

LaPorte County Auditor
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LaPorte, IN 46350-3490

MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
OCTOBER 27, 2014 AT 6:30 P.M.

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on October 27, 2014 at 6:30 p.m. (CDT) in the Assembly Room of the La Porte County Government Complex located at 809 State Street, La Porte, Indiana, 46350.

CALL TO ORDER

The Meeting was called to order by La Porte County Council President Mark Yagelski at 6:30 p.m.

PLEDGE OF ALLEGIANCE

President Yagelski asked everyone to stand for the Pledge of Allegiance. Councilman Garner led the Pledge of Allegiance. Mr. Yagelski asked that everyone, except emergency personnel, to please turn off their cell phones at this time.

ROLL CALL

Auditor Winski takes the Roll Call. Council Members present were Councilwoman Sosinski, Councilmen Bernacchi, Santana, Cunningham, Garner, Yagelski, and Mr. Mrozinski. A quorum was noted.

APPROVAL OF THE OCTOBER 27, 2014 AGENDA

A Motion was made by Councilwoman Sosinski and seconded by Councilman Bernacchi to approve the Agenda. Motion carries 7-0.

APPROVAL OF THE SEPTEMBER 22, 2014 PUBLIC HEARING ON THE 2015 BUDGET

A Motion was made by Councilman Mrozinski and seconded by Councilman Santana to approve the September 22, 2014 Public Hearing on the 2015 Budget. Motion carries 7-0.

APPROVAL OF THE SEPTEMBER 22, 2014 REGULAR MEETING MINUTES

A Motion was made by Councilman Mrozinski and seconded by Councilman Santana to approve the September 22, 2014 Regular Meeting Minutes. Motion carries 7-0.

PUBLIC COMMENT

Phyllis Marks, 7353 State Road 2, LaPorte.

Phyllis Marks asks the Council if they can believe it. After 3 years, the dairy barn is looking good, on the outside. All is getting completed and there are so many people to thank. She has addressed a lot of them on the County level, but wishes to thank the LaPorte County Work Release Program for working on the new fence. Bob Blair and his group did an excellent job and it's all tying together. She thanks everyone involved.

The Council thanks and applauds Phyllis Marks for all the nice work.

President Yagelski states some Council Members got a chance to walk around and a nice job was done.

President Yagelski acknowledges the students of La Porte High School.

Hearing or seeing no other Public Comment. President Yagelski closes Public Comment.

DEPARTMENT HEAD REPORTS

Sheriff Mike Mollenhauer.

The Community Work Program is headed up by Bob Blair, who's a jailer. He has about 5 workers with him at all times who do different things throughout the County that most people know about. They take care of the facility, range and our K-9 training track. Ms. Marks came and asked if we could possibly get a fence put up and Bob had some planks that he had donated and just needed the posts and the paint. The posts and the paint were purchased at Tractor Supply for \$239.85. There were 15 posts and Phyllis had some paint, it's a very nice looking fence. Additional paint was needed and purchased at Kabelin's for \$54.54 for a total amount of \$294.39. Sheriff Mollenhauer is asking for permission to pay those two bills, out of Commissary.

A Motion was made by Councilman Santana and seconded by Councilwoman Sosinski to pay out of Commissary. Motion carries 6-1, with Councilman Garner voting Nay.

Sherriff Mollenhauer states the sixth annual Sheriff's Halloween Safety Trick or Treat and Halloween Safety Event is going to be Friday, October 31st from 4:00 p.m. to 5:30 p.m. and hopes the weather will be good. If there is inclement weather it will be inside. There will be photos, reflective trick or treat bags, reflective necklaces, a button they wear that has a red flashing light, and of course all of those are safety when they are out there with their parents. Some other items include a coloring book on safety and most important the hot chocolate and cookies when they come in and wants the public to know about that event.

Another annual report made was to the County Commissioners regarding our Notice to Quit Fees, which is the first step in the eviction process. It was back in 2007 that it was approved by the County Council and then by the County Commissioners to take that fee and place it into a continuing education fund – training for the officers. There is never enough training for the Officers and it has been beneficial. It is something that Sheriff Mollenhauer and Chief Sosinski are proud of.

Councilwoman Sosinski does not have a question but states she was on the Council when it started and the fund was established. She asks if the Council could be enlightened as to where these funds were going prior to that, since there was not an account for them to go to.

Sheriff Mollenhauer states when he was elected in November of 2006 and took office in January 2007, the former Chief Deputy, Dell Ott came to ask if he could continue to serve those papers. He was the Chief Deputy under former Sheriff Jim Arnold. When he asked that, Sheriff didn't know how to answer. At that time he was retired and was the appointment under Jim Arnold. Mr. Ott stated he's just been taking the fee and keeping it. Sheriff Mollenhauer stated that didn't sound good, so he went to the Indiana Sheriff's Association attorney, A. Howard Williams. Attorney Williams said to create a fund and suggested a continuing education fund to put that money in for training for the officers.

Councilwoman Sosinski would like to take the opportunity, at least for herself, to thank him for noticing that and starting the fund. When you're talking about doing things in that particular manner, you have to worry about taxation of income that's, possibly, not being properly reported through W-2's, 1099's, etc.

Sheriff Mollenhauer has one last thing, and it's a problem on Johnson Road with Critchfield School and they are getting serious complaints on it. The officers tried to get out there and work it as much as possible; however when they are on calls they just cannot sit there. So a trailer was purchased through the Commissary Fund for \$7,245.00 and its targeting schools. It is to educate the public that there is a school zone, and there is no speeding through there.

George Watkins, LaPorte County Veterans' Service Officer

Mr. Watkins had a couple reminders for Veterans in the County. On Saturday, November 1st at 10:00 a.m., here in the Complex Meeting Rooms, will be the next LaPorte County patriotic service medal presentation. It starts at 10:00 a.m. and if the Veterans' haven't filled out their application, they need a DD-214 copy, or stop by and see him for additional information.

The following Saturday, November 8th will be the second free dental screening for Veterans from 8:00 a.m. to 1:00 p.m. and will be at the IU Health Dental Center, 400 Tea Garden Street, it's the corner of Washington Street and Tea Garden and Veterans must call for a scheduled appointment. Tuesday, November 11th, is Veterans' Day. There will be a program at the Civic Center at 9:30 a.m.

Mike Schultz, Assessor

Assessor Schultz has some good news and presents two awards to the Council he received. The first award he received is from the Northwest District Assessor at the AIC Conference or Assessor Conference, so that's some good news for LaPorte County. The second award was for the Public Sector Champion from Thompson/Reuters. The award was presented on September 24th in New Orleans. The Public Sector Champion Award recognizes institutions that have achieved excellence in planning, leadership and service. The Public Sector Champion Award winners are leaders at the cutting edge of utilizing new processes, technology and staff management to improve services to their citizens. The Public Sector Champion Award is presented to government programs and officials in the following categories: Excellence in Business Process Transformation, Excellence in Office Leadership and Excellence in a Constituency Service. Assessor Schultz and his staff were recognized for Excellence in Constituency Service. Assessor Schultz flew down to New Orleans on his own dime to pick up the Major Award. He felt it was important enough that LaPorte County was recognized.

Assessor Schultz is also asking for permission to fill a position. The employee transferred to EMS and he wants to move one of his part-time people into that position. He tells the Council he will not have to lay the PTABOA Secretary off currently; however if things don't change after the first of the year that may be a possibility.

Councilman Mrozinski asks if Assessor Schultz approached to Commissioners to fund his trip to New Orleans.

Assessor Schultz states yes he did but there was a discrepancy as to whether he had the request in on time. He feels his request was received a timely fashion; however the Commissioners Secretary did not. Therefore he paid it out of his own account and not out of the Commissioners' account. It was denied because it wasn't turned in on time; however he states it was.

Councilman Santana questions if the PTABOA Members are being paid?

Auditor Winski and Assessor Schultz state no. They would only get paid for the Meetings they attend.

Councilman Cunningham asks what the approximate amounts of his expenses were.

Assessor Schultz states it was just under \$500. It was basically just the plane, because Thompson/Reuters picked up his fee for the banquet, so his fee was the airline and the hotel.

Councilman Cunningham makes a Motion that Mr. Schultz to return to the Commissioners for reimbursement for his expenses, which is seconded by Councilman Mrozinski. Motion carries 7-0.

Councilman Bernacchi makes a Motion to approve filling Assessor Schultz's position, which is seconded by Councilwoman Sosinski. Motion carries 7-0.

Lynne Spevak, Clerk of Circuit Court

Clerk Spevak would like to give the Council an update on voting. So far there have been 1,537 walk-ins, 708 were mailed out so far, and 254 were returned. There have been 10 emails so far, and those are for military overseas, they are able to vote by email. Today was the last day for all mail-outs, so there is only traveling board and walk-ins at both courthouses from 8-4. If someone has a disability, they will come to their house within the next week.

Councilman Yagelski asks how it compares to the last election.

Clerk Spevak states in 2010 there were 4,000 total voters, right now it's around 2,200 and they are waiting for mail-outs to come back. Clerk Spevak says early voting is down and the Commissioner's asked for and received an extra Saturday. Only 34 people came to vote.

Councilman Cunningham asks how much staff was paid on that Saturday.

Clerk Spevak states 2 Sheriff's Deputies at \$30/hour and \$11.50 an hour for 4 absentee members for 7 hours. About \$750 for that day and there were only 34 walk-ins. They were able to do some mail-out ballots to get them ready for Monday's mail. But it wasn't as high as last Saturday it was 122. Hopefully this Saturday will be higher. So if the staff is not busy with walk-ins, there are other things for them to do.

Councilman Yagelski asks if there are any other Department Head Comments. Hearing or seeing none, Department Head Comment is closed.

LIAISON REPORTS

Councilman Garner states that Mr. Quinn just informed him he's coming back for a transfer of \$624.00 that was not approved last month. He also stated that he's going to have to come back at the beginning of the year. They have a new diesel machine that he has to use for the fuel starting at, hopefully, the beginning of the year. There are very few counties that have it at the moment, so he wants to get that started.

Councilman Santana has nothing to report.

Councilman Cunningham has nothing to report.

Councilwoman Sosinski stated she already handled the group health insurance during the Budget Adoption Meeting.

Councilman Bernacchi just wants to point out that the 950 Project is pretty much completed. It started about 5 years ago, acquiring property and giving the roads, sewer and water, everything put back there. Hopefully, with the economic development team that the County's put together, they can fill up that area quickly. It's been a long process, but it's pretty much near completion.

Councilman Mrozinski was glad that Mrs. Marks was here talking about the barn. He claims there is an issue with the south barn. Commissioner Decker is in attendance and maybe he could answer a question. There was a report a couple of months ago the insurance people looked at the Barn and they said in the present condition it was a hazard and suggested it should be fixed or torn down. The Advisory Board voted to tear it down and asked for quotes for that. The Board thought that someone would take it down for the material and clean it up. He asks Commissioner Decker to come up to the microphone since he could not hear him from the back.

Commissioner Decker states that if Councilman Mrozinski couldn't hear him, he needs his ears cleaned. There is another group of people that are interested in saving the building. They've got a couple of other barns in the County that the people are willing to let them tear down to save that barn, so they are giving them a chance.

Council Mrozinski states that the insurance representative said that something must be done soon.

Commissioner Decker states they are working as fast as they can. If they can't come up with anything within the next month, it will probably be torn down.

Councilman Mrozinski asks if there are any further thoughts on the County Homes as far as the grant they wanted to submit for a homeless shelter.

Commissioner Decker states that is still being worked on to get some type of indigent people in there or either mental health or whatever.

Councilman Mrozinski states that he doesn't think anybody would want to tear it down, but \$5,000,000 to rehab it is a bit much. He questions the status of the Shared Ethics Advisory Board. Commissioner Decker states training will be forthcoming and if there is a problem see HR.

NEW BUSINESS

None.

OLD BUSINESS

Councilman Santana states there was never a vote on the Amendment to the Sheriff's Pension Plan. The document is signed and executed but to reaffirm the action, Councilman Santana would like a vote taken on the Amendment to the Sheriff's Department Personnel Retirement Plan. Attorney Biege agreed with Councilman Santana.

A Motion was made by Councilman Santana and seconded by Councilman Garner. Motion carries 6-1, with Councilman Mrozinski voting Nay. Councilwoman Sosinski wants to make sure there is no conflict with her voting. Attorney Biege states there is not.

Council Mrozinski wanted to review the document because there were several occasions to show the Council a table that would reflect changes in that pension plan, if the Deputies were to start contributing to their own pension, like all the other County employees do.

Councilman Santana thanks the Council, he just wanted to make that clear for the record.

Councilman Cunningham feels it worthy to note that Indiana Code 10-14-3-17 (hands the Statute to all Council Members) in regards to the Emergency Management Advisory Council. He asked the Commissioners about this at their Meeting on the 15th. He directs the Council to look on the first page where it states the Emergency Management Advisory Council shall do the following: 1) exercise general supervision and control over the emergency management and disaster program of the county; 2) select or cause to be selected with the approval of the county executive, a county emergency management and disaster director who a) has direct responsibility for the organization, administration and operation of the emergency management program to the county and b) is responsible to the chairman of the County Emergency Management Advisory Council. Councilman Cunningham was not aware of this, until he attended a forum and looked it up.

It appears to Councilman Cunningham that the Commissioners just make things up and their response is, well that's the way we've always done it. That's a pretty poor excuse in government the way we've always done it, and if that's not right, then it needs to be corrected. He's contacted a couple of people in the emergency management field and they said that the reason for this is because the mayors and the fire departments don't want this to be a political position. The Council does not have any authority to do anything, except to advise the Commissioners that, once again, they are not following the law.

Councilman Cunningham makes a Motion to have the County Council Attorney send a letter to the Commissioners advising them that the Council's interpretation is that the Commissioners do not have the authority to name an EMA Director without advice from an Advisory Board. The Motion is seconded by Councilman Mrozinski.

Attorney Biege comments that he would suggest that he draft an opinion to the Council first, so that an analysis could be drafted for the Council on which a decision could be based and then make a recommendation to the Commissioners.

Councilman Cunningham modifies his Motion and Councilman Mrozinski seconds it. Motion carries 6-0, with Councilwoman Sosinski not voting.

For the record, Councilwoman Sosinski states she didn't vote. She asks Mr. Cunningham if his point is that the gentleman that was hired, who is a retired fireman, is not qualified for the job of Emergency Management Director.

Councilman Cunningham states he was just naming the areas that should be represented on the Advisory Board.

OLD BUSINESS

PTABOA Appointment.

Councilman Bernacchi states he would like exemptions completed this year. As President of the PTABOA he has not had any direction, there is just the argument of political party and sitting on various boards. He would like some type of direction from Attorney Biege, Ms. Lapaich-Stalbrink, or Mr. Friedman who were all involved in discussions and some type of direction is needed.

Attorney Biege states the difference of opinion between himself and the County Attorney has to do with how the appointment and the political makeup of the Board is set up. Whether or not the PTABOA itself has meetings or continues forward is really a board decision and that would in fact be a challenge to the board's decision more than anything else. Whether or not the Board can conduct business, they can conduct business subject to its own discretion. The issue would come up later if someone did not like the decision of PTABOA, they could challenge and one of those bases of the challenge could be the composition of the Board. It does not affect the Board's ability to meet and do business.

President Yagelski states the Council did not stop meetings, so it's not up to the Council to start them again.

Councilman Bernacchi says he wasn't asking this Council to make that decision; he just wants some type of direction.

Councilman Yagelski states the Council Attorney did give advice at that meeting and it's up to the Board if they want to continue meetings or not.

Councilman Cunningham requests clarification from Attorney Biege. Mr. Bernacchi just cited that because there was a discrepancy between the Commissioners Attorney and the Councils Attorney, a third attorney was brought in that was recruited or paid for by the PTABOA.

Attorney Biege states he's not who paid for her, but another attorney was asked for an opinion, and that Attorney was Amber Lapaich.

Councilman Cunningham asks if Ms. Lapaich was not able to 'break the tie' or does she say you are both 50-50 right?

Attorney Biege states that the interpretation of her opinion is that she agrees with him.

Councilman Yagelski asks if Councilman Bernacchi would like a voice of support from the Council?

Mr. Bernacchi states he wants the entire thing resolved. He would like to know that from the County's stand point, what to do and how to proceed.

Councilman Cunningham would like a Motion that the Council give an advisory opinion to Mr. Bernacchi as President of the PTABOA, for the Board to reconvene for the purpose of exemptions only. The Motion is seconded by Councilman Mrozinski.

Councilman Santana has a comment. This is an illegal board as it stands, by virtue of the IC code. The Council has a responsibility to try and fix this, and they have gone back and forth. He agrees with Mr. Bernacchi that there are a couple months left until there are new Council Members. The County Attorney stated if this is waived until the end of the year, it would be fixed in January. Councilman Santana will not support an illegal board.

Councilwoman Sosinski has a comment stating there is both a Commissioner Attorney and a Council Attorney. She's not an attorney and does not know much about the law, so she will abstain from voting either way.

Attorney Friedman approaches the microphone. On the issue of hearing exemptions, the recommendation was they could still have those exemptions heard during the balance of the year, agree to a waiver indicating if they are going to apply to the board to hear the exemption, or they could waive any objection to the composition of the board. This was discussed with Mr. Biege and both felt that the prospect of a challenge was remote, but that was the proposal to get the exemptions heard this year.

Attorney Biege states that Attorney Friedman has an alternative, and agrees that the challenge would be remote, but he does not think it remedies the issue. There is disagreement once again as to Board appointments; but whether the board can function or not, it's the board's decision. It only comes into play if there's a challenge to a board's decision. He doesn't know what the numbers are, how often the Board is appealed, but the Board decided to cease its' meetings through the end of the year, it could certainly move on and conduct itself because it's questionable as to whether or not a court would uphold the PTABOA Board's decision solely based on the point that the political composition is incorrect. He feels you would have to show some bias in the decision-making process as a result of the improper composition. He understands the arguments of the Council and the issues the Council has with the Commissioners, but at the end of the day, it's really up to the PTABOA and the President; and although Attorney Friedman suggests the waiver, he does not feel it is not necessary.

Attorney Friedman states it might provide a comfort level. The waiver was suggested as a way to hear the exemptions which he knows Mr. Bernacchi has indicated he'd like to do before the end of the year.

Attorney Biege states again, he does not think the waiver is a requirement to hear the exemptions. It's a novel idea and he does not completely agree with the analysis.

Attorney Biege states the alternative venue was the Board of Tax Review. The appeals can be heard by the Board of Tax Review, these particular assessments or the exemptions could be heard by the Board of Tax Review, so there is an alternative venue.

Councilwoman Sosinski states for clarification, both attorneys agree that it's up to the Board, themselves, whether they want to hear exemptions.

Attorney Biege and Attorney Friedman agree.

Councilman Santana questions what to do with the individual that brought this to the attention of the Council, Ken Purze. He made a challenge to say that this, again, is not being adhered to. What obligation does the Council have to Mr. Purze to abide by what is written and right?

Attorney Biege states the Council has done its job. It made its appointments, pursuant to the statute, and took into consideration the level of the assessment and the qualifications. In his opinion, there's nothing for the Council to do. In his opinion, the Commissioners should make a proper appointment. This is the same discussion as before and that's the remedy. It is that simple. The Council's criteria is different than the criteria in which the Commissioners should base their appointments.

Councilman Cunningham states there are 110,000 residents in LaPorte County. The Council has appointed a Level 3 Assessor and a Level 2 Assessor. The Commissioners had an obligation to balance the Board and not appoint anybody that's already serving on paid board. Mr. Cunningham believes this is Attorney Biege's opinion as well. It's not like there is a shortage of residents or Republicans. There are at least three saying they would serve on this Board. In his opinion, the amount of time spent on this, just because the Commissioners will not do what the law says, is ridiculous.

Attorney Biege agrees.

Attorney Friedman respectfully disagrees with Councilman Cunningham. He believes the Commissioners fulfilled their obligations under the statute to make their appointments.

A Motion is made by Councilman Cunningham and seconded by Councilman Mrozinski that the Council gives an advisory opinion and direction to the PTABOA to meet on exemptions only. The Motion carries 4-2, with Councilwoman Sosinski abstaining and Councilman Garner and Santana voting Nay. Councilman Bernacchi does not have to abstain per Attorney Biege.

Councilman Cunningham reminds the Council that the Commissioners will meet before the Council does in January, how does the Council make the same problem doesn't happen in January. The Commissioners should appoint, pursuant to political party.

Attorney Biege again reiterates that the Commissioners should appoint pursuant to political party. If the Commissioners meet before the Council does, they should wait to make their appointment until after the Council makes its appointment. It can wait a month because those standing members will stay on the Board.

Councilman Cunningham makes a Motion to ask Attorney Biege to send the Commissioners' Attorney a letter to that effect. The Motion is seconded by Councilman Mrozinski. Motion carries 7-0.

CORRESPONDENCE

None.

RESOLUTIONS AND ORDINANCES

None.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Weights & Measures

Requesting a Transfer of Funds

1000-20030-000-0138 to 1000-10130-000-0138

for Extra Hire/Part-Time/Seasonal Help \$624.00

Motion made by Councilman Mrozinski and seconded by Councilman Bernacchi. Motion carries 7-0.

La Porte County Prosecuting Attorney

Requesting a Transfer of Funds

2500-20200-000-0327 to 2501-20200-000-0343 \$51,530.00

2500-20200-000-0327 to 8131-10138-000-0550 \$311.00

2500-20200-000-0327 to 8131-11007-000-0550 \$1,781.00

2500-20200-000-0327 to 8131-11009-000-0550 \$417.00

2500-20200-000-0327 to 8131-11017-000-0550 \$3,215.00

2500-20200-000-0327 to 8131-11019-000-0550 \$2,397.00

for Claims, Salary, OASDI, Medicare, PERF & Health Insurance \$59,651.00

Motion made by Councilman Bernacchi and seconded by Councilman Mrozinski. Motion carries 7-0.

La Porte County Community Corrections

Requesting Permission to Spend

Misdemeanant Fund (1175)

for Document Management, Indexing, Etc. (BOLT) \$26,777.00

for Computer, Video, Projectors (ADS) \$15,840.00

\$42,617.00

Motion made by Councilman Mrozinski and seconded by Councilman Bernacchi. Motion carries 7-0. Director Buell states that Darlene Hale has been involved in the computer process and approves the recommendation.

La Porte County Sheriff

Requesting Permission to Spend

Misdemeanant Fund (1175)

for UPS Frame, Replace Radios and Liebert Relocation \$29,236.00

for Laundry Truck and Floor Buffer Machine \$1,657.50

for Garage Door & Sally Port \$11,999.00

\$42,892.50

Motion made by Councilman Garner and seconded by Councilman Santana to approve all items above. Motion carries 7-0.

Councilman Cunningham questions how much is in the Commissary Fund. Auditor Winski does not know that amount. The Sheriff states the Auditor does know that amount when he sends his semi-annual report. The balance today is \$5,936.75.

Councilman Cunningham asks the amount of the Commissary Fund when he took office.

Sheriff Mollenhauer states that Councilman Cunningham sent him an email stating he may want to double-check the balance that Senator Arnold left in that account on 12/31/06. Sheriff states he really can't answer that because there are two figures. Mr. Arnold prepaid a conference and airfare for him and his wife to Washington, D.C. after he left office to go in February. Then he took a credit card and used that for meals and hotel fees, so he thinks that figure would be about \$2,000 difference. He thinks that's what it cost the Commissary Account. With that, he would guess probably high \$60's or around was \$65,000,000 when he took over as Sheriff.

Councilman Cunningham questions that if he didn't spend any money out of the Commissary Fund for the next two months, in December and all of your profits came in, what would be the Commissary Fund balance. Approximately \$15,000.00 each month?

Sheriff Mollenhauer agrees.

Councilman Cunningham states if no monies were spent there could be \$30,000.00 there.

Sheriff Mollenhauer questions if they don't want him not spend the money. They pay for cell phones every month for administration, and there are other things that come out of there he pays for every month. So, that would be pretty difficult to keep the whole \$30,000.00.

Councilman Cunningham states he is giving the Sheriff the benefit of the doubt. Even if they didn't spend any, which he knows they will, there would be \$36,000.00 in there, approximately \$30,000.00 less than what he started with and/or Mr. Arnold started with 8 years prior to that.

Sheriff Mollenhauer states it is the Council that keeps telling him to buy things out of Commissary and they paid for patrol rifles, \$16,420.00, added some new officers last year, \$3,840.00 for protective vests, equipment for patrol cars, and they received 17 last year, \$26,540.00. He spoke about a speed radar warning device, \$7,245.00. These are things to keep, not only for the officers, jail officers, patrol officers but also for the citizens of LaPorte county safe. He feels they have spent monies very well and wisely and if the Council would have paid all of that there would be more. He reminds the Council about the approximately \$400,000.00 to get that video visitation up and running, wherein they only gave \$30,000.00 about three years ago for that and the other, roughly, \$370,000.00 came from Commissary. So if they didn't buy or pay for anything there would be nice sum money.

Councilman Cunningham states that he listed an extensive list of big purchases, but he forgot about the car he bought that both the Council and Commissioners both told him not to buy.

Sheriff Mollenhauer states he didn't forget that.

Councilman Cunningham states he didn't list that as one of your big purchases.

Sheriff Mollenhauer states he could have. It was \$23,000.00, and that was Commissary money, that's correct. That car had 115,000 miles on it and it was traded and reported by several council members that it was a \$50,000 car, which wasn't true either. It was \$41,000.00 he believes and then \$20,000 for the trade in.

Councilman Cunningham's point is simple, that seven Council Members at that time and three Commissioners at that time all advised him not to trade the car.

Sheriff Mollenhauer states the Commissary Fund is at the discretion of the Sheriff, which Councilman Cunningham knows, and that car was needed. He doesn't want to go there about the previous Sheriff getting two new Tahoes every two years, or having two vehicles in his driveway. Sheriff Mollenhauer states he has only has one.

Councilman Santana questions what is the UPS Frame?

Ryan Crosshill approaches, System Tech for the Sheriff's Department. The Liebert Relocation and the UPS Frame, those are both part of the UPS system which is uninterruptable power supply system. So basically, it keeps power going when the lights go out and it gives time for the generator to kick-in, so it prevents a lot of surges, it prevents damage, basically.

Councilman Cunningham asks Sheriff Mollenhauer about the previous Sheriff's two vehicles and did he not have a spare vehicle sitting out at the county barn? If he wants to jump in a patrol car, can he do that.

Sheriff Mollenhauer states yes he can whenever his is down or getting serviced.

Councilman Cunningham states that when Mr. Arnolds had one, it was sitting in his driveway on Johnson Road, highly visible, to possibly slow traffic down. Maybe that was a deterrent, the car sitting on Johnson Road, everybody saw it going both directions. The point is, there's still another car somewhere out there in the County.

Sheriff Mollenhauer states there are two cars, they have two cars extra. One's a marked and one's a 2004 Dodge Intrepid, unmarked. That is used when process servers or detective cars are down, then there is also one marked Ford, which is a 2013, that's going to be issued to a patrolman next month when he comes back from the Academy. They never give a brand new officer a new car. It has about 15,000 to 20,000 miles on it. But, that will go to a patrolman as his hand-me-down. There will be two pool cars.

Councilman Cunningham states that Mr. Arnold could only drive one vehicle at a time. Are you alleging that anybody else in his family was driving one of those two vehicles?

Sheriff Mollenhauer states he didn't say anything like that. Well his wife could have. She would be perfectly legal to; she was the Matron when he was Sheriff. She was an employee.

Requesting an Additional Appropriation
CCD (1138), Riverboat (1191) or Win Tax (4220)
for Gasoline for Remainder of 2014

\$50,000.00

Motion made by Councilman Santana and seconded by Councilwoman Sosinski to pay from CCD. Motion carries 5-2, with Councilmen Mrozinski and Cunningham voting Nay.

Councilman Santana states the Department is looking at \$25,000.00 a month for gasoline and questions if that is normal usage. That's \$300,000.00 a year. Is that what the Department has been using for the last couple years? And what is the status of the E-85.

Chief Deputy Jim Sosinski approaches the Council as he the one that handles the fleet and all of the field costs. He states the monthly bill averages between \$22,000.00 to \$25,000.00 a month for gasoline. He wants to inform the Council that that's not just solely the Sheriff's Department and they also fund other departments with gasoline. Due to this winter, a high volume amount of gasoline was used in January, February and March of this year. And a lot of that was for plowing from the Maintenance Department. In January and February alone, just the Maintenance Department used about \$1,100.00 in fuel and that had to do with plowing. The fuel usage in those months was up because of the harsh winter and cars were running when the guys were out there. With respect to the E85, now that we're starting to get the money in, and we've put additional cars on the E85, the bill has dropped to about \$15,000.00 to \$17,000.00 for the month. He sees that continually dropping now since we're getting the E85.

Deputy Sosinski tells Councilman Cunningham, there is a monthly log that every officer has to fill out and turn in and it's their starting mileage of the month and their ending mileage of the month and how much gasoline they use. He can state emphatically it is not abused. He knows of a few officers who have submitted some receipts from Family Express when they put fuel in their car.

Sheriff Mollenhauer has one more thing. Unfortunately on Thursday, a dishwasher went down and is in need of repairs in the approximate amount of \$5,000 to \$6,000.

A Motion was made by Councilman Garner and seconded by Councilman Bernacchi to pay for the repairs to the dishwasher out of the Commissary Fund in the amount of \$5,000. Motion carries 7-0.

La Porte County Circuit Court Clerk

Requesting an Additional Appropriation

IV-D Clerks (8899)

for Part-Time Help

\$1,620.00

Motion made by Councilman Cunningham and seconded by Councilman Santana to approve. Motion carries 7-0. It will be a transfer.

La Porte County Highway Department

Requesting an Additional Appropriation

CEDIT (1112)

for Economic Development Projects

\$2,750,000.00

Motion made by Councilman Bernacchi and seconded by Councilman Santana to approve. Motion carries 7-0.

Requesting an Additional Appropriation
CCD (1138)
for Five Single Axle Dump Trucks

\$1,782,025.00

Bob Young passes out photos of the vehicles that are targeted to be replaced and lets the Council know that if they are plowing snow or on a road project there are 38 drivers driving and three spare vehicles. There are six trucks and this will be their third winter, older trucks are auctioned off.

Mr. Young want to stick with his request for 10 trucks. It's the Council's pleasure to cut it from 10 trucks to whatever. The older trucks will break, be towed in.

Councilman Garner reiterates the trucks vital for safety for school and citizens. Roads need to be cleared.

Councilman Yagelski asks if 10 trucks will make a difference. Councilman Mrozinski states it will make a difference if they are 10 news trucks.

Councilman Bernacchi asks if the tandem is utilized more than the single axle. Mr. Young states they use them equally.

Councilman Yagelski wants to make sure that the computer systems will be utilized on these trucks.

Mr. Young states they will get training at no cost. They will start in January.

Councilman Mrozinski wants to make sure the trucks will be Western Star All-American made and Mr. Young verifies that.

Councilman Santana states he cannot support all 10 trucks at this time. He could see getting 5 and giving Mr. Young the option to decide what is tandem and single axle. If five or six trucks were purchased a few years ago, why are 10 needed now? Councilman Santana is not denying the need, it is just the timing right now. He would like some trucks this year and some purchased next year.

A Motion is made by Councilman Mrozinski and seconded by Councilman Garner to approve this request for the 10 trucks. Ayes: Councilmen Mrozinski and Garner. Nays: Councilwoman Sosinski, Councilmen Santana, Yagelski, Bernacchi, Cunningham. Motion fails 5-2.

Councilman Bernacchi would like to make the Motion to approve 3 tandems and 3 single axle trucks and is seconded by Councilwoman Sosinski. Motion carries 7-0.

Mr. Young will get the appropriate dollar amount to the Auditor.

Requesting an Additional Appropriation
CCD (1138), Riverboat (1191) or Win-Tax (4220)
for Repairs to Highway Garage Bldg. Hanna District

\$43,000.00

Motion made by Councilman Mrozinski to approve from CCD and seconded by Councilman Santana. Motion carries 6-1, Councilman Bernacchi voting Nay.

Requesting an Additional Appropriation
CCD (1138), Riverboat (1191) or Win-Tax (4220)
for Repairs to Highway Garage Bldg. 1805 W. 5th St. \$344,647.00

Councilman Mrozinski states the buildings are in very bad shape.

Motion made by Councilman Mrozinski and seconded by Councilman Garner to approve out of CCD.
Motion carries 6-1, with Councilman Bernacchi voting Nay.

COUNCIL COMMENTS

Councilman Mrozinski has a comment. Commissioner Milsap was asked about two months ago about the gray Impala that he has assigned to him. He's taken the vehicle home and he's parked it at his house. There is a picture of someone who is not a County employee driving it, which immediately, the first question that comes to my mind is liability. If there is an accident with that car because someone is driving it who is not an employee of the County, that could be huge. He knows it isn't Mr. Milsap in the photo because he doesn't have an afro.

Councilman Santana wants to say good luck to all of the candidates that are running for office this November 4th. He wants to thank all of them for running and wanting to make a positive difference in La Porte County. There are a few more forums that are coming up that that he wants to bring mention to. Wednesday, October 29th, a couple days from now, at La Porte Civic Center Auditorium, there'll be a forum there from 6 to 8. Again, it's really important to be an informed voter. It can be heard on 96.7, the Eagle.

Also on Saturday, November 1st, all candidates are invited to call in to the AM 1420 WIMS radio show from 8 to 10. They will be given 3 minutes to show their platform and tell you why you should vote for them. Saturday, also, November 1st, over on the other side of the town in Michigan City, 95.9, WEFM, will be on air from 9 to 12. They're going to have a live broadcast at Scarbies on Franklin Street and a lot of candidates will be stopping by.

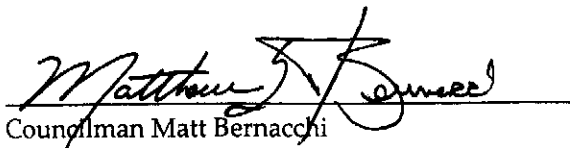
Councilman Yagelski states a couple Councilmen wore pink tonight in honor of breast cancer awareness month. Some of you know he lost his sister about 10 years ago, and he lost his sister-in-law last year, so, that is something he feels strongly about and wants to be made aware of. Cancer is a terrible thing and unfortunately, it's still in our community all around us.

He also received a letter from the VFW and stating that Councilman Mrozinski was chosen for the National Deputy Chief's Staff and congratulated him on the appointment.

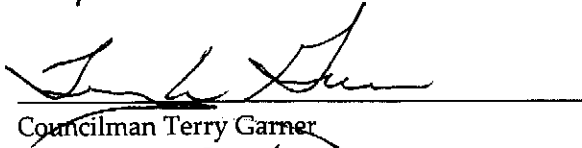
Councilman Mrozinski states he was shocked to get that appointment.

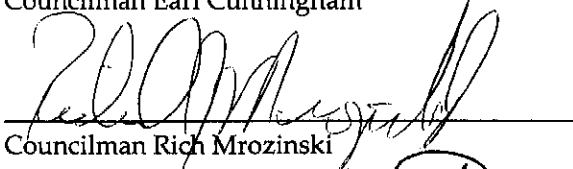
A Motion to adjourn was made by Councilwoman Sosinski and seconded by Councilman Mrozinski.
Motion carries 7-0.

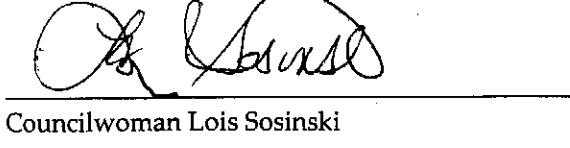
EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 24th day of November, 2014.

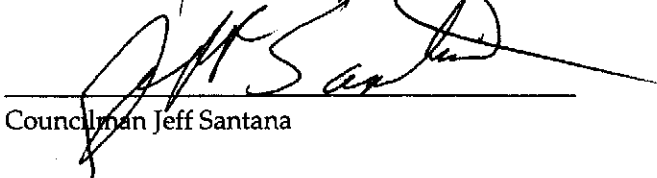

Councilman Matt Bernacchi


Councilman Earl Cunningham

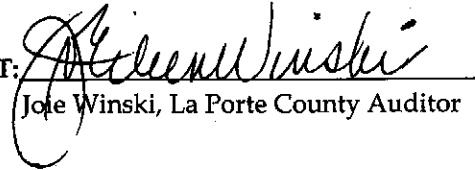

Councilman Terry Garner


Councilman Rich Mrozinski


Councilwoman Lois Sosinski


Councilman Jeff Santana


Councilman Mark Yagelski

ATTEST: 
Joe Winski, La Porte County Auditor