



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

**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
APRIL 20, 2020 AT 6:30 P.M.**

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on April 20, 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 6:30 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.

ROLL CALL

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

President Novak asked if there were any objections to having Councilman Yagelski run the meeting since he was physically present in the Assembly Room. Hearing no objections, Councilman Yagelski continued the meeting.

APPROVAL OF THE APRIL 20, 2020 AGENDA

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

APPROVAL OF THE MARCH 23, 2020 REGULAR MEETING MINUTES

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

PUBLIC COMMENT

Hearing or seeing no one, Councilman Yagelski closed Public Comment.

DEPARTMENT HEAD REPORTS

Jay Sullivan, La Porte County Highway Department Engineer

Mr. Sullivan addressed the traffic light modifications at 400 N and Johnson Rd. There have been discussions about adding the 4 left-lane arrows, and Mr. Sullivan did receive a quote for it in the amount of \$9,287.79. He said he is looking for direction from the Council if he should proceed.

Councilman Santana said he has been working on this with Mitch Bishop and Jay Sullivan. It was brought to his attention that there is only one left-hand turn signal at the intersection which causes a backup of traffic. This was also addressed at the Commissioners' meeting, and INDOT was contacted to see if the added left-lane arrows could be completed at no cost but the response was no. Therefore, there will be a cost but Councilman Santana is very much in support of it. He said he received emails and phone calls about this issue. He added that the money to pay for it would come out of the Highway budget.

Councilman Mollenhauer asked if it is for east-bound traffic on 400 N and Mr. Sullivan replied it is for both east and west bound; now there is just a yield on green but no dedicated arrow. Councilman Yagelski asked how this was missed, as it was supposed to be part of the renovation. Councilman Santana replied and said it was deemed by the engineer of the project that it was not a safety issue. However, since it has been in use, traffic issues have occurred. He said he is unsure of what type of system was used to determine why it was constructed in this way but that it was on the County's dollar. Mr. Sullivan added that INDOT did a traffic study that deemed it unnecessary to have 4 left-turn arrows, but the need for them has presented itself due to all of the backed up traffic.

A motion to approve was made by President Novak and seconded by Councilman Mollenhauer. There was a brief discussion as to if this was a permission to spend, but Councilman Santana stated he asked Mr. Sullivan or Mitch Bishop to come before the Council as a courtesy. He said the money is already in the Highway budget but wanted the Council to be informed on what was taking place.

Attorney Guy DiMartino said he is unsure of what is being asked of the Council because this is occurring during Department Head Reports. Councilman Santana said is for informational purposes and to inform the Council of what is going on at the intersection. There was discussion on whether or not a motion was necessary. Auditor Joie Winski said it can come out of the CEDIT or MVH fund.

President Novak changed his motion to a motion of support and it was seconded by Councilman Garner. Councilman Rosenbaum said this was brought before the Council with no statistics and with the demeanor of just wanted to get it done. He said per the INDOT study, this was not deemed to be a safety issue and asked Councilman Santana to verify his interpretation of the issue. Councilman Santana did but said after receiving calls and emails from constituents, he contacted Mr. Sullivan and Mr. Bishop. He reiterated that project was completed, so it is unfortunate this could not be done at no cost. However, since the Highway Department has the funds in their budget, this is how the game plan was put together. He believes it may also actually be a safety issue. Mr. Sullivan said that in the summer, the lane markings are visible but in the winter, the inability to see the markings causes confusion for the drivers traveling east-west on 400 N.

Councilman Yagelski said things are always being requested, and many projects have been turned down by the Council because criteria has not been met. He said he is unable to understand why this wasn't addressed prior to the project being completed. He feels that by merely listening to constituents and not the study on which the construction was based is not the way to run a government.

President Novak said he can withdraw his motion and pretend this discussion never happened, but it will be completed anyway. He said it was stated that the Council's permission is not required but Councilman Yagelski disagreed.

Councilman Santana asked for the protocol that is followed on this type of project. Auditor Winski replied that if the MVH fund was going to be used, the money is already in there. She added that fund is primarily for roads and infrastructure improvements, so it would be the logical place from which to take it.

Attorney DiMartino interrupted and said the discussion that started out as a department head report has evolved into something more complex. Therefore, there needs to be point of order, so Attorney DiMartino said he recommends that President Novak withdraw his motion. He added that the information has been presented and if something further needs to be addressed, it can be at the next Council meeting.

President Novak withdrew his motion and Councilman Garner withdrew his second.

LIAISON REPORTS

Councilman Rosenbaum attended a Regional Sewer and Water District Board meeting via Zoom. He said most of his other liaison meetings were cancelled. He has been a part of a lot of the COVID-19 meetings and said that President Novak led meetings with community leaders throughout the County. He said that the Redevelopment Commission had a meeting and have a lot of things in progress.

Councilman Quinn said his report is similar to Councilman Rosenbaum's because a lot of the meetings were cancelled, but has been involved in the COVID-19 meetings.

Councilman Santana said the Council has been receiving weekly reports from all of their departments within the County. These reports include details of what is going on in each department, so the Council is staying in touch, even though meetings have not been occurring. He said he is liaison to EMS and EMA which are both on the Agenda. He said he has nothing to report on his other liaisons beyond what has been happening with the pandemic.

Councilman Mollenhauer echoed the other Councilmen regarding the cancellation of meetings. He plans on attending a Health Department meeting on April 21, 2020 at 4:00 p.m. via Zoom. He has also been attending the Commissioner's and President Novak's meetings via Zoom. He said the Council has been kept abreast of all departments by the weekly HR report.

Councilman Garner said President Novak and he had Zoom a meeting for the Fairgrounds development. He wants the public to know that the County Fair will be held one way or another due to the fact that Toby Keith gets paid either way. In regard to the 4-H participating in the fair, it is still up in the air.

Councilman Santana said he had to interject due to his extreme disappointment in Toby Keith. He said, under the current circumstances, it is ridiculous to have to pay a performer whether or not he plays. President Novak said the only way that can be bypassed is if the Governor cancels the event. He also said he feels some type of Fair will be held because there have been 175 consecutive fairs.

Councilman Yagelski met with President Novak and Commissioners Matias and Mrozinski to discuss the medical supplies (wipes, etc.) currently available in each department. He said there are still a few more departments to be reviewed.

President Novak agreed he was at the same meeting as Councilman Yagelski, said inventory surveys of all of the departments were done last week, and there are some leads on some different things. He said any elected officials and township trustees, etc. need to be part of the Thursday afternoon County wide update on COVID-19. He asked to be emailed to be added to the Zoom call. He gave kudos to Building Maintenance Director Larry Levendowski and his staff for performing such hard work at the Fairgrounds and everywhere else. He said FMEC is continuing to operate.

NEW BUSINESS

1. Consider the Allocation of Funds for COVID-19 Expenses

Auditor Winski said she is recommending that the Council allocate \$300,000.00 from the Rainy Day fund to cover the supplies that are needed. She added that it is probably just an initial amount. Councilman Yagelski said when he worked on the NICTD Board, they did a lot of grants and it is important to keep these expenses separated for reimbursement purposes.

Councilman Mollenhauer asked if the money will be put into the COVID-19 fund, but Auditor Winski said it is in the Rainy Day fund but will be allocated for COVID-19 expenses and those expenses will be kept track of in the fund.

Councilman Santana asked for the protocol as to how this will be approved. President Novak said it was discussed and he explained how he perceived the process would work. He said that Councilman Yagelski, Councilman Mollenhauer (who is Vice President of the Council), the Auditor and he could authorize a purchase or purchases and bring it/them before the Council to be ratified at the next Council meeting. Councilman Yagelski said Councilman Rosenbaum was supposed to be a part of the process so Councilman Yagelski withdrew his name. Councilman Santana said it sounds like a great three-member board and said the Council still wants maintain control of these expenses. He added by allocating these funds for the specific expenses of COVID will be the easiest way to obtain reimbursements. Auditor Winski cautioned that not all expenses will be totally reimbursable but it is a way to target what is spent and keep track of expenses in order to apply for grants.

A motion to approve allocating \$300,000.00 out of the Rainy Day fund for COVID-19 expenses which a 3-member committee will review and bring before the Council on a monthly basis was made by Councilman Rosenbaum and seconded by President Novak. President Novak offered an amendment for the motion to be: *A motion to approve allocating \$300,000.00 out of the Rainy Day fund for COVID-19 expenses, which a 3-member committee will review and give authorization to the Auditor to pay, and bring before the Council for ratification on a monthly basis.* Councilman Rosenbaum amended his motion accordingly and it was seconded by President Novak. Auditor Winski said every expenditure has to be approved before it's spent. President Novak asked who can approve the expenditures of this fund and Auditor Winski replied the three members. President Novak explained that was part of the amended motion and emergency expenses could be approved by one of the three members along with the Auditor. He added that if it isn't done this way, a weekly special meeting could be scheduled where the expenditures are approved by the Council.

Councilman Santana said he believes the right decisions will be made by these three Councilmembers, but he feels that the Council is the ultimate Finance Committee and he doesn't understand why it is being reduced down to 3 members. Other Councilmembers began to speak, but Councilman Santana sharply asked why he was being interrupted because he still had the floor. He continued that it is a 7-member

Council of elected officials who should be making these decisions and he wants to be able to show transparency and accountability to his constituents.

Attorney DiMartino said this was done on his recommendation based on the Governor's Executive Order as to the Open Door Law requirements. Otherwise, expenses would have to be approved in monthly or special meetings. Therefore, this is in compliance with the OPD and the Governor's Executive Order. President Novak said this only pertains to emergency expenses that are related to COVID-19.

Councilman Santana said he doesn't agree with the Governor's comments or some of the things that the President says, and as a County Councilman said he doesn't agree with this.

Motion carried 6-1, with Councilman Santana voting Nay.

2. Consider Retroactive Approval of Council President's authorization to hire replacement positions for Building Inspector in the Plan Commission Department, a Clerk Position in the Circuit Clerk's Office, and a Maintenance Supervisor Position for the Parks' Department - Effective when Departments or the County return to normal work schedules

President Novak made a motion to immediately hire for the Parks' Department and suspend hiring for the other two positions until things return to normal. He said the Parks' Department is working a regular schedule but the other two departments are able to wait. The motion was seconded by Councilman Mollenhauer; motion carried 7-0.

ORDINANCES AND RESOLUTIONS

1. Resolution 2020-4A – A resolution of the La Porte County Council in support of the COVID-19 3.5 Package

A motion to read by title only was made by President Novak and seconded by Councilman Rosenbaum. Attorney DiMartino said it should be read in its entirety and President Novak agreed. Councilman Rosenbaum read Resolution 2020-4A.

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

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Sheriff

Requesting Additional Appropriation

From Riverboat (1191) or General (1000)

For the Sentinel One Protection Platform

\$4,000.00

Sheriff Boyd said this is for the protection platform that his office started to install in the computers and operating systems in August 2019. There was already a virus protection platform paid for and in place at the time. He said he doesn't know why the bills were received now, but nonetheless they were so he is requesting this appropriation.

A motion to approve out of General (1000) was made by Councilman Santana and seconded by President Novak. Motion carried 7-0.

**La Porte County Health Department
Requesting Additional Appropriation
From Health Department Fund (1159)
For Funding for Two Nurses**

\$15,000.00

Health Department Administrator Tony Mancuso said one nurse is the Emergency Preparedness Coordinator who works part-time but has been working full-time. Her grant runs out in June so he wants to be able to pay her. The second nurse is the Nurse Practitioner who is also on a grant. However she did the STD Clinic so they won't pay her salary for COVID-19. When he gets his grant back in June, he will only need money for the second nurse, not the first.

A motion to approve was made by President Novak and seconded by Councilman Mollenhauer. Councilman Santana asked how long the \$15,000.00 would last, and Mr. Mancuso said the first nurse has a one-year contract for \$25,000.00 from the State and will be running the preparedness. Once the COVID-19 epidemic slows down, the second nurse will go back to her regular salary from the Local Health Maintenance fund for the STD Clinic.

Councilman Quinn asked if this expense should be paid out a particular fund or have some type of auditing record to show that it is related to COVID-19. Auditor Winski said it has already been discussed and this will be reported as a COVID-19 expense.

Motion carried 7-0.

**Requesting Permission to Spend
From Communicable Disease Fund (2704)
For PPE Supplies**

\$100,000.00

Mr. Mancuso said this is a non-reverting fund of money being taken in by the Health Department. It is emergency money forecasted to be needed when a vaccine becomes available. The Health Department will need equipment and nurses to deliver the shots, and the money is already there. He also said this it will be reimbursable by the State. Councilman Mollenhauer asked if this expense would come out of the COVID-19 fund but President Novak replied no. Auditor Winski said this is coming out of the Health Department's Communicable Disease fund and is over and above the money being allocated from the Rainy Day fund. She said these supplies were not included in the list of supplies and they are additional to what is needed by the other departments.

Councilman Rosenbaum asked if this money is for COVID-19 related expenses or just for replenishment of supplies. Mr. Mancuso replied that this money has been in the accumulating for years. Councilman Rosenbaum again asked if this is for replenishment of supplies or COVID-19 expenses. Mr. Mancuso explained that this is money collected from doing blood profiles and shots, etc. President Novak said this is money being allocated in anticipation of a vaccine so the Health Department will be ready to go and start vaccinating people. Mr. Mancuso said that during the H1N1 in 2009, the State provided money immediately to the Health Department. However, there haven't been any funds disbursed by the State for COVID-19. Councilman Yagelski asked for the amount currently in the account and Auditor Winski replied approximately \$160,000.00. Councilman Yagelski asked if the \$100,000.00 could be transferred in

with the other COVID-19 money that has been allocated so a record of those expenses could be kept. Auditor Winski said it cannot be transferred into that fund, but instead has to stay and be spent from this fund. Councilman Yagelski said it will cause problems with the Federal government and it will not work this way. Mr. Mancuso disagreed and said it is in the Health Department fund and is County money so he doesn't know why it wouldn't be reimbursed. Councilman Yagelski said millions of people are going to apply for money from the Federal government, so he said it had better be straightened out. Auditor Winski said this will hopefully be reimbursed by the State and said there are currently several reimbursements on the books. She added this would be reimbursed by the State and not the Federal government. Councilman Yagelski said that is a different conversation and thanked Auditor Winski.

Councilman Yagelski called for a motion, and Councilman Santana said he didn't understand why a motion was done before all of the discussion but said it is being done correctly now. A motion to approve was made by President Novak and seconded by Councilman Mollenhauer.

Councilman Santana said the word "hopefully" just doesn't work for him. He said he understands that the money can't be transferred from the Health Department fund, but asked if the money for these expenses could be spent from the money that has been allocated in the Rainy Day fund for COVID-19. Auditor Winski said there is no guarantee that the County will be reimbursed for any expenses. However, she said the County has to try to get reimbursed, and the money in the Communicable Disease fund has to be spent by the Health Department on specific things. Therefore, Mr. Mancuso and she discussed spending it on supplies, and Auditor Winski said it is money that has just been sitting in the fund so it should be used in the County's time of need. Councilman Santana said as long as it's being used for supplies unrelated to COVID-19, then he understands it. But if it is for COVID-19 expenses, Mr. Mancuso needs to insure that he is vigilantly turning in purchase orders specifically notated for COVID-19. President Novak said as being a member of the task force, he knows that if the Health Department needs masks or other supplies, they will be able to get them. However, this \$100,000.00 is for the vaccine and administration of the vaccine so when it is developed, the Health Department will be ready to go because permission to spend has already been given by the Council. He added that masks and gloves or other supplies needed by the Health Department can be taken out of the allocated \$300,000.00 funds. Councilman Santana said all he wants to say is that he doesn't want any of the \$100,000.00 to be used on items that could be covered under COVID-19. President Novak stated everything that Mr. Mancuso has been discussing has to do with COVID-19.

Motion carried 7-0.

La Porte County EMA

Requesting Additional Appropriation

From Riverboat (1191) or General (1000)

For Fuel and Electric for Towers

\$2,100.00

EMA Executive Assistant Jeff Wiatrowski explained that antenna towers were put up in three designated locations; one being the Michigan City Police Department, one at Rolling Prairie, and one being in Kingsbury. He said EMA is responsible for the upkeep of the buildings and maintenance. When the electric starting coming in, the prior Commissioners were asked who would be responsible for those bills. They were given to Building Maintenance who has been paying them. Late last year, EMA was notified by the State that fuel was almost depleted at the Rolling Prairie station because a generator is run at that location weekly. He said he spoke with Auditor Winski, and EMA was able to use some funds to fill the tank. He said he has been speaking with Auditor about getting these fuel and electric expenses to come out of one budget. But because EMA doesn't currently have the money in its budget for this expense, this

appropriation is being requested. Auditor Winski looked at the cost for two buildings because Michigan City pays for their own.

A motion to approve out of General was made by Councilman Santana and seconded by Councilman Rosenbaum. Councilman Yagelski said this comes up time and time again. He inquired as to why Rolling Prairie isn't paying for the generator being run at that location. Mr. Wiatrowski said that the generators are run by the State so they remotely access them and turn them on. Mr. Wiatrowski explained that there have been times that he has had to go to the locations when the State contacts him because the generators are not running. However, when the power goes out, the generator automatically comes on. He further explained that the electricity is for running the building and all of the equipment inside that building. The electricity has been paid by Building Maintenance but Mr. Wiatrowski said Auditor Winski would like to see all of it being handled under one account. Councilman Rosenbaum said that seems like a good idea since this is under EMA's equipment which they need to make sure is in working order. Councilman Yagelski said that at budget time it should be taken out of the one department and put it into this one. Mr. Wiatrowski said the only problem is the gas tanks need to be filled. Councilman Yagelski asked how much it would be for the gas and Mr. Wiatrowski replied that the prices fluctuate depending on the time of year. Auditor Winski said the electrical bill can be sent back to Building Maintenance but she hasn't determined how to pay for the gas. Councilman Yagelski asked how it was paid for in January and Mr. Wiatrowski said it was paid out of EMA's fuel and oil budget. Auditor Winski added that there was extra in the budget last year, but this year she doesn't think they are going to have it. Councilman Yagelski said there is a budgetary process, so when they need more money they should come back before the Council. He doesn't want to rewrite the entire budget in the middle of the year. Councilman Rosenbaum asked Councilman Santana if he wanted to adjust the motion to be for gas only, but he replied no and that he wasn't withdrawing his motion.

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

La Porte County EMS

Requesting Permission to Spend

From EMS Donation Fund (4103)

For EMS Week

\$2,000.00

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

La Porte County Parks

Requesting Permission to Spend

From Parks Non-Reverting Fund (2052)

For 3 Desktop Computers, a Laptop and Software

\$7,381.91

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

La Porte County Recorder

Requesting Permission to Spend

From Recorder Perpetuation Fund (1189)

For Purchase of Refrigerator

\$548.00

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

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Rosenbaum said that earlier in the meeting it was mentioned how records of the County employees' time are being recorded. The Commissioners asked the Department Heads to manage their departments during this crisis. A COVID-19 plan has been worked in so employees can take time off or take family leave which was extended to beyond to the normal amounts of time. He is asking that the Commissioners go back to the Department Heads to make sure they are doing everything possible to continue to work to normalize things, especially because departments have several projects that can done without interfering with social distancing. He said he is not going to specify which departments, but added since the public is not in the building at this time, the opportunity should be taken to complete projects that there is typically not enough time to get done. Yet, some staff remains home aside from those who are working from home for safety reasons.

In addition, there has been a department discussed in great length this past week in regard to part-time employees. If a full-time employee is alternating with another full-time employee because there is not enough work in that office, there is no reason that a part-time employee should be working when a full-time employee is at home. Instead the full-time employee should be working and the part-time employee should be staying home so two people are not getting paid when it isn't necessary. He said this is one of the issues being addressed in this unusual time. Not everyone is going to see things the same way but when ideas are shared, it is amazing what mountains can be moved.

He gave kudos to EMA, EMS, the Sheriff's Department, 911 and Building Maintenance. For those who have not been out to the Fairgrounds, it is worth a ride through to see what has been occurring there. He said he would like to hear an update at the next meeting from President Novak or Councilman Garner about the positive things going on at the Fairgrounds. He also encouraged everyone to get ready to get back to normal, but to stay safe and healthy and gave best wishes to all.

Councilman Yagelski told the Councilmembers to get in touch with Auditor Winski regarding the signatures that will be needed from them.

ADJOURNMENT

A motion to adjourn the meeting was made by Councilman Rosenbaum and seconded by Councilman Mollenhauer. Motion carried 7-0.

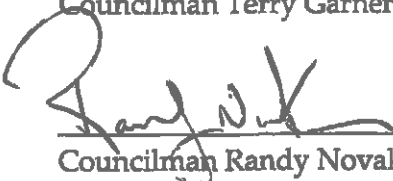
EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 26th of May, 2020.



Councilman Terry Garner



Councilman Mike Mollenhauer



Councilman Randy Novak



Councilman Sean Quinn



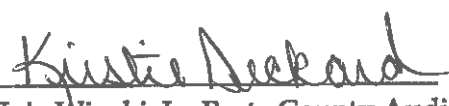
Councilman Mike Rosenbaum



Councilman Jeff Santana



Councilman Mark Yagelski

ATTEST: 
Joie Winski, La Porte County Auditor
