

**LAPORTE COUNTY
COUNTY COUNCIL MEETING
February 25, 2008**

The LaPorte County Council met in regular session the 25th day of February, 2008, in the assembly room of the LaPorte County Government Complex. The meeting was called to order at 6:30 p.m. by President Mark Yagelski.

ROLL CALL AND PLEDGE OF ALLEGIANCE:

Mr. Cunningham led those present in the Pledge of Allegiance. Roll call followed.

Mrs. Shuter:	Councilman Yagelski:	Present
	Councilman Mrozinski:	Present
	Councilman Cunningham:	Present
	Councilman Garner:	Present
	Councilman Ludlow:	Present
	Councilman Jones:	Present

Councilman Cooley was absent due to illness.

ADOPTION OF AGENDA: The Council approved unanimously to move Judge Kathleen Lang's transfer request up on the agenda due to an important commitment.

MINUTES: Mr. Ludlow made a motion to approve the minutes of the Workshop held on November 26, 2007, the Regular Meeting held on November 26, 2007, the Workshop held on December 11, 2007, the Regular Meeting held on December 17, 2007, the Reorganization Meeting held on January 7, 2008, the Executive Session held on January 7, 2008, and the Special Meeting held on February 12, 2008, as submitted. Mr. Garner seconded. The motion carried by voice vote 6 – 0.

TRANSFER/SUPERIOR CT. NO. 1: Judge Kathleen Lang requested the transfer of \$31,000.00 from the Win Tax Fund/Riverboat to the Vocational Training Fund. Judge Lang explained that funding is no longer available from Urban Enterprise but she has talked to the Prosecutor, and he isn't sure how much he can give, and then some Probation User Fees can possibly be used also for this program; therefore, she is reducing the requested amount to \$20,000.00. Judge Lang also explained that this program has been in existence for some time and many community projects have been accomplished.

Mr. Cunningham made a motion to approve the appropriation and transfer of \$20,000.00 as requested and Mr. Mrozinski seconded. The motion carried by voice vote 6 – 0.

Judge Lang informed the Council that the video conferencing is going really well and the Sheriff's Department has been wonderful to work with. None of the felons are being transported for their initial hearings. She stated that there are up to eight (8) of this type of hearing held each week.

DEPARTMENT HEADS:

EMERGENCY PLANNING/HAZ-MAT:

Jeff Hamilton, Emergency Planning/Haz-Mat, requested approval of the LEPC Budget for 2008. Even though the money comes from the State, Council approval is required. Mr. Jones made a motion to approve the 2008 LEPC Budget as presented and Mr. Ludlow seconded. Motion carried by voice vote 6 – 0.

Mr. Hamilton requested permission to apply for the Assistance to Firefighting Grant in order to purchase a 16-foot trailer which will be pulled with the truck they have. The total amount of the grant would be \$50,000.00 with a County match of \$10,000.00. Mr. Jones asked how this trailer would differ from the current mobile unit. Mr. Hamilton answered this trailer would be used totally for petroleum products and petroleum spills.

Mr. Jones made a motion to approve that Mr. Hamilton apply for the grant with the idea that there would be a \$10,000.00 local match. Mr. Ludlow seconded. The motion carried 6 – 0.

Mr. Hamilton requested \$3,750.00 for medical exams which are done every two (2) years. He explained that this has been a line item in the budget in the past. Mr. Ludlow made a motion to approve this request in the County General Fund, Emergency Planning Budget. Mr. Jones seconded. The motion carried by voice vote 6 – 0.

TREASURER:

Treasurer Ken Layton presented the County Investment Report which he presented to the Commissioners two weeks ago. He stated that the good news is that this was an outstanding year and \$5,455,303.00 was collected in investments, which was without tax monies coming in. The bad news is that it was forecasted when the Major Moves Fund began that somewhere between \$1.2 million and \$1.6 million could be earned in interest. Mr. Layton stated that with expenditures from the Major Moves Fund, that amount has gone down and only a little over \$1 million was brought in. Over the past three years approximately \$12.5 million has been brought in due to investments.

Mr. Cunningham asked what the County had lost in loaning ourselves \$9 million from the Rainy Day Fund (Emergency Reserve). Mr. Layton responded that we didn't lose anything since we didn't have to borrow from the outside. A survey was conducted by Mr. Layton of the school corporations and LaPorte School Corporation borrowed the most; their combined total of interest on their loans was approximately \$260,000.00. Mr. Layton talked to Mr. Baugher regarding the City of LaPorte and their cost in interest was right at \$100,000.00, South Central Schools was a little over \$14,000.00 and New Prairie Schools was \$69,000.00. Michigan City School Corporation hadn't called back as of yet.

Mr. Cunningham rephrased his question and asked if we hadn't been in this situation and the \$9 million was drawing interest, how much more would we have taken in. Mr. Layton responded that if we had it for the entire year, we possibly could have taken in \$1.5 million. Mr. Cunningham commented that we still lost potential earned interest. Mr. Layton stated that we didn't have the money to invest but we didn't lose \$1.5 million since we didn't expend the money all at one time since it is over a period of time.

Mr. Yagelski asked Mr. Layton to explain the investment funds. Mr. Layton responded that the funds invested are MVH (Motor Vehicle Highway), LR&S (Local Road & Street), Cumulative Bridge, Major Bridge and Major Moves along with Total Monies; the interest in Total Monies goes into the General Fund to reduce the taxes.

Mr. Yagelski asked how much money actually went back into Major Moves. Mr. Layton replied that after the Resolution was passed by the Council, approximately \$600,000.00.

SHERIFF:

Sheriff Mollenhauer reported on the job staff analysis that was discussed last year and having someone from the DOC (Department of Corrections) come in to see if we could utilize some of the staff more efficiently. The study has been completed as of last week and we should be receiving a written report, hopefully this week, to give some idea how to utilize people efficiently in order to get the pod opened up. Sheriff Mollenhauer stated that there is a construction issue with the pod currently but Commissioner Hager is trying to get this rectified.

LIAISON REPORTS:

DAN PURKAL:

Mr. Ludlow stated that this weekend LaPorte County lost a member of the community who spent well over twenty (20) years defending it, Dan Purkal, who was a good friend of his and on the Sheriff's Department until his health forced him to pension out early. Mr. Ludlow commented that Mr. Purkal will be sorely missed.

PERSONNEL COMMITTEE:

Mr. Jones commented that both of the people, the Small Animal Shelter and the Human Resource Department, are both here with their requests advertised so he will wait to address the recommendations when they come up on the agenda.

SHERIFF'S MEDICAL REQUEST:

Regarding the Sheriff's request tonight of \$150,000.00 for Medical-Hospital, Mr. Jones reminded the Council of the cost-saving move about five (5) years ago to contract with a health service instead of sending the inmates to the hospital every time they complained. These costs have been reduced on a yearly basis by at least 5 times from what we formerly spent.

NEW BUILDING COMMITTEE:

Mr. Garner commented that the Building Committee for the Purdue Extension, Soil & Water and Solid Waste facility has viewed drawings and soil removal and drainage has also been discussed. This will be a "green" building as much as possible and the bids should go out any day. The architect has said that if a bid is accepted, those offices should be in the building by the Friday before Christmas if not sooner so we would be avoiding our next year's rent.

Commissioner Hager stated that the building is still on track but the building has changed. It will be a one-level building with a basement for storage only and should be cheaper than originally planned. Mr. Hager will get back with the Council as soon as he has the plan in his hands.

PARKS:

Mr. Mrozinski congratulated Superintendent Tim Morgan on receiving the “Outstanding Professional Award” from the Indiana Park & Recreation Association which is the highest award the Association can confer upon a member for his consistent dedication to the provision of quality leisure service.

ANIMAL CONTROL:

Mr. Mrozinski congratulated Director Jane Bernard who won the 2008 Guardian Award from the Indiana Veterinary Medical Association which is the highest award the organization confers on an individual for promoting the advancement of animal welfare issues.

VETERAN’S SERVICE:

Mr. Mrozinski reported that the 2008 Veterans Medal Presentation will be held on Saturday, April 26th at 10:00 a.m. in the Complex Meeting Room. Veterans who have not yet received their LaPorte County Veterans Recognition Medal need to get an application from the Veterans Service Office or any Veterans organization in the County which will explain the eligibility.

COUNTY HOME:

Mr. Mrozinski stated that the County Home is planning their annual Open House for Sunday, June 15th. The County Home has brought in record revenue this year totaling \$319,176.17, an increase of \$20,690.93. Mr. Mrozinski congratulated Director Kay Felton for a job well done.

COURTHOUSE SECURITY:

Mr. Mrozinski commented that Courthouse Security would like to establish a line item and they are on the agenda later on.

FROST LAWS:

Mr. Yagelski stated that the Council has tried to work on the frost law for about a year and it is close to being completed. Mr. Yagelski has been working with Clay Turner, Solid Waste, and he has agreed that when the frost law is declared, he will announce to the public that no pickups will occur during that week but during that time the community pickups will still be available at the centralized locations. Mr. Yagelski thanked Mr. Turner since this will save a lot of wear and tear on the roads.

PUBLIC COMMENTS:

Mr. Jones reported that Susan Peterson from FEMA, Community Relations, is in attendance. LaPorte County has been added to the state-wide disaster declaration for the flood event of January 7th and 8th, approximately, and continuing forward until FEMA basically leaves town. Right now FEMA has public representatives here and damage assessment people. Mr. Jones stated that on March 17, 18, 19 and 20 from 9:00 a.m. until 6:00 p.m. there will be a Mobile Disaster Recovery Center (MDRC) parked at the Police Fire Training Center in Michigan City at 2510 East Michigan Blvd. Mr. Jones encouraged people to use the following 800 numbers to register with FEMA: 1-800-621-FEMA or 1-800-621-3362. He stated that even if there is ½” of water in your basement you should register with FEMA. Determinations will be made on-site to see if those affected qualify for some sort of reimbursement compensation or a low interest loan.

ADDITIONAL APPROPRIATION/GENERAL FUND/SHERIFF:

SHIFT DIFFERENTIAL:

Sheriff Mollenhauer is requesting \$14,000.00 for Shift Differential; there is \$12,000.00 budgeted at this time. It was explained that as of January of this year they have gone to a permanent shift assignment. Previously, the money budgeted for Shift Differential was divided amongst all of the officers over a four-month period that they worked the midnight shift. The Sheriff would like to give shift differential to the afternoon and midnight shifts; he is requesting a 2% shift differential, or \$800.00 per officer, for the afternoon shift, which is 2:00 p.m. to 10:00 p.m., and a 3% increase, or \$1,200.00 per officer, for the midnight shift, which is 10:00 p.m. to 6:00 a.m. A total of \$26,000.00 would be needed in order award those officers this shift differential.

Mr. Jones made a motion to approve \$14,000.00 as requested and Mr. Cunningham seconded. Mr. Ludlow asked if the officers volunteered for these shifts. Sheriff Mollenhauer answered, "Yes and no." Mr. Ludlow asked if the permanent shift assignment is a one-year trial basis. Sheriff Mollenhauer responded that it is a trial basis. Mr. Ludlow asked if Sheriff Mollenhauer knew at budget time that he was going to permanent shifts. Sheriff Mollenhauer replied that last year was his first year and he did not as the budget hearings were in August and it was still "up in the air" at that time. A survey was taken of the officers and over half of them wanted to try permanent shifts; from a recent survey it is well over half now that are enjoying the permanent shifts.

Mr. Ludlow asked how this would be paid. Sheriff Mollenhauer has discussed this with Connie Trojanowski and it would probably be paid every other paycheck. Mr. Ludlow doesn't think this can be done if the shift differential is becoming part of the paycheck and the salaries are being amended. Mrs. Shuter commented that the salaries could be amended. Mr. Ludlow stated that previously the shift differential was paid in a lump sum annual payment. Mr. Ludlow also commented that this would go toward the officer's pension and change the pension payment. Mrs. Shuter stated that either way, bi-weekly or annually, it is paid from a payroll account.

Mr. Jones asked Mrs. Shuter if this could cause a headache if the person would change shifts during the year. Mrs. Shuter responded that the payroll would actually be submitted by the Sheriff's Department. Sheriff Mollenhauer stated that this would affect twenty-six (26) officers which include both supervisors and deputies. They will try to stay away from making changes during the year.

Mr. Cunningham asked Mrs. Shuter if she had any preference whether it is paid in a semi-annual or annual bonus through payroll. Mrs. Shuter commented that she doesn't have a preference but it may be easier if it was done quarterly which may be easier for Mrs. Trojanowski.

Mr. Yagelski asked if the Sheriff would null and void the permanent shifts at the end of the year, or any certain time, it would null and void this agreement, is that correct. Sheriff Mollenhauer stated that this is correct.

Mr. Cunningham withdrew his second of the existing motion. Mr. Jones then made a motion to accept 2% for evenings, 3% for midnights paid as a quarterly bonus through payroll. Mr. Cunningham seconded.

Roll call was taken.

Mrs. Shuter:	Councilman Yagelski:	Aye
	Councilman Cunningham:	Aye
	Councilman Garner:	Aye
	Councilman Jones:	Aye
	Councilman Ludlow:	Aye
	Councilman Mrozinski:	Aye

Motion carried 6 – 0.

MEDICAL-HOSPITAL:

Sheriff Mollenhauer requested \$150,000.00 in Medical-Hospital. He stated that they normally appear twice a year regarding this anyway but the reason they are visiting the Council early is because of bills that came in from last year the first part of this year. Sheriff Mollenhauer commented, as Mr. Jones had referred to earlier, that the County is under contract with Advanced Medical Healthcare. He recently met with Jail Commander Bell who has spoken to a representative of Advanced Medical Healthcare looking at ways of saving some additional money. Right now we are under a \$10,000.00 per diem per inmate and \$15,000.00 and \$20,000.00 was reviewed but it would up the annual contract of \$238,000.00 by a significant amount. Sheriff Mollenhauer stated that it's a gamble whether you want to pay the additional money out front; the contract is for 240 inmates and we are running over 300 inmates so that is where we pay the additional amount.

Mr. Jones made a motion to approve \$150,000.00 as requested and Mr. Garner seconded. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/CCD FUND/SHERIFF: \$300,000.00 was requested by Sheriff Mollenhauer for Motor Vehicles from the Cumulative Capital Development (CCD) Fund. Mr. Jones made a motion to approve this amount as requested and Mr. Garner seconded. Mr. Ludlow commented that the Council almost had to have an emergency meeting in January to approve this so the Sheriff could contract for the vehicles; he is very disappointed that the first thing purchased is new Tahoe with heated seats before the Council has had the opportunity to approve the money. Mr. Ludlow doesn't think this is respectful of the Council even if they knew the Council was going to approve this request.

Chief Deputy Sosinski commented that the bids needed to be done; there was a 2002 Tahoe that needed to be gotten rid of, which was the oldest in the fleet, and it was traded for the new Tahoe.

Mr. Yagelski stated that it is not automatic that the Council votes to approve the requests for Motor Vehicles but it is a program the Council has accepted to try to get the cars going through a cycle and works well instead of getting a lot of new cars at one time.

The motion to approve \$300,000.00 as requested passed by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/EMERGENCY RESERVE/SHERIFF:

Sheriff Mollenhauer requested \$600,000.00 for Pension. Mr. Yagelski stated that the request for \$600,000.00 is excessively high for this time of year and isn't the intake of money from fees pretty close to the outgoing money. Mrs. Shuter commented that there is approximately \$138,500.00 in the new fund created last fall. Chief Deputy Sosinski reported that \$50,000.00 will be sent out at the end of the month and then again next month.

Mr. Ludlow made a motion to table this request for a month until we get another month of income to see if it can fund itself. Mr. Garner seconded. The motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/GENERAL FUND/CLINTON TWP: Since Daniel Satkoski, Clinton Township Trustee/Assessor, passed the Level II Certification, Mr. Ludlow made a motion to approve \$1,000.00 for the Level II Bonus and Mr. Cunningham seconded. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/GENERAL FUND/COMMISSIONERS: Mr. Hager commented that the \$150,000.00 advertised for Legal Fees in the Commissioners' Budget has been withdrawn. Mr. Hager stated that \$675.00 requested in the In-House Printing Budget is for the annual maintenance contract on the machine purchased from Advanced Imaging Solutions. Mr. Cunningham made a motion to approve \$675.00 as requested and Mr. Ludlow seconded. The motion to approve carried 6 - 0 by voice vote.

ADDITIONAL APPROPRIATION/GENERAL FUND.PARKS: Mrs. Shuter explained that the money requested is for longevity increases for two (2) employees of the Park & Recreation Department. Mr. Ludlow made a motion to approve \$629.00 for the Program Supervisor and \$622.00 for the Maintenance Technician as advertised. Mr. Jones seconded and the motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/GENERAL FUND/ANIMAL SHELTER: Mr. Jones reported that Jane Bernard appeared before the Personnel Committee and since 1990 has had no additional personnel. Mrs. Bernard also went before Joyce Leon, Human Resource Director, and it was a unanimous vote of the Personnel Committee to recommend an additional full time position and to bring this matter before the full Council for a vote.

Mr. Mrozinski made a motion to approve an additional full time position and to appropriate \$24,056.00 as advertised. Mr. Jones seconded. Mr. Cunningham asked if prison trustees or work release are utilized. Mrs. Bernard responded that they have just started this program and they have a gentleman that has been coming to the Animal Shelter regularly but they have been told that once the weather breaks that person will not always be available to come to the Shelter since they have a lot of outside maintenance work that they do. Mr. Cunningham then asked if they have sought out help from Community Corrections where there are individuals that don't have jobs. Mrs. Bernard replied that they have had the conversation but it hasn't gone any further than that. She commented that it has been great to have the prison trustee's help but they can only do so much.

Mr. Cunningham congratulated Mrs. Bernard on her award and stated that she is doing an outstanding job. He will not be able to support the new employee but it is no reflection on the job Mrs. Bernard or her staff are doing right now. He just feels that with our tax situation and such, when we aren't sure how much money we are going to have, we need to not be hiring at

this time if at all possible. Mr. Cunningham stated that until we have explored Community Corrections, jailers or whatever we have here, he would prefer that we not do it. Mrs. Bernard responded that she appreciates Mr. Cunningham's comments but reminded him that the program with the dog licensing has been instituted and it is bringing in revenue which has added to their workload. They are hoping to utilize some of that money to go toward this new position. Mrs. Bernard stated that the Animal Shelter has limited funds right now to go out and reach the community; with the extra person it could be endless to what can be collected.

Roll call was taken.

Mrs. Shuter:	Councilman Cunningham:	Nay
	Councilman Garner:	Aye
	Councilman Jones:	Aye
	Councilman Ludlow:	Aye
	Councilman Yagelski:	Aye
	Councilman Mrozinski:	Aye

Motion carried 5 – 1. Mr. Ludlow and Mr. Yagelski both commented that they are approving this request because of the endless collections of funds mentioned by Mrs. Bernard.

Mrs. Bernard added that the award is not about her; she has a great staff and great support from the Commissioners and great support from the Council. She doesn't come before the Council unless she really needs something and she appreciates their approval.

ADDITIONAL APPROPRIATIONS/GENERAL FUND/HUMAN RESOURCES:

Mr. Jones made a motion to approve the request by the Human Resource Department for a new full-time COMOT V position and Mr. Ludlow seconded.

Mr. Jones reported that Joyce Leon, Director of the Human Resource Department, came before the Personnel Committee to request a full-time Clerk and they voted unanimously to give a favorable recommendation to the Council. Mr. Jones stated, not knowing where everyone's support lies, that when Mrs. Leon was hired it was a long overdue process to start the Human Resource organization for 700+ employees and he thinks she comes to us with impeccable credentials and he doesn't think that she wants to run a department halfway and that is why she is before us. Mr. Jones commented that Mrs. Leon has shown her work ethic throughout her short stay here; he is going to support her requests and he hopes that the rest of the Council does too and he hopes that the rest of the Council also respects the process of the Personnel Committee who are diligent in their questioning and research on these matters.

Mr. Yagelski stated that he doesn't think anyone comes before the Council for the same reasons but, remember, when we started this process we can't get the snowball rolling too fast. He stated that we don't exactly know all of the things that this job will entail but it is recommended at the COMOT V level and there are personnel that have been in the departments for a long time who have not received that type of money at this point. Mr. Yagelski stated that this position could have come in at less and the position could be developed up to a COMOT V at some point but not coming in as a V. He commented that the Council was promised when the job was coming in that we were not going to create a whole department; he doesn't understand where the V comes into it unless you are looking at creating a department. Mr. Yagelski explained that what he means by creating a department is a secretary will be needed right after this.

Mr. Jones took issue with “we were promised” since he never promised anything and, in fact, he said that with the limited knowledge he has of human resource management is that it could never be that way and he said this from the start. Mr. Jones stated that he knows Mr. Yagelski’s feelings were the opposite but that is Mr. Yagelski’s opinion and not a promise. Mr. Yagelski responded that it was promised by the Commissioners to the Council and stated, “You aren’t the only one, Mr. Jones.”

Mr. Cunningham stated that he is opposed to hiring any new employees, as he mentioned to Mrs. Bernard earlier, but Mrs. Bernard has promised the Council that she will be able to recoup the money. The Human Resource Department is not in a position to deal with drawing fees but one of the reasons Mrs. Leon was hired, he believes was the general intent, that through attrition, resignations or whatever it might be that some of the departments have to be pared down; if we are paying all of this extra money for computerization, etc. maybe we are top heavy in some departments. Mr. Cunningham will support this motion but he will support it on the basis that sometime within this calendar year he is hopeful that the Human Resources Department is able to reduce staff members within some departments within the County. He stated that hopefully this is through attrition but the bottom-line is we can’t just keep adding to the number of employees we have when we have an unknown income.

Mr. Hager agreed with Mr. Cunningham and stated that when Linda Arnett is on vacation the Human Resource Clerk can be used in the Commission Office at that time. Mr. Cunningham appreciates this because this is what he has been pushing for all along which is some sharing of employees from department to department.

Mr. Ludlow asked if the Personnel Committee or Mrs. Leon established the position as a COMOT V; what criteria is being used to establish this as a COMOT V. Mrs. Leon thinks it was established through cooperation between her and the Personnel Committee; they looked at PAT levels and Administrative Assistants and decided to work closer to what the County had starting out. Mr. Jones commented that there was discussion and Mrs. Leon actually evaluated the position at a COMOT VI and the Personnel Committee asked her to accept a COMOT V.

Mr. Mrozinski commented that when Mrs. Leon was hired it was known that she could not do the job alone as it is over-powering and overwhelming; she has a done a great job so far and if this is what the Personnel Committee came up with, we have to put our trust in them.

Roll call was taken.

Mrs. Shuter:	Councilman Garner:	Aye
	Councilman Cunningham:	Aye
	Councilman Jones:	Aye
	Councilman Yagelski:	Nay
	Councilman Ludlow:	Aye
	Councilman Mrozinski:	Aye

The motion carried 5 – 1.

Mr. Hager commented that he is trying to save money and gave the Council desk away. Mr. Ludlow asked if \$2,000.00 is for PC or a laptop. Mrs. Leon responded that it is for a PC. Mr.

Ludlow made a motion to approve the computer at \$2,000.00 and to approve \$4,973.00 for furniture. Mr. Garner seconded. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/HWY FUND: Since there are some people out with the flu, Mr. Yagelski presented the requests in the Highway Maintenance & Repair Budget. He stated that there isn't enough money in the fund at this time to approve \$800,000.00 for Stone, Gravel & Other and \$200,000.00 for Culverts, Tile, Sewer Pipe as advertised; therefore, he requested approval of \$500,000.00 for Stone, Gravel & Other and \$100,000.00 for Culverts, Tile, Sewer Pipe. Mr. Jones made a motion to approve the amount as requested by Mr. Yagelski and Mr. Cunningham seconded. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/CCD/HWY: Rick McVay, Highway Engineer, asked that \$277,417.30 be re-appropriated this year for the Michigan & Wiley Project in Rolling Prairie. Due to the weather last year, the project wasn't completed and he is asking that the unexpended balance be approved. Mr. Ludlow asked why the money wasn't encumbered. Mr. McVay was under the impression that the entire invoice was needed for the funds in order to encumber but now he realizes they could be encumbered by contract. Mr. Ludlow asked if the contract was being changed. Mr. McVay responded, "No."

Mr. Ludlow made a motion to approve \$277,417.30 and Mr. Garner seconded. Mr. Mrozinski asked if this is for the project on the curve in Rolling Prairie and why are we doing this. Mr. McVay answered that the road used to be Old U.S. 20 coming through Rolling Prairie and the curve was designed to take highway traffic; the way people move through the intersection along with the fact that there is a lot more development in that area, when you are heading west from 500 E going over Michigan Street and you want to turn left at that intersection, it is almost impossible.

Mr. McVay stated that they are trying to target some problem intersections. Mr. Mrozinski is from Rolling Prairie and he didn't realize that there is that much traffic coming through town; the reason he is bringing this up is that since the project has been started every time he goes to town he gets bombarded by people wondering what we are doing butchering the landscape there and whose idea is it and why. Mr. Mrozinski asked before and was told the people from Rolling Prairie requested this project but he can't find anyone out there who has requested it, they don't want it and no one can remember an accident there. Mr. Hager responded that there have been accidents and the main requesters are a retired State Trooper, Gene Neff, Swanson and a bunch of them down there who have requested this; yes the citizens are the ones that brought this up.

The motion to approve \$277,417.30 as requested carried 5 - 1 by voice vote. Mr. Mrozinski voted "Nay."

ADDITIONAL APPROPRIATION/MAJOR MOVES:

400 N & 18TH STREET SEWER:

\$5,517,310.76 is requested from the Major Moves Fund for the 400 N & 18th Street Sewer Project and \$310,000.00 is requested for 950 West. Mr. Jones made a motion to approve \$5,517,310.76 and Mr. Cunningham seconded. Mr. Ludlow asked if either one of these projects

is being increased. Mr. McVay responded that the unexpended balance is requested for the 400 N & 18th Street Sewer Project. Mrs. Shuter commented that the balance could have been encumbered with contracts for this project as well. Mr. McVay stated that 950 West is a new project. The \$5,517,310.76 was voted on first and the motion to approve carried 6 – 0 by voice vote.

950 WEST:

Mr. Yagelski referred to \$310,000.00 for the 950 West project. Mr. Jones motioned to approve and Mr. Ludlow seconded. Mr. McVay explained that the amount requested is to move the project forward and it is also for the right-of-way acquisition, engineering and title work. He stated that the plan is to realign the intersection with Cleveland Road and run sanitary sewer and water main down 950 West to I-94. Mr. McVay commented that there is another project in the works that will pick up the utilities and run them under I-94 to 300 and then over to Highway 421. The motion to approve \$310,000.00 from the Major Moves Fund carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/ECONOMIC DEVELOPMENT: Mr. Hager commented that the \$76,000.00 requested was a federal grant on the IMM Project and just needs to be re-appropriated in to submit payment to IMM. Mr. Jones made a motion to approve this request and Mr. Ludlow seconded. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/RESSESSMENT FUND: \$50,000.00 was advertised for Land Value Appraisals. Mr. Cunningham made a motion to approve \$48,722.20 which is the balance of the \$50,000.00 that was approved last year. Mr. Jones seconded and the motion carried 6 – 0 by voice vote.

Assessor Carol McDaniel, Attorney Shaw Friedman and Chairman of the PTABOA Board, Sherry Ritter-Banic, and the PTABOA Board Attorney, Bill Hedge, were present to discuss increasing the PTABOA Board Attorney's retainer fee from \$1,000.00 per month to \$3,200.00 per month. Mr. Jones asked if \$100.00 per hour is the standard rate that the County pays, no more or less depending upon the workload. Mr. Friedman responded that this is correct. Mr. Friedman commented that the Council was good enough to establish a position of PTABOA attorney; the PTABOA is working through the backlog of cases, which is not unique to LaPorte County. He then distributed an article regarding St. Joe County.

Mr. Friedman reported that the LaPorte County PTABOA Board has scheduled an aggressive schedule of hearings and are meeting weekly; they need to be able to work through the load of appeals. He also reported that by best reckoning it appears of the 3,000 appeals, roughly one-third (1/3) can be dealt with in summary or routine approval where the Township Assessor has made an agreement. Mr. Friedman stated that there is probably another one-third (1/3) where the taxpayer is putting forth the evidence that his taxes are too high and the remaining one-third are contested hearing; a process where the Board needs to hear the appeals, to hear evidence and to keep motoring forward so that the taxpayer's appeals are heard.

Mr. Friedman commented that Mr. Hedge has setup a process and procedure for the Board but it is taking considerable time to be able to that; what is suggested is that the Council strongly consider increasing the amount that is paid to Mr. Hedge's office to accommodate the time that will be involved. Mr. Friedman reported that Mr. Hedge spent approximately twenty-five (25) hours last week; the discussion was to budget for thirty-two (32) hours per month at \$100.00 per

hour, which is the standard hourly, so that the amount can be raised to a more realistic figure even if the County considers the appointment of Hearing Examiners for a certain portion of appeals. He stated that the Statute allows the Board to appoint a Level II or Level III Appraiser to hear a certain amount of appeals but it will be up to the Board to determine if there are certain appeals that lend themselves to appointment by the Hearing Examiner. The Board may come to the Council for appropriation if they decide to do this. Mr. Friedman requested, in fairness to Mr. Hedge, that the monthly retainer fee be upgraded until such time as the PTABOA Board can get through the appeals.

Mr. Jones commented that there are a lot of questions and he doesn't pretend to be embroiled in the process; no pun intended, he believes that it is a very taxing situation for all that have been working on it to try to get us through the appeals in a timely fashion. Mr. Jones commented that there has been a lot of "ankle biting" going on, a lot of frustration for all of the Boards and Commissions that are answering to the taxpayers, and he believes that there shouldn't be a never-ending flow of money, but this department should be high priority right now until we can get through the process. We should pay attention to the assessment, reassessment and appeal process of our State restructuring of this tax system; with that there has been some discussion with not only the attorney putting in more hours than originally planned on but also the PTABOA Board itself.

In reference to the PTABOA Board, Mr. Jones reported, and it came from Mr. Cunningham, that he thought \$75.00 was not enough when they are doing ten (10) and twelve (12) hour days; perhaps the Board could conduct two (2) four-hour sessions with a break for lunch and those sessions could be called a meeting so that there would be compensation for two (2) meetings a day. Mr. Jones proposed, moving forward in the future, that the Council identify, by definition, what those sessions are and that the sessions are no more than four (4) hours nor are they less than one (1) hour. He stated that if the Board comes back in a second session after lunch, the Board can't come back for ten (10) minutes and get an additional \$75.00; there has to be ongoing work to be accomplished. Mr. Jones commented that the Board would have to work nine (9) hours in order to go past into a third session. He stated that he believes that this would be fair and equitable compensation for the Board.

In reference to the attorney, Mr. Jones stated that he is there assisting with the process both for the taxpayer and for the PTABOA Board, it is important that we pay him; attorneys cost money and this is what they went to school for, and they earn it. He is in favor of the request.

Mr. Cunningham commented that Mr. Friedman had stated earlier that approximately one-third (1/3) could be resolved before they came before the Board. He asked if Mr. Friedman had any idea what percentage would require legal counsel to be present during the hearings. Mr. Friedman answered that, because of the procedure and the fact that a lot of these are going downstate, it is his recommendation that counsel be present for as much of the hearings as possible. Mr. Friedman stated that the question would be, if at some point the Board chooses to appoint Hearing Examiners and delegate to them the summary approval or summary denial, the attorney wouldn't necessarily have to be involved in that; in terms of the general sessions, it is important that the attorney be there to build the record.

Mr. Cunningham concurs with Mr. Jones, and he was at the first PTABOA Board meeting which went from 9:00 a.m. until 6:00 p.m., and it is ludicrous to ask any taxpayer to come in and work for \$75.00 per day under that kind of pressure situation. Mr. Cunningham commented that if he

had to make a choice between paying Mr. Hedge to be here every hour and paying five (5) Board Members for two (2) sessions if they are working eight (8) to nine (9) hours, he would prefer that the Board Members be paid but if Mr. Friedman feels it is necessary for the hearings, and they will be tape recorded, etc., he can live with this; rather than approve \$3,200.00 per month carte blanche, he recommend approving this amount for a three (3) month period. After that time, an update can be provided to the Council.

Mr. Hedge commented that he would have no problem with Mr. Cunningham's suggestion. Mr. Cunningham commented that Mr. Hedge could bring some work from the office with him since at one of the meetings there were so many postponements; Mr. Hedge was paid \$800.00 for that day and for four (4) hours the Board was recessed.

Mr. Cunningham asked PTABOA Chairman Ritter-Banic if it was possible to schedule more hearings than the Board can anticipate they can hear because some people won't show up, which has happened at every meeting, and those appeals could be handled cursory at the end. Mrs. Ritter-Banic explained that the hearings are scheduled at ten (10) minute intervals and it appears that cases go over the ten minutes and that is why sometimes there is a nine-hour day. She doesn't think that any more hearings can be scheduled; thirty (30) to thirty-five (35) petitioners are scheduled every day. Mr. Cunningham asked to go on record that he has attended probably ten (10) to fifteen (15) hours of these to get himself up to speed and he thinks that the PTABOA has done a wonderful job; hopefully we can move on and get these things cleared.

Mrs. McDaniel commented that when the number of appeals is mentioned it refers to parcels and not people. Mr. Cunningham stated that in some cases there will be four (4) parcels appealed with one person presenting the evidence which can be handled in ten (10) minutes. Mrs. Ritter-Banic commented that this could happen sometimes.

Mr. Friedman stated that it has been beneficial in having an attorney present as he is able to establish procedures when cause is determined to continue; a lot of times there isn't justification for continuance. The attorney can determine what procedure evidence should be heard to support a given appeal and a better record can be built to support the appeal when it goes downstate.

Mr. Garner commented to Mr. Friedman that this was presented by him to the Council last year regarding Attorney Hedge and the dollar amount; the Council took the lesser amount at that time and the appeals are basically the same, they haven't increased, is this correct. Mr. Friedman responded that Mr. Garner's recollection is right on the money and it was the hope that this would not involve the extent of the number of appeals. Mr. Friedman stated that there was a concerted effort to "gin up" appeals by certain individuals. He stated that hundreds of appeals were filed that were specifically prompted and encouraged that were not anticipated but it is the hope that these appeals can be sifted through and divided out; no one could have anticipated the number of appeals. Mr. Garner stated that Nexus was supposed to be helping us through this process. Mr. Friedman responded that they absolutely are and they are providing evidence for the hearings. Mr. Friedman commented that if the number of hearings can be scaled back, they are duty bound to come back before the Council.

Mr. Hedge commented that when he was asked to take this job he asked two questions, what the compensation was and how much time was expected. If he knew what he was getting himself into, his answer would have been, "No," unequivocally.

Mr. Yagelski thanked those present representing the PTABOA Board and stated that this request would be further addressed at next month's meeting.

ADDITIONAL APPROPRIATION/WIN TAX/EXTENSION SERVICE: Mr. Jones made a motion to approve \$45,000.00 as requested by the Extension Service for Fair Premium and Mr. Cunningham seconded. The motion carried 6 – 0 by voice vote. Mr. Yagelski commended Walt Sell, Director, on the great job they do with the kids. Mr. Cunningham asked about the number of kids involved. Mr. Sell responded that in 2007 they had 1,115 regular 4-H members, 229 mini 4-H members and 322 adult volunteers. Mr. Sell reported that the LaPorte County Fair Association is being bypassed when paying claims and they are working directly with the Auditor's Office; there is one portion where lump sum payment is needed for the time of payment and that is for the Judges.

ADDITIONAL APPROPRIATION/WIN TAX/EMS: Mrs. Shuter commented that Pat Pease, EMS Director, had presented the request for a local match to a grant last fall. Mr. Jones made a motion to approve \$17,600.00 from the Win Tax Fund for the local match and Mr. Cunningham seconded. Mr. Cunningham commented that the grant amount is approximately \$88,000.00, a considerable amount for the County. The motion carried 6 - 0 by voice vote.

ADDITIONAL APPROPRIATION/RIVER BOAT/COMMISSIONERS:

E-911 CENTER:

Brent Soller, 911 Director, was present regarding the amounts requested for the E-911 project. Mr. Yagelski commented that there are numbers presented that the Council needs to make sure they understand. Mr. Yagelski stated that the generator has been dropped off of the list since it is coming from the E-911 Surcharge Fund. Mr. Soller responded that this is correct. Mr. Yagelski then asked if the amount to be paid to Larson-Danielson and Dh2w is because the amount of the project increased. Mr. Hager stated that it is his understanding that there was more engineering done by Dh2w because of the generator and the Sheriff's part of the building. Mr. Yagelski commented that it is his understanding that this project went over budget and that the engineering fee is based on percentage of the final cost; it seems that everything was overbid except for the first item on the list, Miner Electronics.

Mr. Jones made a motion to approve \$123,517.43 and Mr. Ludlow seconded. Mr. Ludlow asked why we are off \$125,000.00 off on a bid. Mr. Soller commented that there were some additions such as Civil Processing; electronic, the telephone system and all of the construction came out of one pot. Mr. Ludlow asked what Miner Electronics had to do with Civil Processing. Mr. Soller reiterated that it all came out of one pot and Miner Electronics were the last to draw money since they had just finished their portion.

Mr. Ludlow stated that the whole project is over but we don't know who is over and why. Mr. Hager commented that there was a meeting with Mrs. Shuter and that is why there is going to be numbers assigned to these projects so they can be followed as they go down the line. Mr. Hager stated that he was not privileged to a lot of this "stuff" until the last minute and this is why, since he has taken over as President, all of the Council and everybody is brought into the projects so that it is known ahead of time what is being done. Mr. Ludlow commented that Dh2w is the architect and they should be able to tell us who is over on their original bid cost and personally, Mr. Ludlow will not vote for any of it until he finds out who is over and why. Mr. Ludlow stated that the packet the Council received just gives increased costs and doesn't tell them why.

Mr. Yagelski commented that the problem is that the contracts are signed by the Commissioners and what it comes down to is that the increased costs are nothing that was ever agreed to by the Council; not just this project but numerous projects. As an example, Mr. Yagelski stated that there was an increase in the generator, which was done by a change order, and it was not brought before the Council. Roll call was taken on the motion to approve \$123,517.43 for Miner Electronics.

Mrs. Shuter:	Councilman Mrozinski:	Nay
	Councilman Ludlow:	Nay
	Councilman Jones:	Aye
	Councilman Garner:	Nay
	Councilman Cunningham:	Nay
	Councilman Yagelski:	Aye

Motion failed 4 – 2.

The next request to be addressed was \$27,839.31 for Larson-Danielson. Mr. Yagelski asked for clarification as to what this figure represents. Mr. Hager commented that Mr. Soller thought it was on account of the Sheriff's building. Mr. Jones made a motion to approve. The motion died for lack of a second.

Addressed next was the request in the amount of \$3,533.64 for Dh2w. Mr. Yagelski did find out that this amount is to cover extra project costs and their fee is figured by percentage of the project. Mr. Cunningham commented that the engineering costs go up with changes to the project; the architect should be working for us. County Attorney, Bob Szilagyi, stated that all of the contracts for architects and engineering have a percentage based upon the contract costs subject to various change orders. Mr. Szilagyi isn't familiar with this project, other than reviewing the contract, but he would assume that the amounts requested are for additional costs. Mr. Yagelski commented that the only change order was for the generator. There was no motion made.

Mr. Jones asked if the request for Miner Electronics is additional costs or is it just because their bill was last. Mr. Soller responded that their contract was the first contract signed but he believes it is because their bill was last. Mr. Jones stated then that the Miner Electronics contract didn't go over the amount but the project went over the amount. Mr. Yagelski commented that Mr. Jones is absolutely correct. Mr. Jones then suggested that the Council entertain a motion to pay the people who stayed on target and have Dh2w come back and explain what happened with the rest of the project. Mr. Yagelski asked if Mr. Jones would have a problem with tabling this matter until the next meeting. Mr. Jones made a motion to approve the requested amount, \$123,517.43, for Miner Electronics and Mr. Cunningham and Mr. Garner seconded. Mr. Ludlow agreed that Miner Electronics is getting the short end of this but someone has to tell us who over billed; the only way to bring everybody back next month is to say somebody is not getting any more money until the Council figures out who is over and why which is Dh2w's responsibility. Mr. Ludlow commented that the Council was told numerous times that this project was under budget and on target. Mr. Yagelski agreed that the Council was told that this would be the project that actually came in on budget. It was reiterated by Mr. Yagelski that when he went through the Commissioners' records, the only change order was for the generator. Mr. Yagelski

asked that the request for Larson-Danielson also be considered. Mr. Jones stated that he was only referring to the request for Miner Electronics.

Mr. Yagelski asked if \$123,517.43 is a true amount for Miner Electronics. Mr. Soller responded that the original amount was lowered due to a change in the flooring, they went with a regular carpeted floor rather than raised flooring which saved around \$50,000.00. Mr. Ludlow asked if anyone knew what was the original bid of Miner Electronics for this project. Mr. Szilagyi responded that the original bid was \$1,469,000.00. Mr. Ludlow asked if we have paid them all but \$123,517.43 and by paying this amount, it doesn't put them above their bid. Mr. Yagelski stated that if Miner Electronics is not over the bid amount, please let the Council know what did go over the bid amount. Mr. Hager commented that he has no idea; Linda Arnett came to him and told him that there was no money left.

Mr. Yagelski stated that this problem has nothing to do with billing; does the Council have any recourse to ask that they be put on the contract or have final say in the contract. Attorney Baugher commented that the Commissioners are the executive of the County and the Council's remedy lies in not appropriating or paying bills that can't be explained within the budget. Mr. Hager stated that as long as he is President, the Council will know exactly what is going on and if there is a change order, they will know about it. Attorney Baugher, so there isn't any misunderstanding, added that if the executive contracts for services, whether by original contract or change order for which there is no appropriation, it is not an enforceable contract. Attorney Baugher stated that you cannot contract in Government for monies you do not have; if the contract is changed by change order and there isn't money appropriated it is an illegal, improper, unenforceable contract.

Mr. Yagelski commented that there are three (3) Commissioners and whether you are President, Vice President or the third party, all three (3) Commissioners did sign the contract so all are aware; where is the failure point. Mr. Hager believes the failure point is in the other Commissioners not being informed of what is going on since this contract was signed by Mrs. Huston and Brent Soller. Mr. Yagelski asked where is the second signature of a Commissioner. Mr. Szilagyi commented that some contracts don't require all three signatures but it is approved by the other Commissioners that the President be allowed to sign on their behalf. Attorney Baugher commented that all contracts are approved in public meetings, correct. Mr. Hager responded that this is correct as far as he knows. Mr. Szilagyi can't answer any other questions but the original appropriation was \$2,000,000.00 and Larson-Danielson came in at \$657,691.00 and Miner Electronics came in at \$1,469,809.00 which is over the amount appropriated from the beginning.

Roll call was taken on \$123,517.43 requested for Miner Electronics.

Mrs. Shuter:	Councilman Jones:	Aye
	Councilman Garner:	Nay
	Councilman Cunningham:	Aye
	Councilman Ludlow:	Nay
	Councilman Mrozinski:	Nay
	Councilman Yagelski:	Nay

Motion failed 4 – 2.

The Commissioners are to bring Dh2w in next month to explain the over-runs.

COURTHOUSE RESTORATION:

Mr. Yagelski stated that \$70,857.73 was advertised for Courthouse Restoration has been dropped due to the settlement agreement reached. Mr. Szilagyi commented that he has provided a letter to the Council regarding the mediation that took place involving Ziolkowski Construction and the Courthouse restoration; Ziolkowski came in \$800,000.00 less than the second lowest bidder. Mr. Szilagyi reported that Ziolkowski Construction has won numerous awards based upon restoration projects so it can't be said that they did bad work. Mr. Hager and Mr. Cooley were also present during the mediation. The settlement, subject to approval of the Commissioners and Council, is \$375,000.00 and Mr. Szilagyi thinks it makes sense to approve this amount.

Mr. Ludlow commented that this amount hasn't been advertised. Mrs. Shuter responded that the Commissioners have submitted a letter that this has been declared an emergency and the amount is to be paid from the Accident & Liability Fund. Mr. Ludlow made a motion to approve this settlement and Mr. Mrozinski seconded. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/RIVER BOAT/COURTHOUSE SECURITY:

Mr. Cunningham made a motion to approve \$5,000.00 from the River Boat Fund for Courthouse Security/Claims and Mr. Garner seconded. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/RIVER BOAT/HIGHWAY: Mr. McVay explained that \$51,402.39 is for the continuous cleanup of the leaking underground storage tank (LUST) site in Rolling Prairie. He reported that they are working on meeting with IDEM to try to bring this to a close and to get some type of compensation back. Mr. Yagelski stated that at some point we get an attorney to fight in pursuing this matter since it seems that this isn't going to go away and some coaxing is needed. Mr. McVay commented that everything we have been asked to do, we have done; quarterly reports have been submitted along with a Corrective Action Plan (CAP).

Mr. Ludlow asked if there had been a problem with the engineering company we were using. Mr. McVay responded that there was and we switched and are using Haas & Associates now who has a pretty good relationship with IDEM but we can't seem to get them to approve our CAP.

Mr. Yagelski asked Mr. McVay to provide some history of this project. Mr. McVay reported that in approximately 1999 the Highway Department was in the process of replacing their underground storage tanks with newer, upgraded tanks. When they went to Rolling Prairie and dug up the old tank, they found that it had been leaking for years. IDEM got involved and determined that there was ground contamination in the water table. Mr. McVay reported that diesel fuel has been pumped out of the ground continuously for 5, 6 or 7 years which is very costly and it is costly to monitor the wells. He stated that until IDEM approves the Corrective Action Plan, we can't get reimbursed. Mr. McVay reported that there is a fund we pay into each year on storage tanks, almost like paying income tax, which goes toward reimbursement to counties, gas stations, etc. He stated that we should be able to recoup about 80% of our expenses.

Mr. Cunningham made a motion to approve \$51,402.39 as requested and Mr. Ludlow seconded. Motion carried 6 – 0 by voice vote.

Mr. Yagelski suggested to Mr. Hager that a letter be sent to IDEM and the DPA. Mr. Hager stated that Mr. McVay is setting up another appointment downstate. Attorney Baugher suggested letting our State representative know of this problem in resolving this issue also.

ADDITIONAL APPROPRIATION/RECORDER/IDENTIFICATION SECURITY:

Mr. Ludlow made a motion to approve \$5,000.00 as advertised in the County Identification Security Protection Fund/Claims. Mr. Garner seconded. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/BIO-TERRORISM GRANT: Paul Trost, Health Department Administrator, explained that this request is a continuation of the grant that is received from the Indiana State Department of Health. The original grant from 2004 to 2007 was for the Public Health Coordinator which was filled by Ken Johnston. Mr. Trost reported that the State will continue to fund us for \$42,500.00 but not specifically for a Public Health Coordinator. When Mr. Trost was authorized to put that position onto the payroll, it was asked at that time that the position be discontinued should the grant cease. Mr. Trost stated that October 31st, 2007, the position was vacated; there was an opening in the department and Mr. Johnston has moved into that position working for Tony Mancuso.

Mr. Trost commented that there is still some additional work to be done for Emergency Preparedness. This grant awarded has a list of fourteen (14) deliverables that has to be accomplished; three (3) of the deliverables have been completed and it is expected that all fourteen (14) will be accomplished. Mr. Trost stated that the bad part about it is that the grant ends August 9th and all of the money must be expended by then. Part of the money will be used for the Pandemic Flu Committee and the remaining part will be used for Emergency Preparedness Planning.

Mr. Garner made a motion to approve \$42,500.00 for Claims and Mr. Ludlow seconded. Motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/COMMUNICABLE DISEASE: Mr. Ludlow made a motion to approve \$25,000.00 as advertised for Claims in the Communicable Disease Fund and Mr. Cunningham seconded. Motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/SUP CT #4 ADULT SUPPLEMENTAL: Mr. Ludlow made a motion to approve \$154,232.22 as advertised and Mr. Garner seconded. It was noted that the amount for Road Crew was omitted and it will be advertised for next month. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/CLERK'S RECORD PERPETUATION:

Mr. Cunningham presented this request in the amount of \$3,000.00 on behalf of Clerk Robert Behler; he stated that this request is from a non-verting fund. Mr. Cunningham made a motion to approve \$3,000.00 for Claims and Mr. Ludlow seconded. Motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/JUVENILE SERVICES STATE GRANT: Mrs. Shuter stated that the requests amounts are for benefit line item amounts that were excluded when the budget was originally submitted. Mr. Ludlow made a motion to approve \$10,812.54 as presented and Mr. Cunningham seconded. Motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/E-911 SURCHARGE: Mr. Jones made a motion to approve \$431,874.00 as requested and Mr. Ludlow seconded. Mr. Jones explained that the amount requested is for salary plus benefits for the intake of the Michigan City Dispatchers for the 911 Center to be paid from the Surcharge Fund. Already discussed before the meeting with Attorney Baugher and Mrs. Shuter was an amendment to the 2008 Salary Ordinance. Mr. Jones stated that prior to 2008, the Council made a motion of support to the merger. The plan is that these dispatchers will begin April 1.

Mr. Ludlow asked if this is for nine (9) positions. Mr. Soller stated that eight (8) of the nine (9) are coming over so there will be one new one hired. Mr. Ludlow commented that he thought we were only approving those people who decided to come over. Mr. Soller was asked if all nine (9) positions are needed. Mr. Soller doesn't see how we can staff with less but later down the road we may be able to cut back. Mr. Garner doesn't remember saying the Council would just give Mr. Soller nine (9) dispatchers but that we would take in the number that decided to come over. There was discussion regarding duplication of services.

Mr. Ludlow asked how many other people are on User Fees and what is the total projected budget. Mrs. Shuter responded that \$825,892.00 is the approved budget for 2008. Mr. Soller commented that this is one of the reasons that the surcharge was raised to offset the additional dispatchers. Mr. Soller estimated that \$1.7 million will be generated from the 911 fees. Mr. Yagelski asked Mr. Soller if he would be willing to try it with eight (8) dispatchers with the understanding that the Council will look into adding another person. Mr. Soller would have to see where they can cut since they are running "bare bones" as it is. Mr. Yagelski stated that we are creating another monster and Mr. Soller said it was o.k. to create the monster.

Roll call was taken on the motion to approve \$431,874.00.

Mrs. Shuter:	Councilman Cunningham:	Nay
	Councilman Garner:	Nay
	Councilman Jones:	Aye
	Councilman Ludlow:	Nay
	Councilman Mrozinski:	Nay
	Councilman Yagelski:	Nay

Motion failed 4 – 2.

Mr. Ludlow made a motion to approve eight (8) positions and to leave the benefit package the same. Mr. Cunningham seconded. Mr. Jones commented that Mr. Soller has a very diligent Advisory Board that researched this matter. Mr. Jones asked Mr. Soller about his part-time budget or overtime with only eight (8) dispatchers. Mr. Soller commented that it may be more expensive. Mr. Jones stated that it could be more expensive but in a short period of time, if studied, Mr. Soller should be able to decided if eight (8) people is enough or he could come back with some numbers. Mr. Cunningham commented that this is perfect example where we may be able to reduce County employees by one but if nine (9) are approved, nine positions will be filled; see if we can by with eight (8). Mr. Soller commented with summer months coming, he wanted a full staff to make sure they can run efficiently. Mr. Yagelski stated that one of the issues that came up is that we wouldn't have to worry much about vacations, etc. but it seems we are asking for a lot of this because of vacations, sick leave, etc.

Roll call was take on the motion to approve eight (8) positions and to leave the benefit package the same.

Mrs. Shuter:	Councilman Cunningham:	Aye
	Councilman Garner:	Nay
	Councilman Yagelski:	Nay
	Councilman Mrozinski:	Nay
	Councilman Ludlow:	Aye
	Councilman Jones:	Aye

Motion fails by a tie vote, 3 – 3.

Mr. Jones stated that the people who voted “no” need to come up with a plan right now for public safety; you can’t walk away from this meeting with an April 1 deadline and with people who were told they would have a job and not have a plan. Mr. Yagelski’s plan was the same one he had two months ago which was to reduce the number to seven (7) people coming over. Mr. Yagelski stepped down as President and made a motion to approve seven (7) people and Mr. Garner seconded. Mr. Jones commented that he truly respects what Mr. Yagelski just said and the whole committee has had this talk about how this transition can be handled in the most efficient way possible; the problem is that the Council supported all nine (9) prior to January 1 and they have made agreements and signed a contract. Mr. Jones stated that it is too late in the game to do this; we have to now encourage reduction through attrition.

Mr. Cunningham agreed with Mr. Jones that since a commitment was made to Michigan City employees that we would welcome their experience, rather than say they are out on the street and we will try to find people and train them. Mr. Soller reported that he has signed contract for eight (8) of the nine (9) Michigan City Dispatchers. Mr. Cunningham stated that is exactly why he will support eight (8) and he thinks this Council, as a whole, agreed to take those that came.

Mr. Yagelski withdrew his prior motion and motion to accept eight (8) dispatchers and accept the amount of money for the eight (8) employees but that number reduces to seven (7) as soon as we get a retirement or someone leaves. Mr. Garner seconded. Mr. Cunningham commented that this would give Mr. Soller some time between now and a retirement to justify the number of positions needed. Roll call was taken.

Mrs. Shuter:	Councilman Cunningham:	Aye
	Councilman Garner:	Aye
	Councilman Mrozinski:	Aye
	Councilman Ludlow:	Aye
	Councilman Jones:	Aye
	Councilman Yagelski:	Aye

Motion carried 6 – 0. Mr. Jones, for the record, asked Mr. Soller if it was one of the top positions that was not coming over. Mr. Soller responded that it was the top position that was not coming over.

OLD BUSINESS:

MEETING DATES:

Mr. Yagelski stated that the Council will meet on the 4th Monday of the month with the exception of March; the proposal is to hold that meeting on the 5th Monday. Mr. Mrozinski made a motion to approve moving the March meeting to March 31st instead of March 24th. Mr. Cunningham, for the record and as an explanation to his constituents, commented that he missed the March meeting last year because he had a pre-determined vacation before he was elected, and he moved the vacation back so he could make the meeting on March 24th. Mr. Jones seconded. The motion carried 6 – 0 by voice vote.

NEW BUSINESS:

SHERIFF'S PAY:

Mr. Ludlow has asked the Council Attorney to review raising the Sheriff's salary now since he believes per statute you can't raise an elected officials salary after the first of the year. Sheriff Mollenhauer commented that he did bring his salary up at budget hearings but he was told by Mr. Ludlow it wouldn't be discussed at that time, as County employees were being discussed. Mr. Ludlow stated that his motion was that the Sheriff was not included in the County employees 3% raise. Sheriff Mollenhauer responded that maybe he was unclear as to when it would be discussed; under State statute the Sheriff receives 90% of the elected Prosecutor's annual salary. Since there wasn't a January meeting, he couldn't discuss it there; last year he was asked whether he would consider a contract but it never completed. Mr. Ludlow asked Sheriff Mollenhauer if he would consider a contract. Sheriff Mollenhauer responded, "Sure, but nothing has been presented to me yet."

Mr. Ludlow made motion that the Council President and the Council Attorney negotiate a contract. Mr. Jones seconded. Attorney Baugher commented that he is not sure a contract can be implemented in this year since the State statute, which Mr. Ludlow alluded to, that an elected official's salary cannot be changed once it is set in the salary budget for that year; a contract would have to be negotiated going into next year. Attorney Baugher will review this matter.

Sheriff Mollenhauer asked when the proper time would have been to discuss salary since the Prosecutor received his increase July 1st. Mr. Cunningham stated that the Judges and Prosecutors are elected and they get a raise July 1st. Attorney Baugher commented that this is due to State statute; they are elected officials governed by different statutes.

Mr. Ludlow doesn't recall telling Sheriff Mollenhauer the Council wouldn't discuss his salary and that isn't what he meant since it certainly should have been discussed. He has been pushing for a contract for a long, long time. Mr. Cunningham stated that if counsel tells us we can't raise the Sheriff's pay this year, when the appropriate time comes up or a contract is agreed to, the Council could make up the difference at that time.

EMERGENCY FUNDING FOR SALT PURCHASE:

Mr. Yagelski reported that some of our communities ran out of salt and needed to borrow from the County; Michigan City has already borrowed some and will reimburse us and Westville has also asked for some salt. The other communities are suffering right now and we are working with them. Mr. Ludlow made a motion to approve \$50,000.00 as requested. Mr. Cunningham

commended Bob Young, Highway Superintendent, for his foresight and seconded the motion. Motion carried 6 – 0 by voice vote.

COMMENTS BY THE COUNCIL:

Mr. Mrozinski commented that he thinks two lessons were learned tonight “not to beat a dead horse.” Number one, when the Commissioners enter into a contract, the contract price is set and we create a lot of heartburn when we have these over-runs. Number two, when people come before the Council to ask for money they need to be prepared and have answers to questions that will be asked so that we don’t end up with another situation like we had.

Mr. Garner mentioned that we have workshops for a reason and he is glad that Mr. Jones came back and enlightened the Council since they did agree do what was right. He understands that the Committee worked hard but, in the same sense, there are only so many dollars in the County to go around and we do want to make sure some costs are cut once in awhile.

Mr. Jones complimented Mr. Yagelski in the efficient way he ran the meeting.

ADJOURNMENT: Mr. Mrozinski made a motion to adjourn at 9:15 p.m. and Mr. Ludlow seconded. Motion carried unanimously.