



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

**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
MAY 26, 2020 AT 6:30 P.M.**

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on May 26, 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. He also asked that everyone observe a moment of silence in honor of Memorial Day.

ROLL CALL

Chief Deputy Kristie Deckard took the Roll Call. Council Members present were Garner, Mollenhauer, Novak, Quinn, Rosenbaum, Santana, and Yagelski. A quorum was noted.

APPROVAL OF THE MAY 26, 2020 AGENDA

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

APPROVAL OF THE APRIL 20, 2020 REGULAR MEETING MINUTES

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

PUBLIC COMMENT

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

DEPARTMENT HEAD REPORTS

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

LIAISON REPORTS

Councilman Rosenbaum said he attended 12 Zoom meetings, most of which related to COVID-19. He also attended the La Porte County Health Board meeting.

Councilman Garner attended a FMEC meeting via Zoom.

Councilman Santana said Andrew McGuire from EMS is on tonight's agenda. He has spoken with EMA and said they are continuing to get as much PPE as possible. He also spoke with Building Maintenance Director Larry Levendowski who said his staff is operating on schedule. Mr. Levendowski was unable to attend tonight's meeting so Mr. McGuire will be speaking on the status of the EMS building.

Councilman Rosenbaum attended Commissioner, Council, and RDC meetings. He toured the EMS building last week with the contractors as they were trying to tie things up. He has also toured the fairgrounds, including the new cattle barn and electrical and ground work. He has been involved with the PPE team who is consistently trying to acquire supplies, and also the team that has been creating the plan for reopening the buildings.

Councilman Yagelski congratulated GIS Department Head Mike Ordziejewski on his engagement and said he was very proud of him.

President Novak said he has been spending a lot of time at the fairgrounds and on Zoom meetings.

Councilman Quinn attended many of the COVID-19 Zoom meetings, which are going very well and are very informative. He attended the Board of Zoning Appeals meeting, and met with the Veterans Service Officer who continues to serve our veterans, who he thanked for continuing to provide services. He attended the Plan Commission meeting, and attended Job Evaluation Committee, Personnel Committee, and Quarterly Health Insurance meetings. He also attended the Election Board meeting.

NEW BUSINESS

1. Public Hearing on COVID-19 Response Program Grant – Tony Rodriguez

Tony Rodriguez, Director of the Office of Community & Economic Development, addressed the Council. He told the audience that there is a sign-in sheet which is a critical part of the documentation in the action of closing out the OCRA grant process. Therefore, if anyone speaks during this public hearing, he asked that he or she sign the sheet.

This grant came about in response to the pandemic and the disastrous conditions that have been created by no choice of any of the entrepreneurs or small business owners in La Porte County. There is now an opportunity to put a fund in place for \$250,000.00 that would prove to be a reimbursable grant. This grant program has been referred to as the Lifeline Grant program with the intent of having 25 grants of up to \$10,000 each, which would have a substantial impact on those small business that would, could, and be encouraged to apply. These are federal funds coming through the Department of Housing & Urban Development specifically to meet the objective of low to moderate income employment. What is also critically important is that this is a zero match grant opportunity – there is no cost to the County. It couldn't have happened without an aggressive response from the County team and State elected official Jim Pressel. Mr. Rodriguez said during a training session, he learned that a fund must be established in the amount of \$250,000.00 which will be reimbursable to the County. While it is a reimbursable grant, a process of approval has been established as an insurance policy to minimize the risk to the County. This is the County

Council's ability to make these funds available to service a lifeline to the small business community of La Porte County. He added that an electronic copy will be sent to the members of the Council that will include a set of application documents, a project overview and description, and all the criteria to apply for one of these lifeline grants.

Attorney DiMartino asked that Mr. Rodriguez go over the 5-step grant process for the Council members attending via Zoom. Mr. Rodriguez explained each step. He added that when the applications are submitted for approval, a provisional claim for reimbursement will be included.

Councilman Yagelski asked for an estimated turnaround time and Mr. Rodriguez said approximately 6 weeks. President Novak asked how long reimbursement would take, and Mr. Rodriguez said as soon as the fund is established and a green light is given from Indianapolis, a reimbursement would be given by OCRA.

Councilman Santana said he didn't understand that the money would have to be fronted by the County and asked Mr. Rodriguez how the County is guaranteed that money will be reimbursed. He asked if there is anything in writing or if it's like most of the COVID-19 things and there is only discussion and wishful thinking that there will be reimbursement. Mr. Rodriguez said it was a fair question and explained that the way the State has taken the risk out of the equation for the County is the 5-step process of approval. He said the burden to complete these steps does fall upon the County, but he would not be comfortable making this request unless he was confident that there is nearly 100% guarantee of reimbursement.

Attorney DiMartino said as part of the Council's packet, on page 1 of 19, there is a contract between the State and La Porte County that states the \$250,000.00 has been awarded to La Porte County. Councilman Santana asked for the timeframe of the reimbursement. Mr. Rodriguez said the provisional claim will be sent with the applications so when final approval is given, the claim will already be there. He said he doesn't have an exact date but assumes it is in line with the processing of any other OCRA grant. Councilman Santana said he is going to support this but didn't realize this was a reimbursement situation.

President Novak asked how the reimbursement works and Mr. Rodriguez said there will be a reimbursement each time there is a claim submission.

Councilman Quinn asked who conducts the application review and makes the selection of recipients. Mr. Rodriguez said the entire Redevelopment Commission is a broad representation of its stakeholders who are bipartisan and represent many areas. Staff will be reviewing the applications for eligibility, and then work with the small business to collect criteria for submission. Councilman Quinn asked if any restrictions are attached for use of funds and if there is a post-award auditing process to insure the businesses are following through with priority uses for the funding. Mr. Rodriguez replied that some restrictions that were originally in place have since changed. In addition, the OCRA office has said that as long as it can be demonstrated by the small business that jobs can be saved and people impacted, the program will be made available to them. The State realized if these types of funds were not be made available, a large percentage of entrepreneurial businesses would be missed. The auditing requirement is being done on the front end, and there are great team members who have put together the model of how this type of program should be put together.

President Novak opened the Public Hearing on this issue.

State Representative Jim Pressel

Mr. Pressel said OCRA grants and spends a lot of money and he cannot remember a time when, after a grant was awarded, OCRA has ever walked away from it. He expressed excitement that La Porte County was awarded this grant because not all Counties were given this opportunity. He said that this is a lifeline for some small business that may not have qualified for other assistance. He also said that he is disappointed it is going to take OCRA 2-3 weeks to determine if a business is qualified, so he will be making some phone calls. He encouraged the Council to take the necessary steps to make this happen. President Novak voiced his appreciation to Mr. Pressel for assisting in any way he can. Councilman Santana also thanked him for his input.

President Novak clarified that this is for the rural part of La Porte, and Michigan City or La Porte City are not eligible.

Auditor Winski said the funds would have to be appropriated at the next meeting, but the Council could give its support at tonight's meeting. A motion of support to start the process of funding \$250,000.00 to come back as a reimbursement was made by Councilman Santana and seconded by Councilman Yagelski. Motion carried 7-0.

2. Consider Commissioners' La Porte County Building Reopening Plan

President Novak said it is a living document that is consistently evolving as Zoom meetings continue.

3. Consider Approval of Permission to Hire Request for 2 Part-Time Investigators for the Adult Protective Services Division in an Amount of \$19.00 an hour/\$19,760.00 yearly – Prosecutor John Lake

Prosecutor John Lake explained that the APS is a hub that is responsible for all the services in La Porte, Starke, Newton, Pulaski, and Jasper counties. This is money negotiated in a yearly contract with FSSA, and this is the first time money has been added for new staff to be hired. One each would be for Newton/Jasper and Pulaski Counties. Prosecutor Lake said he has been fighting with FSSA for more money because it is challenging to travel for hours to other counties. He said that a new proposal has been submitted for these two employees to be full time plus a full-time investigator for fraud. This money is reimbursed by the State on a monthly basis. He added that this doesn't start until July 1st, but due to COVID-19, he wants to get the staff hired. Councilman Yagelski asked if the previous Prosecutor did not get the application in on time, but Prosecutor Lake said that is the second part of consideration (b). Councilman Yagelski then asked if the full-time representation mentioned is that these two employees are the same as one full-time employee. Prosecutor Lake replied that he was asked to submit what his office would need to meet the statute of providing services; full-time investigators are needed but his office was only given funding for part-time, although he hopes that will change in the future. Councilman Yagelski asked if there is any insurance or travel reimbursements for these employees. Prosecutor Lake said there is no insurance and any mileage reimbursement would be part of the contract.

Councilman Yagelski asked Auditor Winski asked if there is any issue with part-time employees driving cars or getting reimbursed because they are not on the payroll. Auditor Winski referred to Prosecutor Lake who said these employees would not have cars, but mileage reimbursement is part of the contract. Auditor Winski said part-time employees are not allowed to drive cars. A motion to approve was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Motion carried 7-0.

a. Consider Approval of Amended Salary Ordinance 2020-01 to add Part-Time Adult Protective Services Investigator Position at \$19.00 an hour/\$19,760.00 yearly

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

b. Requesting Permission to Spend/Transfer from Unappropriated Pre-Trial Diversion Fund (2500) to VOCA Grant (8131) for Shortage on Grant Match in the Amount of \$12,404.14

Prosecutor Lake said this is a grant that comes from the Federal Government through the State. The grant that is in effect goes from October 1, 2018 to October 1, 2020. The prior prosecutor had an in-kind match for the expense of an office by La Porte City police. When all victim advocates were all made in house instead of stationed out, that in-kind grant was lost. Because a new victim advocate was not added to the grant, the previous prosecutor came before the Council to ask for money to pay for the third victim advocate but was denied. Therefore, the funds came out of the Infraction Deferral fund. Now, \$12,404.14 is left on the match. With the new grant application he has submitted, he hopes that this will not be a problem in the future, but also understands the nature of grants and knows is could be denied.

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

OLD BUSINESS

La Porte County Engineer – Requesting Permission to Spend from MVH Restricted Fund (1173) for Cougar Road Project in the Amount of \$210,000.00 (Tabled from November 2019 Meeting)

A motion to remove the Cougar Road Project from the table was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Motion carried 7-0.

President Novak said this is a not to exceed \$210,000.00 request. Mr. Mike Yacullo from INDOT said they have received numerous requests to have a traffic signal installed. His predecessor came up with the solution of converting Cougar Road to a one-way street, forcing everyone northbound to US 20 which is the most logical place for a signal. One key aspect is to widen Cougar Road and add a right-turn lane.

President Novak confirmed with Mitch Bishop that it is hopeful this would actually come in around \$190,000.00 if the County Highway did some of the work. President Novak said INDOT is anxious to get this project done before the start of school in the fall.

A motion to approve not to exceed \$195,000.00 was made by Councilman Rosenbaum and seconded by Councilman Mollenhauer.

Councilman Quinn asked if the project will move forward whether or not the funds are appropriated. Mr. Yacullo replied yes and that INDOT's portion of the project is modifying the intersection at State Road 2 and Cougar and modifying US 20 and Cougar including installing the traffic signal as well as resurfacing US 20 from 600 East to the town of New Carlisle. INDOT is investing \$1.6 million in this project but it would not have a turn lane. He added that without the turn lane, there may be creative ways to adjust the signal to make it work as well as it could, although it would not be as efficient as having the turn lane.

Auditor Winski was asked if the acquisition of the property for the turn lane could be taken out of the MVH Restricted Fund or would it have to come out of another fund. She replied that it could come out of the MVH fund because it is for road construction.

Councilman Santana said he has spoken to 4 or 5 officials plus others and suggested that a public meeting on the issue should be held because he would like to hear from the constituents. He feels that in order to make a more educated decision, this would be an integral part. President Novak stated that this was advertised for the public. Councilman Santana said he still wants to hear from the public.

Councilman Rosenbaum vehemently said he has spoken to a lot more than 4-5 people to come to a conclusion, and expressed frustration that after speaking to only 4-5 people someone would throw their arms up in the air. He said there had already been a public meeting with a long discussion. This item was then put on hold in November and Councilman Rosenbaum spoke to at least 50 different teachers and administrators in both schools, and met with INDOT and the Sheriff. By supporting this project, the Council can make it easier for the students, teachers, and administrators to be able to drive out of the school area easily and safely during peak traffic hours. This is what this is about and money is spent in other areas, so now that there is a big project in Rolling Prairie, the Council needs to commit and do it.

Councilman Santana spoke to Auditor Winski and Chief Deputy Deckard and said that because he was previously referred to in a meeting as "sharply" saying something, they should also drop that word in the minutes in reference to a Council member speaking at this meeting. President Novak asked that the focus stay on the meeting. Councilman Santana continued that he is just trying to get more information and thanked Councilman Rosenbaum for doing the investigative work.

Councilman Garner agreed with Councilman Rosenbaum and said that work has been done in other areas such as Hanna, Union Mills and Rolling Prairie so he supports this project.

Councilman Santana asked if President Novak or Councilman Yagelski were going to comment on this item. Councilman Yagelski said he was just waiting for his turn. He said that has seen a lot of money going out to different areas and feels if Rolling Prairie wanted one way streets on all their streets that would be up to them; as a member of the Council that is not his job to decide that. However, on the direction of the Sheriff, he did go out three times to watch school let out, and has seen the dangers of when Rogers High School was a one-way street and students would take a short cut. He is more worried about the one-way street with the farmers, the Highway Department doing snow plowing, and kids trying to sneak out around the one-way street. He said his objection is the way it was proposed and these three things were not addressed.

President Novak said he has received 40-45 emails requesting that the campgrounds be reopened under the Governor's order so people can return to camping and give support to the RV industry. However, he said he has received no emails from anyone in the area of this project who expressed objections, although he acknowledged that other Council members might have.

Councilman Santana agreed no emails were received regarding this issue so he doesn't know if there is support or not. President Novak said he believes there is support.

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

CORRESPONDENCE

None

ORDINANCES AND RESOLUTIONS

None

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Sheriff

**Requesting Additional Appropriation
From Riverboat (1191) or General (1000)
For Merit Overtime**

\$60,000.00

Sheriff Boyd explained that the year started out with \$60,000.00 but it is nearly depleted for a number of reasons which include protractive investigations, call outs for the scuba team, and end of shift arrests that have to be processed to satisfy requirements of the Prosecutor's office and the courts. He added that no positions had to be back filled due to COVID-19 because school resource officers were reassigned. Last year in May, Sheriff Boyd said he came before the Council to request an appropriation for \$60,000.00 for Merit Overtime. He said there were also three demonstrations at the Westville Corrections Center or the Indiana State Prison in which there had to be extra manpower.

A motion to approve out of the General fund (1000) was made by Councilman Yagelski and seconded by Councilman Rosenbaum.

Councilman Yagelski asked if any of this overtime was for the hospital. Sheriff Boyd replied no, but they did increase their presence there during the protests; officers from the Westville Correctional Center, the Indiana State Prison, and the Indiana State Police were utilized and then returned to their regular positions.

Councilman Mollenhauer asked if there is anyone in the Academy or in the military. Sheriff Boyd replied that there is one in the military due to return in September or October. Two others will be deployed for long tours as well. No one is in the Academy because they are on hiatus, but there should be three in the right now. However, the prior Academy class has to go through and be passed before the regular Academy class can begin.

Councilman Quinn asked if Sheriff Boyd expects this will be enough for the rest of the year. He researched historical numbers and said in the past five years, on average, \$170,000.00 has spent on overtime. Therefore, he doesn't understand why only \$60,000.00 is being budgeted per year and asked Sheriff Boyd to predict what might be needed. Sheriff Boyd replied that he unable to forecast that due to unexpected events that might arise. For example, due to the shut downs in Illinois and Michigan, there has been an influx of people from these areas into Indiana which has kept his department very busy. In fact, he is considering adding additional officers on the weekends because the calls have been so high. He also anticipates that the summer is going to be challenging and expects he will have to come back for additional money in the future.

Motion carried 7-0.

**Requesting Permission to Spend
From Misdemeanant Fund (1175)
For Warranty/Maintenance on Fingerprint Scanner**

\$1,980.00

A motion to approve was made by Councilman Yagelski and seconded by Councilman Quinn. Councilman Rosenbaum clarified that this does not include a scanner but just the warranty and maintenance and Sheriff Boyd agreed. Motion carried 7-0.

Requesting Permission to Spend	
From Asset Forfeitures (7109)	Not to Exceed
To Switch Cell Phone Coverage	\$30,000.00

Sheriff Boyd said this is for the Emergency Services phone system and there will be a savings of \$5.00 to \$10.00 per phone per month. It is also anticipated that the service will be better. There was an incident at New Prairie last year and communication was limited so the need for improved service is vital.

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

La Porte County EMS

Requesting Additional Appropriation	
From Riverboat (1191) or General (1000)	
For Budget Shortages Due to COVID-19	
Account 20021 (Supplies)	\$ 1,500.00
20026 (Household)	\$ 1,500.00
30161 (Corp Compliance)	<u>\$65,000.00</u>
Total	\$68,000.00

A motion to approve out of the General fund (1000) was made by Councilman Santana and seconded by Councilman Yagelski. Councilman Quinn asked if these funds are reimbursable. Councilman Santana said he spoke with Andrew McGuire who is keeping receipts to be submitted for reimbursement. Councilman Quinn asked if these will be paid out of the fund set up at the last meeting, but Auditor Winski replied no because the items were purchased before the setup of the fund. However, reimbursement for these items can still be requested.

Motion carried 7-0.

La Porte County Coroner

Requesting Additional Appropriation	
From Riverboat (1191) or General (1000)	
For Professional Services/Coroner Calls	\$8,600.00

Coroner Bob Cutler said he is requesting this money due to similar reasons as the Sheriff's Office. He said not only is his office responding to their regular calls, but are now having to go into the prisons for the deaths that have occurred there. He said this money should carry his office through the next three months and hopefully the COVID-19 will have subsided by then. He added that the extra staff are from his office, do not receive benefits, and are paid per call and not at an hourly rate.

Councilman Rosenbaum asked if these costs can be easily identified as COVID-19 related so they can be reimbursed. Coroner Cutler explained that his office is dispatched by 911 and are given a code to identify it as a positive COVID-19 situation. They are also testing deceased individuals to determine if they died of COVID-19. Mr. Rosenbaum asked Auditor Winski if these expenses could be reimbursed. She replied that

if it can be proved that it is COVID-19 related, it can be reimbursed. President Novak said a pretty good argument could be made due to the addition of the additional person with the uptick in cases at the Westville Correctional Center.

Councilman Yagelski said the hospital and nursing homes are not testing deceased individuals for COVID-19 but are classifying them as such. He asked why the County is not doing the same thing and spending the extra money. Coroner Cutler said if someone dies in a nursing home or hospital he or she has already been tested for COVID-19. His office is testing post-mortem for those individuals who have died at home or somewhere other than in a facility. Councilman Yagelski said nursing homes are defining all deaths during this time as COVID-19. Coroner Cutler said the money he is requesting is not all for COVID-19 related expenses but the workload has significantly increased. Councilman Yagelski said he supports him on that but that the post-mortem testing is unnecessary.

Councilman Santana said he is concerned because now two people are responding to these calls which also puts two people at risk. Therefore he questioned why it is necessary for two people to respond. Coroner Cutler replied that his office is disinfecting the bodies of the deceased and then double-bagging them before they are removed from the home. He said that EMS nor the Fire department do it, so the responsibility falls on his office. He said Fire and Police are still called and used in different capacities but as far as disinfecting and removing the body, it falls upon the Coroner's office. Councilman Santana said these are unusual times and he has to rely on Coroner Cutler as a professional to make the determination of what is best way to handle it. But he also expects that when the Coroner's duties return to normal, requests for additional money will no longer be needed.

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

Coroner Cutler said he has been working closely with EMA who have been doing a great job getting all of the supplies and equipment needed by the Coroner. He said he appreciates all EMA has done for his office.

La Porte County Adult Probation

Requesting Permission to Spend

From Probation User Fees (2102)

For Television for La Porte Circuit Court

Not to Exceed

\$1,600.00

Judge Thomas Alevizos explained that a decade ago, using non-taxpayer money, a document presentations system was acquired so the jury could see videos, interviews, photographs and documents during the course of a jury trial. At that time, it was prohibited to buy anything larger than a 50 inch screen. Now, the entire courtroom is going to be used as a jury box to comply with social distancing. He is hoping the use is short term so he sees no reason to spend more than this amount and he reiterated that it is not taxpayer money.

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

Councilman Santana said Andrew McGuire was on the line and wanted to weigh in on a previous item in the meeting. Mr. McGuire said Councilman Rosenbaum had made a comment regarding the La Porte EMS Base Project. He said items and equipment are being moved into the building which will then become fully functional. He said it is very exciting and hopes it will be a long time before they would have to move. He

thanked everyone involved for their hard work. President Novak asked that Mr. McGuire develop a video tour for those who cannot make it to the building and Mr. McGuire agreed.

Steve Eyrick said he had a request to replace computers and an Apple iPad for \$3,597.00 out of Probation User Fees. It is permission to spend so it doesn't have to be advertised.

A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Quinn.

Councilman Yagelski asked how soon they were needed and Mr. Eyrick replied they are worn out. Councilman Yagelski said he knows computers and Apple iPads will be coming back to the County from those who have been working from home, so he was hoping Mr. Eyrick could delay the request. Darlene Hale said the iPad now being used is from the previous judge so that item is necessary.

An amended motion was made by Councilman Rosenbaum to approve permission to spend from Probation User Fees (2102) to purchase one Apple iPad for \$1,799.00 and was seconded by Councilman Quinn. Motion carried 7-0.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Garner asked if the Council would be meeting in the meeting room in June and President Novak said that is possible but social distancing would still be necessary. Councilman Rosenbaum said the Governor's Order for Zoom meetings was only required through June 4th so the Council would be back at the meeting room for the June meeting.

Tony Rodriguez approached and stated that the turnaround time for approval is not 2-3 weeks but instead 1-3 days. He wanted the Council to know before the meeting was adjourned.

Councilman Santana said because of what has been going on over the last five months, there has been several appreciation days for different departments. However, the front line workers should be thanked every day. He also thanked the Sheriff for his assistance regarding the pan handlers.

ADJOURNMENT

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

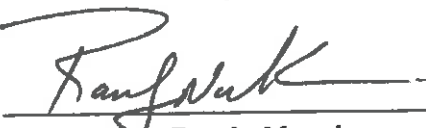
EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 22nd of June, 2020.




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


Chief Deputy