

## HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JANUARY 16, 2007

The Howard County Board of Commissioners met in Regular Session on Tuesday, January 16, 2007, 8:30 a.m. in Hearing Room 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 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 Raver.

### IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the January 2, 2007 Regular meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.

### IN THE MATTER OF HIGHWAY DEPARTMENT UNOFFICIAL DETOUR:

Highway Department Supervisor / Engineer Ted Cain submitted an Unofficial Detour document for INDOT Project, Bridge Replacement on State Road 29 over Hurricane Creek in Carroll County. The unofficial detour comes to the Howard County line at 1280 West. The State video-tapes the unofficial detours before and after the project is completed. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the Unofficial Detour for the Bridge Replacement on State Road 29 over Hurricane Creek.

### IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Reserve Deputy Report:** Sheriff Talbert distributed a memo to the Board of Commissioners listing the names of the Reserve Deputies and the hours they contributed to the County. Four Deputies were listed with a total of 2,180.25 hours. Sheriff Talbert thanked the Board for their encouragement with the Reserve program and the opportunity to provide the deputies with take home vehicles.
2. **Inmate Work Program:** Sheriff Talbert distributed copies of the 2006 Inmate Work Program Services and Fees. A total of \$10,978.00 was brought into the County through the Work Program and 596 hours were donated without fees. Also provided was a list of agencies and offices that were serviced.
3. **Informational Session To Establish a Quantity Purchase Agreement:** Sheriff Talbert offered an invitation to the Board for an informational session to assist in gathering specification information for Political Sub-divisions for Law Enforcement Dodge Charger/Magnum. The meeting is from 9:30 - 11:30 a.m. on Wednesday, January 17, 2006 at Indiana State Motor Pool in Indianapolis.
4. **Need For Guard Rails:** There was an accident at 4234 East 100 North. A vehicle went off the road and into the reservoir. The victim was able to climb to the top of the vehicle. The dive team will be retrieving the submerged vehicle. Sheriff Talbert called attention to the fact that he believes there are several locations along the reservoir, and several retention ponds, that are very close to the roadway and need guard rails. That issue will be discussed with Highway Engineer Ted Cain.
5. **Criminal Justice Planning Seminar:** Sheriff Talbert introduced Mr. Paul Downing of DLZ Indiana, LLC. Mr. Downing issued an invitation to a Criminal Justice Planning Seminar beginning Wednesday February 14, 2007. Mr. Downing also offered a service that takes data from jail booking, length of stay, average jail population and the current census to offer a bed projection for the next twenty years. This service is without fee. The Criminal Justice Coordinating Committee will be meeting and would be the appropriate group to deal with this issue. Mr. Downing was asked to submit materials for the Criminal Justice Coordinating Committee meeting January 30<sup>th</sup>.
6. **Current Jail Population:** The current Inmate population is three hundred thirty-nine (339). That is fifteen over the average but still manageable.

**IN THE MATTER OF PLAN COMMISSION ISSUES:**

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

1. **Excavation Of Flood Mitigation Property:** The final grading is being done for the property located at 4089 South 350 East.
2. **Pre-Disaster Mitigation:** Mr. Boise has prepared the pre-application process and the State has approved for Mr. Boise to move to the next step. This is a competitive grant and if Howard County is granted the funds, they would be notified in September, 2007 with funds being available in 2008.

**IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:**

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

1. **Employee Status Change Request:** Mr. Fross informed the Board of a request submitted to the PAC Committee to change the status of employee William Stonestreet from Labor/Maintenance to **Maintenance Tech One**. The Board informed Mr. Fross that this request will be addressed during the Personnel Department issues.
2. **Right To Life Rally Request:** President Raver presented a letter from Mark Lance, Howard County Right To Life, requesting the use of the Courthouse steps, sidewalk, and electrical outlet. The requested date is Sunday, January 21, 2007 from 2:00 - 3:00 p.m. Additional Maintenance workers are not needed. A motion was made by Mr. Trine, seconded by Mr. Bagwell and carried to approve the request from Howard County Right To Life, for use of the Courthouse steps, sidewalk and electrical outlet on Sunday, January 21, 2007.
3. **Office Space Requests At The Government Center:** The Board of Commissioners have received requests from the Coroner and In Home Detention Offices for office space in the Government Center. Mr. Raver distributed possible floor plans for the inclusion of the requested office space. The Solid Waste office is in the process of purchasing their own building and moving from the Government Center. Mr. Raver has also spoken with Mr. David Congrove whose business, Property Systems, leases space on the second floor but is not using the space currently for anything but storage. Mr. Raver believes that the monthly lease should be terminated. At the conclusion of discussion, a motion was made by Mr. Bagwell to request the lease with Property Systems be terminated by February 28, 2007. The motion was seconded by Mr. Trine and carried. Attorney Murrell will contact Mr. Congrove, and President Raver will contact Steve Maus and Coroner Brad Bray to inform them of the office space availability in the Government Center.
4. **North Side Courthouse Handicap Parking Space:** A handicapped accessible parking space on the North Side of the Courthouse was given to an attorney for easier access to the Courthouse (formerly a Commissioner parking space). The space is currently not being used by the attorney but the space the post office uses, by the East side pedestrian crosswalk, is not always available, causing the postal vehicle to be ticketed. Commissioner Trine will discuss the situation with the attorney involved.

**IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:**

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

1. **PAC Committee Recommendation For Superior Court I Request:** The PAC Committee received a request from Superior Court I to increase the salary and change a position title from Secretary (\$28,000.00) to Assistant Court Reporter (\$32,308.00). It is the recommendation of the PAC Committee to submit this request at the 2008 Budget Hearings where the job title, salary and job description may be reviewed. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to forward the PAC Committee recommendation to the County Council.
2. **PAC Committee Recommendation For Maintenance Request:** The PAC Committee received a request from the Maintenance Department for an increase in salary and title change from

Labor/Maintenance (\$30,078.00) to Maintenance Tech One (\$32,428.00). A maintenance employee at the Sheriff's Department has received Certification from Ivy Tech, on his own initiative, and Buildings & Grounds Supervisor Art Fross would like for this employee to receive a change in position to be able to utilize the new skills. The Maintenance Tech position is an on-call position and those four positions in the current Salary Ordinance are filled. It is the recommendation of the PAC Committee to submit the request at budget time, where the job title, salary, and job description may be reviewed, but to request that the employee track the time spent on the job performing the duties related to his certification. This information should be given to the Council at budget time. During a time of discussion, Art Fross, Sheriff Talbert, Captain Vincent and Commissioner Bagwell spoke in support of the request, pointing out that those skills are needed at the Sheriff's Maintenance Department. The training he received would qualify him for the Tech One position. At the conclusion of the discussion, a motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to not uphold the PAC Committee recommendation but to recommend the Maintenance request to the Council for their consideration.

*The Regular Commissioner meeting was recessed at 9:35 a.m. to hold a previously scheduled Board of Finance Meeting.  
The meeting was reconvened at 9:41 a.m.*

**IN THE MATTER OF INFORMATION SYSTEMS DEPARTMENT ISSUES:**

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

1. **Proval Software Upgrade:** Mr. Tribby explained to the Board that in December the Assessors' Offices went through a major upgrade of their Proval Software. Mr. Tribby was not aware of the upgrade until after it started. The upgrade disrupted the sketches link to the County's website. Mr. Tribby is working with Proval (Manatron) and Schneider to correct the problem. Mr. Tribby would appreciate that anytime an upgrade or software change is made by any office, the Information Systems Department be brought in at the beginning of the project.
2. **Criminal Justice Center Access Doors:** Sheriff Talbert received authority to proceed with the replacement of the keypad system for the doors of the Criminal Justice Center with the proximity card system, similar to the system at the Courthouse (*please refer to page one, item one, "In The Matter Of Sheriff Department Issues", of the Regular Meeting minutes dated November 20, 2006*). The Proximity Reader has been installed and the process of dumping data from the Courthouse proximity records into the Criminal Justice reader is in progress. When that process is complete, and has been tested, cards will be printed for the new reader that will be compatible to the reader at the Courthouse.
3. **CSI Computer Software Contract:** Mr. Murrell submitted the CSI Computer Software Maintenance Agreement for the Community Corrections Department, to Mr. Tribby for his review. It will be addressed later in the meeting.

**IN THE MATTER OF THE FLU VACCINE ORDER FOR THE 2007/2008 FLU SEASON:**

Public Health Nurse / Immunization Coordinator Karen Long distributed copies of the Flu Vaccine Order for the 2007/2008 Flu Season. She recommends ordering 400 doses (40 vials) at an estimated cost of \$4,600.00 - \$4,720.00. Ms. Long reported that 340 doses were administered to county employees and their families; ten of those doses were given to children under the age of three through the Vaccine for Children Program. Ms. Long explained that the order for 400 doses is to encourage more employees to receive the vaccine. Once an order is placed it can only be decreased. A motion was made by Mr. Bagwell to authorize the purchase of forty vials, 400 doses, of vaccine for the 2007/2008 flu season. The motion was seconded by Mr. Trine and carried.

**IN THE MATTER OF SETTING THE DATE FOR A PUBLIC HEARING FOR THE VACATION OF EASEMENT REQUEST:**

Attorney David Baird submitted a Petition to Vacate on behalf of property owner George R. Young, to vacate the unimproved right of way in M. R. Wickersham's Addition to the Town of New London. He requests a date for a Public Hearing. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to set the Public Hearing for Monday, March 5<sup>th</sup> at 9:30 a.m.

**IN THE MATTER OF JUVENILE PROBATION ISSUES:**

Chief Juvenile Probation Officer Don Travis presented the following issues for Commissioner information and approval:

1. **JABG Award Letter:** Mr. Travis has received a Grant Award Letter for the JABG grant, previously applied for. There are two issues according to the Grant Letter that have to be reconciled; the first being that all reports to the Criminal Justice Institute have been received. The second issue is the reconciling of twenty-two cents in the match money amount. That will be addressed with the Auditor's Office, and be taken to the Council for their approval of match money in the amount of \$2,222.22. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to authorize the President to sign the Grant Award Letter on behalf of the Board of Commissioners.
2. **Federal Reimbursement Program:** There is a company from Texas that will help the Juvenile Probation Department receive all the Title IV EFC Reimbursement monies they are entitled to. Mr. Travis will be distributing letters to the Board of Commissioners and will submit a contract for consideration at the February 5<sup>th</sup> meeting.

**IN THE MATTER OF THE NEXTEL REBANDING PROGRAM:**

Mr. Tony Johnson, from Integrity Communications, informed the Board of Commissioners concerning the progress of the rebanding project. The Frequency Rebanding Agreement is completed, with some minor changes that need to be made to the equipment list. Keller & Heckman, attorneys in Washington, have reviewed the agreement and made sure the County is represented appropriately. The next step in the process is the Frequency Reconfiguration Agreement. Mr. Johnson recommends that the County proceed with this agreement, replacing and reconfiguring 896 radios. Attorneys Murrell and Jarrett (from Keller & Heckman) have reviewed the Agreement and have made a few changes that have not yet been approved by Nextel. Mr. Johnson has also made a few changes to best represent the County. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the Frequency Reconfiguration Agreement subject to the review and approval of Mr. Murrell, Mr. Jarrett and Mr. Johnson, and when that approval is given, authorize the President to sign on behalf of the Board.

**IN THE MATTER OF THE NEW EMERGENCY TOWER:**

Mr. Johnson continued to answer questions concerning the progress of the new Emergency Tower. The tower foundation materials have been delivered and work is in progress. Mr. Johnson reminded the Board that weather will be a factor in how quickly the installation proceeds. The tower is scheduled to be delivered sometime in the next week and the building is scheduled for delivery mid-February. Commissioner Bagwell submitted an invoice for piping that needed to be installed around the perimeter of the Tower base. A motion was made by Mr. Bagwell to approve the invoice from Buckner Distributing Inc., in the amount of \$567.75, to be paid from the Tower Construction money in the Cumulative Capital Fund. The motion was seconded by Mr. Trine and carried.

**IN THE MATTER OF MONROE TOWNSHIP ADVISORY BOARD APPOINTMENTS:**

Monroe Township Trustee David Reser reminded the Board that no one ran for the position of Township Advisory Board Member for Monroe Township, in the last election. Therefore it is the responsibility of the Board of Commissioners to appoint two people to the Township Board. Both former Board Members are willing to serve again. A motion was made by Mr. Trine to reappoint John Kile and Jean Ann Reser to the Monroe Township Advisory Board for four-year terms. The motion was seconded by Mr. Bagwell and carried.

**IN THE MATTER OF CLAIMS AND REPORTS:**

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

1. **Commissioners Salary Claims:** The salary, hourly and overtime claims payable January 19 and 26, and February 2, 2007, in the amount of \$313,019.77 were approved on a motion made by Mr. Trine and seconded by Mr. Bagwell.
2. **Commissioner Operating Claims:** The operating claims payable January 16, 2007, in the amount of \$1,209,142.37 were approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.

3. **Emergency Claim:** A claim submitted last week for an underground storage tank at the Sheriff's Department and due January 18, needs to be paid today and advertised on the February 5<sup>th</sup> advertising docket. A motion was made by Mr. Trine, seconded by Mr. Bagwell and carried to approve the emergency claim to be paid today and included for advertisement on the February 5<sup>th</sup> docket.
4. **Treasurer's Monthly Report:** The Treasurer's monthly report for the month ending December 31, 2006, was submitted and accepted on a motion made by Mr. Bagwell and seconded by Mr. Trine.
5. **Legislative Affairs Survey:** Ms. Wells reminded the Board of the previously submitted copies of the Legislative Affairs Survey that needs to be completed for the Chamber of Commerce.
6. **County Insurance Renewal:** At the December 29, 2006 Commissioner meeting, Mr. Phil Thatcher from Miles & Finch presented the proposed premiums for the 2007 Casualty Coverages. The proposal was approved with amended changes (*please refer to page one of the Regular Meeting minutes dated December 29, 2006*). The completed invoice, reflecting the amended changes, was submitted for payment. It will be paid through the regular claim process.

**IN THE MATTER OF CENTER TOWNSHIP ASSISTANCE APPEAL HEARING:**

This appeal hearing was for Jennifer M. Jewell, Center Township. Because of inconsistencies on the application, Mr. Raver, as Hearing Officer, recommends the Trustee's denial be upheld. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to uphold the denial of the Center Township Trustee.

Center Township Trustee Jean Lushin has submitted a procedure for appeal hearings regarding township assistance. Mr. Murrell stated that it follows the State Statute and closely reflects the current procedure. Discussion ensued concerning some changes and the inclusion of a statement in item #5, "all witness shall be sworn". The auditor will make the changes and present the amended procedures at the next Commissioner meeting.

**IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

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

1. **Reappointment of Howard County Redevelopment Commission:** The Howard County Redevelopment Commission is one of the entities which support the Chrysler Bond Project. It is time to make the annual reappointment of Commission members. The five members that served in 2006 are willing to serve this year. A motion was made by Mr. Bagwell to reappoint E. P. Severns Jr., Larry Hinesley, Dale Etherington, Brad Newton and Phil Wise to the Howard County Redevelopment Commission for terms of one year. The motion was seconded by Mr. Trine and carried.
2. **Barnes & Thornburg Invoice:** Mr. Murrell submitted for payment an invoice from Barnes & Thornburg in the amount of \$12,643.99, for services rendered for Delphi Bankruptcy matters, Rainy Day Fund Loan, and several civil rights cases. The invoice was approved for payment on a motion made by Mr. Bagwell and seconded by Mr. Trine.
3. **CSI Contract:** This contract for judicial services was previously submitted for Information Systems Director Terry Tribby's review (*please refer to page three item three of these meeting minutes*). Mr. Murrell resubmits this Contract, without Exhibit A, recommending its approval subject to Mr. Tribby's review and the inclusion of Exhibit A. A motion was made by Mr. Trine, seconded by Mr. Bagwell and carried to approve the Maintenance Agreement with CSI from January 1, 2007 to December 31, 2007, subject to Mr. Tribby's review and the inclusion of Exhibit A.
4. **Payment of Tort Claim:** A Tort Claim was filed by Mr. Steven A. Jones concerning injuries suffered during arrest and apprehension. Mr. Murrell has negotiated with the Sheriff's Department, Attorney Hainlen and the Insurance Company to reach a \$50,000.00 settlement. Mr. Murrell recommends that we approve and pay the \$50,000.00 settlement. The \$50,000.00 settlement was approved for payment, from the Insurance Deductible account, on a motion made by Mr. Bagwell and seconded by Mr. Trine.

5. **Thank You To Sheriff Talbert:** Mr. Murrell publicly thanked Sheriff Talbert for the opportunity to attend the Americans For Effective Law Enforcement Seminar in Las Vegas. It was a valuable and very worthwhile experience for Commissioner Bagwell and himself.
6. **Nextel Rebanding Incumbent Acknowledgement Forms:** Mr. Murrell submitted two Nextel Rebanding Incumbent Acknowledgement forms. One is for acknowledgement of legal representation from Mr. Jarrett of Keller & Heckman, and one is for a study that HCD Telecom performed. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the two Nextel Rebanding Incumbent Acknowledgement Forms and authorize the President to sign on behalf of the Board of Commissioners.

**IN THE MATTER OF COMMISSIONER ISSUES:**

1. **Veterans Service Officer's Monthly Report:** The Veterans Service Officer's Monthly Report for the month of November, 2006, was accepted on a motion made by Mr. Trine and seconded by Mr. Bagwell.
2. **Advanced Life Support Ambulance Run Activities:** E-911 Assistant Coordinator Gary Bates will be meeting with representatives from both hospitals, President Raver and Mr. Mike Durr, Director of the Carroll County EMS at 11:00 a.m. on February 6, 2007 (*please refer to page four of the Regular Meeting Minutes dated December 18, 2006*).
3. **Seven Towers Urban Mall:** There will be a meeting at 5:00 p.m. on January 25, 2007 concerning a presentation of the Seven Towers Urban Mall concept, at the Inventrek Auditorium.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:59 a.m. by a motion made by Mr. Trine and seconded by Mr. Bagwell.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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PAUL J. RAVER, PRESIDENT

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BRADLEY J. BAGWELL, VICE PRESIDENT

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DAVID A. TRINE, MEMBER

ATTEST:

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ANN WELLS, AUDITOR  
Howard County Commissioner Meeting January 16, 2007