

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 20, 2004

The Howard County Board of Commissioners met in Regular Session on Monday, December 20th, 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 Monday, December 6th, and the Executive Session held on Friday, December 17th, 2004 were reviewed with the following correction being noted:

On page 4, December 6th, 2004 minutes, "In the Matter of Maintenance Department Issues", Item 1 – On line 7 change "south" to "north". The revised sentence should read, "*In order to safeguard the air conditioning units Mr. Harrison informed the Downtown Association that the north side of the roof can not be used.*"

Mr. Bagwell made a motion to approve the December 6th, 2004 minutes as amended. Seconded by Mr. Raver, the motion carried. The minutes of the Executive Session on December 17th, 2004 were approved as written on a motion made by Mr. Raver, seconded by Mr. Bagwell, and carried.

IN THE MATTER OF HIGHWAY ISSUES:

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

1. **Maintenance Bond No. 716058S:** A three (3) year maintenance bond in the amount of \$7,776.85 was submitted from William Noland & Son Excavating, Inc. for The Greens at Wildcat Subdivision, Section 3, Storm Sewers, in Harrison Township. Mr. Cain and the County Attorney previously reviewed the document and determined that the bond was in order and ready to be accepted. *The Commissioners, at the October 4th, 2004 meeting, accepted the Maintenance Bond for the street, curbs, gutters, and street signs.*

Mr. Bagwell made a motion to accept the maintenance bond for The Greens at Wildcat Subdivision, Section 3, Storm Sewers, as presented. Mr. Raver seconded the motion, which carried.

2. **Dixon Road Project:** *(See page 8, attached, "In the Matter of Claims and Reports", Item 3, for related discussion)* Recently the County received a check from the City in the amount of \$231,741.24 for the city's portion of the Dixon Road Project. Now that all of the money for the project has been accumulated, Mr. Cain will send the payment in the amount of \$764,823.55 to I.N.D.O.T., which enables the contractors to order materials and prepare for the project. Mr. Cain submitted a request for transfers between funds for the Dixon Road Project, the second one to be presented at the Council meeting on December 21st, 2004:

TRANSFERS:		TO:		AMOUNT:
<u>007 HOWARD COUNTY LOCAL ROAD AND STREET FUND:</u>				
33746	Paint Center Lines	33757	Dixon Road Alto Rd. to Zartman Rd.	\$ 9,000.00
23754	Bituminous	33759	Dixon Road Zartman Rd. to Judson Rd.	\$64,000.00

Mr. Bagwell made a motion to approve the first transfer listed by the County Highway Superintendent and recommend Council approval of the second transfer. Mr. Raver seconded the motion, and it carried.

3. **Acclamation:** Mr. Cain described how thoroughly he enjoyed working with Auditor Martha Lake for the past eight years. He commended her proficiency and organization in maintaining the records in the Auditor's Office.
4. **Agreement for School Bus Turn Around:** Northwestern School Corporation Superintendent, Ryan A. Snoddy, submitted a written request that the Howard County Board of Commissioners approve a facility for a school bus turn around on property owned by J. E. Miller located at 4381 East 400 North. Mr. Harbaugh made a motion to approve the school bus turn around. Mr. Raver seconded the motion and it carried.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert presented the following issues for Commissioner information and approval:

1. **Jail Population Report:** The inmate population on this date at the Criminal Justice Center has decreased

to 272. Sheriff Talbert attributed the reduction in-part to a software program that lists inmate names, length of incarceration, and their assignments to a Court. Copies of the lists are provided to the Prosecutor, all judges and will soon be provided to the Public Defender. The lists are used to determine the inmates who might be eligible for release or plea bargain.

2. **Door Repair Update:** Crowder Detention Equipment completed the repairs on the electronic security door to the sally port area. Sheriff Talbert commented that the door operates very smoothly and quietly. The repairs are guaranteed for two years. Approximately 80% of the traffic using the door is employees. The Sheriff's Department is exploring the possibility of diverting the employees through the hinged door located on the east side of the building; however this would necessitate construction of a new sally port area. Price quotes to construct a sally port are currently being sought.
3. **Alternative Extradition Process:** (See pages 2-3, December 6th, 2004 minutes, "In the Matter of Sheriff Department Issues", Item 5, for related discussion) At the previous meeting, the Sheriff presented a proposal to transport fugitive inmates by aircraft. Currently there are four fugitives in three states that need returned to Howard County. At the County Attorney's request, Civil Process Server Bill Ice and Deputy Jerry Jumper have completed pilot questionnaire information to determine if insurance is feasible.
4. **New Copy Machines:** (See page 3, December 6th, 2004 minutes, "In the Matter of Sheriff Department Issues", Item 7, for related discussion) The Sheriff received a bill from Shearer Printing & Office Solutions for the purchase of the new photocopy machines. The invoice was signed by the Commissioner President in order for the equipment to be delivered.
5. **Purchase Vehicles:** The Sheriff requested approval to seek price quotes to replace four patrol cars in the fleet having approximately 100,000 miles of use. He prefers keeping the patrol officers in the full size Ford Crown Victorias and assigning the administrators to the smaller Chevrolet Impalas. The Sheriff proposes two of the new automobiles to be two-tone marked units and two to be unmarked units, monotone in color.

Mr. Raver commented that the Council would address the Cumulative Capital Development Funds on January 25th, 2005. Auditor Lake said the money is anticipated to become available in mid-February 2005.

Mr. Bagwell made a motion to authorize the Sheriff to receive quotes for four new patrol vehicles as identified in the presentation. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF THE GREENTOWN SPECIAL DEPUTY VEHICLE:

(See pages 8-9, December 6th, 2004 minutes, "In the matter of the Greentown Special Deputy Vehicle" for related discussion)

At the previous meeting the Commissioners authorized the County Attorney to send a modified letter to Greentown Special Police Chief Don Frederickson to extend the deadline to December 20th, 2004 to either turn possession of the 2002 Chevrolet Tahoe over to the Commissioners or state a reason why the vehicle is being withheld. The vehicle was purchased in 2002 with \$30,000 of Build Indiana Funds, specified for law enforcement use only, titled to the Howard County Board of Commissioners, and is insured by the County. At the time of the purchase, the former Sheriff appointed the Greentown Special Police as "special deputies" under IC 36-8-10-10.6. Due to liability concerns the current Sheriff declined to renew the special deputy status. Sheriff Talbert felt that the vehicle should be put back to good use. He remarked that in the interest of taxpayers, it would not be wise for the vehicle to set unused for an extended period of time. The Sheriff further commented that this vehicle would be one less vehicle that needs to be purchased by the Sheriff's Department in the year 2005, which would be a savings to the County.

Mr. James Harris, President of the Greentown Town Council, publicly stated that the Greentown Special Police are not affiliated in any way with the Town of Greentown. Greentown Marshal Jeff Bennett was also in attendance.

Greentown Special Police Chief Don Frederickson distributed copies of several documents to the Board for perusal: 1.) Certificate of Incorporation for Greentown Special Police; 2.) Build Indiana Funds Project-Lifeline; 3.) Financial Summary of Fund 162 Build Indiana Fund for period ending September 30, 2002; 4.) Application for the Build Indiana Fund Grant No. BIF-01-0564; 5.) Memorandum from Major Larry Shipman stating the vehicle was titled and registered in the name of the Howard County Board of Commissioners for the purpose of placing the vehicle on the County's insurance policy; and 6.) Certificate of Title and Registration.

Although the County provides insurance for the vehicle, Mr. Frederickson contends that the vehicle has been maintained by the Greentown Special Police. The vehicle has a municipal license plate for community service that was purchased by the former Greentown Special Police Chief, and not a Sheriff or Police plate. Discussion ensued whether the proper license plate has been used on the vehicle.

After speaking with the Attorney General's Office and State Board of Accounts, Mr. Frederickson summarized that the Greentown Special Police has a right to the vehicle because it was purchased with Build Indiana Funds. Mr. Frederickson was not convinced that the documentation provided confirmed that the Greentown Special Police should turn possession of the vehicle over to the County. At the present time, Mr. Frederickson stated possession of the vehicle would remain with the Greentown Special Police. Mr. Frederickson thanked the Board of Commissioners for their time.

Attorney Murrell reiterated that the funds to purchase the vehicle went to the Commissioners as the Fund's Administrator and the Sheriff's Department as the Subrecipient of the grant. Since the vehicle is no longer being used as a law enforcement vehicle as specified in the grant, the county has a fiduciary responsibility to make sure

that the vehicle is used for the purpose of the grant. If the Commissioners instruct the filing of a lawsuit, then a copy would be sent to the Attorney General for informational purposes. The State has the authority to request the vehicle to be returned to the Build Indiana Fund. Attorney Murrell stated that the County is merely attempting to put the vehicle in use for which the taxpayers' money was intended.

Because the Greentown Special Police were no longer deputized to serve as a public safety unit, they did not have the authority to use the County's 800-megahertz system for official police and emergency communications. The Commissioners granted the Sheriff permission to shut off the Greentown Special Police radios and retrieve them. (See page 2, January 27th, 2004 minutes, "In the Matter of Sheriff Department Issues", Item 1, for related discussion) Mr. Frederickson turned in one radio that was loaned to the Greentown Special Police by the County. He stated that the remaining radios were received through various donations.

Mr. Bagwell made a motion to authorize the County Attorney to proceed with filing suite for the possession of the 2002 Chevrolet Tahoe. Mr. Raver seconded the motion, which carried.

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

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

1. There were no **subdivision plats** submitted for approval at this time.
2. **Unsafe Buildings:**
 - a. **00 East/West 384 South:** The company that sold modular homes was requested to fill in the crawl space area where the model home previously set. The area has been filled with extra soil to allow for settlement. Mr. Boise will continue to monitor the site.
 - b. **948 West 400 South:** The burned house was torn down and the property owners obtained a building permit to rebuild the house. The new house is currently under construction.
 - c. **1047 Hidden Creek Lane:** Construction on this house stopped after the basement was finished. Mr. Boise reported there has been no recent activity. He will review the site and report the progress to the Commissioners' after the first of the 2005-year.
 - d. **Kingston Green Apartment:** Mr. Boise received a call from City Building Inspector Steve Barnett. The Drug Task Force requested Mr. Barnett to inspect an apartment at the Kingston Green Apartments located in the County at 1220 East Alto Road. Mr. Boise authorized Mr. Barnett as his Deputy Inspector to conduct the inspection, followed by a report. Mr. Boise suggested drafting a formal agreement which would include compensation for instances when the City Building Inspector provides inspection services for the County.
3. **Flood Mitigation Issues:** Mr. Boise gave an update regarding the two properties detailed in the draw down request that the County had offered to purchase. Both of the property owners accepted the offers and returned the signed agreements. Mr. Boise stated he would provide a copy of the agreements to the County Attorney. Once the property owners provide receipts for the Duplication of Benefits Analysis, Mr. Boise will forward the adjustments to S.E.M.A. for approval. In order to speed up the process, Mr. Boise said the title commitments can be completed parallel with the duplication of benefits.
4. **Multi-Natural Hazard Mitigation Update:** The Review Committee held interviews on December 8th, 2004 with the two final consultants Christopher B. Burke Engineering, Ltd. and Bonar Group. The Committee recommends Christopher B. Burke Engineering, Ltd. as the consultants for the Multi-Natural Hazard Mitigation Plan.

Mr. Bagwell made a motion to authorize Mr. Boise to proceed with hiring Christopher B. Burke Engineering, Ltd. as the Multi-Natural Hazard Mitigation Plan Consultant. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF VACATION OF PUBLIC WAY – 400 JEFF DRIVE:

Scheduled Public Hearing – 9:30 a.m.
Vacate Public Way
The public hearing was opened at 9:30 a.m.

Attorney David T. Baird submitted a petition on behalf of Michael A. and Sandra S. Fike to vacate a public way adjacent to Windwood Park Subdivision, Section 3, Lot 37, in Clay Township, more commonly known as 400 Jeff Drive. The public way is fifty feet in width by 196.3 feet in length. The utility companies were notified in writing and they responded that there were no objections to vacating the easement. The adjoining property owners were notified and the petition was properly advertised in the Kokomo Tribune and the Kokomo Herald. The County Attorney advised that the required documents were in order for the public hearing.

Attorney J. Conrad Maugans was present to represent remonstrators, Don J. and Marilyn L. Wagoner, property owners of the adjoining forty-four acres to the north. The Wagoners retain the property for development and investment purposes. Although the Wagoners have no immediate plans, they contend that development of a subdivision is the highest and best use for their property and objected to the vacation request. Attorney Baird

challenged that there are other access points to the undeveloped area. Attorney Maugans agreed that closing the public way would not cause the Wagoner's property to become land locked but it could possibly have a significant impact on future development.

Mr. Fike said Windwood Park Subdivision has only one access point. He talked about the advantages such as limited amount traffic through the area and possible construction of a detached building if the public way was vacated.

Discussion ensued regarding whether the public way was located on a Section Line. Mr. Raver advised that an Ordinance is required to vacate a right-of-way on a section line. Attorney Murrell suggested contacting the Plan Commission to find out if the public way is platted on a section line.

There being no one else that wished to be heard, Mr. Bagwell made a motion, which was seconded by Mr. Raver to close the public hearing. The motion carried.

Close Public Hearing – 9:50 a.m.

Mr. Bagwell made a motion to take the petition under advisement and to contact the Plan Commission Office to verify the location of the public way. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Maintenance and Grounds Superintendent Thomas Harrison was out of town and Mr. Raver presented the following information on behalf the Maintenance Department:

1. **Siemens Building Technologies Inc. Technical Support Program Proposal for 2005:** (*See page 4, December 6th, 2004 minutes, "In the Matter of Maintenance Department Issues", Item 3, for related discussion*) The revisions that were requested to the contract at the last meeting were completed and met with Commissioners' approval. Mr. Raver made a motion to approve the Siemens Building Technologies Inc. Technical Support Program Proposal for 2005 in the amount of \$35,812.00. Seconded by Mr. Bagwell, the motion carried.
2. **Tile Flooring Project Update:** The vinyl tile floor covering is currently being installed in the Vital Records Office in the Government Center.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

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

1. **County Handbook:** Copies of the revised County Personnel Policies Handbook effective January 1, 2005 were distributed to the Commissioners. The county employees received their revised copies and the Personnel Office awaits the employee signatures from each Department. This week the handbook will be available on the County Website.
2. **Increased Life Insurance Costs:** Jefferson Pilot Voluntary Life Insurance group rates will increase from .20 to .34 per \$1,000.00 effective February 1, 2005. Information regarding the voluntary rates will be presented at the next regular meeting on January 3rd, 2005.
3. The **2004 Family Medical Leave Log (FMLA)** was confirmed on a motion made by Mr. Bagwell. Mr. Raver seconded the motion and it carried.
4. **IN THE MATTER OF COMMISSIONER APPOINTMENTS:** The following appointments and reappointments were made for the year-2005:
 - a. **Howard Regional Health System Board of Trustees:** Mr. Raver made a motion to reappoint Mr. John (Jack) Lechner to serve a four (4) year term beginning January 1, 2005 through December 31, 2008. Seconded by Mr. Bagwell, the motion carried.
 - b. **Howard County Plan Commission:** Mr. Ron Fritts had agreed to serve another term on the County Plan Commission; however he does not wish to serve on the Howard County Board of Zoning Appeals. Mr. Max Custer is willing to serve on the Board of Zoning Appeals.

Mr. Bagwell made a motion to reappoint Mr. Ron Fritts to the Howard County Plan Commission and Mr. Max Custer to the Howard County Board of Zoning Appeals for term of a four (4) years each beginning January 1, 2005 through December 31, 2008.

- c. **Howard County Public Library Board:** Mr. Bagwell made a motion, seconded by Mr. Raver and carried, to appoint Mr. Ron Gilman to the Howard County Public Library Board for a term of four (4) years beginning January 1, 2005 through December 31, 2008.
- d. **Howard County Alcoholic Beverage Commission:** Ms. Beth Harshman was reappointed to serve a one (1) year term beginning January 1, 2005 through December 31, 2005 on a motion made by Mr. Bagwell. The motion was seconded by Mr. Raver and carried.

- e. **Kokomo Howard County Emergency Management Advisory Council:** Due to health issues Mr. Robert Oilar declined to serve another term. Mr. Raver made a motion to appoint Mr. Steve Laudenschlager to serve a one (1) year term beginning January 1, 2005 through December 31, 2005. Seconded by Mr. Bagwell, the motion carried.
- f. **Howard County Convention & Visitors Commission:** Ms. Dorinda Davis and Ms. Pat Dzierla were reappointed to serve a two (2) year term each on the Howard County Convention & Visitors Commission on a motion made by Mr. Bagwell. The motion was seconded by Mr. Raver and carried. The terms begin on January 1, 2005 and end on December 31, 2006.
- g. **City of Firsts Automotive Heritage Museum Board:** Mr. Larry Hinesley was reappointed to serve a two (2) year term on the Board commencing January 1, 2005 through December 31, 2006 on a motion made by Mr. Raver. Seconded by Mr. Bagwell, the motion carried.
- h. **Howard County Drainage Board:** Mr. Raver made a motion to reappoint Mr. Paul Sandy to the Howard County Drainage Board for a term of two (2) years beginning January 1, 2005 through December 31, 2006. Mr. Raver seconded the motion, which carried.
- i. **Howard County Redevelopment Commission:** To be addressed by the County Attorney. (See pages 8-9, attached, "In the Matter of County Attorney Issues")

Ms. McKillip said she would present further appointments in January 2005.

***** Recess at 10:05 a.m. *****

Mr. Raver made a motion to call a recess of the Howard County Board of Commissioners meeting in order to acknowledge and commemorate Ms. Martha Lake's eight years of dedicated service as the Howard County Auditor. Mr. Bagwell seconded the motion, which carried.

***** The meeting reconvened at 10:35 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. **Power Outage:** The Howard County Administration Center was without electricity when a total power outage occurred downtown on December 17th, 2004, from approximately 2:00 p.m. to 3:00 p.m. Mr. Tribby reported that the computer systems came through okay and the servers were fully functional approximately 30 minutes after the electricity was restored.
- 2. **Mock Disaster Plan Update:** (*See page 4, October 4th, 2004 minutes, "In the Matter of Information Systems Director Issues", Item 1, for related discussion*) Mike Corey presented an overview of the process to design a mock disaster at the Criminal Justice Center. Representatives from Howard County Emergency Management, Sheriff's Department, Kokomo Police Department, Information Technology, and all divisions of the Jail met on December 10th, 2004 to discuss the design process. The process is a series of exercises designed to test the facility, personnel, and technology. The Committee will work on designing a tabletop exercise at the next meeting on January 5th, 2005. It is anticipated to take one year to design and set up a full-scale mock disaster.
- 3. **Purchase of CISPHOTO:** The vendor for the Digital Mug Photo System sold the company to another vendor and is no longer in business. E-911 Communications Assistant Director Gary Bates advised that DigiMug no longer has an interface with the current CISCO Systems, which is used for computer aided dispatch, book-in, and records management. CISCO developed a new photo digital capture system for photographs of inmates called CISPHOTO. The software is fully integratable to the current system and has unlimited user licenses. The total cost of the system is \$9,600.00:

<u>Equipment</u>	<u>Amount</u>
Software, support and unlimited licenses (Includes discount by CISCO of \$5,500.00)	\$ 7,800.00
New camera, software, cables and support	<u>\$ 1,800.00</u>
Total	<u>\$ 9,600.00</u>
<u>Payment</u>	<u>Amount</u>
Misdemeanant Grant Fund	\$ 3,100.00
Previous Refund from CSI Law Enforcement (For current DigiMug and Cisco Interface)	<u>\$ 6,500.00</u>
Total	<u>\$ 9,600.00</u>

Mr. Bagwell made a motion to authorize the purchase of the CISPHOTO Software Support and Camera System subject to the Council's appropriation of the remaining funds. Mr. Raver seconded the motion, which carried.

4. **Status of Project Hoosier Safe-T Grant:** The grant was split into two portions. One portion was used to purchase equipment to make the County radio network compatible with the State. The equipment was been purchased and Integrity Communications completed the installation. The second part of the project has been delayed in order to wait for the State to install a tower in Howard County to enable full testing of the equipment. The State commented that the deadline is getting close and the County needs to get the fund finalized before the end of the year. The mobile data terminals have already been purchased and Mr. Tribby did not see any problem in meeting the State's deadline by December 31, 2004.
5. **Interoperability Communications Upgrade Wireless Project:** (See page 5, December 6th, 2004 minutes, "In the Matter of Information Systems Director Issues", Item 2, for related discussion) Last week the facilities of the first responders (Emergency Management Agency, Kokomo Police Department, City Information Technology Department, Dispatch, Criminal Justice Center, and the Fire Department) were tested and the mobile access points on each facility were finalized. The system is up and running but further testing is needed before proceeding with Phase 2 of the project. The funding for the grant and the money is in place to get started. Mr. Tribby commended Berbee Information Networks, the general contractor for the ICU Wireless Project. The vendor completed the contract requirements and has submitted invoices to the County. Mr. Tribby anticipates having the project finalized by the December 31st, 2004 deadline required by the grant.
2. **Projects in 2005:** Mr. Tribby said the budget request for Cumulative Capital Development Funds has been submitted for the year 2005. He commented, "The County has embraced technology to its fullest extent." Mr. Tribby gave an overview of the current and proposed projects for 2005. He anticipated that it would take a full year to complete implementation of the GIS Project and Phase 2 of the ICU Project. Mr. Tribby mentioned that the cost to replace all of the workstations in the Administration Center was included in his 2005 Budget Request.
3. **Change Position to Full-Time:** Due to the increased workload and responsibilities of the Information Systems Department, Mr. Tribby requested approval to change the part-time position in the budget into a full-time position in 2005. A brief discussion ensued regarding the amount of excellent work that the employees have accomplished.

The Commissioners concurred with the proposal and supported the recommendation to change the part-time position into a full-time position and forward the request onto the Council for consideration. No official action was taken at this time because the Commissioners will consider all departmental requests at their scheduled meeting on January 3rd, 2005.

IN THE MATTER OF KOKOMO DOWNTOWN ASSOCIATION:

Ms. Kim Moyer, Director of Kokomo Downtown Association, presented the following issues for Commissioner information and approval:

1. **Pyrotechnic Display:** (See page 4, December 6th, 2004 minutes, "In the Matter of Maintenance Department Issues", Item 1, for related discussion) Ms. Moyer submitted a modified Certificate of Liability Insurance for the annual New Year's Eve Celebration. In addition to the \$1,000,000.00 policy, the pyrotechnic vendor carries \$5,000,000.00 policy on the event. Attorney Murrell has reviewed the revised Certificate of Insurance from the Miles and Finch Insurance Agency, and it has met with his approval.

In order to safeguard the air conditioning equipment, Mr. Raver reminded Ms. Moyer that the north side of the Courthouse roof cannot be used. As a precautionary measure, Ms. Moyer said they have revisited the Courthouse roof along with a fire inspector to make sure where the fireworks and drop zone should be located. In addition, the vendor has made arrangements with Assistant Maintenance Superintendent Jeff Berry to unlock the doors and secure the building following the event.

Mr. Bagwell made a motion to accept Certificate of Liability Insurance and authorize the Kokomo Downtown Association to use only the south side of the Courthouse roof for a pyrotechnic display. Seconded by Mr. Raver, the motion carried.

2. **Update on Electrical Boxes at Courthouse:** Mr. Raver asked Ms. Moyer if the Kokomo Downtown Association has any plans regarding the outdoor electrical boxes that are used to supply power for the downtown events. Ms. Moyer has talked to City Electrical Inspector Kim Phipps regarding the boxes. All of the boxes will be removed at the conclusion of the New Year's Eve event. The Kokomo Downtown Association is considering assembling a group of the not-for-profit organizations regarding use of the electricity. The Association is also researching for grants through Community Foundations that would help resolve the electrical issues around the Courthouse Square. Ms. Moyer said there would likely be a surcharge implemented in order to cover the costs to maintain the boxes. Representatives from the Kokomo Downtown Association plan to attend next Community Foundation meeting scheduled on January 8th, 2005.

IN THE MATTER OF PUBLIC DEFENDER BOARD ORDINANCE NO. 2004-BCC-49:

(See page 6, November 15th, 2004 minutes, "In the Matter of County Attorney Issues", Item 2, and November 18th, 2004 Special Meeting minutes for related discussion)

Attorney Murrell presented the following issue for Commissioner information and approval:

Chief Public Defender William Menges was elected to serve as Judge of Howard Superior Court I commencing on January 1, 2005. At the request of the judiciary, the Commissioners appointed one member to a three-member board that was to select a Public Defender. The Judges appointed the two other members. The Board convened. The Board submitted a recommendation to the Judges to fill the position of Public Defender, but the Judges did not approve it. Today, Attorney Murrell presented a subsequent order from the Judges (Judge Michael Krebs abstained from the process) advising the Commissioners that the recommendation was not approved. The order also requests that that the Board of Commissioners pass the ordinance as provided in the statute, which will establish another Board. When the Board is established and makes a recommendation, the recommendation will not be subject to review by the Judges. Attorney Murrell drafted an ordinance to establish a Public Defender Board, effective on January 1, 2005, which was presented for Commissioner approval.

Mr. Bagwell made a motion to approve Ordinance No. 2004-BCC-49 Establishing a Public Defender Board for Howard County. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF E-911 COMMUNICATIONS ISSUES:

E-911 Communications Assistant Director Gary Bates attended the meeting on behalf of Director Stephen Kline who was out of town. The following issues were presented for Commissioner information and approval:

1. **Backbone Maintenance Agreement:** Mr. Bates presented quotes for the backbone maintenance agreement for the Howard County radio system. There are two quotes from Mobile Radio of Kokomo, Inc. that are quoted for normal working hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. The main bulk of the radio system handles public safety (police, fire, EMS), which are 24x7x365 day operations. Due to this important aspect, the Communications Director requested that the price quotes for the 24x365 service to be considered from both of the vendors:

Mobile Radio of Kokomo, Inc.	\$22,000.00
Integrity Communications & Electronics Inc.	\$16,988.00

Mr. Kline previously reviewed the quotes and found everything to be in order. He recommended acceptance of the lowest responsible and responsive quote from Integrity Communications.

Mr. Bagwell made a motion to approve the parts and labor contract for the 24x365 service from Integrity Communications & Electronics Inc. in the amount of \$16,988.00; this being the lowest most responsible and responsive quote. Mr. Raver seconded the motion, and it carried.

2. **FX Agreement:** Mr. Larry Sparks of Mobile Radio of Kokomo, Inc. provided the following prices for the FX Agreement for the backbone software updates on the communications tower located at Cinergy:

1 year is \$15,000
2 year is \$28,500
3 year is \$40,500
5 year is \$69,000

If the County would agree to the multi-year agreement of 5 years, M/A-Com would bill the County annually over the term of the agreement. This means that the County would be billed \$13,800 annually for the 5-year agreement instead of a lump sum of \$69,000. This calculates to a savings of \$1,200 per year.

Mr. Bagwell commented that Mr. Raver and he are serving a four-year term; he was reluctant to commit future office holders to a 5-year agreement. Mr. Bagwell commented that the 3-year agreement would still save the County money and made a motion to approve the 3-year price for the FX Agreement for the backbone software updates. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF TREASURER ISSUE:

Treasurer Ann Wells will be leaving her office to begin serving as the new County Auditor as of January 1st, 2005. Ms. Wells requested closure of her office on Wednesday, December 22nd, 2004 from 12:00 p.m. to 1:00 p.m. in order to have lunch with her office staff.

Mr. Raver made a motion to authorize the Treasurer's Office to be closed from 12:00 p.m. to 1:00 p.m. on Wednesday, December 22nd, 2004. Mr. Bagwell seconded the motion, and it carried.

IN THE MATTER OF POOR RELIEF APPEAL FOR CENTER TOWNSHIP:

A Poor Relief Hearing was conducted on December 17th, 2004 for Center Township on behalf of **Walter E. Henderson**. Commissioner Harbaugh, Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Center Township Trustee on December 10th, 2004.

Mr. Raver made a motion to uphold the denial of the Center Township Trustee based upon the finding that the Township Trustee followed the Eligibility Standards and Guidelines for Poor Relief applicable to the 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 December 20th, 2004 in the amount of \$1,481,483.43** were approved on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.
2. **Commissioner's Salary Claims for hourly, salary, and overtime payable for December 24th (payable December 23rd) and December 31st (payable December 30th) 2004** in the amount of \$1,296,600.95 were considered. Mr. Raver made a motion to approve payment. Mr. Bagwell seconded the motion, and it carried.
3. **Funding for Dixon Road Project:** A payment of \$764,823.55 to the Indiana Department of Transportation for the Dixon Road Project, from Alto Road to Greentree Lane (Phase 3B) was properly advertised. This will clear out the 516 EDIT Fund that the County uses for the joint projects. The remaining amount due, approximately \$64,000.00, will be approved at the Council meeting on December 21st, 2004. Auditor Lake clarified that this would just be a matter of approving the disbursement when the Council approves the remainder of the funding.

Mr. Raver made a motion to approve the claim to the Indiana Department of Transportation for the Dixon Road Project in the amount of \$764,823.55 pending approval of the funds transfer by the Council. Seconded by Mr. Bagwell, the motion carried.

4. The **Howard County Treasurers Report for the month of November 2004** was accepted on a motion made by Mr. Bagwell, seconded by Mr. Raver and carried.
5. **Additional Appropriation Requests:** Copies of the requests for additional appropriations out of the Cumulative Capital Development Fund were presented to the Commissioners for perusal. Auditor Lake said the total amount requested is \$1,200,000.00, which is the approximate amount that will be received for the 2005-year.

Mr. Bagwell made a motion to independently review the requests for appropriations out of the Cumulative Capital Development Fund and make a recommendation at the next regular meeting on January 3rd, 2005 to the Council. Mr. Raver seconded the motion, which carried.

6. Copies of the **Soil and Water Conservancy District**, November 24th 2004 minutes, and the agenda for the December 15th, 2004 meeting were provided to the Commissioners.

**** Auditor Martha Lake thanked the Commissioners and everyone for the recognition and gratitude that was expressed on her behalf this morning. ****

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Outstanding Year End Issues:** Mr. Phil Thatcher from Miles and Finch Insurance Agency was unable to have the liability insurance quotes available today. Attorney Murrell advised that the quotes would be ready next week and recommended calling a Special Meeting to review the quotes and any other issues that need to be addressed before the end of the year.

Mr. Bagwell made a motion to set a **Special Meeting on Tuesday, December 28th, 2004 at 9:00 a.m. in Hearing Room No. 338 of the Howard County Administration Center** to review liability insurance and any other remaining issues that need to be taken care of before the end of the 2004-year. Mr. Raver seconded the motion, which carried.

2. **Fair Housing Ordinance:** (*See page 5, December 6th, 2004 minutes, "In the Matter of Grant Activity – Taylor Township RSD", Item 2, for related discussion*) Attorney Murrell conducted research and found that the Board of Commissioners passed a Fair Housing Ordinance in 1994. A copy of the ordinance has been forwarded to Grant Administrator Tina Henderson, Mendenhall & Associates.
3. **IN THE MATTER OF APPOINTMENTS FOR 2005:** The Howard County Redevelopment Commission consists of five members whose terms expire on December 31st, 2004. Attorney Murrell advised that all five of the members wished to be reappointed for another term consisting of one (1) year:

Bradley R. Newton
E. P. Severns, Jr.
Dale E. Etherington
Larry Hinesley
Phillip E. Wise

Mr. Bagwell made a motion to reappoint all five individuals to the Howard County Redevelopment Commission for a one (1) year term each, beginning January 1, 2005 and ending December 31, 2005. Mr. Raver seconded the motion, and it carried.

4. **A Matter of Appreciation:**

- As a matter of privilege on the record, Attorney Murrell said he has enjoyed working with Auditor Martha Lake. As a citizen of Howard County, he expressed appreciation of everything she has accomplished in the past eight years. He further commented that she would be missed.
- Attorney Murrell stated that he personally enjoyed working with the media. He thanked Journalists Paul Allor from the Kokomo Perspective and Erin Shultz from the Kokomo Tribune for their perseverance in attending the meetings.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Merry Christmas to All:** Mr. Bagwell wished everyone a Merry Christmas and a Happy New Year and is looking forward to the next year. Mr. Raver mirrored Mr. Bagwell's wishes and mentioned that lots of things happened during his first four years as a Commissioner.
2. As Commissioner Representative Mr. Raver attended the Howard County Extension Council's annual meeting two weeks ago.
3. Mr. Harbaugh thanked everyone for their help throughout the 2004-year.

There being no further business, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion, which carried. The meeting closed at 11:40 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

JOHN B. HARBAUGH, PRESIDENT

PAUL J. RAVEN, VICE PRESIDENT

BRADLEY J. BAGWELL, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR
Commissioner Minutes, December 20th, 2004