

**LAPORTE COUNTY  
COUNTY COUNCIL MEETING  
September 17, 2007**

The LaPorte County Council met in regular session the 17<sup>th</sup> day of September, 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:**

Mr. Ludlow led those present in the Pledge of Allegiance. Roll call followed.

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

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

**ADOPTION OF AGENDA:** Mr. Cunningham made a move Ron Meer of the Michigan City Council to a position just before Department Heads on the agenda. Mr. Jones seconded. Voice vote carried 7 – 0.

**MINUTES:** Mr. Ludlow made a motion to approve as presented the minutes of the Workshop held on August 27, 2007, and the Regular Meeting held on September 18, 2006. Mr. Cunningham seconded and the motion carried 7 – 0 by voice vote.

**RON MEER/MICHIGAN CITY COUNCIL:** Mr. Cooley mentioned that Mr. Meer is before the wrong body regarding this matter. Mr. Meer, 205 Columbia Street, Michigan City, a member of the Michigan City Council, responded that he kind of knows that he is before the wrong body for the issues that he is dealing with but he has made efforts to contact the Commissioners and some of the Councilmen do represent the Districts that he is concerned with. Mr. Meer is present as an individual Councilman but he has spoken to several of his colleagues on the Michigan City Council and they are in total agreement with him on this issue. He is not singling out the County as far as overgrown properties with weeds and rubbish but he has addressed all kinds of landlords, realtors and city-owned properties. Mr. Meer met with the Michigan City Housing Authority early in his term and there were about twelve (12) properties within his Ward that were overgrown and very comparative to some of the County properties that are currently overgrown; immediately they addressed the issue and now every two (2) weeks the lands are cut, groomed and trimmed as if they were someone's own lawn because they are adjacent to a homeowner's property. Mr. Meer believes this is only proper as they expect people to abide by their City code.

Mr. Meer commented that in many cases a lot of the County properties are in code violation and many times the City staff is cutting and maintaining these properties and some go un-maintained and are a public nuisance and a health hazard. Mr. Meer has heard through different bodies within the City that they were working with the County but he doesn't see very much movement;

therefore, he decided to address the issue more aggressively. His main goal is to see that the properties are maintained. Mr. Meer doesn't care if the County sends crews over to cleanup the properties while they are in stewardship of these properties or if the County compensates Michigan City so that they can hire more Vector Control to do so; he just want the properties maintained as though they were your yard.

Mr. Meer stated that different systems of acquiring the properties has been discussed such as possibly giving it to adjacent landowners for a small fee or the City may be interested in some of the properties. He realizes that it may be addressed back to him that it will be a "take it all or nothing" situation and he isn't in a position to speak for City government regarding that. Mr. Meer provided some examples of County-owned overgrown properties. He isn't for giving away land to everybody but when land sits like this, the County isn't getting anything on the tax rolls so it is hurting the County as a whole and the City.

Mr. Meer reported that he knows of several lots between adjacent landowners, very small lots that are overgrown, where both of the adjacent landowners are interested in the piece of property; however the back taxes are so much that to pay the back taxes wouldn't be worth them purchasing the property. He also knows of cases where people have actually taken over the lots and have taken care of them.

Mr. Meer stated that the Mayor has tried to get a list of properties that the County owns that are free title that the County could transfer to the City. He is requesting the Council's assistance to "move" the Commissioners and he will work on the City side. Mr. Meer commented that the County is in code violation and the rest of the City's residents are expected to be in accordance with the codes; he has been told by Vector Control that these properties are reported to the County but to his knowledge the City hasn't received "one red cent" as compensation for maintaining County property.

Mr. Yagelski commented that Mr. Meer spoke to him about three (3) years ago regarding this issue and a list of properties was forwarded to the Mayor at that time. Mr. Yagelski reported that he went to the Commissioners and they were in no way going to make any deal, trade or that type of thing. He did inform the Mayor at that time that individual property owners could come to the Commissioners on a case-by-case basis and some individuals have been able to get some of the properties but the Council has no authority to push them. Mr. Meer stated that he did meet with Marlow Harmon two or three years ago, and it was mentioned to Mr. Hager also, but from what he has heard it seems that the Commissioners are somewhat onboard and they are willing to work with the City, but Mr. Meer doesn't know where the breakdown is. He realizes that there has been some cooperation but there is a lot more work to do.

Mr. Cunningham stated that he appreciates Mr. Meer's attendance and he is in possession from the Treasurer's Office a packet of properties which he will share with Mr. Meer. One of Mr. Cunningham's concerns is that there is a property owned by the County that still has residents in the household; the property was obtained through tax sale in approximately 2004 and there has never been an eviction notice given. Mr. Cunningham commented that to him this is ludicrous and he would agree with Mr. Meer 100% that it is hard to ask the residents of Michigan City that own empty lots to clean up the property or they will charged to do it if the County doesn't do it themselves. For the record, Mr. Cunningham stated that if this issue comes back before the Council, he would vote for the County to pay the bill if the City has to cleanup the property just like any other resident of Michigan City would pay the bill. He stated that Mr. Meer's obligation

is to take care of the residents of Michigan City and if the County owns property with weeds three-foot high, the County has an obligation to take care of it. Mr. Meer has been told that a couple of the County-owned properties may be a brownfield industrial-type situation and we should look at cleaning those up also.

Mr. Cooley thanked Mr. Meer for coming in and commented that sometimes the County forgets about the properties they do own. Mr. Cunningham commented that he believes it is imperative when Mr. Meer goes back to the City Council, considering the all or nothing concept, that thought be given to the fact that some of the parcels may have value but some may have negative value because they may be brownfields. Mr. Cunningham stated that Michigan City has a City plan and a north-end plan and it would seem that if the City owned the properties instead of the County, they could make it work within the City plan much better than the County owning them. Mr. Cunningham encouraged that thought be given to taking all of the properties since the County isn't in a situation to let the City "cherry pick" and the City say they would like these thirty (30) but the County can keep the seventy (70) bad ones. If that the case, then the County would have to try to auction off the thirty (30) which could be bad for the City plan. Mr. Meer commented that the properties that have negative value definitely are not in the City plan.

#### **REPORTS BY DEPARTMENT HEADS:**

##### ***Museum:***

Arnold Bass, President of the LaPorte County Historical Society, on behalf of the Society, thanked the Council for recognizing Jim Rodgers, Museum Curator, as a full-time employee for the next budget year. Mr. Bass stated that the Society has realized Mr. Rodger's work ethic for a number of years and he does a great job in managing one of the most beautiful buildings the County owns.

##### ***Commissioners:***

Mrs. Huston asked to add to Mr. Meer's comments as the issue regarding County-owned properties has never been brought to her attention. Tonight is the first she has heard about this matter. Mrs. Huston commented that the parcel Mr. Cunningham referred to, where the people are still living on the property, came to the Commissioners' attention several years ago when the property was assumed by the County. She believes that the property, due to nonpayment of tax, was on tax sale but the people do still actually own the property. Mrs. Huston stated that we will have to check on this as things do "fall through the cracks." She said it would have been nice for the Commissioners to have been given the opportunity as a Board for Mr. Meer to come in and talk to them.

##### ***Ray Hamilton:***

Mr. Hamilton invited the Council to attend the BZA Meeting tomorrow night at 7:00. He reported that there will be an unusual applicant and some may remember the Fisher Calo factory that was out in the KOP. They will be petitioning the Board for themselves and two other firms to start operating again at the Kingsbury Industrial Plant packaging and re-packaging different types of acid and recycled oil. Mr. Hamilton would appreciate any comments the Council may have tomorrow night as he won't be able to comment.

Mr. Cunningham asked if it would be possible for the County to grant approval contingent on some repayment of the County's prior costs. Mr. Hamilton can't answer this as he isn't sure that the County had any costs other the County fire departments that fought the fire. Mr. Hamilton

stated that all of the people, who put product out there that Fisher Calo took in, are being charged on a yearly basis. He has heard that the charge is \$600,000.00 for the next forty-two (42) years before the bill is paid off. Mr. Hamilton reported that presently there is approximately 1,100,000 gallons of water a day being pumped off the aquifer to try to get the contaminants out. Mr. Cunningham stated that his original thought was that there could have been a tremendous Haz-Mat expense. Mr. Hamilton commented that this was before his time with the County and the only thing he knows is that there was \$48 million in federal funds that the people are paying off on a yearly basis.

Mr. Garner asked what Mr. Hamilton's position is regarding Mr. Meer's comments about County-owned property or who is actually in charge of going out to cleanup the vacant lots and abandoned cars. Mr. Hamilton answered that his department can condemn homes or they can give a certain length of time to clean them up; if they aren't taken care of his department goes to the Courts to persuade the Judge to let them clean them up. Mr. Cooley clarified that these are County-owned properties. Mr. Hamilton responded that they don't go into Michigan City since it is out of their jurisdiction unless he would be directed to do so. Mr. Hamilton commented that they don't touch cars. He stated that he has been able to maintain a small fund to keep the smaller condemned properties cleaned up but they do have some major cases coming up and if he needs the funds, he is supposed to come back to the Council to ask for more funding since it was taken off of the budgetary items several years ago.

Mr. Ludlow commented that the properties Mr. Hamilton is referring to are not County-owned but private resident's properties. Mr. Meer is referring to property that the County has assumed through failure to pay property taxes. Mr. Ludlow asked if it is correct that Mr. Hamilton's department or no other department inspects these properties; once they are the County's liability someone needs to look at them. Mr. Hamilton responded that no one has ever made him aware of those properties.

Mr. Cunningham asked what would happen if this happened in Hanna and the County would get back a parcel of property between two landowners who are taking care of their property and the weeds grow three-feet high. Mr. Hamilton responded that weeds are a problem but they have never been directed and don't have anything in their codes that addresses high weeds. He commented that if they are noxious weeds, the Township Trustee has funds to mow those but as far as his department goes, they don't have anything for maintenance.

### **LIAISON AND COMMITTEE REPORTS:**

***E-911:*** Mr. Jones reported that the 911 Board has had several meetings where the need to raise the 911 Surcharge has been discussed since it has not been raised for several years. The surcharge is supposed to be funding the 911 operations so this matter will most likely be forthcoming on next month's agenda.

Mr. Cunningham asked Brent Soller, E-911 Director, who was in attendance, to get a count of how many landlines the surcharge would apply to.

***Extension Office:*** Mr. Garner stated that January 1 is coming up real quick and the Commissioners and the Council need to make a decision. Will the Extension Office be coming back to the Complex or the Hiler Building or is the Council going to fund the rent which has increased by \$100 a month. Mr. Garner asked that this decision be made by the end of the year

and that Mrs. Huston, as Commission President, make plans if the Extension Office is coming back to the Complex.

**Fair Board:** Mr. Garner commented that a letter was sent to the Mr. Cooley, as Council President, Mrs. Huston, as Commission President, and Mrs. Shuter, Auditor, by the Fair Board regarding the decision that the Extension claims for the Fair be paid directly through the Auditor's Office. The Fair Board will no longer be paying the bills for them out of the \$45,000.00 appropriated. This has been discussed with Mr. Sell and his staff and they don't see a problem with it.

**County-owned Properties:** Mr. Yagelski reported that Mrs. Huston was not in any of the meetings when the property transfers were discussed as it was prior to her administration.

**Extension Office Rent:** Mr. Jones thinks that it almost seems apparent that the County Council is no longer willing to support the rent for the Extension Office, especially with an increase, and second to that, we don't have plans written out, which would take several months, and he doesn't know that we can afford the capital outlay to build a new "green" building at the Fairgrounds as well. Mr. Jones stated that, "We just did an outlay of \$8.1 million, did we not?" He commented that the Auditor might back up the fact that we don't have money to build the building so if Commissioner Huston has space, he thinks it is almost self-evident that this is a move that will have to take place until some future date when there is money or a plan or a grant or some other way to find money to fund the kind of facility that they want. They will have to find meeting space here in the assembly rooms or at the Community Building at the Fairgrounds. Mr. Jones commented that it seems like all of the departments that want buildings want their own meeting rooms and he doesn't think this is feasible to put on the tax rolls. Mr. Garner agrees but we need to make this decision before the end of the year.

Mr. Jones asked Commissioner Huston if something could be worked out in the plans they are currently working on for the Hiler Building. Mrs. Huston responded that it wasn't something that was considered at the beginning but they can certainly take a look at it. She realizes that we don't have the money to fund a new building, especially the size of the building that was requested out at the Fairgrounds, and until we do, supporting the rent where the Extension Office is currently located isn't an option either. Mrs. Huston will find a place to put the Purdue Extension Office.

**Confidentiality Report:** Mr. Cooley commented that he has been hearing his name on the radio about keeping secrets. He stated that the stand the County has taken over the last few years is trying to draw business to this County since it is stagnant and jobs are leaving and going everywhere in the world; they are trying to bring good paying jobs in here. Mr. Cooley stated that a lot of the information received from people coming in looking at properties, and he has pulled himself off of the Planning Board which makes decisions on if they come in here or not, because he wanted to take a lead in helping to bring business into this County. He stated that sometimes they don't want their name out and if that's some violation that he makes because of his position on the County Council, he thinks that the biggest responsibility is to bring businesses in here so our kids and grandkids can stay here and work.

Mr. Cooley stated that it is up to other departments to make decisions if the zoning needs to be changed or if it needs anything of that nature. He will do what he can to bring business in and it is up to other departments to decide they don't. Mr. Cooley stated that you definitely aren't

going to give information to the newspaper every time somebody comes in to look around – he has been told that Target, Kohl’s and several others have looked. If he is going to get slandered by some people saying that he is keeping secrets in the community and if you want development to come here, and you don’t want the elected officials to have anything to do with economic development, Mr. Cooley doesn’t know how you are going to draw businesses here.

Mr. Cooley commented that he listened in one Commissioners’ meeting and they were talking about one subdivision in Galena Township where they are buying up the land and making \$300,000 to \$500,000 homes for summer homes. He asked if this is the type of community we want. He commented that if he has violated someone’s trust by keeping something secret to try to bring business here so that we have jobs, shame on him but he thinks as an elected official, people elect us not to follow but to lead. When he was elected three years ago, people wanted economic development in the County.

Mr. Cunningham added that he spent some time in the real estate industry as a broker and, as far back as thirty years ago, in the City of LaPorte and the County of LaPorte there were undisclosed buyers all of the time. People are interested in property but they are only interested in Property A if they can get B and C without everyone knowing that they got A. He stated that if we can’t have any privacy and negotiation without disclosing everybody that is involved, we are never going to get any industry or stores like Target or Kohl’s. Mr. Cunningham commented that this isn’t anything new but it is being made more of a big deal right now because of the size and complexity of the issue.

For the record, Mr. Cunningham, as a Council Member, would like to defend Mr. Cooley’s stance and the Commissioners as well. He commented that there were pictures in the LaPorte paper and Earl Cunningham didn’t sign the confidentiality agreement but this is a moot point as Earl Cunningham was not involved with economic development at that time and others were. He doesn’t disrespect the fact that a privacy agreement was signed at all as he thinks it is necessary and he understand the necessity of it.

Mr. Cooley commented that on Route 2 the developers haven’t even talked to the County yet and they don’t have any idea what is going on at all. Regarding the Union Mills site, and they were told it was Kingsbury and Kingsford Heights, the only thing they knew that everyone else didn’t was regarding the realtor people and investor people. Mr. Cooley thinks we need to grow and the other Boards will decide who will come and who won’t. He commented that everyone has a right to sell their land and we have a right to decide what goes on there.

**PUBLIC COMMENT:** There was no public comment.

**TRANSFER/COMMISSIONERS:** Mr. Jones made a motion to approve the transfer of \$9,497.34 from the Commissioners’ Budget, Secretary/Adm Asst/Office Mgr, to the Emergency Medical Service Budget, Coordinator of Services. Mr. Cunningham seconded. The motion carried 7 – 0 by roll call vote.

**TRANSFER/E-911 SURCHARGE:** Mrs. Shuter explained that of the \$6,500.00 advertised to appropriate for Computer Maintenance, \$5,500.00 needs to be transferred because it is for windows and tinting in the 911 Center. Mr. Jones made a motion to appropriate \$6,500.00 for Computer Maintenance, \$15,000.00 for Overtime and \$85,000.00 for Telephone in the E-911

Surcharge Fund and to transfer \$5,500.00 from Computer Maintenance to Doors & Windows. Mr. Cunningham seconded. The motion carried 7 – 0 by roll call vote.

**ADDITIONAL APPROPRIATION/GENERAL FUND/AUDITOR:** Mrs. Shuter explained that the \$5,000.00 advertised is actually for a re-appropriation of funds. When she first came in three years ago, \$5,000.00 was requested for Cender and Company for TIF Districts. The TIF Districts have to be neutralized annually because of trending and the funds were not encumbered. Mr. Yagelski made a motion to approve this request and Mr. Ludlow seconded. Motion carried by roll call vote 7 – 0.

**ADDITIONAL APPROPRIATION/GENERAL FUND/SHERIFF:** Jim Sosinski, the Sheriff's Chief Deputy, reported that the overtime budget is currently in the red. He stated that a lot of times overtime is due to unforeseen circumstances. He reported that last year they had one ERT (SWAT Team) call-out and so far this year there have been nine (9). There were also three (3) new hires and two of them were on the same shift that were in the academy so they had to supplement that shift with overtime people to supply adequate people out on the street. There also were two (2) officers out on sick leave. Mr. Sosinski commented that hopefully the \$25,000.00 will get them through the rest of the year but he has a feeling that it will not.

Mr. Ludlow made a motion to approve \$25,000.00 as requested for Overtime and Mr. Cunningham seconded. Motion carried 6 - 1 by roll call vote with Mr. Garner voting “nay.”

**ADDITIONAL APPROPRIATION/GENERAL FUND/JAIL:** Chief Deputy Sosinski commented that the request is for \$60,000.00 for Medical-Hospital which is another unforeseen evil in the Jail. Currently there have been several inmates who have spent time in the hospital from the Jail.

Mr. Yagelski made a motion to approve the amount as requested and Mr. Ludlow seconded. Mr. Ludlow asked if the company the Sheriff's Department uses still negotiates the hospital costs. Mr. Sosinski responded that they do but this is in addition to that since once the maximum is reached with them, then we have to come up with the additional. Mr. Sosinski was informed this morning about an inmate that was taken to South Bend that had some heart surgery which could cost \$60,000.00 right there.

The motion to approve \$60,000.00 carried by roll call vote 6 – 1 with Mr. Garner voting “nay.”

**ADDITIONAL APPROPRIATION/GENERAL FUND/EMS:** Mr. Yagelski made a motion to approve \$40,000.00 as advertised in Overtime for Emergency Medical Services and he thanked the Commissioners for making the change to the Personnel Policy regarding PTO. Mr. Ludlow seconded. Motion to approved as advertised carried 7 – 0 by roll call vote.

**ADDITIONAL APPROPRIATION/GENERAL FUND/COMMISSIONERS:** Mrs. Huston asked that \$2,000.00 advertised for Extra Hire/Part-time/Seasonal be removed from the agenda because if the Commissioners' Secretary, Linda Arnett, goes on vacation she doesn't believe that they need anyone part-time. They will just shutdown the office, do what they can and the work will be there when she gets back.

Mrs. Huston reported that there is still \$31,000.00 left in the Telephone account but there were bills turned in today so they are still requesting \$93,000.00 for Telephone. Mr. Jones made a motion to approve \$93,000.00 and Mr. Yagelski seconded. Motion carried 7 – 0 by roll call vote.

Mrs. Huston clarified that it isn't that the Commissioners don't want Linda to have time off, but they don't have anyone they could bring in since her job is very complex. She isn't trying to be mean to Linda but she doesn't see the need as it would be far worse to have someone come in for a few hours when Linda is gone as she has a very difficult position. This is the only reason Mrs. Huston is asking to have the \$2,000.00 pulled off. It is no disrespect to Linda at all.

Mrs. Huston explained that the \$8,000.00 for Professional Consulting is for Joan Chesterton who is doing the consulting for the Human Resources Director. Mr. Cunningham made a motion to approve this amount as requested with the comment that Ms. Chesterton seems to be doing an outstanding job so far. Mr. Jones seconded and the motion carried by roll call vote 7 – 0.

**ADDITIONAL APPROPRIATION/GENERAL FUND/PARKS & REC:** Tim Morgan, Superintendent, requested approval to appropriate \$6,500.00 to be received as a donation, as in the past, from the Bluhm Endowment in the Extra Hire/Part-Time-Seasonal account in the Parks & Recreation Budget. Mr. Jones made a motion to approve this request and Mr. Garner seconded. Mr. Jones told Mr. Morgan to keep up the good work as he does a fantastic job. Mr. Morgan invited everyone to attend Pioneer Days this Saturday and Sunday from 10:00 to 5:00. This event has been going on since 1992 at Creek Ridge County Park.

Mr. Cunningham reported that he and Mr. Mrozinski were fortunate enough to spend last Friday and Saturday at Red Mill Park and the Park Department and Leadership LaPorte County did an outstanding job hosting them for a valuable two days. Mr. Morgan invited the Commissioners and Council to use the facilities for meetings.

The motion to approve \$6,500.00 as advertised carried by voice vote 7 – 0.

**OLD BUSINESS:** Mr. Cooley commented that there was a meeting today concerning “An Ordinance regarding the requirement of Elected Officials/Department Heads to come before the County Council when a position vacates in order to re-evaluate the position and determine if it should be filled.” Attorney Baugher stated that they met with the County Attorney and the President of the County Commissioners and he thinks that they have come to an understanding regarding this joint ordinance between the Council and Commissioners.

**NEW BUSINESS:** Mrs. Shuter explained that the reduction of appropriation in the Major Moves Fund of \$1,064,922.10 is the difference between what the contract came in at for the 18<sup>th</sup> Street Sewer Project and what was actually appropriated which was \$3.7 million. Mr. Cunningham made a motion to approve the reduction of \$1,064,922.10 as discussed and Mr. Jones seconded. The motion carried by voice vote 7 – 0.

**COMMENTS BY THE COUNCIL:** Mr. Jones commented that usually private lives aren't talked about at the County Council but he had attended the Moose Fest in LaPorte and watched the Rock Doctors and our Council brother on the end, Mr. Mrozinski, can sing, dance and play the bass guitar. Mr. Mrozinski stated that this was an unsolicited testimonial but thank you.

Mr. Yagelski commented that he appreciates the comments about moving the Purdue Extension Office but he is still disappointed that \$130,000.00 was wasted away in rent over the last five (5) years.

Mr. Cunningham commented that earlier this evening there was discussion about meeting rooms and he wondered if the confusion about LADS had been resolved. Mrs. Huston responded that it had been.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:35 P.M.