



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

**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
NOVEMBER 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 November 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 Councilmen Bernacchi, Garner, Kirkham, Novak and Yagelski and Councilwoman Sosinski. Councilman Santana was absent. A quorum was noted.

APPROVAL OF THE NOVEMBER 23, 2015 AGENDA

A Motion was made by Councilwoman Sosinski and seconded by Councilman Novak to approve the November 23, 2015 Agenda. Motion carried 6-0.

Auditor Winski said there needed to be an amendment made to the Agenda. She explained that the Commissioner's Transfer Letter needed to be added. She suggested it be brought up during Department Head Reports.

A Motion was made by Councilman Novak and seconded by Councilwoman Sosinski to approve the November 23, 2015 Agenda as amended. Motion carried 6-0.

APPROVAL OF THE PUBLIC HEARING ON THE ADOPTION OF THE 2016 BUDGET AND OCTOBER 26, 2015 REGULAR MEETING MINUTES

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

PUBLIC COMMENT

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

DEPARTMENT HEAD REPORTS

Joie Winski, La Porte County Auditor

Auditor Winski explained she was coming before the Council on behalf of the Board of Commissioners. She continued that \$100,000.00 needs to be transferred into Legal Fees, Educational Training, Examination of Records and Professional Consulting, and that a transfer from a 100 Account to a 300 Account could not be done without the Council's approval.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Bernacchi to approve as presented.

Councilman Novak asked why Educational Training was over Budget. Auditor Winski explained that budget item was reduced last year.

Councilman Kirkham asked if the \$60,000 for Professional Consulting is through the end of the year. Auditor Winski explained that all of the legal fees for the entire County, including the Council, are paid through this fund. Motion carried 6-0.

Auditor Winski then asked for approval to transfer, not to exceed \$3,000.00, from the Homestead Fund for two (2) Computers for the Auditor's Office. She said the Homestead Fund has approximately \$100,000.00 in it.

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

Councilman Novak confirmed that Auditor Winski ran the request by IT. Auditor Winski confirmed that she did.

Councilwoman Sosinski noted that this was an item under Appropriation, Transfers, and Requests. Auditor Winski confirmed that it is.

Michael Bohacek, La Porte County Commissioner

Commissioner Bohacek said that he has a personal commitment later this evening and would like to address the Commissioners' request at this time. Earlier, he had given a map to each Council Member and explained that Tim Ohlund, in memory of his daughter, would like to build and donate a building for the Horse and Pony 4-H location. It would have restroom and bathing facilities, however, the site does not have a sanitary sewer at this time. He continued that by using the County Highway, the excavation work could be done and be tied into the existing infrastructure. The Fair Board and Tonn and Blank have been

met with, and it is a great opportunity to improve the property. Commissioner Bohacek said the area that had previously flooded would also be addressed.

Councilman Garner added that the Fair Board approved this at their last Meeting, but this is not a Fair Board project.

Commissioner Bohacek explained that the location where the sewer will tie in will be off of the West side of the Fairgrounds. The location was chosen because, when entertainers come, there will be areas that they can tap into to dump the sanitary waste from their motor homes, campers, etc.

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

Lynne Spevak, La Porte County Clerk of the Circuit Court

Ms. Spevak explained that she needs to replace an employee that left in October due to personal reasons.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Novak to approve.

Ms. Spevak added that there is a recount in the Michigan City 5th Ward. The candidate only had to post a \$100.00 bond, but it may cost more than \$100.00 to do the recount. Per Statute §3-12-6-17.5, the remainder of the money that does not come from the bond has to come from an appropriated general fund.

Councilman Novak asked for the cost of the recount. Ms. Spevak said that, since there are only approximately 900 votes to count and it would, hopefully, be completed in 2 days, the estimated cost to the County would be \$500.00. She continued that a judge could have the candidate pay over the \$100.00, but the State Statute states he only has to pay \$100.00. The Motion carried 6-0.

Hearing or seeing no additional Department Heads, President Yagelski closed Department Head Reports.

LIAISON REPORTS

Councilman Garner said Sheriff Boyd will be speaking to the Council on some items at tonight's Meeting.

Councilman Novak said he attended his third graduation of the Problem Solving Court at Michigan City Superior 1. He commended the 3 graduates on turning their lives around and how this program changes people's lives. He also said he observed that the Law Enforcement Agencies are working well together and commented on the 17 heroin deaths in La Porte County. He said those deaths are catastrophic and unacceptable and appreciates all that Law Enforcement is doing to get the situation under control.

Councilman Kirkham reminded everyone about the Small Animal Shelter's Santa pictures with pets on December 19th. The event will be held at the Small Project Building at the Fairgrounds, where there will also be an expo with vendors for and their pets.

Although he is not a Liaison for this, Councilman Kirkham attended the County Extension Open House. It was about 4-H and all of the projects available for children. He said it was great and would like to see more children take advantage of it.

Councilwoman Sosinski said she met with the Insurance Committee twice within the last month. The results from October into November came in and they were fairly high. If the results had come in sooner, the rates would have been higher than they were at renewal.

Councilman Bernacchi along with Councilman Novak and Councilwoman Sosinski met before the Meeting. He continued that an additional Meeting is needed and inquired when one can be scheduled. Auditor Winski added that the salaries must be voted on before December 11th so they can be submitted to the Federal Government for the Affordable Care Act.

Dates were discussed and it was decided to have the Special Meeting on Monday, November 30th at 5:00 p.m. for the EMA Workshop and 5:30 p.m. for the Special Meeting.

Councilman Yagelski responded to Mr. Earl Cunningham's request regarding the cost of the Toll Road. He read the following for the record:

"It appears between the last couple months of 2014 and the first couple months of 2015, Friedman & Associates has billed approximately \$35,000.00 in fees on the Toll Road project. Mr. Friedman negotiated \$2,000,000.00 in professional services for the County, that we were not on the hook for, from two different law firms: Krieg DeVault and Goldstein & McClintock; and from both financial advisors Piper Jaffray and our underwriter Bank of America. We came in second place in the bidding on a \$5,000,000,000.00 assets that would have spun off a million dollars of profits to the County and Lake County for decades to come. The Australian bid of \$5.7 billion, we were only beat out, and our bid was \$5.2 billion. I'm glad we got to be in competition for this to try to keep the toll road locally owned and reinvesting profits right here, rather than in Australia."

President Yagelski continued that in Chicago, theirs was sold for a record profit and it was a shame the County did not get this, but that the fees billed were \$35,000.00.

NEW BUSINESS

*Steve Eyrick, Chief Probation Officer, La Porte County Adult Probation
Drug Free Partnership Grant Disbursement*

Mr. Eyrick said he is the Co-Chairman of the Drug Free Partnership. He explained that each year, the County deposits \$200 per drunk driving conviction into a fund that gets returned to the County. By statute, the Drug Free Partnership is required to allocate those funds to local grantees. Multiple agencies submitted grants and were required to write to the County plan. He is requesting approval for those funds to be distributed.

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

*Brad Adamsky, Attorney, Drayton, Biege, Sirugo & Elliott, LLP
Kankakee and Hanna Township Budgets*

Mr. Adamsky said there is a new law in Indiana this year involving townships, or township like offices, that have multiple members that serve as volunteer firefighters. It takes away the ability for them to approve their budgets independently and puts it upon the County fiscal body to approve it. The statute says the County fiscal body may grant or deny the budget. Letters were submitted on behalf of each township. The 2016 Kankakee Township Budget is identical to the 2015 Budget, except for the Fire Cumulative Fund, which was approved by the State to increase up to the maximum statutory rate of 0.0333.

In the 2016 Hanna Township Budget, there was an increase of \$500.00 in the General Fund for increases to the Board Members and Trustee. A Debt Fund was also set up for \$75,000.00 for an anticipated purchase of a fire truck in 2016. Therefore, the Council is being asked to approve the petition to have the budgets approved so they can be submitted to the State.

A Motion was made by Councilman Garner and seconded by Councilman Kirkham to approve.

President Yagelski said that it was already approved. Attorney Biege said that the Budgets need to be specifically approved. President Yagelski questioned whether or not the Council then becomes the binding agent. Attorney Biege said, yes, the Council steps into the shoes of the Township Board.

Councilman Kirkham asked if, after elections, there may be Members elected who can vote on the budget.

Attorney Biege explained that, yes, that could happen and similar situations could arise in other Townships where their Budgets would have to be specifically approved by the Council.

Councilman Novak explained that previous to this, the State Legislature said that no volunteer firemen could serve on a Township Board. This was a compromise that allowed them to continue to serve, but not approve their own Budgets. Motion carried 6-0.

OLD BUSINESS

President Yagelski said that there was an incorrect vote on the donation to Michiana Resources. He asked that the Motion be brought back. He also asked out of what fund it was coming.

Attorney Biege said he misspoke and thought the item had been voted on, but it was actually voted upon to be moved to the next month. He also said it wasn't advertised.

President Yagelski said it would have to come up for a vote again and asked out of what fund. He asked Auditor Winski to name a fund and she replied RIVERBOAT.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Novak to reaffirm out of RIVERBOAT. Motion carried 5-1 with, President Yagelski voting Nay.

CORRESPONDENCE

None.

ORDINANCES AND RESOLUTIONS

None.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Recorder

Requesting Permission to Spend

from RECORDERS PERPETUATION (1189)

for Printer, Water Cooler & Rent, Microfilm, Copy Machine Maintenance \$1,817.85

Auditor Winski said this could not be approved because the fund is \$29,209.00 in the negative. She said she didn't realize this or it would not have been put into the Agenda. By law, she said it can't be approved. She said a Motion could be made to approve pending the reconciliation of moving the funds from the Recorder's General Fund or another fund.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Kirkham to remove from the table. Motion carried 6-0.

Councilman Kirkham said the Council received a letter stating Recorder Dean could not attend the meeting but questioned why the Chief Deputy could not attend in her place.

Councilman Garner said salaries were coming out of this fund but Auditor Winski said some of the employees' salaries were transferred to the General Fund.

President Yagelski said Recorder Dean is overspending her money and is unable to complete her own ledger.

A Motion was made by Councilman Bernacchi and seconded by Councilman Kirkham to table until Recorder Dean can address the Council.

Auditor Winski said no further money can be spent out of the Fund until it is reconciled. She said she would let her know.

Councilman Novak said the Fund would need to be reconciled by the end of the year.

Councilwoman Sosinski asked how the fund came into the negative. Auditor Winski said she did not have the answer, but would supply it by next week.

President Yagelski asked for a Motion to rescind taking the item off of the table. Councilwoman Sosinski rescinded her Motion to take it off of the table. He also asked that there be a Motion to advertise that money be moved into the negative account to make it whole.

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

President Yagelski also asked that a letter be sent to Recorder Dean demanding her to show up for the next meeting.

Councilman Novak said that the Minutes from the October 26, 2015 meeting indicated that the Michiana Resources item was approved 7-0, but President Yagelski said he voted Nay. Auditor Winski said that was

an error in the minutes and that President Yagelski did vote Nay. She added that the Minutes would be corrected.

After discussion, a Motion was made by Councilwoman Sosinski and seconded by Councilman Kirkham to retable the \$1,817.85 of the La Porte County Recorder. Motion carried 6-0.

La Porte County Sheriff

Requesting an Additional Appropriation

from RIVERBOAT (1191) WIN TAX (4220) OR CAGIT (1110)

for Medical (\$80,000.00), Food (\$50,000.00) and Pension (\$287,426.00) \$417,426.00

A Motion was made by Councilman Novak and seconded by Councilman Garner to approve out of RIVERBOAT (1191). Councilwoman Sosinski asked if she had a conflict, but Attorney Biege said she did not. Motion carried 6-0.

Sheriff Boyd explained that the number of inmates at the jail is lower, but the number of inmates at the Work Release Center is higher. However it costs less to house the inmates at the Work Release Center. He continued that the feeding of the Work Release inmates comes out of the Sheriff's Budget.

La Porte County Engineer (tabled)

Requesting an Additional Appropriation

from RIVERBOAT (1191) OR WIN TAX (4220)

for Local Match Pavement Management \$50,000.00

A Motion was made by Councilwoman Sosinski and seconded by Councilman Novak to take this item off of the table. Motion carried 6-0.

Mr. Mike Yacullo explained that this program is estimated to be a \$250,000.00 project, with the County's 20% local match being \$50,000.00. It will help prioritize the roadway improvements. The big payoff in the end will be it will make the County eligible for federal funds to complete the projects.

Councilman Kirkham asked if the survey is a one-time deal or an on-going project. Mr. Yacullo said it is a one-time effort that would include training of highway personnel.

Mr. Bob Young said he is in full support of this project and feels it makes good sense to have an organized system to choose what roads to repair. He added that if the County is not a part of this, it will not be eligible for the federal funding.

Councilman Garner asked who will oversee the study and the extra work that will be needed at a later date. Mr. Young said it would be Mr. Yacullo and himself.

Auditor Winski added that the GIS person was given a list of roads that have been paved since 2012 and that information has been entered into a database and can assist with this project.

Councilman Garner confirmed that there will be a person in the County Highway office to oversee this. President Yagelski added that the communication between Mr. Yacullo and Mr. Young has not been sufficient, and inquired if it will improve.

Mr. Yacullo replied that the communication has increased and that he can be the point person as the reports come in. Also, with the assistance of GIS to update the database, the information can be merged and the information can be coordinated with the Highway Department.

President Yagelski asked what makes this different from other programs that gave the County federal dollars. Mr. Yacullo replied that the County doesn't typically get federal dollars for pavement maintenance and the funding previously received was from a special dispensation. The only federal dollars available for roadway projects are on a limited basis.

President Yagelski said the Commissioners would no longer be involved and the program needs to work under the parameters set forth. Mr. Young added there would have to be a stipulation to address the issues that would not appear in any study.

Mr. Yacullo said that when there are questions on why certain roads are being addressed and others are not, this will give the reason(s) in black and white.

The item died due to lack of a Motion.

President Yagelski asked about the misinformation regarding the signs. He said that every sign in the County was supposed to be replaced with the grant money that was previously approved.

Mr. Yacullo explained that grant's purposes were to do inventory on the signs and rate their condition and replace any sign that needed replacement.

President Yagelski said the vote was to replace every single sign. Mr. Yacullo apologized if he misspoke, but President Yagelski said Mr. Yacullo specifically stated that every sign would be replaced. Mr. Yacullo felt that an inventory would be necessary to only replace those signs that need replacement.

President Yagelski said that the approval was 8 months ago and inquired what has happened in that time. Mr. Yacullo said that the initial approach was to pick the worst townships based on accident numbers and anticipated that the turnaround time on data collection would have been quicker. He said the inventory was necessary before construction dollars were spent.

President Yagelski asked when the sign inventory will be completed. Mr. Yacullo said it was approximately 80% done at this time and the signs should begin being placed in the Spring, with completion by the end of 2016.

President Yagelski reminded Mr. Yacullo that there is no money in Mr. Young's Budget for signs.

La Porte County Engineer

Requesting Permission to Spend

from RIVERBOAT (1191) OR WIN TAX (4220)

for Highway Safety Improvement Project (Johnson Rd. & 500W)

\$25,000.00

Mr. Mike Yacullo said there is a balance in the HSIP (Highway Safety Improvement Program), which is a 90% vs. 80% federal grant. He said he previously requested funds for engineering, construction and inspection, but this is a way to get the engineering and possibly land acquisition completed. It would take

a few years for this project and by that time, there would be another open call to pursue construction dollars.

President Yagelski said that when looking at 400 and 500, the accident data did not justify the means. The Council asked that the accident data be looked at and inquired to the status. Mr. Yacullo said other projects were focused on and no further research was done on accident reports. If it was decided not to pursue the area, Mr. Yacullo said another option for the HSIP money would be to perform road safety audits, including accident data, geometric data and field data.

Councilman Novak asked if there is an area that is in more serious need. Councilman Bernacchi said the Sheriff's Department could provide the information on the most dangerous intersections in the County and, therefore, money could be better spent on things the County needs.

Mr. Yacullo said the road safety audit would help acquire federal funding.

The item died due to lack of a Motion.

Councilman Novak added that he is not against this, but he would like to see additional data.

La Porte County Planner

Requesting an Additional Appropriation
from RIVERBOAT (1191) OR WIN TAX (4220)
for Union Mills Sidewalk

\$20,100.00

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

Councilman Kirkham asked why Union Mills was chosen. Mr. Mitch Bishop explained that it was chosen because there was additional funding available from the Federal Highway Administration in the amount of \$94,800.00. He said that the sidewalk would connect via the Mill Pond and the Downtown and would give the biggest bang for the dollar. In addition, other entities put money in and it would be a big improvement for the Community.

Councilman Garner said the biggest part of this was previously approved and asked which year this would be completed. Mr. Bishop said construction would be completed by January 15, 2018.

Councilwoman Sosinski asked if this is a separate grant. Mr. Bishop said this is a separate grant of \$94,800.00 with the match being \$20,100.00. The match would have been \$23,700.00, but Mr. Bishop received some money from the Community. He said there may be additional money added. Motion carried 6-0.

President Yagelski asked about the issue with the bike trails along Route 12 in the New Buffalo area where there is a locked-in area that cannot be accessed. Mr. Bishop said there is an agreement being created to use the right side of the road. President Yagelski said he was stopped by the Police and there is a sign there saying it is Private. Mr. Bishop said he will look into it.

Councilman Kirkham inquired into the \$1,000,000.00 for the bike trail. Mr. Bishop said he did not have the information with him, but believed the County's share would be \$200,000.00.

La Porte County Commissioners

Requesting an Additional Appropriation
from RIVERBOAT (1190) OR WIN TAX (4220)
for Proposed Fairgrounds Sewage Line

\$15,000.00

This item was previously addressed in the meeting.

La Porte County Auditor

Requesting Permission to Spend
from HOMESTEAD DATABASE (7110)
for Two (2) Computer Workstations

NOT TO EXCEED
\$3,000.00

This item was previously addressed in the meeting.

La Porte Auditor

Requesting Permission to Spend
From REAL ESTATE ENDORSEMENT FEE (1181)
for GIS Plotter

NOT TO EXCEED
\$5,000.00

Auditor Winski said the current plotter is over 15 years old and is not printing well. She continued that the new plotter would use less ink and include a year's supply of toner and trade-in of the old plotter.

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

COUNTY COUNCIL/ATTORNEY COMMENTS

A Motion was made by Councilman Novak and seconded by Councilwoman Sosinski to amend the minutes to reflect President Yagelski's correct vote regarding Michiana Resources. Motion carried 6-0.

Councilman Garner asked if there was any update on the County Home. Councilman Kirkham replied that there is nothing new.

Councilman Kirkham said his grandson's team won the Michigan State High School Championship. He congratulated them and said it was a great night.

President Yagelski wished his parents Happy 80th Birthdays.

Councilman Novak voiced his concern and displeasure over the Commissioners giving all the grindings out on Johnson Road to a for-profit contractor.

Councilman Kirkham said he received a call regarding the streetlights in Rolling Prairie being shut off and the sewer rates.

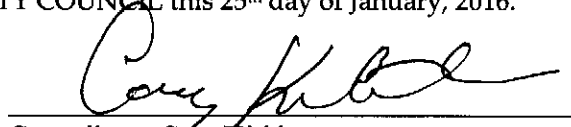
ADJOURNMENT

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

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 25th day of January, 2016.



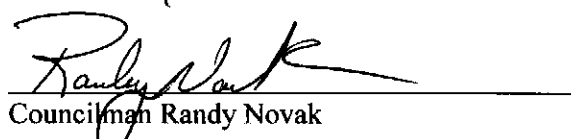
Councilman Matt Bernacchi



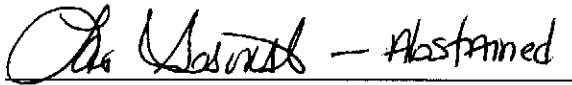
Councilman Cary Kirkham



Councilman Terry Garner



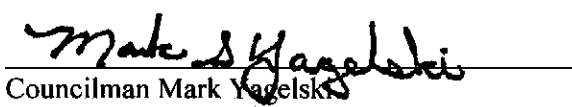
Councilman Randy Novak

 - Abstained

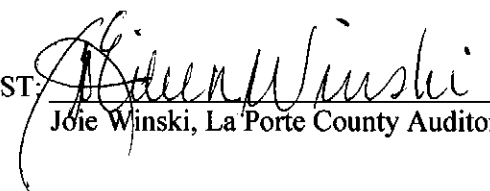
Councilwoman Lois Sosinski

Absent

Councilman Jeff Santana



Councilman Mark Yagelski

ATTEST: 

Joie Winski, La Porte County Auditor