

**LAPORTE COUNTY
COUNTY COUNCIL MEETING
May 21, 2007**

The LaPorte County Council met in regular session the 21st day of May, 2007, in the assembly room of the LaPorte County Government Complex. The meeting was called to order at 6:30 P.M. by President Jerry Cooley.

ROLL CALL AND PLEDGE OF ALLEGIANCE

Thomas Mathews, a Boy Scout who is working on his merit badge, led those present in the Pledge of Allegiance. Mr. Cooley asked that roll call be taken:

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

Mrs. Shuter: "All members are present, sir."

ADOPTION OF AGENDA: Mr. Cooley asked that Resolution No. 2007-08 be moved up on the agenda with the other resolutions. Mr. Jones made a motion to adopt the amended agenda and Mr. Ludlow seconded. Motion carried by voice vote 7 – 0.

BOND ORDINANCE/VANAIR MANUFACTURING: Alan Feldbaum, with the law firm of Barnes & Thornburg, was present as bond counsel regarding the issuance of an amount not to exceed \$2,600,000.00 in bonds for VanAir Manufacturing. He stated that the bonds are not an obligation of the County, City or State but are solely the obligation of VanAir Manufacturing and are being issued as a conduit to enable the issuance of bonds at a more attractive interest rate. Mr. Feldbaum stated that the bonds will be secured by a Letter of Credit. Mrs. Shuter read the ordinance by title only. Mr. Jones made a motion to accept the ordinance on first reading and Mr. Cunningham seconded. The motion carried 7 – 0 by voice vote.

Mr. Cooley reported that Attorney Baugher has informed the Council that ordinances do not have to be read three (3) times as has been done in the past; by statute they only have to be read twice.

Mr. Yagelski made a motion to hear the ordinance by title only on the second reading and stated that he would feel more comfortable with three (3) readings. Mr. Ludlow seconded. Mrs. Shuter read the ordinance by title only. Mr. Yagelski made a motion to approve the ordinance on the second reading and Mr. Cunningham seconded. The motion carried by voice vote 7 – 0.

FORGIVABLE LOAN/VANAIR MANUFACUTING: Attorney Jerry Winski, representing Van Air and Kokot Brothers Development, LLC, was in attendance, along with Greg and Ralph Kokot, to answer any questions. Mr. Winski reported that in March of 2007 tax abatement was requested for this project which the Council was kind enough to grant. He stated that at the same

meeting the Council acknowledged approval of a forgivable loan in the amount of \$90,000.00. After that meeting, Attorney Baugher and Mr. Winski met and agreed that a formal resolution should be presented to the Council.

Mr. Ludlow, for clarification, commented that the County Council isn't making this loan; the Economic Development Commission is actually making the loan. Attorney Baugher responded that the Council is making the loan through the Economic Development Fund established and not the General Fund.

Mr. Jones made a motion to approve **Resolution No. 2007-06** for the forgivable loan and Mr. Ludlow seconded. The motion carried 7 – 0 by voice vote.

RESOLUTION/VANAIR CRITERIA: Attorney Baugher stated that this resolution would set the performance and eligibility criteria for the forgivable loan for VanAir Manufacturing. Mr. Jones made a motion to approve **Resolution No. 2007-08** and Mr. Cunningham seconded. The motion carried 7 – 0 by voice vote.

PUBLIC HEARING/LIBRARY CAPITAL PROJECTS FUND: Mr. Cooley commented that he had received many calls in favor of this request for continued support of the Library Capital Projects Fund. Judy Hamilton, Director of the LaPorte County Public Library, stated that the Library is seeking authorization for 2008 to continue the Capital Projects Fund first authorized by the Council in 2001. Ms. Hamilton introduced Ken Moryl, President of the Board of Trustees. There were many attendees representing the Library Board in the audience.

Mr. Cunningham commented that the information received reports that the Library is proposing a tax rate for 2008 of .0067 and in bold print it states – **the same tax rate the library has had since 2001**. Ms. Hamilton stated that this is correct. Mr. Cunningham commented that other material received reports that the property tax rate for 2001 was 2 cents, 2002 was 2 cents, 2003 is the same figure currently requested which is .0067, 2004 is .0050 and in 2005 and 2006 it is the figure of .0067 again. Mr. Cunningham asked if these amounts are what were requested and then the figure was reduced by the State. Ms. Hamilton replied that this is correct. Mr. Cunningham commented that in 2006 the amount was reduced to .0056 by the State (DLGF). He asked if the tax rate will be reduced again from the .0067 requested? Ms. Hamilton responded that it will depend upon the assessed valuation once it is determined. She stated that .0067 is the maximum that can be requested and then it is up to the DLGF to make the final determination. Mr. Cunningham commented that the Library isn't asking for a raise based upon this information. Mr. Cunningham stated that he will vote in favor of this request.

Mr. Ludlow made a motion to approve **Resolution No. 2007-07** and Mr. Mrozinski seconded. Mrs. Shuter, as requested, read the Resolution. The motion carried 7 – 0 by voice vote.

MINUTES: Mr. Yagelski made a motion to approve the minutes of the Workshop held on January 22, 2007, the Regular Meeting held on April 23, 2007 and the Workshop held on April 16, 2007. Mr. Ludlow seconded. Motion carried 7 – 0 by voice vote.

REPORTS BY DEPARTMENT HEADS: Mrs. Shuter provided a financial update and reported that the balance in the Emergency Reserve Fund is \$9,799,000.00 which caps out at \$10 million with the Riverboat participation. The Major Moves Fund contains \$23.5 million, the

CCD Fund is down to \$1.7 million in uncommitted cash, Win Tax is down to \$314,670.00 in uncommitted cash and Riverboat is down to \$1.4 million in uncommitted cash.

Mrs. Shuter commented that there are items before the Council that were distributed during the Workshop. Among those items is a letter from Waggoner, Irwin & Scheele (WIS) as Mr. Cooley had asked Mrs. Shuter to look into the cost of the HR Work Plan if adopted. The “ball park price” is estimated to be around \$12,000.00 for WIS to take care of all of the publications and to interview all of the applicants. Mrs. Shuter reported that WIS would bring in professors from Ball State University who teach in the Human Resource area and they also bring in Human Resource Directors from other municipalities to help through the screening process of all of the applications.

Mrs. Shuter reported that there is also a letter from Attorney Szilagyi explaining how the Larson-Danielson bill got paid since there have been comments made by Mr. Hager at the last two Council Meetings regarding the fact that he didn’t understand how the bill got paid. Mr. Yagelski commented that actually both Commissioners had made the comment. Mr. Yagelski asked if this letter was presented at the Commissioners’ Meeting first. Mrs. Shuter responded that the letter wasn’t presented at Tuesday’s meeting but she does believe that all of the Commissioners have a copy of the letter.

LIAISON AND COMMITTEE REPORTS:

PERSONNEL COMMITTEE:

Mr. Jones reported that the Personnel Committee, of which Mr. Cooley so graciously made him Chair of, met for the first time on May 17th to address requests made by Judge Boklund and Judge Alevizos. Mr. Jones will speak more in depth regarding these requests when they come up on the agenda later tonight.

Mr. Jones commented that there is some confusion among the County departments as to coming before the Personnel Committee. He suggested that a letter be put out regarding procedures now that the Personnel Committee is in full swing.

SHERIFF’S DEPARTMENT:

Mr. Jones met with Jim Sosinski, Chief Deputy, from the Sheriff’s Department regarding the purchase of a car which also appears later on the agenda. Mr. Jones reported that the County was not at fault in this instance. He stated that the reimbursement for a car not purchased too long ago had been received and deposited back into the CCD Fund where it was properly taken from. Mr. Jones reported that this will be the case again and we will be reimbursed at less than what is advertised in order to replace the vehicle.

JUVENILE SERVICES:

Mr. Cunningham reported that he attended a meeting of the Juvenile Services Board, which was very informative. He stated that he has been at the facility many times but this is the first time he had a complete tour of the facility.

NICTD:

Mr. Yagelski commented that the General Assembly is talking about trying to have the counties of Porter and Lake as representation for the NICTD group as a taxing unit regarding wheel tax and those types of taxes. Mr. Yagelski stated that he isn’t quite sure, and he plans to get with our

attorney, about possible legal complications there might be since they would be voting for taxes for Lake and Porter County. He reported that this matter will be further discussed by legislators during the summer session.

COURTHOUSE SECURITY/COUNTY HOME:

Mr. Mrozinski stated that he is happy to report that the Courthouse Security did get their copy machine fixed finally and everyone has their new I.D. cards.

Mr. Mrozinski missed the meeting at the County Home since he was in Florida, but he is anxious to find out if there are more bids for the grass cutting. He will be tracking this information down.

SOLID WASTE:

Mr. Cooley commented that he had a very busy month. He stated that he sometimes wonders why he went on the Solid Waste Board when you find out that the rates should have been raised three (3) of four (4) years ago, but they weren't, and now Solid Waste is running into some financial problems. Mr. Cooley reported that grants had been given out and now there isn't any money left. He stated that the Solid Waste operations are expensive but if recycling is to continue, there is only one way left to do it and that is to raise the rates. Mr. Cooley commented that the dump was closed and money was being raised by operation of the dump to support the recycling program. The Solid Waste Board has looked at making several cuts. Everyone Mr. Cooley has talked to wants to keep the recycling. Mr. Cooley commented that he would appreciate any e-mails from the public regarding this matter as a decision will be made next month. He stated that a lot of people feel that we have a moral obligation to our kids and grandkids to recycle and that is what he hears from most people. Mr. Cooley reported that there was an article in the Michigan City newspaper about opening another dump which he isn't in favor of since he wouldn't want one in his backyard.

NIRPC:

Mr. Cooley stated that there was a NIRPC meeting regarding the RBA. He reported that Scott Pelath was honored for sponsoring the bill that gives us the opportunity to join the Regional Bus Authority. The cost to the County and the benefit of the RBA will be reviewed. Mr. Cooley stated that he heard someone say that we will have bus service throughout the County but this isn't necessarily the case. Mr. Cooley commented that the cost of a bus is approximately \$200,000.00 each. He stated that there has to be some financial benefit to put that many buses in service; the split of federal money is 80/20 so there is a lot of studying that needs to be done.

A.I.C.:

Mr. Cooley mentioned that he had attended an AIC (Association of Indiana Counties) meeting in Plymouth where election of officers was held along with review of legislation passed.

PARK BOARDS:

Mr. Cooley reported that there were meetings with the Park Boards of the County, Michigan City, City of LaPorte, the Mayors and Commissioners in making a decision where they need to concentrate on bike paths. Mr. Cooley stated that bike paths are a "quality of life" issue and he thinks it is important to do planning and be prepared on how Michigan City and LaPorte could be connected. He commented that there is a corridor down the South Shore rail with NIPSCO where we could also tie in from Michigan City all the way to South Bend.

JUVENILE CENTER:

Mr. Cooley gave Judge Alevizos credit on what he is doing with the Juvenile Center that needs to be done. Judge Alevizos has informed the Council that effective June 1st the current Director will no longer be employed at Juvenile Services. Mr. Cooley asked Attorney Baugher to look at the Director's contract as he was paid \$84,000.00 to be the Director of the Juvenile Services Center and Community Corrections.

MOWING:

Mr. Cooley commented that he was at the County Home and he believes that the County Home is still doing the mowing and they are very happy with their tractor.

TRANSFER/CIRCUIT COURT: Judge Alevizos reported that in 2001, on an experimental basis, the Juvenile Services Center was used as a treatment facility with funds from the Department of Family & Children but that relationship ended a few years ago. He stated that there were monies left over that typically would revert back to the State if we don't use them for treatment-type things at the Juvenile Services Center. Judge Alevizos has been looking at ways to use this money rather than use General Fund or Riverboat Fund money.

Judge Alevizos believes that the County Council has been misled through the years regarding the JSC Residents Ed Fund (373). He reported that there was originally a position and fund created to funnel grant money received for a teacher in the day-reporting program outside of the sentence. Monies come from the Indiana Department of Education with the actual applicant being the LaPorte Community School system. Judge Alevizos stated that apparently the Director of the Juvenile Center would fill out the grant application and every year the Council was asked to approve the salary and a budget in excess of \$36,000.00. Judge Alevizos reported that the problem is that for the last three (3) years less than \$25,000.00 a year has been coming into this fund. Judge Alevizos stated that the fund had been seeded early on and the surplus was being used but now, they have more than used it up.

Judge Alevizos stated that another thing that happened was that one classroom in the non-secure side of the complex was turned into two (2) classrooms and two (2) teachers were hired where there used to be one (1). This was done for part of the regulations as a treatment facility years ago. Judge Alevizos is proposing, in order to solve the funding crisis, to take some of the left-over money, with the approval of Terry Ciboch, Director of Family & Children, and finish paying the position for the remainder of the year and then eliminate one of the two permanent positions inside the non-secure part of the Center since there are three (3) teachers full-time inside the Center. This would reduce the number of teachers to two (2), one on the secure side and one on the non-secure side.

Judge Alevizos commented that more than half of the kids on the non-secure side actually leave the Center to go to school. Therefore, there are at times less than ten (10) kids actually being educated in the Center and there have been two (2) Youth Service Workers and two (2) teachers to teach those ten (10) students. Judge Alevizos stated that eliminating the one position would allow us to keep all of the programs and stop the deficit spending that has been happening the past few years. Judge Alevizos reported that they will continue to apply for grants and continue to get money for day reporting.

Mr. Yagelski made a motion to approve, appropriate and transfer \$9,837.38 from the Juvenile Services Treatment Fund (541), Claims, to the JSC Residents Ed Fund (373), Education Coordinator. Mr. Garner seconded and roll call was taken.

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

Motion carried 7 – 0.

TRANSFER/JUVENILE SERVICES: Mr. Jones made a motion to appropriate \$6,388.10, the lowest quote of the three (3) received for carpeting, in the Juvenile Services Treatment Fund (541), Claims, and to transfer same to the County General Fund (100), Juvenile Services, Carpeting. Mr. Cunningham seconded and roll call was taken.

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

Motion carried 7 – 0.

PUBLIC COMMENTS: Judge Alevizos commented that the Scout, Thomas Mathews, who led the Pledge of Allegiance, is from Troop 321 and they won the award for having the best unit at this weekend's Scout-O-Rama in Washington Park.

ADDITIONAL APPROPRIATION/GENERAL FUND/SHERIFF: Sheriff Mike Mollenauer reported that the Professional Services account in the Sheriff's Budget was cut last year and the prior administration was told to come back this year for appropriation.

Mr. Jones commented that when a physician was contracted to come in and manage the jail, look over the charts when they went out to the emergency room and to issue drug orders, about five (5) times what was spent, when we had a physician of our own, was saved. Mr. Jones reported that there has been a great cost-savings over the years and, therefore, made a motion to approve \$140,000.00 for Professional Services as requested. Mr. Cunningham seconded and roll call was taken.

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

Councilman Cooley: Aye
Councilman Yagelski: Aye

Motion carried 7 – 0.

ADDITIONAL APPROPRIATION/GENERAL FUND/SUP. CT. NO. 4: Judge William Boklund reported that he and Judge Alevizos are requesting that a position be added to help support the Magistrate. He commented that for about five (5) years now, they have had a person on loan part-time from Circuit Court who had duties of the Circuit Court and Superior Court No. 4. Judge Boklund commented that no matter how hard you try, the court systems in LaPorte and Michigan City are different and the person loaned to his court is required to learn both systems; it has proved to be overwhelming and there has been no success with the process.

Judge Boklund stated that they would like to create a position in Superior Court No. 4 where someone can be a complete utility innkeeper for the Magistrate but also do work for the Probation Department. Because some of the work will be done in the Probation Department, this position can be partially funded by User Fees.

Judge Alevizos distributed a handout providing a list of all of the courts in the State of Indiana and where they fall in terms of judicial utilization and also a list of all of the individual trial courts in the State of which there are 311. Judge Boklund reported that the Supreme Court developed a weighted caseload measure. He commented that of the ninety-two (92) counties, the Judges of LaPorte County are the 8th busiest, which includes the Magistrates. LaPorte County has 6.8 judicial officers and, according to the weighted caseload study, we need 10.97 judicial officers to be at the level we should be. Judge Boklund reported that of the 311 trial courts, Superior Court No. 4 is the 9th busiest in the State. Judge Boklund stated that the plan is to adjust Magistrate time between the Courts and someone is needed who can do the clerical work, or support work, for the Magistrate.

Mr. Jones commented that this is the first case that came before the Personnel Committee and the vote was unanimous, 5 – 0, to forward their recommendation to the full Council based on the caseload being up, User Fees are up and the workload is up but the staff has remained the same. Mr. Jones reported that the Judges have offered to pay half of the salary from User Fees. Mr. Jones stated that the Personnel Committee questioned the Judges about waiting until budget time to address this issue but the Judges prefer that this COMOT V position be effective immediately.

Mr. Yagelski asked if the COMOT V classification is across the board with the other Judges regarding responsibilities. The response was “yes.”

Mr. Cunningham questioned the COMOT V and the salary listed at \$31,955 after six (6) months and benefits listed as \$16, 300.00. Mrs. Shuter commented that the insurance was figured at the rate of a married person with Plan 1, the most popular plan, and is a “guesstimate” put together for benefits, or worst case scenario. Mrs. Shuter stated that the employer/employee contribution is about an 85/15 split. Judge Alevizos commented that the User Fees will be used for half of the salary and benefits.

Mr. Jones made the motion to approve \$26,348.52 for the Court Reporter/Bailiff/Coordinator and Mr. Yagleski and Mr. Cunningham seconded. Roll call was taken.

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

Motion carried 6 – 1. Mr. Cooley appreciates the better communication with the Courts and he feels that there is some way we can better educate ourselves to the needs of the Courts. There was discussion regarding video arraignment and when the Court is full, the party atmosphere in the hallways. Judge Boklund commented that they do miss having a police officer.

ADDITIONAL APPROPRIATION/CCD/SHERIFF: Mr. Yagelski made a motion to approve \$19,000.00 in the Cumulative Capital Development (CCD) Fund for a vehicle and Mr. Cunningham seconded. Roll call was taken.

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

Motion carried 7 – 0.

Sheriff Mollenhauer commented that Shayna Mireles’ first day back at work was today.

Mr. Cooley stated that several people attended the Memorial Service for fallen officers and firemen and he extended his appreciation to the Sheriff’s Department for organizing this service every year.

ADDITIONAL APPROPRIATION/CCD/COMMISSIONERS: Mr. Jones commented that the Commissioners had to leave and, therefore, asked him to present this request for \$20,000.00 to purchase equipment.

Mr. Ludlow asked if this is a contractual agreement that is paid out in quarters, why are we taking the money from CCD to make one lump sum payment. Mrs. Shuter commented that she doesn’t think we should be at all as a lot of the equipment was just replaced and a lot of it still doesn’t work. Mr. Ludlow responded that he doesn’t have a problem with the equipment and the fund to replace the equipment, but what he is trying to figure out is that they asked for an additional \$7,500.00 a quarter, and the Commissioners signed the agreement to go into an equipment fund to upgrade the equipment, but now they are asking for \$20,000.00 out of CCD for a lump sum, which he doesn’t understand.

Mrs. Shuter commented that the agreement with ALCO was for \$7,500.00 quarterly but rather than giving them a blank check each quarter, just like with the Barker Center and the Fair

Association, we need to have itemized bills turned in for equipment they are actually purchasing. Therefore, a line item is being established in the CCD Fund under the Commissioners control in order to pay for invoices as they come in. Mr. Ludlow commented that the agreement signed by the Commissioners for an additional \$7,500.00 a quarter seems to be invalid. Mrs. Shuter believes that it is not valid and she has explained how this matter should be handled because if equipment isn't purchased with the money, then we wouldn't get any of the money back. Mr. Ludlow stated that he is trying to figure out the agreement. Mrs. Shuter commented that ALCO is paid \$60,000.00 annually and the amount advertised is for equipment only.

Mr. Yagelski stated that there were continuous problems before ALCO and this matter was to be worked out. He commented that there have been monies asked for in addition to the original contract so he doesn't see any rationale to improve the equipment that was just purchased. Mr. Yagelski would like to see this matter discussed with the Commissioners and, therefore, made a motion to table this request until the next meeting. Mr. Cunningham seconded. The motion carried by voice vote 5 – 2 with Mr. Ludlow and Mr. Jones voting “nay.”

ADDITIONAL APPROPRIATION/CCD/SUP. CT. NO. 4: Steve Eyrick, Chief Probation Officer, Superior Court No. 4, commented that video conferencing has been discussed since 2003 or 2004 and a Request for Proposals (RFP) was issued. At that point there was a vendor and bid, in the amount of approximately \$245,000.00, that the Commissioners accepted. The bid encompassed video conferencing as well as evidence presentation, extra LCD monitors for jurors, etc. The bid never came before the Council as there wasn't unanimous support of the Judges.

Mr. Eyrick reported that about a year ago, it was decided to push ahead by Superior Court No. 4. The Commission split the funds between Probation Fees and the Commission to install video conferencing and the Sheriff also purchased a unit for the jail so that there would be a connection between the LaPorte County Jail and the Courthouse in Michigan City. Mr. Eyrick, as Judge Boklund pointed out earlier, commented on the people in the hall and he commented that it was reported that there were also people outside around the corner waiting to get into the Courthouse. He stated that when you bring sixteen (16) people in handcuffs and chains through, not only does it present a security risk but it adds to the party atmosphere because the inmates get to see their loved ones and anyone else who happens to be there.

Mr. Eyrick reported that January 29th was the date of the first video arraignment between LaPorte and Michigan City. Mr. Eyrick stated that there are certain limitations as to what you can and cannot use video conferencing for according to Trial Administrative Rule No. 14 but it is pretty broad as to what it can be used for. He stated that up to this point it has worked well.

Mr. Eyrick stated that video conferencing has reduced the exposure to liability of the County and he believes there are potential savings to the County. He reported that this proposal will tie in LaPorte County Juvenile Services Center, Superior Court No. 3, Superior Court No. 2 and Superior Court No. 1. Mr. Eyrick explained that part of the proposal is to take the unit that is in Superior Court No. 4 and let Judge King, Superior Court No. 2, have this unit and then put a multi-point unit in Superior Court No. 4.

Mr. Eyrick stated that representatives from Esco Communications are in attendance to answer any technical questions. He also commented that Darlene Hale, IT Director, has reported that there haven't been any problems with the bandwidth this far and there is another fiber running

between LaPorte and Michigan City, so bandwidth shouldn't be a problem. Mr. Eyrick stated that the quote is contingent on a lot of issues and if we can get it coordinated and scheduled where Esco doesn't have to make multiple trips, this will control costs. It is the understanding of Mr. Eyrick that when the Commission chose Esco for the original bid, and this is an adjustment to that bid, we don't have to re-bid the project according to the County Attorney, Bob Szilagyi.

Mr. Jones commented that he appreciates Mr. Eyrick's endeavors and he asked if Mr. Eyrick still feels strongly about the benefits this will bring the County. Mr. Eyrick responded that he is extremely confident in the technology and where it will be going and he is also confident in what video conferencing has done in Superior Court No. 4, although the security element has been lost, there has been a great deal gained by reducing traffic of inmates.

Judge Boklund stated that he has not experienced any difficulty in communicating and when there is an unruly defendant, they don't have to listen to the profanity but can hit a button so there is control over this type of situation.

Mr. Yagelski mentioned that, in previous meetings, the Council was allowed to attend so there was a shared responsibility with the opportunity for input and not a quick "knee-jerk" reaction.

Sheriff Mollenhauer commented that he is favor of video conferencing 100% and it has been working well. He doesn't think it will be a large cost-saving issue, but it will save money over a period of time, but the biggest thing is the safety issue as Mr. Eyrick has stated. Sheriff Mollenhauer stated that this seems to be the trend in most of the Court systems.

Mr. Eyrick commented that Ms. Hale had reminded him that the video conferencing can also be used for educational purposes. Also, instead of having to fly in a witness and pay for lodging, food and travel, we will connect with this witness through video conferencing.

Judge Boklund again mentioned losing an officer in his Courtroom; this is the only downside.

Mr. Garner commented that he believes that all of the Council Members were in full agreement of the video conferencing program and the only downside is that a couple of the Judges weren't in agreement. He stated that it is too bad we have had to wait this long.

Mr. Ludlow made a motion to approve the expenditure of \$87,000.00 for video arraignment for the Courts as advertised in the CCD Fund and Mr. Garner seconded. Roll call was taken.

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

Motion carried 7 – 0.

ADDITIONAL APPROPRIATION/REASSESSMENT: Mr. Ludlow made a motion to approve \$6,978.00 as advertised in the Reassessment Fund. Mrs. Shuter commented that this appropriation was requested in order to replace the funds that the Council allowed the Coolspring Assessor to use last month in order to purchase needed equipment. Mr. Cunningham seconded. Roll call was taken.

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

Motion carried 7 – 0.

ADDITIONAL APPROPRIATION/WIN TAX/COMMISSIONERS: John Swanson, Executive Director of the Northwest Indiana Regional Planning Commission (NIRPC), was in attendance to request \$14,800.00 to assist in funding the local match for the Household Travel Survey.

Mr. Swanson reported that a large grant has been procured by NIRPC from the Indiana Department of Transportation through federal dollars that pass through INDOT. \$400,000.00 in federal funds has been allocated which requires \$100,000.00 as the local match. This survey is intended to provide accurate, detailed information about travel patterns and would assist in updating the transportation network model used to forecast future travel on the highway and public transportation systems. Mr. Swanson reported that the last time such a survey was done was in 1995. The rationale for the amount requested is a proportionate share based upon population. LaPorte County comprises 14.8% of the region’s population.

Mr. Ludlow asked how NIRPC will perform this survey. Mr. Swanson answered that participants will be asked to keep a travel diary for a one or two day period. An interviewer will then contact the household to retrieve the information. Mr. Ludlow asked if a private contractor is going to conduct the survey. Mr. Swanson replied that New Stats out of Austin, TX has been awarded the contract in the amount of \$500,000.00, which is the Northwest Indiana part of the larger study.

Mr. Yagelski commented that when it comes to lower income families and different nationalities, there is a fear of participation in this type of survey. He asked what is done to combat this situation. Mr. Swanson stated that there is a special working crew that is established to work with this population. Since the firm that has been contracted is in Texas, they have a lot of Spanish speaking people and they are experts in this process of making participants feel comfortable and that they don’t have to worry about immigration or such issues as this study is only for getting a good picture of their travel needs.

Mr. Cooley stated that since the County didn’t join the RDA, we knew that we would need to pay our fair share sooner or later and this is something that will need to be addressed in the future also.

Mr. Yagelski made a motion to approve \$14,800.00 as the local match from the Win Tax Fund for Professional Services. Mr. Ludlow seconded. Roll call was taken.

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

Motion carried 7 – 0.

ADDITIONAL APPROPRIATION/WIN TAX/COMMISSIONERS: Mr. Cooley has talked to Bob Schaefer, Executive Director of the Entrepreneur Center in Michigan City, and it seems that they are doing a great job. Mr. Jones made a motion to approve \$15,000.00 as advertised in the Win Tax Fund for Other Charges and Mr. Cunningham seconded. Roll call was taken.

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

Motion carried 6 – 1.

ADDITIONAL APPROPRIATION/WIN TAX/I.T. DEPARTMENT: Darlene Hale, IT Director, explained that this request is for five (5) new desks for the Michigan City office that the IT Department will be moving to. She explained that the current desks are not sufficient for the tasks they need to perform plus they are falling apart. Mr. Yagelski, as a member of the Data Board, commented that the desks are in bad shape and, therefore, made a motion to approve \$5,805.00 as requested. Mr. Ludlow seconded. Roll call was taken.

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

Motion carried 7 – 0. Mr. Cooley stated that he has been asked if we are ready to have an auction.

ADDITIONAL APPROPRIATION/WIN TAX/JUVENILE CENTER: Scott Barlag, Juvenile Service Deputy Director, and James Allen, industrial equipment specialist with Kay Equipment and Supply Company, Inc, South Bend, were present regarding the request for a washer and dryer for the Juvenile Services Center. Mr. Barlag stated that the equipment was used when the Center was opened in 1992 and it is now costing in repair plus it is not efficient.

Mr. Allen explained in detail the operation of the current machines versus the machines that are proposed. He stated that comparative to home machines, the UX55 Unimax will pay for itself in less than two years. Mr. Allen stated that with the equipment, at no charge, they are offering a preventative maintenance program.

Mr. Barlag reported that he sought out LaPorte County dealers, as he does with purchase of a vehicle, and all of the dealers in LaPorte County sell residential machines. The largest machine suggested by the local dealers is still smaller than what has been brought forward. Mr. Cunningham made a motion to approve \$15,816.00 as requested for the purchase of a washer and dryer from the Win Tax Fund and Mr. Ludlow seconded.

Mr. Mrozinski commented that he was at the Commissioners' Meeting when Mr. Barlag asked for permission to purchase the washer and dryer. He stated that at first he was skeptical why a residential unit couldn't be purchased but now he is 100% convinced that Mr. Barlag has done an excellent job of research.

Mr. Cooley asked what happens to the old equipment. Mr. Allen responded that they go to the "bone yard."

Roll call was taken.

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

Motion carried 7 – 0.

ADDITIONAL APPROPRIATION/WIN TAX/HIGHWAY: Rick McVay, Highway Engineer, reported that there has been an ongoing problem in Tiffany Woods off of Hwy. 39 by Briarleaf Golf Course. He stated that there are times during the year when there is 3-foot of water built up in the cul-de-sac. Mr. McVay commented that the subdivision was put in ten to fifteen years ago and proper retainage was not provided for. He stated that the design was for a small pond to go into a wetland area but, unfortunately, there is clay soil and when there is a big storm, it just builds up like a pool and all of the water backs up into the cul-de-sac.

Mr. McVay has come up with a design in-house and he is 100% sure that it will work as an overflow and take the water into the wetland where it needs to go without causing any pollution problems. He reported that this project has the blessings of the DNR (Department of Natural Resources).

Mr. Jones asked who the developer was? Mr. McVay responded that he believes it was Mr. DeWolf who supposedly is retired and living in Florida. Mr. McVay has researched the project and it is his belief that it was never intended for homes to be built in the cul-de-sac as the whole area was a drainage shed. Mr. Jones asked where the County's responsibility picks up and the guy living in Florida, who made all of the money, washes his hands of an improper construction site. Attorney Baugher asked if the County had accepted the roads in the subdivision into the County. Mr. McVay answered, "Yes."

Mr. Cooley reported that he took a look at the problem during the last storm and it looks like the area used to be the retention pond and then they built houses around it.

Mr. Yagelski stated that we probably are liable because this type of instance has happened numerous times in other areas. He asked what the history is of these houses from the Building Inspectors. Mr. McVay commented that he thinks the County is getting a better handle on it now but there are problems, such as this, that happened several years ago that we are stuck with but with the way we are approving subdivisions and developments now, the Highway Department and the Plan Commission are doing a good job of looking into them and communicating with each other.

Mr. Cooley commented that there aren't any fees set up in case something happens and when the developer is gone, they are gone. Mr. McVay stated that with the new developments, the Drainage Board takes the development over and assesses those people for the drainage in case there are any problems, which was never the case with the older developments.

Mr. Yagelski asked who approved the additional road that the houses were built around? Mr. McVay didn't want to mention names but commented that it was before there was a Highway Engineer and before there was an active Drainage Board. He believes it was the Highway Department. Mr. Yagelski asked if the MS4 Director has been contacted. Mr. McVay answered, "No" but he will contact him.

Mr. Garner asked if there is an Owners' Association. Mr. McVay responded that there is not and he thinks this road got approval and it should not have. Mr. Garner asked if this should come to the Plan Commission first instead of the Council. Mr. McVay replied that in today's world it would come before the Plan Commission and then the Highway Department. Mr. Garner feels this issue should come before the Plan Commission first. Mr. McVay answered that since it has already been approved, it is out of the Plan Commission's hands.

Mr. Ludlow asked if any other additions can be made to this subdivision. Mr. McVay answered not to this subdivision but there is a property owner to the north who possibly wants to develop that land but this would be a totally different developer. Mr. Ludlow asked if Drainage Board funds could be used for this project since it's a drainage issue. Mr. McVay responded not on this project since these people are not assessed like the newer subdivisions and this development was never taken to the Drainage Board so it is not a regulated drain and it isn't under the jurisdiction of the Drainage Board.

Mr. Mrozinski stated that he received a rapid education on the way the Planning and Drainage Boards work since he was appointed to the Planning Commission. He commented that he has to disagree on the fact that the current system works well as he doesn't think it works that well at

all. Mr. Pressel was put through the wringer and there were three (3) months in a row the issue had to be addressed as there were problems with drainage, curbing, retention ponds, etc. Mr. Mrozinski feels that these issues should have been taken care of long before they came before the Planning Commission. He sees the Commissioners rezone land, and admit that they haven't looked at the land, and they don't know what they are rezoning. Mr. Mrozinski also sees drainage issues come before the Planning Commission and they don't have answers. He stated that an impact fee has been discussed with the Commissioners to cover matters like this since the County gets stuck with it and it isn't right for the taxpayers to have to pay for something that wasn't done properly from the beginning. Mr. Mrozinski commented that the whole system needs to be revised and he is going to do what he can to implement some change in the way we do business with subdivisions in the future.

Mr. McVay responded that he appreciates the comments of Mr. Mrozinski and the subdivision ordinance should be reviewed. Mr. McVay stated that he makes sure he is very confident before he sends a letter to the Plan Commission and Commissioners and he checks for drainage, along with another consultant, so there are a few sets of eyes looking at it where years ago we didn't have this procedure in place. Mr. Mrozinski stated that you could say it's better than it was, but not as good as it needs to be. Mr. McVay agreed.

Attorney Baugher commented that it might be prudent to ask the County Attorney, Bob Szilagy, for a legal opinion as to what responsibility the County has, if any. He stated that if you are looking at a road problem, or public right-of-way problem, then the County Highway should be here asking for appropriation but if we are talking about a general drainage problem in a community, and there are Drainage Boards and Zoning Boards, is the County Council going to appropriate money every time someone's basement gets wet just because somebody twenty (20) years ago didn't do it quite right.

Mr. Yagelski asked what the Commissioners' response was to this problem. Mr. McVay responded that they are well aware of the problem and they are in favor of appropriating the money to take care of it. Mr. McVay stated that it is a problem because the water backs up on the road and in the winter the water freezes. The problem does fall on the shoulders of the Highway.

Mr. Yagelski asked what is the gentleman's investment who has offered the easement for the project and he also asked what the topography is compared to the other homes? Mr. McVay answered that this property is a little higher and the idea was to go diagonally across the land and empty onto another property owner's land, who has given verbal permission that he doesn't have a problem with it.

Mr. Ludlow asked how many homes are affected. Mr. McVay responded that there are about a dozen people affected.

Mr. Cooley stated that there isn't any protection of where we are in the future and he has brought this up at a Commissioners' meeting. He commented that the last two developments, the one at Kingsbury and the one at 1000 North where the wetland is, there are brokers coming in and not local developers. Mr. Cooley stated that they buy the land, develop it and then they leave. The last two lots in Tiffany Woods were sold for over \$150,000.00; the developer made a ton of money and he's no longer around. Mr. Cooley thought that maybe we should have a lot in every subdivision County-owned so it can be sold when we have problems. Mr. Cooley thinks it is a

sad case that taxpayers are getting dumped on, even though he feels sorry for the landowners living around it and for the County Highway wading through the water with the pumps as it is a big mess. He suggested that the money come from the Planning Board's budget.

Mr. Yagelski asked how the County allowed the two additional lots to be sold if we knew there was a problem. Mr. McVay answered that once the subdivision is accepted, they can sell the lots and there isn't anything in the works once they are approved. Mr. Garner commented that one of our Boards should be overseeing this.

Mr. Mrozinski agrees with Attorney Baugher's remarks; where do we draw the line. He doesn't see what authority the Council has to take care of business like this and the whole County shouldn't be paying to take care of the problem.

Mr. Garner made a motion to table this matter and refer it back to the County Attorney for review as to the County's responsibility. Mr. Mrozinski seconded and the motion carried by voice vote 7 – 0.

Mr. Cooley commented that once the Commissioners zone property residential for a subdivision, and he was told this by Attorney Szilagy, the County has to allow houses to be built. Attorney Baugher stated that the standards are set at the point the subdivision is approved and if something isn't done at that point, there is a problem, because once subdivided, building permits have to be issued.

Mr. Yagelski commented that we have fought this for a long period of time and the County has actually sued the developer and gone after the property he is still trying to sell. Attorney Baugher wondered if anyone had ever bought a civil suit against the developer.

Mr. Cunningham asked if a precedent has ever been set related to a matter like this where there is an escrow account established with the developer until three, four or five years up the road, where the County can see that this problem exists. Attorney Baugher responded that in some areas it is required that a performance bond is posted but the bond should be read to find out what it actually means.

HUMAN RESOURCES ORDINANCE: Attorney Baugher commented that in the past there seemed to be some sort of consensus that the Council wouldn't pass an ordinance on the night it was introduced unless it was deemed an emergency. He stated that this is a fine tradition, and there isn't anything wrong with it, but it isn't required by the law; all the law requires is that an ordinance can't be passed on the night it is introduced unless it is agreed to do so by unanimous vote. Attorney Baugher reported that it doesn't require the declaration of an emergency so the ordinance could be passed on first reading, waive the rules and then pass it on second reading. He is still researching where the third reading came from.

Mr. Jones made a motion to hear the ordinance on first reading and Mr. Ludlow seconded. Mr. Yagelski commented that there has been a lot of talk from a lot of different people regarding the Human Resources Department. He stated that there was supposed to be one individual but there are people talking about secretaries and other staff but this was never agreed to. Mr. Yagelski wishes that there were some Commissioners here to talk to tonight before the Council passes the ordinance. Attorney Baugher referred to Item A under "Director and Employees" which states that there shall be one Director of the LaPorte County Human Resources and such other

employees as may be authorized from time to time by majority vote of both the LaPorte County Board of Commissioners and the LaPorte County Council.

Mr. Yagelski also commented about the issue of Mr. Bishop being hired for this position and he still wants to know what will be done with that position after this because either the wages will be affected or the job classification will be affected. He stated that this issue shouldn't be "put under the blanket." Mr. Cooley commented that this matter should be addressed during budget time.

Mr. Ludlow commented that the Commissioners have passed an ordinance already and it isn't necessarily this ordinance. Attorney Baugher stated that he has been told it is the same ordinance, which he didn't realize the Commissioners were going to pass when he sent out his letter. Mrs. Shuter stated that the Commissioners adopted the ordinance at their meeting on Tuesday. Mr. Jones commented that the Commissioners rescinded the first ordinance and passed this one since the prior ordinance didn't meet with the Council's approval over the last few months that Attorney Baugher has been working on it. Mrs. Shuter reported that the Commissioners rescinded No. 1 and adopted this ordinance as No. 8; she stated that the Council will have their own Ordinance No. Mr. Jones feels that the ordinance is as it was intended to be.

The motion to hear this ordinance on the first reading passed by voice vote 7 – 0. Mr. Ludlow made a motion to have unanimous consent to hear this ordinance for the second time and to adopt it as presented. Mr. Jones seconded. The vote was 6 – 1 with Mr. Yagelski voting "nay." Mr. Yagelski stated that he wants to ask the Commissioners a question before we go to the final reading. This matter will come before the Council next month.

NOTICE TO QUIT/EVICTION ORDINANCE/SHERIFF: Mrs. Shuter explained that there was a separate fund for these monies; this ordinance would allow the fees to be receipted into the Continued Education Fund. Mr. Ludlow asked how much would be generated for this fund. Sheriff Mollenhauer estimated around \$12,000.00 per year.

Mr. Ludlow made a motion to hear this ordinance on the second and final reading by title only. Mrs. Shuter read by title only as requested. Mr. Jones made a motion to adopt **Ordinance No. 2007-02** and Mr. Ludlow seconded. The motion carried by voice vote 7 – 0.

APPOINTMENT TO MICHIGAN CITY LIBRARY BOARD: Mr. Cooley asked if there was any advertising done for this position on the Library Board. Mrs. Shuter responded that there was not. Mr. Cunningham commented that he has a great deal of respect for the candidate who sent in a letter, but he feels that notice should be sent out to both the Michigan City and LaPorte newspapers to have anyone interested submit a letter of application ten (10) days prior to the next meeting and he, therefore, made a motion to postpone appointment until the next meeting. Mr. Jones seconded. The motion carried by voice vote 7 – 0.

BUDGET HEARINGS: Mr. Cooley asked if anyone had any problem with holding the budget hearings on August 14, 15 and 17th. Mr. Yagelski commented that, since a lot of the Council takes vacation time for the hearings, he would like all three (3) days put together. It was suggested that the hearings could be held on August 13th, 14th and 15th. Mr. Garner stated that once the dates are set, they shouldn't be changed. The Council Members will check their schedules and let the Auditor's Office know if these dates will work. Mr. Cooley stated that the first public hearing could be held on September 5th, according to his conversation with Mrs.

Shuter, and the final reading and adoption could be held on September 17th. The regular meeting will be moved up one week and held the same night.

JUNE MEETING: Mr. Ludlow made a motion to move the next Council Meeting to June 18th at 6:30 p.m. Mr. Yagelski seconded and the motion carried by voice vote 7 – 0.

COMMENTS BY THE COUNCIL:

Mr. Ludlow made a motion that the next meeting, June 18th at 6:30 p.m. be held at the Wanatah Town Hall. He stated that in the seven (7) years he has been on the Council we have never left these chambers and he believes that the Council should experience a new place and the southern part of the County is the place to start. Mr. Ludlow withdrew his motion since Attorney Feldbaum is scheduled to come back to the next meeting regarding the bond issue. He commented that we could meet in Wanatah in July and he will call the Town Hall to reserve the date.

Regarding the July meeting, it was noted that July 23rd is during Fair week. Mr. Yagelski made a motion to move the July meeting up to July 16th and Mr. Ludlow seconded. The motion carried 7 – 0 by voice vote.

Mr. Yagelski commented on the bridge walkway situation which has been discussed numerous times. Attorney Szilagyi has talked to the Commissioners but the Commissioners haven't talked to the Council regarding the statements made about payment of the claim and all three (3) Commissioners have told the Council that they didn't sign the paper. Mr. Yagelski doesn't want to chastise anyone; he just wants to find out what is going on and therefore, he made the motion that all three (3) Commissioners be here at the next meeting. Mr. Cunningham seconded and the motion carried 7 – 0 by voice vote. Mr. Cooley asked that a letter be sent to the Commissioners regarding this matter. Mr. Yagelski would like a letter sent to all parties affected.

Mr. Cunningham has the same question as Mr. Yagelski. He commented that on two (2) sheets submitted with the packet there is one where all three (3) Commissioners signed and another one it looks like no one is claiming they signed it and the bill was paid because the attorney told them to pay it. Mr. Cunningham has some serious questions about this as well so he thanked Mr. Yagelski for bringing this motion to the floor.

Mr. Garner commented that he didn't realize that there is a lease agreement until 2009 by one of the parties in the Hiler Building or he may not have voted in favor of the purchase. Mr. Cunningham stated that the lease until 4/31/2009 is for 4,200 square feet according to Commissioner Huston and thirteen (13) parking spots would be occupied.

Mr. Mrozinski commented that after reading the letter from Attorney Szilagyi, he hopes that Mr. Szilagyi didn't feel he was being harassed by the Council (regarding the walkway payment) since he doesn't think it was Mr. Szilagyi's fault. Mr. Mrozinski feels there is something going on with the Commissioners and this is what he wants to get to the bottom of.

Mr. Mrozinski stated that a letter was received regarding code enforcement and when Mr. Mrozinski drives around the county he sees lots of places that are falling down, junk vehicles and he wonders why this matter is not being taken care of. He will bring this matter up tomorrow night before the Planning Board.

Mr. Cooley commented that the walkway should have been covered; no one can agree on what is going on with the heating system; they say they are watching the cracks and it still leaks. He stated that he has been in construction all of his life and he has never seen anything like it.

ADJOURNMENT: Mr. Garner made a motion to adjourn at 8:55 p.m. and Mr. Yagelski seconded. Motion carried 7 – 0 by voice vote.