

**LAPORTE COUNTY
COUNTY COUNCIL MEETING
OCTOBER 27, 2008**

The La Porte County Council met in regular session the 27th day of October, 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. Mr. Yagelski asked that there be a moment of silence for Mr. Mrozinski's father who recently passed away. Mr. Yagelski then recognized La Porte High School students in attendance. 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: "You have a quorum, sir."

ADOPTION OF AGENDA: Mr. Ludlow made a motion to remove the request for \$25,000.00 made by Corner to Cornerstone and under New Business add the first reading of an ordinance regarding establishment of an affordable housing fund. Mr. Cunningham seconded. The motion carried 7 – 0 by voice vote.

Mr. Jones asked that the Plan Commission, due to the previous hour-long workshop, be moved up on the agenda. Mr. Ludlow made a motion to adopt the agenda as amended and Mr. Jones seconded. The motion carried by voice vote 7 – 0.

MINUTES: Mr. Ludlow made a motion to approve the minutes of the Budget Hearing held on August 20, 2008, as presented and Mr. Cunningham seconded. The motion carried 7 – 0 by voice vote.

DEPARTMENT HEAD REPORTS:

CENTER TOWNSHIP ASSESSOR:

Mike Schultz, Center Township Assessor, provided an update on his duties as a hearing officer. He reported that in August, when approximately five hundred (500) rebate checks were returned, he went through them and found eighty-four (84) of the taxpayers who had either moved out of state, the taxpayer had died, etc. which a four (4) or five (5) week project locating those people.

Mr. Schultz commented that in September Assessor Carol McDaniel asked that he and Pam Kieft, the other hearing officer, look at building permits. Mr. Schultz stated that he is now working in Coolspring Township where the problems are regarding the platting of the homes not matching what is on the website; he is using the G.I.S. camera and coordinating his efforts with the G.I.S. Coordinator.

Mr. Schultz reported that he is continuing training and has completed the IAAO course which will prepare him for a Level III. He stated that Mrs. Kieft is also keeping busy because her township has more to catch up on. Mr. Schultz commented that the office is open every day and he is still earning his paycheck but the duties are different.

EXTENSION OFFICE:

Walt Sell, Extension Office Director, distributed handouts regarding some of the programs his office is working on. One of the handouts is "Working Drug-Free." He reported that the Department of Labor had declared last week "Drug-Free Work Week." Mr. Sell stated that they worked as a committee in the community; he reported that there was a poster contest for elementary, middle school and high school students. Mr. Sell commented that the other flyer distributed is for an upcoming program where software will be shared called "Local Decision Maker."

TREASURER:

Treasurer Ken Layton distributed a brochure pertaining to a machine that will fold and stuff envelopes; he reported that the tax bill will be 8 ½ x 17 and there will also be a comparison statement of the same size. Mr. Layton stated that currently everything is stuffed in envelopes by hand so something different is needed; if the Council will give their permission he will proceed with getting quotes from different agencies. Mr. Layton's thought is that the machine could be kept in the IT Department where it could be used by everybody for mass mailings.

Mr. Cooley asked if the Commissioners should have been contacted first. Mr. Layton responded that this isn't a contract but a purchase. Mr. Cooley stated that the Commissioners have the authority on equipment. Mr. Layton commented that an additional appropriation could be requested from the Treasurer's Budget; the Commissioners don't have to ask for it.

Mr. Jones asked about the current workflow. Mr. Layton responded that Darlene Hale, IT Director, had three (3) people involved in the process, everybody that was in the Treasurer's Office and Auditor's Office, plus tax bills were taken to the Assessor's Office, the Clerk's Office, Voter Registration, the Health Department and EMS. Mr. Layton reported that everything was printed, folded, stuffed, posted and out of the building in three (3) days.

Mr. Ludlow asked if any other offices have this type of mailing. Mr. Layton responded that not in this capacity as he is talking about anywhere from 60,000 to 90,000 bills. Ms. Hale stated that the Courts do have jury pulls and there are other departments that could use this type of equipment; long hours were spent getting the folding machines that were borrowed to work correctly.

Mr. Layton stated that the brochure presented was just for the Council to have something to look at so they would know what he was talking about; the one he was looking at would at least do two (2) pages since the comparison statement should be in the same envelope as the tax bill to avoid mass confusion.

Mr. Cunningham commented that it is his understanding that Mr. Layton isn't asking for any money but only permission to investigate further and get quotes. Mr. Layton responded that he was bringing this before the Council so that they would have some education regarding the possible cost.

Mr. Yagelski stated that the Council consensus is that Mr. Layton move forward.

LIAISON REPORTS:

Mr. Ludlow reported that since the Council has authorized two (2) more Public Defenders in order to meet the State quota, a letter has been received that confirms that the County is in good standing regarding reimbursement to the County.

Mr. Mrozinski, as liaison to the Animal Shelter, reported that there has been an increase in larger animals coming in such as horses; he thinks this is a sign of economic times and people can't afford to feed their horses or dogs and feed their families. Mr. Mrozinski encouraged people that if they are in a financial bind and can't afford to feed their animals, bring them to the Animal Shelter for adoption rather than letting them go without.

As liaison to the Veterans Service Officer, Mr. Mrozinski reminded everybody that November 11th is Veterans Day and there is a Veterans ceremony at the La Porte Civic Auditorium at 9:30 a.m. Mr. Mrozinski asked that the public at least fly their American flag on that day.

Mr. Mrozinski, even though he isn't liaison to the Clerk's Office, stated that in a normal election year there are 1,500 to 1,800 early voters which doesn't take into account all of the mail-in voters; so far this year there have been over 5,000 early voters in the two (2) Courthouses. He commented that the Council can expect the Clerk to come back for additional funding when this is all over.

Mr. Garner reported that had met with Mr. Layton and \$4 million in interest has been earned. Even though not a liaison, Mr. Garner stopped by the Assessor's Office and Judy Anderson showed him the Beacon website. Mr. Garner also reported that the State is reviewing the re-trending and at least we are moving forward on the reassessment.

PUBLIC COMMENTS: There were none.

TRANSFER/EXTENSION OFFICE: Mr. Ludlow made a motion to approve the transfer in the County General Fund, Extension Office Budget, of \$3,000.00 from Personal Services, Secretary, to Supplies, Office Supplies, and also \$1,500.00 from Personal Services, Secretary, to Other Services & Charges, 4-H Youth Program Development. Mr. Garner seconded. The motion carried 7 – 0 by voice vote.

ADDITIONAL APPROPRIATION/PLAN COMMISSION:

As per discussion in the workshop prior to this meeting, Darlene Hale, IT Director, recommended the approval of \$18,000.00 for the fax solution and to table the remainder of the request in the amount of \$207,757.00.

Mr. Jones made a motion to approve \$18,000.00 from the Contractor Registration Fee Fund (246) and to table the remaining amount. Mr. Ludlow seconded. The motion carried 7 – 0 by voice vote.

ADDITIONAL APPROPRIATION/COMMISSIONERS/L-D:

Mr. Yagelski stated that \$40,381.21 was advertised in the River Boat Admissions Tax Fund. Tim Larson and Mark Danielson, Larson-Danielson, reported that the amount requested was for the retainage on the walkway.

Mr. Garner made a motion to approve \$40,381.21 as requested and Mr. Ludlow seconded.

Mr. Cooley asked why this wasn't brought before the Commissioners first. Mr. Baugher commented that typically retainage is in the original budget but apparently there is no money there to release. Mr. Cunningham asked why this is an additional appropriation if the money was budgeted for the walkway. Mr. Ludlow stated that this request is because of the change orders that were made and additional funding wasn't appropriated. Mrs. Shuter commented that there was approximately \$60,000.00 in change orders added to the original \$331,882.00 making the total contract price \$392,102.71; the request is for \$39,210.27 plus interest as per the contract.

Mr. Larson explained that the job was finished in the spring of 2007 and the Commissioners wanted the heating system to go through the winter to make sure that it worked properly and they have been waiting since then for the retainage. Mr. Danielson reported that the project started April 11, 2006 and was completed April 13, 2007.

Mr. Mrozinski asked if we are sure the heating element works as it is supposed to on the entire walkway. Mr. Larson responded that it went through last winter and it worked like it should.

Mr. Yagelski asked about the seepage of water coming in and asked if this has been addressed with Building Maintenance. Mr. Danielson stated that they have talked to Al Ott and other parties beside Al; the last time they talked it wasn't a problem. Mr. Larson commented that they met with Mr. Ott the 1st of September and this matter wasn't brought up as an outstanding issue. Mr. Yagelski stated that he was in the tunnel a couple of months ago after a rain and it was still seeping in.

Mr. Cooley asked about the cracking in the concrete of the walkway. Mr. Larson responded that it was determined that the cracking in the concrete surface was a design issue; their work was done according to the contract. Mr. Larson stated that during construction this matter was brought up to the Commissioners since all concrete shrinks as it cures and joints should have been put down the middle of the walkway to give it a place to crack because it is anchored on both sides; they were told by the architect that the Commissioners didn't want a joint down the middle because it could be a tripping hazard. Mr. Larson commented that this is another reason

the Commissioners wanted to wait through the winter to make sure that the cracks were hairline and didn't open up and they really haven't changed.

Mr. Cooley stated that he doesn't have a problem paying the bill but this is an unusual circumstance to come to the Council in this way. Mr. Baugher commented that there are a couple of fair questions; typically there is retainage at the end of a construction contract but apparently there were change orders that weren't budgeted and also retainage on most AIA contracts is released upon the certification of the architect or the engineer. Mr. Baugher asked if the architect or engineer has signed off on the project. Mr. Larson responded that DLZ has signed off and indicated the retainage should be paid.

Mr. Ludlow stated that he had a copy of the DLZ letter but he doesn't have it with him; he asked if Larson-Danielson has a date on this. Mr. Larson responded that he only has a copy of the pay application.

Roll call was taken.

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

The motion to approve \$40,381.21 carried 7 – 0.

ADDITIONAL APPROPRIATION/CLERK:

Mr. Mrozinski made a motion to approve \$3,000.00 in the Clerk's Record Perpetuation Fund, Claims, as advertised. Mr. Ludlow seconded. The motion carried 7 – 0 by voice vote.

ADDITIONAL APPROPRIATION/GIS:

Mr. Yagelski stated that \$57,580.00 was advertised in the Win Tax Fund and the CCD Fund for the Beacon Website; it was approved through the Reassessment Fund but the State Board of Accounts (SBOA) has indicated that paying for websites and the maintenance for the website through this fund is inappropriate. Mrs. Shuter forwarded the response of Tammy White, SBOA, to Attorney Baugher.

Mrs. Shuter commented that the original request was for \$12,000.00; if \$57,580.00 is approved for three (3) years that will have to be encumbered by contract. Mr. Yagelski stated that he would like to see the letter from the SBOA because there are four (4) counties that are using this program right now and it is paid from the Reassessment Fund.

Mr. Yagelski commented that he believes that sometimes we disagree with the SBOA and their decision varies. Mrs. Shuter responded that they do vary but the law is very specific as to what reassessment funds can be used for; her issue is the fact that both the Auditor and the Assessor

were written up on the annual audit because of funding the tax system when part of the contract included the conversion of the data and the training, which the SBOA determined not to be an allowable expense from Reassessment, as well as the moving expenses for the Assessor's Office and several other things that have been paid for. Mrs. Shuter commented that several times the Council was told that the State said "it was fine" and the audit shows that it was not fine so we are trying to be more careful as to what is allowed to go through the Reassessment Fund. Mr. Yagelski commented that sometimes he thinks they look at those things because they try to justify their job.

Mr. Jones made a motion to table this request and Mr. Cunningham seconded. Mr. Ludlow asked Melissa Mischke, G.I.S. Coordinator, if the website project was bid. Ms. Mischke responded that it was not bid but a workshop was held and because the Reassessment Budget had funded it in a line item through G.I.S. Applications, when she talked to Mr. Yagelski he had said that if the Assessor, Carol McDaniel, gave approval this line item could be used.

Mr. Garner asked how much is left in the Reassessment Fund. Mrs. Shuter responded a little over a couple of million. Mr. Garner asked how much is spent in a normal year. Mrs. Shuter stated that the budget this year was about \$780,000.00 but it has been cut considerably for next year. Mr. Garner commented that if he remembers correctly, the money in the Reassessment Fund when Mrs. McDaniel took office was \$8 million to \$10 million. Mrs. Shuter stated that she isn't sure it was that high but the budget amount was always \$70,000.00 to \$80,000.00 and now it is \$700,000.00 to \$800,000.00.

Mrs. Shuter commented that the other issue the SBOA had with this appropriation was that it was requested to be paid for out of the G.I.S. Application line item which was not the purpose it was originally intended for. Mr. Garner asked if it is Mrs. Shuter's thought that it's still better not to pay it out of Reassessment since we need to build that fund back up. Mrs. Shuter responded that the levy for next year in Reassessment is about \$360,000.00; if something is an allowable expense from Reassessment naturally it would be preferred to pay it out of Reassessment but on the other hand, if the State is going to have issues when they come into audit that these aren't legal expenses by statute, then she isn't going to pay it out of the Reassessment Fund if it isn't legal to do so.

Mr. Cunningham asked Mr. Yagelski to provide a list of the other four (4) counties to Mrs. Shuter. Mr. Cunningham stated that you can call the IRS about a question on a tax form and if you don't like their answer, you can call someone the next day and they will tell you the exact opposite and he believes that is the way Indianapolis operates half of the time. Mrs. Shuter agreed that this can happen.

ADDITIONAL APPROPRIATION/HEALTH DEPARTMENT:

Mr. Jones made a motion to approve \$10,000.00 as advertised in the Communicable Disease Fund, Claims. Mr. Ludlow seconded. The motion carried 7 – 0 by voice vote.

ADDITIONAL APPROPRIATION/IN-HOUSE PRINTING:

Mr. Layton represented Kasey Foreman regarding this request since it involves supplies for tax bills. Mr. Ludlow made a motion to approve \$9,270.00 as advertised in the County General

Fund, In-House Printing Budget, Printing Supplies. Mr. Jones seconded. The motion carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/SHERIFF:

Mr. Yagelski stated that \$10,069.00 was advertised in the County General Fund, Sheriff's Budget, for Elected Official/Department Head, \$12,679.00 was advertised for Patrolmen and \$30,000.00 was advertised for Overtime. Mr. Ludlow made a motion to address these requests separately and Mr. Jones seconded. The motion carried by voice vote 7 – 0.

Sheriff Mike Mollenhauer reported that his salary was not increased last year or this year; according to State statute he can receive 90% of the Prosecutor's salary which he assumed he would receive and he did not. Sheriff Mollenhauer noted that he began discussing his salary with the Council in February this year, therefore the request for \$10,069.00.

Mr. Jones commented that the Indiana Code clearly outlines what the percentage should be. Mr. Jones made a motion to approve the additional amount to bring the current salary to within 90% of the Prosecutor's salary for the year 2008 and to hold private contractual discussions by committee at a later date and forward the 90% agreement to the 2009 budget. Mr. Cooley seconded.

Mr. Baugher stated that there are two (2) issues. There is a statutory requirement to pay a salary which needs to be calculated; there is a slight difference since he came up with \$8,454.00 because as of the date the salary would have been set for the budget based upon the salary of the Prosecutor. Mr. Baugher stated that the second issue is that there is a proposed contract to set an annual salary that would involve some calculation of the tax warrants collected and calculations of the prisoner fees; these discussions need to be done like any other personnel negotiation by a committee and not at a public forum.

Mr. Jones commented that his motion was to bring the salary to within 90% and he didn't state an amount; he stated that we can "sharpen our pencils" to decide which figure is more accurate but stick clearly to the IC Code.

Mr. Yagelski stated that the rationale is that in 2011 the State of Indiana says that all Sheriffs are to be paid a certain amount and what is good for 2011 should be good for now. Mr. Yagelski commented that he isn't offended by any comments but he did what he was asked to do and the amount is what he came up with in working with the Sheriff and Mr. Baugher.

Mr. Cunningham asked Sheriff Mollenhauer if it is his belief that the intent is, under IC 36-2-13-2.5, that he receive 90% of the Prosecutor's salary and 10% of the warrants. Sheriff Mollenhauer answered, "Yes." Mr. Cunningham asked if the Sheriff was willing to give up the warrants. Sheriff Mollenhauer answered, "Yes." Mr. Baugher commented that this would be a 2009 issue under contract. Mr. Cunningham then stated that the Sheriff is willing to give up the warrant money two (20) years earlier than the State law requires. Sheriff Mollenhauer answered, "Correct."

Regarding the contract, Mr. Baugher stated that there is some contract language that he believes needs to be discussed before a contract is approved. Mr. Jones commented that he believes the proper order was followed but now the contract needs to be reviewed to make sure the contract is agreeable to the Sheriff and the Council. Mr. Ludlow stated that this should be accomplished before the budget adoption in November.

Mr. Yagelski stated that the question now involves the 2008 salary. Mr. Jones withdrew his prior motion. Mr. Cooley seconded.

Mr. Jones made a motion to approve \$8,454.00 to reconcile the 2008 pay difference for the Sheriff. Mr. Garner seconded. The motion carried by voice vote 7 – 0.

Sheriff Mollenhauer reported that he had discussed the Patrolman last month which involved the previous salary for Metro Officer Dennis Bernth who has retired. \$12,679.00 requested is what an officer's pay would be for the remainder of the year. Mrs. Shuter explained that money can't be transferred from one fund to another fund as previously discussed; therefore, the request for an additional appropriation in the Sheriff's Budget.

Mr. Jones made a motion to approve the request for \$12,679.00. Mr. Mrozinski seconded. Mr. Ludlow commented that he realizes that this has been discussed; he feels that a drug officer is important but the point is that the request is for \$12,679.00 this year but it will be a whole lot more next year with benefits and pension funds included. Mr. Ludlow stated that the department has already gotten one (1) new officer this year and this Council has stood on the grounds for a long time and told a lot of public officials have been told that if it is a grant person, and the grant goes away, then you have lost that person. Mr. Ludlow commented that as much as he would like to give the department this guy, without some other commitment on the Sheriff's part, he can't do it.

Sheriff Mollenhauer stated that Mr. Bernth's salary was around \$44,000.00 and a new patrolman wouldn't be that so there would be a difference in pay. Sheriff Mollenhauer commented that the grant was for a Metro Officer years ago, that went away and then the money came from River Boat. He further stated that they really aren't gaining any other officer since they had Mr. Bernth as an officer to begin with prior to his retirement; they just wanted the money over to their side so they could hire a patrolman. Sheriff Mollenhauer reported that the new officer would not be going into Metro; a seasoned veteran officer would go to Metro which would put that unit up to four (4) people again.

Mr. Cunningham asked Mr. Ludlow if he is satisfied that there is not an increase in the number of employees in the Sheriff's Department. Mr. Ludlow responded that there will be an increase by one (1) which leads to an increase in pension costs and health benefits so it is not a direct numbers type of issue but a longevity issue. Mr. Ludlow commented that Sheriff Mollenhauer may have every intention of putting someone in the drug unit but when someone who is assigned there is being paid from a different fund, they are pretty much assigned there but the next Sheriff may decide that the officer is needed someplace else; at that point the Council doesn't have any control over it. Sheriff Mollenhauer agreed that there would be some additional costs.

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Roll call was taken.

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

The motion failed 3 – 4.

Sheriff Mollenhauer reported that they have gone through the overtime allotted in the budget partly due to a couple of officers retiring; he stated that the Chief Deputy and the supervisors are very frugal and scrutinize and watch the money very closely. Mr. Ludlow made a motion to approve \$30,000.00 in the County General Fund, Sheriff’s Budget, Overtime, as requested. Mr. Jones seconded.

Mr. Garner asked, with this being an election year, if more overtime was required with candidates like Hillary and Obama in the County. Sheriff Mollenhauer responded that if any was used it was very minimal.

Mr. Cunningham asked if any of the salary from the officer’s that retired could be transferred to Overtime. Sheriff Mollenhauer responded that this money is used for the new officers that are hired. Mr. Cunningham stated that if a new officer is hired for \$10,000.00 less than the officer that retired, there should be some additional money. Mrs. Shuter commented that money could be transferred in this case but when looking over the Budget Location Report, there isn’t much left. Mr. Cunningham stated that there are some areas where officers retire have time coming which could cause a dilemma. Sheriff Mollenhauer commented that if both officers had vacation time, another officer doesn’t start until their pay was completely done.

Mr. Jones remarked that speaking from experience as EMS Administrator in the past, regarding what Mr. Cunningham is talking about is a “double-edged sword”; it is good that the best candidates can be picked and then they are sent to school but the bad part is that it could be a long waiting period. Mr. Jones stated that even in a normal hire you have interviewing, recruiting, etc. which could take a month but in this case it takes a lot longer because you have those processes plus the professional training process. Mr. Jones feels that in this case it is the “burden of the beast.” Mr. Cunningham stated that he isn’t opposed to the money but he was hoping that some of it could be transferred. Mrs. Shuter commented that the money not used will revert back to the General Fund. Mr. Cunningham stated that this is a moot point if the money will go back to the General Fund.

The motion to approve \$30,000.00 for overtime carried by voice vote 7 – 0.

ADDITIONAL APPROPRIATION/COUNTY JAIL:

Mr. Yagelski stated that \$60,000.00 was advertised in the County General Fund, County Jail Budget, for Medical-Hospital. Sheriff Mollenhauer explained that they are under contract with Advanced Healthcare for 240 inmates and the number of inmates ran higher for awhile; the average number of inmates this year is probably 315 to 320.

Mr. Ludlow made a motion to approve \$60,000.00 as advertised and Mr. Cunningham seconded. Mr. Ludlow asked if this money is for the contract or medical costs. Sheriff Mollenhauer responded that it is for medical costs; he just mentioned the contract since they get a monthly bill from Advanced Healthcare per inmate. Sheriff Mollenhauer stated that the contract runs approximately \$240,000.00; increasing the number of inmates per the contract has been discussed where the additional fee wouldn't have to be paid but the increase in the contract amount would be more than what is paid out in a situation like this.

The motion to approve \$60,000.00 for Medical-Hospital carried 6 – 1 with Mr. Garner voting, “Nay.”

OLD BUSINESS:

LETTER TO REPRESENTATIVE PELATH:

Mr. Baugher commented that under State statute, particular to La Porte County, sets the location of Superior Court No. 1; the rest of the Superior Courts are located as deemed appropriate by the County Commissioners. Mr. Baugher noted that there is a desire to bring the responsibility and authority back to the Commissioners regarding Superior Court No. 1 which would require a change in the State statute which is the purpose of the letter.

Mr. Jones made a motion for the President to sign the letter and to forward it to Representative Scott Pelath. Mr. Cunningham seconded. The motion carried 7 – 0 by voice vote.

NEW BUSINESS:

SHERIFF'S SALARY ORDINANCE AMENDMENT:

Mr. Ludlow made a motion to hear Ordinance 2008-05 by title only. Mr. Jones seconded. Mrs. Shuter read, “La Porte County, Indiana, La Porte County Council, Ordinance No. 2008-05, Ordinance Amending Sheriff's Salary to Comply with State Law.

Mr. Ludlow made a motion for unanimous consent to hear the ordinance for the second reading. Mr. Jones seconded and the motion carried 7 – 0 by voice vote.

Mr. Ludlow made a motion to hear Ordinance No. 2008-05 on the second reading by title only. Mrs. Shuter again read the ordinance by title.

Mr. Ludlow made a motion to approve the ordinance as presented and Mr. Jones seconded. The motion carried by voice vote 7 – 0.

SHERIFF'S AGREEMENT:

Mr. Ludlow made a motion to table the Sheriff's agreement and Mr. Jones seconded. The motion carried 7 – 0 by voice vote.

Mr. Yagelski asked if any of the La Porte students had any questions regarding the meeting. There were none. Mr. Yagelski thanked the students for attending.

AFFORDABLE HOUSING ORDINANCE:

Mr. Ludlow commented that the Council has received a letter from Recorder Barbara Dean regarding the Affordable Housing Ordinance; the legislature passed a law allowing local counties to establish an Affordable Housing Fund which correlates with a State Fund. Mr. Ludlow stated that this would allow people who build affordable housing to go to the Board that is established by the Commissioners and the Council and apply for those funds generated in their own county to help develop affordable housing.

Mr. Ludlow has looked for a couple of years to find such a county ordinance but there are none. Mr. Ludlow stated that he isn't big on "inventing the wheel" but in actuality here we are "inventing the wheel" because no other county has an ordinance to establish this fund; there are city ordinances but they have no funding mechanism. Mr. Ludlow commented that with the help of Mr. Baugher the ordinance was drafted for the Commissioners to establish the Board and the parameters for that; now the Council is being asked to pass the ordinance to establish the funding mechanism which can be accomplished through collection of a fee by the Recorder's Office. Mr. Ludlow explained that the money is held in the account and the Board will receive proposals.

Mr. Ludlow, as President of Habitat for Humanity, gained knowledge of this mechanism but it by no means only for Habitat but could be used by the Michigan City Housing Authority and maybe Parents and Friends could qualify for affordable housing for their clients; this decision would be up to the Board. Mr. Ludlow commented that the fund may generate \$20,000.00 to \$25,000.00 per year.

Mr. Ludlow stated that Mrs. Dean had concerns in her letter but the fees are nothing more than User Fees which is what she operates her office by. Mr. Ludlow thanked Mr. Baugher and commented that the ordinance was intentionally written to favor not-for-profits and doesn't favor a corporation coming in and building apartment complexes for example; single family homes are being looked at who then become taxpayers in the County to establish quality living.

Mr. Jones made a motion to hear this ordinance on first reading by title only and Mr. Mrozinski seconded. Mr. Ludlow abstained from the vote as did Mr. Cunningham since his wife serves on the same Board as Mr. Ludlow. The motion carried 7 – 0 by voice vote.

Mr. Yagelski asked if there is any public comment. Dennis Metheny, Coolspring Township Trustee, 6757 W 450 N, Michigan City, IN, asked if these would be low income houses. Mr. Metheny commented that one of the problems we have right now is that if we are going to continue to allow low income housing that puts more people on the roles to receive more assistance for rent, utilities, etc. Mr. Metheny stated that he has nothing against low income

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housing because there is a 300 apartment complex going in Coolspring Township very soon but the more we put on the more burden we get and the State wants to cut our costs; how can we cut costs when we want to help these people; there should be something we can strike a happy medium with.

Mr. Ludlow stated that he can only speak for Habitat for Humanity who builds for low income families; they do make sure that the family can afford the home and the utilities. Mr. Ludlow commented that they are finding that more and more people's actual mortgage payment is lower than what they were paying in rent. Mr. Ludlow stated that Habitat holds the escrow account so they make sure that the house is insured and that the taxes are paid.

Mr. Jones commented that as a follow-up to Mr. Ludlow and Mr. Metheny, he appreciates the position they are in with rising NIPSCO rates; he added that by virtue of who will be using the account there will be low income people who qualify for the program but there is also a differentiation between low income housing one usually thinks of and apartment dwelling in a rent situation so it is positive to move people from low income housing to home ownership which stabilizes the rise in costs and the cost of living.

Mrs. Shuter read, "La Porte County, Indiana, Ordinance No. 2008-06, Ordinance of the La Porte County Council to Provide Funding for the Affordable Housing Fund."

Mr. Baugher will work on any amendments to this ordinance; it was noted that "Commissioners" should be changed to "Council."

ADJOURNMENT: As there were no further comments by the Council, Mr. Ludlow made a motion to adjourn at 7:50 p.m. and Mr. Mrozinski seconded. The motion carried 7 – 0 by voice vote.

EXAMINED & APPROVED BY THE
LAPORTE COUNTY COUNCIL

DATE: _____

ATTEST: _____

Auditor

