

**PORTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 12TH, 2022
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, July 12th, 2022 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.

Com. Good, Good Morning this is the Porter County Board of Commissioners' meeting Tuesday, July 12th, 2022.

Call to Order/Pledge

CONSENT AGENDA

Approval of Payroll – June 10th, June 24th and July 8th, 2022.

Approval of Claims – June 9th, June 16th, June 23rd, June 30th, and July 8th, 2022.

Approval of Minutes for June 7th, 2022.

Treasurer's Monthly Report – May 31st, 2022 – Filed.

MEMORIAL OPERA HOUSE – SCOT MACDONALD, DIRECTOR

ARTISTIC SERVICES AGREEMENT

VENUE RENTAL AGREEMENT

Com. Blaney, moved to approve the Consent Agenda, Com. Biggs, second, motion carried.

ANNOUNCEMENTS

NEW BUSINESS

COMMISSIONERS

Appointment of a Citizen to the Alcoholic Beverage Commission – Must be of a Republican affiliation. The appointee will complete the term of Jason Gilliana, which ends December 31st, 2022.

Com. Good, I believe we received five applications. We need to make that appointment.

Com. Blaney, moved to appoint Ed Howe to the Alcoholic Beverage Board, Com. Biggs, second, motion carried.

Accepting Applications to Appoint a Citizen to the Airport Authority Board. The deadline will be July 29th, 2022.

An Employee Request to add their daughter on to insurance outside of open enrollment due to a custody change.

Com. Blaney, moved to approve the Insurance request to add their daughter, Com. Biggs, second, motion carried.

Porter County Fair Emergency Action Plan.

Com. Good, We have to file this Emergency Action Plan every year prior to the Fair. This would be the same Plan with no changes being put forward for 2022.

Com. Biggs, moved to approve the Porter County Fair Emergency Action Plan for 2022, Com. Blaney, second, motion carried.

A Resolution Pursuant to I.C. 5-22-22-8 Disposition of Property pertaining to (8) Light Bars, which will be donated through the Porter County E911 Center.

Ms. Gunn, These are old light bars from the Center that were not moved over they were purchased new. Actually, ISP provided us a key card that will help us put together our CAD 11 using spare parts. We are still waiting for a co-workers license but the provided something to us kind of as a trade as well.

Com. Good, moved to approve the donation of (8) Light Bars from E911, Com. Blaney, second, motion carried.

An Ordinance Repealing Chapter 10.24 and Adopting New Chapter 10.24 Vehicle Weight Restrictions “Frost Law” – 1st Reading.

Atty. McClure, It’s my understanding the Highway Dept., the Sheriff’s Dept. even the judiciary were involved in streamlining the Frost Law. After that, a group of people met and put it together. This is the version of that. I reviewed it. I think it makes it much more user friendly. Much more straightforward and when it need to be enforced it is more straightforward on enforcement but it is also clear on when that would occur. I think it is more streamlined regarding all three branches that would be touching it. All of which would be touching it and looking at it from different standpoints. I don’t have any revisions.

Com. Biggs, Not if those agencies signed off.

PUBLIC HEARING OPENED

Com. Good, First call is there anyone wishing to speak against this ordinance? Second, call anyone wishing to speak against this ordinance? Third, 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. Biggs, It sounds like it’s a better ordinance. More enforceable and easier to understand.

Atty. McClure, The Frost Law Ordinance has always been difficult. It has always been cumbersome. When you start dealing with truck weights, axel weights and distribution of that weight along with speed. I do think though that collaborative effort is a better version.

Com. Biggs, moved to approve the Frost Law Ordinance, Com. Blaney, second, motion carried.

Com. Good, The 2nd Reading will be heard at our next meeting.

Pulse Technology – An Annual Maintenance Agreement in the amount of \$1,086.98 for the mail machine and scale in the Admin. Building.

Com. Blaney, moved to approve the Pulse Technology Maintenance Agreement, Com. Biggs, second, motion carried.

AUDITOR VICKI URBANIK

Morgan Township ARPA Agreement.

Ms. Urbanik, Good Morning Commissioners. I have two items to bring to your consideration this morning both of which are pretty exciting and both of which deal with the American Rescue Plan Act. Our County’s allocation of the State and local fiscal recovery fund award totaling just over \$33 million. The first items is our very first written agreement between our County and one of our sub-recipients. This is a written agreement with Morgan Township. We are required to have a written agreement with all of our sub-recipients spelling out the terms and the conditions of the sub awards. To recap, back in February you approved the first phase of the ARPA expenditure plan totaling approximately \$4 million and that included \$500,000.00 to the townships. You gave the township quite a bit of flexibility in terms of how they wish to use their money as long as it is in compliance with the final rule established by the U.S. Treasury. We

have our first township ready to go. It is Morgan Township and the written agreement that is before you has been complied and based on other written agreements throughout the country tailor made for our purposes. It has been reviewed by the County Attorney. This will be the same structure of the written agreement that we have for all of our sub-recipients going forward. We won't have to recreate the wheel every time there is another sub award of which there will be money. Morgan Township as stated in the agreement has decided to use their allocation of just over \$11,000.00 to purchase protective medical clothing for the Volunteer Fire Department. The terms of the award are spelled out. They have decided to go through the reimbursement process. Whereby they will pay for the purchase and then they will submit the claim and the supporting documentation for reimbursement. Once you approve this written agreement we will then move forward with implementing this expenditure.

Com. Good, What if they change the final rule again? Our Federal Government of course.

Ms. Urbanik, If they change the final rule either you can choose to just go with this agreement as is. I'm not sure how we would unwind this once this is approved. Conceivably, if we come up with another funding source we could reimburse the grand fund and they pay for this another way. Once you approve this agreement, I believe it is an agreement.

Com. Good, Once we approve the agreement though does following the final rule now come up to the people that received the money or does it still fall back on us?

Ms. Urbanik, It falls back on us. Basically, we are the awardee. We are the recipient of this and in the cases of the sub recipients they are carrying out a project on our behalf. We are responsible for ensuring that the funds are spent properly. We will be audited on all of this.

Com. Good, That is why I'm asking.

Ms. Urbanik, We have established an internal control process in the Auditor's office. We are going to have documentation on every dollar that is spent because this is going to be my 8th year being the auditee and I have a little bit of an idea of what the examiners are going to be requesting. My goal is to have a real thorough and complete audit file for every project that comes under this award.

Com. Good, The reason I'm mentioning this is we have an election and you are not going to be our Auditor next year because you are termed out. I just want to make sure as we go into a new...we will have a new Auditor so I just want to make sure that there's continuity as we continue to go through this. I've seen this rule on this thing change so many times. I am just afraid that something is going to happen and then we're handcuffed again. Maybe that won't happen but I like talking it all the way through just so we have a record of it. We have to keep our eyes on this thing and I'm sure if there is a change you will be broadcasting that out to everyone.

Ms. Urbanik, Absolutely, in the agreement there is a provision about if something comes up alter on where it appears that this is no longer in compliance. We the County have sole discretion to cancel the agreement. There are a lot of protections in place with this agreement.

Com. Good, I'm not trying to get into that. I'm just trying to look ahead because we've had some back and forth on it. I just want to make sure we....

Ms. Urbanik, From the audit standpoint I can tell you that we're doing everything that we can to build that audit file now. It is much easier to get all the documentation, all the minutes, all the discussions, all of the emails and all of the conversations filed and documented now rather than wait for a year and then we would have everyone running around trying to answer the questions of the auditors.

Com. Good, It is always good to get it up front.

Ms. Urbanik, Yes.

Com. Good, Thank you. That was my only question.

Com. Blaney, moved to approve the Morgan Township ARPA agreement, Com. Biggs, second, motion carried.

Com. Biggs, Kudos to the Trustee's office for spending those funds that way.

Ms. Urbanik, I will say Morgan Township did everything that was required of them. We asked for a letter that documents how they planned to spend the money, a budget. We also

asked the date that this was approved by the township board. They complied and we've been in conversation with them.

Com. Biggs, They know your reputation. They are not going to fool with you.

Com. Blaney, And kudos to you for getting all of this upfront.

Ms. Urbanik, We will be coming before you with more and more of these agreements as we go forward.

Com. Blaney, Will this be online so other communities can look at it?

Ms. Urbanik, Yes.

An Ordinance Ratifying Porter County's "Third Proposed Investment American Rescue Act Funds" Plan for the American Rescue Plan Act of 2021 ("THE ACT") – 1st Reading.

Com. Good, Vicki would you like to go over this?

Ms. Urbanik, Yes, first off before I guess we get into the actual ordinance and the adoption I'm here on behalf of the ARPA Steering Committee to formally present to you Steering Committee recommendations just to give you a recap of where we got to the point. In brief, February after you approved the first phase of the ARAP expenditures you also opened the online portal inviting people to apply for a portion of our County's SLF award. Under a suggestion a proposal presented by Com. Blaney 4, subcommittees were formed along with a Steering Committee. Then over the course of about 10 weeks, the subcommittees really got to work. None of this is news to you because you chaired these subcommittees and in the case of Com. Biggs, you chaired two of them. There were 23 meetings held. When the proposals were first presented to the subcommittees, we had 63 applications. Well in excess of the tune of more than \$24 million over the available ARPA, grant. So clearly, there was a lot of work in store for the subcommittees. Subcommittees then scored and evaluated the proposals. Then they presented the recommendations to the Steering Committee. The Steering Committee met twice June 16th and June 23rd and they made some decisions one of which was that they are recommending that the County take advantage of a one-time revenue loss allowance whereby we can designate up to 10 million of our ARPA award for projects that do not necessarily comply with U.S Treasury's final rule. If we do not opt for this then we would have to follow the restrictions that are in place for all of our projects. The Steering Committee also decided at their first meeting that all of the projects from the subcommittees if they scored an average score greater they would move on to the next phase. Then at their next meeting, they fine-tuned that decision. In some cases, they eliminated projects in other cases they moved some projects up the line and they cut back the funding for some projects. Shortly after the Steering Committee, their recommended list was posted online. People who have been following this process this is probably not news to them. This list has been available for public consumption ever since the Steering Committee made their recommendations. So what I'd like to do in the next few slides is to give you a visual look of what the Steering Committee is recommending in another way. Under this first pie chart where this first chart takes a look at just the Steering Committee's recommendations in terms of the types of projects that would be funded with our ARPA grant. Some of the largest projects fall in the area of storm water, housing, homelessness, education and workforce development. There are other types of projects that receive fairly large pieces of the pie. They include behavioral health, public health, public safety and family and youth programs. I do want to emphasize that this pie chart only looks at the identifiable projects right now. It doesn't address the ones that we don't yet know like those in the revenue loss category. The next pie chart is the same project classification except it takes us a step back and includes that approximately \$4 million of projects that were included in the first phase and for the most part the projects look about the same. I will say that the tourism/ecotourism category bumped up quite a bit because as you remember Marquette Trail was in that very first set of projects and again this pie chart only reflects the identifiable projects at this time. It does not include for example most of the townships because we do not yet know how the townships plan their allocation. The next pie chart just breaks apart the Steering Committee's recommendation based on who are going to be the users of this award. You could see lost allowance takes about a third of the total funding but so do non-for-profit organizations under the Steering Committee's proposal. Non-profit organizations would share in about 34 percent of the total once again. Next slide we take a step back and now let's look at the whole funding project and this pie chart changes a little bit. County projects takes up a little bit more mainly because we had projects in that first phase. Then the very last slide. I know no one will be able to read this but once this is posted online, you will be able to see just how I group the projects together. Other people might group these projects in a different way. It just shows how I came upon the pie chart classification. One other item that I just want to

briefly mention to you in the plan that's before you is something that the Steering Committee did not vote on but I am proposing that we pay for the cost of preparing all of the meeting minutes out of our ARPA grant, which is completely allowable. The total cost comes to just under \$2,000.00. This doesn't change any of the numbers and that's because we have a remaining balance in the appropriation under the salary line item under premium pay. Because it is not in your plan, I am requesting that you put this in your plan so that when it comes before the County Council all they have to do is a budget transfer from salary to hourly. Like I said, it doesn't change any of the dollar amounts. In summary, the plan that's before you represents 25 public meetings all of which were video-recorded meetings. Meeting minutes taken all of which have been posted online. The Steering Committee plan includes 36 different projects. It involves 20 non-for-profit organizations in Porter County, which will share in about one-third of our ARPA award. I can tell that in discussions with some of our recipients, sub-recipients there is a great deal of enthusiasm about this project. There have been groups that have told me that this is really a game changer for them to get this money. Keep in mind that a little more than a year ago we didn't even know that there was going to be \$33 million of federal funding coming to us until the American Rescue Plan Act was signed into law. There are several groups that are really ready to go and they're proud of their programs. With this approval, they will be able to proceed. With that, I will conclude my presentation and give it to you for your consideration so that we can move forward with the next phase, which would be implementation of this grant award. Thank you.

PUBLIC HEARING OPENED

Com. Good, First call is there anyone wishing to speak against this ordinance. Second, call anyone wishing to speak against this ordinance? Third, 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. Biggs, The one thing that really stood out to me is that more than 60 percent of the entire ARP funds were we had available to us are going to be allocated outside of the County government into the private sector, correct?

Ms. Urbanik, Did you say 60?

Com. Biggs, More than 60 percent actually. If you go back to your pie chart that pretty much shows it.

Ms. Urbanik, I had about 34 percent to non-profits.

Com. Biggs, Well it is not just non-profits. It was you know other...I mean that's what I'm getting off the pie chart. If you go back to the pie chart, it was more than sixty percent being spent outside the County government.

Ms. Urbanik, Okay that one-section deals with the revenue loss category. That is setting aside the category for those projects that probably would not be in compliance otherwise with the final rule.

Com. Biggs, The loss revenue is...we're talking about us here.

Ms. Urbanik, Well that remains to be seen what the projects will be. For example, we do know or highly suspect that part of the Marquette Trail project will need to be assigned to that category. How much, we're working with the Stormwater Dept. to fine tune that part of the federal grant. I also need to mention I do have that standing request about our health insurance fund being allocated to that.

Com. Biggs, I think that you and your office have done a wonderful job. More than even, I expected and I was fully in support of bringing you on to chair the Steering Committee. You know what we did here is not usual around the State of Indiana. How the majority of the counties that I spoke to which was at least two dozen, they were spending it internally, all of it. I know it wasn't easy at times but I think we should be really proud of the work that we have done here today up to this point.

Ms. Urbanik, I agree. The sub-committees and the Steering Committee has spent a great deal of time analyzing these proposals. Everyone took it seriously.

Com. Biggs, It wasn't perfect but there was no perfect process. We were given a situation we had to deal with and we had no playbook to go by. I think we just made the best out of it and I really like the outcome.

Com. Blaney, I agree. I like the outcome and when I put the idea out there, this is what I was hoping for. It is kind of scary to put that out there when so many things could go wrong and we're in this political battlefield all of the time. Everybody really put all of that aside and worked together. It was a non-political process. We had great involvement by our public and especially our committee members. I think we are funding some great things both within the County and outside the County with our non-profits. I appreciate all of the time, 10 weeks, how many meetings was that all together?

Ms. Urbanik, All together 25 and I didn't calculate the total but I think Curt has.

Com. Blaney, They weren't half an hour meetings either.

Mr. Ellis, 80.

Ms. Urbanik, I was going to say 80.

Com. Blaney, A lot of people put a lot of time in and did some really good work. We've got a great outcome, especially you. Thank you Vicki.

Ms. Urbanik, It was my honor.

Com. Good, I think we ended up with a good process and a good outcome. I think the reason we were able to do what we were able to do is because of how we've run this County and how we financially have taken care of it over the last 8 years, at least 7 years that I've been here. I think that is what allowed us to do this. I think if we had been in much dire conditions, we probably would have been like a lot of counties and looking at it to just get things done internally. I think it has a lot to do with our work up here and the Council's work over the last 7 years. It afforded us this luxury and this opportunity to do that. So I'm very thankful and very pleased with the outcome. This is our 1st Reading. The 2nd Reading will be at our next meeting. After the ordinance is passed then the Council can start approving. I'm just trying to make sure I understand the next steps.

Ms. Urbanik, Yes, the County Council must approve the appropriation. We did advertise it for this coming month's agenda.

Com. Biggs, We should preface that that any of the three of us or your office to believe that any of those numbers should change once it gets in front of the County Council.

Ms. Urbanik, I do not believe so.

Com. Good, Our 2nd Reading would be August 2nd. I just want to make sure our timing is correct.

Com. Blaney, moved to approve the Third Proposed Investment American Rescue Act Funds Ordinance on 1st Reading, Com. Biggs, second, motion carried.

ITS – LEE CHILDRESS, DIRECTOR

NITCO – A Proposal for a Private Fiber Optic Connector to the Porter County Museum in the amount of \$836.28.

Mr. Childress, This is to bring internet into the new Museum building so they can have internet connection.

Com. Blaney, moved to approve the NITCO proposal, Com. Biggs, second, motion carried.

MEMORIAL OPERA HOUSE – SCOT MACDONALD, DIRECTOR

A Memorandum of Understanding between the Memorial Opera House and the Memorial Opera House Foundation regarding Expenditures for Events.

Mr. MacDonald, This is a Memorandum of Understanding between ourselves and the Memorial Opera House Foundation. As we all know the Memorial Opera House Foundation helps

us with direct support for the Memorial Opera House. They have a budgeted line item every year that they use to purchase AV equipment to help offset some of the costs that the 48% operational costs that ticket sales bring in won't cover because our salaries and things like that chew that money up very quickly. In order to continue functioning and continue offering quality things like good costumes, rights for shows that are very very expensive. We need to lean on the Foundation a little bit to make sure that those gaps get filled. In 2020, the Memorial Opera House Foundation decided that they would start presenting concerts. They would be the fiduciary body that would cover Limelight because that is the group that grantors want to give money to for children's programs. What we're running into though is a bit of a cash flow problem right now because all the ticket sales for the concerts, all of the tuitions, all that come through our ticketing software and go into our Horizon Bank account which we then do a report of collections to the County. I sat down with Vicki and Toni to discuss what the best way to solve this issue would be because grants are earmarked. Donations are often earmarked. We want to make sure that the Foundation can continue to contract, to pay cash for us, for our needs. We decided that the memorandum of understanding would be the best way to do that. If anything exceeds the agreed upon line item of direct support then we would move those funds back over to the Opera House Foundation. They can spend it as they see fit be it on the operations, making sure that we have qualified instructors for Limelights, making sure that as we start gearing into Penguin Project things along those lines that we have qualified folks that can make sure that we're successful in all of that.

Com. Blaney, And all of the money they raise come back to you.

Mr. MacDonald, Correct.

Com. Biggs, This in no way increases our subsidy of the operations.

Mr. MacDonald, No.

Com. Good, It's an MOU, a Memorandum of Understanding not a bill.

Com. Biggs, I understand it's an MOU but the MOU will dictate what we are responsible for as well.

Mr. MacDonald, I'm not sure I understand.

Com. Biggs, The question is will the MOU increase our obligation to the operations over there.

Atty. McClure, It does not.

Com. Blaney, Just out of curiosity what did the Foundation kick in last year?

Mr. MacDonald, Our recovery from post pandemic they kicked in over \$100,000.00 to make sure that as we brought staff back from furlough, as we were producing shows that we were able to come back as fully as we possibly could.

Com. Blaney, Thank you.

Com. Blaney, moved to approve the MOU, Com. Biggs, second, motion carried.

EXPO CENTER - LORI DALY, DIRECTOR

F.E. Moran – A Proposal to provide Inspection and Testing of Fire Protection/Suppression Systems - (3) Wet Fire Sprinkler Systems and (2) Dry Fire Sprinkler Systems, in the amount of \$2,560.00.

Com. Blaney, moved to approve F.E. Moran, Com. Biggs, second, motion carried.

Ms. Daly, That is split with the Fair Board.

A Request to Transfer Funds – Fund #4005 from Acct. #1120 Hourly in the amount of \$4,000.00 to Acct. #2210 Gas, Fuel & Lubrication. The funds are needed for the remainder of 2022 due to gas price increase.

A Request to Transfer Funds – Fund #4005 from Acct. #1120 Hourly in the amount of \$6,000.00 to Acct. #2330 Household and Bedding. The funds are needed for the remainder of 2022 due to increase in supplies.

A Request to Transfer Funds – Fund #4005 from Acct. #1120 Hourly in the amount of \$3,000.00 to Acct. #3420 Building/Liability/Comp. Coverage. The funds are needed due to increase in liability insurance.

Com. Biggs, Fuel went up in price.

Ms. Daly, A little bit. Recently I switched out the tanks. Rackham out of LaPorte was providing our tanks. We did not have a contract with them so we decided to go local. We went with Co-alliance. Their tanks are a lot bigger. The initial filling of them is a little bit more than we expected.

Com. Biggs, moved to approve the 3 requests to Transfer Funds, Com. Blaney, second, motion carried.

FACILITIES – TRACY WOOD, INTERIM DIRECTOR

Quotes for Property Clean Up at 143 N. C. R. 250 W.

- **The Junkluggers \$24,920.00**
- **Junk Monkey \$28,910.00**

Atty. McClure, We asked Ms. Wood our department head to get quotes for the property clean up at 153 North C.R. 250 West. I know she went out and attempted to receive three quotes. She was only able to receive two and this part of an unsafe building action that has taken place against this property owner. He had until early June; I want to say maybe June 3rd or June 6th to get it cleaned up. I did have an opportunity to speak with our code enforcement office this morning. We took pictures yesterday. Even as of today the property has not been brought up to our codes with still a significant amount of debris in the 4 corners of the property. In reviewing, the two quotes which are the two people who actually responded with quotes. We have one from Junkluggers and one from Junk Monkey. The lowest quote is the \$24,920.00. In reviewing the quote before the meeting that is based upon removal of all items on exterior property including heavy equipment, piles of chopped up wood, 2 pickup trucks, one car and one flatbed truck. They are estimating it is going to be about a 7 or 8 day job with a volume of somewhere around 18 to 22 truckloads with 4 people a day. That is the lowest quote at \$24,920.00. The specifications as outlined I believe take care of what we're looking for which is corner to corner in the property bringing the yard into compliance our unsafe building ordinance and our property maintenance ordinance. I believe this would accomplish that. They don't have a start date to be determined because before today they don't know who's getting the contract so that would be negotiated or dealt with after a contract is awarded if a contract is awarded.

Com. Good, I see some of the faces in the audiences sort of surprised by this. I can tell you from my perspective this has been a long four years trying to get this guy in compliance. Every time he would move some stuff out he'd get a little break and then he moved stuff back in again. I mean it I'm glad we're finally dealing with this. Now I guess I should say but it is sort of disappointing we're seeing more and more of that out there. We're getting more and more comments and complaints about this. It's an area within this county that we need to you know....to give you a little indication of what we've done we've seen this coming for a while. When Laura, Jim and I first got into this there was no unsafe building fund zero nada in Porter County. There was zero. So what we did was we commandeered some of our decks and accessory building permits and we commandeered a little bit of that money to go into a fund. That was five years ago. Now that fund has over \$100,000.00 in it. Now what we can do is we can come in here, take care of these issues to get everybody to move on and then the County can then lean or do whatever to the property to whenever it sells or whatever we can get that money back. It's your money it's not ours. We're just using it to get a bad actor back in place here. I'm glad we're here today. I'm disappointed we're here today it shouldn't have to be this way but we as a county are going to take some action. We're going to start the process and try to get this back into compliance.

Com. Good, moved to approve Junklugger's in the amount of \$24,920.00, Com. Blaney, second, motion carried.

Com. Biggs, Just to touch on something you had brought up Jeff. You know this has been a long time coming. My personal opinion is that it's not local government's job or it shouldn't be to go in and clean up private property with public tax dollars. Unless the property posed a public health risk. We're talking about a property that is not vacant. Someone lives there. Because they wouldn't do what they were asked to do we have to come in now and spend...our County Attorney has spent dozens of hours.

Atty. McClure, Over the last several years, dozens.

Com. Biggs, I do not understand how a property owner...why anybody would buy a home and buy a property of that size without the intent of keeping it up. The vast majority of our residents their largest investment is their home. When somebody moves in next door or buys a property next door to them and doesn't keep that property up it doesn't reflect well on the adjoining property owners. At the end of the day it hurts the value of that property. I wish there was a way to just absolutely take that property from them but there is not. Again, as Jeff point out we go back on this issue more than 4 years. He has had every opportunity to comply. None of what was asked was unreasonable. He was just, the heck with you so here we are.

Atty. McClure, I would add that a County our size obviously we have issues that come up like this. If you have 177,000 people living in your area and not have some issues arise. However, an extraordinary situation as far as the level of which he allowed this yard to come into play. I would agree lots of work had been done with him to have him attempt to clean it up. We would make progress and then fall back and make progress and fall back. Then obviously we don't have an army of code enforcement officers out there to constantly be dealing with it. So here we are assuming the contracts approved I believe this will at least get us back to a clean start point at which point obviously our code enforcement officer is going to have to be very much attuned into what's happening on the property. None of us want to end up back where we're spending \$25,000.00 of unsafe building money to clean up one yard. I think this is unfortunately, where this particular property owner took us in our travels. I believe this is our best option at this point.

Com. Good, And one other thing I'd like to clear up. There's been some emails sent and other things that we're not taking this seriously. What everybody needs to understand is during COVID for 2 years you could not have any of these public hearings to address these derelict buildings and that is because they were protected under the executive order. What we've actually seen during COVID was a lot of these places got worse because they knew that there was nobody that could come in and take them to court because the courts weren't hearing the cases because it had to do with property rights. Now that we're coming out of COVID we're starting to see a lot more had been done on those places during COVID. We even have a deeper hole to dig out of but we're going to keep pushing forward. This is the first one on the list but there is more to come.

Atty. McClure, Well there has been lots on the list but this is the only property that hasn't cooperated.

Com. Good, Yes, and the other ones we've gotten on them and then they came back and then they cleaned it up real quick as we were sitting at the end of their driveway.

Atty. McClure, Yes, we have some unsafe buildings set for this Thursday at 1:30 upon those individuals receiving those there was action immediately on more than half of those. This is the outlier this type of reaction. Obviously keeping the pressure up and the standards up is what we're attempting to do. I don't want to leave people with the impression that no one is complying the vast majority of people when they get the nudge they do begin to comply and those that don't then we just have to keep traveling down the road.

Com. Biggs, That's why this particular case should be the people who have no intentions of following the ordinances or caring about their adjoining property values of their neighbors take note of this. I got a feeling this isn't going to be the last time unfortunately but we will do something if we're pushed to that end.

Com. Good, I think that having that fund, one thing I've learned up here is if you have a fund that's dedicated to do something up here you can usually get things done but when you don't have a fund, most of the people know it. That's what was happening up here before. You would get a complaint and then everybody would look around and say well how are we going to pay for it. Then everybody would freeze because they didn't they had no money source. Now we have a dedicated fund. We have people in place. So we're out there trying to protect the values of everybody's homes. It's what we do.

Com. Blaney, I have one question on this specific. There's been a lot of back and forth about stuff behind a fence. That's included in those four corners right?

Atty. McClure, Yes.

Com. Blaney, Just wanted to make that clear.

Atty. McClure, As long as the fence is not right on the property line and I don't believe it is.

Com. Blaney, No.

Atty. McClure, I believe there's a fence. Then there's things behind the fence. I believe that is all on this property.

Com. Blaney, And I want to add that we will get this started as soon as possible.

HIGHWAY DEPT. – JIM POLAREK, SUPERVISOR

A Request for an Additional Appropriation – Fund #1169 in the amount of \$200,000.00 to Acct. #2210 Fuel. Needed funds due to increase in fuel prices.

A Request for an Additional Appropriation – Fund #1169 in the amount of \$12,000.00 to Acct. #2440 Road Signs. Funds needed to purchase materials to mark RXR crossings. Will receive State grant upon completion.

Mr. Polarek, The grant for the railroad crossings was for \$7800.00 but I added a little because everything is going up.

Com. Blaney, moved to approve the Additional Appropriations, Com. Biggs, second, motion carried.

A Request to Transfer Funds – Fund #1169 from Acct. #22610 Salt in the amount of \$80,000.00 to Acct. #3650 Vehicle Repair. Funds needed due to increased parts cost.

A Request to Transfer Funds – Fund #1169 from Acct. #22610 Salt in the amount of \$10,000.00 to Acct. #2310 Tires, Tubes, etc. Funds needed due to increased parts cost.

Mr. Polarek, Our domes are full for this coming winter and we had some extra money. Parts costs have increased.

Com. Blaney, moved to approve the Transfer of Funds, Com. Biggs, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – BOB THOMPSON, DIRECTOR

CCMG 2022 Receive and Open Bids.

- **Milestone Contractors** **\$2,396,423.01**
- **Reith Riley** **\$2,416,664.20**

Com. Good, Did they get the bids back yet for the CCMG? You know where you're going

Mr. Thompson, Correct. Chris D'Antonio went through the bids and he said the Milestones bid was complete and we recommend awarding the CCMG 2022 project to Milestone for **\$2,396,423.01**.

Com. Good, moved to approve the Milestone Contractors for \$2,396,423.01, Com. Blaney, second, motion carried.

Heirloom Subdivision zoning map amendment from RR, Rural Residential to R2, Medium Density Single Family Residential – Petitioner 325, LLC – 2nd Reading.

Com. Good, This is 2nd Reading. We will not have any public on 2nd Reading it is not required. We have been through about 5 public hearings already.

Com. Biggs, I would like to ask the board to delay the vote for the purpose of giving the school district and the proposed developer an opportunity to talk. Evidently, they have not spoken to the school district. We've already heard from the fire chief of that township that they are going to struggle keeping up with a project of that density. I have personally at the last meeting spoken about the density. At the County level, you know density creates a problem for us because we don't have utilities like the municipality has. When you're upside down on our ability to fund road projects that we need to be funding I just don't understand why we would encourage a rezoning of

more than 80 acres or 80 acres to create more of a problem. I don't get it. I understand the value of having out to that property but at the same time we're approving subdivisions every month in this County that do not have utilities sent to it. So I don't buy into the claim that it's criminal if we do not hook this up or allow the City of Valparaiso to hook up to it. The City of Valparaiso wants to hook up to it in my opinion annex it. That's my opinion and I don't think that we should be making these decisions up here on the assumption whether or not that property or any other property in the unincorporated area of Porter County is rezoned I don't understand what we're doing. Our two largest and most expensive problems as far as county government is concerned in regards to developments. It just happens to be the two most densely populated areas in the County South Haven and Shorewood Forest. There are literally millions of dollars of storm water work that has to be done and we're upside down in our ability to pave the roads that need to be paved out there. Again, I asked for it to be delayed to give the school the opportunity to speak to the developer.

Com. Blaney, I just want to be clear when if we do this rezoning today what are the steps left before breaking ground? This subdivision would have to go through some more...they can't break ground this week.

Mr. Thompson, No not at all. They would have to go and start developing plans for this. It would have to go through what we call the primary plan phase through the Planning Commission where they are going to have to develop engineering plans. Those engineering plans would have to show the roads, storm water other engineering aspects that they meet are construction standards. They would also have to go through a planning review to see to it that their design meets the requirements and planning all of that was within our unified development ordinance. That could take months.

Com. Blaney, and our storm water standards that we have in place today, were those in place when South Haven was developed or Shorewood?

Mr. Thompson, No they were not.

Com. Biggs, But they are our problem now correct?

Mr. Thompson, That is correct, they are.

Mr. Novotney, To step through the process a little more specifically for you Laura. Today the rezone request would give the developer I guess the reliable information they need to proceed with the engineering and design tasks which are expensive. As Bob said, it's a development of an entire set of construction plans. It's the voluminous engineering study that backs up what they're show on the plans. Once they have that ready to go which may take months for them to prepare they make an application to the Plan Commission, to the zoning staff for primary plat approval. Then from that point we receive that submittal of the construction plans and the engineering study we start our reviews. That may take months and months to get through depending on the quality of the engineering that went into it. Then at that point, once we are finally satisfied, the engineering division, roads, storm water, etc. has found conformance with our standards. Once Planning and Zoning staff have found conformance with setbacks, easements and right-of-way dedications all of the sort of geometry of development and lot coverage things like that. The Health Dept. won't be involved because there is now well and septic as proposed. Then it will be prepared for presentation of the Plan Commission at which point there will be another public hearing on the primary plat approval. And only once they have primary plat approval can't they apply for permits then to actually start breaking ground and building the public improvements. The roads, the water, the sewer, the storm water. Once those improvements are substantially complete that process might take a year to build all of the improvement depending on how they want to phase. We don't know any details about phasing, etc. but it may take them a year to build them. At that point they're substantially complete with the infrastructure. They can apply for a secondary plat approval and finally get to the point where homes can start getting built. So we are some long period away on the order of a few years probably from them building homes out on that site.

Com. Blaney, My understanding and I've been advised that we're not to consider school issues when we are deciding whether to approve or disapprove these requests correct?

Mr. Thompson, Correct.

Com. Blaney, I do think it would just make common decency sense for the developer to talk with the schools and let them know what to expect so they can plan ahead. Do you think the developer would agree to that?

Atty. Leath, Absolutely we would agree to do that. That is part of the process that was being identified with the primary client.

Com. Blaney, I think some of the concerns are the school system is growing and they need to plan for expansion.

Com. Good, Todd could you identify yourself and come forward.

Atty. Leath, My name is Todd Leath. I'm an attorney and I appeared before you at the public hearing. I was at the Plan Commission as well and I represent the petitioner in this matter.

Com. Good, Thank you.

Com. Blaney, Well I agree with everything you said Laura but my point is wouldn't it make more sense that that conversation with the school district was had before we rezone this property? Once this is rezoned it's rezoned. It can go before our Plan Commission and fail miserably. It not likely, but it could, but that rezoning to that property stays changed. I just don't know what we're hurting here.

Com. Blaney, We have a petitioner who has followed all of the rules. Who has gone through the public hearing process. We have to respect everyone.

Com. Biggs, I understand that, but I have a petitioner who I've never met asking me to change the law for him on a project that none of us has seen yet. I think delaying this and allowing the school to speak to them and get a little more comfortable. As I stated we already heard from the township fire department. They're not prepared for this. I'm not advocating that the schools dictate to us what developments get approved or what doesn't get approved. I'm not advocating that.

Com. Good, Yes you are.

Com. Biggs, No I'm not. I'm just saying that the process is a little backwards. I think that before you start rezoning it to create more density and the township has already told us they're not ready for it. You at least talk to the school district. You didn't talk to the fire department they showed up here. Now a member of the school board has showed up. Our own department head has told us it will be years before they start building anyway. What is another month or so.

Mr. Thompson, I also need to advise the Commissioners that if they do not take final action on a rezoning within so many days after it's been forwarded by the Planning Commission the Planning Commission ruling becomes law. I believe that is 90 days.

Com. Biggs, Yes, I am not advocating 90 days.

Mr. Thompson, But it goes from 90 days when the Planning Commission held their hearing which was May.

Com. Blaney, I believe so.

Atty. McClure, There were 2 hearing of Plan so it might have been May.

Mr. Thompson, Not much time before that Plan Commission could become law.

Atty. McClure, If you want to pass it I can go double check these dates to see if we can get to the August date if that is something you are considering.

Com. Biggs, I would like that.

Com. Blaney, I think there is plenty of time to do everything. I don't think anyone has said that septic systems are criminal. Not that septic systems were criminal but that it would be criminal not to allow utilities into that property.

Com. Biggs, Yes they did. That was said in the Plan Commission meeting. Yes it was.

Com. Good, That's different.

Com. Blaney, Okay, thanks.

Com. Biggs, My point was we're approving subdivisions every month all across our County without city or town utilities. Every month.

Com. Blaney, But not a quarter mile from a mega park.

Com. Biggs, The City of Valpo's location to this property makes no difference to me. Absolutely none. It should to you either.

Com. Blaney, It absolutely does.

Com. Biggs, If those people who live out in that township wanted to live in the City of Valpo they would be living in the City of Valpo. If they wanted the density, they're living around the density but that's not what they want. I have over 300 residents telling me not to do this. I got one petitioner asking me to do it. To me it's a no brainer. I know whom I work for.

Com. Blaney, I know the Plan Commission is in favor of doing this. Did you find the date Scott?

Atty. McClure, No, not yet. I need a little more time. Set it aside for a moment. Indiana Code 36-7-4-6-0-8-f-4. I will be impressed that Mr. Thompson was spot-on. It's 90 days. I checked the Plan Commission's agenda that was heard in March and it was heard in April. April 27th was its second meeting date. So if this was to be continued to August 2nd would be 98 days pursuant to that section action taken one way or another before the 90th day which according to my math back on the calendar would be July 26th. If there's not action taken one way or another it would be approved.

Com. Blaney, Mr. Leath please ensure that your client works with the schools as soon as possible to just get them on board so they can plan accordingly.

Atty. Leath, I will reach to do that.

Com. Blaney, moved to approve the Rezone for Heirloom Subdivision on 2nd Reading, Com. Good, second, motion carried.

Com. Biggs, Opposed.

An Ordinance Creating Flood Damage Prevention – 1st Reading.

Mr. Thompson, FEMA's changed the flood maps. Most notably they changed it up along the lakeshore. They developed some new firm maps that will be coming out. They become effective in September. I think it's September 22nd. They also did an update of a number of our major tributaries. DNR comes through and audits our floodplain ordinances or flood damage ordinances on a regular basis. This is a major update to also include the new maps that are going to be coming in. It's kind of a substantial change from what they had in the past. Most notably, I've never done a 35-page ordinance from

the DNR before as far as the floodplain goes. Most of them have been considerably less but 10 pages of that has been nothing but definitions what is before you all. This is a forum template that we put the Porter County information into it. DNR and FEMA do have the flood plain ordinance templates. They strongly encourage the locals to use their templates and that's what we've done.

PUBLIC HEARING OPENED

Com. Good, First call is there anyone wishing to speak against this ordinance. Second, call anyone wishing to speak against this ordinance. Third, call anyone wishing to speak against this ordinance. First, call anyone wishing to speak in favor of this ordinance.

Mr. Martin, I will.

Com. Good, This is about this ordinance.

Mr. Martin, I haven't read this ordinance but in the County one of the issues has been flood waters on farm ground and on any other kind of ground. So any decision that the Commissioners make that affects that I'm in favor of having ordinances that affect that. It also affects other actions that you're taking. Also, I just want to make this statement. I realized you have recognized Attorney Todd Leath on the other issue. I had my hand up. I understand it's not a public hearing I've been around this game for 32 years Jeff not just eight. We as a school board recognize people in our crowd when they raise their hands. We don't try to limit the conversation of someone that's coming up. I want to say this about you as a Board of Commissioners; you've been an excellent Board of Commissioners. I have no complaints. I've stayed away from you for 20 years because you've done a good job. When I show up it means something is probably wrong

Com. Good, 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. Biggs, moved to approve the Ordinance Creating Flood Damage Prevention on 1st Reading, Com. Blaney, second, motion carried.

Lockmueller Group – Task Order No. 1 for Bridge 1016 – U.S. Steel bridge, which crosses U.S. Hwy. 12 and 2 railroads.

Mr. Thompson, This is just a bridge in some need of major repairs. We have a wall section on one of the abutments that has been broken for a number of years. We are going to be repairing that. Also, the concrete approaches are starting to slip away from the actual bridge. It is a bridge that receives a huge amount of truck traffic into U.S. Steel. We've got to get up there and get it worked on and repaired.

Com. Good, When are you targeting for this to get done?

Mr. Thompson, I will probably need to talk to the engineer. The engineer has already been doing a lot of work as far as looking at overlay systems and contacting that do MSC wall work. I'm hoping this can get turned around with the engineers pretty quickly and that we can probably get on this if not late this year maybe early next year.

Com. Biggs, The timing on it couldn't be better with the double tracking going on. Once that's completed I can't imagine that traffic on that road not picking up.

Mr. Thompson, It's true I mean the one thing that could really hold this up are the railroads. It's not so much the South Shore through there, it goes over. I can't remember if it's CSX or Norfolk Southern.

Com. Biggs, They wouldn't do that would they?

Com. Good, There is a lot of work going on at the U.S. Steel Plant as well for stacking of cars and other things that come from South Shore Freight. There is a lot of work going on up in that area. Industrial stuff, big stuff.

Com. Biggs, Is that in Portage Township?

Mr. Thompson, Yes.

Com. Biggs, moved to approve the Lockmueller Group Task Order No. 1, Com. Blaney, second, motion carried.

American Structurepoint – Willowcreek Rd. Extension Project Corridor Plan. An Agreement to Perform Services, in the amount of \$52,890.00.

Com. Good, Is that for the overlay?

Mr. Thompson, Correct. This is for the overlay looking at potential land uses and also an access management plan. This is a little bit different than all of the Commissioner's roads. You are going to own the actual right-of-way for this. Once it's constructed and everything you own you own the actual right-of-way. If anyone comes forward and they want to access, it they have to make a request through this Board. It is actually looking at an access management plan when constructed and also the future land use along this.

Com. Biggs, When you say access you mean cut a driveway into it.

Mr. Thompson, Yes, exactly cut a driveway. Or ask for a commercial or residential approach to it.

Com. Blaney, moved to approve the American Structurepoint Agreement, Com. Biggs, second, motion carried.

Willowcreek Rd. Extension Project – Engineering Design Consultant.

Mr. Thompson, We have two project numbers with INDOT. One of the project numbers is for the corridor and route analysis. That is going forward. INDOT tapped the brakes on the second project number saying that we did not properly advertise for the engineering on that. This is what this is for. We do have a considerable amount of federal funding sitting there for the engineering but INDOT will not release it until they felt that we have properly advertised for a consultant on this. We went through all of the steps on this.

Com. Good, This is advertising for a consultant.

Mr. Thompson, Yes, to do the engineering.

Com. Biggs, We actually have selected a consultant.

Mr. Novotney, We have. We have now properly advertised. We received LOI's and this is the outcome of that selection which is for American Structurepoint.

Com. Biggs, moved to approve American Structurepoint, Com. Blaney, second, motion carried.

Bridge 95 – 300 S. over Ludington Ditch – Design Consultant.

Mr. Thompson, We advertised an RFQ on this and we received three letters of intent. Chris D'Antonio reviewed the LOI's. We are coming up with the recommendation of United Consulting for this bridge.

Com. Good, Where is this one again?

Mr. Thompson, It is right east of the Porter Township Trustee's office. Just east of 500 West.

Com. Blaney, moved to approve United Consulting, Com. Biggs, second, motion carried.

A Performance Agreement Boulder Lake Estates (formerly Kazmierczak Estates).

Mr. Novotney, This is a small major subdivision on C.R. 100 South just west of 500 West. The owner Alex Kazmierczak has been constructing the common or public infrastructure that serves that subdivision at this point. That infrastructure is substantially complete so he has applied for a secondary plat approval to the Plan Commission planning and zoning staff. This performance agreement is his guarantee and along with it he submitted a financial surety as well. This is basically saying that he's going to complete all those public improvements and that still need to be completed. Then that financial guarantee the letter of credit is our financial guarantee that if he does not do it we can take that money and complete those improvements. The staff is

recommending approval of this performance agreement. That will allow the owner to proceed through the secondary plat approval process.

Com. Good, How long is the agreement?

Mr. Novotney, For 2 years with the opportunity to renew that every 6 months for up to another 2 years after that and that is per the UDO.

Com. Blaney, moved to approve the Performance Letter of Agreement with Boulder Lake Estates, Com. Biggs, second, motion carried.

A Request to Lease a Vactor Truck from the Jack Doheny Company for Storm Water and Highway.

Com. Good, The vactor truck we had gotten a few years ago, is this the one we are getting rid of?

Mr. Thompson, Correct. The lease agreement is up in about a year so we want to get moving on this since we've been hearing that these order have been hearing these orders have been taking a long time lately. The Highway Department's head of maintenance suggested to do so. We are going to trade in the old vactor truck and get a sum for that and enter into a new lease agreement. If we trade in the vactor truck as it is they will give us a \$147,206.00 credit going into this. Our current payments are 4 payments for 4 years and are \$82,000.00 a year. With the trade in of \$147,206.00 our 4 payments will go down to \$66,800.00.

Com. Biggs, Do we have to release our current truck before we get our new truck?

Mr. Thompson, They will come out to inspect it to make sure that everything is good. They gave us the bullet points of the items that they will be looking at to make sure they are all in good condition to be able to receive this \$147,206.00.

Com. Good, It's about a year from now?

Mr. Thompson, Yes.

Com. Biggs, We can continue to use the one we have?

Mr. Thompson, Yes.

Com. Biggs, moved to approve the lease for a new Vactor Truck, Com. Blaney, second, motion carried.

FRIENDS OF PORTAGE TOWNSHIP, INC. – LISA LEACH, PORTAGE SUPERINTENDENT

A Request for permission to host a 5K fundraiser in the South Haven Community, which will go from Haven Hollow Park through the neighborhood in Coventry, cross over McCool Rd. to the Field of Dreams Park and back to Haven Hollow Park. A Porter County Sheriff's Officer will be present during the race on McCool Rd., along with an ROTC from Portage Township Schools posted at the intersections in the Coventry neighborhood. A map is included.

Ms. Leach, We have reached out to the Porter County Sheriff's Dept. We would need 1 officer.

Com. Blaney, What is the fundraiser for?

Ms. Leach, We are working on construction of an ADA compliant walkway through our amenities and playgrounds at Haven Hollow Park.

Com. Blaney, moved to approve the 5K fundraiser, Com. Biggs, second, motion carried.

Com. Good, Anyone wishing to address this Board?

Mr. Egel, My name is Jerry Egel. I live at 277 Durness Court, Valparaiso 46385. Commissioners thank you for opportunity to discuss a very important topic. I'm here to express the deep disappoint I share with the many other regarding the decision to remove lieutenant colonel Jennifer Ruth Green a successful African-American woman who happens to be running for congress from speaking at the veterans event at the Porter County Fair. S

he was scheduled to speak with veterans on Wednesday, July 27th at 7 pm. Her guest appearance at the County Fair was going to be in uniform as an official representative of the Indiana Air National Guard for federal law under the uniform code of military justice. A person acting in official capacity while in uniform is prohibited from engaging in political activity. Colonel Green is a graduate of the United States Air Force Academy, a combat veteran and currently serving as a squadron commander of intelligence for the Air National Guard. Nobody can doubt that her dedication to our country. Her willingness to put her life on the line to defend our country has been proven many times in her military career. Now she gives much of her time and attention to her fellow veterans. She has supported veterans for years often sharing her story of front-line combat experience she witnessed first hand. The atrocities of war and the loss of her unit members to IED explosives, expressing her challenges to overcome PTSD provides hope to veterans struggling from the mental stress of serving in combat. There is no doubt that her message of hope and healing could prevent another tragic suicide of a veteran. For example on this past Memorial Day in Maryville Colonel Green was the guest speaker while in uniform at the Memory Lane Memorial Park. She delivered a powerful and emotional description of the horrors of war that she personally witnessed including stories of dear friends and Air Force Academy classmates who gave their last full measure of devotion by dying for our country in combat. Her deeply personal story was on point and never strayed into the political realm. Ms. Blaney it has known you initiated action to block Colonel Green's participation in the county fair. Mr. Good as president of the Commissioners I am disappointed you allowed this to happen. The shameful display of a Commission pressuring the County Fair Board of Directors to cancel Colonel Green's guest appearance over an unsubstantiated claim motivated by petty politics is reprehensible. Using your government employee position to pressure the board to restrict Colonel Green's guest appearance is in violation of the polar County Commissioner's code of ethics as outlined in the first paragraph under political activity canceling. Colonel Green's appearance was based on a false assumption and violates a supreme court ruling that prior restraint to restrict speech before it happens is unconstitutional. This action restricts our first amendment rights of free speech and freedom to assemble. It certainly does nothing to help Porter County veterans. Commissioners as a 21-year Air Force veteran myself I request the actual facts of the matter be reconsidered and that Colonel Green's opportunity to share her inspiring message of hope and healing with our veterans be restored. Ms. Blaney if you will not reverse course and convince the County Fair Board of Directors to restore Colonel Green's proper place as guest speaker at the veterans event your next appropriate action should be to submit your resignation.

Ms. Miller, Okay my name is Dawn. I want to start off by saying um this is for Com. Blaney. Do you recall the questions that I asked during the May 17th Commissioner's meeting? If not I can refresh....I have a few questions um regarding the Memorial Opera House funding. Have you been in recent discussions about the Memorial Opera House? Is it true that you're planning on using funds from the hospital sale? Is it true that instead of the original \$5.5 million it's going to be closer to \$6.5 million? If you didn't remember I just (Inaudible) the questions. At the Porter County Council meeting on June 28th the architect, the builder and Scott MacDonald presented your lavish upgrades. The Memorial Opera House stands on just \$6.5 million from which you ask the County Council for a bond from the sale of the hospital. The community feels this is reckless of using our community funds especially since during a recession. The building is historic and understandably needs updates to maintain this beautiful building. The Memorial Opera House has had necessary upgrades has received money from grants and donations over the years to keep it in good condition. Just to name a few uh upgrades and grants. In 2013 the roof and the structural upgrades were done. The cost was uh \$315,000. In 2017 the Opera House received \$35,000 from Preservation grant. In 2018 the Memorial Opera House received a \$500 grant from the Girls Giving fund in 2022. Memorial Opera House received two Arts Commission grants initially approved for \$26,033.68. Received a second round of funding for an additional \$2,630.37 totaling \$28,637.05. Another question for you Com. Blaney how much was your proposal for the Memorial Opera House project in 2018?

Com. Blaney, It's \$6.5 million right now.

Ms. Miller, Do you recall how much it was in 2018? It was \$3 million then and then my other question I guess is why did you ask \$5.5 million from the ARPA funds when that was (Inaudible) supposed to be for all COVID and this apparently.

Com. Blaney, And we took it out of the ARPA funds. It's not part of....

Ms. Miller, (Interrupted) no....(Inaudible).

Com. Blaney, It did fit very well. I didn't get declined or turned down. I chose to pull it back with my colleagues because the public wasn't a big fan. I mean we have our Auditor right here. It definitely would have qualified.

Ms. Miller, So in 2012 did you leave your position as the Board of Directors for the Memorial Opera House to run for Commissioner?

Com. Blaney, No.

Ms. Miller, Is it true that the Memorial Opera House donated \$3,000.00 or more to your campaign?

Com. Blaney, No.

Ms. Miller, I know that is true for sure.

Com. Blaney, Absolutely it is not true. I spent \$3,000.00 at Memorial Opera House to buy a playbill ad. Perhaps you looked at the wrong side of the....

Ms. Miller, (Interrupted. Inaudible)

Com. Blaney, Apparently you don't. They did not.

Ms. Miller, It's a lot of money that you're asking for this community to invest in something that is not self-sufficient. That does not bring in revenue for this County.

Com. Blaney, It is self-sufficient.

Ms. Miller, It what?

Com. Blaney, The operations are self-sufficient.

Ms. Miller, That is interesting. From all of the researching that I've done it's not. And you've got Scot MacDonald coming up here talking about your (Inaudible) project which I find interesting was put in a teeny tiny little article. If this was very important to you guys, it wouldn't have been with the Times where you get your coupons. No this would have been a front-page article.

Com. Blaney, We don't get to decide where the newspaper puts their articles.

Ms. Miller, Saying you're trying to tug at people's hearts to get their attention to the (Inaudible) project. I (Inaudible) understand what the point of that was. So just why now? Why is it all of a sudden it needs this big huge lavish upgrade?

Com. Blaney, We have finished upgrading all of our other buildings with the exception of this one, the center garage and the Jail. It's time and we're in a good position to do it. The place is growing. Our population is growing. We're in a great position financially at the County. We're at the lowest income tax rate in the State.

Ms. Miller, So looks it's about what \$198 to \$165 million. Uh see the County Council (Inaudible) that roughly \$2.5 other half-principal account (Inaudible). Basically, how are we in such a great position right now?

Com. Blaney, I really don't know what you're talking....

Ms. Miller, (Interrupted) I'm just curious.

Com. Blaney, I don't understand what numbers you just discussed.

Ms. Miller, That's fine, that's fine. That is why I quit reading it. I'm just curious how you feel....

Com. Blaney, All of our buildings have been brought up to their ADA compliant. They are weather tight. They are efficient. They are on a maintenance schedule. We have the lowest income tax rate in the State. We can use hospital foundation interest money to pay off a bond. I didn't want to use money from the sale of the hospital I meant the direct proceeds. I do not want to use the principal. I've been very vocal about protecting the principal along the way for future

generations. As a matter of fact, our spending policy at the foundation accounts for inflation. We don't even spend all that we can take out of it. We put it back into the principle.

Ms. Miller, Why now? Why is it a good time? Obviously again.

Com. Blaney, We need the arts.

Ms. Miller, We need the arts.

Com. Blaney, We need great things for the community to do. There are lots of kids involved.

Ms. Miller I don't disagree with you on that.

Mr. Martin, I appreciate you opening it up for public comment.

Com. Good, I always do. Every meeting Bob.

Mr. Martin, I didn't intend to insult you.

Com. Good, But you did. It's not good in Christ but my friend.

Mr. Martin, It's disappointing for me to see you Commissioners approve a double zoning increase because of the fact that 32 years ago those kinds of things were being done because the sub-dividers were promoting East Porter County as Valpo, Valpo schools, which it's not. You guys know that it's not. So to promise....I'm disappointed in the Plan Commission having approved it and sending it to you as an approval because there are serious questions in my mind and in our board's mind as to what happens to sewage when it goes into the Valpo's plan. I'm not just a school board member. I've been here 60 years Jeff. I am also 70 years old, which is considerably older than you. So think about how your dad would ask you to respect me as a 70 year old instead of your position here as the president of this Commission. You were also in a youth group through my church so understand that when I come and speak I speak from the authority of 32 years and 70 years of experience okay. You have a distinct position as president of this Board. I do not believe you listen to the public and your responsibility is. All of you as Commissioners is to do what's best for Porter County. Not what's best for a developer or not what's best for Valpo. What's interesting is my following of you guys for the last 8 years since you've been on Jeff has been positive. It's been very positive. I was called into this. I realize I'm here as the horse is already out the door. I understood when I came that I was going to be too late. I'm just saying that you've set a precedent of jumping and of a developer who through his attorney had told our superintendent, we will have contact with you. Mrs. Blaney has been trying to be active through this. I don't think you were contacted. I'm not blaming you in that Jeff at all. I'm saying there needs to be some continuity. If we're going to say the County is going to be this, then let's keep the standard as it is. Not hoping that having our sewer problems taken about who has their own sewer problems is going to solve anything. Also not having a situation recreated from 32 years ago where we went through a 90% voter turnout on the issue of do we want to go with Valpo or do we want to stay Morgan/Washington and Kouts. 90% voter turnout. You know what happened the good people who I also respected that wanted Valpo who had been sold the bill of goods because of density of how the subdivisions were being built. I can name you the ones. (Inaudible) we are being told by their realtors these are Valpo schools and if they're not now they soon will be. To even say annexation to most people annexation means that is the school district. It isn't their separate lines. So when we make statement that do not include everything or when the Board is given partial facts or when a school corporation is not included in a major decision of rezoning it is very detrimental to the County. You guys have been great Commissioners. I encourage you to think about what you're doing in the future. We're going to follow this through to the past. I appreciate Laura that you told them to meet with us but somebody told us the last time they were going to meet with us and they didn't. I was called in because we have upset parents. We're trying to do building projects. How do we plan when we don't know what's going on. I appreciate your time. I apologize if I insulted you.

Mr. Ferlis, My name is Nick Ferlis. I'm a disabled Vietnam Veteran. I have a question for the Board. How many of you are Veterans? Especially you. I didn't think so.

Ms. Jepsen, Jessica Jepsen, 1259 Sherwood Dr. There's a lot of information that comes from these meetings. I took so many notes and want to talk about so many things. If it helps in the future um the property up at 143 and 250 that's underlying a mental health issue. So what's going to prevent this from occurring? Again, have you guys put plans in place or is the County going to have to continue to fork out money? Then my other question would be that Junkluggers, where are they putting all the junk. Is it going to be a continual issue? So just a couple things out of

that. The timing of the Commissioner's meetings. You guys handle our tax dollars and you're deciding how our tax dollars are spent. I'm missing two and a half hours of work, which means less tax dollars to you guys. Please move these meetings to the evenings where people can participate who are the ones giving you the tax dollars. I wasn't going to do this but I saw a very clear example here. Titles, putting people on pedestals and egos. I have no problem calling anybody out on anything. I completely...it used to be an issue of mine. Now I see people for who they are and it's not really good when I've been listening to Commissioner meetings and so forth. There's a very clear example that occurred today. I've heard a lot that has come from Blaney and her demeanor towards people. You're serving the community. There's no ego. There's no title. It's pure humbleness. There's no pointing of fingers. There should not be apologies coming from the audience to you guys whatsoever. I don't see humbleness at all. The Memorial Opera House, which is one of the things that I wanted to speak about. I sent a FOIA request to Scott McClure, Atty. McClure. Thank you very much. You've been very responsive. June 30th I sent a response for a question in regards to wanting to know what all incomes coming in, what all the expenses are, the revenue and so forth. I still don't have and I know on a government side of things using they're called different things but on the business side um a balance sheet, an income statement, a profit and loss for the Memorial Opera House. I know it's different on your end. I still don't have that

Ms. Urbanik, We do prepare balance sheets and income statements because we're a GAP County.

Ms. Jepsen, So for the Memorial Opera House and this has been two weeks now since then. To me knowing...it should have been a click of a button to give a citizen that information when you are talking about going out for a \$7 million bond. Its two weeks and you don't have that Information to send me on what all the revenue streams are what all the expenses are. Today we just heard this gentleman saying there's a cash flow issue with the Memorial Opera House when he came up here and spoke earlier. Go back into the recording you can listen. He said there's a cash flow issue yet we're going to sit here and put out millions of dollars for the Memorial Opera House and I cannot even have what the revenue streams are. Is it a loss, is it not, where all the grants coming from? It should have been that easy and you guys should have had it at a click of a button to send to me. If you're sitting here meeting with contractors and all of these other things, we should know that very quickly.

Ms. Urbanik, I'm sorry I don't want to interrupt you but I would like to respond. Atty. McClure I have been working on your request. I can't speak for anyone else who might be dealing with you. I only know what I did. It is available at the click of the button. Our financial statements are available online but what I did was I pulled out all the Memorial Opera House balance sheets and income statements, copied them, scanned them, highlighted them, wrote up a description but you can access it already online but I gave it to Scott McClure to review to see if in his legal opinion was there anything else. I believe that's coming but it is available to citizens. Everything is available online but to make this clear because it is complicated and its complex and the average citizen may not know exactly what it all means. We are trying to put together a more elaborate explanation. For us to just throw everything out at you and go hunt for it yourself that would be I think disrespectful of your request. I

Ms. Jepsen, I appreciate that and I understand the complexity of it. Do we get matching grant funds? Do you know how much? How much do we have to fork out to get certain grants? I understand grant cycles, all that stuff and it is very complex when you look at it. I just hope you guys are looking at that and I will look through it with a fine fine-tooth comb because we do need the arts and we have to be responsible except I read an article today we're officially in like a recession. You guys know that so maybe we need to take this money and put it straight towards mental health because we're seeing that we're having to fork out money on the other side of it to Junklugger because we're not taking care of the mental health. So that's it sorry long and winded.

Ms. Frataccia Seibert, My name is Kaye Frataccia Seibert and I want to speak about the Memorial Opera House. I have been on the Opera House Foundation Board for many years. My late husband was also working with the Opera House in the 90's. It is an asset in the community not only because the piece of property does honor veterans and their service it is asset because the arts have saved lives of many people who didn't have other places to belong. I think the issue about the cash flow is a very complex issue and we're actually talking about two separate organizations that work together collaboratively. Having been on the Foundation Board for many years, I saw it go from being in the red under leadership that was not as effective and I have seen leadership change. Scot MacDonald stepped into this role and has done a marvelous job. We are in the black, well in the black. Budgeting is clear. It is transparent. There are two separate

budgets. There is obviously your budget, the County budget which supports the Opera House operations. There's also Foundation budget. The Foundation budget is the fundraising arm of the Opera House. The reason there is a cash flow difficulty it is trying to get money in the right place. The Foundation sponsors and helps to bring concerts and wonderful events but the tickets are sold through the Opera House Eventbrite site so it goes into the County coffers but it needs to come back to the Foundation because they are the ones who have sponsored many of these events. It is just moving the money very transparently, to where it needs to be. I think it is hard for people to understand. I think that whether it is the Park and the Park Foundation or the Opera House and the Opera House Foundation, the Foundation and the Opera House are two separate entities. We're trying to work very closely, carefully and transparently to not only stay in the black but to make a profit for the community and to help bring entertainment and save lives of those who need a place to belong. The arts in this community build community. People work together. They have a place to be a part of something bigger than themselves and I personally want to thank you for all that you've done to support that organization. Thank you.

Com. Blaney, Real quickly. I'd also like to add she talked about the County budget that we support but we support it via money that the Memorial Opera House brings in. So if the Memorial Opera House went away it's not like we'd have extra money sitting there because the money they expend is money they bring in correct?

Ms. Urbanik, Yes.

Com. Blaney, Thank you.

Ms. Pace, My name is Deborah Pace and I live on 325 East right next to those 80 acres that are now going to be rezoned and that is going to receive a dense subdivision put in there. I want to thank Com. Biggs for actually listening to the residents in the area and for fighting on our behalf. I sent emails to all of the Commissioners, Mr. Biggs was the only one who ever responded so he is the one that was serving the community. I did not see anything from either of the other two Commissioners and I do want to ask the developer and his investor to think about when they start developing their plans think about the people that live there and think about whether or not you would want that subdivision put next door to your property. How would you want it to appear if it was here? Thank you.

Com. Blaney, To be clear, a quick check I did respond to your email on May 26th.

With no further business, the meeting was adjourned at 11:57 p.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jeffrey J. Good

Laura M. Blaney

Jim Biggs

Attest: _____
Vicki Urbanik, Auditor