

**PORTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 23rd, 2021
10:00 A.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 10:00 a.m. on Tuesday, February 23rd, 2021 in the Commissioners' Chambers of the Administration Center.

Those present were: Commissioners Laura Blaney, Jeff Good, Jim Biggs, County Attorney Scott McClure; Executive Administrative Asst. Melanie Massey and Recording Secretary Kathy Merle.

Call to Order/Pledge

Com. Good, Good Morning this is the Porter County Board of Commissioners' meeting Tuesday, February 23rd, 2021.

CONSENT AGENDA

Approval of Payroll – February 5th and February 19th, 2021.

Approval of Claims – January 28th, February 4th, February 11th, February 19th, 2021.

Approval of Minutes for February 2nd, 2021.

Treasurer's Monthly Report for January 31st, 2021 – Filed.

Com. Biggs, moved to approve, Com. Good, second, motion carried.

ANNOUNCEMENTS

A Citizen Appointment to the following Boards:

- **Convention, Recreation & Visitors Commission (One of the 3 appointees, Lisa Wodrich had been appointed by the Tri-towns of Chesterton, Porter, and Burns Harbor.)**

Com. Blaney, moved to approve the appointment of Harris Peterson, Com. Biggs, second, motion carried.

- **West Porter Fire District – A replacement appointment due to Anton Waitkus moving out of the district. The appointee will finish Anton's term.**

Com. Blaney, moved to approve the appointment of Robert Greany, Com. Biggs, second, motion carried.

NEW BUSINESS

COMMISSIONERS

Skillman Corporation – A Study to be conducted at the Porter County Jail facility to evaluate the existing condition of the facility for a fee of \$18,500.00. The fee will cover the cost for all services including the services of a correctional facility report.

Com. Good, In the next several years our Jail bond is going to be paid off. The Jail is coming close to being opened 30 years. A lot of the mechanical equipment along with the plumbing is getting old. It's not as efficient as it used to be. Before the Bond comes up we would like to get a report to see what the current condition of the facility is before we have any work done. This report is the starting point for us to come up with a working document which will help us move forward on how we handle the renovation/repurposing whatever we want to do with the correctional facility on Hwy. 49. This is the first action of many many more to come, but we wanted to get this going. We have worked with Skillman in the past on our \$30 million Capital Bond which went well for us. We know the team. They will be deployed if we move forward on

this. Then they will go out and put a report together. At that point they will bring the report back and we will be sharing it with the public.

Com. Biggs, Just to point out that that facility has approximately been occupied for 20 years and unlike this building or 99.9% of the other buildings other than the Juvenile Detention that building is used 365 days a year 24/7. There is a lot of activity in a facility like that and it wears out. I don't care how it's built. Parts of it will wear out. We are going to go in and evaluate what needs attention other than the obvious and give this Board a report on how we would like to move forward with addressing all of it.

Com. Good, This is more for physical condition. That is what this is for. Any other questions?

Com. Biggs, moved to approve the Skillman Corp. Study, Com. Blaney, second, motion carried.

GIS – A Consulting Agreement to provide strategic benefit planning, design, funding, administration and communication with respect to employee benefits programs.

GIS – A Business Associate Agreement to provide “PHI” Protected Health Information.

Atty. McClure, Then we were also able to negotiate the consulting agreement GIS for the same flat rate that we did the first time around. It is still \$50,000.00 for the year.

Com. Good, And is that agreement for another 3 years?

Atty. McClure, Yes.

Com. Good, This is also to continue our mining of our health insurance program and continually trying to offer more services and drive our costs down. I think they've earned that opportunity to have another bite at the apple. I can quote dollars we've saved but I'm sure everyone is tired of hearing us talk about that but it has been very successful and I think we need to continue to keep moving forward.

Com. Biggs, moved to approve both GIS agreements, Com. Blaney, second, motion carried.

The Appointment of Mayor Matt Murphy to the Recycling and Waste Reduction District Board by the Porter County Board of Commissioners.

Ms. Marris Barron, It is just an update of an executive procedure that has to happen. The Town of Kouts has powered the position for almost the past 10 years. So with the Town of Kouts President stepping down in 2020 we need to have a new executive leadership approval and it needs to come from the Commissioners and the Mayor of Valparaiso said he would be willing to serve our Board.

Com. Blaney, moved to approve Valparaiso Mayor Matt Murphy, Com. Biggs, second, motion carried.

SOIL AND WATER CONSERVATION DIST. – MICHELLE BENSON

An Ordinance Establishing a Non-Reverting Local Control Fund for the Receipt of Funds for the Porter County Soil and Water Conservation District – 1st Reading.

Com. Good, What are we receiving funds for Michelle?

Ms. Benson, We have a couple of agreements with the USDA whereby myself and Jared our other Porter County Soil and Water employee do different tasks and we are reimbursed for those.

Com. Good, Okay, this is just creating a fund to put that money into. One of the many funds that Madam Auditor takes care of every day.

Ms. Benson, I've talked with Toni quite a bit in the Auditor's office and she felt that this was the best way to distribute those funds.

PUBLIC HEARING OPENED

Com. Good, Is there anyone wishing to speak against this ordinance? Second call anyone wishing to speak against this ordinance? Third and final call anyone wishing to speak against this ordinance? First call anyone wishing to speak in favor of this ordinance? Second call anyone wishing to speak in favor of this ordinance? Third and final call anyone wishing to speak in favor of this ordinance?

PUBLIC HEARING CLOSED

Com. Blaney, moved to approve the Ordinance on 1st Reading, Com. Biggs, second, motion carried.

JUVENILE DETENTION CENTER – ALLISON COX, DIRECTOR

An Agreement between the Porter County Board of Commissioners and the Board of Jasper County, Indiana for the housing of children.

Mr. Steen, We're seeking out approval for our contract with Jasper County for 2021.

Com. Good, Our last meeting we approved Newton County.

Mr. Steen, Yes.

Com. Blaney, No changes?

Mr. Steen, No.

Com. Blaney, moved to approve the Jasper County agreement, Com. Biggs, second, motion carried.

E911 – TONY STUA, DIRECTOR

Motorola Solutions – Change Order #1 to Provide Material and Labor to Install Grounding for the New Equipment Room and Dispatch Floor at the new Porter County 911 Dispatch Center.

Mr. Stua, We were going to try to have someone internally try to do our work for the grounding for the radio equipment for our console furniture throughout the Center. Unfortunately, it end up being a little too much so we had to bring in a professional who is certified through Motorola to do this. This is a Change Order for that portion.

Com. Good, What is the amount of the Change Order?

Com. Blaney, \$13,725.00.

Com. Good, And when do you expect this to be done?

Mr. Stua, They should have everything completed within the next week.

Com. Good, And then at the point are we ready to sit down with you and Ray and start talking about moving?

Mr. Stua, Yes.

Com. Good, Okay that is on you to get with us.

Mr. Stua, Will do.

Com. Blaney, moved to approve the Motorola Change Order, Com. Biggs, second, motion carried.

Mr. Stua, Each individual position will be grounded. Inside the server room we will have a halo around the top grounding every single electrical component within the Center for that (Inaudible). Nothing on Admin. lines, we're all safe from there. We're making sure all of the integral components and public safety hardware is grounded properly.

Com. Good, Radio too?

Mr. Stua, All of the radios. All of the computers and consoles. I would like to bring you in to see those as well. Each one will have a separate grounding coil inside the console furniture.

Com. Biggs, In an electrical storm that is where you want to be.

Com. Good, I do know what the word redundant means now.

Mr. Stua, We're overly redundant.

ITS – ERIC SERRANO, DIRECTOR

CISA – A Cyber Hygiene Agreement to Conduct Continuous Scans of Public-Facing Networks and Systems for Porter County Government.

A Cybersecurity Assessment Rules of Engagement between the CISA and Porter County Government.

Com. Good, We met with you last week and this is some exciting stuff we are entering into, but I'm a nerd.

Mr. Serrano, Me too. CISA is the Cybersecurity and Infrastructure Security Agency. It kind of branched off from Homeland Security a few years ago. They are primarily concerned with keeping a critical infrastructure and cybersecurity secure. Obviously it's a very hot topic lately rightfully so. The point of this is to engage them to give us some services that they offer to state and local tribal governments. It is free of charge to us and what they will do initially and we can expand the scope down the road is start to scan our external network assets to make sure there are no vulnerabilities in those assets. We will get weekly reports so that if we make changes on firewalls or anything that faces the outside world they will scan it and tell us if they see any vulnerabilities or issues with it. Then we can start to remediate those. Probably what will happen in the beginning we will have a longer list of things then that will be a beginning list to work off of as we start to knock things off of that list and secure things.

Com. Biggs, They are pretty much acting as a century to look at everything we have. Everything we want to bring into.

Mr. Serrano, They are not performing any actual security services, they're not protecting anything. What they are doing is they are scanning everything and then telling us what they see that might be vulnerable. That is part of the engagement. The other part of the engagement is kind of a combination penetration or fishing assessment. They are going to run a fishing campaign against the County staff to see if people will click on links that are potentially malicious if though they won't be because they are going to be sent by CISA. Then I will also get a report on people or things that were clicked on. That portion of that is the penetration test which will actively try to actually try to exploit some of the vulnerabilities if they find them when they did that vulnerability scan. They will try to get through and see how far they can actually exploit those vulnerabilities to let us know how secure how networks are. These are the beginning stages to really ramp up the overall security of the County.

Com. Good, I know Eric said it but emphasize CISA is a part of or division of Homeland Security.

Mr. Serrano, Yes.

Com. Good, This is a Federal Government program. The only cost that we'll have is gathering all of the.....

Mr. Serrano, Its just time. There is no financial.

Com. Blaney, What would something like this cost if we were taking it on ourselves?

Mr. Serrano, Depending on the scope of work. The beginning portion you are probably talking about \$40 to \$50,000.00, but if you go full penetration testing you're in to the six figure. It's a huge value. They want us to sign off to say these are our external devices because it is illegal to do this work if you are not authorized to. We're just letting them know here is our asset list and here is what you're allowed to do.

Com. Biggs, moved to approve both CISA agreements, Com. Blaney, second, motion carried.

FACILITIES – RAY CLOYD, DIRECTOR

Facility IT Group – A Maintenance Service Agreement for 3 years to provide Major Off-Line Preventative Maintenance Inspection and Minor On-Line Preventative Maintenance Inspection on the UPS and batteries in the amount of \$6,810.00 per year.

Com. Good, Is this different than Lionheart?

Mr. Cloyd, Yes. This is the UPS system for the Jail for the interrupted power supply for those few seconds that the generator doesn't kick on. This has the computers on and everything is going.

Com. Blaney, moved to approve the Facility IT Group Maintenance Service Agreement for 3 years, Com. Biggs, second, motion carried.

Com. Blaney, Thanks Ray for everything.

Com. Good, You guys were champs out there.

MICHELLE CLANCY, TREASURER

The Master's Touch, LLC – A Confidential Proposal to provide eNotices for approximately 97,000 parcels.

Ms. Clancy, This is the paperwork for the yearly billing. It is really the same as last year. Once we approve this we can send out the tax bills.

Com. Blaney, moved to approve The Master's Touch Confidential Proposal, Com. Biggs, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – BOB THOMPSON, DIRECTOR

Award Bid to LaPorte Construction Co. for the replacement of Bridge #73, 50 West over Cobb Ditch.

Mr. Thompson, We opened sealed bids at the last Commissioners' meeting and we reviewed all of the bids that came in. The lowest was LaPorte Construction at \$777,425.62. They were responsive and responsible. So we are recommending LaPorte Construction.

Com. Blaney, moved to approve LaPorte Construction Co., Com. Biggs, second, motion carried.

Com. Good, What was our engineers estimate on that bridge?

Mr. Thompson, I spoke to Chris D'Antonio about that and he said he was expecting bids to come in between \$750 and \$850,000.00. We had about 5 of them that came right in that range.

Mr. Novotney, We are getting FEMA money. Once this bridge is built out we'll get 75%. I think our estimate that we submitted to FEMA was like \$750,000.00. So we will get 75% of that back.

Com. Good, This is the bridge that got wiped out by the flooding several years ago.

An Amendment to the Dunes Kankakee Trail Fund Ordinance No. 11-11 – 2nd Reading.

Com Blaney, moved to approve the Amendment to the Dunes Kankakee Trail Fund Ordinance No. 11-11 on 2nd Reading, Com. Biggs, second, motion carried.

CSXT – A Construction Agreement for work to be done on Porter County Bridges 272 & 273 on Willowcreek/Crisman in Portage.

Mr. Thompson, These are two bridges that we are working on and it is total reconstruction of the concrete approaches going into the bridges. There are 4 approaches and we are doing some changes on the abutment and also some sealing of the bridge deck a micro-overlay on it. Since it is over railroad tracks we have to get agreements with the railroad. They have to have watchers out there to make sure we're doing everything correctly. Essentially we have to have a watcher out there from CSX Railroad for both of the bridges, which is around \$100,000.00 for 90 days. The engineering company that works for the railroad to observe this agreement has a 222% overhead rate that they charge on top of that. This agreement is for \$261,190.00. We did take of the \$16,000.00 that we sent to them earlier to review the permit. That is still in their bank. Once this agreement is done for us to get the permit to work on the railroad as soon as it is signed then I will run it down to Vicki with the invoice to get the check I will send it down. They will review and we will get our permit. We are hoping we will be able to put these 2 bridges out for bids hopefully by the end of April or May. They are finished with the review so it is just getting the agreement in place so we can move forward.

Com Blaney, moved to approve the CSXT Construction Agreement, Com. Biggs, second, motion carried.

Open Sealed Bids for the 2020-2 CCMG Program for paving work to be done on the following roads:

- Meridian Rd. – from 900 N to 1050 N
- 550 South – from Sloan St. to 250 W
- Smoke Rd. – from SR 2 to Division Rd.
- Baums Bridge Rd. – from SR 8 to 900 S
- 700 North – from 400 W to 500 W
- Tower Rd. (250 West) – from SR 130 to 500 N

Com. Good, Most of these roads are main arteries and we would like to get them back up to speed. I would like to mention we our Highway Engineer and our Commissioners have been meeting. It seems like over the last couple of years with the State Highway projects going on on 49, 30 back to back years then with a lot of the traffic that came from a lot of the neighboring states the roads have really taken a beating. We are just taking a tremendous amount of pounding on these roads. We have been speaking with the Council to see if we can find some more funds in addition to what we have and to see if we can somehow start bolstering our paving program going forward in the County in a little bit more accelerated rate than we've done in the past. This also follows up with the Willowcreek Rd. extension and the 9 Mile Rd. extension a lot of these roads that we're seeing a lot of wear and tear is happening on the west side which is the center part of the County. When that road ever does get done and move forward we're going to see a lot of congestion and relief coming off of these other roads and they will be designed and built properly. A lot of these roads were not main arterial roads 10 years ago. We are still dealing with subbase issues. When they've widen the County roads they may not have done some of the subbase work on the edges. We're tracking that and monitoring it. This is a liability to the County that we have to try and figure out. That has to be changed if those roads are going to try and carry that type of traffic. If not we are going to be paving those main arterial roads every 5 to 6 years and it is just not sustainable. I just want to let the community know that our roads over the last 2 years have really taken a pounding.

BIDS

- Walsh and Kelly - \$996,991.64
- Reith Riley - \$883,905.49

Mr. Thompson, We will award the bid at the next meeting.

Zona Park Property Rezone – 950 North between 550 East and LaPorte County Line Rd. - Zoning Map Amendment RR, Rural Residential District to P1, Parks and Recreation District. Petitioner Porter County Parks – 1st Reading.

Mr. Thompson, This is Plan Commission Resolution 21-01. The Petitioner was Porter County Parks and Recreation. It is the Zona Park Property. They are requesting a zoning map amendment from RR, Rural Residential to P1, Parks and Recreation. This was heard at the Planning Commission's January 27th meeting. It was forwarded to the County Commissioners with a favorable recommendation with a 7-0 vote. It was definitely unanimous.

Com. Blaney, I don't know if 7 people were there but it was unanimous.

Mr. Thompson, 6-0.

Com. Good, We're just trying to get the proper zoning in place. There was a little bit of a glitch in the property and it never got transferred properly.

Atty. Hollenbeck, Going from Rural Residential to Park.

PUBLIC HEARING OPENED

Com. Good, Is there anyone wishing to speak against this rezone? Second call anyone wishing to speak against this rezone? Third and final call anyone wishing to speak against this rezone? First call anyone wishing to speak in favor of this rezone? Second call anyone wishing to speak in favor of this rezone? Third and final call anyone wishing to speak in favor of this rezone?

PUBLIC HEARING CLOSED

Com. Blaney, moved to approve the Zona Park Property Rezone at 1st Reading, Com. Biggs, second, motion carried.

Com. Biggs, I think the rezone further establishes our commitment toward this property and it will be maintained forever. Smart move.

Com. Good, It was a long road but we got there.

Atty. Hollenbeck, The transfer of this property and what you are doing now has triggered the Parks Dept. to look at all of the properties. We do have some clean up to do on some of those that are still are Rural Residential. We will be back with Bob's help and Bob has been very helpful to us through that process. This has triggered us to clean all of that.

Marshall/Sarkisian Rezone – Southwest corner of U.S. Hwy. 30 and Moorland Dr. – Zoning Map Amendment R1, Low Density Single-family Residential District to CM, Moderate Intensity Commercial District – 1st Reading.

Mr. Thompson, Plan Commission Resolution 20-02. The Petitioner is Frank A. Marshall. They are requesting a zoning map amendment from R1, Low Density Single-family Residential to CM, Moderate Intensity Commercial District. This is a parcel of land which has an existing house on it. It is at 176 U.S. 30. It is right at one of the entrances of Sylvan Manor and Moorland Dr. in the southeast corner of U.S. 30 and Moorland Dr. The Plan Commission heard this at their January 27th hearing and they forwarded with a favorable recommendation and written commitments. The vote for it was 5-1 in favor.

Atty. McClure, Bob can you just quickly go over those written commitments.

Mr. Thompson, Since this has frontage along Moorland Dr. and Sylvan Manor there were a couple of items that they wanted such as no access to Moorland Dr. There were people in the subdivision that were there that did not want to see the access coming out onto Moorland Dr. They also wanted a buffer on that. Part of the agreement was that the western boundary would be buffered and no access to Moorland Dr. and also no access to U.S. 30. It is limited access. The access would come through our bigger parcel which is our next case.

Atty. McClure, Which would come off of Hayes Leonard.

Mr. Thompson, Correct.

PUBLIC HEARING OPENED

Com. Good, Is there anyone wishing to speak against this rezone? Second call anyone wishing to speak against this rezone? Third and final call anyone wishing to speak against this rezone? First call anyone wishing to speak in favor of this rezone? Second call anyone wishing to speak in favor of this rezone? Third and final call anyone wishing to speak in favor of this rezone?

PUBLIC HEARING CLOSED

Com. Blaney, moved to approve the Zona Park Property Rezone at 1st Reading, Com. Biggs, second, motion carried.

Com. Blaney, I think the reason that there is no one here and there were people at the Plan Commission meeting to remonstrate was the fact that some of their concerns or probably all of them were met.

Com. Blaney, moved to approve the Marshall Rezone on 1st Reading, Com. Biggs, second, motion carried.

Com. Biggs, And I've always agreed that you businesses belong on your State roads. I've always been a huge supporter of that. If they don't belong there where do they belong?

Marshall/Sarkisian Rezone – Southwest corner of U.S. Hwy. 30 and 150 West - Zoning Map Amendment R1, Low Density Single-family Residential District to CM, Moderate Intensity Commercial District – 1st Reading.

Com. Good, This piece of property is right next to the other piece of the zoning. Bob is there anything you wanted to add to this?

Mr. Thompson, This is over a 14 acre parcel. The Petitioner is Hayes Leonard 30, LLC. This one was recommended for approval to the County Commissioners by a 6-0 vote with written commitments. The written commitment on this one was just no access to U.S. 30 since it is limited access it is fenced off. We had a thoroughfare study that was done a while ago that encouraged these rezoning's at these nodes where there is already traffic signalization there.

That was part of the staff report that came down so that is why they were looking at this. The access would be off of Hayes Leonard because we already have the control at U.S. 30.

PUBLIC HEARING OPENED

Com. Good, Is there anyone wishing to speak against this rezone? Second call anyone wishing to speak against this rezone? Third and final call anyone wishing to speak against this rezone? First call anyone wishing to speak in favor of this rezone? Second call anyone wishing to speak in favor of this rezone? Third and final call anyone wishing to speak in favor of this rezone?

PUBLIC HEARING CLOSED

Com. Biggs, moved to approve the Hayes Leonard Rezone on 1st Reading, Com. Blaney, second, motion carried.

Com. Blaney, This one was even more clear cut. Everything around is partial. It just makes sense.

Rieth Riley Construction - A Change Order for the CCMG 2020-1 Program.

Mr. Thompson, This is the spring 2020-1 CCMG. This was from what Matt would refer to as the FDR Construction. It is the full depth reclamation. The reason for the change order after every job we go through and look at the quantities that were used and there was a reduction on the estimated quantities that is why this Change Order is a positive for us. This is clearing everything up for us for the final invoice.

Mr. Novotney, The value of the Change Order is a negative \$17,923.19, which would bring the total contract price to \$731,551.81. The staff is recommending approval of this Change Order to the Board this morning.

Com. Biggs, moved to approve the Rieth Riley Construction Change Order, Com. Blaney, second, motion carried.

With no further business the meeting was adjourned at 10:45 a.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jeffrey J. Good

Laura M. Blaney

Jim Biggs

Attest: _____
Vicki Urbanik, Auditor