

**PORTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 18TH, 2021
10:00 A.M.**

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

The Regular meeting of the Porter County Board of Commissioners convened at 10:00 a.m. on Tuesday, May 28th, 2021 in the Commissioners' Chambers of the Administration Center.

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

Call to Order/Pledge

Com. Good, Good Morning this is the Porter County Board of Commissioners' meeting Tuesday, May 28th, 2021.

CONSENT AGENDA

Approval of Payroll – April 30th and May 14th, 2021.

Approval of Claims – April 29th, May 6th and May 13th, 2021.

Approval of Minutes for April 27th, 2021.

Treasurer's Monthly Report for April 30th, 2021 – Filed.

MEMORIAL OPERA HOUSE – SCOT MACDONALD, DIRECTOR

VENUE RENTAL AGREEMENT

1. Valparaiso Community Band

ARTISTIC SERVICE AGREEMENT

1. Kevin Disch

Com. Blaney, I just wanted to take the opportunity to announce that we are opening back up. We have a show on the books tickets online now. Would you like to tell us about the show Scot.?

Mr. MacDonald, We are opening up Clue the Musical on June 18th and it is running through July the 4th. We also have several concerts lined up through the remainder of the year. Including Mega Beatles, Echoes of Pompeii, Marrakesh Express and Heart Ache Tonight. Some things which are rescheduled from 2020 and we are very excited to get the ball rolling again.

Com. Blaney, go buy your tickets.

Com. Blaney, moved to approve the Venue Rental and Artistic Service Agreements, Com. Biggs, second, motion carried.

REP. MIKE AYLESWORTH

Honoring Jacki Stutzman's Service to the Community.

Rep. Aylesworth, It is a great pleasure and honor to be here today to honor and outstanding member of our community in Porter County. She has done so much and been involved in so many things, volunteers her time and has also given a substantial amount of money to the Animal Shelter. I read all of her background and I thought she deserves some public acclamation from the House of Representatives in the General Assembly of which I am here and a member in the southern part of the County, Com. Blaney's area. I had a House proclamation prepared from the General Assembly and Jackie can you please come forward please.

"The Indiana General Assembly House Resolution No. 10 introduced by me adopted in February.

Whereas, Jackie Stutzman is a resident of Porter County who is heavily involved in her community. Stutzman generously donated \$1 million to support the new state of the art Porter County Animal Shelter where she has been a volunteer for more than 7 years.

Whereas, Stutzman is involved in many other non-profit volunteer programs throughout Porter County serving on boards of the YMCA, the Porter County Community Foundation and the Memorial Opera House Foundation and offering financial support to those organizations.

Whereas, through her generous financial support the Valparaiso YMCA was able to add valuable stent education to the Summer Camp Program in 2014 later extending to their before and after school programs.

Whereas, Stutzman serves as a board member on the Porter County Community Foundation pledging to help mass donations to the Emergency Response Fund. The Emergency Response Fund helps provide non-profit organizations with much needed funds for programs, projects and equipment. Especially as the community faces challenges created by COVID-19 Pandemic.

Whereas, the many charitable efforts by Jackie Stutzman have helped improve the quality of life for Porter County residence.

Therefore It Be It Resolved By the House of Representatives of the Indiana General Assembly the House of Representative Recognizes Jackie Stutzman for many generous contributions to her Community in Porter County.

Signed by: Michael Aylesworth
Speaker of the House

Ms. Stutzman, I am just thrilled and appreciate this very much. My volunteer job at the Porter County Animal Shelter involves planting flowers there. I enjoy being outside.

Rep. Aylesworth, Well I know when I see your house it's just beautiful.

Com. Good, Thank you Jackie.

ANNOUNCEMENTS

NEW BUSINESS

COMMISSIONERS

An Ordinance Creating a New Fund for the Receipt of Funding from the American Rescue Plan as Adopted by the U.S. Congress in 2021. – 1st Reading.

Com. Good, I think you've all heard through the American Rescue Act Porter County is going to be getting part of their money from that. I know I signed some documents this week to start that process for a portion of that money to start coming to the County within the next few days. I have been working with Madam Auditor for that. What this will do is create a fund. In government you have to create a fund before you can deposit the money into it. These funds will be held in that account. The Auditor will be working with the Council and us to fulfill those obligations.

PUBLIC HEARING OPENED

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

PULBIC HEARING CLOSED

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

NORTH COUNTY ANNEX – PAY APP.

E.C. Babilla – Pay App. #5 in the amount of \$259,518.30 for roofing. With a remaining balance of \$25,588.14.

E.C. Babilla – Pay App. #6 in the amount of \$25,588.14 for roofing. This is the final payment.

Com. Biggs, moved to approve both of the E.C. Babilla pay apps. for the North County Annex, Com. Blaney, second, motion carried.

CYNDI DYKES, CORONER

Northwest Health Porter Hospital – A Second Amendment to the Hospital Services Agreement which will give the Coroner’s office 50% off of the cost of any additional lab testing needed during an autopsy.

Ms. Dykes, This is an amendment to our hospital agreement. Occasionally we may have to do additional blood work and what this does it gives us another discount with the hospital so we do not have to pay full price.

Com. Blaney, moved to approve the amendment to the Hospital Services Agreement, Com. Biggs, second, motion carried.

PORTAGE TOWNSHIP ASSESSOR – ALTA NERI

Receive and Open Bids for Cyclical Reassessment.

Ms. Urbanik, We have 1 bid.

Com. Good, The 1 bid is from Assessment Analytics.

Com. Biggs, Are you familiar with them?

Ms. Neri, Yes I currently employ them now.

Com. Good, The quote that was submitted was \$56,000.00 which is for the inspection of 1174 commercial parcels, 96 industrial parcels and 28 utility parcels in Portage Township.

Com. Biggs, This is your current vendor?

Ms. Neri, Correct. Our reassessment starts over next year.

Com. Biggs, And how does the cost seem to you?

Ms. Neri, It’s good.

Com. Good, For everyone in the audience I think the cyclical reassessment happens every 5 years?

Ms. Neri, Every 4.

Com. Good, They are going to be taking a step back and looking at everything in Portage Township on a cyclical type assessment which is done every 4 years.

Com. Biggs, moved to approve the contract with Assessment Analytics, Com. Blaney, second, motion carried.

CHUCK HARRIS, RECORDER

Fidlar Technologies – A Media Conversion Agreement.

Mr. Harris, I had given you a copy of the media conversion agreement that we had been planning. Back in 2013 was when this idea was brought to the Recorder at that times attention that we needed to do something because we have a room full of old books going all the way back to 1836. Some of those books have been breaking down, deteriorating. We also have micro film that is deteriorating. A lot of different aperture cards things of that nature are deteriorating. The

best way we can think of to preserve all of these records forever, we have to do that by law is to a media conversion project which basically means taking all of those books, scanning all of those pages, all of the film, all of the aperture cards, everything and putting it into a digital format. Not only can you access that from my office you can access that from your home, your office, any place that you want to bring it up. This project is actually going to be funded out of our RPF. Everyone is familiar with the RPF.

Com. Good, Yes.

Atty. McClure, Recorder's Perpetuation Fund for those who did not know.

Mr. Harris, It is not coming out of the General Fund. We have been saving up and the reason it wasn't done in 2013 was because quite frankly we didn't have the money for it. We have been saving up all of these years to do this project. I do have our vendor that we would like to use sitting with us. His name is Greg Sullivan. Fidlar Technologies has been our vendor for over 20 years. We're very familiar with them. They are very reliable. We haven't had any issues with them. That is kind of everything in a nutshell. Are there any questions that you may have?

Com. Biggs, How long will the process take from start to finish?

Mr. Sullivan, It's about a 6 to 9 month process from the signing of the contract until the images would be delivered. In these COVID days everybody is doing this for many reasons so sometimes that is backed up. It could be maybe a year, but typically 6 to 9 months.

Com. Biggs, moved to approve the agreement with Fidlar Technologies, Com. Blaney, second, motion carried.

Com. Biggs, you guys have a lot of work to do now.

SHERIFF DAVID REYNOLDS

A Request to renew the Harley Davidson annual Lease for 2 Harley Davidson Motorcycles in the amount of \$4,000.

Com. Blaney, moved to approve the lease agreement with Harley David, Com. Biggs, second, motion carried.

HIGHWAY DEPT. – RICH SEXTON, SUPERINTENDENT

A Request to Transfer Funds - Fund #1169 in the amount of \$50,000.00 from Acct. #4420 Motor Vehicles to Acct. #3630 Equipment Other Than Vehicles. To purchase a portable vehicle lift for the Hebron Shop. The current lift will not pass inspection.

Mr. Sexton, The first transfer is for the lift which we got approved last month from the failing one we have down in Hebron. This is a complete portable lift. Instead of having just one dedicated bay it can be used at any bay.

Com. Good, This is a transfer. We already approved the lift which we had to buy because it wouldn't pass inspection anymore. We have purchased it and now we have to figure out how to pay for it. The money will be transferred from Acct. #4420 to #3630, which is the accounting of doing it.

Com. Blaney, moved to approve the request to transfer funds, Com. Biggs, second, motion carried.

A Request to Transfer Funds - Fund #1176 in the amount of \$6,000.00 from Acct. #3120 Consultants to Acct. #3430 Workmen's Comp. Money to pay the rest of the Worker's Comp. Invoice.

Com. Good, The County's Workmen's Comp. Program is a self-funded program.

Com. Biggs, moved to approve the request to transfer funds, Com. Blaney, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – BOB THOMPSON, DIRECTOR

Kankakee River Basin & Yellow River Basin Development Commission – Appointment of Porter County Representative.

Com. Good, We need to appoint our Porter County representative. I think that is an annual correct?

Mr. Novotney, The State (Inaudible) changed the Commission to a 9 member format back in July of 2019. The 4 counties were assigned two year terms and the other 4 counties were assigned 4 year terms so we can be on a staggered schedule. We were on the 2 year term that is why we're front of you. This appointment will be for a full 4 year term.

Com. Biggs, moved to appoint Mike Novotney to a 4 year term to the Commission, Com. Blaney, second, motion carried.

CCMG 2021-1 – Local Roads and Bridges Matching Grant Agreement with INDOT – Award is \$1,000,000.00.

Mr. Thompson, This is basically voting on the INDOT agreement allotting the \$1 million to us.

Com. Blaney, moved to accept the \$1 million grant agreement, Com. Biggs, second, motion carried.

Com. Good, Obviously to get that million we have to come up with a million.

Com. Blaney, A million and a plan.

Com. Good, We are going to talk about the plan next.

Announce seeking bids for the CCMG 2021-1 project – HMA Overlay Minor Structural:

- 250 West – Joliet Rd to 270 North
- Tower Rd – 293 North to W. Lincolnway
- 500 West – SR 2 to Meadowwood Dr.
- Division Rd – 500 West to 325 West
- 1000 South – US 231 to 625 West
- 200 West – US 6 to 850 North
- 900 South – 150 West to 65 West
- 400 South – Sager Rd to SR 49
- Sager Rd – Wind Whistle Dr. to 150 East
- 550 North – Glenwood Dr. to 175 West
- 700 North – 200 West to 50 West
- County Line Rd – US 6 to 850 North
- 1050 North – Pearson Rd to 50 West
- Pearson Rd – 1050 North to 11200 North

Com. Good, Part of the Community Crossing Grant use to give you the money but now in order to get the money you have to put a plan forward regarding the roads you are going to be working on. There different methods that they will allow and won't allow. It has gotten a little more complicated over the years. We're trying to stay ahead of it all.

Mr. Thompson, I believe Matt is planning on sending these out as one project, one bid.

Com. Good, It will be bid in its entirety?

Mr. Thompson, Correct.

Com. Good, Good.

Bridges 272 & 273 – Willowcreek/Crisman Roads over CSX Railroad – Open Sealed Bids.

Atty. McClure, Bob the way that this is going to be put together is this going to be one bid for both or two different....

Mr. Thompson, One bid for both. It is going to be a combined project. The traffic is going to stay opened while we're doing this work. Through this whole are they are going to have the 4 lane road down to 2 lanes.

- Ellas Construction Company, Gary, IN - \$963,879.10
- Dunnet Bay Construction, Glendale Heights, IL - \$939,359.11
- Superior Construction Company, Portage, IN - \$1,47,000.00

- LaPorte Construction Company, LaPorte, IN - \$844,081.00
- F.H. Paschen, S.N. Nielsen & Assoc., Chicago, IL - \$821,000.00
- Milestone Contractors, Lafayette, IN - \$928,658.00
- Gariup Construction Co., Gary, IN - \$843,700.00
- Rieth-Riley Construction Co., Gary, IN - \$827,866.61

Mr. Thompson, Brandon Arnold our project engineer with USI Consultants is here. We will take these upstairs, scan them in and give them to Brandon to review to make sure they are good bids. We will be back at the June 8th meeting to give a recommendation. Just so you know our engineer's estimate was \$1,050,000.00. We got some really good bids.

Com. Good, When is the department's plan to start this? I'm sure it's in the bid documents.

Mr. Thompson, The goal is to get the notice to proceed out as soon as possible. The reason is because we want to get as much done before school. Willowcreek Middle School sits right there. The second reason is because the City of Portage has a paving project that is going to be coming up that is federal aid. It is not this year it is next year, but we want to get our project done and the bridge opened up so traffic can get going.

Com. Good, We are working on coordinating with other projects. It is going to be a very busy area and we are going to try to get in first.

Mr. Thompson, We want to get in and get out.

Com. Good, You will come back at our next meeting and go from there. Thank you.

COURTSIDE MINISTRIES, EDWIN KERR

A Request for renewal of the blanket approval to use the southern half of the courthouse grounds to offer prayer.

Mr. Kerr, Yes I was here in 2019.

Com. Biggs, moved to approve the use of the southern half of the Courthouse grounds to offer prayer, Com. Blaney, second, motion carried.

Citizen Comment

Ms. Gavagan, My name is Anne Gavagan, I live at 1252 Trillion Dr., Chesterton which is Wake Robbin Fields in North Porter County. I brought my 3 neighbors with me. They live in Grand Woods which is across the road and on Indian Boundary Rd. We have a problem out there. It seems to be a problem that extends across different departments and we kind of feel like we're getting lost in the shuffle because it covers so many different areas. There is a man in our neighborhood whose name is Jimmy Andershock who has opened up a farm stand on Indian Boundary. The problem is that it is zoned residential. My understanding is he has not applied for a permit or a variance. The farm stand has been operating for the past year and his produce comes from a wholesale distributor out of Illinois in semi-trucks that block the traffic in order to drive into his little narrow driveway where the farm stand is and to drop off the produce which is not first class produce. Not unlike Jewel/Osco the same type of semi. These semi's block traffic on Indian Boundary Rd. for up to 15 minutes. It is a very busy road Indian Boundary. There's a school down at the end and various subdivisions. He seems to keep operating and no seems to be paying attention. I sent a letter to the Health Dept. last July and I never heard anything. I had sent Mr. Biggs an email and he had sent it on to the Health Dept. and to the Indiana Dept. of Environmental Management. Cheryl Wiseman from the Indiana Dept. of Environmental Management went out and inspected the property as much as she could because the owner wouldn't come out of the house to talk to her. She told me in a conversation that she had various problems with the property. The produce stays out there all day and all night. It rots in place. The area smells. He used to burn the left over produce until the fire department told him one more time and you will be fined. We think he still burns at night because one of my neighbors smelt it.

Atty. McClure, Do you have an address of the location?

Ms. Gavagan, Yes it is 1569 Indian Boundary Rd. North side of the road.

Com. Blaney, Is that Chesterton limits or County?

Com. Biggs, I think it's County. Its further east.

Ms. Gavagan, I think its County too. Yesterday I called the Plan Commission to make sure he really was in the County and she really couldn't tell me.

Atty. McClure, It's close to the line.

Ms. Gavagan, The other problem that we have is not only do the fruit and vegetables stay out there all day and night in all kinds of weather it is also an eye soar. Everything is just stacked up in pallets. The other problem is it creates a traffic nightmare. Not only with the semi-truck but for customers that are going there. There is limited parking. Maybe 3 or 4 cars can get in there. It is a very narrow entrance. A lot of the cars tend to park in my neighborhood right by the stop sign because they don't want to have to walk too far to get to the farm stand. That creates a problem for our neighborhood getting in and out of our subdivision. The other problem is this farm stand, I call it that but it really isn't it's a business. He has been dumping ground-up asphalt from construction projects. Making a road on his property down to the back end and it looks like he's connected up with Honey Shade in Grand Woods and I don't know if he has a permit or not for that. The semi has been seen going down his new roadway he has created out on to Honey Shade and now this semi travels around Grand Woods as well as Wake Robin Field.

Com. Biggs, If the Commissioners aren't familiar that portion, we have the Highway Dept. here, that end of Indian Boundary is not built for semi's. Especially hauling a full load. Last week the Commissioners know that a vehicle came out of there with a short trailer and it was stacked probably 10 ft. high with grates. He pulled off of Indian Boundary onto the bypass and lost his load right there in the road.

Ms. Gavagan, Jameson semi?

Com. Biggs, Yes.

Ms. Gavagan, Jack Tuchin?

Com. Biggs, Yes. I almost got out to help him and I thought I didn't want to get hit by traffic because it was right out in traffic.

Ms. Gavagan, The problem for us neighbors is some of us have called the fire dept., I've called the Sheriff's Dept. when he ties up traffic. We're all calling different people but nothing ever seems to happen. Yesterday the woman that I spoke to at the Plan Commission told me I should file a complaint with Code Enforcement, so I did that.

Com. Blaney, You did that yesterday?

Ms. Gavagan, Yes, I filed it yesterday. Then there is this outstanding issue with the Health Dept. and I don't know who takes care of the traffic. It could be you, maybe the Highway Dept. There are these multiple tentacles.

Com. Good, But ma'am it all starts with the conforming use. If it is a zoning and Code Enforcement...Code Enforcement is where you start on these types of things and then all of the other entities weigh in from there. You are out just trying to stab it from wherever you can and I get that and I understand it but I think doing the Code Enforcement and you did that yesterday now you're in the system. Obviously with the comments that you made at the meeting we now have some things that we can go back and locate at our zoning and everything. We will start the process now. Also, remember we were in COVID and the Health Dept. has been just trying to get through the day up until the last month or so. I'm not trying to make excuses. Code Enforcement we're kind of shut down up there, because when you get into Code Enforcement you get into a lot of public access in open meetings. We weren't able to do that so in essence Code

Enforcement because of transparency sort of got shut down. I think we're just starting to have our meetings on Code Enforcement. We are getting the wheel going again and by making your complaint to Code Enforcement it is on our radar now.

Com. Blaney, Your complaint included contact information so people can get in touch with you.

Ms. Gavagan, Yes.

Com. Biggs, And I will follow up with our Code Enforcement office today to see where he is at on it if he's not out there today. I will also check about them dumping construction material on the property.

Atty. McClure, I pulled it up on the map. I see the two parcels off of the border. You have to get a good map and zoom in to see. It's close.

Com. Biggs, Leave me your number before you go and after I follow up with him I will call you and let you know.

Ms. Gavagan, You know that caused me to send you the email a couple of weeks back was I saw this huge construction crane in the back of his property and it looked like he was digging a big ditch back there. The woman from the Indiana Dept. of Environmental Management said couldn't tell because he wouldn't let her come out to walk the property, but she said if he is open dumping back there that is a problem for her. If he is burying it still may be a problem because he is not farming that land. It's just empty land. The river bed is back there and there is a drop off as well as all of us live on wells. We all have multiple concerns and I'm glad you listened to me today. Thank you.

Com. Good, That is what we're here for and thanks for coming in, because that's what gets you headed in the right direction. We've heard you loud and clear and now that you're in the system. I know Com. Biggs works in Code Enforcement quite a bit and many of the other issues that we have out there we're dealing with in the County. I appreciate you coming in and letting us know and if you can give Mr. Biggs your phone number before we leave here.

Com. Biggs, Give me your phone number and I will follow up with you.

With no further business the meeting was adjourned at 10:46 a.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jeffrey J. Good

Laura M. Blaney

Jim Biggs

Attest: _____
Vicki Urbanik, Auditor