

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MARCH 17, 2008**

The Howard County Board of Commissioners met in Regular Session on Monday, March 17, 2008 at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioners President Bradley J. Bagwell, Vice President David A. Trine and Member Paul J. Raver. Also present were 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 March 3<sup>rd</sup> meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Raver and seconded by Mr. Trine.

### **IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:**

Highway Supervisor / Engineer Ted Cain had no official business to submit to the Board of Commissioners, today. He did inform them that he received a call informing him of an opportunity to buy road salt at \$135.00 per ton. That price is about three times the normal amount. Because of conservation efforts, the Highway Department has enough salt to meet their needs without paying black market prices for additional salt. Mr. Cain commended his department for being able to conserve by prioritizing the most needed areas.

### **IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:**

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

1. **Jail Population:** The current inmate population is three hundred fifty-two (352), which is twenty-eight (28) over capacity. The numbers are higher because of the recent drug busts. Fifty-eight of the inmates are female. He understands that at the present time, rebuilding the Emergency Management Agency is the priority. Increasing housing for inmates will have to be addressed.
2. **Bomb Detection K9:** Officer Larry Sparks and "Mac", the bomb detection K9, graduated their training March 7<sup>th</sup>. They participated in a demonstration for Leadership Kokomo during their annual tour of the jail. The K9 is also trained to track and attack, and patrol. They will be sending Mr. Sparks for additional training in explosives as well as management of and response to potential bombing situations. Sheriff Talbert plans on bringing "Mac" to the next Commissioner meeting. "Mac" is named for a fallen soldier, Officer McClochlin, at the request of the organization "Dogs Against Drug, Dogs Against Crime", which made a sizeable donation toward the purchase of the K9.
3. **Concessionaire Hold-Harmless Agreement:** Sheriff Talbert has received the Concessionaire Hold-Harmless Agreement for a tent during the Howard County Fair in July. Sheriff Talbert would like Mr. Murrell to review the Agreement before signing. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the Concessionaire Hold-Harmless agreement subject to Attorney Murrell's review.
4. **Vehicle Replacement:** The Department currently has three vehicles that have over 100,000 miles each and need to be replaced. Bloomington Ford, who has the State QPA, has twenty-four (24) vehicles in stock that are ready for purchase. When purchasing from the State QPA, the vehicles do not have to be purchased through the bidding process. Sheriff Talbert is in the process of determining trade-in value of the vehicles. Discussion ensued concerning opening the purchase to local vendors for bids or staying with Bloomington Ford. It was the consensus of the Board to proceed with the bidding process to give local vendors a chance to bid. Sheriff Talbert will bring the bid specifications to the next meeting.
5. **Criminal Descriptions Broadcast On Local Radio Stations:** Last week there was an armed robbery at a bank in Kokomo. There was a very specific description of the get-away vehicle. Commissioner Trine has talked to the Kokomo Chief of Police and several radio station managers who are on board with the idea of immediate broadcasting of criminal element descriptions on the radio, for citizen involvement. It

would be similar to an AMBER alert and would need to have a disclaimer that anyone with information immediately contacts the proper authorities. Sheriff Talbert is in support of this idea.

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

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

1. **Unsafe Building Issue In West Liberty:** Mr. Boise gave a brief report on the demolition progress of the unsafe property located at 12541 East County Road 332 South. The house is currently down with the barn still standing. There has been a request from Ms. Laura Walden, the owner's granddaughter, to leave the barn intact so it can be sold with the property. Ms. Walden will address the Board of Commissioners at 9:00 a.m.
2. **2700 Dellwood Drive Flood Property:** Mr. Boise reported that the owner of the property located at 2700 Dellwood Drive has purchased flood insurance which will qualify him for another pool of money. The State is processing the grant application and has accepted the idea of expenses being forgiven from the County's matching funds. They did inform Mr. Boise of how other Counties have approached the issue through appraisal of the property in question as both a flood plain property and at pre-damaged value and use the difference as the donation amount.
3. **Meeting And Building Statistics Report:** Mr. Boise submitted copies of the 2005-2007 Annual Report for the Kokomo-Howard County Plan Commission and Board of Zoning Appeals. He made special mention of funds from the Plan Commission going back to the City and County as reflected in the report in Section III, page four.

#### **IN THE MATTER OF THE 2008 POLLING SITE LIST:**

Howard County Clerk Mona Myers submitted the 2008 Polling Site listing for Commissioners' approval. Ms. Myers called the Board's attention to two changes as follows:

From: Taylor School Elementary School	To: Taylor Community Center
From: Brethren Church	To: Family Worship Center

On a motion made by Mr. Trine and seconded by Mr. Raver, the 2008 Polling Site Listing was approved as submitted.

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

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

1. **Service Agreement With Downton And West Mechanical Contractors:** At the present time the County has a Service Agreement with Siemens for HVAC service and repair. Several employees of Siemens that work with our equipment are moving to Downton and West Mechanical Contractors. Mr. Fross would like to cancel the Agreement with Siemens and use the services of Downton and West. The present service agreement can be cancelled upon a sixty (60) day notice. Mr. Fross asked that Mr. Murrell prepare a letter of termination to be forwarded to Siemens and ask for a return of funds for service not rendered. Mr. Murrell will review both contracts.
2. **Removal Of Unused Items At Howard Haven:** The Maintenance Department will remove unused items from several rooms at Howard Haven so they can be prepared for resident occupancy.

#### **IN THE MATTER OF PUBLIC COMMENT AS IT PERTAINS TO THE DEMOLITION OF PROPERTY LOCATED AT 12541 EAST COUNTY ROAD 332 SOUTH:**

Plan Commission Director Glen Boise reminded the Board of the demolition taking place at the unsafe property located at 12541 East County Road 332 South. The floor was opened to allow for public comment at this time.

Laura Walden, 564 South County Road 300 East, Kokomo, 46902: Ms. Walden is the granddaughter of the property owner and requested that the barn be permitted to stay on the property. She submitted pictures of the structure and stated that the

structure is not damaged. She further informed the Board that Ms. John had already contracted for the demolition with another company and paid for two dumpsters at the site. She would like to be reimbursed.

Commissioner Bagwell stated that Ms. John was given many opportunities to have the property demolished before the Board of Commissioners gave the Order To Demolish. He pointed out conditions of the barn that would render it being deemed an unsafe property.

Brock Smith, Alliance Excavating: Mr. Smith informed the Board that there is plumbing from the barn that runs into the septic system and the tank was not removed. It looks like renovations had begun to make living quarters in the barn at some point in time but doesn't know if it goes to the septic system. The interior ceiling is falling in some parts of the barn.

Laura Walden: She would like to buy the property with the barn intact and will repair the barn. She does not know if the existing plumbing goes to the septic system. There has never been running water to the barn and the no one has ever lived in the barn. The septic could be capped off.

Mr. Murrell reminded the Board that in the Order of Demolition they found the barn to be an unsafe structure. He suggests the surrounding neighbors would need to be informed of any change in status with the barn and that Mr. Boise should inspect the building to determine if the barn is indeed safe and meets with septic criteria.

Charles Walden: Mr. Walden stated that the structure is not "unsafe" and believes necessary repairs would be easy to accomplish. The interior does need work and some shingles need to be replaced, but the roof does not leak and there are no cracks in the foundation.

At the conclusion of ensuing discussion, Mr. Murrell commended Mr. Smith for his help with this process and his willingness to leave the site and come back, if needed. Mr. Smith will cap off the septic system and then submit his statement for work done to this point. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to continue this Public Hearing to 9:00 a.m. on Monday, April 7, 2008 and direct Ms. Walden to submit a detailed plan of action and time line for the barn. Mr. Boise will inspect the premises and the remaining building. Mr. Murrell also commended Ms. Walden for her help in this process. The Auditor was directed to publish notice of the continued hearing.

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

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

1. **Government Center Recording System:** The Government Center has issues with its recording system. Sound of Music will review the system and give a proposal. Sound of Music will install a digital recording system in Hearing Room 338 of the Administration Center, in the amount of \$599.00, in the next few weeks.
2. **Comcast Update:** All systems are operational since the switch from Insight Media to Comcast Cable. An issue with the Comcast takeover is that the Administration Center and Criminal Justice Center DSL is now at lower speeds than with Insight. A technician from Comcast will be on site, today, to address this issue, in order to fulfill contracted speeds.
3. **Verizon Billing Issue:** Mr. Tribby will be meeting with Verizon Wireless, on Tuesday, to resolve a billing issue concerning the County's cell phone account and E911 CDMA account.
4. **Web Link Request:** Mr. Tribby has received a request from the Kokomo Humane Society for a web link with the County's website. Mr. Tribby's office put up a splash page for the Humane Society that includes a Pet Finder link for the adoption of pets. Mr. Tribby encouraged the Board to visit that site.

#### **IN THE MATTER OF A PURCHASE REQUEST FROM KINSEY YOUTH CENTER:**

Kinsey Center Assistant Director Jeff Lipinski presented a request for new surveillance and recording equipment for Kinsey Youth Center. Mr. Tribby has reviewed the situation and has deemed this purchase as mission critical. Along with the surveillance equipment they will purchase several laptop computers and printers. These will be purchased from their

equipment line in the Cumulative Capital Fund. The surveillance equipment will be \$15,500.00 and the computer equipment will be \$1,654.00. The Board of Commissioners approved the purchase by consensus.

#### **IN THE MATTER OF HOWARD HAVEN ISSUES:**

Howard Haven Superintendent Kelly Spidell submitted the following issues for Board information and approval:

1. **Application For Residency:** Ms. Spidell submitted an application for residency from Mr. Donald Densmoor. He will be a self pay resident. Ms. Spidell has two other possible residential applications, bringing a total count of 21 residents. She has been in contact with the Fire Marshall's office and received approval for that number of residents. Supplies are being removed from two rooms that are equipped for residency. A motion was made by Mr. Trine to accept the application for residency for Donald Densmoor with the usual 90-day probationary period. The motion was seconded by Mr. Raver and carried.
2. **Inventory List:** Ms. Spidell submitted a listing of donations the home has received as well as a basement inventory list. Mr. Trine congratulated Ms. Spidell on her reappointment as the Howard Haven Superintendent and the fine job she is doing. He commented that every time he visits the home the residents say how happy they are and that they love Kelly.

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

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

1. **Commissioners' Salary Claims:** Salary, hourly, and overtime claims payable March 20, 28, and April 4, 2008, in the amount of \$337,929.59 each, were approved on a motion made by Mr. Trine and seconded by Mr. Raver.
2. **Commissioners' Operating Claims:** The Operating Claims payable today, in the amount of \$323,079.33, were submitted for review. Ms. Wells called attention to a claim made by Dimensions for services rendered in the months of December, 2007 and January 2008, for a total of \$9,134.80. This amount is \$4,839.60 over the contracted amount, and will need to be reviewed. Ms. Wells also presented an emergency claim for postage on the machine located in the Auditor's Office. The resources were used to post Form 11's from the Assessors' offices that had to be sent quickly to meet a deadline. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the emergency claim for postage for the machine located in the Auditor's Office. A motion was then made by Mr. Raver to approve the operating claims as submitted with the exception of the claim from Dimensions. That claim will be continued and taken under advisement, allowing for further review. The motion was seconded by Mr. Trine and carried.
3. **Treasurer's Monthly Report:** The Treasurer's Report for the month ending 02/29/2008 was submitted and accepted on a motion made by Mr. Trine and seconded by Mr. Raver.

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

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

1. **Keller & Heckman Invoice:** The County is in receipt of an invoice from Keller & Heckman, in the amount of \$175.00, for work done in connection with the Sprint / Nextel Rebanding Project. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the invoice from Keller & Heckman and forward it to Sprint/Nextel for payment.
2. **Crowe Chizek Invoice:** Mr. Murrell submitted an invoice from Crowe Chizek in the amount of \$5,543.00 for professional services rendered in connection with budget and tax revenue planning, as well as review of Form 103's as well as other Assessment issues. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the invoice from Crow Chizek in the amount of \$5,543.00.

3. **Barnes & Thornburg Invoice:** An invoice was received from Barnes & Thornburg in the amount of \$654.84 for services rendered in connection with General Finance Advice, Continental Steel Superfund Site and Delphi Bankruptcy Matters. The invoice was approved on a motion made by Mr. Raver and seconded by Mr. Trine.
4. **Feasibility Study For Continental Steel Site:** Commissioner Trine and Mr. Murrell have reviewed the Agreement with Butler Fairman and Seufert for consultation services for the investigation of the Continental Steel site. \$15,000.00 from the EDIT Fund was appropriated for this study by the County Council (*please refer to page two of the Regular Council Meeting Minutes dated February 26, 2008*). Mr. Murrell has made several changes that need to be initialed upon approval by the Board. A motion was made by Mr. Raver, seconded by Mr. Trine and carried to approve the Agreement with Butler Fairman & Seufert for consultation and investigative services of the Continental Steel Site with the changes made by Mr. Murrell. Target date for completion will be inserted as May 15, 2008.
5. **Rebanding Deadline Waiver:** Mr. Murrell has received word that the June 26, 2008 Rebanding Project completion deadline is problematic. He was advised by Attorney Douglas Jarrett to apply for a Waiver of Deadline. Both Tony Johnson, from Integrity Communications and Tony Ramsey, E911 Coordinator are in agreement with this advice. The Waiver had to be filed by March 17<sup>th</sup> so Mr. Jarrett will sign the Waiver of Deadline on behalf of the Board of Commissioners and file it with the Federal Communications Commission. A motion was made Mr. Raver, seconded by Mr. Trine and carried to authorize Mr. Jarrett to prepare and sign documents related to the extension of the deadline for the Rebanding Project.
6. **Ordinance No. 2008-BCCO-09:** Ordinance No. 2008-BCCO-09 is an ordinance amending Howard County's Purchasing practices addressed in Ordinance No. 1998-BCC-29. The amendment increases the limits of what is considered a "small purchase" enabling the purchase without the bidding requirement. Ordinance No. 2008-BCCO-09 is approved on a motion made by Mr. Raver and seconded by Mr. Trine. The Auditor is directed to publish the ordinance as required by law.

#### **IN THE MATTER OF COMMISSIONER ISSUES:**

1. **Township Appeal:** The date of the Township Appeal for Kade Young, Center Township was March 14, 2008. A motion was made by Mr. Raver to uphold the denial of the township trustee because Mr. Young did not attend. The motion was seconded by Mr. Trine and carried.
2. **Passing Of Former County Commissioner:** Mr. Bill Thompson, 2111 East County Road 500 North, was in attendance and informed the Board of Commissioners that he just received word of the passing of former County Commissioner Robert Daily.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 10:23 a.m. on a motion made by Mr. Trine and seconded by Mr. Raver.

#### **HOWARD COUNTY BOARD OF COMMISSIONERS:**

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BRADLEY J. BAGWELL, PRESIDENT

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DAVID A. TRINE, VICE PRESIDENT

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PAUL J. RAVEN, MEMBER

ATTEST:

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ANN WELLS, AUDITOR

Howard County Board Of Commissioners Meeting March 17, 2008