

**PORTER COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, JULY 12, 2016
1:00 P.M.**

(The entire meeting is available to watch on the Porter County website.)

The regular meeting of the Porter County Board of Commissioners convened at 1:00 p.m. on Tuesday, July 12, 2016 in the Commissioners' Chambers of the Administration Center.

Those present were: Commissioners John Evans, Laura Blaney, Jeff Good, County Attorney Scott McClure; Administrative Assistant Rhonda Young and Recording Secretary Autumn Joiner.

Call to Order/Pledge

Com. Evans, Welcome, if you are here for the PTBOA Board Hearing it is downstairs in Room 102A.

Approval of Minutes – April 19th, May 10th and May 17th, 2016

Com. Blaney moved to approve the April 19th, May 10th and May 17th, 2016 minutes. Com. Good seconded, motion carried.

Approval of Payroll – June 27th and July 11th, 2016

Com. Blaney moved to approve the payroll of June 27th and July 11th 2016, Com. Good seconded, motion carried.

Approval of Claims – June 16th, June 23rd, June 30th and July 8th, 2016

Com. Blaney moved to approve the claims for June 16th, June 23rd, June 30th and July 8th, 2016, Com. Good seconded, motion carried.

Airport Board Appointment

Com. Good, moved to approve Dante Pergher, Com. Blaney, seconded, motion carried.

Com. Evans, We might mention that he is a reappointment. He has served on that board in the past.

Bob Cauffman

Great Lakes Basin Railroad alternate route - Discussion

Com. Evans, Thanks for being here. We understand that we are on a deadline to supply the Surface Transportation Board alternate routes if we think they so exist and we do.

Mr. Cauffman, Correct, I spent some time with STB over there for their hearings and one thing that they expressed to me was we understand that people don't want it. We're running two studies at the same time. One being an environmental impact study, which is referred to as an EIS. The second thing is a needs study. They were very specific on the fact that the needs have to coincide because of the time it takes to do the EIS. However, in speaking with them and Dave Navacky from STB he said the one thing that we are going to look at is there alternates. Is there a better choice than what has been presented by Mr. Patton from GLB. He said if people could come up with some alternate routes that is stuff that we will look at as long as it's a legitimate route. With that being said as with anything they don't want you to come to them saying it's a problem we don't want. What's the solution to the problem? I sat down with some other individuals and we looked at this and thought let's give them a solution or give them an alternate route. Ultimately we do not want the railroad, there is no question about that and we would like to deny it all costs. However, we are dealing with a federal agency and if they determine there may be a need for this and they will go forward. So why not give them a route that we feel is much better suited then what (Inaudible) has been propped by Frank Patton. I've come up with what is called the San Pierre Alternate

Route. We're using an existing rail line, existing rail right-of-ways by doing this some of the benefits that I have done avoids taking 36.5 miles of fine farmland in Lake and Porter County. It uses all but 3.8 miles of existing or former railroad right-of-way. The point I want to make on that is Porter County has spent millions of dollars over the past 25/30 years in drainage issues. They have tried to avoid problems, they've made problems better. They've drained subdivisions, we've drained farm fields. Farmers have spent millions of dollars draining their fields why not use existing rail line or existing railroad beds that are already there. If they work around and encompass that into the projects, they opened the projects to (Inaudible) a better drainage. Versus just having somebody come through and go right through the middle of their fields and say well now you have to start over. We can't afford that. We will use 8.6 miles of reclaimed farmland from former railroad right-of-way. That reduction of this proposal is 24 miles of prime farm ground used. We're not using (Inaudible). The draw back for Patton was that we would add 17.5 miles of route via Bellshaw and 11.5 miles via the Kankakee line and the alignment is near a number of small towns. However, again the towns were built around the railroads, the towns where this would be going through, they already have a railroad. One of the things that we're going to be looking at is using the old Monon line that comes parallel down 421 and will run south on that line. Rebuild part of that line, put a new bridge in over the Kankakee River and then add 3.8 miles of new track around San Pierre to catch the Kankakee line, which is in operation at this point that runs through Snyder over to close to DeMotte through Wheatfield and into Illinois. That is an existing route they use that train every day or every so many days. One thing is they have a 100 ft. easement, it's wide enough to put two tracks on, which is what he is asking for anyway. Let him double track what is already there and they can run the lines through that route and save our farm ground. The one thing I will say my route takes this train completely out of (Inaudible). I'll entertain any questions that you might have. This thing has been emailed with a map accordingly.

Com. Blaney, Sharon has it up here, do you want her to go through.

Mr. Cauffman, If you can go to Overview 1. Right here you going to see when we come down around through Wanatah we're proposing that they rebuild the double track railroad from the former Monon and Kankakee right-of-way much of which is never been reclaimed for farming. The circle will be the new bridge which goes over the Kankakee River. That bridge is already there they just have to upgrade it or replace it. Additionally on Overview 1 rebuild the existing Kankakee line which is going to be the next slide. Rebuild the existing line, this line is in existence now. It comes into the Wheatfield/Schaeffer power plant. All we would be doing is tying into that line and utilizing that line as well as putting in another line next to it.

Com. Evans, That's the one that services NIPSCO right?

Mr. Cauffman, That's the one that services NIPSCO, which could benefit NIPSCO down the line you could move stuff in faster if they need be. The next slide will be the Wanatah detail. This shows when we're coming around there the new alignment which is in the blue, is where we will connect CF&E line which will take them down East if they need to versus going straight up into Kingsbury. Our next slide will be the south Wanatah detail, it shows where the connection will be to Norfolk and Southern and again connecting to the CF&E. These are existing rails, these are existing railroad beds. We think it would behoove everybody to use what is already in existence versus disrupting what we've come to know as our farm ground. The cross connection detail which will be our next slide, same thing, the blue lines are where we're coming in connecting into the other lines and putting in the pass overs. The cross over view, again we rebuild a double track where we're going on the former Monon right-of-way. The Monon is there, it's in existence, it's not being farmed. The railroads still have the right to reclaim that ground. That is one of the things even years ago when they created rails and trails one of the clauses in all of these things is that if there is a need the railroad has the right to reclaim these properties. Our next slide will be the San Pierre bypass, this is the one here where we're going to add the new track just north of San Pierre after they cross the river they cut in a south westerly direction to connect to the Kankakee line, which is over there by NIPSCO. With the exception of where it is Kankakee line that's the right-of-way as it cuts north east on there that would be the

only new track that's any part of the 287 miles that we proposed. Everything else is already existing there's already (Inaudible) right-of-ways there. The Shelby detail will be the flyover which would require to go over the top of 55 that way we would not be interfering Rte. 55 they would be building a flyover over that. The former Monon (Inaudible) construction used the Bannon Route right-of-way for a connection with the C&N Railroad. LaPorte County and Area 50 South and Haskell Road to point Area 50 South to Route 421 Jasper County. These are just an outline of what we're talking about. We've talked about building a highway over pass over on 49 in Wheatfield, 231 in DeMotte, build a (Inaudible) over CSX and Route 55 in Shelby. Replace the existing Kankakee River Bridge with the double track bridge east of Shelby. So it would cross the river east of Shelby as well as well as 421. I've coming here asking that you reverse this and that the County support this project for this alternate route. I have submitted this to STB for them to look at as an alternate route. I think we would be much (Inaudible) that we have input if there is going to be a rail line that we hope does not happen, but if it does happen at least we've had input to where we want it to go versus just cutting across our County.

Com. Evans, I don't think it's ever good to reinvent the wheel and I think that that is what they're trying to do with this project in bringing through Porter County. If all of these lines exist today why can't they be utilized? Why do we have to build new? The drainage issue is the biggest thing that you mentioned. It's been there, the farmers for years have cultivated their ground using that as a natural barrier and now we're going to create more natural barriers that really don't need to exist.

Mr. Cauffman, The thing is with drainage and I've addressed on several issues before once they build this they're creating a dam across the County. The Kankakee River Basin Commission and Kankakee River itself relies on this water get to them. There is 151 ft. difference in elevation between the City of Valparaiso and the Kankakee River, everything flows south. If that is dammed off it stops, it's not going to get there. STB discussed the issue about putting in culverts and so forth we've seen what happens there. One tree limb across the culvert and it's done, we get a big rain and we've got flooding issues. We're going to lose not only the ground where they put this in but future farm ground, because now it's too wet to farm. Once the water is blocked up it will find its own way, it will find low spots and it will pond and we've got other issues. Let alone the number of field tiles that they will completely destroy.

Com. Evans, Thank you!

Com. Blaney, I just wanted to say overall I still am far far from convinced that this new rail is needed. We've got the create program is in effect, it's already made a big difference and they have a lot more left to do. Unfortunately we don't get to decide whether or not there is a need as you pointed out the federal government does and if they decide there is a need I don't want this train that is going to create all kinds of expense for the County blocking our roads. The drainage is just a huge issue with all of the drainage tiles that people don't have marked quite frankly. There is just the expense of finding them all. I think what we do is end up finding the problems down the road and we would be stuck holding the bag. I think it's going to protect our farms, it's going to be a lot safer, we're not going to have to worry about school districts being split up and volunteer fire departments having to cross these tracks to get to their equipment let alone maybe go back across to the fire.

Com. Blaney, moved to approve this plan with a caveat that my first choice is still no rail, Com. Good, seconded, motion carried.

Com. Evans, The other thing I would like to say is that recently the Mayor of Aurora, Illinois has endorsed the Great Lakes Basin Plan. I think we all should understand that he has done that so that it moves the railroad out of his town and out of his jurisdiction. I think that is an example of what you were talking about earlier in reverse. They built the City of Aurora for the railroads and around the railroads and now for whatever reason they've decided that other transportation is better and they want to be done with it. They don't really care who suffers from their consequence and the poor

rural counties in Illinois and Indiana are going to have to pay the price because they don't want to be bothered by crossing the tracks anymore.

Com. Blaney, And you can't make new prime farm land.

Com. Evans, No they don't make any more new dirt. What you got is what you got.

Com. Good, Mr. Chairman I just wanted to say "Thank you Bob". The work that you put in and the group that has formed here in Porter County, I think this is a perfect example of the community and government can work together. There has been a lot of work put into this and I want to thank you for leading that charge it's been a big task, Thank you!

**Mike Anton, Anton Ins.
INETICO Report**

Mr. Anton, (Sitting at the first bench, not near a microphone.) Thank you Commissioners, the other two members of your employee benefits team with me are Leigh Westergren and Troy Scott. What we're going to do today and really quick is just to report the 6 months Report of the (Inaudible) of the plan. This report that you have in front of you is presented by your vendor INETICO that is principally charging you a new pricing, but also some of the information here has been compiled with benefit administrative services, which is the third party administrator. We're going to follow the INETICO four pillars approach in terms of this report. So we'll talk about wellness, condition management giver services and then the referenced base pricing. I'll quickly hand it over to Leigh.

Ms. Westergren, Thank you, Commissioners briefly I will just let you know that the Wellness Screening that you approved for the (Inaudible) screening in May we had 48 people participate which brought our overall wellness participation up from 33% to 39%.

Com. Evans, We're getting there keep going.

Ms. Westergren, In regards to the other pillar of wellness (Inaudible) disease management component that INETICO manages and we have approximately 62 cases that would be construed under disease management and of those 62 cases we have 35 members or 56% participation. So that is another area that we really need to focus on getting to people to participate in the disease management which will ultimately bring down the cost.

Mr. Scott, Good Afternoon, no questions I'll just jump right to the claims. I will give you a breakdown where we are with the numbers and the financials. Through the first 6 months of the year we've had about 76,000 claims that have been reported. Of those claims we've had about \$10.2 million in actual bill charges. Through the repricing and direct contact negotiation of that \$10.2 million \$3.7 million were allowed charges so we've saved for the 6 months about \$6.5 million which is about 64% off of bill charges which is a very good number considering what a normal PPO discount and other percentages off bill charges are in the state in the nation. How it breaks down we've had the primary or the physician charges which is a PACS network 17% of your claims have come from the physician's network. About \$1.7 million billed and we've saved almost \$800,000.00. You're referenced based pricing which is your facility charges that are not a direct contract. We've got about \$2.8 million billed we've saved about \$1.8 million off of those bill charges and then the direct contracts that we all worked very hard to put in place last year that comprises about 55% of your claims. There has been about \$5.6 million in bill charges and we've saved about \$3.8 million all together there. So ending in June with claims, the fixed cost, the all end number is right around \$3.8 million, which is trending very favorably which is what we'd like to see.

Com. Evans, It's remarkable, it truly is remarkable. The more we've been in years past.

Mr. Anton, We're opened to any questions.

Com. Good, What would be helpful for me would be to see what we're comparing to this year versus last year now that we have last year. Did we ever really find out what the final number was on 15 because I know we had some claims that were screwed up at the end of the year that came in at the end of the year? So do we know where we ended up on the \$9 million budget? Was \$9 million, was it over, was it under, was it?

Mr. Anton, I think it was pretty much right on target frankly Commissioner.

Com. Good, Yes, I never saw a final settlement out, because wasn't there a glitch between Stewart C. Miller and BAS and the takeover and there was some claims that didn't come through.

Mr. Anton, There was some lags, but I'm not sure that some of those aren't included in the current.

Com. Good, This years?

Mr. Anton, Yes. There was a lag there and also a delay in the transition in terms of adjudicating some of the claims.

Com. Good, Right, I was just curious as to where we settled in the final number for last year and then what would be helpful going forward is if we could do a side by side 6 month versus 6 month where we're at. I know it's based off claims, I get that but just from a cash management standpoint, it's sort of helpful that is all I'm saying.

Mr. Scott, We could do a 6 month, we could show you enrollment, increase/decrease in the enrollment.

Com. Good, That is really all I'm asking for. Thank you!

Mr. Anton, And we're fortunate right now that we're in a good cycle frankly and if we go back to a couple of years ago when we were trending the wrong way or not trending reality were in the wrong way one of the measurements is how many participants you have that exceed 50% of the spec deductible. So if the spec deductible is \$150,000.00 so anybody that has a claim 75 and up falls into this statistic and during that period of the severe temperature so to speak we have 32 people that were on that report. Today we're running 3 that really is in our favor and some of that is we're just in a good cycle and fortunately people are healthy, but it's also good attribute that success to frankly the care management and disease management issues that are taking place through INETICO, but that's why as Leigh mentioned it's important to get that other 30 people that are dealing with disease management issues into the program in one fashion or another.

Mr. Scott, That is why we're going to come in the 3rd quarter early 4th quarter. We do have the detail that you need and we're going like I discussed before the first we want to do is get a handle on the pricing. Direct contract get those in place so you know where that is we've done that. Now we really have to start focusing on the health and wellness, early intervention and prevention and be strategic about it. That's what we're going to prepare for the 3rd quarter to present to you with our thoughts and ideas and kind of get into the numbers and the (Inaudible) that you want to see.

Com. Good, On referenced based pricing now that it has been established for 3 or 4 years industry wide, I guess maybe longer, are you starting to see some good bench mark numbers out there and the follow up would be is on our wellness participation we went from 35 to 39. Are we seeing in these reference based type programs is there a level at which that 39% should be 55% or should be 65% or 40%, because that's a number that I'm looking forward to see at what point are we coming up against the what the bench marks are just to compare for our employees.

Mr. Scott, I think that that number needs to be increased, I think it needs to go up and we'll come to you with some ideas on how we can encourage and entice the membership to do that. It is fairly low from a national (Inaudible).

Com. Blaney, For wellness or disease management or both it's low?

Mr. Scott, Both, it's low on both. We really need to work on a campaign to get the employees engaged, to let them know that it's time to take responsibility for your health and when you're contacted with these programs you need to engage these programs and if you choose not to that's fine, but there's consequences for that choice. They are put in place for a reason and if the number is not where it's supposed to be it's inflicted on the claims.

Com. Blaney, Is there any way to compare claims between the groups that are participating and the people who aren't?

Mr. Anton, Well you have to really get into the demographics of the group.

Com. Evans, And you better be very careful of HIPA at that point as well.

Mr. Scott, To his point if you want to get the demographics as close as you can because you have to have a younger group and their claims are going to be out because of babies and premature babies. Those are the things wellness and disease management will impact and their claims are incredibly high. There are some numbers we can show you by disease management, case management utilization review. But to try to do a side by side comparison is sometimes tough with the demographics.

Com. Evans, I think you hit the nail on the head that we need to do and that is to make it financially inconvenient to not participate and we have been trying and trying to do that. I think we need to add more of that type of reasoning to the faction. If you get \$10 back for participating you're going to say well maybe it doesn't make much difference. If you're going to get \$50 back now you're thinking is going to make a bigger difference. It all comes back to the point that we're trying to make the wellness of the worker priority and they don't care. So I don't how you do that. I don't know how you keep beating them over the head to make them understand it's for their own benefit.

Com. Good, In my opinion that's why you set benchmarks and you set goals and you set deadlines. If we can't reach a certain national average or there about in that region and we keep knocking ourselves against the wall and this is a true wellness program then I think at some point in time we have to start putting some teeth into this and we need to start setting some deadlines here real quick. And that is what I'm really looking for is what are the benchmarks, and what are the timelines that we're going to use to fit these benchmarks? Then you're incentives and all your other things can be part of that but the clock is ticking. I think we've worked to get the number the \$9 million but I've said before that number needs to be better and that's how we're going to get there if we go in this direction. That is really why I was asking the questions that I'm asking. I want to start lining it up with trends and benchmarking and with that data we can we can set some goals and objectives here from the Commissioners' standpoint.

Mr. Anton, I couldn't agree with you more Commissioner. I think that over the last roughly 5 to 6 years that we created this wellness program and created some of the incentives and the Board of Commissioners have made changes to the plan to incentivize the program etc. We've taken these baby steps and the progression of participation has been frankly a task to get people to participate. The reality of it is time to take some serious approaches and move the needle; because I think you could go by several counties in the State of Indiana that potentially have a 90% participation.

Com. Good, We just need to balance the fairness between our employees and the taxpayers and that's really what I'm looking forward to do. I think we're on that trajectory but we need to start turning the screws down a little bit and turning the fire up a little bit and see what we could come up with. Thank you!

Com. Blaney, What is the wellness screening number from last year? Are we heading in the right direction at least?

Mr. Scott, We are.

Mr. Anton, Just creeping.

Ms. Westergren, Last year it was 202 this year it is 319.

Com. Blaney, And that is percentage wise do you know? That's a decent increase.

Mr. Anton, That is a little bit less than 30%, because that includes in terms of overall potential for incidents includes the spouse.

Com. Evans, I think we would be greatly remised though if we didn't mention the biggest savings that this whole thing has brought us. The total bill charges were over \$10 million. If we had gone with the other reference based pricing group we would have paid 12.5% of that right off of the top because their fee was built on to the bill charges. I think we've saved if you just look at that figure a \$1.5 million to \$2 million just in the service provider that we selected. So I think that that absolutely should be part of the equation and everyone should be aware of that. Thank you very much!

Mr. Anton, We'll plan on coming back and visiting that again.

Mike Jabo, DLZ

Award sewer and water bid for Animal Shelter

Mr. Jabo, Before you have a letter of recommendation. We sent out 6 requests for quotes, we received 3 from the May meeting. It was decided to wait until the Fair was over to get the contractor out there. D & M Excavating, Inc. was the lowest bidder at \$29,857.00. As with the road plan when we asked for quotes we asked for a lot of information from the company not all of the contractors did submit that, so if you wish to waive those. Of the 3 contractors submitted we've worked with them in the past, they are all reputable contractors who can do the project. In fact we recommend if you decide to waive the regularities (Inaudible) we would recommend D & M Excavating, Inc. for \$29,857.00.

Com. Good, On your spreadsheet you're showing D & M not low bid. Do you have the names mixed around?

Mr. Jabo, I do, I apologize.

Com. Good, Since this is a public meeting I just want to make sure that we made reference of that. That the worksheet is incorrect.

Com. Evans, There is a letter of certification regarding investments in Iran.

Com. Blaney, Actually that is not being used anymore, is it?

Atty. McClure, It is, I think they will end it this year I believe.

Com. Evans, That means you receive the letter when it says yes or you didn't receive the letter when it means no or that they have investments in Iran or they don't have investments in Iran?

Mr. Jabo, That means they included the document and I believe talking to D & M, I did talk to them last week (Inaudible).

Com. Evans, They don't subscribe to the E-verify program.

Com. Blaney, Or they just didn't include it.

Mr. Jabo, They just didn't include it.

Com. Blaney, But you're recommending that group if we went with them?

Mr. Jabo, They all errored the same pretty much.

Com. Blaney, I only see one that doesn't have it.

Com. Evans, Yes.

Mr. Jabo, And we could request all new documents to be included in their contract.

Com. Evans, And to be clear their bid is \$29,857.00?

Com. Blaney, moved to approve D & M the low bidder as long as they give us all of the required documents before they begin, Com. Good, seconded, motion approved.

Juvenile Center Update

Mr. Kromkowski, Yes Commissioners there are a couple of things. One is some housekeeping matters that. There are a couple of payout (Inaudible) that were not turned in until recently. Some of this was held up because they sent in some administrative change orders that were approved previously but the documents weren't forwarded over so the pay apps couldn't be processed until those change orders were processed. We have since received the copies of those changes.

Atty. McClure, And to be clear the change orders were approved here.

Mr. Kromkowski, The change orders were approved in a public meeting.

Atty. McClure, In real time as the project was going on.

Mr. Kromkowski, In real time in October and so it was just an administrative item. There was also some of the other documents that needed to be signed, a substantial completion document. There was also an allowance adjustment that was also required. All of that information has been completed, the warranties are in affect. The statute of completion document establishes when the warranties begin. This work has been completed for some time it was just an internal audit that discovered that some of these documents weren't processed.

Com. Evans, By not paying them in a timely fashion does that increase our warranty?

Mr. Kromkowski, We asked them to start their warranty at the beginning of January 1, 2016 and the work had been done in 2015. They will go ahead and honor that and then the product also has their warranty which is beyond the standard (Inaudible).

Com. Evans, And a portion of that that I'm sure is not your responsibility but we also had conversation with the Juvenile Center Board regarding their bond and they have agreed to participate in these final bills as well too. We'll arrive at a dollar amount they are going to pay and we're going to pay and I think that what we need to do is approve these to be paid is that right Scott?

Atty. McClure, Yes, so what is the total owing right now?

Mr. Kromkowski, The total owed amount?

Atty. McClure, Yes, if we were to pay it off.

Mr. Kromkowski, \$227,326.24 and that's pay opp. #3. Pay opp. #4 is for the retainage which is \$69,367.05.

Com. Evans, \$227,326.24 and \$69,367.05 correct?

Mr. Kromkowski, We have inspected the project, we are comfortable with the completion of the project. Also, there were questions back in the spring regarding some downspouts and some surface drainage that wasn't in their contract. That was another piece that indirectly kind of held up this because we weren't sure if it was part of the original scope or the new scope and we worked that it was never in their contract. I believe (Inaudible) took care of that.

Com. Good, Stephen when we talked the contractor is willing to work out a payment schedule too?

Mr. Kromkowski, I will talk to them on that. I'm sure they'll be.....

Com. Good, Because of the error.

Mr. Kromkowski, They've waited this long to receive their payment I'm sure that they will....

Com. Good, Yes, you caught us in an odd cycle. So if anything can be done there.

Mr. Kromkowski, I'm sure they'll be willing to work with you on that. Who should they be in contact with Scott?

Com. Evans, Scott would be fine, originally wasn't this to be paid out of CCD? I thought it was.

Mr. Jabo, In fact Melissa opened a P.O. and I know Michelle was tracking it.

Ms. Downing, We may still have P.O.'s opened, it's possible.

Atty. McClure, Well if the P.O.'s are opened then we probably won't need a payment plan, but if they're not opened then we probably do.

Com. Evans, I thought they were encumbered.

Com. Good, So you're thinking it's encumbered then?

Com. Evans, Yes. That would be nice if it was.

Atty. McClure, If it's encumbered then we won't have a problem; if it's not then we're going to have to....

Mr. Kromkowski, I know there were always discussion with this change order when we were doing change orders at that time and it was always the discussion of the funds. To be honest it was internal I don't know which funds there were a lot of different funds.

Com. Evans, I think it's there but I think we also need to clarify with JDC's bond that was left. They were going to retire that bond in favor of this project. So I think we need to find out exactly how much they are willing to contribute and we'll take the balance.

Mr. Kromkowski, I apologize that this wasn't done before, we should have had this wrapped up. It was a little surprising to myself.

Com. Evans, What kind of motion do we need then Scott?

Atty. McClure, I don't think we really need a motion. Everything has been approved. We just wanted it on the agenda so everybody knew about it and we could get caught up and we had some way of everybody knowing what was going on.

Mr. Kromkowski, It takes no action but there is a couple documents for signatures.

Olson Contract – Animal Shelter offsite roadway

Mr. Jabo, This is also an offsite package same as the sanitary sewer and water that you awarded at your last meeting to Olson Construction. (Inaudible) the proposal from Olson in the amount of \$45,665.00. If you desire to move ahead with that and sign it (Inaudible)

Com. Good, Mike have you gotten the right-of-way permit yet or has anything worked out of that?

Mr. Jabo, They're waiting until the right-of-way manager comes back.

Com. Good, Well we're running out of time.

Mr. Jabo, I know, it was approved and the local permit inspector is waiting for his boss to sign off. This isn't the only permit I've been shagging. Unfortunately I can't get anything out until this gentleman gets back.

Com. Evans, Is that an INDOT approval?

Mr. Jabo, Yes, it's been approved at the inspection level. We just need his manager to sign off on it.

Com. Good, And was he to be back this week I thought?

Mr. Jabo, Yes, tomorrow.

Com. Good, If you could supply me the phone number I would be more than happy to make a phone call. The Fair is right around the corner here and we need to get that road in. Is Olson ready to go?

Mr. Jabo, I believe so.

Com. Good, It's getting a little too close for my comfort.

Com. Good, moved to approve the contract with Olson Construction in the amount \$45,665.00, Com. Blaney, seconded, motion approved.

Com. Blaney, We have to bring this up for us to vote on regarding the train. It is our submission to the Surface Transportation Board regarding the Environmental Impact Study. You had this in your emails and there is actually one more edit to do, but I wanted to get your approval to submit it by Friday with some minor edits.

Com. Blaney, moved to approve with the minor edit, Com. Good, seconded, motion carried.

Com. Blaney, While we're talking about the Fair and getting in and out of the place Division and Smoke Road intersection is still closed and the detour sends people down, is it down 150 on to that crazy curvy mess that turns into Saeger Road. Is there something different we could do for the Fair, just a Fair route so we don't have so many people going that way?

Mr. Riddell, (Sitting in the back of the room, not near a microphone.) I suppose they could head north through the City way up to the north end of Smoke (Inaudible).

Com. Blaney, Could you guys look at that and then maybe we could put some signs up before the Fair starts. Just a Fair route or something temporary.

Com. Good, You might want to also on our website page and other things start communicating on social media as well too about traffic, the Fair. As many entities as we can get to let everybody know that there is a change in the direction.

Com. Evans, How long is the road going to be closed there?

Mr. Riddell, Through October 2nd I believe.

Com. Good, That is awhile.

Com. Blaney, That is just going to be dangerous, teenagers heading to the Fair and being late for concerts, a lot of blind curves on that road.

Com. Evans, It's already dangerous at that intersection so hopefully something good will come out of it.

Com. Good, I would like report though based off a meeting that we had with Pratt and about 40 stake holders several months ago. IDOT did come through and we did get the turn signal out there. So that is good. And they did promise that before the Fair so they did come through. We do have a turn lane now.

**Sharon Lippens – ITS Director
Open RFP Financial Payroll Software**

Com. Evans, So this is for the Auditor right, but everybody uses it.

Ms. Lippens, Auditor, Treasurer every office in the County, they enter their payroll, their requisitions and things like that it pretty much touches every department in the County.

Com. Evans, How many proposals got sent out?

Ms. Lippens, We posted on the website and advertised it in the paper so we don't know how many people downloaded it.

Com. Evans, How many did you get back?

Ms. Lippens, They go to the Auditor's office so I'll let them answer it.

Atty. McClure, We got 3.

Com. Evans, This is from LOW and Associates, Inc., Right Stuff Software and RDS, Regional Data Services, Inc. This one is from Right Stuff Software. So I think what we're going to do Sharon we'll open them and announce them, we'll give them all to you and let you make sure they dotted all of the I's and crossed all of the T's. Do you want to come back at the end of this meeting or do you want to come back the next meeting?

Atty. McClure, If you could look at it just enough to give us some numbers.

Com. Evans, We might be able to find that ourselves here.

Ms. Lippens, Probably not because there is multiple modules, but I can probably get a summary quote for you just to give you an idea of the figures before the end of the meeting. We will be requesting demos from vendors and either the next meeting or the meeting after that depending on the schedule we can come back.

Com. Evans, Very good, if you could that would be great. This one is from LOW Associates in South Bend. The third and final one is from RDS, Regional Data Services Incorporated and they are in Crown Point, Indiana.

Ms. Lippens, They are our current vendor and just to let you know the committee that reviewed all of the specs, which included myself, the Auditor, Treasurer and H.R. we also decided as a committee to include Edie Hahn in the Sheriff's department because the Sheriff's department has unique needs when it comes to payroll with merit and shift differentials and all of those things that I don't see in dealing with people in the Administration Center and the Courts etc. So we brought her in as well to make sure that we would have someone from their office.

Com. Evans, That's good. If you can get us kind of a ballpark figure before the end of the meeting and then is it your plan to utilize those people that were on the committee to review these and they can all have input as to how it is going to affect their office?

Ms. Lippens, Yes, I plan to distribute copies to the committee members and then we plan to meet on either Thursday or Friday to discuss it and then try to schedule demos as soon as possible and really hit them to try to get all of our questions answered.

Com. Evans, There they are for you and we'll try to get you just before the end of the meeting again. Thank you Sharon.

Lori Daly – Expo Director and Matt Wellsand – Fair Board President Porter County Fair 2016 - Emergency Action Plan

Mr. Wellsand, I believe this is the 3rd year Mike Webber with Porter County Emergency Management helped us put together an action plan. This puts names and numbers together, phone numbers together and just highlights what to do if there is severe weather at the grounds. They do have their command center bus on their grounds during the Fair for 10 days.

Ms. Daly, We just need your signature on it.

Mr. Wellsand, Yes, we need your signature. The Fire Marshall would like that.

Com. Good, Has the Fair Board approved this at their meeting?

Mr. Wellsand, Yes, we've had this for 3 years so the only thing that has changed are people going off the board and me becoming president.

Com. Evans, Is there also a police action plan that you have available?

Mr. Wellsand, Yes, grandstand evacuation. It covers any type of incident.

Com. Blaney, moved to approve, Com. Good, seconded, motion carried.

Office Holders/Dept. Heads

Matt Stechly – Facilities Director Award Quote for Facility Vehicles

Com. Evans, Good Afternoon Matt.

Mr. Stechly, Good Afternoon, this is just a follow up from last month's Commissioners' meeting we opened sealed bids for both the vehicles and 3rd floor and this is simply to award it.

Com. Blaney, moved to approve the Southlake Auto Mall in the amount of \$21,728.00 each, Com. Good, seconded, motion carried.

Gariup Construction – Contract for 3rd Floor Renovation

Com. Evans, Then the bid for the 3rd Floor contract is being offered to Gariup Construction and the dollar amount there?

Com. Good, It is \$177,000.00. That was low bid based off of the bid openings at the last meeting.

Mr. Stechly, Contingent on verification of scope and several meetings that went really well.

Com. Good, moved to approve Gariup Construction, Com. Blaney, seconded, motion carried.

Com. Blaney, When are they thinking they are going to get started?

Mr. Stechly, Next Monday or Wednesday.

Scot MacDonald – Opera House Director Frank Allen – Orchestra Agreement Chandler Maglish – Venue Rental Agreement

Mr. MacDonald, Frank is one of musicians for Grease. We turned all of those contracts in last month but Frank was (Inaudible) so we just wanted to make sure we got that in before the production opened.

Com. Evans, This is in the amount of \$360.00.

Com. Good, moved to approve, Com. Blaney, seconded, motion carried.

Com. Blaney, Grease opens Friday, right?

Mr. MacDonald, it opens Friday night and we have about 2400 tickets sold for the run of the show so far. Really, really excited.

Com. Evans, And a rental agreement with Chandler Maglish.

Mr. MacDonald, He is a location magician who wants to rent our venue for his show.

Com. Evans, He's not going to make it disappear is he?

Com. Good, No we need the revenue.

Com. Good, moved to approve, Com. Blaney, seconded, motion carried.

Com. Evans, Thanks Scot!

Sharon Lippens – ITS Director Videotec – Quote for Security Cameras to be placed in the Administration Building

Report from Commissioners

South District

1. LPA Claim Form 3 for CR 100S (2000' W of CR 725W to 1000' E of CR 500W) for intersection and sight distance improvement in the amount of \$11,014.00. Recommend approval.

Com. Blaney, moved to approve, Com. Good, seconded, motion carried.

2. LPA Claim Form 6 for Porter County Replacement Bridge 62, CR 1000S over Kankakee River, in the amount of \$9,269.76. Recommend approval.

Com. Blaney, moved to approve, Com. Good, seconded, motion carried.

Center District

1. Arbor Lakes, Unit C, maintenance Bond from DeMotte State Bank in the amount of \$18,144.00. Recommend approval.

Com. Good, moved to approve, Com. Blaney, seconded, motion carried.

Correspondence

Treasurer's Monthly Report – May 2016 Filed.

Request for approval by Valparaiso Community Festivals and Events to use the Courthouse grounds beginning Wednesday, September 7th through Saturday, September 10th for the 38th Annual Popcorn Festival. They would also like to know if the parking garage will be open the day of the festival and what the fee will be.

Com. Blaney, moved to approve the request to use the Courthouse grounds, Com. Good, seconded, motion carried.

Com. Evans, The parking garage is another subject. In the past we've had somebody man that garage and the fee was what \$10.00 per car. Are we in a position to be able to do that again this year?

Com. Blaney, I did talk to Matt about that and he is planning to take that over.

Com. Evans, Okay, we should notify them that the garage will be available for the day of the festival and the fee will be \$10.00, is that still okay?

Com. Blaney, Yes.

Com. Blaney, moved to approve the request to use the garage for a \$10.00 parking fee, Com. Good, seconded, motion carried.

Request for approval by Bob Gregg of the Wildlife Board to have a presentation regarding bats at the Sunset Hill Farm-Celebration of Wildlife on Sunday, October 2, 2016 between 12 p.m. to 5:00 p.m. – *To be brought up at the next meeting.*

Request for approval by Heart for the Next Generation to use the North side of the Courthouse grounds facing Lincolnway to present a campaign "Justice for the Unborn" on Tuesday, July 19th and Wednesday, 20th, 2016 from 9:00 a.m. until 5:00 p.m. The organization will remove the display at the end of each day and clean up any literature or garbage.

Com. Evans, We got in big trouble with this last year. Big trouble and we got so many complaints I think we need to talk about this.

Atty. Mike Bolde, Sure, I will give you a little bit of our view on the event. I'm here representing, Pastor Scot wasn't able to make it. It's important to distinguish it from an event it's not an event it's a display. They are two widely different things. Heart for the Next Generation, they have a website you can go and check out. It's Jesus focused ministry so it's distinct and separate from a pro-life group. When you hear that connotation you think protestors. The people manning this display are predominantly high school and college kids that come in. There is about 15 or 20 of them that do street ministries. So the display is provocative, people don't like it but it does provoke

higher thought, it changes an opinion, and more than anything it's one of those things that the First Amendment protects.

Com. Evans, I understand that but it also protects those people that have their 8 year old son with them in and they're driving by and now they have to witness this and it's not something they want to have to explain to their 8 year old son at that point in his life and they have some rights to I think.

Atty. Bolde, They have rights, but none of those rights trump the First Amendment right. One could look away, one could close their eyes, one could decide to walk on one of the other three sides of the Courthouse.

Com. Blaney, What are our rights Scott?

Atty. McClure, He obviously is correct the First Amendment protects us, it is a presentation. They have the right to do it and we have the right to narrowly tailor time, matter and place of where it is happening and when I say narrow I mean very narrow. Without indication as to preference of the material etc., so again that's where our constraints are.

Atty. Bolde, If I could add one more thing to it's important to note that last year there was no incidence of violence.

Com. Blaney, We got complaints all day.

Atty. Bold, I'm sure you did, I'm sure you will people don't like it (Inaudible). It is provocative, but the reality is it is the law. That's group stance 3,000 babies get slaughtered every day and that's the group's position. And if one baby can be saved it's worth them in their opinion trying to preach Jesus to somebody to save a baby.

Atty. McClure, Well I don't think we're at all tilting on any kind of rejection of your request.

Atty. Bolde, Sure I understand.

Atty. McClure, It's just a matter of where to put it on the Courthouse grounds, how long to allow it to happen etc. It's not a matter if you're doing it like I said narrowing if the Commissioners so want narrowing very carefully the time, manor and place.

Atty. Bolde, I'd like to make one other issue I see where you are going with this. Pretend I'm not representing a pro-life display pretend I'm Domino's and I want to do something on the square for 8 hours there's no complaint no objection of where I want to go and what I want to do. Even more so the First Amendment prescribes our right to not have what it's doing, tailor it. That doesn't mean you can have the event for 2 hours just because it's an unsightful display.

Com. Evans, Well I think the other thing that you need to consider, that we need to consider is that the Courthouse is used on a daily basis. Probably 80% of the people that are going in and out of that facility are about to experience a life changing event. They're going to be sent to jail for some time, their loved one is going to be sent to jail. They've already got a lot of ideas about what's going to happen in the rest of their day and now they're confronted with a display. Look at what happened yesterday in St. Joe a guy is going to get sentenced to jail and he manages to get a gun and kills people. How is anyone to know what is going to set any individual off. And when you have something that can be antagonistic towards some people it could be a catalyst. I'm not saying we're going to deny your First Amendment rights but I am saying that we need to be able to protect everyone else too.

Atty. Bolde, I agree and actually it's the position for this event on the North side of the Courthouse because the entrance is on the South side and people approach it from the East and West.

Com. Blaney, You got restaurants on Lincolnway and nobody wants to sit and eat lunch.

Atty. McClure, There's traffic issues and that's why we have the map up so we can look at the Courthouse square as it sits and try to figure it out. Where were you last year?

Atty. Bolde, On the North side facing Lincolnway.

Com. Evans, And that was the biggest complaint I got were from the restaurants that were immediately across the street saying "We got zero revenue today because people don't want to sit outside and eat while looking that. And that is something else that I think maybe I don't know if it's in our purview but we should consider limiting the size of those signs. They've got 12' signs out there with pictures of fetuses being aborted or that have been aborted.

Atty. Bolde, African Americans being hung, Holocaust people being dumped in ditches. The reality is there are horrors, the horrors of human relations among people are tragic and it highlights those and there is no way to escape it that is the reality and that's history and that's what we do on a daily basis to those babies at those places. There is just no way to escape that part of it, there is no way to say you can't really do it. The First Amendment is so broad and so great it allows people to (Inaudible) at soldier's funerals and it's a despicable mess.

Com. Evans, I've been to those as well.

Com. Good, Do your plans something in it for a microphone system or a PA system?

Atty. Bolde, Yes so there is amplified sound. We're working with the City to get that approved and they have a contingent approval we've gotten which is really no approval they basically said we could use the sound as long as it doesn't exceed the Uniform Ordinance of 65 decibals I think. As long as it doesn't exceed that, they didn't and shouldn't (Inaudible) because I don't think sound is avoidable and they did not give us the exception that we wanted which they gave us last year.

Com. Good, But from our perspective we have court proceedings going on inside that building and I think that would be extremely disruptive to our judges and to our jury system.

Com. Blaney, It was last year.

Com. Evans, They were some of the biggest complainers last year as well.

Atty. Bolde, Well I can tell you that last year also it was not governed by the 65 decibals, but this year it will be. 65 decibels if you don't know what that is it's not very loud.

Com. Evans, Is using the Valpo sound system going to carry the sound of your microphone through the entire downtown?

Atty. Bolde, No we have a standalone thing. It's isolated it's facing away from the building on to the building. The purpose of the sound is to literally get the attention of the people around it, it's not to throw a shout out down to Central Park the purpose is not to be noisy we're not trying to send a message as loud as we can all over Valpo. The group are trying to attract right there on Lincolnway around the square, yeah what's that noise. They want people to come and confront the display they want people to deal with it (Inaudible). So it's not to be disruptive or disorderly most of it is street preaching. Just preaching the word of God, they play some acoustic guitar but that's its purpose.

Atty. McClure, What is the height of the display?

Atty. Bolde, It varies based on and it could be set any number of ways.

Atty. McClure, What's the tallest and what's the shortest?

Atty. Bolde, A ballpark I think last year I think they were double stacked the whole time.

Com. Evans, They were gigantic.

Atty. Bolde, I think they were maybe 10'. They never tipped over you've seen in the letter that we do this all over. They're sandbagged it's a stable structure. This guy who owns the display they've done it all over the United States there has never been one incident structurally or otherwise.

Atty. McClure, Well I think the issue with the height isn't at least my question wasn't centering around the issue of the structural stability of the display itself it was again just trying to get a grasp of what so we're clear here of what you're doing. So we can tell we can notify that building of what's happening and then also decide where it's going based upon what size it is. We have issues it's not about structural stability. It's about site lines, it's about traffic etc. etc.

Com. Blaney, We don't have much time to figure all of this out.

Atty. McClure, No.

Atty. Bolde, And last year when they were facing North, facing Lincolnway it ran from the grass to the sidewalks.

Com. Blaney, Are we within our rights to suggestion a different day? I mean later when we have more time to review this.

Atty. McClure, That would be something they would have to agree with us to do.

Com. Blaney, Maybe during school hours so the kids aren't hitting the park right down the street.

Atty. Bolde, There is no way around it, I'll be honest with you there is no way around the fact that it's a (Inaudible). And I can tell you think of all of the other protests and things that happen and if it wasn't a pro-life we wouldn't be having this discussion. I honest believe if it was a gay rights thing we wouldn't be having this discussion.

Atty. McClure, Well I disagree with you on that. That could be your opinion. I can tell you though that I don't care what comes up here. If it's 12' tall or 10' tall, if it has an amplifier and it's on this Courthouse grounds. There are other places in this County to be besides this Courthouse grounds if it's any of those things then you're going to be answering the same questions. I don't care if it's gay rights or if it's a military issue etc.

Atty. Bolde, I'm happy with the questions because I think it's part of your job as decision makers to make the best decision for the County.

Com. Good, Well I'm looking at this from the security and the safety of our citizens of Porter County and the people that work inside that building and have a job to do. We're moving prisoners in and out of this building. There are a lot of things that are going on in this building and to inject something like this it makes it even more difficult to operate that building on a day to day basis. And I think at the end of the day we're concerned about the security.

Com. Evans, And the North side of that building where you were is where the jail van pulls up and where the prisoners are unloaded.

Atty. Bolde, Sure and we don't disrupt that and we don't interfere with that. You'll recall years ago we they had the Wall Street protest out there. The liberal Wall Street

people all had Lincolnway occupied and there was no problem. I only point these out to provide context for harassing, because people don't want this display out. You may or may not, but a lot of people don't. The public Courthouse is always been historically the place to have it.

Com. Good, I think you could talk historically all day long. At the end of the day these are different times and I think there is a lot of things that are going out there in the public right now and again from the County perspective this is safety. This is public safety and I think anybody that is out there that watches the news and sees what's going on in this country in the last 30 days I think Commissioner Evans discussed that earlier. Really the perspective that we're coming from is that we're going to tighten this up and we have to take a look at somethings.

Atty. McClure, I want to be clear though the display is happening and it's probably happening on one of these days. We're narrowing down the details of where on this square and really in my mind how tall. You're display is happening.

Com. Good, And the decibel noise.

Com. Blaney, Is there any kind of a sign ordinance that that needs to fit into?

Atty. Bolde, Specifically to the discussion the thing about security I don't agree with you. There are crazy people everywhere who could be set off at any moment at any time. It's important to know at least with our group. The chances of it happening are slim because we're not out there protesting, we're not going to be in their faces. It just like an invitation to come and have a discussion about it. These are high school and college age kids which are again Jesus (Inaudible) and that's important because of....

Com. Evans, Well I understand that but you got to understand that that may not be the only provocation. What if you say you have a female that is now in her late 20's and had an abortion when she was 18 and you kick up all of these other emotions back for her and that is a trigger for her to go back to her car and get an AR15 and start shooting them. That is what we're talking about is protecting the safety of the individuals that walk up and down the streets that may or may not have a care in the world and we would never deny anyone their First Amendment rights. I think that probably a better spot for this kind of activity would be the Southwest corner of the Courthouse grounds as opposed to the Northeast corner where you were last year.

Com. Good, With a restricted sign height you think?

Atty. McClure, Well do you think you're going to go 10'?

Atty. Bolde, We're not going to go more than a double stack. I don't have dimensions in front of me. I can tell you it will be at or around 10' or less, because the goal is not height. The double stack works out well in one length.

Atty. McClure, Well do you know what the length is if we said don't double stack what would that turn the length into?

Atty. Bolde, Well last year it was double stacked and ran the whole North side of Lincolnway in between those sidewalks.

Com. Good, It was huge it was like a billboard.

Atty. Bolde, Well you know it's a series of small signs. It could be manipulated by its size and configuration. I don't like the idea of sticking us on the Southwest side of the Courthouse only because if it wasn't this type of event we would be right there on the North side of Lincolnway.

Atty. McClure, I think the addition of the structures being built is part of this.

Atty. Bolde, Sure and I'd like to point out that last year there were no traffic incidences. There were no security incidences out there. We can speculate a lot.

Atty. McClure, Well that's what we do up here, we speculate.

Atty. Bolde, Why I understand you speculate to a point but we have a track record.

Com. Blaney, Well we did have to call the Sheriff though.

Com. Evans, Yes.

Atty. Bolde, I don't know for what, I was there one day.

Com. Good, It was the first day.

Atty. Bolde, I'm not sure why.

Com. Good, Over aggressive.

Atty. Bolde, Oh I can tell you that was a particular group out from California that came. This is another we've done different. Last year the event coincided with (Inaudible) that's a national conference that's the following week. So this year it's a week earlier so only the (Inaudible) team will be out there to avoid that kind of problem. And by over aggressive that's people handing people paper that says don't kill your baby.

Com. Evans, And insisting they take it that was the other thing.

Atty. Bolde, Yes I'm not sure there is two sides to every story. I wasn't there I can't debate what they did. I know that group left to conference too.

Com. Evans, Like you said you got a track record and part of the track record was not very favorable.

Atty. Bolde, We were responsible for getting that group out and we can't control who shows up anymore then we can't control if 2000 people show up with that are pro-life and throw rocks at us. We can't control that. That is why speculation is important but has to be limited.

Com. Evans, No but it was those people that were leading the demonstration on your behalf.

Atty. Bolde, Absolutely not.

Com. Evans, That is why we had to call the Sheriff.

Atty. Bolde, It was not our people, I'm being 100% honest. I'm very good friends with Pastor Scott, I was there on the second day not the first day and it was the group from California.

Com. Evans, But they were there on your behalf.

Atty. Bolde, No they were there attending a conference. They were not supposed to be there. There was a signed schedule of who was supposed to come and Pastor Scott's team was the only one that was supposed to be out there. Those guys came on their own behalf and we asked them to leave and actually they did. The best way to do this is to let people approach if they want to let them know Jesus is the answer. This is the group's approach. If you want healing for your abortion come get it, if you want to (Inaudible) you can do it. Plenty of people exercise their rights but the reality is it's (Inaudible) but Pastor Scott's team is focused on being non-confrontational and inviting with the idea that Jesus is the answer. Is it disruptive all those things we

talked about of course, but it's very different that group didn't comport with this group does. That's why there was a problem.

Com. Evans, It still goes to the track record you were talking about, there was a problem.

Com. Blaney, What about the hours, do we need to have it from 9:00 to 5:00?

Com. Evans, Well I think the Courthouse closes at 4:00 don't they?

Atty. McClure, 4:30 I believe. 8:30 to 4:30 is what they're normally running at.

Com. Evans, What would you propose if you don't want to go to 5:00?

Atty. McClure, Obviously like I said earlier and again to be clear we're not saying 2 hours at some point. Some of it bills into the other issues of where's it going? And what's the height etc. Part of the problem here I keep thinking in my mind what else is going on in that Courthouse and we just don't know.

Atty. Bolde, I think we should be treated like any other group with any other display.

Atty. McClure, There is no doubt about it.

Atty. Bolde, And having said that we should be approved to be on the North side of the Courthouse facing Lincolnway.

Atty. McClure, I know that's what you want.

Atty. Bolde, I understand, I'm hard pressed why it won't be there.

Atty. McClure, Well the biggest problem with Lincolnway is that all of the 4 roads and obviously the reason why you want to be there is traffic and the reason I'm concerned is traffic.

Atty. Bolde, We're more interested in the foot traffic.

Atty. McClure, Well then the foot traffic shouldn't change drastically around that Courthouse.

Atty. Bolde, I believe it does.

Atty. McClure, The parking is all the way around. Matter of fact you're going to get more foot traffic on the Southeast or the Southwest side than you are on the North side. There is no parking on the North side. You either park down at the Moose Lodge and walk down for the employees or you park around the square and you walk in from the South.

Atty. Bolde, That is very much busier than the other corners.

Com. Evans, Busier with traffic and that traffic is then distracted by the displays and creates a safety problem.

Com. Good, Well from my perspective we're allowing you at this location to be there.

Atty. Bolde, The First Amendment allows me with all due respect.

Com. Good, Yes and we're saying that that's not a problem. Now where we're telling you where we want it to be we're still fulfilling that obligation I believe.

Atty. Bolde, I understand it's a tough decision. I understand what this display is and I'm here to represent the company. I understand your dilemma, but this is what made this Country great. This is what allows these kinds of displays to happen.

Atty. McClure, And that's why it's going to happen, right?

Atty. Bolde, I understand, that's what's helped shaped our Country having these debates.

Atty. McClure, And in all honesty I don't think anyone disagrees with that. Whether you are for it, against it, like it, don't like it. It's part of being in America and in no way do we want to stop that from occurring. It's about trying to do the fine tuning between your group and every other group and every other person's First Amendment right and public safety issues and the things that we also have to deal with at that Courthouse.

Atty. Bolde, Another reason I can say that I had mentioned before just to add that it's better on the North side because everyone comes in that South side.

Com. Blaney, The safety issue the prisoners coming in and in light of what just happened in St. Joe with the bailiffs.

Atty. McClure, The prisoners come in from the North or from the East.

Atty. Bolde, Yes they come in on that little parking pad.

Atty. McClure, From either side.

Com. Good, We also have the judges.

Atty. Bolde, There weren't any crowds there. There was the display and the six or seven people out there.

Atty. McClure, Well the 65 decibel issues basically in my opinion solves the amplification issue and then to me we're down to height and where on the grounds.

Com. Evans, Is that Southwest? I still think you have more area and more property there than you do on the North side and I think that the traffic on Lincolnway is unobstructed through Lincolnway on that side as far as parking. That's why it's like that for a through street and then we're creating a site thing for them that could be a safety factor I believe. I still like the Southwest corner and I don't know what you want to do about the size of the display.

Atty. McClure, Talking about the Southwest corner John I'm looking at the computer screen are you talking about basically from up here all the way down to here?

Com. Good, Crosswalk to crosswalk.

Com. Evans, Right there that's it.

Atty. McClure, So basically the whole corner.

Com. Evans, So you have visibility on actually two sides. You have Indiana and what's the cross street?

Com. Blaney, Washington.

Com. Evans, As opposed to only on Lincolnway.

Atty. McClure, Or would you rather be all the way down Washington?

Atty. Bolde, I'd like to be on the North side of the Courthouse facing Lincolnway. I think if we're on the South that's problematic because you have the exact problem you talked about earlier. People going into court for any number of reasons. Walking past that display your kind of putting us in a position to have people that are not happy to be even more unhappy. On the North side it would alleviate that whole problem.

Atty. McClure, If you were choosing between the corner or all of Washington which would you prefer?

Atty. Bolde, Show me where Washington is I'm horrible with streets.

Com. Evans, This is Washington here.

Com. Good, The West side.

Atty. McClure, If it was either from here to here or from here to here which one would you rather do?

Atty. Bolde, Well I would rather of course have that West side so the display could lay out. I'm going to make you guys make a decision because I'm just not going to concede to the North side of the Courthouse.

Com. Evans, That is the West side.

Atty. Bolde, The group wants the North side facing Lincolnway. Unfortunately I'm going to have make you make the decision of where you put it and we'll debate that later but if the group had a choice without that concession it would be the West side.

Com. Evans, I say the corner of the entire Washington Street area from the South sidewalk to the North sidewalk. That is twice the space you would have.

Atty. Bolde, I don't think it is I think it's actually less when you look at the map.

Atty. McClure, It's not less.

Atty. Bolde, But it's at least the same, but I just want it be put on record that we requested the North side of the Courthouse.

Com. Good, I think you made your position clear.

Com. Evans, We understand, I hope you understand ours.

Atty. Bolde, I'm having some trouble but your decision is your decision. I appreciate your help in working with us and a display that no one really wants to see.

Com. Good, Would you also provide us with your phone number too.

Atty. Bolde, I have listed myself as a contact. I don't know whether I'll be at this, but I like to be around when these things get approved.

Com. Good, Well it's one thing getting it approved and it's another thing being on site and taking responsibility.

Atty. Bolde, I was there the second day last year.

Com. Evans, What about the size of the display?

Atty. McClure, Well before we get to that I want to be clear on the depth. If we're putting it here where is the line?

Atty. Bolde, Last year I don't recall I think it was a foot or so off the sidewalk.

Atty. McClure, I want what we're approving clear so that you can tell your people and we know what to expect.

Atty. Bolde, As close to the sidewalk the structure allows, but it's not on the sidewalk. It was all contained within the lawn last year.

Atty. McClure, The display itself was within say 3 ft. of the sidewalk.

Atty. Bolde, I don't recall how wide the base is and stuff.

Atty. McClure, How about if we said 10 or 15 ft. from the sidewalk is where this is going to be? Whether it's the display, 10 or 15 ft. back from the sidewalk.

Atty. Bolde, That is plenty of space, because we'll be as close as we can to it. There is really nothing else going on behind it except for (Inaudible). So 10 to 15 ft. is more than enough room the length of Washington.

Com. Evans, And what about this size?

Atty. Bolde, I can tell the group has no intention to do anything other than double stack. I don't recall the exact height.

Com. Good, What's the length?

Com. Blaney, 196 ft. it says here.

Atty. Bolde, Well that's the total square footage. I can tell you it went almost from corner to corner on the North side of the Courthouse in between those sidewalks on that lawn patch. That is the only way I could ballpark this (Inaudible).

Com. Evans, I know the City of Valparaiso does have a sign ordinance and I don't know if this would need to comply with that or not.

Atty. McClure, Well I think what we would do is make our approval and then if they would need to deal with Valpo they can deal with Valpo.

Atty. Bolde, I don't think it applies, I know they have a sign ordinance but I don't think (Inaudible).

Atty. McClure, Well again that is up to Valpo not us.

Atty. Bolde, That's fine.

Com. Evans, I think then correct me if I'm wrong the motion would be approval using the West side of the Courthouse the entire length of Washington Street and the display would be 10 to 15 ft. back from the sidewalk and we're not going to make any imposition on the height of the.....what are we going to do?

Atty. McClure, I think we could try it here this year and if the height is not a problem it's not a problem. I think the biggest problem with the height on Lincolnway is the fact that Lincolnway has the traffic and we have corners and it's just big and distracting, good and bad. Frankly, the content I don't care the issue is the size of it on Lincolnway. So I think if it's over on Washington then I think the height issue becomes just a lot less of an issue.

Atty. Bolde, I think when you said in your motion that it would be 10 to 15' back. I think it's no more than 10 to 15'.

Atty. McClure, My suggestion for a motion would be that your presentation is approved and that the signs themselves would be erected and the presentation will occur within 15' of the sidewalk running the length of Washington and that the sidewalks that are present on the Courthouse grounds will remain open which I believe you guys

Com. Evans, And the total amount of this bid is \$23,078.26 questions? We've been saying for a long time we need to better equip this building with cameras to keep an eye on what's going on and obviously as we discussed this a little bit earlier unfortunately the things that happen in today's society need to be recorded so that they can be looked back on.

Com. Blaney, moved to approve, Com. Good seconded, motion carried.

Ms. Lippens, I assume the Commissioners are covering this in their budget somehow.

Com. Good, No this is IT, this is your budget.

Com. Evans, Oh now that's a different story.

Com. Good, Now you tell us.

Com. Evans, I think maybe CCD would be the correct place for this. Maintenance CCD I think would be the correct place. Okay now how about your quotes, can you give us a ballpark?

RFP Financial Payroll Software (Continuation)

Ms. Lippens, Somewhat, I'll be brief. Technically there are 3 quotes, but there are really only 2. The reason being is Right Stuff Software only quoted payroll and in the quote we said if you're only going to quote 1 you must partner with someone else so you could provide a complete quote which they did they want to partner with LOW, which is odd because LOW has their own payroll. There are some counties that have I assume LOW financial and this Right Stuff payroll and they do work together and they already have existing relationships. Right Stuff basically came in and gave their payroll side if we chose LOW's financial side. LOW's quote was inclusive, they are financial and payroll and then RDS is a whole different quote because we already have them so their quote doesn't include any licensing software because we already own it. I can give you the pricing but it's not comparable.

Com. Evans, Yes we're talking apples and oranges did the partnership from the one that wanted to partner with LOW did it include LOW's price?

Ms. Lippens, It did not. It just said that their preferred third party partner would be LOW Associates.

Com. Evans, Well then they didn't comply with the bid specs?

Ms. Lippens, They did not, because they were supposed to submit a complete bid with 2 companies, which RDS did they partnered with another company called Time something and they gave two different quotes one for their piece and for their other partner's piece into the 1 RFP. If we looked at those two the LOW and Associates price and I'm going to give you a couple of numbers. Their base price was \$230,972.00 now they also have a separate line item for data conversion if we so choose to do that and that was \$19,400.00 which is not part of that number I gave you. That does not include any hardware if we chose to implement time clocks as part of the time keeping software which is an option. There is time keeping software and you can also integrate it with time clock hardware which we did ask for them to provide and they did but because all of the hardware is different as well it would be kind of hard to compare that too. We wanted them to give us numbers so we had options.

Com. Evans, We would still have the option that somebody could punch their time clock from the computer on their desk.

Ms. Lippens, Correct and the figures I'm giving you would not have any physical time clocks. They would all be remote type log in or computer type log ins.

Com. Evans, Do we have any departments in the County that don't have the ability to have at least one computer in the department?

Com. Good, We have tons of computers.

Ms. Lippens, You could have issues say with Highway, they would come in to plow snow or trees down in a storm they're not going to come into the office and go to a computer. You have those types of issues but one of the things that we asked for in the quote which we'll determine as we get deep into them is we asked for remote capability like either from home on a web site or a smartphone or different things like that so we'll have to see if that proves out with the quotes we received. The Right Stuff software by itself for payroll is \$43,000.00 with no data conversion and no hardware. The RDS quote which included the time keeping software but not hardware was \$112,945.00 and obviously data conversion would not be a factor because it's already the system we have. Their system also does not comply with our request that it runs on a Windows server.

Atty. McClure, So in other words you only got 1.

Ms. Lippens, From a bird's eye view we got 1 quote that was inclusive and that was LOW and Associates.

Com. Good, And it's all inclusive.

Ms. Lippens, So I don't know if you want us to continue, do you want to re-bid before we get too far.

Com. Evans, Is there any other software out there?

Com. Good, State approved.

Ms. Lippens, The only other vendor that I'm aware of that is used in the County is Harris Financials. I've heard good and I've heard bad. I did reach out to other IT directors in the State and that was the predominant software it was either LOW or Harris.

Com. Blaney, Did Harris have the opportunity?

Com. Evans, Did we contact them? I say we go back to the drawing board. Unfortunately we've muddled through this long I think we need to do a little bit more muddling to find out if we can't get the better deal and get something that everybody is going to be happy with because.

Com. Blaney, How is that going to affect your office?

Ms. Lippens, One thing that the vendors did express was a deep concern on our expedited time frame and the ability to meet it.

Com. Good, All vendors?

Ms. Lippens, Yes, all vendors even the existing vendor said you're really pushing it to put all of these new changes in. The current vendor would just be the way it is today so there wouldn't be an issue there. They even mentioned that if we switched their concern. Trying to get it done in that time frame a lot of the vendors were kind of suggesting we look at March or April to go live date even with our current schedule.

Com. Evans, Vicki I know you have some time constraints in regards to your responsibilities how is this going to affect you if we decide to wait?

Ms. Urbanik, There are certain things that we can muddle through without a problem. My concern is that the start of the year with the W2's, the 1099's and the 1095C's, 1094C's the need for upgrades is long past due and that is a concern of mine however all vendors did not feel that they can expedite their schedule then we will just have to deal with it. We may have to contract out on a temporary basis for outside vendors just as we did this year because we can't even print our 1099's anymore in this County. That has to be fixed. We may have to contract out to get the 1094's and 1095's just to be compliant with federal law. We may have to do that.

Atty. McClure, Or and I don't know on your expedited schedule was it all expedited or just payroll expedited?

Ms. Lippens, It was all expedited.

Atty. McClure, Maybe the answer might be different if it's just payroll expedited, it might be a different answer.

Ms. Lippens, Financial goes hand and hand, when you do payroll you have to process FICA and that has to go through the financial side as well. They kind of have to work together.

Com. Evans, I don't think I want to jump in and do this and then find out it's not going to happen in time anyway and then we still need to contract it out to get this done. So I think it would be wiser to go back out and look at what else is out there and then come back with a realistic time line and a realistic price.

Com. Good, So we would re-write the spec or we would change the spec because I think and what John's saying has it been determined by the committee or the group that we really want to move towards windows base? So I think what we need to do is right that in to.

Ms. Lippens, It was.

Com. Good, Oh and they still submitted it anyway?

Ms. Lippens, Yes. It must run on a Windows server. (Inaudible – people speaking over each other.) says they intend to go there in the future.

Com. Evans, If there is one other provider that is State approved I think we need to contact them directly and ask them to participate.

Ms. Lippens, The State does not approve software so there is no State approval.

Com. Good, Oh they don't.

Ms. Downing, They do property tax but not financial.

Ms. Lippens, So it's opened to interpretation. The State must follow the State Board of Accounts guidelines and they must be willing to follow any State mandates things like that, but there is no certification or process through the State where they get approval.

Com. Evans, Is there also a qualification in the RFP for how long they must support their product?

Ms. Lippens, We did note that we wanted to have extended maintenance as an option if we chose to take it or not but we didn't say how long they would have to maintain it because if they close up and go bankrupt (Inaudible). Or get bought out by another company.

Com. Evans, Yes, come back the next week as somebody else.

Ms. Downing, Harris is a smaller company than LOW is, I think LOW has a higher percentage of Indiana Counties overall. I think LOW 60 various counties out of the 92 so I think that they are by far the bigger player and also proximity they're just in South Bend there on the North side of the State. Whereas, it would be difficult for Harris to support.

Com. Good, And there system is all-inclusive, there are no subs.

Com. Evans, Did they indicate that they can meet our time deadline?

Ms. Lippens, They were the ones that expressed concern about the expedited time line as well and they do have complete system with the exception of the time clock keeping side as well. They have a time keeping software, but if we wanted to go full on time clock, biometric or badge or something like that they don't get into that they let specialized companies do that and then that data flows into their software, they work with a variety of vendors.

Com. Evans, What's your pleasure?

Ms. Urbanik, Commissioner can I ask that there can be an opportunity for us to review these proposals in more depth. Maybe there is an opportunity to expedite a part of it versus all of it. For example there was a concern about using the new software during the budget process. We're not going to do that. We'll do the same old budget process that we've done all of these years. We'll do the annual report I think we're the only County in Indiana that does our annual report this way, the old fashioned way.

Com. Good, So this is our last year doing it this way maybe?

Com. Blaney, Are you comfortable with LOW?

Ms. Urbanik, Given that I have not looked at the proposals I would like to not answer that but we do have LOW for our property tax system and we are very pleased with them. Their technical support is outstanding.

Com. Evans, I think it would be premature for us to make a decision at this time. So if you're comfortable with review what you have I think that is the way we should go. If you're more comfortable with getting Harris being the only other provider, were they offered the opportunity to bid?

Ms. Lippens, We did not call them specifically.

Ms. Urbanik, We didn't call anyone. We took out the legal notice.

Com. Blaney, They had the same opportunity as everyone else. They saw it.

Com. Evans, Well I don't feel right about going back and opening the process again either so I think maybe just take what you've got and....

Ms. Lippens, Table it until the next meeting and go from there.

Com. Good, I would suggest you get with Scott and let's look over the legal part of this and make sure that everything is apples to apples and then come back before us in August.

Com. Evans, I don't think you could take anymore bids.

Ms. Lippens, We would have to re-advertise RFP if we're going to take any more bids.

Com. Good, Just work through the bids that we have.

Com. Evans, Come back at the next meeting and give us your decision. We're going to do Plan Commission but before we go to recess our next meeting in August it would typically be the 2nd of August and the 16th, we have conflicts. We'll have one meeting in August and it will occur on the 23rd of August at our normal time of 1:00.

Plan Commission

Rezone - RR, Rural Residential to IN, Institutional – Petitioner Angelcrest, Inc. – 2nd Reading

Com. Evans, Good Afternoon Robert. Hope we didn't keep you waiting too long. We have rezone Rural Residential to Institutional the Petitioner is Angelcrest, Inc. this is 2nd Reading.

Mr. Thompson, Correct, this is Plan Commission Resolution 16-04 the Petitioner is Angelcrest request a zoning map amendment from RR, Rural Residential to IN, Institutional.

Com. Evans, We approved it on 1st Reading at our last meeting does anyone have any questions, comments, statements?

Com. Blaney, moved to approve the request on 2nd Reading. Com. Good seconded, motion carried.

ORDINANCE NO. 16-15

AN ORDINANCE amending Ordinance No. 07-05 entitled, "PORTER COUNTY UNIFIED DEVELOPMENT ORDINANCE" 2008-004335

BE IT ORDAINED by the Board of Commissioners of Porter County, Indiana, under authority of Chapter 174, Acts of 1947, and all Acts amendatory and supplemental, thereto, General Assembly of the State of Indiana:

SECTION 1: That the following described real estate in Washington Township be and the same is HEREBY REZONED

From: RR, Rural Residential District
To: IN, Institutional District

All that part of the Northwest 1/4 of Section 5, Township 35 North, Range 5 West of the Second Principal Meridian, in Washington Township, Porter County, Indiana, lying Southwesterly of the Southerly right-of-way line of Indiana State Road No. 49-By-Pass, known as ISHC Project No. ST-089-1(B), being more particularly described as follows:

Beginning at the Southwest corner of said Northwest 1/4 of Section 5, also being known as the Northwest corner of Lot 62 of Sunny Lane Subdivision Addition No. 3, as per plat thereof, recorded in Plat File 13-E-5;

THENCE North 00 degrees 08 minutes 30 seconds West along the West line of said Northwest 1/4 for a distance of 613.14 feet to the Northeast corner of Sunny Lane Subdivision 1st Addition, as per plat thereof, recorded in Plat File 9-C-3, in the Office of the Recorder of Porter County, Indiana;

THENCE continuing North 00 degrees 08 minutes 30 seconds West along said West line of the Northwest 1/4 for a distance of 948.80 feet to a corner point on said Southerly right-of-way of State Road No. 49 By-Pass;

THENCE continuing North 00 degrees 08 minutes 30 seconds West along said West line for a distance of 86.78 feet to the intersection of said West line with said Southerly right-of-way;

THENCE South 38 degrees 05 minutes 30 seconds East along said Southerly right-of-way line for a distance of 756.65 feet to a point of curve;

THENCE Southeasterly along a curve to the right having a radius of 2719.79 feet and an arc length of 1187.26 feet, being subtended by a chord of South 25 degrees 35 minutes 10 seconds East for a distance of 1177.85 feet to the South line of said Northwest 1/4;

THENCE North 89 degrees 27 minutes 39 seconds West along said South line of the Northwest 1/4 for a distance of 449.41 feet to the Northeast corner of Lot 66 in Sunny Lane Subdivision, 3rd Addition, as per plat thereof, recorded in Plat File 13-E-5, in the Office of the Recorder of Porter County, Indiana;

THENCE continuing North 89 degrees 27 minutes 39 seconds West along the South line of said Northwest 1/4, being the North line of said Sunny' Lane, 3rd Addition for a distance of 522.02 feet to the Point of Beginning.

GENERAL LOCATION: A parcel of land located on 236 East 600 North, in Washington Township, Porter County, Indiana.

SECTION 2: That the ZONE MAPS attached to and made a part of said Zoning Ordinance be revised to indicate that above described property as being in the IN, Institutional District.

SECTION 3: That this Ordinance shall take effect from and after its approval and Adoption of the Porter County, Indiana, this 12 day of July, 2016.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA
/s/ John A. Evans
/s/ Laura M. Blaney
/s/ Jeffrey J. Good

Attest:/s/Vicki Urbanik, Auditor

Com. Evans, Before we go into the Drainage Board meeting we're going to open as the Board of Commissioners I neglected to ask if anyone would like to address this body before we recess? Does anyone wish to address the body? Yes sir.

Mr. Nevill, David Nevill, President of the Porter County Parks Foundation. I'm a strong supporter of County Parks. (Inaudible not near the microphone.) I would like to address the post in the Chesterton Tribune of May of this year. (Inaudible) would not have it and we the Commissioners took a pretty good beating (Inaudible). (Inaudible) in an effort to defend the people of Porter County, with that said on behalf of our current (Inaudible) we are sadden by (Inaudible). We are interested in continuing pursuit of the lack of communications surrounding the development (Inaudible) activity (Inaudible). We are currently working on an internship program that involves collaborating with the local universities and non-profit organizations. (Inaudible) the Westchester Bird Migratory Bird Sanctuary (Inaudible) to develop our properties. We look forward to strengthening our communications with hopes that this effort can lead to a (Inaudible) opportunity for our interest to a line with (Inaudible).

Com. Evans, Thank you! In defense was Laura was the one that made the presentation at the Park Board meeting in regards to the Shelter location that you're speaking of. Is there anything you wanted to say Laura?

Com. Blaney, It was a long time ago and we're getting the shelter built so I don't think there is any more to be said. Thank you!

Com. Evans, Thank you!

With no further business the meeting was adjourned at 2:55 p.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

John A. Evans

Laura M. Blaney

Jeffrey J. Good

Attest: _____
Vicki Urbanik, Auditor