

**PORTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 8TH, 2023
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, August 8th, 2023 in the Commissioners' Chambers of the Administration Center.

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

Call to Order/Pledge

CONSENT AGENDA

Approval of Payroll – August 4th, 2023.

Approval of Claims – July 27th and August 3rd, 2023.

Approval of Minutes for July 11th and July 24th, 2023.

Weights and Measures Monthly Report May 16th to June 15th, 2023 and an Annual Report from June 16th, 2022 to June 15th, 2023.

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

MEMORIAL OPERA HOUSE – SCOT MACDONALD, DIRECTOR

Honoring Scot MacDonald for his service as Memorial Opera House Director.

Com. Biggs, Scot can you come up please.

Com. Blaney, This is your last meeting. You have been here about 10 years now. I remember the first time I ran into at the Silver Spoon downtown where Scot was serving and had applied for a job at the Opera House. I think I was still on the Council then and I said I hope you get it. And here we are. Never did I expect at that minute that you were going to be synonymous with the Memorial Opera House. At that time when Scot started the place bleeding out basically. We were in the hole. Every month was just trying to make one penny touch the other and survive. As a matter of fact we started a year off having to borrow money from the County. Jim gave a challenge to not come back. And you haven't been back. You've been fantastic. You've expanded the offerings over there. We now have programs for special needs. We have nights for people that otherwise would not be able to afford theater can now go for free. We have more weekends of shows. We have more concerts. It's just become a vibrant successful place. You're staff obviously played a huge role. It starts with your leadership.

Mr. MacDonald, Thank you.

Com. Blaney, I appreciate everything that you've done.

Mr. MacDonald, Thank you.

Com. Biggs, You know Scot any good department head or elected official in government I think the goal whether you realize it or not it is to leave something better than you found it. There is absolutely no argument that you've done that.

Com. Blaney, Thank you for your time working on the Foundation. That was another thing we started that happened as well. The mark you made on this county is immeasurable.

Mr. MacDonald, Thank you very much. Thank you. May I just say something very briefly? I'm going to paraphrase this A.A. Milne said "How fortunate I am to have something that makes it so very difficult to say goodbye to". I truly, truly appreciate all of the opportunities that I've been afforded by this Board, by the Council, by the Memorial Opera House Foundation and our patrons. So thank you very much for standing by us all of these years. I know it hasn't always been easy and it hasn't always been fun but it has always been worth it. So thank you.

Appointment of Interim Director.

Com. Blaney, I move to appointment of Interim Director to Natalie Klobuchar who has also been with us for 10 years. She has been Scot's right hand person. She knows that place as intimately as any other human on the planet outside of Scot I think. I look forward to you helping us along here as interim, Com. Regnitz, second, motion carried.

Request for Bids for MOH - Bid Package #1.

Com. Regnitz, Yes Scott Cherry from Skillman has put out a notice to bidders for the Bid Package #1 which is the brick masonry repair phase of the project. Laura and Jim if you remember this package actually was put out a couple of years ago in the spring. This is basically almost identical to that package and the reason that we're doing it in a couple of phases is because we wanted to get this in before winter. We wanted to get at least the exterior buttoned up while we're taking that time to design the rest of the interior.

Atty. McClure, This Bid Package #1 the brick masonry repair will be it will be accepting those closed bids until 9 A.M Central Standard Time September 5th, 2023. Then they will be opened publicly and read aloud during our regularly scheduled board meeting.

Com. Regnitz, Scott can we make our decision at that meeting or do we have to wait until our meeting on the 25th?

Atty. McClure, It depends on if the construction manager is comfortable after reviewing those bids if we were to open those bids at the beginning of the meeting. And it was clear enough during the meeting that we had responsive and lowest bid it would be possible to award at that meeting. It just depends on the complexity of the bid itself and also the amount of bids that would need to be reviewed. I think we would be able to have a better idea when we see how many bids actually show up.

Com. Biggs, Exactly what is in the bid package?

Atty. McClure, The brick masonry repair of the exterior of the building.

Com. Regnitz, And the tuck pointing.

Atty. McClure, The idea is that that could potentially get into the scope of work before the end of the year I believe.

Com. Regnitz, We will shoot for having approval of the contractor at the 12th but if we're unable to do that then we will approve that contractor at our meeting on the 25th.

Atty. McClure, Correct.

Com. Biggs, We don't need to do anything here?

Atty. McClure, We did what we needed to do.

MOU between MOH Foundation and the Commissioners for Seating.

Com. Regnitz, The Foundation and thankfully we have someone here from the Memorial Opera House Foundation, Jeff Lewis. They have graciously offered to donate the new auditorium seating for the renovation. This is just a memorandum of understanding between their foundation and the Board of Commissioners.

Com. Blaney, And the Foundation has already looked at this?

Com. Regnitz, I don't know that they've seen this yet.

Atty. McClure, It is set up in a way that the Foundation would be donating the new seating. I think our last estimate was around \$300,000.00.

Com. Blaney, Shouldn't we let them look at it first? Acceptable.

Atty. McClure, We could either approve it, send it to them and see if it's okay to approve. Or send it to them now and see if they're okay with it. I'm unfamiliar with the discussion that was had with Mr. Lewis. And Mr. Lewis I believe they are understanding that it's \$300,000.00 but either way (Inaudible).

Com. Biggs, Well I think it is only appropriate that the Board approve it before it's sent on for the Foundation's approval. At this point I don't even know if we approve it. I don't want to send them something we don't approve. Has everyone read it?

Com. Regnitz, I've read it.

Atty. McClure, It is fairly straight forward. It's just basically the Commissioners' that embarked on a \$5 million renovation project called the Memorial Opera House. The Memorial Opera House Foundation exists to solicit, collect, provide and receive funds and or property and to receive gifts and bequests to obtain grants to and for securing and maintaining the Memorial Opera House; and the renovations include new theater seating for the viewing public; and the Foundation, in furtherance of their stated purpose to help maintain the Memorial Opera House, would like to donate the new theater seating for the renovation project. Then the way I have it currently set up is that during the process of the renovation when we got to the point where we had a physical bill for the theater seating that would be forwarded to the Memorial Opera House Foundation for payment. I thought that would be the cleanest way to handle the finances as opposed to attempting to take in Foundation money into the county system and then the county pay a bill. There are a lot more hurdles for that process.

Com. Biggs, The seats that are in there now we own correct?

Atty. McClure, Right.

Com. Blaney, They are terrible.

Com. Biggs, Yes I know but I'm just saying we do own those.

Com. Blaney, Yes. They're not of any value.

Com. Biggs, So if we are to donate this Board must first approve where those are donated when we get to the point of replacing them.

Atty. McClure, When that ripens to the point where we need to know what we're doing with those.

Com. Biggs, And how long have those seats been in there?

Com. Blaney, 50 years.

Atty. McClure, We got our use out of them.

Com. Biggs, It would be a shame not to be able to sell them because you know if we could break them up to 2 or 3 seats or 4 seats and then sell them that way.

Com. Blaney, Clearly you have not sat in one in a while.

Com. Biggs, Okay.

Com. Blaney, I hope we communicate with the Foundation along the way rather than just telling them what we're doing.

Com. Blaney, moved to approve the MOU between the MOH Foundation and the Commissioners contingent upon the approval of the Foundation, Com. Regnitz, second, motion carried.

ANNOUNCEMENTS

New Video and Audio Equipment.

Com. Biggs, Good Morning Lee. Do you want to explain to us the Readers Digest version of what we've done?

Mr. Childress, For 10 days we've had pounding and drilling and all sorts of banging for you. And I apologize for that. Ladders in the way. All of the re-wiring has been done in here. New (Inaudible) have been put in here for the most part. This is our second meeting this morning. We had a couple hick-ups. A couple glitches but we're working our way through it. What did we add to the system? Everything is now controlled from the back. You don't have all sorts of different hands on equipment. If a person wants to present something and they are sitting where I am right now they can plug in their own device. Do it themselves. They don't have to yell next to the person over here all of the time now. We will be able to live stream. Hopefully after today people can log into YouTube for moment. Eventually our website and be able to watch this live while we are live. If we have to do a meeting that requires a remote person, somebody calling from their home or they're on vacation and they have to be involved in this meeting when the audience is here watching on the screen they will be able to see them and anyone else participating all at the same time. The sound is better. I would encourage those people on that side of the bench I know you don't like microphones stuck in your face that you speak into the microphone because there are still times that you can't hear. You can only do that if you're talking to the microphone. Other than that if you have any questions.

Com. Biggs, How did it sound back there?

Mr. Childress, I hear Barb really well because she's got the microphone in front of her. The sound sounds better. Does it sound better?

Com. Regnitz, Can you hear can you hear Lee over there because I think he needs to lean closer to the microphone.

Mr. Childress, I am pretty close. I should be good.

Com. Regnitz, I'm not hearing you as well.

Atty. McClure, There aren't any speakers here.

Mr. Childress, We can look at putting one in. Anything else?

Com. Biggs, We're good here.

Mr. Childress, We're good. We still have a couple of parts that will come in by the end of the week. I think be the end of the week we should be fully functional.

Com. Biggs, The only thing I would ask you to do is to appear at the next County Council meeting and give them a briefing.

Mr. Childress, All right sounds good.

COMMISSIONERS

An Appointment to the Airport Authority Board.

Com. Regnitz, moved to approve the re-appointment of Mark Taylor to the Airport Authority Board, Com. Blaney, second, motion carried.

Com. Biggs, Do we have a little information on him?

Com. Blaney, He has been on the board one or two terms already.

Com. Biggs, Oh he has. It's a re-appointment.

An Appointment to the West Porter Fire Protection District Board.

Atty. Hollenbeck, With me is Chuck Moore who is the current chairman of the West Porter Township Fire Protection Board and Craig is the candidate that the governing board has determined is best qualified to fill the vacancy created by a resignation from the board. I gave you a packet of letters of support and whatnot. We're here in hopes that you will in fact appoint Craig to fill that vacancy for the remainder of the unexpired term. We're certainly happy to answer any questions you may have.

Com. Biggs, Are you ready for it Craig?

Mr. Klauer, Yes sir.

Com. Biggs, He looks like a fireman.

Mr. Moore, He's helped me in the past. I would very much like to approve him for the board. I've worked at different elections out there at our school and some of the fire stations and Craig has helped me in the area. I know he is very competent.

Com. Biggs, He appears to have an impressive background.

Atty. Hollenbeck, We're very fortunate to have him step up and willing serve on this board.

Com. Biggs, Yes I agree.

Com. Regnitz, move to appoint Craig Klauer to the West Porter Fire Protection District Board, Com. Blaney, second, motion carried.

GIS – Care Coordination – Discussion.

Com. Biggs, This is a discussion on a new program that we're looking to implement in regards to our County Health Insurance.

Ms. Arvin, Good morning everyone I'm Candace with GIS. As you know we've been working with the county for several years. We've been stepping through a strategic plan aimed at optimizing the employee benefit spend or overall cost of health care for the county employees. The discussion today here is simply to seek approval on implementing the next phase of that strategic plan which is the addition of APTA health care coordination. The plan would be implemented effective 1/1/24 if approved. There are a few different things that typically drive the cost of health care. There are a lot of them but a few of that are super impactful. The first is the waste and duplication of services due to lack of coordination between providers. Another is the fact that members are kind of lost in a sea of options just left on their own to navigate the crazy maze of health care and they're often making those decisions after a new diagnosis during a very highly emotional time. So traditional insurance companies do engage in some high cost claimants but typically only five to ten percent of those individuals. And typically that engagement only takes place once the member has incurred \$25,000.00 or more in claims. At that point the care settings have been selected. The money has already been spent so to speak. Care coordination is a long-term strategy that assists members in navigating those health care options and therefore decisions. Over time it improves the health of the population, enhances member, quality of life and also helps to contain costs through engagement and better care navigation. Ultimately this bends the trend of premium increases over time. The average increase to annual premiums for those groups not utilizing care coordination is about seven percent annually. Statistically speaking those who've implemented APTA Health Care Coordination see that trend bend over time from seven percent down to 1.4 percent. Significantly avoiding future costs. It's not a silver bullet that instantly lowers those plan costs. Again it's a long-term strategy. So we've prepared an outline using these metrics as it relates to the County's overall health care spend and how that translates to return on investment over time. If I could turn your attention to the handout that Eric provided and just ask what questions you guys might have.

Com. Biggs, You stated over time what has the industry seen? What has that time period, how long is it taking?

Ms. Arvin, Again it's year over year. Those not utilizing APTA Health Care Coordination see about a seven percent increase to their total claims cost each year. So what the outline projects is what the County's expected cost and claims is for 2023. If we did not deploy care coordination we would expect to see approximately a seven percent increase for 2024, 2025 and then 2026. With the deployment of care coordination we would see that seven percent reduced to only 1.4 percent. So the cost in 2024 it's a cost avoidance.

Atty. McClure, So in these three years hypothetical 2024, 2025 and 2026 if we were to stay the course and run that average seven percent year-over-year increase looks like your map has that believe I'm reading this right the total cost of the APTA roughly \$260,000 to \$270,000 year correct?

Ms. Arvin, Correct.

Atty. McClure, (Inaudible) employee cost per month. That could go up and down based on how many employees we have on the health care plan.

Ms. Arvin, Correct.

Atty. McClure, So the total cost over the three years projecting with the industry standard numbers of about \$791,000 just under \$800,000 of total cost to APTA but the logic behind that move would be that in that same three-year period of time we would have saved \$3.5 million minus what we paid for APTA?

Ms. Arvin, Correct.

Mr. Gibson, It's hard to call it saved because it's truly a cost.

Atty. McClure, We're basically taking our year over year claims related increase that runs between five and seven percent a year and this has been shown through the industry. We're not the first people to do this.

Mr. Gibson, Correct.

Atty. McClure, We have enough industry proof to show that this program does reduce that to as low as 1.4 percent year-over-year increase. In the cost avoidance and within a fairly, maybe even the first year of implementation we will get our return on investment. Then from that point on we are saving roughly four to five percent year over year off the claims. The claims are the largest chunk within the health insurance. Those do create a significant amount of money to be saved.

Com. Regnitz, Can you explain why this works? Scott and I are familiar with this but for the other Commissioners and the audience what care coordination is and why we have that anticipated cost avoidance. Can you just talk about that a little bit?

Ms. Arvin, Let's say I receive a new diagnosis. I get a prior authorization for a service and then my provider says go. Whether it's an image or it is surgery, anything to that nature. I'm kind of lost in a sea of options. I don't necessarily know if I'm walking through the highest value care setting. I don't know if this provider has good results. I don't know how long my therapy is going to be. Care coordination offers real-time intercept. As soon as that prior authorization is written basically the provider is reaching out to the care coordinators. The care coordinators are queued to engage the members. So it really comes down to member engagement. No one is forced to go to a certain care setting. They still have the option but because of that engagement and assistance in navigating the Health Care System Hospital readmission rates go down. They're able to get their prescriptions at lower cost. Ultimately they're able to get better care for a lesser cost. That's where it helps to lower the overall claims dollars and enhance member quality of life.

Com. Regnitz, And from the employee's perspective how does that look?

Ms. Arvin, Absolutely. It is kind of like a white glove concierge service. The care coordinators are not just there for those who have our high cost claimants or receive a new diagnosis. They are truly there to help them navigate the health plan as a whole. One of the other programs built within the county's healthcare plan is the Franciscan Clinic. When they call into the care coordinators asking where do I go, how do I get the services I need it can drive traffic to the clinic. It can help with a variety of things. It also monitors high cost claims as they come in. Hypothetically if we had someone not adhering to their medications that could result in a catastrophic claim it would trigger the care coordinator to reach out and engage that member. Is the medication cost prohibitive? Did they just forget to refill it? Do they need to see their primary care physician? That is where that cost avoidance really kicks in is for all of those different types of scenarios.

Atty. McClure, Is there a delay in service for the employees?

Ms. Arvin, No, not at all.

Mr. Gibson, If anything it would be more efficient because we are engaging them earlier in this process to sort of hold their hand through it.

Atty. McClure, As the health insurance meetings have been managed with the GIS and the different options we have and keep the cost as low as possible this has been something that we have been looking to potentially implement now for a year or two. Some other parts and pieces of the plan needed to be fully put in along the way before we got to here. Then obviously there's only so much change that everybody can handle in one given year. There has been a lot of work done with the health care program over the last several years. From the Commissioners' standpoint Commissioners this is one of the last pieces of the puzzle in an attempt to keep our health insurance low. And basically this is attacking the dreaded unknown increase year after year of what those claims are or aren't. This seems to be the best option for that list of other potential options out there besides this particular version but after reviewing those in the committee meetings this seemed to be the best fit. This is one of those situation where the Commissioners choose to move forward on claims in which this program should be more than paying for itself year after year. Ultimately we are adding a bill to our health insurance tab so to speak. Hopefully this bill actually reduces the costs year over year enough that not only does it pay for itself back but there is actually some additional savings.

Mr. Gibson, Yes and I would just like to add one thing just to make that we are crystal clear on this. It is going to help bend trend but it is also going to improve the lives of the folks on the plan. This is actually going to be a benefit to them. This is not taking anything.

Com. Regnitz, That is why I see this as a win, win because at the county level from a fiscal perspective we're actually going to be avoiding some costs and hopefully we'll see the decrease that you're showing here that has been an historical trend but also from the employee perspective they are going to see an increase in benefit. This is going to seem like a better plan for them than they are seeing currently.

Com. Biggs, Give a little money to save some money.

Com. Regnitz, moved to approve the GIS Care Coordination to be added to the County Health Care Plan, Com. Blaney, second, motion carried.

H.R. – RHONDA YOUNG, DIRECTOR

An Amendment to the Employee Handbook regarding Vacation requests.

Ms. Young, There are just a couple of revisions to the handbook. The first one being the vacation requests. How it was in the past we would let the Commissioners know the week prior. So now what we will do is the departments that fall under the Commissioners will be at least two weeks prior.

Com. Biggs, At least or two weeks? We have to be more definite.

Ms. Young I was going to say at least but you want two weeks.

Com. Blaney, Well sooner is okay right? If it's three or four weeks.

Com. Biggs, That is a good point.

Ms. Young, At least or is it two?

Atty. McClure, The language is all vacation days must be requested at least two in advance.

Ms. Young, That is for the departments that fall under the Commissioners.

Com. Blaney, I have a quick question the way it has been written. What if you just take one day off is that considered vacation. What is considered vacation? Do we really need two weeks' notice for one day?

Com. Biggs, No I wouldn't consider a vacation day vacation. I'm fine if you are going to be out a week or more than we need at least a two week notice.

Atty. McClure, Would we modify the language to say all vacation leave of five days or more must request that at least two weeks in advance.

Com. Biggs, Yes.

Atty. McClure If we incorporate that in a motion then we could have the vote, approve it and then have the language modified to add the five or more work days.

Com. Blaney, moved to approve that you give at least a two week in advance notice of all vacation requests of five days or more, Com. Regnitz, second, motion carried.

An Amendment to the Employee Handbook regarding when the holiday schedule will be set for the following year.

Ms. Young, In this handbook it state specifically the month of December but I've noticed last year and the year before it has actually been done in October. The courts actually want us to do it earlier than December. I was going to take out the language of holding us to December. If you decided to do it in September or October I think you should be able to.

Com. Regnitz, I agree.

Com. Blaney, Is it giving us a date or is it just leaving it opened? The holidays observed by the county shall be set by the Commissioners for the following year. I don't think it has a deadline.

Com. Regnitz, Can we just say in the fall? Then we don't have to pick a specific month. It can be September, October, November or December.

Atty. McClure, The holidays observed by the county shall be set by the Commissioners for the following year in the fall of the preceding year.

Com. Biggs, moved to approve the holidays observed by the county shall be set by the Commissioners for the following year in the fall of the preceding year, Com. Regnitz, second, motion carried.

An Amendment to the Employee Handbook regarding Department Head job openings must be advertised.

Ms. Young, We didn't specify that in this handbook and should be that if we are looking for a department head it should be advertised within our County and outside.

Com. Blaney, moved to approve the handbook should state that it will be advertised within our and County Government and outside, Com. Regnitz, second, motion carried.

HEALTH DEPT. – CARRIE GSCHWIND, DIRECTOR

An Ordinance Establishing a Non-Reverting Fund #8917 for Tobacco Prevention from the Health Innovation Partnerships and Programs/Health Issues and Challenges Grant – 2nd Reading.

Com. Regnitz, moved to approve An Ordinance Establishing a Non-Reverting Fund #8917 for Tobacco Prevention from the Health Innovation Partnerships and Programs/Health Issues and Challenges Grant on 2nd Reading, Com. Blaney, second, motion carried.

E911 – DEBBY GUNN, DIRECTOR

A Request for an Additional Appropriation Fund #4922 in the amount of \$7,197.31 Acct. #3220 Telephone and Internet Services. Configuration pricing to integrate NITCO PBX System into the existing 911 Callworks call answering software.

Ms. Gunn, As the county knows we have been transitioning from Frontier to NITCO. Most of the county has already accomplished that transition because of the scope of the work involved with as you can imagine the 911 Department. We have specific call answering software which is Motorola Callworks. The scope of that project was greater than anticipated initially when this project got underway. As we're ready to make that transition Motorola let us know that this is going to take a project on their end and provided us with this quote.

Com. Regnitz, This is the NITCO project for all of the county, our phones. It just requires a special project on Motorola's part to integrate what we have been doing county wide.

Ms. Gunn, Yes.

Com. Biggs, Scott we need a motion to approve this correct?

Atty. McClure, Correct.

Com. Regnitz, moved to approve the Additional Appropriation, Com. Blaney, second, motion carried.

Motorola Solutions – A Sales Quote to provide configuration pricing to integrate the Microsoft Metaswitch – 6010 PBX System in to the existing Callworks solution. In the amount of \$7,197.31.

Ms. Gunn, This is the quote provided from Motorola in which I asked for the additional appropriation.

Com. Regnitz, moved to approve the Motorola Solutions Sales Quote, Com. Blaney, second, motion carried.

AUDITOR KAREN MARTIN

Washington Township ARPA Agreement.

Pleasant Township ARPA Agreement.

Com. Blaney, moved to approve the Washington Township and Pleasant Township ARPA agreements, Com. Regnitz, second, motion carried.

An Ordinance Establishing a Tax Management Assessment Non-Reverting Fund #1185 for the Hiring of a 3RD Party Auditor to Perform an Independent Reassessment for the Cleveland Cliffs Property Tax Appeal – 1st Reading.

Ms. Martin, Just for clarification on a regular basis to work with us. TMA is usually the company that we have that goes out and assesses locations whether it be personal property or whether it be (Inaudible) property itself. What we need to do is re-up this contract we've had with TMA before. I want to clarify that this is not just for Cleveland Cliffs. This is for anyone that needs to be evaluated. And if you wouldn't mind I would probably address the Assessor for more detail. She might have some information on the ones that she is going to be using.

Ms. Neff, As Ms. Martin stated this is not a new non-reverting fund. We are just trying to clean it up because previously we had TMA doing our audits prior to 19 but for the last four years we had a different group in there the Lenoir Group. We just weren't super happy with their performance so we decided to go back to TMA and have them do our audits again. These are only on over \$80,000.00. This is for personal property only. It is the over 80 personal property audits. It is for everyone. I'm not certain why we got Cleveland Cliffs in there. We didn't mean to single them out because we're certainly not. It is for all personal property filings over \$80,000.00.

PUBLIC HEARING OPENED

Com. Biggs, Anyone wishing to speak in favor of this ordinance? Second call anyone wishing to speak in favor of this ordinance? Third call anyone wishing to speak in favor of this ordinance? Anyone wish to speak against this ordinance? Second call anyone wish to speak against this ordinance? Third and final call anyone wish to speak against this ordinance?

PUBLIC HEARING CLOSED

Com. Regnitz, moved to approve the Ordinance pertaining to Personal Properties over \$80,000.00 on 1st Reading, Com. Blaney, second, motion carried.

RECYCLE & WASTE REDUCTION – KERRI MARRS-BARRON, DIRECTOR

A Notice of Tire Amnesty Event to be held at the Porter County Expo Center on Saturday, October 14th, 2023.

Ms. Marrs-Barron, Good morning Commissioners. Happy Tuesday. Idem just made a waste higher ruling change. It actually took effect November of 2022 but they just informed us June 30th. What it is stating is all solid waste districts have to share with the State of Indiana if you are having a tire collection on your property where your tires are going. What date they are being collected? Where they're being hauled to. And secondly why it's coming in front of the Commissioners is because we hold our household hazardous waste entire collection at the Porter County Expo Center which is owned by the Porter County Commissioners. So we must receive permission, consent to have tires collected at that time with your permission that you are aware that the tire collection is happening.

Com. Biggs, I assume that you've talked to Lori at the Expo about this.

Ms. Marrs-Barron, Yes this is what we've been doing. Tire collection dates at the Expo for many many years at the Expo. This is just a brand new ruling. Our attorney has reviewed this document as well. We just need a consent.

Com. Regnitz, You call it a tire amnesty what is that?

Ms. Marrs-Barron, Tire amnesty means that usually when you collect tires that usually there is a free amount of solid waste districts pick up because it is part of the user fee. The state just uses that terminology as the tire amnesty. For instance the solid waste districts can have up to 60 tire amnesty collection dates in one year. That is what IDEM is permitting. Some solid waste districts actually have a facility where they collect tires all year at their own on their own property but since we have mobile events in essence I will be back next year with our 2024 dates as well to share windows because we must seek permission from the property owner to host those events.

Com. Biggs, If I had some tires I wanted to dispose of on this date at the Expo Center what do I need to bring with me other than the tires?

Ms. Marrs-Barron, We have a handful of guidelines but for instance four passenger tires there is no fee. Let's say you are someone who does a lot of tire changing and you have 20 tires we have to charge a fee after that. Right now the standard fee is I believe \$3.00 a tire. It goes all the way up to tractor tires that can be up to \$25.00 that the resident pays to the district and then we pay our tire processor to move those tires along.

Com. Biggs, Do you have to show proof of residence?

Ms. Marrs-Barron, No.

Com. Biggs, Why not?

Ms. Marrs-Barron, It is just one of our household hazardous waste events. As people come through they just state that they are part of the tire process or that they're to drop off tires. The same way that they would show up with household hazardous waste chemicals. Some events we have 500 to 1000 cars that come through our collections.

Com. Biggs, I don't know how I feel about that honestly. You are funded through a tax rate.

Ms. Marrs-Barron, User fee correct.

Com. Blaney, Don't the other counties around us...

Ms. Marrs-Barron, Yes LaPorte actually has (Inaudible) tire collections. We are hoping to add another tire collection next year because we get requests for people at the Spring Cleaning. Cleaning out their garages and sheds. Then we usually do this one in October as well. Cleaning up for the winter season.

Com. Biggs, I know some people in the past complained that the lines can get long and that discourages them from using it.

Ms. Marrs-Barron, Correct.

Com. Biggs, But if we are allowing anyone to come in and out of county to use that service.

Com. Blaney, Probably the other counties around us are going to stop.

Ms. Marrs-Barron, We have volumes every year. During COVID it was impacted. Last year I want to say we maybe took in a full 53 foot trailer. That is about standard material that we receive. We do have residents who call us year round because unfortunately we only offer one collection date in October. If you don't want to keep that tire in your garage most local mechanics will for a fee, maybe your first four passenger tires are free but they might charge \$5.00. If someone is willing to pay the \$5.00 just to get the tire out off of their property.

Com. Biggs, It would be helpful if we had some kind of idea what percentage of the tires that we are taking are actually from our residents. I don't think that would be too difficult to determine that.

Ms. Marrs-Barron, No at this time no because we track the number of tires and how many come in so we can certainly add our Porter County resident. Most people are usually very honest. When you do household hazardous collections I've literally had residents show me their driver's license as they are pulling through saying you know this is where I'm from.

Com. Biggs, Maybe we should have two lines. Porter County residents first.

Ms. Marrs-Barron, That is who we only try to take. We get a lot of Porter County residents.

Com. Biggs, Do we need a motion to approve this Scott?

Atty. McClure, Yes.

Com. Regnitz, moved to approve the Tire Amnesty Even at the Expo Center, Com. Blaney, second, motion carried.

ITS DEPT. – LEE CHILDRESS, DIRECTOR

An Amendment to the Employee Handbook regarding the management of user passwords.

Mr. Childress, The amendment just covers why we have secure passwords. Why we have secure passwords? What is a secure password? How to develop your secure password if you type it in wrong what happens? How to remember a secure password? What not to do with it like write it down and stick it under your keyboard. Just security cleanup.

Com. Regnitz, moved to approve the Amendment to the Employee Handbook regarding the management of user passwords, Com. Blaney, second, motion carried.

Comcast – A Business Service Agreement for Internet Service at the North County Annex.

Com. Biggs, This is in effect?

Mr. Childress, Yes, this is in effect. It went in effect last night in fact. As of Saturday a week ago the radio out a Portage died which left Portage without internet for a week. That tower is ancient and it is hard to find parts so we scheduled Comcast to come in install an internet line. That was installed last night. So far so good.

Com. Regnitz, moved to approve the Comcast Business Service Agreement for Internet Service at the North County Annex, Com. Blaney, second, motion carried.

Com. Biggs, What is the long term answer here?

Mr. Childress, The long term answer is Comcast is now going to be our primary source of internet. It's faster, it's more stable. We're back with using radio. And what that means there is a tower on top of Courthouse. There is a tower at Portage Center. And those two towers talk back and forth via microwave. So when it's raining bad or if a tree blows in the way of the radio waves they will lose internet temporarily. This is much more stable. The original idea was then

we would repair the tower and that would be our back up internet. I'm almost think we're not going to do that. We're going to pull in another internet line from NITCO as a backup. The reason for that is twofold. The radio tower is old and it is going to cost a significant amount of money to bring it up to standards that we can find parts for easily. The other reason is even if it were working properly if the Comcast line were to go down there is probably two hours worth of manual labor to switch over. Whereas, if we use NITCO as a backup there is equipment out there that will just switch automatically when Comcast goes down.

Com. Regnitz, I like that idea a lot better. Lee does this bring to mind any other location within county government where we need to also think about and be proactive.

Mr. Childress, I already have. Juvenile also uses microwave at this time. We were not able to run fiber to the Juvenile Center because of a conflict. You would have to ask my network people. Our telephones would not work if we use fiber at that moment out at that location. Now that we changed our phone provider we will be running fiber out to the Juvenile Center and not be reliant on radio out there.

Com. Regnitz, Thank you.

Right Stuff Software – A Quote to provide a hosting environment for Precinct Manager installation pertaining to off-site hosting in the amount of \$400.00 per month.

Mr. Childress, Precinct Manager employs the time clock system. Historically we have kept the software on site. When it needs to be updated we schedule a time with Right Stuff and they do all of the updates. Make any changes that we need. They will host the software and this is the way they prefer it now. You won't notice any difference on our side but anytime there is an update, anytime there is a patch to the software it's done automatically by them. We always have the newest and greatest immediately when it is available.

Com. Regnitz, But if our internet is down then this doesn't work right?

Mr. Childress, Our internet will never be down, never.

Com. Blaney, Don't say.

Com. Regnitz, You that you just jinxed us.

Com. Biggs, What are we doing now?

Mr. Childress, We have a computer downstairs which holds the software. We just plan on updates and they fit us into their schedule. This way they manage all of the equipment. We don't have to ever worry about updating equipment, software or hardware. They do it all

Com. Regnitz, And I like that part of it.

Mr. Childress, And you said what do we do if we don't have internet we wouldn't be able to hit our computers as well.

Com. Biggs, The way that we're doing it now say over the last five years what does that cost us?

Mr. Childress, Equipment changes, probably a couple of thousand dollars every year or two. This would be a little more expensive. It's the convenience of having the newest software immediately and them taking care of all the equipment.

Com. Regnitz, And we don't have to host it on our equipment that can get outdated. I think this is a good solution.

Com. Biggs, I understand the convenience of it but it's another \$400.00 forever. And I can guarantee you that this time next year we won't be talking about \$400.00. It will be another figure right?

Mr. Childress, Probably.

Com. Biggs, I understand where you are coming from with it. The only thing I ask you to do is keep close tabs on it. (Inaudible) being sold currently.

Com. Regnitz, moved to approve Right Stuff Software, Com. Blaney, second, motion carried.

FACILITIES – DANIEL SULLIVAN, DIRECTOR

GNXCOR – A 1 year contract for a new computerized maintenance management system to replace two existing CMMS programs. The annual cost will be \$2400.00.

Mr. Sullivan, We currently use two different systems. We have one that if anyone put a work order in for us before you're familiar with the web interface (Inaudible) through the internet through our intranet which works well but that system cannot do preventative maintenance tickets. That is to say tickets that are automatically generated for filter changes every three months or drain the compressor of water. That sort of thing that we need to do to maintain equipment. Our guys do those things. We just do it through another software piece which costs about \$4400.00 a year as of last year. Having the two systems separate is just kind of bulky to have to check each one all of the time and see what is coming up. By going to the GNXCOR system \$2400.00 per year for this first year. We will be able to do both of those together. All of the tickets created in the same work order system and we will also get better service for our customers because rather than just have certain people be able to put in tickets anyone can put in tickets.

Com. Biggs, What are we doing now?

Mr. Sullivan, Right now we have a system where you can make a request like to say there is a light out in the room through the internet and we'll call that a repair request. That's one system. We check and look for those work orders to come in. We print them out and or assign them to a guy. Print them out and then they do it. The other system has an auto generated report. Let's say on the first of every month I will say at this building we're doing all of the water testing or this building we're doing all of the boiler checks for that building. Those are automatically generated maybe either you print out or just create or generate on a computer data screen to say here are 15 work orders for this guy, the HVAC guy or 10 work orders for the plumber to do backflow prevention. That sort of thing. Those are generated automatically. He completes those and closes those. One benefit of having them in the same software is you can now give me a better idea as management of the department how many hours we're spending on preventative versus proactive reactive.

Com. Biggs, The protocol that we are using right now what is that costing us a year to maintain it.

Mr. Sullivan, The one is pretty much free. As I understand it it is pretty much a copy of the system. IT uses the same. That one doesn't cost us. The preventative maintenance one which used to be a company called Facility Dude which has been replaced by Siemens a very large company took over that company. That one is \$4400.00 a year this past year.

Com. Biggs, Would we eliminate it.....

Mr. Sullivan, If we go to this. That's right.

Com. Regnitz, Does this do everything that the other two systems do?

Mr. Sullivan, And more.

Com. Biggs, So we are actually saving some money.

Mr. Sullivan, Absolutely. We're saving about 40%.

Com. Biggs, A better system.

Mr. Sullivan, Exactly. It is a win, win.

Com. Biggs, You may have wanted to start off with that.

Com. Blaney, moved to approve the GNXCOR contract for 1 year, Com. Regnitz, second, motion carried.

American StructurePoint – A structural analysis and budget planning report to conduct an assessment of the 32-year old Admin. Building Garage.

Mr. Sullivan, American StructurePoint has given us a proposal for \$7,950.00 to do a structural analysis and give us budget planning tool for the Administration Building garage. The building is about 30/32 years old at this point and it is in surprisingly good condition for a building garage of that size in that age. It is starting to show some needs. There's been a few pieces of concrete that fell out during the winter time in particular. The primary issue is to replace seals on top. At your suggestion just recently we got an appraisal to replace all of those seals since they are at the point where they should be replaced in terms of you should do this every 20 or 30 years. We're at that point in the garage. That is about \$150,000.00 or \$175,000.00 I believe we received on the proposal. By doing the StructurePoint analysis first we would be able to have an engineer tell us which section to do first in this first year. Plan the rest for the future years.

Com. Biggs, What was the price that they quoted you on that?

Mr. Sullivan, That is within the \$7,950.00.

Com. Regnitz, Danielle when will they be able to start and how long will it take?

Mr. Sullivan, When I talked to them back in May they were ready to go right away. Assuming that hasn't changed I would say it's within a couple of weeks. My hope is that we can get the analysis done within the next month and be able to actually turn it around so we can begin some of the replacement work before the winter. In the winter you are going to have more issues with that kind of problem.

Com. Biggs, We've had problems with that.

Com. Regnitz, Do you have a sense of the minimum number of seals that are going to have to be done this fall?

Mr. Sullivan, I took a walk after the last discussion about that. I think probably let's say 20% I think is a good round number that we can see if we did before at the end of the year. That might even be high, 15 to 20%.

Com. Regnitz, Do we get dinged because we're not doing them all at once? Is there a premium for just doing like 20%?

Mr. Sullivan, I think that is one of the things that StructurePoint can help us with. They do this enough and they work with the contractors enough to know at point do (Inaudible). I think that is one thing they can help us with.

Com. Regnitz, moved to approve American StructurePoint for the structural analysis and budget planning on the Admin. Garage contingent on the approve of the County Attorney, Com. Blaney, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – BOB THOMPSON, DIRECTOR

An MOU between the Porter County Board of Commissioners and the Storm Water Management Board for the lease payments of a Vacuum Truck.

Mr. Novotney, This is to replace an existing memorandum of understanding between the Stormwater Board and the Board of Commissioners. The Highway Dept. recently received a new vacuum truck so this new MOU covers the new payment and the split of that new payment between Stormwater and the Highway Dept.

Com. Biggs, Are you going to use the other one. Do you have that as a trade-in?

Mr. Novotney, Yes that old vacuum truck got traded in.

Mr. Thompson, That is why we were going to a percentage on it versus a set cost.

Com. Regnitz, moved to approve the MOU between the Porter County Board of Commissioners and the Storm Water Management Board for the lease payments of a Vacuum Truck, Com. Blaney, second, motion carried.

An Ordinance Establishing a Non-Reverting Fund for the Receipt of Monsanto Company Class Action Settlement Agreement Funds – 1st Reading.

Mr. Novotney, There were multiple actions taken against the former Monsanto Company by counties and municipalities across the U.S for Monsanto's role in manufacture distribution and handling and disposal of PCB's which are polychlorinated bi-phenols an industrial chemical used in a whole lot of things. It accumulates readily in the environment particularly in fish tissue and aquatic organisms. So there's significant contamination across the U.S. in our water bodies as a result of PCB contamination. Those legal actions were all grouped together in a class action lawsuit which was recently settled we were party to that class action lawsuit. As were pretty much every MS4 Community across the U.S. And we recently received the settlement funds from that class action lawsuit which are to be used for restoration/remediation of that PCB related contamination in waters in Porter County. We have a few uh water bodies impacted by PCB's including Crooked Creek, Lake Michigan and the East Branch of the Little Calumet River. So this fund is to receive those funds in a non-reverting fund to be used for those purposes of restoration and remediation.

Com. Biggs, What was the settlement amount.

Mr. Novotney, I'm sorry it's just over a \$1 million.

Com. Regnitz, Is there a well-established protocol and will that a little over a million dollars actually provide enough money for the all of the remediation work that needs to be done?

Mr. Novotney, I'll answer your second question first. Absolutely not, but to answer your first question that's something that will work with the Stormwater Board on determining exactly how that money gets used because there are impaired water bodies outside of our storm water service area. So conservancy districts Town of Chesterton for example that we may work together or allow use of some of that funding to those organizations. Something to be determined

Com. Biggs, Certainly not there to make an impact of some type.

Mr. Novotney, Yes exactly. To make a positive impact.

PUBLIC HEARING OPENED

Com. Biggs, Anyone wishing to speak in favor of this ordinance? Second call anyone wishing to speak in favor of this ordinance? Third call anyone wishing to speak in favor of this ordinance?

Mr. Madden, My name is Timothy Madden. I just think it is pretty obvious that we should establish a fund to receive money from Monsanto. They are legally bound to give us (Inaudible). Since no one else spoke today I'm sure everyone thought this was pretty much a no brainer but just in case.

Com. Biggs, Anyone wish to speak against this ordinance? Second call anyone wish to speak against this ordinance? Third and final call anyone wish to speak against this ordinance?

PUBLIC HEARING CLOSED

Com. Regnitz, moved to approve an Ordinance Establishing a Non-Reverting Fund for the Receipt of Monsanto Company Class Action Settlement Agreement Funds on 1st Reading.
Com. Blaney, second, motion carried.

Selecting a Consultant to Provide Design & Engineering Services for Replacement of Small Structures – CR 100 W over Damon Run & CR 750 W over Roper Ditch.

Mr. Novotney, Based on our proposal we received on our evaluations of those proposals we are recommending to the Board that they select HWC Engineering to provide design and engineering services for this project and allow us to enter into contract negation with them on this project.

Com. Blaney, moved to approve HWC Engineering to provide design & engineering services for replacement of small structures pertaining to CR 100 W over Damon Run & CR 750 W over Roper Ditch, Com. Regnitz, second, motion carried.

CITIZENS COMMENTS

Ms. Hurn, Anna Hurn from Autumn Oaks in Valparaiso, Indiana. I want to thank Mr. McClure, Miss Blaney, Mr. Biggs and Miss Regnitz for all helping or attempting to help in this matter. We have many people from Autumn Oaks who bought properties in the new development that is going in there. May be someone from Aberdeen here as well. When we bought our home in 2011 I'm a single mom with two beautiful girls they were two and four and now they're feisty independent teenagers 15 and 17. I bought it because of the beautiful backyard. We used to we have amazing neighbors that do cookouts. We had block parties. That field we used as a softball field for kids but we knew that one day it could be developed and it was R1 and we knew that it was supposed to be with the beauty of the surrounding neighborhoods. Just like when Aberdeen decided to connect. There's a new little development for 55 and over and they connected our road to it. These houses were \$400,000.00 or more and the same type of look and feel of the neighborhood. This was supposed to be the same thing. So there was eight plots I believe that were kind of landlocked and there was this little gravel road. They were starting to get sold. I understood that. I mean as a homeowner but it was R1 and Mr. Thomas who's sitting there in the blue he built a beautiful home probably over \$600,000.00, beautiful. He's doing everything he can to maintain this home and then he has an acre that he is attempting to sell next to him. And the road has easements on each side and he's having major problems because the woman who lives across the street on Division is putting purple stakes on his property stating that he can't go do anything on his side of the property. So whoever developed this land and made these property lines were horrible. Well that's the issue on them there's some litigation. The second is someone by the name of Russ Butchess and his wife. They bought another piece of property. It is about 1.4 acres I sent all of you the information. He plans on because he cannot get financing per the people who live in that subdivision to build a regular house, he plans on building a pole barn with a residence on top. Now on the he right now he lives in Aberdeen in an apartment and of course you don't want to pay Aberdeen rent in an apartment so he plans on doing that first but he also owns an Valpo excavation and septic. He just came from Chicago and there's a \$400,000.00 something judgment and he had filed bankruptcy against some people with a different contract. For the past week and a half two weeks and I am sorry about bombarding you with texts but he has continuously had equipment, his business equipment which you guys could go on his Valpo business and septic site.

Com. Biggs, Anna if I could stop you right now because I don't want to I don't want to waste any of your time or anybody in the audience's time. You've been very good about informing the Commissioners about what's been going on there. What I would like to do is Bob can you come up front real quick? What I would like to do is ask the Plan Commission to take a hard look at all of this so we can get through the weeds of it all. Then have Bob report back to the three Commissions to what is found.

Ms. Hurn, Because he's also building a pole barn if you go on his web page. He hasn't had his variance granted so there's no reason for all these pole barn materials to be on his property and equipment.

Com. Biggs, The Commissioners want to be reaffirmed that the permits are or are not there to do whatever's being done out there. We want to know exactly what's going on out there. I don't even know if you've had the opportunity.

Mr. Thompson, Code enforcement has been out there and they have been speaking with the parcel owner. The parcel owner was told to remove this equipment off of the property. They cannot have the storage of his business equipment on the property. We'll go back out and check on that. I did not see from the photos any sign that they were attempting to make the construction of any structure out there. Yes there was some materials out there from what we saw in the pictures. We told them the parcel owner that they needed permits for this. That if the discussion was that they wanted to build a pole barn to store their material for their house first prior to building the home. They were instructed that they needed variance if they wanted to do that.

Com. Biggs, That's just to hold that material until he got his permits. He still needs a variance to do that.

Mr. Thompson, To be able to do that yes. An accessory structure pole barn cannot be built before a primary structure the residence on a house on a parcel of land. We're watching it. We will make sure we give reports to you on this.

Com. Biggs, Lets continue to keep an eye on it.

Com. Regnitz, What legally can this property owner be doing right now? What can he legally be doing at this point with whatever permits he has currently? What is he allowed to do just so that they....

Mr. Thompson, Well they don't have any permits right now on that.

Com. Regnitz, I mean building materials on the property at this point.

Mr. Thompson, We'd have to go out there and actually look and check. Can they store it their property....

Atty. McClure, The reason why the question is so difficult to answer, could he have building supplies on the property in this residential zoning I zoning assuming we were getting to the point where someone was coming and getting a valid permit probably but to answer the question of I have a residential piece of property and I've dropped off I'll make it up six pieces of plywood that is not something normally we would go out and say this is outside storage you need to take care of it. Why Bob needs to go take a look is it's as that building material becomes more voluminous and as it starts to go from this is when I'm building something with to I am storing materials here for some other reason that's the change and that's the gray area.

Mr. Thompson, Exactly.

Com. Biggs, I mean my concern because of the business the gentleman's in he builds homes I guess.

Mr. Hurn, Pole barns, excavation and septic which he doesn't have a license to do in Indiana.

Com. Biggs, My concern was he was going to use that as a landing spot for materials he would take to other jobs which is you know he cannot do.

Mr. Thompson, No they cannot do no.

Com. Blaney, And he has no permits right now correct?

Mr. Thompson, Correct, no permits.

Com. Blaney, Not for a primary structure.

Mr. Thompson, Or an accessory structure. He was told to go in and get a variance if he wants to do that.

Com. Blaney, Does he have a driveway?

Mr. Thompson, That one I would have to double check it.

Ms. Hurn, He has excavated for a driveway input stone and gravel in.

Mr. Thompson, That I have not checked to see whether or not he has pulled a driveway permit.

Com. Biggs, (Inaudible) video (Inaudible).

Ms. Hurn, Yes.

Mr. Thompson, I believe it's also off of a private road too but we'll double check that.

Ms. Hurn, And if you could also assist with these easement and like the purple stakes and whatever you can to figure this out for some of these homeowners that just bought it. It's starting to get ridiculous in that area and I feel bad for Mr. Thomas and everything that's going on in that property. We want it beautiful. If he wants to put a beautiful home we're all for it. The bigger the better right? We want nice homes to be in our County.

Com. Biggs, Well you know beauty is in the eye of the beholder.

Ms. Hurn, Absolutely.

Com. Biggs, Here in County government it is that we're expected to enforce our County ordinances. If he's doing something he shouldn't be doing we're going to stop it.

Ms. Hurn, And the second issue that we have is if anything does get granted you know he his business is Valpo Excavation and Septic and he and his wife admits on the internet that they are not licensed to do septic. So if he's then going to be building his house or building any type of pole barn and for some reason if it gets granted if he puts a pole barn and he has to do a septic system because he doesn't want to tap into that valuable thing that could be disastrous. I just want you guys to make sure I don't want anyone in this County to get swindled. I love Porter County. I've been here since 1978. I went to Chesterton schools. I love Valparaiso schools. I've been a part of helping rebuild the Valpo schools which they look amazing now and I take pride of this County. I'm part of this County and he just moved from Chicago. We all do. I saw you coming door to door. I've seen you help with COVID Laura, from Kelsey's and everything else I'm sorry that someone tried to take the cow years ago for a senior prank but you know we've been here. This is our County and so that's why I'm here during a day that my I almost couldn't get out of my house because my roof is getting done because we try to make our houses and keep our community beautiful. So if you need any more information I would help you out. We would all help you out in any way.

Com. Biggs, Well I asked you I mean these guys are pretty darn good at what they do. Let them do what they do. And we'll see where that takes us.

Ms. Hurn, He just took flowers upstairs and so he loves them upstairs Mr. Russbuthes. The owner of that property went upstairs with flowers right before this meeting.

Com. Biggs, That is not going to get him anywhere.

Ms. Hurn, But you have to understand our concern me working from home and seeing every single day his semi-bed trailers and everything else and the Bobcat going on and I understand if it was for building a house but it's not been like that.

Com. Biggs, We certainly understand it. One of the things that we frown on is whether it's residents or new residents or not residents thumbing their nose at our laws. If that's going on then we'll stop it.

Ms. Hurn, Thank you so much.

Mr. Thomas, My name is Joseph Thomas. I'm one of the builders that she was talking about in that subdivision. The other issue that we have there is the easement issue. There's actually six lots in there. It was divided and the lots that are to the east are bigger to account for the easement. It's a 60-foot wide easement. Now they're bigger to account for that 60 foot. They're going to lose where the road and utilities go. Well I was told every day now by my attorney that I've been trespassing in the easement because she thinks she owns the easement which she does not but she's we're in litigation it's almost \$20,000.00 now for no reason. I've done nothing but improve the property. I've raised her property values and she's done nothing but store her garbage across the street from (Inaudible). There's two pole barns that are dilapidated and on her property that she hasn't removed. And it's in the covenants you're supposed to keep it clean which she hasn't done. She's also installed the purple fence posts in my front yard on the property line telling me that I cannot trespass on her property which is ridiculous. Something needs to be done about it and he was told to cease and desist. The day that he was told that they left. As soon as they left he went back to running his bobcat put in the gravel and was starting his pole barn.

Com. Regnitz, Who is the easement with?

Atty. McClure, The person that you are referring to is another private citizen. We are square into a civil matter that is not us. One of the pieces of property has an easement on it.

Com. Regnitz, With who though?

Atty. McClure, I don't know. I don't know if it is on his property or it's on her property.

Mr. Thomas, It's on hers.

Atty. McClure, One of the properties actually contains the easement. The easement is there for a particular purpose, but whoever owns it owns it. I have no idea who actually owns it

that's their dispute. That is a private civil thing that we are not going to be able to handle or get involved in.

Com. Regnitz, Right.

Com. Biggs, It's unfortunate but the County Attorney is absolutely correct.

Mr. Thomas, The other issue is you have you say you can only put certain fence posts in your front yard correct? They have to be a certain height and all that. These are four foot or six foot fence posts that there's no fence and she never got a permit for a fence and they're on the property lines. So just by going by permitting I just checked upstairs she has no permits to put a fence in. I think they should be removed right away. She's claiming the purple post law and that's no trespassing. We're talking about eight foot of property for the road so there's the road eight foot of property and then my property line she put them on my property line and says I'm not allowed to trespass.

Com. Biggs, You're stating they're on your property.

Mr. Thomas, Right on the property line.

Com. Biggs, On the property line. Well we don't have any ordinance that prohibits a property owner to put in polls I don't think.

Mr. Thomas, Well according to when I looked.....

Com. Biggs, Calling in them something else.

Atty. McClure, We don't have a rule as to how close you can get to the property as long as you're on your property. We do have rules as it relates to getting permits for fencing and then there's rules for work once you can go. Roughly about how the fence can't go in your front yard. If it's oriented in the street it's where the front yard starts. And I believe our code in residential is a six foot fence not in the front yard and it does need a permit. If in fact there's a fence here that hasn't been permitted then that should be referred up to the staff upstairs and staff should go and investigate that. Go do the process and procedures that we have in place and get down to the bottom of it. And if there isn't a permit we have a process to deal with that. That's what needs to occur with the fence. That's why we would be involved with the fence. Making sure it's in the right location and the right height.

Com. Blaney, And permitted.

Mr. Thomas, Which it's not because I just checked.

Atty. McClure, Is today the first day upstairs was aware of that?

Mr. Thomas, No. I've called them before but I just went up and checked again to make sure she didn't change.

Atty. McClure, But you called before.

Mr. Thomas, She put them in in on New Year's Day.

Atty. McClure, Of what year?

Mr. Thomas, Last year, not this one. They've been there for a while but with our litigation going on my attorney because my wife pulled the posts out and she called the Porter County Police. They came...

Atty. McClure, I don't mean to interrupt you but we this is where we get into some significant overlap. I think we should direct our staff to go get an idea of what's going on. We need to steer clear of the private litigation. Enforce our ordinances and our ordinances only and I think we should have them go out there as soon as they can to figure out what's going on with the fence.

Com. Biggs, You can arrange that Bob with it would be Becky Harper correct the Code Enforcement Officer?

Mr. Thompson, I'll bet with Code Enforcement. (Inaudible, not near a mic.)

Mr. Thomas, Sorry but there's another issue too now she's bringing up drainage into this also. Now everybody knows when you bring a new home or you build anywhere the drainage is sloped away from your house. In this area we have to because of freezing and thawing. Now the drainage has not changed. I have a satellite photo that shows exactly where the drain was. Where the water flow was going before I developed the lot and it's exactly where it's draining now even after development. And she's claiming that now she cannot use her property because of what we've done. So it's again another, I've had storm water drain out there they said yeah it needs to be looked at. That's all they told me.

Com. Biggs, Our storm water department told you it had...

Mr. Thomas, Yes.

Atty. McClure, Do you know when and who?

Mr. Thomas, I've got all the dates. I could give you all that stuff.

Atty. McClure, Why did they say it needed to be looked at?

Mr. Thomas, She said oh obviously it needs to be looked at but there's nothing I can do.

Atty. McClure, And it's because you're in a platted subdivision correct? The platted subdivision has its own storm water plan that was approved when the subdivision approved. As long as he hasn't modified the underlying storm water and plan that was approved with the subdivision on the platted subdivision then from a county perspective that is all we would be concerned about. So I'm not sure what the context of it needs to be looked at. Is it I'm not trying to be much difficult. It just might need to be looked at because the neighbor's complaining. That doesn't necessarily mean there's anything to be done or to make sure that yours is draining in the proper way or you haven't modified the plan, which I'm not saying you have. I'm just not familiar enough with whether or not we're dealing with side yard swales or backyard swales or it's all getting pushed in the road into some other conveyance. If the neighboring property owner is making a claim that he has done something with the storm water that's affecting that neighboring property the only thing the county can be concerned with is is he in compliance with what his lot was originally designed for. And if he is is the storm water perfectly fine from the county standpoint.

Com. Biggs Have we even received a complaint from your neighbor?

Mr. Thomas, No she just served me with papers. The road was installed almost a year before she complained and it was installed in November and that's the wettest time of the year. So obviously if she had water issues she should have brought them up way before excavation started in May the next year.

Com. Biggs, The road into that subdivision?

Mr. Thomas, The road into the subdivision. I had to install the road because I was the first person to build a house in this six acre area.

Com. Biggs, Are you the developer?

Mr. Thomas, No I had Steiner Construction do it.

Com. Blaney, It's a private road.

Mr. Thomas, Yes.

Mr. Thompson, It's a minor subdivision.

Com. Biggs, Are you familiar at all with any of this?

Mr. Thomas, Sorry it's been a nightmare.

Mr. Thompson, There was minor subdivisions that were developed in this area between Autumn Oaks and Aberdeen. Very popular. In those areas we don't require them or we discourage them from having direct access with driveways so we want an easement to go off of it in a private road in that situation to access all of the homes. In this situation what year that minor subdivision was

done I don't know. The reason why I state that is because there's development standard differences between an older minor subdivisions that was done prior to 2005 or 2007 that's when we repealed the old and then we went in with the new one. The new minor subdivision ordinance does have some standards for this private road and how it's getting constructed. So that part I do not know.

Mr. Novotney, I am familiar with this because the department had received complaints about the drainage. Investigated those just to respond to an inspector or a department representative of reviewing a drainage complaint and saying that the office may have to look at it. That's the answer a lot of the times because obviously this is a complicated plat, legal situation. Our inspectors don't have that knowledge when they go out there after receiving a complaint via our online reporting system. They will go out take additional pictures, gather additional information and report back to the office. In this case all of these easements are private easements. The responsibility including the drain easements responsibility of the property owners who live within and own the properties within the subdivision. The area that's in question that's receiving drainage from Mr. Thomas' property through the adjacent property to the east across the private road that was recognized as a drainage way when the subdivision was platted back in the mid 2000's. So the fact that water moves from west to east it's always been the way that things have happened out there. In fact there's drainage infrastructure on the property of the east that ties into the Aberdeen Subdivision storm water storm sewer system. We did look at this. We reported back to the complainants that look all of these issues and any need for storm water improvements in the subdivision is very clear in the plat as well as the conditions, covenants and restrictions document that the residents that live within the subdivision that own the properties are responsible for conducting any necessary improvements and for managing those easements. They have to work together on things that comes up and needs to be improved, addressed. Obviously there's complications because there's lawsuits and litigation involved with these property owners but we did review the drainage situation. We didn't find any issues with the way that the home was built or the drainage patterns that resulted.

Com. Biggs, The property owner you have the issue with was this property owner there before you started building.

Mr. Thomas, Yes.

Com. Biggs, Therein lies the problem. As Attorney McClure has stated that I mean it just clearly looks like civil matter which we can inject ourselves into for several reasons.

Com. Regnitz, But he at least has the fact that from our perspective that....

Com. Biggs, You don't have a drainage problem.

Mr. Thomas, Yes, exactly.

Com. Biggs, Unless as Mr. McClure stated you've somehow over the time you've been there the augmented....

Mr. Thomas, Nothing. I've added some trees.

Mr. Novotney, And the other point being that the documents say that the property owners if there is a problem the property owners have to work together to solve that problem.

Atty. McClure, This is another reason that reminds me why we all get heartburn over minor subdivisions and private roads. If you sit up here long enough private roads take people to communicate and get along together. You see how well that works sometimes. Private roads involves money and when these minor subdivisions come in and when they were designed this one was probably in the mid 2000's different situation. Private roads will continue to be one of the biggest thorns in the Commissioner's Office years to come.

Mr. Thomas, And the road is not even completed. It's supposed to be 20 feet wide right now it's only 10.

Atty. McClure, That is why it is a private road.

Comm. Biggs, The key here is communication. You need to go buy a gift basket and take it over there.

Mr. Thomas, Well she was really nice when I first moved there and she wanted me to bush hog her property that's a mess across from me. Then all of a sudden I get served with papers after she had some complaints with my contractor because they parked on her property.

Com. Biggs, I feel for you. There's nothing worse than living next door to somebody you're not getting along with.

Mr. Thomas, Right and then I have like I said other homeowners here too. I'm trying to sell a lot next to me and then there's other issues there. It's hard for me to sell a lot when I have litigation going on over somebody it just makes it almost impossible.

Com. Biggs, Well I hope we at least gave you some clarification where we're at with this.

Mr. Thomas, So as far as the fence post though I mean that's one of the codes they say...

Com. Biggs, We will send somebody out there to take a look at it.

Mr. Thomas, Okay, thank you appreciate it.

Com. Blaney, If they don't have your contact info you might want to give it to them.

Mr. Hickman, I'm Jeff Hickman I'm the president of the Autumn Oaks homeowners association and I was just wondering as residents of Autumn Oaks how do we oppose the variance for Valpo Excavation and Septic?

Atty. McClure, When that particular individual actually submits for a request to have a variance the immediate surrounding property owners will be notified by via first class mail. The property will have a sign placed on it. As you drive by you'd notice the sign with the date of the meeting. It will also be in the paper and will be Wednesday night at 5:30 in this room. And if in fact when that happens then at that meeting it would be a public meeting and a public hearing at which time you could remonstrate for or against.

Mr. Hickman, Thank you.

MEDIA SPECIALIST POSITION REPLACEMENT

Com. Blaney, I just wondered what we're doing with the media specialist position.

Com. Regnitz, We are still working on that.

Com. Blaney, What are the ideas?

Com. Regnitz, Fortunately Demetrius in the Health Department is taking over Facebook.

Com. Blaney, For the whole County.

Com. Regnitz, Yes, well for our part. Everybody else is maintaining their own Facebook pages as before. So for any of the County Facebook posts then Demetrius will be doing those for us and he will be monitoring our Facebook for inappropriate comments and that sort of thing. Lee is in the process of training departments on maintaining their own websites. Their portion of the porterco.org website which is the direction we had been hoping to go. Actually people are very appreciative of the fact that they can control their own destiny.

Com. Blaney, What are we going to do with this position?

Com. Regnitz, That's the one thing that we're still formulating. We're still trying to figure out what we want to do at this point. We have not come to any strong conclusions yet.

Com. Blaney, What are the options we're looking at?

Com. Regnitz, Leaving that position intact. Contracting out some services. Curt didn't leave us with a list of everything that he did we're still trying to figure out what that position needs to encompass. We don't...

Com. Blaney, Doesn't have a job description? Didn't he?

Com. Biggs, Yes he had a job description.

Com. Blaney, If we are not going to have a media specialist what are we going to do with...are we using this money or a different position?

Com. Regnitz, That's possible. The one thing that I had hoped is and again we don't know the things that haven't been covered yet. We were still trying to figure out what those are. The direction that I wanted that position to go was more of a PR position. I was hoping that once we figured out what still needs to be covered and then we can talk about the PR aspect of this position.

Com. Biggs, Well it seems like there needs to be some discussion between you two. I got to be honest I don't have a lot of interest in it. I'm just going to be real honest with you.

Com. Blaney, I just wanted to know what's going on.

Com. Biggs, I think maybe an Admin. meeting where you can sit and talk about it, brainstorm and pound something out and then bring it back to the Board would be probably the best approach here. Laura was around when that was first created. I know you have spent a lot of time looking at this so you two are the obvious people that need to be talking about this.

Com. Regnitz, Will do.

Com. Biggs, Then poor Kathy doesn't have to sit there and type for two hours. You two figure it out. Does anyone else wish to speak to the Board of Commissioners? Thank you and have a great rest of your week.

With no further business, the meeting was adjourned at 11:43 a.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jim Biggs

Barb Regnitz

Laura Blaney

Attest: _____
Karen Martin, Auditor