

**LAPORTE COUNTY  
COUNTY COUNCIL MEETING  
SEPTEMBER 15, 2008**

The La Porte County Council met in regular session the 15<sup>th</sup> day of September, 2008, in the assembly room of the La Porte County Government Complex. The meeting was called to order by President Mark Yagelski at 6:30 p.m.

**ROLL CALL AND PLEDGE OF ALLEGIANCE:**

Those present stood and recited 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. You have a quorum."

**ADOPTION OF AGENDA:** Mr. Yagelski asked that the LaCrosse Library Financing Resolution be moved up along with the Letter of Understanding for the PTABOA Board. Mr. Cunningham made a motion to adopt the agenda as amended. Mr. Jones seconded. The motion carried by voice vote 7 – 0.

**LACROSSE LIBRARY:** Mr. Yagelski referred to HEA 1001 and letters received from Cheryl Musgrave of the Department of Local Government Finance (DLGF). Mr. Yagelski read, "HEA 1001 Bill, Section 176 Amended. Effective January 1, 2009, amendment which will apply to property tax first due and payable in 2009 applies the property tax levy limits to impose on Indiana Code. The property tax imposed by the Library Board CPF under Indiana Code Chapter 36-12-12, formally the property tax levies do not apply the property tax imposed by the CPF. However, beginning with property taxes first due and payable in 2009 for purposes of computing the maximum property tax limits levy imposed by Library Boards, the property tax levy will now include the CPF." Mr. Yagelski commented that this could affect the County levy due to HEA 1001 and might impose other entities to either have to lower their taxes or the tax rate for the County to raise.

Dan Lewis stated that this is a new procedure for all and we are all victims of a law that was put into effect when the Indianapolis Public Library went overboard. Mr. Lewis doesn't know what the effect will be on the tax rate but he believes that it will be modest if this request for financing is granted. There were a number of supporters in attendance from the LaCrosse area; Mr. Lewis believes that it is unusual to have \$40,000.00 contributed by the community already. In addition there is a sizeable grant approved by the State. A study was presented that was compiled by H. J. Umbaugh & Associates which shows a moderate impact on the taxpayers of the library. Mr. Lewis asked for support if for no other reason, it is a way to assure by the tax dollars spent here sizable grants will be attracted for the LaCrosse project.

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Attorney Baugher has received the resolution and it is in proper form; Mr. Lewis made a main point that it is a good way to “bootstrap” some local money into State money and basically double it but that is a Council decision.

Mr. Ludlow made a motion to approve Resolution 2008-03 in consideration of the Town of LaCrosse Public Library Financing. Mr. Jones seconded.

Mr. Cooley asked about the affect of HEA 1001 and asked where the library will be financially. Mr. Lewis responded that the library will have to look very carefully at all of their expenditures and from what Mr. Yagelski read, is that there will be an overall limit and other things will need to be adjusted to accommodate such as less books, reduced salaries, less staff, or less hours. Mr. Cooley commented that even when times are bad, libraries are one of the most important things we have.

The motion to approve carried by voice vote 7 – 0.

**PTABOA LETTER OF UNDERSTANDING:** Mr. Yagelski stated that there is a letter drafted by Attorney Baugher for the President to sign regarding the PTABOA Board Schedule and the amount of money they are to be paid; three (3) Council Members were involved in the negotiations.

Mr. Ludlow stated that one of the reasons there is a significant increase is because of the time and effort put in by the PTABOA Board but that will hopefully be cut back by using the two (2) Township Assessors as hearing officers; he doesn’t see this referred to in the letter. Mr. Jones commented that Mr. Ludlow has brought up a valid concern, and his recollection is that the hearing officers wouldn’t be part of the process but would limit the number of cases that go to the PTABOA Board.

Mr. Ludlow made a motion to approve the Letter of Understanding for the President to sign and Mr. Garner seconded. The motion carried by voice vote 7 – 0.

**FURTHER AMENDMENT TO AGENDA:**

Mr. Jones stated that he was on the phone with Commissioner Bohacek earlier and since Mr. Bohacek has a meeting to attend, Mr. Jones made a motion to further amend the agenda to bring the Commissioners up on the agenda. Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

**ADDITIONAL APPROPRIATIONS/COMMISSIONERS:**

Mr. Bohacek stated that \$150,600.00 is needed to finish out the year for phone service and make upgrades as necessary. Mr. Jones made a motion to approve \$150,600.00 for Telephone in the Commissioners’ Budget, County General Fund, as advertised and Mr. Ludlow seconded. The motion carried by voice vote 6 – 1 with Mr. Garner voting, “Nay.”

Mr. Bohacek stated that \$4,500.00 has been requested in the Commissioners’ Budget for Mileage which is primarily for his mileage through the end of the year. Mr. Bohacek commented that his mileage runs from \$200.00 to \$500.00 per month depending upon what is going on. Mr. Jones made a motion to approve \$4,500.00 as advertised in the County General Fund and Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

Mr. Bohacek stated that it has been an active year for legal work; therefore, \$75,000.00 is advertised in the Commissioners' Budget for Legal Fees. Mr. Jones made a motion to approve \$75,000.00 from the County General Fund as advertised and Mr. Cunningham seconded. Mr. Yagelski asked if the money received for the NIPSCO suit goes into the General Fund. Mrs. Shuter explained that several years ago the Accident Liability Fund was established and this is where the money is receipted into since this is where claims are paid out of.

The motion to approve carried 6 – 1 by voice vote with Mr. Ludlow voting, “Nay.”

Mr. Bohacek thanked the County Highway for their response to the flooding in Michiana Shores.

**DEPARTMENT HEAD REPORTS:**

**SHERIFF/LIAISON OFFICER:**

Sheriff Mollenhauer commented that last month the Council voted on the La Porte Community School Corporation Liaison Officer, Mike Kellems. Sheriff Mollenhauer stated that regarding the contract, the school approved the additional amount of money for the pension which was \$10,750.00; Bill Kaminsky has stated that the contract is complete and it will be given to Attorney Baugher tonight or no later than tomorrow. As soon as Attorney Baugher looks it over, Sheriff Mollenhauer will sign it and give the Council a copy.

**METO OPS:**

Sheriff Mollenhauer stated that the department had a civilian officer, Dennis Bernth, who was the Director of the Metro Drug Enforcement Team; he has since retired to take another job. Sheriff Mollenhauer asked that his funds be transferred from the Riverboat 272 account to the 105 Sheriff's account for salaries in the County General Fund for a new officer.

Mrs. Shuter stated that this would need to be changed for the 2009 budget as well. Sheriff Mollenhauer commented that they just realized Mr. Bernth was leaving a few days after the budget hearings. Mr. Ludlow asked what the new officer will do. Sheriff Mollenhauer answered that a seasoned officer will be put in Metro to replace Dennis Bernth and the new officer will replace that officer.

**SHERIFF'S DEPARTMENT PENSION AMENDMENT:**

Chief Deputy Jim Sosinski explained that the “Fifth Amendment to La Porte County Sheriff's Department Personnel Retirement Plan” is required by the Internal Revenue Service to update the benefit limitations provided by Section 415. Mr. Sosinski stated that by law this amendment needs to be signed to keep the pension in qualified status.

Mr. Ludlow made a motion to approve this amendment and to have the President sign the Fifth Amendment. Mr. Garner seconded. The motion carried by voice vote 7 – 0.

**SHERIFF'S CONTRACT:** Sheriff Mollenhauer reported that he had received a copy of a contract to examine from Attorney Howard Williams. He will get back with the Council next month regarding this contract. Mr. Ludlow stated that the contract should be made part of next year's budget.

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Mr. Cooley complimented the Sheriff's Department and the County Highway for the great job they did due to the flooding.

**EXTENSION OFFICE:**

Walt Sell, Extension Office, stated that Purdue Extension has a resource called "First Steps to Flood Recovery" and he provided copies. The information will also be in the newspapers.

**HIGHWAY DEPARTMENT:**

Bob Young, Highway Superintendent, updated the Council on the weekend flooding. He reported that the National Guard had sent an additional 40,000 sandbags and they are supposed to send a machine to enable making the sandbags a lot faster; four (4) National Guard members are helping. Mr. Young stated that they need to feed the people who are helping and they are working to get that done.

Mr. Yagelski asked if the Sheriff had any means to help with meals for people from the National Guard and Work Release. Mr. Young stated that he will give the Sheriff a call tomorrow.

**LIAISON AND COMMITTEE REPORTS:**

**JOHN JONES:**

Mr. Jones reported that he is liaison to Emergency Management, 911 and several other emergency departments. He has already been "beat to the punch" but he wanted to mention that over the last Friday, Saturday and Sunday of what turned out to be some severe flooding, and being on the phone all day taking calls, Mr. Jones wanted to recognize Bob Young. Mr. Jones commented that it became clearly apparent to him that Mr. Young makes all of our jobs easier; we often talk about the Sheriff's Department or EMS or other emergency departments that respond to help citizens in an emergency but we forget about some of the ancillary people like the La Porte County Highway Department. Mr. Jones stated, "Bob Young is a true leader, self-starter who doesn't have to be told what to do." Mr. Jones commented that it's almost like having another emergency management person in the County with Bob Young in charge of the Highway Department.

**EARL CUNNINGHAM:**

Mr. Cunningham is the liaison for the Juvenile Board; there is a symposium coming up on October 30<sup>th</sup> at the Orak Temple. A couple of the keynote speakers are Judge Alevizos and Krista MacLennan and Judge Steve King. Mr. Cunningham reported that La Porte County Leadership is putting on this event with registration beginning at 8:00 a.m. and the session to begin at 9:00 a.m.

**RICH MROZINSKI:**

Mr. Mrozinski stated that he was glad to avoid the hurricane in Florida only to have it waiting for him when he got home. As liaison to the County Home, he reported that they have thirty-four (34) residents and they expect the number to rise when the weather gets colder.

The Veteran's Service Office would like to remind everybody that Veterans Day is November 11<sup>th</sup> and the public is invited to attend the Veterans Day services at the La Port Civic Auditorium on Tuesday, November 11<sup>th</sup> beginning at 9:30 a.m.

**JERRY COOLEY:**

Mr. Cooley just watched a meeting with the Sheriff and Commissioner Hager at the New Prairie Middle School dedication; they talked about how they worked together with the architect and the contractor and they came in without going over budget. Mr. Cooley congratulated the School Board and the citizens of the New Prairie School System.

Mr. Cooley asked about the tax bills going out. Mrs. Shuter responded that they will start printing tomorrow and it will be “all hands on deck.”

**MARK YAGELSKI:**

Mr. Yagelski stated that a letter was received from Mayor Chuck Oberlie who is supporting the Mayor of La Porte in reference to the Cender Report; the Mayors are not happy with some of the information in the Cender report and the significant difference between the impact on the tax cap calculations of the Cender Report and the LSA calculations.

Mr. Yagelski asked if everyone has access to this report. Mrs. Shuter responded that since she and Mr. Yagelski talked last week, all of the state assumptions have been received so that Karl Cender can compare the state assumptions to the assumptions that he made. Mrs. Shuter commented that state-wide averages were used by the LSA and Mr. Cender is a little more comfortable with his numbers than he may have been before; once a final draft is received stating that fact, the report will be sent to the media as well as all of the units of government.

**PUBLIC COMMENTS:** There were none.

**MINUTES:** Mr. Ludlow made a motion to approve the minutes of the Workshop held on June 23, 2008, and the minutes of the Regular Meeting held on August 25, 2008, as presented. Mr. Garner seconded. The motion carried by voice vote 7 – 0.

**ADDITIONAL APPROPRIATIONS/AUDITOR:** Mrs. Shuter had provided a copy of the Manatron agreement to the Council at last month’s meeting; this proposal is to put the provisional bills into place and to split the databases. Mr. Jones made a motion to approve \$40,500.00 as advertised in the Win Tax Fund, Professional Services. Mr. Garner seconded.

Mr. Ludlow commented that the paperwork says estimated total price. Mrs. Shuter responded that we should be o.k. with what we have but there could be more expenses down the road as what we are doing right now has never been done in any county before; the databases are split and we have converted all of the payments and delinquencies. The old tax system had to be revived to get all of this accomplished as well.

The motion to approve carried by voice vote 7 – 0.

**ADDITIONAL APPROPRIATIONS/HIGHWAY DEPARTMENT:** Mr. Ludlow made a motion to approve \$200,000.00 from the Highway General & Undistributed for Gas, Fuel & Oil. Mr. Jones seconded. The motion carried by voice vote 7 – 0.

**ADDITIONAL APPROPRIATIONS/COUNTY JAIL:** Sheriff Mollenhauer stated that \$4,425.00 requested is to pay off sick days for Patricia Williams, Jailer, who retired after twenty-nine (29) years. Mr. Cunningham made a motion to approve \$4,425.00 as advertised in the County General Fund, County Jail Budget, Jailers. Mr. Ludlow seconded.

Mr. Mrozinski asked how long the sick leave pay had accumulated. Sheriff Mollenhauer answered it has accumulated over five (5) years; an employee can carry up to sixty (60) days at \$75.00 per day.

Mr. Cooley stated that in most businesses if you don't take your sick days, you lose them. This creates a problem with the budgets; how do you budget for something like this.

Mr. Yagelski commented that if she would have taken the time off, an officer would have been paid time and a half to cover for her if you look at it that way. Mr. Ludlow stated that this policy was specifically passed by the Commissioners to try to stop the abuse of sick leave. Mr. Ludlow asked if there was anyway to transfer money from another 100 account and not have an additional appropriation. Sheriff Mollenhauer doesn't know that he does.

The motion to approve carried by voice vote 7 – 0.

Mr. Jones stated that it isn't about pro or con for this particular issue; he reminded one more time that the Commissioners pass policy that affects the budgets and he doesn't think this is appropriate. Mr. Jones commented that you can't budget when someone who isn't responsible for the money passes policies to spend money; this is not a good working relationship.

Mr. Ludlow commented that earlier this year PTO days caused a fiasco. Mr. Yagelski stated that these would still be in place if the Council hadn't taken a stance.

**ADDITIONAL APPROPRIATIONS/EMS:** Pat Pease, EMS Administrator, reminded that the Council asked her to come this year for an additional appropriation for laryngoscopes instead of budgeting for them next year. Mr. Ludlow made a motion to approve \$9,000.00 from the Cumulative Capital Development (CCD) Fund, Equipment. Mr. Jones seconded. The motion carried by voice vote 7 – 0.

Mr. Ludlow then made a motion to approve \$8,000.00 from the E.M.S. Donation Fund for the purchase of new winter duty coats and safety vests. Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

**NEW BUSINESS:**

**RESOLUTION REGARDING REIMBURSEMENT OF EXPENSES:**

Mr. Yagelski stated that there have been some abuses of mileage reimbursement because we are not to be reimbursed from home to the Courthouse. Mr. Ludlow made a motion to approve the "Joint Resolution Regarding Reimbursement of Expenses of County Employees" and to read by title only. Mr. Cooley seconded. The motion to approve Resolution 2008-11 passed by voice vote 7 – 0.

SUPERIOR COURT NO. 1:

Mr. Yagelski stated that Representative Scott Pelath would like to have a joint letter of signatures; the circumstances aren't known but for some reason back in the 60's it was stated that Superior Court No. 1 had to stay in Michigan City. Mr. Yagelski commented that it is stated that all of the other Superior Courts are located at the privilege of the Commissioners. Mr. Yagelski asked that a letter be drafted that states the Council agrees with the idea that we should have the option. A letter will be drafted.

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

EXAMINED & APPROVED BY THE  
LAPORTE COUNTY COUNCIL

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ATTEST: \_\_\_\_\_

Auditor

LAPORTE COUNTY, INDIANA