



*LaPorte County Auditor
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**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
JUNE 19, 2017 AT 6:30 P.M.**

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on June 19, 2017 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 Jeff Santana called the Meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Chief Deputy Auditor Andrea Smith took the Roll Call. Council Members present were Councilmen, Garner, Kirkham, Mollenhauer, Novak, Santana, Sullivan, and Yagelski. A quorum was noted.

APPROVAL OF THE JULY 24, 2017 AGENDA

A motion was made by Councilman Mollenhauer and seconded by Councilman Sullivan to approve. Motion carried 7-0.

APPROVAL OF THE JUNE 19, 2017 REGULAR MEETING MINUTES

A Motion was made by Councilman Sullivan and seconded by Councilman Mollenhauer to approve. Motion carried 7-0.

PUBLIC COMMENT

President Santana prefaced Public Comment by saying he doesn't believe it is necessary for members of the audience to give their addresses when participating in Public Comment. He feels it is a safety concern and said that a person needs to provide his or her name only.

Dennis Metheny

Mr. Metheny reiterated that he is against the \$886,000 for the road St. Anthony's wants put in. He added that the grass has not been cut on Ohio Street. Regarding the 2017-6 Ordinance, Mr. Metheny wanted to

know if the money that was borrowed by the Fair Board is going to be forgiven before a new Board is established.

President Santana replied that this proposal will not be voted upon at tonight's meeting. If the Council decides to forgive the debt, he explained that a committee will be formed.

Mr. Metheny inquired as to how he should ask legitimate questions without being given access to the information that pertains to items on the Agenda. Attorney Friedman replied that the resolution being read tonight is only declaratory and the confirmatory resolution will be voted upon after a public hearing in July. He added that he will provide copies of these documents to Mr. Metheny. Councilman Novak gave his copies of the documents to Mr. Metheny.

Mark Guzek

Mr. Guzek came up and expressed his unhappiness over a resolution that he thought was going to be addressed at the meeting. Attorney Friedman clarified that it was scheduled to be presented at the Commissioners' meeting but it had been removed from their Agenda and referred to the Planning Commission. The Council allowed Mr. Guzek to express his thoughts and thanked him for speaking.

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

DEPARTMENT HEAD REPORTS

Lois Sosinski, La Porte County Recorder

Recorder Sosinski explained that Senate Bill 505 dictated that fees be updated to be more predictable for customers. She went on to detail the specifics of the bill and that information can be found on the La Porte County Recorder's Office website. Ms. Sosinski continued that her office will be rolling out some programs at no cost to the County. The first is Property Fraud Alert which she plans to implement in July. This program will allow the Recorder's Office to alert a taxpayer if fraud is detected in reference to his or her property. The other program pertains to having veterans their DD214s in order to obtain a bonus card to use at various establishments in the County. Ms. Sosinski hopes to implement this program in November.

Councilman Novak asked about the timing of these programs. Recorder Sosinski explained that she plans on rolling the Fraud Alert program in July and presented the possibility that the vendor could come to a Council meeting to explain the program. She added that 52 of the 90 Indiana counties are e-recording and all counties are e-notarizing. When she took over the Recorder's Office, she realized that the office is funding the Perpetuation Fund, the General Fund, the Elected Official's Fund and the Surveyor's Fund. Recorder Sosinski added that she will create a spreadsheet to estimate the amount of money that will be collected by the new fees. In addition, recording fees for mortgages will be a flat fee of \$55.00 instead of charging per page. She said she learned a lot from the Education Symposium about making the Recorder's Office more relevant.

Michael Schultz, La Porte County Assessor

Assessor Schultz explained that he is requested permission to replace the COMOT IV, PTABOA Secretary/Exemption Clerk in his office, which is paid out of the Reassessment Fund. A motion to approve was made by Councilman Yagelski and seconded by Councilman Sullivan. Motion carried 7-0.

Dennis Orr, Assistant Director, La Porte County Juvenile Services Center

Mr. Orr explained that he is requesting permission to fill an unexpected vacancy in the department. A motion to approve was made by Councilman Novak and seconded by Councilman Kirkham. Motion passed 7-0.

Mitch Bishop, La Porte County Planner

Mr. Bishop stated he is applying for the Community Connections Grant which requires a commitment letter from the County. The grant is for \$1,000,000 with a matching amount for a total of \$2,000,000. If obtained, it will be used to pave Johnson, Joliet, and Severs.

Councilman Yagelski asked if the grant could be used for more than just paving because Johnson Road needs more maintenance than just a blacktop. Mr. Bishop replied that the blacktop could be thicker, but it is primarily a paving and preservation grant. He added that he will investigate whether or not the use of the grant could be expanded.

A motion to endorse was made by Councilman Yagelski and seconded by Councilman Novak. Motion carried 7-0. Mr. Bishop presented the commitment letter to President Santana for his signature and stated that committed money would come out of LOIT Emergency Reserve Fund.

Mr. Bishop confirmed that he will send out an email with the results of his research into the use of the grant.

Jerry Sullivan, La Porte County Highway Engineer

Mr. Sullivan stated that construction on Bridge 114 has been completed but the bill has not yet been received. He added that he is confident that the cost will be significantly less than the \$40,000 to \$45,000 originally anticipated. He also said that a vehicle destroyed one of the guard rails and a temporary guard rail is being used now. In addition, one of the pillars was damaged and is being evaluated.

Councilman Yagelski asked if the County Highway budget will be utilized, and Mr. Sullivan stated yes and he does not anticipate the need to request money from the Council. However, if there is consequential damage to the beams, there may be additional costs.

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

LIAISON REPORTS

Council Kirkham stated that the Parks Department and Animal Shelter will be starting their summer camps. He attended a Government Affairs breakfast and a Rail Summit in Chicago with members of the Redevelopment Commission. He learned about the rail situation in the United States and shipping in deep water ports.

Councilman Sullivan stated that per the Treasurer's Office, the date of the County Property Tax Sale has been changed from August 10th to October 26th. He added that a property owner has to be 10 months in arrears to be placed on the sale. There are approximately 2,000 parcels that may be placed in the sale. Prairie Township is the only one to have no parcels in the tax sale and Wills and next with only 5.

Councilman Novak had nothing at this time.

Councilman Garner said that he had spoken to Recorder Sosinski and she did an excellent job on her presentation.

Councilman Mollenhauer attended a luncheon for Sheriff's employee Bob Blair who retired after 25 years of service. He said Mr. Blair did a splendid job and congratulated him.

Councilman Yagelski discussed the IT spyware and ransomware issues. He said that additional insurance will be presented at next month's meeting; the cost is approximately \$15,000 for \$1,000,000 of liability.

President Santana had no updates at this time.

NEW BUSINESS

Annemarie Polan, Fees for Solar Panels

Cindy Kreske represented Anne Marie at the meeting. She explained this item was already approved at a previous Planning Commission meeting, so it was now being brought before the Council.

President Santana asked for a brief description of the solar panel fees. Ms. Kreske said that residents are being put on roofs and the grounds so a fair fee was set up; \$125 for the first 10 kilowatts with \$25 for each additional 10 kilowatts on the same property.

Councilman Garner asked if a qualified professional will be assisting customers with installation. Ms. Kreske replied that John Niegos will, and inspections will be performed. She added that specialty classes are required.

President Santana asked if the fees are for both new and existing dwellings and Ms. Kreske said it applies to all new installation of panels. She was unsure if existing panels will incur any fees.

A motion was made by Councilman Novak and seconded by Councilman Sullivan to approve the new fee structure.

Councilman Kirkham asked for the purpose of fees for solar panel installation. Ms. Kreske explained it is to insure that the panels are installed correctly. She also confirmed that the La Porte County fees are in line with other Counties, even though some are higher and some are lower.

Councilman Kirkham asked if the solar panel fees will also apply to those people who use solar panels to heat their pool water, and Ms. Kreske replied yes.

Councilman Yagelski asked for clarification on how the amount of kilowatts used is determined. He added that if Ms. Kreske didn't know, it was fine but he said he would not be able to vote on a solar panel for a pool because it is not the same as an electrical solar panel.

Councilman Novak amended his motion for only electrical solar panels; there is no purpose to charge for solar panels that have no electricity.

Councilman Garner asked why the department just doesn't charge a flat electrical fee. Ms. Kreske stated she believes more is involved such as weight loads on the roofs. However, Councilman Garner said the fees relate to electricity.

Councilman Novak made a motion and Councilman Sullivan seconded to rescind the previous motion and table the item until additional information can be provided. Motion carried 7-0.

Lynne Spevak, Requesting to Pay 4 Weeks of Vacation and 80 Hours of Compensatory Time to Retiring Employee

Treasurer Spevak stated that Melanie Horton, who is retiring July 1st, accumulated major overtime hours that have been reduced to 80. Councilman Yagelski said that she had over 200 compensatory hours which should never have been allowed to happen.

Therefore, a motion was made by Councilman Yagelski and seconded by Councilman Garner to pay Ms. Horton for the 4 weeks of vacation.

Councilman Mollenhauer asked if Ms. Horton is taking time off by using vacation hours, but Treasurer Spevak said she is using some of her compensatory hours and will do so for an additional two weeks.

Councilman Novak stated that no more than 80 accumulated hours should be allowed and Councilman Garner asked who oversaw the occurrence of this event. Treasurer Spevak replied the previous office holder.

President Santana stated that because Ms. Horton gave her notice in April, she could have been using these compensatory hours to take time off. Treasurer Spevak said that it was a busy time in the Treasurer's Office and Ms. Horton was working out of Michigan City.

The Council insured Treasurer Spevak that she is not being blamed for this situation but their hands are tied and they need to follow the established rules.

Attorney Friedman explained that the request to reimburse compensatory hours is usually accompanied by a recommendation from Human Resources.

Motion to approve payment of 4 weeks of vacation carried 7-0.

A motion to table the payment of the 80 hours of compensatory was made by Councilman Yagelski and seconded by Councilman Garner. Motion carried 7-0.

Treasurer Spevak asked for guidance on what to do when Ms. Horton retires on July 1st. Attorney Friedman stated that the Council approved the payment for the 4 weeks of vacation but cannot approve the compensatory hours without input from Human Resources. He added that the request must be in writing.

President Santana clarified that something needs to be distributed regarding the compensatory hours and Attorney Friedman stated that it could come from Human Resources.

Tony Mancuso, Nursing Division's Crib Program Donation Account

Councilman Mollenhauer explained that Mr. Mancuso could not attend the meeting but an email explaining the program was sent to all Council members. This program, which distributes pack-and-play cribs to those in need, has lost its state funding so Mr. Mancuso is asking permission to create a donation account for the Nursing Division's Crib Program.

Chief Deputy Andrea Smith explained that the donation account would be similar to that of EMS and the Auditor's Office could set it up.

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

Barb Mossman, Human Resources, YMCA Diabetes Prevention Program

Due to the absence of Ms. Mossman, Dr. Vidya Kora gave the presentation. He explained the high cost of diabetes and the YMCA program to address education on diabetes prevention. The cost of the program is \$400 per year and if a person successfully adheres to the program, prescription drug costs and costs related to diabetic complications can be reduced. Therefore, if an employee successfully completes the program, his or her costs could be reimbursed; it would improve the employee's health and productivity. The total cost depends on how many employees participate.

Councilman Yagelski stated that Purdue Extension offers a similar program at a lesser cost. Therefore, he asked that Purdue be considered and the best program would then be approved. Dr. Kora said that he would invite Purdue to the Insurance Committee to give a presentation and then come back before the Council with a recommendation.

A motion to accept the Insurance Committee's recommendation upon further investigation of alternative programs was made by Councilman Yagelski and seconded by Councilman Kirkham. Motion carried 7-0.

Chief Deputy Andrea Smith confirmed that the program addresses both Type 1 and Type 2 diabetics.

OLD BUSINESS

CORRESPONDENCE

Letter from La Porte County Historical Society

Chief Deputy Andrea Smith read a letter from the Historical Society complimenting the work done by Mr. Gramarossa and the Maintenance Department.

Councilman Novak and President Santana congratulated Mr. Gramarossa.

ORDINANCES AND RESOLUTIONS

Consider Retroactive Approval of Council President's Declaration of Emergency Repairs Needed for Bridge No. 114

President Santana read the Declaration he signed on Bridge No. 114 emergency repairs.

A motion to retroactively approve the Declaration for Emergency Repairs was made by Councilman Kirkham and seconded by Councilman Sullivan. Motion carried 7-0.

Consider Ordinance Authorizing Emergency Appropriation for such Repairs 2017-6A

Attorney Friedman stated that the Council can forego the standard rules and consider both readings of the emergency ordinance tonight.

A motion to approve the ordinance by first reading by title only was made by Councilman Kirkham and seconded by Councilman Novak.

Councilman Yagelski affirmed that the Council voted against the bridge repair but this is not part of that decision.

Motion carried 7-0.

A motion to consider on second reading to suspend the rules and allow a second reading of the emergency ordinance was made by Councilman Mollenhauer and seconded Councilman Kirkham. Motion carried 7-0.

Ordinance No. 2017-5 Amending the Composition of the Job Evaluation Committee (Second Reading)

A motion to read by title only was made by Councilman Yagelski and seconded by Councilman Sullivan. Chief Deputy Auditor Andrea Smith read by title only. Motion carried 7-0.

Ordinance No. 2017-B Lease Terms Pertaining to the La Porte County Fairgrounds and Proposed Formation of New Non-Profit to Manage and Maintain the Fairgrounds

Attorney Friedman made a recommendation to have Chief Deputy Auditor Smith read the full resolution into the record. A motion to approve this reading was made by Councilman Yagelski and seconded by Councilman Novak. Chief Deputy Auditor Smith read the resolution.

Councilman Yagelski spoke to Attorney Friedman regarding the profits. Attorney Friedman stated that profit-sharing is part of the resolution. First, there is forgiveness of the loan which represents an investment in public property; second, there is reference to the \$1 per year rent; lastly, in years going forward, when there is excess revenue, the County and its taxpayers are the beneficiaries of the events and/or exhibitions at the Fair Grounds.

Councilman Garner explained that \$250,000 was put toward the Fair Grounds; the Fair Association had to pay for the sewer line that went to Community Corrections out of that money. Approximately \$100,000 in piping, etc. was used for the referenced sewer line.

Motion carried 7-0.

Ordinance No. 2017-0 Record Outstanding Encumbrances for 2016 to 2017 (First Reading)

Chief Deputy Auditor Smith explained that the DLGF requires a list of the outstanding encumbrances from 2016 into 2017 and that this is a yearly occurrence.

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

Public Hearing on Confirmatory Resolutions for Tax Abatement on Kingsbury Elevator Project

Attorney Friedman explained that this is a declaratory resolution and there will be second and third motions to authorize public notice for the confirmatory notice to be held in July.

Mary Jane Thomas stated that Kingsbury Elevator is seeking a tax abatement for real and personal property at their facility located in Kingsbury Industrial Park. Their real property investment will be \$2,250,000 in rail track, new office buildings, and storage bins; their personal property investment will be \$700,000 for loading and unloading conveyors, semi-tractors, trailers and a truck scale. They plan on retaining the 37 employees they currently have and adding an additional 10 employees as a result of this investment. In March, 2014, Kingsbury Elevator received a tax abatement of approximately \$1,600,000 for personal property and \$2,900,000 for real property making their total investment in the property of over \$8,000,000. In addition, they have complied with their annual compliance since 2014 and have exceeded their employment goal of 12 by 3.

A motion to approve was made by Councilman Garner and seconded by Councilman Mollenhauer.

Ms. Thomas stated that the abatement didn't expire but the designation of an economic revitalization area expired after two years. Therefore, the declaratory resolution is recreating the economic revitalization area so Kingsbury Elevator can be eligible for the abatement to be heard in July.

A motion to read Resolution 2017-6 before the vote was made by Councilman Yagelski and seconded by Councilman Kirkham. Chief Deputy Auditor Smith read the resolution by title only. Motion carried 7-0.

A motion to approve Resolution 2017-6 was made by Councilman Garner and seconded by Councilman Mollenhauer. Motion carried 7-0.

Chief Deputy Auditor Smith read Resolution 2017-6A by title only. A motion to approve Resolution 2017-6A was made by Councilman Novak and seconded by Councilman Sullivan. Motion carried 7-0.

A motion to approve the public notice for the hearing on the resolution for the tax abatement for Kingsbury Elevator was made by Councilman Garner and seconded by Councilman Kirkham. Motion carried 7-0.

Attorney Friedman stated that the Lindborgs will be in attendance at a meeting of the Rail Committee of the Redevelopment Commission on July 5th.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Plan Commission

Requesting Permission to Transfer/Spend

From 2067-00000-000-0000 to 2067-41003-000-246

For New Printer/Scanner

\$6,500.00

A motion to approve was made by Councilman Garner and seconded by Councilman Sullivan. Motion carried 7-0.

La Porte County Adult Probation

Requesting Permission to Spend

From Probation User Fees (2102)

For PA Speaker, Splitter/Amplifier, Court Reporter Chair, and Desk Lamps (3)

\$750.00

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

La Porte Sheriff's Department

Requesting an Additional Appropriation

From Riverboat (1191) or Win Tax (4220)

For Merit Overtime

\$60,000.00

A motion to approve out of Riverboat (1191) was made by Councilman Garner and seconded by Councilman Yagelski. Motion carried 7-0.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Yagelski said farewell to Chief Deputy Auditor Andrea Smith and the Council wished her good luck. Councilman Kirkham wished all a happy 4th of July.

President Santana stated that there will be an Accounting Workshop at 5:00 p.m. and an RDC Workshop at 6:00 p.m. before the July 24th meeting. In addition, Budget Hearings are scheduled for August 7th, 8th, and 9th (if necessary) beginning at 9:00 a.m.

ADJOURNMENT

A motion was made by Councilman Novak and seconded by Councilman Kirkham to adjourn the meeting. Motion passed 7-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 24th Day of July, 2017.



Councilman Terry Garner




Councilman Cary Kirkham



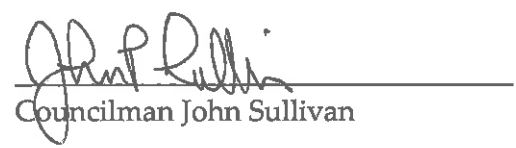
Councilman Mike Mollenhauer



Councilman Randy Novak



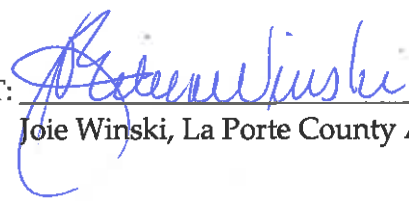
Councilman Jeff Santana



Councilman John Sullivan



Councilman Mark Yagelski

ATTEST: 

Joie Winski, La Porte County Auditor