



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

**MINUTES  
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL  
FEBRUARY 22, 2016 AT 6:30 P.M.**

*(Please Turn Off All Cell Phones)*

The Regular Meeting of the La Porte County Council was held on February 22, 2016 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.

President Garner asked that all high school students come forward. He asked them to take this time to have their papers signed by one of the Council members.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

President Garner asked the students to lead the audience in the Pledge of Allegiance. He then asked everyone to stand for the Pledge of Allegiance. President Garner 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, Santana and Yagelski and Councilwoman Sosinski. A quorum was noted.

**APPROVAL OF THE FEBRUARY 22, 2016 AGENDA**

A Motion was made by Councilman Santana and seconded by Councilman Novak to approve the February 22, 2016 Agenda. Motion carried 7-0.

**APPROVAL OF THE JANUARY 25, 2016 REGULAR MEETING MINUTES**

A Motion was made by Councilman Bernacchi and seconded by Councilman Novak to approve. Motion carried 7-0.

Councilman Yagelski asked to remove the Agenda item regarding the Inspector, listed under New Business.

President Garner added that the 800 MHz radios item would be put to a Committee to work on the financing. The Committee will be comprised of Councilmen Novak and Kirkham and President Garner. President Garner confirmed that Committee would be addressing financing among other issues.

Councilman Santana commented that he believes there is a deadline regarding the 800 MHz radios and questioned why it is being put to a Committee.

President Garner replied that the Finance Committee had previously met and said some questions regarding the towers needed to be addressed before approval could be given.

Councilman Santana said his notes indicated that the deadline to order the radios was March 23<sup>rd</sup> and the next Council Meeting is March 21<sup>st</sup>, so he questioned if there would be enough time to order them.

EMA Director, Larry Butcher, approached and said that the necessary entities were in attendance to address any questions or issues.

President Garner said the Council will hear the presentation, but clarified that the financing needs to be in place before this item could be approved.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Novak to approve. Motion carried 7-0.

## **PUBLIC COMMENT**

*Dennis Metheny, 6757 W 450 N, Michigan City, IN 46360*

Mr. Metheny said he received a packet from the Commissioners' Attorney including information he requested. However, two items from his request were missing: the appraisal of the County Home and the Tax Credit information. He hopes that the Council can assist him in getting those documents because he doesn't want to have to go to the State's Public Information Office. He also said the Commissioners are paying \$2,000.00 per month to Ms. Heather McCarthy to write grants. Since she is being paid using taxpayers' money, that information should be made available to the public. He questioned why the Commissioners or their attorney do not have this information. He also expressed concern that County Home project will be approved before the public will be able to see the documents.

Mr. Metheny also discussed the County's case against NIPSCO. Councilman Yagelski said that the case had been settled in favor of the County. The rate went from 11% to 5.4% and NIPSCO had to promise to put several million dollars for electricity into the Kingsbury area to lure big businesses there.

Mr. Metheny wondered if that was a good deal because, in his experience working at NIPSCO, they would double the rates, knowing they would get half.

*Rich Mrozinski, 2303 E 150 N, La Porte, IN 46350*

Mr. Mrozinski said he attended the last County Home Board Meeting, but there was no new information provided. He added that there are four residents still there, with one leaving next Tuesday. Because of the ARCH program, the residents can be easily transferred to the South Bend facility. However, the State has frozen that program, which will effectively destroy local County Homes. He then distributed information to the Council regarding what money the County Home has contributed to the County since 2010. He

added that decisions need to be made concerning the employees that are still at the County Home so they can be absorbed into other positions and not be put into the street.

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

Mr. Cunningham discussed the letter that Attorney Shaw Friedman sent to the Council, Attorney Biege and Auditor Winski in October 2015. Mr. Cunningham addressed the item in the letter stating that he gives misleading financial information. He said that he obtains any financial information from Auditor Winski on the day of the Council Meeting, which Auditor Winski confirmed. He added that a representative of the Cender group projected the County would be in debt and would have to bond, which President Yagelski objected to at the time. Mr. Cunningham went on that Attorney Friedman said he held the County Council hostage for two years with a personal obsession he had with Sheriff Mollenhauer's Commissary Fund. Mr. Cunningham took the opportunity to commend Sheriff Boyd for saving the taxpayers a lot of money. Lastly, he addressed Attorney Friedman's comment regarding his obsession with Recorder Barbara Dean's Perpetuation Fund. He explained that his experience with the Perpetuation Fund had to do with Recorder Stimley and not Recorder Dean. Mr. Cunningham added that at the last Commissioners' Meeting, Mr. Cooley complained that Mr. Cunningham and Mr. Mrozinski do not attend the Council Meetings. He said that being off of the Council for 14 months, he is no longer required to attend.

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

## **DEPARTMENT HEAD REPORTS**

*John Dudek, Director, La Porte County E-911 Communications Center*

Mr. Dudek gave an update regarding the InterAct CAD program. The CAD user training has been completed and the RMS training will be completed in the next few weeks. The software upgrade is being done and the 911 dispatch consoles are ready to go with the computer software. The 'go live' date is projected to be March 21<sup>st</sup>.

Councilman Yagelski asked if anything needed to be upgraded. Mr. Dudek replied some things did need to be upgraded, but he was not aware of anything else.

Councilman Novak commended all those involved for seeing this project through. Mr. Dudek said it was a group effort and thanked those who helped the project get completed including Mike from GIS, Sherriff's Department, EMS and 9-11.

*John Espar, La Porte County Prosecuting Attorney*

Prosecutor Espar discussed the support given by the Council to the Crimes Against Children Unit. He added that when the Unit was funded in 2015 and 2016, he assured the County that he would pursue additional funding. With the assistance of Mayor Meer, Chief Swistek, Detective Barr and Sheriff Boyd, Prosecutor Espar was able to acquire a \$240,146.00 grant for the Unit. He also explained that it has taken time to find and train the proper personnel, but there have been dividends from the hard work. In collaboration with the FBI, 4 arrests have already been made and 2 children have been rescued.

Councilman Santana told Prosecutor Espar that it is a job well done. President Garner also thanked Prosecutor Espar for his work.

Prosecutor Espar requested to spend the balance (\$3,386.00) of a \$20,000.00 appropriation given last year for the purchase of computers and software from the Prosecutor Deferral Fund.

Attorney Biege said the procedure is to transfer that money to an excess fund and then appropriated from that fund. He explained it is in a statute and that a Motion could be made to transfer the money and then it could be advertised next month.

A Motion was made by Councilman Novak and seconded by Councilwoman Sosinski to transfer to an excess fund. Motion carried 7-0.

*George Watkins, La Porte County Veteran's Service Officer*

Mr. Watkins announced a Veteran's Employment Transition Seminar being held by Work One of Northwest Indiana. It is a 5-day seminar to prepare Veterans to re-engage the job market. It will be held from March 14 to March 18 from 9:00 a.m. to 4:00 p.m. Anyone who is interested can contact Alfred Hughes at 219-362-2175, ext. 541 or Mr. Watkins at 219-326-6808, ext. 2216.

Councilman Santana inquired if this information was released to the media. Mr. Watkins said he assumed Work One did so, as this is their event. However, he would contact the radio stations and get the information out.

*Sheriff John Boyd, La Porte County Sheriff*

Sheriff Boyd discussed the bids for the Sheriff vehicles that need to be replaced. He said there is a need for 9 Police Interceptor vehicles and 4 Process Server cars. When the bids for these vehicles were opened at the Commissioners' Meeting, it was discovered that to obtain 2016 vehicles, they must be ordered by March 11, 2016. If not, the vehicles would have to be rebid for 2017 models. In addition, there is no guarantee the vehicles will be 2016, but if they are ordered prior to March 11th, the price will be secured whether 2016 or 2017 vehicles are received. 6 vehicles would be traded-in for the Process Server vehicles and 8 would be traded in for the Police Interceptors. The model years for the trade-ins would be 2004 to 2011 with mileage between 100,000 and 197,000 miles per vehicle.

Councilman Yagelski asked if it was a State bid and Sheriff Boyd said that the Process Server vehicles would fall under the State bid. Councilman Yagelski said that, as long as there is still room for negotiation on the trade-ins and since it is a State bid, he made a Motion to approve all of the vehicles. Councilman Bernacchi seconded the Motion.

Councilman Santana discussed equipping people with the correct tools and keeping one of the trade-in vehicles back for the EMA Director. Councilman Yagelski said that's what he indicated in his Motion. Councilman Yagelski also said he is going to declare this an emergency, as it meets State standards.

Councilwoman Sosinski asked if she had a conflict of interest, but Attorney Biege replied no.

Attorney Biege said that there could be a vote to move ahead, but without a value on the trade-in vehicles, the State Board of Accounts may have a problem with it. The appropriation could then be advertised for next month. Auditor Winski added this is not a State Board declared emergency. She said it is a Commissioner's responsibility and must be something that endangers life. She believes that if the Council goes ahead with this, the State Board of Accounts will not approve it. She added that appropriations now must be submitted for approval monthly.

President Garner expressed concern that if this the vehicle situation is not addressed, it may be postponed for at least a year.

Councilman Yagelski said as long as it is kept within the State pricing, the Council could proceed.

Sheriff Boyd said the only cars under the State bid are the Process Server vehicles. Due to that fact, Councilman Yagelski removed his Motion.

Attorney Biege said there is still time to call a Special Meeting before the deadline. Auditor Winski calculated the time needed to advertise. She said it could be no sooner than March 7, 2016. It was decided to hold the Special Meeting on March 7, 2016 at 6:00 p.m.

Chief Deputy Smith asked that the Sheriff provide the dollar amount to her no later than February 23, 2016.

*Dave Christian, La Porte County Office of Economic Development*

Mr. Christian distributed information to each Council member. He said 2015 was an exciting year for Economic Development. He explained that La Porte County is on the list for a mega project and, after presenting to the company when they came through, he was told that the presentation was the best they had reviewed. Mr. Christian discussed the process of meeting people, organizations and businesses and some of the names of the projects for which they have bid. He also discussed the new literature, websites and programs currently being developed. He also said the Office of Economic Development are strengthening their relationship with the IADC. He added they landed the JBC Rails Company to come to Kingsbury for a \$3,000,000 rail investment. He highlighted additional businesses coming to or staying in La Porte.

President Garner said a lot of things are talked about and do not come to fruition. Mr. Christian said he has been told that CSX will connect with the railroad in Kingsbury by June 2016. He understands information has previously promised to the Council, but he is confident in the information he has received. He continued that there is a new program for business retention and he will consistently come before the Council with updates. He thanked the Commissioners and Attorney Friedman for getting the NIPSCO update for Kingsbury.

President Garner asked for a Meeting with Councilman Yagelski, Commissioner Decker and himself to discuss some projects, including Hupp Road. He said it is important to the County and Mr. Christian needs to spearhead it and get it done. Mr. Christian said it is moving as it never has before.

Councilman Yagelski said he has been involved in previous Economic Development projects and the investors ask very tough questions. Mr. Christian said the marketing graciously developed by Tonn and Blank is being used and important contacts are being kept and strengthened.

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

## **LIAISON REPORTS**

Council Kirkham attended a NIRPC Meeting and said INDOT is looking for CDL drivers.

Councilman Yagelski attended a NICTD Meeting and said some final wording is coming about the double-track going through Michigan City. Bikes on the train will begin in June. With the low gas prices, free trips will be offered to Chicago.

Councilman Yagelski explained that the deadline for the Positive Train Control was extended by the Federal Government and La Porte County will make that extension.

Councilman Bernacchi attended a PTABOA Reorganizational Meeting. The three big appeals being worked on are La Porte Hospital, La Porte Municipal Airport and The Blue Chip Casino. Springfield, Pleasant and Center Township assessments are being finished. The farmers have been filing personal property incorrectly, so those errors are being corrected. A cost schedule was adjusted and Councilman Bernacchi explained the change. He also attended a Finance Committee Meeting and the 800 MHz will be looked at later in the Meeting. In addition, with the elimination of 1099s, Councilman Bernacchi has asked the Boards to contact other Counties to determine appropriate compensation for them. He added his next Meeting is March 10<sup>th</sup> and that the meetings will be at 9:30 a.m. so additional hearings can be scheduled after the meetings.

Councilman Novak attended the Finance Committee Meeting and toured the new Courtroom after the Meeting. He also attended 911 Advisory Board, 800 MHz, Prosecutor and Community Corrections Meetings.

Councilman Santana is the Liaison to EMS and Andrew McGuire met with St. Anthony's Hospital officials on Wednesday, so President Garner and he will meet with him to get an update. He said EMA and Sheriff Boyd briefly discussed the 800 MHz radios. He also stays in touch with Tony Hendricks regarding Surveyor issues but there are none at this time. He is also Liaison to Jerry Cooley, who has an item under Appropriations, Transfer and Requests.

President Garner attended the Finance Committee where the proper funding for the 800 MHz was discussed. The Committee wants to insure the burden doesn't fall on other departments or taxpayers. He discussed Sheriff Boyd's item previously discussed in the Meeting. A Pension Board issue with a former employee is also pending, and the Annual Meeting for Purdue Extension is on March 30<sup>th</sup> at 6:00 p.m. at the Silver Palace.

Hearing or seeing no additional Liaison, President Garner closed Liaison Reports.

## **NEW BUSINESS**

*Reassign Part-Time Utility Inspector from County Highway to Planning & Zoning*  
This item was removed at the beginning of the Meeting.

### *800 MHz Radios and Towers*

*Larry Butcher, La Porte County EMA Director*

Mr. Butcher thanked the Council for the opportunity and said he enlisted professionals to assist in this project. He added that Sheriff Boyd was chosen as the spokesperson for this project. Sheriff Boyd said this is one of the most important things for Emergency Services that he has encountered in his 27+ years in law enforcement. After 9/11, it became clear that communication between emergency personnel was an issue. Andrew McGuire, as well as other deputies and firemen in the field, have encountered difficulty when trying to communicate to the necessary people/departments. The 800 MHz system will be the key and will allow personnel to communicate statewide and throughout the Midwest. In going over Motorola's proposal to bring La Porte County's VHF system up to date, Sheriff Boyd found it would be most cost-effective to go with the 800 MHz system. He thanked the Council for their support and for keeping the law

enforcement personnel safe so they can keep the community safe. He added there is a panel of experts in attendance to answer any questions.

President Garner said there were questions as to how many towers would be erected versus how many would be remodeled. Jay Burla from Motorola explained that the current design uses 3 additional towers to ensure complete coverage in the County. In-building coverage was addressed as well as in-home coverage. Therefore, 2 existing towers would be used, 2 towers would be added and one would be added at the new Michigan City Police Department for which it has already been budgeted. A benefit of the 800 MHz system is being able to draw from surrounding towers which include New Carlisle, North Liberty, two sites in St. Joseph County, Valparaiso and Starke.

Jeff Wiatrowski from La Porte County EMA said St. Joseph County is graciously allowing La Porte County to use its tower to transmit VHF at this time. There is concern that when St. Joseph County expands their system, they will request that La Porte County stop using those towers. Therefore, this proposal addresses that and includes getting La Porte County off of those towers. The KIP area is being looked at and will give the necessary coverage in the SE part of the County. He continued that, once the towers are built and paid for, IPSC has agreed, for the next 20 years, that hardware and software updates will be done at no cost to the County.

Dave Vice, Executive Director of IPSC (Indiana Integrated Public Safety Commission) said they are the agency for the 800 MHz communication system for the state. He clarified that IPSC will be responsible for the upgrades of equipment inside the shelters, or infrastructure, but the County would be responsible for the towers. He explained that, on the current sites, they have leases with private contractors. Their funding is dedicated and receive \$1.25 of the BMV fees per person, which equates to approximately 12 to 13 million dollars to operate the agency and the system and leases. In March 2015, a contract was signed with Motorola to upgrade their system. After 9/11 they received the funding, but it was not anticipated there would be 64,000 users on the system, which is the reason for the upgrade. IPSC will be picking up maintenance, which includes software updates every two years and hardware updates within 8 years. The State has made a commitment of 78,000,000.00 just on the maintenance project, leaving user equipment maintenance to the County.

Councilman Bernacchi asked if the amount discussed at the Finance Committee included the towers. President Garner replied yes and Mr. Butcher clarified it was approximately \$7.5 million. He added that coverage would be 95% inbound and outbound and would double the coverage that is currently available.

President Garner asked for clarification as to how many radios and towers are being considered. Mr. Wiatrowski said it would be 5 towers and 452 mobile radios and 700-800 portable radios.

President Garner asked about the Volunteer Fire Departments. Mr. Wiatrowski said the amount designated would depend on the amount of members, or amount of seats on the truck, whichever was less.

Councilman Kirkham confirmed that the new towers will be on County property. Councilman Novak said that, by upgrading to the new system will save the taxpayers a lot of money.

President Garner asked if this is the exact amount and no further money will be requested. Mr. Wiatrowski said that this is a bare-bones proposal and there isn't room for adjustments.

Mr. Butcher added that the amount is close, but not flexible for major adjustments.

Councilman Santana said there may be creative financing and will not create a burden for the County.

Councilwoman Sosinski asked, when the Finance Committee gets together, will various options be offered?

President Garner and Councilman Novak said various options would be offered. President Garner added that an additional Meeting will be set up to address any questions/issues.

Auditor Winski asked that the financial and/or any additional information also be given to her prior to the Meeting.

Joe Mann, Motorola Sales Manager, said there is also a contract that protects both Motorola and the County, which should be given to the County Attorney. Auditor Winski asked that it should also be forwarded to her. It was also clarified that the contract should go to both Attorney Biege and Attorney Friedman.

Councilmen Novak and Santana thanked all for the work that has been put into the project.

#### **OLD BUSINESS**

*None*

#### **CORRESPONDENCE**

*None.*

#### **ORDINANCES AND RESOLUTIONS**

*None.*

#### **APPROPRIATIONS, TRANSFERS, REQUESTS**

La Porte County Building Maintenance  
Requesting Permission to Hire  
Full-Time Janitor and Secretary Positions

Councilman Yagelski discussed the County Home employees. He made a Motion to put two of the employees into the positions available in Building Maintenance, one being Maintenance and the other being Secretarial.

Attorney Biege said there would need to be a Resolution pursuant to the DLGF.

A Motion was made by Councilman Yagelski and seconded by Councilman Novak for a Resolution for the Maintenance position. The Secretarial position was already hired.

Councilwoman Sosinski clarified that these are not new positions, but already in the Budget and are people being moved into those positions.



President Garner added, since Kay Felton, the County Home Administrator, is retiring, that the employees need to be told to seek new positions in the County. Ms. Felton said they are under contact with FSSA and the Commissioners need to give an end date if they choose to close the County Home.

Councilman Santana asked how many of the residents are La Porte County residents. Ms. Felton said all three are residents. Motion carried 7-0.

La Porte County Superior Court IV  
Requesting Permission to Replace  
Assistant Full-Time Bailiff

A Motion was made by Councilman Bernacchi and seconded by Councilman Santana to approve. Motion carried 7-0.

La Porte County Information Technology  
Requesting an Additional Appropriation  
from RIVERBOAT (1191) OR WIN TAX (4220)  
for Replacement of Four Copiers and Prism Software Maintenance \$102,000.00

Ms. Darlene Hale, La Porte County IT Director, and Mr. Aaron Sanderson from Kemp's Office City approached the Council. Ms. Hale explained that quotes and proposals were considered, but Kemps was chosen. Five copiers would be replaced this year and all would be put under the same contract. The reduction of printers would be evaluated at a later date. Therefore, \$68,565.00 is considered versus the \$102,000.00.

Councilman Yagelski asked when there will be a savings from Kemps. Mr. Sanderson said it would all be under one contract.

Councilman Novak asked if the copy machines would be standardized. Mr. Sanderson said yes and the only cost would be the staples and paper.

Ms. Hale said \$36,966.00 would cover the annual maintenance on all of the copiers. At budget time, there would only be one maintenance item. Mr. Sanderson will review any lease issues.

A Motion was made by Councilman Novak and seconded by Councilman Santana to approve \$68,565.00 out of RIVERBOAT (1191). Motion carried 7-0.

La Porte County Sheriff  
Requesting an Additional Appropriation  
from RIVERBOAT (1191) OR WIN TAX (4220)  
for Sheriff Rugged Laptops and Docking Stations (12) \$30,741.36  
for Sheriff Modems for Vehicles \$9,583.04  
for Sheriff School Resource Officer \$14,245.00

A Motion was made by Councilman Bernacchi and seconded by Councilman Novak to approve \$54,569.40 out of RIVERBOAT (1191). Motion carried 7-0.

La Porte County Economic Development  
Requesting Annual Appropriation  
from RIVERBOAT (1191) OR WIN TAX (4220)  
for Office of Economic Development

\$125,000.00

A Motion was made by Councilman Yagelski and seconded by Councilman Santana to approve \$75,000.00 out of RIVERBOAT (1191). The additional \$50,000.00 will be appropriated as needed. Motion carried 7-0.

#### COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Yagelski said that \$90,000,000.00 will be used for Positive Train Control.

Councilman Bernacchi said there will be a Finance Committee Meeting on February 23, 2016 at 3:00 p.m.

Councilman Yagelski said the cars and trucks that were promised were supposed to be bought by the 1<sup>st</sup> of the year. He said it is owed to the employees to get these vehicles replaced.

Councilman Novak said Commissioner Bohacek asked that the Finance Committee look into the vehicles.

Auditor Winski said the amounts were being looked into, but were not finalized yet. Mr. Cooley added that the amounts would be addressed at the March Council Meeting.

Councilman Kirkham asked about the cameras in the room. Mr. Cooley said it is being addressed and will also address the address the drops in service. The walkway is also being discussed.

Councilwoman Sosinski asked that the Council consider the sensitivity of the County Home and keep in mind that some residents deserve the decency of preparing them for the inevitable.

Councilman Santana asked that Councilman Bernacchi contact the Commissioners regarding the appraisal of the County Home.

Attorney Friedman approached and said that as soon as the appraisal is acquired, it will be given to the Council.

Councilman Santana asked about the vehicle lease program. Attorney Friedman said Commissioner Bohacek will be coming before the Council to address any questions/issues. He added that he has provided Mr. Metheny with all of his requested information.

#### ADJOURNMENT

A Motion was made by Councilman Santana and seconded by Councilwoman Sosinski to adjourn the Meeting. Motion passed 7-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 21<sup>st</sup> day of March, 2015.

  
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Councilman Matt Bernacchi

  
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Councilman Cary Kirkham

  
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Councilman Terry Garner

  
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Councilman Randy Novak

  
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Councilwoman Lois Sosinski

  
\_\_\_\_\_  
Councilman Jeff Santana

  
\_\_\_\_\_  
Councilman Mark Yagelski

ATTEST:   
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Joie Winski, La Porte County Auditor