

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

**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
AUGUST 24, 2020 AT 6:30 P.M.**

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on August 24, 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 JoEileen Winski took the Roll Call. Council Members present were Garner, Mollenhauer, Novak, Quinn, Rosenbaum, Santana, and Yagelski. A quorum was noted.

APPROVAL OF THE AUGUST 24, AGENDA

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

APPROVAL OF THE JULY 13, 2020 SPECIAL MEETING MINUTES

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

APPROVAL OF THE JULY 27, 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, President Novak closed Public Comment.

DEPARTMENT HEAD REPORTS

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

LIAISON REPORTS

Councilman Mollenhauer stated he attended the Budget Hearings on July 27th and 28th and said he received feedback that everything went very well. He complimented the IT staff for handling all of the Zoom meetings and for taking care of those who could only attend remotely. On August 13th, he toured the Brown Mackie facility and met with Councilman Santana, IT Director Darlene Hale and Maintenance Director Larry Levendowski. He said the changes made went very well and things are progressing smoothly. On August 13th, he also attended the County COVID-19 meeting via Zoom and attended the County Council Special meeting on August 18th.

Councilman Garner had nothing to report at this time.

Councilman Rosenbaum toured the Brown Mackie building. He has also had good, bad and indifferent communications on various topics with his liaison departments.

Councilman Quinn said he attended several Zoom meetings, including the weekly COVID-19 meeting. On August 19th, he attended an Insurance Benefits meeting to discuss many things, such as the health insurance plan performance. As of July 31st, the County is more than \$586,000.00 below the 2020 yearly budgeted and projected cost of fixed costs and claims, minus some reimbursements. In terms of the strategic plans for the year, the continued use of telemedicine will be encouraged. Employees can contact Barb Mossman for additional information. Councilman Quinn thanked President Novak for holding the weekly COVID-19 meetings, and those for the review and implementation of the Michigan City Courthouse project.

Councilman Yagelski had nothing to report at this time.

Councilman Santana toured the Brown Mackie facility and attended numerous Zoom meetings. He said EMA has been inundated with COVID-19 issues but Larry Butcher is very accessible. He added that the Maintenance department has daily duties, and is on the agenda for necessary additional electrical work at the Fairgrounds which will make it much safer out there. EMS is also on the agenda for the EMS Base in Michigan City and said he will speak on that later in the meeting. He said they are continuing to do their jobs during COVID-19, and are happy with the upgrades and expansion of the Michigan City base. He said the Surveyor is working with the Highway department on a couple of roads that need drainage. He then stated he consistently deals with citizens and said the County doesn't have enough ordinances in the County regarding burning of leaves. He asked that people be careful burning anything outside because it has been so dry. He added that EMS personnel have no cases of COVID-19 at this time.

President Novak asked any entity in the County that would like to participate in the weekly Zoom meetings to please contact him to be added to the list. The Superintendents of the schools were on last week and gave a great report on the reopening of schools.

Councilman Santana added that there will be new chairs for the County Complex rooms that will be easier to clean and disinfect. The cost will be put through the COVID-19 committee.

NEW BUSINESS

1. League of Women Voters

JoAnn Engquist, President of LWV Of Laporte County stated that the resolution that is about to be read is to commemorate the centennial of the passage of the ratification of the 19th

Amendment which grants women the right to vote. She said it was a hard-fought victory by various types of women. She went on to describe the different women and explained it took much longer for women of color to receive the right to vote. The 26th of August this passage will be celebrated as Equality day. She added that the LWV is 100 years old this year and the LWV of La Porte and Michigan City will be 100 years old next year.

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

2. Consider Adoption of Declaration of Fiscal Body for Westville Library and LaCrosse Library

A motion to approve was made by Councilman Garner and seconded by Councilman Rosenbaum. Councilman Rosenbaum said these two libraries are using the Council to verify their budgets before they are sent to the State. Motion carried 7-0.

3. Consider Approval of LADS Director Salary Increase of \$14,633.00 Retroactive to January 1, 2020 – Judge Thorne and Deb LeRoy

Judge Thorne said he sent a letter to the Council members which gave background information on this issue. He stated that he doesn't feel this is an increase but the correction of a mistake that was made when Ms. LeRoy was hired. When she was hired, her salary was \$56,000.00 but her predecessor's (Roxanne Justus) salary was approximately \$68,000.00. Initial communications were between Ms. LeRoy and Ms. Justus, and a salary of \$56,000 was agreed upon and approved by Judge Thorne. However, at the time, it was not understood that the Director's position is different than most County employees. The practice is that the new Director takes over the salary of the predecessor by virtue of the fact the salary goes with the job and not with the individual; the Council determines the worth of the position. He explained that Ms. Justus started in 2007 at an approximate salary of \$58,000 and in 2019 when she left, it was \$67,900. Any increases were cost of living and she received one bonus. He believes the cost of living increases were those given to all County employees. Therefore, he feels the salary should have been \$67,900 from the beginning and it should be corrected to that amount.

Councilman Yagelski said he agrees with Judge Thorne except that Ms. LeRoy was hired without a certificate and acquired that later which would put her at a lower salary. He said it is a general practice of the Council to pay a lesser salary to someone without a certification.

A motion to approve was made by Councilman Yagelski and seconded by Councilman Mollenhauer. President Novak said he also understood that Ms. LeRoy was hired at the lower salary until she obtained her certification. Judge Thorne said he went through the County Council and Commissioner meeting minutes and did not find that stated anywhere, nor did he recall it being stated that way when Ms. LeRoy was hired. Councilman Mollenhauer asked if Ms. LeRoy obtained her certification in 2019 and she replied yes, in September 2019. Motion carried 7-0.

OLD BUSINESS

Consider Reallocation of Previously Appropriated Emergency Reserves Fund for Michigan City Courthouse Project

1. Brown Mackie

Auditor Joie Winski said she will explain the costs for the Brown Mackie building. She began by stating that the County received a \$1.3 million dollar premium from the sale of the bonds so, in essence, this isn't going to cost the County anything. In addition, she will be submitting the costs to the Cares committee in hopes of recouping some if not all of money that will be spent. The expenses will be: rent - \$199,840.56 annually; the renovation - \$468,029.00; utilities, - \$54,000.00 annually; water - \$36,000.00 annually; building insurance - \$36,000.00 annually; moving and miscellaneous - \$100,000; total costs - \$893,870.00. If it is necessary to stay a second year, the rent would increase to \$214,643.52. However, calculating all costs, the County would still be ahead \$455,487.00. She added that this moved forward under the Council's direction and the lease has been signed. Attorney Shaw Friedman stated that the lower rent rate was negotiated. He also noted that because of the fiscal prudence of the Council and Commissioners over the years, the County was able to receive an A+ rating from Standard and Poor's. President Novak added the fire suppression system will be brought up to snuff, the electric and HVAC will be taken care of, and a thorough cleaning will also be completed.

Councilman Yagelski questioned the \$36,000.00 for renter's insurance and said the figure sounds too high. Attorney Friedman said the County is responsible for their portion of the building and parking lot and is required to carry liability insurance. Councilman Yagelski and President Novak asked Attorney Friedman to verify the cost and he agreed.

Councilman Mollenhauer said there should be some savings on construction due to the building being empty and Attorney Friedman said that should be put on the record. He explained that as a result of moving out and having construction time reduced by 6 to 8 months, there will be a savings of approximately \$350,000.00. Councilman Santana said he believes the savings should be more than that and asked if that amount has been revisited and/or questioned. Attorney Friedman said he has been assured that the \$350,000.00 is the minimum amount and there may be additional savings down the road, but Tonn and Blank did not want to project any at this time. President Novak added that the bids have not been finalized so the amount is just an estimate. Attorney Friedman said additional savings will be known after the bond closing and contract signing at the end of the month. Councilman Santana said he felt that once the contracts are signed, there would be no further negotiations. Attorney Friedman said negotiations are up to the construction managers so they've only been able to assure savings of the \$350,000.00.

A motion of approval to move forward was made by Councilman Mollenhauer and seconded by Councilman Yagelski. Motion carried 7-0.

2. IT for Michigan City Courthouse Renovation Project

Auditor Winski explained that when this was started in March, \$8 million was approved for this project by the Council. The Commissioners put a hard stop on the project to study the

effects of COVID-19 and get a financial report. In May, the Commissioners asked the Council to approve a new amount of \$3.5 million, \$2 million out of the Emergency Reserves fund and \$1.5 million out of the Major Moves fund. She said last month the Council was given figures that included the amount for IT as \$2 million. However, this amount has not increased to \$2.1 million, so the cost of the down payment and installation of IT and hookup is \$5.6 million. Therefore, she is asking for approval of the additional \$2.1 million.

Councilman Yagelski said the increase is due to the fact that the equipment is coming from China and there are now higher tariffs on those products. Councilman Santana said he wanted to make sure he was understanding correctly and asked if the IT component was or was not taken into account when the amount was initially approved. Auditor Winski said it was always planned that the IT would be paid outside of the bond, that there was extra money coming in and there was additional money in the Emergency Reserves fund. Councilman Santana expressed concern that the amount has gone from \$22-\$23 million to now close to \$27 million. IT Director Darlene Hale explained that the amount for IT is not just equipment but wiring, etc. She said the cost was not a part of the original bid and thought that was everyone was made aware of that prior to the amount being approved. Councilman Santana said that once again, we have to keep everything on the table and it doesn't sit well with him. Motion carried 6-1, with Councilman Garner voting Nay.

Councilman Yagelski said he would like to make a motion to renegotiate the school resource officer contract with the school system as this is a new school year. He added that they are obligated to pay whether or not they are there every day. The motion was seconded by Councilman Garner. Councilman Rosenbaum said those schools that are not operating with live classrooms are still paying bus drivers and others because it is in their budget. Therefore, he agrees that this obligation should still be paid. Motion carried 7-0.

CORRESPONDENCE

None

ORDINANCES AND RESOLUTIONS

Ordinance No 2020-8 – An Ordinance Amending Ordinance No 2002-3 Creating the La Porte County Emergency Reserve Fund and Limiting Spending from the La Porte County Reserve Fund (First Reading)

Attorney Guy DiMartino said the amount of the savings limit is being increased from \$10 million to \$15 million. In addition, to spend out of this account, there must be 5 Council members to vote in favor and it must be an emergency.

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

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Maintenance

Requesting an Additional Appropriation

From Riverboat (1191)

For Fairgrounds

\$25,000.00

For Michigan City EMS Base Renovation	<u>\$ 8,400.00</u>
Total	<u>\$33,400.00</u>

A motion to approve was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Councilman Mollenhauer questioned whether the chairs were included but was told they were not. Motion carried 7-0.

La Porte County Sheriff
Requesting an Additional Appropriation
From Riverboat (1191)
For Merit Overtime
For Jail Overtime
Total

<u>\$ 60,000.00</u>
<u>\$ 60,000.00</u>
<u>\$120,000.00</u>

Sheriff Boyd said he came before the Council in May to request \$60,000.00 for merit overtime and was asked whether he would need to come back for additional money. At that time, he did not know but COVID-19 and protests arose so additional officers were needed and overtime increased. He said his office is incurring approximately \$11,000.00 per month for COVID-19 screening officers. He asked that the Council keep in mind that his office is involved in task forces for which there is reimbursement but it is going into the General fund. He added that there hasn't been a single case of COVID-19 at the jail, although there have been inmates hospitalized and had to be guarded. He said his office does its best to work at its shift minimum but try not to work short. There are also unanticipated reasons for absences, such as illness or deployment, and those positions then have to be covered. President Novak said the overtime amount probably would have been higher if the festivals had not been cancelled. Sheriff Boyd said the host organizations usually pay and it does not come out of his overtime. A motion to approve was made by Councilman Garner and seconded by Councilman Santana.

Councilman Rosenbaum said he is always supportive of the Sheriff's department and the overtime but does not support putting officers at the COVID-19 stations or having the COVID-19 stations at all. He doesn't agree that \$11,000.00 per month should be spent on top of what is already being spent by the Health Department. With all the money being spent on barriers and masks, due diligence is being done.

Councilman Mollenhauer said he knows how difficult it is to project overtime and this is a unique time, but feels \$120,000.00 isn't normal. He said the County hopes to be reimbursed for a lot of COVID-19 costs, but wonders if there have been problems at any of the checkpoints. Sheriff Boyd said about 97% of the people are cooperative but there have also been some instances where the screeners were intimidated by an individual.

Councilman Santana said he wants to understand the process of the officers being at the screening checkpoints. Sheriff Boyd explained that off-duty officers are being paid overtime to be at the tent between the Circuit Court and the La Porte County Complex and a deputy being paid overtime to be at the Michigan City Courthouse. Councilman Santana said he agrees with Councilman Mollenhauer about hoping for reimbursement. He asked that everyone be realistic until the first reimbursement is received because La Porte County is only one of many submitting claims. He added that he didn't think that officers were going to be needed at the checkpoints because of the proximity of the tents to the buildings where officers are already inside. It needs to be decided how much longer this is going to continue. Attorney Friedman said he has been dealing with the attorney from Barnes & Thornburg who said security for checkpoints has

previously been reimbursable and their opinion on what is reimbursable is why they were hired. He added that the County can request up to \$3.6 million for COVID-19 costs from the Cares Act.

President Novak asked if the Commissioners could meet with the Council provide an update on the numbers and reanalyze the situation, and Attorney Friedman said yes. Councilman Yagelski said he backs Councilmen Mollenhauer and Rosenbaum and said the first time the County doesn't get reimbursed, it will become a budgetary problem. Right now, there is a "golden bucket" but when it's not there, it will become a budgetary issue. He doesn't believe a nurse is required to take a temperature and that people have become used to the requirement of wearing masks. He reiterated that if/when the time comes that a cost isn't reimbursed, it will come upon the Council to determine the continuation of that service. Sheriff Boyd said his office didn't ask to have to monitor the checkpoints and be paid for it. He said his officers are busy and work more than they should be working. He added that a security officer at the Complex or Courthouse has to stay focused on his duty and not be divided between two different areas. He said he doesn't want the safety of employees or the public to be jeopardized. He added that when there is inclement weather, the screeners move inside these buildings and the officer is sent home because the screeners are inside with the security officers. Councilman Yagelski said he agrees with the screeners being inside the building with the officers so there are no additional costs. Councilman Mollenhauer said there is no blame and this was a situation that arose unexpectedly.

Motion carried 7-0.

La Porte County EMS

Requesting an Additional Appropriation

From Riverboat (1191)

For Image Trend (Report Writing Software)	\$11,006.18
For Stryker (Cardiac Monitor Service)	\$23,950.00
Total	\$33,956.18

EMS Administrator Andrew McGuire explained that these are two annual maintenance contracts that are not within the EMS operating budget. A motion to approve was made by Councilman Mollenhauer and seconded by Councilman Yagelski. Councilman Yagelski asked if the cardiac monitor service contract is for those in the buildings or in the ambulances and Mr. McGuire replied the ambulances and support vehicles. It pays for maintenance, broken pieces, software updates and other things. Councilman Rosenbaum said it should be added to the operating budget. Councilman Santana said if this is an ongoing expense, it has to come out of the General fund; he will not approve ongoing expenses out of the Riverboat fund. President Novak asked when the monitors were purchased and Mr. McGuire said approximately 6 years ago. He added that he has requested this yearly and also asked that it be put into his budget during budget hearings but was advised to just come to the Council when needed. President Novak said it does need to be added to the EMS budget and said Councilman Santana's point is well taken. Motion carried 5-2, with Councilmen Garner and Santana voting Nay.

La Porte County Parks

Requesting an Additional Appropriation

For Parking Lot Repaving at Red Mill Park

From LIT (1112)	\$84,450.00
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Parks Superintendent Jeremy Sobecki said the parking lot was put in approximately 20 years ago and has recently had issues. Minor repairs were done, but has gotten to the point it needs major repairs. A motion

to approve was made by Councilman Rosenbaum and seconded by Councilman Mollenhauer. Mr. Sobecki said the seepage will also be repaired. Councilman Santana said he visited the parking lot and said it absolutely needs repair.

Motion carried 7-0.

La Porte County Coroner

**Requesting an Additional Appropriation
From Riverboat (1191) or General (1000)
and Non-Reverting Fund (9015)
To Part-Time account (10130)**

**Not to Exceed
\$57,500.00**

A motion to approve was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Councilman Rosenbaum asked if autopsies have increased. Coroner Bob Cutler said he brought Detective Jim Fish from the Drug Task Force who said there was an average 0-2 fatal overdoses a month but unfortunately there were five each in the months of April and May; June had 0, July had 1 and currently August has 1. He said there has to be an autopsy when there is a fatal overdose due to the dealing causing death statute.

Motion carried 7-0.

La Porte County Adult Probation

**Requesting Permission to Spend
From Probation User Fees (2102)
For the Purchase of 2 Computers**

\$2,345.94

Chief Probation Officer Steve Eyrick said 3 computers are necessary due to their age and not being able to connect to a camera to do virtual appointments. The total would now be \$3,518.91. A motion to approve \$3,518.91 was made by Councilman Rosenbaum and seconded by Councilman Garner. Councilman Yagelski said if any desktops were received back from when employees were working from home during COVID-19. Ms. Hale replied that no laptops were given. Councilman Santana confirmed with Auditor Winski that the extra amount did not have to be advertised.

Motion carried 7-0.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Rosenbaum said he attended the Eagle Court of Honor Ceremony on August 9th.

ADJOURNMENT

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

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 28th of September 2020.



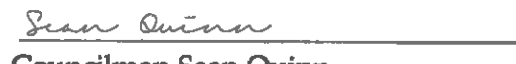
Councilman Terry Garner



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