

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MAY 3, 2004

The Howard County Board of Commissioners met in Regular Session on Monday, May 3rd, 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.

President John B. Harbaugh called the meeting to order.

The minutes from the regular meeting held on April 19th, 2004 were reviewed. Mr. Bagwell made a motion, seconded by Mr. Raver and carried, to approve the minutes.

IN THE MATTER OF HIGHWAY ISSUES:

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

1. Walnut Estates Subdivision, Section 18, Phase 1:

- a. **Maintenance Bond No. 400TD4062:** A three (3) year maintenance bond in the amount of \$181,372.00 was submitted from Community Land Development and Mohr Construction Company, Inc., a Division of E & B Paving, Inc. for *Walnut Estates Subdivision, Section 18, Phase 1*, Harrison Township, for the stone base for street, asphalt binder and surface for street, concrete curb and gutters, street signs, traffic control devices. Mr. Cain reviewed the documents and determined that the bond was in order and ready to be accepted.

Mr. Bagwell made a motion to accept the maintenance bond for Walnut Estates Subdivision, Section 18, Phase 1, as presented. Mr. Raver seconded the motion and it carried.

- b. **Locate Sewer Line in Right-of-Way:** Mr. Wyatt Johnson, P.E., L.S. representing Walnut Estates Subdivision was present for the discussion. Walnut Estates Subdivision might be annexed into the City and the developers plan to install a forced sewer main on county property on 300 South, just west of Rice’s Golf Center. Mr. Cain initially spoke to a representative of the project and requested the sewer line to be located off of the county right-of-way as much as possible. However, the developers were not successful in obtaining permission from the property owners to place sewer lines on their properties. Mr. Cain had no problems with placing the sewer lines in the right-of-way.

Mr. Bagwell made a motion approve placing the sanitary sewer line in the right-of-way of County Road 300 South as outlined above. Mr. Raver seconded the motion, and it carried.

- 2. **Annual Operating Report:** (*See page 6, attached, “In the Matter of Claims and Reports”, Item 3, for related discussion*) Mr. Cain provided copies of the Howard County Highway Department Annual Operating Report for 2003 and gave a brief overview of some of the projects planned for the year 2004.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert presented the following issues for Commissioner information:

- 1. **AFIS Service Contract:** (*See page 2, March 1st, 2004 minutes, “In the Matter of Sheriff Department Issues”, Item 7, for related discussion*) A service contract was submitted from NEC Solutions (America), Inc. for the Automatic Fingerprint Identification System (AFIS) at the Criminal Justice Center. The maintenance services will cover Monday through Friday at a price of \$8,136.00 for the period of May 1st, 2004 to April 30th, 2005. Sheriff Talbert plans to pay for the service contract out of the Misdemeanor Grant Fund for the 2004-year and then include the cost in a line item when preparing the budget for 2005. The Council approved the funding for the service contract at their meeting on April 27th, 2004.

Mr. Raver made a motion to approve the service contract with NEC Solutions (America), Inc. for the Automatic Fingerprint Identification System Equipment at the Criminal Justice Center subject to approval by the County Attorney, and authorize the President to sign on behalf of the Board. Seconded by Mr. Bagwell, the motion carried.

- 2. **Quotes for Replacement Vehicle:** (*See page 2, April 5th, 2004 minutes, “In the Matter of Sheriff Department Issues”, Item 3, for related discussion*) The Sheriff obtained the following quotes for a 2004 extended cab pickup truck to be used by the Dive Team:

<u>Dealership</u>	<u>Without Tow Package</u>	<u>Includes Tow Package</u>
Erik’s Chevrolet	\$ 21,000.00	\$ 22,425.00
Brad Howell Ford	No Quote	\$ 21,599.44
Kokomo Auto World	No Quote	\$ 22,633.25
Conkle Pontiac	No Quote	\$ 23,522.16

Sheriff Talbert recommended purchasing the pick up truck from Brad Howell Ford because it was the lowest quote and the vehicle color would match the other canine trucks that are currently in service for the Sheriff's Department. However, the specifications did not require a tow package and there was a question regarding the responsiveness of the quotes. It was uncertain whether trailer tow package options must be included in the base price of the trucks to provide an auxiliary transmission oil cooler included in the specifications. Sheriff Talbert said he would work on clarification of the pickup truck specifications.

Mr. Bagwell made a motion to take the quotes for the purchase of an extended cab pickup truck under advisement for further review. Seconded by Mr. Raver, the motion carried.

3. **Laboratory Modification:** The laboratory at the Criminal Justice Center is small, cramped and resembles a closet. The Sheriff obtained cost estimates to modify the former computer workroom into a laboratory area. The lowest quote from True Fit Custom Cabinets in the amount of \$5,651.25 along with plumbing supplies from Buckner Distributing at a cost of \$1,188.94, and Evidence Room supplies in the amount of \$2,392.20, would add up to a total cost of \$9,232.39.

<u>Cabinet, Tops Installation & Labor</u>	
Hearn Construction, Inc.	\$ 8,200.00
Hayes Brothers, Inc.	\$ 8,547.00
True Fit Custom Cabinets	\$ 5,651.25
<u>Plus</u>	
Buckner Distributing - Plumbing Supplies	\$ 1,188.94
Evidence Room Supplies & Equipment	\$ 2,392.20

Mr. Raver made a motion to request an appropriation of \$9,300.00 out of the Cumulative Capital Development Fund for updating the Evidence Room at the Howard County Criminal Justice Center. Mr. Bagwell 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 1-CP-04 – one (1) lot in Nethercutt Subdivision located at 8312 West 500 South** was approved on a motion made by Mr. Raver. Mr. Bagwell seconded the motion, which carried.
2. **Case 7-CP-04 – one (1) lot in Miscris Subdivision located at 3419 West 250 South** was considered. Mr. Bagwell made a motion to approve Case 7-CP-04. Seconded by Mr. Raver, the motion carried.
3. **Case 12-CP-04 – six (6) lots in Woody Glen Subdivision located at 1028 South 900 East** was approved on a motion made by Mr. Raver, seconded by Mr. Bagwell, and carried.
4. **Unsafe Buildings:** A public hearing is scheduled for 9:30 a.m. regarding the property at 2255 South 350 West. *(See Scheduled Public Hearing on page 3, attached)*
5. **Flood Mitigation Issues:** *(See pages 1 – 2, April 19th, 2004 minutes, “In the Matter of Plan Commission Issues and Properties for Approval”, Item 2, for related discussion)* The letter of intent was submitted to the Indiana Housing Finance Authority to apply for consideration of funding for the flood mitigation activities. The application must be submitted by May 28, 2004. One of the requirements before submitting the application is to hold a public hearing. The purpose of the hearing is to discuss community development and housing needs, development of proposed activities, review program performance, and allow input from the community. Mr. Boise proposes to amend the Flood Hazard Plan to include the purchase of the six (6) flooded homes that were discussed at previous meetings.

Mr. Bagwell made a motion to schedule a Special Meeting in order to conduct a public hearing regarding the Flood Mitigation Grant Application on **Monday, May 24, 2004 at 6:00 p.m. in Room 338 of the Howard County Administration Center.** Seconded by Mr. Raver, the motion carried.

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. **Superior II Courtroom:** The installation of the air conditioning has been completed. A contractor must be selected to complete the work on the sound system.
 - b. **Exterior Entry Lights:** The brass finish on the four (4) pillar lights located at the east and west entrances have tarnished. The sealing was not included in the bid for the Courthouse Renovation Project. An estimate was received from the Atlas Company in the amount of \$11,844.00 to clean and seal the lights; however, it was uncertain whether the brass would eventually tarnish again. Mr. Bagwell mentioned that a home located at the corner of Boulevard and Main Street has copper

type roofing material that does not seem to tarnish. A suggestion was made about contacting the homeowner to find out what was used to prevent the copper from oxidizing.

- c. **Superior III Courtroom:** The wood benches in Superior III Courtroom are cracking and splitting. An estimate to rework the benches was obtained from Hayes Brothers, Inc. at a cost of \$857.00. It is possible that a 24 hour downtime will be needed to complete the repair work. Mr. Harrison will work together with Judge Douglas Tate regarding the time frame necessary for the project.
- d. **New Holding Cell:** The caulking work in the new holding cell has finally been completed. Captain Harold Vincent from the Howard County Sheriff's Department must approve the work before the cell can be used.

CONTINUED PUBLIC HEARING – 9:30 a.m. - UNSAFE BUILDING - 2255 SOUTH 350 WEST

The public hearing was opened at 9:20 a.m.
Property Owners - Gregory and Sonya Ward

The public hearing was continued from the March 1, 2004 meeting. (*See page 4, March 1st, 2004 minutes for related discussion*)

Attorney J. Conrad Maugans represented property owners Gregory & Sonya Ward. Attorney Maugans reported that verification was received from Ortman Drilling and Department of Health that the well and septic system are in good condition and may remain on the property for future use.

Farm Bureau Insurance Company has paid the mortgage on the house and accepted responsibility for the fire loss. However, the insurance company visited the site and stipulated that the personal property evidence cannot be destroyed. Because the insurance company is delaying payment of the replacement costs for the house and personal property, the Wards still do not have the money to finish cleaning up the property. Attorney Maugans advised that the Wards have a "time specific" option (until August 8th per exisiting suit clause) to file a lawsuit against the insurance company, but they are waiting as long as possible for the insurance company to respond in order to hopefully save the litigation costs and time a law suit would require.

It was County Attorney Larry Murrell's opinion that the county should not get involved in the dispute between the homeowners and their insurance company.

Mr. Bagwell made a motion to continue the public hearing until **August 16, 2004 at 9:30 a.m. in Room 338 of the Howard County Administration Center**. Mr. Raver seconded the motion, and it carried.

Public Hearing Closed
9:30 a.m.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

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

1. **Supplemental Insurance:** Colonial Supplemental Insurance Representatives will meet with employees on **Thursday, May 20th and Friday, May 21st, 2004** to discuss voluntary insurance plans available through payroll deduction. A schedule of times and locations of the meetings to be distributed with employee paychecks on Friday, May 14th, 2004 was approved on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.
2. **Howard Community Hospital Board of Trustees:** Mr. Gene Murphy's term will expire on June 30, 2004 for the Howard Community Hospital Board of Trustees. By consensus, the Commissioners will address this at a later date.
3. **CORE Human Resources Seminar:** Mrs. McKillip requested approval to attend The Indiana Association of Counties Human Resources Annual Seminar along with Administrative Assistant Vicky Hinkle at IVY Tech State College in Kokomo on June 23, 2004. The cost to attend the seminar is \$70.00 per person for a total of \$140.00.

Mr. Bagwell made a motion to authorize Mrs. McKillip and Mrs. Hinkle to attend the CORE Human Resources Seminar on June 23rd, 2004 at IVY Tech State College in Kokomo. Mr. Raver seconded the motion, which carried.

4. The **Deferred Compensation** meeting was held on April 22nd and 23rd, 2004, which resulted in ten new people enrolling in the Deferred Compensation Benefit Plan.
5. **Association of Indiana Scholarships opportunities** are available for all Howard County Employees. A high school senior anticipating starting college in the fall of 2004 must write an essay for an opportunity to win a \$1,000.00 scholarship.

IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:

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

1. **Property Software Program:** County Assessor Ann Harrigan stated that there are 5910 personal properties and 1,689 mobile home properties in Howard County. The Proval (Property Valuation Systems) for mobile homes is no longer used because the values in the system are much too high. Mrs. Harrigan gave a brief overview of the cumbersome manual process currently being used when the personal property assessment returns come in. With the support of Mr. Tribby, Mrs. Harrigan has been considering a new personal property software program from Assessment Software Solutions, Inc. ("AS2").

Mr. Phillip Fokerts, President of Assessment Software Solutions, Inc. presented a Professional Services Agreement. Mr. Fokerts gave a brief presentation on AS2 assessment software that has a variety of tools to help the Assessor manage personal property filings, and mobile homes, and automatically calculate numbers. The program would be designed specific to the assessing community and/or local government and the County has the option to take ownership of the software instead of leasing it. Mr. Fokerts contends that the county would save a significant amount of money and time with the new software program compared to doing all the work manually. The service agreement would include technical support, free software updates and 10 hours of additional custom programming for an initial cost of \$13,000 to be paid only after the software has been installed and is working properly. Beginning May 1, 2005, the County has the option to approve a renewable maintenance fee of \$3,150 per year. Additional on-site support would be provided for an additional compensation of \$95.00 per hour.

Center Township Assessor Sheila Pullen and Auditor Martha Lake voiced support of the software program.

County Attorney Larry Murrell and Mr. Tribby had the opportunity to individually review the service agreement and presented a list of suggestive changes. Mr. Fokerts was in agreement with the changes and requested a few minutes to make revisions to the contract. By consensus, the Commissioners tabled the issue to allow time for Mr. Fokerts to make the recommended changes to the contract. (*See page 5, attached, for related discussion*)

2. **Interoperability Communications Upgrade Project:** In December 2003, the City and County submitted applications for their first Homeland Security Grant, which has been received. Emergency Management Agency, Kokomo Fire Department, Kokomo Police Department, Howard County Sheriff's Department and 911 Dispatch collectively decided to study the best way to utilize the grant money. The group came up with an idea to have interoperability and shared information between all of the public safety departments in the community. Mr. Tribby informed the Commissioners that additional grant money is anticipated for the ICU Project. The deadline is approaching to submit the second part of the Homeland Security Grant application to the State by May 14th, 2004.
3. **County Website:** Information Systems are in the process of adding new icons to the Howard County Website (www.co.howard.in.us):
 - a. **Attorney General's Website:** The Attorney General's Office requested installation of a link to their website due to the tornado damages that occurred in April 2004. The purpose of the website is for citizens to read and understand how to work with the contractors that are cleaning up following the disaster.
 - b. **Election Day Website:** A link has been established to the website designed to post election information and updates on the internet for the upcoming primary election on May 4th, 2004.
 - c. **Property Record Internet Access:** (*See page 4, April 5th, 2004 minutes, "In the Matter of Information Systems Director Issues", Item 1, for related discussion*) NX Communications has started working on the project to post Howard County's tax and assessment information on the internet. At this time those interested can preview the system by viewing the Grant County site.
4. **Wireless Communications Project:** Howard County proposes to install a wireless system that will cover and connect selected locations within the Howard County area as part of Phase One of a larger scale Wireless Network. Phase One includes the installation of the backbone for the wireless network and is ready for the bidding process to begin. Safety issues are the major concern; the wireless communication project for County-wide law enforcement, fire and emergency services involves sensitive information which, if disclosed to the public, could jeopardize or impair public safety operations. The Request for Proposals is a complicated balance between protecting the County's computer infrastructure and offering as much competition as possible. Due to security and compatibility being major considerations and only CISCO Aironet Wireless Solution supplies and services are able to implement the project, it is being processed as a "special purchase" pursuant to Indiana Code 5-22-10-1, 5-22-10-8 and 5-22-10-9.

Vendors will be required to show their credentials in order to pick up the RFP's in the Auditor's Office. Attorney Murrell suggested revising the "Notice of Request for Proposals" to specify the type of qualifications required that would be used to pre-screen the vendors and finalize the Notice at the next Commissioners' meeting. All qualified vendors will be required to attend an informational

meeting in the Howard County Administration Center. For security purposes, the meeting will be closed to the public except for interested vendors and members of the media. At this meeting, the Howard County Information Systems Director will provide details of the Project and distribute a written Summary outlining the specifications and additional proposal requirements. The presentation and the summary are confidential information so each vendor will be required to execute a Confidentiality Agreement prior to the commencement of the meeting.

This issue was tabled by consensus in order for the Information Systems Director, together with the County Attorney, to research and specify the type of qualifications needed to pre-screen the vendors and incorporate those requirements into the "Notice of Request for Proposals" for the Wireless Project.

SCHEDULED PUBLIC HEARING – 10:00 A.M. - VACATION OF UTILITY EASEMENT (LOT 29 IN BARNETT’S SOUTHDOWNS ADDITION) - ORDINANCE NO. 2004-BCC-16:

(See pages 5-6, April 5th, 2004 minutes, "In the Matter of Petition to Vacate Utility Easement – Lot 29 in Barnett’s Southdowns Addition" for related discussion)

The public hearing opened at 10:25 a.m.

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 future construction. Mr. Toben notified the utility companies by certified mail and no objections to vacating the easement were received. The hearing was properly advertised in the Kokomo Tribune and the Kokomo Herald and the adjoining property owners were notified. There was no one present with questions or comments.

Mr. Bagwell made a motion to close the public hearing. Mr. Raver seconded the motion, which carried.

There being no objections to vacating the easement, Mr. Raver made a motion to approve Ordinance No. 2004-BCC-16. Mr. Bagwell seconded the motion, and the motion carried.

Close Public Hearing - 10:30 a.m.

REOPEN DISCUSSION AS2 PROFESSIONAL SERVICES AGREEMENT:

(Discussion continued from page 4, attached)

Mr. Phillip Fokerts returned with the revised service agreement between Howard County and Assessment Software Solutions, Inc. Mr. Tribby and Attorney Murrell affirmed that the agreement met their approval.

Mr. Bagwell made a motion to approve the Professional Services Agreement with AS2 for the assessment software and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF JUVENILE PROBATION ISSUE – CREDIT CARD PAYMENT:

Chief Juvenile Probation Officer Don Travis presented the following issue for Commissioner information and approval:

In July 2003 a provision in the Indiana Code allowed collection of fees on behalf of Probation Departments in the State. Mr. Travis presented a proposal to make credit card payments available to those assessed by the Court through the Juvenile Probation Department. The cost of purchasing a credit card machine is approximately \$1,000 and plus a percentage charged by the credit card companies. Although the Statute allows an additional fee to cover the costs charged by the credit card companies, VISA was not agreeable.

PayTrust Solutions, Inc. ("PTS") from Indianapolis offered an agreement, renewable in one-year increments, to collect and process court costs to credit card companies. PTS would charge the convenience fees to the cardholder, electronically process the payment, and notify the government agency that payment has been made. The agency receives 100 Percent of the amount owed by the cardholder without paying discount points. This means that there would be no cost to the department or the County for the collection of fees using credit cards. There will be no additional bookkeeping, and no risk or liability to the County because PTS assumes all risk for disputes and charge backs.

Assistant County Attorney Brian Oaks had an opportunity to review the Service Agreement. His only suggestion was to be sure to notify the cardholder that their credit card company will charge a service fee to their account for using the service. Mr. Travis has spoken to Circuit Court Judge Lynn Murray regarding PTS. The Judge indicated that she is in favor of this as an alternative payment option offered to clients.

Mr. Bagwell made a motion to approve the Service Agreement between Howard County and PayTrust Solutions, Inc. for one year as outlined above. 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. **Revised Operating claims in the corrected amount of \$564,704.06** were presented. Due to a glitch in the computer system at the Howard County Administration Center both newspapers had incorrect

figures in the legal advertising of the Operating Claims payable today, May 3rd, 2004. Both publishers agreed to re-advertise the Revised Operating Claims containing the corrected figures. The Kokomo Tribune will re-advertise on Tuesday, May 4th, and the Kokomo Herald on Thursday, May 6th, 2004. The County Attorney recommended scheduling a Special Meeting to consider approval of the revised operating claims.

Mr. Raver made a motion to schedule a Special Meeting of the Howard County Board of Commissioners on **Thursday, May 6, 2004, at 3:00 p.m. in Room 338** to consider approval of the Revised Operating Claims. Mr. Bagwell seconded the motion, which carried.

2. **Commissioner's Salary Claims for hourly, salary, and overtime payable for May 7th, and May 14th, 2004** were considered. Mr. Raver made a motion to approve payment. Mr. Bagwell seconded the motion, and it carried.
3. The **Howard County Highway Department Annual Operating Report for 2003** was approved on a motion made by Mr. Raver, seconded by Mr. Bagwell, and carried. (*See page 1, Item 2, In The Matter of Highway Issues.*)
4. **Annual School Report:** As a matter of record, the Annual School Report for the year ending April 30, 2004 was distributed for perusal. The fund balance is \$22,477.77 and the County is paying \$899.12 annually in interest.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell presented a **claim for his monthly office allowance** in the amount of \$385.00 for the month of May, 2004. Mr. Bagwell made a motion to approve payment. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF COMMISSIONER ISSUES:

1. The **Weights and Measures Monthly Report for March 15th to April 15th, 2004** was accepted on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.
2. **Interlocal Agreement:** (*See page 8, April 5th, 2004 minutes, "In the Matter of County Attorney Issues", Item 3 for related discussion*) For a number of years the County has been paying 45% and the City has paid 55% for the operation of the Weights and Measures Department. Recently it was discovered that no formal agreement could be found. The County Council approved an Interlocal Agreement between the City and County regarding the services of the Weights and Measures Department at their April 27th Meeting and authorized the Commissioners to grant approval.

Mr. Bagwell made a motion to approve the Interlocal Agreement between Howard County and the City of Kokomo for the services of the Weights and Measures Department. Mr. Raver seconded the motion, which carried.

3. The **Small Business Development Center** recently moved from the basement of the Howard County Administration Center to the new Kokomo Technology Center at 700 E. Firmin Street. Mr. Raver reported that Maintenance Personnel removed their name from the directory located on the first floor, and the SBDC logo has been removed from the sign on the front lawn.
4. The County Council approved the appropriations for the **sewer plans at Howard Haven** at their April 27th meeting. The Commissioners authorized Mr. Raver to contact Mr. Jerry Williams from Gove Associates Inc. to proceed with plans for the project.

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 11:05 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, May 3rd, 2004