



*LaPorte County Auditor
Joie Winski
555 Michigan Avenue, Suite 205
LaPorte, IN 46350-3490*

**MEETING MINUTES
LA PORTE COUNTY COUNCIL REGULAR MEETING
APRIL 22, 2013**

The Regular Meeting of the La Porte County Council was called to order on Monday, April 22, 2013 at approximately 6:30 p.m. in the Assembly Room of the La Porte County Government Complex.

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL.

The Meeting was called to Order by President Yagelski who began the Meeting with the Pledge of Allegiance and Auditor Winski who proceeded with the Roll Call. Council Members present included: Councilwoman Lois Sosinski, Councilmen Rich Mrozinski, Matt Bernacchi, Mark Yagelski, Earl Cunningham, Terry Garner, and Jeff Santana. A quorum was present for the Meeting to proceed.

APPROVAL OF AGENDA.

A Motion was made by Councilman Mrozinski and seconded by Councilman Bernacchi to approve the Agenda. The Motion carries 7-0.

APPROVAL OF MARCH 25, 2013 REGULAR MEETING MINUTES.

A Motion was made by Councilman Garner and seconded by Councilman Bernacchi to approve the March 25, 2013 Regular Meeting Minutes. The Motion carries 7-0.

DEPARTMENT HEAD REPORTS.

Prosecutor Szalgyi approached the Council and requested permission to hire. There is a vacancy in Victim's Advocate Program and being it is a grant-funded position there will be no additional cost to the County. The employee resigned and will leave on May 3rd. Proper Council procedures were followed and would like permission to hire.

Councilman Yagelski wanted to be clear that if and when the grant goes away so does the job.

A Motion was made by Councilman Cunningham and seconded by Councilman Mrozinski to approve the request. Motion carries 7-0.

Jerry Cooley, Maintenance Director informed the Council that Alco TV was trying something new. Alco will primarily show the Council Members, but when an individual comes up to the podium there will be a picture within in picture. He asked that the public to e-mail Alcotv.org if they had any questions or comments.

Seeing or hearing no other Department Head Comments, Department Head Comment was closed.

LIAISON REPORTS.

Councilman Garner attended the Soil and Water Meeting. The annual tree sale is ongoing with a delivery date of Saturday, April 28. The Trail Creek Watershed received a \$160,000 319D Water Grant in February 2013. \$60,000 of the grant will be used to hire a person locally to help with the paperwork, which is a matching grant. The Seasonal Part-Time Fund will be used for their match, so it will need to be set up with the Auditor. The Council will be reimbursed and the monies will go back into the General Fund. This is a three-year grant so currently there is enough money to cover that grant. Councilman Garner stated they may be coming back at Budget time to approach the Council for more money.

Councilman Garner was informed by the MS-4 Coordinator that his Board met with IDEM Director Reggie Korthals and Commissioner Kora about a week ago. The Board, other than Michigan City, wished to stay together as a County MS Board. The IDEM Director stated that she would inform Michigan City of the decision and that they would be on their own. Councilman Garner stated Commissioner Kora had no objection to this. Board Chairman Mike Polan sent out an email stating the same to everyone associated with the Board. Councilman Garner was mystified why the Council did not receive a copy of that email, and he would like to receive that information in the future.

President Yagelski asked Councilman Garner if there is anything about the division of the salary and the pay for the entities left.

Councilman Garner stated it is still questionable how they are going to handle that and was not really discussed. He was also unsure if they have an attorney once they break off.

Councilman Santana reported on the Drainage Board Meeting on April 15th. The Drainage Board seems to have all their ducks in order and things are looking good with them. An individual approached the Board and Councilman Santana was not sure if the individual heard the answer he wanted to hear; however each and every member of the Board treated him with respect and utmost professionalism. There will be an issue that will need to be dealt with at Budget Meetings in regards to their Travel and Education account. Perhaps the Council can look at giving them a line item.

Councilwoman Sosinski met with Friends of the Barn. A letter has been put together and will be cleaned up. Councilwoman Sosinski will attend the May 1, 2013 Commissioners Meeting so the letter will be presented and the County Attorney will review. A letter will be sent to all individuals who signed up at the La Porte County Fairgrounds to preserve Friends of the Barn either monetarily or through morale support. The letter will be mailed directly to the Auditor's Office with very specific directions. They will also be including a self-addressed envelope so there is no confusion where the funds need to go. The idea will also be entertained to ask the Commissioners and the County Attorney for permission to use in-house printing and postage since it is County Government property.

Councilman Bernacchi reported on the Solid Waste Quarterly Meeting. The last reconciliation bill put them in pretty good shape. They will see this fall with the double reconciliation billing where it puts them so hopefully they won't have to borrow any money to keep them going with the actual tax bill going out. Last year the rates were raised a little bit to keep everything in line but with the negotiations for a new contract and owning the bins, everything should be coming down in price and they'll be able to lower the bill on the property taxes. They'll find out this fall where they're going to be sitting.

Councilman Mrozinski reported on the Economic Development. He was in Kingsbury that morning checking out the logistics program project that they have been working on for many years and it is really coming along great. They got a lot of work done this winter that they didn't expect because of the mild winter and its very impressive to see.

Councilman Mrozinski also reported on the Animal Shelter. He said progress stopped on the rebuilding of the Animal Shelter. A sizeable amount of money was left to the Animal Shelter to be used only at the Animal Shelter and only for the animals, and things were moving along. They had utilized the County Engineer and had a project manager. They were at the point last week where they were ready to send out bids. They would have had those coming in and been able to start construction within the next couple of weeks. That has been stopped due to the fact that the County Engineer has been dismissed by the County Commissioners or their Attorney. Also, the project manager was told he's not going to be project manager. The County Attorney or Commissioners decided to put out RFQs for a new project manager. The Advisory Board agreed on and requested that when those come in the Board would review and vote on a person; however another email yesterday stated the County Attorney or Commissioners would open the bids for review. The project has stopped and Councilman Mrozinski is not sure what is going on. The wishes of the people who left the money are not being met, as it appears there is an internal struggle and until that is straightened out, the project is dead.

Councilman Mrozinski reported there was groundbreaking for the Rolling Prairie Sewer Project on April 8th. Progress is under way, and the work can be seen if you drive down Highway 2. It is a great asset to La Porte County. It will save a few businesses in town and it will save a lot of homes. This gives the Kankakee Township Fire Department the opportunity to put an ambulance base out there for quicker response time to New Prairie School, Hudson Lake, and the Toll Road area. This will make that happen once the sewer is in. That is a good thing for La Porte County.

Councilman Mrozinski reported on the Veteran's Service Office. The La Porte County Veterans Recognition Medal Ceremony will be in the Meeting Room July 6th at 10:00 a.m. If there are La Porte County Veterans who have not gotten their medal from La Porte County, they will need to get a form/application from the Veteran's Service Office at 555 Michigan Avenue or from the VFW or American Legion and get it turned in. If they can't do that, they can be there at 10:00 a.m. or a little before on July 6th and fill out the form on the spot.

PUBLIC COMMENT.

Sonshine Troche reported that the Wall Gang will be doing a motorcycle ride leaving Michigan City DAV on May 8th at 8:000 a.m. and going to California to honor the Veterans and will be stopping back in Michigan City at the Harley Davidson Shop on May 20th and then will leave again for Post 37 on May 21st. She will be recording a documentary and will discuss in further detail on the Worthy Women's Recovery Radio Show on Sunday. Each Council Member will receive a complimentary copy once the documentary is complete.

Seeing or hearing no other Public Comment, President Yagelski now closes Public Comment.

NEW BUSINESS.

There was no new business.

CORRESPONDENCE.

There was no correspondence.

ORDINANCE AND RESOLUTIONS.

Matt Reardon, Economic Development Coordinator for La Porte County, requested preliminary approval of a Resolution for the Establishment of an Economic Revitalization Area for both Real and Personal Property. Tom Walma from Harrison Electric is contemplating \$1,100,000 and creating 10-15 new jobs in La Porte County. Mr. Reardon would request that the Council approve the Resolutions, through first and second reading.

Tom Walma from Harrison Electric spoke to the Council explaining how his company has grown from 3 employees to 34, expanding the building and how payroll has grown to \$1,500,000. Mr. Walma stated the building is too small and that the company is turning down work. They want to go after bigger and better motors than they currently can't lift, which are no more than 20 tons. They want to build an addition to their existing building that is 175 feet long and 80 feet wide with a 55 foot high bay with a 40-ton crane clear span across the entire length of the building. They will need more employees after making the addition and are looking to hire 15-20 people, and will need increased salaries for these individuals. If they don't do this, the competition will pass them.

President Yagelski stated that he has known Tom for many years. He informed the Council that Tom visits high schools and hires people upon graduation to train them from the ground up. He asks Council Members to come through for him.

Councilman Mrozinski also stated he has known Tom for many years, always a good working relationship with Tom. Councilman Mrozinski asked Auditor Winski what the Resolution Number would be.

Auditor Winski stated that it would be Resolution 2013-3.

Councilman Mrozinski made a Motion to approve Resolution No. 2013-3 by title only as a Declaratory Resolution of the La Porte County Council Declaring a Portion of La Porte County, Indiana, an Economic Revitalization Area pursuant to Indiana Code 6-1.1-12.1-1 for Harrison Electric. The Motion was seconded by Councilman Garner.

Councilwoman Sosinski said that she spoke with Matt Reardon that day regarding this matter. She stated that the information regarding amounts and what is being asked for on the Resolution didn't come through e-mail until late Friday and that she didn't see it until Monday and did not have time to digest the 20 pages. She asked if Harrison Electric is going to be doing new construction for the building to add on or if they are going to be using an existing building somewhere.

Mr. Walma responded that they were planning to add on.

Councilwoman Sosinski asked if they would be using prevailing wage work to have it done.

Mr. Walma confirmed that it was on the agenda to do so. He said that they were going to be using a lot of their own people for interior work such as all of the electric, plumbing, and lighting, and he pays over

union scale in addition to the pay scale. The last two years they did a nine percent (9%) bonus at the end of the year so it is well over union scale.

Councilwoman Sosinski asked if he wasn't using his own employees and hired out if he would be using prevailing wage.

Mr. Walma confirmed this.

Councilwoman Sosinski asked Mr. Walma for an average of his hourly rate.

Mr. Walma said that there are seven different classifications of employees. A helper starts at \$12 per hour; however there are other people on the site making \$34 per hour so the average is somewhere in between.

Councilwoman Sosinski asked if there are full-time benefits provided as well.

Mr. Walma stated that they pay 99 percent (99%) of all employees' health insurance plus holidays and vacations in addition to a simple IRA program where they match 3 percent (3%) of the first 50 percent (50%), so there are benefits on top of all of that.

Councilwoman Sosinski pointed out that there are apprenticeship schools in La Porte County that do similar things with the high schools and the job fairs.

Mr. Walma said that they have used some of the kids who have learned at the AK Smith Career Center and places like that. However the problem is that nobody teaches what they do, they teach basic electronics and mechanical repairs. They don't teach motor repairs. Harrison takes people that are capable and mechanically inclined and they teach them to do the work that needs to be done. He says they often take people that would not be going to college and don't have a lot of opportunity right out of high school and they make qualified technicians out of them.

President Yagelski asked if there were any other questions.

Auditor Winski clarified that this is Resolution 2013-3 and 3-A and her office also did not receive this Resolution until late Friday.

President Yagelski asked if Resolution 3 and 3-A could be put together.

Attorney Biege said that they could be put together. He says that technically for each one, for real estate and then personal property you have one Resolution which creates the district and a different Resolution which arguably would approve. He says they only talked about creating the district tonight but that when they come back next month they will have two more resolutions which, if the Council chooses to approve, they will approve the district itself.

President Yagelski clarified that the 2013-3 tonight is just for the district.

Attorney Biege said that yes that one was just for the district for real estate and one to create the district for personal property.

President Yagelski said that there was a Motion and a second.

He called for a vote and the Motion carried 7-0. He clarified that it was both 2013-3 and 2013-3-A. Councilwoman Sosinski asked for the date of the information gathering public meeting more than two days before it happens in case arrangements need to be made.

President Yagelski asked Matt Reardon to be sure that it goes out to everyone in the Council. He said it is the 27th and it is not a problem to get that information to the Council.

APPROPRIATIONS, TRANSFERS, REQUESTS.

La Porte County Circuit Court Clerk

Requesting to Purchase Security Window Rolling Shutters (\$8,600) and
Maintenance Dept. Saturday Installation, Labor, Etc. (\$1,000)

Clerk Title 4D Fund/Child Support Account (8899-20200-000-0571) \$9,600.00

Lynn Spevak requested to purchase rolling shutters for the Michigan City Courthouse in lieu of the plexiglass for a more secure window structure since they house the Child Support Division. She said that Jerry Cooley received three bids for her to choose from and that she chose the lowest one, Meyer Glass and Mirror out of Michigan City for \$8,600.00. She spoke with Jerry about the removal of the glass and the restructure of putting in the new shutters at an estimated cost of \$1,000.00. She would like full approval of the \$8,600.00 and the \$1,000 for labor and extra work.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Santana to approve.

Councilman Cunningham asked for clarification. He said the form from Meyer Glass states the company would furnish all materials and labor necessary to complete.

Ms. Spevak said that the Maintenance was for overtime hours or building material for any extra structure.

Councilman Cunningham questions that she was estimating up to \$1,000.00 to take out the glass.

Mrs. Spevak said that it was to take out the glass and to refurbish anything on the sides to reconstruct the area.

Mr. Cooley said that Meyer gave him the estimate of \$1,000.00. He does not have the manpower to take all of the glass (not plexiglass) out and did not want to take the chance that someone would not know what they were doing and would get hurt. He said that he would do the electric.

Councilman Cunningham asked if they were just requesting a transfer and not additional funds.

Mrs. Spevak responded that 4-D Funds need Council approval to be spent and no additional monies will be needed.

President Yagelski clarified that the \$9,600.00 was coming out of the 4-D Funds.

President Yagelski called for a vote and the Motion carries 7-0.

La Porte County Board of Commissioners
Requesting an Additional Appropriation
Riverboat Fund (1191-20200-143-0272)
Payment of Judgment to Nexus Group Inc.

\$450,000.00

Mr. Freidman and Mr. GiaQuinta were both present. Mr. Friedman reminded the Council this was long-running litigation between Nexus Corp. and La Porte County. He said that after a mediation process, the case was successfully mediated and settled. He said that originally the County's exposure was more than \$950,000.00 had there been attorney fees and interest added. He said that after a full day's mediation that the case was successfully concluded and that the parties have provided agreed findings to the Circuit Court. Judge Alevizos has approved a judgment effective April 1st, and they have come to the Council so that the judgment can be satisfied and the Council and Commission can get closure and close this matter out.

President Yagelski asked for questions from the Council and clarified that the settlement is for work tendered.

Mr. Friedman confirmed that it was all work performed on the 06 pay 07 assessments, which, as the Council knows, were ultimately upheld by the Indiana Court of Appeals. The 06 pay 07 formed the basis for what is now being used by the County. Nexus also provided services during various appeals and provided work, not only on residential parcels but on commercial and industrial parcels. Most importantly, as the judgment makes clear, the work of the Firm, the work of the County was ultimately vindicated by the Indiana Court of Appeals, approving the 06 pay 07 values. The Council worked collaboratively with the Treasurer, Auditor and the Assessor to now get us back on track. Both the Council and the Commission have endeavored to do that so that the County gets back on a regular schedule of tax bills. The litigation arose from the challenges that were brought by a couple remonstrators and the important thing to note is that the County's 06 pay 07 values were ultimately vindicated and supported in the Indiana Court of Appeals. This brings the finality that the Council and Commission were looking for and it is a judgment that has now been approved by the Circuit Court and the County will need to pay to bring this to closure.

President Yagelski states one of the things for anybody that was not on the Council at the time is that when the Nexus Group was picked, it was a state-approved bidder.

Attorney GiaQuinta stated the end result of the values were within 1/10 of 1 percent of their original submission. When Nexus was hired, it noticed a pattern of under-assessment in Michigan Township. Together with then-Treasurer Mr. Layton, they went up and investigated this pattern in about 1,500 lakefront homes. Those assessments were increased to the tune of about \$35,000,000 in assessed value, which came in after the rate had been set, which meant that there was over \$1,000,000 added to the County's treasury by that exercise in and of itself. One way of looking at this is that one endeavor paid for everything else that Nexus did over the next several years including the retraining. The very first thing they did out of the box was add over a \$1,000,000 to the County treasury, which more than paid their bill for the next four to five years. Their trending was vindicated and those values are still used today. They are within 1/10 of 1 percent of the very first ratio study the State approved before Ms. Musgrave turned County Government and the tax collection system upside down.

Councilman Cunningham asked Mike Schultz, Assessor to come forward. He said that if these values are being used today, it would seem to him that 06 pay 07 was about the time the real-estate recession hit.

He stated that the last figure he heard was somewhere between 7,000 and 8,000 appeals in the Assessor's Office. He asked if that was accurate.

Assessor Schultz responded his office had about 6,400 appeals and are under 4,000 now. He takes a bit of exception because the bills they are working on for 10 pay 11 and 11 pay 12 are actually the work of the Tyler group and not the Nexus group. They were allowed to use the reassessment numbers that other counties were going to have to use when they got to the reassessment. The State allowed us to use the findings of the Tyler group to send out the bills for 10 pay 11. He said that they went to every property and everything was remeasured, recalculated and revalued. For 10 pay 11 they are using the Tyler numbers.

Councilman Garner asks if anyone from the Council was represented during negotiations.

Attorney Friedman states the Commission is the entity who entered into the contract and he was there as the Commission Attorney.

Councilman Garner thought, out of courtesy, President Yagelski should have been included in the negotiations.

Attorney Friedman responded that President Yagelski was kept informed as he was in communication with Mr. Yagelski during and before the mediation and before they even knew what the approximate range of settlement was.

Councilman Garner stated his disappointment with President Yagelski that he did not inform the Council what was actually going on. He said that he felt blindsided when he saw the final number and it was done.

Attorney Friedman responded that it is the Commission that negotiates these kinds of contracts. They were, as a courtesy, making sure that the President was informed but that the Council was not a party.

Councilman Garner stated he understood, but helped fund all of the reassessment and everything thereafter, so he felt the Council was responsible for what happened even though the Commissioners signed the budget. He said that they were still responsible for the money and that at times, he kicks himself for voting the way that he did.

Councilman Mrozinski asked Assessor Schultz if he was included in any of the negotiations of the settlement.

Assessor Schultz responded that he was not, but stated that he was not party to the first contract or the first group.

Councilman Mrozinski asked if Assessor Schultz agreed this was a fair settlement.

Assessor Schultz stated he agreed that it is time to move on.

Councilman Mrozinski asked if the NIPSCO properties and the Blue Chip properties included in the settlement and if the Council is done with them now.

Assessor Schultz responded that they would have nothing to do with this settlement. He stated that the NIPSCO Property is back under appeal and the Blue Chip Property is also under appeal. He said that they did settle the outlet mall.

Attorney GiaQuinta states his clients had nothing to do with the assessment reductions and that they would never have agreed to that.

Councilman Cunningham stated that this \$450,000 settlement represents approximately a \$700 per full-time employee in the county expense when you look at the fact that employees have not received an increase since 2007. He said that he believes that this continual payment of back debts will mean that the same is true in August of 2013.

Councilwoman Sosinski agreed that it is time to move on. She said that they could hang their hats on the fact that the work that was submitted was upheld. The 06 pay 07 numbers were upheld so they know the work is good. She asked if there were any other penalties or late fees.

Attorney GiaQuinta responded that there were three ratio studies approved by the state on the 05 pay 06 work that his clients did. Every time they did a ratio study, it passed. He said that what happened next was that the former auditor refused to certify the 05 pay 06 values and insisted on certifying the previous year's values which resulted in a 12-page letter being sent to him from the Department of Local Government Finance actually citing criminal statutes if this were not taken care of immediately. As part of all of this, Nexus performed another trending at no charge to the County, which was about a \$150,000 service and it too passed a ratio study. They have since done work that has resulted in over 90 straight passed ratio studies from around the State of Indiana. The last study his client did was within 1/10 of 1% of the first study they did. He stated that he would not be surprised if the new vendor has made changes given the radical change in the real estate market between 2006 and 2009. He said that the work was performed and it was performed satisfactorily and pursuant to contract. He referred the Council back once again to the work done in Michigan Township, Michigan City properties that resulted in a huge windfall for the County.

Councilwoman Sosinski stated that she appreciated that. She said she was one of the Council Members present while they were performing the work, and unfortunately there were a lot of things that happened. She said she understood Mr. Cunningham's comments but that the vendor did work for the County that was upheld and that her opinion is that it is time for it to be put to rest and to thank them for their services rendered. She said unfortunately it is old monies that are due and that that is what happens when you don't pay a debt but that they were prudent in making sure that the numbers presented by Nexus were upheld by the Court.

Councilwoman Sosinski made a Motion that the Council pay Nexus the \$450,000 out of Riverboat Fund as advertised. The Motion was seconded by Councilman Santana, who then had a question.

Councilman Santana stated that this was the third time in four months since he's been there that this has come up. He said that there was a compromise and agreement made with the Swanson Center where they had the other attorneys for the other years that they paid to resolve these bills. He asked, for consolation, if the number could have been to the tune of \$950,000 but that they are going to give them \$450,000, so they're saving half a million dollars.

Attorney Friedman responded that this was the whole point of the mediation. They came in at about \$950,000 and it is his hope that this is the last time they bring this to the Council.

Councilman Santana stated that a lot of it was due to the fact that they weren't getting the taxes paid. They did not have the income coming in to pay out for what they were hiring people to do.

Councilman Cunningham stated that since Mr. Hinchman was not there to defend himself, he publicly said on more than occasion that his choice was between signing a form and potentially facing felony charges or not signing and potentially facing misdemeanor charges. He stated that there were never any charges brought against Mr. Hinchman.

Attorney GiaQuinta stated that Mr. Hinchman ultimately did what the DLGF admonished him to do.

Attorney Friedman stated that at the time the County was subject to a variety of changes by DLGF at that time. He said that they have not seen such raw politics coming from a state agency as what they saw during DLGF's consideration of this County in 07, 08, 09, never before.

Attorney GiaQuinta states La Porte County was one of the first Counties in the state to have the ratio study approved.

Councilman Garner stated that it is hard for him to support it because he has supported everything for Nexus up to this point. He said that he was involved with the meetings they had with the schools and so forth and along with the previous auditor. He stated that the Council sat down with him at that point and told him to just sign it. He said they were very influential on making things move and have always been that way. He wanted to make sure that it is on record that the taxpayers of this County have paid dearly through this whole time regardless of whose fault it is. The taxpayers are paying dearly every day that they don't get this issue resolved and we do need to move forward.

Attorney GiaQuinta agrees with Councilman Garner and states it is always the taxpayers paying in the end but that they have tried to get this thing resolved and that they were pleased to be there with a judge's order basically pushing it forward.

President Yagelski asked for roll call.

Ayes: Councilmen Bernacchi, Mrozinski, Santana, Yagelski and Councilwoman Sosinski. Nay: Councilman Garner. Abstain: Councilman Cunningham. The Motion passes 5-1-1.

La Porte County Planner

Requesting an Additional Appropriation

Riverboat Fund (1191-20200-204-0272) for Shipment Costs of Dump Truck and	\$14,235.00
Riverboat Fund (1191-20200-142-0272) for Two 100kw Three-Phase Generators	<u>\$ 4,367.00</u>
	\$18,602.00

Planner Mitch Bishop stated that last month he applied to the Department of Administration in Indianapolis to pursue Federal Reserve equipment and also federal surplus and military reserve equipment grant. The piece of equipment has been in a warehouse for 15 years and driven sporadically. There is a dump truck and two 100kw generators. The dump truck is actually military surplus equipment. It is from Camp Carroll in Korea. What they are required to do is pay the shipping costs and

some other associated fees, such as handling fees. The total was \$14,235 for the dump truck. The dump truck only has 1,000 miles on it. It is basically new old stock. When he says military reserve equipment, it is basically held in case the military needs it for a certain amount of years. \$4,367 is for the 100kw generators. He said that one of the generators would be used for the 8th St. Complex and the dump truck would be used for the County Highway Department.

Councilman Bernacchi stated that he spoke with Bob Young, Superintendent Highway Department and attended various Commission Meetings. Both Mr. Cooley and Mr. Young feel this is a great opportunity. Councilman Bernacchi said he thought the Council should go ahead and support this and pay the shipping charges. A Motion was made by Councilman Bernacchi and seconded by Councilman Santana to pay out of Riverboat Funds.

Councilman Garner questions how old the truck is.

Mr. Bishop responded the truck is from 1995 with under 1,000 miles. He said that it is guaranteed that it starts right up and if there are any issues they could contact the Department of Administration but that it doesn't look like there will be any issues. The generators have less than a hundred hours on them as well.

President Yagelski questions what the original cost would have been.

Mr. Bishop stated that the original cost for the dump truck is about \$100,000 and the generators are about \$35,000 apiece. He stated that they would be getting the generators at roughly \$2,200 each and the dump truck at \$14,000.

Councilman Santana asked if the \$14,235 was the estimated shipping cost and the GSA fee from Korea to La Porte.

Mr. Bishop said that it comes from Korea right to the La Porte County Highway. The generators will be shipped to the Indiana Office in Indianapolis, so someone would need to go down there to pick those up.

Councilwoman Sosinski asked if the County Highway Department is getting rid of a truck or if this is in addition to their fleet.

Mr. Bishop said that he believed that it would be an addition. He said that he was told when he compiled the wish list is that one of the needs for the County Highway were three dump trucks, so this would be filling one of those of the three.

Councilwoman Sosinski said that she did not see a guarantee in the packet. She read it as "as-is."

Mr. Bishop said that the truck has 1,000 miles on it and the paperwork says that it starts, it runs, etc. If it doesn't, then the County could pursue receiving the money back. He said that this is his understanding after speaking with Bob Flake, who is the Director of the Indiana Department of Administration in Indianapolis.

Councilwoman Sosinski asked if they could get that in writing.

Mr. Bishop stated that he could get that.

President Yagelski called for a vote. The Motion carried 6-1 with Councilman Cunningham voting Nay.

La Porte County Recorder

Requesting an Additional Appropriation

Security Protection Fund (1160-20200-000-0291)

Payment to Fidar Technologies for Maintenance \$5,675.00

Requesting a Transfer from

Security Protection Fund (1160-60000-000-0291) to

Recorder's Perpetuation Fund (1189-41004-000-0324) \$20,700.00

A Motion was made to approve the transfer by Councilman Mrozinski and seconded by Councilwoman Sosinski. The Motion carries 7-0.

Councilman Cunningham asked that when he previously asked the Recorder how much was in the Redaction Fund and he said zero that he was technically correct because there was a different name for it.

Recorder Barbara Dean confirmed this.

Councilman Cunningham stated that since the previous Recorder did not know he had a redaction fund that he was paying bills out of the Perpetuation Fund and that Recorder Dean wants to transfer that money.

Recorder Dean also confirmed this.

Councilman Cunningham stated from the Council's standpoint the Perpetuation Fund and Redaction are almost one of the same and that the Recorder controls both of them, but the Recorder really did not need to ask permission to spend the money out of the Perpetuation Fund.

President Yagelski asked for a clarified Motion for both requests.

Councilwoman Sosinski made a Motion for both the \$5,675 for the payment out of the Security Protection Fund and also to include the transfer of \$20,700 from the Security Protection Fund into the Recorder's Perpetuation Fund to reimburse for the 4 years of payments that were made in error on that Fund. The Motion was seconded by Councilman Mrozinski. The Motion carries 7-0.

Swanson Center

Additional Appropriation (*approved/held from 3/25/13 Meeting*)

Riverboat Fund (1191-20200-143-0272) \$300,000.00

Attorney Biege said it passed last month, and it was set over to this month for publication notice requirements. No additional vote is needed. Councilman Mrozinski clarified that Councilman Bernacchi made the Motion to pay this in 3 increments of \$100,000 and not all at one time.

The Motion stands from the previous meeting.

Worthy Women's Recovery Home

Additional Appropriation (*approved/held from 3/25 Meeting*)

Riverboat Fund (1191-20200-144-0272)

\$25,000.00

Councilman Mrozinski made a Motion to retract the vote from the previous meeting approving and to reconsider. The Motion was seconded by Councilman Cunningham.

Councilwoman Sosinski asked if the Council should discuss the Ordinance that they were handed before they vote to retract because there might not be a need to retract if all of the conditions were met.

Attorney Biege stated the Motion was to reconsider and then if reconsidered there would be discussion on the Motion, then perhaps a Motion to rescind. He stated that what he placed in front of the Council was the proposed Ordinance which, at the time of the vote, they had no way of knowing what the restrictions might be. When a governmental entity donates monies, there are two factors. One is who it's going to and where it comes from. The Council voted to take it from Riverboat. Riverboat monies are restricted as to how they can be spent for a charity purpose. The additional language comes directly from the Indiana Code. No matter what the Council votes to do, when it chose to grant the \$25,000, by law they are restricted to what is contained within the Ordinance. It is not discretionary.

Councilwoman Sosinski asked if it would not be appropriate to discuss how everything that has to do with Worthy Women's Recovery pertains to the Ordinance before they even entertain retracting it.

Attorney Biege said first the Council needs to vote on whether to reconsider its vote from last time. He said that if the Council voted to reconsider then discussion would ensue as to whether a Motion to rescind would be brought in front of the Council.

President Yagelski called for Roll Call on the Motion to Reconsider.

The Motion carried 6-1 with Councilman Bernacchi voting Nay.

Councilman Mrozinski made a Motion to table the discussion until Council Members have a chance to look at the Ordinance that they were given. Councilman Cunningham seconded the Motion.

President Yagelski called for Roll Call on the Motion to table the discussion until next month.

Ayes: Councilmen Garner, Mrozinski, Yagelski, and Cunningham. Nays: Councilwoman Santana, Bernacchi and Councilwoman Sosinski. The Motion carries 4-3.

OLD BUSINESS.

Taking the Show on the Road - Council Meetings

Councilman Mrozinski said he had received invitations to hold the meeting at the Michigan City Council Chambers either of the next two months. He also had confirmation from the Parks Department that Red Mill Park is available and that it can also be arranged to have it in Rolling Prairie.

Councilwoman Sosinski stated that she believed that the Meeting should stay in the same place as they are limiting public access as far as the live feed. She said there was confusion in the past for the road

show because people know they meet there once a month and this is where they want to land. She said her qualms are security and department heads and elected officials staying at the end of the day and coming to the meeting. She questioned the convenience and overtime in moving them around. She stated that she had not spoken to anyone who was in favor of moving those around.

Councilman Garner stated that they were not received well in Wanatah the last time. He said there were few people in Rolling Prairie. They did well at Purdue. He said that there is a beautiful museum just outside of La Porte that should be considered if the Council wishes to consider alternate locations. He agrees, however, that they should stay where they are.

Councilman Santana stated that he agreed with Councilman Garner and Councilwoman Sosinski. He said that they would really have to advertise months in advance because people are used to coming to this location for meetings.

President Yagelski stated that they do advertise.

Councilman Santana suggested that they continue to hold the Meetings here and perhaps go to some other towns to hold a town hall meeting so people could attend and they could possibly answer some questions that way.

COUNTY COUNCIL/ATTORNEY COMMENTS.

Councilman Santana stated that he was glad they did the right thing as far as the Alcohol Board and he would like to thank all that applied for the position. Councilman Santana reiterated how much he and the rest of the Council rely on Attorney Biege for information.

He also thanked Mr. Mrozinski for attending the groundbreaking at Rolling Prairie and echoed Mr. Mrozinski's comments. He said that what was said to the media makes all the sense in the world to be prepared, proactive and not reactive, having the infrastructure in place. He also wanted Councilmen Mrozinski, Cunningham, and Garner to know that they were not included in some mailings from the Law Office of Paul Berkowitz and he called down there, so hopefully they got the information about some labor unions that are striking some of the businesses that are going up.

Councilman Cunningham apologized to Mitch Bishop, Planner for his vote and explained why he voted this way. He said it is his position with an unknown quantity of money with employees not having a raise since 2007, he will vote against all new appropriations. He said that he thinks it is a wonderful project but it seems to him that if the County Highway is going to benefit from the dump truck that the County Highway ought to come up with the funds. He feels the same about the generators. He believes that whoever is going to use the generators should pay for them. He said that he will be making a motion in August to reduce those accounts by the approximate dollar amount that they spend for the following year.

Lastly, he in regards to the investigation into funds missing from the Treasurer's office is still ongoing from an incident in December 2012. He hoped that by the next meeting that they can have some answers about that and also clarification on the millions of dollars of funds that were misplaced into the wrong account the last couple of weeks.

Councilman Santana thanked Sheriff Mollenhauer and Chief Sosinski for looking into a police situation that was brought to his attention by a constituent.

Councilman Santana also wanted to say to Sonshine and the Worthy Women's Recovery that he fully supports them and thinks they do a wonderful thing. In order to take on more endeavours and to support groups like the Worthy Women, Sonshine needs to understand that the Council needs to meet the needs and obligations of its citizens and employees of La Porte County. He stated that he is going to support the \$25,000. He questions Attorney Biege how careful they have to be as far as giving money when a Christian organization is involved, i.e., *Church versus State*.

Attorney Biege said that it depends on a couple of things. (1) Where is it going and for what purpose. Governmental entities can provide funds to faith-based organizations under certain programs such as rehabilitation programs, but they need to be defined to an extent. There's not an all-out exclusion if an organization is faith-oriented in some way, but it does depend on what program and for what purpose; and (2) It also depends on from where the funds came. There's a restriction on where the funds can come from and what program. Once the funds are there, like Riverboat for example, but not from General Fund, we can't give money away from General Fund, there are certain programs we can give to if those are programs that would otherwise be a cost to the County. If it's an existing or structured program where we think there would be future savings, so the decision is not based on faith or religion, but rather upon some governmental functions that already exist or may exist.

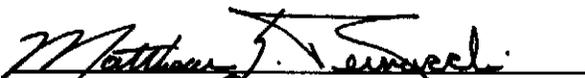
Councilman Santana asked if Sonshine would be asked to sign something stating that she adheres to all of the terms in what Attorney Biege gave the Council.

Attorney Beige said that he quoted Indiana Statute directly and that it is as specific as the statute gets. If the Council chooses to become more specific, it can, but that restriction cited comes directly from the Riverboat Funds. If any money comes from Riverboat Funds for this purpose, those are the restrictions.

President Yagelski asks that Attorney Biege meet with Councilman Santana to review the Statute.

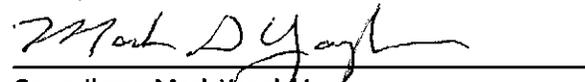
A Motion was made by Councilman Bernacchi and seconded by Councilman Garner to adjourn. Motion carries 7-0.

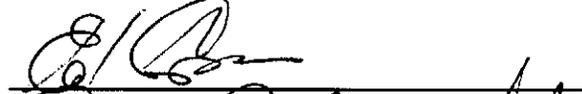
EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL, dated this 20 day of May, 2013.


Councilman Matt Bernacchi


Councilman Jerry Garner

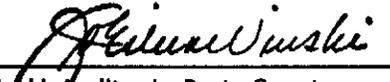

Councilman Jeff Santana


Councilman Mark Yagelski


Councilman Earl Cunningham


Councilman Rich Mrozinski


Councilwoman Lois Sosinski

ATTEST: 
Joie Wirski, Auditor La Porte County