

*LaPorte County Auditor
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**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
FEBRUARY 23, 2015 AT 6:30 P.M.**

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on February 23, 2015 at 6:30 p.m. (local time) in the Assembly Room of the La Porte County Government Complex located at 809 State Street, La Porte, Indiana, 46350.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

President Yagelski asked everyone to stand for 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 took the Roll Call. Council Members present were Councilwoman Sosinski, Councilmen Bernacchi, Kirkham, Yagelski, Garner and Councilman Novak. Councilman Santana was absent. A quorum was noted.

APPROVAL OF THE FEBRUARY 23, 2015 AGENDA

A Motion was made by Councilwoman Sosinski and seconded by Councilman Kirkham. Motion carried 6-0.

APPROVAL OF JANUARY 26, 2015 REGULAR MEETING MINUTES

A Motion was made by Councilman Kirkham and seconded Councilmen Bernacchi and Garner. Motion carried 6-0.

PUBLIC COMMENT

Ms. Fonda Owens, Director of La Porte County Library asks the Council to place the Library on the March 23, 2015 Meeting Agenda for the purpose of discussion to renovate, remodel or replace La Porte County Public Library facilities. All locations of the Library are included in the plan and to carry this out approval will be needed for a Bond issue. Community meetings have been held, studies conducted, and public input survey all of which indicate the need for improvements and show public support for our projects. The Library Board adopted a Resolution to issue bonds that will have a maximum maturity of

20 years, maximum principal amount of \$12,000,000 for the construction of facilities for the Library. Locations include the La Porte Main Branch, Coolspring, Rolling Prairie, Fish Lake, Union Mills (storage facility also), Kingsford Heights and Hanna.

Community Members had the opportunity to file a petition to oppose the project. No such petitions were filed. Packets of information were distributed to all Council Members.

President Yagelski told the Council this is new legislation, which is why the Library is coming before them and not their Board and also questions the Library Attorney Mark Phillips who would be responsible if they could not pay the Bond?

Attorney Phillips stated the bonds will be public obligation bonds that will be financed and paid exclusively through tax draws of the Library and the Library will be responsible and there will be no way the County Council or County Government would become responsible. All statutory procedures were followed to this point.

Councilwoman Sosinski questions if there will be any changes in staffing and how much will taxes go up.

Ms. Owens stated all information for the public is available on their website www.laportelibrary.org.

Councilman Kirkham asks if this project is renovations of existing buildings, additions, or actually eliminating and constructing a new building.

Ms. Owens stated it is all of the above quite possibly. She asks the Council if they have any questions, please contact her.

Mr. Dennis Metheny, 6757 W. 450 N., Michigan City, IN, stated he brought his Black's Law Dictionary in case he needed clarification. He thanks President Yagelski for giving him the Decorum Ordinance tonight. The only question Mr. Metheny has is the no food and drinks permitted in the Council Chambers and he asks if that included Council Members as well. As long as we are all equal, he is happy with that. Mr. Metheny is not happy with the Alco broadcast and supports both the Sheriff and Police Departments.

Mr. Roger Galloway, 608 Tecumseh Street, La Porte, IN, stated at the last Commissioner's Meeting he approached them and brought up extending Severs Road for a local truck route since there is no more room for them. Perhaps a workshop could be scheduled.

President Yagelski stated he would not mind having one, but it is the Commissioner's decision.

Mr. Richard Mrozinski, 2303 E. 150 N., La Porte, IN, stated during the eight years he was a Council Member one of the greatest accomplishments he was part of was the Economic Development Alliance which brought a lot of good things to the County. One of the biggest projects they worked for (KIP) may be in jeopardy. \$6,000,000 was put up for a rail spur and \$300,000 was for engineering and legal fees. In addition \$800,000 for Hupp Road, a road in which the County does not own. A grand total of \$451,000 was used spent on legal and engineering fees.

Mr. Mrozinski stated how unhappy he is with how the Commissioner's handled the PTABOA Board. Attorney Biege says Indiana State Statute mandates Board Requirements.

Hearing or seeing no other Public Comment, President Yagelski closed Public Comment.

DEPARTMENT HEAD REPORTS

Auditor Winski gave all Council Members a letter. She is asking for permission to spend \$10,000 from the Homestead Fund for a computer update. The Homestead Fund will purchase six (6) computers, Assessor Schultz has agreed to purchase another from his Reassessment Fund, and IT Director Darlene Hale has agreed to purchase one. Out of the 18 computers in the office, 8 will be replaced this year.

President Yagelski stated they Council will vote on this at the appropriate time in the Agenda.

County Commissioner Mike Bohacek responds to Mr. Mrozinski's questions in regard to KIP. Discussions have been in the works with the parties involved and shortly there should be an MOU showing the progress of the project moving forward by March 1. This should be available by the first Commissioner's Meeting in March 2015.

Commissioner Bohacek brought IT Director Darlene Hale with him and he has heard complaints about County Council Members and email issues. He would like an explanation of exactly what the problem is.

President Yagelski stated he has been on the Council for 12 years, along with Councilwoman Sosinski, and he chooses to use his personal email, which is available for the public to contact him. The Commissioners on their own to change policy and wanted everyone to use a La Porte County email, President Yagelski does not want multiple email accounts.

Commissioner Bohacek stated if you are using a private email address and conducting County business while doing it, all County emails are open to the purview of public records requests, provided they are appropriate. This could cause a problem for record retention and fulfilling the obligation for a public record request.

President Yagelski has no problem with a public record request. They can get it from Comcast.

Councilwoman Sosinski stated the request has to be specific, even on a personal email as to County-related requests. Councilwoman Sosinski's reasoning is that she has work, County and home email addresses. She chooses to use her private phone and not a County cell phone.

Commissioner Bohacek would like for continuity purposes and for being able to fulfill a taxpayer request, it is a lot faster and more expedient that County business stays on County emails. Commissioner Bohacek can empathize he has two cell phones and has two separate emails. Cumbersome yes, but this way someone can see his calendar for Commissioner business, they can certainly do so. Keeping them separate is key.

President Yagelski stated that is his opinion. Thank you for bringing it up.

Sheriff John Boyd and Director of La Porte County EMS Andrew McGuire gave the Council an update about the February 14, 2015 snowstorm. They had a great team working together and bills will be coming in as a result of this storm.

From a period from 6:00 am. Until 10:00 p.m., February 14, 2015 the Sheriff's Office responded to 162 calls for service. There were 24 deputies working during that 16-hour period. Deputies that were scheduled

and others that came in on their own, due to the severity of the storm and manpower needed. 324 hours of manpower were used during the time period, which did not include the jail and the deputies working at the same time.

Eight 4-wheel drive vehicles were utilized along with all Department vehicles. 41 property damage crashes were investigated before a determination was made to stop responding to them at 11:00 a.m. because of the volume. The Sheriff's Office would respond if it resulted in significant damage where vehicles were not drivable, blocking the middle of the intersection or roadway or if it was a traffic hazard. 24 personal injury crashes were investigated, with one fatality which claimed the life of a 7 year old child. 76 disabled motorists were assisted. 2 Deputies were injured in the line of duty, both were transported to the hospital and one is still out of work. 3 police vehicles were damaged, 2 of them are out of commission with damage that is repairable, fortunately all three drivers that struck them were fully insured. 1 vehicle may not be repairable due to considerable damage.

There were also 500 and 1,000 vehicles that were disabled at the Intersection of State Road 2 and U.S. Highway 20. They were disabled because of the white out weather conditions. A shelter on the go was designed with much thanks to New Prairie High School, the New Prairie United School Corporation and in particular the Athletic Director Brad Williamson and Principal Greg Denninger. There were approximately 36 students and staff that were stranded there as well and it was quite an undertaking. The crew plowed the entire lot for all the vehicles coming into the parking lot from State Road 2 and US 20. People were in tears, very pleased to utilize the washroom facilities, and get in a warm safe building with the temperature being 0 and 60 mph winds. In addition New Prairie opened the cafeteria to feed all of the people.

Sheriff Boyd gave special thanks to the County Highway Department, if it was not for them the Sheriff's Department would have had a difficult time responding to many if any calls. They even plowed the State Roads to help get to the disabled vehicles and those in need of services. Crews slept at the Highway Department even though they were called off the road because it was not safe; however all three substations were maintained.

Every single employee at the Jail showed up, with some traveling a long distance. The Jail cannot be run without proper supervision. The Director of Food Service Joe Garner had part-time female employees who lived a distance away. For their safety, he came in on his day off and sent them home early.

In the 911 Center, every console was full, including the Director and Assistant Director who came in along with the La Porte County EMS staff. County employees really stepped up to the plate and the County Highway Department hit a home run. Sheriff Boyd is proud to be affiliated with La Porte County Government and the employees.

Director Andrew McGuire echoed what Sheriff John Boyd stated about the Highway Department. There was no way EMS would have been able to certain areas and calls without their assistance. We called and they came to aid every time.

La Porte County EMS put on 14 additional employees, 2 extra ambulances, 4 four-by-four ALS vehicles on the street, one of the vehicles was taken out of service due to an accident. It was taking the ambulances so many extra minutes to get to the calls, the 4x4 vehicles were able to make it to the calls ahead of the ambulances and in some cases provide care to the patient and cancel the ambulance so they

could respond to another call. The 4x4 vehicles are stocked with ALS equipment, so care can be provided.

Service that day ran a total of 65 calls and transported 47 patients. To put this in perspective a typical shift sees about 30 calls in 24 hours. The majority of these calls happened within the first 12 hours of February 14, 2015.

Director McGuire thanked all EMS employees for stepping up in the time of need. He also thanks all the other agencies involved, and everyone that worked together and did a wonderful job. Director McGuire thinks lives were saved due to the actions of La Porte County Emergency Services, La Porte County Fire Departments and La Porte County Highway.

President Yagelski thanks Commissioner Bohacek for having an EMA wrap up meeting today. There is a new EMA Director and was miscommunication on the state of emergency that was declared and the Commissioners did not knowing about. Hopefully things will get ironed out.

Director McGuire gave all Council Members a packet on quotes that were received for the generator located at the new EMS Building. Tonight he is asking for a Motion of Support for an additional appropriation of \$21,315 for the purchase and installation of a backup generator for the new EMS Building. They were given a diesel Army Surplus generator to be converted as stand-by emergency generator and from Director McGuire was advised, the installation of the generator at the 8th Street Building was not completed and actual labor costs were not known. It was also not known whether the generator would work, therefore the labor was not included in the bid package.

When a quote was received for the installation labor it was \$27,433. A brand new natural gas generator including installation was quoted at \$21,315. In an attempt to meet the Hospital's June 1, 2015 deadline of vacating the existing building, there is not enough remaining funds to cover the expense.

President Yagelski expressed his opinion that this was known, this is the second time that this project had to come back for more money. It is not Director McGuire's fault as he had nothing to do with. The 'free' item that the County received has cost more money to install. President Yagelski would like to see this go out for bid.

Director McGuire would like some direction so they can install the proper gas meter on the building and start moving forward.

Commissioner Bohacek said this really does not meet the bid requirements, although he could ask Director McGuire to get three quotes. Since this is a Generac generator, prices will not vary much.

President Yagelski reiterated that money was spent to ship those over here.

Councilman Novak went and looked at the generator and the diesel smell was very strong. Employees complain that every time it is filled the diesel smell comes into the building. He feels the generator there would be better suited at the fairgrounds in case of an emergency during the Fair.

Commissioner Bohacek stated it is hard to start a diesel generator on a cold day. This would be a natural gas fired unit which will start every time and is warrantied. He agreed it was a lot of money, but the value outweighs it.

Councilman Novak felt the diesel unit would be more functional as a stand-by back up unit and the price difference between installing the diesel and a new natural gas one isn't that great.

President Yagelski stated there is a fiscal responsibility here.

Commissioner Bohacek agreed and stated that when this was proposed a few different options on the generator. We need to move forward with the project.

Councilwoman Sosinski agreed with President Yagelski and recommends that Director McGuire go out for proposals.

Director McGuire agreed and will look at bids. There is one more item for discussion. He stated the main copier went out. They are currently paying \$138 a month for the service contract on the existing machine; they quoted a lease of a new one for \$191 for a 60-month lease. The additional \$53 a month is within the budget. The buyout of the machine would be \$6,775 and asks the Council for their advice.

Councilwoman Sosinski feels that is important since they are generating revenue. A Motion is made by Councilwoman Sosinski and seconded by Councilman Novak to approve the request. Motion carried 6-0.

Engineer Yacullo echoed the sentiments from Sheriff Boyd and Director McGuire. 45 employees were used and put in 716 hours of overtime and used diesel fuel, salt and sand. All totaled the extra costs for that one instance was \$26,000.

Engineer Yacullo updated the Council on County Road 1000 North over Spring Creek Bridge. He is in the process of ordering the beams and the contract has been awarded to Larsen Danielson who supplied the low quote of the local contractors that bid on it. They are ready to mobilize and remove the old structure. The Bridge might be open in mid April.

He went on to state that last week NIRPC had an open call for projects and the County submitted their 'wish list.' Some of the projects that were submitted were the Extension of the Singing Sands Trail, Purchase of E-85 Fuel, HSIP Safety Projects (sign inventory replacement), Lift Bridge Study for Franklin Street Bridge, Intersection Improvement S.R. 2 and 18th Street Ziegler Road, Pavement Management Inventory, Five-Year Capital Improvement Plan Study. The County should find out in a month or so if any projects were selected.

Councilman Novak would like to know how many bridges are in the Major Bridge Fund.

Engineer Yacullo stated there are six of them.

IT Director Hale stated she did send out all of the information she got on the proposals from Print Management and would like a workshop prior to the next Council Meeting. All computer purchases are going through IT.

Assessor Shultz told the Council he personally went out and assessed the rail at the KIP site. It is under appeal and they did find a few more rail spurs and they are not sure if they are owned by a railroad or by private individuals. The County Assessor's Office has 270 appeals, of those appeals everyone has been called and are just waiting for taxpayer. There should be money coming into the TIF.

Councilman Novak asked for an update from Commissioner Bohacek in regards to the Barn, since no one came to Council for funding to demolish it, but it appears to be half gone.

Commissioner Bohacek asked if it was the second Barn that was slated for demolition.

Councilman Novak stated yes.

Commissioner Bohacek asks Director Cooley if permission was given at the Commissioner's level to approach the Council for demolition on the Barn.

Director Cooley stated yeah.

President Yagelski asks Director Cooley to come to the microphone.

Commissioner Bohacek we did receive an approval bid so....

Director Cooley stated the County Commissioners approved it and Mike Yacullo was going to agenda that. It's not on the agenda?

President Yagelski no.

Director Cooley somehow we missed it; it should have been on the Agenda.

Councilman Novak so what's the status with it half torn down? The story he heard was that someone was allowed to go out there and salvage all the wood off it.

Director Cooley said it was one of the local residents who did it for nothing, took what was left of the materials, and so they went out there and took it down.

Councilman Novak stated he's sure a lot of people would have gone out there and taken the good part of it and questions if the bid on the demolition is going to be half of what it was, since half the barn is left.

Director Cooley stated no because the structure part is the most expensive part to tear down, so no, plus the foundation and stuff needs to be removed.

Councilman Novak questions why was it allowed to start before the...

Director Cooley stated he has no idea, that's not his category.

Councilman Novak is still going to speak his mind.

Commissioner Bohacek told Councilman Novak he is at a loss. He was just talking to Mr. Yagelski about the barn earlier today because he was under the impression that the bids for demolition were already approved. He spoke with Mr. Yagelski and said there was some interest with some local folks preserving the other Barn to try and gain access to some of the timbers and some of the other things.

Councilman Novak stated it was his understanding that those people were told they would have to purchase this wood back since this individual is...

Commissioner Bohacek stated no one has approached him about it.

Councilwoman Sosinski stated she received a call from Phyllis Marks in regards to the occurrences that have gone on. Friends of the Barn did not remove any of those items. They have not gone out there and helped themselves. They would like them to possibly work on the other barn and use them whatever, but they don't have those. They would like them and she doesn't know how they would get them.

Councilman Novak stated the items have already been given to a private individual.

Commissioner Bohacek stated he is unaware, no one has approached the Commissioners to ask for permission to remove materials from the barn, so he's at a loss and was under the impression that was to be demolished. They were awaiting funding for it and if someone has been granted permission to remove materials, it has not been under his purview.

Councilman Garner stated for the last two years there have been volunteers repairing that building out front and nothing was offered to them.

Director Cooley it was actually one of the guys that were working with them.

Councilman Garner told the Council he had discussion with Friends of the Barn too, and no he was not one of the major people involved in that.

Director Cooley stated it was Bob Kiger who took it down.

Councilman Garner informed the Council that name never came up.

Councilman Novak informed the Council it was his understanding that the Commissioners or someone had this gentleman sign a Hold Harmless Clause so somebody had to know he was doing it.

Commissioner Bohacek was not a third signature or third signer on that.

Councilman Garner would like someone to find out exactly what went on because in his opinion that just slapped those people in the face for everything they have tried to do for this County because they (Friends of the Barn) were not offered the wood.

Commissioner Bohacek absolutely agreed.

Director Cooley told the Council it was his instruction, at a Commissioners meeting, that Dick Reel came with the gentlemen's name from Fort Wayne and he was going to charge between \$9,000 and \$10,000 for removing the siding and some of the beams. They were going to pay him that. When the bid was looked at by Mike Yacullo and Mitch Bishop it was basically cheaper for Pavey to tear it down than to use this individual. Even though he was going to take it down for that price the rest of the property had to be taken care of. That was his input on this.

President Yagelski asked for Mike Yacullo to approach the podium and stated he got a call from Phyllis Marks who was instrumental in getting the structure done. This gentleman they were talking about had the items up for sale already for the public to buy and Phyllis was upset about seeing that but then she said Mike got that straightened out.

Engineer Yacullo told the Council when this initially happened he offered to contact the gentleman who removed the items. He did seem perfectly willing to share that material with Friends of the Barn and not to rob them of it, and potentially to use it on the Dairy Barn.

President Yagelski told the Council there are some vents they wanted.

Engineer Yacullo agreed there are some vents that go up on the roof and contacted her back and informed them this is available for the group to reclaim and use. She seemed a bit hesitant but he followed up with her today and she expressed interest. He agreed to help her secure that.

President Yagelski questioned Engineer Yacullo about his knowledge about the signed agreement or how that gentleman got out there in the first place to be able to be able to take stuff off?

Engineer Yacullo stated actually he does. He was requested to consider allowing that, and his initial response was to deny that request. The agreement was made and the was quote accepted from the contractor to do all the work. He really didn't want to see anyone else out there that was uninsured. He was then assured by legal counsel that if they provided the hold harmless clause, and since this gentleman was on the site doing volunteer work previously and had a similar agreement in place, it would be sufficient to have him sign that again and allow him to do that.

President Yagelski questioned which one of the Commissioners gave approval to do that. Was it the President?

Engineer Yacullo said uhm.

President Yagelski asks if it Dr. Kora?

Engineer Yacullo stated he doesn't know if that went back before the Commissioners in one of their meetings to have it...

President Yagelski asks if it was Shaw Friedman who called him.

Engineer Yacullo stated basically, yeah to clarify from a legal standpoint there was....

President Yagelski again questions Engineer Yacullo how did he find out it was okay to let them go out there. Who told him it was okay was either Dr. Kora or Dave Decker? He stated he knows it wasn't Mike because they talked on the phone.

Commissioner Bohacek asked Engineer Yacullo to just say who it was.

Engineer Yacullo uttered uuuhh...

Dennis Metheny from the audience yells he better spit it out.

President Yagelski stated he is not going to quit so he might as well just get it over with here and say who it was.

Engineer Yacullo reiterated his concern was from a legal standpoint.

President Yagelski told him that wasn't the question he asked and is asked one more time. Who was the person that gave him permission?

Engineer Yacullo stated it was their attorney.

President Yagelski wants clarification that it wasn't one of the Commissioners.

Engineer Yacullo stated no.

President Yagelski told Engineer Yacullo thank you.

Councilwoman Sosinski stated the only hesitation that Phyllis Marks had was she just didn't feel that Friends of the Barns should be the collection agent since the property is technically La Porte County's. So she feels the County should retrieve it if they feel that it should be retrieved and then the Friends of the Barn would deal with it. She didn't want to be in the middle of it.

President Yagelski agreed.

Councilwoman Sosinski they would like that.

Commissioner Bohacek will contact Mrs. Marks tomorrow.

President Yagelski said she's happy it worked out, and will be getting it tomorrow, but unfortunately it's the way it's was handled.

Commissioner Bohacek absolutely agreed.

Commissioner Novak's other issue was the Commissioners said this barn was in jeopardy of blowing down, if there was a strong wind it's going to fall down. Now it is sitting there just a shell of what it was, even more dangerous than what it was, and now another month will go by sitting the way it is. He thinks this was very poor planning,

Commissioner Bohacek was under the impression that this was voted on at the end of January to go ahead and demolish.

Councilman Novak agreed as he has been watching the Commissioner's Meetings and does not hold the Engineer responsible.

Commissioner Bohacek stated it was on the recommendation the barn was unsafe and unsuitable to do anything with.

Auditor Winski interjects and reads an excerpt from the Monday, February 9, 2015 Commissioners Meeting. "Mr. Yacullo approached the Commissioners to request permission to demolish dilapidated

unsafe barn and garage at County Home per recommendation of insurance carrier. He requests permission to approach the Council for approval of \$14,260 to demolish the barn and garage on the County Home grounds." No one ever came to her to have this placed on the Agenda.

Councilman Garner there are liability issues as residents are still out there.

President Yagelski reminds the Council that unfortunately we don't own the land, the Commissioners do.

Councilman Garner understood that but agreed with what Randy saying that it is in worse shape now than what it was.

Councilman Novak stated plus when something is demolished, the haul away is based on cubic yards. So if you have all that siding off of there is less cubic yards, the bid should be less than \$14,000.

Commissioner Bohacek stated they will go ahead and contact Pavey and rebid it and bring it front of the next Commissioner Meeting. Mr. Yacullo will be back in front of the Council to get the final demolition approved.

Councilman Garner wanted assurance from Commissioner Bohacek that the area will be taped off, roped off, roped off, whatever is needed.

Commissioner Bohacek stated that will be handled tomorrow first thing.

Councilman Kirkham has concerns that a non-elected official is giving permission for someone to walk on County property and start taking the siding apart, start taking the barn apart a non-elected official.

President Yagelski questioned when the next Commissioner's Meeting is.

Commissioner Bohacek stated it is March 4.

President Yagelski told the other Members that's the best time to let the Commissioner's know about that as the Council really can't do a whole lot at this meeting and understands Councilman Kirkham's point as Commissioner Bohacek does as well.

Councilman Bernacchi stated no demolition should have started before any appropriation was made.

President Yagelski stated there is no money and he is absolutely correct. Nothing was approved; however he wondered if it is in their Budget.

Councilman Garner would like to think that Commissioner Bohacek will stress to them that communication between us is very important here on.

Commissioner Bohacek agreed.

Attorney Biege wanted to remind Councilman Bohacek that the Plan Commission budget for demolition is for dilapidated houses in the County. If there was any discussion at a County Commissioners' Meeting about using that money to demolish the barn that is not the purpose of those funds.

Commissioner Bohacek stated that was not the expectation. He believed the vote reflected for that to come before the Council and to ask for approval to get the funds to demolish the structure. Anything that may have happened outside of that vote and that agreement he was not privy to it. Why it happened will certainly be investigated and he's not pleased.

Economic Development Director Dave Christian reported to the Council on economic development updates. There has been a lot of interest with business in the KIP parcels. There are local businesses looking to link up with a Japanese multi-billion dollar operation that would move trains to other parts of the Country. This would also include moving produce from the west coast and want to be in operation by Fall 2015.

A Meeting was held last week with CSX, Halfwassen Group and other major players/developers and a company that specialized in the efficient movement of temperature controlled produce and other perishables. This project would be produce from Kingsbury to the south and around the Country. He anticipates action in KIP may happen in 2015.

They also met with a gentleman who has their corporate office in Indianapolis and looking to set up another location in La Porte County which could possibly grow in five years to \$30 million in sales and up to 100 jobs.

39 North continues to move forward on tax abatement, resolutions and have an interested company that may move their operation to the IMM Building.

HUPP Road a survey is being put together by Palm & Associates. A lot of it can't be deeded over until a survey has been approved by INDOT. The title companies will not accept any property lines from an old survey. There are some hold outs that are still in discussion.

Engineer Yacullo reiterated the benefit of hiring a firm like Palm & Associates. Quotes were obtained from 3 firms that were pre-qualified by INDOT to do survey work. If the County does go and apply for federal funds at a later to improve roadway, INDOT is going to want to see an INDOT certified survey that documents the acquisition of the ground.

President Yagelski would like documentation from the presentation that Mr. Christian just gave the Council.

Councilman Novak would like to know how things are moving along with the tax abatement report.

Mr. Christian needs the figure from Auditor Winski and once he gets it he will present the report.

Human Resource Director Barb Mossman updated the Council with the Park Department Superintendent position. The Park Board has hired Jeremy Sobbecki and he will be starting March 2. He has 14 years of experience in the Park's Department and also served as an assistant property manager in the State Park.

Councilman Bernacchi would like to know if any conservation has occurred between Councilwoman Sosinski and Director Mossman about re-evaluating all job positions.

Director Mossman stated they are waiting until after tax season because of how busy Mrs. Winski has been. Figures are still in the Human Resource Department from the last survey they did in 2008.

Councilwoman Sosinski stated the plan will be to contact Wagonner, Irwin and Scheele to get an idea of what the cost will be.

Hearing or seeing no Department Heads, Department Head Reports were closed.

LIAISON REPORTS

Councilman Garner met with the Sheriff a few weeks ago and discussed the paddy wagon, the engine is blown on that and the Sheriff may need help to fund it. Only ½ the cameras in the cars are working. There was also discussion of cameras and body cameras in the future and the possibility of grant funds. The purchase of new cars was brought up, but the Sheriff will work with the Council. Any help the Council can give the new Sheriff may be necessary. The balances left from the prior administration are extremely low.

He also spoke with the Auditor's office is working on the new tax system and the transition has been smooth.

He also spoke with the Recorder about scanning old documents into the computer system. She is using her non-reverting fund and unfortunately the fund is drying. At the end of the year, she may need monies in her budget.

Councilman Novak attended the 911 Advisory Board Meeting on January 28. On January 30 he also attended an IT phone vendor demonstration.

He also visited the Bridges on 1000 North and Otis Road. The Engineer has been very helpful and cooperative with any questions Councilman Novak had.

Councilman Bernacchi stated he has the Planning Commission additional appropriation on the agenda tonight.

Councilwoman Sosinski clarified that the job evaluation group does not meet unless there is a re-evaluation. That is all the group is used for. They are not involved in any personnel matters. The Committee has not met because there has not been any.

Councilman Kirkham informed that weather created some havoc with his Boards. He has nothing to report tonight.

President Yagelski informed the Council that the County will have to purchase more salt. The contract has been used for State salt at \$80/ton and it is now \$130/ton. More salt will have to be purchased before the end of the year.

NEW BUSINESS

A Motion was made by Councilman Bernacchi and seconded by Councilman Novak to approve Auditor Winski's request to purchase computers. Motion carried 6-0.

There will be a workshop held before the next March 23, 2015 Council Meeting in regards to the Superior Court 3 Project. Councilman Bohacek will have IT Director Hale email the plans and the bid analysis.

President Yagelski and Assessor Schultz speak about Senate Bill 436 in regards to big-box stores and their assessments.

Commissioner Bohacek would like to have the Council discuss House Bill 1540. This bill will limit and change the gaming revenues. It would slaughter gaming revenues and change all agreements that were put in place for over 20 years. There is a lot of pressure at the State House to change the agreements because some of the gaming counties are not doing well. Although it unfortunate for them, La Porte County voted in the boat, managed the relationship, and grew a tourism industry around the boat. La Porte County has done its part. For the County to take the hit that is proposed just cannot happen.

President Yagelski asked the citizens to voice their displeasure in regards to House Bill 1540. This Bill wants to take away 90% of the money that comes to the County from the Riverboat giving it back to state and to riverboat owners. There is no accountability for it and Senator Tom Dermody has been very supportive of La Porte County's concern. A Motion was made by Councilman Novak and seconded by Councilman Garner to have Attorney Biege draft a Resolution against House Bill 1540. Motion carried 6-0. The Bill is moving quickly.

OLD BUSINESS

Update Regarding Commissioner's Office Intern Fraud Case

Attorney Biege researched the case captioned *State of Indiana v Jonte Rogers*. In that file is a Pretrial Diversion Agreement. As part of the Pretrial Diversion Agreement (and Mr. Rogers represented himself) he was originally charged with D Felony Fraud which was amended to an Misdemeanor A Conversion. Mr. Rogers was ordered to pay \$330 to the Clerk of Court to cover the cost of the program. If Mr. Rogers does not get arrested or get in trouble in a year, the charges will be dismissed.

Attorney Biege inquired about restitution specifically and the Court was diligent and listened to the actual recording. In open Court and as part of this Agreement restitution was ordered in the amount of \$1,753.43 which is the total amount of the credit cards charged. Why it was not written in the Pretrial Diversion Agreement itself he did not know. He will check on that as he assumed the Council wants to make sure this was done directly. This Agreement was not on the part of Judge Alevizos approval or action at all. A Pretrial Diversion Agreement is just that they agree that the Defendant does not get in trouble in a year and then the charges don't go through and are dismissed.

President Yagelski stated if this is the type of agreements that allow people to sign off on, no wonder they continue to steal money. This gentleman did not have to testify, didn't have to admit he had it or didn't have it. This is just another shame.

EMA Payment for Emergency Sirens (tabled)

Attorney Biege will send letters to the townships on the issue of paying the electric bill. Councilman Novak says the amount varied from \$17 to \$30 per month per siren. Councilman Novak made a Motion to send a letter to the Townships that they need to pay these bills, which is seconded by Councilman Kirkham. Motion carried 6-0.

Auditor Winski updated the Council in regards to putting Economic Development under the Commissioner's Budget. A statement is pending from the State Board of Accounts on this issue, but the DLGF stated this cannot be done. The Fund was advertised separately, and cannot be commingled with another. The change can be made during the Budget Hearings in August. The Commissioner can have the authority to approve expenditures from the Economic Development.

A Motion was made by Councilmen Bernacchi and Novak and seconded by Councilwoman Sosinski to allow the Commissioners to authorize expenditures from Economic Development. Motion carried 6-0.

CORRESPONDENCE

None

ORDINANCES AND RESOLUTIONS

Confirming Resolution No. 2015-1 (Second Reading)

Determining That the Qualifications for an Economic Revitalization Area Have Been Met and Confirming Declaratory Resolution Adopted by the County for Hickman, Williams & Company (Real Property)

Motion made by Councilman Bernacchi to approve by title only, seconded by Councilman Kirkham. Motion carried 6-0.

Confirming Resolution No. 2015-1A (Second Reading)

Determining That the Qualifications for an Economic Revitalization Area Have Been Met and Confirming Declaratory Resolution Adopted by the County for Hickman, Williams & Company (Personal Property)

Motion made by Councilman Bernacchi to approve by title only, seconded by Councilman Garner. Motion carried 6-0.

Declaratory Resolution No. 2015-1B (Second Reading)

Declaring a Portion of La Porte County, Indiana an Economic Revitalization Area Pursuant to Ind. Code §6-1.1-12.1-1 et seq., for Hickman, Williams & Company (Real Property)

Motion made by Councilman Bernacchi to approve by title only, seconded by Councilman Novak. Motion carried 6-0.

Declaratory Resolution No. 2015-1C (Second Reading)

Declaring a Portion of La Porte County, Indiana an Economic Revitalization Area Pursuant to Ind. Code §6-1.1-12.1-1 et seq., for Hickman, Williams & Company (Personal Property)

Motion made by Councilman Bernacchi to approve by title only, seconded by Councilman Kirkham. Motion carried 5-1.

Ordinance No. 2015-1 Addressing Decorum for Attendees at La Porte County Council Meetings

President Yagelski asks if everyone has a copy of the Ordinance. This was brought to the Council by Attorney Biege and is open for discussion. It is used pursuant to the courts and is for guidance purposes only.

Councilwoman Sosinski would like extra time to digest it since she just is looking at it now.

Councilman Kirkham would like drinks to be allowed within chambers. He agreed with no food, but drinks should be allowed because of the length of the Meetings.

Attorney Biege was asked to draft it and used a template from two sources. One was a similar rule entered at another Council, which was challenged, passed and upheld by the Courts. The second source is the La Porte County Courts.

President Yagelski said if someone would walk in with a derogatory shirt of some nature with cursing, they could not be asked to leave. He would like to have some type of guideline for meetings to follow and respect.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Surveyor

Requesting Permission to Spend

SURVEYOR'S CORNER PERPETUATION (1202)

for Equipment, Supplies, Service Contracts \$30,000.00

A Motion was made by Councilman Novak, however he would like an update from Survey Hendricks on what he is purchasing, and the Motion is seconded by Councilwoman Sosinski to approve his request. The Motion carried 6-0.

La Porte County Adult Probation

Requesting Permission to Spend

PROBATION USER FEES SUPPLEMENTAL (2102)

for Scanner and Lap Top \$2,036.00

A Motion was made by Councilman Novak and seconded by Councilman Garner to approve the request. Councilman Novak questions if these items have been already purchased. Steve Eyrick believes it has. The Motion carried 6-0.

La Porte County Human Resources

Requesting an Additional Appropriation

RIVERBOAT (1191), WIN TAX (4220) OR CCD (1138)

for Purchase of Computers \$2,078.00

A Motion was made by Councilman Novak and seconded by Councilman Garner to approve the request from the Win-Tax Fund. Motion carried 6-0.

La Porte County Planning

Requesting an Additional Appropriation

2067-10117-000-0246 TO 1000-10117-000-0134

for Salary \$2,251.00

A Motion was made by Councilman Garner and seconded by Councilman Bernacchi to approve. Motion carried 6-0.

La Porte County Building Maintenance

Requesting an Additional Appropriation

RIVERBOAT (1191), WIN TAX (4220) OR CCD (1138)

for Water Softener Salt \$10,000.00

for Snow Removal \$10,000.00

for Grinder, Installation, Labor, Materials \$59,140.00

A Motion is made by Councilman Novak and seconded by Councilman Bernacchi to approve all requests from the CCD Fund. Motion carried 6-0.

La Porte County Maintenance

Requesting an Additional Appropriation

RIVERBOAT (1191), WIN TAX (4220) OR CCD (1138) FUND

for Courthouse Restaining

\$149,000.00

A Motion is made by Councilman Novak and seconded by Councilman Garner to approve out of Riverboat. Motion carried 6-0.

~~La Porte County Highway Department (REMOVED BY REQUEST)~~

~~Requesting an Additional Appropriation~~

~~Major Bridge and/or Major Bridge Investment (1171/2803)~~

~~for Franklin Street Lift Bridge~~

~~\$938,000.00~~

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Yagelski asked Tim Janatik step up to the podium to give speak about the Otis Road Bridge.

Tim Janatik, 233 North Otis Road. Mr. Janatik is concerned about the Otis Road Bridge request which will be on the next Meeting's Agenda. There are two bridges under the bid that was submitted by Mike Yacullo. One is privately owned and the other is County owned on the easement of Otis Road. State Statute allows the easement for public right-aways.

His concern is Engineer Yacullo did not bid out the culvert repair that is under the County's jurisdiction. He continued right on through to go with USI Consultants out of Indianapolis, starting at \$1,000,000 to take down a privately-owned property bridge and to restore on the publicly owned bridge.

If the Council goes with USI Consultants and the recommendation by Engineer Yacullo it could go up to \$3,000,000. DNR and IDEM is not involved. There are many open-end loops and questions how public and private mix under this domain.

Engineer Yacullo wants to clarify a couple points. USI was selected through a competitive process and were scored through INDOT criteria. The need to look at this Bridge, even though it is on private property, is the state of disrepair. A private property owner does not have the means to repair or maintain it.

If this project approved to move forward the cap would be \$1.6 Million for everything and with 80% federal dollars the County's responsibility would be a little over \$300,000. We could have the structured analyzed and inspected to look at the erosion. The bid also included to replace the culvert under Otis Road.

President Yagelski also went out to look at the Bridge and questions how many meetings Engineer Yacullo had with Bob Young in regards to this Bridge?

Engineer Yacullo had no meetings with Bob Young; however it was his staff who brought it to his attention.

President Yagelski stated somehow the Commissioners failed by taking Engineer Yacullo out of the area he should be working in. He is supposed to work for Bob Young, under his direction. Bob did not suggest this bridge improvement and he needs to communicate with Bob. This will be brought up at Budget time.

Engineer Yacullo stated he is communicating with Bob because this was brought to his attention by the former Bridge Foreman.

President Yagelski tells Engineer Yacullo there may be alternatives here and it needs to be looked at. Positive and clear data must be brought to the County Council before we vote.

Councilman Novak asked Engineer Yacullo for a report on the Bridge because bridges are inspected every two years. He would like a report brought to the Council.

Councilman Garner would like to see road repairs before they are started at the beginning of the year and would like to see Engineer Yacullo with the County Highway Department instead of an office next the Commissioners.

Councilman Bernacchi questions if any engineering is done.

Engineer Yacullo states he oversees engineering projects. His benefit is to bring federal dollars that have never been pursued before. Look at the savings of getting projects done on 20 cents on the \$1.00 it's a pretty significant volume.

Councilman Bernacchi stated he is more like a project manager and some of the projects brought before the Council were not approved. He believed the previous engineer was quite valuable to the County. Everyone knew what Jeff brought to the table; he was involved in the road aspect building aspect. That was his background CAD and design. If the Commissioners want a project manager for Economic Development then they should hire one and let Mike do engineering. A full-time engineer is needed for the County.

Councilman Garner feels the County Council did what they were required in regards to the PTABOA Board. He feels the Commissioners dropped the ball again, because they did not put a Level 2 or higher in for their appointment.

Councilman Kirkham reiterated his disappointment that a non-elected official is made decisions for the County and allowed people to go on County property and salvage. He believed that may not be the first instance where that happened.

Councilman Novak clarifies it is the Council's responsibility to appoint the certification level for the PTABOA Board and it is the Commissioner's job to balance the political part of it.

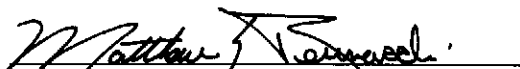
Attorney Biege believes the Council takes into the consideration the level, but that is not to say the County Commissioners could not have taken into the level as well as political affiliation. They all have that discretion.

Councilman Novak commended all of the workers during the February 14, 2014 storm. He also attended the Michigan City Mayor's Ball and the money went to some great causes and commends Mayor Meer.

ADJOURNMENT

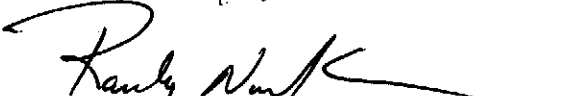
A Motion was made by Councilman Garner and seconded by Councilwoman Sosinski to adjourn. Motion carried 6-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 30th day of March, 2015.


Councilman Matt Bernacchi


Councilman Cary Kirkham

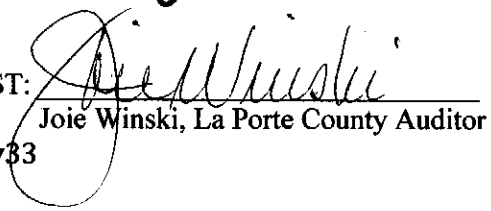

Councilman Terry Garner


Councilman Randy Novak


Councilwoman Lois Sosinski

ABSENT
Councilman Jeff Santana


Councilman Mark Yagelski

ATTEST: 
Joie Winski, La Porte County Auditor
Orangy33
Oran