



LA PORTE COUNTY BOARD OF COMMISSIONERS

555 Michigan Avenue, Suite 202
La Porte, IN 46350-3400
(219) 326-6808 ext. 2229

Connie Gramarossa
President

Richard Mrozinski
Vice President

Joseph Haney
Member

La Porte County Commissioners' Meeting Minutes Wednesday, September 18, 2024 at 6:00 p.m. County Complex Room 3 & via Zoom

President Connie Gramarossa called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance. A moment of silence for Magistrate Judge Jonathan Forker who passed away.

Auditor Tim Stabosz called the roll: **Commissioner Connie Gramarossa** - Present; **Commissioner Joe Haney** - Present; and **Commissioner Rich Mrozinski** - Present. Quorum present therefore meeting commenced.

Considered the agenda. **Commissioner Haney** motioned to add Consider IvyWorks Internship between Ivy Tech & La Porte County IT; Consider Agreement between Trueroll & Auditor and Consider a Burn Ban for the County due to the recent drought. **Commissioner Mrozinski** seconded. Motion carried 3-0.

Considered approval of the September 4, 2024 minutes. **Commissioner Mrozinski** motioned to approve. **Commissioner Haney** seconded. Motion carried 3-0.

Auditor Tim Stabosz read the Claims with Payroll ending 9/6/2024 - \$1,479,563.28. **Commissioner Haney** motioned to approve payroll. **Commissioner Mrozinski** seconded. Motion carried 3-0.

Auditor Tim Stabosz read the Operating Expense Claims - \$3,171,975.24. **Commissioner Haney** motioned to approve the claims. **Commissioner Mrozinski** seconded. Motion carried 3-0.

Public Comment

Steve Holifield, 6782 E. 100 S., Mill Creek, questioned whether the Resolution and Moratorium from the Plan Commission would stay on the agenda or not, commented on other Counties' setback distances, radius from wells, and he hopes the Moratorium will be sent back to the Plan Commission for review and compare it to other Counties.

Mike Rosenbaum, Councilman, 1515 Indiana Avenue, La Porte, discussed the contract for the current Auditor that was added to the agenda for consideration. This is a two-year contract, the current Auditor has a few months left and as the only candidate for the Auditor's seat in the fall election, he would have liked the opportunity to discuss the vendor and/or meet them. An AIC Conference is taking place next week where vendors will be able to meet County Officials and discuss their products. The current Auditor's office has not been cooperative with him. Why now? This company could have been brought up during the last 3 ½ years but it has not been and that is a concern.

Tim Stabosz, Auditor, working for the people of La Porte County through the very last day they are employed and will not be 'lame ducks,' here to serve the people and the office of the Auditor. One of the ways to serve is to research for dual homesteads, residents that have more than one home, say one here in Long Beach and one in Chicago which is cheating the system, claiming homesteads on both properties, they need to go after them, hold them accountable and collect the money, it can go back up to three years. There are companies that can do this work and Trueroll is one of them. Takes exception to a previous comment that his office has not been cooperative with Mr. Rosenbaum, that is not true. He was cooperative during the budget process, making sure money is budgeted for the incoming Auditor that he never had for such contracts, in case the contracts are messed with by the Commissioners. The current contract might be able to be modified to say a one-year contract but to deprive the tax payers of La Porte County the ability to collect from a firm that only collects a 30% commission versus someone used years ago at a 40% fee and the staff was not happy with the services. Urged the Commissioners not to wait, reasonable discussions can take place on the terms of the contract. Notions that his office has not been cooperative is not true, they have a job to do until the end of year and they will do it.

Mike Kellems, 159 Regency Parkway, La Porte, thanked the Commission for conducting the Solar Workshop prior to tonight's meeting, its an important topic. The other item of interest is the Burn Ban that was added to the agenda. State Fire Marshalls ordered a Burn Ban across the State of Indiana. Encouraged the Commissioners to work with EMA Director Rob Sabie in getting the word out on our local ban, some people either don't know about it once it is declared and some simply do not follow it. A few years ago, there was a huge wild fire near the Fish Lake area that was so evasive and so large that a helicopter was brought in to douse the flames. Our Volunteer Fire Departments are overworked, under manned, yesterday Coolspring Township Volunteer Fire Department has 11 calls in a 24-hour period when this department usually runs 1200 calls per year. This Burn Ban is important and the word needs to get out once it is approved.

Harold Parker, 2602 E. State Road 4, La Porte, Drainage Board issue, two years ago sprayed and killed his crops. Filed a claim this year and it was denied. Handed our paperwork to the Commission. He was told the Drainage Board can go in at any time on a 75-foot right-of-way, do whatever they want and not pay for damages of the crops they run over, two years ago a spray was used and damaged about \$5,000 worth of crops. This is the 3rd time this has happened. He proposed a change of keeping the Drainage Board out of growing crops unless it is an emergency like a beaver dam, a tree or a bridge break and not spraying dandelions in a ditch. When he went in front of the Drainage Board, a law was cited and he was informed that the bill would not be paid, if it was an electrical/transmission line they would pay but not for the spraying of crops. This was on 6-7 acres, not just one and he pays rent up to the ditch, not up to the 75-foot right-of-way. We don't plant crops for someone to come in and destroy it. Thank you.

Bill Allison, 5791 E. State Road 104, Walkerton, agreed with Steve Holifield, believes the Moratorium should be sent back to the Plan Commission for review, compare the ordinance to other counties.

Department Reports/Comments

None

Requests

None

Old Business

Considered Plan Commission's approved Resolution Amending & Supplementing, Land Usage, as Amended to Adopt Section 14.15 Solar Energy Systems. **Commissioner Haney**, this Resolution was voted in favor of 9-0 by the Plan Commission, one thought is if it is passed tonight, it does not mean it cannot be strengthened later, a lot of work went into this and it has been strengthened from the first/original one in 2021. Recommended it be passed and still have the Plan Commission take a look at what other Counties have passed in their resolutions. A concern is if it is denied tonight then the whole process would have to start over in the Plan Commission and it would be possibly 90 days before it would come back to the Commission, it was a 9-0 vote so it would be easier to hold up in court, in his opinion. Legal counsel for the Plan Commission has been very concerned about litigation and what we have right here, we all feel confident on the Plan Commission, likely won't be challenged in court and if it is, will hold up. **President Gramarossa** asked Commissioner Haney when he says 'we' it's because he serves on the Plan Commission and currently as the President. She then asked if there is a second to the motion. **Commissioner Mrozinski**, if we pass it the Plan Commission is under no obligation to change anything, whereas if we table it so we can have further discussion to know what we're voting on, I would be more inclined to table this until the next meeting. **Commissioner Haney**, for what it's worth, we're up against a time limit. **Attorney Guy DiMartino**, you need to move one way or another tonight. **Commissioner Haney**, for all of the notifications to go out, the Commissioners need to either approve or deny it, no modifications can be made to it. The risk would be that for the next 90 days or so, these additional protections for the people in La Porte County would not be in effect, if you send it back to the Plan Commission and the members decide they do not want to revisit it, there were very good discussions at the various Plan Commission meetings for this topic, and he would like to pass something that is good now and then make improvements later, if it is needed. Our current Ordinance is 250 feet from the property line, it is his recommendation and motion to pass this tonight. **President Gramarossa**, do we have two weeks to think about it? **Attorney Guy DiMartino**, no, you do not. **President Gramarossa** asked Commissioner Mrozinski if he has major concerns or could we pass this tonight and make changes later if needed. **Commissioner Mrozinski** stated he has not had time to discuss it really with anyone. **President Gramarossa** questioned Commissioner Haney as to the people in attendance at the Plan Commission meetings for this Solar Resolution amending & supplementing section 14.15 under Solar Energy Systems, have they been the same ones attending the Commission meetings and have had their concerns heard and questions answered. **Commissioner Haney**, yes, just a few items were brought up tonight compared to other Counties that he will look at that may be stronger than what we currently have, its worth looking at the information. **President Gramarossa**, can the other Counties comparisons be verified prior to the vote tonight? **Attorney Guy DiMartino**, different County, more rural. You have in front of you tonight, a 9-0 vote from the Plan Commission, either accept or reject it. **Commissioner Mrozinski seconded the motion. President Gramarossa** asked if there were any more discussions. **Commissioner Mrozinski** said yes, not now but later he would like to be sure of what they're signing. **Motion carried 3-0. Commissioner Haney motioned to send this back to the Plan Commission for consideration of review of other Counties' ordinances/resolutions on solar. Commissioner Mrozinski seconded. Motion carried 3-0. Commissioners approved the Plan Commission's Resolution Amending & Supplementing, Land Usage, as Amended to Adopt Section 14.15 Solar Energy Systems.**

ORIGINAL

Considered Plan Commission's denied Ordinance imposing a Moratorium on Filing & Accepting New Applications for Large-Scale Solar Farms until April 3, 2025. **Commissioner Mrozinski motioned to approve and send the Moratorium back to the Plan Commission.** **Attorney Guy DiMartino** asked for clarification in the motion, if you reject it then you send it back to them; it failed at the Plan Commission so... **Commissioner Haney**, it was a 7-2 vote. **President Gramarossa**, they denied an ordinance imposing a Moratorium. **Attorney DiMartino**, either you reject their finding and send it back to them or... **Commissioner Mrozinski**, correct, that's my motion. **Commissioner Haney**, so the motion is to reject their decision, send back to them and ask them to reconsider? Given some new information tonight, I can't find a reason not to take another look at this so **I will second the motion. Motion carried 3-0.**

Considered Road Use Agreement between Bluestem Solar and La Porte County. **Commissioner Mrozinski motioned to table.** **Commissioner Haney seconded the motion for discussion.** He asked Commissioner Mrozinski what questions or concerns did he have since Commissioner Mrozinski was the one to work on this Road Agreement. **Commissioner Mrozinski** replied there were suggestions from the Highway Department that needed to be considered plus other suggestions from the Workshop. **Attorney Guy DiMartino** recommended tabling until the next meeting. **Commissioner Mrozinski**, I've been working on this for a long time, there have been a least five revisions and today we received more suggestions that should be considered. **Vote taken; Motion carried 3-0 to table until another meeting.**

Considered Decommissioning Plan Agreement between Bluestem Solar and La Porte County. **Commissioner Mrozinski motioned to approve the agreement.** **Commissioner Haney seconded.** **Attorney DiMartino** recommended approval contingent **Council President Randy Novak/Attorney DiMartino or Attorney Scott Pejic** clarify the assignment issue brought up in the workshop pending **Council's approval then it would be in full force or affect.** **Commissioner Mrozinski** added that to his motion. **Commissioner Haney seconded the additional recommendation. Motion carried 3-0.**

New Business

Considered FMEC Notice of Receiving Bids for Farm Land Rental. **Commissioner Mrozinski motioned to approve.** **Commissioner Haney seconded**, in our packet is an old version of the lease with \$100 an acre yet the lease here tonight does not have a dollar value per acre. It was clarified by **Attorney DiMartino** that because it is a bid, the farmers will submit the amounts. A minimum bid can be added to the notice. **Commissioner Haney**, the current rate is above \$100 an acre. **Motion carried 3-0.**

Considered Agreement between IvyWorks and IT. **Darlene Hale**, IT Director, has been working on a grant with Ivy Tech that reimburses the County for 80 hours, 20 per week for four weeks, for an intern, up to \$15 an hour. FICA is included in the grant. This particular grant allows females to apply and once this first grant is agreed upon, the County will become a vendor with Ivy Tech and other grants are available for applications in the future for reimbursements. **Commissioner Mrozinski motioned to approve.** **Commissioner Haney seconded. Motion carried 3-0.** **Attorney DiMartino**, permission to approach the Council is needed as well. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0.**

Considered Agreement between Trueroll and Auditor. **Commissioner Haney motioned to approve the contract for one year. For sake of discussion, President Gramarossa stepped down to second the motion.** Her concern is the current Auditor has been in office for three years now and nine months yet the contract is for two years. **Female via Zoom interrupted**, that's your fault, you shouldn't have voided the other contract out, whatever. **Commissioner Haney**, someone's got an open mic. **President Gramarossa** continued; a new Auditor will take office in January, next week is an AIC Conference where vendors will be meeting the County Officials and possibly the incoming Auditor may find a different contract for this service if he decides to use it at all. **Auditor Tim Stabosz**, he is aware of two major vendors; Tax Management & Associates who were used before and there was not a good report from his staff with this vendor. His office has done research and Trueroll seems to have a more comprehensive database to find all different kind of things that they can look for to create a list of candidates and then the actual investigatory work is done by his office. He considers this to be within his statutory authority and his office has a job to do through the end of the year and if Mr. Rosenbaum had a Democrat opponent or any opponent, the Commission wouldn't be considering what he wants, his office has been very accommodative in a number of ways, including other contracts that wasn't brought before the Commission because the new Auditor's job doesn't begin until January and it's for something not time sensitive but again to delay the work of finding these people, once you roll them over, well, to delay the work of finding these people is to delay potential tax revenue to the citizens of La Porte so we think that one year is a very reasonable compromise, there are contracts that the County does left and right that roll over into the New Year and cross over political period so we think it would be...we are the Auditor of La Porte County, we have a job to do and we would ask you to support us in that reasonable compromise of a one-year contract, I doubt they would do six months, we thought that was a reasonable compromise. **Commissioner Mrozinski**, something you said struck a chord with me sir, you are the Auditor and it is your job. I would rather see the Auditor show up once in a while and do this work himself instead of farming more stuff out, that's my feelings. **President Gramarossa**, in the three years and nine months, who have you used? **Auditor Tim Stabosz**, this is something done episodically, you don't do it constantly, we haven't used anyone but I believe it was done once during the eight years of the previous Auditor, maybe even twice, I don't know so this is not unusual but I think really that we dealt with a whole battery of assaults on this office at your Workshop a couple of days ago and if we're going to turn this into an attack on the Auditor then its going to get nasty and I chose not to go to the podium during Department Head comment to defend the authority and the honor of my

office when I was defamed by you Commissioner Gramarossa so if you want to vote it down, go to vote it down then we're looking to our legal options, the State passed a law in July, we'll look into our legal options about whether we can sign the contract ourselves. **President Gramarossa**, then why do you come here? Why do you come here if you want to do whatever you want to do, in three years and nine months you've taken no action on this whatsoever, three months before the end of your term you want to take action and throw legal statute at us, telling us you can sign your own contracts, by golly, do it. **Auditor Tim Stabosz**, go ahead and vote it down then Commissioner. **President Gramarossa** asked for the vote after a motion and a second for discussion. **Auditor Stabosz**, deprive the citizens of La Porte County of something that is rightfully, something they are entitled to... **President Gramarossa**, something that you haven't done in three years and nine months. **Auditor Stabosz**, I already explained, it's not something done constantly, my staff looks at things, they look at death notices, they do their job, this is over and above, this is something that involves investigatory work, I don't think it warrants the type of criticism that you're meeting out right now. **President Gramarossa**, you're speaking out of turn right now, this is where we get to vote on items. I'll give you the floor to speak and say whatever you want but would you let us know when you're done so that we can go ahead with our vote. **Auditor Stabosz**, I think for vote is for ordained so go ahead. **President Gramarossa**, thank you. We have a motion and a second on the floor, we've had our discussion, all those in favor say aye. **Commissioner Haney - Aye. President Gramarossa**, all those opposed say nay. **Commissioner Mrozinski - Nay. President Gramarossa - Nay. Motion failed with a 2 nay; 1 aye vote.**

Considered a Burn Ban for La Porte County. President Gramarossa, Councilman Randy Novak brought this to us around 1:00 p.m. yesterday, we then took it to Attorney Guy DiMartino. Last night at the Farm Bureau meeting, a lot of farmers talked to us about it. **Rob Sabie**, EMA Director, Randy Novak is also the La Porte County Fire Chief's Chairman, he has contacted all 18 Fire Departments in our County and they all agree with the Burn Ban, we've been in contact with the National Weather Service and every day it gets worse, no end in sight over the next few days. The ground surface water table is very low, the crops are basically dry unless they've had irrigation on them, it's a dangerous situation and there are currently 49 counties in our state that have declared a Burn Ban, I'm sure it will increase as days go on, the Commission has authority to declare a Burn Ban in an emergency situation. If it is passed tonight then a RAVE alert will be sent out to notify the public, it will be on our Facebook page and the County website. Fire Departments have the authority to enforce it and issue fines. **Commissioner Mrozinski motioned to approve the Burn Ban. Commissioner Haney seconded. Motion carried 3-0. Commissioner Haney** thanked Attorney DiMartino for getting this done so quickly and announced the Ban is through October 2nd and will be revisited at our next meeting. It will take more than one rainfall to get us where we need to be, this Ban may be extended. **Rob Sabie**, this will be posted on the State's website as well once I obtain a copy of the Burn Ban.

Commissioner Mrozinski motioned to adjourn at 11:43 a.m. Commissioner Haney seconded. Motion carried 3-0.

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE: 10-2-2024

Thomas Gramarossa
Tim Stabosz

ATTEST: _____ Auditor
LA PORTE COUNTY, INDIANA

ORIGINAL