

**PORTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 1ST, 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, February 1st, 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, February 1st, 2022.

Call to Order/Pledge

CONSENT AGENDA

Approval of Payroll – January 7th and January 21st, 2022.

Approval of Claims – January 10th, January 13th, January 14th, January 20th and January 27th, 2022.

Approval of Minutes for January 11th, 2022.

Weights and Measures Monthly Report for – December 16th, 2021 to January 15th, 2022 Filed.

MEMORIAL OPERA HOUSE – SCOT MACDONALD, DIRECTOR

ARTISTIC SERVICES AGREEMENT

1. Ishaan Patel
2. Daniel Cummins
3. Linnea Bessette
4. Dustin Nikolich
5. Allison Granat
6. Benjamin Leonard-White
7. David Markley
8. Abigail Kraupner
9. Eriq Johnson
10. Amanda Kraupner
11. Austin Todd
12. Steven Moeller
13. Andrew Robinson
14. Nick DeJarlais

VENUE RENTAL AGREEMENT

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

ANNOUNCEMENTS

Citizen Appointments to the following Boards:

- **Gary/Chicago International Airport Authority Board – 1**

Com. Blaney, moved to approve the nomination of Tom Collins, Jr., Com. Biggs, second, motion carried.

- **Storm Water Advisory Board – 2**

Com. Blaney, moved to approve the nomination of Bill Laird and Todd Elliott, Com. Biggs, second, motion carried.

NEW BUSINESS

Com. Good, We have some business we need to add to the agenda. Curt can you please come up here and explain what we will be doing to our website contract.

Mr. Ellis, As you know we've established a winter road conditions communications process. I've been doing this for almost 8 years now for the County. First as a contractor and now as an employee. Three or four years ago we actually put the plan on paper. Our purpose is to proactively communicate a consistent message during winter weather conditions to communicate with internal stakeholders, school superintendents and the public to keep them advised of road conditions and the actions we're taking to address those conditions. I've given you the whole plan. When the Highway Dept. first starts to deploy vehicles to address a snow or winter event they text or call me whatever hour of the day or night. At that point in time I begin disseminating that bit of information. First I text the three Commissioners. We send an email to internal stakeholders including the Sheriff, Emergency Management, the Courts, the directors of our outlying buildings the Expo Center, Animal Shelter, etc. Then we also send the same email with the same information to the School Superintendents and their designated people which is mostly their transportation directors. We then take that information and post it on Facebook. If it's a mild storm we share it on EMA and 911 Facebook pages. If we get into a big snowstorm then I pretty much share it across all of Porter County pages. We added one thing this year. It hit me that people have to rely on Facebook to receive these updates so I set up a process on our website where people can get these road conditions updates sent directly to their email box or to their phones. I didn't anticipate the response to it. I set it up in November and for the few snow storms we had there seems to be a big draw to it. I believe as of today we've had 734 subscribers. In addition I've seen bumps in two other alert categories. The one regarding travel alerts which we put in place in the winter time and a big bump alert we have for County offices emergency closings or delayed openings. Emergency closings and delayed openings we have 1160 subscribers that is anticipated because of the employees. We did send out. We did send out a reminder at the beginning of the season to the employees that that is available and please sign up for it. On the travel alerts we have over 1000 subscribers. As I said on the road conditions we have 734 subscribers. I ran into a little hitch last night. At about 7:30 last night I received a note from our CivicPlus our website management company advising me that we only have less than 100 subscriptions remaining and if we didn't increase our subscriptions then once that 100 was hit no one would be able to sign up for the text messaging system. Normally I would try to do this in advance but with the snow storm we have coming on I anticipate we are going to get a big rush of people signing up. I contacted our rep with them last night. She sent me a quote that we could either get a block of 500 new subscriptions at the cost of \$945.00 annually or a block of 1000 subscriptions for \$1800.00 annually. For this first period from now until September when it is the anniversary date of our contract that would be prorated and then in future years it would be the full amount. I would like to recommend to you we approve and go with 1000 subscriptions. That way hopefully we will not have to worry about this for a long time. The other thing is CivicPlus told me that you approve this today they will automatically turn them on today so we don't have any type of delay or drop in the process. I am asking that you approve 1000 new subscriptions at the cost of \$1890.00 annually. With this first year being prorated concurrent with our contract.

Com. Biggs, moved to approve the 1000 new subscriptions at a cost of \$1890.00 annually, Com. Blaney, second, motion carried.

Mr. Ellis, Thank you.

Com. Good, Thank you Curt. I know you have a couple of late nights coming up.

COMMISSIONERS

A Services Agreement between Self Insured Reporting, LLC and Porter County Government pertaining to a detailed comparative analysis to be completed regarding all broad plan limits and treatment limitations under all medical plan offerings as required under the Mental Health Parity and Addiction Equity Act (MHPAEA).

Atty. McClure, The Mental Health Parity and Addiction Act requires that our health insurance go through a review to ensure that it complies with that federal act. This would be the service agreement for Self Insured Reporting, LLC to complete the needed review of our health plan to make sure we're in compliance with that new federal act.

Com. Blaney, moved to approve the Self Insured Reporting, LLC service agreement, Com. Biggs, second, motion carried.

PORTER COUNTY SUBSTANCE ABUSE COUNCIL - DAWN PELC, EXEC. DIR.

A Comprehensive Community Plan.

Com. Good, Good morning Dawn. How are you?

Ms. Pelc, Good and how are you?

Com. Good, Good.

Ms. Pelc, This is Kaitlyn Griffin she is my assistant.

Com. Good, Welcome. Have a sit and give us a little background.

Ms. Pelc, We come before you today with the Comprehensive Community Plan which was submitted to Scott. That is the companion piece to the actual grant funding that we are going to be doing and using the counter measure fees to pay for whatever the agencies request as far as either mental health services or things to do with substance abuse. Basically we submitted the names of the agencies as a brief description of what the money is going to be used for. From here if you do approve of this it will go to the Council and then down State for final approval where we will distribute to the local agencies.

Com. Good, This is an annual process. We do this every year with your plan. We approve it. It is part of the pathway.

Ms. Pelc, That is correct. We only see you once a year.

Com. Blaney, moved to approve the Comprehensive Community Plan, Com. Biggs, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – BOB THOMPSON, DIRECTOR

NICTD – Double Track NWI Project. An estimate of cost to add a pedestrian at-grade crossing at Mineral Springs Rd. and Kemil Rd. for future multi-use trails in the amount of \$181,530.00. Along with a Crossing Agreement for Marquette Trail.

Mr. Thompson, The County and National Park Service approached NICTD about their double track project. One of the things we were looking at was having safe pedestrian crossings at a number of their grate crossings that they have. The National Park was interested in some that were over in Lake County with their Miller Beach area. We also had a series of them on our trail going through Porter County. NICTD has been really great to work with. Usually the railroads are very unresponsive and NICTD has been very responsive with the double track project coming up. They have already started doing some of the preliminary engineering. This agreement is dealing with Mineral Springs grate crossing and also the Kemil Rd. grate crossing. The Mineral Springs grate crossing will connect with the Porter Brickyard Trail that exists and comes off of the bridge on U.S. 12. It will get the pedestrians safely across into the parking lot that we have on the west side of Mineral Springs. From there we will be continuing the trail project. That particular section of the trail is going to be starting up in the fall of this year. The other grate crossing at Kimel Rd. will be done at the same time as the double track project which we have going on right now. The reason why we want it done now is because the remobilization costs for the contractor and to get flaggers out for the trains practically doubles the cost for us. It is timely. They already have to have the flagger out there for the double track project so we take advantage of having the flagger there at their cost. This is an agreement going for those 2 particular grate crossings. The National Park and Beverly Shores is also working with NICTD at the Broadway crossing because the National Park as their campground on the south side of U.S. 12 and they think it's important that they connect it to get across safely there.

Com. Biggs, You said that is a grate crossing. How do they make that safe for pedestrians?

Mr. Thompson, There will actually be gates and lights. Since there are 2 tracks there will also be a warning system as a lookout for the second train. If you have one train heading

westbound in and not everyone is paying attention to what is coming eastbound so they will have a warning system. We're asking to be separated from the actual road a little bit to actually channelize the pedestrians into that system. If you also look at what Michigan City did across the NICTD railroad there will also be a railing through the right of NICTD.

Com. Biggs, There are no gates there now?

Mr. Thompson, There are no gates there. There are at Kimel and Mineral Springs but it's just vehicular. What we are trying to do is separate the vehicles and the pedestrians.

Com. Biggs, This is absolutely necessary.

Com. Blaney, The one in Michigan City looks good.

Mr. Thompson, Yes it does. I've been across that and it is good.

Com. Good, Again, this is a departure from the original trail that started 10 years ago. Where it was on the NIPSCO easement. We are now moving off of the NIPSCO easement and we will have something in the next several months to present to the County of what the actual trail is going to be.

Mr. Thompson, Correct.

Com. Good, Right now it is caught up with 2 or 3 different firms that are doing different sections of the trail. Because of grant money that was applied for years ago we still have to use the same consultant for that because he is under contract. By creating a crossing we're able to condense the time frame to put this trail together....it is about a 9 mile trail all of the way to Michigan City. By using existing roads that the National Park Service owns, these are roads that are very very old. You can hardly even tell they are roads but they're roads. We are basically using all of these roadway systems that is within the National Park Service to help develop our trail.

Com. Blaney, And some are vacated right?

Mr. Thompson, A number of them are vacated. Where that really helps us is with the environmental.

Com. Good, And by doing that if we were to go through the Park for 9 miles we would open ourselves up to all kinds of environmental inquiries. It not only adds almost \$1 million to the cost of the project it also takes 3 to 4 years longer to work through all of the disciplines. When we approached the National Park Service and using the existing roads and other things. They obviously were very excited about that. We sort of threw out the old plan and we're starting on a new plan now. We are working very hard to get a map to show everyone where it is going. We will have that shortly. It's just coordinating all of the pieces right now. NICTD is moving forward on the double tracking it's already started. The reason to get this railroad crossing in now is to get it into the engineering, get it into the project now. As you can see we're going to save some money by doing this. Out of all of the roads and everything that we're working through we tried initially to start off by not having any more crossings. We came to the conclusion that Kimel Beach is a very important area. There is opportunities there to expand some parking in the future that we talked about with the National Park Service. We thought if we were going to have a crossing Kimel Rd. is where we wanted to have that crossing. We had that conversation with the National Park Service, the consultants, with us, storm drainage issues, all of those types of things. I know for one I'm very excited to present this trail when we get it all out there so everyone could see it. I think it is a much needed quality of life issue on the north side of this County and it enhances the billion dollars that the State and Federal Government is putting into the train to the National Park designation. There are a lot of really cool things going on up there right now. This will add to the synergy of all of that. Jim I know you were on NICTD Board and I'm on it now. We saw the bikes on trains and people wanting to come out and bike. The numbers double digit increase for the last 7 years. There is a need for people to want to get out and enjoy the National Park Service and I think as a County we're following up on that and we're going to try to deliver our constituency a really cool trail within a National Park. That's fun stuff.

Com. Biggs, The Cal Trail was very popular until it started to fall into disrepair. It was originally constructed in the late 90's. A lot of money went into that and a lot of people's time went into that. Instead of just walking away from it and then turning back to it and fixing it and improving it. This particular project is really a public safety measure we're doing. That is what it is.

Com. Blaney, And to piggyback on what you said with the other counties around us having theirs done this will be the missing link and it will be good stuff.

Com. Biggs, Anything to get people outside and breathing fresh air.

Com. Biggs, moved to approve NICTD and the Marquette Trail Agreements, Com. Blaney, second, motion carried.

Com. Good, I would also like to point out that the County has submitted an application to the State Next Level Trails Grant for \$5 million matching grant to make sure the State steps up and contributes to this next level grant for us. I don't know how it works but I think our project shines so I'm expecting good things for that money to come through to the County.

Com. Good, Thanks Bob and let me know when we get that map and we will bring it here.

VALPO EVENTS – KATIE ABEL

A Request to use the Courthouse grounds on Saturday, September 10th, 2022 for Popcorn Festival. On site will be a tent, popcorn tent with industrial popping machines, medic tent, and water station. NWI Tents will begin tent setup on Wednesday, Sept. 7 and will remove all items by Sunday, Sept. 11. We also request the use of the judge's parking lot after close of business on Friday, September 9 for EMS/medic setup needs along with access to the roof at 157 Franklin to use the antenna.

A Request to use the Courthouse grounds on Friday, October 14th from 2:00 – 6:30 p.m. The actual event will take place between 4:00 – 6:00 p.m. to host Downtown Trick or Treat. They will be displaying a few yard signs.

A Request to use the Courthouse grounds on Friday, December 2nd from 5:30 – 7:30 p.m. and Saturday, December 3rd from 3 – 6 p.m. for Holly Days. There will be food vendors, carolers and a holiday craft station for kids. The majority of the activities will take place on the North West corner, North East corner and West triangle.

Com. Blaney, moved to approve all 3 Events requested, Com. Biggs, second, motion carried.

ARPA DISCUSSION

Com Blaney, I know I emailed both of you about some ideas I had for figuring out how to distribute the ARPA money. I just wanted expound on that a little bit and get your feedback. We were thinking about a group of committees. Three subcommittees overseen by a central steering committee. I would just like to talk about what I fore see as those and see what you think. We would have a steering committee chaired by a non-voting facilitator. That committee would consist of 1 Commissioner and 2 County Council Members. We would also have some advisors on that committee as well. Our Auditor would be dealing with compliance, a member of the Health Dept. and our County Attorney. Then I was thinking 3 subcommittees. Mental and Social Health would be one. Non-Profits and Employers would be another and the third would be Public Infrastructure. The subcommittee makeup for all of these would consist of 1 Commissioner, 2 members of the Council and 2 Citizen Appointments. One appointed by the Commissioners and one appointed by the Council. Then each subcommittee depending on its type would have advisors. I think for Mental and Social Health two great advisors would be the trustees from our most populace townships. For Public Infrastructure I would like to see Mike Novotney our Engineer. I'm opened to advisors to these things. Those are just the ideas I had so far. For the public process these meetings for all of these committees should be opened. Each committee should have at least one evening or weekend meeting to receive public input. All of the meetings will be recorded. I would like Curt to make sure all meeting proceedings get out in the public as much as possible. Online public input....we still have it we're going to change how we do it a little bit to make it easier for these committees to get the input directed to them more specifically. For the citizen volunteers I think people who want funding for their specific project they probably aren't the best people to be sitting on the committee. It would need to be someone with more of a general interest. So we just don't have people gunning for their own project. Obviously we would take input from everyone and welcome it. One thing that the Steering Committee needs to define are priority considerations. I think that will come down the pipe when the committees meet but somethings I was thinking are considerations should be given a proposal that are one time. Proposals that can leverage matching funds. The number of people their proposal will serve and whether or not it fits the population that we need to target. They need to be located in Porter County. Again, these are just ideas I was coming up with. These things are in no means set in stone. Effective and impactful use of the ARPA money. This one is really important and I think

Vicki will touch on this in a bit. They have to be capable of proper accounting of the funds and they have to be able to complete a spend by the deadline which is December 31st, 2024. These are pretty important parts because if they can't handle this....if we don't document it properly we will have to pay it back. If the project is not completed and the money spent by the deadline it goes away. Right Vicki?

Ms. Urbanik, Yes.

Com. Blaney, Vicki is going to a kind of class.

Ms. Urbanik, A week from today in this room I will be leading a presentation on the Fiscal Recovery Fund. We're going to be addressing the eligible uses under the final rule as well as compliance auditing and tracking measures because that is where my office really kicks in to high gear in terms of documenting every penny of how this money is being spent, reporting to U.S. Treasury and insuring compliance when we come under audit because we will be coming under audit. That will be a week from today at 11:00 a.m. as well as 5:00 p.m. So if you don't like to drive in the evenings you can come in the day time. I have a press release for the media members here.

Com. Biggs, I would like to take that a step further that if your organization has any intentions to apply for any amount of this money you must attend that class. The complexity of this is going to get....when you're down in the weeds is who we're giving it to and how they're spending it. We just cannot arbitrarily hand....as well-meaning as we think that they are there has to be some accountability there and that is going to be judged by the Federal Government. In my opinion if you want to be considered it is absolutely required that you attend that course. We don't want to get into a situation where we're reviewing applications and there is not a distinct understanding by the applicant that they must fulfill certain obligations here.

Com. Blaney, One thing I skipped is to get citizen appointments we will start taking applications. Curt is going to get that set up for us on the website if you guys approve. That is the basic concept that I had.

Com. Biggs, My question is are we peeling back all of the projects that we initially put forward into the ordinance?

Com. Good, That is not on the agenda today to talk about. It's not an agenda item. We have an approved Phase I plan right now. I guess we will have to address that down the road. I think today we were just trying to get the process moving. There is a lot of work here that needs to be done. A lot of work.

Com. Biggs, I agree there is a lot of work that needs to be done. There has already been a statement by one of our Board members that they are peeling off \$5.5 million of the original requested amount, which makes up that ordinance that in my opinion and we can ask the attorney if that is to happen that changes that ordinance completely. That ordinance has to be re-written, because the amount was specifically identified in that ordinance. We can't just amend it I wouldn't think.

Atty. McClure, We can amend the ordinance as it is. There in as individual projects and none of them had been allocated in at the Council level. The ARP Ordinance moving forward can be taken in whole or in pieces. At this point in time we have an ordinance that is passed but not allocated forth through the Council and that is where we currently stand.

Com. Biggs, I would hope we are peeling back all of those projects and sending them through this process.

Com. Good, This is starting to sound a little political here Jim.

Com. Biggs, I don't know. What do you mean political?

Com. Good, Coming from you that is pretty funny.

Com. Biggs, Yes I know. Explain yourself if you're going to make a statement like that.

Com. Good, It's not on the agenda. We're trying to do is put a process together today. That is what we're trying to do Jim.

Com. Biggs, This wasn't on the agenda either.

Com. Good, It came up from the floor. She brought it up.

Com. Biggs, And I'm bringing this up.

Com. Good, Okay so do we want to slow down and not do this? Is that what we want to do?

Com. Biggs, I'm just trying to inflict some common sense here. That is if we are stating that we are now going to process these monies in this way aren't we in the same time what we initially did was flawed?

Com. Blaney, No. Some of these things are ready to go. It is time is of the essence. We just talked about that you have to spend the money by....

Com. Biggs, And I agree with you Laura but I think you've said it in an open meeting that some of these projects we've talked about for years. If we've talked about for years how can they pandemic related?

Com. Good, I don't care what anyone says. What we put through on Phase I all fit the guidelines of the ARP money. Now you can sit there and throw whatever you want against the wall but I will guarantee no one in this room has gone through this report like our Auditor has and made sure that they do qualify. I'm not even going to get into that.

Com. Biggs, Jeff whether they qualify or not has never been my issue. My issue has been there is a process in which those projects (Inaudible) and passed into an ordinance.

Com. Good, We are putting a process together now. That is what we're trying to do.

Com. Biggs, And I applaud that but those first set of projects need to be backed up with that process.

Com. Good, They will be dealt with. We're just trying to get a process going.

Com. Biggs, And I agree with that. The rest of those projects need to be backed up and (Inaudible, talking over each other).

Com. Good, We're not going to talk about that today. Right now we have something that has been approved and we'll address it at the right time.

Com Biggs, I don't understand why we're not talking about it then.

Com. Good, It would be on the agenda if we are.

Com. Biggs, This isn't on the agenda Jeff.

Com. Good, It's talking about a process. There is no action item. This is not an action item. There are two differences. One is an action item and one is not.

Com. Biggs, I'm not asking for action. I'm asking for consideration.

Com. Good, CivicPlus was up here too but that wasn't on the agenda.

Com. Biggs, Are they or are they not going to be washed through?

Com. Blaney, I would prefer to keep them as they are. I've been reading various things and a lot of communities are doing it that way. Some of the suggestions are "pick those projects that have been on the books".

Com. Biggs, Well Laura all I can say about that is listening to what the public have stated about this, what some of the non-profits have stated about this more than anything was the criticism of the lack of process.

Com. Blaney, I think we have a pretty great compromise going on here. We took out the biggest one. Some of this stuff is pay for our first responders, premium pay.

Com. Biggs, Actually I felt like that should have been taken out automatically and paid. That pay should not be held up in this process.

Com. Blaney, But that is part of the plan.

Com. Biggs, It makes no sense that you don't wash all projects until you use this process. No sense. For what it's worth I'm telling you you're making a mistake if you move forward with it. You do with that what you will.

Com. Good, Anyone wishing to address this Board?

Mr. Breiting, I will be very brief and I would like to start off by not just thanking the Commissioners and the attorney but especially Vicki. I have not had the opportunity to talk to Vicki. I know she has done an enormous amount of work. Her seminar and class will be critical and I think it's wonderful that you are offering that. One of the things that I focused on was what Lt. Governor Suzanne Crouch published called the Final Rule which I thought was a simple summary probably far too simple to condense everything that Vicki has done. I wanted to mention as I looked through that it's interesting that the Final Rule has 3 sections somewhat analogous to what Com. Blaney has proposed. In fact I'm thinking maybe to some extent she was guided by the 3 points in the Final Rule were somewhat designed to match her 3 categories. The first one Respond to Public Health and Public Health Impacts. That is from the Final Rule and that kind of matches what she was saying. Number 2 Premium Pay for Essential Workers. There was just some conversation about that. I think everyone has agreed that that's important. The group plans to move forward with that. The third one is to invest in Water, Sewers, and Access to Clean Drinking Water, Support Vital Waste Water and Storm Water Infrastructure. I think that too somewhat falls in line with what Com. Blaney was talking about. She used a slightly different term but those categories fall under that. I'm not here to complain about anything but just to emphasize what I think the community has not given quite enough attention to is that portion of clean water, drinkable water. If you go to our ponds, our lakes, our rivers our streams we could barely go fishing in some of them. Let alone swimming and we certainly can't drink from a single one of them. I think that is what the goal should be for this community among other things to try to clean up our water for public health in order to comply with this Final Rule. I'm a little bit concerned that there was language that people would benefit or requesting money could not serve on the Steering Committees. There are at least 10 environmental groups in this community or you might call them conservation groups. Some are educational or people working on things like Science Olympiad. If we were to omit or prohibit those people from participating in this Steering Committee we have in fact eliminated those people that are working on the non-profits and struggling so hard to protect our environment. People that are not paid that are dedicating their time, their money and their energy. People that are on the board of Shirley Heinze Land Trust, Save the Dunes, Izaak Walton League, Sierra Club. Some of the governmental Valparaiso Lake Area Conservancy District, Recycling and Solid Waste Board. There are people that could potentially be very interested in working on a Steering Committee but then would be afraid to come forward or would be omitted or dismissed. Then it can work the other way around to maybe their input could be beneficial. I see that there is a clash there to not allow some of them to be directly servicing or serving on a board. I just thought I would point that out. It's not necessarily criticism. It's just something for all of you to think about. Thank you.

Com. Good, Thanks Walt.

With no further business the meeting was adjourned at 10:43 a.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jeffrey J. Good

Laura M. Blaney

Jim Biggs

Attest: _____
Vicki Urbanik, Auditor