



*LaPorte County Auditor
Joie Winski
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LaPorte, IN 46350-3490*

**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
JANUARY 27, 2020 AT 6:30 P.M.**

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on January 27, 2020 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 6:34 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. He also asked for a moment of silence in memory of former La Porte County Commissioner William "Bill" Hager.

ROLL CALL

Auditor Joie Winski took the Roll Call. Council Members present were Garner (via video), Mollenhauer, Novak, Quinn, Rosenbaum, Santana, and Yagelski. A quorum was noted.

NOMINATIONS FOR COUNCIL PRESIDENT

Attorney Guy DiMartino stated that a vote could go forward on the nominations from the previous meeting. However, to nominate someone new, a motion to open nominations would have to take place. Auditor JoEileen Winski opened the floor for nominations and reminded the Council that the two names on the floor are Councilmen Jeff Santana and Mike Mollenhauer. After voting, the vote was tied 3-3.

A motion to reopen nominations was made by Councilman Santana and seconded by Councilman Quinn. Motion carried 6-0. A motion to nominate Randy Novak was made by Councilman Santana and seconded by Councilman Mollenhauer. Motion carried 6-0.

President Novak noted that Councilman Garner is participating in the meeting, but cannot vote because he is not physically in attendance.

APPROVAL OF THE JANUARY 27, 2020 AGENDA

A motion to remove #1 (Cougar Rd) under Old Business from the agenda was made by Councilman Yagelski and seconded by Councilman Rosenbaum. President Novak stated that a workshop is going to be scheduled to discuss that item. President Novak also said that the FMEC members need to be appointed

by the Council so he asked that this item be added under New Business. He also asked for permission to hire a replacement in the Clerk's office be added to New Business. Motion carried 6-0.

APPROVAL OF THE NOVEMBER 25, 2019 REGULAR MEETING MINUTES

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

APPROVAL OF THE DECEMBER 3, 2019 SPECIAL MEETING MINUTES

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

APPROVAL OF THE JANUARY 2, 2020 REORGANIZATIONAL MEETING MINUTES

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

PUBLIC COMMENT

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

DEPARTMENT HEAD REPORTS

Rick Brown, MS-4 Coordinator

Mr. Brown advised the Council that his department has made 10 outreach videos with 3 more in the works, and said there have been approximately 168,000 views on YouTube. He asked that everyone watch them because they are informative and entertaining.

Steve Eyrick, La Porte County Chief Probation Officer

Mr. Eyrick gave an update on Criminal Rule 26 which went into effect January 1st. To date, 58 people in custody have been interviewed, with 44 being released to Adult Probation. He added that the three employees have been going into the jail daily, interviewing, preparing reports, and going to court. Although those that have been bonded out have not yet been interviewed, that process will begin shortly. That will add volume and strain on the workload, but he said it will be consistently evaluated. There have been some challenges but Mr. Eyrick did create a report for the Council showing a decrease in jail population, although he feels it is too early for analysis. He added that those not being screened include people who have warrants, on probation, on parole, community corrections or have FTAs; only new arrests are being interviewed. Councilman Yagelski stated there are certain individuals who are not currently included, such as someone who receives a DUI, but Mr. Eyrick said they will be interviewed and included in the near future. President Novak said Community Corrections is doing a lot more this year over last and that there a lot of things working together for improvement. Councilman Rosenbaum asked what happens for those who bond out. Mr. Eyrick replied that those who post a cash bond when eligible are released and scheduled to return the next day. He added that if something concerning is found in that person's background, it is in the Judge's discretion to determine the consequence.

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

LIAISON REPORTS

Councilman Rosenbaum said there was a NIRPC meeting on January 23rd and the Parks Department will be discussed later in the meeting. He has spoken to the Prosecutor and Public Defenders about Criminal Rule 26, who feel similarly to Mr. Eyrick about things moving forward but it being too soon for analysis.

Councilman Quinn had nothing to report at this time.

Councilman Santana said the Surveyor and the Maintenance Department are on tonight's agenda. He attended the EMA Reorganizational Meeting, where he and Linda Simmons were voted to remain in the President and Vice President positions respectively. He spoke to EMS Administrator Andrew McGuire who said he will be bring some items and ideas before the Council in the future that will further improve his department.

Councilman Mollenhauer attended the Health Department Open House on December 6th, and the County Commissioners', the Solid Waste District Board, the Rail Construction Planning Committee and Redevelopment Commission meetings on December 11th. On December 16th, he attended the Community Correctional Board, and on January 8th, the Sheriff Merit Board, the County Board of Commissioners' Reorganizational and Solid Waste District Board meetings. On January 14th, he attended the Vibrant Communities of La Porte County Steering Committee and County Board of Health meetings, on January 16th, he attended the Board of Directors for Fairgrounds Management and Events Committee (FMEC) meeting, and on January 22nd, the La Porte County Agricultural Directors' meeting. Councilman Mollenhauer suggested to inform the Agricultural Directors if you are going to attend one of their meetings. On January 27th, he attended a Community Correctional Board meeting; he said they are working with Work One to begin programs for skills training.

Councilman Yagelski expressed frustration over the public not being able to view tonight's meeting. He received some messages from constituents that the meeting was not available for viewing and he said he doesn't understand why. Councilman Santana spoke with Alco Director Mike Dempsey about these issues, and Councilman Santana said he feels the County should be receiving more than what is currently provided, especially for the taxpayers. President Novak said he would advise them so it can be discussed at the next Alco Board meeting.

Councilman Garner said he spoke with Barb Mossman regarding Mitch Bishop and Larry Levendowski. He also spoke with Lois Sosinski about issues in her office.

President Novak attended the Criminal Rule 26, Community Corrections, Rail Construction Planning Committee, and Redevelopment Commission meetings. The 911 Advisory Board met with the Auditor regarding time management, and he attended the FMEC meeting.

CORRESPONDENCE

None

ORDINANCES AND RESOLUTIONS

Ordinance No. 2020-01 – Salary Ordinance

Auditor Winski said this is a formality that has to occur yearly for the State Board of Accounts and the DLGF. This is the salary ordinance that was adopted in November 2019 and is the final one. Auditor Winski read by title only. A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Mollenhauer. Motion carried 6-0.

Resolution No. 2020-01 – Honoring Eagle Scout Devan James Esmeyer

Attorney DiMartino stated that the resolution in the packet has been updated from Boy Scouts of America to Scouts BSA. He read the resolution aloud and said it was introduced by Councilman Rosenbaum.

Councilman Rosenbaum explained the challenges Devan Esmeyer overcame in his personal life and described the food pantries that he built for his Eagle project. A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Santana. Motion carried 6-0.

NEW BUSINESS

1. Consider Retroactive Approval of Council President's Authorization to Hire Replacement Positions for 2 New Equipment Operators in the Highway Department's La Porte and Rolling Prairie Shops, Replacement Position for Janitor in the Maintenance Department, Replacement IT Position in the 911 Center, and Replacement Position for Human Resources Assistant

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

2. Establish County Mileage Rate for 2020 (2019 Rate – \$.53.5 per mile) (2020 State Rate \$.38 per mile, 2020 IRS Rate \$.57.5 per mile)

A motion to keep the rate at \$.53.5 per mile was made by Councilman Mollenhauer and seconded by Councilman Yagelski. Councilman Rosenbaum said the IRS actually lowered the amount from \$.58 to \$.57.5, so he agreed with keeping the County rate the same. Motion carried 6-0.

3. Consider Policy Addressing Public Comment at County Council Meetings

President Novak said this is a similar policy that was previously adopted by the Commissioners. Attorney DiMartino stated it is a rule of order. He added it was recommended by him to set limits on Public Comment. A motion to approve was made by Councilman Mollenhauer and seconded by Councilman Rosenbaum. Motion carried 6-0.

4. Approval of Two Appointments to the Fairground Management Event Corporation (FMEC)

Councilman Garner said he will keep the position but is willing to step down if someone else wants it. A motion to approve the appointments of Councilman Garner and President Novak to the FMEC was made by Councilman Mollenhauer and seconded by Councilman Rosenbaum. Motion carried 6-0.

5. Request by Clerk to Hire for Position held by Retiree in Superior Court #4

There was a discussion on whether or not there is a full-time position available in the Clerk's Office. Because there was confusion, President Novak suggested that the item be held over until the February meeting and Councilman Quinn agreed. Councilman Santana asked Auditor Winski to shed light on it, but she said she was just informed today and could not comment. Ms. Chroback said February 7th is the employee's last day, so she can't hire anyone until after that date.

OLD BUSINESS

1. Cougar Road

This item was removed from the Agenda at the beginning of the meeting.

2. County Council Appointment of Board Members

PTABOA (2) – Randy Novak, Bob Bailey

Assessor Mike Schultz explained that Pam Kieft took a full-time job with the St. Joseph County Assessor’s Office and was not allowed to continue to sit on the PTABOA Board. A member also lost his/her Level II, so the Commissioners waived the Level II position requirement on the Board so the person could remain. He feels that as long as a nominee is an appraiser or a realtor, that type of knowledge goes a long way on the PTABOA. Therefore, he is suggesting that the Council waive the stipulation that a person cannot be a County employee and appoint nominate Randy Novak. Councilman Yagelski questioned how Mr. Matt Bernacchi was able to serve on the PTABOA Board and as a Councilman. Assessor Schultz replied prohibiting that was not in the statute at that time. He added that the statute states that certain requirements can now be waived. Attorney DiMartino said this item would have to be held off until research into the matter can be completed. Attorney Shaw Friedman said he would also verify whether or not the County employee stipulation could be waived.

A motion to approve the appointment of Bob Bailey was made by Councilman Yagelski and seconded by Councilman Santana. Motion carried 6-0.

Alcohol Beverage Board (1) – John Stimley

Councilman Yagelski clarified that this is John Stimley Sr. and not Jr. who is a Michigan City Councilman. A motion to approve was made by Councilman Yagelski and seconded by Councilman Mollenhauer. Motion carried 6-0.

Board of Trustees La Porte County Library (1) – TJ Hague/Gregg Fuhlenbrock

There is a single position with two interested parties. Auditor Winski said Mr. Hague sent a letter and the Council received correspondence from Mr. Fuhlenbrock. A motion to approve Gregg Fuhlenbrock was made by Councilman Quinn and seconded by Councilman Rosenbaum. Motion carried 6-0.

La Porte County Animal Control Advisory Commission (1) – Dennis Carroll, Sr.

A motion to approve Dennis Carroll, Sr. was made by Councilman Santana and seconded by Councilman Mollenhauer. Motion carried 6-0.

La Porte County Plan Commission (1) – Sean Quinn (Current)

A motion to approve Sean Quinn was made by Councilman Rosenbaum and seconded by Councilman Santana. Motion carried 6-0.

La Porte County Solid Waste Management District Board (1) – Mike Mollenhauer (Current)

A motion to approve Mike Mollenhauer was made by Councilman Santana and seconded by Councilman Rosenbaum. Motion carried 6-0.

2. Discussion on Liaison Assignments for 2020

President Novak said this would be discussed at the February meeting.

3. Appointments to Regional Sewer Board – February Agenda

Auditor Winski said Gene Jonas currently serves on the board and has asked to be reappointed. She asked that this also be added to the February agenda.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Surveyor

**Requesting Permission to Spend
From the Surveyor Corner Perpetuation Fund (1202)
For Equipment, Supplies & Service Contracts**

**Not to Exceed
\$85,000.00**

Surveyor Tony Hendricks explained that this is a yearly request. He said there are approximately 2,400 section corners that were put into the County between 1930 and 1939 and some have not been touched since then. He said there are 473 that have not been addressed but he hopes will be in the next 5 years. The money being requested is used for various things including GIS software and CAD systems. President Novak suggested that ½ be approved now and the remainder in July; Mr. Hendricks said this would not be a problem. A motion to approve \$42,500 was made by Councilman Mollenhauer and seconded by Councilman Yagelski. Motion carried 6-0.

Mr. Hendricks said he has filled the Deputy position in his office with Sherry Wright who has experience in engineering. He hopes that they will be able to accomplish a lot before his term ends.

La Porte County Clerk

**Requesting Permission to Spend
From the Clerk Perpetuation Fund (1119)
For the Preservation of Court Documents, Scanning, Copying
Document Storage, Shredding and Document Books**

\$30,000.00

Ms. Chrobak said this expense is for refurbishing of old records and the purchase of books. A motion to approve was made by Councilman Yagelski and seconded by Councilman Santana. Councilman Rosenbaum said that the Clerk was asked in November to come before the Council with a plan to take care of all of the documents. Ms. Chrobak said she told the Council at that time that she was scanning them into Odyssey and she is not going to spend money to do the scanning. Councilman Santana asked Ms. Chrobak to update the Council on the status of the files and when the task may be completed. Ms. Chrobak said it is difficult to answer that question, but said approximately 1/5th of them are scanned. Councilman Yagelski said a firm of Ms. Chrobak's choice should be hired to get this job completed. Ms. Chrobak said she is the Clerk and she doesn't feel that the Council should be telling her how to do her job. She added this is not the concern of the Council but instead the Commissioners. President Novak said the Council approved a significant amount of money from the Clerk's Perpetuation Fund which is for records management, but Ms. Chrobak threw a fit about it. Ms. Chrobak said she is only scanning it into Odyssey and to scan into it, a person must have a license through the Indiana State government. She said the older documents from 1920, 1930, and 1940 are being digitized, but files with a cause number are being input into Odyssey. She added that she doesn't want to use the Bolt system, particularly because it cannot be accessed by the judges. She also said she doesn't have any extra terminals for scanning, but President Novak said IT would be able assist with that. Ms. Chrobak said the employees completing the scanning have to log in under her name using her license. Councilman Yagelski said he will speak with IT to see if additional licenses and terminals can be added to improve the scanning of the documents.

Motion failed 2-4. Ms. Chrobak said she doesn't appreciate the Council bullying her and without the approval of the \$30,000.00, she will be unable to do her job. Councilman Quinn said he has not heard a plan or any updates even though this has been requested by the Council. He said the Council needs to hear specifics and not the generalities that Ms. Chrobak has been giving. Ms. Chrobak said every file that has already been scanned and shredded has been approved by a judge. She said she is waiting for approval on some of the documents. Councilman Quinn said they are trying to help her to complete this project. She continued to argue with the Council. President Novak said there needs to be a way to get documents

scanned but Ms. Chrobak said there has to be an additional license. Councilman Santana said it is clear that it is very time consuming, but he is again asking for an estimated amount of time for how long this process will take. Ms. Chrobak said she doesn't have to provide that information to the Council. Councilman Garner said Ms. Chrobak is showing the Council disrespect, especially since the Council has so much combined experience. He said it is wrong that Ms. Chrobak is not attempting to work with the Council when they should be working together. President Novak said there are too many rooms in the Courthouse that are only housing old records when people could be in them. Ms. Chrobak said some of those records might have to be there and some may have already been scanned. President Novak asked Maintenance Director Larry Levendowski how many file cabinets have been removed and he replied none. President Novak ended any further discussion.

La Porte County Parks Department

Requesting Permission to Spend

From the Parks Non-Reverting Fund (2052)

Of Donation for Improvements & Equipment at Creek Ridge \$58,587.50

And Donation for Water Fountains and Exercise Stations \$11,430.00

Total \$62,017.50

A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Quinn. Councilman Santana saw Superintendent Jeremy Sobecki's presentation at the Commissioner's meeting and saw no reason not to approve. Motion carried 6-0.

Councilman Mollenhauer recognized Mr. Sobecki for the redevelopment of the bike trails.

La Porte County Highway

Requesting Permission to Spend

From the LIT (CEDIT) Fund (1112)

For the Purchase of Replacement Truck \$147,230.00

General Foreman Duane Werner stated this is to replace a truck that was damaged in an accident at the beginning of the year. The dollar amount is what is left over after the insurance contribution for the truck that was totaled. A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Santana. Councilman Quinn asked when the truck would be available. Mr. Werner stated that the vehicle is at Pyramid Trucking in Rolling Prairie, so it could be ready within a few days. He added that it is a tandem axle truck. The damaged truck was purchased back from insurance for parts to use for identical trucks that they already own. Councilman Yagelski asked about the inventory of salt and Mr. Werner replied that it is good.

Motion carried 6-0.

La Porte County Sheriff

Requesting an Additional Appropriation

From Riverboat (1191) or Win Tax (4220)

For Half of 2020 Pension Contribution \$664,091.00

Sheriff Boyd explained that the \$664,091.00 is ½ of the contribution for the year, with the total being \$1,328,183.00. He added that the packet of information given to the Council should provide the details. A motion to approve out of Riverboat (1191) was made by Councilman Yagelski and seconded by

Councilmen Rosenbaum and Santana. Sheriff Boyd said the amount contributed from Process Services last year was \$115,434.00. Councilman Mollenhauer said that amount has decreased, and Chief Deputy Heeg said it is due to Process Services going down the last few years. Motion carried 5-0, with Councilman Mollenhauer abstaining.

Fairground Management & Events Corp
Requesting an Additional Appropriation
From Riverboat (1191) or Win Tax (4220)
For Fairground Improvement

\$125,000.00

A motion to approve out of Win Tax (4220) was made by Councilman Yagelski and seconded by Councilman Mollenhauer. Councilman Rosenbaum asked if there is oversight in this Committee since he hasn't seen any type of plan. President Novak said the FMEC oversees the funds, but the County is taking over the maintenance of the grounds. Therefore, this appropriation is for the maintenance of the fairgrounds. Councilman Yagelski asked if there will be a special events coordinator and President Novak said he hoped there would be in February. He added that it would not be a County employee. Councilman Mollenhauer asked for the salary of the special events coordinator and if any of the \$125,000.00 will go towards it. President Novak said it might, but it hopeful that it will be generated from the funds that are there. Councilman Mollenhauer said they all want to see the infrastructure continue to progress. Councilman Garner agreed that the infrastructure needs to be built up so events can be booked without concern. He added that the fairgrounds have a lot of potential. Councilman Yagelski asked how surrounding counties handle a special events coordinator. Councilman Garner said money was given in the first few years by the Council in Porter County to the fairgrounds so they had something to market. President Novak said Porter County's annual fairgrounds' budget is approximately \$500,000.00 but the Council still contributes \$80,000.00 annually. Councilman Garner said the County is trying to draw in tourism so in the future he hopes the tourism board will become more involved.

Motion carried 6-0.

La Porte County Commissioners
Requesting an Additional Appropriation
From Riverboat (1191) or Win Tax (4220)
For Additional Compensation for Director of Facilities

\$5,000.00

A motion to approve out of the General Fund (1000) was made by Councilman Santana and seconded by Councilmen Quinn and Mollenhauer. Motion carried 6-0.

La Porte County Assessor
Permission to Hire Replacement Position
For Shared Employee with the Auditor's Office

Assessor Schultz said this employee works out of the Auditor's Office but will be cross trained. Auditor Winski said this is a replacement for Rob Neary who moved to another position. She added that it is a part-time employee that is moving to full-time and will be helping with the GAAP report. Otherwise, she may be down in the Assessor's office assisting there. A motion to approve out the Reassessment Fund was made by Councilman Yagelski and seconded by Councilman Quinn. Motion carried 6-0.

Attorney DiMartino briefly addressed the issue with appointing President Novak to the PTABOA Board. He said that the Council could approve President Novak's appointment subject to his formal opinion. A motion to approve the appointment of President Novak to the PTABOA Board subject to Attorney DiMartino's formal opinion was made by Councilman Yagelski and seconded Councilman Rosenbaum. Motion carried 6-0.

La Porte County Auditor

Requesting an Additional Appropriation

From Riverboat (1191) or Win Tax (4220)

Not to Exceed

For GAAP Contract with Baker Tilly

\$175,000.00

Auditor Winski said GAAP stands for General Accepted Accounting Principles. She said that counties with over 100,000 population have to now complete this report. The Commissioners signed a contract with Baker Tilly to assist with this since it is such a daunting task. The amount of the contract is \$153,000.00 but there are also other necessary components needed to finish the report. If it is not reported in this format, the County loses the ability to finance any debt. A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Quinn. Councilman Yagelski asked if this is a yearly expense and Auditor Winski replied that it is not, but there will be a lesser yearly expense. Councilman Rosenbaum added that the biggest expense will be in the first year. Auditor Winski said the majority of Auditors in Indiana are not happy with this, especially since the majority of them are not CPAs. She feels that it is ludicrous and unfair that the State mandates that if the report is not done this specific way, the County will be unable to finance any debt.

Motion carried 6-0.

Requesting Permission to Spend

From Dual Homestead Fund (7110)

Not to Exceed

For File Cabinets and Shredder for Payroll

\$3,300.00

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

President Novak acknowledged the students from South Central High School and told them to have their papers signed at the conclusion of the meeting.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Rosenbaum said the Prosecutors have conducted more prosecutions this year than in the prior years. He has also spent a lot of time with INDOT and it will come upon the Council if they want to fund a right turn lane on Cougar Road going onto Route 20.

President Novak asked that a ½ hour workshop be scheduled prior to the next meeting.

Councilman Garner said an ordinance should be addressed in the future for a Council member to be able to vote when not in physical attendance of a meeting.

Councilman Mollenhauer recognized Pioneer Land, the Pep Organization, and the Jaycees for their events in December. He thanked the volunteers and those who attended.

Councilman Yagelski commented that pool cars could be used more efficiently. He also said he would miss Bill Hager and the service he provided to the County. Councilman Garner agreed.

President Novak said the Auditor provided a printout of all the mileage paid to anyone in the County. If a pool car is available, mileage isn't paid. Councilman Santana asked how it will be policed. Auditor Winski said it should be discussed and a plan should be created. President Novak said the amount of pool cars should be determined.

ADJOURNMENT

A motion to adjourn the meeting at 8:22 p.m. was made by Councilman Rosenbaum and seconded by Councilman Santana. Motion carried 6-0.


EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 24th of February, 2020.




Councilman Terry Garner

ABSENT

Councilman Mike Mollenhauer



Councilman Randy Novak



Councilman Sean Quinn



Councilman Mike Rosenbaum



Councilman Jeff Santana



Councilman Mark Yagelski

ATTEST: 

Joie Winski, La Porte County Auditor