

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 3, 2005

The Howard County Board of Commissioners met in Regular Session on Monday, January 3rd, 2005, 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 Ann Wells.

Sheriff Marshall Talbert called the meeting to order.

IN THE MATTER OF REORGANIZATIONAL ACTIVITY:

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

A motion was made by Mr. Bagwell to nominate Mr. Raver as President. In the matter of proper procedure, Mr. Harbaugh vacated the chair and seconded the motion, which carried. Mr. Raver, as newly elected President, assumed the chair and presided over the remainder of the meeting.

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

For the year-2005, the President of the Howard County Board of Commissioners is Mr. Paul J. Raver, with Mr. Bradley J. Bagwell serving as Vice President, and Mr. John B. Harbaugh serving as Member.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes from the regular meeting held on Monday, December 20th, 2004 and the Special Meeting held on Tuesday, December 28th, 2004 were approved on a motion made by Mr. Bagwell. Mr. Harbaugh seconded the motion to approve the minutes as submitted and the motion carried.

IN THE MATTER OF APPOINTMENT OF DEPARTMENT HEADS:

1. **Mr. Ted Cain was reappointed Engineer/Superintendent of the Howard County Highway Department** for a one (1) year term on a motion made by Mr. Bagwell, seconded by Mr. Harbaugh and carried.
2. **Mr. Thomas Harrison was reappointed as the Maintenance and Grounds Superintendent** for a one (1) year term on a motion made by Mr. Harbaugh. Seconded by Mr. Bagwell, the motion carried.
3. **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. Harbaugh and carried.
4. Mr. Bagwell made a motion that the Board hereby appoints **Mr. Lawrence R. Murrell as Howard County Attorney/Coordinator** and **Mr. Brian Oaks as Assistant County Attorney** upon the same terms and conditions as Resolution No. 2004-BCC-01, except for the increase in salaries and County Attorney office allowance as authorized by the Howard County Council. Seconded by Mr. Harbaugh, the motion carried.
5. **Howard County Drainage Board: (See page 5, December 20th, 2004 minutes, "In the Matter of Commissioner Appointments", Item 3 (h), for related discussion)** According to State Statute, the non-executive member will be appointed to a three year term. In order to comply with the Statute, Mr. Bagwell made a motion to amend the previous reappointment of **Mr. Paul Sandy to the Howard County Drainage Board** to a term of three (3) years beginning January 1, 2005 through December 31, 2007. Mr. Harbaugh seconded the motion, which carried.
6. **Voter Registration Appointments: (See page 2, December 28th, 2004 minutes, "In the Matter of Voter Registration Appointment" for related discussion)** Democrat Party Chairman Mike Kennedy provided a letter designating Ms. Shirley McCoy as the Democrat Board Member/Democrat Department Head to fill the position vacated by Darlene Elliott effective January 3rd, 2005. As Republican Party Chairman, Mr. Bagwell submitted the reappointment of Ms. Carol Shallenberger as the Republican Board Member/Republican Department Head.

Mr. Harbaugh made a motion to accept the appointment of Ms. Shirley McCoy as the Democrat Board Member/Democrat Department Head and reappoint Ms. Carol Shallenberger as the Republican Board Member/ Republican Department Head of the Howard County Voter Registration Office, starting January 3rd, 2005. Mr. Bagwell seconded the motion, which carried.

IN THE MATTER OF COMMISSIONER ASSIGNMENTS FOR 2005:

The Howard County Commissioner Assignments for 2005 are as follows:

PAUL J. RAVER
President

Kokomo/Howard County Governmental
Coordinating Council (As President)
Draft of Commissioners Budget for 2006 (As President)
Draft of EDIT Budget (As President) in cooperation

with President of County Council
4-H Exhibit Association
County Extension Council
Solid Waste District Board
Wage Determination Representative
Drainage Board
Waste Disposal Activities
Kokomo/Howard County Development Corporation
GIS Steering Committee
MS4 Advisory Committee

BRADLEY J. BAGWELL
Vice President

Work Force Development District V
Howard County Plan Commission
Solid Waste District Board
Community Corrections & Work Release
Jail Study Committee
US 31 Coalition Board
Drainage Board
Emergency 911 Operating System Executive Board
Inventrek Technology Park Executive Board
Disaster Preparedness Committee
City of Firsts Automotive Heritage Museum/Johanning
Civic Center, Inc. Board

JOHN B. HARBAUGH

Township Trustee Poor Relief Appeals
Plat Review Committee
Medical Insurance Committee
Personnel Administration Committee (PAC)
Howard Haven Residential Center
Solid Waste District Board
Emergency Planning Council
Federal Planning Council (FEMA)
Kokomo Downtown Association
Howard County Traffic Commission

Mr. Bagwell made a motion to accept the list of Commissioner Assignments for the year 2005. Seconded by Mr. Harbaugh, the motion 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. **Agreements for School Bus Turn Around:** Mr. Brad Shrock, Eastern Howard School Transportation Director, submitted two (2) written requests that the Howard County Board of Commissioners construct a facility for a school bus turn around on the following properties:

<u>Property Owners</u>	<u>Location</u>
Mrs. William (Ruth) Voorhis	10710 East 180 South
Max and Rebecca Schaaf	13337 East 100 South

Mr. Bagwell made a motion to approve the Agreements for School Bus Turn Arounds listed above in Eastern School Corporation pending Mr. Cain’s review and approval. Mr. Harbaugh seconded the motion and it carried.

- 2. **Road 400 North Project Update:** The road has been opened to traffic for the winter season. Some additional grading and minor items are anticipated to be completed when the weather permits.
- 3. **Bridge 61 Update:** The structure for Bridge 61, located on 200 South, will be poured tomorrow morning if the weather permits. A temporary sealing compound will be applied on the concrete deck to provide a barrier from the road salt. The permanent sealer will be applied next year when the work recommences on the bridge. This will allow the road to be open to traffic and especially will be convenient for the school buses.

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 increased to 270, compared to 248 on December 30th, 2004. A number of inmates are scheduled to appear in court today, which should decrease the population soon.

2. **Military Leave Update:**

- a. **Sheriff Deputy Larry Sparks** has been called for active duty to serve at the National Guard Amory in Logansport. The assignment, which began in December 2004, is anticipated to be 12-18 months. Deputy Sparks asked Sheriff Talbert about possibly working part time for the County. Sheriff Talbert has advised Deputy Sparks to check on the military regulations regarding outside employment and whether injuries in the line of duty could affect military obligations.
 - b. **Sheriff Deputy Paul Cherry** has been away serving active duty since January 2004. Sheriff Talbert anticipates his return to work on January 10th, 2005.
 - c. **Sergeant Larry Shipman** is serving military leave overseas and his activation has been extended.
3. **Medical Billing Issues:** The jail does not receive any discounts and pays the full amount of medical expenses. Recently the Sheriff met with Mr. Ted Brown, CEO of Howard Regional Health System, to review and discuss medical expenses and billing. St. Joseph Hospital has also contacted the Sheriff expressing an interest in a proposal for reduced billing. Sheriff Talbert forwarded the issue to the County Attorney for further review; therefore no action was taken on this matter.

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 38-CP-04 – forty-seven (47) lots in Walnut Estates Subdivision, Section 18, Phase Two, located at 2125 Foxfire Lane** was approved on a motion made by Mr. Harbaugh. Mr. Bagwell seconded the motion, which carried.
2. **Unsafe Buildings:** Mr. Boise continues to monitor unsafe buildings but there was no new information to report at this time.
3. **Flood Mitigation Issues:** *(See page 3, December 20th, 2004 minutes, “In the Matter of Plan Commission Issues and Properties for Approval” for related discussion)*
 - a. **Multi-Natural Hazard Mitigation Update:** The contract for the Multi-Natural Hazard Mitigation Consultant has been received. The contract was forwarded to Assistant County Attorney for further review.
 - b. **Flood Mitigation Assistance Grant:** Mr. Boise is currently working on the duplication of benefits for the two properties that the County has agreed to purchase.
 - c. **Flood Mitigation Assistance Grant Application:** A subsequent Flood Mitigation Assistance Grant Application has been to S.E.M.A. for the purchase of one property on 50 East. Recently Mr. Boise received information that the state has some funds remaining in the Hazard Mitigation Grant Program to cover the grant costs.
4. **Petition to Vacate Public Way:** *(See pages 3-4, December 20th, 2004 minutes, “In the Matter of Vacation of Public Way – 400 Jeff Drive” for related discussion)* Attorney Larry Murrell reminded Mr. Boise that a copy of the Windwood Park Subdivision Plat was requested at the last meeting in order to determine whether the public way is located on a Section Line.
5. **County Comprehensive Plan:** Mr. Boise advised that the County Comprehensive Plan Steering Committee has scheduled a series of workshops at various locations on **February 3rd, 2005** to seek public input regarding the Howard County Comprehensive Plan.

Russiaville Public Library	9:00 a.m.
Kokomo Library – South Branch	12:00 p.m.
Greentown Library	3:00 p.m.
Howard County Government Center	7:00 p.m.

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:

Pyrotechnic Display: *(See page 6, December 20th, 2004 minutes, “In the Matter of Kokomo Downtown Association”, for related discussion)* At the previous meeting the Kokomo Downtown Association received authorization to use the south end of the Courthouse roof for a pyrotechnic display during the annual New Year’s Eve Celebration. Attorney Murrell reported he was present at the scene to make sure that the Courthouse roof was not damaged. The event went well with no problems.

IN THE MATTER OF PERSONNEL ADMINISTRATOR ISSUES:

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

1. The Commissioners signed **Certificates of Appreciation** for Mr. Ron Frits for serving on the Howard County Board of Zoning Appeals and Ms. Barbara Buchanan for serving on the Howard County Public Library Board.
2. **Life Insurance Renewal for 2005:** Jefferson Pilot Voluntary Life Insurance rates will increase effective February 1, 2005. The child coverage did not increase, however, the Voluntary Life and Spouse Life Insurance premium rates increased. The renewal rates will be deducted from the employee paychecks payable on Friday, January 9th, 2005.

IN THE MATTER OF INFORMATION SYSTEMS DIRECTOR ISSUES:

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

1. Information Systems personnel are currently providing assistance with **setting up systems and reorganization of workstations** for the newly elected officials.
2. **E-Mail Upgrade:** Toward the end of this week the County e-mail system will be changed over to a new server. County workstations have been set up and configured to the new server. Mr. Tribby anticipates a smooth transition. The system is an internet-based application that will allow access to e-mail from any location.
3. **Information Systems Job Tracking:** A new application is being set up to enable office holders to input and track the status of various projects and tasks. Mr. Tribby invited questions and comments regarding the new application.

IN THE MATTER OF PETITION TO VACATE PUBLIC WAY IN UNION TOWNSHIP:

Mr. Tim Sanborn requested vacation of an alley adjacent to West Liberty OP Lots 15 and 16, in Union Township, more commonly known as 3350 South 1250 East, Greentown. Mr. Don Weida, owner of West Liberty OP Lots 13 and 14, at 12554 East 340 South, was also present for the discussion.

Attorney Murrell advised there are certain statutory requirements that must be met and documents required for the vacation procedure. A formal petition, approval letters from the utilities, and notification of the adjoining property owners are required as well as an advertised public hearing. Mr. Sanborn said he would return to the Board with a formal petition. No action was taken at this time.

IN THE MATTER OF PROSECUTOR'S OFFICE:

Prosecutor James Fleming explained there are two vehicles available to the Prosecutor's Office and Deputy Prosecutor Mark McCann's vehicle is no longer needed. Mr. Fleming will decide to sell either his or Mr. McCann's vehicle. The proceeds of the sale will be returned to the Law Enforcement Fund (No. 198), which is the fund from which the vehicle was purchased.

Attorney Murrell advised Mr. Fleming regarding the proper procedure to dispose of property.

Mr. Bagwell made a motion to authorize advertising for an excess Prosecutor vehicle to be sold by sealed bids, and the sealed bids to be received in the Office of the County Auditor by **Friday, February 18th, 2005 at 3:30 p.m. in Room 222 of the Howard County Administration Center**, and set the date for opening the bids on **Monday, February 21st, 2005**. Seconded by Mr. Harbaugh, the motion carried.

IN THE MATTER OF E-911 BUDGET FOR 2005 – ORDINANCE NO. 2005-BCC-01:

Communications Director Steve Kline presented the E-911 Enhancement Services Budget for 2005 for Commissioner information and approval. Mr. Bagwell advised that the fund is controlled by the Board of Commissioners.

Mr. Kline worked with Commissioner Bagwell to put the appropriations together. Mr. Bagwell stated that the Communications Director, Assistant Communications Director, Part-Time Dispatcher, and Shift-Supervisor are positions that can be funded out of the E-911 Fund, including the Part-Time, Overtime, FICA, and PERF. Line Item 3466 Supplemental County is used toward the salaries of the ten dispatchers at \$10,000.00 each for a total of \$100,000.

Mr. Bagwell made a motion to approve Ordinance No. 2005-BCC-01 Additional Appropriations, as submitted. Mr. Harbaugh seconded the motion, and it carried.

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*The Commissioners extended a warm welcome and best wishes to
County Auditor Ann Wells on her first day in office.*

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IN THE MATTER OF CUMULATIVE CAPITAL DEVELOPMENT FUND REQUESTS:

The Commissioners were presented with a list of requests for additional appropriations out of the Cumulative Capital Development Fund at the meeting on December 20th, 2004. Mr. Bagwell submitted a spreadsheet detailing

the requests and amounts requested. A few items were noted that could possibly be paid out of the Economical Development Income Tax Fund. The amount requested is as follows:

Initial Amount Requested From CCD Fund	\$1,208,607 *
Less Possible Requests From EDIT Fund	- \$ 86,738 ◇
Total Requests From CCD Fund	\$1,121,869

* Includes Commissioner Furniture Purchase

◇ Includes the Johanning Civic Center Financial Audit Payment

Mr. Bagwell made a motion to recommend and request the funding from the council from the Cumulative Capital Development Fund in the amount of \$1,121,869 for the requests listed under the CCD Fund and \$86,738 to be paid out of the EDIT Fund. Mr. Harbaugh seconded the motion, which carried.

The Commissioners requested the Auditor to notify Department Heads and Office Holders that they need to attend the Council meeting on Tuesday, January 25th, 2005 to justify their appropriation requests.

IN THE MATTER OF HOWARD HAVEN RESIDENTIAL CENTER:

Howard Haven Superintendent Thomas Tolen reported that Howard Haven received donations of about \$600.00 in gift cards to be used at various businesses in the community. Mr. Tolen requested input from the Commissioners regarding establishing accountability for the gift cards.

The County Attorney suggested documenting the information, amount of the gift cards, and submit a record of the expenditures to the Auditor on a periodic basis. Mr. Tolen suggested providing a letter of acknowledgment to the contributors, including the amount of donation and business name on the gift card.

Mr. Bagwell made a motion to authorize Mr. Tolen to accept donations on behalf of the Commissioners for Howard Haven Residential Center, issue receipts to the contributors, and provide a copy of the receipts to the Auditor's Office to be reconciled on a monthly basis. Seconded by Mr. Harbaugh, the motion carried.

IN THE MATTER OF GRANT ACTIVITY:

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

1. **Taylor Township RSD:** Ms. Henderson commended the hard work and efforts for the last eight years that Taylor Township Regional Sewer District and County Commissioners have put toward the project. She submitted a framed certificate that had been received at the Indiana Department of Commerce Community Focus Fund awards ceremony.

Mr. Harbaugh made a motion to present the framed certificate to the Taylor Township Regional Sewer District at their next meeting. Ms. Henderson stated that she would notify the Commissioners of the date and time of the next meeting. Mr. Bagwell seconded the motion, which carried.

3. **Honey Creek Township:** Ms. Henderson reported that the Honey Creek Township Fire Department Grant has been closed, which puts Howard County into an "administrative closeout". The Annual Reports for the Honey Creek Township Firetruck Grant are due by January 31st, 2005. Ms. Henderson submitted the report documents to the County Attorney for review.

4. **New London Conservancy District:** Previous to this meeting Ms. Henderson provided a proposal for the New London Conservancy District Sewer Project to the County Attorney for review. Attorney Murrell found the document to be in order and advised that the President's signature was needed. Attorney Murrell explained the purpose of the grant is to upgrade New London's sewer district to the point where Russiaville would assimilate sewage treatment for New London. Ms. Henderson reported the sewage treatment operator from Russiaville is currently working with New London regarding operating and maintaining the sewage treatment plant. She said Russiaville will not take over the New London sewer district until the loan for the original wastewater treatment plant construction has been substantially lowered or paid in full. However, the upgrades and the addition of thirteen users are crucial to the operation and maintenance of the plant. The President signed the project proposal on behalf of the Board. No further action was taken on the issue because the grant was previously approved by the Commissioners and Council as follows:

2/24/04: The Council approved a request from the Commissioners for an appropriation of \$35,000 from EDIT as an endowment to New London, which serves as their local match.

6/22/04: The Council approved Ordinance No. 2004-HCC-24 and the Interlocal Agreement Between Howard County and The New London Conservancy District.

6/28/04: The Commissioners approved the Interlocal agreement.

7/06/04: Ms. Henderson obtained Mr. Harbaugh's signature on the project proposal.

IN THE MATTER OF CLAIMS AND REPORTS:

Howard County Auditor Ann Wells presented the following reports for Commissioner information and approval:

1. **Commissioner's Salary Claims for hourly, salary, and overtime payable for January 7th, and January 14th, 2005** were considered. Mr. Bagwell made a motion to approve payment. Mr. Harbaugh seconded the motion, and it carried.
2. **Operating claims payable on January 3rd, 2005 in the amount of \$196,925.46** were approved on a motion made by Mr. Bagwell. Seconded by Mr. Harbaugh, the motion carried.
3. **Insight Communications** sent a notice of monthly rate increases. The Classic Service tier will be raised to \$29.95 on February 1st, 2005. Basic Service, all other rates, and charges will remain the same.

Mr. Harbaugh made a motion to acknowledge receipt of the rate increases from Insight Communications. Mr. Bagwell seconded the motion, and it carried.

IN THE MATTER OF COMMISSIONER ISSUES:

The **Weights and Measures Monthly Report for November 15th to December 15th, 2004** was accepted on a motion made by Mr. Bagwell. Seconded by Mr. Harbaugh, the motion carried.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

1. Attorney Murrell presented a claim for his **monthly office allowance** in the amount of \$500.00 through January 31st, 2005. Mr. Bagwell made a motion to approve payment. Mr. Harbaugh seconded the motion and it carried.
2. A **claim was submitted from Attorney Alan Wilson** for services rendered on the Middlebrook case in the amount of \$702.22. A motion to approve payment was made by Mr. Bagwell, seconded by Mr. Harbaugh, and carried.
3. **Public Defender Issues:**
 - a. Howard County Public Defender **William C. Menges Jr.** was elected to serve as Judge of Howard Superior Court I commencing on January 1, 2005. Mr. Bagwell made a motion to acknowledge Mr. Menges' letter of resignation as Chief Public Defender effective January 1, 2005. Mr. Harbaugh seconded the motion, which carried.
 - b. **Attorney William Beck** was appointed to serve on the Public Defender Advisory Board on a motion made by Mr. Harbaugh. The motion was seconded by Mr. Bagwell and carried. Attorney Murrell advised that he would notify the Judges of the appointment.
 - c. Deputy Prosecutor **Steven K. Raquet** will serve as interim Chief Public Defender effective January 1, 2005.

There being no further business, Mr. Bagwell made a motion to adjourn. Mr. Harbaugh seconded the motion, which carried. The meeting closed at 10:20 a.m.

THE HOWARD COUNTY BOARD OF COMMISSIONERS

PAUL J. RAVEN, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Minutes, January 3rd, 2005