

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING AUGUST 7, 2006

The Howard County Board of Commissioners met in Regular Session on Monday, August 7, 2006, 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Bradley J. Bagwell, Vice President Paul J. Raver and Member John B. Harbaugh. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Bagwell.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the July 17, 2006 Regular meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

IN THE MATTER OF HIGHWAY ISSUES:

Highway Supervisor / Engineer Ted Cain submitted the following issues for Commissioner information and approval:

1. **Sycamore Farms Phase 1 Maintenance & Performance Bonds:** At the July 17th Regular meeting the Board of Commissioners approved a Maintenance Bond for a portion of the work completed in Sycamore Farms Subdivision Phase 1 (*please refer to page one, item two of the Regular Meeting minutes dated July 17, 2006*). Mr. Cain presented a Maintenance Bond from Cincinnati Insurance Company for the described work of traffic control signs, curb and integral gutter and pavement including stone base and compaction in Sycamore Farms Phase 1. He recommends that the Board accept the Maintenance Bond, thereby releasing the Performance Bond. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to accept the Maintenance Bond for Sycamore Farms Subdivision Phase 1 and release the Performance Bond.
2. **Repair Bridge #501:** Several years ago, the Highway Department entered into an agreement with Butler Fairman and Seufert, Inc. for a preliminary design of the bridge repair. That design has been completed and is ready for State approval. Mr. Cain submits the agreement with Butler Fairman & Seufert for Design Services for repairs of Bridge #501, and recommends Board approval. A motion was made by Mr. Harbaugh, seconded by Mr. Raver and carried to approve the agreement with Butler Fairman and Seufert, Inc. for Design Services concerning the repair of Bridge #501.
3. **Annual Bridge Inspection:** Mr. Cain will be bringing proposals for Bridge Inspections for Board approval in September.

IN THE MATTER OF SHERIFF ISSUES:

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

1. **Quotes for K-9 Pickup Truck:** Sheriff Talbert received the following quotes for the proposed K-9 Pickup Truck:

Conkle Pontiac / GMC	\$21,271.56
Kokomo Auto World	\$21,677.25
Brad Howell Ford	\$22,879.50
Bloomington Ford	\$24,466.25
Erik's Chevrolet	\$27,820.00

The Sheriff recommends the purchase of the truck from Conkle Pontiac / GMC as the lowest quote. All quotes reflect the trade-in vehicle (a 2003 squad car with over 100,000 miles). The purchase of the K-9 Pickup truck from Conkle Pontiac / GMC, in the amount of \$21,271.56, was approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

2. **Jail Population:** Sheriff Talbert reported the current jail population at 333 inmates. The Kokomo Perspective published a list of outstanding warrants, which resulted in several people being turned in and

several people turning themselves in. Neither the Perspective nor the Sheriff's Department has received complaints about the appearance of the outstanding warrants list.

3. **Kokomo Academy Escapes:** Sheriff Talbert wanted to make the Board of Commissioners aware of the number of escape attempts from inmates of the Kokomo Academy. There have been twenty-one escapes since January 1st, 2006 and Mr. Talbert is concerned for citizen safety and the man hours needed to apprehend the escapees. He reminded the Board that the County does own that building. Mr. Murrell will review the terms and conditions contained in the lease, as well as the classification of detainees housed there. He will also talk to the Vice President / General Counsel of the Academy, and report back to the Commissioners.

IN THE MATTER OF PLAN COMMISSION ISSUES:

Plan Commission Director Glen Boise submitted the following issues for Board information and approval:

1. **Case 2-PUD-05:** Seven lots in Estates at Emerald Lake Planned Unit Development located at 3200 Emerald Boulevard are approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
2. **Case 43-CP-05:** One lot in John Wayne's True Grit Subdivision of Lot 8 in True Grit Subdivision Section 2, located at 6648 South 750 West is approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
3. **Case 5-CP-06:** One lot in McKinney Estates Subdivision located at 3734 West 350 South is approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
4. **Case 7-CP-06:** One lot in Aurora Field Subdivision located at 1198 South 1070 East is approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
5. **Case 9-CP-06:** One lot in Hobbs Subdivision located at 4723 South 500 West is approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
6. **Case 1-CZ-06:** This is a rezoning request for property located at 3021 South 400 East, to change from A-1 (Agricultural) to R-1 (Residential). The Plan Commission gave this request an unfavorable recommendation because of lot sizes, rise, gradation and drainage issues. Mr. Robert Brockman, father of the petitioner, was invited to speak to this request and informed the Board of the facts of this request. They were assured that these homes would be custom built homes, not modular. The decrease in lot size is allowable because of hookups to the Taylor Sewer District, therefore, not requiring a septic system. The proposed homes will be of equal or higher value than the surrounding homes and usable farm land is not being taken out of production. Mr. Brockman also acknowledged that the plans originally submitted were incorrect. After discussion, Mr. Bagwell reminded the Board that the question put before the Plan Commission is, "Is this land suitable for residential?" A motion was made by Mr. Harbaugh, seconded by Mr. Raver and carried to uphold the Plan Commission's unfavorable recommendation, rejecting the rezoning request of property located at 3021 South 400 East. Mr. Boise advised Mr. Brockman that the plans could be corrected and re-filed.
7. **Demolition of Unsafe Building:** Quotes for the demolition of property located at 3904 South 350 West were opened at the July 17th Commissioner Meeting (*please refer to page two, item two, "In The Matter Of Plan Commission Issues", of the Regular Meeting minutes dated July 17, 2006*). After reviewing the quotes Mr. Boise recommends accepting the quote of Stephens Bulldozing, Inc. in the amount of \$15,541.00, which is the lowest and most responsive quote. A motion was made by Mr. Raver to accept the quote from Stephens Bulldozing in the amount of \$15,541.00. The motion was seconded by Mr. Harbaugh and carried.
8. **Flood Mitigation Property at 500 Ridge Road:** Mr. Boise has talked to the City Park Department concerning the use of a concrete pad and basketball hoop on property located at 500 Ridge Road (*please refer to page two, item three, "In The Matter Of Plan Commission Issues" of the Regular Meeting minutes dated July 17, 2006*). They are not interested in maintaining the concrete pad, at this time. The Wildcat Creek Association might be interested in the property but would want to return the site to its

natural state, removing the concrete pad. The adjacent property owners are not interested in leasing the property. It was the consensus of the Board to allow Mr. Boise to continue with the demolition of the cement pad and basketball hoop.

9. **Resolution 2006-BCC-15:** A resolution of the Howard County Board of Commissioners adopting the Howard County Multi-Hazard Mitigation Plan was submitted and approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

IN THE MATTER OF MAINTENANCE ISSUES:

Buildings & Grounds Supervisor Art Fross submitted the following issues for Board information and approval:

1. **Service Agreement for Service Panels at the Criminal Justice Center:** Mr. Fross had asked for a Service Agreement from Integrader.com for the Service Panels at the Criminal Justice Center, dated for January 1 to December 31. They sent a service agreement dated June 2006 to June 2007. Mr. Fross informed them that the dates are not as requested and has not received word back from them. In the meantime one of the service panels has received possible damage. Mr. Fross will keep the Board apprised of the situation.
2. **Trane Service Agreement:** A Service Agreement with Trane for the HVAC system at the County Courthouse was submitted to the Commissioners with Mr. Fross recommending the agreement for the year 2007. After perusing the Agreement, Attorney Larry Murrell noted several changes or additions that needed to be made. He will review the agreement and fax needed changes to Trane.
3. **Grease on Courthouse Lawn:** There have been problems with some food vendors disposing of grease on the courthouse lawn. Mr. Fross has been in contact with the agencies in charge to request layout plans of the food vendors and to inform them that Howard County will take action in sending repair bills to organizations responsible for the damage.
4. **Declare Emergency Situation Regarding The Administration Center HVAC System:** Bids for Administration Center HVAC System were opened at the July 17th Regular Meeting and taken under advisement for review by Mr. Fross (*please refer to page four, "Public Hearing Concerning the Opening of HVAC Bids", of the Regular Meeting minutes dated July 17, 2006*). Mr. Fross reported that neither of the two bids were responsive and asked that the Board of Commissioners reject the bids. Then Mr. Fross asked that the Board declare this an Emergency Situation and go back to the two bidders, Benchmark Mechanical and Quality Plumbing and Heating, and ask them to re-bid using the original specifications. These bids would have to be submitted before 3:00 p.m., August 18th, to be opened at 8:30 a.m. at the August 21st Commissioner meeting. The bids were rejected on a motion made by Mr. Raver and seconded by Mr. Harbaugh. After discussion a motion was made by Mr. Raver to declare this an Emergency for the Administration Center HVAC System Project under IC36-1-12-9, approving the bids to be re-submitted to Benchmark Mechanical and Quality Plumbing and Heating. The motion was seconded by Mr. Harbaugh and carried.
5. **Additional Phones Lines at the Courthouse:** A T & T sent representatives to the Commissioner meeting to report on upgrades to the phone system at the Courthouse, adding more lines (*please refer to page three, "In The Matter Of Additional Phone Lines For The Courthouse", of the Regular Meeting minutes dated June 19, 2006*). Mr. Fross is waiting for a quote from Mr. Mark Zanoft, from A T & T, that more closely addresses the actual needs.

IN THE MATTER OF INFORMATION SYSTEMS ISSUES:

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

1. **Homeland Security / Interoperability Upgrade Project:** Mr. Tribby expressed appreciation to Art Fross and his office for their help in installing equipment at Fire Station #5 to connect them to the wireless system. This project crosses many agency lines.
2. **Live Website:** The County's website is live with a new company; many positive comments have been received.

IN THE MATTER OF TREASURER CHECK CAPTURE SYSTEM:

Treasurer Martha Lake introduced Chief Deputy Jamie Shepherd and Mr. Carl Mason from Imaging Office Systems, Inc. She submitted copies of the Project Solution prepared by Mr. Mason as well as Hardware/Software Purchasing Agreement with Imaging Office Systems, Inc. This system will allow the Treasurer's Office to use a lock-boxing system and the Check Capture system to be able to scan property tax payments in-house. The demonstration conducted by IOS was impressive and the system has a way to flag itself when a duplicate entry has been made. Mr. Murrell has had a chance to review the agreement and would like to add, "Payment upon Completion on or before October 1, 2006" to the terms and agreements. Also added is, "Payment term is subject to statutory claims procedure". Those changes were added and ISO representative Carl Mason initialed the Agreement. Ms. Lake also informed the Board that there would be no delivery or shipping charges and that software and hardware maintenance for one year is figured into the \$24,500.00 total balance. On a motion made by Mr. Harbaugh and seconded by Mr. Raver, the Purchase Agreement with Imaging Office Systems, Inc., in the amount of \$24,500.00 was approved for the purchase of the Check Capture System, with the aforementioned changes.

IN THE MATTER OF SUPERIOR COURT ONE REQUEST:

On behalf of Judge Menges, Superior Court I, Commissioner Bagwell made a request for seating outside of the Superior I Courtroom. It was the consensus of the Board to refer that request to Buildings and Grounds Director Art Fross and work with Judge Menges for the requested seating.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Ann Wells submitted the following issues for Commissioner information and approval:

1. **Commissioner Salary Claims:** Salary claims payable on August 11 and 18, 2006, in the amount of \$296,420.05, were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
2. **Commissioner Operating Claims:** Operating claims payable August 7, 2006, in the amount of \$671,059.90, were approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
3. **Resolution 2006-BCC-16:** The Resolution is to approve and adopt a Howard County Council Resolution No. 2006-HCC-14, authorizing borrowing from the State "Rainy Day Fund". Resolution 2006-BCC-16 also "authorizes its President or Vice President, and either one of them, to execute any and all loan documents necessary to implement such borrowing, including (but not limited to) a Loan Agreement with the State of Indiana and a Promissory Note payable to the State of Indiana." A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve Resolution 2006-BCC-16.
4. **Board of Finance Approval:** Auditor Ann Wells and Attorney Larry Murrell met with the State Board of Finance concerning the Loan for Howard County taxing units from the State's Rainy Day Fund. The State Board of Finance gave approval for loans applied for by Howard County and Kokomo Center Schools.
5. **Thank You Letter Received:** Ms. Wells presented a letter from Ivy Tech Foundation thanking the Board of Commissioners for their donation of an ambulance to the Paramedic Science Program of Ivy Tech Community College (*please refer to page two, issue two, "In The Matter of Sheriff Issues" of the Regular Meeting minutes dated July 17, 2006*).
6. **Veteran Service Monthly Report:** The July, 2006 Veterans Service Report was accepted on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Sheriff's Building Trade Contract and Application:** A Building Trade Contract between Kokomo Center School Building Trade Education and Howard County Sheriff's Department, for the building of a Pole Barn, was submitted to Mr. Murrell for his review (*please refer to page two, item three, "In The Matter Of Sheriff Issues", of the Regular Meeting minutes dated July 17, 2006*). The contract needs several revisions and Mr. Murrell recommends that the Board approve this contract with its revisions and sign it when a revised copy is available. A motion was made by Mr. Harbaugh, seconded by Mr. Raver and carried to approve the contract with Kokomo Center School Building Trade Education, pending modifications to the contract, and authorize the President to sign the contract on behalf of the Board of Commissioners when the revised copy is received.
2. **American Consulting Company Contract:** This contract is for the Criminal Justice Center Feasibility Study, remediation services only. Mr. Murrell had made several modifications to the original contract and those modifications have been approved by American Consulting Company. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to approve the contract with American Consulting Company for remediation services concerning the Criminal Justice Center Feasibility Study, and authorize the President to sign on behalf of the Board of Commissioners (*please refer to page three, item two, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated July 5, 2006*).
3. **Second Amended Tolling Agreement:** The First Amended Tolling Agreement was approved at the February 6th meeting (*please refer to page five, item three, "In The Matter Of County Attorney Issues" of the Regular Meeting minutes dated February 6, 2006*). That Agreement amended the appeal deadline to July 31, 2006. Howard Regional Health Systems submitted a Second Amended Tolling Agreement to Mr. Murrell, extending the appeal deadline date to December 31, 2006. Mr. Murrell signed the Amendment on behalf of the Board of Commissioners and asks that his signature be ratified. His signature was ratified on a motion made by Mr. Raver and seconded by Mr. Harbaugh, extending the appeal deadline to December 31, 2006.
4. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice from Barnes & Thornburg for services rendered in connection with Delphi Bankruptcy Matters in the month of May, in the amount of \$1,095.00. The invoice was approved for payment on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
5. **Peddler and Solicitor Ordinance:** In August of 2005, Mr. Murrell began the process of drafting an Ordinance concerning Peddlers and Solicitors because of complaints received by the Sheriff's Department (*please refer to page nine, item 3b of the Regular Meeting minutes dated August 15, 2005*). That process was tabled in order to deal with other enforcement issues and concerns with the Sheriff's Department. There have been more complaints and Mr. Murrell has prepared another draft for Board information. Discussion ensued concerning approved hours, not-for-profit organizations, permits and fees. Also discussed was administration and enforcement by the Sheriff's Department. By consensus of the Board, Mr. Murrell was directed to prepare a final Resolution for the Board's consideration.
6. **Ordinance No. 2006-BCC-17, Fee Collection:** Ms. Wells submitted a copy of the amended Howard County Health Department Fee Collection Ordinance 2006-BCC-17 for Commissioners' signatures. This Ordinance was previously approved as amended at the May 15, 2006 meeting, to be signed when the amended ordinance was submitted (*please refer to page four, item two, "In The Matter of Department of Health Issues", of the Regular meeting minutes dated May 15, 2006 and page six, item four of the Regular Meeting minutes dated June 5, 2006*).

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Advanced Life Support Committee:** Concerning the EMT routes, the Advanced Life Support Committee has been meeting monthly with the E-911 Dispatch Assistant Coordinator Gary Bates. The next meeting will be September 6th where Mr. Bates will present six-month summarized maps. They are getting closer to a recommendation.
2. **Septic Ordinance:** The On-Site Sewage Ordinance was remanded back to the Board of Health for further negotiations and the Public Hearing was continued (*please refer to page four of the Regular Meeting minutes dated June 19, 2006*). The Board of Health Septic Committee has been meeting and making changes to the Proposed Ordinance. They are ready to address the Ordinance and request the

Commissioners to set a Special Meeting in the evening so that Committee members can attend. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to continue the Public Hearing for the proposed On-Site Sewage Ordinance in a Special Meeting on Monday, August 14, 2006, at 7:00 p.m. in Hearing Room #338.

3. **Commissioner 2007 Budget Request:** President Bagwell has prepared the 2007 Budget Requests for the Commissioner, EDIT and Cumulative Capital Funds and submitted them to the Auditor's Office. The Commissioners budget appointment is 1:00 p.m. on Thursday, August 24, 2006.
4. **Sheriff Auction:** Sheriff Talbert reported that there are sufficient items on hand to proceed with a Sheriff's Auction. Mr. Fross requested that stored and unused office furniture and equipment also be included in the auction. A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to proceed with auction preparations and setting of a date with Auctioneer Cartwright Ellis.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:54 on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

HOWARD COUNTY BOARD OF COMMISSIONERS:

BRADLEY J. BAGWELL, PRESIDENT

PAUL J. RAVER, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR

Commissioner Meeting Minutes August 7, 2006