

## HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MARCH 15, 2004

The Howard County Board of Commissioners met in Regular Session on Monday, March 15, 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 Major Steve Rogers and conducted by President John B. Harbaugh.

The minutes from the regular meeting held on March 1<sup>st</sup>, 2004 were reviewed. There being no additions or corrections, Mr. Bagwell made a motion to approve the minutes as submitted. Mr. Raver seconded the motion, which 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. **Approval of Streets:** Majestic Manor Subdivision was developed approximately six years ago but the construction company did not post a maintenance bond or request approval of the streets. The subdivision is located on 200 East between State Road 22 and 100 South. In 2003, the owner contacted Mr. Cain regarding acceptance of the streets but due to the time that has elapsed, a maintenance bond could not be obtained. Mr. Cain suggested that the owner provide a certified check for 10% of the original amount of the streets project that would be held in the Auditor's Office for three (3) years.

Mr. Bagwell made a motion to approve the streets in Majestic Manor Subdivision contingent on a certified check on the amount of 10% of the original amount of the project to be submitted in the Auditor's Office for three (3) years in lieu of a maintenance bond. Mr. Raver seconded the motion, and it carried. Mr. Cain gave his approval.

2. **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 Mr. Patrick Richards located at 3299 West 100 North. Mr. Cain had checked this out and gave his approval.

Mr. Bagwell made a motion to approve the school bus turn around. Mr. Raver seconded the motion and it carried.

3. **Drainage Tile In Right-of-Way:** (See page 5 Attached, "*In the Matter of Approval to Install Drain Tile in County Right-of-Way*", for related discussion) The property owner in the Moors of Chippendale Subdivision has requested permission to install a perimeter drain tile for a septic system just inside of the road right-of-way. Mr. Cain stated he does not have a problem as long as the Commissioners grant approval and the site is returned to its original condition and the property owner pays for and maintains the tile.

### IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert was out of town and unable to attend the meeting. Major Steve Rogers and Sheriff Department Personnel Administrator Ree Moon presented the following issues for Commissioner information:

1. **Monthly Jail Report:** The Jail Report for the Month of December 2003 was submitted. The average daily inmate population in December was 283 compared to 285 in November 2003.
2. **New Prisoner Transport Van Update:** The 2004 three-quarter ton cargo van for transporting prisoners has been ordered from Charles Conkle Motor Co. The prisoner transport module from Mavron is being constructed.
3. **Vehicle Title:** Major Rogers turned over a Certificate of Title to the Commissioners for the most recent vehicle purchased by the Sheriff's Department.
4. **Transfer Request:** Ms. Moon presented a request to transfer of \$6,706.00 in the 911 funds to the Communications Director's salary and \$3,000.00 to the Assistant Communications Director. Recently Communications Director Tony Ramsey has been interviewing for jobs outside of Howard County. Information Systems Manager Terry Tribby and Captain Napoleon Leal Jr. provided written letters commending Mr. Ramsey's work and dedication to the continually increasing responsibilities. The letters stated that Mr. Ramsey is instrumental in directing and helping with all operations of the Dispatch Center. Ms. Moon urged the Commissioners to consider approving the transfer request in order to make the salaries comparable to similar positions in the surrounding communities.

Mr. Bagwell made a motion to approve the transfer requests as noted. The motion failed due to the lack of a second to the motion.

Personnel Administrator Wanda McKillip advised she did not receive information that the Sheriff's Department planned to request the salary changes at this meeting and inquired about having a

Personnel Administration Committee review. Discussion ensued regarding what types of salary changes the PAC should review, and if it should make review before the request is presented to the Board of Commissioners in order to make a recommendation.

Mr. Raver made a motion that all personnel funding requests be referred to the PAC for review. Mr. Bagwell disagreed with the word "all" and the motion failed due to the lack of a second. The current practice is that if a request is first presented to the Commissioners, the Commissioners can either take action or refer the request to the PAC for a recommendation. Mr. Bagwell felt that the Commissioners should have an option to decide whether to refer a request to the PAC.

Mr. Bagwell questioned if the Commissioners have the authority to take action on a salary change. If not, then the requests might need to be presented directly to the Council. County Attorney Larry Murrell advised that it is the County Council's responsibility to decide whether to approve a salary change in the middle of a year. The Commissioners asked Attorney Murrell to draft a written policy regarding salary issues being referred to the PAC by the Commissioners.

Mr. Bagwell made a motion to submit the transfer request for the Communications Director and Assistant Communications Director salaries to the PAC for a recommendation. Mr. Raver seconded the motion, and it carried.

Mr. Bagwell made a motion to request the County Attorney to develop a written policy with reference to the practice of salary issues being referred to the PAC by the Board of Commissioners. 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 and approval:

1. **Case 3-CP-04 – one (1) lot in Whaley Subdivision located at 5371 East 200 South** was approved on a motion made by Mr. Raver. Mr. Bagwell seconded the motion, which carried.
2. **Case 4-CP-04 – one (1) lot in Cliff's Subdivision located at 1972 North 750 East** was considered. Mr. Bagwell made a motion to approve Case 4-CP-04. Seconded by Mr. Raver, the motion carried.
3. **Unsafe Buildings:** A public hearing was held at 9:15 a.m. regarding the property at 3315 West 50 South (*See Scheduled Public Hearing below*)
4. **Flood Mitigation Issues:** Mr. Boise did not have any new information to present.

**SCHEDULED PUBLIC HEARING – 9:00 A.M. UNSAFE BUILDING - 3315 WEST 50 SOUTH**

*(See page 2, February 16<sup>th</sup>, 2004 minutes, "In the Matter of Plan Commission Issues and Properties for Approval", Item 3, for related discussion)*

**The public hearing was opened at 9:15 a.m.  
Property Owners - J. W. Ray and Wanda Sitzes**

Mrs. Sitzes reported that the list of items required by the City Building Inspector and Howard County Health Department has been completed in order to make the house habitable. An interior wall was removed, all of the carpeting was removed, new drywall was installed, the floor was painted, and a lot of personal belongings were disposed of.

Plan Commission Director Glen Boise stated he would contact the Health Department regarding the septic system inspection. He stated that the next step is to schedule an inspection of the house and make a report to the Commissioners at the next meeting scheduled for April 5<sup>th</sup>, 2004. If the work on the house is completed, Mr. Boise requested permission to authorize the owners to return to the house.

Ms. Connie Pavey complained about standing water, mosquitoes, and trash piles behind Mrs. Sitzes' home. Mr. John Sharp, property owner to the south, was also concerned about the standing water. Mr. Bagwell commented that standing water is not an unsafe building issue unless it affects the septic system. The Department of Health is going to determine if the system is functioning correctly. The other issues such as trash piles and mosquitoes are a secondary issue to whether the house is habitable and need to be addressed separately. Mr. Boise suggested that the property owners contact the County Surveyor to investigate the water problem.

Mr. Bagwell made a motion to close the public hearing. Seconded by Mr. Raver, the motion carried.

**Public Hearing Closed  
9:30 a.m.**

**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. The renovations will begin on Superior Court II on April 12<sup>th</sup>, 2004. A larger air conditioner will be installed; the ceiling and lighting will be revised. Mr. Harrison anticipates the work to be completed in approximately two weeks.
  - b. Terstep arrived on Tuesday, March 9<sup>th</sup>, 2004 to complete the work on the new holding cell. However, the caulking work is supposed to be performed by a specialist that failed to show up.
2. **Government Center Update:** The new exterior signage has been placed on the building and the old holes filled in.
  3. **Administration Center Update:** Last week Hayes Brothers Construction repaired the cracked wall in the Hearing Room by installing two expansion braces. The plaque of the County Seal will be placed back on the wall soon.

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

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

1. **The State of Indiana Deferred Compensation Plan:** Mr. Jeff Kachmar, Plan Representative, will conduct several group education meetings to discuss the deferred compensation benefit plan on **Thursday, April 22<sup>nd</sup> and Friday, April 23<sup>rd</sup>, 2004**. A memorandum listing the scheduled meeting and times and locations was provided. On the list, the Commissioners asked Mrs. McKillip to change the name "Government Building" to "Government Center." Mr. Bagwell made a motion to approve distributing a corrected copy of the meeting schedule with each employee's paycheck on Thursday, April 8<sup>th</sup>, 2004. Mr. Raver seconded the motion, which carried.
2. **Life Insurance Classification Change:** Recently Jefferson Pilot Life Insurance Company requested a time keeping record in order to pay a claim upon the death of an insured employee. There currently are two classes of insured. Class 1 is for all full time Sheriff's Merit Deputies and Convention and Visitor's Bureau employees that work a minimum of 30 hours per week. Class 2 is for full time employees that work at least 30 hours per week. Since Elected Officials, Appointees and Attorneys are exempt from all timekeeping records, a Class 3 was set up in order to allow proper documentation and payment processing for that group. Mrs. McKillip will further review the plan structure to make sure all employees are included in one of the three groups.

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

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

1. **Inner Agency Communications Upgrade:** This project involves several agencies within the county such as the Howard County Criminal Justice Center, E-911 Dispatch, Kokomo Police Department, Fire Department, Emergency Management Agency, etc. Information Systems will oversee this project. The funding for the first grant came in and the next step is to define what goals to accomplish. One goal is to set up the backbone, which is a wireless network between the Criminal Justice Center, Kokomo Police Department, and the Administration Center. Mr. Tribby requested authorization to proceed with writing the specifications for the Request for Proposals for this project.

Mr. Bagwell made a motion to authorize Mr. Tribby to proceed with the Request for Proposals for the Inner Agency Communications Upgrade Project. Mr. Raver seconded the motion, and it carried.

2. **Workstations for Prosecutor's Office:** *(See page 5, March 1<sup>st</sup>, 2004 minutes, "In the Matter of Information Systems Director Issues", Item 3, for related discussion)* The 21 new work stations arrived and Information Systems personnel are working on installing the equipment in the Prosecutor's Office.
3. **Refurbished Computers:** *(See page 5, March 1<sup>st</sup>, 2004 minutes, "In the Matter of Information Systems Director Issues", Item 2, for related discussion)* On Tuesday, March 9<sup>th</sup>, 2004 employee names were drawn for 27 reconditioned computers at a price of \$50.00 each. Mr. Tribby commented that a significant interest was generated for the computers and project went very well. He anticipates going through the drawing and sale process for another 25 computers in the near future. Mr. Bagwell made a motion to receipt the \$1,350.00 generated from the sale into the County General Fund. Seconded by Mr. Raver, the motion carried.
4. **County Website Update:** The county website is continuing to grow. The Commissioner and Council minutes are posted there, as well as information about the various services that our county has to offer. Mr. Tribby encouraged the Commissioners to make any suggestions that might enhance the website. Auditor Martha Lake liked how a key word can be entered to search for related topics in the Commissioner and Council Minutes. Mr. Bagwell suggested posting the news attachments that are included with employee paychecks on the website.

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

Executive Director Kris Conyers presented the following issues for Commissioner information and approval:

1. **Imaging Project:** Mrs. Conyers requested approval to proceed with Requests for Proposals for an imaging project for the Vital Records Office. The vital records in the Health Department date back to 1875. The State Department did not start keeping health records until 1907. This means the department has some original records that have no other copies. The record books have become so fragile that genologists are not permitted to handle them. In order to safeguard these records, the data needs to be stored in an electronic file. Three vendors demonstrated their imaging capabilities at recent Board of Health meetings. The prices vary from \$15,000 to \$107,000 depending on the range of services. The Health Department Anticipates starting the project in 2004 and estimates that the completion would be in the next 3-5 years. The project would be paid for using Tobacco Settlement Funds.

Mr. Bagwell made a motion to find that bidding would not be appropriate in this particular case and authorize the Howard County Health Department to prepare a Request for Proposals for the imaging project. Mr. Raver seconded the motion, and it carried.

2. **Smoking Issue:** *(See page 7, March 1<sup>st</sup>, 2004 minutes, "In the Matter of Commissioner Issues", Item 3, for related discussion)* Now that the doors on the west side of the Courthouse have been restricted, the number of smokers has increased outside the east doors. Mr. Raver asked Mrs. Conyers for input on the subject. Mrs. Conyers had knowledge that the City Government recently implemented a new smoking policy for City owned buildings and there is a group in the community working on establishing smoke free restaurants.

#### **IN THE MATTER OF GRANT ACTIVITY:**

*(See page 2, January 27<sup>th</sup>, 2004 minutes, "In the Matter of Plan Commission Issues", Item 2, and page 5, February 16<sup>th</sup>, 2004 minutes, "In the Matter of Claims and Reports", Item 10, for related discussion)*

Grant Administrator Tina Mendenhall Henderson presented the final grant applications for the New London Conservancy District and the Taylor Township Regional Sewer District. As a Grant Administrator, Ms. Henderson said she is responsible to move forward with both applications and have them ready in time for the April 2<sup>nd</sup>, 2004 deadline. However, only one application can be submitted at a time and Taylor Township is the first priority providing they are ready. The environmental review is the only issue delaying the progress.

If New London's application is submitted first then it becomes a coordination effort. New London would need to be under construction by September 2004 in order to allow Taylor Township to submit their application for the second round. It was Ms. Henderson's opinion that if Taylor Township goes in first, New London would have no problem going in by September 2004.

- a. **New London Conservancy District - Resolution No. 2004-BCC-08**, a Resolution Authorizing Submission and Local Match Commitment. At the January 27<sup>th</sup>, 2004 meeting the Commissioners approved sending a request to the County Council to appropriate \$30,000 from the EDIT Fund to be used as a loan to the New London Conservancy District. On February 16<sup>th</sup>, 2004 the Commissioners voted to increase the request to \$35,000. The appropriation was approved by the Council on February 24<sup>th</sup>, 2004.

Mr. Bagwell made a motion to approve Resolution No. 2004-BCC-08, a Resolution Authorizing the Submittal of the Community Focus Fund Application to the Indiana Department of Commerce and Addressing Related Matters in regard to the New London Conservancy District. Seconded by Mr. Raver, the motion carried.

- b. Mr. Bagwell made a motion to approve **Taylor Township Regional Sewer District - Resolution No. 2004-BCC-09**, a Resolution Authorizing Submission and Local Match Commitment, and authorize the President to sign the document on behalf of the Board. Mr. Raver seconded the motion, and it carried.

#### **IN THE MATTER OF COUNTY CLERK – POLING SITES FOR 2004:**

County Clerk Mona Myers and Secretary to the Howard County Election Board presented the polling site list for the 2004 election year. Each polling site has signed an agreement with the County Election Board to provide the site for the entire year. There were no changes made; the locations remained the same as the previous year.

Mr. Raver made a motion to approve the polling sites as submitted. Mr. Bagwell seconded the motion, which carried.

#### **IN MATTER OF APPROVAL TO INSTALL DRAIN TILE IN COUNTY RIGHT-OF-WAY:**

On behalf of Mr. Doug Hartman, Excavator Richard Blazer requested approval to place perimeter drain tile in the county right-of-way for the septic system on Lot 119 in the Moors of Chippendale Subdivision at 1520 Bramoor Drive. Due to the restrictions of slopes and trench depths it was necessary to place the tile in the right-of-way. The drain will be installed and maintained at the property owner's expense and the site returned to as good or better condition.

Mr. Bagwell made a motion to approve placing the drain tile in the road right-of-way as outlined for 1520 Bramoor Drive. Mr. Raver seconded the motion, which carried.

**IN THE MATTER OF MOBILE RADIO, INC. PROPOSAL:**

Mr. Larry Sparks of Mobile Radio of Kokomo, Inc. reported that during an inspection, the tower crew found problems with the south antenna at the 300 ft. level on the tower at Cinergy. Mr. Sparks said there are signs that the antenna has been struck by lightning. Each time there was a heavy rain or snow the sheriff deputies complained about the signal. There are three (3) antennas on the tower and only the damaged one needs replaced. Mr. Sparks presented a proposal to replace the antenna for \$990.00 plus \$110.00 for freight. The labor to remove and install the antenna would be an additional cost.

Once the order is placed the antenna would arrive within seven to ten days. The system will not be completely down during the repair work; only five channels will be turned off.

Mr. Bagwell made a motion to approve the purchase and installation of the 9DB gain omnidirectional fiberglass antenna for \$990.00 and \$110.00 for freight plus the labor for removal and installation and authorize the President to sign on behalf of the Board. Mr. Raver 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. Both newspapers made errors in the legal advertising of the **Operating Claims payable today, March 15<sup>th</sup>, 2004**. Both have been made aware of the errors and have agreed to re-advertise the claims. The Tribune will re-advertise on Tuesday March 16<sup>th</sup>, the Herald on Thursday March 18<sup>th</sup>.

Mr. Bagwell made a motion to approve the operating claims presented today in the amount of \$139,317.54, but to hold payment of checks until a corrected list is published in both the Kokomo Tribune and the Kokomo Herald. The motion was seconded by Mr. Raver, and carried.

2. **Commissioner’s Salary Claims for hourly, salary, and overtime payable for March 19<sup>th</sup>, March 26<sup>th</sup>, and April 2<sup>nd</sup>, 2004** were considered. Mr. Raver made a motion to approve payment. Mr. Bagwell seconded the motion, and it carried.
3. The **Howard County Treasurer’s Report for the month of February 2004** was accepted on a motion made by Mr. Bagwell, seconded by Mr. Raver, and it carried.
4. **Appropriation Requests to the Council:**

**001 HOWARD COUNTY GENERAL FUND:**

023 HOWARD COUNTY BOARD OF COMMISSIONERS:  
\*3625 Settlement – Tax Sale

**150 HOWARD COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND:**

**000 HOWARD COUNTY INDIVIDUAL DEPARTMENT REQUESTS:**

4600	Building & Repair – Emergency Management	\$ 42,190.00
4730	Computer Upgrade -- Prosecutor	\$ 31,655.00
4731	Postage Machine – Admin. Center	\$ 6,400.00
<b>Total CCD Fund:</b>		<b>\$ 80,245.00</b>

\*There was a legal problem involving the Board of Commissioners Fund. The property at 174 South 950 East was involved in a tax sale litigation case. A settlement check was erroneously issued to the property owner instead of the lending institution. The property owner was not entitled to the money and failed to return it after being requested to do so. The County Attorney filed a Small Claim against the property owner in an attempt to collect the money.

In regard to all the requests listed above, Mr. Bagwell made a motion to approve the appropriation requests for the General Fund and Cumulative Capital Development Fund to be presented at the County Council meeting on March 23<sup>rd</sup>, 2004. Seconded by Mr. Raver, the motion carried.

5. Copies of the **Soil and Water Conservancy District Agenda and Minutes** were provided to the Commissioners.
6. Two invoices were submitted, one from the Kokomo/Howard County Development Corporation for the annual investment of \$40,000.00 and one from the Kokomo Technology Center in the amount of \$20,000.00.
7. The Commissioners acknowledged a **letter from the Kokomo Main Street Association**.
8. The Commissioners signed the Original Buyer File documents from Butler, Fairman and Seufert for Parcels Nos. 24 and 26 regarding the **Dixon Road Project** from Alto Road to Zartman Road. This completes the parcels for the Dixon Road Project. In addition, Mr. Harbaugh signed a Certification letter for the **Bridge No. 61 Project**.
9. **SBC Communications Contract:** (See page 4, February 16<sup>th</sup>, 2004 minutes, “In the Matter of County Long Distance Telephone Service” and on page 1, March 1<sup>st</sup>, 2004 minutes regarding

*corrections to the February 16<sup>th</sup> minutes for related discussion*) Under the new contract for long distance plans the County will save more than \$27,000.00 in the next three (3) years. Mr. Raver made a motion to approve the three (3) year contract with SBC Communications for long distance and long/long distance service and authorize the President to sign on behalf of the Board. Mr. Bagwell seconded the motion, which carried.

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

At the request of County Attorney Larry Murrell the Commissioners scheduled an **Executive Session on Thursday, March 18, 2004 at 10:00 a.m. in Room 220D of the Howard County Administration Center** to discuss issues related to pending litigation.

**IN THE MATTER OF COMMISSIONER ISSUES:**

1. **Mr. Bagwell will be out of town** from March 18<sup>th</sup> to April 2<sup>nd</sup>, 2004.
2. Mr. Raver gave a report on the previous **MS4 Meeting** held on March 3<sup>rd</sup>, 2004. MS4 Operator Mr. Beryl Grimme, Environmental Engineer Amy Moore with Butler, Fairman and Seufert, and Commissioner Representative Paul Raver met with City Representatives. Some issues were resolved regarding locations where drainage for the County and City overlap.
3. **Indian Heights Streetlights Issue:** The Commissioners received copies of a letter regarding the street light issue in Indian Heights Subdivision. State Representative Ron Herrell has sponsored legislation that would modify the Barrett Law to include streetlights. Attorney Murrell recently held a brief conversation with Mr. Bob Winkler, a resident of Indian Heights, who stated that street lights have already been installed.
4. The **Key Bank Lease** expires February 28, 2005. Mr. Bernie Ampe has done work on the lease previously and indicated that he is willing to work on the new lease.
5. Mr. Raver expressed a concern with the **sewage treatment plant at Howard Haven**. Initially there were only six residents at the facility. The facility has filled to capacity having 18 residents, plus the staff. Mr. Raver will contact Jerry Williams, Professional Engineer with Gove Associates, to take a look at connecting the facility to the City sanitary sewers being installed across the street for the new Cobblestone Village Subdivision.
6. **GASB 34 Governmental Accounting Standards:** Recently the Indiana Sate Board of Accounts determined that ALL counties will be required to comply with a GASB 34 reporting model. Compliance will be based on county population. The process has a 3 to 4 year implementation/completion requirement. The first step is to adopt a county policy. The plan is complicated involving capital assets, infrastructures and cost evaluations. After discussion with County Attorney Larry Murrell, conversation has begun with financial planning consultants regarding ideas putting together a comprehensive, workable policy.

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 11:30 a.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, March 15, 2004