

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL  
February 13, 2018

The regular meeting of the St. Joseph County Council was called to order at 6:02 p.m., on February 13, 2018, by the President, Rafael Morton, in the Council Chambers, fourth floor, County-City Building, South Bend, Indiana.

Members in attendance were:

Mr. Robert L. Kruszynski  
Mr. Corey Noland  
Mr. James O'Brien  
Ms. Diana Hess  
Mr. Rafael Morton  
Mr. Mark P. Telloyan  
Mr. Mark A. Catanzarite  
Mr. Robert J. McCahill  
Mr. Mark Root

Present from the Auditor's office were Michael Hamann, Auditor and John Murphy, Chief Deputy Auditor. Council staff present was Mr. Michael A. Trippel, Attorney and Ms. Jennifer Prawat, Executive Secretary.

**Petitions, Communications & Miscellaneous Matters:**

Mr. Telloyan made the motion to nominate Casey Gumm – New Carlisle Olive Township Public Library Board of Trustees and was seconded by Mr. O'Brien, the motion passed by a voice vote; 9-0.

Mr. O'Brien made a motion to approve the minutes of the January 2, 2018 and January 9, 2018 meeting and was seconded by Ms. Hess, the motion was passed by a voice vote; 9-0.

No report from the County Auditor

Report from the County Commissioner:

Mr. Kostielney, President, Board of Commissioners, I just want to let you know that hopefully at next week's meeting the Board of Commissioners are looking to hire Cohen and Malad a law firm out of Indianapolis to join Marshall County and about thirty other municipalities and counties across the state as we look to investigate an opioid lawsuit against different drug manufacturers and other entities that might be appropriate so we are hopefully take that action at our meeting on Tuesday. Also, to let you know, we had a very productive meeting regarding the leaf RFP, our hope is also in two weeks from today to be able to release the RFP so we can begin to move forward with that process as well.

Report from Council Special Committee:

Mr. Catanzarite: Just a quick report on the South Shore projects that we have been following, the double tracking project, when the President's budget came out they remained to be unrated meaning they have not gotten a rating either up or down, whether they should progress forward. Mike Noland, the President of South Shore has spoken to the Federal Transit Administration and they are going to have a teleconference on the Thursday. What the South Shore is planning on doing now is to keep the projects going in order to enhance the rating on the project they are going to continue with their environmental studies. The other part, the FTA, Federal Transit Administration was confused about was our funding mechanism how we had so much local participation, State participation and the RDA's, both in Northwest Indiana and our RDA over here in South Bend/Elkhart area, it was a little confusing to them so he thinks by positioning us with keeping our environmental studies and getting the fiscal explanation to the

Federal Government we might have a better rating on those projects and still anticipates them to be rated, still have support from Congressman Walorski, Senator's Todd Young, Donnelly, Congressman Visclosky, our congressional team is still supportive of this and according to Mike Noland he fully expects these projects to be funded through a congressional act versus the Presidential budget. I also wanted to point out in the audience tonight is a comrade of mine, is the curator of the Studebaker National Museum, he is also a fellow classmate of mine from the Leadership South Bend/Mishawaka class Aaron Warkentin is in the audience tonight, we welcome Aaron from the Studebaker National Museum. He is new to our area and appreciate what he does preserving the heritage of South Bend Studebaker legacy.

Mr. Noland: I have a question for Mr. Catanzarite, you mention that they are confused about the funding, I thought that was actually a good thing, can you explain.

Mr. Catanzarite: The funding as we all see it is a good thing, in fact there is so much participation with local, state and regional authorities, we view this as a good thing, we thought it was a homerun. I guess in the history of the FDA they have never seen a project with that type of funding scheme and according to Mike Noland, it caught them off guard so they are actually are doing a little more research as to, they didn't think we had our local match in place when in fact we do have it in place and they were surprised that there was such local participation.

**First Readings:**

Mr. Morton: At the request of the petitioner, Bill No. 14-18 is being withdrawn.

**BILL NO. 2-18:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTY LOCATED AT SOUTH-EAST CORNER OF EDISON ROAD AND WALNUT ROAD FROM A: AGRICULTURAL DISTRICT TO M: MANUFACTURING INDUSTRIAL DISTRICT AND GRANTING A SPECIAL USE PERMIT FOR A READ MIX CONCRETE PRODUCING FACILITY

PETITIONER(S): GOLDEN REALTY, LLC  
Assigned to the Land Use Planning Committee

**BILL NO. 15-18:** AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XV, LAND USAGE, CHAPTER 154, PLANNING AND ZONING, OF THE ST. JOSEPH COUNTY CODE, AS AMENDED, FOR PROPERTIES LOCATED AT 15615 STATE ROAD 23 FROM R: SINGLE FAMILY DISTRICT B: BUSINESS DISTRICT  
PETITIONER(S): HAROLD AND LAVERNE FOOS

Assigned to the Land Use Planning Committee

**BILL NO. 16-18:** A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL DECLARING A PORTION OF ST. JOSEPH COUNTY AN ECONOMIC REVITALIZATION AREA, PURSUANT TO IC.6-1.1-12.1-1 ET SEQ. DECLARATORY RESOLUTION  
PETITIONER(S): ABTREX INDUSTRIES, INC.

Assigned to the Land Use Planning Committee

**Resolution(s):**

**BILL NO. 10-18:** A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL RECOGNIZING AND HONORING RUDOLPH "RUDY" PYCLIK

Mr. Kruszynski:

WHEREAS, Rudolph "Rudy" Pyclik will turn 100 years of age on February 10, 2018; and

WHEREAS, Rudy worked for over 35 years at Torrington in South Bend and was an instrument repair specialist who was on call 24 hours a day 7 day a week often needed to make critical repairs even on weekends and holidays; and

WHEREAS, Rudy was a longtime outstanding member of UAW Local 5 for over 30 years; and

WHEREAS, Rudy excels in woodworking and painting; and

WHEREAS, as a life-long member of St. Mary's Parish in South Bend has helped on many projects including helping to restore the pews of the church and the lectern; and

WHEREAS, Rudy has an excellent memory and recall of neighborhoods in South Bend and has helped several historians fill in historical information in support of the history of our community; and

WHEREAS, St. Mary's Parish in South Bend has dedicated February 11, 2018 as "Rudy Pyclik Day" and will have a special mass with intentions for Rudy and celebration in his honor.

NOW, THEREFORE, BE IT RESOLVED BY THE ST. JOSEPH COUNTY COUNCIL, THAT:

Section 1. On behalf of the citizens, the St. Joseph County Council wishes to extend birthday wishes and congratulations to Rudy on his tremendous life of service to community, church, and to the citizens of St. Joseph County.

Section 2. This Resolution shall be in full force and effect from and after its passage.

PASSED & ADOPTED this 13th day of February 2018.

I had the joy of sitting in his kitchen for about an hour and a half along with Father Charles, found him to be very fascinating. I know the Sheriff is here, I don't know if he has any jurisdiction back then but Rudy also told me how he did some bootlegging back then. He is a fascinating individual.

Father Charles, Pastor St. Mary's Parish, 1601 W. Sample St. South Bend, we have bought a full contingency of parishioners to help you to help congratulate Rudy on this momentous occasion, he has been a wonderful example for a living in our community, being of service to our community and to those in need in the community. We are very happy to be able celebrate this great occasion with you and with Rudy.

Mr. Kruszynski: If it wasn't for the parishioners of St. Mary's Parish, a couple good neighbors and the tremendous support of Real Services, Rudy wouldn't be here right now. He gets amount of support from Real Services.

Mr. "Rudy" Pyclik: I thank you for this event I wish you all luck and I am happy to be there.

Mr. Catanzarite: I'd like to congratulate Rudy, it was a pleasure and an honor to meet him tonight and nice that his congregation came out to support him and I also would be remiss if I didn't take a moment to mention Clarence White is here the spiritual elder with the Pokagon Band of Potawatomi Indians and I just want to welcome Clarence and all of us contingent here from St. Mary's.

Motion to pass Bill No. 10-18 was made by Mr. McCahill and seconded by Ms. Hess. Bill No. 10-18 was passed by a voice vote; 9-0

**BILL NO. 11-18: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL AUTHORIZING APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOSEPH COUNTY AND THE CITY OF SOUTH BEND REGARDING AMBULANCE SERVICES**

Mr. Trippel: For many years the City of South Bend provided the appropriate services to the county, this contract was approved by the Commissioners, I believe it was in November pursuant to Indiana Code an inner local agreement then set forth the agreements between the city and the county, it needs to be approved by the County Council. Same service the county has always had.

Motion to pass Bill No. 11-18 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 11-18 was passed to-wit; 9-0

**BILL NO. 13-18: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL AUTHORIZING APPROVAL OF THE MASTER ENERGY PLAN AND PERFORMANCE GUARANTEE UNDER THE GUARANTEED ENERGY SAVINGS CONTRACT**

Phil Yuska, Project Development Engineer with Performance Services out of Indianapolis Indiana, I want to take a couple of minutes to talk about the Guaranteed Energy Savings Project. As you may recall, the last eighteen months or so we worked diligently with the county to develop the best energy savings program to address the needs of the county's buildings. Back in July we received approval from the county, for the contract terms and conditions, we established a not to exceed amount and received direction from the county to proceed with detailed design and pricing of all the improvements. We did a lot of detail design, we did plans, we did specifications, walked contractors through buildings, got all that detailed together and then we developed the final content of that master energy plan. Last month, we met with the committee and reviewed in detail all the different line items to finalize that scope of result, the result from our design and pricing efforts. Tonight, we are hoping that we get final approval for that scope of work and upon your approval, we are ready now to begin implementation. In the next few weeks, first we are going to begin lighting upgrade, LED lighting upgrades and all the county facilities, we are going to start implementing the HVC improvements at the JJC, we have a lot of work to do with the water controls at the jail and work in other buildings. So if we are able to get your approval tonight to begin that implementation we are currently planning to be done with the implementation this calendar year so by this time next year, the county will be realizing the full amount of the savings. The primary benefits to the county that we reviewed over the last several months, certainly we are going to be able to address a significant amount of deferred maintenance that exist in the buildings so replacing old antiquated equipment with new equipment, we are going to be improving the working environments in the building and of course lowering operating costs. I think the greatest benefit of course is the county will be reinvesting in your facilities that serve the people of St. Joseph County, helping to ensure that your buildings are able to serve the county for years to come. We want to thank the county for your cooperation, we want to especially thank the employees of the county facilitating our access to, gathering data, having contractors walk through, they were very cooperative and were able to help us assemble what we think is a great program for the county.

Mr. Noland: Can you refresh everybody here how the verification measurement of this is, how are we going to verify that we are actually saving the energy that's been promised and that we are all expecting?

Mr. Yuska: We do this on all of our projects, we do a different methodology depending on the improvement. One of the most common ones is we utilize your building automation systems. For instance, if the Juvenile Justice Center we will be installing a new building automation control system there, you already have them at the jail and many of your other facilities but we use those systems to track the performance of the equipment so how long do fans, how long do pumps run during the day. Part of our new program is to install say higher efficiency equipment and so we know what the efficiency is, we know how big that equipment is, how big the motors are, for example and so we actually track that run time. We do trends, we measure that equipment long term and then its math essentially to calculate what your current utility rate is and to determine how much energy those pieces of equipment are utilizing. Also a part of the program is energy leadership where we actually put, work with county, put people in place to help ensure that, heat turned off and that the building schedules are kept and that we help the county ensure that we see the savings long term.

Mr. O'Brien: Could you just briefly explain how the guarantee aspect works that is, there is no risk to the county because if we don't save enough, your company will actually make up the difference.

Mr. Yuska: Right, so this is a fairly common in the State of Indiana, so a state statute allows governmental entities to enter into agreements guaranteed energy savings performance contracts where the intent that the savings pay for the contract over time. The savings generated by all of our improvements, all the LED lighting retrofits, HVC improvements, water improvements, so it's not just energy, it's also water or other utilities, we have also done some things with changing some of your rates and identifying that meters are on the correct rate structure. All of that is brought together, we measure that over time and keep track of that in so, we report back to you and we will do that with the energy manager that is in place, report back to you on where you stand with regard to meeting those savings. So, per statute, we reconcile that every year and if for some reason we were to fall short of that, then we are on the hook for the difference so because of that, we don't want that to happen so we try to be very conservative in our approach and if we think if it's going to save a hundred dollars then we are going to project may eighty or

ninety dollars so that the county has some flexibility in how they operate the facilities and that we ensure that we make that guarantee amount at the end of the year.

Mr. Noland: An example you gave there, if you thought it was going to save a hundred dollars and so you guarantee it's going to save eighty dollars but it actually did save a hundred dollars, where does the extra twenty dollars go?

Mr. Yuska: Great question. The county keeps all savings so Performance Services doesn't take any of that additional money, there is no shared savings or anything of that nature so if we exceed the savings amount, the county keeps any excess and obviously you can do what you will with that.

Mr. O'Brien: So, actually along those lines, has Performance Services had any municipalities in Indiana that have not met or exceeded the guaranteed savings?

Mr. Yuska: We have not. Performance contracting is our only business, it's all we do and so we are very careful to make sure that every project is a success and so we did a large project with City of Indianapolis about five or six years ago or so, we have also worked with other counties under smaller cities in the state, we have worked with probably close to two hundred school corporations within the state. We have done several projects at Penn Harris and again, we make sure that those are successful and they meet their guarantee savings requirements.

Mr. O'Brien: So you never once had to actually chip in and pay for the short fall?

Mr. Yuska: Correct.

Mr. Catanzarite: Just based on the numbers in the contract and the agreement, I think it's commendable and it's great for our constituents and everybody in the county that you are guaranteeing that we are going to save seven hundred and eleven thousand dollars a year over the life of the contract and besides that like you mention we are going to be taking care of a lot of deferred maintenance issues that we would have never had a way to pay for it other than through this operational energy savings contract so I think it's good government and good public policy that we are doing this and we appreciate the engagement with Performance Services and your track record speaks for itself we look forward to working with you.

Robin Challinor, Director of Portage Manor, I want to thank the Council and the Commissioners and the special committees that came together to put together this contract. Our building was built in 1906, it's a very old building but very well maintained and this is another way to that we can continue to maintain that building and house the less fortunate in the county. Currently we have a hundred and thirty-three residents of St. Joseph County that we take care of, disabled adults, we just admitted four homeless people who are currently living there, indigent, we get no revenue or income for them but we are able to support them off the revenue from the state. I want to thank you for including Portage Manor in this project and investing in the buildings in St. Joseph County.

Evelyn Kirkwood, Director of St. Joseph County Parks, I too want to express our thank on behalf of the Parks Board and the Parks staff and all of the visitors that use the St. Joseph County Parks for this little shot in the arm to help us cover some of the deferred maintenance that you addressed in terms of energy failings we have had, ageing boilers, water systems, water delivery systems, lighting systems. We greatly appreciate this effort by so many people and thank you for championing the cause of energy savings in St. Joseph County because that can only benefit all of our residents here in St. Joseph County.

Robert Griffin, 4616 Fellows Street, South Bend, I left South Bend in 1965, returned in November of 2017. I am a retired federal contractor officer and I do have some experience in working with the Core of Engineers and also Navy Facility Engineers, both with the Army, Marine Corp., and the Department of Defense. This plan is certainly good, I wouldn't, it's hard to speak out against energy conservation and base maintenance or facility maintenance because they are always underfunded not only here but in the federal government. What I would say is this, I have been looking at this for three or four days and some of these numbers on the master energy plan look a little rich to me as far as some of the commodities that are being purchased as far as the values of the individual components. We did a little cross check with some suppliers in the area and they found that these prices were a little high. Based on my experience in federal contracting with energy projects, I also found a large sum of three hundred and fifteen thousand dollars for a part time energy conservation manager. I can tell you, a facility this size of Fort Bragg which

probably has five hundred buildings, not just eleven, would never pay anywhere near that amount of money for an energy conservation manager full time as opposed to part time. What I am saying is, I think this is a worthy goal. It maybe worth your time to scrutinize some of these numbers. Based upon my experience, the numbers are a little bit high.

Scott Peacock, 1409 E. Colfax, South Bend, I would like to request that this whole energy conservation contract be postponed for a week or two so that my little group here and myself could do a little bit more research. Unfortunately, we haven't had the time but we definitely take the time in the next week or two to be able to prove that some of these numbers seemed a little bit high. Our intent would be to save money for the citizens of St. Joseph County. I don't mean to be hypocritical but a lot of the numbers don't make any sense to us. I think it was in year ten the whole package started to break even and I think I can probably be targeted but I don't have the facts in front of me at this point but I'd like to be given a little bit of time that we could just research this because I think we can come up with a substantial savings.

Mr. Yuska: With regard to having more time to look at this, we have been working on this for at least eighteen months, I know we have had other public meetings where we have discussed the program so hopefully people have the opportunity to look into it and ask questions, I know others have in the past also, as part of that design process, we actually did detailed plans for the Juvenile Justice Center, we have engineers actually create the blueprints and the specs then we went out and got competitive bids for all of that work so, there is a lot of details that go into each of these measures.

Mr. Catanzarite: Could address the question about the cost of oversight, the three hundred and fifteen thousand dollars.

Mr. Yuska: Essentially, that has to do with putting in what we call an energy leader in place and it is essentially, it's key element to the program of focused attention on energy conservation in managing the utilities long term for the county. That is a significant energy savings component of the grand scheme of things. It also those individuals that are put in place, it's also our team that's essentially setting up a whole program for long term success, there is software, a significant amount of training, we are setting up all the utility databases as well so there is one individual that is essentially tasked with that longer term but the bulk of that funds go towards the initial set up and establishment and training of that program to make sure it's started on the right foot, so to speak.

Mr. Catanzarite: Just to verify, estimated and or utility savings a hundred and ten thousand dollars, are we thinking of the cost of that position so are we thinking that person's position they are going to pay for themselves?

Mr. Yuska: Absolutely. We have done this at other large campus type clients in the state of Indiana, one that comes to mind is Fort Wayne Community Schools, we saved them probably about twice that amount for an energy manager in place. They have more buildings but we found that it's a very quick pay back.

Mr. Morton: When you say they pay for themselves, the implication of the comment was, that is fine and good but that number seems very high, if that number is lower than the savings would be greater. Am I right in that interpretation of what you said or not? Isn't that what you said sir?

Mr. Peacock: Yes.

Mr. Morton: Thank you, that is what I thought.

Mr. O'Brien: Just to be clear, one worker is not being paid three hundred thousand dollars.

Mr. Yuska: Correct.

Mr. O'Brien: That is what I think it may appear as if you are looking at the schedule it might look that way but that cost encompasses software, training a whole team of folks that are supporting this person and also interacting with the county employees in the county offices and at some point, the county may hire a person for that role and pay them fifty, sixty, eighty thousand dollars a year or eliminate that role but it's not going to be a three hundred thousand dollar a year after year cost.

Mr. Yuska: You are correct.

Mr. Morton: Mr. Peacock, did you catch that?

Mr. Peacock: Yes, thank you.

Mr. Noland: Additionally, this three hundred and fifteen thousand dollars, all the things Mr. O'Brien mentioned, that is for a two year period.

Mr. Yuska: That is correct.

Mr. Noland: Performance Services will provide this for two years, after that it's up to the county if we chose to continue that or not.

Mr. Morton: I would make the comment, as far as some of the things that were said as far as the two gentlemen that spoke, they definitely were not saying they are not against the project but making the implication that given a little bit more time maybe we could see additional savings, with that said, is there any interest from this council, I know the motion is on the floor but any interest of entertaining allowing them to do that?

Mr. Kruszynski: I would like to sit down with the gentleman just to get their reasoning and facts just to see what they are talking about, I have no problem in doing that.

Mr. Catanzarite: Is there any disadvantage if we did not vote for this tonight in terms implementation and completion of the project and energy savings if it was postponed for an additional month.

Mr. Yuska: We have been working on this for several months and the county has secured the financing and so the bond payment will be due, I am probably not the best person to talk to from the county so it's really important that we start implementing the project so that we can generate the savings so the county can make those payments. If we continue to delay it, contractors cannot hold their bids, sometimes pricing increases can occur, we try to lock them in pending a start date.

Mr. Morton: One month would do all that sir?

Mr. Yuska: It would have an impact.

Mr. Kruszynski: One more question, you have been very informative through this whole process, one thing I have not seen is is the quotes or the bid's from the contractors that you are using. Is there a way this council can get copies of that?

Mr. Yuska: I think Jon Burke your consultant has reviewed those, I am not sure who he shared those with. We do have those and I think some of the council members are aware of the contractors we invited to those bids, we did try to select local contractors for as much work as we could and still keep the project within our budget.

Mr. Kruszynski: I understand all that but it's public record, isn't it?

Mr. Yuska: I am not sure how to answer that but we have them we will share them with the county.

Mr. Noland: As part of as it was explained to us several times, part of Performance Services way of doing business and this contract is included in that is it's all open book pricing so at any point in time whether it's tomorrow or June after the project is done, you can see what their costs were, what their mark ups were, I am certain that's not public information but this group can see that. Am I correct in what I just said?

Mr. Yuska: I don't know that we would make that public.

Mr. Noland: That is what I just said, it's not public, it's information this council is privy to.

Mr. Yuska: Right, you are the owner.

Mr. Catanzarite: If a month is detrimental to the cost and pricing to this project, could two weeks be obtainable? We meet again on February 27<sup>th</sup>, we have had the public hearing tonight, it would just be the matter of a vote, can we achieve anything in two weeks that could get some of these questions answered?

Mr. Yuska: We want you to feel comfortable with the process so whatever you think is best. Certainly, it won't be ideal, we would like to get started but we also want you to feel comfortable with the process.

Mr. Morton: To answer Mr. Catanzarite's question, if we waited two weeks, that would not be detrimental to the project, did I hear you say that or not?

Mr. Yuska: So it would not have serious consequences to the project moving forward although, I would also say that every week we wait is another week we are not achieving the full savings for the county.

Mr. Morton: But it's a fifteen-year project, isn't it sir?

Mr. Yuska: It is.

Mr. Morton: So two weeks out of fifteen years?

Mr. Yuska: It is, what I am saying is your first payment.....

Mr. Morton: I understand that.

Mr. Catanzarite: I would add that, this has been a very transparent and public process, you guys have been very informative, we have held several meetings, I know the subcommittee meeting has done a lot of work on this, I appreciate all the work they have done on this to get us to this point, I am not trying to slow this process down but some questions are raised, I didn't know we had any citizens with local expertise and doing the same kinds of things.

Mr. Kruszynski: Phil, isn't some of these facilities are kind of time sensitive on what needs to be done there? I believe with the JJC and the chillers and so on.

Mr. Yuska: You are right. Especially for the chillers, ideally, we would like to get those chillers in by the summer. Until we actually receive full approval, we can't submit a purchase order to the manufacturer.

Mr. O'Brien: If we did approve this tonight and over the next few weeks or months identify something in the project that we decide no, this just does not make economic sense, say it's two hundred thousand dollars, we can stop that, we could spend elsewhere because it would be a part of the owners allocated fund or development funds? Is that what you are saying?

Mr. Yuska: That is correct.

Mr. Kruszynski: Is the guarantee the length of the fifteen years then, the guarantee on the equipment or is a manufacturer guarantee how is the warranties work on....

Mr. Yuska: It is. In general, we don't warrantee all of the equipment for fifteen years so the nice things is, like the LED lighting that is going to need to be done, the burn hours are much longer. You certainly not being replacing LED bulbs within fifteen years, it's possible you might replace a few motors or things of that nature so we don't maintain the equipment long term, your staff will still need to do grease bearings and things of that nature.

Mr. Morton: There is a motion on the floor to pass Bill No. 13-18 that motion was made by Mr. Noland and seconded by Mr. O'Brien.



Motion to pass Bill No. 13-18 was made by Mr. Noland and seconded by Mr. O'Brien. Bill No. 13-18 failed to-wit; 5-4. Against: Ms. Hess, Mr. Telloyan, Mr. Catanzarite, Mr. Kruszynski and Mr. Morton.

Mr. Root: It is in our rules that if a bill fails it does not come back for six months, correct?

Mr. Trippel: Right.

Mr. Root: So this is now dead for six months unless we have a motion to reconsider from one of the majority on the floor tonight.

Mr. Morton: The motion to reconsider to bring it....

Mr. Root: It would have to come from one of the people who voted no.

Mr. Trippel: Correct.

Mr. Root: It would have to have a majority vote to reconsider the question tonight otherwise this project is dead for six months.

Mr. Catanzarite made the motion to reconsider Bill No. 13-18 and postpone the vote to February 22, 2018 and was seconded by Ms. Hess. The motion to reconsider Bill No. 13-18 and vote on February 22, 2018 was passed to-wit; 9-0

**Salary Amendment(s):**

**BILL NO. 6-18: AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0002 AUDITOR) *Combined with Bill No. 9-18 A***

Ms. Hess reported that Bill No. 6-18 comes with a favorable recommendation.

Mr. Hamann: We had a position open for a programmer in the IT department. In the reconsolidation for 2018 for the IT department we decided to eliminate that position and have the money go for a technician.

Motion to pass Bill No. 6-18 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 6-18 was passed to-wit; 8-0 Mr. Root stepped out.

**BILL NO. 7-18: AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0032 AREA PLAN COMMISSION) *Combined with Bill No. 9-18 D***

Mr. Noland reported that Bill No. 7-18 comes with a favorable recommendation.

Mr. Magliozzi: This is the part of the twenty-five thousand dollars allocated for 2018.

Motion to pass Bill No. 7-18 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 7-18 was passed to-wit; 9-0

**BILL NO. 8-18: AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0020 SUPERIOR COURT) *Combined with Bill No. 9-18 I***

Mr. McCahill reported that Bill No. 8-18 comes with a favorable recommendation.

Brigette Wasielewski, Superior Court Administrator, we would like to add a part time court reporter position.

Motion to pass Bill No. 8-18 was made by Mr.Noland and seconded by Mr. O'Brien. Bill No. 8-18 was passed to-wit; 9-0

**Public Hearing/Public Comment:**

**BILL NO. 9-18: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT**

**TRANSFERS:**

**A. Auditor**

General Fund

FROM:	1000-11315-000-0002	Software Developer I	\$53,500.00
TO:	1000-11362-000-0002	Technician	46,000.00
	1000-32072-000-0002	Technology Innovations	7,500.00
		<b>TOTAL:</b>	<b>\$53,500.00</b>

**B. Auditor (Debt Service Accounts)**

1112 LIT – Economic Development (CEDIT)

4602 General Obligation Bond

4600 County Bond & Interest

4932 Dispatch Bond

4930 Dispatch Operating

1000 General

FROM:	1112-38535-000-0002	Redevelopment Bonds	\$1,000,000.00
	4602-38014-000-0002	Payment on Bonds	900,000.00
	1000-39201-000-0040	Mental Health	548,225.00
	4600-38550-000-0002	Jail Lease Rental	3,222,000.00
	4932-38014-000-0013	Payment on Bonds	725,000.00
	4930-36051-000-0013	Technology Lease Equip.	1,622,100.00
	1112-31070-000-0034	Other Contractual Svc.	241,765.00
	1000-32072-000-0002	Technology/Innovations	140,722.00
		<b>TOTAL:</b>	<b>\$8,399,812.00</b>

TO:	1112-38013-000-0002	Principal on Debt	\$1,000,000.00
	4602-38013-000-0002	Principal on Debt	657,700.00
	4602-38012-000-0002	Interest on Debt	242,300.00
	1000-38013-000-0040	Principal on Debt	500,000.00
	1000-38012-000-0040	Interest on Debt	48,225.00
	4600-38013-000-0002	Principal on Debt	3,065,000.00
	4600-38012-000-0002	Interest on Debt	157,000.00
	4932-38013-000-0013	Principal on Debt	450,000.00
	4932-38012-000-0013	Interest on Debt	275,000.00
	4930-38013-000-0013	Principal on Debt	1,375,833.93
	4930-38012-000-0013	Interest on Debt	246,266.07
	1112-38013-000-0034	Principal on Debt	228,453.00
	1112-38012-000-0034	Interest on Debt.	13,312.00
	1000-38013-000-0002	Principal on Debt	125,034.00
	1000-38012-000-0002	Interest on Debt	15,688.00
		<b>TOTAL:</b>	<b>\$8,399,812.00</b>

C. Police Department

CCD Fund

FROM:	1138-42010-000-0034	Building & Structures	\$61,000.00
	1138-44250-000-0034	Office Machines	23,000.00
	1138-45510-000-0034	Furniture & Fixtures	25,000.00
		<b>TOTAL:</b>	<b><u>\$109,000.00</u></b>

TO:	1138-45010-000-0035	Police Vehicles	\$61,000.00
	1138-45010-000-0035	Police Vehicles	23,000.00
	1138-45010-000-0035	Police Vehicles	25,000.00
		<b>TOTAL:</b>	<b><u>\$109,000.00</u></b>

D. Area Plan Commission

General Fund

FROM:	1000-11957-000-0032	Interns Part Time	\$20,000.00
TO:	1000-11950-000-0032	Part Time	20,000.00
		<b>TOTAL:</b>	<b><u>\$20,000.00</u></b>

**APPROPRIATE:**

E. Police Department

CCD Fund

1138-45010-000-0035	Police Vehicles	\$112,410.00
	<b>TOTAL:</b>	<b><u>\$112,410.00</u></b>

F. Commissioners

Healthwin Capital Project Fund

4916-31070-000-0002	Other Contractual Services	\$200,000.00
	<b>TOTAL:</b>	<b><u>\$200,000.00</u></b>

G. Auditor (Historic Preservation)

General Fund

1000-11075-000-0037	Deputy Director	\$599.69
1000-11309-000-0037	Historic Preservation Adm.	3,756.91
1000-14800-000-0037	FICA Taxes (7.65%)	333.25
1000-14810-000-0037	PERF (11.2%)	487.94
	<b>TOTAL:</b>	<b><u>\$5,177.82</u></b>

H. Auditor

General Fund

1000-14840-000-0040	Group Health Insurance	\$5,393,398.00
	<b>TOTAL:</b>	<b><u>\$5,393,398.00</u></b>

I. Superior Court

Title IV-D Incentive Fund

8895-11301-000-0020	Court Reporter-Part Time	\$10,195.00
8895-14800-000-0020	FICA Taxes (7.65%)	780.00
	<b>TOTAL:</b>	<b><u>\$10,975.00</u></b>

J. Superior Court

Court Interpreter Grant Fund

9117-39404-000-0020	Court Interpreter Services	\$6,000.00
	<b>TOTAL:</b>	<b><u>\$6,000.00</u></b>

K. St. Joseph County Probate Court/Juvenile Justice Center

LIT Public Safety

1170-44010-000-0049	Equipment	\$79,847.75
		<u>TOTAL: \$79,847.75</u>

L. Domestic Relations

DRCB Fee Fund

4900-21030-000-0054	Office Supplies	\$1,000.00
4900-32020-000-0054	Travel	4,000.00
4900-32050-000-0054	Instruction & Training	3,000.00
4900-31070-000-0054	Other Contractual Svc.	1,000.00
4900-44250-000-0054	Office Machines	2,000.00
4900-39750-000-0054	Data Processing	1,000.00
4900-44510-000-0054	Furniture & Fixtures	2,000.00
		<u>TOTAL: \$14,000.00</u>

M. Parks Department

Parks & Rec Non Reverting

1179-11476-000-0057	Gatekeepers/Security	\$32,000.00
1179-14800-000-0057	FICA	2,450.00
		<u>TOTAL: \$34,450.00</u>

Mr. Telloyan: Under appropriations, F Commissioners Healthwin Capital Project Fund, two hundred thousand dollars, I was wondering if somebody could explain the breakdown of the two hundred thousand dollars.

Mr. Schalliol, Economic Development, we have three professional service proposals we would like to use, those funding items is for financial services, one is for legal services and one is for land planning services. The scope of the project is really to examine the whole State Road 933 corridor from Angela to the state line. The majority of the funds for the land planning would be used for that, the financial services would also be used for that same expanse, there would be some used to examine the potential for a creation of a TIFF district or a tax abatement proposal but it could also fund some development. The total scope of the proposals, I think are about a hundred and seventy-five, a hundred and eight five thousand dollars, we put some extra money in so we wouldn't have to come immediately back in case there was additional costs related. If we have less expense we would as the money be appropriated back to the Healthwin Account.

Mr. O'Brien: I know you told me this before, but can you break out the numbers that add up one seventy-five, how much is land use, how much is financial.

Mr. Schalliol: The land planning proposal is ninety-eight thousand, the financial services would be fifteen thousand and the legal proposal would be between, it's an hourly basis, would be seventy-five to eighty thousand, that is the estimate.

Mr. Telloyan made a motion to reduce Bill No. 9-18 F be reduced to a hundred and seventy-five thousand dollars and was seconded by Mr. O'Brien. Bill No. 9-18 F failed, 5-4. Against: Mr. Root, Mr. Noland, Ms. Hess, Mr. Catanzarite, Mr. Morton

Motion to pass Bill No. 9-18 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 9-18 was passed to-wit; 9-0

Miscellaneous:

**BILL NO. 12-18: SCRIVENER'S ERROR RE: 2018 BUDGET BOOK DEPT. 0019 CIRCUIT COURT**

Mr. McCahill reported that Bill No. 12-18 comes with a favorable recommendation.

Mr. Murphy: This is a typographical error in the budget book.

Motion to pass Bill No. 12-18 was made by Mr. O'Brien and seconded by Mr. Noland. Bill No. 12-18 was passed to-wit; 9-0

**BILL NO. 4-18: AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN ST. JOSEPH COUNTY, INDIANA AND THE TELECOMMUNICATORS OF ST. JOSEPH COUNTY, INDIANA (AFSCME)**  
PETITIONER(S): DIRECTOR OF PSAP

Ms. Hess reported that Bill No. 4-18 comes with a favorable recommendation.

Mr. Agostino, 131 S. Taylor Street, please approve, I will answer any questions. Thank you.

Motion to pass Bill No. 4-18 was made by Mr. Catanzarite and seconded by Ms. Hess. Bill No. 4-18 was passed to-wit; 9-0

CLARIFICATION OF NO VOTES ON BILL NO. 48-16, ORDINANCE NO. 51-16 DENYING THE SPECIAL USE FILED BY CHARLES HAYS, INC. PER US DISTRICT COURT CASE # 3:16-CV-00730 REMAND ORDER DATED DECEMBER 5, 2017.

Mr. Trippel: On December 5, 2017 in the appeal that was filed by Charles Hays to the Federal Court regarding their denial of special use for the tower in Harris Township, the court found that there was substantial evidence in the public hearing and in the record that was submitted to the court to support the Council's decision to deny the special use however, the court also remanded meaning that they are asking the Council members that voted no to provide some additional factual support for their no votes. The court was concerned that the matter was denied 6-2 and only a couple of the councilmembers actually made comment prior to voting in regard to what their basis was for denying the special use. They would like to hear specifically from the members that voted no, to provide fact of which they voted. I am glad to go through the order of those that voted no, the first one is Mr. Noland.

Mr. Noland: The major reason I was able to attend a public meeting that was held by the petitioner with several, around thirty of the neighbors prior to that vote, the people that showed up were opposed to the petitioners location where they wanted to put it for a multitude of reasons mainly, the most prevalent one was that the township trustee wanted to negotiate putting the tower at the township land, and they were very eager to engage in those negotiations and also there were several members that expressed their property values to be diminished.

Ms. Hess: Based on the number of neighbors who showed up that night to remonstrate, were very upset about having the tower in their neighborhood, again, effecting their property values, considering there was a viable alternative site that could be considered at the fire station and they were apparently ready to negotiate and Hays Tower was not interested in doing that and also the feedback from the council colleagues who did attend that meeting providing additional support that the neighbors were definitely were opposed to having it in their neighborhood.

Mr. Trippel: I would also like to clarify Ms. Hess, for purposes for the record, you did vote no against the special use?

Ms. Hess: Yes.

Mr. Trippel: Mr. Noland, same question I will ask you, you did vote no just to clarify.

Mr. Noland: That is correct.

Mr. Trippel: The next one that voted no, I believe but he can confirm that is Mr. Telloyan.

Mr. Telloyan: Thank you Mr. Trippel. I voted no based on my concerns on over the diminishment of the property values as expressed by the remonstrators. I also voted no based on the fact that there was another viable and in my opinion superior site for the tower.

Mr. Trippel: Mr. McCahill, you voted no as well, correct?

Mr. McCahill: That is correct. One of the main reasons was that there was another location by the fire station in Harris Township. I was under the impression that they were going to get together with the Harris Township Trustee, also the remonstrators made it clear to me that their property value would go down if it was, where it was initially going to be located. I felt that by the fire station would have been a lot better place and wouldn't have diminished the property value of the fire station.

Mr. Trippel: Mr. Root, you voted no as well.

Mr. Root: Correct, I voted no because of the remonstrators arguments that they were very concerned about what the project would do to their property values and it seemed to me that there was another location that was fairly convenient that would have worked as well if not better than the proposed site.

Mr. Trippel: President Morton, you voted no.

Mr. Morton: Yes. My vote was based upon the potential impact on the property values as expressed by the neighbors that came to the public hearing that evening and they also expressed the fact that they felt like it was not pleasing and I was very surprised that Mr. Hays and his company were not even willing to talk about the alternative site, if I understand, the township trustee had said that he had tried and tried again to try to start some type of negotiations with Mr. Hays and his company, they were just unwilling to do that.

Mr. Trippel: Thank you very much. That is all I have.

**Unfinished Business:**

Mr. Noland made a motion to take Bill No. 98-17 back to committee and was seconded by Ms. Hess. Bill No. 98-17 was sent back to committee to-wit; 9-0


**BILL NO. 98-17: AN ORDINANCE AMENDING ORDINANCE 60-17, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2018 (Dept. 0034 COMMISSIONER) *Combined with Bill No. 9-18 N***

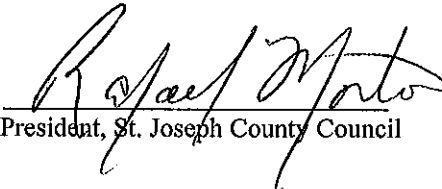
N. LIT-CREDIT Fund		
1112-11039-000-0034	Economic Dev. Planner	\$58,000.00
1112-14800-000-0034	FICA	4,437.00
1112-14810-000-0034	PERF	6,496.00
1112-14840-000-0034	Health Ins.	16,300.00
	<b>TOTAL:</b>	<b>\$85,233.00</b>

**New Business:**

**Privilege of the Floor:**

**Adjournment:** Mr. Morton stated that the meeting was adjourned 7:24 p.m.

  
Auditor, St. Joseph County

  
President, St. Joseph County Council