

MINUTES
MEETING OF THE LA PORTE COUNTY COUNCIL
October 30th, 2023

The Regular Meeting of the La Porte County Council was held on October 30th at 6:00 p.m. (central time) in the Assembly Room of the La Porte County Government Complex, 809 State Street, La Porte, IN 46350.

CALL TO ORDER

The meeting was called to order by Council President Mike Rosenbaum.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Rosenbaum.

ROLL CALL

Auditor Tim Stabosz called the roll: Councilman Cunningham, Councilman Novak, Councilman Kiel, Councilman Rosenbaum, Councilman Mollenhauer, Councilman Koronka, and Councilman Yagelski were all physically present for the meeting.

APPROVAL OF THE OCTOBER 2ND, 2023 AGENDA

- i. Mr. Rosenbaum noted one change to the agenda: the removal of item nos. 2 and 3 under Approval of Minutes.
- ii. Motion to approve made by Yagelski and seconded by Mr. Koronka.
- iii. All members voted in favor.

APPROVAL OF MINUTES

1. Regular County Council Meeting Minutes – August 28th, 2023

- i. Motion to approve made by Yagelski and seconded by Mr. Koronka.
- ii. All members voted in favor.

2. Regular County Council Meeting Minutes – October 2nd, 2023

- iii. Motion to approve made by Mr. Koronka and seconded by Mr. Yagelski.
- iv. All members voted in favor.

PUBLIC COMMENT

Jim Jessup – 3263 W. 1350 S., Hanna

Regarding township finances and budgeting, Mr. Jessup voiced concerns that many townships duplicated previous years' budgets with little or no changes regardless of community needs, with some line items which saw little use accumulated over time. He added that these townships had funds which were currently sitting unused, where instead they should be invested. He was concerned that many of these townships did not have a Capital Cumulative Plan, which was required by statute, nor did they have a one or five-year written plan for investments into the community. He urged citizens to take responsibility by taking part in township meetings, and felt as though board members did not have the training required to take part on the boards that they were elected to. Mr. Jessup asked the Council to consider these things during budget hearings.

Carey Garwood – 6156 W. 50 S., LaPorte

Carey Garwood approached the Council as a representative of Bethany Church regarding the Church's request for funds to build a splash pad for dogs at the LaPorte County Animal Shelter. Mrs. Garwood explained that the funds for the installation of the splash pad would partially be funded by donations from her brothers' estates, and that the project may assist with fixing pre-existing water issues at the animal shelter. She noted that the splash pad would be in operation only seasonally, would have multiple different amenities and differently shaped water features, would be exclusive to pets (not children), and that the water used would be run-off and not require recycling. She explained that the IHEDA had already virtually approved a matching grant of \$50,000 if \$50,000 was raised for the project, which would not be needed entirely for the splash pad alone, and that excess funds could be directed towards other repairs

at the animal shelter. Mrs. Garwood noted that a website for sponsorships and donations would be developed, and if the project was overfunded by donations and sponsorships, the money would be put into an account for the park's maintenance.

Mrs. Garwood noted that, with the church's other splash pad, about \$10,000 was spent annually on maintenance. Mr. Yagelski asked if the splash pad would be able to be upgraded since it was made out of concrete, to which Mrs. Garwood explained that direct upgrades to the concrete could not be made without major construction, however the splash pad could be expanded or separate splash pads could be installed to accommodate more guests if needed. She added that sprinkler water fees would be paid to supply water to the pad, and that there had been very few issues managing the equipment at the church's other splash pad, so she anticipated low maintenance costs for the proposed splash pad, which could range in the area of about \$5,000 per year. Mr. Cunningham thanked Mrs. Garwood for her fundraising efforts with Bethany Church.

- i. Motion to approve made by Mr. Novak and seconded by Mr. Cunningham.
- ii. All members voted in favor.

DEPARTMENT HEAD REPORTS

Judge Thomas Alevizos – La Porte County Circuit Court

Circuit Court Judge Thomas Alevizos asked the Council what the status was on his request for a pay raise for the court's JDAI coordinator, and additionally inquired why the Circuit Court had suddenly been instructed by the Auditor's Office to begin scheduling and requesting appropriation for jury pay. He explained that the Jury Pay Fund, which was a non-reverting fund, had never been appropriated in the past, and that the very nature of foreseeing how much jury pay needed to be appropriated was difficult as the court could not absolutely predict when a jury trial could potentially happen or how many jury trials could occur per year. Judge Alevizos noted that some of the funds in the Jury Pay Fund were acquired from Clerk's Office filing fees, and that the county was obligated to pay jurors by law. He recommended appropriating a base amount of funds for the Jury Pay Fund once per year, and then reappropriating any additional funds if the Jury Pay Fund became depleted. Judge Alevizos could not recommend a specific amount to appropriate the fund with when Mr. Kiel asked how much money he would recommend for the initial appropriation. Mr. Kiel additionally noted that he was unsure if the fund was ever appropriated for at all.

Council Attorney Guy DiMartino clarified that an increase in civil tort and civil plenary filing fees would assist in bringing more money into the account, while Judge Alevizos added that juror pay had recently been increased. Chief Deputy Auditor Rhonda Graves informed the Council that the Jury Pay Fund currently had a balance of roughly -\$80,000, to which Mr. Novak and

Mr. Yagelski stated that they had never had this account presented to them in previous Council meetings. Ms. Graves explained that the account was supplemental, in which the Clerk deposited only small fee amounts, however it was supposed to be in the Circuit Court's budget, and if there was money in the Jury Pay Fund, it would be used for pay first, followed by funding from the Circuit Court's budget. Mr. Novak asked how the fund had been funded in the past, to which Ms. Graves noted that it never had been formally funded by the Council, and even though the Clerk's filing fees helped supplement the account, less money was coming into the account than going out of it, resulting in a negative balance over time.

Mr. Novak asked why this account had never been brought up before the Council in the past, to which Ms. Graves explained that this account, along with a few others, was recently discovered by the Auditor's Office following a Schedule of Balances by Fund report. Judge Alevizos asked, if the fund was negative, how the county's jurors had been receiving their pay, which Ms. Graves explained that the pay must have been pulled from account 2506. Mr. Kiel asked what the balance for the Jury Pay Fund was at the beginning of 2023, which Ms. Graves informed him that the account was likely negative at the beginning of the year. Mr. Novak questioned how the account could be negative for such a long period of time when the county was not supposed to have any accounts with negative balances at year's end, which Ms. Graves clarified that money would need to be appropriated to the account in 2024. This amount would need to be an estimate given the unpredictability of jury trials. Ms. Graves reiterated that this was just one of a few funds that were not only discovered, but found to have negative balances, following the Schedule of Balances by Fund report. She added that the Council would need to appropriate funds to ensure that the fund was not at a negative balance by the end of the year.

LIAISON REPORTS

Councilman Cunningham: Mr. Cunningham waived his liaison report.

Councilman Yagelski: Mr. Yagelski apologized for missing the Commissioners' meeting where Purdue was present to explain why they were reducing programs, and added that he felt as though the statements that were made by Purdue University were false in some respect, noting that the reduction in 4-year programs would result in reduced attendance at Purdue, which would not aid the community, thusly resulting in students leaving La Porte County for better education options.

Councilman Kiel: Mr. Kiel attended the One Region luncheon, Westville Town Council Meeting, Commissioners' Meeting, and the NIRPC Executive Board Meeting. He additionally met with Indiana State Governor Eric Holcomb, attended a Redevelopment Commission meeting, spoke with Leadership La Porte County during their bus tour of the county, and attended the Shared Ethics Advisory Commission's (SEAC) Ethics Summit with Mr. Novak, where they were the only two La Porte officials, barring a panelist, to attend. Mr. Kiel reported that La Porte County still did not have an appointee to the SEAC Board, nor did it have staff members who were ethics

trainers. Mr. Kiel noted that the Council had previously voted 7-0 in favor of directing the Board of Commissioners to rectify these concerns, and stated that he would like to ask the Commission once more to fulfill this request. Mr. Kiel additionally reminded the room that Fall property tax payments were due on November 13th.

Councilman Novak: Mr. Novak reported attending the Redevelopment Commission meeting, FMEC meeting, Plan Commission meeting, Workmen’s Compensation meeting, Complex Flood meeting, MS4 meeting, the Baker Tilly meeting regarding La Porte County’s budget, as well as the SEAC Ethics Summit. He additionally attended the meeting regarding the installation of the aforementioned splash pad at the La Porte County Animal Shelter.

Councilman Koronka: Mr. Koronka reported that he had met with his various liaisons, including Voter Registration and the Clerk’s Office regarding refraining spending from a few of their accounts toward the year’s end so that the funds may revert back to the General Fund, so long as it does not affect the offices’ functions negatively in 2024. He encouraged his fellow councilmen to request the same of their own liaisons.

Councilman Mollenhauer: Mr. Mollenhauer waived his liaison report.

Councilman Rosenbaum: Mr. Rosenbaum waived his liaison report.

Mr. Yagelski noted that, if an emergency meeting were to be scheduled for December of 2023, it should only be for whatever topic initiated its scheduling. Regarding Mr. Yagelski’s statements about Purdue University, Mr. Cunningham added that Purdue had seventy 4-year degree programs at their Hammond location, and only seven 4-year degree programs at their Westville location. Mr. Kiel proposed that Purdue University approach the Council to give a presentation as to why these degree programs were being cut.

CORRESPONDENCE

The auditor reported no correspondence.

ORDINANCES AND RESOLUTIONS

1. Resolution No. 2023-10 – Confirmatory Resolution for KIP Elevator Economic Revitalization Area

Matt Reardon of the Office of Economic Development explained that Kingsbury Elevator was requesting a 10-year tax abatement so that they may invest \$2.9 million into

La Porte County by building an upgraded facility at their rail park in Kingsbury. They currently employ 55 workers and pay wages of roughly \$2.4 million. 5 new jobs would be created with the investment and would be paid a salary of about \$60,000 per new employee. Mr. Kiel asked Mr. Reardon if he had received clarification regarding the right-of-way for Hupp Road, to which Mr. Reardon stated that the Redevelopment Commission agreed to consent and noted that there was not any debt at the Kingsbury TIF. He added that the owner of Kingsbury Elevator indicated that he would convey the property, at no cost, that the county currently had public investments on. Regarding an extraction fee, Mr. Reardon noted that there was a provision in the tax abatement statute that allowed for a jurisdiction to collect up to 15%, and urged the Council to waive this fee.

Mr. Reardon noted that with Kingsbury Elevator improving its operations at the rail park, this indicated that more train traffic was coming from CSX, and that with the owner of Kingsbury Elevator making investments in the park was further evidence of Kingsbury Elevator's understanding of what needed to be done to increase business at the park. Mr. Reardon explained that JBC Rail held jurisdiction over the other side of the bridge located at the rail park, and they were beginning to build a track toward this bridge. Once this project was finished, a project to complete the loop would begin. Mr. Reardon noted that the fee for the abatement would cost about \$5,000, however Mr. Yagelski voiced his concerns about reducing the abatement costs so as to avoid setting precedent. Mr. Reardon responded that he could recall abatements being approved without any fees occurring in the past.

Mr. Rosenbaum clarified that once rail cars began running in the rail park, the park could begin collecting fees as a permanent source of income, which would help pay back any fees owed for the cost of the CSX connection. Mr. Novak noted significant investment was being made at the rail park, through a READI grant, the county's original \$6 million contribution, and Kingsbury Elevator's owner's own contributions. Mr. Cunningham clarified that Mr. Reardon wanted to waive the \$5,000 abatement fee in lieu of Kingsbury Elevator making significant investments in the rail park.

Mr. Rosenbaum opened the item for Public Comment.

Jason Fry, 983 Park Ave., Porter; asked if Kingsbury Elevator was asking for the abatement so they did not have to pay \$2.9 million in taxes, to which Mr. Novak explained that the \$2.9 million would be slowly integrated in over 10 years, and only on the improvements made on the investment, not on the taxes that needed to be paid currently. Mr. Reardon added that each rail car that went through the park would need to pay a fee of \$39 per car, and to recoup the total \$6 million investment in the park, Auditor Tim Stabosz calculated that roughly 171,000 rail cars would need to pass

through the rail park before the county's investment could theoretically be paid off. Mr. Novak noted that the entire \$6 million would not need to be recouped as the county owned all the rail at the park, as it acquired the rail in a foreclosure. He added that the goal with the rail park was to bring increased business, investment, and economic revitalization to the area, and the actions of both owners of the rail park were making personal financial investments to ensure that business would hopefully increase. Mr. Kiel clarified that the matter of the rail cars was a separate matter from the abatement that was being discussed, and that the abatement was for net-assessed value. Mr. Reardon affirmed that the abatement acted more like a deduction of assessed valuation, and the deduction that Kingsbury Elevator received the first year was 100% and would slowly be fully assessed and collected after ten years. Mr. Kiel noted that the interest for the public would be that, if the abatement was not approved, that there would be more net assessed value in the district, which would result in a lower tax rate in the taxing district. He added that no party actually received more money, and that "downward pressure" was put on the tax rate. As an example, he cited that the tax rate in Washington Township was about 1.8%, while the maximum tax that could be applied to a company like Kingsbury Elevator was 3%. From a taxation standpoint, this was an exceedingly low tax rate. Mr. Reardon added that this had little to no effect on local residents' taxes, with 1% being the maximum that residents would need to pay, 2% being the maximum for agricultural needing to pay, and 3% being the maximum that businesses would be required to pay, to which Mr. Kiel noted that the 3% rates would affect cities more than rural areas.

- i. Motion to read by title only made by Mr. Yagelski and seconded by Mr. Novak.
- ii. All members voted in favor.
- iii. Mr. Stabosz read aloud the resolution by title only.
- iv. Motion to adopt the resolution as read made by Mr. Yagelski and seconded by Mr. Novak.
- v. All members voted in favor.

2. Resolution No. 2023-10B – Declaratory Resolution for CO-Alliance Economic Revitalization Area

- i. Motion to read by title only made by Mr. Novak and seconded by Mr. Yagelski.

- ii. All members voted in favor.

Mr. Reardon noted that this request was for a property located at 3551 W. 800 S., and was a CO-Alliance project, where CO-Alliance was wanting to spend \$6.5 million making improvements to their facilities at the location, including a new and expanded fertilizer facility, as well as improvements for equipment. The project would add 35 new jobs to a company that already employed over 1,000 people in the State of Indiana.

- iii. Mr. Stabosz read aloud the resolution by title only.
- iv. Motion to adopt as read made by Mr. Yagelski and seconded by Mr. Koronka.
- v. All members voted in favor.

OLD BUSINESS

- 1. Reconsider the following tabled appropriations from the previous meeting:
 - a. La Porte County Council
Requesting Additional Appropriation from LIT Public Safety (8950/8951) for:
Lubeznik Center for the Arts \$50,000
 - i. Motion to un-table the item made by Mr. Yagelski and seconded by Mr. Koronka.
 - ii. All members voted in favor.

Mr. Kiel noted that there were concerns regarding the current state of the county's funding, including ARP funding. He questioned how many motions of support for ARP funding had been approved but not yet appropriated, as these unspent motions of support could make it unclear as to just how much money in funding the county truly had left in ARP money. Ms. Graves explained that there were no current motions of support that were designated to receive ARP funding since she had been employed in the Auditor's Office, while Mr. Stabosz added that he did not have an answer as to whether there were any ARP motions of support prior to the hiring of Ms. Graves. Ms. Graves added that one or two items may have included ARP funding requests, however these items were not specifically tied to ARP. She informed the Council that about \$7 million in APR funding remained. Mr. Rosenbaum clarified that only ARP spending requests from ARP Restricted had previously needed to be approved by the

Commissioners, however motions of support from ARP Lost Revenues did not need prior approval from the Commissioners.

Janet Bloch, Executive Director of the Lubeznik Center for the Arts, noted that Michigan City had already given the Lubeznik Center \$30,000, and would be issuing an additional \$25,000 to the center. Mr. Cunningham voiced his concerns that, with the county's current financial situation with the General Fund, the Council needed to be cautious of how it spends its money, because at this time, Baker Tilly's research indicated that by the end of 2024 the county's operating balance would be 1% of revenues; whereas in 2019, the General Fund's operating balance was reported to be 27% of revenues. He advised treating ARP funds as though they were General Fund monies. Mr. Kiel noted that although he did want to support the arts in La Porte County, the impending threat of a negative General Fund might supercede the financial concerns of the Lubeznik Center for the Arts. Mrs. Bloch noted that the Lubeznik Center was still down about \$15,000 in what it would have received in reimbursement and donations in order to run its regular programming and events, and emphasized the importance of the arts in areas with high rates of poverty. She cited that these art events did bring tourism into La Porte County, with one exhibit at the center bringing in about 6,000 visitors in total, and a festival that brought in about 3,000 visitors into the area. Mr. Kiel asked if the Lubeznik Center would be willing to share its financial information with the Council to affirm their financial duress, which Mrs. Bloch agreed to share this information.

- i. Motion to approve \$30,000 out of APR (8950/8951) made by Mr. Novak and seconded by Mr. Koronka.
- ii. Five members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Yagelski). The motion passed.

b. La Porte County E-911

Requesting Additional Appropriation from LIT Public Safety (1170) or Riverboat (1191) or WinTax (4220) or APR (8950/8951) for:

Maintenance Agreement for 800MHz Equipment \$93,659

- i. Motion to un-table the item made by Mr. Yagelski and seconded by Mr. Koronka.
- ii. All members voted in favor.
- iii. Motion to approve out of LIT Public Safety (1170) made by Mr. Novak and seconded by Mr. Yagelski.

- iv. Five members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Yagelski). The motion passed.

c. **La Porte County Sheriff's Maintenance Garage**

Requesting Additional Appropriation from LIT Public Safety (1170) or Riverboat (1191) or WinTax (4220) or ARP (8950/8951) for:

Maintenance and Equipment \$30,000

- i. Motion to approve out of LIT Public Safety (1170) made by Mr. Novak and seconded by Mr. Mollenhauer.

Mr. Koronka noted that by the end of the year, the county will be sitting on a balance of \$320,000 in Public Safety LIT, which includes all guaranteed deposits through the end of the year. WinTax was at \$727,000 and Riverboat was sitting at \$2.3 million. Mr. Kiel added that about \$800,000 was going to be transferred from Riverboat to the Rainy-Day Fund later in the meeting.

- ii. Five members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Yagelski). The motion passed.

NEW BUSINESS

1. Consider approval of Council President's Authorization to hire replacement positions for:

a. **La Porte County Health Department – Public Health Nurse**

b. **La Porte County Highway Department – Equipment Operator (two positions)**

- i. Motion of support for both items made by Mr. Yagelski and seconded by Mr. Cunningham.

- ii. All members voted in favor.

2. Transfer of Old Indiana State Prison Cemetery to La Porte County

Mr. DiMartino explained that the Commissioners had already approved the resolution as the cemetery was in disrepair, however the deed for the cemetery had not yet been recorded, as the Council would be approached at a later date so that additional funds could be requested for the cemetery's maintenance and repair. Sue Webster, Pioneer Cemetery Commission Board Member, explained that a pioneer cemetery was a cemetery that was designated to be established prior to 1864. Over 30 of these cemeteries were located in La Porte County alone, and the proposed acquisition of the prison cemetery would make it the newest addition to La Porte's pioneer cemeteries. She explained that the cemetery in question held over 100 graves, however no gravestones or headstones remained, and few trees were located on the property, which would make maintenance at the site easier than a pioneer cemetery that had them.

Mr. Novak questioned what the state intended to do with the newer cemetery located next to the old State Prison Cemetery, to which Mr. DiMartino stated that he was unsure of the state's intentions. When Mr. Yagelski proposed that inmates maintain the cemetery grounds, Mr. DiMartino clarified that the State of Indiana no longer owned the cemetery, and instead, due to unusual circumstances, Delta Faucet owned it. Mr. Cunningham noted that if Delta kept the property and did not properly maintain it, Michigan City could place a lien on the property and could potentially end up owning it in the future, which Mr. DiMartino confirmed that this did have the potential of happening. Mr. Yagelski asked why La Porte County did not own the Greenwood Cemetery, but had intentions of owning the Old Indiana State Prison Cemetery, and proposed investigating the request further. When Mr. Novak asked why the state didn't put up any money for the cemetery, Mr. DiMartino reiterated that the state did not own the cemetery, and that it was currently privately owned. Mr. Yagelski and Mr. Cunningham clarified that most of the decedents in the cemetery were not La Porte residents, and so had little chance of being related to area residents, to which Mr. DiMartino emphasized that the maintenance of the cemetery was a matter of public obligation, regardless of the decedents' relations to residents of La Porte County. He reiterated that the deed for the property was currently signed but not recorded.

- i. Motion to send the request back to the Commissioners so that the cemetery would remain in Delta Faucet's care made by Mr. Cunningham and seconded by Mr. Yagelski.

Mr. Kiel noted that he would rather see the state maintain the cemetery, as it should have been in their care and not in Delta's, and instead proposed tabling the item for a month so that the Council could reach out to the Indiana State Prison to see if they would be interested in taking it into their care.

- ii. Mr. Kiel formally amended the original motion, and instead motioned to table the item until the following Regular Council Meeting, seconded by Mr. Novak. Mr. Cunningham withdrew his original motion, while Mr. Yagelski withdrew his original second.
- iii. Five members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Yagelski). The motion passed.

3. Solid Waste Budget Adoption – Ordinance No. 2023-10C

- i. Motion to approve made by Mr. Novak and seconded by Mr. Koronka.

Mr. Novak asked how many employees Solid Waste had, to which Solid Waste District Executive Director Clay Turner replied that 8 employees were currently working in the Solid Waste office. He clarified that the \$4,266,140 budget in question was primarily used to pay contractors for recycling pickup, and only a small portion of this budget went towards paying the staff in the Solid Waste office. Mr. Cunningham asked Mr. Turner if he placed any of Solid Waste's additional funds in interest-bearing accounts, which Mr. Turner noted that there were not spare funds that could be invested, although the funds were kept in an interest-bearing checking account, which had an interest rate of 3%. Mr. Kiel instead recommended acquiring an account with Trust Indiana, which could offer an interest rate of 5.3%.

Mr. Yagelski confirmed with Mr. Turner that contract costs were slated to increase about 5% each year for the upcoming five years, and Mr. Turner informed the Council that these increases may continue in following years as well. Mr. Turner noted that a new contractor, Borden Waste-Away Service Inc., had been selected for recycling pickup, and just like the previous vendor, Styrofoam and plastic bags were not considered recyclable items; however, if these items were left in the bins, the company would not refuse to empty the bins. Mr. Yagelski noted that in the previous year, Mr. Turner had made the recommendation to avoid using Styrofoam containers, and had advised instead to bring reuseable containers to restaurants for takeout. Mr. Yagelski clarified that the Health Department did not advise doing this, and with the increase of takeout packaging following Covid, he urged utilizing any Styrofoam recycling program that could be made available. Mr. Turner added that more action was being done to encourage restaurants to avoid using Styrofoam, and he had been having conversations with Indiana State Representative Jim Pressel regarding administering extended producer responsibilities to urge companies and restaurants to use paper or plastic products instead of Styrofoam.

- ii. All members voted in favor.

4. Wanatah Public Library Budget Adoption – Ordinance No. 2023-10D

Mr. Rosenbaum explained that the proposed budget had been \$85,350, however the adopted tax levy was only \$73,250, and the difference in funds would be covered by the library's savings. Mr. Kiel asked if the library's cash balance was invested in an interest-bearing account, which Director of Wanatah Public Library Don Parker noted that the library had a standard interest-bearing checking account, however he intended on looking into the Trust Indiana's investment accounts to take advantage of greater interest rates. Mr. Yagelski asked if the library had a Rainy-Day Fund; Mr. Parker noted that it had in the past, however not currently.

- i. Motion to approve made by Mr. Koronka and seconded by Mr. Yagelski.
- ii. All members voted in favor.

5. Hanna Township Budget Adoption – Ordinance No. 2023-10E

Attorney Brad Adamsky explained that the proposed budget was \$174,975, which was going to raise \$120,223 through the tax levy. Mr. Novak asked why the Council was approving Hanna Township's budget, which Mr. Adamsky explained that this was because Hanna had a three-member board, and the majority of this board served as local firefighters as well. Because of this, the State of Indiana determined that they could not adopt their own budget, in order to prevent them from voting on their own finances. Regarding Mr. Jessup's concerns from earlier, Mr. Adamsky agreed that Hanna Township's assistance was not very active, however he did point out that there was no tax levy gain going into assistance for Hanna, nor had there been in some time. These funds were just sitting, but also not earning any interest. Mr. Kiel asked if a Capital Projects Plan could be considered per state statute, to which Mr. Adamsky explained that there were certain thresholds for townships to be required to have a Capital Improvement Plan, including accumulative monies that had been saved up over time, whether in their General Fund, Firefighter Fund, or Cumulative Firefighter Fund. In this case, the statute would apply to Hanna Township, as they did adopt a plan about three years prior. Hanna had been in the midst of a large project regarding the expansion of their fire department, which failed in 2023 due to a lack of support, however this would have been the project where Hanna was reinvesting the money in their Firefighter Fund and Cumulative Firefighter Fund. He noted that with this budget, there was no longer going to be a Fire Debt Fund, as this debt had been paid off the year prior.

- i. Motion to approve made by Mr. Novak and seconded by Mr. Kiel.

- ii. All members voted in favor.

6. La Porte County Budget

a. Updates

Mr. Rosenbaum explained that there had been two updates to the budget...one update for MS4, and one update for IT. There were no changes in the amounts, only the allocations. Mr. Koronka clarified that previously, MS4 paid a single \$62,000 salary for the Program Supervisor, but it was now being split into \$25,000 for the First Deputy Account, \$15,000 was being directed to the Secretary Administrator/Assistant Office Manager position, and then \$15,000 would be directed to the Program Supervisor position. Ms. Graves added that, at the last meeting, MS4's mileage budget increased from \$3,750 to \$5,750, and educational training also increased from \$2,000 to \$10,000. She also reported that Professional Services decreased from \$15,000 to \$5,000, so the total was the same; however the items had simply changed.

Separately, Mr. Kiel noted that items like PERF and payroll withholdings were currently being administered by the Commissioners and their budget, despite the Commissioners having little to do with these items, as they were set by statute or federal law. He questioned if instead the Auditor's Office should oversee these items, as Payroll was located within the Auditor's Office, and the Auditor primarily worked with these items. Ms. Graves confirmed that the Commissioners did not control the status of PERF or payroll withholding accounts. Mr. Stabosz agreed that it would be sensible to make these items a part of the financial function of the county's Auditor's Office. Mr. DiMartino added that moving the PERF & payroll jurisdiction to the Auditor would simply need to be rolled into the adoption of the budget. Mr. Kiel recommended removing the line item from the Commissioners' budget and adding it to the Auditor's budget instead, with the responsibility of making proposals for it during budget hearings annually.

Mr. Rosenbaum noted that IT had a 157 amendment to its 10111 Elected Official/Department Head account. The account increased from \$77,033 to \$82,033, and in the 20052 Computer Supplies account, there would be a decrease from \$30,000 to \$25,000. The actual salary according to the salary ordinance should be \$77,033, however if the FMEC decided to reimburse the availability to pay the \$5,000 in funds without having to perform any special allocation in the future, it could be done. The amount in IT's budget overall would still be the same amount.

Returning to the topic of the Commissioners' overseeing of PERF and payroll withholdings, Mr. Kiel noted that the rest of their budget would remain the same aside from the PERF and payroll withholdings if the Auditor were to oversee them. Commissioner Connie Gramarossa clarified that the Commission Secretary did in fact monitor PERF and payroll withholdings, however could not budget them, and it was up to the Payroll department to monitor the withholdings, which Mr. Kiel noted was why he wanted to shift the accounts to the Auditor's Office, and emphasized that this did not give the Auditor any additional authority as to how the accounts got paid or sent. Mr. Novak proposed that the accounts did not need to be moved if the Commissioners and Payroll maintained good communication. Mr. Stabosz added that with the calculations that Payroll worked with regarding various fluctuations in pay – whether it was regarding bonuses, pay increases, or otherwise – Payroll would have a better sense of what the numbers in the accounts should be so the accounts could be budgeted for accurately. Mr. Novak reiterated that he would simply prefer to see better communication between the Commissioners and Payroll to ensure that the accounts were managed properly, and that discussions about transferring authority over them should be scheduled at a later date to ensure that the county did not make any rushed decisions.

b. Adoption – Ordinance No. 2023-10F

- i. Motion to adopt the budget as presented, with the changes for MS4 and the IT Department, made by Mr. Yagelski and seconded by Mr. Cunningham.

Mr. Kiel informed the room that the next step in the budgeting process would be to acquire the 1782 Notice, which was when the DLGF investigated the budget that the county presented, and would make amendments or revisions and return the budget to the county for review. The county would then have ten days to either agree with the changes that were proposed by the DLGF or to propose other revisions. He noted that the General Fund's estimated operating balance at the end of 2024 was estimated to be at -\$637,000 which would be expected to be cut by the DLGF when the 1782 Notice was sent to them. Ms. Graves noted that the earliest the notice would be received was November 8th-10th, with ten days following to work on any revisions. Mr. Rosenbaum added that an earlier meeting to address the 1782 Notice might be needed to approach these concerns in a timely manner.

- ii. Six members voted in favor (Mr. Cunningham, Mr. Yagelski, Mr. Kiel, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Rosenbaum). The motion passed.

APPROPRIATIONS, TRANSFERS, AND REQUESTS

La Porte County Board of Commissioners

Requesting Additional Appropriation from Riverboat (1191) or WinTax (4220) or ARP (8950/8951):

Postage \$50,000

- i. Motion to approve out of WinTax (4220) made by Yagelski; there was no formal second.

Mr. Yagelski asked why the Prosecutor had and utilized their own postage machine when departments had been advised to use the Commissioners' postage machine, noting that the Prosecutor would still utilize their own postage machine, while also occasionally dropping off mail to the Commissioners so they may attach postage. He clarified that he would prefer that the Prosecutors get rid of their machine and continue to utilize the Commissioners' machine as other departments in the county did, which would save money for the rental of the Prosecutor's postage machine. Mr. Novak agreed with this, so as long as the Prosecutor's request for postage could be redirected into the Commissioners' postage budget. Mr. Yagelski clarified that his motion included the request to take what the Prosecutors had allocated for postage and instead direct the funds to the Commissioners' postage budget, so the Commissioners may take on the role of mailing all the Prosecutors' mail.

Mrs. Gramarossa noted that the postage budget for the Commissioners had been \$200,000 in 2023 and \$200,328 in 2014, however funding for the postage budget began to shrink in 2015 when it was reduced to \$150,000, \$125,000 in 2016, and slowly continued to reduce over the years until it was set at \$95,000 in 2023. She explained that while some departments – such as the Clerk's Office – did collect fees for mailings, these monies that were collected were not directed into the postage account, but were instead directed into the General Fund. She asked if there was somehow a way to redirect the mailing fees into the Commissioners' postage budget, to which Ms. Graves explained that this would still need to be done by the Council appropriating the funds, but it could be done. Mr. Novak asked if this appropriation could be done once per year, to which Ms. Graves stated that the Council could appropriate this money as frequently as needed. Mr. Novak recommended capturing the estimated postage that was going into the General Fund and reappropriating it to the Commissioners' Postage Fund.

- ii. Six members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Cunningham). The motion passed.

Regarding the appointment of a member to SEAC, Mrs. Gramarossa asked how long the position would be filled for once a candidate was selected, which Mr. Novak answered that the position would be filled for one year following selection. Mrs. Gramarossa noted that the

regulations must have changed, as the Commissioners appointed a representative in 2022 with the intention that the position was filled for four years. Mr. Kiel added that SEAC seemed to be under the impression that La Porte County currently did not have an appointee, to which Mr. Rosenbaum recommended reaching out to the candidate who was appointed in 2022 for clarification.

La Porte County Clerk’s Office

Requesting Additional Appropriation from Clerk’s Record Perpetuation Fund (1119) for:
Computers not-to-exceed \$70,000

- i. Motion to approve made by Mr. Novak and seconded by Mr. Koronka.

Clerk Heather Stevens informed the Council that she intended to purchase 35 new computers, along with monitors, hardware, and software, with the intention to save money by purchasing the computers around Black Friday. Mr. Koronka advised researching vendors who may additionally offer a discount to government buyers.

- ii. All members voted in favor.

La Porte County Information Technology

Requesting Additional Appropriation from General Fund (1000) for:
Payroll Deposited by FMEC \$5,000

- i. Motion to approve made by Mr. Novak and seconded by Mr. Yagelski.

- ii. All members voted in favor.

La Porte County Human Resources

Requesting Additional Appropriation from ARP (8950/8951) for:
Salary Study Reappropriation \$870

- i. Motion to approve made by Mr. Novak and seconded by Mr. Mollenhauer.

- ii. All members voted in favor.

La Porte County Juvenile Probation

Requesting Additional Appropriation from Superior Court #4 Transfer Fees Fund (7121) for:
Transfer of Juvenile Offenders \$500

- i. Motion to approve made by Mr. Koronka and seconded by Mr. Novak.

- ii. All members voted in favor.

La Porte County Health Department

Requesting Additional Appropriation from ARP (8950/8951) for:

Vehicles (Originally appropriated in 2021, purchased in 2023) \$58,182.86

- i. Motion to approve made by Mr. Novak and seconded by Mr. Mollenhauer.
- ii. All members voted in favor.

La Porte County Auditor

Requesting Transfer from Riverboat (1191) to Rainy Day Fund (1186):

50% of July Receipts	\$174,424.74	
50% of August Receipts	<u>\$687,592.78</u>	\$862,017.50

Ms. Graves confirmed with Mr. Kiel that this would make the county current in the procedural transfers that the county made out of Riverboat to the Rainy Day Fund.

- i. Motion to approve the transfers made by Mr. Kiel and seconded by Mr. Koronka.

Mr. Cunningham noted that he was confused, as he understood that the quarterly deposit into Riverboat was \$343,000, however the figures presented indicated that \$174,000 (half of \$350,000) was transferred in July, and 50% of August was \$687,000. He asked how these numbers could be reconciled, to which Ms. Graves explained that the quarterly payment average was roughly \$300,000, and the \$687,000 payment in August was a supplemental payment and atypical. She added that the payment in July was a quarterly payment.

- ii. All members voted in favor.

Requesting Appropriation Reversal from Rainy Day Fund (1186) for:

Flood Renovation Claim (June 2023)	(\$1,729,463)
Flood Renovation Claim (June 2023)	(\$580,000)

- i. Motion to approve made by Mr. Koronka and seconded by Mr. Kiel.
- ii. All members voted in favor.

Requesting Additional Appropriations from Riverboat (1191) or WinTax (4220) or ARP (8950/8951) for:

Jury Pay Fund Correction	\$66,638.67	
Jury Pay for October	<u>\$8,152.00</u>	\$74,790.67

Mr. Novak asked why November and December were not listed as October was, to which Ms. Graves explained that she had reached out to Chris Nichols of the Circuit Court, who in turn explained that the Circuit Court was aware that there had been a Jury Trial scheduled in October. Going off what the jury pay was for a previous jury trial, Mrs. Nichols estimated that \$8,152 would be needed to pay the jurors for the October trial. Mr. Novak asked what would happen if a jury trial occurred between the current meeting and the end of the year, which Ms. Graves noted that the Jury Pay Account would continue to run a negative balance. Mr. Rosenbaum added that the county would need to estimate for the end of the year to avoid a negative account. Mr. Novak recommended making another contribution to the Jury Pay Fund during the next meeting. Ms. Graves clarified that an additional appropriation was being requested because money could not be transferred from fund to fund in this situation, and what was supposed to happen was that the Council was to establish a budget for the courts, which had not been done. A fund would need to be selected in 2024 to provide money for the Jury Pay Fund as a supplement, as was intended, so as to follow statute.

- i. Motion to approve out of Riverboat (1191) made by Mr. Kiel and seconded by Mr. Koronka.

Mr. Rosenbaum recommended that when 2025’s budget was being developed, that the Council investigate what was spent out of the other funds, so as to track what was utilized for appropriations. Ms. Graves emphasized that tracking appropriations was very difficult, as there was no tracking system in place for doing so.

- ii. Three members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Koronka) and four members voted not-in-favor (Mr. Cunningham, Mr. Yagelski, Mr. Novak, Mr. Mollenhauer). The motion failed.

Requesting Transfer from 1000.20001 to 1000.30027 for:

Administrative Fee for US Bank Bond \$500

- i. Motion to approve made by Mr. Novak and seconded by Mr. Cunningham.
- ii. All members voted in favor.

La Porte County Hazmat

Requesting Additional Appropriations from LIT Public Safety (1170) or Riverboat (1191) or WinTax (4220) or ARP (8950/8951) for:

Local Emergency Plan & Right to Know Fund (1152) Correction \$7,752.87

- i. Motion to approve out of LIT Public Safety (1170) made by Mr. Koronka and seconded by Mr. Novak.
- ii. Five members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Yagelski). The motion passed.

La Porte County Prosecutor

Requesting Additional Appropriation from LIT Public Safety (1170) or Riverboat (1191) or WinTax (4220) or ARP (8950/8951) for:

Victim’s Advocate Grant (8131) Health Insurance Account Correction	\$19,591
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Prosecutor Sean Fagan explained that the request for appropriation was a result of increased health insurance costs that were left over from the 2020-2022 grant that was used to pay for the county’s Victim Advocate. He noted that the former Prosecutor, John Lake, had approached the Council for appropriation to cover the expenses in October of 2022. However, the item got tabled and was to be addressed at the January 2023 meeting, and it was never put on the agenda for January of 2023 and was overlooked. The grant, which was a two-year grant, was renewed in 2022 and would cover the Victim Advocate’s costs going through 2024. Mr. Fagan explained that he had asked for and received a supplement for the 2022-2024 grant to offset the increased health insurance costs, however this supplement could not be directed to the remaining costs of the 2020-2022 grant, which was why he approached the Council for appropriation.

- i. Motion to approve out of Riverboat (1191) made by Mr. Kiel and seconded by Mr. Mollenhauer.
- ii. Five members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Yagelski). The motion passed.

Requesting a Transfer from County User Fee Fund (2500) to Prosecutor Pretrial Diversion and Deferral Fund (2501) for:

Office Equipment	\$10,000
Dunebrook	\$15,000

- i. Motion to approve made by Mr. Novak and seconded by Mr. Cunningham.
- ii. All members voted in favor.

La Porte County FMEC

Requesting Appropriation from ARP 8951.01065 to 8951.20200

Amount Deposited by FMEC to Cover Excess Expenditure on Bathroom Project \$10,000

Mr. Novak clarified that Pioneer Land contributed \$10,000 toward the bathroom project at the La Porte County Fairgrounds to cover a budget shortfall.

- i. Motion to approve made by Mr. Novak and seconded by Mr. Yagelski.
- ii. All members voted in favor.

La Porte County Community Corrections

Requesting a Transfer from 9106.20060 (Motor Vehicle Supplies) to 9106.30003 (Travel) for:
Fall 2023 Training Institute in Indianapolis \$1,075.29

- i. Motion to approve made by Mr. Yagelski and seconded by Mr. Novak.

Mr. Yagelski asked why the request was not listed under the Commissioners' travel account, to which Ms. Graves explained that some departments did have their own travel budget. She noted that Community Corrections did in fact have a travel account, however they still needed to go before the Commission and Council for permission to utilize it.

- ii. All members voted in favor.

Requesting a Transfer from 4909.10120 (Part Time Pay) to 4909.20062 (Drug Testing) for:
Drug Testing Costs \$15,000

- i. Motion to approve made by Mr. Yagelski and seconded by Mr. Cunningham.
- ii. All members voted in favor.

Requesting Additional Appropriation from LIT Public Safety (1170) or Riverboat (1191) or WinTax (4220) or ARP (8950/8951) for:
GPS Devices \$158,132.70

Mr. Kiel asked if this fee was a recurring contract cost or an overage, to which Community Corrections Director Mericka Beaty clarified that she had requested appropriation for this item in the past, however she was asked to return to the Council with the request at a later date, which was why she was requesting the appropriation now.

- i. Motion to approve out of Riverboat (1191) made by Mr. Kiel and seconded by Mr. Koronka.

Mr. Yagelski stated that he would not be in favor of the motion, as he felt as though participants in the Community Corrections program should be held responsible for the fees associated with their GPS devices. Mrs. Beaty emphasized that many of the participants were indigent and did not have the income to pay for the devices, and although the county could go after participants' taxes or try and utilize their attorney in an effort to collect fees, it could be quite difficult to make a former participant pay once they left the Community Corrections program. Mr. Novak added that Community Corrections had managed to reduce the fees from \$200,000 to \$158,132.70, to which Mrs. Beaty clarified that the Community Corrections Board, who set the fees for the devices, had increased the fees two years prior. Mr. Rosenbaum recommended that Mrs. Beaty advise the board to consider raising the fees once more.

- ii. Five members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Yagelski). The motion passed.

Requesting Additional Appropriation from Project Income Fund (4909) for:

Vehicles not-to-exceed \$80,000

- i. Motion to approve made by Mr. Novak and seconded by Mr. Koronka.

Mrs. Beaty noted that Community Corrections would need to reconsider how it purchases its vehicles in the future, as originally, she wanted to purchase five Hyundai Venues, however the Commission denied her request, as they wanted her to purchase American-made vehicles. As a result, Mrs. Beaty was unsure of exactly how many vehicles she would be able to purchase since she would now need to shop for different vehicles, which would have quotes that were different from what was offered by the originally selected vendors.

- ii. Six members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Cunningham). The motion passed.

Requesting Additional Appropriation from Misdemeanant Fund (1175) for

Vehicle not-to-exceed \$30,000

- i. Motion to approve made by Mr. Novak and seconded by Mr. Mollenhauer.

Mr. Kiel asked what was going to happen to old vehicles that Community Corrections was replacing, which Mrs. Beaty responded that Community Corrections intended to trade in the vehicles. When Mr. Yagelski proposed auctioning off the vehicles at the Commissioners' auction in 2024, Mr. Novak explained that it might be more beneficial for Mrs. Beaty to trade the

vehicles, as it would reduce the cost of the new vehicles being purchased, and any money that the vehicles brought in at auction would not be returned to her own accounts. Mr. Rosenbaum prompted Mrs. Beaty to investigate whether trading in the vehicles or auctioning them off would yield a greater return.

- ii. All members voted in favor.

COUNCIL/ATTORNEY COMMENTS

Mr. Novak requested that everyone keep Steve Winski in their thoughts and prayers.

Mr. Yagelski informed the room that he felt common sense and caution needed to go into the distribution of the county's finances until the county could get a handle on its negative balances and the balancing of the General Fund, especially going into the end of the year and the beginning of 2024.

Regarding the three items that were in negative balances during the course of the meeting, Mr. Koronka clarified that the Council was going through these processes to ensure that the county's finances were corrected, and to hopefully eventually increase the General Fund surplus to a double-digit percentage as it had been in past years.

Mr. Cunningham informed Ms. Graves that the Council only needed one signature page in the packets that were distributed to them, as only one sheet was signed by the Council Members. He voiced frustration that the agenda had been amended as late as 9:30am that very morning, and proposed setting a time limit as to how late amendments could be added to the agenda. Mr. Rosenbaum clarified that a few of the amendments happened over the course of the weekend, with one amendment happening as late as the Sunday immediately before the meeting. When Mr. Cunningham motioned to set a 72-hour time limit for amendments prior to the meetings, followed by a second from Mr. Koronka, Ms. Graves stated that she took responsibility for the late amendments, however the agenda needed to be advertised on the county website no later than 48 hours prior to the meeting, not including weekends. Mr. Cunningham withdrew his motion and Mr. Koronka withdrew his second.

Mr. Kiel questioned if there was a way to unlock the door to the Complex Building so that meeting participants would not need to be buzzed in by the Sheriff's Department in order to get to the meeting room.

ADJOURNMENT

- i. Motion to adjourn made by Mr. Koronka and seconded by Mr. Novak.
- ii. All members voted in favor.

Examined & Approved by the La Porte County Council this 27th day of November 2023.



Councilman Earl Cunningham



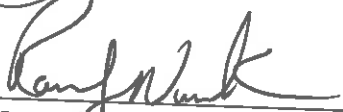
Councilman Adam Koronka



Councilman Justin Kiel



Councilman Mike Mollenhauer



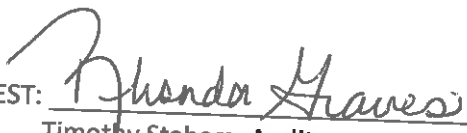
Councilman Randy Novak



Councilman Mike Rosenbaum



Councilman Mark Yagelski

ATTEST: 

Timothy Stabosz, Auditor
Chief Deputy Auditor