



LaPorte County Auditor
Joie Winski
555 Michigan Avenue, Suite 205
LaPorte, IN 46350-3490

MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
JULY 27, 2015 AT 6:30 P.M.

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on July 27, 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 Councilmen Bernacchi, Kirkham, Yagelski, Santana, Novak and Garner. Councilwoman Sosinski was not present. A quorum was noted.

APPROVAL OF THE JULY 27, 2015 AGENDA

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

APPROVAL OF THE JUNE 22, 2015 REGULAR MEETING MINUTES

A Motion was made by Councilman Novak and seconded by Councilman Bernacchi to approve the June 22, 2015 Meeting Minutes. The Motion carried 5-0, with Councilman Santana abstaining as he was absent from the June 22, 2015 meeting.

PUBLIC COMMENT

Earl Cunningham, 6311 W Shiva Dr, La Porte, IN 46350

Mr. Cunningham said he had come before the Council several months earlier and requested the cost of the failed Toll Road bid. In November of 2014, the Commissioners approved a \$10,000 maximum cost to the

taxpayers, however, the attorney was charging for work on the Toll Road as far back as September 2014. The Commissioners told Mr. Cunningham to get the public records, which he did, but all of the duties with respective fees were lumped together so it was difficult to discern which fees were only for the Toll Road. Mr. Cunningham asked if any of the Council members had been able to come up with a figure in the last few months. President Yagelski said he did not have the figure with him, but would email it to Mr. Cunningham. Mr. Cunningham said that the taxpayers should know the amount because it is his belief it is well over the approved \$10,000.

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

DEPARTMENT HEAD REPORTS

Mike Yacullo, La Porte County Engineer

Mr. Yacullo gave a brief update on the project in Rolling Prairie. Weaver Consultants Group was hired to do some testing and monitoring of the ground water there. The first samples were taken from 12 wells in March and a second sample was taken in June. The report from March showed 3 minor contaminants, but have no feedback from IDEM, as this is of low priority to them. However, Mr. Yacullo hopes that after the 4 quarters are completed in March of 2016, some feedback from IDEM will be given.

President Yagelski said he will address the Commissioners at a Commission meeting, but is not willing to wait for IDEM.

Mr. Yacullo said that a representative from Weaver is confident that, once the four quarterly cycles are completed, there is a good chance of a recommendation of no further action. The Council and Commissioners will be able to move forward with the property.

NEW BUSINESS

SRI Tax Sale Presentation

Jim Hughes and Glen Luedtke, SRI Incorporated

Mr. Hughes said the Council members all received the Frequently Asked Questions, Process Flow and Glossary of Terms information sheets. There will also be an introduction to the website, which is www.sri-taxsale.com. Glen Luedtke is the one responsible for working with Auditor Winski and Treasurer Hawkins, so he took over the presentation. Mr. Luedtke said there is a certified list of the properties, which consists of 4,058 parcels, and the notices are scheduled to go out on August 3rd. The list will have to be advertised for 3 consecutive weeks once the notices are sent. The court must then be petitioned for the tax sale. The dates for the tax sale are October 8th and 9th. The reason for two days is that it is anticipated a lot of people will be attending the sale. Mr. Luedtke went on to explain the process of the tax sale and the use of the website.

President Yagelski asked Mr. Luedtke to clarify some items. He asked about the owner's redemption period after the sale; if a family member could buy the property; verify what happens if it is a rental property; if a buyer at the tax sale has any recourse if an owner vacates or allows a property to deteriorate or a property is destroyed; and if the buyer must be present at the tax sale or could submit a bid without being present.

Mr. Luedtke said the owner has a one year redemption period after the property has been sold. The owner will have to pay 10% of the minimum bid which goes up to 15% after 6 months.

He continued that if a family member were to buy it, they would really be paying the taxes, so it would be better for the family member to come in before the sale and pay the taxes.

Regarding rental property, the owner would still collect the rent until a petition was submitted to the court. Anyone who has a vested interest in the property would have to be notified.

Mr. Luedtke said that if a property owner vacated the property or anything should happen to it, it is a "buyer beware" situation and there are no refunds. He said most buyers either try to work out a rental situation with the owner or flip them to make money.

Mr. Luedtke said that the buyer must be present at the tax sale to bid. He also explained that, if a tax deed is issued on a property, the owner has a right to claim to surplus above the delinquent taxes for a period of up to 3 years. The owner would have to prove they owned the property at the time of the sale, show identification and fill out some forms at the Auditor's office. If the surplus isn't claimed, the County has the right to pull the money in the General Fund.

Councilman Novak asked when the first advertisement will be in the newspaper. Mr. Luedtke replied August 26th.

Mr. Luedtke explained that per statute, if an owner is on a payment plan and is not paying as agreed, the property can be immediately put on tax sale. Therefore, the Treasurer decided to keep all properties that have payment plans on the tax sale until it get closer to the sale date. Those owners, who have kept up with their payment plans and have paid as agreed, will have their properties removed before the sale.

He also said that a buyer could file a 137B with the Auditor's office to help with some search and notification costs.

Auditor Winski explained that owners can remove their properties from the tax sale through October 7th by paying all delinquencies and additional fees. Owners were made eligible for the tax sale by missing 3 consecutive payments or installments.

Councilman Kirkham asked what would happen to the buyer if an owner reclaimed his/her property. Mr. Luedtke said the buyer would receive his money back, including any interest and any costs incurred.

Councilman Santana asked Mr. Luedtke's prediction of how many properties will actually be on the tax sale.

Mr. Luedtke said in his experience, the list may be reduced by approximately 50%.

Auditor Winski said the original number of properties was 6,558 and that both offices are working with the property owners as much as possible.

Councilman Novak confirmed that the amount of delinquent taxes collected will be held separately from the excess paid for the property. The excess amount will be held for 3 years and will draw interest during that time. The excess will either go back to the owner or to the County's General Fund.

Auditor Winski said that if any of the Council members want to know the total amount of delinquent taxes due, they can contact Mike Mauer or her. Mr. Luedtke also said it will be on the website and in the newspaper.

Mr. Hughes made a brief closing comment.

Contract Consideration for Waggoner, Irwin & Scheele

Barb Mossman, Human Resources Director

Ms. Mossman explained that this is in response to the request for a salary survey from Waggoner, Irwin & Scheele. They broke it down in two ways: unclassified, elected officials and department heads and a separate classification for all classified positions.

President Yagleski asked when the last salary survey was completed and Ms. Mossman replied in 2012. President Yagleski asked Ms. Mossman if she thought another survey was necessary. She replied that she believes the 2012 survey can be used with the addition of a cost of living increase for the unclassified, elected officials and department heads in order to save the County some money. The Job Evaluation Committee would be able to review the classified positions on an as-needed basis.

The Council discussed if there was a need for an outside company to accomplish what the Council can do on its own.

Ms. Mossman commented that some employees are approaching Department Head salaries with the many years of employment in the County. She also said she could reach out to the other counties of similar size and determine their salary levels.

Councilman Novak asked if the information could be gathered by next Wednesday and Ms. Mossman replied yes.

President Yagleski said the item died due to lack of a Motion.

OLD BUSINESS

Ameresco Update

Mark Heirbrandt, Senior Account Executive and Jeff Rayburn, Project Manager

Mr. Heirbrandt said Mr. Rayburn and he were in attendance to give updates regarding Michigan City and La Porte County Courthouses. Mr. Rayburn said that at the La Porte County Courthouse, the work includes an HVAC, electrical, elevator and fire alarm panel upgrades. The electrical portion is completed and the HVAC portion has been installed and completed on some floors. The elevator upgrade is completed, but is awaiting inspection. At the Michigan City Courthouse, there are HVAC and elevator upgrades. The 2nd floor is delayed because Tonn and Blank is completing construction/renovations and Ameresco's work follows theirs. He continued that the elevators in the La Porte County Government Complex will also be upgraded, but there should be no disruption of service since there are two elevators.

President Yagleski commented that public notices need to go out regarding the unavailability of the elevators.

Mr. Rayburn expressed appreciation to the County and its staff during the upgrades.

Mr. Heirbrandt informed that weekly update meetings are held and the Council members are welcome to attend. Alternatively, minutes from those meetings could be emailed in lieu of attendance. And he welcomes the Council to come to the buildings and see the progress. Mr. Novak expressed he would like to receive the Minutes via email.

CORRESPONDENCE

Order from Judge Richard Stalbrink, Jr. Assessing Interim Costs

Attorney Biege explained that the Judge issued an order to cover expenses on a significant case. The litigants will be paying this expense and not the County. The Auditor will open an account to accept the funds and the individual will be given a 1099. The County doesn't have to approve this, but Attorney Biege wanted to insure that they were informed. He also explained that in a civil case, the litigants contribute to the cost, but in a murder case, additional security and other items may be needed and then the County would incur a cost.

ORDINANCES AND RESOLUTIONS

None.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County MS-4

Requesting an Additional Appropriation

SOLID WASTE DISTRICT GENERAL FUND

for Green Waste Contract Supplement

\$150,000.00

Mr. Clay Turner handed out information to the Council members. He referenced coming before the Council in June and said the fund would be a user fee fund and would not affect the County's funds. A Motion to approve was made by Councilman Bernacchi and seconded by Councilman Santana. Motion carried 6-0.

Councilman Novak asked for a timeframe of completion. Mr. Turner explained that he needed tonight's approval before the contract could be concluded. As soon as that happens, he said the project could begin within a week.

La Porte County Treasurer

Requesting Permission to Transfer

1000-30005-000-0103 TO 1000-41001-000-0103

for Printer

\$449.00

The Council and Auditor Winski discussed the need for the printer, as the tax sale is approaching and the Treasurer's Office is borrowing one. Councilman Garner made a Motion to table, but it was not seconded. A Motion to approve was made by Councilman Novak and seconded by Councilman Santana. Motion carried 5-1, with Councilman Garner voting Nay.

La Porte County Circuit Court Clerk

Requesting Permission to Spend

1119-20200-000-0341

for 3 Printers (one per Courthouse) @ \$699.00 each

\$2,099.97

Ms. Lynne Spevak explained that this request did not relate to the budget, as it is the Clerk's Perpetuation Fund. President Yagelski and Ms. Spevak discussed whether or not to wait until after the printer contract is completed. A Motion to approve was made by Councilman Santana and seconded by Councilman Bernacchi. Councilman Garner expressed concern that printers continue to be bought.

Auditor Winski discussed issues with the Konica printers versus the Hewlett Packard printers. Councilman Santana asked that new printers be compatible with the current software. Motion failed 3-3.

A Motion to approve one printer @ \$699.00 was made by Councilman Santana and seconded by Councilman Bernacchi. Motion carried 6-0.

La Porte County Judges

Requesting an Additional Appropriation

WIN-TAX (4220), RIVERBOAT (1191) OR CAGIT (1110)

Not to Exceed

for Problem-Solving Court, Drug Court, Veteran's Court and Re-Entry Court

\$50,000.00

Councilman Garner explained that he met with them and said the money would only be used if necessary and its purpose is to gain grants. A Motion to approve out of RIVERBOAT (1191) was made by Councilman Garner and seconded by Councilman Santana. Motion carried 6-0.

La Porte County Alcohol and Drug Services

Requesting Permission to Spend

2502-30002-000-242

for Computers, Software, Cabinet (local matching grant) .

\$539.67

A Motion to approve was made by Councilman Bernacchi and seconded by Councilman Santana. Motion passed 6-0.

La Porte County Adult Probation

Requesting an Additional Appropriation

4220 (WIN-TAX) OR 1191 (RIVERBOAT)

for Partitions, Surge Protectors, Outlets, Etc.

\$5218.41

Councilman Garner made a Motion to approve out of RIVERBOAT (1191) and seconded by Councilman Bernacchi.

Councilman Santana asked if the partitions used in the court could be used instead of buying additional partitions. Mr. Steve Eyrick explained that these are the same partitions. The bill was sent to the Commissioners but they returned it, so he came before the Council. Motion carried 6-0.

Mr. Eyrick inquired about a letter he sent to Auditor Winski regarding transferring funds from Probation User Fees to Problem Solving. She suggested he bring it before the Council at tonight's meeting. A Motion

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

La Porte County Sheriff

Requesting an Additional Appropriation

1000-10140-000-105 (Sheriff Overtime)	\$1,953.28
1000-10140-000-182 (Courthouse Security Overtime)	\$221.61
1000-10130-000-145 (Jail Overtime)	\$1,496.16

A Motion to approve out of RIVERBOAT (1191) was made by Councilman Bernacchi and seconded by Councilman Santana.

Councilman Novak asked if this appropriation was for something in particular. President Yagelski replied it was for a trial. Motion carried 6-0.

La Porte County Commissioners

Requesting an Additional Appropriation

WIN-TAX (4220), RIVERBOAT (1191) OR CAGIT (1110) for SBOA Audit	\$20,000.00
--	-------------

President Yagelski explained that when an entity gets audited, the Commissioners are charged. This appropriation is for up to \$20,000.00 and only what is needed will be used and cannot be used for anything else.

Councilman Garner said he never saw the final audit, but Auditor Winski commented that this is for more than one audit. She said that the audits are available to view at www.in.gov/sboa. She explained that the audits are paid for by the Commissioners, but that the unit being audited reimburses the amount. It was agreed it will be discussed at Budget Hearings. A Motion to approve out of WIN-TAX was made by Councilman Novak and seconded by Councilman Bernacchi. Motion carried 6-0.

La Porte County Auditor

Requesting an Additional Appropriation

RIVERBOAT (1191), WIN-TAX (4220), CAGIT (1110) for NIRPC Invoice	\$78,027.00
---	-------------

Auditor Winski explained that approximately 7 years ago, there was an excess amount in the NIRPC fund, so the DLGF removed the levy for two years. It should have only been removed for one year, so it went into arrears and has not been able to catch up. The \$78,027.00 will catch this up and make it current. A slightly higher levy was put into the budget last year and will hopefully be the same for next year.

Councilman Kirkham said La Porte County has some upcoming projects and they are increasing. Councilman Garner added it has benefitted Johnson Road.

Councilman Santana said more funding needs to come to La Porte County.

Mr. Michael Seitz, President of the La Porte County Chamber of Commerce added that there is a transportation committee that meets. The County Planner and Engineer attend and Mayor Milo chaired NIRPC, so he feels La Porte County's interests are being looked after.

A Motion to approve out of CAGIT (1110) was made by Councilman Novak and seconded by Councilman Santana. Motion carried 6-0.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Santana apologized to his colleagues and constituents for missing the previous Workshop and meeting. He also announced that EMS is having an Open House at 1305 State Street on July 29th from 11:00 a.m. to 3:00 p.m. He also thanked Mike Yacullo for handling the Franklin Street Bridge issues.

Councilman Novak said there are some dead spots in the County where officers and/or are not able to call 911. Grant money is being looked at to improve that situation. He also said the County Fair was a great success.

President Yagelski asked the Council to consider making Mike Ordziejewski a Department Head.


Auditor Winski said he works closely with many different departments and continually takes classes to improve his education. He is very dedicated and goes the extra mile for anyone with which he works. T

President Yagelski explained that it would be budgeted for January 1st and the Commissioners would appoint him.

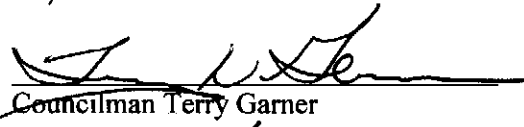
ADJOURNMENT

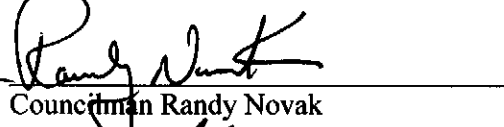
A Motion was made by Councilman Novak and seconded by Councilman Santana to adjourn the meeting. Motion passed 6-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 24th day of August, 2015.


Councilman Matt Bernacchi

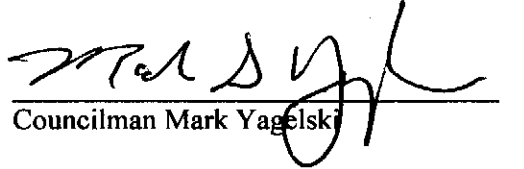

Councilman Gary Kirkham

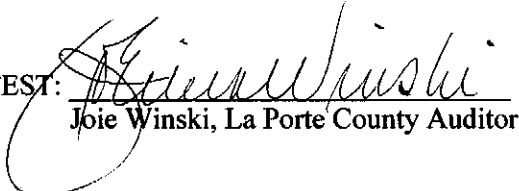

Councilman Terry Garner


Councilman Randy Novak


Councilwoman Lois Sosinski


Councilman Jeff Santana


Councilman Mark Yagelski

ATTEST: 
Joie Winski, La Porte County Auditor