgeted for Toxicology into Autopsies and now the request is for \$10,000.00

in Toxicology; he asked if the money would be better off in X-Ray & Lab. Dr. Kora responded that whether the money is added to Autopsy or Toxicology, this is the amount of money needed either way; \$45,000.00 is needed to finish the year in Toxicology, X-Ray, Lab & Morgue and Autopsy. Mr. Ludlow commented that the average for Gas, Fuel & Oil seems to be around \$400.00 per month, and there is \$2,500.00, so he figures this would amount to an additional \$1,600.00 required. Mrs. Shuter commented that Mr. Ludlow has the most recent printout but there may be some claims submitted that aren't included on the report.

Mr. Ludlow made a motion to cut the Gas, Fuel & Oil request from \$4,000.00 to \$1,600.00 and to approve the other appropriations as presented: Office Supplies, \$100.00, Telephone, \$3,000.00, Toxicology, \$10,000.00, X-Ray, Lab, Morgue, \$5,000.00, Autopsy, \$30,000.00, and Emergency Equipment, \$1,000.00, for a total amount approved of \$50,700.00. Mr. Garner seconded. The motion carried by roll call vote 7 – 0.

ADDITIONAL APPROPRIATION/GENERAL FUND/PARKS & REC: Tim Morgan, Parks & Recreation Superintendent, commented that, same as the Coroner, they are seeing an increase in fuel costs and are down to \$611.14 in the Gas, Fuel & Oil account. He is requesting \$5,000.00 but he may not need all of it. Mr. Cunningham made a motion to approve the amount as requested and Mr. Ludlow seconded.

Mr. Jones commented that one Department Head says he might not need it and the other Department Head didn't say anything. Are we going to cut his, too? Mr. Ludlow commented that he has reservations about it simply because it can be transferred into another line item and should we allow that; we haven't set a precedent for not allowing transfers in budgets. Mr. Jones asked Mr. Morgan how much he needs. Mr. Morgan responded that he went back to last year and took a window of time and \$3,624.00 is what was spent, the third month was at \$2.00 a gallon and he doesn't look for that to happen again, and there is approximately \$600.00 left; he might get by with \$3,600.00 but for sure \$4,000.00 is needed or he'll be back in November. Mr. Morgan stated that if \$5,000.00 is approved, he would only spend it on gas and not transfer it, so what isn't spent would go back. Mr. Cunningham asked if Mr. Jones would be satisfied with this action. Mr. Jones commented that he is only questioning how the Council is doing business.

Mr. Cunningham amended his motion to make the \$5,000.00 non-transferable. Mr. Ludlow seconded. The amended motion carried by roll call vote 5 – 2 with Mr. Jones and Mr. Garner voting “nay.” Mr. Garner stated that he agreed with Mr. Jones that the amount should have been put back to \$3,500.00. Mr. Morgan commented that this amount isn't just for gas and oil, but vehicle maintenance is also covered under this line item.

ADDITIONAL APPROPRIATION/CCD FUND/COMMISSIONERS: Mr. Jones made a motion to bring this matter off of the table and Mr. Yagelski seconded. Motion carried by voice vote 7 – 0. Commissioner Huston stated that the information just distributed is to explain exactly what was brought before the Council at the last meeting and was tabled.

Mrs. Huston reported that they are asking for seventy (70) phones, power adapters and licenses in the amount of \$40,635.51, Verizon network switches in the amount of \$10,394.41 times two (2) would be \$20,788.82, the Uber Technology Group \$9,350.00, Kendall Electronics in the amount of \$7,985.84, CDW in the amount of \$594.00 plus \$874.44. Mrs. Huston stated that what they are asking not to be taken off of the table is the Verizon Voice Mail and Fax Converter since Darlene Hale, IT Director, is still doing research to see we can save some money; the total

cost would be \$80,228.61 for the new building wiring, IT phone switches and licenses. The additional \$20,000.00 Wabash phone upgrade, licenses and power adapters are for the Michigan City Health Department, the Assessor and the Treasurer/Auditor's Office and would be Voice Over IP as discussed regarding the fax machines.

Mr. Jones made a motion to approve \$145,000.00 of the \$235,000.00 advertised. Mr. Yagelski seconded.

Mr. Ludlow asked if \$80,230.00 is for the Hiler Building. Mrs. Huston responded that this is correct. Mr. Ludlow commented that he thought the Council had the agreement that they weren't going to fund the Hiler Building if there wasn't an appropriate study done. Mr. Yagelski answered that he believes this is correct but the wiring and phones discussed were a requirement to get the building "up and running" but this is not going to stop the Council from seeing any type of future plans for the Hiler Building. Mr. Ludlow responded that the drops will already be made and then walls will have to be set and more drops. Ms. Hale stated that no drops are being done until an office is moving into that location; she is figuring in enough for all of the offices that she knows of currently that should fit over there on the first and second floors. Roll call was taken.

The motion carried 5 – 2 with Mr. Ludlow and Mr. Mrozinski voting "nay."

ADDITIONAL APPROPRIATION/CCD FUND/COMMISSIONERS: Mr. Yagelski made a motion to take the request for \$6,615.00 off of the table and Mr. Cunningham seconded. Motion carried by voice vote 7 – 0.

Mrs. Huston explained that several months ago Steve Eyrick came before the Commissioners and requested replacement of the windows for his department, Superior No. 4 Adult Probation, in the Michigan City Courthouse. At that time, Al Ott was asked to check on all of the windows at the Michigan City Courthouse and see what condition they were in. Mrs. Huston referred to \$120,420.00 advertised for Doors & Windows, following this request on the agenda, and explained that this is for fifty-four (54) windows which is the quote for all of the windows in the Courthouse in Michigan City that need replaced; she commented that the Commissioners thought this to be an excessive amount but they did o.k. the amount of \$6,615.00 which was the original request by Steve Eyrick to put windows in his office.

Mr. Yagelski stated that Mr. Ott was questioned on the amount of windows that he wanted to replace but there is a priority list and this was not on the priority list. There is just so much money budgeted this year, and not all of the windows can be replaced, but he has been in the Adult Probation Office and those windows do need to be replaced.

Mr. Yagelski made a motion to approve \$6,615.00 and Mr. Jones seconded. Mr. Cunningham prefers that there be a definite number of windows before voting. Mr. Ludlow asked if the \$120,420.00 is over and above the \$6,615.00 requested. Mrs. Huston responded that all fifty-four (54) windows in the Michigan City Courthouse that need to be replaced are included in \$120,420.00. She also mentioned that there is the possibility that the Courts in Michigan City could be brought over here so the Commissioners did not approve \$120,420.00.

Roll call was taken. Motion carried to approve \$6,615.00 unanimously 7 – 0.

Mr. Cunningham made a motion to deny \$120,420.00 as advertised in the CCD Fund for Doors & Windows. Mr. Jones seconded. Motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/CCD/HIGHWAY: \$325,000.00 was advertised in the CCD Fund and also in the River Boat Admissions Tax Fund. Rick McVay, County Highway Engineer, reported that this request is for the Michigan Street and Wiley Road intersection in Rolling Prairie. He commented that they are hoping to reconfigure the intersection into a “T” intersection. Originally Michigan Street was “old” US 20; the hope is to simplify this intersection.

Mr. Ludlow asked if they have talked to the schools. Mr. McVay responded that this project has been going along for approximately two (2) years and they have talked to the schools. Mr. Ludlow asked if enough land will be purchased to cut back some of the trees so you can see at the intersection. Mr. McVay stated that most of the trees to the north of the intersection will be removed. Mr. Ludlow commented that he was thinking more of the east side. Mr. McVay stated that right-of-way has been purchased there also so there should be plenty of visibility and the project basically will be done according to INDOT specs.

Mr. Ludlow made a motion to approve \$325,000.00 as advertised in the CCD Fund and Mr. Mrozinski seconded. Motion carried by roll call vote 7 – 0.

ADDITIONAL APPROPRIATION/CCD/HIGHWAY: \$144,500.00 as advertised in the CCD Fund and also in the River Boat Admissions Tax Fund. Mr. McVay explained that the Washington Street Parking Lot is an eyesore and they hope to reconfigure it to add parking spaces and capitalize upon the room that is there. He stated that the City of LaPorte has requested that the brick sidewalk be continued with pavers so this is part of the expenses.

Mr. McVay stated that the number of areas to pull out on Washington Street will be reduced; there will basically be one entrance and one exit. Mr. Yagelski commented that he would hope that we can work together with the City and gain some parking spots. Mr. Ludlow asked how many spaces will we gain. Mr. McVay stated that he would guess that we would gain twenty (20) to twenty-five (25) parking spots. Mr. Ludlow asked if we are leveling the parking lot. Mrs. Huston commented that we are and we are picking up spaces because the City of LaPorte will allow diagonal parking on Washington Street. She stated that the City is also allowing the County to extend into Madison Street; we will pick up approximately thirty (30) spots on the street.

Mr. Ludlow stated that there have been several requests by employees to have designated crosswalk areas. Mrs. Huston responded that there can be a designated crosswalk area but this doesn't insure that the employees won't get run over. Mrs. Huston stated that parking will be eliminated on the right side of Washington Street.

Mr. Cunningham thanked the Commissioners and the City of LaPorte for working together on this project and the increased percentage of parking since there is a shortage of parking around the Courthouse. Mrs. Huston reported that the City of LaPorte will allow County employees to park by the Ludwig building in the gravel area by the railroad tracks while the parking lot is being renovated.

Mr. Mrozinski commented that there are two (2) parking spaces for the three (3) Commissioners and seven (7) Council Members and these are always taken up by the contractors. He asked if one more parking space could be spared since he has already gotten one ticket while he was here on business and there was no place to park but in the street. Mr. McVay responded that this would be up to the Commissioners.

Mr. Yagelski made a motion to approve \$144,500.00 from the CCD Fund as requested and Mr. Ludlow seconded. The motion carried by roll call vote 7 – 0.

ADDITIONAL APPROPRIATION/MAJOR MOVES/HIGHWAY: \$4.1 million was advertised in the Major Moves Fund. Mr. McVay commented that the CR 400 North Expansion has been in the works for several years and Michigan City is committed to 50% of the cost share. Mr. McVay's opinion is that this project is much needed due to the anticipated development. Mr. McVay would like to see this project taken all of the way to Johnson Road. He realizes that there are people against this project who live in the area, and he couldn't say if he lived there if he would be for or against it, but when you look at Cleveland Avenue, it is only a matter of time before it builds up and a stoplight will be needed. Mr. Jones questioned the statement regarding those people against it because most of the houses are on the south side of 400 and they voluntarily sold their right-of-way to make this project happen, he knows some of them personally, and they are not against it. Mr. McVay responded that he was just talking about the statements made earlier. Mr. Jones responded that this doesn't mean the statements are correct, it just means they were made.

Mr. Cooley stated that he knows we have been working on this project for years and it has followed all of the steps with public hearings, etc.

Mr. Ludlow asked if Mr. McVay could explain why this seems like such a short portion of road and it is so expensive. Mr. McVay answered that it is actually 1.7 miles but what is expensive about it is that we are getting rid of the ditches, putting in storm sewers and totally rebuilding the outer lanes which is extremely expensive as the base needs to be rebuilt. He stated that a road that is constructed properly is expensive but it should last approximately fifteen (15) years before looking at reconstruction.

Mr. Cunningham commented that it is his understanding that when this project is done it will run from Woodland to 421, five lanes. Mr. McVay responded that a portion of the road will be five lanes and there will be a middle turn lane where necessary and then it will go back to four lanes with some right turn lanes and some left turn lanes. Mr. Cunningham asked if it will be five lanes the entire length like Cleveland is. Mr. McVay responded "no."

Mr. Cooley commented that the road is going to Ohio Street, not 421, is this correct. Mr. McVay replied that it will go a little past Ohio Street to take care of some development.

Mr. Yagelski asked if this would stop the consideration of the services regarding the future expansion of I-94. Mr. McVay responded that this is a totally different project and the project Mr. Yagelski is referring to is still in the design stage and still pending. He will probably be coming to the Council in the near future regarding this project.

Mr. Yagelski stated that he can see the importance of the CR 400 North Expansion, not because of Wal-Mart, but because of the possibility of business and investors, but where do we stand with

the top priority project Johnson Road. Mr. McVay commented that a proposal was just received on this project but ways are trying to be found to reduce the engineering costs. He reported that what is being looked at now is trying to take care of the safety problems on Johnson Road with federal money such as the Pahs Road intersection and the 450 North intersection and targeting those areas. Mr. McVay stated that the engineering costs are getting “sky high” because there has to be a survey every so many feet, do a crown adjustment, and draw that up. He commented that if the safety issues and drainage issues can be taken care of with the federal money, local money can be used to repave the road. Mr. Yagelski asked how close we are to losing the federal money? Mr. McVay responded that he is not panicking at this point; 2009 is the target but as long as we have a project tied in, and it has a designation number, they do not pull that money.

Mr. Mrozinski referred to Michigan City picking up half of the project and asked if that is half of the \$4.1 million or are we looking at \$8.2 million. Mr. McVay responded that we are looking at \$8.2 million. Mr. Mrozinski asked if Wal-Mart is “kicking in” on this. Mr. McVay replied, “No, not that he is aware of.” Mr. Mrozinski commented that they have more money than we do. Mr. Jones asked who says we are doing this for Wal-Mart. Mr. Garner commented that Wal-Mart has moved about half a mile and those businesses around it were tied to Wal-Mart so they will have to move out closer to Wal-Mart; the same thing happened with Marquette Mall and everything just keeps moving out. Mr. Garner stated that some of the infrastructure is still there but businesses don’t want to rebuild in those areas and we keep paying to get it further out and destroying more farm ground. Mr. Jones commented that redevelopment is as big an issue as development; the only thing that can be done is to redevelop the old store and market it to a new business so it doesn’t become a “ghost town.” Mr. Jones stated that we don’t dictate them moving to a larger store and abandoning one, so we either accommodate the new store or they put it somewhere else.

Mr. Ludlow asked Mr. McVay if he had any traffic counts for the intersections. Mr. McVay replied that a traffic study was taken on 400 North and there is more traffic in that area than there is on Johnson Road. Mr. McVay can get a copy of the traffic report. Mr. Cooley stated that he travels 400 quite a bit to Johnson Road and he thinks there is more traffic on 400 to Johnson than there is on Pahs to Johnson at this point.

Mr. Ludlow made a motion to approve \$4.1 million and Mr. Yagelski seconded. Mr. Ludlow commented that this will be over \$7 million out of Major Moves this summer and, if the intermodals come in, overpasses will need to be built over county roads and at some point the Commissioners and Council need to understand that we have to hold on to some of this Major Moves money for future development, not development in the next two (2) years. Motion carried 5 – 2 by roll call vote with Mr. Garner and Mr. Mrozinski voting “nay.”

ADDITIONAL APPROPRIATION/REASSESSMENT: Mr. Yagelski made a motion to take this request for \$60,000.00 from the Reassessment Fund off of the table and Mr. Mrozinski seconded. Motion carried by voice vote 7 – 0.

Carol McDaniel, County Assessor, commented that this request was tabled the last time since she couldn’t break down the \$60,000.00. She has provided a copy to the Council of what she will need which will be three (3) PC’s, one for a new person and two need to be replaced, a digital camera that goes in with the GIS Department and a scanner. Ms. Hale reported that the digital camera has been tested and it automatically downloads the longitude and latitude coordinates.

Ms. Hale stated that the other money was for wiring in the Assessor's Office which Mrs. McDaniel can pay for from the Reassessment Fund versus pulling it from the General Fund. Mrs. McDaniel also said, according to downstate, that any construction done in her office can be taken from the Reassessment Fund. Without the construction, Mrs. McDaniel would need \$44,161.47. Mr. Yagelski asked if Mrs. McDaniel would have a problem with coming back for construction. Her answer was "no." Mr. Yagelski made a motion to approve \$44,200.00 and Mr. Garner seconded.

Mr. Jones asked if \$44,000.00 was taken out of the amount approved earlier for the Hiler Building. Ms. Hale responded that Mrs. McDaniel's was kept separate because it could come out of the Reassessment Fund and she can only pay for anything associated with her office.

Motion to approve \$44,200.00 carried 6 – 1 by roll call vote with Mr. Ludlow voting "nay."

OLD BUSINESS:

Ordinance to Adopt Job Descriptions and Fair Labor Standards Act Classifications:

Mrs. Shuter read Ordinance 2007-06 by title only on the second reading, "An Ordinance Adopting County of LaPorte, Indiana, Job Descriptions and Fair Labor Standards Act Classifications." Mr. Ludlow made a motion to adopt Ordinance No. 2007-06 and Mr. Jones seconded. The motion carried 7 – 0 by roll call vote.

NEW BUSINESS:

Leveltek Abatement – Waiver of Non-Compliance:

Matt Reardon referred to Jim Kaminski and representatives from Leveltek to explain the situation whereas the company made a mistake in their filing of paperwork.

Mr. Kaminski, the attorney for Leveltek, reported that in 2003 Leveltek requested a tax abatement for new manufacturing equipment from the County Council. He explained that at that time the company's headquarters was in Pittsburgh and LaPorte County was chosen over a variety of other locations in the Chicago area, Lake County and Porter County, Indiana. When Leveltek came before the Council they filed a Statement of Benefits and, when you go before a governing body as a new business or in expanding a new business, it is a "crapshoot" regarding job growth, payroll growth and what will the actual cost of the equipment turn out to be versus what was promised.

Mr. Kaminski commented that at times the company comes before the Council and the Council says you didn't live up to your promises so we are taking away your abatement. He stated that this isn't what happened here. Leveltek promised that it was going to create thirty (30) brand new jobs and the average payroll would be \$30,000.00 per job or \$900,000.00. Mr. Kaminski reported that Leveltek in 2006 provided thirty-three (33) jobs at an average cost of \$35,000.00 per job; Leveltek is basically right on the mark with promised jobs and payroll.

Mr. Kaminski reported that in looking forward, Leveltek is hoping to add another production line due to more opportunities in this area. He stated that unfortunately what happened is that the Controller left after the abatement was given and the required papers were filed initially on the 04 Pay 05, but it wasn't caught for 05 Pay 06 and 06 Pay 07. Mr. Kaminski commented that the equipment purchases are on target, a mistake was made and it won't be made again as the

company is aware of what has happened, and the Council, as the designating body, is being asked to waive the compliance with the filing of the forms for 05 Pay 06 and 06 Pay 07. Mr. Kaminski reported that while the statute allows the Council the right to accept the mistake and waive compliance, in this case the statute says that a governing body can assess a 15% penalty on the tax savings.

Mr. Cunningham, on behalf of District 2 of LaPorte County, thanked Leveltek for being a good employer and he wishes all of the people who have tax abatement would live up to their promises as well as Leveltek has. He commended Leveltek for offering 15% for the last two years on their savings for the error that was made. Mr. Cunningham commented that if we are day late in filing our income taxes on April 15th we can't go to the government and say we got a new lawyer or a new accountant or you will find yourself in the same boat but Mr. Cunningham feels this is a win/win situation and, therefore, he made a motion to accept this waiver as proposed by Mr. Kaminski with a 15% voluntary penalty. Mr. Ludlow seconded.

Mr. Garner asked if Leveltek will now be current. Mrs. Shuter commented that her office noticed that the abatement had fallen off for 06 Pay 07 which prompted a call. She stated that Leveltek hadn't filed for 06 Pay 07 and they had missed the deadline for 07 Pay 08 which is being addressed tonight. Mr. Mrozinski asked about the impact of this missed abatement. Mrs. Shuter responded that we don't have tax rates as of yet but the amount abated the last time was a little over \$800,000.00. She commented that we haven't certified assessed values to the State for 06 Pay 07 or 07 Pay 08; normally we would have lost revenue since we already would have certified assessed values.

Mr. Ludlow asked if the law stipulates where the 15% would go. Mr. Reardon assumes that it would go the General Fund but perhaps, since it is the intention of the Council to have a meeting to address tax abatement policy, perhaps this can be determined since he doesn't believe that the Council has the statutory authority without passing a policy to allow for a 15% penalty. Attorney Baugher commented that there is a provision for 15% within the State statute back at the time granted but it is his understanding that there will be a workshop held in the future. Attorney Baugher stated that typically penalties go into the General Fund but he thought what Mr. Kaminski intended to say is that they were giving 15% back into the Economic Development Fund voluntarily rather than a fine. Mr. Kaminski responded that this is correct. Mr. Baugher commented that the position of the Council is that 15% should go back into the Economic Development Fund and not the General Fund.

Mike Schultz, Center Township Assessor, reported that they have worked with the Auditor's Office on this and Leveltek has been very cooperative and they are an anchor in the new area on 39; it is his opinion that it is probably worth it to grant a waiver and allow the abatement.

Mr. Cunningham stated that this also sets a good precedent because in the past there have been some mistakes made, they come before the Council and get "flat-out" waivers. The fact that Leveltek is willing to voluntarily give 15% sets a precedent where we can say to anyone else that misses the deadline that it is standard procedure that we can assess the 15% thanks to the action by Leveltek.

Motion to accept the waiver as proposed with a 15% penalty carried 7 – 0 by roll call vote.

Ordinance - Sheriff's Pension Non-Reverting Fund:

Mrs. Shuter read the ordinance on the first reading by title only, "Ordinance No. 2007-07 placing Sheriff's Service of Process Fees into a Sheriff's Pension Non-Reverting Fund." Mr. Yagelski asked if this is a different way of tracking these fees. Mrs. Shuter explained that this was an outcome from the budget hearings where the Council wanted all of the process fees to be deposited to help fund the pension fund; therefore, a non-reverting fund is being created for that purpose.

Mr. Ludlow made a motion to suspend the rules and by unanimous consent hear Ordinance No. 2007-07 on the second reading. Mr. Yagelski seconded. Motion carried by voice vote 7 – 0.

Mrs. Shuter read, "Ordinance No. 2007-07 placing Sheriff's Service of Process Fees into a Sheriff's Pension Non-Reverting Fund."

Mr. Jones made a motion to adopt Ordinance No. 2007-07 on second reading and Mr. Ludlow seconded. The motion carried 7 – 0 by voice vote.

Ordinance – Vacated Positions:

Mr. Cooley stated that Attorney Baugher is doing some research on this subject and it will be addressed at the next meeting. Mr. Jones made a motion to table this ordinance and Mr. Cunningham seconded. Motion carried 7 – 0 by voice vote.

Ordinance - Major Moves Fund and Deposit of Interest:

Mr. Ludlow made a motion to hear this ordinance by title only on the first reading. Mr. Jones seconded and the motion carried by voice vote 7 – 0. Mrs. Shuter read, "Ordinance 2007-08 Retaining Major Moves Income into the Major Moves Fund."

Mr. Yagelski asked if Mrs. Shuter had reviewed the old ordinance regarding the question of interest. Mrs. Shuter responded that it didn't seem to pertain specifically to the interest as it didn't mention interest.

Mr. Ludlow made a motion to suspend the rules and to hear the ordinance for the second time by title only with unanimous consent of the Council. Mr. Yagelski seconded. Motion carried 7 – 0 by voice vote. Mrs. Shuter read, "Ordinance No. 2007-08 Retaining Major Moves Income into the Major Moves Fund."

Mr. Ludlow made a motion to approve Ordinance No. 2007-08 as presented and Mr. Yagelski seconded. Motion carried by voice vote 7 – 0.

Resolution – Service Fees Collected by Community Corrections & Planning Commission:

Mr. Yagelski made a motion to approve this resolution on first reading and Mr. Cunningham seconded. Mrs. Shuter read the resolution in its entirety. Mr. Cooley commented that the goal of the Council has been in the past, and he has been trying to steer departments who are given "seed" money to start, to get to a point where they can pay for themselves.

Mr. Ludlow would like to make an amendment that the Recorder's Office be included in the resolution since they are being operated by fees and perhaps G.I.S. also along with those departments who receive large portions of fees. Mr. Yagelski commented that at this point the fees collected by G.I.S. will only be enough to reimburse for paper and ink costs; by State statute

an employee's time cannot be included in the fees. Mr. Ludlow stated that the Recorder is paying for her budget except for the 100 accounts; he would just like to treat everyone the same.

Motion to approve Resolution No. 2007-09 passed 6 – 1 with Mr. Ludlow voting “nay.”

Resolution – Protection of Lake Michigan:

Mr. Jones commented that it appears that BP Amoco is backing out and they will still expand if they can find a way to accommodate their own waste increase; the bottom line is that the article in the News-Dispatch states that they are not going to put additional waste in Lake Michigan at this point. Attorney Baugher stated that this is a newspaper report, and he assumes that it is true, but the resolution itself doesn't take a stance on whether the permit should or should not be granted; it merely says that Lake Michigan is a valuable asset and public hearings ought to be conducted in Lake, LaPorte and Porter counties before the project goes forward so that the public has a better idea of what is the truth and what is not the truth. Attorney Baugher stated that it is the Council's decision whether they want to go forward with the resolution or not.

Mr. Jones stated that he feels the resolution is well-written and Attorney Baugher is “before his time” as he didn't even know the newspaper article was going to come out and it is still an appropriate resolution. Because of the language and because there is nothing wrong with encouraging government at the State level to include public hearings and keep us abreast of any changes, as it could change again, Mr. Jones made a motion to adopt Resolution No. 2007-10. Mr. Cunningham seconded. Motion carried 6 – 1 by voice vote with Mr. Garner voting “nay.”

COMMENTS BY THE COUNCIL:

Mr. Garner commented that once again it is going to be the first of the year and Purdue Extension will be coming back for rent. He was the one that pushed to give them their rent but the Commissioners still aren't coming forth with a solution. Mr. Garner has been told that Rick McVay is putting a bid package together but he doesn't know for what type of building. Mr. Garner thought this matter was on the Commissioners' top priority list. Mr. Yagelski stated that he concurs with Mr. Garner and this isn't the first time the Council has had to take a stance on this matter; this is not cooperative working.

Mr. Yagelski commented on the Johnson Road project and all of the money that has been allocated; he doesn't feel comfortable with meeting the time requirements of the Johnson Road project. This is a major artery between LaPorte and Michigan City and he cannot believe that we are going to sit here and let it squander away. None of the Commissioners are taking a head stance on this project. Mr. Yagelski commented that he does understand the concerns over the public outcry but, all of a sudden, we are looking at engineering studies again. Mr. Yagelski feels that we should be well ahead of that schedule right now. Mr. Garner agrees with Mr. Yagelski; he feels we should have kept going and tried to solve the problem.

Mr. Ludlow stated that the only comment he will make is on taking a stance; we said we weren't going to put any more money in the Hiler Building until we had a study by architects saying that it was safe to use and that it met the Disabilities Act and close to \$200,000.00 was put into it tonight. Mr. Ludlow commented that if we make a stance we need to make a stance on everything.

Mr. Cunningham stated that as a former member of the County Park & Recreation Board he takes some offense on behalf of Mr. Morgan, Superintendent, and we are totally out of line in a public meeting, regarding the statement made by Mr. Garner earlier this evening. Mr. Cunningham requested a clarification regarding the term “keep him honest.” Mr. Garner responded that we just went through budget hearings and Mr. Morgan just put a remote starter on his truck for \$250.00 out of taxpayer money just to start his truck because he doesn’t want to get out of his house. This is why Mr. Garner made the comment. Mr. Cunningham responded that the very next item on the agenda was Dr. Kora asking for \$45,000.00 and it was approved with a lot of flexibility in spending yet in Mr. Morgan’s case, he was told he couldn’t transfer to another account. Mr. Cunningham just thought that the comment was totally un-appropriate.

Mr. Cooley reported that the next meeting is scheduled for September 17th in order to finish up the budgets. There will also be a workshop at 4:00 p.m. that night.

NEW BUSINESS CON’T.

Resolution – Economic Development Enhancement Loan to Palatek, Inc.

Matt Reardon spoke on behalf of Palatek, Inc. and stated that this is a \$14 million project in a 150,000 square foot building with expected employment of ninety-seven (97) full-time jobs. He stated that Palatek is moving forward with some additional site issues as the requirements for jurisdiction on non-jurisdictional wetlands has been increased; therefore, they are reviewing their site making sure that their “I’s are dotted and their T’s crossed” with IDEM and the DNR. Mr. Reardon asked for, and received, help from Congressman Donnelly’s office regarding the wetlands issue.

Attorney Baugher asked what the dollar amount of the loan is. Mr. Reardon answered, “\$60,000.00.” Mr. Ludlow made a motion to approve Resolution No. 2007-11 and the loan in the amount of \$60,000.00. Mr. Jones seconded. Motion to approve carried 7 – 0 by roll call vote.

DEPARTMENT HEADS CON’T:

Mike Schultz commented that the overtime discussed earlier this evening was accumulated while his deputy was working on personal property and he had provided the Council with information at budget time. He did breakdown the regular hours up to forty (40) and then whatever hours were worked over forty (40) will be paid at time and a half. Mr. Schultz stated that the employee isn’t accumulating anymore comp time now as the busy season on personal property is finished. The plan is to pay out the comp time on the next payroll so this will cleanup any comp time. Mr. Schultz reported that money can be transferred from the Fieldman account so he is not asking for any other funds.

Mrs. Shuter asked permission for the President to sign the Declaration of County Rates for the State. Mr. Ludlow made a motion to approve this request and Mr. Jones seconded. Motion carried 7 – 0 by voice vote.

Mrs. Shuter asked if there would be a new appointment to the Personnel Committee since Monique Gillard has moved to a new position in the EMS Department. Mr. Jones suggested that we wait until the new HR person is brought on since the Committee’s business is done for the year.

ADJOURNMENT: There being no further business, Mr. Ludlow made a motion to adjourn at 8:30 p.m. and Mr. Yagelski seconded. The motion carried 7 – 0 by voice vote.