

**HOWARD COUNTY BOARD OF COMMISSIONERS MEETING APRIL 5, 2004**

The Howard County Board of Commissioners met in Regular Session on Monday, April 5, 2004, at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President John B. Harbaugh, Vice President Paul J. Raver, and Member Bradley J. Bagwell. Also present were County Attorney Lawrence Murrell, Personnel Administrator Wanda McKillip, and Auditor Martha Lake.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President John B. Harbaugh.

The minutes from the regular meeting held on March 15<sup>th</sup>, 2004 were reviewed. Mr. Bagwell made a motion, seconded by Mr. Raver and carried, to approve the minutes as submitted.

**IN THE MATTER OF HIGHWAY ISSUES:**

Mr. Ted Cain, Howard County Highway Engineer/Superintendent presented the following issues for Commissioner information and approval:

- 1. **Septic System Encroachment:** Mr. Allen Baliff proposes to install a new septic system on his property at 1930 South 400 West. Due to the configuration of the system, Mr. Baliff requested approval to place a portion of the finger system in the right-of-way of 400 West. The nearest encroachment would be 33 feet from the centerline of the road. Mr. Cain did not object to the encroachment because a letter was provided from the property owner stating he will be responsible to pay for and maintain the septic system and drain tile.

Mr. Bagwell made a motion to approve the encroachment of the finger system as outlined for 1930 South 400 West. Mr. Raver seconded the motion, and it carried.

- 2. **Road 400 North Project (from 200 East to 400 East – Phase II):** Two copies of the agreements between the Indiana Department of Transportation and Howard County were submitted for approval. The entire cost of the project is approximately \$1,836,000.00. The County’s share is 20% or \$367,200.00. With proper documentation the County may subtract any match credits from this amount such as right-of-way costs and engineering/design costs.

Mr. Raver made a motion to approve the State Local Public Agency Agreement for the Construction and Project Management for the Road 400 North project. Seconded by Mr. Bagwell, the motion carried.

- 3. **Additional Appropriation Requests:** The following requests for additional appropriations were presented to the Board. After Board approval, these requests will be forwarded to the Howard County Council for final funding approval at their regularly scheduled meeting on **Tuesday, April 27, 2004.**

**REQUESTS FROM MOTOR VEHICLE HIGHWAY FUND**

<u>APPROP. NO.</u>	<u>ACCOUNT</u>	<u>AMOUNT REQUESTED</u>
14523	Group Insurance	\$ 95,000.00
22371	Hardware & Tools	2,000.00
22372	Salt	8,000.00
22430	Bituminous	579,000.00
24323	Other Garage Supplies	<u>2,000.00</u>
<b>Total Requested</b>		<b>\$686,000.00</b>

Mr. Cain presented the above list of additional appropriations requests to the Motor Vehicle Highway Fund, giving brief explanations in regard to need. Mr. Bagwell made a motion to approve the requests of additional appropriations to the Motor Vehicle Highway Fund. Mr. Raver seconded the motion and it carried.

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**REQUESTS FROM CUMULATIVE BRIDGE FUND**

<u>APPROP. NO.</u>	<u>ACCOUNT</u>	<u>AMOUNT REQUESTED</u>
32250	Repair By Contract	\$ 200,000.00
33703	B-601- Harrison Street	35,000.00
33704	B-159 – CR 320 S-720W	50,000.00
33711	B-13 – CR 250S-720W	35,000.00
33719	B-157 CR 125 N – 1170 W	<u>90,000.00</u>
<b>Total Requested</b>		<b>\$410,000.00</b>

Mr. Cain gave a brief overview of the proposed repair work and time frames for four (4) bridge projects, which were not included in the original budget for 2004. Any money remaining in Account 32250 will be used for unexpected bridge work.

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**REQUESTS FROM LOCAL ROAD AND STREET FUND**

<u>APPROP. NO.</u>	<u>ACCOUNT</u>	<u>AMOUNT REQUESTED</u>
07-23754	Bituminous	\$ 39,000.00
07-33759	200 W – 250 S To 200 S	<u>75,000.00</u>
<b>Total Requested</b>		<b>\$ 114,000.00</b>

Mr. Cain explained that \$300,000 has already been appropriated for the Dixon Rd. Project, but he is requesting this additional appropriation in further preparation for the project. Mr. Raver made a motion to approve the requests for additional appropriations to the Local Road and Street Fund. Seconded by Mr. Bagwell, the motion carried.

**IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:**

*(Also see pages 6-7, attached, “In The Matter Of Additional Sheriff Department Issues” for related discussion)*

Sheriff Marshall Talbert presented the following issues for Commissioner information:

1. **SWAT Team Accolade:** Sheriff Talbert commended the SWAT Team Members for the effective and quiet manner in disarming a dangerous situation in the Indian Heights Subdivision on the evening of April 4<sup>th</sup>. There was minimal disruption to the community. No shots were fired and no one sustained any injuries resulting from the incident.
2. The Sheriff presented the following two checks from the Indiana Department of Corrections and cash from a citizen to the Auditor for deposit in the Howard County General Fund:

Indiana Department of Corrections:	
Per Diem for holding IDOC inmates	\$ 14,445.00
Reimbursement for DOC Inmates Medical Expenses	\$ 223.14
Citizen Cash Contribution to the Sheriff’s Department	<u>\$ 10.00</u>
	<b>\$ 14,678.14</b>

3. **Quotes for Replacement Vehicle:** Deputy/Dive Team Leader Todd Prifogal's current vehicle has nearly 100,000 miles of use. The Sheriff requested approval to obtain quotes for a new extended cab pickup truck instead of a patrol car. Due to the large amount of dive team equipment that is transported and the need for off-road transportation, a truck would be more efficient in an emergency response situation. Sheriff Talbert proposes to use quote specifications similar to the K-9 trucks, single in color with the proper Sheriff Department decals.

Mr. Bagwell made a motion to authorize the Sheriff to proceed with obtaining quotes on a pick up truck as defined. Mr. Raver seconded the motion, and it carried.

**IN THE MATTER OF PLAN COMMISSION ISSUES AND PROPERTIES FOR APPROVAL:**

Plan Commission Director Glen Boise presented the following issues for Commissioner information and approval:

1. **Case 29-CP-03 – one (1) lot in John Peterson Subdivision located at 4653 South 1400 East** was approved on a motion made by Mr. Bagwell. Mr. Raver seconded the motion, which carried.
2. **Case 37-CP-03 – two (2) lots in Oak Ridge Subdivision, Section 2, located at 5478 West 80 South** was considered. Mr. Raver made a motion to approve Case 37-CP-03. Mr. Bagwell seconded the motion, and it carried.
3. **Case 44-CP-03 – seven (7) lots in O’Donnell Farms Subdivision, Section 2, located at 1570 South 1050 West** was approved on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.
4. **Case 5-CP-04 – three (3) lots in Beraka Subdivision located at 4064 South 600 East** was approved on a motion made by Mr. Raver, seconded by Mr. Bagwell, and carried.
5. **Case 3-PUD-03 – ninety-four (94) lots in Cobblestone Villas Planned Unit Development** was considered. Mr. Raver made a motion to approve Case 3-PUD-03. Mr. Bagwell seconded the motion, which carried.
6. **Case 35-CP-03 – twenty-nine (29) lots in The Greens at Wildcat Subdivision, Section 3, located at 3155 Crooked Stick Drive** was approved on a motion made by Mr. Bagwell. The motion was seconded by Mr. Raver and it carried.
7. **Case 42-CP-01 – one (1) lot in Wood Subdivision of Part of Tract 1 in Indian Heights Subdivision located at 2045 Kimberly Drive** was considered. Mr. Bagwell made a motion to approve Case 42-CP-01. Mr. Raver seconded the motion and the motion carried.
8. **Ordinance No. 2004-BCC-11**, (Case 1-CZ-04), a petition of the Howard County Plan Commission to amend Howard County Zoning Ordinance No. 1981-9, as amended, by adding zoning districts and

changing lot standards was considered. Mr. Bagwell made a motion to approve Ordinance No. 2004-BCC-11. Seconded by Mr. Raver, the motion carried.

9. **Ordinance No. 2004-BCC-12**, (Case 3-CZ-04), the petition of Neil Sunday requesting a change in zone classification from R-1 (Residential) to B-1 (Local Business) for property located at 4084 North 00 East/West was considered. Ordinance No. 2004-BCC-12 was approved on a motion made by Mr. Bagwell. Mr. Raver seconded the motion, and it carried.

10. **Unsafe Building Issues:**

- a. **3315 West 50 South:** *(See page 2, March 15<sup>th</sup>, 2004 minutes, “Scheduled Public Hearing – 9:00 a.m. Unsafe Building - 3315 West 50 South” for related discussion)* Mr. Boise inspected the property following the previous meeting and found the repairs completed except for installation of some trim-work and carpet. Health Department Environmental Coordinator Greg Lake contacted the State Health Department to seek guidance regarding the septic system but has received no answers at this time. Mr. Boise recommended allowing the owners to occupy the house upon completion of the improvements subject to the Health Department’s answers to issues regarding the septic system, etc.

Mr. Bagwell made a motion to approve reoccupation of the residence at 3315 West 50 South contingent upon completion of the repairs and approval from the Department of Health. Mr. Raver seconded the motion, and it carried.

- b. **Mr. Boise sent letters to various other property owners** requesting the status of their unsafe buildings, but no responses have been received.
- c. **3904 South 350 West:** Harrison Township Trustee John Harbaugh Jr. sent letters requesting the Commissioners to take action on the property located at 3904 South 350 West owned by Martin and Freida Meyers. There is evidence that trespassing has occurred on the abandoned property. Health and safety concerns were raised. The owners have failed to respond to letters sent by the Harrison Township Trustee and the Plan Commission Director. Due to information that the owners might have filed bankruptcy in Kentucky, there is a question as to who currently holds the deed to the property. Mr. Boise estimated that demolition of the building could cost as much as \$20,000.00. If the owners cannot be found and ordered to pay for the demolition and clean up, the county might have to pay the costs.

Harrison Township Trustee John Harbaugh Jr. invited various county officials to participate in an on-site inspection of the property on April 3<sup>rd</sup>, 2004. Sheriff Marshall Talbert was present for the inspection and agreed that the property is a nuisance. The Sheriff will send deputies to the property next week to photograph, tag, and document the discarded vehicles. In the meantime, Assistant County Attorney Brian Oaks will attempt to contact the attorney representing the Meyers to gain further information.

11. **Flood Mitigation Issues:** The amended grant application for the Flood Hazard Mitigation Grant Program for 2004 has been submitted. This application replaces the previous application regarding a project to buy out six (6) homes located in the floodway. Mr. Boise recently heard that the grant money is running out and the funds might need to be split into two parts.

**IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:**

Maintenance and Grounds Superintendent Thomas Harrison presented the following issues for Commissioner information and approval:

1. **Courthouse Update:**

- a. **Water Problem in Elevator Shaft:** *(See page 3, March 1<sup>st</sup>, 2003, minutes, “In the matter of Maintenance Department Issues”, Item 3 for related discussion)* Mr. Harrison instructed Mr. Bill Nolan of William Noland & Son Excavating Inc. to begin the work to install a sump pump in the elevator shaft. The pump is expected to remove the water from the bottom of the shaft and take care of the problem.
  - b. **New Holding Cell:** The specialist for the Terstep Company Inc. has not arrived to complete the caulking work on the new holding cell.
2. **Administration Center:** Mr. Harrison contacted Koorsen Protection Services regarding an upgrade to the fire alarm system in the Howard County Administration Center. The estimate was much higher than Mr. Harrison anticipated, which calls for a different purchasing procedure.

**IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:**

Personnel Director Wanda McKillip presented the following issues for Commissioner information and approval:

1. **Appointments to PTBOA:** Indiana Code 6-1.1-28 states that the County fiscal body shall make two (2) of the four (4) appointments to the Property Tax Assessment Board of Appeals (PTBOA). One appointment must be a Republican and the other a Democrat. Mrs. Harrigan provided a written

recommendation to reappoint Mr. William W. Jones, 804 Woodcliff Drive for the Democrat opening and Mr. William C. Sahm, 3137 Enclave Court, as the Republican Appointee.

Mr. Raver made a motion to reappoint Mr. William W. Jones and Mr. William C. Sahm to the PTBOA, effective through December 31<sup>st</sup>, 2004. Mr. Bagwell seconded the motion and it carried.

2. **PAC Recommendation – Salary Changes:** *(See pages 1-2, March 15<sup>th</sup>, 2004 minutes, “In the Matter of Sheriff Department Issues”, Item 4, for related discussion)* At the previous meeting the Commissioners forwarded a request for salary changes to the PAC for review. The money for the additional salaries would be transferred from Line Item 145-4720 Equipment to 145-1110 & 145-1111 in the 911 Enhancement Services Fund:

Communications Director – Requesting \$6,706 increase in salary.  
Current salary \$31,666 to \$38,372

Assistant Communications Director – Requesting \$3,000 increase in salary.  
Current salary \$30,144 to \$33,144

After reviewing the above requests the PAC recommended not increasing the salaries due to money restraints in the County and projects planned to utilize the 911 Funds.

Comments were made that many duties of the Communications Director have continually increased and were not included in the job description. Information Systems Director Terry Tribby stated, initially, the person having the most knowledge of the equipment assumed the responsibilities of managing the computer system, which have evolved over a period of time. During the review, the PAC may not have had knowledge of the full extent of the job description and how the responsibilities have changed.

Auditor Lake reminded the Board that the salary change was submitted in the form of a request to transfer money. Generally the Commissioners make decisions on transfer requests for the 911 Fund; however it is the Council’s responsibility to approve a salary change.

Mr. Bagwell made a motion to refer the request back to PAC for additional consideration before making any recommendation to the Council. Mr. Raver seconded the motion, which carried.

3. Mrs. McKillip requested a short recess to acknowledge Mr. Bagwell’s 50<sup>th</sup> birthday. A motion to take a short recess was made by Mr. Raver. Mr. Harbaugh vacated the chair to second the motion, which carried.

***Recess at 10:10 a.m. for Birthday Celebration.***



***The meeting reconvened at 10:25 a.m.***

#### **IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:**

Information Systems Director Terry Tribby presented the following issues for Commissioner information and approval:

1. **Property Record Internet Access:** *(See page 5, January 20<sup>th</sup>, 2004 minutes, “In the Matter of Information Systems Director Issues”, Item 2, for related discussion)* Mr. Tribby investigated the “Governmax Program” created by Manatron that is capable of posting tax and assessing information on the internet. However, it became apparent that this particular program would not be able to fulfill the expectations, and a decision was made to look at other similar software programs. Mr. Tribby discovered a vendor by the name of NX Communications that produced a website for Grant County containing everything that Howard County would like to provide. NX Communications provided a quote to develop the website at a negotiated cost of \$5,000.00 and a hosting fee of \$1,200.00 per month. The posted data would be beneficial to the public, save on public terminal access costs, licensing, and would reduce the amount of walk-in traffic to county offices that provide this type of information. The cost of the program would be paid for with money that is already appropriated in the Reassessment Fund.

County Assessor Ann Harrigan and Mrs. Cathy Harbaugh, Howard County Board of Realtors, were present in support of the program.

Mr. Bagwell made a motion to proceed with implementation of the NX Communications website development activity at a cost of \$5,000.00 and a monthly hosting fee of \$1,200.00 per month. The posted data would be beneficial to the public, and would save on public terminal access costs and licensing. Mr. Raver seconded the motion, and it carried.

2. **Project Hoosier Safe-T:** In 2003 the city and county law enforcement agencies and EMA submitted a grant application to the State in order to fund a project to make the county’s radio network compatible with the State radio network for communication purposes. The grant awarded \$50,000 to complete the

project. The funds are required to be spent and invoices returned to the State by June 30<sup>th</sup>, 2004. Integrity Communications & Electronics Inc. submitted a quote in the amount of \$22,750.00 for the equipment and installation necessary to make the compatibility work. After the list of equipment was submitted the State determined that the \$750 line item did not follow within the guidelines of the grant. Even though the money is not yet available, Mr. Tribby requested approval on this portion of the project in order to move forward.

Mr. Bagwell made a motion to grant authority to proceed with the process to purchase the equipment needed for the link to the State radio system in the amount of \$22,000. Mr. Raver seconded the motion, which carried.

#### **IN THE MATTER OF COUNTY SURVEYOR ISSUE - Cornerstone Location Contract Renewal:**

County Surveyor Beryl Grimme presented the following issue for Commissioner information and approval:

The ongoing cornerstone location project is projected to take ten (10) to fifteen (15) years to complete. The law requires that five percent (5%) of the corner stones must be updated each year. In 2002 Howard County entered into a contract with Butler, Fairman and Seufert to perform survey work to locate section corners to be paid for out of the Surveyor's Perpetuation Fund. Under the terms of the contract, the County agreed to determine how much of this work would be completed for each year of the project. Since the project began, a large number of section corners have been located, data sheets have been prepared. In continuation of this project, Butler, Fairman and Seufert submitted a Memorandum Agreement to provide additional services up to \$25,000 in the year-2004.

Mr. Bagwell made a motion to approve the Supplemental Agreement for the Section Corner Perpetuation for Howard County up to \$25,000 for the year-2004 and authorize Mr. Grimme to sign on behalf of Howard County. Seconded by Mr. Raver, the motion carried.

#### **IN THE MATTER OF DIXON ROAD PROJECT:**

Mr. James Hamilton, Professional Engineer with Butler, Fairman and Seufert presented letters addressed to the utility companies approving the utility relocation plans for the Dixon Road Project from Alto Road to Zartman Road. The project is scheduled for June 22, 2004. The letters state that it is the work crew's responsibility to establish temporary traffic control in accordance with the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

Mr. Raver made a motion to approve authorization to proceed with the utility relocation on the Dixon Road Project from Alto Road to Zartman Road. Mr. Bagwell seconded the motion, and it carried.

#### **IN THE MATTER OF STREET LIGHTS IN INDIAN HEIGHTS SUBDIVISION:**

*(See page 7, February 3<sup>rd</sup>, 2003 minutes, "In the Matter of Street Lights in Indian Heights Subdivision" for related discussion)*

Mr. John Roberts, President of the Indian Heights Community Association, initially appeared before the Board of Commissioners on February 3<sup>rd</sup>, 2003, and requested support regarding installation of additional streetlights in the Indian Heights Subdivision. The Indian Heights Community Association asked the Commissioners to apply a Barrett Tax Law to property owners for funding the streetlights. According to the provisions of I.C. 36-9-36-2, only incorporated cities can use the Barrett Law for street light projects.

State Representative Ron Herrell helped change the Barrett Law to allow street light projects in unincorporated areas. The bill passed both houses in a recent session of the Indiana General Assembly and was signed into law, effective July 1, 2004, by Governor Joseph Kernan. Mr. Roberts asked the Commissioners to impose a ten-dollar per year street light tax on the homeowners' property taxes.

The Commissioners acknowledged that the Barrett Law would not be in effect until July 1<sup>st</sup>, 2004. County Attorney Larry Murrell explained that several complex steps must occur before an assessment can be imposed on the taxpayers. The first step would be to complete an engineering study to plan and determine the costs involved for the lighting project. A public hearing is required before the Board of Commissioners, which would determine whether the project should move forward; the benefit of the project must exceed the cost. If a determination is made to proceed, there is a remonstrance period. In addition, the dollar amount of the assessment depends on the cost of the project divided among the number of people involved. Attorney Murrell said he would research the amendments to the Barrett Law and prepare an outline of the legal process that is required for the project.

Mr. Bagwell made a motion to refer the Indian Heights Street Lighting Proposal to the County Attorney for development of a strategy for implementation of the Barrett Law. Seconded by Mr. Raver, the motion carried.

#### **IN THE MATTER OF PETITION TO VACATE UTILITY EASEMENT - LOT 29 in BARNETT'S SOUTHDOWNS ADDITION:**

Mr. Douglas D. Toben, 29 Southdowns Drive, owner of real estate Lot No. 29 in Barnett's Southdowns Addition, submitted a letter requesting vacation of a utility easement in order to allow possible construction in the future.

The State Statute requires filing a formal petition, advertising, notification to adjacent property owners, and scheduling a public hearing. In addition, letters of approval from the utility companies are required. Attorney Murrell determined that the letter submitted by Mr. Toben met the requirements of a formal petition. A public

hearing was scheduled for **Monday, May 3<sup>rd</sup>, 2004 at 10:30 a.m.** on a motion made by Mr. Bagwell. Mr. Raver seconded the motion, which carried.

**IN THE MATTER OF ADULT COMMUNITY CORRECTIONS:**

Community Corrections Director Steve Maus presented the following issues for Commissioner Information and approval:

1. **Community Corrections Advisory Board Reappointments:** The terms of Ms. Elaine Guge and Ms. Anita Wooldrige on the Community Corrections Advisory Board expire on April 30<sup>th</sup>, 2004. Mr. Raver made a motion to reappoint Ms. Elaine Guge and Ms. Anita Wooldrige to a four (4) year term each on the Community Corrections Advisory Board, expiring on April 30<sup>th</sup>, 2008. Mr. Bagwell seconded the motion, which carried.
2. **Purchase New Vehicle:** Mr. Maus presented the following quote to purchase a 2003 Ford Crown Victoria LX 4-door:

Base Price	\$ 18,995.00
Trade-In (1999 Dodge Intrepid)	- \$ 4,000.00
Discount	- \$ <u>2,000.00</u>
Total Price	\$ 12,995.00
Extended 5 Year Warranty/75,000 miles	+ \$ <u>995.00</u>
<b>Grand Total</b>	<b>\$ 13,890.00</b>

Mr. Bagwell made a motion to approve the purchase of the 2003 Ford Crown Victoria for a total net price of \$13,890.00, which includes the 5-year extended warranty. Seconded by Mr. Raver, the motion carried.

**IN THE MATTER OF KINSEY YOUTH CENTER PHYSICIAN CONTRACT:**

Kinsey Youth Center Director Jan Weaver presented a Physician Contract, effective May 1<sup>st</sup>, 2004, to employ Family Psychiatric Center to administer the Kinsey Youth Center Mental Health Care Program and to become a certified Medicaid Provider.

Ms. Weaver explained that Federal Funds recently became available that would make the facility's programs more marketable by reducing the cost for child placement from other counties and allowing some of the monies to be billed directly to Medicaid. This process would require the Kinsey Youth Center to complete the necessary steps to become a Medicaid Certified Provider. The Federal funds would ultimately bring more money into Howard County by way of additional monies generated with the facility's per diem. In order to be eligible for the funding, the Kinsey Youth Center must enter into a contract with a Psychiatrist and other providers to supply additional services for the children. The various services currently being used would come together by way of a Physician Agreement and allow the facility to tap into the new Federal funding source.

Ms. Weaver explained that the program's payment and billing process is a reimbursement type process, which means money would be paid out for services and then reimbursed by Medicaid. (Monies would be paid from and reimbursed to the County General Fund.) She estimated the start-up appropriation would be approximately \$100,000 annually. If the Commissioners approve the contract, Ms. Weaver plans to request \$50,000 from the Council to implement the process for the remainder of the 2004-year.

Mr. Bagwell made a motion to approve the Physician Agreement for Psychiatric Services and authorize the President to sign on behalf of the Board. Mr. Raver seconded the motion, and it carried.

**IN THE MATTER OF ADDITIONAL SHERIFF DEPARTMENT ISSUES:**

Sheriff Talbert reported that the inmate population at the jail reached 320 this week. As long as the inmates fit into certain designated classifications the maximum capacity is 310 inmates. The jail is approaching its maximum inmate capacity and the situation will get worse during the summer when crime activity increases. If the jail population remains high, the County will be forced to take extreme measures to resolve the issue. Currently there are 15 counties (17%) in the state that have new or ongoing jail addition projects. The Sheriff suggested that a quick feasible solution would be to install double bunking in Unit 6. This would allow 14 additional beds at a cost of approximately \$12,000.00. Captain Harold Vincent will assess the old bunk beds, removed from the holding cells in the Courthouse, and decide if they could be used in conjunction with the new beds.

Sheriff Talbert suggested that a study should be conducted to compare the number of inmates serving sentences to the number of pre-trial detainees and work-release participants. Mr. Raver wondered whether a new court would help relieve the population issue by moving pre-trial detainees through the system faster. Sheriff Talbert concurred with Mr. Raver and said the ultimate solution would be to create additional bed space in the jail. Mr. Raver suggested that the Jail Study Committee should start meeting on a regular basis in order to discuss the jail population issue.

Mr. Bagwell made a motion to request an additional appropriation out of the Cumulative Capital Development Fund for \$15,000.00 to install double bunking in Unit 6 at the Jail. Mr. Raver seconded the motion, which carried.

### **IN THE MATTER OF POOR RELIEF APPEALS:**

1. **HARRISON TOWNSHIP:** A Poor Relief Hearing was conducted on April 2<sup>nd</sup>, 2004 for Harrison Township on behalf of **John Townsend**. Commissioner Raver, Acting Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Harrison Township Trustee on March 23<sup>rd</sup>, 2004.
2. **CENTER TOWNSHIP:** A Poor Relief Hearing was conducted on April 2<sup>nd</sup>, 2004 for Center Township on behalf of **L. Tonda Talbert**. Commissioner Raver, Acting Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Center Township Trustee on March 19<sup>th</sup>, 2004.

Mr. Raver made a **motion to uphold the denial of the Township Trustees on both cases listed above**, based upon the finding that the Township Trustees followed the Eligibility Standards and Guidelines for Poor Relief applicable to each case. Mr. Bagwell seconded the motion, and it carried.

### **IN THE MATTER OF CLAIMS AND REPORTS:**

Howard County Auditor Martha Lake presented the following reports for Commissioner information and approval:

1. **Operating claims payable on April 5<sup>th</sup>, 2004 in the amount of \$749,540.45** were approved on a motion made by Mr. Raver. Seconded by Mr. Bagwell, the motion carried.
2. **Commissioner's Salary Claims for hourly, salary, and overtime payable for April 9<sup>th</sup>, payable April 8<sup>th</sup>, and April 16<sup>th</sup>, 2004** were considered. Mr. Raver made a motion to approve payment. Mr. Bagwell seconded the motion, and it carried.
3. **GASB 34 Governmental Accounting Standards:** *(See page 6, March 15<sup>th</sup>, 2004 minutes, "In the Matter of Commissioner Issues", Item 6, for related discussion)* The County Attorney reviewed a Proposal for Services from Umbaugh and Associates to assist Howard County in complying with the standards of GASB 34 on an as needed basis. One change was made to Section VI of the proposal. Auditor Lake stated the primary goal is to put together a comprehensive, workable policy as mandated by the Federal Government. The anticipated cost of the services is \$10,000.

Mr. Bagwell made a motion to approve the Proposal for Services from Umbaugh and Associates related to the implementation of GASB 34 in Howard County at a cost of \$10,000.00 and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.

4. **SBC Communications Contract:** *(See pages 5-6, March 15<sup>th</sup>, 2004 minutes, "In the Matter of Claims and Reports", Item 9, for related discussion)* A CPNI Consent Form that should have been a part of the original SBC Communications long distance and long/long distance service contract was faxed to the Auditor on March 25<sup>th</sup>, 2004. Mr. Harbaugh executed his signature on the form on behalf of the Board.
5. **Temporary Right-of-way Grant:** The Commissioners signed a Temporary Right-of-Way Grant for the purpose of clearing and grading the Grantors' property located at 516 W. Walnut Street, Greentown, within three years of the completion of the Bridge 61 Project.
6. **Performance Bond Amendment:** *(See page 1, November 17<sup>th</sup>, 2003 minutes, "In the Matter of Highway Issues", Item 2, for related discussion)* The Commissioners reviewed Howard Regional Health System's amendment to Performance Bond No. 104126305, submitted from Pillars Housing L.P. for the installation of a new access drive for Pillars Place/Rainbow Gardens Subdivision. The amendment extends the completion date from April 30<sup>th</sup> to August 1<sup>st</sup>, 2004.

Mr. Bagwell made a motion to approve the extension of the completion date on the original performance bond from Pillars Housing L.P. to August 1<sup>st</sup>, 2004. Mr. Raver seconded the motion, which carried.

7. The **Weights and Measures Monthly Report for February 15<sup>th</sup> to March 15<sup>th</sup>, 2004** was accepted on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.

### **IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

County Attorney Larry Murrell presented the following issues for Commissioner information and approval:

1. **Imaging Project:** *(See pages 3-4, March 15<sup>th</sup>, 2004 minutes, "In the Matter of Department of Health Issues", Item 1, for related discussion)* Mr. Raver made a motion to approve the Request for Proposals for Vital Records Imaging System for the Department of Health; authorize advertising; to **receive the quotes by 4:00 p.m. on Friday, May 14<sup>th</sup>, 2004;** and authorize the President to sign on behalf of the Board. Mr. Bagwell seconded the motion, which carried.
2. Attorney Murrell presented a **claim for his monthly office allowance** in the amount of \$385.00 and a **claim for quarterly litigation services** rendered through March 31<sup>st</sup>, 2004 in the amount of \$1,000.00. Mr. Bagwell made a motion to approve payment of both claims. Mr. Raver seconded the motion and it carried.

3. City Attorney Kenneth Ferries discovered there was not an **agreement between the City and County for the services of the Weights and Measures Department**. Attorney Ferries drafted a proposed Interlocal Agreement to be approved by the County Council. Once it has been approved by the Council, Attorney Murrell will return the agreement for signature by the Board of County Commissioners.

**IN THE MATTER OF COMMISSIONER ISSUES:**

1. Mr. Raver gave a brief report on the issues related to the **MS4 Project**:
  - a. The Indiana Association of County Commissioners cancelled their meeting scheduled for April 15<sup>th</sup> and recommended that people attend the one sponsored by the DLZ Corporation on April 14<sup>th</sup>, 2004. Mr. Raver is unable to attend the meeting due to a schedule conflict. However, MS4 Operator Beryl Grimme has made reservations to attend the March 14<sup>th</sup> meeting. The meeting is to cover the latest legislation and address how to set up a district, funding and related issues.
  - c. Last week Mr. Raver received a phone call from Russell Adair, Chairman of the Taylor Township Regional Sewer District with information that the funding had been approved. Mr. Adair anticipated construction on the sewer plant to begin soon.
2. **Howard Haven Sewage Treatment Plant:** *(See page 6, March 15<sup>th</sup>, 2004 minutes, "In the matter of Commissioner Issues", Item 5, for relate discussion)* Mr. Raver contacted Mr. Jerry Williams, Sr. Vice President of Gove Associates, Inc. regarding the sanitary sewage connection for Howard Haven. Gove Associates submitted a proposal for the design work in the amount of \$4,900.00 and a total project cost of \$30,035.00.

Mr. Raver made a motion to request an appropriation \$32,000.00 from the Cumulative Capital Development Fund to proceed with the sanitary sewer connection for Howard Haven. Mr. Bagwell seconded the motion, which carried.
3. **Continental Steel Superfund Site:** The Indiana Department of Environmental Management sent a follow up report regarding a meeting that was held on March 17<sup>th</sup>, 2004 at Kokomo City Hall. The purpose of the meeting was to discuss remedy design plans and future use of the Slag Processing Area of the Continental Steel Superfund Site. Mr. Bagwell stated that I.D.E.M. is working on the funding and plans to fill in and restore the quarry located on Markland Avenue, west of the railroad overpass.
4. The **Key Bank lease expires on February 28, 2005**. Mr. Bernie Ampe worked on the lease previously and has indicated that he is willing to work on the new lease. Mr. Raver made a motion to schedule an **Executive Session for 1:00 p.m. on Thursday, April 8, 2004 in Room 220D** to discuss strategy regarding lease of property. The motion was seconded by Mr. Bagwell and carried.

There being no further business before the Board at this time, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion and it carried. The meeting closed at 12:10 p.m.

**THE HOWARD COUNTY BOARD OF COMMISSIONERS**

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JOHN B. HARBAUGH, PRESIDENT

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PAUL J. RAVEN, VICE PRESIDENT

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BRADLEY J. BAGWELL, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Commissioner Minutes, April 5<sup>th</sup>, 2004