



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

**MINUTES  
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL  
SEPTEMBER 25, 2017 AT 6:30 P.M.**

*(Please Turn Off All Cell Phones)*

The Regular Meeting of the La Porte County Council was held on September 25, 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. He also acknowledged the students in attendance.

**ROLL CALL**

Auditor Joie Winski took the Roll Call. Council Members present were Councilmen, Garner, Mollenhauer, Santana, Sullivan, and Yagelski. A quorum was noted. President Santana added that Councilman Novak had prior obligations but will join them shortly, and Councilman Kirkham is attending a Council Conference.

**APPROVAL OF THE SEPTEMBER, 2017 AGENDA**

A motion to approve was made by Councilman Sullivan and seconded by Councilman Mollenhauer. Motion carried 5-0.

**APPROVAL OF THE AUGUST 28, 2017 REGULAR MEETING MINUTES**

A motion to approve was made by Councilman Garner and seconded by Councilman Sullivan. Motion carried 5-0.

**PUBLIC COMMENT**

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

Mr. Metheny read a prepared statement regarding comments he made at the March 17, 2017 County Council meeting during Public Comment. He stated that he spoke regarding opioid addiction in La Porte County and unintentionally suggested that Dr. Vidya Kora overprescribed opioids to his patients and

engaged in professional misconduct as a physician. He continued that he has no basis to believe that, and wants to publicly apologize to Dr. Kora. In addition, Dr. Kora filed a defamation lawsuit against him, which has been settled to the satisfaction of both parties. Mr. Metheny agreed to pay Dr. Kora \$20,000.00 for reimbursement of his legal fees, and he then stated any future comments he makes in this forum will be conducted in civility.

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

#### **DEPARTMENT HEAD REPORTS**

*Lois Sosinski, La Porte County Recorder*

Ms. Sosinski explained the Property Fraud Alert program her office will be implementing. After attending an education symposium and networking with other county Recorders, Recorder Sosinski decided this program would be valuable to La Porte County taxpayers. She explained it is no additional cost to the County and a free service to the taxpayers. Property fraud is when someone illegally uses your property for financial gain and/or records a fraudulent document in the County land records' office; according to the FBI, property and mortgage frauds are some of the fastest growing white collar crimes. If a taxpayer is signed up for the service, he or she will be notified if a document is filed against your property and/or name. To sign up for the service, a taxpayer needs to provide his or her name and a preferred contact method. Handouts can be found in the Recorder's Office, a link can be found on the La Porte County Recorder's website, and Ms. Sosinski will be distributing information to local title companies, financial institutions, and realtors.

Councilman Sullivan said this program sounds excellent, especially for the elderly. Recorder Sosinski added that if a fraudulent document is recorded against a person's name or property, he or she would be notified within minutes if the person has previously signed up for the service.

*Larry Butcher, La Porte County EMA Director*

Mr. Butcher stated that the final testing for the 800 MHz project will be done tomorrow between 10:00 a.m. to 2:00 p.m. They will then be going live at 6:00 a.m. on October 3<sup>rd</sup>. Mr. Butcher said that after the switch, the regular scanners to which people listen will no longer work with the 800 MHz radios; only P25 capable scanners with this system.

Councilman Yagelski inquired as to the average price for a P25 capable scanner and Mr. Butcher replied approximately \$600.00. Councilman Yagelski then asked if there are any apps that would be capable of being used, but Mr. Butcher said he hasn't researched that. However, he is not confident that the P25 capability would be available on a cell phone.

*Joie Winski, La Porte County Auditor*

Auditor Winski stated that the next tax sale will be on October 26<sup>th</sup> at 8:30 a.m. Please contact the Auditor's or Treasurer's Offices with any questions.

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

#### **LIAISON REPORTS**

Councilman Sullivan said that all of his liaisons are being addressed at the meeting so he has nothing at this time.

Councilman Garner spoke with Recorder Sosinski about some confidential issues. He also attended an Economic Development meeting.

Councilman Mollenhauer attended a Sheriff's Merit Commission Meeting on September 14<sup>th</sup> and the 37<sup>th</sup> anniversary ceremony at Neil Thompson's gravesite, who lost his life in the line of duty. He said Neil Thompson will never be forgotten and he appreciates that Sheriff Boyd continues with the yearly ceremony.

Councilman Yagelski attended a meeting with the Courts and Judicial System on September 21<sup>st</sup> and will attend another one on October 5<sup>th</sup>. He also has a meeting with the Attorneys and Judges and will have a full report at the next meeting.

President Santana said Ken Purze from the Drainage Board is being addressed during the Appropriations, Transfers, Requests portion of the meeting. He spoke with EMS Director Andrew McGuire who will also be addressed during the same portion. He stated that Mr. Gramarossa is not in attendance this evening but he assured President Santana that he is doing the best he can with his staff and their responsibilities. President Santana said he told Mr. Gramarossa he might have to contract out the larger jobs that the staff can't complete, and/or have them work overtime on the weekends in order to keep the heavy duty cleaning from falling behind. He added that there is a resolution toward the end of the Resolutions and Ordinances that will be addressed. President Santana, Councilman Novak and Commissioner Kora met with Congressman Pete Visclosky who expressed his support of La Porte County.

Councilman Novak said that if any citizens of La Porte County need any type of assistance, Congressman Visclosky asked that he be contacted, or Councilman Novak said to contact him and he would contact Congressman Visclosky. He said he attended several Rail Committee meetings and will be attending additional meetings in the future.

## **NEW BUSINESS**

### **Appointment of Council Liaison for Paladin, Inc.**

A motion to appoint President Santana as liaison was made by Councilman Yagelski and seconded by Councilman Novak. Motion carried 6-0.

### **Consider Authorizing Council President to Sign Support Letter for an Economic Development Grant to Indiana Economic Development Corporation**

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

## **OLD BUSINESS**

### **Reconsider Additional Appropriation for Bridge No. 18-875 West Land Acquisition - \$8,000.00 and Second Phase of Bridge No. 18-875 West Land Acquisition - \$30,000.00 from Cumulative Bridge Fund (1135)**

Councilman Yagelski met with Bob Young, the Engineer, the Planner, and the County Highway Bridge Foreman, to who he expressed his dismay over what has previously happened with this bridge. This became classified as the worst bridge in our County. American Structurepoint won the bid for the bridge and from now on, the Bridge Foreman will be more involved with the repair of the bridge. The cost will be approximately \$1.25 million dollars and he recommends moving forward. A motion to approve was

made by Councilman Yagelski and seconded by Councilman Novak. Motion carried 5-1, with Councilman Garner voting Nay.

## **CORRESPONDENCE**

None

## **ORDINANCES AND RESOLUTIONS**

### **Ordinance No. 2017-8 Second and Final Reading Authorizing Appropriation from Major Bridge Fund for Repairs to Franklin Street Bridge**

Auditor Winski read Ordinance 2017-8 by title only. A motion to approve was made by Councilman Sullivan and seconded by Councilman Mollenhauer. Councilman Yagelski asked for clarification from Auditor Winski. Auditor Winski said this is a second reading authorizing an appropriation from Major Bridge Fund for repairs to the Franklin Street Bridge. Attorney Friedman added that this was the emergency appropriation signed off by President Santana and had to be followed up by an ordinance. The first reading has already taken place.

Motion carried 4-2, with Councilmen Garner and Yagelski voting Nay. Councilman Novak added that the bridge was down twice over the previous weekend.

### **Ordinance No. 2017-9 First Reading of an Ordinance Amending Chapter § 151.27 ("Building Permit Fees Schedule") of the La Porte County Building Code**

Auditor Winski read Ordinance No. 2017-9 by title only. A motion to approve was made by Councilman Garner and seconded by Councilman Novak. Motion carried 6-0. Attorney Friedman stated that the rules could be suspended and passed on second reading, or it could be held over until next month.

A motion to amend the rules and move to second and final reading was made by Councilman Yagelski and seconded by Councilman Sullivan. Motion carried 6-0.

### **Consider Approving 2 Resolutions – No. 2017-9 and No. 2017-9A in Support of Restructuring Major Moves Repayment to Allow Certain Amounts in KIP TIF District and in I-94/421 TIF District to Support RDC Operations/Economic Development Activity and Repayment to Major Moves When Over \$500K in TIF Revenue is Generated in Either District – Karl Cender, Cender & Company**

Auditor Winski read both resolutions by title only. Attorney Friedman stated that these two resolutions refer to resolutions that have already been approved by the Commissioners and Redevelopment Commission which bear on the resolutions tonight. He explained that it is to restructure the payback to the Major Moves Fund for money borrowed for Economic Development projects at both I-94/421 and the KIP TIF. The amounts are recommended by the County financial advisor, Karl Cender. Essentially the first \$150,000.00 received in TIF increment annually in each TIF district would support redevelopment operations. From \$150,000.00 to \$500,000.00 in TIF increment would be to build up funds for debt service. Anything over \$500,000.00 would be used to pay back the Major Moves fund.

Councilman Novak said this will allow the Redevelopment Commission to have some money on which to operate, without eliminating the possibility of pay back to the Major Moves fund.

A motion to approve the I-94/421 was made by Councilman Novak and seconded by Councilman Sullivan. Motion carried 5-1, with Councilman Yagelski voting Nay.

A motion to approve the KIP TIF was made by Councilman Sullivan and seconded by Councilman Novak. Motion carried 5-1, with Councilman Yagelski voting Nay.

**Resolution No. 2017-9B Resolution granting Additional Appropriation for the LaPorte County Public Safety Department to use remaining funds for the 800 MHZ Project.**

Chief Deputy Auditor Deckard explained that 2017-9B was required by the DLGF because the full amount of the project was appropriated in 2016 but a portion of the project was spent in 2017. Therefore, the resolution is for the additional appropriation for the money that was spent this year.

A motion to grant the additional appropriation was made by Councilman Sullivan and seconded by Councilman Yagelski. Auditor Winski read by title only. Motion carried 6-0.

**APPROPRIATIONS, TRANSFERS, REQUESTS**

**La Porte County Board of Commissioners  
Requesting an Additional Appropriation  
From Riverboat (1191) or Win Tax (4220)  
For Kankakee River Basin**

**\$34,050.00**

A motion to approve out of Riverboat (1191) was made by Councilman Yagelski and seconded by Councilman Garner. Motion carried 6-0.

**La Porte County Highway  
Requesting an Additional Appropriation  
From Riverboat (1191)  
For Two Plow Trucks**

**\$38,983.10**

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

**La Porte County Sheriff's Department  
Requesting Permission to Spend  
From Misdemeanant Fund (1175)  
Requesting Additional Appropriation  
From Riverboat (1191) or Win Tax (4220)  
For Jail Body Scanner  
Total**

**\$100,000.00**

**\$99,000.00**

**\$199,000.00**

Sheriff Boyd stated that the first request is for a body scanner for the jail due to the influx of drugs and contraband that are getting into the jail. The Supreme Court has limited the amount of searches that can be done, absent of probable cause. Therefore, the body scanner will enable the office with probable cause to search an inmate if necessary. The office has reached out to correctional facilities, had some

presentations, and also some site visits, most recently to Hamilton County. In addition, Sheriff Boyd has communicated with Mr. Buell of Community Corrections, who completely supports this. Sheriff Boyd also offered the use of the scanner to any of Mr. Buell's clients who he may find the need to scan. Sheriff Boyd introduced Jail Commander Derek Allen, Chief Deputy Ron Heeg, and Dennis Wolfe from Canon Virtual Imaging.

A motion to approve \$100,000.00 for the Jail Body Scanner and \$2,247.50 for Mats from the Misdemeanant Fund (1175) was made by Councilman Yagelski and seconded by Councilman Novak. Motion carried 6-0.

A motion to approve \$99,000.00 for the Jail Body Scanner from Win Tax (4220) was made by Councilman Sullivan and seconded by Councilman Garner.

Councilman Garner inquired as to the lifespan of the scanner. Mr. Dennis Wolfe approached and stated it is typically seven to ten years. He added that a five-year maintenance program and training is added to the contract. He described that the scanner looks like a metal detector, except the person stands on a platform that moves them through the frame. It will show contraband on the outside but also on the inside in case something has been ingested. He added that pacemakers, insulin pumps and medical pumps are not affected by the radiation. President Santana asked if inmates and visitors will both be scanned. Mr. Wolfe said that decision would be up to the County and/or the Sheriff. It can be used for anyone coming into the jail. Councilman Mollenhauer thanked the Sheriff for including him in the presentation(s) and asked if employees would be scanned. Jail Commander Allen they are going to follow existing policies and determine what needs to be included or deleted. He added that in Hamilton County, there have been numerous successful finds through the use of the scanner. Councilman Yagelski asked if there are any legal challenges associated with the device, but Mr. Wolfe said it has helped and held up in court in many cases. The time frame from purchase order to use is less than thirty days. Councilman Mollenhauer said that there the employees at the jail are competent but there may always be a bad apple, so he asked Jail Commander Allen if he is looking at having the employees also scanned. Mr. Allen replied that it has not yet been determined if employees are being scanned, but added that in Hamilton County, they are not scanning employees. There are different though processes, one being that employee scanning will lower morale. In addition, scanning employees is very personal and might illuminate something carried by the employee of which the employer may not be aware.

Attorney Friedman asked if there is an exemption for local attorneys or if scanning would apply to only out of county attorneys. Mr. Allen replied that most of the meetings between inmates and attorneys are in a divided area where there is no hand-to-hand contact. However, if it is determined that a hand-to-hand contact meeting is necessary, scanning will be determined on a case-to-case basis. Attorney Friedman added that scanning all Public Defenders would be a problem, but that scanning out of county attorneys would be required. Mr. Allen said the concern is the individuals taken in from other counties that don't have scanners and the fresh arrests coming in off of the street. In addition, those that leave and go to court and make re-entry would be scanned again. President Santana said that it would be advantageous to scan the work release inmates.

Councilman Mollenhauer asked if any portion of this can be paid from the Commissary account. Sheriff Boyd said it would be difficult to dedicate any amount from that account to this because so many other bills are paid from that fund.

Motion carried 6-0.

**La Porte County Sheriff's Department**

**Requesting Permission to Spend**

**From Misdemeanant Fund (1175)**

**For Jail Mats**

**\$2,247.50**

This item was previously approved.

**La Porte County Sheriff's Department**

**Requesting an Additional Appropriation**

**From Riverboat (1191) or Win Tax (4220)**

**For Inmate Food**

**\$125,000.00**

A motion to approve out of Win Tax (4220) was made by Councilman Yagelski and seconded by Councilman Novak.

Councilman Mollenhauer expressed concern that this is the second or third time that the Council has been approached about this request. Sheriff Boyd said it was the second request, the first being May. He added that the inmate population has increased, and toward the end of 2016, some of the bills were paid out of money that was appropriated for 2017. Councilman Mollenhauer asked for the amount that was paid for the bills, but Sheriff Boyd stated he would have to research that and let him know. Councilman Mollenhauer continued that as Sheriff, he never came before the Council as many times, except when the population was at 487 inmates. He hopes that the purchase of the food is still staying local and hopes that the matron is considering the cost of food. Sheriff Boyd stated that the cost per meal is \$1.20 and the state says it should be \$1.21, so it is within the appropriate limit. He added it is being monitored, but said they are also paying for meals from the work release center. Councilman Novak said that the state reimburses for the work release meals, which was confirmed by Auditor Winski. That money goes into the general fund and not the Sheriff's account. Sheriff Boyd said there is proposed legislation where the Sheriff would be allowed to create an account for reimbursements for prisoners so the Sheriff's office could keep that money in an account instead of approaching the Council. President Santana asked if number of meals going to Community Corrections has decreased. Sheriff Boyd said slightly, but approximately 34,000 meals are served there over during the year.

Motion carried 6-0.

**La Porte County EMS**

**Requesting an Additional Appropriation**

**From Riverboat (1191) or Win Tax (4220)**

**For EMS Overtime (Original Payment of Medicaid Reimbursement)**

**\$37,638.34**

**Fuel**

**\$15,000.00**

**Computer Replacement Program**

**\$12,900.00**

**Total**

**\$65,538.34**

Andrew McGuire explained that in May, he came before the Council in regard to a Medicaid Reimbursement program. It was necessary to pay the state's portion in advance, which was \$37,638.34. He was directed to pay it out of the Overtime budget, and has now received reimbursement of \$112,808.49, netting a profit of \$75,170.15. Therefore, he is asking to re-appropriate the \$37,638.34 back into the Overtime budget so he is able to pay his overtime through the end of the year.

A motion to approve \$37,638.34 out of Riverboat (1191) was made by Councilman Sullivan and seconded by Councilman Novak. Motion carried 6-0.

Mr. McGuire stated that EMS call volume is up from 2016. There is \$5,400.00 left in the account, and the average is approximately \$5,200.00 per month. Therefore, he is asking for an additional \$15,000.00 for fuel costs through the end of 2017.

A motion to approve out of Riverboat (1191) was made by Councilman Yagelski and seconded by Councilman Sullivan. Motion carried 6-0.

Mr. McGuire explained when a computer inventory was completed, it was discovered that all of the computers were purchased at the same time, which indicates they would also all have to be replaced at the same time. With Darlene Hale’s recommendation, Mr. McGuire is slowing replacing the computers within a four or five year period. This request is for the purchase 8 computers, software and accessories.

A motion to approve out of Riverboat (1191) was made by Councilman Yagelski and seconded by Councilman Sullivan. Motion carried 6-0.

**La Porte County Animal Shelter**  
**Requesting Permission to Transfer**  
**From Shelter Donation Fund (4100)**  
**For Part-Time Account**

**\$13,000.00**

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

**La Porte County Human Resources**  
**Requesting an Additional Appropriation**  
**From Riverboat (1191) or Win Tax (4220)**  
**For Drug Screening**

**\$2,000.00**

A motion to approve out of Riverboat (1191) was made by Councilman Novak and seconded by Councilman Yagelski. Motion carried 6-0.

**La Porte County Superior Court No. 3**  
**Requesting an Additional Appropriation**  
**From Riverboat (1191) or Win Tax (4220)**  
**For Payment of Sick Days for Retiring Employee**

**\$3,440.00**

A motion to approve out of Riverboat (1191) was made by Councilman Sullivan and seconded by Councilman Mollenhauer. Councilman Yagelski asked if the amount being requested falls into normal parameters for sick day payment. Auditor Winski replied yes. Motion carried 6-0.

**La Porte County Clerk**  
**Requesting Permission to Hire**  
**For Replacement of Comot IV Position**

A motion to approve to replace positions for the Clerk, Assessor, and Treasurer was made by Councilman Yagelski and seconded by Councilman Sullivan. Motion carried 6-0.

**La Porte County Assessor**  
**Requesting Permission to Hire**  
**For Replacement of Comot IV Position**

This request was previously approved.

**La Porte County Treasurer**  
**Requesting Permission to Hire**  
**For Replacement of Retired Employee**

This request was previously approved.

Councilman Yagelski asked if there is a secretarial position in Building Maintenance that needs to be replaced. Attorney Friedman said if it the pleasure of the Council, they can proceed with authority to hire. A motion to approve replacement of the secretarial position in Building Maintenance was made by Councilman Yagelski and seconded by Councilman Garner. Motion carried 6-0.

**COUNTY COUNCIL/ATTORNEY COMMENTS**

President Santana announced that the next Council meeting will be October 30, 2017. He thanked Bob Young from the Highway Department for assisting him with issues that citizens brought to him.

Councilman Mollenhauer congratulated Doris Krenzke on her retirement, and noted she has always been a very valuable employee. He then asked about the random drug testing and Attorney Friedman replied that it is moving forward. Attorney Friedman added that the judges wanted to meet for a workshop, but believes that they will understand why this is being asked for uniformly of all County employees. However, it is suggested to address it in workshop fashion. Councilman Novak stated it should be added to the next agenda.

Attorney Friedman stated he checked jointly with the County Attorney's office on the warranty for the old jail water heater to see if a claim could be made. It was found to be out of warranty and also had some issues with regard to maintenance that would not have allowed for a warranty claim. In addition, the document retention policy was discussed with Attorney Biege. It was determined that there is a specific file destruction policy but each department maintains warranty information for the equipment in the respective departments. However, Attorney Biege is looking into how to possibly tighten that up. Auditor Winski also advised that specific Indiana codes require the retention of certain documents. The list can be provided to the Council. Lastly, he discussed the policy on limits of compensation time to be provided to all employees. He stated that Barb Mossman has given provided the information to each Department Head and all employees. Each employee will provide a signed receipt; at this time Ms. Mossman has not received receipts from employees but is in the process of doing so.

Upon request of President Santana, Attorney Friedman stated that there will be a Blue Ribbon Committee meeting after the Waggoner, Irwin & Sheele workshop on October 12<sup>th</sup>. There is a suggested composition of the committee, but President Santana also wanted to get input from some of the stakeholders, who will

have to be notified of the meeting. Councilman Novak confirmed that it will be a public hearing on the resolution.

**ADJOURNMENT**

President Santana adjourned the meeting.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 30th Day of October, 2017.



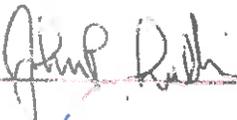
Michael D. Jellenbauer



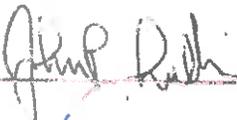
Madeline Yanz



Matt Santana



Randall Novak



Adam Rucki

Attest:



Kileen Wuske  
Auditor