



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

**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
SEPTEMBER 28, 2020 AT 6:30 P.M.**

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on September 28, 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 SEPTEMBER 28, 2020 AGENDA

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

APPROVAL OF THE AUGUST 18, 2020 SPECIAL MEETING MINUTES

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

APPROVAL OF THE AUGUST 24, 2020 REGULAR MEETING MINUTES

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

PUBLIC COMMENT

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

DEPARTMENT HEAD REPORTS

Vidya Kora, La Porte County Commissioner

Commissioner Vidya Kora said he wanted to comment on the Resolution concerning Corsicana Mattress that will be discussed later in the meeting. He thanked the Council and the Economic Development team for their support. Since its expansion, the Office of Community and Economic Development has worked hard to market not only the location, but the people as well. With the favorable consideration of the Resolution, it will be another success for La Porte County. With the team effort, it is hoped that more successes will be celebrated in the future.

Larry Levendowski, La Porte County Building Maintenance Director

Mr. Levendowski said the construction has begun and everyone is moved out of the Michigan City Courthouse. People have been moved into the Brown Mackie building and it opened to the public today. He wanted to publicly thank IT, the Council and Commissioners, Auditor Winski, the Highway Department, Marquis Electric, the movers, and the County employees for all of their hard work. President Novak thanked Mr. Levendowski and IT Director Darlene Hale for working so diligently to make this happen. He said that Mr. Levendowski, Ms. Hale, Auditor Winski and he have daily conference calls and two weekly Zoom meetings with the departments. Mr. Levendowski thanked all of the departments involved and said everyone worked together and interacting with them was wonderful. Councilman Yagelski said he spent a day with Mr. Levendowski, saw him in action, and was impressed with how well he handles so much in one day. President Novak gave a shout out to St. Anthony's for allowing the County to have some of their unused office furniture. Councilman Mollenhauer said a private contractor with whom he spoke was able to go through the building before it opened and gave kudos to Mr. Levendowski and his crew. He also thanked Mr. Levendowski. Councilman Rosenbaum said he went into both of the buildings and saw the number of items, including heavy benches, that had to be moved. He said it was an amazing amount of material and there was such a savings by having the employees move the items.

Brian Delich from Tonn and Blank gave a construction update and said the NIPSCO gas and electric has been disconnected, some asbestos abatement in the basement of the annex was completed, and excavation for the new addition will begin shortly. Crews are set up to get into the existing Courthouse building to start the interior demolition and get the construction under way; everything is progressing as planned.

President Novak said that the Council and Commissioners are going to tour the old Courthouse and Brown Mackie building on September 29th at 3:00 p.m.

Andrew McGuire, La Porte County EMS Administrator

Mr. McGuire said his department has been participating in the Medicaid program over the last few years. He was happy to report that the 2017 reimbursement was received in the amount of \$41,127.00. He thanked Karen Parkerson who does a lot of hard work on this and is why the program is so successful.

Tony Rodriguez, Director of Community and Economic Development

He said he handed out a copy of an email which summarizes the activities that will commence beginning Wednesday, September 30th. The Redevelopment Commission is serving dual duty as the La Porte County Action Fund Consideration Committee. He wanted to give the Council a snapshot of what will be occurring during the month of October, which will also be posted on the County website.

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

LIAISON REPORTS

Councilman Rosenbaum reserved his report and said he would speak during Comments at the end of the meeting.

Councilman Mollenhauer said on August 26th, he attended the Rail Planning Committee meeting and a Redevelopment Commission meeting; on August 27th, he attended the Countywide COVID-19 meeting by Zoom; on September 2nd, he attended the County Commissioners' meeting by Zoom; and on September 9th, he attended an informational Redevelopment Commission meeting by Zoom. Lastly, he gave kudos to Sheriff Boyd for the memorial service held on September 21st for the 40th anniversary of Patrolman Neil G. Thompson's untimely and tragic death.

Councilman Yagelski said the Council needs to pay attention to the updates from the Governor regarding face masks. He felt the Council should be aware that if the mask mandate is not extended, the next Council meeting would be in person with all of the members.

Councilman Garner said he attended the FEMC meeting this month.

Councilman Quinn said he participated in the HR Job Evaluation Committee meeting.

Councilman Santana will be attending an EMA meeting on October 14th. He said the Council has already heard from two of his liaisons – EMS and Building Maintenance. He said Building Maintenance is doing a great job taking care of all of the buildings and he is glad to hear the good reports. He added that he is still listed as liaison to the County Home and Advisory Board and asked that it be eliminated.

President Novak had nothing to report at this time.

NEW BUSINESS

1. Consider Adoption of Declaration of Fiscal Body for La Porte County Public Library

Fonda Owens, Director of the La Porte County Library, explained this request came through the DLGF. All libraries in the State of Indiana are required to take this action, so it is to clarify the fiscal body for the library in the instance of binding review requirements. It is an occasional circumstance but it would help the DLGF if it was officially on file with them. It is clear that the City and County Libraries were combined and the binding fiscal body is the County Council.

Councilman Rosenbaum clarified the circumstances under which the Council would be involved and Ms. Owens replied that this is just a formality to clarify who is the fiscal body. She added that it would only be necessary if the library came to the Council for an additional appropriation or requested a binding review. Attorney Guy DiMartino said within the statute there are a number of triggering events that would require the Council's approval.

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

2. Consider Approval to move COMOT III Employee/Budget from Maintenance to IT

Councilman Yagelski explained that this is just a transfer with no additional money attached. Both Directors approved this and it will give assistance to the IT Department where needed.

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

3. Consider Approval of Adding a Conservation Technician (PAT III) to Soil and Water Department

Nicole Messacar, Soil and Water Education Coordinator, addressed the Council. She said her department has been given grant funding to assist La Porte County farmers. Although this grant will pay for the salary and benefits of the position, the position needs to be added to the County payroll. She continued and said her department has part-time funds in her budget but the Soil and Water District has outgrown that part-time position. There is no one currently in the part-time position so the department is requesting to make the technician a full-time permanent position. Councilman Rosenbaum clarified that funding has been found for the position and it needs to be a full-time position but was unclear as to whether the position will only exist while the grant funding is available or after that period. President Novak explained that when the grant expires, the department is requesting that the part-time position be eliminated and the technician would continue as a full-time employee after the grant period ends.

Councilman Yagelski said that the Council has a policy that it cannot endow money for a possible future position. Ms. Messacar asked that if the part-time position is not filled by the end of this year, can the money be used for the grant match because there is a 10% match requirement. President Novak replied it could be used for that, but she would need to speak with Auditor Winski about the particulars. She added that the department will receive \$48,000.00 and a 10% match will come from Soil and Water and another 10% from the Kankakee and Yellow River Basin Commissions for a total of \$60,000.00. Councilman Yagelski asked if this amount will cover salary and benefits and after discussion, Auditor Winski replied she didn't have the information readily available but Ms. Mossman said the PAT III base salary is \$40,887.00. Auditor Winski said she would get the figures to the Council by email tomorrow.

Councilman Santana asked if there is any requirement to have the Council approve continuance of the grant-funded position after the grant period has ended, but Ms. Messacar said there was no such requirement. She added that they want to make this a permanent position because the technician job description does include other duties such as MS4 and Storm Water duties where additional staff is also needed.

President Novak asked if the grant could be applied for in the following year. Ms. Messacar said it would depend on the Farm bill funding and Congressional funding. However, she has been told that if the funding is there, her department will receive priority for that funding.

Councilman Yagelski asked why the department didn't come to the Council before getting the grant and Ms. Messacar replied because the department already has the matching funds. She

said that the only funding that is received from the County is through the Commissioners' budget in the amount of \$7,000.00.

Councilman Santana said it has been the practice of the Council that when a grant ends, there is no guarantee that the County will be able to maintain the previously grant-funded position. He continued that there is still a hiring freeze in the County. He stated that when the grant ends, the department can come to the Council and discuss the position at that time.

Ms. Messacar explained that she understands the Council's position but want to keep an open dialogue and be honest about what the need is for the position.

A motion to approve was made by Councilman Garner and seconded by Councilman Rosenbaum. There was a discussion as to whether or not the part-time account should be should be zeroed out after the 10% grant match is deducted. It was decided that the position can be eliminated when the 100 accounts are addressed next month.

Motion carried 7-0.

4. Consider Authorization Financial Commitment Local Match Letter for Community Crossing Grant – Paving Fail Road between Genesis Drive and Fail Road along 200 North – Mitch Bishop

County Planner Mitch Bishop stated the application requires the County and the Council to submit a commitment letter for ½ of the amount which is the local grant match requirement. The estimated cost to the County is \$996,975.00. He then explained the scope of the project and said the letter of commitment is due on October 23, 2020.

A motion to approve was made by Councilman Santana and seconded by Councilman Quinn. Councilman Santana said the Community Crossing grants have provided the ability to pave more and more roads and ½ the cost. Councilman Yagelski asked if any of the 50% to increase the paving money is in-kind services, but Mr. Bishop replied no but he would try to find the verbiage on that and get back to the Council.

Motion carried 7-0.

5. Permission to Hire for Replacement Investigator Position, Permission to Spend \$8,659.95 from Infraction Deferral (2501) for Five Computers and Software, and Discussion on Deputy Prosecutor Salaries – John Lake

Prosecutor John Lake explained that he had a victim advocate who was hired by the U.S. Attorney's office, but there is a current investigator is interested in moving into that position. If that happens, he would like to put the investigator position out to the employees because there are former CSIs who may be interested in applying for the it. A motion to approve Permission to Hire for Replacement Investigator Position was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Motion carried 7-0.

A motion to approve \$8,659.95 from Infraction Deferral (2501) for Five Computers and Software was made by Councilman Rosenbaum and seconded by Councilman Yagelski. Motion carried 7-0.

Prosecutor Lake said when he was elected as Prosecutor, he discovered that women were being underpaid compared to the men. With the Council's assistance last year, he was able to increase some of those, but there are still some glaring discrepancies. He said he also wanted the salaries to be competitive. When Criminal 26 began, he asked the Council for additional money to increase salaries due to additional duties. He didn't receive the money so when he lost two deputies from Superior 4, he took that salary money and distributed it amongst 9 deputies who are now doing additional duties. He said it eliminated the pay gap between the men and women. He said it is all within his budget and is not asking for additional funds. He said he is just redistributing the money and he also removed a benefit package.

OLD BUSINESS

None

CORRESPONDENCE

None

ORDINANCES AND RESOLUTIONS

Public Hearing on Confirmatory Resolution for Personal Property and Real Property Tax Abatement for Corsicana Mattress Company

President Novak opened the Public Hearing. Hearing or seeing no one, President Novak closed Public Hearing.

Consider Adoption of Confirmatory Resolution 2020-9 – for Corsicana Mattress Company

A motion for permission to read by 2020-9 by title only was made by Councilman Yagelski and seconded by Councilman Mollenhauer. Motion carried 7-0. Councilman Yagelski read by title only.

A motion to approve was made by Councilman Santana and seconded by Councilman Rosenbaum. Councilman Rosenbaum said the tax savings of \$260,000.00 over a ten-year period is only on improvements and the salaries are supposed to be over \$10,000,000.00, so it is well worth giving a little bit. Councilman Santana said this is a win-win for La Porte County.

Motion carried 7-0.

Mr. Tony Rodriguez said James Booth, the COO of Corsicana Mattress Company, was attending the meeting via Zoom. Mr. Booth thanked everyone for their support. He feels this is a great opportunity for Corsicana and the community. He said the building is going to be restored and it will be a very viable employment and business opportunity. Within three to five years, he hopes to employ up to 350 skilled and unskilled workers. President Novak said he travels by the building often and knows it will be a great thing to have it occupied. He said he looks forward to the upcoming ribbon cutting.

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 (Second Reading)

Attorney DiMartino said this amendment increases the Emergency Reserve fund from \$10,000,000.00 to \$15,000,000.00. A motion to approve on second reading was made by Councilman Santana and seconded by Councilmen Mollenhauer and Quinn.

Councilman Yagelski said the administration at the time that the emergency fund was established did not want the money to be saved so the numbers were kept low. The money that was distributed was meant to be spent. The County took the opposite stance and it worked out well and other departments have followed suit.

Motion carried 7-0.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County IT

Requesting an Additional Appropriation

From Riverboat (1191)

For Office 365 Licensing Renewal \$63,000.00

Councilman Yagelski said there is a slight increase from last year due to additional security measures. A motion to approve was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Councilman Santana said he discussed this with Ms. Hale and she said it is an ongoing expense. Therefore, Councilman Santana cannot support it because Riverboat funds should not be used for ongoing expenses.

Councilman Rosenbaum suggested that these types of items be put into the budget so they come out of the General fund. Councilman Garner explained it is done this way is to meet the tax levy given by the State; otherwise it would go over the tax levy. Councilman Yagelski reiterated that the tax levy must be met and this is how it's been met in the past. He said he knows it's an election year but the time to address this would have been during budget hearings. Councilman Rosenbaum said it would be discussed at the next budget hearings. Councilman Santana said he doesn't understand the "election year" comment and said it has nothing to do with it. He said he understands people have been told to come back for additional requests but it's time for that to stop and for the County to live within its means.

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

La Porte County EMS

Requesting an Additional Appropriation

From Riverboat (1191)

For Fuel \$15,000.00

For Overtime \$15,000.00

For Computer Replacement Program \$22,000.00

Total \$52,000.00

A motion to approve was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Councilman Yagelski asked Mr. McGuire if he could check with Darlene to see if any of the computers

acquired during COVID-19 could be used for his purposes. He agreed. Councilman Santana said he won't be supporting the yearly computer replacement out of Riverboat as it should be in the budget. President Novak said computers are not in the budget but are a 400 account item. Councilman Santana said Mr. McGuire can verify that this is an ongoing expense and the money needs to be funded for it.

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

Councilman Santana wanted to ensure that the record reflected his Nay on the previous motion. Auditor Winski said she had gotten it.

La Porte County Clerk
Requesting an Additional Appropriation
From Riverboat (1191)
For Election Expenses

\$50,000.00

Clerk Kathy Chrobak said she worked with Auditor Winski to come up with a reasonable additional amount, as she spent over 1/2 of her budget on the primary. A motion to approve was made by Councilman Santana and seconded by Councilman Mollenhauer. Councilman Santana asked if this includes at the two new early voting locations and Clerk Chrobak replied yes. Councilman Rosenbaum said he wanted to inform everyone that \$20,000.00 of this is already spent for computers, printers, scanners and other IT items that were needed for the two sites. Clerk Chrobak said it will include the additional staff for ballot counting. Councilman Rosenbaum asked how the \$50,000.00 was determined because he would like to see a more specific breakdown. President Novak said it is a not to exceed \$50,000.00. He continued said it is difficult to put an exact amount on it with high voting numbers and COVID-19, so this is just a ballpark figure. Councilman Rosenbaum said he still would have liked more detail on the additional two sites and personnel. Clerk Chrobak said Auditor Winski and she really didn't know exactly the amount was going to be and President Novak said it's akin to blazing a whole new trail. Councilman Mollenhauer agreed that this is such an uncertain time and it is difficult to predict an exact cost. Councilman Santana said he agrees with Councilman Rosenbaum and he would like to see clear numbers, but he understands there may be hidden costs. And although he would have preferred to see a more detailed presentation, Councilman Rosenbaum will be supporting this because we have to have an election.

Motion carried 7-0.

Councilman Garner asked Clerk Chrobak to describe the two new sites. She said they are located at Wanatah Town Hall and the old La Porte County Library at 400 and Johnson Road. She gave kudos to Diane Gonzalez for spending time cleaning the library and the Maintenance department for assisting with water and septic issues. For the record, President Novak said the library building is now owned by La Porte Hospital. Clerk Chrobak said early voting begins on October 6th through November 2nd. Councilman Rosenbaum asked if anyone can vote at any one of the sites and Clerk Chrobak replied yes and explained the process.

La Porte County Sheriff
Requesting Permission to Spend
From K9 Donation Fund (4106)
For K9 and Training Equipment

\$15,500.00

A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Santana. Motion carried 7-0. Sheriff Boyd said the current K9 is 10 years old and about to retire to his handler, so the dog needs to be replaced. He added this will include training and equipment.

COUNTY COUNCIL/ATTORNEY COMMENTS

President Novak told the Council to be sure to sign all necessary documents before they leave.

Councilman Rosenbaum wanted to be sure that everyone knew that no one will be temperature checked or screened to be able to vote.

ADJOURNMENT

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

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

Terry Garner

Councilman Terry Garner

Mike Mollenhauer

Councilman Mike Mollenhauer

Randy Novak

Councilman Randy Novak

Sean Quinn

Councilman Sean Quinn

Mike Rosenbaum

Councilman Mike Rosenbaum

Jeff Santana

Councilman Jeff Santana

Mark Yagelski

Councilman Mark Yagelski

ATTEST:

Kristie Deekard

Joie Winski, La Porte County Auditor
Chief Deputy Auditor