

HOWARD COUNTY COUNCIL REGULAR MEETING MAY 27, 2014

The Howard County Council met in Regular Session on Tuesday, May 27, 2014, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Richard Miller, Vice President James Papacek, and members Stan Ortman, Jeff Stout, John Roberts, and Dwight Singer. Councilman Ellison was absent because of a medical issue. Also present were County Attorney Larry Murrell and Auditor Martha Lake.

President Miller led in the Pledge of Allegiance and Vice President Papacek read a prayer first read by Pastor Joe Wright, at the opening of the Kansas State Senate, several years ago.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the April 22, 2014 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Roberts and seconded by Mr. Papacek.

The minutes of the Joint Executive Session of the Board of Commissioners and the County Council, on April 22, 2014, were submitted. Present at the meeting were County Commissioners Paul Wyman, Tyler Moore, and Brad Bray; Councilmen Richard Miller, Stan Ortman, Jeff Stout, Jim Papacek, and John Roberts; Auditor Martha Lake; EON Project Manager Andy Melka; County Attorney Larry Murrell. The purpose of the meeting was for the discussion of strategy with respect to the “initiation of litigation or litigation that is either pending or has been threatened specifically in writing”, and no other subject was considered. The minutes were approved as submitted on a motion made by Mr. Ortman and seconded by Mr. Stout. After discussion, a motion was made by Mr. Papacek to amend the Executive Session minutes to include Councilman Dwight Singer to the list of those who attended the Executive Session. The motion was seconded by Mr. Stout and carried.

IN THE MATTER OF COUNCIL COMMENT:

President Miller opened the floor for Council Comment as follows:

Vice President Papacek: Mr. Papacek agreed with the Supreme Court’s Decision to reaffirm freedom of speech, thereby, allowing this Council to open their meeting with prayer.

President Miller: Asked all in attendance to keep Councilman Ellison in their prayers as he is having surgery today.

IN THE MATTER OF ORDINANCE NO. 2014-HCCO-15 – ADDITIONAL APPROPRIATIONS:

Ordinance No. 2014-HCCO-15 – Additional Appropriations was read in full one (1) time by Auditor Martha Lake and acted upon as follows:

		AMOUNT REQUESTED:	APPROVED:
<u>1135</u>	<u>Howard County Cumulative Bridge Fund</u>		
32250.00	Maintenance & Repairs by Contract	\$ 300,000.00	\$ 300,000.00
<u>1176</u>	<u>Howard County Highway Department</u>		
24321.00	Gas, Oil & Lube	\$ 60,000.00	\$ 60,000.00
22430.00	Bituminous	\$ 330,000.00	\$ 330,000.00

County Highway Engineer/Superintendent Ted Cain requested to appropriate \$300,000.00 to Maintenance & Repairs by Contract from the cash balance left from 2013. This will go to bridge repair. He also requested additional funds for the Gas, Oil & Lube, and Bituminous line items in County Highway, appropriating 2013 cash balances to help underwrite the line items affected from this winter’s harsh conditions. Councilman Ortman and Councilman Papacek commended Mr. Cain and his employees for the great job they did this winter; Councilman Stout appreciated the way the County Highway Department and the City of Kokomo Street Department worked together to help all county citizens.

A motion was made by Mr. Papacek to approve the request of \$300,000.00 in line item 32250.00, Maintenance & Repairs by Contract, in the Howard County Cumulative Bridge Fund (1135). The motion was seconded by Mr. Stout and carried.

A motion was made by Mr. Papacek to approve the request of \$60,000.00 to line item 24321.00, Gas, Oil & Lube, and \$330,000.00 to line item 22430.00, Bituminous, in the Howard County Highway Fund (1176). The motion was seconded by Mr. Stout and carried.

TOTAL HOWARD COUNTY HIGHWAY DEPARTMENT	\$ 390,000.00	\$ 390,000.00
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4913 **Howard County Functional Family Therapy Fund**

04725.00	Building Repair / Improvement	\$ 10,033.00	\$ 10,033.00
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Kinsey Youth Center Director Jeff Lipinski spoke to the request as well as informing the Council members that the Youth Center has returned \$624,659.00 to County General so far this year. Last week, for the first time in the youth center's history, there were more female residents than male residents. He does not know if this will be a continuing trend, but it seems to be following the current adult pattern. KYC is also seeing an increase in younger juveniles even down to the age of ten (10). It is Mr. Lipinski's decision whether or not to accept children so young and believes that KYC is not the place where they belong. He is seeing an increase in mental issues in the younger juveniles and asked the Councilmembers to please strongly encourage our state legislators to pay more attention to the mental health issues of our juveniles. The Functional Family Therapists are visiting at risk families, in Howard and surrounding counties, to try to keep juveniles from ending up in the detention center. Mr. Lipinski is asking for laptop computers for the therapists so they can do paperwork between visits, in their vehicle, in lieu of having to come back to the office. He has obtained quotes from IS Director Terry Tribby for the computers and associated equipment. The quote for the computers is \$5,488.92; the remainder \$4,811.08 is for other projects (in partnership with the Commissioners) to be paid from Building Repair / Improvement line item.

Mr. Papacek asked that Mr. Lipinski keep the Council advised of trends in the Kinsey population. Mr. Lipinski is more than happy to supply that information and talk with individual council members. He also gave the Council the name of a previous judge who could be contacted at the State level, concerning juvenile mental health issues. A motion was made by Mr. Ortman to approve the request of \$10,033.00 to line item 04725.00, Building Repair / Improvement. The motion was seconded by Mr. Papacek and carried.

4928 **Howard County Health Dept. Tobacco Prevention Grant Fund**

03000.00	Professional Services	\$ 5,472.08	\$ 5,472.08
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Health Department Director Kent Weaver informed the Council that this is a pass-through grant and because of an oversight it was not budgeted at the 2014 Budget Sessions.

A motion was made by Mr. Singer, seconded by Mr. Ortman and carried to approve the request of \$5,472.08 to line item 03000.00, Professional Services.

TOTAL ADDITIONAL REQUESTS FOR ALL FUNDS	\$ 705,505.08	\$ 705,505.08
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IN THE MATTER OF RESOLUTION NO. 2014-HCCR-11 – TRANSFERS:

Auditor Martha Lake read Resolution No. 2014-HCCR-11 – Transfers through one (1) time and it was acted upon as follows:

	TRANSFER FROM:	TO:	AMOUNT	
<u>1119</u>	Howard County Clerk's Record Perpetuation Fund		REQUESTED:	APPROVED:
02360.00	Office Supplies	04721.00 Equipment	\$ 5,000.00	\$ 5,000.00

Howard County Clerk Kim Wilson requested the transfer in order to replace computers, scanners and chairs that are used in the document storage process.

A motion was made by Mr. Papacek to approve the transfer of \$5,000.00 from line item 02360.00, Office Supplies, to 04721.00, Equipment. The motion was seconded by Mr. Singer and carried.

1176 **Howard County Highway Fund**

34511.00	Insurance	24322.00 Tires & Lube	\$ 7,000.00	\$ 7,000.00
34511.00	Insurance	22371.00 Hardware & Tools	\$ 9,000.00	\$ 9,000.00
34511.00	Insurance	22375.00 Other Supplies	\$ 3,000.00	\$ 3,000.00
34511.00	Insurance	14140.00 Overtime	\$ 30,000.00	\$ 30,000.00
12110.00	Truck Drivers	14140.00 Overtime	\$ 34,000.00	\$ 34,000.00

County Highway Engineer / Superintendent Ted Cain submitted these requests from the Insurance line item because it was not needed to cover the Worker's Comp portion of the Insurance, since we are now self-funded. Those funds can now be transferred to the line items that were deeply affected by the winter's harsh weather. Even though Mr. Cain has cut several positions from his budget in the last several years, the Truck Driver line item has been retained to cover unexpected salary needs. He will use it in order to help with the Overtime line item.

A motion was made by Mr. Stout to approve the transfer requests of \$7,000.00 from line item 34511.00, Insurance to line item 24322.00, Tires & Lube; the request of \$9,000.00 from line item 34511.00, Insurance, to line item 22371.00, Hardware & Tools; \$3,000.00 from line item 34511.00, Insurance, to line item 22375.00, Other Supplies; \$30,000.00 from line item 34511.00, Insurance, to line item 14140.00, Overtime; \$34,000.00 from line item 12110.00, Truck Driver, to line item 14140.00, Overtime. The motion was seconded by Mr. Papacek and carried.

8110	<u>Howard County Health-Bio Public Health Coordinator Grant:</u>			
01117.01	Salary	04721.00 Equipment	\$ 9,289.35	\$ 9,289.35
01521.00	FICA	04721.00 Equipment	\$ 710.64	\$ 710.64

Director Kent Weaver requested these transfers in order to purchase a copy machine. The purchasing specifications of the grant was previously revised and approved by the Grant Board.

A motion was made by Mr. Papacek to approve the transfer of \$9,289.35 from line item 01117.01, Salary to line item 04721.00, Equipment; and \$710.64 from line item 01521.00, FICA to 04721.00, Equipment. The motion was seconded by Mr. Singer and carried.

IN THE MATTER OF SALARY ORDINANCE NO. 2014-HCCO-16 – AMENDING SALARY ORDINANCE FOR 2014:

Auditor Martha Lake read Salary Ordinance No. 2014-HCCO-16 – Amending Salary Ordinance for 2014 through one (1) time, and it was acted upon as follows:

		AMOUNT REQUESTED:	APPROVED:
1176	<u>Howard County Highway Fund</u>		
12110.00	Truck Drivers	\$ -34,000.00	\$ -34,000.00
14140.00	Overtime	\$ 64,000.00	\$ 64,000.00
8110	<u>Howard County Health-Bio Public Health Coordinator Grant</u>		
01117.01	Salary	\$ -9,289.35	\$ -9,289.35

Salary Ordinance No. 2014-HCCR-16 – Amending Salary Ordinance for 2014 was approved as submitted on a motion made by Mr. Papacek and seconded by Mr. Ortman.

IN THE MATTER OF THE COMMISSARY REPORT:

Sheriff Steve Rogers submitted the Jail Commissary Fund for April, 2014. He also thanked the Council members who were able to attend the 2014 Annual Jail Inspection.

IN THE MATTER OF PUBLIC COMMENT:

President Miller opened the floor for public comment as follows:

Ed Petty, 3176 N. County Road 800 East, Kokomo: against the wind farm.

Response by Councilman John Roberts.

Katherine Woodrick, Greentown, Indiana: against the wind farm.

Jerry Paul, President of the Howard County Veterans Memorial Corporation at Darrough Chapel Park: Mr. Paul thanked the County Council and the Board of Commissioners for their financial assistance to the Veterans Memorial, in the amount of \$15,000.00. He also thanked the County for putting up the POW flag.

Joe Lennon, Converse Town President, and Grant County, Indiana: Mr. Lennon distributed copies of Petitions for Transfer of Planning and Zoning Two-Mile, Extra-Territorial Jurisdiction Outside Converse, Indiana from Howard County to the Town of Converse, Indiana. Also distributed were drafts of a Comprehensive Plan Amendment: Adding Extra-Territorial Planning Jurisdiction in Howard County, drafted by the Converse Plan Commission July, 29, 2013. This information and request was submitted to the Board of Commissioners at their August 5, 2013 (*please refer to page five, “In The Matter of Public Comment”, of the Regular Commissioner Meeting dated August 5, 2013*), in response to several Howard County citizens concerned with the Wind Farm issue, who approached Mr. Lennon in the spring of 2013. The Plan was forwarded to Kokomo/Howard County Plan Commission Director Greg Sheline, for further review. Mr. Lennon has not received any response from the Board of Commissioners to date and is asking the Council to please review the material with the Board of Commissioners and give a response, in respect to the time and money spent on this project.

Councilman Papacek questioned the process of this request. Attorney Murrell confirmed that the common practice would be to have the Kokomo/Howard County Plan Commission review the request and paperwork associated with the request and forward their recommendation to the Board of Commissioners for either approval or denial.

Councilman Ortman ascertained that Mr. Lennon is head of the mortgage department at First Farmers Bank, giving him knowledge of changing values of the properties located in the footprint of the proposed wind farm. This gives further credibility to the information and request Mr. Lennon brought to the meeting today.

Grace Aprill, 12765 E. County Road 100 N., Greentown: Ms. Aprill distributed copies of paperwork referring to economic information specific to the contribution of dairy farms, and other wind turbine related issues. Ms. Aprill asked the Council members to “...search your hearts on this matter, praying that the love of God will stir your heart to correct what is, to me and many others, an egregious wrong.” She would like the Council to overturn the Resolution that deemed Jackson, Liberty, and Union Townships as Economic Revitalization Areas.

Christa Tharp, 9691 W. County Road 11 North South, Kokomo, Indiana: Can you help us? If not, can you tell us where to go next?

Councilman Roberts, Councilman Papacek, and Attorney Murrell responded.

Laura DeCarlo, 4705 Bramoor Drive, Kokomo, Indiana: against the wind farm.

Paula Hummer, East Side of Howard County: against the wind farm.

Ronny Newhouse, Jackson Township, has a current Lease with E.ON: He wants out of his lease with E.ON but they have not yet responded. There are citizens who leased land to E.ON thinking it would benefit Howard County. Many have had a change of heart.

John Garr, 1350 E. County Road 3710 N., Greentown, IN: against the wind farm.

Tim Rickle, County Road 500 North, two miles south of Converse, Indiana: against the wind farm.

Councilman Stout suggested, in the light of the opinions expressed here, that the President set an Executive Session for discussion of these issues. President Miller will call an Executive Session after the calendar has been reviewed and the appropriate advertising has been accomplished.

Teresa Vaughn, owns property in Tipton County and Howard County: against the wind farm.

*There being no further business to come before the County Council at this time,
the meeting was adjourned at 6:37 p.m. on a motion made by
Mr. Ortman and seconded by Mr. Roberts.*

HOWARD COUNTY COUNCIL

RICHARD H. MILLER, PRESIDENT

JAMES T. PAPACEK, VICE PRESIDENT

STAN ORTMAN, MEMBER

LESLIE ELLISON, MEMBER

JEFF STOUT, MEMBER

JOHN ROBERTS, MEMBER

DWIGHT V. SINGER, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR
Howard County Council Meeting May 27, 2014