

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JULY 17, 2006

The Howard County Board of Commissioners met in Regular Session on Monday, July 17, 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 5, 2006 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.

At 8:30 a.m. the Regular Meeting was recessed to hold a previously scheduled Public Hearing concerning the Cumulative Bridge Fund.

The Public Hearing was opened and Highway Supervisor/Engineer Ted Cain took the floor. Mr. Cain mentioned that the appropriation in the Cumulative Bridge Fund was cut a few years ago in order to provide employees with a pay raise. Funds need to be built back up for bridge repairs and to supplement the paving program. Mr. Cain understood the County's financial situation; however, he wished to proceed with the request in case the extra money is available when figures are reviewed at budget time.

Mr. Bagwell said the total tax levy would not change. The increase in the Cumulative Bridge Fund would be redistribution between the General Fund and the Cumulative Bridge Fund, and not a tax increase.

There were no questions or comments from the Board and no one in the audience wished to be heard. Mr. Raver made a motion to approve Ordinance No. 2006-BCC-28, An Ordinance of the Howard County Board of Commissioners Proposing an Increase in the Tax Rate for the Howard County Cumulative Bridge Fund. The total tax levied on all taxable real and personal property including the tax increase shall not exceed \$.0233 per \$100 of assessed valuation. The motion was seconded by Mr. Harbaugh, which carried.

A motion was made by Mr. Raver, seconded by Mr. Harbaugh and carried to close the Public Hearing.

The Public Hearing closed and the Regular Meeting reconvened at 8:40 a.m.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Supervisor/Engineer Ted Cain presented the following issues for Board information and approval:

1. **Performance Bond No. 83BCS00825** in the amount of \$72,800.00 was submitted from Bowyer Excavating, Inc. for the paving, storm drainage and street signage at Emerald Lake Estates. The performance bond was approved on a motion made by Mr. Raver, seconded by Mr. Harbaugh and carried.
2. **Maintenance Bond No. B8883888** in the amount of \$11,711.50 for Seeding and Erosion Control, Storm Sewers and Earthwork was submitted for Sycamore Farms, Phase 1, from F & K Construction, Inc. Mr. Raver made a motion for approval. Mr. Harbaugh seconded the motion, which carried.
3. The **Chip and Seal Program** is progressing. Although an engine had blown on older equipment, Mr. Cain voiced appreciation of having new equipment with a cab to keep the program going.

IN THE MATTER OF SHERIFF ISSUES:

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

1. **Jail Population:** The current inmate population at the Criminal Justice Center is 311. This number includes 46 female inmates. On Thursday, July 20, 2006, 10 inmates will be transported to the Department of Corrections.

2. **Vehicle Donation:** The Sheriff's Department is in the process of transferring Dive Team equipment from the old ambulance style vehicle to the recently purchased 1997 Chevrolet Crown Step Van. *(Please refer to page one, item three, "In the Matter of Sheriff Issues", of the regular meeting dated May 15, 2006.)* Sheriff Talbert requested approval to donate the older vehicle to Indiana Vocational Technical College for training purposes. The value of the vehicle is less than \$1,000.00.

Pam Lewis, Academic Dean of IVY Tech Region 5 in Kokomo, had knowledge that the State is moving toward requiring an associate degree for paramedics. The ambulance would provide on-site training for students enrolled in a paramedic education program that was started two years ago. At present the program is in cooperation with St. Joseph Hospital for the five-county Central Indiana Region. Most of the students are from Howard County. Sheriff Talbert said IVY Tech would assume responsibility for maintaining the vehicle.

According to IC 501(c)(3), the disposition of personal property to an organization is exempt from the disposition statute. Therefore, Mr. Raver made a motion to approve the donation of the old ambulance style vehicle formerly used by the Dive Team to IVY Tech Region 5 in Kokomo for training purposes. Mr. Harbaugh seconded the motion, and it carried.

3. **Building Trade Contract:** The Sheriff's Department has been working with Kokomo Center Schools Building Trade Education to erect a pole building behind the Criminal Justice Center to store the SWAT Truck. Sheriff Talbert submitted a building trade contract and application for the County Attorney's review.
4. **New Vehicles Update:** The Request for Quotes for the new K-9 Truck have been sent out. The five new patrol cars are scheduled to be delivered by the end of July 2006.
5. Two new deputies are performing very well with field training.

IN THE MATTER OF PLAN COMMISSION ISSUES:

Plan Commission Director Glen Boise presented the following issues for Commissioner information and approval:

1. **Case 3-CP-06:** One lot in Fran Cross Subdivision located at 7797 West Road 00 North/South was approved on a motion made by Mr. Raver and seconded by Mr. Harbaugh.
2. **Opening of Bids:** The following bids were received and opened by the Board of Commissioners for the demolition of the unsafe building located at 3904 South 350 West. *(Please refer to page 2, item two, "In the Matter of Plan Commission Issues", of the regular meeting dated July 5, 2006.):* Mr. Harbaugh made a motion to take the bids under advisement in order for Mr. Boise to review them and make a recommendation for acceptance. Mr. Raver seconded the motion, which carried.

a.	Dale Overmyer	\$32,750
b.	Alliance Excavation and Demolition	\$28,000
c.	Stephens Bulldozing	\$15,541
3. **Flood Mitigation Issue:** The property located at 500 Ridge Road was in the process of being demolished. Some of the neighbors asked the contractor to leave a concrete pad that is being used as a half basketball court. Mr. Boise contacted the State to find out if this type of use would be permitted in accordance with the contract with F.E.M.A. The State believed that the concrete pad could remain as an athletic facility, but Mr. Boise said the County should consider establishing a written agreement with the neighborhood to use the court. Discussion ensued regarding licensing, maintenance, and liability concerns. The Commissioners decided to contact the Kokomo Park Board and neighbors to find out if they are interested in assuming a lease of the facility. No further action was taken on this issue at this time.
4. **Multi-Hazard Mitigation Plan:** Final revisions of the plan were completed and Mr. Boise confirmed that copies would be provided to the Commissioners.

IN THE MATTER OF MAINTENANCE ISSUES:

Buildings and Grounds Superintendent Art Fross presented the following issues for Commissioner information:

1. Mr. Fross reported experiencing a few small maintenance problems daily, but nothing major.

2. **Service Agreement:** Mr. Fross spoke with Trane Company regarding repair service for the cooling unit at the Courthouse. The initial cost of \$5,500 was negotiated down to zero providing that the County enters into a service agreement in 2007 for approximately \$4,000. Mr. Fross advised Trane that the agreement needs to be submitted to the Commissioners by November 15th, 2006.
3. **Injury Report:** A maintenance employee sustained an injury to his right hand on Friday, July 14, 2006. Medical treatment was administered at a hospital and Personnel Department has been notified. The employee returned to work and is doing well.

IN THE MATTER OF PERSONNEL ISSUES:

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

1. **Unemployment Insurance Meeting:** An educational meeting has been scheduled on Wednesday, July 26, 2006 from 12:00 p.m. to 3:00 p.m. in Room 338 at the Howard County Administration Center. Kathy Sebelksi, Regional Trainer and Technical support Coordinator with the Department of Workforce Development, will talk about policies and procedures for filing unemployment claims. Lunch will be provided by Sheriff Talbert. Elected Officials, Department Heads or departmental representatives are encouraged to attend.

Mr. Harbaugh made a motion to distribute a notice of the meeting to Elected Officials and Department Heads. Seconded by Mr. Raver, the motion carried.

2. **FMLA Seminar:** Ms. McKillip and Administrative Assistant Vicki Hinkle plan to attend an FMLA Boot Camp educational seminar on July 21, 2006 with Barnes and Thornburg in Indianapolis. Marie Miller will watch over the office in their absence.
3. **Job Descriptions:** The Personnel Department is currently working with the various Departments to update job descriptions.

IN THE MATTER OF INFORMATION SYSTEMS:

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

1. **Internet Access:** The County currently has a lease with Advanced Internet Technology (AIT) to provide bandwidth for Internet access. On July 6, 2006, the County Website went down due to a hardware failure on the server. This is the second incident and it took approximately 1-1/2 days for AIT to resolve the problem. Because the County is becoming more dependent on web applications and Email, the Commissioners were receptive to a suggestion made by Mr. Tribby to establish control of internet connections. The County only has one DSL line designated for internet access so additional bandwidth would be needed to host the web server. Last week Mr. Tribby contacted Insight Communications to find out what programs were available. The cost for 1M up and 6M down internet connection through Insight Communications would be \$240.00 per month. Insight is also willing to bill annually. Mr. Tribby felt this program would provide an opportunity to evaluate whether Insight's cable could be used to perform video arraignment with the Department of Corrections. Mr. Tribby said he has the funds to pay for the service through the end of 2006.

Mr. Harbaugh made a motion to authorize Mr. Tribby to move forward with using Insight Communications as an internet connection provider at a cost of \$240.00 per month. Mr. Raver seconded the motion, which carried.

2. **Computer Replacement Issues:** Approximately three years ago the County purchased a batch of 30 workstations from the Dell Company that had defective capacitors on the mother boards. The I.S. Department detected the problems and was able to replace the parts before the warranties expired. The approximate replacement cost for each computer was \$200.00, which could have made a significant impact on the I.S. Department's budget.

Mr. Tribby said his department tries to rotate replacement of computers every three to five years. Money for replacement of the 35 workstations at the Kinsey Youth Center and the one for Judge Murray was cut out at budget time last year. Mr. Don Travis, Chief Juvenile Probation Officer, said those computers are nearly

five years old and are not functioning well. Installation of additional Software causes the computers to operate at a slower pace. Mr. Travis requested approval to move forward with replacing the computers, server, and purchase additional software at a cost of \$40,000 to be paid out of the Cumulative Capital Development Fund.

A motion was made by Mr. Raver and seconded by Mr. Harbaugh to approve the request to replace the computers at the Kinsey Youth Center and for Judge Murray at cost of \$40,000 to be paid out of the Cumulative Capital Development Fund.

At 9:30 a.m. the Regular Meeting was recessed to hold a previously scheduled Public Hearing Concerning Vacation of Easement

Attorney David Baird, on behalf of James M. and Tabitha R. Boley, presented a request to Vacate an Easement for Rick Keck Subdivision, Lot 1, located at 4341 South 450 East, in Taylor Township. All necessary paperwork has been received and adjacent landowners notified. Mr. Baird was not aware of any objections to the Petition. Mr. Bagwell then opened the floor for public comment. There being no comments, the Public Hearing was closed on a motion made by Mr. Harbaugh and seconded by Mr. Raver. A motion was made by Mr. Harbaugh to approve the Vacation of Easement in the form of Ordinance No. 2006-BCC-30. The motion was seconded by Mr. Raver and carried.

The Regular Commissioner Meeting was reconvened at 9:42 a.m.

IN THE MATTER OF A COLLECTIONS CONTRACT WITH McCANN AND PEELLE:

Treasurer Martha Lake submitted a Contract from McCann and Peelle to collect delinquent taxes on personal property. The issue was tabled in February due to pending legislation and whether there would be amnesty for delinquent taxes on personal property. ***(Please refer to page four, “In the Matter of a Collections Contract with McCann and Peelle”, of the regular meeting dated February 20, 2006.)*** It turned out that amnesty was not granted for personal property taxes at the State level and Ms. Lake was ready to move forward. Delinquent taxes from the years 2002 – 2004 will be collected at no cost to the County. McCann and Peelle would receive a 30% fee added onto the collected amount.

Mr. Harbaugh made a motion to approve the Contract to Provide Collection Services between the Howard County Board of Commissioners on behalf of the Treasurer of Howard County and Mark A. McCann d/b/a McCann/Peelle. Mr. Raver seconded the motion and it carried.

IN THE MATTER OF MS4 ORDINANCE NO 2004-BCC-38:

County Surveyor Jake Grimme together with Mr. Greg Lake, MS4 Coordinator, took the floor. Mr. Lake explained that the Ordinance was previously approved by the Commissioners in 2004. ***(Please refer to page six, “In the Matter of MS4 Ordinances”, of the regular meeting dated November 1, 2004)*** The Ordinance was advertised one time and then approved by the State. A second publication is required to make the Ordinance effective. Mr. Lake presented “Exhibit A”, the fee schedule for the review process, inspections, and administrative costs associated with the construction site of the program, for Commissioner approval.

Mr. Raver made a motion to approve the addition of “Exhibit A”, and require the finalized Ordinance No. 2004-BCC-38, an Ordinance Concerning Stormwater Erosion and Sediment Control in Howard County to be published for the second time. The motion was seconded by Mr. Harbaugh and carried.

At 10:00 a.m. the Regular Meeting was recessed to hold a scheduled Public Hearing Concerning the Opening of HVAC Bids

The Public Hearing was opened by President Bagwell. The following bids were received and opened by the Board of Commissioners for the HVAC System in the Howard County Administration Center. Mr. Harbaugh made a motion to take the bids under advisement in order for Buildings and Grounds Superintendent Art Fross to review them and make a recommendation for acceptance.

Benchmark Mechanical	\$223,950
Quality Plumbing and Heating	\$266,000

The Regular Commissioner Meeting was reconvened.

IN THE MATTER OF HOWARD HAVEN:

Howard Haven Director Thomas Tolen presented the following issues for Commissioner information and approval:

1. **Applications for Admission:** Mr. Harbaugh made a motion to accept applications from Mary Evans and James Nelson for admission to Howard Haven for a ninety-day probationary period and authorize the President to sign on behalf of the Commissioners. Seconded by Mr. Raver, the motion carried.
2. **Purchase New Doors:** Mr. Tolen advised he plans to submit a request at the July 25, 2006 Council meeting to purchase handicap accessible doors to be paid out of Cumulative Capital Development Fund. He is looking into a grant source that would fund about \$10,000 of the purchase. Oakbrook Community Church would be used to apply for the grant as a non-profit organization.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioners' Salary Claims:** Salary and hourly claims payable July 21, 28, and August 4, 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 July 17, 2006 in the amount of \$299,789.92 were approved on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
3. **Treasurer's Monthly Report:** The Treasurer's Monthly Report for the month ending June 30, 2006 was accepted on a motion made by Mr. Harbaugh and seconded by Mr. Raver.
4. **Chrysler Bond Issue:** The Commissioners received an update from Mr. Bernie Ampe, Ampe Realty Management, Inc., on the bond issue funds for the Chrysler Project for the month of June 2006. Mr. Raver made a motion to approve payment of the claim from Ampe Realty Management, Inc. in the amount of \$19.11. Mr. Harbaugh seconded the motion, which carried.

Since the Commissioners receive a report on the funds from the bank, Mr. Harbaugh made a motion to discontinue receiving duplicate reports from Ampe Realty. Mr. Raver seconded the motion, which carried. The Auditor shall provide notification to Mr. Ampe.

5. **KHDC Annual Report:** The Kokomo/Howard County Development Corporation submitted a copy of their 2005 Annual Report and support requests for budget year 2007. The funding request for KHDC and Inventrek is the same as last year, \$20,000 and \$10,000 respectfully.

IN THE MATTER OF SETTING A HEARING FOR A VACATION OF EASEMENT:

Attorney Murrell presented a Petition on behalf of Attorney David A. Cox to Vacate a Utility Easement located at 3320 Tally Ho Drive. A motion was made by Mr. Raver and seconded by Mr. Harbaugh to accept the petition to Vacate the Easement and set a Public Hearing at 9:30 a.m. on August 21, 2006.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Fire Truck Grant:** Mr. Raver made a motion, seconded by Mr. Harbaugh and carried, to ratify and confirm the President's signature on the Subrecipient Semi-annual Report for the Honey Creek Fire Truck Grant for the period ending June 30, 2006.
2. **Barnes & Thornburg Invoices:** Mr. Murrell submitted invoices from Barnes & Thornburg for legal services rendered through the month of May 2006 for General Labor Advice and issues pertaining to the Delphi Bankruptcy in the amount of \$465.00 and \$634.80 respectfully. Mr. Harbaugh made a motion to approve payment. Seconded by Mr. Raver, the motion carried.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **4-H Hall of Fame:** Mr. Raver submitted a Certificate that was presented on July 14, 2006 from the 4-H Fair inducting the Commissioners into the Howard County 4-H Fair Hall of Fame.
2. **Wall Display:** Mr. Art Fross was designated to find a location to display certificates and awards that are presented to the Commissioners.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:25 a.m. on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

*Meeting Reconvened – 10:30 a.m.
The Howard County Board of Commissioners reopened the meeting at 10:30 a.m.
To conduct hearings in regard to Township Relief Appeals and no other business.*

IN THE MATTER OF TOWNSHIP RELIEF APPEALS:

Commissioner Raver, acting as Township Relief Hearing Officer, presented the following cases for Board action:

HARRISON TOWNSHIP: Commissioner Harbaugh abstained from voting on the appeals in Harrison Township.

June Arbuckle Appeal - No action was taken for the appeal of June Arbuckle. The Township Trustee withdrew the appeal saying that he would review the documents again and reconsider Ms. Arbuckle's request for assistance.

John M. Jones Appeal – Mr. Raver made a motion to uphold the denial of the Harrison Township Trustee based on the finding that the Township Trustee followed the Eligibility Standards and Guidelines for Township Assistance applicable to the case. Mr. Bagwell vacated the chair to second the motion, which carried.

CENTER TOWNSHIP:

Rebekah H. Hearth Appeal – Mr. Raver made a motion to uphold the denial of the Center Township Trustee based on the finding that the Township Trustee followed the Eligibility Standards and Guidelines for Township Assistance applicable to the case. Mr. Harbaugh seconded the motion, and it carried.

There being no other Township Appeals to be heard by Board at this time, the meeting was re-adjourned at 10:35 a.m. on a motion made by Mr. Raver and seconded by Mr. Harbaugh.

HOWARD COUNTY BOARD OF COMMISSIONERS

BRADLEY J. BAGWELL, PRESIDENT

PAUL J. RAVEN, VICE PRESIDENT

JOHN B. HARBAUGH, MEMBER

ATTEST:

ANN WELLS, AUDITOR
Commissioner Meeting Minutes July 17, 2006