

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

MINUTES
LAPORTE COUNTY COUNCIL REGULAR MEETING
AUGUST 25, 2014 @ 6:30 P.M.

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on August 25, 2014 at 6:30 p.m. (CDT) in the Assembly Room #3 of the La Porte County Government Complex located at 809 State Street, La Porte, Indiana, 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-Mrs. Sosinski led the Pledge of Allegiance. Mr. Yagelski asked that everyone except emergency personnel please turn off their cell phone at this time.

ROLL CALL

Auditor Joie Winski called the roll. Council Members present were Mr. Bernacchi, Mr. Santana, Mr. Cunningham, Mr. Garner, Mr. Yagelski, Mrs. Sosinski, and Mr. Mrozinski.

APPROVAL OF THE AUGUST 25, 2014 AGENDA

Mr. Mrozinski made a motion to accept the agenda as printed. Mr. Cunningham requested PTABOA Board be taken off the table. Mr. Bernacchi requested that *Ameresco* be placed on the agenda for discussion. Mr. Santana motioned to accept amended agenda. Mr. Yagelski seconded the motion. Motion passed 7-0.

APPROVAL OF MEETING MINUTES

July 28, 2014 Regular Meeting

Mr. Santana suggested corrections to Budget Hearing Minutes. Minutes should reflect that Councilman Bernacchi had to leave at approximately 10:30 a.m. on Monday; also be noted that Mr. Santana was absent for the morning portion of Monday's Budget Hearings but was present for the afternoon portion. Mr. Santana motioned approval of August 4th & 5th Budget Hearing Minutes-with the aforementioned corrections. Mr. Garner seconded the motion. Motion carried 6-1. Due to being absent, Mrs. Sosinski

stated she would abstain from voting to approve both Monday, July 28th Minutes and Tuesday, August 5th Minutes (Budget Hearings). Note: Mrs. Sosinski stated her approval of Minutes from Monday, August 4th Budget Hearings.

President Yagelski briefly discussed PTABOA Board—it was brought to his attention by Councilman Bernacchi that a vote was needed to halt all of their meetings until a resolution to the issue of eligibility of their membership was reached. This agenda item was tabled at last month’s regular meeting; President Yagelski requested that the item be removed from tonight’s agenda. Mr. Cunningham motioned to move it off the table, seconded by Mr. Garner. Motion carried 7-0.

PUBLIC COMMENT

Coral Laun, Vice Chair of La Porte County Republican Party briefly spoke of a letter and the eligibility of Mr. Purze to fill a seat on the PTABOA Board. Further conversation regarding how one’s eligibility is determined took place between Mrs. Laun and Councilman Santana.

Ken Purze mentioned (2) issues facing PTABOA Board-party affiliation and the oath taken by its members, “Statute 6.1-128”- each member must uphold the Constitution of the State of Indiana. He further mentioned Article 2, Section 9-dual office-holding is not acceptable. He further discussed violation of the state constitution—Mr. Purze disagrees with comments by Attorney Friedman and Commissioner Kora-the PTABOA Board is in violation of Article 2, Section 9. Mr. Purze urges these issues be resolved.

Mrs. Sosinski raised concerns regarding dual office-holding with Council Attorney Biege. Mr. Biege stated he would need to look up and research more specifics on statutes. She also stated taking issue with a letter issued by Mr. Michael Gonder (La Porte County Republican Party)-she is concerned that based on tonight’s decisions with PTABOA we could be jeopardizing La Porte County for lawsuits that may be pending, if this board does not become balanced and continue to hold meetings. Mr. Cunningham further elaborated on eligible members for the PTABOA Board.

Mr. Garner recited (2) letters received from Michael Gonder (Republican Chairman). One letter was addressed to the Board of Commissioners on August 5th. A second letter was also read by Mr. Garner. (See Attachment “A” for the letter).

Mr. Bernacchi stated that at least (1) member of the PTABOA Board shall have a Level 2/Level3 Assessor in order to hold meetings.

Mrs. Sosinski questioned the levels of certification that the present members of PTABOA Board hold. Mr. Ken Purze holds a Level 3 certification; Mr. Bernacchi holds a Level 2 certification. Both appointments from the County Council have the necessary training. Mr. Bernacchi further discussed the other (3) appointees and their training.

Mr. Yagelski stated a resolution must be made in order to continue holding PTABOA Board Meetings. “What is the pleasure of the Council?” Mr. Mrozinski motioned that the Council confirm their decision, until the Commissioners will finally commit to obeying the law. Mr. Garner supported the motion. Mrs. Sosinski directed a question towards Mr. Biege whether the Board declares a party imbalance. His perception is that any problems or issues with composition of the PTABOA Board would be in the context of a challenge from a taxpayer displeased with a decision. Mr. Cunningham further mentioned

the securing of an attorney to represent PTABOA Board (Ms. Amber Lapaich). Mrs. Sosinski raised concern on whether or not the PTABOA Board can actually meet to continue their meetings. Mr. Cunningham questioned Attorney Biege as to whether the letters read by Mr. Garner were considered a challenge or not?? Mr. Biege stated that it was a matter of interpretation. Mr. Cunningham stressed that the matter with PTABOA is about principle and what the law says—balance the board. Mr. Biege briefly mentioned the PTABOA Board being involved in litigation several years back. Roll call (based on Mr. Mrozinski’s motion regarding Council to confirm their decision): Ayes: Messrs. Cunningham, Garner, Mrozinski, Santana, Mrs. Sosinski, Mr. Yagelski (Nay), Mr. Bernacchi (abstains). Motion carried 5-1. Further discussions regarding disruption of PTABOA Board and the implications.

Dennis Metheny, 6757 West 450 North (Michigan City) stated his disappointment of the quality of the roads in La Porte County.

Mike Bohacek, 220 Pokagon Trail (Michiana Shores) raised his concern over the litigation between Providence Rail & Halfwassen Group (re: Kingsbury Industrial Park Development). He stated his disappointment that a public workshop has yet been held with the parties involved. He stated that this infrastructure should be taken over by the County; thus to manage the project. A letter from *Providence Rail’s* counsel was read by Mr. Bohacek. President Yagelski and Councilman Mrozinski further commented on the issues with the project.

No additional public comment. Public comment was closed.

DEPARTMENT HEAD REPORTS

Mike Mollenhauer, La Porte County Sherriff requested permission to pay (2) bills from *Kaber Floral*. First invoice (in the amount of \$100.00) is for an arrangement sent for the late Assistant Fire Chief Jamie Middlebrook; second (in the amount of \$61.00) is for former jail deputy (James Wilson). Councilman Cunningham motioned to approve the request, supported by Councilman Santana. Motion carried 7-0.

Sherriff Mollenhauer also requested use of Misdemeanant Funds (in the amount of \$933.00) for additional work to the jail battery back-up system. An estimate of work was presented to the Council; estimate included material & labor, uploaded keystone surface mount box, approx. 400 feet of cable, etc. Mr. Garner motioned approval of request, supported by Mrs. Sosinski. Motion carried 7-0.

Sherriff Mollenhauer also discussed the officers/deputies involved in the K-9 search held recently at the South Central Schools—all went well!

Chris Dilts, Sherriff’s Department Financial Advisor—Mr. Dilts discussed a curative amendment: a requirement of the IRS (amendment pertains to the Sheriff’s Dept. pension plan). (See letter in packet from tonight’s meeting). Councilman Mrozinski motioned that the amendment be further discussed at September’s regular meeting, so that the Council has a chance to look over the amendment more at length; Councilman Cunningham supported this motion. Motion carried 7-0.

Mike Schultz, County Assessor stated that any appeal over 180 days has the right to go directly to the state. Once appeal has reached state level, assessor has authority to pull back on the appeal and reach a stipulation agreement with the taxpayer and settle at a local level.

Bob Young, Highway Superintendent presented a report on the CEDIT funds. To date- \$1,892,241.27 owed to a paving contractor "to finish about 10 miles of binder out with no surface on it." The total we will owe: \$2,612,116.27. County still has in CEDIT funds from first draw: \$839,760.26. Mr. Young stated needing an additional \$1,772,356.01 to finish the 10-miles. Approximately \$420,000.00 of CEDIT monies is received each month. Current balance of the CEDIT fund-\$2,855,940.93 (with an additional \$2.1 million expected by year-end). President Yagelski stated that CEDIT funds can be utilized for road restoration and economic development. With concern of another hard winter, Mr. Yagelski's concern was the retaining of some monies for items such as additional salt utilized on the roads. Councilwoman Sosinski requested clarification of Mr. Young's report. Mr. Young/Councilman Yagelski also talked about concerns with quality of roads as mentioned during Public Comment.

Darlene Hale, IT Director –presentation of a video of individual participating in the "ice bucket" challenge featuring President Yagelski.

Lynn Spevak, County Clerk/Secretary to Election Board spoke on behalf of Board requesting retaining of Attorney Biege for representation in a civil suit. President Yagelski requested "permission by the board to allow Mr. Biege to represent Mrs. Spevak in this matter"—Mr. Cunningham motioned approval of request, supported by Mr. Santana. Motion carried 7-0.

LIASON REPORTS

Councilman Santana reported on his anticipated attendance at the EMS meeting to be held September 4th (7:30 p.m.). New EMA Director Larry Butcher compiling a mock disaster to take place September 25th.

Councilman Mrozinski mentioned recent meeting held at County Home. Furthermore, Mr. Mrozinski commended Parks Department Director Tim Morgan and all the hard work involved following recent disaster at Luhr County Park.

NEW BUSINESS

Mr. Yagelski requested motion to take *Ameresco* off the table (for vote); Mr. Bernacchi motioned first approval, seconded by Mr. Mrozinski. Motion carried 7-0. Further discussions occurred regarding major repairs to the interior of the Courthouse. Mark Heirbrandt (representative from *Ameresco*) discussed RFP/2-year contract regarding repairs to Courthouse (estimated cost approximately \$6,934,029.00)-annual payment would end up being ~\$655,977.00. The Board of Commissioners has already approved the project-next step is for the Council to approve funds. Mr. Cunningham raised concern as to what percentage of the annual payment would come from energy savings. Mr. Mrozinski stated that the RFP had been advertised; this item was tabled at last month's meeting. Mr. Mrozinski further questioned Mr. Biege as to whether the project needed to be re-advertised. Mr. Biege stated project was advertised. Mr. Biege requested that a motion to execute any resolutions/ordinances come from the President. Mr. Mrozinski motioned approval of what Mr. Biege stated previous-to ensure that this project was properly advertised. Mr. Bernacchi supported the motion. Amended motion: Mr. Mrozinski added to his motion that funding of the *Ameresco* Project come from CEDIT funds, supported by Mr. Bernacchi. Motion carried 7-0.

A discussion occurred regarding the County's printers/scanners and the option to sign a lease agreement for services to such devices. A report was compiled re: County devices. Mr. Yagelski and Mr. Bernacchi further discussed the benefits of the lease option. Mr. Mrozinski motioned that the Council move forward

with finding a suitable lease program (whether it be this vendor or the other two that IT Director Darlene Hale has been contacted by), supported by Mr. Garner. Motion passed 7-0.

OLD BUSINESS

None.

CORRESPONDENCE

None.

ORDINANCES/RESOLUTIONS

Brief mention from Mr. Yagelski that Mr. Biege would draft a resolution re: *Ameresco* project (to be presented at next meeting).

APPROPRIATIONS, TRANSFERS, & REQUESTS

La Porte County Health Department

Request Permission to Fill (2) Full-Time Positions
For Public Health Nurse and COMOT II. (Already in budget).

Councilman Garner motioned approval of request, supported by (inaudible). Motion carried 7-0.

La Porte County Parks Department

Request for Additional Appropriation \$25,000.00

Mr. Mrozinski motioned approval that this appropriation be taken from from Riverboat funds, supported by Mr. Bernacchi. Motion carried 7-0.

Tim Morgan (Park Superintendent) commended the great efforts of many County Departments working together to make La Porte County Parks what they are today.

La Porte County Adult Probation

Request to Transfer Funds from Supplemental Adult
Probation (2102) to Problem Solving Court (2701) \$15,000.00

Mr. Bernacchi motioned first approval of request, supported by Mr. Mrozinski. Motion carried 7-0.

La Porte County EMA

Request to Transfer Funds for Office
Equipment (2 Printers/2 Scanners) \$1,205.00

Mr. Santana motioned approval of request, supported by Mrs. Sosinski. Roll call: Mr. Garner (Nay), Mr. Santana (Aye), Mr. Mrozinski (Nay), Mrs. Sosinski (Aye), Mr. Yagelski (Nay), Mr. Bernacchi (Nay), Mr. Cunningham (Nay). Motion failed 5-2.

La Porte County Highway Department
Request to Transfer Funds for Computers for
Highway Department

\$29,131.00

Computers in question under this request are 10+ years old. Councilman Mrozinski motioned approval of request. Councilman Bernacchi seconded the motion. Mr. Young stated this transfer would come from Purchase of Equipment Account. Further discussions occurred regarding what account the funds come from. Motion carried 7-0.

La Porte County Sherriff
Permission to Pay Out for Sick Days

Mr. Garner motioned approval of request, supported by Mr. Santana. Motion carried 7-0.

Sherriff Mollenhauer: "There is an adjustment on the second item for the additional appropriation of (inaudible), or I don't know if you want to say it's additional, it's appropriation for the two deputies that were that I received Council approval to hire back in February to replace the positions of the two officers who would go into our schools—one at La Porte, one at the school at South Central. Um, that isn't that the money wasn't appropriated and what the adjustment is is when Connie figured this up, she figured up the year—I caught it, I asked her to refigure, uh they were hired by our department; they were jailers—both of 'em. They were assumed the position of patrolmen on March 15th. That's when their patrol wages started. So the first six payments of the year weren't made to them. We didn't have them...we had them as jailers but not as patrolmen. So the adjusted figure would be \$60,866.00 that's needed for the remainder of the year. I think I reported to you that two officers are presently in the school, um and Attorney Bill Kaminski's working on the contracts yet; I haven't received them." Mr. Cunningham questioned the reimbursement of these monies from the schools. Sherriff Mollenhauer: "Right, well...correct, yeah. And that like I said the contract's being worked on I uh I did talk to Bill; but I talked to when I was down at South Central (inaudible) today I talked to the superintendent Linda Wiltfong and she mentioned that Bill she just had contact with Bill—he's still working on the contract." Mr. Biege commented on the contract. Sheriff Mollenhauer: "Ok. Right, I gave you the numbers I think well they were they were July 15th is when we so...no, you got them...Bill Kaminski got the papers...right...and our conversation in the hall I think when you asked me I said that Bill got them if I remember right wasn't that with you? But you got the figure you got the two officers (inaudible)." Mr. Garner motioned approval of appropriation out of CCD Fund, supported by Mr. Bernacchi. No questions on the motion. Motion carried 7-0.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Bernacchi recommended that further discussion take place regarding the County Home—there are simply many questions.

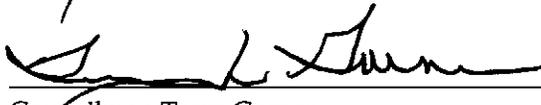
ADJOURN

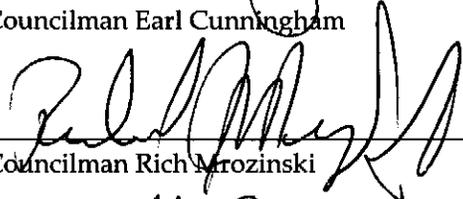
A Motion to adjourn was made by Councilman Mrozinski at 8:45 p.m. seconded by Councilman Bernacchi. Motion carried 7-0.

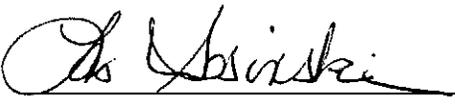
EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 22nd day of September, 2014.


Councilman Matt Bernacki

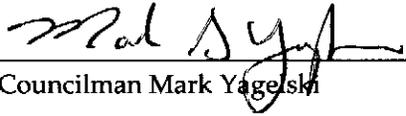

Councilman Earl Cunningham

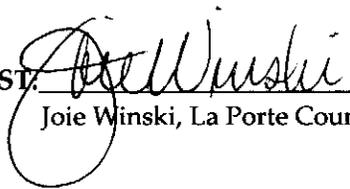

Councilman Terry Garner


Councilman Rich Mrozinski


Councilwoman Lois Sosinski


Councilman Jeff Santana


Councilman Mark Yagelski

ATTEST: 
Joie Winski, La Porte County Auditor



**La Porte County
Republican
Central Committee**

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August 24, 2014

To whom it may concern:

Due to previous work related commitments I am unable to attend today's meeting. I am writing this letter to express my concern regarding the county commissioner's action, or lack thereof, to correct the imbalance of the PTABOA board and to address Mr. Shaw Freidman's misinformed statement in last week's Herald Argus in which he said that "the Republican Party hasn't expressed any concern" pertaining to the current "imbalance" on the PTABOA Board.

On August 5, 2014 I sent a letter to the commissioner's, county council and select members of the PTABOA board making my recommendation to the board. (See attached). My recommendation was then and still is, Bob Pollock of Michigan City. Bob is a retired attorney and financial expert who no longer practices and will not pose any conflict of interest due to the fact that he does not have any clients.

To this day not one commissioner has approached me asking for my recommendation(s) to balance the PTABOA board. For Freidman to say that the La Porte County Republicans are not concerned is anything but true.

I would also like to address another issue regarding a letter that was written by Coral Laun on behalf of the Republican Party back on January 10, 2014 that stated the following: *"Let this letter attest that Mr. Purze is a member in good standing of the La Porte County Republican Party and as such is suitable for appointment where that status is required."* This letter was written at that time because Rick Knoll, a Republican appointment to the Drainage Board, had resigned. Mr. Purze had approached the Republican Party and asked if the party would recommend him for this position due to his expertise and past history on the Drainage Board.

Ms Laun's letter was intended for the Drainage Board appointment ONLY. Mr. Purze is concluding Rick Knoll's final year on the board. Furthermore, Mr. Purze is not a member of the La Porte County Republican Party, has a 14 year history of pulling a Democrat ballot, and was just recently elected as a precinct committeeman for the Democrat party. Therefore, this letter has nothing to do with the PTABOA Board and as the new chairman of the La Porte County Republican Party I can assure you Mr. Purze is not a member of good standing within the La Porte County Republican Party.



LAPORTE COUNTY
REPUBLICAN PARTY

La Porte County Republican Central Committee

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I ask the members of this workshop and those elected to the county council to apply pressure on and insist that the commissioners follow the law and adhere to Indiana Code 6-1.1-28 which clearly states and I quote:

"the board of commissioners of the county shall appoint two (2) freehold members so that not more than three (3) of the five (5) members may be of the same political party".

I ask of the commissioners to remove their most recent Democrat appointment and appoint a very qualified and willing La Porte County Republican, Bob Pollock.

The current imbalance of party affiliation is not what the taxpayers need or deserve. Action must be taken. This imbalance must be corrected immediately by the commissioners so the La Porte County taxpayers get the service they deserve and are entitled to.

Respectfully,

Michael Gonder - Chairman
La Porte County Republican Party