

**LAPORTE COUNTY
COUNTY COUNCIL MEETING
July 28, 2008**

The LaPorte County Council met in regular session the 28th day of July, 2008, in the assembly room of the LaPorte County Government Complex. The meeting was called to order at 6:30 p.m. by President Mark Yagelski.

ROLL CALL AND PLEDGE OF ALLEGIANCE:

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

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

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

ADOPTION OF AGENDA: Mr. Jones asked that the Mobile Data Terminal (MDT) request be moved up because of the large number of people in attendance in support of this project. Mr. Mrozinski seconded and the motion carried by voice vote unanimously. Mr. Cooley asked that the request by the Coroner also be moved up. Mr. Cunningham seconded and the motion carried unanimously by voice vote.

MINUTES: Mr. Ludlow made a motion to approve the minutes of the Budget Hearings held on August 13, 2007, August 14, 2007, August 15, 2007, September 5, 2007, the Budget Adoption minutes of September 17, 2007, and the minutes of the Regular Meetings held on May 19, 2008, and June 23, 2008, as submitted. Mr. Jones seconded. The motion carried 7 – 0 by voice vote.

DEPARTMENT HEADS:

SHERIFF'S DEPARTMENT:

Sheriff Mike Mollenhauer reported that the LaPorte School Corporation's attorney and the superintendent had contact him regarding a Sheriff's Liaison Officer; presently the City of LaPorte supplies the LaPorte School Corporation with an officer and they would like to make a change. Sheriff Mollenhauer stated that the main reason for the change is that the school corporation would like to implement a teaching officer along with security; this officer would also be visiting the County schools, the elementary schools and the two (2) junior highs with LaPorte High School as the main function.

Sheriff Mollenhauer stated that a certain officer, Sgt. Mike Kellems, has been requested since he has prior experience as he was a D.A.R.E. Officer. Sheriff Mollenhauer reported that the school corporation would pay seventy-four percent (74%) of the officer's wages and the County would pick up the other twenty-six percent (26%). Sheriff Mollenhauer commented that the department would then be an officer short and would need a new officer.

REGULAR COUNCIL MEETING JULY 28, 2008

Sheriff Mollenhauer stated that a probationary officer's wage would be \$38,563.00; at 74% LaPorte Schools would be paying \$35,648.00 with a difference of \$2,915.00 paid by the County. Sheriff Mollenhauer commented that the department would have Sgt. Kellems for the summer months when school is not in session.

Sheriff Mollenhauer asked that the Council give this proposal some thought and give him some direction on how he should pursue this proposal. There was some discussion regarding the pension and health insurance. Mr. Ludlow stated that the City of LaPorte pays into PERF instead of a pension plan. Mr. Cunningham commented that the bottom-line is that for nearly \$3,000.00, or 26% of an officer's pay, the County would have an extra officer and have Sgt. Kellems available in the summer.

Sheriff Mollenhauer commented that he feels this proposal would be very beneficial. Mr. Cunningham agreed that there would be a great deal of benefit as the liaison officer at LaPorte High School is not limited to the city limits because a lot of the problems come from other areas throughout the County that this officer would have the perspective of.

Sheriff Mollenhauer reported that the contract with the City of LaPorte expired as of July 1st. Mr. Cooley commented that an additional appropriation would be needed for the remainder of the year. Mr. Cunningham recommended that this request be on the agenda of the next Council Meeting.

PARK DEPARTMENT:

Tim Morgan, Park Superintendent, asked for Council support of application for a CMAQ grant through the U.S. Federal Highway Administration's Congestion Mitigation/Air Quality application for Diesel Retrofits/replacement, alternative fuel equipment for the replacement of a gasoline riding mower with a propane riding mower, for replacement of a gasoline dump/plow truck with a diesel one and replacement of a gasoline work truck with a hybrid electric/gas Saturn Vue vehicle. Mr. Morgan also requested that the Council approve the use of \$7,500.00 (10%) of the local match from the non-reverting Park & Recreation Fund 560 if necessary.

Mr. Cooley commented that it is time the County uses this alternative method. Mr. Cooley made a motion to support the CMAQ grant application as requested and Mr. Ludlow seconded. The motion carried 7 – 0 by voice vote.

Mr. Morgan also requested approval to receipt a donation of \$11,000.00 from the LaPorte County Park Foundation in the part-time account. He reported that these monies come from the Bluhm Endowment which is managed by the Park Foundation for use at Bluhm Park. \$11,000.00 will be advertised next month.

LIAISON REPORTS:

RICH MROZINSKI:

Mr. Mrozinski commented "another month, another award." He reported that the LaPorte County Parks was recognized with a National Award by the National Association of County Park and Recreation Officials for the Lincoln Memorial Trail Project.

REGULAR COUNCIL MEETING JULY 28, 2008

Mr. Mrozinski also reported that a multi-use Veterans Center has been opened in Logansport through the efforts of Congressman Donnelly; the Center is the first of its kind in the country and will offer accommodations and services for the veterans' health and administration all in the same location. Mr. Mrozinski commented that this is one of the continuing good things to come out of our efforts to take better care of our veterans.

TERRY GARNER:

Mr. Garner stated that the Fair had a record year on the auction with \$414,000.00 coming back to 4-Hers and over 92,000 people attended the Fair.

MARK LUDLOW:

Mr. Ludlow commented that at the last meeting he said that he would check on the notice of possible termination of Public Defender reimbursements. He stated that the State of Indiana has changed the rules again; Public Defenders on an annual basis were only allowed so many cases and in the last quarter we could adjust and not get caught up in it. Mr. Ludlow reported that now there is a rolling four (4) quarters so there is no catch-up time; Mr. Brajie has been in contact with the State Public Defenders Commission and we are not in those dire straits of losing our funding although there are requirements and restrictions to be met. Mr. Ludlow also attended the Board meeting and at budget hearing time it will be necessary to request two (2) more Public Defenders at a price of about \$58,000.00; this year a return of about \$140,000.00 is expected.

Mr. Ludlow commented that the State is looking at taking over the Public Defender system; there will be more discussion at the budget hearings regarding this matter.

JOHN JONES:

Mr. Jones commented that the Sheriff's Department is requesting that a Sergeant be raised to a Captain which will amount to a difference of \$855.00 this year which will be approximately \$2,700.00 difference in 2009. Mr. Jones stated that after many talks with the Sheriff and Chief Deputy Jim Sosinski, it is apparent that they need to raise the level to the proper supervisor capacity according to the Sheriff's Rules & Regulations.

Mr. Jones stated that he has been working closely with Brent Soller, 911 Director, to revitalize the part-time roster to avoid overtime. Mr. Jones commented that Mr. Soller has had a couple of employees off on FMLA and that has contributed to the \$30,000.00 being requested; the number of calls to the Center has also increased with the addition of the Michigan City dispatch responsibilities. Mr. Jones reported that there is some "light at the end of the tunnel" as after the first of the year, and as cross-training occurs between the new employees that have come over and the existing employees, the overtime will go down.

Mr. Jones commented that the Michigan City Fire Department, and Chief Dave Lamb, have successfully written a grant for District 1, a five-county District, and have received \$80,000.00 to build a fire training tower; they will be able to train with live fire and will open it up to anyone in the County that wants to train there. Mr. Jones stated that there is a matching part of the grant of approximately \$40,000.00 that will be used to pour concrete, etc. outside of what is being paid for through the grant. Mr. Jones further stated that there have been some talks entered into, and he is liaison to most of the emergency departments in the County, to show some good faith from the Riverboat Fund; this would be a nonrecurring capital expense for the County of approximately \$5,000.00. This request will go through the Commissioners for a recommendation to the Council.

REGULAR COUNCIL MEETING JULY 28, 2008

EARL CUNNINGHAM:

Mr. Cunningham reported that he has nothing at this time except to reiterate congratulations to the Fair Board and all participants in 4-H; he saw a lot of smiles and with the economy the way it is a lot of people decided to stay home and take advantage of local entertainment.

PUBLIC COMMENTS: There were none.

ADDITIONAL APPROPRIATION/EMERGENCY MGMT: Mr. Jones made a motion to take the request for \$561,116.00 from the River Boat Admissions Tax Fund off of the table and Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

Ben Neitzel, Michigan City Police Chief, stated that at the last Council meeting more in-depth information was requested regarding the mobile data system proposed County-wide and the issue of bidding. Chief Neitzel commented that hopefully the Special Meeting held before tonight's meeting answered those questions.

Mr. Cunningham stated that this money was set aside approximately one year ago and not spent as he understands it. Mrs. Shuter commented that about \$30,000.00 of the original \$600,000.00 requested has been spent.

Mr. Garner made a motion to approve this request and to move forward with this project. Mr. Jones seconded. Mrs. Shuter commented that the presentation at the Special Meeting was for \$1,115,000.00 for the County's entire contribution; she asked if another \$560,000.00 would need to be brought back to the Council on the agenda next month. Mr. Yagelski asked Mr. Young if he understood the question regarding the \$1.115 million; is it correct that this is the whole share of everybody and our share is \$561,116.00. Mr. Young responded that they are looking at the \$561,116.00 at this point in time. Mrs. Shuter stated that the \$1.115 million excluded all of the other contributions from the other units and it is her understanding that they will need to come back for another \$560,000.00. Mr. Yagelski responded that this is not correct according to what everyone is saying.

The motion to approve \$561,116.00 from the River Boat Admissions Tax Fund was approved by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/CORONER: Dr. Vidya Kora, Coroner, explained that there are four (4) accounts with outstanding invoices that need to be paid and hopefully the requested amounts will take them through the rest of the year.

Mr. Cooley made a motion to approve \$3,000.00 for Fuel, \$3,000.00 for Toxicology Lab, \$10,000.00 for X-Ray, Lab, Morgue and \$60,000.00 for Autopsy for a total amount of \$76,000.00. Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATIONS/REDUCTION IN APPROPRIATIONS/AUDITOR:
GENERAL FUND:

Mrs. Shuter explained that the request for appropriation in Personal Services of \$32,547.10 for Assessor, 1st Deputies, \$14,301.68 for Assessor, 2nd Deputy, \$128,517.65 for Assessor, Clerks and \$296.54 for Assessor, Extra Hire/Part-Time/Seasonal for a total amount of \$175,662.97 is due to the transfer of the Township Trustee/Assessors to the Assessor's Budget.

REGULAR COUNCIL MEETING JULY 28, 2008

Mrs. Shuter stated that since all of the accounts were General Fund line items, it was the thought that transfers in Personal Services could be done but the State Board of Accounts requested a reduction in the original appropriation and then an additional appropriation request to the State for the Personal Services.

The amount of reduction in appropriations is \$175,662.97 for Personal Services, \$2,184.32 for Supplies, \$23,498.52 for Other Services & Charges and \$125.00 for Capital Outlays for a total amount of \$201,470.81.

Mr. Garner made a motion to read the reduction resolution by title only and Mr. Cunningham seconded. Motion approved. Mrs. Shuter read, "La Porte County Council Resolution No. 2008-02 Reduction of Appropriations." Mrs. Shuter reported that as previously stated the amount is for \$201,470.81. Mr. Ludlow made a motion to approve this Resolution and Mr. Jones seconded. The motion carried by voice vote 7 – 0.

Mrs. Shuter stated that the \$175,662.97 advertised for Personal Services in the Assessor's Budget will help offset the cost of five (5) new employees granted last month; the Hearing Officers salaries are not included in this amount as they stayed in their own budgets (Center Township and Coolspring Township).

Mr. Ludlow made a motion to approve the additional appropriation request in the General Fund in the amount of \$175,662.97 and Mr. Garner seconded. The motion carried 7 – 0 by voice vote.

WIN TAX FUND:

\$4,600.00 was advertised in the Win Tax Fund for Claims. Mrs. Shuter stated that the amount requested for Low Import is a follow-up on the IKON project. She explained that when the salaries are downloaded during the budget process, they will automatically be imported into the Low Financial system along with all of the budget appropriations for each budget. Mrs. Shuter stated that this is a one-time cost with a maintenance fee of \$600.00 which, if approved, will be included in the IT Department's budget for next year.

Mr. Cunningham made a motion to approve the appropriation of \$4,600.00 and Mr. Ludlow seconded. The motion carried by voice vote 7 – 0.

WIN TAX/CCD FUND:

Mr. Jones made a motion to take \$25,000.00 tabled last month for Office Equipment/Furniture off of the table and Mr. Ludlow seconded. The motion carried by voice vote 7 – 0.

Mr. Jones then made a motion to approve this request and Mr. Ludlow seconded. Mr. Cooley commented that if the County is going to buy all of this furniture we should look at buying it all at one time; moving all of the offices around he can't believe that there isn't some furniture in these offices that could be used. Roll call was taken.

Mrs. Shuter:	Councilman Cunningham:	Nay
	Councilman Garner:	Nay
	Councilman Jones:	Aye
	Councilman Ludlow:	Aye
	Councilman Mrozinski:	Aye
	Councilman Yagelski:	Nay

Councilman Cooley: Nay

The motion failed 3 – 4.

ADDITIONAL APPROPRIATION/AUDITOR/COUNCIL: Karl Cender, financial advisor with Cender & Company, presented a draft of the report on the estimated impact of property tax caps under 2008-HEA 1001. Mr. Cender stated that HEA 1001 presented wide sweeping changes in the property tax system as it has been known in the past which gives a good break to the property tax owners. He stated that the passage of this bill isn't so good for local units of government, including the County, who will experience a revenue shortfall. Mr. Cender reported that his company went through a vigorous process of collecting all of the property tax records and data for all parcels in the County; the report provided gives a quick overview.

Mr. Cender commented that next year, 2009, the impact of 1001 for all taxing units in La Porte County will be approximately \$786,000.00. He stated that the Legislative Services Agency (LSA) had calculated approximately \$3,987,000.00. Mr. Cender reported that for 2010 they have calculated approximately \$7,238,000.00 and the LSA has calculated approximately \$10,800,000.00. Mr. Cender commented that next year shouldn't be near as bad; HEA 1001 added a new Supplemental Deduction for homestead property and many properties will not hit the tax caps as a result, a lot of the taxing units in La Porte County have relatively low tax rates already plus the School General Fund and a lot of the Welfare costs along with local police and fire fighter pension came out of the tax levy. He commented that there is still some cleanup to do on the report and some questions that they would like to follow-up on before the report is finalized.

Mr. Yagelski commented that \$25,000.00 is advertised in the Win Tax Fund for Cender and Company to assist the Council in reviewing taxing unit budgets as required by HEA 1001, which is a brand new requirement. Mr. Cender stated that they would provide services to help compile all of the data and to provide analysis from prior years. Mr. Cender commented that by law the taxing units are to turn in their budgets to the County Council fifteen (15) days prior to their (taxing unit) adoption of the budget for the next year. There was some discussion regarding time restraints due to budget dates.

Mrs. Shuter stated that as soon as the budgets come in, they will be made available to Mr. Cender. She commented that the Council would most likely need to push the County adoption date to September 30th.

There was discussion regarding budgeting amounts used for advertising purposes which is different than what is adopted and the maximum levies. Mr. Cunningham stated that it is his understanding that the County Council has to listen to and hear the taxing units' budgets but they have no authority over La Porte City or Michigan City, for example, anyway. Attorney Baugher responded that this is correct.

Attorney Baugher, referring to the legal counsel of Porter County, commented that their rationale is "what criteria should the Council use in reviewing these budgets, what kind of definitive statement can be made that has any meaning and what conclusion does it come to." Attorney Baugher stated that the conclusion of Porter County is that there isn't much that the Council can do in terms of impacting any specific budget; they concluded that the State hasn't given the Council much criteria or procedures for reviewing these budgets. Attorney Baugher reported

REGULAR COUNCIL MEETING JULY 28, 2008

that Porter County decided that they were going to allot fifteen (15) minutes to each municipality simply on the budget that they have to review but not approve. Attorney Baugher further stated that the law gives each municipality a growth factor and Porter County intends to look at the proposed budget and report back to the community that the entity is living within the growth factor or they are not living within the growth factor which is 4% for 2009.

Attorney Baugher suggested that the Council think about this type of process since we are burdened at this point by going through a reassessment and we are forcing ourselves to comply with this law on a very limited schedule; in 2010 we may have a better idea of what is expected of us but at this point the Council has been handed a job that they didn't ask for, no criteria has been given to measure the budgets and there is no authority to do anything about it. Attorney Baugher stated that how much time and money the Council wants to spend doing that is their decision.

Mr. Ludlow made a motion to approve \$25,000.00 as advertised in the Win Tax Fund for Cender & Company to assist with the budget process and Mr. Jones seconded. Roll call was taken.

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

Motion carried 7 – 0.

Mr. Cooley asked why there were LOIT tax examples. Mr. Cender responded that it was part of the proposal for the Council to consider. Mr. Cooley commented that Cender & Company didn't have to put it in the report. Mr. Ludlow stated that he had asked that it be included.

Mr. Jones asked Mr. Cender if he was hearing anything about the next session regarding the sales tax option. Mr. Cender responded that it is his hope that the legislators will rework some of this next year; a lot of this was put in at the 12th hour. Mr. Yagelski asked that Mr. Cender submit any questions regarding this legislation to Attorney Baugher to be sent to the Attorney General for clarification.

Mr. Cunningham asked Mr. Cender if he is presently reviewing budgets for any other county. Mr. Cender responded not at this time but they have done it for other cities and towns in the past.

ADDITIONAL APPROPRIATION/BUILDING MAINT: Mr. Jones made a motion to take the request for \$42,059.00 tabled at the last meeting off of the table and Mr. Cunningham seconded. The motion carried by voice vote 7 – 0. Mr. Cunningham made a motion to retable this matter and Mr. Jones seconded. The motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/CIRCUIT COURT PROBATION: Mrs. Shuter stated that the requests from the County General Fund for \$905.00 and \$2,159.00 are for longevity increases for Krystal Keehn and Rebecca Fistel. Mr. Cunningham made a motion to approve the requests and Mr. Jones seconded. The motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/COMMISSIONERS:

ENTREPRENEUR CENTER:

Commissioner Bill Hager and Bob Schaefer, Executive Director of the Entrepreneur Center, presented the request for \$10,000.00 for the Entrepreneur Center. Mr. Schaefer, volunteer Entrepreneur Center Director, reported that the Entrepreneur Center is a small business incubator located at 422 Franklin Street in the north-end of Michigan City in the Enterprise Zone. Mr. Schaefer stated that the Center has been operating for a couple of years through donations from the City of Michigan City Chamber of Commerce, the County, the Michigan City Economic Development Corporation, the Michigan City Urban Enterprise Association and the Northern Indiana Education Foundation is the landlord allowing the use of the facility rent free.

Mr. Schaefer stated that there have been as many as twenty (20) different kinds of small businesses in the facility; the great deal about this is that a small business can get office space for as little as \$100.00 including internet, office furniture, telephone service, use of a copy machine and a fax machine which is a great tool to attract people who are working out of their home and who want to start a business and move to the next level. Mr. Schaefer reported that currently there are twelve (12) tenants.

Mr. Cunningham made a motion to approve \$10,000.00 as advertised in the Win Tax Fund and Mr. Mrozinski seconded. Mr. Yagelski asked if everyone's donations as discussed last year were received. Mr. Schaefer replied that the donations were received and they were able to leverage that money and receive a \$121,000.00 grant from the Office of Community and Rural Affairs because of the support received locally.

Mr. Schaefer also reported that besides the tenants approximately four hundred (400) people have taken business classes. Mr. Jones asked about support of the tenants in the facility for two (2) years as mentioned by Mr. Schaefer earlier. Mr. Schaefer stated that the intent is to try to keep the small business in the Center for a couple of years so that they can get to the point where they can move on to their own building or rent from a landlord downtown; there are a couple of tenants that are at the two-year point but because no one is knocking at the door to get in, they are being more flexible in letting folks stay a little bit longer. Mr. Schaefer commented that they have talked to all of the landlords downtown Michigan City and the Center is not in competition with what they are doing; as a matter of fact they look at themselves as a "feeder system" for those folks and hopefully the tenants of the Center will move into or buy one of the buildings downtown.

Mr. Jones commented that maybe there should be a "measuring stick" regarding the ability of the tenants to support themselves after two years. Mr. Schaefer stated that the statistics of small businesses is not very good; 80% don't make it after a couple of years but he thinks the Center is ahead of the scale with the people that are in there and there are some success stories. Mr. Schaefer reported that two (2) people moved out and did buy their own building; he stated that it is their job to monitor the tenants so that they don't stay too long plus the Center plans to advertise more.

Mr. Cunningham stated that he has been to the Entrepreneur Center several times and he encouraged Mr. Schaefer to notify the Council Members the next time the Center has an Open House; he feels that the Center is critical to grow some small businesses and is an opportunity for those businesses to network and to help each other. Mr. Cunningham stated that he is a big supporter.

REGULAR COUNCIL MEETING JULY 28, 2008

The motion to approve \$10,000.00 for the Entrepreneur Center from the Win Tax Fund carried by voice vote 6 – 1 with Mr. Garner voting, “Nay.”

BULL DITCH:

Mr. Hager stated that the Council had heard about the problems with Bull Ditch; the Drainage Board doesn't have the money at this time to do any of the work. Mr. Hager asked that \$23,700.00 be approved from the Win Tax Fund for this project. Mr. Cunningham made a motion to approve and Mr. Jones seconded.

Mr. Yagelski asked about money in the Bull Ditch Fund. Mr. Hager stated that the money that was in the fund was used for an emergency as a tile through a farmer's field caved in; the clay tiles are starting to disintegrate and the County is liable for them.

Mr. Yagelski asked if the money would be reimbursed to the Win Tax Fund; he asked that Attorney Baugher send a letter to the Drainage Board that reimbursement is expected.

Mr. Ludlow stated that the people that live along Bull Ditch are assessed a maintenance fee on the ditch. He asked Mr. Hager if everyone who lives along the ditch is assessed. Mr. Hager answered that they are. Mr. Hager commented that one problem is that the Army Corps of Engineers, if there are wetlands, require that everything has to be hauled out and the dirt cannot be piled on the banks which is very expensive.

Mr. Cooley stated that basements are flooding and a culvert was put in that shouldn't have been which has been taken out; it is our responsibility to help out the citizens.

Mr. Cunningham commented that Mr. Hocutt and others have been very patient and have done their homework.

Mrs. Shuter stated that when settlement distribution after the taxes are collected is done, an agreement could be made with the Drainage Board that when the funds are receipted in, they come back to Win Tax.

The motion to approve \$23,700.00 was amended to include that the money collected from the ditch assessments be reimbursed to the Win Tax Fund. The motion carried 7 – 0 by voice vote.

ADDITIONAL APPROPRIATION/E-911:

E-911 SURCHARGE FUND:

Mr. Jones made a motion to approve \$30,000.00 from the E-911 Surcharge Fund as advertised and Mr. Cooley seconded. Mr. Yagelski commented that a positive step is being made based upon Mr. Jones' prior comments. The motion carried 7 – 0 by voice vote.

RIVER BOAT ADMISSIONS TAX FUND:

Brent Soller, 911 Director, stated that \$70,853.97 advertised is the final retainage payment to Larson-Danielson. Mr. Yagelski commented that someone from Larson-Danielson was on vacation so when Linda Arnett called to get the final number, it wasn't the final number. Mr. Jones made a motion to approve \$70,853.97 and Mr. Cooley seconded. The motion carried by voice vote 6 – 1 with Mr. Ludlow voting, “Nay.”

ADDITIONAL APPROPRIATION/EMS: Pat Pease, EMS Administrator, reported that she has been watching a federal bill called the Medicare Ambulance Payment Assistance Act; it has been recognized that the ambulance services are overburdened with the cost of fuel; this bill would increase the Medicare allowable reimbursement by two to three percent retroactive back to July 1st.

Mr. Ludlow made a motion to approve \$30,000.00 as advertised in the County General Fund, EMS Budget. Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/HIGHWAY:

CCD OR RIVER BOAT ADMISSIONS TAX FUND:

Rick McVay, Highway Engineer, at the request of the Commissioners, received a quote in the amount of \$11,000.00 from Reith-Riley, who has the annual paving contract, to resurface the parking lot at 555 Michigan Avenue. Mr. Yagelski commented that he and Mr. Jones looked at the parking lot before the meeting; it would be an insult to the taxpayers to resurface this lot right now. The request died for lack of a motion.

CUMULATIVE BRIDGE FUND:

Mr. McVay explained that the request for \$700,000.00 is for Bridge 185 and Bridge 186; instead of putting a concrete deck over the bridges they were paved over which allows water to infiltrate through the beams taking the structural integrity out of the beams. Bridge 186 still has some good beams but the bad beams need replaced and a concrete deck put over it; the beams on Bridge 185 are still in good condition but Mr. McVay would like to take the asphalt off of this bridge and replace it with a concrete deck.

Mr. Garner asked about the capacity of the bridges with the equipment that goes over them. Mr. McVay responded that all bridges are designed for HS20 load rating.

Mr. Mrozinski asked why we are putting asphalt on the bridges. Mr. McVay commented that as far as he concerned we will be putting concrete decks over all of the bridges.

Mr. Ludlow commented about our bridge crew is not doing this project. Mr. McVay stated that they are not; they are starting with simple bridges and this is not a good bridge for them. Mr. Ludlow stated that the La Porte Construction bid is a little over \$715,000.00 and where is the other money coming from since only \$700,000.00 is advertised. Mr. McVay responded that this money is already in his bridge budget so that is covered.

Mr. Cunningham made a motion to approve \$700,000.00 as advertised in the Cumulative Bridge Fund and Mr. Jones seconded. The motion carried by voice vote 7 – 0.

MAJOR MOVES FUND OR RIVER BOAT ADMISSIONS FUND:

Mr. Jones made a motion to approve \$491,725.00 from the River Boat Admissions Fund for the Regional Sewer District and Mr. Mrozinski seconded.

Mr. Ludlow asked how much is in the River Boat Admissions Fund. Mrs. Shuter responded \$4.8 million. The motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATIONS/PARK DEPT: Mr. Cunningham made a motion to approve \$307.00 in the Park & Recreation Non-Reverting Fund for Sales Tax Collected. Mr. Jones seconded and the motion carried 7 – 0 by voice vote.

Regarding the Park Department and a water issue, Mr. Hager believes that two more tubes put in would satisfy the homeowner. Tim Morgan, Park Superintendent, commented that this matter has been going on for quite some time; he has water level calculations since the tubes were put in almost three and a half (3 ½) years ago. Mr. Morgan stated if the other two (2) leveler tubes are put in, the water will drop about 5” and the other three (3) neighbors will raise “holy Cain.”

Mr. Yagelski asked that Mr. Morgan get with Mr. Hager and go out to visit the residents. Mr. Morgan commented that he has. Mr. Hager stated that you have to “give and take.” Mr. Morgan will do whatever is requested but it is a “no win” situation. (Refers to Upstream Neighbors to Red Mill County Park.)

ADDITIONAL APPROPRIATION/SHERIFF’S DEPARTMENT/JAIL:

JAIL BUDGET:

Sheriff Mike Mollenhauer and his Chief Deputy, Jim Sosinski, were in attendance to request \$200,000.00 in the Jail Budget for Food. Sheriff Mollenhauer commented that food costs are up and the population has been up running around 330 to 340 prisoners. Sheriff Mollenhauer also reported that they are looking into becoming a permanent DOC (Department of Corrections) holding facility; that money would go into the General Fund.

Mr. Mrozinski made a motion to approve the request for \$200,000.00 in the County General Fund, Jail Budget, Food, and Mr. Cooley seconded. The motion carried 7 – 0 by voice vote.

SHERIFF’S BUDGET:

Mr. Jones made a motion to approve \$30,000.00 as advertised in the County General Fund, Sheriff’s Budget, Overtime. Mr. Cooley seconded and the motion carried by voice vote 7 – 0.

Chief Deputy Sosinski stated that John Boyd’s position has been approved by the Merit Board to go from Sergeant to Captain. Mr. Jones made a motion to approve \$855.00 as advertised in the County General Fund, Sheriff’s Budget, Captain/Detective, and Mr. Cooley seconded. The motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/SUPERIOR COURT NO. 1: Mr. Cunningham made a motion to approve \$454.00 as advertised in the County General Fund, Superior Court No. 1 budget, Probation Officers, for the longevity increase due Probation Officer John Marthakis. Mr. Cooley seconded and the motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/TREASURER: The request tabled from the last meeting in the amount of \$15,500.00 from the Win Tax or CCD Fund for Office Equipment/Furniture died for lack of a motion to take this matter off of the table.

OLD BUSINESS:

SHERIFF’S SALARY ORDINANCE AMENDMENT:

Attorney Baugher stated that there would be a meeting with the Sheriff this week regarding his salary; a report will be given regarding this matter next month. Mr. Cunningham made a motion to take this matter off of the table and Mr. Jones seconded. Motion approved. Mr. Jones then

REGULAR COUNCIL MEETING JULY 28, 2008

made a motion to put the Salary Ordinance Amendment for the Sheriff's salary back on the table and Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

PTABOA LETTER OF UNDERSTANDING:

Mr. Yagelski asked when the PTABOA Letter of Understanding would be effective. Attorney Baugher commented that from his recollection, the Council approved the changes discussed with the PTABOA Board but wanted an agreement. Attorney Baugher drafted the agreement but hasn't heard anything after that; shortly thereafter the ruling came down from the Department of Local Government Finance regarding reassessment. Attorney Baugher stated that it is his understanding that the PTABOA Board is still conducting hearings of years other than 06 pay 07.

Attorney Baugher referred to Item #5 in the Letter of Understanding whereas the "PTABOA agrees to conduct no meetings until a decision from the DLGF concerning reassessment has been achieved and PTABOA has notified the President of the County Council of its intent to resume meetings." Attorney Baugher pointed out that this has now passed. Attorney Baugher suggested that Item #5 should read that the PTABOA agrees to conduct no meetings regarding the 2006 reassessment since the Board is conducting hearings for other years; he could change this language. This agreement could be effective June 1st.

There was some discussion regarding the second session of the PTABOA. Mr. Jones commented that the second session be paid hourly. Mr. Cunningham made a motion for Attorney Baugher to make the necessary changes and for the President to sign the Letter of Understanding between the PTABOA and La Porte County Council. Mr. Ludlow seconded. The motion carried by voice vote 7 - 0.

NEW BUSINESS:

RENAISSANCE ACADEMY SEPTIC SYSTEM:

Mr. Mrozinski made a motion to submit a letter signed by the President to the Indiana State Department of Health referencing the intent of La Porte County to commit to obtain ownership of the Springfield Regional Sewer District and the first phase whereas services could be provided to the Renaissance Academy. Mr. Cunningham seconded and the motion carried 7 – 0 by voice vote.

COMMENTS BY THE COUNCIL:

RICH MROZINSKI:

Mr. Mrozinski expressed his displeasure regarding an update by dh2w in reference to the proposed building to house the Extension Service, Soil & Water and Solid Waste. Mr. Hager stated that a meeting is scheduled with dh2w for tomorrow morning at 9:00 a.m. Mr. Hager commented that he doesn't know why dh2w is doing what they are doing but the excuses are gone.

Mr. Yagelski asked about the money already paid to dh2w. Attorney Baugher asked if the Commissioners as a body terminated the contract with dh2w. Mr. Hager responded that they will and are in the process. Mr. Mrozinski made a motion that Attorney Baugher draft a letter to the Commissioners asking that dh2w refund the County the money they were paid. Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

REGULAR COUNCIL MEETING JULY 28, 2008

MARK YAGELSKI:

Mr. Yagelski commented that there was an agreement with the DLGF (Department of Local Government Finance) and they were to give the County reports on a timely basis to make sure the reassessment is up to their standards. Mrs. Shuter stated that she spoke with a Nexus representative this morning and he said that ten (10) of the units, the smaller ones, were done and he anticipates having all eighteen (18) of the smaller ones done by the end of the week; the three (3) bigger units will take some time. Mrs. Shuter stated that the Nexus representative anticipates that by the end of August we should have the reassessment complete. Mrs. Shuter reported that we are sending out provisional bills in August and that would be good timing.

Mrs. Shuter will contact Tim Rushenburg, DLGF legal counsel. Mr. Ludlow made a motion that a letter signed by the President be sent to the DLGF Commissioner, Cheryl Musgrave, requesting reports and an update on Nexus by Crowe-Chisek as advisor to the County. Mr. Cunningham seconded. Attorney Baugher will draft the letter. The motion carried 7 – 0 by voice vote.

RICH MROZINSKI:

Mr. Mrozinski stated that for all of the money spent with ALCO, the Council isn't on TV, which isn't a big thing, but there isn't even a PA system; people in attendance can't hear which is ridiculous for the money spent.

TERESA SHUTER:

Mrs. Shuter stated that Joyce Leon, Human Resource Director, has requested a workshop prior to the budget hearings beginning the week of August 18th with the Council for the re-evaluation of all of the Assessor's Department. Mr. Yagelski suggested that Mrs. Leon e-mail the information to the Council.

It was decided that the budget hearings with departments be set for August 20th, 21st and 22nd. The first public hearing on the 2009 budgets will be held on September 15th at 5:00 p.m. with the Regular Meeting to follow at 6:30 p.m., which is a change from September 22nd for the Regular Meeting. The final reading and adoption will be held on September 30th at 5:00 p.m.

ADJOURNMENT: There being no further business, Mr. Mrozinski made a motion to adjourn at 8:25 p.m. and Mr. Ludlow seconded. The motion carried by voice vote 7 – 0.