



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

**MINUTES  
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL  
FEBRUARY 26, 2018 AT 6:30 P.M.**

*(Please Turn Off All Cell Phones)*

The Regular Meeting of the La Porte County Council was held on February 26, 2018 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 Randy Novak called the Meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

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

There was a moment of silence for the victims of the Marjory Stoneman Douglas shooting in Florida.

President Novak welcomed the students in attendance and stated that their papers would be signed after the conclusion of the meeting.

**ROLL CALL**

Auditor Joie Winski took the Roll Call. Council Members present were Garner, Kirkham, Mollenhauer, Novak, Santana, Sullivan, and Yagelski. A quorum was noted.

**APPROVAL OF THE FEBRUARY 26, 2018 AGENDA**

Councilman Yagelski asked if there could be an item added to New Business; a Letter of Understanding from the Council regarding the decision on the Courthouses tonight.

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

**APPROVAL OF THE JANUARY 22, 2018 REGULAR MEETING MINUTES**

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

**PUBLIC COMMENT**

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

Mr. Metheny asked for clarification regarding \$75,000.00 that was previously approved for the County Commissioners and the additional amount of \$187,000.00 being requested at tonight's meeting. He expressed his disappointment about financing and that things should be paid for with the money the County already has. To bring in additional revenue, Mr. Metheny suggested raising assessments.

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

#### **DEPARTMENT HEAD REPORTS**

*Joe Golec, La Porte County Veterans' Service Officer*

Mr. George Watkins distributed information to the Council. Mr. Golec explained that Mr. Watkins and he should be looked at as moneymakers; they generate revenue for the County. While looking at information from the Veterans' Administration and American Legion websites, Mr. Golec said the total expenditure from the VA to this County for fiscal year 2016 was approximately \$34,000,000.00 which includes compensation, pension and medical care. He continued that Mr. Watkins and he have traded positions of full-time/part-time. He added that after opening the office in Michigan City in August, he has seen a steady growth of Veterans coming in for services. He said they are consistently soliciting and assisting Veterans. They also work with many more offices than just VA and American Legion which also contribute to the County. Mr. Watkins said there are links on the VSO County website to find additional information. In La Porte County 1159 Veterans are being serviced, but he said many are still not seeking assistance.

Councilman Santana asked for the amount of Veterans in La Porte County and Mr. Watkins replied 10,471. Councilman Santana then asked if that number is increasing. Mr. Watkins responded that the number is actually decreasing as the older Veterans pass away. In addition, recent Veterans have a more comprehensive exit exam that identifies their disabilities. They also assist many surviving spouses and those that are housebound; having the housebound Veterans in Michigan City come to La Porte can be very difficult. Mr. Golec and Mr. Watkins provide consistent assistance to these individuals.

*Barb Mossman, Director, La Porte County Human Resources*

Ms. Mossman said two employees have tendered their resignations from the departments of Prosecuting Attorney and IT. She added there has also been a recent resignation from the Maintenance department.

A motion to approve the replacement of these three employees was made by Councilman Yagelski and seconded by Councilman Garner.

Councilman Kirkham asked if it is necessary to replace these employees. Ms. Mossman said that all of the positions are needed. Motion carried 7-0.

*Larry Butcher, Director, La Porte County EMA*

Mr. Butcher introduced Ms. Tibbot, a new employee to his office who has been assisting with the flooding situation since she has previous experience. He briefly addressed the flooding, but said he needed to complete discussions with Attorney Biege and Commissioner Mrozinski to give more comprehensive information. In addition, Mr. Butcher said he has a siren in a subdivision near Kroger parking lot that is no longer functioning and needs to be replaced; the replacement price is slightly over \$25,100.00. President Novak stated that the Council can only give a motion of support but no dollar amount at tonight's meeting.

Auditor Joie Winski said this is an emergency situation and can be re-advertised for next month. However, a motion of support from the Council will allow Mr. Butcher to move forward.

Councilman Yagelski stated he believed the townships incur repair costs unless it is a full replacement and Auditor Winski said it was. She continued that she spoke with the former Homeland Security Director John Jones who stated the townships were made responsible when the EMA agreement was created. However, there was a separate agreement with the City of La Porte which stated the County would pay for sirens.

Mr. Butcher said he was under the impression that all sirens in the County were under his jurisdiction. Councilman Yagelski stated that Mr. Butcher is responsible for their maintenance but if it's broken, it should be taken care of by the townships. President Novak said that, due to the emergency need of the siren, the Council should give the motion of support and determine who is responsible within the next month.

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

*Bob Cutler, La Porte County Coroner*

Mr. Cutler said he received a notice from Indiana State Coroners' Association regarding the opioid epidemic. There is a State Senate Bill 139 which directs all of the Coroners in the state of Indiana to send the collected body fluids to a State certified lab. Hopefully, increased financing will come through the state. The State wants to gather statistics on this issue. The bill is currently on the floor of the Senate.

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

#### **LIAISON REPORTS**

Councilman Kirkham attended a Park Board meeting. A lot of work has been done at Creek Ridge Park. He also attended a NIRPC meeting where he was appointed as Chairman to the 3PC Committee. The next meeting is Thursday.

Councilman Sullivan had nothing to report.

Councilman Santana said EMA is coming up under New Business. He attended an EMA meeting on February 7<sup>th</sup>, where he was re-elected President and Linda Simmons was elected Vice President. He tried to reach out to Bill Trowbridge from Paladin to determine the direction on how to approach the Council. EMS had an ambulance that crashed with no injuries. However, there is a serious pothole issue due to the freezing/thawing so everyone should be careful. Mr. Gramarossa will call him if anything becomes broken. Councilman Santana praised the Auditor's Office and her staff for separating the funds for the drainage assessment accounts. The funds were previously combined which made working within these accounts very difficult. Mr. Ken Purze formally expressed his thanks in a letter to Auditor Winski.

Councilman Garner met with President Novak, Councilman Yagelski and Auditor Winski to discuss financials prior to tonight's meeting. He also met with the Recorder who is working with the State to solve some issues with all of the counties. He spoke to the Sheriff regarding the hiring of an officer which the Finance Committee has approved. He said the semis started taking County roads due to detours, so an ordinance is necessary for enforcement and fines.

Councilman Mollenhauer attended the Health Department Committee meeting on January 23<sup>rd</sup>. On February 14<sup>th</sup> he attended the Redevelopment Commission meeting, and on February 21<sup>st</sup> he attended the Criminal Rule 26 Pretrial Release meeting. It was conducted by Grant County officials and Attorney Friedman who sent out an email detailing the meeting. The next meeting is April 13<sup>th</sup> at 1:00 p.m. at the County Complex. On February 21<sup>st</sup> he attended the County Employee Health Insurance meeting and that evening attended the County Commissioners' meeting.

Councilman Yagelski stated that the West Lake Corridor and Double Track went through its next level of hearings. The County is being asked to go through the funding process because it is the most uncertain aspect. There will be a lot of negotiation over the next few months.

President Novak attended many meetings this last month. The drug court will be coming before the Council tonight. He added that there was a meeting with NIPSCO this morning where they announced they are starting a \$6,500,000.00 with KIP to improve infrastructure. This is not connected to the \$3,000,000.00 that Attorney Friedman already secured.

#### **NEW BUSINESS**

##### **1. Consideration of Appointment of Ms. Falyn Theophilus to the Wanatah Public Library Board of Trustees**

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

##### **2. Human Resources – Barb Mossman**

###### **Superior Court 3 - Deputy Traffic Clerk Reclassification from COMOT III to COMOT IV**

In 2011, the Clerk's Office came before the Job Evaluation Committee to have all of their Clerks evaluated and positions were increased from COMOT III to COMOT IV. One of these positions was Traffic Clerk which is the same job as in Superior Court 3. The increase will come out of their budget for this year.

A motion to approve was made by Councilman Santana and seconded by Councilman Sullivan.

Councilman Yagelski stated that there will be additional dollars needed next year for this increase. President Novak asked if it would be possible to complete evaluations closer to budget time. Ms. Mossman said evaluations are completed by June in order to address them at budget hearings. Motion carried 7-0.

###### **Hiring Freeze Policy – Consolidated List of Departments/Positions Exempt**

Ms. Mossman removed Emergency Management from the list. She has condensed the list from the four different ordinances that are out there. She is also asking for consideration that the Residential Officer from Community Corrections be added to the list due to the fact that it is a 24-hour facility and the officer oversees the individuals on Work Release.

Councilman Kirkham asked for clarification of the meaning of exempt. Ms. Mossman replied that there is no restriction by the hiring freeze to fill a position.

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

**3. Consider Reimbursement of Taxes Paid for Fringe Benefits from 2014-2017 to EMA Director in an Amount Not to Exceed \$725.00 from Riverboat (1191) or Win Tax (4220)**

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

Councilman Garner asked for clarification because he was not in attendance at the last meeting. Councilman Santana explained that Mr. Butcher was given a vehicle that made was an emergency vehicle except for some stickers. Therefore, he was taxed differently by the IRS by not having the stickers; he paid \$704.34 from 2014 to 2017. It is his understanding that no EMA Director in the state of Indiana pays this tax. He feels that Mr. Butcher should be reimbursed by the County. He added that it is a take-home vehicle.

Councilman Yagelski said Mr. Butcher should go through the IRS and get reimbursement. He does not feel that it is the responsibility of the Council for reimbursement.

Auditor Winski agreed and said the Council cannot refund his money. This is an IRS issue and Mr. Butcher needs to amend his tax returns for the last three years to get the money back. She added that the resolution on take-home County vehicles follows the IRS ruling. The County cannot reimburse the money because it was not paid by the County. It is unknown how Mr. Butcher filed his taxes; therefore the issue is an IRS and not a County issue.

Ms. Fran Tibbot from La Porte County EMA clarified that the Impala has stickers because she put them on but no lights and sirens. Councilman Santana said the first vehicle given to Mr. Butcher had lights and sirens, but Ms. Tibbot does not believe they worked. President Novak said there has been a misclassification of the emergency vehicle. The Commissioners could make a determination of which emergency vehicles to remove the burden from the Auditor.

Motion failed 2-5, with Councilmen Garner, Kirkham, Mollenhauer, Novak and Yagelski voting Nay.

Councilman Santana asked the Auditor on how Mr. Butcher can rectify this with the IRS. She explained that Mr. Butcher needs to contact the IRS to direct the Auditor amend previous years' W-2s.

**4. Letter of Understanding on Space Study**

Councilman Yagelski discussed the building that was looked at in Hamilton County. It is a 133,000 square foot addition to their existing judicial building at a cost of \$27,000,000.00.

A motion for a letter of understanding for the Michigan City project to be started with the stipulation that there will be some variances with the financing was made by Councilman Yagelski and seconded by Councilman Mollenhauer.

President Novak said that this doesn't mean that the La Porte project is ended, just that the Michigan City project will be commenced first.

Motion carried 5-2, with Councilmen Garner and Kirkham voting Nay.

**OLD BUSINESS**

None

**CORRESPONDENCE**

None

**ORDINANCES AND RESOLUTIONS**

None

**APPROPRIATIONS, TRANSFERS, REQUESTS**

**La Porte County Commissioners**

**Requesting an Additional Appropriation**

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

**Economic Development Training Grant**

**\$175,000.00**

**For Part Time Account**

**\$ 12,000.00**

**Total:**

**\$187,000.00**

A motion to approve \$175,000.00 out of Riverboat (1191) was made by Councilman Kirkham and seconded by Councilman Santana.

Attorney Friedman said that by approving this, the Council is making good on the commitment made on October 30, 2017.

Auditor Winski said the money will be transferred to the Economic Development office when the invoices are given to them. Councilman Yagelski said it should go to the Commissioners, but Auditor Winski said the State Board of Accounts won't allow that. Councilman Yagelski said that Economic Development does not directly work for the County so the bills should go through the Commissioners' Office. Auditor Winski said she wants transparency and accountability. If the entire \$175,000.00 is not spent, it will stay in their budget. Councilman Yagelski said it goes in the Professional Services account and it can go back into the General Fund. Auditor Winski said it could also be transferred to another 300 account. President Novak said that Mike Seitz said he will come before the County with updates. Commissioner Mrozinski added that the trained employees will stay in La Porte County.

Motion carried 7-0.

President Novak moved to the next item of part-time account for \$12,000.00. Councilman Yagelski made a point of order stating that this previously came up for a vote, and stated it has to be a descending vote that can bring it back up. The previous vote was not a majority of the Council. Attorney Friedman added that if it's a reconsideration of the same motion, someone on the affirmative side has to move to reconsider. If it's a different motion, any Council member can make a motion. Councilman Yagelski feels it is the same motion but Attorney Friedman said if it is advertised as a different amount, it is a different proposal.

Commissioner Mrozinski said information has been given on the Veteran Service Officers. He added that what they do is not just their jobs but their lives. He is asking that the Veterans be taken care of by the Council.

A motion to approve the \$12,000.00 from the Part Time Account was made by Councilman Kirkham and seconded by President Novak.

Councilman Garner said Councilman Yagelski and he have been on the Council for many years and know the duties of the Veterans' Officers. He added that money has always been given to the Veterans' Officers

but it has not been proven that an additional officer is needed. He also said that the Council was told Mr. Watkins was retiring. Commissioner Mrozinski said there was transparency and the numbers were presented to the Council on the need for another officer. Councilman Mollenhauer expressed frustration that after the previous motion to approve funds for the part time officer had failed, Mr. Watkins was still paid.

Motion failed.

Attorney Friedman clarified that since that motion failed, one of the two on the prevailing side could move to reconsider, if there were some conditions under which you would want that motion reconsidered. Councilman Yagelski made a motion to take it off with the idea that for a period of 3 additional months (March, April and May), the part time officer will be paid, specific instructions will be followed and a comprehensive list of names given to the Council. President Novak seconded the motion of reconsideration. Mr. Watkins said that HIPAA regulations prohibit him from providing a list of Veterans' names, but Councilman Yagelski said that was an attorney issue and asked Mr. Watkins not to speak.

Auditor Winski said that the account has a deficit of \$1,391.00. Councilman Santana asked for an explanation of how Mr. Watkins was paid and how it was authorized. Auditor Winski replied that the Commissioners authorized Mr. Watkins to work and authorized his pay. She added that there may be a deficit for a short amount of time but if it increases, the Council will be approached. Departments do transfer from their 100 accounts to cover certain costs. That is why the Council is advised during budget hearings of the money transferred within each department.

Attorney said the motion to reconsider includes keeping the office on a short leash, insuring accountability, and keeping the Veteran Service Office funded. He also asked Councilman Yagelski if the names could be coded to comply with HIPAA regulations.

Councilman Santana said the paperwork given at the previous meeting was confusing and he needs justification for adding an additional officer. He also thought Mr. Watkins was retiring and that when he was the full time officer, he was able to handle offices in La Porte and Michigan City.

Attorney Friedman asked if Councilman Santana would be comfortable using a coding system for the Veterans, such as last four digits of their social security numbers. Councilman Santana replied he wanted that information before. He feels there is no justification for keeping an additional office open. He said the Council is the fiscal body and needs to cut corners where possible.

Commissioner Mrozinski said the information provided to the Council gave a detailed report of the duties of both Veterans' Service Officers. It is provided to Commissioner Mrozinski on a weekly basis.

Attorney Friedman said that the list of Veterans could be provided to Attorney Biege and him who could verify the names for the Council so there is no HIPAA violation. Councilman Santana said he appreciates Attorney Friedman's persistence at finding a solution. Attorney Friedman said he is just trying to get names and provide transparency and accountability while preserving privilege.

Councilman Yagelski asked for reconsideration of his vote for the amount of not to exceed \$3,500.00 out of Riverboat (1191), with the stipulations in his previous motion plus the reimbursement of the February payment.

Councilman Kirkham said he does not agree with giving the names. President Novak said he will sit down with Mr. Golec and urged Councilman Santana to come to the meeting so he can make his own judgement. He invited the other Council members to also attend.

Motion carried 4-3, with Councilmen Garner, Mollenhauer, and Santana voting Nay.

Commissioner Mrozinski confirmed that he needs to come before the Council in three months for an update. Councilman Yagelski said if it is found that it is proven that an additional officer is needed, the Council will find the means to do it. President Novak said the issue is there was no information that said whether the additional officer was or was not needed. Therefore, it is necessary that the Council members visit the office and observe the daily activities.

**La Porte County Sheriff's Department**

**Requesting an Additional Appropriation**

**From CCD (1138)**

**For Replacement of Police Vehicle and Vehicle Equipment**

**Not to Exceed**

**\$20,525.00**

Councilman Garner said the Sheriff does not have an extra vehicle. A motion to approve was made by Councilman Yagelski and seconded by Councilman Kirkham. Motion carried 7-0.

**La Porte County Planner**

**Requesting an Additional Appropriation**

**From Emergency Reserve Fund (1186) (LOIT Additional Funds)**

**For Local Match on Community Crossings Grant**

**\$568,500.00**

A motion to approve was made by Councilman Garner and seconded by Councilman Kirkham. Mr. Mitch Bishop explained that this for paving of Johnson Road with construction limits between 20 and 35. He said it is approximately seven miles of paving and one thousand feet of reconstruction. He said this amount had been previously committed by the Council when Mr. Bishop applied for the grant last year. Councilman Yagelski asked if the DLZ plans will be used that show the bad areas and improve those areas. Mr. Bishop said he reviewed that plan and it will be covered. In addition, if other problem areas are identified, they will be repaired. He said paving, striping, reconstruction, and replacing of guard rails are included. Signaling is also included. Councilman Yagelski asked if the issue with the turning lanes at Johnson and 400 will be fixed, but Mr. Bishop said that is a separate project that won't be addressed until December.

Motion carried 7-0.

**La Porte Drug Court**

**Requesting an Additional Appropriation**

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

**For Community Correction Invoices for Scram and Drug Testing**

**\$8,225.50**

Judge Greta Friedman said this request is for the month of January. She stated that a \$4,000.00 grant was received from Drug Free Partnership and the Drug Court will continue to seek grants. La Porte Superior Court 4 will transfer over \$10,000.00 in the next few weeks. In addition, a Problem Solving Court individual that is not on probation is assessed monthly fees to cover part of the Drug Court costs. However, because they are tested so frequently, the fees do not cover every test so there is a shortfall.



Councilman Kirkham asked if this will be a recurring request. Judge Friedman said there has been an increase in the number of participants. There was also the need for a mass test. A new more expensive and comprehensive test came into use which contributed to the shortfall. Mr. Steve Eyrick said the two-year Department of Justice grant ended but he was able to get a one-year extension. Some money reserved for treatment costs was used to cover these expenses. He just put in a grant adjustment notice and should be approved within the next few weeks. \$40,000.00 per year is also received from the Department of Corrections to help cover drug testing costs. It averages out to approximately \$3,300.00 per month but expenses are \$4,000.00 to \$5,000.00 per month.

President Novak said the Drug Court has done a great job getting grants. He added that during budget hearings, the Drug Court was told that they could come before the Council if they had an issue with shortfalls. He said he is a firm believer in the program and wants it to continue.

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

Councilman Mollenhauer asked if there has been any progress on the Judges' employee drug testing policy, and Judge Friedman said one has been put together and will be presented to the Council within the next month.

**La Porte IT**

**Requesting an Additional Appropriation  
From Riverboat (1191) or Win Tax (4220)  
For Copiers**

**Not to Exceed  
\$55,000.00**

Ms. Darlene Hale said some printers were removed from the list. Instead, she needs \$35,800.00 total, \$5,400 of which will come out of User Fees; therefore, her request is for \$30,400.00. Two of the replacements will go to HR and Economic Development respectively. Their leases are being bought out so there will no longer be a monthly cost.

A motion to approve not to exceed \$31,000.00 out of Win Tax (4220) was made by Councilman Yagelski and seconded by Councilman Santana.

Councilman Kirkham asked if color copiers are necessary. Ms. Hale replied that one had been removed because the Sheriff's office said it wasn't needed but Adult Probation does need it. She added there is not a significant difference in cost. Motion carried 7-0.

**COUNTY COUNCIL/ATTORNEY COMMENTS**

Councilman Kirkham said an ordinance should be considered in reference to licensing the transport companies. He doesn't feel that they should be able to operate within the County without a fee. Attorney Friedman said he can meet with Mr. McGuire who is still looking for a model. Councilman Kirkham said La Porte County may have to be the first. He also commented on the framed posters from the Parks Foundation that encourage children to enjoy the County parks.

President Novak congratulated the Marquette High School State Champions.

Attorney Friedman said he received a call from Nick Rafferty who is a Chicago film and TV location scout. He previously came to the County for the pilot of the TV series Chicago Justice. The County wasn't chosen for that but they will be visiting the County again for a new Fox TV pilot. They will contact the County Commissioners and County Attorney for access to the Circuit Court.

Councilman Garner said transparency is necessary, and the proper information should be given in order to make good decisions.

Councilman Mollenhauer said the key is trust.


Auditor Winski clarified that not to exceed \$31,000.00 is coming out of Win Tax and \$5,400.00 is coming out of User Fees. The Council confirmed that.

President Novak asked the students to come forward to have their paperwork signed.

A motion to adjourn was made by President Novak and seconded by Councilman Santana. Motion carried 7-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 26<sup>th</sup> of March, 2018.


  
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Councilman Terry Garner

  
\_\_\_\_\_  
Councilman Cary Kirkham

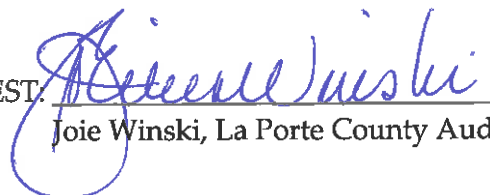
  
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Councilman Mike Mollenhauer

  
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Councilman Randy Novak

  
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Councilman Jeff Santana

  
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Councilman John Sullivan

  
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Councilman Mark Jagelski

ATTEST:   
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Joie Winski, La Porte County Auditor