



LA PORTE COUNTY BOARD OF COMMISSIONERS

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Sheila Matias
President

Richard Mrozinski
Vice President

Joseph Haney
Member

La Porte County Commissioners' Meeting Minutes Wednesday, March 16, 2022 at 6:00 p.m. County Complex Room 3 & via Zoom

President Sheila Matias called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

Auditor Tim Stabosz called the roll: Commissioner Sheila Matias - Present; Commissioner Rich Mrozinski - Present via Zoom; Commissioner Joe Haney - Present. Quorum present therefore meeting commenced.

Considered the agenda. **Commissioner Mrozinski** motioned to approve. **Commissioner Haney** seconded. **Auditor Stabosz** called the roll vote: **Commissioner Matias - Aye; Commissioner Haney - Aye and Commissioner Mrozinski - Aye. Motion carried 3-0.**

Considered approval of March 2, 2022 minutes. **Commissioner Mrozinski** motioned to approve. **Commissioner Haney** seconded. **Auditor Stabosz** called the roll vote: **Commissioner Haney - Aye; Commissioner Matias - Aye and Commissioner Mrozinski - Aye. Motion carried 3-0.**

Auditor Tim Stabosz read the Claims with Payroll ending 3/11/2022 - \$1,263,867.23 and Operating Expense Claims - \$3,543,453.64. **Commissioner Haney** motioned to approve and stated LIT distributions are included in the dollar amount. **Commissioner Mrozinski** seconded and said the legal fees that have been withheld since December 2021 need to be paid in full as per the correspondence from the State Board of Accounts. **Auditor Stabosz** called the roll vote: **Commissioner Mrozinski - Aye; Commissioner Haney - Aye and Commissioner Matias - Aye. Motion carried 3-0.**

President Matias announced the timer has been removed from Public Comment however when the policy was passed in 2019 it was intended to allow 3-minute statements by the Public in order to get through the business on the agenda, she understands that comments made may be longer than 3 minutes but hopefully respect and civility will remain during this time.

Public Comment

April Daly, 1707 N. 675 W., La Porte, Shared Ethics Advisory Commission representative for the county, handed out brochures to the Commissioners from her recent meeting she attended earlier in the day. Posters will be given to Human Resources to display. Emails were sent to all candidates that have filed for office. As of noon on Monday, March 14th, there are a total of 136 candidates and so far, only 6 have returned a pledge to the SEAC. Lake and Porter County participate as well as La Porte County. Percentages from the 2020 election; Primary Election, La Porte County returned 22% with 57% in the General Election. Lake County returned 53%, Porter was 43% and then in the General Lake County had 86% and Porter County returned 73% of the Ethics Pledge.

Randy Veatch, 4177 W. Schultz Road, La Porte, distributed a handout to the Commission. He asked the Commission at the last meeting to look up mineral extraction in the county codes. "Article 31, definitions from the Joint Zoning Ordinance, mineral extraction includes mining, boring, the removal of earth materials. This pretty much makes it clear that digging minerals is mining." He gave a definition on industry. Referred to the handout of two photos. One photo has him looking out from his garage door and in the photo is a small yellow circle above his smoker then the next picture shows what is in the yellow circle, an excavator that is used to extract minerals or earth material from the ground on the property adjacent to him. Public officials are being told his property cannot be seen from the extraction site yet he can see the excavator from his garage. When he walks to the back of his property which is 53 feet from the road, he can see a lot including excavation materials. If he wants to use his smoker he checks the weather, and has been the last 6 years, to be sure the wind is not coming from the north on days work is being done next door. On the February 16th Commissioners' meeting, Andy Voeltz, via Zoom, contested that 'sand is not sand unless it is washed.' Andrew had a few misstatements during that meeting. Both businesses on 400 W. and 1000 N. are not 'industrial' businesses which Randy said according to code definitions and Article 31, they are. After reading the zoning ordinance, the site located directly behind his house is mineral extracting which includes mining. This is being done in a residential neighborhood. Asked the Commission if they looked up

ORIGINAL

the code that he requested they look up. Asked what is the boundary for dust leaving the area. Again, questioned the Commissioners if whether or not they read the code he asked them to read, he said he believes Mr. Haney is on the Plan Commission and he knows this is not question and answer time during public comment. **President Matias** replied she read it but **Commissioner Haney** said he did not have it right in front of him however he did read it and spoke to the state. **Randy** offered a copy from the podium. **Commissioner Haney** said he can go back and read it later.

Mike Ekovich, wanted to speak on an item under New Business. He is the co-owner of Eko Acres Dairy Farm and Ekovich Concrete and wanted to voice his concerns for the proposed subdivision west of Highway 2 and 350 South in Kankakee Township. **Attorney Friedman** suggested comments and/or concerns be voiced at the time of the item on the agenda, 11 b. **Mike** said he will return to the podium at that time.

David Ambers, attorney with an office at 601 State Street, Suite B, La Porte, stated he was hoping he would not have to return to the Commission. Previously he attended a few Commissioners' meetings in regards to being a citizen of our county. Tonight, he represents Friedman & Associates and read in to the record a letter from the State Board of Accounts. Attorney Ambers will be pursuing further, on behalf of Mr. Friedman, against Mr. Stabosz personally, not against the County Commissioners. *****Letter attached to minutes**

Department Reports/Department Head Comments

Amanda Lahners, Health Department Director, via Zoom, updated the Commission on Covid. County's numbers are dropping down to single digits, currently we are in the blue area, which is the lowest level, with the positivity rate below 5%. There is a new vaccine site located at 901 Lincolnway, the old Heritage Place, and Amanda thanked Northwest Health for offering the facility. Hours are Monday, Wednesday and Friday 8am-6pm. Test site is still open on 8th Street in Michigan City with hours of Monday - Thursday, closed Friday, Saturday and Sunday. State Department of Health inspected our vaccine site, they were impressed with the operation and would like to return to film the process to use as a training video for the State of Indiana. Credit was given to Peggy Rose, Jenny Smith, Ashley Kwilin, all nurses, support staff, IT, maintenance, and support from the Commissioners and community.

Joie Winski, Treasurer, via Zoom, reported on the recent tax sale with \$206,000 coming in last Thursday. As of that sale we have the lowest amount of taxes owed to a county and the highest rate of collection. Proud of her staff. Next tax sale is October 19th.

Rich Mrozinski, Commissioner, via Zoom, has the highest respect for county employees, they are amazing people. There are employees that use their day off on Election Day to work the election and help the county in the election process. "I would think that our County Clerk would welcome with open arms all these people with their experience and dedication to help in the election process." Stated the Clerk doesn't really want county employees working the election, she is concerned with integrity. Not using experienced people but bringing in new ones instead is a concern for him. Asked the Clerk to reconsider her decision. He is 100% behind allowing county employees to work on Election Day to help with the process for our county. **Heather Stevens**, Clerk, made clear to Mr. Mrozinski that in no way did she say that county employees should not work any part of the elections, she said there are multiple employees that work at the polling locations on the day of the election. "What I said was I have an issue with a county employee who has an appointed position, their position depends on who wins certain races, I have a problem with an employee in that position, programming our voting machines. That's what I said so I just want to make that clear." **Commissioner Mrozinski** asked if a certain employee worked the election, doing the same job, when he was on the ballot, Dr. Kora, Sheila and Connie as well. **Heather** responded yes, that was the case, "I wasn't the Clerk then, I am now. Election integrity means everything to me. Voter confidence means everything to me and I think it looks bad. I have never accused any employee of doing something wrong but it looks terrible. I've been cleaning, I've been cleaning that election room. Our machines are programmed, the room is a mess and it would be great for me to ask my husband to come in and help me this weekend but do you think I'm letting the Republican Party Chairman anywhere near our programmed voting machines - no, because it would look terrible."

Tim Stabosz, Auditor, did not have prepared remarks but wanted to say he does not take lightly saying, "Without the ability to look at the elements and components of Mr. Friedman's billings in particular, no other - other than his former law partner, Mr. Sirinek, no other attorney has contested when I make requests to look at items to verify that they are in concert with a governmental purpose or not political. Mr. Friedman has a penchant for engaging in political acts, I had to request an email from Baker Tilly, our financial advisor. Mr. Friedman, I have a reasonable basis to believe as the County Auditor and I report this in all seriousness that Mr. Friedman is engaging in fraud in his billings ultimately so..." **President Matias**, "Mr... sir, this is a Department Head report, excuse me..." **Auditor Stabosz**, "and this is a Department Head, no - you are going to hear this actually because..." **President Matias**, "...excuse me, excuse me, I don't - I'm not going to put up with the charges, this is not appropriate, this is being litigated, this is not appropriate." **Auditor Stabosz**, "No, it's not being litigated so..." **President Matias**, "...you have the State Board of Account - yes, sir, please, please..." **Auditor Stabosz**, "No, no." **President Matias**, "...you're welcome to speak but you are not going to make attacks..." **Auditor Stabosz**, "Okay...so I'm..." **President Matias**, "... on people's integrity and character." **Auditor Stabosz**, "Let me report on the email I got specifically then and we'll eliminate that so I'm gonna..." **President Matias**, "Sir, if you're going to continue attacks, I'm not going to put up with that, I'm sorry." **Auditor Stabosz**, "So, the email that I received from Baker Tilly was an email that Mr. Friedman sent..." **President Matias**, "Sir, this is being litigated, you cannot speak about this..." **Auditor**

Stabosz, “No, I’m sorry, this is a report of a Department Head, you can’t exclude this...” **President Matias**, “No, sir, I’m sorry, ...” **Auditor Stabosz**, “Mr. Friedman sent an email that had your resolution that he wrote, you claimed you wrote it but it was a resolution that talked about my Face...” **President Matias**, “I’m sorry, this is being litigated...” **Auditor Stabosz**, “I’m going to finish this, I’m sorry...” **President Matias**, “...this...please sit down...” **Auditor Stabosz**, “...it talked about my Facebook page which is political and...” **President Matias**, “We’re having a recess right now of three minutes, thank you, please.” **Auditor Stabosz**, “You can’t cut me off like that, that’s wrong, that’s wrong.” **President Matias**, “Yep sir, we’re not going to be... I’m sorry, this is being litigated, it is not for public comment.” **Auditor Stabosz**, “I’m staying right here.” **President Matias**, “Go ahead, have some thought about what you’re going to say.” **Auditor Stabosz**, “I get my three minutes, I get three minutes, put it during Public Comment. You can’t cut-off a Department Head” **Commissioner Mrozinski**, via Zoom, “Yes, she can.” **President Matias**, “There’s certain things that you’re not going to talk about...” **Auditor Stabosz**, “He’s been engaging in politics nakedly...” **President Matias**, “Sir, this is being litigated...” **Auditor Stabosz**, “...and that’s defrauding the county.” **President Matias**, “...this is not for this meeting. This is being litigated, you have a lawyer in the room that was...” **Auditor Stabosz**, “Don’t call me sir, I’m the Auditor.” **Commissioner Mrozinski**, “And you’re violating the rules.” **Commissioner Haney**, “For what it’s worth, I believe what Mr. Ambers has said was he was doing it, he was going to personally file, not file anything against the county so technically the county wouldn’t be involved in that litigation at this point.” **Auditor Stabosz**, “Exactly.” **Commissioner Haney**, “According to what Mr. Ambers said.” **President Matias**, “There’s a lawsuit and this is not appropriate...” **Auditor Stabosz**, “Who cares, that’s private.” **President Matias**, “Excuse me, I’m not debating with you.” **Auditor Stabosz**, “The meeting’s not going on right now. We’re talking.” **President Matias**, “Excuse me, I’m not talking, I’m just telling you that’s where my stance is.” **Auditor Stabosz**, “I’m telling you right now, no personal suit is going to fly in court because I’m acting in my capacity as Auditor to not pay him so the notion of his idea (President Matias exits the mezzanine) of suing me personally, when it’s in an Auditor’s capacity, is silly.” **Recess takes place.** **President Matias** reconvenes the meeting. **Auditor Stabosz** does not appreciate his integrity being attacked around his bill paying polices. He has reasonable basis to question Mr. Friedman’s - **Commissioner Mrozinski** said he had no audio. **Auditor Stabosz** continued saying he did not appreciate his integrity being impugned, Attorney Ambers coming in to the meeting and making statements about the Auditor. He believes his actions have a reasonable basis, a moral basis and a legal basis and acting in his capacity as Auditor. “I believe any suit against me that’s private needs to be done against me as Auditor because I’m acting in my capacity as Auditor to not pay the bills so it’s absurd, it’s one thing to be sued for defamation personally but it’s the Auditor’s actions and specific to the example of a Baker Tilly bill, a Baker Tilly email that I got only from them because Mr. Friedman does not provide us emails and their kept on a private server, the resolution that you passed that denounced me from my Facebook postings that are political and for the one-day-late bond payment, that resolution was emailed to Baker Tilly, as Professional Service advisor, and he charged us to send that email with that resolution. Why does the Professional Service advisor, a financial advisor, need to receive that email? If they read that email and spent time reading that email, they could bill us \$300 an hour to read that email. These are the types of things that I am catching that are just not acceptable and not professional and so I will go to court, if necessary, again, for the right of the Auditor, he needs to have, his contract needs to be revised and it needs to say that the email, his emails need to be kept on a public server, he should not be able to do what Hillary Clinton did or certain politicians, that keep it on a private server where they can delete when they want to or whatever. He needs the accountability of having his emails kept on a public server and he needs to be able to, like any other public official, any of us, have our emails discoverable. So, he’s provided nothing and he maintains the **sham** of ‘attorney-client privilege’ when 95% of his emails are not ‘attorney-client privilege’ so I’ll be sending you an email with a report on the elements of some of his billing items that are nakedly political in their essence and unacceptable and I won’t pay them, thank you.”

Joe Haney, Commissioner, “Earlier this week, I want to touch briefly on what Commissioner Mrozinski brought up earlier and then our Clerk Stevens addressed, I met earlier with Clerk Stevens as well as the Secretary of State Sullivan and we talked about elections, election integrity, I think that’s something that’s really important and coming out of a previous election cycle from a previous Clerk, there were some irregularities that had occurred with that election and in fact, one of our local journalist outlets won an award for their coverage of some of the things that transpired during the last election. There can...what we want to do, what I think the goal ultimately here is, and first I want to stress that there have been no accusations made toward any county employee whatsoever and there’s no, this doesn’t have to do with that, this is in relation to I believe the goal for everyone is to have a - perception can be reality at times, right, so the goal here is to make sure that there is not even an appearance of impropriety anywhere where someone might be able to make some sort of accusation or have some sort of concern. Having things transparent, having things above board, is extremely important so when it relates to that especially given some of the things that transpired during the last election, I think it’s important to give that confidence to the people of La Porte County, the voters of La Porte County as well as the rest of the state and that perception is reality is a term that actually the Secretary of State used earlier this week which was a great meeting, she came and visited us in La Porte County. Great meeting, there were other elected officials from La Porte County here as well as for that, Representative Pressel, obviously Clerk Stevens was here, and numerous other folks, County Council people as well, Councilwoman Gramarossa as well as Councilman Rosenbaum and I know I’m leaving some other folks out. In any event, I think the goal here, we shouldn’t necessarily get bogged down into trying to make something out of something that shouldn’t be, the goal here is to provide open transparent elections and let the people have confidence in what’s going on here in the County and if certain things were done a certain way for a while in one or two aspects maybe it is kind of time for a change and to make sure that we can, you know, we can dispel any possible dispersions that may be, that may be cast in any particular direction. I think that’s the ultimate goal here so again this wasn’t directed personally at anyone and the goal here is to have open fair transparent elections and people have confidence in it and not to, to remove any possible question that you could, here or there, in regards to that, so with that, hopefully that sheds some

more light on it, you know, we're all looking to have open fair transparent elections without any shadows, I'll leave it at that, thank you." **Attorney Friedman**, "Madam President, members of the Commission, let...I know you don't want to leave the impression Commissioner Haney that there is any evidence of any kind of wrong doing in prior elections by Clerks of either party, I mean the County's had a long-storied history of good, honest fair elections and certainly that's not your observation that you're making here today." **Commissioner Haney**, "My observation is simply that perception can sometimes be reality and there was a local news media outlet that won an award for their coverage and expose on certain things that happened during the last election so I believe it's important to what faith may or may not have been disturbed by certain members of the public I think it's important to restore that for each and every member, every citizen of La Porte County as well as each and every voter to know that things are being, going to be done appropriately, above board, openly, transparently and you know, anything that may come up as an issue, trying to get ahead of it, you know, I can appreciate that and at the same time I think it's important that we're not consternating a person or anything else, it's just...you know, there's a new Clerk and they want things to be followed a certain way and it seems like the Secretary of State is on board with that as well so it's – that's, that's kind of where we are." **Attorney Friedman**, "Okay, we just want to clarify for the record though, anyone ever having any evidence of wrong doing has the opportunity to file such with the County Election Board, there's both the Election Contest Statute and the Election Recount Statute and so neither of those were exercised this past election to my knowledge so that's, just so we're confirming that for the record. Thank you." **President Matias**, "So I would like to add a perspective, we're not, we're dancing around the issue a bit, there's a particular county employee who has worked for this organization that runs our election since 2006, this person has done on her off-time not on her county time, on her weekends, on her days off. She has represented our county well. One of the things that she has brought to this part-time work is that she knows the county back and forward, she knows where every machine goes, she knows where every precinct place is and so this outside company comes in to La Porte County and they rely on us to know the geography, where we've got blended precincts, you've got two precincts in one school, they don't have that local knowledge and so there is a value to making sure our elections run very, very well, efficiently, effectively and there are no broken machines, if there's a broken machine in the library in Wanatah, somebody's got to know where that is and they know, they have to get down there and fix it so there's not a backup of voters or voters are being turned away because there's no machine so this particular person has done a really good job and I, you know, talk about integrity of elections, the county has had very strong election integrity for decades and decades, you know, the Clerk is entitled to do what she thinks is right but I do think it's really important to note that this person that we are talking about, who is a county employee, has worked for this company since 2006 and is a - they come to her because she is so knowledgeable so she knows our county, she knows election law, she knows our machines, she knows how the machines work and people trust her. All the other poll workers come to her to ask questions and so I think that it's important to note that particular person, since we're dancing around, it isn't all county employees that we're talking about because a lot of them work the polls but this particular one currently is in an appointed position but she has worked through many, many election cycles without any issues whatsoever so..." **Commissioner Mrozinski**, via Zoom, pointed out that the employee being discussed has had other people go to her asking for advice, asking how things work, how things should be done because that person knows and the Clerk does not and so to remove someone who is a source of knowledge doesn't make any sense to him. As for integrity it casts a suspicious eye on the decision made by the Clerk.

Tony Rodriguez, OCED, gave a quick snapshot of what is currently going on with his office. A ribbon cutting ceremony was held today with Corsicana Mattress Company which will employ approximately 350 employees while investing 7.25 million dollars in both real estate and personal property manufacturing equipment in our county. This was a team effort. Thanked everyone that attended the ceremony. Recognized our County Assessor, Mike Schultz, who plays a critical role with Economic Development. Housing development is still a focus which started early in 2020 with the Housing Task Force stemming from the efforts of the Unity Foundation and Convention & Visitors Bureau. Work is being done with numerous single-family residential developers that are 'stepping up to the plate' in a very aggressive way to meet the challenges of the county.

Requests

Considered permission to pay 60 unused sick days to Deputy Susan Wilkey who is retiring after 25 years of service. **John Boyd**, Sheriff, requested permission to approach the Council for funding to pay this amount to Deputy Wilkey. Stated Sue was hired by Sheriff Bob Blair and has been a very reliable and dedicated employee. **Commissioner Mrozinski motioned to approve.**

Commissioner Haney seconded. Auditor Stabosz called the roll vote: Commissioner Mrozinski - Aye; Commissioner Matias - Aye and Commissioner Haney - Aye. Motion carried 3-0.

Considered permission to approach the Council for additional appropriation to pay 60 unused sick days to David Spence who is retiring after nearly 44 years of service. **John Boyd**, Sheriff, reported David Spence worked under 6 sheriffs. Hired by Sheriff Jan Rose and faithfully served each and every one of them. Served in the jail, worked in patrol, went to the Warrants Division and retired from the Merit Division then was immediately hired as a Civilian Process Server. **Commissioner Haney motioned to approve.**

Commissioner Mrozinski seconded. Auditor Stabosz called the roll vote: Commissioner Haney - Aye; Commissioner Mrozinski - Aye and Commissioner Matias - Aye. Motion carried 3-0.

Considered MOU required to be FBI-compliant with regard to protection of Criminal Justice Information Security. **John Boyd**, Sheriff, and **Jeanne Crosslin**, Administrative Coordinator, were present. **Jeanne**, as the IDACS coordinator for the Sheriff's Department, reported an FBI audit will take place for criminal justice information security, CJIS, in order to comply with the request.

The MOU is for two years and covers employees that are not members of the Sheriff's Department, such as maintenance and IT. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Auditor Stabosz called the roll vote: Commissioner Matias - Aye; Commissioner Mrozinski - Aye and Commissioner Haney - Aye. Motion carried 3-0.**

Considered National Public Safety Dispatcher Week, April 10-16, 2022. **Barb Huston**, E-911 Director, this is honoring the 'Hero behind the headset.' Reminded the Commission of the storm in February when a decision was made to close the county offices due to the snow storm. Andy Hynek, working the midnight shift in the Sheriff's Department, sent an email to the E-911 center that if any of the employees could not get out, they would go get them then EMS notified the center telling them where additional vehicles would be if needed during the storm. The fire departments, including volunteer, stayed at the fire stations in case they were needed to go out in the snow to emergency calls. E-911, EMS, Sheriff's Department and Highway Department are all heroes to our county. Stats for calls in 2020 were 58,000+ emergency calls, of those 166,610 total calls came in to the center with 114,152 calls were actually dispatched. In 2021, an additional 59,000+ emergency calls, 136,268 were dispatched with 168,936 total calls coming in to the E-911 Center. Compared to 2010 they are up more than 20,000 calls in 12 years. **Commissioner Haney motioned to approve. Commissioner Mrozinski seconded. Auditor Stabosz called the roll vote: Commissioner Mrozinski - Aye; Commissioner Matias - Aye and Commissioner Haney - Aye. Motion carried 3-0. ***National Public Safety Dispatcher Week attached to minutes**

Old Business

Considered resolution approving I-94/US 35 Economic Development Plan. **Matt Reardon**, the Plan Commission approved the order meaning the development plan for the area is consistent with the existing zoning ordinance of the county therefore the project will be moving forward to the next steps with the Redevelopment Commission then returning to the Commissioners once the final design, utility extensions and cost estimates are completed. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Auditor Stabosz called the roll vote: Commissioner Haney - Aye; Commissioner Mrozinski - Aye and Commissioner Matias - Aye. Motion carried 3-0. ***Resolution 2022-3**

Considered bid recommendations for bituminous materials, paving and pavement markings, Class 11, 12 & 13, as per Duane Werner, Highway Superintendent. **Class 11 - Bituminous Materials** Two Bidders: Bit-Mat Products of Indiana and Asphalt Materials. **Both bids accepted. Alternate Bid for Application of Bituminous Material** Two Bidders: Bit-Mat Products of Indiana and Central Paving. **Both bids accepted. Class 12 - Hot Asphalt Concrete** Two Bidders: Rieth-Riley Construction Co., Inc. and Milestone Contractors North, Inc. **Both bids accepted. Rieth-Riley will be primary and Milestone secondary. Class 13 - Pavement Markings** Two Bidders: Avalanche Snow Removal & Maintenance, Inc. and The Airmarking Company, Inc. **Both bids accepted. Commissioner Haney motioned to approve. Commissioner Mrozinski seconded. Auditor Stabosz called the roll vote: Commissioner Mrozinski - Aye; Commissioner Matias - Aye and Commissioner Haney - Aye. Motion carried 3-0.**

Considered bid recommendations for Rolling Prairie EMS/Highway Garage. **Larry Levendowski**, Director of Facilities, secured five different bids for this project with five different categories: Site Work, EMS Base, Highway Garage, Salt Storage Structure and a combination of various base bids. Total construction cost came in under two million dollars at \$1,987,105.00. Request tonight is for contracts to be signed then approach the Council on the 28th so no delays on the project. A 15% contingency amount of \$298,065 plus speakers that need to be added for the EMS communication equipment will bring the total project to \$2,306,691.62 and is still below the original budget. The application for IDHS Division of Fire & Building Safety for Construction Plan Release requires a signature. **Attorney Friedman** reviewed all 3 contracts and is comfortable with the content. Commended the engineering firm of Giannini & Associates for the evaluation of the bid contracts. The motion is subject to financing approval by the Council and approval of the plan release of the application. **Larry**, bids awarded went to all local contractors in our county. Site work was awarded to Pavey Excavating in La Porte, EMS Base and Salt Storage Structure to NT Builders in Michigan City, and Larson-Danielson Construction, La Porte, for the Highway Department Garage. Councilman Mark Yagelski's request for cost analysis to join the two buildings was completed with a net total savings of \$48,703 to join the two separate facilities. There is a delay of approximately 4 months if a decision is made to go this route. **Commissioner Haney** said if that happens then the project would have to be 're-bid' which could result in higher prices due to inflation and Larry answered yes, it could end up being over \$100,000. **Commissioner Haney motioned to approve Larry's recommendations for the bids. Commissioner Mrozinski seconded. Auditor Stabosz called the roll vote: Commissioner Matias - Aye; Commissioner Haney - Aye and Commissioner Mrozinski - Aye. Motion carried 3-0. Larry** stated a groundbreaking ceremony will take place after a commissioners' morning meeting. **Commissioner Haney motioned to approve the application to IDHS Division of Fire & Building Safety. Commissioner Mrozinski seconded. Auditor Stabosz called the roll vote: Commissioner Mrozinski - Aye; Commissioner Matias - Aye and Commissioner Haney - Aye. Motion carried 3-0. Larry** extended his gratitude to the Commission during this process of the project.

Considered approving final, revised contract with Woodruff & Sons for resolution of long-standing drainage issues in Meadowview Estates subdivision. **Jay Sullivan**, Engineer, reported he does **not** have a 'revised' contract but he does have the 'original bid contract' that requires signatures. There is an agreement with the contractor about the addendum with a quote for the asphalt. He may have to go to Council for the funding of \$700,000 because it was not encumbered from last year's budget. **Commissioner Haney** suggested approving the current contract then allowing change orders later for the road work due to a 60-day window. **Jay** stated the change order was approved by the Council as well but the funds were not encumbered to this year. He mentioned 2 change orders

were approved by the Council. **Attorney Friedman** suggested revised contract approval based upon review by the County Attorney but said we do need to keep this moving forward to preserve the bid amount. **Commissioner Haney** motioned to approve the drainage contract pending County Attorney's review as well as permission to approach the Council if needed for any additional funding or change orders. **Commissioner Mrozinski** seconded. **Auditor Stabosz** called the roll vote: **Commissioner Haney - Aye; Commissioner Matias - Aye and Commissioner Mrozinski - Aye. Motion carried 3-0.**

New Business

Considered 1st reading for Ordinance rezoning from A to R1B to all R1B - Sloane Avenue Land Opportunities, LLC, petitioners. **Katie Kopf**, law firm Hoepfner, Wagner and Evans and representing petitioners Sloane Avenue Land Opportunities, stated the subject property consists of 166 acres, located on the south side of Highway 2, in between N. 350 E. and N. 450 E. The goal is to develop the property into a residential subdivision and this is the first phase of that process by asking for a rezone. The property is currently a split zone of both agricultural, A, and single-family residential, R1B, and the request is to be rezoned to all R1B. On February 22nd, a favorable recommendation was given to the petitioners from the Plan Commission. **Commissioner Mrozinski** asked if anyone wanted to speak on this subject. **Mike Ekovich**, co-owner of Eko Acres Dairy Farm and Ekovich Concrete, expressed his concerns to the developer that the 2 largest most modern dairy farms in our county are within a half mile of this proposed development. "My concern is, I'm familiar with the ground, I'm the operator, co-operator of Eko Acres Dairy, there's a lot of I guess, steep ground, there's going to be a lot of run-off on to the farmland adjacent to that, that we have an agreement, it's actually down with the state, once we, you know, had to get our IDEM permits and I'm afraid that run-off water is going to come across the manure, fertilizer, pesticides, herbicides, applied land and further wash it down the line and adjacent properties, ditches, retention ponds, I'm also concerned about the complaint of smell. I think at this point the county needs - being that I am co-owner of Ekovich Concrete as well, I see we need, you know, defective growth too, we need that, we need Ag, I think we need to put a fine line and at this point I think where the county is... we need housing in one point, Ag on the other, I'm not completely against this, I just think we need to protect - I'm here to protect my children, who are already taking part in the dairy farm along with the adjacent farmers as well, so I want to be... I'd like you to table any decision on this until preliminary drawings are made with retention ponds, where the houses are going to be located and you know, if that means green space in between Ag and the houses, you know, if that's wooded area to kind of lower the smell, ultimately as the county I think the bypass going around the east side of La Porte, I think if we pack that full of residential and we keep a fine line so we don't - future generations don't have to fight to farm so thank you for your time." **Jim Paarlberg**, 4701 E. 300 N., Rolling Prairie, "I own all of the south side of that property and you know, there's manure that gets spread there, I raise highly intensive crops, I raise tomatoes, red gold, I raise onion sets, small bulbs for gardening, and this is our busy shipping season, we raise garlic, we raise seed corn, and so a lot of different things. There might be, when we raise some of these intensive crops, our sprayer may be going completely across the south border of that property. Probably, I know there's at least 15 times that we're spraying those fields with crop protectants and so there's, there's just - we're marrying, we're trying to marry two dreams and my dream is to farm and someone else's dream to live out in the country and so how we mitigate this and mesh - I don't have the answers, I just, I think his (Mike Ekovich) point was valid to allow plenty of space because people that sometimes move out to the country don't understand all the things we do and then we have to deal with the consequences of that and sometimes we get 'saluted' as people drive by and it's usually not a friendly salute and so we're just asking, you know, we just think it would be wise not to put us all together so tightly, I mean that whole south side, I'm all along there, my - I have three sons that are currently full time with me and so we plan on doing this for a long, long time and so just asking for some mercy and some wisdom, you know, some of that property is already zoned residential, there was wisdom somewhere previously and so the property was bought without having any changes and I wish it would have gone before contingent but it wasn't so we're just asking for a little bit of guidance and a little bit of wisdom and marrying the two worlds so thank you." **Joe Balthes**, 4176 E. 350 N., Rolling Prairie, farms northeast of the proposed development and has the same concerns as Mike and Jim, "We raise hogs, our hog operation is about a mile southwest or southeast, I'm sorry, of the proposed development and we spread manure on the fields around the development. Again, there will be odors and the concern that we've had in the past is we spread manure and we get a lot of calls and complaints on the odor from houses along the field that we spread on, we spread according to the rules and regulations so there's always that concern that we'll have to fight that down the road. Also, these fields, as Jim says, the barriers that if the housing development goes in, will there be any kind of barrier put up as far as protecting the ground that's farmed from the houses. And then another concern is that we're putting up or proposing to put up a housing development less than a quarter of a mile away from another housing development that has 30 unused plots, building sites that have not had any buildings built so why we are proposing to build another housing development before the housing development down the road is filled up so it's just something to think about, appreciate it." **Randy Veatch**, 4177 W. Schultz Road, "I don't live around this and I can feel their pain already, six and a half years the county made the wrong decision for my house, let's not make another one please." **Tony Albertson**, 3992 E. 350 N., Rolling Prairie, "My property adjoins right next to where this proposed subdivision is, Commissioner Matias, Commissioner Mrozinski and Commissioner Haney, and respectfully we showed up at the zoning meeting to remonstrate against changing this from agriculture and like Mr. Paarlberg said that somebody had the foresight to zone that agriculture to have a separation and we were against that and solidarity tonight we're here again to appeal to you, you know, to keep that way it is, there's a subdivision and to reiterate what he said with many empty lots. A short five years ago we had a referendum and we spent approximately 45 million bucks to remodel our schools and build on now we're going to stress those with overcrowding, there's a 19-1 student ratio now which is higher than the 17-1 state average so you know, we got a 16-year bond to pay for that so our taxes are going to go up to fund it. It was incorrectly stated by their attorney last time that public utilities, septic services from the City of La Porte was available and it is not, it's on the wrong side of the road. That was put in for the town of

Rolling Prairie, it's not available to that but - so in solidarity we're here to appeal to you so I thank you for your time." **President Matias** asked Building Commissioner Mike Polan to speak on the subject. **Commissioner Haney** stated he lives on some acreage near Door Village and when the farmer is spreading manure on the property next to his land, pending on which way the wind is blowing, the odors are present however that goes with living out in the country. He questioned whether or not the developer will disclose the information to potential lot buyers of the agriculture industry in the area. When he moved in to his house, he signed an acknowledgement that he was aware of an airport near his location. **Katie** replied she has not been involved with that part of the development but she believes they would be open to the idea. **Commissioner Mrozinski** said he sits on the Plan Commission and it was part of the discussion. He noted prior to moving forward on this, things that have to be addressed down the road, one would be drainage and storm water management which would be a subdivision design that requires owning 150% of their water also there would be adequate vegetation buffers. These are things that need to be addressed in the future as the project moves forward but tonight's approval should be done first in order for it to go to the next phase. He corrected the previous gentleman on the sewer line that feeds Rolling Prairie saying it does not become a part of Rolling Prairie until it gets on the north side of US 20 therefore it belongs to the City of La Porte and the line can go under the road and tie-in to the lines to service this proposed subdivision. The sewer, drainage and vegetation all must be approved by the Plan Commission and the Board of Commissioners before the final decision. **President Matias** said she does have a concern on the spraying in this area and asked Katie if discussion has been held pertaining to this issue or a buffer. **Katie** replied she does not know the exact number of units for the subdivision but there has been talk about buffering. She commended the Plan Commission staff, the developer and his team have had meetings to follow all the rules. This is step one of a very lengthy process. **President Matias** understands the concerns of everyone involved and all the variables. **Attorney Friedman** stated Mike Polan is having microphone issues but he sent comments to the Commissioners then he said they might consider approving first reading tonight with instruction that the developer meet with the affected neighbors to get assurances that they are looking for and this will keep the process moving forward for the developer. **Commissioner Mrozinski motioned to approve on first reading only for Ordinance rezoning from A to R1B, Sloane Avenue Land Opportunities, as petitioners. Commissioner Haney seconded with answers to several questions brought up tonight. Attorney Friedman** stated again it would be good to have the developer, who is known to be eco-friendly, to meet with the local farmers to answer their expressed concerns. **Auditor Stabosz** called the roll vote: **Commissioner Matias - Aye; Commissioner Haney - Aye and Commissioner Mrozinski - Aye. Motion carried 3-0. ***Ordinance - 1st Reading only**

Considered opting-back in to opioid settlement (Johnson & Johnson and distributors' case) with recent passage of legislation providing greater return for cities and counties in Indiana and related documents. **Attorney Doug Biege**, distributed paperwork to the Commissioners, stated the statute has been changed with the Governor signing it about 2 weeks ago. Under the new statutory local municipalities are treated much better, our attorneys are recommending the county opt back in however this is not for all of the defendants, this is for Johnson & Johnson and some of the distributors. Part of the settlement will have certain areas where the county can spend the money and then some of the settlement monies coming in there will be no restrictions. Attorneys cut their fee, there is a short timeline on this with possibly the first week of April starting at the federal level, it will trickle down to the county levels. No date and/or amount available yet. Attorney Biege recommends the county opt 'back in' and will be part of the state's process which will result in a larger share than what we were looking at last time under the old statute. **Attorney Friedman** said it is a much-improved statute, 90% of the proceeds were going to the state as opposed to the sharing with the local entities, there were 26 counties and 45 cities that had opted out and under this they would rejoin the multistate settlement because the statute was improved to provide more distribution to the localities. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Auditor Stabosz** called the roll vote: **Commissioner Mrozinski - Aye; Commissioner Haney - Aye and Commissioner Matias - Aye. Motion carried 3-0.**

Considered support for establishing a new contract R.N. position in the Health Department to coordinate establishment of inter-agency Fetal Infant Mortality Review (FIMR) team. **Amanda Lahners**, Health Department Director, Maria Fruth and Dr. Wheeland, representatives of Health Care Foundation of La Porte. This request is seeking support for creating this contract position within the nursing program that would coordinate the program and the team within the health department. "Fetal Infant Mortality Review is an evidence-based process to understand the circumstances surrounding fetal and infant mortality at city, county and also state levels." **Maria Fruth**, CEO of the Healthcare Foundation of La Porte, stated the foundation was created March 1, 2016 and they recently celebrated 6 years. **Dr. Gary Wheeland**, Board member of the Healthcare Foundation and local physician, reported on statistics for our county. The infant mortality rate in our county for year 2020 was 11.4% - 51% higher than the national average and 42% higher than Indiana. Ten fetal deaths, an infant born without signs of life and 13 infant deaths, a death of a live born infant prior to 1st birthday. La Porte County ranks 11th in death rates. A spread sheet was shown with risk factors. First step in preventing future deaths is to understand the root causes surrounding the premature loss of a fetus or infant. There are 44 counties in our state that have FIMR teams in their health departments. The position created will collect data, probably from the last 3-5 years, from maternal, family interviews, birth/death certificates, doctor office visits and hospital records. Case review team will go over this information. Community Action Team implements recommendations and assesses progress and impact. **Amanda** will be looking to hire an RN or one with an extensive medical background due to the material that will be reviewed. The position will be under a contract, funded with a grant, not county funds and will have approximately 30 hours a week, possibly dropping to 20 hours a week. She hopes to have the position filled by the end of May. Team members, possibly 10-15, will likely be a pediatrician, neonatologist, family medicine, agencies such as Dunebrook or Healthline, and possibly law enforcement to come together and review the cases to determine why the

deaths have happened and how to prevent them in the future. The Healthcare Foundation of La Porte will sponsor the first grant for this position. The Commissioners' support is requested to help get this position/program up and running for our county. **Attorney Friedman** said it is not required to approach the Council for this due to grant funding however it would be good to inform them of what is coming with this position in case grant funding becomes unavailable. **Commissioner Haney** motioned to approve the position but to let the Council be aware of this for the future. **Commissioner Mrozinski** seconded and reminded everyone that in years passed the Council, once a grant runs out, does not fund that position and it is eliminated but he hopes it will be supported in the future. **Commissioner Haney** stated he motioned to approve without using the word 'R.N.' to allow flexibility for Director Lahners in filling this position. **Auditor Stabosz** called the roll vote: **Commissioner Haney - Aye; Commissioner Matias - Aye and Commissioner Mrozinski - Aye. Motion carried 3-0.**

Considered contract with S.E.H. to assist Treasurer's office with 2020 reconciliation. **Joie Winski**, Treasurer, this is to continue the 2019 reconciliation which was started by Baker Tilly however the need for 'in person' assistance, possibly several days a week, was agreed upon by S.E.H. The 2020 reconciliation will be conducted after 2019 is completed. Attorney Friedman has reviewed the contract and recommended approval by the Commission. **Commissioner Mrozinski** motioned to approve. **Commissioner Haney** seconded. **Auditor Stabosz** called the roll vote: **Commissioner Mrozinski - Aye; Commissioner Matias - Aye and Commissioner Haney - Aye. Motion carried 3-0.**

Considered MOU with Clinic Solutions, LLC to provide consulting services related to the health clinic services. **Barb Mossman**, Human Resources Director, this is the administration of the NorthShore Health Centers. **Commissioner Haney** motioned to approve. **Commissioner Mrozinski** seconded. **Auditor Stabosz** called the roll vote: **Commissioner Haney - Aye; Commissioner Matias - Aye and Commissioner Mrozinski - Aye. Motion carried 3-0.**

Considered MOU with NorthShore Health Centers, Inc. to provide medical services to La Porte County. **Barb Mossman**, Human Resources Director, as part of strategic planning by the insurance committee for the county, looking for ways to improve benefits and controlling the cost for the county, one option is NorthShore Health Centers who would provide a local shared clinic and pharmacy for the county's medical plan members and their dependents to receive medical services and prescriptions at no cost. The hope is that the county will start looking at great savings towards both plan dollars and for the employees. No additional funding is required right now, should be covered under the Health Care budget. **Commissioner Haney** motioned to approve the MOU then said this is based upon the survey results from employees which the clinic is 100% voluntary. Commissioner Haney, Barb Mossman and Councilman Mike Mollenhauer have worked on this idea for the last 7 months. **Commissioner Haney** motioned to approve. **Commissioner Mrozinski** seconded. **Auditor Stabosz** called the roll vote: **Commissioner Matias - Aye; Commissioner Mrozinski - Aye and Commissioner Haney - Aye. Motion carried 3-0.**

Commissioner Comments


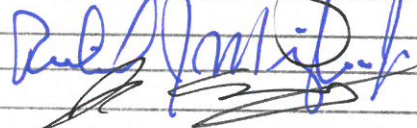
Commissioner Haney reported on the Overweight Truck public workshop that was held last week. A second workshop is scheduled for April 8th at 1:00 p.m. here in the complex meeting room. Members of the public are encouraged to attend with any thoughts or ideas to contribute to the ordinance. A Zoom meeting was held for the Health Clinic which all Commissioners attended. He commended the Health Department and the vaccine clinic located at a new facility on Lincolnway. The Secretary of State, Holli Sullivan, visited the Clerk's office at the La Porte Courthouse. He spoke on the upcoming elections, "Some paper trail from some of the, we have these devices that attach to our voting machines that print out a record in real time, I think right now we have about 10% if I remember correctly of machines that'll be able to do that for this next election and hopefully there'll be some funding from downstate to provide some more hopefully but we'll see." A ribbon cutting ceremony was attended today for Corsicana Mattress. Amazing things are happening in our county and we do need housing, there is a need for it. Getting 300 additional homes would be huge for our county. Elie Wiesel, "There may be times when we are powerless to prevent justice, but there must never be a time when we fail to protest."

Commissioner Mrozinski, Hats off to Marquiss Electric for the outstanding job on the Franklin Street draw bridge in Michigan City. It's a shame they were put in a position to scramble for the parts to allow the bridge to open on time. It shows how valuable they are to La Porte County. He noted Michigan City has a 150-million-dollar project going downtown which is great but he pointed out the value of the bridge allowing the public and emergency vehicles to access the area at the lake. Alternatives to this bridge are being looked at as well in case of delays or it is no longer in proper working condition but it will cost money.

Commissioner Matias commented on the ribbon cutting ceremony held at Corsicana Mattress which brought to our county 350 new jobs. The building that is now home to this company had been empty for years and was in need of repairs. Eighteen months of effort and work have been put into it to house this mattress factory. La Porte County Works! profile is on the Peepers Company. It is a fourth-generation, family-owned spectacle company founded originally in 1908 as a screen cloth and hardware provider. Peepers Reading Glasses was founded in 1993. Currently located at 9935 E. U.S. Hwy 12 in Michigan City. Terri Sammann, wife of Paul Sammann, was looking for reading glasses and only found basic, generic glasses so she decided to see if her husband could help her design and produce reading glasses with style. They currently employ 80 people with a salary range between \$40,000 to \$80,000 and between \$19.00 to \$20.00 per hour. The company offers employees major medical, 401K, disability insurance dental and eye care

insurance. Peepers offers employees a clean, state of the art facilities that is climate controlled. The facility also maintains a full exercise room for the employees. Alec Sammann, who serves as company president, encourages company pride in his employees and focuses on ensuring that Peepers is their employment of choice. Today, the company creates stylish, optical quality reading glasses and sunglasses for every season. Peepers' Center Stage sunglasses have made the Oprah's Favorite Things Lists for four consecutive years. They are sold at Peepers.com, optical stores, and grocery stores. Peepers has also been named the best place to work in the State of Indiana for four years. In addition, from 2013-2020, Peepers has been honored as one of Inc. 5000's fastest growing companies due to their 162% growth in the past few years. If interested in employment, please go to the Peepers' home page then to careers and will be posted on our county website as well.

President Sheila Matias adjourned at 8:14 p.m.

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE 4-6-2022 


ATTEST: _____ Auditor
LA PORTE COUNTY, INDIANA

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Web Site: www.in.gov/sboa

March 15, 2022

La Porte County Auditor
555 Michigan Ave, Ste 205
La Porte, IN 46350

Dear Mr. Stabosz,

The State Board of Accounts ("SBOA") continues to receive inquiries into the claims payment process in La Porte County, including delayed and/or partial payment of attorney fee claims approved by the Board of Commissioners.

In our letter dated September 16, 2021, we reviewed the claims payment process under Ind. Code § 5-11-10-1.6(c) relating to the fiscal officer's responsibilities to review invoices and bills. As we mentioned, the duties of the fiscal officer include auditing invoices for correctness. Auditing invoices for correctness involves determining:

- (1) whether the bill or invoice is true to the context of the contract; for example, whether the contract contemplates the general service provided, and
- (2) whether the bill or invoice is accurate; for example, whether the hourly rate is correct and the hourly rate times the hours worked is properly calculated properly.

The auditor is not statutorily charged with the duty to scrutinize each individual element of the claim or inquire into the specifics of work product. That responsibility falls to others. The public officer or person receiving the goods and services must review and approve the claim. Ind. Code § 5-11-10-1.6(c)(2). And the executive must examine the merits of the claim. Ind. Code § 36-2-6-2. Again, this is not the auditor's responsibility.

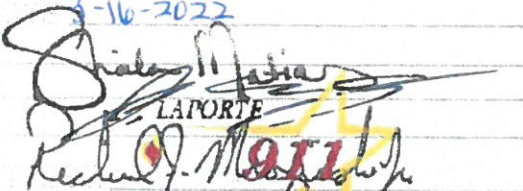
If an auditor fails to timely pay claims or unreasonably prevents the payments of claims, and the county incurs interest or penalties as a result, such interest and penalties may become the personal obligation of the auditor. Accounting and Uniform Compliance Guidelines Manual for Counties of Indiana, Chapter 1 (2017).

Please contact us should you have any additional questions or concerns.

Sincerely,

Paul D. Joyce, CPA
State Examiner

FORWARDED AND APPROVED BY THE
MANAGER/COMMISSIONER OF THE
CITY OF LA PORTE, INDIANA

3-16-2022

LAPORTE
COUNTY
CLERK

LaPorte County
9-1-1
Communication Center

809 State Street
LaPorte, IN 46350

PRESS RELEASE

NATIONAL PUBLIC SAFETY DISPATCHER WEEK – April 10th-16th , 2022

In 1991 Congress proclaimed the second week of April as National Public Safety Dispatcher Week to honor and recognize the men and women who serve as the first “first responders” when you need help.

Whether you need police, fire or medical personnel, when you call 9-1-1, a dispatcher answers your call for help by gathering vital information to instruct the appropriate agency on the nature of your emergency. The Dispatchers of the LaPorte County Regional Dispatch Center are certified to give pre-arrival instructions to the caller in medical emergencies; trained on what questions to ask the caller during police emergencies as well as provide instruction to victims of fire emergencies.

The LaPorte County Dispatchers have been honored with proclamations signed by the Governor of Indiana, The LaPorte County Commissioners and the Mayor of LaPorte recognizing National Public Safety Dispatcher Week. Throughout the week, The Regional Dispatchers are honored to receive gifts of appreciation from local business and individuals to express appreciation for the 26 full time, and 5 part time LaPorte County Regional Dispatchers who work around the clock to support police, firefighters and medics to help keep them and the public safe.

LaPorte County Regional Dispatch Center in the year 2021 received 168,936 calls and dispatched 136,268 calls for service. The departments serviced are LaPorte County Sheriff, LaPorte City Police, Michigan City Police, LaPorte and Michigan City Fire, Westville Police, Kingsford Heights Police, Trail Creek Police, Kingsbury Police, all 16 Volunteer Fire Departments in the county, and LaPorte County Emergency Medical Service. Assistance is also provided to Long Beach Police and Indiana State Police when needed. The LaPorte County 9-1-1 Dispatchers also provide coordinating efforts to Med Flight, Lutheran Air, local utilities, Hazmat, the Red Cross and the Emergency Management Teams responding to all emergencies and non-emergencies in LaPorte County.

If your organization would be interested in thanking these often forgotten, unsung heroes of Public Safety in any way, or donating items to be given out as prizes during our week’s festivities, please contact Director Barbara Huston (Ext 2300) or Assistant Director Matt Deckard (Ext 2301) 219-326-6808. Thank you in advance for all of your support.

Director Barbara Huston

Assistant Director Matt Deckard

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