

**PORTER COUNTY COUNCIL  
Regular Meeting  
April 26, 2016**

The Porter County Council met on Tuesday, April 26, 2016 at 5:45 p.m. in the County Administration Center, 155 Indiana-Suite 205, Valparaiso, Indiana.

Mr. Whitten called the meeting to order with the Pledge of Allegiance. Hold up one second on that roll call because our seventh member has arrived.

Members present were Council Member Whitten, Council Member Conover, Council Member Biggs, Council Member Graham, Council Member Jessen, Council Member Poparad, and Council Member Rivas. Also present was Council Attorney Scott McClure, Auditor Vicki Urbanik and Council Administrative Assistant Joy Blakely.

Mr. Whitten, Thank you very much. First Reading.

**NOTICE TO ALL TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS**

Notice is hereby given the taxpayers of Porter County, Indiana that the proper legal officers of Porter County, Indiana will meet in the Porter County Government Administration Building located at 155 Indiana Avenue, Valparaiso IN 46383 on April 26, 2016 at 5:45 p.m. to consider the following additional appropriations in excess of the county budgets for the year 2016 and to transact any further business which might come before the Council:

General Fund			
Sheriff General	1000-1005-1130-05	Overtime	\$ 6,882.00
Animal Shelter	1000-1045-3160-45	Veterinary Service	\$ 1,868.57
Parks	1000-1085-1110-85	Salaries	<u>\$ (1,000.00)</u>
			\$ 7,750.57
Major Moves			
Major Moves	1172-2294-3950-30	Contractual Services	\$ 317,197.00
Expo Center			
Expo Center	4005-0000-3340-66	Advertising	\$ 20,300.00
Hospital Interest			
Hospital Interest	4902-0000-1230-30	Sheriff Pension	\$ 441,500.00
Memorial Opera House			
Memorial Opera House	4915-0000-3340-44	Advertising	\$ 19,000.00
PK-Aukiki			
Aukiki Park Fund	4918-0000-3950-85	Contractual Services	\$ 1,195.00
Sunset Hill Farm Garden			
Sunset Hill Farm Garden	8144-0000-2250-85	Other Supplies	\$ 1,185.84
Park Grant			
Sunset Hill Playground	9102-0000-3950-85	Contractual Services	\$ 2,800.00

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations as finally made will be referred to the Indiana Department of Local Government Finance. The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a certified copy of the action taken.

Vicki Urbanik  
Auditor of Porter County

Publish April 15, 2016

Mr. Whitten, Thank you madam Auditor we are going to move out of order here a little bit. Parks and Recreation please.

**Parks and Recreation**

**Sunset Hill Garden 8144-0000-85; Sunset Hill Playground 9102-0000-85; Aukiki Park 4918-0000-85; General Fund – Park Department 1000-1085-85**

Mr. Whitten, Walter has a birthday party to go to so...

Walter Lenckos, Two.

Mr. Whitten, Two? Oh my goodness.

Mr. Rivas, Twins.

Mr. Whitten, Twins wow.

Walter Lenckos, Thank you I appreciate this.

Mr. Whitten, No problem Walter. We have a few things in front of us Sunset Hill Farm Garden 8144-000-85 additional \$1,185.84 to 2250 Other Supplies. For Garden supplies, equipment and materials for 2016 Summer Camp. Sunset Hill Playground 9102-0000-85 additional \$2,800 to 3950 Contractual Services for Design/Development plans for Phase II of playground construction. Aukiki Park 4918-0000-85 additional: \$1,195 to 3950 Contractual Services for drainage calculations, construction costs and meeting expenses and General Fund Park Department 1000-1085-85 reduction \$1,000 from 1110 Salaries for the elimination of Park Planner Position. And we have got the Form 144 \$42,000 to \$0 Park Planner and \$0 to \$31,000 Program Coordinator II. Eliminated Park Planner and added 1 Program Coordinator II saving \$2,000 (\$9,000 was transferred to 3620 Building and Structures at the 3-22-16 meeting). What's your pleasure?

Ms. Graham, Moved to approve.

Ms. Conover, Second.

Mr. Whitten, Motion and a second on all of these?

Ms. Conover, Yes.

Ms. Graham, Yes.

Mr. Whitten, Any discussion? Hearing none roll call please.

Mrs. Graham moved to approve. Mrs. Conover seconded the motion.

Motion carried on the following roll call vote:

Ms. Conover	-	Yes	Mr. Poparad	-	Yes
Mr. Biggs	-	Yes	Mr. Rivas	-	Yes
Ms. Graham	-	Yes	Mr. Whitten	-	Yes
Mr. Jessen	-	Yes			

Auditor Vicki Urbanik, 7-0

Mr. Whitten, Thank you Walter.

Walter Lenckos, Thank you.

Mr. Whitten, Enjoy the party.

Walter Lenckos, I appreciate this.

Mr. Whitten, Commissioner's, we are going to do our Council Attorney at the end.

**Commissioners**

**Hospital Interest – Sheriff Pension 4902-0000-30**

Mr. Whitten, Commissioners Hospital Interest, well we have no Commissioner's so let's just wing it. Hospital Interest Sheriff's Pension additional \$441,500 to 1230 Sheriff Pension to cover Sheriffs Pension expense. We've talked about this fairly ad nauseam with respect to...

Mr. Poparad, I make the motion to do it.

Ms. Graham, Second.

Mr. Whitten, We have a motion and a second on the floor, any further discussion? Hearing none roll call please.

Mr. Poparad moved to approve. Mrs. Graham seconded the motion.

Motion carried on the following roll call vote:

Mr. Biggs	-	Yes	Mr. Rivas	-	Yes
Ms. Graham	-	Yes	Mr. Whitten	-	Yes
Mr. Jessen	-	Yes	Ms. Conover	-	Yes
Mr. Poparad	-	Yes			

Auditor Vicki Urbanik, 7-0

**CEDIT – Sheriff 1112-2090-30**

Mr. Whitten, CEDIT Sheriff transfer \$4,900 dollars from 2350 Building Maintenance to 2220 Uniforms and clothing to pay for seven (7) body armor vests for Sheriff's Department. We have talked about this as well what's your pleasure?

Mr. Biggs, Moved.

Ms. Graham, Second.

Mr. Poparad, Second.

Mr. Whitten, We have a motion and a couple of seconds, any discussions? All in favor signify by saying I? Opposed? The I's have it.

Motion carried on a unanimous voice vote.

**Major Moves – Airport 1172-2294-30**

Mr. Whitten, Major Moves, this is one that we dealt with earlier but when it came in front of the the Commissioners they would of rather taken the money out of Major Moves for the Airport matching for additional \$317,197 dollars to 3950 Contractual Services. To replace additional appropriation earlier approved by Council out of Hospital Interest for the County Airport Grant. As you know the matching funds are astronomical for this...

Mr. Poparad, I make the motion.

Ms. Conover, Second.

Mr. Whitten, Motion and second on the floor, any further discussion? Hearing none roll call please.

Motion carried on the following roll call vote:

Ms. Graham	-	Yes	Mr. Whitten	-	Yes
Mr. Jessen	-	Yes	Ms. Conover	-	Yes
Mr. Poparad	-	Yes	Mr. Biggs	-	Yes
Mr. Rivas	-	Yes			

Auditor Vicki Urbanik, 7-0

Mr. Rivas, Dan, do we know where the Commissioners are?

Mr. Whitten, I do not. I talk to Laura earlier today and I think she is out of town.

Mr. Biggs, Mr. Good is out of the State.

Mr. Whitten, So that just leaves one. No, but they may have thought it was cool because we have talked this so much, but yeah it's a good question. And for the record when I spoke to Commissioner Blaney earlier today we went through these and I told her I thought it was ok if she weren't able to come.

**Sheriff**

**General Fund – Sheriff 1000-1005-05**

Mr. Whitten, Sheriff General Fund 1000-1005-05 additional \$6,882 to 1130 Overtime. Special Service Overtime reimbursement from all kind of Agency's OCDEF (\$1,243.20), HIDTA (\$4,573.20), MFTF (\$142.08), DEA (\$923.52).

Ms. Conover, Moved.

Ms. Graham, Second.

Mr. Biggs, Second.

Mr. Whitten, A motion and a couple of seconds, discussion? Roll call.

Motion carried on the following roll call vote:

Mr. Jessen	-	Yes	Ms. Conover	-	Yes
Mr. Poparad	-	Yes	Mr. Biggs	-	Yes
Mr. Rivas	-	Yes	Ms. Graham	-	Yes
Mr. Whitten	-	Yes			

Auditor Vicki Urbanik, 7-0

**Maintenance**

**Building Maintenance – General Fund 1000-1030-30**

Mr. Whitten, Building Maintenance General fund, Form 144 \$35,169 to \$0 Custodial Services Manager. \$93,069 to \$124,092 Custodians from 3 to 4 @ \$31,023. Basically you are eliminating a Manager down to a Custodian level is that it?

Matt Stechly, Correct.

Mr. Poparad, I will make the motion.

Ms. Graham, Second.

Mr. Whitten, Motion and a second on the floor, any discussion? Roll call.

Motion carried on the following roll call vote:

Mr. Poparad	-	Yes	Mr. Biggs	-	Yes
Mr. Rivas	-	Yes	Ms. Graham	-	Yes
Mr. Whitten	-	Yes	Mr. Jessen	-	Yes
Ms. Conover	-	Yes			

Auditor Vicki Urbanik, 7-0

Matt Stechly, Thank you Council Members.

Mr. Whitten, Thank you, have a good night.

**Animal Shelter**

**Animal Shelter – General Fund 1000-1045-45**

Mr. Whitten, Animal Shelter General Fund 1000-1045-45 additional \$1,868.57 to 3160 Veterinary Services. McAfee Animal Hospital has outstanding invoices not the crappy kind from May and June 2014. What’s your pleasure?

Ms. Conover, Moved.

Mr. Whitten, We have a motion.

Mr. Poparad, I’ll second to get to discussion.

Mr. Whitten, And there’s a second. Discussion?

Mr. Poparad, We haven’t had any money since May of last year? Or what am I missing?

Toni Bianchi, We have outstanding bills.

Mr. Poparad, I understand the concept I have it all the time.

Toni Bianchi, I didn’t know it that they were outstanding until January of this year. I had given them information trying to resolve the outstanding invoices in October.

Mr. Poparad, Who is they?

Toni Bianchi, McAfee's.

Mr. Whitten, She has been working on the bill trying to get it resolved.

Toni Bianchi, I have trying to get it resolved. And they didn't give me these invoices until January 2016.

Mr. Biggs, and she has just come into this position. She's not...

Mr. Poparad, Right, I understand that, I mean they didn't bill us?

Mr. Whitten, I think there was a dispute with the bill.

Toni Bianchi, Yes.

Ms. Graham, I have a question?

Mr. Whitten, Yes, Sylvia.

Ms. Graham, How much money do you have in the Animal Shelter Fund? I am wondering why we are taking it out of General?

Toni Bianchi, Well I don't necessarily want to take it out of my 2016 budget because I need that for 2016.

Ms. Graham, Well how much money is in that I am just curious?

Toni Bianchi, There is \$33,000 right now.

Ms. Graham, I that what it is Vicki?

Mr. Biggs, Toni, is that for legal fees? That \$33,000?

Toni Bianchi, No, this is for Vet services.

Mr. Poparad, Vet Services?

Mr. Whitten, What's has been your yearly burn rate on that? What do you normally go through?

Toni Bianchi, Normally I go through that and the supplemental without a problem.

Mr. Biggs, And more, yep.

Mr. Poparad, I think they go through all of it.

Ms. Conover, Yeah, they do.

Mr. Biggs, Evidently you have resolved this issue with McAfee?

Toni Bianchi, I have. This will bring us to a zero balance with them and we can move on from there. In fact all of the vets have now been paid in full besides this one.

Mr. Biggs, So you agree with this particular invoice?

Toni Bianchi, Yes.

Mr. Biggs, Ok.

Mr. Jessen, And there are no other outstanding for 2014 or 2015 or?

Toni Bianchi, Nope, I done all the research on it.

Mr. Biggs, Go ahead call the question.

Mr. Whitten, Let's have a roll call please.

Ms. Conover moved to approve Animal Shelter and Mr. Poparad seconded the motion.

Motion carried on the following roll call vote:

Mr. Rivas	-	Yes	Ms. Graham	-	Yes
Mr. Whitten	-	Yes	Mr. Jessen	-	Yes
Ms. Conover	-	Yes	Mr. Poparad	-	Yes
Mr. Biggs	-	Yes			

Auditor Vicki Urbanik, 7-0

Toni Bianchi, Thank you.

Mr. Whitten, Thank you.

Ms. Conover, Thank you.

### **Memorial Opera House**

#### **Memorial Opera House – 4915-0000-44**

Mr. Whitten, Memorial Opera House how is it going?

Scot MacDonald, Pretty good.

Mr. Whitten, Alright...

Scot MacDonald, It's been an interesting month.

Mr. Whitten, I can imagine.

Mr. Whitten, We have an additional \$19,000 to 3340 Advertising from additional contributions received from Dunes Tourism.

Scot MacDonald, And thank you all for getting us that additional money. We're just looking to be able to spend it now.

Mr. Biggs, It was our pleasure.

Mr. Whitten, Absolutely. That was a great show that Wizard of Oz.

Scot MacDonald, Yeah it really was.

Mr. Poparad, Oh the Wizard guy was just phenomenal!

Ms. Graham, We were blown away.

Mr. Whitten, The talent on that stage, quite a character.

Mr. Poparad, The man behind the curtain was amazing.

(Laughter)

Mr. Whitten, What's your pleasure behind this request?

Mr. Jessen, So moved.

Mr. Whitten, We have a motion.

Mr. Poparad, I'll second.

Mr. Whitten, And a second, discussion? Roll call please.

Mr. Jessen moved to approve MOH. Mr. Poparad seconded the motion.

Motion carried on the following roll call vote:

Mr. Whitten	-	Yes	Mr. Jessen	-	Yes
Ms. Conover	-	Yes	Mr. Poparad	-	Yes
Mr. Biggs	-	Yes	Mr. Rivas	-	Yes
Ms. Graham	-	Yes			

Auditor Vicki Urbanik, 7-0

Scot MacDonald, Thank you.

Mr. Whitten, Very good, have a good evening.

Ms. Conover, Thank you.

**Surveyor**

**Surveyor – General Fund 1000-1006-06**

Mr. Whitten, Surveyor, Form 144 Drainage Construction to Party Chief for Job title change and new Job Description.

Ms. Conover, Party Chief?

Mr. Poparad, Party Chief that's got everybody's eyebrows up.

Ms. Graham, That is...

(Laughter)

Kevin Breitzke, I thought of Surveying Technical Supervisor but this is getting a lot of people interested.

Ms. Graham, It caught our eye. Moved to approve.

Ms. Conover, Second.

Mr. Whitten, We have a motion and a second on the floor, discussion?

Mr. Biggs, This isn't coming out of the General Fund?

Mr. Whitten, This is just a 144.

Ms. Graham, He is giving a new job title.

Mr. Whitten, Does that answer your question Jim?

Mr. Biggs, Yes

Mr. Whitten, Any other question? Let's get a roll call on this 144.

Ms. Graham moved to approve Surveyor Form 144. Ms. Conover seconded the motion.

Motion carried on the following roll call vote:

Ms. Conover	-	Yes	Mr. Poparad	-	Yes
Mr. Biggs	-	Yes	Mr. Rivas	-	Yes
Ms. Graham	-	Yes	Mr. Whitten	-	Yes
Mr. Jessen	-	Yes			

Auditor Vicki Urbanik, 7-0

Mr. Whitten, Thank you, have a good evening.

Surveyor Kevin Breitzke, Thank all of you Party Chiefs.

(Laughter)

Mr. Poparad, So do you have an Assistant Party Chief?

Ms. Graham, We are going to be watching for rumors now.

Mr. Poparad, Does the Party Chief get the keg?

(Laughter)

Ms. Conover, No that's the Party Planner.

Mr. Poparad, Party Planner...ok

**Storm Water**

**Storm Water 1182-0000-24**

Mr. Whitten, Storm Water transfer \$20,000 from 3120 Consultants to 3230 Postage. To pay postage for Storm Water Brochures.

Mr. Poparad, I make the motion.

Ms. Graham, Second.

Mr. Whitten, There is a motion and second on the floor, discussion? Here is the thing Bob Thompson couldn't be here tonight but...

Attorney Scott McClure, Kristy actually could make the it.

Mr. Whitten, Alright, come on up. Because my comment was going to be if there is no issue we would go forward but if anybody had any questions it was getting tabled.

Mr. Rivas, It was getting tabled? Yeah

Mr. Jessen, The only question I have is...Kristy was this mailed out to all Porter County Residents or just ones paying the fee?

Kristy Marasco, Just unincorporated Porter County.

Mrs. Graham, I thought the Commissioners took care of all postage. Is this something new that.

Mr. Whitten, Scott why don't you explain that?

Attorney Scott McClure, The Commissioners right now, because there was no line item in the Storm Water Budget, did pay for this postage. But that postage was and in the Commissioner's budgeted for our normal things.

Ms. Graham, Oh.

Mr. Whitten, So we are reimbursing them...Stormwater is.

Attorney Scott McClure, So we are reimbursing...this is going to go to reimburse Stormwater for the Stormwater brochures and Storm Water is reimbursing the Commissioners line item for postage. And the first step is to get it from the Consultants to the actual Postage in the Stormwater Budget.

Ms. Graham, Ok, thank you.

Mr. Whitten, Any other questions? All in favor signify by saying I? Opposed? The I's have it. Thank you very much thanks for coming.

Mr. Poparad moved to approve Stormwater transfer. Ms. Graham seconded the motion.

Motion carried on a unanimous voice vote.

**Expo Center**  
**Convention Center Operating 4005-0000-66**

Mr. Whitten, Expo Center Convention Center Operating additional \$20,300 to 3340 Advertising. Increase Advertising line item in Budget to reflect additional contributions received from Dunes Tourism.

Ms. Conover, Moved.

Lori Daly, Thank you.

Ms. Graham, Second.

Mr. Whitten, Motion and a second. Your welcome. Any discussion on this?

Mr. Biggs, Spend it wisely.

Mr. Jessen, Yeah, Lori what are some of the ideas you have relative to what you're doing with it.

Mr. Whitten, Good question.

Lori Daly, We're in production with a new website, so that's the biggest one. We are looking to get a POS (Point of Sale) system which we desperately need. A quarterly newsletter that will get mailed out that's never been done with an event calendar so that is going to reach a lot more people. But the website is probably the biggest one right now.

Mr. Jessen, Good.

Mr. Whitten, Very good. Alright roll call please.

Ms. Conover moved to approve. Ms. Graham seconded the motion.

Motion carried on the following roll call vote:

Mr. Biggs	-	Yes	Mr. Rivas	-	Yes
Ms. Graham	-	Yes	Mr. Whitten	-	Yes
Mr. Jessen	-	Yes	Ms. Conover	-	Yes
Mr. Poparad	-	Yes			

Auditor Vicki Urbanik, 7-0

Mr. Whitten, Let's have second reading.

Auditor Vicki Urbanik,

**Second Reading**

Whereas it has been determined Notice is hereby given that the proper legal officers met in the Porter County Government Administration Building and considered the following additional appropriations that were approved by the Council.

**General Fund**

Sheriff General	1000-1005-1130-05	Overtime	\$	6,882.00
Animal Shelter	1000-1045-3160-45	Veterinary Service	\$	1,868.57
Parks	1000-1085-1110-85	Salaries	\$	<u>(1,000.00)</u>
			\$	7,750.57

**Major Moves**

Major Moves	1172-2294-3950-30	Contractual Services	\$	317,197.00
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**Expo Center**

Expo Center	4005-0000-3340-66	Advertising	\$	20,300.00
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**Hospital Interest**

Hospital Interest	4902-0000-1230-30	Sheriff Pension	\$	441,500.00
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**Memorial Opera House**

Memorial Opera House	4915-0000-3340-44	Advertising	\$	19,000.00
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**PK-Aukiki**

Aukiki Park Fund	4918-0000-3950-85	Contractual Services	\$	1,195.00
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**Sunset Hill Farm Garden**

Sunset Hill Farm Garden	8144-0000-2250-85	Other Supplies	\$	1,185.84
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**Park Grant**

Sunset Hill Playground	9102-0000-3950-85	Contractual Services	\$	2,800.00
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And that concludes the second reading.

Mr. Whitten, Fantastic what's your pleasure?

Mr. Poparad, I'll make the motion.

Ms. Graham, Second.

Mr. Whitten. We have a motion and a second on the floor, roll call please.

Mr. Poparad moved to approve. Mrs. Graham seconded the motion.

Motion carried on the following roll call vote:

Ms. Graham	-	Yes	Mr. Whitten	-	Yes
Mr. Jessen	-	Yes	Ms. Conover	-	Yes
Mr. Poparad	-	Yes	Mr. Biggs	-	Yes
Mr. Rivas	-	Yes			

Auditor Vicki Urbanik, 7-0

Mr. Whitten, Thank you very much. Before we get to the attorney's report we have a couple of housekeeping things. As you are all aware, we've got this issue with the proposed train coming and ripping through the south part of the Porter County. Beginning in Illinois and ending in LaPorte County intermodal. Myself and Councilmember Biggs got together and prepared this Resolution that has been presented to you for your review. Quite frankly in attending some of these meetings along with Councilmembers Graham, Councilmember Jessen, Councilmember Biggs and myself (Councilmember Whitten) have been attending, there really is a glaring lack of any benefit to the County and it is certainly a potentially disastrous cost to the County and some of its residents so I have presented you all with the resolution that we put together. If you like I can read it. It is short, sweet and right to the point. I will take that as a yes go ahead and read it.

**Great Lakes Basin Transportation - Resolution 16-4-26**

Council President Dan Whitten reads the Resolution out loud.

RESOLUTION NO. 16-4-26  
PORTER COUNTY COUNCIL

WHEREAS, The Porter County Council is the Fiscal Body of Government in Porter County, Indiana; and

WHEREAS, On March 21<sup>st</sup>, 2016 the County Planning Director received from the Surface Transportation Board, "The Notice of Intent to Prepare an Environmental Impact Statement"; and

WHEREAS, This notice was the first and only communication received by any Porter County Department, from wither the Surface Transportation Board or Great Lakes Basin Transportation, Inc.; and

WHEREAS, Great Lake Basin Transportation, Inc. plans to file a request with the Surface Transportation Board, to construct and operate an approximately 278-mile rail line; and

WHEREAS, The proposed rail line could consist of up to six (6) tracks, running the entire width of the County East to West; and

WHEREAS, The residents of Porter County have until June 15<sup>th</sup>, 2016 to provide the Surface Transportation Board comments on the scope of the Environmental Impact Study; and

WHEREAS, The Porter County Council is greatly concerned about the significant negative impact on property values and therefore assessed valuations across south Porter County; and

WHEREAS, The Porter County Council is greatly concerned with the impact and associated costs of the disruption in drainage across South Porter County; and

WHEREAS, The Porter County Council is greatly concerned with the impact of "at grade crossings" and/or road closures on response time for law enforcement and emergency service providers.

THEREFORE, BE IT RESOLVED, by the undersigned, that the Porter County Council, foresee no short term or long term positive economic impact from this new proposed rail line in Porter County, and foresee significant permanent negative

impacts to property values, drainage, and emergency service providers and therefore are against Great Lakes Basin's proposed 278 mile rail line.

This Resolution passed and adopted this the 26<sup>th</sup> day of April, 2016

Porter County Council  
Dan Whitten, President  
Karen Conover, Vice President  
Robert Poparad  
Jim Biggs  
Sylvia Graham  
Mike Jessen  
Jeremy Rivas

Mr. Whitten, What's your pleasure?

Mr. Biggs, Motion to approve

Mr. Poparad, I'll second

Mr. Whitten, We have a motion and a second, discussion?

Ms. Conover, I just guess I want to add that in the beginning I wondered what was the problem with this. It sounds kind of exciting. But I have done some due diligence too and even if it is not affecting somebody's property, people's concerns and justifiable so is the public safety response time whether that be an Ambulance, Police Officer or Fire Truck and that is besides the other issues you mentioned in your resolution.

Mr. Whitten, Thank you very much Karen. And yes there are lots and lots of things that have come up at these meetings and concerns folks have and we're not just talking about the diminution of property value but certainly property use.

Ms. Conover, Yes.

Mr. Whitten, A lot those are farms down there and this rail line has projected to cut those farms in half and certainly have disastrous impact on the farmer's ability to continue to make their lively hood on their land. And then there are the Schools and Emergency services and there are varying estimates of trains up to One Hundred plus (100+) a day ripping back and forth along the line.

Mrs. Graham, I would like to mention that this track line as proposed is going to be a quarter mile away from Morgan Township School.

Mr. Whitten, There is the Schools.

Ms. Graham, And there are many studies out there that show the noise factor would be a great harm to the kids learning. I am very much opposed to this.

Mr. Whitten, Thank you very much Sylvia.

Mr. Biggs, Dan if I could?

Mr. Whitten, Jim?

Mr. Biggs, The single largest issue that I have with it, outside of the public safety issue, is the right of private investors using eminent domain to their financial benefit.

Mr. Whitten, Yeah

Mr. Biggs, I think that's wrong.

Mr. Whitten, Yeah, at the cost of the private home owner.

Mr. Biggs, Yes.

Mr. Whitten, Ok with all that having been said let's get a roll call on this please.

Mr. Biggs moved to approve the Resolution 16-4-26 against Great Lakes Basin Transportation, Inc. Mr. Poparad seconded the motion.

Motion carried on the following roll call vote:

Mr. Jessen	-	Yes	Ms. Conover	-	Yes
Mr. Poparad	-	Yes	Mr. Biggs	-	Yes
Mr. Rivas	-	Yes	Ms. Graham	-	Yes
Mr. Whitten	-	Yes			

Auditor Vicki Urbanik, 7-0

Mr. Whitten, Thank you very much and we will get that out to the pertinent parties correct Scott?

Attorney Scott McClure, Correct.

Mr. Whitten, Alright. One other thing that I know that speaking of drainage now that we have a Drainage Advisory Board, our appointment is Jeremy Rivas. I thought perhaps Jeremy if you have anything? I know it's new and you guys have only had one meeting I think, but is there anything you want to bring us up to speed on?

Mr. Rivas, We just met once just trying to organize everything. The Commissioners are trying to get everything moving forward. We are meeting May 9<sup>th</sup> but we'll get going but we had...well myself representing the City of Portage, are meeting with a person from Portage and Bob Thompson to discuss Willowcreek Road. It is a pretty big issue in the City of Portage and the County that's joint so it's something that going on and we are going to meet Thursday and discuss. But other than that everything is still new and moving forward.

Mr. Whitten, Thank you very much and along those lines now that you have mentioned the P word (Portage) we are as you all are aware we have some degree of apparent acrimony with the City Administration of Portage here recently in the past. I did reach out to a couple of City Councilmembers in Portage for me to see exactly what the issues were and what their concerns were and I set up a meeting with two of their Councilmembers. Councilmember Mark Oprisko who is the President of the City Council and Councilman Pat Clem, Councilman Jeremy Rivas from our board joined us since in fact that is his district. I think we had a pretty productive meeting and discussing things with them and most importantly I wanted to open up lines of communication with the City Council because I just wanted to have a handle on what their concerns were. I did advise them and bring them up to speed on the fact the County is doing an assessment of all of its structures and buildings. I know that their immediate request had to do with a new courthouse up in Portage or at least that is what I read in the paper from the Town Hall meeting that occurred impromptu. Alright and they appreciated that and I did advised them as we moved through the assessing of our building particularly with the North County Complex that we would keep them informed so that we could work with the City with any particular upgrades that we may do to the building and or if in fact there came a time that we needed to reconstruct we would certainly open the lines of communication with them. So, I guess I would like to create a small committee Jeremy Rivas if you would be so happy to do that and to continue to meet with the City Councilmembers in Portage as things kind of move along and maybe even at some point if there comes a time that the

assessment...the needs assessment and the structural assessment of the North County Complex gets nearer to conclusion perhaps you may want to reach out to the Judges that operate out of that building to see what use issues there may be existing. Would you mind doing that?

Mr. Rivas, No, I would not mind at all.

Mr. Whitten, So...

Mr. Biggs, If I may, Jeremy I would contact Matt the new building Superintendent, I know he has recently surveyed that building, so I think he would have a lot of useful information for you.

Mr. Rivas, Yeah.

Mr. Whitten, Yeah and I actually went and met with Matt briefly to kind of advise him on what we were doing and asked him to kind of keep in the loop. So Jeremy that's a great idea. Anybody else want to serve on that committee with Jeremy?

Mr. Biggs, I wish him luck though.

Mr. Whitten, I'll serve with him and Sylvia love to be on the committees.

Ms. Graham, Ok, yes I would like too.

Mr. Whitten, So will kind of work through...

Mr. Rivas, Was it me?

Mr. Whitten, Nobody wanted to serve with you man. I will let the City Council representatives know over there that we have done this. And communication is important and that helps to alleviate some of the acrimony before it gets to festering. Alright, our next thing on our agenda...

Mr. Rivas, Dan?

Mr. Whitten, Yes

Mr. Rivas, Before we go there is a couple of requests for that additional from the Tourism that we moved that extra money I think it was like \$19,000 dollars.

Mr. Whitten, Yes

Mr. Rivas, They mentioned a newsletter and an idea popped in my head that you know we have the Parks, the Expo Center, the Animal Shelter, the new drainage stuff and living in the City of Portage I think quarterly I get a newsletter from the City of Portage telling us of all the happenings. If we have this money has the County ever thought about doing a newsletter out to all the residents with all the happenings that would help all the organizations?

Mr. Whitten, Are you talking about a joint newsletter?

Mr. Rivas, From the County the County Government that shows all the happenings... What is going on, whether it is tax coming up or bills...whether is Animal Shelter stuff.

Mr. Biggs, I thought the purpose of the large investment into the new website two years ago.

Mr. Poparad, Website.

Mr. Rivas, Well not everybody has a computer and goes to the website.

Mr. Biggs, I agree, but its...

Ms. Graham, Would that be a Commissioner...

Mr. Rivas, Most of the municipalities do print a...yeah it's probably the Commissioners that would have to do that. It is just an idea.

Mr. Biggs, It's a good idea. But it's one were we have to ask ourselves if we can afford that as well, but it's a good idea we all know that.

Mr. Rivas, Nineteen thousand dollars (\$19,000) here, nineteen thousand dollars (\$19,000) there I mean...

Mr. Whitten, It's a good idea I like where you are going with this. Anything else?

Mr. Rivas, I'm done, thank you. Thank you for the floor. Was that Scott with his gift? No wonder...

Mr. Poparad, Scott is getting a gift?

Mr. Whitten, No

Mr. Rivas, Nobody talked about that? His gift is leaving.

(laughter)

Mr. Whitten, Ok let's jump back up on the agenda to our selection of Council Attorneys. As you know we had a number of applicants that applied to be the County Council Attorney and that we kind of brought all those in I created a subcommittee of myself (Councilman Whitten), Councilwoman Conover and Councilmen Rivas to go through those and cull out a few to bring before the Board. Certainly there were varying elements that went into that paring down. I think a big one was we really wanted a local attorney, someone who had a law practice in the County that was kind of an important threshold...correct me or add in if I miss something guys. But experience was important, years in law were important. We certainly looked for anybody that had a conflict or perceived conflict with the County or represented any Entity that we thought might create a conflict representing us. Those went to the wayside and we ended up with three applicants which we interviewed earlier tonight. Having said that I would like to open the floor to any motions, nominations or anything that...

Mr. Poparad, I will make the motion...first of all I have to compliment the Committee. The final three were really qualified, but I think I want to nominate Harold Harper to be our new attorney.

Mr. Jessen, Second.

Mr. Whitten, we have a motion and a second on the floor. Any other?

Ms. Conover, I just wanted to add I appreciate everybody who applied to us. We're seven bosses and it's not always easy thing to manage. And for the three people who came in to interview with us and it was a tuff decision.

Mr. Whitten, Yeah it was close, all three who came and interviewed very well.

Ms. Conover, Outstanding individuals

Mr. Whitten, It was a fine line of one thing or another that tipped the scale for me. Any...all three of them would have been great. Any other...

Mr. Biggs, Just one thing real quick is that I know that we have over the last few weeks we have kidded Scott about leaving. But he is going to be difficult to replace you know his knowledge of the operations of County government and the statutes you know really it's the foundation of what we operate by. He is not going to be easy to replace you know thank you.

Mr. Rivas, The good thing is he is not going very far.

Mr. Poparad, Yeah but in about eight minutes he is going to become one of them. He followed the money.

Mr. Whitten, No, I mean Jim is right, Jim is absolutely right. I got to tell you guys through my time as County Council President, Scott and I talked numerous times daily on issues that come up that you know that probably don't need to find their way to the whole body. He's running stuff down putting out fires and quite frankly he is going to be very difficult to replace.

Mr. Rivas, He was very accessible and very good. Thank you Scott.

Ms. Conover, Thank you for all your services.

Mr. Jessen, Above and beyond for us all thank you

Ms. Graham, Thank you Scott

Mr. Whitten, There is no gift.

(laughter)

Mr. Jessen, I'm not saying a word.

Mr. Whitten, I was just wondering when I could work that in...

Attorney Scott McClure, I am not shocked.

Mr. Rivas, I did try though, I did, but they all said no.

Mr. Poparad moved to nominate Harold Harper as the new County Council Attorney. Mr. Biggs seconded the motion.

Mr. Whitten, Ok we have a motion and a second on the floor, all in favor signify by saying I? Opposed?

Motion carried on a unanimous voice vote.

Mr. Whitten, I will send a letter to all the Firms that applied particularly the ones we interviewed but to the others as well to let them know...

Mr. Poparad, Dan, I got one thing when you're done.

Mr. Whitten, and then I will contact Harold Harper. Yes Bob?

Mr. Poparad, I am going to throw this out for discussion, based on the e-mail from the Auditor about the money the State is so generously giving back to us...

Mr. Whitten, Yes

Mr. Poparad, which was ours to start with but we're not going down that road. That on that twenty-five percent (25%) roughly \$400,000 dollars, I think we might as well allocate that to the Sheriff's Pension. Because we are going to have to do that anyway later in the year. So I am throwing that out for discussion, we move it to the General Fund and we do an additional and finish that pension issue off for the year. I'm just throwing that out for discussion.

Mr. Whitten, (Inaudible) What is that \$414,000?

Ms. Graham, \$441,000?

Auditor Vicki Urbanik, \$443,795.00 dollars is the twenty-five percent (25%) portion that's (inaudible).

Mr. Rivas, Right.

Mr. Poparad, Right.

Mr. Whitten, I guess what Bob is suggesting is that we allocate that for the rest of the sheriff's pension fund.

Mr. Poparad, The rest of...the second half of the Sheriff's pension because we are going to pay it anyway.

Mr. Biggs, That's a good idea.

Mr. Whitten, Yeah, that's a great idea.

Mr. Poparad, Do we need to do anything Vicki? Can you just move that to the General Fund, advertise an additional for the next meeting and just be done with it.

Auditor Vicki Urbanik, If that's what you want.

Mr. Poparad, No, I am just making a question

Auditor Vicki Urbanik, We can do that if that's what you want to do.

Mr. Whitten, Scott, any concerns with that or thoughts.

Mr. Poparad, We got to put it somewhere I thought the General Fund. She said...

Ms. Graham, Within a month by June 1<sup>st</sup> we had to put it somewhere.

Mr. Poparad, I just thought we would get it off the table.

Mr. Biggs, This could be your last bit of advice don't screw it up.

Mr. Whitten, Don't screw it up...come on Scott. I just had all those kind words to say...now I have a deer in the headlights.

Mr. Poparad, Now he's looking, did I confuse you Scott?

Attorney Scott McClure, Well I mean we got to...it's...we got to do, there's a couple of steps to do before we get to there is what I am trying to articulate.

Auditor Vicki Urbanik, With the seventy-five percent (75%) it must go in a new fund we have already created and we'll be disbursing that tomorrow.

Ms. Graham, That goes to roads

Auditor Vicki Urbanik, You'll still have to decide how to spend that. Nothing is going to be spent until it is appropriated.

Attorney Scott McClure, Not just...it's not just roads.

Mr. Whitten, I am talking about addressing (inaudible)...

Mr. Poparad, I'm talking about the twenty-five percent (25%).

Auditor Vicki Urbanik, Now you are addressing the twenty-five (25%) you can either put it into the General Fund, a Special New Fund that you can create for whatever purpose under home rule authority, or the Rainy Day Fund. Or, if you choose to use it all for the infrastructure you can put it in with the seventy-five percent (75%).

Mr. Whitten, So if we follow the logic that Bob is throwing out there and wanted to end up paying the second portion of the sheriff's pension... just go through General Fund? We don't have to do a special line item do we?

Attorney Scott McClure, Well, we would dump it in the General Fund and do an additional on it.

Mr. Poparad, Do an additional on it.

Mr. Whitten, Right. Ok so we will do that for the next meeting.

Mr. Poparad, I was just throwing that out there for discussion.

Mr. Whitten, Yes, that sounds good. Anything else Scott that you want to tell us?

Attorney Scott McClure, No

Mr. Whitten, Do you want to thank us for the years of service that we allowed you to give us?

Attorney Scott McClure, I really appreciate the years of service.

Mr. Whitten, I am sure you do

Attorney Scott McClure, I do

Mr. Rivas, I really look forward to you sitting over there on that side.

Attorney Scott McClure. You do?

Mr. Poparad, We're going to miss you on a certain level.

Ms. Graham, We can still ask you questions.

Attorney Scott McClure, You can always ask me questions.

Ms. Graham, Thank you.

Mr. Poparad, He won't answer them.

(Laughter)

Mr. Rivas, He will be biased in his answers.

Attorney Scott McClure, We haven't even gotten the meeting done and I am biased. It didn't take long Jeremy.

Mr. Whitten, Any other manor that may properly come before Council? Anybody have anything?

Ms. Graham, No.

Mr. Whitten, With that let's stand adjourned.

There being no further business, the meeting was adjourned.

**PORTER COUNTY COUNCIL  
PORTER COUNTY, INDIANA**

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Jim Biggs

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Karen Conover

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Sylvia Graham

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Mike Jessen

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Bob Poparad

---

Jeremy Rivas

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Dan Whitten

Attest: \_\_\_\_\_  
Vicki Urbanik, Auditor  
Signatures