



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

**MINUTES
LA PORTE COUNTY COUNCIL REGULAR MEETING
FEBRUARY 24, 2014 6:30 PM**

(Please Turn Off All Cell Phones)

The Meeting was called to order by President Yagelski at 6:44 p.m., who began with the Pledge of Allegiance. Auditor Winski proceeded with the Roll Call. Council Members present included: Councilmen Rich Mrozinski, Mark Yagelski, Earl Cunningham, Jeff Santana and Councilwoman Sosinski. Councilman Terry Garner was on an excused absence and Councilman Matt Bernacchi joined the Meeting late. A quorum was present for the Meeting to proceed.

FEBRUARY 24, 2014 AGENDA

A Motion was made by Councilman Santana and seconded by Councilman Cunningham to approve the Agenda as presented. The Motion carries 5-0.

APPROVAL OF THE JANUARY 29, 2014 MEETING MINUTES

A Motion was made by Councilman Santana and seconded by Councilman Mrozinski and Councilwoman Sosinski to approve the January 29, 2014 Meeting Minutes as presented. Motion carries 5-0.

(Councilman Bernacchi joins the Meeting)

PUBLIC COMMENT

Councilman Yagelski asks if there is any public comment. Hearing or seeing none, Public Comment was closed.

DEPARTMENT HEAD REPORTS

None.

LIAISON REPORTS

Councilman Santana will be meeting with the Drainage Board and EMS within the next month. He will also be touching base with Maintenance Director Jerry Cooley to prioritize the County's needs.

OLD BUSINESS

Short-Term Loan

President Yagelski questions Attorney Biege in regards to the Short-Term Loan Transfer. For parliamentary reasons, he would like to delete the loan for 2013 and then reinstate it for 2014, as has been done every year. That was part of the State Board of Accounts request.

Attorney Biege believes it was modified with a payback last year. Attorney Biege would like to take a look at that for the next Meeting. The loan is just being paid back and he believes that modifies how it is

handled at the beginning of each year. He will review the Ordinance and get back to the Council with an answer.

Sheriff Mollenhauer – School Resource Officers

Sheriff Mollenhauer thanked the Council for letting him speak about the Resource Officers.

Attorney Biege spoke with the Attorney that represents both school systems and the language has been drafted for an Agreement. There are some questions in regard to pension reimbursement which need to be clarified; otherwise the Council can proceed if they chose to do so.

A Motion was made by Councilman Cunningham contingent on the final approval by the Attorney that the two liaison officers for the La Porte School Corporation and South Central/Westville, which will share an officer. Basically all that is needed is permission to hire, nothing that will happen financially. The Motion is seconded by Councilwoman Sosinski.

Councilwoman Sosinski asks Attorney Biege to verify that as long as her husband was not one of those, there is not a conflict of interest voting on this item.

Attorney Biege agrees.

Councilman Mrozinski questions the dollar amount to advertise as it is dependent on what Officer the Sheriff will put into that position, the vehicle to be used, and the possible \$20,000 donation.

Attorney Biege does not believe it will have to be advertised, the benefit numbers still need to be finalized.

Sheriff Mollenhauer states the \$20,000 is a donation, Deputy Chief Sosinski just received the call tonight in regards to the vehicle donation. Deputy Chief Sosinski was verbally advised that the \$20,000 donation was received. He does not have the check yet, the additional amount for that car would be purchased through Commissary, as there should be enough in the Fund by then and the other vehicle would have to be purchased through the CCD Fund.

Councilman Mrozinski questions if all they are doing this evening is granting permission to hire two new officers at \$39,500.

Attorney Biege says that right now the only thing needing approval is the Agreement with the respective schools. Depending on the academy's start date with new officers, that would be through an appropriation through this year and with the budget and salary increase for next year.

Councilman Cunningham clarifies his Motion stating the School Officers will not start until approximately August or September. If the Council waits another month, the Sheriff will be another month behind trying to replace officers.

Sheriff Mollenhauer states that is the hope they will begin in August, it is all dependent on openings opening at the Academy. The Academy begins in the third week of March; the Officers have to go down for physical agility testing. Sheriff will verify openings with the Academy tomorrow. There are three officers on hold so a special meeting with the Merit Board will be called to hire two.

Councilman Santana questions that even taking the most seasoned officer, is there any additional training that he or she will need to be able to work at the school. If so, is money available in the training and education budget.

Sheriff Mollenhauer tells the Council that Deputy McCoy has just gone through some training for La Porte School Corporation, so there may be some additional training that will need to be covered by the school or his Department.

The Motion carries 6-0.

Sheriff Mollenhauer thanks the Council for putting the Resource Officers in the Schools.

NEW BUSINESS

None.

CORRESPONDENCE

None.

ORDINANCES AND RESOLUTIONS

Resolution 2014-2A and 2014-2B Kingsbury Elevator Logistics Project Declaratory Resolutions

Mr. Matt Reardon, Economic Development tells the Council he is here tonight to discuss the Declaratory Resolutions for Kingsbury Elevator, Inc. Logistics Project at KIP. They are looking to spend \$4.2 Million in both personal and real property and create an estimated 30 new jobs. There are representatives from the Lindborg Family here tonight along with their financial Mr. Paul Applegate, if the Council has any questions.

What Mr. Reardon is asking the Council to tonight would be to consider the Declaratory Resolutions. At the next Meeting he would request the Confirmatory Resolution be considered and the Public Hearing be set to determine tax abatement for real and personal property.

Peter and Paul Lindborg along with Paul Applegate, CPA appears before the Council to answer any questions.

Councilman Cunningham thanks the Lindborg Family for their commitment to La Porte County and brining new jobs.

Mr. Reardon would like the Declaratory Resolutions approved and then set the public hearing and approve the Confirming Resolutions at the next Meeting. Things are on a good streak here in La Porte County.

Attorney Biege has reviewed the Resolutions and they are in proper form.

A Motion was made by Councilman Bernacchi and seconded by Councilwoman Sosinski to read by title only. Motion carries 6-0.

Auditor Winski reads, by title only: *A 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 Kingsbury Elevator, Inc. Real Property.*

A Motion was made by Councilman Cunningham and seconded by Councilwoman Sosinski to read by title only. Motion carries 6-0.

Auditor Winski reads, by title only: *A 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 Kingsbury Elevator, Inc. Personal Property.*

A Motion was made by Councilman Santana, seconded by Councilwoman Sosinski. Motion carries 6-0 approving both Resolutions.

Councilman Cunningham questions of the \$4.2 Million how much is Personal Property.

Mr. Reardon has a full spreadsheet that he shares with the Council. It is approximately one-quarter of it. It is currently zoned agricultural at \$1,760 per acre. There should be a substantial increase in the assessed valuation which will mean a substantial increase property taxes paid, not only on real estate but on personal property as well.

Councilman Mrozinski asks Mr. Reardon if there is a tax abatement compliance report on the businesses that have been granted tax abatement by the County.

Mr. Reardon says there will be a report which he will work on that with the Auditor's Office and will try to get that to the Members by the next Meeting. Mr. Reardon is pleased to keep working with GLEDC and EDCMC. The 2013 Report speaks about how much was reinvested.

Councilman Mrozinski is glad to see collaboration with GLEDC and EDCMC.

Mr. Reardon states there is no reason to stop working with them and stays in communication with them often.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Sheriff's Department
Permission to Hire Two (2) Nursing Positions
One (1) Full Time and One (1) Part Time

Sheriff Mollenhauer was under the assumption that these positions have been part of the staff since he was elected in 2007. Permission was never needed before and a nurse was hired several years ago. He has spoken to Attorney Biege and understands they are not exempt in the Ordinance. He has also spoken to Councilman Mrozinski. The jailers are exempt and merit officers are also exempt. He does not understand why jail nurses would not be exempt as well because they are as critical as or more critical than any part of jail personnel. Sheriff presented a National Institute of Corrections analysis that has been concluded. The Sheriff was repeatedly advised by the jail inspector that there was an inadequacy for healthcare.

Sheriff Mollenhauer gave each member of the Council a copy of the analysis and reads a portion in part to Council Members: It part, it states that: inmates have a constitutional right to access to a qualified healthcare service while incarcerated. The La Porte County Jail medical program is dangerously understaffed. Four hours per week of on-site physician time is considerably below the national recommendations. It is recommended that four hours of physician time is per 100 inmates. The jail has approximately 400 inmates. At this rate the minimum standard would require this facility to provide a minimum of 15.2 hours of weekly on-site physician or nurse-practitioner services.

Sheriff Mollenhauer feels that a change to the current Ordinance may be needed if permission to hire is required. Sheriff Mollenhauer also told the Council that video visitation has helped with the needs for overtime issues.

President Yagelski states there have been some tradeoffs in the jail.

Councilwoman Sosinski states she saw the email come through and was surprised that Mr. Kellems had even requested that. When you look at the Ordinance it does not specify that nurses were not included. She thought those were part of emergency services because those are needed for intake of inmates. Councilwoman Sosinski did not respond to the email because she thought it would be cleared up with the HR Department.

Attorney Biege offers some perspective. The Statute itself reads 'emergency response personnel only with the Sheriff's Department or EMS.' Is a nurse defined as emergency response personnel, Attorney Biege feels it is subject to interpretation. He reminds the Council do not forget the next step is the Council has authorized the President, in working with HR, to make a decision as to replacement of an emergency person until the next Council Meeting. Attorney Biege wants to make sure that everyone is clear that the Statute does not preclude a replacement; it is just a matter of the timing of that replacement, and the next available Council Meeting. The stop-gap measure is the President's discretion as to whether than person is emergency response personnel or not.

Councilwoman Sosinski agrees that's where the confusion is, but she did not think there was confusion on whether a nurse is an emergency service personnel. That is why they are in the Jail and there have been nurses replaced in the past, and this has never been brought up to the Council. It has gone through HR and HR was going to weigh in on this, but currently there is no HR Director.

Attorney Friedman states that the Sheriff is not here to argue about what is covered, but his concern is from a liability standpoint. Attorney Friedman explained to the Sheriff and other Department Heads that the Council does have authority to impose a freeze on certain positions and they have varied from that in certain instances. Sheriff Mollenhauer is here to get the nursing position filled and the Council is well aware of the legal exposure we have by not having the position filled.

President Yagelski states that is why it came up on the Agenda tonight.

Councilman Mrozinski states in the emails the Council told the Sheriff to hire a part-time person. Has that been done?

Sheriff Mollenhauer says no part-time help has been hired. The Jail Commander has been interviewing and has not hired anyone yet. There was one RN that was interested, but they do not want to offer her a part-time position, they would like to hire her full-time.

Full-time nurses work two different shifts either Monday through Friday, 6 am to 2 pm or noon to 8:00 p.m. The part-time nurse was weekends only, 12-hours each day because they must be limited to 28 hours. The Sheriff would like to hire as soon as possible to get the staff back up before something happens.

Councilman Cunningham offers one alternative for discussion. Has there been consideration given to hire two part-time nurses for 24 hours as opposed to one full-time nurse.

Sheriff Mollenhauer states no. Full-time employees are working 40 hours plus some weeks.

Attorney Friedman states he cannot stress strongly enough to the Council how important this is, because of risk prevention. Prevent the liability and exposure to the County. These full-time nurses are needed and we have been fortunate so far. Reports in print are available for any plaintiff that wants to bring a claim in terms of inadequate medical service. We are working to prevent that kind of exposure.

Councilwoman Sosinski asks if those positions are in the Budget.

Councilman Cunningham wants to know if the report says that a full-time nurse gives better service than two part-time nurses. Two part-time nurses for 24 hours gives us 48 hours of service per week as opposed to one full-time given us 40 hours.

Sheriff Mollenhauer states it is very difficult to keep the nurses for \$17.50 per hour.

Councilman Cunningham states that most nurses he knows are working part-time somewhere. There is a shortage of nurses right now and they are working over 40 hours. We are approximately two blocks away from La Porte Hospital; he would think there is some nurses there that would be happy to work some part-time work.

Councilwoman Sosinski asks if the nurses have to be Registered Nurses (RN).

Sheriff Mollenhauer says they would love to have a Registered Nurse but no. They are LPNs, some are RNs. If we get the okay we will definitely try to get the RN hired right away.

Councilwoman Sosinski says based on the liability that she feels we would be exposed to and she feels the Sheriff is working on bare bones when it comes to nursing staff, makes a Motion to replace the nursing positions that were lost, one full-time and one part time.

The Motion is seconded by Councilman Santana and is enlightened by the information provided, that the County must be pro-active and not re-active. These positions are already in the Budget.

Councilman Cunningham questions the Sheriff what happens when the weekend nurse does not show up. Are there substitute nurses available to contact.

Sheriff Mollenhauer states they use a jailer for some medical needs and that is not good practice. There are no substitute nurses.

Councilman Cunningham goes on to state the report that Sheriff Mollenhauer just read the exact words were that they were slow getting the report back to you because they were under some funding restrictions. The County is also under funding restrictions.

Sheriff Mollenhauer states there was some type of freeze on government funding. It is not easy to find qualified nurses to work for this amount of money. If the public knows of nurses, please apply at the HR Office.

Roll call is made by Auditor Winski: Nays: Councilmen Cunningham and Mrozinski. Ayes: Councilwoman Sosinski, Councilmen Santana, Yagelski and Bernacchi. Motion carries 4-2.

La Porte County Sheriff's Department

Requesting Permission to Spend

Misdemeanant (1175)	\$1,122.22 &
for Inmate Safekeeping	\$1,581.31

This is for inmate safekeeping that was being held in Indianapolis and is back in La Porte County Jail custody. That should be the last invoice. Motion made by Councilman Bernacchi and seconded by Councilwoman Sosinski to approve. Motion carries 6-0.

La Porte County EMS

Requesting an Additional Appropriation

Riverboat (1191) or CCD (1138)	
for EMS Base	\$463,000.00

President Yagelski states that everyone saw the presentation and attended the workshop.

EMS Director Pat Pease states two more very rough estimates were received, no RFPs have gone out, and the numbers are all over the place. The initial appropriation request was for \$463,000. Since Mr. Yacullo is soliciting the estimates and after speaking with him, Ms. Pease was going to ask for \$275,000 the Medicare/Medicaid reimbursement if the Council could set that aside to be added for construction costs so that we can go out for the RFP. Included in all of these monies is the \$480,000 from the Hospital and hopefully the Council will appropriate \$250,000 to \$275,000 on top of that which would include house, demolition, the purchase agreement for the house is contingent upon financing tonight and it goes through today's date.

Councilman Santana makes a Motion to advertise for bids, which is seconded by Councilwoman Sosinski.

Councilman Bernacchi wants to clarify that this is just for putting out for bid or an actual appropriation?

President Yagelski states it will be for an amount not to exceed \$463,000 and this amount will catch anything that may have been missed.

The Motion carries 6-0 and is to be paid out of the CCD Fund.

La Porte County Highway Engineer

Requesting an Additional Appropriation
Riverboat (1191) or CCD (1138)
for Inter-Urban Bus Service

\$22,806.00

Commissioner Kora approaches the Council and thanks them for allowing them to come before the Council in regards to Inter-Urban bus service. Mr. Yacullo and Chancellor Dworkin also appear in front of the Council. Over the past several months, many individuals have been working on this and participating in discussions, including Mr. Rob Strader from Michigan City, Mr. Tom McLennan from La Porte and Mr. Steve Turner who is working with Chancellor Dworkin. All parties are pooling their resources together and leveraging federal dollars with a reasonable cost for all participants. Once revenue is generated from the fares next year, we may not need any money from the County.

Mr. Yacullo echoes Dr. Kora's sentiments. This is basically five percent of the cost since CMAQ, 80% Federal and 20% Local and splitting this among four local entities: La Porte County, La Porte City, Michigan City and Purdue North Central. The hope is to generate future local match monies.

Chancellor Dworkin speaks about cooperative efforts in the past with Alliance; this is really a great example of cooperative effort among four different parties. At PNC one of the problems for some students is not having the ability of not being able to get to the campus, and this bus service will be a big help for students. Chancellor Dworkin will be happy to answer any questions.

Councilman Cunningham makes a Motion to approve from CCD, which is seconded by Councilman Mrozinski. The Motion carries 6-0.

La Porte County Highway

Requesting an Additional Appropriation
Riverboat (1191), WinTax (4220) or CCD (1138)
for Calcium Chloride, Rental Equipment, Overtime

\$400,000.00

This is held from the January 29, 2014 Meeting due to emergency situations from the harsh weather. Motion made by Councilman Mrozinski from Riverboat and seconded by Councilwoman Sosinski and Councilman Bernacchi. Motion carries 6-0.

La Porte County Sheriff

Requesting an Additional Appropriation
CCD (1138)
for Emergency Request for Vehicle Replacement

\$25,500.00

A Motion is made by Councilman Santana and seconded by Councilwoman Sosinski.

Councilman Mrozinski wants clarification that this is the vehicle that was approved last month and the vehicle was bought. There is over \$31,000 in the Misdemeanant Fund and this vehicle could be bought from that Fund.

Sheriff Mollenhauer questions how much money is in the CCD Fund.

Councilman Santana wants clarification. The monies were taken from Misdemeanant Fund to pay back to the CCD Fund. There was discussion in regards to not paying it back and let it just come out of Misdemeanant Fund.

Auditor Winski states that vehicles are normally bought from the CCD Fund.

Councilman Cunningham says that approximately two years ago a vehicle was purchased out of the Commissary Fund.

Chief Deputy Sosinski says the purchase of the Misdemeanant Fund is inappropriate. Funds cannot be used for that vehicle. That is why the monies need to be taken out of CCD Fund and put back into the Misdemeanant Fund.

Councilman Cunningham states that two years ago the Sheriff bought a car out of the Misdemeanant Fund.

Chief Deputy Sosinski states that is correct and that error was corrected.

Councilman Cunningham states that was not error it was only because Council approval was not obtained. If the Council had approved it, it would have been a legitimate use according to the State Board of Accounts.

Chief Deputy Sosinski states that Misdemeanant Fund can only be used for jail items. So the Misdemeanant Fund had to be reimbursed since we inappropriately took the money from the Misdemeanant Fund and reimbursed back with the Commissary Fund.

Councilman Santana states it was done on a fast-paced basis was because it was an emergency and the situation they were going to hold the vehicle until the day after the meeting.

Councilman Cunningham would like planning done in regards to purchase of vehicles. President Yagelski asked for a breakdown of the cars that are going to be traded in. It seems the like two best cars that were going to be traded in and use those for your school liaison officers since they are not going to be driving many miles and we can avoid buying two cars, or at least one of those cars, in the event the donation comes through.

Take the very best trade-in and give it to the Resource Officer who will not be driving a lot of miles, we could avoid buying two cars, or at least one. Councilman Bernacchi bought a car that the Sheriff's Department traded in a few years ago and is still driving that car.

Chief Deputy Sosinski states he did not buy a marked police car.

Councilman Bernacchi states he purchased John McDaniel's old car.

Chief Deputy Sosinski states that was not John McDaniel's old car.

Councilman Bernacchi states yes it was and Chief Deputy Sosinski states it was not it was Dave Spence's car.

Chief Deputy Sosinski states that four marked vehicles will be traded in and the bids are in already. The bid package had the trade in which was already advertised.

President Yagelski reminds the Sheriff and Chief Deputy Sosinski that we don't have to trade the cars in. We are looking for the best cars and we may take them out.

Chief Deputy Sosinski states that yes we do once they are put in the bid.

President Yagelski said we mentioned this last year and we may take them out. It's up to the Council.

Chief Deputy Sosinski says no it is up to the Commissioners.

President Yagelski says that the Sheriff's Department will see, there will be no money to spend on the cars. However they want to do it.

Auditor Winski takes the roll call: Nays: Councilmen Mrozinski, Bernacchi and Cunningham. Ayes: Councilwoman Sosinski and Councilmen Santana and Yagelski. Motion fails 3-3.

Motion made by Councilman Cunningham and seconded by Councilman Mrozinski to spend out of the Misdemeanant Fund. Motion carries 5-1.

Councilwoman Sosinski states if the Statute says that is not to be done, that is why she voted no. Whether it is something we can get away with or not or test the State Board of Accounts is against her morals and principles. She just wanted to clarify.

Attorney Biege will review the Statute and do some research in validating the Council's decision. There may be a way to validate this decision and keep the State Board of Account's happy.

La Porte County Auditor

Requesting an Additional Appropriation

Riverboat (1191) or Win-Tax (4220)

For Part-Time Help with 2013-2014 Tax Bills

\$15,000.00

A Motion made is made by Councilman Mrozinski and seconded by Councilwoman Sosinski. Motion carries 6-0 to pay out of Riverboat.

COUNTY COUNCIL/ATTORNEY COMMENTS

Mr. John Jones contacted President Yagelski he will have a list of all County vehicles available to the Council by next Meeting. He will try and have it to Members before the Meeting.

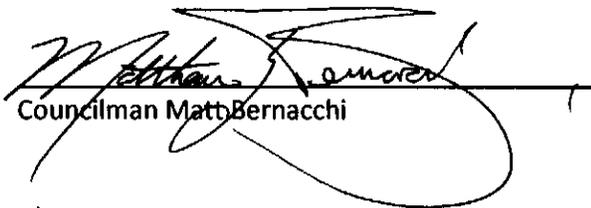
The Commissioners asked if President Yagelski could appoint someone to the Council on Aging. President Yagelski asked Councilman Cunningham to be appointed to that Board and he agreed. He will not be able to attend the next meeting, so Councilman Santana will attend in his place.

Councilman Santana wanted to remind the Sheriff and Deputy as Councilman Bernacchi had asked a few Meetings ago to keep a couple vehicles in the pool in the event of accidents and/or breakdowns.

ADJOURNMENT

A Motion was made to adjourn by Councilman Mrozinski and seconded by Councilman Santana and Councilwoman Sosinski. The Motion passed 6-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL, dated this 24th day of March, 2014.



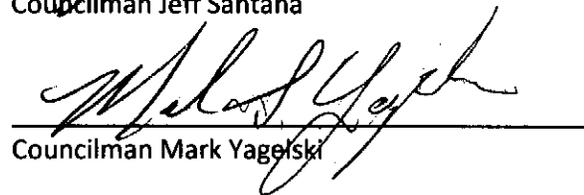
Councilman Matt Bernacchi

Absent

Councilman Terry Garner



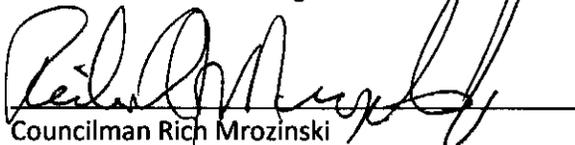
Councilman Jeff Santana



Councilman Mark Yagelski



Councilman Earl Cunningham



Councilman Rich Mrozinski



Councilwoman Lois Sosinski

ATTEST: Joie Winski

Joie Winski, Auditor La Porte County