

*LaPorte County Auditor
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**MINUTES
LA PORTE COUNTY COUNCIL REGULAR MEETING
OCTOBER 28, 2013 6:30 PM**

(Please Turn Off All Cell Phones)

The Meeting was called to order by President Yagelski, who began with the Pledge of Allegiance. Auditor Winski proceeded with the Roll Call. Council Members present included: Councilmen Rich Mrozinski, Matt Bernacchi, Mark Yagelski, Earl Cunningham, and Jeff Santana. Councilman Terry Garner and Councilwoman Lois Sosinski were not present. A quorum was present for the Meeting to proceed.

APPROVAL OF AGENDA

A Motion was made by Councilman Bernacchi and seconded by Councilman Mrozinski to approve the October 28, 2013 Agenda. The Motion carried 5-0.

**APPROVAL OF WORKSHOPS, PUBLIC HEARING AND ADOPTION OF 2014 BUDGETS AND
SEPTEMBER 23, 2013 REGULAR MEETING MINUTES**

A Motion was made by Councilman Santana and seconded by Councilman Mrozinski to approve the Workshops, Public Hearing and Adoption of the 2014 Budget and the September 23, 2013 Regular Meeting. The Motion carried 5-0.

DEPARTMENT HEAD REPORTS

Sheriff Mike Mollenhauer

Sheriff Mike Mollenhauer mentioned that on the Agenda for them, there \$6,985 was requested for transfer from the Misdemeanant Fund. He's been watching the Commissary Fund very closely and there is still some work to do and some cost involving the video visitation, but they are pretty much in the door on that one. They have a tentative date of November 5th to begin that video visitation system. It looks good and looks to be on track. The only thing he knows of besides some probable hidden costs is that four cameras will have two be purchased, two for in there and two for elsewhere in the jail.

He also stated that Chief Sosinski was able to escort four members of the merit board down to Indianapolis last Thursday to a program that Indiana Sheriff's Association hosted.

He stated that Financial Advisor, Mr. Chris Dilts had two things to discuss. One was the planned reinstatement for the IRS and the change in the trustee agreement with the retirement and benefit trust fund. Mr. Dilts said that the Council has received all of his papers and that he is open to questions, but he wanted to do a brief review. The cover that came with the document provides a summary of the changes for the 2013 restatement. The opening line says that the IRS requires this restatement. There are no changes in the plan. They are all IRS changes and are required every five years. The Council received two different drafts of the retirement plan, one with the old plan marked out and the new

language marked in, and on the first page the date was January 1, 2008, and it is now five years later, 2013.

There are no changes in the plan that was previously presented to the Council. There are no plan changes other than the IRS required and previous amendments that have already been presented. The point that most County Councils are interested in knowing at this point is there any costs involved. The only change in the entire trust document is on page 1, the name of the trustee changing from the prior bank to the new bank.

Jerry Cooley, Maintenance Director

Jerry Cooley came forward to respond to some of the questions that were sent his way at the last meeting. He stated that his department is a little different from the other departments in the County. He has around 20 people working for him and 3-5 trustees that come out of the jail and work with his Department. They do perform a lot of work, and he is the only one that's really supervising.

There was a question presented about the take home vehicles. It was brought up that the red truck that's stationed in Michigan City is going to Wanatah all the time. Mr. Cooley checked that out. The red truck in Michigan City never goes to Wanatah. He is really careful about that because the mechanic at the garage told him that one of these days they will be plowing snow with it because it is rusted and in bad shape. It is not driven to Wanatah, so whoever told Mr. Mrozinski that was wrong. There is an EMS building in Wanatah and Brian, one of Mr. Cooley's employees, lives in Wanatah. On the way home or on the way to work, he stops and works on that building whenever it needs it.

The car that belongs to Ed Bohle was brought up as well. Ed is Mr. Cooley's lead guy in his Department, or his Foreman. Without extra pay, he takes on duties himself. The first of the year, after Mr. Cooley gave him that position because they take care of 14 buildings and he is driving all over the place. Ed Bohle asked the Commissioners about an extra vehicle. They allow him to drive that around to do the county jobs, because Mr. Cooley does not have travel in his County Budget for people to take their personal vehicles and pay them any personal time. He asked the Auditor if he could, and she didn't say he could. Mr. Cooley checked on the time that the car that was followed home was filled up. There is a time on the receipt that they get. First, he filled up 9/26/13 at 10:07 A.M. and worked the rest of the day. He also filled up 10/1/13, so it shows that they are not using the vehicle a lot. They are just trying to do County business. He filled up at 10 A.M. and he worked all day.

Mr. Cooley stated that if Mr. Mrozinski followed him home around 6 pm that he didn't follow him from the pumps like he said. He stated that he was not around the week before, so Ed was in charge while he was gone. They have a lot of employees and they take care of a lot of buildings. The Commissioners gave Ed permission to drive that vehicle home when he got it the first year. At the time, Mr. Cooley didn't know that, so he did the research to see what the rules were on that vehicle. The county Commissioners have given him permission to drive that vehicle home whenever he needs to, when he is doing these projects. He doesn't drive it home at all times. Most of the time the vehicle is at the Courthouse. So, he was taking it home because he has permission and the Commissioners control all vehicles. The Council controls the budgets, but they do have the responsibility to do one thing for the county, and that is to take care of the buildings that we have. Mr. Cooley takes care of 14 of them, and he can't do it by sitting in one building.

Mr. Cooley asked President Yagelski after the Meeting why this was brought up in a regular Public Meeting. Most personnel issues should be brought up in a personnel meeting or a meeting with the

Commissioners or whatever else needs to be done for department heads. Mr. Cooley said that Mr. Yagelski told him that Mr. Mrozinski wanted to put Mr. Cooley on the spot. Mr. Cooley said that he takes that as Mr. Mrozinski trying to embarrass him on the floor, and he thinks that is absolutely wrong for him to embarrass a Department Head or Elected Official. He said that he knows Mr. Mrozinski can say whatever he wants to say because he is on one side of the desk and Mr. Cooley is on the other, but he was a Councilman for nine years. He takes a lot of pride in doing one thing that he did. He sees that happening here all the time with this Council. Every time they turn around they are trying to embarrass Department Heads and Elected Officials, and that is wrong. If they have a problem with Mr. Cooley's department, they should come to him and talk to him. He thanks Mr. Yagelski for telling him not to do it in a Regular Meeting. He was told not to do it, but he brought it up to embarrass Mr. Cooley. Mr. Cooley also wants to say that he is trying to do a good job for the county and that he takes a lot of pride in it.

When Mr. Cooley was a Councilman, he spent 20-30 hours a week on his own time, and he even had an office in the County Complex. He wants the Council to look in the mirror at what they are doing, getting paid \$16,000 a year. He said he doesn't like to bring these issues up, but he wasn't the one who brought it up. He takes a lot of pride in his duties as head of Maintenance for this County and they try to do a good job and not spend any more money than he has to because he was on that side of the table and he knows. The problem is that over the years, the Council has let the buildings "go to pot." He heard on the news that they are trying to raise money to fix the Barn at the County Home. He says the Council should look in the mirror. They are responsible for maintaining the buildings, and they didn't do it. He looked up the IC code, and nowhere in it does it say that a Councilman has the right to follow anybody home, any employee. These decisions should be made at a personnel meeting or a department head meeting, not in a public meeting. The Council is here to govern and to set budgets, and he knows because he sat on that side of the table. He heard something on the radio about someone mentioning him taking his truck home. He is very conservative about his truck, and he's had the oil changed in it twice this year. They change it every 4,000 miles. He puts about 6,000 miles on it because it's got 94,000 miles on it and he doesn't want to wear it out because they use it for plowing snow too. They try to hold everything down as much as they can as far as the gas, the miles on the vehicles; the red truck from Michigan City goes back and forth from Michigan City and La Porte trying to maintain the buildings.

Mr. Cooley said that Mr. Santana and Mrs. Sosinski have been to his Department and he communicates with Mr. Yagelski all the time. He says that he has a big responsibility. He has about 700 people that he's responsible for coming in and out of the County Complex. He takes a lot of pride in that. He also wanted to say that Mr. Mrozinski has only been in Mr. Cooley's office once this year, and that was to see his brother, not to talk about business with him.

Councilman Cunningham stated that he specifically asked Mr. Cooley if the Commissioners told one of his employees to drive a County vehicle that he didn't know about and Mr. Cooley said that he would check into that.

Mr. Cooley said that he knew he drove it but that he didn't know they (the Commissioners) told him to take it home.

Councilman Cunningham said that the answer to the question is that since January.

Mr. Cooley said that the only time he takes it home was when he was gone. Then a week after he was taking it home Mr. Cooley took him home to get his own vehicle. This stuff should be brought up in a personnel meeting.

Councilman Cunningham stated that Mr. Cooley told the Council that they needed to check with the Commissioners. They all started the year in debt, and one of the things they tried to cut down on was gas. He said that he wants to make sure he has this clear: the Commissioners gave Mr. Cooley's employee permission to drive the vehicle home without Mr. Cooley even knowing about it.

Mr. Cooley said that he didn't know he was taking it home. He said the Council can make anything they want out of this but he is telling them right now that he's not taking it home for personal stuff. That vehicle sits at the complex or Michigan City 95 percent of the time. He said that he wants to tell them something else about that employee. He checked into this too. He's got 200 comp hours coming, and that is from working overtime. Everything he has break down always happens on evenings or weekends and they're trying to fix stuff. Comp time is time and a half.

Councilman Mrozinski stated that he didn't know where to start. He said that first of all, he is not following any of Mr. Cooley's people around. He has way better things to do because he also spends a lot of his time, his personal time, doing county business, a lot. 30-40 hours like Mr. Cooley said, maybe not, but he does use a lot of his time doing County work, not only in the departments but also out of his house office, because he doesn't have an office at the courthouse like Mr. Cooley did. He works out of his house. As far as him following anybody, it didn't happen that way at all. Lots of people out there know what's going on. They don't want anybody taking County vehicles home. He said earlier in the workshop, they have a job to do, and that's taking care of the finances. They are in dire straits here. If a Department Head takes it personal that they question them how they are spending money, Mr. Mrozinski is sorry. It's not personal. They asked every Department Head how many take-home vehicles they have. They didn't have any. He said that people were telling him to drive out and go see because there was a County vehicle out there that was being taken home. He said he needed to find that out. If he pulls in someone's driveway and turn around, he doesn't think that's trespassing. People turn around in his driveway all the time. He didn't think too much about the little trick of sending a Deputy out to his house to show him a picture and accuse him of trespassing. He says that Mr. Cooley does want to make this personal. He doesn't know if Mr. Cooley is aware because he's trying to drag the Commissioners into it, but they also told the Commissioners at Budget Hearings that they want them to park their cars at the beginning of the year too. They are not in the business of supplying vehicles for people to drive back and forth to work. They can have pool vehicles that can be used for County business, but not to drive back and forth to work, not to go to the store, or wherever else you want to go. So, he is sorry if Mr. Cooley takes that personal. They have to watch everything, the big things and the little things, and as far as the County Barn, that thing has been falling down for many years, many of which Mr. Cooley was on the Council. He says that Mr. Cooley should not point the finger at them if he didn't do anything to fix it. He is sorry Mr. Cooley is taking it all personal, but this is the way it is going to be until the tax situation is straightened out and they have money to give people cars to drive wherever they want to drive them.

Mr. Cooley said that he didn't take it personal until Mr. Yagelski did. The President told Mr. Mrozinski not to bring it up, but he had to. The other thing is that the driveway he just turned around in, a long drive that you have to get way off the road, and the neighbor asked what he was doing there.

Councilman Yagelski interrupted Mr. Cooley and said that that was good.

Councilman Cunningham addressed Mr. Cooley's concern about the Council not bringing things up in a public meeting, saying that he made an accusation by saying that someone told him that in a Department Head Meeting Council members were walking around carrying clipboards. He asked who made that accusation.

Mr. Cooley stated that the Commissioners said that the Council Members were walking around with clipboards watching the time of all the people, watching what they were doing, when they were taking their breaks and everything else.

Councilman Cunningham said that he thinks that is an absurd accusation and that the Commissioners ought to be able to prove that if they're going to make that statement.

Mr. Cooley said that all of the Department Heads were there. He isn't making anything up.

Councilman Santana said that in the spirit of trying to make these meetings more citizen friendly, he'd like to put a stop to this. He said that he is the liaison with Mr. Cooley and that if the Council Members have some questions they should come to him and let him speak with Mr. Cooley, or go straight to Mr. Cooley, whose door is open. He would like to move on.

Point of order arose wherein the question comes up at the Sheriff's Pension presentation whether they need a vote to approve the change to the trust document and the change to the pension document. He said that he apologizes for not bringing that up at the time.

Attorney Biege said that he hasn't looked at them yet, and he asked if they are on a time deadline to approve them.

Sheriff Mollenhauer said that he would like to have them by November 15th.

Attorney Biege said that he can review them if the Council is so inclined.

Councilman Cunningham made a Motion to approve pending Council approval. It was seconded by Councilman Santana. The Motion carried 5-0.

Sheriff Mollenhauer pointed out that Mr. Cooley has done a great job in his nine months. He has done more in nine months than the previous did in 6 years.

Dick Buell – Executive Director of La Porte County Corrections

Mr. Buell had some positive news for the Council. He said that they became fully operational on October 1st, the day they transitioned inmates from the old facility to the new facility. They did that in one day thanks to the assistant director, Bill Hackett, who scheduled personnel at both the old facility and the new facility. It was done very efficiently without any issues. It went very smooth, smoother than they thought it would. They are very pleased with that. Prior to that, he is very proud of the staff. They used personal vehicles and trailers of the employees themselves to help move the equipment from the old facility to the new facility. Thanks to the Council also for providing the money for the new facility. It has been an amazing journey. It not only helps the staff, but it also helps the offenders in a much better living condition, and they are very pleased. Other than some operational issues, some little tweaks that they will be glad to deal with and are working out in the new facility; they are very pleased with the way things are going. Just so the Council knows, they just turned in their yearly report to the

DOC, and when they talk about money and saving money, as an end result, they are saving this county \$3,031,709.63 over the last year by having these offenders in community corrections being productive out in society rather than sitting in jail. Those numbers will go up in the new facility and the Council can be very pleased with the way that everything is going. They've had one small issue with the geothermal as far as a valve that may have to be put in. It's a cost-saving factor, and the engineers are looking at it to make a decision.

Mike Yacullo – County Highway Engineer

Mr. Yacullo wanted to give a brief update of several projects that are going on. There was a request for information on CR 400N and CR 950W. The sewer project has been completed, as well as the water mains. They are just tallying up the final totals from both the contractor and the construction inspection firm. They will provide that to Michigan City so they can finalize the agreement for them to take over the sewers and maintain those from there. The roadway portion is on schedule for a bid lighting in March of next year, so they will get going on building the road on 950W itself next spring. They just advertised with INDOT to get a firm onboard to do the construction inspection on that project as well. The animal shelter addition has been progressing smoothly with Larson Danielson. They've got the basic structure up, wood sheeting on the walls, the roof, the walls inside are being framed in right now. They've been estimated about a week ahead of schedule, and the intended schedule is to have that ready to move in and occupy by the end of the year, December 31st. That's been going pretty well.

The design engineer is coming into town next week to do some inspections at the Franklin Street Lift Bridge to get a closer look at both structural elements as well as the electrical and mechanical issues and confirm that they can eliminate some of the issues that they intend to eliminate from that and keep that study rolling. They'll also be looking into funding issues as well. They just completed a contract agreement for a trail project in Westville, Lincoln Trail connecting US 421 to Bluhm County Park out there as well as some sidewalk improvements within the town of Westville for connectivity for the kids to walk to school. That is a project that they're beginning to advertise to get the firm involved to design that work and get that built in a couple years.

INDOT has got an open call for projects starting November 1st running through December 13th. He intends to apply for several bridge replacement projects. This way they'll use 80 percent federal money instead of eating up all of the cumulative bridge funds to help them out on that and still get some bridges taken care of. The two structures in particular that they're going to focus on are Otis Rd over the Little Calumet River, which is basically a small structure, just a large pipe about six or eight foot in diameter that's hydraulically deficient and isn't large enough to handle the water when they get significant rainfall and the road has been washed out a couple of times there, and the other is a similar structure on CR 150N, which is also known as pumphouse road, and there's a stream that goes under the roadway adjacent to the old pumphouse, similar situation where rainfall goes over the road. They're going to try to get those repaired using some federal aid. The other project that he anticipates, because it is roadways, bridges, and safe routes to school that they can apply for, is to get some sidewalks out in Rolling Prairie near the school out there. They are in need of some upgrades, so they are going to try to make that a safe route to school project to take care of sidewalk issues, which will also help with the ADA transition plan and also some markings and signage as necessary for the school out there. Another exciting project is a transit cooperative effort between the county, Michigan City, and the City of La Porte as well as Purdue North Central, they are working on getting bus routes established to connect the cities and to transport people out to the campus. They're also in discussion with PNC to see if there's some assistance there. It would be a great opportunity to increase mobility for the communities there as well as help the campus.

Councilman Bernacchi asked if there were any updates as far as the KIP.

Mr. Yacullo said that phase 1 is complete and they are waiting for the agreement to be signed for Phase 2. The Green Express Deal is getting closer and closer to being completed. Once that happens, they'll start seeing some trains come in.

Councilman Yagelski asked if they had gotten anywhere with the contamination as far as the old Highway Department in Rolling Prairie. He stated that they know the water is good because they've been taking water tests forever. He asked how far they've gone on that.

Mr. Yacullo stated that he did not have any information on that but that he can dig into that and see where that's at with IDEM. He said that they had sent some reports to IDEM, results of the well pumping.

Councilman Yagelski stated that they had those results before and they have gotten any further. He said that they need to get rid of that property. It is something that has been a noose around the county's neck for a long time.

Mr. Yacullo said that he can look into what can be done to resolve that.

LIAISON REPORTS

Councilman Bernacchi said that the only thing he has is that the Building Department is in need of another vehicle. They are not asking for an additional appropriation. Anna Marie will fill them in on the details, but the vehicles need to be replaced and there's a transfer coming up later in the meeting.

Councilman Mrozinski stated that on October 3rd they had the public hearing in Rolling Prairie for the sewer project. About 60 people were there. The only major complaint people had was when they were going to pave all the cuts they made in the streets because they are pretty rough to drive over. The contractors explained that everything has a timeline. You can't just dig it up and pave it the next day because it's going to sink. They said they would start paving on the 14th and they did. There are no complaints about that now. Some people were worried about their yards. They were guaranteed that they would get fixed on a timeline. When it is all done, if there are complaints, then come talk to the people and they will do their best to answer the complaint. You don't want to know the ending of a movie at the middle of the movie, and that is how this has been. It's a timeline. When they get to that point, it will be fixed. Everybody left there feeling pretty good.

Kay Felton, Director of the La Porte County Home reports that the division of aging is revising the admission restrictions on the cap provided, which is a rural community assistance partnership. The county home had been allowed six new admissions. That is good news. New applications will be accepted starting November 1st. Kay said she was working diligently to fill these slots. The arts program has been frozen for probably four years, so they haven't been able to bring in new residents. The residency dropped down to about 18 people, and there are about 50 rooms. They need to better utilize the county home, and this is a step in the right direction to start filling that up. Also, if there are veterans out there looking for a place to live with aid and attendants, this is an excellent opportunity to move into the County Home.

Jane Bernard of the Small Animal Shelter is extremely happy with the job Larson Danielson is doing. She is amazed at how professional they are when doing their job. Jane will be on the agenda for a transfer, and Councilman Mrozinski would recommend that they make that transfer. Veteran's Day is coming up, and there are some events that he can report on.

The La Porte County Veteran's Advisory Committee will be presenting the La Porte County Veteran's Recognition Medal on Saturday, November 9th, at the county complex at 10 A.M. Any La Porte County Veteran who has not yet received a recognition medal can pick up an application at the Veteran's Service office at 555 Michigan or at the local veterans' organization, or show up that morning with the DD-214. That's on the 9th at 10 A.M. Veteran's Day is Monday the 11th. The La Porte Mayor's Veteran's Committee will present its annual veteran's day program at the Civic Auditorium at 9:30 and then at 11 o'clock at Purdue North Central there will be a veteran's program.

Councilman Cunningham reported that the open house at the Community Corrections Building has been received with nothing but positive comments. He wants to thank Mr. Buell and his staff. There was a nice crowd and everything went very well.

PUBLIC COMMENT

Hearing or seeing no Public Comment, Public Comment was closed.

NEW BUSINESS

Student Services and Activities Complex PNC – Chancellor Dworkin

Chancellor Dworkin appreciates all of the nice comments about the importance of Purdue North Central to this community. That's what the building is all about. The Student Services and Activities Complex is a \$34.7 million project that is paid for 70 percent by the state. 20 percent is paid for by student fees, and 10 percent has to be raised. That's \$3.7 million that they've been trying to raise, and they've been doing quite well. They have several large gifts, one in the million dollar range, so they're at about 2 million so far. They've really picked it up since the budget came in. He has been out talking to many people about fundraising for the building, and the more people that help, the better. Chancellor Dworkin did talk to the Commissioners at their Meeting in July, and he asked if they would be willing to support funding of \$50,000, \$10,000 a year for five years, and they unanimously approved it. He just thought tonight would be a good time to make that request from the Council. The money does not have to be come up with right away. It can be backloaded. They are going to have the board of trustees meet at PNC in early April. If they are ready then, they may be able to have the bids go out. The last thing he wanted to say was that the building has two parts, one part being an Athletic part, and the other part being meetings and economic development. This could be a game changer for La Porte County. 70 percent of PNC students are first generation college, and most of them are place bound. They want to stay in La Porte County and work in La Porte County. You can't go to any hospital or school or manufacturing plant without talking about the great students that have graduated from Purdue North Central. They want to continue that. They know that having a building like this on campus will lead to higher graduation rates and higher retention. He thanks the Council and is happy to answer any questions.

Councilman Mrozinski stated that he is unsure if they can approve any expenditures on that at this meeting because it wasn't advertised. It has to be advertised. He says that he definitely supports what

they are doing there. He first heard about it many years ago, and he says that this would definitely be a big plus for the area. He said it would behoove the county to be a part of that. It's not an exorbitant amount of money that would be asked for.

Chancellor Dworkin said that there are probably 50-60 groups or individuals or companies that have given, and the more participation they have the better it looks. It would be great if the county could help them.

Councilman Mrozinski stated that he didn't spend his whole life educating like Mr. Cunningham but he has spent time in the schools, and they are lucky to have this facility in this area, and anything that can be done to improve it would be good.

Heartland Footwear – Preliminary Request for Tax Abatement

Economic Development Director Matt Reardon stated that Heartland Footwear is going to take a property of 60,000 square feet. It is located at 4744 E Oak Knoll in Rolling Prairie. They are relocating jobs from Arkansas and are going to retrain 23 people. The State of Indiana is a partner in this transaction. The good news is that they are going to retrain 23 people to work at the plant and are going to hire 25 more over time. The average wage starting out is 16.82. He would ask the Council to consider reviewing the tax abatement application. He would analyze what the benefits would be. That would also allow for the creation of the economic development area and the resolutions that are necessary so that your attorney has ample time to review. He just needs some direction from the Council to tell him to continue to pursue this. The target date is in March.

Councilman Bernacchi made the Motion and it was seconded by Councilman Mrozinski. The Motion carried 5-0.

US 20/Pahs Rd – Development Presentation

Mr. Reardon stated what is needed from the Council is some direction on how, if they chose to participate in some of the infrastructure costs and incentives for this location, they might pursue a tax abatement. They talked a little bit about creating an area to reimburse the county for any funds that they put in. Those were the two ways, and/or they could give a direct grant for the project. The third option is probably not a viable one at this time. He turned the floor over to Mr. Pritz and his engineer to talk about the costs and what they are projecting.

Tony Hendricks stood in for his brother John Hendricks, the project manager for this project. He got his degree from Purdue and he does teach in the fall and the spring. Mr. Pritz has a build out concept that he is pursuing people to move in. He has some people interested in building these different establishments, commercial, maybe some residential, some large Fortune 500 companies. When he got involved, there is a possibility for a connector road. Pritz Development was just looking at putting a store out front and some more development in the back since he owns all the way to Pahs, the possibility of putting a connector road in at this location is the furthest they could get to the west. Pine Tree Drive is a little north, but there are some wetland issues that they have with the Army Corps and this ground. This would give another access between Pahs and 20. They are pursuing a stoplight at 20 and this connector road, and the traffic counts will determine that. If this road was built, Pritz Development would donate the ground, which is about 4 acres or 4.5 acres, to have this road be a public road. It seemed like a good concept to locate the things that are coming out of Pahs. There is the high school in Michigan City and the subdivision on the left side of that, to the south. There is another subdivision east of that on Pahs that has not taken hold yet, a building that didn't start. They've seen

what happened when Johnson and Pahs was shut down and there was only one outlet on Johnson and Woodland. The county road going south off of Pahs going down to 400 is not developed as well as it should be as a large intersector road. Of the options out of the Pahs, Johnson, Woodland corridor, this would give you one more option. The other bonus about this project is that on the 20 side, he would allow ground to be given to the state of Indiana. The last storm that was seen in Michigan City that washed out Johnson and Pahs also put about 3 inches of water across 20. INDOT built that retention pond to handle some of that water back in the early 80's. They subsequently worked other pipes over to Trail Creek, but if he could allow some storm water drainage on the south side of 20, it would help this flow all the way to Trail Creek instead. Right now it crosses right about at the ice cream shop. All the water coming down 20 crosses 20 and goes down the North side of 20, and that's the only place it has to go. INDOT has a project to fix 20 coming up in the next year and a half, two years. If he gave the state of Indiana this extra right of way to let the water go further to the east on the South side of 20, the town of Trail Creek would also be pleased to make sure that that water doesn't flood their storm sewers. This is a concept. He has some people that would like to sign up very shortly. He wanted to build this entrance off of 20 as quick as he could. They were hoping to get him to let them have a connector road between Pahs and 20. Potentially, what he would like to build out is about \$11million in build-out. At 3 percent interest, you're returning funds pretty quickly, depending on the speed of the build-out.

Councilman Mrozinski asked if this has been presented to the Planning Commission yet.

Mr. Hendricks responded that this ground is presently zoned B-2. If it was one development as a business park under the Pritz LLC, it wouldn't come before the planning commission unless lots are going to be split off to specific owners. Mr. Pritz would need to go forward first with building the road and either leasing out ground. Depending on lot structure, he might not even go to the planning commission. Zoned business, heavy business right now, all 160 acres.

Councilman Mrozinski asked what he is asking from the Council.

Mr. Hendricks said that redevelopment is asking how they'd like them to proceed.

Mr. Reardon said that they had discussed at the redevelopment level, and that would be where any TIF financing would start. He suggested that this project be brought before this body to talk through it again because it does have a financial impact, and at a point in time, if bonds would be sold, they would come before this body as well. It appears that there would be fairly ample coverage, and they're back to issues of who would purchase the bonds and how they would be collateralized. The timeline of the project is that Mr. Pritz would like to start sooner rather than later. He thought it would be appropriate to bring this before the board because it is a large parcel of property, and it seems that it has multiple impacts because there would be a stoplight that would be requested. Many of the prospective tenants want the stoplight, which means they would have to go through a process to determine when and how much growth and development would occur to warrant that, and it's a state road. The other item that was brought to his attention was the fact that it can relieve some of the traffic from the school, so he figured it would be a good idea to bring it before this board before the redevelopment commission went any further and recommended that a financing area be established to do just this project, not generally, and that would be the public infrastructure. They would look to do the same as they did on 950, which is to partner with Michigan City where appropriate and get those utilities installed in tandem with that.

Councilman Mrozinski stated that the reason he mentioned the plan committee is that he remembers six years ago, when he was on the plan commission, there was a plan to develop this land at that time. The big stickler was about the wetland. It had something to do with the water draining from here going into Trail Creek, which is why they didn't want to put a big parking lot out there. It's going to get salt on it and it's going to end up getting washed into Trail Creek, and we'll be looking at water pollution. We had issues with the Army Corps of Engineers and with the EPA, and it just couldn't be satisfied and it ended up that they just could not vote in favor of the project. He doesn't want to put the cart before the horse there. He thinks there would be a lot of concerns that need to be discussed so they don't get into a situation where they have issues with the EPA or the Army Corps of Engineers or with polluting the lake or Trail Creek.

As assumption would be needed by an engineering firm that would be doing the work would follow all the DNR permitting requirements for storm water and the like, and if they can't be satisfied, then obviously the project wouldn't move forward. That is something that he is going to check into and see where it ended up, what happened, why did it stop, if it became a water quality issue into Trail Creek, well then you can't put the water into Trail Creek. You have to figure out a better way to do it. That would all become part of the infrastructure cost at the location.

Councilman Mrozinski said some work needs to be done on it because that could really get expensive if they take off on a project like this and they find out later on down the road that they've done something to affect the water quality or the wetlands.

Councilman Bernacchi asked if there was an estimated cost of what they are wanting from the County.

Surveyor Hendricks said that it would be about a \$1,000,000 and \$952,000 roughly would cover the road and the utilities and the connector road.

Councilman Bernacchi said that he thinks if they look into everything as far as the zoning and the water runoff and the issues that Mr. Mrozinski spoke about, it is all part of the process of getting started on something.

Councilman Mrozinski stated that this is a project that they could use Major Moves money, which isn't in an area that they are talking about a deficit of \$34 million tonight; major moves money is in a separate category. He presumes that this yearly million dollars could come out of the major moves fund and be recouped over a few years.

Mr. Reardon stated this was the theory behind setting up the TIF district, to pay it back and do it again and again.

Councilman Bernacchi made a Motion to move forward and take it to the plan commission and address any issues as far as runoff, etc. and find out what issues there are going to be. The Motion was seconded by Councilman Cunningham. The Motion carried 5-0.

OLD BUSINESS

There was no old business.

CORRESPONDENCE

Letter from Craig V. Braje regarding La Porte County Public Defenders Budget Amendment

Councilman Cunningham stated that this is another mandate from the state as far as the amount that the deputy public defenders will be paid.

Attorney Biege stated that in addition, he spoke to Judge Boklund about the Public Defenders Fund, and they are in agreement that they can't use that fund for this raise. They have to comply or they will lose funding from the state level.

Councilman Cunningham made a Motion to comply with the state mandate to increase the Deputy Public Defender's salary. It was seconded by Councilman Santana. The Motion carried 5-0.

Correspondence from Joie Winski regarding Chief Deputies

Councilman Bernacchi stated that there are some issues with what was done. He said that Mr. Cunningham made the suggestion that since chief deputies are supposed to be at 80 percent of salary of the elected official or department head that the Council make all the full-time elected officials and department heads across the board the \$1,000 raise including benefits, make the chief deputies at \$800. Councilman Bernacchi said that he has spoken with many of the department heads and elected officials and that due to the financial times it is hard to give any more raise. He said that everyone feels that 80 percent is a little slim. He said that he has no problem with making it \$1,000 across the board. They're only talking about 7 or 8 employees, so they're only talking \$1,400 to \$1,600. It makes a big impact on their lives. It kind of feels like they're shortchanged, which Councilman Bernacchi understands. He wanted to amend his Motion to make it so all elected officials, department heads, and full-time employees get the \$1,000 raise and the part-time would stay at the 50 cents per hour. The Motion was seconded by Councilman Santana.

Councilman Santana said that he is positive that in the budget meetings that they were included, and that it got misinterpreted at the last meeting. He thinks that all of those seven were supposed to be included with the full-time and part-time employees.

Councilman Yagelski stated that what happened with that situation was that all the readings that they have are based upon the fact that they can change that at any time. That came up as an issue with Mrs. Sosinski about the 80-20. That's how it happened. It happens like that with any raises. It doesn't matter how it's originally written. It can always go that way.

Councilman Cunningham stated that he is in agreement that the chief deputies deserve the \$1,000 raise as much as any other employee. He thinks that they should reverse how they are doing the Motion and just have a Motion that they no longer want to abide by the 80% rule. If they don't do that, then this is no problem. If they rescind their position that they have to hold the chief deputies to 80%, then there is no problem.

Councilman Yagelski stated that really a Chief Deputy is just a position so the Motion will supercede that anyway. The Motion would stand and they would get the whole 100%.

Councilman Cunningham stated that he understood that but that they are contradicting their own previous determination that chief deputies would be set at 80% of the elected official's salary.

Councilman Yagelski stated that it's just a guideline.

The Motion carried 4-1 with Councilman Cunningham voting Nay.

Councilman Cunningham said that he is merely opposed to giving any pay raises at this time when they are \$34 million in debt.

ORDINANCES AND RESOLUTIONS

Ordinance 2014 Salary Adoption

Attorney Biege stated that he assumes that the changes they just made would not be reflected on this ordinance.

Auditor Winski confirmed this. She stated that they will have to amend that at the next meeting. They can pass it at this meeting but they will have to amend it at the next meeting.

Attorney Biege asked if they have time to amend.

Auditor Winski confirmed that they have until December 31st.

Attorney Biege said the he would suggest that they just reintroduce rather than pass and amend it. He thinks it would be cleaner to just reintroduce the whole thing with the correct schedule.

Resolution Authorizing the Appeal to the DLGF for Excessive Levy for Property Tax Shortfalls

Attorney Biege said that he will attempt to explain as well as he can. This is an attorney's interpretation of Sender's analysis. Apparently there were errors on refunds and adjustments to assessments were changed for the number for pay 10 and pay 11. When they advertise for tax levy, they advertised \$10 million over, so they are fine on advertising, but what they want to do is increase by roughly \$2.5 million altogether and adjust to compensate for those two areas where they essentially lost tax revenue that they estimated that they would otherwise receive. This would result in an increase in the effective tax rate of approximately 4.9 cents.

Auditor Winski said that this was wrong. It is \$2.6 million, and it is approximately 5 cents. It would increase the tax rate by about 5 cents. It is actually .0490. She said it is for the shortfall of property taxes and that this is done every year. They advertise for an excess levy. When they advertised originally it was advertised at \$10 million. They will probably only use \$2.6 million and she doesn't know how much the DLGF will give them. When they are advertising, they always advertise high so that they compensate for anything that they got. One of the things that happened for them was assessment appeals from 2009-2011 that they've just now been processing, and to account for that shortfall that they're going to have, they have to advertise for excess levy. The Resolution is 2013-7. Councilman Bernacchi made a Motion to approve the Resolution by title only. The Motion carried 5-0.

APROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Superior Court 2 – Honorable Richard Stalbrink

Requesting a Transfer

1000-30093-000-0150 to 1000-30007-000-0150

For Maintenance Contracts

\$300.00

Councilman Mrozinski made a Motion to approve. It was seconded by Councilman Santana. The Motion carried 5-0.

La Porte County Prosecutor

Requesting an Additional Appropriation

User Fees (2500) to Pretrial Div. Deferral (2501) and Victim Advocate Grant (8131)

For Claims, Salary, OASI, Medicare, Health Ins. & PERF \$224,561.50

Councilman Mrozinski asked if this was actually a transfer from User Fees.

Councilman Yagelski said to put it down as a transfer.

Councilman Mrozinski made a Motion to approve the transfer. It was seconded by Councilman Santana.

Councilman Bernacchi asked for clarification from the Auditor that it was a transfer. She confirmed this. The Motion carried 5-0.

La Porte County Building Department

Requesting an Additional Appropriation

Contractor Registration Fee (2067)

For New Vehicle Purchase \$30,000.00

Councilman Bernacchi stated that this is a transfer as well and not an additional appropriation.

One of the vehicles has 200,000 miles on it and needs to be replaced. Several things have been replaced and now they have heard that it would be high dollar to do maintenance on it now.

Councilman Bernacchi made a Motion to approve. It was seconded by Councilman Mrozinski. The Motion carried 5-0.

La Porte County Highway Department

Requesting an Additional Appropriation

CEDIT Fund (1112)

For Paving Claims, etc. \$2,500,000.00

Councilman Bernacchi made a Motion to approve. It was seconded by Councilman Mrozinski. The Motion carried 5-0.

La Porte County Clerk of Circuit Court

Requesting an Additional Appropriation

Riverboat (1191) or Win Tax (4220)

For MCAS Special Election \$10,500.00

Councilman Santana made a Motion to approve out of Riverboat. It was seconded by Councilman Bernacchi.

Councilman Yagelski stated that it was disappointing enough that they had to have this come up at this time. He doesn't understand why the schools couldn't wait 6 more months to have a regular election that would have cost them \$0.

Lynn Spevak stated that the 2009 election came out of the county General Fund. They didn't have to pay anything for 2009, so maybe they didn't realize that in 2010 the state law changed to where the entities had to pay for it themselves for any special elections. Currently in the state there are 8 special elections that each entity is paying for in the November 5th election.

Councilman Yagelski stated that the other disappointing thing is that they have to open up all of their voting areas for this kind of election.

Ms. Spevak said that they did not receive a unanimous vote at the election board so she had to go with all precincts. She did try to do a resolution with the election board members, but it did not pass.

Councilman Yagelski said that he is ashamed that the school system who really needs their money has to do it this way, but that it's their money.

Councilman Santana said that he watched that election board and he commends her for trying to sell it as best as she could. It had to be unanimous. It went down 2-1. The referendum for trying to save money is going and now they have to go with the 35 voting places and he has always been in favor of referendums. He thinks they're a great way for the citizens to be able to come in and decide on their own. It is his opinion. He stated that this could have been a great testing ground that could have saved all the Michigan City Area School System taxpayers a great deal of money. Instead, he thinks in cases like this it will probably dissuade the city, county, school, etc, those types of entities from using the referendum process when it is going to cost that money. He says that ? did the best that she could in that meeting.

Ms. Spevak said that she thanks them for giving them money to pay the poll workers and then get reimbursed later. Otherwise who knows how long the poll workers would have to wait.

The Motion carried 5-0.

La Porte County Small Animal Shelter

Requesting a Transfer

1129-01079-000-283 to 1000-10130-000-0156

For Part-Time Help

\$7,000.00

Councilman Mrozinski made a Motion to approve. It was seconded by Councilman Bernacchi. The Motion carried 5-0.

La Porte County Sheriff

Requesting an Additional Appropriation

Riverboat (1191) or Win Tax (4220)

For Gasoline

\$40,000.00

Councilman Santana asked if that would cover them until the end of the year.

Sheriff Mollenhauer said that Chief Sosinski could probably report it more accurately, but he said that part of the problem is that they had the grant for the E-85 fuel, which they couldn't turn down, but they are getting terrible mileage. The big thing is that they haven't been reimbursed. They've only been reimbursed one time out of 5.

Councilman Yagelski stated that one of the questions that comes up, and he knows that it was not a secret deal about the E-85 cars not getting good gas mileage when they first came in. He asked if someone actually expected it to improve.

Chief Sosinski stated that Councilman Yagelski is correct. They knew they were not going to get better gas mileage with E-85. His own vehicle is one of the E-85 vehicles, and he says that he was averaging between 16 and 18 miles to the gallon on gasoline and he is down between 9 and 12 miles to the gallon depending on how he is using it during that period. The least he's gotten was 9 and the most was 12. An additional problem is that they have to prepay for the E-85, so they are due about \$17,000 in reimbursement that they haven't gotten on top of the additional bills.

Councilman Santana made a Motion to approve. It was seconded by Councilman Bernacchi. The Motion carried 5-0.

Requesting Permission to Spend Misdemeanant Fund (1175) For Inmate Safekeeping and ADS Claim (removed by request)	\$2,257.92 \$6,985.00
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Councilman Bernacchi made a Motion to approve. It was seconded by Councilman Santana. The Motion carried 5-0.

La Porte County Commissioners
Requesting an Additional Appropriation
Riverboat (1191) or Win Tax (4220)
For Postage, Training & Education, Professional Services & Consulting

	\$250,000.00
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Councilman Mrozinski stated that there were no Commissioners present to answer questions and that he has a lot of them.

Councilman Cunningham made a Motion to table. It was seconded by Councilman Mrozinski, who said that he thinks they need a workshop.

Councilman Santana said that he agrees. \$250,000 with two months to go and they didn't get anything as far as letters or anything describing exactly where the money is going to go.

Auditor Winski stated that she included that in the Council's packets tonight and that she can answer some of the questions for them. The postage is because they had two tax bills sent out.

Councilman Yagelski said that because there was a Motion to table that they can't discuss it.

The Motion carried 4-1, with Councilman Yagelski voting Nay.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Yagelski said that a few years back they were able to cancel their December meeting for a couple reasons, not only because they didn't want to have a Meeting but also because the budgetary process works when you can't have a meeting in December at the end of the month. It creates havoc with all of the departments trying to get all of their accounting methods done before the end of the year. He asked the Council for a Motion to cancel the December Meeting unless an emergency comes up. The Motion was seconded by Councilman Bernacchi. The Motion carried 5-0.

Attorney Biege stated that during their last meeting in the public comment section that he said Mr. Milsap was in office in 2009, and he was corrected on that. He was running for office in 2009. He just wants to clarify the record. He didn't check his facts and he misspoke and Mr. Milsap asked him to correct that.

Councilman Yagelski thanked PNC and the public for this evening's Meeting.

ADJOURNMENT

A Motion was made to adjourn by Councilman Yagelski and seconded by Councilman Santana. The Motion passed 5-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL, dated this 25 day of November, 2013.



Councilman Matt Bernacchi



Councilman Earl Cunningham

Absent


Councilman Terry Garner



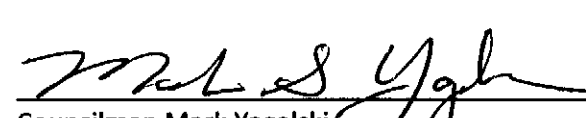
Councilman Rich Mrozinski



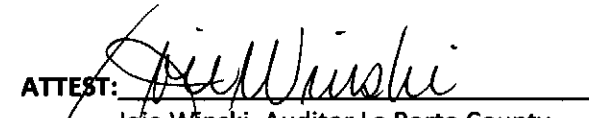
Councilman Jeff Santana

Absent

Councilwoman Lois Sosinski



Councilman Mark Yagelski

ATTEST: 

Joie Winski, Auditor La Porte County