



*LaPorte County Auditor
Joie Winski
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**MINUTES
LA PORTE COUNTY COUNCIL MEETING
JUNE 23, 2014 6:30 PM**

The Regular Meeting of the La Porte County Council was held on Tuesday, June 23, 2014, 6:30 p.m. (local time) in the Assembly Room of the La Porte County Government Complex, 809 State St., La Porte, IN 46350.

CALL TO ORDER

The meeting was called to Order by La Porte County Council President Mark Yagelski at 6:30 p.m.

PLEDGE OF ALLEGIANCE

President Yagelski asked everyone to stand for the Pledge of Allegiance.

Mr. Yagelski asked that everyone except emergency personnel turn off their cell phones at this time.

ROLL CALL

Auditor Winski called the roll. All Councilmembers were present.

BERNACCHI, SANTANA, CUNNINGHAM, SOSINSKI, GARNER, YAGELSKI, MROZINSKI

APPROVAL OF THE JUNE 23, 2014 AGENDA

Mr. Mrozinski made a motion to accept the agenda as printed. The motion was supported by Mr. Cunningham and passed 7-0.

APPROVAL OF MEETING MINUTES

May 27, 2014 Regular Meeting

A motion was made by Mr. Mrozinski and supported by Mr. Santana to accept the minute as printed. The motion passed 7-0.

PUBLIC COMMENT

Mike Bohacek, 220 Pokagon, Michiana Shores, IN came to the podium and stated that he was approached by a taxpayer last week in regards to some unpaid property tax liability by a member of County Government and so he did some research and unfortunately, the taxpayer was correct. In this time of horrible financial crisis, when the County is in the hole nearly \$6 million dollars, and the Cities and schools are struggling, yet we have a member of county government that doesn't think he has to pay his taxes. He presented the Council with a copy of Commissioner Willie Milsap's tax bill which showed unpaid taxes. He cited an Indiana Code that if elected officials have not paid their taxes, the County can garnish wages to pay them. He asked the Council for immediate garnishment of his wages since Friday (June 27th) is a pay day, unless Mr. Milsap pays before. He stated that he considers this an embarrassment to the County. He pays his taxes and expects the same from our elected officials. He asked that the Council also address this with a "Good Governance" ordinance that will prevent situations like this from happening again – that if an elected official is 14 days past due that these statutes are enacted and that garnishment take place.

Jeff Hamilton and Randy Novak representing the La Porte County Fire Chiefs, informed the Council that they would be in front of the Council next month asking for \$29,131 to fulfill the radio grant that they've been working on for four years. The Council actually gave us \$120,000 previously but they ran a little short so they'll be coming back to ask for additional help. He answered questions from the council and stated that licensing costs were \$10,800 and they've had to "re-do" everything a second time. Mr. Novak said the the infrastructure that they're installing will also be available and helpful to all of the other safety departments in the county. All of the other fire departments are also chipping in to cover the cost. Mr. Yagelski asked that the gentlemen leave their contact numbers in case the council has further questions.

DEPARTMENT HEAD REPORTS

George Watkins, La Porte County Veteran's Service Officer, reminded the Council of the Veterans Service medal presentation is July 5th, at the County Complex Meeting Room at 10 a.m. He asked that any La Porte County veteran who has not received their medal to please contact his office. This is the 10th year for the presentation (since 2004).

Jerry Cooley, head of maintenance, thanked the Council for help with the part time to full time worker that the council approved for him last month. He answered the Council's question from last month concerning why a full time maintenance person is doing the job with janitor's pay. He does have the additional money in his budget to make him full time maintenance and asked the Council if they would like to do so. He spoke to the employee's qualifications. He presently has 3 employees on FMLA.

LIAISON REPORTS

Councilman Garner reminded all that the La Porte County Fair begins on Sunday, July 6th and ends on July 12th.

Councilman Santana: He spoke with the Surveyor concerning Welnetz Road and the ongoing situation not only with water problems but with mosquito problem and the deterioration of the road. Tony is working with Mr. Young about this situation and Mr. Young is working with Reith Reilly to fix the road.

Concerning CR 400 N and 900 W – Mr. Santana was again contacted by a taxpayer who is still having problems there. Mr. Hendricks will look at the situation there.

Mr. Santana met with Mr. Cooley who spoke about several items including the sign on the Courthouse lawn which should be completed by July and ADA compliancy in the buildings.

EMS & EMA – congratulations to Andrew McGuire and Larry Butcher on their appointments and also thanked Donna McClay who is retiring and also to Amy Bluhm for stepping up in the interim at EMA.

Councilman Cunningham had nothing at this time.

Councilwoman Sosinski asked Clerk of the Circuit Court, Lynn Spevak, to speak about the County's Redistricting. Ms. Spevak approached and told the Council that the first meeting went well. They are trying to make all the precincts match in Michigan City and La Porte Cities. She anticipates 4 meetings. It must be approved by August. Councilman Santana asked about Polling Places but she stated she does not have the support at this time.

Mrs. Sosinski also commented on the HR Job Evaluation Committee that attempted to meet on June 19th but the meeting was cancelled because there was an extra person at the meeting. There was some concern that this meeting qualified under the Open Door Law but she checked with the Council's attorney, Mr. Biege, and there is an ordinance that specifies that the committee reports its findings to the HR director so as a result it does not fall under the Open Door Law. A discussion took place and Mrs. Sosinski said that the committee will meet again. She said the Judge is here today and he did attend the meeting. The Recorder will meet in the near future with the committee.

Councilman Bernacchi commented that the Assessor's Office has had the Ratio Study approved and from here on out the tax bills and assessments should be on time. The County will have a Tax Sale next year and the appeals are being settled and we are moving right along. Hopefully we'll see black one day!

Councilman Mrozinski as a member of the GLEDC Board attended the ground breaking for Alcoa-Howmet. This will add approximately 329 jobs. The ground breaking was attended by several government officials including representatives from the LEDC and Governor Pence and many other high ranking officials.

He thanked the Council for passing the Resolution last month advocating the study of new and alternative treatments for Indiana Veterans. It was presented to the legislators. Several other governmental bodies have passed similar resolutions. The Resolution was also sent to the Commissioner's but their reply was that this is a Council Resolution and needs to stand on its own.

He also attended an advisory meeting at the County Home but learned that the Commissioner's did have a meeting on the County Home but it was a private meeting.

President Yagelski commented that he has received several calls from seniors about the Solid Waste not accepting plastic bags any longer. Mr. Biege responded central location that sorts the recyclables is refusing these items. A discussion took place on the subject between Mr. Bernacchi, Mr. Yagelski and Mr. Biege.

NEW BUSINESS

Councilman Cunningham: "Mr. President, in light of Mr. Bohacek's revelations, I would make a motion that we direct our attorney, Mr. Biege, to investigate the allegation and report back at our July meeting as to the factual findings and as to the remedies and it would seem to me that if there is state statute to take wages that we should have a way of double checking all county employees. It shouldn't be that difficult to see who owes taxes."

Mr. Yagelski told him that he didn't need to have a motion, the council just needs to direct the attorney to do this for next the meeting.

Mr. Biege will have the information ready for the next meeting.

OLD BUSINESS

MR. MROZINSKI asked Mr. Reardon, who was in the audience, how the report on Tax Abatement was coming along. Mr. Reardon approached the podium and told the Council that he was working on the report. He is also contacting each business for information.

Mr. Yagelski asked Mr. Reardon for a report on Helena Chemicals. Mr. Reardon responded that it's a new private sector transaction between the owner and developer. They are purveyors of fertilizer to the farm industry. They have broken ground and no incentives were granted. The EDC is working on the rusty rails at present. A discussion took place on the KIP & LLPK.

CORRESPONDENCE

Letter from Attorney Doug Biege regarding TIF Increment Financing Fund.

ORDINANCES AND RESOLUTIONS

An Ordinance Authorizing Excess Funds From the Pre-Trial Diversion Account to the Pre-Trial Diversion Program Excess Fund (Ordinance No. 2014-6)

(See Attached)

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Superior Court No. 4 – Honorable Judge Boklund

Requesting Position Change
from COMOT V to PAT IV
(no additional monies needed)

Judge Boklund came to the podium to explain that he had come before the Council last month to ask for this position change, but because he was told at that time that he had to go before the evaluation committee, he is back again this month. He would like to use the \$4,810 in part time funds that can be used to hire a paralegal, the change he is requesting. He handed out a chart to the Council (attached). A discussion took place.

Mrs. Sosinski stated the position has already been established in the county and there is no additional money needed for the position.

A motion was made by Councilman Mrozinski to grant the Judge's request and the motion was seconded by Councilwoman Sosinski. Motion passed 7 – 0. Mr. Biege then stated that if the request were to be granted as a position in the current year, the motion needs to be amended to state that it is an emergency that the position be filled immediately. Mr. Mrozinski amended his motion to state that this was an emergency hire and Mrs. Sosinski supported the change. Motion passed 7 – 0.

La Porte County Prosecuting Attorney
Requesting Permission to Spend Deferral Funds
for Guardian Riders to WWII Memorial in Washington DC

\$3,700.00

A motion was made by Councilman Mrozinski and seconded by Councilman Santana to grant permission to spend.
Motion passed 7 – 0.

Permission to Transfer Pretrial Diversion Funds
2500-20200-000-0327 to 2501-20200-000-0343
2500-20200-000-0327 to 8137-20200-000-0508

\$1,227.00
\$8,118.00

An Ordinance to approve the change was read by title only:

Ordinance No. 2014-6
An Ordinance Authorizing Excess Funds from the Pretrial Diversion Account to the Pretrial Diversion Program
Excess Fund

A motion to approve was made by Councilman Mrozinski and supported by Councilman Bernacchi. Motion passed
7 – 0.

Permission to Elevate Part-Time
Deputy Prosecuting Attorney to Full-Time Position

Prosecutor Szilagyi stated that he has 2 deputies leaving at the end of July and would like to fill those positions. No
additional funding is necessary for the change.

A motion to approve was made by Councilman Mrozinski and supported by Councilman Bernacchi. The change was
declared an emergency. Motion passed 7 – 0.

President Yagelski said that he would like to the Council to remove the part time position in the 2015 budget due
to this change. The motion was then amended to state the removal of the part time position this year. Councilman
Mrozinski restated his motion to approve with the position removed for this year. Councilman Bernacchi seconded
the motion and the motion again passed 7 – 0.

La Porte County Emergency Management
Requesting an Additional Appropriation
Riverboat (1191) or Win Tax (4220)
for New Siren at Fish Lake

\$21,647.00

Amy Bluhm and Larry Butcher approached the Council and told the members that this amount also included the
pole and upgrades of 5 additional sirens not in the Fish Lake area. The current siren is a rental in Fish Lake but is
working.

Motion to approve from Riverboat made by Councilman Bernacchi and seconded by Councilman Santana. Motion
passed 7 – 0.

Mr. Butcher introduced himself to the Council as the new EMA director.

La Porte County Highway Department Engineer
Requesting an Additional Appropriation
Major Bridge (1171)
for Franklin Street Lift Bridge

\$1,250,000.00

Mr. Yacullo came forth to explain the request for the repair of the Franklin Street bridge.

Mr. Yagelski said that he also met with Lochner who has some good ideas to improve the longevity of the bridge. He also stated that next year he hopes the Council will support paying the Bridge Tenders out of the Major Bridge Fund, a fund that can only be used on the Franklin Street bridge.

A motion to approve the request was made by Councilman Mrozinski and supported by Councilwoman Sosinski. The motion passed 6 – 1 with Councilman Berracchi dissenting.

Requesting an Additional Appropriation
for Structure #2113
Cumulative Bridge (1135)

\$500,000.00

Mr. Yacullo made the request. A discussion took place.

Mr. Yagelski asked that the Council not grant this request at this time. He feels it does not have to be done at this time. He warned that salaries are being taken out of this fund and the funds are going down. He suggested that the fund would be dried up by next year and need to be watched carefully over the next year.

Mr. Cunningham read a letter from former County Engineer Jeff Wright who is willing to be a consultant on this bridge. Mr. Cunningham stated he could not support this.

A motion to table was made by Councilman Mrozinski and supported by Councilman Santana. The motion to table passed 7 – 0. Motion was tabled.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Yagelski asked Councilman Mrozinski to comment on his VFW Post. Mr. Mrozinski stated his Post was honored downstate for being in existence for 55 years and was named an "All State" Post and Mr. Mrozinski was named an "All State" Commander.

Councilman Cunningham said that while on vacation he read in the Michigan City News Dispatch a headline that stated additional funding was needed to finish the EMS base and 4 additional employees will be needed. He considers this an insult to the Council to read this in the newspaper. These things need to come before the Council.

A discussion on email accounts took place.

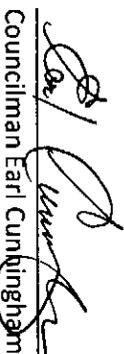
Councilman Yagelski stated that the Recorder needs to come in front of the Council as well as the Commissioner's. Councilman Mrozinski asked that the Attorney and Auditor research what offices need to come before the Council for permission to spend their funds.

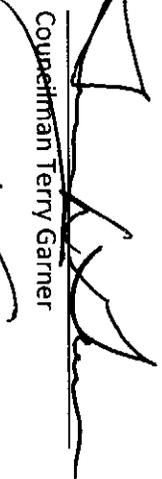
ADJOURNMENT

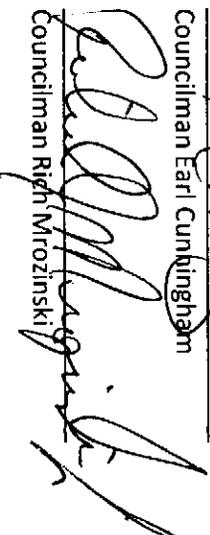
A motion to adjourn was made by Councilman Mrozinski at 7:39 p.m. and supported by Councilman Bernacchi. Motion passed 7 – 0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 28th day of July, 2014.

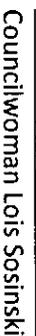

Councilman Magd Bernacchi


Councilman Earl Cunningham


Councilman Terry Garner


Councilman Rich Mrozinski


Councilman Jeff Santana


Councilwoman Lois Sosinski


Councilman Mark Yagelski

ATTEST: 
Joie Winski, La Porte County Auditor