

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 5, 2004

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

Sheriff Marshall Talbert called the meeting to order. President Bradley J. Bagwell wished everyone a happy new year.

The minutes from the last regular meeting held on December 15th and December 29th, 2003 were considered. Mr. Harbaugh made a motion, seconded by Mr. Raver and carried, to approve the minutes with the following corrections:

- a. On page 6, December 15th, 2003 minutes, "In the Matter of County Attorney Issues", Item 3. Chrysler Bond Issue:

Strike the projected rate of savings and total savings and insert the correct figures -- .

The exact amount of savings on the Chrysler Bond Payment for 2004 is \$361,320.17. In 2003 the amount paid was \$1,695,320.17. In 2004 the amount to be paid is \$1,334,000. Similar annual savings will take place for the life of the bond issue which ends December 15th, 2007. (Approximately \$1,444,000.)

- b. On page 2, December 29th, 2003 Special Meeting minutes, "In the Matter of Chrysler Bond Issue", change the motion to read:

"Mr. Raver made a motion to approve the signing of documents, consisting of the final Official Statement, Arbitrage and Tax Representation Certificate, and the Continuing Disclosure Agreement."

IN THE MATTER OF REORGANIZATIONAL ACTIVITY:

President Bagwell called for reorganization issues concerning the Board of Commissioners.

A motion was made by Mr. Raver to nominate Mr. Harbaugh as President. Mr. Harbaugh seconded the motion and it carried.

Mr. Harbaugh made a motion to nominate Raver as Vice-President. Mr. Bagwell vacated the chair and seconded the motion, which carried.

For the year-2004, the President of the Howard County Board of Commissioners will be Mr. John B. Harbaugh, with Mr. Paul J. Raver serving as Vice President and Mr. Bradley J. Bagwell serving as Member. Mr. Harbaugh assumed the chair and presided over the remainder of the meeting.

IN THE MATTER OF HOWARD COUNTY APPOINTEES FOR 2004:

1. **Mr. Allen Polsgrove was reappointed Administrator of the Howard County Veteran's Office** for a term of one (1) year on a motion made by Mr. Bagwell. The motion was seconded by Mr. Raver, and it carried.
2. Mr. Bagwell made a motion to approve **Resolution No. BCC-2004-01, a Resolution reappointing Mr. Larry Murrell as County Attorney/Coordinator and Mr. Brian Oaks as Assistant County Attorney.** Mr. Raver seconded the motion, which carried. The resolution states job descriptions and terms of employment (see attached).
3. Mr. Raver made a motion to reappoint **Mr. Tom Harrison as Howard County Building and Grounds Superintendent** for a term of one (1) year. Seconded by Mr. Bagwell, the motion carried. *(Please note a change in Mr. Harrison's job title from Howard County Building Superintendent to Howard County Grounds and Building Superintendent.)*
4. **Mr. Ted Cain was reappointed as Howard County Highway Engineer/Superintendent** for a one (1) year term on a motion made by Mr. Bagwell, seconded by Mr. Raver and carried.
5. As a matter of record, **Ms. Joyce Colburn and Ms. Deborah France were re-appointed as Co-managers of the Howard County Haven** at the November 3rd, 2003 meeting, commensurate with the appropriations from January 1st through December 31st, 2004. *(See page 5, November 3rd, 2003 minutes, "In The Matter Of Howard Haven County Home", Item 7, for related discussion)* The Commissioners agreed, by consensus, to conduct annual inspections of the facility with the first inspection to be scheduled in the month of February 2004.

IN THE MATTER OF COMMISSIONER COMMITTEE APPOINTMENTS FOR 2004:

The Commissioner Committee Appointments for 2004 are as follows:

JOHN B. HARBAUGH
President

Kokomo/Howard County Governmental
Coordinating Council (As President)
Draft of Commissioners Budget for 2005 (As President)
Draft of EDIT Budget (As President) in cooperation
with President of County Council
Township Trustee Poor Relief Appeals
Plat Review Committee
Medical Insurance Committee
Solid Waste District Board
Personnel Administration Committee (PAC)
Kokomo/Howard County Development Corporation
Emergency Planning Council
Federal Planning Council (FEMA)
Main Street Association
Traffic Commission
County Highway Department

PAUL J. RAVER
Vice President

4-H Exhibit Association
County Extension Council
Solid Waste District Board
Wage Determination Representative
Building & Grounds Superintendent
Court House Renovation (Building only)
Howard Haven Home
Drainage Board
Waste Disposal including Taylor Regional Sewer
District, Darrough Chapel, Septage Disposal and
County Sewer Plan
GIS Steering Committee
MS4 Advisory Committee

BRADLEY J. BAGWELL
Member

Work Force Development District V
Howard County Plan Commission
Solid Waste District Board
Community Corrections & Work Release
Technology Coordinator
Kokomo/Howard County Joint Dispatch
Jail Study Committee
Drainage Board
Emergency 911 Operating System Executive Board
Kokomo Technology Center Executive Board
Disaster Preparedness Committee
City of Firsts Automotive Heritage Museum/Johanning
Civic Center, Inc. Board

Mr. Bagwell made a motion to approve the list of Commissioner Committee Assignments for 2004. Mr. Raver seconded the motion and it carried.

IN THE MATTER OF HIGHWAY ISSUES:

Mr. Ted Cain, Howard County Highway Engineer/Superintendent was not in attendance due to recent knee surgery.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Service Contracts Renewals:**

- a. **Legal Deputy:** A contractual agreement for Deputy A. Howard Williams, a licensed attorney, to provide Legal Deputy services was considered. The terms of the agreement is to provide Specialized Training Services to the members of the Howard County Sheriff's Department for one (1) year in the amount of \$3,000.00 for thirty (30) hours of service. Should more than thirty (30) hours of time be expended, the additional time will be charged at a rate of \$85.00 per hour.

Mr. Bagwell made a motion to confirm the Sheriff's signature on the Legal Deputy Service Contract with Deputy A. Howard Williams. Mr. Raver seconded the motion, which carried.

- b. Mr. Bagwell made a motion to approve the **MacAllister Engine Power Generator Service Agreement** for one (1) year from January 1st to December 31st, 2004 and authorize the President to sign on behalf of the Board. Mr. Raver seconded the motion, and it carried.
- c. A motion was made by Mr. Bagwell to approve the **Integrator.com Service Contract** for the security automation system at the Criminal Justice Center for one (1) year and authorize the President to sign on behalf of the Board. Seconded by Mr. Raver, the motion carried.

- d. The **SimplexGrinnel Service Contract** for the fire systems was approved for one (1) year and the President was authorized to sign on behalf of the Board on a motion made by Mr. Bagwell. The motion was seconded by Mr. Raver, and it carried.
2. **Intercom System:** The intercom phone system at the jail is antiquated and replacement parts are no longer available. SimplexGrinnel provided an estimate to upgrade the system at a cost of \$11,433.00 plus shipping. Their 2004 annual service contract has been reduced by \$3,500.00 to accommodate a 12-month warranty for the new equipment. Sheriff Talbert asked the Commissioners to consider approving an appropriation out of Cumulative Capital Development Fund for the upgrade.

Mr. Bagwell made a motion to approve an appropriation request of \$12,000.00 out of the Cumulative Capital Development Fund to cover the cost of the equipment plus shipping for the upgrade to the intercom phone system. 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. **Ordinance No. 2004-BCC-02 - (Case 10-CZ-03) a request to change the zone classification from R-1 (Residential) and A-1 (Agricultural) to B-2 (General Business) for property located at 3020 W. Jefferson Road** was approved on a motion made by Mr. Bagwell. Mr. Raver seconded the motion, and it carried.
2. **Case 11-CZ-03 – a request to change the zone classification from R-1 (Residential) and R-1/FW (Floodway) to A-1 (Agricultural) and A-1/FW (Floodway) for property located at 1763 East 100 North** received an unfavorable recommendation from the Howard County Plan Commission on December 15th, 2003. The Commissioners took no further action on this issue.
3. **Case 28-CP-03 – six (6) lots in Hidden Valley Subdivision, Section 4, located at 1087 South 560 West** was approved on a motion made by Mr. Bagwell. Mr. Raver seconded the motion, which carried.
4. **Case 40-CP-03 - one (1) lot in Maners Subdivision, located at 4829 East 400 South** was considered. Mr. Raver made a motion to approve Case 40-CP-03. Mr. Bagwell seconded the motion, and it carried.
5. **Case 22-CP-03 - one (1) lot in Hazelane Subdivision, located at 2780 East 500 South** was approved on a motion made by Mr. Bagwell, seconded by Mr. Raver, and carried.
6. **Case 38-CP-03 - one (1) lot in Sunset Ridge Subdivision, located at 11763 West 500 North** was considered. Mr. Raver made a motion to approve Case 38-CP-03. Mr. Bagwell seconded the motion, and it carried.
7. **Case 42-CP-03 - one (1) lot in McMinn Subdivision, located at 6626 South 870 West** was approved on a motion made by Mr. Raver, seconded by Mr. Bagwell, and carried.
8. **Unsafe Buildings:**
 - a. **5389 East 50 South:** *(See page 3, May 19th, 2003 minutes, “In the Matter of Plan Commission Issues and Properties for Approval”, Item 3, for related discussion)* Mr. Boise sent a registered letter to Joann Johnson requesting a report on the status of cleaning up the property. The junk vehicles have been removed from the site but the buildings remain.
 - b. **2255 South 350 West, owned by Gregory and Sonya Ward.** *(See Page 7, December 1st, 2003 minutes, “In the Matter of Claims and Reports”, Item 4, for related discussion)* Mr. Boise requested a copy of the letter submitted by the Wards confirming their agreement to clean up the property with the proceeds from their insurance settlement when received.
 - c. **Illegal Dumping:** Mr. Harbaugh asked if there were any fines for dumping trash in an abandoned building, which could be used toward removal of the building. Mr. Boise stated that a person could be charged with trespassing but it would not resolve the issue of removing the buildings. County Attorney Larry Murrell stated the County has an ordinance regarding illegal dumping. The maximum fine that can be levied by the court is \$2,500.00, which goes into the court funds.
9. **Flood Mitigation Issues:** Mr. Boise stated he is waiting on information regarding how much money will be available to buy out homes.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

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

1. Mr. Harrison thanked the Commissioners for his reappointment for the year-2004.

2. **Courthouse Update:** Mr. Harrison reported there are several minor details that still need to be worked out before they become major obstacles. He said he would contact Mr. Ed Heffelmier, Project Manager of Terstep, and Mr. William Bassett regarding the following items that need to be completed:
 - a. The new benches have been installed in the holding cells; however the prisoner safety issues such as a new grill for the ceiling have not been finished.
 - b. The card access system on the prisoner access door of the Courthouse has problems. Assistant Superintendent Jeff Berry received a proposal to install the lock at a cost of \$3,700.00. Mr. Harrison felt the installation cost is inflated because the original bid was to include the installation of four (4) locks.
 - c. The lighting and suspended ceiling work needs to be completed in Superior Court II.
 - d. Huston Electric has been contacted to provide an estimate to replace four (4) lights at the east and west entrances to the building.
 - e. Jeff Berry has been working on the kick plates on the doors on the first and second floors. Mr. Raver asked Mr. Harrison to check to see what options are available regarding the original kick plates on the east and west entry doors.
3. **Fireworks Display Issue:** *(See page 5, December 15th, 2003 minutes, "In the Matter of Main Street Association – Fireworks Display" for related discussion)* The Main Street Association received approval to discharge fireworks from the Courthouse roof for the New Years Eve Celebration. The type of fireworks was different from previous years, which caused a fire safety concern. Mr. Raver asked Mr. Harbaugh to check into the issue since he is the Commissioner Representative on The Main Street Association.
4. **Christmas Lighting Issues:** Mr. Harrison expressed his opinion that the Christmas lights need to be put up much earlier next year. He thanked the City Street Department for their help in stringing lights on the evergreen trees. In order to improve the appearance, Mr. Harrison said more lights are needed and the lights need to be hung vertically instead of wrapping them around the trees. Mr. Raver commented that the white lights looked good around the windows of the building. Mr. Harrison proposes to surround the west windows with white lights in time for the next Christmas season.
5. **Mr. Harrison proposes to submit a request to the County Council for \$5,300.00 to hire a part-time employee** to work at the Courthouse and \$10,000.00 for repairing parts and equipment.
6. **Installation of the new floor covering in the Emergency Management Office** will begin today. The installation is anticipated to be finished by January 12th, 2004.
7. Mr. Harrison plans to check into the cost to put a **salt spreader** in the Maintenance Department pickup truck.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

Personnel Director Wanda McKillip was not in attendance due to illness. Auditor Martha Lake presented the following issue for Commissioner information:

1. **Increased Life Insurance Costs:** The County recently received a notice that the Jefferson Pilot Life Insurance premiums have increased. There have been no increases in premiums since the County began working with Jefferson Pilot in 2000.

IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:

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

1. **Recorder's Software Proposals:** *(See page 4, December 15th, minutes, "In the Matter of Recorder Software Proposals" for related discussion)* Due to the holiday schedule, Mr. Tribby said it has been difficult to get everyone together to review and obtain information regarding the proposals submitted at the last meeting. At Mr. Tribby's request, the report on the proposals was tabled until the next meeting on January 20th, 2004, on a motion made by Mr. Bagwell. The motion was seconded by Mr. Raver, and carried.
2. **Projects for Year-2004:**
 - a. **Governmax Program:** Mr. Tribby is looking into a "Governmax Program" created by Manatron that is capable of posting tax and assessment information on the internet. This data is beneficial to the public that uses this type of information, such as abstractors, and realtors, etc., and would reduce walk-in traffic. Mr. Tribby has scheduled a meeting with the Sidwell Company next week to talk about investigating the costs and feasibility of including maps in this project.
 - b. **Homeland Security Grant:** The City and County have submitted applications for Homeland Security Grants. Mr. Tribby is considering using some of the grant money for a wireless

communications project. He anticipates having further information on the status of the grants by the end of January.

- c. **New Server at Courthouse:** (See page 4, December 15th, 2003 minutes, "In the Matter of Information Systems Director Issues", Item 6, for related discussion) The new server at the Courthouse has been installed and is up and running. Imaging Office Systems of Indiana will be transferring all of their information onto the new server on January 13th.
- d. **Intranet Communication:** Mr. Tribby would like to establish an alternate means for departments to contact the I.S. Department regarding computer problems. As a result, the I.S. Department has salvaged one of the old servers from the Courthouse to set up an intranet program.

IN THE MATTER OF GRANT ACTIVITY:

(See page 5, December 1st, 2003 minutes, "In the Matter of Grant Issues", for related discussion)

Grant Administrator Tina Mendenhall Henderson presented the following issues for Commissioner information and approval:

1. **New London Conservancy District Planning Grant:** Last month, Ms. Henderson initiated the closeout of the New London Planning Grant. The records were reviewed and were ready for the final paperwork to be submitted. Necessary documents plus the Semi-Annual Report were presented for President Harbaugh's signature, which was duly executed.
2. **Honey Creek Township Grant:** President Harbaugh signed the Semi-Annual Report. Construction is underway on the new fire truck.
3. **Taylor Township Regional Sewer District:** The October 14th, 2003 meeting minutes were signed by Mr. Russell Adair, Taylor Township Regional Sewer District President. Mr. Bagwell made a motion to confirm the meeting minutes of the Taylor Township Regional Sewer District and authorize the President to sign on behalf of the Board. Mr. Raver seconded the motion, and it carried.
4. **Construction Proposals for Taylor Township Regional Sewer District and New London Conservancy District:**

The Construction Proposal for Taylor Township, due on January 23rd, 2004, was completed and ready for the Commissioners' final signature. Ms. Mendenhall stated the following concerns:

- Whether the numerous easements will be obtained in time for submitting the final application that is due on April 2nd, 2004.
- If the responses to the Environmental Review will be received in a timely basis.
- An archeological reconnaissance may be required for the wastewater treatment plant property, which could cause one-month delay right up to the April 2nd deadline.

A public hearing is scheduled on *January 13, 2004 at the Taylor Township Volunteer Fire Department from 6:00 p.m. to 8:30 p.m.* to address any questions or concerns regarding the easements.

Ms. Mendenhall explained that Taylor Township Regional Sewer District and the New London Conservancy District projects are developing at approximately the same rate. New London has all of the required documents in order except for their local match. If New London comes up with their local match their final application would be ready to submit in April. Discussion ensued about various funding options for New London to come up with their local match of \$30,000.00. The Indiana Department of Commerce allows three (3) construction grants open, but only one application may be submitted at a time. Even though Taylor Township's final application is first priority, Ms. Henderson requested Commissioner approval to submit the proposal stage for both Districts. If Taylor Township's final application is not ready by the deadline, then New London should proceed with submitting their final application rather than delay construction for at least one (1) year. If both proposals are submitted at the same time, then New London's construction could possibly begin in six months.

Mr. Bagwell made a motion to approve the Community Focus Fund Proposal for the Taylor Township Regional Sewer District and authorize the President to sign on behalf of the Board. The motion was seconded by Mr. Raver, and it carried.

Typically the Indiana Department of Environmental Management (I.D.E.M.) would complete the environmental review for Taylor Township. I.D.E.M. is unable start the review on a timely basis so Mr. Max Hachen, Senior Environmental Manager of I.D.E.M. and Mr. Jerry Williams, Senior Project Engineer with Gove and Associates asked Ms. Mendenhall to perform the review for Taylor Township. However, Taylor Township does not have funds to pay for Ms. Mendenhall's services. Because I.D.E.M. requested Ms. Mendenhall to complete a review that they normally provide, it was Mr. Bagwell's opinion that I.D.E.M. should pay for it. Ms. Mendenhall advised that once the grant is funded, the Indiana Department of Commerce will reimburse Howard County for the environmental review. In order to keep an accurate record Auditor Lake suggested that Taylor Township make a

formal request for an appropriation of \$3,000.00 from the County Council to pay for the environmental review.

Mr. Bagwell made a motion to request an appropriation of \$3,000.00 out of the General Fund as an advance to Ms. Tina Mendenhall Henderson to complete the environmental review for Taylor Township Regional Sewer District with the stipulation that once the grant is approved, the money will be returned to the General Fund. Mr. Raver seconded the motion, and it carried.

IN THE MATTER OF DEPARTMENT OF HEALTH ISSUES:

Executive Director Kris Conyers and Nursing Coordinator Jennifer Sexton presented the following issues for Commissioner information and approval:

1. Due to the issues regarding the Flu Vaccine in 2003, the vaccine for 2004-05 must be ordered in January 2004 instead of March.
2. For the current flu season 300 doses of vaccine were ordered for County employees and there are 14 doses remaining. Ms. Sexton requested approval to administer the remaining vaccine to the general public.
3. In the past, County funded vaccine has been given to County employees only. Any vaccine given to spouses or family members was purchased by the Howard County Council on Aging to primarily be administered at the Health Fair. In the past there had been enough left over vaccine to vaccinate employee family members who desired to be vaccinated, and some of the general public. For the current flu season about 2,000 doses were purchased and given at the Health Fair, which did not leave any vaccine to give the county employees' family members, or the general public by the Health Department. Right now, employees only are receiving vaccine purchased by the County and there was some confusion regarding employee family members receiving County funded vaccine. Therefore, Ms. Sexton requested guidelines as to who can receive the vaccine purchased by the County. She also asked if the Commissioners were receptive to purchasing additional vaccine for family members. Last year the cost of the vaccine was \$6.77 per dose for a total of \$2,031.00 for 300 doses. The vaccine for 2004-05 has increased to \$8.50 per dose.

Mr. Raver was of the opinion since the County helps provide a large part of the cost of medical coverage for families, then flu vaccine should also be provided. It is difficult to predict how much vaccine will be needed for the next flu season. Mr. Bagwell made a motion to order 600 doses of vaccine for the 2004 flu season to be used for County employees and family members who are eligible for County insurance and to release the current 14 doses to the Department of Health to give to the general public. Mr. Raver seconded the motion, which carried.

IN THE MATTER OF POOR RELIEF APPEALS FOR CENTER TOWNSHIP:

A Poor Relief Hearing was conducted on January 5th, 2004 for Center Township on behalf of **Quonzya Williams**. Commissioner Bagwell, Poor Relief Hearing Officer, made a recommendation to uphold the written denial for assistance made by the Center Township Trustee. Mr. Bagwell 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. 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. **Operating claims payable on January 5th, 2004 in the amount of \$1,386,320.64** were approved on a motion made by Mr. Bagwell, seconded by Mr. Raver, and carried.
2. **Commissioner's Salary Claims for hourly, salary, and overtime payable for January 9th, and January 16th, 2004** were approved on a motion made by Mr. Raver. Mr. Bagwell seconded the motion, and it carried.
3. **Ordinance No. 2004-BCC-03**, additional appropriations for E-911 Enhancement Services Fund in the amount of \$693,354.00 was approved on a motion made by Mr. Bagwell. Seconded by Mr. Raver, the motion carried.
4. **The Howard County Treasurer's Report for the month of November 2003** was accepted on a motion made by Mr. Bagwell, seconded by Mr. Raver, and it carried.
5. The **2004 EDIT Tax Anticipated Receipts and Distributions Report and a Financial Statement** were distributed to the Board.
6. The **Cumulative Capital Development Fund (CCD) Report** will be presented at the next meeting on January 20th, 2004.

IN THE MATTER OF BRIDGE 61 PROJECT AT 500 EAST 200 SOUTH:

Mr. James Hamilton from Butler, Fairman and Seufert, presented letters addressed to the electric and telephone utility companies for Commissioners signatures to approve the utility relocation plans for the Bridge 61 Project.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. Attorney Murrell thanked the Board for his reappointment for the year-2004.
2. Attorney Murrell presented a **claim for his monthly office allowance in the amount of \$385.00 for January 2004 and a quarterly statement for litigation services in the amount of \$742.50.** Mr. Bagwell made a motion to approve payment. Mr. Raver seconded the motion, and it carried.
3. A claim was presented for **services rendered by Barnes and Thornburg through the month of November 2003** for Civic Center Board reorganization matters in the amount of \$106.70. Mr. Bagwell made a motion to approve payment. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF COMMISSIONER ISSUES:

There were no further issues presented at this time.

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 11:15 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

BRADLEY J. BAGWELL, PRESIDENT

JOHN B. HARBAUGH, VICE PRESIDENT

PAUL J. RAVEN, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR
Commissioner Minutes, January 5, 2004