

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING DECEMBER 17, 2007

The Howard County Board of Commissioners met in Regular Session on Monday, December 17, 2007 at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Paul J. Raver, Vice President Bradley J. Bagwell and Member David A. Trine. Also present were County Attorney Larry Murrell and Auditor Ann Wells.

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

IN THE MATTER OF THE APPROVAL OF MINUTES:

The minutes of the December 3, 2007 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Trine and seconded by Mr. Bagwell.

IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Superintendent / Engineer Ted Cain presented the following issues for Commissioners' information and approval:

1. **2008 Fuel Bid:** The 2008 Fuel Bid was continued from the December 3rd meeting (*please refer to page one, item one, "In The Matter Of Highway Department Issues", of the Regular Meeting minutes dated December 3, 2007*). After review, Mr. Cain recommends that he negotiate for a firm price for the fuel needed in 2008, believing that it will save the County money. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to allow Mr. Cain to negotiate for a firm price, and authorize Mr. Cain to enter into a contract with North Central Co-op.
2. **Agreement With Butler, Fairman and Seufert:** Mr. Cain presented an agreement with Butler, Fairman and Seufert for engineering services in connection with the Morgan Street Project (County Road 200 North) from the existing Highway 31 to Touby Pike, in the amount of \$181,950.00. This project will include the City, and Mr. Cain will need to submit an Inter-local Agreement with the City of Kokomo, to be invoiced upon completion of the project. Mr. Cain will pay for the project from Highway funds, to be appropriated in 2008. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the contract with Butler, Fairman & Seufert, in the amount of \$181,950.00.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Population:** The current inmate population is three hundred fifteen (315).
2. **Release Of Property Damage Claim:** Deputy Ferguson's car was involved in an accident last week. Sheriff Talbert brought a Release of Property Damage Claim for Attorney Murrell's review.
3. **E-911 2008 Budget Request:** Sheriff Talbert and Matron Loretta Moon submitted the 2008 E-911 Budget Request. The requested salaries show a rank differential (Lieutenant, Sergeant and Corporal). The E-911 budget is to be approved by the Board of Commissioners and the salaries are to be approved by the County Council. At the conclusion of brief discussion, a motion was made by Mr. Bagwell to approve the 2008 E-911 Budget and Salaries and recommend the Salary requests, including the Rank Differentials, to the Howard County Council. The motion was seconded by Mr. Trine and carried.
4. **Retention Pond Concern:** Sheriff Talbert is concerned about retention ponds in Howard County that are close to the roadways. In the event of inclement weather and icy roads, that could be an accident waiting to happen. Of particular concern is the reservoir located at 100 County Road North. He invites the Commissioners to review the area and discuss the possible inclusion of a guard rail. Mr. Bagwell reminded the Board that this is a park area and needs to retain a park-like atmosphere. A cable rail and boulders would be an alternative to a guard rail.

IN THE MATTER OF PLAN COMMISSION ISSUES:

Plan Commission Director Glen Boise did not have any plats for consideration. A Public Hearing is scheduled for 9:00 a.m. for the Unsafe Building located at 12541 East County Road 332 South, to respond to the Order To Demolish that was sent November 8th (*please refer to page two, item two, "In The Matter Of Plan Commission Issues", of the Regular Meeting minutes dated December 3, 2007*). Mr. Boise has not received word from the Property Owner or her family. Mr. Bagwell received an e-mail from neighbor Deb Gotti, informing him that nothing has been done to demolish the buildings, at this time. The Public Hearing was opened by Mr. Raver. There being no public comment or owner representative in attendance, a motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to close the Public Hearing.

At the conclusion of ensuing discussion, a motion was made by Mr. Bagwell to modify the Order To Demolish to include the demolition and removal of buildings and trash, and mowing of lawn by January 18, 2008. All other regards are the same. Mr. Murrell will prepare the Resolution for the December 28th meeting. The motion was seconded by Mr. Trine and carried.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

Buildings and Grounds Superintendent Art Fross submitted the following issues for Commissioners' information and approval:

1. **Insight DSL Lines At The Courthouse:** At the December 3rd meeting, Information Systems Director Terry Tribby submitted an Agreement with Insight Communications for internet service to the Courthouse and Kinsey Youth Center. At that time, Mr. Tribby informed the Board of the possibility of the need to install additional cable (*please refer to page three, item one, "In The Matter Of Information System Department Issues", of the Regular Meeting minutes dated December 3, 2007*). Mr. Fross introduced Insight Technician Jeff Sexton to the Commissioners. Mr. Sexton informed the Board that there is no way, at the present time, to get cable to the Courthouse or the alleys. He does not know the location of a conduit that could be used and asked the Board if there would be a contractor who would know the possible location of conduit to the Courthouse. The Board agreed that Mr. Fross and his department would have a better idea of location than they would. Mr. Fross will try to locate the conduits and their path from the building. The agreement presented at the December 3rd meeting included construction costs if the County provides the piping. The Courthouse portion of this project is on hold until the conduits are located and the construction costs of the contract are finalized.
2. **Jail Hot Water Heater Replacement:** One of the hot water heaters at the Criminal Justice Center is leaking and needs to be replaced. Benchmark Mechanical Inc. submitted a quote for repair costs at \$23,000.00 and replacement costs at \$25,000.00. Mr. Fross has only received one quote. The Board directed Mr. Fross to obtain an additional quote and present both quotes at the December 28th meeting.
3. **Criminal Justice Center Sign:** Mr. Fross has obtained the following quotes for the repair of the Criminal Justice Center Sign:

Huston Electric	\$6,885.00
Skyline Signs Inc.	\$3,580.00

Mr. Fross submitted copies of the proposed repair and then recommended using Skyline Signs, Inc. A motion was made by Mr. Trine, seconded by Mr. Bagwell and carried to approve the estimate from Skyline Signs, Inc., in the amount of \$3,580.00, and authorize the President to sign on behalf of the Board of Commissioners. Mr. Murrell will amend the agreement to include, "complete price will be paid on completion, subject to statutory claims procedure".

4. **New Carpet In Information Systems Offices:** At the October 15th meeting, the Information Systems Department had made a request for new carpet to be installed in their offices (*please refer to page two, item three, "In The Matter Of Maintenance Department Issues", of the Regular Meeting minutes dated October 15, 2007*). The new carpet and chair mats have been installed.
5. **Underground Storage Tank At Criminal Justice Center:** The County is now in compliance with the State concerning the underground storage tank at the jail. Testing of the new monitoring system installed

for the storage tank has been completed and Mr. Fross will forward those results to IDEM (*please refer to page four, item four, "In The Matter Of Maintenance Department Issues" of the Regular Meeting minutes dated November 19, 2007*).

6. **Courthouse Security:** Updated expenses for Courthouse security are now \$56,683.74. The camera system is not yet completed. Payment will be made after completion of the project. The bid for this system did not include the collector unit. Mr. Fross is reviewing the situation.
7. **Siemens Contract:** This 2008 Agreement with Siemens is for heating and air conditioning services for the Courthouse, Kinsey Youth Center, Criminal Justice Center, Administration Center and the Government Center. The Agreement was approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.

IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:

Personnel Director Wanda McKillip submitted the following issues for Commissioners' information and approval:

1. **Ordinance No. 2007-BCCO-52:** This is an ordinance to revise section 3.4 of the County's Policy Handbook as follows:

"Department Heads and all nurses appointed and hired during their 90-calendar day probation period shall be paid at a rate of pay not to exceed 95% of the regular pay for that position. After the 90-calendar day probationary period ends the employee shall be paid 100% of the salary for that position."

Resolution No. 2007-BCCO-52 was approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.

2. **Appoint Veteran's Service Officer:** Commissioners Raver, Bagwell and Trine commented that the three candidates for the Veteran's Service appointment were all excellent, and are eager to serve the Veterans of Howard County. Recommendations were solicited from the State Veterans Agencies and all three candidates were highly recommended. "We were honored". A motion was made by Mr. Bagwell to appoint Mr. Robert Ladd as the Veterans Service Officer, beginning January 1, 2008, for a term of one year. After next year, a four-year appointment will be made. The motion was seconded by Mr. Trine and carried. Mr. Ladd addressed the Board, thanking them for the opportunity to serve his "brothers and sisters" of Howard County.

3. **Commissioner Appointments:** The following Commissioner Appointments were made:

Mr. Dick Lee was appointed to the Board of Zoning Appeals for a term of four years on a motion made by Mr. Bagwell and seconded by Mr. Trine.

Ms. Beth Harshman was appointed to the Alcoholic Beverage Commission for a term of one year on a motion made by Mr. Bagwell and seconded by Mr. Trine.

Mr. Steve Laudenschlager was appointed to the Emergency Management Agency Council for a term of one year on a motion made by Mr. Trine and seconded by Mr. Bagwell.

Ms. Kelly Karickhoff was appointed to the Howard County Convention & Visitor's Bureau for a two year term on a motion made by Mr. Bagwell and seconded by Mr. Trine.

Mr. Darin Patel was appointed to the Howard County Convention & Visitor's Bureau for a two year term on a motion made by Mr. Trine and seconded by Mr. Bagwell.

Mr. Larry Hinesley and **Brad Bagwell** were appointed to the City of Firsts Automotive Heritage Museum Board for three year terms on a motion made by Mr. Trine and seconded by Mr. Bagwell. Mr. Bagwell noted that his term will run concurrent with his term as County Commissioner.

Mr. Stan Ortman was appointed to the Kokomo / Howard County Public Library Board for a term of four years on a motion made by Mr. Trine and seconded by Mr. Bagwell.

County Assessor Jamie Shepherd will submit recommendations for the Assessment Board of Appeals at the December 28th meeting.

A Letter Of Resignation was received from Board of Health Member Dr. Hiss. Mr. Bagwell and Mr. Trine will contact several veterinarians and bring recommendations to the December 28th meeting.

Mr. Paul Sandy was appointed to the Drainage Board for a term of three years on a motion made by Mr. Bagwell and seconded by Mr. Trine.

4. **Employee Christmas Party:** Ms. McKillip reminded those attending, of the First Annual Howard County Employee Christmas Party, this Friday, December 21st, from 6:30 p.m. - 11:30 p.m. Dress is casual. Ms. McKillip thanked the Board of Commissioners for sponsoring the event.
5. **Friend Of Extension Award:** County Extension Office Personnel Susan Neher, Adam Ullum, Jeannie Vondersaar and Theresa Keller, were in attendance to present the "Friend of Extension" Award and gift to Commissioner Paul Raver. They also brought a coffee cake for the Board of Commissioners to celebrate this award. Mr. Raver thanked the Office for the award and the gift of the Purdue woven blanket. The Annual Extension Report was submitted to Commissioner Bagwell.

IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:

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

1. **Thank You To The Maintenance Department:** Mr. Tribby thanked Superintendent Art Fross and the Maintenance Department for their work in installing the new carpet in the Information Systems Offices. Appreciation to all Department Heads was also given, for their patience while the office was down for a day and a half.
2. **Insight Contracts:** The contracts for Insight DSL service for the Courthouse and Kinsey Youth Center, presented at the December 3rd meeting, can wait for approval (*please refer to page three, item one, "In The Matter Of Information Systems Department Issues", of the Regular Meeting minutes dated December 3, 2007*). The equipment located on a former fire station can be moved to Kinsey Youth Center, and Mr. Tribby wants to include that in with this project. Mr. Tribby is still negotiating the contract with Insight. He thanked Mr. Murrell for his help and diligence with the process.
3. **Courthouse CSI Contract:** Mr. Tribby will meet with Mr. Murrell to review this contract and present it at the December 28th meeting.
4. **Verizon Wireless Representative:** The Verizon Wireless Company has assigned a new representative to Howard County Government Accounts. Mr. Tribby is hopeful that the new representative will work to resolve some current issues.

IN THE MATTER OF THE ECONOMIC MERGER GROUP:

At the September Council Meeting, the Council approved a Letter of Recommendation supporting the Economic Development Umbrella Plan. Funds were not committed at that time; an additional appropriation had not been requested (*please refer to page eight, item five of the Regular Council Meeting minutes dated August 21, 22, 23, and September 5, 2007*). Councilman Paul Wyman is in attendance to submit a request for \$5,000.00 from the CEDIT Fund to help support the Economic Merger Group activities. Mr. Wyman informed the Board of the present progress of the mediation phase. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the request for \$5,000.00 from the CEDIT Fund to help support the Economic Merger Group and forward the request to the County Council for their January meeting.

IN THE MATTER OF A PRINTER REQUEST FOR THE COUNTY ASSESSOR:

County Assessor Jamie Shepherd presented a request to purchase a printer for the County Assessor's Office. It is now a requirement to send out 90,000 trending notices (form 11) every year and she needs a high volume printer, in lieu of using the Auditor or Treasurer Offices' printers. She would like to purchase the printer from Shearer Printing and Office solutions, in the amount of \$8,847.00 from the Reassessment fund. The printer would be equipped with hole punching and stapling capabilities, as well as a large capacity paper tray. The purchase of the printer and maintenance contract was approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.

IN THE MATTER OF THE TREASURER'S OFFICE PAYTRUST CONTRACT:

Treasurer Martha Lake submitted a PayTrust Contract with Frontline Processing for tax payments made from a credit or debit card. Three machines will be provided by PayTrust. There will be a 3% fee charged to the card user. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the contract with Front Line Processing, and authorize the President to sign on behalf of the Board of Commissioners.

IN THE MATTER OF KINSEY YOUTH CENTER SERVICE AGREEMENTS:

Kinsey Youth Center Director Jan Weaver submitted the following service agreements for the year 2008:

Simplex Grinnell	\$6,925.00	Fire Alarm
Mobile Radio	\$3,475.00	Communication Equipment / Intercom
Mobile Radio	\$2,800.00	Communication Equipment / Camera / Monitors
Mobile Radio	\$ 180.00	Radios

The Board discussed the Simplex Grinnell contract with Ms. Weaver. The Maintenance Department has entered into contract with a company from Elwood for Fire Alarm maintenance, at a lesser amount than the price quoted by Simplex Grinnell. They directed Buildings & Grounds Superintendent Art Fross to contact that company for a quote for the Kinsey Youth Center. The Mobile Radio maintenance agreement for radios, in the amount of \$180.00 will not be signed at this time. Because of the Sprint/Nextel Rebanding project, the present radios at the Kinsey Youth Center will be updated to radios provided by Integrity Communications. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the Intercom maintenance contract from Mobile Radio, in the amount of \$3,475.00 and the Camera / Monitors contract from Mobile Radio in the amount of \$2,800.00.

Ms. Weaver took this opportunity to introduce Mr. Brent Kelley. Mr. Kelley has worked at the Kinsey Youth Center since the early 1990's and has been appointed by Judge Murray to be the director of Kinsey Youth Center beginning January 1, 2008. The Board of Commissioners greeted Mr. Kelley and welcomed him to his new position.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioners' Salary Claims:** The salary, hourly and overtime claims payable December 21 and 28, 2007, in the amount of \$313,019.77 each, were approved on a motion made by Mr. Trine and seconded by Mr. Bagwell.
2. **Commissioners' Operating Claims:** The operating claims payable December 17, 2007, in the amount of \$1,184,383.92, were approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.
3. **Veterans Service Officer's Monthly Report:** The Veterans Service Officer's Monthly Report for the month of November, 2007, was accepted on a motion made by Mr. Bagwell and seconded by Mr. Trine.
4. **Umbaugh Invoice:** Ms. Wells submitted an invoice from Umbaugh, in the amount of \$4,500.00. This is the County's half of the rate study conducted by Umbaugh for the New London Conservancy District, and approved by the Board of Commissioners at their June 4th meeting (*please refer to page seven, item three, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated June 4, 2007*). The invoice was approved for payment from Contract Services on a motion made by Mr. Bagwell and seconded by Mr. Trine.

IN THE MATTER OF TOWNSHIP APPEALS:

Hearing Officer Paul Raver presented the following Township Appeals with the recommendation to uphold the Trustee's Denial:

Steve Davenport: A motion was made by Mr. Trine, seconded by Mr. Bagwell and carried to uphold the Trustee's Denial.

Michael Smith: A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to uphold the Trustee's Denial.

IN THE MATTER OF RESOLUTION NO. 2007-BCCR-34, 2007-HCCR-33:

This joint Resolution between Howard County Council and the Howard County Board of Commissioners honors Kinsey Youth Center Director Janet H. Weaver for her fifteen years of exceptional service to Howard County and the youth of Howard County and surrounding areas. Resolution No. 2007-BCCR-34 is approved on a motion made by Mr. Bagwell and seconded by Mr. Trine. The joint resolution will be presented to Ms. Weaver at a special dinner in her honor on Tuesday, December 18th.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

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

1. **Contract For Animal Control And Shelter Services:** This contract with the Kokomo Humane Society is for services in the year 2008, in the amount of \$171,600.00. The contract was approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.
2. **Re-appointment Of Howard County Redevelopment Authority And Commission:** Even though the Chrysler Bond Project is drawing to a close, Mr. Murrell recommends that the Redevelopment Authority and Commission remain viable for several more years. With that recommendation he would ask that Mr. E.P. Severns Jr., Mr. Larry Hinesley, Mr. Dale Etherington, Mr. Brad Newton, and Mr. Phil Wise be reappointed to the Commission for a term of one year. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to appoint E.P. Severns Jr., Larry Hinesley, Dale Etherington, Brad Newton and Phil Wise to Howard County Redevelopment Commission for a term of one year.
3. **Curtis Sample Settlement:** The Federal Case involving Howard County and Curtis Sample has been settled in the amount of \$28,000.00. As this falls under the deductible, Howard County will be invoiced the settlement amount. A motion was made by Mr. Bagwell to approve the settlement claim for payment and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Trine and carried.
4. **Komputrol Agreement:** The GASB software agreement with Komputrol will be reviewed by Mr. Murrell and Mr. Tribby.
5. **Ordinance No. 2007-BCCO-48:** Mr. Murrell, Auditor Wells and Treasurer Lake presented Ordinance No. 2007-BCCO-48, an ordinance of the Howard County Board of Commissioners authorizing the Auditor and Treasurer to apply property tax refunds to delinquent property taxes. They explained to the Board that section 5(d) of House Enrolled Act No. 1010 abdicated to the County Board of Commissioners the decision to apply the tax refund to delinquent taxes as follows:

"(d) The county legislative body may adopt an ordinance providing that the amount of the refund shall be applied first against any delinquent property taxes owed in the county by the taxpayer."

Consequently, if a county wishes to apply the rebate to the taxpayer's delinquent taxes, the Board of Commissioners must authorize by ordinance. Questions were asked concerning the current amount of delinquent taxes, how much rebate money has been received, and a clarification of issues between homestead delinquent taxes and other delinquent taxes. Also of concern is the time it takes to research

the delinquent taxes and how quickly the rebate checks can be processed. At best, this is a very "convoluted" project and process. Discussion ensued.

Because of a previously scheduled Drainage Board Meeting, the Regular meeting was recessed at 11:35 on a motion made by Mr. Bagwell and seconded by Mr. Trine.

The Regular Commissioner Meeting reconvened at 12:04 p.m.

Discussion continued for Ordinance No. 2007-BCCO-48. Mr. Murrell clarified that the ordinance can apply the rebate to delinquent taxes one of two ways:

Apply the rebate to any delinquent ***homestead property*** delinquent tax; or
Apply the rebate to ***any*** delinquent taxes

It is then the Auditor's responsibility to choose one of two options to determine who will receive the rebate. Option A is to send the rebate to the current property owner. Option B is to send the rebate to whom the last tax notice was sent.

At the conclusion of discussion, a motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve Ordinance No. 2007-BCCO-48, "authorizing and directing the Howard County Auditor and Treasurer to apply the amount of all refunds first against ***any*** delinquent property taxes owed in Howard County by the taxpayer." This motion also recommended the Auditor chose Option A regarding who will receive the rebate.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **EMA Reconstruction:** Commissioner Bagwell informed the Board that the Emergency Management Agency Reconstruction Committee has received a cost estimate for the new construction, in the amount of \$1,000,000.00. We are authorized to build the building having received approval on the site plans from the Plan Commission. It is suggested that funds be taken from the Cumulative Capital and CEDIT funds. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to prepare Additional Appropriation requests of \$500,000.00 from the Cumulative Capital Fund (150) and \$500,000.00 from the CEDIT Fund (500) for the January 2008 Council Meeting.
2. **Coffee Vending Service Request:** The Board of Commissioners received a request to establish an Espresso Bar Service in the Courthouse and Administration Center, from Mac's Market (***please refer to page four, "In The Matter Of A Request To Establish A Coffee Vending Service In The Courthouse", of the Regular Meeting minutes dated December 3, 2007.*** Information received from various office holders and department heads shows that there is not a need for the service at this time. The issue will be dropped.
3. **Letter From Indiana State Coroner's Association:** President Raver presented a letter from the Indiana State Coroner's Association informing the Board that Deputy Coroner Jeff Stout has served thirteen (13) years, in various capacities, and is appointed to the Board of Directors

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 12:40 p.m. on a motion made by Mr. Trine and seconded by Mr. Bagwell.

HOWARD COUNTY BOARD OF COMMISSIONERS:

BRADLEY J. BAGWELL, PRESIDENT

DAVID A. TRINE, VICE PRESIDENT

PAUL J. RAVEN, MEMBER

ATTEST:

ANN WELL, AUDITOR

Howard County Board of Commissioner Regular Meeting December 17, 2007