

MINUTES OF THE  
REGULAR MEETING  
OF THE  
ST. JOSEPH COUNTY COUNCIL,  
MAY 14, 2019

The regular meeting of the St. Joseph County Council was called to order at 6:00 p.m., on May 14, 2019 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. Richard Pfeil  
Ms. Diana Hess  
Mr. Rafael Morton  
Mr. Mark P. Telloyan  
Mr. Mark A. Catanzarite  
Mr. Joseph F. Canarecci  
Mr. Mark Root

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

**Petitions, Communications & Miscellaneous Matters:**

Mr. Telloyan made a motion to reappoint John Ferrettie and Rafael Morton to the Early Intervention Board, Mark Root to the MACOG Policy Board and Diana Hess to the Northern Indiana Historical Society and was seconded by Mr. Catanzarite. The motion was passed by a voice vote 9-0.

Ms. Hess made a motion to approve the minutes of the April 9, 2019 meeting and was seconded by Mr. Noland the motion was passed by a voice vote; 9-0.

No report from the County Auditor

Report from the County Commissioner: Dr. Deb Fleming, St. Joseph County Commissioner, it is my pleasure to stand here and introduce to you our first graduating class of our county's youth leadership program. These students have been meeting monthly with various department heads and staff since October to hone their leadership skills and discover in depth what we do here for the citizens of our county. I wish to extend my personal gratitude to the department heads who assisted and participated and the committee who put in tireless hours to make this program a success. Out of forth three applicants we had, the students here tonight were selected by our committee and have been volunteering in our community and working to exemplify leadership in their daily lives. It is my pleasure to present to you the students. Corey Bidgeman from Clay High School, a senior, Anthony Coussens from St. Joseph High School, a senior, D'Yonna Dawning from St. Joseph High School, a senior, Michael Dukes from Clay, a senior, Jovana Green from Clay High School, a senior, Karlee Harris from St. Joseph High School, a junior, Conor Kingston, Riley High School, a junior, Sean Kirkpatrick, Riley High School, a junior, Elizabeth Mellor, from Adams, a senior, Jax Ohda from Mishawaka High School, a senior, Jweetu Pangani Clay High School, a senior, Tatiana Shaffer, Penn High School, a junior, Jathen Spicer, Mishawaka High School, a senior, Rory Sullivan, Clay High School, a senior, Morgan VanDamme, Mishawaka High School, a senior.

Mr. Morton: I would like to say congratulations to all the students for your participation and thank you very much and our department heads.

Mr. Noland: I would like to ask, I know graduation is tonight but if one or a couple of you have or are looking for some extra credit, I would love to have a couple of you would like to give those presentations on how to improve local government, I think the people at this table would love to hear it.

Report from Council Special Committee: Jon Burke: I am here to give a status on the Performance Services contract. When you look at the timeline of the whole performance contract, it spans back to forty-three months. I joined the project early, back in 2016, we started right away on goals. There were critical things done as apart of the performance contract that were not necessarily paid for through energy savings, but they were carried by the rest of the project. We were able to do work at the 911 center, Portage Manor, History Museum, Parks Department, Highway Department and then the project scope, I need to say this because it's a critical part of the program that we have discussed many times and this is the energy leadership program, by which the county can improve on their savings by having a professional on staff, basically, that will go around and help all the building operators operate their equipment more efficiently. That individual is here tonight, he will be working with the county for two years and I have to say, Jim needs the support of everyone in his role here. You spent forty three months, going to meetings on almost a monthly basis, you made huge contributions to this process and to me, it was a beautiful thing to watch because it was a picture of elected officials doing the work of the people and it's a great story to tell so I just want to thank all of you for your involvement in the project, the support and for having the courage to push a ten and a half million dollar bond through to get this job done.

Mr. Catanzarite: Just to report back to you, you are the appointing authority for the St. Joseph County Council representative to the NICTD Board of Trustees, we do not have word yet on who the new appointee will be that the Governor will choose, when we saw the Governor here last week he said he was going to get on that because he knew it was important but we don't know who from our county's going to be the next single representative on the NICTD Board. I certainly have thrown my hat in the ring, I am sure Commissioner Kostielney is going to throw his hat in the ring, I don't want to speak for him, the Governor has not indicated who he is going to select other than what the law lays out.

**Resolution(s):**

**BILL NO. 38-19: A RESOLUTION OF THE ST. JOSEPH COUNTY COUNCIL DECLARING AN OFFICIAL INTENT TO REIMBURSE EXPENDITURES WHICH MAY BE INCURRED WITH RESPECT TO CERTAIN PROJECTS AND ALL MATTERS RELATED THERETO  
PETITIONER: P. FACCENDA**

Randy Rompola, Barnes & Thornburg, 100 N. Michigan St., the resolution before you permits you to reimburse expenditures you may incur with respect to the projects that are listed in the first whereas clause with respect in the resolution. They could be reimburse from proceeds of bonds you may issue in the next three years with respect to that, I would say that this resolution does nothing more than provide a stop in time so that to the extent you incur any expenditures over the next year or so with respect to any of those projects should you chose to undertake them and then somewhere within the next three years you decide to issue bonds, you can reimburse those expenditures from the bond issue, with tonight's action you would not be taking any action with respect to any bond issue, that would certainly be something in the future, this just provides you with that moment in time to say, if we ever chose to issue bonds we may consider reimbursing these expenditures. There are reasons not to reimburse expenditures, this is only an opportunity for you to set set the marker in time to allow for that reimbursement.

Motion to pass Bill No. 38-19 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 31-19 was passed to-wit; 9-0

**Salary Amendment(s):**

**BILL NO. 37-19: AN ORDINANCE AMENDING ORDINANCE 53-18, THE SAME BEING AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE NUMBERS OF EMPLOYEES OF ST. JOSEPH COUNTY FOR THE YEAR 2019 PETITIONER: TREASURER (COMBINED WITH BILL NO. 36-19 A)**

Ms. Hess reported that Bill No. 37-19 comes with a favorable recommendation.

Mr. Kruk, Treasurer, both of these bills are a culmination of a major reorganization that we have done in our office in the last year or so.

Mr. Catanzarite: I would like to compliment Treasurer Kruk on the reduction of personnel that he has been able to achieve through attrition and not through lay-offs. His office has always amazed me. The fact that his employees keep doing more with less, I use that website on May 9<sup>th</sup> to help my parents get their tax bills done, it's much more user friendly and you can print and view your tax bill and sometimes older folks, even younger folks can misplace, it was very helpful and I just thank the computer enhancements and the fact that you and your staff seem to do more with less, moves me to support an increase like this because you have redistributed duties and you are not just looking for a flat out raise, not only do they deserve it but they actually are doing more work, I commend you for the work you have done.

Motion to pass Bill No. 37-19 was made by Mr. Root and seconded by Ms. Hess. Bill No. 37-19 was passed to-wit; 9-0

**Public Hearing/Public Comment:**

**BILL NO. 36-19: AN ORDINANCE APPROPRIATING AND TRANSFERRING MONEYS FOR THE PURPOSE HEREIN SPECIFIED FOR THE SEVERAL DEPARTMENTS HEREIN LISTED OF ST. JOSEPH COUNTY GOVERNMENT**

**TRANSFERS:**

A. Treasurer

General Fund

FROM: 1000-11070-000-0003	Chief Deputy Treasurer	\$41,377.29
1000-11610-000-0003	Office Manager	30,692.52
1000-11675-000-0003	Senior Clerk	26,640.32
1000-11677-000-0003	Mortgage Clerk	26,367.84
1000-11683-000-0003	Senior Cashier	25,033.48
1000-11682-000-0003	Cashier/Clerk	24,373.48
	<b><u>TOTAL:</u></b>	<b><u>\$174,484.93</u></b>
TO: 1000-11980-000-0003	Chief Deputy/Office Manager	\$42,307.76
1000-11608-000-0003	Deputy Treasurer/Finance	238.68
1000-11981-000-0003	Judgement/Surplus Manager	30,596.94
1000-11982-000-0003	Mortgage/Bankruptcy Manager	30,395.64
1000-11681-000-0003	Accounting Clerk	2,197.46
1000-11983-000-0003	Head Cashier	27,584.70
1000-11984-000-0003	Head Clerk	27,161.64
1000-11985-000-0003	Seasonal	8,595.19
1000-11682-000-0003	Cashier/Clerk	5,406.92
	<b><u>TOTAL:</u></b>	<b><u>\$174,484.93</u></b>

**APPROPRIATE:**

B. Juvenile Justice Center

Real Services Grant

9124-36015-000-0025	Contractual Services	\$75,000.00
	<b><u>TOTAL:</u></b>	<b><u>\$75,000.00</u></b>

Motion to pass Bill No. 36-19 was made by Mr. Noland and seconded by Mr. Pfeil. Bill No. 36-19 was passed to-wit; 9-0

**Land Use:**

**BILL NO. 30-19:** 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 THE LOT NORTH OF 6225 SOUTH MICHIGAN STREET FROM R: SINGLE FAMILY DISTRICT AND C: COMMERCIAL DISTRICT TO C: COMMERCIAL DISTRICT  
PETITIONER: JAI JAGDISH, INC.

Mr. Noland reported that Bill No. 30-19 comes with a favorable recommendation.

Jordan Wyatt, Infrastructure, Planning and Growth, the petitioner is requesting to rezone the area from R Single Family District and C Commercial District to C Commercial District. The parking lot was improperly expanded because the site, half of it was incompatible zoning district which is why they are requesting this zoning, any future development will need to meet the development standards of the C Commercial District. This comes to you with a favorable recommendation.

Bernard Feeney, Registered land surveyor, 715 S. Michigan St. South Bend, I am here this evening on behalf of Jai Jagdish, the parking lot under consideration in the rezoning for that parking lot are as a result of different state highway takes on property that Jai Jagdish owned at the time that new US 31 was constructed, as a result, the parking lot was constructed on the north side, without the necessary final site plan which is being prepared and hopefully approved by the Building Department at this particular point in time.

Motion to pass Bill No. 30-19 was made by Mr. Noland and seconded by Mr. Canarecci. Bill No. 30-19 was passed to-wit; 9-0

**BILL NO. 35-19:** AN ORDINANCE APPROVING THE PETITION FOR A SPECIAL USE FILED BY ST. JOSEPH COUNTY PARKS FOR PROPERTY LOCATED AT 50651 LAUREL ROAD  
PETITIONER: ST. JOSEPH COUNTY PARKS

Mr. Noland reported that Bill No. 35-19 comes with a favorable recommendation.

Jordan Wyatt, Infrastructure, Planning and Growth, the petitioner is requesting to seek a special use for a portion that was crumbling down at St. Pat's Park for educational uses, this was an already approved special use, the reason they are why they are needing to go through it is because there is no process to amend a site plan for a special use, when a special use gets approved it's tied to whatever site plan was shown before you and approved so they are requesting this to amend the site plan and expand the area. This comes to you with a favorable recommendation.

Evie Kirkwood, Director of St. Joseph County Parks, St. Joseph County Parks is requesting this special use for the purpose of the environmental change initiative at the University of Notre Dame to construct two additional water sheds at the Notre Dame Linked Experimental Ecosystem facility. We often refer to that as ND-LEEF and that is embedded within the St. Patrick's County Park. ND-LEEF researchers study various aspects of water quality issues, nutrient uptake, environmental DNA and other topics and it's also the site of many public outreach programs that we do in partnership with the University of Notre Dame. Essentially, we are connecting park visitors to scientists and their research. The additional watersheds that would be constructed that this permit would allow would provide for the expansion of research and public outreach at the site. There are presently the two watersheds existing on the site. The planned locations, originally, for watersheds three and four are now within what we consider a protected zone for the bald eagles that are nesting at St. Patrick's County Park. The bald eagles began nesting in St. Patrick's County Park in 2014 and that was after the original watersheds were in place so because the US Official Wildlife guidelines say no disturbance within three hundred and thirty feet of the nest then the park board earlier this year approved an additional five acre lease for the University of Notre Dame and the Environmental Change Initiative to expand to the side to add those additional watersheds in a different location without compromising the bald eagles nesting site.

Motion to pass Bill No. 35-19 was made by Mr. Noland and seconded by Ms. Hess. Bill No. 35-19 was passed to-wit; 9-0

**Miscellaneous:**

**Unfinished Business:**

**New Business:**

**Privilege of the floor:** Limit of 3 minutes to items not on agenda.

Judith Rubleski, 515 S. Meade St. South Bend, if our only our county economic development officials would just let the farm land be. Most of our county's farmers, in one way or another for their farm land to remain farmland and not be developed on.

Dan Carter, 25285 W. Edison Road, South Bend, I am here to request the county create a quiet zone at the railroad crossing at Pine Road and County Club Road in Warren Township. These two crossings have the flashing lights and the gates already there, the only thing they need is the median barrier and this would satisfy the supplemental safety measures required for these quiet zones. According to the FRA the estimated cost would be twenty-six thousand dollars just for these two crossings. I'd like the county to consider this because just for the improvement of the quality of life in my area.

Mr. Catanzarite: I will take this up with the county engineer and see what she says.

Mr. Carter: I had talked to Frank Fotia, we discussed it a little bit and I had four railroad crossings there but really the one that is the noisiest is the County Club because it's an elevated set of tracks.

Mr. Kruszynski: I appreciate Councilman Catanzarite's and your comments, but Councilwoman Hess and I had a meeting with Mr. Carter, Mr. Fotia and MACOG about six weeks ago in regard to this matter, Mr. Fotia was supposed to turn that over to Commissioner Kostielney and to Jessica Clark to review those four crossings. Mr. Carter and I have talked a couple time on the phone since that meeting and just recently as maybe a week ago Dan, have you had any luck getting a hold of Commissioner Kostielney?

Mr. Carter: I have been busy myself and a little lazy on this part, but I am trying to get back into this and trying to get this initiated.

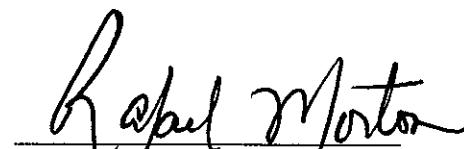
Mr. Kruszynski: Have you tried to get a hold of Commissioner Kostielney?

Mr. Carter: I have not.

Mr. Kruszynski: Didn't we suggest that, I even suggested that, or we suggested at the meeting to get ahold of Commissioner Kostielney because he oversees the every day operations and really is county engineer Clark's boss. We will be glad to do what we can, but they have to do their part first.

**Adjournment:** Mr. Morton stated that the meeting was adjourned 7:03 p.m.

  
Auditor, St. Joseph County

  
President, St. Joseph County Council