

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING APRIL 16, 2007

The Howard County Board of Commissioners met in Regular Session on Monday, April 16, 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 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 THE APPROVAL OF MINUTES:

The minutes of the April 2, 2007 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 Department Supervisor / Engineer Ted Cain submitted the following issues for Commissioner information and approval:

1. **Patching Begins:** Mr. Cain informed the Board that the "Hot Mix" is ready and the Highway Department will begin the patching of roads. Commissioner Bagwell reported that there are several potholes on County Road 200 East, between 22 South and 100 South.

2. **Paperwork To File With The Highway Department:** President Raver gave the following paperwork to Mr. Cain for his records:
 - Certificate of Approval for Construction of the Ohio Street Bridge
 - New Account Coordinator Listing for the Greenfield District
 - New Project Facilitator for U.S. 35, from Goyer Road to Greentown, Greenfield District

3. **Posting For Neighborhood Watch Signs:** Sheriff Talbert informed Mr. Cain of a new Neighborhood Watch being organized in West Point Subdivision, North of Jefferson Street. Sheriff Talbert asked Mr. Cain if his department would help with providing extra posts, as well as help with the posting of the signs needed. Mr. Cain will be glad to help.

4. **Snow Emergency Reimbursement:** Mr. Cain is presently working on the figures needed to submit to the State, for reimbursement of costs associated with the Snow Emergency. Those figures will be ready by Wednesday.

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 twenty two (322).

2. **Specialized School On Courthouse Security:** Sheriff's Deputies Craig Trott and Tony Cook attended a Specialized School on Courthouse Security in Canton, Ohio, April 10 - 12, 2007. Sheriff Talbert introduced Officer Trott and invited him to the podium to speak about the Seminar. Officer Trott began by stating that in his twenty-seven years with the Department, this is the best seminar he has attended. The instructors were three retired Marshals who were willing to pass along their varied experiences. Mr. Trott and Mr. Cook were trained in Physical Site Surveys and can do that service for all the Howard County buildings. The surveys should be updated on an annual basis. The following topics were discussed:
 - Metal Detectors and X-ray Equipment - placement and expectations
 - Package Bomb recognition
 - Constitutional Laws
 - Non verbal communication
 - Handling Prisoners in Court

Court Room Practical Exercises for Security
First Response for Hostage Situations
Judicial Threat Management / Protection
Sequestered Juries
High Threat Trials / Practical Exercises
Officer Survival

Mr. Trott commented that even with all the training received, Security can only do what each Courtroom Judiciary Officer allows them to do. He would recommend that more officers be able to receive this training. He also recommends that more training is needed on the new security equipment, and would like the manufacturer to come back and give more in-depth instruction. The control keyboard of the new instrument has malfunctioned and a replacement is on its way. Questions were asked by the Board, and Attorney Murrell commented that once the rules are in place, the present Ordinance will need to be revised and a penalty phase included.

Sheriff Talbert would like to bring this seminar to Howard County for his officers and make it available to other County Sheriff's Departments. He would also like the Security Officers that will be running the instruments, to train with the Airport Police Department and their security operators.

4. **Commissioner Of Indiana Department Of Correction:** Community Corrections Director, Steve Maus received a visit from J. David Donahue, the Commissioner of Indiana Department of Corrections. While he was there, he toured the Criminal Justice Facility and spoke with Sheriff Talbert. He pledged to do all he could to facilitate the Video Conferencing system between the Howard County facility and the State Prison. His people will be in touch with our Information Systems Department.
5. **New Vehicle Bids:** Bids for six new Sheriff Department vehicles (including five trade-in vehicles) were opened at the last meeting and taken under advisement (*please refer to page three, item eleven, of the Regular Commissioner Meeting minutes dated April 2, 2007*). Sheriff Talbert explained that Button Dodge did not meet with the specifications in the color of two tone paint. Riedman Ford in Connersville did not want to inspect the trade-in vehicles and would only give \$1,000.00 per vehicle, far under their value. Sheriff Talbert would like to accept the Bloomington Ford bid, but they did not submit the required bid bond. He found all bids to be non-responsive, and would like to purchase the vehicles from Bloomington Ford as a Special Purchase. Attorney Murrell reminded the Board that all bids could be rejected and the vehicles could be bought as a special purchase, subject to the proper paperwork from Bloomington Ford indicating that they are QPA. The contract with the state requires them to "furnish political subdivisions that product at the same price". The Board could also decide to reject all bids and re-bid the project. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to reject all bids. A motion was then made by Mr. Bagwell to authorize the purchase of six vehicles (with five trade-ins) from Bloomington Ford, as a Special Purchase per Indiana Code 522-10-15-B, in the total amount of \$122,647.50, subject to the proper documentation to be submitted by Bloomington Ford. The motion was seconded by Mr. Trine and carried.
6. **New Jail Facilities:** Sheriff Talbert is keeping an eye on neighboring County's facilities for future reference in Howard County. He informed the Board of Commissioners that Knox County has built a new facility and Marshall County and Miami County are planning to build the same design with minor modifications. He plans on visiting the facility during their Open House.

IN THE MATTER OF PLAN COMMISSION ISSUES:

In the absence of Director Glen Boise, Ms. Jan Bass from the Plan Commission Office was in attendance to re-visit Ordinance No. 2007-BCCO-14, an ordinance to rezone property located at 4974 West County Road 250 South, from A-1 (Agricultural) to B-1 (Local Business). This issue was continued from the April 2nd meeting (*please refer to pages four and five, item four, of the Regular Meeting minutes dated April 2, 2007*). Commissioner Bagwell visited the location, last week, and asked petitioner Matthew Heaton several questions concerning the property in question. He is concerned about a block building that could pose a traffic problem. Mr. Heaton responded that the building in question could be torn down. Mr. Bagwell is not convinced that it would be considered "spot zoning"; he would have no problem rezoning the property. Commissioner Trine also visited the property and spoke to several residents. The residents he spoke with would not take

issue against the re-zoning request. President Raver then opened the floor for public comment. The following residents responded.

Bill Pierce: He has lived in the area since 1965. He does not believe there will be any traffic problems because of this rezoning. He submitted a map he downloaded from Google Earth, and marked the signage showing the east and west limits, as well as businesses in West Middleton. His wife is a customer of the salon. He supports the rezoning request. He also informed the Board that in the summer months, there is a problem with foliage blocking the view of traffic, on the corner of 250 South and 500 East.

Matt Heaton: Submitted a letter from the State Board of Health stating that there is ample septic system for two chairs only. He can't enlarge the septic system on the site. There can be no further expansion beyond two chairs.

Dennis Heaton: Checked with the Auditor's Office and found no legal definition of boundaries recorded for West Middleton. If his son's property cannot be proven to be outside the town's limits, it could not be considered "spot zoning".

Shawn Fain: Lives east of the proposed rezoning site. From past community service, he is acquainted with the concept of "spot zoning". He does not believe it applies to this property. He believes there is no traffic concerns, and that this rezoning would be good for the community.

Sheriff Talbert: Visited the site and believes there would not be traffic concerns.

David Baird: As attorney representing Mr. Richard Mordock, he calls attention to the question of how the rezoning opens the door to a different business if Mr. Heaton sells the property.

Bill Pierce: Wonders if there is a Conflict of Interest in this case, because both Mr. Heaton and Mr. Mordock are represented by UAW Legal Services.

David Baird: Because his ethics have been called into question, he responded that UAW Legal Services Plan is to provide legal services to UAW members. Services are not necessarily provided to every member on every case. He continued to explain policy concerning change for commercial purposes. He does not believe there is a conflict of interest in this case.

Shawn Fain: He commented that the same question of opening the door to different businesses coming in, is not just a question in this request but is a factor for any property in the area that has been zoned B-1.

Matt Heaton: The size of the lot in question, and its septic system, limits what kind of business can be put on this property.

President Raver closed the Public Hearing. A motion was made by Mr. Bagwell to find that this request does not constitute "spot zoning" citing there is a need for this business in the community, and approve Ordinance No. 2007-BCCO-14. The motion was seconded by Mr. Trine and carried.

IN THE MATTER OF MIGRANT HOUSING BIDS:

Grant Administrator Tina Mendenhall was in attendance to update the Board concerning the Migrant Housing Grant and its progress. The Septic bid was accepted and awarded to Dick Blazer in the amount of \$21,535.00, as the lowest bidder. The bids for the housing construction were opened, and Hainlen Construction, in the amount of \$147,308.00, is the lowest bidder. These bid figures total an amount that is only \$4,216.48 above the budgeted amount (figured two years ago), and will be paid by Hainlen Orchard. A pre-construction meeting is scheduled for this Thursday. Ms. Mendenhall apprised the Board and Mr. Murrell of a question of a possible conflict of interest between Hainlen Construction and Hainlen Orchard, where the Migrant Housing will be built. This question has been resolved by the Indiana Housing and Community Development Authority and Ms. Mendenhall would like Mr. Murrell to review the paperwork for the Board's satisfaction, before any contracts are signed at the pre-construction meeting. Discussion ensued concerning the possible conflict of interest as well as the bidding process followed. Three invoices are submitted in the amount of \$3,431.19; Mendenhall & Associates in the amount of \$3,000.00 for financial management and bid preparations, etc.; \$181.63 for engineering services for the septic system; \$249.56 for bid advertising. The grant amount awarded is \$188,250.00. After these claims are paid, the balance left will be \$171,750.44. A motion was made by Mr. Bagwell to approve the claims for payment, to be submitted to the State for reimbursement, in the amount of \$3,431.19 and authorize Vice President Bagwell to sign on behalf of the Board of Commissioners (being the original signer two years ago). The motion was seconded by Mr. Trine and carried.

IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:

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

1. **Replacement Of Door Proposal:** Mr. Fross presented a Proposal from Kokomo Glass Shop, Inc. for the removal and replacement of the east alley door of the Administration Center, in the amount of \$1,381.35. Mr. Fross does have enough funds to pay for the replacement. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the removal and replacement of the east alley door of the Administration Center and authorize the President to sign on behalf of the Board of Commissioners.
2. **Government Center Pump And Grinder Repair:** When the pump and grinders were installed and started, there was a problem with a relay switch. That part has been ordered and will be installed as soon as it is received (*please refer to page four, item three, "In The Matter of Maintenance Department Issues" of the Regular Meeting minutes dated April 2, 2007*).
3. **Antennas For The New Emergency Tower:** The antennas for the new Emergency Tower are scheduled to be installed this Tuesday. Mr. Fross does have a problem with the electrical lines that were run from the building to the generator. The planning meeting with the electrician proposed the lines needed to be run overhead. That has not been done and Mr. Fross is awaiting word from the electrician that the lines will be moved. The south pole of the tower needs to be re-set and the guide wire raised. The plans are to have the power up this week. If that happens, four channels will be switched to the new tower for testing. It is very possible that the tower will be operational by the end of April.
4. **A T & T Courthouse System Upgrade:** The Centrex termination contract has not yet been received by Mr. Fross or Mr. Murrell (*please refer to page three, item one, "In The Matter Of Maintenance Department Issues", of the Regular Meeting minutes dated April 2, 2007*). Mr. Murrell will contact representative Lorene Argyris.
5. **Lights Around The Courthouse:** President Raver submitted a letter from the City of Kokomo Department of Engineering concerning the proposed replacement and maintenance of twelve street lights around the Courthouse. The replacement lights will be consistent with the decorative lighting style of the lights used for the Downtown Streetscape Project. The City would like to enter into an agreement with the County to vacate five (5) feet of the area between the sidewalk and the building, as a utility easement where the underground wiring for the festival lighting is currently buried. Mr. Raver would like to cooperate with the City in this venture and would like Attorney Murrell to review the agreement. Mr. Fross approves of the project as long as the City would repair any damage done to the lawn. It was the consensus of the Board to direct Mr. Murrell to review the agreement.

The Personnel Department and the Information Systems Department have nothing new to report at this time.

*At this time the Public Hearing to Vacate a Dedicated Right of Way,
continued from April 2, 2007, is reconvened.*

Petitioner Sid Culp is present to submit Ordinance No. 2007-BCCO-15, an ordinance vacating a public way in the town of Jerome, Howard County Indiana (*please refer to pages three and four, Public Hearing, of the Regular Meeting minutes dated April 2, 2007*). A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve Ordinance No. 2007-BCCO-15, the petition to vacate a Dedicated Right of Way in Jerome, Howard County. Mr. Culp was reminded to have the ordinance recorded in the Recorder's Office. Mr. Culp thanked the Board of Commissioners and Attorney Murrell for their guidance during this process.

IN THE MATTER OF ORDINANCE NO. 2007-BCCO-16:

E-911 Coordinator Tony Ramsey submitted Ordinance No. 2007-BCCO-16, an additional appropriation request of \$20,000.00 in line item 01124.00, Part Time, and a request of \$30,000.00 in line item 01125.00, Overtime. Mr. Ramsey explained that the department has been short four dispatchers and these requests are to pay for time the remaining

dispatchers have had to cover. Four new dispatchers have been hired and are presently in training. Ordinance No. 2007-BCCO-16 was approved as submitted on a motion made by Mr. Bagwell and seconded by Mr. Trine.

IN THE MATTER OF CLAIMS AND REPORTS:

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

1. **Commissioners' Salary Claims:** Salary, hourly and overtime claims to be paid April 20 and 27, and May 4, 2007, in the amount of \$313,019.77 each, were approved on a motion made by Mr. Mr. Bagwell and seconded by Mr. Trine.
2. **Commissioners' Operating Claims:** Operating claims payable April 16, 2007, in the amount of \$299,486.00, were approved on a motion made by Mr. Bagwell and seconded by Mr. Trine. Auditor Wells commented to the Commissioners that the County General Fund cash account is presently under \$1,000,000.00. Treasurer Lake will certify an advanced draw to bolster the fund.
3. **Treasurer's Monthly Report:** The Treasurer's Monthly Report for the month ending March 31, 2007, was accepted on a motion made by Mr. Trine and seconded by Mr. Bagwell.

IN THE MATTER OF THE COUNTY ATTORNEY'S ISSUE OF CONTRACTS BETWEEN HARRIS AND THE TREASURER AND CLERK OF HOWARD COUNTY:

County Attorney Larry Murrell reminded the Board of the approved contracts with Harris (formerly First National Bank) and the Treasurer's and Clerk's offices, subject to the approval of the final documents by Mr. Murrell, Treasurer Martha Lake and Clerk Mona Myers (*please refer to page seven, "In The Matter Of The Treasurer Contract With Harris [Formerly First National Bank] of the Regular Meeting minutes dated April 2, 2007*). The contract between Harris and the Treasurer of Howard County has been received and approved by Mr. Murrell and Ms. Lake, then signed by President Raver. Clerk Mona Myers is awaiting the comfort letter on the building, from Harris Bank, before approval can be given.

IN THE MATTER OF COMMISSIONER ISSUES:

1. **Building Problems At Howard Haven:** Commissioner Trine reported on several building problems at Howard Haven. The first problem is with an unused water storage tank. The tank is literally rusting away. At some point in the future it will cause a collapse. The second problem is with a leaking makeshift roof over an old exit that is holding water and causing moisture problems. The problem of the makeshift roof can be addressed by the Maintenance Department. They will have to have a sewage contractor come and clean the drains. The water storage tank removal project will have to be outsourced and will include concrete removal, dirt brought in and compacted, and new concrete poured. Mr. Trine reported a running spigot and rotting soffit. Those can be addressed by the Maintenance Department. Mr. Fross reminded the Board of Commissioners that there is money encumbered for the Howard Haven Roofing Project. Mr. Fross and Mr. Murrell will meet to discuss re-bidding the project, along with the re-roofing of the Administration Center.
2. **Howard County Recycling District Paper Shredding:** Auditor Wells, as well as officials from the City, have asked if there will be a paper shredding drive this year. Commissioner Bagwell responded that a date for that drive would be determined at tomorrow's meeting.
3. **Soil & Water Conservation District Minutes:** Minutes of the April 17, 2007 Soil & Water Conservation District meeting, were received and will be filed.
4. **Letter Of Closing:** The Board of Commissioners is in receipt of a letter from Recorder Linda Koontz, informing them that her office will be closing on Wednesday April 25, 2007, from 11:30a.m. - 1:30p.m., for a special Secretaries Day luncheon at the Seiberling Mansion.
5. **Emergency Medical Transport Boundaries Meeting:** President Raver has notified both hospitals and the Dispatch office concerning the EMT Boundaries meeting scheduled for 9:30 a.m. at the Commissioner Meeting June 4, 2007.

6. **Sheriff Inmate JPay Agreement:** Sheriff Talbert informed the Board that the Agreement with JPay for electronic deposits of Inmate Commissary funds has been received and has been given to the County Attorney for his review (*please refer to page two, item nine of the Regular Meeting Minutes dated April 2, 2007*). A motion was made by Mr. Bagwell to approve the JPay Agreement subject to JPay revising the Agreement as requested by Mr. Murrell. The motion was seconded by Mr. Trine and carried.

7. **Questionable Claims:** Auditor Ann Wells asked the Board of Commissioners to address the following claims specifically:
 - a. Clerk Maintenance on Risso Machine: Clerk Mona Myers submitted a request for the Commissioners to pay for the maintenance on the Clerk Office's new Risso machine: she has no money budgeted for that expense. The Commissioners discussed that at one time the Commissioners' budget did allow for payments of a few selected machines that were used by all County offices. However, that line item was removed from the Commissioners' budget several years ago, and each office was informed that those contracts should be budgeted into their account. It was the consensus of the Board of Commissioners to direct the Clerk's Office to request an Additional Appropriation at the May Council Meeting.

 - b. Community Correction Advanced Payment of Car Washes: Community Corrections Director Steve Maus is requesting to purchase books of car washes in advance in order to receive car washes at a cheaper rate. The request was granted on a motion made by Mr. Bagwell and seconded by Mr. Trine.

 - c. Meal Reimbursement on State Called Meeting: Claims from two individuals who attended the same meeting, traveling in the same vehicle, were received by the Auditor's Office. One claim requested reimbursement for four lunches, providing receipts, and the other claimed four lunches and two dinners and provided no receipts, as is allowable according to the County's Travel Policy. It was determined that the two dinners claimed, had not been bought. Ms. Wells asked the Board to make a determination. Mr. Bagwell reminded the Board that, according to the Travel Policy, meals can be "reimbursed" assuming that the meal was purchased first. Reimbursement cannot be made on a meal "not purchased". This is not an automatic per diem. It was the consensus of the Board of Commissioners to not allow reimbursement of the meals not purchased. After discussion, a motion was made by Mr. Bagwell to require receipts for meal reimbursements, thereby amending Resolution No. 1988-HCC-21, effective May 1, 2007. The motion was seconded by Mr. Trine and carried.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:43 a.m. on a motion made by Mr. Bagwell and seconded by Mr. Trine.

HOWARD COUNTY COMMISSIONERS:

PAUL J. RAVER, PRESIDENT

BRADLEY J. BAGWELL, VICE PRESIDENT

DAVID A. TRINE, MEMBER

ATTEST:

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